

Summary of BVCP Public Comments

CU South

Flood Mitigation

- Many comments focused on flood mitigation and the public safety risks of future flooding.
- Residents commented that flood protection measures on the CU South site should be expedited, and some commented on how they are happy that CDOT, the City and CU are ready and in agreement on flood mitigation.
- Others commented that more data (i.e. groundwater studies) should be gathered and additional flood mitigation designs analyzed before moving forward with the land use designation. These comments usually included concern for the ability of "Option D" to handle a storm greater than a 100 year event.
- Some suggested that other parts of the subject property could serve as better water retention areas than what is currently being proposed.
- Some were concerned with the difference between a "high hazard dam" versus the "earthen berm" they assert was approved in 2015.

Open Space Conservation

- There is general agreement that CU Boulder should protect and conserve land for open space on the site. Some requested changing the entire area to open space.
- Viewsheds, wildlife, restoration possibilities, and wetlands emerged as important considerations.
- Many commented that sensitive environmental areas and portions of the site critical to wildlife habitat should remain undisturbed by future development.

Trail Access

- Many comments suggested a preference that existing trails remain available to the public regardless of how the site is developed.
- The CU South site offers one of the only flat hiking opportunities in Boulder, which is particularly helpful for children and elderly residents.
- CU South is one of the few cross-country skiing sites in Boulder.
- Many users enjoy the ability to walk their dogs without a leash. However, others expressed concerns about off-leash dogs impacting sensitive areas on CU South and adjacent public trails.

Traffic and Congestion

- A common concern among nearby residents in the Table Mesa area is traffic congestion. Numerous comments describe nearby streets as becoming increasingly congested over the years and therefore may be unable to accommodate more traffic from the CU South site.
- Some think that access to the site may be problematic with the increased density.

Site Uses

- Some commented that any level of development on the CU Boulder site is not appropriate and would negatively impact surrounding neighborhoods. Others prefer to have a better understanding of development intentions prior to changing a land use designation.
- Some commented that CU Boulder should consider workforce or faculty housing on the site.
- Residents in the Table Mesa area, particularly those adjacent to the CU South site, are concerned about future development impacting views from their properties.

Process

- Some commenters had a stronger preference for more opportunities to be able to voice their concerns in person at public hearings.
- Some believe it would be better for the flood mitigation work to proceed on a separate track from planning for the rest of the site.
- Some believe the process to review and develop the parcel seem rushed.

IGA

Four Body Review

- The majority of comments pertaining to the IGA wanted the IGA to maintain four body review process in its current format.
- Some residents supported the new amendments to the four body review process.

BVCP Policy, Text, Maps

Housing

- Some commented that the cash in lieu program should be changed or removed.
- Some voiced concern regarding the change in language to policies about affordable housing in Policy 7.14, Integration of Permanently Affordable Housing, and preferred to keep the previous language.
- There was a desire from some to support the evolution of creative strategies for increasing new housing diversity for all types of housing.
- Others supported removing regulatory barriers to encourage the diversification of the housing stock.
- Some supported defining 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.
- Some voiced support for more housing to meet broader community goals.

Economy

- Some commented that the BVCP should be consistent with the 2013 Economic Sustainability Strategy.
- Some were pleased with the changes to support affordability for small businesses, start-ups, non-profits, and creative professionals.
- Some commenters voiced support for flexible uses of industrial areas.

Built Environment

- There was support for the changes to the BVCP that focus on mixed-use development along transit corridors and underutilized commercial zones.
- There was a desire from some to explore sub-area plans to identify where opportunities exist to add density to accommodate diverse housing options.

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

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

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.

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

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,

.

Anne Gifford
Gifford Graphics, Inc.
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

Name *	kathie joyner
Email *	joynermcguire@comcast.net
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

Name *	kathie joyner
Email *	joynermcguire@comcast.net
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.

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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

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.

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*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

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
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

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

Name: Laura Tyler

Email Address: 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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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

Name *	David McGuire
Email *	dmcguirepm@hotmail.com
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

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; gardnerd@bouldercolorado.gov; jonese@bouldercolorado.gov; bakerm@bouldercolorado.gov; blaugrundb@bouldercolorado.gov; feinberglopezn@bouldercolorado.gov; garganol@bouldercolorado.gov; goldfarba@bouldercolorado.gov; hiltond@bouldercolorado.gov; martinssonl@bouldercolorado.gov; shanksp@bouldercolorado.gov; youngd@bouldercolorado.gov; appelbaumm@bouldercolorado.gov; brocketta@bouldercolorado.gov; burtonj@bouldercolorado.gov; jones@bouldercolorado.gov; morzell@bouldercolorado.gov; shoemaker@bouldercolorado.gov; weavers@bouldercolorado.gov; yatesb@bouldercolorado.gov; youngm@bouldercolorado.gov; boulderplanningboard@bouldercolorado.gov; WRAB@bouldercolorado.gov; kadyan@gmail.com; dan.johnson@aecom.com; kvincent28@mac.com; lesley.smith@comcast.net; mark.squillace@colorado.edu; hartoghf@bouldercolorado.gov; davism@bouldercolorado.gov; bracyknightk@bouldercolorado.gov; isaacsont@bouldercolorado.gov; brownc@bouldercolorado.gov
Subject: CU South - South Boulder Resident Concern - RETAIN OPEN SPACE DESIGNATION
Date: Friday, February 10, 2017 8:46:25 AM

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
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 a t 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

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]
Sent: Thursday, March 02, 2017 11:47 AM
To: 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

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 *	Charles.Howe@Colordo.edi
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"> I acknowledge receipt of the Open Records Notification

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
Cc: [Team Qualla](#)
Subject: [Flood] New Site/Our Position on Annexation of CU South
Date: Thursday, March 09, 2017 8:31:07 AM

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

Flood

To subscribe or unsubscribe please send a request to 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

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>
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

Flood

To subscribe or unsubscribe please send a request to floodadmin@sbcreekactiongroup.org.

Flood

To subscribe or unsubscribe please send a request to floodadmin@sbcreekactiongroup.org.

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

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
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 *	awember@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	leslie sims
Email *	oban21@gmail.com
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">• I acknowledge receipt of the Open Records Notification

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


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
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).

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.

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

Name *	Leanne Lestak
Email *	lestakl@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Janet Brewer
Email *	dtbjhb@aol.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Randle Kimbrough
Email *	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
Cc: [Team Qualla](#)
Subject: [Flood] Wowie, thank you!
Date: Tuesday, March 14, 2017 11:29:44 AM
Attachments: [ATT00001.txt](#)

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
www.SouthBoulderCreekActionGroup.com

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

Name * Pete Palmer

Email * 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
Address (optional)	 80303 United States
This comment relates to: *	CU South
Comment: *	<p>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.</p>
Please check box below *	<input type="checkbox"/> 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

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

Name * Laura Tyler

Email * 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.southboulderactiongroup.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

Name *	Kay Forsythe
Email *	mkforsythe@comcast.net
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 *	<ul style="list-style-type: none"><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

Name *	Levi Brown
Email *	levigroker@gmail.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Roger Hibbard
Email *	bldrroddy@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Elmar Dornberger
Email *	elmar@hemisphereconsulting.com
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 losing 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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Janet Brewer
Organization (optional)	Frasier Meadows Retirement Community
Email *	dtbjhb@aol.com
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."</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>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"> I acknowledge receipt of the Open Records Notification

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

Name * Liz Knapp

Email * 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

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

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>

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

To: <cdomenico@bouldercounty.org>, <dgardner@bouldercounty.org>, <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

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

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

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

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

Name: Amy Siemel

Email Address: 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.

Thank you,
Amy Siemel

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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

Name * Andy Schwarz

Email * 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; 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](#)

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

Name *	Peter Ornstein
Email *	pmo@mediationnow.com
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 *	<ul style="list-style-type: none"><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

Name *	George Craft
Email *	gcrafty@yahoo.com
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

Name *	Edward Smelko
Email *	e.smelko@att.net
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 and 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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Kelly Murphy
Email *	bouldernatural@gmail.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Karen Powell
Email *	ka_pow42@yahoo.com
This comment relates to: *	CU South
Comment: *	<p>We need South Boulder Creek flood mitigation ASAP.</p> <ul style="list-style-type: none">· 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 *	<ul style="list-style-type: none">● I acknowledge receipt of the Open Records Notification


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

Name *	Leanne Lestak
Email *	skibum226@ymail.com
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">· 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 *	<ul style="list-style-type: none">● I acknowledge receipt of the Open Records Notification

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

Name *	Steven Warren
Email *	pastorsteve@mtview.org
Phone Number (optional)	(303) 886-9775
This comment relates to: *	CU South
Comment: *	<p>Dear Sirs,</p> <p>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!</p> <p>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.</p> <p>Pastor Steven K Warren Mountain View United Methodist Church</p>
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 [#274]
Date: Friday, April 21, 2017 9:09:26 AM

Name *	Don Hayden
Email *	dfhayden@hotmail.com
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 *	<ul style="list-style-type: none"><input 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

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
Web Site: 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

Name *	Ryan Eisenbraun
Email *	ryaneisenbraun@yahoo.com
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: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#276]
Date: Friday, April 21, 2017 2:59:17 PM

Name *	Keller Kimbrough
Email *	keller.kimbrough@colorado.edu
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

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

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; boulderplanningboard@bouldercolorado.gov
Subject: Changes to BVCP
Date: Friday, April 21, 2017 3:26:16 PM

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; boulderplanningboard@bouldercolorado.gov
Subject: Re: Changes to BVCP
Date: Friday, April 21, 2017 3:38:09 PM

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> 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 *	bldrroddy@yahoo.com
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 *	jacquet@q.com
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; #LandUsePlanner; planning@bouldercolorado.gov; boulderplanningboard@bouldercolorado.gov](#)
Subject: Restore the Boulder Valley Comprehensive Plan!
Date: Friday, April 21, 2017 4:30:19 PM

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 loosing 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 loosing 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

Name * Michelle Ross

Email * 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

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

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

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

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; [Boulder County Board of Commissioners](#); boulderplanningboard@bouldercolorado.gov
Subject: Comments on BVCP
Date: Friday, April 21, 2017 7:59:13 PM

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

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

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

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

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; [Boulder County Board of Commissioners](#); boulderplanningboard@bouldercolorado.gov
Subject: BVCP review
Date: Friday, April 21, 2017 11:03:30 PM

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; [Boulder County Board of Commissioners](#); 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


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

Name *	Mike Chiropolos
Email *	mikechiropolos@gmail.com
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 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" Toevs, 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 Toevs 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

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 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](#); commissioners@bouldercolorado.gov; [Boulder County Board of Commissioners](#); boulderplanningboard@bouldercolorado.gov
Subject: 4 body review
Date: Saturday, April 22, 2017 2:01:59 PM

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

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

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

Name *	L Jackson
Email *	radiantb@comcast.net
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

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

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
(303) 860-0600

GATEWAY

006

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

between April 1 and any "public" ...

Linda to April 10 dinner.

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

Since special Regent meeting 11:00 AM, need to brief PC or talking to it privately.

format?

5. The CCHE meets on April 11 and the purchase will be an information item on the agenda.

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.

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

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.

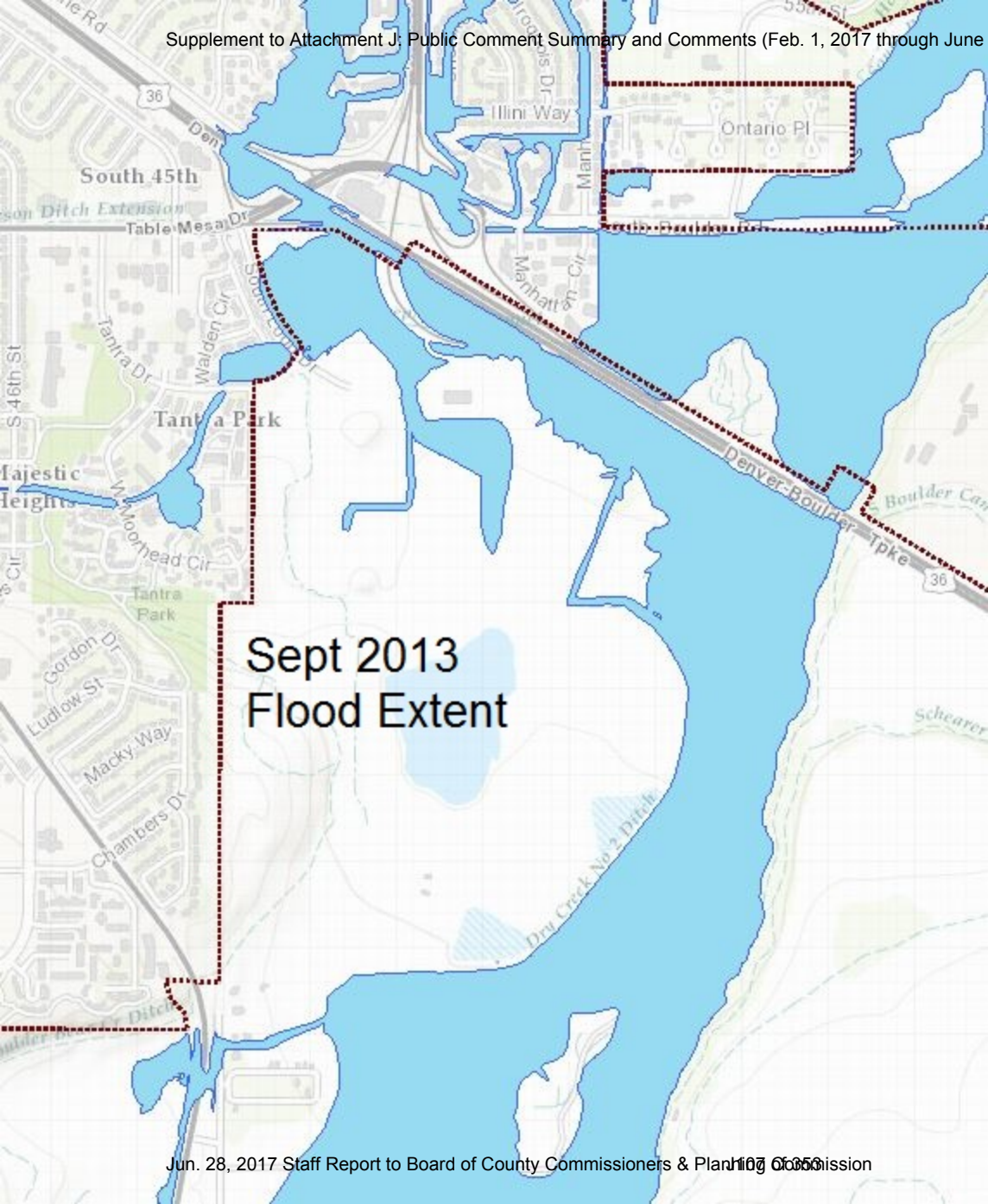
9. On April 25, the Regents will be asked to authorize the President to execute the purchase agreement, subject to all appropriate conditions and contingencies.

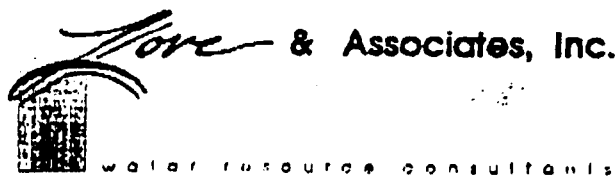
*4/11 - CDC APPROVAL of 202
? JBC APPROVAL of 202 (before or after 25TH?) - Decide AFTER 4/19*

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.





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.

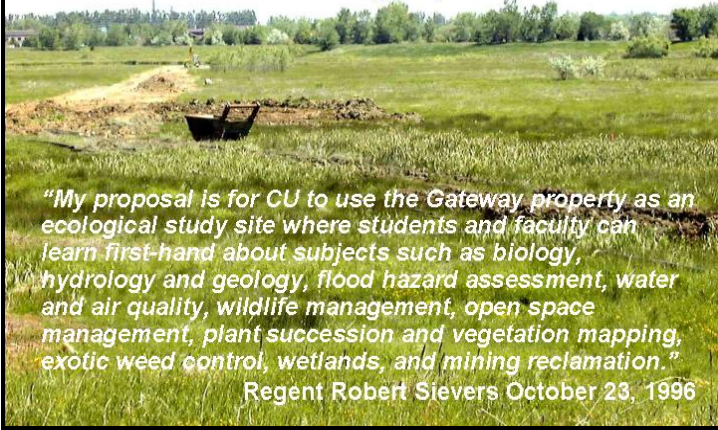
Upon any violation of this section, the Owner shall have the right to terminate the contract without liability and, at its discretion, to deduct from the contract price, or otherwise recover, the full amount of such, fee, commission, percentage or consideration.

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: <u>April 25, 1996</u>
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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



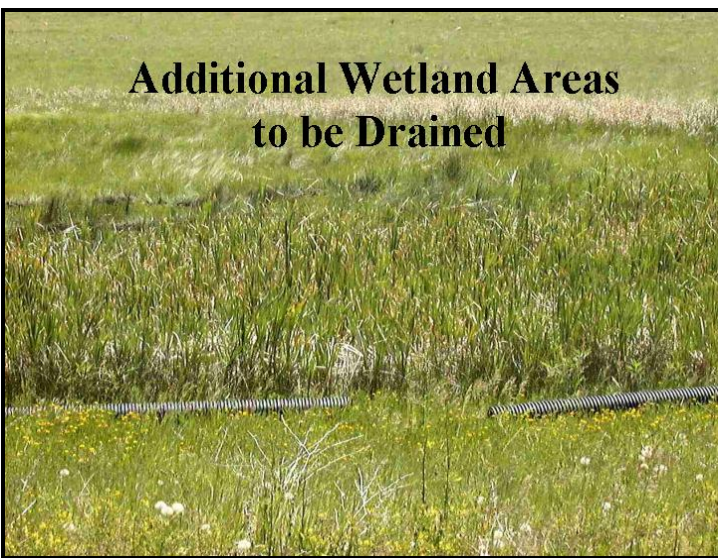
**Underground aggregate drains
are being constructed to lower
the water table and dry up
existing wetlands.**



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.

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; boulderplanningboard@bouldercolorado.gov; planning@bouldercolorado.gov; [Boulder County Board of Commissioners](#); [#LandUsePlanner](#)
Cc: brautigamj@bouldercolorado.gov; stafforde@bouldercolorado.gov; 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](#)

Dear Sirs and Madams:

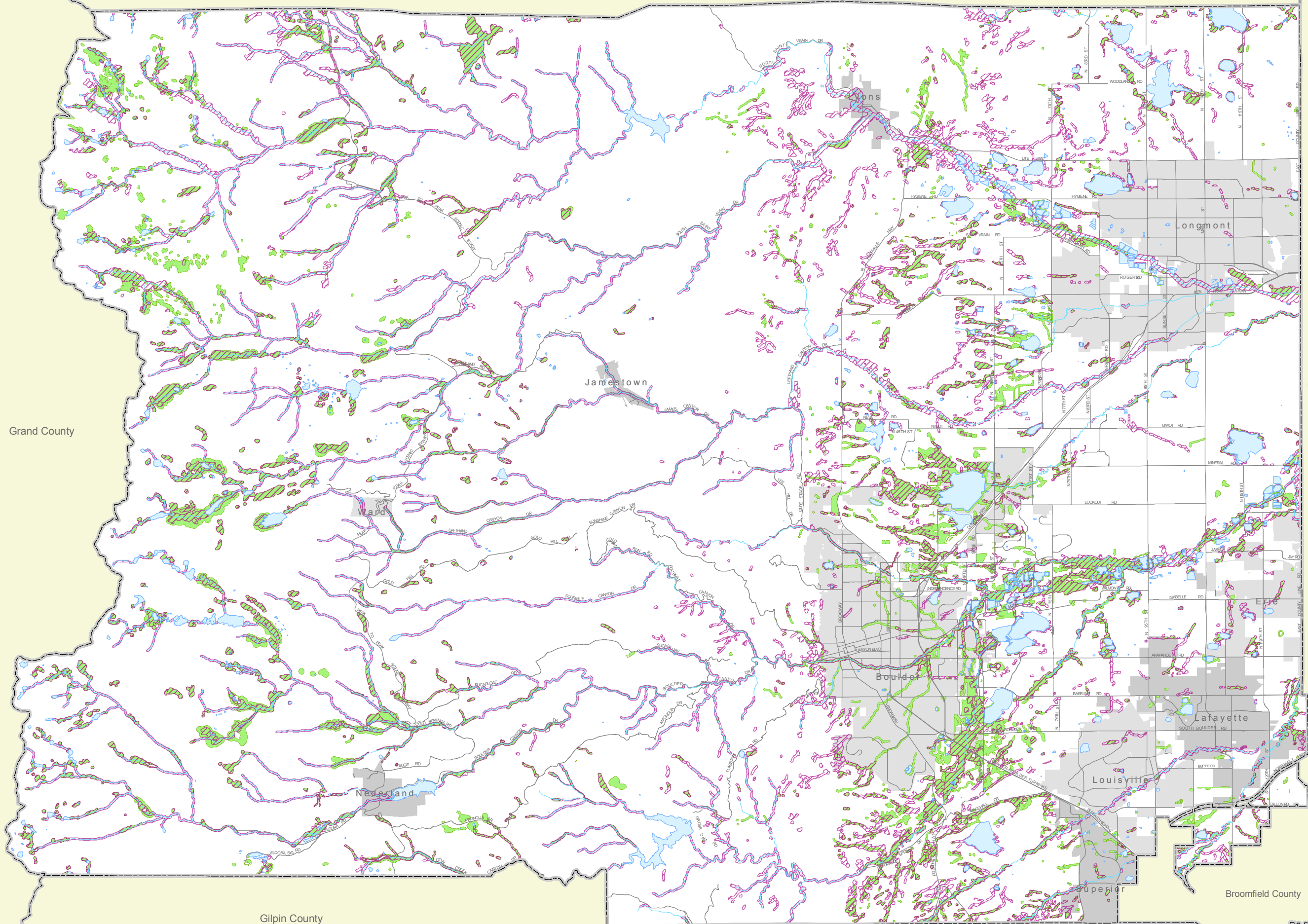
Please find attached a letter from the Law Offices of Randall M. Weiner, P.C. regarding CU South land use changes and Boulder Ordinance 9-3-9 (the "Wetlands Ordinance"). Also attached are two (2) exhibits to the letter.

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.

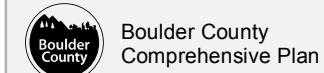
Sincerely,

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
WEB: www.randallweiner.com



Wetlands and Riparian Areas



Riparian Areas



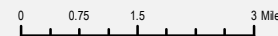
An area recognized by the presence of linear bands of trees, shrubs, and herbaceous vegetation along a waterway where plant communities and soil moisture differ from surrounding upland vegetation and soils

Wetlands

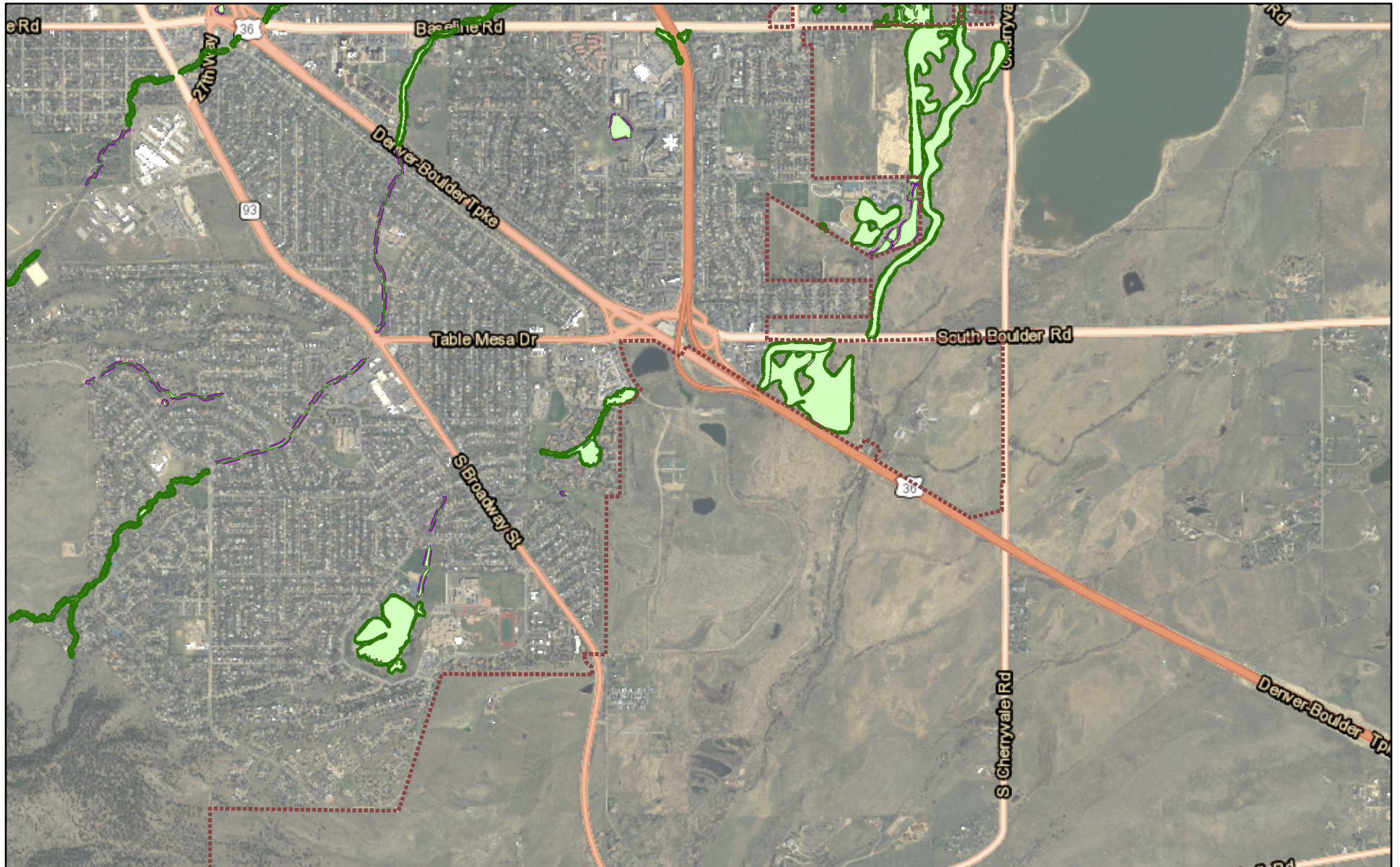


Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water with one or more of the following attributes: (1) at least periodically, the land supports predominantly hydrophytes (wetland plants); (2) the substrate 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

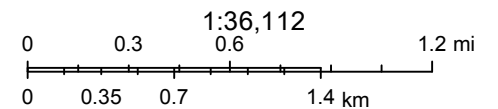


Boulder eMapLink



April 20, 2017

- | | | | | |
|---|---------------|---|---|-----------------|
|  | City Limits | Wetland Regulatory Areas |  | Low Functioning |
|  | Wetland Areas |  | High Functioning Inner | |
| | |  | High Functioning Outer | |



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

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

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.¹

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.²

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

² 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

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

From: Kim Calomino [<mailto:Kim.Calomino@Colorado.EDU>]
Sent: Monday, May 01, 2017 12:43 PM
To: Wobus, Nicole
Cc: Jeffrey S Lipton
Subject: CU South documents

Hello Nicole,

Attached are three documents regarding CU Boulder South: Our draft concept plan assumptions, the draft concept plan and the Commonly Asked questions about CU Boulder South that you've seen before. The draft concept plan attached is lacking the background that shows the adjoining neighborhoods. Our CAD folks are trying to load that back in as we think it provides context. When I have that map I'll send it along.

We will be launching a website and opening an email address for comments but that this moment those are not live. We will go live with those yet this afternoon as well as publish a story in CU Boulder Today to update our campus affiliates.

Frances Draper and Jeff Lipton met with Daily Camera this morning, so we expect a story to publish late this afternoon – just a head's up in case you get a call for comment.

Let me know if you have questions.

Thanks!

Kim Calomino
Manager, Local Gov't & Community Relations
Office for Strategic Relations
303-492-2626
Cell 303-802-0866
Kim.Calomino@Colorado.edu



**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. ***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 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.

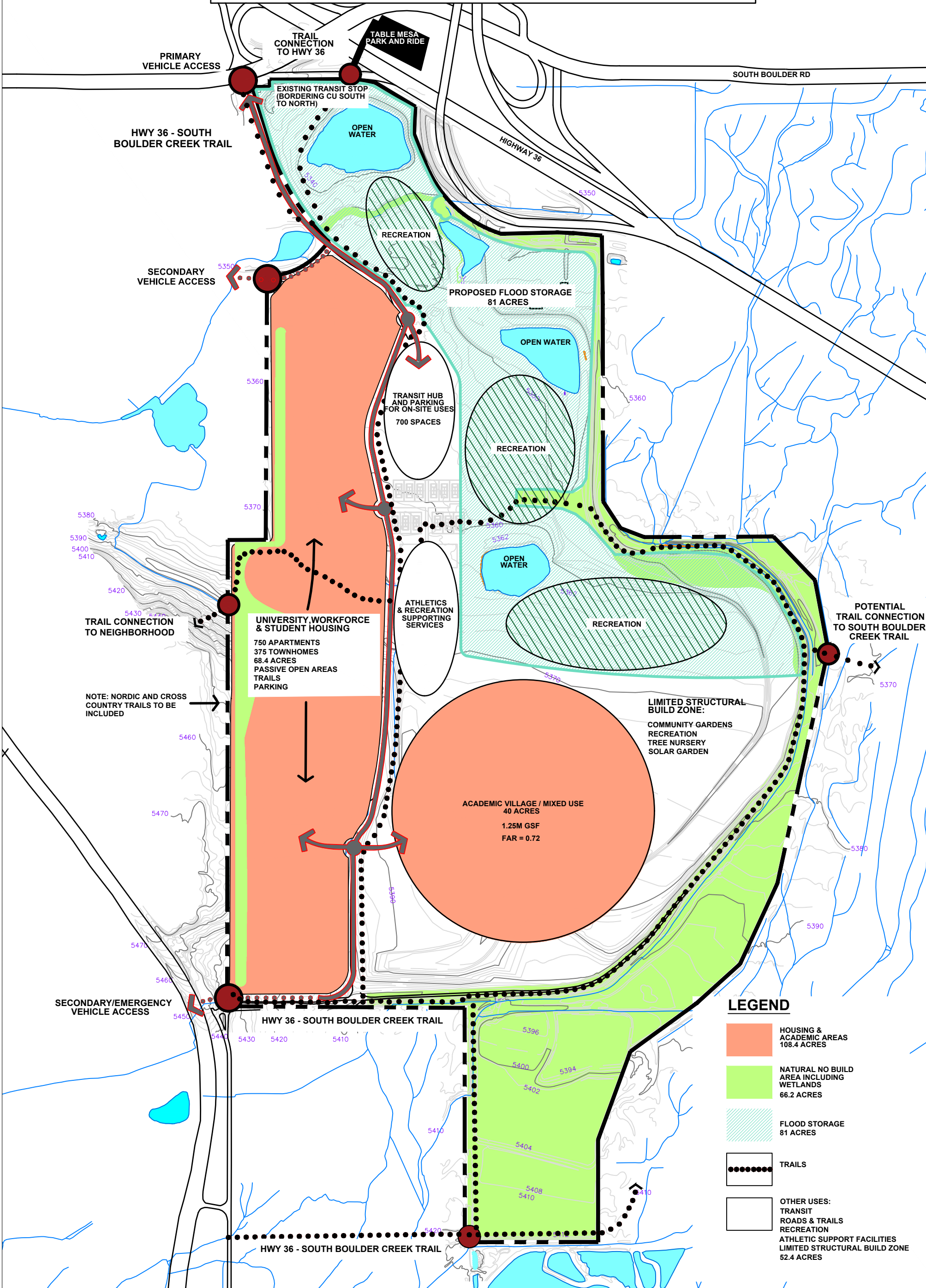
Public Access and Trails:

- 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 (CCHE) 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. The webpage includes a survey for providing feedback and comments can be emailed to 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: [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

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. 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

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

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](#)

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

Raymond Bridge

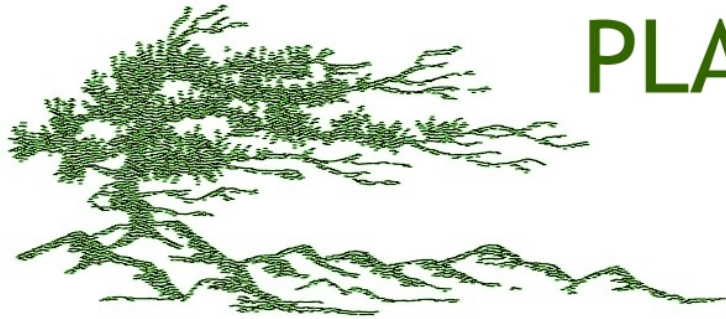
From: Raymond Bridge [mailto:rbridge@earthnet.net]
Sent: Wednesday, May 03, 2017 12:20 AM
To: Boulder County Planning Commission (ksanchez@bouldercounty.org)
Cc: Allyn Feinberg (feinberga@comcast.net)
Subject: BVCP-15-0001--CU-South

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

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

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.

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:

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- 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?

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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

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



Independent Living | Assisted Living | Health Care | Wellness | Senior Services

350 Ponca Place, Boulder, CO 80303 Phone: 303.499.4888 Fax: 720.562.4395

www.frasiermeadows.org



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.

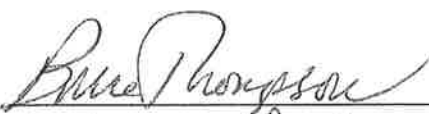
We understand that all decision-makers need accurate, fact-based information upon which to base critical decisions, such as the CU South comp plan amendment. We support the City in continuing to provide important data to the County and the public in general so that all decision-makers are comfortable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

Janet Klemperer



Bill Crayford

Charles W. Howe

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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

Jolene Howe
Jessie Elliott
Michy Greenberg
Lois Klaman
Paul Zeig
Joe & Polly
Muriel Woods
Jane Sindelar
Joni Jenda
Joyce Lepp
Jane M. Stangel
Elizabeth 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

Margaret Picher

Donna Hackney

John B. Wilson

Judith A. Picher

Joan W. Peters

Charlotte A. Haraway

Anne E. Rowan

Mary Piche

Dorothy Longway

Elaine Waggoner

John Oklie

Barbara Paece

Elsie Johnson

James D. Blackburn

Howard H. Sargent

Mrs. E. Sargent

George Peters

Marion K. Selbin

Susan Peterson

Lynn J. Luskford

Kate Crawford

Patricia E. Hadley

Jerry O. Stahly

Marilyn Anderson

Johanne Swords

Hugh W. Evans

Ann Hartung

Charles A. Jenkins

Gene R. Jenkins

Ed F. Smith

Dana Boal

Ellen Boal

Dorothy Kupert

Willy Bottner

Ann G. Evans

Jim J. Deubert

Daniel Stone

Sally Duce

Kna Brissenden

Catherine Hobgen

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

Vanya Trivitt
Linda Dixon
Edwarda Puzos
Bob Pardee
Wm. W. Thornburg
John A. Crumley
Shea Buene Macfarlan MD
Janet Marie Kohl
Vicki Winston
Rinchen Dolma
Yvonne B. Davis
Betsy A. O'Brien
Kevin D. Dummell
B.C. Deayork
Peter Dawson
Anna Galuska
Charlot. L. Conville
Marilyn Russell
Alexander Herzog
Carol F. Grove, Jr

Margaret Hinch
Judith L. Holman
ROXANNE COTT
ELEN COTTI Ellen Cotta
HARRY REED
Ann Muscho
Edward D. Walker
Beverly Pastorek
Paul Koellen
Gail Rowe
Berk Harris
John A. Tracy
Margaret M. Stahl
Jeanne W. Haiple
Judith Tucker
Elizabeth B. Braunkell
Charles A. Hadler
John A. Tracy
John A. Tracy
Beatrice Brodeur

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

Carol K. Moremen

David & Waut

Hailey Brown

Evelyn Ruka

Edmond J. Berker

Tatucia Mrazek

Clinton Heiplo

Joyce A. Davies

Mary Jane Hall

Kathleen M. Bacus

OK Bacus

Louis Bradley

May Dickerson

Phil Waggoner

James Underwood

Louise Lindley

Kathleen M. Cook

Jenntan Ann

Robert G. Dudley

James P. Reynolds

James P. Reynolds

Nancy Benson

Maxine Wendler

Rachel C. Benders

Walter W. Duncan

Margot A. Vall

Evelyn Lindquist

Maria J. Paulsen

Mila C. Kalish

Nancy L. St. Germain

Barbara B. Kingery

Betty Hill

Jenit Wingquist

Janet H. Brewer

Joan Benson

Jande Graff

Kimberly Moore

Jim Beal

William C. Bradley

Nurit Wolf

Nurit Wolf

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

Mona Ely
Gale Chidlaw

Bonethey Field
Ruth F Meyer

Betty Campbell
Brad Beeler
Pat Beeler

Yasem Kaban

Michael Yarnowski
Elaine Kiebert

Julia Herring

Wesley M. J.C.

Fabricia Judd

Mary Jo Quinby
LeAnn P.

C.H. Anderson

Patricia A. Anderson

Jan Greene
Pat Rowan

Anne S. Rowwood

Jo-Egan

Keith D Kohner

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

Aliselee Egan

James Glinen
Marylyn Fisher

Judith Odio

PAT ROECKER



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



Independent Living | Assisted Living | Health Care | Wellness | Senior Services

350 Ponca Place, Boulder, CO 80303 Phone: 303.499.4888 Fax: 720.562.4395

www.frasiermeadows.org



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

Janet Klemperer



Bill Crayford

Charles W. Howe

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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

Jolene Howe
Jessie Elliott
Michy Greenberg
Lois Klaman
Paul Zeig
Joe & Polly
Muriel Woods
Jane Lindler
Joni Jenda
Joyce Lepp
Jane M. Stangel
Elizabeth Stangel
Joseph W. Elby
L. Cooper
Dorothy M. Imel
Ray & Sheld
Patricia M. Truelove
Marion Bughenroth
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May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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Shea Buene Macfarlan MD
Janet Marie Kohl
Vickie Winston
Rinchen Dolma
Yvonne B. Davis
Betsy A. O'Brien
Kevin D. Dummell
B.C. Deayork
Peter Dawson
Anna Galuska
Charlotta L. Conville
Marilyn Russell
Alexander Herzog
Carol F. Grove, Jr

Margaret Hough
Judith L. Holman
ROXANNE COTT
ELEN COTTI Ellen Cotta
HARRY REED
Ann Muscho
Edward D. Walker
Beverly Pastorek
Paul Koellen
Gail Rowe
Berk Harris
John A. Tracy
Margaret M. Stahl
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[Signature]
[Signature]
Beatrice Brodeur

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment

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Elaine Kiebert

Julia Herring

Wesley M. J.C.

Fabricia Judd

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Jo-Egan

Keith D. Kohner

May 1, 2017

South Boulder Creek Flood Mitigation/CU South BVCP amendment


Aliselee Egan

James Glinen
Marylyn 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 *	golfski02@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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

Name *	Kirkwood Cunningham
Email *	kmcunnin@juno.com
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 fro 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
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 *	<input type="checkbox"/> 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

Name *	Jahnvi Brenner
Email *	jahnvi@gmail.com
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

Name *	Edith Stevens
Email *	ediest1@me.com
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

Name *	Tim Hogan
Email *	tim.hogan@colorado.edu
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

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](#)

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

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:

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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

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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

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

Name *	Karen Hollweg
Email *	khollweg@stanfordalumni.org
This comment relates to: *	3261 3rd Street

Comment: *

To: Boulder County Planning Commission

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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

Name *	Sandra Laursen
Email *	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

Name *	Sallie Greenwood
Email *	sallie.greenwood@gmail.com
Address (optional)	 80305 United States
This comment relates to: *	CU South
Comment: *	<p>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.</p>
Please check box below *	<ul style="list-style-type: none"><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

Name * Cosima Krueger-Cunningham

Email * 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

Name *	Ben Binder
Email *	bbinder@ddginc.com
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.

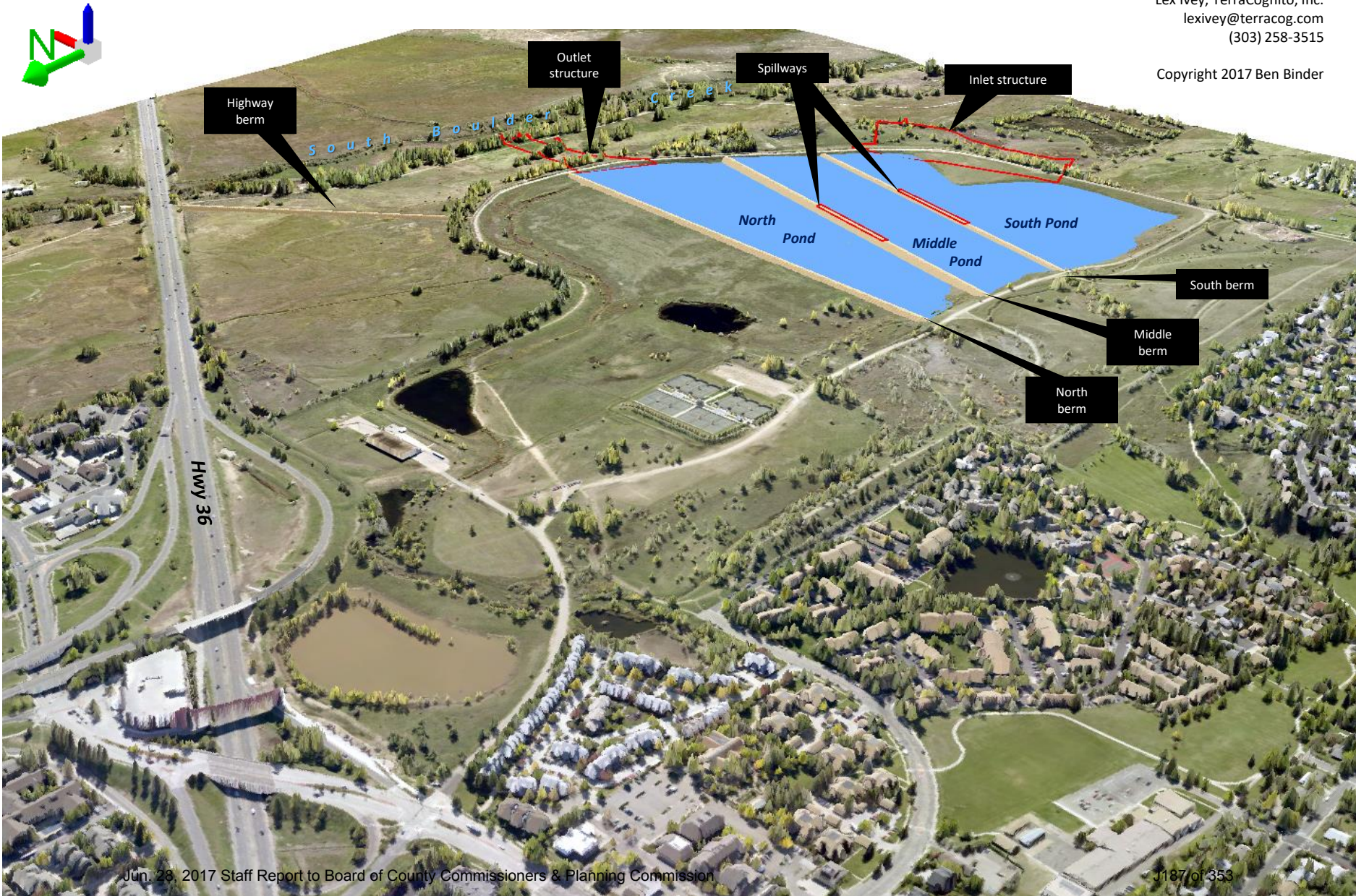
If spillway discharge over the highway is not accepted by CDOT or the Office of the State Engineer, the flow would need to be routed to another location, or a large bridge or culvert structure would need to be constructed to convey flow beneath US- 36. This could have a substantial impact on the project schedule and costs.

- **Variiances 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
bbinder@ddginc.com
(303) 860-0600
Geospatial Analysis
& Visualization:
Lex Ivey, TerraCognito, Inc.
lexivey@terracog.com
(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

Name *	Patricia Ramey
Email *	ps_ramey@hotmail.com
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
Email *	mahon@nc.rr.com
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

Name *	Electra Guerra
Email *	electra.guerra@colorado.edu
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 *

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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
Email *	joan.acker47@gmail.com
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?


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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

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
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 *	<input type="checkbox"/> 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

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 *

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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 *	gw@gwenvironmental.com
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?

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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 *	gw@gwenvironmental.com
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, 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

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**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 convention between flood planning folks
 & 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:

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OFFICE: _____

FROM: MARK HAYNES

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 5

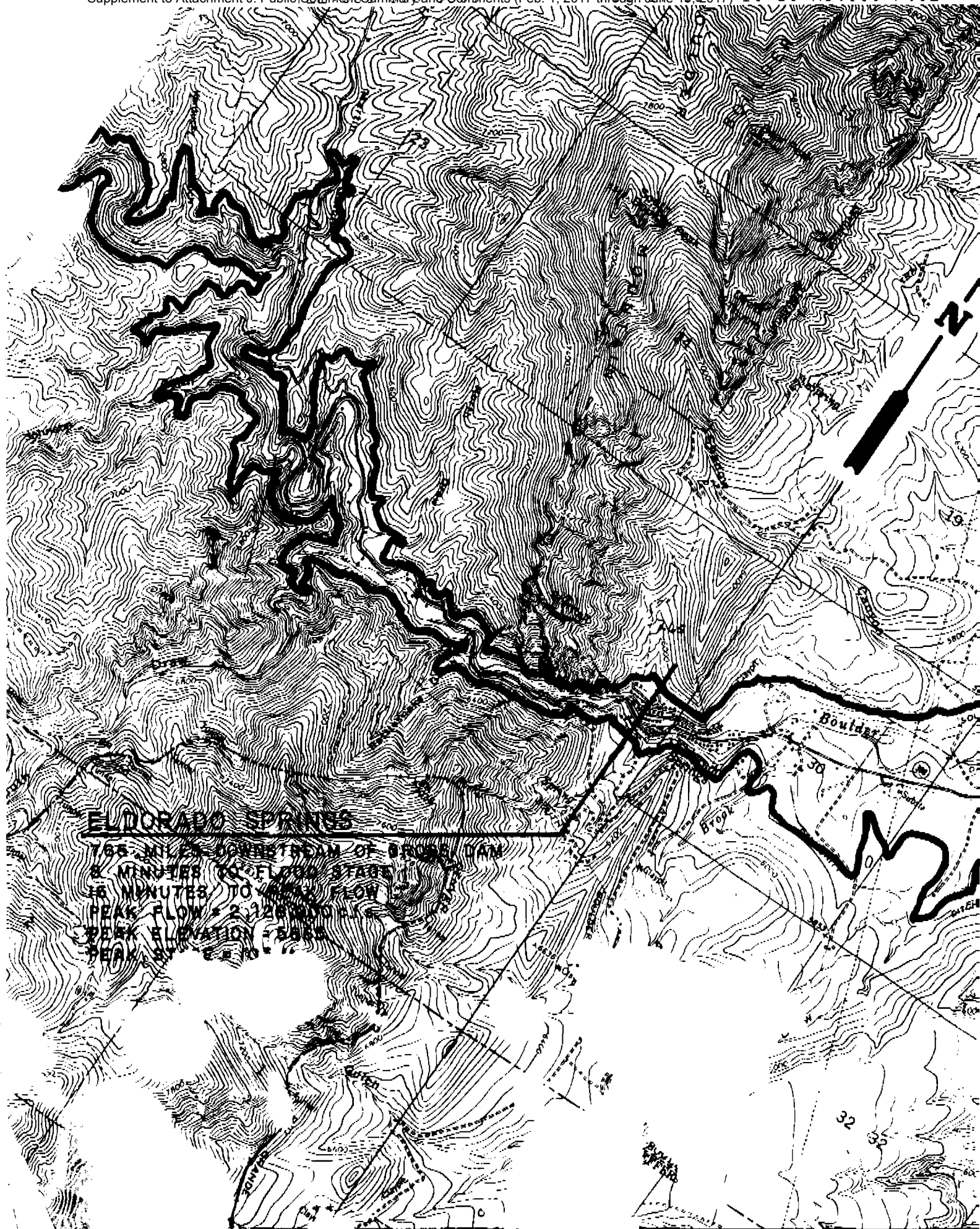
DATE: 2/17/95 @ 10:20 A.M.

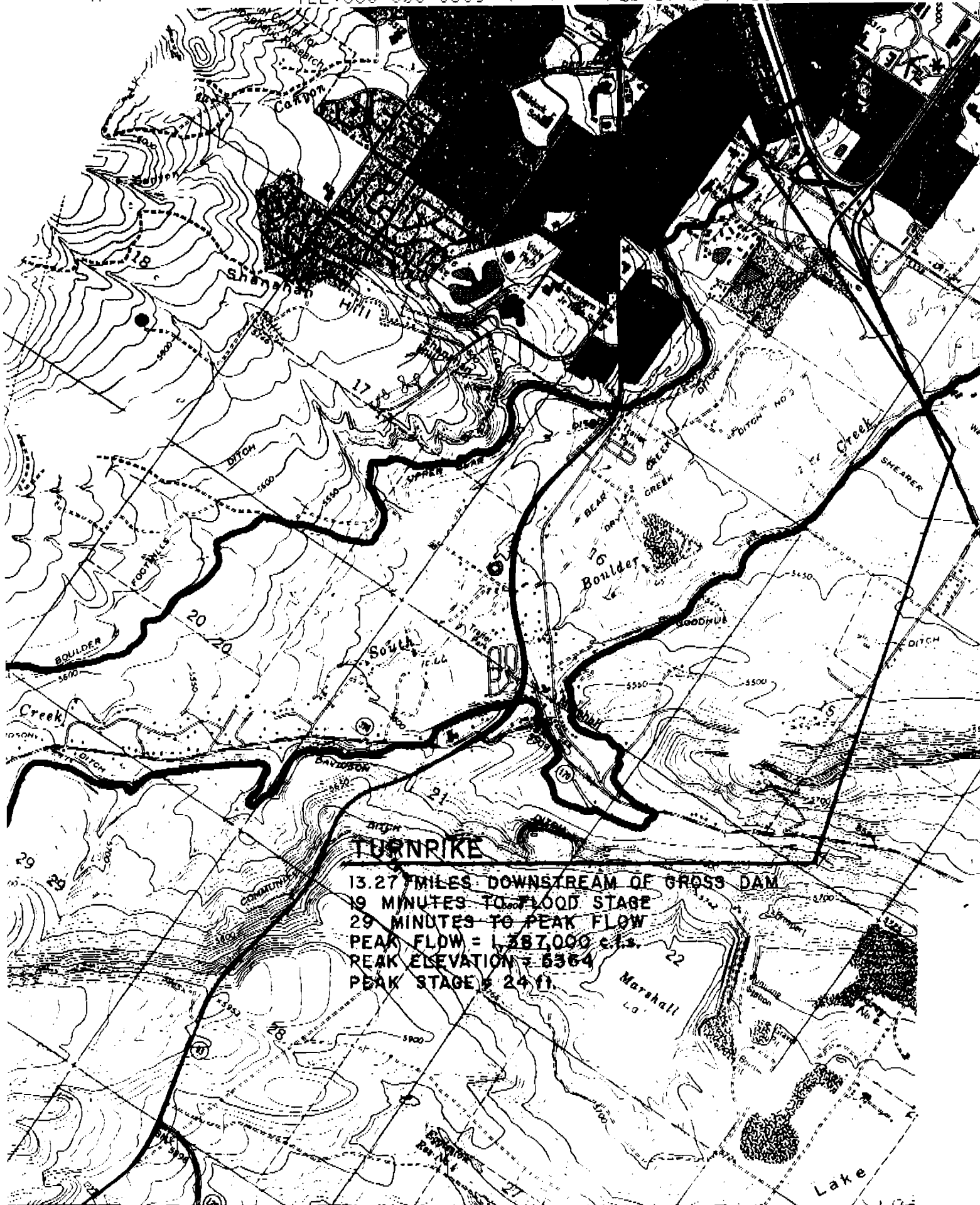
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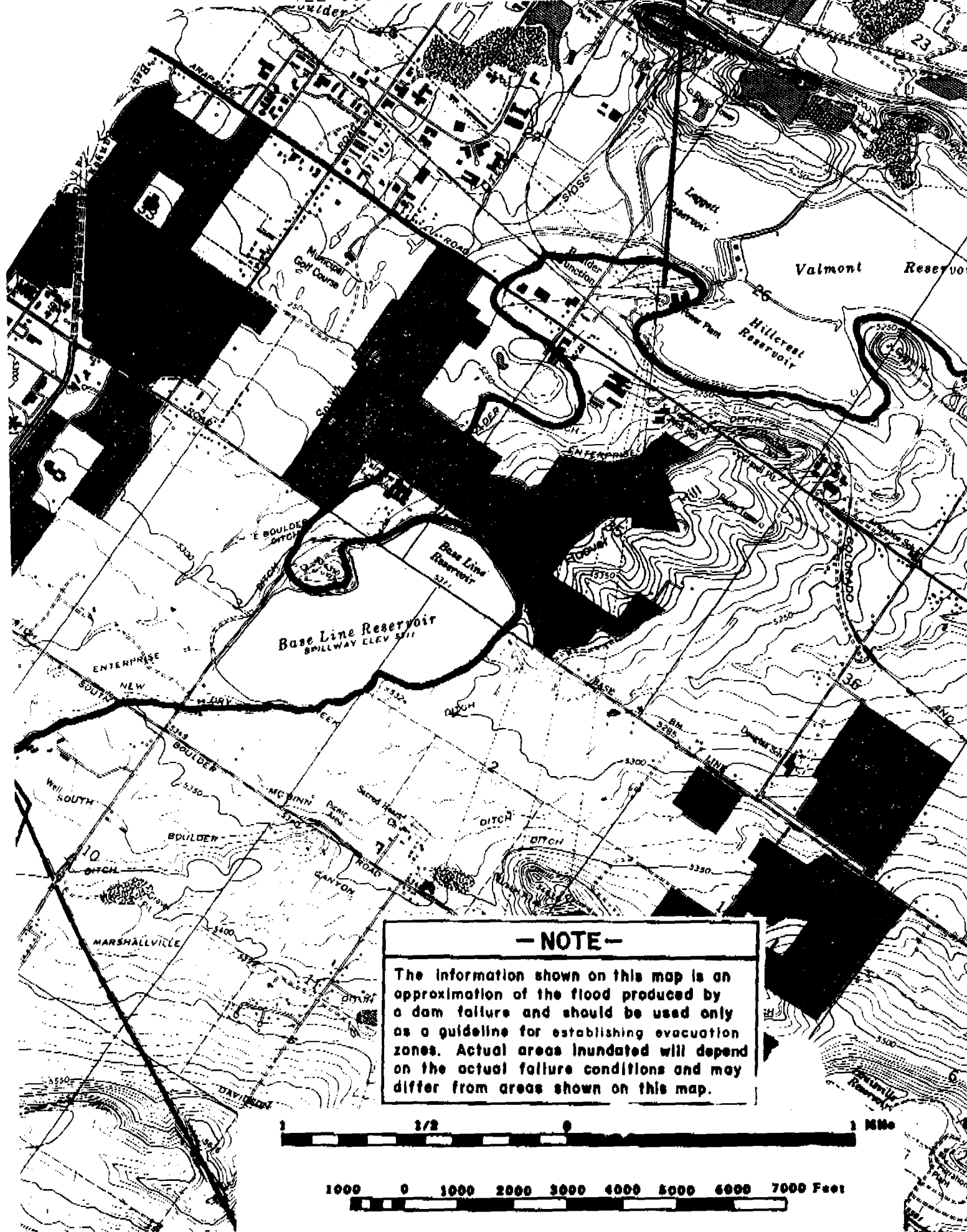
Telephone: (303) 866-3581

Fax Number: (303) 866-3589

MESSAGE: _____



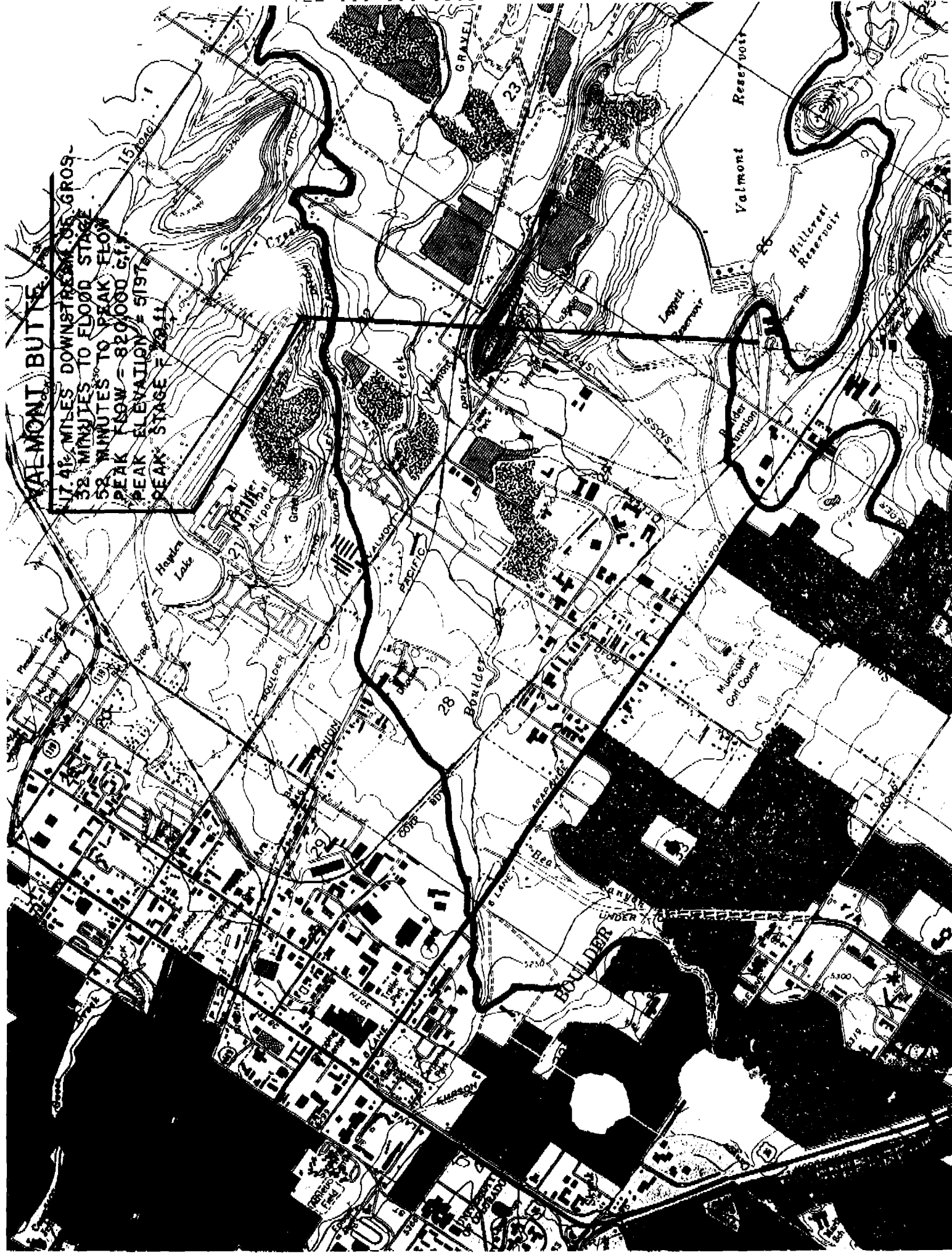




- NOTE -

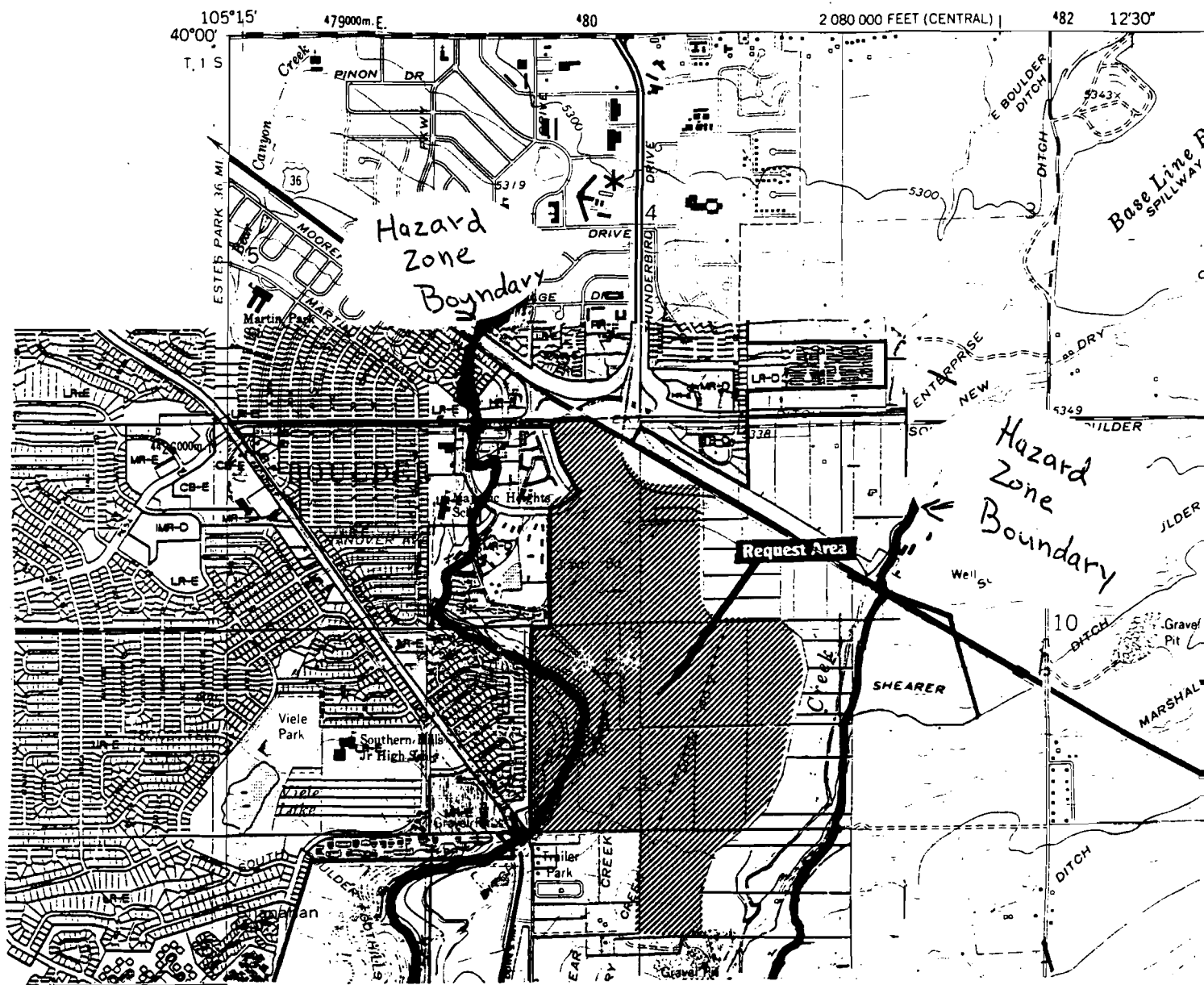
The information shown on this map is an approximation of the flood produced by a dam failure and should be used only as a guideline for establishing evacuation zones. Actual areas inundated will depend on the actual failure conditions and may differ from areas shown on this map.



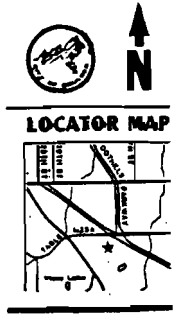


VALMONT BUTTE
17.48 MILES DOWNSTREAM OF GROSS-
32 MINUTES TO FLOOD STAGE
52 MINUTES TO PEAK FLOW
PEAK FLOW = 820,000 CFS
PEAK ELEVATION = 5197
PEAK STAGE = 20.11

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



- 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



Gross Dam Failure
Inundation Study

~~TURNRIKE~~
~~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

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

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

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 *	khollweg@stanfordalumni.org
This comment relates to: *	CU South
Comment: *	See attached
Attach a File (optional)	 51517 letter to county planning commiss re cusouth.docx 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

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
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 *	sdelucia@frontrangebusiness.com
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 *	<ul style="list-style-type: none"><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

Name * Kirsten Glennon

Email * 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

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

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

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#310]
Date: Tuesday, May 16, 2017 4:51:01 PM

Name *	Gordon McCurry
Email *	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 *	<ul style="list-style-type: none"><input type="checkbox"/> 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

Name * Magdalena Rzyska

Email * 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

Name *	ALFRED LEBLANG
Email *	golfski02@yahoo.com
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 a 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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification


From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#313]
Date: Tuesday, May 16, 2017 5:42:10 PM

Name *	Carol Atkinson
Email *	abwlabu@yahoo.com
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 type="checkbox"/> I acknowledge receipt of the Open Records Notification


From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#314]
Date: Tuesday, May 16, 2017 6:10:31 PM

Name *	Ryan Bentley
Email *	rbski90@gmail.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#315]
Date: Tuesday, May 16, 2017 6:15:35 PM

Name *	PETER KORBA
Email *	p.kotbs44@gmail.com
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 checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#316]
Date: Tuesday, May 16, 2017 6:15:55 PM

Name *	Crif Crawford
Email *	crawford3196@msn.com
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.

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

Name *	Raymond Bridge
Email *	rbridge@earthnet.net
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

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 *	allison.palmer@comcast.net
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.

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

Name *	kathie joyner
Email *	joynermcguire@comcast.net
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"><input type="checkbox"/> 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

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

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 *	edsmutney@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

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 *	helencburnside@gmail.com
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


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 *	ptc39@comcast.net
Address (optional)	 350Ponca 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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#325]
Date: Tuesday, May 16, 2017 9:01:05 PM

Name *	amy beyer
Email *	albsmiles23@gmail.com
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

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

Name *	Lea Ertz
Email *	lea.ertz@gmail.com
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

Name *	Terry Farless
Email *	twf723@gmail.com
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

Name * Keller Kimbrough

Email * 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

Name *	Jenny Natapow
Email *	jenny.natapow@gmail.com
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](#)

Please distribute the attached comments to the members of the Boulder County Land Use Planning Commission for their meeting Wednesday, May 17th 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

Name *	leslie sims
Email *	oban21@gmail.com
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 checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#331]
Date: Tuesday, May 16, 2017 9:45:38 PM

Name *	Svenja Sims
Email *	svenja.sims@gmail.com
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

Name *	Leanne Lestak
Email *	lestakl@yahoo.com
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"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#333]
Date: Tuesday, May 16, 2017 10:04:41 PM

Name * Richard Reynolds

Email * 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

Name *	david mcguire
Email *	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
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 *	<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 [#336]
Date: Tuesday, May 16, 2017 11:53:49 PM

Name *	Jo Harper
Email *	harper2@rmi.net
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

Name *	Dan Moore
Email *	moore234@yahoo.com
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

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

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#339]
Date: Wednesday, May 17, 2017 8:27:35 AM

Name *	Amanda Adams
Email *	adams_amanda1@yahoo.com
Address (optional)	 4935 Qualla Drive Boulder, Colorado 80303 United States
This comment relates to: *	CU South
Comment: *	<p>Dear Planning Commissioners,</p> <p>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.</p> <p>Thank you for your time and consideration.</p> <p>Regards, Amanda Adams</p>
Please check box below *	<ul style="list-style-type: none"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [#LandUsePlanner](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#340]
Date: Wednesday, May 17, 2017 9:03:23 AM

Name *	Nickie Kelly
Email *	kelly1080@comcast.net
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

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
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>

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
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 document
*

Attach a File (optional)	 south_boulder_creek_ruths_comments_for_boulder_county_land_use_commission_may_17_2017docx.docx 21.16 KB · DOCX
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Attach a File (optional)	 south_boulder_creek_ruths_comments_for_boulder_county_land_use_commission_may_17_2017docx1.docx 21.16 KB · DOCX
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Please check box below *	<ul style="list-style-type: none"><input type="checkbox"/> I acknowledge receipt of the Open Records Notification
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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

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



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

Name * Patricia Billig

Email * 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

From: radiantb@comcast.net
To: [#LandUsePlanner](#)
Subject: regarding Twin Lakes issue
Date: Thursday, May 18, 2017 11:11:30 AM

Twin Lakes Issue

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: [Wufoo](#)
To: [BVCP-15-0001 Comments](#)
Subject: Boulder Valley Comprehensive Plan and IGA comment [#345]
Date: Thursday, May 18, 2017 1:03:05 PM

Name *	John Thompson
Email *	john@aerogrow.com
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 *	<ul style="list-style-type: none"><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

Name *	Levi Brown
Email *	levigroker@gmail.com
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"><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 [#347]
Date: Thursday, May 18, 2017 6:01:10 PM

Name *	Donna George
Email *	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 *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: Patricia A Gassaway
To: [Boulder County Board of Commissioners](#)
Subject: democratic process
Date: Monday, May 22, 2017 2:13:07 PM

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

From: dana bove
To: council@bouldercolorado.gov; boulderplanningboard@bouldercolorado.gov; brautigamj@bouldercolorado.gov; arthurj@bouldercolorado.gov; Boulder County Board of Commissioners; planning@bouldercolorado.gov
Subject: CU South, proposed land use changes, and Wetland Ordinance.
Date: Tuesday, May 23, 2017 4:11:29 PM

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
 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

Name *	Miho Shida
Email *	miho@earthlink.net
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"><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 [#350]
Date: Tuesday, May 23, 2017 5:58:41 PM

Name * Susan Winter

Email * 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

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

Name *	Dan Drolet
Email *	dwdrolet@comcast.net
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 *	<ul style="list-style-type: none">• 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 *	namiknows@gmail.com
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

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
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

Name * Barbara Hill

Email * 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: [Giang, Steven](#)
To: [BVCP-15-0001 Comments](#)
Subject: RE: Boulder Valley Comprehensive Plan and IGA comment [#354]
Date: Monday, June 05, 2017 2:35:13 PM

Send it to On-Call? Or give her a call back and answer her question?


From: BVCP-15-0001 Comments
Sent: Monday, June 05, 2017 2:19 PM
To: Giang, Steven
Subject: FW: Boulder Valley Comprehensive Plan and IGA comment [#354]

Did you figure this one out? I think we chatted about it.

Amy Breunissen Oeth, AICP

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

From: Wufoo
Sent: Thursday, May 25, 2017 3:37 PM
To: BVCP-15-0001 Comments
Subject: Boulder Valley Comprehensive Plan and IGA comment [#354]

Name *	Jennifer Ingvaldsen
Email *	jennifer@erikingvaldsen.com
Phone Number (optional)	(303) 588-8024
Address (optional)	 9993 N 65th Ave Longmont, Co 80503 United States
This comment relates to: *	Land Use
Comment: *	<p>I work for a real estate company and we have a client that is curious about the property listed at 9993 N 65th St, Longmont</p> <p>They are wondering if it is possible to put a couple tiny houses on this land.</p> <p>Thank you for looking into this matter for me. Jennifer jennifer@erikingvaldsen.com</p>

Attach a File (optional)



[66th.pdf](#) 468.91 KB · PDF

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

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 *	kurtschlomberg@hotmail.com
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"><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 [#356]
Date: Tuesday, June 06, 2017 9:34:56 AM

Name *	Marty Streim
Email *	mstreim@earthlink.net
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

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

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

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

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

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
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>
Date: Wed, Jun 7, 2017 at 9:46 AM
Subject: Fwd: CU South Memorandum
To: 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 21st 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

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"
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----- Forwarded message -----

From: **Mike Chiropolos** <mike@chiropoloslaw.com>
Date: Wed, Jun 7, 2017 at 9:24 AM
Subject: Fwd: CU South Memorandum
To: kleislerp@bouldercolorado.gov, 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

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>
Date: Tue, Jun 6, 2017 at 6:13 PM
Subject: CU South Memorandum
To: "Jones, Suzanne" <JonesS@bouldercolorado.gov>, yatesb@bouldercolorado.gov,
morzell@bouldercolorado.gov, appelbaum@bouldercolorado.gov,
brocketta@bouldercolorado.gov, burtonj@bouldercolorado.gov,
shoemakera@bouldercolorado.gov, WeaverS@bouldercolorado.gov,
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 development¹ 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;

¹ 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 prescient² – 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:

² 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, 28th 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

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"

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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

Name * Mike Chiropolos

Email * 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
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- 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
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before mid-2018 at the earliest

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- 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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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 development¹ 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;

¹ 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)²;
- 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.

² *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 and 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 prescient³ – 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.

³ 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, 28th 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
fax: 303-499-0684
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,

A handwritten signature in black ink, appearing to read "Ray S.", written over a horizontal line.


Raymond Simmonds

President

South Creek Eight Home Owners Association

Bartlett Property Management: 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

Name *	Andrea Meneghel
Organization (optional)	Boulder Chamber
Email *	andrea.meneghel@boulderchamber.com
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
Direct: (303) 938-2077
andrea.meneghel@boulderchamber.com
www.boulderchamber.com

WE BUILD COMMUNITY THROUGH BUSINESS

Attach a File (optional)



[20170607_boulder_chamber_bvcp_update_input_packet.pdf](#)

6.21 MB · PDF

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: John Malenich
To: Council@bouldercolorado.gov; [Boulder County Board of Commissioners](#); ellis@bouldercolorado.gov; HyserC@bouldercolorado.gov; boulderplanningboard@bouldercolorado.gov; [#LandUsePlanner](#); [Fogg, Peter](#); [Shannon, Abigail](#); [Giang, Steven](#); hirtj@bouldercolorado.gov; ZachariasC@bouldercolorado.gov
Subject: Preserve 4-Body Review in BVCP
Date: Thursday, June 08, 2017 11:26:56 AM

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

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

Name * John Malenich

Email * 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

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

Name *	Judy Nogg
Email *	judynogg@aol.com
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"><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 [#364]
Date: Tuesday, June 13, 2017 1:59:52 PM

Name * Christopher Macor

Email * 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

Name *	- Coco
Email *	separatinco-any@yahoo.com
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

Name *	anna gayer
Email *	annasong1@comcast.net
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 *	<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 [#367]
Date: Tuesday, June 13, 2017 4:03:03 PM

Name *	richard Dash
Email *	richarddash@msn.com
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

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

Name * Anne Rojo

Email * 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

Name * Cameron Lund

Email * 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

Name * Glennis Walters Smith

Email * 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

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

Name *	Denise Barnes
Email *	mindbodymagic@hotmail.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.

Denise Barnes

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 [#372]
Date: Tuesday, June 13, 2017 5:44:32 PM

Name *	David Hatcher
Email *	davidhh51@yahoo.com
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

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

Name *	Kimberly Gibbs
Organization (optional)	Gunbarrel resident
Email *	kgibbsboulder@gmail.com
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 *	willtoor@gmail.com
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 *

- I acknowledge receipt of the Open Records Notification

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
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 *	<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 [#377]
Date: Monday, June 19, 2017 7:14:53 AM

Name *	Audrey Baisley
Email *	aperkins0@gmail.com
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 *	<ul style="list-style-type: none"><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

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

Name *	Juliet Gopinath
Email *	julietgopinath@yahoo.com
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
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 *	<input type="checkbox"/> 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: [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

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

Name *	Kim Calomino
Organization (optional)	University of Colorado Boulder
Email *	kim.calomino@colorado.edu
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_commish_for_public_hearing_62817.pdf](#)

48.98 KB · PDF

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 [#383]
Date: Monday, June 19, 2017 7:17:20 PM

Name *	Melanie Whitehead
Email *	melanielynns.mail@gmail.com
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">• I acknowledge receipt of the Open Records Notification

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

Name *	Jeffrey Cohen
Email *	jeff@cohenadvisors.net
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"><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 [#385]
Date: Monday, June 19, 2017 7:37:12 PM

Name *	Juliet Gopinath
Email *	julietgopinath@yahoo.com
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 *	<ul style="list-style-type: none"><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

Name * Jan Trussell

Email * 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

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

Name *	Donna George
Email *	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.

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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

Name *	Ben Binder
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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

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