

## Twin Lakes Stakeholder Group (TLSG)

Wednesday, April 27, 2016

Meeting Summary - Final

### Attendance

*Stakeholders:* Frank Alexander, Norrie Boyd, Brian Lay, Rolf Munson, Dave Rechberger, Glen Segrue

*City and County Staff:* Dale Case, Michelle Krezek, Susan Richstone, Jay Sugnet

*Facilitation:* Heather Bergman and Katie Waller

Approximately 20 members of the public were present.

*\*Meeting summaries are a record of what was said at each meeting. A statement's inclusion does not mean that all Stakeholders agree to its accuracy or intention.\**

### Next Steps

<i>All</i>	Send Heather any additional changes to the 4/14/16 meeting summary by 4/28/16.
<i>Heather</i>	<ul style="list-style-type: none"><li>• Send out revised meeting summary and protocols.</li><li>• Send out City criteria for land use changes.</li><li>• Send out an electronic version of the Affordable Housing Unit Distribution Map.</li><li>• Send out the aggregated BVSD survey results.</li><li>• Send out TLAG feedback regarding BCHA's hydrologist's scope of work.</li></ul>
<i>City and County staff</i>	<ul style="list-style-type: none"><li>• Check City and County TLSG websites to ensure that there is no link to BCHA unless there is also a link to the TLAG website.</li><li>• Send Heather the City criteria for the city's site review and rezoning processes.</li><li>• Send Heather an electronic version of the Affordable Housing Unit Distribution Map.</li><li>• Get more information from the Open Space direction to better explain how Twin Lakes fits into their portfolio of properties.</li></ul>
<i>Glen</i>	Send Heather the aggregated BVSD survey results.
<i>Michelle, Dave, and Heather</i>	Coordinate providing Boulder City Council with the complete docket of the ethics packet.
<i>TLAG</i>	Provide hydrology feedback on the scope of work of BCHA's site review hydrologist by Wednesday, May 4.

### Draft Meeting Summary forfor April 28, 2016

Stakeholders reviewed the proposed changes to the summary of the April 14, 2016, meeting. Participants were asked to make changes that included adding further detail, clarifying their own statements, or correcting inaccuracies but were asked to refrain from clarifying the statements of other participants. As a reminder, meeting summaries are meant to capture the concepts and intentions of the meeting without reporting what was said verbatim. Meeting summaries reflect what was said at the meeting, and a statement's inclusion does not mean all stakeholders agree with its accuracy. Below is a summary of the changes discussed by the Stakeholder group. The final

meeting summary from the April 14 meeting (posted on the City of Boulder website) reflects the outcomes of the Stakeholder Group's discussion.

### **Draft Group Protocols**

Based on the discussion at the last meeting, the facilitator prepared a draft of the TLSG Protocols. The group reviewed and discussed this document; below is a summary of this discussion.

- There are no necessary changes to the following sections – Representation, Subcommittees, Decision Making, Agency Roles, Documentation, Meeting Frequency and Duration, Media Interaction, Other Interactions, or Transparency.
- Going forward, the TLAG representatives will be Brian Lay, Rolf Munson, and Dave Rechberger; Susan Lambert will be the only TLAG alternate until further notice.
- City and County staff will check their respective websites to ensure that there is no link to the Boulder County Housing Authority (BCHA) unless there is also a link to the TLAG website.
- TLAG proposed that all public comment be taken in writing and distributed to the full group to retain meeting efficiency while still enabling a dialogue with engaged citizens; others thought that receiving public comment in writing could encourage off-topic comments, and reviewing the comments could be needlessly burdensome to the Group.
  - The Group agreed to the following protocol regarding public participation: “Public comment will be received in writing. All comments should be submitted to the facilitator ([heather@peakfacilitation.com](mailto:heather@peakfacilitation.com)). The facilitator will distribute all comments received to all members of the Stakeholder Group. City Staff will post comments on the website no less frequently than once every two weeks. Those submitting public comments are encouraged to focus comments on the work of the Stakeholder Group at its meetings and to frame them in a constructive manner.”
  - It is the responsibility of individual stakeholders to raise in meetings any questions or concerns received in the written public comment.
  - This process can be revised or altered at any point in the future should the Stakeholders desire.
- Regarding transparency, the Stakeholder Group agreed to share anything that they know will happen that relates to the Twin Lakes properties and any associated processes. The Stakeholder Group also agreed that the current language in the Protocols document does not need to be altered to capture this sentiment.
- As a matter of transparency, TLAG shared that they received a request from a member of the Boulder City Council to provide a complete docket for the ethics packet that was published, although they have not done so yet; they feel that it is necessary to honor this request from a Council member. County staff indicated that since the ethics protocol is not usually public, it would be best for TLAG to wait to fulfill this request until the County attorney has a chance to review it. Michelle Krezek, Dave Rechberger, and Heather Bergman will coordinate on the appropriate response to this request.

With the inclusion of the above changes, the Stakeholder Group finalized the TLSG Protocols. The final document has been posted to the City of Boulder webpage.

### **Interests**

Each stakeholder organization was asked to prepare a short presentation outlining their interests as they pertain to Twin Lakes. Below is a summary of each presentation. The PowerPoint presentations from BCHA/BVSD and TLAG have been posted to the City of Boulder website.

*Boulder County Housing Authority (BCHA) and Boulder Valley School District (BVSD)*

- There is an affordable housing crisis in the area, and many employees cannot afford to rent or own housing close to the communities in which they work, partially due to low vacancy rates and high prices.
- While average home values and average rent amounts have increased 35 percent and 30 percent, respectively, between 2011 and 2015, the median household income has only increased seven percent in this same time frame.
- Data is not immediately available regarding rental increases before the recession in 2008; however, the northern Front Range (Boulder, Greeley, Denver, and Fort Collins) has some of the highest costs in the country.
- The 2015 BVCP survey given to BVSD employees indicated that cost of housing was a top concern, and many expressed interest in affordable housing within District boundaries.
- While there are growth opportunities in other areas of the County, many BVSD employees indicated interest in Gunbarrel housing; this development could help cut down on commute times and bring employees into the folds of the communities within which they work.
- BVSD and BCHA are pursuing the Twin Lakes site because it offers permanently affordable housing in Gunbarrel. This would add housing in an area with limited development opportunities.
- A partnership between BCHA and BVSD is a once-in-a-generation opportunity; it allows for better site design, takes advantage of each organization's particular skills, and better serves the community than if this effort were to be undertaken by only one of the two.
- This shared effort will provide a permanently affordable housing development that benefits those living in the community as well as neighbors, the environment, and wildlife.
- The goal of this project is to keep people from having to spend more than 30 percent of their income on rent.
- US Department of Housing and Urban Development (HUD) standard of affordability indicates that those spending more than 30 percent of their income are cost burdened, while those spending more than 50 percent are considered severely cost burdened. These numbers are for rental, and the threshold is different for ownership.
- BVSD is planning on completing additional research to better identify the average median income (AMI) that could be accommodated on the Twin Lakes parcels, but it would most likely include a broad range of AMI's, possibly above 60 or 70 percent.
- Other school districts across the country, including the Roaring Fork School District and Telluride in Colorado, are working to provide permanent housing for their employees. School district housing in Telluride ranges from apartment units to higher-end, deed-restricted homes.
- Collaborative planning efforts have been successful in the past at creating better designs, more community ownership, and mutual benefits for all involved parties.
- BCHA undertook a collaborative planning effort in Lyons, and they were able to use community feedback and values to create a better design, although the development was not constructed after failing to pass a public vote.
- The Kestral development in Louisville was designed with the input of City staff as well as 17 community meetings, each tailored to different demographics; the feedback was used to influence the design and mitigate issues that were worrying to community members. The feedback ended up impacting the initial design to include more one-bedroom apartments and mixed units, as well as to be more bike- and pedestrian-friendly.
- BVSD has had a difficult time attracting quality staff and spends most of its operational budget on hiring and paying salaries, and the Human Resources Department has indicated

that they have to tell prospective employees about housing farther and farther away from Boulder County due to the high cost for housing.

- The Kestral project in Louisville and recent developments in Lafayette have included parcels for ownership; BCHA projects have prioritized diversity and do not serve only one homogeneous demographic. Rather, they pursue mixed-use development tailored to community needs.

#### *Twin Lakes Action Group (TLAG)*

- TLAG's mission is to protect the zoned rural-residential look and feel of their neighborhoods and adjacent lands.
- The group questions if any development along Twin Lakes Road is appropriate, hence their submittal of Proposal #36 asking for an Open Space designation.
- TLAG wants to be a part of the discussion, and not just an informed party, especially since their members' neighborhoods will see the highest impact from any development.
- Future land use changes should be rooted in science and fact, rather than emotions and crisis
- TLAG has been asked to decrease the Colorado Open Records Act (CORA) requests, but these would not be necessary if the entire process were open.
- The process regarding Twin Lakes has, so far, not seemed to be level for all players.
- The possibility of having 18 units per acre on the parcels is not in line with current densities or proposal #36.
- The median density in the existing community of 422 units is 4.7 units per acre; constructing six to 12 units per acre would lead to a 56 percent increase in density, and construction of the full MXR would increase density by 85%
- There have been ten water main breaks in Red Fox Hills recently, showing that the water infrastructure is not prepared for an increase in density. There are questions as to adding more density in this area makes sense given the current strain on water infrastructure.
- Any new development would require new stormwater systems, as well as improved County roads.
- There are many concerns regarding the hydrology of the area, especially after the most recent flood. The water table is only 2 feet below grade with clay LoB soils.
- The area south of Twin Lakes has been planned as open space in the BVCP since 1970 due to its suitability as a wildlife corridor.
- The US Department of Agriculture (USDA), Natural Resources Conservation Services (NRCS), and Farmland Protection Policy Act (FPPA) have acknowledged the importance of preserving and protecting agricultural lands, as did the original BVCP. Both parcels are designated Prime Farmland and Farmland of Statewide importance.
- Gunbarrel has grown significantly without an increase or improvement in infrastructure, a problem that has led to many issues in the area.
- This area should not be developed until there is a sub-community plan for the area.
- Developing the Twin Lakes parcels could cost the taxpayers money if the City has to compensate people for flooding due to hydrological issues caused by development.
- If this property is annexed into the City of Boulder, it sets a dangerous precedent for creating contiguity through Open Space and the potential of creating enclaves in the future.
- Developing this property could set regrettable legal precedents.
- Land use changes are long-term and follow properties into the future and should not be based on a single purpose or particular project.

#### *Identified Interests*

Through the previous presentations, all stakeholder interests were captured by the facilitator on chart paper. Interests are meant to capture *why* certain needs are identified, rather than *what* each entity wants. Creating a list of interests allows for creative solutions that are more likely to be acceptable to all those involved. The subsequent list of interests was agreed upon by the Group and will be published on each meeting agenda going forward.

- Meet housing needs.
- Provide affordable housing needs for workers of BVSD and other entities.
- Utilize land that is near existing infrastructure and jobs.
- Plan both sites of Twin Lakes together.
- Create program synergies between BVSD and BCHA.
- Create broad community support.
- Protect the environment and wildlife.
- Develop neighborhood amenities.
- Develop property to meet community interests and needs.
- Retain teachers and other employees throughout the County.
- Develop a vision and plan for Gunbarrel.
- Avoid setting regrettable legal precedents.
- Be able to offer permanent affordable housing as a recruitment tool for new teachers.
- Protect the rural-residential feel of the neighborhoods and surrounding lands.
- Collaborate on the creation of information and entire discussion.
- Base decisions in facts and science.
- Allow for a transparent process and open discussions.
- Allow all parties to remain up-to-date and informed on the progress of the process.
- Protect homes that already exist.
- Ensure ability to maintain infrastructure.
- Preserve agricultural lands.
- Move the process along at an appropriate pace.
- Learn from and improve on past projects.

### **Questions for City and County Staff**

Before the meeting, Stakeholders were asked to submit questions for City and County staff in writing. Below are the questions answered during this meeting. The responses include additional comments made in response to follow-up questions raised during the meeting.

*Explain how evaluation for the BVCP can be so comprehensive when it does not address Gunbarrel as a sub-community. Why does such a plan only address individual properties?*

The BVCP is an overarching policy that guides city-wide development at higher levels, including zoning. There is a difference between community and sub-community plans: sub-community plans are typically done in areas where change is anticipated and are developed through a separate process from the BVCP. As a land use designation change process, the BVCP looks at individual parcels of land so that zoning changes are compatible with adjacent properties and in line with the overarching policy framework for the City and County. All land use changes are a legislative issue of City and County policy. Alternately, zoning is a quasi-judicial, regulatory process. Land use changes take into consideration the City's and County's ability to provide the necessary public services, and the BVCP includes an urban form diagram that looks at the hierarchy of centers and overall urban form. The City will not necessarily look at individual private service providers, such as the number of gas stations, but will reassess any land designation that will have a negative impact on urban services.

*What are the criteria for land use changes?*

The criteria used in the site planning and rezoning processes for zoning changes are listed on the City website. Staff will send this to the facilitator, and it will be disseminated to the Group.

*How does the City review and update sub-community plans?*

Updating sub-community plans takes a significant investment of time on the part of staff. City Council has indicated that they would like to do more sub-community plans, but the capacity is not always available within the staff work plan. City Council sets staff's priorities for the year. Sub-community plans do not dictate land use designation changes, as a majority of these changes occur outside areas that have such a plan.

*If City Council sets the priorities for staff, how do Gunbarrel citizens who reside in the County have a voice to raise the issue of sub-community plans in the yearly work plan?*

The four governing body process allows each of the four bodies to have veto power, which allows County residents an equal voice to City residents in the BVCP. Any land use change or annexation must be approved by all four governing bodies to be approved.

*How is staff going to specifically and impartially evaluate the merits of two land use changes that have been proposed? Not just discussions on density.*

The people evaluating the land use changes are professional staff, just like any other departments. Their job is to analyze the proposed changes against the identified criteria and considerations, and make recommendations. Staff does not make the final decision but provides the necessary information to the four governing bodies.

*How often are competing land use changes that are so different evaluated by staff?*

It is not unprecedented for neighborhoods or community members to submit change suggestions and proposals. It is not common to assess two competing proposals, but it has happened in the past. What is consistent is that staff will analyze and make recommendations based on what is appropriate, not just mixed use/residential (MXR). Staff will not necessarily recommend a change in a designation simply because that is what the property owner wants.

*If Staff can recommend a different land use designation than what is requested, then why wouldn't all proposals ask for high density and let Staff suggest the appropriate land use designation?*

The most common request is from a landowner who has a piece of property and wants to increase the density or intensity of allowed use on a site. Staff does an initial screening of the proposal, which does not indicate any sort of recommendation. Any change must be compatible with the surrounding community. Staff can recommend densities in line with the original proposal or something totally different after analysis. Once staff makes recommendations to the four governing bodies, the four bodies do not have to agree with or accept the recommendations. The four governing bodies disagreeing with staff recommendations happens, sometimes just on a portion of the recommendation.

*How is each section of the BVCP weighed during the evaluation?*

There is no specific weighing of BVCP policies or sections of the Comprehensive Plan as part of the staff analysis. While there are often competing interests, the evaluation process is intended to represent everything the community wants. While the BVCP is an overarching document, updates focus on current policy discussions from the four governing bodies. This year, the update is focusing on housing and affordability.

*What percentage of Gunbarrel is affordable in comparison to the broader City of Boulder?*

Of the 32 percent of renters in Gunbarrel, 47 percent of them are cost-burdened. The provided map shows where the City has permanently affordable housing that is deed-restricted and includes owner and rental properties. Permanently affordable housing is scattered throughout the City and is not concentrated in any one area. This map shows only City affordable housing and does not include County affordable housing. City staff will send the facilitator an electronic version of this map so it can be more easily analyzed.

*How do you ensure that the pendulum does not swing too far the other way with too much density concentrated in Gunbarrel?*

City staff can work to model how a proposed development of Twin Lakes would impact this map using a range of densities.

*What is the current projected build-out for Gunbarrel in terms of housing and job projections?*

The build-out for housing is +825, and the build-out of jobs is +2,429 as of July 2015. This includes the City and Areas I and II in the County.

*Does staff look at the distribution of housing by provider when evaluating proposals? Particularly how development at Twin Lakes would impact the total percentage of BCHA affordable housing units?*

On the voucher side, BCHA has over 800 units. Although no unit numbers have been identified or solidified, building 200 units on this site would still not be one-third of the total affordable housing units provided by BCHA. BCHA spreads its development throughout the County and has targeted Gunbarrel due to its current lack of affordability and the unique opportunity for a large-scale partnership with BVSD. BCHA is not the only affordable housing provider but does have agreements with all the necessary municipalities. Federal affordable housing funding does not allow development in an already-saturated area and requires significant analysis before anything is finalized.

*What are the distinctions between affordable housing, public housing, and Section 8 housing?*

Twin Lakes would be affordable housing. Public housing is a specific, specially funded HUD designation, which also allows HUD to operate the development. Affordable housing is typically a private-public partnership that utilizes tax credits. Section 8 housing, sometimes referred to as vouchers, is a subsidy for those eligible for government benefits, similar to food assistance. These vouchers can be used anywhere, and there are 800 vouchers issued throughout the county.

*Which zoning designations would likely be applied if the property were to be annexed under its current low-density designation? Mixed-density?*

Staff will come back to this question at a later date.

*What are some examples of recent developments under these zoning designations throughout the City?*

Northfield Commons is a good example where the land use designation was changed from low density residential to medium density residential. 40 to 60 percent of the units are affordable and there is a variety of unit types (single family, duplexes, four and eight plexes). Although the project is not similar to what Twin Lakes could look like, it is in the same density range.

*What are some examples of recent development with 6-12 dwelling units per acre?*

Additional analysis is underway to answer this question.

*Does mixed density typically allow for a broader range of community benefit amenities than the low-density designation?*

When staff looks at annexation and zoning designations, the key guidance policies from the BVCP are 1.18 (Growth Requirements) and 1.24 (Annexation) and not the land use designation. Annexation must provide a special opportunity, but there is no specific designation that requires a certain level of community benefit. The BVCP looks at broad community benefits and benefits to the City. All annexed properties must meet the qualifications listed in policy 1.24.

*What percentage of a development is required to be dedicated as open space under mixed density? Low density?*

Open Space (with capital letters) is different from open space (without capital letters). Open Space is managed by the Open Space and Mountain Parks (OSMP) department and there is no specific requirement in exchange for annexation. Open space is private open space, typically for each unit and the requirements vary depending on the zoning. As a part of the BVCP analysis process, staff will look to see if there are parts of the property that should not be developed. It is possible for portions of the parcel to be set aside for designations other than open space, such as environmental preservation (e.g. wetland).

*Why does BCHA feel the land at 6655 Twin Lakes cannot be developed without annexation?*

In the context of policy, the intergovernmental agreement between the City and County articulates that the County will not approve any developments that would require urban densities. This level of development can only occur through annexation. Urban levels of density require urban levels of City services, such as water and sewer, so the property would have to be annexed to meet the needs of that particular parcel. Red Fox Hills is still a part of the County although it has urban-level density because it was able to apply for City services as a subdivision under older development policies. Today, a similar development would be required to be annexed.

*Why does BCHA feel annexation through open space does not violate State law?*

The County attorney looked at this issue and examined the “skipping rule” in C.R.S. 31-12-104(a)(1). After analysis, it was decided that the City cannot skip over open space to get contiguity, but it does not preclude the County from having open space annexed to get contiguity.

*What prevents this annexation and the next open space annexation from creating an enclave via contiguity?*

This property is being looked at uniquely from those to the south. It was purchased for different reasons than some of the other open space holdings and is interior to Gunbarrel as compared to any other property. It is different from other County open space properties. Additional open space annexation to create an enclave would be against the policies laid out in the BVCP and would most likely not be approved by all four of the governing bodies – each of which has total veto power. Staff will get more information from the Open Space director to better explain how Twin Lakes fits into the portfolio of properties.

### **Next Meeting**

The Stakeholder Group agreed to meet again. Below is a summary of the discussion to select topics for the next meeting.

- Not all the questions were answered by City staff during today’s presentation due to time restraints.
- Some remaining issues to be addressed are hydrology, open space and additional context for this parcel, and other studies.
- Hydrology will require a lot of time.

- Hydrology as it relate to future development proposals is different from hydrology related to land use designation changes.
- The Stakeholder Group should examine if the existing information being used by City and County staff is still valid and timely.
- TLAG has hired a hydrologist and would like to have them come to the hydrology meeting.
- The City has different engineers involved in the land use designation change process than those involved in the site review process.
- The County does not have engineers that deal with urban levels of development but can bring in floodplain experts to inform the hydrology conversation.
- BCHA has already hired hydrologists to inform the site review process, but they have not been involved in the project long enough to speak in public.
- BCHA would like feedback in writing from TLSG regarding the scope of work of their hydrologists as it relates to their site review process.
- TLSG will not have a say in the hiring of BCHA's hydrologist for the site review phase, but can be involved in the selection of other contractors or consultants for additional studies relating to the land use designation process should they be needed.
- TLAG should provide BCHA with suggestions regarding the hydrologists' scope of work as soon as possible before the next meeting.

After this discussion, the Group agreed that TLAG and its hydrologist will provide suggestions for the BCHA hydrologist's scope of work by Wednesday, May 4, 2016. The facilitator will disseminate this information to the Group as soon as it is available.

The next meeting for May 11, 2016, has been moved because it conflicts with a large-scale meeting on the BVCP. The next meeting will take place on Thursday, May 19, from 4:00 to 7:00 PM. Staff will begin looking for a meeting venue. The agenda will follow the following order:

- Remaining questions for staff (one hour)
- Hydrology discussion with City and County staff
- TLAG hydrologist perspective
- BCHA hydrologist scope of work
- Parsing of hydrological issues between land use designation and site review processes

Below are the dates and times for the remaining meetings. Meeting locations will be announced when available.

- May 25, 4:00 to 7:00 PM
- June 8, 4:00 to 7:00 PM
- June 23, 4:00 to 7:00 PM