

**CITY OF BOULDER  
PLANNING BOARD AGENDA ITEM**

**MEETING DATE: November 17, 2016**

**AGENDA TITLE:** Planning Board public hearing to consider a public request for map changes to the Boulder Valley Comprehensive Plan (BVCP) for 3261 3<sup>rd</sup> Street.

**REQUESTING DEPARTMENT:**

David Driskell, Executive Director, Planning, Housing + Sustainability (PH+S)  
Susan Richstone, Deputy Director for Planning (PH+S)  
Lesli Ellis, Comprehensive Planning Manager (PH+S)  
Jay Sugnet, Senior Planner (PH+S)  
Caitlin Zacharias, Planner I (PH+S)

**Suggested Motion Language:**

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

- A. Motion to approve a Boulder Valley Comprehensive Plan Land Use Map change to *Low Density Residential and Open Space – Other* for 3261 3<sup>rd</sup> St. (Request #25) as shown and described in [Attachment A](#);
- B. Motion to approve a Boulder Valley Comprehensive Plan Area I, II, III Map change to *Area II* for a portion of 3261 3<sup>rd</sup> St. (Request #25) as shown and described in [Attachment A](#);

The purpose of this item is for the Planning Board to hold a hearing on a public request for changes to the Boulder Valley Comprehensive Plan (BVCP) Land Use and Area maps. This is part of a series of hearings and meetings scheduled for Aug. 30 through early 2017 that address Area I requested map changes (requires approval by the two city bodies) and Area II requested map changes (requires approval by City Council, Planning Board, Board of County Commissioners and Planning Commission).

The **Nov. 17 hearing** is a continuation of the joint City Council/Planning Board public hearing that was held on **Oct. 13**. to focus on the four Area I requested map changes (i.e., Naropa, 385 Broadway, Mt. Calvary Church, and Table Mesa Shopping Center). The reason Nov. 17 is a continuation is that Oct. 13 was also technically the first hearing for the Area II requests for the purpose of legal notice. The **Nov. 17 public hearing will focus on the 3261 3<sup>rd</sup> St.** request that requires approval by four bodies and for which the county Planning Commission and Board of Commissioners have already taken action. City Council held a public hearing for 3261 3<sup>rd</sup> St. on Nov. 10 and will deliberate and vote on Dec. 13.

The other Area II requested map changes regarding **Twin Lakes** is on hold until the County Planning Commission reconsiders their decision from Sept. 27. A joint public hearing with the Planning Board and City Council to consider the Twin Lakes request is not expected until early 2017.

[Attachment A](#) is the staff report and recommendation for the 3261 3<sup>rd</sup> St. request. The full staff memo for

all the requested land use changes is available [here](#)<sup>1</sup>.

### *Summary of Recommended Map Changes:*

3261 3rd St. (#25)	<b>Change to Low Density Residential and Open Space – Other Change to Area II</b> – This recommendation creates a more logical service area boundary while ensuring compatible redevelopment for the single-family home site (see <a href="#">Attachment A</a> ).
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### *County Action on 3rd Street*

On Sept. 21, the County Planning Commission approved the staff recommended land use changes. A meeting summary is available [here](#)<sup>2</sup>. On Sept. 27, the Board of County Commissioners also approved the staff recommended land use changes. A meeting summary is available [here](#)<sup>3</sup>. Below is a high level summary of the issues discussed by both Planning Commission and the Board of County Commissioners regarding 3261 3<sup>rd</sup> St.:

- **Density** – supportive of the staff recommendation because it would not result in additional housing units on the site.
- **Blue Line amendments** – recognition that a comprehensive review of potential changes in Area II / III mapping would take place for this and about a dozen other properties, if a November ballot measure to shift the Blue Line is approved.

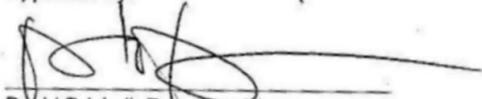
The BVCP, jointly adopted by the city and county and updated at least every five years, guides development and preservation in the Boulder Valley. The BVCP articulates a vision for the future and details policies that represent long-standing community values. The public map change request process is one track within the much larger BVCP update. Each phase entails extensive community dialogue and engagement. The webpage for the project, [www.BoulderValleyCompPlan.net](http://www.BoulderValleyCompPlan.net), includes the full project schedule and a link to the 2010 plan and maps.

### *Next Steps*

The schedule for the Area II request for **Twin Lakes** is pending the outcome of the County Planning Commission reconsideration of the Twin Lakes decision. A city hearing is not likely occur until early 2017.

- Dec. 13 – **City Council deliberate and vote** on the Area II request for 3261 3<sup>rd</sup> St.
- Jan. 24 – **Joint Study Session of City Council and Planning Board** to review scenarios, analysis, community engagement results from fall, survey results, and CU South.
- Spring 2017 – **City Council Study Session** to review the Draft Plan and Focus Areas.

Approved By:



David Driskell, Executive Director  
Department of Community Planning and Sustainability

## **ATTACHMENTS**

A. [3261 3rd St. \(Request #25\) Staff Report](#)

<sup>1</sup> <https://bouldercolorado.gov/bvcp/bvcp-changes>

<sup>2</sup> <http://www.bouldercounty.org/doc/landuse/bvcp150001staffrec20160927.pdf>

<sup>3</sup> <http://www.bouldercounty.org/doc/landuse/bvcp150001bocc20160927.pdf>

# 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

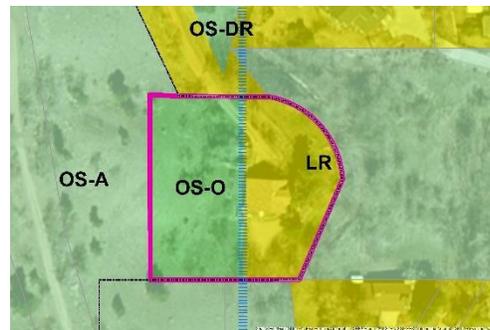
Staff recommends approval of the proposed area change for the parcel from Area III to Area II only for the portion of the property east of the blue line. Staff recommends that the

portion of the property west of the blue line remain in Area III and receive an open space designation.

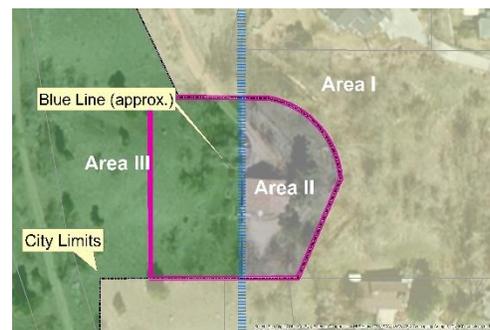
Staff recommends 1) approval of the proposed area change from Area III to Area II for the portion of the property east of the blue line and 2) a land use designation change on the western portion of the property to Open Space - Other for the following reasons:

- 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 3<sup>rd</sup> St.
- 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> St.
- 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.

### Recommended Land Use Designation



### Recommended Planning Area Boundary



The current proposed blue line ballot measure 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.

## OVERVIEW

The Board of County Commissioners previously reviewed a Subdivision Exemption request for this property (SE-14-0006: Wilson Lot Recognition) on Aug. 5, 2014 and Mar. 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 Rd. and west of 3<sup>rd</sup> St. 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 Ave.

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.

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 3<sup>rd</sup> St., all of which have a portion east of the blue line in the Service Area (either in Area I or II).

### **Site History**

3261 3<sup>rd</sup> St. 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 Boulder Valley Comprehensive Plan (BVCP) major 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 also 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 Service Area boundary to the eastern edge of the property created 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; a 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 Low Density Residential 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> St. On Aug. 16, City Council approved the blue line ballot measure for the ballot this fall. The November election results will determine the status of approval or denial of the blue line amendments. 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.”

## **COMMUNITY INPUT**

One comment was received at the Aug. 8 open house on land use change requests. The commenter expressed concerns about the number of houses that may be built on the property.

In 2014 and 2015, several comments received by the county regarding SE-14-0006: Wilson Lot Recognition 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 Ave., the Silver Lake Ditch and the base of the foothills; and concerns regarding the condition of the house as a potential hazard.

## **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 percent 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> St. 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> St. 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> St. 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> St. 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> St. 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 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.

Staff recommends maintaining the current land use designation of Low Density Residential on the remaining portion of the property east of the current location 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 would 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 E-1** 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.



Figure 1: Existing Sewer Mains  
Source: Wastewater Utility Master Plan, 2009

The options for consideration for access to nearby utilities from this property include the extension of water and sewer

1) from Hawthorn Ave. 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.

### **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 and ongoing access to the Silver Lake Ditch).

## Attachment A: 3<sup>rd</sup> Street Staff Report

### 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 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> St. 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 current location 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> St.

## **ATTACHMENTS**

A-1. Availability of Services

**Water**

All properties east of 3261 3<sup>rd</sup> St. that are within the city service area (Area I and II) 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 inches, are located east of the site along 4<sup>th</sup> St. The site is served by Water Pressure Zone 3, which generally serves areas above an elevation of 5,450 feet.



Figure 2: 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, the 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 may 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 3: 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:** City of Boulder Public Works Department Master Plans

- [Comprehensive Flood and Stormwater Plan, 2004](#)
- [Stormwater Master Plan, 2007](#) – update in progress
- [Water Utility Master Plan, 2011](#)
- [Wastewater Utility Master Plan, 2009](#)
  - [Wastewater Collection System Master Plan](#) – update in progress
  - [Wastewater Treatment Plant Master Plan](#)
  - [Water Quality Strategic Plan](#)