

Public Comments

IGA-19-0001

Nederland – Boulder County IGA

Current through September 11,2019

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

March 4, 2018

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

Boulder County Commissioners
Boulder County Planning Commission
Nederland Town Council
Nederland Planning Commission
Nederland Parks, Recreation & Open Space Advisory Board
Nederland Sustainability Advisory Board

RE: Proposed Amendments to the Comprehensive Development Plan Intergovernmental Agreement (IGA) between Boulder County and the Town of Nederland

These comments pertain to the proposed changes to the Nederland-Boulder County IGA, and particularly the 17 acres of land that are adjacent to the Town on its west side along County Road 130 (area 4a on Nederland Primary Planning Area map, also called Evans Parcel).

One measure of the ecological well-being of a landscape is the ability of wide-ranging mammals, such as mountain lion, bobcat, elk, moose, lynx, and black bear, to make long-distance movements. As a landscape becomes more fragmented by roads, towns, subdivisions, fencing, and trails, it gets harder for them to fully utilize their range. I have always thought that the presence of elk in western Boulder County was a positive sign, and the fact that they can still make a 20-mile movement between summer and winter range.

The Arapaho Ranch functions primarily as transitional range (spring and fall) for members of a herd of elk, which is sometimes called the Winiger Ridge herd. This is a cow/calf/young bull herd. I have casually and systematically tracked this herd of elk since the late 1970s, and was hired to track radio-collared members of this herd for four years in the late 1980s (Lake Eldora Elk Study 1991).

Their primary wintering grounds is east of the Peak-to-Peak Highway along Magnolia Road, running east to Winiger Ridge and further east to Walker Ranch (Figure 1). Spring movements from winter grounds to the Arapaho Ranch are generally conducted from the end of April through May, depending on weather. Spring movements are often long-distance (5-10 miles), over one to a few nights, and often coincide with a full moon period. Fall movements from the Arapaho Ranch back to winter grounds occur over a longer time period and are often driven by winter storms. Occurrence can run from late October through early January.

The Arapaho Ranch is a montane parkland, a relatively flat basin of grasslands, wetlands, riparian habitat, and surrounding conifer/aspen forests. It is to Middle Boulder Creek what Caribou Ranch is to North Boulder Creek and Tolland Ranch is to South Boulder Creek. They are nodes of exceptional biodiversity for numerous wildlife species. Elk are generally on the Arapaho Ranch during spring and fall. Pregnant cows

may calve on the ranch in May and June. Some elk may stay through the summer, while others may be present during portions of the winter, depending on snow depth and severity of weather.

West Magnolia, including the property, functions mostly as a habitat connector between winter grounds and the Arapaho Ranch for this herd. To get to and from the Arapaho Ranch, elk must circumvent the Town of Nederland on its south side and cross two paved roads, one of which is a State Highway. West Magnolia is important as it falls between the two paved road crossings - the Peak-to-Peak Highway and County Road 130 (Eldora Road). The highway crossings generally occur at night, and the elk may stay in West Magnolia for a day or two before making the second paved road crossing. Hiding cover (forested land) is important for movement and seclusion.

The crossing of CR 130 between West Magnolia and the Arapaho Ranch generally occurs around two locations: one is through the Evans Parcel and the other is west of Nederland Jr./Sr. High School and a house with cross-fencing (Figure 1). These locations were documented in the 1991 Lake Eldora Elk Study and continue to be valid (Figure 2), including movement across the property the day after the 3 foot snowfall last May (Figure 3).

The area to move across CR 130 is constrained by the Town of Nederland on the east and the rise in topography climbing Tennessee Mountain on the west (about where the Lake Eldora Ski Road takes off from CR 130), a distance of approximately 1.3 miles. Almost a third of this portal across CR 130 is difficult to cross due the presence of tall chain-link fencing around much of the Jr./Sr. High School, and the fenced pastures of a residence just to the west. Development of the Evans Parcel would make movement across CR 130 more difficult for another third of a mile. Over half of the crossable area along CR 130 would present barriers to wildlife movement across CR 130. Keep in mind that the presence of Barker Reservoir and the Town of Nederland blocks elk from coming from the east to the Arapaho Ranch; one can only imagine what role Barker Meadow played for wildlife before being inundated to make a reservoir.

Through the Evans Parcel along CR 130, movements have been observed starting northeast of the Town of Nederland Water Treatment Plant and continuing northeast to the small swale (Figure 4). It is possible that the movement corridor through the property is a favored route, particularly for the spring movement, as it is the shortest and most level route between West Magnolia and the Park Hill portion of the Arapaho Ranch, a favored location of the elk for daytime hiding cover.

We focus on elk as we know the most about their movements, and it is easier to track the movements of a herd of animals. It should be kept in mind that other species, including black bear, mule deer, moose, coyote, bobcat and fox have been observed using the same corridor through the Evans Parcel.

How wildlife will respond to development on the property is difficult to predict. The herd of elk that use the corridor running through the Evans Parcel is hunted and generally move away in response to the presence of people. This differs from elk seen in Estes Park, where the animals have little experience with being hunted. The Winiger Ridge herd does not wander into downtown Nederland. They also do not go through the high school. Development of the property will likely cause animals to use it less, and for some, maybe not at all. The movement corridor will become more constrained. For animals that continue to use Evans Parcel, the probability of animal-human encounters should increase. Likely forest thinning for wildfire mitigation might also cause elk to avoid this parcel as they favor denser forests for hiding cover.

It appears that fewer elk are now coming to the Arapaho Ranch in the spring than in the 1980s and 90s. Spring counts generally were between 200 and 250 animals in the 1980s and 90s. Currently, spring counts are often 40-60 individuals, with 150 observed in 2016. It is unclear if this is a true population decline or a shift in their range. A shift in range has the potential of placing greater grazing pressure on other parts of the landscape, while underutilizing the sizeable grasslands on the Arapaho Ranch. For example, the Caribou Ranch elk herd is roughly 300 in size; aspen trees are heavily chewed by elk to the detriment of the trees and stands.

There is a likely ecological cost to the Evans Parcel being developed. It is understood that this information must be weighed against other factors. I understand the need for housing and affordable housing, and respect that point of view. But I would appreciate if the concerns expressed in this memo are part of your deliberation.

I would favor the Evans Parcel remaining in the Rural Preservation designation and not be placed in the Nederland Primary Planning Area. If it is placed in the Primary Planning Area, development should be more concentrated on the east portion of the property to leave some space for wildlife movement on its west side where much of the current wildlife movement is occurring.

Regarding Parcel 4c (owned by Town of Nederland), is there the potential for a reservoir to be built on this parcel? If so, that could become another impediment to wildlife moving across CR 130.

Parcels 5 and 6 on the Nederland Primary Planning Area map are also part of the wildlife movement corridor. It is appropriate that these be restricted to what could be allowed under the current land use code.

Thank you for consideration of these comments.

Sincerely,



David H. Hallock

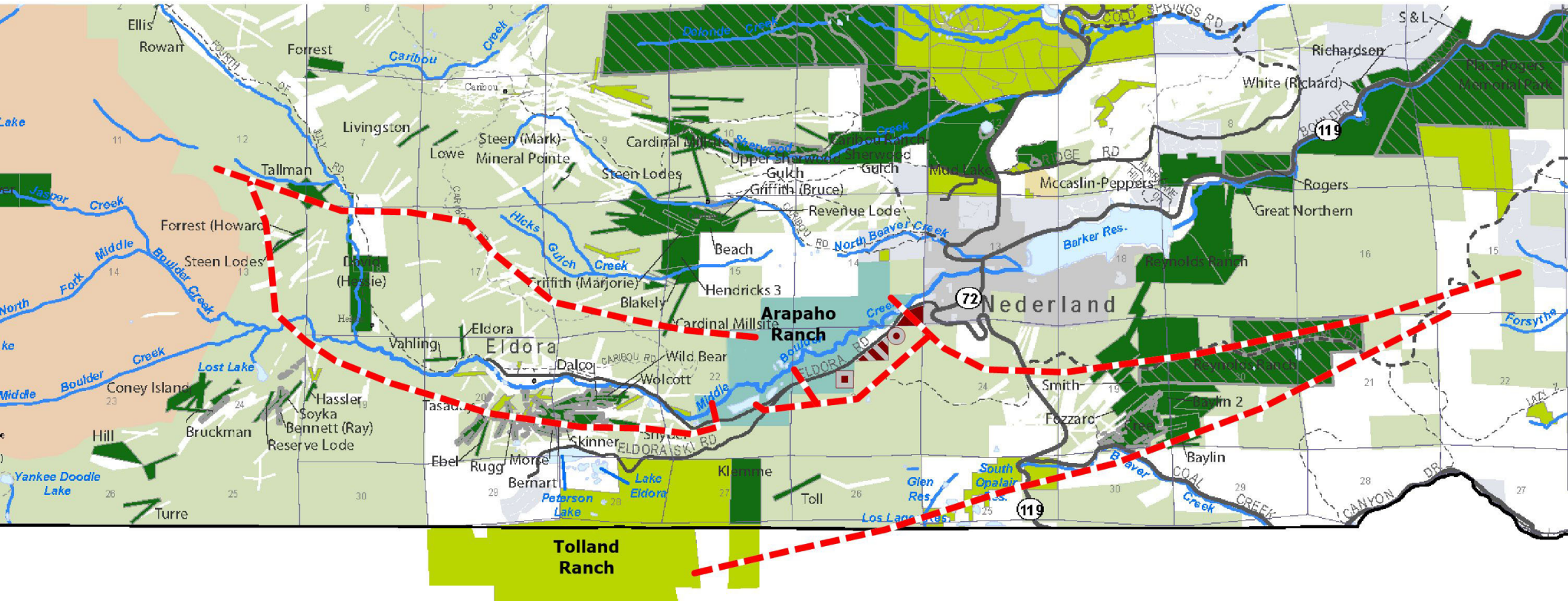
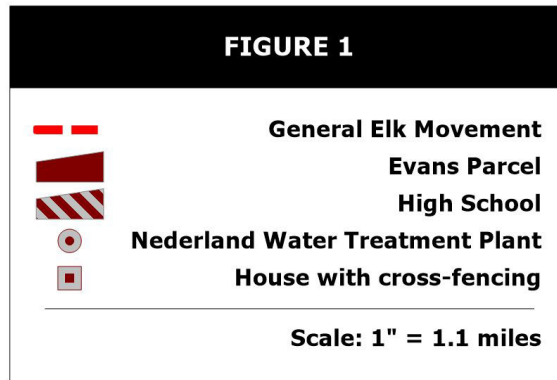




Photo 1A: Well-formed elk trail coming off of Evans Parcel.
Location #2 on Figure 4.



Photo 1B: Elk tracks on north side of CR 130 opposite Photo 1A.
Location #2 on Figure 4.



Photo 2A: Well-formed elk trail coming off of Evans Parcel.
Location #3 on Figure 4.



Photo 2B: Well-formed elk trail on north side of CR 130 opposite
Photo 2A. Location #3 on Figure 4.



Photo 3: Elk tracks coming down hillside off of Evans Parcel. This is location #2 on Figure 4 and the same location as Photo 1A.



Photo 4: Elk tracks coming off of Evans Parcel. This is location #3 on Figure 4 and the same location as Photo 2A.



Legend

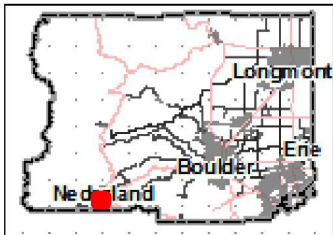
- Subject Property
- Municipality

FIGURE 4

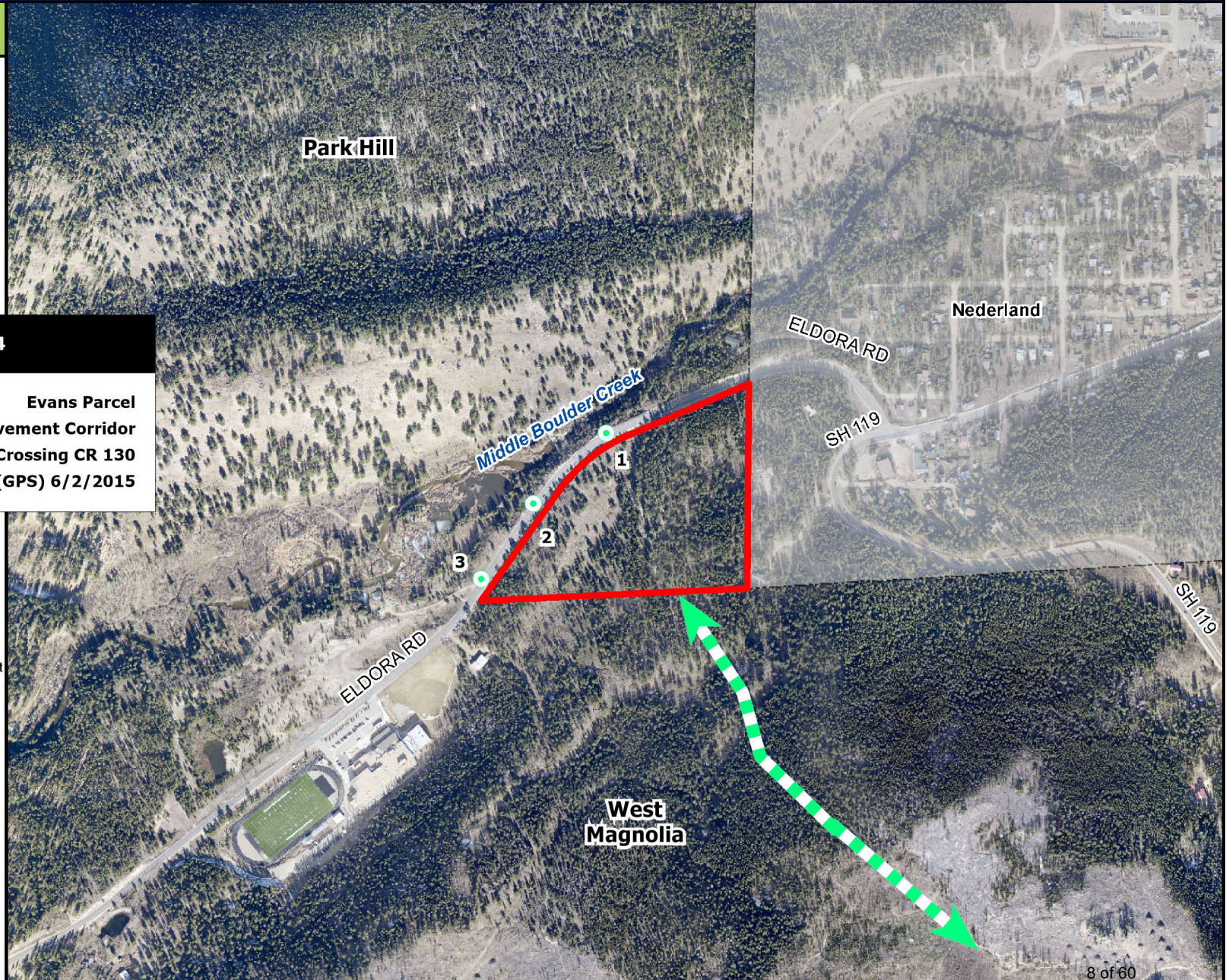
- Evans Parcel
- Elk Movement Corridor
- Tracks Crossing CR 130
- Locations Taken (GPS) 6/2/2015

0 810 Feet

Area of Detail Date: 11/19/2014



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From: [Deb DAndrea](#)
To: [Deb DAndrea](#); [#LandUsePlanner](#); [Krezek, Michelle](#); [Karen Gerrity](#); [bot@nederlandco.org](#)
Subject: Nederland Intergovernmental Agreement: PPA#2 - Caribou Rd/Beaver Creek Dr
Date: Saturday, February 9, 2019 12:43:28 PM
Attachments: [NederlandIGA_20190130_Exhibit A.pdf](#)
[NederlandPPA_20190130_Exhibit B.pdf](#)

Hello,

As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at 333 Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal.

There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and I'm curious (actually) as to who proposed they be included at this time.

These properties for past years have not been included in this proposal, no one is building major developments, and there is no logical reason aside from financial gain to include them ever as part of Towns oversight.

I am beyond thrilled living in Unincorporated Boulder County; honored to be surrounded and part of Arapaho & Roosevelt National Forest; and I love the way Caribou Rd and Beaver Creek Dr are maintained, plowed and cared for by Unincorporated Boulder County. I go into Town often to support our beloved Nederland businesses, of which many are personal friends of mine; and I support Town by volunteering for organizations, some which bring much needed revenue to our businesses during quiet seasons.

I, with intent, purchased my property outside Nederland Town limits due to several reasons I will not go into here.

I am completely, 100% against having the proposed map include Caribou Rd/Beaver Creek Dr. I have heard no discussion regarding why these properties should be included, and why now they are being drawn into this discussion as a Primary Planning Area. No one ever contacted myself, or to my knowledge, anyone in this area; asking us what we thought prior to the proposal map being created.

I do agree with the PPA areas #1, #3a, #3b, #3c and #3d due to developments currently being proposed which require access to Nederlands water/sewer. From my limited understanding, this is the primary push for these properties to be included so they can be properly developed for the betterment of the overall community.

Then again, I have some questions regarding this as, from my limited understanding, Nederlands sewer plant is questionably already working near full capacity (but I could be totally wrong). Also, the traffic patterns in the areas of #3a-b-c-d would require a major overhaul of the road infrastructure to handle any increased traffic, which would domino effect into Town to the traffic circle. Especially during the ski and summer seasons, as we're experiencing with ski traffic now and have for years. A birds eye view of the macro vs micro of these proposed projects is an interesting view.

I have no input regarding #4 or #5 as I'm not sure why those were included aside from proximity to Town; but I did question why the one area to the right of #5 was excluded - that

seemed a bit odd given the way other tracks were mapped out in the proposed areas.

I hope you will act upon my request to remove Caribou Rd/Beaver Creek Dr PPA #2 from this map and proposal; and give careful consideration when making decisions regarding the other areas as to the overall impact that will effect Town long term.

--

cheers,

deb, bear & sally

@The Caribou Dog Ranch

www.4theluvofdogz.com

Making Tails Wag Better

Voted "Best of Boulder" for Pet Training

Voted "Best of Boulder" for Canine Massage

Columnist for:

The Mountain Ear, Mountain Critters - <http://themtnear.com/>

The Mountain Neighbor - <http://www.mtnneighbor.com/put-your-best-paw.html>

From: [David Hallock](#)
To: [Boulder County Board of Commissioners](#)
Cc: [Case, Dale](#)
Subject: NedBoCo IGA
Date: Sunday, February 10, 2019 7:25:28 PM
Attachments: [Comments 2.10.19 IGA NED BOCO Process Hallock.pdf](#)

Attached are comments for the upcoming open house regarding the IGA, as I will be out of town.

Thank you,

David H. Hallock
928-474-9475

February 10, 2019

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

Boulder County Commissioners
Nederland Board of Trustees

RE: Proposed Amendments to the Comprehensive Development Plan Intergovernmental Agreement (IGA) between Boulder County and the Town of Nederland

These comments pertain to the proposed changes to the Nederland-Boulder County IGA, and particularly the areas southwest and south of the town. I will not be able to attend the Open House of February 12 as I am out of town.

One measure of the ecological well-being of a landscape is the ability of wide-ranging mammals, such as mountain lion, bobcat, elk, moose, lynx, and black bear, to make long-distance movements. As a landscape becomes more fragmented by roads, towns, subdivisions, fencing, and trails, it gets harder for them to fully utilize their range. I have always thought that the presence of elk in western Boulder County was a positive sign, and the fact that they can still make a 20-mile movement between summer and winter range. But it is not always easy.

Counties are better positioned than cities to deal with these landscape scale ecological issues. It is basic geography and the fact that county governments deal with a larger area. That is why I would like Boulder County to have an equal voice in whether or not to approve some of the contemplated annexations to the Town of Nederland.

On the south side of Nederland is an important wildlife movement corridor that links the Magnolia Road area, primary winter range for many wide-ranging animals, with the Indian Peaks, important summer range. This route goes through the Arapaho Ranch. The Arapaho Ranch is to Middle Boulder Creek what Caribou Ranch is to North Boulder Creek and Tolland Ranch is to South Boulder Creek - basins of flat land that are exceptionally rich habitat for wildlife. Arapaho Ranch is designated as a Critical Wildlife Habitat and an area of High Biodiversity Significance in the Environmental Resources Element of the Boulder County Comprehensive Plan.

Wildlife movement between Magnolia Road and Arapaho Ranch has to deal with several obstacles. The first is the presence of Barker Reservoir and the Town of Nederland, which block movement to the ranch on its east side. What has been gleaned from studying the movement of elk is a main portal of access to the ranch occurs along CR 130 between the west side of Nederland and where the east flank of Tennessee Mountain greatly rises in elevation (about where the Ski Road takes off from CR 130). This access portal is partially fragmented by the presence of the Nederland

Jr/Sr High School, as well as a residence just to the west. One of the principal movement routes occurs through area 4a (Bobcat Ridge).

I have casually and systematically tracked this herd of elk since the late 1970s, and was hired to track radio-collared members of this herd in the late 1980s (Lake Eldora Elk Study 1991). More detailed information about elk movement south and southwest of Nederland was provided in my previous comments regarding the IGA Amendment (dated December 3, 2014 and April 5, 2018).

I have two suggestions for the current draft of the amended IGA (dated December 28, 2018):

- It is difficult to understand the meaning of Paragraph 1.2.2 Wildlife, particularly the last sentence, "The cumulative impacts of development on elk migration in the Nederland area is of particular importance, and the Town and County will consider opportunities to establish a plan to address this topic." This gives a general direction, but no specifics on how to get there. The "plan" should be done before annexations are considered by the Town, particularly those parcels to the south and southwest of Nederland. Currently, Colorado Parks and Wildlife (CPW) is planning to undertake a study of elk in Boulder and northern Gilpin counties, where they will be placing radio-collars on animals from several herds. CPW should be asked to be involved in the effort by the County and Nederland to assess cumulative impacts of development on elk migration in the Nederland area.
- Regarding Paragraph 1.2.4.3 - Area 4a (the "Evans Parcel") the County should retain some approval authority, as opposed to "input from the County." Also, CPW should be involved. I favor the Evans Parcel remaining in the Rural Preservation designation and not be placed in the Nederland Primary Planning Area. But seeing how the process has evolved, it is likely we are past that point. The hard questions regarding wildlife (and other issues like transportation) keep getting kicked down the road, and it looks like there is an assumption that there is a win-win situation and a way to mitigate potential impacts. But these are sometimes just human feel-good statements, and the reality on the ground for wildlife is something quite different. It will be hard, if not impossible, to place 35-50 dwellings on the 17 acres and retain this site as a movement corridor.

We are at an interesting time as both humans and wildlife are feeling hemmed in. For humans, it is based on trying to accommodate a growing population. For wildlife it is trying to maintain populations and historic patterns of movement. Area 4a is one of those parcels where the infrastructure is in place to accommodate some level of human growth, but it is also being used for wildlife movement.

Thank you for consideration of these comments.

Sincerely,

David H. Hallock

David H. Hallock

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#1]
Date: Thursday, February 14, 2019 3:05:09 PM

Name * Atashnaa Medicine Shield

Email * atashnaa@gmail.com

Enter your comments (or attach a comment document below):

Re: Comments about the IGA and annexation.

Fr: Atashnaa Medicine Shield

Unfortunately, most of us who consider Nederland home are unable to vote because we don't live in the town limits. Thus, whatever the outcome, the good of the many will be decided by a few.

1. I think that anyone who wants to be annexed into the Town of Nederland should be allowed too. It would be an all-around win-win situation.

2. 5 years ago the Bowen Research survey noted that we would need no less than 200 housing units to even get close to meeting our housing needs. The BOCO housing summit that took place in Longmont last year said the same thing. But the town is in a bowl. So needs can only be met by annexation.

3. Big Springs subdivision in the forest was annexed into the town as the population started to grow. Than as the town continued to grow Indian Peaks subdivision in the forest was annexed into the town in the early 2000's. Both helped fill a need for middle-income families at the time. Than came Caribou Ridge. A high-end subdivision that contributes nothing to addressing our housing crisis, and is in the forest by beaver ponds, elk migration-calving lands, and riparian corridors, was annexed into the town.

4. Arapaho Ranch has a deep-rooted connection and history of environmental stewardship in our community. And, they have demonstrated that time and again at personal expense to meet changing policies.

5. The annexation of the 17 acres of land that was set aside by Arapaho Ranch many years ago will provided much needed housing as the town continues to grow (unlike Caribou Ridge for example). It will be a great win-win situation for all of us in some of the following ways:

- a) help fill a critical need across demographics
- b) contribute property taxes to the town infrastructure
- c) expand the very limited base the town has of people interested in civic engagement

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#2]
Date: Sunday, February 24, 2019 10:07:58 AM

Name *	Jaydene Morrison
Email *	JaydeneMor@aol.com
Phone Number (optional)	(303) 258-3976
Enter your comments (or attach a comment document below):	Bobcat Ridge and the high school additions will be a great benefit to the town of Nederland
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#3]
Date: Friday, March 1, 2019 9:28:02 PM

Name * Susan Wagner

Email * durkeewagner@gmail.com

Phone Number (optional) (303) 953-2465

Enter your comments (or attach a comment document below):

I have the following concerns:

1. This plan calls forested areas in the WUI on the town's boundary "appropriate for development" at a time when climate change is expected to lead to more out-of-control wildfires. This doesn't seem wise, especially when there is only one road through Nederland for evacuation; the town relies on a volunteer fire department; and increasing fires in the West mean availability of outside firefighting resources can be expected to diminish.

2. The plan says the town will "direct future development...to limit impacts to wildlife [and] minimize risks related to wildfire," but development in Areas 3, 4, and 5 will unavoidably have a negative impact on wildlife and will increase wildfire risk by permitting denser development in forested areas.

3. The language on limiting negative impacts to wildlife is too vague and binds the town to nothing: "...the Town will consider and limit TO THE EXTENT POSSIBLE impacts to wildlife. The cumulative impacts of development on elk migration in the Nederland area is of particular importance, and the Town and County will CONSIDER OPPORTUNITIES to establish a plan to address this topic." (My emphasis)

4. I would like to see any IGA bind Nederland, which doesn't have the expertise the county has on wildfire mitigation, wildlife, transportation, emergency preparation and other subjects important to the implementation of the promises made in this draft, to work closely with county experts at each step of the way. Past experience, including the development of the Big Springs neighborhood without proper evacuation routes, does not inspire confidence in the Town's ability to make fully considered decisions, including factoring in long-term as well as short-term impacts, without the help of county experts.

5. I believe residents in the five areas affected should be informed and that the town should have more public discussions of their comprehensive development plan and how this IGA will affect it. I believe most Nederland residents are more interested in maintaining wildlife habitat, undeveloped forested areas, and the small, rural nature of the town than this IGA allows for.

Susan Wagner

Please check box below *

I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#4]
Date: Thursday, March 7, 2019 12:33:27 PM

Name * Deb DAndrea

Email * debandrea@gmail.com

Enter your comments (or attach a comment document below):

Hello,
Please find attached the letter I emailed to the Nederland BOT today in response to the proposed Nederland IGA annexing of PPA#2.

Thank you!
cheers,
deb

Attach a File (optional)



[nederland_iga_ppa2_boulder_county_land_use.pdf](#)
116.44 KB • PDF

Please check box below *

- I acknowledge receipt of the Open Records Notification

Boulder County Land Use

RE: March 5, 2019 BOT Meeting: IGA PPA#2

Hello,

I just listened to the BOT meeting and am requesting again for removal of PPA #2 from the Nederland Primary Planning Area map just as Ridge Road was removed from this map due to residents **NOT** wanting to be part of this annexing process.

I read the reasons this area is under consideration, do not agree at all with this assessment and am curious who did this assessment; but I'm betting some developers are chomping at the bit to develop the heck out of this last remaining area outside of Nederland Town limits...

1.2.4.2 Area 2. Area 2 is composed primarily of developed parcels in County-approved subdivisions. It contains single-family development in forested areas with some steep slopes. The area is very susceptible to wildfire and has limited access. The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed. Providing services may benefit water quality and protect wildfire. The County and Town agree that Area 2 is eligible for the Town to annex. This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts.

Let take a look at these statements:

- **"The area is very susceptible to wildfire and has limited access."**
If you look at the PPA #2 map surrounding area, not included in the purple square, this forested area surrounding PPA#2 is "susceptible to wildfire and has limited access" but is not included as it is mostly open space or national forest.

If you drive up here and look, you'll see the majority of the properties in the PPA#2 area are in a flat plain, not many trees in the plain, and a few houses tucked along the mountain side. I don't see annexing PPA#2 changing the susceptibility or limited access in the case of a fire as many residents have already performed fire mitigation on their properties.

Annexing PPA#2 will have no impact on limiting the susceptibility of wildfires or access. Look beyond area PPA#2 to see where fire mitigation should be performed just like you have done off Magnolia in the open space and national forest areas; and you didn't annex residents there.

- **" The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed"**
According to the 3.05.19BOT AIM IGA.pdf, Town is currently operating at 40% water plant and infrastructure; and 80% waste water treatment plant. Given the current Annexation map, the other proposed areas of development will push Town over the 200-250 unit threshold in no time; thus rendering the above statement

questionable.

To bring water and sewer into PPA#2 would entail a very expensive expansion up Beaver Creek road where there is no existing infrastructural; at which point they may already have exceeded their capacity by providing water and sewer to the other PPA areas proposed.

Also, my drinking well water is amazing 100% year round. I know the difference in drinking water too and I have my well water checked every two years. It comes up crystal clean; which is more than I can say for the majority of water treatment plants.

- **" This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts."**

This is one of the last areas next to Nederland where large lots exist, wildlife is free to roam safely away from the masses, and people find sanctuary away from the hustle and bustle of daily life. Residents here live happily in a very low density area by choice, enjoying the peace and quiet the mountains provide.

There are a few lots on Beaver Creek that can be developed, but because of the square foot restrictions with septic systems, it will keep this last cherished area of Nederland from turning into a mansion villa cluster. Keeping the area real, where the moose can roam, and you can't moon your neighbor because everyone is on top of one another.

This area is NOT suitable for a limited increase in development density and I'd be very interested to find out who is making these calls for an area where they don't live which will forever change where I, my dogs and the wildlife call home. If the 1.2.4.2 Area 2 statements were true, then PPA#2 would be increased up to Crestwood, Cardinal and on; all the way up the road to PPA#1.

I am resident here, call the PPA#2 area home and I am 100% completely against PPA #2. If passed, it will forever alter this little piece of heaven so many of us call home.

Trust me, we don't have to develop every single acre to it's max. Let some of this land be land and free.

Thank you.
Deb DAndrea
80466

I wrote this letter on February 9, 2019 to the BOT:

Hello,

As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at 333 Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and

Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal.

There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and I'm curious (actually) as to who proposed they be included at this time.

These properties for past years have not been included in this proposal, no one is building major developments, and there is no logical reason aside from financial gain to include them ever as part of Towns oversight.

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I am completely, 100% against having the proposed map include Caribou Rd/Beaver Creek Dr. I have heard no discussion regarding why these properties should be included, and why now they are being drawn into this discussion as a Primary Planning Area. No one ever contacted myself, or to my knowledge, anyone in this area; asking us what we thought prior to the proposal map being created.

I do agree with the PPA areas #1, #3a, #3b, #3c and #3d due to developments currently being proposed which require access to Nederlands water/sewer. From my limited understanding, this is the primary push for these properties to be included so they can be properly developed for the betterment of the overall community.

Then again, I have some questions regarding this as, from my limited understanding, Nederlands sewer plant is questionably already working near full capacity (but I could be totally wrong). Also, the traffic patterns in the areas of #3a-b-c-d would require a major overhaul of the road infrastructure to handle any increased traffic, which would domino effect into Town to the traffic circle. Especially during the ski and summer seasons, as we're experiencing with ski traffic now and have for years. A birds eye view of the macro vs micro of these proposed projects is an interesting view.

I have no input regarding #4 or #5 as I'm not sure why those were included aside from proximity to Town; but I did question why the one area to the right of #5 was excluded - that seemed a bit odd given the way other tracks were mapped out in the proposed areas.

I hope you will act upon my request to remove Caribou Rd/Beaver Creek Dr PPA #2 from this map and proposal; and give careful consideration when making decisions regarding the other areas as to the overall impact that will effect Town long term.

--

cheers,

deb, bear & sally

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www.4theluvofdogz.com

Making Tails Wag Better

Voted "Best of Boulder" for Pet Training

Voted "Best of Boulder" for Canine Massage

Columnist for:

The Mountain Ear, Mountain Critters - <http://themtnear.com/>

From: [Deb DAndrea](#)
To: [Deb DAndrea](#); [#LandUsePlanner](#); [Krezek, Michelle](#); [Karen Gerrity](#); bot@nederlandco.org
Subject: Nederland Intergovernmental Agreement: PPA#2 - Caribou Rd/Beaver Creek Dr
Date: Saturday, April 27, 2019 11:40:56 AM

Hello,

I am resending my previous correspondence as from my understanding this IGA is up for vote.

I am 100% against the Town of Nederland taking PPA #2 as part of this agreement.

100% AGAINST it.

Please read below my concerns and **listen** to the people you're actually affecting as it's MY property you're planning to vote on, I don't have a voice in this decision which is beyond frustrating.

100% AGAINST it.

Letter sent:

Boulder County Land Use

RE: March 5, 2019 BOT Meeting: IGA PPA#2

Hello,

I just listened to the BOT meeting and am requesting again for removal of PPA #2 from the Nederland Primary Planning Area map just as Ridge Road was removed from this map due to residents NOT wanting to be part of this annexing process.

I read the reasons this area is under consideration, do not agree at all with this assessment and am curious who did this assessment; but I'm betting some developers are chomping at the bit to develop the heck out of this last remaining area outside of Nederland Town limits...

1.2.4.2 Area 2.

Area 2 is composed primarily of developed parcels in County-approved subdivisions. It contains single-family development in forested areas with some steep slopes. The area is very susceptible to wildfire and has limited access. The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed. Providing services may benefit water quality and protect wildfire. The County and Town agree that Area 2 is eligible for the Town to annex. This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts.

Let take a look at these statements:

- "The area is very susceptible to wildfire and has limited access." If you look at the PPA #2 map surrounding area, not included in the purple square, this forested area surrounding PPA#2 is "susceptible to wildfire and has limited access" but is not included as it is mostly open space or national forest. If you drive up here and look, you'll see the majority of the properties in the PPA#2 area are in a flat plain, not many trees in the plain, and a few houses tucked along the mountain side. I don't see annexing PPA#2 changing the susceptibility or limited access in the case of a fire as many residents have already performed fire mitigation on their properties. Annexing PPA#2 will have no impact on limiting the susceptibility of wildfires or access. Look beyond area PPA#2 to see where fire mitigation should be performed just like you have done off

Magnolia in the open space and national forest areas; and you didn't annex residents there.

- " The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed" According to the 3.05.19BOT AIM IGA.pdf, Town is currently operating at 40% water plant and infrastructure; and 80% waste water treatment plant. Given the current Annexation map, the other proposed areas of development will push Town over the 200-250 unit threshold in no time; thus rendering the above statement questionable. To bring water and sewer into PPA#2 would entail a very expensive expansion up Beaver Creek road where there is no existing infrastructural; at which point they may already have exceeded their capacity by providing water and sewer to the other PPA areas proposed. Also, my drinking well water is amazing 100% year round. I know the difference in drinking water too and I have my well water checked every two years. It comes up crystal clean; which is more than I can say for the majority of water treatment plants.
- " This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts." This is one of the last areas next to Nederland where large lots exist, wildlife is free to roam safely away from the masses, and people find sanctuary away from the hustle and bustle of daily life. Residents here live happily in a very low density area by choice, enjoying the peace and quiet the mountains provide. There are a few lots on Beaver Creek that can be developed, but because of the square foot restrictions with septic systems, it will keep this last cherished area of Nederland from turning into a mansion villa cluster. Keeping the area real, where the moose can roam, and you can't moon your neighbor because everyone is on top of one another. This area is NOT suitable for a limited increase in development density and I'd be very interested to find out who is making these calls for an area where they don't live which will forever change where I, my dogs and the wildlife call home. If the 1.2.4.2 Area 2 statements were true, then PPA#2 would be increased up to Crestwood, Cardinal and on; all the way up the road to PPA#1.

I am resident here, call the PPA#2 area home and I am 100% completely against PPA #2. If passed, it will forever alter this little piece of heaven so many of us call home.

Trust me, we don't have to develop every single acre to it's max. Let some of this land be land and free.

Thank you.

Deb DAndrea
80466

I wrote this letter on February 9, 2019 to the BOT:

Hello,

As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at 333 Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal. There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and I'm curious (actually) as to who proposed they be included at this time. These properties for past years have not been included in this proposal, no one is building major developments, and

there is no logical reason aside from financial gain to include them ever as part of Towns oversight.

I am beyond thrilled living in Unincorporated Boulder County; honored to be surrounded and part of Arapaho & Roosevelt National Forest; and I love the way Caribou Rd and Beaver Creek Dr are maintained, plowed and cared for by Unincorporated Boulder County. I go into Town often to support our beloved Nederland businesses, of which many are personal friends of mine; and I support Town by volunteering for organizations, some which bring much needed revenue to our businesses during quiet seasons.

I, with intent, purchased my property outside Nederland Town limits due to several reasons I will not go into here.

I am completely, 100% against having the proposed map include Caribou Rd/Beaver Creek Dr. I have heard no discussion regarding why these properties should be included, and why now they are being drawn into this discussion as a Primary Planning Area. No one ever contacted myself, or to my knowledge, anyone in this area; asking us what we thought prior to the proposal map being created.

I do agree with the PPA areas #1, #3a, #3b, #3c and #3d due to developments currently being proposed which require access to Nederlands water/sewer. From my limited understanding, this is the primary push for these properties to be included so they can be properly developed for the betterment of the overall community.

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www.4theluvofdogz.com Making Tails Wag Better Voted "Best of Boulder" for Pet Training Voted "Best of Boulder" for Canine Massage Columnist for: The Mountain Ear, Mountain Critters - <http://themtneer.com/>

On Sat, Feb 9, 2019 at 12:42 PM Deb DAndrea <debdandrea@gmail.com> wrote:

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From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#5]
Date: Monday, May 6, 2019 4:10:08 PM

Name *	Mary Jarril
Email *	jarril.may@gmail.com
Phone Number (optional)	(303) 956-6514
Enter your comments (or attach a comment document below):	Comment attached
Attach a File (optional)	 annexltr.rtf 1.97 KB · RTF
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

For the Record

To: Nederland Board of Trustees, cc to county

Re: Docket IGA-14-0001

Proposed revision and extension to the Nederland Area Boulder County Comprehensive Development Plan IGA

From: Mary Jarril 304 Griffith St. Nederland, CO 80466 jarril.may@gmail.com

March 1st, 2019

Comments

I attended the meeting February 12th with Boulder County and Town officials, staff, and the public, to learn more and participate in discussion about the proposed update to the Comprehensive Development Plan IGA. My thanks to all of you who presented this!

Here are the facts, as I know them;

1. Development in Nederland should adhere to its Comprehensive Plan
2. Our latest plan does not list annexation as a goal
3. Many people still think a vote is required on any annexation proposal
4. There seems to be no apparent desire to rush this except on the part of a few individuals

a. One of those areas, 3a, has been extensively discussed in public meetings before the town and there is broad public support. If the plan is moved forward, Boulder County should be left out of regulating this property. Other parcels should only be considered after a thorough public review garners enough widespread and overwhelming support to justify violating our Comprehensive Plan, something which sets a bad precedent.

For these reasons, I believe the annexations and the IGA which goes with them are premature. Unless the matter is brought before the people, it should not be approved in any form.

Recommendation:

1. Preferred: Allow IGA to expire
2. Less Preferred: Move forward with parcel 3a only, and delete Boulder County regulation provisions on this property. Pass only with voter approval.

For the Record

To: Nederland Board of Trustees, cc to county

Re: Docket IGA-14-0001

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From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#6]
Date: Saturday, May 11, 2019 2:09:41 PM

Name * Deb DAndrea

Email * debdandrea@gmail.com

Enter your comments (or attach a comment document below):

Hello,
Please find attached my letters requesting PPA#2 be removed from the Nederland IGA.

Thank you for respecting the voice of the people.
cheers,
deb

Attach a File (optional)



[ppa2_letter_to_boulder_and_nederland_remove_ppa2.pdf](#)

144.14 KB • PDF

Please check box below *

- I acknowledge receipt of the Open Records Notification

May 11, 2019

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

Boulder County Attorney's Office
PO Box 471
Boulder, Colorado 80306

Mayor, Town of Nederland
45 West First Street
P.O. Box 396
Nederland, Colorado 80466

Karen Gerrity, Town Administrator
45 W. First Street
P.O. Box 396
Nederland, Colorado 80466

Hello,

I am again writing asking you to remove PPA#2 from the currently proposed Nederland IGA; and apologize in advance for this lengthy correspondence which I hope you will take time to digest.

I love being in Unincorporated Boulder County; I love the way BoCo maintains our roads, and have personal friends who work on your crew; I know BoCo works with people regarding septic and water issues as I have friends in Eldora you have worked with. I thank you and I look forward to remaining in Unincorporated Boulder County under your gentle wing.

I also love the Town of Nederland, the people, the vibe, great friends, families, and the music! I shop and spend money in the Town of Nederland, I support businesses, I support Town by being active in the community, and I spend money that goes directly into supporting this lovely Town.

I do not love that property owners in PPA#2 were never brought into discussions before the 12th hour regarding our future in the IGA. Regardless of intent, the lack of transparency alludes to something nefarious.

I do not love the way the Town of Nederland doesn't maintain its roads; I do not love they have one of the highest water rates in the State; I do not love the new sewer pond building blocking the view of Barker Res; I do not love recent BOT decisions disregarding Envision 2020 and the displacement of festivals which add to their tax base; I do not love the BOT approved SAB "Greenhouse/Education center" on Towns public Guercio Ball Field after many residents voiced concern; or the BOT decision to submit then withdraw a BoCo grant that was a surprise to many for a paved pump track on Guercio Field because of public outcry after NedFest cancelled.

I do not believe in rewarding the Town of Nederland with extra property taxes PPA#2 would provide until the Town proves they can manage what they have currently under their jurisdiction; from infrastructure (water/sewer/roads) to police staffing to traffic control to the BOT listening to the people.

But I digress...I love Nederland with all it's warts, drama, ego's, personal agenda's and craziness; and above all, I love my friends here who call this place home, even if we disagree.

Back to the topic at hand...**the IGA and request to remove PPA#2**

Please note a BOT Trustee made an Official Motion to remove PPA#2 from the proposed IGA, the motion was seconded. (Conversation Time stamp 1:56:44) This motion was later withdrawn. The BOT almost made the correct decision representing the people, the majority of property owners who voiced against PPA#2 versus the one property owner who was pro annexation, which resulted in the inclusion of 40 parcels in PPA#2. Can we please listen to the MAJORITY?

Please note the BOT is not listening to requests to remove PPA#2 from the proposed IGA.

Please note the property owners in PPA#2 were not notified they were included in this IGA.

Please note the majority of property owners never wrote the BOT to be included in this IGA.

- Property owners have written letters to Town requesting PPA#2 be removed from the IGA. As I understand, a majority of property owners are required to write Town *to be included* in this IGA from the beginning, not just added because the BOT thought it was a good thing. Most property owners, for instance Scott Harrison, weren't even aware before Monday, May 6, 2019 that his property was in PPA#2 until I personally reached out to my neighbors and he was contacted by another neighbor.

Case in Point:

I would like to share email correspondence from May 8, 2019, "IGA: #2" with Karen Gerrity regarding if Town contacted any property owners in PPA#2 – please keep in mind this process has been going on for over 18 months:

Deb Question: *Can you point me to the Nederland Town website where these documents can be accessed: Any outreach packets that were emailed/mailed to Zone #2 to inform Zone #2 residents they were being annexed. I never received anything.*

Karen Response: *None were mailed out.*

- Roger Cornell, of the Planning Commission Chair and Steve Williams, the Planning Commission Vice-Chair May 6, 2019 email to the Nederland Board of Trustees:

We would like to comment on the Boulder County IGA and have two issues to discuss,

The 1st issue concerns the Beaver Creek parcel labeled zone #2 in the IGA, there are about 40 parcels in this area and after asking several property owners and asking the question at the community forum there seems to be no clear answer to who and why this parcel is being considered for annexation. If you consider the platted lots and the the way Beaver Creek flows through the valley there would be very limited areas for any further

development. Because so many properties are involved we would hope that the BOT has heard from a large group of residence who would want to be included in the IGA. We suggest that the property owners conduct a "Neighborhood Meeting" to determine input for a path forward. We feel that in all areas designated on the IGA planning map that there should be a written application from the property owners requesting that properties be placed in the planning area. This is most important in zone #2 where there are so many properties.

- Their own Board of Trustee Rawsthorne

From: James Rawsthorne My apologies to my fellow Nederland Citizens for not being at the Board of Trustees meeting this evening. I'm on travel for my job (for NOAA in Ocean Research) and it is distressing to not be able to attend-but sent this email to fellow BOT members to state my position on the proposed IGA as clearly as possible.

Re: proposed IGA agreement comment

I am opposed to the current IGA proposed agreement with Boulder County because it is a contract for the expedited annexation of properties without the approval of the voters of Nederland. In my opinion, the agreement holds no value for the Citizens of Nederland, the sole goal of the agreement seems to be providing the Nederland Board of Trustees an avenue for approving annexations without having vetted them with either our planning commission or the voters.

The Evans parcel has previously been recommended against annexation by the Nederland Planning & Zoning commission, and has previously been denied development permits by Boulder County. We can ill afford to go down the road of annexing properties without both the approval of the voters of Nederland, nor without the proper analysis of whether our current infrastructure can handle these potential developments. More than 9 out of 10 Nederland residents I have spoken with insist that annexations be approved by the voters, rather than just by the Board of Trustees.

It is insufficient to say that Nederland residents can petition for a referendum. If our intent is to respect the will of our citizens, we will not put such obstacles in front of them. I would suggest that the IGA be modified to explicitly state that all annexations be approved by the Nederland Planning Commission, in addition to approval by referendum by the voters of Nederland. Small annexations can be bundled in a referendum to minimize costs. Larger annexations costs must be carried by the applicants, along with projected loads to infrastructure being identified and a plan for infrastructure improvement necessary to accommodate the desired annexation.

In my opinion, the current IGA agreement serves no purpose other than speeding up the process of annexation and empowering the Board of Trustees to annex without the approval of the voters. Proper vetting and analysis of the potential annexations will most likely take several years. We are engaging high risk as a community by going down this road.

Sincerely,

James Rawsthorne

Below, please see my comment, then quote from Nederland Trustee Dallas Masters May 7, 2019 BOT discussion. You can listen to the BOT dialog in the meeting; this audio begins at Time Stamp 2:24:53.

- I found it troubling the IGA including PPA#2 has been under discussion for over a year and NO ONE from PPA#2 was included in discussions or was invited to read the “fine print” before now, the 12th hour before the IGA vote – we, the property owners, should have been notified over a year ago. Dallas Masters says towards the end of his time that:

“I really think that like Kristen said we’ve talked about this particular draft for a long time and at the last minute to remove a full parcel specific section I think is not a good idea it allows people like Scot Harrison to read the fine print and realize it’s not detrimental to them at all and just give them the opportunity to have this conversation...”

- I found it disturbing Dallas Masters began his discussion talking solely about property taxes that are so badly needed by the Town of Nederland versus Boulder County; as if that is the reason the BOT chose to include, without majority request from the property owners, PPA#2.

“If you live next to this Town and you feel like this Town is your Town and you want to support this Town, um, and you want to be involved in this Town, one way you can do it is to let the Town or become part of the Town physically, let your parcel become annexed and see your property tax go to the Town of Nederland rather than to the county I I don’t understand this is my point of view, if I lived outside of the Town limits by 500 feet and I was not, ah, I was not, I did not fear the Town of Nederland was going to increase density build apartment buildings around my house I would want my property taxes to the Town of Nederland so that the Town of Nederland can potentially save enough money to buy those propane tanks so the Town of Nederland can keep running this community center that we sit in every night so the Town of Nederland can fix it’s roads um, I don’t understand people who live just outside of Town limits and scream bloody murder that the potential that their property taxes would go to the Town of Nederland over the county is somehow going to change their lives; what it would do is actually support this Town a little bit um and I have lots of people who say they love this Town but when it comes to this annexation idea they say no way José not my property over my dead body I don’t get it...”

From my understanding, there was no majority of property owners in PPA#2 who requested to be included in this IGA which is a requirement; and I, to this very day, am unsure as to how PPA#2 was conceived into this IGA considering there were no requests from the **majority** of property owners. Matter of fact, most of the property owners in PPA#2 didn’t even know their property was part of the proposed IGA until May 6, 2018 when I personally reached out. I would like to better understand how Ridge Road was removed from the IGA also as the residents there spoke out against their annexation.

From my understanding, the BOT received **one** request from **one** property owner in PPA#2 on Town line who wants to connect to Town water and sewer. It is my understanding based of Julie Gurtafson May 8, 2019 PPA#2 Beaver Creek email, that there is an avenue for this one individual (and potentially others) to connect without proceeding with PPA#2 inclusion in the IGA:

May 8, 2019 PPA#2 Beaver Creek Email from Julie Gustafson:

"I have been asked if annexation is possible without being part of the IGA. Theoretically yes, it would require going through the Boulder County process and the Town process. That said, no one can site a time that this process has actually been completed."

As of this time, I do not know how many requests the BOT has received from my neighbors to **not** be included in this IGA because several of my neighbors had no idea until I personally reached out to them the day prior to the May 7, 2019 Nederland BOT meeting where the IGA was discussed.

One thing I heard ad nauseam at the BOT meeting is that it is more cost effective to attach to Towns water and sewer than to build new or update a Boulder County septic system. I did a preliminary, cost analysis based off the Town of Ned's 2019 Cost sheet; which does not include the additional costs for running lines throughout the area of PPA#2. From my limited understanding and email correspondence with Karen Gerrity who said these numbers looked pretty accurate, the basic costs would be:

Approximate beginning total to connect to Nederland Water/Sewer – \$45,235

(does not include bring the lines from Town to Houses)

Plus monthly water and sewer fees and increased yearly property taxes

Annexation - \$19,950

standard \$16,900.00

Annexation Feasibility Study (waived in submitted in same year)

\$2,050.00

Deposit for Consulting fees (i.e. legal/engineering/planning) \$1,000.00

Water hook up - \$15,804.00

Water Tap Fee \$1,000.00

Water PIF Fee 3/4" Meter \$14,804.00

Sewer hook up - \$9,481.00

Sewer Tap Fee \$1,000.00

Sewer PIF Fee 3/4" Meter \$8,481.00

Then monthly: For the sake of conversation based off my friends, it's about \$200/month

Water Base Fee per Use (residential) \$12.14

Water Usage Fee per 1000 gallons (residential and commercial) \$9.16

Sewer Base Fee per Use (residential) \$42.21

Sewer Usage Fee per 1000 gallons (residential and commercial) \$8.95

In looking into the costs for a Boulder County septic system, I discovered that BoCo has access to a low interest Individual Financial Assistance available for loans up to \$25,000; along with Grant opportunities. The “Onsite Wastewater System: Permit and Fee schedule for a New, Major Repair or Minor Repair is \$1,023 for all three.

Due to the variety of terrain and ground here in the mountains, the cost of installing a OWS could range between \$6,000 to \$30,000; but those costs are dependent upon each property. I believe Scott Harrison was quoted \$36,000. This could be significantly less expensive then the beginning cost of \$45,000+ combined with the monthly expense to connect to the Town of Nederlands water and sewer for PPA#2. (<https://www.bouldercounty.org/environment/water/septicmart-understanding-onsite-wastewater-treatment-systems/>)

Below are topics of interest from the DRAFT Revised Nederland Comprehensive Development Plan:

- Question:
What is proper public notice considering property owners in PPA#2 had no idea they were included in this IGA?
DRAFT Revised Nederland Comprehensive Development Plan, Page #2
H. The Parties have each held hearings after proper public notice for the consideration of entering into this IGA and the adoption of a comprehensive development plan for the subject lands.
- **Several property owners within PPA#2 have written letters stating they do not wish to be part of Town limits and do not feel this area is “appropriate and intended for development.”**
DRAFT Revised Nederland Comprehensive Development Plan, Page #5
2.2.1 The PPA is the land that is planned for the expansion of the Town limits and which the Parties recognize is appropriate and intended for development.
- **Several property owners within PPA#2 have written letters stating they do not wish to be part of Town limits and do not want to be annexed.**
DRAFT Revised Nederland Comprehensive Development Plan, Page #5
3.1 Land within the Primary Planning Area.
3.1.1 The Town may annex into its corporate boundaries any and all property located within the PPA, in accordance with state and local laws governing annexation. The Town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties. ***By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the PPA.*** The County will make reasonable efforts to cooperate with Town efforts to annex land in the PPA.
- **Boulder County takes awesome care of our roads. Nederland does not maintain their roads, a short drive through Old Town or Big Springs is testament to this. I am requesting again that PPA#2 be removed from this IGA as I can not see where the Town of Nederland has the**

additional capacity to maintain PPA#2 up to Boulder County standards.

DRAFT Revised Nederland Comprehensive Development Plan, Page #6

3.1.4 The Town agrees that in establishing the boundaries of any area proposed to be annexed, any portion of a platted street that is within, or directly adjacent to, the area to be annexed, the entire width of said street or alley shall be included within, or directly adjacent to, the area annexed.

- **Why were the property owners of PPA#2 not given any notice as outlined in 8.2 “Notice Required?”**

DRAFT Revised Nederland Comprehensive Development Plan, Page #7

8.2 Notice Required. The Parties each agree to undertake all steps necessary to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this Plan. The Parties agree that in adopting such procedures, plans, policies, ordinances or regulations, each will give the other Party sufficient notice of such action as will enable such Party, if it so desires, to comment upon the planned actions of that Party. Sufficient notice shall generally mean notice delivered to the other Party at least fifteen (15) days before the date of any public hearing or, where no public hearing will be conducted, before any deadline for the submission of public comment.

- **Why was there never any outreach to the PPA#2 property owners when this process has been on a going on for over a year? The first open house was February 12, 2019.**

Background and Summary for Amendment to Nederland Comprehensive Development Plan Intergovernmental Agreement

January 30, 2019 Since that annexation proposal, Boulder County staff and Town of Nederland representatives have met to discuss broader development plans and to address concerns in a comprehensive manner to help bring predictability to the growth of the area over the next 10-15 years. County staff also met with the “Bobcat Ridge” developer in the fall of 2016 to review BOCC’s concerns and discuss a path forward. Discussion between town representatives and county staff resulted in development of draft updates to the IGA to address a range of topics. Parties involved in negotiating the IGA on behalf of the town and county worked through multiple iterations of the draft, and Nederland’s Board of Trustees discussed these matters at meetings throughout the past year and a half.

Again, I would like to reiterate my recommendation as a property owner in PPA#2 for the removal of PPA#2 from the proposed IGA. For your reference, below are previous emails I have sent regarding my request to remove PPA#2 from the IGA. In these emails, you will discover more information pertaining to the IGA and PPA#2 not discussed above.

To quote someone who spoke at the 5-7-2019 BOT meeting “...a sure way to fire people up is to do something about them without them...”

Deb DAndrea

Property Owner

PREVIOUS LETTERS WRITTEN TO THE BOT AND BOULDER COUNTY

Boulder County Land Use

RE: March 5, 2019 BOT Meeting: IGA PPA#2

Hello,

I just listened to the BOT meeting and am requesting again for removal of PPA #2 from the Nederland Primary Planning Area map just as Ridge Road was removed from this map due to residents NOT wanting to be part of this annexing process.

I read the reasons this area is under consideration, do not agree at all with this assessment and am curious who did this assessment; but I'm betting some developers are chomping at the bit to develop the heck out of this last remaining area outside of Nederland Town limits...

1.2.4.2 Area 2. Area 2 is composed primarily of developed parcels in County-approved subdivisions. It contains single-family development in forested areas with some steep slopes. The area is very susceptible to wildfire and has limited access. The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed. Providing services may benefit water quality and protect wildfire. The County and Town agree that Area 2 is eligible for the Town to annex. This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts.

Let take a look at these statements:

- **"The area is very susceptible to wildfire and has limited access."**
If you look at the PPA #2 map surrounding area, not included in the purple square, this forested area surrounding PPA#2 is "susceptible to wildfire and has limited access" but is not included as it is mostly open space or national forest. If you drive up here and look, you'll see the majority of the properties in the PPA#2 area are in a flat plain, not many trees in the plain, and a few houses tucked along the mountain side. I don't see annexing PPA#2 changing the susceptibility or limited access in the case of a fire as many residents have already performed fire mitigation on their properties.

Annexing PPA#2 will have no impact on limiting the susceptibility of wildfires or access. Look beyond area PPA#2 to see where fire mitigation should be performed just like you have done off Magnolia in the open space and national forest areas; and you didn't annex residents there.

- **"The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed"**

According to the 3.05.19BOT AIM IGA.pdf, Town is currently operating at 40% water plant and infrastructure; and 80% waste water treatment plant. Given the current Annexation map, the other proposed areas of development will push Town over the 200-250 unit threshold in no time; thus rendering the above statement questionable.

To bring water and sewer into PPA#2 would entail a very expensive expansion up Beaver Creek road where there is no existing infrastructural; at which point they may already have exceeded their capacity by providing water and sewer to the other PPA areas proposed.

Also, my drinking well water is amazing 100% year round. I know the difference in drinking water too and I have my well water checked every two years. It comes up crystal clean; which is more than I can say for the majority of water treatment plants.

- **"This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts."**

This is one of the last areas next to Nederland where large lots exist, wildlife is free to roam safely away from the masses, and people find sanctuary away from the hustle and bustle of daily life. Residents here live happily in a very low density area by choice, enjoying the peace and quiet the mountains provide.

There are a few lots on Beaver Creek that can be developed, but because of the square foot restrictions with septic systems, it will keep this last cherished area of Nederland from turning into a mansion villa cluster. Keeping the area real, where the moose can roam, and you can't moon your neighbor because everyone is on top of one another.

This area is NOT suitable for a limited increase in development density and I'd be very interested to find out who is making these calls for an area where they don't live which will forever change where I, my dogs and the wildlife call home. If the 1.2.4.2 Area 2 statements were true, then PPA#2 would be increased up to Crestwood, Cardinal and on; all the way up the road to PPA#1.

I am resident here, call the PPA#2 area home and I am 100% completely against PPA #2.

If passed, it will forever alter this little piece of heaven so many of us call home. Trust me, we don't have to develop every single acre to it's max. Let some of this land be land and free.

Thank you.

Deb

I wrote this letter on February 9, 2019 to the BOT:

Hello,

As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at 333 Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal.

There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and I'm curious (actually) as to who proposed they be included at this time.

These properties for past years have not been included in this proposal, no one is building major developments, and there is no logical reason aside from financial gain to include them ever as part of Towns oversight.

I am beyond thrilled living in Unincorporated Boulder County; honored to be surrounded and part of Arapaho & Roosevelt National Forest; and I love the way Caribou Rd and Beaver Creek Dr are maintained, plowed and cared for by Unincorporated Boulder County. I go into Town often to support our beloved Nederland businesses, of which many are personal friends of mine; and I support Town by volunteering for organizations, some which bring much needed revenue to our businesses during quiet seasons.

I, with intent, purchased my property outside Nederland Town limits due to several reasons I will not go into here.

I am completely, 100% against having the proposed map include Caribou Rd/Beaver Creek Dr. I have heard no discussion regarding why these properties should be included, and why now they are being drawn into this discussion as a Primary Planning Area. No one ever contacted myself, or to my knowledge, anyone in this area; asking us what we thought prior to the proposal map being created.

I do agree with the PPA areas #1, #3a, #3b, #3c and #3d due to developments currently being proposed which require access to Nederlands water/sewer. From my limited understanding, this is the primary push for these properties to be included so

they can be properly developed for the betterment of the overall community.

Then again, I have some questions regarding this as, from my limited understanding, Nederlands sewer plant is questionably already working near full capacity (but I could be totally wrong). Also, the traffic patterns in the areas of #3a-b-c-d would require a major overhaul of the road infrastructure to handle any increased traffic, which would domino effect into Town to the traffic circle. Especially during the ski and summer seasons, as we're experiencing with ski traffic now and have for years. A birds eye view of the macro vs micro of these proposed projects is an interesting view.

I have no input regarding #4 or #5 as I'm not sure why those were included aside from proximity to Town; but I did question why the one area to the right of #5 was excluded - that seemed a bit odd given the way other tracks were mapped out in the proposed areas.

I hope you will act upon my request to remove Caribou Rd/Beaver Creek Dr PPA #2 from this map and proposal; and give careful consideration when making decisions regarding the other areas as to the overall impact that will effect Town long term.

--

cheers,
deb, bear & sally

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#7]
Date: Sunday, June 9, 2019 5:44:55 PM

Name * Deon Wolfenbarger

Email * savitar@skybeam.com

Enter your comments (or attach a comment document below):

I am opposed to the proposed amendment to the Nederland Area Boulder County Comprehensive Dev. Plan. The proposed expanded area is way much too big, and has no logical justification.

More importantly, I only heard about this from a neighbor even though I am in the proposed expansion. I can't believe this is Boulder County. Does staff even understand the public process, and how to solicit comments?

I want a response as to why none of us were included in this planning process or notified of the process. Both my husband and I are planners (I formerly worked for the city of Boulder, he works for another metro city), and we understand the critical need for public process. Again, why were we not informed?

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#8]
Date: Monday, June 10, 2019 7:38:36 AM

Name * Jim Drevescraft

Email * drevesj@gmail.com

Enter your comments (or attach a comment document below):

Further encroachment onto the WUI by Nederland is a terrible idea which will have negative effects on wildlife, fire safety, and the peaceful enjoyment of stakeholders who have lived in the Magnolia area for many years. Maybe Ned needs an outward growth ordinance akin to what Boulder did years ago.

Please check box below *

- I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#9]
Date: Monday, June 10, 2019 11:50:34 AM

Name *	Susan Wagner
Email *	durkeewagner@yahoo.com
Phone Number (optional)	(303) 953-2465

Enter your comments (or attach a comment document below):

This is my second comment and a copy of comments I've sent to neighbors and posted on social media.

IMPORTANT Meeting on Future Ned Development (IGA): Tuesday, June 11, 6-8 pm, Community Center

If you're not aware, Nederland is negotiating a new Intergovernmental Agreement (IGA) with the county to permit development in currently wild forest. I believe the county has agreed to development it would rather not support because it fears Nederland will drop the IGA altogether-- something Erie and Lafayette did and which has permitted out-of-control development. If you can't attend the meeting, you can submit comments to the county at the link below, which also includes maps and the latest draft IGA. Nederland is pushing to designate as suitable for annexation and development a number of areas, including lands on its southern border directly in the elk migration route.

[Here's the county link.

<https://www.bouldercounty.org/.../intergovernme.../iga-19-0001/...>]

Here are some of my concerns:

1) In preparing this IGA, the town did not engage the community in public forums to gain a common perspective on how we want our community to develop into the future, something that did occur 20 years ago with Gary Sanfacon facilitating;

2) The town has never notified--much less sought the opinion of--residents whose lands are within the "appropriate for development" parcels the town wants the right to annex--those residents were finally notified very recently by the COUNTY, not the town;

3) the town has not been transparent about who the "parties" are who've been negotiating with the county on behalf of the Nederland community or what their positions have been--more transparency is called for;

4) Wildfire: Expanding development into forests in the WUI (Wildland Urban Interface) is a major concern. In a May 2017 paper by CU researchers Schoennagel et al, towns and counties were described as aggravating the wildfire problem by approving development in fire prone areas because of misaligned incentives: "The majority of home building on fire-prone lands occurs in large part because incentives are misaligned, where risks are taken by homeowners and communities but others bear much of the cost if things go wrong....Currently, much of the responsibility and financial

burden for community protection from wildfire falls on public land-management agencies. This arrangement developed at a time when few residential communities were embedded in fire-prone areas. Land-management agencies cannot continue to protect vulnerable residential communities in a densifying and expanding WUI that faces more wildfire...The US Government Accountability Office questioned the US Forest Service's prioritizing protection of WUI communities that lie under private and state jurisdictions and has argued for increased financial responsibility for WUI wildfire risk by state and local governments;" Nederland does not have the resources to do this;

5) the town needs to solve its problem with traffic congestion on its one major road through town and its lack of fire egress routes for existing housing before adding additional development; the Eldora Road is already clogged with traffic summer and winter, and there is only one way out for residents: if a "megafire" occurs here, how will residents safely evacuate? how much do Eldora summer and winter residents know of Ned's plans?;

6) Claims that expanded development will provide more affordable housing are empty as long as the town hasn't come to grips with housing pressure from air-bnb/short-term rentals and marijuana greenhouses; with the ski resort's aggressive efforts to improve and expand, it's possible new housing on the Eldora Road will end up as sought-after investments and may end up having the overall effect of raising housing prices in the area;

7) Since state laws require that "to be eligible for annexation, an area must have not less than one-sixth of the perimeter of the area proposed to be annexed contiguous with the annexing municipality," and properties like the Sundance do not meet this requirement, the town can avoid this restriction by allowing properties to be split into parcels of appropriate size and annexed section by section. So the Sundance mining claim might be split into several properties, all of which are considered "appropriate for development." Simply placing these properties into these "annexable" parcels will increase pressure on landowners to subdivide their own properties or sell to developers, again having the effect of raising housing prices;

8) I've lived at 12300 Magnolia for 30 years and am well aware of how important a wildlife corridor I live in--a corridor that runs through Parcels 5, 4, and 3. I cannot believe the town considers these areas "appropriate for development" or that they meet the state criteria of being "urban or will be urbanized in near future."

I believe we need much more community involvement and discussion of the long-term impact of these changes before agreeing to something that will change our community forever. I would like the IGA to retain the requirement that development occur only within existing town boundaries and would like the county to purchase Area 3a (Bobcat Ridge) for open space.

Town Invitation to Meeting: "The public is invited to attend a community forum to learn more about the process to update the Comprehensive Development IGA between the Town and the County. This plan directly impacts the potential for future annexations into the Town. Public input is welcomed and encouraged. Please join us and become a part of this important conversation."

IGA-19-0001: Proposed Replacement of the Nederland Area Boulder County Comprehensive Development Plan

IGA-19-0001: Proposed Amendment to the Nederland Area Boulder County Comprehensive...

Please check box below *

I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#10]
Date: Monday, June 10, 2019 9:19:29 PM

Name *	Bob Bows
Email *	rabows@mric.net
Phone Number (optional)	(303) 413-9977
Enter your comments (or attach a comment document below):	What a colossal overreach by Nederland officials and business interests. We chose to live in the unincorporated area of the county, 7 miles by road from Nederland. We are not interested in having our rural area part of a municipal planning district. The County is the best overseer of its unincorporated lands. This smacks of gerrymandering.
Please check box below *	<input type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#11]
Date: Tuesday, June 11, 2019 6:13:25 AM

Name *	Mike Shaw
Email *	metepec@aol.com
Phone Number (optional)	(303) 258-0544

Enter your comments (or attach a comment document below):

Dear BOT and Planning.

I hope some day you help make our town a home for our kids and grandkids...

This is our town...Not Boulder's circus....Please review my Idea.

The last great Mayor was John Doctor... 1960 to 1964?.. When our family friends the Ertles were starting the Ski Area.. He built Big Springs! Review the map. He knew that Ned was going to not be an old mining town but will be a Hub. Accordingly He and others like Dick Murdock who sold us our mine in 60 was selling Hurricane Hill, Cold Springs and Ridge Rd... You know the Other Invisible Subdivision in town... Where the kids go to school in Ned. Where our neighbors have no vote. Review the map. Something to talk about. There are other areas on this map.

The town and county has spent zillions patrolling West Magnolia to no avail. As records show the USFS police are not around. Fires since the 60's. It is a problem area and they know it.

Kindly review my map of what a real Mayor and BOT needs to do... Yes it is a small map and a closer look would be needed. but the main road is already mostly in place. This Historic road can be easily reconnected to the Eldora Rd as it was. I'd partner with the Ski area and have them build a parking garage there at the bottom.

Homestead the USFS lands I suggest as they have been selling areas Since GW Bush was President USFS lands they struggle with. Black Hawk gets pieces all the Time!! Give them a call and figure out how it works!!!!

Get Joe Neguse on our side here!

The good thing is it has mostly been Fire Mitigated! And the Fire Cistern Land on Magnolia that I donated to Ned Fire in 1997 would be in town limits. Xcel has power there already as well as the Interstate Gas line under Haul Rd.

Condos and tiny homes would fit nicely in the Valley north of the road and keep it parkland on the steep side as noted. Homes on the South Side of Haul Rd MDR. or what ever works..

The Water plant would finally be on town land after 143 years so getting water up there is not too hard and the sewer runs down there too from the school.

Homes on the land north of the Sundance into big springs MDR .

This would give the town a future, The Planning department a job. Instead of sharpening their pencils on the last 20 lots and turning the downtown into Boulder.

Since most infrastructure is already in on the Big Springs side.. Make a map and sell off the lots!

The west Maggie side Sell off designated areas to builders,, Like Richmond homes, Pulte DR Horton, Condo builders etc... and also allow them to sell these lots after they are developed. As done in most new subdivisions in the county where building may be still allowed. Lyons and Boulder does this. The Developer builds the infrastructure as it builds out only to be approved by the town as work goes. Affordable areas, MDR areas, do your own thing tiny home areas... with foundations required. The developers carry the cost of the infrastructure for the most part.... And the Profits go towards affordable housing.

There is room for a small commercial area as well.. Artists, Small manufacturing, builders, small hotel Who knows!

Ned 2050... Close your eyes and think 2050.

Think about it as I raised a lot of issues...

There is no future housing or commercial areas in town and these tiny adjustments you are considering are just a tiny step.

Your poor planning blew up Ned Fest.

We got to make room for our future.

This is a 20+ year build out..

With Haul Rd open traffic will change and will help you figure what to do downtown. How about a parking garage?

Last but not least get the fire mitigation done on the areas I noted The Ned fire mitigation committee recommended back in 2002 including the escape in Big springs.. Why is this taking sooooooo long?

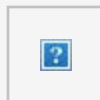
I've been here 70 years, 3 generations live here and I want to keep it that way for more folks too! Like your kids. I built Homes, Condos, and developed over 25 acres including the second and third Co-Housing projects that started the Green Builder Movement... Nationwide... . Yup it has room for a solar garden too!

I wonder if there is a real leader listening?

Drive over there and take a look.

Thanks for your time

Attach a File (optional)



[img_0258.jpg](#)

369.83 KB · JPG

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NEDERLAND PRIMARY PLANNING AREA



Legend

- Primary Planning Area (PPA)
- Town of Nederland
- Public Lands
- County Open Space
- County Conservation Easement
- Other Open Space
- USFS Land
- Private Conservation Easements

*PPA numbers designate areas for parcel specific provisions
 *The intent of this map is to show the Nederland Primary Planning Area in more detail. It is a subset of the Nederland Planning Area IGA Map.
 Adopted: 11/2019

0 1,000 2,000 ft
 1 inch = 2,000 feet
 NORTH

Area of Detail



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

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#12]
Date: Tuesday, June 11, 2019 6:37:11 AM

Name *	Mike Shaw
Email *	metepec@aol.com
Phone Number (optional)	(303) 258-0544

Enter your comments (or attach a comment document below):

So back in say 1962 or so... rumors of Dr Condon's Study of UFO's was right smack dab in the middle of the West Maggie area... 2 Giant radio antennas at least 100' across... One of my class mates mother was Dr. Condon's secretary and she loved coming up to our place with the gang. As teens we spent many a starie night looking afar as there was no light back then.. She loved sharing her moms tales.....

As the area was "Top Secret" and it seemed to just appear not built locally only a few of us knew about it.

Curious Ned teenagers we soon found it as it was wooded back then and closed off kinda.

1 was on the South Side say 1 /4 mile sw of todays parking area.

1 was on the west end of the ridge on the north side. Looking up the range towards Longs Peak. They would mysteriously turn on and rotate to a different spot in the sky looking for the UFO over Ned...

Well we got brave in the full moon and took the ol 45 willies jeep up there around midnight.. summer 66 before weed arrived. The antenna on the south side was easy to approach ... That night it was looking towards Thor Odin ... We could reach up and climb up on the antenna... In the middle of the Night.. .

Suddenly it started rotating and around we went.... We thought it was following lights in the Sky... Way Spookey.. We had to climb around to the other side through the bars and jumped down. It was gone in the summer of 67.... The Rainbozz came in 69.... shucks..

So if 2050 appears in your starie eyes some day as it should..

Kindly name the Subdivision "Dr Condon's Top Secret Acres" , ...Name the Roads: Beam me up Scotty way ... Captain Kirk Street and so many more!!! lol... Perfect for the Frozen Dead Guy town 2050.. Keep it top secret so Boulder don't see it appear in the middle of the night! lol

I don't think many know this tale of Ned... lol

beep beep beep blink blink

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

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#13]
Date: Tuesday, June 11, 2019 6:59:32 AM

Name *	Laura Swenson
Email *	laura@dancestrdoorways.com
Phone Number (optional)	(303) 258-3119
Enter your comments (or attach a comment document below):	<p>My husband and I, James Swenson, 7373 Magnolia Dr. Nederland CO, 80466, are emphatically opposed to this plan. We do NOT want to be annexed by the Town of Nederland.</p> <p>Jim Swenson Laura Swenson</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: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#14]
Date: Tuesday, June 11, 2019 9:33:42 AM

Name *	Betina Mattesen
Email *	bmattesen26@gmail.com
Phone Number (optional)	(303) 506-5187

Enter your comments (or attach a comment document below):

I am concerned that Nederland annexation proposals interfere with critical wildlife corridors and counter intuitively put development in WUI areas subject to burn. The County has contracted habitat fragmentation and WUI research and should now apply it here.

Development adjacent to public land deserves special consideration as it could potentially degrade all uses and values. Public land problems of illegal trespass, encroachment, driveway and utility impacts and illegal trail building and use are all common here and once they occur, apparently unsolvable due to lack of resources and political will. We have an opportunity to protect the open space forest areas so important to our community.

Traffic congestion issues need resolution.

The impacts of airbnb short term rentals and marijuana grows on affordable housing need resolution.

And, per usual with Nederland, proper community involvement on this important issue that will transform our town has not occurred..

Thank you.

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

From: [Wufoo](#)
To: [Wobus, Nicole](#); [Case, Dale](#); [Hackett, Richard](#)
Subject: Comment on IGA-19-0001 Nederland IGA [#15]
Date: Tuesday, June 11, 2019 10:34:14 AM

Name *	David Sites
Email *	david_sites@yahoo.com
Phone Number (optional)	(303) 258-7175
Enter your comments (or attach a comment document below):	Please reject this. Nederland can't maintain our facilities as it is. We also have a long term goal of preventing sprawl.
Please check box below *	<input checked="" type="checkbox"/> I acknowledge receipt of the Open Records Notification

From: BOT [<mailto:bot-bounces@nederlandco.org>] **On Behalf Of** Susan Wagner
Sent: Thursday, August 08, 2019 2:43 PM
To: bot@nederlandco.org; kristopherl@nederlandco.org
Subject: [BOT] 8/6 BOT IGA Discussion: Apology, Clarification, and Plea for More Dialogue

Dear Mayor and Board members,

I'm writing to offer apologies, to clarify my personal situation vis-a-vis the IGA, and to argue the benefits of more active dialogue between the Board and the community.

I **apologize** for failing to leave the podium after three minutes. Although I've lived here for 30 years, I'm a newcomer to BOT meetings and have struggled to make my comments concise. Now that I know (thank you, Karen) that I can submit my comments in writing, I'll keep my spoken comments to the three-minute limit.

I **apologize** for interrupting Trustee Baumhover from the floor. I apologized to him personally after the meeting but want to apologize to all of you as well; I recognize and respect the need for rules of order on speaking. I do wonder if it's possible to offer one-minute spots to members of the public to respond to Board members who criticize them or their comments. In my case, I wanted to correct Trustee Baumhover's impression that I feared the town would annex my property; in fact, the town removed my property from PPA#5 at my request some time ago, and I expressed my gratitude at one of the public forums. In a conversation afterward, I learned Trustee Masters had the same misperception. I believe I tried to cram too much information into three minutes and left out some basic information that would have made my position clearer.

So to **clarify**, I--and I believe most residents--understand this draft IGA would give residents in the primary planning areas the **opportunity to request** to be annexed into the town according to state regulations without further county review, NOT that the town will annex the properties. Here's the introduction I should have given:

"As the owner of a property that is considered by the town to be 'appropriate for development' and 'urban or will be urban in the near future' (state requirement) but that is located both within a designated 'area of conservation concern' (BoCo Comprehensive Plan, Area #14, Magnolia) AND a wildlife corridor that has been mapped and/or documented at the county, state and federal level, the importance of which I can personally attest to from 30 years of observation, I object to the inclusion of areas 3a, 4, and 5 in the primary planning area, because I believe they are NOT either 'appropriate for development' or 'urban'."

I am not afraid the town is going to forcefully annex my property, though if the Sundance is annexed and split into three or more parcels in the process, I do fear the wildlife corridor will be lost, and the wild quality of my own property along with it. But I am more concerned with precedents this agreement sets:

-- for permitting development outside the town's boundaries before all the options for development within the boundaries are exploited, before the town has been able to

restructure zoning, STR and ADU regulations and create financial incentives and disincentives to encourage more affordable housing, AND before affected departments have given their assessment of limitations on what can be provided for new development outside the town and how much it would cost to upgrade capacities;

-- for destroying wildlife habitat and corridors, especially given the dire warnings we've received from scientists on the effects of climate warming and the potential for one million species to go extinct, including 500,000 insects, some of which are necessary to pollinate 75% of our crops; and

-- for the BOT to negotiate with the county without reference to either 1) the town's previously adopted fundamental governing documents, including the Nederland Comprehensive Plan, the Envision 2020 document, or the Sustainability Resolution OR to 2) any public process that has changed their guiding principles.

And thirdly, I write to plead for more **dialogue with the community**. I respect all of you for your willingness to serve and understand some of you have been offended by unwarranted or less-than-civil criticism (an American habit), but I think you're ignoring the benefits of getting a broader spectrum of the community involved in formulating policy so you have support within the community for policies that may work toward the greater good (e.g., STR, ADU, and dispensary regs or reducing single-family-only zoning) but that are vocally opposed by those negatively affected.

I saw in the March 2018 AIM for a Planning Commission meeting that the county advised the town to circulate the draft IGA for public comment, then to hold a public hearing. They also recommended the draft IGA be circulated to affected departments for their comments. You have argued that the discussions at BOT, Planning Commission meetings, and the two public forums this year are sufficient, but they do not substitute for public circulation of the document with an announced public hearing to follow. And circulating the draft for comments by the departments affected, including fire, police, public works, etc., would draw out financial, infrastructure, and staffing realities of what's planned. I urge you to go back to that March 2018 AIM and follow those recommendations now. Better late than never.

Thank you for your consideration,

Susan Wagner
12300 Magnolia Drive
PO Box 475
Nederland, CO 80466

From: BOT [<mailto:bot-bounces@nederlandco.org>] **On Behalf Of** one brown mouse
Sent: Tuesday, September 03, 2019 5:59 PM
To: Nederland
Subject: [BOT] IGA comments

Wondering why option 4 isn't included in the IGA language **as more than one person requested that all future annexations be voted on by the electorate and none of the electorate asked to be excluded.** The other three options sure seem to cut out the public from most, if not all, annexation decisions ("the BoT MAY refer...") I'm bolding all the language I find concerning:

"Potential ways to structure annexation approvals include the following DRAFT changes to the IGA:

3.1.1 The Town may annex into its corporate boundaries any and all property located within the PPA, in accordance with state and local laws governing annexation. **The Town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties.** By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the PPA. The County **will make reasonable efforts** to cooperate with Town efforts to annex land in the PPA.

Annexation Approval Options (Choose One)

3.1.1.1 In addition to all applicable state and local laws governing annexation, annexation of any parcel of greater than three (3) acres shall be subject to approval by the registered electors of the Town of Nederland in the next regularly scheduled municipal election.**Error! Filename not specified.**

3.1.1.1 In addition to all applicable state and local laws governing annexation, annexation of any parcel consisting of more than three (3) dwelling units shall be subject to approval by the registered electors of the Town of Nederland in the next regularly scheduled municipal election.

3.1.1.1 In addition to all applicable state and local laws governing annexation, **the Board of Trustees may refer annexation of any parcel** to approval by the registered electors of the Town of Nederland at the next available municipal election.

In principle,

Kathleen Chippi
CPA Friend of the First

Wobus, Nicole

From: Susan Wagner <durkeewagner@gmail.com>
Sent: Tuesday, September 3, 2019 10:24 PM
To: Wobus, Nicole
Subject: Paragraph 15.0

Hi Nicole,

Sorry to delay you at the end of a long evening.

Paragraph 15.0 Defense of Claims/Indemnification is what I was thinking of when I asked if Michael Ackerman could sue the town if the IGA restrictions on maximum number of units meant he wasn't able to build the development. I assume now that your comment that it's probably standard language is in fact the case.

Susan

Sent from my iPad

From: BOT [<mailto:bot-bounces@nederlandco.org>] On Behalf Of Janette K. Taylor
Sent: Wednesday, September 04, 2019 6:46 PM
To: bot@nederlandco.org
Subject: [BOT] The comment I meant to make last night

Mayor Larsen and Honorable Trustees:

Kris, I hope you feel better. Last night it looked like you have a virus or something sneaking up on you.

I was pretty tired last night myself, and got caught off guard, missing an opportunity to make a relevant comment. I'm just tossing it in here, although I figure you all probably already know this.

When Susan Wagner spoke regarding the IGA, it was clear that she has personal concerns around Bobcat Ridge. I want to say that I -- and those of us in Human Services -- totally support any opportunity we have to add more affordable housing to our area. I feel that most of the details she mentioned that worried her about Bobcat Ridge are things that can still be worked out in the building/approval process. Frankly, I heard nothing in her list that caused me concern, although I understand neighbors will want to have input.

Anyway, that's all I wanted to mention. Thank you for your hard work.

Janette Taylor

--

Janette Keene Taylor
Consultant, Peak to Peak Housing and Human Services Alliance Proofreader and Editor, Sockwood Press
303-258-3586

BOT mailing list
BOT@nederlandco.org
http://nederlandco.org/mailman/listinfo/bot_nederlandco.org

Wobus, Nicole

From: Susan Wagner <durkeewagner@yahoo.com>
Sent: Wednesday, September 4, 2019 10:41 AM
To: Wobus, Nicole
Cc: kareng@nederlandco.org
Subject: Questions from Last Night's IGA Discussion

Hi Nicole,

If I understood Trustee Apt correctly, there is a question as to whether the existing IGA requires a town vote to replace it with this new draft.

Can you answer that question?

Related to the Trustees' discussion of which future annexation petitions would require a town vote:

1. Other than PPA 3a, the IGA states, "The Parties' intent is to generally restrict additional residential density beyond that which is currently allowed under county jurisdiction..."

There seems to be a typo here; I believe the sentence should read "...restrict additional...density TO that which is currently allowed..." Am I right? Or is this sentence too vague to convey the intent of the drafters? The "...restrict ADDITIONAL density" could be read to mean that it's expected there will be additional density on annexed property beyond what exists on the property before annexation. And the discussion last night leads me to believe the BOT is planning on zoning annexed property according to existing zoning in town lands adjacent to the annexed property. So, for example, had I chosen to remain in PPA 5 and applied and been annexed into Ned, my 10-acre property would be zoned According to Big Springs zoning, which I think is mountain residential, which would mean 10 homes could be built on property that is restricted to one home under county forestry zoning.

Can you clarify the county's position on the intention of this language? And is the language "...The Parties' intent is to generally restrict..." in any way binding? Would the county have grounds to object if the town annexed the Sundance property and subdivided it for further development, for example? Or if any annexed property was permitted to increase density over that permitted by the county now?

2. This leads to another question: At the June meeting both Land Use Director Case and Mayor Larsen said language in 3.1 could be tightened to strengthen the Town's agreement to "only annex parcels in their entirety..." by removing the clause "unless mutually agreed to by the Parties "

This has special importance with regard to the Sundance, which must be annexed piece by piece to satisfy state requirements that 1/6 of perimeter be contiguous with town boundary. I haven't received an answer to a question I've posed to the Board as to whether this would mean each parcel with 1/6 of its perimeter contiguous would be deeded as a separate deed. If so, how would the Town observe its agreement to only annex parcels in their entirety?

Let me know if I should direct these questions elsewhere.

Thanks!

Susan

Sent from my iPhone

Wobus, Nicole

From: Susan Wagner <durkeewagner@yahoo.com>
Sent: Thursday, September 5, 2019 11:15 PM
To: Wobus, Nicole; Karen Gerrity
Subject: Parcels 6 and 3a Are Not Developed, thus not appropriate for annexation?

Hi again,

I plan to send you an email with notations in the IGA where I think there may be typos or language is unclear, so I don't plan to send any more emails with individual questions after this one.

But I have a question for both Parties about the contradiction between language in 1.2.4, "...it is appropriate to consider annexation of **developed** (my emphasis) parcels adjacent to the current municipal boundary."

As has been thoroughly discussed, 3a is not only completely undeveloped, it is a wildlife migration corridor. Parcel 6 (23.71 acres) is also completely undeveloped, but it is described in 1.2.4.8 as if it were. There is no structure on this forested property.

"1.2.4.8. Areas 6 & 7. The Town has capacity in its water and sewer systems to serve existing development if these parcels were annexed. Providing services would benefit water quality. Therefore, the County and Town agree that the parcels are eligible for the Town to annex. Any additional development on the properties should be designed with a goal to add to the community's diversity of housing types."

The last sentence would appear to apply primarily to Parcel 6, since Parcel 7 is 4.44 acres with a single family home. This reference to possible development on a large parcel like 7 belies statements elsewhere in the draft that density will remain the same as it currently is, other than on Parcel 3a. [Although I'm waiting to hear your answer to my previous emailed question about the ambiguity of current language on the density issue.]

If there is a better way for me to submit questions--or if you'd like me to consolidate all my questions in one email or submit them on the comment page, please let me know.

Thanks to both of you,

Susan