



Land Use

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BOULDER COUNTY PLANNING COMMISSION

November 15, 2017
1:30 P.M.

**Commissioners Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street**

PUBLIC HEARING

DOCKET BVCP-15-0001: Request for the Planning Area Expansion of Area III Outer Boundary and Minor Service Area Adjustment for Spring Valley Estates Neighborhood (Area III to Area II)

County Staff: Steven Giang, Planner I
Nicole Wobus, Long Range Planning and Policy Manager

AGENDA

- 1) Staff presentation
- 2) PC questions of staff
- 3) Public comment
- 4) PC discussion and decision

INTRODUCTION

As part of the Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update, the City of Boulder is requesting a minor adjustment to the service area boundary (a change from Area III to Area II) and an expansion of the Area III outer boundary for the Spring Valley Estates subdivision. This memo includes brief background information along with county staff's recommendation. A comprehensive staff report with more detailed information on the request, prepared by City of Boulder staff, is included as Attachment A.

Action Requested:

Staff requests the Planning Commission approve a Boulder Valley Comprehensive Plan (BVCP) Planning Area I, II, III Map change to expand the BVCP Planning Area outer boundary to include the Spring Valley Estates subdivision in BVCP Area II as described in Attachment A.

BACKGROUND

This request was initiated following amendments made to the blue line in Nov. 2016. The blue line is an element of the City of Boulder charter that has been a fundamental growth management tool for the city and county for over 50 years. Since the blue line charter amendment was passed in 1959, city water service may not be provided to areas west of the line, historically above 5,750 feet, to preserve the mountain backdrop.

As a result of changes in the blue line approved as part of a ballot measure in Nov. 2016, the blue line is now located west of the 36 parcels (including 35 developed single-family houses) that make up the Spring Valley Estates subdivision. The subdivision is currently in Boulder County, outside of the BVCP Planning Area. Given that Spring Valley Estates is a substantially developed subdivision with existing access to city sewer service and location east of the blue line, a change to include this area as part of Area II is consistent with BVCP policies. Area II is part of City of Boulder Service Area, and is eligible for future annexation and provision of urban services.¹

As described in Attachment A, Spring Valley Estates receives city sewer service, but is not connected to city water service; the Spring Valley Mutual Water Association currently provides water service for the neighborhood. If annexation occurs in the future, the current water infrastructure would need to be upgraded to city standards and the residents would be responsible for the cost of these upgrades. However, Spring Valley can continue to provide water through the SVMWA even if the neighborhood is moved into Area II.

STAFF RECOMMENDATION

Staff supports the city's proposed map change, as the proposed change meets the criteria in the BVCP amendment procedures for an expansion of the planning area boundary and a minor service area adjustment. Specifically, the proposed map change is necessary given changed circumstances; forms a logical service area boundary; is compatible with the surrounding area and comprehensive plan; and would result in no known negative impacts. Additionally, there is a minimal effect on land use growth projections, service provisions or capital improvements program, and the timing is appropriate.

The county concurs with the points made in the city staff report. In addition, county staff wishes to highlight the following points:

1. Following the blue line changes, moving the Spring Valley Estates subdivision to Area II is consistent with the core values and policies of the BVCP. The Spring Valley Estates neighborhood is an existing development on the western edge of the city adjacent to urban development in Area I, and already receives urban service (sewer) from the city. Therefore, the change aligns with BVCP core values and policies that emphasize the importance of maintaining a compact urban form and logical service area boundary (see BVCP Core Values and Policy Section 1- Intergovernmental Cooperation and Growth Management, and Section 2- Built Environment).

It is speculated that Spring Valley Estates was not originally given an Area II designation because it was west of the blue line at that time, making the land previously ineligible for

BVCP Area I, II, III Definitions

(source: BVCP policy 1.12)

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 only occur coincident with the availability of adequate facilities and services. Master plans project the provision of services to this area within the planning period.

Area III is the remaining area in the Boulder Valley, generally under county jurisdiction. Area III is divided into the Area III-Rural Preservation Area, where the city and county intend to preserve existing rural land uses and character and the Area III-Planning Reserve Area, where the city and county intend to maintain the option of future Service Area expansion. (See Area I, II, III Map)

¹ This request does not include annexation. Changing the planning area simply allows for the opportunity to annex in the future if residents wish to do so.

water service. Now that the blue line location has changed, a change to Area II is consistent with the neighborhood's current eligibility for city water service.

2. The residents of Spring Valley Estates would benefit from having access to full urban services in order to provide for adequate health and safety. The neighborhood's location at the wildland urban interface puts it at risk of wildfires. Having access to city water service will help bolster the neighborhood's ability to remain safe in case of a wildfire by providing adequate water pressure. Since the current system is a private system, in the case of a fire, the fire department must manually change over to the city's water system which slows their response time. The county also recommends that properties within the Spring Valley Estates neighborhood take steps to mitigate wildfire risks.
3. Spring Valley Estates is already a fully developed subdivision with existing access to urban services. The proposed change in planning area will not affect the existing character of the subdivision or adjacent subdivisions, and it will not increase the development intensity of the neighborhood. Therefore, the change is consistent with the Built Environment-related policies of the BVCP (see BVCP Policy Section 2).

ACTION REQUESTED

Staff recommends the Planning Commission:

Approve a Boulder Valley Comprehensive Plan (BVCP) Planning Area I, II, III Map change to expand the BVCP Planning Area outer boundary to include the Spring Valley Estates subdivision in BVCP Area II as described in Attachment A.

ATTACHMENTS

- A. City of Boulder Spring Valley Estates Staff Report² (A1-A8)

² This is an excerpt from a City of Boulder staff report that addressed requested land use map changes for both Spring Valley Estates and Knollwood subdivisions.

Spring Valley Estates

Request Summary

- **Requester:** City of Boulder
- **Type of Request:** (1) Planning Area Expansion of Area III outer boundary & (2) Minor Adjustment to the Service Area Boundary (Area III to Area II)
- **Brief Description of Request:**
Change from outside the Planning Area boundary to Area II for the Spring Valley neighborhood
- **Approval Required:** Four-Body (City Council, Planning Board, Board of County Commissioners, Planning Commission)

Existing Conditions

- **BVCP Land Use:** None (outside the planning area boundary)
- **Zoning (County):** Rural Residential (RR)
- **Acreage of Site:** Approx. 41.9
- **Number of Parcels/Units:** 36 parcels, 35 single-family houses

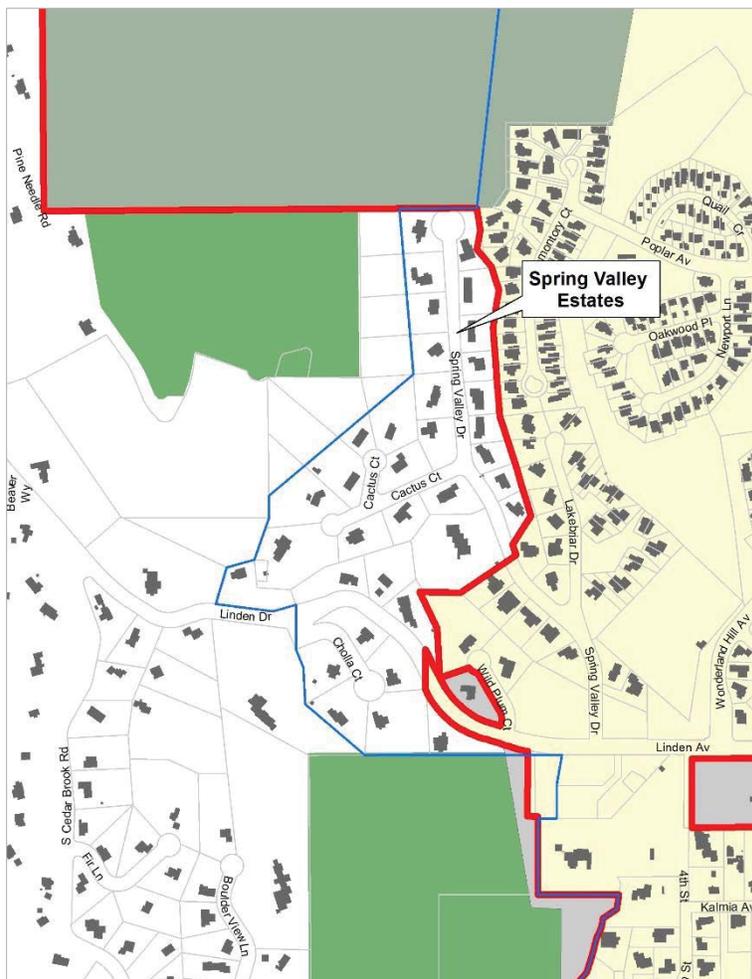
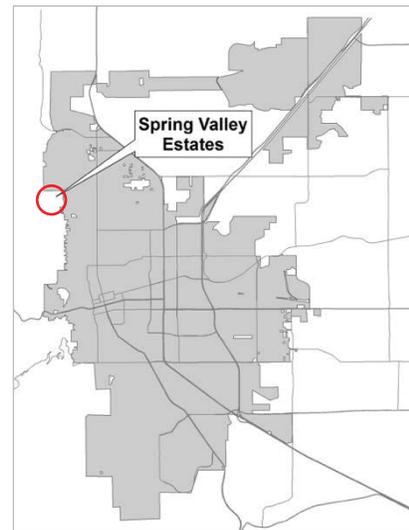


Figure 1: BVCP Planning Areas

Context Map



Legend

- City Limits
- 2016 Blue Line

BVCP Planning Areas

- Area I
- Area II
- Area III
- Area III Annex

PROPOSAL & RECOMMENDATION

As a final step of the Boulder Valley Comprehensive Plan (BVCP) 2015 Major Update, the city is requesting to move the Spring Valley neighborhood from outside the Planning Area boundary into Area II. This move would require two processes: 1) an expansion of the Area III outer boundary and 2) a minor adjustment to the Service Area boundary to move the Spring Valley neighborhood from Area III to Area II. This request is being made by the city and would bring Spring Valley, a substantially developed low density residential neighborhood approximately 41.9 acres in size, into Area II.

This request was initiated by the city in response to 1) the amendments made to the city's blue line and approved by voters in Nov. 2016 and 2) health and safety concerns. In Nov. 2016, the blue line was amended to include Spring Valley below the line, indicating the city's intent to include it in the city Service Area (Area I & II) in the future. Although Spring Valley already receives city sewer services, they do not have access to city water and instead, operate a private water system through the Spring Valley Mutual Water Association (SVMWA). Moving into Area II would be consistent with the policies and intention of the blue line amendments, achieve consistency with BVCP Policy 1.16.b (actively pursue annexation of properties along the western boundary below the blue line), and make the neighborhood eligible for water services in the future. Additionally, connecting Spring Valley to city water would allow the neighborhood to respond more quickly in the instance of a fire or other disaster where city services are needed.

Staff recommends approval of the proposed area change for the Spring Valley neighborhood from outside the Planning Area boundary to Area II since the proposed change meets the criteria as outlined in the Boulder Valley Comprehensive Plan for a Planning Area Expansion of Area III outer boundary and minor adjustment to the Service Area boundary (see analysis section).

SITE DESCRIPTION AND SURROUNDING CONTEXT

Spring Valley is located along the western edge of the city boundary, north of Linden Avenue (see Figure 2). The Spring Valley Estates subdivision was platted in 1966 and has not changed since that time.

The area proposed for change is approximately 41.9 acres and includes 36 parcels: 35 parcels are developed with single-family homes (one per parcel) and one parcel is the site of the main pump house for the subdivision's water district. Although Spring Valley is located in unincorporated Boulder County, it is outside the BVCP Planning Area boundary. However, Spring Valley's current condition as a substantially developed subdivision makes it eligible for the Area II designation (area now under county jurisdiction where annexation to the city can be considered consistent with plan policies).

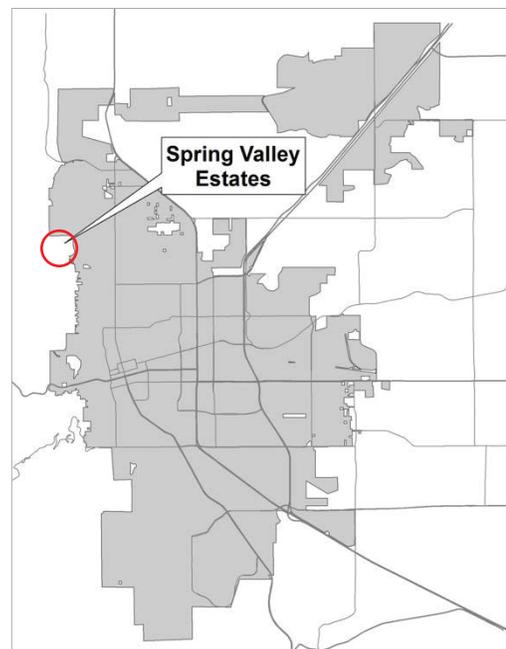


Figure 2: Context Map

City Services

Spring Valley is a substantially developed subdivision that receives sewer service from the city of Boulder, however, Spring Valley is not connected to city water (see Figure 3 & 4). Residents in Spring Valley are part of the Spring Valley Mutual Water Association (SVMWA), a special taxing district that funds the management of the water system for the subdivision. If Spring Valley decides to annex in the future, the current water infrastructure would need to be upgraded to city standards and the residents would be responsible for the cost of these upgrades. However, Spring Valley can continue to provide water through the SVMWA even if the neighborhood is moved into Area II. Switching to the city’s water system is only necessary if residents choose to annex in the future.

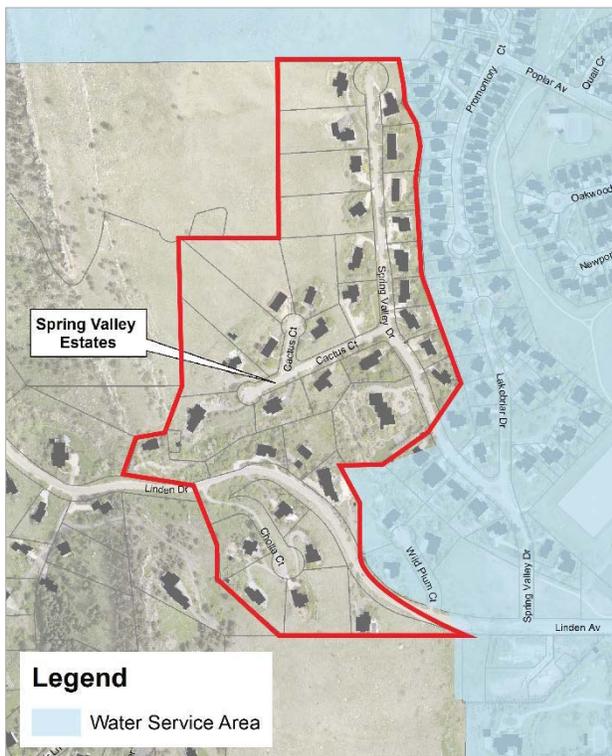


Figure 3: Existing Water Service Area

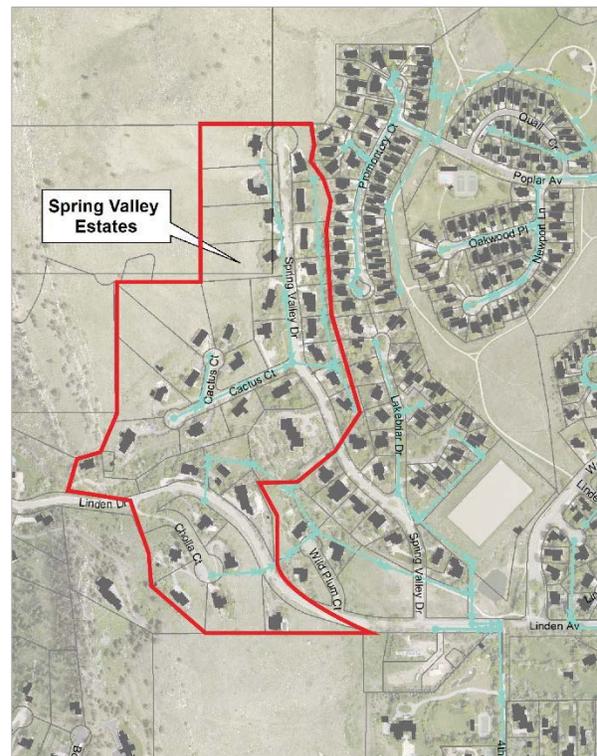


Figure 4: Existing Sewer Service

Transportation

Although there are several multi-use paths and designated bike routes located in the neighborhood to the east of Spring Valley, there are no bicycle or pedestrian facilities located inside the subdivision. There are not bus routes located near Spring Valley; the closest bus stop is approximately a 15-minute walk to Broadway and Norwood Avenue.

Environmental Conditions

Twomile Canyon Creek runs east-west through the subdivision to the south of Cactus Court and North of Linden Avenue. As a result, six of the parcels located along the creek have a portion of their property in the 100-year flood plain, with four of those properties also in the city’s high hazard flood zone (see Figure 5). All of the lots in the flood zone are developed with single-family homes.

There are no wetlands located in the Spring Valley subdivision, however, the entire neighborhood is identified to have geologic development constraints (potential mass movement, consolidation potential constraint).

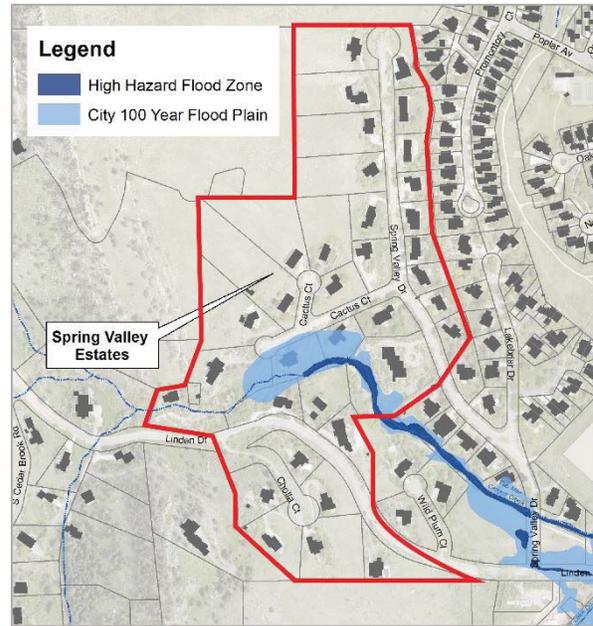


Figure 5: Flood Zones

Land Use & Zoning

Since Spring Valley Estates is located outside of the BVCP Planning Areas boundary, it does not currently have a BVCP Land Use Map designation (see Figure 6). However, if the subdivision would be moved into Area II, it would be assigned a designation of very low density residential (VLR) based on the existing density is less than 2 dwelling units per acre.

The properties to the east of the subdivision are located inside the city limits (Area I) and are designated as low density and very low density residential. Properties to the north and south are located in unincorporated Boulder County (mix of Area III and Area III-Annex) and are designated as Open Space, Development Rights (OS-DR). The existing zoning for the Spring Valley neighborhood is Rural Residential (County).



Figure 6: BVCP Land Use

COMMUNITY INPUT

An official notification letter was mailed to all property owners in Spring Valley Estates on September 18, 2017. The letter provided information and a map of the proposed changes, steps in the approval process, dates and times for the public hearings, and contact information for city and county staff. This information was also provided on the city's website (<https://bouldercolorado.gov/planning/bvcp-planning-area-map-amendments>). City and County staff also held open office hours on Wednesday September 27 from 3:00-5:00PM at the Park Central building to discuss the proposed changes in person, however, no residents attended.

City staff received no emails or phone calls from Spring Valley Estates residents. A representative from the Spring Valley Estates Mutual Water Association attended one of the informational meetings city staff had with representatives from Knollwood regarding potential future annexation.

ANALYSIS

Revisions to the BVCP Planning Area I, II, III Map are guided by the Amendment Procedures in Appendix B to the Boulder Valley Comprehensive Plan. The request to change Spring Valley Estates from outside the Planning Area boundary to Area II requires two separate processes: 1) expansion of the Area III outer boundary (which will bring the property into Area III- Rural Preservation) and 2) minor adjustment to the planning area map (moving the property from Area III-Rural Preservation to Area II). These processes will occur simultaneously as a part of this request.

A Planning Area boundary expansion (moving from outside the Planning Area boundary into the Area III- Rural Preservation) changes the outer boundary of the area of joint planning between the city and county and can only be initiated by the city or the county. Expansion of the Area III outer boundary requires four-body approval (Planning Board and City Council, Board of County Commissioners, and Planning Commission). There is only one criterion that must be met to approve this change; the criterion is listed in Sec. A.2.c.i. of the BVCP Amendment Procedures and included in the full list of criteria below.

A minor adjustment to the Service Area boundary (Area III- Rural Preservation to Area II) is a small, incremental Service Area expansion that creates a more logical Service Area boundary. Changes in designation of land from Area III to Area II may be approved as a minor Service Area adjustment based on the criteria listed in Sec. A.2.a.i of the BVCP Amendment Procedures and outlined below. Although the minor adjustment to the Service Area only requires two-body approval (Planning Board and City Council), it will be considered by all four bodies as part of this request.

Applicability

- a) Maximum size: The total size of the area must be no larger than ten acres. Residential areas larger than 10 acres may be considered if the area consists of substantially developed properties below the blue line along the western edge of the Service Area.

The Spring Valley Estates subdivision is larger than 10 acres, however, it is a residential area that consists of substantially developed properties located below the blue line (as of Nov. 2016) along the western edge of the Service Area. As a result, it meets the criteria for parcels over 10 acres in size to be considered for a minor Service Area adjustment.

- b) Minimum contiguity: The area must have a minimum contiguity with the existing Service Area of at least 1/6 of the total perimeter of the area.

The east boundary of the Spring Valley Estates subdivision is contiguous with the city's western border which consists of Area I properties that receive city water and sewer services. As a result, it demonstrates 53% contiguity with the existing Service Area, and therefore meets the requirement for 1/6 contiguity with existing Service Area.

Criteria for Expansion of the Area III Outer Boundary

- a) There is a demonstrated need that either expansion or contraction of the planning area is necessary due to changed circumstances or past error in determining the boundary.

There is a demonstrated need that expansion of the planning area is necessary due to changed circumstances. This request was initiated in response the amendments made to the city's blue line and approved by voters in Nov. 2016. As part of the 2016 amendments, properties with existing city utility agreements that were previously above the blue line were moved below the blue line. Since Spring Valley Estates currently receives city sewer services, the subdivision was moved below the blue line. Based on BVCP Policy 1.16 Annexation, it is the city's intent to actively pursue annexation of properties along the western boundary below the blue line. As part of this intent, it is appropriate to move Spring Valley Estates into Area II in order to make it eligible for future annexation and connection to city water service.

Criteria for Minor Adjustment to the Service Area Boundary

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

Spring Valley is located to the west of the existing city boundary and because it is outside the Planning Area boundaries (not in Area I, II, or III), it is not currently within the city's Service Area boundary. However, Spring Valley residents are currently connected to the city's sewer service, making the neighborhood a logical extension of the Service Area boundary (Area I & II). Additionally, Spring Valley was moved below the blue line in Nov. 2016, which means the property is now located in an area eligible to receive city water services and therefore eligible to be located within the Service Area boundary. The neighborhood is an established residential subdivision, and its inclusion in the Service Area would create a more logical Service Area boundary and more efficient service provision of future water service.

- b) Compatibility with the surrounding area and the comprehensive plan: The proposed change of Area III to II must be compatible with the surrounding area as well as on balance, the policies and overall intent of the comprehensive plan.

Changing the Planning Area designation for the Spring Valley subdivision to Area II is consistent with the surrounding area. Spring Valley is currently a substantially developed county subdivision adjacent to similar Area I (residential) properties to the east with Area III (Open Space) properties to the north and south.

The change would be consistent with the policies and overall intent of the comprehensive plan. Bringing Spring Valley into the Planning Area and changing the designation to Area II would allow for future annexation which is consistent with BVCP Policy 1.16 Annexation, which states “the city will actively pursue annexation of...substantially developed properties along the western boundary below the blue line...”. Additionally, Spring Valley was moved below the blue line in Nov. 2016 and, therefore, changing the designation for the subdivision to Area II would be consistent with the intent to include Spring Valley in the Service Area boundary (Area I & II). Finally, since Spring Valley already receives city sewer service it makes sense for the subdivision to be moved into the Planning Area boundary, however, Area III designation is reserved for rural land uses and areas intended to remain in county jurisdiction that would not efficiently be served by city services. Since Spring Valley is already substantially developed and receives city sewer service, the Area II designation is more appropriate for this area.

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

Moving Spring Valley from outside the Planning Area boundary into Area II will have no major negative impacts on transportation, environment, services, facilities, or budget. The Spring Valley subdivision has already been developed as a low-density residential neighborhood with 36 parcels (35 developed with single-family houses and one for the water district’s pump house) and will remain a low-density neighborhood in the future.

The subdivision already receives city sewer services and is contiguous with Area I property along the east boundary. Therefore, extending additional services to this neighborhood will not have a significant impact on city services. An analysis of any future annexation of the area will be necessary to evaluate if water system replacement may be necessary, consistent with BVCP Policy 1.16 – Annexation and Policy 1.22 (Growth to Pay Fair Share of New Facility Costs).

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

Because Spring Valley Estates is an already developed subdivision (of only 35 properties), this change to Area II will not affect the growth projections that were the basis of the Comprehensive Plan. However, Spring Valley does not currently have a land use designation (since it is located outside of the Planning Area boundary), so there will be a change to the BVCP Land Use Map as a result of moving Spring Valley into the Planning Area boundary and categorizing the subdivision as very low density residential (VLR). This change to the Land Use Map will not be significant as the properties to the east are a mix of low density and very low density residential.

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

The proposed change to Area II will not affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area. Spring Valley already

receives city sewer services, and the subdivision will continue to manage their own water district until they decide to annex. At that time, the homeowners will be responsible for the cost of upgrades and connection to the city's water system, consistent with city annexation policies 1.17 (Assimilation of Special District Facilities and Services) and 1.18 (Provision of Urban Services in the Boulder Valley).

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

The proposed change does not affect the adopted Capital Improvements Program.

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

Timing for the proposed change is appropriate and will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area. The Spring Valley subdivision is already substantially developed with single-family houses with no vacant lots. The only development anticipated to take place in the neighborhood would be renovation of the existing 48 single-family houses. This request is being made as a part of implementing the blue line changes that brought Spring Valley below the blue line, indicating intent and eligibility to include the subdivision in the Service Area boundary.