

## **BVCP Update – DRAFT Staff Recommendation for 3261 3<sup>rd</sup> Street**

### **BVCP MAP-BASED CHANGE REQUESTS**

The purpose of this draft report is to advance for public comment the draft staff recommendations for three public requests submitted as part of the Major Update to the Boulder Valley Comprehensive Plan that require action by both city and county agencies. The three properties include 3261 3<sup>rd</sup> Street, 2801 Jay Road, and 6655 and 6500 Twin Lakes, 0 Kalua Road. The four requests specific to the city will advance on a slightly later schedule as described below.

### **Background**

In October 2015, the city and county received 38 public requests to change either the BVCP land use designation or the Area II/III boundary on individual properties as part of the Boulder Valley Comprehensive Plan update (“map-based change requests”). In late 2015 through March 2016, the four applicable bodies decided to advance ten of these requests for further study plus three policies. Two of the requestors have withdrawn their requests leaving eight current requests (listed below). The decision to advance these requests was based on a variety of factors, including whether or not there were any changed circumstances that warranted the proposal be considered with this BVCP Major Update.

### **Analysis of 2016 BVCP Change Requests**

The city and county staff worked together to prepare the analyses for the public requests to support policy decisions by elected officials. Staff’s approach to analyzing public requests for map based changes is consistent with previous BVCP Major Updates (i.e., 2010, 2005) while reflecting priorities identified during this major update by the community and leaders (e.g., achieving diverse and affordable housing, furthering climate action goals, improving jobs and housing balance). Each request has been analyzed based on the overall intent and core values of the BVCP, with specific analysis included depending on individual property unique conditions or community concerns. Individual property reports cite the relevant core values, prior and ongoing community input, history, and other factors as part of the analysis, with the primary focus for most requests being on BVCP Core Values and associated policies.

The role of the comprehensive plan is to provide policy guidance to attain Boulder Valley’s future goals and address many topics of importance and need to the entire community; therefore, policies seemingly compete with each other, and often are cited in support of or against a proposal. The final decision should be consistent, on balance, with the policies and goals of the BVCP, not a weighting, zero sum analysis, or scorekeeping exercise. Therefore, staff gave consideration to different change requests on balance with the overall intent of the plan, unique property context and issues, and concerns and policies highlighted by the public. Ultimately, staff used professional judgment and precedent to guide the evaluation in support of policy decisions by elected and appointed officials.

### **Process and Schedule**

Pursuant to BVCP amendment procedures, some of the remaining requests require city (two body) approval and others require both city and county (four body) approval<sup>1</sup>. The Schedule and Next Steps section below summarizes the anticipated schedule and decision-making milestones in more detail.

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<sup>1</sup> Two body approval means only the city Planning Board and City Council vote on the request, with the County Planning Commission and Board of County Commissioners as a referral agency. Four body approval means that all four bodies vote on the request.

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### List of BVCP Change Requests Approved for Further Study in 2016

<b>Four Body Requests</b>		
<i>Requires action by both city and county agencies</i>		
25	3261 3rd Street	Area III to Area II to enable future annexation request
29	2801 Jay Public	Public (PUB) to Medium Density Residential (MR) or Mixed Density Residential (MXR)
35	6655 and 6500 Twin Lakes, 0 Kalua Road	Low Density Residential (LR) and Public (PUB) to Mixed Density Residential (MXR)
36	6655 and 6500 Twin Lakes, 0 Kalua Road	Low Density Residential (LR) and Public (PUB) to Open Space (OS) with Natural Ecosystems or Environmental Preservation designation
<b>Two Body Requests</b>		
<i>Requires action by city agencies</i>		
1	Naropa (two locations)	2130 Arapahoe Ave.: High Density Residential (HR) to Public (PUB); 6287 Arapahoe Ave.: Community Industrial (CI) to Community Business (CB)
3	385 Broadway	Transitional Business (TB) to Low Density Residential (LR)
12	0, 693, 695 Broadway (Table Mesa Shopping Center)	Medium Density Residential (MR) to Community Business (CB)
13	3485 Stanford Court	Low Density Residential (LR) to Medium Density Residential (MR)
Request #10 - 4801, 4855, 4865, 4885, & 4895 Riverbend Rd. and Request #26 - 3000 N. 63RD St. & 6650 Valmont Rd were withdrawn to pursue different processes.		

The eight remaining requests will be on slightly separate tracks for public hearings and final decision by the city and county. An open house will occur prior to the first public hearing and the requests will be grouped as either two body or four body review. The four body requests open house is scheduled for Aug. 8, 2016 in preparation for a county public hearing in late August. The two body request open house will occur the third week of September in preparation for the Oct. 13 city public hearing. A current schedule is available on the BVCP webpage <https://bouldercolorado.gov/bvcp/bvcp-changes>.

#### *Twin Lakes Process (Requests #35, #36)*

In March 2016, city and county bodies agreed to hold facilitated discussions addressing BVCP change requests #35 and #36 as part of the BVCP Major Update. While this request has the most structured and extensive engagement process of all the remaining BVCP map based change requests, the stakeholder group process was aligned with the decision making timeline. More information is available on the city webpage <https://bouldercolorado.gov/bvcp/twin-lakes>.

#### **Distinction between BVCP Land Use Designation Process and Development Review**

Site-specific issues are discussed in individual reports, but it is important to distinguish between what is analyzed as part of the BVCP map-based land use change request process versus at a subsequent, development review stage where more technical details are typically analyzed and addressed with costs borne by the developer.

Development is not assured with a specific designation. Many of the common issues cited by community members require a specific proposal for the city and community to review and evaluate based on specific annexation and site review criteria. If a development proposal does not meet the approval of either Planning Board or City Council, the proposal is rejected or approved with specific conditions. Below are the basic steps of the development review process that are often accompanied by public hearings before the city's Planning Board and Council.

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### City Development Review Process

1. Pre-application Meeting
2. Concept Plan (public hearing)
3. Annexation / Initial Zoning (public hearing)
4. Site Review (public hearing)
5. Technical Document Review (subdivision and site construction drawings)
6. Building Permit
7. Certificate of Occupancy

A more detailed overview is provided [here](#).

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# Request #25

# 3261 3<sup>rd</sup> Street

### Existing BVCP Land Use Map



### Existing Planning Area Map



### Site Photos



### Request Summary

- Requester: Margaret Wilson et al. (Wilson family)
- Type of Request: Area II/III boundary change
- Brief Description of Request: Area III to Area II (**Minor Adjustment to the Service Area Boundary**)
- Approval Required: Four-body

### Existing Conditions

- BVCP Designation: LR
- Zoning (county): Rural Residential (RR) & Forestry (F)
- Lot Size: 32,278 sq. ft. (0.741 acres)
- Existing Buildings: 1,818 sq. ft. residence; 1,416 sq. ft. agricultural outbuilding

### Jobs and Housing Assumptions

- Current Estimated Dwelling Units: 1-4 with LR
- Future Estimated Dwelling Units: 1-2 with only the portion of property east of blue line designated as LR
- Future Estimated Jobs: 0

## STAFF RECOMMENDATION FOR REQUEST #25

Staff recommends approval of the proposed area change for the parcel from Area III to Area II only for the portion of the property east of the blue line. Staff recommends that the portion of the property west of the blue line remain in Area III and receive an open space designation.

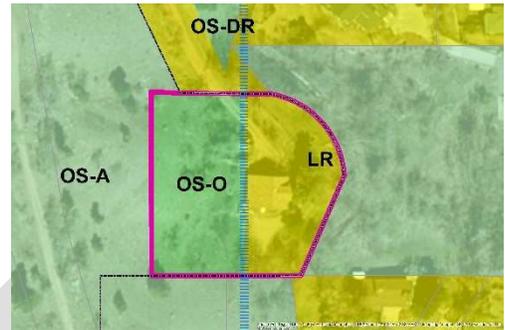
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Staff is recommending 1) approval of the proposed area change from Area III to Area II for the portion of the property east of the blue line and 2) a land use designation change on the western portion of the property to Open Space - Other for the following reasons:

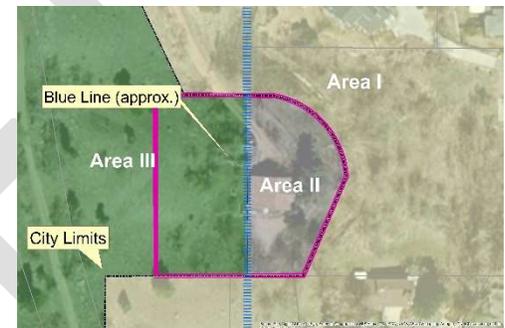
- Creation of a more logical service area boundary: an Area III to Area II change for the portion of the property east of the blue line is consistent with other “western edge” properties along 3rd Street.
- Compatibility with the surrounding area: The existing use is a single-family home and the developable area of the property will not be expanded with a change from Area III to Area II under county zoning. The proposed land use designation change for the portion of the property west of the blue line ensures the preservation of open space and neighborhood character along the western edge and is consistent with other western edge properties along 3<sup>rd</sup> Street.
- Correction of a mapping error: analysis of previous comprehensive plan maps indicates that the Area II/III boundary may have originally bisected the property and was moved in error to the eastern edge of the property during the 1997 digitization of maps.

The current proposed blue line ballot may have implications for this property. Proposed changes to the blue line would require voter approval. Staff recommends an open space land use designation on the portion of the lot currently west of the blue line regardless of any potential shifts in the blue line. Furthermore, the corresponding zoning on the property should not create any additional building lots.

### Recommended Land Use Designation



### Recommended Planning Area



## OVERVIEW

The Board of County Commissioners previously reviewed a Subdivision Exemption request for this property (SE-14-0006: Wilson Lot Recognition) on August 5, 2014 and March 10, 2015. The purpose of this request was to gain recognition as a legal lot. Per Resolution 2015-59, the Board approved the request with the condition that the applicant first pursue a re-designation from Area III to Area II and subsequent annexation to the city.

## SITE DESCRIPTION

The property is located in unincorporated Boulder County and comprises 0.741 acres. It lies to the south of Hawthorn Road and west of 3<sup>rd</sup> Street. The property abuts the foothills, is surrounded directly by open space and also has contiguity with neighboring residential uses. The Silver Lake Ditch runs along the eastern boundary. Access to the property is provided by an easement that connects it to Hawthorn Avenue.

The blue line bisects the property. From Kalmia down to Alpine, the description of the location of the blue line is indicated as “Low Confidence,” as it is defined in this area as located “150 feet west of the center of 3<sup>rd</sup> Street” (Sec. 128A, Charter of the City of Boulder). This description does not specify the point along the street from which that measurement should be taken, e.g. from the street centerline or curb edge.

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The property is considered a “western edge” property, which refers to properties along the western boundary of the city’s Service Area. The City of Boulder *Guidelines for Annexation Agreements* of “mostly developed residential properties in Area II”, which includes guidelines for the western edge properties, does not apply to this property, as it is in Area III in its entirety. This area designation is atypical for western edge properties along Third Street, all of which have their portion east of the blue line in the Service Area (either in Area I or II).

### **Site History**

3261 Third Street is owned by the Wilson family. The property was formed in 1956, when it was sectioned off from a larger parcel. In that process, it became a substandard lot by Boulder County’s standards, as it did not meet the minimum size requirement of 1 acre. The property has a 1,818 sq. ft. residence and a 1,416 sq. ft. agricultural outbuilding. The latter structure collapsed and is currently unusable.

The Wilson family first applied for a Subdivision Exemption process to gain recognition as a legal lot in 2012 (SE-12-0009) as well as a Limited Impact Special Use Review for approval of the residence as a historic accessory dwelling unit (LU-12-0014). The prior docket had a conditional approval based on the landmarking of the historic home on the property that was built in the late 19<sup>th</sup> century, and the latter docket was denied. The requirement expired after one year, and the applicants resubmitted a Subdivision Exemption request in 2014, noting that the historical designation requirement is not appropriate due to the structural damage to the residence and prospective cost of repairs. The request was conditionally approved subject to the Board of County Commissioners resolution (2015-59) described above.

### **Planning Area Designation**

The Area III – Rural Preservation designation of this property refers to the planning area where the city and county intend to preserve existing rural land uses and character. Staff believes the designation of this property as Area III in its entirety represents a mapping error for the following reasons: maps from the 1990 BVCP update and before reveal that the property was bisected by the blue line, as is the case today, and that the Area II/III boundary followed the blue line on the western edge of the city. In 1997, the comprehensive plan maps were digitized and show the Service Area boundary along the eastern edge of the property, where it remained through the most recent update of the BVCP in 2010. The 1997 map defined the blue line as the western boundary of the city’s Service Area. The position of the blue line as defined in the City Charter did not change in this period. Therefore, the shift of the Area boundary to the eastern edge of the property in 1997 creates a misalignment between the blue line and the western boundary of the Service Area. Staff was not able to find evidence that this shift took place through an amendment process; digitizing error as part of the conversion of maps to digital media is a possibility.

### **Land Use Designation**

3261 3<sup>rd</sup> Street has a designation of Low Density Residential. Earlier BVCP maps prior to 1990 appear to show the property as split between “Open Space & Other Parks” and “Low Density Residential” along the same boundary as the blue line. The designation of this property as LR in its entirety is traceable back to the 1989-1990 annual review of the comp plan, when the parcel is shown without an open space designation. This may have occurred through minor map corrections to the BVCP land use map regarding open space designations for developed properties at the west end of Hawthorn.

### **Blue Line**

The changes to the blue line under consideration would entail a shift in the line to include western Edge properties in the Service Area, including 3261 3<sup>rd</sup> Street. A second reading for consideration of the blue

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line amendment for the ballot will take place on August 16. If approved for the ballot, the status of approval or denial of the blue line Amendments will be confirmed in November. The implications for this property of the potential shift in the blue line are discussed in the “Analysis” section below under “Compatibility with Surrounding Land Uses.”

### ANALYSIS

#### Criteria for minor adjustments to the Service Area Boundary

The property meets the requirements for a minor adjustment to the Service Area boundary, as outlined in Sec. 2.b.(1) of the Amendment Procedures:

Maximum size and minimum contiguity. The property is less than 10 acres in size and therefore meets the size requirement. The property demonstrates 70% contiguity of its perimeter with city limits, and therefore meets the requirement for 1/6 contiguity with the existing service area.

Logical Service Area boundary. Moving the eastern portion of the property to Area II results in a more logical Service Area Boundary. The portion east of the blue line of all other western edge properties along 3<sup>rd</sup> Street is in the Service Area (Area I or II).

Compatibility with the surrounding area and overall intent of the comprehensive plan. Maintaining the eastern portion of the property as Low Density Residential and changing the existing western portion of 3261 3<sup>rd</sup> Street to Open Space-Other would be consistent with the adjacent low density residential neighborhood and open space lands, as described in detail below.

The area and land use designation changes are consistent with the overall intent of the comprehensive plan. The changes recognize the existing development on the property and therefore include that portion of the property within the growth boundary of the city. The changes are furthermore consistent with the preservation of open space, as the portion of the property west of the blue line will remain in Area III and receive an Open Space – Other designation. The portions west of the blue line of all other western edge properties along 3<sup>rd</sup> Street either have an open space designation or a conservation easement.

#### Other criteria

Due to the size of the property, moving 3261 3<sup>rd</sup> Street to Area II would not 1) have major negative impacts on transportation, environment, services, facilities or the budget or 2) materially affect land use and growth projections, service provision to the immediate area or overall Service Area, or the city’s Capital Improvements Program. Finally, the proposed area change should not create development potential for land that logically should be considered as part of a larger Service Area expansion.

#### Compatibility with Surrounding Land Uses

The property is contiguous with both open space and residential uses. The use of the property has been residential since the late 19<sup>th</sup> century, when the house currently on the property was built.

Density is one factor in an assessment of neighborhood compatibility. The current Low Density Residential land use designation of 3261 3<sup>rd</sup> Street allows only residential development and specifies two to six housing units per acre. With 0.741 acres, the property could therefore accommodate up to four dwelling units per acre. Per city regulations, however, only the portion of the property east of the blue line would be eligible for development. Under current conditions, this area comprises roughly .34 acres, or 15,000 sq. ft.

The current draft proposed shift of the blue line to the western edge of the property would result in the entirety of the property, or 32,278 sq. ft., lying to the east of the blue line and thus eligible for development. Staff recommends designating the portion of the property west of the current location of the blue line as Open Space-Other. This land use designation would ensure compatibility with other western edge properties, open space and the character of the surrounding neighborhood.

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Staff recommends maintaining the current land use designation of Low Density Residential on the remaining portion of the property east of the blue line. In addition, should the owner pursue annexation, staff recommends limiting the following: potential for additional building lots, overall house size and number of units. Potential options to explore include: 1) allowing one unit total with size limitations or 2) allowing one additional unit with size limitations that also offers community benefit, e.g. permanently affordable housing.

Final determination of developable area on the property per city regulations would result from technical staff analysis as part of the annexation process. Factors that could affect the developable area of this property include, but are not limited to the following: slope, soil, height, side yard bulk plane, side yard wall articulation and solar access.

### Availability of Services

The site is in proximity to existing development and infrastructure.

#### Access

The existing width of access per platted easement most likely meets city standards and should be resolved in the annexation process.

#### Water, Wastewater, and Sanitary Sewer

City water lines and sewer mains exist in the surrounding neighborhood. The map to the right shows the existing sewer system mains. See **Attachment A** for additional information.

The site has electrical and gas service but no well or water service and relied upon a cistern to supply water needs until 2009, when the property became vacant. The septic system on the property is in need of replacement. Connecting to the system and any needed upgrades would be the responsibility of the owner.

The options for consideration for access to nearby utilities from this property include the extension of water and sewer 1) from Hawthorn Avenue along the driveway access or 2) through adjacent properties. The properties to the southeast of the subject property are privately-owned and would therefore require the provision of a public utility easement. The properties due east and south of the subject property are owned by city open space.



Figure 1: Existing Sewer Mains

### Environment

#### Open Space

Considerations regarding connectivity with open space and appropriate sensitivity to open space resources should be coordinated with the city should this property be reviewed for annexation. Due to its location next to the foothills, changes to the property could have visual impacts to surrounding open space. Any redevelopment of the property should respect the scenic qualities of the surrounding OSMP lands and not cause greater impacts on ecological systems or water delivery infrastructure than those which exist already in this area (e.g. fences friendly to wildlife movement; ongoing access to the Silver Lake Ditch).

#### Slope

The extreme slope on the property in addition to the geologic conditions identified by the Pendleton Maps which designate the property as in an area of “Potential Mass Movement Hazard and Consolidation/Swell Constraint” would require geotechnical investigations and engineered drainage plans. These potential constraints could affect the requester’s ability to carry through the expressed desire for redevelopment. There is a potential that engineering treatments including but not limited to structural shoring and hillside

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stabilization may be necessary; further analysis to determine what treatments might be necessary would be conducted in the annexation process.

### Hydrology, Wetlands and Floodplain

The property is not in a floodplain and does not contain wetlands. There are no known hydrological issues with the property.

### **Other**

#### Historic Preservation

Research indicates the frame house at 3261 3<sup>rd</sup> Street was built sometime between 1870 and 1900. At the time of annexation, the historic significance would need to be evaluated.

### **Summary of Analysis**

The recommendation for approval of the proposed area change from Area III to Area II for the portion of the property east of the blue line acknowledges that the existing development on the property should lie within the growth boundary of the city. This area change creates a more logical service boundary consistent with other western edge properties along 3<sup>rd</sup> Street.

In addition, the recommendation for a land use designation change on the western portion of the property to Open Space - Other ensures the preservation of open space and neighborhood character along the western edge and is also consistent with other western edge properties along 3<sup>rd</sup> Street.

## **COMMUNITY INPUT**

The several comments received by the county regarding SE-14-0006: Wilson Lot Recognition in 2014 and 2015 generally concerned the following topics:

- Importance of maintaining existing footprint of the house
- Protection of views
- Compatibility with the adjacent neighborhood and open space

Other individual opinions expressed include the following: support for the historic preservation of the existing home; concern regarding the environmental sensitivity of the area in light of the impact of the 2013 flood on Hawthorn Avenue, the Silver Lake Ditch and the base of the foothills; and concerns regarding the condition of the house as a potential hazard.

## **ATTACHMENTS**

A: Utilities Summary

## Attachment A: Availability of Services

### Water

All properties east of 3261 3<sup>rd</sup> St., that are within the city service area (Area 1 and 2), are connected to the city's water line. The closest water line to the site is found along 3<sup>rd</sup> St. to the south. Two large pipes, with a diameter of 20" and 24", are located east of the site along 4<sup>th</sup> Street. The site is served by Water Pressure Zone 3, which generally serves areas above an elevation of 5,450 feet.



Figure 1: Existing Water Mains

### Stormwater

The major drainage way (or creek) associated with this site is Goose Creek. In looking at the site at a closer detail, majority of the stormwater near the surrounding site is channeled to an irrigation canal that runs north along the east side of site. This irrigation canal continues to travel north and meets the Mesa Reservoir. The existing storm drains are sized for existing levels of development and any new development will require new storm sewers or up-sizing of existing systems. A 12-inch culvert is located directly east of the site, which channels the water onto Forest Ave. Redevelopment of the site may require up-sizing this culvert to maintain adequate hydraulics.



Figure 2: Existing Storm Mains

### Waste Water

City Sewer mains are found in the surrounding neighborhoods of the site and the closest main to the site is found along 3<sup>rd</sup> St. to the south. Only local sewer mains surround the site; collector sewer mains are found further east along Balsam Ave. and North St.



Figure 3: Existing Sewer Mains

### **LINKS:** Flooding and stormwater plan information

- Stormwater Master Plan - This plan is being updated and the new plan is expected to be presented to Council later this year.
- Water Utility Master Plan
- Wastewater Utility Master Plan: This plan has three parts:
  - Wastewater Collection System Master Plan - This plan is being updated and the new plan is expected to be presented to Council later this year.
  - Wastewater Treatment Plant Master Plan
  - Water Quality Strategic Plan