

# Wendell Gene Pickett

3813 Florentine Circle  
Longmont, CO 80503  
303.589.7860

March 8, 2023

RE: Letter of Support  
Kanemoto Estate Annexation – Agricultural Conservation Easement Termination

Dear Boulder County Planning Commission:

I am writing to support this project and asking that you move this project forward. As a nearby neighbor, I believe this is additive to our area neighborhood as this project fills many long times needs of the community further diversifying the community housing stock and introducing 80+ new attainable housing units, meeting a critical market shortfall. The project also creates a variety of housing opportunities given the variety sizes and types of modern energy efficient leading-edge products striving to meet Longmont's Envision Longmont Goals.

I have been involved in the Longmont for over 30 years and my family has lived approximately a ½ mile from the project for the past 14 years. I served and eventually Chaired the Longmont Housing Authority and lead the development and construction of the Fall River Project. I support this project because it provides an opportunity for many of our grown kids to return to Longmont and many employees who cannot live in here to have that opportunity.

Thank you for considering my opinion, please move this forward.

Sincerely,

Wendell Gene Pickett , Citizen



# TLC Learning Center

611 Korte Parkway • Longmont CO 80501 • 303-776-7417 • [www.LearningWithTLC.org](http://www.LearningWithTLC.org)

March 8, 2023

To whom it may concern,

I am writing today in support of the Kanemoto Estate Annexation and housing development project. This development represents an excellent opportunity to add for sale affordable and attainable housing to a section of the City that currently has little to none. In addition, the preservation of open space, walking trails, and an imbedded early learning center will serve the new housing project, as well as, the surrounding area.

In reviewing this project, it is clear that it exceeds the affordable housing requirement, provides affordable and attainable homes that would be for-sale product, is located geographically in an area lacking affordable for sale, and would have a childcare center as a part of the build-out for families living within the project and on the West side of Longmont.

I believe the proposal also supports the goals and strategies outlined in Envision Longmont plan and is in-line with Longmont's goal of providing affordable, attainable, for sale homes for residents. Specifically, an early childhood center, which provides services that, is not found in that immediate area and supports the development.

For these reasons, I would urge Council to support this plan and use all means including a Master Development Agreement that would capture all benefits and expectations in a way that allows the plan to move forward with confidence.

Many thanks to Bestall Collaborative Limited and others who are leading this project to serve Longmont citizens and those who desperately need affordable housing and childcare. I look forward to seeing this project move ahead and come to fruition.

Sincerely,

Matt Eldred  
Executive Director  
TLC Learning Center

**From:** [Heidi Lawrence](#)  
**To:** [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Kanemoto Estates  
**Date:** Wednesday, March 8, 2023 3:44:22 PM

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To whom it may concern -

I am writing to express my opposition to the proposed development of the area to the South of the Clover Creek neighborhood. This area is East of Airport Road, South of Pike Road and shares an immediate border with the Clover Creek neighborhood.

It is expected that construction, disruption, and an increase in traffic will occur within the Clover Creek community and surrounding neighborhoods before, during, and remain after the years of providing utilities to and constructing 300+ housing units plus retail.

In addition, this development negatively affects the cul-de-sac feel of this section of the Clover Creek neighborhood which currently has no through traffic streets at all.

Furthermore, my neighbors and I oppose the approval of this annexation for the following reasons:

- the development reduces the safety of the surrounding neighborhoods,
- the development wastes protected conservation easement agricultural land,
- the density is significantly higher than the surrounding neighborhoods,
- the development poses additional traffic and safety hazards on Airport Road, Clover Creek community, and surrounding neighborhoods. As reported in a recent CDOT meeting, CO 119 has the highest number of vehicle crashes and fatalities in Boulder County and this will likely increase as the developments directly east, north, southwest, and proposed south add traffic.
- the development stresses the capacity in the existing sanitary sewer mains, since this use has a significantly higher demand than what is being shown on Envision Longmont. This area currently shows this neighborhood as Rural Neighborhood, which anticipates low density. Increasing density may require additional sewer and water capacities, causing further disruptions to the Clover Creek neighborhood streets on the South side of Pike.

Additionally, traffic will likely reroute to additional streets within the Clover Creek community and surrounding neighborhoods due to development-related construction, residents/visitors at the development, and retail patrons/employees at the development for the foreseeable future.

I have lived in the Clover Creek neighborhood for over 10 years. Fountain Court and all the surrounding streets on the South side of Pike Road are currently closed off to through traffic, with only 2 streets offering an exit to Pike road. This current road layout creates a peaceful and safe environment for its inhabitants. A disruption to this is absolutely not wanted, increases our traffic, and destroys the open area directly South of the neighborhood, which features a walking path which encircles the neighborhood.

My neighbors and I are opposed to the removal of the conservation easement that currently exists on the property under review. Take this project somewhere else!

-Heidi Lawrence

Fountain Court - Longmont CO

**From:** [Ron Stewart](#)  
**To:** [LU Land Use Planner](#)  
**Cc:** [Sheehan, Jack](#)  
**Subject:** [EXTERNAL] Kanemoto Estates Conservation Easement Termination  
**Date:** Monday, March 13, 2023 10:14:44 AM

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Please forward my comments below to the Planning Commission. Thanks

March 13, 2023

Members of the Boulder County Planning Commission:

I am writing to support the termination of the Kanemoto Estates Conservation Easement. I feel the termination is consistent with long standing planning objectives shared by Boulder County and the City of Longmont and is in the current best interest of both entities.

In the 1990's I served as a Boulder County Commissioner and one of my areas of emphasis was the development of intergovernmental agreements with communities throughout Boulder County. The goal was to adopt growth management agreements that allowed for urban level growth within the cities and towns adjacent to other urban lands such as the neighborhoods around Kanemoto Estates and for open space areas surrounding the areas of development. These agreements furthered the goals and policies of the Boulder County Comprehensive Plan.

With some communities, including Longmont, we also developed IGAs that called for the Transfer of Development Rights to both direct future urban development and to assist with the preservation of open space. We were successful in developing IGAs with all communities in Boulder County and those IGAs helped shape the landscape of Boulder County today.

The termination of the Kanemoto Estates Conservation Easement is totally consistent with all the agreements that existed with Longmont over the years. Kanemoto Estates is within Longmont's planning area and has been for decades. Termination of the easement will allow Longmont to determine appropriate development for the parcel. Further, termination will help with further open space preservation through the use of Transferable Development Rights. The inclusion of Kanemoto Estates in the Longmont Planning Area in those IGAs and the designation of this property as a Transferable Development Right Receiving Site indicate that, for decades, future development of this area was contemplated by both the County and the City of Longmont, and that the determination of land uses and the eventual site plan were deemed to be the ultimate responsibility of the City.

Furthermore, at least three other conservation easements in Longmont's Clover Basin Neighborhood were terminated under the TDR IGA to allow development adjacent to other urban development in the neighborhood.

I encourage you to support the docket before you for the termination of the Kanemoto Estates Conservation Easement.

Thank you,

Ron Stewart  
Longmont

**Subject:** FW: [EXTERNAL] Kanemoto Estates Opposition

Dear Boulder County Planning Commission and Boulder County Commissioners,

I am **opposed** to the termination of the Kanemoto Estates Conservation Easement (CE) on the following grounds.

- 1) The Kanemoto CE contract only allows termination under conformance with the Boulder County Comprehensive Plan (BCCP). The BCCP is Statutory Law in Boulder County. The Kanemoto CE was established in 1982 utilizing the NUPUD/CE designation (pg Ag-2) which under the BCCP requires Boulder County to Conserve and Preserve (pgs CG-3, AG-4, GE-10, OS-1) the CE indefinitely (pg AG 1.13). After an exhaustive review of the BCCP there are over 35 references requiring Boulder County administrators to preserve agricultural properties especially those protected by the NUPUD/CE designation ( pg PPA-2, 2.03, 2.04). You are all familiar with the BCCP Law. There is no need to list the 35 plus references here.
- 2) The transfer of the 1982 CE into the Longmont CSA/LPA in 1996 was a Legal Violation of the previously established NUPUD/CE. The Kanemoto Conservation easement is protected under the preexisting conditions of the BCCP. These legal protections have not changed since 1978 (pg IN-1) and in fact have been reinforced several times since 1978.
- 3) Contrary to the Jan 3, 2023 statement by Mr. Sheehan of POS there is no reference in Provision A of the Kanemoto contract allowing for termination by MERGER. In fact the Colorado Legislature in 2019 forbids Merger of CEs when a tax consideration has been employed. **HB19-1264, C.R.S. 38-30.5-107**. The BCCP encourages the issuance of a Tax benefit as a method of securing CEs. (pg OS-7) By legal convention a court will likely assume a tax benefit was received *unless proven otherwise*. The Boulder County Commissioners will need to demand a tax document from the original owner, Colorado Dept of Revenue or IRS to prove no tax benefit was gained in the original CE transaction. Otherwise termination by Merger is forbidden.
- 4) The IGA TDR expired in 2016. Using the Kanemoto property as a TDR receiving site is non-enforceable. Failure to renew the TDR for 7years is either negligence or proof that Boulder County had no intention of continuing the TDR process. Which is it?
- 5) The Kanemoto Property is designated by BOTH Boulder County (Docket DC-18-002) and the USDA as Prime Farm Land (BCCP Map 31) which places it in the category of Nationally Significant Agricultural Land. The BCCP disallows the placement of Nationally Significant Agricultural Lands into TDR receiving sites. (PPA 3.04) The BCCP also requires Boulder County administrators to conform to State and National programs preserving agricultural properties. (pg AG-5, AG 1.07)
- 6) Paragraph 3 of the Kanemoto CE contract requires that both Provision A **AND** Provision B must apply. There is no severability clause, so both Provision A **AND** B are required to manipulate any change in the contract. Provision B of the Kanemoto Contract does not provide for any termination of the Conservation Easement. It only allows for a *Transfer* of the Conservation Easement. Conservation Easements can only be *Transferred* to entities authorized by the State of Colorado Department of Conservation as having a recognized Conservation mission. Since the CE

can only be *Transferred* to a qualified entity, the use of the term Terminate in paragraph 3 is understood to only apply when the CE is *impossible* to maintain. This is explained in the IRS code 170(h), the Boulder County POS CE Program Policies and Practices, Restatement (Third) of Trusts (2003), Uniform Law Commission, Uniform Trust Code, Restatement (Third) of Property Servitude. (2000). In these references Judicial review and Cy Pres doctrine are required. If any ambiguity is perceived with interpretation of the *terminate* vs *transfer* contract language, Colorado Contract Law requires the only resolution is by a Jury Trial. It can not be interpreted or clarified by a judge or other governmental administrative body.

7) The POS Policies and Practices has evolved to support the BCCP. There are 33 reference to CE perpetuity in the POS document which also requires Judicial Review concerning any form of CE Termination to prevent conflict with State and National law or: pg 6 #5. *Jeopardize Boulder County's 'qualified holder' status under State of Colorado and IRS regulations or undermine the public's confidence in the County as a holder of **perpetual** conservation easements;*

8) The BCCP has also designated the one mile strip of Airport Rd from Rt 119 north to Pike Road as a *View Protection Corridor*. (Map 33) It is apparent that Boulder County has thoroughly Corrupted the northern 1/2 mile of this VPC. The views have been permanently obstructed by multiple housing developments. This is an undisputed violation of the approximately 15 BCCP provisions requiring the preservation of scenic views along this corridor. (pgs TR-6 TR 8.03, ER-5 ER 1.04 etc.) In addition to this Kanemoto proposal for a high density development with multiple story buildings, Boulder County has continued violating the VPC with the recent approval of the Westview Acres subdivision.

9) The BCCP applies a geologic building constraint (pg GE 2, Map 15) to the Kanemoto property due to *High Soil and Bedrock Swell Potential*. Building approval **requires** evaluation by a professionally registered geologist. (pg NH 2.01.04). Has Boulder County received a report detailing the building constraints required for this property. Is this land suitable for safe housing construction? If no clearance has been received approval to build on this property is forbidden.

10) We are all aware of the absolute devastation caused by the recent Marshal Fire. Rather than continue with a focus on high density development, would it not be wise to reconsider the housing setback requirements? The housing in Colorado is much too congested.

11) Continuing research through the Boulder County Clerk's office has revealed a very significant number of missing Boulder County CEs over the last few decades. Due to the issues mentioned above there will be retroactive research to determine if this great number of terminated CEs were properly managed or if their termination was motivated purely to create a multimillion dollar tax base and to feed multimillion dollar funds into Boulder County POS. The residents of Boulder County are questioning whether this may be a legal Breach of Trust concerning the fiduciary responsibility of Boulder County to protect and preserve the Landed Treasures of Boulder County.

Thank You,  
Norman C. Gee  
1908 Redtop Ct.  
Longmont, CO. 80503

## Hippely, Hannah

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**From:** Lynn Donnelly <lynn\_donnelly@yahoo.com>  
**Sent:** Friday, March 10, 2023 4:36 PM  
**To:** LU Land Use Planner  
**Cc:** Beyond Clovercreek  
**Subject:** [EXTERNAL] KanemotoEstates

To Whom It May Concern:

I fail to understand how the development of this property on Airport Road fulfills Boulder County's Conservation Easement Program Vision of "contributes significantly to maintaining the rural character of Boulder County, providing scenic open space for the public, continuing agricultural uses, protecting important historic and cultural features and protecting relatively natural habitat, such as forest land, wetlands, riparian corridors and other wildlife habitat."

I fail to understand how the development of his property on Airport Road fulfills Boulder County's Conservation Easement Program Goals of

- "Protecting natural resources, agricultural lands and scenic open spaces that meet Comp Plan goals and POS goals:
- Managing uses in designated areas to protect open space values for public benefit and
- Reducing density and development where additional development is incompatible with Comp Plan and POS goals."

I would appreciate it if you could explain this at the public hearing if you can.

I would also like to know if taxpayers paid for this easement & if so how you intend to reimburse taxpayers if you cancel the easement?

If the land was donated & received tax credits how is that adjusted now if you cancel the prior easement agreement?

Why have any conservation easements anywhere in the county if they can be overridden at any time?

Why should taxpayers continue to buy open space when the county doesn't conserve conservation areas it already has in its possession?

A disappointed & and disenchanted Boulder County taxpayer,  
Lynn Donnelly



**From:** [Jackie Evensen](#)  
**To:** [Hippely, Hannah](#)  
**Cc:** [Jack Bestall](#)  
**Subject:** [EXTERNAL] Annexation hearing for Bestall Collaborative Wednesday  
**Date:** Monday, March 13, 2023 12:06:13 PM

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Hi Hannah,  
Here is a letter to support the annexation.

12:03 PM (0 minutes ago)



Jackie Evensen <[jackie@jackieevensen.com](mailto:jackie@jackieevensen.com)>

to hippely, Jack



Good afternoon,

I am writing this letter in support of the Kanemoto Estates annexation on Airport Road. As a West Longmont resident, local Realtor in town and volunteer with the LLDA on specific events, I welcome new ideas and strategies to make life better for the residents of Longmont.

Jack Bestall's project upon its completion would add many things to a section of the city that currently has little affordable for sale units, rental units and a childcare center. Annexation would move the project forward and work toward meeting the Envision Longmont's plan of 20% attainable housing, a reduced carbon footprint and early childhood education. A neighborhood with a built in childcare option for residents would be fantastic for young families trying to put down roots in Longmont. The incorporation of walking paths integrating into the Longmont trail system is also a great addition and benefit.

For these reasons, I would urge Council to support this plan and use all means including a Master Development Agreement that could capture all of the benefits and expectations to move forward.

Bestall Collaborative is a great addition to our city and I look forward to seeing this and other projects come to fruition.

Sincerely,  
Jackie Lagasse Evensen  
Realtor  
Live West Realty

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Jackie Lagasse-  
Evensen  
REALTOR® | SRES



o: 303-800 9601  
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address  
1938 Pearl St. Suite 200  
Boulder, CO 80302

*"My priorities are simple.  
They're yours."*

**From:** [Peter](#)  
**To:** [Hippely, Hannah](#)  
**Subject:** [EXTERNAL] Kanemoto Estates Conservation Easement Termination  
**Date:** Monday, March 13, 2023 8:09:21 PM

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Hi Hannah Hippely,

hopefully, this is the proper forum for us to object to the Termination of the Kanemoto Estates Conservation Easement. While we would have liked to be available for the zoom meeting and object, virtually, to the planned termination of this Easement, neither my wife nor I will be able to attend in person or virtually. However, we do want to go on record that we strongly object to this termination.

The Conservation Easement under consideration is pretty much the only remaining property in this area that has not already been developed. Therefore, it should continue to remain open space. The possible addition of about 400 housing units to this property is just way too large an addition. The potential traffic that will be added, once completed, will create major congestion on Airport Road, Clover Basin and the Diagonal. Further, it will totally destroy the current rather peaceful and natural setting that exists.

Please note that the city of Longmont already has approved a small development that is basically on the opposite site of the Kanemoto Estate on Airport Road. That development will only add about 20 housing units and that will, of course, also impact the traffic density in this area. If we now add the 400 Kanemoto Estate housing units to this area, the overall picture of a fairly tranquil and peaceful neighborhood will be totally destroyed. Therefore, Boulder County must not permit the Termination of the Kanemoto Estates Conservation Easement.

Sincerely,

Bonnie and Peter Zurfluh  
1423 Venice Lane  
Longmont, CO 80503

**From:** [Gene Smerchek](#)  
**To:** [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Kanemoto Estates  
**Date:** Tuesday, March 14, 2023 11:09:54 AM

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Does Boulder County have no shame? Such hypocrisy. First, the attempt on the Rainbow Farm's conservation easement.. And now, Kanemoto Estates? Isn't it somewhat hypocritical that Boulder County recently spent millions to purchase open space along the Peak to Peak highway in order to remove three lots that could have been developed. Come on Boulder County! You made the rules, now live by them.

Gene Smerchek, Allenspark

**From:** [Maryanne Himmelsbach](#)  
**To:** [Hippely, Hannah](#)  
**Subject:** [EXTERNAL] Kanemoto Estates  
**Date:** Monday, March 13, 2023 8:19:41 PM

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Dear Hannah

I listened to the Neighborhood Meeting on January 26th regarding removing a conservation easement on the Kanemoto Estates for development of a mixed housing community. My impressions are:

1. This is a very high density development, over 400 dwellings on a relatively small parcel of land.
2. All traffic to and from this development will be handled by one street, Airport Road.

The fact that one road will contain all traffic to and from this development sounds like a traffic nightmare and log jam for all neighborhoods off Airport Road. The high density of this development suggests that noise and privacy will be a concern for future residents.

This does not seem beneficial to the community,  
Maryanne Himmelsbach

**From:** [Mo Fauvel](#)  
**To:** [Hippely, Hannah](#)  
**Subject:** [EXTERNAL] Kanemoto development  
**Date:** Tuesday, March 14, 2023 6:08:42 AM

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**Mo Fauvel** <[drfauvel@gmail.com](mailto:drfauvel@gmail.com)>

Mar 13, 2023, 8:07 AM (21 hours ago)



to Susan, sbarberphd, tsmithxxl, linneas



I, too, have deep reservations on developments like this. My biggest concerns are, again, it is mostly a rental development. I feel the ratio should be reversed so that units would be 80% attainable and 20% rental for purposes of future Longmont development. Second, concern is the density: 400 units on 40 acres really does not seem a plus to me- no personal space yards, where does everyone park? Thirdly, between the huge rental development underway behind Home Depot and this development, that's over a thousand units! Does Longmont truly have the kind of job prospects to afford all this? Please share this with other planning members and city council and keep me in the loop on future city meetings regarding this. Thank you.

**Materials to accompany public comments from Randall Weiner, Weiner & Cording, on behalf of KARES (3/15/1923).**

**Boulder County Comprehensive Plan (“BCCP”) Elements Which are Relevant to the Proposed Kanemoto Estates Conservation Easement Termination**

<https://assets.bouldercounty.gov/wp-content/uploads/2018/10/bccp-boulder-county-comprehensive-plan.pdf>

Both the original 1978 version and the current updated version of the BCCP were designed to limit urban growth to restricted areas and preserve and conserve Agricultural Lands.

There are 27 separate chapters/sections, 4 appendices and 17 maps. Most chapter/sections are referred to as Elements. As many as 15 of those Elements reinforce the fact that preservation of Boulder County Agricultural Lands, and specifically conservation easements in the Plains Planning Area, is consistent with the BCCP.

I Introduction Page IN-1

The Boulder County Comprehensive Plan (BCCP) reflects Boulder County’s tradition of serving as a leader in environmental and land stewardship... The BCCP was developed to respond to the....principle that the county will make decisions affecting the future of the county’s lands..... Since its initial adoption in 1978.....*the Plan has changed very little*; the county’s vision is to channel growth to municipalities, to **protect agricultural lands**, and to **prioritize preservation** of our environmental and natural resources in making land use....decisions.

II Guiding Principles pg GP-1

**5) Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, *agricultural uses*, open spaces, vistas, and the distinction between urban and rural areas of the county.**

III Countywide Goals pg CG-1 & 3 & AG-4

1. Cluster Development. Future urban development should be located within or adjacent to existing urban areas in order to **eliminate sprawl and strip development**, to assure....urban services, to **preserve agriculture**, forestry and open space land uses,....

pg CG -2

2. Appropriate Rate of Growth. Existing communities should grow at whatever rate they consider desirable, **within the limits of what is acceptable to the citizens of areas potentially affected by that growth**,.....

pgCG-3

2. Foster a Diverse Agricultural Economy. Agricultural enterprises and activities are an important sector of the Boulder County economy and the county shall foster and promote a diverse and sustainable agricultural economy as an integral part of its activities **to conserve and preserve agricultural lands in the county**.

3. Conserve & Preserve Land. Productive **agricultural land is a limited resource** of both environmental and economic value and **should be conserved and preserved**.

pg CG-5

2. Open Space. Conserve. Boulder County **conserves the rural character of the unincorporated county** by protecting and acquiring lands and waters embodying significant open space values and functions.

I Agricultural Element. Covers 6 pages of the BCCP

pg AG -1

***A. Introduction Agricultural Land is a non-renewable resource. Once public and private decisions are made that result in the conversion of agricultural land and/or water to non-agricultural uses, this vital resource is almost always irretrievably lost.***

pg AG-2

....in the 1978 Comprehensive Plan, the county adopted a non-urban planned unit development process (**NUPUD**)....offered landowners a **development density of two dwellings** per 35 acres....In return, at least **75% of the total acreage had to be deeded to the county in the**

**form of a conservation easement which restricted activity on the easement to agriculturally related or other rural land uses....in 1994 through the adoption of the Plains Planning Area Element....That Element refocused the county's policies and intentions for managing unincorporated Plains lands by emphasizing that land uses "...should continue to be related to agricultural activities...and other activities consistent with the rural character of the county."**

pg AG-3

B. Agricultural Objectives **The objective of the subsequent policies is the preservation of the agricultural lands** in the county, and their related uses, **by whatever means are available** to the county and effective in achieving this end...

It remains the intent of the Comprehensive Plan and attendant land use codes to promote and assist in the **preservation of agricultural lands** for agricultural and other rural purposes....They include the recognition of agricultural lands as an **important nonrenewable resource....the belief that compact urban development is the most efficient and appropriate way to retain agricultural lands** and rural character....

pg AG-4

Goal 2. Foster a Diverse Agricultural Economy.... promote a diverse and sustainable agricultural economy as an integral part of its activities to **conserve and preserve agricultural lands** in the county.

**Goal 3. Conserve & Preserve Land. Productive agricultural land is a limited resource of both environmental and economic value and should be conserved and preserved.**

**POLICIES AG 1.01 Agricultural Land Preservation.** It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within the unincorporated areas of the county, and to make that position known to all citizens currently living in or intending to move into this area.

AG 1.02.01. & 1.03 .....It is the policy of Boulder County to **encourage the preservation** and utilization of those lands identified in the Agricultural Element as **Agricultural Lands of National, Statewide, or Local Importance** and other agricultural lands for agricultural or rural



uses. The Boulder County Comprehensive Plan “Significant Agricultural Lands” map shall include such lands located outside of the boundaries of any municipality.....

BCCP Map 31 designates the **Kanemoto property as a Significant Agricultural Land of National Importance**. Agricultural Lands of National Importance are U.S. Department of Agriculture **Prime Farm Lands**. Boulder County Docket DC-18-0002

Link below will take you to the USDA soil maps where the Kanemoto property is designated as Prime Farmland except where the two houses have been built. You may need to zoom in on area CO643. Then click on the property sections and read Map Unit Data drop down list on the left side of page.

<https://casoilresource.lawr.ucdavis.edu/gmap/>

AG 1.04 Development Review. In reviewing applications for new development, Boulder County shall consider potential impacts on existing adjacent agricultural uses and shall use its regulatory authority to mitigate those impacts which would be detrimental to the continuation of existing agricultural operations and activities and the establishment of new agricultural operations and activities. **New development should be sited in such a way so as to minimize and/or prevent future conflicts.**  
pg AG-5

AG 1.07 State, Federal, and Local Programs. The county shall continue to actively participate in state, federal, and local programs directed **toward the identification and preservation of agricultural land.**

Position statement from USDA Prime Farmland website.

**Prime farmland is of major importance** in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of **high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government**, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

[https://efotg.sc.egov.usda.gov/references/public/LA/Prime\\_and\\_other\\_Important\\_Farmland.html](https://efotg.sc.egov.usda.gov/references/public/LA/Prime_and_other_Important_Farmland.html)

AG 1.12 Land Unification. The county shall continue to **discourage the fragmentation of large parcels of agricultural land and to**

**encourage the assemblage of smaller parcels** into larger, more manageable and productive tracts.

AG 1.13 Policy and Code Management. **The county shall continue to monitor the application of these policies** and attendant Boulder County land use codes, **as to their effectiveness in preserving agricultural land and *perpetuating* agricultural uses** in Boulder County.....

AG 2.01 Utility Infrastructure. The county **shall discourage the placement of new utility infrastructure upon agricultural lands**. The county supports using existing easements or other public rights-of-way to **minimize the impacts to agriculturally productive land**.

AG 2.01.03. **Any agricultural lands and water resource systems disturbed by infrastructure construction shall be restored to their former productivity.**

IV Economic Element  
pg EE-2

EC 1.03 Agriculture. **Boulder County acknowledges the importance of agriculture** and its cultural, environmental, health, economic, and resilience-related benefits to the community. **Boulder County recognizes the integral role of agricultural history in the county and supports innovation and diversification in the agricultural economy.**

IX Natural Hazards Element  
pg NH-4

NH 2.01.04 (Also Policy GE 1.05) The county shall **require the evaluation of all geologic hazards and constraints where such hazards or constraints may exist in unincorporated areas of the county** as related to new intensive uses. Such evaluations shall be conducted by either a member of the American Institute of Professional Geologists, a member of the Association of Engineering Geologists.....

VII Geology Element  
pg GE-2

Geologic Constraint: A geologic condition which can **cause intolerable damage to structures**, but does not present a significant threat to health, life, or limb.

Map 15. Geologic Hazards and Constraint Areas. Kanemoto Estates has a Geologic building constraint due to a **High soil and bedrock swell potential**. Has it been properly evaluated and approved by a geologist for site development?  
pg GE-8

GE 4.02 Priorities for Most Effective Performance Technologies and Practices. Areas where the county has an interest in assuring that the most effective performance technologies and practices are applied include....**j) Agricultural land preservation.....o) Visual impacts and preservation of scenic views.**  
pg GE-10

GE 4.11 Agricultural Land Restoration and Reclamation. **Agricultural land preservation and conservation is a core goal and value of the BCCP.** Oil and gas operations will be required to restore and reclaim all on and off-site agricultural lands impacted by any activity.....

X Open Space Element  
pg OS-1 (See Agriculture Goal 3 above. **To Conserve and Preserve Agricultural Lands**)

What's in a Word? Protect v. Preserve v. Conserve Open space lands are **“protected” from development** but protection can be carried out in different ways. **“Conserve”** suggests responsible and sustainable use of natural resources whereas **“preserve” implies maintaining the landscape in its original, or pristine, state.** In the Open Space Element policies, **“conserve”** is used for policies relating to working landscapes such as **agricultural properties** while **“preserve”** is used for policies relating to **broader protection.**  
pg OS-2

**Open space is defined as “lands intentionally left free from development.”** Open space serves one or more of the following values or functions

**Conserve and *enhance* agricultural lands, especially agricultural lands of local, statewide, and *national importance*.**

Boulder County Parks & Open Space **Mission Statement** To **conserve** natural, cultural and **agricultural resources** and provide public uses that reflect sound resource management and community values.

XIII Sustainability Element  
pg SU-1

Goal 6. Foster & Promote Resources of Open & Rural Lands. The **preservation** and viability of the increasingly **precious resources** of open and rural lands, whether **devoted to agriculture**, forestry, open space, or plant and wildlife habitat, as well as the sustainability of uses that provide for the **long-term preservation** of such lands, should be fostered and promoted....

pg SU-8

SU 1.09 TDR Program Criteria. In establishing this new TDR program, the county, through an open public process, will develop criteria....and should take into consideration the following attributes:

- Location as an enclave within or adjacent to BCCP-designated Environmental Conservation Areas, United States Forest Service or other publicly held lands, **or lands with a *conservation easement protecting them from further development***

I Plains Planning Area  
pg PPA-1

Introduction....recommend a rational organization of land uses which will **protect and preserve** some of the county's remaining **rural land**....

pg PPA-2

It is expected that land within municipal Community Service Areas will be developed in an urban pattern, urban services will be provided by the municipalities, and the area will eventually be annexed. **Conversely, land outside CSAs and their transition areas will remain rural; urban services will not be extended there, and zoning will *prohibit urban development* and densities. Most of the land outside the CSAs will continue to be used for agricultural activities, environmental resource protection, low-density residential development and other**

activities consistent with the rural character of the county.

**[NOTE: The Kanemoto property was issued a NUPUD (PPA 2.04) and Conservation Easement (PPA 2.03) in 1982 because it was NEVER intended to be within the Longmont Community Service Area. As stated above, Urban Development is Prohibited.]**

In April of 1978, the Boulder County Comprehensive Plan (BCCP) was adopted. A primary component of the Plan included policies calling for the establishment of a **minimum 35 acre-lot size in most unincorporated areas outside CSAs**, consistent with Senate Bill 35. Recognizing that this was authorizing a dramatic shift in land use regulations that would have its greatest direct impact on the farming community, the Plan's policies also called for the creation of the **NonUrban Planned Unit Development, or NUPUD**. This land use option, requiring discretionary review and action by the county Commissioners, permitted density bonuses on parcels of 35 acres and larger so that the farmer would have an economic incentive, through a limited subdivision process to keep a major part of his or her land in agricultural production while conveying small land parcels to other interests. Accordingly, **land use regulations and a comprehensive rezoning were adopted to implement the Plan's policy direction.**

pg PPA-3

**ISSUES Loss of Agricultural Lands & Open Space.** Land valuable for agriculture, wildlife habitat, flood control and other natural resources may be jeopardized. In addition, the county has **consistently lost agricultural operations and farmland to both development pressures and annexations.**

pg PPA-4

## **POLICIES**

PPA 1.01 Geographic Scope and Vision for Plains Planning Area. **Land located outside CSAs** and east of the Forestry zoning district, should be designated as the Plains Planning Area, and **should remain rural**. Urban services should not be extended into the Plains Planning Area, and **zoning should continue to prohibit urban development and densities**. Land uses within the Plains Planning Area should continue to

be related to **agricultural activities**, environmental resource protection, **low density residential development** and other activities consistent with the rural character of the county.

PPA 1.03 Guidelines for Land Use Proposals...

b) **Preservation** and utilization of **agricultural lands**, or when applicable, the preservation of other environmental resources

d) **Minimizing** potential **negative impacts** on surrounding lands, **including agricultural land**, attendant agricultural uses, and established neighborhoods and other adjoining or nearby development and land uses.

pg PPA-5

PPA 2.03 Conservation Easements. **Conservation easements** pursuant to CRS 38-30.5-101 through 110, as amended, or other legally accepted methods between the county and landowners, should continue to be **the acceptable development control, for the purpose of preventing additional parcel division or development of lands committed for agricultural activities**, environmental and historic resource protection, and other activities consistent with the rural character of the county.

PPA 2.04 **NUPUD** and NCNUPUD Proposals. NUPUD & NCNUPUD proposals should only be supported in the Plains Planning area as a **means of preserving and conserving large tracts of land identified in the Boulder County Comprehensive Plan as possessing significant environment features, including but not limited to significant agricultural land and sensitive or important ecosystems.**

PPA 3.04 **Location Limits** for Proposals. Except as provided for in PPA 3.05, land use proposals requesting additional density as receiving sites through the **density transfer process should not be located on Nationally significant agricultural land**, sensitive areas, critical wildlife habitats or corridors, designated open space, or other lands and locations as from time to time identified.

IV Longmont, Lyons Subregion Specific to the Longmont Community Service Area.

pg LO-2

LO 1.02 Designation and **Protection of Agricultural Land Uses**. It is the policy of Boulder County to designate the character and form of land

uses within the Subregion (**outside of the adopted Community Service Areas**) as being agricultural in nature and to **project continual agricultural usage** throughout the planning period. Future land use decisions that occur outside of designated Community Service Areas shall be consistent and harmonious with the agricultural character of the land and with the provisions of the Agricultural Policies of the Plan, including those **specifying non-urban residential density**

**LO 1.03 Resolving Conflicts Between Existing Zoning and Future Land Use.** Many land use and zoning decisions have been made in the past 12 years without the use of a comprehensive plan to guide in the formulation of such decisions. With the development of the goals and policies of the Boulder County Comprehensive Plan, it is clear that many past decisions now conflict with the underlying plan **objective of channeling urban growth into Community Service Areas while preserving the surrounding agricultural land.** To rectify these obvious conflicts between existing zoning and future land use, it is the policy in this subregion to modify the existing zoning pattern to **reflect the present and future use of the county's agricultural lands.**

#### **7) View Protection Corridor from BCCP**

Map 33. About one mile of Airport Road from Pike Rd south to Rt. 119 was designated as a **View protection Corridor.** An approximately one half mile section from Pike Road south has been severely compromised. Both the Kamemoto property and the West View Acres property are along this corridor.

pg PH-3

1992: Establishment of view protection overlay district

1994: Established Natural Resources View Protection Overlay District  
pg OS-2

**Conserve** rural character of the unincorporated county, **scenic corridors**, and community buffers to ensure community identity and **prevent urban sprawl**

pg OS-5

**OS 1.02.01.** To the extent possible, the county shall **avoid, minimize, or mitigate impacts on views from view protection corridors**

including, but not limited to, those shown in mapping that accompanies this element.

Pg TR-4

TR 6.01 Manage Rural Roads to Preserve Rural Character.

- **minimize adverse scenic and environmental impacts,**

pg TR-5

TR 6.03 **Prohibit Improvements with Unacceptable Impacts.** After considering reasonable mitigation, transportation system facilities and access improvements may be prohibited. This may include improvements on public and/or **private lands that cause unacceptable impacts to the natural environment, including scenic views** and rural character....

pg TR-6

TR 8.03 **Preserve View Corridors. Prevent the disruption of scenic views** by transportation improvements. Promote overlooks, trails, and turnouts on recreational routes and in unique scenic areas.

pg CW-5

6. Protect Natural Landmarks. Boulder County shall continue to protect prominent natural landmarks and other **unique scenic, visual and aesthetic resources** in the county.

pg ER-3

However, the single criterion for designation shall be **its visual and scenic prominence as a landscape feature**. They provide a record of Boulder County's natural heritage.

pg ER-4

Boulder County shall continue to protect prominent natural landmarks and other **unique scenic, visual and aesthetic resources** in the county.

pg ER-5

ER 1.04 Scenic Vistas. **Scenic vistas shall be preserved as much as possible in their natural state.**

pg GE-7-8



GE 4.02 Priorities for Most Effective Performance Technologies and Practices. Areas where the county has an interest in assuring that the most effective performance technologies and practices are applied include, but may not be limited to:

**o) Visual impacts and preservation of scenic views**

pg SMM-4

b) Ensure that facilities or operations are planned, located, designed, and operated **to prevent and divert unacceptable** air, water, noise and **visual pollution**.

pg SU-7

Goal 10. **Protect Natural Assets**. The county's rich and varied natural features, **scenic vistas**, ecosystems, and biodiversity should be protected from further intrusion, disruption, consumption and fragmentation. SU 1.02 TDR Program Objectives. This TDR program should consider facilitating the attainment of any or all of the following objectives:

- **preserving vacant lands** identified in the Comprehensive Plan as **having significant** environmental, agricultural, **visual** or cultural **values**;
- **protecting and securing scenic corridors and vistas**;

pg SU-9

SU 1.12 **Structure Size Limitation** Analysis. An analysis should be conducted to determine whether the regulation of structure size is appropriate to meet the stated goals of the Comprehensive Plan...locations within the unincorporated areas relative to existing development patterns, **established rural character, scenic/natural/resource values, visual impacts....**

pg PPA-3

**From:** [vic pizzo](#)  
**To:** [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Kanemoto Estates Conservation Easement Termination (bouldercounty.gov)  
**Date:** Tuesday, March 14, 2023 9:08:14 AM

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To the Longmont City Council, Planning Department, and Boulder County at large:

I would like to know the origin of the idea that the City of Longmont **MUST** build new housing and even expand into County land in the process. Historically, development has occurred in response to the free market seeing a need and working with local government elements to expand housing opportunities to meet those needs. However, here we see a City housing authority (abetted by County bureaucrats) deciding in and of themselves how many units of what kind **MUST** be built to meet some plan that they themselves have devised. Where is the authority to engage in such activity? Are there some graven stone tablets somewhere that the City has obtained from a Higher Authority? Has the City Council not considered the quaint idea that many, many citizens (who they are *supposed* to represent) might not find the current plans anathema?

More simply, what are we doing, building frenetically with no real mandate to do so? Is it just the easy tax money, or some mis-begotten idea that growth itself is good? Do we need to impose a mini-Detroit on pristine open land, or an assortment of such out-of-place developments on any accessible plots of land within the City? Cannot the City planners develop integral City land in a more rational way, or are they driven by some unspeakable - and irrational - urgency? Is it all about the perception of **easy** money?

Be aware also, of the proposed, incipient desecration of virgin land that should - to any reasonable, sentient mind - remain agrarian, to sustain the enjoyment of future generations of Longmont citizens and their children. There are sizeable plots of land within the City or immediately integral to it, with much better transportation access, that could be developed by the free market - in conjunction with inspired City planning - to provide a steady, commensurate supply of new housing.

Moreover, developing any part of Longmont with such total disregard for traffic impacts is intolerable and must be vociferously opposed. In particular, the Airport/Colorado 119 intersection is a major concern. Already 119 has been identified as the most perilous route in Boulder County, yet the City plans to dump traffic associated with upwards of 400 new housing units into a known dangerous situation. Such behavior is simply unconscionable and must not be tolerated by the citizenry.

The City must avoid any "nimby" tendencies in their planning, given most planners do not reside anywhere near the proposed monstrosity on South Airport. The voters will not soon forget the traffic impacts imposed by woefully poor planning and will hold those who are responsible for it to task - You can bet on that!

**From:** [smith.lakota](#)  
**To:** [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Boulder County Planning Commission NOT TERMINATE a Conservation Easement for Lefthand Ranch LLC, Development  
**Date:** Monday, March 13, 2023 7:38:44 PM

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March 13, 2023

I am requesting the Boulder County Planning Commission **NOT TERMINATE** a conservation easement which would open the door to annexation and development of a large neighborhood on a parcel just outside of Longmont.

The easement in question sits southwest of Longmont, on unincorporated Boulder County land, about a half mile north of the Colo. 119 and Airport Road intersection. The applicant and owner of Kanemoto Estates, Lefthand Ranch LLC, is proposing to annex the 40 acres into the city of Longmont. This development would be considered a mixed residential community that would be called Somerset Village, which as planned, includes single family and paired homes, four-plexes and flats along with community amenities. The Kanemoto Estates subdivision was approved by the county in 1982, creating two parcels of 3.9 and 5.6 acres, each with one house, and a 29-acre out-lot that was granted a conservation easement, according to county documents.

The out-lot was placed into a conservation easement, which typically designates an area to be open space in **PERPETUITY**. However, this easement included language to allow for termination should the county later decide that future development of the property would be appropriate with the comprehensive plan, according to county documents. This development is **NOT APPROPRIATE WITH THE CURRENT COMPREHENSIVE PLAN**.

To proceed with the development as proposed, the conservation easement must be terminated. Lefthand Ranch wants to develop the property within Longmont's jurisdiction, so the property would have to be annexed by the city. This will not proceed if the easement is discontinued. Decisions on the annexation, zoning and redevelopment of the site would be made by the city once a decision on the conservation easement termination has been made by the county. As this zoning does not meet the current conservation easement, termination should not be approved.

Please note that neighbors are raising concern over the loss of open space and worries about the consequences of continued development in the county. Randall Weiner, an attorney representing a coalition of Longmont citizens residing near the area known as Keep Airport Road Environmental and Safe, or KARES, sent a letter to the Boulder County Planning Commission arguing against the termination. In his letter, Weiner argues that the termination would not be consistent with the Boulder County Comprehensive Plan and that ending the conservation easement would be an invitation to terminate other conservation easements in Boulder County.

"Known for its natural beauty, Boulder County should not sacrifice its scenic open spaces for commercial development," the letter said. "The clearing of vegetation, followed by the construction of a mini-city on the outskirts of Longmont with increased traffic, density and sprawl will of course create significant environmental impacts." Weiner also noted that identifying the Kanemoto Conservation Easement as a future development sight in 1996 was **ITSELF UNLAWFUL AND IN VIOLATION OF BOULDER COUNTY'S COMPREHENSIVE PLAN**.

Thank you for your time and consideration of **NOT APPROVING** the conservation easement.

Regards,

Wayne Smith

2807 Lake Park Way

Longmont, CO 880503

(303) 776-5986

lakota2807@yahoo.com



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**From:** Annmarie Jensen <[annmariejensencolorado@gmail.com](mailto:annmariejensencolorado@gmail.com)>

**Sent:** Tuesday, March 14, 2023, 7:15 PM

**To:** Jack Bestall <[jack@bestallcollaborative.com](mailto:jack@bestallcollaborative.com)>

**Subject:** Letter of support

To BOCO Planning Commission,

As an advocate for affordable housing, I encourage you to support vacating the conservation easement for Somerset Village. As Longmont tries to meet its sustainability goals, and its goal of 12% affordable housing, we know that large lot, suburban style development cannot be the only way that a City grows. We need a variety of housing options, and we need options that are near transit, as this project is, that allow people to get out of their cars. If we are to meet our climate goals, we need housing options that allow us to get out of our cars. It seems that some neighbors want only single family residential development, but this is the most costly type of development in terms of both emissions and public infrastructure. The state agencies responsible for development have determined that single-family residential development frequently does not pay its own way.

<https://energyoffice.colorado.gov/sites/energyoffice/files/documents/FINAL%20Land%20Use%20Research%20Report%207.19.22%20-%20For%20Release.pdf>

It costs more for the services and infrastructure to such development than the development pays in taxes. So, that type of development is subsidized by other taxpayers. Somerset Village is an opportunity to be creative, to create, in very close proximity to other developments, some affordable housing, and allow people to access transit, in an attractive neighborhood. The conservation easement needs to be vacated for this project to go forward, and the easement does not appear to contribute substantially to our open space, wildlife corridors, or agricultural purpose. This area already has a lot of development and this project is precisely the kind of development that Longmont needs. ECHO asks for your support.

Annmarie Jensen (she/her/hers) checkout ECHOCOLORADO.COM  
720-999-4765

**From:** [Janette Fetter](#)  
**To:** [LU Land Use Planner](#)  
**Subject:** [EXTERNAL] Kanemoto conservation easement  
**Date:** Tuesday, March 14, 2023 4:32:28 PM

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Hello,

I am an owner in the Cover Creek neighborhood. I have many concerns about the development of Kanemoto property.

First, the influx of traffic this proposed development would bring to the area. Cover Basin and Airport have anyway seen a few children hit by cars. The extra traffic to Airport Rd would be taxing to the already heavily used commuter road. Not to mention putting more traffic onto the Diagonal, which is the most accident-prone road in Boulder County.

Second, as an owner in the neighborhood next to the proposed development, there has been talk of diverting traffic into our neighborhood. I am concerned about the safety of the neighborhood children. Many walk and play in the area because of our community parks and community pool, not to mention the location to the local schools, but adding extra traffic through this area would make it harder for those children to have the free reign to safely play in an already potentially hazardous environment. I say this because a bus stop that didn't exist until last year, when the bus driver decided to make an extra stop because they didn't want the elementary kids crossing Pike to get to their scheduled pick up location. This bus driver saw and knew of the already potential hazard of kids crossing Pike Rd.

Third, when many of our neighbors bought their houses, including ourselves, in this surrounding community, they did it knowing the Kanemoto property couldn't be developed on. This was a welcomed plus, knowing that conservation of that land would make our property values higher, making the area less burden by heavy traffic, and as someone who values nature conservatory, make a small area more of a safe haven to our wildlife. For living in suburbia, it isn't everyday one gets to see a fox, a bob cat, hawks training their fledglings, and occasionally a lynx, just to name a few of the rarer wildlife.

Please keep this area as an open space and do not allow such a high population development to land in one of the last remaining open areas to disappear.

Thank you  
~Janette Fetter

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