

## BVCP Process Subcommittee Meeting

July 27, 2016 – noon-1:30  
1777 West Conference Room



### Subcommittee Purpose

The Boulder Valley Comprehensive Plan (BVCP) Process Subcommittee's Role is to monitor and provide input on the public process throughout the BVCP Update process. The BVCP Committee consists of 2 council members (Weaver, Brockett), 2 planning board members (Gerstle, May), a Boulder County Commissioner (Jones), and a County planning commission member (Gargano).

**Attendees:** Sam Weaver, John Gerstle, Lieschen Gargano, Elise Jones

**Staff:** Susan Richstone, Lesli Ellis, Jean Gatzka, Caitlin Zacharias, Sung Han, Christopher Ranglos, Michael Davidson, Steven Giang, Pete Fogg

**Public:** (5 members)

**\*Comments by subcommittee** are the bullet points that begin with bold text.

**\*\*Staff responses are in italics.**

### Proposed Agenda

#### 1. Update from last meetings - See Attachment A (10 minutes)

Proposed Schedule for decision-making: (4 Body) Updates and Hearings. Joint Advisory Board meeting (Aug. 29).

- **When does City Council and Planning Board have their review hearing?**

*Oct 13<sup>th</sup>.*

#### 2. Four-body consideration of public requests, public hearings, proposed approach and schedule - See Attachment B (30 minutes) Clarification of sequencing and process for "reconsideration" by other approval bodies

- **Is City Council the only body that can ask to reconsider or can the county ask too?**

*No, all bodies may ask for reconsideration. Any requests for consideration made by Planning Board (PB) or Planning Commission (PC) will be routed through the appropriate governing body (BOCC or CC) in the form of a motion. If approved, the governing body would then make the request for reconsideration to the other governing body.*

- **Set a time for all those permutations to happen. There is only one opportunity to ask for reconsideration.**

*The timeframe for any additional requests for reconsideration of decisions will be the month following the City Council meeting on Nov. 1. Any potential reconsideration hearings could tentatively take place in the first half of December. Reconsideration is not a calling for another public hearing; it is a continuation of the earlier item.*

- **Shouldn't the CU South project have the same approval/reconsideration process because it's a large project?**

*The same process can apply, but the public hearings will start with the city first.*

- **The county procedures for public hearing speakers should apply for both the city and county public hearings.** This would offer consistency and give more time for speakers.

- **This reconsideration process should only apply to four-body review change requests. The reconsideration process should not apply to other aspects of the plan update process.**

*These procedures only regard the public change request process.*

### 3. Second Targeted BVCP Survey to be Conducted in September or possibly later (10 minutes)

Confirm planned survey logistics:

- Postcards mailed to random sample of 8,000 households (aiming for minimum of 600 responses, +/-4% confidence interval)
- Online survey formatted for either desktop site or mobile device (password-protected invitation, allows for quick response, quick analysis, cost-savings)
- Oversample traditionally under-represented segments: renters, younger people, others depending on data available.
- 2 rounds of postcards
- Paper version available upon request only
- Visual preferences and diagrams included
- Current schedule was: input on draft survey week of August 15; Conduct survey in September; Results by end of October, but staff expressed concern over the quality of the questions.

**UPDATE:** *The timeline of the survey will be extended for better alignment with scenarios and create time for public review.*

- **Consultant has to be transparent about the methodology.** Be clear about “oversampling”.
- **Make sure that the questions are well thought out and useful for the decision-making bodies; don’t rush.** The questions should be targeted around clear policy choices to be helpful and informative to the decision makers.
- **Questions about housing affordability and tradeoffs are important.** If affordable housing is important to the community, how do we pay for it?
- **Community benefit - what are the top priorities?** We asked in the first survey, but we should dig deeper in this second one.
- **Who are the consultants that the city is working with?**

*RRC (consultant for the first survey) will be working on the survey. Clarion Associates and Studio INSITE will be working on the scenarios, graphics, and providing input on questions.*

### 4. Amendment Procedures - See Attachment C (20 minutes)

Handout includes minor “housekeeping” edits to the Amendment Procedures section made to improve clarity and user-friendliness it is being shared with Planning Board on July 28. Staff would like to discuss questions with the Process Committee to get initial input to share with the Planning Board. Edits include the removal of content that is no longer relevant (e.g., reference to Area IIa and IIb), corrections to formatting, and minor clarifications. In addition, the new summary table offers a more comprehensive overview of the different types of changes and associated procedures

Questions about Amendment Procedures: Does the subcommittee have feedback on:

- Should the timeline for BVCP updates change to the following: minor updates – every 5 years; major updates – every 10 years?
  - If so, should the public request process then occur during interim periods, (approximately every 3 years) between major and minor updates?
  - Should policies be removed from the request process (with the opportunity to suggest ideas via multiple other avenues remaining)?
  - Are there other organizational edits or suggestions from Planning Board?
- **What inspired these suggestions?**
    - *Every time the update is done, it seems like staff is getting ready for the next update.*
    - *Historically, the updates tend to follow the suggested timeline. For the last four or five major*

updates, the most intensive updates have been occurring every 10 years, while the updates in-between have been more minor. It also becomes hard to simultaneously address larger problems like housing, or implementation through code or area planning, while managing the public request process.

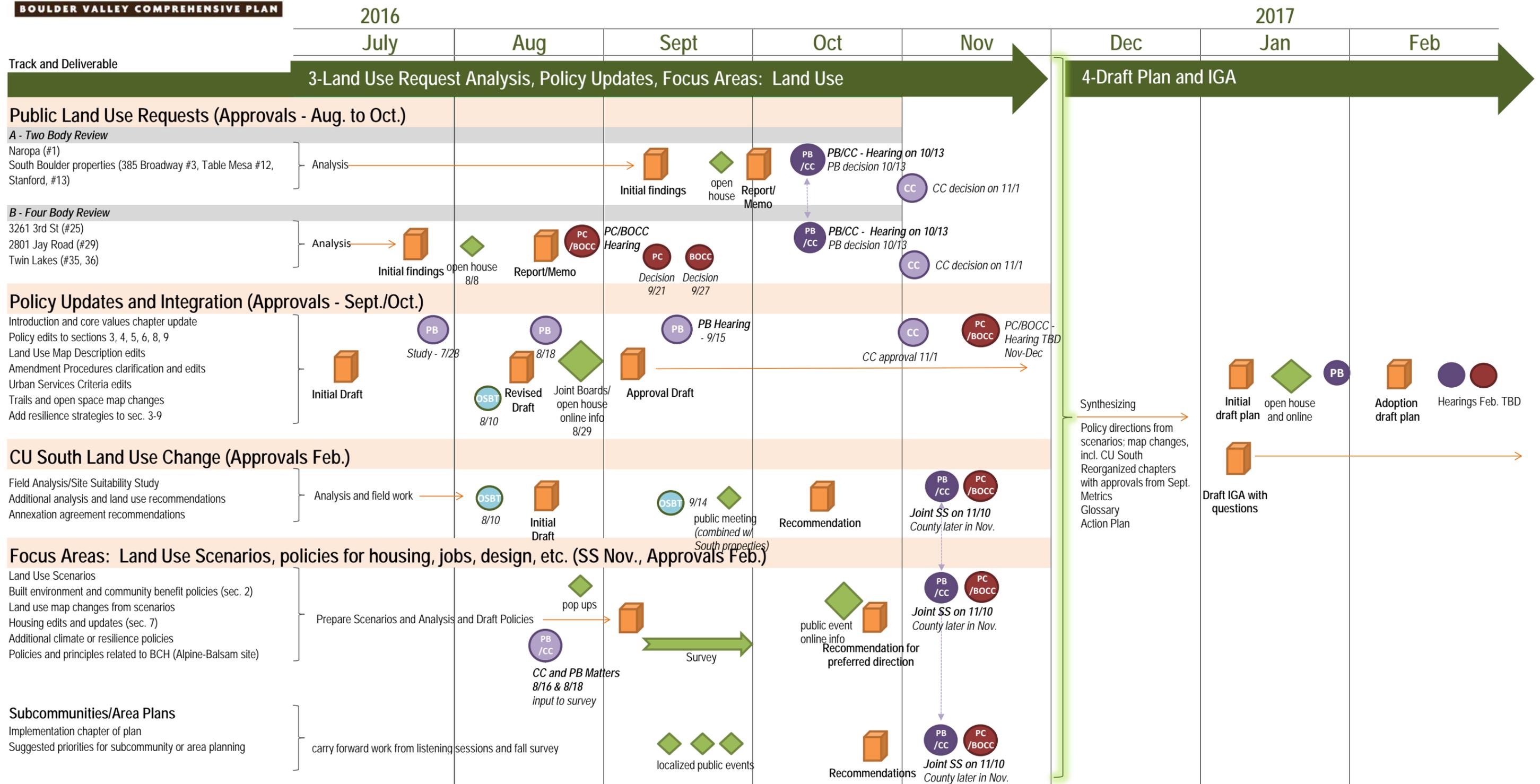
- There has been an intense effort in this update, which will create a long work plan for future implementation items such as code amendments and area planning.
- **Would policy integration and updates be updated 10 years too?**  
*No, the policy requests are packaged with the larger public request process. There are always different avenues that these requests can come in as part of a plan update. This does not close any doors for public input.*
- **It will be an improvement to the process, and this is a reminder that time is needed in order to implement the plan.**

#### 5. Engagement Planning, including Upcoming August and Sept. events - See Attachment D (10 minutes)

- **Will the events result in more quantitative feedback?**  
*There will be quantitative results, but won't be statistically valid.*
- **Shy away from over quantifying public input as results may not be representative of the whole community.**  
*Facilitated discussion is favorable because it is about qualitative input and allows for creativity.*

#### 6. Public Comment (10 minutes)

- Amy – I was disappointed that armory project was put down because the “lack of community benefit”. I wonder when you do your survey, who will come up with questions and who can address the questions about arts and its relationship to community benefit? Will there be an online survey?  
*Staff Response – An online draft of the survey will be available for the public to comment on. Yes, the survey will be available online.*
- Michael – I give comments to the decision-making bodies and only to have them respond in a month. Where is the value to that? How can my comments be helpful? Also, if you provide the attachments and agenda a few days prior to the meeting, it'll give the public more time to provide input. I value that the community can provide input on the survey.
- Dick – The purpose of oversampling underrepresented groups needs to be clearer for the public. Also, the city needs to rest once in a while and not do so many projects. The Comprehensive Plan should provide stability. Make decisions and live with them.
- Lynn – 300 and 301 failed, so how is the BVCP going to address how the ballot initiative did not pass? How more specifically can my questions be answered? Such as how developers will pay their own way.



## Attachment B

### Proposed Guidelines for Reconsideration of BVCP Decisions on Public Requests for Land Use Changes

*Does the Process Subcommittee suggest any changes or clarifications to the following guidance for potential denial and reconsideration of a proposed change?*

Once agreed upon by Process Subcommittee, city and county staff, this proposed process will be shared with all four bodies prior to the first public hearing.

The following is the established sequence of hearings and consideration:

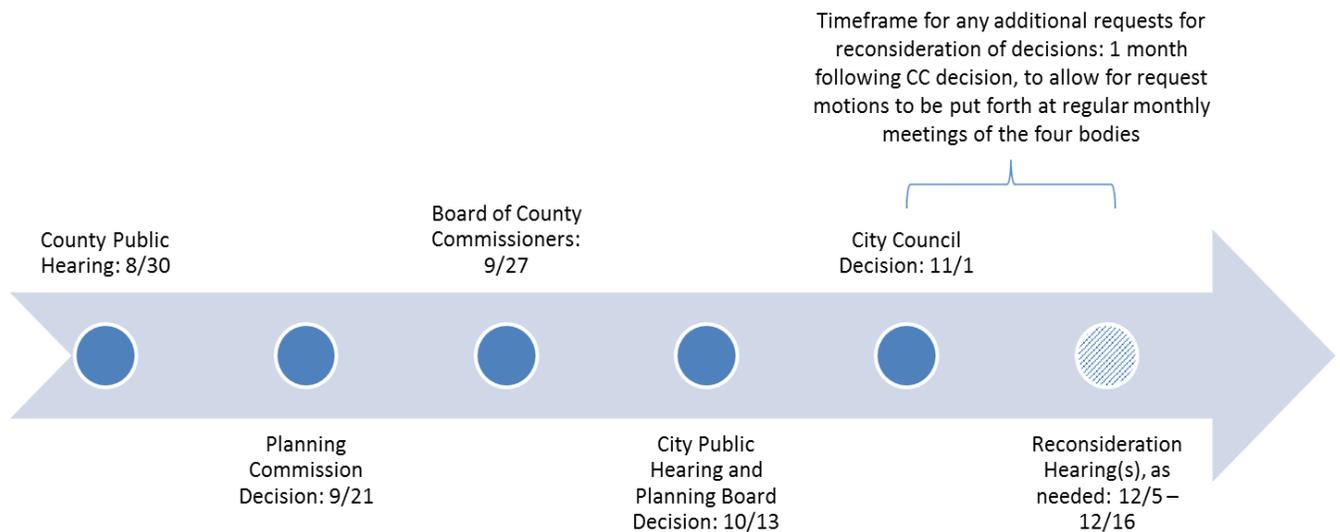
- **County PC and BOCC** will hold a joint Public Hearing on 4-body requests for land use changes on **Aug. 30**; PC will deliberate on **Sept. 21**; BOCC on **Sept. 27**.
- **City PB and CC** will hold a joint Public Hearing on 2-body and 4-body requests of land use changes on **Oct. 13**; PB will deliberate on **Oct. 13** and CC will deliberate on **Nov. 1**.

PC = County Planning Commission

BOCC = Boulder County Board of County Commissioners

PB = City Planning Board

CC = Boulder City Council



In prior processes, if any of the bodies denied a land use change, the request would not be considered by any subsequent body. As discussed by the process committee at the April meeting, staff has proposed process clarification below that would allow for public request land use changes to be considered by all approval bodies and any of the four bodies may request reconsideration of a decision. The sequence of consideration requires clarification of possible options if a proposed land use change is denied. For example:

- Since any proposed change could ultimately undergo reconsideration, all four bodies will receive public testimony on all requests at the initial public hearings. City hearing will include items that may not have been approved by county bodies.

Possible options if a proposed land use change is **denied**:

- Each subsequent body may decide to take a different action on the previously denied requested change or they may not take action on the requested change effectively denying the change.
- If County PC first denies a proposed change, BOCC may still consider the item.
  - Regardless if BOCC agrees or disagrees with PC, city bodies still receive information about the requested change and hold a public hearing on the proposed change. City PB and CC can decide to take action or let the denial stand. If they consider the change and approve, CC would request one or both county bodies to reconsider the item.
- If BOCC denies a proposed change, city bodies may still consider the item, and if approved, CC requests reconsideration by BOCC.
- If PB denies a proposed change that has been approved by both county bodies, CC may consider the proposed change and if approved, ask city PB to reconsider.

Any requests for consideration made by Planning Board (PB) or Planning Commission (PC) will be routed through the appropriate governing body (BOCC or CC) in the form of a motion. For example, if PB wishes to request reconsideration of a decision by PC or BOCC, PB would need to first make the request to CC, which would then make the request to BOCC.

If there is a requested reconsideration, it would be considered as a continuation of the earlier item and not open a new public hearing.

### Procedures for Public Hearing Speakers

Standard County Procedure	Standard City Procedure
Requestors: 3 min Requestors pooling (3): 5 min	Requestors: 3 min Requestors pooling: 5 min
Members of the public: 2 min Members of the public pooling (2): 4 min Members of the public pooling (3): 5 min	Members of the public: 2 min Members of the public pooling (3): 4 min
One requestor will be permitted to speak per grouped request.	The order of speaking with respect to requestors and members of the public: <ol style="list-style-type: none"> <li>1. Request #A – requestor</li> <li>2. Request #A – public</li> <li>3. Request #B – requestor</li> <li>4. Request #B – public</li> </ol>

	<p>Only one “requestor” (who could be those who submitted requests, or their representatives, and owners of the properties) could speak per request. So if the owner spoke during the requestor 3 min time slot, but then his/her representative also wanted to speak, the representative only would have 2 minutes (and speak as a member of the public).</p> <p>Members of the public may pool time with two other people allowing one of them to address the bodies for four (4) minutes. All three people must be present at sign up and when the speaker is called.</p>
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It is anticipated that there will be many members of the public who will speak about the Twin Lakes proposed change. The order for the public hearings are proposed as follows in order to allow those requestors and members of the public interested in the other requested changes not to have to wait through what may potentially be hours of testimony for the Twin Lakes proposed changes.

Order for County Hearing on Four Body Requests:

1. 3261 3<sup>rd</sup> Street
2. 2801 Jay Road
3. 6655 and 6500 Twin Lakes Road

Order for City Hearing on Two- and Four-Body Requests:

1. 365 Broadway
2. Table Mesa Shopping Center
3. 3485 Stanford Court
4. 3261 3<sup>rd</sup> Street
5. 2801 Jay Road
6. 6655 and 6500 Twin Lakes Road

## Attachment C

### II. Amendment Procedures

*The Boulder Valley Comprehensive Plan* is a joint policy document that is adopted by the City of Boulder and Boulder County in their legislative capacities. Any amendment to the plan is also legislative in nature. The plan is updated periodically to respond to changed circumstances or community needs. Changes to the comprehensive plan fall into three categories:

- Changes that may be considered at any time
- Changes that may be considered during a mid-term review
- Changes that may only be considered during the five-year update

For changes to the plan:

- Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city.
- Where the “city” alone is referred to in the policy, the policy may be amended by the city, after referral to the county.
- All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.
- Where a particular “area” is not specified in the policy text, the policy will apply to all areas.

This section describes the different types of changes, the process for making changes, the criteria for determining which process to follow, and the procedures for approving proposed changes. The types of changes, when they may be considered, and whether they are subject to approval by the city (Planning Board and City Council), the county (County Planning Commission and County Commissioners), or the city and county (Planning Board, City Council, County Planning Commission, and County Commissioners) is summarized in the following table:<sup>1</sup>

Type	Mid-term	Five-year	Any-time	Approval Bodies	Who may Initiate <sup>ii</sup>	Criteria	Procedures
<b>LAND USE MAP</b>							
All types	X	X	-	City only (Area I *), <sup>iii</sup> City and county (Area II and III)	All	Sec. 1.b.(1)	Sec. 2.c. (Mid-Term); Sec. 3.c.(1) (Five-Year)
Related to rezoning or annexation only	X	X	X	City and county	City, Prop. Owner	Sec. 1.b.(1)	Sec 1.c.
<b>AREA II/III BOUNDARY</b>							
<i>Service Area Expansion (Area III to Area II) or Contraction (Area II to Area III)</i>							
MINOR ADJUSTMENTS: Area III – Rural Preservation to Area II	X	X	-	City and county	All	Sec. 2.b.(1)	Sec. 2.c. (Mid-Term); Sec. 3.c.(1) (Five-Year)
SERVICE AREA EXPANSION: Area III - Planning Reserve to Area II		X	-	City and county	City and County	Sec. 3.b.(1)	Sec. 3.c.(1); Sec. 3.c.(3)
SERVICE AREA EXPANSION: Reinstatement of Area III - Rural Preservation back to Area II		X	-	City and county	Prop. Owner	Sec. 3.c.(4)	Sec. 3.c.(1); Sec. 3.c.(4)
SERVICE AREA CONTRACTION: Area II to Area III Rural - Preservation		X	-	City and county	All	Sec. 2.b.(2)	Sec. 3.c.(1)
<i>Rural Preservation Expansion or Contraction</i>							
RURAL PRESERVATION EXPANSION: Area III - Planning Reserve to Area III - Rural Preservation		X	-	City and county	All	Sec. 3.b.(3)	Sec. 3.c.(1); Sec. 3.c.(2)
RURAL PRESERVATION CONTRACTION: Area III - Rural Preservation to Area III - Planning Reserve		X	-	City and county	All	Sec. 3.b.(4)	Sec. 3.c.(1); Sec. 3.c.(2)
<i>Planning Area Expansion or Contraction</i>							
Expansion or contraction of Area III outer boundary	X	X	-	City and county	City and County	Sec. 2.b.(2)	Sec. 2.c.
<b>POLICY</b>							
Minor edits	X	-	-	**iv	All	Ch. II (Intro)	Sec. 2.c.
Major edits	X	X	-	**	All	Ch. II (Intro)	Sec. 3.c.(1)
<b>TEXT</b>							
Amendment Procedures; Referral Process; Land Use Map Descriptions	X	X	-	City and county	All	-	Sec. 2.c. (Mid-Term); Sec. 3.c.(1) (Five-Year)
Plan and Program Summaries; Urban Service Criteria and Standards; Subcommunity and Area Plan section	-	-	X	City only	All	-	Sec 1.c.

## ***1. Changes that may be considered at any time***

The following changes may be considered at any time and require approval by the city Planning Board and City Council:

### **a. Types of changes that may be considered at any time if they meet the criteria in Subsection b below:**

1. Land Use Map changes
2. Changes to the Master Plan and Program summaries
3. Changes to the Urban Service Criteria and Standards
4. Changes to the Subcommunity and Area Plan section

### **b. Criteria for eligibility for changes that may be considered at any time:**

#### **(1) Land Use Map changes:**

The [Land Use Map](#) is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.
- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall Service Area of the City of Boulder.
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

### **c. Procedures for changes that may be considered at any time:**

#### **(1) Requests for changes may be initiated by the city or the property owner:**

A request initiated by the property owner must be submitted in writing to the city's Planning Department and must address the criteria for processing the request separately from a mid-term or five-year review.

#### **(2) The city will make a referral with preliminary comments to the county Land Use Department for comment:**

For land use changes, the county will have 30 days after receipt of the referral to provide written notice to the city as to whether the proposed change meets the criteria. If the county determines that the proposed change does not meet the criteria, then the requested change will be processed at the time of the next mid-term or five-year review and will require four body review and approval.

## ***2. Mid-term review changes***

Changes to the comprehensive plan may be proposed in a mid-term review. A mid-term review may be initiated at some point between five-year major updates as needed. The purposes of the mid-term review are to address objectives identified in the last major update and progress made in meeting those objectives, provide an opportunity for the public to request changes to the plan that do not involve significant city and county resources to evaluate, make minor additions or clarifications to the policy section and to make minor adjustments to the Service Area boundary. The mid-term review is not intended to be a time to consider major policy changes.

### **a. Types of changes that may be considered as part of the mid-term review:**

The following changes to the Boulder Valley Comprehensive Plan may be considered at the midterm review:

#### **(1) Changes that require approval by the city Planning Board and City Council:**

- Land Use Map changes located in Area I subject to the criteria in Section 1.b.(1) above
- Changes to the Master Plan and Program summaries
- Changes to the Urban Service Criteria and Standards
- Changes to the Subcommunity and Area Plan section
- Minor additions or clarifications to the policy section if “city” alone is referred to in the policy<sup>v</sup>

#### **(2) Changes that require approval by the city Planning Board, City Council, County Planning Commission and County Commissioners.**

- Changes to the Land Use Map (other than those allowed by city approval in Section 2.a.(1) above)
- Changes to the Plan Amendments section
- Changes to the Land Use Map Description section
- Minor additions or clarifications to the policy section for joint city and county statements<sup>vi</sup>
- Minor Service Area boundary changes subject to the criteria set forth below
- Boulder Valley Planning Area expansions and contractions, i.e., changes to the Area III outer boundary subject to the criteria set forth below.

### **b. Criteria for minor Service Area boundary changes and Boulder Valley Planning Area expansions and contractions:**

#### **(1) Minor adjustments to the Service Area boundary (Area III-Rural Preservation to Area II)<sup>vii</sup>**

Minor adjustments to the Service Area boundary are small, incremental Service Area expansions that create more logical Service Area boundaries. Changes in designation of land from Area III to Area II may be eligible to be approved as a minor service area boundary adjustment based on the following criteria:

- (a) Maximum size: The total size of the area must be no larger than ten acres.
- (b) Minimum contiguity: The area must have a minimum contiguity with the existing Service Area of at least 1/6 of the total perimeter of the area.

(c) Logical Service Area boundary: The resulting Service Area boundary must provide a more logical Service Area boundary (Area III/II), as determined by factors such as more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, a more functional boundary based on property ownership parcel lines or defining natural features.

(d) Compatibility with the surrounding area and the comprehensive plan: The proposed change of Area III to II must be compatible with the surrounding area as well as the policies and overall intent of the comprehensive plan.

(e) No major negative impacts: It must be demonstrated that no major negative impacts on transportation, environment, services, facilities, or budget will result from an expansion of the Service Area.

(f) Minimal effect on land use and growth projections: The proposed change of Area III to II change does not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.

(g) Minimal effect on service provision: The proposed change of Area III to II does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area of the City of Boulder.

(h) Minimal effect on the city's Capital Improvements Program: The proposed Area III to II change does not materially affect the adopted Capital Improvements Program of the City of Boulder.

(i) Appropriate timing: The proposed Area III to II change will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area expansion.

## (2) Boulder Valley Planning Area expansions or contractions:

An Area III outer boundary change may be initiated by the city or the county and will be approved only if it is demonstrated that either expansion or contraction of the planning area is needed due to changed circumstances or past error in determining the boundary.

### **c. Procedures for changes that may be considered as part of the mid-term review:**

(1) Prior to the beginning of the mid-term review, the city Planning Department and county Land Use Department will establish a process and schedule for the update. This will include an opportunity for landowners and the general public to submit request for changes to the plan. The schedule and process will be revised as needed during the review process.

(2) For those changes eligible for approval by the city Planning Board and City Council, the city Planning Department will make a referral to the county Land Use Department for comment. For changes to the Land Use Map located in Area I, the county will have 30 days from the date of receipt of the city's referral to provide written notice to the city if the county finds that the proposed change does not meet the applicable criteria for eligibility. Such finding on the part of the county will require that the requested change be subject to approval by each of the four bodies.

(3) All four approval bodies will hold initial meetings with their staffs to identify changes they wish to be considered as part of the mid-term review. Public attendance is welcomed, but review of public applications will not occur at this time.

(4) Proposed changes from the public, staff and approval bodies will be reviewed by the city Planning Department, which will prepare a recommendation in consultation with the county Land Use Department on whether to include each proposed change in the mid-term review. Determination of whether to include a proposed change will be made based upon:

- (a) consistency with the purposes of the midterm review as described in 3. above,
  - (b) available resources to evaluate the proposed change (city and county staffing and budget priorities),
  - (c) consistency with current BVCP policies and
  - (d) compatibility with adjacent land uses and neighborhood context.
- (5) The city Planning Board will consider all requests for changes together with the staff recommendations at a public hearing and will compile a list of proposed changes to be considered during the mid-term review.
- (6) Requests for changes to the comprehensive plan that affect an area designated Open Space will be reviewed by the city Open Space Board of Trustees and the county Parks and Open Space Advisory Committee. The board of trustees will make a recommendation prior to any action on that change.
- (7) After a list of proposed changes to be considered during that year's review has been determined, the city Planning Department and county Land Use Department will study, seek appropriate public input, and make recommendations concerning proposed changes. The city Planning Board will then initiate the hearings on whether to approve, modify or deny any of the proposed changes.

### ***3. The five-year review***

The comprehensive plan will be reviewed at least every five years for possible amendments to reflect changes in circumstances and community desires.

#### **a. Types of changes that may be considered at the five-year review:**

Any change to the comprehensive plan may be considered at the five-year review including those that may be considered at other times pursuant to the provisions set forth above. However, certain kinds of changes will be considered only at the five-year review and must be approved by each of the four signatory bodies: the city Planning Board, City Council, County Planning Commission and County Commissioners. Those include:

- Service area expansions or contractions (changes in the Area II/III boundary) that do not satisfy the criteria for consideration as part of a mid-term review
- Area III-Rural Preservation Area expansions or contractions
- Major changes to policy sections

#### **b. Criteria for approval for Service Area and Area III expansions or contractions:**

##### **(1) Service Area expansions (Area III-Planning Reserve to Area II changes)**

Following preparation of a Service Area Expansion Plan (see Sections 3.c.3 below), the city and county must determine that the proposed change from Area III - Planning Reserve to Area II meets the following criteria:

- (a) Provision of a community need: Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing Service Area.
- (b) Minimum size: In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.
- (c) Minimum contiguity: The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.

- (d) Logical extension of the Service Area: The resulting Service Area boundary must be a logical extension of the Service Area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.
- (e) Compatibility with the surrounding area and comprehensive plan: The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.
- (f) No major negative impacts: The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.
- (g) Appropriate timing for annexation and development: A reasonable time frame for annexation is projected within the planning period after Area III-Planning Reserve area land is brought into the Service Area.

## (2) Service Area contractions (changes from Area II to Area III-Rural Preservation Area)

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

- (a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;
- (b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

## (3) Area III-Rural Preservation Area expansions: Area III-Planning Reserve to Area III – Rural Preservation<sup>viii</sup>

Expansion of the Area III-Rural Preservation Area must meet the following criteria:

- (a) There is a desire and demonstrated need for expansion of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form).

## (4) Area III-Rural Preservation contractions<sup>ix</sup>: Area III-Rural Preservation Area to Area III – Planning Reserve

Changes of land from the Area III-Rural Preservation Area to the Area III-Planning Reserve Area must meet the following criteria:

There is a demonstrated need for contraction of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form).; and land to be considered for a change from Area III-Rural Preservation Area to Area III-Planning Reserve must have a minimum contiguity with the Area III-Planning Reserve area or the existing Service Area (Area I or Area II) of at least 1/6 of the total perimeter of the area.

### **c. Procedures for the five-year review:**

#### (1) Process and schedule

Prior to the beginning of the five-year review, the city Planning Department and the county Land Use Department will establish a process and schedule for the update. The schedule and process will be revised as needed during the review process. The process will include an opportunity for landowners and the general public to submit requests for changes to the plan. All submittals for proposed changes will be reviewed at initial public hearings. Staff will provide recommendations and the approval bodies will provide direction on which proposals should go forward and which proposals should receive no further consideration. During each five-year review, the city and the county will assess whether or not the Service Area or the Area III-Rural Preservation Area should be expanded or contracted.

## (2) Expansions or contractions of Area III – Rural Preservation Area

Prior to consideration of an expansion of the Area III– Rural Preservation Area or a change from Area III-Rural Preservation Area to Area III Planning Reserve Area, a study will be completed by the city and county demonstrating compliance with the criteria applicable to the proposed change. The city or the county will decide whether to authorize a study of the proposed change after a public hearing is held.

## (3) Changes from Area III-Planning Reserve to Area II

During each five-year review, the city and county may assess whether or not sufficient merit exists to authorize a Service Area expansion plan. The determination of sufficient merit will be based on demonstration that a desired community need cannot be met within the existing Service Area. If the city and county find that sufficient merit exists, the city and county may authorize a planning effort to develop a joint city county Service Area expansion plan for the area proposed to be brought into the Service Area in consultation with Area III property owners and the public. The Service Area Expansion Plan must address the following:

- (a) the types of development needed to meet long term community needs;
- (b) key requirements to ensure compliance with community goals and policies, and to ensure compatibility with the existing development context and surrounding area;
- (c) conceptual land use and infrastructure plan components;
- (d) requirements for development impact mitigation and offsets (both on-site and off-site); and
- (e) development phasing.

## (4) Reinstatement of Area III – Rural Preservation Area back to Area II – Service Area

A property owner that has been moved from Area II to Area III may request that the change be reevaluated under the same procedures and criteria that were used to make such a change for a period ten years after the change was made. Thereafter, such properties will be subject to all of the procedural requirements of this section.

## **4. Notification**

a. Any property owner whose property would be affected by a proposed change in land use designation or by Service Area expansions, contractions or boundary changes will receive timely written notice that such change or changes will be considered. Planning staff will exert its best efforts to provide such notice within 30 days of receiving a request that is to be considered. However, no hearing to approve or deny any such proposal will be held unless the affected property owner was provided with this written notice at least 30 days prior to the date set for the hearing on the proposed change.

b. General public notice of all proposed changes will be provided in the following manner. The city Planning Department will publish a Comprehensive Plan map indicating where the proposed changes are

located and a description of each change in the newspaper at least ten days prior to the first public hearing to consider the proposed changes.

### 5. Errors

If a discrepancy is found to exist within the Boulder Valley Comprehensive Plan that is clearly a drafting error or a clerical mistake, either the city or the county, after a referral request to the other agency, may correct such error.

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<sup>i</sup> Formatting with respect to where this table appears on the page will be adjusted in the final formatting of the document

<sup>ii</sup> All: *Members of the public, property owners, city staff, county staff, city approval bodies (Planning Board, City Council); county approval bodies (Planning Commission, Board of County Commissioners)*

*City: City staff and approval bodies*

*County: County staff and approval bodies*

*Public: Members of the public including, but not limited to, property owners*

*Property Owners: Owners of property subject to proposed change*

<sup>iii</sup> Subject to county referral, as outlined in Sec. 1.c.

<sup>iv</sup> Where the “city” alone is referred to in the policy, the policy may be amended by the city, after referral to the county. Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city. All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.

<sup>v</sup> Added as a clarification

<sup>vi</sup> Added as a clarification

<sup>vii</sup> Added as a clarification

<sup>viii</sup> Added as a clarification

<sup>ix</sup> Added as a clarification

## II. Amendment Procedures (Redlined Version)

The Boulder Valley Comprehensive Plan is a joint policy document that is adopted by the City of Boulder and Boulder County in their legislative capacities. Any amendment to the plan is also legislative in nature. The plan is updated periodically to respond to changed circumstances or community needs. Changes to the comprehensive plan fall into three categories:

- Changes that may be considered at any time
- Changes that may be considered during a mid-term review
- Changes that may only be considered during the five-year update

For changes to the plan:

- Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city.
- Where the “city” alone is referred to in the policy, the policy may be amended by the city, after referral to the county.
- All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.
- Where a particular “area” is not specified in the policy text, the policy will apply to all areas.

This section describes the different types of changes, the process for making changes, the criteria for determining which process to follow, and the procedures for approving proposed changes. The types of changes, when they may be considered, and whether they are subject to approval by the city (Planning Board and City Council), the county (County Planning Commission and County Commissioners), or the city and county (Planning Board, City Council, County Planning Commission, and County Commissioners) is summarized in the following table:<sup>i</sup>

Type of Change	When	Process
Land Use Map	If related to rezoning or annexation, may be considered at any time All others, at Mid-term or 5-year update	City approval subject to county referral if meets criteria and related to annexation or rezoning, or in Area I  All others, city and county approval
Change from Area IIb to IIa	May be considered at any time if meets criteria	City approval subject to county referral
Changes to the Area II/III boundary	Mid-term (minor changes) 5-year	City and county approval
Policies	Mid-term (minor only) 5-year	Joint policies approved by city and county; city or county policies by relevant jurisdiction
<ul style="list-style-type: none"> <li>• Amendment Procedures</li> <li>• Referral Process</li> <li>• Land Use Map</li> <li>• Descriptions</li> </ul>	Mid-term 5-year	City and county approval
<ul style="list-style-type: none"> <li>• Plan and Program Summaries</li> </ul>	Any time	City approval

<a href="#">Urban Service Criteria and Standards</a>		
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Type	Mid-term	Five-year	Any-time	Approval Bodies	Who may Initiate <sup>ii</sup>	Criteria	Procedures
<b>LAND USE MAP</b>							
<a href="#">All types</a>	X	X	-	City only (Area I *), <sup>iii</sup> City and county (Area II and III)	All	<a href="#">Sec. 1.b.(1)</a>	<a href="#">Sec. 2.c. (Mid-Term);</a> <a href="#">Sec. 3.c.(1) (Five-Year)</a>
<a href="#">Related to rezoning or annexation only</a>	X	X	X	City and county	City, Prop. Owner	<a href="#">Sec. 1.b.(1)</a>	<a href="#">Sec 1.c.</a>
<b>AREA II/III BOUNDARY</b>							
<i>Service Area Expansion (Area III to Area II) or Contraction (Area II to Area III)</i>							
<a href="#">MINOR ADJUSTMENTS: Area III – Rural Preservation to Area II</a>	X	X	-	City and county	All	<a href="#">Sec. 2.b.(1)</a>	<a href="#">Sec. 2.c. (Mid-Term);</a> <a href="#">Sec. 3.c.(1) (Five-Year)</a>
<a href="#">SERVICE AREA EXPANSION: Area III - Planning Reserve to Area II</a>		X	-	City and county	City and County	<a href="#">Sec. 3.b.(1)</a>	<a href="#">Sec. 3.c.(1);</a> <a href="#">Sec. 3.c.(3)</a>
<a href="#">SERVICE AREA EXPANSION: Reinstatement of Area III - Rural Preservation back to Area II</a>		X	-	City and county	Prop. Owner	<a href="#">Sec. 3.c.(4)</a>	<a href="#">Sec. 3.c.(1);</a> <a href="#">Sec. 3.c.(4)</a>
<a href="#">SERVICE AREA CONTRACTION: Area II to Area III Rural - Preservation</a>		X	-	City and county	All	<a href="#">Sec. 2.b.(2)</a>	<a href="#">Sec. 3.c.(1)</a>
<i>Rural Preservation Expansion or Contraction</i>							
<a href="#">RURAL PRESERVATION EXPANSION: Area III - Planning Reserve to Area III - Rural Preservation</a>		X	-	City and county	All	<a href="#">Sec. 3.b.(3)</a>	<a href="#">Sec. 3.c.(1);</a> <a href="#">Sec. 3.c.(2)</a>

<a href="#">RURAL PRESERVATION CONTRACTION: Area III - Rural Preservation to Area III - Planning Reserve</a>		X	-		<a href="#">City and county</a>	<a href="#">All</a>	<a href="#">Sec. 3.b.(4)</a>	<a href="#">Sec. 3.c.(1); Sec. 3.c.(2)</a>
<i>Planning Area Expansion or Contraction</i>								
<a href="#">Expansion or contraction of Area III outer boundary</a>		X	X	-	<a href="#">City and county</a>	<a href="#">City and County</a>	<a href="#">Sec. 2.b.(2)</a>	<a href="#">Sec. 2.c.</a>
<b>POLICY</b>								
<a href="#">Minor edits</a>		X	-	-	<a href="#">**iv</a>	<a href="#">All</a>	<a href="#">Ch. II (Intro)</a>	<a href="#">Sec. 2.c.</a>
<a href="#">Major edits</a>		X	X	-	<a href="#">**</a>	<a href="#">All</a>	<a href="#">Ch. II (Intro)</a>	<a href="#">Sec. 3.c.(1)</a>
<b>TEXT</b>								
<a href="#">Amendment Procedures; Referral Process; Land Use Map Descriptions</a>		X	X	-	<a href="#">City and county</a>	<a href="#">All</a>	-	<a href="#">Sec. 2.c. (Mid-Term); Sec. 3.c.(1) (Five-Year)</a>
<a href="#">Plan and Program Summaries; Urban Service Criteria and Standards; Subcommunity and Area Plan section</a>		-	-	X	<a href="#">City only</a>	<a href="#">All</a>	-	<a href="#">Sec 1.c.</a>

**1. Changes that may be considered at any time**

The following changes may be considered at any time and require approval by the city Planning Board and City Council:

**a. Types of changes that may be considered at any time if they meet the criteria in Subsection b below:**

1. Land Use Map changes
2. Changes to the Master Plan and Program summaries
3. Changes to the Urban Service Criteria and Standards
4. Changes to the Subcommunity and Area Plan section
- 5.4. ~~Changes in designation of land from Area IIB to Area IIA~~

**ab. Criteria for eligibility for changes that may be considered at any time:**

(1) Land Use Map changes:

The [Land Use Map](#) is not intended to be a zoning map. It is intended to provide policy direction and definition for future land uses in the Boulder Valley. Thus, a change to the land use designations may be considered at any time if it is related to a proposed change in zoning or proposed annexation and meets all of the following criteria:

- (a) The proposed change is consistent with the policies and overall intent of the comprehensive plan.
- (b) The proposed change would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city.
- (c) The proposed change would not materially affect the land use and growth projections that were the basis of the comprehensive plan.

- (d) The proposed change does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall ~~service~~Service area~~Area~~ of the City of Boulder.
- (e) The proposed change would not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (f) The proposed change would not affect the Area II/Area III boundaries in the comprehensive plan.

~~(2)Criteria for changes in designation of land from Area IIB to Area IIA:~~

- ~~(a) The proposed change is compatible with the city’s existing and planned urban facilities and service systems, as demonstrated by such factors as:
 
  - ~~(i) The full range of urban facilities and services are available, or will be available within three years, as specified in the urban service standards to be provided through city capital improvements and private investment.~~
  - ~~(ii) The timing, design and operation of required facility and service improvements are consistent with the city’s Capital Improvements Program, master plans and urban service standards in the comprehensive plan.~~
  - ~~(iii) Off site improvements that are provided by developers ahead of scheduled capital improvements will not result in premature demand for additional city provided improvements.~~
  - ~~(iv) City off site capital facility costs to serve the property can be recovered by development excise taxes and development exactions.~~~~
- ~~(b) The proposed change would be consistent with the city’s ability to annex within three years, as demonstrated by such factors as:
 
  - ~~(i) The property is currently contiguous to the city or there is a reasonable expectation of contiguity within three years, based on expected development trends and patterns.~~
  - ~~(ii) The public costs of annexation and development of Area IIA properties can be accommodated within the city’s Capital Improvements Program and operating budget.~~
  - ~~(c) The proposed change would be consistent with a logical expansion of city boundaries, as demonstrated by such factors as: encouraging a contiguous and compact development pattern; encouraging infill and redevelopment or a desired opening of a new growth area; enhancing neighborhood boundaries or edges.~~~~

**bc. Procedures for changes that may be considered at any time:**

- (1) Requests for changes may be initiated by the city or the property owner:

A request initiated by the property owner must be submitted in writing to the city’s Planning Department and must address the criteria for processing the request separately from a mid-term or five-year review.

- (2) The city will make a referral with preliminary comments to the county Land Use Department for comment:

For land use changes ~~and changes from Area IIB to IIA~~, the county will have 30 days after receipt of the referral to provide written notice to the city as to whether the proposed change meets the criteria. If the county determines that the proposed change does not meet the criteria, then the requested change will be processed at the time of the next mid-term or five-year review and will require four body review and approval.

## 2. *Mid-term review changes*

Changes to the comprehensive plan may be proposed in a mid-term review. A mid-term review may be initiated at some point between five-year major updates as needed. The purposes of the mid-term review are to address objectives identified in the last major update and progress made in meeting those objectives, provide an opportunity for the public to request changes to the plan that do not involve significant city and county resources to evaluate, make minor additions or clarifications to the policy section and to make minor adjustments to the ~~service area~~[Service Area](#) boundary. The mid-term review is not intended to be a time to consider major policy changes.

### a. **Types of changes that may be considered as part of the mid-term review:**

The following changes to the Boulder Valley Comprehensive Plan may be considered at the midterm review:

#### (1) Changes that require approval by the city Planning Board and City Council:

- Land Use Map changes located in Area I subject to the criteria in Section 1.b.(1) above
- Changes to the Master Plan and Program summaries
- Changes to the Urban Service Criteria and Standards
- Changes to the Subcommunity and Area Plan section
- ~~Changes in designation of land from Area IIB to Area IIA subject to the criteria in Section 1.b.(2) above~~ [Minor additions or clarifications to the policy section if “city” alone is referred to in the policy<sup>v</sup>](#)

#### (2) Changes that require approval by the city Planning Board, City Council, County Planning Commission and County Commissioners.

- Changes to the Land Use Map (other than those allowed by city approval in Section 2.a.(1) above)
- Changes to the Plan Amendments section
- Changes to the Land Use Map Description section
- Minor additions or clarifications to the policy section [for joint city and county statements<sup>vi</sup>](#)
- Minor Service Area boundary changes subject to the criteria set forth below
- Boulder Valley Planning Area expansions and contractions, i.e., changes to the Area III outer boundary subject to the criteria set forth below.

### b. **Criteria for minor ~~service area~~[Service Area](#) boundary changes and Boulder Valley Planning Area expansions and contractions:**

#### (1) Minor adjustments to the ~~service area~~[Service Area](#) boundary ([Area III-Rural Preservation to Area II](#))<sup>vii</sup>

Minor adjustments to the ~~service area~~[Service Area](#) boundary are small, incremental ~~service area~~[Service Area](#) expansions that create more logical ~~service area~~[Service Area](#) boundaries. Changes in designation of land from Area III to Area II may be eligible to be approved as a minor service area boundary adjustment based on the following criteria:

- (a) Maximum size: The total size of the area must be no larger than ten acres.
- (b) Minimum contiguity: The area must have a minimum contiguity with the existing ~~service area~~[Service Area](#) of at least 1/6 of the total perimeter of the area.

- (c) Logical Service Area boundary: The resulting Service Area boundary must provide a more logical Service Area boundary (Area III/II), as determined by factors such as more efficient service provision, a more identifiable edge to the urbanized area or neighborhood, a more functional boundary based on property ownership parcel lines or defining natural features.
- (d) Compatibility with the surrounding area and the comprehensive plan: The proposed change of Area III to II must be compatible with the surrounding area as well as the policies and overall intent of the comprehensive plan.
- (e) No major negative impacts: It must be demonstrated that no major negative impacts on transportation, environment, services, facilities, or budget will result from an expansion of the Service Area.
- (f) Minimal effect on land use and growth projections: The proposed change of Area III to II change does not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.
- (g) Minimal effect on service provision: The proposed change of Area III to II does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area of the City of Boulder.
- (h) Minimal effect on the city's Capital Improvements Program: The proposed Area III to II change does not materially affect the adopted Capital Improvements Program of the City of Boulder.
- (i) Appropriate timing: The proposed Area III to II change will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area expansion.

## (2) Boulder Valley Planning Area expansions or contractions:

An Area III outer boundary change may be initiated by the city or the county and will be approved only if it is demonstrated that either expansion or contraction of the planning area is needed due to changed circumstances or past error in determining the boundary.

### **c. Procedures for changes that may be considered as part of the mid-term review:**

- (1) Prior to the beginning of the mid-term review, the city Planning Department and county Land Use Department will establish a process and schedule for the update. This will include an opportunity for landowners and the general public to submit request for changes to the plan. The schedule and process will be revised as needed during the review process.
- (2) For those changes eligible for approval by the city Planning Board and City Council, the city Planning Department will make a referral to the county Land Use Department for comment. For changes to the Land Use Map located in Area I, ~~and changes from Area IIB to Area IIA,~~ the county will have 30 days from the date of receipt of the city's referral to provide written notice to the city if the county finds that the proposed change does not meet the applicable criteria for eligibility. Such finding on the part of the county will require that the requested change be subject to approval by each of the four bodies.
- (3) All four approval bodies will hold initial meetings with their staffs to identify changes they wish to be considered as part of the mid-term review. Public attendance is welcomed, but review of public applications will not occur at this time.
- (4) Proposed changes from the public, staff and approval bodies will be reviewed by the city Planning Department, which will prepare a recommendation in consultation with the county Land Use Department on whether to include each proposed change in the mid-term review. Determination of whether to include a proposed change will be made based upon:

- (a) consistency with the purposes of the midterm review as described in 3. above,
  - (b) available resources to evaluate the proposed change (city and county staffing and budget priorities),
  - (c) consistency with current BVCP policies and
  - (d) compatibility with adjacent land uses and neighborhood context.
- (5) The city Planning Board will consider all requests for changes together with the staff recommendations at a public hearing and will compile a list of proposed changes to be considered during the mid-term review.
- (6) Requests for changes to the comprehensive plan that affect an area designated Open Space will be reviewed by the city Open Space Board of Trustees and the county Parks and Open Space Advisory Committee. The board of trustees will make a recommendation prior to any action on that change.
- (7) After a list of proposed changes to be considered during that year's review has been determined, the city Planning Department and county Land Use Department will study, seek appropriate public input, and make recommendations concerning proposed changes. The city Planning Board will then initiate the hearings on whether to approve, modify or deny any of the proposed changes.

### ***3. The five-year review***

The comprehensive plan will be reviewed at least every five years for possible amendments to reflect changes in circumstances and community desires.

#### **a. Types of changes that may be considered at the five-year review:**

Any change to the comprehensive plan may be considered at the five-year review including those that may be considered at other times pursuant to the provisions set forth above. However, certain kinds of changes will be considered only at the five-year review and must be approved by each of the four signatory bodies: the city Planning Board, City Council, County Planning Commission and County Commissioners. Those include:

- Service area expansions or contractions (changes in the Area II/III boundary) that do not satisfy the criteria for consideration as part of a mid-term review
- Area III-Rural Preservation Area expansions or contractions
- Major changes to policy sections

#### **b. Criteria for approval for Service Area and Area III expansions or contractions:**

##### **(1) Service Area expansions (Area III-Planning Reserve to Area II changes)**

Following preparation of a ~~s~~Service ~~a~~Area ~~e~~Expansion ~~p~~Plan (see Sections 3.c.3 below), the city and county must determine that the proposed change from Area III - Planning Reserve to Area II meets the following criteria:

- (a) Provision of a community need: Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing ~~service area~~[Service Area](#).

- (b) Minimum size: In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.
- (c) Minimum contiguity: The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.
- (d) Logical extension of the ~~S~~service ~~A~~area: The resulting ~~s~~Service ~~A~~area boundary must be a logical extension of the ~~service area~~Service Area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.
- (e) Compatibility with the surrounding area and comprehensive plan: The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and the policies and overall intent of the comprehensive plan.
- (f) No major negative impacts: The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.
- (g) Appropriate timing for annexation and development: A reasonable time frame for annexation is projected within the planning period after Area III-Planning Reserve area land is brought into the ~~service area~~Service Area.

## (2) Service Area contractions (changes from Area II to Area III-Rural Preservation Area)

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

- (a) Changed circumstances indicate either that the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years;
- (b) Any changes in proposed land use are compatible with the surrounding area and the policies and overall intent of the comprehensive plan.

## (3) Area III-Rural Preservation Area expansions: [Area III-Planning Reserve to Area III – Rural Preservation](#)<sup>viii</sup>

Expansion of the Area III-Rural Preservation Area must meet the following criteria:

- (a) There is a desire and demonstrated need for expansion of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form).

## (4) [Area III-Rural Preservation contractions](#)<sup>ix</sup>: Area III-Rural Preservation Area to Area III – Planning Reserve

Changes of land from the Area III-Rural Preservation Area to the Area III-Planning Reserve Area must meet the following criteria:

There is a demonstrated need for contraction of the Area III-Rural Preservation Area due to changed circumstances, community needs, or new information on land use suitability (e.g., environmental resource or hazard constraints, feasibility of efficient extension of urban services, and compact and efficient urban form); and land to be considered for a change from Area III-Rural Preservation Area to Area III-Planning Reserve must have a minimum contiguity with the Area III-Planning Reserve area or the existing ~~service area~~Service Area (Area I or Area II) of at least 1/6 of the total perimeter of the area.

### **c. Procedures for the five-year review:**

#### **(1) Process and schedule**

Prior to the beginning of the five-year review, the city Planning Department and the county Land Use Department will establish a process and schedule for the update. The schedule and process will be revised as needed during the review process. The process will include an opportunity for landowners and the general public to submit requests for changes to the plan. All submittals for proposed changes will be reviewed at initial public hearings. Staff will provide recommendations and the approval bodies will provide direction on which proposals should go forward and which proposals should receive no further consideration. During each five-year review, the city and the county will assess whether or not the ~~service area~~ [Service Area](#) or the Area III-Rural Preservation Area should be expanded or contracted.

#### **(2) Expansions or contractions of Area III – Rural Preservation Area**

Prior to consideration of an expansion of the Area III– Rural Preservation Area or a change from Area III-Rural Preservation Area to Area III Planning Reserve Area, a study will be completed by the city and county demonstrating compliance with the criteria applicable to the proposed change. The city or the county will decide whether to authorize a study of the proposed change after a public hearing is held.

#### **(3) Changes from Area III-Planning Reserve to Area II**

During each five-year review, the city and county may assess whether or not sufficient merit exists to authorize a ~~service area~~ [Service Area](#) expansion plan. The determination of sufficient merit will be based on demonstration that a desired community need cannot be met within the existing ~~service area~~ [Service Area](#). If the city and county find that sufficient merit exists, the city and county may authorize a planning effort to develop a joint city county ~~service area~~ [Service Area](#) expansion plan for the area proposed to be brought into the ~~service area~~ [Service Area](#) in consultation with Area III property owners and the public. The Service Area Expansion Plan must address the following:

- (a) the types of development needed to meet long term community needs;
- (b) key requirements to ensure compliance with community goals and policies, and to ensure compatibility with the existing development context and surrounding area;
- (c) conceptual land use and infrastructure plan components;
- (d) requirements for development impact mitigation and offsets (both on-site and off-site); and
- (e) development phasing.

#### **(4) Reinstatement of Area III – Rural Preservation Area back to Area II – Service Area**

A property owner that has been moved from Area II to Area III may request that the change be reevaluated under the same procedures and criteria that were used to make such a change for a period ten years after the change was made. Thereafter, such properties will be subject to all of the procedural requirements of this section.

## **4. Notification**

a. Any property owner whose property would be affected by a proposed change in land use designation or by ~~service area~~ [Service Area](#) expansions, contractions or boundary changes will receive timely written notice that such change or changes will be considered. Planning staff will exert its best efforts to provide such notice within 30 days of receiving a request that is to be considered. However, no hearing to approve or deny any such proposal will be held unless the affected property owner was provided with this written notice at least 30 days prior to the date set for the hearing on the proposed change.

b. General public notice of all proposed changes will be provided in the following manner. The city Planning Department will publish a Comprehensive Plan map indicating where the proposed changes are located and a description of each change in the newspaper at least ten days prior to the first public hearing to consider the proposed changes.

## ***5. Errors***

If a discrepancy is found to exist within the Boulder Valley Comprehensive Plan that is clearly a drafting error or a clerical mistake, either the city or the county, after a referral request to the other agency, may correct such error.

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City: *City staff and approval bodies*

County: *County staff and approval bodies*

Public: *Members of the public including, but not limited to, property owners*

Property Owners: *Owners of property subject to proposed change*

<sup>iii</sup> Subject to county referral, as outlined in Sec. 1.c.

<sup>iv</sup> Where the “city” alone is referred to in the policy, the policy may be amended by the city, after referral to the county. Where the “county” alone is referred to in the policy, the policy may be amended by the county, after referral to the city. All other policies will be construed to be joint city and county statements of policy, and are to be amended by joint action.

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<sup>ix</sup> Added as a clarification

## **Attachment D - Community Engagement Planning for Phase 3**



### **August – November**

Building on the goals and framework outlined in the [BVCP Engagement Plan](#), guidance specific to Phases 3 and 4 includes:

- Early Input Reflected in Options
- Understanding of Analysis and Trade-offs
- Common Ground Solutions
- Citywide and Local Scale
- In-Person & Online Engagement Venues
- Input from Targeted Groups
- Ample Time for Review and Feedback
- Easy to Find, Relevant Information
- Fun Factor

The purposes of Phase 3 include building on what was heard in earlier phases of the update, and sharing options, analysis and recommendations. This work will inform final changes to the plan and adoption in Phase 4.

#### **I. BVCP Scenarios, Trade-Offs and Built Environment Questions**

The areas of focus related to design, housing and jobs and housing balance may lead to land use or policy changes in the plan. Scenarios with analysis of outcomes and trade-offs will be ready to share with the community in August. It is anticipated that all of the following engagement approaches and events would provide opportunities for community members to provide feedback on their preferences based on scenarios and analysis.

##### **A. Pop-ups - August-September**

Purpose: gather feedback from people not typically involved in planning processes about specific land use changes in places near the opportunity areas. Staff members will host times at coffee shops, parks (using Neighborhood Block Party Trailer), ice cream stores, and other gathering places to ask people questions about their preferences for land use changes in that area. These preferences will be recorded on paper or in online questionnaires and compiled with other feedback for decision-makers. Locations might include: 55<sup>th</sup> and Arapahoe, Diagonal Plaza or other areas with proposed changes. Two to three pop-ups per area are anticipated, and people who live in the area would be alerted to these opportunities through the project website, the weekly planning e-mail and Next Door.

##### **B. Update Advisory Boards at a Proposed Joint Meeting – August 29, 6:30-8:30**

Purpose: invite members from most city advisory boards and commissions to get an update about the status of the BVCP update, present information about the land use scenarios and analysis and gather feedback. At least half of the meeting would be designed to facilitate small group discussions of mixed board members to garner feedback on key questions. Feedback will inform scenario and policy analysis as well as decision-makers.

##### **C. Statistically-Valid Survey – September**

Purpose: gauge community preferences for specific changes to the comprehensive plan. Topics for the survey questions may include but are not limited to: preferences around type and location for potential land use changes as identified through land use scenarios, growth management, and policies regarding community benefits, urban design quality, and housing and neighborhood character. Questions would be limited and focused on pivotal topics and choices for changes.

#### **D. Local Area Meetings – September and October**

Purpose: examine scenarios, analysis and trade-offs in depth and identify common ground on proposed changes to the plan among community members with a variety of interests. Each meeting would have area-specific materials as well as citywide information. Similar to the early local listening sessions, the primary focus will be on the comp plan with opportunities for facilitated small group discussions around proposed changes and scenarios. The discussions would be designed to help people identify areas where they agree and where there are areas of disagreement and potentially the need for more options or additional analysis. Meetings would also provide opportunities to share information about other city projects in an open house. Venues would need to be capable of comfortably hosting a significant number of people and staff or outside facilitators will be employed to assist in the small group discussions.

1. Central / Crossroads
2. South / SouthEast / East
3. North / Palo
4. Gunbarrel

#### **E. Community Event – Late October**

Purpose: summarize and share the results of the survey and other feedback about the land use scenarios in an open house format. The event would serve as the culmination of community feedback on the scenarios, trade-offs and built environment issues before meeting with the decision-making bodies for direction on these choices.

#### **F. Meetings with community organizations – July – October**

Purpose: seek feedback from groups of community stakeholders at their regular meetings (e.g. Boulder Chamber, Future-oriented Community Organizations).

#### **G. Culturally-Sensitive Outreach – August – September**

Purpose: gather feedback from immigrants. Staff will work with community partners to organize and host at least three focus groups in partnership with immigrant-serving organizations (Immigrant Advisory Committee, Family Resource Center, Latino Task Force) to ask questions about preferences around the scenarios.

## **II. Land Use Public Requests & CU South – August & September**

### **A. Area-Specific Open Houses – Staff will hold open houses for people to provide feedback on land use change requests.**

- August 8 – focusing on Area II properties: 3261 3<sup>rd</sup> Street; 2801 Jay Road and 6500 and 6655 Twin Lakes  
Preliminary recommendations will be available on the project website prior to the meetings. Feedback may shape the final recommendations and will be provided to decision-makers.
- September (TBD) – focusing on Area I properties
- Late August / Early September (TBD) - CU South

### **B. Public Hearings – both the county and city will hold joint public hearings on these public request land use changes**

- a. August 30 – Boulder County Planning Commission and Board of County Commissioners
- b. October 13 – City Planning Board and City Council