AGENDA TITLE:
Public hearing and Planning Board recommendation on a request for Annexation and Initial Zoning of Residential Estate (RE) for an approximately 38,223 square-foot (0.88 acre) enclave located at 2220 Norwood Avenue in Boulder County (case no. LUR2017-00048).

Applicant/Owner: Allyn Feinberg, Trustee / The Hansson Family Trust

REQUESTING DEPARTMENT:
Planning, Housing & Sustainability
Jim Robertson, Director
Charles Ferro, Development Review Manager
Shannon Moeller, Planner II

OBJECTIVE:
1. Hear staff and applicant presentations
2. Hold public hearing
3. Planning Board discussion
4. Planning Board recommendation to City Council on the Annexation and Initial Zoning of Residential Estate (RE)

SUMMARY:
Proposal: ANNEXATION AND INITIAL ZONING: Request to annex a 38,223 square-foot (0.88 acre) enclave at 2220 Norwood into the City of Boulder with an initial zoning of Residential Estate (RE), consistent with the Boulder Valley Comprehensive Plan (case no. LUR2017-00048). The site is in Area II and is eligible for annexation. Further development potential exists on the property.

Project Name: 2220 Norwood Annexation
Location: 2220 Norwood
Size of Property: 38,223 square feet
Zoning: Existing: RR, Rural Residential (County zoning)
Proposed: RE, Residential Estate
Comprehensive Plan: VLR (Very Low Density Residential)

KEY ISSUES:
1. Does the annexation petition comply with applicable state annexation statutes?
2. Is the proposal consistent with city’s annexation and other Boulder Valley Comprehensive Plan (BVCP) policies?
3. Is the initial zoning of RE appropriate for the subject property?
I. INTRODUCTION AND BACKGROUND

PROCESS:

Land may be considered for annexation into the city, if it is found that the annexation complies with state annexation statutes and the policies of the BVCP. The Comprehensive Plan states that properties in Planning Area II may annexed if consistent with the availability of adequate facilities and services. If a property is annexed, zoning will be established according to the land use designation in the BVCP Land Use Map. The city’s annexation policies are located within the 2015 BVCP Policy 1.16. An annexation agreement is required which establishes the terms and conditions of the annexation. Standard terms and conditions, such as right-of-way dedication requirements, affordable housing contributions, and fees, are established through city codes and policies. Annexations involve at least two public hearings. The first is conducted by the Planning Board, who will make a recommendation to the City Council whether or not the annexation should be approved, and the terms, conditions and zoning that should be applied. The City Council then holds a second public hearing before making their determination.

BACKGROUND:

Existing Site / Site Context
As seen in Figure 1, the site is located south of Norwood Ave and east of 21st Street, within the North Boulder Subcommunity and the Carolyn Heights neighborhood. It is a developed property with an existing single-family home, two accessory structures, and access to Norwood Avenue. Surrounding properties generally include single-family detached homes to the west, south, and east. Immediately to the north across Norwood Avenue is Centennial Middle School. The home is connected to city sewer, but not city water.

As seen in Figure 2, the property is an enclave in Planning Area II entirely surrounded by properties within Boulder city limits (Planning Area I). Area II is described as “now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.07 Adapting to Limits on Physical Expansion, 1.09 Growth Requirements and 1.16 Annexation. New urban development may only occur coincident with the availability of adequate facilities and services and not otherwise.”
After dedication of 30' of right-of-way for Norwood Avenue, the developable area of the property would be 38,223 square-feet.

As seen in Figure 3, the Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is VLR (Very Low Density Residential), which is described as “two units or less per acre.” Most surrounding residential properties share the VLR land use designation. Properties to the east are designated LR, Low Density Residential; the middle school property is designated Public.

The applicant has proposed annexation with an initial zoning designation of RE, Residential - Estate. RE zoning is defined in 9-5-2(c)(1)(A), B.R.C. 1981 as “single-family detached residential dwelling units at low to very low residential densities.” As seen in Figure 4, properties to the east and west are also zoned RE; properties to the south are zoned RR-1, Residential – Rural 1, and the middle school property to the north is zoned P, Public.

The property is within the boundaries of the North Boulder Subcommunity Plan. New buildings will be subject to design guidelines in support of the plan’s Development Guidelines for All Neighborhoods (refer to Attachment C, Annexation Agreement).

**Project Description**

The applicant is requesting annexation into the City of Boulder with Residential – Estate (RE) zoning. Additional development potential exists under the proposed zoning, which could allow development of one additional single-family detached dwelling unit, for a total of two single-family detached dwelling units on the property.

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**II. KEY ISSUES ANALYSIS**

1. Does the annexation petition comply with applicable state annexation statutes?
Annexations must comply with Colorado Revised Statutes (C.R.S.) 31-12-101 et seq. Staff has reviewed the annexation petition for compliance with C.R.S. 31-12-104 and C.R.S. 31-12-105, and finds that the application is consistent with those sections, as affirmed by the criteria below:

- Landowners of more than 50% of the area have petitioned to annex. The landowner is The Hansson Family Trust and the trustee has signed the petition.
- The annexation petition has been filed with the City Clerk of the City of Boulder.
- There is a community interest between the property proposed for annexation and the City of Boulder. The city actively pursues annexation of county enclaves and a community interest in annexation is presumed. The annexation will also allow for connection to the city’s water system.
- The subject property does not include any area included in another annexation proceeding involving a city other than the City of Boulder.
- The annexation would not remove the property from one school district and add it to another.
- The property has, at least, one-sixth contiguity with the perimeter of the City of Boulder. The property is an enclave and has 100% contiguity with the city.
- The annexation would not have the effect of extending the City of Boulder’s boundaries any further than three miles from any point of the existing city boundaries in any one year. The annexation is internal to the city and will not change the outer extents of the city boundaries.

2. **Is the proposal consistent with city’s annexation and other Boulder Valley Comprehensive Plan (BVCP) policies?**

BVCP Annexation Policy 1.16 (b) states that city will actively pursue annexation of county enclaves. The subject property is a county enclave surrounded by developed properties within city limits.

BVCP Annexation Policy 1.16 (e) states that annexation of developed properties that allow for additional residential units must demonstrate community benefit commensurate with their impacts and encourages annexations that resolve an issue of public health without creating additional development impacts.

The annexation will allow connection to the city’s water system and will provide a critical public health benefit by providing safe and quality drinking water and reducing the public health threat that can occur from a failing system. The proposal will also provide for community benefit by contributing two times the Inclusionary Housing cash-in-lieu amount for any new dwelling unit on the property in accordance with the city’s annexation guidelines for mostly developed residential properties in Area II. The petitioners have agreed to this condition of annexation as part of the Annexation Agreement (Attachment C).

Staff analyzed the request under both the 2010 and 2015 BVCP and finds the request to annex is consistent with the following policies (policy numbers in this document refer to the 2015 BVCP):

1.07 Adapting to Limits on Physical Expansion  
1.09 Growth Requirements  
1.12 Definition of Comprehensive Planning Areas I, II and III  
1.16 Annexation  
1.21 Channeling Development to Areas with Adequate Infrastructure  
2.03 Compact Development Pattern

A summary of the proposal’s consistency with both the 2010 and 2015 BVCP policies is in Attachment D.

3. **Is the initial zoning of RE appropriate for the subject property?**
Initial zoning must be consistent with the BVCP and Section 9-2-18, Zoning of Annexed Land, B.R.C. 1981. The proposed zoning (RE) is defined in section 9-5-2(c)(1)(A), B.R.C. 1981 as “Single-family detached residential dwelling units at low to very low residential densities.” Properties to the east and west are also zoned RE; properties to the south are zoned RR-1, Residential – Rural 1, and the middle school to the north is zoned P, Public.

Under the proposed RE zoning, additional development potential exists on the site. In the RE zone, density is controlled by requiring a minimum lot size of 15,000 square feet in accordance with Table 8-1 “Intensity Standards”, B.R.C. 1981. The property could reasonably be subdivided into two lots and developed with one additional single-family home, for a total of two single-family homes once annexed. Subdivisions are subject to the standards of Chapter 12, “Subdivision”, B.R.C. 1981 and subject to Planning Board call-up.

Staff finds that the requested RE zoning for the property is appropriate and consistent with neighboring lots within the city. The proposed zoning is also consistent with the underlying BVCP land use designation of Very Low Density Residential, and therefore, is an appropriate zoning district for the site.

### III. PUBLIC COMMENT AND PROCESS

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject property and a sign posted on the property for at least 10 days prior to the public hearing. All notice requirements of Section 9-4-3, B.R.C. 1981 have been met. Public comments are attached as Attachment F.

### IV. PLANNING BOARD ACTION

**STAFF FINDINGS AND RECOMMENDATION:**

1. Staff finds the proposed annexation to be consistent with state statutes.
2. Staff finds the proposed annexation to be consistent with the BVCP and the city’s annexation policies.
3. Staff finds the application for initial zoning of 2220 Norwood Avenue to Residential Estate (RE) is consistent with the Boulder Valley Comprehensive Plan land use designation of Very Low Density Residential and is compatible with surrounding properties.

Therefore, staff recommends that Planning Board adopt the following Motion:

> Motion to recommend to City Council approval of the proposed annexation with initial zoning of Residential Estate (RE) pertaining to request No. LUR2017-00048, incorporating this staff memorandum as findings of fact, subject to the recommended conditions of approval for the annexation as provided for in the annexation agreement in Attachment C.

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**Approved By:**

[Signature]

Jim Robertson, Planning Director
Department of Planning, Housing + Sustainability
ATTACHMENTS:
A. Annexation Map
B. Applicant’s Annexation Petition
C. Annexation Agreement
D. Key BVCP Policies
E. DRC Comments
F. Public Comments
ANNEXATION PETITION
Submit with your application.

Annexation Information
Location of property to be annexed: 2220 NORWOOD AVE, BOULDER, CO 80304
Legal Description: SEE ATTACHED
Size of property: 36,223 ft² Requested Zoning: RE

Impact Report
If the area proposed for annexation is more than ten acres in size, an annexation impact report as required by state law (31-12-105.5, C.R.S.) must be submitted to the Planning Department prior to the first reading of the ordinance annexing the subject property by City Council. The Board of County Commissioners may waive this requirement. If so, a letter from the Board must be submitted to the Planning Department.

Districts
Please check those districts in which the property proposed for annexation is included:

- Boulder Valley School District
- St. Vrain School District
- Boulder Rural fire District
- Rocky Mountain Fire District
- Left Hand Water District
- Other (list)

Property Owners
List below all owners or lienholders of the property proposed for annexation (please print):
1. THE HANSSON FAMILY TRUST
2. 
3. 
4. 

NORTHERN COLORADO WATER CONSERVATION DISTRICT - MUNICIPAL SUBDISTRICT
<table>
<thead>
<tr>
<th>Signature of petitioner requesting annexation of property to the city of Boulder, Colorado</th>
<th>Date of signature of each petitioner</th>
<th>Mailing address of each petitioner</th>
<th>Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trustee -- The Hansson Family Trust</td>
<td>8/1/17</td>
<td>335 17th St. Boulder CO 80302</td>
<td>See attached</td>
</tr>
</tbody>
</table>
CIRCULATOR’S AFFIDAVIT

STATE OF COLORADO )
COUNTY OF BOULDER )  ss.

ALLYN S. FEINBERG

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

ALLYN S. FEINBERG

Circulator

Subscribed and sworn to before me this 1st day of August, A.D. 2017.


Notary Public

CIRCULATOR’S AFFIDAVIT

STATE OF COLORADO )
COUNTY OF BOULDER )  ss.

ALLYN S. FEINBERG

being first duly sworn, upon oath deposes and says that she/he was the circulator of the above and foregoing petition and that the signatures on said petition are the signatures of the persons whose names they purport to be.

ALLYN S. FEINBERG

Circulator

Subscribed and sworn to before me this 1st day of August, A.D. 2017.

ANNEXATION AGREEMENT

THIS AGREEMENT, made this _____ day of ______________, 2017, by and between the City of Boulder, a Colorado home rule city, hereinafter referred to as "City," and The Hansson Family Trust, hereinafter referred to as "Applicant."

RECITALS

A. The Applicant is the owner of the real property generally described as 2220 Norwood Avenue and more particularly described on Exhibit A attached hereto and incorporated herein (the "Property").

B. The Applicant is interested in obtaining approval from the City of a request for the annexation of the Property with an initial zoning designation of Residential – Estate (RE).

C. The City is interested in insuring that certain terms and conditions of annexation be met by the Applicant in order to protect the public health, safety and welfare and prevent the placement of an unreasonable burden on the physical, social, economic, or environmental resources of the City.

NOW, THEREFORE, in consideration of the recitals, promises and covenants herein set forth and other good and valuable consideration herein receipted for, the parties agree as follows:

COVENANTS

1. Requirements Prior to First Reading. Prior to the first reading of the annexation ordinance before City Council, the Applicant shall:

   a) Sign this Agreement.

   b) Provide to the City an updated title commitment current within 30 days of the date of the first reading of the annexation ordinance.

   c) Pay the following to the City:

      i) Plant Investment Fees (PIF’s)
         Stormwater $2.23/square foot of impervious area
         Existing Impervious Area: 4,580 sq:
         $10,213.40
ii) **Housing Excise Tax**  
$0.23$/square foot x 2,237 square feet:  
$514.51$

iii) **Norwood Improvement District**  
2 shares x $2,500/share:  
$5,000.00$

**Total Due Prior to First Reading**  
$15,727.91$

d) Execute the following documents, at no cost to the City, the final forms of which are subject to approval of the City Manager:

   i) A deed of dedication substantially in the form attached hereto and incorporated herein as **Exhibit B** conveying to the City, in fee and clear of monetary liens and encumbrances, the 30-foot wide portion of property being that portion of the right-of-way for Norwood Avenue as generally shown on **Exhibit B** attached hereto and incorporated herein.

   ii) An option to purchase SLD&RC Shares associated with Parcel No. 114 substantially in the form shown on **Exhibit C** attached hereto.

   e) Sign and file a petition for inclusion in the Northern Colorado Water Conservancy District – Boulder Municipal Subdistrict, and pay all applicable fees on land and improvements for inclusion in such subdistrict.

   f) Provide a written description of any nonconforming uses and/or nonstandard buildings existing on the Property, if any.

2. **Water Connection Requirements.** Within 180 days of the effective date of the annexation ordinance, any existing structures on the Property required to be connected to the water utility under the Boulder Revised Code or this Agreement shall be connected to the City’s water utility or be demolished. If the Applicant connects any existing structures on the Property, then the Applicant agrees to perform the following:

   a) Submit an application that meets the requirements of Chapter 11-1, “Water Utility,” B.R.C. 1981, and obtain City approval to connect to the City’s water utility.

   b) Pay all applicable fees and charges associated with a service line connection to the City’s water utility, including, but not limited to, the following:
i) Pay the then applicable Water Plant Investment fee.
ii) Pay all applicable water utility connection and inspection fees.

c) construct the individual service lines to the Property and connect the existing structures to the City’s water utility.

3. **Existing Wells.** The City agrees that it will not prohibit the Applicant from using existing wells for irrigation purposes, even if served by the City water utility. Under no circumstances may existing wells be used for domestic water purposes once the Applicant has connected to city water utility. No person shall make any cross connections to the City’s municipal water supply system from any well on the Property.

4. **Historic Drainage.** The Applicant agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.

5. **Ditch Company Approval.** If the Property is abutting or crossed by an existing irrigation ditch or lateral, the Applicant agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.

6. **Existing Nonstandard Buildings and/or Nonconforming Uses.** The only nonconforming uses and nonstandard buildings and structures on the Property that will be recognized by the City and allowed to continue to exist are those that are included as Exhibit D attached hereto and incorporated herein. Section 9-10-3, “Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses,” B.R.C. 1981, applies to changes to nonstandard buildings and nonconforming uses.

7. **New Construction.** All new construction commenced on the Property after annexation shall comply with all City of Boulder laws, taxes, and fees, except as modified by this Agreement.

8. **Waiver of Vested Rights.** The Applicant waives any vested property rights that may have arisen under Boulder County jurisdiction. This Agreement shall replace any such rights that may have arisen under Boulder County jurisdiction. The Applicant acknowledges that nothing contained herein may be construed as a waiver of the City’s police powers or the power to zone and regulate land uses for the benefit of the general public.
9. **Dedications.** The Applicant acknowledges that any dedications and public improvements required herein with this annexation are rationally related and reasonably proportionate to the impact of the development of the Property as set forth in this Agreement.

10. **Original Instruments.** Prior to the first reading of the annexation ordinance, the Applicant shall provide an original of this Agreement signed by the Applicant, along with any instruments required in this Agreement. The City agrees to hold such documents until after final legislative action on the annexation of this Property has occurred. Final legislative action by the City Council shall constitute acceptance of such documents by the City. In the event that the City does not annex the Property, the City agrees that it will return all such original document to the Applicant. The Applicant agrees that it will not encumber or in any way take any action that compromises the quality of such documents while they are being held by the City.

11. **No Encumbrances.** The Applicant agrees that between the time of signing this Agreement and the time when final legislative action on the annexation of this Property has occurred, the Applicant shall neither convey ownership nor further encumber the Applicant’s Property, without the express approval from the City. Prior to the recording of this Agreement with the Boulder County Clerk and Recorder, Applicant agrees not to execute transactional documents encumbering the Property or otherwise affecting title to the Property without first notifying the City and submitting revised title work within five (5) working days of any such transaction.

12. **Breach of Agreement.** In the event that the Applicant breaches or fails to perform any required action under or fails to pay any fee specified under this Agreement, the Applicant acknowledges that the City may take all reasonable actions to cure the breach, including but not limited to, the filing of an action for specific performance of the obligations herein described. In the event the Applicant fails to pay any monies due under this Agreement or fails to perform any affirmative obligation hereunder, the Applicant agrees that the City may collect the monies due in the manner provided for in Section 2-2-12, B.R.C., 1981, as amended, as if the said monies were due and owing pursuant to a duly adopted ordinance of the City or the City may perform the obligation on behalf of the Applicant, and collect its costs in the manner herein provided. The Applicant agrees to waive any rights he may have under Section 31-20-105, C.R.S., based on the City’s lack of an enabling ordinance authorizing the collection of this specific debt, or acknowledges that the adopting of the annexation ordinance is such enabling ordinance.
13. **Failure to Annex.** This Agreement and any document executed pursuant hereto shall be null and void and of no consequence in the event that the Property is not annexed to the City.

14. **Future Interests.** This Agreement and the covenants set forth herein shall run with the land and be binding upon the Applicant, the Applicant’s successors and assigns and all persons who may hereafter acquire an interest in the Property, or any part thereof. If it shall be determined that this Agreement contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.

15. **Right to Withdraw.** The Applicant retains the right to withdraw from this Agreement up until the time that final legislative action has been taken on the ordinance that will cause the Property to be annexed into the City. The final legislative action will be the vote of the City Council after the final reading of the annexation ordinance. The Applicant’s right to withdraw shall terminate upon the City Council’s final legislative action approving the annexation. In the event that the Applicant withdraws from this Agreement in the manner described above, this Agreement shall be null and void and shall have no effect regarding the Applicant. The City agrees, within 30 days of a request by the Applicant after a withdrawal, to return all previously submitted fees, application, and easement and/or rights of way dedication documents which the Applicant submitted pursuant to this Agreement to the City.

16. **Cash-in-lieu of Providing Permanently Affordable Housing.** For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable unit consistent with the requirements of Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981, the Applicant shall pay twice the applicable cash-in-lieu amount as required per each market unit in that chapter to the City. The applicable cash-in-lieu amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable unit consistent with the requirements of Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981, and shall be twice the cash-in-lieu fee applicable at the time of issuance of the building permit. The parties acknowledge that the Property has the equivalent of one habitable dwelling unit on such Property at the time of annexation.

17. **Norwood Improvement District Assessment.** Ordinance No. 5876 established the Norwood Improvement District to construction and financing of transportation improvements benefitting properties included in the Norwood Improvement District. As an unannexed property, the Property could not be assessed at the time the assessment ordinance, Ordinance No. 6052, went into effect. However, Ordinance No. 5876 requires that a condition of a future annexation of the Property be payment of an assessment of $5,000.00 plus interest compounded at
an annual rate of eight percent starting thirty days after the date of the final assessment ordinance. The parties agree that, as a condition of this annexation, the Applicant pay $5,000.00 identified in Paragraph 1.c. above, but that the interest accrued on the $5,000.00 assessment will be waived. Payment of the $5,000.00 assessment shall satisfy the payment requirements established in Ordinance No. 5876.

18. **Zoning.** The Property shall be annexed to the City with a “Residential - Estate” (RE) zoning classification, and except as set forth herein, shall be subject to all of the rights and restrictions associated with that zoning.

19. **Design Guidelines.** The Applicant agrees that the following design guidelines will apply to any new buildings constructed on the Property:

   a) Primary front entryways and front yards shall face the street.

   b) Garages shall be alley loaded where an alley is existing or proposed. Where alleys do not exist or are not planned, structures shall be designed so that garage doors do not dominate the front façade of the building. Garage doors shall be set back a minimum of 20 feet from the principal building plane.

EXECUTED on the day and year first above written.

THE HANSSON FAMILY TRUST

By: __________________________________________
   Allyn S. Feinberg, Trustee

STATE OF COLORADO )

) ss.

COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this _____ day of __________, 2017, by Allyn S. Feinberg, Trustee of The Hansson Family Trust.

Witness my hand and official seal.

My commission expires:________

[Seal]

________________________________________
Notary Public
City of Boulder, Colorado

By: __________________________
    Jane S. Brautigam, City Manager

Attest:

__________________________________
                                        City Clerk

Approved as to form:

__________________________________
                                        City Attorney’s Office

Date: ______________________________

Exhibits
Exhibit A  Legal Description of Property
Exhibit B  Deed of Dedication (30’ of right-of-way for Norwood Avenue)
Exhibit C  Option to Purchase (Portion of SLD Ditch Share)
Exhibit D  Exhibit of nonstandard structures
EXHIBIT A

ANNEXATION DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18 (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER), FROM WHENCE THE SOUTH QUARTER CORNER (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER) LIES S89°39'20"W, 2,661.72 FEET;

THENCE S89°39'20"W, 1,166.55 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 18 TO THE SOUTHWESTERLY CORNER OF THE PARCEL ANNEXED BY CITY OF BOULDER ORDINANCE NO. 5376, ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING S89°39'20"W 212.35 FEET ALONG SOUTHERLY LINE OF THE SOUTHEAST QUARTER TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND ANNEXED BY CITY OF BOULDER ORDINANCE NO. 4229;

THENCE N00°20'40"W, 180.00 FEET ALONG EASTERLY LINE OF SAID ANNEXED PARCEL TO THE SOUTHERLY RIGHT OF WAY LINE OF NORWOOD AVENUE (AS OF APRIL, 2017);

THENCE N89°39'20"E, 212.35 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWESTERLY CORNER OF THAT PARCEL OF LAND ANNEXED BY CITY OF BOULDER ORDINANCE NO. 5376;

THENCE S00°20'40"E, 180.00 FEET ALONG WESTERLY LINE OF SAID ANNEXED PARCEL TO THE POINT OF BEGINNING, CONTAINING 38,223 SQUARE FEET OR 0.88 ACRE, MORE OR LESS.

CERTIFICATION:

I, BO BAIZE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION ACCURATELY DESCRIBES THE AREA PROPOSED FOR ANNEXATION AS DEPICTED ON THE ANNEXATION MAP.
EXHIBIT B

For Administrative Purposes Only
Grantor: The Hansson Family Trust
Grantee: City of Boulder
Case#: LUR2017-00048

DEED OF DEDICATION
(Public Street)

The Hansson Family Trust, Grantor, for good and valuable consideration of LESS THAN FIVE HUNDRED DOLLARS, the receipt of which is hereby acknowledged, does hereby dedicate, transfer, grant, sell and convey to the CITY OF BOULDER, a Colorado home rule city, Grantee, whose legal address is 1777 Broadway, Boulder, Colorado 80302, for public use forever, as a public street right-of-way, that certain real property situated in Boulder, County, Colorado described on Exhibit A attached hereto and incorporated herein by reference, together with all use, rights and privileges as are necessary and incidental to the reasonable and proper use of same.

Grantor, for itself and its successors and assigns, does hereby covenant and agree that public use of such right-of-way shall not be obstructed or interfered with.

Grantor warrants its ability to grant and convey the subject real property.

The terms of this Deed of Dedication shall be binding upon Grantor and its successors and assigns, and all other successors to themselves in interest and shall continue as a servitude running in perpetuity with the property described above.

IN WITNESS WHEREOF, the grantor has executed this deed this ___ day of ________________, 2017.

GRANTOR:
The Hansson Family Trust

By: __________________________
Name: Allyn S. Feinberg
Title: Trustee

STATE OF COLORADO )
) ss.
COUNTY OF BOULDER )

The foregoing instrument was acknowledged before me this ___ day of ________________, 2017, by Allyn S. Feinberg as Trustee of The Hansson Family Trust.

Witness my hand and official seal.

My commission expires: __________________________

__________________________________________
Notary Public
EXHIBIT A

DEDICATION DESCRIPTION:

THE NORTHERLY 30 FEET OF THAT PROPERTY DESCRIBED IN DEED RECORDED 02/20/2003 AT RECEPTION NO. 2398832 IN THE RECORDS OF BOULDER COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18 (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER), FROM WHENCE THE SOUTH QUARTER CORNER (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER) LIES S89°39'20"W, 2,661.72 FEET (BASIS OF BEARINGS);

THENCE S89°39'20"W, 1,166.55 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 18 TO THE SOUTHEASTERLY CORNER OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2398832 AS MONUMENTED BY A 1" PLASTIC CAP, PLS 37990;

THENCE N00°20'40"W, 180.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF NORWOOD AVENUE AS MONUMENTED BY A 1.5" ALUMINUM CAP, PLS 22576, BEING THE POINT OF BEGINNING;

THENCE S89°39'20"W, 212.35 FEET ALONG SAID SOUTHERLY RIGHT OF WAY TO A POINT ON THE WESTERLY PROPERTY LINE OF SAID PROPERTY DESCRIBED AT RECEPTION NO. 2398832 AS MONUMENTED BY A #5 REBAR;

THENCE N00°20'40"W, 30.00 FEET;

THENCE N89°39'20"E, 212.35 FEET;

THENCE S00°20'40"E, 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,371 SQUARE FEET, MORE OR LESS.

DESCRIPTION BY:
BO BAIZE, COLORADO PLS 37990
FOR AND ON BEHALF OF HURST & ASSOCIATES, INC.

RIGHT OF WAY DEDICATION
2220 NORWOOD AVENUE
EXHIBIT C

OPTION TO PURCHASE
SLD&RC SHARE ASSOCIATED WITH
VOLUNTARILY ANNEXED SLD IRRIGATED PROPERTY
PARCEL NO. 114, 2220 Norwood Avenue

The Hansson Family Trust, as Property Owner of Silver Lake Ditch ("SLD") Irrigated Property Parcel No. 114, 2220 Norwood Avenue, Boulder, Colorado, legally described on Exhibit A attached hereto and incorporated by reference herein, does provide this Option to Purchase to the City of Boulder, Colorado, a home rule city of the State of Colorado ("City"), in accordance with the terms of Section II, Voluntary Annexation, of the Settlement Agreement of December 1, 2009 between the City and The Silver Lake Ditch & Reservoir Company ("SLD&RC"), recorded at Reception No. 03046201 in Boulder County, Colorado ("Settlement Agreement"), this ______ day of ________________, 2017, as follows:

1. The City shall have the Option to Purchase 1.25 SLD&RC Shares associated with SLD Irrigated Property Parcel No. 114, along with the rights, and only the rights, represented by such SLD&RC Shares to receive a certain amount of water from the Reserved Storage Rights.

2. The City shall have the right to exercise this Option to Purchase within 60 calendar days immediately after receiving a Transfer Notice from SLD&RC of a Non-Nuclear Transfer ("Initial Option Exercise Period") or confirmation of a Non-Nuclear Transfer through means other than receipt of a Transfer Notice from SLD&RC ("Alternative Initial Option Exercise Period"), as the case may be, in accordance with the terms of the Settlement Agreement.

3. If the City determines not to exercise the Option to Purchase during the Initial Option Exercise Period or Alternative Initial Option Exercise Period, as the case may be, the City may subsequently exercise this Option to Purchase within 60 days immediately following each annual anniversary of receipt by the City of the Transfer Notice from SLD&RC or of the City’s receipt of confirmation of a Non-Nuclear Transfer of SLD Irrigated Property through means other than a Transfer Notice from SLD&RC.

4. This Option to Purchase shall be recorded with the Boulder County Clerk and Recorder.

5. If the City does exercise this Option to Purchase, the then current owner(s) of the SLD Irrigated Property may lease water to the extent such lease is authorized in paragraph 6.B.viii of the Settlement Agreement.
The Parcel is currently known as 2220 Norwood Avenue. This Option to Purchase shall run with the land associated with SLD Irrigated Property Parcel No. 114 regardless of any change of address of all or part of the Parcel. All capitalized terms herein shall be defined as provided in the Settlement Agreement.

IN WITNESS WHEREOF, Property Owner has caused this instrument to be duly executed as of this _____ day of ________________, 2017.

PROPERTY OWNER

The Hansson Family Trust

By:__________________________

Allyn Feinberg, Trustee

STATE OF COLORADO  

) ss.

COUNTY OF BOULDER  

The above and foregoing instrument was subscribed and sworn to before me this _____ day of ________________, 2017, by Allyn Feinberg as Trustee of The Hansson Family Trust.

Witness my hand and official seal.

My commission expires:______________

______________________________

Notary Public
ANNEXATION DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 18 (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER), FROM WHENCE THE SOUTH QUARTER CORNER (2.5" ALUMINUM CAP IN RANGE BOX, CITY OF BOULDER) LIES S89°39'20"W, 2,661.72 FEET;

THENCE S89°39'20"W, 1,166.55 FEET ALONG THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 18 TO THE SOUTHWESTERLY CORNER OF THE PARCEL ANNEXED BY CITY OF BOULDER ORDINANCE NO. 5376, ALSO BEING THE POINT OF BEGINNING;

THENCE CONTINUING S89°39'20"W 212.35 FEET ALONG SOUTHERLY LINE OF THE SOUTHEAST QUARTER TO THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND ANNEXED BY CITY OF BOULDER ORDINANCE NO. 4229;

THENCE N00°20'40"W, 180.00 FEET ALONG EASTERLY LINE OF SAID ANNEXED PARCEL TO THE SOUTHERLY RIGHT OF WAY LINE OF NORWOOD AVENUE (AS OF APRIL, 2017);

THENCE N89°39'20"E, 212.35 FEET ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE NORTHWESTERLY CORNER OF THAT PARCEL OF LAND ANNEXED BY CITY OF BOULDER ORDINANCE NO. 5376;

THENCE S00°20'40"E, 180.00 FEET ALONG WESTERLY LINE OF SAID ANNEXED PARCEL TO THE POINT OF BEGINNING, CONTAINING 38,223 SQUARE FEET OR 0.88 ACRE, MORE OR LESS.

CERTIFICATION:

I, BO BAIZE, A DULY REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION ACCURATELY DESCRIBES THE AREA PROPOSED FOR ANNEXATION AS DEPICTED ON THE ANNEXATION MAP.
EXHIBIT D

Description of Nonstandard Structures (2220 Norwood Av)

- Existing principal structure is located at a 24.8’ front setback, where a minimum 25’ front setback to principal structures is required pursuant to Residential - Estate (RE) zoning.

- Existing 16’ x 20’ accessory structure is located at a 52.6’ front setback, where a minimum 55’ front setback is required to accessory structures per Residential – Estate (RE) zoning.

- Existing 8’ x 8’ accessory structure is located at a 2’ rear setback, where a minimum 3’ rear setback is required to accessory structures per Residential – Estate (RE) zoning in the absence of a recorded maintenance easement.

[A map of these structures in on the following page]
Exhibit D - Existing Nonstandard Structures

Box above approximates the property boundaries of 2220 Norwood Ave. Circles indicate non-standard buildings: House and two accessory structures.
Key 2015 and 2010 BVCP Policies

2015 BVCP

1.07 Adapting to Limits on Physical Expansion
As the community expands to its planned physical boundaries, the city and county will increasingly emphasize preservation and enhancement of the physical, social and economic assets of the community. Cooperative efforts and resources will be focused on maintaining and improving the quality of life within defined physical boundaries, with only limited expansion of the city.

The proposed annexation focuses the resource of city water services to an enclave property within the internal physical boundaries of the city and does not require expansion to the city’s outer boundaries.

1.09 Growth Requirements
The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment to provide significant community benefits, achieve sustainability goals for urban form and to maintain or improve environmental quality as a precondition for further housing and community growth.

1.12 Definition of Comprehensive Planning Areas I, II & III
The Boulder Valley Planning Area is divided into three major areas:
- Area I is the area within the City of Boulder that has adequate urban facilities and services and is expected to continue to accommodate urban development.
- Area II is the area now under county jurisdiction where annexation to the city can be considered consistent with policies - 1.07 Adapting to Limits on Physical Expansion, 1.09 Growth Requirements and 1.16 Annexation. New urban development may

2010 BVCP

1.16 Adapting to Limits on Physical Expansion
As the community expands to its planned physical boundaries, the city and county will increasingly emphasize preservation and enhancement of the physical, social and economic assets of the community. Cooperative efforts and resources will be focused on maintaining and improving the quality of life within defined physical boundaries, with only limited expansion of the city.

1.18 Growth Requirements
The overall effect of urban growth must add significant value to the community, improving quality of life. The city will require development and redevelopment as a whole to provide significant community benefits, achieve sustainability goals for urban form, and to maintain or improve environmental quality as a precondition for further housing and community growth.

The proposal is for annexation of an enclave, which is actively pursued by the city and community benefit is presumed. The annexation will improve quality of life by providing the critical public health benefit of safe and quality drinking water. Additional community benefit will be provided through the contribution of two times the Inclusionary Housing cash-in-lieu amount for a new dwelling unit on the property.

1.20 Definition of Comprehensive Planning Areas I, II and III
The Boulder Valley Planning Area is divided into three major areas. 
Area I is that area within the City of Boulder, which has adequate urban facilities and services and is expected to continue to accommodate urban development. 
Area II is the area now under county jurisdiction, where annexation to the city can be considered consistent with policies 1.16 Adapting to Limits on Physical Expansion, 1.18 Growth Requirements, & 1.24 Annexation. New urban development may only occur coincident with
The proposal is located in Area II and adequate urban facilities and services are available to the site. Annexation can be considered consistent with policies 1.07 Adapting to Limits on Physical Expansion, 1.09 Growth Requirements, & 1.16 Annexation.

1.16 Annexation
The policies in regard to annexation to be pursued by the city are:

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

b. The city will actively pursue annexation of county enclaves, substantially developed properties along the western boundary below the Blue Line and other substantially 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. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city’s response and may require that the landowner conform to one or more of the city’s development standards so that any future annexation into the city will be consistent and compatible with the city’s requirements.

c. Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the availability of adequate facilities and services and not otherwise. Master plans project the provision of services to this area within the planning period. [Area III omitted as it is inapplicable.]

Annexation of the property will allow city water service to be provided.

1.24 Annexation
The policies in regard to annexation to be pursued by the city are:

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

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. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city’s response and may require that the landowner conform to one or more of the city’s development standards so that any future annexation into the city will be consistent and compatible with the city’s requirements.

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of...
the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.

The property is an enclave surrounded by land within the city boundary. Under the proposed RE zoning, additional development potential exists on the site. The applicant intends to subdivide the property and develop an additional detached residential home. A minimum of 15,000 square feet of lot area must be provided per dwelling unit in the RE zone per Table 8-1 “Intensity Standards”, B.R.C. 1981; the approximately 38,223 square-foot property could reasonably be subdivided and developed with one additional dwelling unit, for a total of two dwelling units.

d. In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation consideration, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city’s land use regulations, environmental preservation or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city’s land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

Annexations with development potential of one unit are subject to B.R.C.9-13 and the unit is required to contribute two times the Inclusionary Housing cash-in-lieu (CIL) amount at the time of building permit issuance. The 2017-18 estimated CIL for a home 1,200 sq. ft. or greater is $64,6082 ($32,304 *2).

e. Annexation of substantially developed properties that allow for some additional residential units or commercial square footage will be required to demonstrate community benefit.

Agenda Item 5C   Page 29 of 47
commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

Additional development potential exists on the site. The annexation will provide water service to the property. Water service provides a critical public health benefit by providing safe and quality drinking water to the property. The proposal will also provide for community benefit by contributing two times the Inclusionary Housing cash-in-lieu (CIL) amount, as described above.

f. There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

Not applicable; the property is within Comprehensive Planning Area II.

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.

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.

Not applicable; the property is privately owned and within Comprehensive Planning Area II.

h. The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, city, Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

Not applicable; the property is not within the Gunbarrel Subcommunity.
1.21 Channeling Development to Areas with Adequate Infrastructure
In order to protect and use past investments in capital improvements, new development and redevelopment will be located in areas where adequate public services and facilities presently exist or are planned to be provided under the city’s CIP.

The proposed annexation is an enclave surrounded by existing city services and facilities that are available to serve the site.

2.03 Compact Development Pattern
The city and county will, by implementing the comprehensive plan (as guided by the Land Use Designation Map and Planning Areas I, II, III Map), ensure that development will take place in an orderly fashion, take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Boulder Valley. The city prefers redevelopment and infill as compared to development in an expanded Service Area to prevent urban sprawl and create a compact community.

The proposed annexation takes advantage of existing urban services, will provide for infill development, and will allow for an orderly, contiguous development pattern.
DATE OF COMMENTS: July 28, 2017
CASE MANAGER: Shannon Moeller
PROJECT NAME: 2220 NORWOOD AVENUE ANNEXATION
LOCATION: 2220 NORWOOD AV
COORDINATES: N07W05
REVIEW TYPE: Annexation / Simple Single-family Residential
REVIEW NUMBER: LUR2017-00048
APPLICANT: Allyn Feinberg
DESCRIPTION: ANNEXATION AND INITIAL ZONING of a 0.88-acre property consistent with Colorado Revised Statutes with an initial zoning of Residential - Estate (RE). The purpose of the annexation request is to subdivide the property and connect to city utility services. The existing house would remain on one lot and one additional residential lot would be created.

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS: None requested.

I. REVIEW FINDINGS

Staff has evaluated the proposal for compliance with the criteria for annexation in section 9-2-17, Annexation Requirements, B.R.C. 1981 and for compliance with the Boulder Valley Comprehensive Plan, in particular BVCP Policy 1.24 Annexation.

Overall, staff finds that proposal will be consistent with these requirements, subject to conditions of annexation and some revisions to the submittal documents. Revisions are required as indicated in the ‘City Requirements’ comments below. Please address the comments herein and submit the following items with a Project Specialist:

- one (1) response to City Requirements comments
- one (1) original copy of revised Annexation Petition

The application deadline is 10:00 a.m. on the first and third Monday of each month to be included in the following review track. Staff is happy to meet with you to discuss these comments in detail at your convenience.

II. CITY REQUIREMENTS

Access/Circulation    David Thompson, 303-441-4417
In accordance with section 9-9-8(d)(2), B.R.C. 1981 and as a condition of annexation the applicant will be required to dedicate to the city a 30-foot right-of-way width for Norwood Avenue as shown on the Improvement Survey Plat.

Affordable Housing    Beth Roberts, 303 441-1828
Cash-in-lieu of Providing Permanently Affordable Housing: For each additional dwelling unit on the Property that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981, the Applicant shall pay twice the applicable cash-in-lieu amount as required per each market unit by Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981 to the City. This amount is payable prior to issuance of a building permit for each new dwelling unit that is not deed-restricted as a permanently affordable residence consistent with the requirements of Chapter 9-13, “Inclusionary Housing,” B.R.C. 1981.

Drainage    Scott Kuhna, 303-441-4071

Address: 2220 NORWOOD AV
As a condition of annexation, the applicant is required to convey drainage in an historic manner, which does not adversely affect neighboring properties.

**Fees**

1. Based on the application data supplied and the 2017 Schedule of Fees, the following fees will be due prior to the first reading of the annexation ordinance:

   **Plant Investment Fees (PIF’s) for New Multi-Family Residential**
   
   | Stormwater | $2.23/square foot of impervious area |
   | Existing Impervious Area: 4,580 square feet | $10,213.40 |

   **Housing Excise Tax**
   
   | $0.23/square foot x 2,237 square feet: | $514.51 |

   **The following assessment is for the Norwood Improvement District (Ordinance #5876):**

   Properties that abut Norwood Avenue and access directly to Norwood Avenue will be assessed 2 shares.

   2 shares x $2,500/share = $5,000.00

   **Total Due Prior to First Reading** $15,727.91

2. Per the 2017 Schedule of Fees, the following fees will be due prior to connection of the existing home to the city’s water system (the existing home already has a wastewater service connection):

   **Plant Investment Fees (PIF’s) for New Single-Family Residential**
   
   | Water | $12,432.00 |
   | Irrigation | $2.90/square foot of irrigation area |
   | (2,000 square foot minimum) |

3. Hourly billing fees do not apply to annexation requests.

**Fire Protection**  
David Lowrey, 303.441.4356  
No issues with this request.

**Irrigation Ditches**  
Scott Kuhna, 303-441-4071  
Prior to first reading of the annexation ordinance, the applicant shall sell and convey, or execute an agreement to sell and convey, to the City any interests in water or water rights associated with, or appurtenant to the Subject Property including any and all interests, be they contractual interests or otherwise.

**Legal Documents**  
Julia Chase, City Attorney’s Office, Ph. (303) 441-3052

1. Upon resubmittal, please provide a new Annexation Petition with the following:
   a. **Cover Sheet** will list the name of the owner as follows:
      
      The Hansson Family Trust
   b. **Signature page** for the petition:
      
      Allyn Sutherland Feinberg, Trustee of The Hansson Family Trust

2. Prior to the 1st Reading of the Annexation Ordinance, the applicant must sign the annexation agreement and provide an updated title commitment current within 30 days.

**Utilities**  
Scott Kuhna, 303-441-4071

Address: 2220 NORWOOD AV
1. As a condition of annexation, any existing structures requiring the use of a waste disposal system shall be connected to the city’s wastewater system in accordance with section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or the existing structures must be demolished.

2. As a condition of annexation, the applicant is required to abandon any existing septic system in accordance with Boulder County Health Department and State regulations.

3. Prior to 1st Reading of the Annexation Ordinance at City Council, a petition to join the Northern Colorado Water Conservation District (NCWCD) – Municipal Subdistrict must be filed with the NCWCD for the subject property and a copy of the application submitted to the city. Please contact Marilyn Conley with the NCWCD at 970-622-2216 regarding NCWCD Municipal Subdistrict applications and fees. Upon completion, the NCWCD will supply the applicant with a signed court order. A copy of this signed court order must be submitted to the city prior to final engineering approval to confirm NCWCD District and Municipal Subdistrict inclusion.

II. INFORMATIONAL COMMENTS

Area Characteristics and Zoning History  Shannon Moeller, 303-441-3137
The property is an enclave entirely surrounded by properties with Boulder city limits. It is located south of Norwood Ave and east of 21st Street, within the North Boulder Subcommunity and the Carolyn Heights neighborhood. It is developed with an existing approximately 1,850 square-foot two-story single-family home, a 320 square-foot outbuilding, and a 64 square foot shed. Access is taken from Norwood Avenue. The home is connected to city sewer, but not city water.

The overall size of the property is 44,593 square-feet; after dedication of 30’ of right-of-way for Norwood Avenue, the developable area of the property would be 38,223 square-feet.

Surrounding properties generally include single-family detached homes to the west, south, and east. Immediately to the north across Norwood Avenue is Centennial Middle School.

The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is VLR (Very Low Density Residential), which is described as “two units or less per acre.” The majority of surrounding residential properties share the VLR land use designation. Properties to the east are designated LR, Low Density Residential; the middle school property is designated Public.

The applicant has proposed annexation with an initial zoning designation of RE, Residential - Estate. RE zoning is defined in 9-5-2(c)(1)(A), B.R.C. 1981 as “Single-family detached residential dwelling units at low to very low residential densities.” Properties to the east and west are also zoned RE; properties to the south are zoned RR-1, Residential – Rural 1, and the middle school property to the north is zoned P, Public.

The property is subject to the North Boulder Subcommunity Plan.

The property became an enclave in 1991, when the property to the east (2280 and 2290 Norwood) was annexed by Ordinance 5376. To the north, Norwood Avenue was annexed in 1989 by Ordinance 5213. To the west, 2210 and 2200 Norwood were annexed in 1977 by Ordinance 4229. To the south, 1 Neher Lane and 3777 23rd St were annexed in 1976 by Ordinance 4150.

Irrigation Ditches  Scott Kuhna, 303-441-4071
The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant’s expense.

Land Uses  Shannon Moeller, 303-441-3137
The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is VLR (Very Low Density Residential), which is described as “two units or less per acre.”

Neighborhood Comments  Shannon Moeller, 303-441-3137
Staff received an email from one nearby property owner as of the date of this correspondence, which is attached.

Residential Growth Management System, Caeli Hill, 303-441-4161

Address: 2220 NORWOOD AV
The City of Boulder’s Residential Growth Management System (RGMS) caps annual residential growth at 1% per year and is managed through an allocation process. The adopted code language, 9-14, Residential Growth Management System, B.R.C. 1981 includes exemptions from the growth management system. All projects that include residential units, including those that meet the exemption criteria, must apply for and receive growth management allocations prior to building permit application. In order to apply for a growth management allocation, an agreement for meeting city affordable housing requirements must be in place. Allocation issuance can take up to 2 weeks.

A RGMS allocation application may be found at: https://www-static.bouldercolorado.gov/docs/PDS/forms/350.pdf Once an application is received by the city it will be forwarded to a housing planner who will contact you concerning your affordable housing requirement if an agreement is not already in place.

Please note also, that if new addresses are required for the project those addresses will have to be in place prior to submittal for growth management allocations and subsequent building permits.

**Review Process**   Shannon Moeller, 303-441-3137
1. The annexation process typically involves two public hearings. The first is conducted by the Planning Board, who will make a recommendation to the City Council whether or not the annexation should be approved, and the terms, conditions, and zoning that should be applied. The City Council then holds first and second readings of an annexation ordinance. First reading is typically on City Council consent agenda while second reading is typically done at a public hearing where council will render a decision.
2. Prior to the first reading of the Annexation Ordinance before City Council, the applicant must sign a final Annexation Agreement. The agreement establishes the terms and conditions of the annexation, such as affordable housing contributions, utility connection fees, easements, and other requirements. Staff will draft and provide the agreement.
3. If the Annexation is approved by the City Council, the property would have the initial zoning designation of RE.

**Utilities**   Scott Kuhna, 303-441-4071
A private water supply may be used for irrigation on property connected to the water utility, but no person in possession of such property shall allow the water from the private supply to be used for human consumption or to be cross-connected with a line containing water from the water utility.

**Zoning**  Shannon Moeller, 303-441-3137
The applicant has proposed annexation with an initial zoning designation of RE, Residential - Estate. RE zoning is defined in 9-5-2(c)(1)(A), B.R.C. 1981 as “Single-family detached residential dwelling units at low to very low residential densities.”

**Architectural Inspections**, Jessica Andersen
Note that at the time of building permit inspections, architectural inspections will be performed as a part of the regular building permit inspection process to ensure high quality outcomes in new buildings and landscaping. The “rough architecture” and the “final architecture” inspections for buildings approved as a part of a discretionary site or use review will require that building architecture, materials and window details are consistent with details approved in discretionary review plans.

**IV. NEXT STEPS**

Please address the comments herein and submit the following items with a Project Specialist:

- one (1) response to City Requirements comments
- one (1) original copy of revised Annexation Petition

The application deadline is 10:00 a.m. on the first and third Monday of each month to be included in the following review track. Staff is happy to meet with you to discuss these comments in detail at your convenience.

**V. CITY CODE CRITERIA CHECKLIST**

**BVCP Policy 1.24 Annexation**

The policies in regard to annexation to be pursued by the city are:

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

*Annexation of the property will allow city water service to be provided.*

Address: 2220 NORWOOD AV
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. Applications made to the county for development of enclaves and Area II lands in lieu of annexation will be referred to the city for review and comment. The county will attach great weight to the city’s response and may require that the landowner conform to one or more of the city’s development standards so that any future annexation into the city will be consistent and compatible with the city’s requirements.

The property is a county enclave within Planning Area II.

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where necessary to protect the health and safety of the residents of the subject area or of the city. The city, in developing annexation plans of reasonable cost, may phase new facilities and services. The county, which now has jurisdiction over these areas, will be a supportive partner with the city in annexation efforts to the extent the county supports the terms and conditions being proposed.

The property is an enclave surrounded by land within the city boundary. Under the proposed RE zoning, additional development potential exists on the site. The applicant intends to subdivide the property and develop an additional detached residential home. A minimum of 15,000 square feet of lot area must be provided per dwelling unit in the RE zone per Table 8-1 “Intensity Standards”, B.R.C. 1981; the approximately 38,223 square-foot property could reasonably be subdivided and developed with one additional dwelling unit, for a total of two dwelling units.

d) In order to reduce the negative impacts of new development in the Boulder Valley, the city will annex Area II land with significant development or redevelopment potential only if the annexation provides a special opportunity or benefit to the city. For annexation considerations, emphasis will be given to the benefits achieved from the creation of permanently affordable housing. Provision of the following may also be considered a special opportunity or benefit: receiving sites for transferable development rights (TDRs), reduction of future employment projections, land and/or facilities for public purposes over and above that required by the city’s land use regulations, environmental preservation, or other amenities determined by the city to be a special opportunity or benefit. Parcels that are proposed for annexation that are already developed and which are seeking no greater density or building size would not be required to assume and provide that same level of community benefit as vacant parcels unless and until such time as an application for greater development is submitted.

Annexations with development potential of one unit are subject to B.R.C.9-13 and the unit is required to contribute two times the Inclusionary Housing cash-in-lieu (CIL) amount at the time of building permit issuance. The 2017-18 estimated CIL for a home 1,200 sq. ft. or greater is $64,6082 ($32,304 *2).

e) Annexation of substantially developed properties that allows for some additional residential units or commercial square footage will be required to demonstrate community benefit commensurate with their impacts. Further, annexations that resolve an issue of public health without creating additional development impacts should be encouraged.

Additional development potential exists on the site. The annexation will provide water service to the property. Water service provides a critical public health benefit by providing safe and quality drinking water to the property. The proposal will also provide for community benefit by contributing two times the Inclusionary Housing cash-in-lieu (CIL) amount, as described above.

f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible exception of annexation of acquired open space.

Not applicable; the property is within Comprehensive Planning Area II.

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.

Not applicable; the property is privately owned and within Comprehensive Planning Area II.

h) The Gunbarrel Subcommunity is unique because the majority of residents live in the unincorporated area and because of the shared jurisdiction for planning and service provision among the county, the city, the Gunbarrel Public Improvement

Address: 2220 NORWOOD AV
District and other special districts. Although interest in voluntary annexation has been limited, the city and county continue to support the eventual annexation of Gunbarrel. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.

*Not applicable; the property is not within the Gunbarrel Subcommunity.*

**VI. Conditions On Case**

To be determined.
LUR 2017-00048

Ms. Moeller,

I'd like to oppose the zoning proposed for this application because it is not flexible enough...just as that zoning was not flexible enough for me.

So far, my experience with annexation has been a nightmare.

Costly, and without help from planners to do the best site planning.

I realize, the applicant, here, is experienced with City procedures and academic work.

And I know the Comp Plan has frozen properties like this...in time...without allowing them to consider other site planning.

Please suggest some other zoning which may be pertinent in this area.

Marilyn Jorrie 2350 Norwood Ave.
ADDRESSES:
2220 NORWOOD AV

DATE OF COMMENTS: August 25, 2017
CASE MANAGER: Shannon Moeller
PROJECT NAME: 2220 NORWOOD ANNEXATION
LOCATION: 2220 NORWOOD AV
COORDINATES: N07W05
REVIEW TYPE: Annexation / Simple Single-family Residential
REVIEW NUMBER: LUR2017-00048
APPLICANT: ALLYN FEINBERG
DESCRIPTION: ANNEXATION AND INITIAL ZONING of a 0.88-acre property consistent with Colorado Revised Statutes with an initial zoning of Residential - Estate (RE). The purpose of the annexation request is to subdivide the property and connect to city utility services. The existing house would remain on one lot and one additional residential lot would be created.

REQUESTED VARIATIONS FROM THE LAND USE REGULATIONS: None requested.

I. REVIEW FINDINGS

Staff has evaluated the proposal for compliance with the criteria for annexation in section 9-2-17 Annexation Requirements, B.R.C. 1981 and for compliance with the Boulder Valley Comprehensive Plan, in particular BVCP Policy 1.24 Annexation.

Overall, staff finds that proposal will be consistent with these requirements, subject to conditions of annexation.

The Planning Board public hearing has been tentatively scheduled for Thursday November 2nd.

In order to move forward with this hearing date, by Monday September 25th, please provide the following items directly to the case manager (you do not need to meet with a Project Specialist for this submittal):

- Provide a legal description and exhibit of the Norwood Avenue right-of-way to be dedicated to the City (refer to Access/Circulation comments).
- Provide a revised annexation map (refer to Legal Documents comments).

After receiving the above-mentioned item, staff will finalize the conditions of annexation and provide to the applicant for review.

Appointments for All Submittals
Beginning on Monday, Aug. 14 appointments will be required for all building permit and development review application submittals and resubmittals (other than corrections). Appointments can be scheduled by following this link.

II. CITY REQUIREMENTS

Access/Circulation       David Thompson, 303-441-4417
1. Following-up on staff’s previous comment, please submit a legal description and exhibit that has been prepared by a state of Colorado licensed surveyor for the right-of-way to be dedicated to the city for Norwood Avenue. The legal description and exhibit will be included in the annexation agreement.

Drainage        Scott Kuhna, 303-441-4071
Address: 2220 NORWOOD AV
As a condition of annexation, the applicant is required to convey drainage in an historic manner, which does not adversely affect neighboring properties.

**Fees**

1. Based on the application data supplied and the **2017** Schedule of Fees, the following fees will be due prior to the first reading of the annexation ordinance:

   **Plant Investment Fees (PIF’s)**
   Stormwater: $2.23/square foot of impervious area
   Existing Impervious Area: 4,580 square feet
   $10,213.40

   **Housing Excise Tax**
   $0.23/square foot x 2,237 square feet:
   $514.51

   **The following assessment is for the Norwood Improvement District (Ordinance #5876):**

   Properties that abut Norwood Avenue and access directly to Norwood Avenue will be assessed 2 shares.

   2 shares x $2,500/share = $5,000.00

   **Total Due Prior to First Reading**
   $15,727.91

2. Per the **2017** Schedule of Fees, the following fees will be due prior to connection of the existing home to the city’s water system (the existing home already has a wastewater service connection):

   **Plant Investment Fees (PIF’s) for New Single-Family Residential**
   Water: $12,432.00
   Irrigation: $2.90/square foot of irrigation area
   (2,000 square foot minimum)

3. Hourly billing fees do not apply to annexation requests.

**Irrigation Ditches**  Scott Kuhna, 303-441-4071 / Shannon Moeller, 303-441-3137

Prior to first reading of the annexation ordinance, the applicant shall execute an agreement to allow right of first refusal to the City for interests in water or water rights associated with, or appurtenant to the Subject Property including any and all interests, be they contractual interests or otherwise.

**Legal Documents**  Julia Chase, City Attorney’s Office, Ph. (303) 441-3020

1. Annexation Map:
   a. Revise the title to read as follows:

   ANNEXATION MAP TO THE CITY OF BOULDER
   2220 NORWOOD AVENUE
   LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 70 WEST OF THE 6TH P.M.
   COUNTY OF BOULDER, STATE OF COLORADO

   AREA TO BE ANNEXED = 0.88 ACRES

   b. Add a property description;

   c. Prior to the 1st Reading of the Annexation Ordinance, the applicant must sign the annexation agreement and provide an updated title commitment current within 30 days.

**Utilities**  Scott Kuhna, 303-441-4071

1. As a condition of annexation, any existing structures requiring the use of a waste disposal system shall be connected to the city’s wastewater system in accordance with section 11-2-8, B.R.C. 1981 within 180 days of the second reading of the annexation ordinance or the existing structures must be demolished.

Address: 2220 NORWOOD AV
2. As a condition of annexation, the applicant is required to abandon any existing septic system in accordance with Boulder County Health Department and State regulations.

3. Prior to 1st Reading of the Annexation Ordinance at City Council, a petition to join the Northern Colorado Water Conservation District (NCWCD) – Municipal Subdistrict must be filed with the NCWCD for the subject property and a copy of the application submitted to the city. Please contact Marilyn Conley with the NCWCD at 970-622-2216 regarding NCWCD Municipal Subdistrict applications and fees. Upon completion, the NCWCD will supply the applicant with a signed court order. A copy of this signed court order must be submitted to the city prior to final engineering approval to confirm NCWCD District and Municipal Subdistrict inclusion.

III. INFORMATIONAL COMMENTS

Area Characteristics and Zoning History  Shannon Moeller, 303-441-3137
The property is an enclave entirely surrounded by properties with Boulder city limits. It is located south of Norwood Ave and east of 21st Street, within the North Boulder Subcommunity and the Carolyn Heights neighborhood. It is developed with an existing approximately 1,850 square-foot two-story single-family home, a 320 square-foot outbuilding, and a 64 square foot shed. Access is taken from Norwood Avenue. The home is connected to city sewer, but not city water.

The overall size of the property is 44,593 square-feet; after dedication of 30’ of right-of-way for Norwood Avenue, the developable area of the property would be 38,223 square-feet.

Surrounding properties generally include single-family detached homes to the west, south, and east. Immediately to the north across Norwood Avenue is Centennial Middle School.

The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is VLR (Very Low Density Residential), which is described as “two units or less per acre.” The majority of surrounding residential properties share the VLR land use designation. Properties to the east are designated LR, Low Density Residential; the middle school property is designated Public.

The applicant has proposed annexation with an initial zoning designation of RE, Residential - Estate. RE zoning is defined in 9-5-2(c)(1)(A), B.R.C. 1981 as “Single-family detached residential dwelling units at low to very low residential densities.” Properties to the east and west are also zoned RE; properties to the south are zoned RR-1, Residential – Rural 1, and the middle school property to the north is zoned P, Public.

The property is subject to the North Boulder Subcommunity Plan.

The property became an enclave in 1991, when the property to the east (2280 and 2290 Norwood) was annexed by Ordinance 5376. To the north, Norwood Avenue was annexed in 1989 by Ordinance 5213. To the west, 2210 and 2200 Norwood were annexed in 1977 by Ordinance 4229. To the south, 1 Neher Lane and 3777 23rd St were annexed in 1976 by Ordinance 4150.

Irrigation Ditches  Scott Kuhna, 303-441-4071
The applicant is responsible for obtaining approvals for any relocations or modifications to irrigation ditches or laterals from the impacted ditch company. This includes the crossing of any irrigation ditch or lateral for vehicular or utility purposes and the release of stormwater runoff into any ditch or lateral. The applicant is advised that revisions to any approved city plans necessary to address ditch company requirements may require reapplication for city review and approval at the applicant's expense.

Land Uses  Shannon Moeller, 303-441-3137
The Boulder Valley Comprehensive Plan (BVCP) land use designation for the property is VLR (Very Low Density Residential), which is described as “two units or less per acre.”

Residential Growth Management System, Caeli Hill, 303-441-4161
The City of Boulder's Residential Growth Management System (RGMS) caps annual residential growth at 1% per year and is managed through an allocation process. The adopted code language, 9-14, Residential Growth Management System, B.R.C. 1981 includes exemptions from the growth management system. All projects that include residential units, including those that meet the exemption criteria, must apply for and receive growth management allocations prior to building permit application. In order to apply for a growth management allocation, an agreement for meeting city affordable housing requirements must be in place. Allocation issuance can take up to 2 weeks.
A RGMS allocation application may be found at: https://www-static.bouldercolorado.gov/docs/PDS/forms/350.pdf Once an application is received by the city it will be forwarded to a housing planner who will contact you concerning your affordable housing requirement if an agreement is not already in place.

Please note also, that if new addresses are required for the project those addresses will have to be in place prior to submittal for growth management allocations and subsequent building permits.

**Review Process**  Shannon Moeller, 303-441-3137

1. The annexation process typically involves two public hearings. The first is conducted by the Planning Board, who will make a recommendation to the City Council whether or not the annexation should be approved, and the terms, conditions, and zoning that should be applied. The City Council then holds first and second readings of an annexation ordinance. First reading is typically on City Council consent agenda while second reading is typically done at a public hearing where council will render a decision.

2. Prior to the first reading of the Annexation Ordinance before City Council, the applicant must sign a final Annexation Agreement. The agreement establishes the terms and conditions of the annexation, such as affordable housing contributions, utility connection fees, easements, and other requirements. Staff will draft and provide the agreement.

3. If the Annexation is approved by the City Council, the property would have the initial zoning designation of RE.

**Utilities**  Scott Kuhna, 303-441-4071

A private water supply may be used for irrigation on property connected to the water utility, but no person in possession of such property shall allow the water from the private supply to be used for human consumption or to be cross-connected with a line containing water from the water utility.

**Zoning**  Shannon Moeller, 303-441-3137

The applicant has proposed annexation with an initial zoning designation of RE, Residential - Estate. RE zoning is defined in 9-5-2(c)(1)(A), B.R.C. 1981 as “Single-family detached residential dwelling units at low to very low residential densities.”

**Architectural Inspections**  Shannon Moeller, 303-441-3137

Note that at the time of building permit inspections, architectural inspections will be performed as a part of the regular building permit inspection process to ensure high quality outcomes in new buildings and landscaping. The “rough architecture” and the “final architecture” inspections for buildings approved as a part of a discretionary site or use review will require that building architecture, materials and window details are consistent with details approved in discretionary review plans.

IV. NEXT STEPS

The Planning Board public hearing has been tentatively scheduled for **Thursday November 2nd**.

In order to move forward with this hearing date, **by Monday September 25th**, please provide the following items directly to the case manager (you do not need to meet with a Project Specialist for this submittal):

- Provide an legal description and exhibit of the Norwood Avenue right-of-way to be dedicated to the City (refer to Access/Circulation comments).
- Provide a revised annexation map (refer to Legal Documents comments).

After receiving the above-mentioned item, staff will finalize the conditions of annexation and provide to the applicant for review.

V. CITY CODE CRITERIA CHECKLIST

**BVCP Policy 1.24 Annexation**

The policies in regard to annexation to be pursued by the city are:

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

_Analysis of the property will allow city water service to be provided._

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),

Address: 2220 NORWOOD AV
(d), and (e) of this policy. Applications made to the county for development of enclaves and Area II lands in lieu of
annexation will be referred to the city for review and comment. The county will attach great weight to the city’s response
and may require that the landowner conform to one or more of the city’s development standards so that any future
annexation into the city will be consistent and compatible with the city’s requirements.

The property is a county enclave within Planning Area II.

c) Annexation of existing substantially developed areas will be offered in a manner and on terms and conditions that
respect existing lifestyles and densities. The city will expect these areas to be brought to city standards only where
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zone per Table 8-1 “Intensity Standards”, B.R.C. 1981; the approximately 38,223 square-foot property could reasonably
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f) There will be no annexation of areas outside the boundaries of the Boulder Valley Planning Area, with the possible
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Not applicable; the property is within Comprehensive Planning Area II.

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VI. Conditions On Case

To be determined.
LUR 2017-00048

Ms. Moeller,

I'd like to oppose the zoning proposed for this application because it is not flexible enough...just as that zoning was not flexible enough for me.

So far, my experience with annexation has been a nightmare.

Costly, and without help from planners to do the best site planning.

I realize, the applicant, here, is experienced with City procedures and academic work.

And I know the Comp Plan has frozen properties like this...in time...without allowing them to consider other site planning.

Please suggest some other zoning which may be pertinent in this area.

Marilyn Jorrie 2350 Norwood Ave.
Regarding LUR 2017-00048 which will come before the Planning Board on November 2nd...

In my letter 11 July...to Shannon Moeller, attached, I've explained the idea that the Boulder Valley Comprehensive Plan and the North Boulder Plan do not have flexible zoning...

For the purposes of this application, neither the 2220 Norwood Ave. or my own property at 2350 Norwood annexed in 2015 would have zoning flexible enough for the best site planning.

The term "Initial Zoning" used in the Annexation process freezes the properties' zoning without consideration of the best uses, or site plans.

I request that the Planning Board take time now...to discuss the intention of "Initial Zoning.

In the case of my property, 2350 Norwood is best used where a building site has a water table of 2-7 feet, and the best site plan would be into the north perimeter setback.

I'm practically prohibited from requesting a setback variance for site planning, which would allow building toward the north perimeter.

I've asked for clarification of "urban farming" which doesn't seem to be included in the zoning.

Improved zoning, after "initial zoning"  is usually not accepted, even after a laborious and lengthy process.

Please take time to have a discussion on the concept of "initial zoning" to ensure the best decisions for Norwood Avenue properties including the LUR 2017-00048 application.

Marilyn Jorrie

From: Boulder Marketplace <mail@bouldermarketplace.net>
Date: Tue, Jul 11, 2017 at 11:49 AM
Subject: D Jorrie 2220 Norwood Ave. annexation
To: "Ms. Shannon Moeller" <moellers@bouldercolorado.gov>
Cc: "Mr. & Mrs. Steve & Allyn Pomerance" <feinberga@comcast.net>

LUR 2017-00048

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