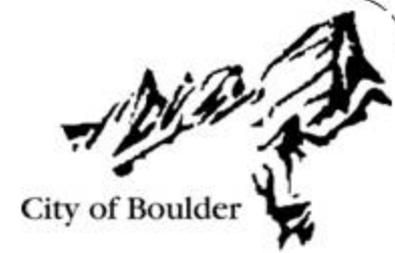


Charter Amendment Initiatives

Two Initiatives



- New Development Shall Pay its Own Way
- Neighborhoods' Right to Vote on Land Use Regulation Changes

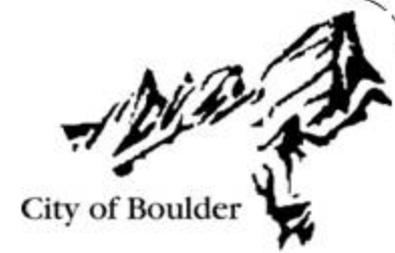
New Development Shall Pay its Own Way

City of Boulder



- Directs the city to determine the costs related to new growth for city services that are typically paid for through the general fund or a combination of the general fund and user fees.
- Prohibits the approval of new development that does not fully pay for or otherwise provide all of the additional facilities and services required to fully offset the burdens that would have been imposed by the new development on city facilities and services.

Application



- New development includes the addition of any floor area for non-residential buildings, or the addition of dwelling units.
- The change of use of an existing building unless such change of use will only have a de minimus affect on facilities and services.
- The City Council, with a vote of at least six members, could exempt from the requirements of the petition permanently affordable housing projects, the affordable housing portions of new developments, or publicly-owned new developments.

Facilities and Services



Included:

- Police
- Fire-Rescue
- Parks and Recreation,
- Libraries
- Housing
- Human Services
- Senior Services
- Parking Services
- Transportation
- Open Space and Mountain Parks

Excluded:

- Utilities
 - Wastewater
 - Flood Control
 - Storm Water Management
 - Electricity
- Internal Services
 - City Manager's Office
 - City Attorney's Office
 - Human Resources
 - Finance
 - Municipal Court

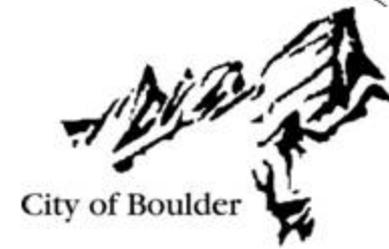
Existing Implementation Tools

City of Boulder



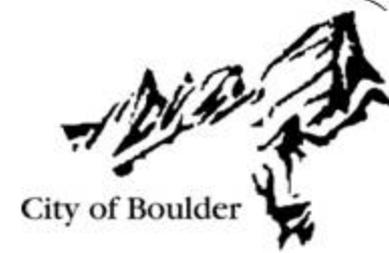
- BVCP Policy 1.30, “Growth to pay the Fair Share of New Facility Costs
- Development Exactions and Conditions of Approval
- Construction Requirements
- Impact Fees and Development Excise Taxes
- Annexation Agreements

City Projects Under Way



- An update of the 2009 Impact Fee study
- A study of both the capital and operating impacts to multimodal transportation facilities and services of new development
- Affordable Housing Linkage Fee on Non-Residential Development
- Preparation of a study to create a public art program for new development

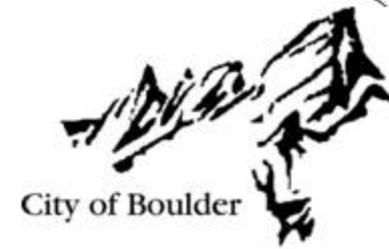
Next Steps



Tasks to be completed to implement the “New Development Shall Pay its Own Way” petition:

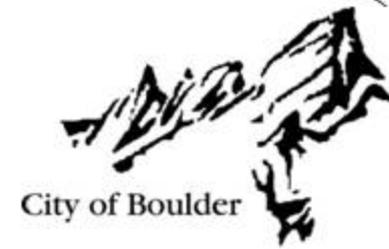
- Suspending the acceptance of building permit and other development applications for projects that are not exempted by the initiative
- Transition Issues Analyze how to complete a fair transition to the new regulatory realm considering state and federal law
- Analyze state and federal law issues that may limit the implementation of the measure
- Create an inventory of facilities and Services included in the petition
- Develop service standards

Next Steps



- Revenue Requirements
 - Quantify economic impacts of growth on services and facilities
 - Determine whether direct and indirect revenue mitigates the cost of growth
 - New fees or taxes
- Development Standards
- Planning for Growth - Revisions to the BVCP and Master Plans
- Construction related standards for public improvements
- Programmatic approaches to mitigate growth impacts
- Growth management tools – timing new development, e.g. APFO's

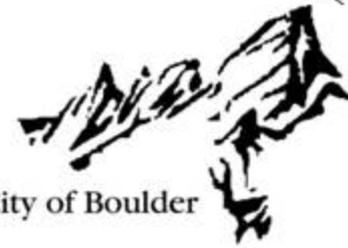
Neighborhoods' Right to Vote on Land Use Regulation Changes



- Extends the charter's referendum period for certain ordinances relating to land use code changes from 30 days to 60 days.
- Would allow individual areas of the city to vote on whether the change should be effective in those areas.
- The City Council would be required to create these voting areas.
- All areas with at least one of the following zone districts must be included in one of the voting areas: MH, RE, RL-1&2, RM-1,2,&3, RMX-1&2, RH-1-7, or RR-1&2.

Definition of Residential Neighborhoods

City of Boulder



- Residential Neighborhoods are a contiguous area reasonably demarcated by the City that include the 66 neighborhoods named in the petition.
- The City Council has the authority to “reasonable demarcate” the neighborhoods.
- The proponents believe that the council’s decision would be subject to the new referendum requirement.

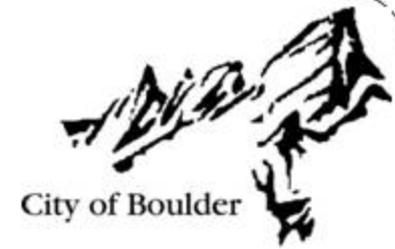
Changes Eligible for a Neighborhood Vote

City of Boulder



- Any regulation affecting residential development that would
 - Increase allowable size, height, or density
 - Increase in the maximum allowable occupancy limits
 - Change the allowable uses
 - Reduce on-site parking
 - Reduce the required setbacks
 - Reduce the solar access protection
- Any change in the zoning district designations or the regulations applicable to existing residential zoning districts to allow any of those things to occur

Matters Not Subject to a Neighborhood Vote



- Individual Development Application Reviews
 - Site Review
 - Use Review
 - Concept Plan Review
- Annexations
- Initial Zoning

Petition Procedures

City of Boulder



- Any affected regulation would not be effective until 60 days after final passage
- If presented with a petition including signatures of 10% of the registered voters in a designated neighborhood, the regulation would not go into effect.
- Council could either reconsider or place the measure of the ballot.

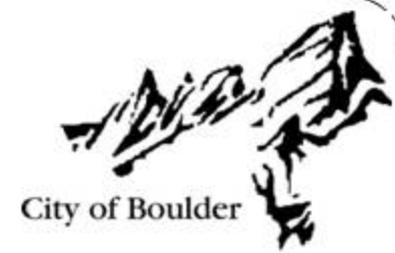
Voting Procedures

City of Boulder

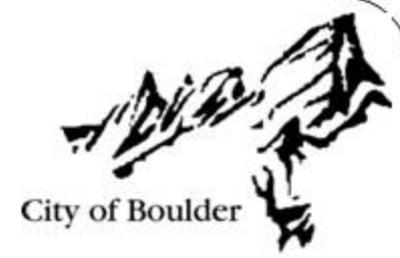


- The city would be required to hold a separate election for each neighborhood submitting a petition certified to meet the referendum requirements.
- The land use regulations would not go into effect for the neighborhoods whose petitions are certified unless approved at the election.
- If a land use regulation change applies to multiple neighborhoods, a separate election would be required for each neighborhood that submits a petition.
- The results of each separate neighborhood vote would apply only to that neighborhood.

Implementation



- Adopt an ordinance to define the neighborhoods
- Adopt an ordinance setting forth the land use regulations subject to the initiative
- Delay any land use code changes in process until procedures are in place



Ballot Titles

Legal Standards

City of Boulder



- Council sets the ballot title by ordinance. CRS § 31-2-210(1)(b)
- Ballot titles are not to include the entire measure or include every possible effect of the measure. The ballot title is the question printed on the ballot to “briefly” and “correctly and fairly express the true intent and meaning of the proposed measure” so that a voter can “determine intelligently whether to support or oppose the proposal.” Ballot titles are invalid only if they are misleading, inaccurate or fail to reflect the central features of the proposed initiative.

Approved on First Reading

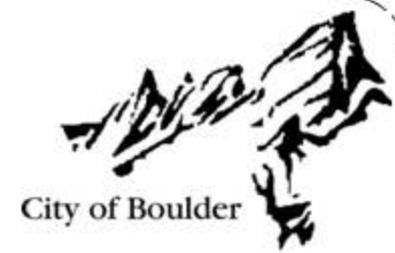
City of Boulder



New Development Shall Pay Its Own Way

Shall the Boulder Home Rule Charter be amended to prevent the city, to the extent allowed by state and federal law, from approving new development that does not fully pay for or otherwise provide additional facilities and services to fully offset the additional burdens imposed by the new development; such facilities and services to include without limitation police, fire-rescue, parks and recreation, public libraries, housing, human services, senior services, parking services, transportation, and open space and mountain parks, but exempting utilities that have set services standards including water, wastewater, flood control, and electric; and to ~~allow~~ require the city council to apply standards and practices reasonably designed to achieve the requirements of this section, that are consistent with generally accepted professional standards and practices where they exist, and that consider indirect revenues and contributions from new development, such as sales and use tax paid by occupants; and to require the standards for transportation facilities and services to include without limitation emergency response times, daily vehicle miles traveled within the city, and travel times on designated streets during morning and evening peak and near-peak hours; and shall the city council by a vote of six members be able to exempt permanently affordable housing or publicly-owned new developments from this section; and shall new development with a complete and properly application for a building permit, or a change of use permit as of the date of passage of this section, be exempt from the requirements of this section, but only for the construction or change of use covered by the permit or change of use application as submitted; and shall the city manager be required to report annually all standards used and a summary of the measurements and actions taken and analyses performed to satisfy this section; and setting forth related details set forth in the initiated petition for this measure?

Staff Proposal



New Development Shall Pay Its Own Way

Shall the city charter be amended to prohibit new development unless the developer pays for all additional city facilities and services needed to maintain service levels, such as police, fire and transportation established in the city charter, except that a vote by six out of nine members of the city council may exempt affordable housing projects from paying for additional facilities and services as further described in Ordinance No. 8069?

Approved on First Reading

City of Boulder

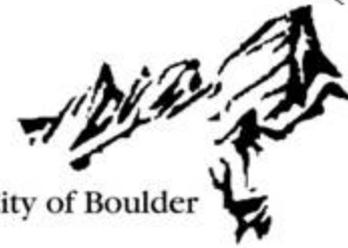


Neighborhood Right to Vote on Land Use Regulation Changes

Shall the Boulder Home Rule Charter be amended to ensure that residents of neighborhoods have a voice in changes to land use regulations for residential developments that may have an impact on their quality of life, neighborhood character or property values, including without limitation those that increase the maximum allowable building height, size, density, floor areas, or occupancy limits, changes to allowable uses, or reductions in on-site parking requirements, required setbacks, or solar access protection, or change zoning district designations or regulations within residential neighborhoods; and shall such neighborhoods be contiguous areas reasonably demarcated by the city that contain at least a portion of the MH, RE, RL-1&2, RM-1,2&3, RMX-1&2, RH-1-7 or RR-1&2 zoning districts, including without limitation at least 65 separate neighborhoods listed in the petition; and such other neighborhoods as the city may reasonably identify; and shall any changes to these land use regulations or combinations of neighborhoods adopted by city council not be effective for 60 days, and if within such 60 days, one or more residential neighborhood submits a petition signed by 10 percent of the registered electors of the neighborhood meeting the referendum requirements of the charter, such changes shall not be effective for that neighborhood unless approved by the voters of such neighborhood; and shall there be a separate election for each residential neighborhood that has submitted a proper petition; and shall the city pay the costs of such elections; and related details as set forth in the initiative petition for this measure?

Suggested Change Accepted by Petitioners' Representatives

City of Boulder

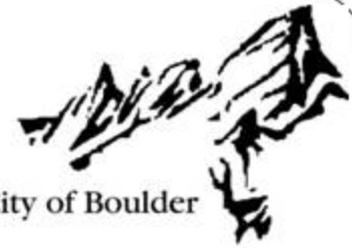


Neighborhood Right to Vote on Land Use Regulation Changes

Shall the Boulder Home Rule Charter be amended to ~~give ensure~~ that residents of neighborhoods have a right to vote on certain ~~have a voice in~~ changes to land use regulations for residential developments that may have an impact on their quality of life, neighborhood character or property values, including without limitation those that increase the maximum allowable building height, size, density, floor areas, or occupancy limits, changes to allowable uses, or reductions in on-site parking requirements, required setbacks, or solar access protection, or change zoning district designations or regulations within residential neighborhoods; and shall such neighborhoods be contiguous areas reasonably demarcated by the city that contain at least a portion of the MH, RE, RL-1&2, RM-1,2&3, RMX-1&2, RH-1-7 or RR-1&2 zoning districts, including without limitation at least 65 separate neighborhoods listed in the petition; and such other neighborhoods as the city may reasonably identify; and shall any changes to these land use regulations or combinations of neighborhoods adopted by city council not be effective for 60 days, and if within such 60 days, one or more residential neighborhood submits a petition signed by 10 percent of the registered electors of the neighborhood meeting the referendum requirements of the charter, such changes shall not be effective for that neighborhood unless approved by the voters of such neighborhood; and shall there be a separate election for each residential neighborhood that has submitted a proper petition; and shall the city pay the costs of such elections; and related details as set forth in the initiative petition for this measure?

Staff Proposal

City of Boulder



Neighborhood Right to Vote on Land Use Regulation Changes

Shall the city charter be amended to create a right to vote on whether certain land use regulation changes, including increase of the building heights, floor areas, occupancy limits or changes in allowed uses in residential zoning districts; should apply to their neighborhood; with separate elections, paid for by the city, being held in residential neighborhoods defined by the city council as further described in Ordinance No. 8068?