

**THE CITY OF BOULDER  
CITY COUNCIL MEETING  
COUNCIL CHAMBERS, 1777 Broadway  
January 20, 2015  
6 PM**

**AGENDA**

1. **CALL TO ORDER AND ROLL CALL**
  - A. **State of the City Presentation**
  - B. **Declaration in Appreciation of Mark Udall**
2. **OPEN COMMENT and COUNCIL/STAFF RESPONSE** (Limited to 45 minutes.)

Public may address any city business for which a public hearing is not scheduled later in the meeting (this includes the consent agenda and first readings). After all public hearings have taken place, any remaining speakers will be allowed to address council. All speakers are limited to three minutes.
3. **CONSENT AGENDA** (to include first reading of ordinances) Vote to be taken on the motion at this time. Roll call vote required.
  - A. Consideration of a motion to approve the Special City Council **Meeting Minutes from December 8, 2014**
  - B. Consideration of a motion to approve the City Council Meeting **Minutes from December 16, 2014**
  - C. Consideration of a motion to accept the October 28, 2014 **study session summary on Envision East Arapahoe**
  - D. Consideration of a motion to accept the November 12, 2014 **study session summary on the Climate Commitment Update**
  - E. Consideration of a **motion to amend the Cunningham Farm Annexation Agreement** for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture. Case #LUR2014-00087. The properties are located within the Residential – Rural 2 (RR-2) zone district
  - F. Consideration of a motion to adopt a **resolution allowing for continuation of the Rocky Flats Stewardship Council**

- G. Consideration of a motion to adopt a **resolution** authorizing the City Manager to **enter into the Trust Agreement for the Colorado Firefighter Health and Circulatory Benefits Trust** and setting forth related details
- H. Second reading and consideration of a motion to adopt **Ordinance No. 8019** amending Emergency Ordinance No. 7985 **to correct the legal description for the annexation area of the property at 2130 Tamarack Avenue**
- I. Introduction, first reading and consideration of a motion to order published by title only Ordinance No. 8028 **amending Title 9, “Land Use Code” B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the City**, and setting forth related details.

4. **POTENTIAL CALL UP CHECK IN**

Opportunity for Council to indicate possible interest in the call-up of an item listed under agenda Item 8-A1.

5. **PUBLIC HEARINGS**

- A. Second reading and **consideration of a motion to adopt the following ordinances related to the annexation and initial zoning of the properties identified as 1950 Riverside Dr., 4415 Garnet Ln., 1085 Gapter Rd., 2200 Emerald Rd. and 2350 Norwood Ave.:**

- a. Ordinance No. 8022 (1950 Riverside Dr.)  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Seana Grady

- b. Ordinance No. 8023 (4415 Garnet Ln. and a portion of the Garnet Lane right of-way)  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Frank Alexander

- c. Ordinance No. 8024 (1085 Gapter Rd.)  
Proposed Zoning: Residential-Rural 2  
Applicant/Owner: Silvano and Elvira Deluca

- d. Ordinance No. 8025 (2200 Emerald Rd.)  
Proposed Zoning: Residential-Rural 1  
Applicant/Owner: Stephen and Amy Carpenter

- e. Ordinance No. 8026 (2350 Norwood Av.)  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Norwood Garden, LLC

6. **MATTERS FROM CITY MANAGER**

- A. Update on P&DS Advisors Group
- B. Discussion and direction on development-related impact fees and excise taxes.

7. **MATTERS FROM CITY ATTORNEY**

None

8. **MATTERS FROM MAYOR AND MEMBERS**

A. Call Ups

- 1. **Landmark Alteration Certificate** to install vinyl replacement windows on the non-contributing building located at **720 Concord Ave. in the Mapleton Hill Historic District**, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350). This Landmark Alteration Certificate is subject to City Council call-up no later than **January 20, 2015**. Landmarks Board approved 3:1.
- 2. **1029 Broadway Site and Use Review** (LUR2014-00053). Last opportunity for call up no later than **February 3, 2015**. Planning Board approved 6:0.

B. Consideration of a **motion to approve the process for performance evaluations and salary adjustments for the City Manager, City Attorney, and Municipal Judge.**

C. **Discussion on Scheduling Executive Sessions**

9. **PUBLIC COMMENT ON MATTERS** (15 min.)

Public comment on any motions made under Matters.

10 **FINAL DECISIONS ON MATTERS** Action on motions made under Matters.

11. **DEBRIEF** (5 Min.) Opportunity for Council to discuss how the meeting was conducted.

## 12. ADJOURNMENT

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If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. *Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 negocios días antes de la junta.*

Electronic presentations to the city council must be pre-loaded by staff and will not be accepted after 3:30 p.m. the day of a regularly scheduled council meeting. Electronic media must come on a prepared USB jump (flash/thumb) drive.

**CITY COUNCIL PROCEEDINGS  
CITY OF BOULDER  
Monday, December 8, 2014**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Appelbaum called the October 21, 2014 Special City Council meeting to order at 6:06 PM in Council Chambers.

Those present were: Mayor Appelbaum and Council Members Cowles, Jones, Karakehian, Morzel, Plass, Shoemaker, Weaver and Young

Prior to agenda item 1A City Manager Jane Brautigam addressed council regarding the Potential Site Review call-up for the 30<sup>th</sup> and Pearl Street development, for an office campus for Google, CAC scheduled discussion of the potential call-up item for January 20, 2015 since only seven council members were expected to be in attendance at the December 16 meeting. However, after CAC, staff was able to confirm that eight members of the city council would be in attendance on December 16. Council consensus was to place the potential call-up discussion on the December 16 agenda. Council also asked staff to get them the Planning Board packet and any other relevant documentation immediately in order for them to make an informed decision the next week.

**A. CONSIDERATION OF A MOTION TO GO INTO EXECUTIVE SESSION FOR LEGAL ADVICE AND DISCUSSION REGARDING MUNICIPALIZATION STRATEGY**

City Attorney Carr reviewed the recent actions of the Boulder County Election Canvassing Board and the Colorado Secretary of State, relative to its refusal to certify the November 4, 2014 coordinated election results. He noted that although the Canvassing Board refused to sign off on the canvass, the City Charter calls for the city council to sit as the city's General Canvassing and Election Board and that on December 2, 2014 that board did receive and certify the election results for the three City of Boulder measures on the City of Boulder.

The City Attorney then reviewed the Ground Rules for the conduct of executive sessions.

Council Member Cowles moved, seconded by Council Member Weaver to adjourn to executive session for the purpose of receiving legal advice and discussion regarding Municipalization strategy. The motion carried 9:0. Vote was taken at 6:22 PM.

The Boulder City Council adjourned into executive session in the Fishbowl conference room of the City Manager's Office.

At 8:04 PM the full City Council returned to Council Chamber to announce that the executive session would be longer than originally expected.

Mayor Appelbaum moved, seconded by Council Member Shoemaker, to extend the executive session for an additional two hours. The motion carried 9:0 at 8:06 PM.

Council re-adjourned to the Fishbowl Conference room in the City Manager's Office.

At 9:45 PM the council reconvened in the Council Chambers.

City Attorney Carr noted that the council was responsible for disclosing any conversation during an executive session if it was outside the scope of discussion allowed by the Charter amendment approved by the voters on November 4, 2104. He asked if there were any such disclosures to be made. There were none.

2. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on December 8, 2014 at 9:50 PM.

Approved this \_\_\_\_ day of January, 2015.

APPROVED BY:

\_\_\_\_\_  
Matthew Appelbaum  
Mayor

ATTEST:

\_\_\_\_\_  
Alisa D. Lewis,  
City Clerk

**CITY OF BOULDER  
CITY COUNCIL PROCEEDINGS  
December 16, 2014**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Pro Tem Jones called the December 16, 2014 City Council meeting to order at 5:32 PM in Council Chambers.

Those present were: Mayor Pro Tem Jones and Council Members Cowles, Karakehian, Morzel, Plass, Shoemaker, Weaver, and Young. Mayor Appelbaum was absent.

Mayor Pro Tem Jones announced several changes to the agenda:

- 1) Withdrawal of item 8C – a resolution in support of Boulder County Clerk and Recorder Hillary Hall;
- 2) Addition of item 8B – Retreat Committee Update; and
- 3) Addition of item 8D – a nod of five to support a declaration of appreciation to Gordon and Grace Gamm who recently donated one million dollars to the Dairy Center for the Arts.

Council Member Morzel moved, seconded by Council Member Weaver to approve the changes to the agenda. The motion carried 8:0 with Mayor Appelbaum absent. Vote was taken at 5:33 PM.

**A. Janet Driskell Turner Award**

Shelley Sullivan, Boulder Reads Program Manager, presented the Adult Learner award to Mayra Rivera.

**B. Latino History Project Declaration**

Council Member Young presented a declaration of appreciation to the Latino History Program participants, a program that captures the history of the Latino community in Boulder's history.

**2. OPEN COMMENT and COUNCIL/STAFF RESPONSE**

- 1) Greg Wilkerson suggested opening communications with all municipalities in Boulder County regarding what the population of Boulder County should be in 2100. Starting planning now for the future.
- 2) Elizabeth Black, representing the carrot people, the city's micro food producers. She spoke to the importance of the Cottage Food Act in Colorado but raised concern that as a cottage food producer in Boulder, she cannot legally sell her honey in Boulder because it is prohibited by the city's Home Occupation ordinance. She asked that council change local laws for local foods.
- 3) Scott Green, Site Director at Google, spoke to the proposed Google development, noting Google's roots in Boulder and the desire to be a sensitive and responsible community member in Boulder. He also listed steps taken to be environmental friendly and the support provided to small businesses and local charities. He urged the council to support the proposed project.

- 4) Kevin Foltz, Developer of the Pearl Place development, explained that the proposed Pearl Place Office urban campus would provide Class A office space for Google Inc. The plan incorporates many of the city's environmental and economic values. He also asked for Council support for the project.
- 5) Cosima Krueger-Cunningham requested council support for the Cottage Food Home Occupation ordinance change for local food producers. She then raised concerns related to "Colorado Blueprint" a top down statewide Economic Development Master Plan which was unleashed upon Colorado communities in 2011 by the Colorado Economic commission which brought numerous negative impacts to local communities.
- 6) Rob Smoke spoke to the homeless issue in Boulder and the number of legal actions that negatively impact that population. He specifically noted that the homeless could not even step off the curb to accept a donation from a passing car.
- 7) Lucy Sanders spoke in support of Google as a wonderful community member and neighbor. They are a Boulder Entrepreneurial story of success.
- 8) David Tryba, the Architect for the Pearl Place development (Google) also spoke to the contributions of Google to Boulder. Supported the proposed development, noting the various aspects of the project that speak to an office campus that would integrate successfully with the community.
- 9) John Driver opposed to proposed four or five story buildings contemplated for the Google Campus. Google was the four hundred pound gorilla that ran right over the Planning Board and will bring tremendous negative impacts which will further drive out the middle class in Boulder.
- 10) Karen Hollweg applauded the OSMF staff response to public demands for access to open trails. She stressed that the North TSA, which was understandably delayed by the flood, must come before new trails.
- 11) Deborah Yin, representing the Landmarks Board, addressed the desire of the Landmarks Board to increase incentives for landmarking rather than demolishing existing sites. She urged the council to consider this at its upcoming retreat.
- 12) Fran Ryan, a nonprofit owner, acknowledged the support and sponsorship of Google within the Boulder community.
- 13) Steve Keenan loves Google, loves Boulder, expressed that working together it can work. Also spoke to endangered bees and suggested growing more flowers.
- 14) Carole Driver appreciated the positive comments about Google but noted that the real issue was a large urban campus and whether it would fit into the long range vision for Boulder.
- 15) Paul Walmsley, local computer programmer, encouraged call-up of the Google proposal noting that the proposed light industrial park area did not include any mixed use in the current plan.
- 16) Lexi Delgado asked what measures were being taken to prevent Boulder Police officers from profiling.
- 17) Molly Greacen spoke to the increased cost of housing in Boulder and the additional impact that Google would create with its increased highly paid work force.
- 18) Lorna Keeler asked the council to require recycling by businesses. Only 28% of businesses in Boulder recycle while the residents consider this a core city value.

- 19) John English noted that traffic congestion in Boulder was continuing to increase and suggested that the city require net zero congestion.
- 20) Jose Beteta, on behalf of himself and the Latino Chamber, thanked the council for its proactive efforts in supporting the Latino community. He also noted that Google supported the Latino community as well and urged support for the proposed development for the Google Office Campus.
- 21) Angelique Espinoza, Public Affairs Director for the Boulder Chamber of Commerce, voiced support for Google, noting the numerous contributions made by Google to the economic sustainability of Boulder.
- 22) Mike Marsh urged council call-up of the Google proposal noting the importance, if nothing else, to have the conversation about city priorities. He stated that nationally, rent increases last year averaged 3percent; however, out of the ten cities with the highest amount of Tech industries, the increases ranged from 7.5 to 12.3 percent. Boulder cannot be all things to all people.

Staff Response – 6:46 PM

City Manager Brautigam responded to two items: 1) Regarding Local foods, she noted that Policy Advisor Carl Castillo had been asked to look into the Denver Ordinance and would be prepared to provide more information as council prepares for its retreat; and 2) Regarding Police profiling, expressed that there is a very extensive training protocol in place in Boulder and she found that the Boulder Police Department encompasses exceptional respect and integrity.

City Attorney Carr clarified that Rob Smoke was incorrect in stating that it was a violation to step off the curb to accept a donation from a vehicle. That is not a violation in Boulder.

3. **CONSENT AGENDA** (to include first reading of ordinances). Vote to be taken on the motion at this time. Roll call vote required.

A. **CONSIDERATION OF A MOTION TO APPROVE THE CITY COUNCIL MEETING MINUTES FROM NOVEMBER 6, 2014.**

B. **CONSIDERATION OF A MOTION TO APPROVE A 20 YEAR RIGHT-OF-WAY FOR MULTIPLE CORNICES ON THE PROPERTY LOCATED AT 901 PEARL STREET. CASE No. REV2014-00019.**

**APPLICANT: 901 ELDRIDGE, INC, A COLORADO CORPORATION**

C. **FOURTH READING AND CONSIDERATION OF A MOTION TO ADOPT AND ORDER PUBLISHED BY TITLE ONLY ORDINANCE NO. 7957 AMENDING TITLE 2, “GOVERNMENT ADMINISTRATION,” CHAPTER 7, “CODE OF CONDUCT,” B.R.C. 1981 AND SETTING FORTH RELATED DETAILS.**

- D. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT BY TITLE ONLY ORDINANCE NO. 8021 AMENDING THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF BOULDER AND COMCAST OF COLORADO IV, LLC, TO EXTEND THE TERM OF THE AGREEMENT BY 120 DAYS.**
- E. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8018 AMENDING TITLE 9, "LAND USE CODE," B.R.C. 1981, TO CREATE AN ADDITIONAL METHOD OF PROPERTY VALUATION FOR THE DETERMINATION OF WHETHER PROPOSED WORK ON A PROPERTY TRIGGERS UPGRADES TO LIGHTING, LANDSCAPING, SITE ACCESS AND NON-CONFORMING DRIVE-THROUGHS UNDER THE LAND USE CODE.**
- F. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8016 AMENDING CHAPTER 4-11, "MALL PERMITS AND LEASES," SECTIONS 4-1-9 "AUTHORITY TO DENY ISSUANCE OF LICENSES," 4-20-11 "MALL LICENSE AND PERMIT FEES," AND 8-6-6 "REQUIREMENTS FOR REVOCABLE PERMITS, SHORT-TERM LEASES AND LONG-TERM LEASES," B.R.C 1981, TO UPDATE THE CODE TO BE CONSISTENT WITH CURRENT MALL PRACTICES AND NEEDS, AND SETTING FORTH RELATED DETAILS.**

Council Member Plass moved, seconded by Council Member Weaver, to approve Consent Agenda items 3A through 3F. The motion carried 8:0 with Council Member Karakehian recused from item 3B and Mayor Appelbaum absent. Vote was taken at 6:55 PM.

**4. POTENTIAL CALL UP CHECK IN 6:58 PM**

No interest was expressed on items 8A-1 through 8A-4. Council then opened up a discussion regarding the Site Review for the development of an office campus on Pearl Street.

After discussion, no action was brought forward on agenda item 8A-5.

**5. PUBLIC HEARINGS**

- A. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 8012 AUTHORIZING AND DIRECTING THE ACQUISITION OF PROPERTY LOCATED ALONG THE WONDERLAND CREEK CORRIDOR BETWEEN WINDING TRAIL DRIVE AND FOOTHILLS PARKWAY, BY PURCHASE OR EMINENT DOMAIN PROCEEDINGS, FOR THE CONSTRUCTION OF THE WONDERLAND CREEK GREENWAYS IMPROVEMENT PROJECT. 7:40**

The presentation on this item was provided by Engineering Project Manager Kurt Bauer and Flood and Greenways Engineering Coordinator Annie Noble.

There being no speakers the public hearing was closed.

Council Member Weaver moved, seconded by Council Member Karakehian, to adopt Ordinance No. 8012 authorizing and directing the acquisition of property located along the Wonderland Creek corridor between Winding Trail Drive and Foothills Parkway, by purchase or eminent domain proceedings, for the construction of the Wonderland Creek Greenways Improvement Project. The motion carried 8:0, with Mayor Appelbaum absent. Vote was taken at 8:03 PM.

**B. SECOND READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY TWO EMERGENCY ORDINANCES NUMBERED 8020 AND 8027 BOTH AMENDING CHAPTER 6-16, B.R.C. 1981, AMENDING SECTIONS 6-16-2 “DEFINITIONS,” AND 6-16-3 “LICENSE REQUIRED” WITH ORDINANCE NO. 8020 EXTENDING THE TIME FOR MEDICAL MARIJUANA BUSINESSES TO CONVERT TO RECREATIONAL MARIJUANA BUSINESSES FROM DECEMBER 31, 2014 TO MARCH 31, 2015 AND ORDINANCE NO. 8027 AMENDING THOSE SECTIONS TO ELIMINATE THE DEADLINE FOR CONVERSION OF THOSE BUSINESSES THAT EXISTED ON OCTOBER 22, 2013. 8:04 PM**

City Attorney Carr presented this item.

The public hearing was opened:

- 1) Kevin Cheney – Attorney representing owners of *Green Dream Health Services* Dispensary and Grow facilities - Requesting there be no deadline for conversions and that the retail merchandise prohibition be lifted.
- 2) Shawn Coleman – addressed the misperception being voiced regarding teen use of marijuana. Supported lifting the ban on retail merchandise sales.
- 3) Judd Golden – Speaking as a member of the Board of Directors for Colorado Normal – Voiced support for options C and D repealing the ban on the sale of merchandise.
- 4) Heath Harmon - Boulder County Health Dept. opposed to lifting the ban on the sale of merchandise noting that restrictions on merchandising very important based on years of data collection related to the tobacco and alcohol industries.
- 5) Jan Cole – Owner of *The Farm* pointed out the competitive disadvantages of the Boulder Cannabis industry from the ban on the sale of merchandise. She urged council to lift the ban.
- 6) Henry Wykowski – Attorney representing *The Farm* noting that original concerns surrounding the marijuana industry were no longer valid and it was time to lift the ban on sale of merchandise.
- 7) Devin Liles – Agreed with previous speakers and suggested that educating youth about marijuana would be far more beneficial than hiding it from them.
- 8) Steven Keenan – Noted that Boulder had done a wonderful job setting standards for the marijuana businesses. Stressed the importance of supporting the marijuana businesses.
- 9) Angelique Espinosa – representing the Boulder Chamber of Commerce, also voiced concern regarding retail equity in the marijuana industry. Supported lifting the ban on merchandise sales.

There being no further speakers, the public hearing was closed.

Council Member Weaver moved, seconded by Council Member Morzel, to adopt Emergency Ordinance No. 8020 amending Chapter 6-16, B.R.C. 1981, amending Sections 6-16-2 "Definitions," and 6-16-3 "License Required" extending the time for medical marijuana businesses to convert to recreational marijuana businesses from December 31, 2014 to December 31, 2015 and eliminate the restriction on sale of merchandise with the name or logo of the business. The motion carried 8:0 with Mayor Appelbaum absent. Vote was taken at 9:15 PM.

**6. MATTERS FROM CITY MANAGER**

**A. MOTION TO ACCEPT THE CITY MANAGER'S RECOMMENDATION TO DISBURSE 2015 HUMAN SERVICES FUND ALLOCATIONS TO COMMUNITY HUMAN SERVICES AGENCIES - 9:15 PM**

Human Services Director Karen Rahn presented on this item.

Council Member Plass moved, seconded by Council Member Young, to accept the City Manager's recommendation to disburse 2015 Human Services Fund allocations to community human services agencies.

**B. CONSIDERATION OF A RESPONSE TO CITY AND COUNTY OF DENVER'S REQUEST FOR SUPPORT FOR ITS NATIONAL WESTERN CENTER PROJECT - 9:40 PM**

Council Member Shoemaker moved, seconded by Council Member Jones, to sign on as a supporter of Denver's effort to secure funding for its National Western Center Project and its application for Regional Tourism Act funding.

**7. MATTERS FROM CITY ATTORNEY - none**

**8. MATTERS FROM MAYOR AND MEMBERS**

**A. POTENTIAL CALL-UPS:**

- (1) **LANDMARK ALTERATION CERTIFICATE TO ALTER WINDOW TO CREATE AN ENTRANCE AT THE NORTH (PRIMARY) ELEVATION OF 1029 BROADWAY ST. (PENDING LANDMARK).**

No action was taken on this item.

- (2) **DISAPPROVAL OF HISTORIC LANDMARK DESIGNATION OF THE PROPERTY AT 445 COLLEGE AVE.**

No action was taken on this item.

- (3) **LANDMARK ALTERATION CERTIFICATE TO CONSTRUCT A 753 SQ. FT. ADDITION TO A CONTRIBUTING HOUSE AND TO CONSTRUCT A 336 SQ. FT. ONE-CAR GARAGE AT 735 MAPLETON AVE.**

No action was taken on this item.

- (4) **SITE AND USE REVIEW APPLICATION NO. LUR2008-00034, FLATIRONS STORAGE FACILITY LOCATED AT 5675 ARAPAHOE AVE., A REQUEST TO EXTEND THE ORIGINAL SITE AND USE REVIEW APPROVALS FOR THE PROPERTY BEYOND THE EXPIRATION PERIOD AS PERMITTED BY THE DEVELOPMENT CODE.**

No action was taken on this item.

- (5) **SITE REVIEW FOR THE PROPOSED REMOVAL OF EXISTING STRUCTURES AND A TWO-PHASED REDEVELOPMENT WITH THREE, FOUR-STORY BUILDINGS OF CLASS A OFFICE IN A CAMPUS FORMAT WITH BELOW GRADE PARKING FOR THE PROPERTY LOCATED AT 2095, 2111 AND 2121 30TH STREET ALONG WITH 2920 AND 2930 PEARL STREET. A TOTAL OF 330,000 GROSS SQUARE FEET IS PROPOSED TO BE DEVELOPED IN TWO PHASES (220,000 SQUARE FEET IN INITIAL PHASE) WITH MAXIMUM 55' BUILDING HEIGHT AND FOUR-STORIES. SITE REVIEW CASE NO. LUR2014-00035. THE APPLICANT, GOOGLE, INTENDS TO PURSUE VESTED RIGHTS PER SECTION 9-2-19, B.R.C. 1981.**

No action was taken on this item.

#### **B. Retreat Committee Update**

Council Members Jones and Morzel presented a draft agenda and asked for feedback from the council in preparing for the January 23 – 24 retreat to be held at the East Boulder Community Center.

#### **D. Nod of Five**

Council Members expressed support for a declaration of appreciation to Gordon and Grace Gamm for their recent donation of \$1,000,000 to the Dairy Center for the Arts.

The council asked for CAC to discuss how to otherwise acknowledge civic contributions from the community with perhaps a general public nomination process.

#### **9. PUBLIC COMMENT ON MATTERS - none**

10. **FINAL DECISIONS ON MATTERS** Action on motions made under Matters.

Vote was taken on the motion to accept the City Manager's recommendation to disburse 2015 Human Services Fund allocations to community human services agencies. The motion carried 8:0 with Mayor Appelbaum absent. Vote was taken at 10:22 PM.

Vote was taken on the motion to sign on as a supporter of Denver's effort to secure funding for its National Western Center Project and its application for Regional Tourism Act funding. The motion carried 8:0 with Mayor Appelbaum absent. Vote was taken at 10:22 PM.

11. **DEBRIEF** – Council acknowledged Mayor Pro Tem Jones for running a good meeting.

12. **ADJOURNMENT**

There being no further business to come before Council at this time, BT MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED on December 16, 2014 at 10:23 PM.

Approved this 20<sup>th</sup> day of January, 2015.

APPROVED BY:

ATTEST:

\_\_\_\_\_  
Matthew Appelbaum,  
Mayor

\_\_\_\_\_  
Alisa D. Lewis  
City Clerk



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE:** Consideration of a motion to accept the October 28, 2014 City Council Study Session Summary on the Envision East Arapahoe project

**PRESENTERS**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning & Sustainability (CP&S)  
Susan Richstone, Deputy Director of CP&S  
Lesli Ellis, Comprehensive Planning Division Manager  
Kathleen Bracke, GO Boulder Manager  
Sam Assefa, Senior Urban Designer

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the October 28, 2014 City Council Study Session on the Envision East Arapahoe project (**Attachment A**).

The purpose of the study session was for City Council to discuss and provide feedback on refinements to the future choices (scenarios), the draft timeline, and next steps.

**STAFF RECOMMENDATION**

**Suggested Motion Language:**

Staff recommends Council consideration of this summary and action in the form of the following motion:

Motion to accept the October 28, 2014 City Council Study Session Summary on the Envision East Arapahoe project

**ATTACHMENTS**

**Attachment A:** October 28, 2014 Study Session Summary on the Envision East Arapahoe project

**POTENTIAL NEXT STEPS**

Project next steps will be finalized as part of the citywide 2015 work plan. Over the next few months, staff plans to refine the scenarios and host a community workshop on February 4, along with TAB, BDAB, and Planning Board check ins. Staff will also analyze potential changes to better accommodate medical offices near Boulder Community Health.

## **Attachment A: October 28, 2014 Study Session Summary on Envision East Arapahoe**

### **PRESENT**

**City Council:** Mayor Matt Appelbaum, Mayor Pro Tem George Karakehian, Council Members Macon Cowles, Suzanne Jones, Lisa Morzel, Tim Plass, Andrew Shoemaker, Sam Weaver, and Mary Young.

**Staff members:** Jane S. Brautigam, City Manager; Susan Richstone, Deputy Director of Community Planning and Sustainability; Lesli Ellis, Comprehensive Planning Manager; Kathleen Bracke, GO Boulder Manager; Sam Assefa, Senior Urban Designer

### **STUDY SESSION SUMMARY**

The Mayor introduced the topic and informed the group that the purpose of the meeting was to provide input on the scenarios and next steps for staff.

City staff provided information on the purpose and key elements of the scenarios including some of the assumptions behind the scenarios, their “menu” of choices, community engagement to date, and next steps. Staff also provided transportation background for the scenarios and opportunities along East Arapahoe. City staff is framing these opportunities in the context of the recently updated Transportation Master Plan and working to integrate planning with regional transportation opportunities such as RTD’s planned arterial Bus Rapid Transit (BRT) along the East Arapahoe/SH7 corridor.

During the presentations, council members asked questions regarding the correlation between jobs and housing and how staff is analyzing the buildout potential for the area. Staff responded that buildout is based on current zoning, with efficiency factors built in accounting for barriers like floodplain. Staff has preliminary information on scenarios and will provide a full report of the methodology and assumptions related to scenarios during the next steps of the project.

### **Discussion Summary**

The following are the key elements from the discussion:

#### **General Comments**

- Several council members stated that this project is important, and that change will occur on this corridor whether the city plans for it or not. If we don’t plan for it, the people that live and work in the area may not be happy with the outcomes. Maintaining current trends is not a desirable option and may preclude other opportunities.
- The city has a lot of public investments and assets along the corridor (e.g., trails, golf, Sombrero Marsh, Recycle Row) – we should celebrate those, build from them, and better connect them.
- Several council members expressed that overall the project and scenarios are on the right track. Need to understand how the components tie together and need to look at targeted changes.
- This project allows for facilitating annexations. We talk about this but do not see a lot of annexations because it is expensive. There is an excellent opportunity with storage unit facilities to annex for better potential uses.
- The 1995 North Boulder Subcommunity Plan is a good example where neighbors wanted a say in the future. The community embraced the tasks and became stronger with a cohesive vision.
- Valmont Power Plant is not a part of this project, but it will have a big influence on the future of this area.
- Boulder Valley School District (BVSD) employment is an opportunity – this should be noted on the project maps.

#### **Comments on the Scenarios**

- Several council members stated that the scenarios are not quite bold enough but a good starting point.
- Several council members noted that the scenarios should be viewed as a menu of options to assemble for preferred outcomes.
- Some council members expressed support for concepts in Scenario B as a health and arts district – it addresses a lot from the primary employer study (Economic Sustainability Strategy). Other council members preferred concepts of housing presented in Scenario C.

- The East Arapahoe corridor has a lot of 1970s industrial zoning with 0.5 Floor Area Ratio (FAR). We need to understand what happens if that changes. One option is to facilitate incremental change more slowly over time. Wholesale rezoning may not be appropriate at this time.
- The indicators are important, but it is unclear how they will be quantified. This could be particularly important if we do include other amenities along with housing. (Note: Staff will present quantified indicators with the scenarios analysis.)

### **Community Engagement Comments**

- Several council members stated that citizen engagement is an integral part of this planning effort and it is important that the community takes ownership of the project. The success of the process comes out of how well the city engages with the public. Specifically, it's important to coordinate with Naropa, Ball, and Boulder Community Health.
- The city needs to better understand which neighborhoods to involve. The residents on the south side of East Arapahoe have an interest but we need to weigh their input with others more directly affected by what happens in the industrial areas.

### **Housing Comments**

- One council member posed the question - can we encourage development of nodes without additional housing? The Gunbarrel Town Center is a good example. The community wanted more amenities without the intensity and arrived at compromise to add additional housing.
- Several council members expressed that the corridor needs some housing, and this should be a component of the planning effort. However, there were mixed opinions on whether or not additional housing would work in this area, and what type of housing is appropriate.
- One council member posed the question - if we provided more housing options, how many existing employees working in Boulder but living outside the city might choose to move to Boulder? Staff responded that the city will use information from Housing Boulder to inform housing choices around this issue. As part of the Housing Boulder project, a variety of employers have been involved in identifying housing needs.

### **Land Use, Design, and Amenities Comments**

- Several council members expressed that the corridor needs more amenities and a better mix of land uses to foster a place to live, work, and recreate, or a "critical mass".
- The corridor should bring in more retail to further the goal of "20-minute" neighborhoods. Bring in neighborhood serving retail and services on the corridor, rather than attempting to make it a regional retail draw. This is important so the corridor does not compete with other areas in town.
- Several council members indicated an interest in visualizing potential changes along the corridor to inform policy choices.
- The city has very few large employers like Boulder Community Health (BCH). The East Arapahoe corridor needs places where people would want to walk to work and have an opportunity to get to the service industrial. A combination of housing with commercial strengthens the retail sector.
- In general, as the city explores different land use mixes we need to understand the corresponding amenities needed along the corridor and what makes a great neighborhood.
- Several council members expressed interest in exploring a form based code, pattern book, or overlay district – either targeted to one area or a larger area along the corridor – to achieve the urban form desired by the community.
- Throughout the process the city should keep in mind how the design of this area affects 28<sup>th</sup> and 30<sup>th</sup> streets (e.g., the Sustainable Streets and Centers initiative).

### **Service Industrial Comments**

- Several council members noted that continued affordability of service industrial is important and should be part of this project and present across all scenarios. Industrial commercial start ups are important. These uses serve an important community purpose. Many of these businesses will not be able to afford new buildings.
- Much of East Arapahoe commercial space is really important but tired. Focus needs to stay on commercial, service industrial, and the ability for people to start small businesses.

### **Transportation Comments**

- Several council members noted how this corridor is particularly challenging for pedestrians and bicyclists, and this project should address the challenges.

- Several council members expressed interest in the Bus Rapid Transit (BRT) concept. In particular, this presents an opportunity to show that Bus Rapid Transit (BRT) can work with a lot of local influence.
- One council member posed the question - how will we negotiate with Colorado Department of Transportation (CDOT)? We have worked on other corridors with CDOT. City staff responded that this issue is part of the analysis, and staff is working closely with partners such as CDOT and the Regional Transportation District (RTD) to determine what is possible.
- Several council members noted that next steps should focus on transportation safety issues along the corridor.

**Comments on Medical Uses near Boulder Community Health**

- Several council members noted that next steps should emphasize timely topics like medical office uses near Boulder Community Health. Prioritize working on those now.
- Staff should analyze and propose options to address medical uses around BCH in the short term. For example, council received a letter from a local doctor noting that patients and staff are driving several times per day after the BCH move.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE:** Consideration of a motion to accept the Study Session Summary on the Climate-Energy Framework & Energy Program Updates from Nov. 12, 2014

**PRESENTERS:**

Jane S. Brautigam, City Manager

Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development

David Driskell, Executive Director of Community Planning and Sustainability

Chris Hagelin, Senior Transportation Planner

Brett KenCairn, Senior Environmental Planner

Kendra Tupper, Energy Services Manager/Lead Strategist

**EXECUTIVE SUMMARY**

This agenda item provides a summary of the Nov. 12, 2014 Study Session on the Climate and Energy programs.

This study session had five main purposes:

1. To hear from NRG Energy, Inc. on how utilities are transforming their business model and offering new services to customers;
2. To provide the results of assessments on the potential emission reduction contributions through 2050 of existing and planned energy related programs;
3. To outline next steps and timeframes for refining goals, strategies, and targets for Boulder's Climate Commitment;

4. To provide updates about several of the city’s current work areas – demand-side management programs, development of a commercial and industrial energy ordinance, transportation– and demonstrate their relationship to this climate-energy focus; and
5. To provide an overview of the key focus areas in the 2015 workplan.

The summary to the November 12<sup>th</sup>, 2014 Study Session is included here as Attachment A.

## **POST STUDY SESSION COMMENTS**

Given the inability of six of the nine city councilors to participate in the November 12<sup>th</sup>, 2014 Study Session update on Climate Commitment and related energy programs, staff invited the council members who had not attended the meeting to provide comments or other feedback on the memo and recorded staff presentations. Three city councilors--Mary Young, Suzanne Jones and Macon Cowles--provided feedback. This feedback and staff responses are summarized in Attachment B.

## **NEXT STEPS**

The next steps identified for the climate and energy related programs discussed during the study session are the following:

### **Climate Commitment**

1. Goal, metric, target and strategy development—Finalize emission reduction projections for existing programs and strategies; finalize emissions goal; develop draft metrics, targets and strategies and bring forward to Council by end of second quarter 2015.
2. Energy System Transition “Blueprint” development—Host USDN convening on energy system blueprint development in late spring (May-June, 2015). Conduct scoping for more detailed Boulder-specific blueprint during the second half of 2015.
3. Community Engagement—Develop community outreach and engagement with other major outreach efforts to work with the community in developing aspirational goals and motivational strategies and targets that are integrated into existing and future climate-energy initiatives.
4. Transportation—Continue work on developing additional strategies for transportation emissions reductions as well as new metrics associated with vehicle energy efficiency and overall person miles travelled. Draft strategies and metrics will be included in the Climate Commitment Information Packet to Council in second quarter 2015.

### **Demand Side Management**

1. Development of Commercial and Industrial Energy Ordinance—Continue development process including coordination with a long term strategy for new commercial energy codes. Options

and recommendations for the ordinance will be brought to council in a May 2015 council meeting

2. SmartRegs—Staff will continue working on the integration of SmartRegs with rental housing license program
3. EnergySmart programs—Current efforts will continue around both program implementation and improvement
4. Transition Plan for Energy Services—Provide an update to council in a May 2015 study session

### **STAFF RECOMMENDATION**

#### **Suggested Motion Language:**

Staff recommends Council consideration of the summary and action in the form of the following motion:

Motion to accept the Nov 12, 2014 study session summary on Climate Commitment and related energy programs.

#### **ATTACHMENTS:**

Attachment A – Climate-Energy Study Session Summary dated Nov. 12, 2014

Attachment B – Additional Council feedback on the Nov. 12, 2014 Climate-Energy Study Session

Study Session Summary  
Climate & Energy Program Update  
November 12, 2014

**PRESENT**

**City Council:** Matt Applebaum, Tim Plass, Sam Weaver

**Staff members presenting:** Heather Bailey, Executive Director of Energy Strategy and Electric Utility Development; David Driskell, Executive Director of Community Planning and Sustainability; Chris Hagelin, Senior Transportation Planner; Brett KenCairn, Senior Environmental Planner; Kendra Tupper, Energy Services Manager/Lead Strategist;

**NRG ENERGY INC, PRESENTATION**

Four representatives from NRG were present to discuss their company's view of the Utility of the Future and how utilities are transforming their business model and offering new services to customers. Representatives included:

- Steve Corneli, Senior Vice President for Policy and Strategy
- Jennifer Vosburg, President of the Louisiana Generating LLC and Senior VP
- Robert Ott, Senior Director of Origination in NRG's Business Solutions Group
- Kevin Berkemeyer, Director of Strategy at Station A

The NRG representatives discussed the company's philosophy around the future of energy. While the company has traditional fuel sources in its portfolio such as coal and natural gas, they have adopted a long-term sustainability vision to move aggressively towards clean energy sources. The NRG team reviewed a number of residential and commercial energy products and took questions from Council members on their plans to transition to clean energy sources and the role of storage.

**STAFF PRESENTATION ON CLIMATE COMMITMENT**

David Driskell introduced the Study Session by reviewing accomplishments during 2014 and providing highlights including a viewing one of the videos produced by a Boulder Energy Challenge grant recipient. The subsequent staff presentations were divided into two segments, the first segment focusing on an update on efforts related to the Climate Commitment and the second segment focusing on specific energy related programs including major updates on the commercial and industrial energy efficiency ordinance and the emissions analysis and strategy development related to transportation.

Brett KenCairn presented the climate commitment update focusing on five major themes:

- An update of recent climate science and findings.

- A summary of analysis related to the potential for achieving an 80% emissions reduction goal by 2050.
- Description of the need for a comprehensive energy system redesign process to create an energy system capable of integrating both aggressive efficiency savings and a predominantly renewable energy portfolio.
- Identification of key issues related to creating an effective community engagement and mobilization strategy around deep reduction actions.
- Recognition of the critical role that policy reform will need to play in supporting and expanding the types of energy systems that are necessary to achieve deep emissions reduction.

## **COUNCIL DISCUSSION**

The following were the major Council discussion themes regarding the Climate Commitment presentation.

### Growth Assumptions

Several council members noted that the progress in achieving emissions reduction goals could be significantly impacted by the overall growth of population and employment in the community.

Council members encouraged staff update the projections with the update to the Comprehensive Plan and to create a mechanism to monitor actual-versus-projected growth rates.

### Metrics

Related to the issues of population and employment growth, several council members noted the usefulness in having both absolute emissions reduction numbers and per-capita reduction numbers.

Staff noted the importance of additional metrics that track the progress towards fossil-fuel retirement with the ultimate goal being a 100% carbon free energy system.

### Engagement

Council members agreed with the need to develop new approaches to framing the climate problem and solutions in ways that are more engaging and motivating to the larger community. Suggestions from council included emphasizing the “better product features”—locality, reliability—as well as emphasizing the negative qualities/impacts of the existing system. The messaging is critical—it can’t be about deprivation or doom and gloom, it needs to also connect with existing community values and priorities like health and fitness. Council also encouraged staff to keep the community abreast of the efforts with other cities so the community can learn from and track progress through these important collaborations.

### Goal Feasibility

Council members acknowledged that achieving a deep emissions goal is a very ambitious undertaking, that the city organization will only be able to implement a small portion of the overall changes, and that it is critical to create broad involvement and partnerships to implement emissions reduction actions.

## **STAFF PRESENTATION ON DEMAND SIDE MANAGEMENT PROGRAMS**

Kendra Tupper presented an update on efforts to integrate the city's existing energy efficiency programs with a new commercial and industrial energy efficiency ordinance to create a comprehensive demand side management program. Major themes identified in the presentation included:

- An overview of the stakeholder engagement process being utilized to develop the commercial/industrial efficiency ordinance.
- The timeline for development, adoption and implementation of the ordinance.
- Current considerations in selecting the core features of the ordinance.

Four other topics covered in this portion of the presentation were:

- An update on the CAP tax and funding allocations
- A brief overview of other program updates including demand side management programs; municipalization; pilots and cross-cutting initiatives; and local generation analysis.
- An update on the status of SmartRegs implementation
- An overview of the progress in the Community Power Partnership

## **COUNCIL DISCUSSION**

The following were the major Council discussion themes:

### SmartRegs Compliance

Council asked staff whether there was an impending compliance bottleneck in Smart Regs given the significant portion of properties that are not yet in compliance.

Staff noted the significant efforts now underway to integrate the SmartRegs and rental licensing programs in ways that both emphasize the incentives and create a clear compliance requirement.

### Long-term effectiveness

Council asked whether there were mechanisms to insure long-term effectiveness of measures implemented.

Staff noted that the license renewal process would provide one mechanism for both insuring ongoing compliance as well as updating standards as new technology emerges. Staff acknowledged that any significant increase in standards would need to come back to the Council for consideration.

### Commercial and Industrial Ordinance (C&I)

Several Council members were concerned that the levels of emissions reduction shown for the proposed ordinance were much lower than expected. Staff was asked whether this indicated that the ordinance could be made more rigorous based on new technologies.

Staff responded that the modeling was intentionally conservative as the specifics of the ordinance are still being developed, but that there were other factors that may lead to the C&I ordinance appearing

lower. For example, some of the savings reported in the future Energy Smart Commercial savings numbers would actually be driven by ordinance requirements. The ordinance is also a key component of the savings shown under New Commercial Energy Codes, as this rating and reporting system will allow the system to transition to more aggressive outcome based codes in the future. Finally, staff noted that the data collecting from rating and reporting would inform potential consideration of more aggressive efficiency requirements. Recent experience has already indicated that some businesses may have challenges meeting the new building codes as the whole building industry adapts to these new standards. With this in mind, staff recognizes the need to understand the current energy use of the city's building stock before designing future efficiency requirements.

Council also emphasized the critical role of stakeholder engagement around a new C&I ordinance. There are concerns in the business community that the new ordinance will place disproportionate expectations on some businesses that have already taken significant action.

### **STAFF PRESENTATION ON TRANSPORTATION EMISSIONS STRATEGIES**

Chris Hagelin of the GO Boulder team presented an update on the transportation related emissions reduction analysis and strategy development conducted during 2014. Major themes of the presentation included:

- Transportation sector emissions analysis
- New transportation metric development
- Electric Vehicle (EV) adoption and infrastructure assessment and related development initiatives

### **COUNCIL DISCUSSION**

The following were the major Council discussion themes regarding the Transportation presentation.

*Strategies to achieve additional VMT Reduction*—Council discussed whether there were additional strategies to reduce VMT such as user fees. Council also mentioned emerging technologies such as automated cars and asked staff to look for opportunities to pilot those new technologies.

*Metrics*—Council asked whether there were some types of per-capita metric that would enable tracking of progress irrespective of population growth or reduction.

*EV/PV adoption*—Council expressed excitement around the integration of technologies and uses such as electric vehicles combined with home PV systems. Encouraging EV adoption now would put us ahead as we also transition our electric supply to lower carbon energy sources.

### **NEXT STEPS**

The next steps identified for the climate and energy related programs discussed during the study session are the following:

### **Climate Commitment**

1. Goal, metric, target and strategy development— Finalize emission reduction projections for existing programs and strategies; finalize emissions goal; develop draft metrics, targets and strategies and bring forward to Council by end of second quarter 2015.
2. Energy System Transition “Blueprint” development—Host USDN convening on energy system blueprint development in late spring (May-June, 2015). Conduct scoping for more detailed Boulder-specific blueprint during the second half of 2015.
3. Community Engagement—Develop community outreach and engagement with other major outreach efforts to work with the community in developing aspirational goals and motivational strategies and targets that are integrated into existing and future climate-energy initiatives.
4. Transportation—Continue work on developing additional strategies for transportation emissions reductions as well as new metrics associated with vehicle energy efficiency and overall person miles travelled. Draft strategies and metrics will be included in the Climate Commitment Information Packet to Council in second quarter 2015.

### **Demand Side Management**

1. Development of Commercial and Industrial Energy Ordinance—Continue development process including coordination with a long term strategy for new commercial energy codes. Options and recommendations for the ordinance will be brought to council in a May 2015 council meeting
2. SmartRegs—Staff will continue working on the integration of SmartRegs with rental housing license program
3. EnergySmart programs—Current efforts will continue around both program implementation and improvement
4. Transition Plan for Energy Services—Provide an update to council in a May 2015 study session

## **Attachment B**

### Additional Council feedback on the November 12<sup>th</sup>, 2014 Climate-Energy Study Session

#### **Suzanne Jones**

##### Energy and Climate

- Encouraged by progress in identifying a more specific pathway to achieve emissions goals
- Agree with the focus on energy but believe the order of priority and focus should be 1) efficiency and conservation and 2) energy source replacement.
- Encouraged by the emphasis on decentralized clean energy development.
- Support the central role for a “utility of the future” in being able to facilitate this energy system transition.
- Emphasized the continued importance of Boulder both leading and participating in policy change at a state and national level.

##### Consumption

- Recommends the adoption of a consumption-based emissions inventory. The full energy cost of the production and distribution of goods creates significant emissions responsibilities not currently captured in the inventory approach being used.
- A consumption inventory would show a more significant role for waste reduction efforts.
- Recognize the significant role played by agriculture and food choices as part of the true energy and emissions footprint of Boulder residents.

#### **Staff Response—Consumption-based Inventory**

Based on guidance from both Council and the community, a primary criteria for designing and implementing the new GHG inventory tool developed over the past two years has been the ability to generate results that were both congruent and comparable to previous Boulder inventories and comparable to the largest number of cities both in the US and internationally. Staff selected the ICLEI US Community Protocol as the basis for the emissions inventory system that the city contracted to have built. The municipal organization inventory protocol does take into consideration major consumption categories (materials) but the community inventory does not. According to ICLEI staff, this choice was based on guidance from a working group of leading cities. These cities emphasized the elements that city governments have the authority and capacity to have greatest influence over through voluntary and regulatory programs.

There is a growing recognition of the importance of consumption-based emissions accounting. ICLEI and other emission inventory initiatives have been exploring mechanisms to account for consumption-related emissions. Staff has been monitoring the evolution of this process. Currently there is not yet a widely adopted methodology that create easily comparable systems. Staff is currently following up

with both ICLEI and the two communities noted in Council member Jones comments—Portland, Oregon and King County Washington—to explore how they are addressing the comparability issue and how to potentially incorporate similar measures into the Boulder system.

Waste-related Emissions--As one step in this process, staff is working on a new set of performance metrics in the Zero Waste Strategic Plan that would begin to provide a proxy of overall consumption in the community. Additionally, staff is exploring the possibility of building a waste emissions inventory using the ICLEI Recycling and Composting Protocol. This will enable the city to integrate emissions information into the new waste hauler tracking system being developed and implemented to improve reporting and metrics in this area. The new reporting system called Re-Trac, a product of EmergeKnowledge, is expected to launch mid-2015.

### **Mary Young**

#### Climate

- Agree with the importance of reframing climate goals into more personal and aspirational terms like energy security.
- Supports continued active involvement in policy reform activities
- Consider extending the BVCP projection horizons out to 2050 to make them compatible with the climate goals
- Question: are there other options for building owners attempting to meet building codes besides adding more rooftop solar?
- Look for ways to leverage Boulder's efforts and experience to build awareness and support for similar efforts outside of Boulder.

#### Commercial and Industrial Energy Ordinance

- Supports the current direction of ordinance development
- Focus the ordinance implementation on the most prevalent commercial and industrial buildings
- Align projections with BVCP

#### Transportation

- Supports overall direction of new metric development. Consider adding more aspirational goals in transportation metrics as well.
- Align with BVCP projections
- Consider “mobility as a services” similar to the utility's discussions of energy as a services (see Finland for example).

### **Macon Cowles**

#### SmartRegs

- Need better information to demonstrate the value of energy efficiency investments
- Need clarification on what the requirement is of landlords to provide energy related data as part of demonstrating ongoing compliance.

### **Staff Response—Smart Regs**

There is currently no ongoing requirement for landlords to demonstrate compliance. All units must show compliance by passing an inspection (and in some cases making upgrades) by Dec 31, 2018. There is no requirement for landlords to provide energy related data under SmartRegs.

### Emissions modeling

- We need effective metrics, monitoring and evaluation and to actively maintain a record that enables retrospective assessment of the accuracy of models and the efficacy of strategies and programs.
- Can anything be learned about effective modeling from the California initiative modeling done by Williams et. al. (paper cited in the comments)
- Want to see the assumptions used in generating emissions reduction projections for energy efficiency programs. Separate by program so that the specific programs can be examined.
- Date stamp all projections for future reference.

### **Staff Response—Emissions Modeling**

The data presented during the November 12<sup>th</sup> 2014 session were based on an emissions projections program built for the city by The Brendle Group. Staff is working with Brendle to do final quality checks and verification and will also extract the key assumptions used in generating these projections and provide these in a follow-up IP to Council. This report will include a more detailed breakout of each program area so they can be examined independently. We expect this report to be ready for Council by end of first quarter 2015.

An important feature guiding the development of this projection tool was the ability to create a consistent ongoing methodology for making projections that will enable both clear documentation of the processes as well as model that can be updated and improved based on experience moving forward. This will include retaining both dated projection models and the core assumptions they are based on for comparison to future actual findings.

### C/I Ordinance

- How are we going to get actual data from the C/I sector to assess effectiveness of programs?
- List the assumptions used in modeling the C/I ordinance

- Consider having a licensing requirement for owner occupied C/I facilities to insure access to energy information.
- Explore the utility and viability of integrating a “green lease” strategy into the C/I ordinance approach.
- Prospective C/I reductions look to conservative. Show analysis.

**Staff Response—C/I Ordinance**

Staff will obtain energy data from the C/I sector through ENERGY STAR’s Portfolio Manager. Building owners will be required to enter whole building information and monthly energy use in portfolio manager and obtain an ENERGY STAR rating. The building owners will then share that information with the City of Boulder’s portfolio manager account to comply with the ordinance.

Staff will publish a list of covered buildings 6 months in advance of the reporting requirement, and will track compliance by cross checking which building’s have submitted information via ENERGY STAR’s portfolio manager. This will all be managed within the SEED (Standard Energy Efficiency Data) platform, a Department of Energy platform designed for cities to manage and enforce rating and reporting requirements. Noncompliance will result in written and verbal warnings, and then a fine. Therefore, there is no need for an additional licensing requirement to ensure compliance.

Council noted that the estimated emissions reductions for the C&I ordinance seem too conservative. As the ordinance has yet to be developing (we are currently evaluating options with a stakeholder working group), these emissions reductions were a very rough estimate and intentionally conservative. Further, it would be more accurate to consider the sum total emissions reduction from EnergySmart Commercial, New Commercial Energy Codes, and the Ordinance. The future savings assumed for EnergySmart Commercial and New Commercial Energy Codes would not be possible without the C&I Ordinance, which will drive participation in EnergySmart, and also enable the transition to more aggressive outcome based energy codes in the future.

The current assumptions that were used in projecting emissions reduction for the Ordinance are summarized below. Please note that these will change considerably when the specific details of the ordinance have been determined – in fact, many of the dates of implementation and assumed square footage ranges impacted have already been updated since the study session:

**Table 1: Nov 2014 Assumptions for C&I Ordinance Savings Projections (subject to significant change)**

<b>Program Phase</b>	<b>Dates of Implementation</b>	<b>Buildings/Square Footage Affected</b>	<b>Assumed Adoption</b>	<b>Assumed Savings</b>
<i>Benchmarking Ordinance:</i> Benchmarking plus a required Level 2 audit for any building with an EnergyStar score below 50	2018-2050	2018: ≥50,000 sf 2020: ≥25,000 sf 2025: ≥10,000 sf 2030: ≥5,000 sf	≥50,000 sf =95% <sup>1</sup> ≥ 25,000 sf =92% ≥ 10,000 sf =85% ≥ 5,000 sf =70%	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> 3 years of adoption = 7% total<sup>2</sup></li> <li>• Years 4-5 = 1% per year</li> <li>• Years 6-10 = 0.5% per year</li> <li>• Then, just assume that savings persists</li> </ul>
<i>Lighting Ordinance</i> – Phase out T12s and incandescent exit signs	2018	2,619,051 sf (98 total buildings) <sup>3</sup>	2018: 50% 2020: 75% 2025: 100%	0.26 kWh/sf <sup>4</sup>
<i>Audit or CX-ing Requirement:</i> Buildings must have a energy audit or CX-ing every 10 years	2021	2021: ≥50,000 sf 2023: ≥25,000 sf	≥50,000 sf =60% ≥ 25,000 sf =50%	7.3% for CX <sup>5</sup> 5% for Audits  Assume 50% of buildings get an audit, and 50% get CX-ing.
<i>Performance Based Requirements:</i> All buildings must have an EnergyStar score of at least 70	2035	2035: ≥50,000 sf 2040: ≥25,000 sf 2045: ≥10,000 sf 2050: ≥5,000 sf	40% <sup>6</sup>	Assume the EUI for participating buildings goes down to 60 kbtu/sf-yr. To calculate savings for this, the tool would have to recalculate the average building EUI each year, based on the savings achieved.

<sup>1</sup> Seattle has achieved 97% adoption in its first year of the benchmarking ordinance.

<sup>2</sup> “Benchmarking and Energy Savings” U.S Environmental Protection Agency, accessed July 28, 2014, [http://www.energystar.gov/ia/business/downloads/datatrends/DataTrends\\_Savings\\_20121002.pdf?8d81-8322](http://www.energystar.gov/ia/business/downloads/datatrends/DataTrends_Savings_20121002.pdf?8d81-8322)

<sup>3</sup> Group 14 report, “Commercial Energy Conservation Ordinance Analysis”, Oct 2012.

<sup>4</sup> Group 14 report, “Commercial Energy Conservation Ordinance Analysis”, Oct 2012.

<sup>5</sup> <http://eetd.lbl.gov/sites/all/files/publications/54985.pdf>

<sup>6</sup> Assumes 60% of buildings won’t be able to get an EnergyStar score, or will be exempt for some reason.

### Transportation

- Staff assertion that VMT has remained flat—does this include in-commuting miles or not?

#### **Staff Response--Transportation**

The VMT number that is used to determine Boulder's transportation emissions is based on estimates of vehicle travel taking place within the Boulder Valley planning area. This area boundary was defined by the city in 1994 and the estimation methodology starts with the DRCOG regional transportation model. Consequently the estimate does not include half of the distance travelled by an incommuter, but it does include that part of each in-commuter's trip that takes place within the Boulder Valley planning area. Based on this methodology, the finding that VMT has been flat between 1992 and 2014 does take into account the share of the incommuter trips occurring in the Boulder Valley.

### Steady State Economy

- Basing future economic viability and vitality on an unending growth model isn't sustainable. Consider working with CU to explore what a potential steady-state economy option would be for boulder

### Community Engagement

- We should have members of the community participate in multi-city conferences such as the Smart City Expo that just took place in Barcelona.

#### **Staff Response—Community Engagement**

Subsequent to the study session, the city learned that its proposal to the Urban Sustainability Director Network's to convene five other leading US cities (Boston, Vancouver, Portland, Minneapolis, San Francisco) to discuss energy system transitions has been funded. We anticipate this convening to take place in Boulder sometime in late spring. We will use this gathering as a way to involve residents in learning from other cities as well as recognizing Boulder's leading role in helping to explore new approaches to our climate and energy efforts. We will also continue to look for opportunities to enable resident participation in other forums of this sort.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE**

Consideration of a motion to amend the Cunningham Farm Annexation Agreement for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture. Case #LUR2014-00087. The properties are located within the Residential – Rural 2 (RR-2) zone district.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Bob Eichen, Finance Director /Acting Executive Director of Administrative Services,  
David Driskell, Director of Community Planning and Sustainability  
Charles Ferro, Land Use Review Manager  
Sloane Walbert, Planner I

**EXECUTIVE SUMMARY**

The applicant proposes to amend language in the Conceptual Design Elements referenced in the existing annexation agreement for the subject property to remove the requirements for “peaked roofs with generous overhangs,” “covered porches,” and “Front Range farmhouse vernacular details” to allow for modern architecture. The proposed amendment would also modify the materials to allow for additional high quality materials, including but not limited to stone, wood, brick and glass. See **Attachment C** for the proposed Annexation Agreement Amendment and **Attachment D** for proposed associated Conceptual Design Elements.

## STAFF RECOMMENDATION

### Suggested Motion Language:

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

*Motion to amend the annexation agreement for the properties located at 350 and 390 Linden Avenue (Lots 1 and 2, Cunningham Farm Subdivision) in order to change design requirements to allow for modern architecture.*

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – No impacts.
- Environmental – The proposed amendment will allow the property owner to pursue a more sustainable and eco-friendly design.
- Social – No impacts.

## OTHER IMPACTS

- Fiscal – No Impacts.
- Staff time – The application has been processed through the provisions of a standard vacation process and is within normal staff work plans.

## BOARD AND COMMISSION FEEDBACK

On January 8, 2015 the Planning Board unanimously recommended approval (5-0; Putnam absent, Gerstle recused) of the proposed annexation agreement amendment as it is consistent with the overall goals and policies of the Boulder Valley Comprehensive Plan policies pertaining to annexation as well as the intent of the original Cunningham Farm Annexation package with regards to community benefit. To address a concern expressed by Board Members Payton and Gray about unwelcome distraction caused by the reflectivity of materials adjacent to open space, the Board recommended the following change to the proposed Conceptual Design Elements:

*High-quality materials, including but not limited to, wood, stone, brick and glass. Glass shall only be allowed in windows, doors, and skylights. Mirrored glass is prohibited*

The proposed change to the Conceptual Design Elements was agreed to by the applicant and has been incorporated into the Annexation Agreement Amendment (see **Attachments C and D**). To view staff's memorandum of recommendation to the Planning Board, please go to [www.bouldercolorado.gov](http://www.bouldercolorado.gov) → A to Z → Planning Board → Search for Past Meeting Materials-Planning Board → 2015 → 01 JAN → 01.08.2015.

## PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the proposed development, and a sign posted on the property

for at least 10 days. All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. With regards to neighborhood comments, staff has not received any comments from neighbors expressing opposition to the proposed amendment.

## BACKGROUND

The subject property is located near the southwest corner of Linden Drive and 4<sup>th</sup> Street and is situated on the western boundary of the City (refer to Figure 1). The site is characterized by its close proximity to city and county open space lands and unimpeded views of the foothills (see Figure 2). The property is considered a gateway site into the City. The site (two lots of a three lot subdivision) has moderate topography and is surrounded by the Spring Valley open space directly to the north, the Cunningham open space directly to the west, and low density single-family residential homes to the south and east. The 4<sup>th</sup> Street Path and Linden Path multi-use connections run east and north of the site, respectively, and the Silver Lake ditch is located directly to the southeast of the property as well. Linden Drive west of 4th Avenue is characterized by large tracks of open space lining each side of the street. The property owner has installed dense landscaping along the northern property line along Linden Drive.

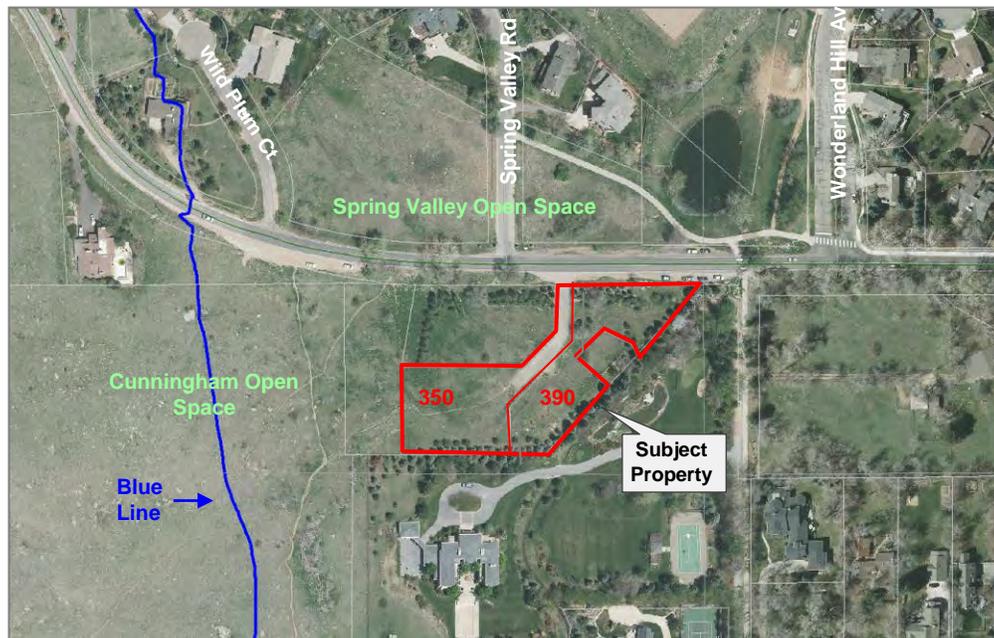


Figure 1: Vicinity Map

In 2002 the previous property owner requested a change to the Boulder Valley Comprehensive Plan (BVCP) land use designation from "Open Space –Other." During this process a detailed review was made by city staff, public comments were received and a public hearing was held. The application was ultimately withdrawn but feedback was given regarding density, open space and compatibility with the character of the surrounding neighborhoods.

Subsequently, a Concept Plan review was submitted in 2003 for the review of a proposal to subdivide the property and develop three residential lots with a shared access drive from Linden Avenue (see LUR2003-00031). At this time, the applicant included conceptual design elements that required traditional architectural design in response to feedback given the previous year. During the Concept Plan review surrounding neighbors, as well as a majority of the Planning Board, expressed concerns over the amount of units



Figure 2: View of foothills/open space to the west

proposed for the subject property and felt that two units were more appropriate for the site given the context of the surrounding area. The public hearing included discussions regarding the surrounding open space corridors, material types, scale, compatible mass, and density. The primary concerns were access to open space and development density, which resulted in a decision to permit three houses on the property as long as specific design controls, specifically, cluster development, limitation on house size, garage size and building orientation, were written into the annexation agreement to reduce visual impacts on the surrounding open spaces and to maintain structures compatible with the mass and scale of the natural area.

The subject property was annexed into the city in March of 2004. The eastern two acres of the site were zoned Rural Residential-Established (RR1-E) (today, referred to as Residential Rural Two “RR-2”) and the land use designation was changed to Very Low Density Residential. The western portion of the property was dedicated to the city as open space with Agricultural-Established (A-E) zoning (today, referred to simply as Agricultural “A”). A significant portion of the analysis and approval by Planning Board and City Council was based on reduction of impacts on surrounding properties as well as the landscape through the establishment of restrictions on house size, mass, and, scale as contained in the existing annexation agreement. The agreement referenced the conceptual design elements contemplated during the Concept Plan review. Refer to **Attachment A** for the annexation agreement. The property was subdivided into three residential lots and one outlot under the Cunningham Farm subdivision plat, recorded November 17, 2005.

Paragraph 10 of the annexation agreement currently states the following:

*Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant’s proposal. The Planning Director will review the plans to ensure compliance with the intent of this approval and to ensure that the view of the structures from Linden Avenue*

*minimizes the view of the garage doors and includes architectural details, articulated building facades, and high quality materials.*

The Conceptual Design Elements (refer to **Attachment B**) included the following:

- Peaked roofs with generous overhangs
- Covered porches
- Front range farmhouse vernacular details
- Materials: Stone clad foundation  
Stucco  
Natural Cedar detailing of soffits, fascia, windows, and porches  
“Architectural” asphalt shingles



Figure 3: Conceptual design included with annexation

The applicant proposes to revise some of the Conceptual Design Elements referenced in Paragraph 10 to allow for homes on Lots 1 and 2 with a modern architectural style and a focus on more sustainable and eco-friendly design. The homes will continue to be limited to a total of 3,500 square feet in above grade floor area plus a two car garage up to 500 square feet. (Note that based on compatible development standards both lots would be allowed around 7,500 square feet in floor area). In addition, the design must meet the requirement that the view to the structures from Linden Avenue minimizes the view of the garage doors. The Planning Director would continue to review the plans prior to submittal to ensure compliance with the intent of the annexation, including review of the architectural details, articulation of building facades and high quality materials.

The applicant proposes the following changes to the Conceptual Design Elements that would allow for modern architectural styles (refer to figures 4 and 5 below):

- Allow Flat, sloping or peaked roofs
- Removal of the requirement for covered porches
- Removal of requirement for Front range farmhouse vernacular details
- Materials: Allow high-quality materials, including but not limited to, wood, stone, brick and glass. Glass shall only be allowed in windows, doors, and skylights. Mirrored glass is prohibited.

Use of stucco as an accent only

Allow metal or "Architectural" asphalt shingle roofing



Figure 4: Conceptual design for 350 Linden Ave.



Figure 5: Conceptual design for 390 Linden Ave.

Refer to **Attachment C** for the requested amendment and **Attachment D** for proposed revised Conceptual Design Elements.

The requested revisions will allow the applicant to use sustainable and eco-friendly materials in the construction of the homes on both lots. The applicant proposes the use of the following materials:

- Forest Stewardship Council (FSC) certified wood or resin panel siding, including

- beetle kill
- Cement fiber lap siding
- Recycled concrete foundation
- Wood aluminum clad windows with fenestration to capitalize on passive solar gain
- Metal roofing

See **Attachment F** for the applicant’s written statement and proposal.

As a condition of approval for the amendment staff has included a requirement for the design and construction of a 5-foot bike lane along the property’s frontage with Linden Avenue at time of building permit. The bike lane is a planned connection in the North Boulder Subcommunity Plan.

### **ANALYSIS**

Staff identified the following key issue for discussion regarding the proposed application request:

#### **1. Is the proposed annexation amendment consistent with the BVCP growth and annexation policies?**

Although the property has already been annexed, staff finds that the application is consistent with the BVCP policies regarding annexation. In particular, policy 1.24(d) states, *“In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city.”* The requested amendment is minor and does not change the consistency of the annexation with BVCP policies. In addition, the amendment does not create a physical, social, economic or environmental burden on the city. The community benefits required at the time of annexation included the dedication of 0.76 acres of open space, an open space conservation and public access easement along the west side of the property, a public access easement along Linden Ave., payment of two times the applicable cash-in-lieu requirement for inclusionary housing, limitations on size and density, and the single curbcut to serve all three lots. These benefits will remain as a part of the agreement.

#### **2. Is the request to modify the Conceptual Design Elements consistent with the intent of the original annexation approval?**

The intent of the original approval was a residential development sensitive to the adjacent open space and view corridors and compatible with the surrounding neighborhood. The intent of the associated design guidelines was to ensure elegant and subdued homes that enhance the natural environment. The proposed amendment will not modify this intent since the restrictions on house size, orientation, mass, and scale, as contained in the existing annexation agreement, will remain. Hence, the

amendment is consistent with the intent of the original Cunningham Farm Annexation package with regards to community benefit.

As noted above, according to applicant, the originally approved conceptual design elements contain specific styles and materials that have since become undesirable or obsolete in terms of design and construction. At time of initial review, access to open space, development density and compatible scale and massing were the primary concerns. It appears that the general architectural characteristics and materials were proposed by the applicant at concept plan submittal and were not created in response to specific Planning Board or neighborhood concerns. Additionally, the requirement for “Front Range farmhouse vernacular details” is somewhat vague and difficult to interpret. The applicant has proposed to substitute the originally approved materials for other high-quality, natural materials. Additionally, the applicant has proposed the elements to include the use of stucco as an accent material only. The proposed materials are consistent with the intent of the original approval. Refer to **Attachment D** for the proposed Conceptual Design Elements and **Attachment F** for the applicant’s written statement, including a description of the proposed materials.

**3. Will the proposed annexation agreement amendment result in building design compatible with the existing character of the surrounding area?**

The surrounding area is characterized by low density single family homes on lot sizes varying from 9,000 to 235,000 square feet. The architecture of the existing homes in the neighborhood includes mostly one and two story homes, some of which are ranch style homes with gradual pitched roofs and other are larger, estate homes with traditional referencing, hip and gabled roofs, and attached front loaded garages.

See images to the right and below for examples of surrounding architectural styles.



Figure 3: Spring Valley Rd



Figure 4: Spring Valley Rd



Figure 5: Wild Plum Ct

Despite the eclectic character, the Wonderland Hill area has a particularly rich inventory of midcentury modern buildings. The Brenton House at 3752 Wonderland Hill Ave. is located approximately a quarter mile from the site and is considered a structure of merit by Historic Preservation. The home was designed by Charles Haertling in 1969 and can be seen in Figure 6 below. In addition, the Johnson House (1976) by Haertling is located in the vicinity on North Star Ct. (refer to Figure 7).



Figure 6: Brenton House



Figure 7: Johnson House

The proposed building architecture, while more contemporary in nature, draws from a similar building material palette as the surrounding development, where cement or fiber board lap siding, stone, wood and stucco are prevalent (see Figures 3-7 above). Also note that the proposed structures will be required to meet the city's Residential Greenpoints Program. Staff finds the proposal compatible as the homes will utilize high-quality finish materials consistent with that of the surrounding neighborhoods. Refer to **Attachment C** for proposed massing and scale.

## **ATTACHMENTS**

- Attachment A: 2004 Annexation Agreement
- Attachment B: 2004 Conceptual Design Elements
- Attachment C: Requested Amendment to Annexation Agreement
- Attachment D: Proposed Conceptual Design Elements
- Attachment E: Conceptual Massing and Scale
- Attachment F: Applicant's Written Statement and Proposal



ANNEXATION AGREEMENT

This Agreement, made this 13<sup>th</sup> day of January, 2004, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and Eleanor B Snyder, Owner, hereinafter referred to as "Applicant"

WITNESSETH.

RECITALS

WHEREAS, the Applicant is the owner of the real property generally described as "0 Linden Drive" and more particularly described in the attached Exhibit A, incorporated herein by reference, which real property shall hereinafter be referred to as the "Property", and

WHEREAS, the Applicant is interested in obtaining approval from the City of a request for the annexation of the Property in order to provide adequate urban services, particularly City water and sewer, and

WHEREAS the parties anticipate that annexation with an initial split zoning designations of Rural Residential-Established (RRI-E) and Agricultural-Established (A-E) are consistent with the Boulder Valley Comprehensive Plan; and

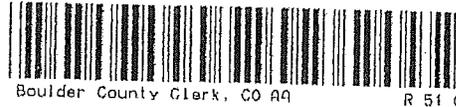
WHEREAS, the City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set

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forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. Prior to first reading of the annexation ordinance, the Applicant shall:
  - (a) File an application, and pay the applicable fees, for inclusion in the Northern Colorado Water Conservation Municipal Subdistrict,
  - (b) Dedicate to the City, in fee and at no cost, that portion of the Property shown as "32,959 sq. ft., (0.76 acres)" as City open space as shown on the attached Exhibit "B";
  - (c) Dedicate to the City, at no cost, a 30' Open Space Conservation and Access Easement on that portion of the Property, as shown on the attached Exhibit "B", subject to the review and approval by the City Manager;
  - (d) Dedicate to the City, at no cost, a 15' Public Access Easement on that portion of the Property as shown on the attached Exhibit "B", subject to the review and approval by the City Manager,
  - (e) Dedicate to the City, at no cost, a Flood Conveyance Easement on that portion of the Property shown within the conveyance flood zone of Two Mile Canyon Creek, consistent with the City of Boulder's detailed Floodplain Regulatory Map for Two Mile Canyon Creek prepared by Love & Associates, dated May, 1993, and adopted by the City in 1995, or based upon the best available information as determined by the Director of Public Works.
  
2. No fence shall be constructed between the City's open space fee dedication area and the conservation and access easement area. Any fence built along the conservation and access easement area shall be located east and south of the easternmost and southernmost edges of the

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newly dedicated conservation and access easement area, as shown on the attached Exhibit "B" incorporated herein be reference.

3. No structures shall be located within any portion of the property designated as being in the 100-year floodplain, as shown on the City of Boulder detailed floodplain regulatory map for Two Mile Canyon Creek prepared by Love & Associates, dated May 1993, and adopted by the City in 1995, or based upon the best available information as determined by the Director of Public Works, nor shall structures be placed in any other easements being dedicated to the City of Boulder in this Agreement
4. No grading, landscaping, structures, detention ponding or other uses by the lot owners shall be permitted within the newly dedicated 30' Conservation and Access Easement, the 15' Access Easement, or the Flood Conveyance Easement, except for a single shared access drive necessary to access the three lots, and a maintenance access drive to access the detention pond will be allowed to cross the 15' Access Easement
5. The Applicant acknowledges that the dedications and public improvements required herein are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement
6. Within 30 days after receipt of a bill from the City, the Applicant shall pay its pro rata share for water main extension within the Linden Avenue right of way, as it abuts the Property
7. Prior to issuance of any building permit on the Property, Applicant shall apply for and receive approval for a subdivision as specified by 9-5 B R C , 1981, which will substantially match the presently proposed plats submitted with the annexation application on file with the City's Planning Department Access for all lots shall be

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provided by one shared access drive, provided by an easement from Linden Avenue

- 8 Each lot will be limited to a total of Three Thousand, Five Hundred (3,500) square feet in above grade floor area, plus a two car garage not to exceed Five Hundred (500) square feet. A basement, defined as "that portion of a building that is totally below grade such that no portion of the space extends more than two feet above natural grade around the perimeter of the building" shall not be included in the above grade floor area.
- 9 Prior to or concurrent with any application for any building permit, the Applicant shall make a cash payment to the City's Housing Trust for twice (2 times) the amount of the applicable cash-in-lieu contribution. By making this payment, the Applicant shall be exempt from further payments or requirements as specified by 9-6 5 B.R.C. 1981, for one (1) dwelling on each lot.
- 10 Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant's proposal. The Planning Director will review the ~~plans to insure compliance with the intent of this approval, and~~ to ensure that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials.
- 11 No gate that limits access shall be allowed to or on the drive that serves the three houses permitted by this annexation.
- 12. The Applicant shall convey drainage from the Property in a manner that does not materially and adversely affect abutting property owners.
- 13. Subject to approval of this annexation, Applicant waives any vested property rights that

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may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City's police powers or the power to zone and regulate land uses for the benefit of the general public.

14. The Property shall be annexed to the City with zoning designations of Rural Residential-Established (RR1-E) zoning classification and Agricultural-Established (A-E) zoning classification, consistent with the Zoning Map attached hereto as Exhibit C and incorporated herein by reference, and except as set forth herein, and shall be subject to all the rights and restrictions associated with those zoning designations.

15. In the event that the Applicants breach or fail to perform any required action under or fail to pay any fee specified under the Covenants of this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or fail to perform any affirmative obligation hereunder, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B R C., 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicants, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C R S , based on the City's lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.

16. This Agreement and any document executed pursuant hereto shall be null and void and of no

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Attachment A - 2004 Annexation Agreement



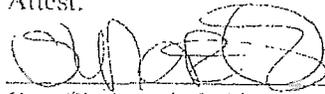
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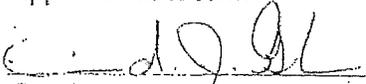
Boulder County Clerk, CO AR

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Attest.

  
\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record

Approved as to form

  
\_\_\_\_\_  
City Attorney

Date 1-17-04

ATTACHMENTS

- Exhibit A Legal Description
- Exhibit B Subject Property Map
- Exhibit C Zoning Map

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Exhibit A

Our Order No W363658

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH PRINCIPAL MERIDIAN, THENCE NORTH 89 DEGREES 48 MINUTES 50 SECONDS EAST 74 FEET, THENCE NORTH 23 FEET, THENCE NORTH 4 DEGREES WEST 80 FEET, THENCE NORTH 0 DEGREES 15 MINUTES WEST 104 FEET, THENCE NORTH 5 DEGREES 47 MINUTES 30 SECONDS WEST 23 29 FEET, THENCE NORTH 0 DEGREES 5 MINUTES 40 SECONDS WEST 80 FEET TO A POINT ON THE SOUTH LINE OF LINDEN AVENUE, THENCE WEST ON AND ALONG THE SOUTH LINE OF LINDEN AVENUE A DISTANCE OF 40 FEET, THENCE WEST ON AND ALONG THE SOUTH LINE OF LINDEN AVENUE A DISTANCE OF 29 FEET WHICH IS THE TRUE POINT OF BEGINNING, THENCE WEST ON AND ALONG THE SOUTH LINE OF LINDEN AVENUE A DISTANCE OF SIX HUNDRED FEET, THENCE SOUTH A DISTANCE OF TWO HUNDRED SEVENTY THREE FEET, THENCE EAST A DISTANCE OF THREE HUNDRED FORTY EIGHT FEET, THENCE NORTH 42 DEGREES 43 MINUTES EAST THREE HUNDRED SEVENTY ONE AND 57/100 FEET MORE OR LESS TO A POINT WHERE SAID LINE INTERSECTS THE SOUTH LINE OF LINDEN AVENUE WHICH IS THE TRUE POINT OF BEGINNING, COUNTY OF BOULDER, STATE OF COLORADO

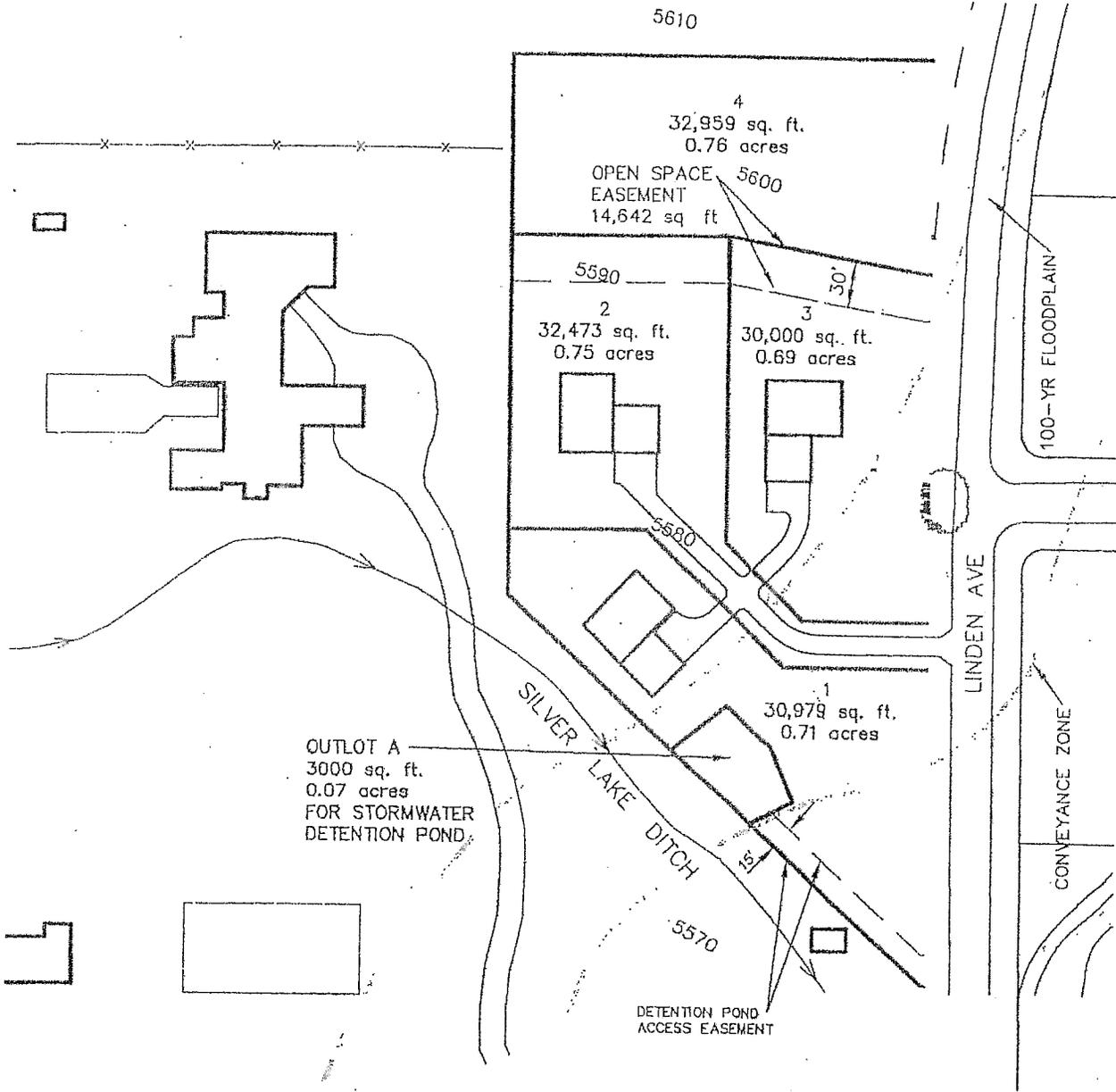
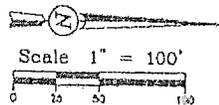


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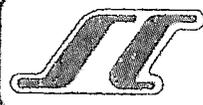
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### CONCEPT PLAN O LINDEN CITY OF BOULDER



**SCOTT, COX & ASSOCIATES, INC.**  
consulting engineers • surveyors  
1530 55th Street • Boulder, Colorado 80503  
(303) 444 - 3051

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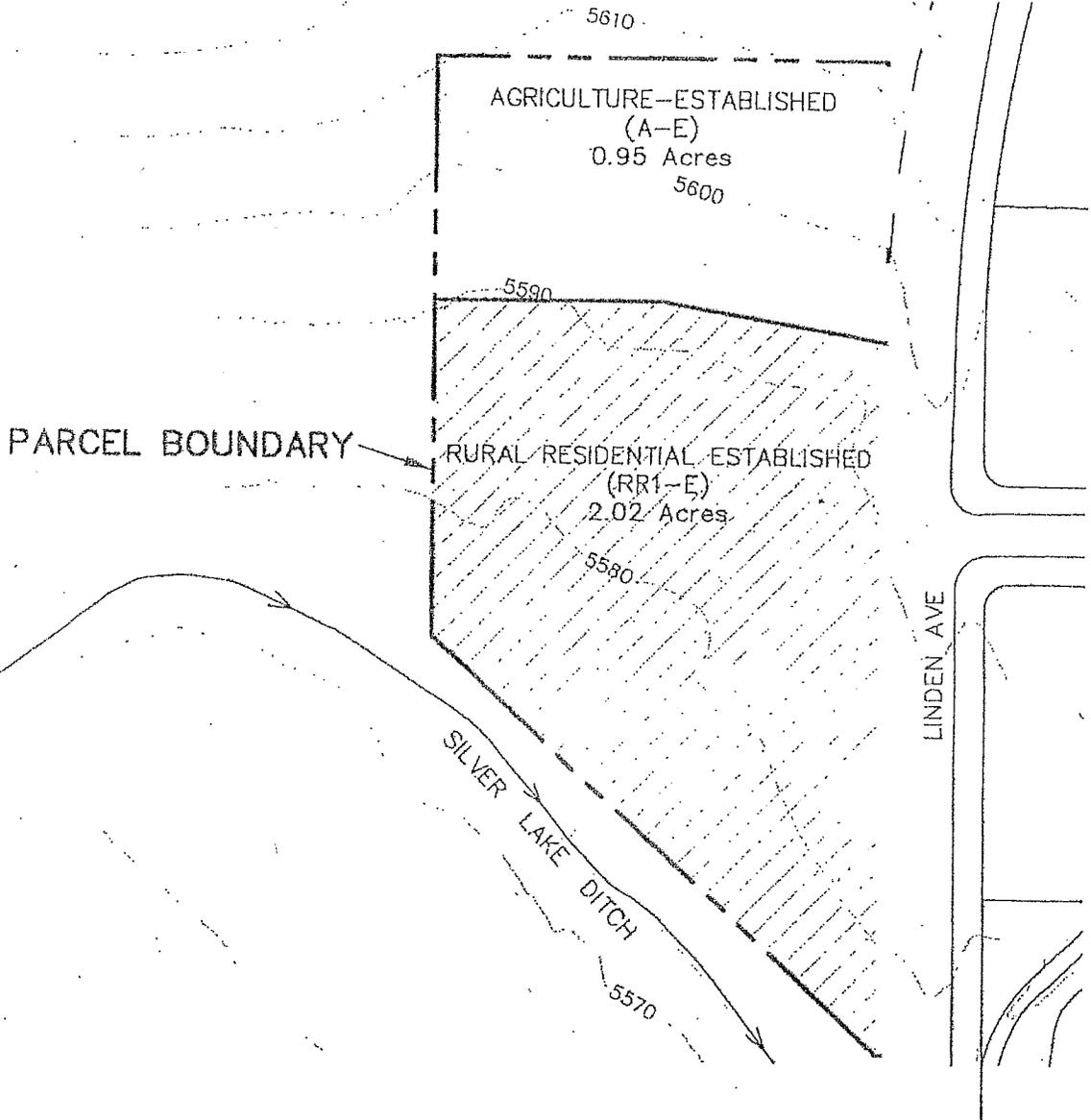
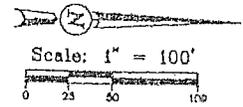


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### PROPOSED ZONING MAP

### O LINDEN CITY OF BOULDER



SCOTT, COX & ASSOCIATES, INC.  
consulting engineers • surveyors  
1530 55th Street • Boulder, Colorado 80303  
(303) 444 - 3051

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## O Linden Conceptual Design Elements

Simple rectilinear floor plans and facades

Peaked roofs w/ generous overhangs

Covered porches

Front Range farmhouse vernacular details

Attached garage

3500 square foot above grade finished floor space

Passive solar elements

Materials: Stone clad foundation

Stucco

Natural Cedar detailing of soffits, fascia, windows, and porches

"Architectural" asphalt shingle

The three houses will be different floor plans and massing but similar in style and materials

The landscaping will be kept close to the houses. We will try to preserve the current "grassy meadow" quality of the property.

For Administrative Purposes Only  
Case No. LUR2014-00087

### ANNEXATION AGREEMENT AMENDMENT

This annexation agreement amendment (“Amendment”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the CITY OF BOULDER, a Colorado home rule city (“City”) and BRITTON HOLDINGS, LLC, a Colorado limited liability company (“Britton Holdings, LLC”), as the owner of the properties generally known as 350 and 390 Linden Avenue and more particularly described respectively as Lot 2 and Lot 1 of Cunningham Farm Subdivision, County of Boulder, State of Colorado. Britton Holdings, LLC is hereinafter referred to as "Applicant." Lots 1 and 2 of Cunningham Farm Subdivision, County of Boulder, State of Colorado, are hereafter referred to as the “Property.”

### RECITALS

A. On January 13, 2004, Eleanor B. Synder, a previous owner of the Property, entered into an Annexation Agreement with the City regarding the Property recorded in the records of the Boulder County Clerk and Recorder on April 7, 2004 at Reception #2573553 (“Annexation Agreement”).

B. The Applicant and the City desire to revise Paragraph 10 and add a new Paragraph 18 to the Annexation Agreement.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein received for, the parties agree as follows:

1. The City and the Applicant agree to replace Paragraph 10 of the Annexation Agreement with the following:

Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements attached as **Exhibit A** to this Amendment. The Planning Director will review the plans to ensure compliance with the intent of this approval and to ensure that the view of the structures from Linden Avenue minimizes the view of the garage doors and includes architectural details, articulated building facades, and high quality materials.

2. The City and the Applicant agree to add the following as Paragraph 18 to the Annexation Agreement:

Prior to issuance of any building permit for the Property, the Property Owner of the lot for which a building permit is being sought shall cause the design and

construction of a 5-foot bike lane along the frontage of said lot on Linden Avenue consistent with the City of Boulder Design and Construction Standards.

3. The City and the Applicant agree that the remaining portions of the Annexation Agreement are not affected by this Amendment and shall remain in full force and effect.

4. This Amendment shall be recorded with the records of the Boulder County Clerk and Recorder by the City at its own expense.

5. The Applicant retains the right to withdraw from this Amendment up until the time that City Council votes on a motion that would approve this Amendment. The Applicant's right to withdraw shall terminate upon a City Council vote on a motion approving this Amendment. In the event that the Applicant withdraws from this Amendment in the manner described above, this Amendment shall be null and will have no effect.

CITY OF BOULDER

By: \_\_\_\_\_  
Jane S. Brautigam, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date



Exhibit A  
350-390 Linden Avenue  
Conceptual Design Elements

Simple rectilinear floor plans and facades

Flat, sloping, or peaked roofs

Attached garage

3,500 square foot above grade finished floor space

Passive solar elements

Materials: High-quality materials, including but not limited to, wood, stone, brick and glass. Glass shall only be allowed in windows, doors and skylights. Mirrored glass is prohibited.

Use of stucco as an accent

Metal or "Architectural" asphalt shingle roofing

The three houses will have different floor plans and massing but will be similar in style and materials.

The landscaping will be kept close to the houses and the current "grassy meadow" quality of the Property will be preserved.

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641WEST DESIGN  
delangestudio  
810 College Ave.  
Boulder, CO 80302

BRITTON  
HOLDINGS, LLC

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**FRONT VIEW**



**REAR VIEW**



**BIRDS EYE VIEW**

THE MEADOW HOUSE  
390 LINDEN BOULDER, CO ( LOT01)

concept  
design

11/12/2014

PERSPECTIVE  
VIEWS

**A100**



641WEST DESIGN  
delangestudio  
810 College Ave.  
Boulder, CO 80302

**BRITTON  
HOLDINGS, LLC**

**THE VIEW HOUSE**  
350 LINDEN BOULDER, CO (LOT 02)

**concept  
design**

**11/12/2014**

**PERSPECTIVE  
VIEWS**

**A100**

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**FRONT VIEW**



**REAR VIEW**



**BIRDS EYE VIEW**

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delangestudio  
810 College Ave.  
Boulder, CO 80302

BRITTON  
HOLDINGS, LLC

1

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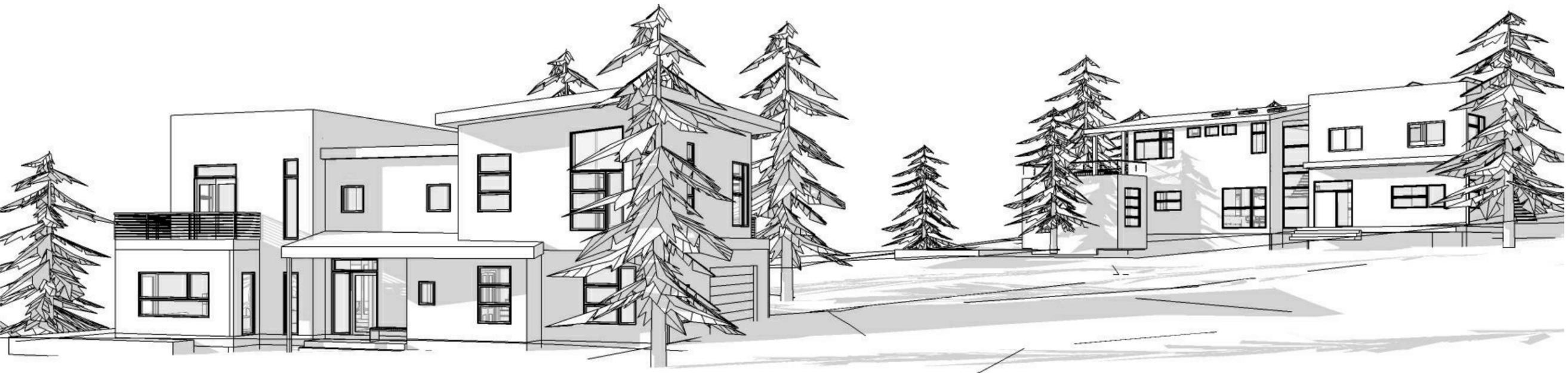
VIEW FROM DRIVING UP FAR

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VIEW FROM DRIVING UP

9

10

COMBINED VIEWS  
350 & 390 LINDEN BOULDER, CO ( Lot 02 & Lot 01)

concept  
design

11/12/2014

COMBINED VIEWS

A100.1

3E Page 27

**LAND USE REVIEW APPLICATION**  
**WRITTEN STATEMENT**  
**(October 1, 2014)**

**Description of Proposal:** The Applicant proposes a minor amendment to the existing Annexation Agreement dated January 13, 2004 and recorded on April 7, 2004 in the office of the Boulder County Clerk and Recorder at reception number 2573553 (see Attachment A) ("Annexation Agreement") by deleting the first sentence of paragraph 10 of the Annexation Agreement which required Eleanor B. Snyder, the defined applicant thereunder, to submit architectural plans consistent with the Conceptual Design Elements (See Attachment B for a copy of same) to be submitted as part of her proposal prior to a building permit application.

**Key Issues:**

1. How will the proposed Annexation Agreement amendment affect future building on the site?
2. Is the request to omit the Conceptual Design Elements ("CDEs") consistent with the intent of the original annexation approval?
3. Will the proposed Annexation Agreement amendment result in building design compatible with the existing character of the surrounding area?

**Background:**

**Site:**

The subject property is located near the southwest corner of Linden Drive and 4<sup>th</sup> Street and is situated on the western boundary of the City. The site is located on the south side of Linden, just west of Wonderland Hill Avenue. The subject property (subdivided into three lots) is oriented toward Linden Drive. Views from this site are spectacular requiring the home design to be carefully considered. The site has moderate topography and is surrounded by the Spring Valley open space directly to the north, the Cunningham open space directly to the west, and low density single-family residential homes to the south and east. The Wonderland Creek trail connection is adjacent to the subject property and runs north and east of the site. Linden Drive west of 4<sup>th</sup> Avenue is characterized by large tracks of open space lining each side of the street. Additionally, the subject property owner has installed more than \$100,000 in dense landscaping, including dozens of mature pine trees, along the eastern property line and along Linden Drive.

**History:**

In June, 2003, the Planning Board reviewed a concept plan application for the subject property. Planning Board recommended a total above grade floor area of approximately 3,500 square feet as well as a lot clustering pattern to reduce impacts to the surrounding properties and preserve the open, natural character of the area. In November, an application was submitted for annexation to the City, a Boulder Valley Comprehensive Plan (BVCP) map amendment, and establishment of initial zoning. Subsequently, the BVCP land use designation was changed from Open Space-Other to Very Low Density Residential, Rural Residential Established-One zoning was established (now known as RR-2), and the requested annexation was approved through an annexation agreement with limitations on building size to control impacts on the surrounding

area (see Attachment A for a copy of the Annexation Agreement). As part of the approved annexation and in keeping with the applicable Annexation Ordinance (B.R.C. 9-2-16(b)), the special opportunity and benefit provided to the City included the following:

- 1) Fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 2) 30' open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 3) 15' public access easement dedication to the City;
- 4) Two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- 5) Each lot would be limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size;
- 6) Preventing the installation of new private septic systems in support of the County Board of Health's policy discouraging same where a potential pollution and health hazard would be created;
- 7) No effect on the City's Capital Improvement Program;
- 8) A floodplain easement for the area of the subject property within the conveyance zone flood area;
- 9) A single curbcut on Linden Avenue; and
- 10) No structures being located in the floodplain.

In November, 2005, the subject property was subdivided into three approximately 30,000 square foot lots (see Attachment C for the Final Plat of Cunningham Farm).

**Proposed Amendment Revision:**

The Applicant is currently proposing a minor amendment to paragraph 10 of the Annexation Agreement to be revised to read as follows (requested language to be deleted struck):

~~*Prior to a building permit application, the Applicant shall submit architectural plans consistent with the Conceptual Design Elements submitted as part of the Applicant's proposal. The Planning Director will review the plans to insure compliance with the intent of this approval, and to ensure that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials.*~~

The one-page Conceptual Design Elements describe a list of conceptual design elements that were apparently suggested at some point, it is not clear when, during the concept design review in 2003 and were given very little attention or focus by Staff, Planning Board and City Council in the various approval memorandums since, but which apparently made their way in to the final recorded Annexation Agreement via a mere reference and nothing more. A copy of the CDEs was not even attached to the recorded Annexation Agreement as an exhibit. Specifically, the CDEs contain the following list of elements: simple rectilinear floor plans and facades, peaked roofs w/ generous overhangs, covered porches, front range farmhouse vernacular details, attached garage, 3,500sf above grade finished floor space, passive solar elements, materials: stone clad foundation, stucco, natural cedar detailing of soffits, fascia, windows, and porches, "architectural" asphalt shingle, the three houses will be different floor plans and massing but similar in style and materials, and the landscaping will be kept close to the houses. We will try to preserve the current "grassy meadow" quality of the property.

While the Applicant is not opposed to many of these CDE items, and, moreover, the Applicant has incorporated the vast majority of them in to their architectural designs as you can see by reviewing Applicant's Architectural Drawings for 350 and 390 Linden dated October 1, 2014 (the "Architectural Drawings") (see Attachment D) and the Annexation Agreement Compliance Table (see Attachment E), some of these elements, since 2003, have become close to obsolete because they were unique styles for that timeframe and/or are being used less and less in Boulder because they are not sustainable or eco-friendly. Further, by keeping these CDEs as part of the Annexation Agreement, these CDEs will likely not withstand the test of time and continue to become more and more obsolete in to the future and become nothing more than an overly restrictive covenant limiting an owner's real property rights thereby potentially reducing the property values. The elements that are not obsolete, i.e. max square footage and attached 500sf garage are covered elsewhere in the Annexation Agreement, so eliminating the CDEs would not affect these elements.

**Analysis:**

**1. How would the proposed minor amendment to the Annexation Agreement affect future building on the site?**

The primary concerns expressed in the prior approvals related predominately to restrictions on the house and garage square footage and restricting the mass and scale of the proposed structures and the impact on the surrounding open spaces. As approved under the existing Annexation Agreement, development would still be limited to 3,500 square feet of above grade floor area plus a 500 square foot two-car garage resulting in the same means to control scale and mass and ensure compatibility with the surrounding area.

Accordingly, the proposed minor amendment to omit the requirement to comply with the CDEs would not affect the future building on the site other than to allow the Applicant to use more current design and sustainable and eco-friendly materials for the construction of the houses and the garages in accordance with Applicant's Architectural Drawings (see Attachment D) and consistent with the core values of the BVCP.

**2. Is the request to omit the CDEs consistent with the intent of the original Annexation approval?**

In 2003, there were lengthy discussions regarding the surrounding open space corridors, building compatibility, scale, mass, and density and public concern which predominately related to flood hazards, density, lot size, traffic, open space, community benefit and neighborhood compatibility. Thereafter, the decision was made by Planning Board and City Council to permit three houses on the subject property as long as specific restrictions were instituted to address the foregoing concerns (I.e. cluster development, limitation on house size, garage size and building orientation, see below for detailed list of Restrictions) were written into the Annexation Agreement to reduce visual impacts on the surrounding open space and to maintain structures compatible with the mass and scale of the surrounding natural area.

**Restrictions:** To demonstrate compliance with the direction provided by Planning Board at concept review and to provide additional community benefit, the Applicant agreed to the following restrictions:

- 1) No fencing in certain areas
- 2) No structures in the 100-year floodplain
- 3) No grading, landscaping, structures, detention ponding or other uses being permitted within the Conservation and Access Easement, the Access Easement or the Flood Conveyance Easement, except a shared drive and maintenance drive for the detention pond
- 4) A shared access drive with no gates
- 5) Max of 3,500sf above grade floor area and a two car garage not to exceed 500sf
- 6) View to structures from Linden Avenue minimizes the view of the garage doors and includes architectural details and articulation of building facades and high quality materials

The foregoing development restrictions contained in the approved Annexation Agreement were established to further the overall objectives of the BVCP regarding community design by preserving the existing open character of the area and establishing criteria for structures that would maintain a compatible mass and scale with the area, and Applicant's request to omit the CDEs does not negate these objectives.

Further, deleting the CDEs would not avoid any of the restrictions regarding cluster development, limitation on house size, garage size and building orientation or the public's concerns as demonstrated in the Architectural Drawings (see Attachment D). On the contrary, the CDEs, other than the ones enumerated in the foregoing list of restrictions above, relate to very specific styles and materials (I.e. farmhouse vernacular, stucco, natural cedar detailing of soffits, fascia, windows and porches, and asphalt shingles) that have since either become

obsolete, high maintenance, non-sustainable or non-eco-friendly. As such, we find it difficult to conceive that the intent of the Annexation Agreement was to require the use of non-sustainable and non-eco-friendly materials in the construction of the homes and garages. This is further illustrated by the fact that certain of the items set forth in the list of the CDEs were expressly detailed elsewhere in the Annexation Agreement (I.e. 3,500sf above grade max and 500sf max garage), but certain of these very specific purely stylistic elements were not detailed in the Annexation Agreement or even attached as an exhibit to the Annexation Agreement. Even paragraph 10 of the Annexation Agreement focuses the intent of the Annexation Agreement on “ensur[ing] that the view to the structures from Linden Avenue minimizes the view of the garage doors, and includes architectural details and articulation of building facades and high quality materials”.

By reviewing the Architectural Drawings (see Attachment D) and the Annexation Agreement Compliance Table (see Attachment E), you will see that Applicant has taken great care and consideration to ensure that Applicant has complied with all other design-related provisions in the Annexation Agreement including but not limited to ensuring that the view to the structures from Linden Avenue minimizes, if not eliminates, the view of the garage doors and includes many unique architectural details and articulation of building facades. Less than 10% of each Lot will be actively landscaped. Maintaining most of the native grasses and using semi permeable paving or road base allow for less extreme water run offs. Careful planting or moving of a few native trees (spruce, pine) will strengthen the native feel of the property and could provide shading of the houses during the summer. The Architectural Drawings also incorporate many high quality, sustainable and eco-friendly materials including, but not limited to:

- 1) Foundation: The use of recycled concrete
- 2) Siding: The use of stucco and FSC certified wood T&G siding or T&G Beetle kill; panelized rain screen: Trespa or other resin panel FSC certified; cement fiber lap siding: multiple green, LEED and sustainable properties, extreme durability
- 3) Windows: Wood Aluminum clad: Wood is sustainably harvested; aluminum is very recyclable, and most aluminum is recycled or high recycled content. Careful window placement capitalizes on passive solar gain. Low U values and will maximize the solar heat gain coefficient by having a very low coefficient.
- 4) Active Solar: Both houses will have 6-10KW PV arrays
- 5) Interior & Exterior Paint: Water based, low or no VOC
- 6) Roof: TPO roofing, white mitigates urban heat island effect and is recyclable, comes with long warranty and is most recycled building material; metal standing seam, no toxic run off (compared to asphalt shingles)

- 7) Systems: The houses will have efficiency forced air furnaces with the potential for easy AC or evaporative cooling hookup. On demand water heaters & LED lights to preserve energy use & lag times in water heating

In the Staff and Planning Board memorandums regarding the annexation petition request, there was significant discussion, analysis, focus and intention placed on whether the desired annexation would provide special opportunity and benefit to the City and this was likewise consistently memorialized in the Annexation Agreement by including in detail the following benefits to the City as requirements:

- 1) a fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 2) a 30' open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 3) 15' public access easement dedication to the City;
- 4) two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- 5) each lot being limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size to minimize the impact on the surrounding open space;
- 6) no installation of new private septic systems in support of the County Board of Health's policy discouraging same where a potential pollution and health hazard would be created;
- 7) no effect on the City's Capital Improvement Program;
- 8) a floodplain easement for the area of the subject property within the conveyance zone flood area;
- 9) a single curbcut on Linden Avenue; and
- 10) no structures being located in the floodplain. Accomplishing these goals was the primary intention of the annexation discussions and approvals, not to dictate a particular potentially outdated architectural style and building materials. Additionally, minimal discussion, focus or intent was placed on the CDEs, such that they were not even attached to the Annexation Agreement other than a mere mention.

Therefore, given all of the foregoing, omission of the CDEs is consistent with the intent of the original Annexation approval.

- 3. Will the proposed minor amendment to the Annexation Agreement result in building design compatible with the existing character of the surrounding area?**

As mentioned above, at the concept plan review and annexation stages, a great deal of analysis on behalf of Staff, Planning Board, and the public was conducted to arrive at a site plan that responded to the existing character of the area. The Applicant's proposal to omit the CDEs and to construct the homes and garages in accordance with the Architectural Drawings is more current, sustainable, eco-friendly and compatible with the existing character of the surrounding area. Moreover, it does not increase the mass and scale of the proposed structures, nor does it create a greater perceived building mass from Linden Drive.

**Conclusion:**

The proposed minor amendment to the Annexation Agreement to eliminate the CDEs is consistent with the intent of original annexation approval and the policies of the BVCP regarding quality community design and benefit. Further, the proposed amendment does not impact the scale and mass of the proposed houses, garages or impact the surrounding open space areas. Therefore, we request that Staff, Planning Board and City Council, if required, approve this minor amendment to the Annexation Agreement.

**ATTACHMENTS:**

- Attachment A: Annexation Agreement dated January 13, 2004 and recorded on April 7, 2004 in the office of the Boulder County Clerk and Recorder at reception number 2573553 ("Annexation Agreement")
- Attachment B: Conceptual Design Elements ("CDEs")
- Attachment C: Final Plat Cunningham Farms September 27, 2005 and recorded November 17, 2005 at reception number 2738188 ("Final Plat")
- Attachment D: Applicant's Architectural Drawings for 350 and 390 Linden dated October 1, 2014 ("Architectural Drawings")
- Attachment E: Annexation Agreement Compliance Table

**ATTACHMENT E: ANNEXATION AGREEMENT COMPLIANCE TABLE**

<b>ANNEXATION AGREEMENT PROVISIONS</b>		
<b>§</b>	<b>Item</b>	<b>Proposed Design Complies</b>
2	No fence between City's open space conservation & access easement area	YES
3	No structures located within any portion of the property within the 100-yr floodplain	YES
4	No grading, landscaping, structures, detention ponding or other uses by the Lot owners within the 30' Conservation & Access Easement (1(c)), the 15' Access Easement (1(d)), or the Flood Conveyance Easement (1(e)), except for a shared access drive	YES
8	≤ 3,500sf in above grade floor area, plus a 2-car garage ≤ 500sf. A basement "defined as "that portion of a building that is totally below grade such that no portion of the space extends > 2' above natural grade around the perimeter of the building" shall not be included in the above grade floor area.	YES
10	Ensure that the view to the structures from Linden Ave. minimizes the view of the garage doors; includes architectural details & articulation of building facades & high quality materials; & Architectural plans consistent with the CDEs	YES, views from Linden of the garages are minimized, if not eliminated. YES, includes architectural details & articulation of building facades & high quality materials [See below for specific compliance details] YES, in part, the Architectural plans are consistent with the CDEs [See below for specific compliance details]
11	No gates that limit access on the drive	YES
<b>CONCEPTUAL DESIGN ELEMENTS ("CDEs")</b>		
1	Simple rectilinear floor plans and facades	YES
2	Peaked roofs w/ generous overhangs	YES, generous overhangs, but not peaked roofs
3	Covered porches	YES
4	Front Range farmhouse vernacular details	NO
5	Attached garage	YES
6	3500sf above grade finished floor space	YES
7	Passive solar elements	YES, plus active solar via 6-10KW PV arrays
8	High Quality Materials (I.e. eco-friendly & sustainable) -Stone clad foundation -Stucco -Natural Cedar detailing of soffits, fascia, windows, and porches -"Architectural" asphalt shingle	YES, to: 1) <u>Foundation</u> : Use of recycled concrete 2) <u>Siding</u> : Use of Stucco & FSC certified wood T&G siding or T&G Beetle kill; panelized rain screen: Trespa or other resin panel FSC certified; cement fiber lap siding: multiple green, LEED & sustainable properties, extreme durability 3) <u>Windows</u> : Wood Aluminum clad: Wood is sustainably harvested; aluminum is very recyclable, & most aluminum is recycled or high recycled content. Window placement capitalizes on passive solar gain. Low U values & will maximize the solar heat gain coefficient 4) <u>Interior &amp; Exterior Paint</u> : Water based, low or no VOC 5) <u>Roof</u> : Metal roof mitigates urban heat island effect & is recyclable & comes with long warranty 6) <u>Systems</u> : The houses will have efficiency forced air furnaces with the potential for easy AC or evaporative cooling hookup. On demand water heaters & LED lights to preserve energy use & lag times in water heating  NO, as to asphalt shingle, which can have toxic runoff
9	The houses will be different floor plans & massing but similar in style and materials	YES
10	The landscaping will be kept close to the houses. We will try to preserve the current "grassy meadow" quality of the property	YES, less than 10% of each Lot will be actively landscaped. Maintaining most of the native grasses & using semi permeable paving or road base allow for less extreme water run offs. Careful planting or moving of a few native trees (spruce, pine) will strengthen the native feel of the sites & could provide shading of the houses during summer.

**SUPPLEMENT TO WRITTEN STATEMENT**  
**FOR**  
**350 & 390 LINDEN AVENUE**  
**LUR2014-00087**  
**(November 14, 2014)**

In response to:

- 1) the City of Boulder's Planning & Development Services Staff's comments dated October 24, 2014 ("City's Comments");
- 2) a meeting with Charles Ferro and Sloane Walbert on November 6, 2014; and
- 3) the subsequently provided additional comment dated November 7, 2014 regarding the new requirement for Applicant to design and construct a 5-foot bike lane as well as curb-and-gutter along the property's frontage with Linden Avenue,

Applicant submits this Supplement to Written Statement for LUR2014-00087 for the Property located at 350 & 390 Linden Avenue.

**LUR PURPOSE:** The goal and purpose here is simply get the Architectural Drawings previously submitted for the design of the two single-family homes to be built on the Property (one at 350 Linden and the other at 390 Linden), which we believe has brought us to the point where we find ourselves now over 10-years after the Annexation Agreement was adopted (wrestling with some outdated Conceptual Design Elements (the "CDEs")). Applicant is simply seeking to build the two proposed single-family homes in accordance with the basic massing depicted on the drawings attached hereto as **ATTACHMENT A.**

Keeping in mind the intent of the Annexation Agreement, Applicant has gone to great lengths and expense to design simple, elegant and high quality homes with eco-friendly and sustainable materials being sensitive to the open space to the west.

After receiving the comments from the Staff and subsequently meeting with Charles Ferro and Sloane Walbert, Staff has encouraged us to revise our request for minor amendment to the Annexation Agreement to not omit the CDEs entirely, but to simply revise the list of CDEs since Staff has determined that Applicant's current architectural drawings presently comply with several of the CDEs. As such, Applicant hereby revises its prior request to simply revise the CDEs in accordance with Staff's recommendations and as set forth in the revised CDEs attached hereto as **ATTACHMENT B.**

**CITY REQUIREMENTS:** To address the City's Comments, Applicant provides the below responses.

- **Building Design:** As Applicant will uphold durability and consistency through a sense of solidity and permanence, by constructing simple and elegant homes and incorporating high-quality, natural materials, including, but not limited to the use of masonry and stone elements and stucco and siding will be minimized and as more particularly described on the Materials List attached hereto as **ATTACHMENT C.**
- **Flood Control:** We agree to dedicate a new easement for the conveyance zone and vacating the existing easement based upon the best available information.
- **Neighborhood Comments:** Please note a correction to City's Comments regarding a metal structure erected was not on Applicant's Property (I.e. Lot 1), but was actually located on Lot 3 (310 Linden Avenue). Nonetheless, it has since been removed so is a moot point.
- **Access/Circulation:** As enumerated in the October 1, 2014 Written Statement, Applicant has already expended substantial amounts of money to provide the below benefits to the City in exchange for the Property being annexed. Nonetheless, it appears that the City is now instituting another requirement for Applicant to design and construct a 5-foot bike lane as well as curb-and-gutter along the Property's frontage with Linden Avenue. Applicant agrees to design and construct a 5-foot bike lane as well as curb-and-gutter along the Property's frontage, but seeks assurance that new additional requirements will not be subsequently added.

**CITY BENEFITS CONFERRED BY APPLICANT IN EXCHANGE FOR ANNEXATION**

- Fee dedication to the City as open space 32,959sf (0.76 acres) of the subject property, at no cost, to preserve the mountain backdrop, view corridors and environmental resources;
- 30' open space conservation and access easement dedication, at no cost, equaling approximately 8,248sf;
- 15' public access easement dedication to the City;
- Two times the applicable inclusionary zoning cash-in-lieu requirement for affordable housing at the time of building permit for each of the three lots;
- Each lot would be limited to a total of 3,500sf of above grade living space, plus a two car garage, not to exceed 500sf in size;
- Preventing the installation of new private septic systems in support of the County Board of Health's policy discouraging same where a potential pollution and health hazard would be created;
- No effect on the City's Capital Improvement Program;
- A floodplain easement for the area of the subject property within the conveyance zone flood area;
- A single curbcut on Linden Avenue; and
- No structures being located in the floodplain.

**CONCLUSION:**

A proposed minor amendment to the Annexation Agreement to: (A) modify the existing CDEs to update and incorporate more current, sustainable and eco-friendly elements; or (B) eliminate the CDEs entirely because the Annexation Agreement itself contains the limitations on mass, scale, etc. and is consistent with the intent of original annexation approval and the policies of the BVCP regarding quality community design and benefit as well as the use of sustainable and eco-friendly materials. Further, the proposed amendment does not impact the mass and scale of the proposed houses, garages or impact the surrounding open space areas. Therefore, we request that Staff, Planning Board and City Council approve the foregoing minor amendment to the Annexation Agreement in the form of (A) or (B) above.

**ATTACHMENTS:**

- |               |                                                                                                              |
|---------------|--------------------------------------------------------------------------------------------------------------|
| ATTACHMENT A: | Architectural Drawings dated 11/12/14 for: (1) 350 Linden, (2) 390 Linden, and (3) Combined 350 & 390 Linden |
| ATTACHMENT B: | Amended Conceptual Design Elements (" <u>CDEs</u> ")                                                         |
| ATTACHMENT C: | Materials List                                                                                               |

## **ATTACHMENT C**

### **MATERIALS LIST**

#### **General Description:**

The designs will have a high-end look and feel that strengthens the current design variety in the neighborhood around the lots. The designs are rich, anchored to the site and location, and are representative of Boulder as a small modern city that is environmentally conscious, progressive and innovative.

#### **Additional Items describing the designs:**

**Systems:** The Designs will have high efficiency heating with the potential for easy AC or evaporative cooling hookup. On demand water heaters and LED lights to preserve energy use and lag times in water heating. Both houses will get active solar systems (such as PV arrays) and/or geothermal systems

It is our goal to exceed the current required energy codes.

The proposed series of materials and material choices reflect durability, quality and sustainability. The current CDE's refer to asphalt shingles and stucco.

**Flat Roofs:** White TPO roofing, white roofing mitigates urban heat island effect and is recyclable. The roof surfaces will be hardly visible from the adjacent neighborhood homes.

**Sloped roofs:** Metal standing seam, no toxic run off (compared to asphalt shingles)

Metal is most recycled building material and comes with extensive warranty

Very durable and reflective of high end material choices.

**Siding:** The designs will have only a handful of material choices that reflect durability, sustainability and high-end look and feel. In addition, the material palette will compliment the site and surrounding.

Woods and wood composites: FSC certified, rain screen application for cladding under soffits, north or less sun exposed areas. Wood species, warm, local or very durable (pine, jarrah)

Trespa, Prodema or other resin panel (compressed wood fibers, FSC certified) comes in amazing subdued and earth tone colors. Extremely durable and has high recycled content.

Stone and Masonry: Masonry in rich, earth tones and contemporary stone patterns.

Sparsely used as accent materials: Stucco and Fiber cement board.

**Windows:** Wood Aluminum clad: Wood is sustainably harvested, Aluminum is very recyclable, and most Aluminum is recycled or high recycled content. Placement of windows to capitalize on passive solar gain. Window U values and Solar Heat Gain Coefficient will exceed current energy code requirements.

**Interior and Exterior paint:** Water based, low or no VOC paints.

**Foundations and flatwork:** Use of recycled concrete in the cast in place concrete for the foundation(s) and flatwork.

**Landscaping:** The Lots are approximately 30,000+ SF but only a small portion (less than 10%) will be actively landscaped. Maintaining most of the native grasses and using semi permeable paving or road base allow for less extreme water run offs. Carefully planting and/or moving some of the native trees (spruce, pine) will strengthen the native feel of the sites and could provide shading of the houses during the summer.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE:** Consideration of a resolution allowing for continuation of the Rocky Flats Stewardship Council

**PRESENTERS**

Jane S. Brautigam, City Manager  
Carl Castillo, Policy Advisor

**EXECUTIVE SUMMARY**

An intergovernmental agreement establishing the Rocky Flats Stewardship Council (“RFSC”) was first entered into on Feb. 13, 2006 (the “IGA,” included as **Attachment A**), and then amended on Feb. 6, 2012 (the “Amended IGA,” included as **Attachment B**). The parties to the IGA are the City and County of Broomfield, the counties of Boulder and Jefferson, the cities of Arvada, Boulder, Golden, Northglenn, Thornton and Westminster, and the town of Superior (the “Parties”). The purpose of the RFSC is to provide: (1) continuing local oversight of activities occurring at the Rocky Flats site to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management; (2) a forum to address issues facing former site employees, including but not limited to, long-term health benefits and pension programs; and, (3) an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations about ongoing needs and responsibilities regarding contaminant management and refuge management.

Pursuant to the terms of the IGA, the RFSC terminates absent the unanimous triennial determination by the Parties that it should continue for another three years. On Feb.13, 2009, and again on Feb. 13, 2012, the Parties approved the organization’s continuation. Allowing the RFSC to continue past Feb. 13, 2015, will require the Parties to make another triennial determination. Accordingly, council is being asked to approve a resolution (included as **Attachment C**) indicating its interest in having the RFSC continue for another three years.

## STAFF RECOMMENDATION

### Suggested Motion Language:

*Motion to adopt a resolution, included as **Attachment B**, allowing for continuation of the Rocky Flats Stewardship Council for three years*

### IMPACTS

- Fiscal - The annual membership fee for the city's participation in RFSC has been \$1,000. Although not expected, the amount may be adjusted by the RFSC Board, to which Council Members Morzel and Plass has been designated by council to serve as representative and 1<sup>st</sup> alternate.
- Staff time - This is part of the normal work plan for staff and specifically for the city's 2<sup>nd</sup> alternate to RFSC, Policy Advisor Carl Castillo.

### ATTACHMENTS

- A. Intergovernmental Agreement Establishing the Rocky Flats Stewardship Council
- B. First Amendment to Intergovernmental Agreement Establishing the Rocky Flats Stewardship Council
- C. A Resolution Regarding Triennial Determination for the Continuation of the Rocky Flats Stewardship Council.

INTERGOVERNMENTAL AGREEMENT  
ESTABLISHING THE  
ROCKY FLATS STEWARDSHIP COUNCIL

This Intergovernmental Agreement ("IGA") establishing the Rocky Flats Stewardship Council is made and entered into as of this 13th day of February, 2006, pursuant to Colo. Const. Art. XIV, Section 18(2), part 2 of article 1, title 29, C.R.S., by and among the following parties who have executed this IGA: BOULDER COUNTY, a body politic and corporate and political subdivision of the State of Colorado, JEFFERSON COUNTY, a body politic and corporate and political subdivision of the State of Colorado, the CITY OF ARVADA, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY OF BOULDER, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY AND COUNTY OF BROOMFIELD, a Colorado municipality and county, the CITY OF WESTMINSTER, a home-rule municipal corporation and political subdivision of the State of Colorado, the TOWN OF SUPERIOR, a municipal corporation, the CITY OF GOLDEN, a home rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF NORTHGLENN, a home-rule municipal corporation and political subdivision of the State of Colorado (singularly and/or collectively, "Party/Parties").

RECITALS

WHEREAS, the Rocky Flats site ("Rocky Flats" or "Site") is a U.S. Department of Energy ("DOE")-owned cleanup and closure site located in Jefferson County and adjacent to or near Boulder County, the City and County of Broomfield, the cities of Arvada, Westminster, Golden and Northglenn, the Town of Superior, and the City of Boulder; and

WHEREAS, since 1995, Rocky Flats has been undergoing nuclear deactivation and decommissioning, waste management and shipment, special nuclear material removal, environmental cleanup and site closure, pursuant to an accelerated closure contract between DOE and Kaiser-Hill Company; and

WHEREAS, as successor to the Rocky Flats Local Impacts Initiative formed in 1993, the Rocky Flats Coalition of Local Governments ("Coalition") was established by Intergovernmental Agreement dated as of February 9, 1999, and amended by Amended Intergovernmental Agreement, dated as of November 3, 2003, by and among the following seven governments: the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminster, and the Town of Superior, for the purpose of working together to have a coordinated local government involvement in information sharing, advocacy and planning concerning Rocky Flats; and

WHEREAS, effective October 13, 2005, the Rocky Flats Site has been declared to be "physically cleaned up" and closed down, with DOE's regulatory approval of the closure anticipated to be reached in late 2006; and

WHEREAS, pursuant to the “Rocky Flats National Wildlife Refuge Act of 2001,” vast portions of Rocky Flats will become a National Wildlife Refuge, managed by the Department of the Interior (“DOI”) through the United States Fish and Wildlife Service (“USFWS”), with retained jurisdiction by DOE for continuing responsibility for management of cleanup remedies; and

WHEREAS, Section 3120 of the 2005 National Defense Authorization Act, Public Law No. 108-375, directs the DOE Office of Legacy Management to establish a “local stakeholder organization” (“LSO”) at the Rocky Flats Site; and

WHEREAS, the DOE Office of Legacy Management has provided the Coalition with certain guidance in the establishment of the LSO, based upon the language of the 2005 National Defense Authorization Act, including parameters for the development of an LSO operating plan, and elected official and non-elected membership of the LSO; and

WHEREAS, the Coalition parties and the parties to this IGA, with participation from representatives of other key stakeholders and members of the public, have developed and submitted to DOE a plan which includes an LSO mission, organizational objectives and scope of work (“LSO Plan”), which LSO Plan was approved by DOE on December 21, 2005; and

WHEREAS, the Coalition parties and the parties to this IGA desire to provide (1) continuing local oversight of activities occurring at the Rocky Flats site, to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management; (2) a forum to address issues facing former site employees, including but not limited to long-term health benefits and pension programs; and (3) an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and

WHEREAS, the Coalition parties and the parties to this IGA have determined to establish the Rocky Flats Stewardship Council (“Stewardship Council”) to oversee all post-closure Rocky Flats activities, including serving as the LSO and implementing the LSO Plan; and

WHEREAS, following the creation of the Stewardship Council, it is anticipated that the Coalition will conclude its existence, having fulfilled its purposes; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, pursuant to Colorado Constitution Article XIV, Section 18(2), and part 2 of article 1, title 29, C.R.S., the parties may cooperate and contract with each other to provide any function, service or facility lawfully authorized to each and, further, any such contract may provide for joint exercise of the function, service, or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, such cooperation would be of particular benefit for the purposes stated in this IGA and, additionally, would be in the best interest of the Parties, the region and the people of the State of Colorado; and

WHEREAS, the Parties are all local governments which shall exist in perpetuity, and which have a fiduciary duty to protect the health and welfare of their communities, and thereby desire to establish the Stewardship Council; and

WHEREAS, it is not intended that the powers and responsibilities of governmental entities be in any way usurped;

THEREFORE, the Parties to this IGA hereby covenant and agree as follows:

### DEFINITIONS

As used in this IGA, unless the context otherwise requires:

“Alternate Director” means, in reference to a Permanent or Rotating Party, one of up to two alternates designated by a Party, who may be either an elected official or employed by the Party, to serve as a voting Director in the event of absence or resignation of a Director. In addition, in reference to a Member who is acting on behalf of an *entity* (as opposed to a Member who is an individual acting for him or herself), “Alternate Director” means one of up to two alternates designated by a Member, to serve as a voting Director in the event of absence or resignation of a Member Director.

“Board” means the Board of Directors of the Rocky Flats Stewardship Council.

“Bylaws” means that set of operational procedures of the Rocky Flats Stewardship Council adopted, revised, repealed, re-enacted and amended from time to time by the Board.

“Committee” means any committee established by the Board as provided in the Bylaws for purposes of assisting the Board in the discharge of its duties and making recommendations on matters before the Board, whose members shall be appointed by the Board and whose membership may include persons representing entities other than local governments.

“Director” means each individual selected by each Party, who shall be an elected official of the Party, to be a voting member of the Board, and shall include Alternate Director(s) who shall act in the absence of his/her director. In addition, in reference to a Member, “Director” means the individual appointed by a Member to be a voting member of the Board.

“DOE” means the U.S. Department of Energy.

“DOI” means the U.S. Department of Interior.

“LSO” or “Local Stakeholder Organization” means the Rocky Flats post-closure entity organized under the direction of the DOE Legacy Management, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.

“Meeting” means a regular or special meeting of the Board as more specifically defined in the Bylaws.

“Member” means one of up to four (4) community stakeholder representatives with a right to appoint a Director to the Board, selected pursuant to the procedures established by the Stewardship Council in its Bylaws.

“Party” means a unit of local government who is either a Permanent party or a Rotating Party and a signatory to this IGA.

“Permanent Party” means a public entity signatory to this IGA whose ability to appoint Directors to the Board does not rotate with other Parties, and includes the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder and Westminster, and the Town of Superior.

“Rocky Flats” means the entire Rocky Flats closure site, a federal facility currently under the jurisdiction of the United States Department of Energy located in Jefferson County, Colorado, and inclusive of all lands within such site regardless of whether or not management of such lands is transferred to either DOE or to DOI.

“Rocky Flats National Wildlife Refuge” means the area designated as such pursuant to the Rocky Flats National Wildlife Refuge Act of 2001, approved by the U.S. Congress and signed into law on December 28, 2001, and as may be amended from time to time.

“Rocky Flats Stewardship Council” or “Stewardship Council” means the entity established by this IGA.

“Rotating Party” means an eligible public entity signatory to this IGA whose right to appoint Directors to the Board rotates with other parties and includes the Cities of Golden and Northglenn.

“USFWS” means the U.S. Fish and Wildlife Service who is tasked with the management of the Rocky Flats National Wildlife Refuge under the DOI.

## COVENANTS AND AGREEMENTS

1. Establishment and Denomination of Stewardship Council. The Parties hereby establish a separate legal entity to be denominated the “Rocky Flats Stewardship Council.”
2. Mission Statement. The mission of the Stewardship Council is --

- a. To provide continuing local oversight of activities occurring at the Rocky Flats site; to ensure that local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management;
  - b. To provide a forum to track issues related to former site employees, including but not limited to long-term health benefits and pension programs;
  - c. To provide an ongoing mechanism to maintain public knowledge of Rocky Flats and to educate successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management; and
  - d. To provide an ongoing forum to address all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.
3. Purposes. Specifically, the purposes of the Stewardship Council are:
- a. To provide a forum for elected officials and community members to discuss with federal, state, and local elected officials and agencies issues related to the long-term stewardship and management of the Rocky Flats site.
  - b. To provide a forum for elected officials and community members to be briefed on the results of the operational and performance monitoring data of site operations.
  - c. To provide a mechanism for keeping elected officials and community members informed of the results of the monitoring data.
  - d. To provide a mechanism for educating succeeding generations about the residual hazards and the continued need for a comprehensive site-wide stewardship program.
  - e. To provide a forum for USFWS staff to work with elected officials and community members on issues related to the management of resources under that agency's jurisdiction.
  - f. To serve as the designated LSO, pursuant to Section 3120 of the 2005 National Defense Authorization Act, Public Law 108-375.
  - g. To serve as a participating agency under the National Environmental Protection Act (NEPA) for preparation of environmental impact assessments, serve as a participating agency under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Section 120(f), and assist the Parties in their consultative roles as provided in Section 27, Section 281 of the 1996 Rocky Flats Cleanup Agreement.

- h. To act as a spokesperson for the community's interest in Rocky Flats in discussions with other public and private entities concerning local issues affecting Rocky Flats.
- i. To provide a forum for all other issues pertinent to Rocky Flats, as determined by the Stewardship Council Board of Directors.

4. Powers. The Stewardship Council shall have the following powers, to the extent such powers are delegable functions or services lawfully authorized to the Parties, and to the extent they are reasonably related to the purposes stated above:

- a. Enter into contracts;
- b. Sue or be sued;
- c. Solicit and accept funds and in-kind contributions in whatever form, including grants, donations or loans;
- d. Incur revenue-based or other non-general obligation debt;
- e. Own, buy, sell and lease real estate and personal property;
- f. Hire employees and retain agents, consultants and services;
- g. Administer and supervise grants and loans to other entities;
- h. Obtain insurance;
- i. Advocate policies, programs, funding and legislation with other governmental entities;
- j. Prepare and disseminate public information;
- k. Indemnify its directors, officers and employees to the extent they are operating within the scope of their capacities with the Stewardship Council;
- l. Establish projects, committees, trusts, foundations or other vehicles to help further the purposes of this IGA;
- m. Negotiate agreements on behalf of the Stewardship Council;
- n. Engage in lobbying activities in accordance with state and federal law;
- o. Perform services for a fee;
- p. Adopt bylaws;

And to have such other powers as may, from time to time, be agreed upon by the unanimous consent of the Parties pursuant to recommendation of the Board, except that the Stewardship Council shall not have the power to levy taxes.

5. Reservation of Powers. The powers of the Stewardship Council shall not be construed as restricting or limiting any Party, individually or severally, from performing any governmental or regulatory powers or duties otherwise granted by law. Each Party expressly reserves and retains its right to develop, adopt, implement and enforce, in its sole discretion, land use plans, land use, zoning and building regulations, redevelopment plans, capital improvement plans, and public improvement or service plans for property, buildings, and facilities within its

jurisdiction. Nothing in this IGA shall be deemed to restrict, modify or otherwise impair the powers of any Party in any manner, including any separate or discrete actions which may be taken by any Party relating to Rocky Flats. However, it is the intention of the Parties that the Stewardship Council will be the forum for discussion of issues of mutual interest as pertaining to Rocky Flats.

6. Operations. It is the intent of the Parties that the Stewardship Council shall be a political subdivision, and unit of local government of the state of Colorado and that the Stewardship Council shall abide by all federal, state and local laws applicable to governmental entities. To the extent that any of the Stewardship Council's funds are contributed by the Parties, then such funds shall be subject to their lawful appropriation by the respective Party. To the extent it is subject to the provisions of Article X, Section 20 of the Colorado Constitution, the Parties intend to establish the Stewardship Council as an enterprise thereunder. The procedures and operations of the Stewardship Council shall be subject to the provisions of this IGA and the Bylaws of the Board.

The Board shall annually prepare and adopt a budget pursuant to the provisions of Title 29, Art. 1, Part 1, C.R.S. The Board shall provide for an annual audit conducted by an independent accountant which complies with Title 29, Art. 1, Part 6, C.R.S., and with applicable federal regulations for receipt of federal funds. The Treasurer of the Board or his/her designee shall provide a detailed quarterly financial statement to all Directors and Alternate Directors. The Board shall annually prepare and distribute to the Parties and make available to the public a report of its performance. The financial statement shall include all revenues, revenue sources, expenditures and balances. The Stewardship Council shall operate in accordance with the Open Records Act, §§ 24-72-201, *et seq.*, C.R.S.

7. Board of Directors. The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed twelve (12) in number, one representing each of the seven Permanent Parties, one representing one of the Rotating Parties, and one representing each of the Members (not to exceed four); each with one equal vote. The Directors shall be selected as set forth in this paragraph:

a. Permanent/Rotating Parties. Directors shall be designated in writing by each Party upon execution of this IGA, and annually thereafter on or before February 1 of each year. Parties may appoint one Director who shall be an elected official of the Party, and up to two Alternate Directors. A Director serves at the pleasure of the Party designating him or her and may be replaced by the Permanent Party at any time. Failure to take action by the specified dates shall not prevent a Party from designating its Director and Alternate Director(s). The Rotating Parties shall annually alternate with each other for each term of office for Director and Alternate Directors on the Stewardship Council Board. The process for selection of the Rotating Party to initially serve on the Board shall be provided for in the Bylaws.

b. Members. Following selection of the Members to the Board, and annually thereafter on or before February 1 of each year, each Member shall designate in writing one Director and up to two Alternate Directors, to serve on the Board. However, in the

event a Member is an individual rather than an entity, then such Member shall not be entitled to the appointment of Alternate Directors. A Member Director serves at the pleasure of the Member designating him or her, and may be replaced by the Member at any time. Failure to take action by the specified dates shall not prevent a Member from designating its Director and Alternate Director(s).

c. Term. A term of office for each Director shall be for one year, beginning February 1 and expiring January 31 of the following year, without limitation on successive or additional terms served by any Director, except as applicable for Rotating Parties.

d. Oath. The Directors and Alternate Directors shall take an appropriate oath of office.

e. Alternate Directors. Alternate Directors may serve in lieu of Directors in the event of absence, resignation or removal of Directors.

f. Compensation. Directors shall receive no salary or compensation for their services, except to cover such expenses as may be provided in the Bylaws.

g. Ex-Officio Directors. The Board may provide in the Bylaws for non-voting ex-officio members.

h. Chair/Officers. The Board shall annually elect a Chair of the Board in accordance with procedures established in the Bylaws, who must also be a Director, who shall preside at all regular or special meetings of the Board and who shall serve at the pleasure of the Board, and such other officers as may be provided in the Bylaws. The Board may act by motion or resolution.

i. Board Procedures. Board procedural matters, including agenda, quorum, voting, meeting and notice requirements shall be established in the Bylaws, except as set forth in this IGA.

j. Actions of Board. Actions of the Board require an affirmative vote of at least nine Directors. In the event a decision is made with less than a unanimous vote, a Director in the minority may include a statement in the record reflecting its views.

8. Establishment of Committees. The Board may establish committees to assist the Board in the discharge of its duties and to make recommendations on matters before the Board. Committees may include members who are not Directors. Committee members shall be appointed by the Board. The composition, appointment, duties, and operations of committees shall be defined in the Bylaws.

9. Meetings. Regular meetings of the Board shall be held at such times as the Board shall from time to time establish, but not less than quarterly, unless otherwise provided for in the Bylaws. No regular meeting of the Board shall occur without written notice to each Director and

Alternate Director of the time, date, and place of such meeting, together with a written agenda; provided, however, the actions of the Board shall not be limited to matters on such agenda. Special meetings of the Board may be held as provided in the Bylaws. All regular and special meetings of the Board and committees shall be conducted pursuant to the Open Meetings Law, §§ 24-6-401, *et seq.*, C.R.S.

10. Term, Withdrawal and Dissolution. This IGA shall commence on the date of its full execution by all the Parties, and shall remain in effect until the earliest of

- a. termination or rescission by the unanimous written agreement of all Parties, or
- b. decrease of the number of Parties to fewer than six, or
- c. lack of a unanimous triennial determination by the Parties that the Stewardship Council should continue for an additional three (3) years. Every third calendar year, commencing from the effective date of this IGA until termination of the Stewardship Council, the Parties agree to consider whether to continue the Stewardship Council's existence.

Any Party may withdraw from participation in this IGA upon thirty days' written notice to the Board of its intent to withdraw, and contingent upon adequate provision for satisfaction of its outstanding debt or other obligations of the withdrawing Party which such Party had previously agreed to pay.

11. Distribution, Disposition, or Division of Assets. The Board shall have the power to make all decisions regarding the distribution, disposition, or division of assets of the Stewardship Council as it deems appropriate.

12. Amendments. This IGA contains all the terms agreed upon by and among the Parties. Any amendments or modifications to this IGA must be reduced to writing and executed by all Parties to be valid and binding.

13. Indemnification. To the extent permitted by law, the Stewardship Council shall indemnify and defend each Director, Alternate Director, officer and employee in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which he or she may be acting in his or her official capacity by reason of his or her being or having been such Director, Alternate Director, officer or employee, or by reason of any action or omission by him or her in any such capacity, and shall pay any judgment resulting therefrom, except any liability arising from criminal offenses or willful misconduct or gross negligence. The Stewardship Council shall further indemnify and defend each Party in connection with any claim or actual or threatened suit, action or proceeding (civil, criminal, or other, including appeals), in which the Party may be acting in its capacity as a participant in the Stewardship Council, and shall pay any judgment resulting therefrom, except for liability arising from criminal offenses or willful misconduct or gross negligence. Such indemnification and duty to defend in either event shall be subject to and limited by the resources of the Stewardship Council available for such purposes. This indemnification shall in no way be construed to be an indemnification of a Party in connection with a claim, suit, action or proceeding brought by

another Party, Director, Alternate Director, officer or employee, nor shall it be construed as a waiver of the Governmental Immunity Act. The Board shall obtain and maintain in force liability and public officials' insurance in amounts it deems appropriate.

14. No Obligations. No obligations of the Stewardship Council shall be deemed to be an obligation or indebtedness of any Party. The Stewardship Council may not impose any involuntary charges or assessments on Parties.

15. Severability. If any provision of this IGA, or the application thereof to any person, entity or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this IGA, which can be given effect without the invalid provision or application, and to this end the provisions of this IGA, and each and every provision thereof, are declared to be severable.

16. Applicable Laws. This IGA shall be governed by and construed in accordance with the laws of the State of Colorado.

17. Assignability. No Party to this IGA may assign or transfer any of its rights or obligations hereunder without the prior written consent of all the non-assigning Parties.

18. Binding Effect. The provisions of this IGA shall bind and shall inure to the benefit of the Parties and to their respective successors and permitted assigns, if any.

19. Enforcement. The Parties agree and acknowledge that this IGA may be enforced in law or in equity, by decree of specific performance. No Party's rights under the Colorado Governmental Immunity Act shall be modified, abridged or deemed to be waived pursuant to the application or interpretation of this paragraph.

20. Counterpart Execution. This IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this IGA effective as of the date first written above.

RFCL0G/LS0  
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0756.0301

CITY OF ARVADA

Date: January 23, 2006

[Signature]  
By: MAYOR

Attest: Kristen R. Rush  
Deputy City Clerk



CITY OF BOULDER

Date: Jan. 23, 2006

By: Mark W. Burr

COUNTY OF BOULDER

Date: January 24, 2006

By: 

**Ben Pearlman**  
Chair, Board of  
County Commissioners

CITY AND COUNTY OF BROOMFIELD

Date: 01/24/2006

Karen Stuart  
By: Karen Stuart, Mayor



ATTEST:

Lucina Kegener  
CITY CLERK Deputy

APPROVED AS TO FORM:

William A. Stewart  
City & County Attorney

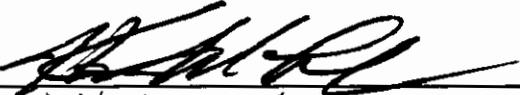
CITY OF GOLDEN

Date: 2/9/06

By: C. Barock  
Mayor

COUNTY OF JEFFERSON

Date: 2-1-2006

  
By: J. Kevin McCasky

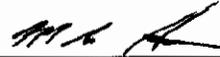
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Date: 1-26-06

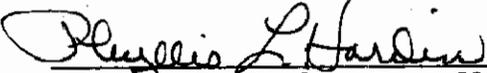
Kathleen M. Nozak  
By: Kathleen M. NOZAK,  
MAYOR

TOWN OF SUPERIOR

Date: 1-26-06

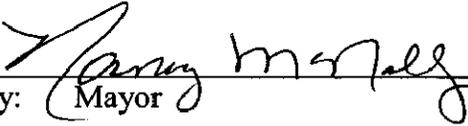
  
By: Mark Hamilton  
Mayor

ATTEST:

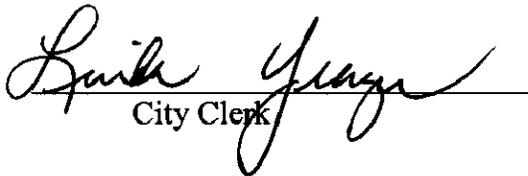
  
Phyllis L. Hardin, Town Clerk

CITY OF WESTMINSTER

Date: February 13, 2006

By:   
Mayor

ATTEST:

  
City Clerk

FIRST AMENDMENT  
TO  
INTERGOVERNMENTAL AGREEMENT  
ESTABLISHING THE  
ROCKY FLATS STEWARDSHIP COUNCIL

This First Amendment to Intergovernmental Agreement establishing the Rocky Flats Stewardship Council ("First Amendment to IGA") is made and entered into as of this 6<sup>th</sup> day of February 2012, pursuant to Colo. Const. Art. XIV, Section 18(2), part 2 of article 1, title 29, C.R.S., by and among the following parties who have executed this IGA: BOULDER COUNTY, a body politic and corporate and political subdivision of the State of Colorado, JEFFERSON COUNTY, a body politic and corporate and political subdivision of the State of Colorado, the CITY OF ARVADA, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY OF BOULDER, a home-rule municipal corporation and political subdivision of the State of Colorado, the CITY AND COUNTY OF BROOMFIELD, a Colorado municipality and county, the CITY OF WESTMINSTER, a home-rule municipal corporation and political subdivision of the State of Colorado, the TOWN OF SUPERIOR, a municipal corporation, the CITY OF GOLDEN, a home rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF NORTHGLENN, a home-rule municipal corporation and political subdivision of the State of Colorado, and the CITY OF THORNTON, a home-rule municipal corporation and political subdivision of the State of Colorado (singularly and/or collectively, "Party/Parties").

RECITALS

WHEREAS, the Rocky Flats Stewardship Council ("Stewardship Council") was established by intergovernmental agreement ("IGA") effective February 13, 2006, and was created to allow local governments to work together on issues related to the long-term protection of Rocky Flats; and

WHEREAS, the Stewardship Council is currently governed by a Board of Directors made up of public official representatives of nine Colorado local governments with borders which lie adjacent to or near the Rocky Flats site, including Boulder County, Jefferson County, the City of Arvada, the City of Boulder, the City and County of Broomfield, the City of Golden, the City of Northglenn, the City of Westminster, and the Town of Superior; and community stakeholder representatives including the League of Women Voters, the Rocky Flats Cold War Museum, the Rocky Flats Homesteaders and Arthur Widdowfield; and

WHEREAS, the City of Thornton also lies near the Rocky Flats site and has requested to become a party to the Stewardship Council; and

WHEREAS, the Stewardship Council, at a meeting held September 12, 2011, approved the request by Thornton to become a Party to the IGA and a member of the Stewardship Council, subject to the terms and conditions of the IGA; and

WHEREAS, the Stewardship Council has further determined to make the Cities of Northglenn and Golden “permanent” rather than “rotating” parties to the Stewardship Council; and

WHEREAS, the addition of any local government to the Stewardship Council or other modification to the IGA requires a written amendment, executed by all Parties to be valid and binding; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local governmental entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, the execution of this First Amendment to IGA by the existing Parties to the IGA and by the City of Thornton implements Colo. Const. Art. XIV, Sec. 18(2), and part 2 of article 1, title 29, C.R.S., and is in the best interest of the Parties, the region and the people of the State of Colorado;

THEREFORE, the Parties to this First Amendment to IGA hereby covenant and agree as follows:

#### COVENANTS AND AGREEMENTS

1. Addition of the City of Thornton. The IGA is hereby amended to add the City of Thornton as a local government member and Party to the IGA, with all the rights, privileges and duties associated therewith, and the initial paragraph, the recitals, the body and the signature pages of the IGA shall be deemed amended to reflect this action.

2. Amendments to Remove Designation of “Permanent” and “Rotating” Parties. There shall no longer be a distinction between “Permanent Party” and “Rotating Party.” Accordingly, the IGA is hereby modified as follows:

a. Definitions: The following terms as provided under the heading “Definitions” in the IGA shall be amended as follows:

i. *“Party” shall mean “a unit of local government who is a signatory to this IGA, as amended, including the City and County of Broomfield, the Counties of Boulder and Jefferson, the Cities of Arvada, Boulder, Golden, Northglenn, Thornton and Westminster, and the Town of Superior.*

ii. “Permanent Party” and “Rotating Party” are hereby deleted from the IGA in their entirety.

b. Board of Directors. The first sentence of Paragraph 7 of the IGA regarding the Board of Directors shall be amended to read as follows:

*The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed fourteen (14) in number, one representing each of the ten Parties, and one representing each of the Members (not to exceed four); each with one equal vote.*

c. References. All other references to “Permanent” and “Rotating” Parties in the IGA shall be read to be interpreted with the Parties’ intention to remove the distinction in designations, and refer only to “Parties.”

3. Amendment to Paragraph 7 regarding Actions of the Board: Paragraph 7.j. titled “Actions of Board” is hereby amended to change the minimum voting requirement for Board action from nine to eleven, as follows:

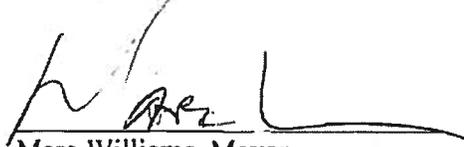
*j. Actions of Board. Actions of the Board require an affirmative vote of at least eleven (11) Directors. In the event a decision is made with less than a unanimous vote, Director(s) in the minority may include a statement in the record reflecting its or their views.*

4. Prior Provisions Effective. Except as specifically amended hereby, all the terms and provisions of the IGA shall remain in full force and effect.

5. Counterpart Execution. This First Amendment to IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to IGA effective as of the date first written above.

CITY OF ARVADA

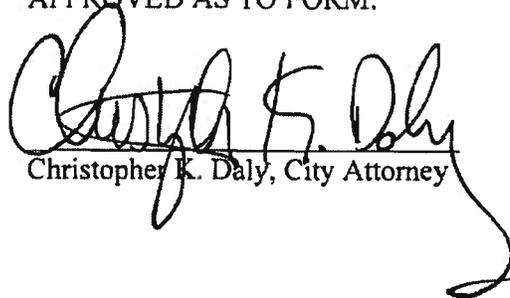
  
Marc Williams, Mayor

ATTEST:

  
Christine A. Koch  
City Clerk



APPROVED AS TO FORM:

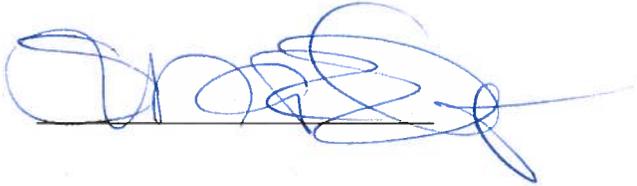
  
Christopher K. Daly, City Attorney

CITY OF BOULDER

Date: Jan 3 2012

Mattias Appellm  
By: \_\_\_\_\_

ATTEST:

A handwritten signature in blue ink, appearing to be "D. [unclear]", written over a horizontal line.

COUNTY OF BOULDER  
BY: BOARD OF COUNTY COMMISSIONERS

*Ben Pearlman*

Ben Pearlman, Chair

ATTEST:

*Cecilia G. Lacey*  
Deputy Clerk to the Board



APPROVED AS TO FORM:

*H. Lawrence Hoyt*  
H. Lawrence Hoyt, County Attorney

CITY AND COUNTY OF BROOMFIELD

Date: November 15, 2011

  
By: Pat QUINN, Mayor

ATTEST:

  
Deputy City + County Clerk



CITY OF GOLDEN

Date: 2/9/2012

Marjorie N. Sloan  
Marjorie N. Sloan  
Mayor



Susan M. Brooks  
Susan M. Brooks, MMC  
City Clerk

COUNTY OF JEFFERSON

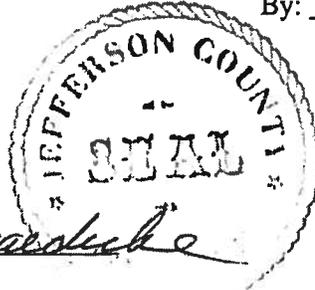
Date: 11-9-11



By: Faye Griffin, Chairman, Board of County Commissioners

ATTEST:





CITY OF NORTHGLENN

Date: November 10, 2011

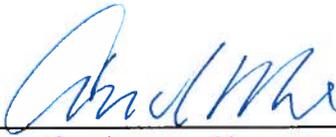
Joyce Downing  
By: Joyce Downing, Mayor

ATTEST:

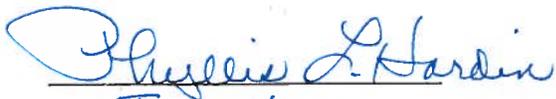
Downman

TOWN OF SUPERIOR

Date: 11/28/11

  
By: Andrew Mucke, Mayor

ATTEST:

  
Town Clerk

*The legislative and administrative power of the Stewardship Council shall be vested with a Board of Directors not to exceed fourteen (14) in number, one representing each of the ten Parties, and one representing each of the Members (not to exceed four); each with one equal vote.*

c. References. All other references to "Permanent" and "Rotating" Parties in the IGA shall be read to be interpreted with the Parties' intention to remove the distinction in designations, and refer only to "Parties."

3. Amendment to Paragraph 7 regarding Actions of the Board: Paragraph 7.j. titled "Actions of Board" is hereby amended to change the minimum voting requirement for Board action from nine to eleven, as follows:

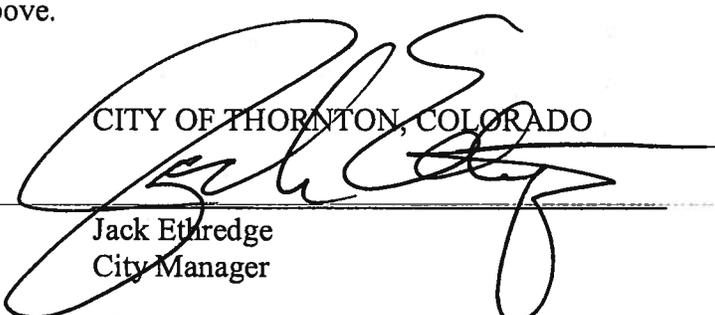
j. Actions of Board. *Actions of the Board require an affirmative vote of at least eleven (11) Directors. In the event a decision is made with less than a unanimous vote, Director(s) in the minority may include a statement in the record reflecting its or their views.*

4. Prior Provisions Effective. Except as specifically amended hereby, all the terms and provisions of the IGA shall remain in full force and effect.

5. Counterpart Execution. This First Amendment to IGA may be executed in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

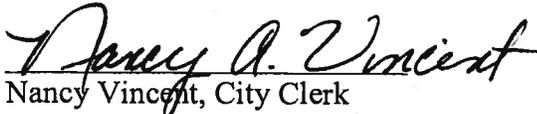
IN WITNESS WHEREOF, the Parties have executed this First Amendment to IGA effective as of the date first written above.

CITY OF THORNTON, COLORADO



Jack Ethredge  
City Manager

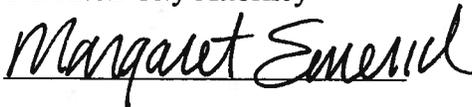
ATTEST:



Nancy Vincent, City Clerk

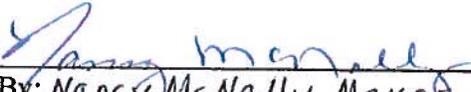
APPROVED AS TO FORM:

Margaret Emerich  
Thornton City Attorney



CITY OF WESTMINSTER

Date: 4-16-12

  
By: Nancy McNally, Mayor

ATTEST:



**RESOLUTION No. 1155**

**A RESOLUTION REGARDING TRIENNIAL DETERMINATION FOR THE CONTINUATION  
OF THE ROCKY FLATS STEWARDSHIP COUNCIL**

**THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND  
RECITES THAT:**

The City and County of BROOMFIELD, the Counties of BOULDER and JEFFERSON, the Cities of ARVADA, BOULDER, GOLDEN, NORTHGLENN, THORNTON and WESTMINSTER, and the Town of SUPERIOR (collectively, the "Parties"), entered into an intergovernmental agreement dated February 13, 2006, as amended on February 6, 2012 ("IGA") establishing the Rocky Flats Stewardship Council, a separate legal public entity created by such IGA as permitted by Colorado Constitution Article XIV and section 18(2), part 2 of article 1, title 29, C.R.S. ("Stewardship Council").

The Stewardship Council was established to allow local governments to continue working together on issues related to the long-term protection of Rocky Flats, as described in the IGA.

Pursuant to the terms of the IGA, the Stewardship Council shall terminate absent, *inter alia*, the unanimous triennial determination by all Parties that the Stewardship Council should continue for another three years.

The City Council of the City of Boulder now desires to consider and make a determination concerning the continuation of the Stewardship Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
BOULDER, COLORADO:**

Section 1. It is not desirable for the Stewardship Council to terminate at this time; and

Section 2. The Stewardship Council should continue for an additional three (3) years from the date of February 13, 2015, pursuant to the terms and provisions of the IGA.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Mayor Matthew Appelbaum

ATTEST:

\_\_\_\_\_  
City Clerk on behalf of the  
Director of Finance and Record



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO THE TRUST AGREEMENT FOR THE COLORADO FIREFIGHTER HEALTH AND CIRCULATORY BENEFITS TRUST AND SETTING FORTH RELATED DETAILS.**

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Bob Eichen, Chief Financial Officer  
Cheryl Pattelli, Director of Finance  
Stewart Ellenberg, Risk Manager

**EXECUTIVE SUMMARY**

SB14-172 was signed into Colorado law on June 5, 2014 for enactment on January 1, 2015. The law requires the City of Boulder and other employers of firefighters to provide supplementary benefits to firefighters for cardiac and circulatory incidents that occur within 48 hours of a stressful or strenuous activity related to fire suppression, rescue, hazardous material response, etc. There are seven specific benefits provided by the law and each incident could cost up to \$250,000.

Staff has considered three options for complying with this new law – purchasing commercial insurance, self-insuring the risk, or joining a pooling arrangement known as the Colorado Firefighter Health and Circulatory Benefits Trust, referred to in this agenda as the “Trust”. After reviewing three potential options, staff believes that joining the Trust is the best option because it completely transfers the risk to the Trust and the premium cost will be reimbursed by the Department of Local Affairs for the next two years. In order to join the Trust, council needs to adopt the attached resolution.

The timely analysis of the available options has been hindered by a lack of comparative information. Therefore, there has been a delay in being able to complete the appropriate

amount of due diligence and risk analysis. All entities that are impacted by this new law have had the same problem. City staff has been told if action is taken in early January by the City Council coverage will be retroactive to January 1.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language:**

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

Motion to adopt a Resolution authorizing the City Manger to enter into the trust agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and setting forth related details.

## **COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS**

- Economic - This passage of this resolution will have an impact on the economic sustainability of the city if the risk is not reduced to a manageable level. By using the proposed method, the City will be able to transfer the entire disability benefit cost of any single firefighter cardiac or circulatory event to the Trust that has been established. Each incident could cost the city up to \$250,000 if the city were to retain the risk and not use the trust.
- Environmental - There are no known environmental impacts due to the proposed action.
- Social - There are no known social impacts due to the proposed action.

## **OTHER IMPACTS**

- Fiscal –The current annual cost of joining the Colorado Firefighter Health and Circulatory Benefits Trust is \$17,500 which is based upon a cost of \$175 per 100 eligible firefighters. The Department of Local Affairs will reimburse the City for this expense in 2015 and 2016 as long as funding is available. If funding is not available, then this becomes an unfunded mandate and the City would not be required to offer this benefit unless the city decided to pay the cost without being reimbursed. Indications are at this time that the State will reimburse the City for costs in 2015. Future reimbursements will be determined on an annual basis.
- Staff time – Risk Management and Fire Department staff will work together to complete the necessary administrative paperwork to join the Trust and receive reimbursement from DOLA for the cost of the program. The additional work can be completed by current staff as part of their normal workload.

## BACKGROUND

SB14-172 was signed into Colorado law on June 5, 2014 for enactment on January 1, 2015. This law requires municipalities, special districts, fire authorities or county improvement districts employing one or more full-time firefighters to provide supplementary benefits for cardiac and circulatory issues that occur within 48 hours of a stressful or strenuous activity related to fire suppression, rescue, hazardous material response, etc. Employers may purchase insurance, self-insurance or participate in a self-insurance pool or a multi-employer trust.

To avoid an unfunded mandate, the employer's cost of supplying the benefit is reimbursable to the employer by the Colorado State Department of Local Affairs (DOLA). DOLA was granted \$904,145 from the State general fund to cover the expenses. If annual funding of DOLA is insufficient, the employer requirement to maintain this benefit becomes optional.

There are numerous disability benefits that must be paid to a firefighter who sustains a qualifying cardiac or circulatory event and they are capped at \$250,000 per incident. The covered benefits of the new law include:

Coverage Area	Benefit
1. Medical exam reveals firefighter (FF) has a heart / circulatory malfunction	\$4,000 lump sum
2. FF is hospitalized up to 48 hours	\$1,500 per week, up to 7 weeks
3. FF is hospitalized more than 48 hours	\$2,000 per week, up to 25 weeks
4. FF unable to return to employment	\$2,500 per week, up to 80 weeks
5. FF requires rehab employment services	Up to \$25,000 for services
6. FF incurs cosmetic disfigurement	\$10,000 lump sum
7. Medical exam reveals FF has a terminal heart or circulatory malfunction	Up to \$25,000 lump sum

The Colorado Fire Chief's Association worked with an insurance broker to develop the "Colorado Firefighter Health and Circulatory Benefits Trust" which is a pooling arrangement to provide the required benefits. In order to join the Trust, the governing board of a public entity must pass a resolution outlined by the Trust.

## ANALYSIS AND OPTIONS

If City Council approves the adoption of the Colorado Firefighter Health and Circulatory Benefits Trust Agreement, it will transfer the risk for coverage under this new for compliance.

Three possible options are available and were analyzed.

- (1) Purchase commercial insurance. There is currently only one company, Volunteer Firemen's Insurance Services, Inc., that offers this coverage. Unfortunately, this policy does not provide all of the benefits required by the new law. As a result, the City would have to self-insure the gaps in coverage which could be in excess of \$100,000 per incident. The insurance policy also does not offset coverage benefits by the required 25% for firefighters who have smoked within the previous five years. It does not require firefighters to have the required five years of firefighting experience or have the required medical exams prior to an event. Given that this policy only provides partial coverage for the loss exposure, it does not appear to be a viable option.
  
- (2) Self-Insure. The City would pay claims as they occur without any insurance company involvement. The City would need to estimate the potential cost of claims each year, and would be reimbursed for the estimated claim costs by DOLA. The cost of potential claims is very difficult to determine though due to the lack of objective loss data available and the small number of firefighters (100) within the Boulder Fire Department. Without a large number of lives being covered, the fluctuation in claim frequency and severity can be very large leading to wide swings in the cost to self insure.

The City would have to provide insurance adjustment of any claims internally. This would be difficult to do because the new law was not written clearly concerning the required benefits. As a result, if there is a dispute in the benefits paid, the City would have to defend itself in any legal action taken against the City. The City would also have to develop administrative guidelines and a coverage document for approval by DOLA. Given that we cannot accurately estimate potential claim costs, the administrative burden to adjust claims internally, and the need to defend any lawsuits from disputed claims, this option also appears to not be viable.

Due to the great amount of uncertainty and risk, staff does not feel this is viable option at this time. Once sufficient data has been compiled from future years the city may want to revisit this option.

- (3) Join the Colorado Firefighter Heart and Circulatory Benefits Trust. The City would transfer the entire risk for any claims to the Trust which is set up like an insurance pool. The Trust would take responsibility for claim handling and defending any lawsuits. DOLA would reimburse the City for the estimated premium of \$17,500. There is a concern however that the Trust may have underestimated the claim frequency and will have to raise insurance rates in the future. As long as DOLA will reimburse the City though for any premiums, this should not be a major concern. Given that the City can transfer the risk to the

Trust, avoid claim handling and the cost of lawsuits, this appears to be the best option for complying with the law.

## **ATTACHMENTS**

Attachment A: Resolution authorizing the City Manger to enter into the trust agreement for the Colorado Firefighter Health and Circulatory Benefits Trust and setting forth related details.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE**

Second reading and consideration of a motion to adopt Ordinance No. 8019 amending Emergency Ordinance No. 7985 to correct the legal description for the annexation area of the property at 2130 Tamarack Avenue.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning & Sustainability  
Susan Richstone, Deputy Director of Community Planning & Sustainability  
Chris Meschuk, Flood Recovery Coordinator – Community Services  
Bev Johnson, Annexation Project Manager

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider the second reading and adoption of an ordinance (**Attachment A**) relating to a correction of the legal description for the annexation and initial zoning of the property at 2130 Tamarack Avenue, which was annexed by emergency ordinance on Aug. 5, 2014.

Due to an error in parcel mapping, a portion of the property at 2130 Tamarack Ave was not annexed and assigned initial zoning as a part of Ord. 7985 that was approved by the City Council on Aug. 5, 2014.

The proposed ordinance will correct that error, adding this small portion of land to the previous annexation.

On Dec. 2, 2014, City Council approved first reading of the ordinance and had no questions.

**STAFF RECOMMENDATION**

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

*Suggested Motion Language:*

1. *Motion to adopt Ordinance No. 8019 amending Emergency Ordinance No. 7985 to correct the legal description for the annexation area of the property located at 2130 Tamarack Avenue.*

**BACKGROUND**

After the September 2013 floods, several homeowners in Boulder County contacted city staff about the possibility of annexing to the city in order to connect to city water and wastewater services. Many homeowners outside the city, especially in enclave areas, experienced damage to their wells or septic systems. In response to these requests, the city put together a special annexation package and offered it to approximately 160 property owners in enclave areas and in the Old Tale Road and Cherryvale Road neighborhoods.

Two properties (2130 Tamarack Av. and 4270 19<sup>th</sup> St.) were annexed by emergency ordinance in August 2014 because of the poor condition of their well and septic systems.

Following these two emergency annexations, six additional properties chose to proceed with annexation, including the neighboring property to 2130 Tamarack Ave.

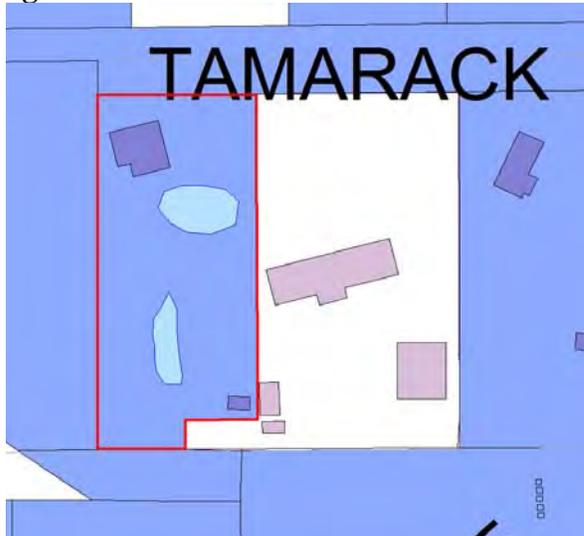
During the annexation document preparation process for the neighboring property, located at 2140 Tamarack Ave, it was discovered that both the city and county parcel mapping incorrectly reflected the ownership of a small 1,950 square foot portion of land in the southeast corner of the property at 2130 Tamarack Ave. On Nov. 25, 2014 the applicant for 2140 Tamarack Ave withdrew the application for annexation.

**ANALYSIS**

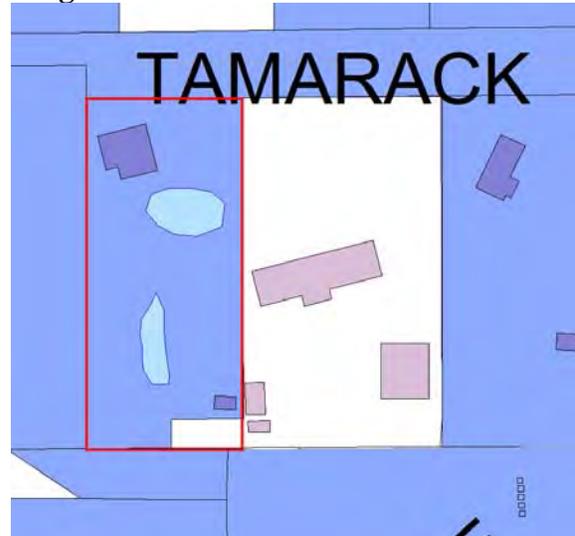
Title work and deed research of both the 2130 Tamarack and 2140 Tamarack properties has clarified that the small portion of land had been incorrectly shown to be owned by the property at 2140 Tamarack, when in fact it is within ownership of the property at 2130 Tamarack.

Figure 1 below shows the 2130 Tamarack property as mapped at the time of annexation as shown in red. Figure 2 shows the corrected parcel mapping shown in red.

**Figure 1:**



**Figure 2:**



This ordinance will correct the previous annexation to add the small portion of land that was inadvertently left out of the original annexation.

In addition, a portion of this area being annexed is within 60 feet of the centerline of Fourmile Canyon Creek. Consistent with the previous annexation and neighboring annexation, the property owner is dedicating a flood easement for that portion of the property within 60 feet of the creek.

## **ATTACHMENTS**

- A. Ordinance No. 8019
- B. Flood Easement

ORDINANCE NO. 8019

AN ORDINANCE AMENDING EMERGENCY ORDINANCE 7985 TO CORRECT THE LEGAL DESCRIPTION FOR THE ANNEXATION AREA OF THE PROPERTY LOCATED AT 2130 TAMARACK AVENUE, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

A. On August 5, 2014, the City Council adopted Emergency Ordinance 7985 annexing to the City of Boulder approximately 0.97 acres of land generally located at 2130 Tamarack Avenue and more particularly described on **Exhibit A** (“Annexed Property”).

B. Lynne Paul Baker and Cindy Lou Baker (the “Owners”) are the owners of the Annexed Property.

C. A 1,950 square foot portion of the Owner’s property more particularly described on **Exhibit B** (“Property”) was inadvertently not included with Emergency Ordinance 7985.

D. The City wishes to amend Emergency Ordinance 7985 so that the Property is incorporated into the area considered to be the Annexed Property.

Section 1. Recitals A and B and Section 1 of Ordinance 7985 are amended to read as follows and Exhibits A and B attached hereto are incorporated into this amendment:

Recital A. The City Council passed a resolution initiating annexation of the enclave located at 2130 Tamarack Avenue described in Exhibit A (the “Property”) attached hereto and incorporated herein by this reference, on August 5, 2014.

Recital B. Evidence has been presented to the City Council that the property located at 2130 Tamarack Avenue and more particularly described in Exhibit A and Exhibit B (the “Property”) attached hereto and incorporated herein by this reference has been entirely

1 contained within the boundaries of the City of Boulder and has been so surrounded for at  
2 least three years.

3 Section 1. The territories ies more particularly described in Exhibits A and B be, and the  
4 same hereby is/are, annexed to and included within the corporate boundaries of the City of  
5 Boulder.

6 Section 2. This ordinance is necessary to protect the public health, safety, and welfare of  
7 the residents of the city, and covers matters of local concern.

8 Section 3. The city council deems it appropriate that this ordinance be published by title  
9 only and orders that copies of this ordinance be made available in the office of the city clerk for  
10 public inspection and acquisition.

11 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
12 TITLE ONLY this 2nd day of December, 2014.

13  
14 \_\_\_\_\_  
15 Mayor

16 Attest:

17 \_\_\_\_\_  
18 City Clerk

1 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
2 PUBLISHED BY TITLE ONLY this 20th day of January, 2015.

5 \_\_\_\_\_  
Mayor

6 Attest:

7 \_\_\_\_\_  
8 City Clerk

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Exhibit A - Page 1 of 2

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

**Parcel Description**

(PROVIDED BY CLIENT)

THE WEST 140 FEET OF THE FOLLOWING DESCRIBED TRACT:  
A TRACT OF LAND IN THE NE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE S 1/4 CORNER OF SAID SECTION 18; THEN N 0°5'30"  
EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION A DISTANCE  
OF 2,622.72 FEET; THENCE N 89°46'36" EAST, 587.87 FEET TO THE TRUE  
POINT OF BEGINNING; THENCE N 89°46'36" EAST, 75.00 FEET; THENCE N  
0°01'17" EAST, 30.00 FEET; THENCE N 89°46'36" EAST, 382.84 FEET;  
THENCE N0°02'23" WEST, 286.65 FEET; THENCE S 89°50'00" WEST, 457.53  
FEET; THENCE S 0°01'17" WEST, 317.10 FEET TO THE TRUE POINT OF  
BEGINNING.  
COUNTY OF BOULDER, STATE OF COLORADO

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY  
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND  
ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY  
RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO  
REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE  
STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-63,623

JOB NUMBER: 14-63,623  
DRAWN BY: E. PRESCOTT  
DATE: JUNE 30, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS  
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD  
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:63623-ANNEX-C13.DWG DATE:7/1/2014 3:19 PM

Exhibit A - Page 2 of 2

Annexation Map

A PARCEL OF LAND, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

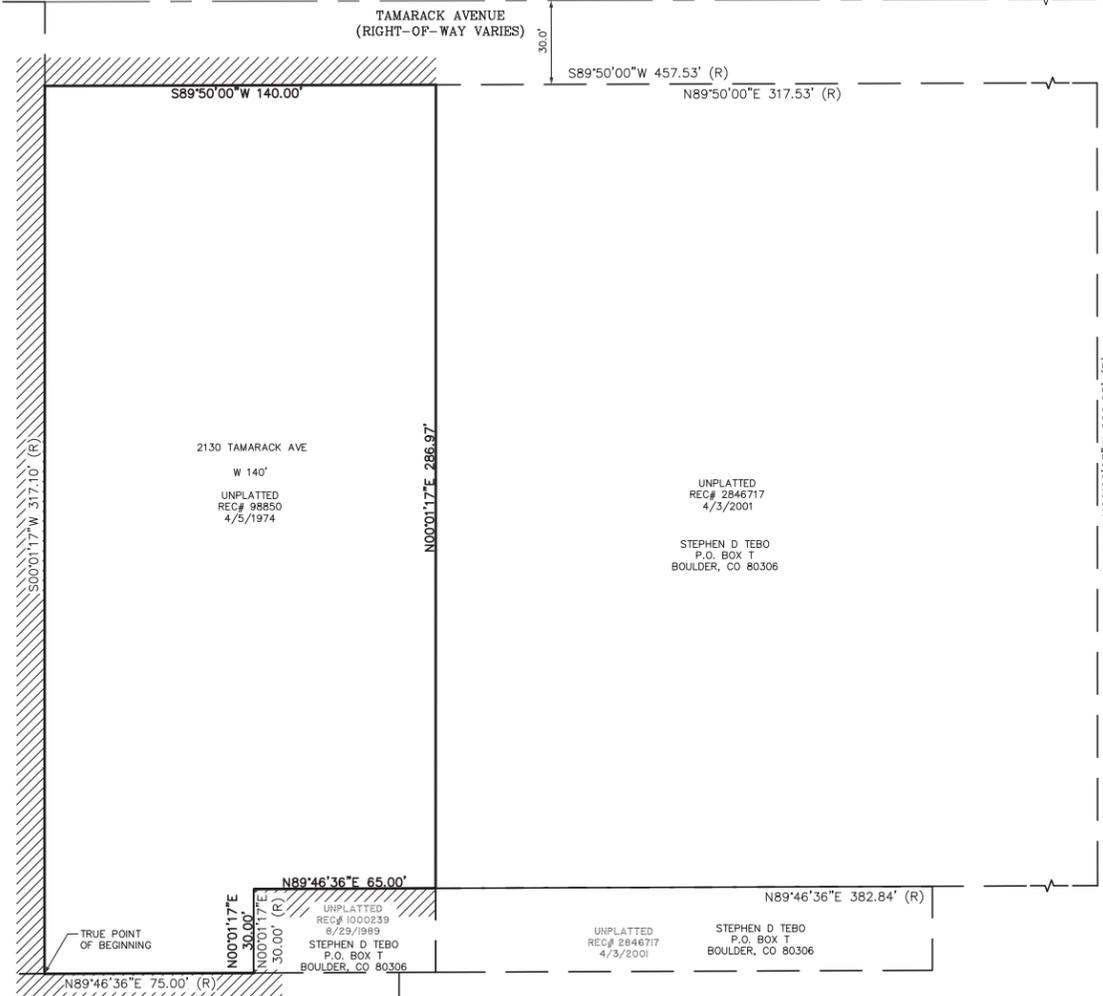
TOTAL AREA = 42,432 SQ FT, OR 0.97 ACRES, MORE OR LESS

**Parcel Description**  
(PROVIDED BY CLIENT)

THE WEST 140 FEET OF THE FOLLOWING DESCRIBED TRACT:  
A TRACT OF LAND IN THE NE 1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE S 1/4 CORNER OF SAID SECTION 18; THEN N 0°5'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION A DISTANCE OF 2,622.72 FEET; THENCE N 89°46'36" EAST, 587.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 89°46'36" EAST, 75.00 FEET; THENCE N 0°01'17" EAST, 30.00 FEET; THENCE N 89°46'36" EAST, 382.84 FEET; THENCE N0°02'23" WEST, 286.65 FEET; THENCE S 89°50'00" WEST, 457.53 FEET; THENCE S 0°01'17" WEST, 317.10 FEET TO THE TRUE POINT OF BEGINNING.  
COUNTY OF BOULDER, STATE OF COLORADO.

**Legend**

-  ALIQUOT CORNER
- (R) AS PER RECORD INFORMATION
-  CURRENT LIMITS OF THE CITY OF BOULDER

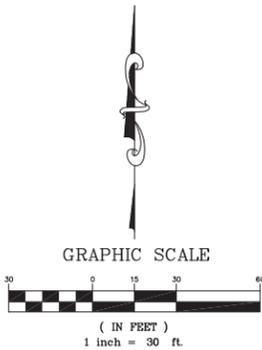


**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

TOTAL PERIMETER.....914.07'  
1/6TH PERIMETER.....152.35'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....627.10'



REVISION	DATE
1	2014-07-08 EP
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ANNEXATION MAP  
PREPARED FOR  
CITY OF BOULDER  
COPYRIGHT 2014 FLATIRONS, INC.

**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
www.FlatironsInc.com  
3825 IRIS AVE. STE. 395 3660 DOWNING ST  
BOULDER, CO 80301 PH: (303) 443-7001 DENVER, CO 80205  
655 FOURTH AVE. PH: (303) 776-1753 UNIT E  
LONGMONT, CO 80501 PH: (303) 443-7001 DENVER, CO 80205  
PH: (303) 776-4355 PH: (303) 443-9830 PH: (303) 936-6997  
FAX: (303) 776-4355 FAX: (303) 443-9830



**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON JULY 1, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER:  
14-63,623  
DATE:  
07-01-2014  
DRAWN BY:  
E. PRESCOTT  
CHECKED BY:  
WW/JK/JZG

SHEET 1 OF 1

Exhibit B - Page 1 of 2

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

(PROVIDED BY DEED RECORDED AT RECEPTION NO. 1000239)

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1  
NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF  
COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18; THENCE  
N00°05'30" E, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A  
DISTANCE OF 2662.72 FEET TO THE CENTER OF SAID SECTION 18; THENCE  
N89°46'36" E, 587.87 FEET ALONG THE EAST-WEST CENTERLINE OF SAID SECTION  
18 TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN A DEED  
RECORDED ON FILM 849, RECEPTION NUMBER 098850; THENCE N89°46'36" E 75.00  
FEET TO THE POINT OF BEGINNING:

THENCE N00°01'17" E, 30.00 FEET; THENCE N89°46'36" E 65.00 FEET TO THE  
SOUTHEAST CORNER OF SAID TRACT; THENCE S00°01'17" W, 30.00 FEET TO THE  
EAST-WEST CENTERLINE OF SAID SECTION 18; THENCE S89°46'36" W 65.00 FEET TO  
THE POINT OF BEGINNING, CONTAINING 1950 SQUARE FEET, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY  
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION, BEING  
MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT  
THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND  
SURVEY OR SUBDIVIDE AND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,291

JOB NUMBER: 14-64,291  
DRAWN BY: E. PRESCOTT  
DATE: NOVEMBER 19, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS  
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD  
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



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 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64291-ANNEX(2130).DWG DATE:11/19/2014 8:41 AM



For Administrative Purposes Only  
Property Address: 2130 Tamarack Avenue  
Grantors: Lynn Paul Baker and Cindy Lou Baker  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00047

**GRANT OF FLOOD CONTROL AND DRAINAGE EASEMENT**

LYNN PAUL BAKER and CINDY LOU BAKER (“Grantors”), whose address is 2130 Tamarack Avenue, Boulder CO 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for them and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by them or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this 24<sup>th</sup> day of November, 2014.

[SIGNATURE BLOCKS FOLLOW]



# EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 3

EASEMENT NO. 1

AN EASEMENT OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY ON AUGUST 29, 1989, AT RECEPTION NO. 1000239, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHERLY LINE OF SAID PARCEL OF LAND, TO BEAR SOUTH 89°46'36" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°01'17" EAST, A DISTANCE OF 7.07 FEET TO A POINT 60 FEET NORTHEASTERLY OF THE CENTERLINE OF FOUR MILE CANYON CREEK;  
THENCE DEPARTING SAID WESTERLY LINE AND 60 FEET NORTHEASTERLY OF AND PARALLEL WITH SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:  
SOUTH 70°59'06" EAST, A DISTANCE OF 9.74 FEET;  
THENCE SOUTH 60°41'23" EAST, A DISTANCE OF 7.83 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND;  
THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89°46'36" WEST, A DISTANCE OF 16.04 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 63 SQ. FT., MORE OR LESS.

BY:EPRESCOTT FILE:64291-DESC-(B).DWG DATE:11/17/2014 2:51 PM

JOB NUMBER: 14-64,291(B)  
DRAWN BY: E. PRESCOTT  
DATE: NOVEMBER 17, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



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 LONGMONT, CO 80501  
 PH: (303) 776-1733  
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# EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 2 OF 3

EASEMENT NO. 2

AN EASEMENT OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY RECORDED ON AUGUST 29, 1989, AT RECEPTION NO. 1000239, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHERLY LINE OF SAID PARCEL OF LAND, TO BEAR SOUTH 89°46'36" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL OF LAND, THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°46'36" WEST, A DISTANCE OF 12.16 FEET TO A POINT 60.00 FEET NORTHWESTERLY OF THE CENTERLINE OF FOUR MILE CANYON CREEK;

THENCE DEPARTING SAID SOUTHERLY LINE AND NORTHWESTERLY AND PARALLEL WITH THE CENTERLINE OF FOUR MILE CANYON CREEK, NORTH 76°40'13" EAST, A DISTANCE OF 12.50 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND;

THENCE ALONG SAID EASTERLY LINE, SOUTH 00°01'17" WEST, A DISTANCE OF 2.83 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND AND THE POINT OF BEGINNING;

SAID EASEMENT CONTAINING 17 SQ. FT., MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THESE EASEMENT DESCRIPTIONS AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS,

SI JOB NO. 14-64,291

JOB NUMBER: 14-64,291(B)  
DRAWN BY: E. PRESCOTT  
DATE: NOVEMBER 17, 2014

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**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*

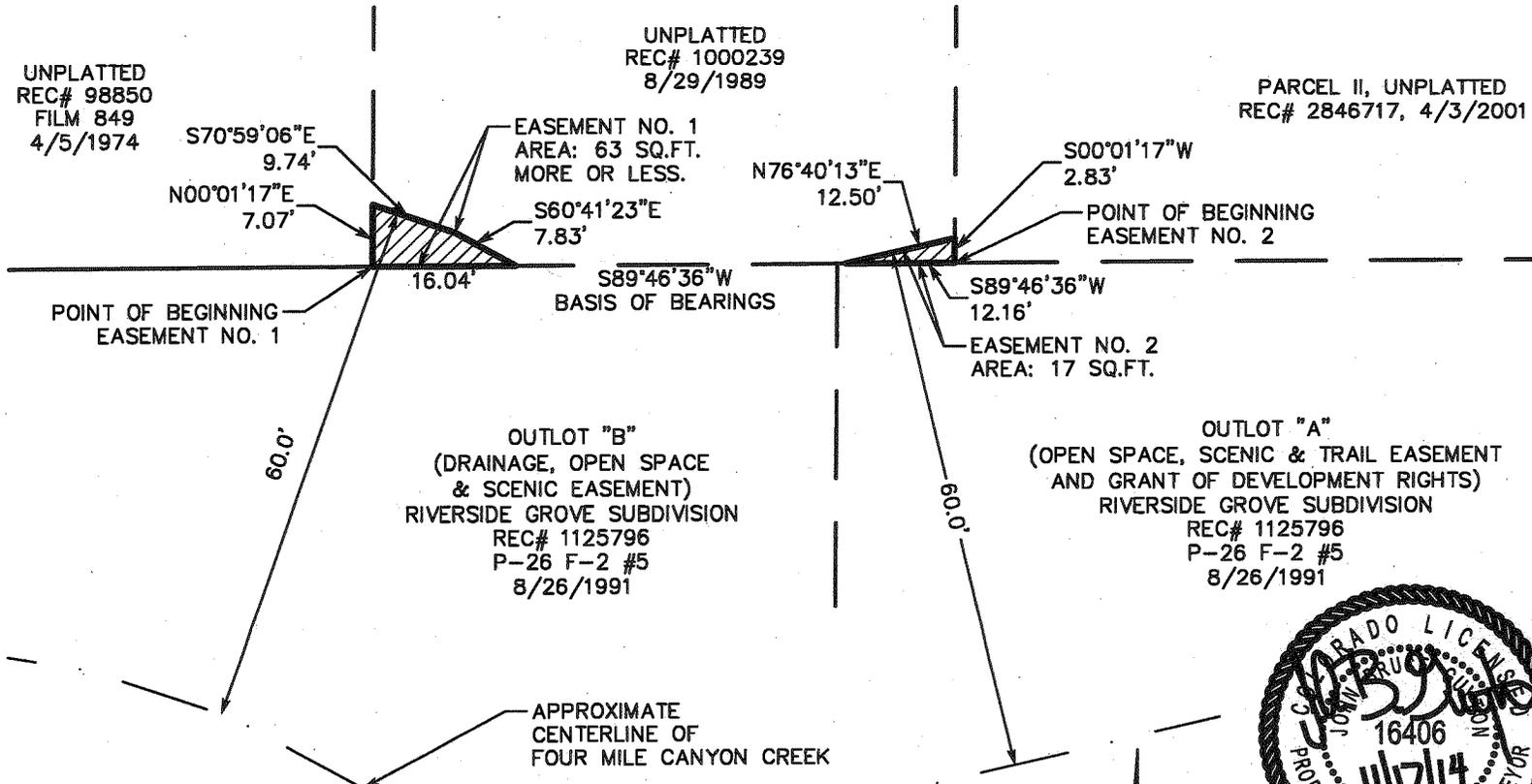


655 FOURTH AVE  
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[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64291-DESC-(B).DWG DATE:11/17/2014 2:51 PM

# EXHIBIT "A"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF BOULDER, STATE OF COLORADO  
 SHEET 3 OF 3



UNPLATTED  
 REC# 98850  
 FILM 849  
 4/5/1974

UNPLATTED  
 REC# 1000239  
 8/29/1989

PARCEL II, UNPLATTED  
 REC# 2846717, 4/3/2001

EASEMENT NO. 1  
 AREA: 63 SQ.FT.  
 MORE OR LESS.

S00°01'17"W  
 2.83'

POINT OF BEGINNING  
 EASEMENT NO. 2

POINT OF BEGINNING  
 EASEMENT NO. 1

S89°46'36"W  
 BASIS OF BEARINGS

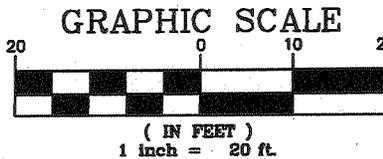
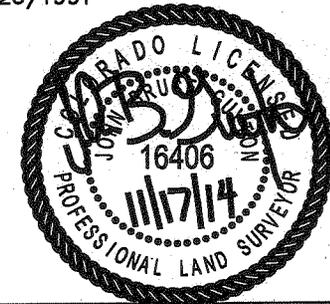
S89°46'36"W  
 12.16'

EASEMENT NO. 2  
 AREA: 17 SQ.FT.

OUTLOT "B"  
 (DRAINAGE, OPEN SPACE  
 & SCENIC EASEMENT)  
 RIVERSIDE GROVE SUBDIVISION  
 REC# 1125796  
 P-26 F-2 #5  
 8/26/1991

OUTLOT "A"  
 (OPEN SPACE, SCENIC & TRAIL EASEMENT  
 AND GRANT OF DEVELOPMENT RIGHTS)  
 RIVERSIDE GROVE SUBDIVISION  
 REC# 1125796  
 P-26 F-2 #5  
 8/26/1991

APPROXIMATE  
 CENTERLINE OF  
 FOUR MILE CANYON CREEK



JOB NUMBER: 14-64,291(B)  
 DRAWN BY: E. PRESCOTT  
 DATE: NOVEMBER 17, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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 Surveying, Engineering & Geomatics



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BY:EPRESCOTT FILE:64291-DESC-(B).DWG DATE:11/17/2014 2:52 PM



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE:** January 20, 2015

**AGENDA TITLE:** Introduction, first reading and consideration of a motion to order published by title only two ordinances as follows: An ordinance amending Title 9, “Land Use Code” B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the city or in the alternative, an ordinance with identical terms to be adopted by emergency.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning and Sustainability  
Susan Richstone, Deputy Director of Community Planning and Sustainability  
Tom Carr, City Attorney  
David Gehr, Deputy City Attorney  
Charles Ferro, Development Review Manager

The proposed ordinances (Attachments A and B) would limit to specific areas and situations the eligibility to have buildings that could exceed the by-right height limits through the existing site review process. Attachment A provides for introduction on first reading. Attachment B is identical but would allow for introduction and approval as an emergency measure. The intent is to allow consideration of height modifications through site review only in those areas with a clearly defined, approved vision for future development and in other specific circumstances. This would limit the height of new development to the by-right height (based on current zoning) in the remainder of the city.

Areas and situations proposed to be eligible for height modifications include:

1. Boulder Junction, Downtown, University Hill commercial district, portions of North Boulder along Broadway, and the Gunbarrel Town Center (see proposed map in Attachment A).
2. Industrial zoning districts if the building has two or fewer stories (where height may be necessary to accommodate the specific nature of the industrial use).

3. Relief from steep topographic conditions on a site.
4. Projects where at least 50% of the floor area of the building is comprised of permanently affordable housing meeting the requirements of the city's Inclusionary Housing Ordinance.

Importantly, the above-listed situations do not represent an automatic approval for a proposed height exemption. All developments proposed in these areas or circumstances would remain subject to appropriate review processes and in light of all current city regulatory criteria.

The key provisions of each alternative proposed ordinance include:

- It would not apply to applications for building permit submitted on or prior to January 21, 2015 or to site review approvals for height modifications as of the same date. Pending and complete site review applications (i.e., site review applications already submitted to the city or schedule for planning board consideration) that are requesting additional height in areas that would not permit such height under the proposed ordinance may continue through the site review process under current height review regulations.
- Additional areas may be added to the map and additional situations added through amendment of the ordinance at a future date.
- The ordinance would expire on April 19, 2017.

The proposed ordinances are intended to address the community concern that height modifications may be considered on all properties in the city through site review. It would reinforce the community vision of an urban form that only allows higher intensity and taller buildings in select, transit-rich areas which have been vetted and approved through a planning process such as an area plan or other public process. New development and site review applications could still be considered in all areas, and site review would still be required for many projects per the code.

Under the city's code, the thresholds for site review are based on property or building sizes. The requirements vary by zone district and while site review is required in many instances, it can also be requested if minimum thresholds are met. The benefit of undergoing a site review is that modifications from the development code can be requested. A complete list of thresholds for site review can be found in [Section 9-2-14b\)\(1\), B.R.C. 1981](#). While height would be restricted under these proposed measures in certain areas of the city, it would still be possible to request modifications to several other development standards including setbacks, parking, landscaping standards, fencing requirements, etc. A complete list of development standards that can be modified through the site review process can be found in [Section 9-2-14\(c\), B.R.C., 1981](#)

Staff recommends that council consider introduction of this proposal on first reading with final adoption through the normal legislative process. Staff is aware, however, that some council members believe that it is important for this provision to be effective immediately. Accordingly, staff has provided an alternative measure to allow for adoption by emergency.

## **STAFF RECOMMENDATION**

### **Suggested Motion Language:**

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

Motion introduce on first reading and order published by title only an ordinance amending Title 9, "Land Use Code" B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the city.

Or in the alternative

Motion introduce, order published by title only and adopt as an emergency measure an ordinance amending Title 9, "Land Use Code" B.R.C. 1981 by amending the building height regulations and requirements for certain areas of the city.

Staff is working to prepare additional analysis to inform council's decision on this item.

### **ATTACHMENTS**

- A: Ordinance No. 8028 - Option 1
- B: Ordinance No. 8028 - Option 2 (by emergency)

ORDINANCE NO. 8028

AN ORDINANCE AMENDING TITLE 9, "LAND USE CODE" B.R.C. 1981 BY AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS FOR CERTAIN AREAS OF THE CITY; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. The City Council finds and recites the following facts leading to the adoption of interim development regulations related to the height of buildings.

a. The city values its built environment, as is reflected in the Boulder Valley Comprehensive Plan. 2010 BVCP, pages 18 to 32.

b. The voter approved a height limit for buildings no greater than 55 feet in 1971.

c. City Charter Section 84 provides the purposes of the height limitation, which applies to buildings at 55 feet and below.

d. The Boulder Revised Code allows buildings to be constructed up to 55 feet in all zoning districts, subject to a site review approval.

e. Increasingly, more buildings are being approved at heights up to 55 feet in multiple areas of the community.

f. The city council intends to limit the areas where buildings can be up to 55 feet to those areas where previous planning efforts have resulted in the adoption of a plan or clear policy intent that supports more intensive forms of development or in instances where important community values are implemented or site topography may result in height-compliance hardship.

g. The council intends to study other areas in the community where buildings that exceed the underlying permitted or conditional height may be appropriate.

h. The City Council determined that it is in the interest of the public health safety and welfare to consider whether existing zoning standards will result in development consistent with the goals and policies of the Boulder Valley Comprehensive Plan.

Section 2. Paragraphs 9-2-14 (c)(1) is amended and a new paragraph (2) is added and subsequent paragraphs renumbered, to read:

**9-2-14 Site Review.**

...

1 (c) Modifications to Development Standards: The following development standards of  
2 B.R.C. 1981 may be modified under the site review process set forth in this section:

3 (1) 9-7-1, "Schedule of Form and Bulk Standards" and standards referred to in that  
4 section except for the floor area requirements and the maximum height or conditional  
5 height for principal buildings or uses, except as permitted in paragraph (c)(2) below.

6 (2) The maximum height or conditional height for principal buildings or uses may be  
7 modified in any of the following circumstances:

8 (A) For building or uses designated in Appendix J "Areas Where Height  
9 Modifications May Be Considered."

10 (B) Industrial General, Industrial Service, and Industrial Manufacturing districts  
11 if the building has two or fewer stories.

12 (C) In all zoning districts, if the height modification is to allow the greater of two  
13 stories or the maximum number of stories permitted in Section 9-7-1 in a  
14 building and the height modification is necessary because of the topography  
15 of the site.

16 (D) In all zoning districts if at least fifty percent of the floor area of the building  
17 is used for units that meet the requirements for permanently affordable units  
18 in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.<sup>1</sup>

19 Section 3. The council adopts Attachment A, titled, "Appendix J to Title 9 - Areas Where  
20 Height Modifications May Be Considered," as an amendment to Title 9, "Land Use Code,"  
21 B.R.C. 1981.

22 Section 4. The provisions of this ordinance will expire on April 19, 2017. The council  
23 intends that this ordinance will expire, be amended, or replaced with subsequent legislation after  
24 further study of appropriate building heights in the city.

25 Section 5. This ordinance shall apply to all building permits or land use approvals for  
which an application is made on January 21, 2015 or thereafter, unless specifically exempted.  
Building permit applications for a development that received a site review approval for height  
that exceeds the permitted height on or prior to January 21, 2015 may apply for and receive  
building permits that are necessary to construct the approved development.

<sup>1</sup> The provisions adopted pursuant to Ordinance No. 8028 expire on April 19, 2017.

1           Section 6. Complete site review applications that have been submitted to the city prior to  
2 January 21, 2015 that request additional height in areas that would not permit such height under  
3 this ordinance will be permitted to continue through the process under the height regulations in  
4 place at the time such application is made. Such applicants shall be required to pursue such  
5 development approvals and meet all requirements deadlines set by the city manager and the  
6 Boulder Revised Code. Pending developments may apply for and receive building permits that  
7 are necessary to construct the approved development.

8           Section 7. For the limited purposes of this ordinance, the city council suspends the  
9 provisions of Subsection 9-1-5(a), “Amendments and Effect of Pending Amendments,” B.R.C.  
10 1981 for the limited purpose of adopting this ordinance.

11           Section 8. If any section paragraph clause or provision of this ordinance shall for any  
12 reason be held to be invalid or unenforceable such decision shall not affect any of the remaining  
13 provisions of this ordinance.

14           Section 9. This ordinance is necessary to protect the public health, safety, and welfare of  
15 the residents of the city, and covers matters of local concern.

16           Section 10. The city council deems it appropriate that this ordinance be published by title  
17 only and orders that copies of this ordinance be made available in the office of the city clerk for  
18 public inspection and acquisition.  
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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
TITLE ONLY this 20<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

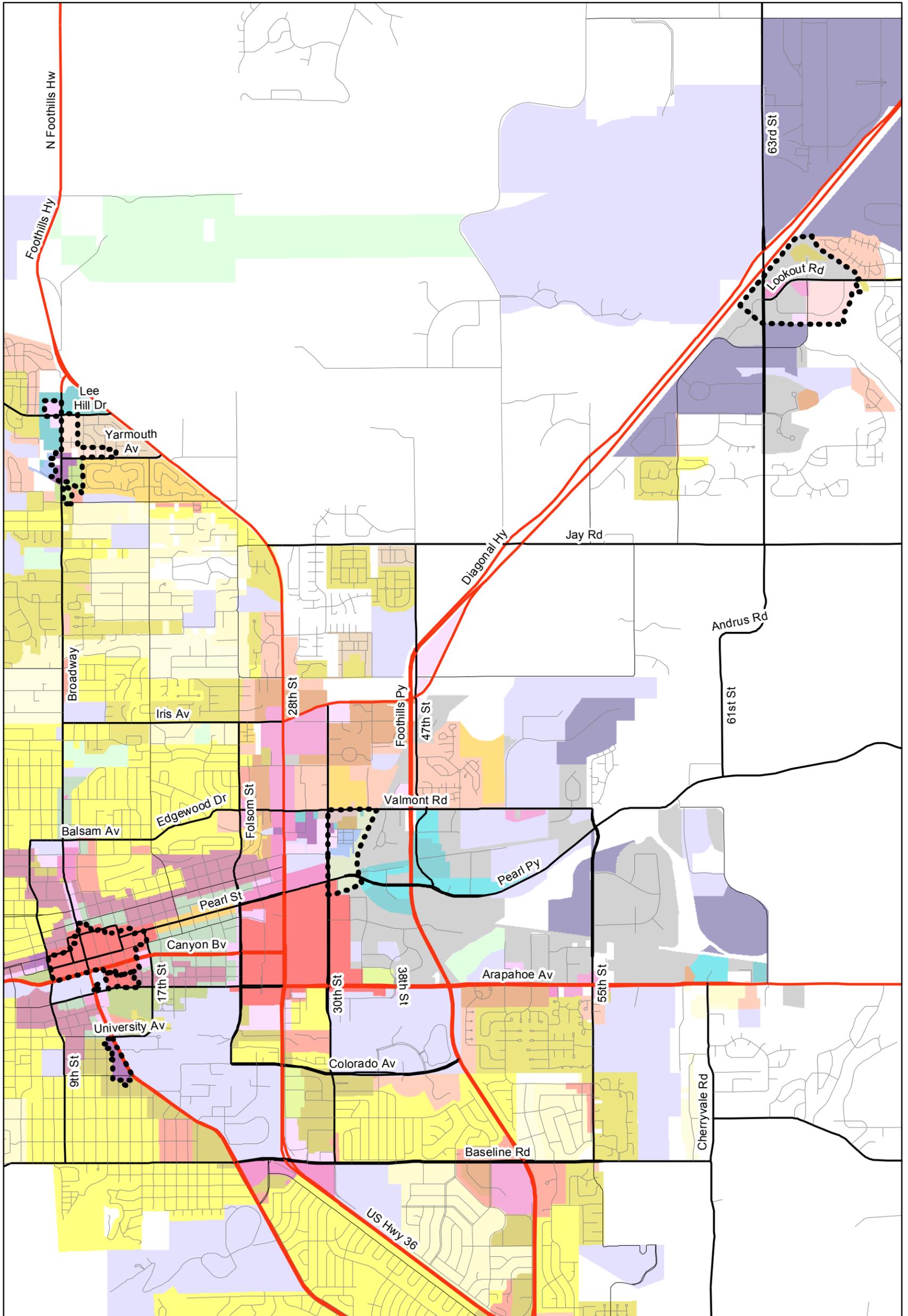
READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED  
PUBLISHED BY TITLE ONLY this 3<sup>rd</sup> day of February, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

# Appendix J to Title 9 – Areas Where Height Modifications May be Considered



 Areas Where Height Modifications May be Considered



ORDINANCE NO. 8028

AN EMERGENCY ORDINANCE AMENDING TITLE 9, "LAND USE CODE" B.R.C. 1981 BY AMENDING THE BUILDING HEIGHT REGULATIONS AND REQUIREMENTS FOR CERTAIN AREAS OF THE CITY; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

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b. The voter approved a height limit for buildings no greater than 55 feet in 1971.

c. City Charter Section 84 provides the purposes of the height limitation, which applies to buildings at 55 feet and below.

d. The Boulder Revised Code allows buildings to be constructed up to 55 feet in all zoning districts, subject to a site review approval.

e. Increasingly, more buildings are being approved at heights up to 55 feet in multiple areas of the community.

f. The city council intends to limit the areas where buildings can be up to 55 feet to those areas where previous planning efforts have resulted in the adoption of a plan or clear policy intent that supports more intensive forms of development or in instances where important community values are implemented or site topography may result in height-compliance hardship.

g. The council intends to study other areas in the community where buildings that exceed the underlying permitted or conditional height may be appropriate.

h. The City Council determined that it is in the interest of the public health safety and welfare to consider whether existing zoning standards will result in development consistent with the goals and policies of the Boulder Valley Comprehensive Plan.

Section 2. Paragraphs 9-2-14 (c)(1) is amended and a new paragraph (2) is added and subsequent paragraphs renumbered, to read:

**9-2-14 Site Review.**

...

1 (c) Modifications to Development Standards: The following development standards of  
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5 height for principal buildings or uses, except as permitted in paragraph (c)(2) below.

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8 (A) For building or uses designated in Appendix J "Areas Where Height  
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10 (B) Industrial General, Industrial Service, and Industrial Manufacturing districts  
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14 building and the height modification is necessary because of the topography  
15 of the site.

16 (D) In all zoning districts if at least fifty percent of the floor area of the building  
17 is used for units that meet the requirements for permanently affordable units  
18 in Chapter 9-13, "Inclusionary Housing," B.R.C. 1981.<sup>1</sup>

19 Section 3. The council adopts Attachment A, titled, "Appendix J to Title 9 - Areas Where  
20 Height Modifications May Be Considered," as an amendment to Title 9, "Land Use Code,"  
21 B.R.C. 1981.

22 Section 4. The provisions of this ordinance will expire on April 19, 2017. The council  
23 intends that this ordinance will expire, be amended, or replaced with subsequent legislation after  
24 further study of appropriate building heights in the city.

25 Section 5. This ordinance shall apply to all building permits or land use approvals for  
which an application is made on January 21, 2015 or thereafter, unless specifically exempted.  
Building permit applications for a development that received a site review approval for height  
that exceeds the permitted height on or prior to January 21, 2015 may apply for and receive  
building permits that are necessary to construct the approved development.

<sup>1</sup> The provisions adopted pursuant to Ordinance No. 8028 expire on April 19, 2017.

1           Section 6. Complete site review applications that have been submitted to the city prior to  
2 January 21, 2015 that request additional height in areas that would not permit such height under  
3 this ordinance will be permitted to continue through the process under the height regulations in  
4 place at the time such application is made. Such applicants shall be required to pursue such  
5 development approvals and meet all requirements deadlines set by the city manager and the  
6 Boulder Revised Code. Pending developments may apply for and receive building permits that  
7 are necessary to construct the approved development.

8           Section 7. For the limited purposes of this ordinance, the city council suspends the  
9 provisions of Subsection 9-1-5(a), “Amendments and Effect of Pending Amendments,” B.R.C.  
10 1981 for the limited purpose of adopting this ordinance.

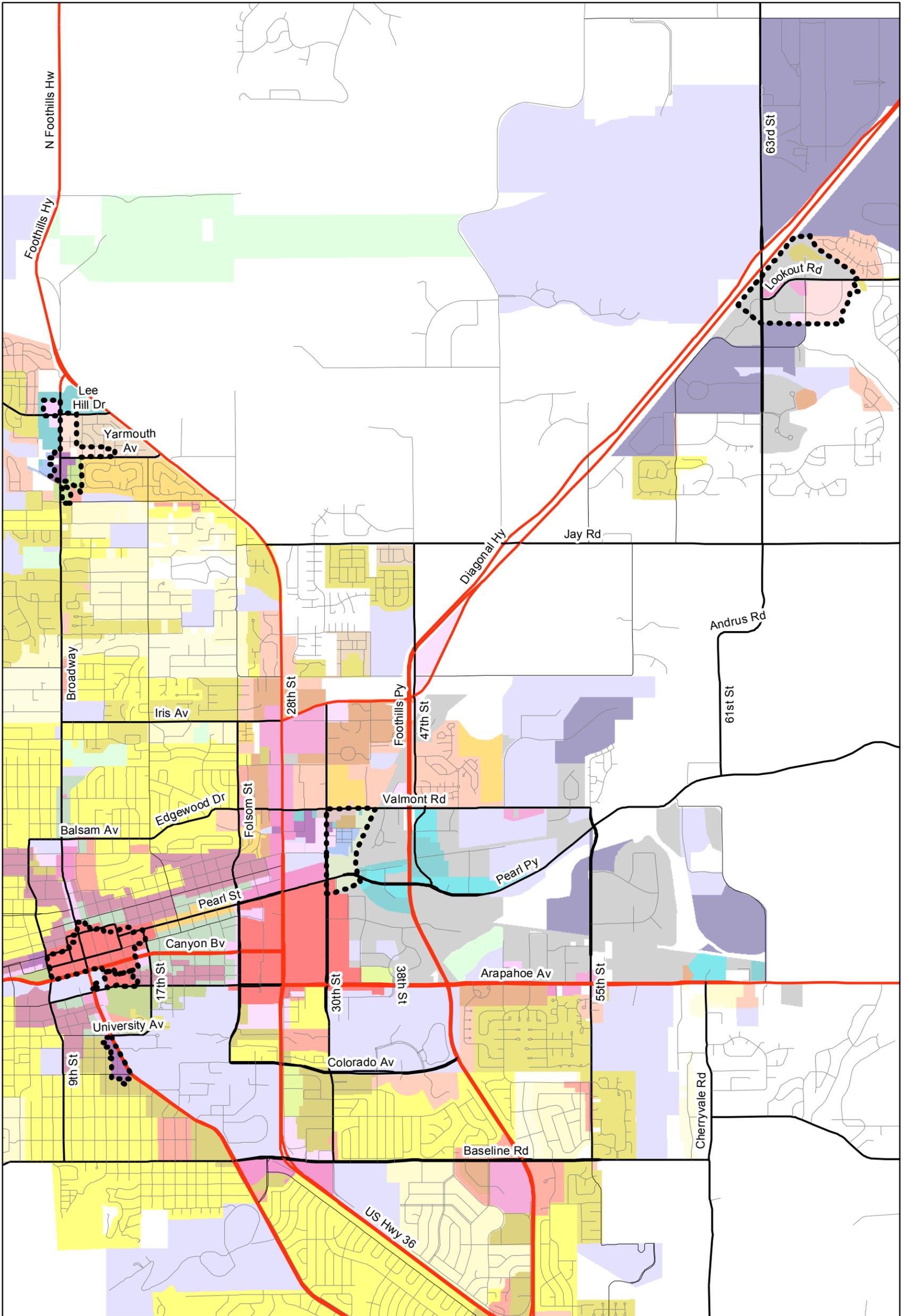
11           Section 8. If any section paragraph clause or provision of this ordinance shall for any  
12 reason be held to be invalid or unenforceable such decision shall not affect any of the remaining  
13 provisions of this ordinance.

14           Section 9. The immediate passage of this ordinance is necessary for the preservation of  
15 the public peace health or property. The council declares this to be an emergency measure due to  
16 the need to prevent inappropriate development, to pause to consider next steps, and to consider  
17 development of zoning regulations that implement the Boulder Valley Comprehensive Plan and  
18 other polices of the city. Therefore this ordinance is hereby declared to be an emergency measure  
19 and as such shall be in full force and effect upon its passage.

20           Section 10. This ordinance is necessary to protect the public health, safety, and welfare  
21 of the residents of the city, and covers matters of local concern.  
22  
23  
24  
25



# Appendix J to Title 9 – Areas Where Height Modifications May be Considered



 Areas Where Height Modifications May be Considered





**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE**

Second reading and consideration of a motion to adopt the following ordinances related to the annexation and initial zoning of the properties identified as 1950 Riverside Dr., 4415 Garnet Ln., 1085 Gapter Rd., 2200 Emerald Rd. and 2350 Norwood Av.:

- a. Ordinance No. 8022 (1950 Riverside Dr.)**  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Seana Grady
- b. Ordinance No. 8023 (4415 Garnet Ln. and a portion of the Garnet Lane right-of-way)**  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Frank Alexander
- c. Ordinance No. 8024 (1085 Gapter Rd.)**  
Proposed Zoning: Residential-Rural 2  
Applicant/Owner: Silvano and Elvira Deluca
- d. Ordinance No. 8025 (2200 Emerald Rd.)**  
Proposed Zoning: Residential-Rural 1  
Applicant/Owner: Stephen and Amy Carpenter
- e. Ordinance No. 8026 (2350 Norwood Av.)**  
Proposed Zoning: Residential-Estate  
Applicant/Owner: Norwood Garden, LLC

**PRESENTER/S**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning & Sustainability  
Susan Richstone, Deputy Director of Community Planning & Sustainability  
Chris Meschuk, Flood Recovery Coordinator – Community Services  
Bev Johnson, Annexation Project Manager

**EXECUTIVE SUMMARY**

The purpose of this item is for City Council to consider the second reading and adoption of five ordinances (**Attachment A**) relating to the annexation and initial zoning of the following five properties:

Location: **1950 Riverside Av.**  
Size of Tract: 48,282 sq. ft. (1.11 ac)  
Proposed Zoning: Residential-Estate (RE)

BVCP: Low Density Residential/Open Space - Other  
NBSP: Estate Residential

Location: **4415 Garnet Ln.**  
Size of Tract: 45,711 sq. ft. (1.05 ac)  
Proposed Zoning: Residential-Estate (RE)  
BVCP: Low Density Residential/Open Space - Other  
NBSP: Estate Residential

Location: **1085 Gapter Rd.**  
Size of Tract: 53,403 sq. ft. (1.23 ac)  
Proposed Zoning: Residential Rural 2 (RR-2)  
BVCP: Very Low Density Residential/Open Space-Other

Location: **2200 Emerald Rd.**  
Size of Tract: 54,851 sq. ft. (1.26 ac)  
Proposed Zoning: Residential Rural 1 (RR-1)  
BVCP: Very Low Density Residential/Open Space-Other  
NBSP: Rural Residential

Location: **2350 Norwood Av.**  
Size of Tract: 65,507 sq. ft. (1.50 ac)  
Proposed Zoning: Residential-Estate (RE)  
BVCP: Very Low Density Residential  
NBSP: Estate Residential

The purpose of the hearing is to determine whether the proposed annexations comply with state law and other annexation requirements. Staff finds that the annexations are consistent with state law and the requested zoning for the subject properties is consistent with city policies and with the zoning of neighboring city lots surrounding the properties.

The ordinances to annex the properties are provided in **Attachment A**. The petitions are in **Attachment B**. The annexation maps are in **Attachment C** and the conditions of annexation are set forth in the Annexation Agreements in **Attachment D**.

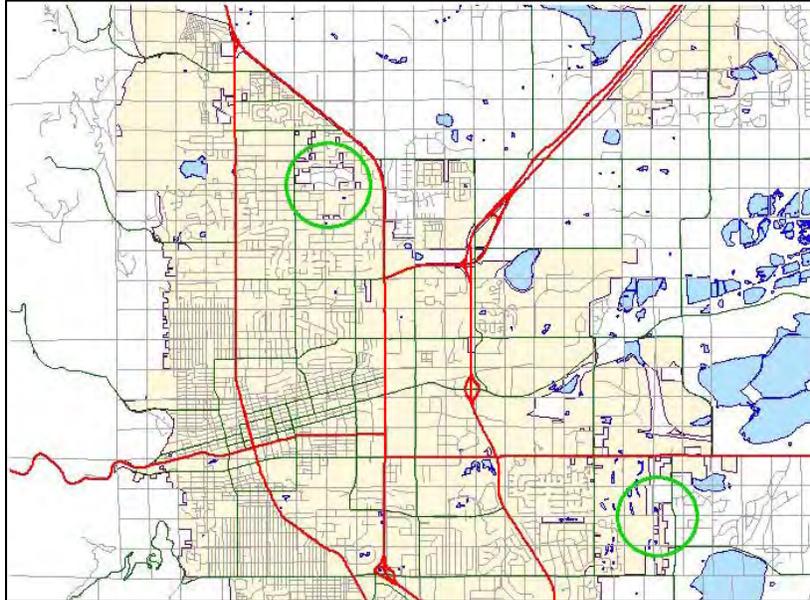
On Dec. 2, 2014, City Council approved first reading of the draft ordinances and questions and for staff. Responses to first reading questions can be found in the section following the Staff Recommendation.

Two documents are included in **Attachment D** which were not in the first reading packet. The documents are amendments to two of the annexation agreements (4415 Garnet Ln and 1085 Gapter Rd.) which give the property owners additional time to provide the lender's consent for the easements they are granting to the city.

On Nov. 6, 2014, Planning Board voted unanimously (6-0, J. Gerstle recused) to recommend approval of the proposed Annexation and Initial Zoning applications. The staff memorandum to Planning Board and the audio of the proceedings related to the Planning Board's review are available on the city website at the following link:

<https://bouldercolorado.gov/boards-commissions/planning-board>

**Figure 1: General Location of Subject Properties (circled in green)**



### **Key Issue Identification**

1. Annexation: Is the proposal consistent with Colorado State Statutes on Annexation, as well as city Boulder Valley Comprehensive Plan (BVCP) policies and the North Boulder Subcommunity Plan (as applicable)?
2. Initial Zoning: Is the proposed zoning, pursuant to land use code subsection 9-5-2(c)(1)(A), B.R.C. 1981, appropriate as the initial zoning of the subject properties?

### **STAFF RECOMMENDATION**

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

*Suggested Motion Language:*

Motion to adopt five ordinances to annex the areas with initial zoning designations pursuant to land use code subsection 9-5-2(c)(1)(A), B.R.C. 1981 generally described below:

- a. Ordinance No. 8022 pertaining to 1950 Riverside Av. with Residential - Estate (RE) zoning;
- b. Ordinance No. 8023 pertaining to 4415 Garnet Ln. with Residential – Estate (RE) zoning;
- c. Ordinance No. 8024 pertaining to 1085 Gapter Rd. with Residential – Rural 2 (RR-2) zoning;
- d. Ordinance No. 8025 pertaining to 2200 Emerald Rd. with Residential - Rural 1 (RR-1) zoning; and
- e. Ordinance No. 8026 pertaining to 2350 Norwood Av. with Residential - Estate (RE) zoning.

## RESPONSES TO FIRST READING QUESTIONS

1. Is the road closure on Garnet Lane still an issue of concern? Why is city staff supporting the closure and what have the applicants been told?

*Staff Response: The road closure on Garnet Lane is an issue of concern with the Githens Acres neighborhood and the landowners along Riverside Drive. Garnet Lane is currently under Boulder County jurisdiction and the city is proposing to annex the road as part of the annexation of 4415 Garnet Ln. The concern that the current road barrier may be removed once the road is in the city has been a primary concern of the Githens Acres neighborhood over the years and a factor in their past decision not to annex. The city has stated that while it will not guarantee permanent closure of this road as a condition of annexation (which the neighborhood has requested in the past), staff has no intention of removing the barrier in the near future. Please see Item 1.a in the Analysis section of this memorandum for additional information.*

2. A request was made by Council members for more information of the impacts on ditches at second reading.

*Staff response: This will be addressed in the staff presentation on Jan. 20, 2015. Background on ditches and the Silver Lake Ditch Settlement is provided at the end of the Analysis section.*

3. Why are 1950 Riverside Av. and 4415 Garnet Ln. were being zoned Residential-Estate (which would allow for further development) instead of Residential-Rural? Githens Acres was approved with the understanding there would not be further development potential.

*Staff response: The proposed zoning for 1950 Riverside and 4415 Garnet Ln., which are not in Githens Acres, is consistent with the Boulder Valley Comprehensive Plan land use map. Please see the land use map and text in Item 1.a in the Analysis section of this memorandum.*

## COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** It is in the interest of the city to annex properties in county enclaves and along the edge of the city to improve efficiency in city service provision.
- **Environmental:** There are environmental benefits of having properties connected to city water and sewer, specifically, the avoidance of the potential environmental and public health impacts of failed septic systems and contaminated wells.
- **Social:** The provision of safe and reliable public water and sewer is a benefit to every community member and the general public.

### Other Impacts

- **Fiscal:** City services are existing and available to this site. City property taxes will be collected once the properties are annexed. Landowners of four properties will finance payment of city utility connection fees through a 10-year payment plan offered by the city.
- **Staff time:** The annexation application has been processed through a special offer to landowners where the administrative fees were waived (\$6,580 per property). General fund revenues have been allocated to provide the staff time to process the applications.

## BOARD AND COMMISSION FEEDBACK

Annexations are subject to a city Planning Board recommendation prior to City Council action. The Planning Board hearing was held on Nov. 6, 2014. Three members of the community spoke at the public hearing. All speakers were residents of the Githens Acres neighborhood and expressed concerns regarding the city's policy and practice of acquiring Silver Lake Ditch rights,

and one speaker spoke regarding the history of the Garnet Lane street closure and the agreement to remain closed.

Planning Board made the following motions:

On a motion by **J. Putnam**, seconded by **B. Bowen**, the Planning Board voted 6-0 (**J. Gerstle** recused) to recommend that City Council approve the six proposed annexations subject to the annexation conditions in the respective annexation agreements attached to the staff memorandum with initial zoning of RR-1, RR-2, or RE as specifically proposed for each property in the staff memo with the exception that the Planning Board takes no position regarding acquiring rights of first refusal for ditch rights and recommends that City Council specifically consider that issue.

On a motion by **B. Bowen**, seconded by **J. Putnam**, the Planning Board voted 6-0 (**J. Gerstle** recused) to recommend that the city recognize the cultural, historical, natural and civic value of the ditch systems and advocate for their preservation.

On a motion by **L. May**, seconded by **L. Payton**, the Planning Board voted 2-4 (**L. May** and **L. Payton** in support, **J. Gerstle** recused) to register concerns about how, through the annexation process, the city obtains first right of refusal to purchase ditch shares. The motion failed. The board members who voted against the motion expressed concern that the recommendation was outside their area of expertise and core competence, and that the issue is more within the purview of the Water Resources Advisory Board and City Council.

Information regarding the Silver Lake Ditch and the city's settlement agreement with the ditch company can be found at the end of the Analysis section.

## **PUBLIC FEEDBACK**

All notice requirements of section 9-4-3, "Public Notice Requirements," B.R.C. 1981 have been met. Compliance with these requirements included public notice in the form of written notification mailed to all property owners within 600 feet of each of the properties, and a sign posted on each of the properties for at least 10 days prior to the public hearing as required. Feedback was received from six community members regarding acquisition of Silver Lake Ditch rights and annexation of Garnet Lane. One applicant submitted comments (**Attachment G**). All other comments are included in **Attachment F**.

## **BACKGROUND**

After the September 2013 floods, several homeowners in Boulder County contacted city staff about the possibility of annexing to the city in order to connect to city water and wastewater services. Many homeowners outside the city, especially in enclave areas, experienced damage to their wells or septic systems. In response to these requests, staff put together a special annexation package and offered it to approximately 160 property owners in enclave areas and in the Old Tale Road and Cherryvale Road neighborhoods.

Annexations are very staff resource intensive and, therefore, have a significant fee to recover the costs. City staff, with the support of City Council offered to waive the annexation administration fee (\$6,580 per household) to support flood recovery efforts and help people recover, with the understanding that these applications would be processed as a group annexation to streamline staff resources. In addition to fee and excise tax waivers, the city offered to finance most of the

costs related to water and wastewater utility connection. Residents choosing to annex under this offer have three options:

- A) Connect to city utilities shortly upon annexation and pay the city back in full,
- B) Connect to city utilities shortly upon annexation and finance all or part of the connection costs through the city, or
- C) Annex now and defer connection and payment to some future time (redevelopment or sale of home or failure of onsite wastewater system). (Note: No applicants are completely deferring connection)

Approximately eight property owners showed interest in moving forward, some because of damage to their well and septic systems. Two properties (2130 Tamarack Av. and 4270 19<sup>th</sup> St.) were annexed by emergency ordinance in August 2014 because of the condition of their well and septic systems. One property owner (2140 Tamarack Av.) withdrew their petition on Nov. 25, 2014. The remaining five properties are the subject of the current request for annexation.

## ANALYSIS

### 1. Existing Conditions

#### a. 1950 Riverside Av. and 4415 Garnet Ln.

These two properties are located in North Boulder immediately adjacent to, but not within, the Githens Acres county enclave (see Figure 1). Both properties are currently developed with a single family residence and have the potential to subdivide and add two additional units each.



*Figure 1: 1950 Riverside Av. and 4415 Garnet Ln. - Existing Conditions*

The proposed zoning for these properties is Residential-Estate (RE), which allows 2.9 units per acre, and is consistent with the BVCP land use designation of Low Density Residential (2-6 units per acre) on both properties (Figure 2). Both parcels have an Open Space – Other land use designation<sup>1</sup> on a portion of the properties. The Open Space-

<sup>1</sup> “Open Space–Other” land use designations were given to certain private properties, prior to 1981, that the city and county would like to preserve for open space purposes through various preservation methods including but not limited to intergovernmental agreements, dedications or acquisitions. Open Space designations indicate that the long-term use of the land is planned to serve one or more open space functions. In the case of the subject properties, the OS-O designation is intended to help preserve the natural qualities of the drainageway and to prevent further encroachment on the floodplain.

Other designation is intended to protect the natural qualities of the Wonderland Creek drainageway, however Wonderland Creek is not located on either property<sup>2</sup>



Figure 2: 1950 Riverside Av. and 4415 Garnet Ln. - Land Use Designations

Neither property is in the regulated floodplain. However, because a portion of 1950 Riverside Av. is within 60 ft. of the creek, an access and flood maintenance easement for Wonderland Creek is being dedicated. A utility easement for the existing sewer line along the south side of both properties will also be dedicated.

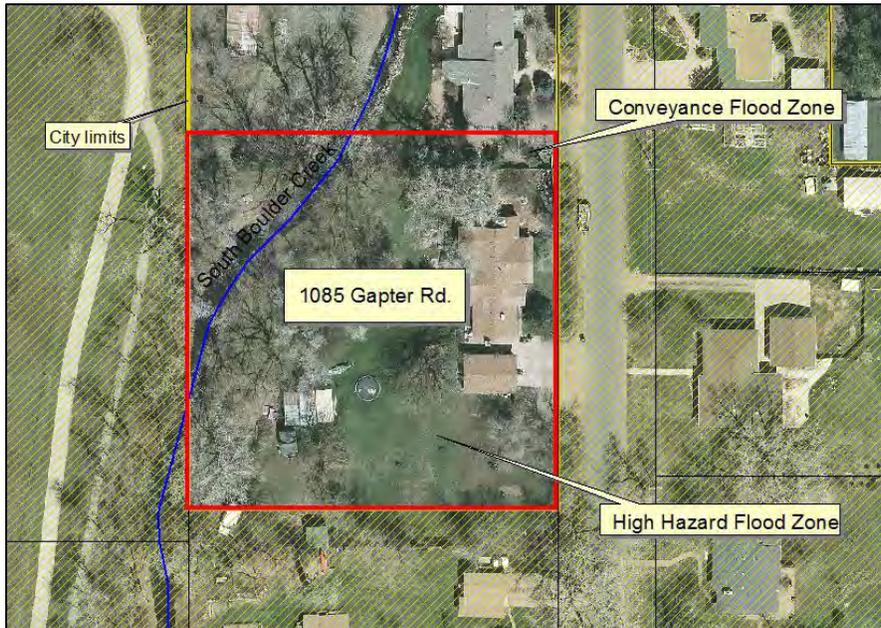
Garnet Lane is currently under Boulder County jurisdiction. Boulder County staff has requested that the city annex the portion of the road that fronts 4415 Garnet Ln. and the property to the north since the road will service properties within the city. City staff is recommending annexation of this portion of the road. The portion of the road proposed for annexation includes an existing road barrier that was erected by the county over 20 years ago to prevent cut-through traffic in Githens Acres between 19<sup>th</sup> and 26<sup>th</sup> streets. The closure was erected in response to a neighborhood request to address traffic and safety concerns in their neighborhood.

The concern that this road barrier may be removed once the road is in the city has been a primary concern of the Githens Acres neighborhood over the years and a factor in their past decision not to annex. The city has stated that while it will not guarantee permanent closure of this road as a condition of annexation (which the neighborhood has requested in the past), staff has no intention of removing the barrier in the near future.

<sup>2</sup> This discrepancy is due to an error in the original digital mapping of the land use map.

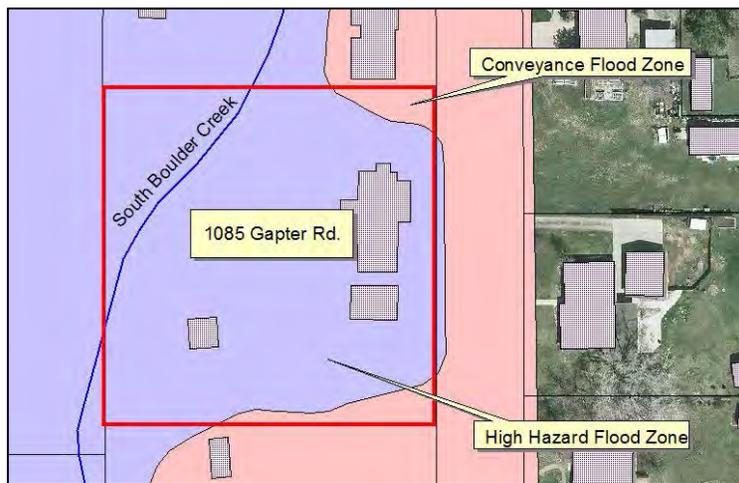
**b. 1085 Gapter Rd.**

This property is located in the Gapter Road neighborhood (Figure 3). The proposed zoning of the site is Rural Residential, which is consistent with the BVCP land use designation of Very Low Density Residential.



*Figure 3: 1085 Gapter Rd.*

South Boulder Creek runs through the property and the property is entirely within the conveyance and high hazard flood zones (Figure 4). The existing home on the property is within the high hazard flood zone and was damaged from the September 2013 floods. Once in the city, the landowner will be prohibited from expanding, enlarging, or making substantial modifications to the home (Boulder Revised Code, Subsection 9-3-5d). A flood maintenance easement of 60 ft. to either side of the centerline of the creek is being dedicated to the city.



*Figure 4: 1085 Gapter Rd. Flood Zones*

**c. 2200 Emerald Rd.**

This property is located in the Githens Acres enclave and is surrounded on three sides by properties also under county jurisdiction. The property is developed with a single family residence. The proposed zoning for this property is Residential-Rural 1 (RR-1), which is consistent with the BVCP land use designation of Very Low Density Residential. The parcel has an Open Space – Other land use designation running through it which, similar to the above properties, does not correspond with the location of Wonderland Creek to the south of the property (Figure 5). A flood maintenance easement over the portion of the property within 60 ft. of the centerline of the creek is being dedicated. The property has no subdivision potential because of the size of the lot and the proposed zoning. In addition, roughly ½ of the property is in the conveyance and high hazard flood zone (Figure 6).



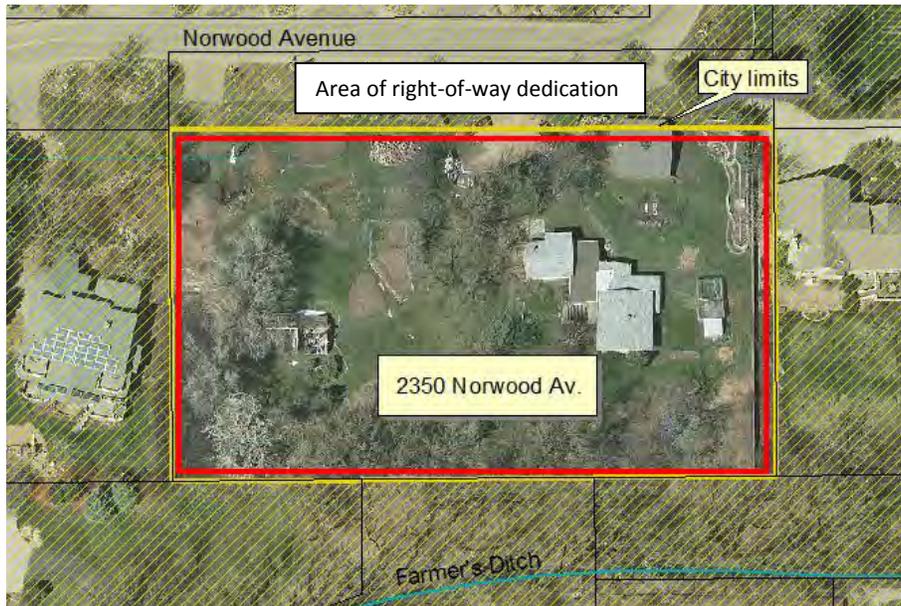
**Figure 5: 2200 Emerald Rd.**



**Figure 6: 2200 Emerald Rd. flood zones**

**d. 2350 Norwood Av.**

This property is located in North Boulder across the street from Centennial Middle School. A single family residence is located on the property. The septic system on the property is currently inoperable; therefore, Boulder County Public Health has issued a cease and desist order regarding use of any plumbing on the property. A 30 ft. wide right-of-way along the entire north side of the property is being dedicated. The right-of-way area is currently within the city limits (Figure 7).



*Figure 7: 2350 Norwood Av.*

The Transportation Master Plan and North Boulder Subcommunity Plan show a pedestrian connection through the property between Norwood Avenue and 23<sup>rd</sup> Street (see green dashed line in Figure 8). The city is requesting a 16 foot wide easement along the western edge and a portion of the southern edge of the property for the purpose of a multi-use path connection between Norwood and 23<sup>rd</sup> St. 16 feet is the standard width for an easement in order to construct a 12' wide multi-use path, with 2' shoulders, as indicated in the city's Design and Construction Standards. The property owner has offered to dedicate in fee a 4 ft. wide right-of-way instead of a 16 ft. wide easement, however, that would not meet the city's standards or provide adequate width for a multi-use path. The annexation agreement states that property owner will be required to construct this path at the time of redevelopment. For additional information see the attached letters from the applicant in **Attachment G**.



**Figure 8: 2350 Norwood Av. – Proposed Multi-use Path Connection**

This property is within the Norwood Improvement District (LID) and a \$5,000 fee plus interest of \$10,860 is associated with the property. Ordinance No. 5876 established the LID for the purpose of constructing and financing transportation improvements benefiting properties included in the district. As an unannexed property, 2350 Norwood Av. could not be assessed at the time the assessment ordinance (Ordinance No. 6052) went into effect. However, Ordinance No. 5876 requires that as a condition of a future annexation of the property, a fee of \$5,000.00 plus interest be assessed. Staff is proposing to waive the interest assessment of \$10,860 on this property to provide further support to the property owner in getting on city sewer.

**2. Future Development Potential**

The following properties have future development potential under the respective proposed zoning and have agreed to provide community benefit in the form of two times the cash in-lieu contribution as set forth in the city’s inclusionary zoning ordinance to the Housing Trust Fund for any additional units on the properties at the time of building permit, consistent with the City of Boulder Guidelines for Annexation Agreements which were endorsed by Planning Board and City Council in 2002 and which outline general guidelines for city staff, landowners, Planning Board and City Council in future individual annexation negotiations, addressing, in particular, community benefit requirements to be shown upon annexation.

**1950 Riverside Av. - 2 additional units**

Size of Tract: 48,282 sq. ft. (1.11 ac)  
 Proposed Zoning: Residential-Estate (RE)

**4415 Garnet Ln. 2 additional units**

Size of Tract: 45,711 sq. ft. (1.05 ac)  
 Proposed Zoning: Residential-Estate (RE)

**2350 Norwood Av. 2 additional units**

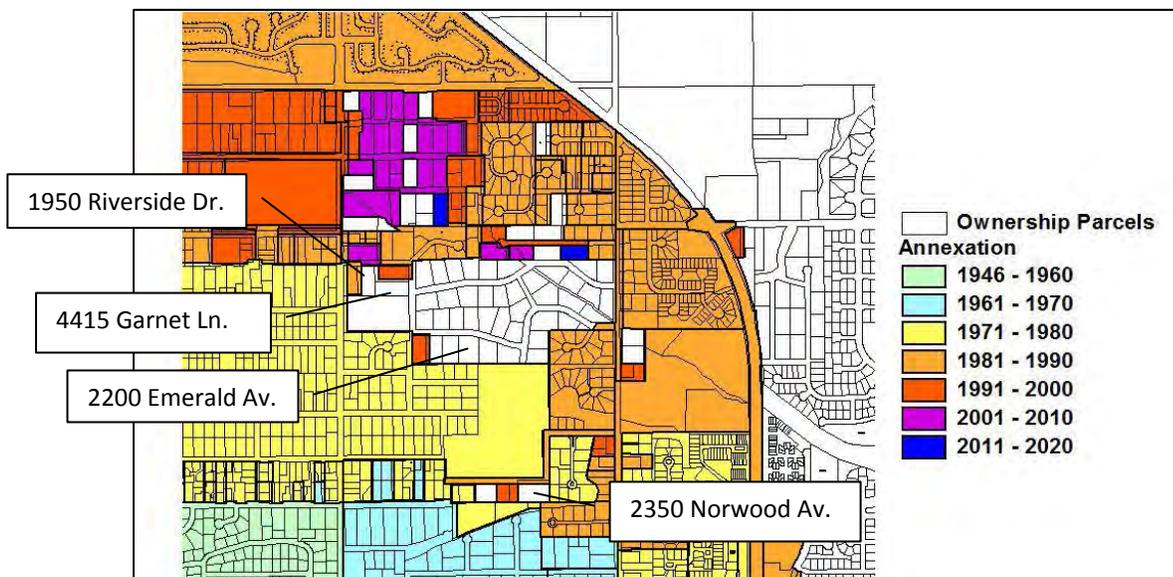
Size of Tract: 53,200 sq. ft. (1.22 ac)  
 Proposed Zoning: Residential-Estate (RE)

**3. Key Issues:**

**a. Is the proposed annexation consistent with state statutes pertaining to the annexation of a property into the City of Boulder?**

Annexations must comply with the Municipal Annexation Act of 1965, section 31-12-101, *et. seq.*, C.R.S. Staff has reviewed the annexation petitions for compliance with section 31-12-104, section 31-12-105, 31-12-106, and 31-12-107 C.R.S., as applicable, and finds the applications are each consistent with the statutory requirements.

Four of the five properties are developed with a single residential dwelling unit and are part of Boulder County enclaves that have been entirely contained within the outer boundaries of the City of Boulder for at least three years. The right-of-way to be annexed with 4415 Garnet Ln. is also part of a Boulder County enclave. One property (1085 Gapter Rd.) is developed with a single family residential dwelling unit but is not an enclave. Each property meets the eligibility requirement of having at least 1/6 contiguity with the city limits. Four of the five properties are located in North Boulder. The five properties indicated in Figure 9 have been enclaves since at least 2000. All municipal territory surrounding the enclaves was annexed in compliance with section 30 of article II Colorado constitution. Therefore, these properties meet the statutory requirements and are eligible for annexation as enclaves.



*Figure 9*

1085 Gapter Rd. (Figure 10) is not an enclave, but is also at least 1/6 contiguous with the city limits.

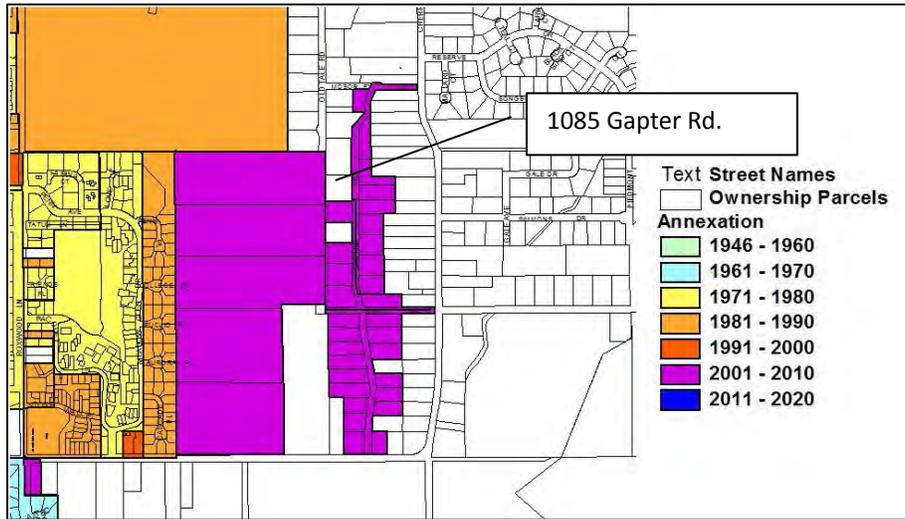


Figure 10

Consistent with state law, the landowners of more than 50 percent of each area to be annexed, excluding public streets, have petitioned to annex. Each such petition was filed with the City Clerk. There is a community interest in annexation of each property proposed for annexation and the City of Boulder. None of the properties proposed to be annexed are included in another annexation proceeding involving a municipality other than the City of Boulder.

Water and sewer services are available to serve four of the five properties. Sewer services are available to serve 2200 Emerald, but water is not available at this time for that property because of its location in the Githens Acres enclave where there are no water mains in the streets.

Four of the subject properties are not in the municipal subdistrict of the Northern Colorado Water Conservancy District (NCWCD). One property is neither in the subdistrict or the district. Petitions for inclusion in the district and subdistrict have been filed with the NCWCD office.

The subject properties would continue to be served by the Boulder Valley School District.

Finally, these annexations do not have the effect of extending the municipal boundary more than three miles in any direction from any point of the City of Boulder's boundary in any one year.

**b. Is the proposed annexation consistent with the Boulder Valley Comprehensive Plan?**

**Land Use Designation.** The proposed zoning on all the properties is consistent with the BVCP land use designations (see page 2 for proposed zoning and current land use designations).

**BVCP Policies**

Annexation of land must be consistent with the following policies shown in *bold italic*, with consistency of the proposed annexation following:

***1.18 Growth Requirements. The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits and to maintain or improve environmental quality as a precondition for further housing and community growth.***

The community, environmental, and public health quality will be enhanced with the annexation of these properties, with the requirement for use of city water and sewer services and to eliminate the potential for failing septic systems on residential properties. In addition, the properties with further development potential will be providing community benefit in the form of two times the cash in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund for any additional units on the properties at the time of building permit as well as the following:

- i. 1950 Riverside Av. – flood and utility easements
- ii. 4415 Garnet Ln. – ditch and utility easements
- iii. 2350 Norwood Av. – right-of-way dedication and multi-use path easement

***1.24 Annexation. The applicable policies (a, b, c and e) in regard to annexation to be pursued by the city are:***

***a) Annexation will be required before adequate facilities and services are furnished.***

Full city services will be available to the subject properties with annexation. Water service will not be available to 2200 Emerald until water mains are constructed in the Githens Acres enclave.

***b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy.***

These properties are either part of an existing county enclave or in fully developed Area II neighborhoods, thus annexation of the properties would further this policy.

***c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.***

The proposed zoning of all the properties will reflect the existing development pattern most appropriate for their respective neighborhoods. Upon annexation, three of the five properties will connect to both city water and sewer as per city standards and discontinue use of well and septic systems on the properties. Two properties (1085 Gapter Rd. and 2200 Emerald Av.) will connect only to city sewer. 4415 Garnet Ln. is already on city

sewer and will connect to city water. Under the annexation agreement, all properties (except 2200 Emerald Av.) must connect to both water and sewer if the property is sold. Existing nonconforming uses and nonstandard building construction will be allowed to continue consistent with this policy.

*e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.*

Three of the five properties are large enough to subdivide into at least two lots under the proposed zoning. The Planning Board and City Council approved the “Guidelines for Annexation Agreements” in June 2002 which outline the community benefit requirements for substantially developed residential properties. Consistent with these policies, the annexation agreements for the subject properties will be required to pay two times the cash in-lieu contribution as set forth in the city’s inclusionary zoning ordinance to the Housing Trust Fund for any additional units on the properties at the time of building permit.

#### **4. Irrigation Ditch Considerations**

Generally, applicants who choose to annex single family residential properties to the city are not required to immediately connect to city water service. Once an annexation is complete and a property owner applies for water service, code provisions<sup>3</sup> describe a process for potential future sale to the city of any water or irrigation ditch rights associated with the property. In addition to the city code, such rights may be subject to separate agreements between the city and the ditch company if applicable. Per the Boulder Revised Code, such agreements control if they conflict with the provisions of the code. A 2009 agreement between the Silver Lake Ditch Company and the city (the “[2009 Settlement Agreement](#)”) describes the specific process for potential sale of Silver Lake Ditch rights to the city during certain property transactions such as annexations.

Three of the applicants own Silver Lake Ditch rights. The 2009 Settlement Agreement applies to these three properties. The Settlement Agreement established that the owners of Silver Lake Ditch rights would grant to the City an option to purchase Silver Lake Ditch rights at the time of the first transfer of ownership to someone other than a family member at the time of a voluntary annexation of their property. Silver Lake Ditch shareholders may also voluntarily offer to sell their rights to the city at any time.

At the Planning Board hearing on November 6, 2014, concerns were raised during the public comment period about the city’s policy of requiring a landowner to grant the option to purchase Silver Lake Ditch rights to the city at the time of the first Transfer of ownership as a condition of annexation. Planning Board members discussed the concern and made a recommendation that City Council specifically consider that issue in its evaluation of the annexation agreements.

The proposed conditions of these annexations are consistent with the 2009 Settlement Agreement. As stated above, the 2009 Settlement Agreement provides that all Silver Lake Ditch shareholders who voluntarily annex to the city are only required to grant to the city an

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<sup>3</sup> [Section 11-1-19](#), Boulder Revised Code, 1981, “Water and Ditch Rights”

option to purchase ditch rights when the property is transferred outside of specified family members. The 2009 Settlement Agreement prohibits the city from requiring a landowner to sell or grant the city a first right of refusal of Silver Lake Ditch rights that may be exercised at the time of annexation. Whenever the city does exercise an option to purchase according to the terms of the agreement, the city agrees to lease water attributable to the Silver Lake Ditch shares back to the current owner for up to 20 years. What this means for the applicants granting options to purchase Silver Lake Ditch rights is that if they sell their property outside of specified family members at some point in the future, they would be required to offer their ditch rights to the city for purchase and the new owners would have the option for a 20-year water lease under the agreement. Otherwise, there is no change to the ownership of Silver Lake Ditch rights as a result of this annexation. However, one applicant (Marilyn Jorrie) has signed an Agreement to Buy and Sell Water Rights for 1.25 shares in Silver Lake Ditch to the City.

The irrigation ditches that run through the city are historic features of the landscape and serve many important functions that align with Boulder's community values. The code provisions and the 2009 Settlement Agreement are intended to preserve the continued operation of the ditches, their historic character and the community value they engender, while protecting the city's water supply needs during drought periods.

## **ATTACHMENTS**

- A. Proposed Ordinances
- B. Applicants Annexation Petitions
- C. Annexation Maps
- D. Annexation Agreements
- E. Guidelines for Annexation Agreements
- F. Public Comment
- G. Letters from Marilyn Jorrie regarding 2350 Norwood Av.

ORDINANCE NO. 8022

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 0.97 ACRES OF LAND GENERALLY LOCATED AT 1950 RIVERSIDE AVENUE, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL – ESTATE (RE) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. Seana Grady is the owner of the parcel which is generally known as 1950 Riverside Avenue and comprises the real property more particularly described in Exhibit A (the "Property").

B. The owner of 100% of the area proposed for annexation, excluding streets and alleys, has petitioned for annexation of the Property with an initial zoning of Residential – Estate (RE); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated or capable of being integrated with the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

1 F. This annexation will not have the effect of extending the City of Boulder's  
2 boundaries any further than three miles from any point of the existing city boundaries.

3 G. The Property does not include any area which is the same or substantially  
4 the same area in which an election for the annexation to the City of Boulder was held  
5 within twelve months preceding the filing of the above petition.

6 H. The Planning Board duly proposed that the Property be annexed to the  
7 City of Boulder and that the zoning district map adopted by the City Council be amended  
8 to zone and include the Property in the Residential – Estate (RE) zoning district, as  
9 provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

10 I. A public hearing on the proposed annexation and initial zoning of the  
11 Property annexed and zoned hereby was duly held before the City Council on January 20,  
12 2015.

13 J. The initial zoning designation of Residential – Estate (RE) for the  
14 Property is consistent with the Boulder Valley Comprehensive Plan and bears a  
15 substantial relation to and will enhance the general welfare of the Property and of the  
16 residents of the City of Boulder.

17 K. The City Council has jurisdiction and the legal authority to annex and  
18 zone the Property.

19  
20 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
21 COLORADO:

22 Section 1. The territory more particularly described in Exhibit A is hereby  
23 annexed to and included within the corporate boundaries of the City of Boulder.  
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Section 2. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the zoning district map forming a part thereof, be, and the same hereby are, amended to include the Property within the Residential – Estate (RE) zoning district.

Section 3. The City Council adopts the recitals in this ordinance and incorporates them herein by this reference.

Section 4. The City Council approves any variations or modifications to the Boulder Revised Code or other City ordinances that are in the agreement associated with this annexation.

Section 5. The City Council authorizes the city manager to implement the terms of the agreements associated with this annexation.

Section 6. The annexation and zoning of the Property is necessary for the protection of the public health, safety, and welfare.

Section 7. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 2nd day of December, 2014.

\_\_\_\_\_  
Mayor

Attest:

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City Clerk

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READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED

BY TITLE ONLY this 20th day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

EXHIBIT A TO ORDINANCE (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

PARCEL DESCRIPTION  
(1950 RIVERSIDE)  
(PER DEED RECORDED AT RECEPTION NO. 2793806)

A TRACT OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 2,002.09 FEET; THENCE NORTH 89°11'30" EAST A DISTANCE OF 180.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, A DISTANCE OF 150.00' TO THE WEST LINE OF A TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 18, A DISTANCE OF 281.46 FEET; THENCE SOUTH 89°53'00" WEST, A DISTANCE OF 150.0 FEET; THENCE SOUTH 0°05'30" WEST, A DISTANCE OF 283.27 FEET, TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS:

A TRACT OF LAND SITUATE IN THE EAST 1/2 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: THE EAST 1/2 OF THE FOLLOWING DESCRIBED TRACT OF LAND; BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTER LINE OF SAID SECTION 18, 2,002.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, 330.0 FEET MORE OR LESS, TO THE WEST LINE OF THAT CERTAIN TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET; THENCE SOUTH 89°53' WEST, 330.0 FEET; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING; EXCEPT THE WEST 30 FEET THEREOF RESERVED FOR ROAD PURPOSES,  
COUNTY OF BOULDER, STATE OF COLORADO.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406 FSI JOB NO. 14-64,206  
CHAIRMAN/CEO, FLATIRONS,  
JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 22, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64206-ANNEX-C13.DWG DATE:9/22/2014 10:16 AM



ORDINANCE NO. 8023

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 1.45 ACRES OF LAND GENERALLY LOCATED AT 4415 GARNET LANE WHICH INCLUDES A PORTION OF GARNET LANE, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL – ESTATE (RE) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. Frank Lyon Alexander is the owner of the parcel which is generally known as 4415 Garnet Lane. Boulder County is the owner of a portion of Garnet Lane right-of-way adjacent to and near the parcel generally known as 4415 Garnet Lane. The property of 4415 Garnet Lane and a portion of Garnet Lane right-of-way are to be annexed herein and are more particularly described in Exhibit A (the "Property").

B. The owner of 100% of the area proposed for annexation, excluding streets and alleys, has petitioned for annexation of the Property with an initial zoning classification of Residential – Estate (RE); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated with or capable of being integrated with the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

1           E.       This annexation will not result in the detachment of the area from one  
2 school district and the attachment of same to another school district.

3           F.       This annexation will not have the effect of extending the City of Boulder's  
4 boundaries any further than three miles from any point of the existing city boundaries.

5           G.       The Property does not include any area which is the same or substantially  
6 the same area in which an election for the annexation to the City of Boulder was held  
7 within twelve months preceding the filing of the above petition.

8           H.       The Planning Board duly proposed that the Property be annexed to the  
9 City of Boulder and that the zoning district map adopted by the City Council be amended  
10 to zone and include the Property in the Residential – Estate (RE) zoning district, as  
11 provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

12           I.       A public hearing on the proposed annexation and initial zoning of the  
13 Property annexed and zoned hereby was duly held before the City Council on January 20,  
14 2015.

15           J.       The initial zoning designation of Residential – Estate (RE) for the  
16 Property is consistent with the Boulder Valley Comprehensive Plan and bears a  
17 substantial relation to and will enhance the general welfare of the Property and of the  
18 residents of the City of Boulder.

19           K.       The City Council has jurisdiction and the legal authority to annex and  
20 zone the Property.  
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22           BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
23 COLORADO:  
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READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED

BY TITLE ONLY this 20th day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

EXHIBIT A TO ORDINANCE (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1  
PARCEL DESCRIPTION

(4415 GARNET LANE)  
(PREPARED BY FLATIRONS, INC. AT THE REQUEST OF THE CLIENT)

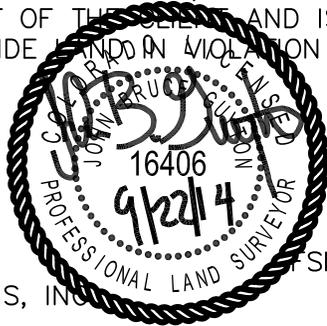
A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3046074, DATED DECEMBER 3, 2009, A PORTION OF GARNET LANE, AND A PORTION OF RIVERSIDE AVENUE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE LINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 5, GITHENS ACRES AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 90542553, DATED JUNE 30, 1954, THENCE ALONG THE WESTERLY LINE OF SAID LOT 6, SOUTH 00°01'40" WEST, A DISTANCE OF 250.84 FEET;  
THENCE DEPARTING SAID WESTERLY LINE, SOUTH 40°07'31" WEST, A DISTANCE OF 93.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AS RECORDED AT RECEPTION NO. 3046074;  
THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°11'30" WEST, A DISTANCE OF 333.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 136.74 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND THE FOLLOWING THREE (3) COURSES:  
NORTH 89°53'00" EAST, 28.46 FEET;  
THENCE NORTH 00°09'50" WEST, A DISTANCE OF 0.75 FEET;  
THENCE NORTH 89°22'15" EAST, A DISTANCE OF 301.52 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3022631, DATED JUNE 8, 2009;  
THENCE ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631, NORTH 00°05'30" EAST, A DISTANCE OF 141.27 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631;  
THENCE ALONG SAID EASTERLY LINE EXTENDED, NORTH 00°05'30" EAST, A DISTANCE OF 41.75 FEET TO THE NORTHERLY LINE OF SAID LOT 6, EXTENDED WESTERLY;  
THENCE ALONG SAID NORTHERLY LINE EXTENDED, ALSO BEING A SOUTHERLY LINE OF RIVERSIDE GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1125796, DATED AUGUST 26, 1991, NORTH 87°21'27" EAST, A DISTANCE OF 62.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 63,123 SQ.FT. OR 1.45 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC. SI JOB NO. 14-64,203

JOB NUMBER: 14-64,203  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 22, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
www.FlatironsInc.com

BY:EPRESCOTT FILE:64203-ANNEX-C13.DWG DATE:9/22/2014 10:29 AM

**Parcel Description**  
(PREPARED BY FLATIRONS, INC. AT THE REQUEST OF THE CLIENT)

A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3046074, DATED DECEMBER 3, 2009, A PORTION OF GARNET LANE, AND A PORTION OF RIVERSIDE AVENUE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE LINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 5, GITHENS ACRES AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 90542553, DATED JUNE 30, 1954, THENCE ALONG THE WESTERLY LINE OF SAID LOT 6, SOUTH 00°01'40" WEST, A DISTANCE OF 250.84 FEET;

THENCE DEPARTING SAID WESTERLY LINE, SOUTH 40°07'31" WEST, A DISTANCE OF 93.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AS RECORDED AT RECEPTION NO. 3046074;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°11'30" WEST, A DISTANCE OF 333.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 136.74 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND THE FOLLOWING THREE (3) COURSES:

NORTH 89°53'00" EAST, 28.46 FEET;

THENCE NORTH 00°09'50" WEST, A DISTANCE OF 0.75 FEET;

THENCE NORTH 89°22'15" EAST, A DISTANCE OF 301.52 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3022631, DATED JUNE 8, 2009;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631, NORTH 00°05'30" EAST, A DISTANCE OF 141.27 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631;

THENCE ALONG SAID EASTERLY LINE EXTENDED, NORTH 00°05'30" EAST, A DISTANCE OF 41.75 FEET TO THE NORTHERLY LINE OF SAID LOT 6, EXTENDED WESTERLY;

THENCE ALONG SAID NORTHERLY LINE EXTENDED, ALSO BEING A SOUTHERLY LINE OF RIVERSIDE GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1125796, DATED AUGUST 26, 1991, NORTH 87°21'27" EAST, A DISTANCE OF 62.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 63,123 SQ.FT. OR 1.45 ACRES, MORE OR LESS.

**EXHIBIT A TO ORDINANCE (Page 2 of 2)**  
**ANNEXATION MAP**  
*A PARCEL OF LAND, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO*  
SHEET 1 OF 1  
*TOTAL AREA = 63,123 SQ FT, OR 1.45 ACRES, MORE OR LESS*

**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

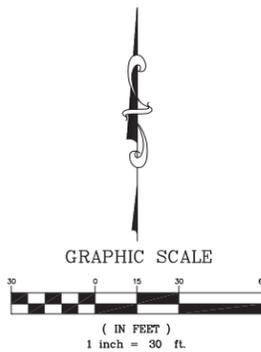
TOTAL PERIMETER.....1390.34'  
1/6TH PERIMETER.....231.72'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....576.54'

**Legend**

- (C) CALCULATED FROM RECORD
- (R) AS PER RECORD INFORMATION
- (P) AS PER THE PLAT OF GITHENS ACRES REC# 90542553

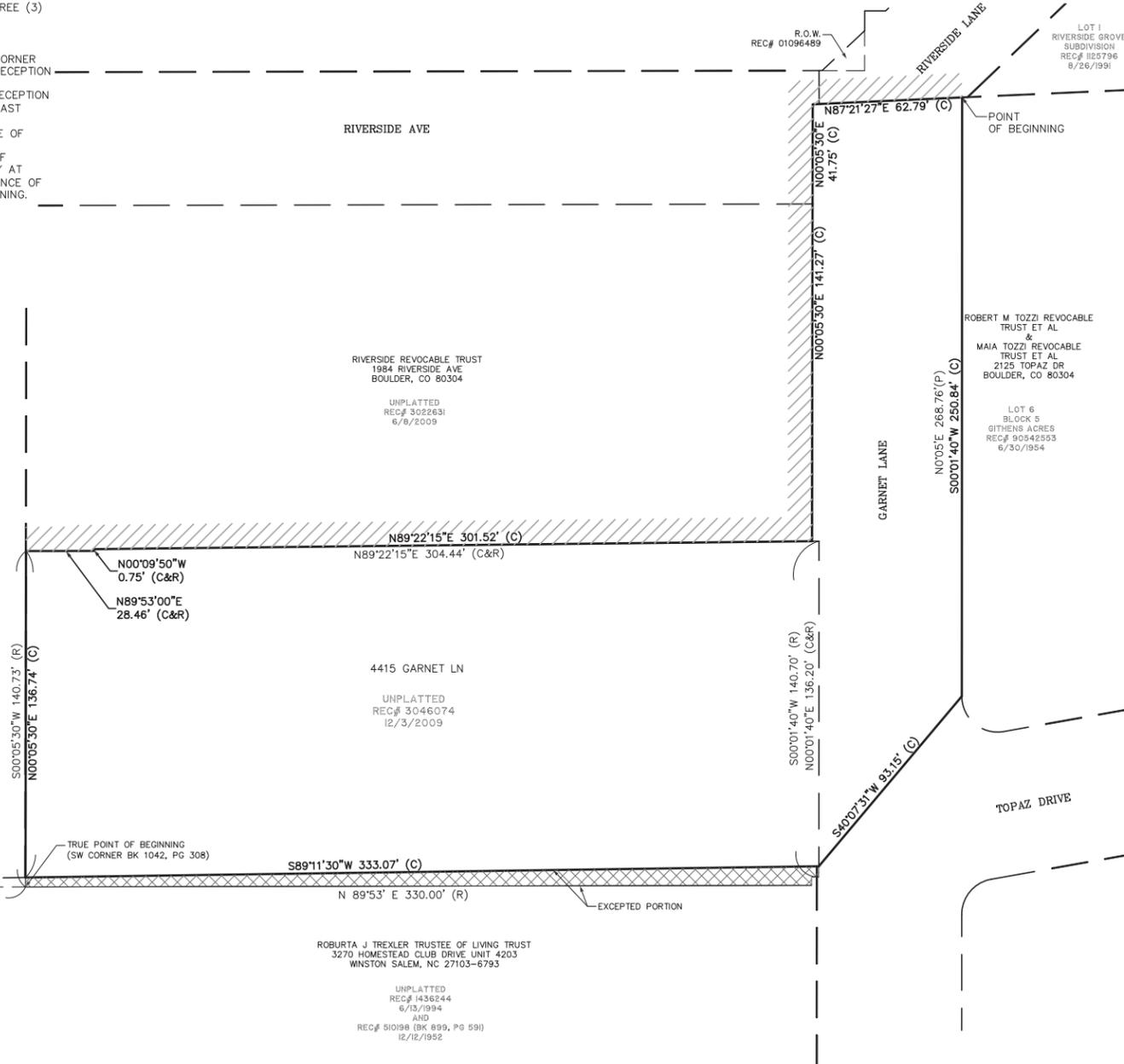
CURRENT LIMITS OF THE CITY OF BOULDER

EXCEPTED PORTION (BK 899, PG 591), PER DEED RECORDED AT REC# 3046074



NORTH-SOUTH CENTERLINE SEC. 18, T1N, R70W  
N00°05'30"E 2002.09' (R)  
BASIS OF BEARINGS

SOUTH 1/4 CORNER SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST



**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC. THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON SEPTEMBER 8, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

DATE	REVISION
2014-09-09 EP	1 - Added a portion of Garnet Ln
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ANNEXATION MAP  
PREPARED FOR  
CITY OF BOULDER  
COPYRIGHT 2014 FLATIRONS, INC.

**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
www.FlatironsInc.com  
3825 IRIS AVE, STE. 395 3660 DOWNING ST  
BOULDER, CO 80301 BOULDER, CO 80301 UNIT E  
PH: (303) 443-7001 PH: (303) 443-7001 DENVER, CO 80205  
FAX: (303) 776-4355 FAX: (303) 443-9830 PH: (303) 936-6997



JOB NUMBER:  
14-64,203  
DATE:  
9-2-2014  
DRAWN BY:  
E. PRESCOTT  
CHECKED BY:  
JK/WW/ZG

ORDINANCE NO. 8024

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 1.16 ACRES OF LAND GENERALLY LOCATED AT 1085 GAPTER ROAD, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL – RURAL 2 (RR-2) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. Silvano De Luca and Elvira G. De Luca are the owners of the parcel which is generally known as 1085 Gapter Road and comprises the real property more particularly described as Lot 13, Gapter Subdivision, County of Boulder, State of Colorado (the "Property") and as shown on the attached Exhibit A.

B. The owners of 100% of the area proposed for annexation, excluding streets and alleys, have petitioned for annexation of the Property with an initial zoning classification of Residential – Rural 2 (RR-2); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated or capable of being integrated with the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

1           E.       This annexation will not result in the detachment of the area from one  
2 school district and the attachment of same to another school district.

3           F.       This annexation will not have the effect of extending the City of Boulder's  
4 boundaries any further than three miles from any point of the existing city boundaries.

5           G.       The Property does not include any area which is the same or substantially  
6 the same area in which an election for the annexation to the City of Boulder was held  
7 within twelve months preceding the filing of the above petition.

8           H.       The Planning Board duly proposed that the Property be annexed to the  
9 City of Boulder and that the zoning district map adopted by the City Council be amended  
10 to zone and include the Property in the Residential – Rural 2 (RR-2) zoning district, as  
11 provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

12           I.       A public hearing on the proposed annexation and initial zoning of the  
13 Property annexed and zoned hereby was duly held before the City Council on January 20,  
14 2015.

15           J.       The initial zoning designation of Residential – Rural 2 (RR-2) for the  
16 Property is consistent with the Boulder Valley Comprehensive Plan, and bears a  
17 substantial relation to and will enhance the general welfare of the Property and of the  
18 residents of the City of Boulder.

19           K.       The City Council has jurisdiction and the legal authority to annex and  
20 zone the Property.  
21

22           BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
23 COLORADO:  
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READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED  
BY TITLE ONLY this 20th day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk



ORDINANCE NO. 8025

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 1.26 ACRES OF LAND GENERALLY LOCATED AT 2200 EMERALD ROAD, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL – RURAL 1 (RR-1) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. Amy J. Carpenter and Stephen R. Carpenter are the owners of the parcel which is generally known as 2200 Emerald Road and comprises the real property more particularly described as Lot 3, Block 6, Githens Acres, County of Boulder, State of Colorado (the "Property") and as shown on the attached Exhibit A.

B. The owners of 100% of the area proposed for annexation, excluding streets and alleys, have petitioned for annexation of the Property with an initial zoning classification of Residential – Rural 1 (RR-1); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated or capable of being integrated with the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

1           E.       This annexation will not result in the detachment of the area from one  
2 school district and the attachment of same to another school district.

3           F.       This annexation will not have the effect of extending the City of Boulder's  
4 boundaries any further than three miles from any point of the existing city boundaries.

5           G.       The Property does not include any area which is the same or substantially  
6 the same area in which an election for the annexation to the City of Boulder was held  
7 within twelve months preceding the filing of the above petition.

8           H.       The Planning Board duly proposed that the Property be annexed to the  
9 City of Boulder and that the zoning district map adopted by the City Council be amended  
10 to zone and include the Property in the Residential – Rural 1 (RR-1) zoning district, as  
11 provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

12           I.       A public hearing on the proposed annexation and initial zoning of the  
13 Property annexed and zoned hereby was duly held before the City Council on January 20,  
14 2015.

15           J.       The initial zoning designation of Residential – Rural 1 (RR-1) for the  
16 Property is consistent with the Boulder Valley Comprehensive Plan, and bears a  
17 substantial relation to and will enhance the general welfare of the Property and of the  
18 residents of the City of Boulder.

19           K.       The City Council has jurisdiction and the legal authority to annex and  
20 zone the Property.  
21

22           BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
23 COLORADO:  
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READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED  
BY TITLE ONLY this 20th day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:  
\_\_\_\_\_  
City Clerk

EXHIBIT A TO ORDINANCE (Page 1 of 1)

ANNEXATION MAP

LOT 6, BLOCK 6, GITHENS ACRES SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

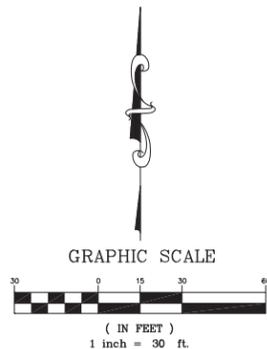
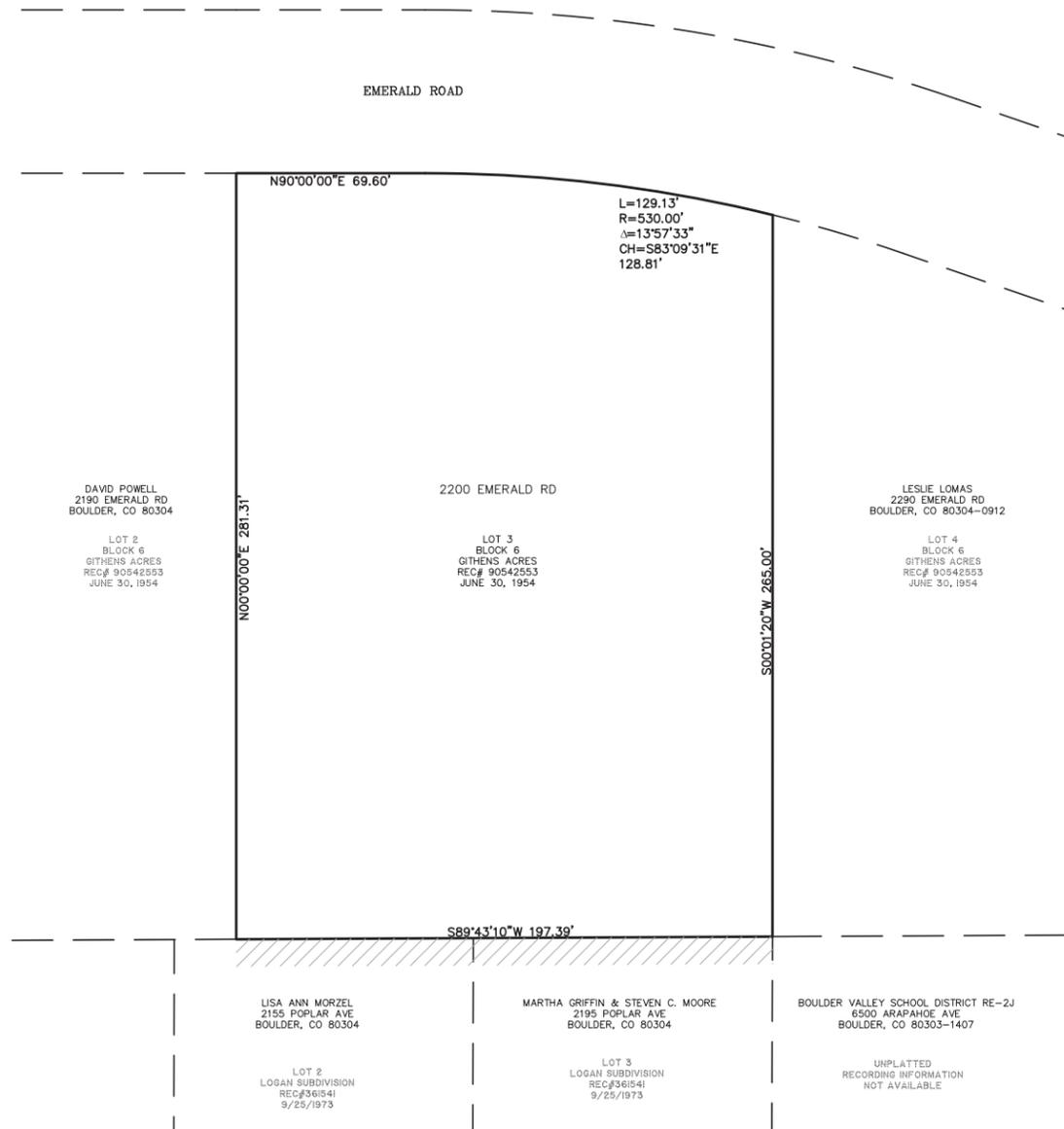
TOTAL AREA = 54,803 SQ FT, OR 1.26 ACRES, MORE OR LESS

**Parcel Description**  
(PROVIDED BY CLIENT)

LOT 3, BLOCK 6,  
GITHENS ACRES  
COUNTY OF BOULDER,  
STATE OF COLORADO

**Legend**

 CURRENT LIMITS OF THE CITY OF BOULDER



**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACTS, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACTS, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

TOTAL PERIMETER..... 942.43'  
1/6TH PERIMETER..... 157.07'  
PERIMETER CONTIGUOUS TO CITY LIMITS..... 197.39'

**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON AUGUST 20, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATRONS, INC.

REVISION	DATE
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ANNEXATION MAP  
PREPARED FOR  
CITY OF BOULDER  
COPYRIGHT 2014 FLATRONS, INC.

**Flatrons, Inc.**  
Surveying, Engineering & Geomatics  
www.FlatronsInc.com  
3825 IRIS AVE. STE. 395  
BOULDER, CO 80301  
PH: (303) 443-7001 DENVER, CO 80205  
655 FOURTH AVE. PH: (303) 443-7001 PH: (303) 936-6997  
LONGMONT, CO 80501 PH: (303) 776-1733 PH: (303) 443-9830  
FAX: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER:  
14-64,204  
DATE:  
08-25-2014  
DRAWN BY:  
E. PRESCOTT  
CHECKED BY:  
JK/WW/JZG

SHEET 1 OF 1

ORDINANCE NO. 8026

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 1.22 ACRES OF LAND GENERALLY LOCATED AT 2350 NORWOOD AVENUE, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL – ESTATE (RE) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE THE PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO FINDS:

A. Norwood Garden LLC, a Colorado limited liability company, is the owner of the parcel which is generally known as 2350 Norwood Avenue and comprises the real property more particularly described in Exhibit A (the "Property").

B. The owner of 100% of the area proposed for annexation, excluding streets and alleys, has petitioned for annexation of the Property with an initial zoning classification of Residential – Estate (RE); the Property is not embraced within any city, city and county, or incorporated town; and the Property abuts and is contiguous to the City of Boulder by at least one-sixth of its perimeter.

C. A community of interest exists between the Property proposed for annexation and the City of Boulder, the Property is urban or will be urbanized in the near future, and the Property is integrated or capable of being integrated with the City of Boulder.

D. The Property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.

E. This annexation will not result in the detachment of the area from one school district and the attachment of same to another school district.

1 F. This annexation will not have the effect of extending the City of Boulder's  
2 boundaries any further than three miles from any point of the existing city boundaries.

3 G. The Property does not include any area which is the same or substantially  
4 the same area in which an election for the annexation to the City of Boulder was held  
5 within twelve months preceding the filing of the above petition.

6 H. The Planning Board duly proposed that the Property be annexed to the  
7 City of Boulder and that the zoning district map adopted by the City Council be amended  
8 to zone and include the Property in the Residential – Estate (RE) zoning district, as  
9 provided in Chapter 9-5, "Modular Zone System," B.R.C. 1981.

10 I. A public hearing on the proposed annexation and initial zoning of the  
11 Property annexed and zoned hereby was duly held before the City Council on January 20,  
12 2015.

13 J. The initial zoning designation of Residential – Estate (RE) for the  
14 Property is consistent with the Boulder Valley Comprehensive Plan, and bears a  
15 substantial relation to and will enhance the general welfare of the Property and of the  
16 residents of the City of Boulder.

17 K. The City Council has jurisdiction and the legal authority to annex and  
18 zone the Property.

19  
20 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,  
21 COLORADO:

22 Section 1. The territory more particularly described in Exhibit A is hereby  
23 annexed to and included within the corporate boundaries of the City of Boulder.  
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READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED

BY TITLE ONLY this 20th day of January, 2015.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

EXHIBIT A TO ORDINANCE (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

PARCEL DESCRIPTION

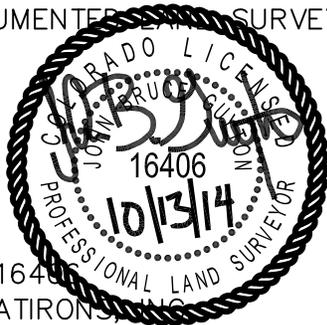
(PROVIDED BY DEED RECORDED AT RECEPTION NO. 099395)

THAT PORTION OF THE SE1/4 SE1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 959.24 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 210.00 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, TO A POINT ON THE EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18, TO THE SOUTHEAST CORNER OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 18, TO THE PLACE OF BEGINNING.

EXCEPT THE NORTHERLY 30' THEREOF (PER THE DIRECTION OF THE CLIENT).

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,592

JOB NUMBER: 14-64,592  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 13, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64592-ANNEX-C13.DWG DATE:10/13/2014 10:41 AM



CITY OF BOULDER  
CITY CLERK'S OFFICE  
CENTRAL RECORDS

RECEIVED  
JUN 11 2014

2014 JUL 22 PM 2:08 ANNEXATION PETITION  
Submit with your application.

**Annexation Information**

Location of property to be annexed: 1950 Riverside Ave

Legal Description: House

Size of property: 1 acre Requested Zoning: ER

**Impact Report**

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

**Districts**

Please check those districts in which the property proposed for annexation is included:

- Boulder Valley School District
- Left Hand Water District
- St. Vrain School District
- Other (list) \_\_\_\_\_
- Boulder Rural fire District
- \_\_\_\_\_
- Cherryvale Fire District
- \_\_\_\_\_

**Property Owners**

List below all owners or lienholders of the property proposed for annexation (please print):

1. Seana Grady
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Give to:  
Chris Adeschuk.

**ANNEXATION PETITION**

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado

Date of signature of each petitioner

Mailing address of each petitioner

Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).

	6-11-14	1950 Riverside Ave Boulder, CO 80304	1 House / Residence on one acre
----------------------------------------------------------------------------------	---------	-----------------------------------------	------------------------------------



CITY OF BOULDER  
CITY CLERK'S OFFICE  
CENTRAL RECORDS

2014 JUL 22 PM 2:08

**ANNEXATION PETITION**  
Submit with your application.

**Annexation Information**

Location of property to be annexed: 4415 GARNET LANE BOULDER, CO 80304

Legal Description: \_\_\_\_\_

Size of property: 1.04 ACRES Requested Zoning: RE

**Impact Report**

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

**Districts**

Please check those districts in which the property proposed for annexation is included:

- Boulder Valley School District
- Left Hand Water District
- St. Vrain School District
- Other (list) \_\_\_\_\_
- Boulder Rural fire District \_\_\_\_\_
- Cherryvale Fire District \_\_\_\_\_

**Property Owners**

List below all owners or lienholders of the property proposed for annexation (please print):

1. FRANK L. ALEXANDER (303) 519-8365, frank.l.alexander@gmail.com
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

**ANNEXATION PETITION**

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado

Date of signature of each petitioner

Mailing address of each petitioner

Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).

*Chad Z. Alexander*

06.20.2014

4415 GARNET LANE  
BOULDER, CO 80304



CITY OF BOULDER  
CITY CLERK'S OFFICE  
CENTRAL RECORDS

2014 JUL 22 PM 2:08

**ANNEXATION PETITION**  
Submit with your application.

**Annexation Information**

Location of property to be annexed: 1085 GARTER RD - BOULDER 80303

Legal Description: \_\_\_\_\_

Size of property: \_\_\_\_\_ Requested Zoning: \_\_\_\_\_

**Impact Report**

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

**Districts**

Please check those districts in which the property proposed for annexation is included:

- Boulder Valley School District
- St. Vrain School District
- Boulder Rural fire District
- Cherryvale Fire District
- Left Hand Water District
- Other (list) \_\_\_\_\_

**Property Owners**

List below all owners or lienholders of the property proposed for annexation (please print):

1. SILVANO DELUCA
2. ELVIRA G. DELUCA
3. CHASE BANK
4. FIRST BANK

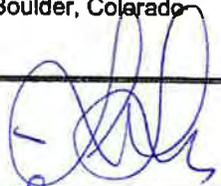
**ANNEXATION PETITION**

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado

Date of signature of each petitioner

Mailing address of each petitioner

Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).



7.3.14

1085 CAPTER RD  
BOULDER, Co 80303

Thine DeLuce 7.3.14

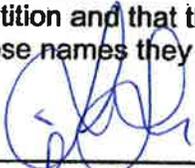
1085 CAPTER RD  
BOULDER, Co 80303

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

Silvano DeLuca and Elvira DeLuca <sup>MC</sup>

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

  
\_\_\_\_\_  
Silvano DeLuca <sup>MC</sup>  
Circulator

Subscribed and sworn to before me this 3<sup>rd</sup> day of July, A.D. 20 14.

Witness my hand and official seal. My commission expires: 9.20.2016.

**ANDREA J GUENTHER**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20124060448  
MY COMMISSION EXPIRES 9/20/2016

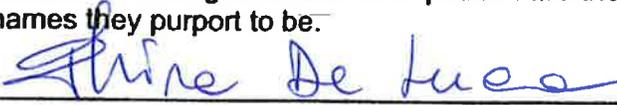
  
\_\_\_\_\_  
Notary Public

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

Elvira DeLuca

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

  
\_\_\_\_\_  
Elvira DeLuca  
Circulator

Subscribed and sworn to before me this 3<sup>rd</sup> day of July, A.D. 20 14.

Witness my hand and official seal. My commission expires: 9.20.2016.

**ANDREA J GUENTHER**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20124060448  
MY COMMISSION EXPIRES 9/20/2016

  
\_\_\_\_\_  
Notary Public

CITY OF BOULDER  
CITY CLERK'S OFFICE  
CENTRAL RECORDS

2014 JUL 22 PM 2:08

**ANNEXATION PETITION**  
Submit with your application.

**Annexation Information**

Location of property to be annexed: 2200 Emerald Rd, Boulder, CO

Legal Description: Lot 3, Block 6, Githens Acres

Size of property: 1.25 Acres Requested Zoning: \_\_\_\_\_

**Impact Report**

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

**Districts**

Please check those districts in which the property proposed for annexation is included:

Boulder Valley School District

\_\_\_\_\_ Left Hand Water District

\_\_\_\_\_ St. Vrain School District

\_\_\_\_\_ Other (list)

\_\_\_\_\_ Boulder Rural fire District

\_\_\_\_\_ Cherryvale Fire District

**Property Owners**

List below all owners or lienholders of the property proposed for annexation (please print):

1. Stephen and Amy Carpenter

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

**ANNEXATION PETITION**

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado

Date of signature of each petitioner

Mailing address of each petitioner

Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).

[Signature]	6-30-14	1550 Poplar Ave Boulder, CO 80304	Lot 3, Block 6, Githens Acres
[Signature]	6.30.14	1550 Poplar Ave Boulder CO 80304	"

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

Stephen Carpenter

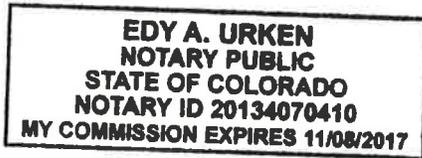
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.



Circulator

Subscribed and sworn to before me this 30<sup>th</sup> day of June, A.D. 2014

Witness my hand and official seal. My commission expires: 11/8/2017



  
Notary Public

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

Amy J. Carpenter

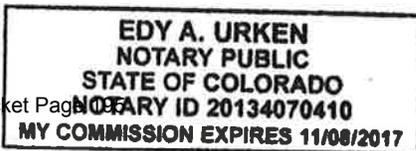
being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

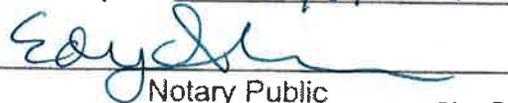


Circulator

Subscribed and sworn to before me this 30<sup>th</sup> day of June, A.D. 2014

Witness my hand and official seal. My commission expires: 11/8/2017



  
Notary Public

CITY OF BOULDER  
CITY CLERK'S OFFICE  
CENTRAL RECORDS

2014 JUL 22 PM 2:08

**ANNEXATION PETITION**  
Submit with your application.

**Annexation Information**

Location of property to be annexed: 2326, 2350, 2364, 2372, Norwood

Legal Description: tract 2517, Sec 18 T1N70

Size of property: 1.25 ac. Requested Zoning: ER\*  
\* group housing?

**Impact Report**

If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

**Districts**

Please check those districts in which the property proposed for annexation is included:

- Boulder Valley School District
- Left Hand Water District
- St. Vrain School District
- Other (list) Northern Colo.
- Boulder Rural fire District
- Cherryvale Fire District

**Property Owners**

List below all owners or lienholders of the property proposed for annexation (please print):

1. Norwood Gardens LLC
2. Colo. Bus. Bank
3. Depledge, Jennie
4. \_\_\_\_\_

**Please Note:**

No person shall petition to the city of Boulder for annexation of any real property until he has first read and thereafter follows these instructions in the execution of the within petition:

1. Every person signing the within annexation petition must personally insert the information required on the signature page(s) attached to the petition.
2. The person or persons who circulate the within petition must witness the signatures of every person signing this petition and so certify by executing the affidavit attached on the last page of this petition.
3. The following definitions of terms shall be applicable throughout this petition and every subsequent step of the annexation proceeding commenced pursuant to this petition:
  - a. Landowner: means the owner in fee of any undivided interest in a given parcel of land. If the mineral estate has been severed, the landowner is the owner in fee of an individual interest in the surface estate and not the owner in fee of an individual interest in the mineral estate. In the case of multiple landowners, such as tenants in common or joint tenants, only one such landowner need petition for annexation, and the signature of one such landowner shall be sufficient, provided however, that said signing landowner had become liable for taxes in the last preceding calendar year or is exempt by law from payment of taxes, and provide further, that no other owner in fee of an individual interest of the same property objects to the annexation of the said property within 14 days after the filing of the annexation petition by submitting a written statement of his objections to the City Council.

A purchaser of real property shall be deemed a landowner for the purpose of an annexation petition if:

    - (1) The said purchaser is purchasing the land pursuant to a written contract duly recorded, and
    - (2) The said purchaser has paid the taxes thereon for the next preceding tax year.

A corporation, non-profit, owning land shall be deemed a landowner, and the same persons authorized to convey land for the corporation shall sign the within petition on behalf of such corporation.
  - b. Nonresident Landowner: means any person owning property in the area proposed to be annexed, who is not a qualified elector as herein below defined, and who is at least eighteen (18) years of age as attested to by a sworn affidavit.
  - c. Identical Ownership: means a situation where each owner has exactly the same degree of interest in a separate parcel of two or more parcels of land.
  - d. Contiguous: means that one-sixth of the boundary of the territory proposed for annexation and the city limits must coincide. Contiguity as referred to in this petition or subsequent annexation proceedings is not affected by the existence of a platted street or alley, public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway between the city limits of the city of Boulder and the territory to be annexed.
4. This petition must be filed with the City Clerk of the city of Boulder.



9. That at least four copies of an annexation map setting forth with reasonable certainty a written legal description of the boundaries of the area proposed to be annexed, a delineation of the outer boundaries of the above described territory, and the location of each ownership, tract and/or the boundaries and the plat numbers of plats and lots and blocks, the portion of the boundary contiguous with the existing city limits of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, accompany, have been attached hereto and hereby constitute a part of this petition.
10. That the above described territory is not presently a part of any incorporated city, city and county, or town.
11. That the above area described will (not) result in the detachment of area from any school district and the attachment of the same to another school district (and the resolution of school board of the district to which the area will be attached approving this annexation request).

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

MARILYN JORRIE

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

*Marilyn Jorrie*

Circulator

Subscribed and sworn to before me this 12<sup>th</sup> day of June, A.D. 2014.

Witness my hand and official seal. My commission expires: 11/8/2017.

**EDY A. URKEN  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20134070410  
MY COMMISSION EXPIRES 11/08/2017**

*Edy A. Urken*  
Notary Public

**CIRCULATOR'S AFFIDAVIT**

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

\_\_\_\_\_  
Circulator

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_.

Witness my hand and official seal. My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

### SIGN POSTING REQUIREMENTS APPLICANT'S ACKNOWLEDGMENT FORM

Required for Certain Land Use Review, Administrative Review, and Technical Document Review Applications

#### CITY CODE REQUIREMENT FOR SIGN POSTING OF LAND USE REVIEW APPLICATIONS -

**Excerpt of Section 9-4-3(c), B.R.C. 1981:** Public Notice of Application: The city manager will provide the following public notice of a development review application:

(1) Posting: After receiving such application, the manager will cause the property for which the application is filed to be posted with a notice indicating that a development review application has been made, the type of review requested, and that interested persons may obtain more detailed information from the planning department. The notice shall meet the following standards:

- (A) The notice shall be placed on weatherproof signs that have been provided by the City and placed on the property that is the subject of the application.
- (B) All such notice shall be posted no later than ten days after the date the application is filed to ensure that notice is posted early in the development review process.
- (C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.
- (D) The signs shall remain in place during the period leading up to a decision by the approving authority, but not less than ten days.
- (E) On or before the date that the approving authority is scheduled to make a decision on the application the city manager will require the applicant to certify in writing that required notice was posted according to the requirements of this section.

I, MARKILYN JORKIE, am filing a Land Use Review or Technical Document Review application [on behalf of the property owner(s) NORWOOD GARDEN LLC for property located at 2326/2350/2364/2372 I have read the city's sign posting requirements above and acknowledge and agree to the following: Norwood Ave 80304

1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location to provide required public notice.
2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (listed above), including visibility of the sign(s) and time and duration of the sign(s) posting, and including reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

Markilyn Jorkie  
NAME OF APPLICANT OR CONTACT PERSON

6-12-2014  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

**Parcel Description**  
(PER DEED RECORDED AT RECEPTION NO. 2793806)

A TRACT OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 2,002.09 FEET; THENCE NORTH 89°11'30" EAST A DISTANCE OF 180.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, A DISTANCE OF 150.00' TO THE WEST LINE OF A TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 281.46 FEET; THENCE SOUTH 89°53'00" WEST, A DISTANCE OF 150.0 FEET; THENCE SOUTH 0°05'30" WEST, A DISTANCE OF 283.27 FEET, TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS:

A TRACT OF LAND SITUATE IN THE EAST 1/2 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: THE EAST 1/2 OF THE FOLLOWING DESCRIBED TRACT OF LAND; BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 2,002.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, 330.0 FEET MORE OR LESS, TO THE WEST LINE OF THAT CERTAIN TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET; THENCE SOUTH 89°53' WEST, 330.0 FEET; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING; EXCEPT THE WEST 30 FEET THEREOF RESERVED FOR ROAD PURPOSES, COUNTY OF BOULDER, STATE OF COLORADO.

# ANNEXATION MAP

A PARCEL OF LAND, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 42,354 SQ FT, OR 0.97 ACRES, MORE OR LESS

**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER, EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACTS, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACTS, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

REVISION	DATE
1	
2	
3	
4	
5	
6	
7	
8	

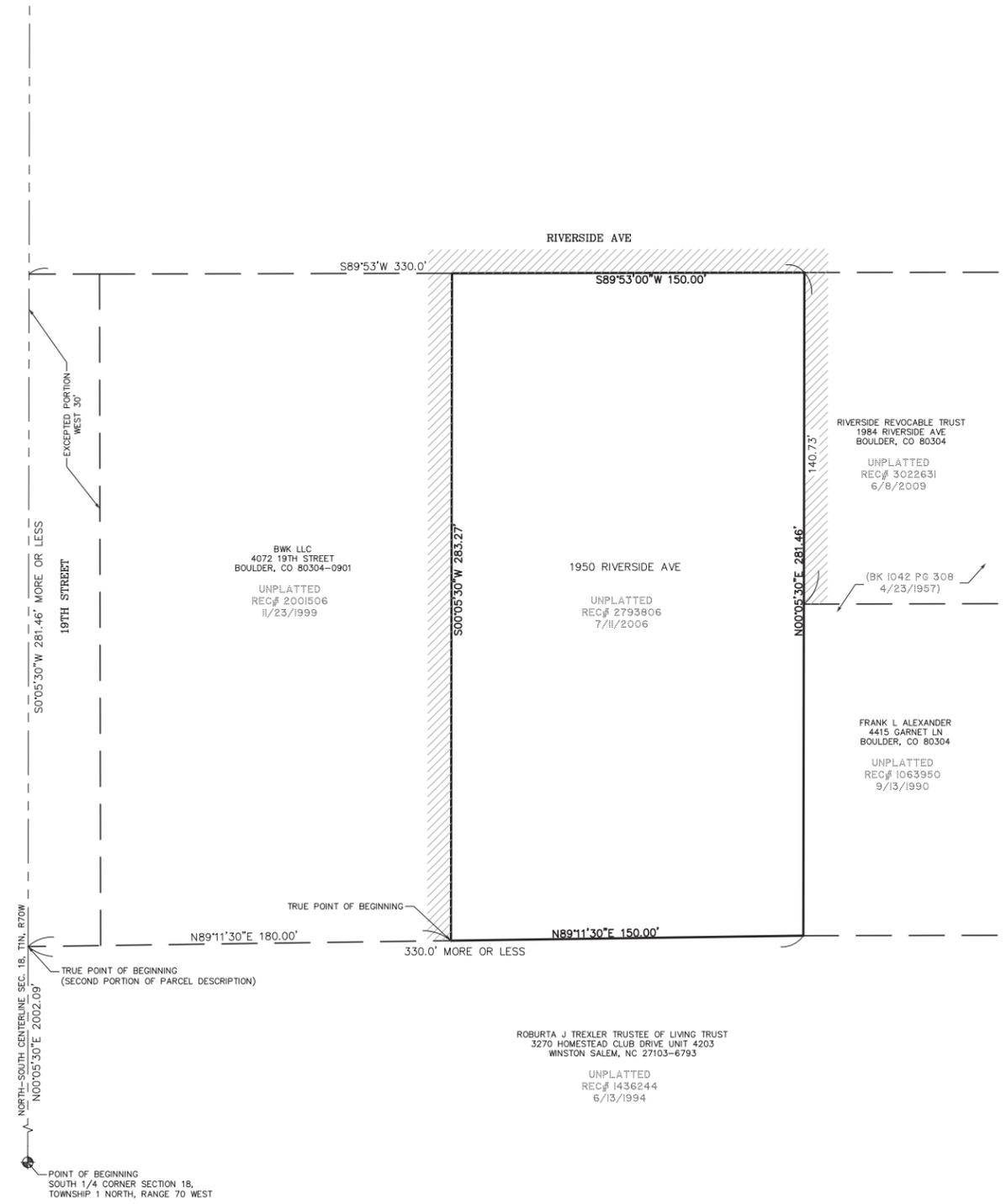
ANNEXATION MAP PREPARED FOR CITY OF BOULDER  
COPYRIGHT 2014 FLATIRONS, INC.

**Legend**

- ALIQUOT MONUMENT
- CURRENT LIMITS OF THE CITY OF BOULDER

GRAPHIC SCALE

( IN FEET )  
1 inch = 20 ft.



**Contiguity**

TOTAL PERIMETER.....864.75'  
1/6TH PERIMETER.....144.13'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....574.00'

**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON AUGUST 19, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
www.FlatironsInc.com

3825 IRIS AVE, STE. 395  
BOULDER, CO 80301  
PH: (303) 443-7001 DENVER, CO 80205  
655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355

3660 DOWNING ST  
DENVER, CO 80205  
PH: (303) 936-6997



JOB NUMBER:  
14-64,206  
DATE:  
08-19-2014  
DRAWN BY:  
E. PRESCOTT  
CHECKED BY:  
JZG/WW/JK

SHEET 1 OF 1

**Parcel Description**

(PREPARED BY FLATIRONS, INC. AT THE REQUEST OF THE CLIENT)

A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3046074, DATED DECEMBER 3, 2009, A PORTION OF GARNET LANE, AND A PORTION OF RIVERSIDE AVENUE, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE NORTH-SOUTH CENTERLINE LINE OF SAID SECTION 18 TO BEAR NORTH 00°05'30" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 5, GITHENS ACRES AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 90542553, DATED JUNE 30, 1954, THENCE ALONG THE WESTERLY LINE OF SAID LOT 6, SOUTH 00°01'40" WEST, A DISTANCE OF 250.84 FEET;

THENCE DEPARTING SAID WESTERLY LINE, SOUTH 40°07'31" WEST, A DISTANCE OF 93.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AS RECORDED AT RECEPTION NO. 3046074;

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°11'30" WEST, A DISTANCE OF 333.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 136.74 FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND THE FOLLOWING THREE (3) COURSES:

NORTH 89°53'00" EAST, 28.46 FEET;

THENCE NORTH 00°09'50" WEST, A DISTANCE OF 0.75 FEET;

THENCE NORTH 89°22'15" EAST, A DISTANCE OF 301.52 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3022631, DATED JUNE 8, 2009;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631, NORTH 00°05'30" EAST, A DISTANCE OF 141.27 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND AS DESCRIBED AT RECEPTION NO. 3022631;

THENCE ALONG SAID EASTERLY LINE EXTENDED, NORTH 00°05'30" EAST, A DISTANCE OF 41.75 FEET TO THE NORTHERLY LINE OF SAID LOT 6, EXTENDED WESTERLY;

THENCE ALONG SAID NORTHERLY LINE EXTENDED, ALSO BEING A SOUTHERLY LINE OF RIVERSIDE GROVE SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 1125796, DATED AUGUST 26, 1991, NORTH 87°21'27" EAST, A DISTANCE OF 62.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 6, AND THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 63,123 SQ.FT. OR 1.45 ACRES, MORE OR LESS.

# ANNEXATION MAP

A PARCEL OF LAND, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 63,123 SQ FT, OR 1.45 ACRES, MORE OR LESS

**Notes**

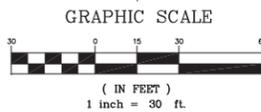
1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACES, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACES, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

TOTAL PERIMETER.....1390.34'  
 1/6TH PERIMETER.....231.72'  
 PERIMETER CONTIGUOUS TO CITY LIMITS.....576.54'

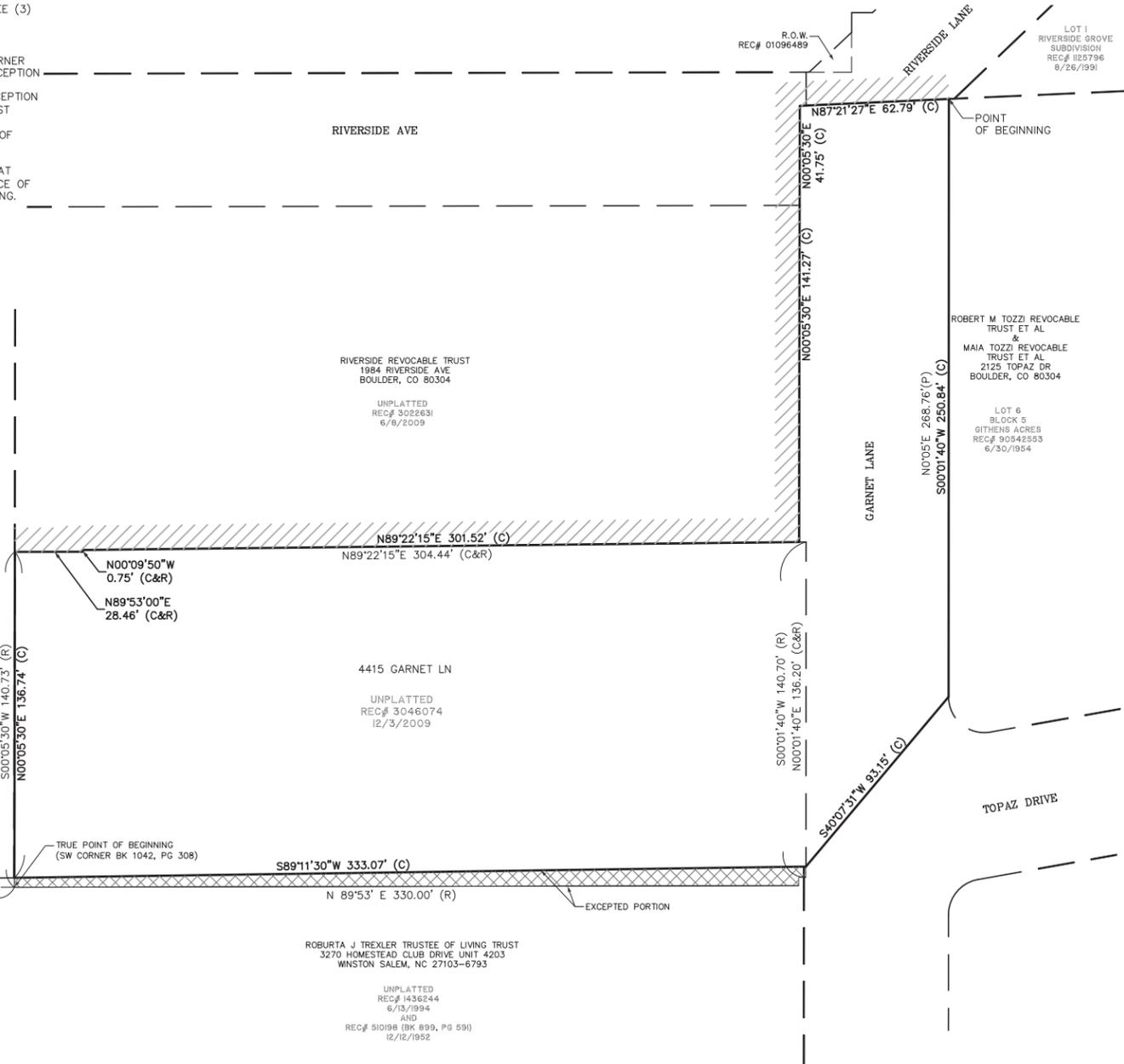
**Legend**

- (C) CALCULATED FROM RECORD
- (R) AS PER RECORD INFORMATION
- (P) AS PER THE PLAT OF GITHENS ACRES REC# 90542553
- CURRENT LIMITS OF THE CITY OF BOULDER
- EXCEPTED PORTION (BK 899, PG 591), PER DEED RECORDED AT REC# 3046074



NORTH-SOUTH CENTERLINE SEC. 18, T1N, R70W  
 N00°05'30"E 2002.09' (R)  
**BASIS OF BEARINGS**

SOUTH 1/4 CORNER SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST



**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC. THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON SEPTEMBER 8, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
 COLORADO P.L.S. #16406  
 CHAIRMAN/CEO, FLATIRONS, INC.

DATE	REVISION
2014-09-09 EP	1 - Added a portion of Garnet Ln

ANNEXATION MAP PREPARED FOR CITY OF BOULDER  
 COPYRIGHT 2014 FLATIRONS, INC.

Flatirons, Inc. Surveying, Engineering & Geomatics  
 www.FlatironsInc.com  
 3825 IRIS AVE, STE. 395  
 BOULDER, CO 80301  
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 FAX: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER: 14-64,203  
 DATE: 9-2-2014  
 DRAWN BY: E. PRESCOTT  
 CHECKED BY: JK/WW/ZG

# ANNEXATION MAP

LOT 13, GAPTER SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 50,613 SQ FT, OR 1.16 ACRES, MORE OR LESS

**Parcel Description**

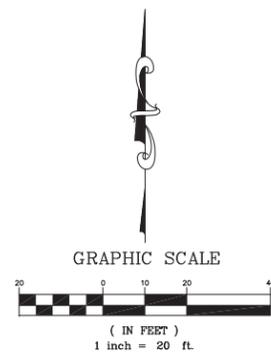
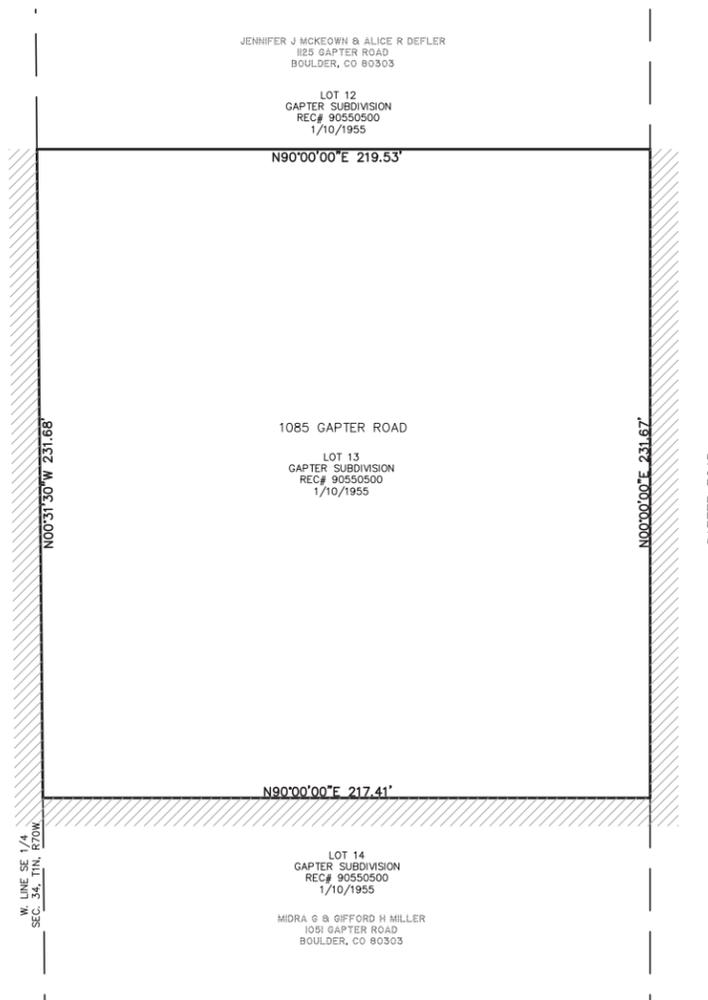
(PROVIDED BY CLIENT)

LOT 13,  
GAPTER SUBDIVISION,  
COUNTY OF BOULDER,  
STATE OF COLORADO.

**Legend**

 CURRENT LIMITS OF THE CITY OF BOULDER

UNPLATTED  
REC# 165715  
2/2/1976  
  
CITY OF BOULDER  
P.O. BOX 791  
BOULDER, CO 80306-0791



**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACTS, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACTS, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

TOTAL PERIMETER.....900.29'  
1/6TH PERIMETER.....150.05'  
PERIMETER CONTIGUOUS TO CITY LIMITS.....680.76'

**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON AUGUST 19, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

REVISION	DATE
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ANNEXATION MAP  
PREPARED FOR  
CITY OF BOULDER  
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FAX: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER:  
14-64,205  
DATE:  
08-19-2014  
DRAWN BY:  
E.PRESCOTT  
CHECKED BY:  
JZG/WW/JK

SHEET 1 OF 1

# ANNEXATION MAP

LOT 6, BLOCK 6, GITHENS ACRES SUBDIVISION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

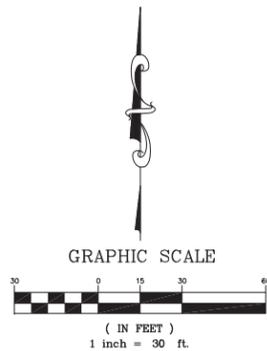
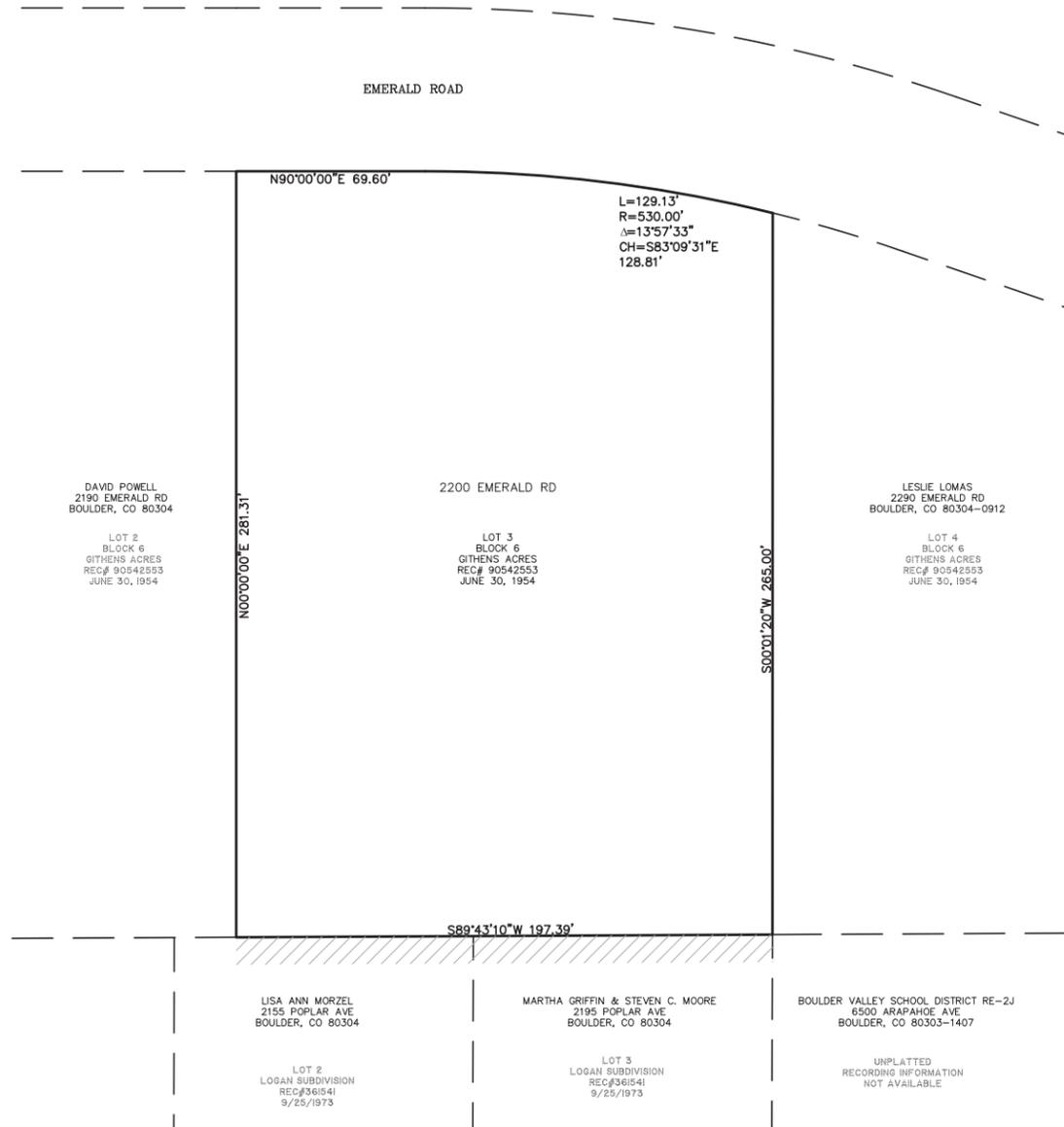
TOTAL AREA = 54,803 SQ FT, OR 1.26 ACRES, MORE OR LESS

**Parcel Description**  
(PROVIDED BY CLIENT)

LOT 3, BLOCK 6,  
GITHENS ACRES  
COUNTY OF BOULDER,  
STATE OF COLORADO

**Legend**

 CURRENT LIMITS OF THE CITY OF BOULDER



**Notes**

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
2. ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS MAP WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
3. THE PURPOSE OF THIS MAP IS TO GRAPHICALLY PORTRAY THE RELATIONSHIP OF THE LAND PROPOSED FOR ANNEXATION TO THE CURRENT CITY OF BOULDER LIMITS.
4. ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACTS ANY PUBLIC LAND SURVEY MONUMENT AND/OR BOUNDARY MONUMENT OR ACCESSORY, COMMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE C.R.S. SEC 18-4-508. WHOEVER WILLFULLY DESTROYS, DEFACTS, CHANGES, OR REMOVES TO ANOTHER PLACE ANY SECTION CORNER, QUARTER-SECTION CORNER, OR MEANDER POST, ON ANY GOVERNMENT LINE OF SURVEY, OR WILLFULLY CUTS DOWN ANY WITNESS TREE OR ANY TREE BLAZED TO MARK THE LINE OF A GOVERNMENT SURVEY, OR WILLFULLY DEFACTS, CHANGES, OR REMOVES ANY MONUMENT OR BENCH MARK OF ANY GOVERNMENT SURVEY, SHALL BE FINED UNDER THIS TITLE OR IMPRISONED NOT MORE THAN SIX MONTHS, OR BOTH. 18 U.S.C. § 1858.
5. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Contiguity**

TOTAL PERIMETER..... 942.43'  
1/6TH PERIMETER..... 157.07'  
PERIMETER CONTIGUOUS TO CITY LIMITS..... 197.39'

**Surveyor's Certificate**

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON AUGUST 20, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

REVISION	DATE
1	
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ANNEXATION MAP  
PREPARED FOR  
CITY OF BOULDER  
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PH: (303) 776-1733  
FAX: (303) 776-4355

3660 DOWNING ST  
DENVER, CO 80205  
PH: (303) 936-6997



JOB NUMBER:  
14-64,204  
DATE:  
08-25-2014  
DRAWN BY:  
E. PRESCOTT  
CHECKED BY:  
JK/WW/JZG

SHEET 1 OF 1

EXHIBIT A TO ORDINANCE (Page 2 of 2)

ANNEXATION MAP

A PARCEL OF LAND, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

TOTAL AREA = 53,019 SQ FT, OR 1.22 ACRES, MORE OR LESS

Parcel Description

(PROVIDED BY DEED RECORDED AT RECEPTION NO. 099395)

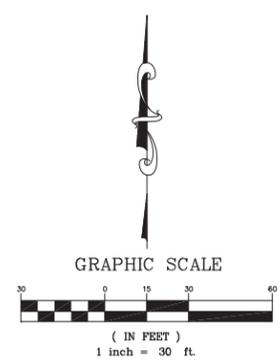
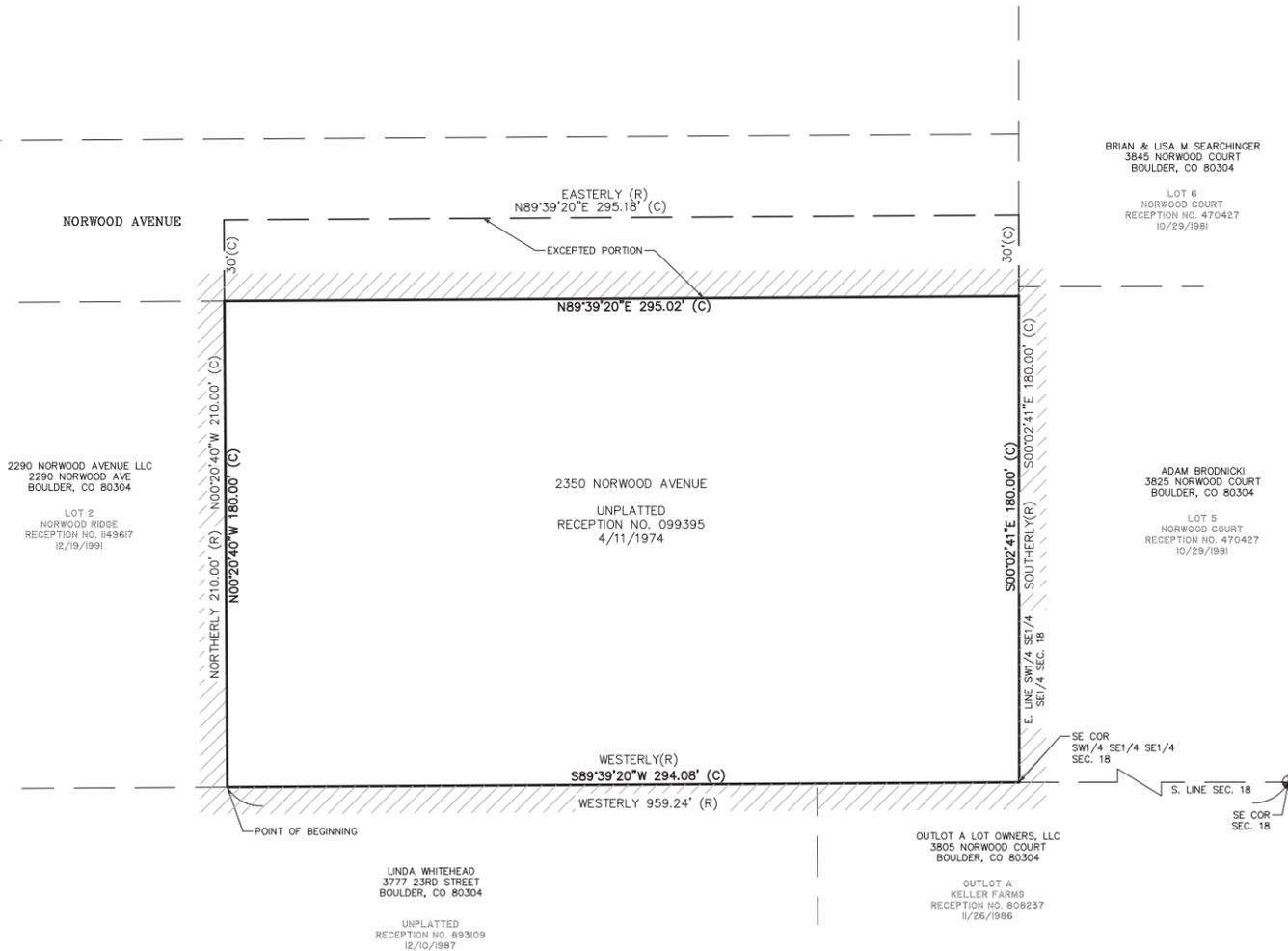
THAT PORTION OF THE SE1/4 SE1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 959.24 FEET WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 210.00 FEET; THENCE EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, TO A POINT ON THE EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18, TO THE SOUTHEAST CORNER OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 18, TO THE PLACE OF BEGINNING. EXCEPT THE NORTHERLY 30' THEREOF (PER THE DIRECTION OF CLIENT).

Legend

-  FOUND ALIQUOT MONUMENT AS DESCRIBED
- (C) CALCULATED FROM RECORD INFORMATION (SEE NOTE 7)
- (R) AS PER RECORD INFORMATION DEED RECORDED AT RECEPTION NO. 099395

 CURRENT LIMITS OF THE CITY OF BOULDER



Notes

1. THIS ANNEXATION MAP WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT OR BINDER. EASEMENTS AND RIGHTS-OF-WAY DISCOVERED IN THE COURSE OF OUR INVESTIGATION ARE SHOWN HEREON. EASEMENTS SUCH AS UNRECORDED EASEMENTS MAY NOT HAVE BEEN DISCOVERED IN OUR SEARCH AND MAY AFFECT THE SUBJECT PROPERTY. IT IS RECOMMENDED THAT THE CLIENT OBTAIN A CURRENT TITLE COMMITMENT OR BINDER TO FURTHER AID IN RESEARCHING EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.
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6. PARCEL DESCRIPTION HEREON IS GRAPHICALLY DEPICTED BASED ON DEED RECORDED WITH THE BOULDER COUNTY CLERK AND RECORDER RECORDED ON APRIL 11, 1974, AT RECEPTION NUMBER 099395.
7. BEARINGS AND DISTANCES SHOWN AS CALCULATED ARE PER THE LAND SURVEY PLAT DEPOSITED IN THE BOULDER COUNTY LAND USE AT LS-98-0226.

Contiguity

TOTAL PERIMETER..... 949.10'  
 1/6TH PERIMETER..... 158.18'  
 PERIMETER CONTIGUOUS TO CITY LIMITS..... 949.10'

Surveyor's Certificate

I, JOHN B. GUYTON, A DULY REGISTERED LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS ANNEXATION MAP OF THE ABOVE DESCRIBED LAND WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE ON OCTOBER 13, 2014 AND THAT AT LEAST 1/6TH OF THE TOTAL PERIMETER OF THAT LAND TO BE ANNEXED IS CONTIGUOUS TO THE EXISTING CITY OF BOULDER LIMITS.

JOHN B. GUYTON  
 COLORADO P.L.S. #16406  
 CHAIRMAN/CEO, FLATIRONS, INC.

REVISION	DATE
1	
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ANNEXATION MAP  
 PREPARED FOR  
 CITY OF BOULDER  
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 PH: (303) 776-4355 PH: (303) 936-6997



JOB NUMBER:  
 14-64,592  
 DATE:  
 10-13-2014  
 DRAWN BY:  
 E. PRESCOTT  
 CHECKED BY:  
 JK/WW/JZG

SHEET 1 OF 1

For Administrative Purposes Only

Applicant: Seana Grady  
Address: 1950 Riverside Ave.  
Case No. LUR2014-00059

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 31<sup>st</sup> day of Nov., 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Seana Grady (the "Applicant"). The City and the Applicant are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the property generally known as 1950 Riverside Ave., Boulder CO 80304 and more particularly described on the attached Exhibit A (the "Property") included by reference and hereby made a part of this Agreement.

B. The Applicant is interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation, with an initial zoning designation of Residential – Estate (RE) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicant in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

"Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a

building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicant shall do the following:
  - A. Annexation Agreement. The Applicant will sign this Agreement.
  - B. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this Agreement.
  - C. Written Descriptions. The Applicant shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.
  - D. Easement Dedications. The Applicant shall dedicate to the City, at no cost, the following easements:
    - a. A flood control easement from 60 feet on either side of the centerline of Wonderland Creek as shown on **Exhibit B**. The easements shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the easement area that is existing at the time of annexation.
    - b. A 12.5 foot public utility easement as shown on **Exhibit C**.
    - c. A ditch lateral easement as shown on **Exhibit D**.
  - E. Northern Colorado Water Conservancy District ("NCWCD"). The Applicant will file an application for inclusion of the Property in the Boulder Municipal Subdistrict.
3. Connection Requirements. Prior to connection to the City's water and sanitary sewer mains, the Applicant shall:
  - A. Submit applications to connect to the City's water and sanitary sewer mains that meet the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.
  - B. Pay all applicable fees and charges associated with service line connections to the water and sanitary sewer mains, including water and wastewater plant investment fees, stormwater and flood management plant investment fees, right-of way, water, and wastewater permit fees, installation fees, and tap fees.
  - C. Construct the individual service lines that will connect the Applicant's existing residence to the City's water and wastewater mains.
  - D. Pay any assessments, including but not limited to the following:
    - a. Stormwater and Flood PIF \$12,073.66

- E. Execute a Promissory Note and Deed of Trust, if Applicant selected Payment Option #B, as described under Paragraph 4.B(i) below,

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicant selects **Option #B** set forth below.

- A. Option #A: Payment in Full. The Applicant shall connect to the City water and sanitary sewer mains within one year after the effective date of annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the City water and sanitary sewer mains provided the Applicant demonstrates reasonable diligence to comply with the one-year deadline and good cause for the extension.

- B. Option #B: Payment Plan. The Applicant shall connect to the City water and sanitary sewer mains within one year after the effective date of the annexation ordinance and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

- i. Prior to connection to the City's water and sanitary sewer mains, the Applicant shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicant's Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to the City water and sanitary sewer mains.

The City Manager may, in her discretion, approve a different time for connection to the City water and sanitary sewer mains provided the Applicant demonstrates reasonable diligence to comply with the one-year deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

- C. Option #C: Future Connection. The Applicant shall connect to the City's water and sanitary sewer mains at a time later than what is specified in Option #A and #B above, but no later than the time 1) when the Applicant's on-site wastewater system fails or is declared unsafe, or the Applicant is otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) the Applicant's Property is sold; or 3) of Redevelopment of Applicant's Property, whichever occurs first. At the respective time and prior to the Applicant's connection to the City's water and sanitary sewer mains, the Applicant will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.
6. Use of Existing Wells. The City agrees not to prohibit the Applicant from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicant has connected to the city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.
7. Applicant Responsible for Legal Disconnection of On-site Wastewater System. If the Applicant decides to continue to use an existing on-site wastewater system, the Applicant agrees that the Applicant will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicant is required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.
8. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
10. Existing Nonstandard Buildings and/or Nonconforming Uses. The Applicant acknowledges that at the time of annexation no uses exist on the Property that were legally established under County zoning that would be prohibited under the City's Residential-Estate (RE) zoning. The Parties acknowledge that the only non-standard building or structure that exists on the Property at the time of annexation is an existing shed on the east side of the property with an eight-foot setback from the east property line where a larger side yard setback may be required under Section 9-7-2, "Setback Standards," B.R.C. 1981. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, applies to changes to nonstandard buildings. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
12. Waiver of Vested Rights. The Applicant hereby waives any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicant acknowledges that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.
13. Dedications. The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.
14. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by the Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicant. The Applicant agrees that it will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
15. No Encumbrances. The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicant shall neither convey ownership nor further encumber the Applicant's Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
16. Breach of Agreement. In the event the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect

- its costs in the manner herein provided. The Applicant agrees to waive any rights she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.
17. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.
  18. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant's heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
  19. Right to Withdraw. An Applicant retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicant's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicant withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Applicant. The City agrees, within 30 days of a request by an Applicant after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Applicant submitted pursuant to this Agreement to the City.
  20. Flood Control Easement Conditions. The Applicant acknowledges that no accessory structures currently exist within the Flood Control Easement Area. The Applicant shall not construct any new buildings within the Flood Control Easement Area.
  21. Cash-in-lieu of Providing Permanently Affordable Housing. For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, the Applicant shall pay twice the applicable cash-in-lieu amount as required per each market unit in that chapter to the City. This amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. The parties acknowledge that the Property has the equivalent of one habitable dwelling unit on such Property at the time of annexation.
  22. Requirements at Subdivision. At the time of subdivision, the Applicants shall extend a City water main in Riverside Avenue along the entire northern boundary of the Property, consistent with the then current City of Boulder *Design and Construction Standards*. Prior to issuance of a certificate of occupancy for any new dwelling unit on the Property, the Applicants shall construct an individual service line and connect the residential use to



**CITY OF BOULDER:**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Approved As To Form:

\_\_\_\_\_  
City Attorney's Office

Date: \_\_\_\_\_

**EXHIBITS**

- A: Legal Description
- B: Form of Flood Control Easement
- C: Form of Public Utility Easement
- D: Form of Ditch Easement
- E: Fees due at time of connection

EXHIBIT A TO AGREEMENT (Page 1 of 1)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1

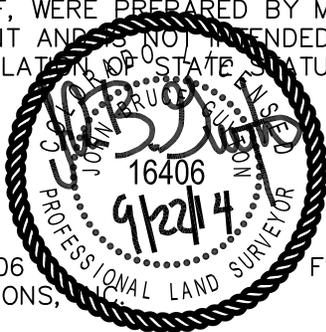
PARCEL DESCRIPTION  
(1950 RIVERSIDE)  
(PER DEED RECORDED AT RECEPTION NO. 2793806)

A TRACT OF LAND IN SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, A DISTANCE OF 2,002.09 FEET; THENCE NORTH 89°11'30" EAST A DISTANCE OF 180.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, A DISTANCE OF 150.00' TO THE WEST LINE OF A TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 18, A DISTANCE OF 281.46 FEET; THENCE SOUTH 89°53'00" WEST, A DISTANCE OF 150.0 FEET; THENCE SOUTH 0°05'30" WEST, A DISTANCE OF 283.27 FEET, TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS:

A TRACT OF LAND SITUATE IN THE EAST 1/2 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: THE EAST 1/2 OF THE FOLLOWING DESCRIBED TRACT OF LAND; BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18; THENCE NORTH 0°05'30" EAST ALONG THE NORTH-SOUTH CENTER LINE OF SAID SECTION 18, 2,002.09 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°11'30" EAST, 330.0 FEET MORE OR LESS, TO THE WEST LINE OF THAT CERTAIN TRACT DESCRIBED IN THE WARRANTY DEED IN BOOK 1042 AT PAGE 308 OF THE BOULDER COUNTY RECORDS; THENCE NORTH 0°05'30" EAST AND PARALLEL TO THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET; THENCE SOUTH 89°53' WEST, 330.0 FEET; THENCE SOUTH 0°05'30" WEST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 18, 281.46 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING; EXCEPT THE WEST 30 FEET THEREOF RESERVED FOR ROAD PURPOSES,  
COUNTY OF BOULDER, STATE OF COLORADO.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406 FSI JOB NO. 14-64,206  
CHAIRMAN/CEO, FLATIRONS,  
JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 22, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64206-ANNEX-C13.DWG DATE:9/22/2014 10:16 AM

EXHIBIT B TO AGREEMENT (Page 1 of 5)

For Administrative Purposes Only  
Property Address: 1950 Riverside  
Grantor: Seana Grady  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00059

**GRANT OF FLOOD CONTROL EASEMENT**

SEANA GRADY (“Grantor”), whose address is 1950 Riverside, Boulder Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for her and for her heirs, successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by her or her heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants her ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, her heirs, agents, lessees and assigns, and all other successors to her in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Seana Grady

[NOTARY BLOCK FOLLOWS]

EXHIBIT B TO AGREEMENT (Page 2 of 5)

STATE OF COLORADO )  
 )ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_,  
2014, by Seana Grady.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public







EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

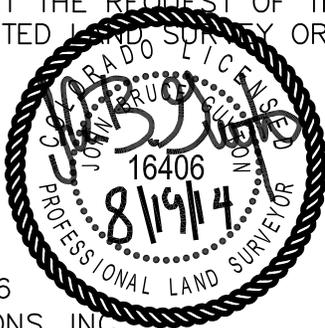
AN EASEMENT FOR FLOODWAY PURPOSES OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 2793806, DATED JULY 11, 2006, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID PARCEL OF LAND TO BEAR NORTH 00°05'30" EAST, A DISTANCE OF 283.27 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 45.03 FEET; THENCE DEPARTING SAID WESTERLY LINE, AND 60' NORTHEASTERLY AND PARALLEL WITH THE CENTERLINE OF WONDERLAND CREEK THE FOLLOWING TWO (2) COURSES: SOUTH 71°34'24" EAST, A DISTANCE OF 47.03 FEET; THENCE SOUTH 27°42'39" EAST, A DISTANCE OF 33.11 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND; THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89°11'30" WEST, A DISTANCE OF 60.09 FEET;

SAID EASEMENT CONTAINING 1,892 SQ.FT. OR 0.04 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,206

JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: AUGUST 19, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



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 LONGMONT, CO 80501  
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 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64206-DESC-C13.DWG DATE:8/19/2014 11:37 AM

EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

RIVERSIDE AVE

1950 RIVERSIDE AVE

UNPLATTED  
REC# 2001506  
11/23/1999

UNPLATTED  
REC# 2793806  
7/11/2006

FLOODWAY EASEMENT  
AREA:  
1,892 SQ.FT. OR 0.04 ACRES  
MORE OR LESS

BASIS OF BEARINGS  
N00°05'30"E 283.27'

S71°34'24"E 47.03'

S27°42'39"E  
33.11'

45.03'

60.0'

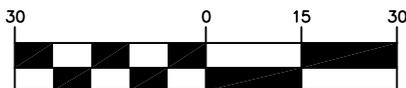
S89°11'30"W 60.09'

POINT OF BEGINNING

APPROXIMATE CENTERLINE  
OF WONDERLAND CREEK

UNPLATTED  
REC# 1436244  
6/13/1994

GRAPHIC SCALE



( IN FEET )

1 inch = 30 ft.



JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: AUGUST 19, 2014

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PH: (303) 776-1733  
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BY:EPRESCOTT FILE:64206-DESC-C13.DWG DATE:8/19/2014 11:38 AM

EXHIBIT C TO AGREEMENT (Page 1 of 5)

For Administrative Purposes Only

Property Address: 1950 Riverside

Grantor: Seana Grady

Grantee: City of Boulder, Colorado

Case#: LUR2014-00059

**GRANT OF UTILITY EASEMENT**

SEANA GRADY (“Grantor”), whose address is 1950 Riverside, Boulder Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for her and for her heirs, successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by her or her heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants her ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, her heirs, agents, lessees and assigns, and all other successors to her in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Seana Grady

[NOTARY BLOCK FOLLOWS]









EXHIBIT A TO UTILITY EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT FOR SEWER LINE PURPOSES OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 2793806, DATED JULY 11, 2006, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF SAID PARCEL OF LAND TO BEAR SOUTH 89°11'30" WEST, A DISTANCE OF 150.02 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND,  
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 12.50 FEET;  
THENCE DEPARTING SAID WESTERLY LINE AND 12.50 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID PARCEL OF LAND, NORTH 89°11'30" EAST, A DISTANCE OF 150.02 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND;  
THENCE ALONG SAID EASTERLY LINE, SOUTH 00°05'30" WEST, A DISTANCE OF 12.50 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°11'30" WEST, A DISTANCE OF 150.02 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,875 SQ.FT. OR 0.43 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTAL LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,206

JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 15, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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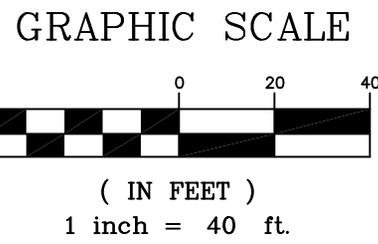
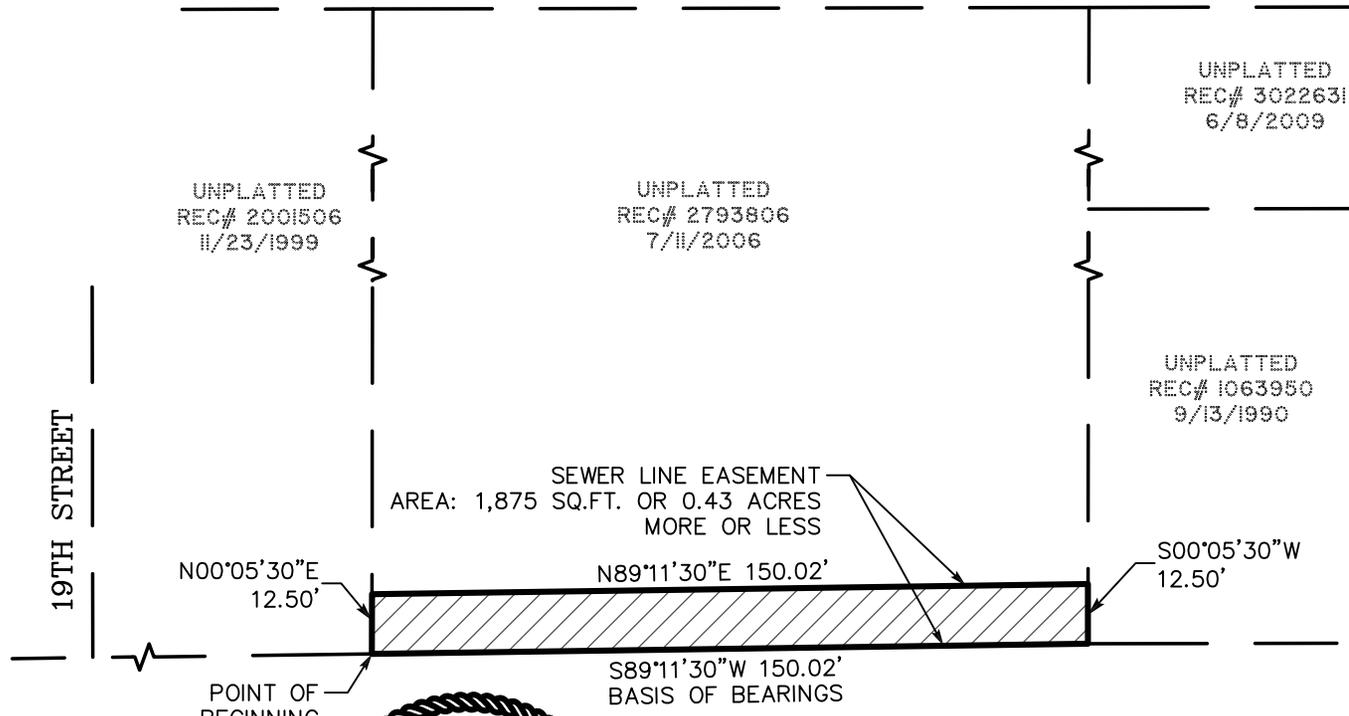
BY:EPRESCOTT FILE:64206-DESC SEWER C13.DWG DATE:9/15/2014 10:53 AM

EXHIBIT A TO UTILITY EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

RIVERSIDE AVE



JOB NUMBER: 14-64,206  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 15, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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EXHIBIT D TO AGREEMENT (Page 1 of 5)

For Administrative Purposes Only  
Property Address: 1950 Riverside  
Grantor: Seana Grady  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00059

**GRANT OF DITCH EASEMENT**

SEANA GRADY (“Grantor”), whose address is 1950 Riverside, Boulder Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, an easement for the installation, construction, repair, maintenance and reconstruction of an irrigation ditch (or lateral) and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for her and for her heirs, successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by her or her heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants her ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, her heirs, agents, lessees and assigns, and all other successors to her in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Seana Grady

[NOTARY BLOCK FOLLOWS]

EXHIBIT D TO AGREEMENT (Page 2 of 5)

STATE OF COLORADO )  
 )ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014, by Seana Grady.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public







EXHIBIT A TO DITCH EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 2793806, DATED JULY 11, 2006, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID PARCEL OF LAND TO BEAR NORTH 00°05'30" EAST, A DISTANCE OF 283.27 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 151.71 FEET, TO A POINT 5.00 FEET SOUTHERLY OF THE CENTERLINE OF AN EXISTING LATERAL AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°05'30" EAST, A DISTANCE OF 11.01 FEET TO A POINT 5.00 FEET NORTHERLY OF SAID CENTERLINE;

THENCE ALONG A LINE LYING 5.00 FEET NORTHERLY OF AND PARALLEL WITH SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:

SOUTH 65°10'34" EAST, A DISTANCE OF 66.63 FEET;

THENCE SOUTH 83°07'25" EAST, A DISTANCE OF 90.11 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND;

THENCE ALONG SAID EASTERLY LINE, SOUTH 00°05'30" WEST, A DISTANCE OF 10.07 FEET TO A POINT 5.00 FEET SOUTHERLY OF SAID CENTERLINE;

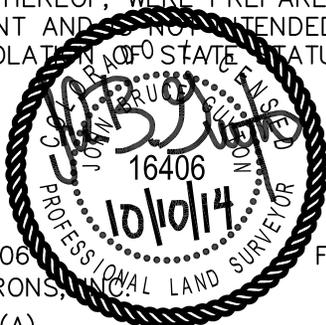
THENCE ALONG A LINE LYING 5.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID CENTERLINE, THE FOLLOWING TWO (2) COURSES:

NORTH 83°07'25" WEST, A DISTANCE OF 92.88 FEET;

THENCE NORTH 65°10'34" WEST, A DISTANCE OF 63.60 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL OF LAND AND THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,566 SQ. FT. OR 0.04 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND WAS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406 FSI JOB NO. 14-64,206  
CHAIRMAN/CEO, FLATIRONS, INC.

JOB NUMBER: 14-64,206(A)  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 25, 2014  
REV: OCTOBER 10, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*  
 655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

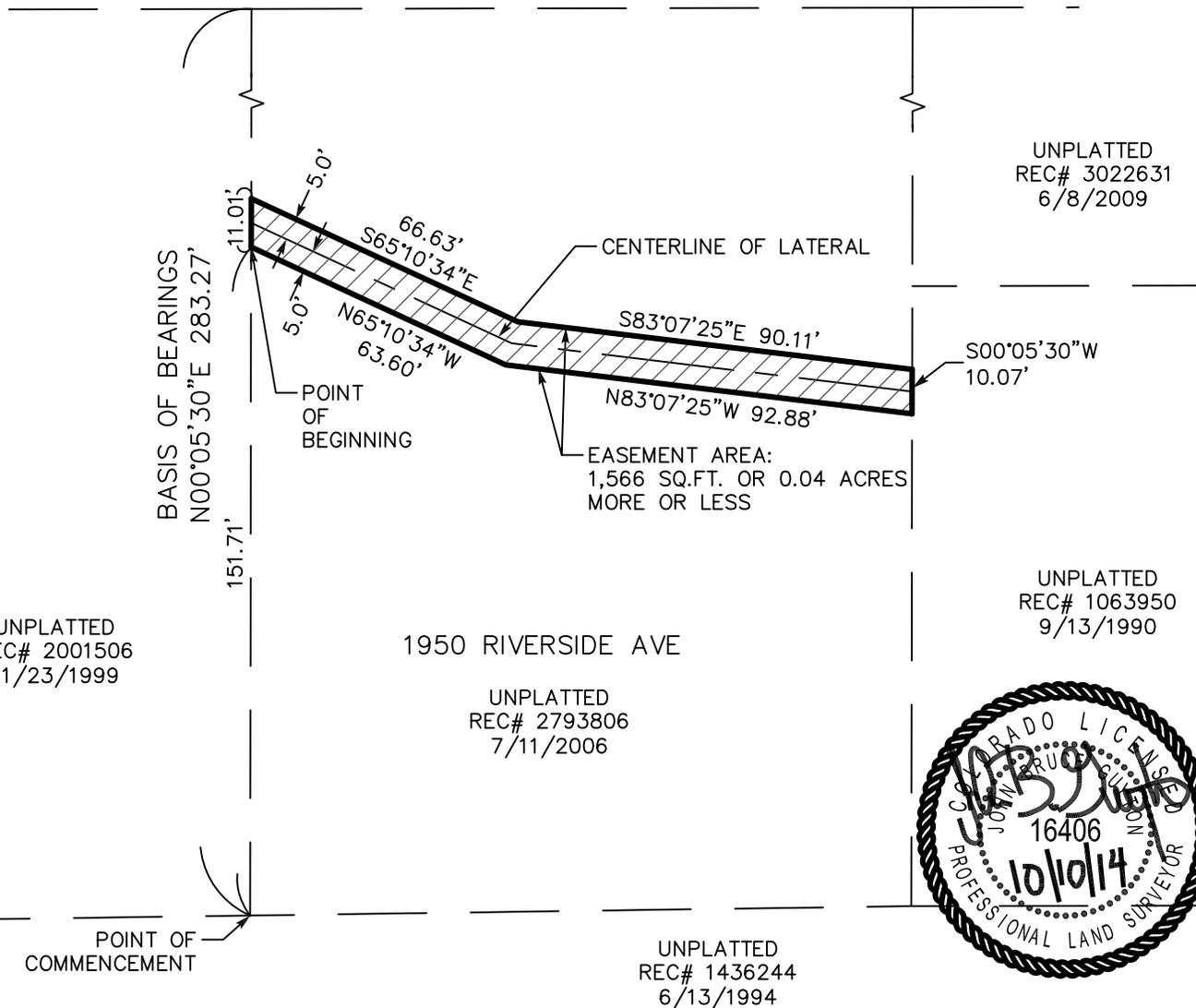
BY:EPRESCOTT FILE:64206-DESC-LATERAL-C13.DWG DATE:10/10/2014 10:36 AM

EXHIBIT A TO DITCH EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

RIVERSIDE AVE



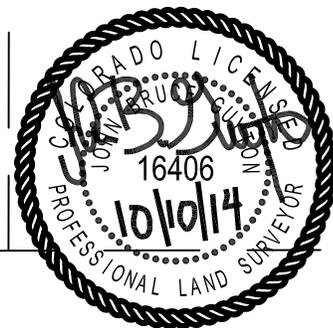
UNPLATTED  
REC# 3022631  
6/8/2009

UNPLATTED  
REC# 2001506  
11/23/1999

1950 RIVERSIDE AVE

UNPLATTED  
REC# 1063950  
9/13/1990

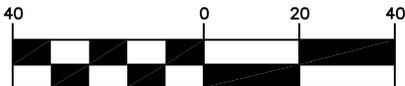
UNPLATTED  
REC# 2793806  
7/11/2006



UNPLATTED  
REC# 1436244  
6/13/1994

POINT OF COMMENCEMENT

GRAPHIC SCALE



( IN FEET )

1 inch = 40 ft.

JOB NUMBER: 14-64,206(A)  
DRAWN BY: E. PRESCOTT  
DATE: SEPTEMBER 25, 2014  
REV: OCTOBER 10, 2014

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BY:EPRESCOTT FILE:64206-DESC-LATERAL-C13.DWG DATE:10/10/2014 10:36 AM


**CITY OF BOULDER**  
**Planning and Development Services**

EXHIBIT E TO AGREEMENT (Page 1 of 1)

 1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net
**Fees for PMT2014-04653**

Responsible Person: SEANA GRADY

Address: 1950 RIVERSIDE AV

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

<b>Fee Description</b>	<b>Amount Assessed</b>	<b>Date Assessed</b>	<b>Amount Paid</b>	<b>Date Paid</b>	<b>Receipt Number</b>	<b>Amount Due History</b>
RES 2014 Sewer PIF [ISS]	\$4,473.00	10/9/2014				<b>\$4,473.00</b>
RES 2014 Storm PIF [ISS]	\$12,073.66	10/9/2014				<b>\$12,073.66</b>
WW Tap Fee (Materials)	\$47.04	10/9/2014				<b>\$47.04</b>
Wastewater Inspection Fee	\$169.00	10/9/2014				<b>\$169.00</b>
Wastewater Permit Fee	\$127.00	10/9/2014				<b>\$127.00</b>
Wastewater Tap Fee (L/E)	\$79.96	10/9/2014				<b>\$79.96</b>
<b>Total Fees Assessed: \$16,969.66</b>		<b>Total Fees Paid: \$0.00</b>		<b>Total Fees Remaining Due: \$16,969.66</b>		

For Administrative Purposes Only  
Applicants: Frank Lyon Alexander  
Address: 4415 Garnet Lane  
Case No. LUR2014-00061

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 21<sup>st</sup> day of November, 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Frank Lyon Alexander (the "Applicant"). The City and the Applicant are referred to as the "Parties."

### RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the property generally known as 4415 Garnet Lane, Boulder CO 80304 and more particularly described on the attached **Exhibit A** (the "Property") included by reference and hereby made a part of this Agreement.

B. The Applicant is interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation, with an initial zoning designation of Residential – Estate (RE) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicant in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

"Redevelopment" shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a

building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicant shall do the following:

- A. Annexation Agreement. The Applicant will sign this Agreement.
- B. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this Agreement.
- C. Written Descriptions. The Applicant shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.
- D. Water Rights. The Applicant will grant to the City an option in the form attached as **Exhibit B** to purchase certain interests in Silver Lake Ditch and Reservoir Company Shares associated with the Property pursuant to the Settlement Agreement of December 1, 2009 between the City of Boulder and the Silver Lake Ditch & Reservoir Company, recorded at Reception No. 03046201 in Boulder County, Colorado.
- E. Easement Dedications. The Applicant shall dedicate to the City, at no cost, the following easements:
  - i. A 12.5 foot public utility easement along the southern property line as shown on **Exhibit C**. The easement shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the easement area that is existing at the time of annexation.
  - ii. A ditch lateral easement as shown on **Exhibit D**.
- F. Northern Colorado Water Conservancy District ("NCWCD"). The Applicant will file an application for inclusion of the Property in the Boulder Municipal Subdistrict.

3. Connection Requirements. Prior to connection to the City's water main, the Applicant shall:

- A. Submit an application to connect to the City's water main that meets the requirements of Chapter 11-1, B.R.C. 1981.
- B. Pay all applicable fees and charges associated with a service line connection to the water main, including water plant investment fees, stormwater and flood management plant investment fees, right-of-way and water permit fees, installation fees, and tap fees.

- C. Construct the individual service line that will connect the Applicant's existing residence to the City's water main.
- D. Pay any assessments, including but not limited to the following:
 

Water Main	\$ 1,410.00
Stormwater and Flood PIF	6,031.68
Street Assessment	10,000.00
- E. Execute a Promissory Note and Deed of Trust, if Applicant selected Payment Option #B, as described under Paragraph 4.B(i) below,

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicant selects **Option #B** set forth below.

- A. Option #A: Payment in Full. The Applicant shall connect to the City water main within **one year** after the effective date of the annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the City water main provided the Applicant demonstrates reasonable diligence to comply with the **one-year** deadline and good cause for the extension.
- B. Option #B: Payment Plan. The Applicant shall connect to the City water main within **one year** after the effective date of the annexation ordinance, shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:
  - i. Prior to connection to the City's water main, the Applicant shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicant's Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to the City water system.

The City Manager may, in her discretion, approve a different time for connection to the City water main provided the Applicant demonstrates reasonable diligence to comply with the **one-year** deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

- C. Option #C: Future Connection. The Applicant shall connect to the City's water main at a time later than what is specified in Option #A and #B above, but no later than the time 1) when the Applicant's Property is sold; or 2) of Redevelopment of Applicant's Property, whichever occurs first. At the respective time and prior to the Applicant's connection to the City's water main, the Applicant will pay the

costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction and shall be subject to the review, approval, and acceptance of the City Manager.
6. Use of Existing Wells. The City agrees not to prohibit the Applicant from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicant has connected to the city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.
7. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
8. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
9. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicant has provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.
10. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
11. Waiver of Vested Rights. The Applicant hereby waives any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicant acknowledges that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.
12. Dedications. The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.

13. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by the Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicant. The Applicant agrees that it will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
14. No Encumbrances. The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicant shall neither convey ownership nor further encumber the Applicant's Property without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
15. Breach of Agreement. In the event the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.
16. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.
17. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant's heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.



**CITY OF BOULDER:**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Approved As To Form:

\_\_\_\_\_  
City Attorney's Office

Date: \_\_\_\_\_

**EXHIBITS**

- A: Legal Description
- B: Silver Lake Ditch Option Agreement
- C: Form of Utility Easement
- D: Form of Ditch Easement
- E: Fees due at time of connection

EXHIBIT A TO AGREEMENT (Page 1 of 1)

Part of the West ½ of the Northwest ¼ of the Southeast ¼ of Section 18, Township 1 North, Range 70 West of the 6<sup>th</sup> P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the South ¼ corner of Section 18, Township 1 North, Range 70 West of the 6<sup>th</sup> P.M.; thence North 0°05'30" East, along the North-South centerline of said Section 18, a distance of 2002.09 feet; thence North 89°53' East, a distance of 330.00 feet to the Southwest corner of that tract of land conveyed by Deed from Walter A. Moore to Everett V. Clark and Bernice J. Clark, recorded April 23, 1957 in Book 1042 at Page 308, the true point of beginning;

Thence North 89°53' East, along the South line of said tract conveyed in Book 1042 at Page 308, a distance of 330.00 feet; thence North 0°05'30" East, parallel with the North-South centerline of said Section 18, a distance of 3.48 feet; thence North 89°29'35" East, a distance of 3.04 feet to the West right of way of Garnet Lane; thence North 0°01'40" East, along said West right of way line of Garnet Lane, 140.70 feet; thence South 89°22'15" West, a distance of 304.44 feet; thence South 0°09'50" East, a distance of 0.75 feet; thence South 89°53' West along the North line of said tract conveyed in Book 1042 at Page 308, a distance of 28.46 feet to the Northwest corner of said tract conveyed in Book 1042 at Page 308; thence South 0°05'30" West, along the West line of said tract conveyed in Book 1042 at Page 308, a distance of 140.73 feet to the true point of beginning;

Except that portion of the above-described tract lying within that tract of land conveyed by Deed from Walter A. Moore to Noel E. Robbins, recorded January 12, 1952 in Book 899 at Page 591.

EXHIBIT B TO AGREEMENT (Page 1 of 2)  
**OPTION TO PURCHASE  
SLD&RC SHARE ASSOCIATED WITH  
VOLUNTARILY ANNEXED SLD IRRIGATED PROPERTY  
PARCEL NO. 96, 4415 GARNET LANE**

**Frank Lyon Alexander, as Property Owner** of Silver Lake Ditch (“SLD”) Irrigated Property Parcel No. 96, 4415 Garnet Lane, legally described on Exhibit A attached hereto and incorporated by reference herein, does provide this Option to Purchase to the City of Boulder, Colorado, a home rule city of the State of Colorado (“City”), in accordance with the terms of Section II, Voluntary Annexation, of the Settlement Agreement of December 1, 2009 between the City and The Silver Lake Ditch & Reservoir Company (“SLD&RC”), recorded at Reception No. 03046201 in Boulder County, Colorado (“Settlement Agreement”), this \_\_\_\_\_ day of \_\_\_\_\_, 2014, as follows:

1. The City shall have the Option to Purchase 1 SLD&RC Share associated with SLD Irrigated Property Parcel No. 96, along with the rights, and only the rights, represented by such SLD&RC Share to receive a certain amount of water from the Reserved Storage Rights.
2. The City shall have the right to exercise this Option to Purchase within 60 calendar days immediately after receiving a Transfer Notice from SLD&RC of a Non-Nuclear Transfer (“Initial Option Exercise Period”) or confirmation of a Non-Nuclear Transfer through means other than receipt of a Transfer Notice from SLD&RC (“Alternative Initial Option Exercise Period”), as the case may be, in accordance with the terms of the Settlement Agreement.
3. If the City determines not to exercise the Option to Purchase during the Initial Option Exercise Period or Alternative Initial Option Exercise Period, as the case may be, the City may subsequently exercise this Option to Purchase within 60 days immediately following each annual anniversary of receipt by the City of the Transfer Notice from SLD&RC or of the City’s receipt of confirmation of a Non-Nuclear Transfer of SLD Irrigated Property through means other than a Transfer Notice from SLD&RC.
4. This Option to Purchase shall be recorded with the Boulder County Clerk and Recorder.
5. If the City does exercise this Option to Purchase, the then current owner(s) of the SLD Irrigated Property may lease water to the extent such lease is authorized in paragraph 6.B.viii of the Settlement Agreement.

The Parcel is currently known as 4415 Garnet Lane. This Option to Purchase shall run with the land associated with SLD Irrigated Property Parcel No. 96 regardless of any change of address of all or part of the Parcel. All capitalized terms herein shall be defined as provided in the Settlement Agreement.



EXHIBIT A TO OPTION TO PURCHASE (Page 1 of 1)

Part of the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 18, Township 1 North, Range 70 West of the 6<sup>th</sup> P.M., County of Boulder, State of Colorado, described as follows:

Commencing at the South  $\frac{1}{4}$  corner of Section 18, Township 1 North, Range 70 West of the 6<sup>th</sup> P.M.; thence North  $0^{\circ}05'30''$  East, along the North-South centerline of said Section 18, a distance of 2002.09 feet; thence North  $89^{\circ}53'$  East, a distance of 330.00 feet to the Southwest corner of that tract of land conveyed by Deed from Walter A. Moore to Everett V. Clark and Bernice J. Clark, recorded April 23, 1957 in Book 1042 at Page 308, the true point of beginning;

Thence North  $89^{\circ}53'$  East, along the South line of said tract conveyed in Book 1042 at Page 308, a distance of 330.00 feet; thence North  $0^{\circ}05'30''$  East, parallel with the North-South centerline of said Section 18, a distance of 3.48 feet; thence North  $89^{\circ}29'35''$  East, a distance of 3.04 feet to the West right of way of Garnet Lane; thence North  $0^{\circ}01'40''$  East, along said West right of way line of Garnet Lane, 140.70 feet; thence South  $89^{\circ}22'15''$  West, a distance of 304.44 feet; thence South  $0^{\circ}09'50''$  East, a distance of 0.75 feet; thence South  $89^{\circ}53'$  West along the North line of said tract conveyed in Book 1042 at Page 308, a distance of 28.46 feet to the Northwest corner of said tract conveyed in Book 1042 at Page 308; thence South  $0^{\circ}05'30''$  West, along the West line of said tract conveyed in Book 1042 at Page 308, a distance of 140.73 feet to the true point of beginning;

Except that portion of the above-described tract lying within that tract of land conveyed by Deed from Walter A. Moore to Noel E. Robbins, recorded January 12, 1952 in Book 899 at Page 591.

EXHIBIT C TO AGREEMENT (Page 1 of 3)

For Administrative Purposes Only  
Property Address: 4415 Garnet Lane  
Grantor: Frank Lyon Alexander  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00061

**GRANT OF UTILITY EASEMENT**

FRANK LYON ALEXANDER (“Grantor”), whose address is 4415 Garnet Lane, Boulder Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, an easement for the installation, construction, repair, maintenance and reconstruction of utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for him and for his heirs, successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by him or his heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants his ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, his heirs, agents, lessees and assigns, and all other successors to him in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Frank Lyon Alexander

[NOTARY BLOCK FOLLOWS]

EXHIBIT C TO AGREEMENT (Page 2 of 3)

STATE OF COLORADO )  
 )ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014, by Frank Lyon Alexander.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public



EXHIBIT A TO UTILITY EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

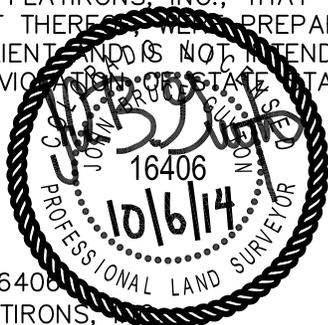
AN EASEMENT OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 3046074, DATED DECEMBER 3, 2009, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHERLY LINE OF SAID PARCEL OF LAND TO BEAR SOUTH 89°11'30" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 3.85 FEET;  
THENCE DEPARTING SAID WESTERLY LINE, NORTH 89°25'36" EAST, A DISTANCE OF 333.04 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL OF LAND AND A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF GARNET LANE;  
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00°01'40" WEST, A DISTANCE OF 2.48 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL OF LAND, SOUTH 89°11'30" WEST, A DISTANCE OF 333.07 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND AND THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 1,053 SQ. FT. OR 0.02 ACRES MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS,

FSI JOB NO. 14-64,203

JOB NUMBER: 14-64,203(A)  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 6, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



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 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64203-DESC-ESMT.DWG DATE:10/6/2014 2:22 PM

EXHIBIT A TO UTILITY EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 2 OF 2

RIVERSIDE AVENUE

UNPLATTED  
REC# 3022631  
6/8/2009

UNPLATTED  
REC# 2793806  
7/11/2006

4415 GARNET LANE

UNPLATTED  
REC# 3046074  
12/3/2009



GARNET LANE

EASEMENT  
AREA: 1,053 SQ.FT. OR  
0.02 ACRES MORE OR LESS

N00°05'30"E  
3.85'

N89°25'36"E 333.04'

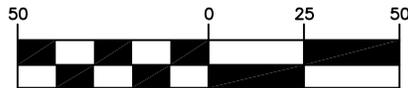
S00°01'40"W  
2.48'

POINT OF BEGINNING

S89°11'30"W 333.07'  
BASIS OF BEARINGS

UNPLATTED  
REC# 1436244  
6/13/1994  
AND  
REC# 510198 (BK 899, PG 591)  
12/12/1952

GRAPHIC SCALE



( IN FEET )

1 inch = 50 ft.

JOB NUMBER: 14-64,203(A)  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 6, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

EXHIBIT D TO AGREEMENT (Page 1 of 3)

For Administrative Purposes Only  
Property Address: 4415 Garnet Lane  
Grantor: Frank Lyon Alexander  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00061

**GRANT OF DITCH EASEMENT**

FRANK LYON ALEXANDER (“Grantor”), whose address is 4415 Garnet Lane, Boulder, Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, an easement for the installation, construction, repair, maintenance and reconstruction of an irrigation ditch (or lateral) and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantor, for him and for his heirs, successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by him or his heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantor warrants his ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, his heirs, agents, lessees and assigns, and all other successors to him in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Frank Lyon Alexander

[NOTARY BLOCK FOLLOWS]





EXHIBIT A TO DITCH EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY RECORDED ON DECEMBER 3, 2009 AT RECEPTION NO. 3046074, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID PARCEL OF LAND TO BEAR NORTH 00°05'30" EAST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG THE WESTERLY LINE OF SAID PARCEL OF LAND, NORTH 00°05'30" EAST, A DISTANCE OF 118.52 FEET TO A POINT 5.00 FEET SOUTH OF THE CENTERLINE OF THE SILVER LAKE DITCH AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°05'30" EAST, A DISTANCE OF 10.04 FEET TO A POINT 5.00 FEET NORTH OF THE CENTERLINE OF SAID DITCH;  
THENCE ALONG A LINE LYING 5.00 FEET NORTHERLY OF AND PARALLEL WITH SAID CENTERLINE THE FOLLOWING SIX (6) COURSES:

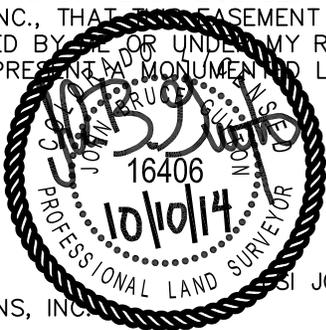
SOUTH 84°50'39" EAST, A DISTANCE OF 59.66 FEET;  
THENCE NORTH 88°19'47" EAST, A DISTANCE OF 36.82 FEET;  
THENCE NORTH 81°21'33" EAST, A DISTANCE OF 59.57 FEET;  
THENCE NORTH 83°56'24" EAST, A DISTANCE OF 33.10 FEET;  
THENCE NORTH 86°57'19" EAST, A DISTANCE OF 40.91 FEET;  
THENCE NORTH 31°54'06" EAST, A DISTANCE OF 1.03 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL OF LAND;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND, NORTH 89°22'15" EAST, A DISTANCE OF 11.86 FEET TO A POINT LYING 5.00 FEET EASTERLY OF SAID CENTERLINE;  
THENCE ALONG A LINE LYING 5.00 FEET EASTERLY AND SOUTHERLY OF, AND PARALLEL WITH SAID CENTERLINE THE FOLLOWING SIX (6) COURSES:

SOUTH 31°54'06" WEST, A DISTANCE OF 12.62 FEET;  
THENCE SOUTH 86°57'19" WEST, A DISTANCE OF 45.85 FEET;  
THENCE SOUTH 83°56'24" WEST, A DISTANCE OF 32.62 FEET;  
THENCE SOUTH 81°21'33" WEST, A DISTANCE OF 59.95 FEET;  
THENCE SOUTH 88°19'47" WEST, A DISTANCE OF 38.02 FEET;  
THENCE NORTH 84°50'39" WEST, A DISTANCE OF 59.37 FEET TO A POINT ON THE WESTERLY LINE OF SAID PARCEL OF LAND, AND THE POINT OF BEGINNING;

SAID EASEMENT CONTAINING 1,053 SQ. FT. OR 0.02 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THE EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC. JOB NO. 14-64,203  
JOB NUMBER: 14-64,203(B)  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 10, 2014

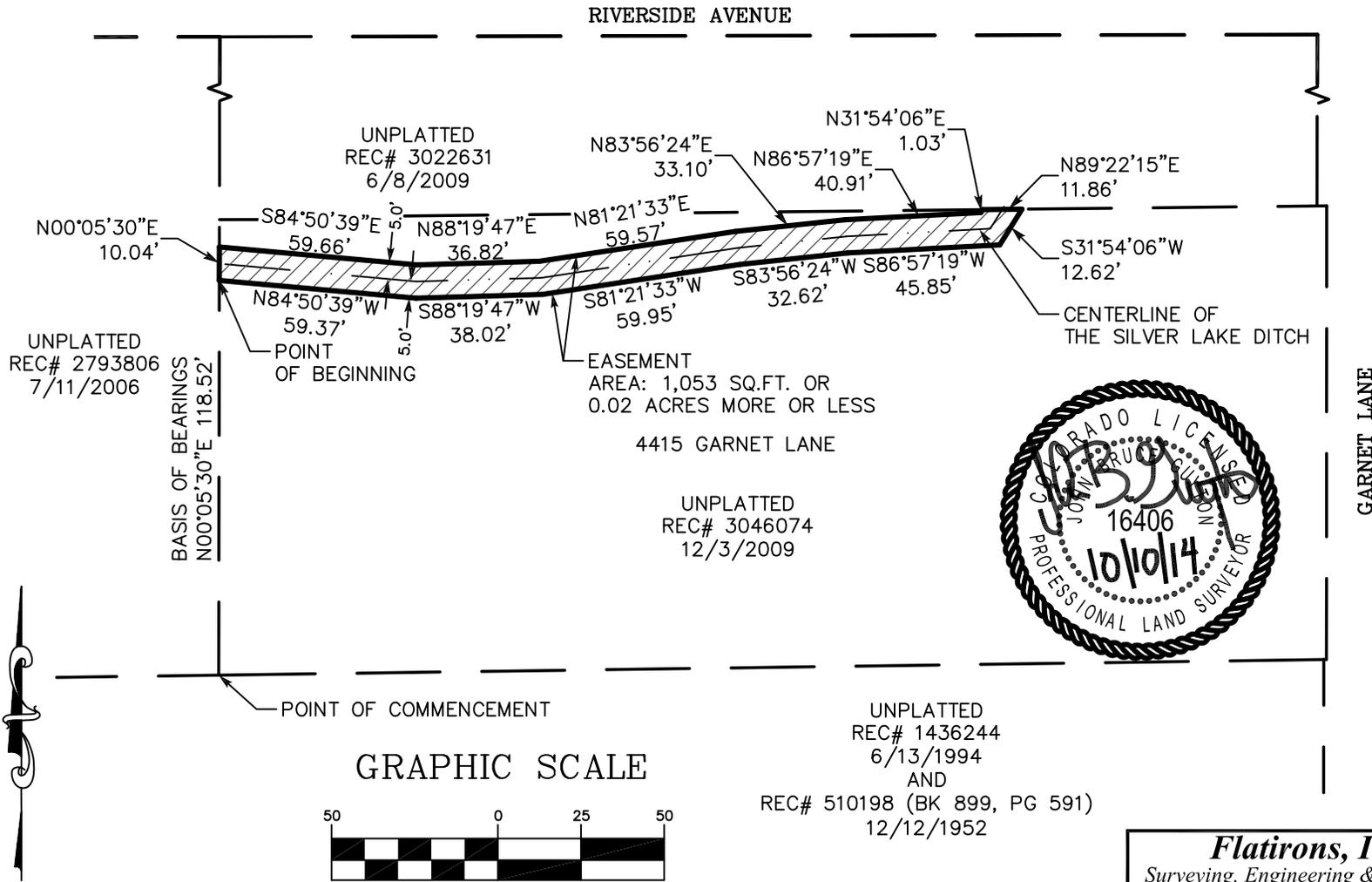
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**Flatirons, Inc.**  
Surveying, Engineering & Geomatics  
655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
www.FlatironsInc.com

BY:EPRESCOTT FILE:64203-DESC-LATERAL ESMT.DWG DATE:10/10/2014 10:23 AM

EXHIBIT A TO DITCH EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF BOULDER, STATE OF COLORADO  
 SHEET 2 OF 2



JOB NUMBER: 14-64,203(B)  
 DRAWN BY: E. PRESCOTT  
 DATE: OCTOBER 10, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
 Surveying, Engineering & Geomatics

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 LONGMONT, CO 80501  
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 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)


**CITY OF BOULDER**  
**Planning and Development Services**

EXHIBIT E TO AGREEMENT (Page 1 of 2)

 1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net
**Fees for PMT2014-04657**

Responsible Person: FRANK L ALEXANDER

Address: 4415 GARNET LN

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

<b>Fee Description</b>	<b>Amount Assessed</b>	<b>Date Assessed</b>	<b>Amount Paid</b>	<b>Date Paid</b>	<b>Receipt Number</b>	<b>Amount Due History</b>
RES 2014 Irrig PIF [ISS]	\$5,340.00	10/9/2014				\$5,340.00
RES 2014 Storm PIF [ISS]	\$7,300.64	10/9/2014				\$7,300.64
RES 2014 Water PIF [ISS]	\$11,467.00	10/9/2014				\$11,467.00
Transpo Assessment Fee	\$10,000.00	10/9/2014				\$10,000.00
Water Assessment Fee TOM BEDNARK	\$1,410.00	10/9/2014				\$1,410.00
Water Inspection Fee	\$169.00	10/9/2014				\$169.00
Water Meter Fee (L/E)	\$52.00	10/9/2014				\$52.00
Water Meter Fee (Materials)	\$492.00	10/9/2014				\$492.00
Water Permit Fee	\$127.00	10/9/2014				\$127.00

**Fees for PMT2014-04657**

EXHIBIT E TO AGREEMENT (Page 2 of 2)

Responsible Person: FRANK L ALEXANDER

Address: 4415 GARNET LN

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
Water Tap Fee (L/E)	\$79.00	10/9/2014				\$79.00
Water Tap Fee (Materials)	\$127.00	10/9/2014				\$127.00

**Total Fees Assessed: \$36,563.64**

**Total Fees Paid: \$0.00**

**Total Fees Remaining Due: \$36,563.64**

**Receipt Information**

Receipt Number	Paid By	Payment Method	Check Number

For Administrative Purposes Only  
Applicants: Frank Lyon Alexander  
Address: 4415 Garnet Lane  
Case No. LUR2014-00061

### ANNEXATION AGREEMENT AMENDMENT

This annexation agreement amendment (“Amendment”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between the CITY OF BOULDER, a Colorado home rule city (“City”) and Frank Lyon Alexander (“Applicant”), as the owner of the property generally known as 4415 Garnet Lane, Boulder CO 80304 and more particularly described on the attached **Exhibit A** (the “Property”) included by reference and hereby made a part of this Amendment.

### RECITALS

A. On Nov. 21, 2014, the Applicant entered into an Annexation Agreement with the City regarding the Property recorded in the records of the Boulder County Clerk and Recorder simultaneously herewith (“Annexation Agreement”).

B. The Applicant and the City desire to revise Paragraph 2.E. “Easement Dedications” to the Annexation Agreement.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. The City and the Applicant agree to delete item Paragraph 2.E of the Annexation Agreement.
2. The City and the Applicant agree to add the following as Paragraph 2.E. to the Annexation Agreement:

Paragraph 2.E.: Within 60 days of the effective date of the Annexation ordinance, but in no event later than prior to the issuance of any building permit for the Property, the Applicant shall convey to the City, at no cost, the below easements. The City may withhold any building permits for the Property until the easements have been conveyed to the City.

#### Easement Dedications:

- i. A 12.5 foot public utility easement along the southern property line as shown on **Exhibit C**. The easement shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the easement area that is existing at the time of annexation.
  - ii. A ditch lateral easement as shown on **Exhibit D**.
3. The City and the Applicant agree that the remaining portions of the Annexation Agreement are not affected by this Amendment and shall remain in full force and effect.



**CITY OF BOULDER**

By: \_\_\_\_\_  
Jane S. Brautigam, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

For Administrative Purposes Only  
Applicants: Silvano De Luca and  
Elvira G. De Luca  
Address: 1085 Gapter Road  
Case No. LUR2014-00064

## ANNEXATION AGREEMENT

This Annexation Agreement (“Agreement”), made this 14th day of November, 2014, by and between the City of Boulder, a Colorado home rule city (the “City”), and Silvano De Luca and Elvira G. De Luca (the “Applicants”). The City and the Applicants are referred to as the “Parties.”

### RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of the property generally known as 1085 Gapter Road, Boulder CO 80303 and more particularly described as Lot #13, Gapter Subdivision, County of Boulder, State of Colorado (the “Property”).

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential – Rural 2 (RR-2) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicants in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein received for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

“Redevelopment” shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following:
  - A. Annexation Agreement. The Applicants will sign this Agreement.
  - B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.
  - C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.
  - D. Easement Dedications. The Applicants shall dedicate to the City, at no cost, a flood control easement from 60 feet on either side of the centerline of South Boulder Creek as shown on **Exhibit A** (the “Flood Control Easement Area”). The easement shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the flood control easement area that is existing at the time of annexation.
  - E. Northern Colorado Water Conservancy District (“NCWCD”). The Applicants will file an application for inclusion of the Property in the Northern Colorado Water Conservancy District and the Boulder Municipal Subdistrict.
3. Connection Requirements. Prior to connection to the City’s sanitary sewer main, the Applicants shall:
  - A. Submit an application to connect to the City’s sanitary sewer main that meets the requirements of Chapter 11-2, B.R.C. 1981.
  - B. Pay all applicable fees and charges associated with a service line connection to the sanitary sewer main, including wastewater plant investment fees, stormwater and flood management plant investment fees, right-of way, and wastewater permit fees, installation fees, and tap fees.
  - C. Construct the individual service lines that will connect the Applicants’ existing residence to the City’s wastewater main.

D. Pay any assessments, including but not limited to the following:

Water Main	14,013.26
Sewer Main	11,010.42
Stormwater and Flood PIF	9,539.86

E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B(i) below,

4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option # B** set forth below.

A. Option #A: Payment in Full. The Applicants shall connect to the City sanitary sewer main within 180 days after the effective date of the annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the City sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicants shall connect to the City sanitary sewer main within 180 days after the effective date of the annexation ordinance and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the City's sewer main, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City sewer system.

The City Manager may, in her discretion, approve a different time for connection to the City sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicants shall connect to the City's sanitary sewer main at a time later than what is specified in Option #A and #B above, but no later than the time 1) when the Applicants' on-site wastewater system fails or is declared unsafe, or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) the Applicants' Property is sold; or 3) of Redevelopment of Applicants' Property, whichever occurs first. At the respective

time and prior to the Applicants' connection to the City's sanitary sewer main, the Applicants will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval and acceptance of the City Manager.
6. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to the city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.
7. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that they will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.
8. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
10. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicant has provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
12. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.
13. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.
14. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by the Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
15. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
16. Breach of Agreement. In the event the Applicants breach or fail to perform any required action or fail to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicants and

collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt or acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

17. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.
18. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
19. Right to Withdraw. The Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding such Applicants. The City agrees, within 30 days of a request by the Applicants after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the City.
20. Flood Control Easement Conditions.
  - A. The City will allow existing accessory structures identified on **Exhibit B** to remain within the Flood Control Easement Area until removed, destroyed, demolished, or relocated.
  - B. The City can require removal of pre-existing accessory buildings if such buildings are required to implement a specific flood mitigation project.
  - C. The Applicants shall neither construct any new buildings nor rebuild or reconstruct any pre-existing accessory buildings within the Flood Control Easement Area.
21. Property Impacted by Floodplain. The Property is impacted by the 100-year floodplain, 500-year floodplain, conveyance zone, and high hazard zone of South Boulder Creek. Any development on the Property must comply with Sections 9-3-2 through 9-3-8 of the Boulder Revised Code.
22. Water Main Connection. The Applicants shall connect to the City's water main at a time no later than the time the Applicants' Property is sold. Whether at time of sale or at an





**CITY OF BOULDER:**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Approved As To Form:

\_\_\_\_\_  
City Attorney's Office

Date: \_\_\_\_\_

**EXHIBITS**

- A: Form of Flood Control Easement
- B: Accessory Structures to remain within Flood Control Esmt Area
- C: Fees due at time of connection

EXHIBIT A TO AGREEMENT (Page 1 of 5)

For Administrative Purposes Only  
Property Address: 1085 Gapter Road  
Grantors: Silvano De Luca and  
Elvira G. De Luca  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00064

**GRANT OF FLOOD CONTROL EASEMENT**

SILVANO DE LUCA AND ELVIRA G. DE LUCA (“Grantors”), whose address is 1085 Gapter Road, Boulder, Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for them and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by them or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

**GRANTOR:**

By: \_\_\_\_\_  
Silvano De Luca

[NOTARY BLOCK FOLLOWS]

EXHIBIT A TO AGREEMENT (Page 2 of 5)

STATE OF COLORADO )  
 )ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014, by Silvano De Luca.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**GRANTOR:**

By: \_\_\_\_\_  
Elvira G. De Luca

STATE OF COLORADO )  
 )ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2014, by Elvira G. De Luca.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public







EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PORTION OF LOT 13, GAPTER SUBDIVISION AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 90550500, DATED JANUARY 10, 1955, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID LOT 13 TO BEAR NORTH 00°31'30" WEST, A DISTANCE OF 231.68 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 13; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 13, NORTH 90°00'00" WEST, A DISTANCE OF 54.01 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHERLY LINE, AND RUNNING 60' SOUTHEASTERLY AND PARALLEL WITH THE CENTERLINE OF SOUTH BOULDER CREEK, THE FOLLOWING THREE (3) COURSES:  
SOUTH 24°45'44" WEST, A DISTANCE OF 61.15 FEET;  
THENCE SOUTH 40°13'16" WEST, A DISTANCE OF 105.20 FEET;  
THENCE SOUTH 23°32'33" WEST, A DISTANCE OF 14.00 FEET;  
THENCE SOUTH 14°56'18" WEST, A DISTANCE OF 85.89 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 13;  
THENCE ALONG SAID SOUTHERLY LINE, NORTH 90°00'00" WEST, A DISTANCE OF 42.12 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13;  
THENCE ALONG THE WESTERLY LINE OF SAID LOT 13, NORTH 00°31'30" WEST, A DISTANCE OF 196.93 FEET;  
THENCE DEPARTING SAID WESTERLY LINE, AND RUNNING 60' NORTHWESTERLY AND PARALLEL WITH THE CENTERLINE OF SOUTH BOULDER CREEK, NORTH 40°13'16" EAST, A DISTANCE OF 45.51 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 13;  
THENCE ALONG SAID NORTHERLY LINE, NORTH 90°00'00" EAST, A DISTANCE OF 135.81 FEET TO THE POINT OF BEGINNING;

SAID EASEMENT CONTAINING 21,705 SQ.FT. OR 0.50 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND I DO NOT INTEND TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406 FSJ JOB NO. 14-64,205  
CHAIRMAN/CEO, FLATIRONS, INC.  
JOB NUMBER: 14-64,205  
DRAWN BY: E.PRESCOTT  
DATE: AUGUST 19, 2014  
REV: SEPTEMBER 12, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

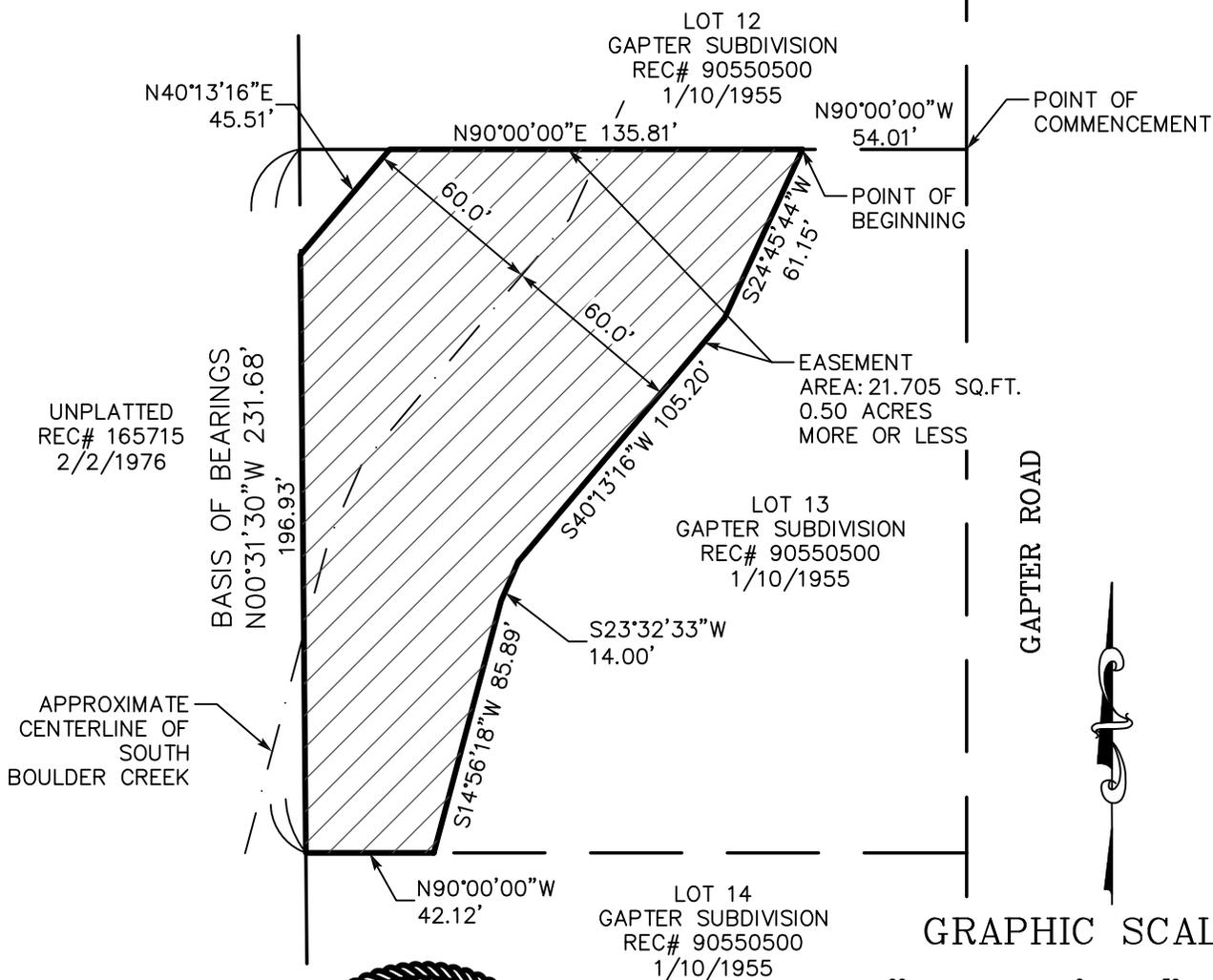
**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*  
  
655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64205-DESC-C13.DWG DATE:9/12/2014 11:05 AM

EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 2 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

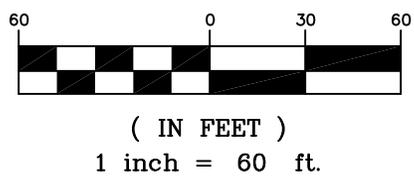


BY:EPRESCOTT FILE:64205-DESC-C13.DWG DATE:9/12/2014 11:06 AM



JOB NUMBER: 14-64,205  
DRAWN BY: E.PRESCOTT  
DATE: AUGUST 19, 2014  
REV: SEPTEMBER 12, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



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**EXHIBIT B TO AGREEMENT (Page 1 of 2)**

- One barn
- One storage shed/chicken coop




**CITY OF BOULDER**  
**Planning and Development Services**

## EXHIBIT C TO AGREEMENT (Page 1 of 2)

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevop.net

**Fees for PMT2014-04658**

Responsible Person: SILVANO DELUCA

Address: 1085 GAPTER RD

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
RES 2014 Irrig PIF [ISS]	\$5,340.00	10/9/2014				\$5,340.00
RES 2014 Sewer PIF [ISS]	\$4,473.00	10/9/2014				\$4,473.00
RES 2014 Storm PIF [ISS]	\$9,539.86	10/9/2014				\$9,539.86
RES 2014 Water PIF [ISS]	\$11,467.00	10/9/2014				\$11,467.00
WW Tap Fee (Materials)	\$47.04	10/9/2014				\$47.04
Wastewater Assessment Fee	\$11,010.42	10/9/2014				\$11,010.42
Wastewater Inspection Fee	\$169.00	10/9/2014				\$169.00
Wastewater Permit Fee	\$127.00	10/9/2014				\$127.00
Wastewater Tap Fee (L/E)	\$79.96	10/9/2014				\$79.96

## EXHIBIT C TO AGREEMENT (Page 2 of 2)

**Fees for PMT2014-04658**

Responsible Person: SILVANO DELUCA

Address: 1085 GAPTER RD

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
Water Assessment Fee	\$14,013.26	10/9/2014				\$14,013.26
Water Inspection Fee	\$169.00	10/9/2014				\$169.00
Water Meter Fee (L/E)	\$52.00	10/9/2014				\$52.00
Water Meter Fee (Materials)	\$492.00	10/9/2014				\$492.00
Water Permit Fee	\$127.00	10/9/2014				\$127.00
Water Tap Fee (L/E)	\$79.00	10/9/2014				\$79.00
Water Tap Fee (Materials)	\$127.00	10/9/2014				\$127.00

**Total Fees Assessed: \$57,312.54****Total Fees Paid: \$0.00****Total Fees Remaining Due: \$57,312.54**

For Administrative Purposes Only  
Applicants: Silvano De Luca and  
Elvira G. De Luca  
Address: 1085 Gapter Road  
Case No. LUR2014-00064

### ANNEXATION AGREEMENT AMENDMENT

This annexation agreement amendment (“Amendment”) is entered into this \_\_\_\_\_ day of January 2015, by and between the CITY OF BOULDER, a Colorado home rule city (“City”) and Silvano De Luca and Elvira G. De Luca (the “Applicants”), as the owners of the property generally known as 1085 Gapter Road, Boulder CO 80303 and more particularly described as Lot #13, Gapter Subdivision, County of Boulder, State of Colorado.

### RECITALS

A. On Nov. 14, 2014, the Applicants entered into an Annexation Agreement with the City regarding the Property recorded in the records of the Boulder County Clerk and Recorder simultaneously herewith (“Annexation Agreement”).

B. The Applicants and the City desire to revise Paragraph 2.D. “Easement Dedications” to the Annexation Agreement.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth, and other good and valuable consideration herein receipted for, the parties agree as follows:

1. The City and the Applicants agree to delete item Paragraph 2.D. of the Annexation Agreement.
2. The City and the Applicants agree to add the following as Paragraph 2.D. to the Annexation Agreement:

Paragraph 2.D.: Within 60 days of the effective date of the Annexation ordinance, but in no event later than prior to the issuance of any building permit for the Property, the Applicants shall convey to the City, at no cost, the below easement. The City may withhold any building permits for the Property until the easement has been conveyed to the City.

Easement Dedications. A flood control easement from 60 feet on either side of the centerline of South Boulder Creek as shown on **Exhibit A** (the “Flood Control Easement Area”). The easement shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the flood control easement area that is existing at the time of annexation.

3. The City and the Applicants agree that the remaining portions of the Annexation Agreement are not affected by this Amendment and shall remain in full force and effect.
4. This Amendment shall be recorded with the records of the Boulder County Clerk and Recorder by the City at its own expense.

5. The Applicants retain the right to withdraw from this Amendment up until the time that City Council votes on a motion that would approve this Amendment. The Applicants' right to withdraw shall terminate upon a City Council vote on a motion approving this Amendment. In the event that the Applicants withdraw from this Amendment in the manner described above, this Amendment shall be null and will have no effect.

APPLICANT:  
By: [Signature]  
Silvano De Luca

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me, a Notary Public, this 12<sup>th</sup> day of January 2015, by Silvano De Luca.

Witness my hand and official seal.  
My commission expires: 09.20.2016

[SEAL]



[Signature]  
Notary Public

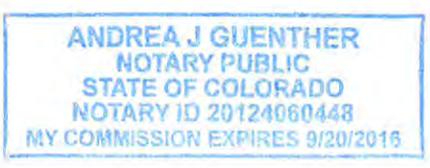
APPLICANT:  
By: [Signature]  
Elvira G. De Luca

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me, a Notary Public, this 12<sup>th</sup> day of January 2015, by Elvira G. De Luca.

Witness my hand and official seal.  
My commission expires: 09.20.2016

[SEAL]



[Signature]  
Notary Public

**CITY OF BOULDER**

By: \_\_\_\_\_  
Jane S. Brautigam, City Manager

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

For Administrative Purposes Only

Applicants: Amy J. Carpenter and  
Stephen R. Carpenter

Address: 2200 Emerald Road

Case No. LUR2014-00065

## ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 14<sup>th</sup> day of November, 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Amy J. Carpenter and Stephen R. Carpenter (the "Applicants"). The City and the Applicants are referred to as the "Parties."

### RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicants are the owners of the property generally known as 2200 Emerald Road, Boulder CO 80304 and more particularly described as Lot 3, Block 6, Githens Acres, County of Boulder, State of Colorado (the "Property").

B. The Applicants are interested in obtaining approval from the City of the annexation of the Property in order to provide adequate urban services to the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential – Rural 1 (RR-1) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicants in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicants in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

### COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein receipted for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

“Redevelopment” shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicants shall do the following:
  - A. Annexation Agreement. The Applicants will sign this Agreement.
  - B. Title Work. The Applicants will provide the City with title work current to within 30 days of signing this Agreement.
  - C. Written Descriptions. The Applicants shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.
  - D. Water Rights. The Applicants will grant to the City an option in the form attached as **Exhibit A** to purchase certain interests in Silver Lake Ditch and Reservoir Company Shares associated with the Property pursuant to the Settlement Agreement of December 1, 2009 between the City of Boulder and the Silver Lake Ditch & Reservoir Company, recorded at Reception No. 03046201 in Boulder County, Colorado.
  - E. Easement Dedications. The Applicants shall dedicate to the City, at no cost, a flood control easement from 60 feet on either side of the centerline of Wonderland Creek as shown on **Exhibit B** (the “Flood Control Easement Area”). The easement shall be in a form acceptable to the city manager. The easement will exclude any principal building containing a dwelling unit on the lot within the flood control easement area that is existing at the time of annexation.
  - F. Northern Colorado Water Conservancy District (“NCWCD”). The Applicants will file an application for inclusion of the Property in the Boulder Municipal Subdistrict.
3. Connection Requirements. Prior to connection to the City’s sanitary sewer main, the Applicants shall:
  - A. Submit an application to connect to the City’s sanitary sewer main that meets the requirements of Chapter 11-2, B.R.C. 1981.
  - B. Pay all applicable fees and charges associated with a service line connection to the sanitary sewer main, including wastewater plant investment fees, stormwater and flood management plant investment fees, right-of way and wastewater permit fees, installation fees, and tap fees.

- C. Construct the individual service line that will connect the Applicants' existing residence to the City's wastewater main.
- D. Pay any assessments, including but not limited to the following:
- Stormwater and Flood PIF \$14,640.42
- E. Execute a Promissory Note and Deed of Trust, if Applicants selected Payment Option #B, as described under Paragraph 4.B(i) below.
4. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicants select **Option #A** set forth below.
- A. Option #A: Payment in Full. The Applicants shall connect to the City sanitary sewer main within 180 days after the effective date of annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to the City sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension.
- B. Option #B: Payment Plan. The Applicants shall connect to the City sanitary sewer main within 180 days after the effective date of the annexation ordinance, shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:
- i. Prior to connection to the City's sewer main, the Applicants shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicants' Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to the City sewer systems.
- The City Manager may, in her discretion, approve a different time for connection to the City sanitary sewer main provided the Applicants demonstrate reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.
- C. Option #C: Future Connection. The Applicants shall connect to the City's sanitary sewer main at a time later than what is specified in Option #A and #B above, but no later than the time 1) the Applicants' on-site wastewater system fails or is declared unsafe, or the Applicants are otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) the Applicants' Property is sold; or 3) of Redevelopment of Applicants' Property, whichever occurs first. At the respective time and prior

to the Applicants' connection to the City's sanitary sewer main, the Applicants will pay the following costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

5. City of Boulder Design and Construction Standards. Any public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction, and shall be subject to the review, approval, and acceptance of the City Manager.
6. Use of Existing Wells. The City agrees not to prohibit the Applicants from using existing wells for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicants have connected to the City water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.
7. Applicants Responsible for Legal Disconnection of On-site Wastewater System. If the Applicants decide to continue to use an existing on-site wastewater system, the Applicants agree that they will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicants are required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.
8. Historic Drainage. The Applicants agree to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
9. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicants agree not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
10. Existing Nonstandard Buildings and/or Nonconforming Uses. Existing, nonstandard buildings and/or nonconforming uses will be allowed to continue to be occupied and operated in the City of Boulder. Only those nonstandard buildings and/or nonconforming uses for which the Applicant has provided a written description that is received by the City in accordance with Paragraph 2.C above will be considered legal. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

11. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
12. Waiver of Vested Rights. The Applicants hereby waive any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicants acknowledge that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.
13. Dedications. The Applicants acknowledge that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.
14. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicants shall provide an original of this Agreement signed by Applicants, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicants. The Applicants agree that they will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
15. No Encumbrances. The Applicants agree that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicants shall neither convey ownership nor further encumber the Applicants' Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicants agree not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
16. Breach of Agreement. In the event the Applicants breach or fail to perform any required action or fail to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicants acknowledge that the City may take all reasonable actions to cure the breach, including but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicants fail to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fail to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicants agree that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicants and

collect its costs in the manner herein provided. The Applicants agree to waive any rights they may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledge that the adoption of the annexation ordinance is such enabling ordinance.

17. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.
18. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicants, the Applicants' heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
19. Right to Withdraw. The Applicants retain the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicants' right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicants withdraw from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicants. The City agrees, within 30 days of a request by the Applicants after a withdrawal, to return all previously submitted stormwater/flood management PIF, NCWCD fees and application, and easement and/or rights of way dedication documents which the Applicants submitted pursuant to this Agreement to the City.
20. Flood Control Easement Conditions. The Applicants acknowledge that no accessory structures currently exist within the Flood Control Easement Area. The Applicants shall not construct any new buildings within the Flood Control Easement Area.
21. Water Main Requirements. At the time a water main is installed in Emerald Road, but in no event later than prior to the issuance of any building permit on the Property following the installation of the water main, the Applicant agrees to (1) pay to the City a pro-rata share, on an adjusted front foot basis, of the construction costs of the water main, any road construction costs, and any other costs related to the installation of the water main, (2) install an individual service line and connect to the City's water utility, and (3) pay all plant investment fees and connection costs and fees associated with such connection to the City's water utility.
22. Right of Way Improvements. At the time when Emerald Road is improved to meet rural residential street standards as described in the then current City of Boulder *Design and Construction Standards*, but in no event later than prior to the issuance of any building permit on the Property following the installation of such right of way improvements, the Applicant agrees to pay to the City a pro-rata share, on an adjusted front foot basis, of the construction costs of such right of way improvements.





**CITY OF BOULDER:**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Approved As To Form:

\_\_\_\_\_  
City Attorney's Office

Date: \_\_\_\_\_

**EXHIBITS**

- A: Option to Purchase Silver Lake Ditch Shares
- B: Form of Flood Control Easement
- C: Fees due at time of connection

EXHIBIT A TO AGREEMENT (Page 1 of 2)  
**OPTION TO PURCHASE  
SLD&RC SHARE ASSOCIATED WITH  
VOLUNTARILY ANNEXED SLD IRRIGATED PROPERTY  
PARCEL NO. 133, 2200 EMERALD ROAD**

**Amy J. Carpenter and Stephen R. Carpenter, as Property Owners** of Silver Lake Ditch (“SLD”) Irrigated Property Parcel No. 133, 2200 Emerald Road, legally described as Lot 3, Block 6, Githens Acres, County of Boulder, State of Colorado, do provide this Option to Purchase to the City of Boulder, Colorado, a home rule city of the State of Colorado (“City”), in accordance with the terms of Section II, Voluntary Annexation, of the Settlement Agreement of December 1, 2009 between the City and The Silver Lake Ditch & Reservoir Company (“SLD&RC”), recorded at Reception No. 03046201 in Boulder County, Colorado (“Settlement Agreement”), this \_\_\_\_ day of \_\_\_\_\_, 2014, as follows:

1. The City shall have the Option to Purchase **1** SLD&RC Share associated with SLD Irrigated Property Parcel No. 133, along with the rights, and only the rights, represented by such SLD&RC Share to receive a certain amount of water from the Reserved Storage Rights.
2. The City shall have the right to exercise this Option to Purchase within 60 calendar days immediately after receiving a Transfer Notice from SLD&RC of a Non-Nuclear Transfer (“Initial Option Exercise Period”) or confirmation of a Non-Nuclear Transfer through means other than receipt of a Transfer Notice from SLD&RC (“Alternative Initial Option Exercise Period”), as the case may be, in accordance with the terms of the Settlement Agreement.
3. If the City determines not to exercise the Option to Purchase during the Initial Option Exercise Period or Alternative Initial Option Exercise Period, as the case may be, the City may subsequently exercise this Option to Purchase within 60 days immediately following each annual anniversary of receipt by the City of the Transfer Notice from SLD&RC or of the City’s receipt of confirmation of a Non-Nuclear Transfer of SLD Irrigated Property through means other than a Transfer Notice from SLD&RC.
4. This Option to Purchase shall be recorded with the Boulder County Clerk and Recorder.
5. If the City does exercise this Option to Purchase, the then current owner(s) of the SLD Irrigated Property may lease water to the extent such lease is authorized in paragraph 6.B.viii of the Settlement Agreement.

The Parcel is currently known as 2200 Emerald. This Option to Purchase shall run with the land associated with SLD Irrigated Property Parcel No. 133 regardless of any change of



EXHIBIT B TO AGREEMENT (Page 1 of 2)

For Administrative Purposes Only  
Property Address: 2200 Emerald Road  
Grantors: Amy J. Carpenter and Stephen R. Carpenter  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00065

**GRANT OF FLOOD CONTROL EASEMENT**

AMY J. CARPENTER and STEPHEN R. CARPENTER (“Grantors”), whose address is 2200 Emerald Road, Boulder Colorado 80304, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the “City”), whose address is 1777 Broadway, Boulder, Colorado 80302, a flood control easement for the purpose of drainage conveyance and control of flood waters and installation and maintenance of improvements necessary to ensure conveyance as determined by the Grantee, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

Grantors, for them and for their heirs, successors, agents, lessees, and assigns, do hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by them or their heirs, successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

Grantors warrant their ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantors, their heirs, agents, lessees and assigns, and all other successors to them in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this \_\_\_ day of \_\_\_\_\_, 2014.

GRANTOR:

By: \_\_\_\_\_  
Amy J. Carpenter

[NOTARY BLOCK FOLLOWS]



EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

AN EASEMENT OVER AND ACROSS A PORTION OF LOT 3, BLOCK 6, GITHENS ACRES AS RECORDED IN THE RECORDS OF BOULDER COUNTY AT RECEPTION NO. 90542553, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTHERLY LINE OF SAID LOT 3 TO BEAR SOUTH 89°43'10" WEST, A DISTANCE OF 197.39 FEET, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3,  
THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 3, SOUTH 89°43'10" WEST, A DISTANCE OF 197.39 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3;  
THENCE ALONG THE WESTERLY LINE OF SAID LOT 3, NORTH 00°00'00" EAST, A DISTANCE OF 65.78 FEET;  
THENCE DEPARTING SAID WESTERLY LINE, AND RUNNING 60' NORTHEASTERLY AND PARALLEL WITH THE CENTERLINE OF WONDERLAND CREEK THE FOLLOWING SIX (6) COURSES:  
SOUTH 86°17'13" EAST, A DISTANCE OF 28.97 FEET;  
THENCE SOUTH 74°01'10" EAST, A DISTANCE OF 38.38 FEET;  
THENCE SOUTH 73°13'59" EAST, A DISTANCE OF 22.03 FEET;  
THENCE SOUTH 80°00'49" EAST, A DISTANCE OF 38.95 FEET;  
THENCE SOUTH 71°00'36" EAST, A DISTANCE OF 53.92 FEET;  
THENCE SOUTH 81°15'33" EAST, A DISTANCE OF 21.40 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 3;  
THENCE ALONG SAID EASTERLY LINE, SOUTH 00°01'20" WEST, A DISTANCE OF 18.47 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 8,723 SQ.FT. OR 0.20 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVISION OF LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406 FSI JOB NO. 14-64,204  
CHAIRMAN/CEO, FLATIRONS, INC.  
JOB NUMBER: 14-64,204  
DRAWN BY: E. PRESCOTT  
DATE: AUGUST 25, 2014  
REV: SEPTEMBER 12, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*  
  
655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64204-DESC-C13.DWG DATE:9/12/2014 11:13 AM

EXHIBIT A TO FLOOD CONTROL EASEMENT (Page 2 of 2)

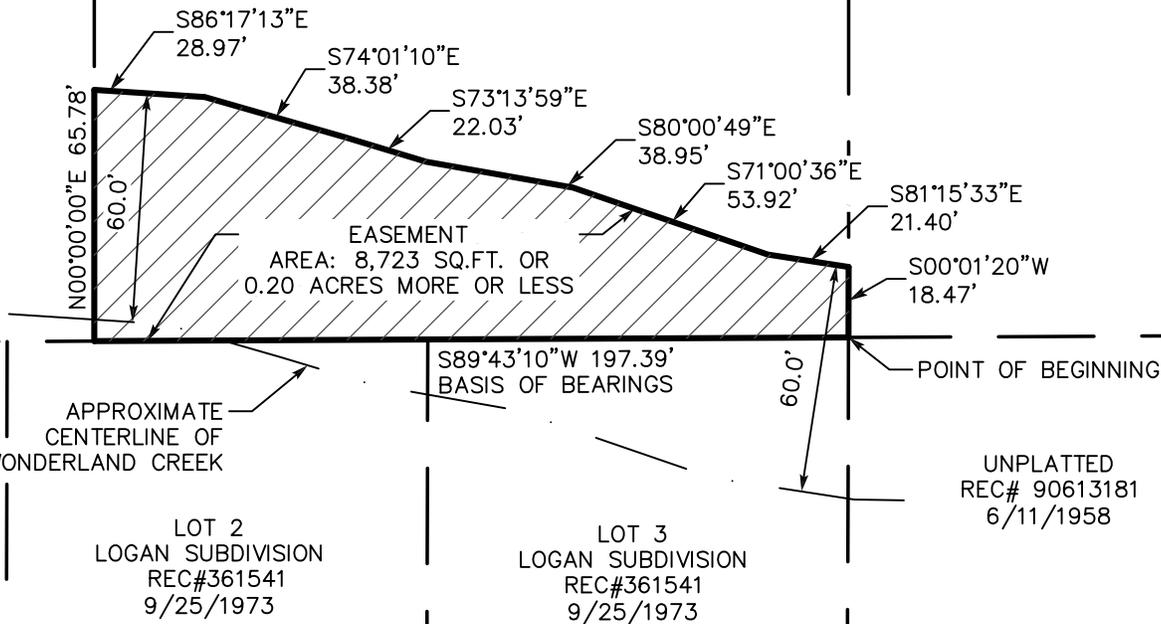
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

LOT 2  
 BLOCK 6  
 GITHENS ACRES  
 REC# 90542553  
 JUNE 30, 1954

LOT 3  
 BLOCK 6  
 GITHENS ACRES  
 REC# 90542553  
 JUNE 30, 1954

LOT 4  
 BLOCK 6  
 GITHENS ACRES  
 REC# 90542553  
 JUNE 30, 1954



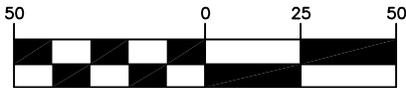
APPROXIMATE  
 CENTERLINE OF  
 WONDERLAND CREEK

LOT 2  
 LOGAN SUBDIVISION  
 REC#361541  
 9/25/1973

LOT 3  
 LOGAN SUBDIVISION  
 REC#361541  
 9/25/1973

UNPLATTED  
 REC# 90613181  
 6/11/1958

GRAPHIC SCALE



( IN FEET )  
 1 inch = 50 ft.



**Flatirons, Inc.**  
 Surveying, Engineering & Geomatics

655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
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JOB NUMBER: 14-64,204  
 DRAWN BY: E. PRESCOTT  
 DATE: AUGUST 25, 2014  
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BY:EPRESCOTT FILE:64204-DESC-C13.DWG DATE:9/12/2014 11:13 AM


**CITY OF BOULDER**  
**Planning and Development Services**

EXHIBIT C TO AGREEMENT (Page 1 of 1)

 1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net
**Fees for PMT2014-04655**

Responsible Person: STEPHEN R CARPENTER

Address: 2200 EMERALD RD

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
RES 2014 Sewer PIF [ISS]	\$4,473.00	10/9/2014				\$4,473.00
RES 2014 Storm PIF [ISS]	\$14,640.42	10/9/2014				\$14,640.42
WW Tap Fee (Materials)	\$47.04	10/9/2014				\$47.04
Wastewater Inspection Fee	\$169.00	10/9/2014				\$169.00
Wastewater Permit Fee	\$127.00	10/9/2014				\$127.00
Wastewater Tap Fee (L/E)	\$79.96	10/9/2014				\$79.96
<b>Total Fees Assessed: \$19,536.42</b>		<b>Total Fees Paid: \$0.00</b>		<b>Total Fees Remaining Due: \$19,536.42</b>		

For Administrative Purposes Only  
Applicant: Norwood Garden LLC  
Address: 2350 Norwood Avenue  
Case No. LUR2014-00066

ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement"), made this 31 day of December 2014, by and between the City of Boulder, a Colorado home rule city (the "City"), and Norwood Garden LLC, a Colorado limited liability company (the "Applicant"). The City and the Applicant are referred to as the "Parties."

RECITALS

WHEREAS, the Parties recite the following facts related to the annexation of the property described in this Agreement to the City of Boulder:

A. The Applicant is the owner of the property generally known as 2350 Norwood Avenue and more particularly described on the attached Exhibit A (the "Property") included by reference and hereby made a part of this Agreement.

B. The Applicant is interested in obtaining approval from the City of the annexation of the Property in order to obtain adequate urban services for the Property.

C. The Parties anticipate that annexation with an initial zoning designation of Residential - Estate (RE) is consistent with the Boulder Valley Comprehensive Plan.

D. In order to assist the Applicant in annexing into the City, the City is providing an annexation package that includes a method for financing the public improvements and a waiver of certain fees and taxes which includes the annexation application fee and the housing excise tax.

E. The City is interested in ensuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety, and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

COVENANTS

NOW, THEREFORE, in consideration of the recitals, promises, and covenants herein set forth, and other good and valuable consideration herein received for, the Parties agree as follows:

1. Definitions. The Parties agree that terms used in this Agreement will have the following meanings:

“Redevelopment” shall be defined as the subdivision of a property to create a new lot, issuance of a building permit for a new or replacement dwelling unit, issuance of a building permit for additional square footage to the existing structure, or an increase in number of the plumbing fixtures.

2. Requirements Prior to First Reading of the Annexation Ordinance. Prior to the scheduling of first reading of the annexation ordinance, the Applicant shall do the following:
  - A. Annexation Agreement. The Applicant will sign this Agreement.
  - B. Title Work. The Applicant will provide the City with title work current to within 30 days of signing this Agreement.
  - C. Written Descriptions. The Applicant shall provide a written description of any nonconforming uses and/or nonstandard buildings existing on each Property, if any.
  - D. Dedications. The Applicant shall convey to the City, at no cost, the following:
    - 1) A fee interest in the 30-foot wide portion of property being that portion of the right-of-way for Norwood Avenue which was previously granted on May 24, 1958 from Frederick C. Trucksess a/k/a Frederick Clement Trucksess, Frances Hoar Trucksess, Emmet G. Dignan, and Ann V. Dignan to the County of Boulder, Colorado, pursuant to the instrument recorded in the Office of the Boulder County Clerk and Recorder on June 11, 1958 at Book 1077 and Page 416 in the form attached **Exhibit B**; and
    - 2) 16-foot public access easement as shown on the attached **Exhibit C**.
  - E. Northern Colorado Water Conservancy District (“NCWCD”). The Applicant will deliver to the City an application for inclusion of the Property in the Boulder Municipal Subdistrict of the Northern Colorado Water Conservancy District.
3. Connection Requirements. Prior to connection to the City’s water and/or sanitary sewer mains, the Applicant shall:
  - A. Submit an application to connect to the City’s water and/or sanitary sewer mains that meets the requirements of Chapters 11-1 and 11-2, B.R.C. 1981.
  - B. Pay all applicable fees and charges associated with the service line connections to water and/or sanitary sewer mains, including water and wastewater plant investment fees, right-of way, water, and wastewater permit fees, installation fees, and tap fees, which as of the date of the signing of this agreement, the City estimated to be \$22,754.00.
  - C. Construct the individual service lines that will connect the Applicant’s existing residence to the City’s water and/or wastewater mains.

D. Pay any assessments, including but not limited to the following:

Norwood Improvement District Assessment	\$ 5,000.00
Stormwater and Flood PIF Assessment	\$ 5,489.90

4. Ditch Shares. The Parties agree that prior to January 6, 2015, the Applicant shall execute an Agreement to Buy and Sell Water Rights for the 1.25 share in The Silver Lake Ditch & Reservoir Company (the "SLD&RC Share") associated with SLD Irrigated Property Parcel No. 253, along with the rights, and only the rights, represented by the SLD&RC Share to receive a certain amount of water from the Reserved Storage Rights, all as more particularly provided for in the Settlement Agreement of December 1, 2009 between the City and SLD&RC, recorded at Reception No. 03046201 in Boulder County, Colorado.

5. Payment Options and Requirements for Fees, Taxes, and Public Improvement Costs. The Applicant selects **Option #A** set forth below.

A. Option #A: Payment in Full. The Applicant shall connect to City water and sanitary sewer mains within 180 days after the effective date of the annexation ordinance and shall comply with the terms of, and pay the costs and fees described in, Paragraph 3 above. The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicant demonstrates reasonable diligence to comply with the 180-day deadline and good cause for the extension.

B. Option #B: Payment Plan. The Applicant shall connect to City water and sanitary sewer mains within 180 days after the effective date of the annexation ordinance and shall comply with the terms of Paragraph 3 above except that the costs, fees and any assessments described in Paragraph 3 shall be paid in accordance with the terms of the following payment plan:

i. Prior to connection to the City's water and/or sewer mains, the Applicant shall execute a Promissory Note and a Deed of Trust securing said Note and encumbering the Applicant's Property in the principal amount to cover the amounts set forth in Paragraph 3 above. The Note will have a simple interest rate of 3.25 percent per annum, payable in 10 annual installments of principal and interest beginning at the time of connection to both the City water and sewer systems.

The City Manager may, in her discretion, approve a different time for connection to City water and sanitary sewer mains provided the Applicant demonstrates reasonable diligence to comply with the 180-day deadline and good cause for the extension. The City Manager, in her discretion, may approve for good cause a different time for payment of the first of the 10 annual installments of principal and interest.

C. Option #C: Future Connection. The Applicant shall connect to the City's water and sanitary sewer mains at a time later than what is specified in Option #A and

#B above, but no later than the time when 1) the Applicant's on-site wastewater system fails or is declared unsafe, or the Applicant is otherwise required to stop using the on-site wastewater system by the Boulder County Health Department or the State of Colorado; or 2) at the time Applicant's Property is sold; or 3) at the time of Redevelopment of Applicant's Property, whichever occurs first. At the respective time and prior to the Applicant's connection to the City's water and sanitary sewer mains, the Applicant will pay the costs and fees described in Paragraph 3 above based on the then applicable fee schedule.

6. City of Boulder Design and Construction Standards. Any other public improvements that are required to be constructed by the terms of this Agreement shall be constructed in accordance with the requirements of the City of Boulder *Design and Construction Standards* applicable at the time of construction and shall be subject to the review, approval and acceptance of the City Manager.
7. Use of Existing Wells. The City agrees not to prohibit the Applicant from using any existing well for irrigation purposes, even if the Property is served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicant has connected to city water utility. No person is allowed to make any cross connections between a well and the City's municipal water utility. The Parties agree that there shall not be any type of connection between any well and the City water system serving the Property.
8. Applicant Responsible for Legal Disconnection of On-site Wastewater System. If the Applicant decides to continue to use an existing on-site wastewater system, the Applicant agrees that it will connect to the adjacent sanitary sewer main, in accordance with Section 11-2-9, B.R.C. 1981, upon any declaration by Boulder County Public Health to cease and desist using the on-site wastewater system, or other declaration that the on-site wastewater system constitutes a threat to the public health. Currently, under Boulder County Public Health Department policy, all on-site wastewater systems must be permitted and approved by 2023. At that time, any resident still using an on-site wastewater system must either have their system permitted and approved, or connect to the adjacent sanitary sewer main. At the time of any disconnection of the on-site wastewater system and connection to the City's sanitary sewer main, the Applicant is required to abandon the existing on-site wastewater system in accordance with Boulder County Public Health and State of Colorado regulations.
9. Historic Drainage. The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
10. Ditch Company Approval. If the Property is abutting an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
11. Existing Nonstandard Buildings and/or Nonconforming Uses. The only nonconforming uses and nonstandard buildings and structures on the Property that will be recognized by the

City and allowed to continue to exist are those that are included in **Exhibit D**. Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981, applies to changes to nonstandard buildings and nonconforming uses. The Parties also agree that the site access control standards of Section 9-9-5, "Site Access Control," B.R.C., as may be amended, apply to the Property and must be met as required by subsection (a) of that section. The Applicant and the City agree that this section shall not be construed to permit the Property to constitute a nuisance or to cause a hazard under the City's life safety codes.

12. New Construction. All new construction commenced on the Property after annexation will comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.
13. Waiver of Vested Rights. The Applicant hereby waives any statutory vested rights that may have accrued under County jurisdiction that have not been perfected as common law vested rights. The Applicant acknowledges that nothing in this Agreement may be construed as a waiver of the City's powers to zone and regulate land uses for the benefit of the citizens and residents of Boulder.
14. Dedications. The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the projected impact of the development of the Property as set forth in this Agreement.
15. Original Instruments. Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original documents to the Applicant. The Applicant agrees that it will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.
16. No Encumbrances. The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicant shall neither convey ownership nor further encumber the Applicant's Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.
17. Breach of Agreement. In the event the Applicant breaches or fails to perform any required action or fails to pay any fee specified under this Agreement or under any document that may also be required to be executed pursuant to this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including

but not limited to the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or under any document that may also be required to be executed pursuant to this Agreement or fails to perform any affirmative obligation hereunder or under any document that may also be required to be executed pursuant to this Agreement, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C. 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or may perform the obligation on behalf of the Applicant and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he or she may have under Section 31-20-105, C.R.S., based on the City's lack of an enabling ordinance authorizing collection of this specific debt, or acknowledges that the adoption of the annexation ordinance is such enabling ordinance.

18. Failure to Annex. This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed into the City.
19. Future Interests. This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant's heirs, successors, and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
20. Right to Withdraw. An Applicant retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicant's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the Applicant withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicant. The City agrees, within 30 days of a request by the Applicant after a withdrawal, to return all previously submitted stormwater/flood management PIFs and easement and/or rights of way dedication documents which the Applicant submitted pursuant to this Agreement to the Applicant.
21. Cash-in-lieu of Providing Permanently Affordable Housing. For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981, the Applicant shall pay twice the applicable cash-in-lieu amount as required per each market unit in that chapter to the City. As of July 1, 2014, the applicable cash-in-lieu amount per each market unit is \$26,370; twice the applicable cash-in-lieu amount would be \$52,740 as July 1, 2014. The Applicant recognizes that this amount may be adjusted annually by the City, as set forth in Chapter 9-13, B.R.C. 1981. The applicable cash-in-lieu amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, "Inclusionary Housing," B.R.C. 1981. The parties

acknowledge that the Property has the equivalent of **one** habitable dwelling unit on such Property at the time of annexation.

22. Norwood Improvement District Assessment. Ordinance No. 5876 established the Norwood Improvement District for the purpose of construction and financing of transportation improvements benefitting properties included in the Norwood Improvement District. As an unannexed property, the Property could not be assessed at the time the assessment ordinance, Ordinance No. 6052, went into effect. However, Ordinance No. 5876 requires that a condition of a future annexation of the Property be payment of an assessment of \$ 5,000.00 plus interest compounded at an annual rate of eight percent starting thirty days after the date of the final assessment ordinance. The Parties agree that, as a condition of this annexation, the Applicant pay \$5,000.00 identified in Paragraph 3.D above, but that the interest accrued on the \$5,000.00 assessment will be waived. Payment of the \$5,000.00 assessment shall satisfy the payment requirements established in Ordinance No. 5876.
23. Requirements at Subdivision or Issuance of a Building Permit for a New or Replacement Dwelling Unit. At the time of subdivision or issuance of a building permit for a new or replacement dwelling unit, the Applicant shall ensure that a 12-foot wide multi-use path is constructed along west and south sides of the Property, unless the City Manager, at his or her discretion, agrees to an alternative location.
24. 2014 Fee Schedule. The Applicant agrees to connect to the City water and sanitary sewer mains within 180 days from the effective date of the ordinance, or as otherwise approved by the City Manager. The Parties agree that any fees required in Paragraph 3 of this Agreement for said initial connections be assessed at the rates applicable on October 9, 2014 and as more particularly described on the attached **Exhibit E**.

EXECUTED on the day and year first above written.



**ACKNOWLEDGMENT**

State of California  
County of Los Angeles

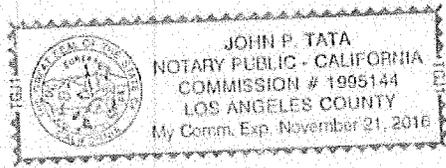
On 12-31-2014 before me, John P. Tata - Notary Public  
(insert name and title of the officer)

personally appeared MARILYN JEAN JORRIE  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



**CITY OF BOULDER:**

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

Approved As To Form:

\_\_\_\_\_  
City Attorney's Office

Date: \_\_\_\_\_

**EXHIBITS**

- A: Legal Description
- B: Quitclaim Deed (30-feet of ROW for Norwood Av)
- C: Public Access Easement
- D: Written Description of Nonstandard or Nonconforming Structures
- E: Fees due at time of connection

EXHIBIT A TO ANNEXATION AGREEMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

PARCEL DESCRIPTION  
(PROVIDED BY DEED RECORDED AT RECEPTION NO. 099395)

THAT PORTION OF THE SE1/4 SE1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST  
OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 959.24 FEET  
WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTHERLY AND AT  
RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF .210.00 FEET; THENCE  
EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, TO A POINT ON THE EAST  
LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE  
EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18, TO THE SOUTHEAST CORNER  
OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH  
LINE OF SAID SECTION 18, TO THE PLACE OF BEGINNING.  
EXCEPT THE NORTHERLY 30' THEREOF (PER THE DIRECTION OF THE CLIENT).

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY  
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND  
ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY  
RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO  
REPRESENT A MONUMENTED SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE  
STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,592

JOB NUMBER: 14-64,592  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 13, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS  
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD  
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*



655 FOURTH AVE  
 LONGMONT, CO 80501  
 PH: (303) 776-1733  
 FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:64592-ANNEX-C13.DWG DATE:10/13/2014 10:41 AM

EXHIBIT B TO ANNEXATION AGREEMENT (Page 1 of 4)

For Administrative Purposes Only  
Property Address: 2350 Norwood Av  
Case#: LUR2014-00066

QUITCLAIM DEED

The "Grantor", NORWOOD GARDEN LLC, a Colorado limited liability company, whose legal address is P.O. Box 4116, Boulder, Colorado 80306, for the consideration of the sum of LESS THAN FIVE HUNDRED DOLLARS, in hand paid, hereby sells and quitclaims to the CITY OF BOULDER, a Colorado home rule city, the "Grantee," whose legal address is 1777 Broadway, Boulder, Colorado 80302, the following real property in the County of Boulder, State of Colorado, to wit:

SEE, EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREBIN BY REFERENCE

with all its appurtenances.

Signed this 18 day of November, 2014.

GRANTOR:

Norwood Garden LLC,  
a Colorado limited liability company  
By *Marilyn J. Jorrio*  
Marilyn J. Jorrio, Member

STATE OF CALIFORNIA }  
COUNTY OF VENTURA } ss.

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of November, 2014, by Marilyn J. Jorrio as Member of Norwood Garden LLC.

Witness my hand and official seal.  
My commission expires: 06-19-2015



*Debjani Ghosh*  
Notary Public

**EXHIBIT B TO ANNEXATION AGREEMENT (Page 2 of 4)  
LENDER'S CONSENT AND SUBORDINATION**

The undersigned, a beneficiary under a certain deed of trust encumbering the property, hereby expressly consents to and joins in the execution and recording of this Deed and makes the deed of trust subordinate hereto. The undersigned represents that he or she has full power and authority to execute this Lender's Consent and Subordination on behalf of the below-stated lender.

**COLORADO BUSINESS BANK**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_.

Witness my Hand and Seal.  
My Commission Expires: \_\_\_\_\_

[Seal]

\_\_\_\_\_  
Notary Public

EXHIBIT B TO ANNEXATION AGREEMENT (Page 3 of 4)

EXHIBIT A TO DBBD OF DEDICATION (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY,  
RECORDED ON APRIL 11, 1974 AT RECEPTION NO. 099395, LOCATED IN THE SOUTHEAST QUARTER  
OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY  
OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID PARCEL OF LAND TO BEAR NORTH 00°20'40" WEST,  
WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG SAID WESTERLY LINE, NORTH 00°20'04" WEST, A DISTANCE OF 180.00 FEET TO  
THE NORTHEAST CORNER OF LOT 2, NORWOOD RIDGE, AS DESCRIBED IN THE RECORDS OF  
BOULDER COUNTY, RECORDED ON DECEMBER 19, 1991, AT RECEPTION NO. 1149617 AND THE  
POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°20'40" WEST, A DISTANCE OF 30.00  
FEET TO THE NORTHWEST CORNER OF SAID PARCEL OF LAND AS RECORDED AT RECEPTION NO.  
099395;

THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL OF LAND, NORTH 89°39'20" EAST, A  
DISTANCE OF 295.18 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND;

THENCE ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND, SOUTH 00°02'41" EAST, A  
DISTANCE OF 30.00 FEET;

THENCE ALONG A LINE 30.00 FEET SOUTHERLY OF AND PARALLEL WITH SAID NORTHERLY LINE,  
SOUTH 89°39'20" WEST, A DISTANCE OF 295.02 FEET TO A POINT ON THE WESTERLY LINE OF  
SAID PARCEL OF LAND AND THE POINT OF BEGINNING.

SAID PORTION OF A PARCEL OF LAND CONTAINING 8,853 SQ.FT. OR 0.20 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY  
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED  
EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE  
CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED  
LAND SURVEY OR SUBDIVISION IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16408  
CHAIRMAN/CEO, FLATIRONS, INC.  
JOB NUMBER: 14-64,592(A)  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 13, 2014  
REV: OCTOBER 27, 2014

FSI JOB NO. 14-64,592

**Flatirons, Inc.**  
Surveying, Engineering & Geomatics



655 FOURTH AVE.  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
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THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS  
NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD  
INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

BY:EPRESCOTT FILE:64592--ROW DEDICATION DESC.DWG DATE:10/27/2014 11:49 AM



EXHIBIT C TO ANNEXATION AGREEMENT (Page 1 of 3)

For Administrative Purposes Only  
Property Address: 2350 Norwood Avenue  
Grantor: Norwood Garden LLC  
Grantee: City of Boulder, Colorado  
Case#: LUR2014-00066

**GRANT OF PUBLIC ACCESS EASEMENT**

NORWOOD GARDEN LLC, a Colorado limited liability company ("Grantor"), whose address is P. O. Box 4116, Boulder CO 80306, for \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the CITY OF BOULDER, a Colorado home rule city (the "City"), whose address is 1777 Broadway, Boulder, Colorado 80302, an easement for public access purposes, for purposes of ingress and egress, and the installation, construction, repair, maintenance and reconstruction of transportation improvements, landscaping, utilities and appurtenances thereto, together with all rights and privileges as are necessary or incidental to the reasonable and proper use of such easement in and to, over, under and across the following real property, situated in Boulder County, Colorado, to-wit:

See Exhibit A attached

This public access easement shall also include a right of access, including motor vehicle access, for ditch repair, maintenance, and reconstruction.

Grantor, for it and for its successors, agents, lessees, and assigns, does hereby covenant and agree that no permanent structure or improvement shall be placed on said easement by it or its successors or assigns, and that said use of such easement shall not otherwise be obstructed or interfered with.

This public access easement shall remain until such time as the City Manager approves and accepts the relocation and dedication of a new public access easement on Grantor's property described on Exhibit B, attached hereto and incorporated herein by reference, that the City Manager determines to be equally usable and safe for its intended purposes. The City may not relocate the public access easement without Grantor's consent. However, approval and acceptance of a relocation and dedication shall be in the sole discretion of the City; and there shall be no obligation on the City to approve and accept a relocation of this public easement. If relocated, all costs and expenses of resurveying the relocated easement shall be born by Grantor.

Grantor warrants its ability to grant and convey this easement.

The terms of this easement shall run with the land and shall be binding upon and inure to the benefit of the Grantor, its agents, lessees and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the property described above.

EXHIBIT C TO ANNEXATION AGREEMENT (Page 2 of 3)

Any interest in land created under this instrument shall vest within 21 years after the death of the undersigned plus 20 years and 365 days.

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed as of this 25 day of November 2014.

GRANTOR:  
NORWOOD GARDEN LLC,  
a Colorado limited liability company

By: Marilyn Jorrie  
Marilyn Jorrie, Member

STATE OF COLORADO ) California  
                                  ) ss.  
COUNTY OF BOULDER ) Ventura

The foregoing instrument was acknowledged before me this 25 day of November 2014, by Marilyn Jorrie, Member of Norwood Garden LLC.

Witness my hand and official seal.  
My commission expires: 08/09/2016

Katherine Eileen Kennedy  
Notary Public

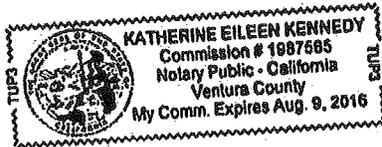




EXHIBIT A TO PUBLIC ACCESS EASEMENT (Page 1 of 2)

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 2

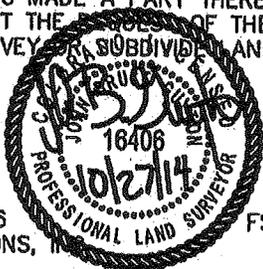
AN EASEMENT OVER AND ACROSS A PORTION OF A PARCEL OF LAND AS DESCRIBED IN THE RECORDS OF BOULDER COUNTY, RECORDED ON APRIL 11, 1974 AT RECEPTION NO. 099395, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE WESTERLY LINE OF SAID PARCEL OF LAND TO BEAR NORTH 00°20'40" WEST, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL OF LAND;  
THENCE ALONG SAID WESTERLY LINE, NORTH 00°20'40" WEST, A DISTANCE OF 180.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THE PROPOSED RIGHT-OF-WAY LINE OF NORWOOD AVENUE;  
THENCE ALONG SAID SOUTHERLY LINE, NORTH 89°39'20" EAST, A DISTANCE OF 16.00 FEET;  
THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, AND ALONG A LINE LYING 16.00 FOOT EASTERLY OF AND PARALLEL WITH SAID WESTERLY LINE, SOUTH 00°20'40" EAST, A DISTANCE OF 155.76 FEET;  
THENCE SOUTH 45°20'40" EAST, A DISTANCE OF 11.66 FEET TO A POINT BEING 16.00 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID PARCEL OF LAND;  
THENCE ALONG A LINE LYING 16.00 FEET NORTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID PARCEL OF LAND, NORTH 89°39'20" EAST, A DISTANCE OF 45.76 FEET;  
THENCE SOUTH 00°20'40" EAST, A DISTANCE OF 16.00 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL OF LAND;  
THENCE ALONG SAID SOUTHERLY LINE, SOUTH 89°39'20" WEST, A DISTANCE OF 70.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL OF LAND, AND THE POINT OF BEGINNING;

SAID EASEMENT CONTAINING 3,778 SQ.FT. OR 0.09 ACRES, MORE OR LESS.

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS EASEMENT DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR A SUBDIVISION OF LAND IN VIOLATION OF STATE STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC. FSI JOB NO. 14-64,592

JOB NUMBER: 14-64,592(B)  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 13, 2014  
REV: OCTOBER 27, 2014

THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

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PH: (303) 776-1733  
FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

BY:EPRESCOTT FILE:6-4592-TRAIL DESC.DWG DATE:10/27/2014 11:52 AM

EXHIBIT A TO PUBLIC ACCESS EASEMENT (Page 2 of 2)  
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
 RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
 COUNTY OF BOULDER, STATE OF COLORADO

SHEET 2 OF 2

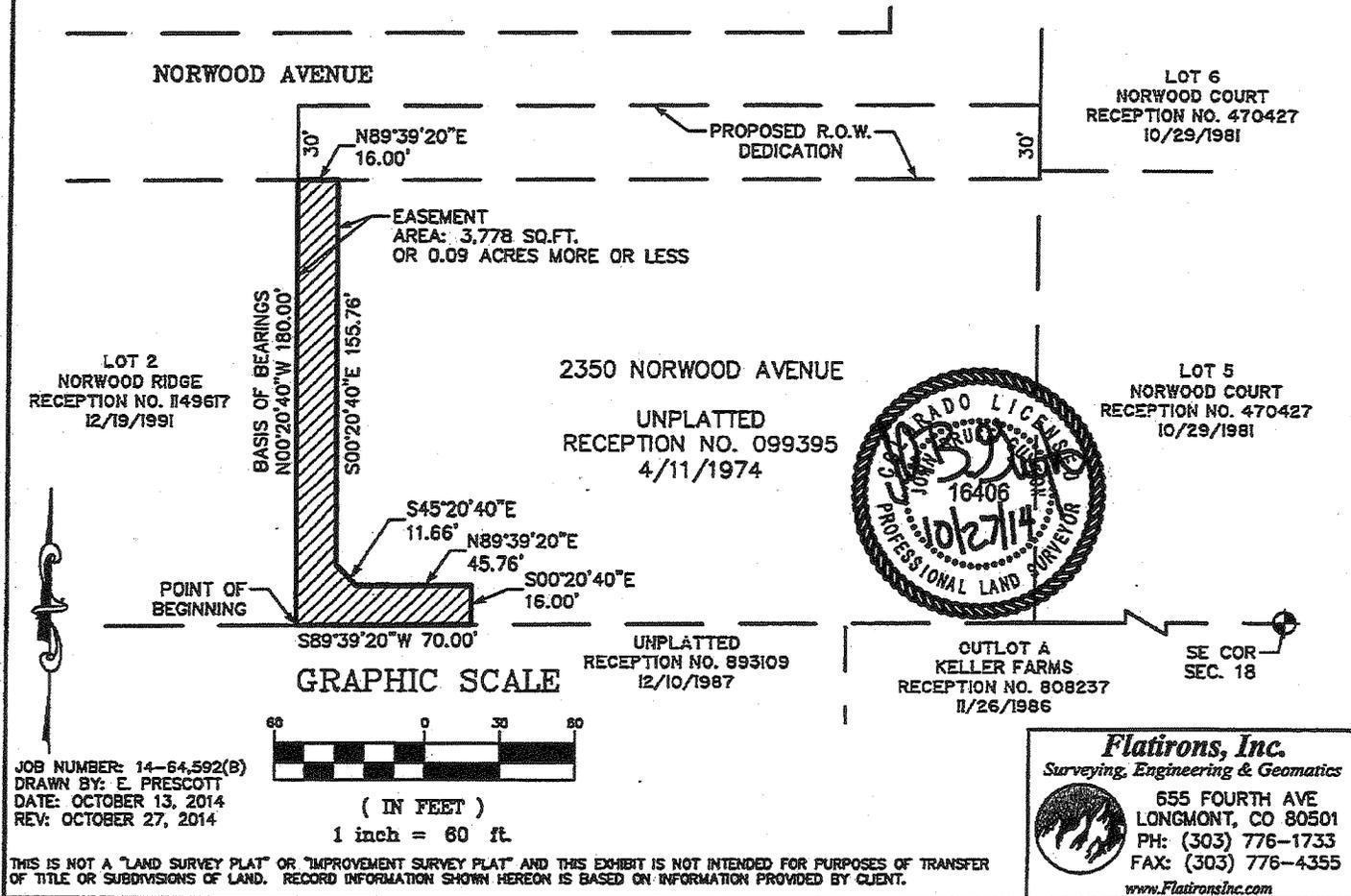


EXHIBIT B TO PUBLIC ACCESS EASEMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH,  
RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
COUNTY OF BOULDER, STATE OF COLORADO  
SHEET 1 OF 1

PARCEL DESCRIPTION  
(PROVIDED BY DEED RECORDED AT RECEPTION NO. 099395)

THAT PORTION OF THE SE1/4 SE1/4 OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST  
OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 18, A DISTANCE OF 959.24 FEET  
WESTERLY FROM THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTHERLY AND AT  
RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 18 A DISTANCE OF 210.00 FEET; THENCE  
EASTERLY, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 18, TO A POINT ON THE EAST  
LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE SOUTHERLY ALONG THE  
EAST LINE OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18, TO THE SOUTHEAST CORNER  
OF THE SW 1/4 SE 1/4 SE 1/4 OF SAID SECTION 18; THENCE WESTERLY ALONG THE SOUTH  
LINE OF SAID SECTION 18, TO THE PLACE OF BEGINNING,  
EXCEPT THE NORTHERLY 30' THEREOF (PER THE DIRECTION OF THE CLIENT).

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY  
STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND  
ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY  
RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO  
REPRESENT A MONUMENTED SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE  
STATUTE.



JOHN B. GUYTON  
COLORADO P.L.S. #16406  
CHAIRMAN/CEO, FLATIRONS, INC.

FSI JOB NO. 14-64,592

JOB NUMBER: 14-64,592  
DRAWN BY: E. PRESCOTT  
DATE: OCTOBER 13, 2014

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655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
www.FlatironsInc.com

BY:EPRESCOTT FILE:64592-ANNEX-C13.DWG DATE:10/13/2014 10:41 AM

**EXHIBIT D TO ANNEXATION AGREEMENT  
WRITTEN DESCRIPTION PROVIDED PURSUANT TO PARAGRAPH 2.C. OF THE  
ANNEXATION AGREEMENT SIGNED BY NORWOOD GARDEN LLC ON  
NOVEMBER 18, 2014**

The following is a list of the uses and/or structures which currently exist on the Property, some or all of which may be nonstandard or nonconforming:

- A single-family residence;
- A studio in the northeast corner of the property;
- Two sheds, referred to by the Applicant as the "west garden house" and as "Sheryl's" Shed;
- Two chicken pens;
- Three driveways, identified as 2326, 2350/2364, 2372 Norwood;
- A berm located on the northeast edge of the property;
- Street scape, including lighting and related electrical lines, located within the 30-foot-wide right-of-way for Norwood Avenue;
- Pipe for the Truckess Mabee Ditch;
- Three test wells used to determine groundwater levels;
- Three ponds, including the large, decreed storage pond near the south line of the Property;
- Pump and related connections to the Farmer's Ditch; and
- A 23-foot tall Windspire wind energy conversion system (windmill), constructed in 2010.


**CITY OF BOULDER**  
**Planning and Development Services**

EXHIBIT E TO ANNEXATION AGREEMENT (Page 1 of 2)

 1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-4241 • web boulderplandevlop.net
**Fees for PMT2014-04649**

Responsible Person: GARDEN L NORWOOD

Address: 2350 NORWOOD AV

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
RES 2014 Irrig PIF [ISS] <i>2,000 SQ FT MINIMUM</i>	\$5,340.00	10/9/2014				\$5,340.00
RES 2014 Sewer PIF [ISS]	\$4,473.00	10/9/2014				\$4,473.00
RES 2014 Storm PIF [ISS]	\$5,489.90	10/9/2014				\$5,489.90
RES 2014 Water PIF [ISS]	\$11,467.00	10/9/2014				\$11,467.00
Transpo Assessment Fee <i>Norwood Improvement District Two Shares - All interest charges waived</i>	\$5,000.00	10/9/2014				\$5,000.00
WW Tap Fee (Materials)	\$47.04	10/9/2014				\$47.04
Wastewater Inspection Fee	\$169.00	10/9/2014				\$169.00
Wastewater Permit Fee	\$127.00	10/9/2014				\$127.00
Wastewater Tap Fee (L/E)	\$79.96	10/9/2014				\$79.96

**Fees for PMT2014-04649**

EXHIBIT E TO ANNEXATION AGREEMENT (Page 2 of 2)

Responsible Person: GARDEN L NORWOOD

Address: 2350 NORWOOD AV

*Please note: This information may not be representative of all fees due. Additional fees may apply.*

Fee Description	Amount Assessed	Date Assessed	Amount Paid	Date Paid	Receipt Number	Amount Due History
Water Inspection Fee	\$169.00	10/9/2014				\$169.00
Water Meter Fee (L/E)	\$52.00	10/9/2014				\$52.00
Water Meter Fee (Materials)	\$492.00	10/9/2014				\$492.00
Water Permit Fee	\$127.00	10/9/2014				\$127.00
Water Tap Fee (L/E)	\$79.00	10/9/2014				\$79.00
Water Tap Fee (Materials)	\$32.00	10/9/2014				\$32.00

**Total Fees Assessed: \$33,143.90**

**Total Fees Paid: \$0.00**

**Total Fees Remaining Due: \$33,143.90**

**Receipt Information**

Receipt Number	Paid By	Payment Method	Check Number

**AGREEMENT TO BUY AND SELL  
WATER RIGHTS**

*THIS IS A LEGAL INSTRUMENT; IF NOT UNDERSTOOD, LEGAL, TAX, OR OTHER  
COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.*

This AGREEMENT TO BUY AND SELL WATER RIGHTS (the "Agreement") is by and between the City of Boulder, a Colorado home rule city (the "Purchaser") and Marilyn Jean Jorrie, formerly known as Marilyn Jorrie Curtis, whose address is P.O. Box 4116, Boulder, Colorado 80306 (the "Seller").

1. Water Rights Conveyed

- a. The Seller hereby acknowledges having received from the Purchaser the sum of \$100.00 in the form of a check as earnest money and part payment for the following described water rights, to wit:

All interest and rights of any kind or nature whatsoever in water and water rights associated with Silver Lake Ditch Water Users' Association, an unincorporated association ("Association") or the Silver Lake Ditch and Reservoir Company ("Company") and in rights to receive delivery of water stored in Silver Lake Reservoir and Island Lake Reservoir, including, without limitation, any rights pursuant to any contracts between the City of Boulder and the Association or the Company, described generally as a one and one quarter (1.25) acre right on the records of the Association or the Company, and associated with a parcel designated as Silver Lake Ditch Parcel No. 253 on the records of the Association or the Company, otherwise known as 2350 Norwood Avenue, Boulder, Colorado 80304, and more particularly described on Exhibit A attached hereto and incorporated herein by reference;

hereinafter called "the Water Rights."

- b. Subject to the provisions of this Agreement, Purchaser hereby agrees to buy the Water Rights, and the Seller hereby agrees to sell the Water Rights upon the terms and conditions stated herein.

2. Price

The purchase price shall be \$3,750, payable as follows: \$100 hereby received for; \$3,650 by Purchaser's check at closing, said purchase price having been freely agreed to by both Seller and Purchaser as the fair market value of the Water Rights.

**AGREEMENT TO BUY AND SELL  
WATER RIGHTS**

*THIS IS A LEGAL INSTRUMENT; IF NOT UNDERSTOOD, LEGAL, TAX, OR OTHER  
COUNSEL SHOULD BE CONSULTED BEFORE SIGNING.*

This AGREEMENT TO BUY AND SELL WATER RIGHTS (the "Agreement") is by and between the City of Boulder, a Colorado home rule city (the "Purchaser") and Marilyn Jean Jorrie, formerly known as Marilyn Jorrie Curtis, whose address is P.O. Box 4116, Boulder, Colorado 80306 (the "Seller").

1. Water Rights Conveyed

- a. The Seller hereby acknowledges having received from the Purchaser the sum of \$100.00 in the form of a check as earnest money and part payment for the following described water rights, to wit:

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2. Price

The purchase price shall be \$3,750, payable as follows: \$100 hereby receipted for; \$3,650 by Purchaser's check at closing, said purchase price having been freely agreed to by both Seller and Purchaser as the fair market value of the Water Rights.

3. Title

- a. Title to the Water Rights shall be merchantable in Seller, except as stated in subparagraph 3.c. Subject to payment or tender as above provided and compliance by Purchaser with the other terms and provisions hereof, Seller shall execute and deliver a good and sufficient quit claim deed for the Water Rights at closing to occur within 30 days of execution of this Agreement, or by mutual agreement, at an earlier date, conveying the Water Rights free and clear of all taxes, liens, encumbrances, assessments, and leases. Seller shall execute all such stock transfers or other documents as may be required by the Company to effectuate the transfer of water rights in such company from Seller to Purchaser in accordance with this Agreement. Seller shall pay the current year's assessment and any past due assessments. Purchaser agrees to pay any stock transfer fee to transfer any certificate which is the subject of this Agreement or any recording fees for this instrument or any other instrument necessary pursuant to this Agreement.
- b. Except as stated in subparagraph 3.c., if title to the Water Rights is not merchantable and written notice of defect(s) is given by Purchaser or Purchaser's agent to Seller on or before date of closing, Seller shall, at her sole expense, use reasonable efforts to correct said defect(s) prior to date of closing. If Seller is unable to correct said defect(s) on or before date of closing, at Seller's option and upon written notice to Purchaser or Purchaser's agent on or before date of closing, the date of closing shall be extended 30 days for the purpose of correcting said defect(s). If title is not rendered merchantable as provided in this subparagraph, at either party's option, this Agreement may be declared to be void and of no effect, and each party hereto shall be released from all obligations hereunder, and all payments and things of value received hereunder shall be returned to Purchaser.
- c. Any taxes, liens, encumbrances, or assessments required to be paid shall be paid at or before the time of settlement from the proceeds of this transaction or from any other source.

4. Default

Time is of the essence hereof. If any note or check received as earnest money hereunder or any other payment due hereunder is not paid, honored, or tendered when due, or if any other obligation hereunder is not performed as herein provided, there shall be the following remedies:

- a. IF PURCHASER IS IN DEFAULT, then all payments and things of value received hereunder shall be forfeited by Purchaser and retained on behalf of Seller, and both parties shall thereafter be released from all obligations hereunder. It is agreed that such payments and things of value are LIQUIDATED DAMAGES and are, except as provided in subparagraph 4.c., SELLER'S SOLE AND ONLY REMEDY for Purchaser's failure to perform the obligations of this

Agreement. Seller expressly waives the remedies of specific performance and additional damages.

- b. IF SELLER IS IN DEFAULT, (1) Purchaser may elect to treat this Agreement as terminated, in which case all payments and things of value received hereunder shall be returned to Purchaser, and Purchaser may recover such damages as may be proper; or (2) Purchaser may elect to treat this Agreement as being in full force and effect, and Purchaser shall have the right to an action for specific performance or damages, or both.
- c. Anything to the contrary herein notwithstanding, in the event of any litigation arising out of this Agreement, the court may award to the prevailing party all reasonable costs and expenses, including attorney's fees.

5. Representations and Warranties

By signing this Agreement, Seller warrants, and at the closing, Seller shall again warrant to Purchaser as follows:

- a. This Agreement and the documents required to be delivered by Seller hereunder ("Seller's Documents") do not and will not contravene any provision of any currently applicable law or regulation. This conveyance of the Water Rights and the delivery of this Agreement and Documents will not result in a breach of, constitute a default under, or require consent pursuant to, any credit agreement, lease, indenture, mortgage, deed of trust, purchase agreement, guarantee, or other instrument to which Seller is presently a party or by which Seller or her assets are presently bound or affected.
- b. Except as hereinafter set forth, there are no actual or, to the best of Seller's knowledge, threatened or contemplated suits, action, or proceedings with respect to all or part of the Water Rights (1) for condemnation, (2) alleging any violation of any currently applicable law or regulation, or (3) which could result in a lien or lis pendens affecting all or any part of the Water Rights.
- c. Seller is the sole owner of all the Water Rights and will not, prior to closing, assign, pledge, transfer, lease, or in any way encumber her interest therein.
- d. Seller has full power and authority to execute and deliver this Agreement and Seller's Documents and to perform all obligations arising under this Agreement and under Seller's Documents.
- e. During Seller's ownership of the Water Rights, no person has claimed any right to any part of the Water Rights adverse to Seller.

6. Expenses  
Except as otherwise expressly provided, each party shall pay their own costs and expenses in connection with the negotiation, execution, and delivery of this Agreement and of Seller's Documents.
7. Broker's Fee  
Purchaser shall not be obligated to pay any broker's commission or fee which may be claimed pursuant to this Agreement, and Seller shall indemnify, defend and hold harmless Purchaser from and against all loss, expense, damage, and liability from any services claimed to have been rendered in connection with the transaction contemplated in this Agreement.
8. Entire Agreement  
This Agreement supersedes all prior agreements and contains the complete and entire agreement between the parties respecting negotiations, agreements, representations, and understandings, if any, between the parties concerning the Water Rights.
9. Modifications  
This Agreement may not be modified, discharged, or changed in any respect whatsoever, except by a further agreement in writing duly executed by Purchaser and Seller. However, any consent, waiver, approval, or authorization shall be effective if signed by the party granting or making such consent, waiver, approval or authorization.
10. Notices  
All notices under this Agreement shall be given by registered or certified mail, postage prepaid, directed as follows, and shall be deemed given on the date of mailing.  
  
If to Seller:                   Marilyn Jean Jorrie  
                                          P.O. Box 4116  
                                          Boulder, CO 80306  
  
If to Purchaser:               City of Boulder  
                                          Utilities Division  
                                          Attn: Director of Public Works for Utilities  
                                          P. O. Box 791  
                                          Boulder, CO 80306
11. Successors and Assigns  
The agreements herein contained shall bind and inure to the benefit of the respective heirs, successors, and assigns of the parties hereto.
12. Additional Documents or Action  
The parties agree to execute or obtain any additional documents or take any additional action that is necessary to carry out this Agreement.

13. Survival of Closing

The representations, covenants and warranties provided in this Agreement and the rights and obligations of the parties hereunder shall survive the closing and shall not merge in the instruments delivered at closing.

14. Silver Lake Ditch & Reservoir Company

Silver Lake Ditch Parcel No. 253 is a SLD Irrigated Property pursuant to the Settlement Agreement of December 1, 2010 between the City of Boulder and the Silver Lake Ditch & Reservoir Company, recorded at Reception No. 03046201 in Boulder County, Colorado (the "Settlement Agreement"). The Seller agrees to voluntarily assign the Water Rights to Purchaser according to the terms and conditions of this Agreement, and such assignment is not required by the City in order to obtain a permit for Redevelopment or Subdivision, or as a condition of Voluntary Annexation or Non-Voluntary Annexation, as those terms are defined in the Settlement Agreement.

DATED this 31 day of December 2014.

**PURCHASER:**

CITY OF BOULDER

By: \_\_\_\_\_  
Jane S. Brautigam  
City Manager

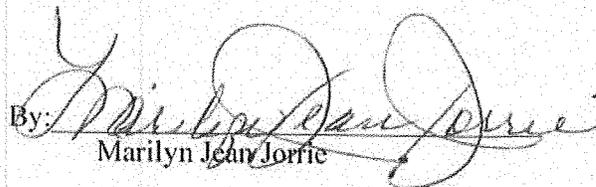
Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

**SELLER:**

By:   
Marilyn Jean Jorrie

SEE CALIFORNIA  
AK FORM  
ATTACHED 0. 1

ACKNOWLEDGMENT

State of California  
County of Los Angeles

On 12-31-2014 before me, John P. Tata - Notary Public  
(insert name and title of the officer)

personally appeared MARILYN JEAN JORRIS  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)  
is/are subscribed to the within instrument and acknowledged to me that he/she/they executed  
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)

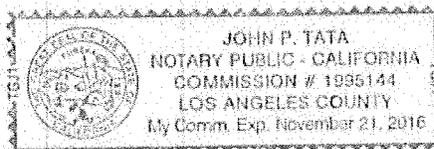


EXHIBIT A  
TO AGREEMENT TO BUY AND SELL WATER RIGHTS

The land referred to in Schedule A is situated in the County of Boulder, State of Colorado and is described as follows:

That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 18, Township 1 North, Range 70 West of the 6th P.M., described as follows:

Beginning at a point on the South line of said Section 18, a distance of 959.24 feet Westerly from the Southeast corner of said Section 18, thence Northerly and at right angles to the South line of said Section 18, a distance of 210.00 feet; thence Easterly, parallel with the South line of said Section 18, to a point on the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 18; thence Southerly along the East line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 18, to the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 18; thence Westerly along the South line of said Section 18, to the place of Beginning, County of Boulder, State of Colorado.

**City of Boulder**  
**Guidelines for Annexation Agreements**  
-Individual Annexations of Mostly Developed Residential Properties  
in Area II-

*June 25, 2002*

**I. Background:**

The purpose of these guidelines is to provide general direction for negotiating annexation agreements with individual landowners of mostly developed residential properties in Area II. They are intended to clarify city expectations in individual annexations. These guidelines have been endorsed by Planning Board and City Council and are a reference for city staff, landowners, Planning Board and City Council in future individual annexation negotiations.

The Boulder Valley Comprehensive Plan provides a framework for annexation and urban service provision.

With the 2001 update to the BVCP, Annexation Policy 1.25 was amended to provide more clarity about annexations. The amendments to the policy included the following:

- Direction for the city to actively pursue annexation of county enclaves, Area II properties along the western boundary, and other mostly developed Area II properties;
- Direction to the county to attach great weight to the city's input on development in enclaves and developed Area II lands and to place emphasis on conforming to the city's standards in these areas; and
- A policy that developed parcels proposed for annexation that are seeking no greater density or building size should not be required to provide the same level of community benefit as vacant parcels until more development of the parcel is applied for.

In order to reduce the negative impacts of new development in the Boulder Valley, the BVCP states that the city shall annex Area II land with significant development or redevelopment potential only on a very limited basis. Such annexations will be supported only if the annexation provides a special opportunity to the city or community benefit.

These guidelines apply primarily to mostly developed residential properties in Area II. In most of these cases, the city would not request a community benefit with the annexation. However, a few of the properties that are currently developed in the county may have further development potential once annexed into the city. These guidelines further refine the BVCP Policy 1.25 by specifically outlining which properties will be asked to provide community benefit upon annexation and what form of community benefit may be requested by the city.

**II. General Principles of Individual Annexations of Mostly Developed Residential Properties:**

- A. In terms of the city's interests, the benefits of annexing mostly developed residential properties in Area II outweigh the costs.
- B. The city has a strong desire to annex many of the residential properties in Area II because of the potential environmental and health issues associated with well and septic systems.
- C. The basic fees associated with annexation (plant investment and impact fees) should not be reduced for individual property owners seeking annexation (although financing and payback may be negotiated).
- D. The city has a legal obligation under state law to annex enclaves at the request of the property owner without terms and conditions beyond those required through existing ordinances.
- E. The city may apply additional terms and conditions to enclaves only through negotiation with the property owner. (Use caution when applying community benefit).

**III. Principles of Applying City Community Benefit Policy:**

- A. Community benefit should only be applied to properties with additional development potential.
- B. For the purposes of these guidelines, additional development potential includes the ability to subdivide the property and/or build at least one additional unit on the property. Additional development potential **does not** include the ability to add on to an existing house or to replace an old house with a new one (scrape-offs).
- C. Although emphasis is placed on affordable housing, community benefit is not restricted to housing. An affordable housing benefit should be balanced with other benefits such as land or property dedications (landmarking, flood and open space easements) or other restrictions that help meet BVCP goals.
- D. The city should strive for consistency in applying the affordable housing requirement to properties with additional development potential. In areas where new affordable units are appropriate (Crestview East), restrictions should be placed on the affordability of the new units. In areas where new affordable units are not appropriate or feasible, (Gould Subdivision, 55<sup>th</sup> St. enclaves), the applicant should be requested to pay two times the cash contribution in-lieu of providing on-site affordable housing.

**IV. Framework for Basic Annexation Conditions for All Properties:**

- A. Inclusion in the Boulder Municipal Subdistrict and the Northern Colorado Water Conservancy District.
- B. Assessment for waterline and sanitary sewer along street frontage (either existing or to be constructed).
- C. Development Excise Tax (DET).
- D. Storm Water and Flood Management Utility Plant Investment fees.
- E. Water and Wastewater Utility Plant Investment Fee.

- F. Dedication to the city of right-of-way for streets, alleys, water mains, and/or fire hydrants.
- G. Agreement to participate in their pro rata share of any future right-of-way improvements (paving, roadbase, curb, gutter, landscaping, sidewalks, bicycle and pedestrian path connections).
- H. Properties with Silver Lake Ditch rights: The city would ask the property owner to sell all interests in the ditch company to the city.
- I. Properties with other ditch rights: The city would ask for the first Right of Refusal for any ditch rights associated with the property.

**V. Application of Community Benefit**

**A. Guidelines for properties within the flood conveyance zone or with an open space or natural ecosystem land use designations.**

- 1. The city would request dedication of an open space conservation easement for any portion of the site with a BVCP Open Space or Natural Ecosystem land use designation.
- 2. The city would request dedication to the city of a stormwater and floodplain easement for any portion of the site located within the flood conveyance zone.

**B. Guidelines for properties with additional development potential.**

The guidelines below are based on the definition of development potential as the potential for a property to be subdivided or for additional units to be built on the property. Although the terms of the community benefit requirement may be negotiated on a case-by-case basis, the following are the general guidelines for requesting community benefit:

- 1. A community benefit requirement in the form of two times the cash in-lieu contribution as set forth in the city's inclusionary zoning ordinance to the Housing Trust Fund would be negotiated with property owners in ER and RR zones.
- 2. For properties in LR and MR zones, a condition would be negotiated that a certain percentage of any new dwelling units be made permanently affordable to various income groups (see specific guidelines for each property group below).
- 3. For enclaves, the affordable housing request should be consistent with similar annexations in the area (see specific guidelines for each property group below).
- 4. For edge properties, the cash-in-lieu requested would be two times that required under the inclusionary zoning ordinance.

**C. Guidelines for specific property areas.**

**1. Enclave – Crestview East**

- a. All properties:
  - Request that the applicant demonstrate compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.
- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.
- c. Properties with subdivision potential – split MR/LR zoning:
  - 50% of any newly constructed units should be permanently affordable to low and middle income households.
- d. Properties with subdivision potential – split LR/ER zones:
  - 25% of any newly constructed units should be permanently affordable to middle income households; and
  - Market rate units permitted on site should pay twice the applicable cash-in-lieu amount required by inclusionary zoning provisions.
- e. Properties with subdivision potential – ER zones:
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (prior to building permit).

**2. Enclave – Githens Acres and other miscellaneous North Boulder enclave properties.**

- a. All properties:
  - Request that the applicant demonstrates compliance with the North Boulder Subcommunity Plan Design Guidelines upon redevelopment or other applicable developed zoning district standards.
- b. Properties along Fourmile Canyon Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility

easements to the city to meet the objectives of the Greenways Master Plan.

**3. Enclave – Pennsylvania Ave.**

- a. Three properties along the Wellman Canal (5255, 5303, and 5101):
- Attempt to secure through negotiation, dedication of a trail easement to the city to meet the objectives of the city’s Transportation Master Plan.
- b. For all properties:
- Request payment for share of sidewalk improvements along Pennsylvania Ave.

**4. Enclave – 55<sup>th</sup> St.**

- a. Property with an MR land use designation (1415 55<sup>th</sup> St.):  
If zoned LR-D,
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit. (at the time of building permit) or;
  - Any newly constructed units must be permanently affordable to middle income households.
- If zoned MR-D,
- 50% of any newly constructed units must be permanently affordable to low and middle income households.
- b. Properties with an LR land use designation and further development potential (994, 836, 830 55<sup>th</sup> St. and 5495 Baseline Rd.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit (at the time of building permit).

**5. Gould Subdivision**

- a. Three properties with additional development potential (2840 Jay Rd., 2818 Jay Rd., 4040 28<sup>th</sup> St.):
- Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city’s inclusionary zoning ordinance for each new dwelling unit.

**6. Western Edge**

- a. Two properties with a VLR land use designation and development potential (0 Linden Dr., and 3650 4<sup>th</sup> St.):
  - Payment of two times the cash contribution in-lieu of providing on-site affordable housing set forth in the city's inclusionary zoning ordinance for each new dwelling unit. (at the time of subdivision).
- b. Properties at 3365 4<sup>th</sup> St., 3047 3<sup>rd</sup> St., 2975 3<sup>rd</sup> St., and 2835 3<sup>rd</sup> St.:
  - An open space conservation easement, for the portion of the property that is west of the ABlue Line," should be dedicated to the city.

**7. Old Tale Rd./Cherryvale Rd.**

- a. Properties along South Boulder Creek:
  - Attempt to secure through negotiation, dedication of conservation, trail, and floodplain and drainage utility easements to the city to meet the objectives of the Greenways Master Plan and the Stormwater and Flood Management Utility.

November 5<sup>th</sup>, 2014

Hi Mike,

We are the Co Chairs of the Githens Acres Neighborhood Assoc. (GANA).

First we'd like to thank you for the help that you and the rest of the City Transportation Department staff has given us over the years.

We are writing to you and your Department today regarding the proposed annexation of 4415 Garnet Lane which will be reviewed tomorrow evening at the City Planning Board meeting. This annexation includes the section of Garnet Lane roadway itself that has been closed to cars for over 20 years.

Recent communications with the City about annexation have called into question whether the street closure at Garnet Lane is permanent. This language is causing significant concerns to the folks that have worked hard for many years to keep our neighborhoods' streets safe. Here is the reference to this street closure in the City's latest Annexation materials.

*"Garnet Lane is currently under Boulder County jurisdiction. Boulder County staff has requested that the city annex the portion of the road that fronts 4415 Garnet Ln. and the property to the north since the road will service properties within the city. City staff is recommending annexation of this portion of the road. The road includes an existing road barrier that was erected by the county several years ago to prevent cut-through traffic between 19th and 26th streets. The concern that this road barrier may be removed once the road is in the city has been a primary concern of the Githens Acres neighborhood over the years and a factor in their past decision not to annex. The city has stated that while it will not guarantee permanent closure of this road as a condition of annexation (which the neighborhood has requested in the past), staff has no intention of removing the barrier in the near future.*

#### History of Garnet Lane street closure

Over 20 years ago, after a child was struck nearby by a car, Boulder County installed concrete barriers at Garnet Lane between 19th street and 26th street to end cut through traffic. The curving streets had created a favorite driving experience for owners of many cars going through this area. With narrow lanes, no sidewalks and cars visibly speeding through these rural streets, the County Commissioners voted unanimously to close Garnet Lane due to safety concerns. At the time the road was closed the Director of the County Transportation Dept. determined that closing the street would not have a meaningful negative affect on other east-west routes in this area.

As you know, about 5 years ago the neighborhoods that surround this closure petitioned the City and County to make the closure more permanent. The concrete construction barricades that were blocking the street had been an eyesore for many years at that point. The neighbors offered to raise the funds from local citizens to pay all of the costs to build and landscape the permanent closure to cars at a cost of \$16,000. After receiving the initial go ahead from the City and the County, the funds were raised and an architect was hired to design the street closure. After

receiving final approvals from the City and the County, new barrier bricks were laid and trees, shrubs and flowers were planted.

Since then the area has become known to many bicyclists and pedestrians as a safe area to bike and walk in. Baby strollers, seniors and others slowly wind their way throughout these streets daily. The walking experience is very different compared with other places in Boulder such as the heavily used open space hiking trails or multi use paths, which can be more congested and less safe. Our area is extremely family friendly, uniquely rural in character, and is heavily used for this purpose.

Thanks to on-going cooperation between the City and the local neighbors, routes through these neighborhoods are now well marked with signage to local schools and paths for walkers and bikers including travel distances. These routes have been added to the GO Boulder maps and Website. These simple improvements including the new signage are in line with the recommendations of the Greenways Advisory Committee the last time this area was discussed in detail.

Here is a specific recommendation from the GAC at their meeting about this area:

*"Do not proceed with the design and construction of a multi-use path along Four Mile Canyon Creek between 19th and 22nd Streets at this time, but evaluate other ways to improve bicycle and pedestrian connectivity for Crest View Elementary School students and other people trying to navigate from 26th Street to 19th Street."*

Following the recommendations by the GAC, an effort known as Safe Routes Crestview was created to work on improving bicycle and pedestrian connectivity around Crestview School. The process started by identifying 8 different potential routes through this area. With input from GO Boulder, Boltage, Community Cycles and the Crestview Parent Teacher Org., these 8 routes were narrowed to 2-3 routes that would improve safety and would not require significant capital improvements. GAC recommended that the City take no action for five years to see if clearly marked routes using existing roads would alleviate concerns about having bikes, pedestrians and cars sharing these streets.

During the GAC meeting, Bob Yates, the representative of the Parks and Recreation Dept. summarized the prevailing opinion of the GAC. He stated that during the on-site walk through the area by GAC Board Members, they saw almost no cars on these roads and that there must be other places in Boulder with more conflict between cars, pedestrians and bikers "where the money could be better used."

We greatly appreciate that you have always honored your word to us. We need your help now to advise us on what to do. We followed all of the instructions given to us by your Department. We raised the funds to pay for the work without asking either the City or the County for financial assistance. Despite all of this, it appears that some on city staff continue to consider reopening Garnet Lane at some point. This would recreate a significant transportation safety hazard for the people that live, walk and bike through this network of streets that are a cornerstone of our neighborhood.

Thank you,

Jim Snow Co chair, GANA

Allen Goldstone Co chair, GANA

Dear Boulder Planning Board Members,

I am the Executive Director of New Horizons preschool, a North Boulder neighborhood school for the last 44 years. I am writing concerning the annexations of North Boulder Properties that are before you.

Our school uses local nature as teaching opportunities for our students. We have a history of standing up for these special places around us including the riparian corridor surrounding Four Mile Canyon Creek. Our Board has become aware that there is a long term threat to the Silver Lake Ditch (SLD) which provides water to the wild things near our school. The reason as we understand it, stems from the City of Boulder's interest in owning more of the SLD water. We ask you to reconsider this policy, as we do not support the City's efforts to replace the local residents as owners of the Ditch in order for the City to own a greater share of the water carried by the SLD.

SLD is vitally important to the health of the ecosystem in Boulder.

One of our Board Members found the following facts about the SLD:

SLD was initially laid out in the late 1800's to irrigate 1500 Silver Maple trees from Missouri that were planted along Mapleton Ave. It was the last irrigation ditch constructed in Boulder and is the only ditch that transports water a considerable distance north of town. The Ditch supplies water to several migration corridors throughout the city for a diverse population of mammals. The SLD supports a wide range of breeding birds. Neighbors living along SLD have documented more than 50 bird species on these corridors.

Here are some specific benefits to the City provided by SLD:

- SLD waters and provides a water feature to the Community Gardens in North Boulder.
- Because storage water is released throughout the summer from Silver Lake or Barker Reservoir, water qualities in creeks upstream are improved.
- Water flows into Sunshine Creek throughout the irrigation season, sustaining the riparian zone and improving the water quality of the creek.
- Carriage of water to Mesa Reservoir. Prior to a joint effort between the City and SLD, Mesa had been dry for many years. Thanks to this collaboration, Mesa is now a large thriving wetlands and wildlife habitat.
- Water deliveries are made to Wonderland Lake at the beginning and end of the season. This increases the water levels and improves the water quality and wildlife habitat there.
- Each season, the Ditch is used to fill Maxwell Lake in Maxwell Park, a city park that also provides riparian zones, wetlands and wildlife habitat.
- Each season, the Ditch recharges the water table in North Boulder. This sustains the vegetation, especially the trees. It recharges domestic wells, which City residents use for irrigation in North Boulder.
- The Ditch provides running water, riparian habitat, and play areas for the citizens, dogs and wild animals of Boulder in many City Open Space areas,

including Red Rocks, Elephant Butress area, Sanitas, Maxwell Lake Park, Wonderland Lake Area, North Boulder Community Park, and North Boulder Open Space out to Mesa.

- The Foothills Community Park uses Ditch water to irrigate, with a significant cost benefit to the City budget and elimination of chemical treatment of the water.

We feel that it's a major mistake for the City not to keep the water in SLD tied to the local residents and to the land.

Thank you  
 Isolde Stewart  
 Executive Director  
 New Horizons Preschool  
 1825 Upland Ave., Boulder, Co.

**Johnson, Beverly**

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**From:** Kent D Wilson [kentwilson@ft.NewYorkLife.com]  
**Sent:** Thursday, November 06, 2014 3:11 PM  
**To:** boulderplanningboard  
**Cc:** Johnson, Beverly; Meschuk, Chris  
**Subject:** Silver Creek Ditch

Dear City of Boulder Planning Board,

We represent an organization known as Friends of Four Mile Canyon Creek. We are a several years old “grass roots” group of folks from all over Boulder that is concerned about the issues surrounding the preservation of Four Mile Canyon Creek and its riparian corridor.

Due to the close proximity of Four Mile Canyon Creek to the Silver Lake Ditch, many of our members irrigate their land with water from the Silver Lake Ditch. Some live in the City and some are in the County in areas that the Boulder Valley Comp Plan maps show as Area II. Now that some of these Area II properties may be considering annexation, we are taking a closer look at the effect this will have on the City’s character.

It has come to our attention that the City is asking the property owners that are considering annexing to give the City a first right of refusal to buy their Silver Lake Ditch shares when they sell their homes. We do not support this condition for annexation. As we understand it, the last contract between the City and the Silver Lake Ditch already gives the City access to Silver Lake Ditch’s water during dry years. This is exactly what happened a few years ago when Boulder had a dry year. The City received Silver lake Ditch’s water and the ditch remained dry.

Over time this City policy will destroy the Silver Lake Ditch as there are less volunteers to do the work and pay the bills. Some of the shares that are retired will irreversibly lead to declining water beyond which the ditch cannot function. While City Council Members and Staff today respect and understand the importance of Boulder’s irrigation ditches and their contribution to our City’s current health and past history, there is no guarantee that future Members will be like-minded.

The demise of the Silver Lake Ditch will have a very negative impact on the Four Mile Canyon Creek area as there are years when the Creek carries very little water, or none. During those years we depend on the water in the Silver Lake Ditch to keep the plants and animals alive. The Silver Lake Ditch is an integral part of the ecosystem, with many species of trees, bushes and grasses depending on it.

Please request that the City amend their agreement with the Silver Lake Ditch that requires property owners that voluntarily annex to give a first right of refusal for their Ditch shares to the City. We also request that the City stop its policy of trying to own more of this Ditch. The City already has access to the water when it needs it.

As citizens, we spend considerable time working to save this important place of nature that still exists within Boulder, and contributes to defining its character. Please help us preserve some of what is left of the town that attracted many of us here in the first place.

Thank you  
Kent and Ellen Wilson  
2192 Tamarack Ave., Boulder, Co

**Johnson, Beverly**

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**From:** Connie Redak [connieredak@yahoo.com]  
**Sent:** Wednesday, November 05, 2014 7:11 PM  
**To:** boulderplanningboard  
**Cc:** Johnson, Beverly; Meschuk, Chris  
**Subject:** githens acres annexations

November 5, 2014

Dear City of Boulder Planning Board,

I have been the Githens Acres Lateral Chairperson for the Silver Lake Ditch for many years. I know intimately the value of ditch water to the Githens Acres neighborhood and am saddened whenever a property is annexed because it ultimately results in the loss of valuable and irreplaceable water to us. I am also, of course, aware of the 2009 agreement that allows the city to ask property owners being considered for annexation for first right of refusal upon the sale of their property. However, this same agreement also allows for people to negotiate different terms if they wish. Agreements can be changed if both parties wish to do so... and this one is no exception. It is my hope that a new era of cooperation and creativity will evolve soon that makes keeping our water a possibility. This neighborhood is an oasis for people and a sanctuary for wildlife. With each acre foot of water lost we lose critical flow as well as more of the volunteer base that is necessary for us to operate. I am told that the city has an impressive water portfolio. I don't know just how much difference our approximately 40 acre feet could make to them but to us--- it makes all the difference in the world.

Sincerely,

Connie Redak  
2295 Topaz Drive  
Boulder, Colorado 80304

Githens Acres Lateral Chairperson  
Silver Lake Ditch

Dear Council Members

We understand that for a wide variety of reasons a number of you were unable to attend the Council Session on November 12<sup>th</sup> that focused on Boulder's Climate Commitment and updates on a number of major energy initiatives including the development and implementation of our Commercial and Industrial Energy Efficiency Ordinance.

In order to give all of you an opportunity to review and provide comments on these important and high Council priority initiatives, we have included the attached link. We ask that you provide any questions or comments by November 24<sup>th</sup>. Staff will include these and staff responses as part of the Study Session summary that will be completed by December 5<sup>th</sup>.

**Johnson, Beverly**

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**From:** Ferro, Charles  
**Sent:** Wednesday, November 05, 2014 3:37 PM  
**To:** Johnson, Beverly  
**Subject:** FW: annexation

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**From:** Boulder Back Pain Clinic [<mailto:marc@boulderbackpainclinic.com>]  
**Sent:** Wednesday, November 05, 2014 3:34 PM  
**To:** boulderplanningboard  
**Subject:** annexation

To: City of Boulder Planning Board

From: Dr. Marc Cahn

Date: Nov 5 2014

I am writing in reference to the proposed Annexations that will be discussed this Thursday Nov 6 2014.

I live in North Boulder in a property that was annexed to the City of Boulder.

At the time of the annexation the Silver lake Ditch rights had to be turned over to the City.

The Silver Lake Ditch continues to run near us and we are very appreciative that it does.

Each summer the water that it brings through North Boulder (up past the Armory)

keeps the City green and feeds all of the wild animals.

The City needs to stop its practice of taking the rights to this water or the ditch will cease to exist.

Sincerely,

Marc S Cahn, DC

Marc S Cahn, DC, CAc



**DIETZE AND DAVIS, P.C.**  
ATTORNEYS AT LAW

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Joel C. Davis 1936-2013  
*\*Also admitted in California*

November 25, 2014

Chris Meschuk  
City of Boulder  
Planning and Development Services  
1739 Broadway  
Boulder, Colorado 80302

SENT VIA EMAIL ONLY

Re: 2350 Norwood Annexation

Dear Chris:

Attached are the Annexation Agreement and Grant of Public Access Easement signed by Norwood Garden LLC and notarized. I have also contacted the title company and requested an updated commitment. I will deliver that to you as soon as it is received.

As has been repeatedly communicated to Staff, my client objects to the requirements, included in the attached Annexation Agreement and evidenced by the Grant of Public Access Easement, relating to a 16-foot-wide easement for a multi-use path over the western and southern edges of the referenced property. The primary reasons for my client's objection to this specific easement are tied to the desire to (a) protect the sensitive habitat and fruit production attributes of the dense plum thicket located in the southwestern portion of her property, and the pond located along the southern boundary, and (b) maintain the existing drainage from the property, as required by the Annexation Agreement. The destruction of the thicket and the potential negative effects on the drainage in that area, as would necessarily result from motor vehicles traversing the area and the ultimate construction of the proposed multi-use path, is something to which my client is adamantly opposed and would seem to be contrary to many of the City's goals, including neighborhood preservation.

Because the City rejected my client's offer of a similar 16-foot-wide easement along the eastern edge of the property, which would not carry with it the same adverse effects, my client previously executed, and delivered, a Deed by which the western 4 feet of the property would be conveyed to the City in fee so that a walking path could be constructed thereon.

In any event, my client has opted to sign and deliver the attached documents, and asks that they be included in the packet to be delivered to Council. The delivery of these documents is based

Chris Meschuk  
November 25, 2014  
Page 2

on my, and my client's, understanding that the proposed annexation, evidenced by these documents (and the Quitclaim Deed for the Norwood ROW previously provided), may be withdrawn by my client at any time before the vote is taken in connection with the second reading of the applicable annexation ordinance, which vote is expected to be taken at the January 20, 2015, meeting of the City Council. If these understandings are incorrect, please let me know as soon as possible.

This letter will also serve to confirm our telephone conversation earlier today, in which you provided me with the following information:

1. The attached documents, along with the Quitclaim Deed for the Norwood ROW, will be included in the packet to be provided to Council in advance of its December 2, 2014, meeting. In the Staff memo to be included in that packet, mention will be made of my client's objection to the requirements included in the Annexation Agreement relating to the 16-foot-wide easement for the multi-use path, especially the location of the easement;

2. The first reading of the applicable annexation ordinance will take place at the December 2, 2014, Council meeting. Although members of Council may ask questions in connection with the annexation ordinance at that meeting, no public hearing will be held in connection with the ordinance. As a result, you advised there is no need for my client, or a representative, to be present at that meeting;

3. Following the first reading of the ordinance, Council may ask for changes to the annexation documents, which Staff will then address prior to the second reading of the annexation ordinance to occur at the January 20, 2015, Council meeting;

4. Staff expects to prepare comments relating to the annexation ordinance in anticipation of the second reading on January 20, 2015, for delivery to Council. You suggested that comments and/or information from my client could be provided prior to January 6, 2015 and January 13, 2015, for inclusion in the draft and final packets, respectively; and

5. At the second reading of the annexation ordinance, at the January 20, 2015, Council meeting, there will be a public hearing in connection with the ordinance, at which time my client may present testimony. If, following the public hearing, but prior to the actual vote on the ordinance, Norwood Garden LLC is not willing to comply with the requirements that will be imposed in accordance with the annexation ordinance, then it may withdraw its annexation petition. Should that occur, then the attached documents, along with the Quitclaim Deed for the Norwood Property and the Deed of the westerly 4' of the property, shall be of no further force and effect and should be returned to my client.

If I have misstated any of the information I understood you were conveying to me in our conversation today, please let me know as soon as possible. Thank you.

Very truly yours,

Chris Meschuk  
November 25, 2014  
Page 3

DIETZE AND DAVIS, P.C.



Robyn W. Kube

RWK/hs

Attachments

c: Client (via email, with attachments)



**DIETZE AND DAVIS, P.C.**

ATTORNEYS AT LAW

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*\*Also admitted in California*

January 6, 2015

HAND DELIVERED

Julia R. Chase, Esquire  
City of Boulder  
1777 Broadway  
Boulder, CO 80302

Re: 2350 Norwood Avenue

Dear Julia:

Enclosed is a copy of the revised Annexation Agreement signed by Norwood Garden LLC on December 31, 2014: Also enclosed are copies of the following documents signed by Marilyn Jorrie, the prior owner of the referenced property, on December 31, 2014:

1. Agreement to Buy and Sell Water Rights;
2. Quitclaim Deed for Silver Lake Ditch; and
3. Correction Deed.

It is my understanding that the City is currently in possession of the Grant of Public Access Easement (signed by Norwood Garden on November 25, 2014), the Quitclaim Deed for the Norwood right-of-way (signed by Norwood Garden on November 18, 2014), and the Bargain and Sale Deed for the path (signed by Norwood Garden on November 18, 2014).

All of the documents identified above have been signed and provided to the City to facilitate the annexation of the referenced property into the City. Nevertheless, Ms. Jorrie, individually and as the principal in Norwood Garden, strongly objects to two aspects of the annexation which she feels have been unfairly and unnecessarily imposed by the City. The first objection is to the requirements relating to the 16-foot-wide easement for a multi-use path over the western and southern edges of the referenced property. The second objection relates to the price the City is willing to pay for the interests in the Silver Lake Ditch.

As has been stated in prior communications, my client has no objection to burdening the property with a public access easement on the eastern side of the property, or granting the City a fee interest along the western edge of the property so that a trail can be constructed. In fact, because the City rejected the offer of a 16-foot-wide easement along the eastern edge of the property, my client previously executed, and delivered, the Bargain and Sale Deed by which the western 4 feet of the property would be conveyed to the City in fee so that a walking path could be constructed thereon.

My client does, however, object to the City's requirement that a 16-foot-wide easement be located on the western and southern boundaries of the property. This objection relates to the desire to (a) protect the unique and sensitive habitat and fruit production attributes of the dense plum thicket located in the southwestern portion of the property, (b) protect the pond located along the southern boundary, and (c) maintain the existing drainage from the property, as required by the Annexation Agreement. The destruction of the thicket and the potential negative effects on the drainage in that area, as would necessarily result from motor vehicles traversing the area and the ultimate construction of the proposed multi-use path, are not only anathema to Ms. Jorrie and Norwood Garden, but are also contrary to many of the City's goals, including neighborhood preservation.

The purchase price the City is willing to pay for Ms. Jorrie's shares in the Silver Lake Ditch Company is objectionable because it neither reflects the fair value of those shares, as required by the Settlement Agreement between the City and the Ditch Company, nor the impact of the loss of the water rights associated with the shares on the value of the real property.

Based on the following calculations, the value of the Ditch shares is more in the range of \$8,000 to \$10,000:

1. The reported headgate diversions for the Ditch average 959 AF/year. Assuming a 33% carriage loss in the Ditch due to its path through Boulder and leaky spots along the course of the Ditch, this demonstrates a yield of ~642AF/year;
2. There are 240 shares in the Ditch, so the Ditch yields roughly 2.7 AF/share. Ms. Jorrie owns 1.25 shares = 3.4AF/year;
3. Assuming the water right is 50% consumptive, and that the actual "safe yield" of the right is 1/2 of the historic diversions, that provides for a "wet water right" of about  $0.25 \times 3.4\text{AF/year} = 0.85\text{AF}$  consumptive;
4. This amount is roughly 1.4 times the yield of a unit of C-BT. Because C-BT is a remarkable right, the yield of a share of the Ditch and a unit of CBT are roughly equivalent; and
5. C-BT units are currently selling for \$25,000, but are more freely alienable than the Ditch shares and have other attributes which affect their value. Taking into

account the discounted value of a Ditch share vis-à-vis the value of a unit of C-BT, the fair value of Ms. Jorrie's 1.25 acre rights would still be in the range of \$8,000 to \$10,000.

In addition, the loss of those water rights, especially when considered in light of my client's goal of developing the property with just one residence to be occupied by six to ten unrelated, older persons, serves to diminish the value of the real property by an additional \$5,000, for which my client seeks compensation.

Given their objections to the location of the public access easement and the purchase price for the water rights, Ms. Jorrie and Norwood Garden ask that the enclosed documents, as well as the documents delivered on November 18, 2014, and November 25, 2014, be included in the packet to be delivered to Council in anticipation of its meeting on January 20, 2015. They further understand that the Staff memo to be included in the packet will make mention of their objection to the requirements included in the Annexation Agreement relating to the 16-foot-wide easement for the multi-use path, especially the location of the easement.

Once the annexation is approved, Norwood Garden requests that any of the signed documents it has delivered to the City, but which following the annexation, as ultimately approved, will no longer be relevant, shall thereupon be of no further force and effect, and should be returned to me.

Very truly yours,

DIETZE AND DAVIS, P.C.



Robyn W. Kube

c: Client (via email only)



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE:** Update on P&DS Advisors Group

**PRESENTER/S**

Jane S. Brautigam, City Manager

Maureen Rait, Executive Director of Public Works

David Driskell, Executive Director of Community Planning and Sustainability

**EXECUTIVE SUMMARY**

This item is an update on the P&DS Advisors group that staff has convened on a periodic basis since 2006. The P&DS Advisors group consists of Boulder community members interested in city business processes involving land use, engineering and building permit issuance: essentially, how the community's adopted vision for development, as embodied in city codes and regulations, are applied as efficiently and fairly as possible in the review process, for everything from fence and sign permits and residential remodels to larger developments.

The P&DS Advisors Group includes representatives from some of the most frequent customers of the city's [Services Center](#), which is the one-stop, public in-take and information center for the city's development-related functions. This group also includes representatives from neighborhoods and public boards. Since April 5, 2006, City of Boulder staff has held 20 meetings with the P&DS Advisors to discuss ways to improve the city's land use, engineering and building permit-related business processes. These meetings focus on customer service improvements and do not involve the discussion of specific development proposals or serve as a forum for policy deliberation.

**BACKGROUND**

A "service area" known as Planning & Development Services (P&DS) was implemented in 2001 to support all the development-related work functions across the two departments of Community Planning & Sustainability and Public Works. This was done following the establishment of a one-stop-shop on the 3<sup>rd</sup> floor of the Park Central Building, in order to improve the integration of the business processes managed by the two departments. Additionally, the P&DS special revenue fund was established as fees are collected for the services that are provided. The fund financial provides a transparent way of illustrating how those revenues are used to fund services and allows the multi-year aspect of construction to be considered; expenditures related to the services that are provided do not always occur during the same year the revenue is collected.

In 2005 (and again in 2007), the city hired business consultant Ray Wilson to obtain an independent assessment of how primary employers view “doing business in Boulder.” Mr. Wilson conducted interviews and reported his findings to City Council and staff and indicated that the city’s development related processes (land use, engineering and building permit review) were factors that impacted primary employers.

In November 2005, city staff met with the Boulder Economic Council (BEC) to discuss the issues that were identified in that assessment and provide an update on initiatives recently implemented. The BEC appreciated the update and supported the concept of more routine meetings to foster an on-going communication link.

At the time, the city simply asked who would be interested in attending such meetings and developed a list of group participants based upon a show of hands. The city supplemented the list by adding board members and neighborhood representatives, and contacted those designated to confirm their availability and interest. With regard to the latter, with development at the time focused around the downtown, representatives from the Whittier and Goss Grove neighborhoods were included.

The first meeting of the group was held on April 5, 2006. This initial meeting provided an overview of the Planning and Public Works departments and highlighted the service area and fund known as “Planning & Development Services.” The meeting also provided information updates on current initiatives; permit activity as well as a venue to provide feedback for business process improvements.

There have been a total of 20 meetings of this group.

## **ANALYSIS**

The P&DS Advisor meetings focus on information updates and ways to improve the city's land use, engineering and building permit- related processes. These meetings do not involve discussion of specific development proposals or serve as a forum for policy deliberation. For example, discussion topics have included the hours of operations for the public counter, process coordination between engineering review (also known as technical document review) and building permit review, and opportunities to enhance the city’s website and development tracking software to improve public access to information involving the status of projects. Basic city operations and services constitute a significant portion of resource allocation citywide. It is the organization’s work ethic that there is always room to improve service delivery. City staff has found it beneficial to actively engage customers in order to share information about what is being done to improve services and better understand what customers think about proposed changes.

In general, past meeting agendas have covered topics related to:

- Summaries of city revenues and expenditures;
- Summaries of city permit activity levels;
- Updates on recent city initiatives and work programs;
- City staffing updates; and

- Customer feedback about opportunities for improvements to city business processes, including opportunities to incorporate customer service enhancements as part of the city's major investment in upgrading its land management software, LandLink.

The most recent P&DS Advisors meeting was held on Oct. 22, 2014 and included updates on the 2015 Budget process and the Oct. 14, 2014 joint study session between the City Council and the Planning Board (regarding planning issues and the Boulder Valley Comprehensive Plan).

[See a summary of the P&DS Advisor Group meetings from 2006 through 2014.](#)

Although no one has been turned away from past meetings, they have not been publicly noticed on the city calendar. To ensure consistency and respond to public transparency concerns, all P&DS Advisor Group meetings will be noticed on the city calendar and publicized via the [Boulder Planning email list](#).

#### **NEXT STEPS**

The schedule for the 2015 P&DS Advisor Group meetings is being determined and will be noticed as outlined above. Future meetings are open to the public and those in attendance will be able to participate in the meetings.

For more information on the P&DS Advisor Group, visit <https://bouldercolorado.gov/plan-develop/pds-advisors>. This site includes examples of when Council has been informed of this group and the input it provided on particular topics.



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE:** Discussion and direction on development-related impact fees and excise taxes.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning and Sustainability  
Susan Richstone, Deputy Director of Community Planning and Sustainability  
Tom Carr, City Attorney  
David Gehr, Deputy City Attorney

**EXECUTIVE SUMMARY**

The purpose of this item is to seek council direction on:

1. Moving forward to review and update the city's current development-related impact fees and excise taxes, and to consider potential new development-related fees, including a housing linkage fee. A housing linkage fee is charged on new non-residential uses to mitigate impacts on the demand for affordable housing created by those uses.
2. Whether to move forward in the short term to put in place a citywide housing linkage fee based upon the 2008 TischlerBise Development Excise Tax Study and the existing fee already in place for commercial development utilizing the floor area ratio (FAR) bonus policy in the DT-5 (downtown) zone district ([Attachment A, pp. 16-20](#)).

One of the community concerns raised over the past year has been related to whether current development-related fees and taxes are fully implementing the city's policy that "growth pay its own way." Policy 1.30 *Growth to Pay Fair Share of New Facility Costs* of the Boulder Valley Comprehensive Plan states that "... Growth will be expected to pay its own way, with the requirement that new development pay the cost of providing

needed facilities and an equitable share of services, including affordable housing, and to mitigate negative impacts such as those to the transportation system.”

The intent of this work plan item is to update the city’s development-related impact fees and taxes to ensure that they reflect the current costs of growth. Community concerns have been expressed that the economic recovery in the past few years combined with increased housing costs have only further increased the need for low, moderate and middle income housing in the community in addition to impacting city infrastructure. Some community members have expressed a concern that the current fee structure is not keeping up with current economic trends.

Staff would like council’s direction on the following proposed next steps:

1. Bring forward an ordinance for City Council consideration in February to put in place a housing linkage fee based on the analysis in the 2008 TischlerBise Excise Tax Study and existing housing linkage fee in the DT-5 zone district. The linkage fee in the DT-5 district applies only to the commercial floor area resulting from application of the downtown floor area ratio (FAR) bonus for office space. Impact fees are assessed at the time of building permit. If council supports moving forward in the short term to put in place a citywide housing linkage fee, council will need to decide the types and timing of projects the fee will apply to. Staff will provide additional information relevant to the scope and timing of implementation at the time of ordinance consideration. Any linkage fee put in place at this time would be updated by the new study, with the appropriate fee level established based on updated data and analysis.
2. Assess whether the city’s current set of development-related impact fees and excise taxes cover the appropriate range of capital facilities and impacts and if they are consistent with best practices, and hear initial council input on desired scope of a study or studies.
3. Move forward to hire a firm or firms to both update the city’s current fees and/or excise taxes and prepare any additional studies including a potential commercial linkage fee for affordable housing.

## **BACKGROUND**

The city contracted with the firm of TischlerBise in 2008 to prepare a Development Excise Tax and Impact Fee study in order to evaluate all of the components of the city’s Development Excise Tax and consider potential changes related to impact fees. These studies are included as Attachments A and B. The impetus for the study was that the Development Excise Tax and Housing Excise Tax were at or near the limits the city could charge based on the ballot item approved by the voters, and the belief was that the level of the excise taxes did not cover the growth-related costs for the services included.

As a result of the study and council direction:

1. At the beginning of 2010, the city implemented capital facility impact fees and allocated DET capacity to address growth-related costs for fire, human services, library, police, municipal facilities, parks and recreation capital improvements, transportation, and parkland.
2. In 2011, amended Section 9-8-1 Table 8-2 “Floor Area Additions” B.R.C. 1981 to allow for floor area additions of up to a maximum of 1.0 for commercial uses in DT-5 zone district and establish a housing linkage fee that would apply to the additional commercial square footage.

#### *Change to the DT-5 Zone District*

The base FAR in the DT-5 is 1.7. Prior to 2011, developments in the Downtown could be approved for up to 2.7 FAR (a 1.0 FAR addition) if the additional square footage was for housing (.5) and/or structured parking (.5). In 2011, this “FAR bonus” policy was amended to also allow additional square footage above the 1.7 base FAR for commercial uses. This policy change also put in place the city’s first “linkage fee” for affordable housing, with the floor area addition subject to the established fee. The purpose of the change was to provide the opportunity for “Class A” office space in the downtown where there was very little available, particularly larger office floor plates.

The linkage fee is intended to offset some of the affordable housing impacts that the additional floor area would have on the community. The DT-5 linkage fee is currently set at \$9.53 per square foot and has been applied to four downtown developments that have opted to use the commercial FAR bonus. Approximately \$875,000 has been collected from the linkage fee into the city’s affordable housing program as a result of this policy.

#### *Background on Impact Fees*

An “impact fee” is a one time fee to fund capital improvements necessitated by new development. Colorado law explicitly authorizes municipalities to impose impact fees to defray the cost of any improvements that are necessary to accommodate new developments and also sets out requirements for the adoption of impact fees including:

1. The fee is for capital facilities needed to serve new development
2. The amount of the fee must be based upon “the reasonable impacts of proposed development on existing capital facilities” and must be assessed at a level no greater than necessary to defray the impacts directly related to the proposed development
3. A “capital facility” is “any improvement or facility that: (a) is directly related to any service that a local government is authorized to provide; (b) has an estimated useful life of five years or longer; and (c) is required by the charter or general policy of a local government pursuant to resolution or ordinance.”
4. An impact fee cannot be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed development.
5. The fee needs to be based on a study that quantifies the impacts.

6. The fee needs to be accounted for separately and earmarked for the capital expenses for which they were collected.

There are three basic methods used to calculate impact fees:

1. **Incremental Expansion** – documents the current level of service for each type of public facility. The intent is to use revenue collected to expand or provide additional facilities as needed to accommodate new development, based on the current cost to provide capital improvements.
2. **Plan-based** – commonly used for public facilities that have adopted plans or engineering studies to guide capital improvements, such as utility systems.
3. **Cost recovery** – based on the rationale that new development is paying for its share of the useful life and remaining unused capacity of an existing facility.

The incremental expansion method was used for all of the components of the city's impact fees except for library space and police communications center.

Staff is requesting council direction on the following items:

1. Whether, given the high rate of current development and related concerns staff should move forward in the first half of the year to both update current fees and consider new fees such as a citywide housing linkage fee.
2. Whether to move forward immediately to establish a citywide housing linkage fee based on the 2008 TischlerBise study?

Staff is working to prepare additional analysis to inform council's discussion on these items. Some information will be available for the January 20 meeting, with further work to be conducted based on council's feedback and direction.

## **ATTACHMENTS**

- A: 2008 TischlerBise Development Excise Tax Study
- B: 2008 TischlerBise Development Impact Fee Study

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# DEVELOPMENT EXCISE TAX STUDY

*City of Boulder, Colorado*



---

**January 9, 2009**

*Prepared By:*

**TischlerBise**  
Fiscal, Economic & Planning Consultants

DEVELOPMENT EXCISE TAX STUDY  
City of Boulder, Colorado

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# EXECUTIVE SUMMARY

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## OVERVIEW

The City of Boulder retained TischlerBise to prepare an excise tax study for various infrastructure categories. This report is an update to a Development Excise Tax (DET) study prepared in 1996 when the same consulting firm was known as Tischler & Associates, Inc. Although the City currently has development excise taxes in place for libraries, parks/recreation, human services, municipal services, police, and fire infrastructure, the City's may decide to implement impact fees for these facilities. In addition, the City of Boulder is considering continuation of excise taxes for transportation and affordable housing, while adding new excise taxes for vehicles/equipment and park land.

Excise taxes are one-time revenues often used to fund new infrastructure needed to accommodate new development. An excise tax is imposed on the performance of an act, the engaging in an occupation, or the enjoyment of a privilege. In some states, home-rule cities may impose excise taxes using general taxation powers. Other states have limited the use of excise taxes to jurisdictions that have special enabling legislation. The City of Boulder has legislative authority to impose development excise taxes upon approval of the voters.

Excise taxes differ from impact fees in that they are primarily a tool for raising revenue, as opposed to a land use regulation designed to provide growth-related facilities. In addition, excise taxes do not have to be earmarked or accounted for separately from the City's general revenue, do not have to specifically benefit new growth, and are generally more flexible than impact fees. Excise taxes can be applied in several ways. Some communities apply a rate to the construction value of the new development; others use a flat fee per acre of development, while other communities apply a straight fee by type of housing unit or square-foot of development. In Boulder, the current DET is assessed per housing unit by type of unit (detached and attached) and per square foot of nonresidential development regardless of type.

## DEVELOPMENT EXCISE TAX SUMMARY

Figure 1 summarizes the proposed development excise tax methodologies and cost components. Updated development excise taxes have been calculated for Transportation and Affordable Housing. The Transportation development excise tax is based on capital costs from the 2003 Transportation Master Plan (TMP) and is provided for both the Action Plan and Vision Plan. The improvements on which the excise tax is based include projects to enhance mobility and access through multimodal facilities including roads, intersections, bike lanes, underpasses, and pedestrian enhancements. The Transportation DET would be paid by both residential and nonresidential development.

The Affordable Housing development excise tax is based on the cost to the City to meet Boulder's future affordable housing needs. This excise tax would be paid only by nonresidential development, as employment is the most direct generator of affordable housing needs. The recommended DET component uses a plan-based methodology driven by the City's adopted goal for affordable housing and the cost to the City to subsidize the provision of affordable units.

A new excise tax for Vehicles and Equipment will be used to expand the City's fleet to maintain the current infrastructure standard. This excise tax uses the same calculation steps as the impact fee for Municipal Facilities, with both residential and nonresidential development paying the cost of additional vehicles and equipment.

The City of Boulder has a high level of service for park land. Boulder's 2006 Parks Master Plan documents numerous undeveloped park sites (see page 20) and states park acreage "meets the guidelines for Boulder's projected population at build-out." (see page 23) Consistent with this finding, the Park Land excise tax is derived using the current inventory of park and recreation sites and projected population in 2030.

Figure 1. Summary of Proposed Excise Tax Methodologies and Cost Components

Type of Public Facility	Method	Cost Allocation
<i>Transportation</i>	▪ Plan-based cost of multimodal transportation corridor improvements	Residential and Nonresidential Average Weekday Vehicle Trips
<i>Affordable Housing</i>	▪ Plan-based City cost to subsidize affordable housing	100% Nonresidential
<i>Vehicles and Equipment</i>	▪ Incremental expansion cost of vehicles and equipment	Population and Jobs
<i>Park Land</i>	▪ Buy-in	100% Residential

## DEVELOPMENT EXCISE TAXES BY TYPE OF LAND USE

Figures 2, 3, and 4 provide schedules of Development Excise Taxes for residential and nonresidential development. The Transportation Excise Tax is provided for both the Action Plan and Vision Plan (see the Transportation chapter for additional details on these options). Residential excise taxes vary by type and size of housing, based on finished floor area. Figure 2 indicates transportation excise tax amounts for single family housing. For comparison with the current transportation excise tax, the proposed amount for an average size unit is shown with grey shading at the top of the following table. On the right side of the table below, proposed increases assume implementation of excise taxes for transportation, vehicles/equipment, and park land.

Figure 1. Summary of Development Excise Taxes for Single Family Residential

Single Family	TRANSPORTATION				Current Transportation Excise Tax	Proposed Increase	
	Action Plan	Vision Plan	Vehicles and Equipment	Park Land		Action Plan	Vision Plan
Average Size	\$9,143	\$11,132	\$391	\$4,241	\$2,062	\$11,713	\$13,702
Square Feet							
900 or less	\$4,033	\$4,910	\$170	\$1,844		\$3,985	\$4,862
1,000	\$4,644	\$5,654	\$197	\$2,138		\$4,917	\$5,927
1,100	\$5,196	\$6,326	\$221	\$2,397		\$5,752	\$6,882
1,200	\$5,700	\$6,940	\$243	\$2,634		\$6,515	\$7,755
1,300	\$6,164	\$7,505	\$263	\$2,852		\$7,217	\$8,558
1,400	\$6,593	\$8,027	\$281	\$3,053		\$7,865	\$9,299
1,500	\$6,993	\$8,514	\$299	\$3,241		\$8,471	\$9,992
1,600	\$7,367	\$8,969	\$315	\$3,416		\$9,036	\$10,638
1,700	\$7,718	\$9,397	\$330	\$3,581		\$9,567	\$11,246
1,800	\$8,050	\$9,800	\$344	\$3,736		\$10,068	\$11,818
1,900	\$8,363	\$10,182	\$358	\$3,883		\$10,542	\$12,361
2,000	\$8,660	\$10,544	\$371	\$4,023		\$10,992	\$12,876
2,100	\$8,943	\$10,888	\$383	\$4,155		\$11,419	\$13,364
2,200	\$9,213	\$11,216	\$395	\$4,282		\$11,828	\$13,831
2,300	\$9,470	\$11,530	\$406	\$4,403		\$12,217	\$14,277
2,400	\$9,717	\$11,830	\$416	\$4,518		\$12,589	\$14,702
2,500	\$9,953	\$12,118	\$427	\$4,629		\$12,947	\$15,112
2,600	\$10,181	\$12,395	\$436	\$4,736		\$13,291	\$15,505
2,700	\$10,399	\$12,661	\$446	\$4,838		\$13,621	\$15,883
2,800	\$10,610	\$12,918	\$455	\$4,937		\$13,940	\$16,248
2,900	\$10,813	\$13,165	\$464	\$5,033		\$14,248	\$16,600
3,000	\$11,010	\$13,404	\$472	\$5,125		\$14,545	\$16,939
3,100	\$11,200	\$13,636	\$481	\$5,214		\$14,833	\$17,269
3,200	\$11,384	\$13,860	\$489	\$5,300		\$15,111	\$17,587
3,300	\$11,562	\$14,077	\$496	\$5,384		\$15,380	\$17,895
3,400	\$11,735	\$14,287	\$504	\$5,465		\$15,642	\$18,194
3,500	\$11,903	\$14,492	\$511	\$5,544		\$15,896	\$18,485
3,600	\$12,066	\$14,691	\$518	\$5,621		\$16,143	\$18,768
3,700	\$12,225	\$14,884	\$525	\$5,695		\$16,383	\$19,042

Figure 3 indicates transportation excise tax amounts for multifamily housing. For comparison with the current transportation excise tax, the proposed amount for an average size unit is shown with grey shading at the top of the following table. On the right side of the table below, proposed increases assume implementation of excise taxes for transportation, vehicles/equipment, and park land.

Figure 2. Summary of Development Excise Taxes for Multifamily Residential

Multifamily	TRANSPORTATION				Current Transportation Excise Tax	Proposed Increase	
	Action Plan	Vision Plan	Vehicles and Equipment	Park Land		Action Plan	Vision Plan
Average Size	\$6,819	\$8,301	\$272	\$2,950	\$1,245	\$8,796	\$10,278
<i>Square Feet</i>							
600	\$5,625	\$6,848	\$179	\$1,949		\$6,508	\$7,731
700	\$5,992	\$7,295	\$217	\$2,359		\$7,323	\$8,626
800	\$6,359	\$7,742	\$250	\$2,714		\$8,078	\$9,461
900	\$6,726	\$8,189	\$279	\$3,028		\$8,788	\$10,251
1,000	\$7,093	\$8,636	\$305	\$3,308		\$9,461	\$11,004
1,100	\$7,460	\$9,083	\$328	\$3,562		\$10,105	\$11,728
1,200	\$7,827	\$9,530	\$350	\$3,794		\$10,726	\$12,429
1,300	\$8,195	\$9,977	\$369	\$4,007		\$11,326	\$13,108
1,400	\$8,562	\$10,424	\$387	\$4,204		\$11,908	\$13,770
1,500	\$8,929	\$10,871	\$404	\$4,388		\$12,476	\$14,418
1,600	\$9,296	\$11,318	\$420	\$4,560		\$13,031	\$15,053

Current excise taxes for nonresidential development do not vary by type. Proposed excise taxes for nonresidential development are shown in Figure 4. At the top of the table are development categories with tax amounts per square foot of floor area. Development categories shown at the bottom have unique demand indicators, such as the number of students in a day care center. On the right side of the table below, proposed increases assume implementation of excise taxes for transportation, affordable housing, and vehicles/equipment.

Figure 3. Summary of Development Excise Taxes for Nonresidential Development

ITE Code	TRANSPORTATION				Current Transportation plus Housing Excise Tax	Proposed Increase		
	Action Plan	Vision Plan	Affordable Housing	Vehicles and Equipment		Action Plan	Vision Plan	
<i>Nonresidential (per Square Foot of Floor Area)</i>								
820	Retail / Restaurant	\$55.27	\$67.29	\$6.65	\$0.19	\$2.28	\$59.83	\$71.85
770	Business Park	\$13.14	\$16.00	\$7.35	\$0.22	\$2.28	\$18.43	\$21.29
710	Office	\$18.90	\$23.01	\$9.10	\$0.27	\$2.28	\$25.99	\$30.10
610	Hospital	\$18.09	\$22.03	\$7.86	\$0.23	\$2.28	\$23.90	\$27.84
520	School	\$9.85	\$11.99	\$2.14	\$0.06	\$2.28	\$9.77	\$11.91
151	Mini-Warehouse	\$2.57	\$3.13	\$0.09	\$0.00	\$2.28	\$0.38	\$0.94
150	Warehousing	\$5.10	\$6.21	\$2.97	\$0.08	\$2.28	\$5.87	\$6.98
110	Light Industrial	\$7.17	\$8.74	\$5.37	\$0.16	\$2.28	\$10.42	\$11.99
<i>Other Nonresidential (per unique demand indicator)</i>								
620	Nursing Home (per bed)	\$2,441	\$2,971	\$838	\$25			
565	Day Care (per student)	\$2,214	\$2,696	\$372	\$11			
320	Lodging (per room)	\$5,798	\$7,060	\$1,024	\$30			

## TRANSPORTATION EXCISE TAX

It is common practice for jurisdictions to require project-level improvements to be addressed through development exactions that remain roughly proportional to a specific project. Project-level improvements are typically specified in a development agreement. In contrast, system improvements may benefit multiple development projects or even the entire jurisdiction. System improvements are funded by development impact fees or development excise taxes. The City of Boulder has legislative authority to impose a transportation excise tax upon approval of the voters.

To derive a maximum supportable Transportation Excise Tax for the city of Boulder, TischlerBise used the planned capital enhancements and improvements from the 2003 Transportation Master Plan (TMP). The TMP provides three transportation investment programs based on different levels of funding: Current Funding, the Action Plan and the Vision Plan. For the Transportation Excise Tax, planned improvements at two funding levels in the TMP—Action Plan and Vision Plan—have been included as potential policy options in selection of the appropriate transportation excise tax.

The Action Plan represents the next best steps toward reaching the community's transportation goals, as outlined in the TMP, if additional funding becomes available. Pursuing and funding the Action Plan would approximately double the number of corridor segments that could be fully developed into multimodal environments. The Vision reflects the completed multimodal system desired by the community, as reflected in the TMP. Using both Plan levels provides information and flexibility for the City in its decision making regarding transportation improvements and funding.

To derive the maximum supportable Transportation Excise Tax, total City costs benefiting growth from the TMP, at both Action and Vision Plan levels, are used and allocated 100 percent to new development. Projects included in the Plans are enhancements and capital improvements and do not reflect replacement or maintenance of existing facilities. The TMP Action Plan and Vision Plan improvements are shown in Figure 5 and include such multimodal improvements and enhancements as road improvements, intersections, bike lanes, underpasses, and pedestrian enhancements for the corridors shown. Since construction costs have increased almost 40 percent (per Colorado Department of Transportation) over the past five years, the City's share of the capital cost is inflated to 2008 dollars and is now estimated to be approximately \$176 million for the Action Plan and \$214 for the Vision Plan.

Figure 5. Transportation Action and Vision Plans and Capital Costs

	Rank	Multimodal Corridor	Total Cost	City Cost	
<b>ACTION PLAN</b>	<b>VISION PLAN</b>	1	28th St- Iris to Arapahoe	\$128,434,372	\$35,612,585
		2	28th St- Arapahoe to Baseline	\$9,391,715	\$4,349,322
		3	Arapahoe- Folsom to 33rd St	\$7,152,295	\$2,433,915
		4	Broadway- Balsam to 27th Way	\$8,416,263	\$5,697,951
		5	Broadway- 27th Way to Table Mesa	\$3,169,117	\$3,142,237
		6	Pearl Pkwy- 28th St to Foothills	\$20,420,800	\$11,946,350
		7	Arapahoe- 33rd to 55th St	\$14,553,999	\$6,791,248
		8	Table Mesa- Moorehead to 55th St	\$3,776,511	\$3,509,050
		9	Pearl- Broadway to 28th St	\$435,921	\$406,143
		10	Arapahoe- 55th St to Westview Dr	\$24,938,766	\$8,850,750
		11	Arapahoe/Canyon- Pearl to Folsom	\$574,029	\$574,029
		12	Diagonal Hwy- 28th St to Fourmile Creek	\$8,905,728	\$6,393,203
		13	Table Mesa- Broadway to Moorehead	\$211,037	\$211,037
		14	Broadway- Table Mesa to Greenbriar Blvd	\$2,405,353	\$614,032
		15	Pearl Pkwy- Foothills to 55th St	\$9,997,108	\$7,019,306
		16	55th St- Valmont to Arapahoe	\$2,722,832	\$1,585,380
		17	Foothills Hwy- Baseline to US 36	\$51,914	\$51,914
		18	Broadway- Iris Av to Balsam Av	\$11,307,368	\$2,521,668
		19	Broadway- North US 36 to Violet AV	\$26,221,677	\$10,355,789
		20	28th St- Jay Rd to Iris Av	\$6,075,386	\$4,839,406
		21	Diagonal Hwy- Fourmile Creek to 71st St	\$12,053,797	\$8,894,628
<b>ACTION PLAN TOTAL</b>			<b>\$301,215,989</b>	<b>\$125,799,942</b>	
Construction Cost Increase 2003 to 2008*				1.4	
<b>ACTION PLAN Current City Cost (rounded)</b>				<b>\$176,120,000</b>	
<b>ACTION PLAN</b>	<b>VISION PLAN</b>	22	Baseline- 32nd St to 55th St	\$856,782	\$606,298
		23	US 36- Baseline easement to planning area boundary	\$6,361,787	\$3,382,173
		24	Broadway Violet Av to Iris Av	\$6,592,970	\$4,866,254
		25	Baseline- Broadway to 33rd	\$0	\$0
		26	Table Mesa- Vassar to Broadway	\$1,843,153	\$1,843,153
		27	Valmont- 28th St to Foothills Hwy	\$3,307,986	\$2,556,856
		28	South Boulder Rd- 55th to 76th St	\$97,880	\$97,880
		29	Foothills Hwy- Goose Creek to Colorado Blvd	\$3,584,379	\$200,000
		30	Foothills Hwy- Colorado to Baseline	\$349,469	\$349,469
		31	Arapahoe- Westview Dr to 75th St	\$3,443,587	\$403,177
		32	Balsam/Edgewood/Valmont- Broadway to 28th St	\$26,688	\$26,688
		33	Valmont- Foothills Hwy to Pearl Pkwy	\$2,283,663	\$2,149,913
		34	Pearl Pkwy- 55th to Jay Rd	\$1,752,170	\$583,338
		35	28th St- North Broadway to Jay Rd	\$7,067,035	\$5,387,596
		36	Baseline- 9th St to Broadway	\$844,226	\$673,070
		37	Foothills Hwy- Diagonal to Goose Creek	\$309,848	\$179,608
		38	55th St- Arapahoe to Baseline	\$433,520	\$433,520
		39	Iris Av- Broadway to 28th St	\$1,926,498	\$1,108,098
		40	63rd Street- Jay Rd to Diagonal	\$6,585,692	\$2,500,412
		41	Baseline- 55th St to 75th St	\$209,793	\$0
<b>VISION PLAN TOTAL</b>			<b>\$349,093,114</b>	<b>\$153,147,445</b>	
Construction Cost Increase 2003 to 2008*				1.4	
<b>VISION PLAN Current City Cost (rounded)</b>				<b>\$214,406,000</b>	

\* Colorado Department of Transportation (per City of Boulder)

Calibration of the transportation excise tax requires projected development in the City of Boulder to be converted into average weekday vehicle trips, as described in the following sections. It should be noted that while Boulder's transportation system is multimodal in nature, use of vehicle trips is a reasonable proxy to determine the relative demand and resulting proportionate share, by type of land use, for transportation improvements.

### *Trip Generation by Size of Housing*

TischlerBise used Census 2000 data for the City of Boulder to derive custom trip generation rates by type of housing, as shown in Figure 6. Boulder-specific trip generation rates for residential development are lower than the national averages.

Figure 6. Residential Trip Generation Rates by Type of Housing in Boulder

<b>Boulder, Colorado</b>		Households (2)			Vehicles per Household by Tenure
		Vehicles Available (1)	Single Family	Multi-family	
Owner-occupied	35,163	16,596	2,992	19,588	1.80
Renter-occupied	29,294	4,864	15,187	20,051	1.46
TOTAL	64,457	21,460	18,179	39,639	1.63
		54.14%	45.86%		

	Persons (3)	Trip Ends (4)	Vehicles by Type of Housing	Trip Ends (5)	Average Trip Ends	Trip Ends per Household
Single Family	53,709	139,467	36,898	213,240	176,353	<b>8.22</b>
Multifamily	33,292	114,162	27,559	108,875	111,518	<b>6.13</b>
TOTAL	87,001	253,628	64,457	322,116	287,872	7.26

(1) Vehicles available by tenure from Table H46, SF3, Census 2000.

(2) Households by tenure and units in structure from table H32, SF3, Census 2000.

(3) Persons by units in structure from table H33, SF3, Census 2000.

(4) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2003). For Single Family, fitted curve equation is  $EXP(0.91*LN(\text{persons})+1.52)$ . To fit within the data range of the ITE studies, the number of persons was divided by 100 and the equation result multiplied by 100. For Multifamily, fitted curve equation is  $(3.43*\text{persons})+30.02$ .

(5) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2003). For Single Family, fitted curve equation is  $EXP(0.99*LN(\text{vehicles})+1.81)$ . To fit within the data range of the ITE studies, the number of vehicles available was divided by 140 and the equation result multiplied by 140. For Multifamily, fitted curve equation is  $(3.94*\text{vehicles})+293.58$ .

As noted above, Boulder's transportation excise tax calculations are based on average weekday vehicle trip ends. Trip generation rates are from the reference book Trip Generation (ITE 2003). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation excise taxes, trip generation rates are adjusted to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. As discussed further below, the excise tax methodology includes additional adjustments to make the tax rates proportionate to the infrastructure demand for particular types of development. Residential development has a larger trip adjustment factor of 54% to account for commuters leaving the City of Boulder for work. According to the 2001 National Household Travel Survey (see Table 29, in the Federal Highway Administration publication dated 12/04), home-based weekday work trips are typically 31% of production trips (i.e., all out-bound trips, which are 50% of all trip ends). Also, Census 2000 data from Table P26 in Summary File 3 indicates that 28% of Boulder workers travel outside the city for work. In combination, these factors ( $0.31 \times 0.50 \times 0.28 = 0.04$ ) support the additional 4% allocation of trips to residential development.

Data contained in the 2004 ITE publication titled Trip Generation Handbook indicate an inverse relationship between commercial building size and pass-by trips. Appropriate trip adjustment factors may be calculated according to commercial building size. For commercial developments, the trip adjustment factor is less than 50% because retail development often attracts vehicles as they pass by on arterial and collector roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For a small commercial building of 50,000 square feet of floor area, the ITE data indicates that on average 39% of the vehicles that enter are passing by on their way to some other primary destination. The remaining 61% of attraction trips have the commercial building as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 61% multiplied by 50%, or approximately 31% of the trip ends.

Figure 7 summarizes the input variables used to determine the transportation cost allocation by type of development. Please see Appendix A for a more detailed explanation of the demographic data. In the table below HU means housing unit, KSF means square feet of nonresidential development, in thousands, and ITE stands for the Institute of Transportation Engineers.

Figure 7. Development Prototypes and Vehicle Trip Inputs

	<i>ITE Code</i>	<i>Dev Type</i>	<i>Wkdy Veh Trip Ends</i>	<i>Dev Unit</i>	<i>Trip Adj Factor</i>
R1	210	Single Family Res	8.22	HU	54%
R2	220	All Other Res	6.13	HU	54%
NR1	150	Goods Production	4.96	KSF	50%
NR2	820	Retail/Restaurant	86.56	KSF	31%
NR3	110	Other Services	6.97	KSF	50%

Figure 8 shows projected travel demand (average weekday trips) based on the input variables discussed above. Development projections at the top of the figure are multiplied by the input variables from the previous table to yield average weekday travel demand in the City of Boulder. (See Appendix A for further discussion of development projections included in Figure.) Trip generation rates and trip adjustment factors convert projected development into average weekday vehicle trips. For example, in the base year, single-family housing units will produce 131,495 weekday trips ( $25,445 \times 8.22 \times 54\% = 112,945$ ). The same calculation is done for each land use type through 2030.

Figure 8. Projected Travel Demand Summary

Year->	<i>Base 2008</i>	<i>1 2009</i>	<i>2 2010</i>	<i>3 2011</i>	<i>4 2012</i>	<i>5 2013</i>	<i>22 2030</i>	<i>22-Year Increase</i>
<b>CITY OF BOULDER DEMAND DATA</b>								
SINGLE FAMILY HU	25,445	25,477	25,509	25,542	25,575	25,608	26,206	761
ALL OTHER HU	19,440	19,729	20,020	20,313	20,608	20,905	26,294	6,854
GOODS PRODUCTION KSF	16,090	16,230	16,360	16,500	16,640	16,780	19,330	3,240
RETAIL/RESTAURANT KSF	6,160	6,210	6,260	6,310	6,370	6,420	7,400	1,240
OTHER SERVICES KSF	25,820	26,030	26,250	26,470	26,690	26,920	31,010	5,190
<i>SF RES TRIPS</i>	112,945	113,087	113,231	113,375	113,520	113,667	116,325	3,380
<i>ALL OTHER RES TRIPS</i>	64,350	65,307	66,269	67,239	68,216	69,199	87,037	22,687
<i>GOODS PRODUCTION TRIPS</i>	39,903	40,250	40,573	40,920	41,267	41,614	47,938	8,035
<i>RETAIL/RESTAURANT TRIPS</i>	165,295	166,637	167,978	169,320	170,930	172,272	198,569	33,274
<i>OTHER SERVICES TRIPS</i>	89,983	90,715	91,481	92,248	93,015	93,816	108,070	18,087
<i>Total Vehicle Trips</i>	472,476	475,995	479,532	483,102	486,948	490,568	557,939	85,462

The cost of transportation improvements needed to accommodate new development through 2030 is shown at the top of Figure 9. For the Action Plan, the average cost is \$2,060 per additional vehicle trips anticipated through the year 2030. Improvements specified in the Vision Plan have an average cost of \$2,508 for each additional vehicle trip. The transportation excise tax by type of nonresidential development is shown below. To derive

the excise tax for each development category, multiply the trip generation rate by the trip adjustment factor and the capital cost per vehicle trip.

Figure 9. Transportation Excise Taxes for Nonresidential Development

		<i>Transportation Plan</i>		<i>Action</i>	<i>Vision</i>
				\$176,120,000	\$214,406,000
		Additional Vehicle Trips 2008-2030		85,462	85,462
		Capital Cost per Vehicle Trip		\$2,060	\$2,508
<i>ITE</i>		<i>Avg Weekday</i>	<i>Trip</i>	<i>Action Plan</i>	<i>Vision Plan</i>
<i>Code</i>		<i>Veh Trip Ends</i>	<i>Adjustment</i>	<i>Excise Tax</i>	<i>Excise Tax</i>
		<i>per 1,000 Sq Ft</i>	<i>Factors</i>	<i>per Sq Ft</i>	<i>per Sq Ft</i>
<i>Nonresidential (Based on Floor Area)</i>					
820	Retail / Restaurant	86.56	31%	\$55.27	\$67.29
770	Business Park	12.76	50%	\$13.14	\$16.00
710	Office	18.35	50%	\$18.90	\$23.01
610	Hospital	17.57	50%	\$18.09	\$22.03
520	School	14.49	33%	\$9.85	\$11.99
151	Mini-Warehouse	2.50	50%	\$2.57	\$3.13
150	Warehousing	4.96	50%	\$5.10	\$6.21
110	Light Industrial	6.97	50%	\$7.17	\$8.74
<i>Other Nonresidential</i>					
<i>Unique Demand Indicators</i>					
620	Nursing Home (per bed)	2.37	50%	\$2,441	\$2,971
565	Day Care (per student)	4.48	24%	\$2,214	\$2,696
320	Lodging (per room)	5.63	50%	\$5,798	\$7,060

The Institute of Transportation Engineers (ITE) publishes formulas for to derive average weekday vehicle trip ends based on the number of persons and vehicles available in residential development. Using year 2006 PUMS data, TischlerBise derived average persons and vehicles available by number of bedrooms, as shown in Figure 10.

Figure 10. Trip Generation Rates by Number of Bedrooms

	Persons (1)	Trip Ends (2)	Vehicles Available (1)	Trip Ends (3)	Average Trip Ends	Households (1)	Trip Ends per Household	Recommended Trip Ends (4)
SF 0-2 Bdrms	77	238	65	381	310	46	6.73	6.10
SF 3 Bdrms	248	690	192	1,113	902	109	8.27	7.50
SF 4 Bdrms	257	713	193	1,119	916	90	10.18	9.22
SF 5+ Bdrms	98	297	81	474	385	32	12.04	10.91
SF Subtotal	680	1,938	531	3,087	2,512	277	9.07	<b>8.22</b>
MF 0-1 Bdrm	81	248	58	522	385	71	5.42	5.24
MF 2+ Bdrms	192	629	121	770	699	100	6.99	6.76
MF Subtotal	273	876	179	1,292	1,084	171	6.34	<b>6.13</b>
GRAND TOTAL	953		710			448		

(1) 2006 American Community Survey, Public Use Microdata Sample for Colorado PUMA 00803 (unweighted data).

(2) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2003). For Single Family, fitted curve equation is  $EXP(0.91 * LN(persons) + 1.52)$ . For Multifamily, fitted curve equation is  $(3.43 * persons) + 30.02$ .

(3) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2003). For Single Family, fitted curve equation is  $EXP(0.99 * LN(vehicles) + 1.81)$ . For Multifamily, fitted curve equation is  $(3.94 * vehicles) + 293.58$ .

(4) Recommended trip ends are scaled down to make the average trip ends by type of housing match the average trip generation rates derived from Census 2000 Summary File 3 data.

To derive number of vehicle trip ends by square feet of housing TischlerBise combined demographic data from the Census Bureau and house size data from the Boulder County Assessor's database. The number of bedrooms per housing unit was the common connection between the two databases.

Average floor area and number of trip ends by bedroom range are plotted in the chart below, with a logarithmic trend line derived from the averages by bedroom range in the City of Boulder. TischlerBise derived the estimated average number of trip ends and preliminary road impact fees by size of housing, using 100 square foot intervals. The input variables used to derive the transportation excise tax are discussed above. For single-family housing in the City of Boulder, TischlerBise recommends a minimum impact fee based on a unit size of 900 square feet and a maximum impact fee based on a unit size of 3,700 square feet.

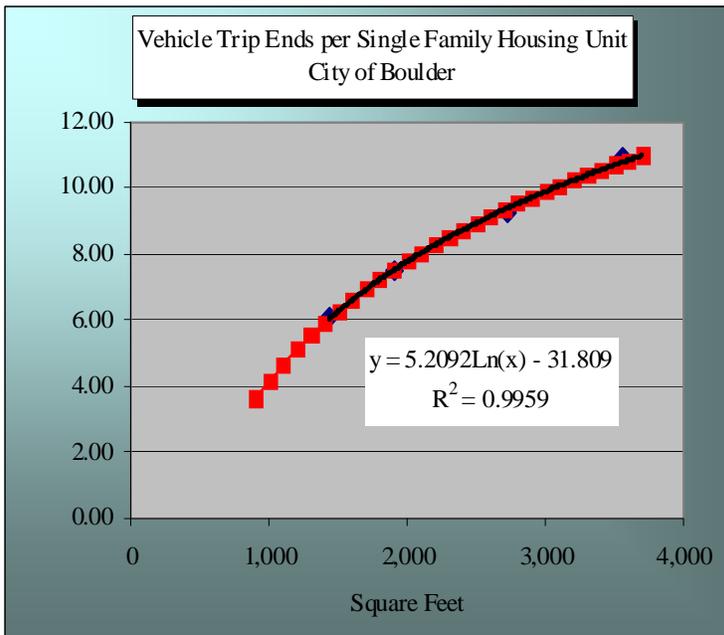
Figure 11. Transportation Excise Tax by Floor Area of Single Family Housing

Source: Average weekday vehicle trip ends by bedroom range from 2006 ACS PUMS. Finished square feet from Boulder County Assessor parcel database.

Residential Trip Adjustment Factor=> 54%  
Capital Cost per Vehicle Trip=> \$2,060 \$2,508

Single Family Averages		
Bedrooms	Square Feet	Trip Ends
2 or less	1,428	6.10
3 bedrooms	1,903	7.50
4 bedrooms	2,724	9.22
5 or more	3,552	10.91

Square Feet	Vehicle Trip Ends	Action Plan	Vision Plan
900	3.63	\$4,033	\$4,910
1,000	4.17	\$4,644	\$5,654
1,100	4.67	\$5,196	\$6,326
1,200	5.12	\$5,700	\$6,940
1,300	5.54	\$6,164	\$7,505
1,400	5.93	\$6,593	\$8,027
1,500	6.29	\$6,993	\$8,514
1,600	6.62	\$7,367	\$8,969
1,700	6.94	\$7,718	\$9,397
1,800	7.24	\$8,050	\$9,800
1,900	7.52	\$8,363	\$10,182
2,000	7.79	\$8,660	\$10,544
2,100	8.04	\$8,943	\$10,888
2,200	8.28	\$9,213	\$11,216
2,300	8.51	\$9,470	\$11,530
2,400	8.74	\$9,717	\$11,830
2,500	8.95	\$9,953	\$12,118
2,600	9.15	\$10,181	\$12,395
2,700	9.35	\$10,399	\$12,661
2,800	9.54	\$10,610	\$12,918
2,900	9.72	\$10,813	\$13,165
3,000	9.90	\$11,010	\$13,404
3,100	10.07	\$11,200	\$13,636
3,200	10.23	\$11,384	\$13,860
3,300	10.39	\$11,562	\$14,077
3,400	10.55	\$11,735	\$14,287
3,500	10.70	\$11,903	\$14,492
3,600	10.85	\$12,066	\$14,691
3,700	10.99	\$12,225	\$14,884



TischlerBise also used American Community Survey 2006 PUMS data for Boulder to determine average weekday vehicle trips by size of multifamily housing. In contrast to the analysis of single family units, multifamily units are more uniform regarding floor area, with a limited number of units with three or more bedrooms. To avoid sample size problems, TischlerBise derived average floor area and trip generation for two bedroom ranges (0-1 bedroom and 2+ bedrooms) as shown in Figure 12. A linear formula was derived for the two bedroom ranges to derive trip generation rates in 100-foot intervals.

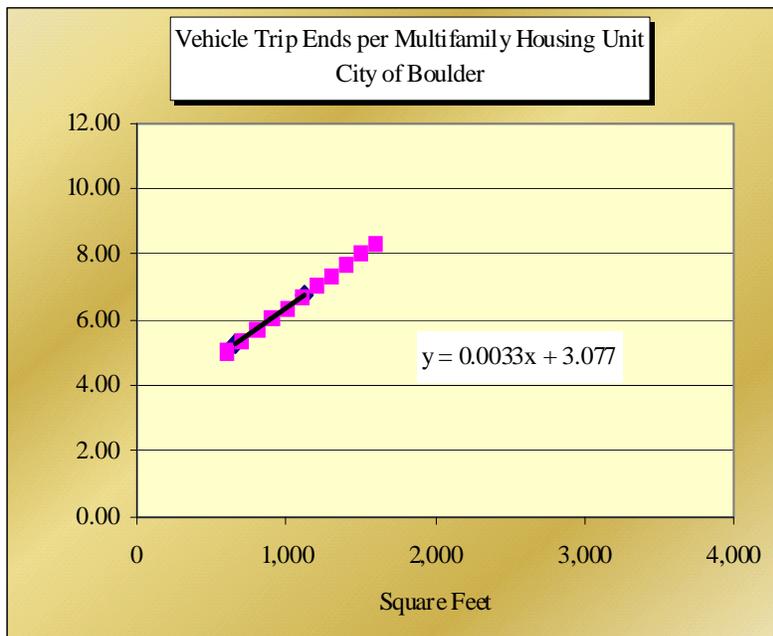
Figure 12. Transportation Excise Tax by Floor Area of Multifamily Housing

Source: Average weekday vehicle trip ends by bedroom range from 2006 ACS PUMS. Finished square feet from Boulder County Assessor parcel database.

Residential Trip Adjustment Factor=> 54%  
Capital Cost per Vehicle Trip=> \$2,060 \$2,508

Averages for Multifamily Housing		
Bedrooms	Square Feet	Trip Ends
1 or less	656	5.24
2 or more	1,117	6.76

Square Feet	Vehicle Trip Ends	Action Plan	Vision Plan
600	5.06	\$5,625	\$6,848
700	5.39	\$5,992	\$7,295
800	5.72	\$6,359	\$7,742
900	6.05	\$6,726	\$8,189
1,000	6.38	\$7,093	\$8,636
1,100	6.71	\$7,460	\$9,083
1,200	7.04	\$7,827	\$9,530
1,300	7.37	\$8,195	\$9,977
1,400	7.70	\$8,562	\$10,424
1,500	8.03	\$8,929	\$10,871
1,600	8.36	\$9,296	\$11,318



## AFFORDABLE HOUSING EXCISE TAX

Residential and nonresidential development in the City of Boulder currently pays a Housing Excise Tax (HET) to help provide permanent affordable housing in the City. As part of the Impact Fee/Excise Tax Study, TischlerBise was asked to calculate an impact fee or excise tax for Affordable Housing. Due to limitations in the State Impact Fee Act and impact fee case law, TischlerBise recommends an excise tax for Affordable Housing. If this Development Excise Tax is approved by the voters, the current HET should be repealed.

The City's current adopted goal for provision of permanent affordable housing is 10 percent of the City's housing stock. The breakdown of units by income category is 35 percent of units for very low-income households (<30% of Area Median Income (AMI)); 40 percent for low-income households (30-68% AMI) and 25 percent for moderate income households (69-80% AMI). The City's current inventory of approximately 2,800 permanently affordable units is short by approximately 1,700 units. The City will continue to pursue adding these units to the inventory to meet the current need through a variety of means such as funding, policies and planning, direct services, and asset management.<sup>1</sup>

- Funding is currently from a variety of grants and loans—approximately \$3.5-4.5 million annually—provided to non-profit and for-profit agencies and housing developers. Public investment is used toward acquisition, rehabilitation, and/or new construction of permanently affordable rental or for-sale housing. Funding and financing sources include locally-controlled funds such as Affordable Housing Funds (from the General Fund and Cash-in-Lieu); Community Housing Assistance Program (CHAP); property tax dedicated mill levy; Housing Excise Tax; CDBG (federal funds); HOME (federal funds); and Private Activity Bonds (tax-exempt bond allocation that may be used to finance affordable housing). State and Federal funds and financing are available as well.
- Policies and Planning: Design, development and implementation of policies that increase affordable housing inventory. Planning efforts focus on identification of future housing needs and mechanisms to address them. Planning staff also implements the city's Inclusionary Zoning Ordinance, which requires that at least 20 percent of new residential development is committed as permanently affordable.

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<sup>1</sup> Discussion below from, *City of Boulder Affordable Housing Report, February 2008*.

If the City were to stop growing today, the affordable housing goal would still be pursued through the above means. However, the City will not stop growing and additional units will be required to meet the needs of future development. To meet the City's future affordable housing needs, TischlerBise recommends implementation of a development excise tax for affordable housing, paid only by nonresidential development. Nonresidential development should pay the affordable housing excise tax because employment is the most direct generator of affordable housing needs. The recommended DET component uses a plan-based methodology driven by the City's adopted goal for affordable housing and the average cost to the City to subsidize the provision of affordable units.

It should be noted, that impact fees or development excise taxes on new residential development can be waived for affordable units. If the City were to adopt impact fees, the amount waived or foregone would have to be covered through other means (such as from the General Fund) to make each impact fee account whole. This should be addressed in the ordinance that adopts the fee. Without this waiver, the proposed impact fees will add to the cost of an affordable housing unit.

Furthermore, the consultant recommends that the existing dedicated property tax for housing and other existing funding sources be used to correct the existing deficiency in LOS and cover housing-related operating costs. With this funding strategy, Boulder will be able to correct the existing deficiency in affordable housing with property tax revenue and other means such as inclusionary zoning, while meeting its future growth-related affordable housing needs through the updated development excise tax.

Nonresidential development will be assessed the tax per square foot of gross floor area, or based on unique demand indicators, such as the number of rooms in a hotel. The tax rate is derived by multiplying the affordable housing cost per employee by the number of employees per demand indicator.

Figure 13 summarizes the demand for affordable housing units through 2030. The current employment base of 97,750 jobs is projected to increase to 117,400 jobs by 2030. Residential development is projected to increase by 7,500 units. Assuming the City's current target of 10 percent as permanently affordable, an additional 750 units are needed to accommodate future affordable housing needs brought about by nonresidential development in the City. The 750 units are further broken down by income category, per the City's targets at 35 percent for very low income, 40 percent for low income, and 25 percent for moderate income. The projected net increase of 19,650 jobs is used as the denominator in the LOS calculation for affordable housing.

Figure 13. Affordable Housing Demand

<i>Demand Units</i>	<i>Base Year</i> 2008	<i>2030</i> <i>Projection</i>	<i>Net</i> <i>Increase</i>
Jobs in Boulder	97,750	117,400	19,650
Housing Units*	45,000	52,500	7,500
<i>10% Permanently Affordable HU Goal</i>			<u>750</u>
<i>% of Aff. Units**</i>			
35% Very Low Income Aff. Units (<30% AMI)			262
40% Low Income Aff. Units (30-68% AMI)			300
25% Moderate Income Aff. Units (69-80% AMI)			187
TOTAL			<u><u>750</u></u>

\* Current affordable housing goal is based on 45,000 total housing units, therefore this is base year figure.

\*\* City of Boulder adopted targets.

Figure 14 provides detail on total subsidy required for each affordable housing unit income category and the City's estimated share of the subsidy. Income levels and affordable prices are from 2008 housing data, provided by City staff. City subsidy estimates were provided by City of Boulder staff based on recent practice. The City share of the subsidy is the basis for the excise tax calculation. However, it should be noted that staff notes that the external sources of subsidy that are used to leverage financing—namely Federal funds, foundation money, donations to non-profits, tax credits, etc.—are not anticipated to increase to meet additional future demand generated by new nonresidential development. If this is the case and the City share increases commensurately, the methodology used to calculate the Affordable Housing excise tax, which is based on current practice, may not fully cover future costs. This should be monitored for potential refinement in future updates.

Figure 14. Affordable Housing Costs / Subsidy Requirement

	<i>Median Income</i>	<i>Moderate Income</i>	<i>Low Income</i>	<i>Very Low Income</i>
<i>% of AMI (range) —&gt;</i>	100%	69-80%	30-68%	<30%
<i>% of AMI (assumption) —&gt;</i>		75.7%	50.0%	30%
Assumed Income for Household Size*	\$78,300	\$59,265	\$39,150	\$23,500
Affordable Price of Attached Unit**	\$220,600	\$156,700	\$89,078	\$36,500
Median Price of Attached Unit**	\$250,000	\$250,000	\$250,000	\$250,000
Total Subsidy Required	\$29,400	\$93,300	\$160,922	\$213,500
City Share of Subsidy***	\$0	\$50,000	\$60,000	\$70,000

\* City of Boulder, 2008 Housing and Income Data; assume 3-person household

\*\* City of Boulder, 2008 Housing and Income Data; assumes Attached Unit

\*\*\* City of Boulder

The City’s total share of the cost to provide permanently affordable housing due to new nonresidential development between 2008 and 2030 is estimated to be approximately \$45.8 million. The estimated cost was derived from the projected increase in the need for affordable units and the current estimated City subsidy per unit. Based on the projected increase in employment from 2008 to 2030 of 19,650, the cost per job is \$2,328. Detail is provided in Figure 15.

Figure 15. Projected Future Affordable Housing Costs

<i>Cost of Affordable Housing</i>	<i>City Cost per Unit*</i>	<i>Affordable Units</i>	<i>Total Need**</i>
Very Low Income Aff. Units (<30% AMI)	\$70,000	262	\$18,375,000
Low Income Aff. Units (30-68% AMI)	\$60,000	300	\$18,000,000
Moderate Income Aff. Units (69-80% AMI)	\$50,000	187	\$9,375,000
<b>TOTAL</b>			<b>\$45,750,000</b>
Net Increase in Jobs (2008 thru Buildout)			19,650
<b>Net City Cost per Additional Job in Boulder</b>			<b>\$2,328</b>

\* See "Subsidy Requirement"; represents the estimated City share of gap between median price and affordable price for attached units

\*\* Based on net increase in affordable unit needs by income category multiplied by estimated City share of subsidy required.

To derive the affordable housing development excise tax per square foot, the City cost per job is multiplied by the number of employees per demand unit. For example for retail establishments, the cost per job of \$2,328 is multiplied by 2.86 employees per 1,000 square feet and divided by 1,000 ( $\$2,328 \times 2.86 / 1,000 = \$6.65$  per square foot). As shown in Figure 16, the resulting affordable housing excise tax for office development is 19 times the City’s current adopted tax rate of \$0.49 per square foot of nonresidential development.

Figure 16. Affordable Housing Development Excise Tax Calculation

<u>Level Of Service</u>	<u>Per Employee</u>		
Affordable Housing City Cost per Job	\$2,328		
<i>ITE</i>	<i>Employees Per</i>	<i>Excise Tax</i>	
<i>Code</i>	<i>1,000 Sq Ft</i>	<i>per Sq Ft</i>	
<u>Nonresidential (Floor Area)</u>			
820	Retail / Restaurant	2.86	\$6.65
770	Business Park	3.16	\$7.35
710	Office	3.91	\$9.10
610	Hospital	3.38	\$7.86
520	School	0.92	\$2.14
151	Mini-Warehouse	0.04	\$0.09
150	Warehousing	1.28	\$2.97
110	Light Industrial	2.31	\$5.37
			<i>Excise Tax per</i>
			<i>Demand Indicator</i>
<u>Other Nonresidential</u>			
620	Nursing Home (per bed)	0.36	\$838
565	Day Care (per student)	0.16	\$372
320	Lodging (per room)	0.44	\$1,024

## VEHICLES AND EQUIPMENT EXCISE TAX

A new excise tax for Vehicles and Equipment may be used to expand the City's fleet to maintain the current infrastructure standard. This excise tax uses the same calculation steps as the impact fee for Municipal Facilities, with both residential and nonresidential development paying the cost of additional vehicles and equipment. As shown in Figure 17, the total value of Boulder's fleet (~\$24.7 million excluding fire apparatus that will be funded with fire impact fees) was allocated 72% to residential development and 28% to nonresidential development. This cost allocation is based on Boulder's functional population that accounts for residents and jobs, with adjustments for commuting patterns. The current count of vehicles and equipment by class, along with the average purchase price for each class, were provided by City staff.

Figure 17. Current Standards for Vehicles and Equipment

Class	Count	Description	Average Purchase Cost	TOTAL by Class
MA-100	14	SEDAN FULL SIZE NON-PATROL	\$28,877	\$404,278
MA-150	24	SEDAN COMPACT	\$21,614	\$518,736
MA-200	43	SEDAN POLICE PATROL	\$35,623	\$1,531,789
MA-300	73	TRUCK 1/2 TON AND 3/4 TON	\$30,867	\$2,253,291
MA-315	55	COMPACT PICKUP	\$23,376	\$1,285,680
MA-320	65	SPORT UTILITY	\$31,053	\$2,018,445
MA-325	15	FULL SIZE VAN	\$47,719	\$715,785
MA-350	17	MINI VAN	\$24,431	\$415,327
MA-400	39	TRUCK-1 TON	\$36,738	\$1,432,782
MA-401	5	TRUCK 1 TON DIESEL	\$39,110	\$195,550
MA-425	1	TRUCK-14500 GVWR GAS	\$26,559	\$26,559
MA-500	14	TRUCK-15K-19K GVWR	\$67,751	\$948,514
MA-600	9	TRUCK-20K-39K GVWR	\$125,611	\$1,130,499
MA-625	19	TRUCK-40K+ GVWR	\$133,414	\$2,534,866
MA-650	5	STREET SWEEPERS	\$156,384	\$781,920
MA-675	6	TRUCK-SEWER MAINTENANCE	\$131,249	\$787,494
MA-700	50	OFF ROAD/EARTH MOVING HVY DTY	\$51,313	\$2,565,650
MA-701	2	OFF ROAD/EARTH MOVING LT DTY	\$33,657	\$67,314
MA-800	153	MISC EQUIP W/METER W/ENGINE	\$15,874	\$2,428,722
MA-900	290	MISC EQUIP W/O METER W/ENGINE	\$8,071	\$2,340,590
MA-901	38	MISC EQUIP W/O METER W/O ENGIN	\$8,916	\$338,808
TOTAL	937			\$24,722,599

Weighted Average Cost per Unit => \$26,000

	Proportionate Share	2008 Demand Units	Cost per Demand Unit
Residential	72%	103,100 Population	\$170.13
Nonresidential	28%	97,750 Jobs	\$69.78

6.54 items per 1,000 persons

2.68 items per 1,000 jobs

Source: City of Boulder fleet database.

The current infrastructure standard for vehicles and equipment is an average expenditure of \$107.13 for each resident of Boulder. Excise taxes for both Single Family and Multifamily housing are shown in Figure 18. The excise tax amount is based on the average number of persons, by unit size, and the capital cost per person for vehicles and equipment. Appendix A provides documentation on the average number of persons by type and size of housing.

Figure 18. Vehicle and Equipment Excise Tax for Residential Development

<i>Level Of Service</i>	<u>Per Person</u>
Vehicles and Equipment Cost	\$170.13

<i>Square Feet</i> <i>(finished floor area)</i>	<i>Persons per Housing Unit</i>		<i>Excise Tax per Housing Unit</i>	
	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>Multifamily</i> <i>(all other types)</i>	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>Multifamily</i> <i>(all other types)</i>
Wt Avg	2.30	1.60	\$391	\$272
600	1.00	1.06	\$170	\$179
700	1.00	1.28	\$170	\$217
800	1.00	1.47	\$170	\$250
900	1.00	1.64	\$170	\$279
1,000	1.16	1.79	\$197	\$305
1,100	1.30	1.93	\$221	\$328
1,200	1.43	2.06	\$243	\$350
1,300	1.55	2.17	\$263	\$369
1,400	1.66	2.28	\$281	\$387
1,500	1.76	2.38	\$299	\$404
1,600	1.85	2.47	\$315	\$420
1,700	1.94		\$330	
1,800	2.03		\$344	
1,900	2.11		\$358	
2,000	2.18		\$371	
2,100	2.25		\$383	
2,200	2.32		\$395	
2,300	2.39		\$406	
2,400	2.45		\$416	
2,500	2.51		\$427	
2,600	2.57		\$436	
2,700	2.62		\$446	
2,800	2.68		\$455	
2,900	2.73		\$464	
3,000	2.78		\$472	
3,100	2.83		\$481	
3,200	2.87		\$489	
3,300	2.92		\$496	
3,400	2.96		\$504	
3,500	3.01		\$511	
3,600	3.05		\$518	
3,700	3.09		\$525	

Figure 19 indicates the vehicle and equipment excise tax for nonresidential development. The excise tax is derived from the average number of employees per demand unit and the capital cost per employee. Appendix A provides documentation on the ratio of jobs to nonresidential demand units (i.e. floor area or unique indicators such as rooms in a hotel).

**Figure 19. Vehicle and Equipment Excise Tax for Nonresidential Development**

<i>Level Of Service</i>		<i>Per Employee</i>	
Vehicles and Equipment Cost		\$69.78	
<i>ITE Code</i>		<i>Employees per 1,000 Square Feet</i>	<i>Excise Tax per Square Foot</i>
<i>Nonresidential (Floor Area)</i>			
820	Retail / Restaurant	2.86	\$0.19
770	Business Park	3.16	\$0.22
710	Office	3.91	\$0.27
610	Hospital	3.38	\$0.23
520	School	0.92	\$0.06
151	Mini-Warehouse	0.04	\$0.00
150	Warehousing	1.28	\$0.08
110	Light Industrial	2.31	\$0.16
<i>Other Nonresidential</i>			
		<i>Excise Tax per Demand Indicator</i>	
620	Nursing Home (per bed)	0.36	\$25
565	Day Care (per student)	0.16	\$11
320	Lodging (per room)	0.44	\$30

## PARK LAND EXCISE TAX

The City of Boulder has a high level of service for park land. Boulder's 2006 Parks Master Plan documents numerous undeveloped park sites (see page 20). On page 23, the Plan concludes park acreage "meets the guidelines for Boulder's projected population at build-out." Consistent with this finding, the Park Land excise tax is derived using the current inventory of park and recreation sites and projected population in 2030 (i.e. a buy-in approach). This funding strategy is consistent with the development impact fee for parks and recreation, which excludes the cost of land.

Figure 20 itemizes Boulder's current inventory of park and recreation sites. With 1,631 acres of land and an estimated cost factor of \$134,000 per acre, Boulder has already invested approximately \$1,844 for each resident expected by the year 2030. The land cost factor (approximately \$3 per square foot) is the weighted average cost of three recent acquisitions by the City of Boulder (i.e., Elks, Mesa, and Valmont Parks purchased between 1999 and 2003).

Figure 20. Infrastructure Standard for Park Land

Site Name	Acres	General Use	Location
BOULDER RESERVOIR	390.0	Natural Lands	51st St., N. of Jay Rd.
AREA III	186.0	Natural Lands / Undeveloped	N. 26th St.
FLATIRONS GOLF COURSE	127.0	Golf Course	5706 Arapahoe
VALMONT CITY PARK	126.0	Park / Dog Park	Valmont Rd. & Airport Rd.
NATURAL AREA / HABITAT	118.0	Natural Lands	N. 51st St.
BOULDER RESERVOIR REC AREA	67.0	Marina, Beach	51st St., N. of Jay Rd.
FOOTHILLS COMMUNITY	65.5	Park / Office/Maintenance	800 Cherry Ave.
COOT LAKE	65.0	Park / Natural Lands	5600 63rd St.
EAST BOULDER COMMUNITY PARK	53.6	Park / Dog Park	5660 Sioux Dr.
PLEASANT VIEW FIELDS	52.0	Athletic Fields	3805 47th St.
HARLOW PLATTS COMMUNITY PARK	50.5	Park / Lake	Gillespie, S. of Grinnell
GERALD STAZIO BALLFIELDS	42.0	Athletic Fields	2445 Stazio
TOM WATSON	31.0	Park/Courts/Ballfields	6180 N. 63rd St.
EATON	28.5	Park / Natural Lands	E. end of Nautilus Ct.
SCOTT CARPENTER PARK/POOL	16.8	Park / Pool	30th & Arapahoe
TANTRA	16.8	Park	46th & Hanover
CHAUTAUQUA	14.8	Park	900 Baseline Rd.
NORTH BOULDER	12.5	Park	9th & Dellwood
PARK EAST	11.3	Greenway / Park	Aurora & Mohawk
MAXWELL LAKE	8.6	Undeveloped Park	Linden Park Dr. N. of Linden
MARTIN	8.3	Park	36th & Eastman
AURORA 7	7.9	Park	38th & Aurora
ELKS	7.9	Park	3995 N. 28th
CRESTVIEW	7.7	Park	17th & Sumac Ave.
EAST MAPLETON BALLFIELDS	7.6	Athletic Fields	30th & Mapleton
HOWARD HEUSTON	7.5	Park / Dog Park	34th St., S. of Iris Ave.
CENTRAL MUNICIPAL COMPLEX	7.4	Park / City Offices	Canyon & Broadway Ave.
VIOLET	7.3	Undeveloped	17th & Violet Ave.
EBEN G. FINE	7.0	Park	3rd & Arapahoe Ave.
BEAR CREEK	6.6	Park	Lehigh & Table Mesa
WEST HIGHLAND	6.5	Park	W. end of Dartmouth
BURKE	6.0	Park	Mohawk & Pawnee
CENTRAL PARK	5.5	Park / Bandshell	13th & Canyon Blvd.
PARKSIDE	5.5	Park	26th & Kalmia Ave.
N BOULDER REC CENTER / OLMSTED	5.2	Rec Center / Park	Broadway Ave. & Forest
HEATHERWOOD	5.0	Undeveloped Park	Heatherwood, E. of 75th
ARAPAHOE RIDGE	4.6	Park	Eisenhower Dr., S. of Arapahoe
KEEWAYDIN MEADOWS	4.5	Park	Manhattan & Sioux
CHRISTIANSSEN	4.4	Park	3100 Kings Ridge Blvd.
SHANAHAN RIDGE	4.4	Park	Lehigh & Greenbriar
COLUMBINE	4.3	Park	23rd & Glenwood
ELMERS TWO MILE	4.0	Park	2700 Iris Ave.
PALO EAST	4.0	Park	Corriente Pl. & Campo Ct.
MEADOW GLEN	2.5	Park	Pennsylvania Ave., E. of 55th
PARK OPERATIONS FACILITY	2.0	Office / Maintenance	E. end of Old Pearl St.
ADM OFFICES / IRIS CENTER	1.4	Main Dept Offices	3198 N. Broadway Ave.
EAST BOULDER COMMUNITY CENTER	1.1	Recreation Center	5660 Sioux Dr.
TANTRA MAINTENANCE FACILITY	1.0	Office / Maintenance	Tantra Dr.
SPRUCE POOL	0.8	Pool	21st & Spruce
S BOULDER RECREATION CENTER	0.6	Recreation Center	1360 Gillespie
Total Acres	1,631.4	Population in 2030	118,500
Land Cost per Acre	\$134,000	Park Land Cost per Person	\$1,844

Park Land excise taxes, by type and size of residential unit, are shown in Figure 21. The cost per person for park land, multiplied by the average number of persons per housing unit, yields the excise tax amount. Documentation on the average number of persons by finished floor area is provided in Appendix A.

Figure 21. Excise Tax Schedule for Park Land

<i>Level Of Service Standard</i>	<u>Per Person</u>
Park Land Cost	\$1,844

<i>Square Feet</i> <i>(finished floor area)</i>	<i>Persons per Housing Unit</i>		<i>Excise Tax per Housing Unit</i>	
	<i>Single Family (SFD, SFA &amp; MH)</i>	<i>All Other Types</i>	<i>Single Family (SFD, SFA &amp; MH)</i>	<i>All Other Types</i>
Wt Avg	2.30	1.60	\$4,241	\$2,950
600	1.00	1.06	\$1,844	\$1,949
700	1.00	1.28	\$1,844	\$2,359
800	1.00	1.47	\$1,844	\$2,714
900	1.00	1.64	\$1,844	\$3,028
1,000	1.16	1.79	\$2,138	\$3,308
1,100	1.30	1.93	\$2,397	\$3,562
1,200	1.43	2.06	\$2,634	\$3,794
1,300	1.55	2.17	\$2,852	\$4,007
1,400	1.66	2.28	\$3,053	\$4,204
1,500	1.76	2.38	\$3,241	\$4,388
1,600	1.85	2.47	\$3,416	\$4,560
1,700	1.94		\$3,581	
1,800	2.03		\$3,736	
1,900	2.11		\$3,883	
2,000	2.18		\$4,023	
2,100	2.25		\$4,155	
2,200	2.32		\$4,282	
2,300	2.39		\$4,403	
2,400	2.45		\$4,518	
2,500	2.51		\$4,629	
2,600	2.57		\$4,736	
2,700	2.62		\$4,838	
2,800	2.68		\$4,937	
2,900	2.73		\$5,033	
3,000	2.78		\$5,125	
3,100	2.83		\$5,214	
3,200	2.87		\$5,300	
3,300	2.92		\$5,384	
3,400	2.96		\$5,465	
3,500	3.01		\$5,544	
3,600	3.05		\$5,621	
3,700	3.09		\$5,695	

## IMPLEMENTATION AND ADMINISTRATION

All costs in the development excise tax calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments can be made as part of the recommended annual evaluation and update of the tax amounts. One approach is to adjust for inflation in construction costs by means of an index specific to construction as opposed to the consumer price index (CPI), which is more general in nature. TischlerBise recommends using the Marshall Swift Valuation Service, which provides comparative cost multipliers for various geographies and types of construction. The multipliers can be applied against the calculated excise tax amounts. If cost estimates change significantly the City should redo the calculations.

It is recommended that the excise taxes be collected at the time of building permit. Revenue from excise taxes does not typically have to be earmarked or accounted for separately from the City's general revenue and does not have to specifically benefit new growth.

## APPENDIX A. DEMOGRAPHIC DATA

In this Appendix, TischlerBise documents the demographic data and development projections used in the Impact Fee / Development Excise Tax study for the City of Boulder. Although long-range projections are necessary for planning capital improvements, a shorter time frame of five years is critical for the impact fees analysis. Infrastructure standards are calibrated using 2008 data and the first projection year for the cash flow model will be 2009. The City of Boulder's fiscal year begins January 1st.

### POPULATION AND HOUSING CHARACTERISTICS

TischlerBise recommends the use of two residential categories in the impact fee calculations: 1) Single Family (detached and attached) and 2) All Other housing types. Differentiating impact fees by type of housing helps make the fees proportionate to the demand for public facilities. Single Family housing units are normally larger and have more persons than All Other housing types. According to the U.S. Census Bureau's American Community Survey data for 2006, Single Family housing in Boulder averages 2.3 persons per unit (see the rows with yellow shading in Figure A1). All Other housing averages 1.6 persons per unit (see the rows with tan shading in the table below).

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate-share fee amounts. When persons per housing unit multipliers are used in the fee calculations, infrastructure standards are derived using year-round population. When persons per household multipliers are used in the fee calculations, the impact fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. In the City of Boulder impact fee will be derived using year-round population and the average number of persons per housing unit.

Figure A1. Persons per Housing Unit

<i>House Type Demographics</i>				<i>Housing</i>	<i>Persons Per</i>	
	<i>Persons</i>	<i>Hshlds</i>	<i>PPH</i>	<i>Units</i>	<i>Housing Unit</i>	<i>Hsg Mix</i>
Single Family (SFD, SFA & MH)	54,948	21,776	2.52	23,678	<b>2.3</b>	57%
All Other Types	28,671	16,097	1.78	17,651	<b>1.6</b>	43%
Group Quarters	8,855					
Total	92,474	37,873		41,329		

Source: U.S. Census Bureau, 2006 American Community Survey.

### AVERAGE NUMBER OF PERSONS BY SIZE OF HOUSING UNIT

To derive impact fees by floor area of housing requires a linkage of demographic data from the U.S. Census Bureau and house size data from the Boulder County Assessor, with number of bedrooms as the common connection between the two databases. Number of persons by bedroom range may be determined from survey data provided by the U.S. Census Bureau. The City of Boulder is in Public Use Microdata Area (PUMA) 00803. PUMAs are areas of roughly 100,000 persons for which the Census Bureau makes available a 5% sample of responses to the long-form census questionnaire. TischlerBise used this data to prepare persons per housing unit multipliers that vary by type of housing and number of bedrooms. Because the number of persons increases with the number of bedrooms, this approach may be used to make impact fees more “progressive” with higher impact fees imposed on larger housing units and lower impact fees on smaller, more affordable housing.

The tables below indicate persons per housing unit by type of housing and number of bedrooms. Results for Single Family housing are shown in Figure A2, with Figure A3 indicating average persons by bedroom range for All Other housing types. To minimize sample size problems, TischlerBise aggregated bedroom ranges.

Figure A2. Persons per Single Family Housing Unit by Bedroom Range

**Single Family Dwellings**  
Boulder, Colorado

	<i>0-2 Bdrms</i>	<i>3 Bdrms</i>	<i>4 Bdrms</i>	<i>5+ Bdrms</i>	<i>Wt Avg</i>
Single Family	1.63	2.15	2.73	2.95	2.32

Source: Data for Colorado PUMA 00803 (includes SFD, SFA and MH)  
2006 American Community Survey, Public Use Microdata Sample.

Figure A3. Average Persons by Bedroom Range for All Other Housing Types

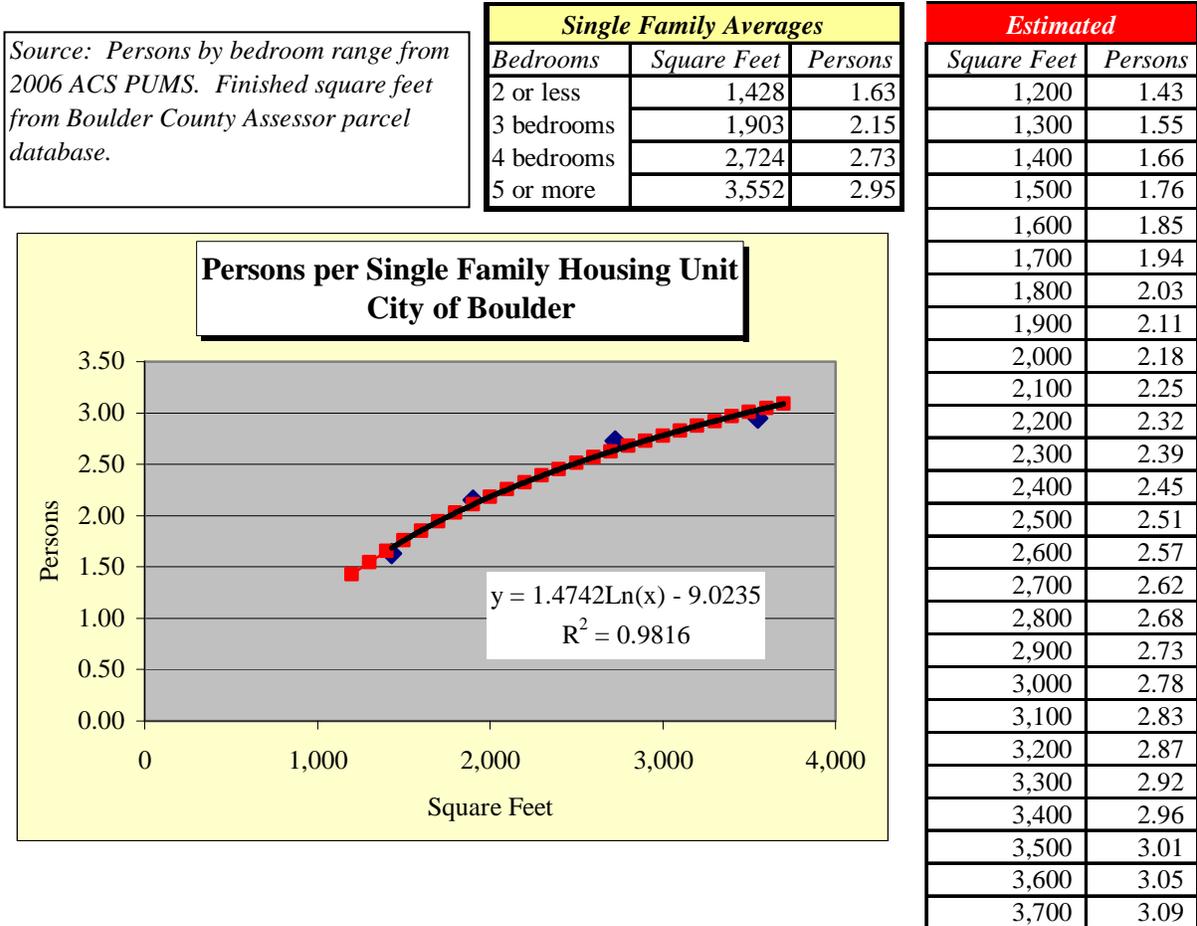
**All Other Dwellings**  
Boulder, Colorado

	<i>0-1 Bdrm</i>	<i>2 Bdrms</i>	<i>3+ Bdrms</i>	<i>Wt Avg</i>
2+ Units per Structure	1.20	1.79	2.46	1.62

*Source: Data for Colorado PUMA 00803 (all other housing types)  
2006 American Community Survey, Public Use Microdata Sample.*

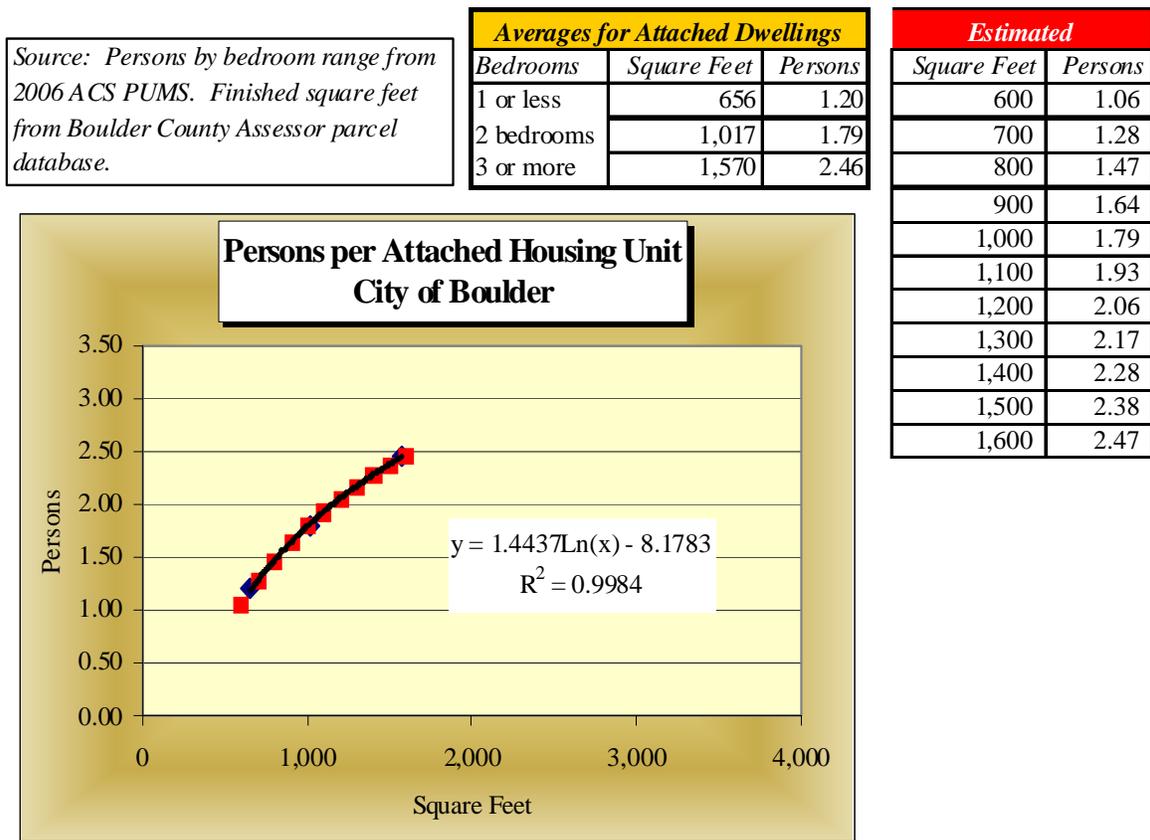
Using key variables from the County Assessor's parcel database, TischlerBise determined the average finished floor area by type of housing and bedroom range. For Single Family housing, average floor area and number of persons by bedroom range are plotted in Figure A4, with a logarithmic trend line derived from the four actual averages in the City of Boulder. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons by size of Single Family housing, using 100 square foot intervals. For the purpose of impact fees in City of Boulder if the City wishes to assess fees by size of unit, TischlerBise recommends a minimum fee based on a Single Family unit size of 1,200 square feet and a maximum fee based on a Single Family unit size of 3,700 square feet of finished floor area.

Figure A4. Average Persons by Floor Area of Single Family Housing



For All Other housing types, the average floor area and number of persons by bedroom range are plotted in Figure A5. A logarithmic trend line was determined from the three actual averages in the City of Boulder. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons by unit size, using 100 square feet intervals. For All Other housing types, TischlerBise recommends a minimum fee based on a unit size of 600 square feet and a maximum fee based on a unit size of 1,600 square feet of finished floor area, if the City wishes to assess fees by size of unit.

Figure A5. Average Persons by Floor Area of Attached Housing



## RECENT RESIDENTIAL CONSTRUCTION

Figure A6 indicates City of Boulder 2006 estimates for year-round residents and housing units. From 2000 to 2006, Boulder added an average of 308 housing units per year. The chart at the bottom of Figure A6 indicates the estimated number of housing units added by decade in City of Boulder. If the recent rate of housing construction continues, the first decade of the

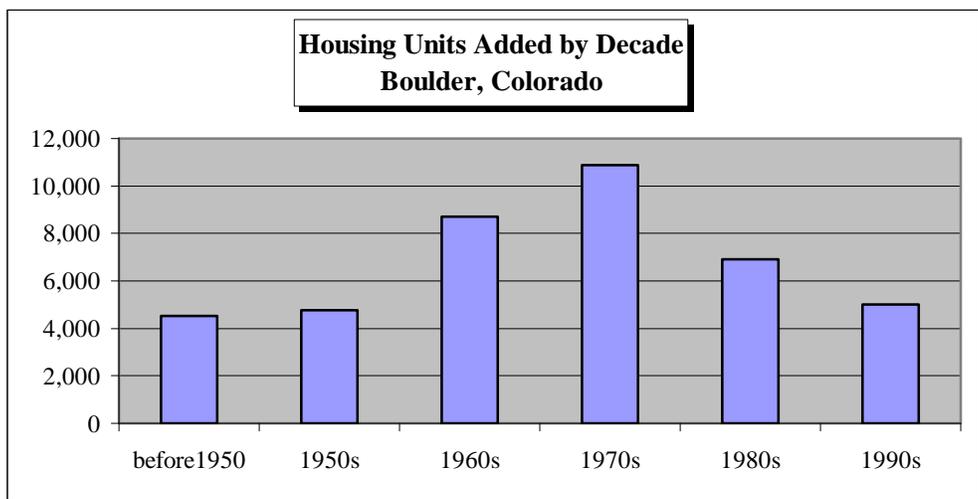
21st century will experience an increase of approximately 3,000 housing units, which is less than the number of housing units added during the 90s.

Figure A6. City of Boulder Housing Units and Population in 2006

Boulder, Colorado	
Estimated Population in 2006*	101,918
Housing Units 2000*	42,740
<i>New Housing Units 2000-2006</i>	<i>1,848</i>
Housing Units in 2006*	44,588

From 2000 to 2006, Boulder added approximately 308 housing units per year.

\* City of Boulder estimates.



Source: Units by decade based on Table H34, SF3 Census 2000, U.S. Census Bureau.

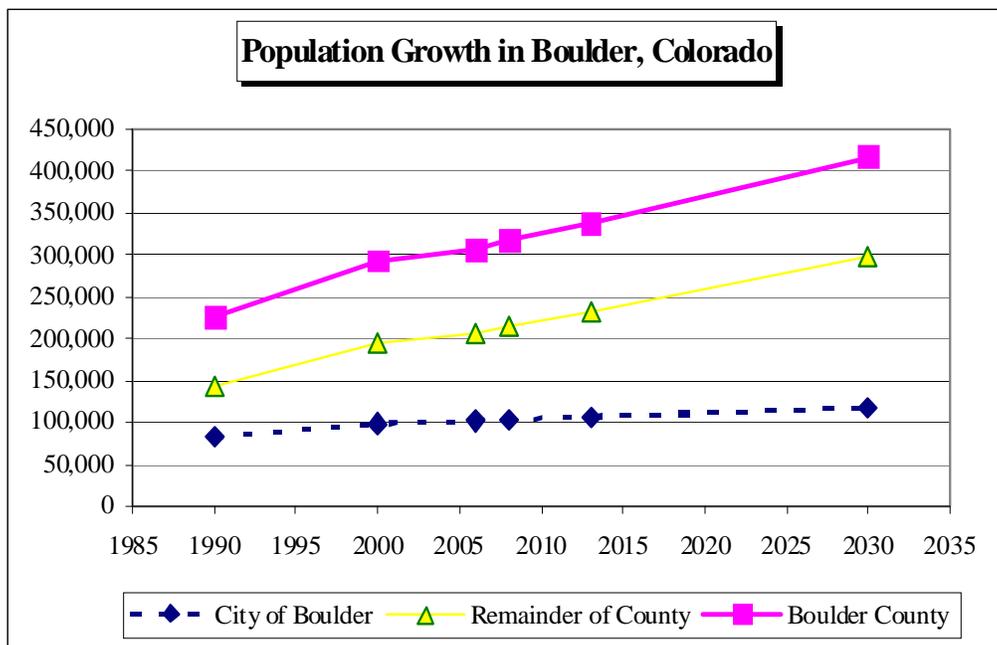
## POPULATION PROJECTIONS

The impact fee study will use population and job projections as the key growth indicators, from which housing unit and nonresidential floor area data will be derived. According to the City’s 2008 Community Data Report, Boulder will be home to 118,500 residents by the year 2030 (Area I only). In that same year, Boulder County is expected to have a population of 417,517 (Woods & Poole Economics 2007). As shown in Figure A7, Boulder’s population share is expected to decrease from 33% of total county population in 2006, to 28% by the year 2030.

Figure A7. Population Growth in Boulder

	1990	2000	2006	2008	2013	2030
Boulder County	226,374	293,878	308,110	317,358	338,739	417,517
City of Boulder	83,312	99,093	101,918	103,100	106,414	118,500
Remainder of County	143,062	194,785	206,192	214,258	232,325	299,017
City of Boulder Share	37%	34%	33%	32%	31%	28%

Source: Boulder County from Woods & Poole Economics (2007). City of Boulder 1990 from U.S. Census Bureau; 2000 and 2006 estimates from City of Boulder. City of Boulder 2008 and 2030 (Area I) from 2008 Community Data Report.



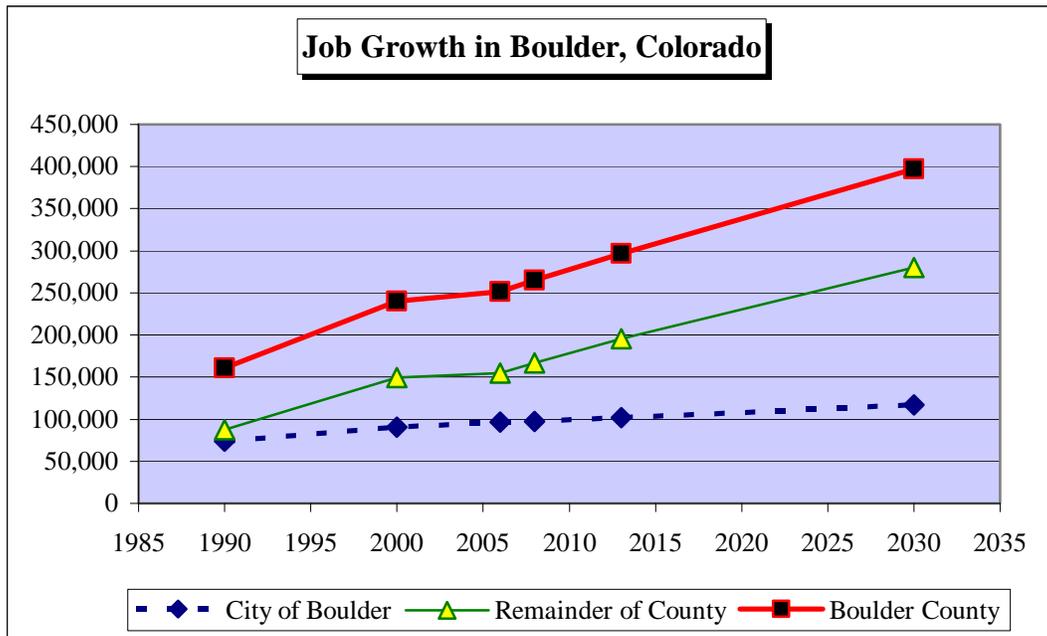
## JOBS BY PLACE OF WORK

In addition to data on residential development, the calculation of impact fees requires data on nonresidential development. TischlerBise uses the term “jobs” to refer to employment by place of work. Similar to the above population share discussion, Boulder’s capture ratio of countywide jobs is shown in Figure A8. Boulder County job data were obtained from Woods & Poole Economics, Inc. (2007). Estimated jobs within the City of Boulder, in both 1990 and 2000, are from the Census Transportation Planning Package. Job projections from the 2008 Community Data Report indicate Boulder’s capture ratio decreases from 39% of countywide jobs in 2006 to 30% by the year 2030.

Figure A8. Job Growth in Boulder

	<b>1990</b>	<b>2000</b>	<b>2006</b>	<b>2008</b>	<b>2013</b>	<b>2030</b>
Boulder County	161,089	239,740	251,526	264,722	297,100	397,456
City of Boulder	73,650	90,255	96,968	97,750	101,905	117,400
Remainder of County	87,439	149,485	154,558	166,972	195,195	280,056
City of Boulder Share	46%	38%	39%	37%	34%	30%

Source: Boulder County from Woods & Poole Economics (2007) based on Bureau of Economic Analysis data. City of Boulder 1990 and 2000 from Census Transportation Planning Package. City of Boulder estimate for 2006. City of Boulder 2008 and 2030 (Area I) from 2008 Community Data Report.



## NONRESIDENTIAL DEMAND INDICATORS

In the impact fee study, vehicle trips or employees per demand unit are used to differentiate fees by type of nonresidential development. In Figure A9, gray shading indicates the three nonresidential development prototypes used by TischlerBise to calculate vehicle trips and estimate potential impact fee revenue. The first prototype, for goods-producing jobs, is a warehouse with 784 square feet per employee. The second prototype, for retail and restaurant jobs, is a shopping center with 50,000 square feet of floor area. To more closely match Boulder's actual floor area determined by the County Assessor's parcel database, TischlerBise used Light Industrial as the prototype for Other Services.

Figure A9. Employee and Building Area Ratios

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit*	Wkdy Trip Ends Per Employee*	Emp Per Dmd Unit**	Sq Ft Per Emp
<b>Commercial / Shopping Center</b>						
821	25K gross leasable area	1,000 Sq Ft	110.32	na	3.33	300
<b>820</b>	<b>50K gross leasable area</b>	<b>1,000 Sq Ft</b>	<b>86.56</b>	<b>na</b>	<b>2.86</b>	<b>350</b>
820	100K gross leasable area	1,000 Sq Ft	67.91	na	2.50	400
820	200K gross leasable area	1,000 Sq Ft	53.28	na	2.22	450
820	400K gross leasable area	1,000 Sq Ft	41.80	na	2.00	500
<b>General Office</b>						
710	10K gross floor area	1,000 Sq Ft	22.66	5.06	4.48	223
710	25K gross floor area	1,000 Sq Ft	18.35	4.43	4.14	241
710	50K gross floor area	1,000 Sq Ft	15.65	4.00	3.91	256
710	100K gross floor area	1,000 Sq Ft	13.34	3.61	3.70	271
710	200K gross floor area	1,000 Sq Ft	11.37	3.26	3.49	287
<b>Industrial</b>						
770	Business Park***	1,000 Sq Ft	12.76	4.04	3.16	317
151	Mini-Warehouse	1,000 Sq Ft	2.50	56.28	0.04	22,512
<b>150</b>	<b>Warehousing</b>	<b>1,000 Sq Ft</b>	<b>4.96</b>	<b>3.89</b>	<b>1.28</b>	<b>784</b>
140	Manufacturing	1,000 Sq Ft	3.82	2.13	1.79	558
<b>110</b>	<b>Light Industrial</b>	<b>1,000 Sq Ft</b>	<b>6.97</b>	<b>3.02</b>	<b>2.31</b>	<b>433</b>
<b>Other Nonresidential</b>						
720	Medical-Dental Office	1,000 Sq Ft	36.13	8.91	4.05	247
620	Nursing Home	bed	2.37	6.55	0.36	na
610	Hospital	1,000 Sq Ft	17.57	5.20	3.38	296
565	Day Care	student	4.48	28.13	0.16	na
530	Secondary School	student	1.71	19.74	0.09	na
520	Elementary School	student	1.29	15.71	0.08	na
520	Elementary School	1,000 Sq Ft	14.49	15.71	0.92	1,084
320	Lodging	room	5.63	12.81	0.44	na

\* Source: Trip Generation, Institute of Transportation Engineers (2003).

\*\* Employees per demand unit calculated from trip rates, except for Shopping Center data, which are derived from Development Handbook and Dollars and Cents of Shopping Centers, published by the Urban Land Institute.

\*\*\* According to ITE, a Business Park is a group of flex-type buildings served by a common roadway system. The tenant space includes a variety of uses with an average mix of 20-30% office/commercial and 70-80% industrial/warehousing.

## DEVELOPMENT PROJECTIONS

Key demographic data for the City of Boulder impact fee study are shown in Figure A10. Cumulative data are shown in the top section and annual increases at the bottom of the table. City of Boulder data shown with light green shading are from the 2008 Community Data

Report. Because of the recent downturn in development activity, TischlerBise used an exponential curve formula to derive interim year data between the 2008 and 2030 “end-points.” This method minimizes annual increases in the short run. Job allocation by nonresidential prototype is based on the most recent Labor Shed Area Profile Report from the U.S. Census Bureau’s website called Longitudinal Employer-Household Dynamics.

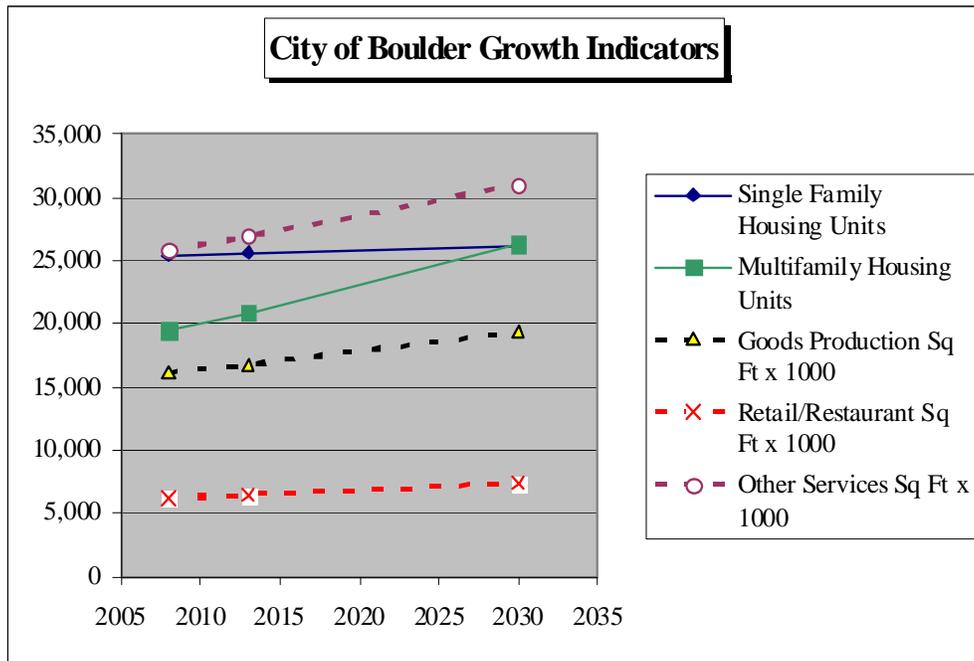
Figure A10. Citywide Demographic Data

	<i>Base Year</i>							
	<b>2000</b>	2008	2009	2010	2011	2012	2013	2030
<i>Cumulative</i>	<i>FY 08-09</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>22</i>	
Year-Round Population	99,093	103,100	103,754	104,413	105,076	105,743	106,414	118,500
Jobs	90,255	97,750	98,567	99,391	100,222	101,060	101,905	117,400
Housing Units	42,740	44,885	45,206	45,529	45,854	46,182	46,512	52,500
Single Family Hsg Units	23,080	25,445	25,477	25,509	25,542	25,575	25,608	26,206
All Other Hsg Units	19,660	19,440	19,729	20,020	20,313	20,608	20,905	26,294
Jobs to Housing Ratio		2.18	2.18	2.18	2.19	2.19	2.19	2.24
Persons per Hsg Unit		2.30	2.30	2.29	2.29	2.29	2.29	2.26
<u>Job Allocation by Type of Development</u>								
Goods Producing Share		21%	21%	21%	21%	21%	21%	21%
Retail/Restaurant Share		18%	18%	18%	18%	18%	18%	18%
Other Services Share		61%	61%	61%	61%	61%	61%	61%
<u>Nonres Sq Ft (x 1,000)</u>								
Goods Producing		16,090	16,230	16,360	16,500	16,640	16,780	19,330
Retail/Restaurant		6,160	6,210	6,260	6,310	6,370	6,420	7,400
Other Services		25,820	26,030	26,250	26,470	26,690	26,920	31,010
Total		48,070	48,470	48,870	49,280	49,700	50,120	57,740
Avg Sq Ft Per Job		492	492	492	492	492	492	492
								<i>2008 to 2030</i>
<u>Annual Increase</u>								<i>Increase</i>
Year-Round Population		654	659	663	667	671	676	15,400
Jobs		817	824	831	838	845	852	19,650
Housing Units		321	323	325	328	330	332	7,615
Goods Producing KSF*		140	130	140	140	140	140	3,240
Retail/Restaurant KSF*		50	50	50	60	50	50	1,240
Other Services KSF*		210	220	220	220	230	220	5,190
* KSF = square feet of floor area in thousands.								Cumulative KSF Increase =>
								Avg Anl KSF Increase =>
								9,670
								440

Key land use assumptions for City of Boulder are summarized in Figure A11. Residential growth rates range from 0.1% annually for Single Family housing to 1.5% per year for Multifamily housing types. Nonresidential growth rates average 0.8% per year. Over the next five years, housing unit construction is projected to average 326 units per year.

Figure A11. Summary of Land Use Assumptions

Boulder, Colorado	2008	2013	2030	2008 to 2013	
	FY08-09	FY13-14	FY30-31	Average Annual	
				Increase	Growth Rate
Single Family Housing Units	25,445	25,608	26,206	33	0.1%
Multifamily Housing Units	19,440	20,905	26,294	293	1.5%
Goods Production Sq Ft x 1000	16,090	16,780	19,330	138	0.9%
Retail/Restaurant Sq Ft x 1000	6,160	6,420	7,400	52	0.8%
Other Services Sq Ft x 1000	25,820	26,920	31,010	220	0.9%



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# DEVELOPMENT IMPACT FEE STUDY

*City of Boulder, Colorado*



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**January 8, 2009**

*Prepared By:*

**TischlerBise**  
Fiscal, Economic & Planning Consultants

## DEVELOPMENT IMPACT FEE STUDY

### City of Boulder, Colorado

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# EXECUTIVE SUMMARY

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## OVERVIEW

The City of Boulder retained TischlerBise to prepare an impact fee study for various infrastructure categories. This report updates the Development Excise Tax (DET) study prepared in 1996 when the firm was known as Tischler & Associates, Inc. Although the City currently has development excise taxes in place, it was the City's desire to have the current excise tax methodologies updated with an impact fee approach, thereby giving the City the option to adopt impact fees and/or revise the current development excise taxes.

Impact fees are one-time payments used to fund system improvements needed to accommodate development. This report documents the data, methodology, and results of the impact fee calculations. The methods used to calculate impact fees in this study are intended to satisfy all legal requirements governing such fees, including provisions of the U. S. Constitution and the Colorado Development Impact Fee Act. The following infrastructure categories have been developed with methodologies that meet the requirements to be adopted as impact fees.

- Library
- Parks and Recreation
- Human Services
- Municipal Services
- Police
- Fire

## IMPACT FEE SUMMARY

As documented in this report, impact fees for the City of Boulder are proportionate and reasonably related to the capital facility service demands of new development. The written analysis of each impact fee methodology, establish that impact fees are necessary to achieve an equitable allocation of costs in comparison to the benefits received. Impact fee methodologies also identify the extent to which newly developed properties are entitled to various types of

credits to avoid potential double payment of capital costs. An impact fee represents new growth's proportionate share of capital facility needs. By law, impact fees can only be used for *capital* improvements, not operating or maintenance costs. Impact fees are subject to legal standards, which require fulfillment of three key elements: need, benefit and proportionality. First, to justify a fee for public facilities, it must be demonstrated that new development will create a **need** for capital improvements. Second, new development must derive a **benefit** from the payment of the fees (i.e., in the form of public facilities constructed within a reasonable timeframe). Third, the fee paid by a particular type of development should not exceed its **proportional** share of the capital cost for system improvements.

TischlerBise documented appropriate demand indicators by type of development. Specific capital costs have been identified using local data and costs. This report includes summary tables indicating the specific factors used to derive the impact fees. These factors are referred to as level of service, or infrastructure standards.

### *Methodologies and Approach*

There are three basic *methods* used to calculate impact fees. The **incremental expansion method** documents the current level of service for each type of public facility, in both quantitative and qualitative measures. The intent is to use revenue collected to expand or provide additional facilities, as needed to accommodate new development, based on the current cost to provide capital improvements. The **plan-based method** is commonly used for public facilities that have adopted plans or engineering studies to guide capital improvements, such as utility systems. A third approach, known as the **cost recovery method**, is based on the rationale that new development is paying for its share of the useful life and remaining unused capacity of an existing facility. All three methodologies are employed for the fees included in this study and are described further in this report in the respective fee chapter. A summary is provided in Figure 1 showing the methodologies, infrastructure components, and allocations used to calculate impact fees for the City of Boulder.

Figure 1. Summary of Proposed Fee Methods and Infrastructure Components

Type of Public Facility	Incremental Expansion	Plan Based	Cost Recovery	Cost Allocation
<i>Library</i>	▪ Collection Materials	Not applicable	▪ Library Space	100% Residential
<i>Parks and Recreation</i>	▪ Park Improvements ▪ Recreation Space ▪ Parks and Rec Admin & Support Facilities	Not applicable	Not applicable	100% Residential
<i>Human Services</i>	▪ Human Service Space	Not applicable	Not applicable	100% Residential
<i>Municipal Services</i>	▪ Government Space	Not applicable	Not applicable	Functional Population
<i>Police</i>	▪ Station Space	▪ Communications Center	Not applicable	Functional Population
<i>Fire</i>	▪ Stations ▪ Apparatus	Not applicable	Not applicable	Calls for Service

### *Credits*

A general requirement common to impact fee methodologies is the evaluation of *credits*. Two types of credits should be considered, **future revenue credits** and **site-specific credits**. Revenue credits may be necessary to avoid potential double payment situations arising from a one-time impact fee plus the payment of other revenues (e.g., property taxes) that may also fund growth-related capital improvements. Because new development may provide front-end funding of infrastructure, there is a potential for double payment of capital costs due to future payments on debt for public facilities. This type of credit is included for Library, Parks and Recreation, and Human Services.

The second type of credit is a **site-specific credit** for system improvements that have been included in the impact fee calculations. Policies and procedures related to site-specific credits for system improvements should be addressed in the ordinance that establishes the development fees. However, the general concept is that developers may be eligible for site-specific credits only if they provide system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees.

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### *Maximum Allowable Impact Fees by Type of Land Use*

The impact fees calculated for the City of Boulder represent the highest amount feasible for each type of applicable land use, or *maximum allowable* amounts, which represents new growth's proportionate share of the cost for the appropriate capital facilities. Figures 2, 3, and 4 provide schedules of the *maximum allowable impact fees* by type of land use. For residential impact, fees will be imposed according to square feet of finished floor area. For nonresidential development, fees will be assessed per square feet of floor area or unique demand indicators such as the number of rooms in a hotel. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures and/or a decrease in the City's level of service standards.

Development excise taxes for single-family residential development are currently imposed by type of housing with no variation by size of unit. For comparison of the proposed impact fees with the current DET, the row with grey shading at the top of the following table indicates proposed impact fee amounts for the average size unit. The current DET amount and proposed increase per housing unit are on the right side of the table.

Figure 2. Summary of Maximum Allowable Impact Fees for Single Family Residential

		<b>MAXIMUM ALLOWABLE IMPACT FEES</b>								
		<i>Library</i>	<i>Parks &amp; Recreation</i>	<i>Human Services</i>	<i>Municipal Facilities</i>	<i>Police</i>	<i>Fire</i>	<i>TOTAL</i>	Current DET	Proposed
									Less	Increase
<i>Single Family</i>	<i>Per Housing Unit</i>								Transportation	
Average Size		\$441	\$3,022	\$142	\$269	\$283	\$201	\$4,358	\$3,568.48	\$789.52
<i>Square Feet</i>										
900 or less		\$192	\$1,314	\$62	\$117	\$123	\$87	\$1,895		
1,000		\$222	\$1,524	\$72	\$135	\$143	\$101	\$2,197		
1,100		\$249	\$1,708	\$80	\$152	\$160	\$113	\$2,462		
1,200		\$274	\$1,877	\$88	\$167	\$176	\$124	\$2,706		
1,300		\$296	\$2,032	\$96	\$181	\$190	\$135	\$2,930		
1,400		\$317	\$2,175	\$102	\$193	\$204	\$144	\$3,135		
1,500		\$337	\$2,309	\$109	\$205	\$216	\$153	\$3,329		
1,600		\$355	\$2,434	\$115	\$217	\$228	\$161	\$3,510		
1,700		\$372	\$2,552	\$120	\$227	\$239	\$169	\$3,679		
1,800		\$389	\$2,662	\$125	\$237	\$249	\$177	\$3,839		
1,900		\$404	\$2,767	\$130	\$246	\$259	\$184	\$3,990		
2,000		\$418	\$2,866	\$135	\$255	\$269	\$190	\$4,133		
2,100		\$432	\$2,961	\$139	\$263	\$277	\$196	\$4,268		
2,200		\$445	\$3,051	\$144	\$272	\$286	\$202	\$4,400		
2,300		\$458	\$3,137	\$148	\$279	\$294	\$208	\$4,524		
2,400		\$470	\$3,220	\$152	\$287	\$302	\$214	\$4,645		
2,500		\$482	\$3,299	\$155	\$294	\$309	\$219	\$4,758		
2,600		\$493	\$3,375	\$159	\$300	\$316	\$224	\$4,867		
2,700		\$503	\$3,448	\$163	\$307	\$323	\$229	\$4,973		
2,800		\$514	\$3,518	\$166	\$313	\$330	\$234	\$5,075		
2,900		\$524	\$3,586	\$169	\$319	\$336	\$238	\$5,172		
3,000		\$533	\$3,652	\$172	\$325	\$342	\$242	\$5,266		
3,100		\$542	\$3,715	\$175	\$331	\$348	\$247	\$5,358		
3,200		\$551	\$3,777	\$178	\$336	\$354	\$251	\$5,447		
3,300		\$560	\$3,836	\$181	\$342	\$360	\$255	\$5,534		
3,400		\$569	\$3,894	\$184	\$347	\$365	\$259	\$5,618		
3,500		\$577	\$3,950	\$186	\$352	\$370	\$262	\$5,697		
3,600		\$585	\$4,005	\$189	\$357	\$375	\$266	\$5,777		
3,700		\$593	\$4,058	\$191	\$361	\$380	\$269	\$5,852		

Development excise taxes for multifamily residential development are currently imposed by type of housing with no variation by size of unit. For comparison of the proposed impact fees with the current DET, the row with grey shading at the top of the following table indicates proposed impact fee amounts for the average size unit. The current DET amount and proposed increase per housing unit are on the right side of the table.

Figure 3. Summary of Maximum Allowable Impact Fees for Multifamily Residential

<b>MAXIMUM ALLOWABLE IMPACT FEES</b>								Current DET Less Transportation	Proposed Increase
<i>Library   Parks &amp;   Human   Municipal   Police   Fire   TOTAL</i>									
<i>Recreation   Services   Facilities</i>									
<i>Multifamily</i>	<i>Per Housing Unit</i>								
	<i>Average Size</i>	\$307	\$2,102	\$99	\$187	\$197	\$230	\$3,122	\$2,380.54
<i>Square Feet</i>									
	600	\$202	\$1,388	\$65	\$123	\$130	\$151	\$2,059	
	700	\$245	\$1,681	\$79	\$149	\$157	\$183	\$2,494	
	800	\$282	\$1,934	\$91	\$172	\$181	\$211	\$2,871	
	900	\$315	\$2,158	\$102	\$192	\$202	\$236	\$3,205	
	1,000	\$344	\$2,357	\$111	\$210	\$221	\$257	\$3,500	
	1,100	\$370	\$2,538	\$120	\$226	\$238	\$277	\$3,769	
	1,200	\$395	\$2,703	\$127	\$241	\$253	\$295	\$4,014	
	1,300	\$417	\$2,855	\$134	\$254	\$267	\$312	\$4,239	
	1,400	\$437	\$2,996	\$141	\$267	\$281	\$327	\$4,449	
	1,500	\$456	\$3,127	\$147	\$278	\$293	\$342	\$4,643	
	1,600	\$474	\$3,249	\$153	\$289	\$304	\$355	\$4,824	

Currently, development excise taxes for nonresidential development are imposed per square foot of floor area with no variation by type of development. To make the proposed impact fees proportionate to the demand for infrastructure, TischlerBise used trip generation rates or jobs per demand unit to vary the impact fees by type of development. With this change in methodology, proposed fee amounts for retail and office development will increase. As shown in Figure 4, proposed impact fees for and industrial and warehouse development are less than the current development excise taxes.

Figure 4. Summary of Maximum Allowable Impact Fees for Nonresidential

ITE Code	Maximum Allowable Impact Fees				Current DET Less Transportation	Proposed Increase (Decrease)	
	Municipal Facilities	Police	Fire	TOTAL			
<i>Nonresidential (per Square Foot of Floor Area)</i>							
820	Retail / Restaurant	\$0.13	\$0.44	\$0.35	\$0.92	\$0.686	\$0.23
770	Business Park	\$0.15	\$0.10	\$0.09	\$0.34	\$0.686	(\$0.35)
710	Office	\$0.18	\$0.15	\$0.52	\$0.85	\$0.686	\$0.16
610	Hospital	\$0.16	\$0.14	\$0.45	\$0.75	\$0.686	\$0.06
520	School	\$0.04	\$0.07	\$0.12	\$0.23	\$0.686	(\$0.46)
151	Mini-Warehouse	\$0.00	\$0.02	\$0.00	\$0.02	\$0.686	(\$0.67)
150	Warehousing	\$0.06	\$0.04	\$0.04	\$0.14	\$0.686	(\$0.55)
110	Light Industrial	\$0.11	\$0.05	\$0.07	\$0.23	\$0.686	(\$0.46)
<i>Other Nonresidential (per unique demand indicator)</i>							
620	Nursing Home (per bed)	\$17	\$19	\$48	\$84		
565	Day Care (per student)	\$7	\$17	\$21	\$45		
320	Lodging (per room)	\$21	\$47	\$59	\$127		

## INTRODUCTION TO IMPACT FEES

### DEFINITION

Impact fees, also known as development or development impact fees, are one-time payments used to fund capital improvements necessitated by new growth. Impact fees have been utilized by local governments in various forms for at least fifty years. Impact fees do have limitations, and should not be regarded as the total solution for infrastructure financing needs. Rather, they should be considered one component of a comprehensive portfolio to ensure adequate provision of public facilities with the goal of maintaining current levels of service in a community. Any community considering impact fees should note the following limitations:

- Impact fees can only be used to finance capital infrastructure and cannot be used to finance ongoing operations and/or maintenance costs;
- Impact fees cannot be deposited in the local government's General Fund. The funds must be accounted for separately in individual accounts and earmarked for the capital expenses for which they were collected; and
- Impact fees cannot be used to correct existing infrastructure deficiencies unless there is a funding plan in place to correct the deficiency for all current residents and businesses in the community.

### LEGAL FRAMEWORK

*U.S. Constitution.* Like all land use regulations, development exactions—including impact fees—are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring that development is not detrimental to the quality of essential public services.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing

exactions on development must demonstrate an “essential nexus” between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. City of Tigard, OR*, 1994), the Court ruled that an exaction also must be “roughly proportional” to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as impact fees.

## FINDINGS

There are three requirements for impact fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: “impact or need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. The reasonable relationship language of the statute is considered less strict than the rational nexus standard used by many courts. Individual elements of the nexus standard are discussed further in the following paragraphs.

*Demonstrating an Impact.* All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the supply of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on improvement needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

*Demonstrating a Benefit.* A sufficient benefit relationship requires that facility fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the State enabling legislation requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, existing development may benefit from these improvements as well.

Procedures for the earmarking and expenditure of fee revenues are typically mandated by the State enabling act, as are procedures to ensure that the fees are expended expeditiously or refunded. All of these requirements are intended to ensure that developments benefit from the fees they are required to pay. Thus, an adequate showing of benefit must address procedural as well as substantive issues.

*Demonstrating Proportionality.* The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case (although the relevance of that decision to impact fees has been debated) and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development. For example, the need for school improvements is measured by the number of public school-age children generated by development.

## METHODOLOGIES AND CREDITS

Any one of several legitimate methods may be used to calculate impact fees. The choice of a particular method depends primarily on the service characteristics and planning requirements for the facility type being addressed. Each method has advantages and disadvantages in a particular situation, and to some extent can be interchangeable, because each allocates facility costs in proportion to the needs created by development.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities. The following paragraphs discuss three basic methods for calculating impact fees and how those methods can be applied.

*Plan-Based Fee Calculation.* The plan-based method allocates costs for a specified set of improvements to a specified amount of development. The improvements are identified by a facility plan and development is identified by a land use plan. In this method, the total cost of relevant facilities is divided by total demand to calculate a cost per unit of demand. Then, the cost per unit of demand is multiplied by the amount of demand per unit of development (e.g., housing units or square feet of building area) in each category to arrive at a cost per specific unit of development (e.g., single family detached unit).

*Cost Recovery or Buy-In Fee Calculation.* The rationale for the cost recovery approach is that new development is paying for its share of the useful life and remaining capacity of facilities already built or land already purchased from which new growth will benefit. This methodology is often used for closed systems that were oversized such as sewer and water facilities.

*Incremental Expansion Fee Calculation.* The incremental expansion method documents the current level of service (LOS) for each type of public facility in both quantitative and qualitative measures, based on an existing service standard (such as square feet per student). This approach ensures there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. The level of service standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, the fee revenues would not be for renewal and/or replacement of existing facilities. Rather, revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community.

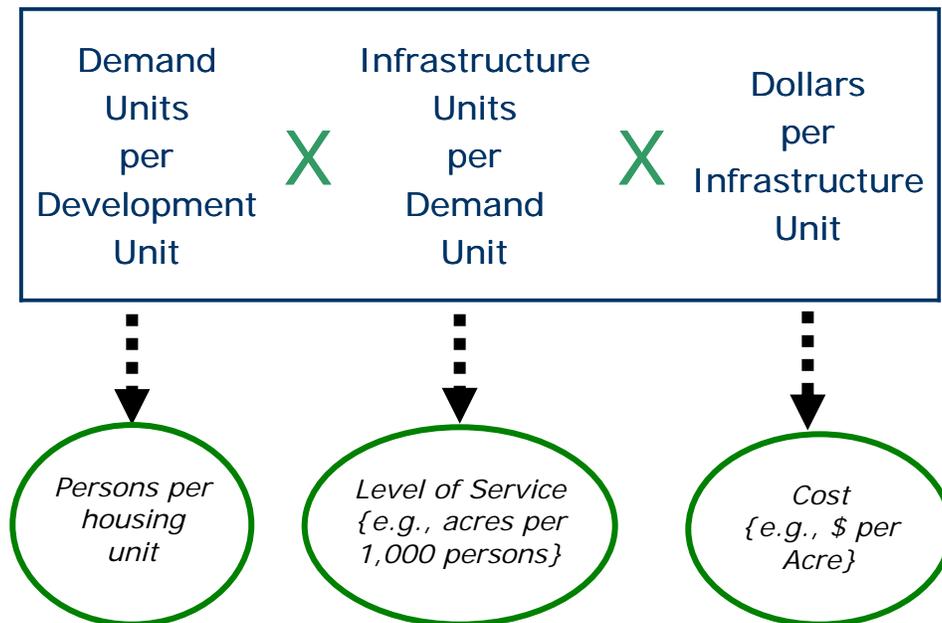
*Credits.* Regardless of the methodology, a consideration of “credits” is integral to the development of a legally valid impact fee methodology. There are two types of “credits” each with specific, distinct characteristics, but both of which should be addressed in the development of impact fees. The first is a credit due to possible double payment situations. This could occur when contributions are made by the property owner toward the capital costs of the public facility covered by the impact fee. This type of credit is integrated into the impact fee calculation. The second is a credit toward the payment of a fee for dedication of public sites or improvements provided by the developer and for which the facility fee is imposed. This type of credit is addressed in the administration and implementation of a facility fee program.

## CONCEPTUAL IMPACT FEE FORMULA

In contrast to development exactions, which are typically referred to as project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or even the entire jurisdiction. The basic steps in a generic impact fee formula are illustrated in Figure 5. The first step (see the left box) is to determine an appropriate demand indicator, or service unit, for the particular type of infrastructure. The demand/service indicator measures the number of demand or service units for each unit of

development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the generic impact fee formula is shown in the middle box below. Infrastructure units per demand unit are typically called “Level of Service” (LOS) standards. In keeping with the park example, a common LOS standard is park acreage per thousand people. The third step in the generic impact fee formula, as illustrated in the right box, is the cost of various infrastructure units. To complete the park example, this part of the formula would establish the cost per acre for park development.

Figure 5. General Impact Fee Steps

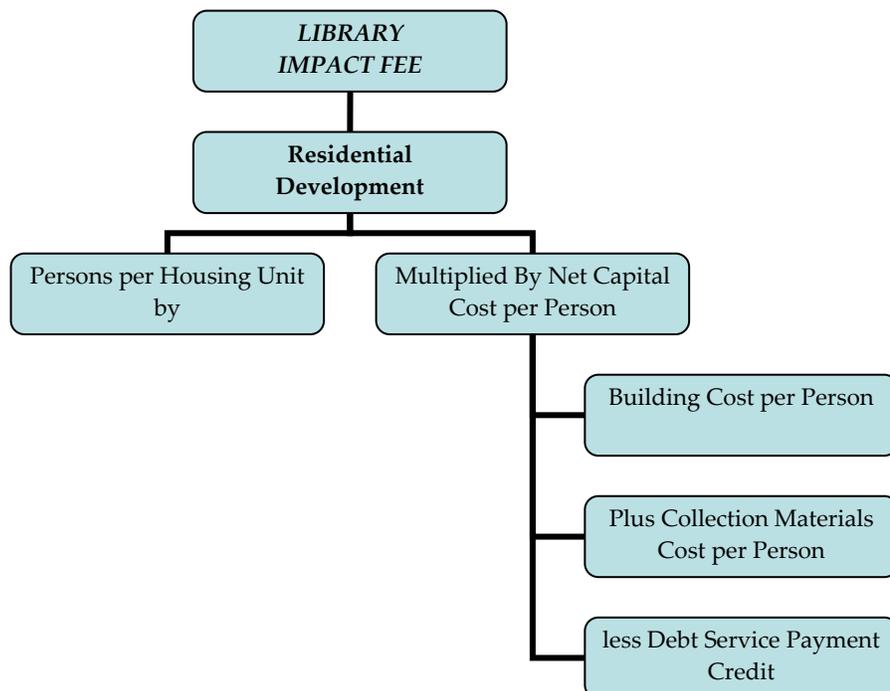


## LIBRARY IMPACT FEES

### METHODOLOGY

The Library impact fee calculation uses the cost recovery and incremental expansion methodologies. Components of the Library fee include costs for Library buildings and materials included in the Library's collections. The Library system current consists of a Main Library and three branch locations, which are anticipated to serve new development for the foreseeable future. A cost recovery approach is used to calculate new growth's fair share of the City's costs for this facility. *However, since the City has only three years remaining on debt service payments for the most recent library capacity expansion, TischlerBise recommends that the cost recovery component for Library space be eliminated once this debt is retired. If at some point in the future the City decides to construct an additional branch or expand existing facilities, the impact fee methodology and amount should be revised to reflect this change.* An incremental approach is used for collection materials. All costs are allocated 100 percent to residential development. Figure 6 diagrams the general methodology used to calculate the Library Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

Figure 6. Library Impact Fee Methodology Chart



**LIBRARY LEVEL OF SERVICE STANDARDS AND COSTS*****Library Building Cost Recovery Component***

The City of Boulder Library System consists of a Main Library and three branch locations. Total library system square footage totals 113,614 square feet. As noted above, at this time the City does not anticipate expanding the Library System. Because the Library System currently has remaining capacity, levels of service are based on projected population in 2030, per discussions with the City. Costs are based on current City replacement values using a cost recovery methodology where new development is buying into remaining capacity of existing facilities.

Figure 7 provides levels of service and costs for the City of Boulder Library System. According to information provided by the City, the Library System has an asset value of \$18,682,862 reflecting facilities owned by the City. When this is compared to the projected population in 2030 (118,500), the cost per demand unit is \$157 per person.

**Figure 7. Library Level of Service Standards and Cost Factors**

<i>Buildings</i>	<i>Square Feet</i>	<i>Cost/SF*</i>	<i>Current Value</i>
Main Library	92,164	\$183	\$16,866,012
Meadows Branch	7,800	leased	
Reynolds Branch	9,650	\$129	\$1,244,850
Carnegie Branch	4,000	\$143	\$572,000
<b>TOTAL</b>	<b>113,614</b>		<b>\$18,682,862</b>
	<b>Projected Population in 2030</b>		<b>118,500</b>
	<b>Cost per Person</b>		<b>\$157</b>

\* City of Boulder Property Schedule, January 2008.

***Library Collection Materials Incremental Expansion***

The Library System's collection includes adult and juvenile books, electronic/audio books, music, videos, and periodicals. The total number of current units is 364,931 with a total replacement value of approximately \$6.6 million. Based on the current estimated City population of 103,100, this equates to a level of service of \$63 per person. Figure 8 provides detail on the current inventory and average unit costs for each type of material. Unit costs were provided to TischlerBise by City staff.

Figure 8. Library Collection Materials Level of Service Standards

<i>Collection Materials</i>	<i># of units</i>	<i>Unit Price**</i>	<i>Current Value</i>
Books	292,959	\$16	\$4,687,000
Electronic/Audio Books	44,553	\$34	\$1,515,000
Music CDs	13,978	\$12	\$168,000
Videos	12,754	\$13	\$166,000
Periodicals	687	\$60	\$41,000
TOTAL	364,931		\$6,577,000
	Projected Population in 2008		103,100
	Cost per Person		\$63

\*\* City of Boulder Library Staff.

## CREDIT EVALUATION

As discussed previously, the City has outstanding debt for Library improvements that will be retired through property taxes. Because of this, TischlerBise recommends that a credit be included in the impact fee for future debt service payments on this General Obligation debt. New residential development in the City of Boulder that will pay Library impact fees will also contribute to future debt service payments paid from property tax revenue, therefore a credit is necessary.

City staff provided debt service schedules for the current outstanding Library debt. To account for the time value of money, annual principal payments per capita are discounted using a net present value formula based on an estimated average interest rate. Figure 9 shows the credit calculation based on the projected debt service payments starting in fiscal year 2009 through the remainder of the bond's term. The debt is allocated 100 percent to residential development. The applicable net present value of the credit is \$28 per person. This will be subtracted from the gross capital cost per demand unit to derive a net capital cost per person in calculating the maximum supportable fee.

Figure 9. Credit for Future Library Debt Service Payments

<i>Year</i>	<i>Total Principal and Interest</i>	<i>Population</i>	<i>Debt Payment Per Capita</i>
2009	\$1,079,000	103,754	\$10.40
2010	\$1,074,000	104,413	\$10.29
2011	\$1,073,000	105,076	\$10.21
		Discount APR	6%
		Present Value	\$28

## SUMMARY OF FACTORS FOR LIBRARY IMPACT FEE

Infrastructure standards used to calculate the Library impact fees are shown in the boxed area of Figure 10. Impact fees for Libraries are based on household size for two types of residential units: single-family units (includes single family detached, single family attached, and manufactured homes) and all other units. Level of service standards are based on costs per person for Library buildings and collection materials as described in the previous sections and summarized below. Each cost component of the impact fee is shown as a cost per person. The debt service payment credit (\$28) is then subtracted from the gross capital cost per person to determine the net capital cost per person for residential development (i.e., \$192 per person).

Figure 10. Library Impact Fee Level-of-Service Standard Summary

<i>Standards:</i>	
<b><i>Persons Per Housing Unit</i></b>	
Single Family (SFD, SFA & MH)	2.3
All Other Types	1.6
<b><i>Level Of Service</i></b>	<u>Per Person</u>
Building Cost	\$157
Collection Cost	\$63
Debt Service Credit	(\$28)
Net Capital Cost	\$192

## MAXIMUM ALLOWABLE IMPACT FEES FOR LIBRARIES

Figure 11 shows the schedule of maximum allowable impact fees for Libraries in Boulder. The amounts are calculated by multiplying the persons per housing unit for each unit type and size by the net capital cost per person. For example, for the average single family unit, the persons per housing unit of 2.3 is multiplied by the net capital cost of \$192 (from the previous table) for an impact fee amount of \$441 per single family housing unit and \$307 per unit for all other types of units. Number of persons by square feet of finished floor area is discussed further in the Appendix.

Figure 11. Library Maximum Allowable Impact Fees

<i>Square Feet</i> (finished floor area)	<i>Persons per Housing Unit</i>		<i>Impact Fee per Housing Unit</i>	
	<i>Single Family</i> (SFD, SFA & MH)	<i>All Other</i> <i>Types</i>	<i>Single Family</i> (SFD, SFA & MH)	<i>All Other</i> <i>Types</i>
Wt Avg	2.30	1.60	\$441	\$307
600	1.00	1.06	\$192	\$202
700	1.00	1.28	\$192	\$245
800	1.00	1.47	\$192	\$282
900	1.00	1.64	\$192	\$315
1,000	1.16	1.79	\$222	\$344
1,100	1.30	1.93	\$249	\$370
1,200	1.43	2.06	\$274	\$395
1,300	1.55	2.17	\$296	\$417
1,400	1.66	2.28	\$317	\$437
1,500	1.76	2.38	\$337	\$456
1,600	1.85	2.47	\$355	\$474
1,700	1.94		\$372	
1,800	2.03		\$389	
1,900	2.11		\$404	
2,000	2.18		\$418	
2,100	2.25		\$432	
2,200	2.32		\$445	
2,300	2.39		\$458	
2,400	2.45		\$470	
2,500	2.51		\$482	
2,600	2.57		\$493	
2,700	2.62		\$503	
2,800	2.68		\$514	
2,900	2.73		\$524	
3,000	2.78		\$533	
3,100	2.83		\$542	
3,200	2.87		\$551	
3,300	2.92		\$560	
3,400	2.96		\$569	
3,500	3.01		\$577	
3,600	3.05		\$585	
3,700	3.09		\$593	

## PARKS AND RECREATION IMPACT FEES

### METHODOLOGY

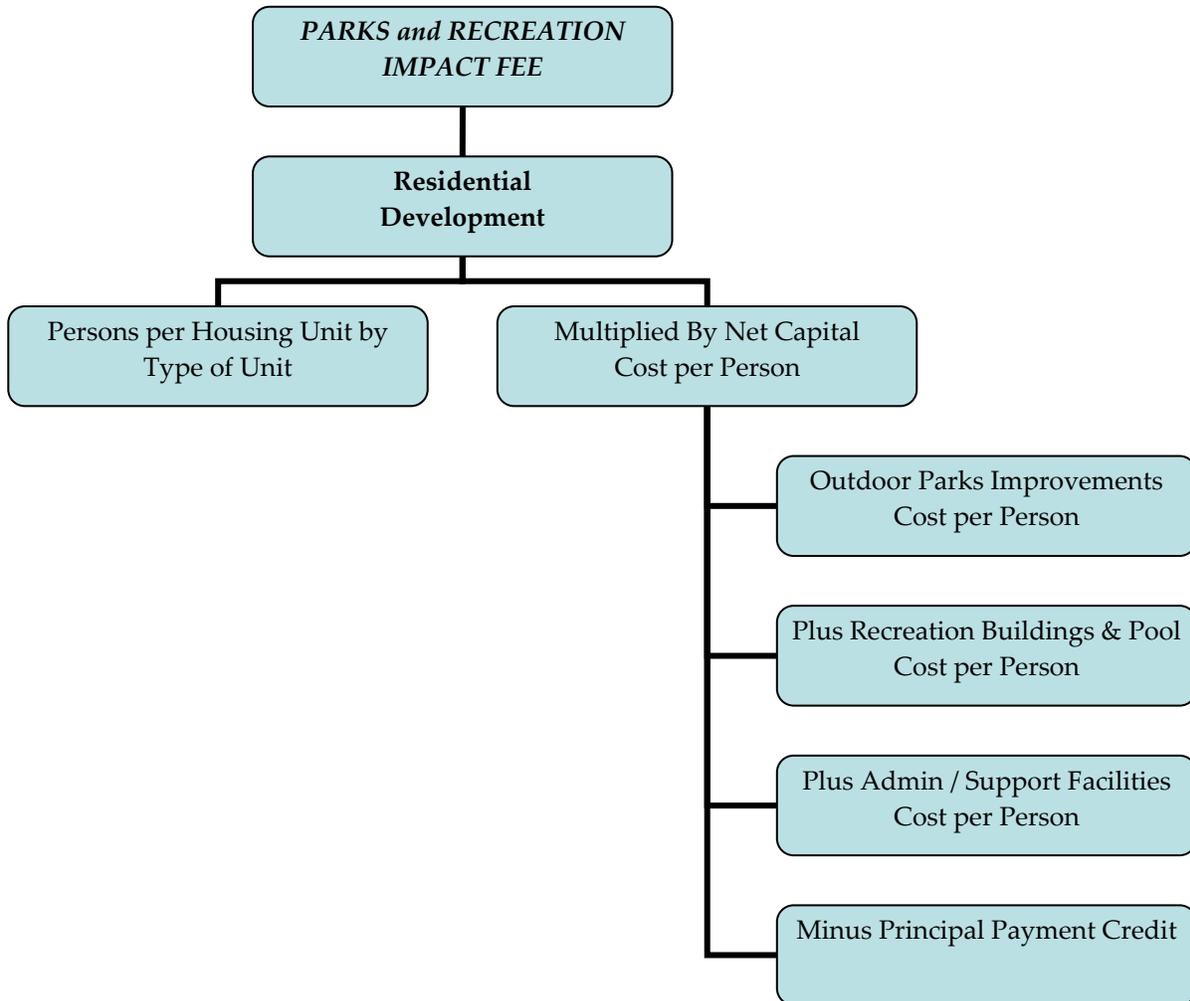
The City of Boulder Parks and Recreation Impact Fee is derived using an incremental expansion methodology. Parks and Recreation impact fees should only be assessed on residential development. Three main components are included in the fee calculation: Outdoor Park Improvements, Recreation Facilities and Pools, and Administrative/Support Facilities. Outdoor Park Improvements include facilities that are community-level facilities serving the entire city, including larger Neighborhood Parks with athletic fields or other improvements that draw patrons throughout Boulder. Additional land for parks is not included because the City has an inventory of parkland on which it intends to make improvements with impact fees. According to the 2006 Master Plan for Parks and Recreation, the system's current park acreage exceeds the department's guidelines established for park acreage per 1,000 residents, as well as meets the guidelines for Boulder's projected population at build-out.<sup>1</sup> Therefore, land is not included as a fee component.

Also included in the fee calculation are Recreation Facilities and Pools. The City's Recreation facilities serve a citywide population and the City expects to expand those types of facilities as well. Finally, Parks and Recreation Administrative / Support Facilities are included. All facility costs are allocated 100 percent to residential development. Smaller-scale recreation amenities are excluded because they serve more limited areas, which would require implementation of multiple service areas and are not recommended due to higher administrative costs and limited revenue generated by sub-areas.

Figure 12 diagrams the general methodology used to calculate the Parks and Recreation Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The impact fee is derived from the product of persons per housing unit (by type) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components.

<sup>1</sup> *Parks and Recreation Master Plan, 2006* (p. 23)

Figure 12. Parks and Recreation Impact Fee Methodology Chart



## PARKS & RECREATION LEVEL OF SERVICE STANDARDS AND COSTS

### *Outdoor Park Improvements*

The Outdoor Park component of the Parks and Recreation impact fees are based on the City's current inventory of existing citywide parks. The demand base for the City's park facilities is population. Levels of service are based on the current amount of infrastructure provided for the existing population. Outdoor Park Improvements include facilities that are community-level facilities serving the entire City, such as City, Community, and larger Neighborhood

Parks with athletic fields or other recreational amenities that draw from a citywide service area. The Park impact fee component is based on the incremental expansion methodology, consistent with the City's plans to make improvements to undeveloped parks. Natural lands and neighborhood parks smaller than East Mapleton (i.e. less than 7.6 acres) are excluded from the impact fees. Figure 13 provides an inventory of Outdoor Park improvements with current unit prices. Park improvements have an average cost of approximately \$272,000 per acre, which falls within the 2006 Park Master Plan's range of estimated costs for park improvements (see page 20). On a per capita basis, park improvements cost \$1,003 for each additional resident in Boulder. City staff provided unit prices for each type of improvement. Miscellaneous costs equal \$220,000 per acre, which include such items as lighting, paving (parking lots, sidewalks), site work, irrigation, and landscaping.

Figure 13. Outdoor Park Improvements Level of Service Standards and Cost Factors

Site	Improved Acres	Public Restroom	Playground	Tennis or Basketball	Ballfields	Multiuse Fields*	Soccer Fields**
Foothills Community Park	65.5	1	3		2	2	
East Boulder Community Park	53.6		1	2	2	2	
Pleasantview	52.0	1					9
Harlow Platts Community Park	50.5		1	4		2	
Gerald Stazio	42.0	3	1		7		
Scott Carpenter	16.8	1	1		1		
Tantra	16.8		1				
Chautauqua	14.8	1	1	1			
Valmont City Park	13.0					1	
North Boulder	12.5	1	1		1	1	
Park East	11.3		1	1			
Martin	8.3	1	1	2	1	1	
Elks	7.9				1		
Crestview	7.7		1				
East Mapleton Ballfields	7.6	1	1		3		
<b>TOTAL</b>	<b>380.3</b>	<b>10.0</b>	<b>14.0</b>	<b>10.0</b>	<b>18.0</b>	<b>9.0</b>	<b>9.0</b>
Unit Price =>		\$235,000	\$300,000	\$60,000	\$285,000	\$90,000	\$750,000
Current Value =>		\$2,350,000	\$4,200,000	\$600,000	\$5,130,000	\$810,000	\$6,750,000

Itemized Improvements	\$19,840,000
Other Site Improvements***	\$83,666,000
<b>Total Improvements</b>	<b>\$103,506,000</b>
Improvements Cost per Acre	\$272,000
Population in 2008	103,100
Improvements Cost per Person	\$1,003

\* Fields are an average of 1.5 acres and are open, unlined, and unprogrammed

\*\* Soccer fields are high quality, sand-based turf fields and MLS sized.

\*\*\* Estimated @ \$220,000 per acre for irrigation, landscaping, parking, and minor improvements (see page 20 Parks and Recreation Master Plan, 2006).

### Recreation Buildings and Pools

The Recreation Buildings and Pools component of the Parks and Recreation impact fee is based on the current square footage and current value of recreational facilities serving the City. As shown in Figure 14, total square footage for the City's recreational facilities is 162,695 square feet. The incremental expansion approach is used as the City plans to maintain the current level of service to accommodate new development. Total estimated current value of these facilities is approximately \$29.6 million, or \$286 for each additional resident in Boulder.

Figure 14. Recreation Buildings and Pools Level of Service Standards and Cost Factors

Facility#	Facility Name	Address	Bldg Sq Ft	Total Location Value*
055	East Boulder Recreation Ctr (77% of total)**	5660 SIOUX DR	42,648	\$ 6,383,404
054	North Boulder Recreation Center	3170 BROADWAY	62,166	\$ 8,268,808
053	South Boulder Recreation Center	1350 GILLASPIE	35,603	\$ 5,746,072
512	Scott Carpenter Pool	30th & Arapahoe		\$ 3,026,055
061 A	SCOTT CARPENTER LOCKER ROOMS	30TH & ARAPAHOE	5,886	\$ 856,078
061 B	SCOTT CARPENTER PARK FILTER BUILDING	30TH & ARAPAHOE	500	\$ 76,693
514	SPRUCE POOL	2040 21ST STREET		\$ 1,209,246
062	Spruce Pool Bath House/Filter	2102 Spruce Street	1,810	\$ 278,478
038	Salberg Studio	19TH & ELDER	1,125	\$ 98,979
060	Pottery Lab	1010 AURORA	2,565	\$ 295,648
063	BOULDER RESERVOIR (all bldgs)	5152 NORTH 51ST	9,742	\$ 1,666,142
<b>TOTAL</b>			<b>162,045</b>	<b>\$ 29,571,744</b>

Population in 2008 103,100

Cost per Person \$286

\* Source: City Property Schedule (2008) for building and contents.

\*\* Facility also houses Senior Center; square footage and value shown is for Recreation Center portion.

### Parks and Recreation Administration and Support Facilities

Also included in the fee calculation is a component for Administrative and Support Facilities based on the current square footage and current value of facilities serving the City. As shown in Figure 15, total square footage for the City's Parks and Recreation support facilities is 66,143 square feet. The incremental expansion approach is used as the City plans to maintain the current level of service to accommodate new development. Total estimated current value of these facilities is approximately \$4.2 million. These factors yield a cost of \$41 to accommodate each additional resident in Boulder.

Figure 15. Administrative and Support Facilities Level of Service Standards and Cost Factors

Facility#	Facility Name	Address	Bldg Sq Ft	Total Location Value*
004	Iris Center	3198 BROADWAY	16,372	\$ 1,817,388
042	Park Operations Building	5200 PEARL ST	10,073	\$ 955,016
040	Tantra Park Maintenance Shop	585 TANTRA DR	3,062	\$ 265,225
059	Stazio Ballfields Maintenance Shop	2445 Stazio Drive	5,150	\$ 333,324
061 E	SCOTT CARPENTER ATHLETICS OFFICE	30TH & ARAPAHOE	1,052	\$ 125,309
243	Valmont Storage Building	5325 Valmont	30,434	\$ 733,890
<b>TOTAL</b>			<b>66,143</b>	<b>\$ 4,230,151</b>

Population in 2008 103,100

Cost per Person \$41

\* Source: City Property Schedule (2008)

## CREDIT EVALUATION

The City has outstanding debt for parks and recreation improvements, namely for the East Boulder Recreation Center, that will be retired through property taxes. Because of this, TischlerBise recommends that a credit be included in the impact fee for future principal payments on this General Obligation debt. New residential development in the City of Boulder that will pay Parks impact fees will also contribute to future principal payment from property tax revenue.

City staff provided the amount of current outstanding Parks and Recreation debt. To account for the time value of money, annual principal payments per capita are discounted using a net present value formula based on an estimated average interest rate. Figure 16 shows the credit calculation based on the projected principal and interest payments starting in fiscal year 2009 through the remainder of the bonds' term. The debt is allocated 100 percent to residential development. The applicable net present value of the credit is \$16 per person. This will be subtracted from the gross capital cost per demand unit to derive a net capital cost per person in calculating the maximum supportable fee.

Figure 16. Credit for Future Principal Payments on Parks and Recreation Debt

Year	E Bldr Center	Total Principal and Interest*	Population	Debt Payment Per Capita
2009	\$602,000	\$463,540	103,754	\$4.47
2010	\$602,000	\$463,540	104,413	\$4.44
2011	\$602,000	\$463,540	105,076	\$4.41
2012	\$602,000	\$463,540	105,743	\$4.38
			Discount APR	6%
			Present Value	\$16

\* Recreation Ctr portion of debt is 77% of total; remainder is Senior Center (in Human Services)

### SUMMARY OF FACTORS FOR PARKS AND RECREATION IMPACT FEE

Infrastructure standards used to calculate the Park and Recreation impact fees are shown in Figure 17. Impact fees for Parks and Recreation are based on household size for two types of residential units: single-family units (includes single family detached, single family attached, and manufactured homes) and all other units. Level of service standards are based on current costs per person for Outdoor Park improvements, Recreation Buildings and Pools, and Administrative and Support Facilities, as described in the previous sections. Each cost component of the impact fee is shown as a cost per person. The debt service payment credit (\$16) is then subtracted from the gross capital cost per person to determine the net capital cost per person for residential development (i.e., \$1,314 per person).

Figure 17. Parks and Recreation Impact Fee Level-of-Service Standard Summary

<i>Standards:</i>	
<b>Persons Per Housing Unit</b>	
Single Family (SFD, SFA & MH)	2.3
All Other Types	1.6
<b>Level Of Service</b>	<u>Per Person</u>
Outdoor Park Improvements	\$1,003
Recreation Buildings & Pools	\$286
Support Facilities	\$41
Credit for Existing Debt	(\$16)
Net Capital Cost	\$1,314

## MAXIMUM ALLOWABLE IMPACT FEES FOR PARKS AND RECREATION

Figure 18 shows the schedule of maximum allowable impact fees for Parks and Recreation in Boulder. The amounts are calculated by multiplying the persons per housing unit for each unit type and size by the net capital cost per person. For example, the average single family unit with 2.3 persons, multiplied by the net capital cost of \$1,314 (from the previous table), yields an impact fee of \$3,022 per single family housing unit. Number of persons by square feet of finished floor area is discussed further in the Appendix.

Figure 18. Parks and Recreation Maximum Allowable Impact Fees

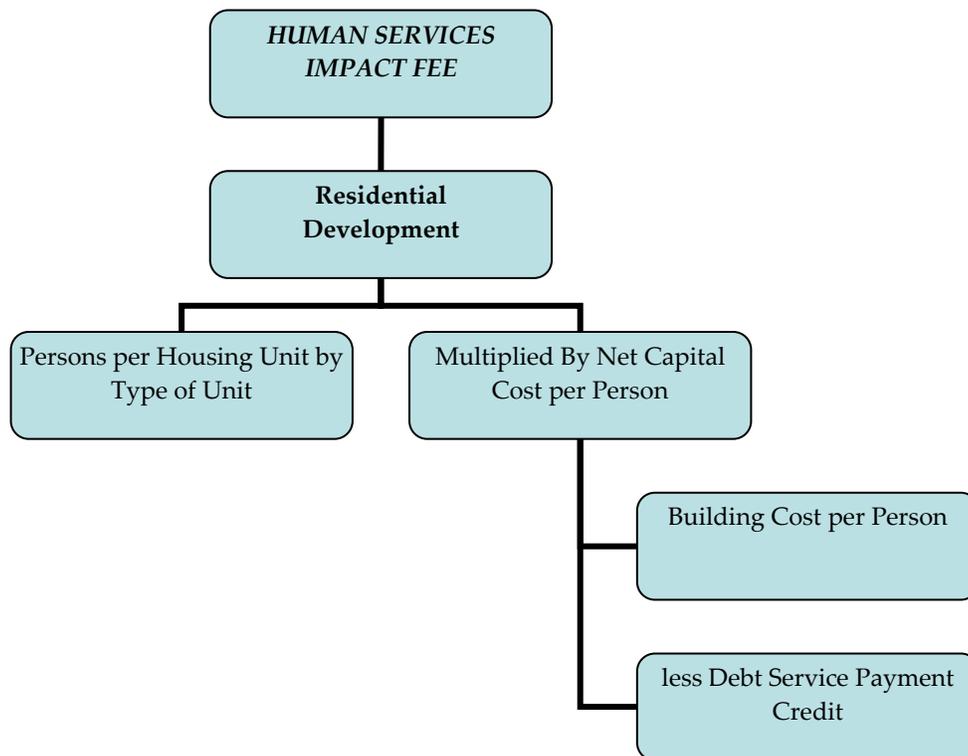
<i>Square Feet</i> (finished floor area)	<i>Persons per Housing Unit</i>		<i>Impact Fee per Housing Unit</i>	
	<i>Single Family</i> (SFD, SFA & MH)	<i>All Other</i> <i>Types</i>	<i>Single Family</i> (SFD, SFA & MH)	<i>All Other</i> <i>Types</i>
Wt Avg	2.30	1.60	\$3,022	\$2,102
600	1.00	1.06	\$1,314	\$1,388
700	1.00	1.28	\$1,314	\$1,681
800	1.00	1.47	\$1,314	\$1,934
900	1.00	1.64	\$1,314	\$2,158
1,000	1.16	1.79	\$1,524	\$2,357
1,100	1.30	1.93	\$1,708	\$2,538
1,200	1.43	2.06	\$1,877	\$2,703
1,300	1.55	2.17	\$2,032	\$2,855
1,400	1.66	2.28	\$2,175	\$2,996
1,500	1.76	2.38	\$2,309	\$3,127
1,600	1.85	2.47	\$2,434	\$3,249
1,700	1.94		\$2,552	
1,800	2.03		\$2,662	
1,900	2.11		\$2,767	
2,000	2.18		\$2,866	
2,100	2.25		\$2,961	
2,200	2.32		\$3,051	
2,300	2.39		\$3,137	
2,400	2.45		\$3,220	
2,500	2.51		\$3,299	
2,600	2.57		\$3,375	
2,700	2.62		\$3,448	
2,800	2.68		\$3,518	
2,900	2.73		\$3,586	
3,000	2.78		\$3,652	
3,100	2.83		\$3,715	
3,200	2.87		\$3,777	
3,300	2.92		\$3,836	
3,400	2.96		\$3,894	
3,500	3.01		\$3,950	
3,600	3.05		\$4,005	
3,700	3.09		\$4,058	

## HUMAN SERVICES IMPACT FEES

### METHODOLOGY

The Human Services impact fee calculation uses the incremental expansion methodology. Components of the Human Services fee include costs for Senior Centers and the Children, Youth and Family Center. All costs are allocated 100 percent to residential development. Figure 19 diagrams the general methodology used to calculate the Human Services Impact Fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

Figure 19. Human Services Impact Fee Methodology Chart



## HUMAN SERVICES LEVEL OF SERVICE STANDARDS AND COSTS

The incremental expansion methodology is used to calculate the Human Services impact fee. The first step of the analysis determines the current level of service (LOS) being provided to existing development. The second step involves determining the cost per person to provide the current LOS.

Figure 20 lists the current inventory of Human Services space in the City of Boulder. As shown, the City currently has Human Services space totaling 33,842 square feet. The current value for Human Services buildings and contents is from the City's 2008 Property Schedule. Because the City anticipates having to acquire land in the future to expand Human Services facilities, land and site improvement costs are included in the current costs shown. City staff estimates that 40 percent should be added to building costs to account for land and site improvement, raising the current value to approximately \$6.9 million. To derive the cost per demand unit, the current asset value is divided by the current City population (103,100), for a cost per demand units of \$66.71 per person.

Figure 20. Human Services Level of Service Standards and Cost Factors

<i>Building</i>	<i>Square Feet*</i>	<i>Cost/SF*</i>	<i>Current Value</i>
West Senior Center	16,188	\$199	\$3,218,000
Children, Youth & Family Center	5,215	\$214	\$1,117,000
East Senior Center	12,439	\$204	\$2,543,000
<b>TOTAL</b>	<b>33,842</b>		<b>\$6,878,000</b>
	Year-round Population in 2008		103,100
	Cost per Person		\$66.71

\* Source: City Property Schedule (2008) for building and contents;  
land and site improvements are included (additional 40% over building cost, per City of Boulder)

## CREDIT EVALUATION

As discussed previously, the City has outstanding debt for Human Services improvements that will be retired through property taxes. Because of this, TischlerBise recommends that a credit be included in the impact fee for future debt service payments on this General Obligation debt. New residential development in the City of Boulder that will pay Human Services impact fees will also contribute to future debt service payments paid from property tax revenue.

City staff provided debt service schedules for the current outstanding Human Services debt. To account for the time value of money, annual principal payments per capita are discounted using a net present value formula based on an estimated average interest rate. Figure 21 shows the credit calculation based on the projected debt service payments starting in fiscal year 2009 through the remainder of the bond's term. The debt is allocated 100 percent to residential development. The applicable net present value of the credit is \$4.59 per person. This will be subtracted from the gross capital cost per demand unit to derive a net capital cost per person in calculating the maximum supportable fee.

**Figure 21. Credit for Outstanding Human Services Debt Service Payments**

<i>Year</i>	<i>E Bldr Center</i>	<i>Total Principal and Interest*</i>	<i>Population</i>	<i>Debt Payment Per Capita</i>
2009	\$602,000	\$138,460	103,754	\$1.33
2010	\$602,000	\$138,460	104,413	\$1.33
2011	\$602,000	\$138,460	105,076	\$1.32
2012	\$602,000	\$138,460	105,743	\$1.31
			Discount APR	6%
			Present Value	\$4.59

\* Senior Center portion of debt is 23% of total; remainder is Recreation

## SUMMARY OF FACTORS FOR HUMAN SERVICES IMPACT FEE

Infrastructure standards used to calculate the Human Services impact fees are shown in the boxed area of Figure 22. Impact fees for Human Services are based on household size for two types of residential units: single-family units (includes single family detached, single family attached, and manufactured homes) and all other units. Level of service standards are based on current costs per person for Human Services buildings as described in the previous sections and summarized below. Each cost component of the impact fee is shown as a cost per person.

The total capital cost per person is the sum of the boxed items on the figure for buildings and collections materials. As shown, the debt service payment credit (\$4.59) is then subtracted from the gross capital cost per person to determine the net capital cost per person for residential development (i.e., \$62.12 per person).

Figure 22. Human Services Impact Fee Level-of-Service Standard Summary

<i>Standards:</i>	
<b><i>Persons Per Housing Unit</i></b>	
Single Family (SFD, SFA & MH)	2.3
All Other Types	1.6
<b><i>Level Of Service</i></b>	<u>Per Person</u>
Human Services Buildings	\$66.71
Credit for Existing Debt	(\$4.59)
Net Capital Cost	\$62.12

## MAXIMUM ALLOWABLE IMPACT FEES FOR HUMAN SERVICES

Figure 23 shows the schedule of maximum allowable impact fees for Human Services in Boulder. The amounts are calculated by multiplying the persons per housing unit for each unit type and size by the net capital cost per person. For example, for the average single family detached unit, the persons per housing unit of 2.3 is multiplied by the net capital cost of \$62.12 (from the previous table) for an impact fee amount of \$142 per single family housing unit. Number of persons by square feet of finished floor area is discussed further in the Appendix.

Figure 23. Human Services Maximum Allowable Impact Fees

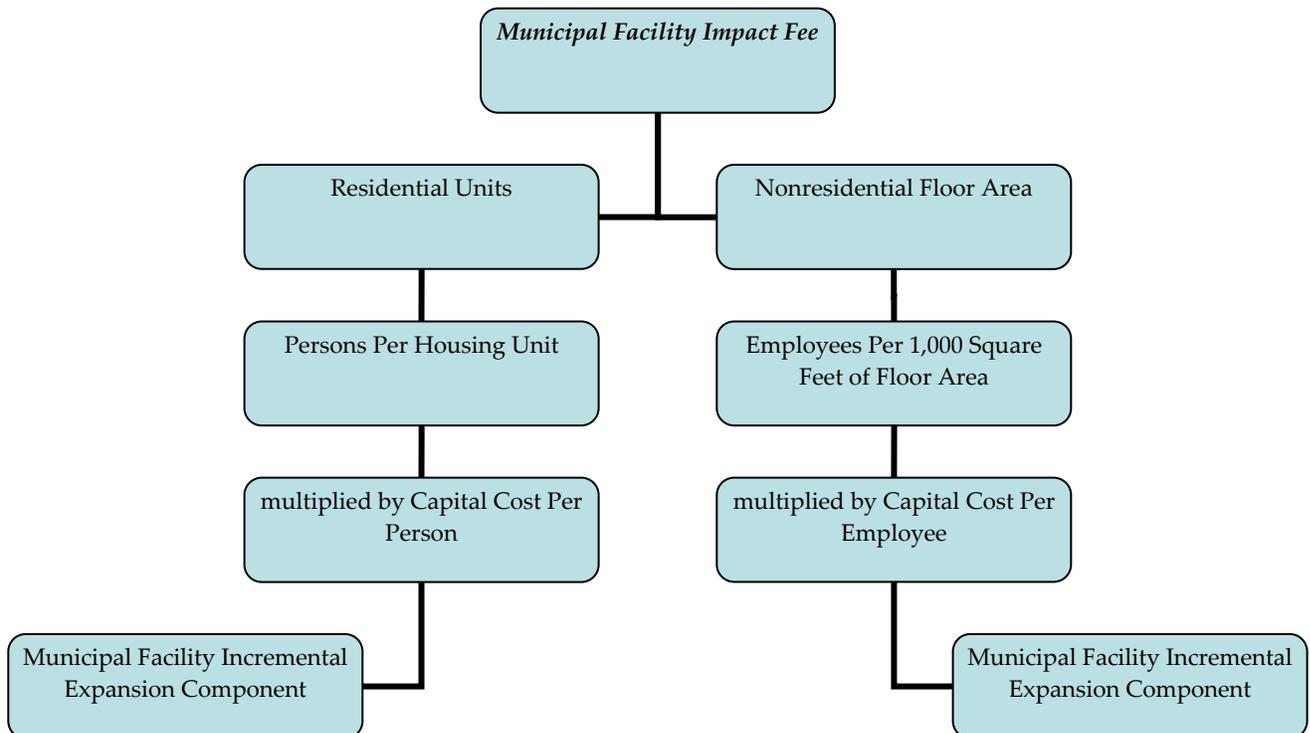
Square Feet (finished floor area)	Persons per Housing Unit		Impact Fee per Housing Unit	
	Single Family (SFD, SFA & MH)	All Other Types	Single Family (SFD, SFA & MH)	All Other Types
Wt Avg	2.30	1.60	\$142	\$99
600	1.00	1.06	\$62	\$65
700	1.00	1.28	\$62	\$79
800	1.00	1.47	\$62	\$91
900	1.00	1.64	\$62	\$102
1,000	1.16	1.79	\$72	\$111
1,100	1.30	1.93	\$80	\$120
1,200	1.43	2.06	\$88	\$127
1,300	1.55	2.17	\$96	\$134
1,400	1.66	2.28	\$102	\$141
1,500	1.76	2.38	\$109	\$147
1,600	1.85	2.47	\$115	\$153
1,700	1.94		\$120	
1,800	2.03		\$125	
1,900	2.11		\$130	
2,000	2.18		\$135	
2,100	2.25		\$139	
2,200	2.32		\$144	
2,300	2.39		\$148	
2,400	2.45		\$152	
2,500	2.51		\$155	
2,600	2.57		\$159	
2,700	2.62		\$163	
2,800	2.68		\$166	
2,900	2.73		\$169	
3,000	2.78		\$172	
3,100	2.83		\$175	
3,200	2.87		\$178	
3,300	2.92		\$181	
3,400	2.96		\$184	
3,500	3.01		\$186	
3,600	3.05		\$189	
3,700	3.09		\$191	

## MUNICIPAL FACILITIES IMPACT FEES

### METHODOLOGY

The Municipal Facilities impact fees are based on an incremental expansion approach. Components of the fee include additional building space that will be expanded as the City's population and employment base increases. As illustrated in Figure 24, capital costs are allocated to both residential and nonresidential development. Residential factors are calculated on a per person basis, and converted to an impact fee amount per housing unit using average persons per housing unit by unit type. Nonresidential development fees are based on a capital cost per employee, where such costs are typically multiplied by the number of employees per 1,000 square feet of nonresidential floor area.

Figure 24. Municipal Facilities Impact Fee Methodology Chart



## PROPORTIONATE SHARE FACTORS

The proportionate share factors shown in Figure 25 are used to allocate capital costs to residential and nonresidential development. The analysis is based on demographic data from the City of Boulder and the U.S. Census 2006 American Community Survey. For residential development, the proportionate share factor is based on estimated person hours of non-working residents, plus the non-working hours of resident workers. For resident workers, two-thirds of a day (i.e., 16 hours) is allocated to residential demand. Time spent at work (i.e., 8 hours) is allocated to nonresidential development. In 2006, the U.S. Census Bureau estimated that 36,309 City of Boulder residents also worked in the City. Therefore, total jobs include 60,659 non-resident workers that commute into Boulder for work. Based on estimated person hours, the cost allocation for residential development is 72 percent while nonresidential development accounts for 28 percent of the demand for municipal facilities.

Figure 25. Proportionate Share Factors for Municipal Facilities Impact Fees

	<u>Demand Units in 2006</u>	<u>Annualized Avg Hours per Day</u>	<u>Person Hours</u>
<b>Residential</b>			
Year-Round Population*	101,918		
Persons Not Working	51,796	24	1,243,104
Workers Living in Boulder**	50,122		
Residents Working in Boulder**	36,309	16	580,944
Residents Working Outside Boulder**	13,813	16	221,008
		Residential Subtotal	2,045,056
			<b>72%</b>
<b>Nonresidential</b>			
Jobs Located in Boulder*	96,968		
Residents Working in Boulder**	36,309	8	290,472
Non-Resident Workers in 2006	60,659	8	485,272
		Nonresidential Subtotal	775,744
			<b>28%</b>
		TOTAL	<u><u>2,820,800</u></u>

\* City of Boulder estimates.

\*\* Table B08008, 2006 American Community Survey.

## MUNICIPAL FACILITIES LEVEL OF SERVICE STANDARDS AND COSTS

The incremental expansion methodology is used to calculate the Municipal Facilities impact fee. The first step of the analysis determines the current Level of Service (LOS) being provided to existing development. The second step involves determining the cost per person and job to provide this LOS.

Figure 26 lists the current inventory of municipal government space in the City of Boulder. As shown, the City currently has municipal facilities space totaling 70,748 square feet. The current value for general government buildings and contents is from the City's 2008 Property Schedule. Because the City anticipates having to acquire land in the future for Municipal Facilities, land and site improvement costs are included in the current costs. City staff estimates that 40 percent should be added to building costs to account for these costs. As indicated in Figure 26, the estimated current value is approximately \$16.8 million.

To derive the cost per demand unit, the current asset value is multiplied by the proportionate share factors for each type of land use and then divided by the respective demand units. For example, the cost per person of \$117.13 is derived by multiplying the current asset value (\$16,773,000) by 72%, then dividing by the current population estimate (103,100). The same approach is used for nonresidential development to derive a cost per job.

Figure 26. Municipal Facilities Level of Service Standards and Cost Factors

<i>Building</i>	<i>Building SF*</i>	<i>Cost/SF*</i>	<i>Current Value</i>
Municipal Building	23,657	\$237	\$5,597,000
Atrium	12,329	\$259	\$3,193,000
Park Central	20,910	\$241	\$5,035,000
New Britain	13,852	\$213	\$2,948,000
<b>TOTAL</b>	<b>70,748</b>		<b>\$16,773,000</b>

	Proportionate Share	2008 Demand Units	Cost per Demand Unit
Residential	72%	103,100 Population	\$117.13
Nonresidential	28%	97,750 Jobs	\$48.04

\* Source: City Property Schedule (2008) for building and contents;  
land and site improvements are included (additional 40% over building cost, per City of Boulder)

## CREDIT EVALUATION

The City does not have any outstanding property tax-backed debt for municipal facility improvements, therefore no credit is required.

## RESIDENTIAL IMPACT FEES FOR MUNICIPAL FACILITIES

Figure 27 provides the schedule of residential impact fee by finished floor area for residential development. Capital cost per person, multiplied by persons per housing unit, yields the impact fee for municipal facilities.

Figure 27. Municipal Facilities Maximum Supportable Residential Schedule

<i>Level Of Service</i>	<u>Per Person</u>
Office Buildings and Land Cost	\$117.13

<i>Square Feet</i> <i>(finished floor area)</i>	<i>Persons per Housing Unit</i>		<i>Impact Fee per Housing Unit</i>	
	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>All Other Types</i>	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>All Other Types</i>
Wt Avg	2.30	1.60	\$269	\$187
600	1.00	1.06	\$117	\$123
700	1.00	1.28	\$117	\$149
800	1.00	1.47	\$117	\$172
900	1.00	1.64	\$117	\$192
1,000	1.16	1.79	\$135	\$210
1,100	1.30	1.93	\$152	\$226
1,200	1.43	2.06	\$167	\$241
1,300	1.55	2.17	\$181	\$254
1,400	1.66	2.28	\$193	\$267
1,500	1.76	2.38	\$205	\$278
1,600	1.85	2.47	\$217	\$289
1,700	1.94		\$227	
1,800	2.03		\$237	
1,900	2.11		\$246	
2,000	2.18		\$255	
2,100	2.25		\$263	
2,200	2.32		\$272	
2,300	2.39		\$279	
2,400	2.45		\$287	
2,500	2.51		\$294	
2,600	2.57		\$300	
2,700	2.62		\$307	
2,800	2.68		\$313	
2,900	2.73		\$319	
3,000	2.78		\$325	
3,100	2.83		\$331	
3,200	2.87		\$336	
3,300	2.92		\$342	
3,400	2.96		\$347	
3,500	3.01		\$352	
3,600	3.05		\$357	
3,700	3.09		\$361	

**NONRESIDENTIAL IMPACT FEES FOR MUNICIPAL FACILITIES**

Figure 28 shows the schedule of maximum allowable impact fees for nonresidential development. For nonresidential land uses, such as a retail establishment, the number of employees per 1,000 square feet (2.86) is multiplied by the capital cost per employee (\$48.04), for an impact fee of \$0.13 per square foot.

**Figure 28. Municipal Facility Maximum Supportable Nonresidential Schedule**

<i>Level Of Service</i>	<i>Per Employee</i>
Office Buildings and Land Cost	\$48.04

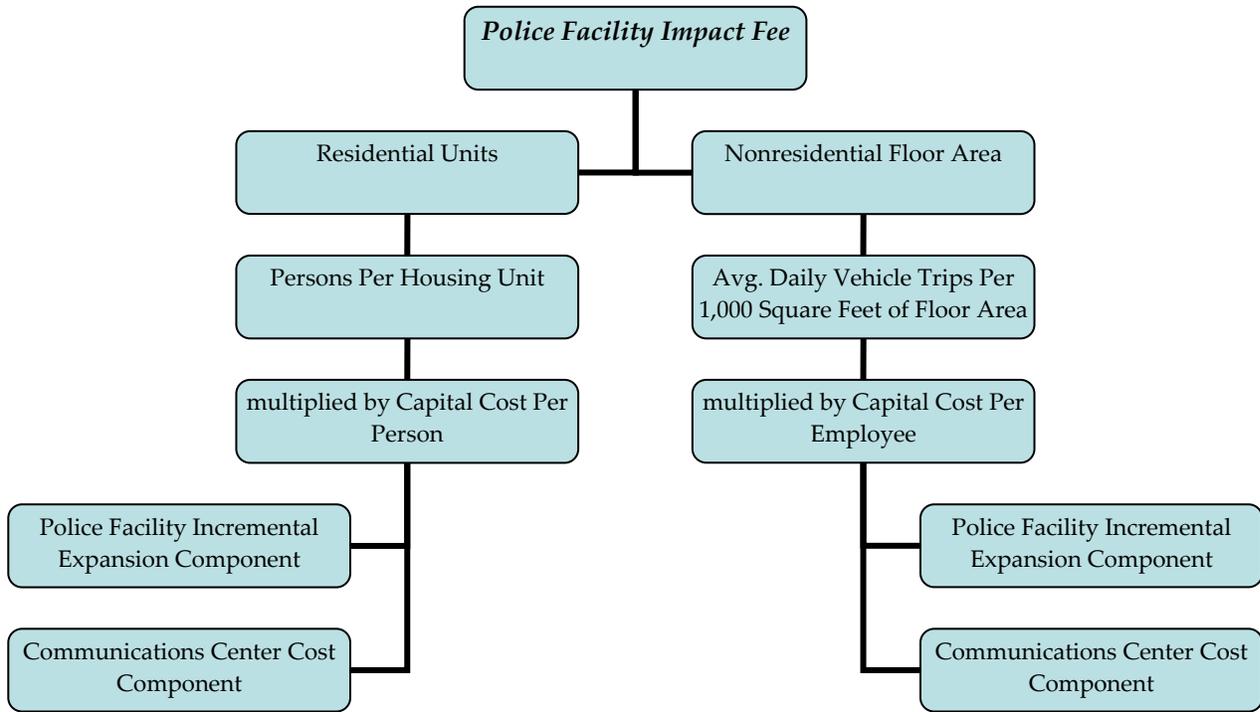
<i>ITE Code</i>	<i>Employees Per 1,000 Square Feet</i>	<i>Impact Fee per Square Foot</i>	
<i>Nonresidential (Floor Area)</i>			
820	Retail / Restaurant	2.86	\$0.13
770	Business Park	3.16	\$0.15
710	Office	3.91	\$0.18
610	Hospital	3.38	\$0.16
520	School	0.92	\$0.04
151	Mini-Warehouse	0.04	\$0.00
150	Warehousing	1.28	\$0.06
110	Light Industrial	2.31	\$0.11
<i>Other Nonresidential (Unique Demand Indicator)</i>			
620	Nursing Home (per bed)	0.36	\$17
565	Day Care (per student)	0.16	\$7
320	Lodging (per room)	0.44	\$21

## POLICE IMPACT FEES

### METHODOLOGY

The Police impact fee is calculated using a combination of the incremental expansion and plan based methodologies. An incremental expansion approach is used for Police Station space, while a plan based approach is used for planned Communication Center space. Because the Colorado State Impact Fee Act requires that infrastructure included in the fee calculation have a useful life of over 5 years, police cars are not eligible for impact fee funding. As shown in Figure 29, the Police impact fee uses different demand indicators for residential and nonresidential development. Residential impact fees are calculated on a per capita basis and then converted to a proportionate fee amount by type of housing, based on the number of persons per housing unit. For nonresidential impact fees, TischlerBise recommends using nonresidential vehicle trips as the best demand indicator for Police facilities. Trip generation rates are used for nonresidential development because vehicle trips are highest for commercial developments, such as shopping centers, and lowest for industrial/warehouse development. Office and institutional trip rates fall between the other two categories. This ranking of trip rates is consistent with the relative demand for Police services from nonresidential development. Other possible nonresidential demand indicators, such as employment or floor area, will not accurately reflect the demand for service. For example, if employees per thousand square feet were used as the demand indicator, Police impact fees would be too high for office and institutional development because offices typically have more employees per 1,000 square feet than retail uses. If floor area were used as the demand indicator, Police impact fees would be too high for industrial development.

Figure 29. Police Facilities Impact Fee Methodology Chart



## PROPORTIONATE SHARE FACTORS

The preferred method for determining proportionate share factors is through an analysis of calls for Police service data by residential and nonresidential land use. Unfortunately, this data was not available for this impact fee study. Lacking calls for service data, the next best determiner of the demand for Police services is through functional population. This analysis is shown below in and is used to allocate capital costs to residential and nonresidential development.

The analysis is based on demographic data from the City of Boulder and the U.S. Census 2006 American Community Survey. For residential development, the proportionate share factor is based on estimated person hours of non-working residents, plus the non-working hours of resident workers. For resident workers, two-thirds of a day (i.e., 16 hours) is allocated to residential demand. Time spent at work (i.e., 8 hours) is allocated to nonresidential development. In 2006, the U.S. Census Bureau estimated that 36,309 City of Boulder residents also worked in the City. Therefore, total jobs include 60,659 non-resident

workers that commute into Boulder for work. Based on estimated person hours, the cost allocation for residential development is 72 percent while nonresidential development accounts for 28 percent of the demand for municipal facilities. Details are shown in Figure 30.

Figure 30. Proportionate Share Factors for Police Impact Fees

	<u>Demand Units in 2006</u>	<u>Annualized Avg Hours per Day</u>	<u>Person Hours</u>
<b>Residential</b>			
Year-Round Population*	101,918		
Persons Not Working	51,796	24	1,243,104
Workers Living in Boulder**	50,122		
Residents Working in Boulder**	36,309	16	580,944
Residents Working Outside Boulder**	13,813	16	221,008
		Residential Subtotal	2,045,056
			<b>72%</b>
<b>Nonresidential</b>			
Jobs Located in Boulder*	96,968		
Residents Working in Boulder**	36,309	8	290,472
Non-Resident Workers in 2006	60,659	8	485,272
		Nonresidential Subtotal	775,744
			<b>28%</b>
		TOTAL	<u><u>2,820,800</u></u>

\* City of Boulder estimates.

\*\* Table B08008, 2006 American Community Survey.

## POLICE FACILITIES LEVEL OF SERVICE STANDARDS AND COSTS

The Police impact fee is calculated using the incremental expansion and plan based methodologies. The incremental expansion approach is used for Police station space and administration and a plan based approach is used for planned Communications Systems improvements. For the incremental component, the first step of the analysis determines the current LOS being provided to existing development. The second step involves determining the cost per person and per nonresidential vehicle trip to provide this LOS.

The top portion of Figure 31 lists the current inventory of Police space in the City of Boulder. As shown, the City currently has Police space totaling 69,178 square feet. To determine the total current asset value for Police space, City of Boulder staff provided current values for each facility included in the inventory through the 2008 City Property Schedule. Because the City anticipates having to acquire land in the future for Police facilities, land and site

improvement costs are included in the current costs. City staff estimates that 40 percent should be added to building costs to account for these costs. As indicated in Figure 31, the estimated current value is approximately \$17.3 million.

To derive the cost per demand unit for the incremental portion of the fee, the current asset value (\$17,268,000) is multiplied by the proportionate share factors for each type of land use and then divided by the respective demand units for each. For example, the cost per person of \$120.59 is derived by multiplying the current asset value (\$17,268,000) by 72 percent, then dividing by the current population estimate (103,100). The same approach is used for nonresidential development to derive a cost per trip.

For the Communications System Improvements, a plan-based methodology is used and is based on the estimated cost less committed and earmarked funds from the federal government and 911 fees. The improvements are anticipated to serve development through 2030. Based on the net capital cost to the City of \$449,000 and projected population and vehicle trips to nonresidential development in 2030, the per capita cost is \$2.72 and the cost per trip is \$0.35.

Figure 31. Police Facilities Level of Service Standards and Cost Factors

**Incremental Expansion Cost of Police Buildings**

	Bldg Sq Ft	Cost per SF*	Current Value
Headquarters	47,115	\$290	\$13,654,000
Training Ctr / Firing Range Addition	16,000	\$199	\$3,181,000
Police Storage (only building cost)	4,763	\$91	\$433,000
Downtown Mall Annex	850	leased	
University Hill Annex	450	leased	
TOTAL			69,178
			\$17,268,000
	Proportionate Share	2008 Demand Units	Cost per Demand Unit
Residential	72%	103,100 persons	\$120.59
Nonresidential	28%	295,181 nonres trips	\$16.37

\* Source: City Property Schedule (2008) for building and contents; land and site improvements are included (additional 40% over building cost, per City of Boulder)

**Plan-Based Cost of Communications System Improvements**

Boulder Police Communications Center**	\$1,900,000		
Less BRE TSA and DHS Grant Funding**	(\$1,451,000)		
Net Capital Cost		\$449,000	
	Proportionate Share	2030 Demand Units	Cost per Demand Unit
Residential	72%	118,500 persons	\$2.72
Nonresidential	28%	354,577 nonres trips	\$0.35

\*\* Source: Boulder Police Department

## CREDIT EVALUATION

At present, the City of Boulder does not have any outstanding property-tax backed bonded debt related to the construction of Police facilities. Therefore, a credit for existing bond financing is not applicable to this impact fee.

## MAXIMUM ALLOWABLE RESIDENTIAL IMPACT FEE FOR POLICE

Figure 32 provides a summary of the level-of-service standards used to calculate the Police impact fees. As discussed previously, police impact fees are calculated for both residential and nonresidential land uses. The capital cost per demand unit for residential land uses is \$123.31 per person. The number of persons per housing unit (by type of size) is discussed further in the Appendix.

Figure 32. Police Impact Fee Schedule for Residential Development

<i>Police Facilities Level Of Service</i>	<u>Per Person</u>
Headquarters & Annex Cost	\$120.59
Communications System Cost	\$2.72
Net Capital Cost	\$123.31

<i>Square Feet (finished floor area)</i>	<i>Persons per Housing Unit</i>		<i>Impact Fee per Housing Unit</i>	
	<i>Single Family (SFD, SFA &amp; MH)</i>	<i>All Other Types</i>	<i>Single Family (SFD, SFA &amp; MH)</i>	<i>All Other Types</i>
Wt Avg	2.30	1.60	\$283	\$197
600	1.00	1.06	\$123	\$130
700	1.00	1.28	\$123	\$157
800	1.00	1.47	\$123	\$181
900	1.00	1.64	\$123	\$202
1,000	1.16	1.79	\$143	\$221
1,100	1.30	1.93	\$160	\$238
1,200	1.43	2.06	\$176	\$253
1,300	1.55	2.17	\$190	\$267
1,400	1.66	2.28	\$204	\$281
1,500	1.76	2.38	\$216	\$293
1,600	1.85	2.47	\$228	\$304
1,700	1.94		\$239	
1,800	2.03		\$249	
1,900	2.11		\$259	
2,000	2.18		\$269	
2,100	2.25		\$277	
2,200	2.32		\$286	
2,300	2.39		\$294	
2,400	2.45		\$302	
2,500	2.51		\$309	
2,600	2.57		\$316	
2,700	2.62		\$323	
2,800	2.68		\$330	
2,900	2.73		\$336	
3,000	2.78		\$342	
3,100	2.83		\$348	
3,200	2.87		\$354	
3,300	2.92		\$360	
3,400	2.96		\$365	
3,500	3.01		\$370	
3,600	3.05		\$375	
3,700	3.09		\$380	

**MAXIMUM ALLOWABLE NONRESIDENTIAL IMPACT FEES FOR POLICE**

Figure 33 contains a schedule of the Police impact fees for nonresidential development. For example, a retail establishment generates an average of 86.56 vehicle trips per 1,000 square feet on an average weekday. To account for pass-by trips, the trip adjustment rate of 31 percent is multiplied by the capital cost per nonresidential vehicle trip (\$16.72), for an impact fee of \$0.44 per square foot.

**Figure 33. Police Maximum Nonresidential Schedule**

<i>Police Facilities Level Of Service</i>	<i>Per Employee</i>
Headquarters & Annex Cost	\$16.37
Communications System Cost	\$0.35
Net Capital Cost	\$16.72

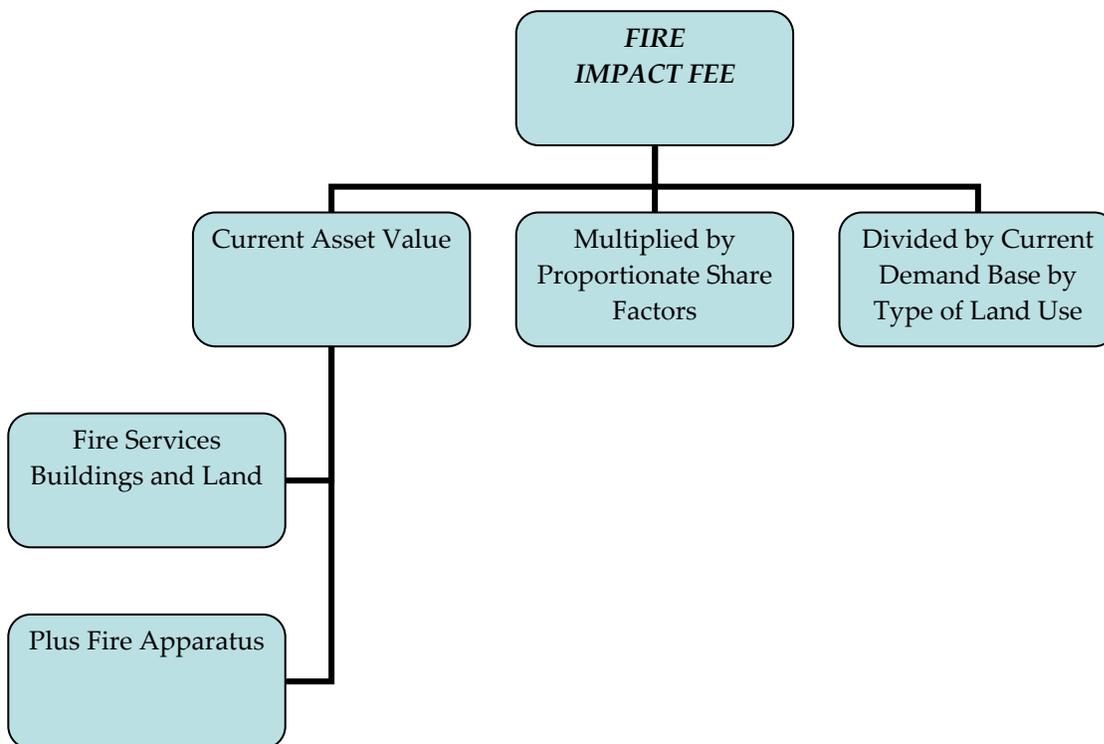
<i>ITE Code</i>	<i>Wkdy Veh Trip Ends per 1,000 Sq Ft</i>	<i>Trip Adjustment Factors</i>	<i>Impact Fee per Square Foot</i>	
<i>Nonresidential (Floor Area)</i>				
820	Retail / Restaurant	86.56	31%	\$0.44
770	Business Park	12.76	50%	\$0.10
710	Office	18.35	50%	\$0.15
610	Hospital	17.57	50%	\$0.14
520	School	14.49	33%	\$0.07
151	Mini-Warehouse	2.50	50%	\$0.02
150	Warehousing	4.96	50%	\$0.04
110	Light Industrial	6.97	50%	\$0.05
<i>Other Nonresidential (Unique Demand Indicator)</i>				
620	Nursing Home (per bed)	2.37	50%	\$19
565	Day Care (per student)	4.48	24%	\$17
320	Lodging (per room)	5.63	50%	\$47

## FIRE IMPACT FEES

The City of Boulder Fire impact fee is based on the incremental expansion cost of Fire Services facilities and Fire apparatus. This methodology will allow for the greatest flexibility, as the City plans to expand Fire facilities in the next few years, but at this time is not sure if this will take the form of an additional station or a relocation and expansion of an existing station. Due to requirement of the Colorado Impact Fee Act that capital facilities have useful lives of over five years, only heavy apparatus (e.g., engines, rescue trucks) is included.

As shown in Figure 34, the Fire impact fee is calculated using proportionate share factors that are based on actual calls for service to specific types of land uses. Because of the availability of detailed calls for service data by type of land use, the calculation of the Fire impact fees is slightly different from the other categories. For example, Fire calls for service data indicates that 24.7 percent of Fire calls are to single family housing units. Therefore, 24.7 percent of the Fire costs are allocated to single family housing units, which are then divided by the current number of single family housing units to determine the impact fee.

Figure 34. Fire Impact Fee Methodology Chart



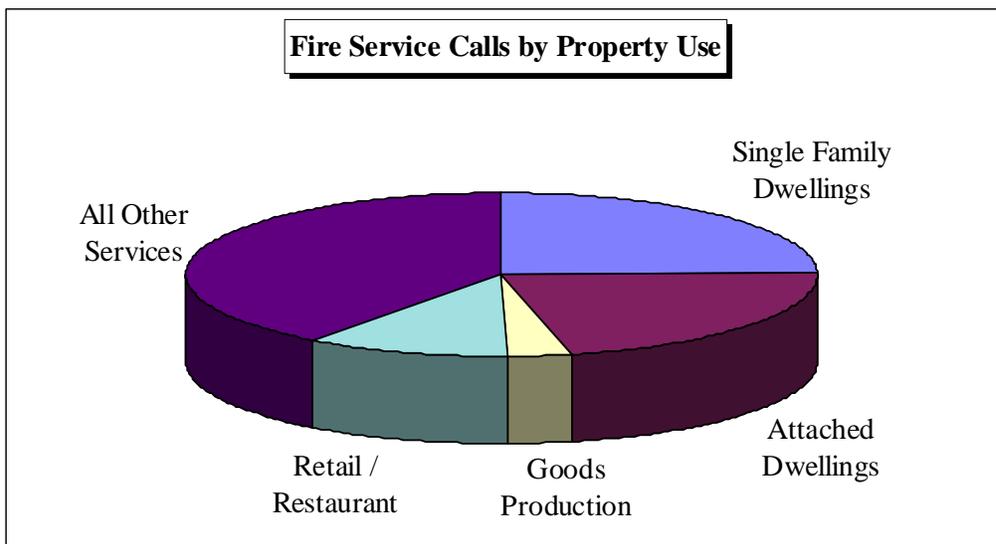
## PROPORTIONATE SHARE FACTORS

The most accurate source for determining demand for Fire services and facilities is calls for service generated by residential and nonresidential land uses. The City provided data on Fire call incidents by land use for calendar year 2007. TischlerBise used this call data to determine the proportionate share factors shown in Figure 35. This data indicated that the City responded to 6,116 calls to known land uses. The data further indicates the number and percentage of calls to specific land uses. For example, 656 calls were to retail/restaurant uses, which represent 10.7 percent of total calls. Proportionate share factors are shown below.

Figure 35. Fire Proportionate Share Factors

	<i>Incidents</i>	
Single Family Dwellings	1,510	24.7%
Attached Dwellings	1,320	21.6%
Goods Production	205	3.4%
Retail / Restaurant	656	10.7%
All Other Services	2,425	39.7%
Subtotal	6,116	

Source: Boulder Fire Department calls by property use in 2007.



**FIRE LEVEL OF SERVICE STANDARDS AND COSTS***Fire Service Facilities Incremental Expansion Cost Component*

As discussed above, the Fire impact fees are derived using the incremental expansion approach for buildings and land, based on the current 2008 level of service. As shown in Figure 36, the City of Boulder has seven fire stations, headquarters, and a training center. The costs for the stations and headquarters are from the 2008 City Property Schedule. Also because the City anticipates having to acquire land in the future for Fire facilities, land and site improvement costs are included at 40 percent of building cost, per the City. The Training Center cost shown below reflects the current cost to the City to replace the existing facility, which is slated to be relocated from its existing site to a new location. It should be noted that the relocated facility (and cost) does not reflect any excess capacity to accommodate new growth, and therefore represents the City's current level of service. As Figure 36 indicates, the City currently has 49,823 square feet of Fire Services space. The current value of the existing fire stations, including land and site improvements, is estimated at \$12,580,613.

**Figure 36. Fire Station Inventory and Costs**

	<i>Sq Ft</i>	<i>Current Value*</i>
Station One	7,941	\$1,903,626
Station Two	4,757	\$936,188
Station Three	6,160	\$1,060,018
Station Four	3,498	\$688,572
Station Five	3,716	\$776,558
Station Six	3,435	\$810,629
Station Seven	5,081	\$1,286,872
Fire Headquarters	5,235	\$1,518,150
Training Center	10,000	\$3,600,000
<b>TOTAL</b>	<b>49,823</b>	<b>\$12,580,613</b>

*\* Source: City Property Schedule (2008) for building and contents; land and site improvements are included (additional 40% over building cost, per City of Boulder)*

*Fire Apparatus Incremental Expansion Component*

The Fire impact fees also use an incremental expansion approach for Fire apparatus, based on the current 2008 level of service. Current replacement costs for the City's inventory of Fire apparatus (with a minimum 5-year useful life) are shown in Figure 37 and were provided by the City. As shown in Figure 37, the estimated current value totals \$8.2 million.

Figure 37. Fire Apparatus Inventory and Costs

<i>Item</i>	<i>Units</i>	<i>\$/Unit</i>	<i>Current Value</i>
Fire Engines (Pumpers)	7	\$585,755	\$4,100,285
Fire Engines (Telesquirts)	3	\$770,000	\$2,310,000
Ladder Truck	1	\$900,000	\$900,000
Rescue Truck	1	\$195,000	\$195,000
Wild-Land Truck (Type 6)	2	\$100,000	\$200,000
Wild-Land Truck (Type 3)	2	\$250,000	\$500,000
TOTAL	16	\$512,830	\$8,205,285

*Source: City of Boulder Fire Department*

**CREDIT EVALUATION**

At present, the City of Boulder does not have any outstanding property-tax backed bonded debt related to the construction of Fire facilities. Therefore, a credit for existing bond financing is not applicable to this impact fee.

**SUMMARY OF FACTORS FOR FIRE IMPACT FEE**

Factors used to calculate Fire impact fees are shown in the boxed area of Figure 38. Current values for Fire Services Buildings and Apparatus are summarized at the top of the figure. Proportionate share factors by type of land use as described earlier are summarized in the middle section followed by current demand base data for housing units by type and nonresidential floor area by type of development.

**Figure 38. Fire Impact Fee Level-of-Service Standard Summary**

	<i>Standards:</i>	
<b><i>Current Value</i></b>		
Fire Services Buildings & Land	\$12,580,000	
Fire Apparatus	\$8,205,000	
Total	\$20,785,000	
<b><i>Proportionate Share Factors</i></b>		
Single Family (SFD, SFA & MH)	24.7%	
All Other Residential	21.6%	
Goods Production	3.4%	
Retail / Restaurant	10.7%	
All Other Services	39.7%	
<b><i>Demand Base in 2008</i></b>		
	Housing Units	Persons per HU
Single Family	25,445	2.3
All Other	19,440	1.6
	Square Feet	Employees per Sq Ft
Goods Production	16,090,000	0.00128
Retail / Restaurant	6,160,000	0.00286
All Other Services	25,820,000	0.00231
<b><i>Maximum Supportable Impact Fee</i></b>		
<u><i>Residential</i></u>	<i>Per Housing Unit</i>	<i>Per Person</i>
Single Family (SFD, SFA & MH)	\$201	\$87.39
All Other Types	\$230	\$143.75
<u><i>Nonresidential</i></u>	<i>Per Square Foot</i>	<i>Per Employee</i>
Goods Production	\$0.04	\$31.25
Retail / Restaurant	\$0.36	\$125.87
All Other Services	\$0.31	\$134.19

## MAXIMUM ALLOWABLE IMPACT FEES FOR FIRE

Figure 39, shows the schedule of maximum allowable fire impact fees for residential development. To determine the cost per demand unit, total estimated costs are multiplied by the appropriate proportionate share factors by type of land use and then divided by the applicable demand factor. For example for a single family unit, the total current value of Fire facilities of \$20,785,000 is multiplied by the single family proportionate share of 24.7 percent and then divided by the current estimated number of single family units (25,445) for a cost per single family unit of \$201, or \$87.39 per person.

Figure 39. Fire Impact Fee Schedule for Residential Development

<i>Fire Facilities Level Of Service</i>	<u>Per Person</u>
Single Family (SFD, SFA, & MH)	\$87.39
All Other Types	\$143.75

<i>Square Feet</i> <i>(finished floor area)</i>	<i>Persons per Housing Unit</i>		<i>Impact Fee per Housing Unit</i>	
	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>All Other Types</i>	<i>Single Family</i> <i>(SFD, SFA &amp; MH)</i>	<i>All Other Types</i>
Wt Avg	2.30	1.60	\$200	\$230
600	1.00	1.06	\$87	\$151
700	1.00	1.28	\$87	\$183
800	1.00	1.47	\$87	\$211
900	1.00	1.64	\$87	\$236
1,000	1.16	1.79	\$101	\$257
1,100	1.30	1.93	\$113	\$277
1,200	1.43	2.06	\$124	\$295
1,300	1.55	2.17	\$135	\$312
1,400	1.66	2.28	\$144	\$327
1,500	1.76	2.38	\$153	\$342
1,600	1.85	2.47	\$161	\$355
1,700	1.94		\$169	
1,800	2.03		\$177	
1,900	2.11		\$184	
2,000	2.18		\$190	
2,100	2.25		\$196	
2,200	2.32		\$202	
2,300	2.39		\$208	
2,400	2.45		\$214	
2,500	2.51		\$219	
2,600	2.57		\$224	
2,700	2.62		\$229	
2,800	2.68		\$234	
2,900	2.73		\$238	
3,000	2.78		\$242	
3,100	2.83		\$247	
3,200	2.87		\$251	
3,300	2.92		\$255	
3,400	2.96		\$259	
3,500	3.01		\$262	
3,600	3.05		\$266	
3,700	3.09		\$269	

The cost per employee for nonresidential development, multiplied by the number of employees per demand unit, yields the fire impact by type of nonresidential development. For example, retail/restaurant development averages 2.86 employees per 1,000 square feet of floor area. At a capital cost of \$125.87 per employee for fire infrastructure, the resulting impact fee is \$0.35 per square foot of floor area, as shown in Figure 40.

Figure 40. Fire Impact Fee Schedule for Nonresidential Development

<i>Fire Facilities Level Of Service</i>	<i>Per Employee</i>
Goods Production	\$31.25
Retail / Restaurant	\$125.87
All Other Services	\$134.19

<i>ITE Code</i>	<i>Employees Per 1,000 Square Feet</i>	<i>Impact Fee per Square Foot</i>	
<i>Nonresidential (Floor Area)</i>			
820	Retail / Restaurant	2.86	\$0.35
770	Business Park	3.16	\$0.09
710	Office	3.91	\$0.52
610	Hospital	3.38	\$0.45
520	School	0.92	\$0.12
151	Mini-Warehouse	0.04	\$0.00
150	Warehousing	1.28	\$0.04
110	Light Industrial	2.31	\$0.07
<i>Other Nonresidential</i>			
			<i>Impact Fee per Demand Indicator</i>
620	Nursing Home (per bed)	0.36	\$48
565	Day Care (per student)	0.16	\$21
320	Lodging (per room)	0.44	\$59

## IMPLEMENTATION AND ADMINISTRATION

All costs in the impact fee calculations are given in current dollars with no assumed inflation rate over time. Necessary cost adjustments can be made as part of the recommended annual evaluation and update of impact fees. One approach is to adjust for inflation in construction costs by means of an index specific to construction as opposed to the consumer price index (CPI), which is more general in nature. TischlerBise recommends using the Marshall Swift Valuation Service, which provides comparative cost multipliers for various geographies and types of construction. The multipliers can be applied against the calculated impact fee. If cost estimates change significantly the City should redo the fee calculations.

There are certain accounting procedures that should be followed by the City. For example, monies received should be placed in a separate fund and accounted for separately and may only be used for the purposes authorized in the impact fee ordinance. Interest earned on monies in the separate fund should be credited to the fund.

It should be noted that as discussed in the Library chapter, it is TischlerBise's recommendation that the cost recovery component of the Library fee be eliminated once the remaining outstanding debt on the most recent library capacity expansion is retired (anticipated to be an additional three years). However, if the City decides to construct an additional branch or expand existing facilities, the impact fee methodology and amount should be revised to reflect this change.

## CREDITS AND REIMBURSEMENTS

### *Future Revenue Credits*

There are three basic approaches used to calculate impact fees and each is linked to different credit methodology. The first major type of impact fee method is a cost recovery approach. This method is used for facilities that have adequate capacity to accommodate new development for at least a five to six year time frame. The rationale for the cost recovery is that new development is paying for its share of the useful life or remaining capacity of the existing facility. When using a cost recovery method, it is important to determine whether new development has already contributed toward the cost of existing public facilities. As described in this report, outstanding debt exists for Libraries where a cost recovery approach is used, therefore a credit is necessary and include in the fee calculation.

A second basic approach used to calculate impact fees is the incremental expansion cost method. This method documents current factors and is best suited for public facilities that will be expanded incrementally in the future. Because new development will provide front-end funding of infrastructure, there is a potential for double payment of capital costs due to future principal payments on existing debt for public facilities. A credit is not necessary for interest payments if interest costs are not included in the impact fees. This type of credit is necessary and calculated for Parks and Recreation and Human Services because there is outstanding debt for capacity expansions calculated under the incremental approach.

A third basic approach used to calculate impact fees is the plan-based method. This method is based on future capital improvements needed to accommodate new development. The plan-based method may be used for public facilities that have commonly accepted service delivery factors to determine the need for future projects or the jurisdiction plans to significantly increase the current level of service standards. If a plan-based approach is used to derive impact fees, the credit evaluations should focus on future dedicated revenues that will fund growth-related capital improvements. This type of credit is not necessary for the fees calculated herein.

### *Site-Specific Credits*

If a developer constructs a system improvement that was included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees in the area benefiting from the system improvement. Project improvements normally required as part of the development approval process are not eligible for credits or offsets against impact fees. Specific policies and procedures related to site-specific credits or developer reimbursements for system improvements should be addressed in the ordinance that establishes the City's fees.

Based on TischlerBise's experience, it is better for the City to establish a reimbursement agreement with the developer that constructs a system improvement rather than provide a credit off of the fee. The latter is often more difficult to administer because it creates unique fees for specific geographic areas. The reimbursement agreement should be limited to a payback period of no more than ten years and the City should not pay interest on the outstanding balance. The developer must provide sufficient documentation of the actual cost incurred for the system improvement. The City of Boulder should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the City pays more than the cost used in the fee analysis, there will be insufficient fee revenue. Reimbursement agreements should only obligate the City to reimburse developers annually according to actual fee collections from the benefiting area.

## COLLECTION AND EXPENDITURE ZONES

The reasonableness of impact fees is determined in part by their relationship to the local government's burden to provide necessary public facilities. The need to show a benefit usually requires communities to evaluate collection and expenditure zones for public facilities that have distinct geographic service areas. Consideration of zones will enable the City to show that developments paying fees are benefiting from the provision of additional capital improvements.

TischlerBise recommends a citywide fee for all impact fee calculated herein. All improvements covered under the impact fee program are derived based on citywide demand and will have a citywide benefit.

## APPENDIX A. DEMOGRAPHIC DATA

In this Appendix, TischlerBise documents the demographic data and development projections used in the Impact Fee / Development Excise Tax study for the City of Boulder. Although long-range projections are necessary for planning capital improvements, a shorter time frame of five years is critical for the impact fees analysis. Infrastructure standards are calibrated using 2008 data and the first projection year for the cash flow model will be 2009. The City of Boulder's fiscal year begins January 1st.

### POPULATION AND HOUSING CHARACTERISTICS

TischlerBise recommends the use of two residential categories in the impact fee calculations: 1) Single Family (detached and attached) and 2) All Other housing types. Differentiating impact fees by type of housing helps make the fees proportionate to the demand for public facilities. Single Family housing units are normally larger and have more persons than All Other housing types. According to the U.S. Census Bureau's American Community Survey data for 2006, Single Family housing in Boulder averages 2.3 persons per unit (see the rows with yellow shading in Figure A1). All Other housing averages 1.6 persons per unit (see the rows with tan shading in the table below).

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate-share fee amounts. When persons per housing unit multipliers are used in the fee calculations, infrastructure standards are derived using year-round population. When persons per household multipliers are used in the fee calculations, the impact fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. In the City of Boulder impact fee will be derived using year-round population and the average number of persons per housing unit.

Figure A1. Persons per Housing Unit

<i>House Type Demographics</i>				<i>Housing</i>	<i>Persons Per</i>	
	<i>Persons</i>	<i>Hshlds</i>	<i>PPH</i>	<i>Units</i>	<i>Housing Unit</i>	<i>Hsg Mix</i>
Single Family (SFD, SFA & MH)	54,948	21,776	2.52	23,678	<b>2.3</b>	57%
All Other Types	28,671	16,097	1.78	17,651	<b>1.6</b>	43%
Group Quarters	8,855					
Total	92,474	37,873		41,329		

Source: U.S. Census Bureau, 2006 American Community Survey.

## AVERAGE NUMBER OF PERSONS BY SIZE OF HOUSING UNIT

To derive impact fees by floor area of housing requires a linkage of demographic data from the U.S. Census Bureau and house size data from the Boulder County Assessor, with number of bedrooms as the common connection between the two databases. Number of persons by bedroom range may be determined from survey data provided by the U.S. Census Bureau. The City of Boulder is in Public Use Microdata Area (PUMA) 00803. PUMAs are areas of roughly 100,000 persons for which the Census Bureau makes available a 5% sample of responses to the long-form census questionnaire. TischlerBise used this data to prepare persons per housing unit multipliers that vary by type of housing and number of bedrooms. Because the number of persons increases with the number of bedrooms, this approach may be used to make impact fees more “progressive” with higher impact fees imposed on larger housing units and lower impact fees on smaller, more affordable housing.

The tables below indicate persons per housing unit by type of housing and number of bedrooms. Results for Single Family housing are shown in Figure A2, with Figure A3 indicating average persons by bedroom range for All Other housing types. To minimize sample size problems, TischlerBise aggregated bedroom ranges.

Figure A2. Persons per Single Family Housing Unit by Bedroom Range

<b>Single Family Dwellings</b>					
Boulder, Colorado					
	<i>0-2 Bdrms</i>	<i>3 Bdrms</i>	<i>4 Bdrms</i>	<i>5+ Bdrms</i>	<i>Wt Avg</i>
Single Family	1.63	2.15	2.73	2.95	2.32

Source: Data for Colorado PUMA 00803 (includes SFD, SFA and MH)  
2006 American Community Survey, Public Use Microdata Sample.

Figure A3. Average Persons by Bedroom Range for All Other Housing Types

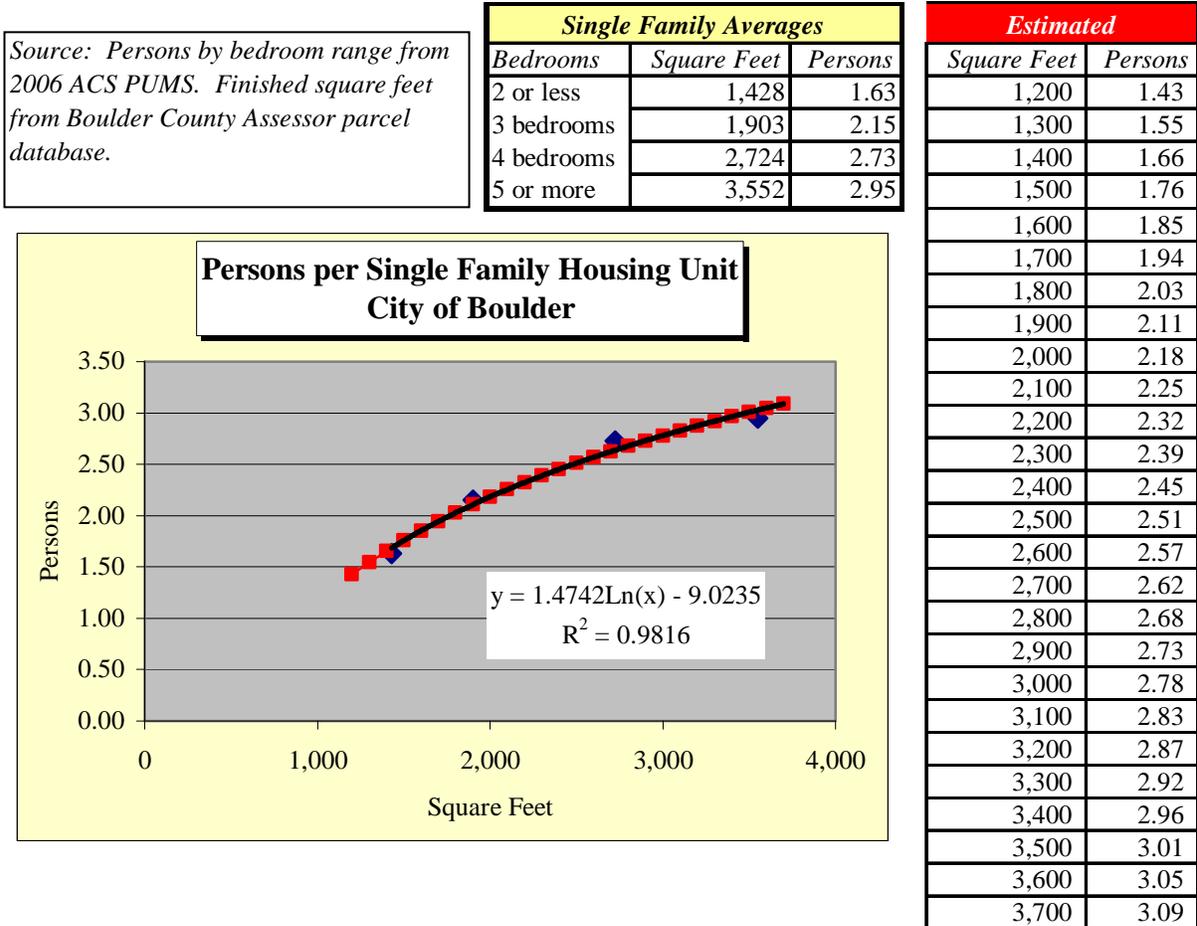
**All Other Dwellings**  
Boulder, Colorado

	<i>0-1 Bdrm</i>	<i>2 Bdrms</i>	<i>3+ Bdrms</i>	<i>Wt Avg</i>
2+ Units per Structure	1.20	1.79	2.46	1.62

*Source: Data for Colorado PUMA 00803 (all other housing types)  
2006 American Community Survey, Public Use Microdata Sample.*

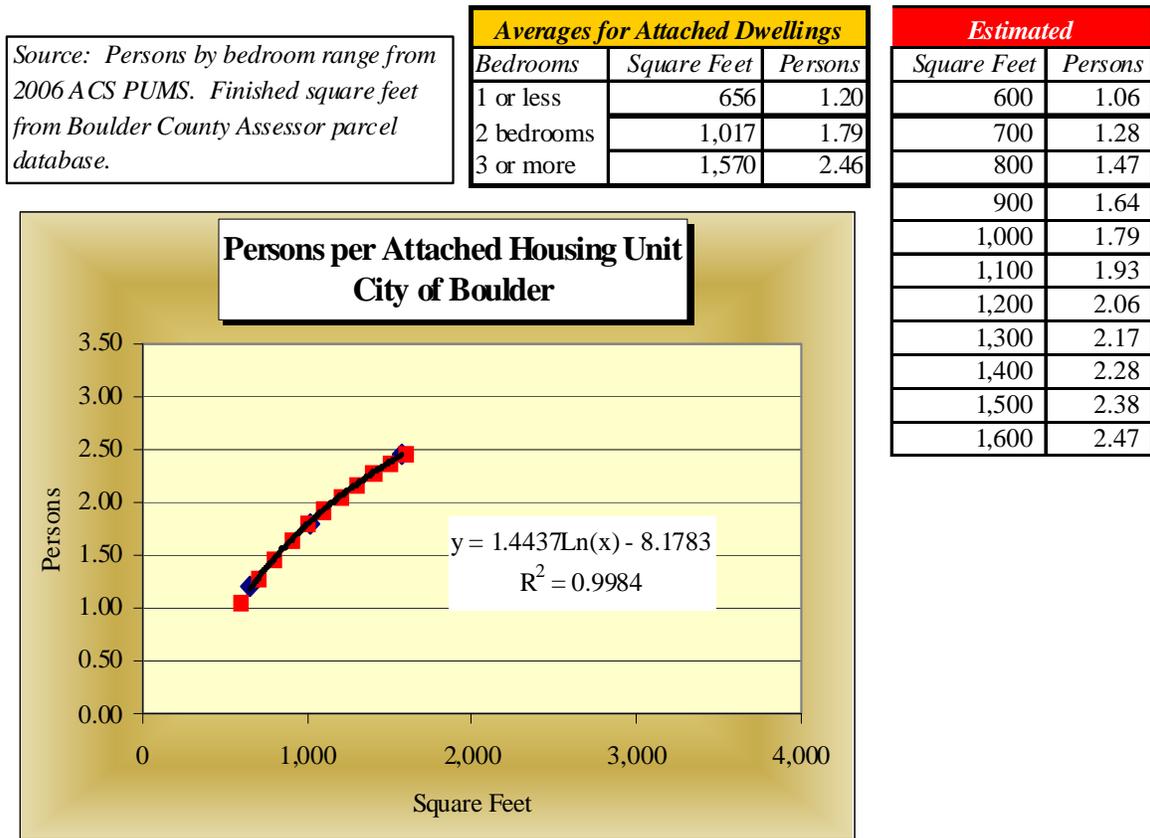
Using key variables from the County Assessor's parcel database, TischlerBise determined the average finished floor area by type of housing and bedroom range. For Single Family housing, average floor area and number of persons by bedroom range are plotted in Figure A4, with a logarithmic trend line derived from the four actual averages in the City of Boulder. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons by size of Single Family housing, using 100 square foot intervals. For the purpose of impact fees in City of Boulder if the City wishes to assess fees by size of unit, TischlerBise recommends a minimum fee based on a Single Family unit size of 1,200 square feet and a maximum fee based on a Single Family unit size of 3,700 square feet of finished floor area.

Figure A4. Average Persons by Floor Area of Single Family Housing



For All Other housing types, the average floor area and number of persons by bedroom range are plotted in Figure A5. A logarithmic trend line was determined from the three actual averages in the City of Boulder. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons by unit size, using 100 square feet intervals. For All Other housing types, TischlerBise recommends a minimum fee based on a unit size of 600 square feet and a maximum fee based on a unit size of 1,600 square feet of finished floor area, if the City wishes to assess fees by size of unit.

Figure A5. Average Persons by Floor Area of Attached Housing



## RECENT RESIDENTIAL CONSTRUCTION

Figure A6 indicates City of Boulder 2006 estimates for year-round residents and housing units. From 2000 to 2006, Boulder added an average of 308 housing units per year. The chart at the bottom of Figure A6 indicates the estimated number of housing units added by decade in City of Boulder. If the recent rate of housing construction continues, the first decade of the

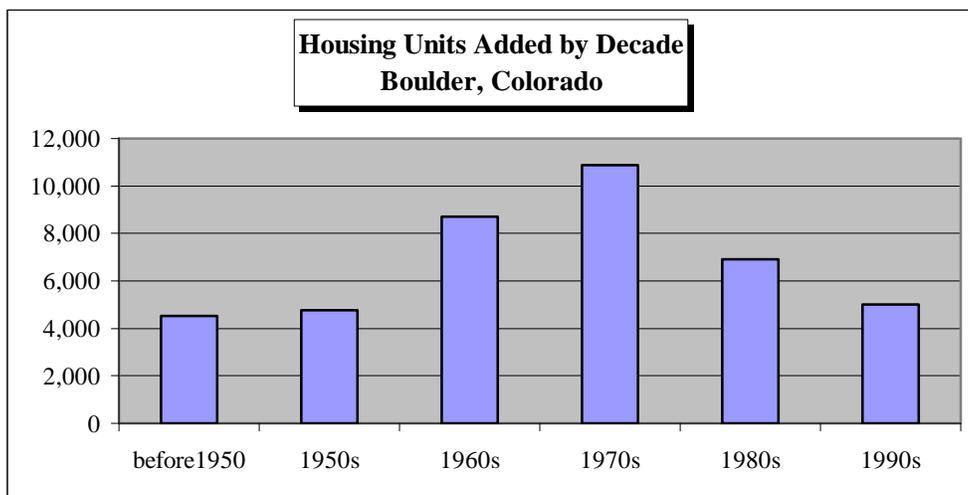
21st century will experience an increase of approximately 3,000 housing units, which is less than the number of housing units added during the 90s.

Figure A6. City of Boulder Housing Units and Population in 2006

Boulder, Colorado	
Estimated Population in 2006*	101,918
Housing Units 2000*	42,740
<i>New Housing Units 2000-2006</i>	<i>1,848</i>
Housing Units in 2006*	44,588

From 2000 to 2006, Boulder added approximately 308 housing units per year.

\* City of Boulder estimates.



Source: Units by decade based on Table H34, SF3 Census 2000, U.S. Census Bureau.

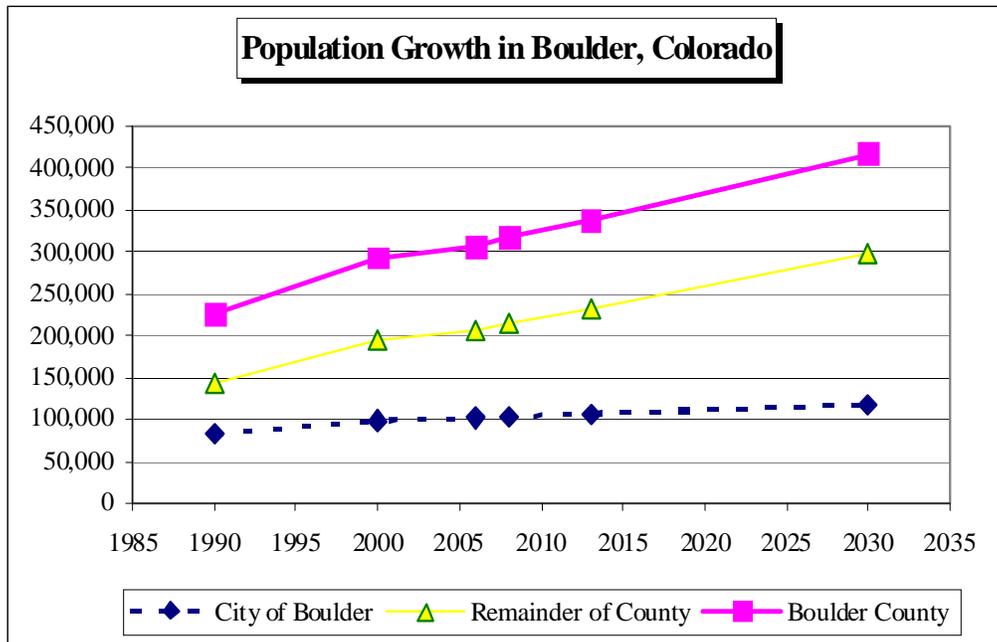
**POPULATION PROJECTIONS**

The impact fee study will use population and job projections as the key growth indicators, from which housing unit and nonresidential floor area data will be derived. According to the City’s 2008 Community Data Report, Boulder will be home to 118,500 residents by the year 2030 (Area I only). In that same year, Boulder County is expected to have a population of 417,517 (Woods & Poole Economics 2007). As shown in Figure A7, Boulder’s population share is expected to decrease from 33% of total county population in 2006, to 28% by the year 2030.

**Figure A7. Population Growth in Boulder**

	<i>1990</i>	<i>2000</i>	<i>2006</i>	<i>2008</i>	<i>2013</i>	<i>2030</i>
Boulder County	226,374	293,878	308,110	317,358	338,739	417,517
City of Boulder	83,312	99,093	101,918	103,100	106,414	118,500
Remainder of County	143,062	194,785	206,192	214,258	232,325	299,017
City of Boulder Share	37%	34%	33%	32%	31%	28%

*Source: Boulder County from Woods & Poole Economics (2007). City of Boulder 1990 from U.S. Census Bureau; 2000 and 2006 estimates from City of Boulder. City of Boulder 2008 and 2030 (Area I) from 2008 Community Data Report.*



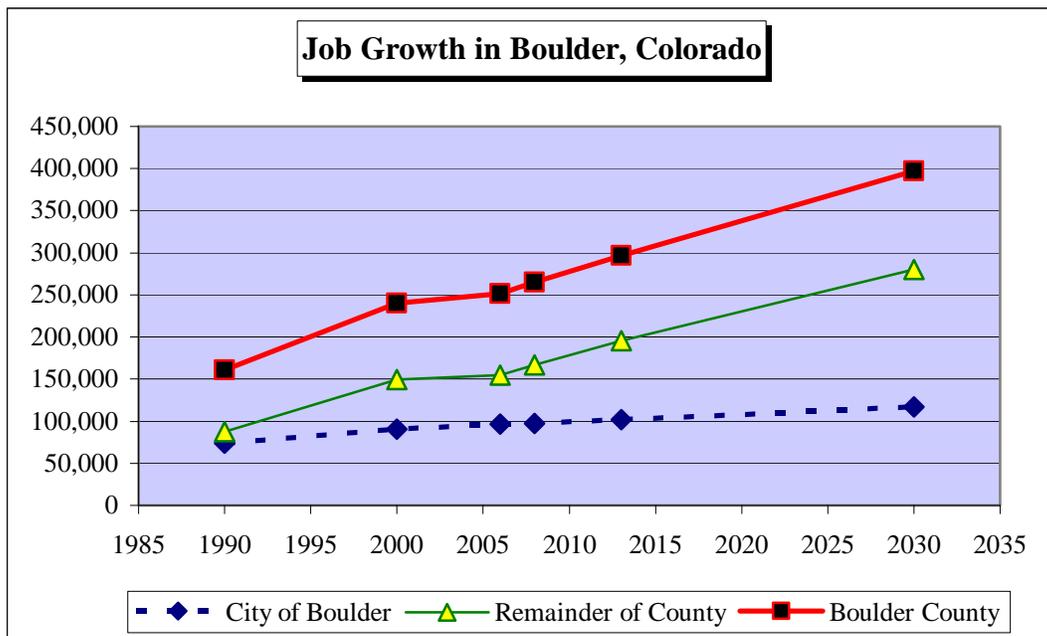
## JOBS BY PLACE OF WORK

In addition to data on residential development, the calculation of impact fees requires data on nonresidential development. TischlerBise uses the term “jobs” to refer to employment by place of work. Similar to the above population share discussion, Boulder’s capture ratio of countywide jobs is shown in Figure A8. Boulder County job data were obtained from Woods & Poole Economics, Inc. (2007). Estimated jobs within the City of Boulder, in both 1990 and 2000, are from the Census Transportation Planning Package. Job projections from the 2008 Community Data Report indicate Boulder’s capture ratio decreases from 39% of countywide jobs in 2006 to 30% by the year 2030.

Figure A8. Job Growth in Boulder

	<b>1990</b>	<b>2000</b>	<b>2006</b>	<b>2008</b>	<b>2013</b>	<b>2030</b>
Boulder County	161,089	239,740	251,526	264,722	297,100	397,456
City of Boulder	73,650	90,255	96,968	97,750	101,905	117,400
Remainder of County	87,439	149,485	154,558	166,972	195,195	280,056
City of Boulder Share	46%	38%	39%	37%	34%	30%

Source: Boulder County from Woods & Poole Economics (2007) based on Bureau of Economic Analysis data. City of Boulder 1990 and 2000 from Census Transportation Planning Package. City of Boulder estimate for 2006. City of Boulder 2008 and 2030 (Area I) from 2008 Community Data Report.



## NONRESIDENTIAL DEMAND INDICATORS

In the impact fee study, vehicle trips or employees per demand unit are used to differentiate fees by type of nonresidential development. In Figure A9, gray shading indicates the three nonresidential development prototypes used by TischlerBise to calculate vehicle trips and estimate potential impact fee revenue. The first prototype, for goods-producing jobs, is a warehouse with 784 square feet per employee. The second prototype, for retail and restaurant jobs, is a shopping center with 50,000 square feet of floor area. To more closely match Boulder's actual floor area determined by the County Assessor's parcel database, TischlerBise used Light Industrial as the prototype for Other Services.

Figure A9. Employee and Building Area Ratios

ITE Code	Land Use / Size	Demand Unit	Wkdy Trip Ends Per Dmd Unit*	Wkdy Trip Ends Per Employee*	Emp Per Dmd Unit**	Sq Ft Per Emp
<b>Commercial / Shopping Center</b>						
821	25K gross leasable area	1,000 Sq Ft	110.32	na	3.33	300
<b>820</b>	<b>50K gross leasable area</b>	<b>1,000 Sq Ft</b>	<b>86.56</b>	<b>na</b>	<b>2.86</b>	<b>350</b>
820	100K gross leasable area	1,000 Sq Ft	67.91	na	2.50	400
820	200K gross leasable area	1,000 Sq Ft	53.28	na	2.22	450
820	400K gross leasable area	1,000 Sq Ft	41.80	na	2.00	500
<b>General Office</b>						
710	10K gross floor area	1,000 Sq Ft	22.66	5.06	4.48	223
710	25K gross floor area	1,000 Sq Ft	18.35	4.43	4.14	241
710	50K gross floor area	1,000 Sq Ft	15.65	4.00	3.91	256
710	100K gross floor area	1,000 Sq Ft	13.34	3.61	3.70	271
710	200K gross floor area	1,000 Sq Ft	11.37	3.26	3.49	287
<b>Industrial</b>						
770	Business Park***	1,000 Sq Ft	12.76	4.04	3.16	317
151	Mini-Warehouse	1,000 Sq Ft	2.50	56.28	0.04	22,512
<b>150</b>	<b>Warehousing</b>	<b>1,000 Sq Ft</b>	<b>4.96</b>	<b>3.89</b>	<b>1.28</b>	<b>784</b>
140	Manufacturing	1,000 Sq Ft	3.82	2.13	1.79	558
<b>110</b>	<b>Light Industrial</b>	<b>1,000 Sq Ft</b>	<b>6.97</b>	<b>3.02</b>	<b>2.31</b>	<b>433</b>
<b>Other Nonresidential</b>						
720	Medical-Dental Office	1,000 Sq Ft	36.13	8.91	4.05	247
620	Nursing Home	bed	2.37	6.55	0.36	na
610	Hospital	1,000 Sq Ft	17.57	5.20	3.38	296
565	Day Care	student	4.48	28.13	0.16	na
530	Secondary School	student	1.71	19.74	0.09	na
520	Elementary School	student	1.29	15.71	0.08	na
520	Elementary School	1,000 Sq Ft	14.49	15.71	0.92	1,084
320	Lodging	room	5.63	12.81	0.44	na

\* Source: Trip Generation, Institute of Transportation Engineers (2003).

\*\* Employees per demand unit calculated from trip rates, except for Shopping Center data, which are derived from Development Handbook and Dollars and Cents of Shopping Centers, published by the Urban Land Institute.

\*\*\* According to ITE, a Business Park is a group of flex-type buildings served by a common roadway system. The tenant space includes a variety of uses with an average mix of 20-30% office/commercial and 70-80% industrial/warehousing.

## DEVELOPMENT PROJECTIONS

Key demographic data for the City of Boulder impact fee study are shown in Figure A10. Cumulative data are shown in the top section and annual increases at the bottom of the table. City of Boulder data shown with light green shading are from the 2008 Community Data

Report. Because of the recent downturn in development activity, TischlerBise used an exponential curve formula to derive interim year data between the 2008 and 2030 “end-points.” This method minimizes annual increases in the short run. Job allocation by nonresidential prototype is based on the most recent Labor Shed Area Profile Report from the U.S. Census Bureau’s website called Longitudinal Employer-Household Dynamics.

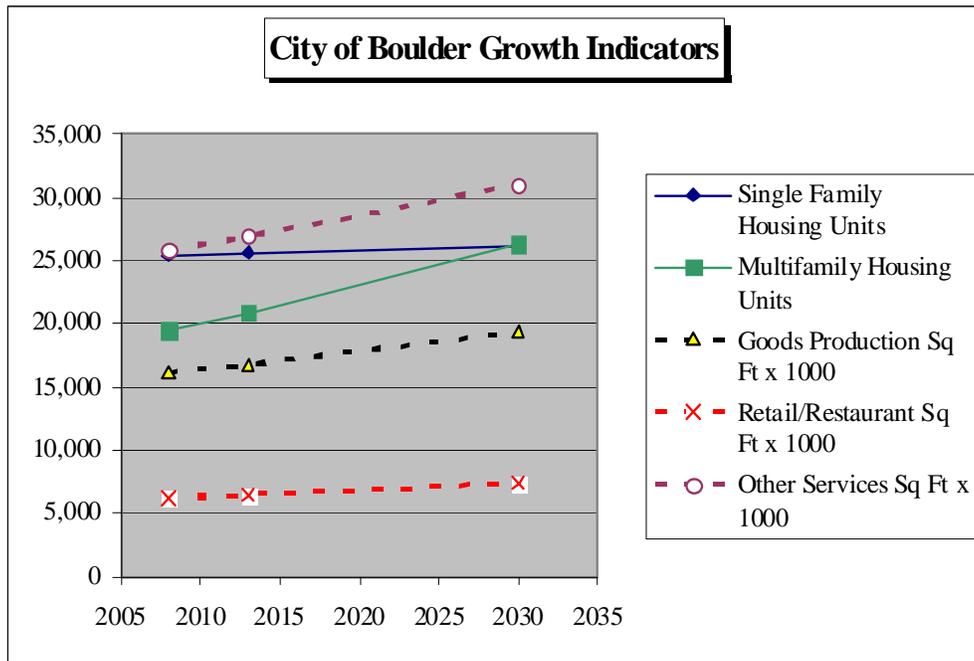
Figure A10. Citywide Demographic Data

<i>Cumulative</i>	<i>Base Year</i>							
	<b>2000</b>	2008	2009	2010	2011	2012	2013	2030
	<i>FY 08-09</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>22</i>	
Year-Round Population	99,093	103,100	103,754	104,413	105,076	105,743	106,414	118,500
Jobs	90,255	97,750	98,567	99,391	100,222	101,060	101,905	117,400
Housing Units	42,740	44,885	45,206	45,529	45,854	46,182	46,512	52,500
Single Family Hsg Units	23,080	25,445	25,477	25,509	25,542	25,575	25,608	26,206
All Other Hsg Units	19,660	19,440	19,729	20,020	20,313	20,608	20,905	26,294
Jobs to Housing Ratio		2.18	2.18	2.18	2.19	2.19	2.19	2.24
Persons per Hsg Unit		2.30	2.30	2.29	2.29	2.29	2.29	2.26
<u>Job Allocation by Type of Development</u>								
Goods Producing Share		21%	21%	21%	21%	21%	21%	21%
Retail/Restaurant Share		18%	18%	18%	18%	18%	18%	18%
Other Services Share		61%	61%	61%	61%	61%	61%	61%
<u>Nonres Sq Ft (x 1,000)</u>								
Goods Producing		16,090	16,230	16,360	16,500	16,640	16,780	19,330
Retail/Restaurant		6,160	6,210	6,260	6,310	6,370	6,420	7,400
Other Services		25,820	26,030	26,250	26,470	26,690	26,920	31,010
Total		48,070	48,470	48,870	49,280	49,700	50,120	57,740
Avg Sq Ft Per Job		492	492	492	492	492	492	492
								<i>2008 to 2030</i>
<u>Annual Increase</u>								<i>Increase</i>
Year-Round Population		654	659	663	667	671	676	15,400
Jobs		817	824	831	838	845	852	19,650
Housing Units		321	323	325	328	330	332	7,615
Goods Producing KSF*		140	130	140	140	140	140	3,240
Retail/Restaurant KSF*		50	50	50	60	50	50	1,240
Other Services KSF*		210	220	220	220	230	220	5,190
* KSF = square feet of floor area in thousands.								Cumulative KSF Increase =>
								Avg Anl KSF Increase =>
								9,670
								440

Key land use assumptions for City of Boulder are summarized in Figure A11. Residential growth rates range from 0.1% annually for Single Family housing to 1.5% per year for Multifamily housing types. Nonresidential growth rates average 0.8% per year. Over the next five years, housing unit construction is projected to average 326 units per year.

Figure A11. Summary of Land Use Assumptions

Boulder, Colorado	2008	2013	2030	2008 to 2013	
	FY08-09	FY13-14	FY30-31	Average Annual	
				Increase	Growth Rate
Single Family Housing Units	25,445	25,608	26,206	33	0.1%
Multifamily Housing Units	19,440	20,905	26,294	293	1.5%
Goods Production Sq Ft x 1000	16,090	16,780	19,330	138	0.9%
Retail/Restaurant Sq Ft x 1000	6,160	6,420	7,400	52	0.8%
Other Services Sq Ft x 1000	25,820	26,920	31,010	220	0.9%





**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: January 20, 2015**

**AGENDA TITLE** Consideration of a motion to approve the process for performance evaluations and salary adjustments for the City Manager, City Attorney, and Municipal Judge.

**PRESENTER/S**

Lisa Morzel and Tim Plass, City Council Employee Evaluation Committee

**EXECUTIVE SUMMARY**

The Boulder City Council provides timely and meaningful feedback to its employees on an annual basis. Performance evaluations, along with relevant market data, serve as the basis for evaluating the employee and justification for possible pay increases awarded to City Council employees who include the city manager, the city attorney and the municipal judge. Each performance year is calculated from June to June with the evaluation process taking place from April through August. City Council appoints an Evaluation Committee that oversees the annual evaluation process as well as conducts a mid-year check-in with council employees in December and the final year review in June.

The performance evaluation process is comprised of several components:

- **Self Evaluations:** The three Council employees provide a self evaluation for their performance over the previous year.
- **Multi-rater Feedback:** Each employee selects a number of co-workers, direct reports and outside contacts that provide feedback on the employee's performance. The Evaluation Committee reviews the selections and modifies as necessary.
- **Market Survey:** The Human Resources Department collects and provides council with comparable salary and market data from other organizations.
- **City Council Evaluation:** City Council members review the self evaluations and multi-rater feedback and then complete the evaluation rating form for each employee.

- **Pay Recommendations:** After reviewing all feedback the Evaluation Committee provides the full council with a salary increase recommendation for each employee. Any increase in salary requires approval by the City Council.
- **Annual and mid-year Performance Review Meetings:** The Evaluation Committee meets at least two times per year with each employee to share multi-rater and Council evaluation feedback.
- **Wrap-up/debrief:** After completion of the evaluations the Evaluation Committee, the Consultant and the Human Resources Department representative meet to debrief the process and make suggestions for improvements.

**COUNCIL COMMITTEE RECOMMENDATION**

The Council Employee Evaluation Committee recommends a motion to approve the process for performance evaluations and salary adjustments for the City Manager, City Attorney, and Municipal Judge.

**IMPACTS**

- **Fiscal** – The adoption of this process allows for the hiring of a consultant to assist with the overall coordination of the evaluation process, subject to the approval of the Evaluation Committee, to include, but not be limited to:
  - Receiving the self evaluations from employees
  - Distributing, collecting and tabulating the multi-rater feedback instruments
  - Collecting the survey data from the Court Administrator
  - Compiling all results for City Council
  - Preparing documents and communications
  - Ensuring the timeliness and accuracy of all data and steps in the process in accordance with the approved time-line
  - Assisting Evaluation Committee with any pay increase recommendations
- The historical cost of this consultant has been less than or around \$5,000.
- **Staff Time** – Staff support for the process requires roughly 40 hours of staff time.

**ANALYSIS**

Each year the City Council considers granting a performance pay increase to its Council employees based upon an evaluation procedure the city council adopted in 1998. Since then, the process has been overseen by several different Council Evaluation Committees and enhancements and changes were made to that process. The current committee slightly modified and refined the process over the past two years and documented the steps and roles and responsibilities as outlined in Attachment A. Approval of this process would create a reference for council members, council employees, as well as staff, and would provide improved consistency.

**ATTACHMENT A - 2015 January 20 – Council Employee Evaluation Process**

**City of Boulder**  
**City Council Employee Evaluation Process**

I. **Overview:**

The Boulder City Council seeks to provide timely and meaningful feedback to its employees. One mechanism to accomplish this is to conduct annual performance evaluations. These performance evaluations, along with relevant market data, also serve as the basis and justification for any pay increases that are awarded to City Council employees. The Council employees are the City Manager, the City Attorney and the Municipal Judge.

II. **Process Components:**

- **Self Evaluations:** The three Council employees provide feedback on their own performance over the year.
- **Multi-rater Feedback:** Each employee selects a number of co-workers, direct reports and outside contacts that provide feedback on the employee's performance. The committee reviews the selections and modifies as necessary.
- **City Council Evaluation:** City Council members review the self evaluations and multi-rater feedback. Each member completes their written evaluation of the employee's performance and returns their comments to the Council Employee Evaluation Committee.
- **Market Survey:** The Human Resources Department collects comparable salary and other market data from other organizations for the three positions.
- **Pay Recommendations:** The Evaluation Committee presents salary increase recommendations to the full Council. Council approves pay changes with their effective date.
- **Annual and mid-year Performance Review Meetings:** The Evaluation Committee meets at least two times per year with each employee for the annual review and to share Council and employee feedback for the mid-year check in.
- **Wrap-up/debrief:** The Evaluation Committee, Consultant and HR meet to evaluate process and make suggestions for improvements for next year's reviews.

III. **Roles and Responsibilities:**

City Council is responsible for:

- Appointing an Evaluation Committee of two members
- Completing the evaluation instrument in a timely manner within the annual review cycle, including reviewing and processing all information provided
- Providing individual feedback to employees as needed
- Determining and approving any pay changes for employees

The Evaluation Committee is responsible for:

- Working with the consultant to ensure a timely and accurate process is accomplished to include, approving time frames, documents, etc.
- Communicating with City Council
- Scheduling items with City Clerk, City Council and the consultant as needed
- Communicating the results of the evaluations with each employee and serving as a conduit for communications between the employees and City Council
- Providing salary change recommendations to City Council
- Debriefing the annual process with the Consultant and staff

The Human Resources Department is responsible for:

- Serving as project manager for the process, establishing Committee meetings and process calendar for the year
- Obtaining comparable market data from other organizations and providing that to the consultant as needed
- Maintaining the official personnel records for the employees
- Providing additional information to the Evaluation Committee and the consultant as needed
- Specific to the Human Resources Director - serving as the Custodian of the Executive Personnel files for Council employees

The City Council Employees are responsible for:

- Being active participants in their evaluation by completing a self-evaluation and submitting that to the consultant as requested by the Evaluation Committee
- Providing the consultant with the names and contact information of co-workers, direct reports and outside contacts that are to be part of the multi-rater feedback process

- Receiving from and providing feedback to the Evaluation Committee and City Council members
- Responding to City Council requests for information, goals and any performance plans as requested.

The Court Administrator and Court Staff are responsible for:

- Coordinating the customer survey process, tabulating the results and providing that information to the consultant as requested
- Completing feedback instruments as requested

The Consultant is responsible for:

- The overall coordination of the evaluation process, subject to the approval of the Evaluation Committee, to include, but not be limited to:
  - Receiving the self evaluations from employees
  - Distributing, collecting and tabulating the multi-rater feedback instruments
  - Collecting the survey data from the Court Administrator
  - Compiling all results for City Council
  - Preparing documents and communications
  - Ensuring the timeliness, accuracy and confidentiality of all data and steps in the process in accordance with the approved time-line
- Assisting Evaluation Committee with any pay increase recommendations

The Participants in the multi-rater feedback process are responsible for:

- Completing and submitting the instrument in a timely manner
- Maintaining confidentiality of their responses

#### IV. **Timeline for the Process:**

##### **April**

- Self Evaluation forms (Attachment A) sent to employees by Consultant. Four (4) weeks are allowed for the employees to complete the self evaluations and return to the Consultant.
- Consultant requests multi-rater names and phone numbers from employees

##### **May**

- Consultant distributes feedback surveys(Attachment B) to multi-raters. Two (2) weeks are allowed for multi-raters to complete the survey.

##### **June**

- Consultant distributes summarized multi-rater feedback and self evaluation information to Evaluation Committee and Council along with Council Evaluation Forms (Attachment C). Council is given two weeks to review the feedback and prepare their Evaluation of each employee.

##### **July**

- HR completes Market Salary Survey (Attachment D)
- Consultant reviews Council Evaluations with Evaluation Committee
- Consultant sends summarized Council feedback and Market Survey to Council members and requests pay increase recommendations (Attachment E). The pay recommendations are due back to the Consultant within a week.
- Annual Performance Evaluation Discussions are scheduled with the Committee and Council employees

##### **August**

- Evaluation Committee presents pay increase recommendations to Council
- Council approves or denies pay recommendations
- The Evaluation Committee, Consultant and HR meet to evaluate process and make suggestions for improvements for next year's reviews.

## December

- The Council Evaluation Committee meets for mid-year review with executive employees. The Committee requests any Council feedback for employees.

**City of Boulder**  
**2013-2014 Performance Evaluation**  
**Self-Evaluation Report - CITY ATTORNEY**

*Note: Please respond in the gray area. The space will expand as you type.*

1. Please describe your performance/accomplishments in the following areas since July 1, 2013  
*Be specific in terms of actions taken and results achieved.*

a. Staff Development and Organizational Teamwork

b. Fiscal/Budgetary Responsibility

c. Departmental Quality Improvements

d. Other Noteworthy Areas

2. In addition to the explicit goals and objectives of the City Council, what goals have you set for yourself and detail progress in accomplishing these goals?

3. Provide a few specific examples of how you demonstrated the City's organizational values. What areas do you consider to be strengths?

a. Customer Service

b. Respect

c. Integrity

d. Collaboration

e. Innovation

4. Over the past twelve months:

a. In what area(s) have you excelled?

b. In what area(s) do you wish you would have performed differently?

5. What (if any) unplanned projects or activities took significant time and focus? How did these contribute to team, department or city goals?

6. Describe professional development activities you completed in the past 12 months.

[Redacted]

7. What else should City Council take into account as we evaluate your performance over the past 12 months?

[Redacted]

8. Please describe the steps you have taken and the progress you have made in addressing the areas identified as needing improvement in last year's evaluation.

[Redacted]

**Performance Planning 2014 - 2015:**

1. What do you see as your major goals for the next evaluation period, and how can the City Council help you accomplish these goals?

[Redacted]

2. How could City Council help you do your job more effectively and efficiently in the next 12 months?

[Redacted]

3. Are there any trends or issues City Council should be aware of?

[Redacted]

4. Describe professional development activities you would like to pursue in the next year.

[Redacted]

**City of Boulder  
2013-2014 Performance Evaluation  
Self-Evaluation Report - CITY MANAGER**

*Note: Please respond in the gray area. The space will expand as you type.*

1. Please describe your performance/accomplishments in the following areas since July 1, 2013.

*Be specific in terms of actions taken and results achieved.*

a. Staff Development and Organizational Teamwork

b. Fiscal/Budgetary Responsibility

c. Departmental Quality Improvements

d. Other Noteworthy Areas

2. In addition to the explicit goals and objectives of the City Council, what goals have you set for yourself and detail progress in accomplishing these goals?

3. Provide a few specific examples of how you demonstrated the City's organizational values. What areas do you consider to be strengths?

a. Customer Service

b. Respect

c. Integrity

d. Collaboration

e. Innovation

4. Over the past twelve months:

a. In what area(s) have you excelled?

b. In what area(s) do you wish you would have performed differently?

5. What (if any) unplanned projects or activities took significant time and focus? How did these contribute to team, department or city goals?

6. Describe professional development activities you completed in the past 12 months.

[Redacted]

7. What else should City Council take into account as we evaluate your performance over the past 12 months?

[Redacted]

8. Please describe the steps you have taken and the progress you have made in addressing the areas identified as needing improvement in last year's evaluation.

[Redacted]

**Performance Planning 2014 - 2015:**

1. What do you see as your major goals for the next evaluation period, and how can the City Council help you accomplish these goals?

[Redacted]

2. How could City Council help you do your job more effectively and efficiently in the next 12 months?

[Redacted]

3. Are there any trends or issues City Council should be aware of?

[Redacted]

4. Describe professional development activities you would like to pursue in the next year.

[Redacted]

**City of Boulder**  
**2013-2014 Performance Evaluation**  
**Self-Evaluation Report – MUNICIPAL JUDGE**

*Note: Please respond in the gray area. The space will expand as you type.*

1. Please describe your performance/accomplishments in the following areas since July 1, 2013.  
*Be specific in terms of actions taken and results achieved.*

a. Staff Development and Organizational Teamwork

b. Fiscal/Budgetary Responsibility

c. Departmental Quality Improvements

d. Other Noteworthy Areas

2. In terms of goals:

a. Please describe your performance/accomplishments in regard to City Council goals during the past year. *Be specific in terms of actions taken and results achieved.*

b. Please discuss your progress on the goals that you listed in last year’s self-evaluation that were discussed and reviewed with you.

3. Provide a few specific examples of how you demonstrated the City’s organizational values. What areas do you consider to be strengths?

a. Customer Service

b. Respect

c. Integrity

d. Collaboration

e. Innovation

4. Over the past twelve months:
  - a. In what area(s) have you excelled?  
[Redacted]
  - b. In what area(s) do you wish you would have performed differently?  
[Redacted]
  
5. What (if any) unplanned projects or activities took significant time and focus? How did these contribute to team, department or city goals?  
[Redacted]
  
6. Describe professional development activities you completed in the past 12 months.  
[Redacted]
  
7. What else should City Council take into account as we evaluate your performance over the past 12 months?  
[Redacted]
  
8. Please describe the steps you have taken and the progress you have made in addressing the areas identified as needing improvement in last year's evaluation.  
[Redacted]

**Performance Planning 2014-2015:**

1. What goals would you like to establish for the upcoming year?  
[Redacted]
  
2. How could City Council help you do your job more effectively and efficiently in the next 12 months?  
[Redacted]
  
3. Are there any trends or issues City Council should be aware of?  
[Redacted]
  
4. Describe professional development activities you would like to pursue in the next year.  
[Redacted]



# Multi-Rater Feedback - City Attorney 2013 - 2014

## Feedback for: City Attorney - Tom Carr

Using a scale where 1 = poor and 10 = excellent, please rate the City Attorney in the following areas. Click the radio button that best describes the skill level. Please mark the "Unable to Rate" column if you feel unable to judge the skill listed.

### 1. Professional Competence

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Possesses relevant professional knowledge and skills of Public Administration	<input type="radio"/>										
b. Competently performs routine and new tasks	<input type="radio"/>										
c. Continues to develop professional proficiencies	<input type="radio"/>										
d. Maintains good working relationships with Council, staff and citizens	<input type="radio"/>										
e. Builds departmental and cross-departmental relationships	<input type="radio"/>										
f. Demonstrates varied facilitation, negotiation and conflict resolution skills	<input type="radio"/>										
g. Effectively uses technology within the organization	<input type="radio"/>										
h. Possesses and applies strong financial management and budgetary skills	<input type="radio"/>										

Professional Competence - Comments:

# Multi-Rater Feedback - City Attorney 2013 - 2014

## 2. Respect for Diversity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Consistently treats others with courtesy, dignity and respect	<input type="radio"/>										
b. Acknowledges and respects human differences	<input type="radio"/>										
c. Values diverse points of view	<input type="radio"/>										
d. Encourages full participation	<input type="radio"/>										
e. Contributes to staff cohesiveness and morale	<input type="radio"/>										

Respect for Diversity - Comments:

# Multi-Rater Feedback - City Attorney 2013 - 2014

## 3. Teamwork

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Fosters good teamwork	<input type="radio"/>										
b. Accepts and offers team direction	<input type="radio"/>										
c. Meets personal commitments to team	<input type="radio"/>										
d. Encourages communication, collaboration and cooperation	<input type="radio"/>										
e. Celebrates successes	<input type="radio"/>										
f. Learns from mistakes	<input type="radio"/>										
g. Encourages and reinforces individual efforts	<input type="radio"/>										

Teamwork - Comments:

# Multi-Rater Feedback - City Attorney 2013 - 2014

## 4. Task Accomplishment

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Plans/prioritizes effectively	<input type="radio"/>										
b. Completes tasks and achieves goals	<input type="radio"/>										
c. Demonstrates initiative and innovation	<input type="radio"/>										
d. Provides high quality internal service	<input type="radio"/>										
e. Provides high quality external service	<input type="radio"/>										

Task Accomplishment - Comments:

# Multi-Rater Feedback - City Attorney 2013 - 2014

## 5. Leadership

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Motivates, trains and develops team members	<input type="radio"/>										
b. Performs well in stressful or challenging situations	<input type="radio"/>										
c. Works to improve processes and increase department efficiency	<input type="radio"/>										
d. Participates in City-wide initiatives as appropriate	<input type="radio"/>										
e. Seeks out feedback and accepts in a positive manner	<input type="radio"/>										
f. Takes specific initiative to achieve and maintain positive climate in department	<input type="radio"/>										
g. Is trusted by all levels of staff	<input type="radio"/>										
h. Is organized	<input type="radio"/>										
i. Resolves problems with long term benefits in mind	<input type="radio"/>										
j. Has effective oral communication skills	<input type="radio"/>										
k. Is a good, active listener	<input type="radio"/>										
l. Is open to new and innovative approaches	<input type="radio"/>										
m. Sensitive to demeanor and non-verbal communication	<input type="radio"/>										

Leadership - Comments:

# Multi-Rater Feedback - City Attorney 2013 - 2014



# Multi-Rater Feedback - City Attorney 2013 - 2014

## 6. Integrity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Behavior conforms to standards of ethics	<input type="radio"/>										
b. Does what is right regardless of personal consequences	<input type="radio"/>										
c. Exhibits trustworthiness and honesty	<input type="radio"/>										
d. Treats people fairly	<input type="radio"/>										
e. Maintains confidentiality	<input type="radio"/>										

Integrity - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014

## Feedback for: City Manager, Jane Brautigam

Using a scale where 1 = poor and 10 = excellent, please rate the City Manager in the following areas. Click the radio button that best describes the skill level. Please mark the "Unable to Rate" column if you feel unable to judge the skill listed.

### 1. Professional Competence

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Possesses relevant professional knowledge and skills of Public Administration	<input type="radio"/>										
b. Competently performs routine and new tasks	<input type="radio"/>										
c. Continues to develop professional proficiencies	<input type="radio"/>										
d. Maintains good working relationships with Council, staff and citizens	<input type="radio"/>										
e. Builds departmental and cross-departmental relationships	<input type="radio"/>										
f. Demonstrates varied facilitation, negotiation and conflict resolution skills	<input type="radio"/>										
g. Effectively uses technology within the organization	<input type="radio"/>										
h. Possesses and applies strong financial management and budgetary skills	<input type="radio"/>										

Professional Competence - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014

## 2. Respect for Diversity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Consistently treats others with courtesy, dignity and respect	<input type="radio"/>										
b. Acknowledges and respects human differences	<input type="radio"/>										
c. Values diverse points of view	<input type="radio"/>										
d. Encourages full participation	<input type="radio"/>										
e. Contributes to staff cohesiveness and morale	<input type="radio"/>										

Respect for Diversity - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014

## 3. Teamwork

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Fosters good teamwork	<input type="radio"/>										
b. Accepts and offers team direction	<input type="radio"/>										
c. Meets personal commitments to team	<input type="radio"/>										
d. Encourages communication, collaboration and cooperation	<input type="radio"/>										
e. Celebrates successes	<input type="radio"/>										
f. Learns from mistakes	<input type="radio"/>										
g. Encourages and reinforces individual efforts	<input type="radio"/>										

Teamwork - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014

## 4. Task Accomplishment

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Plans/prioritizes effectively	<input type="radio"/>										
b. Completes tasks and achieves goals	<input type="radio"/>										
c. Demonstrates initiative and innovation	<input type="radio"/>										
d. Provides high quality internal service	<input type="radio"/>										
e. Provides high quality external service	<input type="radio"/>										

Task Accomplishment - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014

## 5. Leadership

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Motivates, trains and develops team members	<input type="radio"/>										
b. Performs well in stressful or challenging situations	<input type="radio"/>										
c. Works to improve processes and increase department efficiency	<input type="radio"/>										
d. Participates in City-wide initiatives as appropriate	<input type="radio"/>										
e. Seeks out feedback and accepts in a positive manner	<input type="radio"/>										
f. Takes specific initiative to achieve and maintain positive climate in department	<input type="radio"/>										
g. Is trusted by all levels of staff	<input type="radio"/>										
h. Is organized	<input type="radio"/>										
i. Resolves problems with long term benefits in mind	<input type="radio"/>										
j. Has effective oral communication skills	<input type="radio"/>										
k. Is a good, active listener	<input type="radio"/>										
l. Is open to new and innovative approaches	<input type="radio"/>										
m. Sensitive to demeanor and non-verbal communication	<input type="radio"/>										

Leadership - Comments:

# Multi-Rater Feedback - City Manager 2013 - 2014



# Multi-Rater Feedback - City Manager 2013 - 2014

## 6. Integrity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Behavior conforms to standards of ethics	<input type="radio"/>										
b. Does what is right regardless of personal consequences	<input type="radio"/>										
c. Exhibits trustworthiness and honesty	<input type="radio"/>										
d. Treats people fairly	<input type="radio"/>										
e. Maintains confidentiality	<input type="radio"/>										

Integrity - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## Feedback for: Municipal Judge - Linda Cooke

Using a scale where 1 = poor and 10 = excellent, please rate the Municipal Judge in the following areas. Click the radio button that best describes the skill level. Please mark the "Unable to Rate" column if you feel unable to judge the skill listed.

### 1. Professional Competence

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Possesses relevant professional knowledge and skills of Public Administration	<input type="radio"/>										
b. Competently performs routine and new tasks	<input type="radio"/>										
c. Continues to develop professional proficiencies	<input type="radio"/>										
d. Maintains good working relationships with Council, staff and citizens	<input type="radio"/>										
e. Builds departmental and cross-departmental relationships	<input type="radio"/>										
f. Demonstrates varied facilitation, negotiation and conflict resolution skills	<input type="radio"/>										
g. Effectively uses technology within the organization	<input type="radio"/>										

Professional Competence - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## 2. Respect for Diversity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Consistently treats others with courtesy, dignity and respect	<input type="radio"/>										
b. Acknowledges and respects human differences	<input type="radio"/>										
c. Values diverse points of view	<input type="radio"/>										
d. Encourages full participation	<input type="radio"/>										

Respect for Diversity - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## 3. Teamwork

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Accepts and offers team direction when appropriate	<input type="radio"/>										
b. Encourages communication, collaboration and cooperation	<input type="radio"/>										
c. Celebrates successes	<input type="radio"/>										
d. Learns from mistakes	<input type="radio"/>										
e. Encourages and reinforces individual efforts	<input type="radio"/>										

Teamwork - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## 4. Task Accomplishment

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Plans/prioritizes effectively	<input type="radio"/>										
b. Completes tasks and achieves goals	<input type="radio"/>										
c. Demonstrates initiative and innovation	<input type="radio"/>										
d. Provides high quality internal service	<input type="radio"/>										
e. Provides high quality external service	<input type="radio"/>										

Task Accomplishment - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## 5. Leadership

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Performs well in stressful or challenging situations	<input type="radio"/>										
b. Participates in City-wide initiatives as appropriate	<input type="radio"/>										
c. Seeks out feedback and accepts in a positive manner	<input type="radio"/>										
d. Is organized	<input type="radio"/>										
e. Resolves problems with long term benefits in mind	<input type="radio"/>										
f. Has effective oral communication skills	<input type="radio"/>										
g. Is a good, active listener	<input type="radio"/>										
h. Is open to new and innovative approaches	<input type="radio"/>										
i. Sensitive to demeanor and non-verbal communication	<input type="radio"/>										

Leadership - Comments:

# Multi-Rater Feedback - Municipal Judge 2013-2014

## 6. Integrity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Behavior conforms to standards of ethics	<input type="radio"/>										
b. Does what is right regardless of personal consequences	<input type="radio"/>										
c. Exhibits trustworthiness and honesty	<input type="radio"/>										
d. Treats people fairly	<input type="radio"/>										
e. Maintains confidentiality	<input type="radio"/>										

Integrity - Comments:

# Court Staff Evaluation of Municipal Judge - Boulder 2013 -

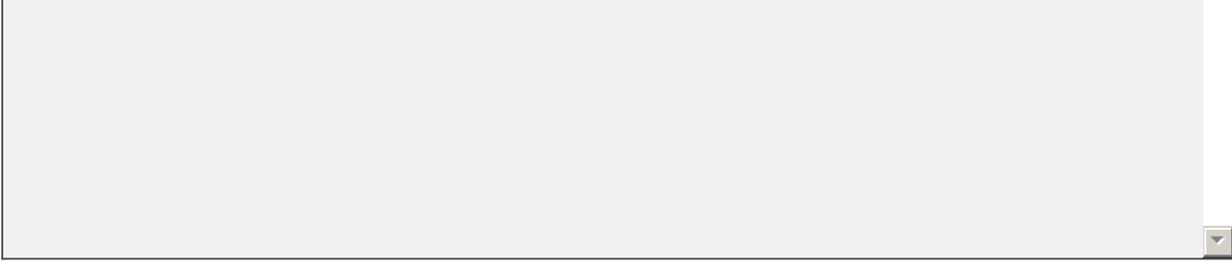
Please rate the judge's performance based on your personal experience. Using a scale where 1 = poor and 10 = excellent, please rate the Municipal Judge in the following areas. Click the radio button that best describes the skill level. Please mark the "Unable to Rate" column if you feel unable to judge the skill listed.

## \* 1. Integrity and Impartiality

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Avoids impropriety and the appearance of impropriety.	<input type="radio"/>										
b. Treats court personnel with dignity and respect.	<input type="radio"/>										
c. Treats litigants with dignity and respect.	<input type="radio"/>										
d. Treats attorneys with dignity and respect.	<input type="radio"/>										
e. Willingness to make difficult or unpopular decisions.	<input type="radio"/>										
f. Acts fairly by giving people individual consideration.	<input type="radio"/>										
g. Considers both sides of an argument before rendering a decision.	<input type="radio"/>										
h. Bases decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="radio"/>										
i. Keeps an open mind and considers all relevant issues in making decisions.	<input type="radio"/>										
j. Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="radio"/>										

If you answered 1,2,3, 4 or 5, please fill in the box below with why you believe the Judge acts with favor or disfavor to anyone based upon personal characteristics such as those listed above, Please list the characteristic(s) giving rise to your belief.

# Court Staff Evaluation of Municipal Judge - Boulder 2013 -



# Court Staff Evaluation of Municipal Judge - Boulder 2013 -

## \*2. Communication

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Uses clear and logical oral communication in court.	<input type="radio"/>										
b. Uses plain English and understandable language when speaking to prospective or seated jurors, litigants, and witnesses.	<input type="radio"/>										

Communication - comments

# Court Staff Evaluation of Municipal Judge - Boulder 2013 -

## \*3. Professionalism and Temperament

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Acts in a dignified manner.	<input type="radio"/>										
b. Treats people with courtesy.	<input type="radio"/>										
c. Acts with patience and self control.	<input type="radio"/>										
d. Works with pro se litigants and litigation fairly and effectively.	<input type="radio"/>										
e. Promotes public understanding of and confidence in the courts.	<input type="radio"/>										

Professionalism and Temperament - Comment

# Court Staff Evaluation of Municipal Judge - Boulder 2013 -

## \*4. Administrative Capacity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Is punctual and prepared for court.	<input type="radio"/>										
b. Maintains control over the courtroom, including courtroom personnel.	<input type="radio"/>										
c. Appropriately enforces court rules, orders, and deadlines.	<input type="radio"/>										
d. Makes decisions and rulings in a prompt, timely manner.	<input type="radio"/>										
e. Manages the court's docket efficiently.	<input type="radio"/>										
f. Fosters a productive work environment with other judges and court staff.	<input type="radio"/>										
g. Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.	<input type="radio"/>										

Administrative Capacity - Comments:

# Court Staff Evaluation of Municipal Judge - Boulder 2013 -

**5. Do you have additional comments, clarifications, or details related to either the items raised in this questionnaire or the judge's performance on the bench that you would like to provide? If so, please comment in the space below.**

# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## Feedback for: Municipal Judge - Linda Cooke

Please rate the judge's performance based on your personal experience. Using a scale where 1 = poor and 10 = excellent, please rate the Municipal Judge in the following areas. Click the radio button that best describes the skill level. Please mark the "Unable to Rate" column if you feel unable to judge the skill listed.

### \* 1. Legal Ability

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Legal reasoning ability.	<input type="radio"/>										
b. Knowledge of substantive law.	<input type="radio"/>										
c. Knowledge of rules of procedure and evidence.	<input type="radio"/>										
d. Keeps current on developments in substantive law and rules of procedure and evidence.	<input type="radio"/>										
e. Properly applies judicial precedents, statutes and other appropriate legal authorities.	<input type="radio"/>										

Legal Ability - Comments:

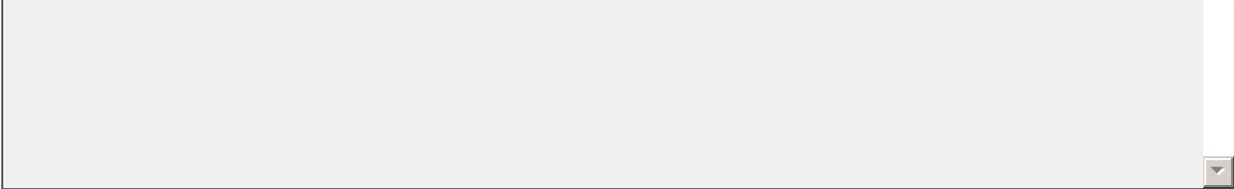
# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## \*2. Integrity and Impartiality

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Avoids impropriety and the appearance of impropriety.	<input type="radio"/>										
b. Treats all people with dignity and respect.	<input type="radio"/>										
c. Willingness to make difficult or unpopular decisions.	<input type="radio"/>										
d. Acts fairly by giving people individual consideration.	<input type="radio"/>										
e. Considers both sides of an argument before rendering a decision.	<input type="radio"/>										
f. Presents a neutral presence on the bench.	<input type="radio"/>										
g. Refrains from inappropriate ex parte communication.	<input type="radio"/>										
h. Bases decisions on the law and facts without regard to the identity of the parties or counsel.	<input type="radio"/>										
i. Keeps an open mind and considering all relevant issues in making decisions.	<input type="radio"/>										
j. Acts without favor or disfavor toward anyone, including but not limited to favor or disfavor based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status.	<input type="radio"/>										

If you answered 1,2,3, 4 or 5, please fill in the box below with why you believe the Judge acts with favor or disfavor to anyone based upon personal characteristics such as those listed above, Please list the characteristic(s) giving rise to your belief.

# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -



# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## \*3. Communication

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Uses clear and logical oral communication while in court.	<input type="radio"/>										
b. Uses plain English and understandable language when speaking to prospective or seated jurors, litigants, and witnesses.	<input type="radio"/>										
c. Prepares clear and logical written decisions and orders.	<input type="radio"/>										

Communication - comments

# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## \*4. Professionalism and Temperament

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Acts in a dignified manner.	<input type="radio"/>										
b. Treats people with courtesy, including attorneys, court staff, defendants and others.	<input type="radio"/>										
c. Is attentive to proceedings.	<input type="radio"/>										
d. Acts with patience and self control, demonstrates appropriate demeanor.	<input type="radio"/>										
e. When working with pro se litigants and litigation does so fairly and effectively.	<input type="radio"/>										
f. Has appropriate levels of empathy with the parties involved in proceeding.	<input type="radio"/>										
g. Promotes public understanding of and confidence in the courts.	<input type="radio"/>										

Professionalism and Temperament - Comment

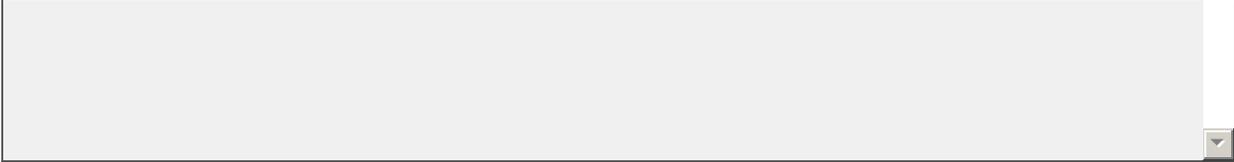
# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## \*5. Administrative Capacity

	Unable to rate	1 = poor	2	3	4	5	6	7	8	9	10=excellent
a. Is punctual for court.	<input type="radio"/>										
b. Is prepared for court.	<input type="radio"/>										
c. Maintains control over the courtroom.	<input type="radio"/>										
d. Appropriately enforces court rules, orders, and deadlines.	<input type="radio"/>										
e. Makes decisions and rulings in a prompt, timely manner.	<input type="radio"/>										
f. Manages the court's docket efficiently.	<input type="radio"/>										
g. Uses settlement conferences and alternative dispute resolution mechanisms as appropriate.	<input type="radio"/>										
h. Demonstrates appropriate innovation in the use of technology to improve the administration of justice.	<input type="radio"/>										
i. Fosters a productive work environment with other judges and court staff.	<input type="radio"/>										
j. Acts to ensure that disabilities and linguistic and cultural differences do not limit access to the justice system.	<input type="radio"/>										
k. Effectively manages cases.	<input type="radio"/>										
l. Offers to help fellow judges where appropriate; shares burden of court workload.	<input type="radio"/>										

Administrative Capacity - Comments:

# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -



# Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

## 6. How long have you been a practicing attorney?

- Less than 1 year
- 1-2 years
- 3-5 years
- 6-10 years
- 11-20 years
- More than 20 years

## 7. Which of the following areas of law best describe your practice (select up to 2 items)?

- Civil Tort - Defense
- Civil Tort - Plaintiff
- Criminal - Prosecution
- Commercial & General Civil
- Juvenile Offender or Dependency
- Domestic Relations/Family Law
- Estate/Probate
- Government Practice

Other (please specify)

## 8. Which of the following best describes your work setting?

- Prosecuting Attorney's Office
- Attorney General's Office
- Public Defender/Department of Assigned Counsel
- Legal Aid
- In House Corporate Counsel
- Private Practice

Other (please specify)

## Trial Attorney Evaluation of Municipal Judge - Boulder 2013 -

### 9. How many attorneys are employed by your firm?

- Sole Practitioner
- 2-5 Attorneys
- 6-10 Attorneys
- 11-20 Attorneys
- Greater than 20 Attorneys

### 10. How many times have you appeared in Judge Cooke's court over the past year?

- Never
- Once
- 2-3 times
- 4-10 times
- More than 10 times

### 11. Please provide any additional comments, clarifications, or details related to either the items raised in this questionnaire or the judge's performance on the bench in the space below.

## 2014 Council Employee Performance Evaluation

Evaluation Period: July 1, 2013– June 30, 2014

### City Attorney

**Part I Core Performance Factors**

**Name of Evaluator:**

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>PROFESSIONAL COMPETENCE:</b> Possesses and applies professional skills and knowledge; continues to develop proficiency; cultivates necessary relationships within and outside the City organization.</p>	0	<ul style="list-style-type: none"> <li>– Lacks professional knowledge to perform effectively.</li> <li>– Cannot apply basic skills.</li> <li>– Fails to develop professionally.</li> <li>– Flawed relationships with Council, Boards and Commissions, staff; grudging in responses to citizens.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Has thorough professional knowledge; keeps up with changes in the field, including mandatory continuing education.</li> <li>– Competently performs both routine and new tasks.</li> <li>– Steadily improves skills.</li> <li>– Maintains good working relationships with Council, Boards and Commissions, staff and citizens.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Extensive knowledge in field, recognized leader in field, sought after to solve difficult problems or to speak in field.</li> <li>– Exceptionally skilled, develops and executes innovative ideas.</li> <li>– Achieves advanced qualifications and pursues professional and personal development.</li> <li>– Maintains exemplary working relationships with Council, Boards and Commissions, staff and citizens.</li> <li>– Keeps current on issues, laws, policies and trends in his/her field and smoothly implements changes.</li> </ul>
<p><b>RESPECT FOR DIVERSITY:</b> Acknowledges and respects human differences; values diverse points of view; encourages full participation; fosters fairness; nurtures dignity and respect for self and others.</p>	0	<ul style="list-style-type: none"> <li>– Displays personal bias or engages in harassment.</li> <li>– Tolerates bias, unfairness or harassment in subordinates.</li> <li>– Lacks respect for diversity objectives.</li> <li>– Disregards the rights of others; treats others with disrespect.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Consistently treats others with courtesy, dignity and respect.</li> <li>– Does not condone bias or harassment in or outside of workplace.</li> <li>– Supports diversity objectives.</li> <li>– Contributes to staff cohesiveness and morale.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Admired for fairness and respectful treatment of all.</li> <li>– Ensures a climate of fairness and respect for human worth.</li> <li>– Pro-active leader who achieves concrete diversity objectives.</li> <li>– Leader and model contributor to staff cohesiveness and morale.</li> </ul>
<p><b>TASK ACCOMPLISHMENT:</b> Takes initiative; plans, prioritizes and achieves goals; fosters responsiveness to goals; nurtures service excellence.</p>	0	<ul style="list-style-type: none"> <li>– Lacks initiative.</li> <li>– Unable to plan or prioritize.</li> <li>– Does not maintain good service levels.</li> <li>– Fails to get the job done.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Takes initiative to meet goals.</li> <li>– Plans/ prioritizes effectively.</li> <li>– Provides high quality services.</li> <li>– Always gets the job done.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Develops innovative ways to accomplish mission and goals.</li> <li>– Plans/ /prioritizes with exceptional skill and foresight.</li> <li>– Delivers superior services, even with limited resources.</li> <li>– Gets jobs done earlier and far better than expected</li> </ul>

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>TEAMWORK:</b> Builds teams; contributes to team results; encourages open communication, collaboration and cooperation; learns from mistakes, celebrates successes; encourages individuals to contribute fully and be responsible for their actions.</p>	0	<ul style="list-style-type: none"> <li>- Creates conflict, unwilling to work with others, puts self above team.</li> <li>- Fails to foster team goals; does not understand teamwork techniques.</li> <li>- Does not take direction well.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Reinforces others' efforts, meets personal commitments to team.</li> <li>- Fosters good teamwork.</li> <li>- Accepts and offers team direction.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Team builder, inspires cooperation and progress.</li> <li>- Talented mentor. Focuses goals and techniques for team.</li> <li>- Excels at accepting and offering team direction.</li> </ul>
<p><b>LEADERSHIP:</b> Organizes, motivates and develops employees to accomplish goals; balances work and personal goals; takes responsibility for own decisions and actions; is sensitive to the values and needs of others; effectively supervises subordinates; runs a healthy, accountable department; works to improve processes; sets specific and reasonable goals for self and staff, participates in city-wide initiatives.</p>	0	<ul style="list-style-type: none"> <li>- Fails to motivate, train or develop subordinates.</li> <li>- Lacks ability to cope with or tolerate stress.</li> <li>- Inadequate communicator.</li> <li>- Tolerates hazards or unsafe practices.</li> <li>- Does not provide sufficient or timely guidance to subordinates.</li> <li>- Fails to set specific, achievable goals for self and employees.</li> <li>- Does not or grudgingly participates in broader City matters.</li> <li>- Does not respect employees.</li> <li>- Refuses to accept criticism and initiate change.</li> <li>- Acts politically protective of resources and personnel; does not take into account the greater good of the City.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Effectively motivates, trains and develops subordinates.</li> <li>- Organizes successfully, solves problems as they occur.</li> <li>- Sets and achieves useful, realistic goals.</li> <li>- Performs well in stressful situations.</li> <li>- Clear, timely communicator.</li> <li>- Ensures safety.</li> <li>- Routinely works with subordinates to improve their performance.</li> <li>- Employees are evaluated on time and are reasonably happy with their jobs.</li> <li>- Actively participates in and supports broader City initiatives.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Inspiring motivator and trainer, consistently builds winners; respects employees and their work yet holds employees accountable.</li> <li>- Superb organizer, great foresight, gets ahead of problems.</li> <li>- Leadership achievements dramatically further Council goals.</li> <li>- Perseveres through the toughest challenges and inspires others.</li> <li>- Exceptional communicator.</li> <li>- Makes subordinates safety-conscious, maintains safety in the workplace.</li> <li>- Consistently improves the professional performance of subordinates.</li> <li>- Takes specific initiative to improve the employment climate in department.</li> <li>- Seeks out feedback; embraces change.</li> <li>- Initiates broad City initiatives to create a healthy work atmosphere in the City.</li> <li>- Dramatically improves working conditions and efficiency of the department.</li> </ul>

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<b>INTEGRITY:</b> Trustworthy; is honest in dealing with all individuals; treats people fairly; does what is right regardless of personal consequences; behavior conforms to standards of ethics.	0	Fails to live up to one or more of the listed standards of integrity  1 2	3 4	Consistently lives up to all of the listed standards of integrity  5 6	7 8	Is a role model for others in how to live up to the standards of integrity.  9 10

**Part I CORE PERFORMANCE FACTOR COMMENTS** Please provide specific examples.

## Part II Job Specific Performance Factors

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<b>RELATIONSHIP WITH CLIENTS:</b> Maintains appropriate professional relationships with wide range of clients.	0	<ul style="list-style-type: none"> <li>-Is uncomfortable to be with.</li> <li>-Causes others to use caution to avoid offending or angering.</li> <li>-Is distrustful and breeds distrust in others.</li> <li>-Violates confidences and confidentiality.</li> <li>-Inserts personal opinions into professional advice.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Is generally trusted, trusting, supportive of policy direction, contributive of overall goals.</li> <li>-Most clients feel comfortable requesting and receiving assistance.</li> <li>-Engenders trust and respect.</li> <li>-Maintains confidences and confidentiality.</li> <li>-Is reasonably fair and objective in dealing with persons representing all sides of an issue.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Is consistently trusted, trusting, supportive of policy direction, contributive of overall goals.</li> <li>-Wide range of clients find consistently comfortable to be with.</li> <li>-Engenders trust and respect.</li> <li>-Maintains confidences and confidentiality.</li> <li>-Is extremely fair and objective in dealing with persons representing all sides of an issue.</li> </ul>
<b>FACILITATION AND NEGOTIATION:</b> Manages group interactions on behalf of the City.	0	<ul style="list-style-type: none"> <li>-Disrupts group process and reinforces divisiveness and distrust.</li> <li>-People resent destructive behavior and tend to exclude him/her.</li> <li>-Tends to break down group consensus.</li> <li>-Inconsistent.</li> <li>-Handles conflict poorly.</li> <li>-Lacks tact and diplomacy.</li> <li>-Decisions are based on poor understanding of municipal law and poor analysis.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Is an asset to group problem-solving processes.</li> <li>-Breaks down barriers and helps people work better together.</li> <li>-Takes constructive approaches in most cases</li> <li>-Manages reasonable levels of conflict well</li> <li>-Generally exhibits tact and diplomacy</li> <li>-Decisions are founded in a good understanding of municipal law and good analysis.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-A natural group leader.</li> <li>-Peers look to him/her for help in solving problems.</li> <li>-Consistently constructive.</li> <li>-Helpful without expecting personal recognition or gain.</li> <li>-Is instrumental in building group consensus.</li> <li>-Works well with others, and is consistent in the message given to all.</li> <li>-Handles serious conflict well.</li> <li>-Consistently exhibits tact and diplomacy.</li> <li>-Decisions are based on thorough knowledge of the law and analysis which is thorough and based on sound and reliable research and interpretation.</li> </ul>

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<b>DECISION MAKING UNDER STRESS:</b> Makes sound, quick legal decisions; able to clarify points without consulting legal sources; Good on feet.	0	<ul style="list-style-type: none"> <li>-Falls to pieces; has to be helped.</li> <li>-Cannot deal with complexity of decisions</li> <li>- Avoids coming to grips with situations.</li> <li>-“Ducks” difficult issues if possible; avoids them or pushes them off on others.</li> <li>-Tentative and indecisive.</li> <li>-Pedestrian thinking.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Generally able to provide legal advice under pressure.</li> <li>-Good at dealing with reasonably complex issues.</li> <li>-Needs only occasional assistance or reference to sources to respond to requests for quick decisions.</li> <li>-Reasonably cautious, reasonably courageous.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Keeps head when others are losing theirs.</li> <li>-Makes best decisions under stress.</li> <li>-Courageous.</li> <li>-Resolute.</li> <li>-Faces up to difficult issues and deals effectively with them.</li> <li>-Self-motivated and confident.</li> <li>-Creative thinking.</li> </ul>
<b>COMMUNITY AWARENESS:</b> Engages in community outreach; looks for opportunities to nurture and expand programs to benefit the populace.	0	<ul style="list-style-type: none"> <li>-Grudgingly responds to citizens.</li> <li>-Insular, unresponsive, delayed and unprepared for predictable or foreseeable outcomes of decisions impacting communities.</li> <li>-Disconnected.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>--Responsive, timely to community requests for information.</li> <li>-Uses data to serve communities.</li> <li>-Meets minimum community obligations.</li> <li>-Uses existing methods to remain aware.</li> <li>-Holds membership in community/municipal professional associations.</li> <li>-Responds to requests from community to speak, inform, educate.</li> <li>-Attends regular meetings with community stakeholders in neighborhoods, companies and, non-profits.</li> <li>-Subscribes to municipal community development publications and media.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Engaged, participative, pro-active, strategic, anticipates.</li> <li>-Independently researches and offers options/alternatives.</li> <li>-Seeks out hidden/ underserved groups and solicits input.</li> <li>-Maintains effective relationships with key community leaders and leverages them to build consensus and achieve objectives.</li> <li>-Develops innovative ways to maintain awareness and expand community connection to the office.</li> <li>-Evaluates current awareness methods/ tools/ expectations and seeks to improve them on a continuous basis.</li> <li>-Serves as a model to staff encouraging their community involvement.</li> </ul>

**Part II JOB SPECIFIC PERFORMANCE COMMENTS: Please provide specific examples.**

## 2014 Council Employee Performance Evaluation

Evaluation Period: July 1, 2013 – June 30, 2014

### City Manager

#### Part I Core Performance Factors

Name of evaluator:

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>PROFESSIONAL COMPETENCE:</b> Possesses and applies professional skills and knowledge; continues to develop proficiency; cultivates necessary relationships within and outside the City organization.</p>	0	<ul style="list-style-type: none"> <li>- Lacks professional knowledge to perform effectively.</li> <li>- Cannot apply basic skills.</li> <li>- Fails to develop professionally.</li> <li>- Flawed relationships with Council, Boards and Commissions, staff; grudging in responses to citizens.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Has thorough professional knowledge; keeps up with changes in the field, including mandatory continuing education.</li> <li>- Competently performs both routine and new tasks.</li> <li>- Steadily improves skills.</li> <li>- Maintains good working relationships with Council, Boards and Commissions, staff and citizens.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Extensive knowledge in field, recognized leader in field, sought after to solve difficult problems or to speak in field.</li> <li>- Exceptionally skilled, develops and executes innovative ideas.</li> <li>- Achieves advanced qualifications and pursues professional and personal development.</li> <li>- Maintains exemplary working relationships with Council, Boards and Commissions, staff and citizens.</li> <li>- Keeps current on issues, policies, laws and trends in his/her field and smoothly implements changes.</li> </ul>
<p><b>RESPECT FOR DIVERSITY:</b> Acknowledges and respects human differences; values diverse points of view; encourages full participation; fosters fairness; nurtures dignity and respect for self and others.</p>	0	<ul style="list-style-type: none"> <li>- Displays personal bias or engages in harassment.</li> <li>- Tolerates bias, unfairness or harassment in subordinates.</li> <li>- Lacks respect for diversity objectives.</li> <li>- Disregards the rights of others; treats others with disrespect.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Consistently treats others with courtesy, dignity and respect.</li> <li>- Does not condone bias or harassment in or outside of workplace.</li> <li>- Supports diversity objectives.</li> <li>- Contributes to staff cohesiveness and morale.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Admired for fairness and respectful treatment of all.</li> <li>- Ensures a climate of fairness and respect for human worth.</li> <li>- Pro-active leader who achieves concrete diversity objectives.</li> <li>- Leader and model contributor to staff cohesiveness and morale.</li> </ul>
<p><b>TEAMWORK:</b> Builds teams; contributes to team results; encourages open communication, collaboration and cooperation; learns from mistakes, celebrates successes; encourages individuals to contribute fully and be responsible for their actions.</p>	0	<ul style="list-style-type: none"> <li>- Creates conflict, unwilling to work with others, puts self above team.</li> <li>- Fails to foster team goals; does not understand teamwork techniques.</li> <li>- Does not take direction well.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Reinforces others' efforts, meets personal commitments to team.</li> <li>- Fosters good teamwork.</li> <li>- Accepts and offers team direction.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Team builder, inspires cooperation and progress.</li> <li>- Talented mentor, focuses goals and techniques for team.</li> <li>- Excels at accepting and offering team direction.</li> </ul>

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>TASK ACCOMPLISHMENT:</b> Takes initiative; plans, prioritizes and achieves goals; fosters responsiveness to goals; nurtures service excellence.</p>	0	<ul style="list-style-type: none"> <li>- Lacks initiative.</li> <li>- Unable to plan or prioritize.</li> <li>- Does not maintain good service levels.</li> <li>- Fails to get the job done.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Takes initiative to meet goals.</li> <li>- Plans/ prioritizes effectively.</li> <li>- Provides high quality services.</li> <li>- Always gets the job done.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Develops innovative ways to accomplish mission and goals.</li> <li>- Plans/ /prioritizes with exceptional skill and foresight.</li> <li>- Delivers superior services, even with limited resources.</li> <li>- Gets jobs done earlier and far better than expected</li> </ul>
<p><b>LEADERSHIP:</b> Organizes, motivates and develops employees to accomplish goals; balances work and personal goals; takes responsibility for own decisions and actions; is sensitive to the values and needs of others; effectively supervises subordinates; runs a healthy, accountable department; works to improve processes; sets specific and reasonable goals for self and staff, participates in city-wide initiatives.</p>	0	<ul style="list-style-type: none"> <li>- Fails to motivate, train or develop subordinates.</li> <li>- Lacks ability to cope with or tolerate stress.</li> <li>- Inadequate communicator.</li> <li>- Tolerates hazards or unsafe practices.</li> <li>- Does not provide sufficient or timely guidance to subordinates.</li> <li>- Fails to set specific, achievable goals for self and employees.</li> <li>- Does not or grudgingly participates in broader City matters.</li> <li>- Does not respect employees.</li> <li>- Refuses to accept criticism and initiate change.</li> <li>- Acts politically protective of resources and personnel; does not take into account the greater good of the City.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Effectively motivates, trains and develops subordinates.</li> <li>- Organizes successfully, solves problems as they occur.</li> <li>- Sets and achieves useful, realistic goals.</li> <li>- Performs well in stressful situations.</li> <li>- Clear, timely communicator.</li> <li>- Ensures safety.</li> <li>- Routinely works with subordinates to improve their performance.</li> <li>- Employees are evaluated on time and are reasonably happy with their jobs.</li> <li>- Actively participates in and supports broader City initiatives.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Inspiring motivator and trainer, consistently builds winners; respects employees and their work yet holds employees accountable.</li> <li>- Superb organizer, great foresight, gets ahead of problems.</li> <li>- Leadership achievements dramatically further Council goals.</li> <li>- Perseveres through the toughest challenges and inspires others.</li> <li>- Exceptional communicator.</li> <li>- Makes subordinates safety-conscious, maintains safety in the workplace.</li> <li>- Consistently improves the professional performance of subordinates.</li> <li>- Takes specific initiative to improve the employment climate in department.</li> <li>- Seeks out feedback; embraces change.</li> <li>- Initiates broad City initiatives to create a healthy work atmosphere in the City.</li> <li>- Dramatically improves working conditions and efficiency of the department.</li> </ul>
<p><b>INTEGRITY:</b> Trustworthy; is honest in dealing with all individuals; treats people fairly; does what is right regardless of personal consequences; behavior conforms to standards of ethics.</p>	0	Fails to live up to one or more of the listed standards of integrity	3 4	Consistently lives up to all of the listed standards of integrity	7 8	Is a role model for others in how to live up to the standards of integrity

**Part I CORE PERFORMANCE FACTOR COMMENTS** Please provide specific examples.

**Part II Job Specific Performance Factors**

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<p><b>FACILITATION AND NEGOTIATION:</b> Manages group interactions on behalf of the City.</p>	0	<ul style="list-style-type: none"> <li>-Disrupts group process and reinforces divisiveness and distrust.</li> <li>-People resent destructive behavior and tend to exclude him/her.</li> <li>-Tends to break down group consensus.</li> <li>-Inconsistent.</li> <li>-Handles conflict poorly.</li> <li>-Lacks tact and diplomacy.</li> <li>-Decisions are based on poor understanding of municipal policy and poor analysis.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Is an asset to group problem-solving processes.</li> <li>-Breaks down barriers and helps people work better together.</li> <li>-Takes constructive approaches in most cases</li> <li>-Manages reasonable levels of conflict well</li> <li>-Generally exhibits tact and diplomacy</li> <li>-Decisions are founded in a good understanding of municipal policy and good analysis.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-A natural group leader.</li> <li>-Peers look to him/her for help in solving problems.</li> <li>-Consistently constructive.</li> <li>-Helpful without expecting personal recognition or gain.</li> <li>-Is instrumental in building group consensus.</li> <li>-Works well with others, and is consistent in the message given to all.</li> <li>-Handles serious conflict well.</li> <li>-Consistently exhibits tact and diplomacy.</li> <li>-Decisions are based on thorough knowledge of policy and analysis which is thorough and based on sound and reliable research and interpretation.</li> </ul>
<p><b>DECISION MAKING UNDER STRESS:</b> Makes sound, quick decisions; able to clarify points without consulting sources; good on feet.</p>	0	<ul style="list-style-type: none"> <li>-Falls to pieces; has to be helped.</li> <li>-Cannot deal with complexity of decisions</li> <li>- avoids coming to grips with situations.</li> <li>-“Ducks” difficult issues if possible; avoids them or pushes them off on others.</li> <li>-Tentative and indecisive.</li> <li>-Pedestrian thinking.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Generally able to provide policy advice under pressure.</li> <li>-Good at dealing with reasonably complex issues.</li> <li>-Needs only occasional assistance or reference to sources to respond to requests for quick decisions.</li> <li>-Reasonably cautious, reasonably courageous.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Keeps head when others are losing theirs.</li> <li>-Makes best decisions under stress.</li> <li>-Courageous.</li> <li>-Resolute.</li> <li>-Faces up to difficult issues and deals effectively with them.</li> <li>-Self-motivated and confident.</li> <li>-Creative thinking.</li> </ul>

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<p><b>COMMUNITY AWARENESS</b> Engages in community outreach; looks for opportunities to nurture and expand programs to benefit the populace.</p>	<p>0</p>	<p>-Grudgingly responds to citizens. -Insular, unresponsive, delayed and unprepared for predictable or foreseeable outcomes of decisions impacting communities. -Disconnected.</p> <p>1 2</p>	<p>3 4</p>	<p>-Responsive, timely to community requests for information. -Uses data to serve communities. -Meets minimum community obligations. -Uses existing methods to remain aware. -Holds membership in community/municipal professional associations. -Responds to requests from community to speak, inform, educate. -Attends regular meetings with community stakeholders in neighborhoods, companies and, non-profits. -Subscribes to municipal community development publications and media.</p> <p>5 6</p>	<p>7 8</p>	<p>-Engaged, participative, pro-active, strategic, anticipates. -Independently researches and offers options/alternatives. -Seeks out hidden/ underserved groups and solicits input. -Maintains effective relationships with key community leaders and leverages them to build consensus and achieve objectives. -Develops innovative ways to maintain awareness and expand community connection to the office. -Evaluates current awareness methods/ tools/ expectations and seeks to improve them on a continuous basis. -Serves as a model to staff encouraging their community involvement.</p> <p>9 10</p>

**Part II JOB SPECIFIC PERFORMANCE FACTOR COMMENTS** Please provide specific examples.

**2014 Council Employee Performance Evaluation**  
**Form** Evaluation Period: July 1, 2013 – June 30, 2014  
**Municipal Court Judge**

**Part I Core Performance Factors**

Name of evaluator:

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>PROFESSIONAL COMPETENCE:</b>  Possesses and applies professional skills and knowledge; continues to develop proficiency; cultivates necessary relationships within and outside the City organization.</p>	0	<ul style="list-style-type: none"> <li>– Lacks professional knowledge to perform effectively.</li> <li>– Cannot apply basic skills.</li> <li>– Fails to develop professionally.</li> <li>– Flawed relationships with Council, Boards and Commissions, staff; grudging in responses to citizens.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Has thorough professional knowledge; keeps up with changes in the field, including mandatory continuing education.</li> <li>– Competently performs both routine and new tasks.</li> <li>– Steadily improves skills.</li> <li>– Maintains good working relationships with Council, Boards and Commissions, staff and citizens.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Extensive knowledge in field, recognized leader in field, sought after to solve difficult problems or to speak in field.</li> <li>– Exceptionally skilled, develops and executes innovative ideas.</li> <li>– Achieves advanced qualifications and pursues professional and personal development.</li> <li>– Maintains exemplary working relationships with Council, Boards and Commissions, staff and citizens.</li> <li>– Keeps current on issues, laws, policies and trends in his/her field and smoothly implements changes.</li> </ul>
<p><b>RESPECT FOR DIVERSITY:</b>  Acknowledges and respects human differences; values diverse points of view; encourages full participation; fosters fairness; nurtures dignity and respect for self and others.</p>	0	<ul style="list-style-type: none"> <li>– Displays personal bias or engages in harassment.</li> <li>– Tolerates bias, unfairness or harassment in subordinates.</li> <li>– Lacks respect for diversity objectives.</li> <li>– Disregards the rights of others; treats others with disrespect.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Consistently treats others with courtesy, dignity and respect.</li> <li>– Does not condone bias or harassment in or outside of workplace.</li> <li>– Supports diversity objectives.</li> <li>– Contributes to staff cohesiveness and morale.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Admired for fairness and respectful treatment of all.</li> <li>– Ensures a climate of fairness and respect for human worth.</li> <li>– Pro-active leader who achieves concrete diversity objectives.</li> <li>– Leader and model contributor to staff cohesiveness and morale.</li> </ul>
<p><b>TEAMWORK:</b> Builds teams; contributes to team results; encourages open communication, collaboration and cooperation; learns from mistakes, celebrates successes; encourages individuals to contribute fully and be responsible for their actions.</p>	0	<ul style="list-style-type: none"> <li>– Creates conflict, unwilling to work with others, puts self above team.</li> <li>– Fails to foster team goals; does not understand teamwork techniques.</li> <li>– Does not take direction well.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>– Reinforces others' efforts, meets personal commitments to team.</li> <li>– Fosters good teamwork.</li> <li>– Accepts and offers team direction.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>– Team builder, inspires cooperation and progress.</li> <li>– Talented mentor, focuses goals and techniques for team.</li> <li>– Excels at accepting and offering team direction.</li> </ul>

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<p><b>TASK ACCOMPLISHMENT:</b> Takes initiative; plans, prioritizes and achieves goals; fosters responsiveness to goals; nurtures service excellence.</p>	0	<ul style="list-style-type: none"> <li>- Lacks initiative.</li> <li>- Unable to plan or prioritize.</li> <li>- Does not maintain good service levels.</li> <li>- Fails to get the job done.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Takes initiative to meet goals.</li> <li>- Plans/ prioritizes effectively.</li> <li>- Provides high quality services.</li> <li>- Always gets the job done.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Develops innovative ways to accomplish mission and goals.</li> <li>- Plans/ /prioritizes with exceptional skill and foresight.</li> <li>- Delivers superior services, even with limited resources.</li> <li>- Gets jobs done earlier and far better than expected</li> </ul>
<p><b>LEADERSHIP:</b> Organizes, motivates and develops employees to accomplish goals; balances work and personal goals; takes responsibility for own decisions and actions; is sensitive to the values and needs of others; effectively supervises subordinates; runs a healthy, accountable department; works to improve processes; sets specific and reasonable goals for self and staff, participates in city-wide initiatives.</p>	0	<ul style="list-style-type: none"> <li>- Fails to motivate, train or develop subordinates.</li> <li>- Lacks ability to cope with or tolerate stress.</li> <li>- Inadequate communicator.</li> <li>- Tolerates hazards or unsafe practices.</li> <li>- Does not provide sufficient or timely guidance to subordinates.</li> <li>- Fails to set specific, achievable goals for self and employees.</li> <li>- Does not or grudgingly participates in broader City matters.</li> <li>- Does not respect employees.</li> <li>- Refuses to accept criticism and initiate change.</li> <li>- Acts politically protective of resources and personnel; does not take into account the greater good of the City.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Effectively motivates, trains and develops subordinates.</li> <li>- Organizes successfully, solves problems as they occur.</li> <li>- Sets and achieves useful, realistic goals.</li> <li>- Performs well in stressful situations.</li> <li>- Clear, timely communicator.</li> <li>- Ensures safety.</li> <li>- Routinely works with subordinates to improve their performance.</li> <li>- Employees are evaluated on time and are reasonably happy with their jobs.</li> <li>- Actively participates in and supports broader City initiatives.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Inspiring motivator and trainer, consistently builds winners; respects employees and their work yet holds employees accountable.</li> <li>- Superb organizer, great foresight, gets ahead of problems.</li> <li>- Leadership achievements dramatically further Council goals.</li> <li>- Perseveres through the toughest challenges and inspires others.</li> <li>- Exceptional communicator.</li> <li>- Makes subordinates safety-conscious, maintains safety in the workplace.</li> <li>- Consistently improves the professional performance of subordinates.</li> <li>- Takes specific initiative to improve the employment climate in department.</li> <li>- Seeks out feedback; embraces change.</li> <li>- Initiates broad City initiatives to create a healthy work atmosphere in the City.</li> <li>- Dramatically improves working conditions and efficiency of the department.</li> </ul>

CORE PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standard
<b>INTEGRITY:</b> Trustworthy; is honest in dealing with all individuals; treats people fairly; does what is right regardless of personal consequences; behavior conforms to standards of ethics.	0	Fails to live up to one or more of the listed standards of integrity  1 2	3 4	Consistently lives up to all of the listed standards of integrity  5 6	7 8	Is a role model for others in how to live up to the standards of integrity  9 10

**Part I CORE PERFORMANCE FACTOR COMMENTS:**

**Part II Job Specific Performance Factors**

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<p><b>IMPARTIALITY:</b> Displays fairness and impartiality in rulings; makes decisions without regard to outside influences; treats all individuals equally regardless of race, gender, age or other factors.</p>	0	<ul style="list-style-type: none"> <li>-Is uncomfortable to be with.</li> <li>-Causes others to use caution to avoid offending or angering.</li> <li>-Is distrustful and breeds distrust in others.</li> <li>-Violates confidences and confidentiality.</li> <li>-Inserts personal opinions into professional advice.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Is generally trusted, trusting, supportive of policy direction, contributive of overall goals.</li> <li>-Most clients feel comfortable requesting and receiving assistance.</li> <li>-Engenders trust and respect.</li> <li>-Maintains confidences and confidentiality.</li> <li>-Is reasonably fair and objective in dealing with persons representing all sides of an issue.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Is consistently trusted, trusting, supportive of policy direction, contributive of overall goals.</li> <li>-Wide range of clients find consistently comfortable to be with.</li> <li>-Engenders trust and respect.</li> <li>-Maintains confidences and confidentiality.</li> <li>-Is extremely fair and objective in dealing with persons representing all sides of an issue.</li> </ul>
<p><b>JUDICIAL DEMEANOR:</b> Displays a courteous and professional demeanor; conforms to the judicial code of ethics; communicates court processes and rulings.</p>	0	<ul style="list-style-type: none"> <li>-Disrupts group process and reinforces divisiveness and distrust.</li> <li>-People resent destructive behavior and tend to exclude him/her.</li> <li>-Tends to break down group consensus.</li> <li>-Inconsistent.</li> <li>-Handles conflict poorly.</li> <li>-Lacks tact and diplomacy.</li> <li>-Decisions are based on poor understanding of municipal law and poor analysis.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Is an asset to group problem-solving processes.</li> <li>-Breaks down barriers and helps people work better together.</li> <li>-Takes constructive approaches in most cases</li> <li>-Manages reasonable levels of conflict well</li> <li>-Generally exhibits tact and diplomacy</li> <li>-Decisions are founded in a good understanding of municipal law and good analysis.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-A natural group leader.</li> <li>-Peers look to him/her for help in solving problems.</li> <li>-Consistently constructive.</li> <li>-Helpful without expecting personal recognition or gain.</li> <li>-Is instrumental in building group consensus.</li> <li>-Works well with others, and is consistent in the message given to all.</li> <li>-Handles serious conflict well.</li> <li>-Consistently exhibits tact and diplomacy.</li> <li>-Decisions are based on thorough knowledge of the law and analysis which is thorough and based on sound and reliable research and interpretation.</li> </ul>

JOB SPECIFIC PERFORMANCE FACTORS	0 Cannot Rate/ Not Observed	1-2 Below Standard	3-4 Slightly Below Standard	5-6 Meets Standard	7-8 Slightly Exceeds Standard	9-10 Exceeds Standards
<p><b>COMMUNITY AWARENESS:</b> Engages in community outreach; uses the courtroom as a forum for public education; looks for opportunities to nurture and expand programs to benefit the populace.</p>	0	<ul style="list-style-type: none"> <li>-Grudgingly responds to citizens.</li> <li>-Insular, unresponsive, delayed and unprepared for predictable or foreseeable outcomes of decisions impacting communities.</li> <li>-Disconnected.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>-Responsive, timely to community requests for information.</li> <li>-Uses data to serve communities.</li> <li>-Meets minimum community obligations.</li> <li>-Uses existing methods to remain aware.</li> <li>-Holds membership in community/municipal professional associations.</li> <li>-Responds to requests from community to speak, inform, educate.</li> <li>-Attends regular meetings with community stakeholders in neighborhoods, companies and, non-profits.</li> <li>-Subscribes to municipal community development publications and media.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>-Engaged, participative, pro-active, strategic, anticipates.</li> <li>-Independently researches and offers options/alternatives.</li> <li>-Seeks out hidden/ underserved groups and solicits input.</li> <li>-Maintains effective relationships with key community leaders and leverages them to build consensus and achieve objectives.</li> <li>-Develops innovative ways to maintain awareness and expand community connection to the office.</li> <li>-Evaluates current awareness methods/ tools/ expectations and seeks to improve them on a continuous basis.</li> <li>-Serves as a model to staff encouraging their community involvement.</li> </ul>
<p><b>COURTROOM/CASE MANAGEMENT:</b> Appears for court on time; maintains control in the courtroom; rules on cases, motions within a reasonable period of time; courtroom time is used efficiently</p>	0	<ul style="list-style-type: none"> <li>- Fails to maintain control of the courtroom.</li> <li>- Fails to rule on matters in a timely manner.</li> <li>- Often late for court docket.</li> <li>- Inefficient in use of court time.</li> </ul>	3 4	<ul style="list-style-type: none"> <li>- Punctual.</li> <li>- Maintains control in the courtroom.</li> <li>- Rulings are made in a reasonable period of time.</li> <li>- Uses court time efficiently.</li> </ul>	7 8	<ul style="list-style-type: none"> <li>- Regularly prepares for court in advance.</li> <li>- Reliably prompt in making rulings.</li> <li>- Demonstrates initiative by seeking improved efficiency in court.</li> <li>- Consistently identifies and addresses inappropriate behavior in court, using contempt powers if necessary.</li> </ul>

**Part II JOB SPECIFIC PERFORMANCE COMMENTS:**

### City Manager Salaries - July, 2014

Organization	Population	Annual Actual Salary	Date of Last Pay Increase	City Paid Deferred Comp.	Annual Car Allowance	Annual Bonus Amount	Total Comp.*	# of Employees Managed	Years in Current Position	Vacation Days per Year
Arvada	107,700	\$206,769	6/30/14	\$0	\$6,600	\$0	\$213,369	675	3.6	18
Aurora	332,354	\$189,652	1/1/14	\$22,000	Car*	\$0	\$211,652	2,610	3	13
Colorado Springs	436,000	No Match**								
Denver	634,265	No Match**								
Fort Collins	143,986	\$237,708	1/6/14	\$30,902	\$9,000	\$0	\$277,610	1,293	9	35
Greeley	95,000	\$182,954	3/1/14	\$0	\$6,000	\$0	\$188,954	859	9	23
Lakewood	145,596	\$206,440	3/30/14	\$23,000	\$10,210	\$0	\$239,650	1,888	4	20
Longmont	90,219	\$178,500	4/15/13	\$10,000	\$5,000	\$4,375	\$197,875	812	2	15
Loveland	72,846	\$174,990	12/14/13	\$0	\$6,000	\$0	\$180,990	763	3.8	20
Thornton	122,820	\$212,158	12/29/13	\$0	\$6,600	\$10,035	\$228,793	829	29	30
Westminster	107,967	\$203,352	1/1/14	\$23,000	\$9,000	\$0	\$235,352	1,932	13	17.4***
<b>Average:</b>		<b>\$199,169</b>					<b>\$219,361</b>			<b>22</b>
<b>Boulder</b>	103,650	<b>\$208,630</b>	6/24/13	\$0	\$0	\$0	<b>\$208,630</b>	1,250	5.7	<b>29</b>

\*Total Compensation - includes salary, deferred compensation, car allowance and bonus. (Aurora - excludes value of car)

\*\*Colorado Springs, Denver - No City Manager; have a strong-mayor form of government.

\*\*\*Westminster - 10 hour days, 174 total hours

Note: "City Paid Deferred Comp." refers to compensation deferred into the future for certain employees beyond that provided to all employees. For example, the City pays 13.7% of employees' salaries toward a pension and the employee pays 8%. If the City chooses to pay the employee portion for selected employees (8%) that would be considered additional, deferred compensation for the employee. Since the City contributes 13.7% towards all employees, that amount is not considered deferred compensation.

### City Attorney Salaries - July, 2014

Organization	Population	Annual Actual Salary	Date of Last Pay Increase	City Paid Deferred Comp.	Annual Car Allowance	Annual Bonus Amount	Total Comp.*	# of Employees Managed	Years in Current Position	Vacation Days per Year
Arvada	107,700	\$176,890	6/30/14	\$0	\$4,200	\$0	\$181,090	2	19	20
Aurora	332,354		vacant							
Colorado Springs	436,000	\$192,276	4/19/14	\$0	Car	\$0	\$192,276	0	>1	
Denver	634,265	\$190,000	1/1/14	\$0	N/A	\$0	\$190,000	200	6 mo.	18
Fort Collins	143,986	\$179,093	1/6/14	\$23,282	\$0	\$0	\$202,375	17	26	35
Greeley	95,000	\$158,700	1/1/14	\$0	\$0	\$0	\$158,700	7	2	26
Lakewood	145,596		contract position							
Longmont	90,219	\$161,988	12/23/13	\$9,123	\$3,587	\$0	\$174,698	7	5	18
Loveland	72,846	\$158,101	12/14/13	\$0	\$4,200	\$0	\$162,301	6	13	28
Thornton	122,820	\$166,497	12/29/13	\$0	\$4,404	\$7,875	\$178,776	8	19	30
Westminster	107,967	\$156,575	1/1/14	\$23,000	\$6,000	\$0	\$185,575	13	29	22.2**
<b>Average:</b>		<b>\$171,124</b>					<b>\$180,643</b>			<b>25</b>
<b>Boulder</b>	103,650	<b>\$186,660</b>	6/24/13	\$0	\$0	\$0	<b>\$186,660</b>	20	4	<b>29</b>

\*Total Compensation - includes salary, deferred compensation, car allowance and bonus.

\*\*Westminster - 10 hour days, 222 total hours

Note: "City Paid Deferred Comp." refers to compensation deferred into the future for certain employees beyond that provided to all employees. For example, the City pays 13.7% of employees' salaries toward a pension and the employee pays 8%. If the City chooses to pay the employee portion for selected employees (8%) that would be considered additional, deferred compensation for the employee. Since the City contributes 13.7% towards all employees, that amount is not considered deferred compensation.

### Presiding Municipal Judge Salaries - July, 2014

Organization	Population	Annual Actual Salary	Date of Last Pay Increase	City Paid Deferred Comp.	Annual Car Allowance	Annual Bonus Amount	Total Comp.*	# of Employees Managed	Total # FTEs Judge(s)	Years in Current Position	Responsible for Court Admin?	Vacation Days per Year
Arvada	107,700	\$139,100	6/30/14	\$0	\$0	\$0	\$139,100	9	1	1	Yes	15
Aurora	332,354	\$137,214	1/1/14	\$10,613	\$0	\$0	\$147,827	1	5	9	No	30
Colorado Springs	436,000	**	7/1/08	n/a	\$0	\$0		1	4.5**	7	No	n/a
Denver	634,265	\$165,574	7/1/14	\$0	\$0	\$0	\$165,574	0	***	varies	No	varies
Fort Collins	145,596	\$131,449	1/6/14	\$12,407	\$0	\$0	****	7	0.8	25	No	30
Greeley	95,000	\$120,226	n/a	\$0	\$0	\$0	\$120,226	0	1	2	No	20
Lakewood	144,406	\$138,216	3/30/14	\$4,146	\$3,000	\$0	\$145,362	17	1	5	Yes	18
Longmont	90,219	\$123,948	1/1/14	\$0	\$0	\$0	\$123,948	7	1	28	Yes	21
Loveland	72,846	\$123,968	12/13/13	\$0	\$0	\$0	\$123,968	0	1	15.4	No	26
Thornton	122,820	\$132,903	12/29/13	\$0	\$0	\$6,286	\$139,189	0	1	25	No	21
Westminster	107,967	\$115,168	1/1/14	\$23,000	\$6,000	\$0	\$144,168	1	1.8	35	No	22.2*****
<b>Average:</b>		<b>\$132,777</b>					<b>\$138,818</b>					<b>23</b>
<b>Boulder</b>	103,650	<b>\$135,000</b>	06/25/12	\$0	\$0	\$0	<b>\$135,000</b>	1	1.5	13	No	<b>29</b>

\*Total Compensation - includes salary, deferred compensation, car allowance and bonus.

\*\*Colorado Springs - Part-time Presiding Judge @ \$42,363; 11 part time judges at .4167 FTE

\*\*\*Denver - 17 incumbents; also 4 full-time and 10 part time County Court Magistrates

\*\*\*\*Ft. Collins - Judge is 0.8 FTE, salary of \$105,159

\*\*\*\*\*Westminster - 10 hour days, 222 total hours

Note: "City Paid Deferred Comp." refers to compensation deferred into the future for certain employees beyond that provided to all employees. For example, the City pays 13.7% of employees' salaries toward a pension and the employee pays 8%. If the City chooses to pay the employee portion for selected employees (8%) that would be considered additional, deferred compensation for the employee. Since the City contributes 13.7% towards all employees, that amount is not considered deferred compensation.

# 2014 Base Pay Increase Ballot

## City of Boulder - Council Employee 2014 Base Pay Increase Ballot

Please complete the 2014 Base Pay Increase Ballot for each of the three Council employees. There is a separate page for each employee so your choices will be tabulated for each employee separately. Each employee's current salary is located at the top of the page and percentage increase options are provided for your convenience.

### 1. Please provide your name

# 2014 Base Pay Increase Ballot

## City Manager

Current Annual Salary for the City Manager - \$208,631

### 2. Shall an increase in base pay be authorized for the City Manager in 2014?

- Yes
- No

### 3. If an increase in base pay is granted, what is your recommended amount?

- 1% - \$ 2,086
- 2% - \$ 4,173
- 3% - \$ 6,259
- 4% - \$ 8,345
- 5% - \$10,432
- 6% - \$12,518
- 7% - \$14,604

Other (please specify)

# 2014 Base Pay Increase Ballot

## City Attorney

Current Annual Salary for the City Attorney - \$186,666

**4. Shall an increase in base pay be authorized for the City Attorney in 2014?**

- Yes
- No

**5. If an increase in base pay is granted, what is your recommended amount?**

- 1% - \$1,867
- 2% - \$ 3,733
- 3% - \$ 5,600
- 4% - \$ 7,467
- 5% - \$ 9,333
- 6% - \$11,200
- 7% - \$13,067

Other (please specify)

# 2014 Base Pay Increase Ballot

## Municipal Judge

Current annual salary for the Municipal Judge - \$135,007

### 6. Shall an increase in base pay be authorized for the Municipal Judge in 2014?

- Yes
- No

### 7. If an increase in base pay is granted, what is your recommended amount?

- 1% - \$ 1,350
- 2% - \$ 2,700
- 3% - \$ 4,050
- 4% - \$ 5,400
- 5% - \$ 6,750
- 6% - \$ 8,100
- 7% - \$ 9,450

Other (please specify)

## **Council Working Agreements**

### **Council Process:**

- The council will work on general discipline in being prepared to ask questions and make comments.
- The council asks the mayor to intervene if discussion on agenda items extends beyond a reasonable time frame.
- The council will engage in the practice of colloquy to fully explore the different sides of a specific point.
- The mayor will ask the city clerk to set the timer lights for council members if discussions begin to exceed efficient debate. Members should respect the lights as a time reminder, but will not be bound by them as absolute limits.
- Rather than restating a point, council members should simply say "I agree."
- The council agenda committee may, with advance notice, adjust each public speaker's time to two rather than three minutes during public hearings for items on which many speakers want to address the council.
- Council members will grant each other permission to mentor and support each other on how each person contributes to the goal of being accountable for demonstrating community leadership.
- In order to hear each other respectfully and honor the public, council will avoid body language that could convey disrespect, side conversations, talking to staff, whispering to neighboring council members, passing notes, and leaving the council chambers.
- Regarding not revisiting past discussions, the council should check-in with fellow members periodically to ensure that this is not an issue.
- During a council meeting, any form of electronic messages, including emails and texts, that relate to matters being considered and which arrived at any time during that meeting shall not be read by council members, nor shall any messages on matters under consideration be sent by council members.

### **Council Communication:**

- Council members agree to keep quasi-judicial roles scrupulously separate between members of boards and members of council, avoid expressing ideas to board members on things coming before the board, and carefully disclose or recuse themselves when there is involvement with board members on a topic.
- Council agrees to e-mail the city manager about issues that they run into that staff or boards may be working on so that the manager can be actively involved in managing issues and keeping the full council informed well in advance of items coming before council for action.
- Members will keep the full council informed on issues from committees, public groups or other agencies that they are following, through hot line e-mails, brief verbal reports at the end of council meetings or other means.
- The council will find ways to support majority council decisions and adequately inform the public, through responsive letters that explain how divergent points of view were heard and honored in decisions, via standard e-mail responses for hot issues, by occasional council Letters to the Editor to clarify the facts, or by seeking out reporters after meetings to explain controversial decisions.

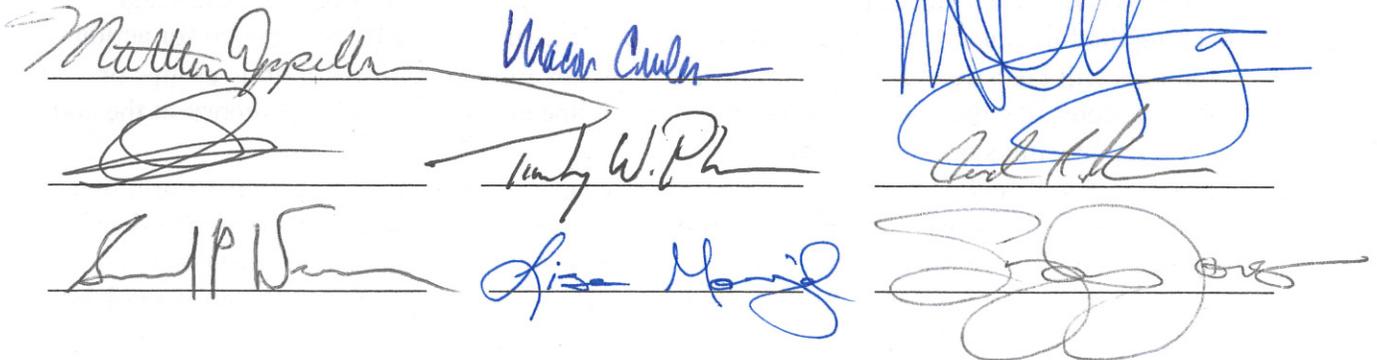
**Council Committees:**

- Council committee meetings will be scheduled to accommodate the council members on the committee.
- Notice of the times and places for each committee meeting will be noticed once per month in the Daily Camera.
- The council agenda will include time for reports from committees under Matters from Members of Council, noting that written communications from the committees are appropriate as well.

**Selection of Mayor and Mayor Pro Tem:**

- Council members will make a good faith effort to select the mayor and mayor pro tem in an open and transparent process.
- After the council election, members seeking election as mayor or mayor pro tem should:
  - make their interest in the positions known to their fellow members as soon as possible;
  - focus their communication with other council members on the positive attributes the member brings to the positions; and
  - refrain from any negative remarks about any person seeking election as mayor or mayor pro tem.
- Nominated individuals' presentations may include, but need not be limited to the following:
  - the skills and attributes the member would bring to the mayoral position;
  - the member's ability to efficiently run council meetings, respect the views of the minority while allowing the majority to rule, and perform other mayoral duties;
  - how the member would represent the city and city council and mayor position at gatherings outside of city council meetings
  - how the member would serve on and appoint other council members to regional and national boards and commissions; and
  - how the member would promote trust of the community and other council members.
- Council members should work to avoid divisiveness by being inclusive during the mayoral selection process.

Agreed: Members of the Boulder City Council



Handwritten signatures of council members, including names like Matthew Appella, Nancy W. Ph..., and Lisa M..., arranged in three rows and three columns.

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Comprehensive Housing Strategy	Council	Briefing - with other related efforts, workplan	SS - objectives, recommended early action items	Briefing	Direction on policy options	Adopt strategy and action plan			
	Staff Activities	Housing choice analysis; needs assessment; best practices; trends data; workplan	Opportunity site inventory; potential tools with "bang for buck" analysis	Develop policy options and recommendations; stakeholder engagement					
North Boulder	Council	IP - update and preliminary policy choices	Briefing - options and feedback	Update and direction					
	Staff Activities	Public meeting with options	Preferred options and refined action plan	Action plan					
East Arapahoe/Sustainable Streets and Centers	Council		Briefing - issues, scope, and feedback	SS - preferred scenarios, draft plan, and action plan	Plan "Lite" - council action	Next Corridor - 30th St or Colorado			
	Staff Activities	Joint East Arapahoe workshop to "test" planning workshop	East Arapahoe scope of work, public workshop, scenario modeling, character definition	Scenario refinement and recommendations	Develop East Arapahoe action plan				
Resilience	Council		Briefing - scope agenda		SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities	Agenda setting workshop 4/28	Hire Asst. City Manager, begin strategy development	Scope strategy components	Scoping	Resilience work	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Boulder Valley Comprehensive Plan	Council				SS - scoping session	SS	Direction or IP	Direction or IP	Direction or IP
	Staff Activities				Scoping analysis and partner outreach	Issues identification	Strategy analysis and development	Strategy analysis and development	Strategy analysis and development
Other	Council	Annexation Strategy - Direction (options and feedback)	Usable open space - Code Change	Economic Sustainability Strategy implementation - Code Change					
		Density/ROW Dedication Calculations - Code Change	Parking generation and reduction - Code Change						
		County Assessor valuations for landscape and lighting upgrades - Code Change	Renewable energy sources - Code Change						
	Staff Activities	Annexation Strategy - analyze costs and options	Planning Board for above code changes	Planning Board for above code changes					
Planning Board for above code changes									

HOUSING/LAND USE/PLANNING

		2014				2015				
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
<b>TRANSPORTATION</b>	Transportation Master Plan	Council	IP (includes scope for AMPs)	SS (includes AMPS)	Acceptance - establish work program and coordination	Continue implementing pilots	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP	Coordination with BVCP
		Staff Activities	Scenario and sensitivity analysis	Joint board workshop, TAB	Develop final update for board recommendation and council acceptance	Implement and coordination with BVCP and Resilience				
	Community EcoPass	Council	Feasibility Study - joint release with County	Rolls into TMP update						
		Staff Activities								
	Regional Transportation	Council	Briefing	Briefing		Briefing		Briefing		Briefing
		Staff Activities								
	Electric Vehicle Parking Ordinance/Energy Services	Council	Council agenda	SS			IP	IP	IP	IP
		Staff Activities								
	Access Management and Parking Strategies	Council	Scope	SS - Guiding principles, work program and process (includes TMP update)	Round 1 Code Changes - Auto and parking planning, zoning regs, EV charging stations	Update - Work plan and policy issues	Long Term Round 2 - Parking code changes and other policy issues	Council endorsement of ongoing work plan		
		Staff Activities	Finalize work program	Short term parking code regulation changes	Long term parking code changes	Long term parking code changes	Additional workplan items and public process tbd	Finalize document		
			TDM tool kit development for TMP integration	Long term parking code regulation changes	Additional workplan items tbd	Additional workplan items and public process tbd				
			Short term parking code ordinance changes	Public outreach and joint board meeting						
			Research/best practices	Additional workplan items tbd						
			Develop communications strategy							

<b>ADD'L HOUS/PLAN/TRANS</b>	Comp. Financial Strategy/Capital Bond	Council	Direction	SS	SS - finalize ballot?	Ballot?			
		Staff							
	Cap. Bond 1 Implement.	Staff		Construction			85% complete		100% Complete
	Flood Recovery	Staff		Repairs and FEMA Reimbursement	FHWA/FEMA work	FHWA/FEMA work	Building Better Boulder		Building Better Boulder
	Boulder Junction Phase 1 Implementation	Staff			South side of Pearl opens	Ongoing redevelopment coordination		Goose Creek Bridge opens	Depot Square opens
	Boulder Junction Phase 2 - City owned site	Staff		Coordination	Coordination		Coordination		
	Yards mobilized to move for Pollard option	Staff		Grading, prairie dogs, moving	Final prep			Yards moves continue	
	Safe Routes to School	Staff			Public process to prioritize projects		Application		
Implement Transpo.Tax	Staff		Expand maintenance, hire						

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Homelessness/Human Services	Council Items	Shelter/ Funding: Update on position and relationship with Boulder Shelter; Shelter funding and issues update and other funders.	SS - Human Services Strategy Update and Homeless Action Plan (including funding priorities and partnerships )	IP - Homelessness Issues	SS - Human Services Strategy Update and Homeless Action Plan (including funding and service priorities )				
				Regional Planning update/services and housing					
				2014 Point in Time Report					
				SS - Services and Regional coordination update	IP - Services and Regional coordination	IP - Services and Regional	SS - Services and Regional coordination	SS - Services and Regional	IP - Services and Regional
	Staff Activities	Facilitate monthly Boulder Homeless Planning Group re:	HS Strategy Update and Homeless Action Plan Update	HS Strategy Update and Homeless Action Plan -					
		Convene regional meeting with Denver/Boulder/MDHI							
County Ten Year Plan meeting with focus on meeting housing		County Ten Year Plan meeting with focus on meeting housing							
Neighborhood/Park Events and Other Events	Council Items	GOCO grant application		GOCO grant acceptance					
					SS - Special Events with Street Closures and Block Party Permitting				
	Staff Activities	Review current PR permits and developm pilot program	Conduct pilot neighborhood event (link with Hill and GOCO school yard grant)	Conduct pilot neighborhood event	Review neighborhood park planning and event pilot success and plan schedule for 2015	Finalize nneighborhood event schedule for 2015	Conduct neighborhood events	Conduct neighborhood events	Review pilot program and propose permit changes required to make improvements
		Link with park planning outreach	Summer recreation programs - arts, music, health, wellness	Continue summer art series and volunteer events					
		GOCO school yard grant	Submit GOCO grant	GOCO grant award - start civic area community park					
			Review and analysis of existing special event permitting	Develop recommendations					
Arts	Council Items		SS - Library & Arts, including Community Cultural Plan				Adoption of Community Cultural Plan		
	Staff Activities		Work with new director						

LIVABILITY

2014

2015

Project	Council or Staff?	2014				2015			
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Code Enforcement	Council Items	SS	SS (includes Social Issues Strategy information)						
	Staff Activities								
University Hill	Council Items	IP - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership	Update - 14th St Public/Private Partnership					
		Bears/Trash							
	Staff Activities		SS - Hill Reinvestment Strategy	Update - Hill Reinvestment Strategy					
		14th St - Hill Alt. Mode survey	14th St - Finalize analysis and develop recommendation to proceed with the Global Agreement						
		14th St - Finalize LOI							
		14th St - Financial Analysis							
		14th St - Additional access analysis							
		14th St - Board outreach							
		Pilot Parklet Competition	Parklet Implementation						
		Outreach to CU and stakeholders for support of Reinvestment Strategy	Fox Theatre mural by CU students	start pilot RSD program (to run through 2016)					
Recommendation for staffing Strategy implementation and prelim. analysis of future org structure options	Hire a fixed term Hill Coordinator								
Civic Area	Council Items					SS - Park Program and Improvements			
	Staff Activities	Civic Activity Team established	Coordinate music in park series		Review summer series success and revise for 2015	Prepare first phase of park improvements for 2015	Conduct adult fitness and health classes	Conduct visitor event at civic area around art installations	
		Hire Civic Area staff for P&R	Add seasonal park staff for outdoor education and orientation		Expand Ready to Work crew	Revise summer programs and plan for 2015	Install temporary adult fitness playground	Coordinate horticulture gardens with Farmers' Market event	
		Prepare GOCO grant for nature play and park planning	Conduct volunteer event around upgrades to Peace Garden and edible plant exhibit		Complete park planning outreach	Conduct art competition for summer installation	Install south side nature play area		
		Work with Park Foundation to develop plan for art and entertainment	Coordinate with CU for partnership with GUB and Civic Area park plan		Develop 1% for Arts demonstration project in partnership with foundations and non-profits		Expand seasonal staffing and horticulture/edible garden displays		

LIVABILITY



		2014				2015			
Project	Council or Staff?	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
<b>OPEN SPACE</b>	Charter Issues	Council Items			Address disposition process and use of Realization Point for pro bike race				
		Staff Activities							
	Highway 93 Underpass	Council Items							
		Staff Activities			In process				
	Eldo to Walker Ranch	Council Items							
		Staff Activities	City/County review of contractor proposals for potential mountain bike connection	Routes - weather dependent					
	IBM Connector	Council Items							
		Staff Activities		City/County requirement complete and await railroad to replace bridge					
	Trailhead as part of transportation system	Council Items							
		Staff Activities			status update				
	Other or not categorized	Council Items							
		Staff Activities			additional signage				

Project	Council or Staff?	2014				2015				
		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
OTHER	Emerald Ash Borer (EAB)	Council	IP Develop preliminary management plan	Implement pilot plan	Monitoring	Evaluate long term forest management plan and EAB strategy	Management plan and response	Response	EAB	EAB
	Civic Use Pad	Council	SS - Public/private partnership	Approval of MOU with St. Julien Partners	Update on negotiations with St. Julien Partners					
	Human Services Strategy	Council		SS		SS		Public hearing		
	Various	Council	IGA with CDOT/County for US 36 bikeway maintenance	Pilot dog waste composting project - Valmont and OSMP possible site	Transportation code changes for AMPS	Smoking ban - public hearing				
			IGA for bikeway maintenance/ US 36 enhancements	CEAP call up for Baseline Underpass east of Broadway	Comprehensive Annual Financial Report					
			Old Pearl Street ROW vacation	DRCOG TIP Priorities for city applications	Appointment of independent auditor					
Transportation code changes - bike parking, TDM, etc.			Mobile food vehicles - ordinance change to expand podding in downtown	Update on investment policies - action						
NPP - zone expansions and removal				Modification of construction use tax filing - IP then action						
				Pearl Street Mall regulations - code changes						

## **COUNCIL MEMBERS**

Matthew Appelbaum	Mayor
George Karakehian	Mayor Pro Tem
Macon Cowles	Council Member
Suzanne Jones	Council Member
Lisa Morzel	Council Member
Tim Plass	Council Member
Andrew Shoemaker	Council Member
Sam Weaver	Council Member
Mary Young	Council Member

## **COUNCIL EMPLOYEES**

Thomas A. Carr	City Attorney
Jane S. Brautigam	City Manager
Linda P. Cooke	Municipal Judge

## **KEY STAFF**

Mary Ann Weideman	Assistant City Manager
Bob Eichem	Chief Financial Officer
Alisa D. Lewis	City Clerk
Patrick von Keyserling	Communications Director
David Driskell	Executive Director of Community Planning and Sustainability and Acting Director of Housing
Molly Winter	Downtown, University Hill Management & Parking Services Director
Heather Bailey	Energy Strategy and Electric Utility Development Executive Director
Michael Calderazzo	Acting Fire Chief
Joyce Lira	Human Resources Director
Karen Rahn	Human Services Director
Don Ingle	Information Technology Director
Eileen Gomez	Labor Relations Director
David Farnan	Library and Arts Director
James Cho	Acting Municipal Court Administrator
Michael Patton	Open Space and Mountain Parks Director
Jeff Dillon	Acting Parks and Recreation Director
Greg Testa	Police Chief
Maureen Rait	Executive Director of Public Works
Cheryl Pattelli	Director of Fiscal Services
Tracy Winfree	Transportation Director
Jeff Arthur	Utilities Director

## 2013 City Council Committee Assignments

### INTERGOVERNMENTAL ORGANIZATIONS

Beyond the Fences Coalition	Morzel, Plass (Castillo – staff alternate)
Boulder County Consortium of Cities	Morzel, Young
Colorado Municipal League (CML) – Policy Committee	Jones, Appelbaum (Castillo – staff alternate)
Denver Regional Council of Governments (DRCOG)	Jones, Plass
Housing Authority (Boulder Housing Partners)	Shoemaker
Metro Mayors Caucus	Appelbaum
National League of Cities (NLC)	Appelbaum, Cowles
Resource Conservation Advisory Board	Morzel (at large seat), Plass
Rocky Flats Stewardship	Morzel, Plass (1 <sup>st</sup> alternate), Castillo (2 <sup>nd</sup> alternate)
University of Colorado (CU) / City Oversight	Cowles, Shoemaker, Weaver
US36 Mayors and Commission Coalition	Appelbaum
US36 Commuting Solutions	Karakehian, Morzel (alternate)
Urban Drainage and Flood Control District	Karakehian

### LOCAL ORGANIZATIONS

Boulder Museum of Contemporary Art (BMoCA)	Young
Boulder Convention and Visitors Bureau	Plass, Cowles (alternate)
Dairy Center for the Arts	Jones
Downtown Business Improvement District Board	Shoemaker, Weaver, Young

### INTERNAL CITY COMMITTEES

Audit Committee	Cowles, Morzel, Shoemaker
Boards and Commissions Committee	Plass, Shoemaker
Boulder Urban Renewal Authority (BURA) Mayoral Appointment	Karakehian
Charter Committee	Karakehian, Morzel, Weaver
Civic Use Pad/ 9 <sup>th</sup> and Canyon	Karakehian, Morzel, Young
Council Retreat Committee	Jones, Morzel
Evaluation Committee	Morzel, Plass
Legislative Committee	Jones, Karakehian, Weaver
School Issues Committee	Morzel, Plass, Shoemaker

### SISTER CITY REPRESENTATIVES

Jalapa, Nicaragua	Jones
Kisumu, Kenya	Morzel
Llasa, Tibet	Shoemaker
Dushanbe, Tajikistan	Weaver
Yamagata, Japan	Plass
Mante, Mexico	Young
Yateras, Cuba	Karakehian
Sister City Sub-Committee	Morzel, Cowles, Karakehian

2015 Study Session Calendar

	A	B	C	D	E	F	G	
1	Date	Status	Topic		Location	Contacts	Materials Due	
2	1/13/2015	Approved	Briefing: Age Well Boulder County Update	5:30-6 PM	Chambers	Betty Kilsdonk Randall Roberts	N/A	
3	1/13/2015	Approved	Council Pre-Retreat and Financial Update	6-9 PM	Chambers	Bob Eichem, David Driskell, Tammye Burnette	1/6/2015	
4	1/23/2015	Approved	COUNCIL RETREAT	4-8 PM	EBRC	Alisa Lewis/Dianne Marshall	1/14/2015	
5	1/24/2015	Approved	COUNCIL RETREAT	9 AM-5 PM	EBRC	Alisa Lewis/Dianne Marshall	1/14/2015	
6	1/27/2015	Approved	University Hill Moratorium	6-8 PM	Chambers	Ruth McHeyser/Melinda Melton	1/15/2015	
7	1/27/2015	Approved	Boulder's Energy Future	8-10 PM	Chambers	Heather Bailey/Heidi Joyce	1/20/2015	
8	2/10/2015	Approved	VRBOs	6-8PM	Chambers	Ruth McHeyser/Melinda Melton	1/29/2015	
9	2/10/2015	Approved	Chautauqua Lease	8-9 PM	Chambers	Ruth McHeyser/Melinda Melton	1/29/2015	
10	2/24/2015	Approved	Briefing: Housing Update		Chambers		N/A	
11	2/24/2015	Approved	TMP Implementation Follow Up	6-7 PM	Chambers	Kathleen Bracke/Rene Lopez	2/12/2015	
12	2/24/2015	Approved	Envision East Arapahoe - Review Draft Vision Plan	7-8:30 PM	Chambers	Leslie Ellis/Melinda Melton	2/12/2015	
13	3/6/2015	Approved	Board and Commission Interviews (Thursday)	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	2/21/2015	
14	3/10/2015	Approved	Board and Commission Interviews	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	2/21/2015	
15	3/12/2015	Approved	Board and Commission Interviews (Thursday)	6-9 PM	1777 West	Alisa Lewis/Dianne Marshall	2/21/2015	
16	<b>3/24/2015</b>	<b>University of Colorado Spring Break - No Meeting</b>						
17	3/31/2015	Approved	Sister City Dinner	5-7 PM	Lobby	Alisa Lewis/Dianne Marshall	3/1/2015	
18	3/31/2015	OPEN						
19	4/14/2015	Approved	Board and Commission Reception	5-6 PM	Lobby	Alisa Lewis/Dianne Marshall	4/6/2015	
20	4/14/2015	Approved	Fire Department Operations, Deployment, Light Rescue Vehicle Response and Master Plan update	6-7:30 PM	Chambers	Michael Calderazzo/Laurie Ogden	4/2/2015	
21	4/28/2015	Approved	Briefing: Housing Update	5-6 PM	Chambers	Jeff Yegian/Alyssa Ostrander	N/A	
22	4/28/2015	OPEN			Chambers	Bob Eichem/Elena Lazarevska	04/16/15	
23	4/28/2015	Approved	Human Services Master Strategy SS #2	6-8 PM	Chambers	Wendy Schwartz/Randall Roberts	4/16/2015	
24	4/28/2015	Approved	Utility Rate Study: Key Questions and Guiding Principles	8-9 PM	Chambers	Eric Ameigh/Jeff Arthur/Rene Lopez	4/16/2015	
25	5/12/2015	Approved	Boulder's Energy Future	6-9 PM	Chambers	Heidi Joyce/Heather Bailey	4/30/2015	
26	5/26/2015	Approved	Briefing: Community Culture Plan		Chambers	Matt Chasansky/Carrie Mills	N/A	
27	5/26/2015	Tentative	Hill Reinvestment Strategy Update and Policy Direction	6-7 PM	Chambers	Molly Winter/Ruth Weiss	5/14/2015	
28	5/26/2015	Tentative	AMPS Update	7-8 PM	Chambers	Molly Winter/Ruth Weiss	5/14/2015	
29	5/26/2015	OPEN		8-9 PM	Chambers		5/14/2015	
30	6/9/2015		Housing Boulder	6-7:30 PM	Chambers	Jay Sugnet/Melinda Melton	5/28/2015	
31	<b>6/23/2015</b>	<b>Council Recess June 17-July 12</b>						

2015 Study Session Calendar

	A	B	C	D	E	F	G	
1	Date	Status	Topic		Location	Contacts	Materials Due	
32	6/30/2015	Council Recess June 17-July 12						
33	7/14/2015	Approved	Community Cultural Plan	6-8 PM	Chambers	Matt Chasansky/Carrie Mills	7/2/2015	
34	7/14/2015	OPEN		8-9 PM	Chambers			
35	7/28/2015	OPEN	Briefing:				N/A	
36	7/28/2015	OPEN		6-9 PM			7/16/2015	
37	8/11/2015	Tentative	2016 CIP Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	7/30/2015	
38	8/11/2015	OPEN		7:30-9 PM	Chambers			
39	8/25/2015	OPEN	Briefing:				N/A	
40	8/25/2015	OPEN		6-9 PM			8/13/2015	
41	9/8/2015	Tentative	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	8/27/2015	
42	9/8/2015	OPEN		7:30-9 PM	Chambers			
43	9/22/2015	OPEN	Briefing:				N/A	
44	9/22/2015	Tentative	2016 Budget Study Session	6-7:30 PM	Chambers	Elena Lazarevska/Bob Eichem	9/10/2015	
45	9/22/2015	OPEN		7:30-9 PM	Chambers			
46	9/29/2015	OPEN		6-9 PM			9/17/2015	
47	10/13/2015	OPEN		6-9 PM			10/1/2015	
48	10/27/2015	OPEN	Briefing:				N/A	
49	10/27/2015	OPEN		6-9 PM			10/15/2015	
50	11/10/2015	Tentative	AMPS Update	6-7 PM	Chambers	Molly Winter/Ruth Weiss	10/29/2015	
51	11/10/2015	OPEN		7-9 PM	Chambers			
52	11/24/2015	Thanksgiving Holiday Week						
53	12/8/2015	Approved	Utility Rate Study: Preliminary Findings	6-7:30 PM	Chambers	Eric Ameigh/Jeff Arthur/Rene Lopez	11/25/2015	
54	12/8/2015	OPEN		7:30-9 PM				
55	12/22/2015	Christmas Holiday Week						
56	12/29/2015	New Years Holiday Week						

**February 3, 2015**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

Agenda Section	Item Name	Time	Minutes
<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>			
	1st reading Landmark Designation Ordinance for 747 12th Street	15	Minutes
	Council consideration of a motion to accept the Upper Boulder Slough Floodplain Mapping Study update	5	Minutes
	Summary of Financial Update on Jan 13	15	Minutes
			Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>	Acquisition of Schnell property in Boulder Canyon	20	Minutes
	2nd Reading Smoking Ban on Selected City Properties	60	Minutes
<b>MATTERS FROM CITY MANAGER:</b>	Update on Implementation to Secure Trash and Curbside Compost from Bears	30	Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>			Minutes
<b>CALL-UPS:</b>			Minutes
	<b>Total Estimated Meeting Time (Hours)</b>	<b>3.17</b>	

**February 17, 2015**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

Agenda Section	Item Name	Time	Minutes
<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>		15	Minutes
	1st reading and public hearing of an ordinance to change certain BMS zoning district standards and uses as part of the University Hill Moratorium project		Minutes
	Study Session Summary for 1/27 University Hill Issues and Updates		Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>	Consideration of Draft Zero Waste Strategic Plan and Options for Commercial Recycling Ordinance	90	Minutes
	Motion to transfer ownership of 4525 Palo Pkwy to BHP	90	Minutes
<b>MATTERS FROM CITY MANAGER:</b>	Consideration of a Motion to Revise the City of Boulder's 2015 State and Federal Legislative Agenda	30	Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>			Minutes
<b>CALL-UPS:</b>			Minutes

**March 3, 2015 - CAUCUS DAY**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>		15	Minutes

			Minutes
			Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>	1st Reading of Consideration of New Cable Franchise Agreement with Comcast	60	Minutes
	2nd reading and public hearing of an ordinance to change certain BMS zoning district standards and uses as part of the University Hill Moratorium project	120	Minutes
	2nd reading Landmark Designation Ordinance for 747 12th Street	15	Minutes
<b>MATTERS FROM CITY MANAGER:</b>			Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>			Minutes
<b>CALL-UPS:</b>			Minutes
	<b>Total Estimated Meeting Time (Hours)</b>	<b>4.25</b>	

**March 17, 2015**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

Agenda Section	Item Name	Time	
<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>		15	Minutes
	Study Session Summary for 2/24 Envision East Arapahoe Plan		Minutes
	1st reading of an ordinance for the annexation of Old Tale Road neighborhood		Minutes
	Energy Future: 1st Reading Open Access Transmission Tariff		Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>	3rd reading and public hearing of an ordinance to change certain BMS zoning district standards and uses as part of the University Hill Moratorium project	120	Minutes

<b>MATTERS FROM CITY MANAGER:</b>	Boulder Civic Area direction for Civic Area Master Plan and Parkland Site Plan	45	Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>	Board and Commission Appointments	60	Minutes
<b>CALL-UPS:</b>			Minutes
	<b>Total Estimated Meeting Time (Hours)</b>	<b>4.75</b>	

**April 7, 2015**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

Agenda Section	Item Name	Time	Minutes
<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>		15	Minutes
			Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>			Minutes
	Boulder Energy Future - 2nd Reading Open Access Transmission Tariff	90-120	Minutes
	2nd Reading of Ordinance to Approve Cable Franchise Agreement with Comcast		Minutes
<b>MATTERS FROM CITY MANAGER:</b>			Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>			Minutes
<b>CALL-UPS:</b>			Minutes
<b>Total Estimated Meeting Time (Hours)</b>		<b>1.00</b>	

**April 21, 2015**  
**Start Time: 6:00 PM Business Meeting**  
**Location: Council Chambers, 1777 Broadway**

Agenda Section	Item Name	Time	Minutes
<b>SPECIAL PRESENTATIONS:</b>			Minutes
<b>OPEN COMMENT:</b>		45	Minutes
<b>CONSENT:</b>		15	Minutes
			Minutes
			Minutes
<b>PUBLIC HEARINGS:</b>	2nd reading Ordinance for Annexation of Old Tale Road Neighborhood	30	Minutes
			Minutes
<b>MATTERS FROM CITY MANAGER:</b>			Minutes
<b>MATTERS FROM CITY ATTORNEY:</b>			Minutes
<b>MATTERS FROM MAYOR AND MEMBERS:</b>			Minutes
<b>CALL-UPS:</b>			Minutes
<b>Total Estimated Meeting Time (Hours)</b>		<b>1.50</b>	



**TO:** Members of Council  
**FROM:** Mary Moline, City Clerk's Office  
**DATE:** January 20, 2015  
**SUBJECT:** Information Packet

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**1. CALL UPS**

- A. Landmark Alteration Certificate to install vinyl replacement windows on the non-contributing building located at 720 Concord Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350)
- B. 1029 Broadway Site and Use Review (LUR2014-00053)

**2. INFORMATION ITEMS**

- A. City Office Space Update
- B. Flood Recovery Status

**3. BOARDS AND COMMISSIONS**

- A. Boulder Design Advisory Board – November 12, 2014
- B. Human Relations Commission – December 15, 2014
- C. Landmarks – December 3, 2014
- D. Landmarks – January 7, 2015
- E. Library Commission – November 5, 2014
- F. Open Space Board of Trustees – December 10, 2014
- G. Planning Board – December 4, 2014

**4. DECLARATIONS**

- A. National Homeless Persons' Memorial Day, December 21, 2014
- B. Recognition of the Boulder County Latino History Project



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning and Sustainability  
Susan Richstone, Deputy Director of Community Planning and Sustainability  
Deb Kalish, Senior Assistant City Attorney  
Lesli Ellis, Comprehensive Planning Manager  
James Hewat, Senior Historic Preservation Planner  
Marcy Cameron, Historic Preservation Planner

Date: January 20, 2015

**Subject: Call-up Item:** Landmark Alteration Certificate to install vinyl replacement windows on the non-contributing building located at 720 Concord Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350). This Landmark Alteration Certificate is subject to City Council call-up no later than **January 20, 2015**.

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### EXECUTIVE SUMMARY

The proposal to install vinyl replacement windows on the non-contributing building located at 720 Concord Ave., ensuring that the windows shall be installed in compliance with approved plans dated 11/26/14, was approved with conditions by the Landmarks Board (3-1, **D. Yin** objecting), at the January 7, 2015 meeting. The decision was based upon the board's consideration that the proposed construction meets the requirements in Section 9-11-18, B.R.C. 1981.

The board's approval is subject to a 14-day call-up period by City Council. The approval of this Landmark Alteration Certificate is subject to City Council call-up no later than **January 20, 2015**.

### ATTACHMENTS:

- A. Notice of Disposition dated January 20, 2015
- B. Photographs and Drawings of 720 Concord Ave.

Attachment A  
**Notice of Disposition**

You are hereby advised that on January 7, 2015 the following action was taken:

- ACTION:** Approved by a vote of 3-1, **D.Yin** objecting
- APPLICATION:** Public hearing and consideration of a Landmark Alteration Certificate to install vinyl windows on the non-contributing house located at 720 Concord Avenue in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350).
- LOCATION:** 720 Concord Ave.
- ZONING:** RL-1 (Residential Low-1)
- APPLICANT/OWNER:** James R. Christoph

This decision was arrived at based on the purposes and intent of the Historic Preservation Code as set forth in 9-11-18, B.R.C., 1981, as applied to the Landmark Alteration Certificate application.

**Public Hearing**

**Abby Daniels**, Historic Boulder, 1123 Spruce Street, spoke in support of the Landmark Alteration Certificate application.

**Motion:**

On a motion by **M. Gerwing**, seconded by **M. Schreiner**, the Landmarks Board approved (3-1, **D. Yin** objecting), the proposal for the replacement of windows at 720 Concord Avenue in that it generally meets the standards in Chapter 9-11-18 (a)(b, 1-4), B.R.C. 1981, and is generally consistent with the *General Design Guidelines* and *Mapleton Hill Historic District Design Guidelines*, subject to the conditions below, and adopts this memorandum as findings of the board.

**CONDITIONS OF APPROVAL**

1. The applicant shall be responsible for ensuring that the windows are installed in compliance with all approved plans on file in the City of Boulder Planning Department, except as modified by these conditions of approval.
2. Prior to submitting a building permit application, the Applicant shall provide elevation, sill, head, and jamb details to demonstrate that the design details are in compliance with the intent of this approval and the General Design Guidelines. The remaining windows may be installed after the review and approval of the sample window by the Landmarks Design Review Committee.
3. Landmarks board encourages applicant to replicate the existing window pattern on all windows.

**D. Yin's** vote against the motion was based upon her consideration that replacement of the existing windows with vinyl sash was inconsistent with section 3.7 *Windows, Storm Windows, and Shutters* of the *General Design Guidelines for Boulder's Historic Districts and Individual Landmarks*.

Attachment B  
Photos and Drawings



Figure 1. 720 Concord Avenue, Location Map



Figure 2. 720 Concord Avenue, north face 2014



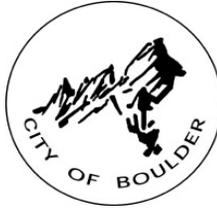
**Figure 3. 720 Concord Avenue, north face c.1960 Tax Assessor Photograph**



**Figure 4. 720 Spruce Street, example of aluminum window proposed for replacement**



**Figure 5. Proposed vinyl replacement window from Amerimax brochure. Tan color proposed.**



## INFORMATION PACKET MEMORANDUM

To: Members of City Council

From: Jane S. Brautigam, City Manager  
David Driskell, Executive Director of Community Planning + Sustainability  
Susan Richstone, Deputy Director of Community Planning + Sustainability  
Charles Ferro, Development Review Manager  
Elaine McLaughlin, Senior Planner

Date: Jan. 14, 2015

**Subject: Call-Up Item: 1029 Broadway Site and Use Review (LUR2014-00053)**

### EXECUTIVE SUMMARY

On Jan. 8, 2015, the Planning Board unanimously approved (6-0, Putnam absent) the above-referenced application with conditions as provided in the attached Notice of Disposition (**Attachment A**), finding the project consistent with the Site Review criteria of Land Use Code section 9-2-14(h), B.R.C. 1981 and the Use Review criteria of Land Use Code section 9-2-15(e), B.R.C. 1981. Approval of the application would permit a 1,600 square foot addition to the existing Evans Scholar House located within the Residential High – 5 (RH-5) zoning district.

The proposed project is for the construction of a three and a half story addition to the existing, historic home that is a student residence for scholarship recipients of the Evans Scholar Foundation. The Planning Board decision is subject to City Council call-up within 30 days concluding on Feb. 9, 2015. There are two City Council meetings within this time period for call-up consideration on: Jan. 20, 2015 and Feb. 3, 2015. The staff memorandum of recommendation to Planning Board and other related background materials are available on the city website for Planning Board, follow the links: [www.bouldercolorado.gov](http://www.bouldercolorado.gov) → *A to Z* → *Planning Board* → *search for past meeting materials planning board* → *2015* → *1.8.2015 PB Packet*.

### BACKGROUND

The 16,940 square foot, four-story fraternal residential building was originally built in 1918 for the Phi Gamma Delta Fraternity. The house is designed in a Dutch Colonial Revival style that is characterized by the 50 foot tall, three and one-half story stone building with a shake shingle gambrel roof, pedimented dormers and evenly spaced windows. There have been several relatively small additions made on the house over the years; those additions include a small porch on the north,

added in 1931 and later enclosed. In 1953, a single story addition was added onto the southeast side of the house that incorporated a stone rubble wall that extends from the buildings foundation.

The house was purchased in 1968 by the Evans Scholar Foundation, a non-profit organization that has operated co-educational student housing for scholarship recipients at the site for over fifty years. According to the applicant's Written Statement the foundation, which is sponsored by the Western Golf Association, has provided scholarships to over 10,000 students since its creation in 1930. The Evans Scholar House at University of Colorado offers a four year scholarship along with the housing to student golf caddies who can prove financial necessity and academic achievement. According to the applicant, operational upgrades and modifications to the house are necessary to increase safety, ADA accessibility, open space, and livability. Figure 1 illustrates the Evans Scholar House viewed from Broadway, with the proposed addition illustrated in Figure 2.

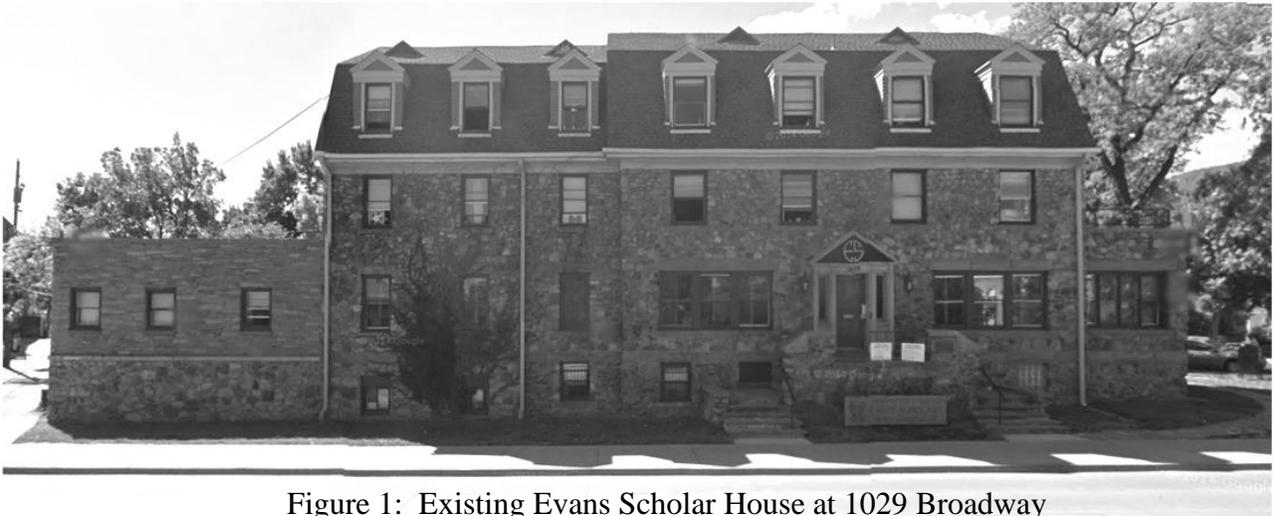


Figure 1: Existing Evans Scholar House at 1029 Broadway

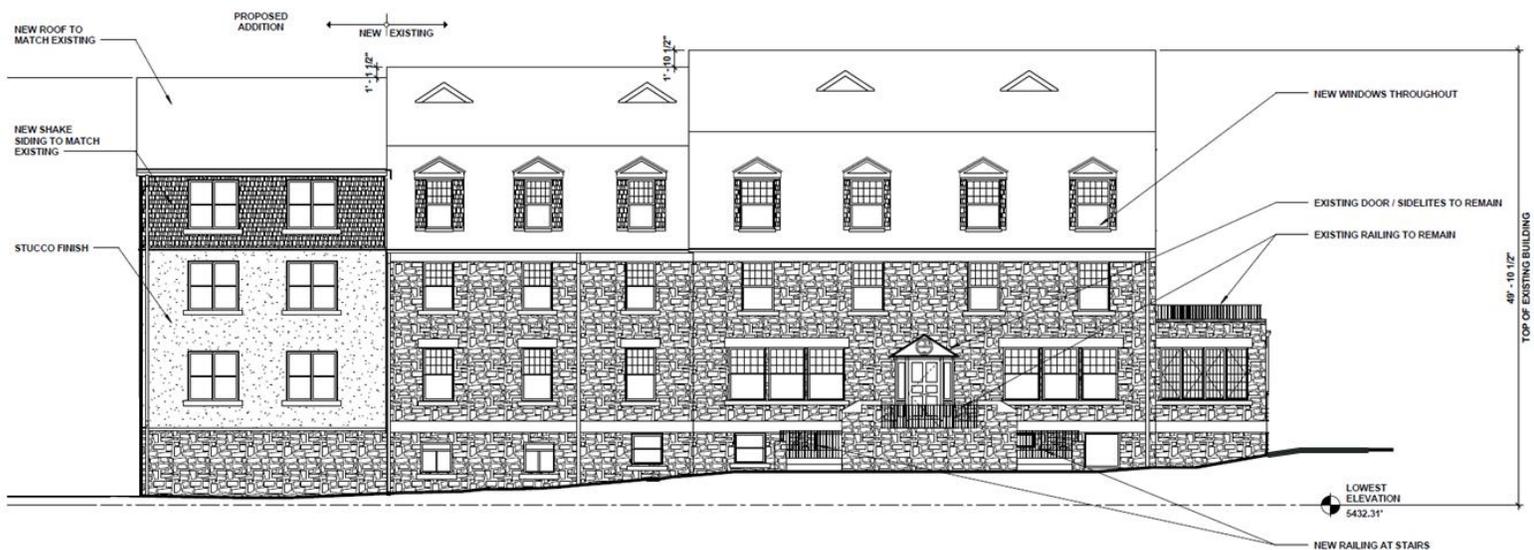


Figure 2: Planned Addition onto Evans Scholar House at 1029 Broadway

Boulder Valley Comprehensive Land Use Designation(BVCP): As shown in Figure 3, the site is designated “High Density Residential” in the BVCP as defined on page 66,

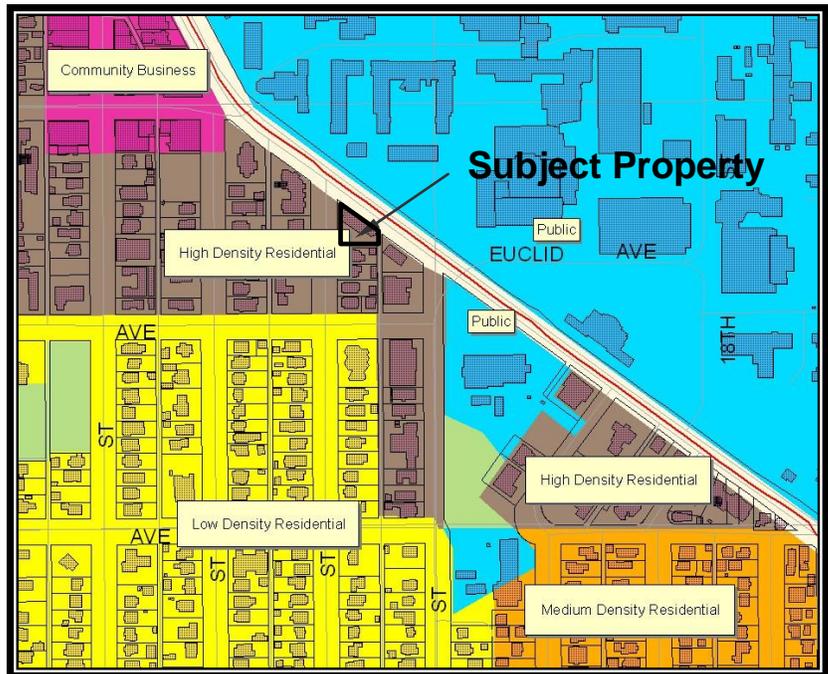
*Residential land use areas on the Boulder Valley Comprehensive Plan, for the most part, reflect the existing land use pattern or current zoning for an area. The highest density areas are generally located close to the University of Colorado or in areas planned for transit oriented redevelopment.*

Site Zoning: As shown in Figure 4, the zoning for the site is Residential High – 5, RH-5 Consistent with the BVCP Land Use Designation, the site is zoned and the purpose is defined in the Land Use code section 9-5-2, B.R.C. 1981 as:

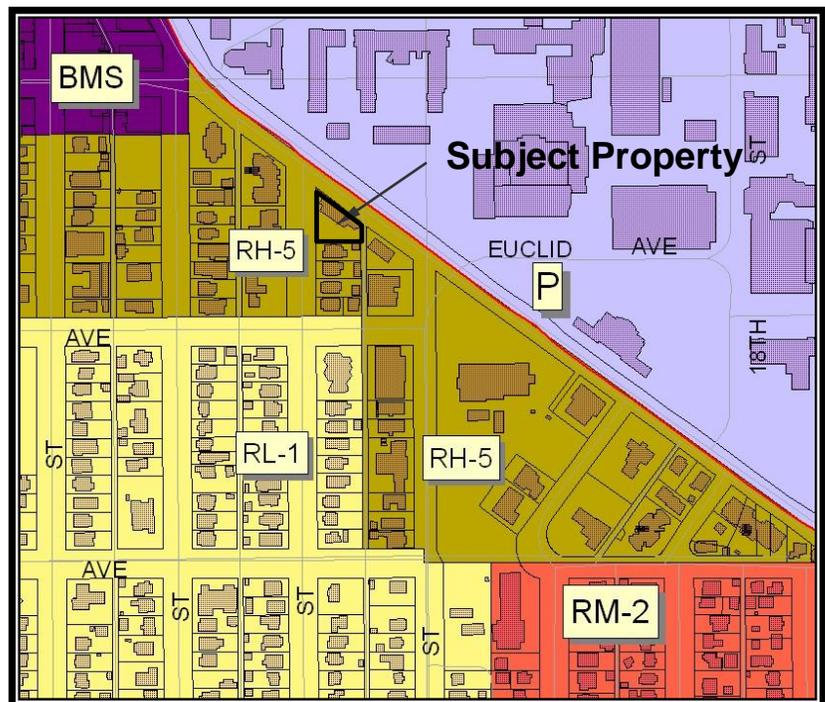
*“High density residential areas primarily used for a variety of types of attached residential units, including without limitation, apartment buildings, and where complementary uses may be allowed.”*

Because the existing building was constructed in 1914, before the RH-5 zoning was put in place, it is considered a legal non-conforming use as to density on the site.

The existing building is also considered non-standard due to setbacks that are not consistent with today’s standards that will remain with the remodel.



**Figure 3:**  
**BVCP Land Use Designation for the Subject Property**



**Figure 4:**  
**Zoning Designation for the Subject Property**

### **Development Review Process:**

The house is an existing nonconforming use due to density and non-conforming parking; the building is non-standard due to setbacks. The non-conforming parking is analyzed and documented as a parking reduction through the Site Review Criteria of land use code section 9-2-14(h)(2)(K), B.R.C. 1981 as are the existing-to-remain setbacks. The 9.4 percent expansion of the floor area of the non-conforming use was evaluated through a Use Review process. The addition and remodel were also concurrently reviewed through the Landmarks Design Review Committee (LDRC) who found the proposed addition meets the city's *General Design Guidelines for Historic Resources*. An application to designate the property as an individual landmark was reviewed by the Landmarks Board who are recommending the City Council approve the designation at a later hearing date. The following describes each process in greater detail.

### **Non Conforming Use Review.**

Under Land Use Code section 9-10-1, "*Non Conformance Standards Purpose and Scope*," B.R.C. 1981, the city provides a means for nonconforming uses to be changed and upgraded without requiring such buildings to be eliminated, particularly in this case given that the building is an historic resource. This is further described under Key Issue 3. As noted, the house is an existing, legal non-conforming use that exceeds density standards. Rental License inspection records indicate that the maximum occupancy has historically been 45 students.

Expansion of the existing legal non-conforming use is permitted under Land Use Code section 9-2-15(f)(5), B.R.C. 1981 which states: "*The change or expansion will not result in a cumulative increase in floor area of more than 10 percent of the existing floor area.*"

Given that the existing building is 16,940 square feet in size, the proposed expansion of just under 1,600 square feet (1,593 square feet) equates to 9.4 percent increase, and would therefore be just under the maximum percent of expansion of a non conforming use. No additional residents will be added to the non-conforming use, the expansion is simply to upgrade the building and accommodate greater livability of the building for the existing number of residents, not to exceed 45.

### **Site Review.**

All other aspects of the proposed project, including the height of the addition, the existing-to-remain setbacks and the existing-to-remain 91 percent parking reduction were evaluated through the Site Review process as described in the staff memo.

### **Historic Preservation.**

An application for the designation of 1029 Broadway Road is a pending subject to Site Review approval. On August 6, 2014 the Landmarks Board reviewed an application to designate the property and voted 5-0 to recommend designation to City Council, finding that the property meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C., 1981. The City Council will consider the designation in an upcoming public hearing.

The Landmarks Design Review Committee (Ldrc) reviewed proposals for the addition to the historic building over the course of four meetings in 2014. The proposed project was found to meet "*Section 4, 'Additions to Historic Buildings' of the General Design Guidelines for Boulder's Historic Districts*

and Individual Landmarks.” Notes from the four meetings are provided in the Planning Board memo, weblink provided on page 1 of the IP. The full Landmarks Board reviewed the proposal to relocate the entrance to the 15<sup>th</sup> Street face of the building in Dec. 3, 2014, but the board considered that location of this entrance was more appropriate at the west face of the north addition. Subsequent review by the Ldrc on Dec.17, 2014 resulted in approval of final plans for this aspect of the design in addition to details for rehabilitation of the building and construction of the proposed south addition.

Following the Planning Board hearing, the applicant met with Ldrc on Jan. 14, 2015 and presented alternative sketches for the roof configuration and windows as was requested by the Planning Board. The Ldrc concluded that the proposed gambrel roof form and the slightly revised window configurations as proposed in the new sketch meet the guidelines. The Ldrc also approved the applicant’s specification for the authentic cementitious stucco.

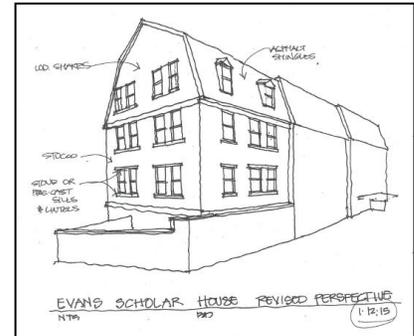


Figure 5: Revisions to addition roof shape per Planning Board & Ldrc

## PROPOSED PROJECT

The applicant is proposing a two story, 1,600 square foot addition on the southeast side of the building above the existing single story addition for new study space. Other upgrades and improvements proposed include the following:

- New study rooms
- ADA accessible entrance along with an ADA accessible residential suite
- Improved building security and life/safety conditions including exit stairways
- Updated restroom and shower facilities
- New energy efficiency upgrades including efficient, historically relevant windows
- New long term internal bike storage and external bike racks
- Streetscaping and landscaping with drainage/stormwater improvements
- New south facing plaza and seating
- Relocated basketball court to create more useable onsite open space
- Enclosed trash/recycling area

The project plans in their entirety are available in for review in the City Council office of the City Manager’s Office.

## Public Comment and Participation.

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. All notice requirements of Section 9-4-3, “Public Notice Requirements,” B.R.C. 1981 have been met. Staff has also contacted the University Hill Neighborhood Association (UHNA). The representative for UHNA sent an email to staff indicating support for the proposed project that was provided in the Planning Board memo. No other public comments were received on the application.

## **PLANNING BOARD HEARING**

The Planning Board reviewed the application Jan. 8, 2015. At the hearing, the board discussed following key issues:

1. Consistency of the proposed height modification to 47 feet with the Site Review Criteria.
2. Consistency of the 91 percent parking reduction (existing condition to remain) with the Site Review Criteria for parking reductions.
3. Consistency of the changes to the criteria for Non-Conforming Use Review, due to the density of 45 students that will remain with the remodel.
4. A condition of approval was added to require additional input from Landmarks Design Review Committee regarding refinements to the addition's window proportions and openings, the proposed gable roof's connection to the existing gambrel roof, and determination of an appropriate specification for the cementitious stucco finish material.

## **SUMMARY OF ANALYSIS**

In approving the application, a majority of the Planning Board found that the proposal to be consistent with the Site Review criteria of the Land Use Code subsection 9-2-14(h), B.R.C. 1981 and Design Guidelines, because:

1. The proposed addition meets the Site Review criteria which requires consistency with the policies of the Boulder Valley Comprehensive Plan in that the three and one-half story addition is planned onto an existing 50 foot tall residential building, in an area where the city anticipates higher density residential development across from the University and on a major transit route.
2. The planned addition meets the Site Review criteria which requires consistency with the Boulder Valley Comprehensive Plan policies for preservation of historic resources in that the applicant has initiated the Landmarks designation of the property for which a condition of approval is required for the applicant to complete.
3. The proposed height of the addition is compatible with the surrounding context where there is a prevalence of tall, stately, manor-like residential buildings built primarily as fraternity or sorority houses and apartment buildings.
4. The proposed addition meets the Site Review criteria for building design and high quality building materials in keeping with the existing house and other historic properties nearby. A condition of approval was added so that the applicant continue to work with the Landmarks Design Review Committee (Ldrc) to refine the addition's window proportions and openings, consider the simple gable roof connection to the gambrel roof, and determine an appropriate specification for the cementitious stucco finish material.
5. The proposed parking reduction meets the Site Review Criteria given the Transportation Demand Management measures in-place and proposed by the applicant. Those measures include an on-going lease agreement with students to arrange for any long term auto storage with the university; the provision of over four times the required bike parking; the nature of

occupancy that is of a student residential building adjacent to the university and one-half block proximity the site to regional and local bus stops used by students.

6. The addition meets the criteria for expansion of a non-conforming use in that the addition is limited to less than 10 percent of the existing floor area as is permitted under Use Code section 9-10-1, "Non Conformance Standards Purpose and Scope," B.R.C. 1981. As allowed under that code section, the city provides a means for nonconforming uses to be changed and upgraded without requiring such buildings to be eliminated.

## **CONCLUSION**

By a majority vote (6-0, Putnam absent) the Planning Board unanimously approved the application with conditions. Consistent with the land use code section 9-4-4(c), B.R.C. 1981, if the City Council disagrees with the decision of the Planning Board, it may call up the application within a 30-day call up period which expires on Feb. 9, 2015, and with one City Council meeting during that time, it may consider this application for call-up at its **Jan. 29, 2015 or Feb. 3, 2015** public meetings.

## **ATTACHMENTS:**

- A. Planning Board Notice of Disposition dated Jan. 8, 2015
- B. Project Plans and Written Statement



**CITY OF BOULDER**  
**Community Planning & Sustainability**

1739 Broadway, Third Floor • P.O. Box 791, Boulder, CO 80306-0791  
 phone 303-441-1880 • fax 303-441-3241 • web www.bouldercolorado.gov

**CITY OF BOULDER PLANNING BOARD**  
**NOTICE OF DISPOSITION**

You are hereby advised that on January 8, 2015 the following action was taken by the Planning Board based on the standards and criteria of the Land Use Regulations as set forth in Chapter 9-2, B.R.C. 1981, as applied to the proposed development.

**DECISION: APPROVED WITH CONDITIONS**  
**PROJECT NAME: EVANS SCHOLAR HOUSE**  
**DESCRIPTION: SITE REVIEW AND NON-CONFORMING USE REVIEW for a 1,600 square foot addition to the Evans Scholars House, an existing non-conforming fraternal organization residential use. The addition and building improvements are intended to add study halls, upgrade infrastructure, improve energy performance, add an enclosed stairway to the east end of the structure, add bicycle storage, and improve ADA access to the house. The site has been historically non-conforming as to parking and density. The building had been nonstandard due to its setbacks and height. Site Review included an evaluation of the non-conforming parking and approved a documented parking reduction and approved setback and height modifications for the previously existing setbacks and heights as well as the setbacks and heights of the approved addition. Applicant is required to submit an application for Individual Landmark designation of the property.**

**LOCATION: 1029 BROADWAY**  
**COOR: N01W06**  
**LEGAL DESCRIPTION: LOTS 1-6, BLOCK 1, UNIVERSITY PLACE, CITY OF BOULDER, COUNTY OF BOULDER, STATE OF COLORADO**

**APPLICANT: RICK POLMEAR**  
**OWNER: EVANS SCHOLAR FOUNDATION**  
**APPLICATION: SITE AND NON-CONFORMING USE REVIEW, LUR2014-00053**  
**ZONING: RH-5**  
**CASE MANAGER: ELAINE MCLAUGHLIN**  
**VESTED PROPERTY RIGHT: YES, the applicant is seeking to establish vested rights.**

**APPROVED MODIFICATIONS FROM THE LAND USE REGULATIONS:**

Section 9-7, "Form and Bulk Standards," B.R.C. 1981:

- Permitted height from 35 feet to 46'-10" for the addition (50 feet is the Existing Condition on the house)
- Maximum number of stories from three to four for the addition (Existing Condition on house)
- Setbacks
  - Front: 15<sup>th</sup> Street existing to remain: eight feet where 25 feet is standard (Existing Condition)
  - Side yard adjacent to a street: 0 foot setback where 12 feet is standard (Existing Condition)
  - Rear yard (Alley): 1 foot setback where 25 feet is standard (Existing Condition)

Section 9-9, "Development Standards," B.R.C. 1981:

- Parking reduction of 91% (two spaces where 22 are required: Existing Non-conforming Condition)

This decision may be called up before the City Council on or before **February 9, 2015**. If no call-up occurs, the decision is deemed final thirty days after the Planning Board's decision.

FOR CONDITIONS OF APPROVAL, SEE THE FOLLOWING PAGES OF THIS DISPOSITION.

IN ORDER FOR A BUILDING PERMIT APPLICATION TO BE PROCESSED FOR THIS PROJECT, A SIGNED DEVELOPMENT AGREEMENT AND SIGNED FINAL PLANS MUST BE SUBMITTED TO THE PLANNING DEPARTMENT WITH DISPOSITION CONDITIONS AS APPROVED SHOWN ON THE FINAL PLANS. IF THE DEVELOPMENT AGREEMENT IS NOT SIGNED WITHIN NINETY (90) DAYS OF THE FINAL DECISION DATE, THE PLANNING BOARD APPROVAL AUTOMATICALLY EXPIRES.

**Address: 1029 Broadway**

Pursuant to Section 9-2-12 of the Land Use Regulations (Boulder Revised Code, 1981), the applicant must begin and substantially complete the approved development within three years from the date of final approval. Failure to "substantially complete" (as defined in Section 9-2-12, Boulder Revised Code 1981) the development within three years shall cause this development approval to expire.

At its public hearing on January 8, 2015 the Planning Board approved the request with the following motion:

On a motion by C. Gray, seconded by B. Bowen, the Planning Board voted 6-0 (J. Putnam absent) to approve Site and Use Review application # LUR2014-00053 with the conditions listed below and adopting the findings provided in the staff memorandum and its attachments.

L. Payton offered a friendly amendment that was accepted by C. Gray and B. Bowen, to add the following condition:

Prior to Technical Document Review, the Applicant shall submit revised plans to the Landmarks Board or Design Review Committee thereof, with architectural plans showing modifications to the addition's roof form to a gambrel roof or other solution that achieves a more compatible roof interface on the Broadway facade and window proportions on the Broadway facade that are more compatible with the historic structure. If these revised plans are not approved by the Landmarks Board or Design Review Committee, the plans dated December 18, 2014 shall be considered approved by the Planning Board.

**CONDITIONS OF SITE REVIEW APPROVAL:**

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on Dec. 18, 2014 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. Prior to Technical Document Review, the Applicant shall submit to the City an application for Individual Landmark designation of the property located at 1029 Broadway.
3. The Applicant shall comply with the terms of the Revised Transportation Demand Management (TDM) Plan dated Dec. 18, 2014 on file in the City of Boulder Planning Department.
4. The Applicant shall ensure through a provision in its lease agreement with each occupant that each occupant with a vehicle shall make arrangements for long term vehicle storage directly through the University of Colorado.
5. Prior to Technical Document Review, the Applicant shall submit revised plans to the Landmarks Board or Design Review Committee thereof, with architectural plans showing modifications to the addition's roof form to a gambrel roof or other solution that achieves a more compatible roof interface on the Broadway facade and window proportions on the Broadway facade that are more compatible with the historic structure. If these revised plans are not approved by the Landmarks Board or Design Review Committee, the plans dated December 18, 2014 shall be considered approved by the Planning Board.

**CONDITIONS OF USE REVIEW APPROVAL:**

1. The Applicant shall ensure that the development shall be in compliance with all plans prepared by the Applicant on Dec. 18, 2014 on file in the City of Boulder Planning Department, except to the extent that the development may be modified by the conditions of this approval.
2. The Applicant shall not expand or modify the approved use, except pursuant to subsection 9-2-15(h), B.R.C. 1981.

By:   
David Driskell, Secretary of the Planning Board

**Address: 1029 Broadway**

*Note: Due to the size and number of pages of the plan set, Attachment B was too large to include in the memo. Therefore, a complete set of plans is available in the City Council office of the City Manager's Office.*



## INFORMATION PACKET MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Bob Eichem, Chief Financial Officer  
David Driskell, Executive Director of Community Planning & Sustainability  
Maureen Rait, Executive Director of Public Works

**Date:** January 20, 2015

**Subject: Information Item: City Office Space Update**

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This City Council information item provides an update on the evaluation of city office space needs and options being examined to support the delivery of city services longer-term.

### BACKGROUND

During 2013, the city office space analysis conducted as part of the Civic Area implementation planning identified a shortfall of 30,000 square feet in the downtown area. Office space deficiencies have been exacerbated by new responsibilities and demands, including those associated with staffing flood recovery efforts and the implementation of recent ballot items.

City Council was provided an update on city office space needs at the June 3, 2014 City Council meeting <https://documents.bouldercolorado.gov/weblink8/0/doc/125565/Electronic.aspx>. Additional leased office space was subsequently secured. Human Resources, Information Technology, Information Resources and Fire Department Administration were relocated to 3065 Center Green during the 4<sup>th</sup> quarter of 2014. The five-year lease at Center Green enables the city to pursue the implementation of the Civic Area Vision Plan and consider options for addressing the delivery of city services longer-term.

### UPDATE

Boulder Community Health (BCH) is also in the midst of a comprehensive planning process. With the relocation of its acute care services to its Foothills hospital in October 2014, BCH is now examining options for the future use of its Broadway campus at 1100 Balsam Ave. Options include putting it on the market later this year. Previous plans to relocate the Mapleton Center outpatient rehabilitation operations to the Broadway campus changed in late 2014 as a result of a partnership with the University of Colorado.

It has been suggested that the city evaluate the extent to which city services and programs currently located across the Boulder community, including those on the city's Municipal Campus, could be a potential fit for the current BCH facility on Broadway. Additionally, other uses that could be considered for this site, along with city services, include overflow parking demand from the downtown as well as accommodating any parking relocated from proposed Civic Area improvements.

The 6.76 acre site at 1100 Balsam Ave. is zoned Public (P). The P zone is defined in Section 9-5 of the city's code as "*Public areas in which public and semi-public facilities and uses are located, including without limitation, governmental and educational uses.*" City operations would be considered a "governmental facility" under Section 9-16 of the city's code and would therefore be a consistent use within the P zone.

With regard to the regulatory process, a master plan was approved through a Planned Unit Development (PUD) process (which was the precursor to the Site Review process) in the 1980s. Any changes to the site would require an amendment to the PUD. Depending on the changes that are proposed, Planning Board approval at a public hearing may be required, although the city's code allows staff to refer items to the Planning Board for decision even if a mandatory public hearing is not triggered.

This site is also located in the Upper Goose Creek drainage. The site and existing building are partially within the 100-year floodplain. Assuming that the value of the remodeling needed to adapt this site for city use would exceed 50 percent of the structure's value (not including land value), the building would need to also be brought into compliance with current flood-proofing requirements. Upper Goose Creek is currently being remapped as part of a larger study that also includes Twomile Canyon Creek. To date, the results show that a portion of the building on this site will continue to be in the 100-year floodplain, which means that flood-proofing the building would be required with any significant remodeling or renovation. Additionally, an emergency management plan that would meet the city's Critical Facilities regulations would need to be prepared for the change in use.

The assessed valuation of the property is approximately \$40 million.

## NEXT STEPS

An update on Civic Area implementation is tentatively scheduled to be provided under Matters at the March 17 City Council meeting. If the City Council supports staff further evaluating the potential feasibility of providing city services and programs at this site, recognizing the corresponding opportunities that may result from redevelopment and repurposing of the Civic Area, additional information could be provided at the March 17 meeting to support a Council discussion.



## INFORMATION PACKET MEMORANDUM

**To:** Members of City Council

**From:** Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works, Flood Recovery Manager

**Date:** January 20, 2015

**Subject: Information Item: Flood Recovery Status**

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This City Council information item provides an update on recovery status in relation to the key objectives for both near-term recovery and long-term resilience. Highlights of the progress made are listed below, by objective, with details provided in the body of the memorandum:

### 1. Help people get assistance.

- Recent changes made by FEMA to the National Flood Insurance Program (NFIP) are impacting how insurance rates are determined for structures in the 100-year floodplain that have been built to floodproof standards. Although the city is not involved in the issuance or pricing of flood insurance nor in determining the requirements for FEMA acceptance of floodproofing standards, staff will be sending letters to the owners of floodproofed properties alerting them that they should begin collecting this information and corresponding with FEMA. It is anticipated that these new requirements will affect between 30 to 40 properties in the city. Staff is also working with the Colorado Association of Floodplain Managers and FEMA to attempt to further clarify the requirements and help to identify opportunities to improve the floodproofing re-certification process.
- Staff is continuing targeted outreach to neighborhoods and property owners with vacant and uninhabitable units. Approximately 17 housing units remain vacant and uninhabitable.
- Approximately 145 cases are active with the Long-Term Flood Recovery Group.

### 2. Restore and enhance our infrastructure.

- As of Dec 31, the city has spent approximately \$18.0 million on flood recovery.
- In terms of costs, with remaining work estimated at \$10 million, recovery efforts are 64 percent complete.
- During the months of November and December of 2014, city staff worked closely with FEMA staff to review and revise the two large project worksheets covering Open Space and Mountain Parks (OSMP) trail repairs and reroutes. As a result of this work, FEMA has prepared amendments (versions) increasing the city's eligible costs on these two project worksheets by \$3 million.
- The city formally appealed an ineligible determination made by FEMA about sediment and debris removal from a portion of Fourmile Canyon Creek. The appeal was submitted to

FEMA by the State of Colorado on Nov. 10, 2014. FEMA has 90 days to consider and respond to the city's appeal, staff anticipates a response by mid-February.

- In coordination with Carl Castillo, the city of Boulder's congressional delegation and Urban Drainage sent letters to FEMA in support of the city's efforts to receive reimbursement for flood recovery expenses and to urge a review of FEMA's policies with respect to floodplain management and mitigation.

### **3. Assist business recovery.**

- The city is continuing to assist businesses with remaining flood recovery needs by connecting them with funding sources and business resources specific to their unique needs.
- The city is working to inform businesses of new and revised federal grant opportunities.

### **4. Pursue and focus resources to support recovery efforts.**

- The city has received \$2.4 million in FEMA reimbursements to date. Compared to state averages, this is in line with other communities.
- The city has been awarded \$3.7 million in non-FEMA grants to support recovery and resilience projects in housing, OSMP, utilities and community services.
- The city is pursuing additional CDBG-DR funds in Rounds 2 and 3 (\$257 million available).
- The city has adopted a policy to acknowledge the risk of de-obligation of funds due to procurement challenges by assigning a portion of FEMA receipts to a restricted fund balance.
- Costs of immediate emergency response and recovery efforts have been covered by reserves across the city's funds and there was no impact to the operating elements of the 2014 Budget. The 2015 Recommended Budget includes a plan to replenish emergency reserves by the end of 2016.

### **5. Learn together and plan for the future.**

- The city continues to participate in the BOCO Strong network, and is supporting an effort to apply for a CDBG-DR Planning & resilience grant, and to kick-off a local volunteer organizations active in disasters (VOAD) organization.
- The resilience strategy (funded through the 100 Resilient Cities program) is moving forward, with an update to council anticipated in the first quarter of 2015 including the scope of work, schedule, and community engagement strategy.

City staff, consultants and community partners continue to work diligently to make progress in achieving the council-adopted objectives. Each objective is explained in the following pages, along with a high-level summary of progress. More detailed information can be found at the city's comprehensive resource for all flood-related information: [www.BoulderFloodInfo.net](http://www.BoulderFloodInfo.net).

Future council updates on flood recovery efforts will occur through Information Packet items on an as-needed basis.



*Facilitate access to individual assistance for affected homeowners, renters and businesses to support their recovery from flood impacts and strengthen long-term resilience.*

### **NATIONAL FLOOD INSURANCE PROGRAM CHANGES**

Recent changes made by FEMA to the National Flood Insurance Program (NFIP) are impacting how insurance rates are determined for structures in the 100-year floodplain that have been built to floodproof standards. In the past, property owners only needed to provide documentation to certify floodproofing at the time of initial construction or first issuance of the flood insurance policy. Under the new FEMA requirements just announced, NFIP policy renewals for existing floodproofed buildings require property owners to submit additional floodproofing documentation before policy renewal at floodproof rates. As existing floodproofed structures are alerted of their policy renewals, FEMA is requiring owners to provide additional documentation and Engineer of Record certifications. FEMA is no longer recognizing their previous approvals and certifications. It is unlikely that owners of many existing floodproofed structures in Boulder will have all of the necessary documentation because of changes FEMA has made, including new documentation requirements and specific certification wording which was not previously the standard.

An example of this situation is the Arete Condominiums, who are currently working to comply with these new requirements. Even as a newer structure, the work to obtain all of the required documentation took longer than the policy renewal timeline provided by the insurance company. During this process Arete unit owners began to receive letters from their mortgage companies stating that the uncertain status of flood insurance was imperiling their loan status.

Although the city is not involved in the issuance or pricing of flood insurance nor in determining the requirements for FEMA acceptance of floodproofing standards, staff will be sending letters to the owners of floodproofed properties alerting them that they should begin collecting this information and corresponding with FEMA to determine what additional documentation, if any, will be required. City staff is also compiling the floodproofing information on file for each structure so that it can be provided to the property owners. It is important to note that, so far, the information in the city's files is not sufficient to meet the new FEMA and NFIP requirements. It is anticipated that these new requirements will affect between 30 to 40 properties in the city. Staff is also working with the Colorado Association of Floodplain Managers and FEMA to attempt to further clarify the requirements and help to identify opportunities to improve the floodproofing re-certification process.

### **UNINHABITABLE, VACANT UNITS & REBUILDING**

The city continues to help residents in need of assistance as they recover from the flood. The city's latest estimate is that approximately 17 housing units continue to remain vacant and/or uninhabitable as a result of the flood.

Direct outreach and workshops with neighborhoods and property owners that remain vacant continues, as needed. Assistance to home owner associations (HOA's) is underway.

The Planning & Development Services Center customers with flood-related questions and those seeking permits for repairs due to flood damage or mitigation measures continues but has decreased. Since Sept. 11, 2013, the city has processed more than 756 flood-related building permits. Since the last council briefing in October, 4 flood recovery permits have been processed. As individuals receive CDBG-DR grant funding, permits for the work are needed, or retroactive permits for work already completed will be required, so a small increase in flood recovery permits is expected.

### **INDIVIDUAL ASSISTANCE & CASE MANAGEMENT**

Approximately 145 Boulder households have open cases with the Long-Term Flood Recovery Group of Boulder County (LTFRG). Ninety-two cases have been closed. The direct assistance provided by case managers includes assisting with FEMA individual assistance and insurance appeals; mental health programs; volunteer and nonprofit labor coordination; construction coordination; funding assistance through the United Way Flood Relief Fund; CDBG-DR housing rehabilitation; as well as connections to other agencies for technical assistance. The city's Human Services department has extended the financial grant through 2015 to support case management of City of Boulder cases.

### **FLOOD-RELATED ANNEXATIONS**

Council received an update on flood-related annexations in an Oct. 8, 2014 Information Packet item. Five properties are proceeding for annexation in January 2015. The Colorado Department of Public Health and Environment (CDPHE) grant to fund extension of water and sewer infrastructure in a flood-affected neighborhood is proceeding in the Old Tale neighborhood.

### **CDBG-DR GRANT FUNDING**

CDBG-DR funding coordination is continuing countywide for the second round of funding (\$199 million for Colorado). By working with state and regional partners, the countywide collaborative was successful in getting the state to include a more predictable, expedited and customized process for allocating this second round of funding for infrastructure- and housing-related projects through a sub-allocation to the countywide collaborative.

The city, along with the other countywide collaborative partners, is compiling all remaining unmet needs (through a consultant) to develop an equitable understanding of the need in each community for infrastructure and housing. Based on that study, a percentage allocation will be established for each community and projects selected. HUD requirements such as 50 percent benefit to low/moderate-income households must still be met, and the collaborative is currently reviewing projects to understand how to ensure compliance.

*The header photos were taken at a Twomile Canyon Creek open house.*



*Invest in projects to restore services and to rebuild and enhance infrastructure, as appropriate, in the interests of public health and safety, community quality of life, and long-term resilience.*

**FLOOD RECOVERY PROJECT STATUS**

As a result of the significant flood damage to city infrastructure, the city is working to complete approximately 300 projects across the community that includes repairs, restoration, replacement and mitigation work. To fund these projects, the city is pursuing a variety of available resources in the recovery and reimbursement process, including insurance, FEMA assistance, and other agencies (e.g., Federal Highway Administration, Urban Drainage and Flood Control District, Colorado Water Conservation Board, etc.), as further described in Objective #4.

Below is a summary of the total projects by department/division. Projects are considered partially complete if work has been started, temporary repairs have been made, or mitigation work has yet to be completed. As of Jan. 9, 2015, the city has completed 75 percent of the flood-related projects and spent \$18 million on flood recovery (see more financial details on page 11).

	<b>Total Flood-related Projects</b>	<b>Percent Complete</b>
<b>Citywide Total</b>	<b>318</b>	<b>75%</b>
<b>Department/Division</b>		
OSMP	142	61%
Parks & Recreation	46	89%
PW - Utilities	64	95%
PW - Transportation	32	75%
PW - FAM/Fleet	34	74%

Department-specific details are provided below.

***OPEN SPACE AND MOUNTAIN PARKS (OSMP)***

In the last quarter of 2014, OSMP focused flood recovery efforts on completion of important trail projects and continuing the planning and execution of ecological restoration. Work was completed on the 1st/2nd Flatiron, Bear Peak West Ridge, Royal Arch, South Boulder Creek and Wonderland Lake trails. Of special note was an innovative project working with the Access Fund, a national organization focused upon providing access to climbing areas open and conserving the climbing environment. The Access Fund was hired to work on the Royal Arch Trail, which leads to several popular climbing destinations. Boulder County’ contractors completed their repairs to Flagstaff

Road and have vacated the Gregory Canyon Trailhead area allowing work to begin on the recovery of the last flood damaged trailhead parking area. OSMP anticipates completing the Gregory Canyon restoration during the summer of 2015.

Staff members from both the OSMP and Finance departments have also worked with FEMA staff to evaluate significant discrepancies between the city’s estimate of recovery costs for trails and the estimates initially provided by FEMA. A collaborative FEMA-City of Boulder project resulted in FEMA’s approving an additional \$3 million in recovery costs. This change effectively closed the gap between the city and federal recovery cost estimates for FEMA-eligible work. A summary of OSMP flood-related projects is shown in the table below. The number of projects has changed since the previous update because some damages were determined to not be flood related. Those projects have been removed from the tally.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	87
Partially Completed	12
Planning/Design	43
<b>TOTAL</b>	<b>142</b>

During the last quarter staff submitted materials to the State of Colorado to request an extension of the March 2015 project completion deadline out of a recognition that recovery work will extend to the end of 2017. Staff is currently responding to the State’s request for additional documentation in support of the extension request.

***PARKS AND RECREATION***

Approximately 34 percent, or 35 of the 98 Parks and Recreation facilities, were significantly damaged by the flood. Recovery work includes repair, restoration and/or replacement of facilities, structures, playgrounds, multi-use fields and courts, and paths.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	41
Partially Completed	4
Planning/Design	1
<b>TOTAL</b>	<b>46</b>

Parks and Recreation staff continues to implement flood recovery and restoration projects across the community, with approximately 89 percent of the projects complete. The department had 46 distinct projects due to flood damage and has currently completed 41 projects, with four partially completed. The four partially complete projects include:

- *Flatirons Golf Course* – removal of sediment from the pond at hole #6;
- *Eben G. Fine Park*<sup>1</sup> – installation of storm sewer pipe to convey flows into Boulder Creek;
- *Evert Pierson Memorial Kids’ Fishing Ponds* – full restoration of the ponds and associated park amenities; and

<sup>1</sup> The remaining work at Eben G. Fine Park is being completed through the FEMA public assistance program. The Natural Resources Conservation Service (NRCS) is not being considered as a funding option because the amount and type of work would not be competitive in meeting the criteria of the grants and programs.

- *Boulder Reservoir* – improve drainage of the main (west side) parking lot.

The remaining project that is currently in planning and design, with FEMA coordination, includes:

- *Knollwood Tennis Courts* – complete replacement of the damaged courts, in addition to replacement of the walls and landscape restoration. The work is anticipated to be complete in summer 2015.

The department anticipates that all projects will be complete within the next seven to 10 months.

**UTILITIES**

Although the water utility infrastructure performed admirably and sustained minimal damages, the wastewater, stormwater, and major drainageway systems were overwhelmed by floodwaters and runoff, groundwater infiltration, and inflow to the city’s open channel and pipe conveyance systems. Initial flood response work included the protection of critical wastewater pipelines, vulnerable water delivery pipelines, and access roads to critical water infrastructure.

Continuing recovery work includes:

- Reconstruction of improved drainageway features, and
- Stabilization and repair of the undermined and damaged wastewater interceptor pipe near 61<sup>st</sup> Street.

PROJECT STATUS	NUMBER OF UTILITY PROJECTS			
	WATER	WASTEWATER	STORMWATER/FLOOD MANAGEMENT	TOTAL
<b>Completed</b>	20	15	26	<b>61</b>
<b>Partially Completed</b>	0	1	1	<b>2</b>
<b>Planning/Design</b>	0	1	0	<b>1</b>
<b>TOTAL</b>	<b>20</b>	<b>17</b>	<b>27</b>	<b>64</b>

Utilities staff continues to implement flood recovery and restoration projects for the water, wastewater and stormwater/flood management utilities. Approximately 95 percent of the recovery work is complete. Work on all critical water and wastewater infrastructure is complete. Sediment and debris removal from major drainageways is complete. Repair of drainageway features, such as drop structures and retaining walls, is more than 90 percent complete and should be completed by mid- year.

**TRANSPORTATION**

Due to the flood, approximately 1 percent (three miles) of roadways were damaged citywide. There are approximately 300 miles of roads that exist within the City of Boulder. It is estimated that approximately 20 percent (60 miles) of the roads were covered in debris. The city also has 60 miles of multi-use paths within the city limits. Approximately 15 percent, or nine miles, of the paths were damaged.

PROJECT STATUS	NUMBER OF PROJECTS <sup>2</sup>
Completed	24
Partially Completed	7
Planning/Design	1
<b>TOTAL</b>	<b>32</b>

All transportation facilities are available for full use by the public. The remaining transportation projects include:

- *Table Mesa Drive/Lehigh Street* – stabilizing the Bear Canyon Creek channel, reconstructing drop structures and repairing pavement;
- *47<sup>th</sup> Street at Fourmile Canyon Creek* – primary work is complete and only fencing replacement, revegetation, and minor channel inlet riprap adjustments remains;
- *Various Street Locations* – complete minor patching and chip seal on flood-damaged streets;
- *Boulder Creek at 4141 Arapahoe Ave.* – removal of a piece of displaced concrete; and
- *Boulder Creek east of 55<sup>th</sup> Street* – repairs to the rip rap protecting the abutments of the pedestrian bridge.

Transportation staff anticipates that all projects will be complete within the next seven to 10 months.

***FACILITIES AND ASSET MANAGEMENT (FAM): BUILDINGS AND STRUCTURES***

Of the 365 city-owned buildings and structures, approximately 34 (nine percent) were damaged due to the flood.

PROJECT STATUS	NUMBER OF PROJECTS
Completed	25
Partially Completed	7
Planning/Design	2
<b>TOTAL</b>	<b>34</b>

About 94 percent of the building and structural repairs have been completed. With the majority of the mitigation work, such as installing sump pumps, rerouting roof drains, and adding flood walls and doors, approved by FEMA, the next step will be completing that work at the following facilities:

- Fire Stations #1 and #4;
- West Senior Center;
- Reynolds Library;
- Main Boulder Public Library;

<sup>2</sup> Projects include FEMA and Federal Highway Administration (FHWA). FEMA oversees the disaster relief federal funding for the street system that carries lower traffic volumes, or residential streets, and FHWA, through Colorado Department of Transportation (CDOT), oversees the federal funding for streets that have higher traffic volumes.

- Iris Center; and
- North Boulder Recreation Center.

Additional flood recovery projects under planning/design include:

- *South Boulder Recreation Center* – the gymnasium floor design and replacement. It is anticipated that the floor will be replaced during the spring facility shutdown; and
- *Flatirons Event Center* – based on council’s direction, staff anticipates demolishing the facility in the summer of 2015 and are currently in the planning phase to ensure an efficient transition of the facility. Spice of Life is remodeling space in Flatiron Industrial Park (near their current offices) for its new commercial kitchen and catering space.

Staff anticipates that all flood mitigation projects, with the exception of the Main Library, will be complete by the end of March 2015. The Main Library flood mitigation project will be accomplished in mid-2015 as part of the Capital Improvement Project (CIP) work.

*The header photos were taken along Boulder Creek and at the primary interceptor pipe that delivers the majority of wastewater flows to the 75<sup>th</sup> Street Wastewater Treatment Facility.*

**FLOOD SAFETY**  
BOULDER, CO

**OBJECTIVE #3: ASSIST BUSINESS RECOVERY**

*Work with the Boulder business community and key partners to connect affected businesses with resources, recover quickly from flood impacts, and support long-term economic vitality.*

The city continues to assist businesses with flood recovery needs. Impacts to Boulder businesses ranged from moderate damage (businesses that were repaired in a few weeks) to severe (e.g., complete demolition of a building with 20 tenants at 100 Arapahoe Avenue). Business assistance inquiries have included unique requests to specific Boulder businesses (e.g., disposal of confidential but severely damaged documents) and questions about funding sources and business resources.

### **CDBG-DR BUSINESS ASSISTANCE**

Recently approved changes to the CDBG-DR program as part of the round 2 funding has changed and expanded the businesses eligible – most significantly assistance for rental property owners for housing rehabilitation costs. The program guidelines are still pending.

Additionally, technical assistance and workforce development programs will be funded, beginning sometime late in the first quarter of 2015.

*The header photo was taken at a business recovery meeting and the graphic was extracted from the Recover Colorado Business Grant and Loan program application.*



*Work in partnership with volunteers, governmental and other agencies to maximize financial resources and efficiencies for recovery.*

The September 2013 flooding was declared a national disaster, which created the opportunity for possible reimbursement through the FEMA, Federal Highway Administration (FHWA) and State of Colorado. The city is striving to maximize reimbursement from all applicable agencies, as well as through grant funding opportunities.

### **FINANCIAL RESOURCES**

Due largely to the city's reserve policies and ability to flex repair dollars, the city has been able to fund the emergency response and initial recovery investments. Although partial reimbursement for eligible expenses is expected from FEMA and the State of Colorado, and the city is seeking all external funding opportunities to cover both recovery and mitigation costs, the timing of this funding is uncertain. Therefore, the 2015 Recommended Budget includes replenishing the General Fund reserves to 14 percent in 2015 and building reserves to 15 percent in 2016 and beyond. This plan brings reserve levels to recognized best practice levels in a short timeframe, maintains adequate levels in the immediate term, and responsibly meets the funding needs of the city.

Tables 1 and 2 (shown below) illustrate, by department/division, the anticipated city share in the flood recovery costs, as well as the estimated amount of reimbursement back to the city. The total cost estimate of \$28.0 million (an increase of \$400,000 from the \$27.6 million estimate in October 2014 due to the projected costs of staff and consultant time for administration of the FEMA grant through 2016) represents staff's current estimates of flood damage and recovery activities after further investigation of damages and assessment of repair and recovery alternatives. These costs are related to the specific September 2013 flood damages and are not reflective of subsequent issues with additional sediment and debris during spring runoff and summer storms.

Since the conclusion of FEMA's "field operations" phase of Public Assistance (PA) work on July 31, staff has been working with FEMA and the State of Colorado to process project worksheet (PW) amendments (versions) to correct omissions and add newly discovered damage. In particular, OSMP and flood recovery staff spent considerable time during November and December to amend the city's two large trail PWs. The original versions of the two PWs totaled \$2.5 million of eligible costs. The revised versions now total \$5.5 million. In terms of potential reimbursements, this translates into an additional \$2.6 million in revenue to the city.

In response to the risks of FEMA de-obligation of funds highlighted in past updates, the Flood Steering Committee adopted a policy which will establish an assignment of fund balance equal to seven percent (7%) of FEMA reimbursements in the seven most affected funds. Based upon current estimates of expected reimbursement, the sum of fund designations would equal approximately \$1.2

million. If FEMA does not require return of funds at the end of the audit period (currently estimated around 2019 or 2020), the fund assignments would be released to unrestricted fund balance.

Since the October 22 update, the city has received an additional \$1.3 million in FEMA reimbursements, bringing the total reimbursements to \$2.38 million. One million of flood related revenues were transferred to departments as part of the November 18 Final Budget Supplemental.

**REMAINING COST TO THE CITY (GAP)**

While FEMA and the state typically reimburse 87.5 percent of eligible projects (75 percent and 12.5 percent, respectively), in many cases, the city’s gap between incurred costs and estimated reimbursements varies significantly. The most common reasons for this gap are listed below.

- Through policy, FEMA has deemed many flood recovery activities ineligible (e.g., ecological restoration activities in OSMP, debris removal in certain areas of the streams).
- FEMA policies generally do not reimburse for regular staff time for flood response and recovery activities (only overtime is eligible). While project management and direct administrative costs are reimbursable, actual “boots on the ground” time is typically limited to overtime labor.
- Costs related to general administrative activities (not associated with a particular project) are ineligible for reimbursement (e.g., general flood coordination meetings, reporting, budgeting, council updates, etc.).

**Table 1: Costs Related to Flood Damage and Response**

Department/Division	Total Flood Damage and Response	Amount Spent	Remaining Estimated Cost
Transportation	\$2,500,000	\$2,485,068	\$14,932
Utilities	\$9,000,000	\$8,393,241	\$606,759
FAM/Fleet	\$1,900,000	\$950,193	\$949,807
OSMP	\$8,800,000	\$1,324,923	\$7,475,077
Parks & Rec	\$1,600,000	\$928,584	\$671,416
CP&S	\$1,892,947	\$1,892,947	\$0
Police	\$743,206	\$743,206	\$0
Fire	\$112,009	\$112,009	\$0
Other	\$1,500,000	\$1,177,404	\$322,596
<b>Total</b>	<b>\$28,048,162</b>	<b>\$18,007,575</b>	<b>\$10,040,588</b>

**Table 2: Sources of Funds for Flood Recovery and Response**

Department/Division	Actual FEMA/State/FHWA Reimbursement	Estimated Reimbursement from FEMA/State/FHWA <sup>1</sup>	Insurance Proceeds <sup>2</sup>	Total Reimbursement	Remaining Cost to City (Gap) <sup>3</sup>	Total Sources of Funds
Transportation	\$595,822	\$1,530,000		\$1,921,064	\$578,936	\$2,500,000

Utilities	\$329,854	\$5,630,000		\$6,932,574	\$2,067,426	\$9,000,000
FAM/Fleet	\$190,845	\$112,000	\$1,422,388	\$1,722,876	\$177,124	\$1,900,000
OSMP <sup>4</sup>	\$99,111	\$5,354,000	\$25,097	\$5,478,208	\$3,321,792	\$8,800,000
Parks & Rec	\$187,167	\$696,000	\$186,812	\$1,001,233	\$598,767	\$1,600,000
CP&S	\$711,344	\$1,362,000		\$1,376,484	\$516,463	\$1,892,947
Police	\$220,061	\$28,000	\$4,963	\$253,024	\$490,182	\$743,206
Fire	\$0	\$94,000		\$94,000	\$18,009	\$112,009
Other	\$42,534	\$1,000		\$43,534	\$1,456,466	\$1,500,000
<b>Total</b>	<b>\$2,376,736</b>	<b>\$14,807,000</b>	<b>\$1,639,260</b>	<b>\$18,822,996</b>	<b>\$9,225,166</b>	<b>\$28,048,162</b>

<sup>1</sup> Actual reimbursement amounts may vary due to actual costs incurred and/or FEMA de-obligation of costs at project closeout. Includes 1.34 percent management cost reimbursement.

<sup>2</sup> Insurance proceeds do not reflect \$1 million uncheduled property payment. The city is still determining the best use of these funds. FEMA may require that some or all of this payment be used to offset "duplication of benefits." This would result in a reduction of the FEMA reimbursement.

<sup>3</sup> Please refer to the following sections (Remaining Cost to City, and Grants) for an overview of the reasons contributing to the gap, and the additional funding sources that city staff is pursuing to help close the gap.

<sup>4</sup> The majority of OSMP project worksheets have been written on estimates. As recovery work and reimbursements progress, the actual reimbursement from FEMA and the state may increase, as long as the work performed is consistent with the project scope and costs are determined to be reasonable by FEMA.

## GRANTS

To help close the aforementioned gap between flood damage and response costs and FEMA reimbursements, the city is pursuing additional funding sources. The following table provides a brief overview of the opportunities currently being pursued.

Program	Awarded Projects/Eligible Activities
<b>Grants Awarded</b>	
Community Development Block Grant: Disaster Recovery – Resiliency Planning	<ul style="list-style-type: none"> <li>West Fourmile Creek annexation and redevelopment study</li> <li><b>Award: \$75,625</b></li> </ul>
Community Development Block Grant: Disaster Recovery – Housing Rehabilitation	<ul style="list-style-type: none"> <li>Single-family renovations and repairs</li> <li>Relocation of single family homes</li> <li><b>Award: \$1 million (city's share of city/county funds)</b></li> </ul>
Colorado Department of Public Health and Environment	<ul style="list-style-type: none"> <li>61<sup>st</sup> Street wastewater interceptor reroute</li> <li>Area II annexation infrastructure and design</li> <li><b>Award: \$1,595,000</b></li> </ul>
Colorado Water Conservation Board	<ul style="list-style-type: none"> <li>Boulder Creek restoration and relocation</li> </ul>

– Stream Restoration Grant	<ul style="list-style-type: none"> <li>• <b>Award: \$200,000</b></li> </ul>
Community Development Block Grant: Disaster Recovery – Infrastructure	<ul style="list-style-type: none"> <li>• FEMA local match for sediment and debris removal in streams</li> <li>• <b>Award: \$500,000</b></li> </ul>
Fish and Wildlife Service – National Fish Passage Program	<ul style="list-style-type: none"> <li>• Boulder Creek at Green Ditch Fish Passage Project</li> <li>• <b>Award: \$75,000</b></li> </ul>
Colorado Water Conservation Board – Water Supply Reserve Account Program	<ul style="list-style-type: none"> <li>• Boulder Creek at Green Ditch Floodplain Reconnection Project</li> <li>• <b>Award: \$245,000</b></li> </ul>
<b>Open Opportunities</b>	
FEMA Hazard Mitigation Grant Program	<ul style="list-style-type: none"> <li>• Hazard mitigation projects (property acquisition, structure elevation, dry floodproofing, generators, etc.)</li> </ul>
Urban Drainage and Flood Control District (UDFCD)	<ul style="list-style-type: none"> <li>• Repair of structures built by UDFCD</li> </ul>
Natural Resources Conservation Service Emergency Watershed Protection Program	<ul style="list-style-type: none"> <li>• Debris removal</li> <li>• Streambank stabilization</li> <li>• Repair of water control structures and infrastructure</li> </ul>
Colorado Department of Public Health and Environment	<ul style="list-style-type: none"> <li>• Water and Wastewater infrastructure repairs and mitigation</li> </ul>
Unites States Tennis Association	<ul style="list-style-type: none"> <li>• Tennis court repairs</li> </ul>

**VOLUNTEERS**

Since September 2013, the city has been very fortunate to have a significant level of support from volunteers, with approximately 1,650 volunteers working approximately 6,700 hours. Of those hours, 3,853 are eligible for FEMA reimbursement, with a projected value of \$60,000.

Upcoming events for public volunteer assistance can be found online at [www.ow.ly/pfF4Y](http://www.ow.ly/pfF4Y).

*The header photos were taken at volunteer projects along the Royal Arch Trail and Mesa Trail.*



**OBJECTIVE #5: LEARN TOGETHER & PLAN FOR THE FUTURE**




*Engage the Boulder community in assessing neighborhood impacts, refining and rethinking community design options, prioritizing actions and opportunities that mitigate hazards before rebuilding and support long-term community resilience and sustainability. In doing so, we build a city both greater and more beautiful than we were before.*

**BOCO STRONG**

BOCO Strong – the countywide network for resilience will be applying for a CDBG-DR resilience planning grant to assist in piloting neighborhood level resilience countywide. This effort is being coordinated with the city’s resilience planning efforts.

## **BOULDER COUNTY VOAD**

Efforts are underway through the BOCO Strong network to organize a Boulder County Volunteer Organizations Active in Disasters (VOAD) structure that will allow nongovernmental organizations to work in collaboration with local emergency response and county resources. The benefits of having a VOAD within the county include:

- Ability to communicate across organizational silos;
- Avoid duplication of resources while maximizing existing capabilities;
- Leverage local knowledge to meet the diverse needs of communities across the county;
- Identify gaps in service coverage and adapt to meet needs that arise during a disaster; and
- Interface with groups coming to assist from out of state and deploy them to where they are most needed.

## **CITY PRE-DISASTER RECOVERY PLANNING**

Efforts to create pre-disaster recovery plans for city and community recovery are underway, and will continue through 2015.

## **RESILIENCE STRATEGY**

The city's resilience strategy (funded through the Rockefeller Foundation's 100 Resilient Cities program) is moving forward, with an update to council anticipated in the first quarter of 2015 including the scope of work, schedule, and community engagement strategy.

*The header photos were taken at the Sept. 10 "The Boulder Flood: One Year Later" afternoon and evening events.*

**CITY OF BOULDER**  
**BOULDER DESIGN ADVISORY BOARD MINUTES**  
**November 12, 2014**  
**1739 Broadway, 401 Conference Room**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**BDAB MEMBERS PRESENT:**

David Biek  
Jamison Brown  
Fenno Hoffman, Chair  
Jeff Dawson  
Michelle Lee

**BDAB MEMBERS ABSENT:**

**PLANNING BOARD EX-OFFICIO MEMBER PRESENT:**

Bryan Bowen

**STAFF PRESENT:**

Sam Assefa, Senior Urban Designer

**BOARD DISCUSSION:**

**1. Update on Design Excellence**

- **S. Assefa** explained that Victor Dover will be in town in December and will host a joint BDAB and Planning Board meeting, Council Study Session and public workshop. He discussed the objectives for his visit and steps for moving forward.
- **B. Bowen** recommended that the board and Victor Dover review and discuss some by-right projects including 1150 Lee Hill, Surround Architecture project on Broadway and North, Andy Alison project adjacent to Chez Thuy, Rick Epstein's office, McDonalds, and Yarmouth and Broadway affordable housing project.

**2. BDAB Applicant Questions**

- **S. Assefa** submitted revisions to the BDAB interview questions to Council. He will circulate the questions to the board.
- **D. Biek** also drafted questions based on feedback from board members and sent a draft to Macon Cowles.
- Two BDAB board positions will open in 2015.

### 3. Design Guideline Update Discussion

- **S. Assefa** requested the board's feedback about how to best handle the Design Guidelines. There was consensus that they do not work well in their current form. A new document cannot be drafted unless Council adds it to the work plan.
- Board members agreed that the Design Guidelines are not effective in their current application. They were drafted for downtown and have been stretched to encompass a larger area.
- The city needs a strong overarching plan with an established set of Design Guidelines. Determine the best way to communicate the ideas about the future to the layperson.
- Predictability and clarity are important. Developers need to understand the Guidelines if they must go through Site Review.
- **J. Brown** thought that the Design Guidelines should be scrapped and recreated via a public process, consultant and board of advisors. The current document does not function properly. The current revisions to the Guidelines should only serve as a band-aid until they can be redrafted altogether.
- The board discussed difficulties involved with using area plans to supplement the Design Guidelines. Consider other options such as form-based code or guidelines for specific nodes to achieve desired outcomes.
- The Planning Board and the public aim to maintain a good public realm but do not always know how to achieve it architecturally. They often associate lower heights, setbacks and step-backs as a means to protect the public realm. These issues, mass and height could be properly addressed in Design Guidelines.

#### Community Engagement:

- **F. Hoffman** noted that the Planning Board often sends their annual letter to council to BDAB to inform their letter. **B. Bowen** shared some of the items that the Planning Board is considering for their annual letter to Council including community engagement.
- Reconsider the process for community engagement. It currently involves asking the neighbors what they'd like to see, but without a clear vision, the neighbors don't want anything. This makes great placemaking and innovation impossible.
- Consider a more nuanced approach without asking the layperson to act as a designer.
- There are so many long public processes in Boulder that it becomes a confusing quagmire.
- Consider including design education for the layperson in the Design Excellence process.

- Group design processes often result in mediocre buildings and feel incoherent.

#### **Role of BDAB in Review Processes:**

- BDAB would like Council and Planning Board to clarify BDAB's role. Some members felt that their role was currently ineffective and unnecessary. The current structural set up does not work well or engage BDAB's strengths.
- The BDAB and Planning Board review processes are fractured. BDAB and Planning Board review different iterations of the same project. The James was an example of this. Consider holding a concurrent BDAB and Planning Board Concept Review.
- BDAB would like to be involved with plans and plan updates as early as possible so they can be engaged in the upfront thinking for the project. They liked the joint East Arapahoe meeting the TAB and Planning Board.
- The board appreciated that **B. Bowen** attends all of BDAB's meetings and thought that a BDAB representative should also attend every Planning Board meeting. While he does not represent the Planning Board, **B. Bowen** can give Planning Board's perspective as he sees it.

#### **Next Steps:**

- **F. Hoffman** will complete his redlined version of the Design Guidelines and will send it to the board for review. The board will discuss it at the next meeting to flag areas of disagreement and to get high level consensus.
- The board agreed to have a special meeting on Tuesday, November 25<sup>th</sup> to discuss the Design Guidelines.

#### **4. Meeting Minutes**

- **D. Biek** had concerns that the minutes did not accurately capture the meeting. There were implications of consensus when only one person brought up a topic. Some of the comments were made by non-board members. He will send his comments to **S. Meissner**.
- Members agreed to pilot the minutes process that the Planning Board uses. Draft minutes will be sent to the board prior to the meeting for comment via email. Members may only edit their own or general comments. Any edits should be sent to **S. Meissner**.

APPROVED BY:

Fenno Hoffman  
Board Chair

12/17/2014  
DATE

**City of Boulder**  
**BOARDS AND COMMISSIONS MEETING SUMMARY FORM**

<b>NAME OF BOARD/COMMISSION:</b> Human Relations Commission
<b>DATE OF MEETING:</b> Dec. 15, 2014
<b>NAME/TELEPHONE OF PERSON PREPARING SUMMARY:</b> Robin Pennington 303-441-1912
<b>NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:</b> <b>Commissioners</b> – Amy Zuckerman, Shirly White, Emilia Pollauf, Nikhil Mankekar, José Beteta <b>Staff</b> – Carmen Atilano, Robin Pennington, Todd Jorgensen <b>Commissioners absent</b> - None
<b>WHAT TYPE OF MEETING (CIRCLE ONE) [REGULAR] [SPECIAL] [QUASI-JUDICIAL]</b>
<b>AGENDA ITEM 1 - CALL TO ORDER</b> – The Dec. 15, 2014 HRC meeting was called to order at 6 p.m. by <b>A. Zuckerman</b> .
<b>AGENDA ITEM 2 – AGENDA ADJUSTMENTS</b> – Add Out Boulder 2015 CEF budget discussion as Discussion/Informational Item VI.A.2.
<b>AGENDA ITEM 3 – APPROVAL OF MINUTES</b> – <b>E. Pollauf</b> moved to approve the Nov. 17, 2014 minutes with corrections. <b>J. Beteta seconded. Motion carries 5-0. S. White moved</b> to approve the Dec. 4, 2014 minutes with changes. <b>J. Beteta seconded. Motion carries 5-0.</b>
<b>AGENDA ITEM 4 – COMMUNITY PARTICIPATION (non-agenda action items)</b> – None.
<b>AGENDA ITEM 5 – ACTION ITEMS</b> A. 2014 Community Impact Fund Reports <ol style="list-style-type: none"> <li>1. Boulder History Museum – Nancy Geyer reported on the Boulder History Museum reinstallation of the “Chief Niwot – Legend and Legacy” exhibition. <b>N. Mankekar moved</b> to approve. <b>E. Pollauf seconded. Motion carries 5-0.</b></li> <li>2. Out Boulder – Mardi Moore and Sara Connell reported on the Out Boulder Transgender Programming Project. <b>J. Beteta moved</b> to approve. <b>N. Mankekar seconded. Motion carries 5-0.</b></li> </ol> B. 2014 Celebration of Immigrant Heritage Reports <ol style="list-style-type: none"> <li>1. Barrio E’ – Tamil Maldonado reported on “Feel Puerto Rico” which was held on Oct. 11, 2014. <b>J. Beteta</b> recused himself from the vote. <b>N. Mankekar moved</b> to approve. <b>E. Pollauf seconded. Motion carries 4-0.</b></li> </ol> C. 2014 Community Event Reports <ol style="list-style-type: none"> <li>1. Barrio E’ – Tamil Maldonado reported on “Influencias: The Legacy of Bomba,” a combination of the original three 2014 CEF proposals for “Bomba Dance and Theater featuring Barrio E’ and Marien Torres Lopez,” “Barrio E presents Master Percussionist Rafael Maya,” and “Expresion De Barrio feat: Painter Artist Reynaldo GuAracibo Rodriguez.” <b>J. Beteta</b> recused himself from the vote. <b>E. Pollauf moved</b> to approve. <b>N. Mankekar seconded. Motion carries 4-0.</b></li> <li>2. Bridge House – The commissioners reviewed the report from Bridge House on the “Kids Give Back Thanksgiving Dinner” held Nov. 25, 2014. <b>E. Pollauf moved</b> to approve. <b>S. White seconded. Motion carries 5-0.</b></li> </ol> D. Funding Decisions: 2015 Community Event Fund – Following a discussion of the 2015 CEF proposals, <b>J. Beteta moved</b> to fund the 2015 CEF for a total of \$14,500. <b>E. Pollauf seconded. Motion carries 5-0. A. Zuckerman moved</b> to reserve \$6,000 of the remaining 2015 grant funds for Celebration of Immigrant Heritage and allocate the remainder of \$12,530 to the Community Impact Fund. <b>E. Pollauf seconded. Motion carries 5-0.</b>

E. January 15<sup>th</sup> Immigration Forum – C. Atilano gave an overview of the Immigration Forum proposed for Jan. 15, 2015. **A. Zuckerman moved** that the HRC co-sponsor the event. **E. Pollauf seconded. Motion carries 5-0. J. Beteta** and **A. Zuckerman** agreed to act as co-hosts for the event.

**AGENDA ITEM 6 – DISCUSSION/INFORMATIONAL ITEMS**

- A. 2015 Community Event Applications
  - 1. Barrio E’ – Tamil Maldonado presented the BarrioE’ “Cultura Viva” proposal, tentatively scheduled for July 18, 2015, to be held on the Pearl Street Mall.
  - 2. Out Boulder – Mardi Moore provided clarification on the 2015 CEF Pridefest budget.
- B. Questions from City Council – The commissioners discussed the questions from City Council and identified three priorities for 2015: revisiting the Living Wage policy, the repeal of C.R.S. Section 8-6-101 and ensuring that the needs of low-income people, the working poor and struggling immigrants are considered in the prioritization of City strategic planning and the crafting and implementation of policies.
- C. 2015 HRC Work Plan – This item was tabled to the January HRC meeting.
- D. 2015 MLK Celebration – C. Atilano gave an overview of the plans for the 2015 MLK Celebration, which will include a day of service by Youth Opportunities Advisory Board members and a documentary on MLK to be shown at the Dairy Center on Jan. 19, 2015 followed by a panel discussion.
- E. 2015 January and February HRC Meetings – The commissioners agreed to meet on the fourth Monday instead of the third Monday in these months due to the Martin Luther King Day and Presidents’ Day holidays.
- F. Event Reports – **A. Zuckerman** attended the Transgender Day of Remembrance on Nov. 20, 2014.
- G. Follow Up Tasks – Revise the Nov. 17 and Dec. 4 minutes, notify the 2015 CEF applicants of the funding decisions and administer the contracts, include the HRC as a sponsor on the January 15<sup>th</sup> Immigration Forum and prepare a draft of the responses to the Questions from City Council for HRC review.

**AGENDA ITEM 7 – IMMEDIATE ACTION ITEMS – None.**

**AGENDA ITEM 8 – Adjournment – N. Mankekar moved** to adjourn the Dec. 15, 2014 meeting. **E. Pollauf seconded** the motion. **Motion carries 5-0.** The meeting was adjourned at 10:03 p.m.

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:** The next regular meeting of the HRC will be Jan. 26, 2015 at 6 p.m. at 1777 West Conference Room, Municipal Building, 1777 Broadway St.

**CITY OF BOULDER  
LANDMARKS BOARD  
December 3, 2014  
1777 Broadway, Council Chambers Room  
6 p.m.**

The following are the action minutes of the December 3, 2014 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: [www.boulderplandevlop.net](http://www.boulderplandevlop.net).

**BOARD MEMBERS:**

Mark Gerwing, Chair

Kate Remley

Mike Schreiner

Fran Sheets

Deborah Yin

\*Crystal Gray                    *\*Planning Board representative without a vote*

**STAFF MEMBERS:**

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Lesli Ellis, Comprehensive Planning Manager

Angela Smelker, Historical Preservation Intern

**1. CALL TO ORDER**

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board approved (5-0) the minutes of the November 5, 2014 board meeting.

**3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA**

**4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING**

- **Statistical Report**

**5. BRIEF UPDATE ON HOUSING BOULDER – JAY SUGNET**

## 6. ACTION ITEMS

**A. Continuation of a public hearing and consideration of an application for a Landmark Alteration Certificate to construct a 753 sq. ft. addition to a contributing house and to construct a 336 sq. ft. one-car garage at 735 Mapleton Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code 1981 (HIS2014-00192). Applicant: David Waugh. Owner: Marybeth Emerson.**

**F. Sheets** recused herself. All other board members made site visits.

### Staff Presentation

**J. Hewat** presented to the board, recommending that the Landmarks Board conditionally approve the application.

### Applicant's Presentation

**David Waugh**, 71 Bowen St., Longmont, architect, spoke in support of the Landmark Alteration Certificate application.

### Public Hearing

**Michael Mikuta**, 2433 8<sup>th</sup> St., spoke in support of the Landmark Alteration Certificate application but voiced concern about location of proposed new garage to ensure back-out distance and requested it be moved 1' south into the property. He spoke in support of removing the historic garage to allow for more flexibility and better design.

### Motion

On a motion by **M. Gerwing**, seconded by **M. Schreiner**, the Landmarks Board approved (4-0, **F. Sheets** recused herself) the proposed construction shown on plans dated 09/23/2014, finding that it generally meets the standards for issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981, subject to the following conditions:

#### **CONDITIONS OF APPROVAL:**

1. The applicant shall be responsible for constructing the addition and new one-car garage in compliance with the approved plans dated 09/23/2014, except as modified by these conditions of approval.
2. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit a revised design that:
  - a. Retains a greater portion of the north (rear) wall of the historic house and create a more defined connection between the historic house and new addition;
  - b. Addresses preservation of the east wall of the existing garage;
  - c. Applicant shall submit a revised design that studies turning the gable to match the roof form of the existing garage.

3. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall provide details on the rehabilitation of the existing house.
4. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit the following, which shall be subject to the final review and approval of the Landmarks design review committee: window and door details, wall material details, siding material details, paint colors, roofing material details and details regarding any exterior lighting and hardscaping on the property to ensure that the approval is consistent with the General Design Guidelines and the Mapleton Hill Historic District Guidelines and the intent of this approval.

**B. Public hearing and consideration of a Landmark Alteration Certificate to alter window opening to create an entrance at the north (primary) elevation of 1029 Broadway St. (pending landmark), per section 9-11-18 of the Boulder Revised Code (HIS2014-00354). Applicant: Rick Burkett. Owner: Evans Scholars.**

All board members made site visits. **M. Gerwing, D. Yin, K. Remley, and M. Schreiner** reviewed the case at Design Review Committee meetings.

**Staff Presentation**

**J. Hewat** presented to the board, recommending that the Landmarks Board conditionally approve the application.

**Applicant's Presentation**

**Rick Polmear**, 5685, Greenwood Village, Evans Scholars Foundation, spoke in support of the Landmark Alteration Certificate application and the importance of a single, prominent entrance.

**Danica Powell**, 1350 Pine St., spoke in support of the Landmark Alteration Certificate application.

**Catherine Quintero**, 431 Oneida St., Denver, architect, spoke in support of the Landmark Alteration Certificate application.

**Public Hearing**

**Abby Daniels**, 1123 Spruce St., Executive Director of Historic Boulder, spoke in support of the staff recommendation.

**Motion**

On a motion by **M. Schreiner**, seconded by **M. Gerwing**, the Landmarks Board approved (5-0) a Landmark Alteration Certificate for the proposed alteration shown on plans dated 09/16/2014 and 9/24/2014, finding that it generally meets the standards for issuance of a Landmark Alteration Certificate in Chapter 9-11-18, B.R.C. 1981, subject to the following conditions:

## CONDITIONS OF APPROVAL:

1. The applicant shall be responsible for making modifications to the north face of the building in compliance with the approved plans dated 09/16/2014 and 09/24/2014, except as modified by these conditions of approval.
2. Prior to submitting a building permit application and final issuance of the Landmark Alteration Certificate, the applicant shall submit a revised design that:
  - (A) Locates the entrance to the west side of the north addition;
  - (B) Revises the replacement of non-historic windows on the north addition to more closely replicate the appearance of the screened in porch visible in the 1930s photograph;
  - (C) Eliminates the proposed new windows and door at the north wall of the main building;
3. The Landmarks design review committee shall review details of the remodel, including doors and window details, moldings and proposed insets, paint colors, and any associated hardscaping to ensure that the approval is consistent with the *General Design Guidelines* and the historic preservation ordinance.

### **C. Public hearing and consideration of an application to designate the property at 445 College Ave. as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00085). Owner: George Stark. Applicant: Landmarks Board.**

#### **Staff Presentation**

**M. Cameron** presented to the board, recommending that the Landmarks Board disapprove the application for individual landmark designation.

#### **Applicant's Presentation**

**Stephen Sparn**, 1731 15<sup>th</sup> Street, architect and property owner's representative, spoke in opposition to landmark designation.

#### **Public Hearing**

**Karl Kellogg**, 2249 Tin Cup Circle, spoke in opposition to landmark designation.

**Marion Thurnauer**, 440 College Avenue, spoke in opposition to landmark designation.

**Mark Gelband**, 505 College Avenue, spoke in opposition to landmark designation.

**Dale Thoms**, 425 College Avenue, spoke in opposition to landmark designation.

**Inger Barron**, 430 College Avenue, spoke in opposition to landmark designation.

**Eileen Kintsch**, 435 College Avenue, spoke in opposition to landmark designation.

**Abby Daniels**, 1123 Spruce St., Executive Director of Historic Boulder, spoke on behalf of the Historic Boulder Board spoke in opposition to landmark designation of this property.

**Dale Thoms**, 425 College Avenue, spoke in opposition to landmark designation.

**Kathryn Barth**, 2940 20<sup>th</sup> Street, spoke in support of landmark designation.

**George Stark**, 1321 Marshall Street, spoke in opposition to landmark designation.  
**Nancy Kellogg**, 2944 Tin Cup Circle, spoke in opposition to landmark designation.  
**Joan Lieberman**, 1335 Marshall Street, spoke in opposition to the landmark designation.  
**Gretchen King**, 415 College Avenue, spoke in opposition to the landmark designation.  
**Stephanie Stark**, 1321 Marshall Street, spoke in opposition to the landmark designation.

### **Motion**

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board disapproved (5-0) the designation of the property at 445 College Ave. as an individual local historic landmark, finding that although, pursuant to Sec. 9-11-1(a), B.R.C. 1981, the proposal would protect, enhance, and perpetuate a building of the city reminiscent of past eras, events, and persons, it does not meet the legislative intent of Section 9-11-1(b) in that approving the application would not draw a reasonable balance between private property rights and the public interest. Further the Landmarks Board adopts the staff memorandum as findings of the Board, orders staff to issue the demolition permit and recommends that prior to issuance of the demolition permit, staff require the applicant to submit to CP&S staff for recording with Carnegie Library:

1. A site plan showing the location of all existing improvements on the subject property;
2. Measured elevation drawings of all faces of the buildings depicting existing conditions, fully annotated with architectural details and materials indicated on the plans; and
3. Black and white medium format archival quality photographs of all exterior elevations.

**D. Public hearing and consideration of issuance of a demolition permit for the building located at 1103 6<sup>th</sup> St., a non-landmarked building over 50 years old, pursuant to Section 9-11-23 of the Boulder Revised Code (HIS2014-00301). Applicant: Olga DeLange Owner: Patricia Faulkner.**

All Board members made site visits to the property.

### **Staff Presentation**

**M. Cameron** presented to the board, recommending that the board approve the demolition permit application.

### **Applicant's Presentation**

**Tamara Faulkner**, executor of family estate, spoke in support of issuing a demolition permit and opposes imposition of a stay-of-demolition.

**Todd Faulkner**, 3306 Longview Road, Erie, son of Dean and Patricia Faulkner, spoke in support of demolition permit.

### **Public Hearing**

**Kathryn Barth**, 2940 20<sup>th</sup> Street, stated that she considered the building might be contributing-restorable, but in its present form is not eligible for individual landmark designation.

Lynn Segal, 538 Dewey Street, considers the interior of the building has a really “neat feel to it” and would like to know the expenses of demolition vs. renovation.

**Motion**

On a motion by **M.Schreiner**, seconded by **M.Gerwing**, the Landmarks Board approve (5-0) the demolition permit application for the buildings located at 1103 6th St. finding that, due to a loss of architectural integrity, the property is not eligible for landmark designation and adopt the staff memorandum dated Dec. 3, 2014, as the findings of the board. The Landmarks Board recommends that prior to issuance of the demolition permit, staff require the applicant to submit to CP&S staff for recording with Carnegie Library:

1. A site plan showing the location of all existing improvements on the subject property;
2. Measured elevation drawings of all faces of the buildings depicting existing conditions, fully annotated with architectural details and materials indicated on the plans; and
3. Color medium format archival quality photographs of all exterior elevations.

**7. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY**

- A. Structure of Merit Update
- B. Update Memo
- C. Subcommittee Update
  - 1) Design Guidelines and Code Revisions
  - 2) Outreach and Engagement
  - 3) Potential Resources

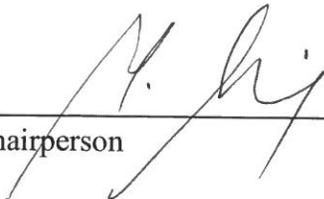
**8. DEBRIEF MEETING/CALENDAR CHECK**

**9. ADJOURNMENT**

The meeting adjourned at 10:53 p.m.

Approved on January 7, 2015

Respectfully submitted,

  
\_\_\_\_\_  
Chairperson

**CITY OF BOULDER  
LANDMARKS BOARD  
January 7, 2015  
1777 Broadway, Council Chambers Room  
6 p.m.**

The following are the “*unapproved and unsigned*” action minutes of the January 7, 2015 City of Boulder Landmarks Board meeting. A digital recording and a permanent set of these minutes (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). You may also listen to the recording on-line at: [www.boulderplandevlop.net](http://www.boulderplandevlop.net).

**BOARD MEMBERS:**

Mark Gerwing, Chair

Kate Remley

Mike Schreiner

Deborah Yin

\*Crystal Gray                    *\*Planning Board representative without a vote*

**STAFF MEMBERS:**

Debra Kalish, Senior Assistant City Attorney

James Hewat, Senior Historic Preservation Planner

Marcy Cameron, Historic Preservation Planner

Lesli Ellis, Comprehensive Planning Manager

Angela Smelker, Historic Preservation Intern

**1. CALL TO ORDER**

The roll having been called, Chair **M. Gerwing** declared a quorum at 6:00 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by **M. Gerwing**, seconded by **K. Remley**, the Landmarks Board approved (**4-0**) the minutes as amended of the December 3, 2014 board meeting.

**3. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA**

**4. DISCUSSION OF LANDMARK ALTERATION AND DEMOLITION APPLICATIONS ISSUED AND PENDING**

- **Statistical Report**

**5. ACTION ITEMS**

- A. Public hearing and consideration of a Landmark Alteration Certificate to install vinyl windows on the non-contributing building located at 720 Concord Ave. in the Mapleton Hill Historic District, per section 9-11-18 of the Boulder Revised Code (HIS2014-00350). Applicant/Owner: James R. Christoph.**

### **Motion**

On a motion by **M. Gerwing**, seconded by **M. Schreiner**, the Landmarks Board approved (**3-1**), with **D. Yin objecting**, the proposal for the replacement of windows at 720 Concord Avenue in that it generally meets the standards in Chapter 9-11-18 (a)(b, 1-4), B.R.C. 1981, and is generally consistent with the *General Design Guidelines* and *Mapleton Hill Historic District Design Guidelines*, subject to the conditions below, and adopts this memorandum as findings of the board.

### **CONDITIONS OF APPROVAL**

1. The applicant shall be responsible for ensuring that the windows are installed in compliance with all approved plans on file in the City of Boulder Planning Department, except as modified by these conditions of approval.
2. Prior to submitting a building permit application, the Applicant shall provide elevation, sill, head, and jamb details to demonstrate that the design details are in compliance with the intent of this approval and the General Design Guidelines. The remaining windows may be installed after the review and approval of the sample window by the Landmarks Design Review Committee.
3. Landmarks board encourages applicant to replicate the existing window pattern on all windows.

**B. Public hearing and consideration of an application to designate the property at 747 12<sup>th</sup> St., as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00070). Owner: 747 Twelfth Street, LLC. Applicant: Landmarks Board.**

The board agreed to discuss this item at the next Landmarks Board meeting, February 3, 2015.

**C. Public hearing and consideration of an application to designate the property at 747 12<sup>th</sup> St., as a local historic landmark per Section 9-11-5 of the Boulder Revised Code, 1981 (HIS2014-00070). Owner: 747 Twelfth Street, LLC. Applicant: Landmarks Board.**

### **Motion**

On a motion by **M. Schreiner**, seconded by **D. Yin**, the Landmarks Board adopted (**4-0**) a resolution to initiate landmark designation the property at 747 12<sup>th</sup> St. as a local historic landmark, to be known as the Cowgill House, finding that it meets the standards for individual landmark designation in Sections 9-11-1 and 9-11-2, B.R.C. 1981, and adopts the staff memorandum, including the following as the findings of the board:

### **FINDINGS**

The Landmarks Board finds, based upon the application and evidence presented, that the proposed designation application is consistent with the purposes and standards of the Historic Preservation Ordinance, and:

1. The proposed designation will protect, enhance, and perpetuate a building reminiscent of a past era and important in local and state history and provide a significant example of architecture from the past. Sec. 9-11-1(a), B.R.C. 1981.
2. The proposed designation will maintain an appropriate setting and environment and will enhance property values, stabilize the neighborhood, promote tourist trade and interest, and foster knowledge of the city's living heritage. 9-11-1(a), B.R.C. 1981.
3. The buildings proposed for designation have exceptionally high architectural, historic and environmental significance. The property is associated with Marthana and Josephine Cowgill, who cared for tuberculosis patients in the house prior to purchasing the Mesa Vista Sanatorium; the property possesses a high level of architectural integrity as an example of architecture of that period, and the property has been identified as contributing resource to the identified potential University Hill local and National Register of Historic Places District. Sec. 9-11-2(a)(1), B.R.C. 1981.
4. In this case, designation over an owner's objection is appropriate because (i) the house and garage are of exceptionally high architectural, historic, and environmental significance; (ii) the house and garage are in need of protection provided through the designation as the buildings are proposed for demolition; and (iii) it has not been demonstrated that the cost of restoration or repair would be unreasonable or that it would not be feasible to preserve the buildings and incorporate them into future development plans.
5. The proposed designation draws a reasonable balance between private property rights and the public interest in preserving the city's cultural, historic, and architectural heritage by ensuring that demolition of buildings important to that heritage will be carefully weighed with other alternatives. Due to the location of the house on the south side of the lot, and the gradual grade change away from the house, redevelopment of the site in a manner that preserves the historic buildings and provides for a modern residential use will be possible if the property is individually landmarked. 9-11-1(b), B.R.C. 1981.
6. The proposed designation is consistent with the criteria specified in Section 9-11-5(c), B.R.C. 1981.

**6. MATTERS FROM THE LANDMARKS BOARD, PLANNING DEPARTMENT AND CITY ATTORNEY**

- A. Pool Guidelines
- B. Update Memo
- C. Subcommittee Update

**7. DEBRIEF MEETING/CALENDAR CHECK**

**8. ADJOURNMENT**

The meeting adjourned at 10:27 p.m.

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

<b>Name of Board/ Commission:</b> Library Commission	
<b>Date of Meeting:</b> November 5, 2014 at the Main Library, 1001 Arapahoe Ave., North Meeting Room	
<b>Contact Information Preparing Summary:</b> Carrie Mills, 303-441-3106	
<b>Commission Members Present:</b> Anne Sawyer, Paul Sutter, Joni Teter, Donna O'Brien, and Alicia Gibb <b>Commission Members Absent:</b> None.	
<b>Library Staff Present:</b> David Farnan, Director of Library & Arts Jennifer Miles, Deputy Library Director Carrie Mills, Administrative Specialist II <b>City Staff Present:</b> Glenn Magee, Facilities Design and Construction Manager <b>Public Present:</b> None present.	
<b>Type of Meeting:</b> Regular	
<b>Agenda Item 1: Call to Order and Approval of Agenda</b>	<b>[6:04 p.m., Audio 0:10 min]</b>
The meeting was called to order at 6:04 p.m. Commissioners approved the revised agenda handed out at the start of the meeting.	
<b>Agenda Item 2: Public Participation</b>	<b>[6:04 p.m., Audio 0:23 min]</b>
No members of the public were present.	
<b>Agenda Item 3: Consent Agenda</b>	<b>[6:04 p.m., Audio 0:25 min]</b>
<b>Item 3A, Approval of Oct. 7, 2014 minutes (p. 2-6)</b> Teter motioned to approve the minutes. Sutter seconded. Approved unanimously, vote 4-0.	
<b>Agenda Item 4: Welcome and swearing in of new library commissioner</b>	<b>[6:05 p.m., Audio 0:55 min]</b>
In her capacity as secretary, O'Brien swore in Gibb as a library commissioner.	
<b>Agenda Item 5: Main Library renovation project update</b>	<b>[6:06 p.m., Audio 2:13 min]</b>
Magee reported that the new children's area opened yesterday, marking the end of Phase 3. The construction crew is off schedule, but Magee hoped that the crew can pick up speed in Phase 4. With regards to the clerestory windows in the Main Library, pane replacement is nearly completed. The Automatic Materials Handling system (AMH) was in the process of being installed. O'Brien asked if the AMH will speak to users and Magee confirmed that the system will indeed speak. With other developments, Miles announced that an RFID tagging system was installed at the Meadows Branch that morning. O'Brien asked if the commissioners could see the AMH in the next meeting, to which Farnan and Magee agreed. In regards to the budget, Magee noted that the construction budget is currently 61% expended, including the window replacements, which matched the initial expectation.	
<b>Commission discussion, questions, and comments included:</b>	
<ul style="list-style-type: none"> <li>• Sutter asked for an update on the café. Magee replied that he is currently waiting for more from the architect on final details, but the current plans are to fill the café with high-tech equipment.</li> <li>• Sawyer inquired if the bridge will need to close again to complete the café. Magee responded that the contractors anticipate walling off the work area and allowing for pass-through use during café construction.</li> <li>• Sawyer asked for clarification on the delay. Magee explained that the initial completion date was in November, but now construction would be pushed through December, following on the heels of completion of Phase 4 construction. He assured that the bridge will look better in the coming weeks.</li> <li>• Magee reminded commissioners that Phase 4 consisted of converting staff space into meeting rooms and reestablishing that staff space by the entrance along with renovating the ceiling and floors.</li> <li>• Sawyer asked if there would be games for the end caps of the shelves in the children's area. Miles noted plans</li> </ul>	

to put those games in the early literacy space.

- Miles announced that the renovations memo was omitted from the packet. A corrected packet with the memo will be sent out via email the following day.

**Agenda Item 6: Commission review and approval of policies (p. 7-19)**

**[6:19 p.m., Audio 15:18 min]**

**Item 6A, Meeting room terms of use (p. 9-18)**

Prior to the meeting, Teter sent out notes. Sawyer suggested going through the policy line by line and incorporating Teter's comments and questions as they fit.

**Commission discussion, questions, and comments included:**

- In response to a sponsorship question raised by Teter, Sawyer noted that the next policy for consideration will be on library sponsorship. Teter wondered how the public would know whether an event was sponsored, and what it meant for a group to have sponsorship. Farnan explained that sponsored partners receive advantages for booking meeting space in addition to marketing and publicity through the library.
- Farnan advised that when the community bulletin board is up, there should be a disclaimer posted which welcomes the community to post events but notes that such does not indicate library sponsorship. Teter asked if there were plans for a community calendar, to which Farnan responded that the Visitor's Bureau was looking into the possibility of staffing that.
- Sawyer considered the advantage of having a comprehensive calendar of events at the library to better direct visitors, to which Teter concurred. O'Brien suggested a daily slide on the digital signage listing that day's events in the library. Sawyer suggested putting that information on the website, with clear delineation as to what was or was not sponsored. Miles responded that should the recently purchased technology for booking rooms allow for posting online without requiring the staff to manually input data, then staff would take advantage of the opportunity. Farnan was reluctant to promote non-sponsored programs as there is hardly enough capacity for sponsored programs alone.
- Teter worried that the language and tone of the policy resembled the old customer service philosophy and did not reflect the new approach. Farnan asked if dropping the disclaimer requirement would make the policy friendlier. Teter pointed out that from the user's perspective, it does not matter if the event is library-sponsored or not. Sawyer believed it would be friendlier to drop the requirement, but that most are accustomed to the use for a disclaimer. Sutter is less concerned with the tone because this policy is not intended for public consumption. Moreover, Sutter wondered if this policy is streamlining the process for staff. O'Brien agreed with Sutter and had no reservations about the disclaimer.
- Teter advised that if conference rooms with audiovisual equipment are available for public use, then the library should anticipate making technical support readily available. Sawyer suggested remedying this concern by offering the public a chance to book a librarian prior to their meeting to assist with set-up. Miles noted that staff may not be able to assist with outside equipment that does not meet software or hardware standards. Gibb, Teter, and Sutter recommended changes to the wording to better reflect capabilities and manage expectations. Gibb suggested a visual guide to include photos of ports, cords, and buttons. Sutter added that the policy should mention that cords are not provided.
- Sawyer noticed an inconsistency with the Meadows Branch reservation policy for study rooms, which allows any patron of any age to book, and the drafted policy, which limits reservations to adults. Farnan explained that the Main Library does not reserve study rooms as it's a time consuming process, but hoped that this will change with the new technology for booking rooms.
- Sutter and Sawyer emphasized the importance of clarifying that food and drink must follow the rules of conduct to ensure the exclusion of alcohol outside of the director's approval. Gibb argued against referencing the specific rule in the text as the intention is clear.
- Sawyer recommended grouping all rules together at the end of the document and Sutter suggested separating out whichever rooms cannot be reserved to ensure a better flow within the document.
- Sawyer asked, in regards to same-day reservations, if one can book at 11 a.m. for 3 p.m. Farnan clarified that the goal is to prevent monopolization of the rooms. Miles noted that patrons could reserve the room two hours per day every day, but they would need to come in daily and the room would need to be available. Teter wondered if there could be limits to how often a patron books a room for a same-day reservation. Sawyer explained that she finds it reasonable to allow someone to continue using a room if it is not booked.
- Teter believed that community groups need to know that once a month meetings are now available again at the library, citing these monthly groups as a target audience. Farnan replied that the revamped marketing plan should address this.
- O'Brien suggested removing mention of the library's right to cancel reservations due to flooding, given

Boulder's inherent geographic properties. Miles stated that this was a remnant of a previous policy. Sawyer felt this was covered in the blanket statement.

- Sawyer noted a 15-minute policy to study rooms which allows the room to reopen for public use if a patron with a reservation does not appear, and suggested that this policy be extended to meeting rooms.
- Sawyer raised the question of requiring all meetings be open to the public. O'Brien worried that groups discussing sensitive information, such as support groups, may be disinclined to use the library for the preservation of privacy and confidentiality. Sawyer and Teter noted that some groups, like the Boulder Library Foundation, work under assumed privacy. Farnan mentioned that the biggest risk to unwanted attendance is serving food or covering a controversial topic. Farnan recognized that no groups would necessarily kick out a lost patron in a meeting room. Miles confirmed that few stray patrons walk into meetings in progress. Sutter and Miles wondered who would be in charge of policing rooms to ensure privacy of participants. Following feedback from the commissioners, Farnan suggested writing into the policy that the library cannot ensure that meetings will be private. Sutter recommended beginning with an affirmation, such as "The library is a public space." Farnan agreed to survey nearby libraries for their policy around this issue.
- Teter was concerned that city staff would use the meeting spaces disproportionately. Farnan confirmed that the spaces are less convenient for city staff now that Human Resources and others are moving to a new facility, and as such city groups do not routinely book a room. Teter sought assurance that city staff will be subject to the same public policy, but Farnan replied that bookings in the Canyon Meeting Room are not public. Sawyer stated that this is still consistent with the previous discussion as the onus falls upon the participants in the meeting to maintain their privacy.
- Sawyer recommended that a map of the building be included. Miles responded that one is forthcoming.
- Gibb wondered why non-reservable rooms are included in the policy. Miles explained that these spaces are used for public programming and as such, informs the public of the space.
- Sutter suggested including optimal occupancy in addition to maximum occupancy. Sawyer mentioned including the size of the LCD screen. Miles noted that a table will be forthcoming.

#### **Item 6B, Patron photography and video recording (p. 19)**

Sawyer and Teter submitted changes prior to the meeting. These changes can be found here:

<http://boulderlibrary.org/pdfs/commission/2014/handouts/14NovHandouts.pdf>. Sawyer also suggested additional changes. O'Brien asked for clarification as to whether people are allowed to take photos of children, to which Farnan responded that it is allowable as the library is a public space. Gibb asked if this policy extended to internal photography by the library. Farnan noted that staff would fall under this, but that the library also requires a photo release form for photos taken for library publicity use. Teter moved to approve the policy as presented with the addition by Sawyer. O'Brien seconded. Voted 5-0, unanimous.

#### **Agenda Item 7: Commission to begin annual letter to City Council and report for city manager (p. 18-23)**

[7:32 p.m., Audio 1:28:57 hr]

Sawyer explained that the focus would be on the letter to City Council as the report for the city manager largely consists of statistics which are gathered and calculated by library staff. Sawyer noted that the current work plan for the city does not include much in regards to the library, and as such, the commission should communicate priorities and successes. She further narrowed the focus by calling for a discussion of priorities in particular during this session.

#### **Commission discussion, questions, and comments included:**

- Teter distributed her thoughts and reflections to the City Council's questions prior to the meeting.
- O'Brien echoed Teter's comments, citing technology and maker spaces as a priority. Further, O'Brien would like to move forward with the Boulder Library Foundation as they define their relationship with the commission. And finally, O'Brien hoped to support staff in their transition into the new space as it will necessitate a new culture.
- Sutter also agreed with Teter's priorities, such as the goal to define the commission's role in the bylaws and master plan. Building on previous statements, Sutter hoped to optimize the library's digital presence and digital capacities. In addition, Sutter considered optimizing the library's redefinition as "the place to be." Within the notion of "the place to be," Sutter considered greater space for the existing maker space and an ongoing discussion about the homeless and transient issues.
- Gibb joined in the excitement of building digital capacities. She noted that making "building" a priority encouraged continual change and growth and can be faster than objective-oriented goals such as "increasing the size of the maker space." Gibb reiterated the importance of maker space/hacker space initiatives to modernize the library. Further, Gibb emphasized information education to ensure that patrons had the skills to use implemented innovations and the will to embrace new mechanisms for finding information.

- Sawyer supported the creation of the library platform through partnerships and expansion of library programming to utilize more library spaces and engage the community. In particular, Sawyer was interested in using the new spaces to bring people in. Evolving from that, Sawyer felt the commission should embrace changes of community expectations. Sawyer also noted engagement in civic area planning to maximize the library renovation as the cornerstone, continue with the master plan, and finalize the role of the commission within the charter and bylaws.
- In response to the commissioners' priorities, Farnan asked that the expansion of services be included in the master plan instead of the letter to city council. Farnan suggested framing these ideas in a broad framework to make them accessible and understandable to others.
- Teter considered how staff may feel with this push towards digitization. Sawyer thought that perhaps some of the library's partners could provide not just community programming but also library staff training in exchange. Teter and O'Brien reinforced that these technology trainings are not an imposition on staff, but more a way in which the library and the commission can support staff in their work.
- Farnan and Miles noted that the library's buying power has been decreasing. Teter suggested addressing an increased budget in the master plan. Further, Farnan recognized that the e-book collection was weak, but worried that very few funds could be bustled around to supplement.
- Sawyer instructed the commissioners to send any additional priorities to her as she and O'Brien will compile these answers to begin a framework.

**Agenda Item 8: Review commission's recommended changes to the City Charter [8:12 p.m., Audio 2:08:35 hr]**

Sawyer confirmed that the commission is waiting for City Council to decide whether or not the commission can meet with the subcommittee for boards and commissions in addition to the charter subcommittee. Scheduling should proceed following the city council's meeting the following night. Sawyer anticipated completing these revisions by the end of January 2015.

**Agenda Item 9: Update on Library and Arts Department partnerships [8:14 p.m., Audio 2:10:44 hr]**

**Item 9A: Small Business Development Center**

Farnan announced that the budget was approved. Currently, Farnan is working on solidifying a move-in date and finalizing the parameters of the contract with the Small Business Development Center. The group will hold a minimum of 12 to 20 events at the library annually, including a 2-3 week entrepreneurial program for teens. The program will likely be free with required applications. O'Brien noted that someone should reach out to Boulder Valley School District to help students fill a credit requirement with this program.

**Agenda Item 10: Report from Boulder Library Foundation Oct. 30, 2014 visioning meeting**

**[8:17 pm, Audio 2:13:21 hr]**

Teter remarked that everyone on the foundation seem excited with the shift in direction, though noted some trouble envisioning what a different relationship may be. Overall, Teter felt it was positive. In regards to the January retreat with the foundation, Farnan expected it would run from 8:30 a.m. to 12 p.m. Sawyer suggested reviewing July 2014 retreat notes to review discussion points. Sutter and O'Brien agreed that this meeting is really for the foundation. Sawyer affirmed that the commission endorses what the library is planning, and recognized that these sentiments should be passed along to the foundation.

**Agenda Item 11: Discussion of programming the 2015 half-day retreat with the Boulder Library Foundation**

**[8:23 p.m., Audio 2:19:38 hr]**

This item was included in the previous discussion.

**Agenda Item 12: Library Commission update (from memo)**

**[8:23 p.m., Audio 2:19:40 hr]**

Sawyer shared thoughts and lessons from the CalCon conference as it relates to maker spaces. Sawyer suggested supporting staff to involve themselves in panels or in nominations for awards.

**Agenda Item 13: Library and Arts Director's report (p. 29-30)**

**[8:27 p.m., Audio 2:23:23 hr]**

Teter wondered if Devin Billingsley will continue with the plan to diagram the monies within the budget. Farnan confirmed that they anticipate showing that in January. O'Brien noted that in previous years, the library was closed during Memorial Day weekend but noticed that in 2015, the library is scheduled to be open for Memorial Day weekend and, along with Sawyer, wondered what the rationale was. Farnan responded that it was strange that the library was closed on a weekend when the civic area is at its busiest. Farnan invited commissioners to attend the All Staff Training Day on Thurs., Nov. 20 at the Main Library.

<b>Agenda Item 14: Future Items/Scheduling</b>	<b>[8:41 p.m., Audio 2:37:11 hr]</b>
<ul style="list-style-type: none"> <li>• Renovation update</li> <li>• Update on 2<sup>nd</sup> round of 2014 adjustments to the base budget</li> <li>• Complete and approve letter to City Council</li> <li>• Update on the City Charter changes</li> <li>• Review the Meeting Room, Canyon Theater, Gallery and Foundry policies</li> <li>• Digital branch discussion with Monique Sendze</li> <li>• Tour of Automated Material Handling System (Edit: Postponed to the January meeting due to location.)</li> </ul>	
<b>Agenda Item 15: Adjournment</b>	<b>[ 8:44 p.m., Audio 2:40:46 hr]</b>
<p>There being no further business to come before the board at this time, the meeting was adjourned at 8:44 p.m.</p>	
<b>Date, Time, and Location of Next Meeting:</b>	
<p>The next Library Commission meeting will be at 6:00 p.m. on Mon., Dec. 8, 2014, at the Carnegie Branch Library of Local History, 1125 Pine St., Boulder, CO 80302.</p>	

Commissioner Anne Sawyer approved these minutes on January 6, 2015; and Carrie Mills attested to this approval on January 6, 2015.

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An audio recording of the full meeting for which these minutes are a summary, is available on the Library Commission web page at <http://boulderlibrary.org/about/commission.html>



CITY OF BOULDER  
Boards and Commissions Minutes

NAME OF COMMISSION: Open Space Board of Trustees
DATE OF MEETING: December 10, 2014
NAME/EXTENSION OF PERSON PREPARING SUMMARY: Leah Case x3440
NAMES OF MEMBERS, STAFF AND INVITED GUESTS PRESENT:  MEMBERS: Tom Isaacson, Shelley Dunbar, Frances Hartogh, Molly Davis, Kevin Bracy Knight  STAFF: Mike Patton, Jim Reeder, Dave Kuntz, Tracy Winfree, Mark Gershman, Heather Swanson, Don D'Amico, Alyssa Frideres, Cecil Fenio, Kelly Wasserbach, Phil Yates, Annie McFarland, Steve Armstead, Leah Case
TYPE OF MEETING: <b><u>REGULAR</u></b> CONTINUATION SPECIAL
SUMMATION:  AGENDA ITEM 1- <b>Approval of the Minutes</b> Shelley Dunbar moved to approve the minutes from Nov. 12, 2014 as amended. Tom Isaacson seconded. This motion passed unanimously.  AGENDA ITEM 2- <b>Public Participation</b> Randy Winter, Boulder, thanked staff for making changes to the self-closing gates on OSMP.  Joel Koenig, Boulder, said there has been too much time spent working on Skunk Canyon.  AGENDA ITEM 3- <b>Director's Updates</b> <b>Wildlife Program Update</b> Heather Swanson, Wildlife Ecologist, gave an update on the wildlife program.  <b>Council Retreat Questions for Boards and Commissions</b> The OSBT finalized their responses for the council retreat questions for Boards and Commissions. This will be sent to City Council prior to their retreat.  AGENDA ITEM 4- <b>Matters from the Board</b> The Board took some time to thank Mike Patton for his time with OSMP.  The Board asked staff for an update on the Voice and Sight Tag Program. Steve Armstead said registration is underway. There have been 4100 people who have passed the class. Classes will continue to be offered into

next year; likely slowing down in February.

**AGENDA ITEM 5 – Consideration of a motion pertaining to the development of a trail on the Joder Open Space and Mountain Parks property.\***

Mike Patton, Director, gave a presentation to the Board on various options for the Joder Property.

This item spurred four motions:

**Molly Davis moved the Open Space Board of Trustees recommend that staff proceed towards establishing one interim trail between Foothills Highway and Olde Stage Road across the Joder Property, using the existing road and trail identified in staff's map attached to the November 12, 2014 memorandum, with the understanding that all uses of the Joder property will be evaluated as part of the North TSA planning process. The decision to create interim access is due to the unique circumstances and will not set a precedent. North TSA participants should not interpret this action as supporting or rejecting any other proposed action on the Joder property in the North TSA. The usual HCA rules, including the on-trail requirement, will apply to the Joder property and the interim trail through the conclusion of the North TSA process. Tom Isaacson seconded. This motion passed four to one; Frances Hartogh dissented.**

**Tom Isaacson moved the Open Space Board of Trustees recommend that the Joder portion of the interim regional connection trail be dogs on leash and the portion on the Buckingham property remain Voice and Sight. The North TSA process should consider whether to keep these designations in effect. Shelley Dunbar seconded. This motion passed unanimously.**

**Frances Hartogh moved the Open Space Board of Trustees to make the following statement about the Joder property: the Board understands and appreciates the historic use of the Joder property for equestrians and believes that this historic use should be honored and accommodated through the TSA process. Kevin Bracy Knight seconded. This motion passed unanimously.**

**Tom Isaacson moved the Open Space Board of Trustees make the following statement: the designation of the Joder II property as an HCA was made with minimal public process. The North TSA should take a fresh look at the management area designation of this property. Kevin Bracy Knight seconded. This motion passed three to two; Molly Davis and Frances Hartogh dissented.**

ADJOURNMENT: The meeting adjourned at 11:40 p.m.

**ATTACH BRIEF DETAILS OF ANY PUBLIC COMMENTS:**

Many members from the public spoke in regard to the Joder Property. There were varying opinions on whether to open the proposed interim trail prior to the North TSA.

**TIME AND LOCATION OF ANY FUTURE MEETINGS, COMMITTEES OR SPECIAL HEARINGS:**

The next OSBT meeting will be Jan. 14, 2015.

**CITY OF BOULDER**  
**PLANNING BOARD ACTION MINUTES**  
**December 4, 2014**  
**1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

**PLANNING BOARD MEMBERS PRESENT:**

Aaron Brockett, Chair  
Bryan Bowen  
Crystal Gray  
John Putnam  
John Gerstle  
Leonard May  
Liz Payton

**PLANNING BOARD MEMBERS ABSENT:**

John Putnam was recused from item 5B.

**STAFF PRESENT:**

Susan Richstone, Deputy Director, CP&S  
Hella Pannewig, Assistant City Attorney  
Susan Meissner, Administrative Assistant III  
Sam Assefa, Senior Urban Designer  
Charles Ferro, Development Review Manager for CP&S  
Elaine McLaughlin, Senior Planner  
Jessica Stevens, Civil Engineer II  
David Thompson, Civil Engineer II- Transportation

**1. CALL TO ORDER**

Chair, **A. Brockett**, declared a quorum at 5:03 p.m. and the following business was conducted.

**2. APPROVAL OF MINUTES**

On a motion by C. Gray and seconded by J. Gerstle the Planning Board approved 7-0 the October 16, 2014 Planning Board minutes.

**3. PUBLIC PARTICIPATION**

1. **Stephen Haydel**, 1935 Grove Street, spoke about the trend toward height variances in Boulder, especially near the transit village area. He expressed concern about added density and traffic.

#### **4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/ CONTINUATIONS**

- A. Call Up: Wetland Permit (LUR2014-00091) Dry Creek Flume Repair. Expires December 9, 2014
- B. Call Up: Use Review (LUR2014-00073) 2353 13th Street. Expires: December 12, 2014
- C. Call Up: Site and Use Review (LUR2014-00057) 1955 28th Street. Expires: December 12, 2014
- D. Call Up: Site and Use Review (LUR2014-00055 and LUR2014-00080) 2880 Wilderness Place. Expires: December 12, 2014

L. Payton called up item 4C. No other items were called up.

#### **5. PUBLIC HEARING ITEMS**

**A. Public hearing regarding Site and Use Review application no. LUR2008-00034, Flatirons Storage Facility located at 5675 Arapahoe Ave., a request to extend the original Site and Use Review approvals for the property beyond the expiration period as permitted by the development code.**

**Applicant: WW Reynolds**  
**Owner: LJD Enterprises**

##### **Staff Presentation:**

- C. Ferro introduced the item.
- E. McLaughlin presented the item to the board.

##### **Board Questions:**

- E. McLaughlin answered questions from the board.
- E. Stafford answered questions from the board.

##### **Applicant Presentation:**

Jeff Wingert, the applicant, presented to the board.

##### **Board Questions:**

Jeff Wingert, the applicant, answered questions from the board.

##### **Public Hearing:**

No one from the public spoke.

##### **Board Comments:**

There were no comments from the board.

**Motion:**

On a motion by C. Gray, seconded by J. Putnam, the Planning Board voted 7-0 to approve the extension for the development approval of case no LUR2008-00034 based on the condition that the applicant begin and substantially complete the construction process within three years of the date of the Planning Board hearing, December 4, 2014.

- B. SITE REVIEW for the proposed removal of existing structures and a two-phased redevelopment with three, four-story buildings of Class A office in a campus format with below grade parking for the property located at 2095, 2111 and 2121 30<sup>th</sup> Street along with 2920 and 2930 Pearl Street. Design includes enhanced building architecture, high quality landscaped open spaces, and provision of the east-west running multi-use path as consistent with the City's adopted connections plan. In addition, the existing ditch bisecting site will be modified and improved. A total of 330,000 gross square feet in two phases (200,000 square feet in initial phase) with maximum 55' building height and four-stories is requested. Site Review case no. LUR2014-00035. The applicant intends to pursue Vested Rights per section 9-2-19, B.R.C. 1981**

**Applicant: Collin Kimberlin**

**Property Owners: Pearl Place Associates, LLC**

**Board Disclosures:**

- **J. Putnam** recused himself from the item.
- **A. Brockett, B. Bowen** and **J. Gerstle** disclosed that they read the Daily Camera article that discussed the potential tenant for space; they did not feel that it would affect their ability to make an impartial decision.
- **L. Payton** disclosed that she owns some Google stock but that it would not affect her ability to make an impartial decision.

**Staff Presentation:**

**C. Ferro** introduced the item.

**E. McLaughlin** presented the item to the board.

**Board Questions:**

**E. McLaughlin** answered questions from the board.

**C. Ferro** answered questions from the board.

**D. Thompson** answered questions from the board.

**Applicant Presentation:**

**Kevin Foltz**, from Forum Investment Group, presented to the board.

**Collin Kimberlin** the applicant, presented the item to the board.

**Scott Green**, a representative from Google, spoke to the board.

**Board Questions:**

**Collin Kimberlin**, the applicant, answered questions from the board.

**Leslie Ewe**, from the Sanitas Group, answered questions from the board.

**Emily Glutner**, the transportation consultant, answered questions from the board.

**John Pawlowski**, the chairman for the TDM board for Boulder Junction, answered questions from the board.

**David Tryba**, the architect, answered questions from the board.

**Public Hearing:**

1. **Mike Marsh, 265 31<sup>st</sup> Street**, pooled with **Catherine Dawson-Latamboise, 215 31<sup>st</sup> Street**, expressed concerns about the impact that this project could have on rents and affordable housing. There needs to be a balance of work and living spaces in town.
2. **Clif Harald, 2440 Pearl Street**, spoke in support of the project and felt that it complied with all city policies. The Boulder Economic Council supports the project.
3. **Patrick Dillard, P.O. Box 7978, Boulder**, expressed concerns about housing ratios and recommended that the developer pay impact fees for affordable housing. He also supported the Community Cycles recommendation to add a multi-use path through the site.
4. **Stephen Haydel, 1935 Grove Street**, noted that site access will be restricted to Google employees for security purposes. The only access point is along 30<sup>th</sup> Street and could be problematic. The development on the other side of the street will also be 55 feet.
5. **Ruth Blackmore, 705 S. 41<sup>st</sup> Street**, wanted to know how many of the 1,500 employees will be incommuting. She would like to see job linkage fees for commercial spaces to add affordable housing. She cautioned about the traffic and groundwater.
6. **Paul Walmsley, 1630 30<sup>th</sup> Street**, is a computer programmer and thought it was exciting that Google wants to relocate in Boulder. He opposed the existing proposal because it will not have any public uses and this area is becoming a new heart for Boulder. Redesign to host public uses on the ground floor or relocate the project to a light industrial site.

**Board Comments:****General Impressions and Consistency with BVCP Policies:**

**L. Payton** discussed the environmental, social, economic sustainability impacts of the project. She thought the proposal would have a negative impact on the community's environmental sustainability due to increased car trips and use of materials for construction. Economically, she noted that it would increase jobs in Boulder but also cited negative impacts on the small, local businesses displaced by this development. Social sustainability would be adversely impacted by increasing housing demand and costs. With regard to the BVCP, she cited several incompatibilities including its stress on the jobs/housing balance, lack of transit and pedestrian-oriented features, overabundance of parking, and lack of attention to the neighborhood context due to the insular, commercial office park feel. She thought that the density was excessive, the height would block views, and the streetscape was insufficient and lacked a human scale; add

pedestrian interest and more of a tree lawn buffer along 30<sup>th</sup> Street. She liked the reference to Boulder High School, multi-use path and open space.

**J. Gerstle** generally agreed with L. Payton's comments on BVCP policies. He disapproved of the setback reduction along 30<sup>th</sup> Street because it would be inadequate for pedestrian life. He thought the multiuse pathway along the western boundary should be completed to the northern edge of the site. He expressed concern about the development's impact on traffic, incommuting and housing in the community.

**B. Bowen** disagreed with **L. Payton** and **J. Gerstle**. He thought the proposal generally complied with the BVCP policies. He expressed some concern that it does not contain retail, that it lacks permeability and that it may impact local housing costs; he wished that there were a mechanism for balancing the housing issue. He noted that this parcel has been designated for high density development and therefore thought the proposed intensity was appropriate. He sympathized that it is difficult to watch the city and businesses change.

**A. Brockett** agreed with **B. Bowen** and thought that the proposal was fundamentally in line with BVCP policies. He noted that this is one of three areas in the city slated for intense development and saw this as a positive urban infill project that would move away from more suburban land use in the transit rich area. He thought the proposal had improved enormously since the first concept review. He liked the circulation; cars move underground quickly, the central open space is positive, and the multi-use path will be a great public amenity. He thought the development would be good for the economic sustainability of the city; companies bring in money from out of town and reinvest in our city. It is important to have users that need larger floor plates in transit-rich areas of town so people can commute by bus, walking or bike. This will have lower transportation impacts than large office campuses like NCAR and IBM. He shared concerns about possible impacts on housing costs and recommended that the city implement a linkage fee to support affordable housing for future projects. He would prefer to see retail on the ground floor but understood the constraints and noted that there is other retail in the area. He thought the two story portion of the building on Pearl Street would add to pedestrian interest.

**C. Gray** thought the project was consistent with the BVCP policies but not was consistent with the neighborhood policies. She liked the architecture and that it was distinct from downtown. The buildings have a sense of permanence in an area where the nearby buildings feel more temporary. She was concerned that the area could start to feel suburban if all buildings create a 55 foot datum. She would prefer to reduce the Pearl and 30th Street facades to two stories and to add retail to enhance the pedestrian experience. Connect the path to Pearl Street. Though she noted that the board does not have jurisdiction over the use, she was happy for Google to occupy the space and did not feel concern that the tech sector would overwhelm the area; there is already a diverse and solid base of employment. She thought a linkage fee would have been beneficial but are not feasible for this project. Look at the cumulative impacts of the project to assure that proposed projects are meeting the vision for the area.

**L. May** thought this proposal was much improved but was not convinced that the project generally complied with the BVCP policies. He agreed with Community Cycles letter, liked the architecture, thought that the path was acceptable as shown, and felt the open space would

provide a good amenity. He found discrepancies with the BVCP concerning mass and scale, pedestrian elements and lack of mixed use elements. He also noted that it would create increased demand for services and affordable housing; though not the fault of the applicant, it would work against the city's larger housing goal and displace local businesses without providing opportunities for their relocation on site. It also fell short on core values such as providing views of mountains, and finer grained architecture as opposed to monolithic structures. The Regional Center Guidelines call for mixed use tightly woven into project; instead, this has 800 feet of dead sidewalk. He did not find it consistent with stated goals for the area.

Given the dissenting opinions, **A. Brockett** polled the board to determine how or if the board could reach a consensus to approve the project. The remaining discussion aimed to identify and craft conditions to address the following elements that some members identified as non-compliant with the review criteria:

- Monolithic 55 foot height, specifically the building height along Pearl and 30th Streets
- Setbacks along Pearl and 30th Streets
- Lack of pedestrian interest and/or mixed use elements
- Connection between western multi-use path and Pearl Street
- Impacts on traffic and TDM requirements
- Impacts on housing

#### **Site Review Criteria:**

- **Building Height**
  - **L. Payton, L. May, J. Gerstle and C. Gray** expressed concern that the consistent 55 foot height was excessive and felt too monolithic. They felt that the cumulative effect of this and other buildings in the area were incompatible with Boulder's small town character and blocked views to the mountains. Most felt that this would be approvable if the heights were reduced and/or more varied on the buildings fronting Pearl and 30<sup>th</sup> Streets. Break up the monoliths and step upper stories back along the street to preserve views and create a better pedestrian experience. Consider both the pedestrian experience and the building as viewed from a block away. These members thought it would be acceptable for the southwestern-most building to be taller. Do not significantly alter the character of the open space with floor area replaced from the removed fourth floors.
  - **Bowen and A. Brockett** felt that the 55 foot height was appropriate for the Transit Village area. They noted that it is one of three areas in town zoned and intended for high intensity development. They generally liked the design of the buildings and the tradeoff between FAR and open space; the proposed buildings have a 2.0 FAR where 4.0 FAR is allowed.
  - Reduced building heights would likely require the applicant to make up for the lost floor area in other locations, namely the open space.

- The applicant explained their agreement with the tenant is contingent upon a specific amount floor area. They could reduce the floor area up to, but no more than 10%.
- **Setbacks and Pedestrian Interest**
  - **J. Gerstle** and **L. Payton** felt that the proposed setbacks, especially along 30<sup>th</sup> Street, were insufficient. The setbacks did not need to be pushed back to the zoning requirement, but could be increased to allow for more of a pedestrian buffer from the street; add a larger tree lawn with trees on either side.
  - **B. Bowen** noted that the proposed setbacks are in response to BDAB's comments; the applicant complied with BDAB's recommendations about the building program and design. There is a large discrepancy between the direction that BDAB and Planning Board are giving to applicants. He was hesitant to ask the applicant to rework a good piece of architecture that had already responded to multiple iterations of board comments. Leave the first floor as designed.
  - Several members expressed concern that there was not more pedestrian interest and would have liked to see more public retail or restaurant uses on the ground floor. The board recognized that it could not dictate use but asked the applicant to consider means for activating the ground floor spaces through art, a community space or other public uses. Avoid the creation of a dead zone, especially along 30<sup>th</sup> Street.
  - The applicant clarified that a gym would be located on the first floor with views to 30<sup>th</sup> Street. Board members felt that this would enhance the pedestrian experience.
  - **A. Brockett** noted that a portion of the Pearl Street façade is already two stories and could support a retail use in the future if conditions became appropriate and feasible.
- **Multi-use Path Connections**
  - **J. Gerstle, C. Gray** and **L. Payton** would like to see the multi-use path connect with Pearl Street.
- **TDM Plan and Traffic Impacts**
  - **J. Gerstle, L. May** and **L. Payton** felt that the applicant had not done enough analysis on the traffic impacts of the development. Expand the analysis to better understand the impacts beyond Arapahoe and to calculate the number of incommuters. Given the proximity to the new Transit Center, they thought that the development should strive to have a near zero impact on traffic. **L. Payton** thought 600 parking spaces was excessive.
  - **Brockett** and **B. Bowen** did not think that it was reasonable to request a near zero impact on traffic from this development. This area of Boulder is still in transition from a car-oriented area to one with more access to alternate means of transportation. They saw traffic as a sign of a healthy and vibrant urban environment; demand will incentivize and ensure the success of a more bike, pedestrian and bus-oriented design.

They did not think that 620 spaces for 1,500 employees was excessive; the supply will naturally limit car traffic.

- The majority of members would support a more aggressive TDM Plan. Provide a more integrated plan that would allow Pearl Place to provide more aggressive financial incentives/deterrents for on-site parking without adversely affecting neighbors. Extend mandatory Eco Passes for employees beyond the required three year period. Most members did not want to reduce the number of parking spaces.
- **L. May** requested that the board get a better understanding of the methodologies used in traffic studies for future projects. He would support a more robust TDM plan including reducing the number of parking spaces.
- **J. Gerstle** recommended diminishing the magnitude of the project. Fewer employees would reduce impacts on traffic and housing.
- The parking consultant explained that all strategies for reducing parking demand are being employed shy of charging for parking. Any additional strategies would not be effective. The tenant does not believe in charging for parking and would prefer to provide positive incentives for using alternate means of transit.

**Housing:**

The board expressed concern that this project would contribute to the housing imbalance and cost increases in Boulder. Members recognized that the board did not have the jurisdiction to request a housing linkage fee but would like to have the ability to consider this for future projects.

**Process Moving Forward:**

The applicant will not need to return to BDAB.

**Motion:**

On a motion by **A. Brockett**, seconded by **L. May**, the Planning Board voted 5-1 (**L. Payton** opposed, **J. Putnam** recused) to approve Site Review case no. LUR2014-00035, as described in the staff memorandum incorporating the staff memorandum and the attached Site Review criteria checklist as findings of fact, and subject to the recommended Conditions of Approval found in the memo with the following modifications to the Conditions of Approval:

Condition 2a. shall be revised to read: 2a. Final architectural plans, including material samples and colors, to ensure compliance with the intent of this approval and compatibility with the surrounding area. The architectural intent shown on the approved plans prepared by the Applicant on Nov. 14, 2014 is generally acceptable. The final plans shall be revised to show an increased building setback at the fourth floor of wings A and C intended to decrease the perception of building height from the public right of way. Specifically, the Applicant shall integrate into the design a 65' setback from the Pearl Street frontage and a 30' setback from the

30th Street frontage starting at the northeast corner and extending south to encompass and wrap the southeast corner for a distance of 80 feet. The Applicant may recover floor area within other areas of the campus that do not materially change the size, configuration or design of the central common space. The final architectural plans shall also be revised include additional pedestrian interest to the ground floor along Pearl St. and 30<sup>th</sup> St. Planning staff will review plans to assure that the architectural intent is performed.

Add to Condition 2.b.: The final site plan shall show a public pedestrian connection connecting the multi-use path from the southwest corner of Building C with the Pearl Street right of way.

Revise Condition 5 to read: Prior to a building permit application, the Applicant shall submit a financial guarantee, in a form acceptable to the Director of Public Works, in an amount equal to the cost of providing Eco-Passes, Car Share services, B-cycle membership and Guaranteed Ride Home, or, if those do no longer exist, for other equally effective TDM strategies, to the employees of the development for seven years after the issuance of a certificate of occupancy as proposed in the Applicant's Transportation Demand Management (TDM) plan.

Added by friendly amendment by J. Gerstle which was accepted by A. Brockett:

Enhance the TDM plan to ensure that all employees are provided with financial incentives not to drive. That may include either a positive or negative incentive with regard to the use of a parking space such as requiring employees to pay for parking spaces or being provided with some sort of payment not to drive.

5. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY
  - A. DEBRIEF MEETING/CALENDAR CHECK
  - B. ADJOURNMENT

The Planning Board adjourned the meeting at 12:25 a.m.

APPROVED BY



Board Chair

12/18/14

DATE

## **National Homeless Persons' Memorial Day**

**WHEREAS**, the winter poses extreme hardship for inadequately housed low-income men, women and children in Boulder; and

**WHEREAS**, the spirit of the holiday season of giving provides an opportunity for affirmation and renewal regarding the commitment to end homelessness; and

**WHEREAS**, December 21st has been designated National Homeless Persons' Memorial Day by the National Coalition for the Homeless and the National Health Care for the Homeless Council, and is so recognized by cities nationwide; and

**WHEREAS**, in this season of generosity and sharing, residents of Boulder are encouraged to commit themselves to promoting compassion and concern for all brothers and sisters, especially those who are poor and homeless; and

**WHEREAS**, in remembering those who have died on the streets, the cause of ending homelessness is kept urgent as is the city's commitment to preventing such deaths in the future.

**NOW, THEREFORE, BE IT DECLARED** by the City Council of the City of Boulder, Colorado that December 21, 2014 is

## **National Homeless Persons' Memorial Day**



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**Matthew Appelbaum**  
Mayor

**Recognition  
of the  
Boulder County Latino History Project**

**WHEREAS**, the Boulder County Latino History Project, a collaborative, grass-roots initiative, is documenting and describing the history of Latinos in the Boulder area over the past century; and

**WHEREAS**, with the assistance of local Latino youth from high schools and colleges, plus more than 95 community volunteers, the project has gathered oral, written and photographic information about the experiences and contributions of Latinos; and

**WHEREAS**, Latinos have had an indelible impact on the growth and development of Boulder throughout its history, playing a critical economic and cultural role in making it a wonderful and diverse place to live; and

**WHEREAS**, the City of Boulder recognizes the importance of educating its population on the extensive history of contributions by the Latino community; and

**WHEREAS**, the city's fourth annual Immigrant Heritage Week in October 2014 was enormously enriched by the unveiling of the Boulder County Latino History Project's work at the Museum of Boulder.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Boulder, Colorado, that the Boulder County Latino History Project is recognized for its contribution to the city's recorded history and encouraged in its ongoing effort to tell the immeasurably valuable stories of Latino life in the Boulder area.



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**Matthew Appelbaum**  
Mayor