

IGA-19-001: Proposed Amendment to the Nederland Area Boulder County Comprehensive Development Plan

Public Feedback from 2/13/2019 Open House

For information about this topic and to provide feedback click on the link below:

<https://www.bouldercounty.org/property-and-land/land-use/planning/intergovernmental-agreements-iga/iga-19-0001/>

General Q and A:

Q: What if more areas want to annex, beyond those listed in the Primary Planning Area (PPA)?

A: This would require an amendment to the IGA which would need approval of Town and County. Amendment procedures are provided in the IGA.

Q: When was the last comprehensive plan completed?

A: 2013

Q: Was annexation listed as a goal in the 2013 Comp Plan?

A: No

Q: Since the PPA has pros and cons, can we bring this question of annexation to the voters?

A: In the current IGA the Town would have to bring annexation to the voter. The proposed revised IGA would not require it and also gives the County and Town the authority to revise the document.

Comments from members of the public:

- The annexation issue and modification of the map should be put to a vote of the people of Nederland.
- There have been a number of bond measures to support infrastructure investments. Is it clear there is additional infrastructure available to support the annexed properties?
- There are concerns about wildlife and development in the wildland urban interface (WUI). Areas 4 and 5 should be left as rural. The county has a commitment to wildlife preservation and that property should be kept in the county.

Q: Will you notify residents that would be impacted by this revised IGA prior to making a decision?

A: This hasn't been done as yet. Yes, members of the public will be informed of future decision making and public comment opportunities related to this IGA update.

Q: According to the state annexation requirements, 1/6 of a property would need to be contiguous to the Town. It appears that not all PPA areas meet that requirement. Who will make sure this requirement is met?

A: The county and town staff will need to research. [At time of annexation, would need to ensure statutory requirements are met.]

Q: Is this current version of the DRAFT IGA flexible and can it still change?

A: Yes, that is why we are seeking public input.

Q: Are the Town and County considering changes to any other aspects of the IGA?

A: No, what we are sharing tonight is all that has been discussed.

Q: Once a property is annexed, is there a way for it to be un-annexed?

A: No

Q: Can some of the properties adjacent to Town limits hook up to Town utilities now?

A: Yes, code allows that at an increase rate for fees.

Q: How will the comments tonight be incorporated into the draft?

A: The comments will be reviewed and considered for potential additional changes to the IGA. That draft will go before the Board of Trustees (BoT) and BOCC.

Q: When would the IGA be in effect?

A: Upon approval of each governing body.

Q: What other changes could be made to the IGA after tonight?

A: Changes could happen based on public input and will be considered by the Town BOT and then sent to the County for approval.

Q: Can this be sent back to the Planning Commission so they can make a recommendation to the BOT?

A: Yes. [Current IGA amendment procedures require an amendment go in front of both the town and county Planning Commissions for recommendation prior to going forward for decision by each community's governing body.]

Q: Are annexation applications property-owner driven?

A: Yes, in most cases.

Q: Are there any other property owners who are currently petitioning for annexation?

A: All of the areas have expressed interest in being part of town

Comments:

- In the Caribou Road area there are many properties. What if only 2 or 3 want to annex?
- The Mud Lake annexation went to a vote. Would expect any future annexations to go to a vote too. It bears consideration.

Q: Have the areas changed since the last draft IGA map?

A: Yes, the Ridge Road area was deleted.

Q: If the water utility were annexed would it be town-proposed? And would it be both sides of street?

A: Yes, and yes. This is a town proposed annexation because the Town owns this property. BVSD would have to indicate that they want to annex their property.

Q: Who would vote on that annexation?

A: Under the current IGA, voters would need to approve an annexation. In the proposed revisions to the IGA, the BOT would have final approval.

Comment from member of the public:

- Have spoken against annexation in the Hurricane Hill area; glad that area has been deleted from the latest map because it would be a slippery slope to have annexation in that area, potentially leading to annexation down the canyon.

Q: Does the BOT want to change any Town zoning and in particular for the Ridge Road area?

A: Not at this time. For PPAs, parcel specific language in the IGA specifies what additional density could go on the properties. Future boards could change zoning on annexed properties.

Q: For people who live outside the Town limits, is it possible to change the voting district to align with library district?

A: No, voting protocol is driven by the state statute. However, BOT does listen to input from citizens in the greater Nederland area.

Q: Is there a path to annexation with the current IGA?

A: Yes, there would need to be an amendment to the IGA which requires approval by the County and the Town.

Q: Can we poll the residents in the proposed PPA to see if they are interested in the changes to the IGA?

A: That can be considered.

Q: What is the BOT's position on the draft IGA?

A: Don't know. They have not been polled. [At the January 15, 2019 BOT meeting they agreed to present the DRAFT of the proposed IGA and Map to the public. Now they will consider the feedback as they determine next steps.]

Questions/Concerns/Comments provided verbally by individuals during small groups:

- Why does PPA 3a have many parcel-specific conditions and others don't?
- Annexing would increase safety (access, hydrants, tax revenues, etc.).
- Have been walking on 3a for 20 years and it is not a wildlife corridor. It's across the street from Arapaho Ranch which is where the elk hang out.
- "Rural" means they don't get a voice and can't apply for grants.
- Town and County need to confirm 1/6 percentage property contiguity requirement of state annexation requirements because some of the PPA doesn't meet.
- The Food Pantry Board supports annexation and the revisions to the IGA.
- The Town should just wait for the current IGA to expire in 2022 instead of agreeing to a revised IGA with the County.
- Can the town / county post the details of the properties that would become part of the PPA (acreages, current zoning, etc.)?
- Can the town / county provide a map that shows riparian areas and other designations for the land in the PPA?

Feedback Provided in Writing:

- Would like PPA #2 to be removed from the map and proposal. Heard no support for inclusion, nor was she contacted prior to the proposal. Lauded existing services for plowing and road maintenance by Boulder County. Agrees with PPA areas #1, 3a, 3b, 3c, and 3d due to development proposals and ability to tap into Town utilities, but doesn't know if the Town has capacity to serve new areas. Noted areas she supports for annexation will require major road infrastructure overhaul due to traffic increases that would also affect Town. No input for PPA #4 or 5, but not sure why the area next to PPA #5 wasn't included.
- In support of annexation for PPA #3a (Bobcat Ridge). Long-time resident of Eldora. Would like this development to be available when needing to transition to a smaller home closer to public transportation and amenities in Nederland. Feels that development would offer middle range and affordable apartment and townhome rental options. It would also provide housing options for young families, workforce housing, and senior population.
- Concern about ecological wellbeing of landscape for wide-ranging mammals, and effects upon long-distance movements for mountain lion, bobcat, elk, moose, lynx, and black bear. Landscape fragmentation due to roads affecting full utilization of their range. Elk migration = a positive sign. Counties can deal with landscape-scale ecological issues better than cities/towns,

so he supports equal Boulder County involvement for annexation proposals. Wildlife movement corridor links from Ned's south side to Magnolia road for prime winter range to summer range in Indian Peaks. Arapaho Ranch and Caribou Ranch are exceptionally rich wildlife habitats. Arapaho Ranch designation as critical wildlife habitat and area of high biodiversity significance in Boulder County Comprehensive Plan - Environmental Resources. Specific challenges for wildlife movement include Barker Reservoir and Nederland on east side. Main elk access is CR-130 with partial fragmentation by school and a residence, with a principle route through PPA 3a. He provided previous comments about his involvement tracking the elk herd since late 1970's, hired to track in late 1980's, results in Lake Eldora Elk Study in 1991. Specific suggestions: A "plan" on impacts to elk migration should be done prior to annexation consideration by Town, particularly those to S and SW of Nederland. CPW should be asked to be involved in effort to assess cumulative impacts of development upon elk herds. Secondly, re: PPA #3a - Boulder County should retain some approval authority instead of just input. CPW should be involved. He favors this parcel remaining in the Rural Preservation designation and not in the PPA. Considers it impossible to place 35-50 dwellings on 17 acres through [this movement corridor].

- Person appreciates opportunity for feedback and questions while in process. She noted it is nice to have responsiveness for IGA renegotiation.
- Noted part of her property is located in the town limits and part in Boulder County. She loves the Town and wants to be all in the Town of Nederland.
- Overall support for annexation, especially that no "forced annexation" will happen, all must be at request of property owner. 2) She hopes some level of "fairness" standards applied to concerns about wildlife corridors. Noted example of neighbors who built a 6'-8' wooden fence lack credibility to object to neighboring property because of need for "wildlife corridor"
- One member of couple is supportive of PPA #1, Other member is not supportive calling it a "slippery slope". Noting county-approved development should be in Town with sewer. Wildlife needs are ignored/disrupted already.
- Noted there isn't enough affordable housing in the Nederland Greater area. Almost all renters who he knows can't afford to rent here or cannot find housing. Has lived in the area 30+ years and the area now rivals Aspen for lack of affordable housing.
- Supportive of annexation as long as clear parameters around permanently affordable housing are established
- Noted concerns as a town member that the Town isn't capable of dealing with annexing properties properly. Fast decisions are made that don't include the people. Town wants to push things through and then are done without proper guidelines. She has mixed feelings about giving the Town this power. Noted support for PPA #3a (Bobcat Ridge) proposed annexation