

**CITY OF BOULDER
PLANNING BOARD AGENDA ITEM**

MEETING DATE: July 28, 2016

AGENDA TITLE: Public Hearing and recommendation to City Council regarding annexation of city-owned parcels and Elmer's Two-Mile Park as an enclave

Applicant: City of Boulder

Owner: City of Boulder

REQUESTING DEPARTMENT:

Tom Carr, City Attorney

David Driskell, Executive Director

Susan Richstone, Deputy Director

Chris Meschuk, Senior Planner

Kathy Haddock, Senior Assistant City Attorney

Heather Bailey, Director of Energy strategy and Electric Utility Development

Robert Harberg, Principal Engineer - Utilities

OBJECTIVE:

Define the steps for Planning Board consideration of this request:

1. Hear Staff presentations
2. Planning Board discussion
3. Planning Board make recommendation to council

SUMMARY

Proposal: Annex city-owned parcels and enclaves

Project Name: Annexation of city-owned parcels

Location: See attached map

Size of Tract: See attached map

Zoning: P-Public

Comprehensive Plan: Consistent with goal to annex properties along the west boundaries and enclaves within Area II.

KEY ISSUES

1. Is the proposed annexation consistent with State of Colorado statutes pertaining to the annexation of a property into the City of Boulder?
2. Is the proposed annexation consistent with the BVCP?
3. Is the initial zoning of Public consistent with the BVCP?

BACKGROUND

There are several city-owned parcels surrounding and within the city that are not annexed. The properties were not annexed for a variety of reasons, primarily because

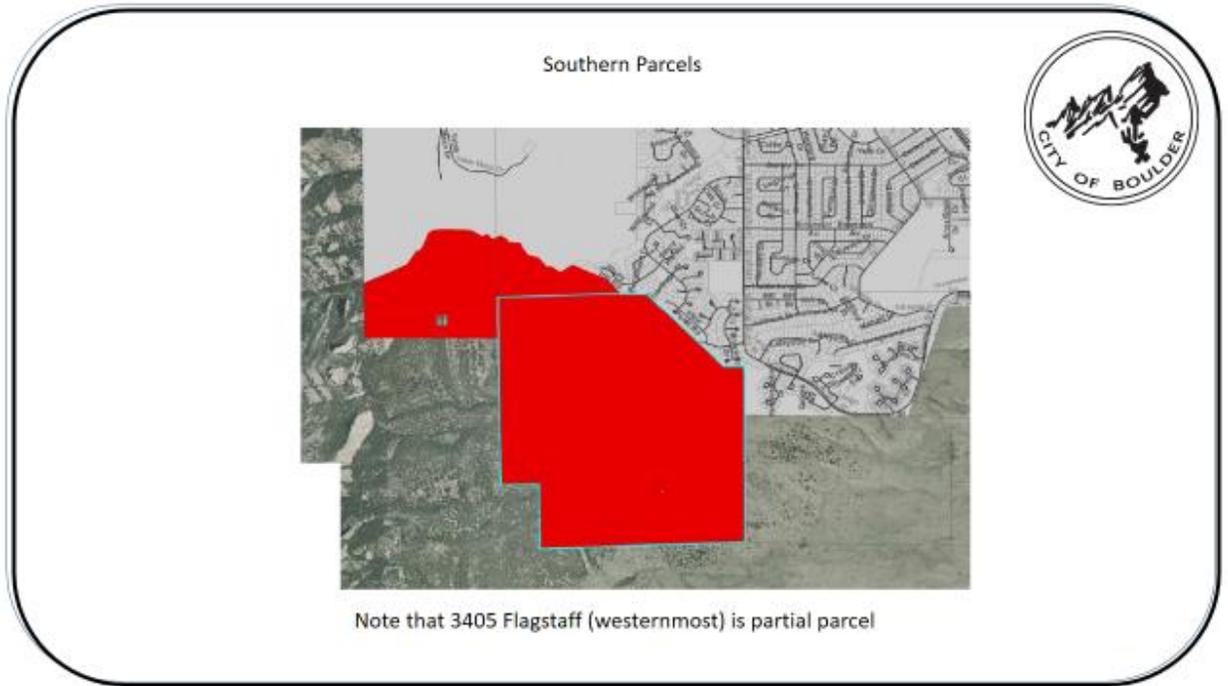
they were pieces that were omitted from street construction or were between other developments that were being annexed, or acquired as Open Space in Area III. The Boulder Valley Comprehensive Plan (BVCP) annexation policy 1.24 states that the city will actively pursue annexation of enclaves and Area II properties, and may annex city owned properties in Area III when a full range of urban services is not needed. In preparing for potential municipalization, the maps of the city boundaries have been scrutinized very thoroughly, and the separation plan requires that the properties be annexed for the city to provide electrical service. Therefore, these annexations have elevated in priority.

For municipalization, the Public Utilities Commission has ordered that the city must construct separate electric facilities for Xcel to continue serving unincorporated properties while the city serves annexed properties with different electrical facilities. In analyzing the city maps, we have discovered that this requirement will create a lot of unnecessary expensive additional construction and electric facilities unless the city annexes unincorporated properties within the city boundaries. The city is starting with annexation of city owned properties with electrical service and enclaves. This offers many benefits to the city, particularly in reducing the costs of the electrical separation plan, eliminating the need for duplicate facilities, and implement the policies stated in the Comprehensive Plan.

The attached map shows all of the properties to be annexed that are owned by the city and Elmer's Two-Mile Park as an enclave. That park is the same as all the other properties in that it is owned by the city, except that a 20'x30' corner of the park is owned by Xcel Energy for a gas facility on the site. It would cost the city over \$360,000 to provide electricity to that 20' x 30' parcel if it had to be served by Xcel lines because it was not annexed. Because the park is an enclave, the city can annex it unilaterally.

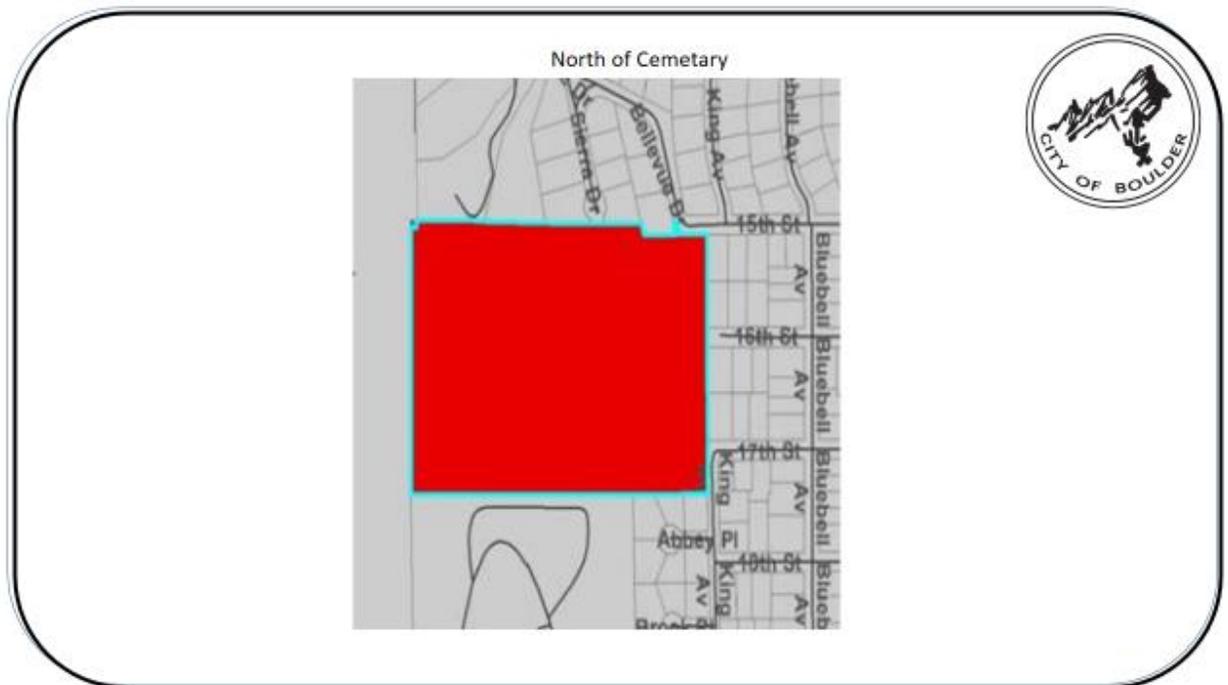
The colors on the attached map depict which department of the city is responsible for maintenance of the site. Red indicates OSMP, orange indicates Transportation and blue indicates Parks and/or Public Works. Following is an area by area analysis.

1.



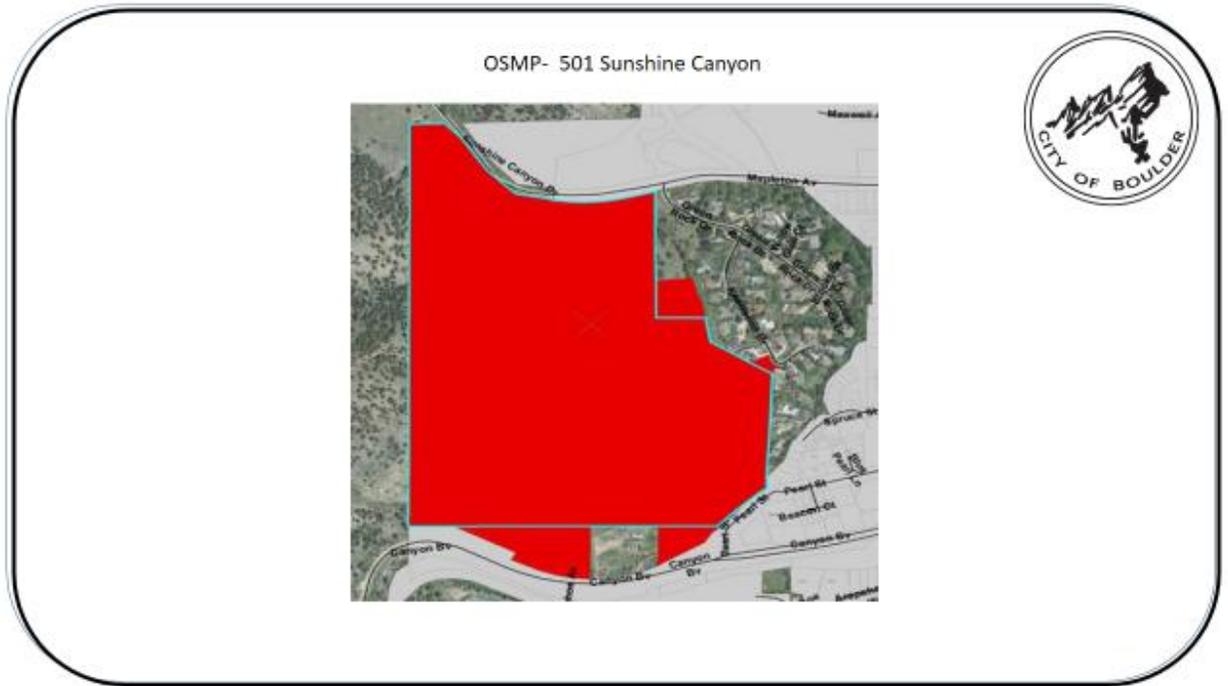
The open space parcel on the right has a city water tower located near the southwest corner. The parcel on the left contains a parcel owned by CU with a cell tower.

2.



This open space parcel is just north of the cemetery.

3.



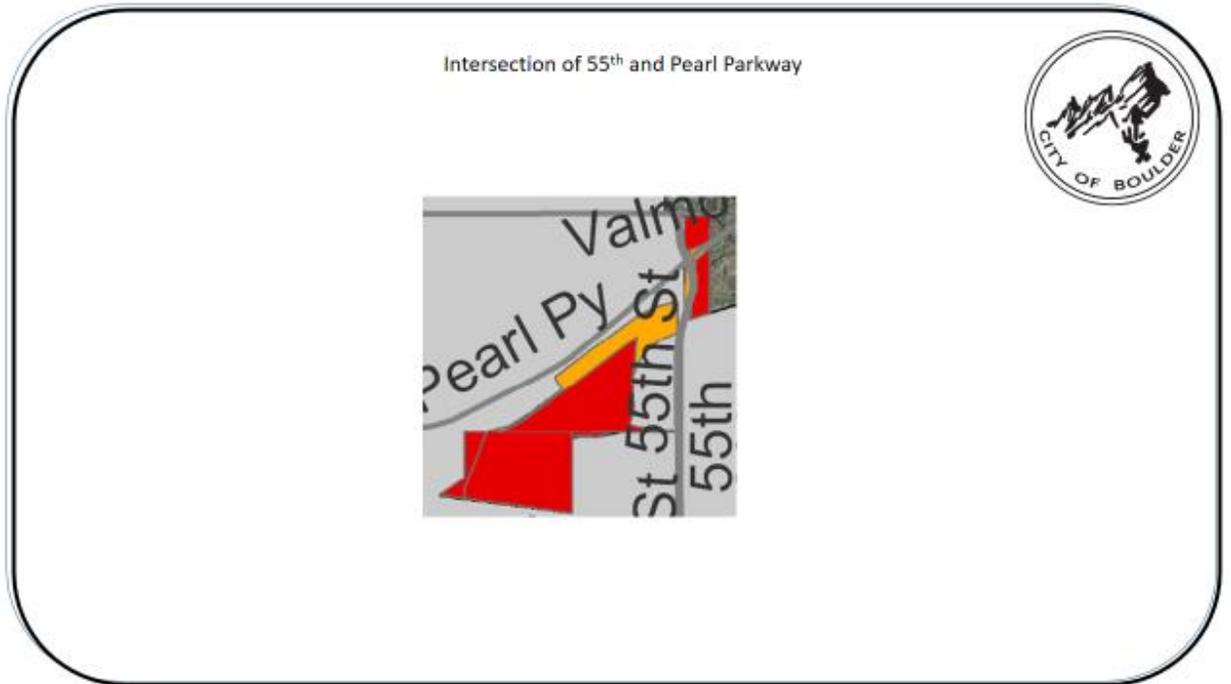
This open space property includes the city's Sunshine Hydro Facility. OSMP has requested that all of the property shown be included in this annexation. The result is that an enclave will be created around the Knollwood subdivision three years after the annexation.

4.



Right-of-way and drainage areas around Flatirons Park. This area contains electric service.

5.



This area includes parcels that were not annexed as adjacent development occurred. Some are managed by OSMP and others by Transportation. The area has electrical service.

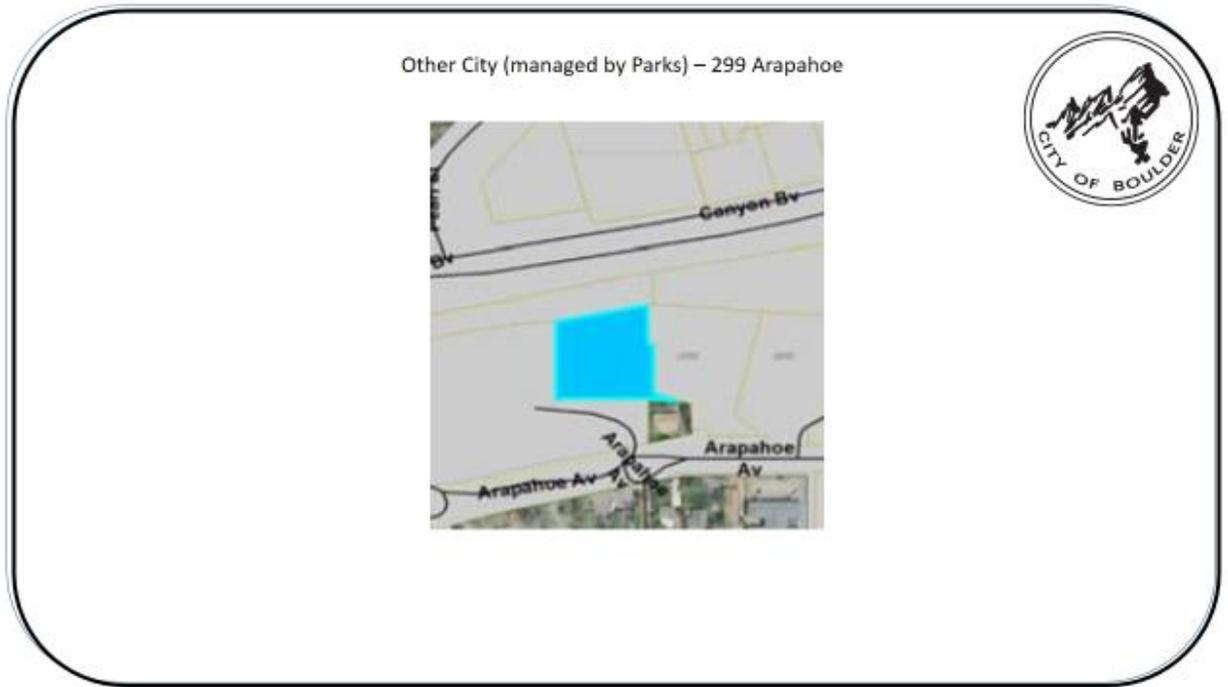
6.



This parcel was recently purchased by OSBT and contains a structure with electrical service. The small corner parcel is owned by the county. The county wants the

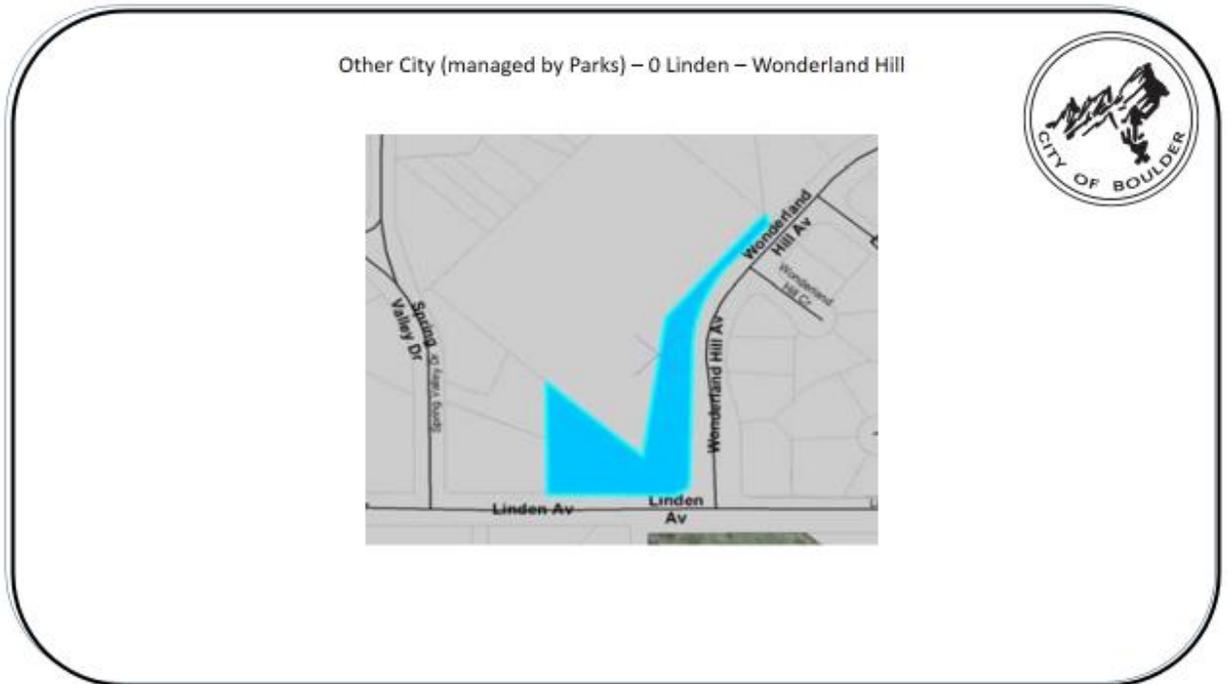
parcel annexed and probably will deed it to the city.

7.



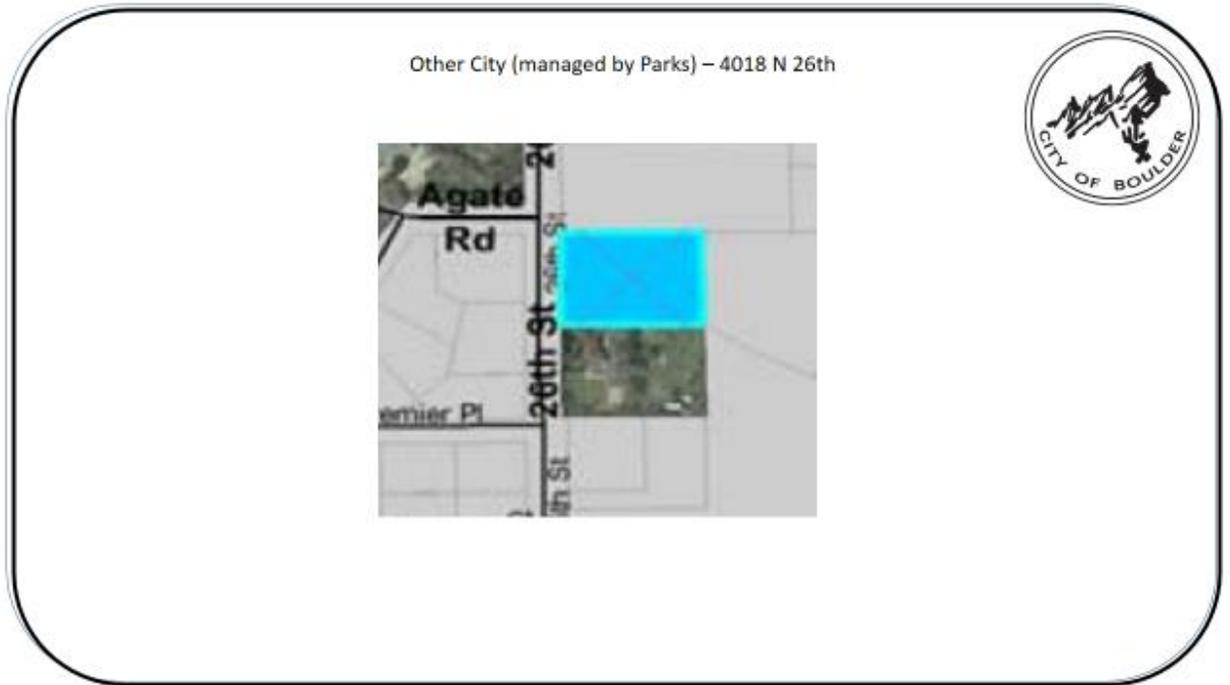
This parcel was purchased for flood purposes and shows it has electrical service. However, the main structure no longer exists.

8.



This parcel is mainly drainage areas for the Spring Valley subdivision. It does include electrical service and a primary transformer is located in the area.

9.



This area was purchased for flood control purposes and shows electrical service on the site.

10.



Transportation – Baseline @ Cherryvale (ROW)



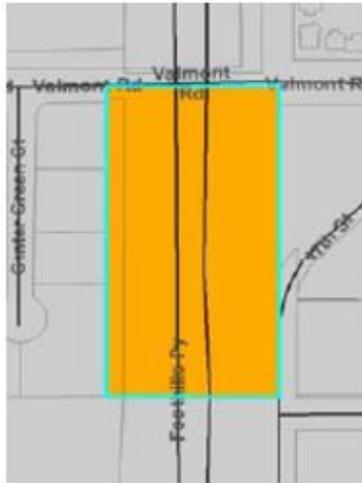
The parcel on the top is the Cherryvale Pump Station and does have electric service. The map on the bottom shows the right-of-way for contiguity to the Pump Station.

11.

Transportation – 0 47th, 3445 47th, 47th (ROW) Foothills



Transportation – Foothills & Valmont



Transportation – Foothills & Arapahoe



This right-of-way along Foothills Parkway between the Diagonal and Arapahoe has not been previously annexed and does contain electric facilities.

Transportation – Table Mesa (ROW) @ S. Loop



ROW that is not annexed at Table Mesa near Tantra. This parcel shows electrical service in the area.

13.

Other City – 2361 Iris – Elmer's Two Mile Park





This is Elmer's Two-Mile Park. While the portion owned by the city does not currently have electrical service, the Xcel gas facility located in the upper left corner does. The small parcel depicted is the only private property included in this annexation.

The properties to be annexed are currently managed by the city either through OSMP, Parks, Public Works, or Transportation departments so there will be no additional cost to the city for maintenance. Having clear boundaries will assist emergency responders and police enforcement.

ANALYSIS

1. Is the proposed annexation consistent with the state statutes pertaining to the annexation of a property into the City of Boulder?

Annexations must comply with the Municipal Annexation Act of 1965, section 31-12-101, et. seq., C.R.S. All of the city-owned properties have at least 1/6 contiguity to the existing city boundaries except for the Cherryvale Pump Station. The proposed annexation includes the right-of-way necessary to obtain that contiguity. Property owned by the city can be annexed without notice or hearing. Section 31-12-106(3), C.R.S. Enclaves can be annexed without a hearing, but published notice must be provided once a week for four weeks with the first publication at least 30 days before the adoption of the ordinance. Section 31-12-106(1), C.R.S. Notice has been published of the Elmer's Two-Mile Park annexation because of the 20'x30' portion of the park owned by Xcel.

2. Is the proposed annexation consistent with the Boulder Valley Comprehensive Plan?

Land Use Designation. The proposed zoning on all the properties is consistent with the BVCP land use designations.

BVCP Policies

Annexation of land must be consistent with the following policy:

1.24 Annexation. The applicable policies (a, b, c and e) in regard to annexation to be pursued by the city are:

a) Annexation will be required before adequate facilities and services are furnished.

City services will be available to the subject properties with annexation.

b) The city will actively pursue annexation of county enclaves, Area II properties along the western boundary, and other fully developed Area II properties. County enclave means an unincorporated area of land entirely contained within the outer boundary of the city. Terms of annexation will be based on the amount of development potential as described in (c), (d), and (e) of this policy.

These properties are either part of an existing county enclave or in fully developed Area II neighborhoods, thus annexation of the properties would further this policy.

The OSMP properties on the south and west sides are anticipated to remain in Area III-Rural Preservation with less than a full range of urban services, and annexation is consistent with subsection (g) of Policy 1.24:

g) Publicly owned property located in Area III and intended to remain in Area III may be annexed to the city if the property requires less than a full range of urban services or requires inclusion under city jurisdiction for health, welfare, and safety reasons.

PUBLIC COMMENT AND PROCESS

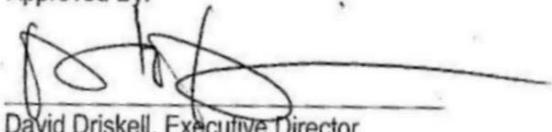
Council will hold a public hearing on the annexation at second reading on August 16, 2016. Notice of the annexation of Elmer's Two-Mile Park as an enclave has been published as required.

STAFF FINDINGS AND RECOMMENDATION

1. Staff finds the proposed annexations to be consistent with State statutes.
2. Staff finds the proposed annexations to be consistent with the BVCP.
3. Staff finds the application for initial zoning of Public for each property to be consistent with the BVCP Land Use Map.

Planning Board recommend to City Council approval of the proposed annexations of the city-owned parcels and Elmer's Two-Mile Park enclave as shown on the map attached with zoning of Public (P).

Approved By:



David Driskell, Executive Director
Department of Community Planning and Sustainability

ATTACHMENT A:

O cr "qh'ek{/qy pgf 'r ctegn'vq'dg"cppgzgf 0

ATTACHMENT A

