



**CITY OF BOULDER
ENVIRONMENTAL ADVISORY BOARD MEETING AGENDA**

DATE: June 1, 2016

TIME: 6 pm

PLACE: 1777 Broadway, West Conference Room

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
 - A. The [May 4, 2016](#) Environmental Advisory Board meeting minutes are scheduled for approval.
- 3. PUBLIC PARTICIPATION**
- 4. PUBLIC HEARING ITEMS**
- 5. DISCUSSION ITEMS**
 - A. [Boulder Valley Comprehensive Plan Update](#) (6-6:30 – Lesli Ellis)
 - B. [Universal Zero Waste Ordinance Update](#) (6:30-6:45 – Kara Mertz)
 - C. [6400 Arapahoe Development Plan](#) (6:45-7 – Kara Mertz)
- 6. OLD BUSINESS/UPDATES**
 - A. City/CPW Meeting Attendance by BBC (7-7:05 – Sandy Briggs)
- 7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY**
 - A. Continued Joint Board Open House Discussion (7:05-7:45 – All)
- 8. DEBRIEF MEETING/CALENDAR CHECK**
- 9. ADJOURNMENT**

For more information call (303) 441-1931. Board packets are available after 4 pm Wednesday prior to the meeting, online at www.bouldercolorado.gov.

**CITY OF BOULDER ENVIRONMENTAL ADVISORY BOARD
MEETING GUIDELINES**

CALL TO ORDER

The board must have a quorum (three members present) before the meeting can be called to order.

AGENDA

The board may rearrange the order of the agenda or delete items for good cause. The board may not add items requiring public notice.

PUBLIC PARTICIPATION

The public is welcome to address the board (three minutes* maximum per speaker) during the Public Participation portion of the meeting regarding any item not scheduled for a public hearing. The only items scheduled for a public hearing are those listed under the category PUBLIC HEARING ITEMS on the agenda. Any exhibits introduced into the record at this time must be provided in quantities of eight to the Board Secretary for distribution to the board and admission into the record.

DISCUSSION AND STUDY SESSION ITEMS

Discussion and study session items do not require motions of approval or recommendation.

PUBLIC HEARING ITEMS

A Public Hearing item requires a motion and a vote. The general format for hearing of an action item is as follows:

1. Presentations

- Staff presentation (15 minutes maximum*) Any exhibits introduced into the record at this time must be provided in quantities of eight to the Board Secretary for distribution to the board and admission into the record.
- Environmental Advisory Board questioning of staff for information only.

2. Public Hearing

Each speaker will be allowed an oral presentation (three minutes maximum*). All speakers wishing to pool their time must be present, and time allotted will be determined by the Chair. Two minutes will be added to the pooled speaker for each such speaker's allotted time up to a maximum of 10 minutes total.

- Time remaining is presented by a green blinking light that means one minute remains, a yellow light means 30 seconds remain, and a red light and beep means time has expired.
- Speakers should introduce themselves, giving name and address. If officially representing a group please state that for the record as well.
- Speakers are requested not to repeat items addressed by previous speakers other than to express points of agreement or disagreement. Refrain from reading long documents, and summarize comments wherever possible. Long documents may be submitted and will become a part of the official record.
- Any exhibits introduced into the record at the hearing must be provided in quantities of eight to the Board Secretary for distribution to the board and admission into the record.
- Interested persons can send a letter to the Community Planning and Sustainability staff at 1739 Broadway, Boulder, CO 80302, two weeks before the Environmental Advisory Board meeting, to be included in the board packet. Correspondence received after this time will be distributed at the board meeting.

3. Board Action

Board motion. Motions may take any number of forms. Motions are generally used to approve (with or without conditions), deny, or continue agenda item to a later date (generally in order to obtain additional information).

- Board discussion. This is undertaken entirely by members of the board. Members of the public or city staff participate only if called upon by the Chair.
- Board action (the vote). An affirmative vote of at least three members of the board is required to pass a motion approving any action.

MATTERS FROM THE ENVIRONMENTAL ADVISORYBOARD, CITY MANAGER, AND CITY ATTORNEY

Any Environmental Advisory Board member, City Manager, or the City Attorney may introduce before the board matters which are not included in the formal agenda.

ADJOURNMENT

The board's goal is that regular meetings adjourn by 8 p.m. Agenda items will not be commenced after 8 p.m. except by majority vote of board members present.

*The Chair may lengthen or shorten the time allotted as appropriate. If the allotted time is exceeded, the Chair may request that the speaker conclude his or her comments.

**CITY OF BOULDER, COLORADO
BOARDS AND COMMISSIONS MEETING SUMMARY**

NAME OF BOARD/COMMISSION: Environmental Advisory Board

DATE OF MEETING: May 4, 2016

NAME/TELEPHONE OF PERSON PREPARING SUMMARY: Sandy Briggs, 303-441-1931.

NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:

Environmental Advisory Board Members Present: Tim Hillman, Morgan Lommele, Brad Queen, Karen Crofton and Christina Gosnell.

Staff Members Present: Brett KenCairn, Casey Earp, Mackenzie Boli and Sandy Briggs

MEETING SUMMARY:

❖ **Draft Resilient Strategic Plan**

- The lack of modeling and a quantitative approach was identified, along with the need for stress tests and scenario planning.
- It was suggested that clearly capturing the identification and prioritization of vulnerabilities in the document before creating strategies for addressing them could be a more useful framework for discussion.
- The board asked about engagement and how the actions came about chronologically with results of the community risk assessment.
- The board agreed that the city should look towards creating a full Resiliency Department that isn't just a "grafting in" of a whole new mission to existing departmental structure.
- It was suggested that strategic planning around resiliency could be measured with an actuarial model.
- It was also suggested that delineating more clearly how the strategies are tied to the challenges would be helpful. This could be accomplished by placing the identified challenge icons near the descriptions of the strategies.
- Tangible first steps and clear messaging emerged as over-arching necessities.
- Case studies were suggested as a potential framework for answering the "whys" and justifying the strategies.
- The board expressed concerns about so many large initiatives losing the attention of the public and reiterated the need for clear communication from staff, consistent messaging and to facilitate the evolution of the various initiatives into a more unified approach.

❖ **Fourmile Canyon Creek CEAP Draft Document and Flood & Greenways Capital Improvement Program**

- The board found these memos difficult to parse and felt the information was too abstract for text only.
- The Greenways Advisory Committee's (GAC) EAB Representative, **M. Lommele**, may not be available to attend the GAC meeting this month and requested another volunteer.
- The board would like additional direction and visual details (photos, maps) relating to the memos in order to provide constructive feedback.
- **S. Briggs** will request this information and provide it to the board prior to the GAC

meeting in case someone is able to attend.

1. CALL TO ORDER

Environmental Advisory Board Chair **T. Hillman** declared a quorum called the meeting to order at 6:02 pm.

2. APPROVAL OF MINUTES

On a motion by **B. Queen**, seconded by **K. Crofton**, the Environmental Advisory Board voted 5-0 to approve the April 6, 2016 meeting minutes as amended.

3. PUBLIC PARTICIPATION

None.

4. PUBLIC HEARING ITEMS

A. Draft Resilient Strategic Plan (C. Earp)

Casey Earp, Assistant City Manager, provided a broad overview of the Draft Resilient Strategy and requested board feedback on behalf of Chief Resilience Officer Greg Guibert. The open public comment period is now through May 20, there is a Council Study Session on May 26, and adoption is sought in August.

The project, started in 2014, is funded for two years by the Rockefeller Foundation through its 100 Resilient Cities initiative. Boulder was one of the first of these chosen 100 cities to proceed with writing a strategic plan.

Due to the unavoidable impacts to the community, shocks and stresses – and the linkages between them – were identified as two of the most important areas to address.

What a Resiliency Plan is NOT was clarified, and that it is a conceptual strategy that will evolve and iterate over time was emphasized.

One of the bigger challenges of the project was to create a comprehensive community assessment stemming from 18 months of public engagement.

Within the larger conceptual framework, three broad strategies for action emerged:

- Connect and Prepare
- Partner and Innovate
- Transform and Integrate

Investing in the future (called the “Frontier” in the draft document), was identified as a main point to emphasize under each strategy.

The following questions were asked of the board:

- Is anything important missing from the draft strategy?
- Are there actions that align well with your strategic roadmap?

The board’s comments are captured in the meeting summary.

5. DISCUSSION ITEMS

A. Fourmile Canyon Creek CEAP Draft Document (All)

A memo was provided in the packet for board review.

The board’s comments are captured in the meeting summary.

B. Flood & Greenways Capital Improvement Program (All)

A memo was provided in the packet for board review.

The board’s comments are captured in the meeting summary.

6. OLD BUSINESS/UPDATES

- ❖ It is still to be determined what the schedule is and whether public attendance will be allowed at the Colorado Parks & Wildlife meetings regarding bear management. **S. Briggs** will determine the CPW meeting schedule and protocols and report back to the board and community members **B. Lee** and **O. Fazioni**.

7. MATTERS FROM THE ENVIRONMENTAL ADVISORY BOARD, CITY MANAGER AND CITY ATTORNEY

- A. M. Lommele** heard from a resident who feels the County EV incentives are being incorrectly advertised as a completely funded program. There has been some confusion regarding the negotiated group purchase discount on electric bicycles and which vendors are directly involved, or not, and from where the funding comes. Brad Smith with Boulder County is the main contact regarding these incentives. **M. Lommele** will follow-up with the community member to explain.

B. Portland/Eugene Trip Report Back (B. Queen)

B. Queen shared his observations with the board and mentioned that while there was not too much about the trip that falls under the EAB's purview, it was an interesting delegation full of productive interaction.

He was impressed by Eugene City Council Member Chris Pryor, who echoed similar challenges in Eugene with what the EAB believes is a central issue in Boulder – public engagement.

Because of this connection regarding concerns about the lack of community outreach, public engagement and clear messaging, he felt making the trip was productive for not only himself, but he was also encouraged to see some of Boulder's council members engaging in discussions around the EAB's main concern.

He added that the political wrangling about the trip was way off base and he believes it served a useful and productive purpose.

C. Joint Board Open House Debrief (All)

The board discussed observations and outcomes stemming from the Joint Board Open House held last week.

The general consensus was that all the boards were receptive and appreciative, and the meeting allowed their members to conceptualize their mandates from a different frame of mind.

It was also agreed that the full measure of the meeting's success will be in the EAB's follow-up.

The overall takeaways and next steps are:

- A joint meeting of boards with overlapping purviews is recommended every year, if not more frequently, with the hosting board rotating.
- Council should mandate sustainability issues be considered by every board regularly in their day-to-day decisions.
- It would be useful to identify topics in the Climate Commitment Document specific to each board's purview that would help their members focus on those areas directly.
- A list of prioritized, overlapping, board-specific topics could be created and shared with other board's staff liaisons and secretaries for inclusion on their future

agendas for discussion and action.

- Landmarks and Planning Boards have unique challenges. The Landmarks Board charter makes energy efficient upgrades difficult to approve while still preserving historical significance. Planning Board doesn't feel they have the latitude or tools to make decisions with their own discretion since the process is driven by statute and regulation. They suggested a new approach that would include cursory, advisory reviews of projects brought before them by the EAB and Transportation Advisory Board.
- **B. Queen** will learn more about how Planning Board processes work in order to determine how the rubric might be changed.
- Each board member will prepare a proposition for what their assigned board should prioritize on its agenda and report back at next month's meeting.

8. DEBRIEF MEETING/CALENDAR CHECK

A. Boards & Commissions City Council Subcommittee meeting attendance

Any meeting from July through the end of the year is good to host subcommittee members Matt Appelbaum and Jan Burton. **S. Briggs** will inform CMO and/or invite them directly.

B. **S. Briggs** reminded the board about the Boards & Commissions Appreciation Event on May 12 from 5:30-7:30 at eTown Hall. **B. Queen** will attend but the other board members are unavailable.

C. **M. Lommele** intends to attend all meetings, only depending on the timing of her new baby's arrival.

D. **T. Hillman** will be available for the June and July meetings.

9. ADJOURNMENT

The Environmental Advisory Board adjourned at 8:01 pm.

Approved:

Chair

Date

BOARD AGENDA SUBMISSION SHEET

Staff:

In our ongoing efforts to streamline and improve Environmental Advisory Board (EAB) processes, we are requesting every staff person wishing to present to the EAB complete and submit this document no later than two weeks prior to their presentation date.

If a recommendation is sought, please also forward a resolution letter or draft motion for inclusion in the meeting packet.

Please email this completed page and resolution letter/draft motion (if applicable) to Sandy Briggs (BriggsS@bouldercolorado.gov) at least two full weeks prior to your attendance date.

Contact Sandy Briggs (x1931) or Brett KenCairn (KenCairnB@bouldercolorado.gov, x3272) should you have any questions.

Thank you.

Meeting Date: June 1, 2016

Subject: Environmental portions of Boulder Valley Comprehensive Plan

Type: Action (if board needs to vote) _____ Information (If presentation is for information only) X

If an action item:

___ Do you have a motion drafted for consideration?

___ If not, when do you need a motion completed and voted on? By _____

For all items:

What do you want to achieve through this presentation to the board?

Provide information about Boulder Valley Comprehensive Plan update and sections of the plan related to Climate, Energy, and Resilience, and Natural Environment policies that are a work in progress and hear feedback about the same.

Your name: Lesli Ellis

Date: May 26, 2016

Plan Policy Integration Outline – WORK IN PROGRESS (05/12/16)

Multiple city and county departments have contributed to this outline to ensure policies in the Boulder Valley Comprehensive Plan align better with adopted master plans and to identify emerging areas of work. This annotated outline includes initial proposed policy updates for the Natural Environment and Energy and Climate chapters. Further input from city and county staff, leadership, and public, and other suggestions from the Resilience Assessment (HR&A consultants) will help staff finalize a full outline of proposed changes to the BVCP plan. Additionally, the chapters may get reorganized based on the proposed Plan Outline.

3) NATURAL ENVIRONMENT

The changes to this chapter reflect work since the 2010 Plan including:

- The city currently is working on updates to its Integrated Pest Management policy, an Urban Forest Strategic Plan, the Resilience Strategy, and draft Climate Commitment.
- The city adopted the Bee Safe Resolution (2015) banning the use of neonicotinoids on city property and a Bear Protection Ordinance to secure waste from bears (2014). The county adopted a resolution to reduce and eliminate pesticide use to protect both people and pollinators (2015).
- Boulder County adopted the Environmental Resources Element of the Boulder County Comprehensive Plan (2015) and is currently working on policy related to Genetically Modified Organisms in the county.
- The city will be developing an Open Space Master Plan (2017).
- Boulder County is analyzing on how to address local oil and gas regulations, and looking at potential policy updates to better align the Fourmile Canyon Creek Watershed Master Plan (2015), Boulder Creek Watershed Master Plan (Urban Drainage and Flood Control District, 2015), and Consortium of Cities Water Stewardship Task Force Final Report (2013).

Proposed Changes to Introductory Paragraph

Update to reflect language about “ecosystems services” and resilience related to future stressors.

Proposed Policy Updates

- **Policy 3.03: Natural Ecosystems** – add language that also addresses “county critical wildlife habitats/migration corridors, environmental conservation areas, high biodiversity areas, rare plant areas, and significant natural communities” to provide clarity. (OSMP suggested addition)
- **Update Policy 3.04: Ecosystems Connection and Buffers** – address role of urban areas as “crucial for supporting biodiversity and maintaining wildlife habitat. Every effort should be made to optimize the quality and quantity of habitat on public lands and provide connections and corridors within the urban built environment to natural lands to support the movement of native organisms.” Note also the importance of buffers to mitigate impacts of urban and intensive land uses and human activity on natural areas. (Urban Wildlife Management Plan, IPM, and OSMP staff)
- **Update Policy 3.07: Invasive Species Management** – address management of both non-native and non-local native species using a cost-benefit ratio that includes documented threats to species of concern specific to each site, acknowledging that some non-native species may have become naturalized. Management should also take into account changing species composition due to climate change and other human impacts, as well as the potential benefit and ecosystem services that are provided by each organism, based on the best available science. (IPM program, OSMP)
- **New policy: “Climate Change Preparation and Adaptation”** - address Ecosystems and Biodiversity that will address future warming climate, aridification, and changes to the Boulder Valley ecosystems and vegetation and wildlife changes. The city and county will need to allow or facilitate ecosystems transition to new states in some sites and increase the stability and resiliency of the natural environment elsewhere as well as address the visitor experience in open space. (OSMP, Climate Commitment)
- **Update Policy 3.10: Urban Environmental Quality** – clarify language regarding when it is practicable to improve urban environmental quality

- **Update Policy 3.11: Urban Forests** - note that that the pending Urban Forest Strategic Plan will guide urban forest management. (Note: City is currently preparing the Urban Forest Strategic Plan.)
- **Update Policy 3.13: Integrated Pest Management** – reflect recent directions in integrated pest management toward thriving ecosystems and using more natural management processes to lower pest pressures. (City’s IPM program, county working in this direction)
- **New policy: Soil Sequestration** – note that agricultural and other land management practices may be used to sequester carbon out of the atmosphere as a possible strategy to stabilize the climate, and this should be addressed through more research within other master plans. (Boulder County also studying this topic, is in support of it and trying to find specific ways to implement it.)
- **Slight update to Policy 3.14: Unique Geological Features** – add “public land management” as one of the means noted.
- **Modify Policy 3.15: Mineral Deposits** – add language regarding how to evaluate mineral resources and extraction needs along with other community values such as community and environmental health, and carbon emission reduction. (Climate Commitment, and OSMP plans)
- **Policies 3.17 through 3.23 (Hillside Protection, Wildfire Protection and Management, Preservation of Floodplains, Flood Management, Non-Structure Approach, Protection of High Hazard Areas, and Larger Flooding Events)** – Consider separating these policies under a new “Geologic Features and Flood Hazards” subsection. Office of Emergency Management and Utilities staff will review.
- **Policies 3.24 through 3.29**, under Water and Air Quality, are consistent with the Water Utilities Master Plan and do not need revisions.
- **Policy 3.30: Protection of Air Quality** - should be checked by Transportation staff and the county.

Emerging Issues Related to Natural Resources and Environment

The combined impacts of continued development and climate change will have significant impacts on the natural environment. Effectively managing these impacts will require enhanced capabilities to monitor the health and function of ecological systems as well as a coordinated strategy for managing these impacts. A few emerging issues have been identified for additional work over the next five years. These include:

- **Establish Baseline Monitoring** - for soil health and other ecosystem dynamics that are likely to be impacted by climate change and development.
- **Coordinate Research** - coordination of research on strategies to support ecosystem adaptation to climate change and other impacts that could degrade environmental health and biodiversity. Address “natural disturbance regimes” as goal for maintaining and restoring.
- **Urban Ecosystems Management Strategy** - prepare urban ecosystems management strategy or plan that would provide a systematic foundation for coordinating “green infrastructure” plans and urban ecosystem management with the surrounding rural, agricultural and wildlands ecosystems in ways that enhance the environmental health, biodiversity, resilience of the entire natural environment of the Boulder Valley. Having such a strategy in place may better enable the city/county to qualify for reconstruction funding to reconstruct green infrastructure or restore ecosystems after a disruptive event.
- **Soil sequestration** – address this and other climate strategies relating to ecosystems (as noted above.)
- **Refresh Boulder Valley Natural Ecosystems Map** – This map hasn’t been updated for over 15 years and should locate high priority ecological features and connectivity corridors. Also, the Natural Ecosystems overlay (Environmental Resources Element of the plan that used to be on the website but is no longer available) needs to be refreshed.
- **Update language in Hillside protection** - Add language that explains “risk of earth movement and/or mud slides under adverse weather conditions, and need to pay special attention to soil types and underlying geological strata during planning, design and construction of any development on or at the base of hillsides.
- **Groundwater** – In recent years, the community has recognized issues related to groundwater such as excess water during flood events, dewatering, and potential for contamination.
- **Citizen Science Data Collection**

4) ENERGY AND CLIMATE

Reorganize the chapter to reflect Boulder’s Climate Commitment (draft Oct. 2015), and reflect ongoing work being done related to Boulder’s Energy Future, building codes, and Zero Waste Strategic Plan (2015). Boulder County suggests additional alignment with several plans and policies including:

- Zero Waste Action Plan (2010),
- Environmental Sustainability Plan (2012),
- Solid Waste Element of the Comprehensive Plan (is in the process of being updated in 2016)

The following plans may also be relevant in a resilience section:

- OEM’s All-Hazards Recovery Plan (2013),
- Boulder Recovery Plan Support Annex A – Damage Assessment (2013),
- OEM’s Emergency Operations Plan (2014),
- Disaster Debris Management Plan (2016), and

Proposed Changes to Introductory Paragraph

Add language that reflects the Climate Commitment goals and co-benefits to the community of transitioning to a clean energy economy and lifestyle, such as:

- Boulder will reduce its energy-related emissions 80 percent or more below 2005 levels by 2050.
- Boulder’s transition to clean energy through innovative strategies, products and services are aimed to dramatically reduce greenhouse gas emissions, enhance community resilience, enhance local environmental health and diversity, and support a vital and equitable economy.
- Boulder’s vision is to become a leader in the development, implementation and export of renewable energy and emissions reductions programs that create local economic opportunities, enhance community well-being and resilience, and inspire and enable other communities to participate in reducing carbon emissions and stabilizing the climate.

Topics to organize the chapter include:

Energy – Transforming the whole energy system

- High Performance Buildings (i.e., Building codes and ordinances, Energy Smart/PACE)
- Clean Mobility (Transportation Master Plan, implementation)
- Clean Energy Sources (Utility strategy – municipalization, capital and pilot projects)

Resources – Using resources wisely

- Waste (Zero Waste Plan)
- Water Use (Water Utilities Master Plan) (*Note: this topic is currently in the Natural Environment chapter.*)
- Food (Local food strategy) (*Note: this topic is currently addressed in its own chapter.*)

Ecosystems – Restoring Ecosystems

(*Note: the following topics are addressed in the Natural Environment chapter.*)

- Urban Ecosystems
- Wildland Ecosystems (Parks and Recreation Master Plan (2013), Urban Wildlife Master Plan; and ongoing or upcoming: Open Space and Mountain Parks Master Plan, Urban Canopy Plan)
- Agricultural Ecosystems

Proposed Policy Updates

Align the policies with Boulder’s Climate Commitment which includes emissions reduction targets and is organized around three themes: (1) Energy, (2) Resources, and (3) Ecosystems. Replace the headings “Climate Action and

Greenhouse Gas Emissions,” “Energy Conservation and Renewable Energy,” and “Land Use and Building Design” with those topics.

- **Policy 4.01: Greenhouse Gas Emissions** – replace with “reduce energy-related emissions” and goal “to rise to the climate challenge, and power a vibrant future...” “Boulder will reduce its energy-related emissions 80 percent or more below 2005 levels by 2050.”
- **Policy 4.02: Climate Adaptation Planning** – move this policy to the end of the chapter and replace with resilience policies as suggested through the HR&A Assessment.
- **Policy 4.05: Energy-Efficient Building Design** – put under new “Energy, Building” subsection and update language to reflect Net Zero Energy building goals and standards being developed.
- **Waste and Recycling Policies (4.06 and 4.07)** - update under a new “Resources” section and reflect the Zero Waste Strategic Plan (Nov. 2015) which encourages the prevention of waste and the recycling/composting of materials to ensure the efficient use of resources and reduce pollution; recognizes that the city does not have control of waste hauling; and relies on a strong network of nonprofit, for-profit, governmental and community partnerships to invest resources toward zero waste systems. Reflect the goal of 85% waste diversion in each sector by 2025 (residential single-family, residential multi-family, and commercial).

Emerging Issues

Other emerging topics to consider including in this chapter are:

- Transition to 100% clean electricity,
- Energy systems transition and utility strategy, and
- Building energy standards and timing and approach to Net Zero is in progress.
- On waste topic: There is need for market development of otherwise landfill-bound material; for processing activities to be allowed (i.e. compost sites, C&D processing facility, aggregate recycling/processing, etc.); for a temporary and/or permanent debris management site(s); and the transfer station concept in general needs to be accounted for (conservation easements and other zoning

CLIMATE, ENERGY AND RESILIENCE

The community has shown consistent support for goals and actions to reduce climate impacts and overall greenhouse gas emissions as reflected in multiple surveys and support for the climate action tax. With emerging new goals related to climate commitment, energy system transformation, and resilience, the BVCP will need to be updated to support them. More recently it's become clear that the scale of the climate challenge is greater than originally understood, and the community now recognizes the need to address adaptation and resilience – how to bounce back after a disruption such as the 2013 flood.

What does the **current plan** say?

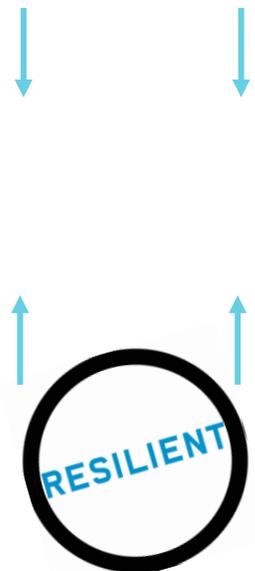
Climate Commitment

Boulder has long understood the importance of climate action and mitigation and has worked to reduce its climate impacts since the early 2000s. However, the Boulder's Climate Commitment (Oct. 2015 draft) establishes a significantly higher bar for action: "Boulder will reduce its energy-related emissions 80 percent or more below 2005 levels by 2050" ("80 by 50"). It calls for a fundamental transformation of Boulder's energy system, including a target of 100 percent clean, renewable electricity – building on improved energy efficiency in buildings and greater energy conservation. While the 2010 BVCP includes a goal to reducing greenhouse gas emissions, these more recent, broader, and more sweeping climate and energy goals are not yet reflected.

To learn more about Boulder's Climate Commitment, please visit www.bouldercolorado.gov/climate.

Resilience

Although the 2010 BVCP also does not use the term "resilience," much of the planning and actions over the past few decades (e.g., floodways and greenways planning, managing open space in the foothills, planting diverse tree species, establishing a budget reserve) has made the community more resilient and ready to bounce back in times of emergency or disruption. More recently, the 2013 flood elevated awareness about the need to be adaptable and resilient at the local level. In addition, the 100 Resilient Cities grant has brought new resources to assist in evaluating the plan and recommending how to improve it in support of more resilience and co-benefits.



What are **people** saying about **climate, energy, and resilience**? (BVCP – SECTION 1 & 5)

The Boulder community has consistently supported city-led action to reduce greenhouse gas emissions, expressed recently by overwhelming support to extend the city’s climate action plan tax in 2012 as well as in the responses to the BVCP survey from the fall of 2015 about climate action. While no specific questions in the survey asked about resilience, a few respondents noted that the plan should address resilience. Additionally, a climate and resilience survey from about one year ago suggested that most people in the community do not understand the concept of resilience, and therefore additional awareness and information would be helpful. Participants in the BVCP listening sessions from the fall of 2015 have also expressed interest in resilience.

Recent workshops and input as part of the Resilience Strategy have helped Boulder to increase its understanding about potential risks such as drought, flooding, pandemic flu, and wildfires. The community has also recognized vulnerable populations (e.g., mobile home residents, older people, and homeless and transient populations) and vulnerable systems (e.g., small business community, and some infrastructure) on which these potential risks could have a greater impact.

Recommended: **Add climate and resilience to the plan**

Climate: The Energy and Climate chapter will be updated to add language that reflects the Climate Commitment goal cited above (“80 by 50”) and its described benefits to the community of transitioning to a clean energy economy and lifestyle. The chapter will be reorganized to reflect the organizing topics of the community’s climate action plan: (1) Energy – Transforming the whole energy system, (2) Resources – Using Resources Wisely, and (3) Ecosystems – Restoring Ecosystems. Other proposed policy updates include addressing carbon sequestration in soil and developing an urban ecosystems management strategy or plan to enhance biodiversity, environmental health, and resilience of the entire natural environment of the Boulder Valley.

Resilience: Boulder’s partnership in the 100 Resilient Cities organization has allowed the city to leverage consulting resources, HR&A Advisors, Inc., which prepared a report and recommendations about how to better address resilience in the BVCP. Summary recommendations are:

1. Frame resilience as a guiding principle of the BVCP (along with sustainability) and convey a clear statement about community resilience. It should be a cross-cutting principle for the plan.
2. Encourage community and stakeholder engagement by adding new policies and directions that support risk education and preparedness.
3. Continue integrated planning across government departments and jurisdictions, institutional organizations, and the private sector.
4. Establish measurable goals and integrated implementation strategies that build resilience value in the long term.

Key Elements of a Healthy, Stable and Adaptive Community:

- ✓ Strong social networks
- ✓ Public spaces
- ✓ Resilient infrastructure
- ✓ Economic diversity
- ✓ Regional connectivity
- ✓ Good governance

Revised Topic Area Approach

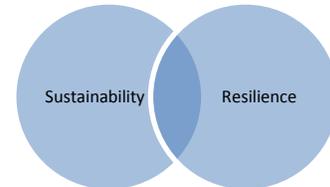


Some Resilience Themes

1. Identify Boulder's risks (e.g., drought, flooding, fire, flu, storms, infrastructure failure)
2. Strengthen linkages between protections of ecologically functioning areas.
3. Reduce risk and harm to vulnerable residents (e.g., low income people, elderly, homeless and transient populations) and some businesses.
4. Assist neighborhoods in becoming more self-sufficient and resilient.
5. Ensure that different parts of the city have access to medical facilities, food and supplies, information and communication centers, and emergency assistance during times of emergency.
6. Engage diverse stakeholders and entities to identify residents, businesses, and households most likely to be disproportionately affected by a disruption to city services.
7. Include specific action-oriented items in each chapter to address risks and vulnerable populations, for instance:
 - o New Safety and Preparedness chapter (e.g., Build community cohesion by identifying and engaging local stakeholders through regular and ongoing contact, such as programs that enable communities to organize during an emergency in a central place)
 - o Community Well-Being (e.g., Support community-level education and preparedness, community-driven communications and information dissemination, and supply provision during emergencies.)
 - o Economy (e.g., Identify policies that support small businesses in light of rising real estate costs, changing consumer behavior, and increasingly unpredictable natural risks.)

Address Sustainability Framework + Resilience

HR&A recommends framing resilience as a guiding principle of the BVCP along with sustainability. The following points highlight the distinct but complementary nature of these concepts:



- **Resilience** is the idea of the city and community being prepared for any disruption and able to bounce back stronger. It ensures responsiveness and adaptability to disruption. It builds on and complements the sustainability framework.
- **Sustainability** (building on multiple themes) ensures stability and continuity.
- **Both concepts** embody holistic points of view about the interactions of systems in a city; they are complementary. Together, they reinforce the notion that systems must be stable yet adaptable to disruption.

The "Recommendations for Resilience Integration" draft report from HR&A will be available on bouldervalleycompplan.net in late May.

Question: How would you refine and prioritize ideas related to climate and resilience for the plan update?

BOARD AGENDA SUBMISSION SHEET

Staff:

In our ongoing efforts to streamline and improve Environmental Advisory Board (EAB) processes, we are requesting every staff person wishing to present to the EAB complete and submit this document no later than two weeks prior to their presentation date.

If a recommendation is sought, please also forward a resolution letter or draft motion for inclusion in the meeting packet.

Please email this completed page and resolution letter/draft motion (if applicable) to Sandy Briggs (BriggsS@bouldercolorado.gov) at least two full weeks prior to your attendance date.

Contact Sandy Briggs (x1931) or Brett KenCairn (KenCairnB@bouldercolorado.gov, x3272) should you have any questions.

Thank you.

Meeting Date: June 1, 2016

Subject: Update on Universal Zero Waste Requirements & 6400 Arapahoe

Type: Action (if board needs to vote) _____ Information (If presentation is for information only) X

If an action item:

___ Do you have a motion drafted for consideration?

___ If not, when do you need a motion completed and voted on? By _____

For all items:

What do you want to achieve through this presentation to the board?

it's an update and request for the Board's desires for future involvement in 6400 Arapahoe conversations and land use processes.

Your name: Kara Mertz

Date: 5/19/2016

CITY OF BOULDER MEMORANDUM

TO: Environmental Advisory Board

FROM: Kara Mertz, Environmental Program Manager

DATE: June 1, 2016

SUBJECT: Update on the Universal Zero Waste Requirements and 6400 Arapahoe

PURPOSE

This item includes updates to the Board on the status of implementation of the new Universal Zero Waste requirements and a strategic development planning process for the city's property at 6400 Arapahoe. Staff is seeking to identify future opportunities for Board involvement - including interest in hosting future public hearings/input sessions to guide implementation of the zero waste requirements.

QUESTIONS FOR THE BOARD

1. **How and when do Board members want to be involved in future refinements to the Universal Zero Waste requirements? Should the EAB host community feedback forums or alternatively, should city staff host the input sessions with one or more Board members present?**
2. **Do any board members have questions or comments about the draft concepts for 6400 Arapahoe? How does the Board want to be involved moving forward?**

I. Universal Zero Waste Requirements

BACKGROUND

In June 2015, City Council passed the Universal Zero Waste requirements, adding several sections to the Boulder Revised Code (B.R.C) [B.R.C. 6-3, Trash Recyclables and Compostables](#); as well as [B.R.C. 6-12, Trash Recyclables and Compostables Hauling](#). The new sections of code (included in **Attachment A**) require that all property owners in Boulder subscribe to trash, recyclables and compostables collection service; all businesses provide bins, signs and education to their employees and customers; and all special events in Boulder are also "zero waste."

The compliance deadlines for these new requirements are as follows:

- All Property owners must provide service – or ensure tenants have access to collection service – by June 2016
- All Businesses must have bins, signs and education in place by September 2016
- All 2016 Special Events must be "zero waste" events

The city is managing the new requirements to encourage compliance – as opposed to punishing non-compliance. Toward this end, the city is offering zero waste advising, rebates and incentives to any property owner or business that is starting up collection services to comply with the ordinance requirements. The rebates are on a first-come, first-served basis while funding lasts. The city is working with Boulder County and the Partners for a Clean Environment ([PACE](#)) program to provide zero waste

advising service and compliance assistance for businesses; with Eco-Cycle for a focused outreach and assistance program for multi-family complexes; and with seasonal city staff to deliver and provide compliance and exemption assistance to property owners and businesses in the city. Additionally, there will be no fines levied until one year past the compliance deadlines.

Assistance

- **For new recycling and/or compost collection:** The city will rebate 50 percent of the costs (total rebate up to \$1,000) toward the purchase of interior bins, signs and compostable bin liners.
- **To expand collection bins to comply with the new universal zero waste requirements:** The city will rebate 50 percent of costs (total rebate up to \$500) toward the purchase of interior bins and signs. Rebates are also available to cover the purchase of compostable bin liners for food-related businesses.
- **Property manager rolling grant program:** This program will fund up to 50 percent of the cost of outdoor enclosure expansions needed to accommodate proper containers for landfill, recycling and compost collection. Grant amounts awarded subject to staff discretion.
- **Free Recycling, Composting and Landfill signs:** The city has created laminated Spanish and English signs (see **Attachment B**) free for anyone to use. They can be picked up or delivered to the requesting property. As an alternative, the city will create custom signs that show pictures of specific materials found at a business (e.g., cups, containers, packaging, etc.) to help with more accurate sorting.

Exemptions

The [City Manager's Rule](#) includes details about the implementation of new universal zero waste requirements and how to comply, including an explanation of the various possible exemptions and an explanation that in order to encourage compliance, fines will not be levied until 2017. The entire City Manager's Rule is included in **Attachment C**.

Tracking Compliance

The City has designed a custom form within Salesforce, a Customer Relationship Management (CRM) application. Use of this CRM allows the city to share customer contact information with Boulder County PACE advisors to ensure all outreach is tracked and initial indicators of compliance and exemption requests are attached to property addresses. Over time, the city's EnerGov system, which is an enterprise-wide finance, permit and work order tracking system will be built out to track compliance along with other city ordinances and building permits. Over time, the city may require businesses to self-report on an annual basis. The City Manager's Rule states this reporting requirement will not happen prior to 2017.

NEXT STEPS

Staff and city contractors will continue to advise property owners, businesses and special event organizers on the new zero waste requirements, aiming to bring everyone into compliance as quickly as possible. Recognizing the sweeping nature of these new requirements, the city would like to host community feedback forums where residents, employers, employees, special events organizers and visitors can provide feedback to the city. Since many implementation details are included in the City Manager's Rule, this can be updated fairly easily with a 15-day comment period. One year past the compliance deadline, staff will also report back to council with any recommended "clean-up" ordinance language.

How and when do Board members want to be involved in future refinements to the Universal Zero Waste requirements? Should the EAB host community feedback forums or alternatively, should city staff host the input sessions with one or more Board members present?

II. 6400 Arapahoe Strategic Planning

On May 31, staff will present council with an update on a strategic development process for the city's property at 6400 Arapahoe Avenue. Due to the fact that a special meeting was scheduled prior to the council recess, this item is going to City Council one day prior to the Environmental Advisory Board. However, the planning process is still in its very early stages and staff is seeking Board questions and comments on the draft concepts for the site and feedback on how the Board would like to be involved in the site development moving forward.

The purpose of the discussion on May 31 is to update council on the status of the approved land use for the city's property at 6400 Arapahoe Ave. and to seek council feedback on future development plans. Specifically, staff is seeking council comments and authorization for the city manager to pursue a site review amendment for Phase II development at the property and to begin the concept planning for Phase III at 6400 Arapahoe Ave. It must be noted that at the present time, there is not a defined funding plan for Phase II or Phase III development. The project's next steps will include developing cost estimates and a funding plan.

Attachment D includes the City Council memo for May 31.

If, while reviewing this material, any Board members have questions or concerns about the staff recommendation, history or draft concepts for the site, please contact Kara Mertz at 303-441-3153 or mertzka@bouldercolorado.gov. It would be helpful to receive this feedback prior to May 31, so staff is apprised of any board member concerns at the time of the discussions with council.

In addition, because of the odd timing of the Board discussion as compared to the council discussion, individual Board members are encouraged to speak during the open comment period at the beginning of the May 31 council meeting.

ATTACHMENTS:

- A- Universal Zero Waste Requirements
- B- Free stock signs for bins
- C- City Manager's Rule
- D- May 31, 2016 City Council Memo: Strategic Development at 6400 Arapahoe

UNIVERSAL ZERO WASTE REQUIREMENTS

Ordinance 8045

Adopted June 16, 2015

Highlighted sections represent new additions to the existing code

Title 6 Chapter 3

Chapter 3 - Trash, Recyclables, and Compostables^[12]

Footnotes:

--- (12) ---

Adopted by Ordinance No. 4686. Amended by Ordinance No. 7145. Derived from Ordinance No. 3015.

6-3-1. - Legislative Intent.

The purpose of this chapter is to protect the public health, safety, and welfare by regulating the accumulation and storage of trash, recyclables, and compostables; and to prevent conditions that may create fire, health, or other safety hazards; harbor pests; or impair the aesthetic appearance of neighborhoods. The provisions of this chapter are intended to help ensure that trash, recyclables, and compostables are disposed of in an appropriate and timely manner, that such materials are properly screened and to support waste reduction programs that promote recycling and composting.

Ordinance No. 7585 (2008)

6-3-2. - Definitions.

The definitions in Chapter 1-2, "Definitions," B.R.C. 1981, shall apply to this chapter, including, without limitation, the definitions of compostables, hauler, recyclable materials, trash, trash container, visible to the public, and wildlife-resistant container.

The following terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

Bear-resistant container shall mean a container that meets the requirements for such a container established by the city manager in a rule adopted pursuant to Section 6-3-11, "City Manager Authorized to Issue Rules," B.R.C. 1981.

Bear-resistant dumpster shall mean a dumpster that meets the requirements for such a container established by the city manager in a rule adopted pursuant to Section 6-3-11, "City Manager Authorized to Issue Rules," B.R.C. 1981.

Bear-resistant enclosure shall mean a fully enclosed structure that meets the requirements for such a container established by the city manager in a rule adopted pursuant to Section 6-3-11, "City Manager Authorized to Issue Rules," B.R.C. 1981.

Business shall have the meaning set forth in Chapter 1-2, "Definitions," B.R.C. 1981, and as used in this section shall also include, without limitation, educational institutions, and charitable or nonprofit organizations.

Owner shall have the meaning set forth in Chapter 1-2, "Definitions," B.R.C. 1981, and as used in this section, shall include a business operator or business manager. With respect to requirements relating to the provision of recyclable and compostable materials collection for a condominium or cooperatively owned development, "owner" shall include the owners' association or its equivalent.

Person shall have the meaning set forth in Chapter 1-2, "Definitions," B.R.C. 1981, and shall also include, without limitation, owner of any property or vacant land; occupant, owner, operator, or manager of any single-unit dwelling, multi-unit dwelling, mobile home, mobile home park, private club, or other similar property; or owner, operator, manager, or employee of any business or business property.

Property Manager shall mean any person who is an owner's representative, has charge of, or controls any property of an owner appointed to manage on-site property operations including trash collection services for the property.

Refuse attractant shall mean any trash or other substance which could reasonably be expected to attract wildlife or does attract wildlife, including, but not limited to, soiled diapers, sanitary pads, food products, pet food, feed, kitchen organic waste, food, food packaging, toothpaste, deodorant, cosmetics, spices, seasonings, or grease. Attractants do not include recyclable materials properly enclosed in a recycling container, or materials that do not meet the definition of trash in Section 1-2-1, "Definitions," B.R.C. 1981, and is fruit associated with a fruit tree or bush, produce associated with a garden, or a bird feeder.

Self-haul when used in reference to trash, recyclable and/or compostable materials generated by a business or person, shall mean the collection and transportation of such materials from a property where an owner, employee or agent of the property or business hauls the material rather than a hauler or to perform this function

Venue facility means any structure used for temporary events.

Ordinance Nos. 5293 (1990); 7078 (2000); 7172 (2001); 7585 (2008); 7962 (2014); 7975 (2014); 8045 (2015)

6-3-3. - Accumulation of Trash, Recyclables, and Compostables Prohibited.

- (a) No owner of any vacant land or property; occupant, owner, or manager of any single-family dwelling or similar property; owner, manager, or operator of any multiple family dwelling, private club, or similar property; or owner, operator, manager, or employee of any commercial or industrial establishment or similar property shall fail to:
- (1) Prevent the accumulation of trash, recyclables, and compostables that are visible to the public on such property and on the public right of way adjacent to the property; ¹³¹
 - (2) Remove trash, recyclables, and compostables located on such property and on the public right of way adjacent to the property;
 - (3) Remove trash frequently enough so that it does not cause putrid odors on the property.
 - (4) Remove or repair broken or damaged windows located on such property. However, it shall be an affirmative defense to a violation of this provision that a person is a tenant who, under the terms of the tenancy, is not responsible for the maintenance of that property and who failed to address a particular maintenance issue for that reason;
 - (5) Remove accumulated newspapers or other periodical publications from such property when such accumulated newspapers or publications are visible to the public and remain so for a period of more than twenty-four hours. It shall be an affirmative defense to any alleged violation of this paragraph that no more than three such newspapers or periodicals were accumulated for each residential unit or each business entity located on the property and that no newspaper or periodical more than three days old is located on the property; and
 - (6)

Sufficiently bundle or contain recyclable materials so that those materials are not scattered onto the public right of way or onto other properties.

- (b) No owner of any property shall fail to maintain in effect a current and valid contract with one or more haulers providing for the removal of accumulated trash, recyclables and compostables from the property, which contract shall provide for sufficient trash, recyclables and compostable materials hauling to accommodate the regular accumulation of trash, recyclables and compostables from the property. Properties containing one or more rental dwelling units shall maintain a contract for the collection of trash no less frequently than on a biweekly basis.
- (c) No property owner or contractor in charge of any construction site or responsible for any construction activity shall fail to:
- (1) Prevent trash from being scattered onto the public right of way or onto other properties; and
 - (2) Ensure that all trash generated by construction and related activities or located on the site of construction projects is picked up at the end of each workday and placed in containers sufficient to prevent such trash from being scattered onto the public right of way or onto other properties.
- (d) No owner, operator, or manager of any restaurant, brewpub, tavern, or any other business shall fail to:
- (1) Prevent trash from being scattered from the business property onto the public right of way or onto other properties; and
 - (2) Remove or cause to remove immediately after closing all trash located on an outdoor seating area of the establishment and on the public right of way adjacent to the establishment.

Ordinance Nos. 7585 (2008); 7831 (2012); 7938 (2013); 7965 (2014); 8045 (2015)

Footnotes:

--- (13) ---

See Section 5-4-13, "Littering," B.R.C. 1981, for additional provisions relating to litter and littering.

6-3-4. - Containers Required.

No owner or occupant of any single-family dwelling; owner or manager of any multiple-family dwelling or private club; or owner, operator, or manager of any business; or any similar property shall fail to provide at all times one or more trash containers on such property. Such containers shall be of a size sufficient to accommodate the regular accumulation of trash from the property.

Ordinance Nos. 7585 (2008); 7831 (2012); 7965 (2014)

6-3-5. - Storage, Disposal, and Screening of Trash, Recyclables, Compostables, and Specified Other Materials.

- (a) No person shall:
- (1) Store trash, recyclables, and compostables except in containers in a manner so that they are not overflowing, their contents are not scattered by animals, wind, or other elements and so that the containers remain closed except when being filled or when opened in order to allow for collection. However, large and unusual items may be stored for collection in the manner set forth in Paragraph (6) of this section.
 - (2) Store trash, recyclables, and compostables except in containers that are in a location so as to have the minimum possible impact on nearby properties.
 - (3) Store or locate trash in plastic bags in alleys.
 - (4)

Store trash, recyclables, and compostables in a manner that allows putrid odors to emanate from the property.

- (5) Store liquids, animal or vegetable oils, gasoline, or other petroleum products other than water, unless such liquids are stored in a manner that prevents leakage and are not conspicuously visible from a public street.
 - (6) Store brush, fence posts, crates, vehicle tires, vehicle bodies or parts, bed mattresses or springs, water heaters or other household appliances, damaged or stored or discarded furniture and other household goods or items, materials recovered from demolition and other stored or discarded objects three feet or more in length, width, or breadth, unless such materials are stored in a manner reasonably calculated to prepare them for collection or to conserve them for use on the premises with the minimum possible impact on nearby properties.
 - (7) Store piles of soil or rocks unless such materials are stored in a manner reasonably calculated to conserve such materials for use on the premises and with the minimum possible impact on nearby properties and in a manner that is not conspicuously visible from a public street.
 - (8) Place a trash, recycling, or composting container on the sidewalk or in the city right of way unless it is placed so as not to impair or obstruct pedestrian, bicycle, or vehicular traffic. However, this provision shall not apply to trash, recycling, or composting containers placed in a public alley with the authorization of the city manager in order to accommodate efficient collection of trash, recyclables, or compostables.
 - (9) Place a trash, recycling, or composting container in a front yard setback or in the public right of way, excepting public alleys, any earlier than 5 a.m. on the day on which such materials are scheduled to be collected. All such containers shall be removed from those locations by 9 p.m. of the same day.
 - (10) Place any refrigerator, freezer, or other unused appliance in or upon nonsecured portions of a property, including, without limitation, a location awaiting trash or recycling pickup, unless all doors of such appliances are secured or removed so that children cannot be trapped within.
 - (11) Store trash, recyclables, or compostables in such a manner as to constitute or create a fire, health, or other safety hazard or harborage for wildlife or pests, including, without limitation, rodents, insects, or other animals.
 - (12) In a RM or RH zone, store any materials intended to be discarded, recycled, or composted in a place visible to the public, other than materials contained within trash, recycling, or composting containers.
 - (13) In a RM or RH zone, fail to screen from view from the street all trash, compostable, and recyclable containers stored on the property that such person owns or occupies, except on collection day. However, it shall not be a violation of this provision if containers for these materials are located in an alley and are visible to the public from a street at the point at which that street intersects with the alley.
- (b) Nothing in this section shall be deemed to prohibit any person from keeping building materials on any premises before or during the period of active construction pursuant to a city building permit under Chapter 10-5, "Building Code," B.R.C. 1981, nor to prohibit any person from storing any materials used in the operation of a business located in a zone allowing such use. Nor shall this section prohibit any person from maintaining building or landscaping materials on any premises

during the period of active use of those materials for a building or landscaping project that does not require a building permit so long as such materials are secured or contained during periods when they are not in use.

Ordinance Nos. 7585 (2008); 7831 (2012); 7965 (2014)

6-3-6. - Compost Piles Permitted if Not Nuisance.

- (a) Any person may maintain compost piles. Such compost piles shall be in a segregated area and shall contain alternate layers of plant materials maintained to facilitate decomposition and produce organic material to be used as a soil conditioner.
- (b) No person who maintains a compost pile shall fail to prevent it from becoming a nuisance due to putrid odors or attraction of wildlife or pests, including, without limitation, rodents, insects, or other animals.

Ordinance Nos. 7585 (2008); 7831 (2012); 7965 (2014)

6-3-7. - Defenses.

- (a) It shall be an affirmative defense to a charge of violating Paragraphs 6-3-3(a)(1) and (2), and Paragraphs 6-3-5(a)(1), (2), and (6), B.R.C. 1981, that:
- (1) The trash, recyclables, or compostables were set out in the vicinity of the curb or the alley for collection by a hauler, and were securely bundled or otherwise securely contained so that they would not be scattered by the wind; or
 - (2) The compostables were bundled in compliance with Paragraph 6-12-4(b)(4), B.R.C. 1981.
- (b) It shall be an affirmative defense to a charge of violating Subsection 6-3-3(a), B.R.C. 1981, that such accumulation existed for twelve hours or less and that the person asserting the affirmative defense took affirmative steps to eliminate the accumulated trash, recyclables, or compostables as soon as he or she became aware of the existence of the accumulation.
- (c) It shall be an affirmative defense to a charge of violating Paragraphs 6-3-5(a)(1) and (2), B.R.C. 1981, if the person was maintaining a compost pile in conformance with Section 6-3-6, "Compost Piles Permitted if Not Nuisance," B.R.C. 1981.
- (d) It shall be an affirmative defense to a charge of violating Paragraph 6-3-5(a)(3), B.R.C. 1981 that:
- (1) The trash was stored in hauler-provided prepaid bags between the hours of 5 a.m. and 9 p.m. on the day of a regularly scheduled collection from the premises; or
 - (2) The trash is grass clippings stored for a period of no more than one week prior to the regularly scheduled collection; or
 - (3) The trash, recyclables, or compostables were set out for collection between the hours of 5 a.m. and 9 p.m. on the day of a regularly scheduled collection from the premises.
- (e) It shall be an affirmative defense to a charge of violating Paragraph 6-3-5(a)(7), B.R.C. 1981, that the city manager has failed to give notice for removal of such piles of soil or rocks. Such notice shall allow for a thirty-day time period for such removal.
- (f) It shall be an affirmative defense to a charge of violating Paragraphs 6-3-5(a)(8) and (9), B.R.C. 1981, that the trash was set out for collection by the city during an annual or other specially scheduled refuse collection program, and that the trash was of the sort eligible for such collection in accordance with the city's publicized standards for such collection, but only if the trash is set out in the vicinity of the curb for no more than one week before the scheduled collection date, and only if it is contained such that it cannot be scattered, and is not scattered, onto other properties by the elements or by animals.

Ordinance No. 7585 (2008)

6-3-8. - City Manager May Require Property Occupant or Owner to Remove Trash, Recyclables, or Compostables.

- (a) If the city manager finds that any trash, recyclables, or compostables exist on any property in violation of this chapter, the manager may, in addition to any other action permitted under this code, request that an owner, occupant, manager, operator, or employee responsible for compliance comply with the requirements of this chapter.
- (b) The city manager may notify the owner and the occupant, manager, operator, employee, or other person responsible for compliance that a violation of the provisions of this chapter is occurring on property for which that person has responsibility. Such notice shall specify a time within which corrections shall be made. Notice under this subsection is sufficient if it is hand delivered or deposited in the mail first class to the last known owner of the property on the records of the Boulder County Assessor and to the last known address of the occupant, manager, operator, or employee responsible for compliance.
- (c) If the violation is not corrected as required by the notice prescribed by Subsection (b) of this section, the city manager may correct the violation by removing the trash, recyclables, or compostables and thereafter charge the cost thereof, plus additional administrative costs not to exceed \$100, to the property owner. A copy of such charge shall be mailed to any other person given notice pursuant to Subsection (b) of this section.
- (d) If any property owner fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Boulder County Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

Ordinance No. 7585 (2008)

6-3-9. - Special Trash Service Requirements on Certain Residential Rental Properties at Certain Times.

- (a) The city manager may, by regulation, designate a period of time up to sixteen consecutive days in the second quarter of the calendar year, and up to thirty-five consecutive days in the third quarter of the calendar year, as the periods during which this section is in effect in the special trash service zone.
- (b) The special trash service zone constitutes the area included within Ninth Street, Baseline Road, Broadway, and Arapahoe Avenue, and the area included within Fifteenth Street, Folsom Avenue, Arapahoe Avenue, and Canyon Boulevard.
- (c) Within the special trash service zone and during a designated period, no owner of property required to be licensed by Section 10-3-2, "Rental License Required Before Occupancy and License Exemptions," B.R.C. 1981, shall fail to maintain in effect a current and valid contract with a commercial trash hauler providing for the removal of accumulated trash from the property, which contract provides for trash hauling:
 - (1) The hauler will check the regular trash containers for the property every day, excluding Sundays and holidays.
 - (2) The recyclables hauler will check the regular recycling containers for the property at least two times per week during the city manager's designated consecutive days in the third quarter of the calendar year.

- (3) Any trash container which is full Monday through Friday will be emptied by the hauler. On Saturdays, containers will be emptied if more than half full.
- (4) Any trash which is on the ground or otherwise near the container is picked up by the hauler.
- (5) Any recycling container which is more than half full when checked will be emptied by the recyclables hauler.
- (d) Compliance with this section shall constitute an affirmative defense to a charge of violation of Paragraph 6-3-3(a)(1) or (a)(2) and/or Subsection 6-3-5(a), B.R.C. 1981, concerning the storage of trash.
- (e) It shall be an affirmative defense to a charge of violation of this section that trash hauling service meeting the requirements of this section was not commercially available. This defense shall not apply if the asserted unavailability was due to refusal by a commercial hauler to provide such services based on legitimate business reasons concerning the property owner, including, without limitation, being in arrears on payments or refusing to sign a commercially reasonable contract.

Ordinance Nos. 7078 (2000); 7273 (2003); 7585 (2008); 7831 (2012); 7965 (2014); 8045 (2015)

6-3-10. - Hazardous Waste Disposal.

No person exempt from regulation of hazardous waste disposal under state law¹ shall bury any hazardous waste (as defined by state law) upon property in the city or owned by the city.

Footnotes:

--- () ---

§ 25-15-101(3), C.R.S.

§ 25-15-101(6), C.R.S.

6-3-11. - City Manager Authorized to Issue Rules.

The city manager may adopt rules and regulations that the manager determines are reasonably necessary to implement the requirements of this chapter.

6-3-12. - Bear-Resistant Containers Required.

- (a) No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a fourplex shall fail to keep all refuse attractants in bear-resistant enclosures, in bear-resistant containers, bear-resistant dumpsters, or securely stored within a house, garage, shed, or other structure at least as secure as a bear-resistant enclosure at all times, except when being transported from a house, garage, or bear-resistant enclosure for pickup. Refuse attractants transported for pickup not in a bear-resistant container shall be attended by a person remaining within fifteen feet of the container at all times.
- (b) This section shall apply to the area bounded by Broadway Street, the city's southern boundary, the city's western boundary, and a line extended from Sumac Avenue due west through Wonderland Lake Park. Provided that the city manager may extend the area by rule adopted pursuant to Section 6-3-11, "City Manager Authorized to Issue Rules," B.R.C. 1981.
- (c) If a container or enclosure is damaged, allowing access by wildlife, repairs must be made within seventy-two hours after written notification by any city official, or such other time designated in the notice by the city official.
- (d)

If the city manager finds a violation of any provision of this section, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty according to the following schedule:

- (1) For the first violation of the provision, \$250;
 - (2) For the second violation of the same provision, \$500;
 - (3) For the third violation of the same provision, \$1,000; and
 - (4) The hearing officer may adjust the penalty, based on evidence presented at a hearing.
- (e) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, including but not limited to Section 5-2-4, "General Penalties," B.R.C. 1981, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.
- (f) The city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.
- (g) Notice under this subsection is sufficient if hand delivered, emailed, mailed, or telephoned to such person, or by posting on the premises.

Ordinance Nos. 7962 (2014); 7975 (2014)

6-3-13. - Property Owner Requirements for Recyclables and Compostables Collection.

- (a) For all services that meet the requirements of this section, the property owner or property manager must establish on-site collection areas for recyclable and compostable materials that are convenient to occupants and tenants. The recycling and compost collection containers shall be placed in a location or locations within reasonable and convenient proximity to all buildings and other uses on site and be at least as convenient to occupants and tenants as trash containers.
- (b) When a property owner or property manager provides janitorial services to its tenants, employees or occupants, the contract for janitorial services shall include recyclables and compostables collection service that meets the requirements of this section.
- (c) At least once per year, the property owner or property manager shall conduct training and distribute to all tenants information about how to use the on-site system established for collection of recyclables and compostables pursuant to this section. Property owners and managers shall provide new tenants with this information within 30 days of tenant move-in and no later than the thirtieth day after a substantive change in the recycling or composting location or service offered at the property.
- (d) Property owners or managers must maintain and make available upon request, to the city manager for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of recyclable and/or compostable materials for a period covering the most recent three years.

Ordinance No. 8045 (2015)

6-3-14. - Business Owner Requirements for Recyclables and Compostables Collection.

- (a) All business owners must separate recyclable and compostable material from the trash and wherever business owners provide trash containers to employees or customers, they must also provide recyclables and compostables containers for employees and customers' use. Containers must be at least as conveniently located as trash and be of adequate size and number to prevent recyclables and compostables from being mixed with trash.

(b)

At least once per year, business owners must conduct training that instructs all employees how to use the containers established for collection of recyclables and compostables pursuant to this section. Business owners shall provide new employees with this information within 30 days of when the employee begins work and no later than the thirtieth day after a substantive change in the recycling or composting service offered at the business.

- (c) All business owners must provide Spanish and English or picture-only signs at each recyclables and compostables container, clearly indicating the appropriate materials to be placed inside the container in accordance with rules issued by the city manager.
- (d) Business owners or managers must maintain and make available upon request, to the city manager for inspection and copying during normal business hours, any contracts and invoices for collection and disposition of recyclable and/or compostable materials for a period covering the most recent three years.

Ordinance No. 8045 (2015)

6-3-15. - Special Events Requirements for Recyclables and Compostables Collection.

All special events and temporary events at a venue facility in the City of Boulder must provide recyclables and compostables collection in compliance with the city's Special Event Permit requirements.

Ordinance No. 8045 (2015)

6-3-16. - Applicability.

- (a) The requirements of Section 6-3-13, "Property Owner Requirements for Recyclables and Compostables Collection" shall apply to all property owners within the City of Boulder beginning one year from the date this Ordinance is adopted by city council.
- (b) The requirements of Section 6-3-14, "Business Owner Requirements for Recyclables and Compostables Collection," shall apply to all businesses existing within the City of Boulder by the date established in a rule adopted by the city manager in accordance with Chapter 1-4, "Rulemaking," B.R.C. 1981.
- (c) The requirements of Section 6-3-15, "Special Events Requirements for Recyclables and Compostables Collection" shall apply to all special events and temporary events at venue facilities beginning on January 1, 2016.

Ordinance No. 8045 (2015)

6-3-17. - Exemptions.

- (a) Applications for exemptions from complying with the requirements of Sections 6-3-13, "Property Owner Requirements for Recyclables and Compostables Collection," or 6-3-14, "Business Owner Requirements, must be made by the owner of the property or business. Any exemption shall be for a period of one year. Property or business owners may re-apply for one additional exemption at the expiration of the initial exemption period. City staff will review exemption applications and work with the applicants to bring the property owner or business owner into compliance. Applications must be received within sixty days of the start of the compliance period established in Section 6-3-17, "Applicability." The city manager may issue additional rules that govern the conditions under which an application for an exemption may be submitted and granted. In order to be granted an exemption, applicants must demonstrate they have considered all reasonable options that would bring their

business or property into compliance and must explain to the satisfaction of the city manager why none of these options are viable. The city manager shall determine whether an exemption will be granted. Applications for an exemption may require submission of an application processing fee.

- (b) The following persons are exempt from the provisions of this chapter:
- (1) The owner of a business that occupies less than fifty percent of the floor area of a residence.
 - (2) A business or property owner or manager that can demonstrate extreme economic hardship as defined by the city manager.
 - (3) Businesses that generate a de minimis volume of trash, recyclables or compostables as defined by the city manager.
 - (4) Any business owner or manager who can demonstrate that compliance would require the business to violate other municipal codes or regulations, or applicable state or federal regulations.
 - (5) A business or property owner that hauls its own trash, recyclables or compostables as certified by a self-hauling certification, the contents and format of which is defined by the city manager, may be granted an exemption from Section 6-3-3(b).
 - (6) A property or business owner that composts on-site in compliance with all applicable laws pertaining to Title 6, Chapter 3, Section 6-3-6, "Compost piles permitted if not a nuisance."
 - (7) Property owners that share collection service as certified by a shared service certification, the contents and format of which is defined by the city manager, may be granted an exemption from Section 6-3-3(b).
 - (8) A business or property owner that can demonstrate to the satisfaction of the city manager that the property is sufficiently space constrained so as to preclude compliance with the provisions of these sections.
 - (9) Innovation exemption - business or property owner may apply for an exemption if they are reusing or repurposing a significant portion of their waste stream.

Ordinance No. 8045 (2015)

6-3-18. - Violations.

If the city manager finds a violation of any provision of this chapter, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty according to the following schedule:

- (a) For the first violation of the provision, \$500;
- (b) For the second violation of the same provision, \$1,000;
- (c) For the third and subsequent violations of the same provision, \$2,000; and
- (d) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.
- (e) Violations of this chapter are also punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.

Ordinance No. 8045 (2015)

Title 6 Chapter 12

Chapter 12 - Trash, Recyclables and Compostables Hauling

6-12-1. - Legislative Intent.

The city council finds that a significant reduction of the volume of solid waste and a corresponding increase in the volume of recyclables and compostables generated by citizens and businesses in the city would benefit the public welfare. The city council finds that it would do so by reducing the consumption of important, nonrenewable natural resources, as well as the amount of land required for disposal of solid waste in landfills, thereby helping to extend the longevity of these valuable nonrenewable natural resources and allowing land to be used for purposes other than the disposal of solid wastes. The intent of the city council in enacting this chapter is to decrease the amount of solid waste and increase waste reduction, recycling and composting practices by the citizens and businesses located in the city.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-2. - Definitions.

The definitions in Chapter 1-2, "Definitions," B.R.C. 1981, shall apply to this chapter, including, without limitation, the definitions of *compostables*, *hauler*, *recyclables*, *trash*, *trash container*, and *wildlife-resistant container*.

The following terms used in this chapter have the following meanings, unless the context clearly indicates otherwise.

Multifamily customer means the occupants, taken together, of a residential building or set of residential buildings that uses a collective, common system for the collection of trash generated by the occupants.

Periodic trash collection means the regular collection of trash on a schedule of not less than once every calendar month.

Recyclables processing center means a facility that sorts, packages, and otherwise prepares recyclable materials for sale.

Residential customer means every occupant of a residential building or set of residential buildings who receives periodic trash collection service, and who does not use a collective, common system for the collection of trash generated by the occupants.

Ordinance Nos. 7078 (2000); 7172 (2001); 7585 (2008)

6-12-3. - Exemptions.

The following persons are exempt from the provisions of this chapter:

- (a) Any person who transports only the trash which that person generates.
- (b) A property owner or agent thereof who transports trash, recyclables, or compostables left upon such owner's property, so long as such property owner does not provide such collection service for compensation for tenants on a regular or continuing basis.

(c)

Landscaping contractors that produce and transport trash, recyclables, or compostables in the course of their occupations where the production of trash, recyclables, or compostables is merely incidental to the particular landscaping work being performed by the contractors.

- (d) Any person who transports only liquid wastes (including, without limitation, sewage, sewage sludge, septic tank or cesspool pumpings), discarded or abandoned vehicles or parts thereof, discarded home or industrial appliances, materials used as fertilizers or for other productive purposes, household hazardous wastes, and hazardous materials as defined in the rules and regulations adopted pursuant to the United States Hazardous Materials Transportation Act, 49 USC § 5101, et seq. Ordinance Nos. 7078 (2000); 7172 (2001); 7585 (2008)

6-12-4. - Hauler Requirements.

- (a) Each hauler shall submit an annual report to the city manager of the weight in tons of trash, recyclables, and compostables collected by commodity within the city. For loads that contain trash, recyclables, or compostables originating in part from within the city and in part from outside the city, the reported quantity may be estimated by the hauler. Reports shall be submitted for each year by January 31 of the succeeding year using forms provided by the city manager. All information that is confidential pursuant to the provisions of the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., shall be treated as such.
- (b) Each hauler that provides residential trash collection shall provide for the collection of the following no less frequently than every other week:
- (1) Unlimited recyclables;
 - (2) A minimum of thirty-two gallons of compostables;
 - (3) Three paper or compostable bags of leaves; and
 - (4) Three bundles of branches no larger than three feet by six feet, tied by twine or compostable materials.
- (c) Bags and bundles of compostables shall be placed adjacent to the compost container on collection day. The collection of compostables and recyclables shall occur either curbside or in alleys, whichever the hauler utilizes for trash collection.
- (d) Each hauler shall provide each residential customer with a base unit of service which shall include a maximum of thirty-two gallons of trash collection service and which shall also include the collection of recyclables and compostables consistent with Subsections (b) and (c) above.
- (1) A hauler may charge any amount for the base unit of service.
 - (2) A hauler may charge, in addition, a flat periodic fee. This flat periodic fee may not exceed the charge for the base unit of service and shall be itemized separately on customer billing statements.
 - (3) No hauler may charge less than a prorated portion of the charge for the base unit of service for each additional volume of trash that may be collected from a customer during one or more collection periods.
 - (4) Haulers may charge for compostables collection in excess of that set forth in Subsection (b) above at a rate of no more than seventy-five percent of an equivalent volume of trash service.
- (e) Haulers providing trash collection service to multifamily customers shall also provide collection service of all their recyclables at no additional charge beyond that agreed for trash collection service. The city manager may require each hauler that is providing trash and recyclables collection to multifamily customers to also provide compostables collection.

- (f) Nothing in this section shall be construed as prohibiting any hauler from establishing rules regarding safety. Haulers may also set special pricing for large or unusual items.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-5. - Containers for Recycling or Composting Collection.

- (a) Haulers providing trash collection service to multifamily customers through centralized collection areas shall provide containers for recyclable materials at no additional charge. Containers shall be of a sufficient size to accommodate the regular accumulation of recyclables from that customer, but, at a minimum, such containers shall be of a volume equal to one-half of the volume of the trash collection service. If the city manager requires the collection of compostables, haulers shall provide containers for that service of a sufficient size to accommodate the regular accumulation of compostables from that customer.
- (b) Haulers providing trash collection service to residential customers are not required to provide recyclables or compostables containers. However, if the hauler requires a specific type of container, then the hauler shall deliver such container at no cost to the residential customer. This provision does not apply to any container required by the city pursuant to Section 6-3-12, "Bear-Resistant Containers," B.R.C. 1981.

Ordinance Nos. 7078 (2000); 7585 (2008); 7962 (2014)

6-12-6. - Disposition of Recyclable or Compostable Materials.

- (a) No person other than the person placing the recyclables or compostables for collection or that person's designated hauler shall take physical possession of any recyclables or compostables separated from trash, set out in the vicinity of the curb or alleys, and plainly marked for recyclables or compostables collection.
- (b) Each **property owner, property manager, residential customer, commercial customer, or multifamily customer** shall relinquish recyclable materials to a hauler only on the condition that the hauler deliver the recyclable materials only to a recyclables processing center as set forth in subparagraph (c) below.
- (c) **It shall be presumed that each property owner, property manager, residential customer, commercial customer or multifamily customer has designated both single stream and source-separated, clean fiber recyclable materials as defined by city manager rules to be hauled to the recyclables processing center owned by Boulder County or its successor in interest ("Boulder County Recycling Center"). The City Manager may designate conditions under which the presumption in this subsection (c) shall not apply with respect to source-separated, clean fiber recyclable materials.**
- (d) **Haulers shall take all compostable materials collected to a compost facility that is in compliance with state composting regulations and can certify that the material is processed into a compost or biogas product. Alternatively, haulers may deliver compostable materials to a facility that repurposes the materials for beneficial uses, such as feeding animals, if the facility is in compliance with all federal, state and local laws. Haulers shall maintain receipts and records for a period of five years. Upon request by any customer or the city manager, haulers shall produce receipts from the facility utilized.**

Ordinance Nos. 7078 (2000); 7585 (2008); 8045 (2015); 8062 (2015)

6-12-7. - Educational Materials.

At the city's sole discretion, including but not limited to times when there are pending changes to the city's waste reduction programs, the city will provide each hauler with educational brochures. These brochures shall be distributed by the haulers to all of their affected customers on or before a date

specified by the city manager or, in the event of changes to the city's waste reduction programs, before the effective date of those changes. There shall be no charge to the city for the distribution of the educational brochures and the city will consult with the haulers before the brochures are printed.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-8. - Audits, Enforcement and Penalties.

- (a) Each hauler shall make its records available for audit by the city manager at a location within the Denver metropolitan area during regular business hours when requested by the city manager in order to allow the city to verify hauler compliance with the provisions of this chapter. Among other records, each hauler shall make available for review all customer invoices and similar documents reflecting actual pricing to customers. All information that is confidential pursuant to the provisions of the Colorado Open Records Act, § 24-72-201, et seq., C.R.S., shall be treated as such.
- (b) No person shall violate or permit to be violated any of the requirements of this chapter.
- (c) In addition to any other remedies prescribed by this chapter or by this code or other ordinance of the city, the city attorney, acting on behalf of the city council, may maintain an action for an injunction to restrain or correct any violation of this chapter.

Ordinance Nos. 7078 (2000); 7585 (2008)

6-12-9. - Authority to Issue Regulations.

The city manager is authorized to adopt rules and regulations necessary in order to interpret or implement the provisions of this chapter.

Ordinance No. 7078 (2000)

RECYCLE THIS



**PLASTIC BOTTLES, TUBS,
JUGS & JARS**

**BOTELLAS, TARROS, ENVASES,
JARRAS DE PLÁSTICO**



CANS & GLASS

LATAS Y VIDRIOS



DRINK BOXES & CARTONS

**CAJAS DE BEBIDAS Y
CARTONES**



PAPER & CARDBOARD

PAPEL Y CARTÓN

- ⊘ Please, NO styrofoam
- ⊘ Por favor, NO productos de poliestireno



**WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER**



RECYCLE THIS

PLASTIC

Bottles, jars, tubs, jugs



PLÁSTICO

Botellas, tarros, envases, jarras

CANS & GLASS

Including metal lids, aluminum pie pans, balled foil



LATAS Y VIDRIOS

Incluyendo tapas metálicas, moldes de aluminio para tortas, papel aluminio en forma de bola

DRINK BOXES & CARTONS



CAJAS DE BEBIDAS Y CARTONES

PAPER & CARDBOARD

Newspapers, office paper, flattened cardboard



PAPEL Y CARTÓN

Periódicos, papel de oficina, cartón aplanado

- ⊘ Please, NO styrofoam
- ⊘ Por favor, NO productos de poliestireno



WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER



RECYCLE THIS



WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER



COMPOST THIS



FOOD & PLANTS
COMIDA Y PLANTAS



COFFEE & TEA
CAFÉ Y TÉ



**CERTIFIED COMPOSTABLE
ITEMS**
**ARTÍCULOS CERTIFICADOS
COMPOSTABLES**



COMPOSTABLE PAPER
PAPEL COMPOSTABLE

- ⊘ Please, **NO** styrofoam, plastic or aluminum
- ⊘ Por favor, **NO** productos de poliestireno, plástico o aluminio



**WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER**



COMPOST

THIS

FOOD & PLANTS

Including meat, bones and dairy



COMIDA Y PLANTAS

Incluyendo carne, huesos y lacteos

COFFEE & TEA

Coffee grounds and filters, tea bags



CAFÉ Y TÉ

Café molido y filtros, bolsas de té

CERTIFIED COMPOSTABLE ITEMS

Coffee cups, cold cups, plates, utensils



ARTÍCULOS CERTIFICADOS COMPOSTABLES

Vasos para café, vasos para bebidas frías, platos, utensílios

COMPOSTABLE PAPER

Napkins, shredded paper, tissues, sticky notes, waxed or greasy cardboard



PAPEL COMPOSTABLE

Servilletas, papel picado, pañuelos desechables, notas adhesivas, cartón encerado y grasoso

⊘ Please, **NO styrofoam, plastic or aluminum**

⊘ Por favor, **NO productos de poliestireno, plástico o aluminio**



WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER



COMPOST

THIS



WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER





LANDFILL THIS



PLASTIC BAGS
BOLSAS PLÁSTICAS



TO-GO CUPS & LIDS
VASOS Y TAPAS PARA LLEVAR



TO-GO CONTAINERS
ENVASES PARA LLEVAR



WRAPPERS & CHIP BAGS
ENVOLTURAS Y BOLSAS DE
PAPAS FRITAS etc.



**WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER**



LANDFILL THIS

PLASTIC BAGS

Including sandwich bags



BOLSAS PLÁSTICAS

Incluyendo bolsas de sandwiches

TO-GO CUPS & LIDS

Unless BPI-certified  compostable or recyclable



VASOS Y TAPAS PARA LLEVAR

A menos que sea BPI-certificado  compostable o reciclable

TO-GO CONTAINERS

Unless BPI-certified  compostable or recyclable



ENVASES PARA LLEVAR

A menos que sea BPI-certificado  compostable o reciclable

WRAPPERS & CHIP BAGS

Plastic wraps, candy wrappers



ENVOLTURAS Y BOLSAS DE PAPAS FRITAS etc.

Envolturas plásticas, envolturas de dulces



WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER



LANDFILL THIS



**WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER**



BATHROOM COMPOSTING

PAPER PRODUCTS

Paper towels and tissues
Toallas y pañuelos de papel



**WE ARE / NOSOTROS SOMOS
ZERO WASTE BOULDER**



ATTACHMENT A

Universal Zero Waste Ordinance City Manager's Rules

March 28, 2016

I. Definitions

“Single Stream recyclable materials” is defined as any or all of the following materials mixed together in one container for collection, intended by the generator to be sorted, post-collection into separate recyclable commodities at a material recovery facility. Individual programs may specify a subset of these materials as acceptable for collection:

- Mixed office paper and pads
- Sorted direct mail
- Magazines and catalogs
- Telephone books
- Corrugated cardboard
- Newspapers along with any paper that comes in the newspaper
- Paperboard
- Glass containers
- Aluminum cans and foil
- Steel cans and empty aerosol cans
- Plastics bottles, tubs, jugs and jars (attached plastic caps OK)
- Aseptic milk cartons and juice boxes
- Large plastic clamshell and berry containers

“Compostable materials” is defined as any or all of the following materials mixed together in one container for collection. Individual programs may specify a subset of these materials as acceptable for collection:

- Tree trimmings
- Leaves
- Grass clippings
- Garden and plant trimmings
- Wood chips
- Cut flowers
- Untreated lumber
- Fruit and vegetable scraps
- Meat and bones

- Coffee grinds and tea bags
- Low-grade paper (tissue paper, wax paper, non-foil wrapping paper, brightly-colored paper)
- Food-soiled paper (greasy or covered with food)
- Unbagged shredded paper (per program guidelines)
- BPI (Biodegradable Products Institute)-certified compostable products

“Clean fiber recyclable materials” are defined as corrugated cardboard, office paper, newsprint, or any other paper product separated by the generator prior to collection and intended to be sold to end-user markets without the need for further sorting.

II. Accumulation of Trash, Recyclables and Compostables

All property owners must maintain in effect a contract with one or more haulers providing for the removal of accumulated trash, recyclables and compostables from the property or business, beginning June 17, 2016 - one year from the date Council adopted the Universal Zero Waste Requirements. Property Owners must ensure all tenants have access to this collection service; if a tenant chooses to subscribe to its own trash, recycling and/or composting service, this is sufficient for compliance with the requirements of this code. Property owners are encouraged to allow tenant businesses to maintain their own contracts should they choose to do so.

III. Special Trash Service Requirements during Six Day Review period

Within the special trash service zone and during the designated student move-out period, Single family homes with automated curbside collection may be provided with regularly-scheduled recyclables and compostables collection provided that the recyclables container is of a sufficient size to prevent its contents from overflowing.

IV. Reporting Requirements for Property Owners and Business Owners

No sooner than June 2017, the City Manager may require businesses and/or property owners, to submit an Annual Zero Waste Report in an electronic format which will be provided by the City.

V. Guidelines for Containers, Training and Signage for Property Owners and Business Owners

Each collection container, cart or dumpster must have a sign that accompanies it. Each sign must contain one of the following words as a heading or title of the sign:

1. “Recycle,” “Recycling” or “Recyclables”
2. “Compost,” “Composting” or “Compostables” and
3. “Landfill” or “Trash”

Each collection container, cart or dumpster – located both inside and outside a property – must have, placed at eye level, English and Spanish sign(s) or picture-only signs so as to be understandable to the majority of customers, contractors and employees of a business or property owner or manager. To the greatest extent possible, signs must also be understandable to the visually impaired or color-blind.

If a particular business caters to a population that communicates primarily in a language other than English or Spanish, signs may be compliant with this ordinance if they contain words in a different language, as long as they also contain pictures of materials commonly found in the businesses' recyclables, compostables and landfill-bound trash.

In office and retail settings as well as congregate care facilities, a business or property owner may be in compliance with this ordinance even if a compost container is not provided to each employee's desk or work station, in the front of a retail store, or in each residential apartment, as long as a compost collection container is located within a reasonable and convenient distance from each employee's desk or work station. Notwithstanding, all common kitchen, dining, meal preparation and break room areas must contain adequate containers for compostables everywhere containers are supplied for trash. Furthermore, all bathrooms must be provided with at least one container for compostables unless there is no paper towel waste generated because only cloth towels or electric hand dryers are provided for customer, employees' and the public's use. For kitchen, break room and bathroom areas located in shared common space between tenant businesses, these containers must be provided by the property owner, manager or its designee.

For hotels, each guest room must be provided with a recycling container, but it is not necessary to provide each guest room with a compost container. Furthermore, all custodial contractors must be trained to properly manage the recyclables from each guest room so it is properly prepared for recyclables collection.

Per Section VII of this Rule, for locations that generate a *de minimis* volume of trash, recyclables and/or compostables, an exemption may be granted in accordance with Section VII of this Rule that would allow a business or property owner to not provide a trash, recycling and/or compost container.

Training may be conducted by the property owner's or business owner's contracted recyclable or compostable materials hauler or another third party and shall include a mandatory physical inspection of the on-site collection system ensuring signs are firmly affixed, visible, clean and free of obstructions, and a review of the materials intended to be deposited in each container including recyclables, compostables and landfill-bound trash. New signs may be ordered free of charge from the City of Boulder (zerowaste@bouldercolorado.gov). Annually, a map must be provided to all tenants of the property that clearly indicates the location on the property of trash, recyclables and compostables containers.

In addition to employees and tenants of the property, such training must also be conducted with any janitorial contractors, landscaping or other service contractors responsible for collection of trash, recyclables and/or compostables. Such training must be conducted annually in addition to any time there is a change to the contractor providing janitorial landscaping or other service contractors.

VI. Compliance Schedule

(a) “Property Owner Requirements for Recyclables and Compostables Collection” and “Property Owner Requirements for Accumulation of Trash Recyclables and Compostables” shall apply to all property owners within the City of Boulder beginning June 17, 2016 - one year from the date Council adopted the Universal Zero Waste Requirements.

(b) “Business Owner Requirements for Recyclables and Compostables Collection,” shall apply to all businesses existing within the City of Boulder by September 17, 2016.

(c) All new businesses and property owners must comply with these sections within thirty (30) days of operating within the City of Boulder.

VII. Exemptions

By June 16, 2016, the City will institute an exemption application process, through which businesses and property owners may apply for exemptions as listed in this subsection. Each application for an exemption will be considered on its own merit; a final determination will be made by the City Manager or the City Manager’s designee.

No sooner than June 17, 2017, the City Manager may require from businesses and/or property owners, an exemption application fee if such a fee is determined to be necessary to cover the costs of administering exemption applications.

Exemptions for businesses or property owners, either initial or renewal, will be for a period of one year. Property or business owners may re-apply for one additional exemption at the expiration of the initial granted exemption. To apply for an exemption, the applicant must demonstrate that they have considered all reasonable options and explain why none is viable.

The following exemption applications will require self-certification as detailed below, to be received by the City Manager no later than sixty days after the start of the compliance period established in section 6-3-16, “Applicability” or within 30 days of being issued a notice of violation of any provision of this chapter.

(1) A home-based business must comply with Title 9, Chapter 6-3 (e) Home Occupations and must show that the residential property owner or manager subscribes to trash,

recyclables and compostables collection and the home-based business has access to use that service.

- (2) A businesses or property owner that hauls its own trash, recyclables or compostables must complete a Self-haul Certification Form as provided by the City of Boulder in order to demonstrate to the satisfaction of the City Manager the location to which and frequency with which the trash recyclables and/or compostables are hauled; as well as a sworn affidavit and a photo copy of a valid state-issued identification.
- (3) Property owners that share collection service with a neighboring property must complete a Shared Service Certification Form as provided by the City of Boulder. Such a form will be required to include at least the following: signatures of both the hosting property owner as well as the sharing property owner, contact information and photo copies of valid state-issued identification for each property owner, subscribed collection service levels and frequencies for any shared services, and the name of the hauling company with whom contract is held for shared collection services.
- (4) A business or property owner or manager may apply for an exemption based on extreme economic hardship in cases where the applicable property is the subject of a qualified tax lien sale or public auction due to property tax arrearages; the building is controlled by a court appointed receiver; or the building has been acquired by a deed in lieu of foreclosure. Alternatively, a business or property owner may submit three (3) years of federal tax returns and calculate a gross income average based on these tax returns, along with an estimate of the total annual costs to comply with the provisions of this Chapter, including documentation to support these annual costs.

The following exemption applications will require a site visit from the City of Boulder before the exemption will be considered by the City Manager:

- (1) A property or business owner that composts on site in compliance with all applicable laws pertaining to Title 6, Chapter 3, Section 6-3-6, “Compost piles permitted if not a nuisance.”
- (2) A property or business owner that is applying for an exemption based on a sufficiently space constrained property that precludes compliance with the provisions of these sections.
- (3) Innovation exemption – a property or business owner may apply for an exemption if they are reusing or repurposing a significant portion of their waste stream.
- (4) Businesses that generate a *de minimis* volume of trash, recyclables or compostables must also submit an application to the City Manager and will require a waste audit from the City of Boulder before an exemption may be granted. *de minimis* volume is generally

defined as less than 32 gallons of material generated per month; however, the property or business owner will be encouraged to share collection containers with adjacent properties where possible.

VIII. Violation Process

If the City Manager finds a violation of any provision of this chapter, the manager, after notice and an opportunity for hearing under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may impose a civil penalty according to the following schedule:

- (a) For the first violation of the provision, \$500;
- (b) For the second violation of the same provision, \$1,000;
- (c) For the third and subsequent violations of the same provision, \$2,000; and
- (d) The city manager's authority under this section is in addition to any other authority the manager has to enforce this chapter, and election of one remedy by the manager shall not preclude resorting to any other remedy as well.
- (e) Violations of this chapter are also punishable as provided in Section 5-2-4, "General Penalties," B.R.C. 1981.

Two notifications will be issued prior to any finding of violation.

No civil penalties will be imposed earlier than June 17, 2017.

Notice under this subsection is sufficient if notices of violation are hand delivered, emailed, mailed, or telephoned to such person, or by posting on the premises.

IX. Directing Materials to the Boulder County Recycling Center

It shall be presumed that each property owner, property manager, residential customer, commercial customer or multifamily customer has designated both single stream and source-separated, clean fiber recyclable materials as defined by these rules to be hauled to the recyclables processing center owned by Boulder County or its successor in interest ("Boulder County Recycling Center"). As set forth below, under certain conditions this presumption shall not apply with respect to source-separated, clean fiber recyclable materials.

In accordance with the code, the intent of this rule is to prevent high grade recyclable materials from being diverted to recyclable processing centers other than the Boulder County Recycling Center, thereby undermining the public benefit and taxpayer investment in the Boulder County Recycling Center.

This rule maximizes the different types of recyclable materials accepted – including the less profitable materials – while assuring the Boulder County Recycling Center continually assesses and adjust for market conditions. Therefore, the per-ton “hauler rebates” paid by Boulder County at its gate for source-separated, clean fiber recyclable materials, shall be structured as a revenue share, shall be posted on a monthly basis, and shall represent a tiered rebate structure so as to provide an economic incentive to encourage source separation and low levels of contamination in delivered recyclable materials.

The presumption in this rule shall apply to haulers who collect source-separated clean fiber recyclable materials that originate from business owners who have on site a dumpster for collection of office paper, corrugated cardboard or other source-separated, clean fiber recyclable materials. The only exception from this requirement applies to haulers that have in place a written contract dated June 15, 2015 or earlier, that presumes delivery of all source-separated, clean fiber recyclable materials and sets a price for the sale of such materials. In this case, the hauler shall notify the City Manager in writing of such a contract and an exemption will be granted for a period through the end of the existing contract term, from the hauler requirement to deliver to the Boulder County Recycling Center source-separated, clean fiber recyclable materials from customers who have on site a dumpster(s) for collection of said materials.

The presumption in this rule shall not apply with respect to source-separated, clean fiber recyclable materials that originate from business and/or property owners who, prior to April 17, 2016, own or lease a compactor for the purpose of processing and receiving revenue from clean fiber recyclable materials including but not limited to corrugated cardboard or high grade office paper.

Additionally, the presumption in this rule shall not apply with respect to source-separated, clean fiber recyclable materials that originate from business and/or property owners who have on site a baler for the purpose of processing and selling directly to markets, clean fiber recyclable materials including but not limited to corrugated cardboard or high grade office paper.

However, under no circumstances shall these exemptions affect a business or property owner’s requirements under Title 6 - Chapter 3, Title 6 - Chapter 12, or any other section of these rules.

Beginning in June 2016 and at least annually thereafter, any hauler that collects source-separated, clean fiber materials must report to the City the number of customers, type of material and associated tonnage of such material as well as the markets to which this material is delivered, whether or not this material is delivered to the Boulder County Recycling Center. Upon request by the City Manager, haulers shall produce receipts from the facilities or markets utilized.

In cases of extreme weather conditions or other extenuating circumstances when the Boulder County Recycling Center is not open and accepting recyclable materials, a hauler may deliver its customers' recyclable materials elsewhere. If at any time, the Boulder County Recycling Center is equipped with an automated system that allows for unattended delivery of recyclable materials, this exception will no longer apply.

The exemptions outlined in this section of the rule may be updated by the City Manager from time to time.



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 31, 2016

AGENDA TITLE Strategic Development at 6400 Arapahoe

PRESENTERS

Jane S. Brautigam, City Manager

David Driskell, Executive Director of Housing, Planning & Sustainability

Kara Mertz, Environmental Program Manager

EXECUTIVE SUMMARY

The purpose of this agenda item is to update council on the status of approved land use for the city's property at 6400 Arapahoe Ave. and to seek council feedback on future development plans. Specifically, staff is seeking council comments and authorization for the city manager to pursue a site review amendment for Phase II development at the property and to begin the concept planning for Phase III at 6400 Arapahoe Ave. It must be noted that at the present time, there is not a defined funding plan for Phase II or Phase III development. The project's next steps will include developing cost estimates and a funding plan.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to authorize the city manager to pursue an amendment to the approved site review for 6400 Arapahoe and to begin the concept planning and associated land use processes to develop Phase III as a home for additional zero waste-related activities; and to return to council at a study session with more specific use concepts and funding options for site development.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The proposed development at 6400 Arapahoe could have positive economic impacts by providing small business start-up incubator space for “upcycled” materials. In addition, by providing a resale opportunity for industrial scrap materials, the non-profit tenants at the property can save builders and manufacturers disposal costs while providing a tax deduction for material donations. Refurbishing old computers also helps support the local non-profit community by offering lower cost computer equipment.
- Environmental – Primarily an environmental initiative, creating a zero waste hub for reuse and repair contributes significantly to our community’s resource conservation goals. Phase II and Phase III development will facilitate a wider community engagement in Boulder’s zero waste activities. Co-locating reuse and repair organizations increases the exposure for each, and provides synergies that significantly increase the number and type of unique visitors to the property.
- Social – The draft strategic planning process has unearthed several new partnership possibilities at 6400 Arapahoe, many of which cater to underserved populations including special needs adults, youth, low income families and the arts communities.

OTHER IMPACTS

- Fiscal – Additional city funding may be required to complete the planned development. Some funding options are described in the Analysis section of this memo. Prior to finalizing Phase III, staff will return to council at a study session with more specific facility and use concepts and an outline of funding options for site development.
- Staff time – This strategic development process and its associated land use and community building work are part of existing staff work plans.

BOARD AND COMMISSION FEEDBACK

This is being brought to the Environmental Advisory Board (EAB) on June 1. Staff will include board feedback in any land use applications as well as any subsequent communications with council.

PUBLIC FEEDBACK

One stakeholder meeting was held on May 16 with industry experts and institutional neighbors of the site including Boulder Valley School District and Thorne Ecological Institute. The general consensus from that meeting was agreement with the staff recommendation to retain ownership of the entire site. There was also uniform support for the draft Phase III concepts and several new ideas arose. Additional public meetings will be held as part of the regular land use processes to amend the approved site review and submit technical documents for Phase II, as well as during concept and site review for Phase III.

BACKGROUND

Purchase and use of the site

In 2008, the city purchased 6400 Arapahoe for \$5,486,846. The purchase was funded by proceeds from the sale of \$6 million, 20-year general obligation nonprofit revenue bonds; \$793,846 in cash; and a \$500,000 loan from Boulder County. The bonds are backed by Trash Tax revenue. \$1.8 million of the bond proceeds were used for site development and the entitlement process. The county loan was paid back over five years with three percent interest.

The original purpose of the land purchase was to create a permanent home for two zero waste nonprofit organizations and the facilities they operate that fulfill critical roles in the infrastructure needed for Boulder to become a zero waste community. Prior to the purchase, both ReSource and Eco-Cycle were in month-to-month leases that did not provide a stable enough term for either organization to make long-term investments in their facilities.

The property is subdivided into two lots. “Lot 1” is the portion of the site currently developed and leased to Eco-Cycle and the Center for Resource Conservation for ReSource, its used building materials resale yard. This part of the property must be leased to nonprofit entities while the nonprofit GO bonds are still outstanding. “Lot 2” is currently undeveloped and represents the city’s equity in the site.

In 2008, ReSource moved to the property, as it was allowable under the property’s Boulder County zoning. In 2010, the property was annexed into the city (zoned Industrial-General) and between 2008 and 2013, the City redeveloped and upgraded the site to current building codes and standards including HVAC upgrades, improved site landscaping; construction of a detention pond; new utility hookups, and other site improvements. In 2011, a Site Review was approved by the Planning Board and City Council. The approved Site Review includes “Phase I,” which has been built; and “Phase II” which at the time, represented the tenant organizations’ desires for expansion. Phase II builds upon the existing structures at the site by providing additional offices and warehouse space for ReSource and Eco-Cycle as well as covered retail area for ReSource, a significantly improved street presence and an improved entrance/exit. “Phase III” represents the un-programmed potential future uses on the eastern subdivided lot. This is not part of the approved site review and there exist no approved plans for Phase III. **Attachment A** includes approved Phase I and Phase II plans.

In 2013, when the site improvements were complete, Eco-Cycle moved to the site from its former home at the city municipal service center. Between 2013 and 2016, the City spent an additional \$20,000 annually on major site maintenance and improvements including replacing asphalt with concrete in several areas of the site, adding electricity to outbuildings and setting aside funds for roof replacement.

Trash Tax Funding

The Trash Tax generates approximately \$1.7 million per year, of which approximately \$600,000 is dedicated to bond repayments for the purchase and development of Phase I at 6400 Arapahoe; and \$1.1 million has been appropriated for ongoing zero waste program expenses as outlined below. As of 2015, the purchase loan from Boulder County was paid off, which frees up approximately \$140,000 annually that can be used to support additional program activities or facility investments. Thus far in 2016, these funds have been used for business rebates to support compliance with the Universal Zero Waste Ordinance. Within the Trash Tax, the Zero Waste Strategic Plan and priority-based budgeting guide the annual balance of programs and facility investments.

2016 Trash Tax Funding Breakdown

Facilities:	\$220,000
Yard Waste and Wood Waste drop-off centers (operational costs)	\$100,000
CHaRM (operational costs)	\$100,000
6400 Arapahoe facility repair and replacement fund	\$20,000
Programs and Services:	\$232,000
BVSD Green Star Schools and zero waste curriculum	\$32,000
CU Green Teams	\$10,000
Multi-family Unit outreach project	\$40,000
PACE zero waste advising services	\$150,000
Rebates and Incentives:	\$340,000
Universal Zero waste grants and start-up rebates	\$340,000
Staff	\$300,000
TOTAL:	\$1,092,000

Since the site was purchased in 2009, council has discussed several times whether or not to sell Lot 2. Each time it has been discussed, the consensus was to wait to make a final determination until such a time as it could be determined whether the revenue from the sale of the subdivided parcel could help fund other zero waste activities. At a June 3, 2010 Study session, most council members were not inclined to sell Lot 2, recognizing that the city would likely need more land over time for zero waste or other priorities, though some council members indicated a willingness to investigate selling off this subdivided parcel if it could help pay for Phase II for the nonprofit tenants. At its July 29, 2014 Study Session, council expressed an interest in keeping the entire property open for zero waste activities and for allowing others besides ReSource and Eco-Cycle to locate there; especially those that could highlight innovation in the zero waste arena.

Zero Waste Strategic Plan

The Zero Waste Strategic Plan, accepted by Council in November 2015 outlined the strategic development planning process that is currently underway. The strategic plan includes the following goals:

- **WASTE DIVERSION:** 85% waste diversion in each sector by 2025 (residential single-family, residential multi-family, and commercial)
- **SOURCE REDUCTION:** measure per capita total waste generation (trash, recycling and compost) and work to decrease this over time
- **GREENHOUSE GAS (GHG) EMISSIONS REDUCTION:** measure GHG emissions from waste disposal to the greatest extent possible and implement strategies to reduce GHG emissions from waste.
- **PARTICIPATION:** maximize the number and diversity of individual participants in zero waste services and programs.

ANALYSIS

Since the approved site review for Phase II development at 6400 Arapahoe expires in two years, and it has become clear that the organizations' needs have evolved, staff recently initiated a process to scope out potential amendments to the approved site review. In addition, there has been an increasing interest in use or purchase of Lot 2 (see **Attachment B**) from other city departments for office space and from private non-city interests. Since funding has yet to be identified to complete Phase II and a plan had not been developed for Phase III, staff initiated a strategic planning process that involved a budget-level appraisal of Lot 2 and a tenant and stakeholder charrette for concept planning for Phase III (See **Attachment C**). The goals of the strategic planning process are to identify options for development at 6400 Arapahoe by:

- Updating the site review and mapping out a funding strategy and timeline for Phase II development; and
- Weighing the zero waste benefits of selling a portion of the site to help fund Phase II development versus retaining the entire site for Phase III zero waste activities.

Council is being asked for authorization to pursue the proposed land use processes for Phases II and III at 6400 Arapahoe; and staff is seeking comments, questions or concerns about the analysis and the proposed process moving forward.

6400 Arapahoe within the context of Zero Waste Boulder

When the city's Zero Waste Resolution was adopted in 2006, it outlined the city's role in achieving this zero waste vision, stating:

Government can be ultimately responsible for establishing facilities and criteria needed to eliminate waste, for creating the economic and regulatory environment in which to achieve it, and for leading by example.

Inherent in the zero waste resolution is the reality that the city cannot work alone, and that only through collaboration with its private, nonprofit and public sector partners can the entire community achieve zero waste. Furthermore, it recognized that any community striving toward zero waste needs to look upstream from recycling and composting to address reuse and waste prevention – a concept sometimes referred to as “sustainable materials management.” Although there is a societal movement toward product design for recyclability, this shift is slow. For the foreseeable future, our community will need a location to drop off and sort materials that are either not numerous enough or valuable enough to be collected curbside. The current activities at 6400 Arapahoe collect hard-to-recycle materials for reprocessing, minimize electronic waste, facilitate building material reuse, as well as other sharing, repair and reuse activities through Eco-Cycle’s fix-it clinics and the tool lending library. Over time, these activities can be expanded to increase opportunities for reuse, repair and deconstruction - and should include flexibility because the specific “hard-to-recycle” materials will necessarily change over time.

City and partner roles

In contrast to communities with municipal control over waste hauling, state mandates or high landfill tip fees that encourage zero waste investments, Boulder relies on a strong network of nonprofit, for-profit, governmental and community partnerships to invest resources in the success of our zero waste systems. In this dynamic environment, the City of Boulder’s role is to: facilitate a community vision around zero waste; “set the rules” so everyone can play on an even field; and work with each community partner to collaboratively build facilities and deliver strategic programs and services. In this vein, the landscape that supports our zero waste facilities is built on a foundation of long-standing partnerships.

Facility needs

The city’s Zero Waste Strategic Plan outlines seven major facility types required for any community to achieve zero waste:

1. Recyclables Processing
2. Organics processing
3. Creative reuse and repair facilities
4. Hard-to-Recycle Center
5. Household hazardous waste facility
6. Construction waste recycling
7. Transfer station for “whatever’s left”

Of these, only one facility type is yet to be developed (construction waste recycling), though there exist significant opportunities to expand the existing facilities and increase their efficiency and effectiveness.

1. Recyclables Processing Facility – The Boulder County Recycling Center (BCRC) is owned by Boulder County and operated by Eco-Cycle. The BCRC needs

upgraded equipment for removing plastic bag contamination, optically sorting various plastics, and expanding the area dedicated to receiving and processing clean, sorted cardboard. Boulder County is planning to make these investments over the coming 5+ years. Some funding is dependent on the passage of a Sustainability Tax in November 2016.

2. Organics processing – There is one windrow composting facility in Boulder owned and operated by Western Disposal. There is also a privately-owned biofuels digester composting facility in LaSalle, CO owned by Électricité de France (EDF) and A-1 Organics. The City and the county are working together to jointly develop a compost transfer site in Frederick, CO that would allow any private hauler to collect compostable materials from Boulder businesses and deliver them for composting to a cost-effective site within 25 miles of any point in Boulder.
3. Creative reuse and repair facilities – Eco-Cycle and ReSource operate on the city’s property at 6400 Arapahoe. The two organizations manage various material reuse activities and fix-it clinics. These activities can be expanded if more classroom and workshop space were available. In addition, while ReSource removes nails from a limited quantity of lumber, there exists the potential for a 30-50 percent increase in diversion with Phase II de-nailing operations and a covered retail shopping area. Separate from 6400 Arapahoe, Boulder’s creative reuse center, ArtParts is operating from a small retail space without adequate materials storage. There is not a central location for art creation or gallery space nor is there a local area for youth programming focused on recycled material arts and crafts.
4. Center for Hard-to-Recycle Materials (CHaRM) – This facility is operated by Eco-Cycle under contract to the city. Eco-Cycle leases the property from the city for \$1 per month; and Eco-Cycle (and ReSource) pay for upkeep and maintenance. The facility is adequate for the materials currently accepted; however, additional drop-off area is needed, especially for large items such as carpets, carpet pads and mattresses; and flex drop-off space is needed for future CHaRM material expansion. There is also a significant opportunity and unmet need for refurbishing used computers for resale and for facilitating entrepreneurial innovation through recycling industrial discards.
5. Household Hazardous Waste Facility – owned and operated by Boulder County, the hazardous materials management facility is funded jointly by all participating communities
6. Construction waste recycling – A facility for recycling mixed construction waste is not yet available. Boulder County is investigating development of a mixed construction waste sorting facility as part of the proposed countywide

sustainability tax. Such a facility is not considered an appropriate use at 6400 Arapahoe given the site's context and the constraints of its Annexation agreement.

7. Transfer station for “whatever’s left” – owned and operated by Western Disposal, the transfer station may be expanded over time to be able to recover additional materials from the waste stream.

Given these facility needs and expansion possibilities, staff investigated two options for Lot 2 at 6400 Arapahoe:

1. Sell Lot 2 to serve other community needs; use the revenue from the sale to further our community's zero waste efforts
2. Retain Lot 2 for zero waste purposes

To sell or not to sell?

If the city were to sell Lot 2, it has been estimated to be worth approximately \$1 million. Potential buyers include other city departments for offices or material storage, or private industrial development. Zoning would need to be changed to accommodate housing. Depending on the final owner and programming associated with the parcel, it could serve a number of community needs. The revenue from the sale of the parcel would supplement the Trash Tax and could be used to help fund Phase II for the existing nonprofit tenants' expansion. Unfortunately, this would provide only an estimated 25-30 percent of the required funding for Phase II. The remainder of the funding would have to come from creative funding partnerships with the nonprofit tenants and/or the city.

Discussions with the existing tenants have indicated that prior efforts to seek funding for Phase II have proven difficult. A programming exercise was initiated to see what could fit on the property and how many of the community's outstanding zero waste needs could be met through Phase III. The exercise has identified several potential new activities and partnerships, as well as several needed improvements to the site's traffic flow, efficiency and customer experience. With it, Phase III brings expanded business opportunities with additional nonprofit partners, significant synergies to expand the number of visitors to the site, and the potential for a diversified funding base.

Potential new activities on site:

1. Creative reuse center for artists, teachers and youth groups
2. Small business incubator space focused on “up-cycling” materials
3. Art gallery and retail space for upcycled products
4. Public workshop/maker space
5. Computer refurbishing and resale for lower income and nonprofits' use
6. Covered outdoor shopping area for ReSource materials
7. De-nailing operations for increased wood recovery

Potential new Partnerships:

- ArtParts – existing nonprofit that operates Boulder's creative reuse center

- Blue Star Recyclers – employs autistic adults to refurbish personal computers and upgrade wood
- Boulder Valley School District – potential for shared classroom and meeting space, programming for young adults needing special education services, potential partnerships through the Arapahoe Ridge technical High School and even possibly shared commercial kitchen space for collaboration on enhancing local food efforts and reducing food waste.

Other possible site improvements:

- Flex drop-off area for changing materials over time
- Additional office space and meeting space for ReSource and Eco-Cycle
- Recycled art sculpture gateway to site and to the eastern gateway of Boulder
- Improved donation lanes and traffic flow for ReSource materials
- Educational displays regarding alternative building materials
- Increased ability to host fix-it clinics and summer camps and youth programming focused on upcycling and creative reuse
- Potential processing for other value-added materials from CHaRM and ReSource
- Additional loading dock and storage for recycling bins and material exchange
- Improved vehicle and pedestrian circulation to provide an overview and cross-pollination for visitors and the organizations on site

How do these improvements measure up against the community’s zero waste criteria for investment?

The Zero Waste Strategic Plan identifies three quantitative and two qualitative criteria against which potential initiatives should be weighed. At this stage, this evaluation is only for comparative purposes. When evaluating the quantitative criteria, ratings are based on estimated tons (of waste diverted or greenhouse gases avoided) or estimated increases in participation. Once actual plans are finalized and costs estimated, a true cost-benefit analysis can be performed.

Zero Waste Criteria Comparison

<u>Quantitative Criteria</u>	<u>Develop Lot 2</u>	<u>Sell Lot 2</u>
DIVERSION POTENTIAL:	medium	low
GHG REDUCTION POTENTIAL:	medium	low
COMMUNITY ENGAGEMENT:	high	low
<u>Qualitative Criteria</u>		
UPSTREAM CONSERVATION:	high	n/a
EASE OF IMPLEMENTATION:	low	high

Obviously, these criteria rankings reflect an evaluation based solely on advancing the city’s zero waste efforts, consistent with the use for which 6400 Arapahoe was originally purchased. A broader evaluation of site use options to advance other community priorities has not yet been conducted.

Financing the development

The existing Trash Tax revenues can pay for soft costs including engineering, architectural and permit fees to continue the development process for Phase II and produce the concept plans and artists' renderings for Phase III.

Based on initial discussions with the existing and future tenants at the property, the following possible financing options have been identified:

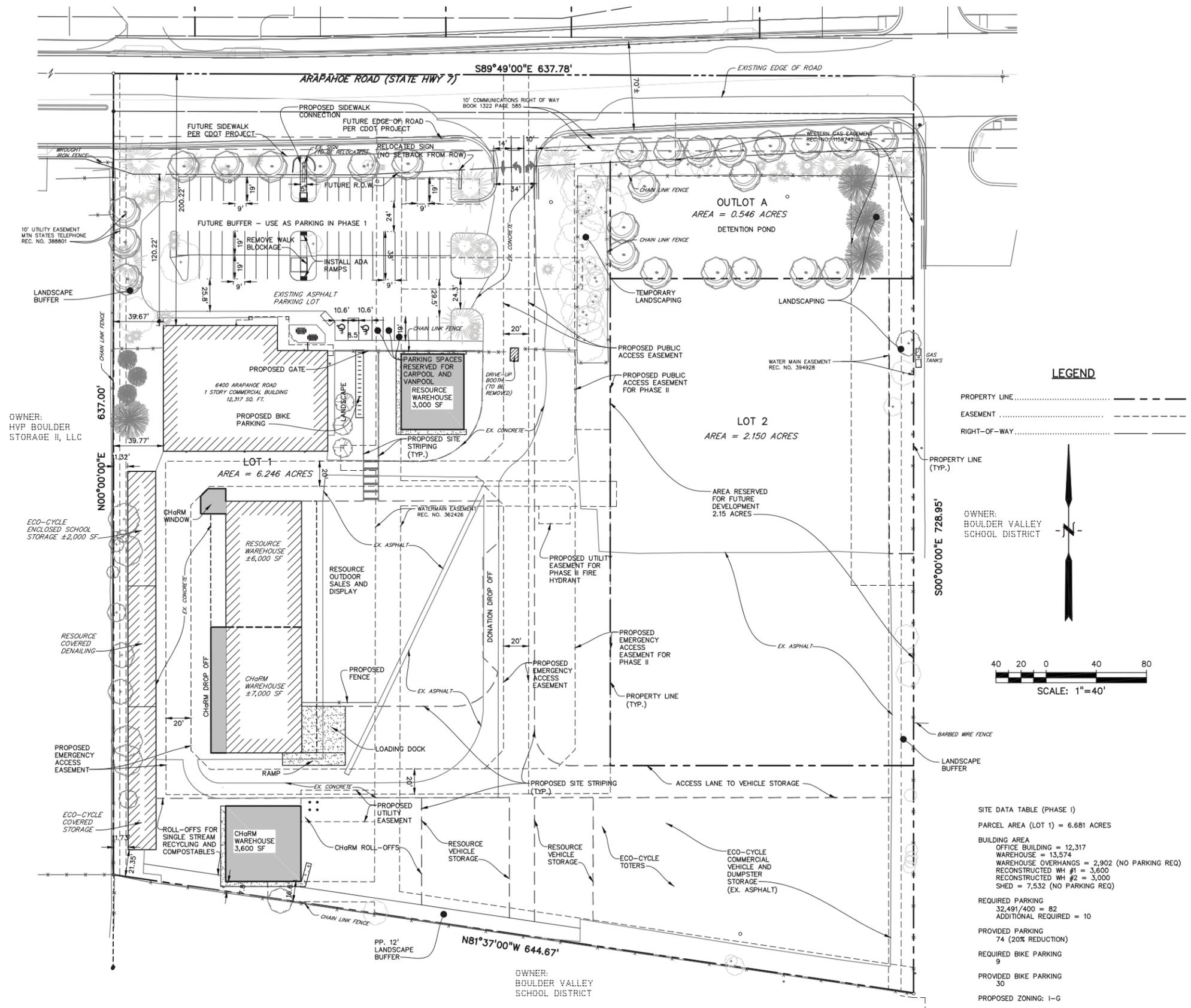
- Public private partnerships
- Capital Campaigns
- Scientific and Cultural Development Grants
- Other grants
- Foundation funding
- Boulder County Sustainability Tax – If tax measure passes, revenue could be available after 2019
- Existing Trash Tax – Approximately \$200,000 annually, increasing to \$350,000 as start-up rebates are phased out
- New Trash Tax – Voter approval would be required to increase Trash Tax
- Disposable Bag Fee proceeds – voter approval required to convert the existing fee into a tax to allow investment in non-bag-related expenses. (Current revenues are ~\$25,000 annually)
- Other city funds – Priority-based budgeting exercise would be required to prioritize this over other city needs
- Private bank loans to city or nonprofit tenants

CONCLUSION

If council authorizes the city manager to pursue an amendment to the approved site review and to begin the concept planning and associated land use processes to develop Phase III, staff will return to council at a study session with more specific facility and use concepts for the site and an outline of funding options.

ATTACHMENTS

- A:** Approved Phase I and Phase II plans
- B:** Lot 1 and Lot 2 drawings
- C:** Draft Phase III concept drawings



SITE DATA TABLE (PHASE I)

PARCEL AREA (LOT 1) = 6.681 ACRES

BUILDING AREA
 OFFICE BUILDING = 12,317
 WAREHOUSE = 13,574
 WAREHOUSE OVERHANGS = 2,902 (NO PARKING REQ)
 RECONSTRUCTED WH #1 = 3,600
 RECONSTRUCTED WH #2 = 3,000
 SHED = 7,532 (NO PARKING REQ)

REQUIRED PARKING
 32,491/400 = 82
 ADDITIONAL REQUIRED = 10

PROVIDED PARKING
 74 (20% REDUCTION)

REQUIRED BIKE PARKING
 9

PROVIDED BIKE PARKING
 30

PROPOSED ZONING: I-G



Drexel, Barrell & Co.
 Engineers • Surveyors
 1800 36TH STREET
 BOULDER, COLORADO 80301
 (303) 442-4338

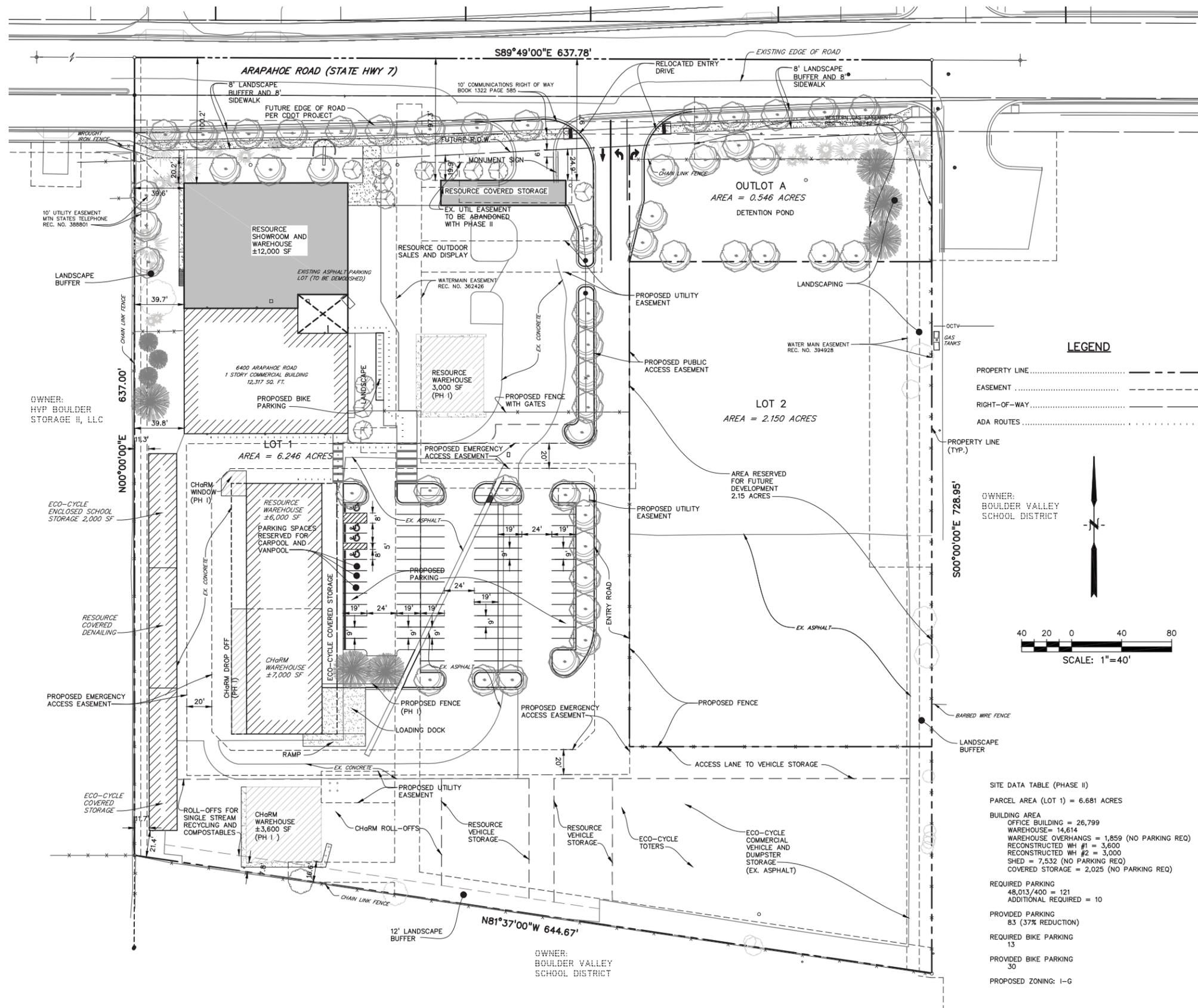
6400 Arapahoe
 Boulder, Colorado
SITE REVIEW

City of Boulder
 Eco-Cycle
 CHaRM
 ReSource

MARCH 18, 2011
 MAY 16, 2011
 JUNE 15, 2011

PHASE I
 SITE PLAN

SHEET NUMBER:
 C1



Drexel, Barrell & Co.
Engineers • Surveyors
1800 36TH STREET
BOULDER, COLORADO 80301
(303) 442-4338

6400 Arapahoe
Boulder, Colorado
SITE REVIEW

City of Boulder
Eco-Cycle
CHaRM
ReSource

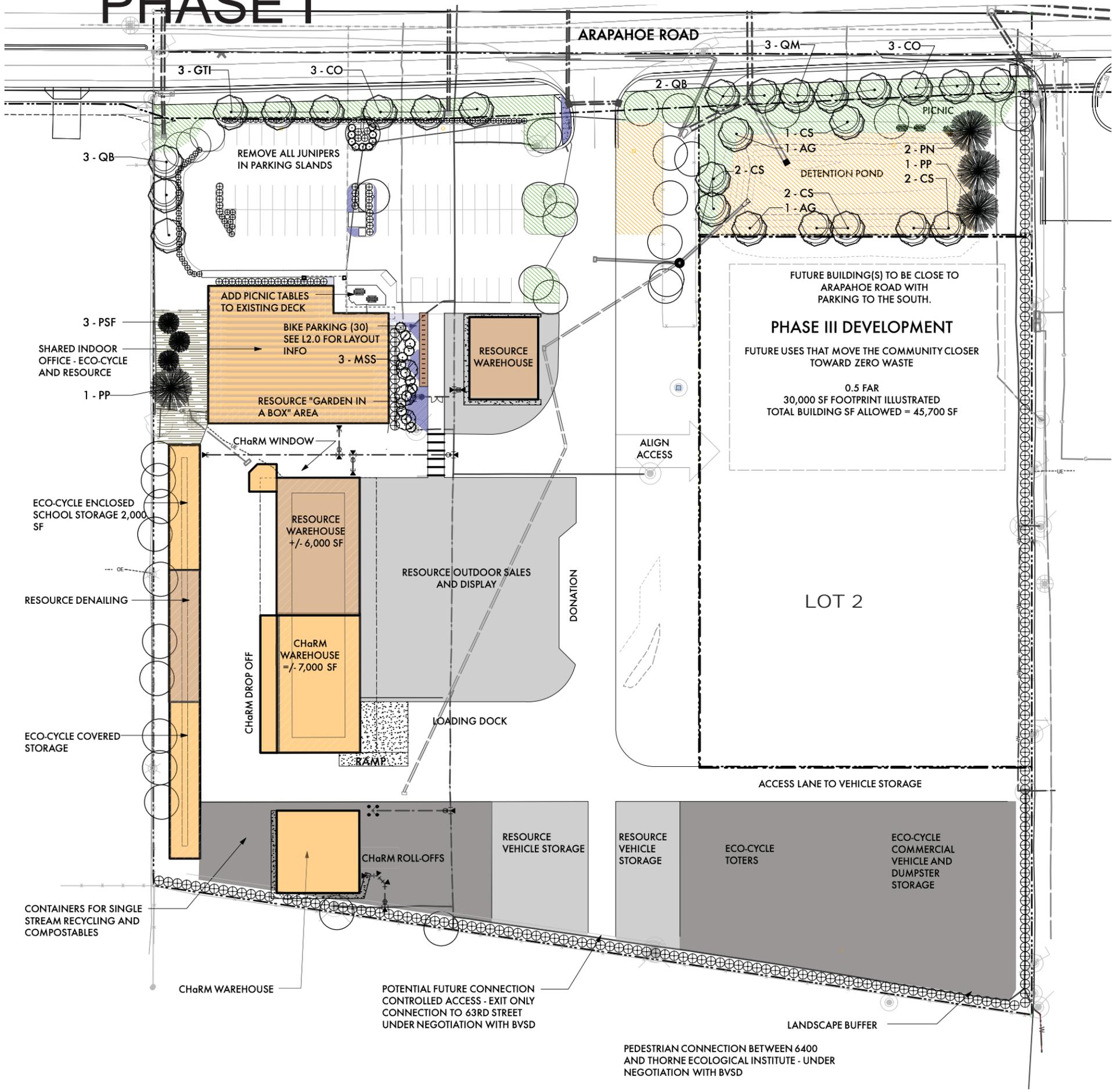
MARCH 18, 2011
MAY 16, 2011
JUNE 15, 2011

PHASE II
SITE PLAN

SHEET NUMBER:
C4

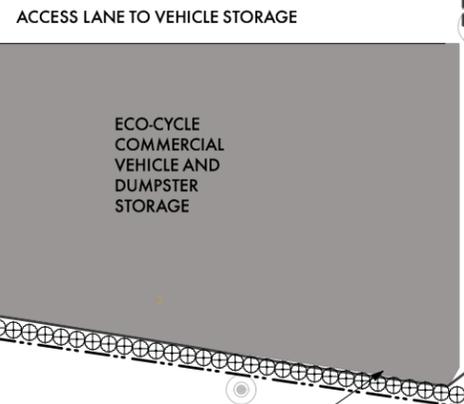
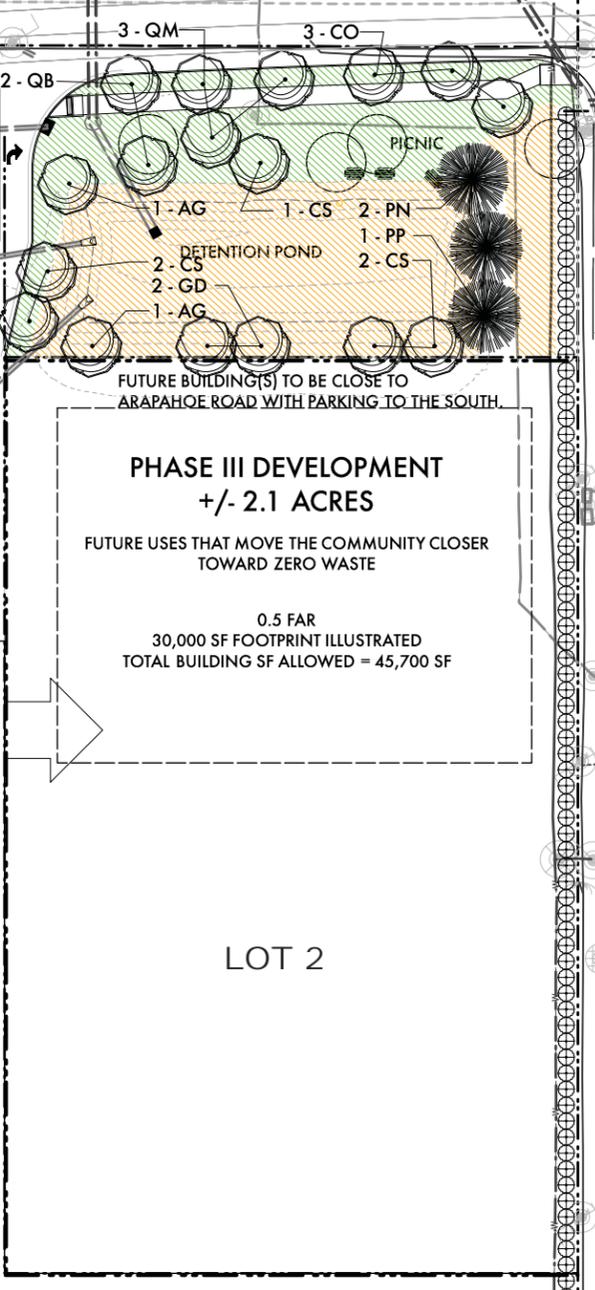
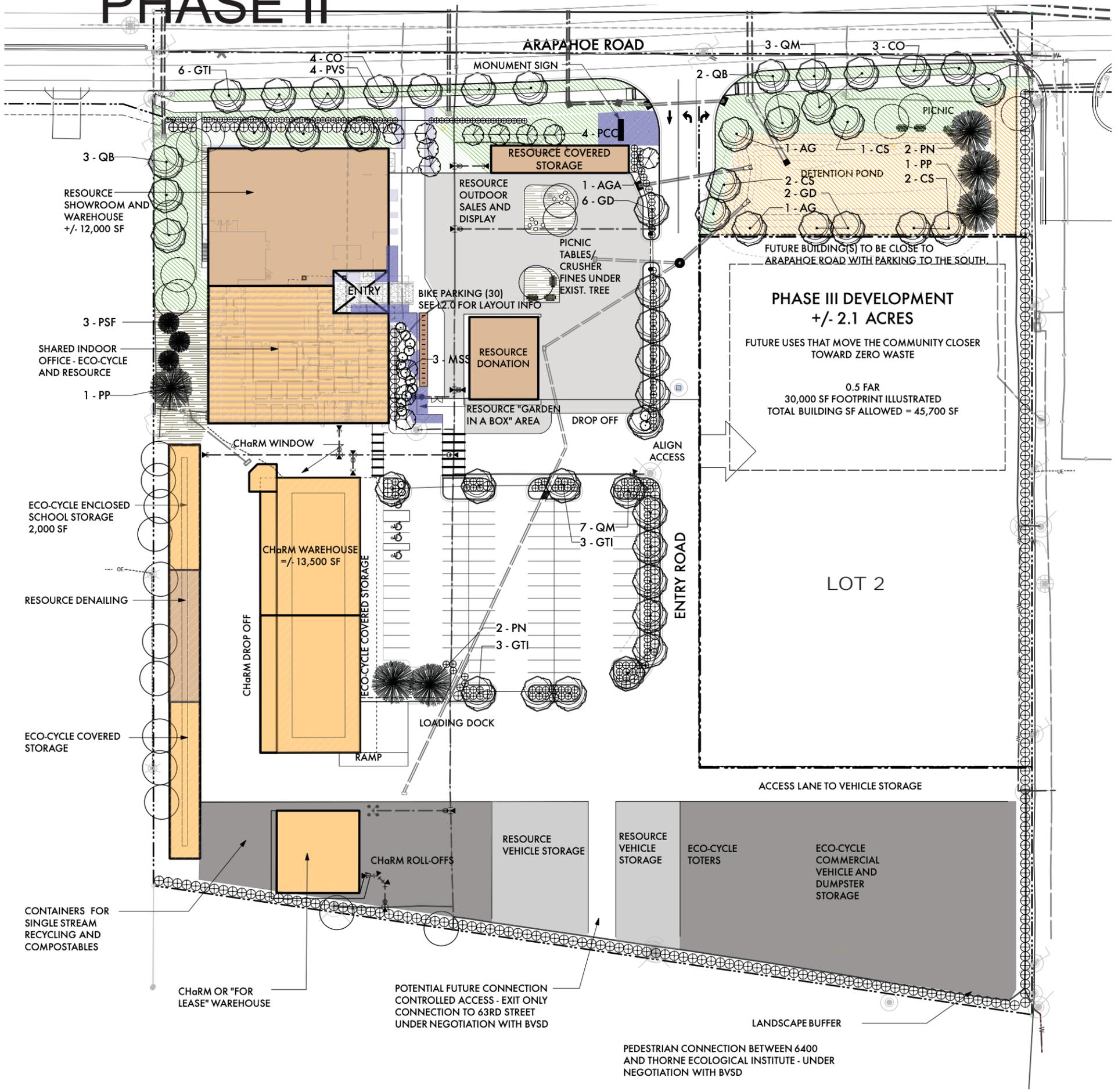
APPROVED SITE REVIEW

PHASE I



APPROVED SITE REVIEW

PHASE II



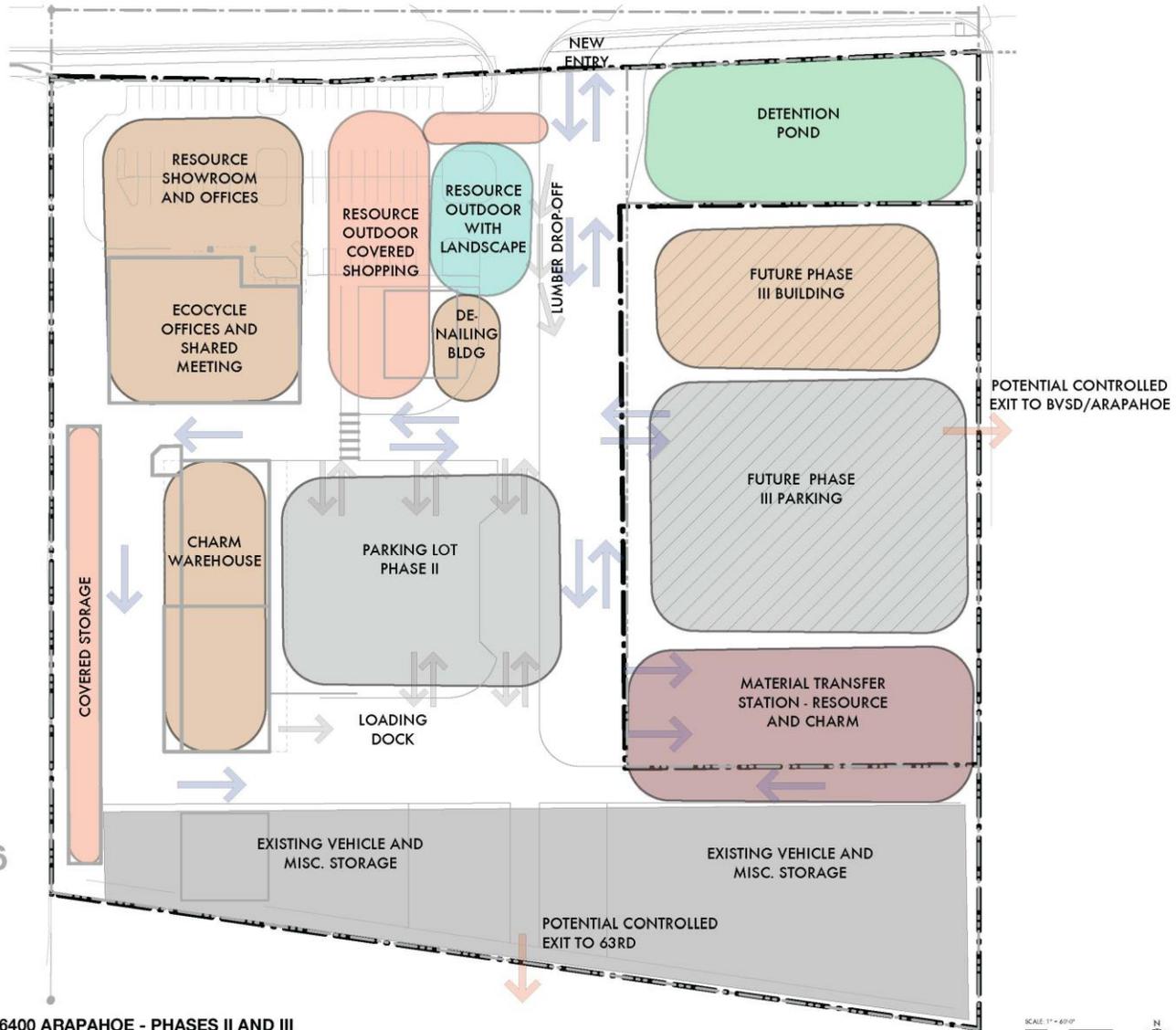
CHaRM OR "FOR LEASE" WAREHOUSE

POTENTIAL FUTURE CONNECTION CONTROLLED ACCESS - EXIT ONLY CONNECTION TO 63RD STREET UNDER NEGOTIATION WITH BVSD

LANDSCAPE BUFFER

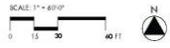
PEDESTRIAN CONNECTION BETWEEN 6400 AND THORNE ECOLOGICAL INSTITUTE - UNDER NEGOTIATION WITH BVSD

DRAFT PHASE II / III CONCEPT



DRAFT
APRIL 27, 2016

2 6400 ARAPAHOE - PHASES II AND III
1"=60'-0"



2016 Environmental Advisory Board Staff Calendar

January 6 Meeting

Public Hearings	Staff

Discussion Items	Staff
Energy Future Update: Municipalization	Jonathan Koehn
Climate Commitment Community Engagement Process	Brett KenCairn

Materials due by **noon on Wed, Dec 30**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Jan 6**.

February 3 – Retreat

March 9 Meeting

Public Hearings	Staff

Discussion Items/Matters for the Board	Staff
Sustainability Dashboard Memo	
Black Bear Protection Ordinance Update Memo	
Discussion of April’s Open House Outline & Expectations of Board Members as Hosts	

Materials due by **noon on Wed, March 2**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, March 9**.

April 6 Meeting

Public Hearings	Staff
Sustainability Dashboard Memo	Elyse Hottel

Discussion Items/Matters for the Board	Staff
Black Bear Protection Ordinance Update	Valerie Matheson
Finalize Joint Board Open House Agenda and Facilitation Strategy	Board

Materials due by **noon on Wed, March 30**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, April 6**.

April 27 – Joint Board Open House – Details TBD

May 4 Meeting

Public Hearings	Staff
Draft Resilient Strategic Plan	Casey Earp

Discussion Items/Matters for the Board	Staff/Board Member
Fourmile Canyon Creek CEAP Draft Document	All

Flood & Greenways Capital Improvement Program	All
Portland/Eugene Trip Report Back	Brad Queen
Joint Board Open House Debrief	All

Materials due by **noon on Wed, April 27**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, May 4**.

June 1 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff
BVCP Update	Lesli Ellis
UZWO Update/6400 Arapahoe Development Update	Kara Mertz
Continued Joint Board Open House Discussion	All

Materials due by **noon on Wed, May 25**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, June 1**.

July 6 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff
Community Engagement Strategies	Amanda Nagl
“Study Session” – Climate Commitment Community Outreach & Engagement	Brett KenCairn

Materials due by **noon on Wed, June 29**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, July 6**.

August 3 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff

Materials due by **noon on Wed, July 27**, emailed to EAB by 4 pm.

PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Aug 3**.

September 7 Meeting

Public Hearings	Staff

--	--

Discussion Items/Updates/Matters for the Board	Staff

Materials due by **noon on Wed, Aug 31**, emailed to EAB by 4 pm.
PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Sept 7.**

October 5 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff

Materials due by **noon on Wed, Sept 28**, emailed to EAB by 4 pm.
PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Oct 5.**

November 2 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff

Materials due by **noon on Wed, Oct 26**, emailed to EAB by 4 pm.
PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Nov 2.**

December 7 Meeting

Public Hearings	Staff

Discussion Items/Updates/Matters for the Board	Staff

Materials due by **noon on Wed, Nov 30**, emailed to EAB by 4 pm.
PPTs for meeting due to Sandy Briggs **by 4 pm Wed, Dec 7.**