

**From:** Katie Wahr  
**To:** [bakerm@bouldercolorado.gov](mailto:bakerm@bouldercolorado.gov); [blaugrundb@bouldercolorado.gov](mailto:blaugrundb@bouldercolorado.gov); [feinberglopezn@bouldercolorado.gov](mailto:feinberglopezn@bouldercolorado.gov); [garganol@bouldercolorado.gov](mailto:garganol@bouldercolorado.gov); [goldfarba@bouldercolorado.gov](mailto:goldfarba@bouldercolorado.gov); [hiltond@bouldercolorado.gov](mailto:hiltond@bouldercolorado.gov); [martinssonl@bouldercolorado.gov](mailto:martinssonl@bouldercolorado.gov); [shanksp@bouldercolorado.gov](mailto:shanksp@bouldercolorado.gov); [youngd@bouldercolorado.gov](mailto:youngd@bouldercolorado.gov); [#LandUsePlanner](#)  
**Subject:** CU South  
**Date:** Monday, February 06, 2017 1:28:29 PM

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Dear Planning Commission members,

I would like to share with you my Guest Opinion article about CU South, which was published in the Daily Camera yesterday.

(See full text below, plus a link to the article)

Thank you,

~Katie Wahr

## **CU South: Flood mitigation must be decoupled from annexation**

In a straw vote on January 24th, the City Council and Planning Board voted in favor of granting CU full annexation of their property in exchange for the erection of a high-hazard dam on the northeast side of the property (“Despite flood concerns, Boulder moving toward a CU South annexation,” Daily Camera, Jan. 27). Flood mitigation of this land is critical and necessary in order to prevent the flooding of the homes of downstream residents in a repeat event of the floods of September 2013. However, annexation of the entire property need not be tied to enactment of flood mitigation, and if we grant annexation of the entire property all at once, we lose our power as a community to have much say in what the future of that land holds. CU has released only vague information about what it is that they would like to build on the property, and in agreeing to full annexation at this point in time, we as a city are cutting short the site review that is typical in annexation agreements and losing our only opportunity to enforce land use decisions.

Whatever development occurs on this property will without doubt have deleterious effects on the open space itself. This land is an essential habitat and corridor for many forms of wildlife, several of which are endangered...a contiguous part of the vast greenbelt of wetlands and other designated open space that surrounds our city...and a beloved site for countless recreationists and outdoor enthusiasts. These details alone are argument enough for preservation of the land; this land is the definition of what makes Boulder the town that it is, and what we as a city value and hold dear. The City itself officially designated 220 acres of this land to be set aside as future open space in 1981, effective once Flatirons Sand and Gravel completed their mining operations on the property, but when CU bought the land out

from under the City in 1996, the University began working to change this designation.

Depending on what CU chooses to build, it has potential to both greatly change the character and quality of life in the surrounding neighborhoods, as well as cause a significant increase in traffic flow in the area. CU has stated that it plans to develop up to 50% of the 308 acre parcel which, depending on how much of that development is dedicated to the student and faculty housing that CU has proposed, could bring an influx of thousands of people to South Boulder. Traffic congestion on Table Mesa between US 36 and Broadway during peak hours is already overwhelming; what will it look like after this mass increase in residents? The Fox Tuttle Transportation Analysis conducted in September of 2016 did not look at the impact that increased traffic flow would have on surrounding areas, presumably because without full knowledge of what is going to be built on the property, thorough and complete analysis is an impossibility.

In granting CU's request for full annexation, we are approving development of the land without knowing *what* development we are approving and, therefore, without being able to first conduct the necessary studies to determine *how* this development will affect our city, citizens, and infrastructure. These are all matters that deserve time for thoughtful discussion and consideration, and in making flood mitigation decisions contingent upon full annexation of the property, we are being forced to rush into an annexation agreement while pushing aside a critical step that is necessary in ensuring the best interests and long term success of our city. We need to move forward with flood mitigation urgently and quickly, but need not do it at the expense of this land, nor of the surrounding established neighborhoods.

CU is a prominent public entity with at least as much responsibility for flood mitigation on its property as the City; the lives and homes of residents downstream from this property literally depend on appropriate modification of this land. As such, should CU not be willing to grant the City access to whatever portion of their property is required in order to create the safest, most efficient and cost effective form of flood mitigation... *without* making this necessary mitigation contingent upon full annexation of the property?

Decisions about annexation must be decoupled from decisions about flood mitigation. Once the property is annexed, the City will have little say in the future of the property. And once this open space is gone, it is gone forever.

[http://www.dailycamera.com/letters/ci\\_30772885/katie-wahr-cu-south-flood-mitigation-must-be](http://www.dailycamera.com/letters/ci_30772885/katie-wahr-cu-south-flood-mitigation-must-be)

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Katie Wahr: CU South: Flood mitigation must be decoupled from annexation

www.dailycamera.com



In a straw vote on Jan. 24, the City Council and Planning Board voted in favor of granting CU full annexation of their property in exchange for the erection of a high-hazard dam on the northeast side of the property.

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**From:** Anne Gifford  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** CU South property  
**Date:** Wednesday, February 08, 2017 11:49:22 AM

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I am resident of South Boulder, and would like to voice my request that you not vote change the "Flatirons- CU South" land-use designation to PUBLIC. Please keep the current Open Space designation and work together instead to create a less-intensive flood control option that would use a smaller berm, not a massive dam, and a series of levees. This option would use more of the property but could be more effective, less costly, and could be built more quickly than the high hazard dam.

Our remaining open space in Boulder is priceless. Thank you for protecting it.

Kind regards,


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Anne Gifford  
Gifford Graphics, Inc.  
[www.annegifford.com](http://www.annegifford.com)  
720-472-4990



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#246]  
**Date:** Wednesday, February 08, 2017 2:07:30 PM

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Name *	kathie joyner
Email *	<a href="mailto:joynermcguire@comcast.net">joynermcguire@comcast.net</a>
Phone Number (optional)	(303) 543-0799
Address (optional)	 4960 Qualla Dr. Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

As Commissioner Dominico was absent from yesterday's general comment period, I'd like to pass this along to her. Thanks.

Good morning, Commissioners. My name is Kathie Joyner and I live at 4960 Qualla Dr, Boulder. I am a member of the South Boulder Creek Action Group that formed after the catastrophic overtopping of South Boulder Creek floodwaters over US36 in 2013. You're likely aware that for almost 20 years, the City of Boulder has made efforts to implement effective flood mitigation for the protection of those living around and downstream of South Boulder Creek. With no mitigation yet in place, those of us living downstream remain in harms' way year and year.

Because of the considerable risk of a similar future flood event (or worse), we have been working steadily for over 3 years with members of City Council, city boards and city staff on this critical project. We appreciate the opportunity to talk with you about it today.

During the flooding in 2013, thousands of lives in our neighborhoods were at great risk. Emergency responders could not access the neighborhoods despite getting calls for help, there was no way to evacuate the area as egress roads/hwys. were unpassable due to flooding, and feet and feet of flood waters poured into our homes. In fact, we are all still amazed that there was no loss of life as a result of the devastating flooding.

Option D was selected as the preferred flood mitigation alternative in 2015 by the City Council, the WRAB and OSBT. This option involves the interagency cooperation of the City, CU and CDOT. This is the first time in the long history of the project that we have had three willing partners ready to move ahead with implementation. This includes the City (flood mitigation sponsor), CU (providing 80+ ac. of detention) and CDOT (berm to be constructed within US 36 right-of-way). This is an extremely unique situation given the prior unsuccessful efforts over nearly 20 years. Those of us living in harms' way have to ask—if not now, when?

We strongly urge you to approve the proposed comp amendment for CU South when this comes before you for a vote later this spring. We view this action as positive in a variety of ways. This is the City's chance to help craft a legally-binding annexation agreement that will ensure that any future development on the CU South property will not be in conflict with larger City goals and benefits its residents. It's a chance to nail down issues related to recreational opportunities, conservation areas,


what future development would look like, transit/transportation and, importantly for us, flood mitigation can move ahead. The South Boulder Creek flood mitigation project is a critical health & safety issue and one that cannot move quickly enough for those that live in harms' way. Again, we urge you to approve the proposed comp plan amendment for CU South. Thank you.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#247]  
**Date:** Wednesday, February 08, 2017 2:10:34 PM

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Name *	kathie joyner
Email *	<a href="mailto:joynermcguire@comcast.net">joynermcguire@comcast.net</a>
Phone Number (optional)	(303) 543-0799
Address (optional)	 4960 Qualla Dr. Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

For Planning Commissioners.

My name is Kathie Joyner and I live at 4960 Qualla Dr, Boulder. I am a member of the South Boulder Creek Action Group that formed after the catastrophic overtopping of South Boulder Creek floodwaters over US36 in 2013. You're likely aware that for almost 20 years, the City of Boulder has made efforts to implement effective flood mitigation for the protection of those living around and downstream of South Boulder Creek. With no mitigation yet in place, those of us living downstream remain in harms' way year and year.

Because of the considerable risk of a similar future flood event (or worse), we have been working steadily for over 3 years with members of City Council, city boards and city staff on this critical project. We appreciate the opportunity to communicate with you about it today.

During the flooding in 2013, thousands of lives in our neighborhoods were at great risk. Emergency responders could not access the neighborhoods despite getting calls for help, there was no way to evacuate the area as egress roads/hwys. were unpassable due to flooding, and feet and feet of flood waters poured into our homes. In fact, we are all still amazed that there was no loss of life as a result of the devastating flooding.

Option D was selected as the preferred flood mitigation alternative in 2015 by the City Council, the WRAB and OSBT. This option involves the interagency cooperation of the City, CU and CDOT. This is the first time in the long history of the project that we have had three willing partners ready to move ahead with implementation. This includes the City (flood mitigation sponsor), CU (providing 80+ ac. of detention) and CDOT (berm to be constructed within US 36 right-of-way). This is an extremely unique situation given the prior unsuccessful efforts over nearly 20 years. Those of us living in harms' way have to ask—if not now, when?

We strongly urge you to approve the proposed comp amendment for CU South when this comes before you for a vote later this spring. We view this action as positive in a variety of ways. This is the City's chance to help craft a legally-binding annexation agreement that will ensure that any future development on the CU South property will not be in conflict with larger City goals and benefits its residents. It's a chance to nail down issues related to recreational opportunities, conservation areas, what future development would look like, transit/transportation and, importantly for us, flood

mitigation can move ahead. The South Boulder Creek flood mitigation project is a critical health & safety issue and one that cannot move quickly enough for those that live in harms' way. Again, we urge you to approve the proposed comp plan amendment for CU South. Thank you.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** Kathie  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** CU South comp plan amendment, County Commissioners testimony, 2/7/17  
**Date:** Wednesday, February 08, 2017 2:13:59 PM

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*Could you please pass this along to Cindy Domenico as she was absent from the general public testimony yesterday. Thanks.*

Good morning, Commissioners. My name is Kathie Joyner and I live at 4960 Qualla Dr, Boulder. I am a member of the South Boulder Creek Action Group that formed after the catastrophic overtopping of South Boulder Creek floodwaters over US36 in 2013. You're likely aware that for almost 20 years, the City of Boulder has made efforts to implement effective flood mitigation for the protection of those living around and downstream of South Boulder Creek. With no mitigation yet in place, those of us living downstream remain in harms' way year and year.

Because of the considerable risk of a similar future flood event (or worse), we have been working steadily for over 3 years with members of City Council, city boards and city staff on this critical project. We appreciate the opportunity to talk with you about it today.

During the flooding in 2013, thousands of lives in our neighborhoods were at great risk. Emergency responders could not access the neighborhoods despite getting calls for help, there was no way to evacuate the area as egress roads/hwys. were unpassable due to flooding, and feet and feet of flood waters poured into our homes. In fact, we are all still amazed that there was no loss of life as a result of the devastating flooding.

Option D was selected as the preferred flood mitigation alternative in 2015 by the City Council, the WRAB and OSBT. This option involves the interagency cooperation of the City, CU and CDOT. This is the first time in the long history of the project that we have had three willing partners ready to move ahead with implementation. This includes the City (flood mitigation sponsor), CU (providing 80+ ac. of detention) and CDOT (berm to be constructed within US 36 right-of-way). This is an extremely unique situation given the prior unsuccessful efforts over nearly 20 years. Those of us living in harms' way have to ask—if not now, when?

We strongly urge you to approve the proposed comp amendment for CU South when this comes before you for a vote later this spring. We view this action as positive in a variety of ways. This is the City's chance to help craft a legally-binding annexation agreement that will ensure that any future development on the CU South property will not be in conflict with larger City goals and benefits its residents. It's a chance to nail down issues related to recreational opportunities, conservation areas, what future development would look like, transit/transportation and, importantly for us, flood mitigation can move ahead. The South Boulder Creek flood mitigation project is a critical health & safety issue and one that cannot move quickly enough for those that live in harms' way. Again, we urge you to approve the proposed comp plan amendment for CU South. Thank you.

*Kathie Joyner*  
*South Boulder Creek Action Group*  
*303 543-0799*

**From:** South Boulder Creek Action Group  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** YES to Annexation of CU South  
**Date:** Wednesday, February 08, 2017 3:30:28 PM

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Dear Commissioners Domenico, Gardner and Jones.

Here is a copy of the testimony I gave at yesterday's meeting for your reference. Again, thank you for allowing me to address you.

My name is Laura Tyler and I'm a member of the South Boulder Creek Action Group. We are a neighborhood group that advocates for the safety of people whose lives and property are threatened when floodwaters from South Boulder Creek overtop U.S. 36. We urge you to support changes to the Boulder Valley Comprehensive Plan that will allow the City of Boulder to cooperate with University of Colorado to implement its flood mitigation plan known as Option D. And we support the annexation of CU South unequivocally.

As you may know, in August 2015, after years of public process, Boulder's City Council voted unanimously to move forward with Option D on the advisement of its Water Resources Advisory Board (WRAB) and Open Space Board of Trustees. On January 19th Boulder's Planning Board had an unusual meeting regarding this issue. On its agenda was a review of comp. plan land use changes relating to CU South. What unfolded instead was a re-litigation of Option D, with WRAB Chair Dan Johnson placed in the hot seat to defend his board's 2015 recommendation to City Council. In response to that experience, Dan Johnson addressed the following letter to Planning Board Chair, John Gerstle, and Mayor Suzanne Jones (later posted by Jones on the Boulder Council Hotline).

From: Johnson, Dan L (Denver)<<mailto:dan.johnson@aecom.com>>  
Sent: Tuesday, January 24, 2017 9:22 AM  
To: Jones, Suzanne<<mailto:JonesS@bouldercolorado.gov>>; John Gerstle<<mailto:johnhgerstle@gmail.com>>  
Cc: Arthur, Jeff<<mailto:ArthurJ@bouldercolorado.gov>>  
Subject: South Boulder Creek Flood Protection

Dear Suzanne and John,

I understand that this evening's BVCP Joint Study Session Part 3 includes the South Boulder Creek Flood Mitigation Project. This project was reviewed, deliberated, and passed by the WRAB over the period December 2009 to July 2015.

At our regular January meeting (last evening) the WRAB discussed concerns about Option D expressed in recent public meetings and in a memorandum (01/17/17) by Save South Boulder Now. The conclusion of the discussion was unanimous agreement that our six-year evaluation process and selection of Option D is still valid. We recommend that the project be included in the BVCP. The WRAB understands that the current design was sufficient only to select a general concept and initiate negotiations with CDOT and CU and further

studies. We envision modifications to Option D will occur as the property negotiations, impact studies, environmental evaluations, permitting activities, and preliminary designs progress.

The WRAB is aware of the property damage and risk to human life that can be mitigated by completion of the project before the next flood - we are not aware of when the next flood will occur.

Sincerely,  
Dan Johnson  
Chairperson of WRAB

We understand you may be receiving correspondence and testimony from Save South Boulder Now raising questions about Option D. This email is to clarify that those of us who live in the affected area are not only acutely aware that the implementation of Option D is a time sensitive project, but we are happy with Option D, and the process that went into choosing it, and do not wish to slow it down. (Every month that passes puts us another month closer to the next catastrophic flood.) While we understand this is a complex project, and we fully support people being able to get the information about it they need, we oppose disingenuous attempts to slow or stop the process under the guise of “concern” that past decisions by made by Boulder’s City Council were based on a faulty process.

Thank you,

Laura

Laura Tyler on behalf of the South Boulder Creek Action Group  
[Laura@sbcreekactiongroup.org](mailto:Laura@sbcreekactiongroup.org)  
[www.sbcreekactiongroup.org](http://www.sbcreekactiongroup.org)



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Laura Tyler -  
**Date:** Wednesday, February 08, 2017 3:38:49 PM

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Boulder County Property Address : 4915 Qualla Drive, Boulder, CO 80303

Name: Laura Tyler

Email Address: [Laura@sbcreekactiongroup.org](mailto:Laura@sbcreekactiongroup.org)

Please enter your question or comment: Dear Planning Commission,

My name is Laura Tyler and I'm a member of the South Boulder Creek Action Group. We are a neighborhood group that advocates for the safety of people whose lives and property are threatened when floodwaters from South Boulder Creek overtop U.S. 36. We urge you to support changes to the Boulder Valley Comprehensive Plan that will allow the City of Boulder to cooperate with University of Colorado to implement its flood mitigation plan known as Option D. And we support the annexation of CU South unequivocally.

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Sent: Tuesday, January 24, 2017 9:22 AM  
To: Jones, Suzanne<<mailto:JonesS@bouldercolorado.gov>>; John Gerstle<<mailto:johnhgerstle@gmail.com>>  
Cc: Arthur, Jeff<<mailto:ArthurJ@bouldercolorado.gov>>  
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The WRAB is aware of the property damage and risk to human life that can be mitigated by completion of the project before the next flood - we are not aware of when the next flood will occur.

Sincerely,  
Dan Johnson  
Chairperson of WRAB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the

Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#248]  
**Date:** Wednesday, February 08, 2017 4:54:49 PM

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Name *	David McGuire
Email *	<a href="mailto:dmcguirepm@hotmail.com">dmcguirepm@hotmail.com</a>
Phone Number (optional)	(303) 543-0799
Address (optional)	 4960 Qualla Drive Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

Presented to Boulder County Commissioners 2/07/17

David McGuire— 4960 Qualla Dr.; a member of the South Boulder Creek Action Group. We've been working with Boulder City Council and boards for over 3 years advocating for implementation of the South Boulder Creek Flood Mitigation Study and more recently "Option D" of that study.

The City of Boulder has been looking at options to curtail flooding over US 36 for close to 20 years. Intense flooding occurred in the late 30's, throughout the 50's, 1969, and most recently 2013. The City has looked at dozens of alternative plans spanning from improvements at Gross reservoir to the current plan "Option D" located at US 36. Many of these projects were in the hundreds of millions of dollars, involved land condemnations and significant impacts to the SBC's surrounding habitats. Obviously none of these options was ever built. Now we have a very effective, do-able and comparatively affordable alternative as far downstream as we can get having exhausted other upstream alternatives.

Facts of this comp plan amendment:

- The thousands of us downstream from this flooding are at continuous risk for our lives
- Numerous alternatives have been studied and rejected from Gross reservoir to this "end of the line" point where the water overtops US 36
- Option D is a viable plan to stop water from overtopping US 36 using 80 acres of CU property for flood storage
- CDOT has offered a strip of US 36 ROW for berm construction removing it from City Open Space
- This is the only solution in decades that has been acceptable thus far to all landowners and government engineers/planners/regulators

Option D is designed for the 100 year floodplain: This is the policy standard for all current flood mitigation in the federal government (National Flood Insurance Program - NFIP, FEMA), Boulder City and Boulder County. We are simply asking for the current standard level of protection as the rest of the country. To change policy in the middle of this process to impact one project will completely derail all the progress we've made to this point and put us back to square one searching for "perfect" instead of adhering to the accepted national standard for floodplain management. The proposed solution designed to the 100 year floodplain standard would have spared our neighborhoods from the extreme flooding event in 2013 and may well save our lives in the future. We also know that the highest responsibility for any government is to protect the health and safety of its residents. Please exercise this highest of all your responsibilities by approving the CU South comprehensive plan amendment when it comes before you as this will facilitate moving the South

Boulder Creek Flood Mitigation Study forward.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** Amy Cox Siemel  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** CU South  
**Date:** Wednesday, February 08, 2017 8:10:22 PM

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Hello Deb, Cindy and Elise,

Thank you for your thoughtful discourse at the meeting on the CU South property last week. I appreciate the questions you asked of City staff. I am deeply worried about the current discussion regarding the CU South property. My concerns are as follows:

- Flood mitigation must be our number one priority. The existing berm on the South and East sides of the property cuts down the riparian floodplain there by an estimated 75%. It has been maintained to protect CU's property at the expense of its downstream neighbors. The berm should be torn down immediately, to allow a flooded South Boulder Creek to inhabit its historical floodplain.
- This land wants to be wet. There is great wisdom in allowing the land to divert floodwaters naturally. Please recommend that these wetlands be restored and allowed to do their job of absorbing overflow.
- It is inappropriate to link the complicated and controversial issues of land use designation changes and annexation to our discussion of saving life and property in the event of a flood.
- This area has been a beloved place for countless Boulder residents for over 20 years, since CU bought it out from under the City. Originally intended to be a park or permanent open space, this undeveloped land is vital to the character and quality of life in South Boulder.
- These 308 acres teem with bluebirds, meadowlarks, raptors, great horned owls, deer, coyotes and even the occasional moose. They are home to endangered species, including the Preble's Meadow Jumping Mouse, Ute Ladies' Tresses orchids, and the soon to be endangered Monarch Butterfly.

I urge you to recommend no land use designation change on the CU South property at this time, as well as absolutely no discussion of annexation without more specific plans from the University.

Thank you for your time,

Amy Siemel  
1233 Aikins Way  
Boulder 80301

*Let the beauty we love be what we do. There are hundreds of ways to kneel and kiss the ground.*

**-Rumi**

**From:** J David Hughes  
**To:** [Boulder County Board of Commissioners](mailto:Boulder_County_Board_of_Commissioners); [domenicoc@bouldercolorado.gov](mailto:domenicoc@bouldercolorado.gov); [gardnerd@bouldercolorado.gov](mailto:gardnerd@bouldercolorado.gov); [jonese@bouldercolorado.gov](mailto:jonese@bouldercolorado.gov); [bakerm@bouldercolorado.gov](mailto:bakerm@bouldercolorado.gov); [blaugrundb@bouldercolorado.gov](mailto:blaugrundb@bouldercolorado.gov); [feinberglopezn@bouldercolorado.gov](mailto:feinberglopezn@bouldercolorado.gov); [garganol@bouldercolorado.gov](mailto:garganol@bouldercolorado.gov); [goldfarba@bouldercolorado.gov](mailto:goldfarba@bouldercolorado.gov); [hiltond@bouldercolorado.gov](mailto:hiltond@bouldercolorado.gov); [martinssonl@bouldercolorado.gov](mailto:martinssonl@bouldercolorado.gov); [shanksp@bouldercolorado.gov](mailto:shanksp@bouldercolorado.gov); [youngd@bouldercolorado.gov](mailto:youngd@bouldercolorado.gov); [appelbaumm@bouldercolorado.gov](mailto:appelbaumm@bouldercolorado.gov); [brocketta@bouldercolorado.gov](mailto:brocketta@bouldercolorado.gov); [burtonj@bouldercolorado.gov](mailto:burtonj@bouldercolorado.gov); [joness@bouldercolorado.gov](mailto:joness@bouldercolorado.gov); [morzell@bouldercolorado.gov](mailto:morzell@bouldercolorado.gov); [shoemakera@bouldercolorado.gov](mailto:shoemakera@bouldercolorado.gov); [weavers@bouldercolorado.gov](mailto:weavers@bouldercolorado.gov); [yatesb@bouldercolorado.gov](mailto:yatesb@bouldercolorado.gov); [youngm@bouldercolorado.gov](mailto:youngm@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [WRAB@bouldercolorado.gov](mailto:WRAB@bouldercolorado.gov); [kadyan@gmail.com](mailto:kadyan@gmail.com); [dan.johnson@aecom.com](mailto:dan.johnson@aecom.com); [kvincent28@mac.com](mailto:kvincent28@mac.com); [lesley.smith@comcast.net](mailto:lesley.smith@comcast.net); [mark.squillace@colorado.edu](mailto:mark.squillace@colorado.edu); [hartoghf@bouldercolorado.gov](mailto:hartoghf@bouldercolorado.gov); [davism@bouldercolorado.gov](mailto:davism@bouldercolorado.gov); [bracyknightk@bouldercolorado.gov](mailto:bracyknightk@bouldercolorado.gov); [isaacsont@bouldercolorado.gov](mailto:isaacsont@bouldercolorado.gov); [brownc@bouldercolorado.gov](mailto:brownc@bouldercolorado.gov)  
**Subject:** CU South - South Boulder Resident Concern - RETAIN OPEN SPACE DESIGNATION  
**Date:** Friday, February 10, 2017 8:46:25 AM

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City Council Members, County Commissioners, and Planning Board Members:

I've been made aware by the latest plans to change the land-use designation of the Flatirons-CU South from Open Space to Public. Along with many other Boulder residents, I have serious concerns about this and want to voice my concerns:

1. **Acceptance of Growth Paradigm:** Why must we accept that "CU is in growth mode"? Why? We love CU, but an overly aggressive growth strategy (real estate, enrollment, housing, etc.) as an accepted strategy need not come with negative impact on the community of Boulder, especially given local climate change, resource reduction, and resilience strategies. What other uses for that space could be more effective - local farms, local agriculture, others?
2. **Flood Risk** - As you've been made aware, there are opportunities to analyze a less-intensive flood control option that would use a smaller berm, not a massive dam, and a series of levees. This option would use more of the property but could be more effective, less costly, and could be built more quickly than the high hazard dam. What is the purpose of rushing this prior to that being done?
3. **Traffic & Transportation** - I've lived in South Boulder for 10 years now and the traffic pattern increase on Table Mesa is astonishing. Table Mesa from 36 to Broadway has got to be one of the most unsafe stretches of road in all of Boulder. Have traffic studies been done to validate and verify this? The decision several years ago to close Hanover Elementary and then re-open as Summit Charter, in retrospect, has to be reviewed. The Majestic Heights neighborhood has been impacted significantly with daily traffic of parents taking kids too and from Summit as they reside in all different corners of Boulder County.

Please note my neighbors share similar concerns and you'll be hearing from more and more of them shortly.

David

--

**David Hughes**  
**46th Street, South Boulder**

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#250]  
**Date:** Thursday, February 23, 2017 9:14:07 AM

---

Name \* monica armijo

Email \* [thatguitargirl@gmail.com](mailto:thatguitargirl@gmail.com)

Phone Number (optional) (303) 875-5837

This comment relates to: \* affordable living

Comment: \*

It seems like Boulder County is only concerned about the working middle class to be able to afford affordable living situations. WHAT ABOUT SENIORS!!! My Mom only makes 900/month at as 71 year old and we can't find her a place closer to me in Louisville, because she can't afford the "AFFORDABLE" rentals like Kestral or the other one in Lafayette that is behind the library. I make 39,900/yr and there is NO WAY i can afford the "AFFORDABLE" 1 bedroom apartments there. She can't even get a housing voucher because they say it's closed. I have MS and she has COPD and we need to live closer to each other to help each other. We have been told countless times that if she needed a voucher to move to a place like Kestrel or the Lafayette one that all she had to do was tell the manager of her building that she lives in (HUD-in longmont) that she needed to be closer to me and they would give her one. They laughed at us when we told them that.

Signed,  
Feeling Hopeless in Colorado.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Terry Farless -  
**Date:** Monday, February 27, 2017 9:16:06 PM

---

Boulder County Property Address : CU South

Name: Terry Farless

Email Address: twf723@gmail.com

Please enter your question or comment: I am writing to ask you to keep the Flatirons-CU South property as Open Space and, specifically, to NOT change its designation to Public. I believe the University of Colorado made a bad decision to purchase land in a flood plain and are now pressuring the city to bail it out. It makes no sense to move towards development in an area that is so obviously at risk of flooding during a major flood event. It makes no sense to spend tens of millions of taxpayer dollars to build a three-story high hazard dam next to highway 36 that is designed only to mitigate a 100-year flood when (A) FEMA and the Association of State Floodplain Managers now recommend preparing for larger events, and (B) a quicker and MUCH cheaper solution for flood mitigation to protect lives across all of south Boulder would be to restore all 308 acres of the CU South area to open space, remove the illegal berm that CU built around its perimeter, and allow floodwaters to be absorbed into the ponds and streams, and use the mined-out quarry in its center as a detention pond to slow down floodwaters.

Please, let's keep Boulder at the global forefront of the wise use of Open Space and do not change the designation of CU South to Public. PLEASE KEEP CU SOUTH AS OPEN SPACE!

Thank you,

Terry Farless  
1280 Chambers Drive  
Boulder, CO 80305

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Amy Siemel -  
**Date:** Thursday, March 02, 2017 11:13:50 AM

---

Boulder County Property Address : 1233 Aikins Way, Boulder 80305

Name: Amy Siemel

Email Address: [amysiemel@gmail.com](mailto:amysiemel@gmail.com)

Please enter your question or comment: Dear Members of the Planning Commission,

Thank you for your hard work on behalf of the people of Boulder County.

I am writing to express my deep concern about the current discussions regarding land-use changes to the Boulder Valley Comprehensive Plan, specifically for the CU South Property. It is my understanding that there is talk of changing the current designations to Public, which I strongly oppose for the following reasons:

- Flood mitigation must be our number one priority. The existing berm on the South and East sides of the property cuts down the riparian floodplain there by an estimated 75%. It has been maintained to protect CU's property at the expense of its downstream neighbors. The berm should be torn down immediately, to allow a flooded South Boulder Creek to inhabit its historical floodplain.

- This land wants to be wet. There is great wisdom in allowing the land to divert floodwaters naturally. Please recommend that these wetlands be restored and allowed to do their job of absorbing overflow.

- It is inappropriate to link the complicated and controversial issues of land-use designation changes and annexation to our discussion of saving life and property in the event of a flood.

- This area has been a beloved place for countless Boulder residents for over 20 years, since CU bought it out from under the City. Originally intended to be a park or permanent open space, this undeveloped land is vital to the character and quality of life in South Boulder.

- These 308 acres teem with bluebirds, meadowlarks, raptors, great horned owls, deer, coyotes and even the occasional moose. They are home to endangered species, including the Preble's Meadow Jumping Mouse, Ute Ladies' Tresses orchids, and the soon to be endangered Monarch Butterfly.

I strongly urge you to please, please oppose any land-use changes to the CU South property. Once land is gone, it's gone forever. I also implore you to insist on absolutely no discussions regarding annexation of the property without more specific plans from the University.

Thank you for your time,

Amy Siemel

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wobus, Nicole](#)  
**To:** [Hackett, Richard](#); [Giang, Steven](#)  
**Subject:** FW: CU South  
**Date:** Friday, March 03, 2017 9:07:14 AM

---

Please add to BVCP – CU South public record if you did not already. Thanks!

---

**From:** Amy Cox Siemel [mailto:[amysiemel@gmail.com](mailto:amysiemel@gmail.com)]  
**Sent:** Thursday, March 02, 2017 11:47 AM  
**To:** [bvcpchanges@bouldercolorado.gov](mailto:bvcpchanges@bouldercolorado.gov)  
**Subject:** CU South

Hello BVCP Team,

Thank you for your hard work on behalf of the people of Boulder.

I am writing to express my deep concern about the current discussions regarding land-use changes to the Boulder Valley Comprehensive Plan, specifically for the CU South Property. It is my understanding that there is talk of changing the current designations to Public, which I strongly oppose for the following reasons:

- Flood mitigation must be our number one priority. The existing berm on the South and East sides of the property cuts down the riparian floodplain there by an estimated 75%. It has been maintained to protect CU's property at the expense of its downstream neighbors. The berm should be torn down immediately, to allow a flooded South Boulder Creek to inhabit its historical floodplain.
- This land wants to be wet. There is great wisdom in allowing the land to divert floodwaters naturally. Please recommend that these wetlands be restored and allowed to do their job of absorbing overflow.
- It is inappropriate to link the complicated and controversial issues of land-use designation changes and annexation to our discussion of saving life and property in the event of a flood.
- This area has been a beloved place for countless Boulder residents for over 20 years, since CU bought it out from under the City. Originally intended to be a park or permanent open space, this undeveloped land is vital to the character and quality of life in South Boulder.
- These 308 acres teem with bluebirds, meadowlarks, raptors, great horned owls, deer, coyotes and even the occasional moose. They are home to endangered species, including the Preble's Meadow Jumping Mouse, Ute Ladies' Tresses orchids, and the soon to be endangered Monarch Butterfly.

I strongly urge you to please, please oppose any land-use changes to CU South. I also implore you to insist on absolutely no discussions regarding annexation of the property without more specific plans from the University. Once land is gone, it's gone forever.

Thank you for your time,

Amy Siemel  
1233 Aikins Way  
Boulder 80305

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Katie Wahr - BVCP-15-0001  
**Date:** Friday, March 03, 2017 4:53:16 PM

---

Boulder County Property Address : CU South

If your comments are regarding a specific docket, please enter the docket number: BVCP-15-0001

Name: Katie Wahr

Email Address: kwahr@hotmail.com

Please enter your question or comment: I am hearing talk of an eminent request to change the land use designation of the 220 acres of "Open Space" at CU South to "Public", and I am writing to express my deep concern with regards to this proposal. The City has wished to preserve this land as open space since the 1970s, hence the official designation in 1981 of over 2/3 of the land as such. In 1972, the City Greenbelt Committee unanimously resolved that "since this general area provides an entry way to the City...its general character should be that of open space. " Later in the year, it agreed to allow Flatirons to begin their gravel mining operation on this site provided that the "land remains open space at virtually no cost to the public" after the mining was completed...a condition that was violated when Flatirons ultimately sold the land to CU instead.

It makes me heartsick to think of this land being destroyed. It serves as habitat for several endangered species...it is a contiguous part of the vast greenbelt of wetlands and other designated open space that surrounds our city...it acts as a corridor for many forms of wildlife...it provides drivers coming into Boulder on US 36 with an unobstructed viewscape...and it is for me and countless other members of our community a beloved outdoor and recreational site. I walk in this open space on a near daily basis, often several times a day, and every time I am out there I am filled with such gratitude for the views and the vast open land; the grass and birds and trees and peacefulness and general openness and beauty that is representative of what makes our town so special, and of what we as citizens value and hold dear. When I was out there this morning, I spotted a hawk perched on a treetop and watched for many minutes as it sat and surveyed the land; this experience felt so wild, intimate and significant and the rest of my day was brightened from this encounter.

If the bulk of this property is re-designated as public land, this will give CU license to do virtually anything that it wishes with it, without regard for the impact on this or adjacent land. Giving CU this kind of power will not serve us as a community, and holds potential to cause very serious harm.

Furthermore, this land is made up predominantly of wetlands and landfill, neither of which are suitable types of land for development. The water table in this area is high, and so there is standing water on much of the land year-round. The landfill on the west side of the property is unstable, and it is my understanding that homeowners at the top of this hill are reporting cracking foundations as their homes begin to slowly slide down the hill. And, to top it off, the majority of this land lies within the historic floodplain of South Boulder Creek and its associated wetlands and drainages.

I urge to you to deny the request to change the designation of this open space to public land. Please consider the negative and deleterious effects that such a change would have on this land, our citizens and our community.

Thank you

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Ann Wahr - BZCP-15-0001  
**Date:** Saturday, March 04, 2017 3:31:50 PM

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Boulder County Property Address : CU South

If your comments are regarding a specific docket, please enter the docket number: BZCP-15-0001

Name: Ann Wahr

Email Address: annwahr@comcast.net

Phone Number: (303) 499-6193

Please enter your question or comment: I was upset to hear that there is a possibility of changing the land use delegation of CU South from “open space” to “public”. I have lived in the Table Mesa area for 34 years and visit this space on a year round basis. I particularly enjoy the opportunity to occasionally ski there in the winter. The views of the Flatirons covered in fresh snow are so beautiful. It seems that by changing the designation of the land the city would lose control of what the land is used for. This does not seem like it would be a beneficial situation for the community (human, animal or plant). Please deny the request to change the designation of this land from “open space” to “public”.

Thank you,

Ann Wahr

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#313]  
**Date:** Tuesday, March 07, 2017 7:57:14 AM

---

Name *	Charles (Chuck) Howe
Organization (optional)	Pesonal
Email *	<a href="mailto:Charles.Howe@Colordo.edi">Charles.Howe@Colordo.edi</a>
Phone Number (optional)	(720) 562-8089
My Question or Feedback most closely relates to the following subject: (fill in the blank) *	Approval of Comprehensive Plan changes to accommodate flood control
Comments, Question or Feedback *	We all remember clearly the devastating impacts of the Sept. 13' flood. Frasier Meadows Retirement Community was heavily hit by a wave that struck the Health Care Center with 40 bed-ridden patients. I just want to encourage you to approve the appropriate changes to the Comp Plan that would accommodate a flood structure and the related flood containment area. Many thanks.
Please check box below *	<ul style="list-style-type: none"><li>I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Liz Mahon -  
**Date:** Tuesday, March 07, 2017 9:46:13 AM

---

Boulder County Property Address : 1280 Chambers Drive

Name: Liz Mahon

Email Address: mahon@nc.rr.com

Phone Number: (303) 248-3408

Please enter your question or comment: Since September 2016, I have tried to educate myself about the CU Boulder South property by attending CU South public meetings, planning board meetings, open space meetings, and planning board-city council study session. I am writing this letter to request certain actions on your part to help sustain a livable Boulder and an open dialogue about the vision for CU South.

I request that you oppose changing the CU South land use designation on The Boulder Valley Comprehensive Plan at this time. The existing land use designations (open space, low density residential and medium density residential) are an appropriate vision for this piece of land. The city of Boulder should not feel compelled to support CU Boulder's plan to develop food plain land that is designated as desirable Open Space.

I request that you also do not consider annexation of the property until CU Boulder provides a detailed development and traffic congestion mitigation plan. At the January Planning Board meeting, it was explained how the board had denied annexation to two other entities recently because the proposals did not have sufficient plans. The conclusion that night was CU will have to play by the same rules and provide a detailed plan to be considered for annexation. Yet, CU Boulder continually says they have no plan and it will take years to develop a plan. This ties back to request #1: Changing land use designation in anticipation of annexation is premature.

Thank you for your consideration and for your service to the county of Boulder.

Sincerely,  
Liz Mahon

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** flood-bounces@sbcreekactiongroup.org  
**To:** [flood@sbcreekactiongroup.org](mailto:flood@sbcreekactiongroup.org)  
**Cc:** [Team Qualla](#)  
**Subject:** [Flood] New Site/Our Position on Annexation of CU South  
**Date:** Thursday, March 09, 2017 8:31:07 AM

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Neighbors,

Would you like to know more about where the South Boulder Creek Action Group stands on the annexation of CU South for flood mitigation? Visit our newly updates website for current information.

<https://www.southbouldercreekactiongroup.com/boulder-flood-2013/>

- As you know, the South Boulder Creek Action Group advocates for people whose lives and property are threatened when floodwaters from South Boulder Creek overtop U.S. 36. Visit our Boulder Flood 2013 page to see video of the 2013 flood overtopping U.S. 36 and find out why health and safety remains our number one priority.

<https://www.southbouldercreekactiongroup.com/boulder-flood-2013/>

- In the process of our advocacy, we have learned that the City of Boulder seeks to collaborate with CU and CDOT on providing flood mitigation for our neighborhood. The City anticipates CU will request annexation into the City as part of that process. The South Boulder Creek Action Group supports interagency collaboration. We view annexation as a tool Boulder citizens can use to create much needed certainty at CU South by entering into a legally binding agreement with CU that will determine the use of their property for flood mitigation. While it is our main goal to achieve flood mitigation, we are also interested in the quality of life issues that concern all Boulder residents . . . Read more about what we're hearing from other neighborhoods about what they'd like to see at CU South on our CU South page:

<https://www.southbouldercreekactiongroup.com/cu-south/>

- Finally, the South Boulder Creek Action Group fully supports the City of Boulder's flood mitigation plan, Option D. Read more about why here:

<https://www.southbouldercreekactiongroup.com/option-d/>

Again, your feedback and questions are warmly welcome. Your input matters and we are always interested in hearing from you.

Laura

Laura Tyler on behalf of the South Boulder Creek Action Group  
[www.southbouldercreekactiongroup.com](http://www.southbouldercreekactiongroup.com)

---

Flood

To subscribe or unsubscribe please send a request to [floodadmin@sbcreekactiongroup.org](mailto:floodadmin@sbcreekactiongroup.org).

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Amy Siemel -  
**Date:** Saturday, March 11, 2017 11:21:24 AM

---

Name: Amy Siemel  
Email Address: [amysiemel@gmail.com](mailto:amysiemel@gmail.com)  
Please enter your question or comment: Dear County Land Use Commissioners,

Thank you for your hard work and dedication on behalf of the people of Boulder County!

I'm writing to make you aware of a guest opinion article I recently had published in the Daily Camera, in case you haven't already seen it.

You can visit the Daily Camera's website or read below, where I've pasted the text of the article.

Thank you for your time,  
Amy Siemel

Amy Siemel: Not so fast on CU South annexation  
By Amy Siemel  
POSTED: 03/03/2017 07:25:25 PM MST

In his Feb. 20 column in the Daily Camera, "Full annexation makes sense at CU South," Jim Martin, former University of Colorado regent, argues that annexation of the CU South property would be beneficial for all stakeholders, including the city, the county, local residents and the university. I respectfully disagree.

Mr. Martin writes that the city would benefit from full annexation because it could then work with CU to provide badly needed flood mitigation for downstream residents. Implicit in this idea is that the university bears no responsibility for flood mitigation on its own property and that the moral and financial burden for such should fall entirely upon the city and its taxpayers. What's more, CU appears to be using the city and county's rightful desire to protect their citizens from catastrophic flooding as leverage in its quest to eventually develop the land. This prioritizing of CU's interests over the well-being of nearby residents is not new.

To highlight one of several such examples, Boulder County in 1996 reprimanded CU for the unauthorized and illegal increase of the berm along the south and east edges of the property by two to three feet, which not only violated its use permit but also increased potential flood hazard to residents downstream. The berm remains today, after having been repeatedly reinforced and increased by the university, and has reduced the historic riparian floodplain of the South Boulder Creek by an estimated 75 percent. That is, floodwaters that once naturally flowed unhampered across the property have been diverted through an unnaturally small channel and sent roaring downstream to, as evidenced by the 2013 floods, become someone else's problem. It is striking that in reviewing the final South Boulder Creek Flood Mitigation Study, every one of the depicted alternatives leaves the southern portion of the CU property high and dry, and thus available for development.

Also in his article, Mr. Martin suggests that full annexation of the CU South property would provide the additional benefit to the city of "enhancing its habitat-protection goals." In 1972, the city Greenbelt Committee unanimously resolved that because this area is a gateway to the city, its character should remain that of open space. Later that year, when the Greenbelt Committee accepted mining of the entire site provided the land be designated as open



space at no major cost to the public after mining was completed, the intention for the future of the land was made perfectly clear. When parts of the property were designated as open space in the 1977 Boulder Valley Comprehensive Plan and then an additional 220 acres of the property were identified as future open space in the 1981 Boulder Valley Comprehensive Plan, any remaining ambiguity about the city's habitat-protection goals was laid to rest. This land is, was and always will be intended as open space.

Though annexation appears, in the short term, to be beneficial to the university, I caution against jumping to any such conclusion. As a proud alumna of CU's graduate education program, I recognize and support the university's valid need for growth. CU adds tremendous value to the culture and diversity of our vibrant city, and Mr. Martin rightfully points out the dire need for affordable university housing. Building reasonably priced housing for students and faculty is a noble goal indeed, but building this housing in a mined-out streambed directly in the path of a major floodway is a dangerous proposal. That is why, in 2001, the Boulder County commissioners unanimously voted to adopt more stringent rules governing requests to build in floodplains and why annexation and development of the CU South property would directly contradict the city of Boulder's Resiliency Strategy. Building anything in a floodplain is simply bad policy.

The current discussion regarding annexation of the CU South property is premature at best. Flood mitigation should be our top priority and should not be improperly bound up with controversial discussions regarding annexation and land-use designations. Until CU has a master plan to propose for the site, city and county officials should decline to proceed with any talks regarding land-use changes or annexation. The suspicion between the Boulder City Council and CU's Board of Regents that began with the university's underhanded purchase in 1996 may have dissipated by now, but Boulder residents have not forgotten 21 years of broken trust. Town-gown relations may have improved from the days when a judge was required to mediate between the two parties, but the citizens remain unconvinced.

Amy Siemel lives in Boulder.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** flood-bounces@sbcreekactiongroup.org  
**To:** [South Boulder Creek Action Group: flood@sbcreekactiongroup.org](mailto:flood@sbcreekactiongroup.org)  
**Cc:** [Team Qualla](mailto:qualla@amstec.com)  
**Subject:** Re: [Flood] New Site/Our Position on Annexation of CU South  
**Date:** Saturday, March 11, 2017 5:24:45 PM

---

Hello, Action Group:great collection of background materials. Let's keep Alternative D headed down the road-fast. Chuck.

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

From: flood-bounces@sbcreekactiongroup.org [<mailto:flood-bounces@sbcreekactiongroup.org>] On Behalf Of South Boulder Creek Action Group  
Sent: Wednesday, March 8, 2017 12:55 PM  
To: flood@sbcreekactiongroup.org  
Cc: Team Qualla <[qualla@amstec.com](mailto:qualla@amstec.com)>  
Subject: [Flood] New Site/Our Position on Annexation of CU South

Neighbors,

Would you like to know more about where the South Boulder Creek Action Group stands on the annexation of CU South for flood mitigation? Visit our newly updates website for current information.

<https://www.southbouldercreekactiongroup.com/boulder-flood-2013/>

\* As you know, the South Boulder Creek Action Group advocates for people whose lives and property are threatened when floodwaters from South Boulder Creek overtop U.S. 36. Visit our Boulder Flood 2013 page to see video of the 2013 flood overtopping U.S. 36 and find out why health and safety remains our number one priority.

<https://www.southbouldercreekactiongroup.com/boulder-flood-2013/>

\* In the process of our advocacy, we have learned that the City of Boulder seeks to collaborate with CU and CDOT on providing flood mitigation for our neighborhood. The City anticipates CU will request annexation into the City as part of that process. The South Boulder Creek Action Group supports interagency collaboration. We view annexation as a tool Boulder citizens can use to create much needed certainty at CU South by entering into a legally binding agreement with CU that will determine the use of their property for flood mitigation. While it is our main goal to achieve flood mitigation, we are also interested in the quality of life issues that concern all Boulder residents . . . Read more about what we're hearing from other neighborhoods about what they'd like to see at CU South on our CU South page:

<https://www.southbouldercreekactiongroup.com/cu-south/>

\* Finally, the South Boulder Creek Action Group fully supports the City of Boulder's flood mitigation plan, Option D. Read more about why here:

<https://www.southbouldercreekactiongroup.com/option-d/>

Again, your feedback and questions are warmly welcome. Your input matters and we are always interested in hearing from you.

Laura

Laura Tyler on behalf of the South Boulder Creek Action Group [www.southbouldercreekactiongroup.com](http://www.southbouldercreekactiongroup.com)

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Flood

To subscribe or unsubscribe please send a request to [floodadmin@sbcreekactiongroup.org](mailto:floodadmin@sbcreekactiongroup.org).

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Flood

To subscribe or unsubscribe please send a request to [floodadmin@sbcreekactiongroup.org](mailto:floodadmin@sbcreekactiongroup.org).

**From:** flood-bounces@sbcreekactiongroup.org  
**To:** [flood@sbcreekactiongroup.org](mailto:flood@sbcreekactiongroup.org)  
**Cc:** [Team Qualla](#)  
**Subject:** [Flood] Email Boulder County Today  
**Date:** Monday, March 13, 2017 4:25:09 PM  
**Attachments:** [ATT00001.txt](#)

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Dear Neighbors,

Use this link to email the Boulder County Planning Commission and County Commissioners about flood mitigation TODAY!

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

Click the link above. Click the green box that says "Public Comment." Scroll down and fill out the Public Comment Form.

- Let Boulder County officials know that flood mitigation is critical for health and safety in our neighborhood.
- Tell them you support Option D (Boulder's flood mitigation plan for South Boulder Creek), and ask them to "please approve the comp. plan amendment for CU South when it comes before you for a vote this spring."


Comp plan approval by four separate City and County entities (City Council, Planning Board, County Commissioners and Planning Commission) is necessary for flood mitigation to be implemented. Once all four entities approve the comp plan amendment for CU South, the City and CU can negotiate a legally binding annexation agreement which will allow for the implementation of flood mitigation. County-level decision makers have heard a lot from our opposition, but they have yet to hear much from us. Let them know you support flood mitigation, Option D, and the comp plan amendment for CU South today.

Laura

Laura Tyler on behalf of the South Boulder Creek Action Group  
[Laura@sbcreekactiongroup.org](mailto:Laura@sbcreekactiongroup.org)  
[www.SouthBoulderCreekActionGroup.com](http://www.SouthBoulderCreekActionGroup.com)

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#251]  
**Date:** Monday, March 13, 2017 4:48:10 PM

---

Name *	Amanda Wember
Email *	<a href="mailto:awember@yahoo.com">awember@yahoo.com</a>
Phone Number (optional)	(303) 579-8330
Address (optional)	 801 Crescent Drive Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I am respectfully encouraging Boulder County to consider the fact that flood mitigation is critical for the safety and health of our Boulder South and East neighborhoods. I specifically encourage you to continue to support Boulder's flood mitigation plan for South Boulder Creek by standing behind Option D. Please approve the comprehensive plan amendment for CU South when it comes before you for a vote this spring.</p> <p>The community is behind Option D. For the sake of the safety and health of our community please make sure this option moves forward.</p> <p>Sincerely, Amanda Wember</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#252]  
**Date:** Monday, March 13, 2017 4:49:30 PM

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Name *	leslie sims
Email *	<a href="mailto:oban21@gmail.com">oban21@gmail.com</a>
Phone Number (optional)	(303) 358-0015
This comment relates to: *	CU South
Comment: *	<p>Dear Members – Flood mitigation is critical for health and safety in our neighborhood. I support Option D (Boulder’s flood mitigation plan for South Boulder Creek), and ask you to please approve the comprehensive plan amendment for CU South when it comes before you for a vote this spring.</p> <p>Sincerely,</p> <p>Leslie Sims</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#253]  
**Date:** Monday, March 13, 2017 5:04:38 PM

---

Name \* Peter Ornstein

Email \* [pmo@mediationnow.com](mailto:pmo@mediationnow.com)

This comment relates to: \* CU South and Flood Mitigation

Comment: \*

As a resident that was directly affected by the 2013 flood, and someone who has been asking the City about flood mitigation plans for YEARS before 2013, I want to voice my support of quick implementation of the Option D mitigation proposal. In addition to the CU South property, flood mitigation improvements need to be made to other properties including Manhattan Middle School (configuring the fields as a potential catchment basin) and various ditches/ surface conveyances. Another top priority needs to be a full assessment of the subsurface sewage and stormwater conveyances as these got completely overwhelmed in 2013 and only some minor corrections have been made since (i.e. lining the sewage system).


Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#254]  
**Date:** Monday, March 13, 2017 5:13:19 PM

---

Name \* Roddy Hibbard

Email \* [bldrroddy@yahoo.com](mailto:bldrroddy@yahoo.com)

Address (optional)  Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

Dear County Commissioners,

First of all, thanks to all entities involved in the CU South Comprehensive Plan Amendment who are working tirelessly to help save the thousands of lives in continuous danger of downstream flooding from South Boulder Creek (SBC). This project is designed to prevent catastrophic floodwaters from overtopping US36 into SE Boulder neighborhoods as happened in 2013.

Critical to the project's success, the City engaged an expert hydrologic engineering study lead by the Urban Drainage and Flood Control District and CH2MHill—"Final South Boulder Creek Major Drainageway Plan":

[https://wwwstatic.bouldercolorado.gov/docs/FINAL\\_SBC\\_Mitigation\\_Report\\_082015\\_Reduced\\_static.bouldercolorado.gov/docs/FINAL\\_SBC\\_Mitigation\\_Report\\_082015\\_Reduced\\_8\\_17\\_15-1-201508171608.pdf?\\_ga=1.38521123.1441408621.1488751029](https://wwwstatic.bouldercolorado.gov/docs/FINAL_SBC_Mitigation_Report_082015_Reduced_static.bouldercolorado.gov/docs/FINAL_SBC_Mitigation_Report_082015_Reduced_8_17_15-1-201508171608.pdf?_ga=1.38521123.1441408621.1488751029).

These engineers have decades of experience working on SBC flooding issues. Over the past 20 years, there have been numerous alternatives analyzed to stem the flooding in the SBC 100-year floodplain--the standard for the City, County and Federal Government planning. The design of the approved alternative protects against an event that would exceed a 500-year storm. This would have protected our families and homes.

The waters would be temporarily detained on 80+ acres of CU's private property. That property was evaluated in the "Site Suitability Analysis for University of Colorado South Campus" prepared by BioHabitats Consultants: [https://www-static.bouldercolorado.gov/docs/BVCP\\_CU\\_South\\_Site\\_Suitability\\_Draft\\_Report\\_9-13-16-1-201609141612.pdf](https://www-static.bouldercolorado.gov/docs/BVCP_CU_South_Site_Suitability_Draft_Report_9-13-16-1-201609141612.pdf).

The CU South site is currently designated in the Boulder Valley Comprehensive Plan as Medium Density Residential, Low Density Residential, and Open Space - Other. The entire 300+ acre property is described as 80% non-native upland grassland with low biodiversity primarily because the property has been historically used for farming/mining. The proposed flood detention area also contains all of the current FEMA designated 100-year floodplain on the property. Finally, CDOT has offered portions of their US36 right-of-way for berm construction, moving it farther away from City open space, a significant contribution to successful implementation of the project.

Thanks to all involved. We urge approval of the CU South Comp Plan amendment. Let's seize this opportunity as our very lives depend on it!




Please check box below \*

- I acknowledge receipt of the Open Records Notification
-


**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#255]  
**Date:** Monday, March 13, 2017 6:08:06 PM

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Name *	Leanne Lestak
Email *	<a href="mailto:lestakl@yahoo.com">lestakl@yahoo.com</a>
Phone Number (optional)	(303) 494-1575
Address (optional)	 4790 Shawnee Place Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>After living through the 2013 flood I can plainly see that flood mitigation is critical for health and safety in our neighborhood.</p> <p>I support Option D (Boulder's flood mitigation plan for South Boulder Creek), I'm asking you to please approve the comprehensive plan amendment for CU South when it comes before you for a vote this spring.</p> <p>Thank you, Leanne Lestak</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#256]  
**Date:** Monday, March 13, 2017 8:28:18 PM

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Name *	Janet Brewer
Email *	<a href="mailto:dtbjhb@aol.com">dtbjhb@aol.com</a>
Phone Number (optional)	(720) 562-8254
Address (optional)	 4840 Thunderbird Dr. Apt. 87 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>To Whom It May Concern:</p> <p>I support Option D (Boulder's flood mitigation plan for South Boulder Creek), and ask that you please approve the comp. plan amendment for CU South when it comes before you for a vote this spring.</p> <p>Frasier Meadows Retirement Community was catastrophically affected by the 2013 flood, and I am dismayed that no mitigating action has yet been taken.</p> <p>This needs to be expedited.</p> <p>Sincerely, Janet H. Brewer</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#257]  
**Date:** Monday, March 13, 2017 8:31:45 PM

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Name \* Randle Kimbrough

Email \* [keller.kimbrough@colorado.edu](mailto:keller.kimbrough@colorado.edu)

Address (optional)  46 Pima Court  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

Hello,

My name is Randle Keller Kimbrough, and my family and I live in our home at 46 Pima Court in south Boulder. The bottom third of our house was destroyed in the Boulder flood. I lost my entire personal library, including hundreds of books and around two dozen extremely rare seventeenth- and eighteenth-century Japanese woodblock-printed volumes. We continue to live in our home, despite the ongoing threat of flood.

Please approve the comprehensive plan amendment for CU South when it comes before you for a vote this spring. I support Option D, and I hope that you will take steps to help protect my neighborhood. It is a miracle that none of us died in the flood, but we might not be so lucky next time. Please don't let us down.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** flood-bounces@sbcreekactiongroup.org  
**To:** [flood@sbcreekactiongroup.org](mailto:flood@sbcreekactiongroup.org)  
**Cc:** [Team Qualla](#)  
**Subject:** [Flood] Wowie, thank you!  
**Date:** Tuesday, March 14, 2017 11:29:44 AM  
**Attachments:** [ATT00001.txt](#)

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Wowie! Boulder County is publishing your comments as you enter them on their Public Comment Form. Thank you. It's great to see the comments people entered yesterday all together, and the overall story they tell is compelling. You can read them here:

<https://bouldercounty.wufoo.com/reports/public-comment-boulder-valley-comprehensive-plan/>

Haven't commented yet but would like to? Use this link to email the Boulder County Planning Commission and County Commissioners about flood mitigation TODAY!

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

Click the link above. Click the green box that says "Public Comment." Scroll down and fill out the Public Comment Form.

- Let Boulder County officials know that flood mitigation is critical for health and safety in our neighborhood.
- Tell them you support Option D (Boulder's flood mitigation plan for South Boulder Creek), and ask them to "please approve the comp. plan amendment for CU South when it comes before you for a vote this spring."

Comp plan approval by four separate City and County entities (City Council, Planning Board, County Commissioners and Planning Commission) is necessary for flood mitigation to be implemented. Once all four entities approve the comp plan amendment for CU South, the City and CU can negotiate a legally binding annexation agreement which will allow for the implementation of flood mitigation. County-level decision makers have heard a lot from our opposition, but they have yet to hear much from us. Let them know you support flood mitigation, Option D, and the comp plan amendment for CU South today.

Laura

Laura Tyler on behalf of the South Boulder Creek Action Group  
[Laura@sbcreekactiongroup.org](mailto:Laura@sbcreekactiongroup.org)  
[www.SouthBoulderCreekActionGroup.com](http://www.SouthBoulderCreekActionGroup.com)

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#258]  
**Date:** Tuesday, March 14, 2017 1:46:52 PM

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Name \* Pete Palmer

Email \* [allison.palmer@comcast.net](mailto:allison.palmer@comcast.net)

This comment relates to: \* CU South

Comment: \*

Please add my voice to those supporting the Comp Plan regarding CU South. This is critical because a part of the berm that will protect residents of south Boulder from a flood disaster analogous to that of 2013 is on CU South property. I strongly support the development of the Plan D berm that will protect those of us in the impacted area of south Boulder from the consequences, both human and material, of another comparable flood. We were extremely lucky that no lives were lost. A strong rain event that would over-saturate the soils in front of the Dakota Ridge and between Shanahan Ridge and South Boulder Creek would be enough to produce a similar flood; South Boulder Creek would not necessarily need to be involved. Thanks.

A. R. (Pete) Palmer

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#259]  
**Date:** Tuesday, March 14, 2017 2:32:43 PM

---

Name \* Don Hayden

Email \* [dfhayden@hotmail.com](mailto:dfhayden@hotmail.com)

Address (optional)  80303  
United States

This comment relates to: \* CU South

Comment: \*

It's been a long, frustrating journey for those of us in the neighborhoods impacted by the 2013 flood (estimated to be a 50-year event). But the decision made in August 2015 to pursue Option D is a win-win for the neighborhoods, the city and for CU. It addresses what's crucial: South Boulder Creek flooding presented the city with a public safety nightmare and the plan provides lifesaving flood mitigation to many residents. The important thing here is flood mitigation. If zoning issues delay implementation of Option D, I encourage the planners to separate CU-South into two activities - the annexation needed for flood mitigation and then annexation of whatever property is left.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Paul Calvert -  
**Date:** Wednesday, March 15, 2017 12:03:55 PM

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Boulder County Property Address : 4760 W Moorhead Cir

Name: Paul Calvert

Email Address: pcal4760@gmail.com

Please enter your question or comment: Hello, I am a south Boulder resident, and I would like to share my opinion on the CU south property. I am opposed to any land use designation change. I live adjacent to the property and it is a vital part of my enjoyment of where I live. Any change in the land use designation that allows development would be very detrimental to the open space and all of the residents like myself who recreate there. I know flood mitigation on the property is needed but there must be another solution that does not come at the expense of losing this open space forever. We should not have to sacrifice open space in exchange for protecting our citizens. I know it is CU's land and the city has to work with them. However, don't they have a responsibility for flood mitigation on their property?

Why then can they use that as a bargaining position with the city to move forward with land use designation changes and annexation? When CU bought the property it was not a good prospect for development. They knew what they were buying, and that they were gambling that they could get all the pieces into place in order to make it worth their money. It is my understanding that the city has always opposed changes in land use designation on this land, otherwise it would have been developed long ago. Do we really have to reverse our stance now? Thanks for your time.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#260]  
**Date:** Wednesday, March 15, 2017 12:40:06 PM

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Name \* Laura Tyler

Email \* [laura@sbcreekactiongroup.org](mailto:laura@sbcreekactiongroup.org)

This comment relates to: \* CU South

Comment: \*

Dear Commissioners and Planning Commission,

My name is Laura Tyler and I am a member of the South Boulder Creek Action Group, a neighborhood group that advocates for the safety of people endangered by flooding from South Boulder Creek. I urge you to approve the comp plan amendment for CU South.

During the Boulder flood in 2013 floodwaters overtopped U.S. 36 creating a flash flood situation that put thousands of lives in southeast Boulder at risk. Water poured across roadways forcing its way into apartments and single family homes. There was no way to evacuate the area because egress roads were impassable and emergency responders couldn't access the neighborhoods despite getting calls for help. Frasier Meadows Retirement Community (FMRC) also flooded putting its senior residents, some of them ill, at even greater risk. The volume of water, its force and the rapidity of its rise served as a wakeup call revealing the serious consequence people living in affected neighborhoods will face the next time South Boulder Creek overtops U.S. 36.

Visit our website to view a few short videos of floodwaters overtopping U.S. 36 and inundating FMRC in 2013.

<https://www.southbouldercreekactiongroup.com/boulder-flood-2013/>

Your approval of the comp plan amendment for CU South will allow the City of Boulder to move forward with flood mitigation by permitting the City to enter into negotiations with CU that will determine the future use of that property as a flood detention area.

Thank you for your consideration.

Attach a File (optional)



[flood.jpg](#)  
59.90 KB · JPG


Please check box below \*

I acknowledge receipt of the Open Records Notification




**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#261]  
**Date:** Saturday, March 18, 2017 7:23:07 AM

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Name *	Kay Forsythe
Email *	<a href="mailto:mkforsythe@comcast.net">mkforsythe@comcast.net</a>
Phone Number (optional)	(720) 562-8003
Address (optional)	 350 Ponca Pl #257 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	Your plans for flood mitigation hit me and my husband personally. We live at Frasier Meadows Retirement Community with the constant threat of another potential flood -- unless our community leaders pursue and fulfill actions to protect us. We urge your continued action towards construction of the burn at CU South property. Please represent us on this.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#262]  
**Date:** Tuesday, March 21, 2017 10:34:04 AM

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Name *	Levi Brown
Email *	<a href="mailto:levigroker@gmail.com">levigroker@gmail.com</a>
Address (optional)	 4845 Qualla Dr. Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>Flood mitigation is critical for health and safety in my neighborhood, and I support Option D (Boulder's flood mitigation plan for South Boulder Creek).</p> <p>Please approve the comp. plan amendment for CU South when it comes before you for a vote this spring, and keep us from being killed in a flood.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#263]  
**Date:** Tuesday, March 21, 2017 12:05:43 PM

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Name *	Roger Hibbard
Email *	<a href="mailto:bldrroddy@yahoo.com">bldrroddy@yahoo.com</a>
Phone Number (optional)	(303) 578-9206
Address (optional)	 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I wanted to write to express my support of Option D (Boulder's flood mitigation plan for South Boulder Creek). I am urging you to approve the comp plan amendment for CU South when it comes to vote.</p> <p>There is rarely a day that goes by that I do not reflect on the flood of 2013 and remember what a scary and expensive experience it was for me and my household.</p> <p>Thanks, Roger Hibbard</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Public Comment: Boulder Valley Comprehensive Plan [#264]  
**Date:** Tuesday, March 21, 2017 1:58:47 PM

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Name *	Elmar Dornberger
Email *	<a href="mailto:elmar@hemisphereconsulting.com">elmar@hemisphereconsulting.com</a>
Phone Number (optional)	(303) 543-8885
Address (optional)	 4890 Qualla Drive Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I support the construction of a flood mitigation berm on CU South as soon as possible. We have been living with the fear of loosing our lives for long enough now. We know another flood will be coming and we need protection now. Thank you for your support.</p> <p>Elmar Dornberger</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#FloodRecovery](#)  
**Subject:** Boulder County Contact Us/Feedback Form [#284]  
**Date:** Thursday, April 06, 2017 3:12:05 PM

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Name *	Janet Brewer
Organization (optional)	Frasier Meadows Retirement Community
Email *	<a href="mailto:dtbjhb@aol.com">dtbjhb@aol.com</a>
Phone Number (optional)	(720) 562-8254
Select a Subject *	2013 Flood Recovery
Comments *	<p>Please prioritize flood mitigation measures, related to the property known as "CU South." I support Option D (Boulder's flood mitigation plan for South Boulder Creek), and ask that you please approve the comp. plan amendment for CU South when it comes before you for a vote this spring.</p> <p>Please do not let other issues concerning the CU South property put flood mitigation on the back burner. Lives and property matter more!</p>
Please check box below *	<ul style="list-style-type: none"><li>• I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#376]  
**Date:** Friday, April 07, 2017 10:09:05 PM

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Name \* Liz Knapp

Email \* [eknapp165@comcast.net](mailto:eknapp165@comcast.net)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* four-body review Area II and Area III property

Comments, Question or Feedback \*

It was with great dismay that I read in the Daily Camera that the four-body review process for making changes to Area II and Area III land-use designations is at risk. I live in the City and County of Boulder and I do not support the attempts of the current City Council to consolidate its jurisdiction on land-use decisions.

I urge you to NOT cede the County Commissioner's authority nor that of the County Planning Commission in decisions about Area II and Area III parcels. In addition, please negotiate to extend the intergovernmental agreement that expires at the end of this year so that each body has veto power. Now, more than ever, when the parcels are few and the desired uses many, we need to include all stakeholders. This is when making collaborative decisions are most important, and indeed difficult. Don't shy away.

A decision that is of particular concern to me right now is the proposed annexation of the CU South Campus property. I live in the City, in South Boulder, in a house that was inundated with close to four feet of water during the 2013 flood so I very much understand the need for flood control. However, I am concerned that the City Council is moving very quickly to address this with insufficient site information. I believe they recognize this and that is why they are anxious to dispense with the four-body review process. They do not want to hear, or heed, questions or concerns about the property. So, please maintain your jurisdictional authority and do not allow the City to isolate itself from regional land-use decisions. Furthermore, I urge you to not approve annexation of South Campus until there is adequate information about site conditions and a robust preliminary design.

Please check box below \*

I acknowledge receipt of the Open Records Notification



**From:** Katie Wahr  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Four body review process  
**Date:** Sunday, April 09, 2017 9:33:12 AM

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Dear County Commissioners,

I was encouraged to hear that you stood your ground at your meeting last Tuesday to keep your role intact within the four body review process! Please continue to fight for your right to have a say in these important matters; the future of our city literally depends on you and your input.

Here is the email that I just sent to the City Council on this topic:

I have been dismayed to follow the discussion that has been going on in favor of eliminating the four body review process in Area II of Boulder County. This process was put in place decades ago in order to ensure that \*the\* best, most well thought out decisions would be made with regards to the development of our City, as it is impossible for one single group of people to consider all potential ramifications of development in a given area.

By disallowing the County to vote on these decisions, we are eliminating the inclusion of a critical point of view from well-informed, focused groups of people. Is it not true that the more research we put into the decision-making process the better? And the more people we have weighing in on these decisions, the more people we can have involved in this research. It is the County's job to consider perspectives that the City might not have looked into. Development of the land in Area II will have a major impact on every citizen in the city and the county, and with regards to these very complicated, far-reaching decisions, it is essential that everyone who will be impacted is well-represented by the various boards. It is short-sighted and dangerous to allow these incredibly important decisions to be put into the hands of one body and one body alone.

Thank you,

~Katie Wahr

**From:** Samantha Moran  
**To:** [Samantha Moran](#)  
**Subject:** South Boulder Open Space  
**Date:** Monday, April 10, 2017 9:19:03 AM

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Dear Trusted Decision Makers,

As a Boulder home owner, I am writing to ask you to please recommend not to change teh "Flatirons-CU South" land- use designation to PUBLIC.

Please do NOT to support the Alternative D Flood Mitigation High Hazard Dam along Highway 36. I am concerned that the 30-foot fall high-hazard dam is not the solution to prevent flooding in Boulder, but will only redistribute the flooding to my neighborhood. Please analyze a less-intensive flood control option that would use a smaller berm, not a massive dam, and a series of levees. This option would use more of the property but could be more effective, less costly, and could be built more quickly than the high hazard dam.

I also believe strongly that open space is what truly makes Boulder, Boulder and we need to make every effort to preserve it. My husband and I bought our house in January, and we were willing to pay what we paid because we find so much value in the natural spaces surrounding us. If we don't prioritize preservation of open space, we will lose what makes Boulder so special.

Thank you for your consideration,  
Samantha Moran

1040 Tantra Park Circle  
Boulder, CO 80305  
[\(248\) 763-4705](tel:(248)763-4705)

**From:** <[Cynarey@aol.com](mailto:Cynarey@aol.com)>

**Date:** April 6, 2017 at 7:46:42 PM MDT

**To:** <[cdomenico@bouldercounty.org](mailto:cdomenico@bouldercounty.org)>, <[dgardner@bouldercounty.org](mailto:dgardner@bouldercounty.org)>, <[ejones@bouldercounty.org](mailto:ejones@bouldercounty.org)>

**Subject:** current four-body review

Dear Commissioners,

The current four-body review should be maintained for land use changes, including Twin Lakes and other premium county open space areas. The four-body review simply KEEPS the city in check!!!! Boulder (city) should not be allowed to unilaterally annex County properties, while residents of the County have no votes. Obviously, the Twin Lakes episode relates to the hunger and lack of regard by the city of Boulder!!

The Twin Lakes Ponds area is the most visited of all County Open Space areas as well as distinctive with wildlife and flat hiking and keen dog park. It the most used, and valued, area of open space of everything the County owns. Gunbarrel residents deserve Open Space or a park they can enjoy though the recent NEW 1,000 residents (below) are using, too.

Currently, the density (524 apartments--ie **1,000 NEW residents and 200+ dogs** in the last 18 months) is extreme ...the city could have REQUIRED affordable housing by developers of these apts inlieu of accepting MONEY NOT to provide affordable housing.

Boulder has approved rapid growth including major new office buildings, hotels and Google etc. This adds employees and greatly increases the need for support staff, which leads to a housing shortage. They should be obliged to solve the problems they are creating, without appropriating/sequestering County areas.

Boulder should develop public/private projects with developers in Boulder (city). They could redevelop several properties into mixed commercial and residential units, including affordable units.

Please stop placing more pressure on our neighborhood in Gunbarrel without our vote and agreement as well as other Boulder County open space areas.

thank you, Cynthia Arey

**From:** Mary Maxwell  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Height moratorium, Blue Line, and Open Space  
**Date:** Monday, April 17, 2017 8:58:03 AM

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Dear Commissioners,

I am writing to you to voice my opinion about the recent rampant development that I have witnessed in Boulder City and County. A guest opinion and another letter to the editor in the Daily Camera on March 12, 2017 addressed these issues. Apparently the silent majority needs to make our opinions known, so that is what I am doing. I feel very strongly that the BVCP should be respected and followed. Height limits should remain in place. City water and sewer services should be limited to below the Blue Line. Open Space purchased with tax dollars should not be sold to developers to build affordable housing. It's OK to leave undeveloped land as undeveloped land. My inherent sense of affordable housing and the regulations/laws/tax breaks/developer incentives that govern it is that it is so complicated and multifaceted that common people i.e. the Boulder citizenry don't know about and, therefore, don't completely understand all these facets and the associated long term ramifications. While I believe in helping our common man I don't believe that people who inhabit affordable housing should be exempt from paying property tax on their home. I resent having to pay property tax on my property while others who fit the requirements for owning affordable housing aren't required to pay that same tax. I worked terribly hard to not only buy my home but also to pay my taxes, and I think everyone else should do the same or live in an area that is truly affordable for their budget without being exempted from property taxes. If Dinah McKay's Guest Opinion is accurate then I am outraged by the sale of 6655 Twin Lakes Road to BCHA developers. This article paints the Commissioners, BCHA, and other county officials in a bad light. I don't want Boulder to be like Denver, Berlin, or San Francisco in terms of the density and building heights.

Thank you.

Mary Maxwell

**From:** Amy Cox Siemel  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** CU South  
**Date:** Thursday, April 20, 2017 10:26:59 AM

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Dear Boulder County Commissioners,

Thank you for your hard work on behalf of the people and lands of Boulder County. Please see below for a slightly expanded version of my public comments at last week's Open Space Board of Trustees hearing regarding CU South. Also, if you have not yet seen it, please read a guest opinion piece I had published in the Daily Camera [here](#).

Thank you,  
Amy Siemel

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Good evening, my name is Amy Siemel and I live at 1233 Aikins Way. I've been a resident of Boulder for 16 years and am an active member of the community group Save SoBo. I want to thank you for your hard work on behalf of Boulder's beloved Open Space lands.

I stand before you tonight, nervous but determined to voice my deep concerns about the current discussions regarding the CU South property. The proposed land use designation changes are alarming and run counter to thoughtful planning of our increasingly rare undeveloped floodplains.

In reviewing tonight's packet, I find it heartening that Open Space staff recommendations lean toward preserving and restoring, but I am wary of the suggestions that the land to the South and East has a higher Open Space potential than that to the North and West. I look at the map in Attachment C and I see the beginnings of this lovely 193 acres of contiguous, undeveloped land being chipped away. With great foreboding, I see the door creaking open to invite in urban sprawl.

We know that larger habitat blocks are the key to wildlife and grassland preservation and we know that the greatest threat to these ecosystems is encroaching development. We also know that wetlands and riparian areas are rare and have a disproportionately high habitat function for plants and animals.

In contrast, tonight's packet states on page 3 that "Development of CU South could result in the need to compensate for unavoidable environmental impacts—especially to wetlands." I reject the idea that development of our precious few remaining wetlands is unavoidable, and I strongly condemn the actions CU has taken over the years to destroy the wetlands on its property, including bulldozing and installing aggregate drains, in the interest of future inadvisable development in a floodplain. CU has proven itself to be an untrustworthy steward of the land, and this board should

work in concert with Parks and Open Space to acquire and restore the land in its entirety, using it for natural flood management in the process.

I believe we can do better. We must slow down and get this right, as there's no going back from this decision. Once land is gone, it's gone. I urge you to recommend NO land use changes to CU South, until CU has a master plan to propose for the site. I understand CU's valid need for growth and also the city's rightful desire to protect its residents from floods, but it is inappropriate to connect decisions about saving life and property to controversial discussions regarding land use changes. I reject the false choice between keeping this land undeveloped and ensuring the safety of our downstream neighbors. I refuse to be pitted against my fellow community members.

Finally, my 5 year old son and 9 month old daughter were unable to attend tonight as it's past their bedtime, but I want it to be known that this land is where my son collects clay for his homemade models, sails fantastical boats made of recycled materials, and where he first learned the song of the western Meadowlark. Since he was born, he and I have walked this land, absorbing the quiet into our bones, along with the sounds of spring peepers, the sight of American kestrels on fence posts, and the delight of spotting a trio of coyotes on the hunt. This land is a living, breathing, vibrant place that teems with joy and life. For my son, my daughter, and for future generations, please recommend that this land remain Open Space-Other as it was always intended.

*Let the beauty we love be what we do. There are hundreds of ways to kneel and kiss the ground.*  
-Rumi

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Amy Siemel - CU South  
**Date:** Thursday, April 20, 2017 10:29:51 AM

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If your comments are regarding a specific docket, please enter the docket number: CU South

Name: Amy Siemel

Email Address: [amysiemel@gmail.com](mailto:amysiemel@gmail.com)

Please enter your question or comment: Dear Members of the Boulder County Planning Commission,

Thank you for your hard work on behalf of the people and lands of Boulder County. Please see below for a slightly expanded version of my public comments at last week's Open Space Board of Trustees hearing regarding CU South. Also, if you have not yet seen it, please read a guest opinion piece I had published in the Daily Camera at [http://www.dailycamera.com/guest-opinions/ci\\_30833355/amy-siemel-not-so-fast-cu-south-annexation](http://www.dailycamera.com/guest-opinions/ci_30833355/amy-siemel-not-so-fast-cu-south-annexation).

Thank you,  
Amy Siemel

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Good evening, my name is Amy Siemel and I live at 1233 Aikins Way. I've been a resident of Boulder for 16 years and am an active member of the community group Save SoBo. I want to thank you for your hard work on behalf of Boulder's beloved Open Space lands.

I stand before you tonight, nervous but determined to voice my deep concerns about the current discussions regarding the CU South property. The proposed land use designation changes are alarming and run counter to thoughtful planning of our increasingly rare undeveloped floodplains.

In reviewing tonight's packet, I find it heartening that Open Space staff recommendations lean toward preserving and restoring, but I am wary of the suggestions that the land to the South and East has a higher Open Space potential than that to the North and West. I look at the map in Attachment C and I see the beginnings of this lovely 193 acres of contiguous, undeveloped land being chipped away. With great foreboding, I see the door creaking open to invite in urban sprawl.

We know that larger habitat blocks are the key to wildlife and grassland preservation and we know that the greatest threat to these ecosystems is encroaching development. We also know that wetlands and riparian areas are rare and have a disproportionately high habitat function for plants and animals.

In contrast, tonight's packet states on page 3 that "Development of CU South could result in the need to compensate for unavoidable environmental impacts—especially to wetlands." I reject the idea that development of our precious few remaining wetlands is unavoidable, and I strongly condemn the actions CU has taken over the years to destroy the wetlands on its property, including bulldozing and installing aggregate drains, in the interest of future inadvisable development in a floodplain. CU has proven itself to be an untrustworthy steward of the land, and this board should work in concert with Parks and Open Space to acquire and restore the land in its entirety, using it for natural flood management in the process.

I believe we can do better. We must slow down and get this right, as there's no going back from this decision. Once land is gone, it's gone. I urge you to recommend NO land use changes to CU South, until CU has a master plan to propose for the site. I understand CU's valid need for growth and also the city's rightful desire to protect its residents from floods, but it is inappropriate to connect decisions about saving life and property to controversial discussions regarding land use changes. I reject the false choice between keeping this land undeveloped and ensuring the safety of our downstream neighbors. I refuse to be pitted against my fellow community members.

Finally, my 5 year old son and 9 month old daughter were unable to attend tonight as it's past their bedtime, but I want it to be known that this land is where my son collects clay for his homemade models, sails fantastical boats made of recycled materials, and where he first learned the song of the western Meadowlark. Since he was born, he

and I have walked this land, absorbing the quiet into our bones, along with the sounds of spring peepers, the sight of American kestrels on fence posts, and the delight of spotting a trio of coyotes on the hunt. This land is a living, breathing, vibrant place that teems with joy and life. For my son, my daughter, and for future generations, please recommend that this land remain Open Space-Other as it was always intended.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#266]  
**Date:** Thursday, April 20, 2017 11:54:24 AM

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Name \* Andy Schwarz

Email \* [ams@amstec.com](mailto:ams@amstec.com)

This comment relates to: \* CU South

Comment: \*

Dear Commissioners and Planning Commission,

I am writing in support of the comp plan amendment for CU South. Our lives, health and safety are at risk of floodwaters overtopping HWY 36 from the CU South property. We had flash flood type water pouring down our streets, up to 4 feet in depth, within a matter of minutes and pouring into neighbors' homes. We are very fortunate that no one was killed or seriously injured in the flood event of September 2013.

I urge you to support flood mitigation to help prevent these floodwaters again. It is not a matter of if, it is when.

Thank you,  
Andy Schwarz

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** flood-bounces@sbcreekactiongroup.org  
**To:** [flood@sbcreekactiongroup.org](mailto:flood@sbcreekactiongroup.org); [qualla@amstec.com](mailto:qualla@amstec.com)  
**Cc:** "[Bruce Thompson](#)"; [Al LeBlang](#)  
**Subject:** [Flood] CU South & South Boulder Creek flood mitigation--Deadline to comment on Comp Plan  
**Date:** Thursday, April 20, 2017 4:52:01 PM  
**Attachments:** [ATT00001.txt](#)

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Hi, all.

Just a reminder that tomorrow (4/21) is the deadline to provide comments to the County about the proposed comp plan amendment for CU South. You likely know that without the County's approval of this amendment, South Boulder Creek flood mitigation will be in jeopardy. We'd like to ask that you take a minute (before the close of business tomorrow) to let your voices be heard, once again. Use the following link, click the green area indicating "public comment" and scroll down to fill out the public comment form. It shouldn't take but a few minutes and it would be most helpful to our mission of advancing South Boulder Creek flood mitigation.

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

Our message is brief and direct:

- We need South Boulder Creek flood mitigation ASAP.
- This is a unique opportunity with all parties—City, CU, CDOT—willing to move forward on flood mitigation.
- Approval of the CU South comp plan amendment is critical in moving this project forward.
- Please vote to approve the CU South comp plan amendment.


Thanks for all the efforts you've made toward our goal of having South Boulder Creek flood mitigation implemented! Please take a moment to let your concerns be heard before this deadline closes tomorrow.

Best regards,  
Kathie Joyner  
Laura Tyler  
David McGuire

*South Boulder Creek Action Group*  
303 543-0799


**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#267]  
**Date:** Thursday, April 20, 2017 5:04:13 PM

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Name *	Peter Ornstein
Email *	<a href="mailto:pmo@mediationnow.com">pmo@mediationnow.com</a>
Phone Number (optional)	(303) 499-2317
Address (optional)	 556 Aztec Drive Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	Please, let's move the proposed flood mitigation out of the planning stage and into the implementation stage.  Thank you.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification


**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#268]  
**Date:** Thursday, April 20, 2017 5:12:07 PM

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Name *	George Craft
Email *	<a href="mailto:gcrafty@yahoo.com">gcrafty@yahoo.com</a>
Phone Number (optional)	(303) 440-4737
Address (optional)	 755 32nd Boulder, CO 80303 United States
This comment relates to: *	Flood mitigation – South Boulder Creek
Comment: *	We need South Boulder Creek flood mitigation ASAP. This is a unique opportunity with all parties – City, CU, CDOT – willing to move forward on flood mitigation. Approval of the CU South comp plan amendment is critical in moving this project forward. Please vote to approve the CU South comp plan amendment.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#269]  
**Date:** Thursday, April 20, 2017 5:53:21 PM

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Name *	Edward Smelko
Email *	<a href="mailto:e.smelko@att.net">e.smelko@att.net</a>
Phone Number (optional)	(303) 499-2843
Address (optional)	 220 Seminole Dr Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I am writing to encourage the county to vote FOR the Boulder Valley Comp plan amendment for CU South. After 20 years of studies, proposals, meetings and discussions with the City of Boulder, the University of Colorado and the State of Colorado agreeing on a solution, this is a historic opportunity to address the neighborhood flood issue. My house in the Keywaydin Meadows neighborhood had major damage in the 2013 flood. Please, let's address the flood problem now, and not wait another 20 years, to rectify the flood threats in my neighborhood and in the Fraiser Meadows neighborhood.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#270]  
**Date:** Thursday, April 20, 2017 6:48:00 PM

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Name *	Kelly Murphy
Email *	<a href="mailto:bouldernatural@gmail.com">bouldernatural@gmail.com</a>
Phone Number (optional)	(701) 690-7428
Address (optional)	 Boulder, Colorado 80303 United States
This comment relates to: *	CU South
Comment: *	<p>Our community needs to implement the South Boulder Creek flood mitigation as soon as possible. The very fact that the City, CU, and CDOT are aligned and willing to move forward on flood mitigation is quite amazing and offers a special opportunity to succeed. Then approval of the CU South comp plan amendment is critical in moving this project forward. Please vote to approve the CU South comp plan amendment. Thank you Julie and Kelly Murphy</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#271]  
**Date:** Thursday, April 20, 2017 8:45:55 PM

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Name *	Karen Powell
Email *	<a href="mailto:ka_pow42@yahoo.com">ka_pow42@yahoo.com</a>
This comment relates to: *	CU South
Comment: *	<p>We need South Boulder Creek flood mitigation ASAP.</p> <ul style="list-style-type: none"><li>· This is a unique opportunity with all parties—City, CU, CDOT—willing to move forward on flood mitigation.</li><li>· Approval of the CU South comp plan amendment is critical in moving this project forward.</li><li>· Please vote to approve the CU South comp plan amendment.</li></ul>
Please check box below *	<ul style="list-style-type: none"><li>● I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#272]  
**Date:** Thursday, April 20, 2017 8:46:00 PM

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Name *	Leanne Lestak
Email *	<a href="mailto:skibum226@ymail.com">skibum226@ymail.com</a>
Phone Number (optional)	(303) 494-1575
This comment relates to: *	CU South
Comment: *	<p>We need South Boulder Creek flood mitigation ASAP.</p> <ul style="list-style-type: none"><li>· This is a unique opportunity with all parties—City, CU, CDOT—willing to move forward on flood mitigation.</li><li>· Approval of the CU South comp plan amendment is critical in moving this project forward.</li><li>· Please vote to approve the CU South comp plan amendment.</li></ul>
Please check box below *	<ul style="list-style-type: none"><li>● I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#273]  
**Date:** Friday, April 21, 2017 7:58:33 AM

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Name *	Steven Warren
Email *	<a href="mailto:pastorsteve@mtview.org">pastorsteve@mtview.org</a>
Phone Number (optional)	(303) 886-9775
This comment relates to: *	CU South

**Comment: \***

Dear Sirs,

Please add mine to the voices urging implementation of South Boulder Creek flood mitigation. In 2013, we suffered significant loss from preventable flooding. Our neighborhood experienced flooded homes and businesses at the financial cost 10s of millions. Our own home and church were significantly damaged, costing 14 of a million dollars to repair. Fortunately, there was no loss of life, but it easily could have cost us lives!

This is a great opportunity to move forward in protecting our citizens life and property. Remarkably, the City, CU, and CDOT are all on board to mitigate this threat. I believe that approval of the CU South comp plan amendment is vital and necessary, and with your meaningful support can address a serious problem in our community.


Pastor Steven K Warren  
Mountain View United Methodist Church

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#274]  
**Date:** Friday, April 21, 2017 9:09:26 AM

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Name *	Don Hayden
Email *	<a href="mailto:dfhayden@hotmail.com">dfhayden@hotmail.com</a>
Address (optional)	 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	Flood mitigation of S Boulder Creek is a public safety issue and the proposed changes to the BVCP are essential to addressing it. We fortunately didn't have loss of live in the Fraser Meadows area, but we were lucky. Please vote to approve the CU South comprehensive plan amendment.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** Nick Jancewicz  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Proposed changes to BVCP  
**Date:** Friday, April 21, 2017 1:25:03 PM

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To Planning,

We strongly object to the proposed changes to the BVCP! Retaining the 4-body approval process is especially important now that Boulder is being subjected to increasing pressure from developers and special interests. These changes will obliterate any semblance of the democratic process where Boulder and Boulder County residents and smaller business and NGO community members presently have at least some say in developments and changes to the Comprehensive Plan that so many citizens and past government officials worked so hard to establish.

Please do everything you can to reject these proposed BVCP changes!


Regards,

Nick

Nick Jancewicz  
Software Engineer  
Continental Control Systems,  
Direct Line: 720 287-8424  
Email: [nick.jancewicz@ctlsys.com](mailto:nick.jancewicz@ctlsys.com)  
Web Site: [www.ctlsys.com](http://www.ctlsys.com)

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#275]  
**Date:** Friday, April 21, 2017 1:58:02 PM

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Name *	Ryan Eisenbraun
Email *	<a href="mailto:ryaneisenbraun@yahoo.com">ryaneisenbraun@yahoo.com</a>
Phone Number (optional)	(303) 919-7690
Address (optional)	 6200 Habitat Drive #1057 Boulder, CO 80301 United States
This comment relates to: *	CU South

**Comment: \*** We need South Boulder Creek flood mitigation ASAP!! This is a unique and rare opportunity with all parties: the City of Boulder, CU, CDOT – all willing to move forward and partner on desperately needed flood mitigation.

Approval of the CU South comp plan amendment is critical in moving this project forward. Please vote to approve the CU South comp plan amendment and ensure future generations never experience the horrible tragedy that we all witnessed during the 2013 floods.

Sincerely,

Ryan Eisenbraun

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** Christine M. Hurley  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Cc:** [Domenico, Cindy](#); [Gardner, Deb](#); [Jones, Elise](#); [appelbaum@bouldercolorado.gov](mailto:appelbaum@bouldercolorado.gov); [rocketta@bouldercolorado.gov](mailto:rocketta@bouldercolorado.gov); [burtonj@bouldercolorado.gov](mailto:burtonj@bouldercolorado.gov); [jones@bouldercolorado.gov](mailto:jones@bouldercolorado.gov); [jones@bouldercolorado.gov](mailto:jones@bouldercolorado.gov); [lismorzel@gmail.com](mailto:lismorzel@gmail.com); [shoemakera@bouldercolorado.gov](mailto:shoemakera@bouldercolorado.gov); [weavers@bouldercolorado.gov](mailto:weavers@bouldercolorado.gov); [yatesb@bouldercolorado.gov](mailto:yatesb@bouldercolorado.gov); [youngm@bouldercolorado.gov](mailto:youngm@bouldercolorado.gov); [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [hyserc@bouldercolorado.gov](mailto:hyserc@bouldercolorado.gov); [zachariasc@bouldercolorado.gov](mailto:zachariasc@bouldercolorado.gov); [hirtj@bouldercolorado.gov](mailto:hirtj@bouldercolorado.gov); [Fogg, Peter](#); [Shannon, Abigail](#); [Giang, Steven](#); [RStewart@bouldercounty.org](mailto:RStewart@bouldercounty.org); [Jannatpour, Vivienne](#)  
**Subject:** Feedback on BVCP Draft Update  
**Date:** Friday, April 21, 2017 2:52:00 PM

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Dear Local Government,

In response to the proposed BVCP draft update, I find myself completely shocked.

I am absolutely appalled by the proposed changes and do believe that the BVCP should remain as it has, since 2010. I decided to move to Boulder, Colorado, from the eastcoast, to purchase my first home here and to create my new life here. Much of the reason, was in regards to the communal responsibility and care for nature, the environment, wildlife, agriculture and a more natural lifestyle. The proposed BVCP contradicts what is important to so many of us, that have made our home and lives here in Boulder.

I am ADAMANTLY AGAINST the proposed changes. For shame, even to consider such a devastating deviation! I ask that you DO NOT SUPPORT this proposition!!!


Best,

Christine M Hurley

4881 White Rock Circle  
Unit E  
Boulder, CO 80301

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#276]  
**Date:** Friday, April 21, 2017 2:59:17 PM

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Name *	Keller Kimbrough
Email *	<a href="mailto:keller.kimbrough@colorado.edu">keller.kimbrough@colorado.edu</a>
Address (optional)	 46 Pima Court Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	Please vote to approve the CU South Comprehensive Plan Amendment. I am a resident of the Pawnee Meadow subdivision in south Boulder, and my neighborhood was devastated by the 2013 flood. For the safety of our homes and families, we need to accomplish South Boulder Creek flood mitigation immediately. Your approval is essential to getting it done. Thank you!
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** Michelle Spowart  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](https://twitter.com/LandUsePlanner); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Changes to BVCP  
**Date:** Friday, April 21, 2017 3:19:01 PM

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Good afternoon,

I am writing to express my deep concerns with some of the proposed changes to the BVCP. First, every single section of the plan designed to protect our natural resources are being diminished and weakened. For example, to ‘preserve wildlife’ is now stated as ‘if convenient’ or ‘where appropriate, wildlife should be considered...’ This leaves no clear guidelines, no protection, and no doctrine to stand behind.

Second, I am completely against eliminating the four-body review of land use changes in Area II. This would give the City unilateral power, without checks and balances, and leave the residents of Area II with no voice (including myself and my husband, and our family who have lived in this area for decades). The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

Finally, I join the flood of concerns from Boulder residents (especially seen in the 2016 BVCP Survey) of infill, rezoning, high density, building height, traffic congestion, lack of preservation of open space and wild life, over development in general, and the seemingly lack of care or focus on the concerns of current residents. These are all concerns of the slow elimination of what fundamentally makes Boulder the place we have loved and been proud residents of.

I am a third generation Boulder native. I understand that growth is unavoidable, and I am for healthy growth that does not thwart the protective policies or the voices of resident. I adamantly stand by all policies that limit building height and over development, protect open space and wildlife, and give residents a meaningful voice and say in any future decision.

Thank you for your service, for standing by your representation of your fellow Boulder residents, and for your time and consideration.

Michelle Ross

**From:** Shaundell Ross  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](https://twitter.com/LandUsePlanner); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Changes to BVCP  
**Date:** Friday, April 21, 2017 3:26:16 PM

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Hello,

I am writing to express my deep concerns with some of the proposed changes to the BVCP. First, every single section of the plan designed to protect our natural resources are being diminished and weakened. For example, to ‘preserve wildlife’ is now stated as ‘if convenient’ or ‘where appropriate, wildlife should be considered...’ This leaves no clear guidelines, no protection, and no doctrine to stand behind.

Second, I am completely against eliminating the four-body review of land use changes in Area II. This would give the City unilateral power, without checks and balances, and leave the residents of Area II with no voice (including myself and my husband, and our family who have lived in this area for decades). The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

Finally, I join the flood of concerns from Boulder residents (especially seen in the 2016 BVCP Survey) of infill, rezoning, high density, building height, traffic congestion, lack of preservation of open space and wild life, over development in general, and the seemingly lack of care or focus on the concerns of current residents. These are all concerns of the slow elimination of what fundamentally makes Boulder the place we have loved and been proud residents of.

I am a third generation Boulder native. I understand that growth is unavoidable, and I am for healthy growth that does not thwart the protective policies or the voices of resident. I adamantly stand by all policies that limit building height and over development, protect open space and wildlife, and give residents a meaningful voice and say in any future decision.

Thank you for your service, for standing by your representation of your fellow Boulder residents, and for your time and consideration.

Shaundell Ross  
4462 Driftwood Pl



**From:** Shaundell Ross  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](https://twitter.com/LandUsePlanner); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Re: Changes to BVCP  
**Date:** Friday, April 21, 2017 3:38:09 PM

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Please excuse my mistype in the second paragraph below as my wife and I share the same message and view, I meant to say, "(including myself and my wife.."

Thank you,  
Shaundell

On Fri, Apr 21, 2017 at 3:26 PM, Shaundell Ross <[shaundellross@gmail.com](mailto:shaundellross@gmail.com)> wrote:

Hello,

I am writing to express my deep concerns with some of the proposed changes to the BVCP. First, every single section of the plan designed to protect our natural resources are being diminished and weakened. For example, to 'preserve wildlife' is now stated as 'if convenient' or 'where appropriate, wildlife should be considered...' This leaves no clear guidelines, no protection, and no doctrine to stand behind.

Second, I am completely against eliminating the four-body review of land use changes in Area II. This would give the City unilateral power, without checks and balances, and leave the residents of Area II with no voice (including myself and my husband, and our family who have lived in this area for decades). The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

Finally, I join the flood of concerns from Boulder residents (especially seen in the 2016 BVCP Survey) of infill, rezoning, high density, building height, traffic congestion, lack of preservation of open space and wild life, over development in general, and the seemingly lack of care or focus on the concerns of current residents. These are all concerns of the slow elimination of what fundamentally makes Boulder the place we have loved and been proud residents of.


I am a third generation Boulder native. I understand that growth is unavoidable, and I am for healthy growth that does not thwart the protective policies or the voices of resident. I adamantly stand by all policies that limit building height and over development, protect open space and wildlife, and give residents a meaningful voice and say in any future decision.

Thank you for your service, for standing by your representation of your fellow Boulder residents, and for your time and consideration.

Shaundell Ross  
4462 Driftwood Pl

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#277]  
**Date:** Friday, April 21, 2017 3:40:38 PM

---

Name *	Roger Hibbard
Email *	<a href="mailto:bldrroddy@yahoo.com">bldrroddy@yahoo.com</a>
Phone Number (optional)	(303) 578-9206
Address (optional)	 4900 Qualla Drive Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

Dear Boulder County,

I am a longtime resident of South Boulder in an area heavily affected by the 2013 flood. I am writing to urge you to use this rare chance to cooperate with the City, CU and Colorado department of Transportation to move forward quickly on flood mitigation. Gaining Approval of the CU South comp plan amendment is crucial to keep this project in motion. Please vote to approve the CU South comp plan amendment.

Flood mitigation is very important if you are to protect the safety of the affected residents such as myself, my family, and the hundreds of affected people in my immediate area.

Thanks,  
Roger Hibbard  
4900 Qualla Drive  
Boulder, CO 80303

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder County Contact Us/Feedback Form [#297]  
**Date:** Friday, April 21, 2017 3:43:35 PM

---

Name *	Jacqueline Trump
Email *	<a href="mailto:jacquet@q.com">jacquet@q.com</a>
Phone Number (optional)	(303) 494-7219
Select a Subject *	Land Use Planning

**Comments \***

April 21, 2017  
To: Boulder County Commissioners  
Re: CU South  
Dear County Commissioners,  
I've recently been informed that the governance of the city plans to cast away an important section of what should be open space. Time and time again Boulder citizens have voted to support open space in Boulder yet our governance, seems eager to trample all that Boulder stands for under development's feet. You'd cow to CU's bullying – for what? An ill-defined, inadequately studied, environmentally disastrous, potentially life threatening and prohibitively expensive development? I believe a majority of residents do not wish to assume the undue burden of taxation that annexation of this land would place on us – to say nothing of the massive debt it would inevitably place on the city. A three story dam? ...and where does the water go when we have another flood? Straight into the surrounding neighborhoods!  
Please put the brakes on CU and CU South and consider the impact such development would have on traffic, the water table, aquifer, creek – the value of preserving a portion of tall grass prairie and marshland. Think of saving endangered flora and fauna, the elderly of Fraiser Meadows trapped by flood waters, children lost to traffic accidents? Please, no annexation! No change in land use designation. The CU-South land was formerly and should be Open Space. It's in a flood plain. It should be protected land. Foresight should be exercised for the good of the land and the health and safety of all concerned.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** Mark Spowart  
**To:** [Boulder County Board of Commissioners](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [#LandUsePlanner](#); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Restore the Boulder Valley Comprehensive Plan!  
**Date:** Friday, April 21, 2017 4:30:19 PM

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Greetings,

I have recently heard concerning news of your intentions proposed in the changes to the BVCP. I have lived in Boulder my entire life and have been proud of how our city stood for growth caps and preserving wildlife sanctuaries. Unfortunately, these wonderful values and attributes are all but a thing of the past. Boulder is slowly losing what made it unique and special and eliminating the four-body review of land use is yet another damaging blow. These actions will have irreparable damage to our ever dwindling open space by losing its voice to question short sighted and hasty expansion. Please stop and think of how changing the BVCP will be another step in ruining the great city of Boulder and our wonderful way of life. Stop the changes to the BVCP and do not eliminate the four-body review.


Kind regards,  
Mark Spowart

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#278]  
**Date:** Friday, April 21, 2017 5:06:14 PM

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Name \* Michelle Ross

Email \* [michelleross9615@gmail.com](mailto:michelleross9615@gmail.com)

Address (optional)  Boulder 80301  
United States

This comment relates to: \* Policy Updates

Comment: \*

I am writing to express my deep concerns with some of the proposed changes to the BVCP. First, every single section of the plan designed to protect our natural resources are being diminished and weakened. For example, to 'preserve wildlife' is now stated as 'if convenient' or 'where appropriate, wildlife should be considered...' This leaves no clear guidelines, no protection, and no doctrine to stand behind.

Second, I am completely against eliminating the four-body review of land use changes in Area II. This would give the City unilateral power, without checks and balances, and leave the residents of Area II with no voice (including myself and my husband, and our family who have lived in this area for decades). The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

Finally, I join the flood of concerns from Boulder residents (especially seen in the 2016 BVCP Survey) of infill, rezoning, high density, building height, traffic congestion, lack of preservation of open space and wild life, over development in general, and the seemingly lack of care or focus on the concerns of current residents. These are all concerns of the slow elimination of what fundamentally makes Boulder the place we have loved and been proud residents of.

I am a third generation Boulder native. I understand that growth is unavoidable, and I am for healthy growth that does not thwart the protective policies or the voices of resident. I adamantly stand by all policies that limit building height and over development, protect open space and wildlife, and give residents a meaningful voice and say in any future decision.

Thank you for your service, for standing by your representation of your fellow Boulder residents, and for your time and consideration.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** Brett Ochs  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Comments on the BVCP  
**Date:** Friday, April 21, 2017 5:34:49 PM

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The Boulder Valley Comprehensive Plan (BVCP) is the guide for ALL development in the County. Every single section of the plan designed to protect our natural resources are being watered down and gutted. For example, to 'preserve wildlife' is now stated as 'if convenient' or 'where appropriate, wildlife should be considered...' There are NO teeth. There is NO guidance, and NO doctrine to stand behind. Don't take away the power that this document ensures.

Brett Ochs  
[ymbiosis67@gmail.com](mailto:ymbiosis67@gmail.com)

**From:** radiantb@comcast.net  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** regarding Twin Lakes issue  
**Date:** Friday, April 21, 2017 6:26:20 PM

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I have been a property owner in Gunbarrel since 1994.  
In recent years developers have built multiple small (unattractive) apartment buildings in the area.

They have all PAID to NOT include affordable units.

There is so much traffic now you cannot even park @ King Soopers any time of day or night.

DO NOT RUIN what is left of our neighborhood by destroying our paths / open spaces and animal habitats.

And

WHY does Boulder CITY Council have any say about what happens in Gunbarrel (Boulder COUNTY)

when we cannot even VOTE for them

Concerned Citizen

L Jackson

Gunbarrel, CO 80301

**From:** Kristin Bjornsen  
**To:** [#LandUsePlanner](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Comments on BVCP  
**Date:** Friday, April 21, 2017 7:59:13 PM

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Dear Four Governing Bodies,

Thank you for the opportunity to send a few thoughts on the 2015 BVCP Update:

- Please keep four-body review! Just because an area is *intended* for annexation doesn't mean it is annexed yet. Annexation occurs at the will of the people. Unincorporated residents deserve to have a voice and representation through the County Commissioners and the County Planning Commission for land-use changes.
- Please designate all of the CU South area as Open Space. This land was always meant to be Open Space!
- In the Community Engagement section, I find it troubling that Boulder would presume to represent certain segments of people. You can't speak for those people—you don't know what they want, and it's arrogant to presume that you do. As a family who has been on Medicaid and food stamps and went to great pains to attend public meetings, the Housing Authority's and staff's position on the Twin Lakes was the POLAR OPPOSITE of my own belief. This policy change seems designed to green-light the government lobbying for itself.

Thanks for your time!

Kristin



**From:** ED  
**To:** [Boulder County Board of Commissioners](#)  
**Date:** Friday, April 21, 2017 9:03:56 PM

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Sent from [Mail](#) for Windows 10

Dear Commissioners;

I support the Twin Lake group in maintaining control of the Gunbarrel property. They want to keep part of their parcel undeveloped.

Soon, there will be no area in Boulder County undeveloped. Once the land is gone to a developer, it is gone forever. Developers are the scum of a city/county. They concern themselves with development, regardless of the loss of the pristine nature of the area. If someone doesn't stand up, the area is gone for all time.

Encroachment is inevitable, but you don't have to make it easier. It is the voice of Boulder County to oppose greed and encroachment. Continue in opposition.

Sincerely,

Edwin E. Larson,

Boulder County resident

**From:** Zoltan Toth  
**To:** [Domenico, Cindy](#); [Boulder County Board of Commissioners](#); [Gardner, Deb](#); [Jones, Elise](#)  
**Subject:** BVCP comments  
**Date:** Friday, April 21, 2017 9:04:48 PM

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Dear Commissioners:

I hear that every single section of the BVCP plan designed to protect our natural resources are being watered down and gutted. For example, to 'preserve wildlife' is now stated as 'if convenient' or 'where appropriate, wildlife should be considered...' There are NO teeth. There is NO guidance, and NO doctrine to stand behind. I am very disappointed in these proposed changes. I respectfully ask that you strengthen all environmental protections in the plan, not loosen them. Foremost, STOP growth. Our area is already overpopulated and beyond sustainable capacity. Stop greed on part of the developers and their cronies and stop all growth in the county.

Also importantly, the City wants to eliminate four-body review of land use changes in Area II (most of Gunbarrel is in Area II). This would strip the Planning Commission of any say in land use changes for these unincorporated lands and give the City unilateral power, without checks and balances. The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

Thank you for your considering my comments. With regards  
Zoltan Toth

5579 Mesa Top Ct., Boulder 80301

**From:** BWW727  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Land review  
**Date:** Friday, April 21, 2017 10:00:20 PM

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Greetings Boulder County Commissioners,

The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP. It's hard to fathom that you would consider anything other than this. Please honor the 4-body review and help stop this discussion now.

Thank you for listening!

Your constituent,  
Barbra Weidlein  
Boulder, CO

**From:** Nancy Thompson  
**To:** [boulderplanningboard](#)  
**Subject:** Twin Lakes  
**Date:** Friday, April 21, 2017 10:09:07 PM

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Hi,

Thanks for your service. I live on Tally Ho Ct. I am EMBARRASSED over the condition of our street. It literally looks like a dirt road with massive potholes thru out the entire street.

I have lived all over the USA and never run into a situation where something could not be figured out to get the roads paved. We are destroying our tires, our shocks..

Our homes are a valuable part of our portfolios as we age and the roads are a total disaster.

Come on! Make something happen.

As far as the fields, I'm sick of the fight. We win and you just attempt to change the rules. I like peace. Build a 1,000 homes between Gateway Park south to Palo. You know it's the right thing to do.

Sincerely,

Nancy Thompson

Sent from my iPhone

**From:** Steve Nerem  
**To:** [#LandUsePlanner](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** BVCP review  
**Date:** Friday, April 21, 2017 11:03:30 PM

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All,

PLEASE keep the 4-body review process for all land-use changes in unincorporated areas of Boulder County, including Area II. The review process should remain as it was in the 2010 BVCP. Like any good democracy, we need to have some checks and balances so that the City doesn't have unilateral power over these types of changes. The country is already polarized enough - lets not also polarize Boulder County as we deal with our growth issues.

R. Steven Nerem  
Boulder County Resident

**From:** Dinah McKay  
**To:** [#LandUsePlanner](#); [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Retain 4-body review process for all land use changes in unincorporated areas.  
**Date:** Friday, April 21, 2017 11:26:11 PM

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Dear City and County Officials:


I am writing to request that you retain the four-body review and approval process for all land use changes in unincorporated areas under the Boulder Valley Comprehensive Plan. This is extremely important to preserve a sense of democratic process, justice and promote peace within communities.

Mistakes can happen in land use decisions. The four-body review process and its system of checks and balances has worked well over time to prevent irreversible mistakes. No one body should have unilateral power without checks and balances. A democratic process must be kept to preserve just and peaceful relationships. Without a democratic process, those in power will force bad policies and agendas on people and the environment causing irreparable damage. Without representation, those unjustly harmed will see the process as warfare upon them. That kind of situation could very well happen if the city decides to forcibly annex up the rest of Area II Gunbarrel/Twin Lakes and county residents have no representation. Please keep the four-body review process and work with the Gunbarrel community to promote peace and preserve the Twin Lakes Open Space ecosystem for future generations.

Dinah McKay

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#279]  
**Date:** Saturday, April 22, 2017 12:04:16 AM

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Name *	Mike Chiropolos
Email *	<a href="mailto:mikechiropolos@gmail.com">mikechiropolos@gmail.com</a>
Phone Number (optional)	(303) 956-0595
Address (optional)	 3325 Martin Drive Boulder, CO 80305 United States
This comment relates to: *	CU South

Comment: \*

April 21, 2017

Submitted to [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov) and through online portal

Re: Comments on BVCP Update – CU South

Reclaiming and Restoring Rivers and Riparian Habitat in Boulder Valley

Dear BVCP Planning Staff and City and County of Boulder Officials:

This comment letter explains why the Boulder Valley Comprehensive Plan needs to re-assess plans for the CU South property on South Boulder Creek. The goal for this much-abused stretch of South Boulder Creek just east of the Flatirons needs to be environmental preservation. Reclamation, restoration, and repurposing of this riparian habitat to restore ecosystem health and functioning needs to be the vision for this property.

As detailed below, gravel mines were often located on riparian habitat which is recognized as the most valuable, sensitive, and endangered ecosystems in Colorado. The CU South property is no exception.

· Introduction: the Ecological Importance and Potential of South Boulder Creek to the Natural Ecosystems and Population of Boulder Valley

Because the site remains undeveloped, today's staff and elected officials are able to seize the opportunity to show leadership today on restoring this vital riparian habitat. Properly managed under an environmental preservation vision, the legacy of decisions from the 2015-17 BVCP Update will leave an environmental preservation legacy to future generations of residents that rivals the great achievements of past City Councils and County Commissions such as protecting the Flatirons from South Boulder and Bear Peaks to the Mesa Trail and Chautauqua, or the Doudy Draw landscape just south of Eldorado Springs.

The "CU South" stretch of South Boulder Creek is the last vital piece of the open space and environmental preservation puzzle where the watershed flows into the Boulder Valley, a neglected and degraded piece that must be reclaimed and restored to function as a vital component of a healthy watershed and high functioning natural ecosystem supporting native flora and fauna and appropriate recreational and nature appreciation opportunities.

"Alternative D" was premised on incorrect assumptions and the wrong-headed idea that the overall site should be managed for flood control and an unspecified level of development by the current owner, the University of Colorado. Instead, restoration of the riparian habitat at this former gravel mine site needs to be the top priority and future focus. Today's staff and elected officials are not responsible for past decisions that allowed former and present owners of the property to escape the reclamation and restoration efforts that should have been required after the gravel operation ceased.

One of the most important decisions in the BVCP Update relates to the CU South property and management of South Boulder Creek between where it flows into Boulder Valley below Eldorado Canyon State Park and Eldorado Springs, and where it merges with the main stem of Boulder Creek. With headwaters in the Indian Peaks and James Peak Wilderness Areas, South Boulder Creek is one of the great watersheds in Boulder County and the entire Front Range.

Unfortunately, the upper stretches are impacted by trans-mountain diversions through Moffat Tunnel and Gross Reservoir. But below the reservoir, the creek flows through Walker Ranch, one of the most magnificent open space areas in the Boulder County Parks and Open Space system – or anywhere in the State of Colorado. Similarly, Eldorado Canyon State Park is a legendary national destination where the climbing and rock walls are rivaled by the sheer beauty of the creek carving its way through the canyon.

· Reclaimed Gravel Operations Across the Front Range of Colorado

In the 1990s, Boulder County and the City of Boulder were setting the standard nationwide for fully reclamation of the

environmental values of gravel mining operations. Examples surveyed in this comment are Sawmill Ponds, Walden Ponds, "The Farm" near Alexander Dawson School, Pella Crossing in Longmont, South Platte Park in Littleton, 88th Street Open Space in Adams County, and the Cache La Poudre River in Fort Collins and Larimer County.

First, Sawmill Ponds on Boulder Creek encompasses 18 ponds on a larger property that was reclaimed after a gravel mining operations. Sawmill Ponds are now managed by Boulder County Parks and Open Space (BCPOS).

The 18 ponds at Sawmill are the result of a gravel mining operation and reclamation project. Boulder Creek, now at the northwestern boundary of the ponds, has traversed the entire area in the geologic past. This ancient floodplain laid down great quantities of sand and gravel, and these deposits were mined for several decades until the early 1970s. When the mining ceased, groundwater filled the pits resulting in a wetland area that provides marvelous habitat for many species of wildlife. The ponds are stocked by Colorado Parks & Wildlife, and warm water fishing is a popular activity. Second, Walden Ponds on Boulder Creek is a nearby natural area where reclamation was commenced by Boulder County in 1974, following 16 years of gravel mining that began in 1958. Walden Ponds now offers some of the best wetlands, riparian, and avian habitat in the County, and is a top destination birders. Boulder County Parks and Open Space began reclamation on former pits in 1975; and continued to reclaim subsequent pits mined for gravel in the 1980s and 1990s. See <http://www.bouldercounty.org/doc/parks/waldenpondsmplan.pdf> at 2.

According to the Boulder County Open Space and Mountain Parks and Open Space webpage for Walden Ponds Wildlife Habitat:

Nature's ability to heal, strengthened by human support, has transformed Walden Ponds from industrial gravel pits to a flourishing wetland habitat that yields year-round wildlife-watching opportunities.

Wetland habitats, nestled within the surrounding Great Plains, support aquatic plant and animal life and attract large numbers of migrating bird species. The 100 acres of grasses, wildflowers and trees surrounding these wetlands, are biologically diverse both in and out of the water.

<http://www.bouldercounty.org/os/parks/pages/waldenponds.aspx>

The history of Walden Ponds is a proud chapter in the commitment of the City and County of Boulder to environmental protection and restoration:

History

Gravel Mine

Gravel was first mined in 1958. Open pits and puddles of groundwater were all that remained after the property had been stripped 15 feet down to bedrock.

Reclamation

In 1974, the county initiated a reclamation program after county residents expressed strong interest in creating a wildlife habitat. Piles of rock were compacted into dikes creating three ponds. Two additional ponds were added during the 1990s. Tree and shrub seedlings were planted and dry areas were seeded to help foster natural re-vegetation. The ponds were allowed to fill with groundwater and then stocked with fish.

Evolving Ecosystem

Walden Ponds Wildlife Habitat first opened to the public in October 1975 and is a work in progress, a park that is still evolving as a wildlife habitat and recreational retreat.

The Name

Contrary to what many believe, Walden Ponds is not a reference to Thoreau's pond of the same name. It is named after Walden "Wally" Toeve, the Boulder County Commissioner who spearheaded the plan to convert the gravel pits into a wildlife habitat in the 1970s.

Rather than turning our back on Boulder's commitment to environmental preservation, today's elected officials and appointed boards and commissions should seek to emulate the visionary leadership of predecessors including such luminaries as Wally Toeve and Ron Stewart.

The Walden Ponds Management Plan summarizes the bedrock principles of the Boulder Valley Comprehensive Plan that apply equally to the former gravel mine adjacent to South Boulder Creek that is now known as CU South:

The Boulder Valley Comprehensive Plan is a planning document between the City of Boulder and Boulder County, which guides decision making regarding growth, development, preservation, and environmental protection, among other topics and defines the "desired land use patterns for the Boulder Valley", which includes Walden Ponds (City of Boulder and Boulder County 2008). The BVCP calls for the commitment to open space preservation and the preservation of natural resources. The policies of the BVCP include protection and restoration of native ecosystems (4.06), preservation of unfragmented habitat and ecosystem connections (4.07), maintenance and restoration of ecological processes (4.08), protection of wetlands (4.09), control of invasive species (4.10), and providing access to public lands where appropriate (4.11).

See <http://www.bouldercounty.org/doc/parks/waldenpondsmplan.pdf> at page 1-7, section 1.6.2

Both the Mission and Goals of BCPOS provide overwhelming support for protection and restoration of the CU South property:

Mission



To conserve natural, cultural, and agricultural resources and provide public uses that reflect sound resource management and community values.

#### Goals

- To preserve rural land
- To preserve and restore natural resources for the benefit of the environment and the public
- To provide public outreach and volunteer opportunities to increase awareness and appreciation of Boulder County's open space
- To protect, restore, and interpret cultural resources for the education and enjoyment of current and future generations
- To provide quality recreational experiences while protecting open space resources

Notably, restoration is emphasized by two of the first five BCPOS goals. In keeping with tradition and to emulate the impressive successes of past restoration of gravel pits in Boulder Valley, that is exactly what should happen at CU South. Third, a few miles downstream from Sawmill and Walden Ponds, "The Farm" is another nationally recognized case study of successful reclamation. The Farm featured prominently in a United States Geological Survey paper, CITE. Located about 6.5 miles east of Boulder on Boulder Creek, the gravel mining company paid for reclamation efforts supervised by Boulder-based Aquatic and Wetland Co. The restoration created three ponds, islands now used by turtles, a thriving wetlands habitat, and what is possibly the largest heron rookery in Colorado. The 700-acre Farm property is still a functioning agricultural operation, and only 45 acres (less than 7% of the property) were developed for just 18 homes. Fourth, Pella Crossing on the Saint Vrain in Longmont is a more recent example of a highly success restoration of a former gravel mine that now provides a wide range of ecosystem, recreational, and quality of life benefits to our community.

The 2003 Pella Crossing Management Plan summarizes goals and policies from the BVCP that support restoration and ecological management of former gravel pits.

#### Relevant Goals and Policies

Those goals in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Pella Crossing and Marlatt Open Space Recreation and Visitor Use Plan include:

- Environmental Management

B.4 Significant communities, including significant riparian communities and rare plant sites, should be conserved and preserved to retain living examples of natural ecosystems, furnish a baseline of ecological processes and function, and enhance and maintain the biodiversity of the region.

B.5 Wetlands which are important to maintaining the overall balance of ecological systems should be conserved.

B.6 Unique or critical environmental resources [identified pursuant to Goals B.1, B.3, B.4 and B.5] shall be conserved and preserved in a manner which assures their protection from adverse impacts, with the private sector, non-county agencies and other governmental jurisdictions being encouraged to participate.

B.9 Riparian ecosystems, which are important plant communities, wildlife habitat and movement corridors, shall be protected.

- Parks and Open Space

C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.

C.2 Parks, open space, and recreation facilities should be encouraged throughout the county and should be integrated whenever suitable with public facilities.

C.3 Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.

C.4 A county-wide trail system shall be promoted to serve transportation and recreation purposes.

Those policies in the Boulder County Comprehensive Plan (as amended, 1999) of particular relevance to the Pella Crossing and Marlatt Open Space Recreation and Visitor Use Plan include:

- Environmental Resources

ER 2.07 The county shall identify and work to assure the preservation of critical wildlife habitats, Natural Areas, environmental conservation areas and significant agricultural land.

ER 2.08 The county shall use its open space program as one means of achieving its environmental resources and cultural preservation goal.

18

ER 6.02 The county shall work toward minimizing human impacts to riparian ecosystems

from development, roads and trails.

ER 6.05 Management of riparian areas shall encourage use or mimicry of natural processes, maintenance or reintroduction of native species, restoration of degraded plant communities, elimination of undesirable exotic species, minimizing human impacts, and development of long-term ecological monitoring programs.

ER 8.01.01 The county shall work with landowners and other entities to promote sound conservation practices and, where appropriate, to establish cooperative management plans.

See <http://www.bouldercounty.org/doc/parks/pellaplan.pdf> at 18–20 (Exhibit C).

Pella Crossing and Walden Ponds both offer cautionary tales of the hazards of permitting development on former gravel mines located in flood zones. Pella Crossing was largely wiped out by the 2013 floods and is only being re-opened to the public in the spring of 2017. At Walden Ponds, the 2013 floods washed out the south trail. The sensitive habitat of a properly restored gravel mine riparian ecosystem is illustrated by the BCPOS advisory that visitors not skirt around the closure to avoid trampling through wetlands. See <http://www.gohikecolorado.com/sawhill-ponds.html>.

The substantial efforts to restore Pella after the floods highlights the sensitive nature of riparian ecosystems in the Boulder Valley. Under natural conditions, major flood events would often result in new channels carving out new banks resulting in habitat shifts for both flora and fauna. More active management is sometimes needed in the modern era for stream stretches on which carving new channels is less of an option.

Success stories and ongoing restoration projects are found across Colorado's Front Range.

Fifth of the case studies, South Platte Park in Littleton is an 889-acre Natural Area on a former gravel mine site between South Broadway and Platte Canyon Road. See

<https://www.ssprd.org/portals/0/South%20Platte%20Park/SPP%20General%20Brochure%2012-11.pdf>.

Sixth, also on the South Platte, in 2016 Adams County commenced a restoration project on a 250-acre parcel that has much in common with CU South: the 88th Avenue Open Space on the South Platte. This property is “surrounded by suburban homes in Thornton and old farmland to the east.” Plans include creating a “thriving wetland wildlife habitat [...]protecting the native wetland environment[, and] the restoration of 16 acres of surface water and shoreline wetland habitat[.]” See <http://www.denverpost.com/2016/06/09/adams-county-plans-remediation-of-decommissioned-gravel-mining-site-near-south-thornton/>.

The Adams County Management Plan provides that “The area makes a contiguous habitat and movement area for wildlife along the South Platte River.” See [http://www.co.adams.co.us/sites/default/files/88th%20Ave%20Open%20Space%20Master%20Plan\\_092816\\_REDUCED.pdf](http://www.co.adams.co.us/sites/default/files/88th%20Ave%20Open%20Space%20Master%20Plan_092816_REDUCED.pdf)

at B-2. The restoration project and management plan provides for Uplands Restoration, Riparian and Wetlands Areas, and Weed Management. Id. at page 2–3, section 2.5. As Adams County proceeds with efforts to plant native trees and shrubs and seeds native grasses, little or no restoration of native flora and natural habitat has occurred in since gravel mining ceased at CU South. This is unacceptable, and out of step with success stories across Boulder County and neighboring Front Range communities.

Sixth, the City of Fort Collins is engaged in ongoing restoration of the Cache La Poudre River including current and former gravel mining sites. Among the leading recommendations of the Natural Resources Advisory Board (NRAB) are:

5. The NRAB strongly recommends that the City should continue to be alert to any and all possibilities to acquire commercial in-holdings along the river corridor when they become available with the goal of establishing a nearly continuous 3 natural riparian ecosystem available for all to enjoy along the length of the Cache la Poudre River through Fort Collins. [...]

7. The NRAB strongly recommends that the City's evolving floodplain plan do more to protect the river's natural values, including revising the floodplain regulations to not allow any new structures in the 100-Year floodplain.

[https://www.larimer.org/boards/minutes/olab/20120126\\_Final\\_NRAB\\_CLP\\_Initiative\\_12\\_12\\_2011.pdf](https://www.larimer.org/boards/minutes/olab/20120126_Final_NRAB_CLP_Initiative_12_12_2011.pdf) at 2–3.

More specifically, the NRAB recommends against allowing any new structures in the 100-year floodplain:

Our recommendation is: The Poudre River floodplain regulations must be revised to not allow any new structures in the 100-Year floodplain. As we have noted, allowing development to encroach into the floodplain does not support the sustainability of the river or the community. Maintaining a healthy flowing river is in the long term economic interests of the City. Furthermore, current regulations do not address the increased preservation of the natural and beneficial functions of the floodplain and the critical importance of the natural processes of flooding to the sustained health of the riparian ecosystem.

The NRAB strongly recommends that the City's evolving floodplain plan do more to protect the river's natural values, including revising the floodplain regulations to not allow any new structures in the 100-Year floodplain.

Id. at 9.

Fort Collins stressed the over-arching goal of establishing as close to a continuous natural corridor as possible:

The NRAB strongly recommends that the City should continue to be alert to any and all possibilities to acquire commercial in-holdings along the river corridor when they become available with the goal of establishing a nearly continuous natural riparian ecosystem available for all to enjoy along the length of the Cache la Poudre River through Fort Collins.

Id. at 11.

Among Fort Collins' goals are to:

- "Support Ecological Resilience Support a healthy river ecosystem that is resilient; i.e., a river ecosystem that has the capacity to persist and adapt over time in the face of natural and human-caused challenges. Protect or enhance opportunities for natural processes to drive ecosystem renewal." Principle ENV 24.1; see <http://www.fcgov.com/naturalareas/pdf/poudre-management-plan2011.pdf> at 2.
- Restore or enhance degraded or disturbed areas of the Poudre River Corridor to improve natural habitat conditions, biodiversity, and aesthetic and recreational values. Restoration and enhancement projects may be performed cooperatively with adjacent private landowners and volunteer community groups." Principle ENV 27.4; id. at 5.
- Principle ENV 29: The City will collaborate with gravel mining interests to ensure that mining operations are conducted to meet community values and restore ecological function"; and "develop innovative approaches to gravel mine reclamation that will provide wildlife habitat, restoration of native landscapes, recreational opportunities, water storage, and other public values. gravel mining interests to ensure that mining operations are conducted to meet community values and restore ecological function." Principle ENV 29 and 29.2; id. at 5.

Fort Collins is also pursuing strategies to investigate using reclaimed gravel pits for "short-term operational storage, and/or leasing "surplus" water to downstream agricultural or other interests." For South Boulder Creek, this approach may have great ecological and socio-economic advantages over current proposals. The City of Boulder is believed to have decided against opposing construction of what would be the tallest dam in Colorado on South Boulder Creek by expanding the current dam at Gross Reservoir to over 470 feet. The City's involvement is tied to the purported "environmental pool" premised in outdated and discredited thinking that reservoir storage is an acceptable strategy to restore minimum flows that have been largely lost to historical diversions under the prior appropriation doctrine. More creative and ecologically friendly strategies are readily available, as Fort Collins is demonstrating on the Poudre. For South Boulder Creek, it may be that using the extensive historical gravel mines on the CU South property is an ecologically superior approach to damming the river near its headwaters. Because the main diversions depleting natural flows occur in Boulder Valley, the flows are needed below the CU South property where South Boulder Creek passes through the City of Boulder.

#### • Conclusions and Recommendations

In light of the above and additional information being provided to planning staff and city and county officials by South Boulder Creek Action Group members and other concerned citizens and scientists, the following points should guide management of the "CU South" property and treatment in the BVCP Update.

- Gravel mine reclamations are among the greatest environmental success stories in Boulder County and across Colorado.
- Gravel mine restoration is proven as an essential, effective and readily available strategy to increase the vitally important and ever-shrinking footprint of riparian habitat in Boulder Valley, where it's currently unrealistic to relocate entire subdivisions or commercial districts from South Boulder Creek or Boulder Creek.
- In a climate change world, the scientific consensus that future flood events will be more frequent and impactful underlines the environmental and socio-economic benefits of hewing to past strategies requiring restoration and protection – not development – of the vital riparian habitats disturbed by historical gravel mines.
- Although few if any gravel mines are operating today in the Boulder Creek watershed or elsewhere in Boulder County, that only means that the County acquires its aggregate from other sources in Colorado. Boulder needs to continue to lead on restoration of natural habitats, rather than establishing a precedent that former gravel quarries can be neglected for decades before subsequent owners can develop the property.
- Natural wetlands systems are highly resilient if we exercise the political will to direct needed resources to restoration and ecosystem protection including a compatible recreation component to enhance quality of life: our riparian areas can recover and thrive after gravel mines and flood damage alike.
- Should CU wish to request city services for the portion of the property already developed for athletic facilities, that request can be submitted for the smallest possible piece of the property currently used for those purposes, and decided on its merits.
- There is no reason to annex the entire site at this time. It is urgently important to avoid any decisions that could be perceived to create expectations of additional incompatible development of this astounding natural landscape which has almost limitless ecological potential if properly managed.
- The property should not be annexed at this time.
- Alternative D must be revisited to consider a holistic approach focused on reclamation, restoration and repurposing.

To the extent the City is concerned with being a good neighbor to CU and CU presents a compelling case of its need for additional physical infrastructure – and if the City feels that some accommodation might be appropriate, the obvious solution is to formulate a land exchange that would direct any enlargement of CU's footprint in Boulder Valley to more appropriate locations. Were the property a private inholding in a National Forest or State Park, that would be the obvious approach. Adhering to the land ethic which defines the City and County of Boulder and the BVCP requires this approach. The BVCP's core commitments to comprehensive planning and environmental preservation requires getting the decision

on South Boulder Creek and 330-some acres of irreplaceable riparian habitat right. We still have time to work together to craft win-win collaborative solutions.

Because so much of this essential habitat was lost to urban development before society realized the environmental significance of our most valuable habitat, it is paramount to ensure protection and restoration of our remaining undeveloped riparian ecosystems. This applies to former gravel quarries that are as yet undeveloped, as well as future mines.

Comprehensive restoration strategies for Boulder's namesake watersheds through the Boulder Valley would be a major step towards emulating one of the most visionary and cutting-edge developments in international law in decades. In 2017, New Zealand and India became the first nations in the world to grant legal status to living rivers when the sacred Whanganui, Ganges, and Yamuna Rivers were accorded legal rights.

While federal or Colorado law has yet to recognize legal status for American rivers, Boulder can go a long way towards providing the ecological benefits of living rivers by taking advantage of opportunities to restore and protect hundreds of acres of key riparian and native prairie habitat adjacent to South Boulder Creek. Conversely, allowing development on the majority of 300-some acres of this once-thriving ecosystem would be an inestimable missed opportunity that would be not only a giant step backwards, but would consign South Boulder Creek to be little more than a working, urban river after it flows through Eldorado Canyon State Park and through the iconic Flatirons and Mesa Trail Open Space section of the City of Boulder Open Space and Mountain Parks system.

The choice is between committing to meaningful restoration of the South Boulder Creek ecosystem, or settling today for the protections achieved by visionary citizens, community groups, and governmental officials in decades past. The science is clear that our wetlands and riparian ecosystems are the most ecologically valuable, sensitive, and threatened landscapes in Colorado. How we manage them will define the environmental legacy we pass on to future generations. The good news is that the City and County of Boulder and citizens have ample time to get this issue right. Some groups and individuals are largely focused on aesthetic considerations such as building height or protecting land with low or average environmental values to avoid the appearance of sprawl.

By contrast, the question of whether to restore or develop impaired and undeveloped riparian areas goes to the heart of the health of local ecosystems, and the outcome at CU South is central to achieve re-wilding visions of thriving natural systems integrated into existing land uses and responsive to the challenges of a changing climate.

Citizens stand ready and willing to work with CU, the City and the County to ensure we get this right.

Sincerely,

/s

Mike Chiropolos

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** kate chandler  
**To:** [#LandUsePlanner](#); [commissions@bouldercolorado.gov](mailto:commissions@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** 4 body review  
**Date:** Saturday, April 22, 2017 2:01:59 PM

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Please keep the 4 body review process for decisions concerning unincorporated areas. Otherwise citizens residing in these areas will have no representation regarding their neighborhoods and their lives. The city council and planning board are acting on behalf of the city's interests, which are not always the same as those outside the city, yet the decision could impact them even more, for example in annexation.

Yes, democracy, representative government, checks and balances-this is inefficient and messy. Concentrated power and the control of the city outside its boundaries is totally inappropriate and over-reaching. I am surprised the question is coming up. Some areas were placed in Area II decades ago ; that doesn't mean the city should have free rein in ever-changing conditions. County officials have a job and that is to represent their constituents, not to facilitate the city or bow out completely.

Kate Chandler  
Boulder, CO

**From:** Bill Smart  
**To:** [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [boulderplanningboard@boulder.gov](mailto:boulderplanningboard@boulder.gov); [#LandUsePlanner](#)  
**Subject:** Four-body review  
**Date:** Sunday, April 23, 2017 12:24:23 PM

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My name is Kay Smart, and I am requesting that the city retain the four-body review for ALL land use changes.

It is essential that the County Planning Commission, County Commissioners, City Council and the City Planning Board all need to vote on any land-use change in an unincorporated area.

This provides a more unified voice and will also eliminate any suspicion of manipulation.

Sincerely,  
Kay Smart

Sent from my iPad

**From:** Bill Smart  
**To:** [#LandUsePlanner](#)  
**Subject:** Request for a four body review  
**Date:** Sunday, April 23, 2017 1:11:41 PM

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I am a citizen of Boulder, CO and am requesting that the city retain the Four body review for ALL land use changes.

It is essential that the County Planning Commission, County Commissioners, City Council and the City Planning Board ALL be represented in this vote so that there is a complete and fair representation for all concerned with the proposed land-use change in an unincorporated area. This will provide a more unified vote and will leave no doubt in anyone's eyes that this particular issue is or has been manipulated with unfairly.

Sent from my iPad

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#280]  
**Date:** Monday, April 24, 2017 4:37:12 PM

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Name *	L Jackson
Email *	<a href="mailto:radiantb@comcast.net">radiantb@comcast.net</a>
Address (optional)	 80301 United States
This comment relates to: *	Twin Lakes
Comment: *	<p>I have been a property owner in Gunbarrel since 1994. In recent years developers have built multiple small (unattractive) apartment buildings in the area. They have all PAID to NOT include affordable units. There is so much traffic now you cannot even park @ King Soopers any time of day or night. DO NOT RUIN what is left of our neighborhood by destroying our paths / open spaces and animal habitats. And WHY does Boulder CITY Council have any say about what happens in Gunbarrel (Boulder COUNTY) when we cannot even VOTE for them</p> <p>Concerned Citizen L Jackson Gunbarrel, CO 80301</p>
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification



**From:** Michael Rush  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Flood Mitigation in South Boulder  
**Date:** Tuesday, April 25, 2017 2:29:06 PM

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Good afternoon,

I am writing today to express my support for changes to the Boulder Valley Comprehensive Plan that allow the flood mitigation plan Option D to move forward. I encourage you to prioritize the safety and security of vulnerable south Boulder residents.

While this plan is certainly complicated by the CU politics of annexation, the University has proven itself to be a community partner and guaranteed that future development will incorporate affordable housing for students, wetlands and natural areas, and low-impact facilities that serve the needs of students rather than large-scale sports venues and research complexes. The University already employs a number of strategies to reduce vehicle traffic on campus, and has committed to similar methods for CU south.

As a hydrologist, I certainly understand the concerns with planning for a 100-year flood event when climate change may induce storms of greater intensity. However, this is still a developing research area, and we do not yet understand what types of infrastructure will be required to protect us from future floods. While flood avoidance and mitigation strategies should certainly be pursued in tandem, the city of Boulder is limited to its own jurisdiction, and cannot manage entire watersheds.

While community input should certainly be valued and incorporated into these decisions, numerous studies have shown that Option D is a no-nonsense solution for protecting Boulder's most vulnerable residents. I encourage you to enable this plan to move forward.

Thank you.

**From:** Ben Binder [<mailto:bbinder@ddginc.com>]  
**Sent:** Thursday, April 27, 2017 3:38 AM  
**To:** Frye, Renata  
**Subject:** April 27, 2017 CU-South Study Session

Renata,  
Please forward this email to all Bolder County POSAC members  
Thanks,  
Ben Binder  
(303) 860-0600

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Dear Members of the Boulder Parks And Open Space Advisory Committee,

I understand you will be advising County officials on CU's request to change the BVCP land use designations on CU South.

I am a long-time Boulder resident and would like to provide you with some historical facts about CU-South.

CU South is located in the historic streambed of South Boulder Creek and is comprised of the depleted Flatiron gravel pits.

Much of the property was in the 100-year floodplain before four million cubic yards of sand and gravel were mined and sold – lowering the property approximately 15 feet.

In 1995, after gravel operations were completed, the Flatiron Companies applied to the city for annexation and permission to develop the site for a Women's of the West Museum and 78 luxury homes. Citing floodplain problems, poor access, BVCP designated land uses, and other issues, the city returned the application with many negative comments, including a requirement to remove the temporary berm surrounding the property.

Instead of revising the development application, the owners of the Flatiron Companies unloaded the troubled property on CU. I have attached CU's secret strategy for acquisition by which CU was able to obtain permission from state agencies behind closed doors with no public input. There is no guarantee CU won't use this strategy again in the future when they want to develop the property.

In 1996, it was known that hundreds of homes were constructed in the 100-year floodplain of South Boulder Creek. Instead of cooperating with the city to mitigate these problems, CU was only interested in modifying the gravel pit reclamation plan to maximize its buildable acreage. It was able to get the temporary berm declared a permanent feature and divert floodwaters onto neighboring properties. During the 2013 floods, CU's depleted gravel pits were dry, while hundreds of downstream properties were flooded. I have attached a document showing the extent of the 2013 floods.

I have attached another document from Love and Associates to CU's Campus Architect related to designing the property for maximum intensive development and recommendations for modifying the final site reclamation plan.

Summary of CU's actions on the Flatiron Gravel Pits:

- Paid an attorney to develop a secret strategy to acquire the property, keeping the city, county, and public in the dark;
- Acquired a mined-out streambed, much of which, for very good reasons, was designated for Open Space;
- Ignoring best practices of sound environmental and floodplain design, CU constructed a 6,000-foot earthen levee to divert floodwaters away from the natural floodplain and riparian areas;
- Gutted the mining permit reclamation plan by removing ponds and wetlands;

- Refused to allow the city to consider using for flood detention the high south-end of the bathtub created by the removal of 2,500 acre feet of sand and gravel;
- When it was discovered that hundreds of homes were in the South Boulder Creek 100-year floodplain downstream of the gravel pits, CU refused to cooperate with the city to design the reclamation plan to mitigate downstream flooding. Instead CU used its influence to modify the state sanctioned reclamation plan to include a 6,000' berm to protect its property and ignored the needs of downstream neighborhoods.

CU is playing hardball, and is refusing the city the use of any CU-South land for stormwater detention unless the city agrees to annex all of CU South. But CU made its bed when it purchased this dog of a property and must now be made to lie in it. The City and County should not give in to this blackmail, and we should not compromise our open space and land use policies.

Another thing to consider is that the City's Alternative D mitigation plan is merely a "concept". Engineering firms submitting proposals to perform the preliminary design of the dam found numerous faults with the plan. No changes to BVCP land use designations should be made until we have the required groundwater studies and a more definitive South Boulder Creek flood mitigation plan.

Ben Binder  
[bbinder@ddginc.com](mailto:bbinder@ddginc.com)  
(303) 860-0600

Based on the continued desirability of the purchase and its added value to the University and the Boulder Campus, the following strategies have been developed to assure the purchase and anticipate the local reaction:

1. Chancellor Park established a "strategy team" of UCB and System Administration staff. It includes Dick Tharp as a special consultant.
2. University Counsel advised that while legislative approval for the purchase is required, CU can use an expedited review process, i.e. the "Senate Bill 202 process." That requires CCHE staff, Capital Development Committee, and Joint Budget Committee actions.
3. To date, the CDC and the JBC have been briefed by Linda Pryor and are very supportive. The Executive Director of the CCHE has been briefed and has indicated his willingness to approve the matter and then inform the Commissioners. The President has been attempting to brief the Governor. *by the President*
4. The "SB 202" documents will be submitted on April 1. The CCHE Director should be able to approve our proposal by April 5. The Regents will be asked to approve a program plan at a special meeting on April 10; just prior to the Regents dinner with the CCHE Commissioners. Thus, CU can take a Regent and CCHE-approved proposal to the CDC on April 16. It will then go to the JBC for their action prior to the end of the legislative session on May 8. The JBC must otherwise act within 30 days of CDC approval. *4:30 - dinner*
5. The CCHE meets on April 11 and the purchase will be an information item on the agenda. *between April 1 and "public" ...*
6. Prior to Regent approval on April 10, the Boulder and Colorado Springs legislative delegations, legislative leadership, the Boulder City Manager and Mayor, County Commissioners, Chamber of Commerce President, and UCB governance people will be briefed. The Boulder City Manager and Mayor will be consulted about neighborhood issues. *Since special Regent meeting ...*
7. On April 10, immediately prior to the Regents special meeting, the Boulder City Manager and Mayor will be briefed. Chancellor Park will then hold a press conference to announce to the local community our intent.
8. On April 15, Chancellor Park will be hosting a "town meeting" on the UCB budget for 1996-97 and can discuss the purchase with the UCB community.
9. On April 25, the Regents will be asked to authorize the President to execute the purchase agreement, subject to all appropriate conditions and contingencies.

*Linda to April to dinner.*

*format?*

*Since special Regent meeting ...*

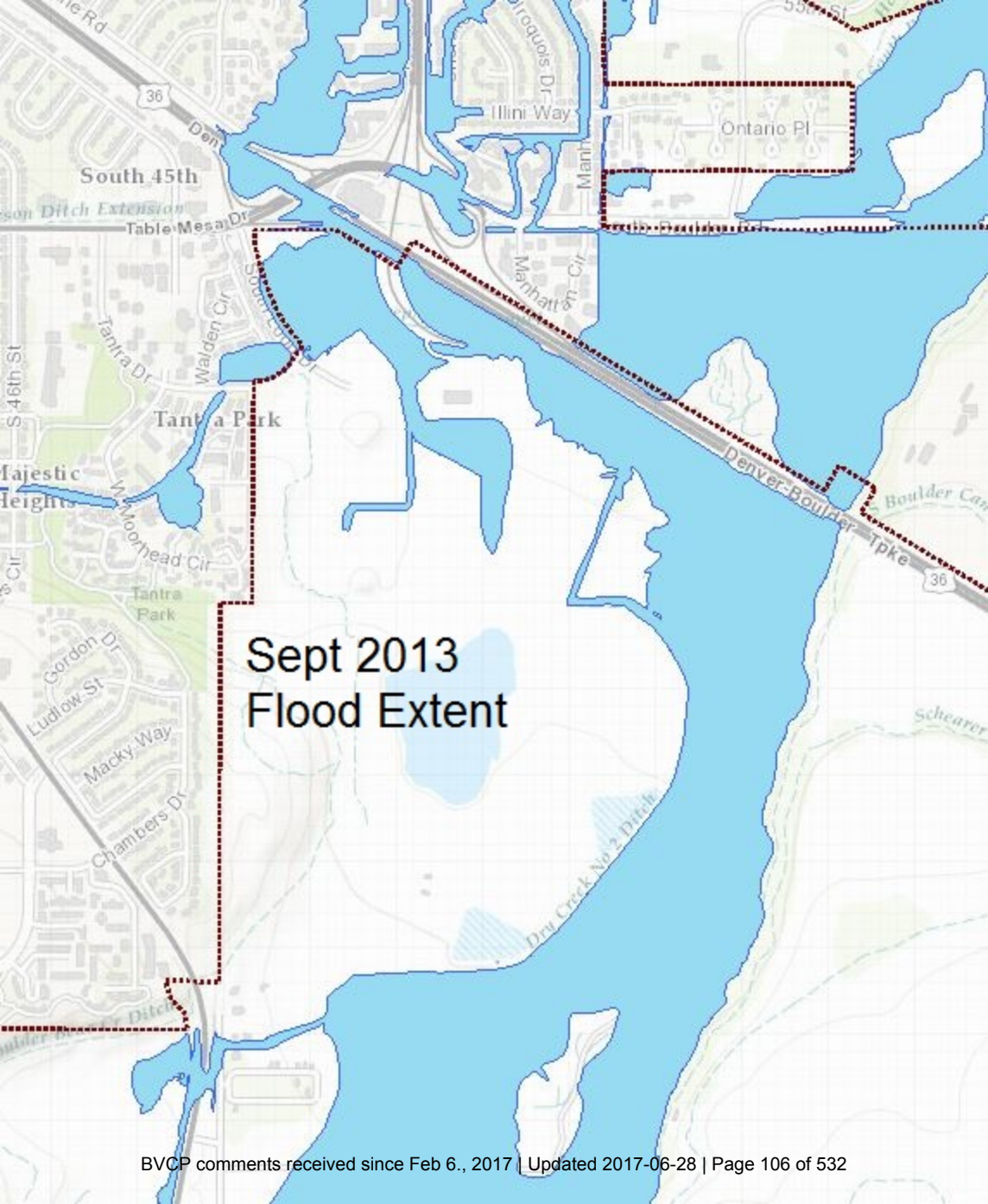
- ① by Linda P - April 9-10
- ② ASAP
- ③ April 10 p.m.
- ④ April 10 - pm
- ⑤ April 9-10

*4/11 - CDC APPROVAL of 202  
? JBC APPROVAL of 202 (before or after 25TH?) - Decide AFTER 4/19*

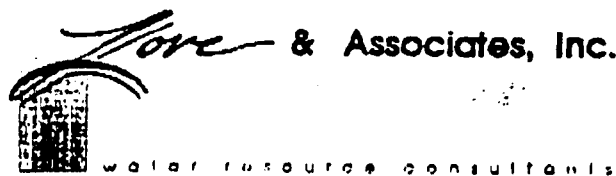
10. UCB will soon begin to expend funds to conduct all appropriate due diligence.

11. If the story "leaks" prior to April 10, a statement has been prepared for Chancellor Park. Given that the CDC, JBC, and CCHE has been briefed, key legislative and higher education leadership has already been informed.

12. Courtesy calls will be made to the CEO's of CSU, the Community Colleges, and the School of Mines.



## Sept 2013 Flood Extent



April 25, 1996

Mr. Bill Deno, AIA  
 Campus Architect  
 Department of Facilities Management  
 University of Colorado  
 Campus Box 53  
 Boulder, CO 80309-0053

2996 Centergreen Court South Suite C  
 Boulder, Colorado 80301-6421  
 Phone (303) 440-0439  
 FAX (303) 440-3035

**REF: 9627A- LETTER OF AGREEMENT - CONSULTING SERVICES FOR  
 THE GATEWAY PROPERTY**

Dear Bill:

Love & Associates, Inc. is pleased to submit this letter of agreement for providing consulting services related to optimization of the Gateway Property in order to accommodate maximum potential development at a future date. We are very excited about being given an opportunity to once again work as a TEAM with the University and Downing, Thorpe, James (Tom Thorpe) on this important project. It is our understanding that the University would like to maximize development, minimize maintenance, and provide a property with the maximum development flexibility. The team generated report will provide the University with recommendations related to the Flatiron Companies and Western Mobile final site reclamation plan.

Love & Associates proposes utilizing the services of Western Ecological Resources (David Johnson, ecologist) for providing wetland related services for this project. We have a long standing relationship with David Johnson and have worked with him on numerous projects. Our sense at this time is that an in depth determination of specific wetlands is not being requested but rather an overview, broad brushed approach regarding general location of existing wetlands and areas for potential establishment of wetland zones due to existing site conditions. This task can be readily undertaken with minimal knowledge of the site. We understand that Aquatic and Wetland Consultants (AWC) has performed some work on this property previously and we are willing to include them on our team, if the University so desires. We will also have Michael Hart on our team. Mr. Hart, formerly Vice President of Flatiron Companies, has a long standing history and knowledge of the Deepe Pit. He has discussed the issue of wetland banking with Ed McDowell and has extensive knowledge of site conditions.

The scope of services required to complete this project have been compiled and are as follows:

Mr. William Deno, AIA  
April 15, 1996  
Page 4

217

and will be provided directly to the University's Facility Management CAD Department.

- D. All existing utility mapping, wetlands mapping and reports available for the site. We would request that we be allowed to contact Ed McDowell to discuss with Flatiron's engineers, Scott, Cox & Associates, site information and data generated for the Deepe Pit and possibly obtain copies of this data (i.e. flood studies, geotechnical information regarding the berm/dike, etc.)

We have contacted Ed McDowell for permission to tour the project site and will conduct our initial reconnaissance level tour on Monday, April 29 at 12:30 PM.

We would like to thank the University for affording us the opportunity to work on this most exciting project and we look forward to working as a team to create a project plan that will assist the University in attaining optimum flexibility for development of the Gateway Property. If you have any questions please do not hesitate to call.

**Solicitation Clause:**

*Love & Associates warrants that we have not employed or retained any company or person, other than a bona fide employee working solely for Love & Associates, to solicit or secure this contract and that Love & Associates has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for Love & Associates, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or the making of this contract.*

*Upon any violation of this section, the Owner shall have the right to terminate the contract without liability and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such, fee, commission, percentage or consideration.*

Acceptance, in the form of signatures by the Assistant to the Vice Chancellor for Administration, Campus Architect, and the Consultant, as below:

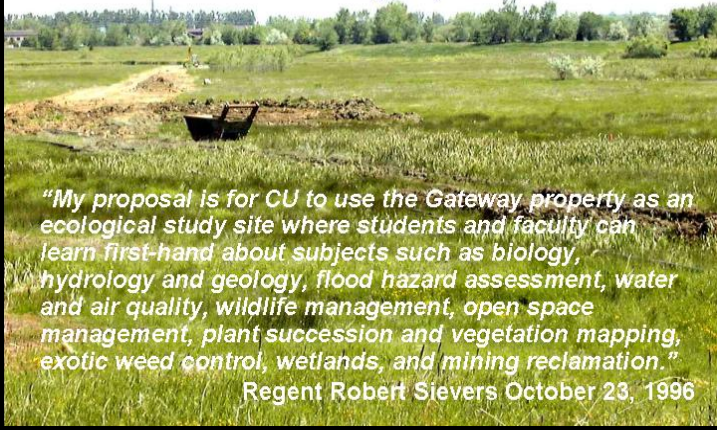
By _____	By _____	By <u>Nancy B Love</u>
William Herbstreit Assistant to the Vice Chancellor for Administration University of Colorado	William R. Deno, A.I.A. Campus Architect Office of Facilities Planning University of Colorado	Nancy B Love Chief Executive Officer Love & Associates, Inc.

Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: April 25 1996



## Destroying the Wetlands

Activities of the University of Colorado  
on the Flatiron Property - June 2001



*"My proposal is for CU to use the Gateway property as an ecological study site where students and faculty can learn first-hand about subjects such as biology, hydrology and geology, flood hazard assessment, water and air quality, wildlife management, open space management, plant succession and vegetation mapping, exotic weed control, wetlands, and mining reclamation."*  
Regent Robert Sievers October 23, 1996

## Bulldozed Wetlands



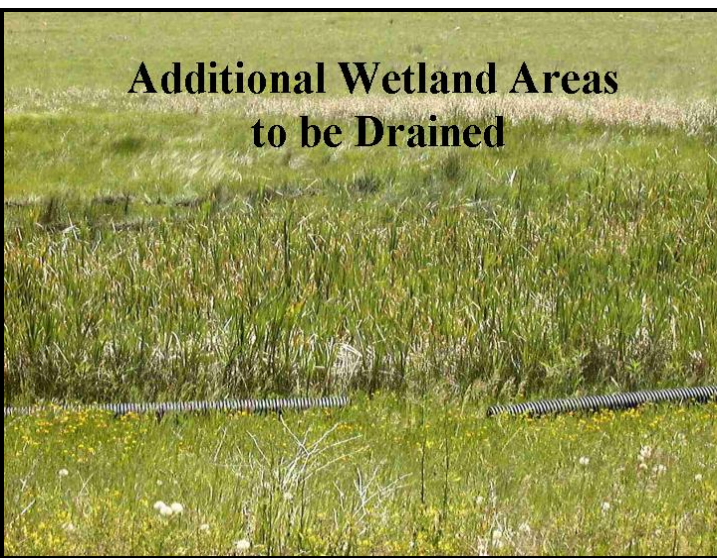
**Underground aggregate drains are being constructed to lower the water table and dry up existing wetlands.**



## Aggregate stockpiled for additional underground drains



## Additional Wetland Areas to be Drained



Boulder Daily Camera  
June 18, 2001

CU's project is a simple one, Lipton said, one that isn't draining wetlands.

"It's just catching the runoff and directing it instead of hav-

ing it run across our property," he said.

The work is expected to continue for three to four weeks.

Contact Greg Avery at (303) 473-1307 or [averyg@thedaily-camera.com](mailto:averyg@thedaily-camera.com).



# Location of Fox Tuttle's proposed Multi-Modal Mobility Hub



# Location of Alternative "D" Detention Pond Dam



**From:** dana bove [<mailto:dana@photographyforachange.com>]  
**Sent:** Thursday, April 27, 2017 10:57 AM  
**To:** Frye, Renata  
**Cc:** Brautigam, Jane; Edward Stafford; Arthur, Jeff; Jones, Suzanne; Morzel, Lisa  
**Subject:** April 27, 2017 CU-South Study Session; Legal and practical implications of COB wetlands ordinance

Renata,

Please forward this email to all Boulder County POSAC members

Thank you

Dana Bove

303-475-9947

I am aware that your board will be directing Boulder County's final decision related to the CU South property and consideration of an update to the BVCP expressly for that purpose. Below is a brief synopsis of the legal and practical reasoning why this change cannot and should not be supported. If you have not familiarized yourselves with COB Ordinance 9-3-9, I would ask you do so, as I have authorized a legal team that have researched this ordinance, and we will be insisting that the COB abide by it—not just before CU petitions for annexation, but immediately, as the BVCP proposed changed is intimately linked to flood mitigation.

It is clear that the CU South land-use change that is being proposed for the BVCP is for the purpose of "alteration of surface or subsurface hydrology." I would like to inform all those that are considering this proposal that this then falls under a regulated activity that requires a standard permit review in both high functioning wetlands and their inner buffer areas under the Boulder Wetland Ordinance 9-3-9.

I am heartened to note that in the January 31, 2017 BOCC meeting summary the commissioners "expressed that more information is needed on the flood issues, and until there is more information and data available, they do not support moving forward with land use designation changes." I agree with the County's concern that arises from the flood mitigation study and the resulting "Alt. D" high hazard dam plan being based on 100-year flood preparedness. Obviously, the County thinks a higher standard is necessary, but again please let me remind you, that it is not only a wise practice, but mandated by law under Ordinance 9-3-9.

Ordinance 9-3-9 requires detailed studies of the groundwater and the wetlands on and adjacent to the CU South property. However, beyond the legal requirement, science and practical reasoning mandates these studies be completed before the BVCP is changes for the ultimate purpose of altering the surface and subsurface hydrology. These detailed studies are imperative, as none have been yet done, and the wetlands and sensitive species that thrive in these zones could be adversely impacted by the now conceptual flood mitigation measures that the COB is now supporting. Please note, there are now only preliminary studies on the wetlands in and adjacent to the property, and no groundwater studies.

Sincerely,

Dana Bove

1935 Tincup Court

Boulder, Colorado, 80305

**From:** Margaret LeCompte [<mailto:margaret.lecompte@gmail.com>]  
**Sent:** Thursday, April 27, 2017 11:16 AM  
**To:** Frye, Renata  
**Subject:** Regarding the future of CU-South

Dear Members of the Parks and Open Space Advisory Commission;

Please recommend that the Boulder Valley Comprehensive Plan not be amended to change the land use designation of the CU-South property from its current designations. The current usage, as open space and recreational fields for CU, is the only appropriate use for a floodplain full of braided streams surrounding a mined out gravel pit. The destruction at Pella Crossing--another mined out gravel pit--during the 2013 floods should demonstrate the folly of trying to implement intensive development--especially residential and academic buildings--in such sites. Further, while the existing levee that CU has built around its property did keep said property dry in 2013, such a levee is completely inadequate and would not be approved for protection of residences against serious flooding, which will occur with absolute certainty in the future.

CU-South's land should be used as a buffer against flooding in the neighborhoods downstream, and as open space that provides a repository for protecting the rare and endangered species that abound there. Such uses are completely congruent with principles articulated in the BV Comprehensive Plan that support protecting, preserving, and restoring floodplains. I urge you to support such uses, and not only that, but to encourage the implementation of a serious inventory of the varied habitat zones and species of plants and animals that exist on the site. The Biohabitats study was only a two-day rapid assessment, and though evocative, is totally inadequate under Fish and Wildlife regulations for such studies. Protecting this land against such uses as construction of a satellite campus for CU would destroy the unique and wonderful scenic gateway to Boulder from the south. Changing the land use designation is the first step to irrevocable decision-making that will negatively affect the quality of life in Boulder forever. That would be a travesty.

Margaret LeCompte  
290 Pawnee Drive  
Boulder 80303

**From:** annmarie@randallweiner.com  
**To:** [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov); [Boulder County Board of Commissioners](#); [#LandUsePlanner](#)  
**Cc:** [brautigamj@bouldercolorado.gov](mailto:brautigamj@bouldercolorado.gov); [stafforde@bouldercolorado.gov](mailto:stafforde@bouldercolorado.gov); [arthurj@bouldercolorado.gov](mailto:arthurj@bouldercolorado.gov); [Frye, Renata](#); ["Randall Weiner"](#)  
**Subject:** Letter Attached Regarding CU South Land Use Changes and Boulder Ordinance 9-3-9  
**Date:** Friday, April 28, 2017 4:24:04 PM  
**Attachments:** [Exhibit 1 - Wetlands and Riparian Areas.pdf](#)  
[Exhibit 2 - eMapLink of Wetland Regulatory Areas.pdf](#)  
[Letter to City and County re 9-3-9 4.28.17.pdf](#)

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Dear Sirs and Madams:

Please find attached a letter from the Law Offices of Randall M. Weiner, P.C. regarding CU South land use changes and Boulder Ordinance 9-3-9 (the "Wetlands Ordinance"). Also attached are two (2) exhibits to the letter.

Should you have any difficulty with these attachments, please do not hesitate to contact me directly. Thank you for your time and attention to this matter.

Sincerely,

Annmarie Cording, Esq.  
*Associate Attorney*

Law Offices of Randall M. Weiner, P.C.  
3100 Arapahoe Avenue, Suite 202  
Boulder, CO 80303  
303-440-3321; Toll Free: [866-686-3321](tel:866-686-3321)  
Fax: [720-292-1687](tel:720-292-1687)  
E-mail: [annmarie@randallweiner.com](mailto:annmarie@randallweiner.com)  
WEB: [www.randallweiner.com](http://www.randallweiner.com)

**Law Offices of Randall M. Weiner, P.C.**  
**3100 Arapahoe Avenue, Suite 202**  
**Boulder, CO 80303**  
**Tel: (303) 440-3321**  
**FAX: (720) 292-1687**  
**E-mail: [randall@randallweiner.com](mailto:randall@randallweiner.com)**

April 28, 2017

Boulder City Council  
1777 Broadway St.  
Boulder, CO 80302  
*council@bouldercolorado.gov*

Boulder Planning Board  
1777 Broadway St.  
Boulder, CO 80302  
*boulderplanningboard@bouldercolorado.gov*  
*planning@bouldercolorado.gov*

Boulder County Board of County Commissioner  
PO Box 471  
Boulder, CO 80306  
*commissioners@bouldercounty.org*

Boulder County Planning Commission  
2045 13th Street  
Boulder, CO 80302  
*planner@bouldercounty.org*

**Re: CU South Land Use Changes and Boulder Ordinance 9-3-9  
(the “Wetlands Ordinance”)**

To Whom It May Concern:

Our office has been retained by Dana Bove to research the upcoming land use changes planned for the CU South property as part of the Boulder Valley Comprehensive Plan (“BVCP”) Update. Mr. Bove is a south Boulder resident who, like many in Boulder, is concerned about the slated changes at the University of Colorado (“CU”) South Campus. Specifically, we understand that CU and the City of Boulder have agreed to ultimately annex CU South, and the City will utilize a substantial portion of the property for extensive flood mitigation. However, the first step in this protracted process is changing the CU South land use designations as part of the BVCP update. It is our opinion that the City and County must comply with Boulder Ordinance 9-3-9 (the “Wetlands Ordinance”) before they can change the CU South land use designations.

Boulder Ordinance 9-3-9, entitled *Stream, Wetlands, and Water Body Protection*, outlines the “stream, wetland or water body permit” process, provides the scope of the application and permit requirements, and contains the City’s intent in drafting the Wetlands Ordinance. As explained below, changing the land use designation at CU South is the kind of regulated activity that requires a stream, wetland or water body standard permit.

First, it is beyond dispute that CU South is a regulated area under the Wetlands Ordinance. The Wetlands Ordinance applies, in relevant part, to “[a]ll streams, wetlands, and water bodies on city owned or managed lands inside or outside the city limits” and “[a]ll city activities affecting streams, wetlands, and water bodies inside or outside of the city limits.” Wetlands Ordinance at (b)(1)(B) and (C). Currently, CU South is neither owned nor managed by the City of Boulder. However, CU South does contain county-identified wetlands and riparian land. *See* Wetlands and Riparian Areas Map, attached hereto as **Exhibit 1**. Additionally, CU South is in very close proximity to—and upstream from—several City-identified wetlands. *See* Boulder eMapLink image of Wetland Regulatory Areas, attached hereto as **Exhibit 2**. Clearly, the City’s proposed flood mitigation activities on CU South will affect streams, wetlands, and water bodies both inside and outside City limits.

Second, the proposed activity is regulated under the Wetlands Ordinance. Pursuant to the Wetlands Ordinance, the following is a regulated activity requiring standard permit review: “[a]lteration of surface or subsurface hydrology through draining, ditching, trenching, impounding, pumping or flooding (including permanent or temporary dewatering for a structure or construction).” Wetlands Ordinance at Table 3-1(31). In this case, the CU South land use designations permit an alteration to the hydrology of the site. Indeed, both CU and the City acknowledge that changes to the land use designations are just the first step in a process culminating in the City’s ability to use the property for significant flood mitigation measures. For instance, the City’s South Boulder Creek Flood Mitigation Study website states:

The city will need to acquire land and/or easement rights from the university prior to proceeding with mitigation. CU is seeking an agreement with the city to address the overall future uses of the property prior to conveying land for flood mitigation. Future uses are currently being evaluated as part of the Boulder Valley Comprehensive Plan major update.<sup>1</sup>

CU corroborates that land use changes are merely the first step in altering the land for “flood detention and protection.” Moreover, CU notes that the land use changes were not initiated by CU, illustrating that the land use changes are primarily for the benefit of the City, not the landowner:

CU Boulder did not initiate the land use designation change under the Boulder Valley Comprehensive Planning update but we stand ready to cooperate. The city identified a need to use a portion of CU Boulder’s property as a preferred location for flood detention and protection. The current [BVCP] update that includes land use designation changes is just one step in a longer process. Application to the city for annexation and the resulting discussions between CU Boulder and the city is another.<sup>2</sup>

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<sup>1</sup> <https://bouldercolorado.gov/flood/south-boulder-creek-flood-mitigation-planning-study>

<sup>2</sup> University of Colorado Boulder: Commonly Asked Questions about CU Boulder South. [https://www-static.bouldercolorado.gov/docs/CU\\_South\\_FAQs\\_04.03.17\\_FINAL-1-201703310839.pdf?\\_ga=1.250779716.313756803.1490991315](https://www-static.bouldercolorado.gov/docs/CU_South_FAQs_04.03.17_FINAL-1-201703310839.pdf?_ga=1.250779716.313756803.1490991315)



In short, Boulder Ordinance 9-3-9 is implicated by the proposed change in the land use designations for CU South as part of the BVCP Update. However, neither City nor County staff have issued their land use recommendations for the site, as the current draft of the BVCP Update, dated March 24, 2017, does not include proposed land use changes for CU South. Both the City and the County should understand that land use changes require a stream, wetland or water body standard permit under the Wetlands Ordinance.

To obtain a standard permit, the City must submit an application and follow the rigorous permit review procedure outlined in the Wetlands Ordinance. Wetlands Ordinance at (d). The review process for a standard permit requires that the applicant demonstrate the activity meets the criteria listed in sections (e)(3) and (e)(4). For instance, the activity cannot result in a significant change to hydrology affecting a stream, wetland or water body ((e)(3)(A)(i)); the activity must be designed to minimize impacts to adjacent wetlands and unavoidable impacts must be mitigated ((e)(3)(A)(ii) and (iii)); and the activity cannot jeopardize the continued existence or habitat for endangered, threatened, and/or critical species ((e)(4)(C)). Per sections (f) and (g)(2) of the Wetlands Ordinance, conditions may be attached to a permit, including but not limited to mitigation plans and property use restrictions.

There is significant controversy about how best to pursue the flood mitigation envisioned in the City's flood mitigation plan. A full and public analysis of the alternatives, mitigation measures and impacts regulated by the Wetlands Ordinance should be completed before the land use changes are finalized.

Thank you for your time and attention to this matter. Should you have any questions, please do not hesitate to contact our office directly.

Sincerely,

**Law Offices of Randall M. Weiner, P.C.**



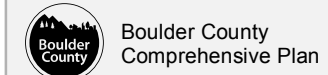
Randall M. Weiner

Encl.

CC. Jane Brautigam, Boulder City Manager  
Edward Stafford, Boulder Development Review Manager - Public Works  
Jeff Arthur, Boulder Director of Public Works for Utilities  
Renata Frye, Boulder County Parks and Open Space Advisory Committee Liaison



# Wetlands and Riparian Areas



## Riparian Areas



An area recognized by the presence of linear bands of trees, shrubs, and herbaceous vegetation along a waterway where plant communities and soil moisture differ from surrounding upland vegetation and soils

## Wetlands



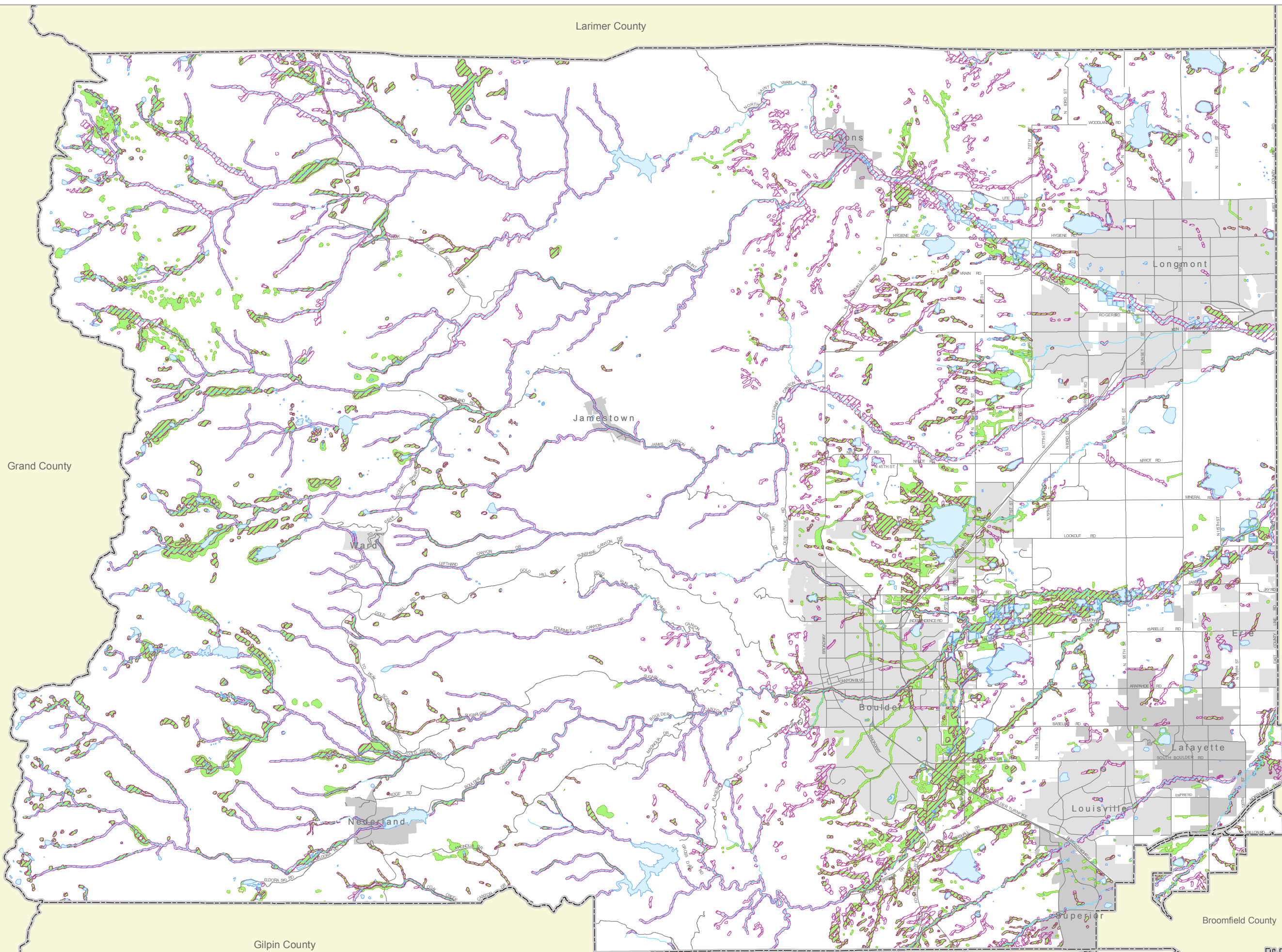
Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water with one or more of the following attributes: (1) at least periodically, the land supports predominantly hydrophytes (wetland plants); (2) the substrate is predominantly un-drained hydric soil; and/or (3) the substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year (USFWS 1993).

Adopted October 15, 2014  
Planning Commission



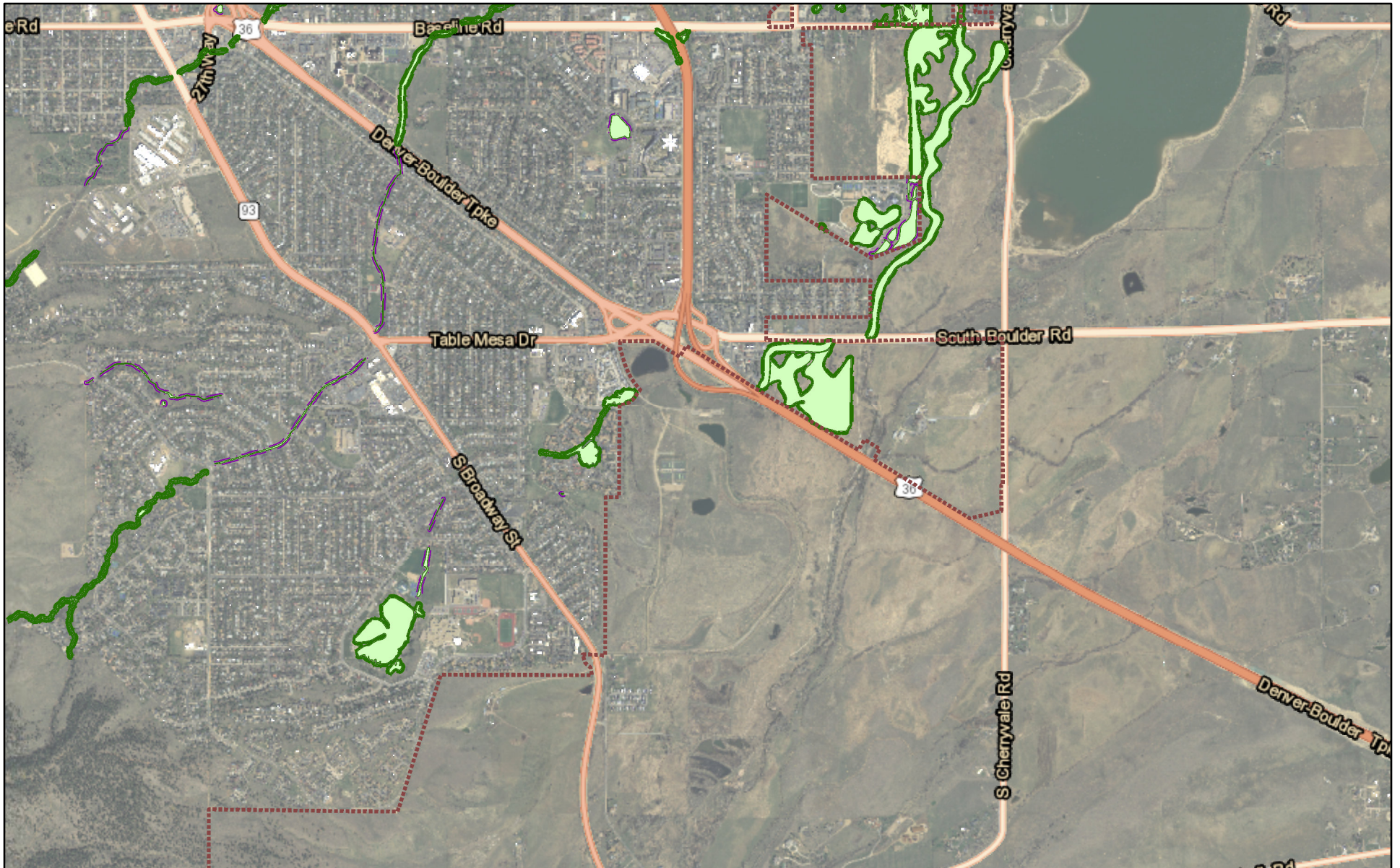
0 0.75 1.5 3 Miles

The user agrees to all Terms of Use set forth by Boulder County. For Terms of Use, please visit: [www.bouldercounty.org/maps/claimer](http://www.bouldercounty.org/maps/claimer)








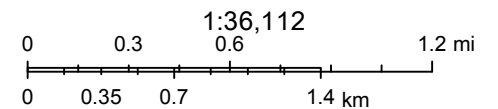


# Boulder eMapLink



April 20, 2017

- |   |               |   |   |                 |
|---|---------------|---|---|-----------------|
|  | City Limits   | <b>Wetland Regulatory Areas</b>   |  | Low Functioning |
|  | Wetland Areas |  | High Functioning Inner  |                 |
|   |               |  | High Functioning Outer  |                 |




Information Resources  
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#281]  
**Date:** Tuesday, May 02, 2017 2:48:12 PM

---

Name \* Kim Calomino

Email \* [kim.calomino@colorado.edu](mailto:kim.calomino@colorado.edu)

Address (optional)  University of Colorado Boulder 914 Broadway  
Boulder, CO 80309  
United States

This comment relates to: \* CU South

Comment: \*

On May 1, the University of Colorado Boulder released a draft concept plan for its CU Boulder South property that offers a preliminary look at what development of the site could someday entail. The CU Boulder South property is currently under consideration for a potential land use designation change in the BVCP update.

In addition to providing the materials to city and county officials and to the Daily Camera, the University has created a new website, [colorado.edu/cubouldersouth](http://colorado.edu/cubouldersouth). There the public can find information related to how CU Boulder envisions utilizing the property to serve the long-term needs of the University while also addressing the community's needs and interests.

Included are the set of assumptions behind the draft concept plan, a map showing the draft concept plan, a set of frequently asked questions and answers, and an invitation for the public to provide feedback via a survey posted on the site.

Comment may also be emailed to [CUB.South@Colorado.edu](mailto:CUB.South@Colorado.edu)

The concept plan and assumptions are attached here.

Attach a File (optional)



[draft\\_concept\\_plan\\_20170501\\_reduced.pdf](#)

832.96 KB · PDF

Attach a File (optional)



[draft\\_concept\\_plan\\_assumptions\\_05.01.17.pdf](#)

66.48 KB · PDF

Please check box below \*

- I acknowledge receipt of the Open Records Notification



**CU Boulder South**  
**Draft Concept Plan Assumptions**  
**May 1, 2017**

**The purpose of these documents**

CU Boulder has been listening closely to the community – to citizens, elected officials and members of boards and commissions – as the BVCP discussion around CU Boulder South has unfolded over the past year. The university is about to begin its regular 10-year planning review for the campus, which will more specifically inform the university and general community of what may be developed on the CU Boulder South property, but culmination of that plan will take several years of effort. However, we have heard clearly that more detail about what might be placed there is a top priority for elected officials and the community. To respond to that priority, we have developed some initial concepts on how CU Boulder envisions the potential use of our property.

In the following concept plan, we outline our assumptions and provide the related concept map to share our best estimates of how we would use CU Boulder South to meet CU Boulder’s future needs while simultaneously working to accommodate the community’s desires. We are happy to meet with members of the city council, county commission or planning boards to answer questions and receive comments. The community is also invited to review the assumptions and concept map at [www.Colorado.edu/CUBoulderSouth](http://www.Colorado.edu/CUBoulderSouth). ***We invite our campus community and the public at large to provide comment in an online survey found on the website. The survey will remain open through 11:59 p.m. on May 10, 2017.*** Comments may also be submitted by email to [CUB.South@Colorado.edu](mailto:CUB.South@Colorado.edu) through Wednesday, May 10. Additional information about CU Boulder South may be found on the city’s website: <https://bouldercolorado.gov/bvcp/cu-south>.

That survey feedback will help us determine adjustments, refinements and clarifications to the draft concept plan assumptions and map so that updated versions can be provided to local governing bodies to inform their deliberations and decisions on the upcoming BVCP adoption.

An approval of the BVCP with a changed land-use designation for CU Boulder South would allow annexation discussions between the university and the city to occur. Even with an approval of the BVCP and an annexation agreement in place, the sites designated for development at CU Boulder South will take many years to complete. The university will remain focused in the near term on developing the main and east campuses, but a finalized annexation agreement would help inform CU Boulder’s own visioning process as the University embarks on updating its campus master plan.

**The role of CU Boulder in the community**

CU Boulder has been proud to be integral to the fabric of the Boulder community since its founding; in fact, the university’s founding was made possible through the commitment and efforts of Boulder citizens and leaders. Among university towns across the country, the City of Boulder and CU Boulder are recognized as unique in our joint efforts to foster positive relations and for our many collaborations on matters of importance to the community. Continuing this relationship of reciprocal benefit is certainly part of our vision for CU Boulder South.

## **Serving the long-term needs of CU Boulder while addressing the community's needs and interests**

For CU Boulder to fulfill its mission to serve the state and educate current and new generations of students, it must maintain careful stewardship of this and all its properties. There are real and tangible future needs that CU Boulder South can meet for the university.

CU Boulder South is an important future land resource that will help the university meet its long-term needs and its academic mission. The sites designated for development at CU Boulder South will take many years to complete. However, knowing that the land is available for certain uses would allow better planning for further development of our Main Campus, East Campus, and Williams Village. With the ability to relocate certain land uses - such as recreation and athletic fields - to CU Boulder South we can develop more academic buildings and student housing in our core campus areas first, taking advantage of existing transportation and infrastructure.

CU Boulder South can also meet some needs identified by the community. The City of Boulder and our neighbors have immediate needs for flood mitigation, and the city has proposed using part of the CU Boulder South property to address them. To most easily accommodate the city's proposal, the property should be annexed so the city can implement its flood mitigation plan and manage its construction under its jurisdiction.

We also know that availability and affordability of housing is a top priority for both the community at large and the CU Boulder community. Many of our faculty, staff and graduate students cannot afford to live in Boulder, and miss out on the opportunity to be more deeply connected with both the university community and the community at large. We hope to work closely with the city to explore options for housing development that may be mutually beneficial.

We know the community greatly values access to trails, open space and recreational opportunities that has been available under CU Boulder's 20-year history of allowing unrestricted access to the property. We believe we can balance those interests with the university's needs and responsibilities, and believe this balance is reflected in these initial concepts.

### **General Development Concepts:**

- CU Boulder will actively engage the community on its plans for development.
- All structures and buildings will be located outside of the 100-year floodplain.
- Public access will be maintained consistent with other areas of the university.
- CU Boulder South will include robust trail systems, including a formal trail connecting U.S. 36 and the South Boulder Creek Trail.
- Buildings will be developed at pedestrian scale for a walkable community and will provide access to trails, parks and open space.
- Land and buildings will be developed using advanced sustainability and resiliency concepts.
- Protection of natural habitat will be incorporated into the development.
- Site will be designed to ensure water quality, storm water management, and protection of groundwater resources.
- Buildings and land uses will reflect the style of the university and be sensitive to the character of surrounding neighborhoods.

### **Land Use Assumptions:**

Consistent with other CU Boulder property designations, the concept plan assumes a PUBLIC (P) land use designation. The university continues to commit to maintain a significant portion of the property for flood mitigation and open space.

**Flood Storage (81 acres):**

- Flood detention area provided will be consistent with the city's preferred Option D plan.
- Athletic and recreation fields will be incorporated into flood storage areas.
- Limited structural build zones will be established adjacent to the berm. Limited structural build areas could include such uses as community gardens, recreation fields, tree nurseries, and solar gardens.

**Habitat Preservation and Natural Areas (66 acres):**

- Preservation of federally recognized regulatory wetlands.
- Conservation of other natural areas with potential dedications of land to city Open Space.

**Residential Workforce Housing, Graduate and Non-Freshmen Student Housing (68.4 acres):**

➤ **Apartment Development Concepts**

- 750 units in three-story-tall buildings, each with a 55-foot height limit.
- Assumes 35,000-square-foot building floor plates (840,000 total gross square feet) for purposes of a fit test.
- Outdoor area would include pocket parks, playgrounds, and landscaped amenities at 1,600 square feet per unit or a total of 27.5 acres (consistent with city requirements), with small amounts located in other outdoor areas.

➤ **Townhome Development Concepts**

- 375 two-story units.
- Assumes 1,400 gross square feet per unit for purposes of a fit test.
- Outdoor areas including pocket parks, playgrounds, and landscaped amenities at 3,000 square feet per unit or total of 25.8 acres (consistent with city requirements), with small amounts located in other outdoor areas.

**Academic Village and Mixed-Use Area (40 acres):**

- 1.25-million gross square feet of building space.
- 8 buildings at approximately 150,000 gross square feet per building, with a height limit under 55 feet for the purposes of a fit test.
- 3-acre lots (landscaping included for each building).

**Multimodal-Oriented Development:**

- Traffic analysis study was conducted by consulting firm Fox, Tuttle, Hernandez to better understand the traffic and access constraints of the property.
  - Primary access will be from Table Mesa Drive and secondary access will be from Tantra Drive.
  - Highway 93 access will be designed for limited and emergency access only.
  - There will be no connector between Highway 93 and U.S. 36.
  - CU Boulder South would generate approximately 5,800 vehicle trips per day, which could be accommodated by the existing roadways in the area.
- CU Boulder has a lower vehicle trip generation average than typical city neighborhoods. In developing the concept plan that lower trip generation is expected to be maintained.
  - There will be strong use of alternative transit for residents as well as events at recreation and athletic areas.
  - A central transit hub will provide for buses and eventual capacity for 600 structured and 100 surface parking spaces for on-site uses.
  - Narrow roads will help traffic calming through the site.

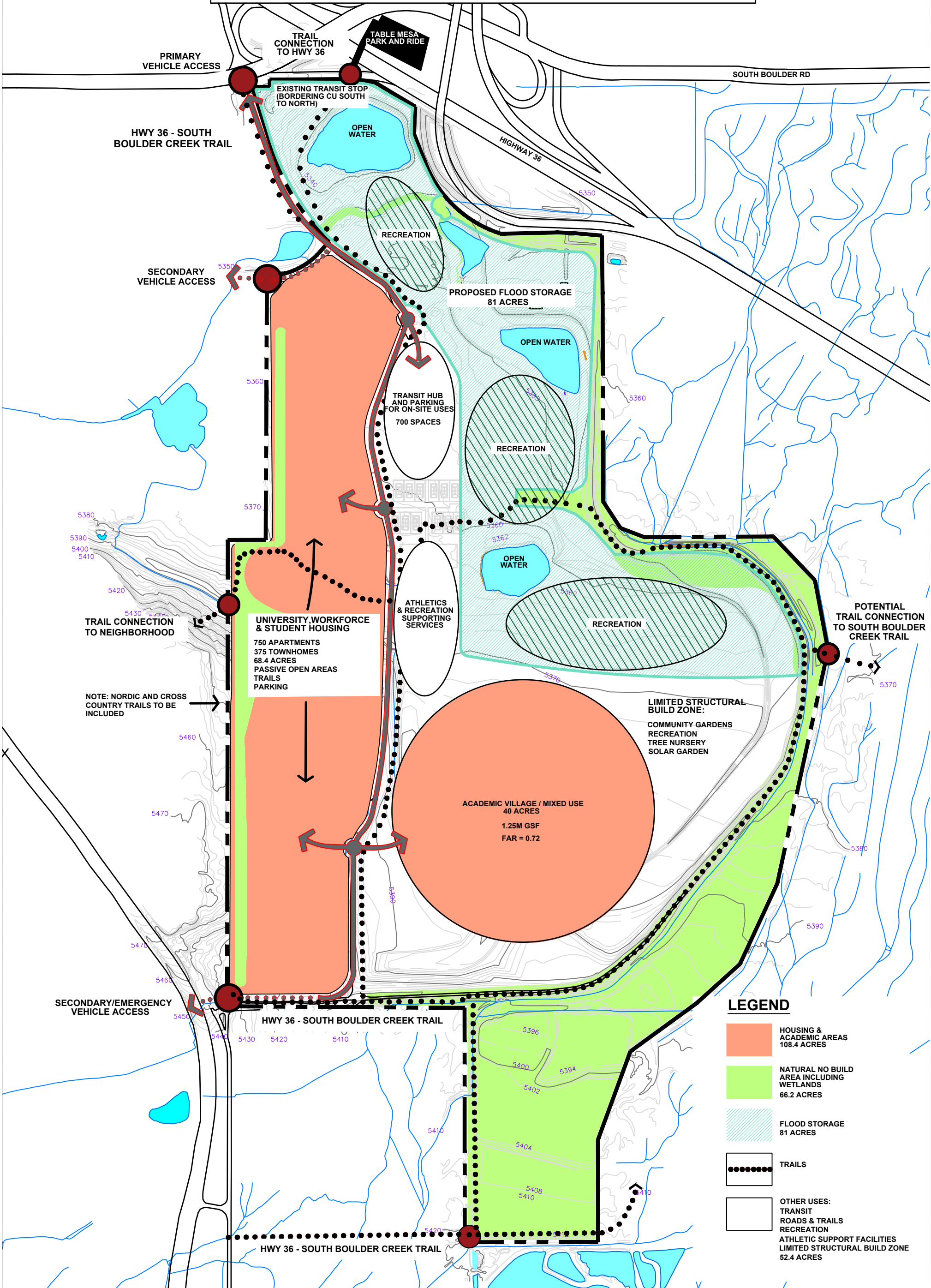
**Public Access and Trails:**

- Public access to the property will be maintained.
- A public trail will be formally established to connect U.S. 36 (RTD Table Mesa bus stop) to the South Boulder Creek Trail.
- Continued access to dog-walkers will be consistent with CU rules and regulations.

**Athletics and Recreation:**

- This will include the existing tennis facility, plus sites for playfields and low-impact athletic uses that can be shared with the community.
- Support service buildings will be developed for locker rooms and restrooms.
- The cross-country track course and Nordic ski access will be maintained.

# CU BOULDER SOUTH DRAFT CONCEPT PLAN MAY 1, 2017







## Commonly Asked Questions about CU Boulder South

### ***Why does CU Boulder want the city to annex the CU Boulder South property?***

For CU Boulder to fulfill its mission to serve the state and educate new generations of students, it must maintain careful stewardship of the property. There are real and tangible future needs that CU Boulder South can meet for the university.

At the same time, we know that the City of Boulder has immediate needs for flood mitigation and has proposed utilizing part of the CU Boulder South property to address them. To most easily accommodate the city's proposal, the property should be annexed so the city can implement its flood mitigation plan and manage construction under its jurisdiction.

During the annexation process, CU and the city will collaborate to develop a clearer picture of what will – and will not – be considered on the CU Boulder South property as well as other parameters for development. CU Boulder looks forward to partnering with the community and the city to develop an annexation plan that includes a cooperative vision for its use within a thoughtful and structured process.

### ***How will CU Boulder determine what kind of development will happen on the property?***

No specific development plans exist for CU Boulder South. In fact, CU Boulder did not initiate the land use designation change under the Boulder Valley Comprehensive Planning update but we stand ready to cooperate. The city identified a need to use a portion of CU Boulder's property as a preferred location for flood detention and protection. The current Boulder Valley Comprehensive Plan (BVCP) update that includes land use designation changes is just one step in a longer process. Application to the city for annexation and the resulting discussions between CU Boulder and the city is another. Then, CU Boulder has a long-range campus master plan that must be updated to examine its future needs.

Drafting that plan will include input by the city and community, and will proceed through a series of reviews. These include reviews by the Chancellor's Executive Committee, the University's Design Review Board, the Board of Regents, the Colorado Commission on Higher Education (CCHHE) and the Office of the State Architect (OSA). Once that is done, each individual project and proposed building plans for CU Boulder South would have to follow a very similar regime of input and review, including additional reviews or approvals by the Governor's Office of State Planning and Budgeting and the Capital Development Committee (CDC) of the Colorado State Legislature. Approval by the Joint Budget Committee of the State Legislature and from the full Colorado State Legislature is also required.

We will work with the city to hold community input meetings and we will review plans with the city. While it will be a number of years before we know what specifically will be developed on the land, we will keep the city and community informed at every juncture. And of course, the public has a number of opportunities to provide meaningful input along the way, including to CU Boulder, the Board of Regents, Colorado Commission on Higher Education and the state's Capital Development Committee.

***What kind of development might happen on the property in the next five years?***

Efforts will center on creating floodwater mitigation areas to improve the flood safety of people, residences and buildings downstream, as well as efforts to preserve and enhance undeveloped, natural open areas. We will conduct maintenance and improvements to the trails that are used by our cross-country team and the broader community and will create low-impact recreational and athletic fields that could serve shared community use. Finally, we will create more sustainable investments in the recreation facilities already in existence with features such as restrooms, drinking fountains for visitors and improved locker room facilities for student-athletes.

***What kind of long-term development might happen beyond the next five years?***

Over this longer horizon, it is harder to predict. However, we anticipate that portions of the site could include development like affordable housing (in the style of apartments and/or townhouses) for faculty, staff and graduate students, small-scale academic, instructional or research facilities or other uses that serve the university and the surrounding community.

***Are there types of development that CU Boulder will commit to not including on the site?***

We will not build a football stadium or large-scale sport venues, large research complexes such as some of those located on CU Boulder's East Campus Research Park, towers à la Williams Village or first-year freshman housing. Regarding transportation, a bypass public roadway connecting Highway 93 and Highway 36 is off the table, as is a full build out of all 308 acres of the property.

***What guiding principles will drive CU Boulder's approach to developing portions of CU Boulder South?***

Any development would maintain the same high aesthetic standards of other CU Boulder properties. The design of functionally arranged buildings will complement the existing topography and maintain sensitivity to surrounding neighbors. We will keep the community informed at all junctures and work closely with the city as development plans begin to emerge – again, this is a long and extensive process and one not expected to occur over a short horizon.

***How is CU Boulder willing to help mitigate flooding risks for its downstream neighbors?***

We have worked with the city and are looking at designating approximately one-fourth of CU Boulder South land for floodwater mitigation to keep our community safe from future flooding risks while also minimizing impacts to the city-owned Open Space east of CU Boulder South. Approximately another fourth of the property will not be used for buildings, but for trails, wetlands and open areas. The nearly 80 acres that would be used as floodwater mitigation areas could also double as low-impact playing fields.

***Why not annex only the portion of the property needed for floodwater mitigation?***

Again, our stewardship requires that we plan how best to serve current and future students and how to best serve the state according to our mission. Annexing the entire property allows us to effectively carry out our stewardship responsibilities and to partner with the city to incorporate the community's needs into our planning process.

***Will CU Boulder protect and conserve wetland areas and other natural features and provide some open areas?***

Yes. We too want natural and wetland areas on the property. The university has a long history of working to maintain open areas as well as making significant efforts to preserve the environment. Approximately half of the CU Boulder South land is natural areas, trails, ponds, jurisdictionally designated wetlands or potential floodwater mitigation areas that will not be developed for building sites.

***Will I still be able to use the CU Boulder South property for recreation, outdoor enjoyment and walking my dog when CU develops the property?***

Yes. Since purchasing the site, we have removed barriers to the property and provided the community with access to the area. That will continue when CU develops the property. CU Boulder will maintain public access to the property, including trails and access to the city's adjacent Open Space (where allowed by the city), parks and regional trail systems regardless of what is ultimately developed on the property. In fact, CU Boulder made possible the final connection for the last leg of the city's South Boulder Creek Trail by providing an easement for the city to build a walkway across the wetlands. We are energized by the possibility of forging stronger connections from the CU Boulder South property to the City's Open Space nearby to improve the experience of users. And, of course, all of our campus is open to the public, including to those walking their dogs (we do ask that dogs be on leashes and have their poop scooped!)

***I am concerned that CU Boulder's plans for its property could impact traffic and congestion in the area. Will the university's plans include minimizing that impact?***

Yes. CU Boulder regularly incorporates a variety of strategies to reduce automobile travel to and from all areas of our campus. As any future plans are developed, additional studies will be conducted to ensure appropriate steps are being taken to mitigate traffic impacts. This would include evaluating transit, bicycle and pedestrian connections and methods to encourage the use of lower-impact alternative transportation methods to access the property.

***Where can I get more information?***

CU Boulder has a webpage specific to CU Boulder South at [www.Colorado.edu/CUBoulderSouth](http://www.Colorado.edu/CUBoulderSouth). The webpage includes a survey for providing feedback and comments can be emailed to [CUB.South@Colorado.edu](mailto:CUB.South@Colorado.edu) through May 10, 2017. The city also has a webpage specific to the CU Boulder South property and the BVCP at <https://bouldercolorado.gov/bvcp/cu-south>.

-CU-

**From:** Raymond Bridge  
**To:** [#LandUsePlanner](#)  
**Subject:** FW: BVCP-15-0001--CU-South  
**Date:** Wednesday, May 03, 2017 12:30:40 AM  
**Attachments:** [PBC-Letter-to-BCPC5-5-2-2017.pdf](#)

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Since Kim is the contact and is out of the office, please forward this to the Planning Commission.  
Raymond Bridge

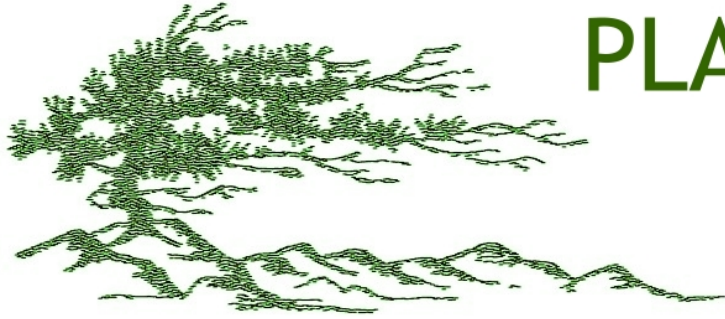
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**From:** Raymond Bridge [mailto:rbridge@earthnet.net]  
**Sent:** Wednesday, May 03, 2017 12:20 AM  
**To:** Boulder County Planning Commission (ksanchez@bouldercounty.org)  
**Cc:** Allyn Feinberg (feinberga@comcast.net)  
**Subject:** BVCP-15-0001--CU-South

Ms. Sanchez:

Please transmit the attached document to the Planning Commissioners and enter it in the record for Docket BVCP-15-0001.

Thank you,  
Raymond Bridge



# PLAN-Boulder County

planboulder.org

P.O. Box 4682 Boulder, CO 80306

Dear Planning Commission Members:

PLAN-Boulder County urges you, in considering Docket BVCP-15-0001 on May 3, 2017, to take the following actions:

1. Recommend to the other reviewing bodies that consideration of the CU-South property be removed from the 2015 revision of the Boulder Valley Comprehensive Plan, and that the Boulder City Council and Boulder Planning Board instead review land use designations **only** in connection with the anticipated annexation request by the University, when appropriate public hearings and discussion of suitable uses can be considered.

Consideration of land-use changes at this stage of the BVCP revision is inappropriate, particularly since many public meetings and discussions have occurred, during all of which the CU spokesperson indicated that CU had no specific plan and would not have one for a significant time. Yesterday evening CU published a Draft Concept Plan and requested public input, with only a week for citizens to hear about it and weigh in.

We welcome the information from CU, but it is far too late to consider as part of this BVCP revision, so we strongly recommend that all the reviewing bodies agree to remove it from this process and consider it on its own merits.

Planning staff commissioned a transportation study as part of considering CU-South in this BVCP revision. This study is clearly woefully incomplete in light of the proposals in the Draft Concept Plan, which envisions 750 apartments and 375 Townhomes on the site, all exiting at an already overloaded intersection. Flood risks for this level of housing also need careful examination.

We consider the removal of CU-South and any land-use changes from the BVCP process to be the appropriate action, both to complete the BVCP revision on time and to give CU an appropriate and fair consideration for its annexation request. This action will also give the citizens an opportunity to examine the Draft Concept Plan and to provide input to decision-makers.

2. Recommend to Boulder City Council that it reopen consideration of the South Boulder Creek Flood Mitigation Plan. One very useful outcome from the inclusion of CU-South in the BVCP revision was that significant examination of the Option D in the flood mitigation plan took place,

revealing many design flaws, as well as information that was not included in the original approval process.

PLAN-Boulder County strongly urges that flood mitigation have the highest priority in moving forward, but we believe it unwise to construct an expensive structure that will take a long time to build when it has become apparent that it may not provide the protection needed by downstream residents, and when it has environmental consequences that were not known when it was considered and approved. (What was approved was an earthen berm, which has now morphed into a high-hazard dam, anchored in bedrock, which hydrologists have testified would dewater the adjoining wetlands. Experts have also questioned designing only for a 100-year flood and failing to consider cheaper, faster, more environmentally sound alternatives using the old gravel pits for storage in flood conditions.)

Yours truly,

Allyn Feinberg and Raymond Bridge, PLAN-Boulder County Co-Chairs

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#411]  
**Date:** Thursday, May 04, 2017 11:46:17 AM

---

Name \* Amy Siemel

Email \* [amysiemel@gmail.com](mailto:amysiemel@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* BVCP Update – CU South

Comments, Question or Feedback \* Please see attached file for my comments. Thank you!

Attach a File (optional)



[dear\\_county\\_commissioners\\_5.4.17.docx](#)

14.00 KB • DOCX

Please check box below \*

- I acknowledge receipt of the Open Records Notification

Dear County Commissioners,

Thank you for your service on behalf of the people of Boulder County.

As you probably know, CU revealed its proposed master plan for the South Property this week. As a 16 year resident of Boulder, I am beyond dismayed at the plan and strongly urge you to vote NO to any land use changes and steadfastly refuse to enter into any annexation agreements at this time.

I am extremely concerned that the process surrounding CU South has not been guided by careful examination of the facts and has departed so far from science that it is unrecognizable as anything remotely resembling thoughtful planning for our city.

Specifically, I am worried that the following questions have not been satisfactorily answered:

- How will we rectify the flaws that have been exposed in "Alternative D," the proposed high-hazard dam? Where are the engineering studies answering to these problems?
  
- What will the effect of building a high-hazard dam have on groundwater flows, both on the Tantra side and the Open Space side of the dam? Where are the groundwater engineering studies on this potential problem?
  
- How will adding more pavement in the form of parking lots, sidewalks and roads affect flooding issues in the surrounding and downstream neighborhoods? Where are the engineering studies on these safety concerns?
  
- The Biohabitats report states that more information is needed on the critical plant and animal habitats supported by the CU South Property. When will this information be gathered and how will it be used to inform possible future development?



- There are legal processes to follow when considering destruction of critical habitat for endangered and threatened species of plants and animals. Where is the evidence that we have followed these processes? How will we answer to potential legal challenges regarding these concerns?

- How will the already overburdened roads in South Boulder handle thousands of additional residents? The current transportation study is a joke; where is the data showing that Broadway, Table Mesa, and US 36 can support a massive influx of thousands of new cars every single day?

-----

It worries me greatly that when we contact our City and County officials, local residents' concerns may be falling on deaf ears. The hard working taxpayers in the neighborhoods that will be most affected by these changes are being written off as entitled NIMBYs. In this climate, it is as if worrying about one's safety from flood events, the destruction of rare wetlands, and one's quality of life are traits that should be looked down upon. I am concerned that there is a complete lack of transparency to this process and that the decision has already been half - or fully - baked behind closed doors. Where is the due public process on these issues? City and CU websites make the land use changes sound like they are a done deal. Can you imagine how this must feel to those of us who stand to lose the most from inadvisable urban sprawl in a known floodplain?

I urge you to please, please vote NO to land use changes on CU South at this time and to refuse to enter into any annexation agreements before we have the information we need to do this wisely. This can all wait until the next BVCP update. We need more time to get this right. There's no going back from this decision and there are too many risks to getting it wrong.

Thank you for your consideration,

Amy Siemel

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Amy Siemel - BVCP Update - CU South  
**Date:** Thursday, May 04, 2017 11:47:57 AM

---

If your comments are regarding a specific docket, please enter the docket number: BVCP Update - CU South

Name: Amy Siemel

Email Address: [amysiemel@gmail.com](mailto:amysiemel@gmail.com)

Please enter your question or comment: Dear Members of the County Land Use Commission,

Thank you for your service on behalf of the people of Boulder County.

As you probably know, CU revealed its proposed master plan for the South Property this week. As a 16 year resident of Boulder, I am beyond dismayed at the plan and strongly urge you to vote NO to any land use changes and steadfastly refuse to enter into any annexation agreements at this time.

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Thank you for your consideration,

Amy Siemel

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



## Resolution

Whereas the September 2013 South Boulder flood destroyed Frasier Meadows Assisted Living building, damaged other areas, and disrupted the lives and destroyed apartments of many residents in the amount of \$15 million,

And whereas, residents' concerns for a mitigation of future life-endangering floods have promoted discussions, studies, and solutions,

And whereas, individual residents and groups of residents have recommended to Boulder City Council and relevant departments a permanent berm on the South CU campus property,

Now, therefore the Frasier Meadows Resident Council representing over 200 individuals unanimously passed the following resolution at their April 28, 2017 meeting:

***We support all efforts of the South Boulder flood group in their efforts to facilitate, as soon as possible, the construction of a flood-mitigation berm to prevent the real threat to life and property in South Boulder.***

---

Mary Axe, President  
Resident Council



May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

Dear Boulder City Council Members:

We are writing to urge you to continue your excellent work on South Boulder Creek flood mitigation for Southeast Boulder - Option D - and to correct misinformation about it that continues to filter into public discussions of the project.

During the devastating September 2013 South Boulder Creek flood, the health and safety of hundreds of City residents was at great risk. While both residential and commercial properties were damaged extensively and US 36 was temporarily closed, we were very fortunate that this time no lives were lost.

The City has been studying ways to mitigate South Boulder Creek flooding for close to 20 years but the 2013 flood event resulted in a realization that something needed to be done as quickly as possible. For the past six years, the City Utilities Department has carefully studied and analyzed a variety of mitigation options, all well-documented at <https://bouldercolorado.gov/flood/south-boulder-creek-flood-mitigation-planning-study>.

The engineering design and analysis of multiple alternatives was accomplished by very capable experts within the City's Utilities Department, as well as expert engineering consultants (CH2M Hill and others). In 2015, after six years of alternatives analysis, the City Council unanimously approved the adoption of Option D as the preferred alternative to mitigate future South Boulder Creek flooding across US36. This vote followed recommendations of Option D as preferred by City advisory bodies including the Water Resources Advisory Board and the Open Space Board of Trustees.

Option D involves a high hazard dam designed to protect against a 100-year flood event. This structure would be approved by the Colorado State Engineer's Office, according to applicable standards. The 100-year flood design standard is the current standard used for flood mitigation by the City, County (the Urban Drainage and Flood Control District), the State of Colorado, the Federal Government and other regulatory agencies.

While we are confident in the expert work outlined above and the Council's Option D flood mitigation decision, we are concerned that many Boulder residents are being confused or misled by material which has been circulated publicly and published in recent media outlets. Much of this misinformation ignores or even contradicts facts which the City Council (and advisory boards) used to determine that Option D is the best available solution. Much of this factual information is available at both the website listed above for South Boulder Creek flood mitigation and at <https://bouldercolorado.gov/bvcp/cu-south>, particularly in the FAQ sections.

We urge the City Council to continue their work of educating citizens and the media about the extensive expert work which has been completed supporting this important flood mitigation project and to correct the misinformation about it.


We understand that all decision-makers need accurate, fact-based information upon which to base critical decisions, such as the CU South comp plan amendment. We support the City in continuing to provide important data to the County and the public in general so that all decision-makers are comfortable with the content and logic used by the City for earlier decisions regarding flood mitigation.


Thank you for your continuing efforts to help ensure our neighborhood's health and safety.

Sincerely,

The following Frasier Meadows Retirement Community residents:

cc: City of Boulder Planning Board  
Board of County Commissioners  
Boulder County Planning Commission  
Jane Brautigam, City Manager, Boulder  
Leslie Ellis, Comprehensive Planning Manager, Boulder  
Jeff Arthur, Director of Public Works for Utilities

  
\_\_\_\_\_  
Alfred S. LeBlang  
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Janet Klemperer  
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Bill Crayford  
\_\_\_\_\_  
Charles W. Howe  
\_\_\_\_\_



May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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Joel DeBurr  
Roma Ritarour  
Phyllis Shusman  
Peg Skornik  
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William Wainwright  
Jean Josephine  
Sara Cote  
Dan & Thomas  
Diane Crabtree  
Jean Gore  
Judith A. Kullum  
Doreen L. Kell  
Jean Sutter  
Susan Thomas  
RC Pavone  
Carey Wallace

Jolene Howe  
Jessie Elliott  
Michy Greenberg  
Lois Klaman  
H. Paul Zeig  
Joe & Polly  
Muriel E. Woods  
Jeanne Sindelar  
Jeanne Jenda  
Jarvis Lepp  
Jane M. Stangel  
William Stangel  
Joseph W. Elby  
L. Cooper  
Dorothy M. Imel  
Ray D. Sheld  
Patricia M. Truelove  
Marion Bughenroth  
Chas. Under  
Patricia L. Carney

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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Sally Duce

Kna Brissenden

Catherine Hobgen



May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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Linda Dixon

Edwarda Pitzer

Bob Pardee

Wm. W. Thornburg

John A. Crumley

Sheelene Macfarlan MD

Janet Marie Kohl

Vicki Winston

Rinchen Dolma

Yvonne B. Davis

Betsy A. O'Brien

Kevin D. Dummell

B.C. Deyoung

Peter Dawson

Anna Galuska

Charles T. Conville

Marilyn Russell

Alexander Herzog

Carol F. Grove, Jr

Margaret Hough

Joseph W. Johnson

ROXANNE COTT

ELEN COTTI Ellen Cotta

HARRY REED

Ann Muscha

Edward D. Walker

Beverly Pastorek

Paul Koellen

Gail Rowe

Berk Harris

John A. Tracy

Margaret M. Stahl

Jeanne W. Haiple

Judith Tucker

Elizabeth B. Braukhall

Charles A. Hadler

[Signature]

[Signature]

Beatrice Brodeur

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OK Bacus

Louis Bradley

May Dickerson

Phil Waggoner

James W. Denwood

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Jennifer Ann

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**PAT ROECKER**





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May 1, 2017

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Sara Cote  
Dan & Thomas  
Diane Crabtree  
Jean Gore  
Judith A. Kullum  
Doreen L. Kell  
Jean Sutter  
Susan Thomas  
RC Pavone  
Carey Wallace

Jolene Howe  
Jessie Elliott  
Michay Greenberg  
Lois Klaman  
H. Paul Zeig  
Joe & Polly  
Muriel E. Woods  
Jeanne Sindelar  
Jeanne Jenda  
Jarvis Lepp  
Janice M. Stangel  
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May 1, 2017

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May 1, 2017

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South Boulder Creek Flood Mitigation/CU South BVCP amendment

*Aliselee Egan*


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*Margyn Fisher*

*Judith Odio*

**PAT ROECKER**

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#282]  
**Date:** Saturday, May 06, 2017 3:36:38 PM

---

Name *	Alfred LeBlang
Email *	<a href="mailto:golfski02@yahoo.com">golfski02@yahoo.com</a>
Phone Number (optional)	(720) 562-8046
Address (optional)	 Alfred LeBlang 350 Ponca Place Apt 127 Boulder, CO 80303 United States
This comment relates to: *	Flood Mitigation
Comment: *	<p>I live in South Boulder and was in the Flood. I want to make sure your agency knows the details of the 2013 Flood, so I sending you the utube address of a video made by our residents.</p> <p>This video will point out how critical it is that a South Boulder Flood Mitigation Plan similar to the Plan D of the Boulder City Council be implemented on an CRASH basis.</p> <p>We were lucky in 2013 and we did not have any loss of LIFE. In the next flood this may not be the case.</p> <p>Please protect "Life and Limb" and vote yes on this critical issue. TY. I will send the utube address by separate email. TY.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#283]  
**Date:** Sunday, May 07, 2017 12:26:40 AM

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Name *	Kirkwood Cunningham
Email *	<a href="mailto:kmcunnin@juno.com">kmcunnin@juno.com</a>
Phone Number (optional)	(303) 939-8519
Address (optional)	 977 7th St. Boulder, Colorado 80302 United States
This comment relates to: *	CU South

Comment: \*

INDIAN PEAKS GROUP, SIERRA CLUB, STATEMENT ON CU SOUTH ANNEXATION (The comments were written before the most recent public announcement about CU's preferences for CU South; however, they still pretty much apply to CU's new ideas as well)

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

From: Kirk Cunningham, representing the Sierra Club Indian Peaks Group Executive Committee

The Indian Peaks Group bases its position below on the proposed CU South annexation on what we regard as the following important facts:

1. Alternative D is the presently favored starting point for the city's and the University's negotiations regarding the annexation, with the difference that the zoning for the area presently labelled "Open Space-Other" in that alternative is proposed to be changed to "Public".
2. We understand that "Public" zoning is similar to the zoning of other parts of the CU campus and can therefore include classrooms, laboratories, residence halls and other types of development, whereas the present "Open Space-Other" zoning includes not only undeveloped land with some natural characteristics but also some low level storage and athletic facilities.
3. The integrity of the proposed flood storage basin (presently 371 acre-feet capacity, was more than 500 acre-feet in earlier iterations) on the northeast part of CU South relies on a berm consisting of a "high hazard dam" the footing of which extends to bedrock. The flood storage area is designed to hold a putative 100-year flood on South Boulder Creek and prevent flood waters from overflowing into the Fraser Meadows and Keewaydin neighborhoods as happened in 2013. However, a >100-year flood would allow these neighborhoods to be flooded to some degree as in 2013. The cost of the high hazard dam (paid for by the city) would be between \$20MM and \$30MM. This dam would not only keep flood water OUT of the proposed "Public" zoned area, but would also tend to allow ground water from Table Mesa to accumulate IN that area. An alternative flood storage

proposal from CU South neighbors, which would use roughly the bottom third of CU South for flood storage is apparently unacceptable to the university and does not appear to have been evaluated in detail despite the reduction in flood storage mentioned above.

4. The western benches and slopes of CU South are out of the South Boulder Creek floodplain and so some construction could occur there if seeps and possibly unstable slopes are allowed for.

5. Any substantial development of CU South has the potential to exacerbate existing traffic snarls at Table Mesa Dr/ US 36. This issue has been identified as critical by CU South neighbors and also by the Boulder County Commissioners.

6. The university does have a pressing need for space for staff and student housing and for other buildings.

Our position is:

1. In the best of worlds, the annexation of this property would be avoided, but it is acceptable to us only if the Open Space–Other zoning is retained. Otherwise, too much property will be damaged in the next 2013 magnitude flood and the city will have to spend money to repair some of the damage.

2. The flood storage area created by the high hazard dam is minimally acceptable, but is not the most cost–effective way to prevent damage to downstream east Boulder neighborhoods in >100 year floods. Before funds are allocated for its construction, we believe that the city and university should carefully re–evaluate flood storage on the present Open Space–Other zoned part of the property.

3. Traffic impacts at or near the intersection of Table Mesa Dr. and US 36 are likely to be increased by any CU South development and must be mitigated before that development occurs.

Thanks for your consideration of this position.

Please check box below \*

I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#417]  
**Date:** Monday, May 08, 2017 6:55:09 PM

---

Name \* Curtis Thompson

Email \* [curtthompson@juno.com](mailto:curtthompson@juno.com)

Phone Number (optional) (720) 938-2286

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South

Comments, Question or Feedback \* see attached letter

Attach a File (optional)



[boulder\\_county\\_commissioners\\_thompson.pdf](#)

100.35 KB • PDF

Please check box below \*

- I acknowledge receipt of the Open Records Notification

Boulder County Commissioners,

As a long-time resident of South Boulder, I am deeply disturbed by the planned development of CU South property. Rough guess would be the addition of some 5000 people to an area with very limited access. Table Mesa Drive during rush hour is already a traffic nightmare. Add thousands more cars to the Table Mesa-Hwy 36 interchange and it will be a daily disaster. Boulder residents should not have to suffer from CU's unappeasable need to grow.

Current development in Boulder is nothing short of a runaway train. Based on the recent and ongoing construction boom, it is clear a majority of the Boulder City Council members are motivated by something other than quality of life for city residents. Now, CU has climbed on board and is using flood mitigation to hold the city hostage for annexation of its property. Someone has to have the courage to step up and say "No" to CU. Clearly, the City Council won't so it is up to you.

Not one of the hundreds of people I have spoken with about this issue wants CU to develop that property. At most the land should be used for ball fields, not townhomes and apartments, parking lots and office buildings. If CU moves forward with its plan, it will create massive traffic jams and pedestrian and biker safety issues on Table Mesa and Tantra Drive and it will destroy the quality of life for thousands of South Boulder residents. Instead of bulldozing open space, let's preserve and improve what we have so our children will have more than just parking lots to play on.


Downstream flood protection is needed but not at the expense of those of us who live upstream. I implore you, say "NO" to annexation of the CU South property until in-depth studies of the ecosystem, ground water, surface water, traffic flow and utility assessments that have not yet been done are completed. The price South Boulder residents will have to pay if CU is allowed to proceed unchecked is far too high.

Thank you for your time.

Curt Thompson  
4722 West Moorhead Circle  
Boulder, CO 80305  
curtthompson@juno.com  
720-938-2286

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#284]  
**Date:** Tuesday, May 09, 2017 10:50:15 PM

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Name *	Jahnavi Brenner
Email *	<a href="mailto:jahnavi@gmail.com">jahnavi@gmail.com</a>
Phone Number (optional)	(303) 249-0700
Address (optional)	 4624 Gordon Drive Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

I urge you to reconsider making any decisions on the BVCP land use designation changes for CU-South/South Boulder Creek Riparian Zone.

I understand that you are considering working with CU on annexation of the property in exchange for land to be used for flood mitigation to execute Alternative D.

Please slow down and ask for comprehensive studies of the proposals and their impact on this land before making any decisions.

1) We need full engineering studies on Alternative D--how much will it really cost and will it protect us from the most likely type of flooding we could see in Boulder? Several experts have proposed potentially lower cost solutions (ex. Binder berms--they have not be cost estimated! ask for documentation) and others are advocating that the 100 year flood standard is too low for Boulder.

2) CU just released their preliminary development plans for the property--over 1000 housing units and several playing fields. We need full studies to understand the impact of these plans on traffic, noise, congestion, and other quality of life aspects of current neighbors. The Tuttle study (traffic/transportation) was done a long time ago and does not account for the number of new residents and new sporting facilities.

3) This land has high ecological value, as outlined in the South Boulder Creek Area Mgmt Plan of 1998. The doc is too big to attach--but is here in Google Drive:  
<https://drive.google.com/file/d/0BzpeGCtIGMNKTEIwclDMUENfWTNsN1dFekpvdXM2VzBhZklw/view?usp=sharing>

Read the intro for the vision for the land and then jump to page 283 to see the details. Play your part as stewards of this land and ensure that ecological studies are done to understand the impact of development of this land before you agree to land use changes. There will be irreversible impacts to this riparian zone.

I know these aren't easy decisions to make and you are weighing competing priorities. Let sound science guide you in your decision making process. We don't know enough yet to make any changes that could have a lasting negative impact on our community, environment, and quality of life in


Boulder.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#285]  
**Date:** Wednesday, May 10, 2017 12:13:38 PM

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Name *	Edith Stevens
Email *	<a href="mailto:ediest1@me.com">ediest1@me.com</a>
Phone Number (optional)	(303) 494-1580
Address (optional)	 2059 Hardscrabble Drive Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Decisions regarding CU South, Boulder’s South Boulder Creek State Natural Area, which is managed by Open Space and Mountain Parks, must be separated from the update of the Boulder Valley Comprehensive Plan.

I am deeply concerned by the numerous issues that have been raised concerning this Area:

- a. a high hazard dam, rather than an earthen berm, will be founded in bedrock, cutting off the flow of ground water to unique species of the adjoining Open Space;
- b. OSBT has not been given the opportunity to consider the impacts of the proposed dam, as stipulated in the motion adopting the South Boulder Creek Flood Mitigation plan in August of 2015;
- c. CU submitted its draft Concept Plan on May 1 and, unreasonably, demanded responses by May 10. This Plan would have significant impacts on high quality Open Space land. It must be vetted fully by OSBT and the public before any consideration of the incorporation of CU South in the Boulder Valley Comprehensive Plan.
- d. The current flood mitigation plan for CU South considers only a 100-year flood, posing considerable risk to residents of Frasier Meadows. It has been criticized by hydrologists for its impact on the adjoining Open Space eco-system. It failed to consider non-structural approaches to flood mitigation, as called for in BVCP policies.
- e. CU’s plan calls for the construction of 750 apartments, 375 townhouse, academic buildings, and 700 parking spaces.

As a resident of South Boulder, I urge members of City Council and the Planning Board to conduct visits to Table Mesa Drive, east of Broadway, and the Flatirons Parkway, south of Arapahoe, between 7 and 10 a.m. and 3 and 6 p.m., Monday through Friday, to consider whether these arterials, or the connector to northbound U.S. 36, could, under any conceivable method, handle the additional traffic created by CU’s plan. I would hope that you would also consider the cost to Boulder and State taxpayers of any futile efforts of remediation.

The schedule for approval of the Boulder Valley Comprehensive Plan should maintain its May-June

deadline—without any decisions regarding CU South.

Sincerely,


Edith Stevens  
2059 Hardscrabble Drive  
Boulder, CO 80305  
303-494-1580

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#286]  
**Date:** Sunday, May 14, 2017 1:24:36 PM

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Name *	Tim Hogan
Email *	<a href="mailto:tim.hogan@colorado.edu">tim.hogan@colorado.edu</a>
Phone Number (optional)	(303) 444-5577
Address (optional)	 Boulder, CO 80304 United States
This comment relates to: *	CU South

**Comment: \***

For many longtime residents of Boulder, the current proposal from the university requesting annexation, engineered flood mitigation, and additions to their housing and academic building portfolio stirs up a host of reservations. The more one delves into the details, the greater those reservations become.

- Floodplains and riparian areas are the wrong places to locate human buildings and attendant infrastructure. Have we already set aside memories of September 2013? Boulder avoided many of the more dire effects of that flood due to planning over past decades that placed open spaces and parks into flood plains across the city and county.
- On the other hand, floodplains and riparian areas are excellent habitat for plants and wildlife, and natural detention for flood control. In large part, that is why the Boulder Valley Comprehensive Plan placed 220 acres of the CU-South property into open space.
- The property is comprised of the old Flatirons gravel pits, and the original restoration plan for the Flatiron quarry included 42 acres of ponds, wetlands, and the removal of berms built to channel water around the pits.
- The university purchased the property under veiled circumstance in 1996 and soon after enlarged the berms along the south and east edges of the site for which it was reprimanded by Boulder County. Successive augmentations have reduced the floodplain by an estimated 75%, diverting hazardous floodwaters downstream.
- The university has now released a preliminary draft of their intentions if the area is annexed into the city, a plan that includes eight academic buildings, 1,125 housing units, and parking lots for 700 vehicles. Their vision presumes a 30 foot tall, high-hazard dam will be built along U.S. 36 at a conservative cost of \$22-\$35 million. This dam has numerous problems:
  - o a. The dam would extend from Table Mesa Drive to South Boulder Creek and, anchored to bedrock, will cut off the flow of groundwater providing unique habitat for sensitive species including Preble's meadow jumping mouse, Ute ladies' tresses orchid, northern leopard frog, and others. When this plan was considered by Open Space and Water Resources Boards (OSBT on 5-13-15; WRAB on 5-18-15) and by City Council on 8-4-15 the plan included "an earthen berm" (as the flood mitigation structure under "option D"). The proposed dam is a significant change with major implications for the State Natural Area/Open Space lands.
  - o b. At recent BVCP meetings on CU-South, two hydrologists pointed out the "high hazard dam" would impede groundwater flow and dewater the wetlands on OSMP's property which, based on stipulations in City Council's motion adopting the South Boulder Creek Flood Mitigation Plan on 8-4-15, requires staff return the Plan to OSBT to fully consider the additional impacts on Open Space and make an updated recommendation to Council.

o c. Two “potential trail connections to South Boulder Creek Trail” are shown on the new map from CU. Both “connections” are totally incompatible with OSMP regulations and management decisions made to protect the natural resources on that land. The connection from the east side of the CU property to the South Boulder Creek Trail would put a trail and weed corridor through and across a wet meadow and tallgrass area that contains threatened and imperiled species and would bisect habitat that is of such high quality that it has been designated a State Natural Area. Both that connection on the east side and another one on the south side of the CU property would bring dogs off-leash from the CU dog use area into an area that has been designated “no dog” through a comprehensive OSMP public participation process.

o d. When city staff presented a previous plan for the CU–South property to the Open Space Board of Trustees along with consultants’ reports, they identified an area in the south–central part of the property as an area of high open space values. That plan was approved by OSBT. Now, in the May 1 Plan, CU has placed their "Academic Village" in that area.

- The most economic, effective, and elegant solution for the property in south Boulder is to restore the entire 308 acres to open space, remove the illegal berm so floodwaters could once again be absorbed into the wetlands and ponds within the site, and employ the abandoned quarry as a detention pond to ameliorate extreme flood events.

In an article published in the Daily Camera on May 1st in which the university publicly revealed its long-term aspirations for the property, an official said CU wants the property to be as beautiful as it is functional, promoting trail connectivity and open space – "when people are driving into Boulder, we want them to look at this and be proud of it." CU’s actions around this property over the past 20 years have hardly engendered the trust such comments call forth.

Many Boulder citizens driving into town would take greater pride in finding a thriving nature preserve proximate to the southern gateway. Such a preserve would serve as an ecologically functional floodplain, providing habitat for a host of plants and wildlife, and a resource for passive recreational use. Rather than an unsightly dam posing uncertain dangers, we would recognize the area as providing us an elegant service, honoring a land ethic that contributes to the “integrity, stability, and beauty of the biotic community” of which we are all part.

[Comments informed and derived from sources in Boulder Daily Camera – An ill-conceived plan at CU South (2/19/2017); Not so fast on CU South annexation (3/4/2017); Use Flatiron gravel pits for floodwater detention (3/5/2017) – and internal memos from concerned citizens focused upon public lands issues in the city and county.]

Attach a File (optional)



[south\\_boulder\\_comments.docx](#)

18.81 KB · DOCX

Please check box below \*

I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#422]  
**Date:** Sunday, May 14, 2017 6:29:15 PM

---

Name \* Kay Forsythe

Email \* [mkforsythe@comcast.net](mailto:mkforsythe@comcast.net)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South Boulder Flood Project

Comments, Question or Feedback \*

My husband and I live at Frasier Meadows Retirement Community and are fearful of a repeat performance of the flood that devastated our neighborhood and community in 2013. We were all so, so fortunate not to have lost our lives (and this is no exaggeration). The wonderful staff at Frasier evacuated and saved residents in our nursing and assisted living building out of water that was already halfway up on the wheels on their wheelchairs. As you know, property damage was extensive. Please, please assist our neighborhood and the plans being made by the City of Boulder and CU to help build the flood berm on CU South property. This berm has been researched extensively, our neighborhood and Frasier residents have been kept informed and are supportive of this opportunity to keep us safe, and we need your support, too. Please help keep us safe.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** Karen Hollweg  
**To:** [Wobus, Nicole](#); [Hackett, Richard](#)  
**Subject:** 5-15-17 letter to County Planning Commissioners re CU-South - please forward  
**Date:** Monday, May 15, 2017 2:06:41 PM  
**Attachments:** [5-15-17 letter to County Planning Commiss re CU-South.docx](#)

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To: Boulder County Planning Commission

I am writing to you now because I have read Docket BVCP-15-0001 prepared by staff and am concerned with the LACK of ACCURATE information and the LACK of CURRENT information provided to you and to the public. Concepts for South Boulder Creek flood mitigation have been changing a lot in the last 3 months, and I believe that you need both accurate and current information on which to base your decision regarding the land use designation for the CU-South property. Please note that:

- \* Option D is NOT the flood mitigation plan that is currently under discussion;
- \* Current (April – May) analyses and decisions by the city’s open space staff and Board of Trustees are not included in your docket (at least I have not found them);
- \* It is premature to make a decision about land use designations for the CU-South property, since there is not an approved flood mitigation plan that is in line with the BVCP policies and there are serious, new impacts that will result from the new concept of a “high hazard dam” which has neither had public review nor Board and City Council approval.

Consequently, I urge you to recommend **separating the decision on the CU-South land use designation from the rest of the BVCP, delaying a decision on this land use designation until we have fully vetted answers re the flood mitigation concept to be used and the land necessary to implement that concept.**

**Details to back up my claims and recommendations stated above, follow:**

1. **Option D** (as a flood mitigation plan for So. Boulder Creek, see link in your docket) was approved by WRAB, OSBT, and City Council in 2015. The Option D concept included an “earthen berm” that would be built in the Hwy 36 right-of-way and that would **NOT** have any impact on the City’s open space lands north and south of Hwy 36. According to the 2015 decisions, if subsequent work found that there would be significant impacts on the open space lands, the flood mitigation plan was to be taken back to OSBT for further review. [NOTE: The information on p. 4 of the Docket is not correct – Option D has **NO** “high hazard dam” in it, and recent hearings/meetings and deliberations by the Open Space Board of Trustees and OSMP staff analyses show that current concepts that do include a high hazard dam have significant impacts on our open space lands/State Natural Areas.]

2. In the last 2 years, many public meetings and substantive feedback and input have made known the following, and should prompt the **questions noted below in bold:**

a. An “earthen berm” will not meet state and federal requirements for flood control when “loss of life” is involved. The 2013 flood proved that loss of life is involved; so, this site must have a “high hazard dam.”

City and county staff must be asked about the statement on p.4 ““Option D” flood mitigation concept that involves construction of a **high hazard dam** and other flood detention infrastructure on the northeast portion of the CU South property” – **Didn’t the approved 2015 Option D call for an “earthen berm”? Will you please explain the difference between an “earthen berm” and a “high hazard dam”?** [I think you will see that there is a BIG difference – the high hazard dam requires the dam to go down to bedrock.]

b. At recent BVCP meetings on CU-South, two hydrologists pointed out that the “high hazard dam” would **prevent the groundwater flow** in the South Boulder Creek drainage. It is that underground flow that enables the “wet meadow” to exist and the Ute’s Ladies Tresses (a federally endangered plant), Preble’s Meadow Jumping Mouse, and several other species to survive in this unique habitat that is designated South Boulder Creek State Natural Area. The Open Space Board of Trustees is alarmed enough about this change in current plans/discussions that they approved at their May 10 meeting a letter detailing their concerns. If staff does not present this to the Planning Commission, Commissioners should ask: **Will you please get and provide us with the May 10 letter from the city’s Open Space Board of Trustees regarding the potential impacts and their concerns and recommendations regarding the high hazard dam? That letter refers to the OSMP staff report, 2015-2017 BVCP Update CU South OS-O Open Space Analysis. The Planning Commission should have access to this staff report before making a decision about the OS-O land use designation.**

**Will staff provide that?** [NOTE: Your Docket contains a FAQ from CU that describes, using a diagram, their “answer” for why this is not a problem – i.e. it sketches out an engineering “fix” – however, it is important to note that this CU answer has not shown up in any public city documents, has not gone through a public review process, and has neither gotten the approval of city Boards nor City Council.]

c. The existing BVCP on page 37 [and the updated draft, a new version is to be posted 5/15/17] contains policy statements re: floodplains, flood management, non-structural approaches to flood mitigation:

3.19 Preservation of Floodplains - **Undeveloped floodplains will be preserved** or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.

3.20 Flood Management - The city and county will **protect the public and property from the impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs.** The city and county will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them. The city seeks to manage flood recovery by **protecting critical facilities in the 500-year floodplain** and implementing multi hazard mitigation and flood response and recovery plans.

3.21 Non-Structural Approach - **The city and county will seek to preserve the natural and beneficial functions of floodplains by emphasizing and balancing the use of non-structural measures with structural mitigation. Where drainageway improvements are proposed, a non-structural approach should be applied wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city.**

The city should be making decisions that abide by the BVCP policies. As far as I know, the city has not yet done any of the due diligence necessary to answer the following questions and function in line with the BVCP policies. For example, **What is the estimated cost of the high hazard dam that is now being proposed? And how long will it take and how much will it cost to monitor the underground flow in the South Boulder Creek flood plain (i.e., under the State Natural Area AND under the CU-South property) and to use that monitoring to design a high hazard dam that might be able to mitigate the damage to the wet meadow? How much did the city pay to purchase the South Boulder Creek open space lands north and south of Hwy 36? Alternatively, what are the expected costs of a non-structural alternative that would sustain the underground flows and preserve the unique habitat and the scenic and ecologically diverse “gateway” to Boulder?**

d. The originally approved concept: Option D, approved in 2015 (see #1 above) is no longer under consideration. That plan has morphed from a plan with an earthen dam at its core to a high hazard dam. The city has added to their website some information about a high hazard dam, but such an option/concept has NOT been presented to and been approved by the city Boards and Council. At least some revision of that plan with a high hazard dam – and at most a different non-structural and constructed (i.e., combination) approach – needs to be articulated, vetted and approved. As the OSBT stated in their May 10, 2017 letter: T Board ...encouraged the investigation, sooner rather than later, of “plans to modify Option D ... or a new, more environmentally sensitive option...” **How can we make a land use designation for the CU-South property BEFORE a flood mitigation approach has been decided upon and we know what land area is needed for flood mitigation?**

e. Lesli Ellis stated at the BVCP public open house at CU’s SEEC on April 3, 2017 that there is precedent for parts of the BVCP that are not yet ready for four body review to be separated from the rest of the Comp Plan and moved forward on their own track. **Is it not prudent to separate the decision on the CU-South land use designation from the rest of the BVCP, delay a decision on this land use designation until we know answers to the kinds of questions in c. and d. (above), and allow the rest of the BVCP update to move forward to/through four body review?**

-----  
**Thank you for your consideration of these questions/issues in your Study Session this week.**

**Most Sincerely,**

**Karen Hollweg**

**khollweg@stanfordalumni.org**

To: Boulder County Planning Commission

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-----

**Thank you for your consideration of these questions/issues in your Study Session this week.**

**Most Sincerely,**

**Karen Hollweg**

[khollweg@stanfordalumni.org](mailto:khollweg@stanfordalumni.org)

**5/15/17**

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#288]  
**Date:** Monday, May 15, 2017 7:23:51 PM

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Name \* Karen Hollweg

Email \* [khollweg@stanfordalumni.org](mailto:khollweg@stanfordalumni.org)

This comment relates to: \* 3261 3rd Street

Comment: \*

To: Boulder County Planning Commission

I am writing to you now because I have read Docket BVCP-15-0001 prepared by staff and am concerned with the LACK of ACCURATE information and the LACK of CURRENT information provided to you and to the public. Concepts for South Boulder Creek flood mitigation have been changing a lot in the last 3 months, and I believe that you need both accurate and current information on which to base your decision regarding the land use designation for the CU-South property. Please note that:

\* The original, approved Option D is NOT the flood mitigation plan that is currently under discussion;

\* Current (April – May) analyses and decisions by the city’s open space staff and Board of Trustees are not included in your docket (at least I have not found them);

\* It is premature to make a decision about land use designations for the CU-South property, since there is not an approved flood mitigation plan that is in line with the BVCP policies and there are serious, new impacts that will result from the new concept of a “high hazard dam” which has neither had public review nor Board and City Council approval.

Consequently, I urge you to recommend separating the decision on the CU-South land use designation from the rest of the BVCP, delaying a decision on this land use designation until we have fully vetted answers re the flood mitigation concept to be used and know what land is necessary to implement that concept.

Details to back up my claims and recommendations stated above, follow:

1. Option D (as a flood mitigation plan for So. Boulder Creek, see link in your docket) was approved by WRAB, OSBT, and City Council in 2015. This Option D concept included an “earthen berm” that would be built in the Hwy 36 right-of-way and that would NOT have any impact on the City’s open space lands north and south of Hwy 36. According to the 2015 decisions, if subsequent work found that there would be significant impacts on the open space lands, the flood mitigation plan was to be taken back to OSBT for further review. [NOTE: The information on p. 4 of the Docket is NOT correct – Option D has NO “high hazard dam” in it, and recent hearings/meetings and deliberations by the Open Space Board of Trustees and OSMP staff analyses show that current concepts that do include a high hazard dam have significant impacts on our open space lands/State Natural Areas.]

2. In the last 2 years, many public meetings and substantive feedback and input have made known the following, and should prompt the questions noted below in bold:

a. An “earthen berm” will not meet state and federal requirements for flood control when “loss of life” is involved. The 2013 flood proved that loss of life is involved; so, this site must have a “high hazard dam.”

City and county staff must be asked about the statement on p.4 ““Option D” flood mitigation concept that involves construction of a high hazard dam and other flood detention infrastructure on the northeast portion of the CU South property” – Didn’t the approved 2015 Option D call for an “earthen berm”? Will you please explain the difference between an “earthen berm” and a “high hazard



dam”? [I think you will see that there is a BIG difference – the high hazard dam requires the dam to go down to bedrock.]

b. At recent BVCP meetings on CU–South, two hydrologists pointed out that the “high hazard dam” would prevent the groundwater flow in the South Boulder Creek drainage. It is that underground flow that enables the “wet meadow” to exist and the Ute’s Ladies Tresses (a federally endangered plant), Preble’s Meadow Jumping Mouse (also federally endangered), and several other species to survive in this unique habitat that is designated South Boulder Creek State Natural Area. The Open Space Board of Trustees is alarmed enough about this change in current plans/discussions that they approved at their May 10 meeting a letter detailing their concerns. If staff does not present this to the Planning Commission, Commissioners should ask: Will you please get and provide us with the May 10 letter from the city’s Open Space Board of Trustees regarding the potential impacts and their concerns and recommendations regarding the high hazard dam? That letter refers to the OSMP staff report, 2015–2017 BVCP Update CU South OS–O Open Space Analysis. The Planning Commission should have access to this staff report before making a decision about the OS–O land use designation. Will staff provide that? [NOTE: Your Docket contains a FAQ from CU that describes, using a diagram, their “answer” for why this is not a problem – i.e. it sketches out an engineering “fix” – however, it is important to note that this answer has not shown up in any public city documents, has not gone through a public review process, and has neither gotten the approval of city Boards nor City Council.]

c. The existing BVCP on page 37 [and the updated draft, a new version is to be posted 5/15/17] contains policy statements re: floodplains, flood management, non–structural approaches to flood mitigation:

3.19 Preservation of Floodplains – Undeveloped floodplains will be preserved or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.

3.20 Flood Management – The city and county will protect the public and property from the impacts of flooding in a timely and cost–effective manner while balancing community interests with public safety needs. The city and county will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them. The city seeks to manage flood recovery by protecting critical facilities in the 500–year floodplain and implementing multi hazard mitigation and flood response and recovery plans.

3.21 Non–Structural Approach – The city and county will seek to preserve the natural and beneficial functions of floodplains by emphasizing and balancing the use of non–structural measures with structural mitigation. Where drainageway improvements are proposed, a non–structural approach should be applied wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city.

The city should be making decisions that abide by the BVCP policies.

As far as I know, the city has not yet done any of the due diligence necessary to answer the following questions and function in line with the BVCP policies. For example, What is the estimated cost of the high hazard dam that is now being proposed? And how long will it take and how much will it cost to monitor the underground flow in the South Boulder Creek flood plain (i.e., under the State Natural Area AND under the CU–South property) and to use that monitoring to design a high hazard dam that might be able to mitigate the damage to the wet meadow? How much did the city pay to purchase the South Boulder Creek open space lands north and south of Hwy 36? Alternatively, what are the expected costs of a non–structural alternative that would sustain the underground flows and preserve the unique habitat and the scenic and ecologically diverse “gateway” to Boulder?

d. The originally approved concept: Option D, approved in 2015 (see #1 above) is no longer under

consideration. That plan has morphed from a plan with an earthen dam at its core to a high hazard dam. The city has added to their website some information about a high hazard dam, but such an option/concept has NOT been presented to and been approved by the city Boards and Council. At least some revision of that plan with a high hazard dam – and at most a different non-structural and constructed (i.e., combination) approach – needs to be articulated, vetted and approved. As the OSBT stated in their May 10, 2017 letter: The Board ...encourages the investigation, sooner rather than later, of “plans to modify Option D ... or a new, more environmentally sensitive option...” How can we make a land use designation for the CU-South property BEFORE a flood mitigation approach has been decided upon and we know what land area is needed for flood mitigation?

e. Lesli Ellis stated at the BVCP public open house at CU's SEEC on April 3, 2017 that there is precedent for parts of the BVCP that are not yet ready for four body review to be separated from the rest of the Comp Plan and moved forward on their own track. Is it not prudent to separate the decision on the CU-South land use designation from the rest of the BVCP, delay a decision on this land use designation until we know answers to the kinds of questions in c. and d. (above), and allow the rest of the BVCP update to move forward to/through four body review?

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Thank you for your consideration of these questions/issues in your Study Session this week.

Most Sincerely,

Karen Hollweg

khollweg@stanfordalumni.org

Please check box below \*


● I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#289]  
**Date:** Monday, May 15, 2017 8:08:46 PM

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Name \* Sandra Laursen

Email \* [biz4sal@gmail.com](mailto:biz4sal@gmail.com)

Address (optional)  Boulde 80305  
United States

This comment relates to: \* CU South

Comment: \*

I am writing to oppose changes to the land use designation for the CU South property, currently proposed by CU Boulder as part of the Boulder Valley Comprehensive Plan. Such designation is premature without a plan for flood mitigation that protects both people downstream and the natural resources within the nearby South Boulder Creek State Natural Area and designed Open Space. It is also in violation of our own local laws.

Any change to the BVCP land use designations must meet city standards for public hearing, review by relevant boards, and approval by these boards and the City Council. To date the proposed plan ("Option D") has not undergone such a process-- because Option D itself has changed since being reviewed in 2015 by the Open Space Board of Trustees and the Water Resources Advisory Board.

Second, the plan reviewed by those boards showed a low earthen berm-- but now plans call for an expensive and visually disruptive "high hazard dam" that may protect CU's property but has not been shown to detain or slow down flood waters coming down South Boulder Creek. Thus the proposed changes do not protect people.

Third, the dam will impede natural hydrological flow of groundwater to and from the State Natural Area, leaving one side soggy and one side high and dry... potentially fatal to the very orchids, amphibians, and other wet meadow species that State Natural Area designation is meant to preserve!

The CU plans further violate local governance by proposing new trails for dogs and people that lead right into the State Natural Area. Trails bisect habitat, isolating breeding populations and providing corridors and carriers for introducing weeds into high-value riparian habitat already designated for protection.

Given these failures to follow local laws and protect people and habitat, the wise solution may well be to remove the current berm-- built without approval in the first place-- and allow the area to return to its original function as a flood plain. The alluvial gravel once mined there was laid down by flood waters spilling out of the mountains, and it is only a matter of time before the creek rises and the flood waters spill again.

I ask the Planning Commission to separate the land use designation from the BVCP approval, as is legally allowed, in order to do its due diligence on the CU proposal. Key questions to be investigated address:

- why the earthen berm in Option D was replaced by a high hazard dam

- what review processes have properly examined the impacts of this change
- how this concept differs from and improves upon the other flood control options, given the changes that have been made but not described in detail or subjected to public comment and board/council oversight
- how the proposed land use plan is consistent with other BVCP policies to preserve and protect wetlands, natural areas, at-risk species of plants and animals, and to minimize flood hazards by managing development on floodplains.


Thank you for your attention and for your service.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#290]  
**Date:** Monday, May 15, 2017 9:00:30 PM

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Name *	Sallie Greenwood
Email *	<a href="mailto:sallie.greenwood@gmail.com">sallie.greenwood@gmail.com</a>
Address (optional)	 80305 United States
This comment relates to: *	CU South
Comment: *	It seems Boulder is having it's own Washington, D.C. version of Let's Replace Obamacare and fast (CU South proposal). Who needs the tried and true, by the rules Congressional Budget Office's (Boulder Open Space and Boulder Valley Comprehensive Plan) designations. Yes, the issue is complex re land use designations. Are they consistent with comprehensive plan? The CU South property, as gateway to Boulder, deserves intense and complete review for consistency, compliance, and, in the case of berm vs dam, impacts and alternatives. Ignorance and haste serve no one.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#291]  
**Date:** Tuesday, May 16, 2017 6:15:32 AM

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Name \* Cosima Krueger-Cunningham

Email \* [cardamomseed@aol.com](mailto:cardamomseed@aol.com)

Phone Number (optional) (303) 448-0832

This comment relates to: \* CU South

Comment: \*

1. I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan unless and until there is a flood mitigation plan that will:

a) protect downstream residents from loss of life and property damage,

b) preserve the South Boulder Creek State Natural Area's threatened species and habitat owned by OSMP east of CU-South, and

c) received a full public hearing and the review and approval of Boulder City Council and applicable boards.

2. The CU-South property review process should be completely separate from the current BVCP update process to avoid confusion and confounding the the complex issues involved in both.

3. Please ask the following questions about the CU-South land use proposal(s):

a) why is a "high hazard dam" now included in the proposal when an "earthen dam" was included in "Option D" and apparently approved in 2015?

b) have OSMP staff and OSBOT thoroughly reviewed and approved the expected impacts from a "high hazard dam?"

c) when no currently-approved concept exists for either a high hazard dam plan or some other combination of non-structural and structural flood mitigation currently exists, how is it possible to decide how much land and exactly what land is needed for flood mitigation?

d) does CU's (May 1, 2017) proposal adequately meet the policies set forth in the current or updated BVCP with respect to the protection and preservation of wetlands, natural areas, sensitive plant and animal species and the minimization of potential flood hazards by directing commercial and residential development outside of known and designated flood plains?

Please check box below \*

- I acknowledge receipt of the Open Records Notification
-

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#292]  
**Date:** Tuesday, May 16, 2017 7:39:36 AM

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Name *	Ben Binder
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Phone Number (optional)	(303) 860-0600
Address (optional)	 720 S 41st ST Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Since the City of Boulder has not yet begun preliminary engineering for South Boulder Creek flood mitigation Alternative D, it not too late to consider a simpler, less expensive, more environmentally sound, and safer solution, which does not require a 6,000 foot long high-hazard dam shoehorned up against Table Mesa Drive, Foothills Parkway, and US-36.

The city's Alternative D is a flawed concept with many known problems, and until the city has performed the necessary groundwater and geotechnical studies and developed engineering plans that it knows will work for flood mitigation on South Boulder Creek, it is premature to consider BVCP land use changes on CU-South.

I have been concerned about South Boulder Creek flood issues since 1996, when the Flatiron Companies unloaded their depleted Flatiron gravel pits on CU.

CU-South is located at the foot of a steep 136 square mile Front Range drainage basin in the historic streambed of South Boulder Creek from which four million cubic-yards (2,500 Acre-Feet) of alluvial deposits were quarried and sold.

In past years, to avoid floods, universities wisely built their facilities on hills and not in mined-out streambeds.

Some of you may recall that CU used its political influence with the state Mined Land Reclamation Board to gut the original reclamation plan for the gravel pits, which was approved when the gravel permit was granted.

Both the city and county wanted to work cooperatively with CU to contour the property to mitigate known downstream flooding problems. But CU was only interested in maximizing future development on its property, and added a 6,000' earthen berm to the reclamation plan to remove its property from the natural floodplain and direct floodwaters on to neighboring properties.

That mindset can be seen today in the city's "Alternative D" flood mitigation concept, which is an inelegant, expensive, clumsy plan pushed by the city's engineering department to assist CU in maximizing its buildable acreage on the southern portion of the site.



Alternative D detention is located in the north end of CU-South where the topography does not allow for sufficient detention without extensive excavation estimated to cost \$1.6 million. Furthermore, since Alternative D detention is in the low north end of the site, a 30' high-hazard dam along US-36 and a \$3.5 million concrete wall are required to get the floodwaters for floods greater than 100-year events to travel 4,000 feet south to an emergency spillway near the South Boulder Creek US-36 underpass.

I used CORA to obtain the eight proposals submitted by engineering firms to do the preliminary engineering on Alternative D. In their proposals, the engineers listed numerous serious problems with the design, which I summarized in the attachment KnownProblemsIWhtAlternativeD.

City representatives have dismissed these problems saying "Alternative D" is merely a concept, and all of the problems will be addressed during the preliminary and final engineering of the dam. But the root cause of the problems is that the Alternative D concept is critically flawed.

A better solution:

The south end of the old bathtub-shaped gravel pit is the logical location for a large floodwater detention facility. The topography of the pit is ideal for inexpensive detention with zero excavation; and the south end of the pit is high enough so that an emergency spillway designed to handle flows from floods greater than 100-year events can flow directly into the SBC underpass under US-36.

At a December 15, 2016 Planning Board hearing, city engineer Kurt Bauer was asked about the idea of using a series of small berms for detention. Bauer intentionally mislead the Board by stating that such a concept was studied and that it would cost 50% more.

In fact, the city refused to study the obvious, safest and best location for detention, so I paid a skilled geographic information systems consulting firm to use very accurate Lidar topographic data 1) to estimate detention volumes that could be created by a series of low berms; 2) to determine whether the topography of the site would allow floodwaters to spill directly downhill into South Boulder Creek without requiring a 6,000' dam along US-36; and 3) to calculate volumes and quantities of materials needed to estimate construction costs.

The inlet in our plan, which breaches the south end of CU's berm around its gravel pit, is modeled after the inlets CH2M Hill use in their Alternatives E, F, and G, which, according to their documents, will capture 681 Acre-Feet of floodwater.

In addition to solving the problems created by Alternative D, a series of smaller berms in the south end of CU's gravel pit will provide a 20% greater detention volume, save an estimated \$5 million in construction costs, and eliminate the need to obtain CDOT Right-of-Way, which will limit future improvements to three of the most congested thoroughfares in the county.

Since the city has not yet contracted an engineering firm to design its Alternative D, it is not too late to consider other options.

Until the city has performed the necessary groundwork, including groundwater and geotechnical studies, and completed preliminary engineering designs to prove the concept will work, it is premature to make any land use changes to the Boulder Valley Comprehensive Plan for CU-South.

I attached a perspective view illustrating a series of three terraced ponds that will provide 20% more floodwater detention than Alternative D. Except for periods of extreme floods, the pond areas will be

dry and can be used for other purposes. Compare that plan with Alternative D and see which makes more sense.

Please contact me if you have any question or would like any additional information.

Ben Binder, Cell 303-860-0600

bbinder@ddginc.com

Attach a File (optional)



[knownproblemswithalternated.pdf](#)

80.45 KB · PDF

Attach a File (optional)



[binderberms\\_perspectiveview\\_20170507.pdf](#)

649.54 KB · PDF

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## Known problems with the Alternative D 30' Dam along US36

Alternative D may be the best solution consultants could come up with given a big constraint imposed by the city – do not use any land CU has proposed for development.

But as recently discovered in eight engineering proposals to perform preliminary engineering for Alternative D, the concept has many problems which will delay implementation, and some of which may be fatal.

- **Elevation and Location of Detention Pond relative to US36 South Boulder Creek Underpass**- The Alternative D detention pond is located at the low point of the site at the north end of the old depleted Flatiron Gravel Pit. During major floods which exceed the capacity of the detention pond, excess floodwaters will need to be released via an emergency spillway into South Boulder Creek, which is at a higher elevation and several thousand feet south.

To accomplish this, Alternative D, requires a 30' high hazard dam along US 36 from Table Mesa Drive south to the South Boulder Creek underpass. The dam is designed to raise floodwaters high enough to get back up to the level of South Boulder Creek.

- **Seepage Control** - The Alternative D dam is situated on approximately 30 feet of alluvium, primarily sand/gravel/cobble, with relatively shallow groundwater. A cutoff wall running the entire length of the dam from the base of the dam to bedrock would be needed to address seepage and stability issues.

A groundwater cutoff wall would interrupt the significant flow of groundwater causing groundwater levels south of the dam to rise, filling any excavated detention ponds, and drying up existing Open Space wetlands and aquatic habitat north of US 36.

It is possible to design a permeable cutoff wall, but this would require a costly groundwater study that would take a year or more to complete. This would complicate regulatory approval, delay implementation, and increase costs.

- **High Groundwater Table** - As evidenced by the pond located at the north end of the project and geotechnical reports for other structures in the area, the groundwater table in the area is relatively high. The high groundwater table will complicate foundation design, construction of a seepage cutoff and ground water control during construction.
- **Viele Channel** - The north end of the Alternative D dam would obstruct the existing Viele Channel and backup flows into the residential neighborhood to the southwest unless a bypass channel or an inverted siphon below the dam and reservoir is constructed.

It may not be feasible to construct a bypass channel along the downstream toe of the dam because of space constraints and dam safety concerns. A siphon would add significant cost to the project, require routine maintenance to remove sediment and debris, and pose a potential public safety risk.

- **Emergency Spillway Issues** - Per the preliminary plan, the emergency spillway is located toward the eastern end of the dam. The water would overtop the spillway and flow onto U.S. 36. The recently constructed glare guard along the center of the highway would prevent overtopping of the westbound lanes, directing water west toward the low point in the highway just west of the Table Mesa Drive overcrossing.

If spillway discharge over the highway is not accepted by CDOT or the Office of the State Engineer, the flow would need to be routed to another location, or a large bridge or culvert structure would need to be constructed to convey flow beneath US- 36. This could have a substantial impact on the project schedule and costs.

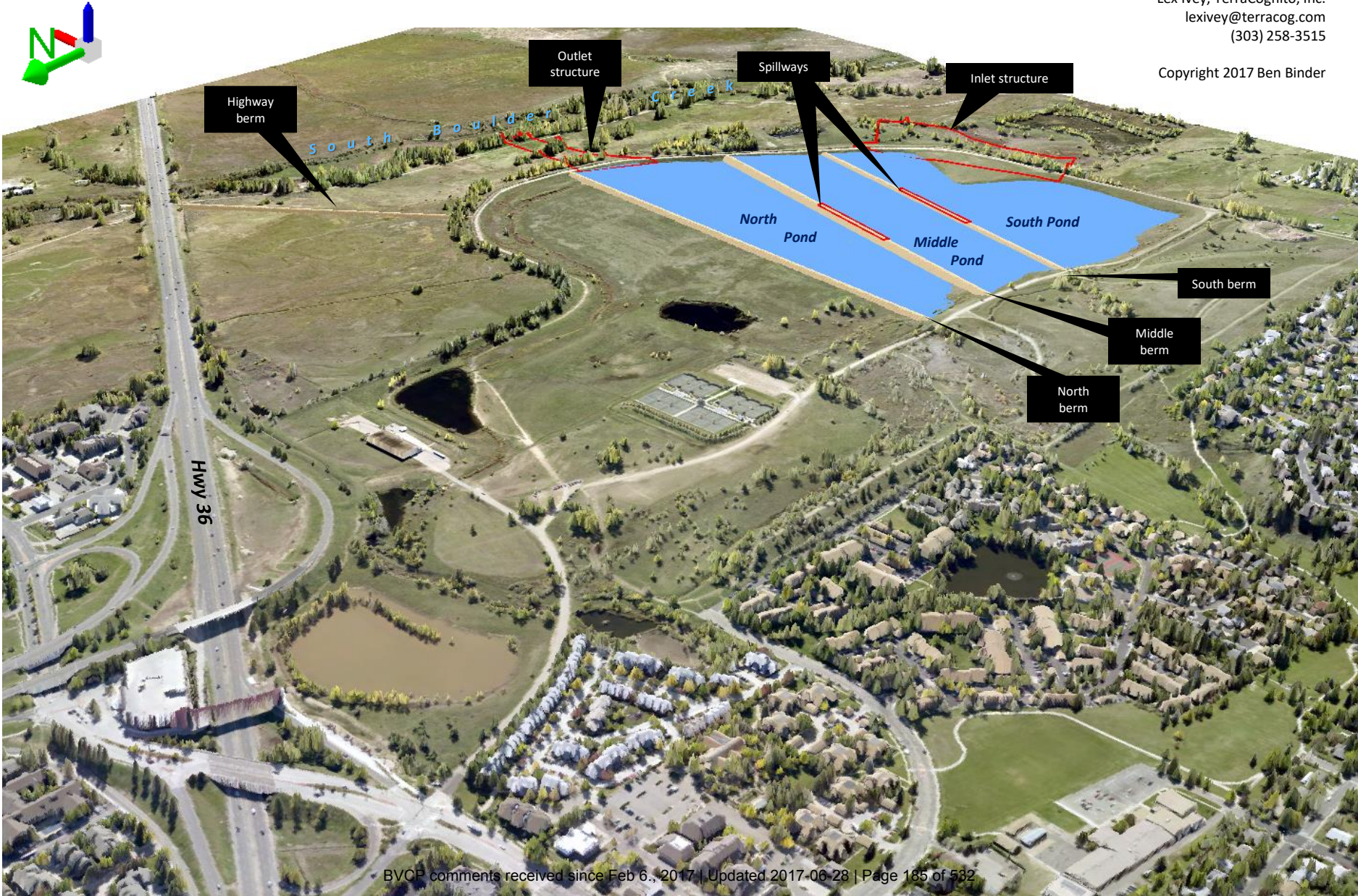
- **Variations Required from State Engineer's Office** - To provide sufficient access for maintenance activities and inspection, SEO Rules and Regulations for Dam Safety and Dam Construction require dam owners to own the property or have a permanent access easement for a minimum distance of 50 feet downstream of the toe of their dam.
- **Transportation Corridors** - The area functions as a major transportation corridor and visual gateway to the City. Shoehorning the 30' Alternative D dam up against US36, Table Mesa Drive, and Foothills parkway will severely limit future improvements to our transportation infrastructure.



# Conceptual Plan for Alternative BB—Perspective View

Design: Ben Binder  
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(303) 860-0600  
Geospatial Analysis  
& Visualization:  
Lex Ivey, TerraCognito, Inc.  
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(303) 258-3515


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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#293]  
**Date:** Tuesday, May 16, 2017 7:50:52 AM

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Phone Number (optional)	(303) 499-9190
Address (optional)	 4625 Macky Way Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Dear Sirs, As a resident of South Boulder, we are EXTREMELY concerned about this proposal. Please think about the quality of life for those who live in South Boulder – not just what CU wants to do. We do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will protect those downstream from loss of life and property damage, and sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that’s owned by OSMP to the east of CU-South, and get a full public hearing plus the review and approval of the city’s Boards and City Council.

The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?


Why is the construction of a "high hazard dam" now included in the proposal since an "earthen berm" was included in Option D and approved in 2015.

Has the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?

How can you decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan? Thank you, Patricia Ramey & Jason Priebe

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#294]  
**Date:** Tuesday, May 16, 2017 8:32:23 AM

Name *	Elizabeth Mahon
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Phone Number (optional)	(303) 248-3408
Address (optional)	 Boulder, Colorado 80305 United States
This comment relates to: *	CU South

Comment: \*

Dear Boulder County Planning Commission,  
I live in Boulder County because of the amazing open space, quality of life and environmental stewardship of the residents. I am writing to request that there are NO LAND USE DESIGNATION CHANGES to the CU property at this time. As others have suggested at various public meetings, I suggest that CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan.

I have been attending public meetings on the piece of property and have come to understand that the move to change the land designation for CU South comes from the desire to implement Plan D, the High Hazard Dam and from CU's wish to develop housing and academic buildings on the property. In some public meetings, these coexisting desires have been presented as an exchange; CU lets the city build the high hazard dam in exchange for the go-ahead with development on the land. I reject this type of behind-the-scenes exchange relationship because it is not good for the public process and could result in decisions that are destructive to the land and unsafe for residents.

There are serious concerns with the Plan D High Hazard Dam. It is urgent that more analysis be done on Plan D in terms of ground water, habitat impact, and safety for surrounding residents. Serious questions need to be asked: How has the plan changed from approval of an "earthen dam" in 2015 to the construction of a "high hazard dam" now? Have the OSMP Staff and Open Space Board of Trustees reviewed and approved the impacts expected from a "high hazard dam"? How can public officials be asked to change land use designations, when there is not yet an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan? Changing the land use designation on the property now, before proper studies and processes have occurred, is premature and should be avoided.

Thank you for taking the time to read this comment.


I hope that you will support the position stated in this letter: NO LAND USE DESIGNATION CHANGES to the CU property at this time

Sincerely, Liz Mahon

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#295]  
**Date:** Tuesday, May 16, 2017 11:14:26 AM

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Name *	Electra Guerra
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Phone Number (optional)	(303) 524-5704
Address (optional)	 4697 Macky Way Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Hello,

I am a home owner off Macky Way in South Boulder and I am deeply concerned about the proposed land use changes made by CU.

As a recent home buyer in Boulder, I was drawn to the nearby open space and the wildlife preserve. Reducing the open space land from nearly 200 acres to less than 80 acres will negatively affect South Boulder's real estate market.

Having lived through the 2013 flood disaster that struck Boulder County and northern Colorado, I know how an unexpected natural disaster can affect lives. The proposed high hazard dam could have significant impact on the South Boulder Creek open space lands and its wildlife and I am worried that not enough research has been done to confidently minimize the damage. There has been a discrepancy between the term 'berm' and 'high hazard dam' with the analyses and this concerns me.

I will not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation. I urge you to investigate this proposal seriously. In the proposal, why has the 'earthen berm' turned into a 'high hazard dam'? Are the impacts of the dam known and well understood by the OSMP staff and the Open Space Board of Trustees? How does the proposal maintain the Boulder Valley Comprehensive Plan's policies regarding wildlife and wetland preservation and minimal flood hazards?

Thank you for taking my concerns seriously.

-Electra Guerra


Please check box below \*

- I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#296]  
**Date:** Tuesday, May 16, 2017 11:53:00 AM

---

Name *	JoAn Acker
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Phone Number (optional)	(303) 494-8374
Address (optional)	 150 S. 33rdSt Boulder , Co 80305 United States
This comment relates to: *	CU South

Comment: \*

Please consider the questions below at your meeting today.

Why is the construction of a "high hazard dam" now included in the proposal since an "earthen berm" was included in Option D and approved in 2015?

- Has the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?
- How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#297]  
**Date:** Tuesday, May 16, 2017 12:31:08 PM

---

Name \* C.A. Adams

Email \* [roa357@msn.com](mailto:roa357@msn.com)

Address (optional)  80305  
United States

This comment relates to: \* CU South

Comment: \*

As a half century resident of Boulder, I have strong feelings about its character and what has, in the past, made it special. I feel that the BOCO commissioners should not allow the CU South property to be included in the Boulder Valley Comprehensive Plan at this time because of the complexity of the flooding problem, for starters. It has been designated a "natural area" and Open Space following the gravel mining use. It is the prominent entrance to our city; to have it be a mini-city of its own would be an eyesore. CU can build in other areas, i.e., Pearl St. Pkwy East, etc. The traffic congestion vision is a nightmare. The traffic on Table Mesa Drive between Broadway and 36 is already very bad and is horrendous when the school kids are being transported in the morning and afternoon. There are so many significant reasons not to annex the property. Once it's done, it's there, like all the big ugly buildings in the city that block the views we used to cherish, and now feels like being in a big city. I also feel strongly that the 4-step review (probably not right term) for land use changes should stay as is, that the city should not have power over the county. Thank you.

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#298]  
**Date:** Tuesday, May 16, 2017 2:37:14 PM

---

Name \* Justin Guerra

Email \* [justinguerra@gmail.com](mailto:justinguerra@gmail.com)

Address (optional)  4697 Macky Way  
Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \* Hello,

I'm a home owner in South Boulder area and I am concerned about the plans around developing the CU South area. Having lived in a flood zone, dealt with flood insurance, and having weathered the 2013 floods I think it is very important for a thorough flood mitigation plan to be developed. I will not be happy if I find out one day that FEMA has re-designated my house in a flood zone due to the city trying to rush this re-development plan.

-Justin

Please check box below \*  I acknowledge receipt of the Open Records Notification

---

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#299]  
**Date:** Tuesday, May 16, 2017 3:11:46 PM

---

Name \* Gregg Wicken

Email \* [greggwicken@gmail.com](mailto:greggwicken@gmail.com)

This comment relates to: \* CU South

Comment: \*

To The Boulder County Planning Commission,

As a concerned resident of Boulder I don't understand and it seems underhanded why the construction of a "high hazard dam" is now included in changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan proposal since an "earthen berm" was included in Option D and approved in 2015?

Has the OSMP Staff and Open Space Board of Trustees reviewed and approved the impacts expected from a "high hazard dam" ? Also, how can anyone decide what land and how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?

How does the new CU-South proposal which was posted by CU on May 1st meet the requirements set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants, animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Already CU proposes changing the amount of land designated "Open Space-Other" from about 200 acres to less than 80 acres!

Let it be known that I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a properly developed plan for protective flood mitigation that does not disrupt the natural environment and affect already 'designated' Open Space for nearby residents / residences, and possible damage to downstream property owners!

Many thanks for your consideration and to both raise and ask these questions directly during tomorrow's May 17, meeting.


Sincerely,  
Gregg A. Wicken

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#300]  
**Date:** Tuesday, May 16, 2017 3:40:07 PM

---

Name *	George Weber
Email *	<a href="mailto:gw@gwenvironmental.com">gw@gwenvironmental.com</a>
Phone Number (optional)	(303) 494-8572
Address (optional)	 1275 Chambers Drive Boulder, Colorado 80305 United States
This comment relates to: *	CU South

**Comment: \***

Commissioners:

Pease -

- Do not approve changes to the current land use designations for CU-South in the Boulder Valley Comprehensive Plan (BVCP) until there is a plan for flood mitigation that will:
  - protect those downstream from loss of life and property damage;
  - sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South; and
  - get a full public hearing plus the review and approval of the City's Boards and City Council.
- Separate consideration of the CU South property from the current BVCP update process, given the complexity of the planning issues, the new plans that City and County boards and commissions have not been able to vet fully vetted, and the importance of the site to the City and surrounding County.
- Consider important questions to inform your decision-making, including:

Why the construction of a "high hazard dam" is now included in the proposal since an "earthen berm" was included in Option D and approved in 2015?

Whether the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?

How anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?


How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#301]  
**Date:** Tuesday, May 16, 2017 4:03:30 PM

---

Name *	George Weber
Email *	<a href="mailto:gw@gwenvironmental.com">gw@gwenvironmental.com</a>
Phone Number (optional)	(303) 494-8572
Address (optional)	 1275 Chambers Drive Boulder, Colorado 80305 United States
This comment relates to: *	CU South

**Comment: \***

Commission Members:

Please do NOT change land use classifications for CU South until appropriate County and City boards and commissions are able to consider several significant issues thoroughly.

One significant issue is that CU South, even the unstable western slope on which CU wants to build 1125 units of student and workforce housing, is located within the High Hazard Gross Dam potential failure hazard zone'. The area vulnerable to potential inundation, and the magnitude of release, likely will be increased significantly if Denver Water Department (DWD) is successful in increasing the capacity of Gross Reservoir to 3X what it is now as DWD plans.

Professional judgments deem potential High Hazard Gross dam failure as having a low probability of occurring. Nevertheless, the issue is serious enough that the State of Colorado requires dam owners, in this case the DWD, to project the magnitude and spatial extent of flooding due to potential failure, and to prepare Emergency Action Plans (EAP) for responding to potential failure. The BVCP update process needs to identify and account for this hazard issue in analyses and subsequent decision-making related to future land use of the CU South site.

Questions for you to consider, and documentation follow.

Questions for BVCP Update Process Agency and Citizen Decision-Maker Consideration

1. Is the engineering design for CU's improvements to its berm intended to protect the mined gravel pits sufficient to accommodate potential High Hazard Gross Dam failure flood waters as depicted in the most recent and available assessment of potential hazard? (Attached) Please note that the State Engineer's 1988 hazard map for the 'Turnpike' segment, which encompasses the CU South property, shows the modeled inundation zone over-topping the berm as it existed at the time of this study.

2. Are the design specifications for the City's current first choice of a structural flood control dam ('Alt D'), at U.S. Highway 36 sufficient to accommodate potential Gross Dam failure floodwaters?

3. Assuming DWD is successful in accomplishing its planned expansion of Gross Dam and Reservoir from 37,000-acre feet to 119,000-acre feet (<https://grossreservoir.org/about-the-project/>):

- Is the design of the University of Colorado's (CU) structural flood control berm sufficient to protect future development in the mined area from potential floodwaters in the event of potential failure of the enlarged High Hazard Gross Dam and reservoir?

- Are the design specifications for the City's current first choice for a structural flood control dam at U.S. Highway 36 ('Alt D' sufficient to accommodate potential failure of the planned High Hazard Gross Dam and reservoir enlargement?

4. Would relevant public agency decision-makers be making wise decisions, if, for this site vulnerable to potential High Hazard Gross Dam failure, they were to:

- Change the land use designation of the CU South property to other designations enabling subsequent annexation by the City?

- Provide costly infrastructure and services to the site?

- Develop to the intensive land uses the University of Colorado has proposed in the future on multiple occasions?

#### Discussion and Documentation

The attached study developed by the Dam Safety Branch, Office of the State Engineer, Colorado Division of Water Resources (revised 12/31/1988) indicates the entire CU South site, as located in the hazard zone from potential failure of the High Hazard Gross Dam.

Gross Dam holds a 'High Hazard' rating (<https://data.colorado.gov/Water/DWR-Dam-Safety-Data-Base-Gross-Reservoir/e4kc-7d5e/data>).

4.2.14.1 "High Hazard Dam" is a dam for which loss of human life is expected to result from failure of the dam. Designated recreational sites located downstream within the bounds of possible inundation should also be evaluated for potential loss of human life. ([http://water.state.co.us/DWRIPub/Documents/ds\\_rules07.pdf](http://water.state.co.us/DWRIPub/Documents/ds_rules07.pdf), p.5)

I contacted the Dam Safety Engineer, Division 1 on 12/1/16 and asked if they possessed or knew of a more recent revision of the attached assessment, and if so, could they provide me a copy. They responded that:

- DWD developed a revision dated 8/19/15;

- Revision is proprietary, thus the State Dam Safety Branch can not release it to the public;

- DWD contact for obtaining a copy is Rebecca J. Franco; and

- Dam Safety Branch destroyed earlier studies to minimize the potential for confusion in emergency response planning and implementation if failure occurs.

I contacted Ms. Franco by telephone and email to ask for a copy of the 8/19/15 revision. In addition, I explained that I wanted it to submit the most recent information on the dam safety hazard to the Boulder Valley Comprehensive Plan (BVCP) update process, rather than the older study in my files.

On 12/5/16, Beth Roman, Raw Water Diversion Program Manager, Source of Supply, DWD, responded by email that they:

- Were unfamiliar with both the 1988 study that the State Engineer's staff forwarded to me in February 1995, and DWD's 2015 revision that the State Engineer cited in December 2016;
- Do not release information like this to the public due to security concerns; and
- Would share any information like this with local disaster mitigation and response agencies to support their emergency planning and response activities.

The DWR Dam Safety Data Base – Gross Reservoir indicates an inundation map prepared in 1/1/2007, also more recent than the attached 1988 study.

Please note that I did not identify that the Environmental Impact Statement, Moffat Collection System Project (<http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/EIS-Moffat/>) addressed potential impacts of the planned Gross Dam and Reservoir expansion on downstream dam safety issues.

Attach a File (optional)



[gross\\_dam\\_potential\\_failure\\_study\\_123188.pdf](#)

828.58 KB · PDF

Please check box below \*

- I acknowledge receipt of the Open Records Notification



DIVISION OF WATER RESOURCES  
OFFICE OF THE STATE ENGINEER

BY \_\_\_\_\_

DATE \_\_\_\_\_

TITLE \_\_\_\_\_

SHEET \_\_\_\_\_ OF \_\_\_\_\_

Mr. WEBER,

HERE IS THE DAM BREAK INUNDATION MAPPING  
FOR GROSS DAM FROM ELDORADO SPRINGS THRU  
BOULDER. I HOPE THIS WILL BE OF USE  
TO YOU. PLEASE CALL IF YOU HAVE ANY MORE  
QUESTIONS.

Mark Haynes.



OFFICE  
OF THE  
STATE  
ENGINEER

**Division of Water Resources**

DEPARTMENT OF NATURAL RESOURCES  
818 CENTENNIAL BUILDING  
1313 SHERMAN STREET, ROOM 818  
DENVER, COLORADO 80203

MARK R. HAYNES - P.E.  
SENIOR WATER RESOURCE ENGINEER  
DAM SAFETY BRANCH

OFFICE: 303 - 866-3581  
HOME: 303-798-0197

V. **APPENDIX**

B. Summary of Inundation Study

The failure of Gross Dam and the resulting flood inundation was originally modeled in 1980 using the U.S. Army Corps of Engineers Flood Hydrograph Computer model "HEC-1". Downstream channel cross section information and the attached flood inundation map was based on 7-1/2 minute U.S.G.S. quadrangle maps. The original analysis assumed the worst case conditions of the dam failing under initially full reservoir conditions simultaneously with the peak inflow from the Probable Maximum Flood (PMF) of 41,000 cfs.

The HEC-1 program is somewhat limited in that it assumes all flow is subcritical and generally overestimates flood stages in supercritical reaches. It also does not consider backwater effects, however this was corrected in the original analysis by adjusting flood boundaries upward at constrictions. The breach analysis was checked in November of 1988 with the National Weather Service computer model "DAMBRK" using breach geometry and failure times that are more consistent with those recommended by the Federal Energy Regulatory Commission (FERC). The "DAMBRK" breach analysis also utilized a revised PMF based on Hydrometeorological Report No. 55A which had a peak inflow into Gross Reservoir of approximately 90,000 cfs. The revised analysis produced a peak outflow from the Gross Dam breach that was nearly equal to that of the initial analysis. The original analysis was therefore retained to produce the attached flood inundation mapping. The use of the PMF inflow is very conservative when compared with the 100 year flood near Gross Reservoir which is approximately 3200 cfs.

The original analysis assumed that the reservoir was full to elevation 7282 (top of flashboards) and that the outlet works was operating at 1200 cfs. The breach was assumed to fully develop in 5 minutes and was initiated at elevation 7293.5 (3.5 feet above the top of the dam). The breach was modeled as a trapezoidal shaped breach as shown in Figure B-1. The bottom width was 100 feet wide at elevation 7033 and the side slopes of the breach were 1H:1V.

Mannings roughness coefficients used in the downstream flood routing were input consistent with the cross section and generally ranged from .035 to .060 in the center of the channel to .05 to 0.1 in the overbank sections. There are two downstream reservoirs that would definitely be overtopped and breached under the worst case conditions assumed in the analysis, but their contribution to the flood was not considered to be significant. These are Baseline and Valmont reservoirs and have a total combined storage of only 18,800 acre-feet. The flood routing was terminated at the confluence

B-1

Last Rev. 12/31/88

Gross Dam and Reservoir

B. Summary of Inundation Study (Cont.)

of Boulder Creek with St. Vrain Creek approximately 35 miles downstream of Gross Dam. At this point it had taken over three hours for the floodwave peak to arrive and at this time local authorities will have had ample time to react to the actual conditions of any emergency.

Flood inundation information at some of the critical cross sections is summarized in Table B-1 below.

TABLE B-1

GROSS DAM BREAK FLOOD INUNDATION INFORMATION

<u>Time From Beginning of Break</u>	<u>Location</u>	<u>Distance Below Dam (Miles)</u>	<u>Discharge (cfs)</u>	<u>Comment</u>
0Min.	Dam	0	35,365	Breach Begins
5Min.	Dam	0	3,469,000	Peak Outflow
8Min.	Eldorado Spgs	7.65	-	Floodwave Arrives
16Min.	Eldorado Spgs	7.65	2,128,000	Peak of Floodwave
19Min.	Turnpike	13.27	-	Floodwave Arrives
29Min.	Turnpike	13.27	1,387,000	Peak of Floodwave
32Min.	Valmont Butte	17.41	-	Floodwave Arrives
52Min.	Valmont Butte	17.41	820,000	Peak of Floodwave
57Min.	N. 95th St.	23.63	-	Floodwave Arrives
1H 32Min.	N. 95th St.	23.63	464,000	Peak of Floodwave
1H 30Min.	Mineral Road	28.96	-	Floodwave Arrives
2H 22Min.	Mineral Road	28.96	372,000	Peak of Floodwave
2H 22Min.	Confluence St.	34.64	-	Floodwave Arrives
3H 22Min.	Vrain Cr.	34.64	283,000	Peak of Floodwave

*MWS Dam Break  
 put in data for storage  
 pull cross sections from USB  
 stayed below cross section  
 then plot which is fine  
 No correction between flood plan  
 & engineers who generate the stuff*

B-2

Last Rev. 12/31/88

Gross Dam and Reservoir

# STATE OF COLORADO

**OFFICE OF THE STATE ENGINEER**  
 Division of Water Resources  
 Department of Natural Resources  
 1713 S. Main Street, Room 818  
 Denver, Colorado 80203  
 Phone (303) 866-3581  
 FAX (303) 866-3589



Roy Romer  
 Governor  
 James S. Lochhead  
 Executive Director  
 Hal D. Simpson  
 State Engineer

## FAX COVER SHEET

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**TO:** MR. GEORGE WEBER @ 494-8572

**OFFICE:** \_\_\_\_\_

**FROM:** MARK HAYNES

**TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET:** 5

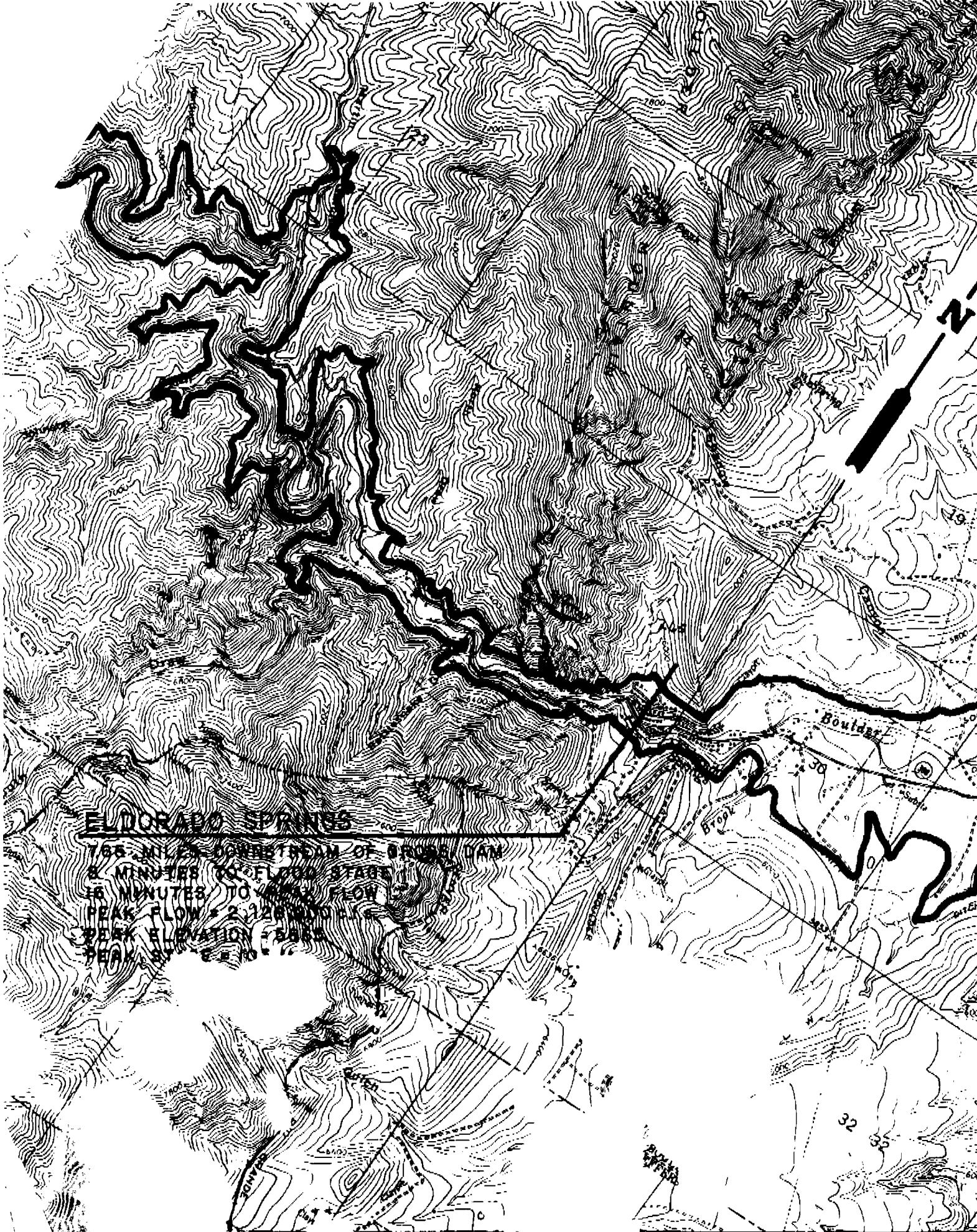
**DATE:** 2/17/95 @ 10:20 A.M.

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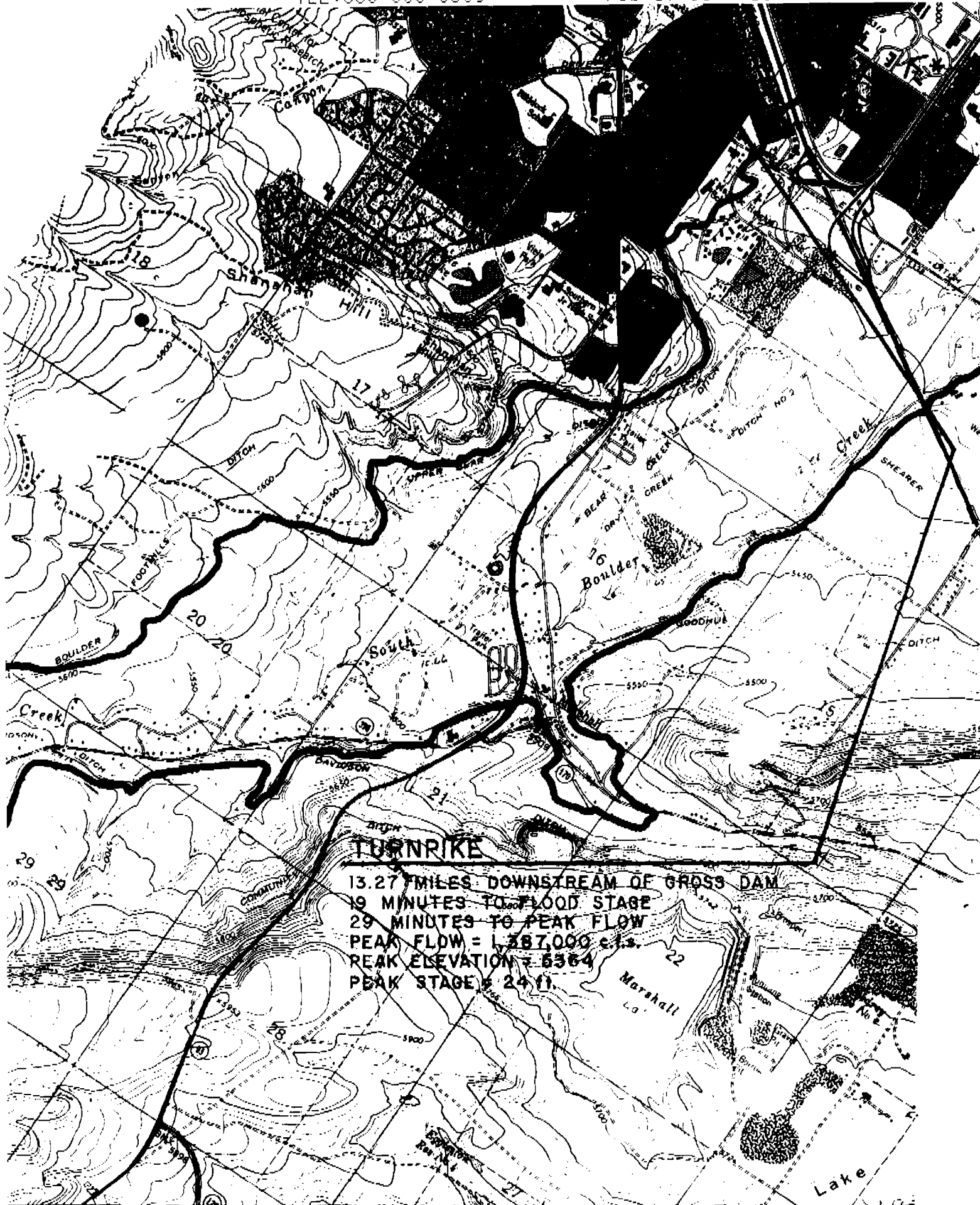
**Telephone:** (303) 866-3581

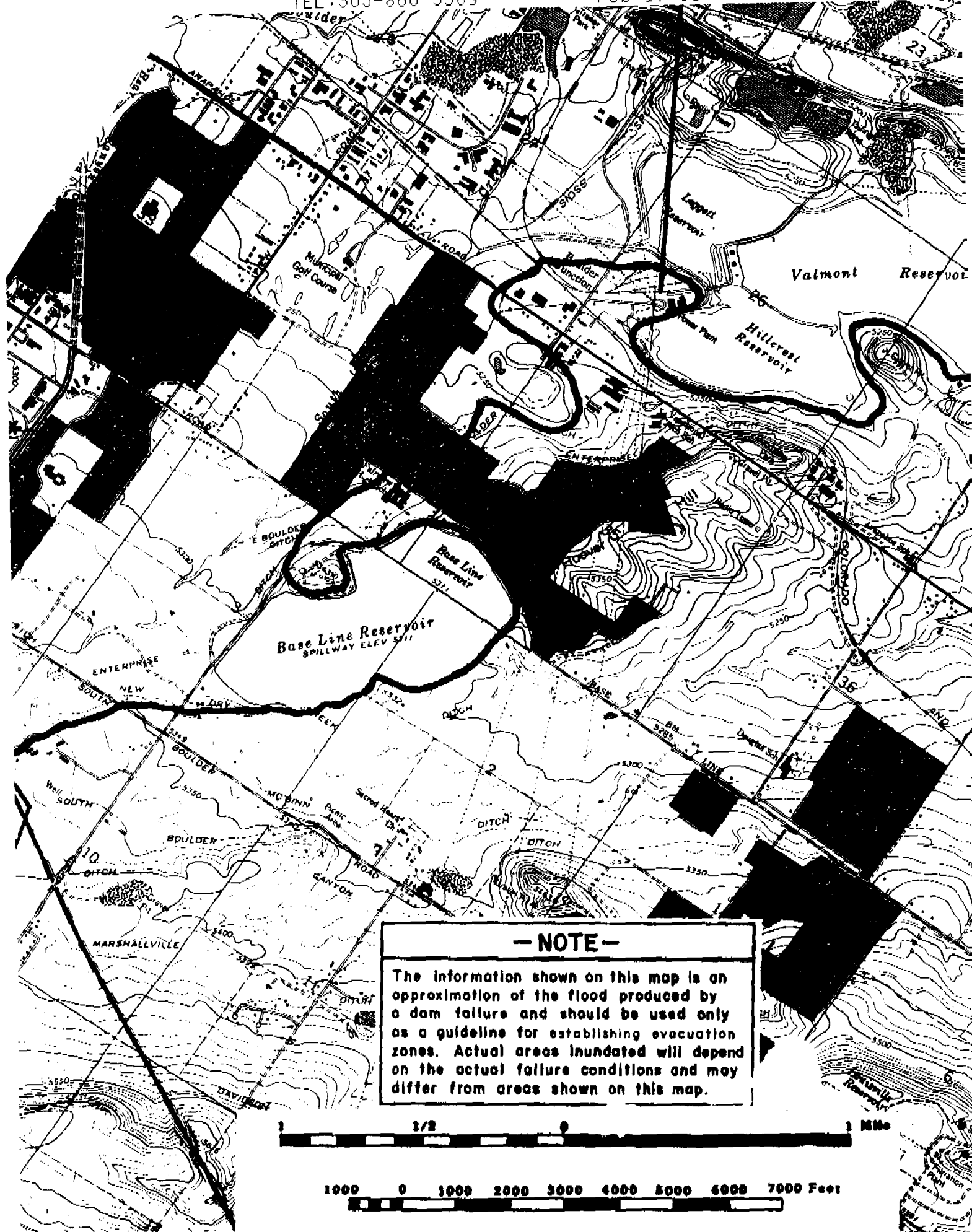
**Fax Number:** (303) 866-3589

**MESSAGE:** \_\_\_\_\_  
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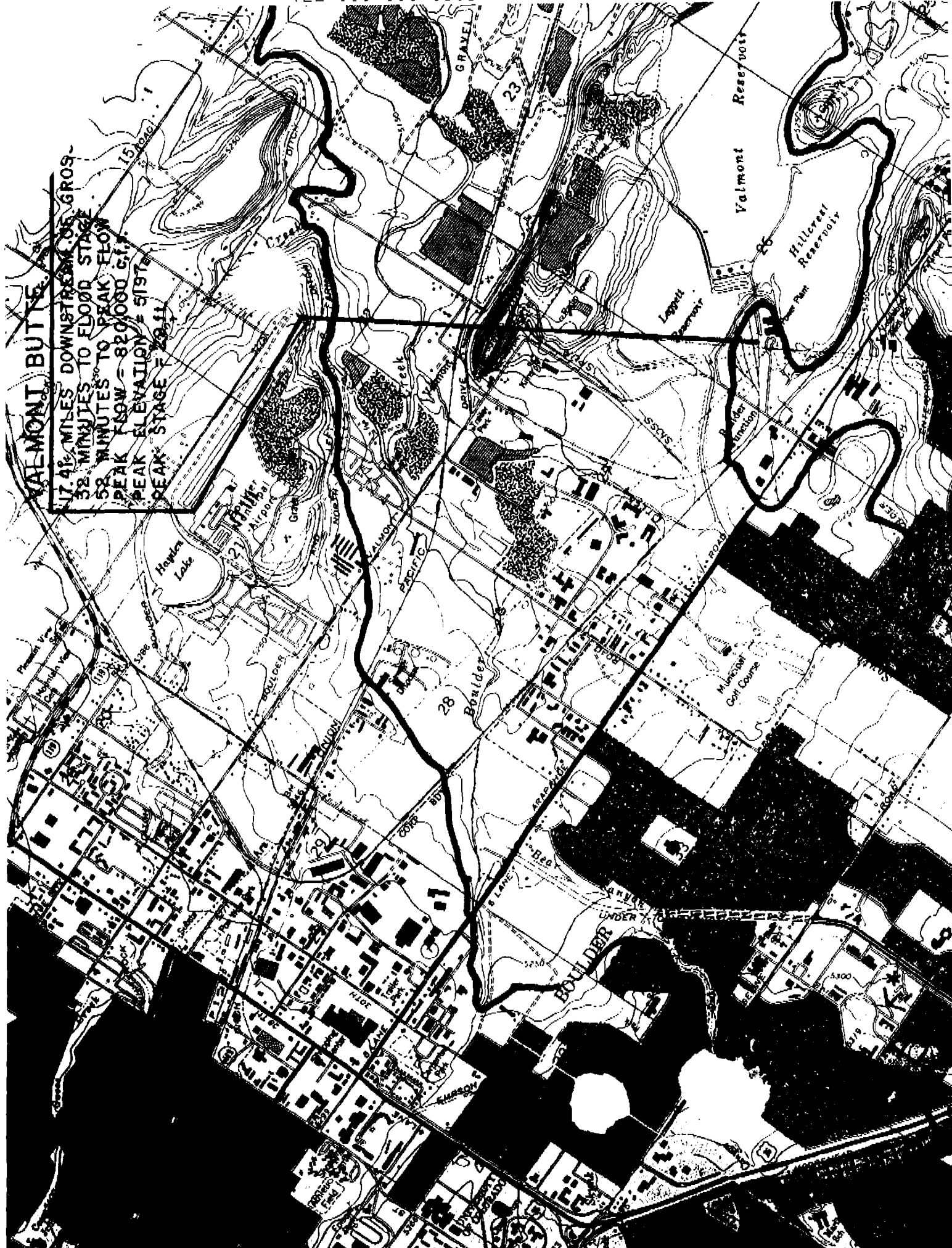


**ELDORADO SPRINGS**  
 7.65 MILES DOWNSTREAM OF CROSS DAM  
 8 MINUTES TO FLOOD STAGE  
 16 MINUTES TO WASH FLOW  
 PEAK FLOW 2,328 CFS  
 PEAK ELEVATION 5,666  
 PEAK WATER TEMP 42°F







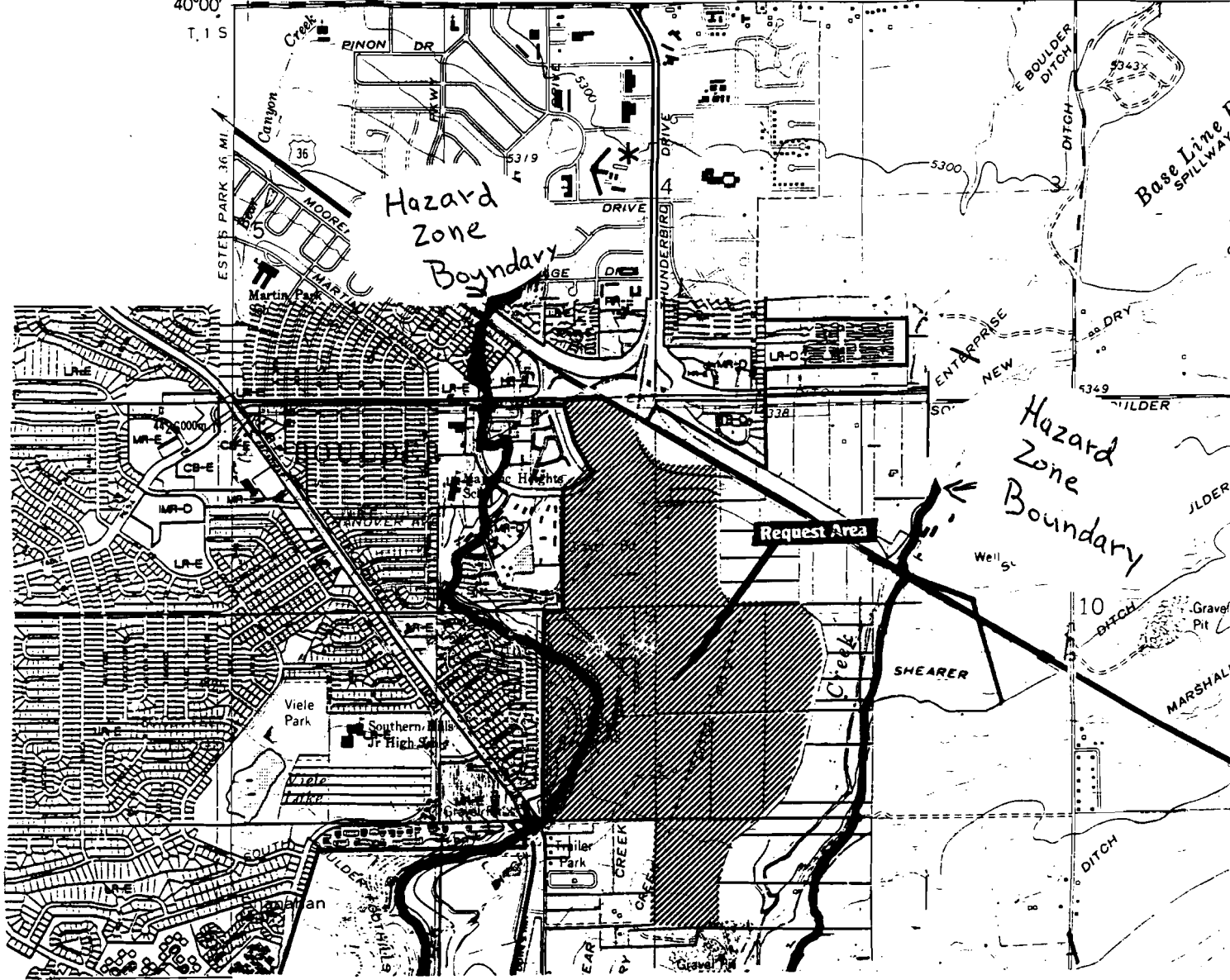




1964 (11 SE BOULDER)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

105°15' 479000m. E 480 2 080 000 FEET (CENTRAL) 482 12'30"



Gross Dam Failure  
Inundation Study

~~TURNPIKE~~  
~~13.27 MILES DOWNSTREAM OF GROSS DAM~~  
~~19 MINUTES TO FLOOD STAGE~~  
~~29 MINUTES TO PEAK FLOW~~  
~~PEAK FLOW = 1,387,000 c.f.s.~~  
~~PEAK ELEVATION = 5364~~  
~~PEAK STAGE = 24 ft.~~

Original Inundation Study  
On file at Colorado Office  
of Emergency Services

- PROJECT NAME:  
Women of the West/South Boulder Creek Annex.
- LOCATION:  
near SW corner of Hwy. 36 and Table Mesa
- APPLICATION & PROPOSED DEVELOPMENT:  
AZ-95-2 - ANNEXATION/INITIAL ZONING
- ZONING:  
County (Boulder County Zoning)
- APPLICANT:  
Flatiron Park Company
- CASE MANAGER/STAFF CONTACT:  
Alice Royer



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#302]  
**Date:** Tuesday, May 16, 2017 4:17:32 PM

---

Name \* Ellen Sandrock

Email \* [elliesandrock@yahoo.com](mailto:elliesandrock@yahoo.com)

This comment relates to: \* CU South

Comment: \*

CU South is my backyard where I play with my kids and dog almost every day. Have the OSMP Staff and Open Space Board of Trustees reviewed and approved the impacts expected from a "high hazard dam"?

How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Please think about the impact you have on the homes in this area. Thank you.

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#303]  
**Date:** Tuesday, May 16, 2017 4:21:46 PM

---

Name \* Mary McQuiston

Email \* [marymcquiston@comcast.net](mailto:marymcquiston@comcast.net)

Address (optional)  4331 Eldorado Springs Drive  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

Greetings ....

I am writing to express my strong opinion that changing the current land use designations for CU South in the Comp Plan should not occur now. It should be set aside until the Flood Mitigation is studied and decided, while impacts on City Open Space, State Natural area, and significant habitat that is currently owned by OSMP are mitigated.

It appears that the proposed change presents many unanswered questions. To rush ahead while threatening the very important values included in the current Comp Plan would be fool hearty. The County has always been a leader in evaluation and understanding of threats to important species and habitat.

Please keep this issue separated from the current update process.

Thank you.


Mary McQuiston

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#304]  
**Date:** Tuesday, May 16, 2017 4:27:38 PM

---

Name *	Karen Hollweg
Email *	<a href="mailto:khollweg@stanfordalumni.org">khollweg@stanfordalumni.org</a>
This comment relates to: *	CU South
Comment: *	See attached
Attach a File (optional)	 <a href="#">51517 letter to county planning commiss re cusouth.docx</a> 15.99 KB · DOCX
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

To: Boulder County Planning Commission

I am writing to you now because I have read Docket BVCP-15-0001 prepared by staff and am concerned with the LACK of ACCURATE information and the LACK of CURRENT information provided to you and to the public. Concepts for South Boulder Creek flood mitigation have been changing a lot in the last 3 months, and I believe that you need both accurate and current information on which to base your decision regarding the land use designation for the CU-South property. Please note that:

- \* Option D is NOT the flood mitigation plan that is currently under discussion;
- \* Current (April – May) analyses and decisions by the city’s open space staff and Board of Trustees are not included in your docket (at least I have not found them);
- \* It is premature to make a decision about land use designations for the CU-South property, since there is not an approved flood mitigation plan that is in line with the BVCP policies and there are serious, new impacts that will result from the new concept of a “high hazard dam” which has neither had public review nor Board and City Council approval.

Consequently, I urge you to recommend **separating the decision on the CU-South land use designation from the rest of the BVCP, delaying a decision on this land use designation until we have fully vetted answers re the flood mitigation concept to be used and the land necessary to implement that concept.**

**Details to back up my claims and recommendations stated above, follow:**

1. **Option D** (as a flood mitigation plan for So. Boulder Creek, see link in your docket) was approved by WRAB, OSBT, and City Council in 2015. The Option D concept included an “earthen berm” that would be built in the Hwy 36 right-of-way and that would NOT have any impact on the City’s open space lands north and south of Hwy 36. According to the 2015 decisions, if subsequent work found that there would be significant impacts on the open space lands, the flood mitigation plan was to be taken back to OSBT for further review. [NOTE: The information on p. 4 of the Docket is not correct – Option D has NO “high hazard dam” in it, and recent hearings/meetings and deliberations by the Open Space Board of Trustees and OSMP staff analyses show that current concepts that do include a high hazard dam have significant impacts on our open space lands/State Natural Areas.]

2. In the last 2 years, many public meetings and substantive feedback and input have made known the following, and should prompt the **questions noted below in bold:**

a. An “earthen berm” will not meet state and federal requirements for flood control when “loss of life” is involved. The 2013 flood proved that loss of life is involved; so, this site must have a “high hazard dam.”

City and county staff must be asked about the statement on p.4 ““Option D” flood mitigation concept that involves construction of a **high hazard dam** and other flood detention infrastructure on the northeast portion of the CU South property” – **Didn’t the approved 2015 Option D call for an “earthen berm”? Will you please explain the difference between an “earthen berm” and a “high hazard dam”?** [I think you will see that there is a BIG difference – the high hazard dam requires the dam to go down to bedrock.]

b. At recent BVCP meetings on CU-South, two hydrologists pointed out that the “high hazard dam” would **prevent the groundwater flow** in the South Boulder Creek drainage. It is that underground flow that enables the “wet meadow” to exist and the Ute’s Ladies Tresses (a federally endangered plant), Preble’s Meadow Jumping Mouse, and several other species to survive in this unique habitat that is designated South Boulder Creek State Natural Area. The Open Space Board of Trustees is alarmed

enough about this change in current plans/discussions that they approved at their May 10 meeting a letter detailing their concerns. If staff does not present this to the Planning Commission, Commissioners should ask: **Will you please get and provide us with the May 10 letter from the city's Open Space Board of Trustees regarding the potential impacts and their concerns and recommendations regarding the high hazard dam? That letter refers to the OSMP staff report, 2015-2017 BVCP Update CU South OS-O Open Space Analysis. The Planning Commission should have access to this staff report before making a decision about the OS-O land use designation. Will staff provide that?** [NOTE: Your Docket contains a FAQ from CU that describes, using a diagram, their "answer" for why this is not a problem – i.e. it sketches out an engineering "fix" – however, it is important to note that this CU answer has not shown up in any public city documents, has not gone through a public review process, and has neither gotten the approval of city Boards nor City Council.]

c. The existing BVCP on page 37 [and the updated draft, a new version is to be posted 5/15/17] contains policy statements re: floodplains, flood management, non-structural approaches to flood mitigation:

3.19 Preservation of Floodplains - **Undeveloped floodplains will be preserved** or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.

3.20 Flood Management - The city and county will **protect the public and property from the impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs.** The city and county will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them. The city seeks to manage flood recovery by **protecting critical facilities in the 500-year floodplain** and implementing multi hazard mitigation and flood response and recovery plans.

3.21 Non-Structural Approach - **The city and county will seek to preserve the natural and beneficial functions of floodplains by emphasizing and balancing the use of non-structural measures with structural mitigation. Where drainageway improvements are proposed, a non-structural approach should be applied wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city.**

The city should be making decisions that abide by the BVCP policies. As far as I know, the city has not yet done any of the due diligence necessary to answer the following questions and function in line with the BVCP policies. For example, **What is the estimated cost of the high hazard dam that is now being proposed? And how long will it take and how much will it cost to monitor the underground flow in the South Boulder Creek flood plain (i.e., under the State Natural Area AND under the CU-South property) and to use that monitoring to design a high hazard dam that might be able to mitigate the damage to the wet meadow? How much did the city pay to purchase the South Boulder Creek open space lands north and south of Hwy 36? Alternatively, what are the expected costs of a non-structural alternative that would sustain the underground flows and preserve the unique habitat and the scenic and ecologically diverse "gateway" to Boulder?**

d. The originally approved concept: Option D, approved in 2015 (see #1 above) is no longer under consideration. That plan has morphed from a plan with an earthen dam at its core to a high hazard dam. The city has added to their website some information about a high hazard dam, but such an option/concept has NOT been presented to and been approved by the city Boards and Council. At least some revision of that plan with a high hazard dam – and at most a different non-structural and constructed (i.e., combination) approach – needs to be articulated, vetted and approved. As the OSBT stated in their May 10, 2017 letter: T Board ...encouraged the investigation, sooner rather than later, of “plans to modify Option D ... or a new, more environmentally sensitive option...” **How can we make a land use designation for the CU-South property BEFORE a flood mitigation approach has been decided upon and we know what land area is needed for flood mitigation?**

e. Lesli Ellis stated at the BVCP public open house at CU’s SEEC on April 3, 2017 that there is precedent for parts of the BVCP that are not yet ready for four body review to be separated from the rest of the Comp Plan and moved forward on their own track. **Is it not prudent to separate the decision on the CU-South land use designation from the rest of the BVCP, delay a decision on this land use designation until we know answers to the kinds of questions in c. and d. (above), and allow the rest of the BVCP update to move forward to/through four body review?**

-----

**Thank you for your consideration of these questions/issues in your Study Session this week.**

**Most Sincerely,**

**Karen Hollweg**

[khollweg@stanfordalumni.org](mailto:khollweg@stanfordalumni.org)

**5/15/17**

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#305]  
**Date:** Tuesday, May 16, 2017 4:33:27 PM

---

Name \* Heather Wicken

Email \* [heatherwicken@gmail.com](mailto:heatherwicken@gmail.com)

Phone Number (optional) (303) 507-4200

This comment relates to: \* CU South

Comment: \*

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will

- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

I believe that the CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

I urge you the Planning Commission to ask important questions to inform their decision-making, for example:

- Why the construction of a "high hazard dam" is now included in the proposal since an "earthen berm" was included in Option D and approved in 2015?

Have you r the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?

How can anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?

How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Thank you for your time.  
Heather Wicken

Please check box below \*

I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#306]  
**Date:** Tuesday, May 16, 2017 4:33:44 PM

---

Name *	Suzanne De Lucia
Email *	<a href="mailto:sdelucia@frontrangebusiness.com">sdelucia@frontrangebusiness.com</a>
This comment relates to: *	CU South
Comment: *	I live on S. Boulder Creek, downstream from CU South. I am very concerned that this project is moving forward too fast and without sufficient engineering. From what I have learned, I believe this project is under-engineered and I will become the ultimate flood victim – again. Please slow down. Suzanne De Lucia 86 Mineola Court
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#307]  
**Date:** Tuesday, May 16, 2017 4:36:18 PM

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Name \* Kirsten Glennon

Email \* [kirsten.hayda@gmail.com](mailto:kirsten.hayda@gmail.com)

This comment relates to: \* CU South

Comment: \*

I'm writing to express my concern about changing the current land use designations for CU-South. I urge the city to formulate a plan (and vet with those impacted) for flood mitigation that will protect those downstream from a devastating flood and sustain the viability of the natural areas surrounding the property.

Even more concerning, there is an appearance that decisions are being made on this project without proper hearings and research into the potential issues.

I respectfully ask that you listen to the residents of Boulder and slow down this train. Specifically:

- The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.
- Review the impacts expected from a "high hazard dam" vs. the previously proposed berm.
- Work to develop an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan.
- Please consider how the CU-South proposal (posted by CU on May 1) meets the policies set forth in the Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains.

Sincerely,

Kirsten Glennon

Boulder resident of 16 years

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#308]  
**Date:** Tuesday, May 16, 2017 4:40:05 PM

---

Name \* Charlotte Bujol

Email \* [charlotte.bujol@gmail.com](mailto:charlotte.bujol@gmail.com)

This comment relates to: \* CU South

Comment: \*

Please do NOT approve land use changes for the CU South Property until all the required studies are done per the SOUTH BOULDER CREEK AREA MANAGEMENT PLAN (see link) (including CU South) and the State Designated SOUTH BOULDER CREEK NATURAL AREA (adjacent to CU South to the south and east, and where Option D will be implemented).

As a State designation for the South Boulder Creek Natural Area, the City of Boulder Open Space has certain requirements to meet. They are all listed so I won't go into all of them, but I would think that Open Space would have to get permission from the State and/or be subject to inspection to do anything on those lands that would affect habitats, natural resources, wetlands, etc. And this should be done in the planning stage, not after approvals when ground is being broken.

PLEASE do not ignore this Vision Boulder 2020 (SBCMP) and immense planning that constitutes that document!!

Other options can and must be explored for flood mitigation. CU should not hold the City hostage on this very important issue!

SOUTH BOULDER CREEK AREA MANAGEMENT PLAN <https://www-static.bouldercolorado.gov/docs/south-area-mgmt-plan-1-201304041642.pdf>

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#309]  
**Date:** Tuesday, May 16, 2017 4:41:24 PM

---

Name \* Chris Weber

Email \* [christoweber@hotmail.com](mailto:christoweber@hotmail.com)

Address (optional)  4631 Gordon dr  
Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \*

As I am sure you have heard from many other residents, I too am against changing the land use designation for CU South. There needs to be a clear plan for flood mitigation that protects those downstream and the natural environment of the area; that this issue should get a full public hearing that includes the boards of the city and county as well as city council; OSMP boards and commissioners need to be consulted, and CU South should be dealt with as a separate issue from the general planning commission since it is so complex and involves so many entities. As a neighbor to the property, please do not approve the current Plan change until the issues are fully vetted in an open public hearing. Thank you.

Please check box below \*  I acknowledge receipt of the Open Records Notification


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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#310]  
**Date:** Tuesday, May 16, 2017 4:51:01 PM

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Name \* Gordon McCurry

Email \* [gnmccurry@gmail.com](mailto:gnmccurry@gmail.com)

Address (optional)  1200 Albion Rd  
Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \* Please see attached file.

Attach a File (optional)   
[mccurry\\_comments\\_to\\_county\\_planning\\_commission\\_051617.docx](#)  
15.93 KB · DOCX

Please check box below \*  I acknowledge receipt of the Open Records Notification

As a professional geologist with over 30 years of experience in hydrology and by serving on a technical advisory committee from 2004-2007 to oversee the flood mapping study, I am quite familiar with the hydrology and flood potential of South Boulder Creek. In my recent reviews of the Option D flood mitigation plan I have found many problems, including:

- The high-hazard dam along the south side of Rt 36 requires an impermeable wall below it to cut off seepage through the dam. Any sort of cut-off wall will cause groundwater flow to pond behind the dam and lower groundwater levels below the dam. The City has key open space lands that could be flooded upstream of the dam and dried up on its downstream side. These impacts have not been evaluated.
- The high-hazard dam impedes the flow of Viele Channel, whose channel intersects the western edge of the proposed dam. Runoff in Viele Channel will back up and is likely to cause flooding of homes in the Tantra Park neighborhood. This was not considered in the Option D design, which focused on flooding from South Boulder Creek.
- Option D is designed to detain water for up to a 100-year flood event in South Boulder Creek. Any flow above this will overtop the Rt 36 dam spillway and, because of the slope of Rt 36, the overtopped water will flow into the West Valley region. This will result in what the 2015 Flood Mitigation Report states as being “a considerable hazard” to the West Valley residents.
- The Option D design does not consider impacts from tributary streams such as Viele Channel or Bear Creek, or from irrigation ditches. These tributary inflows were part of the cause of West Valley flooding in September 2013.
- Option D includes a large detention basin to be located at Manhattan Middle School. Since Option D was proposed, this school has had a large addition built, another one is planned, and a track now occupies the space where the detention basin was envisioned. A reduction in detention storage at Manhattan Middle School argues for the undeveloped Hogan-Pancost property to be used for the needed detention storage.
- The model used to define the 100-year flood water elevation is very sensitive to changes in the land surface topography. The model did not include recent changes to Rt 36, to constriction of South Boulder Creek beneath Rt 36 due to the new bike path, nor to downstream mounded areas associated with the East Boulder Rec Center soccer fields and Manhattan Middle School track.

The above deficiencies in the conceptual Option D flood mitigation could result in the final design looking considerably different and even being in different locations from the current ones. Accordingly, it is premature to establish land uses on the CU-South property that might be in conflict with the final flood mitigation design. I therefore request that land uses not be changed for the CU-South property until the Option D design is refined, or that land use designations be made general enough that they can accommodate the needed changes to Option D. Those additional studies and refinement of Option D must be expedited to reduce the ongoing flood risk to downstream residents.

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#311]  
**Date:** Tuesday, May 16, 2017 5:04:35 PM

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Name \* Magdalena Rzyska

Email \* [wildernesspixie@gmail.com](mailto:wildernesspixie@gmail.com)

Phone Number (optional) (303) 818-1010

This comment relates to: \* CU South

Comment: \*

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will

- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

Please ask important questions to inform their decision-making, for example:


- Whether the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?
- How anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?
- How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#312]  
**Date:** Tuesday, May 16, 2017 5:39:42 PM

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Name *	ALFRED LEBLANG
Email *	<a href="mailto:golfski02@yahoo.com">golfski02@yahoo.com</a>
Address (optional)	 350 Ponca Place Boulder, Colorado 80303 United States
This comment relates to: *	CU South
Comment: *	<p>Please review the City of Boulder South Boulder Plan D Flood Mitigation Program. I was 15 minutes away from being under 8 feet of water in our garage. Open space is not as important as protecting Citizens of Boulder.</p> <p>Pleas implement Plan D as soon as possible. I am scared frightened every time it rains.</p> <p>We were lucky in 2013 no Death's WE MIGHT NOT BE AS LUCKY IN THE NEXT FLOOD.</p> <p>How would Boulder explain any loss of Life in a future flood if we have no Flood Mitigation plan in place.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#313]  
**Date:** Tuesday, May 16, 2017 5:42:10 PM


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Name *	Carol Atkinson
Email *	<a href="mailto:abwlabu@yahoo.com">abwlabu@yahoo.com</a>
Address (optional)	 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I am very concerned that proceeding on the CU south development before deciding on flood mitigation would be disastrous. My husband and I still have work to do on our basement after the 2013 flood. The thought of having to do it over again is terrifying.</p> <p>We have no confidence in the plans proposed so far for CU south!</p>
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#314]  
**Date:** Tuesday, May 16, 2017 6:10:31 PM


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Name *	Ryan Bentley
Email *	<a href="mailto:rbski90@gmail.com">rbski90@gmail.com</a>
Address (optional)	 4645 Huey Cir Boulder, CO 80305 United States
This comment relates to: *	CU South
Comment: *	<p>I do not support changing the current land use designations for CU-South in BVCP until there is a plan for flood mitigation.</p> <p>Within the shadow of 2013 floods, this is not a topic to trivialize for political, financial or corporate development (CU) – full transparency in must accompany any sweeping policy changes wherein effected residents are not equivalently involved in the choices. There should be a full public hearing.</p> <p>If an earthen berm was approved in 2015 a sudden change of wording/intent (overt or not) to a high hazard dam should be fully vetted.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#315]  
**Date:** Tuesday, May 16, 2017 6:15:35 PM


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Name *	PETER KORBA
Email *	<a href="mailto:p.kotbs44@gmail.com">p.kotbs44@gmail.com</a>
Address (optional)	 730 s 46th 80305 United States
This comment relates to: *	CU South
Comment: *	THOROUGH AND COMPLETE INFORMATION, PLANNING, MAPPING, PUBLIC, PROFESSIONAL, NON-BIASED INPUT MUST BE FULLY ASSESSED BEFORE GOING AHEAD ON ANY/ALL CU SOUTH ACTION. PEK
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#316]  
**Date:** Tuesday, May 16, 2017 6:15:55 PM

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Name *	Crif Crawford
Email *	<a href="mailto:crawford3196@msn.com">crawford3196@msn.com</a>
Phone Number (optional)	(720) 562-8105
Address (optional)	 4840 Thunderbird Drive Apt 488 Boulder, Colorado 80303 United States
This comment relates to: *	CU South

**Comment: \***

South Boulder Creek Flood Mitigation

City engineers and consultants have been studying the South Boulder Creek Flood issue for many years. The disastrous September 2013 flood over Highway 36 prioritized and accelerated these studies. In August 2015, after discussions with CDOT, Open Space and CU, the Boulder City Council, in a unanimous decision, approved construction of a berm to control flooding (Option D). City engineer and consultant studies are ongoing. For a summary of this work go to: [www.southbouldercreek.com](http://www.southbouldercreek.com).

Examples of information you can find at this website are:

- Frequently Asks Questions regarding the background, approval process and next steps for the flood project.
- A simulation of a 100-year flood and what occurs without flood mitigation in the area.
- Illustrations of what the area may look like after flood mitigation (Option D).
- A recent episode of Channel 8's Inside Boulder , featuring information about the study.
- The public process and project timeline for this project are also available.

Boulder citizen opinions on flood mitigation range from A to Z. Unfortunately not all these opinions are based on reliable informational sources such as that noted above.


Crif Crawford  
retired geologist

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#317]  
**Date:** Tuesday, May 16, 2017 6:30:21 PM

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Name *	Raymond Bridge
Email *	<a href="mailto:rbridge@earthnet.net">rbridge@earthnet.net</a>
Phone Number (optional)	(303) 499-8496
Address (optional)	 435 So. 38th St. Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

I strongly urge the Planning Commission NOT to approve staff recommendations for land use changes for the CU-South Property.  
Instead, the CU-South possible changes should be removed from the current BVCP revision process and taken up in annexation discussions between the City of Boulder and CU, when they can take place with a proper public process and honest deliberations.

1. Throughout the public meetings on the BVCP revisions, representatives from CU told the public that CU had no plans for development of the property, and that they would take a long time to develop. After the last public meeting on the subject, CU published its Concept Plan and set a ten-day-long period for the public to hear about the plan and submit comments to CU through a form clearly designed to discourage real input. As pretense at soliciting public input, this is totally unacceptable and disingenuous.
2. As a result of questioning by members of the public during the BVCP process, the design of "option D" in the South Boulder Creek Flood Mitigation Plan, approved in 2015, has morphed from the "earthen berm" approved by the advisory boards (OSBT and WRAB) and by City Council into a dam anchored in bedrock, which would significantly affect groundwater movement and therefore the adjoining wetlands owned by OSMP. These wetlands include habitat for two federally designated endangered species, and are part of a Colorado State Natural Area. According to the motion adopting the flood mitigation plan, these changes REQUIRE returning to the Open Space Board of Trustees for reexamination.
3. Serious questions have been raised about the adequacy of "option D" to protect downstream neighbors in the Frazier Meadows and Keewaydin neighborhoods.
4. In light of these major issues, the appropriate action would be to consider land use changes for the CU-South property in a separate process, rather than as part of the revision of the BVCP, most of which is ready for adoption.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#318]  
**Date:** Tuesday, May 16, 2017 6:57:07 PM

---

Name \* Pamela Bond

Email \* [rocabond@gmail.com](mailto:rocabond@gmail.com)

This comment relates to: \* CU South

Comment: \*

I am writing about the CU-South plans and request that before approving any change to the current land use designations for CU-South in the Boulder Valley Comprehensive Plan that there is an assessment of how flood mitigation will protect those downstream from loss of life and property damage, AND sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND get a full public hearing plus the review and approval of the city's Boards and City Council.

To inform decision making, please assess whether the new CU-South proposal (posted by CU on May 1) meets the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains.

Thank you.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#319]  
**Date:** Tuesday, May 16, 2017 7:10:15 PM

---

Name *	Allison Palmer
Email *	<a href="mailto:allison.palmer@comcast.net">allison.palmer@comcast.net</a>
Phone Number (optional)	(720) 562-8206
This comment relates to: *	CU South

**Comment: \***

My colleague, Crif Crawford, has prepared this valuable summary (below) which I can't improve on. I worked with him mapping the 2013 flood from the foothills west of highway 93 to the area overtopped by Hwy. 36. We were so lucky no-one was killed; my demented wife was trundled out of her flooded room in the Frasier Meadows Health Care building through thigh-deep water.

A. R. Palmer

South Boulder Creek Flood Mitigation

City engineers and consultants have been studying the South Boulder Creek Flood issue for many years. The disastrous September 2013 flood over Highway 36 prioritized and accelerated these studies. In August 2015, after discussions with CDOT, Open Space and CU, the Boulder City Council, in a unanimous decision, approved construction of a berm to control flooding (Option D). City engineer and consultant studies are ongoing. For a summary of this work go to:

[www.southbouldercreek.com](http://www.southbouldercreek.com).

Examples of information you can find at this website are:

- Frequently Asks Questions regarding the background, approval process and next steps for the flood project.
- A simulation of a 100-year flood and what occurs without flood mitigation in the area.
- Illustrations of what the area may look like after flood mitigation (Option D).
- A recent episode of Channel 8's Inside Boulder , featuring information about the study.
- The public process and project timeline for this project are also available.

Boulder citizen opinions on flood mitigation range from A to Z. Unfortunately not all these opinions are based on reliable informational sources such as that noted above.

Crif Crawford


4840 Thunderbird Drive, Apt 488

Telephone: 720-562-8105

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#320]  
**Date:** Tuesday, May 16, 2017 8:03:07 PM

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Name *	kathie joyner
Email *	<a href="mailto:joynermcguire@comcast.net">joynermcguire@comcast.net</a>
Phone Number (optional)	(303) 543-0799
Address (optional)	 boulder, co 80303 United States
This comment relates to: *	CU South
Comment: *	I strongly encourage you to approve the CU South comp plan amendment as part of the BVCP. This will allow the City and CU to move forward on planning for the Boulder housing, transportation and CU's academic needs. Please do not delay approving the transition of the Area II property into the City as is planned for in the existing BVCP.
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#321]  
**Date:** Tuesday, May 16, 2017 8:16:29 PM

---

Name \* Tim Hansford

Email \* [tlhansford@msn.com](mailto:tlhansford@msn.com)

This comment relates to: \* CU South

Comment: \*

I am opposed to any change to the Comp Plan that does not adequately protect the South Boulder area from another flood event as happened in 2013. Water from the CU South property came down the outer road along Foothills and caused the greatest amount of property damage at Frasier Meadows Retirement Center, over a mile away from the initial flood event.

CU's plans to expand in what has been a large tract of undeveloped land should be looked at carefully to minimize the impact on traffic in South Boulder and to mitigate the flood concerns mentioned above. I do not believe that they should hold the City or the County hostage to annexing their property in return for making the improvements to the existing berm that they as property owners need to do in order to prevent a repeat of the flooding disaster for Frasier Meadows in 2013.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#321]  
**Date:** Tuesday, May 16, 2017 8:16:29 PM

---

Name \* Tim Hansford

Email \* [tlhansford@msn.com](mailto:tlhansford@msn.com)

This comment relates to: \* CU South

Comment: \*

I am opposed to any change to the Comp Plan that does not adequately protect the South Boulder area from another flood event as happened in 2013. Water from the CU South property came down the outer road along Foothills and caused the greatest amount of property damage at Frasier Meadows Retirement Center, over a mile away from the initial flood event.


CU's plans to expand in what has been a large tract of undeveloped land should be looked at carefully to minimize the impact on traffic in South Boulder and to mitigate the flood concerns mentioned above. I do not believe that they should hold the City or the County hostage to annexing their property in return for making the improvements to the existing berm that they as property owners need to do in order to prevent a repeat of the flooding disaster for Frasier Meadows in 2013.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#322]  
**Date:** Tuesday, May 16, 2017 8:24:38 PM

---

Name *	Edward Smutney
Email *	<a href="mailto:edsmutney@yahoo.com">edsmutney@yahoo.com</a>
Address (optional)	 4640 Macky Way Boulder, CO 80305 United States
This comment relates to: *	CU South
Comment: *	<p>Please do not let the Flood Plan in the CU south area be linked to annexation of the land for CU to build what they desire on it.</p> <p>The proposal that CU published on May 1 would be devastating to South Boulder and the rest of the city.</p> <p>Thank you, Ed</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#323]  
**Date:** Tuesday, May 16, 2017 8:53:43 PM

---

Name *	Helen Burnside
Email *	<a href="mailto:helencburnside@gmail.com">helencburnside@gmail.com</a>
Phone Number (optional)	(303) 928-0873
This comment relates to: *	CU South

**Comment: \***

Dear Officials,

Thank you for your continued service to the community. I am writing you today about my concerns over CU South and urging you vote against any land use change that will be proposed as part of the BVCP update until we have finalized flood control.

The land use map changes proposed by CU are significant and vary substantively from the current land use designations in the BVCP map. CU proposes changing the amount of land designated "Open Space-Other" from about 200 acres to less than 80 acres. In addition, the materials for the meeting call Option D the "high hazard dam" option – even though the Option D maps show a "berm", have included analyses based for a "berm", and were approved in 2015 on the basis of a "berm" and NOT a high hazard dam. The Option D public process has surfaced many questions in 2017 that have not been fully vetted. The dam, according to Open Space staff and Board of Trustees, may have significant impact on the South Boulder Creek open space lands (to the east of CU-South) including habitat for the federally threatened Ute ladies-tresses' orchid, the federally threatened preble's meadow jumping mouse and the rare northern leopard frog, as well as the state-designated South Boulder Creek State Natural Area. The dam option has not been fully analyzed, reviewed, or approved by city Boards and City Council. Proposed changes will dramatically alter the vistas and character of the property at the key gateway to the city.

If we change the land use designation change now, CU will not be bound by any of our local ordinances and we would not be able to further direct their master plans based on flood control or additional considerations that will come out of the baseline studies: environmental assessment, aquifer studies, and hydro geologic studies. It is premature to move forward with a land use change prior to flood control. In addition, the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

I urge you to ask lots of questions of the City and CU and carefully consider if we are putting the cart before the horse. This is a crucial piece of land the City has always intended to preserve and your decision could drastically change the look and feel of Boulder forever.

With thanks,  
Helen Burnside


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Please check box below \*

- I acknowledge receipt of the Open Records Notification
-

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#324]  
**Date:** Tuesday, May 16, 2017 9:00:06 PM


---

Name *	Pat Carden
Email *	<a href="mailto:ptc39@comcast.net">ptc39@comcast.net</a>
Address (optional)	 350 Ponca Place Boulder, Colorado 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I continue to be concerned about the safety of Boulder citizens with regard to flood protection. It is fully evident that our weather pattern is changing, and the likelihood of another flood is strong.</p> <p>I fully support Plan D in that regard, and encourage you to get this implemented ASAP.</p> <p>Thank you</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#325]  
**Date:** Tuesday, May 16, 2017 9:01:05 PM

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Name *	amy beyer
Email *	<a href="mailto:albsmiles23@gmail.com">albsmiles23@gmail.com</a>
Phone Number (optional)	(303) 596-1398
Address (optional)	 4863 west moorhead circle boulder , co 80305 United States
This comment relates to: *	CU South

**Comment: \***

Hello Planning Commission,

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation. The plan should protect those downstream from loss of life and property damage, sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South. In addition, there should be a full public hearing plus the review and approval of the city's Boards and City Council.

I strongly believe that the CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

I urge the Planning Commission to ask important questions to inform their decision-making like:

Whether the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?

How anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?

How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plain.

Thank you for your consideration and time.

All the best,  
Amy Beyer

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Please check box below \*  I acknowledge receipt of the Open Records Notification





**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#326]  
**Date:** Tuesday, May 16, 2017 9:02:31 PM

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Name *	Lea Ertz
Email *	<a href="mailto:lea.ertz@gmail.com">lea.ertz@gmail.com</a>
Phone Number (optional)	(720) 369-5045
Address (optional)	 4555 Brookfield Dr. Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

I have been a resident and homeowner in the Martin Acres neighborhood of South Boulder for the last 8 years. I am deeply concerned and dismayed by how this land use designation change is being fast tracked without due process.

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will

- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

What is CU's rush on pushing through the Comprehensive Plan change when it said that it had "no particular use plan for the side" and only in the last two weeks released a comprehensive plan for over a thousand housing units?

Please ask if OSMP Staff and Open Space Board of Trustees have reviewed and approved the impacts expected from a "high hazard dam"?


- How anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?
- How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

thank you for your consideration of these comments,  
Lea Ertz

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#327]  
**Date:** Tuesday, May 16, 2017 9:09:46 PM

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Name *	Terry Farless
Email *	<a href="mailto:twf723@gmail.com">twf723@gmail.com</a>
Phone Number (optional)	(720) 884-6076
Address (optional)	 Boulder, CO 80305 United States

This comment relates to: \* CU South

Comment: \*

Dear Boulder County Planning Commissioners,  
I am writing about the upcoming meeting on Wednesday, May 17 where you will be discussing potential changes to the land use designation on the CU South property. I have been educating myself on this specific property and believe that the current land use designation, Open Space-other, should NOT be changed at this time. There are so many complicating factors, including serious issues with the proposed high hazard dam , lack of in-depth environmental studies (ground water, endangered species, potential for restoration) and pressure from CU Boulder and others to decide quickly, when we clearly need to untangle the issues pulling and pushing on this particular piece of property. CU bought the land when it was designated Open Space-other; there was never a guarantee that the land use designation would change. A piece of property that moves from Open Space to another designation never comes back as Open Space. Please, ask many questions about the history and potential uses of this land and listen to the many of us who request that the 200 acres of Cu South retain the designation as Open Space- other.

Thank you.  
Terry Farless


Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#328]  
**Date:** Tuesday, May 16, 2017 9:14:32 PM

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Name \* Keller Kimbrough

Email \* [keller.kimbrough@colorado.edu](mailto:keller.kimbrough@colorado.edu)

Address (optional)  46 Pima Court  
Boulder, Colorado 80303  
United States

This comment relates to: \* CU South

Comment: \*

Dear Members of the County Planning Commission,


My name is Keller Kimbrough, and I am a resident of south Boulder. I am writing to urge you to approve the CU South Comprehensive Plan amendment so that we may begin to mitigate against the next devastating flood. My family and I lost the bottom third of our townhouse (our finished basement, which filled with eight feet of muddy water) in the last flood, and we cannot afford to move out of the flood zone. Please help us to move forward in the approval process so that we might begin to protect ourselves and our home in the future.

Thank you, and best wishes,  
Keller Kimbrough

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#329]  
**Date:** Tuesday, May 16, 2017 9:18:22 PM

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Name *	Jenny Natapow
Email *	<a href="mailto:jenny.natapow@gmail.com">jenny.natapow@gmail.com</a>
Phone Number (optional)	(303) 484-1459
Address (optional)	 4500 Brookfield Drive Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

I firmly oppose any land use designation changes to the South Boulder Creek Riparian Zone (CU South). I am asking that the city of Boulder follow the guiding principles set forth, nearly twenty years ago, in The South Boulder Creek Area Management Plan and supported by The Wetlands Ordinance, The Grassland Ecosystem Management Plan, The Boulder Valley Comprehensive Plan and OSMP's Charter. The current CU South planning process appears to have lost sight of the intent and vision set forth in our guiding documents. As a community, we need to re-affirm our commitment to our core values and the South Boulder Creek watershed. The entire property should be protected as open space and incorporated into the neighboring endangered Tallgrass Prairie State Natural Area and the adjacent South Boulder Creek State Natural Area.

A recent report from the City's OSMP grassland and wetland experts determined that "The restoration potential of the OS-O designation area is good to excellent." "The South Boulder Creek floodplain could be restored to reestablish more natural and diverse geomorphology, recreating the physical features of its floodplain."

The South Boulder Creek Riparian zone is a wetland that connects to The South Boulder Creek State Natural Area. Section 9-3-9 of Boulder's Wetlands Ordinance explains that "It is the intent of the city council... to preserve, protect, restore, and enhance the quality and diversity of wetlands and water bodies. The council finds that streams, wetlands, and water bodies are indispensable and fragile natural resources with significant development constraints due to high groundwater, flooding, erosion, and soil limitations and that development activities may threaten these resources."

Section 3.06 of The Boulder Valley Comprehensive Plan, titled Wetland and Riparian Protection, explains that "Wetlands and riparian areas... function as important wildlife habitat, especially for rare, threatened and endangered plants, fish and wildlife... [As such, t]he city will strive for no net loss of wetlands and riparian areas by discouraging their destruction..."

I am asking that the city acquire the missing piece in the South Boulder Creek Management Plan. The South Boulder Creek Riparian Zone was intended to be acquired. This is our chance to set things right, to stick with the vision established, twenty years ago, in the city's South Boulder Creek Area Management Plan and act on our core values.

Flood management is entirely compatible with managing the South Boulder Creek Riparian Zone for

open space. Thus, I urge you to please separate the South Boulder Creek Riparian Zone (CU South OS-O land) from the current Comprehensive Plan update so that more careful consideration can be given to the facts before making an irrevocable decision that would change the South Boulder Creek Riparian Zone, the South Boulder Creek, The Endangered Tallgrass Prairie State Natural Area and Boulder forever.

Thank you, Jenny Natapow

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** Ruth Wright  
**To:** [Wobus, Nicole](#); [Hackett, Richard](#)  
**Subject:** Boulder County Comprehensive Land Use Update -- CU South Campus  
**Date:** Tuesday, May 16, 2017 9:23:01 PM  
**Attachments:** [South Boulder Creek -Ruth's Comments for Boulder County Land Use Commission. May 17, 2017.docx.docx](#)

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Please distribute the attached comments to the members of the Boulder County Land Use Planning Commission for their meeting Wednesday, May 17<sup>th</sup> 2017.

Sincerely,

Ruth Wright

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#330]  
**Date:** Tuesday, May 16, 2017 9:34:35 PM


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Name *	leslie sims
Email *	<a href="mailto:oban21@gmail.com">oban21@gmail.com</a>
Phone Number (optional)	(303) 358-0015
This comment relates to: *	CU South
Comment: *	<p>I'm urging your approval of the CU South Comp Plan amendment that will allow the City and CU to move forward with some certainty regarding environmentally sensitive area preservation, development and traffic on the CU South property (which will also facilitate South Boulder Creek flood mitigation).</p> <p>Sincerely,</p> <p>Leslie Sims</p>
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#331]  
**Date:** Tuesday, May 16, 2017 9:45:38 PM


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Name *	Svenja Sims
Email *	<a href="mailto:svenja.sims@gmail.com">svenja.sims@gmail.com</a>
Phone Number (optional)	(720) 315-4004
Address (optional)	 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	Please approve the CU South Comp Plan amendment that will provide the City and CU the opportunity to address environmentally sensitive area preservation, development and traffic on the CU South property.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#332]  
**Date:** Tuesday, May 16, 2017 9:49:10 PM

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Name *	Leanne Lestak
Email *	<a href="mailto:lestakl@yahoo.com">lestakl@yahoo.com</a>
Address (optional)	 4790 Shawnee Place Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I am urging your approval of the CU South Comp Plan amendment that will allow the City and CU to move forward with some certainty regarding environmentally sensitive area preservation, development and traffic on the CU South property, which will also facilitate South Boulder Creek flood mitigation. I am particularly concerned about the Keywadin Meadows neighborhood where I live and believe flood mitigation on the CU South property is very important to our safety.</p> <p>Thank you, Leanne Lestak</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#333]  
**Date:** Tuesday, May 16, 2017 10:04:41 PM

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Name \* Richard Reynolds

Email \* [reynolds331@comcast.net](mailto:reynolds331@comcast.net)

Address (optional)  Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

In the Boulder Valley Comprehensive Plan, I oppose changing the current land-use designations for CU-South unless and until a plan for flood mitigation is in place.

This mitigation plan must protect downstream people and properties. The plan must also-maintain the viability of the South Boulder Creek State Natural Area including its threatened species and unique habitats on land owned by OSMP to the east of CU-South.

The mitigation plan must get a full public hearing plus the review and approval of the city's Boards and City Council.

The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan.

Thank you.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#334]  
**Date:** Tuesday, May 16, 2017 10:22:25 PM

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Name \* david mcguire

Email \* [dmcguirepm@hotmail.com](mailto:dmcguirepm@hotmail.com)

Phone Number (optional) (303) 543-0799

Address (optional)  boulder, co 80303  
United States

This comment relates to: \* CU South

Comment: \*

We urge approval of the CU South Comp Plan amendment (facilitating flood mitigation) as this property has long been designated in the Boulder Valley Comprehensive Plan as suitable for urban services (Area II) . Let's seize this opportunity as our very lives depend on it!

Thanks to all entities involved in the CU South Comprehensive Plan Amendment who are working tirelessly to help save the thousands of lives in continuous danger of downstream flooding from South Boulder Creek (SBC). This project is designed to prevent catastrophic floodwaters from overtopping US36 into SE Boulder neighborhoods as happened in 2013.

The City developed a hydrologic engineering study lead by the County Urban Drainage and Flood Control District and CH2MHill—"Final South Boulder Creek Major Drainageway Plan". These engineers have decades of experience working on SBC flooding issues. Over the past 20 years, there have been numerous alternatives analyzed to stem the flooding in the SBC 100-year floodplain--the planning standard for the City, County and Federal governments. The approved alternative protects against an event that would exceed a 500-year storm. This would have protected our families and homes in 2013.

The waters would be retained on 80+ acres of CU's private property. The "Site Suitability Analysis for University of Colorado South Campus" prepared by BioHabitats Consultants shows the entire 300+ acre property as 80% non-native upland grassland with low biodiversity primarily because the property has been historically used for farming/mining. The proposed flood detention area also contains most of the current FEMA designated 100-year floodplain on the property. Finally, CDOT has offered portions of their US36 right-of-way for berm construction, moving it farther away from City open space, a significant contribution to successful implementation of the project. Thanks to all involved.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#335]  
**Date:** Tuesday, May 16, 2017 10:32:21 PM

---

Name \* Erica cooper

Email \* [emcooper8@gmail.com](mailto:emcooper8@gmail.com)

This comment relates to: \* CU South

Comment: \*

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will


- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

The CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

Please check box below \*  I acknowledge receipt of the Open Records Notification


**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#336]  
**Date:** Tuesday, May 16, 2017 11:53:49 PM

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Name *	Jo Harper
Email *	<a href="mailto:harper2@rmi.net">harper2@rmi.net</a>
Address (optional)	 80302 United States
This comment relates to: *	CU South
Comment: *	<p>Dear Planning Commission members,</p> <p>I do not support changing the land use designations of CU South until more research has been done into the groundwater situation and the consequences of construction of a dam or berm for flood mitigation on surrounding areas and on protected flora and fauna. The process has been too hurried for such a massive change in designation. If it is not done with wisdom, Boulder could pay a hefty price, financially, environmentally, and socially. Regulations regarding wetlands need to be followed.</p> <p>Thank you.</p>
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#337]  
**Date:** Wednesday, May 17, 2017 2:28:36 AM

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Name *	Dan Moore
Email *	<a href="mailto:moore234@yahoo.com">moore234@yahoo.com</a>
Phone Number (optional)	(720) 560-8545
Address (optional)	 4635 Ludlow Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Hello,

As a resident of Boulder, I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will

- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

The CU South property decision should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

Please ask staff and others important questions to inform your decision-making. For example:

- Whether the OSMP Staff and Open Space Board of Trustees has reviewed and approved the impacts expected from a "high hazard dam"?
- How anyone can decide what land/how much land is needed for flood mitigation if we do not yet have an approved concept for either a high hazard dam plan OR some other combination of non-structural & structural flood mitigation plan?
- How does the new CU-South proposal (posted by CU on May 1) meet the policies set forth in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?


Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#338]  
**Date:** Wednesday, May 17, 2017 5:12:45 AM

---

Name \* Eric Nelson

Email \* [troxler60@gmail.com](mailto:troxler60@gmail.com)

Address (optional)  550 Mohawk Drive #59  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

Greetings, Planning Commission,

I'm a resident and HOA Board member at Meadows on the Parkway condos off Mohawk Drive. The building I live in is half in the flood plain, and suffered damage during the 2013 flood. I'd just like to add my two cents as being in favor of your approving the CU South comp plan amendment, as this seems to be the surest path to the construction of the flood mitigation berm on the northeast corner of the property.

While I was not a resident in 2013, I have seen videos of the flooding. My sense of urgency on this is driven by the safety of the residents of the 100 units in our complex, and our neighbors .

Thank you for your attention in this matter.

Best regards,

Eric Nelson

Please check box below \*  I acknowledge receipt of the Open Records Notification


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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#339]  
**Date:** Wednesday, May 17, 2017 8:27:35 AM

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Name \* Amanda Adams

Email \* [adams\\_amanda1@yahoo.com](mailto:adams_amanda1@yahoo.com)

Address (optional)  4935 Qualla Drive  
Boulder, Colorado 80303  
United States

This comment relates to: \* CU South

Comment: \*  
Dear Planning Commissioners,  
As a resident of South Boulder, I am writing to request your approval of the CU South Comp Plan amendment. This amendment would allow the City and CU to move forward with some certainty regarding environmentally sensitive area preservation and development and traffic on the CU South property, which should help facilitate South Boulder Creek flood mitigation.

Thank you for your time and consideration.

Regards,  
Amanda Adams


Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#340]  
**Date:** Wednesday, May 17, 2017 9:03:23 AM

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Name *	Nickie Kelly
Email *	<a href="mailto:kelly1080@comcast.net">kelly1080@comcast.net</a>
Phone Number (optional)	(303) 579-9629
Address (optional)	 1080 Fairway Court 1 CO Boulder United States
This comment relates to: *	CU South

**Comment: \***

Dear Planning Commission:

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that protect those downstream from loss of life and property damage. It should sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat owned by OSMP. A full public hearing is a must.

The CU South property should be separated from the Boulder Valley Comprehensive Plan update process given the complexity of the planning issues, and the fact that new plans have not been fully vetted. This is an importance e site to the city.

I urge you to ask make informed decisions about these concerns:

- Why is a "high hazard dam" is now included in the proposal rather than an "earthen berm" that was included and approved in 2015?
- Has OSMP Staff and Open Space Board of Trustees studied and approved the impacts of a "high hazard dam"?
- How can a decision on what land/how much land is needed for flood mitigation if the high hazard dam OR a combination of non-structural & structural flood mitigation plan hasn't been analyzed?
- How does the May1 CU-South proposal square with policies in the current or updated Boulder Valley Comprehensive Plan on preserving and protecting wetlands, natural areas, sensitive plants and animals and minimizing potential flood hazards by directing commercial and residential development outside known and designated flood plains?

I am deeply concerned that Boulder is loosing it's long held values for the land and community.

Thank you.

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#341]  
**Date:** Wednesday, May 17, 2017 9:40:17 AM

---

Name \* Mike Marsh

Email \* [mymarsh1@juno.com](mailto:mymarsh1@juno.com)

Address (optional)  265 31st St.  
Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \*

I do not support changing the current land use designations for CU-South in the Boulder Valley Comprehensive Plan.

In an overall sense, the only possible benefit – to the City of Boulder and its residents – that I could have seen to this project is the following:

\* If CU would commit to building a significant amount of reasonably-priced housing for non-freshmen undergraduates. Of course, this would need to be coupled with a very tight traffic management plan, such as something that prohibited student vehicles, thereby leaving regular CU shuttles as the only means of getting to campus and back.

The reason I could have seen this as a benefit is that I live in Martin Acres, one of the many much-beleaguered Boulder neighborhoods that suffer extraordinary loss of quality of life, because of CU's paltry, grossly insufficient efforts to house its students. Every year, CU sets new records for numbers of students. Yet they do very little to house them.

Instead, CU simply dumps 3/4 of their undergraduate student body (not to mention grad students) onto the City of Boulder, and our much-embattled neighborhoods. This results in illegally over-occupied student rentals throughout Boulder's neighborhoods, an even tighter housing market, and loss of affordability for all.

Note that most public universities throughout the U.S. require that students live on campus for their first TWO years. CU only requires on-campus residence for the freshman year. This is totally unconscionable, given Boulder's extraordinarily difficult, embattled housing market.

So I saw CU South as a potential opportunity for CU to dramatically rectify this problem. Sadly, upon speaking with CU officials, I realize this won't happen for two reasons:

1. CU is placing all the CU South housing emphasis on "CU staff and faculty." This is a total head-scratcher. It's much better, and much more compatible, to have working professionals living in working professional neighborhoods, compared to students. So CU is missing the real crisis: It's undergraduate student housing, on CU land.

2. But the greater problem is this: Even if CU DOES build student housing at CU South, note the following: CU sets ridiculously high construction standards for itself, that results in extraordinarily

high costs for students to live in CU housing. CU builds to the most extremely high LEED Platinum, bells-and-whistles housing standards. In normal conditions, that's laudable and I would greatly support it. But these are not normal circumstances. We're in housing crisis circumstances. And the net result of CU's construction practice is that it costs \$1,300 for one bed in a shared dorm room. Guess what: Students can live for far less than that in Boulder's neighborhoods, so that's exactly what they'll do. And thus, CU fails at alleviating anything.

Across the boards, at every level, CU dramatically fails at addressing affordable housing for its students, and alleviating the housing crisis and quality of life battles in Boulder. It does no good to build student housing that costs 40% more than the surrounding market. Students will choose the cheaper option (overcrowding Boulder's neighborhoods).

These are crisis times. CU should build good, decent, safe housing for students. But to try to win architectural awards with student housing, forcing sky-high costs to students is ridiculous in light of the actual on-the-ground affordable housing crisis we have.

Pardon the lengthy note, but this explains why the only possible means by which I would recommend that you give approval to this project, is extinguished for the above reasons. Therefore, I cannot support the CU South proposal, or land use designation change, and I urge you not to, either.

Thank you for listening.

Please check box below \*


I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#342]  
**Date:** Wednesday, May 17, 2017 10:23:26 AM

---

Name \* Dana Bove

Email \* [dana@photographyforachange.com](mailto:dana@photographyforachange.com)

Address (optional)  80305  
United States

This comment relates to: \* CU South

Comment: \*

The Boulder County Planning Commission has a duty to uphold the designations of the South Boulder Creek Area Management Plan (SBCAMP)—this area includes the CU South property—that requires detailed environmental and groundwater studies before any land use changes can be made that impact these lands. It is your obligation to vote NO on any land use changes at this time, because the property contains wetlands that are considered to be among the best preserved and most ecologically significant in the Boulder Valley. It is clear that all plans to update land use at the CU South property are intimately tied to an agreement between CU and the City of Boulder that will allow construction of flood mitigation (Option D) on the north side of the CU South property.

It is irresponsible at this point to approve any zoning change that is ultimately tied to a flood mitigation strategy that may ultimately be denied upon permitting for the City of Boulder Wetlands Ordinance 9-3-9. The Wetlands Ordinance requires that detailed environmental and groundwater studies be performed prior to any flood mitigation (i.e. Option D or other) be done. To date, these “detailed” studies have not been done, and it is entirely possible that such studies will prove that Option D or other could prove to be harmful to the sensitive wetlands and known endangered species in and adjacent to the CU South property. Approving of planned changes to the BVCP that are intimately tied to flood mitigation without these detailed studies permanently removes protections from these lands that are currently designated as open space. Approval of changes to the BVCP at this time commits money, resources, and locks us into a plan that may never be implemented, if results from detailed studies suggest the wetlands could be harmed.

As a State designation for the South Boulder Creek Natural Area, the City of Boulder Open Space has certain requirements to meet. They are all listed so there is no need to document them here, but I would think that OSMP would have to get permission from the State and/or be subject to inspection to do anything on those lands that would affect habitats, natural resources, wetlands, etc. And this should be done in the planning stage, not after approvals when ground is being broken.

PLEASE do not ignore this Vision Boulder 2020 (SBCMP) and immense planning that constitutes that document!!

Other options can and must be explored for flood mitigation. CU should not hold the City hostage on this very important issue! Option D has many fatal flaws, amongst them only protecting the City and County against a 100 year magnitude flood, that at some point will obviously be exceeded.

SOUTH BOULDER CREEK AREA MANAGEMENT PLAN <https://www-static.bouldercolorado.gov/docs/south-area-mgmt-plan-1-201304041642.pdf>

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Please check box below \*

- I acknowledge receipt of the Open Records Notification
-

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#343]  
**Date:** Wednesday, May 17, 2017 1:49:42 PM

---

Name \* Ruth Wright

Email \* [ruthwright1440@gmail.com](mailto:ruthwright1440@gmail.com)

Phone Number (optional) (303) 443-8607

Address (optional)  1440 High Street  
Boulder, CO 80304  
United States

This comment relates to:  
\*

Comment: See attached document  
\*

Attach a File (optional)



[south\\_boulder\\_creek\\_ruths\\_comments\\_for\\_boulder\\_county\\_land\\_use\\_commission\\_may\\_17\\_2017docx.docx](#)  
21.16 KB · DOCX

Attach a File (optional)



[south\\_boulder\\_creek\\_ruths\\_comments\\_for\\_boulder\\_county\\_land\\_use\\_commission\\_may\\_17\\_2017docx1.docx](#)  
21.16 KB · DOCX

Please check box below \*

- I acknowledge receipt of the Open Records Notification

Comments for Boulder County Land Use Commission's Study Session May17, 2017

Regarding CU South Campus Land Use and Annexation

By Ruth Wright

May 16, 2017

Recommendation: Please remove consideration of the CU South Campus from the other updates of the Boulder Valley Comprehensive Plan until the many issues stated below are resolved. This is the most important decisions you will be making during your tenure as a Commission member. Your decision will have irreversible impacts for decades into the future.

While I fully appreciate CU fully sharing its short and long-range plans for the CU Campus 308- acres site, I am also dismayed. To set the stage, much of the site is 15 Feet below the South Boulder Creek Valley just south of Highway #36 due to sand and gravel mining , exposing the groundwater level in several small ponds; the steep slopes on the west may be unstable; and it is "removed" from the floodplain by a certified earth levee designed for the 1% chance flood in any year (100-year flood). It is definitely NOT a proper location for the intense development and a full gamut of campus activities as proposed.

Please do not support City annexation and the "public " land use designation of the CU South Campus by the City of Boulder at this time !

The use of the campus and the construction of the high hazard dam (option D) to protect West Valley residents are inextricably tied together. Therefore, both need to be addressed at the same time.

Option D is not ready for approval and the solution to West Valley flooding may require more CU South land, perhaps even in a different location on the property.

The cost of CU land. Hard-nosed negotiations by CU show that CU's is pricing its land on the land-use designations . Where the map shows open space, open space prices are used. But where the map shows developable land, the price is \$19 per square foot!. (Is this downtown Boulder?) City negotiators apparently did not pursue a quid pro quo: land for flood mitigation versus CU's need for City water and sewer to develop. So the City agreed to squeeze the dam and detention pond onto 81 acres where the land is undevelopable because of the high ground water. If the CU land is designated "public" as requested, what will be the square foot price if we need more CU land, or in a different location, to fully protect West Valley residents?

Option D is flawed and inadequate to protect the West Valley and must not be approved now. Just a few problems with its conceptual design:

Detention pond adequacy. The major protection solution of the West Valley is, appropriately, upstream detention ponding. Only 81 acres are devoted to the pond for 371 acre feet of storage. In order to minimize the amount of CU land devoted to the pond, excavation is proposed and the

excavated material to be used to raise a portion of CU South for building purposes. The problem is that excavating deeper into the mined-out land, which has already revealed high ground water levels, a larger hole will just fill with more groundwater, meaning NO additional storage. See artist's rendition showing a lovely large pond where additional detention storage is proposed.

High hazard dam requirements. Option D requires the dam be built to the standards of the Colorado Rules for Dam Safety and Dam Construction, but the conceptual design did not include those requirements. Colorado has set stringent standards for high hazard dams because people live downstream (here, in the West alley). Therefore there are spillway and geotechnical requirements.

The Spillway for Option D is located along the levee on the south side of Highway #36 and is about 1,000 feet long. Flood waters higher than those captured by the detention pond would flow directly onto Highway #36, which slopes to the west, and would deliver flood waters directly to the residents of the West Valley ! Whenever citizens have pointed out flaws in Option D, staff always says these will be corrected by the design team in the next phase. Here staff says that these flows would probably be directed to the underpass at South Boulder Creek . But It has not been studied, and there is no guarantee that the underpass has capacity – it may already be taking the maximum flows

Geotechnical Investigation and Foundation Requirements Section 5.9.3, also stringent. Example: “The report shall . . . provide justification for foundation strength, deformation, sliding stability and seepage parameters assumed for design.” Does this mean that groundwater will still be able to flow from the upstream side to the downstream side of Highway #36.

The Inadequacy of the 1% chance flood (100-year flood). The entire flood control mitigation plan is based on the 1% chance flood. Even the portion raised by the excavated material is at the same level as the dam – so if the dam overtops via its spillway, the housing built there will also be flooded. Why was the 1% chosen? Because it is the “regulatory –flood-insurance standard”. It is NOT a flood protection standard for residents already living in the flood plain! The choice of the 1% flood the was made internally by staff of various agencies before it ever was presented to the WRAB, the City Council, the City Planning Board, the County Commissioners , the County Land Use Commission or the public. So all of us are faced with an accomplished fact. Should it be challenged? Yes!

The genesis of the 1% criterion. A flood control program was begun by Congress in 1968 to incentivize communities to keep floodplain lands from development and provided insurance as a carrot. So it is a FEMA mapping and insurance program, and the 1% flood chance seemed reasonable at the time. However it has become clear that the program has dramatically increased flood losses, as lands outside of the mapped floodplain were intensely developed over the decades as America grew. Just from 1985 to 1995 alone, losses have quadrupled! So the 1% flood criterion has failed and it is certainly not relevant to protect residents already in the floodplain. There is rigidity built into the system – but Boulder, of all places, should not get sucked into it and be added to the sad stories of failed floodplain management.



### Additional Warnings and Criteria:

Critical Facilities. Both the federal government and the Colorado Water Conservation Board recognize the need for extra protection for “critical facilities” which include “At Risk Population” facilities such as Elder Care (like Frasier Meadows?) and “Essential Services facilities” including transportation lifelines (like Highway #36?). Communities are encouraged to regulate development of Critical Facilities within the 500-year floodplain, not just the 1% chance floodplain.

The Drainage Plan itself states in its Executive Summary that “It should be noted that a longer duration storm might result in greater stormwater volume that could exceed the capacity of the detention facility.” ( Option D)

Use of Levees. This is regarding the levee built to “remove” the CU South Campus property from the 1% chance floodplain. The Colorado Water Conservation Board states, “ The CWCB does not endorse the use of levees as a form of floodplain reduction for areas along streams where new development is planned.” The Urban Drainage and Flood Control District “strongly discourages local governments within the District from authorizing or permitting the use of levees in regard to new development in flood hazard areas...” The CU levee may have been certified before these policies were adopted; however, the land has not yet been developed, and it is a pity that these responsible policies will not be applied.

Annexation. While the property is under the jurisdiction of the County, the City and CU are equals in negotiating a memo of understanding detailing the conditions under which the City will provide utilities. Unless all of those details are specifically addressed before annexation, CU will have total control over the future use and development of the property. (as per Professor Emeritus Howard Klemme, CU Law School) Regardless of the faith, trust and goodwill that the City (including its citizens) may have with the present administration, we have no idea what decisions future CU officials will make. Once the land is annexed, CU has total control. Going to court after annexation is useless because CU has superior status as a state entity. CU can claim sovereignty.

NOTE: This is probably more than you want, but I couldn't resist .

**From:** carolyn.bleicher@gmail.com  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** How can you take away our rights as residents of unincorporated Boulder????  
**Date:** Wednesday, May 17, 2017 2:52:41 PM

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Hello,

I understand you want more affordable housing in the area, but this is not the right way to do it. The BVCP was created, so our rights were protected...not to have the City of Boulder take over the unincorporated County. You are our only elected representation and over the past few years, I feel like you don't care about the people who elected you. All you care about is doing what the City of Boulder wants you to do....and to support affordable housing.

I am not a political person, but this whole issue has really got my gander and I am just outraged! I feel like our rights and opinions are just dismissed and not listened to at all! The BVCP, which was created to protect unincorporated areas has been tossed aside! I just can't believe you have nearly gutted the citizen review and even written in density bonuses and height variations. Really?

It seems like you don't care for the homeowners and all you do is want to appease the developers who want to build more condos.

I BEG of you to support us--the residents of unincorporated Boulder in what could be the biggest fight we have.

***Carolyn Bleicher, GRI, CDPE***  
**RE/MAX of Boulder**  
**(303) 219-1771**

Click here for [Client testimonials](#)

Search for listings on my very OWN phone app:  
[App.boulderco.com/carolynbleicher](http://App.boulderco.com/carolynbleicher)




**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#344]  
**Date:** Wednesday, May 17, 2017 4:41:58 PM

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Name \* Patricia Billig

Email \* [p.billig@comcast.net](mailto:p.billig@comcast.net)

Address (optional)  3390 Longwood Ave.  
Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \*

I urge you not to change the current land use designations for CU-South in the Boulder Valley Comprehensive Plan until there is a plan for flood mitigation that will:

- protect those downstream from loss of life and property damage, AND
- sustain the viability of the South Boulder Creek State Natural Area and the threatened species and unique habitat that's owned by OSMP to the east of CU-South, AND
- get a full public hearing plus the review and approval of the city's Boards and City Council.

In addition, the CU South property should be separated from the current update process of the Boulder Valley Comprehensive Plan, given the complexity of the planning issues, the new plans that have not been fully vetted, and the importance of the site to the city.

Thank you!

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#345]  
**Date:** Thursday, May 18, 2017 1:03:05 PM

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Name *	John Thompson
Email *	<a href="mailto:john@aerogrow.com">john@aerogrow.com</a>
Phone Number (optional)	(303) 903-0407
Address (optional)	 6945 walker dr Niwot, Co 80503 United States
This comment relates to: *	Permits
Comment: *	Hey we live in 1.25 acres unincorporated boulder county. We want to get a "off the shelf" shed from Home Depot put in. About 12x16, no power, no plumbing. Any permits needed? What setback is needed from the property lines? Power lines? Any other things to think about? Thanks for the help. John
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#346]  
**Date:** Thursday, May 18, 2017 3:00:15 PM

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Name *	Levi Brown
Email *	<a href="mailto:levigroker@gmail.com">levigroker@gmail.com</a>
Address (optional)	 4845 Qualla Dr. Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I urge your approval of the CU South Comp Plan amendment that will allow the City and CU to move forward with some certainty regarding environmentally sensitive area preservation, development and traffic on the CU South property (which will also facilitate South Boulder Creek flood mitigation).</p> <p>Thank you.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#347]  
**Date:** Thursday, May 18, 2017 6:01:10 PM

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Name \* Donna George

Email \* [georgehouse@comcast.net](mailto:georgehouse@comcast.net)

This comment relates to: \* CU South

Comment: \* This comment relates to CU South and BVCP Update Amendment Procedures Chapter

See attached file.

Attach a File (optional)



[dear\\_planning\\_commission\\_members\\_and\\_bvcp\\_planning\\_staff.docx](#)

15.32 KB · DOCX

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** Patricia A Gassaway  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** democratic process  
**Date:** Monday, May 22, 2017 2:13:07 PM

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May 22, 2017

Dear Boulder County Commissioners,

I am a citizen writing to express my dismay and outrage that you would even consider abolishing public hearings for *\*any\** policy creation/revision or decisions that you make in your job. Your duties are to serve the public good, not to assure profit for the corporations and businesses in our county.

I cannot be there tomorrow night, in person, to express myself. I vote in every election.

Thank you,  
Patricia Gassaway

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

From: Johnsunn [<mailto:johnsunn@comcast.net>]

Sent: Tuesday, May 23, 2017 12:00 PM

To: Jones, Elise

Subject: Twin Lakes Project

Dear Boulder county commissioners-Elise,

I am writing to voice my concern over the proposed twin Lakes development of high density housing. I have many concerns since I live in the area:

1. the affect on wildlife and the owls that come in breed in the area every year
2. That increase in traffic and population on the environment
3. This is an up zoning change which is completely in conflict with the original agreement of this proposed land use which is another example of Boulder and it's changing culture for over development and use of land all in an order to have increased tax revenue and income
4. When I first moved to Boulder from Fort Collins 30 years ago it was a wonderful place to live that valued green and open space now we are a complete sellout city with over developed areas and huge increased population and traffic
5. I think I speak for myself as well as many other's that are sick and tired of the developers and government pushing around the people that live here who value open space area's and the environment

thank you

Sunny Monaco  
Cottonwood Drive  
Boulder, CO 80301

Sent from my iPad  
Sent from my iPad

Sent from my iPad



**From:** dana bove  
**To:** [council@bouldercolorado.gov](mailto:council@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [brautigamj@bouldercolorado.gov](mailto:brautigamj@bouldercolorado.gov); [arthurj@bouldercolorado.gov](mailto:arthurj@bouldercolorado.gov); [Boulder County Board of Commissioners](mailto:Boulder County Board of Commissioners); [planning@bouldercolorado.gov](mailto:planning@bouldercolorado.gov)  
**Subject:** CU South, proposed land use changes, and Wetland Ordinance.  
**Date:** Tuesday, May 23, 2017 4:11:29 PM

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Dear Sirs and Madams,

I have employed the Law Offices of Randall M. Weiner, P.C. to do a thorough study of CU South land use changes and Boulder Ordinance 9-3-9 (the "Wetlands Ordinance"). Here are our findings. We will be poised to take whatever steps are necessary to challenge the City of Boulder if it decides to move forward with these land use changes. There is too much at stake and to move forward without comprehensive studies is a danger to our wetlands, and additionally to citizens that live in the West Valley (albeit a separate issue not addressed here; Option D has too many flaws).

- As the first tangible and systematic step in the CU development project, the land use designation change should occur only after the City's or CU's compliance with the "Wetlands Ordinance" (Boulder Ordinance 9-3-9) permitting process.
- Although the Wetlands Ordinance does not explicitly discuss planning activities and land use changes, the "legislative intent" provided in the Wetlands Ordinance (Section (a)(3)) is very broad, stating that "[t]he city council finds that it is necessary for the city to ensure protection by discouraging development activities in streams, wetlands, and water bodies...." Therefore, the Ordinance should be triggered as soon as one of the regulated activities (in this case, changing hydrology) is reasonably foreseeable from a city action. Analogously, federal environmental reviews are required to be undertaken whenever a regulated activity is "reasonably foreseeable," even if this occurs at the planning, rather than the development, stage. *See Sierra Club v. U.S.*, 255 F.Supp.2d 1177, 1185 (D.Colo. 2002).
- Under CU's recently released Concept Plan, only 66 acres would be managed for habitat preservation, which is only 21% of the property, or 30% of the 220 acres that has an "Open Space" land use designation. CU is proposing 2,615,000 gross square feet of new construction on the property. Thus, the land use designation change is being made for the very specific purpose of the City obtaining land from CU for flood mitigation in exchange for annexation and utilities at CU South for CU's extensive development. The land use changes are far more concrete than the BVCP plan as a whole.
- The City should exclude CU South from the changes to the comp. plan until the City explores obtaining the property pursuant to the Grassland Ecosystem Management Plan. The Grassland Plan provides a framework for on-the-ground management actions, public policies and land and water acquisition priorities to conserve the ecological values of Boulder's grasslands and to ensure on-going agricultural production.

Sincerely,

Dana Bove  
1935 Tincup Court


Boulder, Colorado 80305

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#348]  
**Date:** Tuesday, May 23, 2017 4:52:41 PM

---

Name \* caroline hogue

Email \* [caroline.hogue@gmail.com](mailto:caroline.hogue@gmail.com)

Address (optional)  80301  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

The new version of the BVCP STRIPS the rights from County residents! The BVCP has turned into the "Boulder City Building Plan! The final draft of the BVCP eliminates whole sections of review and protection for County residents (most of Gunbarrel!) In the very preamble to the plan, you already are including unincorporated County into the City's growth projections! You've gutted citizen review! You've written in density bonuses and height variations! This is a developer's dream, but it is NOT the dream of your citizens, constituents, and residents!

It is imperative that the four-body review for all areas be retained as the only way to maintain a system of checks and balances, rather than create an autocracy that refuses to listen to the wishes and needs of its community members. Eliminating it for Areas II and III is an unabashed manipulation, changing the rules when you can't win fair and square by following them. Sound familiar? Does the name Gorsuch come to mind? It's shameful to continue to ignore your constituents and all that we communicate to you about the grim realities of what will happen to us and our properties if you continue to ram through your agendas with no concern for us. Boulder is quite rapidly becoming Denver in every sense of the idea. Is this what you really want to happen here? We citizens are well aware of the pro-growth members of the council and boards, and we find your agenda despicable. You cannot continue to allow more and more companies to locate here, bringing in hundreds or thous ands more people, when there IS NO HOUSING FOR THEM!

The state of affairs regarding affordable housing and the issues surrounding it are deplorable. The original wording for affordable housing should be used – i.e. set back to policy 7.13 stating: "Permanently affordable housing, whether publicly, or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community." Even though the original wording was and is consistently and routinely IGNORED, it needs to be included in case someone actually decides to follow the rules of the BVCP. To that end, all references to or allowances for "cash-in-lieu" payments used by all developers to keep affordable housing out of their projects must be stricken from the BVCP and never again allowed as an option. It's highly insulting to read those provisions, when the reality is that there is no intention whatsoever of following that goal. Affordable housing is not inclusive in the least. It is designed through cash-in-lieu to be segregated, placed out of town where it's out of sight, out of mind, and to form affordable housing ghettos, often far from amenities, services, and transportation like you tried to do to Twin Lakes. Since you lost that vote fair and square, you are now changing the rules so that you can win by eliminating everyone not fully aligned with your agenda. This is exactly like what's happening in the Federal government, to the point that our country is being systematically destroyed daily. You're clearly joining in with this unethical and borderline illegal behavior. The community's trust level for you was

completely destroyed as we witnessed the subterfuge, manipulation, outright lying, misrepresentation, and lying by omission that you employed to try to force your convoluted mess of a plan on those of us who can see right through you. Your new wording waters down this part of the plan and makes it weaker, overt manipulation once again, and unconscionable! We can see a lot of developers of market rate housing saying that it just isn't "appropriate" to include the affordable housing on site. I call bullshit! Also changing the wording of will to should gives this policy no teeth and just discretion of the developers. (See pages 1 and 3-10 of Attachment G-1 for others who have commented the same thing.)

Overall, with the current housing climate, we should be doing whatever we can to ensure diverse access to the community; and trying to emphasize responsible building, conservation, and open space – which is the reason many people moved here to begin with. How dare you destroy everything that makes our community good and responsible?

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#349]  
**Date:** Tuesday, May 23, 2017 5:33:47 PM

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Name *	Miho Shida
Email *	<a href="mailto:miho@earthlink.net">miho@earthlink.net</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	I find the removal of four body review to be simply deplorable. It reminds me of Trump removing Comey because he doesn't like what he was doing. After going through the lengthy process of four body review for Area II lands, if these are to be built on at a higher density than decided on by the rigorous 4 body review process, my trust in Boulder governance will truly be gone. I will remember this government as the one that ruined Boulder.
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#350]  
**Date:** Tuesday, May 23, 2017 5:58:41 PM

---

Name \* Susan Winter

Email \* [lapislily@gmail.com](mailto:lapislily@gmail.com)

Address (optional)  Boulder, CO 80301  
United States

This comment relates to: \* Policy Updates

Comment: \*

Do not eliminate the current requirement of four approving groups. There is no redundancy. When development projects are vast and affect large sections of Boulder-area population, there need to be checks and balances. Having four different review panels allow for that.

It is shameful to eliminate some of these approvals so development proposals can be pushed through the system faster or with less disagreement (which we know is the main reason these changes are being promoted).

The whole BVCP should not be giving in to developers, but should be fighting for what current residents want from their community. The city and county are paid to represent the needs of the current community and prioritize them over potential residents, developers or profiteers.

Thank you.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#351]  
**Date:** Tuesday, May 23, 2017 6:08:15 PM

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Name *	Dan Drolet
Email *	<a href="mailto:dwdrolet@comcast.net">dwdrolet@comcast.net</a>
This comment relates to: *	Policy Updates
Comment: *	Please do not eliminate the four-body review process for change requests for Area II and some Area III properties. It would be unconscionable to reduce the input of unincorporated residents on land use decisions in their area. Furthermore, such a strategy to increase the power of the Boulder City Council and the Boulder County Commissioners is beneath those two bodies and increases the probability of conflicts of interests in future land use decisions.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#352]  
**Date:** Wednesday, May 24, 2017 8:32:11 PM

---

Name *	Nami Thompson
Email *	<a href="mailto:namiknows@gmail.com">namiknows@gmail.com</a>
Phone Number (optional)	(516) 639-7262
Address (optional)	 80301 United States
This comment relates to: *	Twin Lakes

Comment: \*

My name is xxxxx, and I'm a resident of Boulder, CO 80301.

I'm home with my sleeping toddler and cannot make it tonight.

– The original wording for affordable housing should be used – i.e. set back to policy 7.13 stating: "Permanently affordable housing, whether publicly, or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community." (Or making it stronger that we should enforce some affordable housing in new developments – the new wording waters it down and makes it weaker. (See pages 1 and 3-10 of Attachment G-1 for others who have commented the same thing.)

Given the current housing climate, and the demographic homogeneity, we should be doing whatever we can to ensure a safer, more inclusive, Gunbarrel. As we welcome new neighbors into the fold, we can initiate discussions about responsible building, conservation, and open space. Gentrification should not be our legacy, and I for one am hoping for this change as much for myself as for my young child.

Thank you for your time and efforts,  
Nami Thompson  
Boulder, CO 80301

Please check box below \*

- I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#426]  
**Date:** Thursday, May 25, 2017 9:03:11 AM

---

Name \* Adam Pastula

Email \* [ajmail2011@gmail.com](mailto:ajmail2011@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* BVCP

Comments, Question or Feedback \*

Hello,

My name is Adam Pastula, and I'm a resident of Boulder, CO 80301.

Sadly, I was out of town and unable to attend last night's city council meeting, but wanted to comment on the new BVCP.

- I think we should keep the four body review for all of the different areas (i.e. not eliminate it for Area II and III.)
- The Amendment Procedures chapter (Section II of the 2010 BVCP and Section VII of the March 24, 2017 draft) should be added back in.
- The original wording for affordable housing should be used - i.e. set back to policy 7.13 stating: "Permanently affordable housing, whether publicly, or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community." (Or making it stronger that we should enforce some affordable housing in new developments - the new wording waters it down and makes it weaker. (See pages 1 and 3-10 of Attachment G-1 for others who have commented the same thing.)

Overall, with the current housing climate, we should be doing whatever we can to ensure diverse access to the community; and trying to emphasize responsible building, conservation, and open space - which is the reason many people moved here to begin with.

Thank you for your time and efforts,  
Adam Pastula  
Boulder, CO 80301

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#353]  
**Date:** Thursday, May 25, 2017 9:04:26 AM

---

Name \* Adam Pastula

Email \* [ajmail2011@gmail.com](mailto:ajmail2011@gmail.com)

Address (optional)  Boulder, CO 80301  
United States

This comment relates to: \* BVCP

Comment: \*

Hello,

My name is Adam Pastula, and I'm a resident of Boulder, CO 80301.

Sadly, I was out of town and unable to attend last night's city council meeting, but wanted to comment on the new BVCP.

- I think we should keep the four body review for all of the different areas (i.e. not eliminate it for Area II and III.)
- The Amendment Procedures chapter (Section II of the 2010 BVCP and Section VII of the March 24, 2017 draft) should be added back in.
- The original wording for affordable housing should be used - i.e. set back to policy 7.13 stating: "Permanently affordable housing, whether publicly, or jointly financed will be designed as to be compatible, dispersed, and integrated with housing throughout the community." (Or making it stronger that we should enforce some affordable housing in new developments - the new wording waters it down and makes it weaker. (See pages 1 and 3-10 of Attachment G-1 for others who have commented the same thing.)

Overall, with the current housing climate, we should be doing whatever we can to ensure diverse access to the community; and trying to emphasize responsible building, conservation, and open space - which is the reason many people moved here to begin with.

Thank you for your time and efforts,  
Adam Pastula  
Boulder, CO 80301

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#431]  
**Date:** Saturday, June 03, 2017 8:09:42 PM

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Name \* Barbara Hill

Email \* [barbarahill@me.com](mailto:barbarahill@me.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* four panel review

Comments, Question or Feedback \* Please, please do not give up the right to veto annexation or zoning changes in Area III! Your constituents in Boulder County are counting on you to fight for them against any move on the part of the city to gain control of land use outside of their immediate control. Please do not assist in making us subservient to the city.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Jim Disinger -  
**Date:** Tuesday, June 06, 2017 5:55:36 AM

---

Name: Jim Disinger

Email Address: [dising3@aol.com](mailto:dising3@aol.com)

Please enter your question or comment: It seems that we were barely able to defend Twin Lakes Open Space and are having a tough time preserving the Flatirons/South Boulder Creek Wetlands. Can't we make it much easier and simpler to stop any further development in the Boulder Valley? We're already way past build-out.

We absolutely must maintain the 4- body review process!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#355]  
**Date:** Tuesday, June 06, 2017 7:59:05 AM

---

Name *	Kurt Schlomberg
Email *	<a href="mailto:kurtschlomberg@hotmail.com">kurtschlomberg@hotmail.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	Please maintain the current 4 body review for land use changes!
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#356]  
**Date:** Tuesday, June 06, 2017 9:34:56 AM

---

Name *	Marty Streim
Email *	<a href="mailto:mstreim@earthlink.net">mstreim@earthlink.net</a>
Phone Number (optional)	(303) 955-7809
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

I am concerned that residents of Boulder County unincorporated Area II will be effectively disenfranchised from having meaningful representation in land-use decisions that directly effect the status of their communities.

Currently, changes to the land use map require approval of all four city and county bodies. Each change first requires an initial screening by all four bodies, an analysis and then each body is presented the analysis for final decisions.

The proposed two party review by the City Council and Planning Board with "referral" effectively eliminates any county representation.

Who represents county residents within the affected area? County Commissioners and the Planning Commission will no longer be representing the interests of their constituents. I find this problematic since the BOCC are the only elected officials that represent the interests of affected county residents.

I urge you NOT to approve of this change.


Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#357]  
**Date:** Tuesday, June 06, 2017 11:28:32 AM

---

Name \* Wendy James

Email \* [wendy.james@whitewave.com](mailto:wendy.james@whitewave.com)

Address (optional)  80301  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

It's unconscionable to think that the Boulder City Council and Boulder Planning Board would consider eliminating representation for those of us who live in unincorporated Boulder County by removing the County Commissioners and County Planning Commission from the decision-making process for what happens in the county. City Council and Planning Board members are not residents of unincorporated Boulder County and have a well-deserved reputation for wanting to use the county as their dumping grounds for bad ideas (i.e, relocating prairie dogs, Twins Lakes, etc.).

The City Council and Planning Board should be ashamed of themselves for their blatant NIMBY attitude.

Please check box below \*  I acknowledge receipt of the Open Records Notification


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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#358]  
**Date:** Tuesday, June 06, 2017 12:14:26 PM

---

Name \* Timothy Cunningham

Email \* [twc151home@yahoo.com](mailto:twc151home@yahoo.com)

Address (optional)  4368 Park Ct.  
Boulder, CO 80301  
United States

This comment relates to: \* Changes to the BVCP

Comment: \*

The City Council and City Planning Board will be voting on June 13th and June 15th, respectively on the changes to the BVCP that will change the time tested 4-body process.

That will mean that the ONLY representatives for unincorporated Boulder County residents are the County Commissioners and County Planning Commission. Without the 4 body review process, our land uses, densities and building heights will be determined by the City handed down by officials for whom we're not even allowed to vote.

Please, please do not do this and rob us citizens of a voice in the planning process governing our own neighborhoods.

Thank-you,  
Timothy Cunningham

Please check box below \*  I acknowledge receipt of the Open Records Notification




**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#359]  
**Date:** Tuesday, June 06, 2017 7:28:58 PM

---

Name \* Jason Shatek

Email \* [shatek@hotmail.com](mailto:shatek@hotmail.com)

Address (optional)  850 s 46th st  
Boulder , Co 80305  
United States

This comment relates to: \* CU South

Comment: \*

Hello,

I live by CU Boulder South. I have been in law enforcement for many years. I am absolutely opposed to the development of CU Boulder south for a variety of reasons:

1. Traffic- it is already backing up and problematic in that area. Developing the area will bring an incredible amount of increased traffic in an area that is not designed to support such a large scale project.

2. I have worked with CU police on many occasions. I am very aware of the extra crime associated with students. Everything from sex assaults, DUIs, and public intoxication will increase dramatically. I am raising small children, I do not want this in my neighborhood.

Please, consider my comments and do not build on CU Boulder south. Thank you for your time!

Jason

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** Mike Chiropolos  
**To:** [Giang, Steven](#); [Case, Dale](#)  
**Subject:** Fwd: CU South Memorandum  
**Date:** Wednesday, June 07, 2017 9:50:39 AM  
**Attachments:** [CU South and South Boulder Creek Memo - Getting It Right - June 6 2017.pdf](#)  
[CU South and South Boulder Creek Memo - Getting It Right - June 6 2017 w Exh A.pdf](#)

---

Stephen and Dale,

Also sent to Ben and Conrad at County attorneys office.

I'm not finding Nicole's email, so please pass this along to interested staff.

Stephen, should I submit this via the in the comment portal?

Mike

Mike Chiropolos  
Attorney & Counselor, Chiropolos Law  
1221 Pearl Street - Suite 11 \* Boulder CO 80302  
[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)  
303-956-0595

"Because it's not the size of the firm in the fight, it's the size of the fight in the firm"

*Please contact sender immediately if you may have received this email in error, because this email may contain confidential or privileged information*

----- Forwarded message -----

**From:** Mike Chiropolos <[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)>  
**Date:** Wed, Jun 7, 2017 at 9:46 AM  
**Subject:** Fwd: CU South Memorandum  
**To:** [commissioners@bouldercounty.org](mailto:commissioners@bouldercounty.org)

Dear Deb, Cindy, and Elise:

Please find attached a CU South - South Boulder Creek comment submitted to City officials and staff on behalf of Save South Boulder.

I am also providing copies to County staff and the County Attorney.

In 2001, Commissioner and BCPOS Director weighed in to ensure informed decisions per the excerpt from Boulder's Flood History (at 84-850 highlighted below. In 2017, it is again necessary to work together ensure that we will make informed decisions that stand the test of time.

When we get it right, the outcome will be win-win-win-win-win for local government, residents, public health and safety, CU, and the environment.

# FLOOD MANAGEMENT: INTO THE 21<sup>st</sup> CENTURY

[\* \* \*]

The Boulder City Council and Board of County Commissioners discussed the South Boulder Creek Master Plan, as the study was called, and reached similar conclusions. In Commissioner Ron Stewart's motion, he rejected alternatives that had been presented by Taggart Engineering Associates (i.e. relocations and dam structures), then stated, in 84 part: "... that we indicate our support for looking at flood warning systems, additional mapping with the potential for additional insurance there, and that we seek other partners to look at what other alternatives, including the maximum use of the CU site for flood storage, might be. Further, [we suggest] that potential upstream enhancement measures and cost and environmentally sensitive solutions be sought."

As a result of the lack of support for the Taggart Engineering Associates (TEA) plan, the City embarked on a new study that called for the evaluation of flood mapping, risk analysis, flood preparedness, flood mitigation, study process and the recommendations of the IRP, Open Space Board of Trustees, Water Resources Advisory Board, and the City Planning Board. Alan Taylor, the City's Floodplain and Wetland Coordinator, coordinated work activities associated with the study, and with the public process and sponsor interaction and cooperation.

By 2003, the South Boulder Creek flood mapping study was underway, with HDR Engineering as lead consultant. The study was an advanced "state-of-the-art" effort that employed modern GIS technology and online capabilities that completed the following elements: resource atlas, climatology, hydrology, floodplain hydraulics, risk assessment, and public process. (City of Boulder, 2003 Annual Report, Utilities Division).

###

All the best,

Mike

Mike Chiropolos  
Attorney & Counselor, Chiropolos Law  
1221 Pearl Street - Suite 11 \* Boulder CO 80302

[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)

303-956-0595

"Because it's not the size of the firm in the fight, it's the size of the fight in the firm"

*Please contact sender immediately if you may have received this email in error, because this email may contain confidential or privileged information*

----- Forwarded message -----

From: **Mike Chiropolos** <[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)>

Date: Wed, Jun 7, 2017 at 9:24 AM

Subject: Fwd: CU South Memorandum

To: [kleislerp@bouldercolorado.gov](mailto:kleislerp@bouldercolorado.gov), [bauerk@bouldercolorado.gov](mailto:bauerk@bouldercolorado.gov)

Dear Phil & Kurt:

Please find attached the CU South memo provided to City Council yesterday; this version includes Exhibit A. A few typos have been corrected in the cover message and the bullets pasted below were edited for clarity.

/s

Mike Chiropolos  
Attorney & Counselor, Chiropolos Law  
1221 Pearl Street - Suite 11 \* Boulder CO 80302

[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)

303-956-0595

"Because it's not the size of the firm in the fight, it's the size of the fight in the firm"

*Please contact sender immediately if you may have received this email in error, because this email may contain confidential or privileged information*

----- Forwarded message -----

From: **Mike Chiropolos** <[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)>

Date: Tue, Jun 6, 2017 at 6:13 PM

Subject: CU South Memorandum

To: "Jones, Suzanne" <[JonesS@bouldercolorado.gov](mailto:JonesS@bouldercolorado.gov)>, [yatesb@bouldercolorado.gov](mailto:yatesb@bouldercolorado.gov),  
[morzell@bouldercolorado.gov](mailto:morzell@bouldercolorado.gov), [appelbaum@bouldercolorado.gov](mailto:appelbaum@bouldercolorado.gov),  
[brocketta@bouldercolorado.gov](mailto:brocketta@bouldercolorado.gov), [burtonj@bouldercolorado.gov](mailto:burtonj@bouldercolorado.gov),  
[shoemakera@bouldercolorado.gov](mailto:shoemakera@bouldercolorado.gov), [WeaverS@bouldercolorado.gov](mailto:WeaverS@bouldercolorado.gov),  
[youngm@bouldercolorado.gov](mailto:youngm@bouldercolorado.gov)

Mayor Jones and Council Members:

Please find attached a memorandum titled CU South and South Boulder Creek: Getting It Right for Today and Tomorrow.

**MIKE CHIROPOLOS**  
**ATTORNEY & COUNSELOR, CHIROPOLOS LAW**  
**1221 PEARL SUITE 11 \* BOULDER CO 80302**  
**303-956-0595 – mike@chiropoloslaw.com**

M E M O R A N D U M

**TO:** Boulder City Council  
City of Boulder Planning Board  
Tom Carr, Office of the City Attorney  
Land Use and Planning Staff

**FROM:** Mike Chiropolos, Attorney, Save South Boulder

**DATE:** June 6, 2017

**SUBJ:** **CU South and South Boulder Creek: Getting It Right for Today & Tomorrow**

---

## 1. Introduction

The City of Boulder and the University of Colorado (CU) are negotiating an agreement that would provide for land use changes on the “CU South” property, intended to pave the way for annexation, future development on specified lands, and implementation of the flood management strategy known as “Option D.”

At the same time, City Council and the Planning Board are poised to vote on proposed land use changes negotiated between staff and CU as part of the 2015-17 Boulder Valley Comprehensive Plan (BVCP) Update. Originally, the BVCP Update for CU South was to have been informed by a proposed “Agreement” between the City and CU. However, no such Agreement has been released.

Responsible parties acknowledge the need for: 1) responsible floodplain and drainage management strategies; 2) informed decisions; 3) responsible decisions that protect public health, safety, and the environment; 4) decisions that will serve Boulder’s future as well as current needs in the context of a growing population and changing climate; 5) environmental protection as a significant component of planning for the property; and 6) identifying appropriate lands for CU to pursue desired expansions for housing and other purposes.

- Premature approval of the proposed BVCP land use recommendations risks making uninformed decisions that put the health and safety of current residents and future generations at risk, while needlessly sacrificing the environment.
- Premature approval risks future damages and potential governmental liability that could exceed the \$38 million in damages in the South Boulder Creek watershed from the 2013 floods. Premature approval intended to reassure residents who feared for their lives in the 2013 floods could risk the property and safety of current and future residents in future floods.
- Premature approval could result in relatively high-density development in a natural floodplain that was altered in part to make such inadvisable (and unsustainable) development possible.
- There are several options for CU to pursue development on higher, more dry, more suitable lands; by comparison to the “CU South” property where floodplain and environmental values make it

the last place for extensive development<sup>1</sup> pursuant to the planning legacy, core values, and fact-based decision-making that have informed the BVCP since 1977.

- Neither the City nor the County is believed to have researched the authority stated below to allow the Urban Drainage and Flood Control District to obtain and manage lands needed for floodplain and drainage purposes.
- Local authorities have the authority under state law to exercise eminent domain to make lands owned by CU available for floodplain and drainage purposes to protect public health and safety.
- Taking the time to get these decisions right will result in a more effective floodplain strategy designed to stand the test of time --at a time when our changing climate is predicted to result in more frequent and more future floods and other extreme weather events.
- Not taking the time to get it right could lead to future catastrophe of a scale that is orders of magnitude greater than past floods in the South Boulder Creek drainage.

## 2. Need for More Information

On May 25, 2017, the City returned the generous \$10,000 check to the City proffered by Ruth Wright to ensure that the City obtains essential information before proceeding with BVCP changes or floodplain strategy implementation.

In the cover letter to Ms. Wright, City Manager Jane Brautigam acknowledged that the City is aware of risks from future floods:

The city does recognize the risks posed by larger flood events both to residents downstream of proposed mitigation and to areas of the CU South property that will be inundated upstream. We are currently developing additional guiding principles for consideration by the four bodies to ensure that this important issue will be considered in any future discussions with the university.

Until a draft of the “additional guiding principles” is made available for public review and comment, it is premature to consider staff’s BVCP land use proposals. The same is true for the necessity of review and comment by other governmental agencies including Boulder County, UDFCD, and state and federal agencies including the Department of Natural Resources, the Department of Local Affairs, the State Climatologist, Federal Emergency Management Administration (FEMA), the U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency.

Proceeding prematurely would be to allow CU to “steer” the “floodplain management ship” for South Boulder Creek at the expense of public health, safety, and the environment. Concept plans, guiding principles, and proposed agreements must be thoroughly reviewed on their merits, and subjected to expert and citizen review and comment prior to votes.

The following facts are absent from the City’s letter politely declining Ruth’s generous offer to fund needed studies before final land-use decisions for “CU South” are made.

- City staff are recommending approval of land-use changes that would tie the hands of the City and County in designing future flood control;

<sup>1</sup> The 1,175 housing units proposed by CU could house 3,000 or more residents based on dual occupancy of smaller units and 2-4 occupants in townhomes. Thus, the proposed development would increase the population of the South Boulder Sub-Community by 20% or more.

- City staff stated at the May 23, 2017 public hearing that the intent of the proposed land-use changed is to limit the ability of the project’s Design Engineer to consider using the 74% of the site (224 acres) not currently recommended for floodplain and drainage purposes, because that might cost more money at the design stage;
- City staff didn’t come out and say that they were unwilling to recommend any options that might perhaps be inconvenient or unacceptable for CU, but many citizens were left with that impression;
- If the floodplain management strategy designed to placate CU doesn’t work, public health and safety are at risk;
- Lives at risk include residents of the Frazier Meadows retirement home, recognized as a “critical facility” within the 500-year floodplain, and property at risk includes hundreds of millions of dollars in structures within the greater South Boulder Creek floodplain;
- The South Boulder Creek watershed below the “CU South” site incurred \$38 million in damages in the 2013 floods;
- The 2013 floods were estimated to be in the “25-50 year” high flows range according to the April 2017 Case Study of the 2013 Boulder Floods published by the experts at the National Institute for Standards and Technology (Boulder-based federal laboratory);
- The studies yet to be performed and the models yet to be run go to the heart of the effectiveness of the proposed “Option D” – yet city staff is recommending approval of land-use changes that would lock the City and County into Option D, or an alternative inadequate plan limited to the 81 acres (out of 308 total) that CU is willing to agree to use for floodplain management;
- Earlier studies, prior floods, historical aerial photos, prior floodplain maps, and engineering professionals conservatively indicate that 200-plus acres of the property may be within the natural floodplain;
- A conservative approach might consider making use of all or most of such lands for floodplain management and drainage purposes designed to stand the test of time, in an increasingly uncertain climate.

Rather than prejudging any future decisions, elected and appointed bodies should judge proposals on their merits. Criteria should include the BVCP, state law, prior City and County decisions relevant to these issues, community values, and other relevant planning and policy documents.

### **3. Potential Liability**

The Colorado Drainage Law treatise is the authoritative summary of drainage law and policy in Colorado. It is expressly recognized and adopted by the Boulder County Drainage Manual.

The Drainage Law treatise establishes the obligation of local government to protect flood-prone areas. The responsible authorities can be found liable for damage if they fail to exercise reasonable care with regard to known dangerous conditions.

6. The boundaries of the floodplain should be accurately determined and based on a reasonable standard. Mallett v. Mamarooneck, 125 N.E. 2d 875 (N.Y. 1955).

7. Adoption of a floodplain regulation to regulate flood-prone areas is a valid exercise of police power and is not a taking as long as the regulation does not go beyond protection of the public’s

health, safety, morals, and welfare. Hermanson v. Board of County Commissioners of Fremont, 595 P.2d 694 (Colo. App. 1979).

8. The adoption by a municipality of floodplain ordinances to regulate flood-prone areas is a valid exercise of police power and is not a taking. Morrison v. City of Aurora, 745 P.2d 1042 (Colo. App. 1987).

9. A zoning ordinance is not unconstitutional because it prohibits a landowner from using or developing his land in the most profitable manner. It is not required that a landowner be permitted to make the best, maximum or most profitable use of his property. Baum v. City and County of Denver, 363 P.2d 688 (Colo. 1961) and Sundheim v. Board of County Commissioners of Douglas County, 904 P.2d 1337 (Colo. App. 1995).

[ . . . ]

11. A “dangerous condition” constitutes an unreasonable risk to the health or safety of the public, which is known to exist or which in the exercise of reasonable care should have been known to exist and which condition is proximately caused by the negligent act or omission of the public entity in constructing or maintaining such facility. 24-10-103 (1.3) C.R.S. However, a dangerous condition shall not exist solely because the design of any facility is inadequate. Again, this protection does not extend to private parties.

12. Under the CGIA, a governmental entity is not protected by immunity in regard to the operation and maintenance of any “public water facility” or “sanitation facility.” 24-10-106 (f) C.R.S.

Colorado Drainage Treatise at 2-2 to 2-3.

The Colorado Governmental Immunities Act is a partial, incomplete shield from liability for flood-related damages:

16. The CGIA has not been challenged in court since its adoption in 2003 although courts have considered whether its application was meant by the Colorado Legislature to be retroactive. Therefore, it is uncertain if the CGIA would withstand a legal challenge. Regardless, governmental entities should, to the best of their ability, attempt to construct, operate, and maintain the drainage, flood control, and storm water facilities that they own to the same standard that private parties are required to meet.

17. CGIA does not protect a public entity from a claim based upon inverse condemnation. Inverse condemnation is defined as the taking of private property for a public or private use, without compensation [ . . . ]

However, governmental immunity does not protect a public entity from a claim made in inverse condemnation for the taking of property rights without compensation.

In the case of Jorgenson v. City of Aurora, 767 P.2d 756 (Colo. App. 1988), the Colorado Court of Appeals held that given the constitutional genesis of a claim for inverse condemnation, and considering the nature of the right upon which this action is founded, a claim in inverse condemnation is not subject to the Governmental Immunity Act.

Id. at 2-3 and 2-6 (emphasis added).



It is undisputed that: dangerous conditions exist downstream from the floodplains that encompass the CU South property; much of the property is necessary for floodplain planning; and much more of the property was available for floodplain or drainage mitigation purposed prior to gravel mining and berm construction.

Berms were partly or largely reconstructed to increase potentially developable acreage on the “CU South” property. Thus, one of the primary purposes of some of the existing berms is to increase the development potential for the current landowner, at the expense of downstream residents and property.

In sum, floodplain and drainage strategies must be implemented based on comprehensive studies and the design phase cannot be subjected to artificial constraints based on the landowner preferences to maximize development potential. Proceeding otherwise could subject the City to liability for future damages, and, more importantly, could put public health and safety at risk.

#### **4. Concerns about Option D**

The following short list of concerns on proceeding with Option D at this time are compiled primarily from statements made by staff at the City’s May 23 BVCP hearing on CU South, and by local engineer Ben Binder. The concerns are presented in the main bullets, followed in some cases by sub-bullets providing initial responses to the concern.

- CU exercised influence with the State of Colorado Mined Land Reclamation Board to gut a reclamation plan, and proceeded to remove 40 acres of ponds, add the berm, and design the flood-prone former gravel quarry for maximum development (Binder 4/23/17 in Boulder Daily Camera)
  - Gravel mines are being reclaimed and restored across Boulder County and the Front Range, serving as community amenities and critical ecological sites;
  - Regardless of technical, legal and procedural issues encompassing wetlands, reclamation and restoration is the right thing to do on this historical gravel pit;
  - Reclamation and restoration are the preferred course of action consistent with the BVCP, the 1998 South Boulder Creek Area Management Plan, the 2010 Grasslands Management Plan, and the City’s longstanding intent to acquire the Flatirons property for Open Space and Mountain Parks.
  - Restoration success stories in Boulder County include Walden Ponds, Sawhill Ponds, and Pella Crossing.
- The original 6,000 foot berm was not constructed to FEMA specifications, prior to CU’s acquisition of the property.
- CU was well aware of the land-sue constraints and development limitations associated with the property. Rather than seizing the opportunity to forge a plan consistent with modern floodplain principles, CU reinforced the berm, leveled land to increase development potential, and drained wetlands that were not exposed water table. As a result, in the 2013 floods, the former gravel pits were high and dry (protected by the berm) while hundreds of residences and structures downstream were severely flooded (at least partly due to inadequate upstream drainage and detention).

- Springs on the property have already been harmed, or would be subject to development and loss if the Concept Plan is approved.
  - The "Preliminary Conservation Suitability Analysis for University for Colorado South Campus" (Biohabitats November 21, 2016) contains one general reference to "springs" at page 13, but no discussion of protection, specific locations, historical springs, or current springs that could be impacted by development.
  - The Preliminary Analysis has zero references to the South Boulder Creek Area Management Plan (OSMP 1998), the master planning document for the overall area and natural features.
- Option D appears focused on protecting current development in the 100-year South Boulder Creek floodplain, despite expert predictions that the 100-year flood maps may soon be considered obsolete
  - For the most part, Option D is designed to protect against a 100-year flood, consistent with current City policies and the minimum requirements of state law (encompassing special measures for critical facilities in the 500-year floodplain)
  - Although 100-year planning might meet minimum legal requirements, floodplain planning in 2017 should protect the City and residents against 500-year and 1000-year flood events. 2013 and prior floods caused extensive damage outside the 100-year floodplain.
  - These arguments rely on the best available science, new scientific data on historical floods, climate change models, the experience of the 2013 floods, and a scientific consensus that the future is likely to bring more frequent and severe extreme weather events.
- Staff candidly acknowledged there are lots of questions, but recommended that Council approve the BVCP changes on the hope that CU "might" be open to resolving remaining concerns in a manner satisfactory to the City and citizens. That appears to be a somewhat dubious negotiating strategy, to put it mildly.
- Staff has recommended approval of BVCP land-use changes that could tie the City's hands on floodplain strategies, but suggested that CU *might* agree to needed changes once the engineers, hydrologists and other experts actually get on ground and collect real data based on pending studies
- On the "high hazard" dam, staff's pitch was that many such dams, albeit smaller, are found across Boulder County so not to worry. Left unsaid was that South Boulder Creek is one of the larger tributary streams on the Front Range, which is why lives were threatened and \$38 million in property was lost in 2013.
- Staff addressed potential failure of the proposed new dam at Gross Reservoir, if approved and built. Staff stated that the proposed retention in Boulder Valley is intended to handle 500,000 acre-feet, suggesting that the extra 100,000 acre-feet would be insignificant.
- The storage capacity of the expanded Gross Reservoir, if approved and built, would be 118,811 acre-feet - or almost triple the capacity of the existing 41,000 acre-feet reservoir. The Gross Dam expansion hazard study has not been completed.

Staff did not mention the April 2017 NIST Case Study on the 2013 Boulder Floods. NIST states that all the rain that fell above Gross Dam in 2013 was contained and stored in Gross (apparently levels were low at the end of the summer months), so none of that precipitation contributed to the flooding.

- All of the above information bears on the ability of Option D to protect public health and safety. It must be modeled and studied before decisions are made that could restrict options, or risk citizens and structures.
- The Boulder County Drainage Manual provides: “Land which is subject to a possible upstream dam failure shall not be platted unless the potential flooding condition is alleviated according to plans approved by the County Engineer, unless otherwise approved by the State Engineer.” This provision needs to be strictly adhered to for all lands which could be effected by a breach of either Gross or dams in Boulder Valley, before finalizing or implementing South Boulder Creek floodplain strategies.
- In the April 2017 Case Study on the 2013 Boulder Floods, NIST states that all the rain that fell above Gross Dam in 2013 was contained and stored behind the dam and did not contribute to flooding. This information is relevant, and must be modeled and studied. The Gross Dam expansion hazard study has not been completed. The near-catastrophic dam failure at Oroville California in 2017 is a reminder that dams will eventually fail.
- South Boulder Creek floodplain strategies that preclude use of scarce floodplains in Boulder Valley must be designed to stand the test of time. Today’s decisions must consider an uncertain future which could include floods or infrastructure failures considered highly unlikely before now. Consistent with the BVCP, planning for resiliency is more important than ever before.
- Under the National Environmental Policy Act, federal law requires considering a range of alternatives including a worst-case scenario. With lives and property at stake, shouldn't we apply the same precautionary review and abide by this standard to ensure we “look before we leap”?
- The City Attorney’s office indicated condemnation had not been researched to date. The remainder of this memorandum outlines initial research and analysis.
- As to the amount of Open Space agreed to by CU, staff acknowledged that "we hoped it might be more." Citizens understandably expect somewhat stronger advocacy for open space and environmental preservation, both of which are core BVCP and community values and goals.

## **5. UDFCD can exercise eminent domain to obtain land for floodplain management.**

C.R.S. 29-1-204.2 provides for establishing governmental entities known as water or drainage authorities.

### **29-1-204.2. Establishment of separate governmental entity to develop water resources, systems, facilities, and drainage facilities.**

(1) Any combination of municipalities, special districts, or other political subdivisions of this state that are authorized to own and operate water systems or facilities or drainage facilities may establish, by contract with each other, a separate governmental entity, to be known as a water or drainage authority, to be used by such contracting parties to effect the development of water resources, systems, or facilities or of drainage facilities in whole or in part for the benefit of the

inhabitants of such contracting parties or others at the discretion of the board of directors of the water or drainage authority.

Among the powers of such a water or drainage authority:

(f) To condemn property for public use, if such property is not owned by any public utility and devoted to such public use pursuant to state authority;

C.R.S. 29-4-104(3)(f) (emphasis added).

The “CU South” site is not owned by a public utility.

The Urban Drainage and Flood Control District (UDFCD) has authority to act under state law.

## **6. 500-year Floodplain Planning**

At the May 23 hearing, we heard that it is likely that our current 100-year flood maps “will soon be obsolete” as climate change manifests in the Rockies.

Consistent with the recommendations of an Independent Review Panel (IRP), the Flood Plan provides:

A full range of action for individual reaches and buildings for floods up to 500-year frequency should be reviewed.

Other specific policy recommendations presented by the IRP include using the 500- year frequency for flood mitigation and emergency planning, providing data for multiple storm depths (10, 50, 100 and 500- year events), addressing hydraulic bottlenecks (such as bridges and culverts), evaluating the public benefits that might accrue from natural floodplains, protecting critical facilities to 500- year levels, flood proofing individual structures, removing high risk structures, specific flood warning and evacuation plans, and managing upstream watershed conditions.

City Flood Plan at 2-8.

Option D appears inconsistent with these policies and recommendations by leaving residents and structures at risk, contrary to the City’s Flood Plan.

A graph at page 3-9 of the Flood Plan compares structures within the 500-year floodplain to those within the 100-year floodplain. For South Boulder Creek, the number of structures is approximately double: more than 400 within the 500-year floodplain compared to just over 200 within the 100-year floodplain. It is unknown whether structures proposed (but not yet approved with land use change and annexation requests currently pending) for the Hogan-Pancost site just off South Boulder Creek have been assessed.

Table 3-1 shows 5,295 properties with an assessed value of \$1,414,277,100 are within the 500-year floodplains in the City (all watersheds and drainages, i.e. not just for South Boulder Creek), compared to 3,582 properties with an assessed value \$988,696,800 for the 100-year floodplain. This represents approximately 48% more structures and 43% more in assessed value in the 500-year floodplain.

## 7. Environmental Protection and Restoration; 1998 South Boulder Creek Area Management Plan

The 1998 South Boulder Creek Area Management Plan encompasses a vision under which this property would be acquired, restored, and protected under OSMP Management.

The 1998 Plan could not be any more relevant today. The Introduction opens with the following vision describing a celebratory event in 2020:

Dateline bolder 2020 – City officials today held a celebration of the South Boulder Creek Open Space Management Area, 43 years after the first Open Space land was preserved in the management area. Not only did they celebrate the purchase of area properties, they lauded the citizen support for wise management that took a long-term view and preserved the land's wild value. [. . .]

But what is every bit as impressive was our forethought on how to manage the land. Preservation is more than not allowing houses to be built, it is wise management and the willingness to leave room for wildlife. [. . .]

“In the middle part of the Management Area, impacts from adjacent commercial development and past aggregate operations near [South] Boulder Creek made the area a definite management challenge. Restoration was conducted where it made sense and recreational opportunities were provided.

1998 South Boulder Creek Plan at 1.

The Vision could hardly be more prescient<sup>2</sup> – but only if today's officials rise to the challenge and take advantage of the opportunity to realize the vision.

Specifics going to “Management Goals, Objectives and Actions” include:

- "Work with University of Colorado to coordinate resource management planning and to ensure the adjacent Open Space properties are not adversely affected by development of its Gateway property." Management Plan at 104.
- "Establish protocols for long-term monitoring of wetland and riparian functions, values, vegetation and wildlife. Id. at 129.
- Monitor regulatory compliance that affects wetland and riparian values and function in the Management area." Id.
- "Work closely with City of Boulder Planning and Boulder County Land Use to ensure proper access and natural resource protection concerns are addressed as surrounding lands develop." Id. at 138
- Work with City of Boulder Planning and Boulder County Land Use to ensure that surrounding land uses are compatible with Open Space management." Id. at 138.
- "Track the development of the University of Colorado Gateway property to ensure that development does not adversely affect water flows and natural resources on adjacent Open Space properties." Id. at 147.

Additionally:

<sup>2</sup> The drafters in 1998 can be excused from attributing the opening quotes to a fictional “Mayor Smith”, because a crystal ball or time machine would have been needed to know that it would be a Mayor Jones who found herself in the position to achieve the community's vision.

- According to OSMP, similar riparian habitat approximately 1.5 mile downstream and also on the west side of South Boulder Creek constitutes riparian habitat which is among “the most endangered and fragile natural areas in Colorado”. (OSMP sign northeast of East Boulder Rec Center and southwest of Bobolink trailhead, picture available on request).
- The 1998 South Boulder Creek Plan provides for restoration, acquisition, and preservation, specifically for “past aggregate operations.”
- City Resolution Number 877 from 2001 states that City Council “stands willing to purchase the Flatirons Property from a willing seller at a fair price, for open space or flood control management purposes [for] maximum practicable preservation of the Flatirons Property as an environmental asset, consistent with the Boulder Valley Comprehensive Plan since 1977.” (emphasis added).
- The City’s 2010 Grasslands Plan provides for “land and water acquisition priorities to conserve the ecological values of Boulder’s grasslands.” (emphasis added).
- The adjacent Tallgrass Prairie South Boulder Creek State Conservation Area encompasses the greatest intact remnants of this prairie ecosystem which once covered vast expanses of Colorado’s Front Range and the Boulder Valley.
- The Nature Conservancy states that “tallgrass prairie is considered rare and imperiled globally, and one of the most endangered ecosystem types in the world” and ranks communities in Colorado as “imperiled” or “critically imperiled”.
- The State's Natural Area's website underlines the ecological significance of the larger 1,193 acre South Boulder Creek Natural Area:

A remnant of the plains cottonwood riparian ecosystem occurs in good condition along South Boulder Creek. This riparian community provides essential wildlife habitat and contributes to the biological diversity of floodplains along the Colorado's western plains.

In combination with riparian and grassland communities, wetlands found along South Boulder Creek are considered to be among the best preserved and most ecologically significant in the Boulder Valley. [. . .]

The Colorado Tallgrass Prairie Natural Area consists of eight small parcels located along the broad floodplain of South Boulder Creek. The properties contain the largest known area of the once-extensive xeric and mesic native tallgrass prairies in Colorado.

See <http://cpw.state.co.us/aboutus/Pages/CNAP-About.aspx>.

Only 269 acres of tallgrass prairie are included in the current 1,198 acre South Boulder Creek Natural Area. Even 50-100 acres of additional prairie would be regionally significant, and it seems likely that the “CU South” property might have the potential to increase the local extent of this imperiled ecosystem by 50% or more.

Despite this compelling evidence of the potential conservation value of these lands under a reclamation and restoration scenario consistent with the 1998 Plan, Biohabitats did not even consider prairie restoration in its initial assessment – nor mention most of the sources above in its “References” section.

These essential references to the City’s own Management Plans and Visions for the property are absent from the Biohabitats Report and the staff recommendations. The “References’ appendix for Biohabitats at

page 28 lacks mention of the 1998 South Boulder Creek Plan, indicating that the consultant was unaware of OSMP's charter for the larger landscape, and specific provisions addressing the "CU South" property. Informed decision-making requires appropriately weighing applicable policies and guidance documents.

Under the staff recommendation, 66 acres of the property are penciled in for "Habitat Preservation and Natural Areas".

- Only 21% of the total acreage would be retained as Open Space
- The 66 acres amounts to only 30% of the 220 acres currently with land use designation "Open Space - Other"
- The current 220 acres represents 71% of the total acreage, dating back to 1977.
- 2001 Council Resolution 877 stands for what it says: "the maximum practicable preservation of the Flatirons Property as an environmental asset, consistent with the Boulder Valley Comprehensive Plan since 1977."

Resolution 877 establishes that maximizing environmental preservation is an important lodestar and driving goal. 66 acres or 21% of the property falls far short. Open space management is dual purpose because those undeveloped lands further flood control and drainage purposes as well as natural ecosystem functions.

Future CU development should be directed to appropriate lands consistent with the BVCP. Potential alternative sites include the Planning Reserve, 28<sup>th</sup> Street Pollard property, lands near the airport, other undeveloped or re-developable CU properties, and redevelopment within city limits.

## **8. Initial Conclusions**

Based on the above, the majority of the CU South site is within the historic floodplain and could reasonably be utilized for floodplain and drainage purposes. Before artificial berms were constructed, far less land than is currently being proposed for development was considered suitable for construction.

Governmental entities that approve and implement a drainage "solution" might be found legally liable for future flood impacts that could exceed the \$38 million in 2013.

The UDFCD has legal condemnation authority under state law.

Everyone agrees on the need for swift action, and all responsible stakeholders agree on the need to get it right on flood control, land use, and environmental protection or preservation decisions under the BVCP.

Option D and the current BVCP staff proposal are premature at this time. Floodplain planning must be informed by essential missing information on soils, geology, groundwater, and hydrology. Land use and environmental protection must be informed by the 1998 South Boulder Creek Area Management Plan, the 2010 Grasslands Plan, a more accurate and comprehensive study of the ecological potential of a restored site in the context of adjacent conservation properties, and past BVCPs allocating 220 acres for Open Space dating back to the original BVCP in 1977.

Future generations will thank today's officials and citizens for getting it right.

This is submitted on behalf of Save South Boulder.

Copies will also be provided to the Boulder Planning Board, Boulder County Commissioners, Boulder County Planning Commission, and staff. The initial legal research was transmitted to Tom Carr and Ben Pearlman yesterday, and I look forward to a dialogue on legal questions relevant to these issues.

For your convenience, bullet points summarizing the memo are attached below. Copies of documents and references are available on request.

Sincerely,

/s

Mike Chiropolos

Attorney & Counselor, Chiropolos Law

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[mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)

303-956-0595

"Because it's not the size of the firm in the fight, it's the size of the fight in the firm"

*Please contact sender immediately if you may have received this email in error, because this email may contain confidential or privileged information*

#### Summary of Getting It Right:

- We have only one chance to get it right: decisions made today can preclude future options
- The City, County and the Urban Drainage and Flood Control District (UDFCD) have legal and moral obligation to protect downstream residents' lives and property
- This goes beyond responding to the 2013 floods
- We can't predict the future or the climate, but we know that Boulder Valley will experience future floods greater in scale and volumes of water than 2013
- The current BVCP land-use proposal is premature
- Option D is not ready to be finalized or implemented
- Approving currently proposed land-use changes would tie the hands of the City, County and UDFCD on what lands are available for floodplain, drainage, and other purposes
- Local government can be held liable for future flood damages based on dangerous conditions, unreasonable risks to public health or safety, acts and omissions, and negligence
- Local government can also be held liable under "inverse condemnation" theories
- The Design Engineer(s) must be able to make the best use of the entire property to protect public health and safety, and must be informed by missing studies
- Saving a few thousand dollars by putting the "land-use cart" before the "floodplain and drainage strategy horse" would put public health and safety (and tens of millions of dollars in property) at risk
- Public statements that the current recommendations or strategies are intended to save money might be relevant to future findings on liability after future flood events
- Public health and safety could be compromised by allowing CU to dictate how many



acres and which acres may be used for floodplain and drainage purposes

- Land use must be informed by comprehensive studies and independent reviews on floodplains, drainage, hydrology, soils, groundwater, and the environment – including restoration
- It would be reckless and irresponsible to tie the hands of the Design Engineer(s)
- Performing the missing studies and analysis now will not affect the schedule: nothing can happen before mid-2018 at the earliest
- Decisions informed by facts and science will better protect current and future residents
- If CU declines to voluntarily allow use of all acres determined to be needed for the best possible flood control strategy, the UDFCD can condemn lands for public health and safety and proper floodplain management according to state law
- The UDFCD power of eminent domain extends to state-owned lands
- The Biohabitats Preliminary Conservation Suitability Analysis was uninformed by several of the most essential city, state, and NGO reference works, including the 1998 South Boulder Creek Area Management Plan, Nature Conservancy science, and vital information on the South Boulder Creek Natural Area from State Conservation Trust Lands database
  
- The history of the site and of South Boulder Creek establishes a real risk of contributing to extensive future flood damages if we don't take the time to get it right in advance
  
- Performing the missing studies prior to land use decisions will ensure informed decisions that better protect future generations consistent with the letter and spirit of the BVCP
- Informed decisions will protect residents, lives, property, and the environment – consistent with core community and BVCP values
- This is our one and only chance to design and implement an effective floodplain and drainage strategy that will pass the test of time


**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#360]  
**Date:** Wednesday, June 07, 2017 12:38:27 PM

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Name \* Mike Chiropolos

Email \* [mike@chiropoloslaw.com](mailto:mike@chiropoloslaw.com)

Phone (303) 956-0595  
Number  
(optional)

Address  3325 Martin Drive  
(optional) Boulder, CO 80305  
United States

This CU South  
comment  
relates  
to: \*

Comment: \*

Please see attached memorandum.

Summary bullets for CU South: Getting It Right:

- We have only one chance to get it right: decisions made today can preclude future options
- The City, County and the Urban Drainage and Flood Control District (UDFCD) have legal and moral obligation to protect downstream residents' lives and property
- This goes beyond responding to the 2013 floods
- We can't predict the future or the climate, but we know that Boulder Valley will experience future floods greater in scale and volumes of water than 2013
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- Approving currently proposed land-use changes would tie the hands of the City, County and UDFCD on what lands are available for floodplain, drainage, and other purposes
- Local government can be held liable for future flood damages based on dangerous conditions, unreasonable risks to public health or safety, acts and omissions, and negligence
- Local government can also be held liable under "inverse condemnation" theories
- The Design Engineer(s) must be able to make the best use of the entire property to protect public health and safety, and must be informed by missing studies
- Saving a few thousand dollars by putting the "land-use cart" before the "floodplain and drainage strategy horse" would put public health and safety (and tens of millions of dollars in property) at risk
- Public statements that the current recommendations or strategies are intended to save money might be relevant to future findings on liability after future flood events
- Public health and safety could be compromised by allowing CU to dictate how many acres and which acres may be used for floodplain and drainage purposes
- Land use must be informed by comprehensive studies and independent reviews on floodplains, drainage, hydrology, soils, groundwater, and the environment – including restoration
- It would be reckless and irresponsible to tie the hands of the Design Engineer(s)
- Performing the missing studies and analysis now will not affect the schedule: nothing can happen

before mid-2018 at the earliest

- Decisions informed by facts and science will better protect current and future residents
- If CU declines to voluntarily allow use of all acres determined to be needed for the best possible flood control strategy, the UDFCD can condemn lands for public health and safety and proper floodplain management according to state law
- The UDFCD power of eminent domain extends to state-owned lands
- The Biohabitats Preliminary Conservation Suitability Analysis was uninformed by several of the most essential city, state, and NGO reference works, including the 1998 South Boulder Creek Area Management Plan, Nature Conservancy science, and vital information on the South Boulder Creek Natural Area from State Conservation Trust Lands database
- The history of the site and of South Boulder Creek establishes a real risk of contributing to extensive future flood damages if we don't take the time to get it right in advance
- Performing the missing studies prior to land use decisions will ensure informed decisions that better protect future generations consistent with the letter and spirit of the BVCP
- Informed decisions will protect residents, lives, property, and the environment – consistent with core community and BVCP values
- This is our one and only chance to design and implement an effective floodplain and drainage strategy that will pass the test of time

Attach a  
File  
(optional)



[cu\\_south\\_and\\_south\\_boulder\\_creek\\_memo\\_getting\\_it\\_right\\_june\\_6\\_2017\\_with\\_exh\\_a.pdf](#)

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M E M O R A N D U M

**TO:** Boulder City Council  
City of Boulder Planning Board  
Tom Carr, Office of the City Attorney  
Land Use and Planning Staff

**FROM:** Mike Chiropolos, Attorney, Save South Boulder

**DATE:** June 6, 2017

**SUBJ:** **CU South and South Boulder Creek: Getting It Right for Today & Tomorrow**

---

## 1. Introduction

The City of Boulder and the University of Colorado (CU) are negotiating an agreement that would provide for land use changes on the “CU South” property, intended to pave the way for annexation, future development on specified lands, and implementation of the flood management strategy known as “Option D.”

At the same time, City Council and the Planning Board are poised to vote on proposed land use changes negotiated between staff and CU as part of the 2015-17 Boulder Valley Comprehensive Plan (BVCP) Update. Originally, the BVCP Update for CU South was to have been informed by a proposed “Agreement” between the City and CU. However, no such Agreement has been released.

Responsible parties acknowledge the need for: 1) responsible floodplain and drainage management strategies; 2) informed decisions; 3) responsible decisions that protect public health, safety, and the environment; 4) decisions that will serve Boulder’s future as well as current needs in the context of a growing population and changing climate; 5) environmental protection as a significant component of planning for the property; and 6) identifying appropriate lands for CU to pursue desired expansions for housing and other purposes.

- Premature approval of the proposed BVCP land use recommendations risks making uninformed decisions that put the health and safety of current residents and future generations at risk, while needlessly sacrificing the environment.
- Premature approval risks future damages and potential governmental liability that could exceed the \$38 million in damages in the South Boulder Creek watershed from the 2013 floods. Premature approval intended to reassure residents who feared for their lives in the 2013 floods could risk the property and safety of current and future residents in future floods.
- Premature approval could result in relatively high-density development in a natural floodplain that was altered in part to make such inadvisable (and unsustainable) development possible.
- There are several options for CU to pursue development on higher, more dry, more suitable lands; by comparison to the “CU South” property where floodplain and environmental values make it

the last place for extensive development<sup>1</sup> pursuant to the planning legacy, core values, and fact-based decision-making that have informed the BVCP since 1977.

- Neither the City nor the County is believed to have researched the authority stated below to allow the Urban Drainage and Flood Control District to obtain and manage lands needed for floodplain and drainage purposes.
- Local authorities have the authority under state law to exercise eminent domain to make lands owned by CU available for floodplain and drainage purposes to protect public health and safety.
- Taking the time to get these decisions right will result in a more effective floodplain strategy designed to stand the test of time --at a time when our changing climate is predicted to result in more frequent and more future floods and other extreme weather events.
- Not taking the time to get it right could lead to future catastrophe of a scale that is orders of magnitude greater than past floods in the South Boulder Creek drainage.

## 2. Need for More Information

On May 25, 2017, the City returned the generous \$10,000 check to the City proffered by Ruth Wright to ensure that the City obtains essential information before proceeding with BVCP changes or floodplain strategy implementation.

In the cover letter to Ms. Wright, City Manager Jane Brautigam acknowledged that the City is aware of risks from future floods:

The city does recognize the risks posed by larger flood events both to residents downstream of proposed mitigation and to areas of the CU South property that will be inundated upstream. We are currently developing additional guiding principles for consideration by the four bodies to ensure that this important issue will be considered in any future discussions with the university.

Until a draft of the “additional guiding principles” is made available for public review and comment, it is premature to consider staff’s BVCP land use proposals. The same is true for the necessity of review and comment by other governmental agencies including Boulder County, UDFCD, and state and federal agencies including the Department of Natural Resources, the Department of Local Affairs, the State Climatologist, Federal Emergency Management Administration (FEMA), the U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency.

Proceeding prematurely would be to allow CU to “steer” the “floodplain management ship” for South Boulder Creek at the expense of public health, safety, and the environment. Concept plans, guiding principles, and proposed agreements must be thoroughly reviewed on their merits, and subjected to expert and citizen review and comment prior to votes.

The following facts are absent from the City’s letter politely declining Ruth’s generous offer to fund needed studies before final land-use decisions for “CU South” are made.

- City staff are recommending approval of land-use changes that would tie the hands of the City and County in designing future flood control;

<sup>1</sup> The 1,175 housing units proposed by CU could house 3,000 or more residents based on dual occupancy of smaller units and 2-4 occupants in townhomes. Thus, the proposed development would increase the population of the South Boulder Sub-Community by 20% or more.

- City staff stated at the May 23, 2017 public hearing that the intent of the proposed land-use changed is to limit the ability of the project’s Design Engineer to consider using the 74% of the site (224 acres) not currently recommended for floodplain and drainage purposes, because that might cost more money at the design stage;
- City staff didn’t come out and say that they were unwilling to recommend any options that might perhaps be inconvenient or unacceptable for CU, but many citizens were left with that impression;
- If the floodplain management strategy designed to placate CU doesn’t work, public health and safety are at risk;
- Lives at risk include residents of the Frazier Meadows retirement home, recognized as a “critical facility” within the 500-year floodplain, and property at risk includes hundreds of millions of dollars in structures within the greater South Boulder Creek floodplain;
- The South Boulder Creek watershed below the “CU South” site incurred \$38 million in damages in the 2013 floods;
- The 2013 floods were estimated to be in the “25-50 year” high flows range according to the April 2017 Case Study of the 2013 Boulder Floods published by the experts at the National Institute for Standards and Technology (Boulder-based federal laboratory)<sup>2</sup>;
- The studies yet to be performed and the models yet to be run go to the heart of the effectiveness of the proposed “Option D” – yet city staff is recommending approval of land-use changes that would lock the City and County into Option D, or an alternative inadequate plan limited to the 81 acres (out of 308 total) that CU is willing to agree to use for floodplain management;
- Earlier studies, prior floods, historical aerial photos, prior floodplain maps, and engineering professionals conservatively indicate that 200-plus acres of the property may be within the natural floodplain;
- A conservative approach might consider making use of all or most of such lands for floodplain management and drainage purposes designed to stand the test of time, in an increasingly uncertain climate.

Rather than prejudging any future decisions, elected and appointed bodies should judge proposals on their merits. Criteria should include the BVCP, state law, prior City and County decisions relevant to these issues, community values, and other relevant planning and policy documents.

### **3. Potential Liability**

The Colorado Drainage Law treatise is the authoritative summary of drainage law and policy in Colorado. It is expressly recognized and adopted by the Boulder County Drainage Manual.

The Drainage Law treatise establishes the obligation of local government to protect flood-prone areas. The responsible authorities can be found liable for damage if they fail to exercise reasonable care with regard to known dangerous conditions.

<sup>2</sup> *Case Studies of Community Resilience and Disaster Recovery from the 2013 Boulder County Floods*, Christopher T. Clavin Zoe E. Petropoulos Nayanee Gupta Christopher K. Tokita IDA Science and Technology Policy Institute, U.S. Department of Commerce, National Institute of Standards and Technology (April 2017), available online at <http://doi.org/10.6028/NIST.GCR.16-011>

6. The boundaries of the floodplain should be accurately determined and based on a reasonable standard. Mallett v. Mamarooneck, 125 N.E. 2d 875 (N.Y. 1955).

7. Adoption of a floodplain regulation to regulate flood-prone areas is a valid exercise of police power and is not a taking as long as the regulation does not go beyond protection of the public's health, safety, morals, and welfare. Hermanson v. Board of County Commissioners of Fremont, 595 P.2d 694 (Colo. App. 1979).

8. The adoption by a municipality of floodplain ordinances to regulate flood-prone areas is a valid exercise of police power and is not a taking. Morrison v. City of Aurora, 745 P.2d 1042 (Colo. App. 1987).

9. A zoning ordinance is not unconstitutional because it prohibits a landowner from using or developing his land in the most profitable manner. It is not required that a landowner be permitted to make the best, maximum or most profitable use of his property. Baum v. City and County of Denver, 363 P.2d 688 (Colo. 1961) and Sundheim v. Board of County Commissioners of Douglas County, 904 P.2d 1337 (Colo. App. 1995).

[. . .]

11. A "dangerous condition" constitutes an unreasonable risk to the health or safety of the public, which is known to exist or which in the exercise of reasonable care should have been known to exist and which condition is proximately caused by the negligent act or omission of the public entity in constructing or maintaining such facility. 24-10-103 (1.3) C.R.S. However, a dangerous condition shall not exist solely because the design of any facility is inadequate. Again, this protection does not extend to private parties.

12. Under the CGIA, a governmental entity is not protected by immunity in regard to the operation and maintenance of any "public water facility" or "sanitation facility." 24-10-106 (f) C.R.S.

Colorado Drainage Treatise at 2-2 to 2-3.

The Colorado Governmental Immunities Act is a partial, incomplete shield from liability for flood-related damages:

16. The CGIA has not been challenged in court since its adoption in 2003 although courts have considered whether its application was meant by the Colorado Legislature to be retroactive. Therefore, it is uncertain if the CGIA would withstand a legal challenge. Regardless, governmental entities should, to the best of their ability, attempt to construct, operate, and maintain the drainage, flood control, and storm water facilities that they own to the same standard that private parties are required to meet.

17. CGIA does not protect a public entity from a claim based upon inverse condemnation. Inverse condemnation is defined as the taking of private property for a public or private use, without compensation [ . . . ]

However, governmental immunity does not protect a public entity from a claim made in inverse condemnation for the taking of property rights without compensation.

In the case of Jorgenson v. City of Aurora, 767 P.2d 756 (Colo. App. 1988), the Colorado Court of Appeals held that given the constitutional genesis of a claim for inverse condemnation, and

considering the nature of the right upon which this action is founded, a claim in inverse condemnation is not subject to the Governmental Immunity Act.

Id. at 2-3 and 2-6 (emphasis added).

It is undisputed that: dangerous conditions exist downstream from the floodplains that encompass the CU South property; much of the property is necessary for floodplain planning; and much more of the property was available for floodplain or drainage mitigation purposed prior to gravel mining and berm construction.

Berms were partly or largely reconstructed to increase potentially developable acreage on the “CU South” property. Thus, one of the primary purposes of some of the existing berms is to increase the development potential for the current landowner, at the expense of downstream residents and property.

In sum, floodplain and drainage strategies must be implemented based on comprehensive studies and the design phase cannot be subjected to artificial constraints based on the landowner preferences to maximize development potential. Proceeding otherwise could subject the City to liability for future damages, and, more importantly, could put public health and safety at risk.

#### **4. Concerns about Option D**

The following short list of concerns on proceeding with Option D at this time are compiled primarily from statements made by staff at the City’s May 23 BVCP hearing on CU South, and by local engineer Ben Binder. The concerns are presented in the main bullets, followed in some cases by sub-bullets providing initial responses to the concern.

- CU exercised influence with the State of Colorado Mined Land Reclamation Board to gut a reclamation plan, and proceeded to remove 40 acres of ponds, add the berm, and design the flood-prone former gravel quarry for maximum development (Binder 4/23/17 in Boulder Daily Camera)
  - Gravel mines are being reclaimed and restored across Boulder County and the Front Range, serving as community amenities and critical ecological sites;
  - Regardless of technical, legal and procedural issues encompassing wetlands, reclamation and restoration is the right thing to do on this historical gravel pit;
  - Reclamation and restoration are the preferred course of action consistent with the BVCP, the 1998 South Boulder Creek Area Management Plan, the 2010 Grasslands Management Plan, and the City’s longstanding intent to acquire the Flatirons property for Open Space and Mountain Parks.
  - Restoration success stories in Boulder County include Walden Ponds, Sawhill Ponds, and Pella Crossing.
- The original 6,000 foot berm was not constructed to FEMA specifications, prior to CU’s acquisition of the property.
- CU was well aware of the land-sue constraints and development limitations associated with the property. Rather than seizing the opportunity to forge a plan consistent with modern floodplain principles, CU reinforced the berm, leveled land to increase development potential, and drained



wetlands that were not exposed water table. As a result, in the 2013 floods, the former gravel pits were high and dry (protected by the berm) while hundreds of residences and structures downstream were severely flooded (at least partly due to inadequate upstream drainage and detention).

- Springs on the property have already been harmed, or would be subject to development and loss if the Concept Plan is approved.
  - The "Preliminary Conservation Suitability Analysis for University for Colorado South Campus" (Biohabitats November 21, 2016) contains one general reference to "springs" at page 13, but no discussion of protection, specific locations, historical springs, or current springs that could be impacted by development.
  - The Preliminary Analysis has zero references to the South Boulder Creek Area Management Plan (OSMP 1998), the master planning document for the overall area and natural features.
- Option D appears focused on protecting current development in the 100-year South Boulder Creek floodplain, despite expert predictions that the 100-year flood maps may soon be considered obsolete
  - For the most part, Option D is designed to protect against a 100-year flood, consistent with current City policies and the minimum requirements of state law (encompassing special measures for critical facilities in the 500-year floodplain)
  - Although 100-year planning might meet minimum legal requirements, floodplain planning in 2017 should protect the City and residents against 500-year and 1000-year flood events. 2013 and prior floods caused extensive damage outside the 100-year floodplain.
  - These arguments rely on the best available science, new scientific data on historical floods, climate change models, the experience of the 2013 floods, and a scientific consensus that the future is likely to bring more frequent and severe extreme weather events.
- Staff candidly acknowledged there are lots of questions, but recommended that Council approve the BVCP changes on the hope that CU "might" be open to resolving remaining concerns in a manner satisfactory to the City and citizens. That appears to be a somewhat dubious negotiating strategy, to put it mildly.
- Staff has recommended approval of BVCP land-use changes that could tie the City's hands on floodplain strategies, but suggested that CU *might* agree to needed changes once the engineers, hydrologists and other experts actually get on ground and collect real data based on pending studies
- On the "high hazard" dam, staff's pitch was that many such dams, albeit smaller, are found across Boulder County so not to worry. Left unsaid was that South Boulder Creek is one of the larger tributary streams on the Front Range, which is why lives were threatened and \$38 million in property was lost in 2013.
- Staff addressed potential failure of the proposed new dam at Gross Reservoir, if approved and built. Staff stated that the proposed retention in Boulder Valley is intended to handle 500,000 acre-feet, suggesting that the extra 100,000 acre-feet would be insignificant.

- The storage capacity of the expanded Gross Reservoir, if approved and built, would be 118,811 acre-feet - or almost triple the capacity of the existing 41,000 acre-feet reservoir. The Gross Dam expansion hazard study has not been completed.

Staff did not mention the April 2017 NIST Case Study on the 2013 Boulder Floods. NIST states that all the rain that fell above Gross Dam in 2013 was contained and stored in Gross (apparently levels were low at the end of the summer months), so none of that precipitation contributed to the flooding.

- All of the above information bears on the ability of Option D to protect public health and safety. It must be modeled and studied before decisions are made that could restrict options, or risk citizens and structures.
- The Boulder County Drainage Manual provides: “Land which is subject to a possible upstream dam failure shall not be platted unless the potential flooding condition is alleviated according to plans approved by the County Engineer, unless otherwise approved by the State Engineer.” This provision needs to be strictly adhered to for all lands which could be effected by a breach of either Gross or dams in Boulder Valley, before finalizing or implementing South Boulder Creek floodplain strategies.
- In the April 2017 Case Study on the 2013 Boulder Floods, NIST states that all the rain that fell above Gross Dam in 2013 was contained and stored behind the dam and did not contribute to flooding. This information is relevant, and must be modeled and studied. The Gross Dam expansion hazard study has not been completed. The near-catastrophic dam failure at Oroville California in 2017 is a reminder that dams will eventually fail.
- South Boulder Creek floodplain strategies that preclude use of scarce floodplains in Boulder Valley must be designed to stand the test of time. Today’s decisions must consider an uncertain future which could include floods or infrastructure failures considered highly unlikely before now. Consistent with the BVCP, planning for resiliency is more important than ever before.
- Under the National Environmental Policy Act, federal law requires considering a range of alternatives including a worst-case scenario. With lives and property at stake, shouldn't we apply the same precautionary review and abide by this standard to ensure we “look before we leap”?
- The City Attorney’s office indicated condemnation had not been researched to date. The remainder of this memorandum outlines initial research and analysis.
- As to the amount of Open Space agreed to by CU, staff acknowledged that "we hoped it might be more." Citizens understandably expect somewhat stronger advocacy for open space and environmental preservation, both of which are core BVCP and community values and goals.

## **5. UDFCD can exercise eminent domain to obtain land for floodplain management.**

C.R.S. 29-1-204.2 provides for establishing governmental entities known as water or drainage authorities.

**29-1-204.2. Establishment of separate governmental entity to develop water resources, systems, facilities, and drainage facilities.**

(1) Any combination of municipalities, special districts, or other political subdivisions of this state that are authorized to own and operate water systems or facilities or drainage facilities may establish, by contract with each other, a separate governmental entity, to be known as a water or drainage authority, to be used by such contracting parties to effect the development of water resources, systems, or facilities or of drainage facilities in whole or in part for the benefit of the inhabitants of such contracting parties or others at the discretion of the board of directors of the water or drainage authority.

Among the powers of such a water or drainage authority:

(f) To condemn property for public use, if such property is not owned by any public utility and devoted to such public use pursuant to state authority;

C.R.S. 29-4-104(3)(f) (emphasis added).

The “CU South” site is not owned by a public utility.

The Urban Drainage and Flood Control District (UDFCD) has authority to act under state law.

## **6. 500-year Floodplain Planning**

At the May 23 hearing, we heard that it is likely that our current 100-year flood maps “will soon be obsolete” as climate change manifests in the Rockies.

Consistent with the recommendations of an Independent Review Panel (IRP), the Flood Plan provides:

A full range of action for individual reaches and buildings for floods up to 500-year frequency should be reviewed.

Other specific policy recommendations presented by the IRP include using the 500- year frequency for flood mitigation and emergency planning, providing data for multiple storm depths (10, 50, 100 and 500- year events), addressing hydraulic bottlenecks (such as bridges and culverts), evaluating the public benefits that might accrue from natural floodplains, protecting critical facilities to 500- year levels, flood proofing individual structures, removing high risk structures, specific flood warning and evacuation plans, and managing upstream watershed conditions.

City Flood Plan at 2-8.

Option D appears inconsistent with these policies and recommendations by leaving residents and structures at risk, contrary to the City’s Flood Plan.

A graph at page 3-9 of the Flood Plan compares structures within the 500-year floodplain to those within the 100-year floodplain. For South Boulder Creek, the number of structures is approximately double: more than 400 within the 500-year floodplain compared to just over 200 within the 100-year floodplain. It is unknown whether structures proposed (but not yet approved with land use change and annexation requests currently pending) for the Hogan-Pancost site just off South Boulder Creek have been assessed.

Table 3-1 shows 5,295 properties with an assessed value of \$1,414,277,100 are within the 500-year floodplains in the City (all watersheds and drainages, i.e. not just for South Boulder Creek), compared to

3,582 properties with an assessed value of \$988,696,800 for the 100-year floodplain. This represents approximately 48% more structures and 43% more in assessed value in the 500-year floodplain.

## **7. Environmental Protection and Restoration; 1998 South Boulder Creek Area Management Plan**

The 1998 South Boulder Creek Area Management Plan encompasses a vision under which this property would be acquired, restored, and protected under OSMP Management.

The 1998 Plan could not be any more relevant today. The Introduction opens with the following vision describing a celebratory event in 2020:

Dateline Boulder 2020 – City officials today held a celebration of the South Boulder Creek Open Space Management Area, 43 years after the first Open Space land was preserved in the management area. Not only did they celebrate the purchase of area properties, they lauded the citizen support for wise management that took a long-term view and preserved the land's wild value. [ . . . ]

But what is every bit as impressive was our forethought on how to manage the land. Preservation is more than not allowing houses to be built, it is wise management and the willingness to leave room for wildlife. [ . . . ]

“In the middle part of the Management Area, impacts from adjacent commercial development and past aggregate operations near [South] Boulder Creek made the area a definite management challenge. Restoration was conducted where it made sense and recreational opportunities were provided.

1998 South Boulder Creek Plan at 1.

The Vision could hardly be more prescient<sup>3</sup> – but only if today's officials rise to the challenge and take advantage of the opportunity to realize the vision.

Specifics going to “Management Goals, Objectives and Actions” include:

- "Work with University of Colorado to coordinate resource management planning and to ensure the adjacent Open Space properties are not adversely affected by development of its Gateway property." Management Plan at 104.
- "Establish protocols for long-term monitoring of wetland and riparian functions, values, vegetation and wildlife. Id. at 129.
- Monitor regulatory compliance that affects wetland and riparian values and function in the Management area." Id.
- "Work closely with City of Boulder Planning and Boulder County Land Use to ensure proper access and natural resource protection concerns are addressed as surrounding lands develop." Id. at 138
- Work with City of Boulder Planning and Boulder County Land Use to ensure that surrounding land uses are compatible with Open Space management." Id. at 138.

<sup>3</sup> The drafters in 1998 can be excused from attributing the opening quotes to a fictional “Mayor Smith”, because a crystal ball or time machine would have been needed to know that it would be a Mayor Jones who found herself in the position to achieve the community's vision.

- "Track the development of the University of Colorado Gateway property to ensure that development does not adversely affect water flows and natural resources on adjacent Open Space properties." Id. at 147.

Additionally:

- According to OSMP, similar riparian habitat approximately 1.5 mile downstream and also on the west side of South Boulder Creek constitutes riparian habitat which is among "the most endangered and fragile natural areas in Colorado". (OSMP sign northeast of East Boulder Rec Center and southwest of Bobolink trailhead, picture available on request). See Exhibit A below.
- The 1998 South Boulder Creek Plan provides for restoration, acquisition, and preservation, specifically for "past aggregate operations."
- City Resolution Number 877 from 2001 states that City Council "stands willing to purchase the Flatirons Property from a willing seller at a fair price, for open space or flood control management purposes [for] maximum practicable preservation of the Flatirons Property as an environmental asset, consistent with the Boulder Valley Comprehensive Plan since 1977." (emphasis added).
- The City's 2010 Grasslands Plan provides for "land and water acquisition priorities to conserve the ecological values of Boulder's grasslands." (emphasis added).
- The adjacent Tallgrass Prairie South Boulder Creek State Conservation Area encompasses the greatest intact remnants of this prairie ecosystem which once covered vast expanses of Colorado's Front Range and the Boulder Valley.
- The Nature Conservancy states that "tallgrass prairie is considered rare and imperiled globally, and one of the most endangered ecosystem types in the world" and ranks communities in Colorado as "imperiled" or "critically imperiled".
- The State's Natural Area's website underlines the ecological significance of the larger 1,193 acre South Boulder Creek Natural Area:

A remnant of the plains cottonwood riparian ecosystem occurs in good condition along South Boulder Creek. This riparian community provides essential wildlife habitat and contributes to the biological diversity of floodplains along the Colorado's western plains.

In combination with riparian and grassland communities, wetlands found along South Boulder Creek are considered to be among the best preserved and most ecologically significant in the Boulder Valley. [. . .]

The Colorado Tallgrass Prairie Natural Area consists of eight small parcels located along the broad floodplain of South Boulder Creek. The properties contain the largest known area of the once-extensive xeric and mesic native tallgrass prairies in Colorado.

See <http://cpw.state.co.us/aboutus/Pages/CNAP-About.aspx>.

Only 269 acres of tallgrass prairie are included in the current 1,198 acre South Boulder Creek Natural Area. Even 50-100 acres of additional prairie would be regionally significant, and it seems likely that the "CU South" property might have the potential to increase the local extent of this imperiled ecosystem by 50% or more.

Despite this compelling evidence of the potential conservation value of these lands under a reclamation and restoration scenario consistent with the 1998 Plan, Biohabitats did not even consider prairie restoration in its initial assessment – nor mention most of the sources above in its “References” section.

These essential references to the City’s own Management Plans and Visions for the property are absent from the Biohabitats Report and the staff recommendations. The “References” appendix for Biohabitats at page 28 lacks mention of the 1998 South Boulder Creek Plan, indicating that the consultant was unaware of OSMP’s charter for the larger landscape, and specific provisions addressing the “CU South” property. Informed decision-making requires appropriately weighing applicable policies and guidance documents.

Under the staff recommendation, 66 acres of the property are penciled in for "Habitat Preservation and Natural Areas".

- Only 21% of the total acreage would be retained as Open Space
- The 66 acres amounts to only 30% of the 220 acres currently with land use designation "Open Space - Other"
- The current 220 acres represents 71% of the total acreage, dating back to 1977.
- 2001 Council Resolution 877 stands for what it says: “the maximum practicable preservation of the Flatirons Property as an environmental asset, consistent with the Boulder Valley Comprehensive Plan since 1977.”

Resolution 877 establishes that maximizing environmental preservation is an important lodestar and driving goal. 66 acres or 21% of the property falls far short. Open space management is dual purpose because those undeveloped lands further flood control and drainage purposes as well as natural ecosystem functions.

Future CU development should be directed to appropriate lands consistent with the BVCP. Potential alternative sites include the Planning Reserve, 28<sup>th</sup> Street Pollard property, lands near the airport, other undeveloped or re-developable CU properties, and redevelopment within city limits.

## **8. Initial Conclusions**

Based on the above, the majority of the CU South site is within the historic floodplain and could reasonably be utilized for floodplain and drainage purposes. Before artificial berms were constructed, far less land than is currently being proposed for development was considered suitable for construction.

Governmental entities that approve and implement a drainage “solution” might be found legally liable for future flood impacts that could exceed the \$38 million in 2013.

The UDFCD has legal condemnation authority under state law.

Everyone agrees on the need for swift action, and all responsible stakeholders agree on the need to get it right on flood control, land use, and environmental protection or preservation decisions under the BVCP.

Option D and the current BVCP staff proposal are premature at this time. Floodplain planning must be informed by essential missing information on soils, geology, groundwater, and hydrology. Land use and environmental protection must be informed by the 1998 South Boulder Creek Area Management Plan, the 2010 Grasslands Plan, a more accurate and comprehensive study of the ecological potential of a restored site in the context of adjacent conservation properties, and past BVCPs allocating 220 acres for Open Space dating back to the original BVCP in 1977.

Future generations will thank today's officials and citizens for getting it right.

Exhibit A: OSMP "Welcome to South Boulder Creek" sign northeast of East Boulder Rec Center and southwest of Bobolink trailhead



**From:** Helen Cartwright  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** South Creek 8 HOA opposes CU South Development  
**Date:** Wednesday, June 07, 2017 2:47:41 PM  
**Attachments:** [South Creek Eight HOA CUSouth.pdf](#)

---

Dear Boulder County Commissioners,

The attached letter outlines the concerns of the South Creek 8 HOA regarding the proposed development at CU South.

Many thanks for your consideration.

--

Helen Cartwright  
Community Association Manager

Bartlett Property Management  
PO Box 325  
Eldorado Springs, CO 80025  
tele: 303-443-7872  
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cell: 720-966-8475





South Creek Eight Home Owners Association  
East/West Moorhead Circle  
Boulder, CO 80305

May 27, 2017

Dear City of Boulder,

The South Creek Eight Home Owners Association would like to inform the City of Boulder that we, as a community in south Boulder, **STRONGLY OPPOSE** the “CU South” draft plan as it stands. Our Association is comprised of 52 units spread around the inside southeastern corner at the junction of East and West Moorhead Circle, immediately southeast of Tantra Lake. We have several major concerns regarding the proposed changes:

- 1) Degradation of the natural habitat, including wetlands and wildlife
- 2) Increased traffic congestion
- 3) Increased risk of floods (especially after the very near-miss in 2013!)
- 4) Elimination or a significant reduction in the number and access of trails
- 5) Elimination or a significant modification to the Dog Park
- 6) A significant modification and possible reduction in property values in the area

The plan, as it stands now, will allow CU's expansion to absorb the current valuable open space, replacing it with an exorbitant amount of infrastructure — CU's Residential Workforce Housing, Graduate and Non-Freshman Student Housing over 68.4 acres, including 750 Apartments, 375 Townhomes, and Parking — all of this located between our townhomes and what will be the remaining natural open space in this area. Although, they have done studies to try to predict the impact of these changes, it is absolutely clear that this will be a **MAJOR** change to the southeast area of Boulder and will not only create many problems for our community, but will destroy the delicate nature and open space, that the City of Boulder is known for valuing and works so hard to protect. We urge the City of Boulder **NOT** to approve this plan!

Sincerely,

Raymond Simmonds


**President**

South Creek Eight Home Owners Association

Bartlett Property Management: [helen@bartlettpropertymanagement.com](mailto:helen@bartlettpropertymanagement.com), 303-443-7872

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#361]  
**Date:** Wednesday, June 07, 2017 4:18:41 PM

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Name *	Andrea Meneghel
Organization (optional)	Boulder Chamber
Email *	<a href="mailto:andrea.meneghel@boulderchamber.com">andrea.meneghel@boulderchamber.com</a>
Phone Number (optional)	(303) 938-2077
Address (optional)	 2440 Pearl St. Boulder, CO 80302 United States
This comment relates to: *	Policy Updates

**Comment: \***

Dear Boulder County Board of Commissioners and Planning Commission Members,

Attached is the Boulder Chamber's input on the Boulder Valley Comp Plan. It is an information packet that includes three main components:

1) The Boulder Chamber's input on the Draft Comprehensive Plan Update

Specifically these areas:

- Section 5 – Economy
- Section 2 – Built Environment
- Section 6 – Transportation
- Section 7 – Housing
- Section 8 – Community Well- Being and Safety
- CU–Boulder South Campus Concept Plan and Annexation
- The Role of Arts and Culture in Community Planning
- BVCP Action Plan – Outline of Priorities

2) An Executive Summary and Outreach Summaries of the Boulder Chamber's 2016 BVCP Outreach to three unique groups

- Property and Business Owners in Areas of Opportunity
- The Boulder Chamber's Community Affairs Council
- A BVCP Lunch for Young Professionals

3) The Urban Land Institute's report titled "Boulder's New 'East Edge' A vision for transportation, mixed-use and sustainability around 55th and Arapahoe" supported by the Boulder Chamber – this report conceptually represents the type of vision we see as achievable for the 55th & Arapahoe area, as well as the other areas.

This is the input we've submitted to the City of Boulder, and now the Chamber would like to provide you with it for your consideration as the County's review bodies, prior to adopting the Boulder Valley Comp Plan.

Please see the attached packet, which is the comprehensive collection of the business community's feedback.

If this packet is too large to download, it can be found here: <http://boulderchamber.com/wp-content/uploads/2017/06/06.05.17-Advo-PDF.pdf>

Please feel free to contact me any time if you have any questions.

On behalf of the Boulder Chamber and our 1,300+ Business Members, we thank you for taking the time to review this.

Andrea Meneghel

Director of Public Affairs  
Boulder Chamber  
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WE BUILD COMMUNITY THROUGH BUSINESS

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Please check box below \*

- I acknowledge receipt of the Open Records Notification



June 5, 2017

**To:** Boulder City Council and City of Boulder Staff

**From:** Andrea Meneghel, Director of Public Affairs

**Re:** Boulder Chamber Summary of Feedback on the Draft Boulder Valley Comprehensive Plan Update

Over the last two years, the Boulder Chamber conducted targeted outreach efforts to engage unique segments of the Boulder business community for the purpose of providing input to city staff for the Boulder Valley Comprehensive Plan ("Comp Plan" or "BVCP") Update. That information can be found in the pages following this opening document and includes:

- The Boulder Chamber 2016 Business Community Outreach Summaries
- The Urban Land Institute's report titled "*Boulder's New 'East Edge' A vision for transportation, mixed-use and sustainability around 55<sup>th</sup> and Arapahoe*" supported by the Boulder Chamber

This document summarizes the Boulder Chamber's feedback for consideration in preparation of the final draft prior to its adoption. We offer this input as a representative voice of our approximately 1,300 business membership across the Boulder Valley. This opening document provides more detail about the statement the Boulder Chamber provided to City Council at the Public Hearing (limited to 2 minutes) and includes feedback on the following sections of the Draft Comp Plan:

- **Section 5 – Economy**
- **Section 2 – Built Environment**
- **Section 6 – Transportation**
- **Section 7 – Housing**
- **Section 8 – Community Well- Being and Safety**
- **CU-Boulder South Campus Concept Plan and Annexation**
- **The Role of Arts and Culture in Community Planning**
- **BVCP Action Plan – Outline of Priorities**

We thank the City of Boulder's Comprehensive Planning team for the outreach they conducted to the business community and the consideration of the input provided. Recognizing that the Comp Plan is designed to provide guidance for the long term vision of our community, the Boulder Chamber looks forward to collaborating as a regional partner to identify the specific solutions sought through the subsequent planning efforts that will be defined in the Action Plan.

For now, we hope these suggestions help the City refine the Comprehensive Plan update for its adoption, and to help Boulder reach its community goals.

On behalf of the Boulder Chamber,

Andrea Meneghel, Director of Public Affairs

**About the Boulder Chamber:** The nonprofit Boulder Chamber is the region's flagship business advocacy and support organization. With more than 110 years of dedicated service to our members and the Boulder community, the Boulder Chamber's innovative programs help local businesses succeed while sustaining an economy that preserves Boulder's high quality of life, including its environmental and cultural assets. Together with its member businesses, the Boulder Chamber is building a smarter, more vibrant economy – sustaining Boulder's position as a global capital of innovation and a thriving center of economic vitality.

**BOULDER CHAMBER SUMMARY OF FEEDBACK  
ON THE DRAFT BOULDER VALLEY COMPREHENSIVE PLAN UPDATE**

**SECTION 5 - ECONOMY**

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The Boulder Chamber is pleased with most of the updates in this chapter. There are areas that can be strengthened, some of which we address below, but we also understand there will be a subsequent update of the City of Boulder's 2013 Economic Sustainability Strategy which may address these points.

**Consistency with the 2013 Economic Sustainability Strategy (ESS):** The BVCP should demonstrate consistency with how the City organized the 2013 Economic Sustainability Strategy by categorizing the economic elements that guide our long term decision making into the three categories of People, Places and Processes. Areas of the Economy Chapter have been updated to reflect this to some degree, and we understand that specific strategies will be further defined in the 2017/18 ESS update, following the adoption of the BVCP. The ESS Long Term Actions in each of the three major economic categories (People, Places and Process) should be clearly reflected in the Comp Plan, as they articulate the long-term vision for our community. Our workforce shortages ("People") are greater than ever, as evidenced by record low unemployment rates locally and regionally. The availability of office and industrial space ("Places") has improved, with several new buildings in town, but lease rates have risen dramatically. The city's development review and construction permitting ("Processes") is more time-consuming and expensive than ever, with little evidence that this priority element of the ESS has been strategically implemented, nor had an impact on improving internal City planning processes.

**Affordability for Local Businesses:** We are pleased to see that the Comp Plan has been updated to support affordability for small businesses, start-ups, non-profits and creative professionals. It is critical for the BVCP to recognize that escalating business costs are a threat to Boulder's economic vitality. Affordable commercial space is analogous to affordable housing, and almost as important – with the great impact on small businesses, nonprofits, startups. This also directly influences the affordability of services businesses can provide to Boulder's residents. It is not only the price of real estate that drives up overall costs, but high costs are also significantly influenced by the expenses that the City of Boulder imposes on our local businesses. All the fees (impact, utilities), taxes (excise, sugar, head-tax), zoning and development review regulations and requirements (commercial energy, numerous permitting and licensing) imposed by the City on local business have a cumulative impact. These escalating costs are passed through to tenants.

**Commitment to the ESS Update in the Action Plan:** The Boulder Chamber looks forward to providing input on the 2017/18 update to the ESS. The importance of this update activity should be defined as part of the BVCP Action Plan. While the ESS is still relevant, there are elements that haven't gained much traction with City planning staff, Planning Board or City Council. The BVCP action plan should reflect a serious commitment to the importance of an updated ESS in guiding implementation of the Comp Plan.

## SECTION 2 – BUILT ENVIRONMENT

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The Boulder Chamber supports changes to the Boulder Valley Comprehensive Plan that focus on mixed-use development along transit corridors in under-utilized commercial zones. In particular, higher residential densities and mixed-use zoning in these locations promotes walkable access to employment, commercial services and local/regional transportation alternatives. Development opportunities should respect neighborhood character, while achieving Boulder’s economic, social and environmental goals.

**Sustainable Development in Areas of Opportunity:** There are a few critical principles that should be explicitly articulated in the BVCP with respect to areas identified for infill and redevelopment.

- Support for mixed-use residential and commercial zoning along existing major transit corridors is articulated throughout the BVCP and should be supported with clear policy direction that addresses the impediments to achieving this goal.
- Indicating that a diversity of housing options and affordable commercial spaces are needed should be stated more explicitly for areas of opportunity, such as the Pollard site or the Alpine/Balsam redevelopment.
- Incentives for greater Floor Area Ratios than current zoning allows should be identified for areas where it’s possible to promote more housing.

**Sub-Area Planning:** Sub-area plans identified in the Action Plan should explore where opportunities exist to add densities to accommodate diverse housing options. Example areas of focus for such development or redevelopment opportunities include 55th and Arapahoe, Gunbarrel and areas along Foothills Parkway. The Boulder Chamber offers the attached Urban Land Institute report titled *“Boulder’s New ‘East Edge’ A vision for transportation, mixed-use and sustainability around 55<sup>th</sup> and Arapahoe”* as a suggestion for the type of development/re-development and infill opportunities that could be possible for the East Arapahoe Corridor. Sub-area planning, including the promise of a future sub-area plan, should not be deployed as a tool for delaying redevelopment opportunities, when opportunities can exist to have substantive community based dialogues with key stakeholders to make progress.

**Area 3 Planning Reserve:** While not suggesting Area 3 annexation, we encourage the Action Plan to include a process to define a future vision or plan for the Area 3 Planning reserve. This process will help the City of Boulder better respond to future development opportunities for that zone prior to entertaining a future annexation proposal.

**Industrial Land Uses:** The Boulder Chamber supports the creation of the new land use category, Light Industrial. This allows for exploring possibilities for innovative mixed uses and possible adjustments to density requirements. However, the preservation of our General Industrial areas is critical, as the demand for this land use is currently very high throughout the Front Range. New opportunities for innovation hubs, a mix of uses and services in the Light Industrial Zones, should be further explored for specific areas, such as the Flatirons Business Park, 55<sup>th</sup> & Arapahoe, and Gunbarrel. The right balance of parking, FAR ratios, mix of uses/zones, must be further defined through sub-area plans to retain the industrial focus in those areas, while exploring the possibility to achieve additional community goals.

## **SECTION 6 - TRANSPORTATION**

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Effective regional and local transportation networks, accommodating all travel modes, are key requirements for our community's economic vitality and environmental health. Due to the costs of living and limited housing options in Boulder, our local economy is dependent on a workforce consisting of a significant number of daily in-commuters that rely on our transportation system and services. Acknowledging this reality, the guiding vision for our local and regional transportation networks should ensure balanced planning for all modes of travel - automobiles as well as other alternative options. We encourage stakeholder engagement strategies for future planning efforts that include direct involvement of local business organizations, like the Boulder Chamber. We look forward to defining the specific strategies for meeting the BVCP's mobility goals through the update of the Transportation Master Plan.

## **SECTION 7 - HOUSING**

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Although housing is addressed in numerous sections of the BVCP update, as a major statement of policy on housing, the BVCP is limited in its scope and reach to adequately define the vision for our community. The Boulder Chamber, as similarly expressed in statements from local housing providers and affordable housing advocates, hoped to see stronger enabling statements and more commitment to innovative housing solutions, without having to rely on subsequent policy decisions, ordinances and regulations to further define those goals in areas of the community where the opportunity exists. Examples of where the housing section of the BVCP could go further include making commitments to:

- Explicitly support the evolution of creative strategies for increasing new housing diversity for all types of housing - permanently affordable, workforce, middle income, as well as market rate.
- Strengthen the guiding language to incentivize mixed-use, higher-density development that incorporates a substantial amount of affordable and middle-income workforce housing in areas with proximity to multimodal corridors.
- Remove regulatory barriers to encourage the diversification of our housing stock.
- Incentivize the creation of a smaller, higher-density innovative housing product. This has been broadly supported in the community survey and amongst our workforce, specifically, young professionals (see "Preferred Housing Types and Features" in the Boulder Chamber's summary of the Boulder Valley Comprehensive Plan Lunch for Young Professionals – Sept. 6, 2016).
- Specifically identify geographic areas where new housing should be incentivized to be developed/provided and remove the regulatory barriers for the accompanying land use to reflect that.
- Consider regulatory adjustments that create new residential infill opportunities through additional dwelling units and lot splitting in neighborhoods that are open to doing so.
- Define a work plan that indicates how the City will work collaboratively with housing providers, workforce representatives and other housing advocates to determine the next steps for achieving specific housing goals and objectives. This should be a priority that is addressed in the Action Plan through the various subsequent planning studies.

## **CU-BOULDER SOUTH CAMPUS ANNEXATION AND CONCEPT PLAN**

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The Boulder Chamber supports a change in land use designation for CU Boulder South as part of the Boulder Valley Comprehensive Plan update that will facilitate annexation of the CU Boulder South property. In its annexation proposal, CU Boulder demonstrates a commitment to balancing the University's needs with community interests.

- Annexing the property facilitates the creation of workforce housing, more multi-modal transportation connections, flood mitigation, the preservation of open space and recreation opportunities – all in a walkable community setting.
- The benefits of having CU Boulder's graduate students, faculty and staff as City residents will reduce in-commuting traffic and the related environmental impact, while encouraging greater integration of the University's talent and expertise into the community.
- The University aims to fulfill its commitment to environmental stewardship by preserving approximately 66 acres of federally recognized regulatory wetlands and conserving other natural areas, with potential land dedications to City Open Space.
- By providing 81 acres for flood storage, CU Boulder is helping the City address a critical infrastructure need that will improve safety for downstream neighbors.

The Boulder Chamber is confident that the City and the University can work together successfully to allow many of the community's goals to be realized as CU-Boulder develops towards the final vision for its South Campus property.

## **SECTION 8 – COMMUNITY WELL-BEING AND SAFETY**

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**Support for Human Services:** The human services sector in Boulder County provides critical services that not only benefit the people they serve but also help to meet our community's broader social and economic goals. We recommend additional enabling language that encourages continued City and County efforts to develop consistent strategies and funding streams to sustain these services for our community.

## **THE ROLE OF ARTS AND CULTURE IN COMMUNITY PLANNING**

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The Boulder Chamber supports the more robust references to the arts in this BVCP update, as it recognizes the contributions that the arts make to Boulder's economic and community vitality. Furthermore, while the Boulder Chamber is pleased that the Community Benefit definition has been expanded to include art and cultural contributions, we suggest considering live/work housing options for artists and spaces for cultural non-profit uses as specific elements within that context of Community Benefit.



## **BVCP ACTION PLAN – OUTLINE OF PRIORITIES**

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While the Comp Plan guides the long-range planning of our community, it is the Action Plan that outlines the necessary steps to implement the BVCP policies. With this awareness, we list the following key issues, subsequent planning processes or specific actions, as priorities that need to be addressed.

**City Council Action:** Prior to adopting the BVCP update, we ask that the City and County provide definition for what will be further accomplished through the Action Plan so that expectations for how, when and to what degree outstanding issues will be addressed is clear.

**The Economic Sustainability Strategy Update:** The Boulder Chamber looks forward to engaging in the Economic Sustainability Strategy update in 2017/18. We hope the Action Plan reflects a serious commitment to the importance of the ESS in guiding implementation of the Comp Plan.

**Amending Land Use Codes and Sub-Area Planning:** We recognize that more planning is necessary to develop specific solutions and policies for achieving the goals articulated in the BVCP. To that end, we recommend that prior to adopting the Comp Plan update, it is understood how the following items will be addressed through the Action Plan:

- Clearly state where and when the process for amending our land use codes will take place in order to identify solutions for achieving our housing goals and objectives. Defining the specific strategies for how we address increasing our housing diversity should be a priority addressed through its own processes as well as being included as a component of the sub-area plans that will take place.
- Many economic hubs of Boulder are projected to go through additional planning. It is important that the business community is involved in amending the land use codes for those areas.
- Planning Reserve Area 3: While we are not suggesting Area 3 annexation, we encourage the Action Plan to include a conversation that defines the vision for our Area 3 Planning reserve.
- Include the business community in fulfillment of the BVCP mobility goals through the City of Boulder's Transportation Master Plan update.

**Community Benefit, Land Use Codes and Site Review:** The Boulder Chamber acknowledges that the Community Benefits portion of the BVCP remains too imprecise to provide needed guidance to applicants and decision-makers. We anticipate participating in the discussions to amend the land use codes and site review process for defining the Community Benefits language in the forthcoming months of 2017/18.

**CU-Boulder South:** Considering that flood mitigation for the CU-Boulder's south campus property is a critical need, the City of Boulder should prioritize the next steps for annexing the land so that it can begin the negotiations for working together with the University of Colorado.



DECEMBER 13, 2016

## BOULDER CHAMBER SUMMARY OF FEEDBACK ON THE BOULDER VALLEY COMPREHENSIVE PLAN UPDATE

### EXECUTIVE SUMMARY

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#### BUSINESS COMMUNITY OUTREACH MEETINGS

Throughout the summer and fall of 2016, the Boulder Chamber conducted stakeholder outreach to engage the Boulder business community for the purposes of providing input to city staff on the Boulder Valley Comprehensive Plan (Comp Plan) Update. Three distinct outreach meetings, targeting very different segments of the business community, provided unique perspectives and input on the potential land use scenarios and policy choices associated with the Comp Plan Update:

- August 11 – Key Stakeholders, Property and Business Owners in Select Areas
- August 11 – Boulder Chamber Community Affairs Council
- September 6 – Young Professionals Lunch on the Comprehensive Plan

#### SUMMARY OF INPUT – MAIN ISSUES OF IMPORTANCE

The following list highlights the issues of greatest importance to the business community based on common themes addressed at all three meetings. *The following pages present additional detail about the above issue areas.*

- **Support for mixed-use, high density development/redevelopment** - served by multi-modal transportation facilities to promote walkable access to housing, employment, commercial services and recreation.
- **Strong support for multi-modal transportation infrastructure and transit service** – to provide connectivity and accessibility not only to Boulder’s daily in-commuters, but also for mobility within the community.
- **More housing is critical to meet our community goals** - Incentivize innovative housing solutions that include storage, parking and proximity to transit, commercial and recreational opportunities.
- **Flexible uses of industrial areas** – Support was expressed for creative uses in industrial zones that could include retail and housing where appropriate, in addition to flexibility in height and density limits.
- **Geographic areas of opportunity** - Gunbarrel, the East Arapahoe corridor and Flatirons Office Park were all cited as specific areas that can pilot innovative mixed-use solutions.
- **Community goals are not being pursued ambitiously** – Current and proposed land uses aren’t meeting our community’s environmental, housing and transportation goals aggressively enough.
- **Affordability is a significant concern** – The escalating costs of housing and costs of doing businesses in Boulder are of significant concern.
- **Community benefit needs better definition** – to eliminate ambiguity while allowing for creativity in meeting housing goals or other community needs.

## **SELECT LOCAL BUSINESS/PROPERTY OWNER OUTREACH SESSION, AUGUST 11, 2016**

On August 11, 2016 the Boulder Chamber convened a group of 25-30 select property and business owners to provide perspectives on potential land use and policy scenarios for the Boulder Valley Comprehensive Plan. The focus of the conversation with these key stakeholders was for the purposes of obtaining direct input on a range of issues being explored as part of the plan update, but with a specific focus on land use and policy choices for various areas, such as:

- In industrial areas (e.g., East Boulder, Flatiron Business Park, Gunbarrel)
- In community and neighborhood centers (e.g., 55<sup>th</sup> & Arapahoe, Diagonal Plaza)
- Along major corridors

## **INPUT PROVIDED BY THE COMMUNITY AFFAIRS COUNCIL**

### **Housing**

- There should be a policy discussion or definition of the policy choices available to offer affordable housing incentives.
- Test Incentive based zoning concepts to address Boulder's affordable housing needs.
- Test gentle infill concepts in certain areas such as neighborhoods where desired. Innovative solutions might not be accepted or appropriate in some neighborhoods but maybe welcomed in others.
- Support for pilot-testing where innovative approaches can occur such as Accessory Dwelling Units, corner lot duplexes, micro-housing, gentle infill or putting housing in industrial zones and rezoning to mixed use.
- Support for pilot-testing ideas from the middle income housing working group to achieve more middle income housing as part of development.
- Work with experts to analyze and implement successful affordable and middle income housing examples from other communities.
- If adding housing, make retail viable so that residents have services within walking distances. Be careful about introducing residential into areas with noise or other impacts.
- Affordable housing – explore what the mix of deed restricted and moderately priced housing can be.
- Bring neighboring cities into the affordable housing discussion – this issue can't be solved just by Boulder on its own.
- New apartments are expensive and employees can't afford to live in Boulder. Increase density for affordability and look to areas where the height restriction can be flexible.

**Construction Defects Law:** This law has created a market barrier for building new housing since it is a hurdle that exposes developers to increased risk and liability. Could the City address this at the local level to stimulate the creation of new housing options by follow the actions that other municipalities have taken to lessen the burden?

### **Mixed Use Development, Land Uses and Density**

- Identify where increased density and land use changes can occur or be tested. The infill/redevelopment options (as presented in the BVCP) seem minimal. More robust options need to be developed; if housing is our highest priority goal (and in that iteration it was) this is not going to get us there.
- Create a new land use category to accommodate testing an increased Floor Area Ratio allowance and decreased parking to build a better high-density product in areas targeted for infill.
- Create or explore mixed use pilot areas where 15 minute walkable communities with flexible densities and a concentration of amenities or services can be accessed for a variety of populations – residents, working professionals, families and seniors.

**Retail Spaces in Industrial Areas:** Identify areas for walking districts that can include more retail services. Make industrial areas more walkable for employees to access retail. Rezoning for breweries has helped and is working well. Restaurants in/near industrial areas are getting huge crowds – try to keep them from needing to be in cars when at work.

**Industrial Areas – Land Use Policies:** There is a lot of value for industrial service spaces in Boulder. There is a need to add to this land use category because of high demand. Because “Industrial” is also a widely used term that currently accommodates a wide range of uses in addition to manufacturing, such as flex tech, updates to the industrial land uses are needed to allow for the mix of uses occurring and supporting infrastructure needed.

- Industrial zones could be defined into 2 subzones. One subzone would include more retail and restaurant services, and residential where appropriate, exist in walking distances to employment centers to serve employees; the other is oriented towards manufacturing that allows businesses to still operate as they do today, without increased residential activity, to allow for traffic flow, and doesn't impact the investments businesses have made by introducing a residential or light flex component – it is not a good mix in some areas because of noise, odors and other industrial use impacts. Manufacturing businesses can not lose the ability to operate as they currently do.
- There are very little warehouse/industrial spaces available in Boulder. Rents have gone up a lot and the situation is forcing businesses and lower paying jobs out of Boulder

**Gunbarrel:** Gunbarrel is an area with land and under-utilized industrial areas that can be redeveloped. There are opportunities to try higher height limits and densities in areas that aren't adjacent to existing residents. There is strong support for developing more diverse neighborhoods and districts in Gunbarrel that keep people from getting in their cars. Create more residential oriented retail and the supporting infrastructure that is needed to accompany that. Gunbarrel lacks paths and other infrastructure to truly mix housing with commercial. There is potential to create new neighborhoods and places in Gunbarrel that include more restaurants, grocery options and services. Use old industrial buildings in Gunbarrel for retail.

**Flatiron Office Park:** Flatiron Park has had warehouses converted to creative office spaces, more can be done to incorporate additional mixed uses. Flatirons Office Park needs more retail services to accommodate the workforces there. There also needs to be better transportation connections. There are possibilities to introduce residential if the supportive infrastructure, services and amenities are introduced as well. There is potential to relax height limits in this area to promote creative redevelopment. Opportunities exist here for zoning changes or changes to allowed uses to allow small retail spaces for the businesses there to showcase their products – much like the Upslope Tap Room or Ozo coffee shop. Those two allowances are looked upon as favorable uses that are attractive to employees in the area and get a lot of use.

**Community Benefit:** The policy standards that define community benefit need clarification to eliminate ambiguity while allowing for flexibility and creativity for meeting our affordable housing goals and/or providing other benefits.

**Transportation:** Strong support was expressed for transportation infrastructure improvements that connect people to employment centers and housing. The infrastructure must accommodate all modes and make strong regional connections for those that live beyond Boulder’s city limits as well as a strong internal system that facilitates movement within Boulder. Specific input was provided in the following areas.

- Transportation solutions need to be integrated into the Comp Plan’s land use scenarios more explicitly. Housing, parking, transit and walkable solutions should all be presented as joint concepts. Transit and pedestrian amenities or services should be shown as part of the land use scenarios for a more complete concept.
- Stronger transportation connections are needed north and south, east of Flatiron Parkway from Arapahoe to Gunbarrel. Transportation improvements are needed along 55<sup>th</sup> Street and to/from this area to Boulder Junction.
- More walkable spaces are desired.
- More bicycle/pedestrian facilities and multi-use paths are needed in Gunbarrel. Paths, sidewalks and bike lanes are needed to make connections and access to employment centers. Currently there is a lack of multi-modal infrastructure.
- Bike share programs such as B-Cycle seem to be working; Plan for more geographic coverage in the outlying areas.
- Higher densities tend to be perceived as creating more traffic. Planning staff should assess what can be done to creatively address the issues collectively and communicate findings that also suggest otherwise. It should be explained how transportation options, services and facilities address and serve different densities. Best case national and global examples should be provided where increased densities have successfully integrated with transportation systems to reduce traffic impacts.
- The land use scenarios should reflect the implications and solutions posed by infrastructure studies currently underway, evaluating improvements on Highway 119 (forthcoming 2017), State Highway 7 (Boulder County’s PEL and BRT Feasibility Study) and City of Boulder planned improvements for 30<sup>th</sup> Street (30<sup>th</sup> & Colorado Underpass Project) and Canyon Boulevard (Canyon Boulevard Complete Streets Study).

- Prioritizing multi-modal goals and promoting bike or electric vehicle use can make an impact on reducing emissions and meeting climate change goals. Provide the charging infrastructure to allow for these technologies to be utilized.

**Parking:** Land use has changed, as in, land that was used for manufacturing (meaning fewer employees) now is being used by companies that have more employees (meaning less parking). There is not enough parking downtown.

## **BOULDER CHAMBER COMMUNITY AFFAIRS COUNCIL, AUGUST 11, 2016**

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On August 11, 2016 the Boulder Chamber's Community Affairs Council met with the BVCP team. The Community Affairs Council consists of 25-30 members of the Boulder Chamber that represent a cross section of Boulder's business community and make recommendations to the Boulder Chamber Board of Directors on a variety of public policy issues that affect the broader community. The focus of the meeting with the Community Affairs Council was for obtaining direct input on a range of issues being explored as part of the BVCP update. The following summarizes the input provided.

### **Input on the Draft Land Use Scenarios**

***Community goals are not being pursued ambitiously enough.*** Housing and transportation were the biggest issues in the last survey; it doesn't seem that the land use scenarios are addressing these issues aggressively enough to meet our housing and environmental goals. The land use scenarios are inappropriately being presented as "additive" rather than various combinations of options for increased commercial, industrial and residential opportunities.

***The land use scenarios seem to be missing the key opportunities to meet our goals.*** Consider significant build-outs to realize the opportunities to achieve our housing needs and the accompanying transportation infrastructure that supports the development of 15 minute walkable neighborhoods and mixed use environments with open places and spaces for recreational opportunities as well as commercial services. These types of land use scenarios should be developed with different gradations of development intensity.

***Relationship between Land Use Density and Transportation Impacts.*** The land use scenarios are based on growth projections limited by current zoning allowances. Allow for development opportunities to address city goals by increasing densities; limiting the ability to do so will only incrementally get us towards the goals and will lead to more traffic until much longer in the future when we finally accommodate the density of housing that often reduces auto dependence. Allow for a vision that includes much higher intensity land use along key transit corridors; this would reduce traffic by tying increased housing to commercial corridors that can accommodate the transit infrastructure with efficient access and walkability.

***More definition is needed.*** There's a need to better state what places and spaces could be like. Identify potential areas that could be further defined with sub-area plans; for example areas such as 55th and Arapahoe and the Flatirons Office Park.

***Additional infrastructure.*** Do not preclude the opportunity to invest in infrastructure that meets community needs such as community-wide broadband and other infrastructure for transit oriented development such as new areas that will need first and final mile connections to planned services – such as BRT on the SH 7/Arapahoe corridor or Hwy 119/Diagonal.

***Connect communities.*** Show the potential opportunities to connect areas, such as central Boulder to Gunbarrel, so that we integrate these areas through transit infrastructure and support them as they

facilitate movement from housing areas to employment centers. Otherwise, it is possible it just isolates areas of the community and creates micro-bedroom communities.

### ***Industrial Areas***

- Industrial areas are our greatest opportunity areas to accommodate growth and development. Because environmental efficiencies can be met by allowing higher density, several land use options should be presented for these areas that show additional capacity for mixed uses in an attractive manner.
- These are our greatest opportunity areas where we can increase densities by allowing development exemptions, such as integrated housing options, allowing height limit variances, design flexibility and variable parking allowances in order to come up with creative solutions for integrating mixed uses, such as industrial, residential and commercial in one zone.
- City staff should look at the opportunity to increase the density/intensity in the industrial areas by raising the Floor Area Ratio from 0.5 to 0.75. That would also accommodate a mix of uses with incentives for developing residential in industrial areas, where feasible.
- Boulder has a significant manufacturing economy made up of companies that currently exist or are looking for more space in areas like Gunbarrel and Flatiron Park.
- Our industrial areas see a variety of different uses in which tenants (prospective or current) have different expectations of the innovation that can occur in these areas. Currently there is office use in our industrial areas that create flex spaces with multiple uses – which should be allowed, but it isn't clear what uses are allowed. The Comp Plan should define whether an "industrial area" is manufacturing, flex space or what other permissible uses exist.

***On-going Engagement of Experts in the Development Community and Housing Providers:*** The City should engage with experts in the development community and housing providers for updating the Comp Plan as well as for on-going consultation. The value or function of the group would include the following:

- Bring together experts in the housing and development community to offer input on what type of projects can meet our community goals given market realities and land use/zoning regulations.
- Offer advice on land use policies and zoning regulations based on professional technical expertise.
- Inform overall land use scenarios from the perspective of the developer, who is focused on the economic feasibility, levels of investment and associated regulations.
- Problem-solve and provide feedback correlating the land use choices and other policies, such as development fees, height restrictions and design guidelines.

***"Community Benefit" needs definition in the Comp Plan.*** Community benefits need definition within the Comp Plan. It is the single biggest obstacle to allowing creative development. While the current Community Benefit definition is completely focused on permanently affordable housing, it should be expanded to also include things such as the creation of public spaces or the incorporation of high quality design. Community Benefit should also seek to incorporate economic activity such as the generation of taxes or impact fees. Objective metrics should be determined and defined in site review.



**Coordinate City Processes, Programs and Projects.** Coordinate City processes, projects and other initiatives with the land use scenarios being presented in the Comp Plan and with our broader community goals. We currently have regional transportation studies occurring for BRT feasibility on SH 7 from Boulder to Brighton and on Hwy. 119, as well as locally on Arapahoe. Other conversations are occurring in the special districts such as TVAP and CAGID. Studies such as the City's Development Impact Fees and Excise Tax Study should link how options, policies and decisions will affect the land use scenarios being presented in the Comp Plan or vice versa so that we have comprehensive planning processes that are integrated.

**Pilot Areas** Create or designate pilot areas that can new test policy initiatives to see how different land use scenarios work in the community. For example, gentle infill can be tested in areas with lower lot sizes such as 3000 to 7000 square feet to allow duplexes or other housing options. Areas such as the Goose Creek neighborhood are seeking to allow ADU's.

### **Housing**

- Land use scenarios should include more housing than the Comp Plan currently envisions. More housing should be supported by the associated amenities, such as bicycle/pedestrian infrastructure and public spaces that allow for place-making.
- Address the barriers to housing; analyze the feasibility for how to achieve our goals by increasing incentives and reducing disincentives.
- Provide data that shows how strong the housing demand is of people wanting to move here; the data will inform developing options to address the housing demand.
- Housing scenarios should allow for more attached options, such as row homes, duplexes and townhomes.
- Address the limit to increased housing to a 1% annual housing growth rate.
- Look for other options to promote housing ownership among the low and middle income populations other than deed restricted/glorified rent control.

### **Public Survey**

- Do not make the next survey too technical in nature; otherwise you will lose the average person.
- Do not ask people to quantify or qualify outcomes or choices that are based on numbers.
- Include images to help respondents make choices; for example present graphics that ask if people like 'this kind' of neighborhood or type of housing?
- Ask open ended questions regarding housing. Example: What would you like new housing to look like? Where would you like new housing?
- Promote distribution of the survey; distribute it more broadly than ever.

## **BOULDER VALLEY COMPREHENSIVE PLAN LUNCH FOR YOUNG PROFESSIONALS, SEPTEMBER 6, 2016**

On September 6, 2016 the Boulder Chamber hosted a lunch to engage the young professionals' voice in the Boulder Valley Comprehensive Plan update. There were 68 working professionals from Boulder businesses in attendance that were mostly in the 25 – 40 year old age range. The purpose of the meeting was to engage the “younger professional” – a group that traditionally has not been involved in the Comp Plan update, yet makes up a significant part of the community. Our attendees participated in a constructive dialogue about the future of the community and provided feedback directly to the City of Boulder Project Managers about affordable housing options, the importance of transportation mobility, and what they envision for the future of our community. Here are their key issues and responses to the specific questions posed.

### **Introductory Questions & Dialogue**

The following questions were asked of the group as ice breakers to understand the make-up of the audience and to explore the basis of perspectives.

- How many of you live in Boulder? How many of you live outside of Boulder? Where?
- How long have you lived here?
- Raise your hand again if you don't live here but work here? Keep your hand up if you would like to live here? What's the reason you don't?
- How many of you commute to work? How do you get here – transit, SOV, carpool?
- Who feels you have the services you need within walking/biking distance of home/work place?
- What do you like about living in the Boulder Valley?

### **Comments and Input – Audience Background**

- Over ¾ of the audience commuted to work on a daily basis by public transit, bike, car-pool or walked. The remainder of the audience commuted to work in a single occupancy vehicle.
- Those that worked in Boulder but did not live here, cited lack of affordability as the most significant factor; others preferred living in a more urban setting such as Denver with more options for entertainment and housing choices.
- Those that worked downtown, or at the 29<sup>th</sup> Street Mall (Zayo), felt they had all the amenities and services to function professionally without an automobile.
- Positive aspects cited about Boulder included access to recreation, a small town feel that conveyed sense of community and a high quality school district for those with kids.
- Economic factors contributed to the attractiveness of Boulder, as the participants felt there was a good mix of successful large companies and small business employers that gave them many career opportunities.

## **Presentation and Young Professionals' Input**

After a presentation from the City staff, the following questions were posed to the participants. They discussed these questions in small groups and reported back during a large group debrief.

- 1. What's your vision for how Boulder grows over the next 10-20 years? As far as housing, transportation, recreation options, how/where people work, meet socially – what's the community look like?***

**Regional Solutions:** Think regionally to develop solutions related to addressing growth such as accessible and efficient regional transportation systems and housing solutions that may be beyond Boulder's boundaries.

**Transportation:** Quality public transportation services and facilities were desired by many that commute to get to work; there were both local and regional commuters. Better access to quality multi-modal transportation options.

**Affordability:** Concern about the current lack of affordability was expressed; workers in this demographic communicated a desire to be able have access to affordable housing options and more affordable services from businesses

**Economic Competitiveness:** Support was voiced for our innovation economy and for small businesses. There is a need to retain our start-ups and keep them local as they grow, keeping them in Boulder County through the start-up phase and beyond by identifying the projected growth needs for businesses such as the commercial and office spaces needed in addition to transportation infrastructure and housing needed for the employees. Boulder's economic vitality was seen as being dependent on being able to maintain the correct mix of small businesses and large employers.

**Neighborhoods:** Participants envisioned many unique neighborhoods that would be characterized by their distinct identities like Denver, where density and residential areas have thrived.

**Sustainable Growth Solutions:** The concept of pervasive NIMBYism was raised, and was characterized by those present as a significant detriment to City's ability to develop fresh ideas worth pursuing for how the community meets challenges to grow sustainably.

**2. *Housing is such an important topic – where would you like to see housing? What kind? What services do you believe should be located near that housing such as transportation, entertainment, recreational or other amenities?***

- **How does additional housing develop while respecting/preserving the character of existing neighborhoods?**
- **There's a lot of discussion in the community about how to balance the amount of jobs we have – 100% employment with the amount of housing – any thoughts about how we look at that challenge in the future given our space constraints?**

**Preferred Housing Types and Features:** Individuals prefaced several of their responses based on affordability as a key factor driving choices. However, the following statements were made indicating the preferred housing types or associated features.

- Affordable housing options should include unique and creative choices such as tiny houses, duplexes and residential that could exist above light industrial areas or in a mixed use development.
- Amenable to attached housing or row homes as long as there is adequate storage.
- Housing with minimal lot size was supported as long as it includes shared open spaces or is located close to recreational spaces. A yard was not seen as essential if housing were in close proximity to parks, plazas or other public places to be outside such as Chautauqua and our Open Space lands available for recreation.
- There was a shared desire for place-making that could add to community character and neighborhood identity. Providing places and spaces near housing could provide a neighborhood with a unique feel.
- Quality design was a priority; effective purpose-built design can allow inhabitants to do more with less space.
- Other amenities or features that received support included suggestions such as green roofs, building down rather than up where not constrained by groundwater, geography or prohibited by cost.
- Participants expressed interest and desire in single family detached housing, but acknowledged that homes in Boulder are unaffordable at the current market rates.

**Housing Policies and Affordability**

- This group expressed hope that policies could be put in place to safe-guard against losing our youth and less affluent, by providing housing that could be affordable and appealing to a younger demographic.
- It was a common acknowledgement that for those in their 20's living on their own in Boulder, it was likely they would have to move elsewhere to be able to afford home-ownership. Neighboring Boulder County communities such as Lafayette and Erie have more affordable single family home options where our workers can start families.
- It was suggested that the larger homes could be repurposed through changing current occupancy limits to deter tear-downs.

**3. *What creative ideas do you have about the future of community development and how we manage certain things like climate change, historical preservation or other strategies to consider for Boulder's future?***

**Environmental Standards for Infill and Redevelopment:** Incorporate environmentally friendly energy and performance standards in building new construction and remodels. Increased density and infill complements high quality, environmentally-friendly design, which can also add to the unique character of housing developments.

**Land Use Policies and the Planning Reserves:** There was strong support for better utilizing the planning reserve and non-open space lands set aside for growth inside the perimeter. Consider addressing policy decisions to use those lands in a way that reflects community values with a focus on renewable energy, sustainability and access to open lands and recreational spaces. Consider what's available in City-owned areas that could be improved using the ideals of new urbanism; the Holiday neighborhood in North Boulder is one example of what this could look like.

**Community Inclusiveness/Exclusivity:** As the youngest resident on her street, one attendee mentioned that she hasn't felt welcomed by her neighbors as a "younger" resident. It was suggested that the City look at generational differences and socio-economic disparities in its inclusivity study as far as barriers to community inclusiveness or as factors of exclusivity that are present.



# Boulder's New 'East Edge'

A vision for transportation, mixed-use and sustainability around 55<sup>th</sup> and Arapahoe



Report from a Technical Advisory Panel (TAP)  
of ULI Colorado

December 15-16, 2016

Supported by:



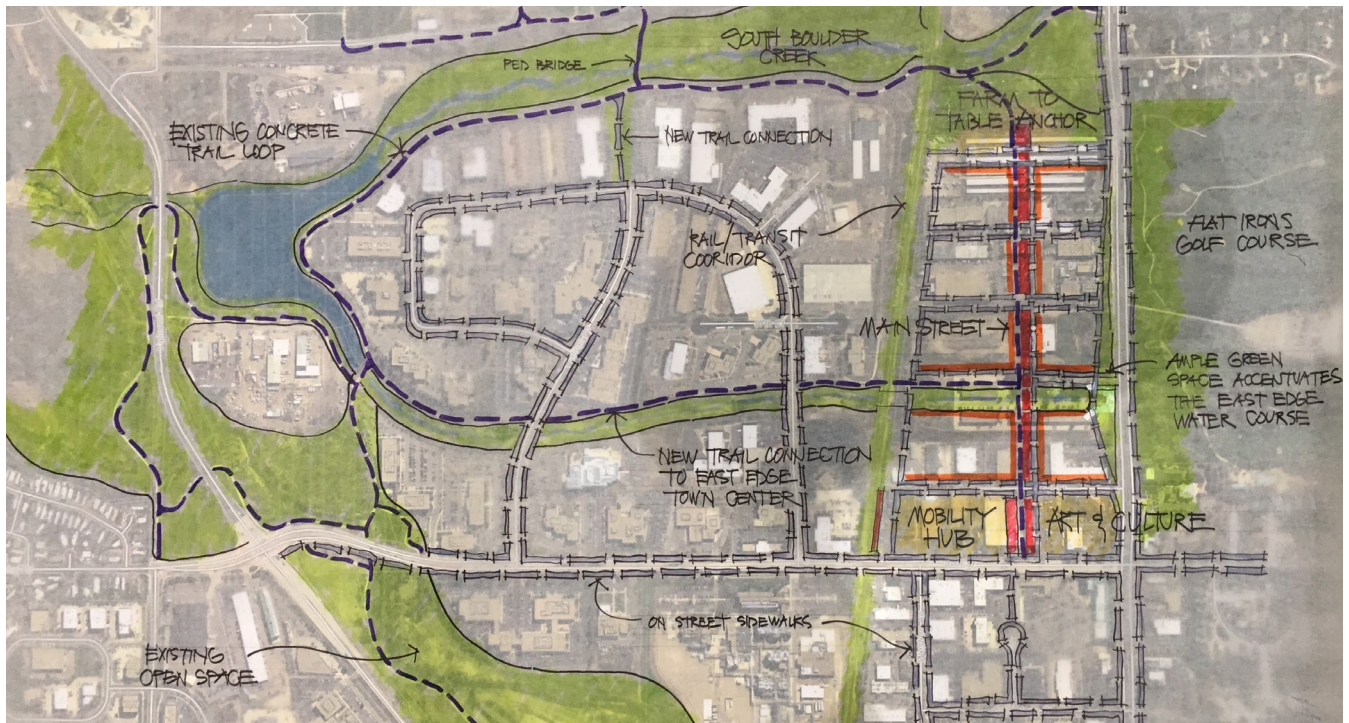


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## Technical Advisory Panels (TAPs)

Technical Advisory Panels bring Urban Land Institute (ULI) Colorado expertise directly into communities to address tough real estate problems. TAPs provide advisory panels composed of ULI Colorado members who volunteer their time to offer unbiased, disinterested professional advice. Each are leading experts in their fields. Since 2004 ULI Colorado has been invited to conduct more than 50 TAPs throughout Colorado. TAP findings and recommendations are nonbinding and solely intended to advise communities with strategic recommendations and best practices on sustainable land use.



The panel suggested creating a mixed-use housing/retail district with an interior "Main Street" running parallel to Arapahoe, anchored at the east end by a food hub and at the west end by a mobility hub with an arts and culture focus. Overlay showing district boundaries and new connections.

## I. Overview and Vision

In December 2016, a multidisciplinary team of leading design and development professionals volunteered their time for an Urban Land Institute Colorado (ULI Colorado) Technical Advisory Panel (TAP) to create a vision for redeveloping a 325-acre office park/light industrial site in the 55<sup>th</sup> and Arapahoe Avenue area of East Boulder. The Boulder Chamber and the Boulder Area REALTOR Association (BARA) asked the panel to consider how this study area, part of the city's largest employment area, could accommodate much-needed workforce housing.

The ULI panel envisioned a strategy to create not just housing, but an entirely new type of place. This new "East Edge" (a kind of complement and bookend to downtown's West End) could become an innovation and creativity hub linked by new transit options. The East Edge would support existing and new businesses and allow them to grow within the context of three walkable mixed-used residential and commercial districts.

Boulder is renowned for its entrepreneurial spirit. An innovation and creativity hub would support existing businesses and attract the next generations of start-ups. The addition of housing and convenient services linked to jobs and transportation transforms this office park/light industrial study area into a new "15-minute" mixed-use neighborhood consistent with the city's goals for infill development.

The ULI panel's vision calls not just for "adding housing units," but creating a special place with:

- a range of housing types, sizes, formats, and pricing
- convenient services in a walkable setting
- retention of existing businesses, allowing them to grow in place

ULI's principles of Building Healthy Places (<http://uli.org/research/centers-initiatives/building-healthy-places-initiative/>) are relevant to the proposed transformation of the East Arapahoe study area into Boulder's new "East Edge." Since 2013, ULI has partnered with the Colorado Health Foundation and the Robert Wood Johnson Foundation on the Building Healthy Places Initiative, which studies ways to transform auto-centric, single-use places into vibrant, walkable, mixed-use districts. With a focus on compact land use, active transportation, and access to natural amenities, healthy food, and economic opportunities, Building Healthy Places links the design of places to the health of individuals, communities, and the environment. ULI Colorado has worked directly with eight Colorado communities on this initiative.

- spaces to incubate innovative and creative businesses and culture
- new transportation options, including a walkable/ bike-friendly connected network
- public spaces that celebrate art and culture
- a market and urban agriculture focus with fresh and healthy local food



The TAP study area is roughly equal in size to an existing mixed-use wedge of downtown Boulder. The panel envisioned this area for innovation, creative enterprise, housing, new transit, connections to natural systems, and a food hub.



- celebration and integration of greenways, waterways, open space, mountain views, and other natural features
- amenities that enhance the area for all of East Boulder

This vision focuses on creating a lively sense of place, where people want to be, and where employees will choose to arrive early or stay late not because of hard-to-find parking, but because they are meeting friends and colleagues for coffee, a hike or bike ride, or happy hour. Some employees will walk or bike to work from new homes in the study area. The architectural style and vibe could be “modern industrial,” to take advantage of existing buildings and uses.

In cities and towns across the nation, industrial/employment areas similar to East Arapahoe are being enriched with urban planning and design, infrastructure improvements, public art and amenities, and new investments. The City of Boulder could lead a similar transformation by working with local landowners and businesses to transform this dated suburban office park/industrial landscape. The study area could become a multi-dimensional asset, while addressing key housing and transportation issues that affect the entire city. The concept is similar to RiNo in Denver, but fitting Boulder’s intimate scale, natural context, and outdoor culture.

The TAP site is Boulder’s eastern gateway: Arapahoe Avenue historically was the main east-west route into Boulder from the metro Denver region. Today this corridor is impacted by up to 25,000 commuter vehicle trips per day. The ULI TAP vision provides new infrastructure that encourages the use of public transit and alternate modes. A multi-modal mobility hub would serve as a station and transfer facility for East Boulder, including future bus rapid transit (BRT) on Arapahoe, bike share, car share, private vehicles, emerging transit technologies, loop shuttles, and enhanced use of the city’s trail and open space system.

The panel saw strong potential to benefit both the large employers and the small businesses Boulder seeks to retain. Many companies, such as Avery Brewery and Celestial Seasons, launched start-ups from this East Boulder location but moved away when they needed to expand. More than 250 businesses located onsite now provide nearly 10,000



Detroit’s Brush Park provides an example of a new Main Street that combines existing buildings and new construction.

primary jobs that are national or international in scope. The study area hosts a broad range of industries, including aerospace, biotech, natural foods, healthcare, IT, and online merchandising. The area’s light-industry businesses provide Boulder residents essential services, such as auto repair, an animal hospital, storage units, and thrift stores. Entrepreneurial local investments are represented by new companies and businesses including Blackbelly, Bru, Pica, Shinesty, and Wild Woods Brewing.

*“Preservation of the existing job base is definitely a big part of the idea.”*

—John Norris

The area’s natural topography and natural amenities, including open space, trails, and a north-south flood-greenway corridor through the site, provide the framework for an urban design vision connected to the landscape. The TAP vision extends this green infrastructure with new multi-use trail connections to the South Boulder Creek open space on the east side of the study area and Boulder Creek open space on the north side. A new multi-use trail through the flood-greenway corridor provides a pedestrian-bike connection through the site while retaining the function of managing flood water.

The TAP vision offers a strong Boulder-based sense of place in three newly envisioned districts:

- 1. Neighborhood Mixed-Use/Industrial District:** The panel’s strategic vision proposes about one-third of the study area be redeveloped as a new mixed-use neighborhood—a residential-commercial district spanning about 10 blocks between Arapahoe and the

BNSF rail line, a future FasTracks rail-transit corridor. This neighborhood features a small-scale, pedestrian and bike-friendly, east-west “main street” with two anchors:

- To the west near 55<sup>th</sup> and Arapahoe’s Boulder Dinner Theater, a “mobility hub” with development oriented to arts and culture, and
- To the east, a farm-to-table hub with a market, restaurants, roof-top greenhouses, and community gardens next to South Boulder Creek open space.

Housing and retail/services fill in the blocks in between. The panel saw ways to add between 1,200 to 2,400 new homes throughout the study area, primarily in this mixed-use district.

- 2. Innovation Mixed-Use District:** Located north of the BSNF tracks in the Flatiron Business Park and some light-industry businesses, this district focuses on retaining existing businesses and allowing for growth while also attracting new entrepreneurial/start-ups. The focus of this part of the study area is an innovation and creativity hub. This district is enhanced with new live-work housing and some services. A new north-south multi-use trail, as well

*“The bigger concept is for Boulder to facilitate the next generation of technology and innovation.”*

—Renee Martinez-Stone

as the existing street network, connect the district with more housing and services along the East Edge Main Street with the mobility hub. An environment of innovation and creativity is enhanced by interesting new architecture and public art extending from an arts and culture focus around the mobility hub. The panel suggested preserving as many buildings, uses, employment locations, and investments as possible. Strategies include introducing housing to Flatiron Business Park by adding stories to existing buildings, and by redeveloping parking lots and other underused spaces for more housing.

- 3. Office Mixed-Use District:** Located west of 55<sup>th</sup> Street, this district remains a commercial zone but with retail added to serve the major employers located nearby. This portion of the study area comprises the Ball Aerospace campus and other businesses. Retail services and parking can be added to ground floor development, but because of the nature of this high-tech industry, onsite chemical processes, and security needs, the panel did not recommend housing.

## II. Study Area Context and Goals

The boundaries of the TAP study area are Arapahoe Avenue on the south, Commerce on the West, Pearl Parkway on the north, and the South Boulder Creek open space on the east.

TAP goals included how multimodal transportation infrastructure and connections could be improved within the context of these plans and the draft East Arapahoe Transportation Plan, a long-range transportation improvement plan for 4.5 miles of Arapahoe Avenue between Folsom Street and 75<sup>th</sup> Street. The TAP study area is located midway within this planning segment. The East Arapahoe Transportation Plan considers potential improvements for walking, biking, BRT, local bus service, and automobile travel to address existing and future transportation needs, including local and regional travel, safe travel and access for all modes, and support for existing and

future land use in the corridor.

Other goals included how to serve existing and new businesses with housing and amenities that allow employees and others to live near their workplace. Among key businesses in the study area, Ball Aerospace has roughly 1,300 employees in 18 manufacturing and office space buildings on a campus that extends four blocks west of 55<sup>th</sup> and north of Arapahoe. Ball has discussed a site plan for expansion and redevelopment. Boulder Community Health/Foothills Community Hospital campus, located just west of the study area, employees 2,200, and the University of Colorado/UC Health has a new primary healthcare facility at 55<sup>th</sup> and Arapahoe. Offices for KBI Biopharma and Clovis Oncology are a short walk from the FedEx ship center and the Boulder County Sheriff Office. IMM digital marketing

is here, New Hope Media moved here from downtown, and Active Interest Media moved *Yoga Journal* here from San Francisco. Upslope Brewery, Chocolove, and the hip Blackbelly restaurant all have chosen to locate here.

Key development and mobility characteristics within and near the TAP site area include:

- light industry, low-rise, suburban patterns of development with surface parking lots
- affordable service-industrial businesses and places for storage units
- nearby institutions, including CU East Campus, with

expansion plans for research, teaching facilities, and housing; Naropa’s Nalanda Campus with expansion plans; the new Jewish Community Center; Boulder Valley School District central offices

- Flatirons Golf Course across Arapahoe to the south, used for recreation and flood mitigation
- quiet suburban neighborhoods to the south
- few places to eat or shop
- people generally drive for daily needs
- pedestrian and bike infrastructure and improved transit are needed
- the area is separated from other parts of the city

### City Plans for East Arapahoe

The intersection of 55<sup>th</sup> and Arapahoe is at the heart of the City of Boulder’s Envision East Arapahoe project, a community planning effort initiated in 2014 to illustrate redevelopment choices such as adding new housing, retail, infrastructure, public spaces, and improved multimodal transportation. In late 2014, the City suspended the project to consider other transportation planning efforts in the corridor including Boulder’s Transportation Master Plan. The City also wanted to consider the recommendations of the Regional Transportation District’s (RTD) Northwest Area Mobility Study, which identified the Arapahoe/ State Highway 7 corridor between Boulder, Lafayette, and Brighton as a candidate for an arterial bus rapid transit (BRT) line. The transportation scenarios also will reference a future State Highway 7 BRT study that will be led by Boulder County.

## III. TAP Process

### Briefing, Tour, and Interviews

The ULI panel first studied a detailed briefing book containing previous plans, demographic data, and maps, and then toured the study area and surrounding area to understand the context. The tour began on East Arapahoe, and included a vantage point at Legion Park, looking west down into the valley near the TAP study area. This part of the tour allowed the panel to appreciate the agriculture, recreation, and natural preserve lands located east and north of the site and existing housing south of Arapahoe, which includes multi-family apartment buildings closer to Arapahoe and single-family neighborhoods further south.

The tour included sites such as Boulder Junction, 29th Street retail district, 28th Street commercial development, new Google headquarters construction, new hotel

development at 28<sup>th</sup> and Canyon, and Boulder Community Health’s Foothills Community Hospital, as well as the study area itself.

The panel reviewed comments from hundreds of community members who participated in the 2014 Envision East Boulder process and interviewed dozens of stakeholders, including representatives of local businesses, institutions, and nonprofit organizations, affordable housing and transportation agencies, current and former public officials, and City of Boulder planners and transportation staff.

The panel also considered how a vision for East Arapahoe could fit into the larger context of transportation and other planning efforts in Boulder, including the Boulder Valley Comprehensive Plan, which is now being updated.



### Problem Statement for ULI Colorado TAP

The intersection of 55<sup>th</sup> and Arapahoe is located in the heart of the City of Boulder's former Envision East Arapahoe project. The area is now the focus of the City's current East Arapahoe Transportation Plan focus area, which is examining transportation choices along 4.5 miles of the corridor. The City of Boulder is also in the process of reviewing redevelopment opportunities as part of its five-year update to the Boulder Valley Comprehensive Plan. As input to these planning efforts, this corridor needs concrete examples of attractive and appealing subarea plans that would allow the community to visualize what is possible, redefine the concept of density, and offer ideas for redeveloping an area of light industry.

The TAP panel was asked to consider concepts such as the following:

- Arapahoe transformed into a safe and attractive multimodal boulevard with street trees, noise buffering, slower speeds, and pedestrian and bike improvements
- Enhanced eastern gateway to city
- Mixed retail, dining, office space along 55<sup>th</sup> and Arapahoe
- More activity on the street and easier travel by foot, bike, transit
- Improvements to sidewalks and intersections for safety and convenience
- Public spaces for people to recreate and relax, such as pocket parks, plazas, interior streets

- More pedestrian-bike network options, such as an east-west connecting street
- Affordable service-industrial options along Arapahoe at the east edge
- Housing within a 15-minute walk from work, shopping, dining, everyday needs
- Workforce affordable housing north of Arapahoe near 55<sup>th</sup> and near South Boulder Creek
- Highest level of street improvements, ecological restoration, and connections to open space
- Health district around Boulder Community Health with medical-related office spaces
- Arts and entertainment area near 55<sup>th</sup> and Arapahoe/ Boulder Dinner Theater
- Development within natural systems, such as rain and snow-melt-irrigated street trees, landscapes, and gardens
- Sustainable development with possibility of net-zero-energy neighborhood
- City services near housing, such as access to parks, trails, nature

*"Companies here started in Boulder, which has a very strong brand, and they outgrew their first office spaces to move here. But employees want more. This could have a cool industrial vibe and be an innovation hot spot, where little companies go to grow up."*

—Chris Achenbach



Sketchup drawing showing the three new districts: Foreground is mixed-use district adding housing and convenient services clustered around a new Main Street. To the west around Ball Aerospace: a mobility hub. North of BNSF tracks: live-work housing added to Flatiron Business Park.



King of Prussia (Pa.) District provides example of housing and streetscapes added to an industrial/office park.

## IV. Key Findings, Assets, and Challenges

### 1) The study area is ideal for redevelopment into an innovation hub and sustainable neighborhood—a new “East Edge” that is both gateway and destination.

The study area offers an opportunity to redevelop using concepts of sustainable neighborhood development with housing and services. Its location on a transit corridor at the eastern gateway to the city (the new “East Edge”) could capture some of the 60,000 daily commuters to Boulder who might like to live in Boulder but currently can’t afford a home here.

The study area location and topography, at a low point in the Boulder/South Boulder Creek watershed, is favorable to greater height and density. The impact to mountain-view corridors from the east and low-density residential development to the south is not as great as it would be in other Boulder locations. To the east of the site is city open space, the Stazio ballfields, Valmont Reservoir, the Xcel power plant, Western Disposal’s trash and recycling facilities, and a large mesa around 75th Street.

### 2) Despite the study area’s 10,000 primary jobs and an in-commuting problem, there is no onsite housing for employees.

The Arapahoe corridor has 25,000 in-commuters a day in terms of car counts. Many work around 55<sup>th</sup> and Arapahoe. Given this large number of commuters, Boulder’s critical need for workforce housing, the lack of available land in East Boulder’s low-density residential areas, transit possibilities, and the aging of the site’s infrastructure and buildings, this study area offers great potential for redevelopment with between 1,200 and 2,400 homes of various types and sizes. With Boulder’s average single-family home price topping \$1 million, new housing could include a variety of more-affordable housing types and sizes, such as for-sale rowhouses and condominiums, rental apartments, and live-work studios. Attention to affordability for lower and middle-income households, and especially for on-site employees and their families, will be critical.

*"This is a car-centered area. One goal we heard was to reduce the use of cars, traffic congestion, and impact to the environment--80 percent of employees drive to work, and of the employees who previously worked in downtown/central Boulder, 80 percent used to take transit."*

*--Renee Martinez-Stone*

### 3) Mixed-use/industrial zoning is needed to allow housing and services, at a height and density that reduces commuting and supports walkability and BRT.

Mixed-use/industrial zoning would allow for housing and retail services in the same zone, as well as office buildings with retail shops or cafes at ground-floor level. This would be a good place for the City to study relaxing the 55-foot height limit. Given the study area’s relatively low ground elevation and other mitigating factors, the panel thought this could be achieved to support the mixed-use districts without damaging Boulder’s viewshed.

However, there is more than one way to achieve the desired amount of housing. Even within Boulder’s current height limits, densities may be achieved from 18 to 28 homes per acre (townhomes) to 50-70 per acre (podium apartments in a variety of formats). If concentrated in a district, these densities will support a walkable environment, transit services, and local retail.

### 4) The study area has inadequate transportation connections, and many employees now feel forced to drive. Planned BRT and potential last-mile connections can transform the area with better service and could reduce the City’s traffic congestion and carbon footprint. A new mobility hub could anchor redevelopment and increase transit options and connectivity.

One goal for the study area is to reduce traffic congestion and impact on the environment. Stakeholders told the team that this is a car-centered area not well served by transit. Some 80 percent of employees drive to work, including the vast majority (80 percent) of employees who previously worked in downtown/central Boulder and used to take transit.

The lack of adequate transit services in this study area is a big factor in the high number of workers commuting by private vehicle along the Arapahoe corridor, according to City of Boulder Transportation Master Plan. The Northwest Area Mobility Study, completed in 2014, identified

Arapahoe/State Highway (SH) 7 between Boulder and Brighton as a candidate for an arterial BRT route. On Arapahoe, the City of Boulder is supporting efforts to fund the next steps of

work toward implementing arterial BRT. Boulder County is conducting a SH 7 BRT Transit Study to address current and future traffic issues on SH 7 and develop a BRT system before build out of the area is complete. Boulder's East Arapahoe corridor is the western segment of this study area. The TAP vision discusses the need for transit improvements and other transportation modes to, from, and within the study area.

The TAP vision's element of a mobility hub with pedestrian and bike connections to trails, bike-share, on-demand services, and electric shuttles, could improve last-mile connections to workplaces within and near the site and to destinations such as Boulder Junction, the CU East Campus, Naropa's Nalanda Campus, and new and existing homes in the area.

**5) The study area has very few places to eat and no convenient services.**

One restaurant, a deli, and limited food-truck service are the only sources for lunch. Many employees drive offsite to get lunch and do errands, adding to corridor congestion. Some fast-food cafes and convenient services exist along the south side of Arapahoe near the study area, but they have limited capacity. The intersection at 55<sup>th</sup> and Arapahoe is perceived as unsafe for walking or biking. Employees tend to drive to the Meadows Shopping Center, 29<sup>th</sup> Street, Whole

Foods at 28th and Pearl, or further into downtown Boulder to get lunch, buy groceries, and do errands. Employees often "double commute" as they need to drive an additional trip or two offsite during the work day for work meetings or personal matters. Others simply stay at their desks to keep their parking spaces. Residents living south of Arapahoe also have specified the need for a nearby food market and other convenient retail.

**6) Businesses don't have adequate space to expand.**

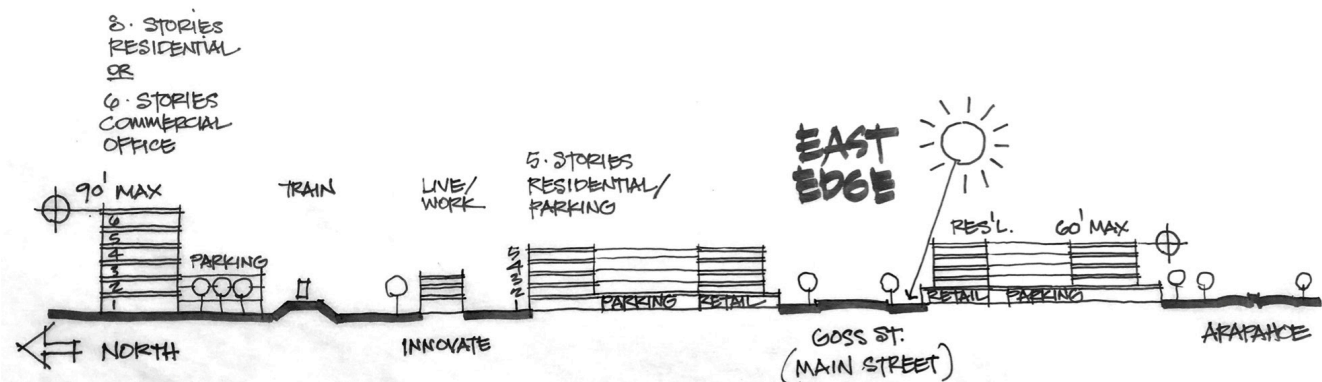
The study area has historically been an innovation hub for Boulder. Keeping businesses and allowing them room to grow is important to the goal of incubating the city's innovative and creative industries and culture. Many existing businesses got their start onsite or gravitated here because they had outgrown their start-up space downtown, on University Hill, or in other central Boulder locations. Some companies find they are limited by their one and two-story outdated buildings; others have invested millions in renovation. Office users want to stay here, innovate, and grow but generally are forced to consider moving out of Boulder when their staffs exceed several hundred employees. Larger buildings with three stories or more are needed to keep these Boulder businesses. Light-industry businesses wish to maintain



Plan (above) and section below showing the new Main Street



Open space and greenway connections will provide a key transportation and recreational element linking all three districts. (Main Street highlighted in red.)





affordable work space, and some also want the ability to expand. Innovative young companies like Shonesty, the on-line clothing designer and retailer, like the area but may not stay in Boulder unless housing and amenities are provided.

**7) Flood plain issues need mitigation to allow for the East Edge plan, or really any improvements, to ensure the continued viability of this area for businesses.**

The panel recommends that the City implement a flood control plan using the Flatirons Golf Course for mitigation efforts. Currently almost all buildings in the study area are located in the flood zone. This issue must be resolved before implementing the East Edge vision, or really for any future redevelopment in the study area.

## Assets

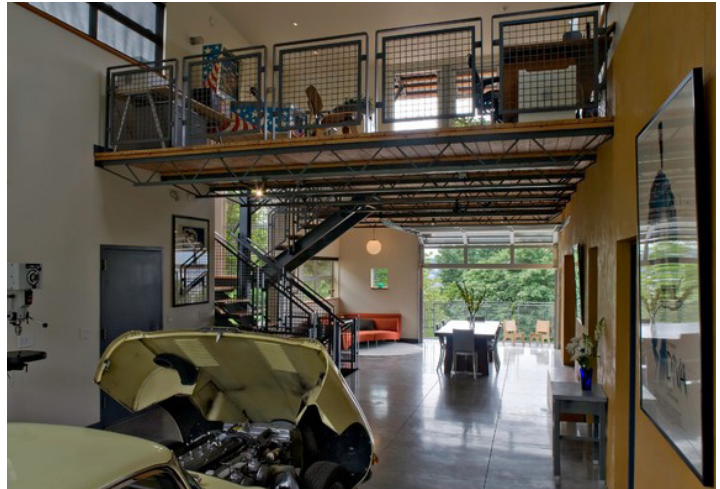
- Land Area of East Arapahoe:** The north side of the Arapahoe corridor is primarily employment-oriented. Residential uses are concentrated in the south side of the corridor between Foothills Parkway and 55<sup>th</sup> Street. East of 55<sup>th</sup> Street, land use in the corridor is a mix of commercial and institutional uses and low-density residential areas. The City-owned Flatirons Golf Course is located due south of the study area on Arapahoe. City open space wraps around the study area to the north and east.
- Infrastructure:** Both 55<sup>th</sup> Street and Arapahoe Avenue are major city arterials. Within the Flatiron Business Park, Central Avenue and Flatiron Parkway form intersecting loops that connect to 55<sup>th</sup> Street. Multi-use trails connect open space on the north to Valmont City Park, the Goose Creek path, Boulder Junction, and other City parks and trails. Green infrastructure includes: the Boulder Creek open space and multi-use path on the north; South Boulder Creek open space on the east; and a north-south flood-greenway corridor through the center of the study area that channels intermittent flood waters.
- Employment Base:** The East Arapahoe corridor has a high concentration of regionally significant employers, including six or seven of Boulder’s top 10 employers. About 40 percent of the City’s jobs are located within a half-mile of the corridor. Employment in the corridor is generally concentrated north of Arapahoe Avenue.
- Housing and Population:** The TAP study area itself currently has no housing. The East Arapahoe corridor’s population is small relative to the number of jobs, meaning that most workers commute into the corridor. Beyond the site, within the boundaries of Foothills Parkway, Jay Road, 75th Street, and Baseline Avenue, the estimated 2016 population was 8,341 residents, according to an ESRI market study based on American Community Survey data. Two-thirds of the 3,879 households in this larger area have two or three residents, and slightly more than half are families. Some 565 homes were built after 2000, and none have been built since 2010.
- Services:** The study area includes affordable service industrial and storage units, but has limited convenient daily services, such as a food market, cafés/coffee shops, pharmacy, dry cleaner, or salon.
- Landowners and Key Stakeholders:** The study area has more than 270 businesses and 88 owners of 132 properties. The Flatiron Business Park, developed from the 1970s to 1990s, has larger lots and more consolidated ownership. Key landowners and stakeholders in the TAP study area include: Ball, Boulder Community Health, Unico, W.W. Reynolds Companies, Westland Development Services, CU Boulder, Crescent Real Estate, Colorado Landmarks, Boulder Housing Partners, Thistle, Corden Pharma, Premier Credit Union, Elevations, Stok, Upslope Brewery, Blackbelly, Boulder Humane Society, Sea to Summit, and Shonesty. Key stakeholders are listed at the end of this report.

*“Businesses could stay in Flatiron Park in a six-story commercial building instead of a two-story building--or they could be residential, with cool studios and lofts, the next generation of an innovation hub, rezoned to allow for the next iteration and to allow companies to grow up.”*

—Renee Martinez-Stone

## Challenges

- No housing and great need for homes for employees with average \$15 starting hourly wages
- Few lunch options and no convenient services within study area
- Auto-dependent development with inadequate transit and transportation network
- Low level of pedestrian and bicycle activity
- Traffic congestion on Arapahoe Avenue during commute and lunch times
- Inadequate parking for commuting employees
- Few nearby outdoor public spaces to relax or recreate besides open space trails
- No sense of place or community, affecting employee satisfaction and retention
- Inefficient land use with many one-story buildings surrounded by parking lots
- Low floor-area ratio impedes possibilities for walkability, mixed uses, and businesses growth
- Many buildings are located in a defined flood zone
- Cost of flood control, new streetscapes, pedestrian-bike improvements
- Study area disconnected from other parts of City



Example of “industrial modern” live-work architecture that could add housing to Flatiron Business Park.



Made from custom-assembled shipping containers, the Gravitas development at 25th and Larimer in Denver is an example of “industrial modern” retail/office architecture.



In Atlanta and other communities, greenways similar to South Boulder Creek are attracting new workforce housing projects near trailheads. Here’s an example along the 33-mile Belt Line.



## V. Summary of Recommendations

1. Working with property owners, the City should be bold and create a master plan for developing an innovation hub linked to a sustainable neighborhood that includes housing and services.
2. Rezone the study area into three new districts to allow for mixed-use/industrial as well as business retention/expansion.
3. Implement flood control measures that use the Flatiron Golf Course for flood retention/filtration so buildings north of Arapahoe can be removed from a redrawn flood map.
4. First priority: Redevelop the land between Arapahoe and the BNSF rail corridor into a pedestrian and bike-friendly mixed-use residential and commercial neighborhood with an interior main street and convenient services.
5. Create anchors for the new interior street that support innovative-creative companies and other businesses, their employees, and residents, such as an arts and culture focus on the west end and a food market, farm-to-table dining, and urban agriculture focus on the east.
6. Increase the maximum building height to allow taller buildings to accommodate new mixed-use housing, commercial development, or business expansion.
7. Develop a variety of housing types and sizes for local business employees and their families, including apartments, townhomes, and live-work studios.
8. Develop a multi-modal mobility hub at 55<sup>th</sup> and Arapahoe to provide “last-mile” connections for current and future transportation options, such as bus rapid transit (BRT), bikes, bike-share, car-share, electric vehicle charging, on-site shuttles, as well as parking.
9. Develop new transportation connections within the study area’s green

*“If the zoning were written in an open enough way, it would allow for housing but also denser office and industrial as well, and let the market determine what gets built.”*

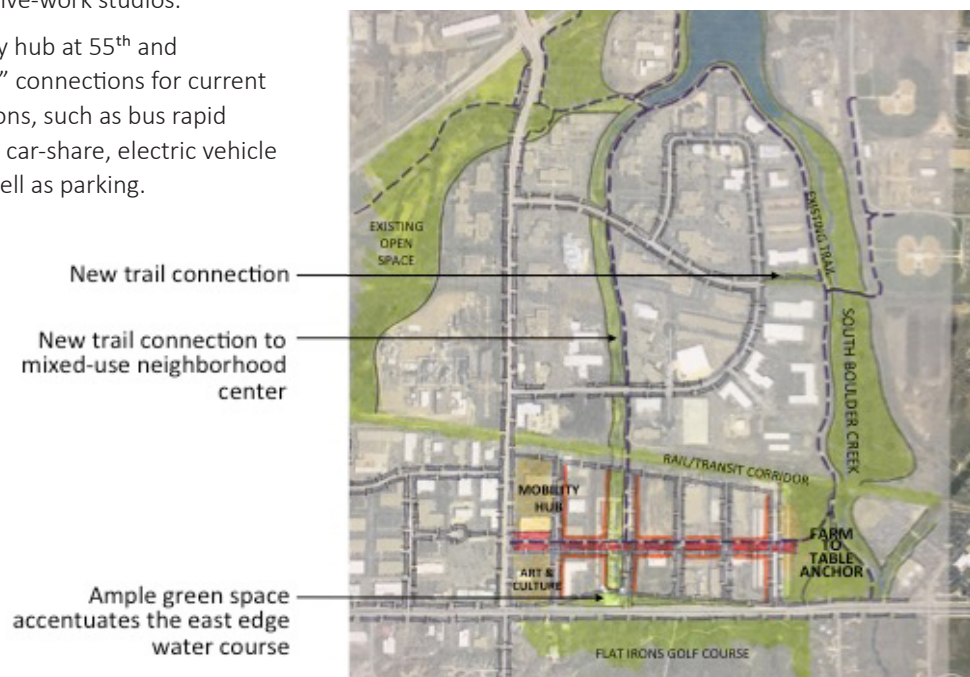
– John Norris



The panel advocated for the addition of sustainable technologies and urban agriculture, such as this rooftop greenhouse.

infrastructure, including multi-use paths that link people to transit, workplaces, services, and open space.

10. Create a transportation management association (TMA) to manage transit incentives and alternatives to private vehicle use for commuting, such as car pools, car sharing, bus passes, staggered work schedules, and shared parking.
11. Develop the study area incrementally to achieve a much more sustainable urban neighborhood, in keeping with the Boulder Valley Comprehensive plan and the City’s goals for infill development.



## VI. Vision in Greater Detail

The ULI TAP's vision and recommendations reflect policies and core values of the Boulder Valley Comprehensive Plan (BVCP). These BVCP policies include:

- using sustainability as a unifying framework to meet environmental, economic, and social goals;
- evolutionary redevelopment toward a more sustainable urban form;
- environmental stewardship and climate action; and
- an all-mode transportation system to make getting around without a car easy and accessible for everyone.

The TAP vision and Boulder Community Cultural Plan also align in their focus on public arts and culture as a vital element of Boulder's identity and economic development focused on innovation and creativity.

This 325-acre study area offers potential for a compact transit-linked neighborhood similar to a development pattern found in central Boulder, in the wedge of mixed-use residential development framed by 28<sup>th</sup> Street on the east and 9<sup>th</sup> Street on the west, between Arapahoe and Pearl. This wedge of urban land has a variety of land uses and densities within a walkable and bikable network linked to transit. With the addition of an interior street, small blocks of residential and commercial development, and pedestrian and bike connections, the study area would reflect the diverse and walkable urban pattern of central Boulder.

The innovation hub and mixed-use/industrial neighborhood provide a campus scale for sustainability, with the street network and multi-use paths connected in loops. Innovative companies can be part of the sustainability discussion: The study area offers great partnership opportunities for campus-wide scale and collaboration with the adjacent power plant and recycling/composting sites.

### Land Use and Zoning

The vast majority of the East Arapahoe study area is zoned light-industrial, with a small community-zoned portion at the southwest corner. The TAP team recommends rezoning the study area into three new zones to allow for redevelopment with housing and services to create a mixed-use innovation zone for business, a sustainable mixed-use

residential/industrial neighborhood zone, and a mixed-use/industrial office zone. The zones can be connected by localized transportation such as bike share and a circulator bus, as well as a new multi-use path. Zoning incentives should reward such sustainable technologies as solar/wind farms, naturalized stormwater management, and water conservation/recycling.

*"One goal is to reduce the number of people who feel they have to drive to this site – 80 percent do. We'd like employees to arrive early or stay late not because they want to snag a parking stall, but because they want to be there."*

—Ann Bowers

The TAP panel recognized the limitations and political realities of Boulder's height limit, but still recommends exploring increased building height maximums to allow taller buildings in all three zones to accommodate new mixed-use/industrial housing and commercial development. The panel estimated living space for 1,200-2,400 homes ranging in size from micro units for single residents to townhomes for families. At 60 feet in height, five-stories of a housing-retail building would allow for podium parking and/or first-floor

retail with appropriately higher ceilings, and four floors of apartments with stick-built construction. It is important to note that the TAP's redevelopment recommendations are not conditioned on breaking the 55-foot height barrier, but the panel agreed strongly that this option was well worth exploring.

The three zones could offer opportunities such as the following:

#### A. Innovation Zone with Office and Live-Work Space

- Flatiron Business Park
- Light industry service businesses
- Redevelopment opportunities for office, commercial, and residential loft/studio space
- Not a clean sweep of site, but adding housing and new development incrementally

Located north of the rail-transit corridor, the Innovation Zone encompassing the Flatiron Business Park and light-industrial area should retain existing large and smaller-scale businesses and allow for expansion. Connections to transit and amenities such as restaurants and services in the mixed-use areas, as well as the focus on arts and culture, provide a creative environment and welcoming sense of place that supports an innovative and entrepreneurial culture.

Incubator space, perhaps in smaller more affordable

residential lofts and live-work studios, is located throughout the Innovation Zone, as well as on the north side of the mixed-use neighborhood. The Innovation Zone is connected to transit via the street network and new multi-use trails that also link to the open space/trail system. About half of the 2,400 homes envisioned in the study area could be accommodated in this zone while maintaining the current business base.

**B. Mixed-Use/Industrial Neighborhood Zone**

- Redevelopment opportunities for housing and convenient retail services
- New east-west main street with "Boulder-size" blocks
- Anchors focused on mobility hub with arts and culture at west end and farm-to-table food at east end

Located between Arapahoe and the Innovation Zone, the Mixed-Use/Industrial Neighborhood Zone includes land redeveloped for residential and commercial uses. Existing lots are superblocks and extend from Arapahoe north to the rail tracks. The panel recommended dividing them into 10 blocks to provide a more livable urban scale, with lots divided into 300-foot blocks, similar to downtown Boulder.

A new walkable and bikable east-west street connects the mobility hub anchor on the west end to the farm-to-table anchor on the east end. Ground-floor retail services and businesses related to arts and culture are located near the mobility hub. About half of the 2,400 homes envisioned in the study area could be accommodated in this zone. Homes flanking this street are located on floors above retail space



In Washington, DC, Union Market recast a decrepit wholesale warehouse as a new food hub that has revitalized an industrial section of New York Avenue NW.

and in separate rowhouses and multifamily apartment buildings. Homes at the north edge of the zone near the rail corridor could provide live-work opportunities.

There is some on-street parking for retail services, offices, and homes, though most parking is accommodated in multifamily podium structures and in a parking facility near the mobility hub. This zone is connected to transit via 55<sup>th</sup> and Arapahoe, the mobility hub, and the existing interior street network, with new pedestrian and bike connections linking to the innovation zone and open space.

**C. Mixed-use Office Zone**

- Office buildings with ability to expand
- Retail services on ground floor

Located west of 55<sup>th</sup>, this portion of the study area comprises land used by Ball Aerospace and other businesses. Retail services and parking could be added to ground floor development, but because of the nature of this high-tech industry, onsite chemical processes, and security needs, housing is not recommended. Buildings are four or five stories, up to 60 feet in height, following the example of an existing Ball building next to the study area.

**Mobility Hub, Transportation Options, and Connectivity**

The goal of the Mobility Hub, transportation options, and connectivity is to reduce the number of people who drive to and within this site—as 80 percent do. This would be a great place for innovative “last-mile solutions” connecting to employment throughout Boulder.

Similar to a Superstop and complementary to the Boulder Junction transit hub, the East Edge’s mobility hub provides short, mid, and long-term transportation opportunities. Commuters and residents could arrive in the Innovation Hub by bus, bike, on-demand car service, or other modes. They could get to their workplaces, homes, or services by walking, biking, or taking a shuttle or other alternative mode through the study area. They could also drive, though alternative modes would be encouraged. The mobility hub includes bus/BRT platforms, van pools, bike parking, bike sharing, real-time transit information, on-demand rideshare, car-share, electric vehicle charging, shuttles, neighborhood electric vehicles (NEVs), smart parking, and pedestrian facilities. A potential structured parking facility near the mobility hub could accommodate some commuter vehicles, parking for retail services or offices, and additional parking for homes in the neighborhood.



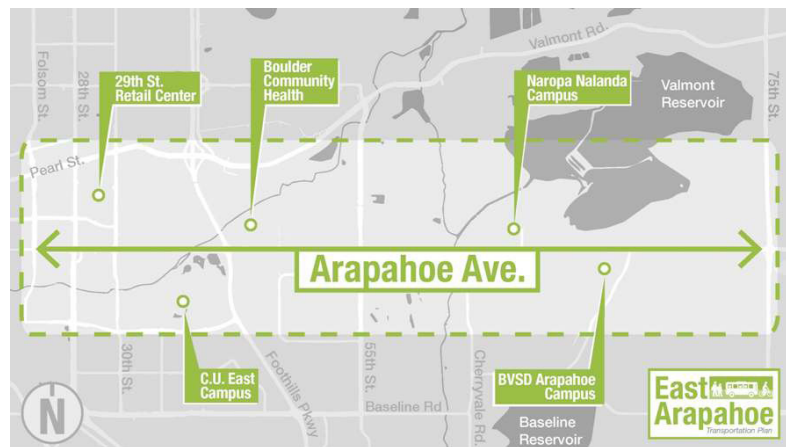
Transportation demand management (TDM) encourages the use of modes other than the single-occupant vehicle. A TDM plan managed by a transportation management association could provide EcoPasses and other transit incentives, as well as car pools, car sharing, staggered work schedules, and shared parking. The panel's strategic TDM plan includes:

1. Neighborhood site enhancement: connections to existing and future transportation options

2. Mobility hub: transportation zone for all transportation modes and parking
3. BRT corridor on Arapahoe: inviting BRT access

The TDM plan should include parking management, with a parking ratio maximum as a trade-off for higher densities to encourage alternative mode use. If needed, a new parking structure could be flexibly designed for future uses (such as office or housing) if autonomous vehicles and Uber/Lyft-type demand options reduce the need for private vehicle use.

*"Strong sustainability options include a solar garden array, wind energy, a campus-wide energy monitoring program, and geothermal energy," as well as multi-modal transportation, a community garden showpiece, composting with Western Disposal, and zoning incentives for green buildings.*  
– Chris Achenbach



Draft East Arapahoe Transportation Plan overview.

## VII. Next Steps

The “East Edge” vision could be realized through one of several strategic development scenarios. Depending on property acquisition, financing, zoning, transit decisions, and other considerations, redeveloping the site with an innovation hub, new mixed-use/industrial neighborhood, and mobility hub could require five to 20 years. Redevelopment could be achieved through urban renewal efforts or by a developer assembling and developing the privately owned lots.

The infrastructure framework and the mixed-use district, mobility hub, and housing throughout the study area could be developed in total by a master developer or by multiple developers, possibly partnered with the City. Financing could be accomplished through a special district, such as a business improvement district (BID) or a tax-increment financing district (TIF). The vision could be accomplished in phases, perhaps following a pilot project.

The Boulder Chamber and Boulder Area REALTOR Association will present this ULI TAP report and recommendations to the Boulder Planning Board and City Council. The goal is to facilitate discussion toward a more sustainable East Boulder—our new “East Edge.”



## VIII. Key Stakeholders Interviewed by the ULI panel

Kai Abelkis, Boulder Community Health; Suzy Ageton, former Boulder Deputy Mayor, Better Boulder, Open Boulder; Peter Aweida, President and CEO of Westland Development Services, Inc.; Adam Block, Shinesty; Kathleen Bracke, GO Boulder; Daryll Brown, Boulder Community Health; Matt Cutter, Upslope Brewery; Shelley Dunbar, Sea to Summit, Open Boulder; Karl Gerken, Ball Aerospace; Christina Gosnell, Environmental Advisory Board, Clean Energy Action, BoCHA, Better Boulder; Bill Holicky, former Boulder Planning Board and Boulder Downtown Design Advisory Board, Better Boulder; Ken Hotard, Boulder Area REALTOR Association, Better Boulder co-chair; Kristin Hyser, Affordable Housing, City of Boulder; Jonathan Lind, Corden Pharma; Deborah Malden, Arts Liaison, Boulder Chamber; Betsey Martens, Boulder Housing Partners; Mimi Mather, BMBA, Root House

Studio, Better Boulder; Gavin McMillan, Element Properties; Andrea Meneghel, Public Affairs Director, Boulder Chamber; Ben Molk, Golf Capital Partners; Jens Nicolaysen, Shinesty; Francoise Poinsette, former Boulder City Council, Better Boulder; Sue Prant, Community Cycles, Boulder Junction TDM Commission, Better Boulder; Matt Rarden, Premier Members Credit Union; Hosea Rosenberg, Blackbelly; Jean Sanson, Senior Transportation Planner, City of Boulder; Zane Selvans, Clean Energy Action, BoCHA, Better Boulder, Transportation Advisory Board; David Scott, Colorado Landmarks; Adrian Sopher, Boulder Planning Board, Better Boulder; Jay Sugnet, Senior Housing Planner, City of Boulder; Mike Tressler, Elevations Credit Union; Peter Vitale, stok; Chris White, Shinesty; Jeff Wingert, WW Reynolds Company, David Workman, Unico

## IX. Stakeholder Interview Comments

*“The site is a wasteland now, a hostile environment for human beings, with a lot of surface parking. Having housing there could help with regional and intra-city commutes, and could create an urban environment that’s nice to hang out in. It would be another core corridor that is self-sustaining and more diverse. I’d love substantially more housing on Arapahoe, which is regional connector.”*

—Multimodal transportation advocate

*“We have 25 white-collar employees in addition to warehouse staff. No one can afford to live in Boulder. We’re a start-up, which brings amazing energy, and if [the city] can’t provide affordable places to live, we’ll leave, we’ll go to Longmont.”*

—Start-up business owner

*“We have 250 employees and have discussed moving to I-25 and US 36, near Westminster. We lose employees because they can’t afford to live here. We have trouble keeping lower-wage employees.”*

—Financial institution executive

*“The vibe of the corridor is pretty lame--traffic, noise, businesses with big parking lots, curb cuts. It’s not pleasant for walking or biking because distances between attractors are too great. But it has good potential, with lots of single-story buildings surrounded by parking that could be much better. It has more potential than any other corridor in Boulder.”*

—Director of nonprofit organization



*“We need another walkable mixed-use environment like downtown Boulder. I love open space and don’t want to create a sprawling environment. I want a walkable urban place that creates an opportunity for young people to live here. If not, this place will stagnate and die.”*

—Start-up business owner

*“People want lifestyle where they can walk from their office to get a beer and some food.”*

—Planning board member

*"Most employees live in Longmont or other places because they can't live here. We need housing less elaborate than Boulder Junction, like the micro unit idea."*  
—Financial institution executive

*"We obviously have a problem with housing at \$1-million-plus here. We have a lot of entry-level early career employees, and that presents a problem for recruiting and creates long commutes. It's a bit of a challenge for us. There's a lot of discussion about land use and housing, and how we facilitate that in a politically charged environment."*  
—Start-up business executive

*"I love the idea of residential, maybe on top of warehouses or office buildings....also townhomes and apartments and mixing them between buildings. [We need] that energy you can feel on the Hill....Our employees are young."*  
—Start-up business owner

*"A lot of businesses need incubator work space. We want to keep incubator companies and allow them to expand."*  
—Local business owner

*"How do we stitch residential into these new use areas? That would go a long way to making a neighborhood."*  
—Former planning board member

*"I have a general concern about replacing services and industrial and small businesses, things like a car wash and upholstery shop. This discussion about displacement was exactly what we had for Boulder Junction, because there we lost services that got replaced by housing. So there are plenty of opportunities here for housing, but I would register my concern that we pay attention to smaller businesses."*  
—Former city council member

*"I'd hate to see [the study area] redeveloped in a way that would displace its industrial edginess, but I could see making it work for more intense use on site and have cheaper spaces for affordable businesses as well as housing."*  
—Alternative transportation advocate

*"I would be cautious about total redevelopment of the area. North of the tracks, there are big buildings with primary jobs. South of tracks, the buildings themselves aren't as substantial."*  
—Architect

*"Make a big bold statement—lots of housing, different sizes and types, for all stages of life."*  
—Housing advocate

*"Multifamily housing could work here, as we have good transit and transportation corridors to get to Denver."*  
—Landowner

*"We need more density, and four-to-five-story buildings" to create more affordable housing as well as efficiencies in the cost of construction."*  
—Affordable housing advocate

*"Boulder needs a willingness to experiment more. We need freedom to make a mistake or two. We have a lot of two and three-story flat-roof buildings."*  
—Affordable housing advocate

*"There aren't that many neighborhoods around [the study area] that will object, so this could be a real opportunity to experiment... We've been talking for some time about changing the height limit as we go east, and here is where it might be easier to protect the views."*  
—Former city council member

*"I have 20 employees, and about half make \$30,000 average annually, and half make \$15 per hour median. Our people who live in town generally have a spouse who makes more or has been here a long time. Younger staff have a hard time staying in Boulder. This affects hourly workers because they commute from so far. As an employer, I'd like more housing, not necessarily all affordable, but rentals that are inexpensive enough that they are affordable. Most service jobs are filled by people in their 20s."*  
—Director of nonprofit organization

*"How can we provide more housing types for more different types of lifestyles? Also how do we create a place along East Arapahoe with 15-minute neighborhoods for people to live and work there? That's the opportunity for East Arapahoe. It could become an amazing place."*  
—Transportation planner



Local business leaders being interviewed by the panel.



## X. ULI Volunteer Panelists and Acknowledgments



**Renee Martinez-Stone** is the Director of the West Denver Renaissance Collaborative (WDRC), an initiative of the Denver Housing Authority (DHA), City and County of Denver, and several local non-governmental organizations. The mission of the WDRC is to foster equitable revitalization in West Denver, advance the livelihood of existing residents, leverage local partners and community leaders, and help neighborhoods to preserve and amplify their existing multicultural character. At the WDRC, Renee is working to align resources, critical assets, leaders, and investments in West Denver with the goal of moving community priorities and investment opportunities from concept to implementation. Renee’s prior work includes many Denver metro infill redevelopment projects 1996 to present, where she has provided master planning, site development studies, and revitalization strategies for more than 20 years as a private consultant. Renee’s “community-based” approach has creatively incorporated community stakeholders into plans and award-winning built projects with meaningful outcomes. Renee is a fifth-generation Colorado native, wife, and mother of two daughters.

**Chris Achenbach** is founder of Urban Roots Development Company, and is committed to crafting sustainable, profitable, outside-of-the-box, mixed-use development projects. As a licensed Architect and Class A General Contractor, Chris brings technical know-how together with extensive development experience delivering some of the most sustainable and successful projects in the Denver region. Before Urban Roots, Chris co-founded Zocalo Community Development, Inc where he served as Principal for 12 years, overseeing the design, development, and construction of numerous signature mixed-use and residential projects throughout the area. These projects helped shape the character of Denver’s redeveloping neighborhoods, and delivered record breaking financial returns while redefining the role of sustainability in large scale, institutional sized development projects. Chris’s project experience includes Solera, downtown Denver’s first LEED Gold high-rise apartments; 2020 Lawrence, 231 units and LEED Gold in the ballpark neighborhood; Cadence, a pioneering 13 story LEED Gold apartment building in the heart of Denver Union Station; Coda Cherry Creek, 12 stories and 182 units of LEED Gold high-style living in Denver’s finest urban neighborhood, and The Grove Stapleton, 160 LEED Gold apartments for residents 55 and older. Chris served as Chair of ULI Colorado’s Executive Committee from 2011 to 2013.



**Ann Bowers**, Principal and Project Manager in Fehr & Peers’ Denver office, has over twenty-five years of comprehensive transportation engineering and planning experience. Ann has a keen understanding of the dynamic between land use and transportation in the often challenging environs of the Greater Metro Denver area and the Rocky Mountain region. Her areas of expertise include the most advanced, state-of-the-practice transportation analysis techniques and working with clients to achieve positive and sustainable transportation solutions that improve communities. This has led her to work with clients as diverse as small landowners, large developers, consulting firms, city agencies, and state and local agencies. Ann is a registered Professional Engineer in Colorado, Utah, Wyoming, and Idaho and is also a certified Professional Traffic Operations Engineer (PTOE).



**Dr. Glenn Mueller** teaches investment, development and real estate capital markets (REIT & CMBS) courses at the University of Denver. He chairs the school’s Appointment, Promotion & Tenure (APT) committee & is a member of Daniels College APT committee. Dr. Mueller provides Real Estate Market Cycle Research and Investment Strategy for Dividend Capital and Black Creek’s Institutional Real Estate Investment Groups, Non-Traded and Public REIT groups. He was also investment committee chairman of Dividend Capital Investments from 2005 to 2008 when the fund was sold. Dr. Mueller has 40 years of real estate industry experience, including 32 years of research, with 100 published articles in areas of real estate market cycle analysis, real estate securities analysis (REITs), public and private market investment strategies real estate capital markets, portfolio,



investment and diversification analysis. Dr. Mueller received the Richard Radcliff Award for Groundbreaking Research in Real Estate Market Cycles by The American Real Estate Society in 2010, the Graaskamp Award for Research Leadership from the American Real Estate Society in 2004 and the Graaskamp Award for Research Excellence from the Pension Real Estate Association in 2001. He was the Co-Editor of the Journal of Real Estate Portfolio Management 2000-2014. Prior to DU and Dividend Capital, Mueller was a professor at Johns Hopkins University and Colorado State University. He has held top research positions at Legg Mason, Price Waterhouse, ABKB/LaSalle Investment Management, and Prudential Real Estate Investors. He was also a developer/builder in New England. Mueller holds a B.S.B.A. from the University of Denver, an MBA from Babson College, and a Ph.D. in Real Estate from Georgia State University.



**John Norris** formed The Norris Design Company in 1985 to provide comprehensive professional services in land planning and landscape architecture. He has worked with both the private and public sectors, and throughout his 32 years of practice has been responsible for planning and landscape architecture of new and renovated campus projects as well as educational, health care, athletic facilities, parks and recreation, community planning, commercial and institutional projects. His ability to quickly grasp the complexities of a project has resulted in John's recognition locally and nationally for his creative, dramatic and functionally sound design solutions. A meticulous and conscientious project administrator, he works well as a team leader and as a contributing team member.

With more than three decades of design and project management experience, **Terry Willis** serves as principal and leader of KTG Architecture and Planning, guiding the design and implementation of a wide variety of high-profile developments. His skills and considerable expertise include creative planning, architectural design, technical and management leadership in the design and construction of residential, commercial, institutional, hospitality, transit-oriented and mixed-use developments throughout the U.S. and internationally. Mr. Willis' LEED accreditation and experience in designing sustainable buildings, both as a way to reduce client operating costs, and as a function of corporate citizenship, are a tremendous long-term benefit to clients. With extensive mixed-use and residential experience across the Rocky Mountain region, Mr. Willis has worked to create both Stapleton's E. 29th Ave. Town Center in Denver, and the master plan for Forest City Enterprise's Central Park Station project at the Stapleton community's only rail stop. In addition, he has led the design team for the St. Julian Hotel and the 900 West Pearl projects in Boulder. Known for providing design solutions and strategy that root his projects to their context, Mr. Willis is at the forefront of some of Colorado's most forward-thinking architecture. Mr. Willis is a graduate of The Ohio State University with a Bachelors and Master of Architecture degree, followed by leadership positions at SOM and Urban Design Group/4240 Architecture prior to joining KTG as principal of the Denver studio.



## Acknowledgments

Boulder Chamber: John Tayer, Elisabeth Patterson, and Andrea Meneghel

Ken Hotard and Boulder Area REALTOR Association

Clif Harald, Boulder Economic Development Council

City of Boulder Comprehensive Planning, Go Boulder/Transportation, and Affordable Housing Staff

ULI COLORADO STAFF: Michael Leccese, Eric Swan, Sarah Franklin, Charles Allison-Godfrey

ULI Colorado TAPs Committee Co-Chairs: LaDonna Baertlein and Al Colussy

Additional research: Joan Campbell, Urban Land Institute, and Ellen Dunham-Jones, Georgia Tech

Writer: Kathleen McCormick, Fountainhead Communications, LLC



## VI. Overview of ULI Colorado Advisory Services



**Overview of ULI Advisory Services:** Since 1947, the national ULI Advisory Services program has assembled 400-plus ULI-member teams to help sponsors find solutions for issues including downtown redevelopment, community revitalization, and affordable housing, among other matters. In Colorado, ULI Advisory Services have provided solutions for such key sites as the Colorado Convention Center, Coors Field, Fitzsimons, and the Denver Justice Center. ULI Colorado’s Technical Advisory Panels (TAPs) offer the same expertise at the local level. Each panel is composed of qualified and unbiased professionals who volunteer their time. Panel chairs are respected ULI members with previous panel experience. Since 2003, ULI Colorado has completed more than 50 TAPs leading to positive policy changes and built projects.

The Colorado District Council of the Urban Land Institute (ULI Colorado) is the 1,400-member field office of the global ULI, a 501-c-3 nonprofit dedicated to best practices in land use. ULI Colorado mobilizes the volunteer skills of members from 26 different professions for the betterment of careers and communities. ULI’s key issues included affordable housing, building healthy places, diversity, economic revitalization, transit-oriented development, and compact, walkable development. ULI Colorado is led by volunteer chair Amy Cara, a partner in East West Denver. The staff includes executive director Michael Leccese, director Eric Swan, manager Sarah Franklin, and associate Charles Allison-Godfrey. ULI Colorado conducts 40+ programs a year including panel discussions, project tours, advisory services, mentoring and leadership, community service and publications.

Colorado District Council of the  
Urban Land Institute (ULI Colorado)  
1536 Wynkoop Street, Suite 211 Denver, Colorado 80202  
303.893.1760 Colorado@uli.org Colorado.uli.org

ULI – The Urban Land Institute  
2001 L Street NW, Suite 200 Washington, D.C. 20036 ULI.org



The Shiny clothing retailer, Blackbelly restaurant and Wild Woods brewery are three examples of creative and economic energy coming into the district.

**From:** John Malenich  
**To:** [Council@bouldercolorado.gov](mailto:Council@bouldercolorado.gov); [Boulder County Board of Commissioners](mailto:Boulder County Board of Commissioners); [ellis@bouldercolorado.gov](mailto:ellis@bouldercolorado.gov); [HyserC@bouldercolorado.gov](mailto:HyserC@bouldercolorado.gov); [boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov); [#LandUsePlanner](#); [Fogg, Peter](#); [Shannon, Abigail](#); [Giang, Steven](#); [hirtj@bouldercolorado.gov](mailto:hirtj@bouldercolorado.gov); [ZachariasC@bouldercolorado.gov](mailto:ZachariasC@bouldercolorado.gov)  
**Subject:** Preserve 4-Body Review in BVCP  
**Date:** Thursday, June 08, 2017 11:26:56 AM

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Dear All:

As a citizen of the City of Boulder and County of Boulder, I call on each of you to preserve the 4-Body Review Process in the Boulder Valley Comprehensive Plan for all Areas. The 4-Body Review Process of the BVCP is an essential component of the BVCP and has served to protect our County's environment and quality of life and ensure that all affected parties are involved in land use, development and planning decisions that impact the entire region. This approach has been a model for other communities and has been instrumental in making our County such a desirable place to live and work. The 4-Body Review Process is what has made the BVCP so successful at reaching its goals and having a planned--rather than haphazard--approach to land use. Without 4-Body Review, the BVCP have greatly diminished ability to allow for well-thought-out and democratically representative land use and planning decisions. The lack of 4-Body Review will essentially undermine the very purpose why the BVCP was put in place. Even as a resident of the City of Boulder, I recognize that it is crucial for all four of these bodies--and by extension all of the citizens of our County--to have a seat at the table for important land use decisions that significantly impact us all. Therefore, I strongly urge each of you to steadfastly support the 4-Body Review Process in the BVCP for all areas.

Regards,

John Malenich

2111 Spruce St., Boulder, CO

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This email has been checked for viruses by Avast antivirus software.  
<https://www.avast.com/antivirus>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#362]  
**Date:** Thursday, June 08, 2017 11:31:49 AM

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Name \* John Malenich

Email \* [john.malenich@comcast.net](mailto:john.malenich@comcast.net)

Address (optional)  2111 Spruce  
Boulder, CO 80302  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

As a citizen of the City of Boulder and County of Boulder, I call on each of you to preserve the 4-Body Review Process in the Boulder Valley Comprehensive Plan for all Areas. The 4-Body Review Process of the BVCP is an essential component of the BVCP and has served to protect our County's environment and quality of life and ensure that all affected parties are involved in land use, development and planning decisions that impact the entire region. This approach has been a model for other communities and has been instrumental in making our County such a desirable place to live and work. The 4-Body Review Process is what has made the BVCP so successful at reaching its goals and having a planned--rather than haphazard--approach to land use. Without 4-Body Review, the BVCP have greatly diminished ability to allow for well-thought-out and democratically representative land use and planning decisions. The lack of 4-Body Review will essentially undermine the very purpose why the BVCP was put in place. Even as a resident of the City of Boulder, I recognize that it is crucial for all four of these bodies--and by extension all of the citizens of our County--to have a seat at the table for important land use decisions that significantly impact us all. Therefore, I strongly urge each of you to steadfastly support the 4-Body Review Process in the BVCP for all areas.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#363]  
**Date:** Saturday, June 10, 2017 10:10:48 AM

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Name *	Judy Nogg
Email *	<a href="mailto:judynogg@aol.com">judynogg@aol.com</a>
This comment relates to: *	General BVCP
Comment: *	<p>Hi,</p> <p>Thanks for the opportunity to comment.</p> <p>I find it amost Orwellian that "height" is considered to be a "community benefit".</p> <p>The vistas in our county and the general loveliness of our county are among its best features.</p> <p>"Height" is a benefit only to the developers.</p> <p>There are much better ways to support affordable housing.</p> <p>Thanks again and best wishes.</p> <p>Judy Nogg</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#364]  
**Date:** Tuesday, June 13, 2017 1:59:52 PM

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Name \* Christopher Macor

Email \* [christophermacor@gmail.com](mailto:christophermacor@gmail.com)

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.


Christopher Macor

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#365]  
**Date:** Tuesday, June 13, 2017 2:04:23 PM

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Name *	- Coco
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Phone Number (optional)	(303) 817-4145
Address (optional)	 Boulder, CO 80304 United States
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.


Thank you,

Coco

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#366]  
**Date:** Tuesday, June 13, 2017 3:40:07 PM

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Phone Number (optional)	(303) 516-1618
Address (optional)	 Boulder 80301 United States
This comment relates to: *	Changes to BVCP

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Anna Gayer

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#367]  
**Date:** Tuesday, June 13, 2017 4:03:03 PM

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Name *	richard Dash
Email *	<a href="mailto:richarddash@msn.com">richarddash@msn.com</a>
Address (optional)	 6676 Olde Stage Rd. Boulder, Colorado 80302 United States
This comment relates to: *	4 party review of land use
Comment: *	Please don't let a group of un-elected people decide land use for the city and county. Too much influence and temptation for graft.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#368]  
**Date:** Tuesday, June 13, 2017 4:12:33 PM

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Name \* Anne Rojo

Email \* [annerojo@mac.com](mailto:annerojo@mac.com)

This comment relates to: \* Policy Updates

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Respectfully,

Anne Rojo

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#369]  
**Date:** Tuesday, June 13, 2017 4:15:01 PM

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Name \* Cameron Lund

Email \* [cammylund@gmail.com](mailto:cammylund@gmail.com)

Phone Number (optional) (720) 219-7718

This comment relates to: \* Policy Updates

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Please check box below \*


I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#370]  
**Date:** Tuesday, June 13, 2017 4:32:39 PM

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Name \* Glennis Walters Smith

Email \* [glennis12@icloud.com](mailto:glennis12@icloud.com)

Address (optional)  25 S. Cedar Brook RD.  
Boulder, CO 80304  
United States

This comment relates to: \* Changes to BVCP

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Glennis Smith

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#371]  
**Date:** Tuesday, June 13, 2017 5:18:36 PM

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Name *	Denise Barnes
Email *	<a href="mailto:mindbodymagic@hotmail.com">mindbodymagic@hotmail.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures). The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Denise Barnes

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#372]  
**Date:** Tuesday, June 13, 2017 5:44:32 PM

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Name *	David Hatcher
Email *	<a href="mailto:davidhh51@yahoo.com">davidhh51@yahoo.com</a>
Phone Number (optional)	(720) 480-1051
Address (optional)	 Boulder, CO 80301 United States
This comment relates to: *	Amendment Procedures for the Boulder Valley Comprehensive Plan

**Comment: \***

Dear Members of City Council and the Planning Board,

The Amendment Procedures for the Boulder Valley Comprehensive Plan (BVCP) need to remain in the Boulder Valley Comprehensive Plan (with voting to amend them retained to the four governing bodies – Boulder City Council, Boulder Planning Board, Boulder County Commissioners, and Boulder County Planning Commission) and not be moved to the Intergovernmental Agreement (where only the Boulder City Council and Boulder County Commissioners will have a vote on the amendment procedures).

The Amendment Procedures in the 2010 BVCP should be retained and the four body review for changes to Area II and Area III lands should remain and not be changed to the two body review. Retaining the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Thank you for your hard work in ensuring that appropriate checks and balances remain in our local government and that equitable policies and procedures are retained for all citizens of the Boulder Valley.

Yours,  
David Hatcher

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** Hildy Kane  
**Subject:** Yes! to the four-body review of land use changes in Area II  
**Date:** Wednesday, June 14, 2017 7:16:22 AM

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Dear All,


I **strongly believe not** to eliminate the four-body review of land use changes in Area II (most of Gunbarrel is in Area II). This would strip the County of any say in land use changes for these unincorporated lands and give the City unilateral power, without checks and balances. The 4-body review and amendment procedures of the BVCP need to remain as they are in the 2010 BVCP.

I have been a resident of Boulder for 37 years and have seen the land be used up for anything but environmental justice. I stand emphatically against this change and ask as my representatives that you all do to!!!

Best,  
Hildy Kane  
2683 Juniper Avenue  
Boulder 80304  
303-717-1257

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#373]  
**Date:** Wednesday, June 14, 2017 9:26:34 AM

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Name *	Kimberly Gibbs
Organization (optional)	Gunbarrel resident
Email *	<a href="mailto:kgibbsboulder@gmail.com">kgibbsboulder@gmail.com</a>
Phone Number (optional)	(303) 530-6918
Address (optional)	 7468 Mt. Sherman Road Longmont, CO 80503 United States

This comment relates to: \* Policy Updates

Comment: \*

I am a longtime Gunbarrel resident and I also own investment residential property in unincorporated Boulder County (Gunbarrel and Niwot.) I urge you in the strongest terms to maintain the 4-body review for land use changes. It is unbelievable to me that the 4-body review process is under attack, and that the city of Boulder is seeking to have sole decision-making authority over land use designation of unincorporated parcels.


Residents of unincorporated areas have ONLY the county commissioners to represent us on these important decisions. Gunbarrel is not Boulder and does not want to be part of Boulder. Dismantling the 4-body review would have serious negative consequences for residents of unincorporated areas.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#374]  
**Date:** Wednesday, June 14, 2017 10:20:48 PM

---

Name *	Will Toor
Organization (optional)	Better Boulder
Email *	<a href="mailto:willtoor@gmail.com">willtoor@gmail.com</a>
Phone Number (optional)	(303) 591-6669
Address (optional)	 3032 10th St Boulder, CO 80304 United States

This comment relates to: \* CU South

Comment: \*

Dear commissioners and planning commissioners,

I am submitting the attached comments on behalf of the Better Boulder steering committee, asking you to approve the land use designation changes for CU South. Not only is this the only practical way to get additional flood protection for downstream residents, it is also an important opportunity to provide significant amounts of housing for faculty, staff and students, helping to address our critical need for more housing.

-Will Toor

Attach a File (optional)

 [2017\\_0613\\_cu\\_south\\_bb\\_county.pdf](#)  
135.43 KB · PDF

Please check box below \*

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June 13, 2017

To the Boulder County Commissioners and County Planning Commissioners:

Better Boulder supports the proposed adjustments in the Boulder Valley Comprehensive Plan update that will accommodate annexation of the CU Boulder South property, and we urge the county commissioners and planning commission to allow this to move forward.

There are several reasons that we support this change. First is due to the flood issues. The county is only too familiar with the dangers posed by flooding, after the experience of the 2013 floods. It is important to provide protection to the downstream residents along South Boulder Creek, and this annexation agreement would allow the use of a significant portion of CU's property for this purpose.

The second reason is the contribution this property can make to our housing crisis. You are well aware of the problems that have been caused by the lack of attainable housing in Boulder (and increasingly in the rest of the county). As the economy in Boulder County has boomed, housing prices have risen far faster than inflation, forcing many people to live far from the places they work or go to school. As college professors, students, teachers, police officers, service workers and others are forced out of the community, we all suffer. Commutes get longer, burdening our transportation system, driving up emissions, and burdening the commuters with hours spent getting to and from work, instead of with their children or working on their schoolwork. From a climate perspective there is enormous value to providing housing closer to where the jobs are, and to providing multifamily housing, with the lower energy use that comes from smaller units and shared walls, and the outstanding sustainable design that we can expect from the university. When we say no to housing, our communities lose diversity, and lose the value that comes from having nurses and teachers able to actually live in and participate in the community in which they work.

We do hope that the amount of housing on the property can be significantly higher than the number of units that have been discussed by the university to date. CU has over 10,000 employees in Boulder, and about half live outside the city limits and contribute

to climate and traffic problems relating to in-commuting. Any CU employees or students housed on this site will be one less person commuting into the city every day.

Better Boulder believes the University of Colorado and the City of Boulder should agree to final annexation terms for the CU Boulder south property that will focus the use on housing, and facilitate higher housing density levels, given the great need for affordable faculty, staff and student housing and the opportunity to reduce the amount of in-commuting associated with CU activity.

We also will want to see innovative approaches to transportation. CU is probably the best institution in the county at reducing driving, with its combination of Ecopasses for faculty, staff and students; direct investment in transit service buy-ups; paid parking and relatively low parking ratios; and investments in good bicycle and pedestrian infrastructure. Providing more housing for faculty, staff and students at CU South will allow more university affiliates to live close enough to campus that non driving options will work well for them, and the university can make this even stronger through approaches such as direct shuttle links to campus, and by innovative policies such as only very limited campus parking permits for residents of CU South.

However, we understand that discussion of these specific site planning opportunities will occur outside of the Comprehensive Plan update process. Therefore, at this time, we simply offer our support for the necessary Comprehensive Plan adjustments that will accommodate annexation of the CU Boulder South property.

The third reason is perhaps less tangible than the flood and housing and transportation benefits, but is no less important. That is the role of the university in our county. The University of Colorado is key to the soul of Boulder. Its presence is a central economic driver. The young people it brings help to continually renew our ideas. The cultural opportunities it brings are unique. And the scientific presence rooted at CU is central to our area's understanding of and commitment to climate action. Assuring a long-term future for CU in Boulder is one of the most important things we can do for our community.

The bottom line is that the annexation of this property will provide both local benefits to the city, and important benefits to the county as a whole. Please support this comprehensive plan change.

Better Boulder  
Sue Prant and Ken Hotard, co-chairs

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#376]  
**Date:** Saturday, June 17, 2017 1:29:35 PM

---

Name \* Sharon Menard

Email \* [SLMenard@aol.com](mailto:SLMenard@aol.com)

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \* See attached file

Attach a File (optional)



[the\\_countys\\_planning\\_commission.docx](#)

152.06 KB • DOCX

Please check box below \*

- I acknowledge receipt of the Open Records Notification

The County's Planning Commission SHOULD CONTINUE to be included in the decision making process of the Boulder Valley Comprehensive Plan..

From the standpoint of an unincorporated County citizen, which I am, those of us have very few governmental entities to represent us and hear our voices. I think we need as many avenues for democracy that we can get. We have come to rely on this long time process that has served both the City and the County well. Mary Young had that one right when she said, "If it isn't broke, why fix it"?

As a side note: I think the BVCP was incorporated into the Boulder County Plan. As such, by state law, the Boulder County Plan is the province of the Boulder County Planning Commission. Decision making authority for the Plan belongs to the Planning Commission and only the Planning Commission. I don't think the state law has changed since I was twice a member of that board. Tell me if I am wrong? This suggests that the City of Boulder can NOT eliminate the Planning Commission from the four body process. They can eliminate their own Planning Board if that suits them.

Now let's look at the other side of this issue. Here is food for thought:

The Boulder County Court House is located in the City of Boulder. It is owned by the County. As I understand it, the County is subject to the City's regulations. Whether the County does so as a matter of courtesy or the County is required by law, the County does take input from the City and does try to meet their requirements. For example, the historical designation.

Should the County take steps to remove the City from its property's decision making process? And by the way, the same thing applies to the University, which is an arm of the state government. Interesting question, to say the least.

Let's pursue this thought process one step further. With the tremendous growth in Boulder County and shifting population centers: Does the center of Boulder County's government still belong in the City of Boulder? Would not the County population be better served in some other location more central? It might be another city. It might be in unincorporated Boulder County.

Just think of the possibilities. By removal of the County central administration from the City of Boulder, perhaps all the traffic clogging the roadways in and out of Boulder and housing (affordable?) problems could be solved in this one act. The tax revenues for the County, and its cities, could be better balanced.

I am sure the City of Boulder relishes being the center of the Boulder County world, but after all these years and all the population and geographic changes in the County maybe it is time to consider changes in keeping with the times.

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#377]  
**Date:** Monday, June 19, 2017 7:14:53 AM

---

Name *	Audrey Baisley
Email *	<a href="mailto:aperkins0@gmail.com">aperkins0@gmail.com</a>
This comment relates to: *	Planning department
Comment: *	Hi, I'm looking for some information that will guide me on how to put a tiny home on my parents property, I believe their zoning is forestry and there is an existing house on the property. Are tiny home is currently on a trailer and has wheels, am I allowed to place it on the property as is? Thank you for your help!
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#378]  
**Date:** Monday, June 19, 2017 9:43:15 AM

---

Name \* Juliet Gopinath

Email \* [julietgopinath@yahoo.com](mailto:julietgopinath@yahoo.com)

This comment relates to: \* Policy Updates

Comment: \*

The proposed changes to the Boulder Valley Comprehensive Plan will destroy Boulder as we know it. We love the fact that we have open and green space and that development is limited. Please don't gut a document that has provided sage guiding principles for many years and made Boulder the desirable place it is today. Do not make these changes – it's not about giving a carte blanche to developers, removing height and density restrictions, and removing protections on open space. We will regret these for many years to come. Remember it's not about developer's money, but instead about the residents who live here!

I hope you actually are influenced by the comments you receive. I often feel that our elected officials and staff have made up their minds in spite of public opinion. Remember, it is your job to represent your constituents, not to ram an agenda down our throats.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#379]  
**Date:** Monday, June 19, 2017 9:47:53 AM

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Name *	Juliet Gopinath
Email *	<a href="mailto:julietgopinath@yahoo.com">julietgopinath@yahoo.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

There is a reason why land use changes are reviewed carefully – they have consequences for everyone. By eliminating the four body review process and giving the city control over area II, you have just disenfranchised residents who live in unincorporated Boulder County. We don't vote for city officials and are not represented by them.

This development is sickening and disheartening and should not even be on the table. Doing away with the four body review process is illegal and against Colorado State Law. DON'T DO IT! In the words of Suzanne Jones, Mayor of Boulder, 'if the system is working, don't break it!'

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#380]  
**Date:** Monday, June 19, 2017 1:51:16 PM

---

Name \* Ruth Wright

Email \* [ruthwright1440@gmail.com](mailto:ruthwright1440@gmail.com)

Phone Number (optional) (303) 443-8607

Address (optional)  1440 High Street  
Boulder, CO 80304  
United States

This comment relates to: \* CU South

Comment: \* See Attached Comments

Attach a File (optional)



[south\\_boulder\\_creek\\_ruth\\_comments\\_for\\_commissioners\\_61917.docx](#)

18.09 KB · DOCX

Please check box below \*  I acknowledge receipt of the Open Records Notification

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To: Boulder County Commissioners and Boulder County Land Use Commission

FROM: Ruth Wright

Subject: Comment on South Boulder Creek/ CU South Campus for hearing on June 28, 2017

This decisions you will make may be the most important ones in your entire public career, and resonate for decades. The following are abbreviated comments, well-researched, but without citations to save space.

1. Protection of the West Valley residents, now and into the future is the number one goal. The project must be designed to fully protect their lives from flood flows now and into the future. Now is the time to do it right.
2. The flood control project must be designed for greater flood storms than the 1% probability storm (100-year), preferably for the .02% probability storm (500-year). Climate change will bring more erratic and more intense storms.
3. This whole issue should be on a separate track. There are too many unanswered questions.
4. Who will own the property? This fundamental decision has not been made yet! The City Attorneys Office should have nailed this one before proposing that we spend \$22 million on the project. Can you imagine the future opportunities for mayhem this could cause over the life of the project?
5. Approval of Option D is premature. It has many problems. One is that the spillway dumps flood waters onto highway #36 where they flow west directly to the residents of the West Valley. And the detention pond storage may be inadequate. CU insisted that they be able to maximize development. So additional excavation is planned – but the groundwater is high, so the excavation will already be filled when flood flows arrive.
6. Since it will be a high hazard dam, state standards require testing of the geology and the groundwater flowing from one side of the dam to the other.
7. Designating uses of CU South Campus in the BVCP is premature. When the numerous problems with Option D are pointed out, City staff says they will be corrected in the design phase. But that may mean reconfiguration or enlarging the footprint of the project. More or different CU property may be needed. Which brings us to the next issue.
8. It would be a terrible mistake to grant CU its request to designate much of its property as “public” at this time because you (and we as taxpayers) would be giving away one of our biggest bargaining chips before annexation. Also, CU is pricing its “public” land at \$19 per square foot, that is, more than \$800,000 per acre ! Wouldn't it be ridiculous for us to have to buy back land we generously designated as “public” in order to build an adequate project ?


9. CU is a tough negotiator. City Manager Frank Bruno and I tried negotiating in 2003 regarding the same property without success. Our negotiating team for the annexation contract must be just as tough and thorough, resulting in a detailed contract addressing a multitude of issues, that will work for us in the coming decades. Once the property is annexed, as a state entity, CU has sovereignty and is no longer under City or County control. This is why we should not be giving away our bargaining chips now.
10. Any designation that may be granted that is not flood control or open space oriented must be legally contingent on the outcome of four studies: flood flows (including 500-year), geological testing, groundwater testing and high-value habitat conservation evaluation.
11. No development should be permitted in the 500-year floodplain on the CU Campus or in the West Valley.
12. It would be useful to do a study on the impacts of the removal of the CU levee. How did the levee affect flood flows during the 2013 storm? The levee has been a sore point for decades – taking gravel- pit property, which is 15 feet below the rest of the South Boulder Creek Valley, out of the 1% floodplain. National and Colorado policies now state that no levees should be built in order to protect undeveloped land so that it can be developed. The argument FOR CU development is that these policies were adopted after the levee was certified. But certainly the spirit of these policies is being violated.

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#381]  
**Date:** Monday, June 19, 2017 4:32:31 PM

---

Name \* Harold Hallstein

Email \* [hal.hallstein@gmail.com](mailto:hal.hallstein@gmail.com)

Address (optional)  3664 Pinedale St.  
Boulder, CO 80301  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Dear County Officials,

I'm writing to say that the rollback of the 4 body review is completely unacceptable. It will dramatically undermine the County's citizen input into the planning process. Further, it is essentially a cousin of spot zoning in the sense that this update is only being considered due to a couple Boulder City Council members simplistic reactions to a single project.

The current policy works perfectly fine. City Council members need to grow up and understand that democracy works. They should not start down a path of modifying long held and working systems to get their way on short-term goals. It has enormous moral hazard.


A rollback is completely authoritarian and anti-democratic, and I frankly can't believe it being considered with any seriousness. The fact it is being considered undermines everything I respect about American civics, and reduces my confidence in our local government dramatically. There is time to correct this egregious request – and deny it.

Thank you for your consideration.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#382]  
**Date:** Monday, June 19, 2017 5:43:21 PM

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Name *	Kim Calomino
Organization (optional)	University of Colorado Boulder
Email *	<a href="mailto:kim.calomino@colorado.edu">kim.calomino@colorado.edu</a>
Phone Number (optional)	(303) 492-2626
Address (optional)	 914 Broadway, Room 290 90 UCB Boulder, CO 80309 United States
This comment relates to: *	CU South

**Comment: \***

June 19, 2017

Dear Chair Gardner, Commissioners, Chair Feinberg Lopez and Planning Commissioners, We appreciate all the hard work by county staff and the thoughtful input by the Board of County Commissioners, the County Planning Commission, and the many citizens who have shared their priorities and desires for the CU Boulder South site.

For many years Boulder County and CU Boulder have enjoyed a relationship of productive collaboration in support of our shared values. We believe the BVCP process and conversations around CU Boulder South benefits from that history and signals a continued era of collaboration and partnership.

It is through communication, collaboration and a willingness to find appropriate compromise that we can meet our mutual objectives. To that end, we have been listening carefully over the last year during meetings with public officials as well as with the residents of Boulder to understand what the community wants at CU Boulder South.

Many of the themes from those community conversations are entirely compatible with our shared values and objectives. These include:

- Flood mitigation
- Workforce, faculty and non-freshmen housing
- Protection and enhancement of natural habitat
- Areas for open space
- A robust trail system, including a connection between US 36 and the South Boulder Creek Trail
- Continued public access
- Recreation fields for shared community use
- Extensive use of alternative transportation and multimodal mobility
- Sustainability and resiliency

CU Boulder developed a draft concept plan, which we shared with you and the community. The plan was intended to better express CU Boulder's initial thinking as it relates to uses and future development. We also wanted to demonstrate how the site could include all the features that have been articulated as priorities in the draft comprehensive plan as well as many priorities expressed by the public. Working with the community, we will continue to refine the draft concept plan to help ensure alignment between the comprehensive plan and our future planning efforts for the site. We remain flexible and attentive to the ongoing conversations with the intention of finding that

alignment of community needs and desires while also meeting the university's future needs and responsibly managing the state's assets.

We count ourselves fortunate to be in a community where collaboration is the method of choice in pursuing shared values and goals. We look forward to continued engagement with the community as we work to marry our concepts and goals with the community's objectives in alignment with the Boulder Valley Comprehensive Plan.

We express our appreciation to everyone who participated and will continue to participate in this process. We urge you to approve land use designations and guiding principles that will provide a balanced approach to meeting some of the community's needs and desires while also providing CU Boulder the appropriate flexibility for future development. You have our commitment to continue working collaboratively with you and the community in our planning efforts going forward.

Sincerely,

Frances Draper David Kang

Vice Chancellor for Strategic Relations Vice Chancellor for Infrastructure and Safety

Attach a File (optional)



[letter\\_to\\_bocc\\_planning\\_commissh\\_for\\_public\\_hearing\\_62817.pdf](#)

48.98 KB • PDF

Please check box below \*

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June 19, 2017

Dear Chair Gardner, Commissioners, Chair Feinberg Lopez and Planning Commissioners,

We appreciate all the hard work by county staff and the thoughtful input by the Board of County Commissioners, the County Planning Commission, and the many citizens who have shared their priorities and desires for the CU Boulder South site.

For many years Boulder County and CU Boulder have enjoyed a relationship of productive collaboration in support of our shared values. We believe the BVCP process and conversations around CU Boulder South benefits from that history and signals a continued era of collaboration and partnership.

It is through communication, collaboration and a willingness to find appropriate compromise that we can meet our mutual objectives. To that end, we have been listening carefully over the last year during meetings with public officials as well as with the residents of Boulder to understand what the community wants at CU Boulder South.

Many of the themes from those community conversations are entirely compatible with our shared values and objectives. These include:

- Flood mitigation
- Workforce, faculty and non-freshmen housing
- Protection and enhancement of natural habitat
- Areas for open space
- A robust trail system, including a connection between US 36 and the South Boulder Creek Trail
- Continued public access
- Recreation fields for shared community use
- Extensive use of alternative transportation and multimodal mobility
- Sustainability and resiliency

CU Boulder developed a draft concept plan, which we shared with you and the community. The plan was intended to better express CU Boulder's initial thinking as it relates to uses and future development. We also wanted to demonstrate how the site could include all the features that have been articulated as priorities in the draft comprehensive plan as well as many priorities expressed by the public. Working with the community, we will continue to refine the draft concept plan to help ensure alignment between the comprehensive plan and our future planning efforts for the site.

We remain flexible and attentive to the ongoing conversations with the intention of finding that alignment of community needs and desires while also meeting the university's future needs and responsibly managing the state's assets.

We count ourselves fortunate to be in a community where collaboration is the method of choice in pursuing shared values and goals. We look forward to continued engagement with the community as we work to marry our concepts and goals with the community's objectives in alignment with the Boulder Valley Comprehensive Plan.

We express our appreciation to everyone who participated and will continue to participate in this process. We urge you to approve land use designations and guiding principles that will provide a balanced approach to meeting some of the community's needs and desires while also providing CU Boulder the appropriate flexibility for future development. You have our commitment to continue working collaboratively with you and the community in our planning efforts going forward.

Sincerely,

Frances Draper

David Kang

Vice Chancellor for Strategic Relations

Vice Chancellor for Infrastructure and  
Safety

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#383]  
**Date:** Monday, June 19, 2017 7:17:20 PM

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Name *	Melanie Whitehead
Email *	<a href="mailto:melanielynn@mail.com">melanielynn@mail.com</a>
This comment relates to: *	Policy Updates
Comment: *	I am strongly in favor of the four body review which keeps Community voices heard. The Boulder County planning commission is an integral part of the system and needs to remain so the peoples voices are actually heard. If it isn't broken don't fix it.
Please check box below *	<ul style="list-style-type: none"><li>I acknowledge receipt of the Open Records Notification</li></ul>



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#384]  
**Date:** Monday, June 19, 2017 7:34:06 PM

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Name *	Jeffrey Cohen
Email *	<a href="mailto:jeff@cohenadvisors.net">jeff@cohenadvisors.net</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	<p>Boulder County Commissioners need to represent all County residents and not just the interests of the City of Boulder.</p> <p>As such, the Commissioners need to retain the 4 body review for County residents in Area II and respect the will of those citizens.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#385]  
**Date:** Monday, June 19, 2017 7:37:12 PM

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Name *	Juliet Gopinath
Email *	<a href="mailto:julietgopinath@yahoo.com">julietgopinath@yahoo.com</a>
This comment relates to: *	Policy Updates
Comment: *	The policy updates to the BVCP should be discussed one by one and voted on in this manner. It does not make sense to vote on all the changes at once, and thereby sweep the controversial ones related to development and open space under the rug. I am disappointed in Boulder County elected officials and staff on the proposed changes and hope they will not be adopted.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#386]  
**Date:** Monday, June 19, 2017 10:01:22 PM

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Name \* Jan Trussell

Email \* [janalan80305@gmail.com](mailto:janalan80305@gmail.com)

Address (optional)  Boulder  
United States

This comment relates to: \* CU South

Comment: \*

I am asking that you remove any land use changes to CU South/South Boulder Creek Floodplain from this Boulder Valley Comprehensive Plan update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species.

The flood of 2013 was devastating to my neighborhood, among others in the surrounding area. Some of us are still dealing with the damage to our homes. There needs to be more research done on the CU South issue before hastily moving forward. Both the BVCP and CU South are separate issues and both are very important discussions.

Also, I am asking that you not remove the four body review from the Comp Plan. Please retain the Amendment Procedures as set forth in Chapter II of the 2010 BVCP ensures appropriate checks and balances in our City and County government and equitable policies and procedures for all citizens within the Boulder Valley over time.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#387]  
**Date:** Monday, June 19, 2017 11:12:19 PM

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Name \* Donna George

Email \* [georgehouse@comcast.net](mailto:georgehouse@comcast.net)

This comment relates to: \* Policy Updates

Comment: \*

Dear Boulder Valley Comprehensive Plan Staff, Boulder County Commissioners, and Boulder County Planning Commission,

In your duty to represent Boulder County citizens, I strongly request that the staff recommendation to Boulder County Commissioners and Boulder County Planning Commission for the Boulder Valley Comprehensive Plan (BVCP) Amendment Procedures be that these procedures remain in the Boulder Valley Comprehensive Plan as they are presently written in the 2010 BVCP. The four-body review (City Council, County Commissioners, Planning Board, and Planning Commission) should remain for Area II and Area III properties. There is an overwhelming strong desire from the public to keep the amendment procedures in the BVCP and retain the four-body review as shown in the many comments received on this topic. Why would county officials give up the vote and representation of its citizens? The four-body review for many of the land use changes and policy changes provides a much needed checks and balance in city/county government. If this is eroded it will be an injustice to the citizens of the Boulder Valley. Boulder is a wonderful and desirable place to live due to the foresight and hard work of previous generations in establishing the blue line, preserving Open Space, and preserving rural and neighborhood character. This should not be thrown away by gutting the amendment procedures and diminishing the county voice in decisions. If the Amendment Procedures are transferred to the Intergovernmental Agreement then the Planning Commission and the Planning Board will have no vote on the changes to these procedures – this includes the changes made during this 2015 update! If the four-body review is changed to a two-body review for Area II and some Area III lands then the County Planning Commission will have no vote at all on these changes and the County Commissioners (depending on what is decided) may only have a comment or call up on the decision. Again, why, as representatives of County citizens, would County staff make a recommendation to diminish county decision making on County lands where many of their citizens reside?


Policy 7.14 (originally 7.13) should remain as it is written in the 2010 BVCP. The rewritten language in the May 15, 2017 draft essentially guts the policy and many citizens have voiced their objection to this rewrite. There was no reason to rewrite this policy so keep the original language as written in the 2010 BVCP.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#388]  
**Date:** Monday, June 19, 2017 11:46:17 PM

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Name *	Ben Binder
Email *	<a href="mailto:bbinder@ddginc.com">bbinder@ddginc.com</a>
Phone Number (optional)	(303) 499-2569
Address (optional)	 720 S 41st ST Boulder, CO 80305 United States
This comment relates to: *	CU South

**Comment: \***

Dear Commissioners,

Once upon a time, universities were built on hills; and a depleted gravel pit in a streambed at the foot of a steep major Front Range drainage basin would be preserved as a natural floodplain, riparian area, wetland and open space.

But in 1996, when the Flatiron Companies finished its gravel mining operations and was refused a permit by the City of Boulder to develop the property as 78 luxury homes and a Women of the West Museum, and the depleted gravel pits were unloaded on CU, things changed.

Because a great deal of the property was in the 100-year floodplain; and because of riparian areas, grasslands, endangered species habitat, and contiguity to existing open space, 220 acres of CU-South was, and still is, appropriately designated for Open Space acquisition in the Boulder Valley Comprehensive Plan.

In 1997, CU, which claims to be concerned about the environment, modified the gravel pit reclamation plan to add a 6,000' earthen levee to remove the gravel pits from the natural floodplain and destroy riparian areas. CU's actions violated the most basic principles of good land use planning.

There are several critical issues which must be addressed, in detail, before making any BVCP land use changes to CU-South.

First, engineering plans must be developed for a flood mitigation strategy to address downstream South Boulder Creek flooding. The City of Boulder has selected a mitigation concept referred to as Alternative D. There are many known problems with Alternative D, and until groundwater studies, geotechnical studies and engineering plans have been developed to show the costs needed to address those problems will not make that plan unfeasible, land use changes should not be made.

Secondly, CU could not have chosen a site with worse access. All access to the site is from Table Mesa Drive near the intersection of US-36. Anyone who drives Table Mesa Drive, US-36, and Foothills Parkway knows those roadways are already at capacity many hours of the day.

CU has plans for 1,125 dwellings and 1,250,000 square feet of academic buildings on CU-South.

Before approving any land use changes, one should demand a detailed comprehensive transportation study that takes a hard look at the consequences of such a development on our transportation infrastructure.

Unfortunately the "transportation study" contracted by the city is a joke, and I don't say that lightly. The study does not include any basic data such as traffic counts on Table Mesa or US-36, or Levels-of-Service at nearby intersections. It is basically a puff piece which says "don't worry" as everyone will be taking "multi-modal" mass transit. An indication of the lack of care and effort that went into the study is the placement of a multi-modal hub directly on top of the 30' dam at the north end of the property.

Please uphold Boulder County's exemplary land use and planning standards when considering any BVCP changes to CU-South. And don't play CU's game and cave into CU's threats of holding downstream residents hostage and not allowing any portion of its property to be used for flood mitigation until CU gets what it wants and its entire property is annexed to the city.

Sincerely yours,  
Ben Binder

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#389]  
**Date:** Tuesday, June 20, 2017 12:42:46 AM

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Name \* Donna George

Email \* [georgehouse@comcast.net](mailto:georgehouse@comcast.net)

This comment relates to: \* Policy Updates

Comment: \*

10.02 Community Engagement.

Delete bullet number 4) represent the views or interests of those less able to actively participate in the public engagement process, especially vulnerable and traditionally under-represented populations.

Keep Bullet 3) involve community members potentially affected by or interested in a decision as well as those not usually engaged in civic life – this should be sufficient as all citizens should be encouraged and given the opportunity to be engaged in civic decisions. Who are these vulnerable and traditionally under-represented populations and how do the city and county know what the views or interests are of these citizens unless these citizens speak for themselves? There is a comment from a citizen on this comment submittal form that addresses just this. It starts out as "Dear Planning Commission members, Frank Alexander and Norrie Boyd's assumption that low-income people can't speak up for themselves or care about the environment is pretty insulting to me." Further on it adds: "Although I work two jobs, I bent over backwards to attend meetings, to support open space. I'd like to let Mr. Alexander and Ms. Boyd know that: low-income people c an advocate for ourselves, we do care about nature, and we need parks where our kids can play." Should the views and interests that city and county officials give to these populations be given preference over views of other citizens? Efforts should be made to encourage civic engagement of all citizens and to provide the opportunity for them to participate but do not represent views for them that they have not made themselves. Give them a voice but do not put words in their mouth.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** Ted Bachrach  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** BV comprehensive plan  
**Date:** Tuesday, June 20, 2017 10:02:53 AM

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I was shocked to read about the proposed changes in governance in the DailyCamera the other day. The suggestion that the county planning commission be neutered and that the county abdicate control over area II is not in the spirit of democratic rule.

All of us in the county whether area II or area III are only represented by the county. We don't have representation in the city because we are not a part of the city. I know I speak for many of my neighbors. Many of us have made a conscious decision to live in the county and not the city. We rely upon you our only local elected officials to protect us against annexation and other city policies negatively effecting county residents.

Please defend our interests vigorously. Don't let the city annex private property in the county without nearly unanimous consent of residents. The city should have no say in Area II as we have no say in what goes on in the city.

If the Boulder Valley comprehensive plan is to be a social contract by which we all agree to live, a strong voice for the county and its planning commission is essential to feel like we are represented and can accept the BVCP.

Thank you


Ted Bachrach  
4415 47th St.  
Boulder  
312 925 2478

Sent from my iPhone



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#390]  
**Date:** Tuesday, June 20, 2017 10:35:33 AM

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Name *	Patricia Logan-Olson
Email *	<a href="mailto:wildmare10@comcast.net">wildmare10@comcast.net</a>
Address (optional)	 Niwot, CO United States
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	<p>Please fight for the voice of county residents! I am deeply disturbed that the City of Boulder is trying to silence the voice of county residents by cutting the Planning Board out of veto power by changing the four-body review process. It's great if the Commissioners retain a veto, but the Planning Board is into the nitty gritty details and on the front lines of these issues, which are critical to maintaining the character and lifestyle of Boulder County on behalf of the residents.</p> <p>Thank you, Patricia</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#391]  
**Date:** Wednesday, June 21, 2017 8:16:22 AM

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Name \* Gary Urling

Email \* [urling@gmail.com](mailto:urling@gmail.com)

This comment relates to: \* CU South

Comment: \*

CU South should not be incorporated into the City, until CU lives up to it responsibilities to the City.

CU already has buildable land in the City. CU could build student housing to meet not just the needs of all it students (not just Freshmen).

CU needs to provide affordable housing for it students and staff. The City should no longer provide low income housing for students and CU staff (even if they are over 21).

CU needs to provide a living wage for all it's employees. Without a living wage and affordable housing CU is just another big business only interested in profits and high salaries for executives. CU should no interest in improving the quality of life in Boulder.

CU South development is being driven by profits not improving living conditions in Boulder.

Do not approve CU South.

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#392]  
**Date:** Thursday, June 22, 2017 2:17:21 AM

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Name *	Tricia Olson
Email *	<a href="mailto:olynmawr@msn.com">olynmawr@msn.com</a>
Phone Number (optional)	(303) 530-7107
Address (optional)	 7446 Park Pl Boulder, CO 80301 United States
This comment relates to: *	4-body review process
Comment: *	I urge you to keep the 4-body review process. It has served the county well, particularly those of us who live in the BVCP Area II lands in Gunbarrel.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#393]  
**Date:** Thursday, June 22, 2017 4:54:35 AM

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Name \* Dorothy Bass

Email \* [dorothy.bass@gmail.com](mailto:dorothy.bass@gmail.com)


This comment relates to: \* Keep the 4-body review process

Comment: \* Dear Commission, Boulder City and County members,  
  
Please add my voice to the hearing on June 28th, 2017 hearing: "Keep the 4-body review process". It is just and democratic.  
  
Sincerely,  
Dorothy Bass

Please check box below \*  I acknowledge receipt of the Open Records Notification


**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#394]  
**Date:** Thursday, June 22, 2017 5:39:13 AM

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Name *	Lauren Casalino
Email *	<a href="mailto:casalino@naropa.edu">casalino@naropa.edu</a>
Address (optional)	 4436 Driftwood PI 4436 Driftwood PI Boulder, CO 80301 United States
This comment relates to: *	Policy Updates
Comment: *	<p>Please keep the 4-body review process.</p> <p>Without it, those who actually live in and are most impacted by decisions no longer have a process and a voice which takes into account their input, thereby disenfranchising them.</p> <p>Again, please keep the 4-body review process.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#395]  
**Date:** Thursday, June 22, 2017 7:18:58 AM

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Name *	Sola DiDomenico
Email *	<a href="mailto:soladido@aol.com">soladido@aol.com</a>
Phone Number (optional)	(303) 880-1672
Address (optional)	 925 Rainlily Lane Boulder, CO 80304 United States
This comment relates to: *	Boulder Valley Comprehensive Plan
Comment: *	Don't eliminate the checks and balances: keep the 4-body review process!!
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#396]  
**Date:** Thursday, June 22, 2017 7:45:38 AM

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Name *	Patricia Loudin
Email *	<a href="mailto:flatiron55@yahoo.com">flatiron55@yahoo.com</a>
Phone Number (optional)	(303) 947-6189
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

Keep the 4-body review process!

Decisions regarding unincorporated Boulder County land-use need to be made by county residents, through their elected officials.

We cannot even vote for Boulder City government, so there is NO incentive for the City Council and the City Planning Board to make decisions that would be in our best interest.

The effort by the City to eliminate input from County government in decisions which affect County residents is a transparent attempt to run roughshod over those of us who had no say in their election.

This is an appalling example of overreach by the City of Boulder.

Please check box below \*       I acknowledge receipt of the Open Records Notification


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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#397]  
**Date:** Thursday, June 22, 2017 7:49:26 AM

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Name \* John Wiener

Email \* [john.wiener@colorado.edu](mailto:john.wiener@colorado.edu)

Address (optional)  2800 Kalmia Ave #B-203  
Boulder, CO 80301  
United States

This comment relates to: \* KEEP 4-BODY REVIEW

Comment: \*

The intention of the 4 body review process -- from long ago from the people who made Boulder special despite the "developer" lust for quick profit grabs -- was to slow down change and to preserve the special values of Boulder. They gave us the Blue Line, the Danish Pan (apparently Danish has moved on in efforts of contrarianism to retain public attention), the Open Space and Green Belt programs, and the fundamental decency to motivate city behavior that reflected human values. Gilbert and Anne White, Suzy and Nick Helburn, Stuart Cook and Elise and Kenneth Boulding, Spense Havlick and others gave us a chance to not be the land waste that we are becoming.

KEEP the 4 Body Review and keep what is left of Boulder!

Please check box below \*  I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#398]  
**Date:** Thursday, June 22, 2017 9:02:11 AM

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Name *	Joyce Jenkins
Organization (optional)	TLAG
Email *	<a href="mailto:joycejenkins@msn.com">joycejenkins@msn.com</a>
Phone Number (optional)	(720) 431-2547
Address (optional)	 4848 Brandon Creek Drive Boulder, CO 80301 United States

This comment relates to: \* Policy Updates

Comment: \*

Keep the 4-body review process!

When county residents are impacted by city decisions, the county through its commissioners and independent planning board members must have a say. This is only reasonable. The city council's view to the contrary is ill-advised and arrogant.

Planning staffs have too much sway. Thoughtful decision-making of elected officials and volunteer planning board members, informed by citizen input, are needed to control overreach and error. The 4-body review process helps meet that end.

Finally, the city needs to address growing pains by requiring developers to pay their way. Commissioners need to make that case to the council.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#399]  
**Date:** Thursday, June 22, 2017 9:58:39 AM

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Name *	Michael Ahnemann
Email *	<a href="mailto:mahnemann@me.com">mahnemann@me.com</a>
Phone Number (optional)	(303) 518-6552
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

I can't emphasize enough how strongly I feel about KEEPING the 4-body review process. This process ensures that decision makers are forced to consider both sides of planning issues, and have all voices be heard. Checks and balances are critical to a functioning government.


There is a special quality about Boulder that drew me to live here 12 years ago. It's not everytown USA, but lately, it's clear that Boulder intends to head down that path. Large scale, poorly built, ugly buildings and growth above all else will ruin the character of this town, and you'll find that the tax payers like myself that keep this town flourishing, will leave. If you ignore this point of view, you are ignoring more than half of your town's population.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#400]  
**Date:** Thursday, June 22, 2017 10:40:48 AM

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Name *	Steve Karakitsios
Email *	<a href="mailto:steve_karakitsios@keysight.com">steve_karakitsios@keysight.com</a>
Phone Number (optional)	(720) 427-8101
Address (optional)	 4990 Qualla Dr Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

Hello,

We own the property at 4990 Qualla Dr in SE boulder.

In 2013 our house was flooded, basement completely submerged floor to ceiling. Thankfully, no one was hurt..... this time.

We have attended numerous meetings and planning sessions from the Water Board, Open Space, City Council, FEMA, .....and now County

The message to any public servants has the has always been the same:

-Please protect lives and property.

The solution is straight forward to accomplish this:

-Detain the water from over topping US 36.

We have heard study results accumulating over past decades that come to the same conclusion:

-Water flows downhill and is now channeled to crest US 36 in the "Low Spot" (term used by CDOT). This is a result has been further amplified by US 36 construction and CU South development.

What do we fear?

-Now, I realized that Boulder County needs to be in alignment with Boulder City per IGA. A breakdown of the IGA due to non-alignment would add further delays to flood mitigation.

-Who then would be responsible for flood mitigation?

-What is the plan?

-There is a rotation of public servants in all approving agencies, each time this life threatening topic is raised, it is re-evaluated. This issue has been studied and documented for decades. Please end the analysis paralysis and fix the issue before someone perishes. If that occurs, there will be questions why nothing was done, then the reasons/excuses will be very public. Don't let this happen, protect lives and property. APPROVE the land use for CU South and approve the CU South plan to end this cycle.

Thank you,


Steve/Stephanie Karakitsios  
Owners: 4990 Qualla Dr  
720-427-8101

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#401]  
**Date:** Thursday, June 22, 2017 12:52:16 PM

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Name *	Timothy Cunningham
Email *	<a href="mailto:twc151home@yahoo.com">twc151home@yahoo.com</a>
Address (optional)	 4368 Park Ct. Boulder, CO 80301 United States
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	<p>It is imperative that we keep the 4-body review process. If the 4-body process is eliminated, it will silence my voice as a County resident and empower the City to freely exert its will over my neighborhood of Gunbarrel as well as all of unincorporated Boulder County. That's just not fair.</p> <p>Timothy Cunningham 4368 Park Ct Boulder, CO 80301</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#402]  
**Date:** Thursday, June 22, 2017 4:15:48 PM

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Name \* Elizabeth Koether

Email \* [zibko@yahoo.com](mailto:zibko@yahoo.com)

Address (optional)  Boulder, CO  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Dear City and County of Boulder,

As a resident of Boulder since 1971, and having lived in several areas in the community, I have seen many changes, not all to the good. I understand that population growth in Boulder is a very challenging issue that must be addressed with realism and vision, but it must also be dealt with in a democratic manner. The overreaching attempt by the City and County to eliminate the Boulder County Planning Commission is outrageous! You don't like the way they vote, so you just want to shut them down? Who ARE you, Mitch McConnell? I've always thought of Boulder as a progressive little democracy -- but this feels more like a microcosm of the nightmare going on in Washington D.C.! This is not the home I love. I demand that you KEEP THE 4-BODY REVIEW PROCESS so that all parts of Boulder City and County population can have an opportunity to weigh in on land use and related issues.

Thank you.

Sincerely,  
Elizabeth Koether

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#403]  
**Date:** Thursday, June 22, 2017 5:25:02 PM

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Name *	Judith Nespoli
Email *	<a href="mailto:ejnespoli@aol.com">ejnespoli@aol.com</a>
Phone Number (optional)	(303) 284-1907
Address (optional)	 5574 Colt Drive Longmont, Co 80503 United States
This comment relates to: *	4-body review process
Comment: *	<p>As a resident of Gunbarrel, it is important to my husband and I that the four-body review process be preserved. As residents of Unincorporated Boulder County, we do not wish the Boulder Cuty Council to have sole control over what changes occur In our neighborhood.</p> <p>Thank you for your consideration.</p> <p>Ed and Judy Nespoli</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#404]  
**Date:** Thursday, June 22, 2017 8:08:36 PM

---

Name \* Jack Rudd

Email \* [jgrudd@comcast.net](mailto:jgrudd@comcast.net)

Address (optional)  5230 Idylwild Trail  
Boulder, CO 80301  
United States

This comment relates to: \* Stop the Tyranny

Comment: \* Under no circumstances must Gunbarrel Green come under the tyrannical whims of the People's Republic of Boulder. We had 3 votes on annexation already, and the last time we turned it down 93 percent to 7 percent. If you want a permanent "Resistance", just try going against the will of the our citizens.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#405]  
**Date:** Thursday, June 22, 2017 9:14:50 PM

---

Name \* Adam Pastula  
Email \* [ajmail2011@gmail.com](mailto:ajmail2011@gmail.com)  
Phone Number (optional) (303) 827-4942  
This comment relates to: \* Policy Updates

**Comment: \***

Hello,

I'm writing to request that the four body review process remains the same. The four body review process helps ensure that decisions made are beneficial for all of Boulder County residents. As it is, the county residents feel we don't have much of a voice (see the deteriorating road conditions for an example), and changes made to the city certainly affect everyone in the county (and vice versa.) Changing to a two body review not only removes even more of our voice, but also opens the city up to more possibilities of choices made based on pet projects and/or incentives. The four body review helps make sure decisions are appropriate for all, and gives the largest portion of population a voice to help guide legislation.

I'm not aware of other talking points to the BVCP process, but would ask that you continue to stress the importance of quality of life and open space while trying to balance new construction – which have been the guiding principles for a long time (and is the reason many people moved here.) It's a little concerning with all the new construction going on – in both the city and county, and how much additional traffic it's generated – seemingly without consideration to upgrades to infrastructure to handle it.

I know it's been a long process, and I do appreciate your efforts.

Thank you,  
Adam Pastula

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#446]  
**Date:** Thursday, June 22, 2017 9:35:03 PM

---

Name \* sandy wilder

Email \* [sandywilder2@gmail.com](mailto:sandywilder2@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South land use

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Sandy Wilder  
4595 Brookfield Dr.  
Boulder, CO 80305

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#448]  
**Date:** Friday, June 23, 2017 8:35:33 AM

---

Name \* Eric Thomas

Email \* [eric.l.m.thomas@gmail.com](mailto:eric.l.m.thomas@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* Boulder Valley Comprehensive Plan

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Eric Thomas  
Martin Dr & 38th St

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#449]  
**Date:** Friday, June 23, 2017 8:51:59 AM

---

Name \* Dana Bove

Email \* [dana@photographyforachange.com](mailto:dana@photographyforachange.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South and four body review

Comments, Question or Feedback \*

Dear County Commissioners:

Moving forward with land use changes for the CU South/South Boulder Creek Floodplain is a dangerous move. I am asking you to remove the proposed land use changes for this area. There are still many unanswered questions and serious issues with the flood mitigation plans that are intimately tied to these LU changes. One of the most significant issues is that the flood mitigation plan is short-sighted, will not protect against 500 yr floods, and will allow CU to build in an area that may be impacted by the larger floods. Climate change is real, and we are undoubtedly experiencing larger and more erratic weather/flood events. To pretend that this is not the case is irresponsible. There has been a commitment made to maintain and protect the CU South and surrounding areas under the South Boulder Creek Area management plan. This is a rare and special area with existing and "potential" wetlands (remove the existing CU levee) that Boulder County is obligated to protect. Thank you. < br />

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#450]  
**Date:** Friday, June 23, 2017 9:27:47 AM

---

Name *	Patti Hartmann
Email *	<a href="mailto:hartmann@cox.net">hartmann@cox.net</a>
Phone Number (optional)	(520) 909-8888
My Question or Feedback most closely relates to the following subject: (fill in the blank) *	South Boulder Creek Floodplain, CU Proposal
Comments, Question or Feedback *	<p>Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.</p> <p>Respectfully yours, Patti Hartmann</p>
Please check box below *	<ul style="list-style-type: none"><li>• I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#451]  
**Date:** Friday, June 23, 2017 9:49:26 AM

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Name \* Cecilia Casey

Email \* [ceciliacasey@comcast.net](mailto:ceciliacasey@comcast.net)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.


Respectfully yours,  
Cecilia Casey  
4818 W Moorhead Cir  
80305

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#406]  
**Date:** Friday, June 23, 2017 11:03:42 AM

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Name *	Patti Partmann
Email *	<a href="mailto:hartmann@cox.net">hartmann@cox.net</a>
Phone Number (optional)	(520) 909-8888
Address (optional)	 770 W. Moorhead Circle #E Boulder, Co 85703 United States
This comment relates to: *	CU South
Comment: *	<p>Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.</p> <p>Respectfully yours, Patti Hartmann</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#452]  
**Date:** Friday, June 23, 2017 12:01:32 PM

---

Name \* Lyra Mayfield

Email \* [lyramayfield@gmail.com](mailto:lyramayfield@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Lyra Mayfield  
1340 King Ave

Please check box below \*

I acknowledge receipt of the Open Records Notification




**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#407]  
**Date:** Friday, June 23, 2017 12:04:07 PM

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Name \* Lyra Mayfield

Email \* [lyramayfield@gmail.com](mailto:lyramayfield@gmail.com)

Address (optional)  1340 King Ave  
Boulder, CO 80302  
United States

This comment relates to: \* CU South

Comment: \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Lyra Mayfield

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** Hilary Boslet  
**To:** [Boulder County Board of Commissioners; council@bouldercolorado.gov](mailto:council@bouldercolorado.gov)  
**Cc:** [Hilary Boslet](#)  
**Subject:** Boulder County & The Citizens  
**Date:** Friday, June 23, 2017 12:55:24 PM

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Hello,

I am writing to express my dismay at some of the Boulder City Council members who wish to do away with the Planning Commission which acts as part of the check and balances for our county.

I live in the County by choice and I want it to remain so.

Stop trying to bend everything to your wishes and agendas. Listen to what the citizens (who elected you and who can get rid of you) really want.

Some of you are beginning to sound and act like the Trump administration.


Pay attention.

Sincerely,

Hilary Boslet

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#408]  
**Date:** Friday, June 23, 2017 1:12:31 PM

---

Name *	Liz Payton
Email *	<a href="mailto:liz@bouldergarden.net">liz@bouldergarden.net</a>
Phone Number (optional)	(303) 442-7721
Address (optional)	 2605 5th St Boulder, CO 80304 United States
This comment relates to: *	CU South


**Comment: \*** Dear County and Planning Commissioners,

Attached is a letter outlining some of the hydrologic considerations for CU South that I sent to the Boulder City Council and the Boulder Planning Board (of which I am a member, though the letter is from me as a private individual and water resources engineer).

The letter contains an error regarding the CU levee. It does have FEMA accreditation.

Please feel free to contact me with any questions.

Warm regards,  
Liz Payton

Attach a File (optional)	 <a href="#">letter_to_cc_re_cu_south.pdf</a> 951.61 KB • PDF
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Please check box below \*

- I acknowledge receipt of the Open Records Notification

June 12, 2017  
Members of the Boulder City Council  
Members of the Boulder Planning Board  
PO Box 791  
Boulder, CO 80306

*Re: Hydrologic considerations for CU South*

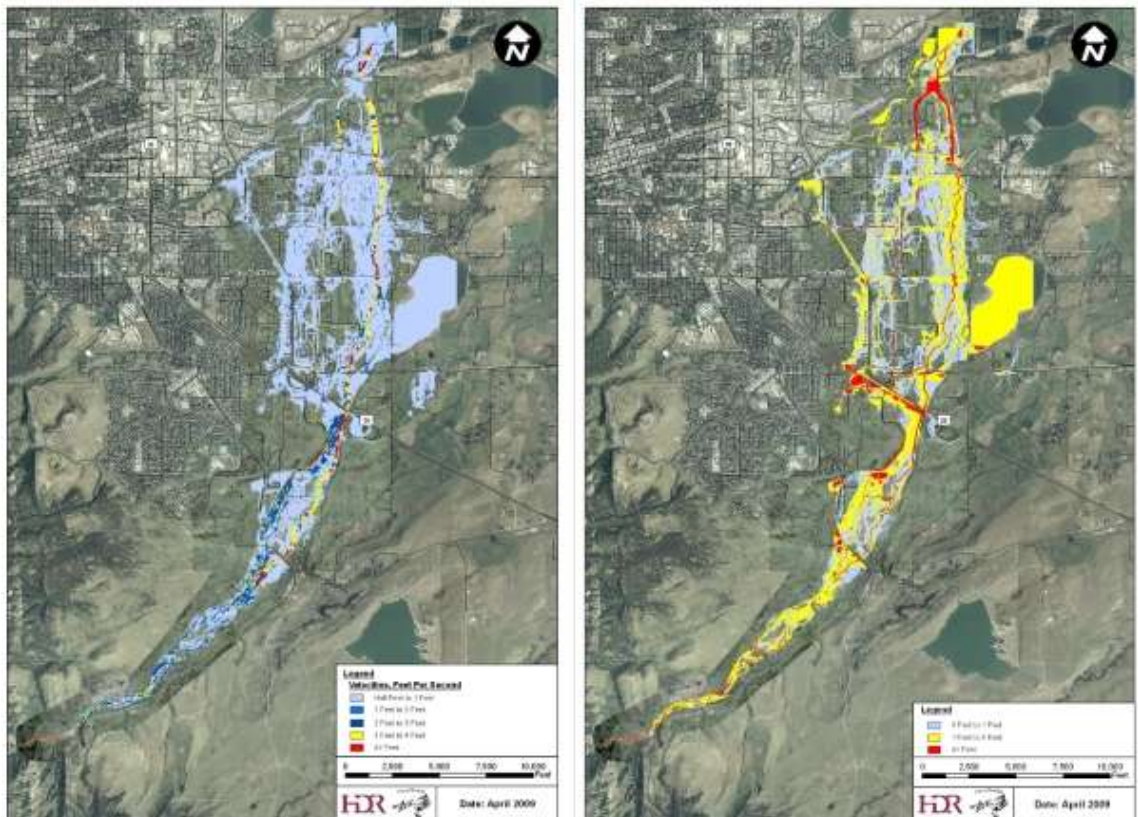
Dear City Council members and Planning Board colleagues,

This letter reflects my thoughts only and not those of the Planning Board.

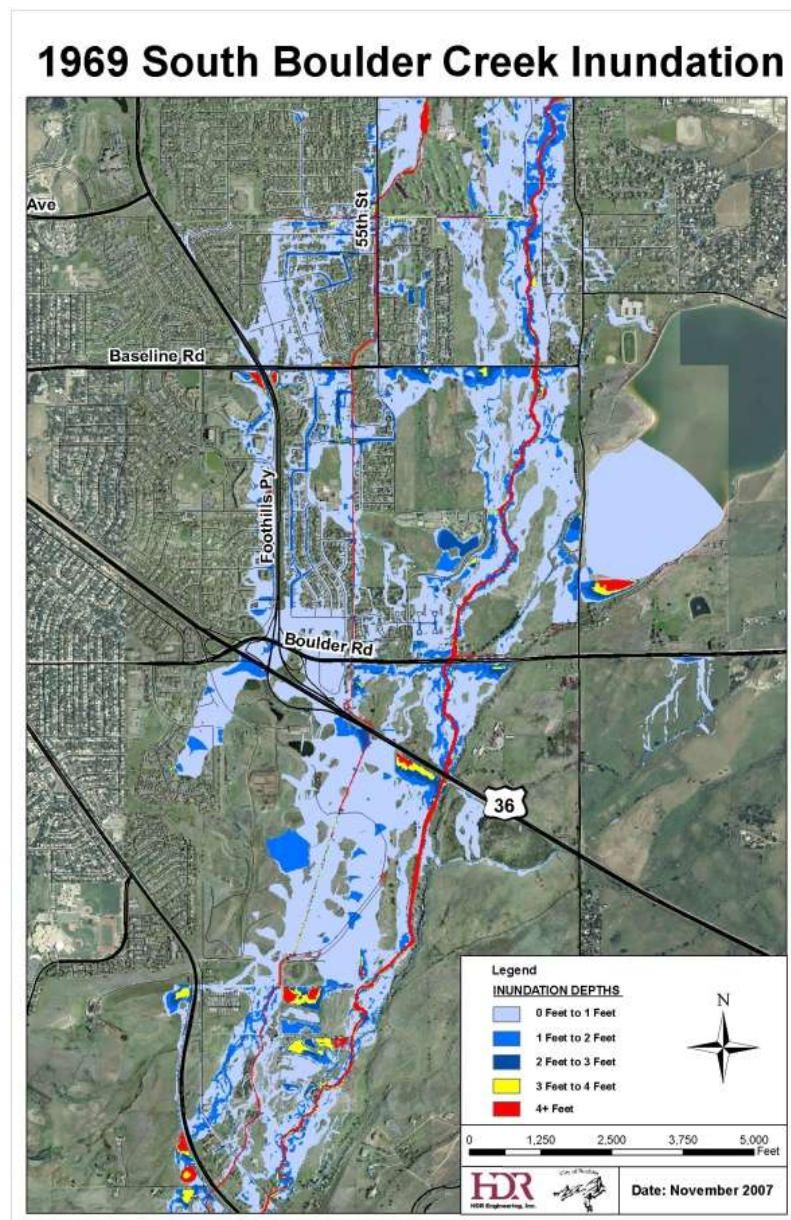
There are a number of important hydrologic considerations that I hope we take into account as we consider development of the CU South property. I identified many of these concerns at the Planning Board meeting on May 18.

## I. The larger basin context

We can learn a lot about the behavior of South Boulder Creek in the vicinity of CU South parcel during a flood by looking at the larger context. These images of inundation depths and velocities during a 100-year flood from the [HDR risk assessment](#) report are helpful for seeing where the parcel sits in a larger view of the basin:



- The natural shape of the floodplain is apparent—it widens out as it travels downstream.
- The CU levee’s impact on the natural floodplain is clearly visible as the dry bulge that constricts the flood flows just south of US36, increasing both their depth and velocity. (Larger images are available in the [report](#)).
- The HDR study also looked at the 1969 flood *without* the CU levee. (The 1969 flood resulted from a 5-day storm with up to 13 inches of precipitation in parts of the basin.) The graphic below, from the report, illustrates how the floodwaters travel through the more natural floodplain.
- Without the levee, the floodwaters that cross the CU South property are stored and the flood wave is attenuated, to an undetermined extent.

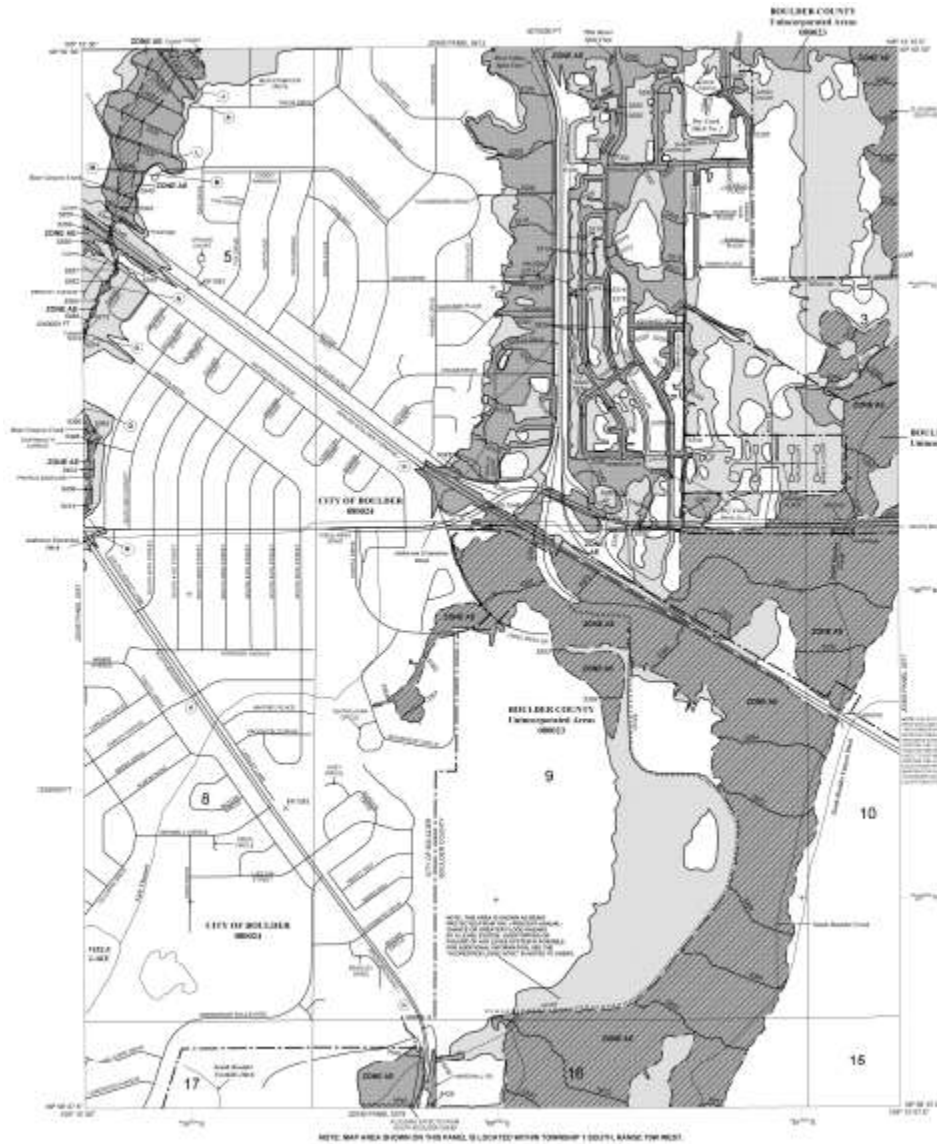




## II. The neighborhoods

Also visible in these larger basin context images are the flooded neighborhoods north of the highway. These developments were permitted and built under the mistaken assumption that they were safe from South Boulder Creek flooding by virtue of either their elevations or distances from the creek, or simple lack of data. It's a matter of opinion whether it was a mistake to permit these developments or not, but we now have both an obligation and an opportunity: to spend tens of millions of dollars to protect the existing neighborhoods, and to make sure that we don't permit more structures in the floodplain, respectively.

- The current, 2012, FEMA map of a smaller segment of the basin shows the 100-year and 500-year inundation areas (dark gray=100 year, light gray=500 year):



- In all of these images, the streets are flooded and the structures are on higher ground (many flooded as well). Some of the streets are flooded to 4 feet deep or more. How does a family

member or first responder get to the occupants of these homes? Boulder does not require evacuation plans for non-critical facilities. According to the [Union of Concerned Scientists](#): “Almost half of 2010 flood fatalities involved people who drowned while attempting to drive through floodwaters. Only 18 inches of water can lift a car or SUV; once buoyant, the water will easily push the vehicle sideways. Most vehicles then tend to roll over, trapping those inside.”

- Focusing on the development potential of high bits of ground that are potentially surrounded by water is like citing today’s weather to refute climate change arguments.
- Though flood protection for the neighborhoods that are built is clearly needed, let’s be realistic about what engineering can achieve. The city has tried engineering solutions to South Boulder flooding before. In *History of Floods and Flood Control in Boulder, Colorado*, author Phyllis Smith reminds us of the hopes and dreams for the Viele Channel (p. 84):

In 1976, Viele Channel was re-constructed in such a manner that south Boulder's Keewaydin and Frasier Meadows neighborhoods were removed from the flood plain. This work was funded by the Urban Drainage and Flood Control District.

### III. Floodplain preservation

The BVCP has three policies that describe our goals toward floodplain preservation (3.19, 3.20 and 3.21), but in practice our regulations allow development in the floodplain, with conditions.

#### 3.19 Preservation of Floodplains

Undeveloped floodplains will be preserved or restored where possible through public land acquisition of high hazard properties, private land dedication and multiple program coordination. Comprehensive planning and management of floodplain lands will promote the preservation of natural and beneficial functions of floodplains whenever possible.

#### 3.20 Flood Management

The city and county will protect the public and property from the impacts of flooding in a timely and cost-effective manner while balancing community interests with public safety needs. The city and county will manage the potential for floods by implementing the following guiding principles: a) Preserve floodplains b) Be prepared for floods c) Help people protect themselves from flood hazards d) Prevent unwise uses and adverse impacts in the floodplain e) Seek to accommodate floods, not control them. The city seeks to manage flood recovery by protecting critical facilities in the 500-year floodplain and implementing multi hazard mitigation and flood response and recovery plans.

#### 3.21 Non-Structural Approach

The city and county will seek to preserve the natural and beneficial functions of floodplains by emphasizing and balancing the use of non-structural measures with structural mitigation. Where drainageway improvements are proposed, a non-structural approach should be applied wherever possible to preserve the natural values of local waterways while balancing private property interests and associated cost to the city.

- The Urban Drainage and Flood Control District also has a floodplain preservation policy, as does the [American Planning Association](#) and the [Association of State Floodplain Managers](#).
- The APA's five general principles regarding development in the floodplain are:
  1. Maintain natural and beneficial functions of the floodplain.
  2. Adopt a No Adverse Impact approach to floodplain management.
  3. Avoid new development in the floodplain whenever feasible.
  4. Focus on data-driven decision making, using only the best available data to assess risk and inform decisions.
  5. Consider future conditions of the floodplain, including development impacts and climate change.
- According to the APA, the benefits of floodplain preservation are enormous and include:
  - Natural flood and erosion control
  - Reduce flood velocities
  - Reduce flood peaks
  - Stabilize soils
  - Surface water quality maintenance
  - Reduce sediment loads
  - Filter nutrients and impurities
  - Process organic and chemical wastes
  - Moderate temperature of water
  - Reduce sediment loads
  - Maintain groundwater supply and quality
  - Promote infiltration and aquifer recharge
  - Reduce frequency and duration of low flows (i.e., increase/enhance base flow)
  - Support flora
  - Maintain high biological productivity of floodplain/wetland vegetation
  - Maintain natural genetic diversity
  - Provide fish and wildlife habitat
  - Maintain breeding and feeding grounds
  - Create and enhance waterfowl habitat
  - Protect habitat for rare and endangered species
  - Provide opportunities for recreation
  - Provide areas for active and consumptive uses
  - Provide areas for passive activities
  - Provide open-space value
  - Provide aesthetic value
  - Provide areas for scientific study and outdoor education
  - Provide opportunities for ecological studies
- The ASFPM policies regarding floodplain preservation include:
  - ASFPM Policy K-2 Conservation Easements: Promote and expand the use of existing easement programs on agricultural and undeveloped lands to protect areas with high



flood risk, highly erodible soils, loss of floodplain connectivity, and high resource value for providing ecosystem functions. This could include conservation easements to maintain farmland with practices that allow creation of flood storage areas during large events.

- ASFPM Policy K-3 Buffers and Riparian Zones: As part of this policy encourage continuous buffer zones along all waterways to preserve the ecosystem services and reduce flood damages. Encourage continuous buffer zones along all waterways and coasts.
- ASFPM Policy K-8 Prohibit Fill in Flood Hazard Areas: Prohibit fill in flood hazard areas to protect the natural and beneficial functions of floodplains, including flood storage.
- ASFPM Policy L-2 Watershed Stormwater Management: Require watershed stormwater management that prevents an increase in flood flows by new development or redevelopment with attention to control of not only peak flows, but also the volume of runoff and the timing of runoff for a range of flows from a channel forming event to moderate (100-year) flood event.
- ASFPM Policy L-3 Wetlands and Storage Areas: Wetlands (including appropriate buffers) and other flood storage areas inside and outside of the 1 percent chance floodplain should be preserved to maintain or reduce upstream and downstream increases in flood frequency and heights. Do not allow wetlands and storage areas to be filled without appropriate mitigation, including complete replacement of their storage function.

#### IV. The CU levee

The apparent constriction of flood flows by the CU levee and the loss of the natural floodplain were discussed above. The history of levees that have been built to hold back flood flows is that they ultimately cause more problems than they solve (because they require large amounts of money to maintain, they fail, or they increase downstream flood risk). Because of this poor track record, the trend is to discourage levees. Let's pay attention to these trends. As we learn that structural solutions often either don't provide the protection promised, or disrupt natural ecological processes, or both, levees and dams are being removed all over the country. In fact, more than [1000 dams](#) have been removed across the US in the past 40 years.

- The CU levee is not certified by FEMA as a flood control structure (see the city's website for this excellent [FAQ](#)), yet much of the analysis done to date assumes that the levee would stay and would provide flood control for development on the site.
- The ASFPM has policies on levees and other structural alternatives:
  - ASFPM Policy D-19 Dams and Residual Risk Areas: Regulate residual risk areas (including those downstream of dams) by establishing minimum land use standards appropriate to ensuring losses are minimized and/or risk is not further intensified. (Note: Downstream of dams, there is often no regulation of the dam failure area, so risk intensifies, which in turn requires costly upgrades to the dam because it becomes a high hazard dam. Wisconsin requires zoning of the failure area in order for the dam to be classified as a

low hazard dam. Such land use standards protect property owners/buyers and dam owners, and well as the taxpayers. )

- ASFPM Policy H-1 Structural Flood Control: Use structural flood control projects only as a last flood mitigation resort and never to “protect” undeveloped land or for adding development to “protected” land. (Note: A long history of federal flood risk reduction experience shows that structural-based protections are often accompanied by increased risk over time due to unfettered and induced building behind or below structures. ‘Avoidance’ of high risk through greater reliance on nonstructural approaches should be first planning priority, especially for undeveloped and relatively undeveloped areas. )
- ASFPM Policy O-11: Deny federal assistance or cost sharing for public infrastructure that would encourage development in currently undeveloped flood risk areas.

## V. Resilience and Climate Change

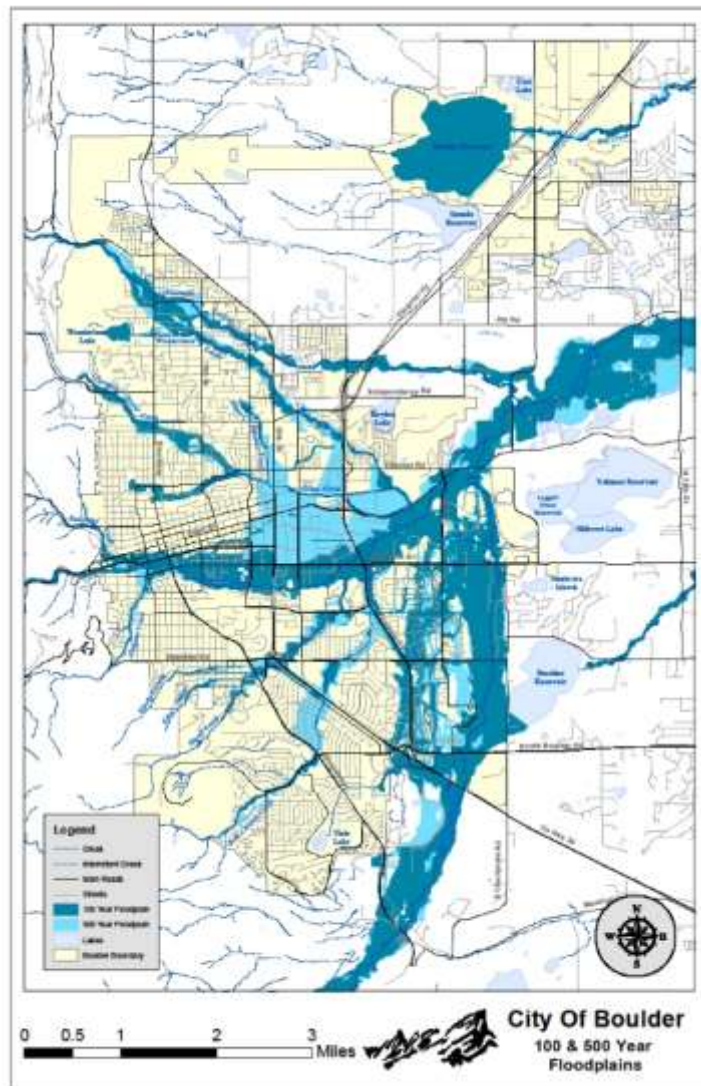
Our resilience strategy must include a robust land use component. So far, it dodges the hard questions about land use.

- We have accepted that climate change is real and the science about extreme precipitation events is becoming more persuasive. The [Union of Concerned Scientists](#) says, “*Climate models project an increase in the intensity of extreme precipitation events throughout North America. As emissions of heat-trapping gases continue to rise, more and more rain is projected to come in the form of heavy events, with lesser amounts from more manageable events.*” The [APA](#) says, “*Inland flood risk is changing with more frequent extreme precipitation events. The distribution of rainfall is changing, and more rain is being concentrated in shorter, more intense storms.*”
- Planning agencies and scientific organizations and are urging communities to prepare for extreme events. The [Union of Concerned Scientists](#) says, “*Maladaptive policies are those that create, perpetuate, or exacerbate climate risk. Currently, many decisions and investments are making communities less prepared for climate change, putting residents at increased risk. These maladaptive decisions can be as simple as permitting housing or commercial development based on outdated zoning;*” the [ASFPM](#) says, “*Flood damages in the nation have risen astronomically in the past century for two main reasons: One, we are seeing more intense rainfalls and storms. And secondly, we continue to build structures and infrastructure in high-risk flood areas.*”
- We need to be more skeptical of frequency analyses of rainfall and streamflow based on our short data record. For example, in the past 80 years, the South Boulder Creek basin has seen at least three precipitation events that exceeded the estimated 500-year return period: 1938, 1969 and 2013.
- The [ASFPM](#) offers these three policy suggestions for communities to modify their approaches to land use in the face of climate change:
  1. Incorporate future-conditions hydrology and cumulative impacts of watershed development and hydrologic changes into flood risk determinations. Such future-condition hydrology should incorporate the impacts of climate change.

2. Simple alternative methods to account for future-condition hydrology, such as using the 0.2 percent annual chance peak discharge in place of 1 percent annual chance peak discharge in urban areas, or using 125 percent of the 1 percent annual chance peak discharge, in lieu of detailed analysis to determine the future condition 1 percent annual chance discharge, could be utilized with justification when definitive studies are not available.
3. All projects should use future conditions in planning, design and construction to avoid loss of level of protection and adverse impacts on other properties.

## VI. Argument: All of Boulder is in the floodplain

You may hear the argument that all of Boulder is in the floodplain, therefore if we take flooding seriously when evaluating development proposals, nothing will get built. The argument doesn't hold water. We can be safe and approve safe developments. Here is the current [FEMA map](#) for the 100- and 500-year floodplains in Boulder.



## VII. Recommendations

Given the hydrologic considerations outlined above, here is what I think we should do. Some of the measures depend on how we proceed on other measures.

- Proceed with the flood control plan to protect existing neighborhoods.
- Find a way to do a land swap, get a conservation easement or outright purchase of open space on CU South property.
- Do data collection and modeling to determine the flood storage and attenuation potential of the site, especially in a flash flood scenario.
- Require on-going piezometric and other hydrologic data collection for the site.
- Require removal of the levee.
- Require that any structures other than athletic fields be outside the 500-year floodplain line, delineated assuming the levee has failed or been removed.

*“If the people of Boulder only have the sense to take warning by the experience of other towns they will deal with it now, while it can be dealt with cheaply and easily instead of waiting til a catastrophe forces them to remedy their neglect under conditions that will make a solution far more costly and less satisfactory.”* Frederick Law Olmstead Jr., 1910

Thanks for reading. I hope this document has been helpful.

Sincerely,  
Liz Payton

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#409]  
**Date:** Friday, June 23, 2017 3:50:42 PM

---

Name \* K Hollweg

Email \* [khollweg@stanfordalumni.org](mailto:khollweg@stanfordalumni.org)

This comment relates to: \* bvcp: CU South + 4Body Review

Comment: \*

I urge you to

A. Require flood mitigation engineering designs that include non-structural alternatives using the 500 year flood plain on the CU South property for detention and elimination of the existing levee -- so that a viable flood mitigation plan can be decided on BEFORE annexation talks ever begin. Flood mitigation should be a priority for governmental decisions and attention BEFORE discussions and decisions regarding development begin. NO development should be allowed in the flood plain.


B. NOT approve changes to the 4-Body review that is currently required for the BVCP. I have heard that it will be moved into the IGA so that it is not above-board. PLEASE do NOT sign an IGA that hides within it the elimination of the 4-Body review that has served us well for decades.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#410]  
**Date:** Friday, June 23, 2017 3:51:56 PM

---

Name *	Barb Karr
Email *	<a href="mailto:barbk31@centurylink.net">barbk31@centurylink.net</a>
Phone Number (optional)	(303) 579-5431
Address (optional)	 4670 Macky Wy Boulder 80305 United States
This comment relates to: *	CU South
Comment: *	Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#411]  
**Date:** Friday, June 23, 2017 4:32:57 PM

---

Name *	spense havlick
Organization (optional)	CU professor of Environmental Design
Email *	<a href="mailto:havlick@colorado.edu">havlick@colorado.edu</a>
This comment relates to: *	CU South

**Comment: \***

Dear friends and commissioners,  
I have submitted my requests to you three but Mr. Giang has asked me todo another on this form. I hope you will consult with my earlier comments which are more detailed .  
In a nutshell , I am pleading with you to not annex the 308 acre gravel pit that would enable CU to promote sprawl with out adherence to city code and rules of floodplain hazards, building height or density and other important and use issues.  
My preference would be for you to take a strict sustainability position and promulgate a joint county – city open space purchase in order to safeguard this pastoral , ecologically sensitive area as a gateway to Boulder. No annexation would be necessary .  
This flood prone area should not be annexed as a part of the IGA .Sprawl as proposed by CU should not occur at this site. If you wish more detailed info please call me at 303-494-0664.  
Cordially,  
Spense Havlick

Please check box below \*       I acknowledge receipt of the Open Records Notification

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**From:** mpicher@comcast.net  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Plan D for South Boulder  
**Date:** Friday, June 23, 2017 8:35:08 PM

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I am writing to express my complete dedication to having Plan D, for a berm to protect South Boulder from the ravages of floods. My interest can be aroused by scenic views and open space, or plans that C.U. may have for the land they own, or the City of Boulder and the County Commissioners' decisions on city and county planning. In this case, however, my vote goes to Plan D, a berm to protect the southern part of our city and county from the devastation of rising waters, property damage and, most important, threats to life and bodily damage. Having once seen such a flood, and its devastation across a wide swath of the neighborhood, and knowing that was only the Grace of God that got us through it without loss of life or any injuries, I, like others, feel anxiety rising with every rainstorm. It is possible to have it again. What are you doing to prevent the damage?

Margaret Picher



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#412]  
**Date:** Friday, June 23, 2017 8:38:07 PM

---

Name *	Clinton Heiple
Email *	<a href="mailto:clinh.1@comcast.net">clinh.1@comcast.net</a>
Address (optional)	 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	We were extremely fortunate that no one was killed in South Boulder in the 2013 flood, although there was tremendous property damage. We may not be so fortunate next time, and there will be a next time. Flood mitigation is necessary sooner rather than later. The current plan, referred to as option D, provides effective flood mitigation. Annexation of the CU south property by Boulder is necessary for this plan to go forward. Please support the required changes in the Comprehensive Plan to make this possible.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** Bruce Thompson  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Safe Lives - Support the immediate construction of the Berm involving South Boulder Creek  
**Date:** Friday, June 23, 2017 8:48:27 PM

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Hello Commissioner's,

There has been misinformation regarding the design of the Berm with the sole intention to delay this project.

I sincerely hope you read Dan Johnson's Guest Commentary in the Daily Camera on June 14th titled "Time is of the Essence". This article is the best and most accurate summary of the design effort performed regarding the design of this Berm which has been analyzed for over 15 years.


As Commissioner's I would think saving lives of residents of Boulder County would be your highest priority. Please due what it requires to get this Berm project under construction. It was a miracle no one as killed by the flood that occurred in South Boulder in September 2013 .

Thank you in advance,

Bruce Thompson 350 Ponca Place, Boulder

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#413]  
**Date:** Friday, June 23, 2017 8:58:26 PM

---

Name *	Bruce Thompson
Organization (optional)	Self
Email *	<a href="mailto:bruce_29005@msn.com">bruce_29005@msn.com</a>
Phone Number (optional)	(720) 562-8284
Address (optional)	 350 Ponca Place #279 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>As County Planners I would think saving lives of Boulder County Residents would be your highest priority. Now getting the BVCP approved including the CU South property will allow the Berm to be constructed along US 36 to move forward which will save lives.</p> <p>It was a miracle no one was killed during the September 2013 flood. Please do not wait for someone to get killed before you act.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#414]  
**Date:** Friday, June 23, 2017 9:20:18 PM

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Name \* k hollweg

Email \* [khollweg@stanfordalumni.org](mailto:khollweg@stanfordalumni.org)

This comment relates to: \* CU South

Comment: \*


PLEASE approve the Planning Board recommendations described in the Endnotes, rather than the staff recommendations that attempt to override the Planning Board input. The reasons for doing this include:

- \* the need for a detailed external engineering analysis of flood mitigation alternatives that look at possibilities for non-structural mitigation (as called for in BVCP) and options for flood mitigation on the CU South property when the levee is removed.
- \* the fact that staff fully controlled the development of Option D -- and the public input process of the last 5 months has shown many shortcomings of Option D. The next phase of analysis and design needs to be done WITHOUT staff's constraints (as suggested by Planning Board) so that we can end up with the BEST design and not just an additional iteration of the flawed Option D design.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#455]  
**Date:** Saturday, June 24, 2017 2:41:27 AM

---

Name *	Kevin Bunnell
Organization (optional)	Frasier Meadow R.C.
Email *	<a href="mailto:kevinpbun90@gmail.com">kevinpbun90@gmail.com</a>
Phone Number (optional)	(720) 333-3807
My Question or Feedback most closely relates to the following subject: (fill in the blank) *	The flood prevention berm
Comments, Question or Feedback *	See attachment
Attach a File (optional)	 <a href="#">to_the_boulder_county_commissioners1.docx</a> 127.60 KB · DOCX
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

To the Boulder County Commissioners  
From Kevin P. Bunnell, MAT, EdD.  
720 333 3807

I am a long-time resident of Frasier Meadows Retirement Community. I was all over our campus on the night of the great flood of 1913.

What follows are images I saw on that fateful night.

--Our new CEO and a couple of maintenance staff trying to squeeze water out of our old Assisted Living building—Pushing the water across a hall and out a door into a frontage road. Clearly, they were losing the game. When they gave up, the water had risen in spite of their efforts. They turned their efforts to saving lives.

--Later I saw Tim Johnson, our CEO struggling across the quadrangle, up to his knees in water, carrying to safety a fragile resident of our nursing home. As he walked he was also talking on his cell phone asking the CEO of Golden West if he had any empty beds that could accommodate some of our displaced residents. He did have some beds.

--The elevators in the Frasier north wing were the only ones operating. The elevator door opened on the second floor. From the elevator came a caregiver pushing a nursing home patient in a wheel chair and trying to pull behind her a large tank of oxygen that supported the life of her patient. They had come half way across the campus this way to get to the working elevators and ultimately to the second floor dining room where the patients were taking shelter. I brought the tank the rest of the way.

As the evening passed, both our upstairs and the downstairs dining facilities became full of patients in wheel chairs and others in seating that had been moved into these secure areas. These folks were frightened. They had no idea what the future held for them. They were mostly silent, with large questioning eyes. They were helpless. Many of us, less afflicted, walked among them speaking calmly and gently holding a proffered hand that sought comfort.

One couple became separated. One was upstairs and the other down. Each was deeply frightened about the fate of the other. Knowing both of them and grasping the situation, I began carrying messages of reassurance between them.

Most of those patients seated in their wheel chairs, packed in tightly, remained so all during the night until the next day when places could be found for them in other facilities. Some never returned to Frasier.

One other incident: A long-time friend, bound for much of his life by polio to a wheel chair had taken refuge with his wife on the second-floor dining room. He thought if he could get to the second floor of the south wing he could take refuge in one of the water-safe apartments. I started to lead them there and then thought that before he made the effort to get there, I should go on ahead and be sure he could really find refuge there. As soon as I got to second floor south, I knew this was no place of refuge. The fire alarm, tripped by the flood waters, was screeching so loudly that one could never tolerate staying within those walls. I saved them a fruitless trip and offered them my apartment, but they eventually found safety elsewhere.

Kevin P. Bunnell  
720 333 3807  
Frasier 284N

**From:** mk forsythe  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Boulder City Plan D  
**Date:** Saturday, June 24, 2017 7:12:51 AM

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Commissioners,

I encourage you to support Boulder City's Plan D coming before you shortly. Those of us in the Frasier Meadows neighborhood felt the effects of severe flooding in September 2013 and have studied the plan now proposed on CU South's property. We believe it is an effective plan and depend upon your support to protect us from another devastating flood. The Frasier Meadows Retirement Community was badly damaged, and we were amazingly fortunate not to have lost any lives, thanks to our staff and to community members.

We now look to you to help protect us.

Thanking you in advance,

Kay and Mike Forsythe  
350 Ponca Place  
Boulder, CO 80303



**From:** David W. Smith  
**To:** [Weaver, Sam](#); [Appelbaum, Matt](#); [Jones, Suzanne](#); [Lisa Morzel](#); [Shoemaker, Andrew](#); [Young, Mary](#); [Brockett, Aaron](#); [Burton, Jan](#); [Yates, Bob](#)  
**Cc:** [#LandUsePlanner](#); [Boulder County Board of Commissioners](#)  
**Subject:** Re: RE: DWS Twin Lakes Properties  
**Date:** Saturday, June 24, 2017 7:48:11 AM

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Dear Mr. Weaver,

When I wrote to you in February, you replied that the Twin Lakes proposal would "likely not advance through the comp plan process any further". Now, I understand that the Council proposes to eliminate the four-body review process, to ensure that Twin Lakes will proceed.

I view this as a disturbing and arrogant attempt to ignore safeguards that have protected Boulder County Open Space. Please review my original letter (below). In addition, the relationships between the Council and the Commissioners and the Housing Authority create a clear conflict and those members should recuse themselves.

In my original letter, I suggested that the Boulder Council should solve the housing problem, they created by approving rapid commercial growth, by redeveloping under-utilized and derelict lots in Boulder. You could be remembered for doing something ethical and positive rather than for destroying Open Space.

Sincerely David

David W. Smith  
[dwsonlee@yahoo.com](mailto:dwsonlee@yahoo.com)  
303-530-6990  
If the subject includes DWS, it is intended  
to assure you that it is from me and not spam

---

On Thursday, February 23, 2017, 9:41:22 AM MST, Weaver, Sam <[WeaverS@bouldercolorado.gov](mailto:WeaverS@bouldercolorado.gov)> wrote:

David,

This issue will likely not advance through the comp plan process any further, based on what we have heard from the county. The City owns neither property, so our involvement is currently very limited.

All the best,

## Sam Weaver

Member of Boulder City Council

[weavers@bouldercolorado.gov](mailto:weavers@bouldercolorado.gov)

Phone: 303-416-6130

---

**From:** David W. Smith [mailto:dwsonlee@yahoo.com]  
**Sent:** Thursday, February 23, 2017 9:13 AM  
**To:** Appelbaum, Matt <Appelbaumm@bouldercolorado.gov>; Jones, Suzanne <JonesS@bouldercolorado.gov>; Lisa Morzel <lisamorzel@gmail.com>; Shoemaker, Andrew <ShoemakerA@bouldercolorado.gov>; Weaver, Sam <WeaverS@bouldercolorado.gov>; Young, Mary <YoungM@bouldercolorado.gov>; Brockett, Aaron <BrockettA@bouldercolorado.gov>; Burton, Jan <BurtonJ@bouldercolorado.gov>; Yates, Bob <YatesB@bouldercolorado.gov>  
**Cc:** planner@bouldercounty.org  
**Subject:** Fw: DWS Twin Lakes Properties

Boulder Council,

I am strongly opposed to the continued effort to build affordable housing near Twin Lakes.

First, the land was donated and was intended for a school and a church. To change that to housing is not ethical.

Second. A County Planner said that the Twin Lakes Ponds area is the most visited Open Space of all the areas the County owns. I believe that indicates that this small area is the most valued, by the public, of all the open space we have paid for.

Third. The City of Boulder has largely created the problem of affordable housing that you say you are trying to solve. By approving large office buildings, hotels and a large number of apartment buildings, you

have significantly increased the number of people working in Boulder and all the support, service staff needed.

You should redevelop under utilized plots in Boulder (used car lots etc) to provide small clusters of affordable

units instead of dumping the problem in Gunbarrel. This would be a much better solution for the community anyway

and would help people integrate into communities.

So please do the right thing. Arrange to sell these two plots back to the County as Open Space, so that they can

develop a really attractive park with space for the wildlife and the amenities the public would like.

You could be remembered for doing something ethical and positive rather than something very negative.


Regards

David W. Smith  
[dwsonlee@yahoo.com](mailto:dwsonlee@yahoo.com)  
303-530-6990

If the subject includes DWS, it is intended  
to assure you that it is from me and not spam

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#415]  
**Date:** Saturday, June 24, 2017 8:51:03 AM

---

Name *	Donald Cote
Organization (optional)	Company...
Email *	<a href="mailto:doncote07@gmail.com">doncote07@gmail.com</a>
Phone Number (optional)	(303) 440-4152
Address (optional)	 4840 Thunderbird Dr # 282 Address2... Boulder 80303 United States
This comment relates to: *	CU South

**Comment: \***

The primary responsibility of government is to protect the lives and property of its' citizens. While no lives were lost , the 2013 flood demonstrated the failure of government to meet its primary responsibility. The threat of flooding crossing US 36 has been know since at the least the 60s and it has been four years since the last overflow and resulting damage. Boulder has completed a comprehensive analysis of the the flood conditions on US 36 at Foothills Highway and produced a "Plan D" to construct a berm on the CU property to contain the 100 year flood and more. It is time for this berm be completed to ensure the lives and safety of the city's residents. The current obstacle to this happening is the approval of the Boulder Valley Comprehensive Plan. Lets not use this as a reason to postpone the building of this life saving berm.

thank you

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** Don Cote  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** BVCP  
**Date:** Saturday, June 24, 2017 9:13:04 AM

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It is absolutely crucial that the BVCP be accepted so the Flood Mitigation Project on US 36 (Boulder Plan D) can be completed. The primary responsibility of government is to protect the lives and property of its' citizens. While no lives were lost , the 2013 flood demonstrated the failure of government to meet its primary responsibility. The threat of flooding crossing US 36 has been known since at the least the 60s and it has been four years since the last overflow and resulting damage. Boulder has completed a comprehensive analysis of the the flood conditions on US 36 at Foothills Highway and produced a "Plan D" to construct a berm on the CU property to contain the 100 year flood and more. It is time for this berm be completed to ensure the lives and safety of the city's residents. The current obstacle to this happening is the approval of the Boulder Valley Comprehensive Plan. Lets not use this as a reason to postpone the building of this life saving berm.

thank you

--

**Don Cote**  
**4840 Thunderbird Drive # 282**  
**Boulder, CO 80303**

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#456]  
**Date:** Saturday, June 24, 2017 10:08:20 AM

---

Name \* Amy Beyer

Email \* [albsmiles23@gmail.com](mailto:albsmiles23@gmail.com)

Phone Number (optional) (303) 596-1398

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Amy Beyer

Please check box below \*


- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#416]  
**Date:** Saturday, June 24, 2017 11:07:34 AM

---

Name \* Karyl Verdon

Email \* [kverdon@ymail.com](mailto:kverdon@ymail.com)

Address (optional)  4408 Sandpiper Circle  
Boulder, CO 80301  
United States

This comment relates to: \* 4 panel review elimination

Comment: \*

This is in regards to the upcoming vote to eliminate the 4 body process review for land use changes aka the Boulder Valley Comprehensive Plan – doing away with this process and allowing the Boulder City Council to make all planning decisions for the city and county is just plain wrong! This would be like doing away with the executive, legislative and judicial branches of federal government but on a local scale – we obviously need a system of checks and balances to things fair and on the level here in Boulder county.

The current 4 body review system keeps planning decisions fair and balanced by allowing different inputs from city AND county residents and planning officials. It gives a voice to unincorporated county residences like myself who disagree with the build–build–build philosophy that has turned Boulder into something I no longer recognize.

I don't believe the majority of the Boulder City Council have rural residents best interests at heart, they talk a good game about wanting citizen input but then seem to ignore that input. It seems the main city council goal is develop what little available land remains while putting lots of money in their or the land developers pockets in the process. This behavior is ruining the character of rural communities like Gunbarrel. What's next, changing policy and selling/developing the County open spaces?

I don't get to vote for who is elected to the City Council so why should they get to have all the voice in decisions that effect where I live? Actions speak louder than words – do not let this happen!

Thank you for reading,

Karyl Verdon  
4408 Sandpiper Circle  
Boulder, CO 80301  
(303) 516–0517

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** Hugh W Evans  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Option D  
**Date:** Saturday, June 24, 2017 5:01:47 PM

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Dear Sirs,

For Heaven's sake build the berm and save lives!

Hugh Evans



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#417]  
**Date:** Saturday, June 24, 2017 9:01:46 PM


---

Name *	myrna besley
Organization (optional)	resident of boulder county
Email *	<a href="mailto:mysube@aol.com">mysube@aol.com</a>
This comment relates to: *	Policy Updates
Comment: *	<p>Thank you for the opportunity to voice my concern and urge the council to retain the 4-body review process for land use changes. When land use changes are made, the ripple effect can create vast alterations in neighborhoods, businesses and entire communities. We need both the city and county planners, the county commissioners and the city council to jointly address the proposed changes. All 4 bodies come to the table with their own perspective. This is essential!</p> <p>Myrna Besley</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#418]  
**Date:** Sunday, June 25, 2017 4:04:08 AM

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Name *	Margie Ripmaster
Email *	<a href="mailto:margie@spiritofprovence.com">margie@spiritofprovence.com</a>
Phone Number (optional)	(720) 838-0329
Address (optional)	 716 16th Street Boulder, CO 80302 United States
This comment relates to: *	717 17th Street
Comment: *	This is a new building being advertised on Zillow as a 4-6 bedroom apartment building.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#457]  
**Date:** Sunday, June 25, 2017 8:34:44 AM

---

Name \* Mary strauss

Email \* [marystrauss@gmail.com](mailto:marystrauss@gmail.com)

Phone Number (optional) (720) 552-7597

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* South Boulder Open Space

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Mary Strauss  
636 Walden Circle  
Boulder, Co 80305

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#458]  
**Date:** Sunday, June 25, 2017 9:11:51 AM

---

Name \* Jeff Beard

Email \* [jeffb@cyberxape.com](mailto:jeffb@cyberxape.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* Boulder Valley Comprehensive Plan update

Comments, Question or Feedback \*

Dear Members of the County Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,

Jeff Beard  
4848 W Moorhead Cir  
Boulder, CO 80305

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Jeff Beard -  
**Date:** Sunday, June 25, 2017 9:13:14 AM

---

Name: Jeff Beard

Email Address: [jeffb@cyberxape.com](mailto:jeffb@cyberxape.com)

Please enter your question or comment: Dear Members of the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,

Jeff Beard

4848 W Moorhead Cir

Boulder, CO 80305

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#459]  
**Date:** Sunday, June 25, 2017 9:39:11 AM

---

Name \* Cheryl Cox

Email \* [cherylcco@gmail.com](mailto:cherylcco@gmail.com)

Phone Number (optional) (303) 854-7834

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* Boulder Valley Comprehensive Plan

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Cheryl Cox  
6 Benthaven Place  
Boulder, CO 80305

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Cheeyl Cox -  
**Date:** Sunday, June 25, 2017 9:43:03 AM

---

Boulder County Property Address : 6 Ben

Name: Cheeyl Cox

Email Address: cherylcco@gmail.com

Phone Number: (303) 854-7834

Please enter your question or comment: Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Cheryl Cox

6 Benthaven Place

Boulder, CO 80304

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#460]  
**Date:** Sunday, June 25, 2017 9:46:41 AM

---

Name \* Thomas Cox

Email \* [thomasbcc@gmail.com](mailto:thomasbcc@gmail.com)

Phone Number (optional) (303) 854-7832

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* Boulder Valley Comprehensive Plan

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Thomas Cox  
6 Benthaven Place  
Boulder, CO 80305

Please check box below \*

- I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Thomas Cox -  
**Date:** Sunday, June 25, 2017 9:49:36 AM

---

Boulder County Property Address : 6 Benthaven Place, Boulder, 80305

Name: Thomas Cox

Email Address: thomasbcc@gmail.com

Phone Number: (303) 854-7832

Please enter your question or comment: Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Thomas Cox

6 Benthaven Place

Boulder 80305

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#461]  
**Date:** Sunday, June 25, 2017 10:37:40 AM

---

Name \* Cerah Hedrick

Email \* [cerah.hedrick@gmail.com](mailto:cerah.hedrick@gmail.com)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* Land use changes & floodplane mitigation

Comments, Question or Feedback \*

Dear Members of the County Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,  
Cerah Hedrick  
4845 W Moorhead Cir  
Boulder, Co

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Cerah Hedrick -  
**Date:** Sunday, June 25, 2017 10:40:30 AM

---

Boulder County Property Address : 4845 W Moorhead Cir

Name: Cerah Hedrick

Email Address: [cerah.Hedrick@gmail.com](mailto:cerah.Hedrick@gmail.com)

Please enter your question or comment: Dear Members of the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,

Cerah Hedrick

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#462]  
**Date:** Sunday, June 25, 2017 12:05:12 PM

---

Name \* Amanda Wember

Email \* [awember@yahoo.com](mailto:awember@yahoo.com)

Phone Number (optional) (303) 579-8330

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South Planning

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please DO NOT remove land use changes to the CU South/South Boulder Creek Floodplain from this update. we MUST concern ourselves with the safety of Boulder citizens! Inactions will put many people in harm's way.

I know you have received requests to remove the CU South. This is a NIMBY response from citizens concerned about CU South impinging on their ability to walk dogs and use that space. It is certainly a valid concern, but I would hate to put dog walking above life saving. I hope you all agree!

Thank you all for your hard work on behalf of all Boulder citizens.

Respectfully yours,  
Amanda Wember  
801 Crescent Dr  
Boulder, CO 80303

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [#LandUsePlanner](#)  
**Subject:** Ask a Planner - Web inquiry from Amanda Wember -  
**Date:** Sunday, June 25, 2017 12:06:29 PM

---

Boulder County Property Address : 801 crescent drive, boulder, co 80303

Name: Amanda Wember

Email Address: awember@yahoo.com

Phone Number: (303) 579-8330

Please enter your question or comment: Dear Members of the County Commission and the County Land Use Planning Commission,

Thank you for your hard work on the current Boulder Valley Comprehensive Plan update.

Please DO NOT remove land use changes to the CU South/South Boulder Creek Floodplain from this update. we MUST concern ourselves with the safety of Boulder citizens! Inactions will put many people in harm's way.

I know you have received requests to remove the CU South. This is a NIMBY response from citizens concerned about CU South impinging on their ability to walk dogs and use that space. It is certainly a valid concern, but I would hate to put dog walking above life saving. I hope you all agree!

Thank you all for your hard work on behalf of all Boulder citizens.

Respectfully yours,

Amanda Wember

801 Crescent Dr

Boulder, CO 80303

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

**From:** Jo Ann Joselyn  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Please implement Boulder City Council Plan D  
**Date:** Sunday, June 25, 2017 2:03:42 PM

---

Dear Boulder County Commissioners,

The threat of a repeat of the flood of 2013 to my neighborhood (north of Hwy 36 and west of the Foothills Hwy) is of great concern.

Please implement the Boulder City Council Plan D for flood control, to protect my life and property as well as those of my neighbors.

Sincerely,

Jo Ann Joselyn

4875 Sioux Dr. Apt. 303, Boulder CO 80303


720-562-8027

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#419]  
**Date:** Sunday, June 25, 2017 2:29:45 PM

---

Name \* Sara Cote

Email \* [saraccote@gmail.com](mailto:saraccote@gmail.com)

Address (optional)  4840 Thunderbird Dr #282  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

I expect my government to act promptly to address threats to the safety of Boulder Valley residents. It has been four years since the flood that severed US 36 and flooded Boulder residents. Only by the grace of God no lives were lost. However significant property damage occurred. Only this year have we seen the neighborhoods return to normal and the repairs completed. But we still haven't seen the flood mitigation even started to protect US 36 and the residents.

With Global Warming proceeding at an unbelievable pace, another flood similar to the 2013 flood or greater is likely to occur in the coming years. Let get the Berm built before that happens.

Thank You

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#420]  
**Date:** Sunday, June 25, 2017 3:04:46 PM

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Name *	Gaye Franklin
Email *	<a href="mailto:gfhands@yahoo.com">gfhands@yahoo.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	Please, please keep the 4-body review process and amendment procedures in the Boulder Valley Comprehensive Plan, NOT IGA!!!
Please check box below *	<ul style="list-style-type: none"><li>I acknowledge receipt of the Open Records Notification</li></ul>



**From:** Pete Palmer  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Berm Plan D and CU-South  
**Date:** Sunday, June 25, 2017 3:33:06 PM

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I am a resident of Frasier Meadows Retirement Community. Around 8 PM on the night of Sept. 12, 2013, a number of residents in the area north of the Table Mesa RTD station were severely impacted by a serious flash flood emanating from the super-saturated open-space slopes to the south of Shanahan Ridge, and northeast of the Dakota Ridge. The flood was focused by the then-existing berm around CU-South. Beneath Table Mesa Drive, it flooded across the concrete barriers forming the median of US Hwy 36, threatening any motorists who were on the highway at that time (fortunately the police knew of the past history of highway flooding there and prepared road-blocks). It then came north along the west side of Foothills parkway flooding homes and businesses along the way.

**It is imperative that the City's well-studied Plan D**, a high-hazard berm/dam that borders the south side of Highway 36 and then curls onto the CU-south property, **take human priority** over concerns by dog owners and walkers using the CU-south property.

The areas mentioned below are a known source of flooding, but never of this magnitude. It should not happen again. **The threats to life and limb need to be addressed.**

My wife was a 24/7 patient in the dementia part of the skilled nursing unit on the ground level of our Health Care facility. She, and at least a dozen other inhabitants of that unit had to be evacuated through hip deep water, in pitch darkness, to higher ground and then re-located to nursing facilities as far away as Thornton. This was a traumatic moment for already confused elderly people. In the two underground garages below the skilled nursing wing and also Frasier South, about 90 cars were submerged as those garages filled floor-to-ceiling in just a few minutes. Three blocks to our south, the folks along Qualla Drive had their basements completely inundated and an auto was washing down the street in front of their homes. Many basement apartments to their south were also instantaneously flooded.

No-one had any warning. Many folks are still traumatized. It was a hot night, but the apartment residents, and those on Qualla who had been using their basements to stay cool, had not yet gone to bed. If the flood had hit an hour or two later, some would have drowned. The lack of warning probably also saved some residents of Frasier Meadows, who might have tried to move their cars, from drowning in our garages. We were all very lucky.

**Please accept the proposed modifications of the Boulder Valley Comprehensive Plan** so that construction of the high-priority berm/dam of Plan D can move forward and provide permanent protection for the residences of everyone north of Highway 36 and west of Foothills Parkway. This is a city and county responsibility. Climate-change issues suggest that another flood of similar magnitude might not necessarily be very far in the future.

Thank you.

A. R. (Pete) Palmer, 4875 Sioux Dr. #206, Boulder 80303




**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#421]  
**Date:** Sunday, June 25, 2017 4:24:32 PM

---

Name \* Allison Palmer

Email \* [allison.palmer@comcast.net](mailto:allison.palmer@comcast.net)

Address (optional)  4875 Sioux Dr., #206  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

I am a resident of Frasier Meadows Retirement Community. Around 8 PM on the night of Sept. 12, 2013, a number of residents in the area north of the Table Mesa RTD station were severely impacted by a serious flash flood emanating from the super-saturated open-space slopes to the south of Shanahan Ridge, and northeast of the Dakota Ridge. The flood was focused by the then-existing berm around CU-South. Beneath Table Mesa Drive, it flooded across the concrete barriers forming the median of US Hwy 36, threatening any motorists who were on the highway at that time (fortunately the police knew of the past history of highway flooding there and prepared road-blocks). It then came north along the west side of Foothills parkway flooding homes and businesses along the way.

It is imperative that the City's well-studied Plan D, a high-hazard berm/dam that borders the south side of Highway 36 and then curls onto the CU-south property, take human priority over concerns by dog owners and walkers using the CU-south property.

The areas mentioned below are a known source of flooding, but never of this magnitude. It should not happen again. The threats to life and limb need to be addressed.

My wife was a 24/7 patient in the dementia part of the skilled nursing unit on the ground level of our Health Care facility. She, and at least a dozen other inhabitants of that unit had to be evacuated through hip deep water, in pitch darkness, to higher ground and then re-located to nursing facilities as far away as Thornton. This was a traumatic moment for already confused elderly people. In the two underground garages below the skilled nursing wing and also Frasier South, about 90 cars were submerged as those garages filled floor-to-ceiling in just a few minutes.

Three blocks to our south, the folks along Qualla Drive had their basements completely inundated and an auto was washing down the street in front of their homes. Many basement apartments to their south were also instantaneously flooded.

No-one had any warning. Many folks are still traumatized. It was a hot night, but the apartment residents, and those on Qualla who had been using their basements to stay cool, had not yet gone to bed. If the flood had hit an hour or two later, some would have drowned. The lack of warning probably also saved some residents of Frasier Meadows, who might have tried to move their cars, from drowning in our garages. We were all very lucky.

Please accept the proposed modifications of the Boulder Valley Comprehensive Plan so that construction of the high-priority berm/dam of Plan D can move forward and provide permanent protection for the residences of everyone north of Highway 36 and west of Foothills Parkway. This is a city and county responsibility. Climate-change issues suggest that another flood of similar magnitude might not necessarily be very far in the future.

Thank you.

Please check box below \*

I acknowledge receipt of the Open Records Notification

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**From:** baobrien@aol.com  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Flood abatement  
**Date:** Sunday, June 25, 2017 7:28:38 PM

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The lives of South Boulder residents are in jeopardy if another flood occurs so please do all you can to implement Boulder City Council Plan D immediately.


Thank you,  
Betty O'BRIEN  
4840 Thunderbird Dr.

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#422]  
**Date:** Sunday, June 25, 2017 8:22:56 PM

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Name \* Elaine Hiebert

Email \* [edwhavalanche@earthlink.net](mailto:edwhavalanche@earthlink.net)

Address (optional)  80303  
United States

This comment relates to: \* CU South

Comment: \*

Safety of the people and property must be your first responsibility. That no one was killed in the flood of 2013 was amazing as the water flooded the parking garage of Frasier Meadows in minutes with such a rush that if someone was getting their car out they would have been lost. Over a hundred cars were destroyed. What will you in government say if there is another flood and nothing was done after 4 years? It will not be pleasant!

The city did not buy that land when they had a chance and CU owns it and they will need housing for students and employees in the future. The lack of concern, by people in south Boulder who were not inconvenienced by the flood, for those who lost millions of dollars in property and were out of their homes for months is astonishing.

Elaine Hiebert

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#423]  
**Date:** Sunday, June 25, 2017 9:03:33 PM

---

Name *	Dorian Merrill
Email *	<a href="mailto:dorian.merrill@gmail.com">dorian.merrill@gmail.com</a>
Address (optional)	 PO Box 102962 Denver, CO 80250 United States
This comment relates to: *	South Boulder Songbird Open Space
Comment: *	<p>I implore the commission and council to save the South Boulder Songbird Open Space. This critical habitat area near Eldorado State Park is home to a multitude of rare songbirds, and provides important wetlands habitat. Moose, deer, and black bears all make use of this land.</p> <p>I am against the CU South development proposed as well as any other proposed development in this open space area. Thank you for considering my opinion.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#424]  
**Date:** Sunday, June 25, 2017 9:33:09 PM

---

Name \* Troy McCall

Email \* [newworldance@gmail.com](mailto:newworldance@gmail.com)

Phone Number (optional) (720) 584-4067

Address (optional)  2840 14th St  
Boulder, Co 80304  
United States

This comment relates to: \* CU South

Comment: \*

I highly oppose development on CU South land. I support preservation of open space and care for all natural habitat. Boulder is becoming over populated. I am saddened by the direction of growth that is occurring. Chief Niwot's "curse" is not a curse at all- it is a prediction. He spoke the white man will come, and not leave, and destroy the beauty of the special place Boulder is. That is EXACTLY what I am witnessing and is happening. Aa resident for over 20 years it is sickening to watch. Please, take heed to Cheif Niwot's prediction, stop calling it a curse, and display wisdom and do not kill the beauty any more then has already occurred.

Please check box below \*  I acknowledge receipt of the Open Records Notification



**From:** Pat Carden  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Please support flood protection for South Boulder resident ASAP  
**Date:** Sunday, June 25, 2017 10:24:45 PM

---

To: Boulder County Commissioners  
From: Patricia Carden, South Boulder resident

The damages caused by the 2013 flood and risks to human safety as well as life continue to be a threat until action is taken. A solution has been proposed and approved. How can this not be a priority of your responsibility to assure the health and safety of Boulder County residents?!

I urge your support for moving forward immediately with approval of BVCP as presented in May, and immediate implementation of Option D for flood mitigation.

Most sincerely and respectfully,  
Pat Carden


**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#425]  
**Date:** Sunday, June 25, 2017 10:25:44 PM

---

Name *	Patricia Carden
Email *	<a href="mailto:ptc39@comcast.net">ptc39@comcast.net</a>
Phone Number (optional)	(720) 562-8035
This comment relates to: *	CU South
Comment: *	<p>The damages caused by the 2013 flood and risks to human safety as well as life continue to be a threat until action is taken. A solution has been proposed and approved. How can this not be THE priority of your responsibility to assure the health and safety of Boulder County residents?!</p> <p>I urge your support for moving forward immediately with approval of BVCP as presented in May, and immediate implementation of Option D for flood mitigation.</p> <p>Most sincerely and respectfully,</p> <p>Pat Carden</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#426]  
**Date:** Monday, June 26, 2017 7:08:51 AM


---

Name *	kurt schlomberg
Email *	<a href="mailto:kurtschlomberg@hotmail.com">kurtschlomberg@hotmail.com</a>
Address (optional)	 4566 Tally Ho Trail Boulder, CO 80301 United States
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)
Comment: *	Please retain the 4-body review process and amendment procedures in the Boulder Valley Comprehensive Plan, not the IGA.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

---

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#427]  
**Date:** Monday, June 26, 2017 7:50:14 AM

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Name *	Betina Mattesen
Email *	<a href="mailto:bmattesen26@gmail.com">bmattesen26@gmail.com</a>
Address (optional)	 Nederland United States
This comment relates to: *	CU South
Comment: *	Let's not devour the planet! Development of critical wetlands and songbird habitat? You've got to be kidding that this Open Space is not worthy of preservation for all. We should be modeling best stewardship of gems like this one. Please protect.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

---

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#463]  
**Date:** Monday, June 26, 2017 9:12:53 AM

---

Name \* Lois LaCroix

Email \* [loislacroix@msn.com](mailto:loislacroix@msn.com)

Phone Number (optional) (303) 494-8411

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* bvcp review

Comments, Question or Feedback \*

TO:Mr. Applebaum, Mr. Yates, Mr. Shoemaker, Mr. Brockett, Ms. Burton  
RE: Boulder Valley Comp Plan Review Process and other things  
DATE: 27 June 2017

You are the 5, great, city councillors  
With everyone's best interest at heart  
Folks don't know what's good for them  
But you do, 'cause you're really smart.

You think reviews may once have had value.  
But now have outlived their day  
And since you know so much better  
You'll just limit those folks who have say.

Just a slight change in the wording  
Cause along with the staff you know all.  
What harm will there be without CPC?  
Two groups for the county?..What gall

Your arrogance is really disheartening.  
You regard disagreement as sin.  
The comp plan is meant to protect us  
The 4 group review should stay in.

Lois LaCroix,  
City of Boulder Citizen and home owner

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#428]  
**Date:** Monday, June 26, 2017 12:24:33 PM

---

Name \* Elvera Sciarra

Email \* [ellwolf@indra.com](mailto:ellwolf@indra.com)

Phone Number (optional) (303) 250-6438

Address (optional)  1665 Orchard Ave  
Boulder, CO 80304  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

I do not support elimination of the 4-body review process being consider for the updated BVCP. The demise of the 4-body review would constitute a state of absolute control by the Boulder City Council over Boulder County residents, particularly over Gunbarrel and the proposed CU South. I am a homeowner in the city of Boulder and I agree wholeheartedly with Council Woman Mary Young --- "If it ain't broke, don't fix it." Put another way, checks and balances are critical and I shudder at the potential abuse of power, especially with several of the pro-growth council. Thanks for being a voice for all residents of Boulder County.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** Ellie & Wolf  
**To:** [Boulder County Board of Commissioners](#)  
**Cc:** [Council; boulderplanningboard@bouldercolorado.gov](mailto:boulderplanningboard@bouldercolorado.gov)  
**Subject:** Elimination of the 4-body review  
**Date:** Monday, June 26, 2017 12:50:55 PM

---

Dear Commissioners, Planning Board and Council,

**I do not support** elimination of the 4-body review process being consider for the updated BVCP.

The demise of the 4-body review would constitute a state of absolute control by the Boulder City Council over Boulder County residents, particularly over Gunbarrel and the proposed CU South.

I am a homeowner in the city of Boulder and I agree wholeheartedly with Council Woman Mary Young --- "If it ain't broke, don't fix it."

Put another way, checks and balances are critical for our democracy and I shudder at the potential abuse of power, especially with several of the pro-growth council members. I was offended by Councilman Applebaum's reference to the "County Planning Commission as the Kill Committee."

Elimination of the 4-body review would eliminate the voices of Boulder County residents.

Now more than ever ALL voices are needed!

Thank You,

Elvera Sciarra  
Wolfgang Reitz

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#429]  
**Date:** Monday, June 26, 2017 12:28:26 PM

---

Name \* Julia Herring

Email \* [julia.herring@gmail.com](mailto:julia.herring@gmail.com)

Address (optional)  4840 Thunderbird Drive, Apt 94  
Boulder, Co 80303  
United States

This comment relates to: \* CU South

Comment: \*  
The Boulder Valley Comprehensive plan needs to be approved NOW! Any failure to do so continues to threaten life and property by flooding of South Boulder Creek. Please act immediately to resolve this issue.

Thank you,  
Julia Herring

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#430]  
**Date:** Monday, June 26, 2017 3:23:26 PM

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Name *	Charles Howe
Organization (optional)	Retired
Email *	<a href="mailto:Charles.Howe@Colorado.edu">Charles.Howe@Colorado.edu</a>
Phone Number (optional)	(720) 562-8089
This comment relates to: *	CU South
Comment: *	The alternative D, consisting of a dam on the South Campus, has been extensively studied. Designed by CH2MHill, one of the nation's most expert water engineering firms, it will provide flood protection for much of southeast Boulder and prevent the loss of life in cases of the 100 year+ flood. Please actto configure the Comp Plan to accommodate thiscritical structure
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#464]  
**Date:** Monday, June 26, 2017 3:32:07 PM

---

Name \* Jon Sirkis

Email \* [law@boulder.net](mailto:law@boulder.net)

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South / Flatirons

Comments, Question or Feedback \*

Dear Members of the County Commission and the County Land Use Planning Commission,

Please remove land use changes to the CU South/South Boulder Creek Floodplain from this update; and keep all areas currently designated as open space in their current open space designation. We need more data to inform our decisions about ensuring the safety of our downstream neighbors, preservation of our precious wetlands, and understanding impacts to endangered plants and animal species. We also recommend that you maintain the four body review process to ensure that our future aligns with our city and county's vision.

Respectfully yours,

Jon Sirkis  
570 Union Av.  
Boulder, CO 80304

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#431]  
**Date:** Monday, June 26, 2017 4:00:45 PM

---

Name \* John Crawford

Email \* [crawford3196@msn.com](mailto:crawford3196@msn.com)

Address (optional)  4840 Thunderbird Drive Apt 488  
Boulder 80303  
United States

This comment relates to: \* CU South

Comment: \*

The City of Boulder engineers have been studying the South Boulder Creek flood issue for well over 10 years. In 2009 HM2H Hill completed a South Boulder Creek study commissioned by the City.

This study forecast that a flood might overtop Highway 36 and flood the Thunderbird and Qualla Drive areas. The September 2013 flood did exactly that, with much damage, but with no loss of life.

Recognizing the threat to citizen life and property, less than two years later, in August 2015, the City Council endorsed a flood mitigation program involving an Option D berm.

Apparently this flood mitigation program is up for confirmation by several City and County groups. I trust that none of these groups will deny confirmation and thus, in effect, accept moral liability for future flood damage and loss of life.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#432]  
**Date:** Monday, June 26, 2017 4:01:28 PM

---

Name \* Jane Gilman

Email \* [janecgilman@gmail.com](mailto:janecgilman@gmail.com)

This comment relates to: \* CU South

Comment: \*  
During the 2013 Flood I had to be evacuated from my apartment in the night because the flood waters cascaded over US 36. It was scary and I don't wish to repeat this emotionally unsettling event. To keep it from happening again, it is necessary for you to approve the BVCP, so Boulder then can negotiate with CU over the annexation of CU south and the Flood Berm can be built keeping US 36 open and keep the flood waters out of my apartment. where they belong.

Thank You

Jane Gilman


Please check box below \*  
 I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#433]  
**Date:** Monday, June 26, 2017 4:07:58 PM

---

Name \* FRANK KARASH

Email \* [fkarash@msn.com](mailto:fkarash@msn.com)

Address (optional)  4721 TALLY HO CT  
BOULDER, CO 80601  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Please keep the 4-body review process and amendment procedures in the Boulder Valley Comprehensive Plan, not the IGA. It is essential that we keep the checks and balances that are already in place. You can't just eliminate the ones that you feel object to what "you" want to do. This isn't about what the "CITY" wants to do... it should be about what the "PEOPLE" want you to do.

Also.. you were asked to have these meetings in the evening so more of the "people" could participate. But you did not do that. I keep having to miss work and take vacation time in order to participate. And I am doing that because I believe these issues are that important. However... Please try to schedule these meetings in the evening.

Thank you.

Frank Karash

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#434]  
**Date:** Monday, June 26, 2017 4:53:31 PM

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Name \* Evelyn Lindquist

Email \* [aslind@AOL.com](mailto:aslind@AOL.com)

This comment relates to: \* CU South

Comment: \* I am disgusted that the 4 body ( the Boulder Council, the County Commissioners, the City Planning board and County Planning Board) review process is delaying the the implementation of the Flood Mitigation plan to build a berm on Cu South that would secure US 36 and keep the adjoining neighborhoods safe. It has been four years since the flood, what are you waiting for the next flood: act now!

Thank you

Evelyn Lindquist

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#435]  
**Date:** Monday, June 26, 2017 5:12:24 PM

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Name *	Emily Rudd
Organization (optional)	TLAG
Email *	<a href="mailto:earudd@comcast.net">earudd@comcast.net</a>
This comment relates to: *	4 body review process
Comment: *	It is important to retain the 4 body review process. This will continue to give a voice to those of us who are residents of Boulder County but not the City of Boulder. It is important for us to have governmental bodies which represent us and bodies which have members that we help to elect!
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#436]  
**Date:** Monday, June 26, 2017 5:12:26 PM

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Name *	Al LeBlang
Organization (optional)	South Boulder
Email *	<a href="mailto:golfski02@yahoo.com">golfski02@yahoo.com</a>
This comment relates to: *	CU South

**Comment: \***

I am not sure if my previous email to you got through. This is a repeat.

I have lived in South Boulder area for about 15 years. Prior to the 2013 Flood I would say it was the best years of my 89 years of Life.

I was very close to being a drowning victim in the 2013 Flood. I really can not enjoy my life, living with the constant fear that 2013 Flood will repeat before Plan D is implemented. Please do your part and take immediate action to get Plan D operational so the South Boulder Citizens are protected. Boulder County is a Super place, please let us not ruin it with another 2013 Flood without Plan D. We were lucky in 2013 we may not be so lucky if it is repeated without protection. Thank you for your consideration on this urgent matter. Please take what ever action is necessary to get Plan D started and operational immediately. TY Al LeBlang

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#437]  
**Date:** Monday, June 26, 2017 5:39:20 PM

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Name \* Elmar Dornberger

Email \* [elmar@hemisphereconsulting.com](mailto:elmar@hemisphereconsulting.com)

Phone Number (optional) (303) 818-5969

Address (optional)  4890 Qualla Drive  
Boulder, CO 80303  
United States

This comment relates to: \* CU South

Comment: \*

Dear City Council and Planning Commission

Thank you for working so hard and so consciously on the CU South flood prevention issue.

This has been a very long and arduous process and you all must be relieved that this part is almost over. So please make the right decision now and help to save lives in the future. As we all know the weather patterns have become unpredictable. Thousands of people are living in this area and are effected by another flood. Don't have this hanging over your head as something you could have prevented.


Please vote for Flood mitigation now.

Thank you,  
Yours,  
The Dornberger Family

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#438]  
**Date:** Monday, June 26, 2017 6:27:09 PM

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Name *	Dan Johnson
Organization (optional)	Citizen
Email *	<a href="mailto:danjohnson911@msn.com">danjohnson911@msn.com</a>
Phone Number (optional)	(303) 499-2240
Address (optional)	 1030 Rosehill Drive Boulder, Colorado 80302 United States
This comment relates to: *	CU South

**Comment: \***

I prepared and had printed a Guest Commentary in the June 14, 2017 Daily Camera regarding misunderstandings about Option D for the South Boulder Creek flood control project. The title of my commentary was "Time is of the Essence". I completed a five-year board membership on the WRAB in April 2017 and am well aware of the studies and options considered, as well as the constraints involved in the project.

Option D has the opportunity to provide protection to the residents that were so severely damaged in the September 2013 flood. The WRAB and City Council approved the Option D in 2015 and fully expected the project to go forward. I urge the Commissioners to move the project along such that our Boulder citizens can be protected, as is one purpose of government.

Please don't let another flood occur without completion of the flood protection project.

Attach a File (optional)	 <a href="#">camera_letter.docx</a> 17.84 KB · DOCX
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Please check box below \*

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## Opinion

### **Time is of the Essence**

I recently completed a five-year term as a member of the Water Resources Advisory Board. The members of this board have studied the South Boulder Creek Flood Mitigation Project since about 2011. The WRAB approved the project in 2015 and at my departure from the WRAB in March 2017, still considers the Option D concept (a long, low dam along Hwy 36) to be the preferred approach.

As a WRAB member and as an engineer practicing in water resources and dams (worldwide for nearly 45 years), I was pleased with the work completed by Utilities staff and their consultant CH2M in considering about 20 options, establishing performance criteria, investigation/understanding constraints, and coming to conclusions.

As a WRAB member, I heard from Boulder citizens that were impacted by the 2013 flood, both at the WRAB meetings and at discussions hosted by the citizens and occasional discussions. These citizens were fortunate to survive as well as they did, but went through trauma that I cannot imagine, late in the evening and early morning, when the flood overflowed at Highway 36 at Table Mesa Drive. I understand that each time we have a significant downpour, those who still live in the area re-live that trauma; not knowing what level of precipitation is coming or if flooding will reoccur. I did not hear from the citizens presenting opposition to the project until very recently and am surprised that they did not get involved sooner (2014 and 2015), to express their concerns.

Many of the issues discussed by opposition parties are misperceptions, including the following:

- This process has not been rapid, but has been studied for many years with input from the public and CU, alternative evaluation and selection, and conceptual engineering. Some have suggested slowing the project to look at other options, but any changes to the concept, such as small ponds, will take much longer and likely cost much more, as the land owner is not willing to agree without great effort and potential high land use/acquisition costs. Delays just expand the risk that another devastating flood can impact the area, affecting those Boulder citizens.
- The current concept (which will no doubt undergo considerable changes through the design process) is by definition a “small dam”; it will not flood private property and it can be designed and constructed in a short time (initial agreements with the land owner have been reached).
- The proposed construction has minimal impact on Boulder Open Space due to the agreements with CDOT relative to use of highway right of way for the dam. The only impact on Open Space will be temporary water storage during floods, which is how that area was impacted during the 2013 flood.
- Most of the dam is less than 15 feet high, tapering from zero feet at South Boulder Creek to a maximum of about 28 feet at the west end, where the Table Mesa Park and Ride is the visible impact. The impact from Hwy 36 will only be seen for a short section for those heading east. For those heading west in cars, the highway divider will block the dam from view.

- The dam can be designed to have groundwater flow under the dam, keeping the downstream alluvial flow in a natural state.
- The project is designed to contain the 1% flood (100-year) but with the High Hazard classification it is required to remain safe up to the maximum probable flood (much, much greater than the 2013 flood on South Boulder Creek), therefore, it will not fail due to flooding.
- CU has stepped up cooperation in the last few years of involvement, working with the City in developing concepts for the site that accommodate flood storage on their property. In my participation in meetings over the last year, CU has expressed interest to work with the City to expedite project completion.

As a Boulder citizen, I understand our interests in lifestyle, but also know that our city has a very high risk of flooding, due to our location at the mountain front. The City has done well to implement flood control projects on our many drainages in the last couple of decades and this needs to continue. I encourage moving forward with Option D for the South Boulder Creek Flood Mitigation.

Dan Johnson  
1030 Rosehill Drive  
Boulder, CO  
303-717-4443  
Dan.johnson911@msn.com

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#439]  
**Date:** Monday, June 26, 2017 7:47:16 PM

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Name \* Keller Kimbrough

Email \* [keller.kimbrough@colorado.edu](mailto:keller.kimbrough@colorado.edu)

This comment relates to: \* CU South

Comment: \*  
Please support the CU South Comprehensive Plan Amendment so that we can begin addressing the flood danger in South Boulder. The bottom third of my home at 46 Pima Court was destroyed in the 2013 flood, and the thought that this could happen again at any time keeps me up at night. This is an urgent issue, and I hope that we can address it right away.

Thanks, and best wishes,  
Keller Kimbrough

Please check box below \*  
 I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#440]  
**Date:** Monday, June 26, 2017 9:12:55 PM

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Name *	Mary Russell
Organization (optional)	Journeys Out Yonder
Email *	<a href="mailto:maryinline@gmail.com">maryinline@gmail.com</a>
Phone Number (optional)	(970) 618-1450
Address (optional)	 550 Mohawk Drive #57 Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

Public entities funded by public monies, such as CU Boulder and the City of Boulder, and every division and department within those entities, must be operated out of the best interest of the taxpayers.

It is my belief, having worked in the public sector my whole, adult life, that decisions of such seriousness as the possible CU South annexation and development must be kept open for discussion and review by the general public and by members of the public who sit on such city boards, who are charged with using their expertise and experiences to make unbiased decisions to serve the greatest outcome for the community.

In my opinion, the land in question needs to stay as it is, now and in the future. Sprawl is a disgusting, man-made eyesore. Boulder is becoming one of the least pleasing places to live, and this new development will add to the problem rather than solve one that most of us consider not a problem at all.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#441]  
**Date:** Monday, June 26, 2017 9:57:07 PM

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Name \* Susan Bailhache

Email \* [smbailhache@gmail.com](mailto:smbailhache@gmail.com)

This comment relates to: \* Policy Updates

Comment: \* I encourage you to uphold the four body review process for the Boulder Valley Comprehensive Plan. It is an important way to assure that there are checks and balances in the process. For residents of unincorporated Boulder County, it is a way for them to be represented during the review and have a voice in the decisions that are made.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** Julia Herring  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** BVCP  
**Date:** Monday, June 26, 2017 12:22:20 PM

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I am writing this letter because I am tired of living under the threat of flooding from South Boulder Creek. It has been four years since the flood and we see no action on your part. Please see that action is taken immediately to begin construction on the berm on CU south property.

Thank you.

Julia herring  
Frazier North  
4840 Thunderbird Dr.  
Apt. 94  
Boulder, Co 80303

Sent from my iPad



**From:** Jane Gilman  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** BVCP CU South  
**Date:** Monday, June 26, 2017 3:53:06 PM

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During the 2013 Flood I had to be evacuated from my apartment in the night because the flood waters cascaded over US 36. It was scary and I don't wish to repeat this emotionally unsettling event. To keep it from happening again, it is necessary for you to approve the BVCP, so Boulder then can negotiate with CU over the annexation of CU south and the Flood Berm can be built keeping US 36 open and the flood water out of my apartment.

Jane Gilman  
350 Ponca Place #73  
Boulder, CO 80303

**From:** Ben Binder  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Problems with Alternative D flood mitigation and a Better Plan  
**Date:** Tuesday, June 27, 2017 1:47:21 AM  
**Attachments:** [image001.png](#)

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Dear Boulder County Commissioners,

The City's Alternative D concept for flood mitigation is an expensive clumsy plan with many unresolved problems.

For example, if you look at the northwest end of the Alternative D detention pond, you will see Viele Channel dead-ending up against the 30' dam. This will cause floodwaters in Viele Channel to back up and flood homes in the Tantra neighborhood. Engineering proposals for the preliminary design of Alternative D stated a solution to this problem may require a 600' long large-diameter inverted siphon under the Alternative D detention pond. Inverted siphons are unsafe, and because of sedimentation, are expensive to maintain.

This issue, and associated costs, along with many other design issues that were never addressed in the preliminary concept for Alternative D, may make that concept unfeasible.

Yes, city staff spent millions on engineering and looked at multiple alternatives, but because CU did not want to use areas of its CU-South site best-suited for a detention pond for flood control, a simple cost-effective plan using a series of low levees in the southern portion of the old gravel pit was never studied.

Shown below is a simple plan that takes advantage of the bathtub shaped topography at the south end of the old Flatiron Gravel Pit.

It detains water in the higher south end of the site, where floodwaters from major events can flow directly into South Boulder Creek, without requiring alternative D's expensive 6,000' dam along US-36 needed to get floodwaters back up to an emergency spillway located at the US-36 South Boulder Creek underpass;

The proposal shown below does not require Alternative D's 262,000 cubic yards of excavation;

It provides a 20% greater detention volume than Alternative D;

Does not require any CDOT right-of-way;

Does not block any views along Table Mesa Drive and US-36;

Uses a series of low levees which can be constructed faster and for millions of dollars less than Alternative D's 30' dam shoehorned up along Table Mesa Drive, Foothills Parkway and US-36;

The low levees are located in the old Flatiron gravel pit where permeable alluvial deposits have been removed, minimizing the need for and cost of groundwater cutoff walls;

Variances will not be required from the State Engineer's Office for the requirement that dam owners own the property, or have a permanent access easement, for a minimum of 50 feet downstream of the toe of their dam;

Unlike Alternative D, the plan will not interfere with future improvements to Table Mesa Drive, Foothills Parkway, and US-36, three of the most congested roadways in the city.

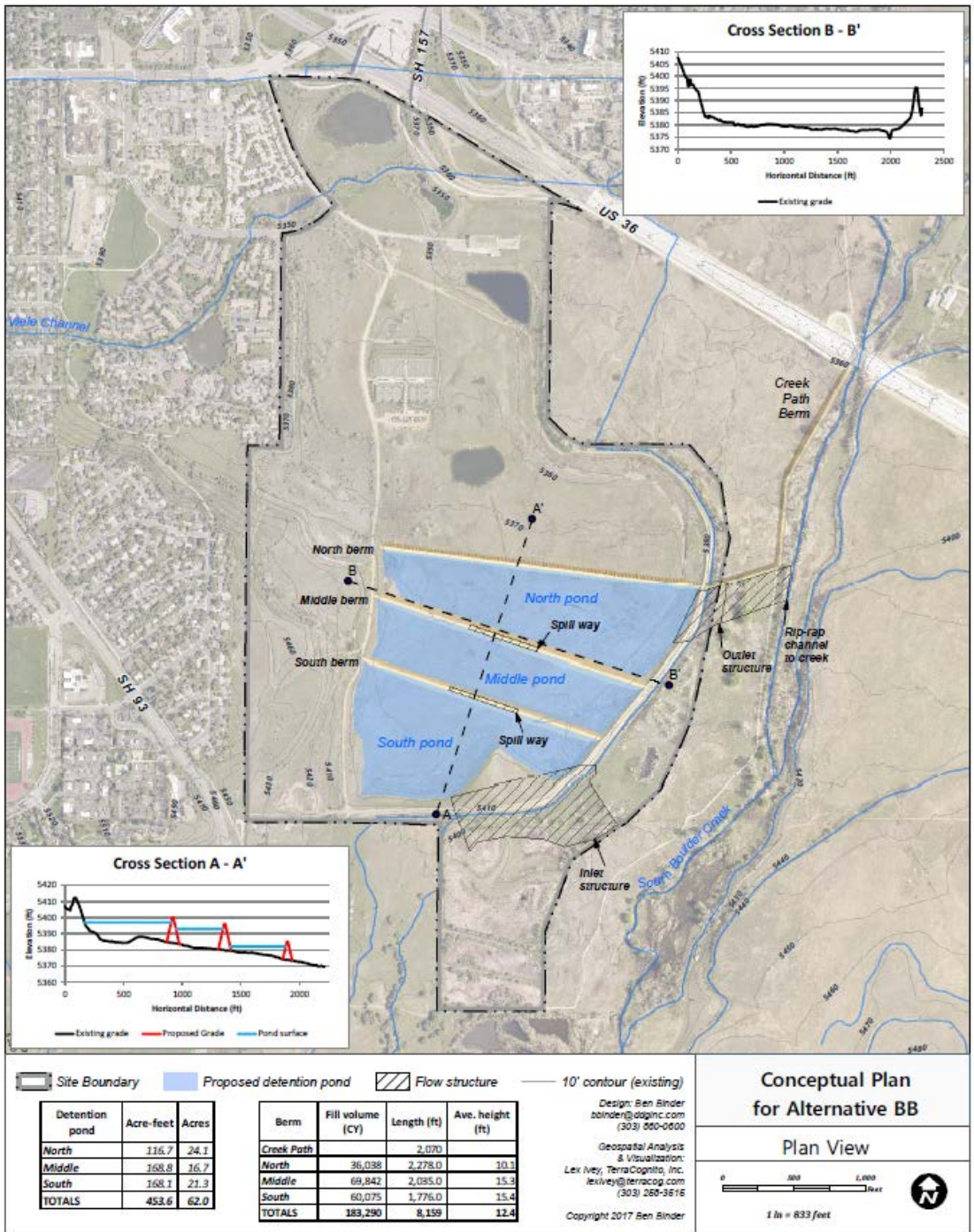
Not even the preliminary engineering has been performed on the Alternative D concept. So please don't make BVCP land use changes that will lock yourself into Alternative D before knowing the true costs of that plan.

We must perform the required groundwater and geotechnical studies, and develop detailed engineering plans and accurate cost estimates for South Boulder Creek flood mitigation before making any CU-South land use changes.

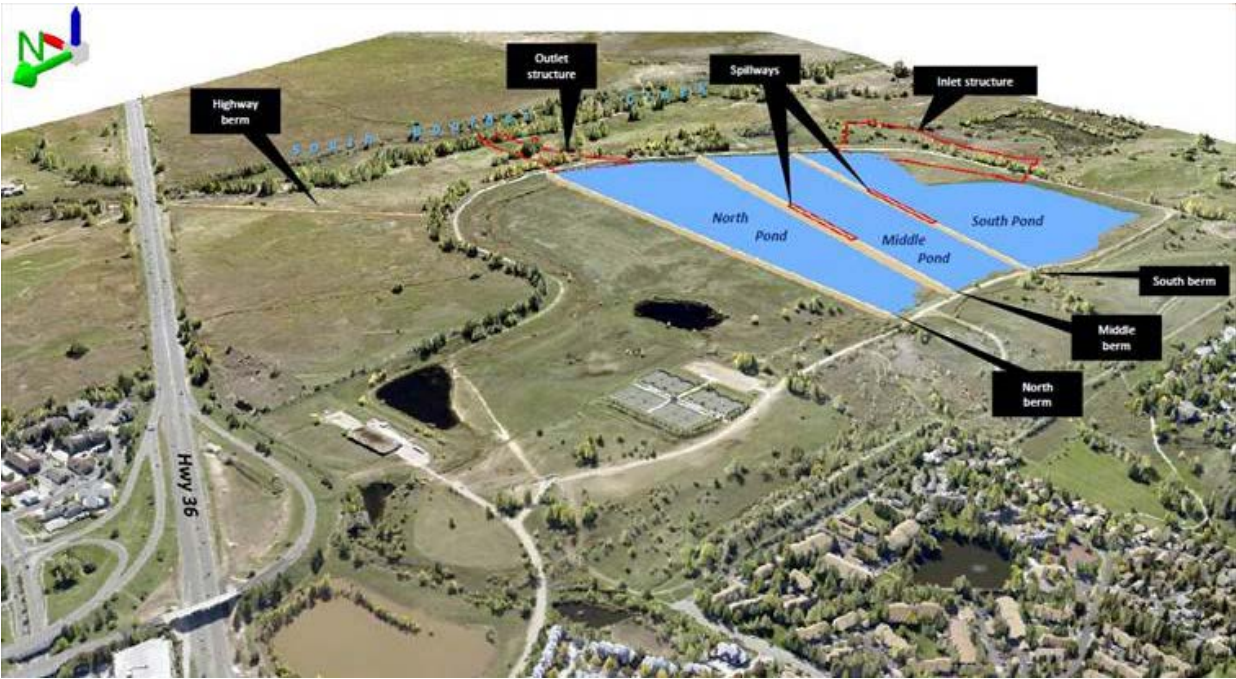
**While the proposal shown below has many obvious advantages over Alternative D, this proposal was never studied because CU demanded, and a representative of the city agreed to pay, the outlandish figure of \$827,640 per acre if this land were used for detention.** (SOUTH BOULDER CREEK MAJOR DRAINAGEWAY PLAN - July 2014, page 113).

Sincerely yours,

Ben Binder  
[bbinder@ddginc.com](mailto:bbinder@ddginc.com)  
(303) 860-0600



The "Highway Berm" in the following view has been moved to follow the South Boulder Creek Path to minimize impacts on Open Space grasslands.




Ben Binder  
[bbinder@ddginc.com](mailto:bbinder@ddginc.com)  
(303) 860-0600



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#442]  
**Date:** Tuesday, June 27, 2017 9:46:41 AM

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Name *	David McGuire
Organization (optional)	South Boulder Creek Action Group
Email *	<a href="mailto:dmcguirepm@hotmail.com">dmcguirepm@hotmail.com</a>
Address (optional)	 4960 Qualla Drive Boulder, CO 80303 United States
This comment relates to: *	CU South

**Comment: \***

CU South Comp Plan Amendment & South Boulder Creek Flood Mitigation

Thanks to all entities involved in the CU South Comprehensive Plan Amendment who are working tirelessly to help save the thousands of lives in continuous danger of downstream flooding from South Boulder Creek (SBC). This project is designed to prevent catastrophic floodwaters from overtopping US36 into SE Boulder neighborhoods as happened in 2013.

The City developed a hydrologic engineering study lead by the County Urban Drainage and Flood Control District and CH2MHill—"Final South Boulder Creek Major Drainageway Plan". These engineers have decades of experience working on SBC flooding issues. Over the past 20 years, there have been numerous alternatives analyzed to stem the flooding in the SBC 100-year floodplain--the planning standard for the City, County and Federal governments. The approved alternative protects against an event that would exceed a 500-year storm. This would have protected our families and homes in 2013.

The waters would be retained on 80+ acres of CU's private property. The "Site Suitability Analysis for University of Colorado South Campus" prepared by BioHabitats Consultants shows the entire 300+ acre property as 80% non-native upland grassland with low biodiversity primarily because the property has been historically used for farming/mining. The proposed flood detention area also contains most of the current FEMA designated 100-year floodplain on the property. Finally, CDOT has offered portions of their US36 right-of-way for berm construction, moving it farther away from City open space, a significant contribution to successful implementation of the project.

We urge approval of the CU South Comp Plan amendment (facilitating flood mitigation) as this property has long been designated in the Boulder Valley Comprehensive Plan as suitable for urban services (Area II.) If this BVCP proposal fails and flood mitigation does not move forward, my next questions are as follows:

1. What is the county's plan to take over this responsibility, and when will it be put in to action?
2. How and when will it be funded?
3. Will CU and CDOT still cooperate?

Our lack of safety has been a county problem for decades and only the city has been trying to solve the problem, and now we have a solution in this BVCP proposal. Please don't derail our last hopes

for relief from this constant stress on our lives.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#443]  
**Date:** Tuesday, June 27, 2017 10:20:42 AM

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Name *	Carmen Baran
Email *	<a href="mailto:cbaran9@gmail.com">cbaran9@gmail.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

As a concerned, long-time Boulder resident (since 1989), I'm writing to request that we please keep the Boulder Valley Comprehensive Plan's 4-body review process in place, to protect the voices of Boulder County residents and the future growth of our communities.

We moved out of the City of Boulder to get away from the huge development changes and density decisions (both business and residential) that Boulder City Planning has allowed.

Boulder was once an attractive, unique, alternative community filled with destination specialty shops on Pearl Street and easy, close-in getaway treks like Chautauqua and Mount Sanitas. Now it's lost its shine as giant hotels and office campuses go up, and small neighborhoods rapidly fill in with ADUs and studio sheds - and everyday traffic is a constant battle.

It seems as if we are currently living in a parallel universe, where what's wrong is right and what's right is wrong... now this is threatening our local government, too.

How is it acceptable to allow the City of Boulder to make planning and growth decisions that impact a community (Boulder County) that is not even allowed to vote for City Council members, or vote on City issues?

Would it be right if the Cities of Longmont, Louisville, Lafayette, all decided that they could also inflict their decisions and push their development boundaries out into County areas? Again, without considering the voices of their County neighbors? Never...

So why does the City of Boulder believe that they know best about how to manage the County's future growth, especially without considering or listening to the audience that lives there?

Examine your feelings – please keep the City of Boulder accountable to “color within the lines”:  
manage its future growth within those city limits, and live with its previous density and development  
decisions and those consequences – just like the other bigger municipalities that fall within Boulder  
County.

Please – do NOT compromise the Boulder Valley Comprehensive Plan.

Thanks for your consideration.

Sincerely,

--Carmen Baran


Please check box below \*

● I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#444]  
**Date:** Tuesday, June 27, 2017 10:36:55 AM

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Name *	Gerald Grove
Email *	<a href="mailto:jeff1.grove@gmail.com">jeff1.grove@gmail.com</a>
Phone Number (optional)	(303) 581-9017
Address (optional)	 350 Ponca PL Apt 424 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>I am writing to urge that the CU South Boulder Comprehensive Plan amendment be included with the Boulder Valley Comprehensive Plan. Separating the two would add substantial delay to the City's Plan D Flood Mitigation Program, which is needed to protect the people and property of south Boulder.</p> <p>Please proceed with these proposals in a way to allow immediate implementation of the City's Plan D Flood Mitigation Program.</p> <p>Thank you for your service and your attention to this issue.</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#445]  
**Date:** Tuesday, June 27, 2017 11:42:06 AM

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Name *	Stacy Irwin
Organization (optional)	South Boulder Songbird Open Space
Email *	<a href="mailto:SouthBoulderSongBirdOpenSpace@gmail.com">SouthBoulderSongBirdOpenSpace@gmail.com</a>
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

For Immediate Release Tues, June 27, 2017

City Council Using Threat of Flooding to Win CU South Approval –  
Community Calls for Council Member Bob Yates To Recuse From Votes

Media release viewable online at:  
[https://drive.google.com/file/d/0B1pwehdNU\\_YpcHZ4ZE9pSnZNRzQ/view?usp=sharing](https://drive.google.com/file/d/0B1pwehdNU_YpcHZ4ZE9pSnZNRzQ/view?usp=sharing)

(Boulder, Colorado) A South Boulder community group is concerned that Boulder City Council is making implied threats that major flooding of south Boulder neighborhoods will be allowed to happen if the CU South development is blocked by community opposition. There is also significant concern that Councilman Bob Yates is in conflict of interest regarding the CU South development due to his close ties with the University of Colorado.

“The position of City Council seems to be that unless the community surrenders and allows the University of Colorado to bulldoze and develop the proposed open space, City Council will not participate in protecting South Boulder from future flood events. This implied threat is disturbing and unsettling,” explains Stacy Irwin, a community coordinator for the proposed South Boulder Songbird Open Space. To date, Boulder City Council has refused to do an analysis of a protected open space option with flood control (Click for Jan 27, 2017 news story on lack of flood control options).

South Boulder residents are calling on elected officials to state that Council and the City of Boulder will work with the community and Boulder County to implement flood protection whether the area is bulldozed by CU to expand its campus or remains open space.

A preliminary analysis indicates that CU could build the proposed 1,100 housing units on existing parking lots using three story buildings with underground parking. This would prevent the destruction of the proposed open space immediately south of the existing Boulder city limit and east of Eldorado State Park. Community groups want to work cooperatively with the City of Boulder, CU alumni and the University of Colorado to purchase the land for open space protection. The South Boulder Songbird Open Space will protect rare songbirds, endangered species and habitat for animals like deer, moose and black bear.

In order to fast track the CU South expansion campus development and to overturn the historic Twin Lakes open space decision in Gunbarrel area north of Boulder, Boulder City Council is currently

attempting to eliminate the decision making authority of the City of Boulder Planning Board and Boulder County Planning Commission in cases where the city desires to expand onto county lands.

"It's destructive that Boulder City Council is working hard to weaken democratic processes in order to better serve developer interests and reject input from community groups," explains Irwin, "Councilman Yates has a long standing intimate relationship with the University of Colorado and must recuse himself from voting on the CU South issue. Yates must not be allowed to vote to end the four-body review process. It should not be a question whether Boulder City Council is representing the community or the business interests of the University of Colorado." According to the Daily Camera (click for article), University of Colorado 2014-15 academic year revenue was \$1.35 billion.

Yate's LinkedIn profile displays the University of Colorado's logo and states his involvement with the University of Colorado began more than 7 years ago (click here to view cached profile) as Editor of the University of Colorado's Conference on World Affairs. CU's 2017 Conference on World Affairs program lists Yates as a member of the 4 person Business Planning Committee (click for 2017 program). Yates co-founded and was general counsel for Level 3 Communications which sold in 2016 for \$34 billion dollars to CenturyLink.

Further evidence of the close ties that exist between the University of Colorado and Councilman Bob Yates includes discussion of his alleged actions in a lawsuit filed against CU in January 2017 claiming violation of the Equal Pay Act, the Age Discrimination in Employment Act and the Colorado Anti-discrimination Act (details in background information).

(Page 2...)

Yates has been a strong advocate for elimination of the four-body review process which has the potential to help the community create a new protected open space south of Boulder. "I think the Twin Lakes debacle is Exhibit A on why the four-body review doesn't work," Councilman Bob Yates said in a Daily Camera interview on March 22, 2017. Yates said he thinks the council should also strip the Planning Board of its authority in Area II matters.

In order to avoid conflict of interest due to seven plus years of close ties with the University of Colorado, Councilman Yates must recuse himself from votes on the CU South development and decisions on dismantling the four-body process. To end the implied threat of flooding unless CU South is approved, the City of Boulder must conduct an analysis of flood control solutions that support the creation of a protected South Boulder open space area.

To help create the Songbird Open Space, the public is encouraged to attend the Boulder County public hearing on Weds June 28 or submit a public comment to the county at <https://www.meetup.com/Songbird-Openspace/>.

If you go - Boulder County Public Hearing Weds June 28, 1pm - public comment roughly 2:30pm to 5pm  
Boulder County Commissioners' Hearing Room, Downtown County Courthouse  
3rd Floor, 1325 Pearl Street, Boulder, CO 80302

More information and sign up to speak at the public hearing at <https://www.meetup.com/Songbird-Openspace/>

Media Contact: Community Coordinator, Stacy Irwin, Email:

SouthBoulderSongBirdOpenSpace@gmail.com

Background Information (click to view this media release online)

1) The City of Boulder has not conducted an analysis of flood control options that would allow the preservation open space. This creates the implied threat that unless the CU development proceeds that the City of Boulder is not considering a plan that would allow open space protection and flood control thereby threatening the community with flooding if open space is protected. Click here for more details.

2) City Council member Bob Yates LinkedIn profile details close involvement with University of Colorado since 2010  
(Click here to view cached profile) as Editor of the University of Colorado's Conference on World Affairs. CU's 2017 Conference on World Affairs program lists Yates as a member of the 4 person Business Planning Committee (see previous link for 2017 conference program listing Yate's roles).

3) April 22, 2015 news story detailing Yates' role on an advisory board for CU's CWA conference (click for link to story).

4) Further evidence of the Yate's close ties with the University of Colorado include the following lawsuit filed against CU.

News Story Link to CU Lawsuit: [http://www.dailycamera.com/election-schools/ci\\_30750935/fired-conference-world-affairs-staffer-sues-cu-over](http://www.dailycamera.com/election-schools/ci_30750935/fired-conference-world-affairs-staffer-sues-cu-over)

Court Filed Document: Case 1:17-cv-00221-MSK Document 1 – Filed 01/25/17 USDC Colorado

The lawsuit was filed against: THE REGENTS OF THE UNIVERSITY OF COLORADO, a Colorado body corporate,  
PHILIP DISTEFANO, in his official capacity as Chancellor of the University of Colorado – Boulder, and in his individual capacity, and JOHN GRIFFIN, in his individual capacity,

A female University of Colorado employee, Maura Clare was employed as the Director of Public Affairs and Conference Coordinator for the Conference on World Affairs (“CWA”) for 15 years and had earned exceptional performance reviews.

Lawsuit Point 66: “Yates, who already knew of the plan to fire Clare, stated that Clare had to go because she was ‘too emotional.’

Lawsuit Point 71: “On April 6, 2015, the Conference began. Griffin and Yates spread the word around the conference that Clare would be terminated after the Conference.”

Lawsuit Point 72: States that: “Clare overheard Yates loudly discussing her “insubordination” with others in a crowded area. Clare reported this to the OIEC and to DiStefano’s (the Chancellor’s) office.”

The publicly available online court filed CU lawsuit document is available at the link below:

Search “Yates” to find the above references:

[https://drive.google.com/file/d/0B1pwehdNU\\_YpclpYcTYtR0NLeIk/view?usp=sharing](https://drive.google.com/file/d/0B1pwehdNU_YpclpYcTYtR0NLeIk/view?usp=sharing)

Attach a File (optional)



[cu\\_south\\_conflict\\_press\\_release\\_june27\\_2017.pdf](#)

591.52 KB · PDF

Please check box below \*

- I acknowledge receipt of the Open Records Notification

## City Council Using Threat of Flooding to Win CU South Approval - Community Calls for Council Member Bob Yates To Recuse From Votes

**(Boulder, Colorado)** A South Boulder community group is concerned that Boulder City Council is making implied threats that major flooding of south Boulder neighborhoods will be allowed to happen if the CU South development is blocked by community opposition. There is also significant concern that Councilman Bob Yates is in conflict of interest regarding the CU South development due to his close ties with the University of Colorado.

“The position of City Council seems to be that unless the community surrenders and allows the University of Colorado to bulldoze and develop the proposed open space, City Council will not participate in protecting South Boulder from future flood events. This implied threat is disturbing and unsettling,” explains Stacy Irwin, a community coordinator for the proposed South Boulder Songbird Open Space. To date, Boulder City Council has refused to do an analysis of a protected open space option with flood control ([Click for Jan 27, 2017 news story on lack of flood control options](#)).

South Boulder residents are calling on elected officials to state that Council and the City of Boulder will work with the community and Boulder County to implement flood protection whether the area is bulldozed by CU to expand its campus or remains open space.

A preliminary analysis indicates that CU could build the proposed 1,100 housing units on existing parking lots using three story buildings with underground parking. This would prevent the destruction of the proposed open space immediately south of the existing Boulder city limit and east of Eldorado State Park. Community groups want to work cooperatively with the City of Boulder, CU alumni and the University of Colorado to purchase the land for open space protection. The South Boulder Songbird Open Space will protect rare songbirds, endangered species and habitat for animals like deer, moose and black bear.

In order to fast track the CU South expansion campus development and to overturn the historic Twin Lakes open space decision in Gunbarrel area north of Boulder, Boulder City Council is currently attempting to eliminate the decision making authority of the City of Boulder Planning Board and Boulder County Planning Commission in cases where the city desires to expand onto county lands.

“It’s destructive that Boulder City Council is working hard to weaken democratic processes in order to better serve developer interests and reject input from community groups,” explains Irwin, “Councilman Yates has a long standing intimate relationship with the University of Colorado and must recuse himself from voting on the CU South issue. Yates must not be allowed to vote to end the four-body review process. It should not be a question whether Boulder City Council is representing the community or the business interests of the University of Colorado.” According to the Daily Camera ([click for article](#)), University of Colorado 2014-15 academic year revenue was \$1.35 billion.

Yate’s LinkedIn profile displays the University of Colorado’s logo and states his involvement with the University of Colorado began more than 7 years ago ([click here to view cached profile](#)) as Editor of the University of Colorado’s Conference on World Affairs. CU’s 2017 Conference on World Affairs program lists Yates as a member of the 4 person Business Planning Committee ([click for 2017 program](#)). Yates co-founded and was general counsel for Level 3 Communications which sold in 2016 for \$34 billion dollars to CenturyLink.

Further evidence of the close ties that exist between the University of Colorado and Councilman Bob Yates includes discussion of his alleged actions in a lawsuit filed against CU in January 2017 claiming violation of the Equal Pay Act, the Age Discrimination in Employment Act and the Colorado Anti-discrimination Act (details in background information).

Yates has been a strong advocate for elimination of the four-body review process which has the potential to help the community create a new protected open space south of Boulder. "I think the Twin Lakes debacle is Exhibit A on why the four-body review doesn't work," Councilman Bob Yates said in a [Daily Camera interview on March 22, 2017](#). Yates said he thinks the council should also strip the Planning Board of its authority in Area II matters.

In order to avoid conflict of interest due to seven plus years of close ties with the University of Colorado, Councilman Yates must recuse himself from votes on the CU South development and decisions on dismantling the four-body process. To end the implied threat of flooding unless CU South is approved, the City of Boulder must conduct an analysis of flood control solutions that support the creation of a protected South Boulder open space area.

To help create the Songbird Open Space, the public is encouraged to attend the Boulder County public hearing on Weds June 28 or submit a public comment to the county at <https://www.meetup.com/Songbird-Openspace/>.

**If you go – Boulder County Public Hearing Weds June 28, 1pm - public comment roughly 2:30pm to 5pm**

Boulder County Commissioners' Hearing Room, Downtown County Courthouse  
3rd Floor, 1325 Pearl Street, Boulder, CO 80302

More information and sign up to speak at the public hearing at <https://www.meetup.com/Songbird-Openspace/>

Media Contact: Community Coordinator, Stacy Irwin, Email: [SouthBoulderSongBirdOpenSpace@gmail.com](mailto:SouthBoulderSongBirdOpenSpace@gmail.com)

**Background Information** ([click to view this media release online](#))

1) The City of Boulder has not conducted an analysis of flood control options that would allow the preservation open space. This creates the implied threat that unless the CU development proceeds that the City of Boulder is not considering a plan that would allow open space protection and flood control thereby threatening the community with flooding if open space is protected. [Click here for more details](#).

2) City Council member Bob Yates LinkedIn profile details close involvement with University of Colorado since 2010 ([Click here to view cached profile](#)) as Editor of the University of Colorado's Conference on World Affairs. CU's 2017 Conference on World Affairs program lists Yates as a member of the 4 person Business Planning Committee (see previous link for 2017 conference program listing Yates's roles).

3) April 22, 2015 news story detailing Yates' role on an advisory board for CU's CWA conference ([click for link to story](#)).

4) Further evidence of the Yates's close ties with the University of Colorado include the following lawsuit filed against CU.

News Story Link to CU Lawsuit: [http://www.dailycamera.com/election-schools/ci\\_30750935/fired-conference-world-affairs-staffer-sues-cu-over](http://www.dailycamera.com/election-schools/ci_30750935/fired-conference-world-affairs-staffer-sues-cu-over)

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**The publicly available online court filed CU lawsuit document is available at the link below:**

Search "Yates" to find the above references: [https://drive.google.com/file/d/0B1pwehdNU\\_YpCpYcTYtRONLeIk/view?usp=sharing](https://drive.google.com/file/d/0B1pwehdNU_YpCpYcTYtRONLeIk/view?usp=sharing)

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#446]  
**Date:** Tuesday, June 27, 2017 1:03:13 PM

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Name *	Charles (Chuck) Howe
Organization (optional)	Resident of Frasier Meadows Retirement Community
Email *	<a href="mailto:Charles.Howe@Colorado.edu">Charles.Howe@Colorado.edu</a>
Phone Number (optional)	(720) 562-8089
This comment relates to: *	CU South

Comment: \*

Commissioners & Planners: please let me urge you to make any changes to the Comp Plan that are necessary to accommodate the flood control structure that has been designed for placement on the CU South Campus. This structure has been designed by CH2MHill, one of the US' most prestigious water engineering firms. It is vital for the prevention of loss of life and massive property damage in South East Boulder. Please expedite the approval of this structure. Sincerely, Charles (Chuck) Howe, Economist.

Please check box below \*

- I acknowledge receipt of the Open Records Notification



**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#447]  
**Date:** Tuesday, June 27, 2017 1:12:49 PM

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Name *	Christopher Macor
Email *	<a href="mailto:christophermacor@gmail.com">christophermacor@gmail.com</a>
Phone Number (optional)	(303) 349-2763
This comment relates to: *	Boulder and Boulder County Intergovernmental Agreement (IGA)

**Comment: \***

I`ve been involved with an organizational practice called the Process Enneagram. By sharing identity, intention and principles a group of people create what`s called a bowl, and that bowl of shared values can take them through any issues that they need to confront.

I use to be in the preschool profession. I`ve seen several school systems with top down management fail because the administration did not know the reality of what was going on in the field because they disregarded the workers input. It`s my belief that one of the main reasons Boulder is a desirable place to live is because of the four body review process and the collaborative decisions that have come out of that process. We are in danger of losing that process and the administration is in danger of losing touch with the reality of what it`s like to live in the specific neighborhoods of Boulder County. From my experiences with education organizations and the Process Enneagram I`ve learned that successful and sustainable communities are based on shared values. The removal of the four body review process is in my perspective, a 180 degree turn away from a successful and sustainable Boulder. Let`s keep the four body process and move even more strongly in the direction of community unit ed through shared values and teamwork.

Please check box below \*  I acknowledge receipt of the Open Records Notification

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#448]  
**Date:** Tuesday, June 27, 2017 2:02:43 PM

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Name \* Mark Kloster

Email \* [deadwait@comcast.net](mailto:deadwait@comcast.net)

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

At this point it would seem like we need more as opposed to fewer checks and balances in place. Our City and County governments need to be watched given their recent actions (Twin Lakes, Palo Park and CoOp housing being examples). Playing games with zoning and density is serious stuff as it spreads into neighborhoods and open spaces. Public outcry ought to be taken more seriously. We need more oversight as the feeding frenzy of growth and development proceeds at an unsustainable and irresponsible pace. The supply of developable land is running out and we can only expect that the unpleasant pressures being brought to bear in our community will continue. Government and in particular City government needs to be held accountable and in order to accomplish this they need to be watched. They have not been proceeding with the best interests of our community in mind for a long time now and we live with the outcome.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#449]  
**Date:** Tuesday, June 27, 2017 2:19:14 PM

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Name \* Mark Kloster

Email \* [deadwait@comcast.net](mailto:deadwait@comcast.net)

This comment relates to: \* CU South


Comment: \*

Please include mw in the list of those opposed to the development of the CU South land parcel. For starters I live in the South Boulder Creek flood zone and my home was impacted by floodwaters in 2013. The primary use of that property segment, nefariously obtained by CU, was and ought to be flood control infrastructure and open space dedicated as the scenic gateway to the City of Boulder. CU has been running roughshod over the City for far too long and the idea that CU's growth based business model is sustainable in Boulder has to be questioned. Where does this stop? Packing development into locations such as this one, with it's myriad problems, is indicative of the panic level that can be expected to permeate the real estate and development complex in Boulder as viable land parcels become increasingly scarce. Ah but there are those who have and continue to do quite well by all of this. The rest of us are just left holding the bag.

Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#450]  
**Date:** Tuesday, June 27, 2017 2:21:04 PM

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Name *	Janet Brewer
Email *	<a href="mailto:dtbjhb@aol.com">dtbjhb@aol.com</a>
Phone Number (optional)	(720) 562-8254
Address (optional)	 4840 Thunderbird Drive Apt. 87 Boulder, CO 80303 United States
This comment relates to: *	CU South
Comment: *	<p>To Whom It May Concern: I urge you to support the cause of Flood Mitigation for South Boulder, as it relates to CU South land use. This work has been too long delayed, and I ask that you please attend to flood mitigation as expediently as possible.</p> <p>Sincerely, Janet H. Brewer</p>
Please check box below *	<ul style="list-style-type: none"><li><input type="checkbox"/> I acknowledge receipt of the Open Records Notification</li></ul>

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#451]  
**Date:** Tuesday, June 27, 2017 2:33:34 PM

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Name \* Reed Glenn

Email \* [s.reedglenn@gmail.com](mailto:s.reedglenn@gmail.com)

Address (optional)  Boulder, CO 80305  
United States

This comment relates to: \* CU South

Comment: \*

I support the South Boulder Songbird Open Space and the Boulder County Planning Commission and don't want to see the critical habitat area near Eldorado State Park developed.

This area is home to many rare songbirds, and provides important wetlands habitat. Moose, deer, and black bears all make use of this land. Beautiful hiking trails run through the area.

I find it disturbing that the City of Boulder is threatening neighborhoods with flooding if they oppose the CU South development. I object to our open space and wildlife habitats being sacrificed for development of the University of Colorado and want the Boulder County Planning Commission and county residents to have a say and object to this development. There is too much big development planned now in Boulder, and it's destroying the character of the city!

Thank you,

Reed Glenn

.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#452]  
**Date:** Tuesday, June 27, 2017 3:16:00 PM

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Name \* Adam Pastula

Email \* [ajmail2011@gmail.com](mailto:ajmail2011@gmail.com)

This comment relates to: \* CU South

Comment: \* Please protect the wetlands, wildlife and open space by forming the Songbird open space. There is already enough construction happening on the University property; we should value the open space we have, as well as not jeopardize neighborhoods with future flooding.

Also, please keep the four body review in place. The process has been working in the past, and should continue to be used (even the Mayor agrees.) Otherwise, those in the county will lose their voice, and the government will lose a valuable check and balance.

Thank you for your time and efforts.


Please check box below \*  I acknowledge receipt of the Open Records Notification

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#453]  
**Date:** Tuesday, June 27, 2017 3:52:47 PM

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Name \* Mike Marsh

Email \* [mgmarsh1@juno.com](mailto:mgmarsh1@juno.com)

Address (optional)  265 31st St.  
Boulder, CO 80305  
United States

This comment relates to: \* Boulder and Boulder County Intergovernmental Agreement (IGA)

Comment: \*

Dear Boulder County Commissioners and Planning Commission:

I know you are receiving a great number of emails and comments, so I'll keep this brief:

1. Please do not take Amendment Procedures out of the Comp Plan, and put them into the Intergovernmental Agreement. Amendment Procedures currently in the Comp Plan should stay precisely there. I don't know who thought of this move, but it really comes across as sneaky, legislative sleight of hand, hoping voters won't notice. We have noticed. We want to trust our local government, not constantly be on the watch for things done in the middle of the night when no one was looking.

2. Please maintain the four-body review that is so critical to our democracy's core principle of checks and balances. The effort to cut out certain of those bodies, because some didn't like the way they voted, is really more reflective of Trump-ian style governance, than the alleged high standards of democracy Boulder is supposed to be known for, but shan't be, for much longer if things like this continue.

3. Please vote against the annexation of CU South. The problems with that amount of development at that property have been well documented by others. I'd like to just stand up and be counted that I concur, and I also oppose annexation and subsequent development of CU South.

Thank you for considering my requests,

Mike Marsh  
Boulder

Please check box below \*

I acknowledge receipt of the Open Records Notification

**From:** Steve Pomerance  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** flood planning for CU South  
**Date:** Tuesday, June 27, 2017 8:55:53 AM

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**To: Boulder County Commissioners**

**Re: Flood Planning for CU South**

**From: Steve Pomerance**

Don't do flood planning using the rear view mirror.

The City's flood regulations were put in place 30 years ago for areas that were already developed, and so were compromises between the appropriate protection and not tearing down hundreds of buildings. I know, because I was on the Council and heavily involved in the process. Now we know that the climate is changing fast, leading to more frequent, severe and lengthy rainfall events.

Rather than using regulations that are based on historical data that is both out of date and inappropriate for the situation, we (the County, the City, and CU) should plan for the "reasonable worst case".

For example, what would happen if an extended, strong multi-day rainstorm were to fall in the foothills upstream of Colo. 93 when the South Boulder Creek is already full with snowmelt and is overrunning the Gross Reservoir dam?

Under the current plans, given multiple days of flood level flows, the detention pond behind the proposed berm(s) would fill up pretty quickly, and the City would be faced with making an unpleasant choice: Do we let more water spill out so that the areas downstream flood now, or do we just hope that even more intense rain later will not cause the levee to be overtopped and create a major disaster?

Let's not forget the Oroville Dam scenario – a supposedly well-engineered dam was at risk of failure, because heavy rains forced the California Department of Water Resources to release a lot of water that eroded the spillway and forced the evacuation of over 188,000 people. And that dam was inspected both by the FERC and the CDWR, so I wouldn't count on FEMA being any more reliable.

Bottom line – don't try to dam up the river, focus on creating ways for the floodwater to safely flow through while minimizing the use of structural



solutions, and keep new development well out of harm's way.

**From:** [Wufoo](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** County Commissioners Contact Us/Feedback Form. [#466]  
**Date:** Tuesday, June 27, 2017 10:06:44 AM

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Name *	David McGuire
Organization (optional)	South Boulder Creek Action Group
Email *	<a href="mailto:dmcguirepm@hotmail.com">dmcguirepm@hotmail.com</a>

My Question or Feedback most closely relates to the following subject: (fill in the blank) \* CU South BVCP Amendment

Comments, Question or Feedback \*

The highest responsibility for all level of government is to protect the health, safety and welfare of its citizens. Thanks to all entities involved in the CU South Comprehensive Plan Amendment who are working tirelessly to help save the thousands of lives in continuous danger of downstream flooding from South Boulder Creek (SBC). This project is designed to prevent catastrophic floodwaters from overtopping US36 into SE Boulder neighborhoods as happened in 2013.

The City developed a sound hydrologic engineering study lead by the County Urban Drainage and Flood Control District and CH2MHill based on the 100-year floodplain--the planning standard for the City, County and Federal governments. The approved alternative protects against an event that would exceed a 500-year storm which would have protected our families and homes in 2013.

CU has agreed to give up 80 acres of their private property for flood storage and CDOT has offered portions of their US36 right-of-way for berm construction.

We urge approval of the CU South Comp Plan amendment (facilitating flood mitigation) as this property has long been designated in the Boulder Valley Comprehensive Plan as suitable for urban services (Area II.) If this BVCP proposal fails and flood mitigation does not move forward, my next questions are as follows:

1. What is the county's plan to take over this responsibility, and when will it be put in to action?
2. How and when will it be funded?
3. Will CU and CDOT still cooperate?

Our lack of safety has been a county problem for decades and only the city has been trying to solve the problem, and now we have a solution in this BVCP proposal. Please don't derail our last hopes for relief from this constant stress on our lives and approve the city proposal to approve the BVCP amendment for CU South.

Please check box below \*

- I acknowledge receipt of the Open Records Notification

**From:** George Weber  
**To:** [Bakerm@bouldercolorado.gov](mailto:bakerm@bouldercolorado.gov); [blaugrundb@bouldercolorado.gov](mailto:blaugrundb@bouldercolorado.gov); [feinberglopezn@bouldercolorado.gov](mailto:feinberglopezn@bouldercolorado.gov); [garganol@bouldercolorado.gov](mailto:garganol@bouldercolorado.gov); [goldfarba@bouldercolorado.gov](mailto:goldfarba@bouldercolorado.gov); [hiltond@bouldercolorado.gov](mailto:hiltond@bouldercolorado.gov); [martinssonl@bouldercolorado.gov](mailto:martinssonl@bouldercolorado.gov); [shanksp@bouldercolorado.gov](mailto:shanksp@bouldercolorado.gov); [youngd@bouldercolorado.gov](mailto:youngd@bouldercolorado.gov)  
**Subject:** "CU South" is subject to Gross Dam failure - Please do NOT change land use classifications until you address this and other hazard issues!  
**Date:** Tuesday, June 27, 2017 3:21:11 PM  
**Attachments:** [Gross Dam Potential Failure Study 12-31-88.pdf](#)  
**Importance:** High

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**County Commissioners and Planning Commission Members:**

'CU South' is subject to Gross Dam failure - Please do NOT change land use classifications until you address this and other hazard issues! Please separate consideration of CU South from the BVCP update process -- 'Safety First'!  
**Please do NOT change land use classifications for CU South until appropriate County and City boards and commissions are able to consider several significant issues thoroughly. Please separate CU South from the BVCP update process so that you may deal with these issues thoroughly.**

One significant issue is that CU South, even the unstable western slope on which CU wants to build 1125 units of student and workforce housing, is located within the High Hazard Gross Dam potential failure hazard zone'. The area vulnerable to potential inundation, and the magnitude of release, likely will be increased significantly if Denver Water Department (DWD) is successful in increasing the capacity of Gross Reservoir to 3X what it is now as DWD plans. (See attached Colorado State Engineer assessment of this hazard.)

Professional judgments deem potential High Hazard Gross dam failure as having a low probability of occurring. Nevertheless, the issue is serious enough that the State of Colorado requires dam owners, in this case the DWD, to project the magnitude and spatial extent of flooding due to potential failure, and to prepare Emergency Action Plans (EAP) for responding to potential failure. The BVCP update process needs to identify and account for this hazard issue, and how it will increase if DWD triples Gross Reservoir capacity, in analyses and subsequent decision-making related to future land use of the CU South site.

Remember the recent failure of Oroville Dam in California?  
<http://www.sacbee.com/news/state/california/water-and-drought/article151889912.html> This was designed not to occur too!

Questions for you to consider, and discussion and documentation follow.

**Questions for BVCP Update Process Electeds, Staff, and Citizen Decision-Maker Consideration**

1. Is the engineering design for CU's improvements to its berm intended to protect the mined gravel pits sufficient to accommodate potential High Hazard Gross Dam failure flood waters as depicted in the most recent and available assessment of potential hazard? (Attached) Please note that the State Engineer's 1988 hazard map for the 'Turnpike' segment, which encompasses the CU South property, shows the modeled inundation zone over-topping the berm as it existed at the time of this study.

2. Are the design specifications for the City's current first choice of a structural flood control

dam ('Alt D'), at U.S. Highway 36 sufficient to accommodate potential Gross Dam failure floodwaters?

3. Assuming DWD is successful in accomplishing its planned expansion of Gross Dam and Reservoir from 37,000-acre feet to 119,000-acre feet (<https://grossreservoir.org/about-the-project/>):

- Is the design of the University of Colorado's (CU) structural flood control berm sufficient to protect future development in the mined area, and on the unstable western slope, from potential floodwaters in the event of potential failure of the enlarged High Hazard Gross Dam and reservoir?
- Are the design specifications for the City's current first choice for a structural flood control dam at U.S. Highway 36 ('Alt D' sufficient to accommodate potential failure of the planned High Hazard Gross Dam and reservoir enlargement?

4. Would relevant public agency decision-makers be making wise decisions, if, for this site vulnerable to potential High Hazard Gross Dam failure, they were to:

- Change the land use designation of the CU South property to other designations enabling subsequent annexation by the City?
- Provide costly infrastructure and services to the site?
- Develop to the intensive future land uses the University of Colorado plans (e.g., 'academic village')?
- Place 1125 student and workforce 'affordable' apartments in the hazard zone – a stereotypical violation of Environmental Justice values, i.e., by locating an economically disadvantaged demographic in an area where they are exposed to greater risk than more well off community members?

## Discussion and Documentation

The attached study developed by the Dam Safety Branch, Office of the State Engineer, Colorado Division of Water Resources (revised 12/31/1988) indicates almost the entire CU South site, as located in the hazard zone from potential failure of the High Hazard Gross Dam.

Gross Dam holds a 'High Hazard' rating (<https://data.colorado.gov/Water/DWR-Dam-Safety-Data-Base-Gross-Reservoir/e4kc-7d5e/data> ).

4.2.14.1 "High Hazard Dam" is a dam for which loss of human life is expected to result from failure of the dam. Designated recreational sites located downstream within the bounds of possible inundation should also be evaluated for potential loss of human life. ([http://water.state.co.us/DWRIPub/Documents/ds\\_rules07.pdf](http://water.state.co.us/DWRIPub/Documents/ds_rules07.pdf) , p.5)

I contacted the Dam Safety Engineer, Division 1 on 12/1/16 and asked if they possessed or knew of a more recent revision of the attached assessment, and if so, could they provide me a copy. They responded that:

- DWD developed a revision dated 8/19/15;
- Revision is proprietary, thus the State Dam Safety Branch can not release it to the public;
- DWD contact for obtaining a copy is Rebecca J. Franco; and
- Dam Safety Branch destroyed earlier studies to minimize the potential for confusion in

emergency response planning and implementation if failure occurs.

I contacted Ms. Franco by telephone and email to ask for a copy of the 8/19/15 revision. In addition, I explained that I wanted it to submit the most recent information on the dam safety hazard to the Boulder Valley Comprehensive Plan (BVCP) update process, rather than the older study in my files.

On 12/5/16, Beth Roman, Raw Water Diversion Program Manager, Source of Supply, DWD, responded by email that they:

- Were unfamiliar with both the 1988 study that the State Engineer's staff forwarded to me in February 1995, and DWD's 2015 revision that the State Engineer cited in December 2016;
- Do not release information like this to the public due to security concerns; and
- Would share any information like this with local disaster mitigation and response agencies to support their emergency planning and response activities.

The DWR Dam Safety Data Base – Gross Reservoir indicates an inundation map prepared in 1/1/2007, also more recent than the attached 1988 study.

DWD still refused to provide the most recent update to a colleague and citizen who filed an official request for it under the Colorado Open Records Act (CORA).

Please note that I did not identify that the Environmental Impact Statement, Moffat Collection System Project (<http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Colorado/EIS-Moffat/>) addressed potential impacts of the planned Gross Dam and Reservoir expansion on downstream dam safety issues.

Thank you for your consideration --

George Weber  
George Weber, Inc. Environmental  
www.gwenvironmental.com  
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1275 Chambers Drive, Boulder, CO 80305

**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#454]  
**Date:** Tuesday, June 27, 2017 4:52:16 PM

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Name *	Stacey Goldfarb
Organization (optional)	BNA
Email *	<a href="mailto:saufarb1@gmail.com">saufarb1@gmail.com</a>
Phone Number (optional)	(303) 926-4093
This comment relates to: *	CU South

**Comment: \***

Dear Commissioners,

Please consider removing the discussion of CU South from the BVCP discussion. As someone with a M.S. in hydrogeology/hydrology, I have ridden horses and walked this land for years. It is a riparian zone with standing groundwater and wetlands throughout the area. It also has a stream that flows year round, not a ephemeral stream that dries up for a portion of the year. This means it is supplied by a groundwater table that rises above the land surface (artisian.) CU could bring in 40,000 trucks of fill dirt to try and get above the groundwater table but it won't work, the groundwater will simply rise to the occasion. Note that the abandoned quarry is a pond that doesn't go dry because it is being constantly fed by groundwater. This is a complicated hydrologic scenario that requires a thorough study. There needs to be an independent hydrologist hired to do a complete work-up of both the ground and surface water hydrology with recommendations. I've seen the surface water analysis and would suggest that many of the assumptions made for flood and surface water flow are greatly influenced by the the state of the groundwater. If GW was not taken into account when the SW flow equations were analyzed then the results could be flawed.

Because of the complexity of the hydrology and the public uproar I would suggest that the Commissioners remove this from the BVCP discussion and give it the priority it deserves.

Thank you,

Stacey Goldfarb

Please check box below \*

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**From:** [Wufoo](#)  
**To:** [BVCP-15-0001 Comments](#)  
**Subject:** Boulder Valley Comprehensive Plan and IGA comment [#455]  
**Date:** Tuesday, June 27, 2017 5:27:25 PM

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Name \* Alison Burchell

Email \* [a\\_burchell@comcast.net](mailto:a_burchell@comcast.net)

Phone Number (optional) (303) 499-2717

Address (optional)  80305  
United States

This comment relates to: \* CU South and proposed Policy changes

Comment: \*

Dear BOCO Commissioners and Planning Commission\_\_

I have just returned from speaking at a RE and Resiliency conference in Aspen. Participants included many well known climate experts, economists and policy makers.

I will be submitting comments RE: the BVCP matter; however, I also wanted also to send you a link with a message from the Pope. The World is watching Boulder. And, it is fair to say that 99% of the conference participants and attendee's are very disappointed to learn about the plans to develop a second campus and housing in the SBC riparian zone = 3rd largest, most active floodplain and water recharge zone along the Front Range, inc.: endangered species habitat. The common comment was: "What is going-on down there?"

As a result, capable conference attendee's put me in touch w/ the Embassy of the Holy See. Per their request, the link Cc'd below is to a 90 second short video --here forwarded for your usual thoughtful consideration.

<https://thecarbonunderground.org/fix-the-climate/>

Thank you,  
\_\_Alison

Please check box below \*

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**From:** Raymond Bridge  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** Boulder Valley Comprehensive Plan amendment procedures  
**Date:** Tuesday, June 27, 2017 11:29:18 PM

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Commissioners,

I strongly urge you **not** to agree to moving the amendment procedures to the IGA. As long as they are in the BVCP, four-body review is maintained, a procedure that has benefitted the city and county for forty years.

Whatever changes are needed in the IGA can be accomplished closer to its expiration.

There is no good reason to move the amendment procedures out of the BVCP.

Best regards,

Raymond Bridge