



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: October 22, 2019

AGENDA TITLE:

Public hearing and consideration of the following related to the property at 4475 Broadway (Ponderosa Mobile Home Park):

1. Second reading and adoption of Ordinance 8351 annexing the 6.298-acre enclave property with an initial zoning classification of Residential – Medium 2 (RM-2) (#LUR2019-00016).
2. Motion to change the Boulder Valley Comprehensive Plan (BVCP) land use map designation of the property from Manufactured Housing (MH) and Open Space, Other (OS-O) to Medium Density Residential (MR) (#LUR2019-00014).

Translation services will be available at the hearing for Spanish speakers.

Applicant: Kurt Firnhaber, City of Boulder; Danica Powell, Trestle Strategy Group

Owner: City of Boulder

PRESENTER/S

Jane S. Brautigam, City Manager

Chris Meschuk, Asst. City Manager/Interim Planning Director

Charles Ferro, Development Review Manager, Planning

Edward Stafford, Development Review Manger, Public Works

Sloane Walbert, Senior Planner

EXECUTIVE SUMMARY

The purpose of this item is for city council to consider a request to annex a 6.298-acre enclave into the City of Boulder with an initial zoning of Residential – Medium 2 (RM-2). The council will also consider a request to change the land use designation of the property on the Boulder Valley Comprehensive Plan (BVCP) Land Use Map from Manufactured Housing (MH) and

Open Space, Other (OS-O) to Medium Density Residential (MR) to permit the proposed redevelopment of the site. The site is in Area II of the BVCP and is eligible for annexation.

Annexation is necessary in order to upgrade the existing water and sewer lines inside the park. The city purchased the property on Aug. 2, 2017. The request to annex is consistent with the intent of the Ponderosa Resolution, adopted by City Council on Oct. 17, 2017 (refer to **Attachment H**). Refer to **Attachment A** for the annexation map and **Attachment B** for draft Ordinance no. 8351.

On Sep. 17, 2019, council adopted Resolution 1263 finding the annexation petition in compliance with state statutes and establishing Oct. 22, 2019 as the date for a public hearing and second reading of the annexation ordinance. Council also considered the first reading of Ordinance No. 8351 on Sep. 17, 2019 to annex and initially zone the property. At the hearing the council did not call up the companion Site Review application (#LUR2019-00015) under a separate agenda item.

Planning Board reviewed the proposed annexation and initial zoning and the land use designation change on Sep. 5, 2019. The Board voted 6-0 (B. Bowen recused)) to recommend to City Council approval of the proposed annexation with initial zoning of Residential – Medium 2 (RM-2), subject to recommended conditions of approval in the memorandum of understanding. The Board also voted 6-0 (B. Bowen recused) to approve a BVCP land use map designation change from Manufactured Housing and Open Space, Other to Medium Density Residential. A summary of the board’s discussion and recommendation on the annexation and land use designation change can be found below under ‘Board and Commission Feedback’.

STAFF RECOMMENDATION

Suggested Motion Language:

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

1. *Adopt Ordinance 8351 to annex a 6.298-acre enclave property located at 4475 Broadway with an initial zoning classification of Residential – Medium 2 (RM-2).*
2. *Approve Boulder Valley Comprehensive Plan land use map change for the property located at 4475 Broadway from Manufactured Housing (MH) and Open Space, Other (OS-O) to Medium Density Residential (MR).*

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic** – It is in the interest of the city to annex properties in the county to avoid the economic burden that could arise should private sewer lines fail and impact city assets, such as creek systems or open space properties that are affected by such failures. It is in the interest of the city to annex enclave properties in the county. The additional units add to the tax base of the community.
- **Environmental** – The site is impacted by the high hazard zone, conveyance zone, 100-year floodplain, and 500-year floodplains of Fourmile Canyon Creek. Both the inner and

outer wetland buffer areas, which act to preserve and protect the wetlands, impact the northern portion of the site. Structures will be removed from the wetland buffer. Future home replacements in the 100-year floodplain would be required to be elevated and meet the floodproofing standards required by FEMA. There are environmental benefits of updating the connections to city water and sewer, specifically, the avoidance of the potential impacts of failure of existing shallow sewer lines to individual lots.

- **Social** – If developed as proposed, the development will add 73 permanently affordable residential units to the city’s inventory. The provision of affordable housing units and a variety of housing choices will help support socioeconomic diversity. The proposal would preserve the affordability of the existing mobile home park and will allow for existing residents to purchase fixed-foundation homes on the site. There will be no loss of housing and a primary goal of the project is non-displacement of residents.

OTHER IMPACTS

- **Fiscal** - City services are existing and available to this site. All development will be subject to city development fees including payment of Plant Investment Fees (PIFs) and water and wastewater assessments.
- **Staff time** - Processing of the annexation and land use designation change applications is within normal staff work plans.

BOARD AND COMMISSION FEEDBACK

Boulder County

Annexations are subject to county referral and city Planning Board recommendation prior to City Council action. The county has reviewed the request and has not objected to the proposal. Refer to **Attachment I**.

Planning Board

On Sep. 5, 2019, the Planning Board reviewed the proposed annexation, initial zoning, and land use designation change requests. The Board heard public testimony and discussed the key issues identified by staff. Regarding the annexation and initial zoning requests, the board voted 6-0 to recommend approval of the application to City Council (motion by L. Montoya, seconded by S. Silver). The board agreed that the project meets the relevant goals and policies of the BVCP, that the annexation is consistent with state statutes and city policies, and that the proposed RM-2 zoning is appropriate considering the proposed diversity of housing choices and context of the surrounding area. Members of the board expressed some concerns about maintaining housing affordability, the appropriateness of the housing choices, and about the closure of the Broadway access. However, they expressed appreciation for the public process undertaken and the efforts by city staff to meet the needs of all of the residents of the Ponderosa community. Ultimately, the board passed the following motion:

On a motion by L. Montoya seconded by S. Silver the Planning Board voted 6-0 (B. Bowen recused) to recommend to City Council approval of the proposed annexation with initial zoning of Residential - Medium 2 (RM-2) for 4475 Broadway pertaining to case number LUR2019-00016, incorporating this staff memorandum as findings of fact,

subject to the recommended conditions of approval for the annexation as provided for in the memorandum of understanding in Attachment C.

Regarding the change to the BVCP land use map, the board voted 6-0 to approve the land use designation change (motion by S. Silver, seconded by L. Montoya). The board agreed that the request for a Medium Density Residential (MR) land use designation meets the criteria in Appendix C of the BVCP. However, a few members of the board expressed concerns about the process for making changes to lands designated OS-O, which does not include the input of the Open Space Board. One member had concerns about structures being placed in the wetland buffers. However, other members stated that the review process was adequate, and that the OS-O designation covers areas within the city that do not necessarily have open space value. Ultimately, the board passed the following motion:

On a motion by S. Silver seconded by L. Montoya the Planning Board voted 6-0 (B. Bowen recused) to approve case no. LUR2019-00014, a Boulder Valley Comprehensive Plan (BVCP) land use map designation change for the property at 4475 Broadway from Manufactured Housing and Open Space, Other to Medium Density Residential.

Refer to **Attachment G** for the meeting minutes from the hearing.

PUBLIC FEEDBACK

Required public notice was given in the form of written notification mailed to all property owners within 600 feet of the subject site and a sign posted on the property for at least 10 days. Thus, all notice requirements of Section 9-4-3, B.R.C. 1981 have been met. These applications followed a number of community engagement events facilitated by the Housing Division and their consultant on the project. The community outreach is described in the “Background” section below. Public comments received regarding the project can be found in Attachment F of the [Planning Board memorandum](#). Refer to **Attachment G** for a summary of public comment made at the Planning Board hearing.

BACKGROUND

Process

The property requires annexation to be brought into the City limits and to allow for upgrades / repairs to the existing utility connections. Land may be considered for annexation to the City if the annexation would comply with state annexation statutes and the policies of Boulder Valley Comprehensive Plan (BVCP). The property borders the Boulder city limits on all sides (enclave) and is located within Area II of the BVCP. The property has been an enclave since at least December 18, 1990. It is anticipated in the Comprehensive Plan that Area II shall be annexed to the city of Boulder within three years, consistent with the phased expansion of the city's capacity to provide adequate urban facilities and services. If a property is annexed, zoning will be established according to land use designation in the Land Use Map of the Boulder Valley. The city's annexation policies are located within Policy 1.16 of the BVCP. Per Annexation Policy 1.16.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. An annexation agreement is required to establish 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 typically 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 usually holds a second public hearing before making their determination.

Existing Site / Site Context

The 6.3-acre property is located in North Boulder, northwest of the intersection of Violet Avenue and Broadway. The property has frontage on and access from both Cherry Avenue and Broadway. The site is located adjacent to Fourmile Canyon Creek. Refer to **Figure 1**. The property is under the jurisdiction of Boulder County and is considered an enclave to the city because the property is surrounded by the Boulder city limits on all sides. The property contains the Ponderosa Mobile Home Park, which was established sometime in the early 1950s with homes on wells and septic systems. A 1958 aerial photograph shows the park with 16 units. By 1966 the park had expanded to 54 units, and by 1972 to 68 units, which is the size the park remains today. The northern 60 feet of the property, including the “arm” to Broadway, were dedicated as Boulder County right-of-way in 1961 for planned Rosewood Avenue. However, this area has not been treated as a public right-of-way since the late 1960s.



Figure 1: Bird's Eye View of Annexation Area

The park operated on a well and septic system until the late 1970s, when water supply issues began resulting in the park running out of water, and potential contamination issues arose. An out-of-city utility agreement was approved in 1978 to allow the park to connect to city water and sewer systems (Ordinance no. 4320). The city issued the water connection permit in 1980. Based on the as-built drawings, it appears the city water connection was tied into the existing park water line infrastructure. Connection to the city sewer system occurred in 1984 and was also tied into the existing park sewer line infrastructure. Mobile homes are serviced through overhead

electrical lines. The property currently has no site stormwater detention or water quality controls. Internal access roads are un-paved. The park would require substantial infrastructure improvements to meet city standards. Based on the language contained in the out-of-city utility agreement, the property may perform continued maintenance of the existing utilities at their own expense, but any upgrades or modifications to the existing utilities will require annexation into the city.



Figure 2: Existing Conditions

Ponderosa is a diverse community that is nearly entirely comprised of homeowners and primarily (98 percent) households with low and moderate income. The park is 100 percent occupied. The mobile home park currently contains 68 households (67 mobile homes and one two-story office structure with manager’s quarters). Many of the homes have been modified or added on to over time, including building additions, outbuildings, and accessory structures. The development contains three “blocks” or sections of homes. Homes are oriented east-west on mobile home bays (spaces or pads). The bay sizes range from 26-30 feet in width and approximately 70 feet in depth in the older sections of the park (east side) to approximately 40 feet in width to 80 feet in depth on the west side. Homes are close to each other and most homes do not meet the minimum separation between homes (side-to-side and end-to-end), nor the setbacks from boundary lines in the city’s land use code (Section 9-7-13, "Mobile Home Park Form and Bulk Standards," B.R.C. 1981). Manufactured homes are regulated by the U.S. Department of Housing and Urban Development (HUD), rather than through building codes adopted by states or local governments.

In addition to the mobile home park, a commercial structure is located on the “arm” of the property that extends to Broadway. The one-story frame building is currently used for retail sales (carniceria) and is attached to the commercial shopping center at 4459-4483 Broadway. Refer to **Figure 3**. The structure was constructed in the 1960s within area that was previously dedicated as Boulder County right-of-way. In 2009, the owner of the Ponderosa property filed a “quiet title action” claiming title to the entire arm of the



Figure 3: Carniceria Commercial Structure

property extending to Broadway. As a result of the lawsuit, ownership was confirmed but a building easement, limited parking rights, and an access easement were granted to the neighboring property owner in a decree quieting title from the Boulder County District Court. Boulder County was part of the quiet title action since the structure is located in area previously dedicated as Boulder County right-of-way. The County filed a Disclaimer of Interest in the property (disclaiming any right, title, or interest) except the effect of the North Boulder Annexation Ordinance and amendment.

History of City Involvement

In 1990, the city began studying the park due to life safety and infrastructure concerns, and in 1991 and 1992 Thistle Communities (then Thistle Community Housing) and the city worked to examine the feasibility of purchasing and operating the park. In 1992 the city, residents, and the property owner began discussing the annexation of the park, upgrades to the utilities, and the sale of the property to the city for the purpose of eventual transfer to the residents as a resident-owned community. In May 1994, the city formally offered to purchase the park, plus the then vacant two-acre parcel to the west for \$944,000. City staff, at the direction of the City Council, proceeded to identify the necessary phased upgrades to the park, including reconstruction of the utilities, paving the streets, and replacing unsafe units by utilizing the vacant two-acre parcel to resolve spacing issues with existing units. The total cost for infrastructure upgrades was estimated at just over \$1,000,000 in 1996. The city proposed a phased purchase package for the owner to spread the city's purchase payments over several years, and a loan to transition to a resident-owned community. In April 1996, the owner informed the city that he was not interested in responding to the city's purchase offer, which the city then formally withdrew.

In 2000, the owner began the process of exploring annexation again, this time without any city purchase considerations. The city reviewed and provided numerous comments and questions for additional analysis to the owner. In 2002, the application for annexation was withdrawn. In 2004, the then-owner (since 1971) sold the park (without the adjacent vacant two-acre parcel) to one buyer. The adjacent parcel was then sold to a separate buyer, annexed, and developed as the 1000 Rosewood project.

The owner of Ponderosa performed small upgrades to the park and in early 2013, applied for a pre-application review to upgrade the existing water lines inside the park. Due to the provisions in the out-of-city utility agreement, annexation was necessary before any work could be completed. In September 2013, flooding occurred throughout the city and county, including Fourmile Canyon Creek, causing shallow surface water flooding throughout the park and significant damage to surrounding properties and much of north Boulder. Apart from one mobile home that shifted off its footing, homes were not directly impacted by flooding from the creek – most damage to mobile homes resulted from water infiltration from unprecedented rainfall.

In 2014, City of Boulder was awarded a CDBG-DR (Community Development Block Grant – Disaster Recovery) Resilience Planning Grant to find resilience solutions for a three-parcel area along West Fourmile Canyon Creek that included Ponderosa. Work performed under the grant included extensive engagement with the community and the then-owner of Ponderosa, producing eleven goals and drivers for the community, including: minimize disruption to residents; keep the residents of the community together / minimize displacement; improve the resilience of the

community; improve health and safety; retain affordability; create certainty for the future; achieve annexation goals; encourage long-term investment in property; improve utilities (e.g., stability, reliability, service); leverage federal disaster recovery funding; and minimize costs and maximize dollars invested. Informed by the park owner's desire to replace infrastructure in Ponderosa, a second major element of work performed under the grant was a cost estimate for infrastructure replacement. After completion of the [grant report](#) in 2016, staff considered next steps informed by the eleven goals and drivers. Staff analysis identified a course of action, including city acquisition of Ponderosa; replacement of infrastructure; annexation; preservation of long-term affordability; identification of energy-efficient home replacement options residents can afford; and reduction of flood risk to the community.

The city purchased the property on August 2, 2017. Since purchase of Ponderosa, extensive community engagement has been undertaken (e.g., a Resident Leadership Committee meets monthly and informs and represents neighbors, community workshops, the [Ponderosa Resilience Workshop](#), monthly newsletter updates, city Q & A sessions, a good neighborhood meeting, project website, residents guide, etc.). On October 17, 2017, City Council adopted the Ponderosa Resolution, affirming the city's commitment to "coordination with the residents of the Ponderosa Mobile Home Park to protect the health and life safety of the community, enable permanent affordability, promote sustainability and resilience, and ensure minimal resident displacement". Refer to the written statement in Attachment D of the [Planning Board memorandum](#) for a detailed description of the community outreach and engagement.

Concept Plan Review

On Jun. 7, 2018, the Planning Board reviewed and commented on the Concept Plan Review for the redevelopment of the property and installation of infrastructure. The staff memorandum to Planning Board, meeting minutes, meeting audio, and other related materials are available in the [city records archive for Planning Board](#). City Council reviewed the Concept Plan on Aug. 23, 2018. The staff memorandum to City Council, meeting minutes, meeting audio, and other related materials are available in the [city records archive for City Council](#). Staff's memo to City Council includes a summary of the Planning Board hearing and comments.

Planning Area

The property is located in Boulder Valley Comprehensive Plan Planning Area II and borders the Boulder city limits on all sides (enclave). Refer to **Figure 4** on the following page. Area II refers to land now under county jurisdiction where annexation to the city can be considered consistent with Policies *1.07 Adopting Limits on Physical Expansion*, *1.09 Growth Requirements*, *1.12 Definition of Comprehensive Planning Areas I, II & III*, and *1.16 Annexation*. Per Annexation Policy 1.16.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. The property is considered an enclave because the unincorporated area has been "entirely contained" within the boundaries of the city for at least three years (C.R.S. § 31-12-106).

Land Use Designation.

The proposal includes a land use map change from Manufactured Housing (MH) and Open Space, Other (OS-O) to Medium Density Residential (MR). Land use map changes can be considered at the time of annexation and require approval by both the Planning Board and City Council. The Planning Board approved the land use map change at the hearing on Sep. 5, 2019. Refer to **Attachment G** for the meeting minutes from the hearing.



Figure 4: BVCP Planning Areas

Zoning.

The property is located in unincorporated Boulder County with a county zoning of MH – Manufactured Home Park. The purpose of the zoning, as defined by the Boulder County Land Use Code is to “provide for manufactured home parks in appropriate locations, consistent with comprehensive planning policies to encourage and provide for affordable housing including the preservation of existing housing stocks” (Article 4-107 of the Boulder County Land Use Code).

Figure 5 on the following page shows the surrounding city zoning districts.

The proposed residential use is inconsistent with MH zoning since the new homes would be built on fixed foundations. The proposed initial zoning upon annexation is Residential – Medium 2 (RM-2) and is defined in Section 9-5-2(c), B.R.C. 1981 as “[m]edium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level.”

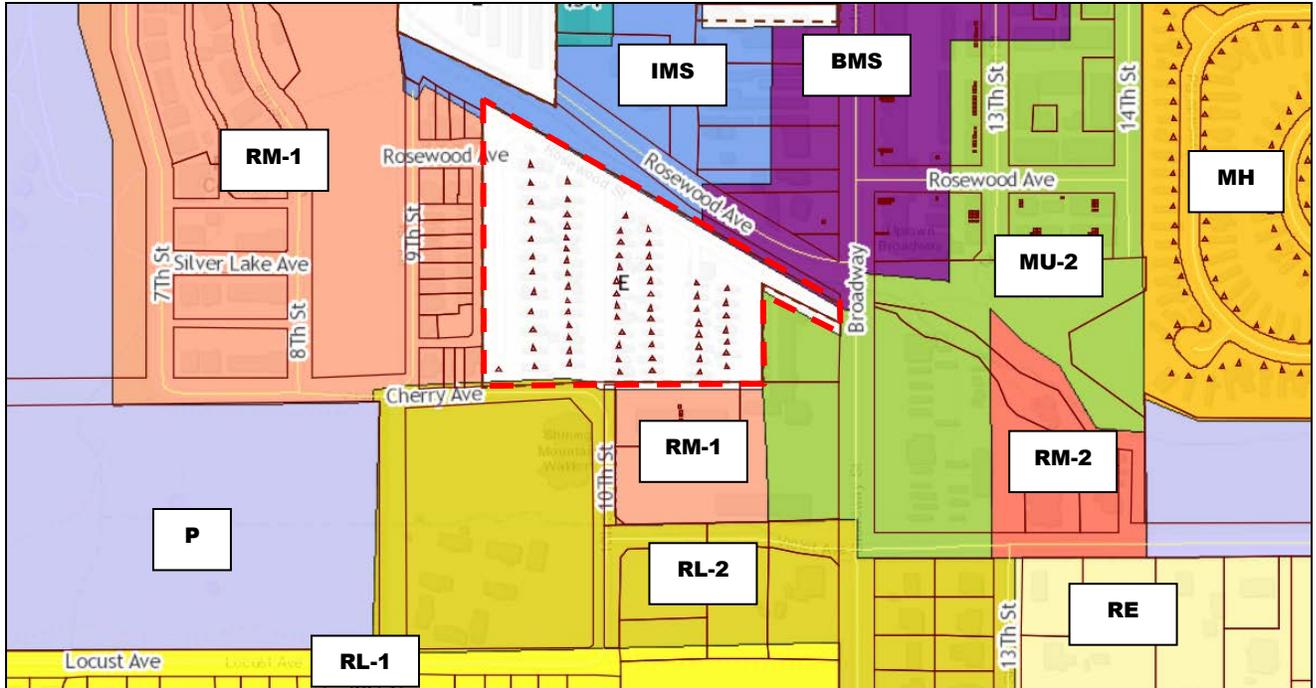


Figure 5: Surrounding City Zoning Districts

Natural Features

Fourmile Canyon Creek runs along the north property line. The property is essentially flat with a gentle slope from the northwest corner to the east property line. There is limited mature landscaping and trees scattered through the development. Views of the foothills and the flatirons in the distance are evident from the property, mostly on the west and north sides of the site. The site is primarily impacted by the 100- and 500-year flood plains of Fourmile Canyon Creek.

However, there is a strip of high hazard and conveyance zone along the north property line and the “arm” to Broadway. Refer to **Figure 6** on the following page. The creek is contained within land owned by the City as open space. The September 2013 flood event caused surface flooding and shallow sheet flows throughout the mobile home park. Subsequent studies have shown that impacts from the flood were minimal, with shallow flooding of the roads, mud, and roof damage due to the rain. Future home replacements in the 100-year floodplain would be required to be elevated and meet the floodproofing standards required by FEMA. All the finished floors of all of the existing units are located above the flood elevation.

The area is considered high functioning wetlands. Both the inner and outer buffer areas, which act to preserve and protect the wetlands, impact the north boundary of the site. Refer to **Figure 7** on the following page. No structures are proposed within the wetland buffers. A flood and drainage easement is proposed to cover the area between the property line and outer buffer to allow for future flood improvements as part of the [Fourmile Canyon Creek Greenways Improvements Project](#).



Figure 6: Flood Plains

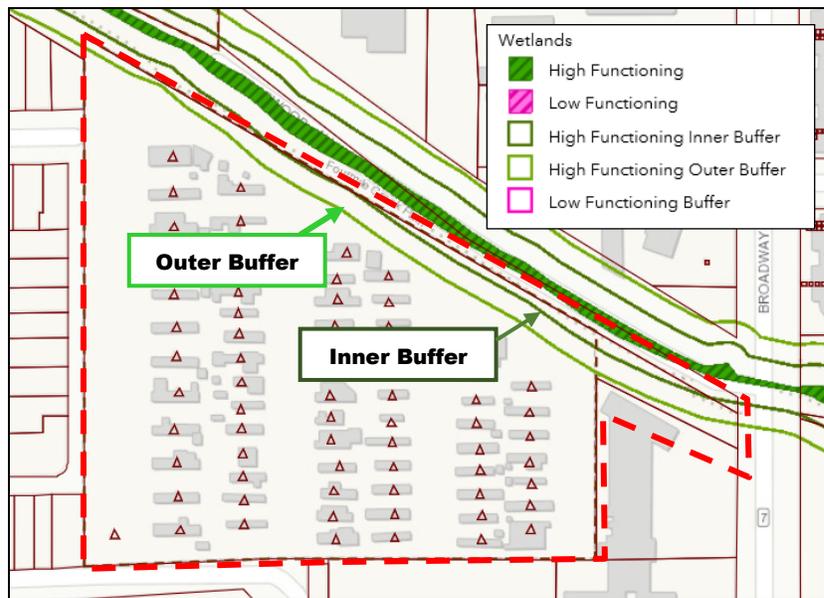


Figure 7: Wetland Buffers

Surrounding Neighborhood

The subject parcel is located in North Boulder west of Broadway. The surrounding area has evolved over the last 25 years from a largely rural area with a mix of residential and service or industrial uses to nodes of more urban mixed-use neighborhoods, guided by the North Boulder Subcommunity Plan. The character of the area surrounding the project site is eclectic. The site is neighbored by the recent 1000 Rosewood residential development to the west and aging industrial development to the south and east, primarily containing industrial service uses. The Shining Mountain Waldorf School and Foothills Community Park are located to the southwest, across Cherry Avenue. Beyond the school and park, to the south and southeast of the site, are established single-family residential neighborhoods. Industrial uses are located to the north

across the creek, including a self-storage facility. To the east across Broadway are the Uptown Broadway and Violet Crossing developments, which are characterized by larger buildings of a contemporary style.



Figure 8: 1000 Rosewood Development

The property at 1000 Rosewood was annexed into the city in 2011 and was approved for 18 dwelling units (16 single-family dwellings and two duplexes). Refer to **Figure 8**. An open space reduction was approved as part of annexation. The neo-traditional development includes homes on subdivided lots with both attached and detached garages accessed from Rosewood Avenue and from an alley. Nine of the units are deed restricted as permanently affordable units. Directly west of the development is an undeveloped portion of the Foothills Community, which is used for stormwater detention.

Area Plans

The property is located within the boundaries of the [North Boulder Subcommunity Plan \(NBSP\)](#). The NBSP was adopted in 1995 to guide future development of North Boulder. The plan was amended in 1996 and 1997. The site is within the Union – Utica neighborhood defined by the plan and is subject to specific development guidelines for this neighborhood.

PROPOSAL

Project Description

The applicant is requesting annexation by petition as provided by state law. Annexations must comply with Colorado Revised Statutes (C.R.S.), Article 12 of Title 31. Additionally, annexations must comply with city policies *1.07 Adapting to Limits on Physical Expansion*, *1.09 Growth Requirements*, *1.12 Definition of Comprehensive Planning Areas I, II & III*, and *1.16 Annexation* in the BVCP. As part of the proposal the project proposes a BVCP land use map change to a Medium Density Residential land use and an initial zoning of Residential – Medium 2. Refer to the key issues analysis in Section III below for staff’s analysis of the state statutes, BVCP policies, land use designation change, and proposed zoning. Refer to **Attachment D** for the draft Memorandum of Understanding in lieu of an Annexation Agreement.

ANALYSIS

The applicant is requesting annexation by petition as provided by state law. Annexations must comply with Colorado Revised Statutes (C.R.S.), Article 12 of Title 31. Additionally, annexations must comply with city policies *1.07 Adapting to Limits on Physical Expansion*, *1.09 Growth Requirements*, *1.12 Definition of Comprehensive Planning Areas I, II & III*, and *1.16 Annexation* in the BVCP. Staff finds that the proposed annexation is consistent with state statutes and city policies. A discussion of staff’s analysis follows:

1. Compliance with State Annexation Statutes

Staff has found the proposal consistent with State annexation laws, in particular, section 31-12-106(1), C.R.S., the city's regulations, policies, and guidelines. A discussion of staff's analysis follows:

The property is an enclave with 100% contiguity to city limits; therefore, the annexation may follow the unilateral process allowed by section 31-12-106, C.R.S. Staff has reviewed the request for compliance with the requirements in section 31-12-106, C.R.S., and finds that the application is consistent with this section, as affirmed by the criteria below:

- The enclave has been surrounded by municipal boundaries for no less than three years.

The property has been an enclave for over 28 years. It became an enclave on December 18, 1990 at the time of second reading of Ordinance 5355.

- All public rights-of-way adjacent to the enclave are within the municipal boundary and are adjacent to land within the municipal boundary on the side of the right-of-way opposite to the enclave.

The enclave is bordered by public right-of-way for Cherry Avenue, 10th Street, and Broadway, which is within the municipal boundary and the opposite side of such right-of-way is adjacent to land within the municipal boundary.

- All territory surrounding the enclave was annexed prior to December 19, 1980 or was annexed in compliance with section 30 of article II of the state constitution.

Territory surrounding the enclave was annexed after December 19, 1980 but was annexed in compliance with section 30 of article II of the state constitution, "Right to Vote or Petition on Annexation – Enclaves". In the surrounding territory the city received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area.

- The population of the enclave does not exceed one hundred persons and fifty acres.

The enclave consists of 6.298 acres.

Staff found that the proposed annexation is compliant with the state provisions for annexation located in Section 31-12-106 et seq., C.R.S.

Compliance with City Policies

Land may be considered for annexation to the City if the annexation would comply with state annexation statutes and the policies of Boulder Valley Comprehensive Plan (BVCP). The property borders the Boulder city limits on all sides (enclave) and is located within Area II of the

BVCP. It is anticipated in the Comprehensive Plan that Area II shall be annexed to the city of Boulder within three years, consistent with the phased expansion of the city's capacity to provide adequate urban facilities and services. If a property is annexed, zoning will be established according to land use designation in the Land Use Map of the Boulder Valley. The city's annexation policies are located within Policy 1.16 of the BVCP. Per Annexation Policy 1.16.b, the city will actively pursue annexation of county enclaves.

The project is consistent with the following BVCP policies:

	BVCP Policy	Excerpt from BVCP	How the Annexation is Consistent with BVCP Policies
Growth Management	1.07 <i>Adapting to Limits on Physical Expansion</i>	<i>“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.”</i>	The annexation agreement has been written to enhance the physical, social, and economic assets of the community. The annexation would preserve existing housing on the property as permanently affordable housing units. The project would improve quality of life for residents of the area.
	1.09 <i>Growth Requirements</i>	<i>“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.”</i>	The annexation would provide significant community benefits, primarily in the form of permanently affordable housing. The residential units are intended to be available to low, moderate, and middle income residents, priced to be affordable based on household income. Other community benefits include no involuntary displacement of the current residents, improved traffic/pedestrian access and circulation, and flood mitigating storm water management.
Annexation	1.16 <i>Annexation</i>	<i>“a. Annexation will be required before adequate facilities and services are furnished.”</i>	City services will be available to the property with annexation. The purpose of the annexation is to upgrade the existing service lines inside the park. Due to the provisions in the out-of-city utility agreement, annexation is necessary before any utility work can be completed

	BVCP Policy	Excerpt from BVCP	How the Annexation is Consistent with BVCP Policies
Annexation	1.16 Annexation	<p><i>“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. (...)”</i></p>	<p>The property is considered a county enclave.</p>
Annexation	1.16 Annexation	<p><i>“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. (...)”</i></p> <p><i>“e. Annexation of substantially developed properties that allow 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.”</i></p>	<p>Additional development potential exists for the property under RM-2 zoning. The annexation will allow for upgrades to the existing service lines inside the park and will provide a critical public health benefit by providing safe and quality drinking water and reducing possible public health threats. Staff finds that the annexation respects existing lifestyles and densities.</p> <p>The proposal is to provide 100% affordable housing. A long-term land lease would allow residents to own their homes. All new replacement homes will be size limited and deed restricted. The project would serve an important aspect of housing needs in the Boulder community. The project would have mixed-income affordability from very low to moderate income. Provided housing choices are suitable for families and multiple generations. Staff believes that these characteristics of the development provide sufficient community benefit and will help the city to provide diverse housing choices.</p> <p>Other community benefits include no involuntary displacement of the current residents, improved traffic/pedestrian access and circulation, and flood mitigating storm water management.</p>

2. Land Use Designation

As noted above, at second reading of the annexation ordinance City Council will be asked to approve a BVCP land use map change for the property. The project requires a land use map change since the proposal includes fixed foundation homes, which are not consistent with the Manufactured Housing land use designation or zoning. Refer to **Attachment F** for the proposed land use map for the property. A land use map change may be considered concurrent with a request for annexation. Land use map changes for properties located in Area II require approval of the Planning Board and City Council. Since this property is an enclave, the city’s decision is not subject to call-up by the Board of County Commissioners of Boulder County. Applications for land use designation changes that are made outside of a mid-term or five-year BVCP update must be found to be consistent with BVCP policies, compatible with the surrounding area, and satisfy several other factors listed in Appendix C of the BVCP (referenced below).

The Medium Density designation is characterized by a mix of housing types (from single family to attached units) that are generally situated near neighborhood and community shopping areas or along some of the major arterials of the city. Refer to description in the BVCP below.

<p>Medium Density Residential (MR)</p>	<p>Characteristics and Locations: MR is characterized by a variety of housing types. Medium-density areas are generally situated near neighborhood and community shopping areas or along some of the major arterials of the city.</p> <p>Uses: Consists of a variety of housing types ranging from single-family detached to attached residential units such as townhomes, multiplexes and some small lot detached units (e.g., patio homes), not necessarily all on one site.</p> <p>BVCP Density/Intensity: 6 to 14 dwelling units per acre</p>
---	--

To be eligible for a Land Use Map change, the city must find that that the proposed change:

on balance, is consistent with the policies and overall intent of the comprehensive plan;

Staff finds that the proposed Land Use Map change is, on balance, consistent with the policies and overall intent of the comprehensive plan, as detailed in Key Issue #1 above.

The site was historically designated Medium Density Residential. The Manufactured Housing designation was created as part of the 2000 Major Update to the Boulder Valley Comprehensive Plan. At that time four manufactured home parks in unincorporated Boulder County were designated as Manufactured Housing to “signal the city and county’s intent to preserve the existing mobile home parks”. The purpose of the Manufactured Housing land use designation is to preserve existing manufactured home parks to preserve affordable housing options within the Boulder Valley.

A change to Medium Density Residential would be compatible with adjacent land uses and development and is consistent with previous city decisions. The land use designation for the Rosewood site (directly to the west) changed from Medium Density Residential to

Manufactured Housing in 2000, and then back to Medium Density Residential in 2008. The primary reason for the change back to Medium Density Residential was to have the same land uses as a neighboring project that included a variety of housing options. The Rosewood site now includes detached single-family homes and duplexes with a similar character as those of the Ponderosa proposal.

The OS-O designated portion of the property was intended to cover the riparian area of Fourmile Canyon Creek. The city-owned portion of the creek is managed as part of the Greenways Program as a multi-use path and flood way. The change to the OS-O designated portion of the site has been reviewed by city staff, including Open Space and Mountain Parks (OSMP). OSMP staff supported this land use change because the property's OS-O lands do not significantly support or provide for any of the open space purposes listed under Article XII, Sec. 176 of the City Charter. The OS-O areas that could support and provide for open space purposes are already owned by the city. Thus, the city's ownership and management of the Fourmile Canyon Creek riparian area through the Greenways Program honors the intent of the original designation.

would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city;

Given the location of this Enclave property, staff finds that the proposed Land Use Map change meets this criterion. The Boulder County Land Use Department also indicated support for this application. Refer to **Attachment I**.

would not materially affect the land use and growth projections that were the basis of the comprehensive plan;

The Manufactured Housing Land Use Designation does not include a standard range for density or intensity. Therefore, mobile home counts are audited using data provided by the Boulder County Assessor for use in the city's dwelling unit growth projections.

The Medium Density Land Use Designation anticipates 6 to 14 dwelling units per acre, which is consistent with the existing density. The increase from the existing 68 mobile homes to 73 single family homes will not materially affect the land use and growth projections.

does not materially affect the adequacy or availability of urban facilities and services to the immediate area or to the overall service area of the City of Boulder;

The annexation application and Site Review has been reviewed by applicable city departments to ensure adequate public facilities.

would not materially affect the adopted Capital Improvements Program of the City of Boulder; and

Staff finds that the proposal will not materially affect the adopted Capital Improvement Program.

would not affect the Area II/Area III boundaries in the comprehensive plan.

The site is considered an Enclave within Area II of the BVCP and therefore, would not affect the Area II/Area III boundaries of the BVCP.

Based on the analysis above, the city has determined that the BVCP land use map change is appropriate. While county approval is not required for the proposed land use map change the Boulder County Land Use Department was forwarded the request for review. A letter from the county indicates support for the land use designation change as part of the project. Refer to **Attachment I**.

The Planning Board approved the land use map change at the hearing on Sep. 5, 2019. Refer to **Attachment G** for the meeting minutes from the hearing.

3. Initial Zoning

Initial zoning is established pursuant to Section 9-2-18, “Zoning of Annexed Land”, B.R.C. 1981. If a property is annexed, zoning will be established consistent with the goals and Land Use Map of the BVCP. As described above, the application proposes a land use designation change for the property to Medium Density Residential, which anticipates a density of six to 14 units per acre. As described above, staff finds that the proposed Land Use Map change meets the criteria for such change. The proposed zoning assumes approval of the Land Use Map change to Medium Density Residential. Given the proposed housing mix and anticipated density, the only applicable zoning districts in this density range are the Residential – Medium 1, 2 or 3 zoning districts. Refer to **Attachment F** for the proposed land use map for the property.

The proposed zoning of Residential – Medium 2 would be consistent with a land use map designation of Medium Density Residential. The RM-2 zoning district is described as: “*Medium density residential areas primarily used for small-lot residential development, including without limitation, duplexes, triplexes, or townhouses, where each unit generally has direct access at ground level*” (Section 9-5-2(c)(1), B.R.C. 1981). Per the use table in the land use code, the RM-2 zone district has more allowances for a variety of residential uses than the RM-1 or RM-3 districts. In addition, the intensity of development in the RM-2 and RM-3 zones are controlled by a minimum lot area per dwelling unit of 3,500 square feet. Intensity in the RM-1 district is controlled by the provision of 3,000 square feet of open space per dwelling unit. Staff finds that the use and density controls of the RM-2 district more closely align with the vision for the area in the North Boulder Subcommunity Plan and allow for development that is compatible with the surrounding neighborhood. The proposed RM-2 zoning is a logical extension of the existing RM zoning to the west and south, as represented on the zoning map in **Figure 5**. The Foothills Community and 1000 Rosewood developments to the west share a RM-1 designation. RM-2 zoning is located to the west across Broadway.

4. Terms of Annexation

The annexation conditions provided in **Attachment D** include the following notable terms. Please note, minor changes have been made to Paragraph 5 of the agreement since it was forwarded to Planning Board for review.

- Payment of stormwater plant investment fees;
- The property will undergo a subdivision to eliminate existing parcel lines and create a lot or outlot for the eastern arm of the property that contains the existing retail sales use. This new lot or outlot will be owned and retained by the City for municipal utility, municipal services, , and other city purposes. A 10.5-foot wide portion of this lot or outlot will be dedicated as right-of-way along Broadway to accommodate the City of Boulder Broadway Reconstruction Project;
- Dedication of a flood control easement generally along the north property line to allow for the future flood mitigation and channel construction (City's Fourmile Canyon Creek Mitigation Plan);
- Dedication of right-of-way on the north side of Cherry Avenue to accommodate an eight-foot wide tree planting area and a five-foot wide detached sidewalk;
- Standards for the construction and maintenance of the internal streets;
- Extension of development timing to allow for the gradual replace of mobile homes over time;
- All new dwelling units constructed will be deed restricted as permanently affordable units. The residential units will be available to low-, moderate-, and middle-income residents, priced to be affordable based on household income.
- Requirements for rental housing licenses for existing dwelling units on the property;
- Requirement for a plan to secure the mobile homes against high wind forces, generally consistent with the intent of Section 10-12-8, "Blocking and Tie-Down Required," B.R.C. 1981.

ATTACHMENTS

- A. Annexation Map
- B. Ordinance 8351
- C. Resolution 1263
- D. Draft Memorandum of Understanding in lieu of Annexation Agreement
- E. Annexation Petition
- F. Map of Proposed Land Use Change
- G. Sep. 5, 2019 Planning Board Minutes
- H. Ponderosa Resolution
- I. Boulder County Referral Letter

ANNEXATION MAP

4475 BROADWAY
A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO
TOTAL AREA = 6.298 ACRES

LEGEND

-  PUBLIC LAND CORNER FOUND
-  FOUND #5 REBAR WITH 1" RED PLASTIC CAP, STAMPED SCOTT COX ASS PLS 24302 (P&C) (UNLESS NOTED)
-  FOUND MONUMENT AS NOTED
-  (R) RECORD COURSE PER LEGAL
-  (M) MEASURED COURSE PER THIS SURVEY
-  PROPERTY CONTIGUOUS TO EXISTING CITY OF BOULDER LIMITS

TOTAL PERIMETER OF AREA TO BE ANNEXED = 2,579.78 FEET
 ONE SIXTH OF TOTAL PERIMETER = 429.96 FEET
 PERIMETER CONTIGUOUS TO EXISTING CITY LIMITS = 2,579.78 FEET

OWNER: CITY OF BOULDER
1777 BROADWAY
BOULDER, COLORADO 80306

SURVEYOR: SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13, WHENCE THE EAST LINE OF SAID NE 1/4 OF SECTION 13 BEARS S00°04'00"E, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE ALONG SAID EAST LINE S00°04'00"E, 872.00 FEET; THENCE N90°00'00"W 40.00 FEET TO THE WESTERLY RIGHT OF WAY OF N. BROADWAY (COLORADO STATE HIGHWAY 7) AND THE TRUE POINT OF BEGINNING;

THENCE N59°56'23"W, 197.13 FEET; THENCE S00°04'00"E, 202.29 FEET; THENCE N89°58'34"W 350.65 FEET TO THE NORTHERLY RIGHT OF WAY OF 10TH ST. PER RECEPTION NO. 01575389 RECORDED 1/9/96; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING THREE COURSES: 1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE WESTERLY HAVING A CENTRAL ANGLE OF 39°36'39" A RADIUS OF 98.00 FEET (CHORD BEARS N70°10'17"W, 66.41') AN ARC DISTANCE OF 67.75 FEET; 2) THENCE N89°58'34"W, 34.68 FEET; 3) THENCE S87°28'48"W, 164.87 FEET TO THE EASTERLY LINE OF 1000 ROSEWOOD SUBDIVISION; THENCE ALONG SAID EASTERLY LINE N00°04'00"W, 538.59 FEET; THENCE CONTINUING N00°04'00"W, 60.00 FEET; THENCE S60°43'52"E, 186.98 FEET; THENCE S59°56'23"E, 716.83 FEET TO SAID WESTERLY RIGHT OF WAY OF N. BROADWAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY S00°04'00"E, 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 6.298 ACRES.

SURVEY NOTES

- THIS MAP IS NOT A LAND SURVEY PLAT OR AN IMPROVEMENT SURVEY PLAT. THE PURPOSE OF THIS MAP IS TO SHOW THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO.
- THIS ANNEXATION IS BASED ON AN ALTA/NSPS LAND TITLE SURVEY PREPARED BY SCOTT, COX & ASSOCIATES, INC. DRAWING NO. 17298A-1 DATED 07/28/17.
- NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVERED SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON. CRS-13-80-105 (3)(a).
- PARCEL III: THE DEED RECORDED AT BOOK 1169, PAGE 422 ON 1/26/61 DEDICATED RIGHT-OF-WAY TO THE PUBLIC AND THE COUNTY OF BOULDER. HOWEVER, THIS DEDICATION WAS NEVER ACCEPTED AS RIGHT-OF-WAY BY BOULDER COUNTY PER BOULDER COUNTY STAFF.

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO, AND THAT AT LEAST ON SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT CITY OF BOULDER, COLORADO.

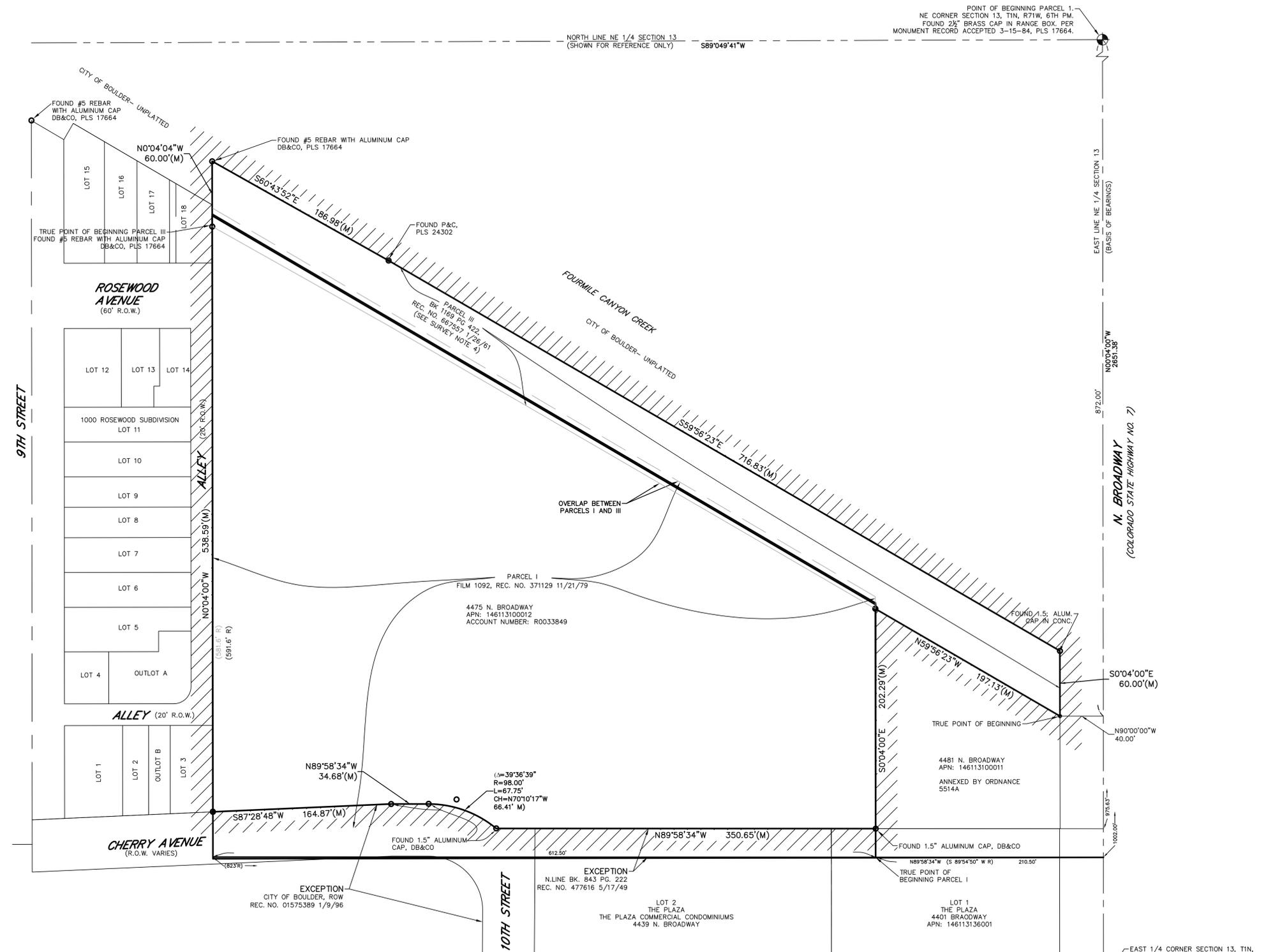
A. John Buri
A. JOHN BURI, PLS 24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.



SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 - 3051

Designed by	AJB	Date	09/04/19	Scale	1"=50'	Drawing no.	17298D-1	Sheet	1
Drawn by	JAS	Revision		Description		Date		Project no.	17298D
Checked by	AJB								

Scale: 1" = 50'



ORDINANCE 8351

AN ORDINANCE ANNEXING TO THE CITY OF BOULDER APPROXIMATELY 6.298 ACRES OF LAND GENERALLY LOCATED AT 4475 BROADWAY, WITH AN INITIAL ZONING CLASSIFICATION OF RESIDENTIAL MEDIUM – 2 (RM - 2) AS DESCRIBED IN CHAPTER 9-5, "MODULAR ZONE SYSTEM," B.R.C. 1981; AMENDING THE ZONING DISTRICT MAP FORMING A PART OF SAID CHAPTER TO INCLUDE SAID PROPERTY IN THE ABOVE-MENTIONED ZONING DISTRICT; AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS:

A. The City Council passed a resolution initiating annexation of the enclave described in Exhibit A (the "Property") attached hereto and incorporated herein by this reference, on September 17, 2019.

B. Evidence has been presented to the City Council that the Property has been entirely contained within the boundaries of the City of Boulder and has been so surrounded for at least three years.

C. The City of Boulder, a Colorado home rule City ("City,") is the owner of the Property.

D. The City, in its capacity as owner, has requested that the City, in its capacity as the land use authority, unilaterally annex the Property.

E. The Property is unincorporated area and is an enclave, subject to annexation pursuant to Section 31-12-106, C.R.S., as that term is defined in Section 31-12-103, C.R.S. in that this unincorporated area has been entirely contained within the outer boundaries of the City based upon prior annexations occurring prior to December 18, 1990, and that no portion of said outer city boundaries consist at this time solely of public rights-of-way.

F. The Property was completely surrounded by the City of Boulder as of December 18, 1990.

G. The requirements of the Colorado Constitution and the Colorado Revised Statutes regarding annexation have been satisfied.

H. The Property is located within Area II of the Boulder Valley Comprehensive Plan (BVCP) Planning Areas I, II, II Map. The BVCP land use designation for the Property Manufactured Home Park (MH) and Open Space, Other (OS-O), and proposed to be amended to Medium Density Residential (MR) contemporaneously with this annexation.

I. After a public hearing, the Planning Board recommended that the Property be annexed to the City of Boulder, that the BVCP)land use map designation be changed for the

1 Property from Manufactured Housing (MH) and Open Space, Other (OS-O) to Medium Density
2 Residential (MR), and that the Zoning District Map adopted by the City Council be amended to
3 zone and include the Property in the Residential - Medium 2 (RM-2) zoning district, as provided
4 in Chapter 9-5, "Modular Zone System," B. R. C. 1981.

5 J. The proposed initial zoning of RM-2 is consistent with the proposed BVCP land
6 use designation of MR, is generally consistent with the Boulder Valley Comprehensive Plan, and
7 bears a substantial relation to and will enhance the general welfare of the Property and of the
8 residents of the City of Boulder.

9 K. The City Council has jurisdiction and the legal authority to annex and zone the
10 Property.

11 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
12 OF BOULDER, COLORADO, THAT:

13 Section 1. The territory more particularly described in Exhibit "A" be, and the same
14 hereby is, annexed to and included within the corporate boundaries of the City of Boulder.

15 Section 2. Chapter 9-5, "Modular Zone System," B.R.C. 1981, and the Zoning District
16 Map forming a part thereof, be, and the same hereby are, amended to include the Property within
17 the Residential - Medium 2 (RM-2) zoning district.

18 Section 3. The City Council approves any variations or modifications to the Boulder
19 Revised Code or other City ordinances that are in the Memorandum of Understanding associated
20 with this annexation.

21 Section 4. The annexation and zoning of the Property is necessary for the protection of
22 the public health, safety, and welfare.

23 Section 5. The City Council deems it appropriate that this ordinance be published by title
24 only and directs the city clerk to make available the text of the within ordinance for public
25 inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE
2 ONLY this 17th day of September, 2019.

3
4 _____
Suzanne Jones
Mayor

5
6
7 Attest:

8 _____
9 Lynnette Beck
City Clerk

10
11 READ ON SECOND READING, PASSED, AND ADOPTED, this 22nd day of October,
12 2019.

13
14
15 _____
16 Suzanne Jones
Mayor

17
18 Attest:

19
20 _____
21 Lynnette Beck
City Clerk

**EXHIBIT A
(SHEET 1 OF 2)**

**LEGAL DESCRIPTION
(4475 Broadway)**

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SAID PARCEL OF LAND CONTAINS 6.298 ACRES.

ANNEXATION MAP

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TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO
TOTAL AREA = 6.298 ACRES

LEGEND

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-  FOUND #5 REBAR WITH 1" RED PLASTIC CAP, STAMPED SCOTT COX ASC PLS 24302 (P&C) (UNLESS NOTED)
-  FOUND MONUMENT AS NOTED
-  RECORD COURSE PER LEGAL
-  MEASURED COURSE PER THIS SURVEY
-  PROPERTY CONTIGUOUS TO EXISTING CITY OF BOULDER LIMITS

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 ONE SIXTH OF TOTAL PERIMETER = 429.96 FEET
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OWNER: CITY OF BOULDER
1777 BROADWAY
BOULDER, COLORADO 80306

SURVEYOR: SCOTT, COX & ASSOCIATES, INC.
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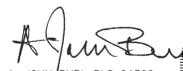
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CERTIFICATION

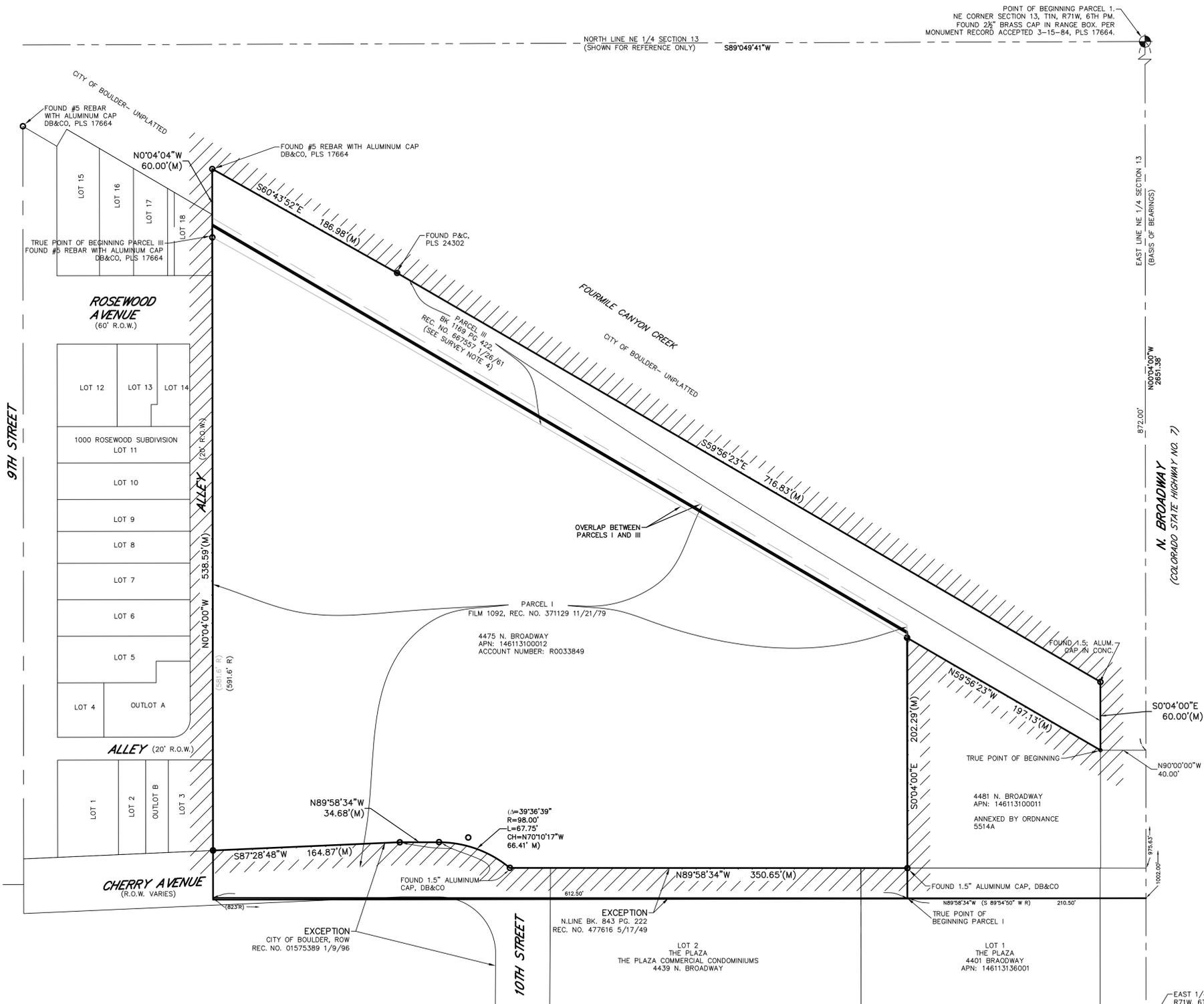
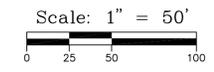
THIS IS TO CERTIFY THAT THIS MAP WAS MADE UNDER MY DIRECT RESPONSIBILITY, SUPERVISION AND CHECKING AND THAT IT IS A TRUE AND CORRECT REPRESENTATION OF THE AREA TO BE ANNEXED TO THE CITY OF BOULDER, COLORADO, AND THAT AT LEAST ON SIXTH (1/6) OF THE BOUNDARY OF SAID PARCEL IS CONTIGUOUS TO THE PRESENT CITY OF BOULDER, COLORADO.


A. JOHN BURI, PLS 24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.



SCOTT, COX & ASSOCIATES, INC.
consulting engineers • surveyors
1530 55th Street • Boulder, Colorado 80303
(303) 444 - 3051

Designed by	AJB	Date	09/04/19	Scale	1"=50'	Drawing no.	17298D-1	Sheet	1
Drawn by	JAS	Revision		Description		Date		Project no.	17298D
Checked by	AJB								



RESOLUTION 1263

A RESOLUTION INITIATING THE ANNEXATION OF AN AREA OF APPROXIMATELY 6.298 ACRES OF LAND GENERALLY LOCATED AT 4475 BROADWAY TO THE CITY OF BOULDER; FINDING SAID AREA TO BE AN ENCLAVE; CALLING FOR SAID LAND TO BE ANNEXED TO THE CITY ON OCTOBER 22, 2019; DIRECTING AND FINDING THAT NOTICE OF THE ANNEXATION BE PUBLISHED IN COMPLIANCE WITH §31-12-106 C.R.S., AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, HEREBY FINDS AND RECITES THAT:

A. The area described in Exhibit A attached and incorporated herein by this reference (the "Property") has been entirely surrounded and contained within the outer boundaries of the City of Boulder and has been so surrounded for a period of not less than three years.

B. Said unincorporated area is an enclave as that term is defined in subsection 31-12-103(4), C.R.S.

C. The City of Boulder is the sole owner of the Property and is not solely a public street or right-of-way.

D. The owners of the Property have filed a petition for annexation and have requested that the property be annexed by the City pursuant to the unilateral annexation proceedings of Section 31-12-106, C.R.S. of the Municipal Annexation Act of 1965.

E. It is desirable to annex the Property to the City of Boulder and such annexation will be in the interests of the public health, safety, and welfare.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

Section 1. The City Council will consider taking final action on the annexation of the Property at its regular business meeting on October 22, 2019 in the City Council Chambers located at 1777 Broadway, Boulder Colorado, to determine:

1. Whether or not the unincorporated area that includes the Property is an enclave which should be annexed to the City of Boulder by ordinance;
2. Whether or not an election is required under section 30 of article II of the state constitution or Section 31-12-107(2); and
3. Whether or not additional terms and conditions are to be imposed.

Section 2. The City Council orders the city manager to publish this Resolution in compliance with the requirements of Section 31-12-106, C.R.S., and finds that:

A. The notice shall be published once a week for four successive weeks in a newspaper of general circulation in the area proposed to be annexed; and

B. The first publication of the notice shall be at least 30 days prior to the date of final action on the annexation ordinance which is scheduled for October 22, 2019.

INTRODUCED, READ, PASSED, AND ADOPTED this 17th day of September, 2019.

Suzanne Jones
Mayor

ATTEST:

Lynnette Beck
City Clerk

EXHIBIT A

**LEGAL DESCRIPTION
(4475 Broadway)**

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13, WHENCE THE EAST LINE OF SAID NE 1/4 OF SECTION 13 BEARS S00°04'00"E, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE ALONG SAID EAST LINE S00°04'00"E, 872.00 FEET; THENCE N90°00'00"W 40.00 FEET TO THE WESTERLY RIGHT OF WAY OF N. BROADWAY (COLORADO STATE HIGHWAY 7) AND THE TRUE POINT OF BEGINNING;

THENCE N59°56'23"W, 197.13 FEET; THENCE S00°04'00"E, 202.29 FEET; THENCE N89°58'34"W 350.65 FEET TO THE NORTHERLY RIGHT OF WAY OF 10TH ST. PER RECEPTION NO. 01575389 RECORDED 1/9/96; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING THREE COURSES; 1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A CENTRAL ANGLE OF 39°36'39" A RADIUS OF 98.00 FEET (CHORD BEARS N70°10'17"W, 66.41') AN ARC DISTANCE OF 67.75 FEET; 2) THENCE N89°58'34"W, 34.68 FEET; 3) THENCE S87°28'48"W, 164.87 FEET TO THE EASTERLY LINE OF 1000 ROSEWOOD SUBDIVISION: THENCE ALONG SAID EASTERLY LINE N00°04'00"W, 538.59 FEET; THENCE CONTINUING N00°04'00"W, 60.00 FEET; THENCE S60°43'52"E, 186.98 FEET; THENCE S59°56'23"E, 716.83 FEET TO SAID WESTERLY RIGHT OF WAY OF N. BROADWAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY S00°04'00"E, 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 6.298 ACRES.

**MEMORANDUM OF UNDERSTANDING
IN LIEU OF ANNEXATION FOR
PONDEROSA MOBILE HOME PARK AT 4475 BROADWAY**

TO: Jane S. Brautigam, City Manager

FROM: Chris Meschuk, Asst. City Manager/Interim Director of Planning
Mary Ann Weideman, Deputy City Manager/Interim Director of Public Works
Kurt Firnhaber, Director of Housing and Human Services

SUBJECT: Annexation Conditions for Ponderosa Mobile Home Park
(4475 Broadway) (#LUR2019-00016)

DATE: _____, 2019

The City of Boulder (the “Owner”) owns the property located at 4475 Broadway, commonly referred to as Ponderosa Mobile Home Park, more particularly described in **Exhibit A** (“Property”).

The City has initiated the process of annexing the Property to the City of Boulder. The City proposes a Boulder Valley Comprehensive Plan land use designation change from Manufactured Housing to Medium Density Residential. The City anticipates an initial zoning consistent therewith of Residential - Medium 2 (RM-2).

The City is interested in ensuring that certain terms and conditions of annexation be met by the Owner of the Property 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.

The City Attorney’s Office has recommended that the annexation approval of the Property be documented administratively in the form of a Memorandum of Understanding (“MOU”) from the Department of Planning and approved by the City Manager to ensure that the development of the Property proceeds under the approved annexation conditions set forth in this MOU (“Annexation Conditions”).

Since the City is both the applicant and owner as well as the regulatory authority (the “City”), in order to effectuate the intent and orders of the City Council, approval of this MOU shall make this a directive of the City Manager.

This MOU is intended to ensure that the Property remains in compliance with the conditions contained in the Annexation Conditions and that rights of way and easements will be retained for public benefit. Further, the Annexation Conditions shall run with the land and apply to the Owner and its successors and assigns.

After annexation of the Property into the City, this MOU will be recorded with the Boulder County Clerk and Recorder to put potential future purchasers of the Property on notice of obligations set forth in the Annexation Conditions that will run with the Property.

COVENANTS

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

Plant Investment Fees (PIF's):

Stormwater	\$2.29/square foot of impervious area
	Existing Impervious Area: 96,128 square feet
	<u>\$220,133.12</u>

Total Due Prior to First Reading \$220,133.12

2. Water and Wastewater Private System Replacement Requirements. Within two years of the effective date of the annexation ordinance, the Owner shall reconstruct the water distribution and wastewater collection systems on the Property, including upgrading or replacing individual service lines to existing structures to meet current city standards. Upon initial acceptance, as defined in the City of Boulder Design and Construction Standards, of the distribution and collection system, the City will assume maintenance for the mains and the Owner will remain responsible for maintenance of the service lines.
3. Existing Wells. The City agrees that it will not prohibit the Owner 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. No person shall make any cross connections to the City's municipal water supply system from any well on the Property.
4. Subdivision. Prior to a building permit application for new dwelling units on the Property and before a sale of the Property to a new owner, the Owner shall submit a Land Use Review application for a Preliminary Plat and a Technical Document Review application for a Final Plat, subject to review and approval of the City Manager, and execute a subdivision agreement meeting the requirements of Chapter 9-12, "Subdivision," B.R.C. 1981, which provide for the following unless the City Manager approves a generally equivalent method of accommodating the following City utility and service needs. The Owner and City agree that areas of these following dedications may be used by the City for the purposes of each dedication requirement prior to the approval of the Final Plat:
 - a. Dedication of the following easements and rights-of-way to the City, the form and final location of which shall be subject to the approval of the City Manager:
 - i. A flood control easement generally along the north property line to allow for the future flood mitigation and channel construction (City's Fourmile Canyon Creek Mitigation Plan).
 - ii. Right-of-way on the north side of Cherry Avenue to accommodate an eight-foot wide tree planting area and a five-foot wide detached sidewalk. The right-of-way dedication shall extend one foot beyond the edge of the detached sidewalk. Structures existing within the area of this right-of-way dedication shall be removed within one year following the effective date of the annexation ordinance.

- iii. 10.5-foot wide portion of right-of-way along Broadway to accommodate the City of Boulder Broadway Reconstruction Project.
 - iv. A public access easement to accommodate pedestrian access from the Cherry Avenue /10th Street intersection to the east property line. The width and limits of the easement shall include the sidewalk on the north side of Cherry Avenue and the six-foot wide sidewalk between Cherry Avenue and the east property line.
 - b. Creation of a lot or outlot for the eastern arm of the Property that contains the existing retail sales use. This new lot or outlot will be owned and retained by the City for municipal utility, municipal services, and other city purposes, including, but not limited to the Broadway Reconstruction Project, Four Mile Creek multi-use path, and future flood mitigation projects for Four Mile Creek.
5. Development. The Owner has filed a site review application under LUR2019-00015 (“Site Review”).
- a. Internal Streets. For purposes of development of the Property pursuant to the Site Review, the streets proposed to be internal to the development shall be subject to public access easements. The internal streets are Rosewood Lane, 10th Avenue, Cherry Avenue and Ponderosa Avenue (collectively hereafter referred to as “Internal Streets” and individually as “Internal Street”). Except as specifically treated otherwise in this MOU or the Site Review approval, the Internal Streets shall be considered public streets.
 - b. Construction. For purposes of initial construction, the Internal Streets shall be considered private. The Owner shall be responsible for the construction of the Internal Streets. The Internal Streets shall be constructed with a flexible composite pavement section with an asphalt section no less than five-inch thick.
 - c. Internal Streets Maintenance. The City agrees to maintain the Internal Streets following completion and City Manager acceptance of the Internal Streets. Prior to City acceptance of the Internal Streets, the Owner shall demonstrate to the City Manager compliance of the Internal Streets with the requirements of this MOU, the City of Boulder Design and Construction Standards, except as modified by this MOU, and any City approved plans for the Internal Streets. The area of an Internal Street to be maintained by the City shall be limited to the asphalt pavement and any traffic calming measures within the asphalt pavement area, but shall not include the concrete cross-pan, sidewalks, and curb and gutter. The City shall maintain such asphalt pavement to a standard similar to its maintenance of similar public streets, subject to availability of City funds. The Owner shall be responsible for maintenance of parts of the Internal Streets improvements other than the asphalt pavement and traffic calming measures within the asphalt pavement area. The Owner shall maintain these improvements to a standard similar to the maintenance of public streets in the City.
 - d. One-time Improvement. Notwithstanding the foregoing, the Owner agrees to improve the asphalt pavement of the Internal Streets with a two-inch mill and overlay once the Site

Review development is substantially complete. This improvement of the asphalt pavement shall not occur until no more than five mobile homes remain on the Property.

- e. Traffic Calming Measures. At the time of construction of the Internal Streets, the Owner shall install traffic calming measures in the Internal Streets that lower vehicle speeds on these streets. These traffic calming measures shall be engineering treatments designed by a Traffic Engineer registered as a professional engineer in the State of Colorado. The design and installation of the traffic calming measures shall be subject to review and approval by the City Manager. The Owner shall maintain all traffic calming measures except those located within the asphalt pavement area of an Internal Street that is being maintained by the City's Public Works Department.
 - f. Traffic Engineer Authority. The Internal Streets shall be subject to the authority and management of the traffic engineer as established in Section 2-2-11, "Traffic Engineering," B.R.C. 1981, for public streets.
6. Public Street Design. All public improvements shall be designed consistent with the City's Design and Construction Standards. Retaining walls shall not be used in the design of the public improvements in the public right-of-way. The public improvements for the widening of Cherry Avenue and for the new Cherry Avenue /10th Street intersection shall include a two-inch mill and overlay. The Owner shall be responsible for the construction of all public improvements associated with the Site Review.
 7. Development Timing. To further the intent of Resolution 1217 and minimize displacement of existing residents of the Property, the approval authority under Section 9-2-14, "Site Review," B.R.C. 1981, as may be amended from time to time, may modify or waive the requirements of Subsection 9-2-12(a), "Three Year Rule," B.R.C. 1981, until such time that all mobile homes have been removed from the Property.
 8. Historic Drainage. The Owner agrees to convey drainage from the Property in an historic manner that does not materially and adversely affect abutting properties.
 9. Ditch Company Approval. If the Property is abutting or crossed by an existing irrigation ditch or lateral, the Owner agrees not to relocate, modify, or alter the ditch or lateral until and unless written approval is received from the appropriate ditch company.
 10. Existing Nonstandard Buildings and/or Nonconforming Uses. Upon annexation the mobile home park use shall be considered a legal nonconforming use. Mobile homes will be allowed to continue on the Property but shall not be expanded or replaced with another mobile home. No new mobile homes shall be placed on the Property. The existing retail sales use ("carniceria") on the eastern arm of the Property shall be considered a legal nonconforming use. Changes to the retail use will be considered in conformance with Section 9-10-3, "Changes to Nonstandard Buildings, Structures, and Lots and Nonconforming Uses," B.R.C. 1981. The Owner agrees that any principal uses currently existing on the Property that have not been described in this MOU and that are not in conformity with the provisions of Title 9, "Land Use Code," B.R.C. 1981, shall be discontinued within six months of the effective date of the annexation ordinance.

11. Disconnection of Septic System. The Owner shall abandon any existing septic systems in accordance with Boulder County Health Department and State of Colorado regulations.
12. 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 MOU.
13. Waiver of Vested Rights. The Owner waives any vested property rights that may have arisen under Boulder County jurisdiction. This MOU shall replace any such rights that may have arisen under Boulder County jurisdiction. The Owner 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.
14. Dedications. The Owner acknowledges that any dedications and public improvements required herein or as part of the Site Review are rationally related and reasonably proportionate to the impact of the development of the Property as set forth in this MOU.
15. Original Instruments. Prior to the first reading of the annexation ordinance, the Owner shall provide a signed original of this MOU, along with any instruments required in this MOU. The Owner 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 documents. The Owner 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.
16. No Encumbrances. The Owner agrees that between the time of signing this MOU and the time when final legislative action on the annexation of this Property has occurred, the Owner shall neither convey ownership nor further encumber the Property, without the express approval from the City. Prior to the recording of this MOU with the Boulder County Clerk and Recorder, Owner 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.
17. Breach of MOU. In the event that the Owner breaches or fails to perform any required action under or fails to pay any fee specified under this MOU, the Owner 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 City fails to pay any monies due under this MOU or fails to perform any affirmative obligation hereunder, the Owner 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 Owner, and collect its costs in the manner herein provided. The Owner agrees to waive any rights the Owner 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.

18. Failure to Annex. This MOU 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.
19. Site Review. Initial redevelopment of the Property shall be substantially consistent with all plans prepared by the Site Review applicant on July 29, 2019 and the general intent of the Site Review, as may be amended from time to time.
20. Future Interests. This MOU and the covenants set forth herein shall run with the land and be binding upon the City, the City'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 MOU contains an interest in land, that interest shall vest, if at all, within the lives of the undersigned plus 20 years and 364 days.
21. Right to Withdraw. The Owner retains the right to withdraw from this MOU 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 Owner's right to withdraw shall terminate upon the City Council's final legislative action approving the annexation. In the event that the City withdraws from this MOU in the manner described above, this MOU shall be null and void and shall have no effect regarding the City. The City agrees, within 30 days of a request after a withdrawal, to return all previously submitted fees, application, and easement and/or rights of way dedication documents which the City submitted pursuant to this MOU to the City.
22. Affordable Housing. All new dwelling units constructed on the Property shall be deed restricted as permanently affordable units. For any households in residence on the Property on August 1, 2017 ("Existing Households"), the sales price for a new affordable dwelling unit or the rent for such unit shall be set to be affordable to such household based on the household's income at the time of sale or execution of a lease for the replacement unit. New dwelling units that are not sold or rented to Existing Households shall have either rents set to be affordable to low income households earning between 30 and 60% of the area median income as determined by HUD for the Boulder Primary Metropolitan Statistical Area or similar standards established by the City Manager ("AMI") or sales prices set between 60 and 120% AMI, affordable to moderate and middle income households earning between 60 and 150% of the AMI.
23. Zoning. The Property shall be annexed to the City with a Residential Medium -2 (RM-2) zoning classification, and except as set forth herein, shall be subject to all of the rights and restrictions associated with that zoning.
24. Rental Property Requirements. The rental dwelling unit located above the manager's office ("Manager's Unit") in the existing building on the Property shall be licensed as a rental unit within 30 days of the effective date of the annexation ordinance. For the initial rental license, the Manager's Unit shall not be required to comply with Chapter 10-2, "Property Maintenance Code," Appendix C - "Energy Efficiency Requirements," B.R.C. 1981. Any renewal license for the Manager's Unit shall be subject to the energy efficiency requirements unless the Owner demonstrates to the City Manager that the Manager's Unit is to be demolished within a time period that makes such compliance impractical. Any mobile homes owned by the City of Boulder and subject to a rental agreement shall comply with Chapter 10-3, "Rental Licenses," B.R.C. 1981, prior to occupancy. Any other units on the Property subject to rental licensing

requirements shall be removed from the Property or brought into compliance with Chapter 10-3, "Rental Licenses," B.R.C. 1981, within three years of the effective date of the annexation ordinance.

25. Property Impacted by Floodplain. The Property is impacted by the 100-year, 500-year, conveyance zone and high hazard zone floodplains of Fourmile Canyon Creek. Any development of the Property must comply with Sections 9-3-2 through 9-3-8 of the Boulder Revised Code, 1981.
26. Blocking and Tie-Down of Mobile Homes. As a modification to Section 10-12-8, "Blocking and Tie-Down Requirements," B.R.C. 1981, and within eighteen months of the effective date of the annexation ordinance, the Owner shall submit, and obtain City Manager approval of, a plan to secure the mobile homes against high wind forces, generally consistent with the intent of Section 10-12-8, "Blocking and Tie-Down Required," B.R.C. 1981.

I APPROVE THIS ARRANGEMENT on this _____ day of _____, 20____.

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 A

LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13, WHENCE THE EAST LINE OF SAID NE 1/4 OF SECTION 13 BEARS S00°04'00"E, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE ALONG SAID EAST LINE S00°04'00"E, 872.00 FEET; THENCE N90°00'00"W 40.00 FEET TO THE WESTERLY RIGHT OF WAY OF N. BROADWAY (COLORADO STATE HIGHWAY 7) AND THE TRUE POINT OF BEGINNING;

THENCE N59°56'23"W, 197.13 FEET; THENCE S00°04'00"E, 202.29 FEET; THENCE N89°58'34"W 350.65 FEET TO THE NORTHERLY RIGHT OF WAY OF 10TH ST. PER RECEPTION NO. 01575389 RECORDED 1/9/96; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING THREE COURSES; 1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A CENTRAL ANGLE OF 39°36'39" A RADIUS OF 98.00 FEET (CHORD BEARS N70°10'17"W, 66.41') AN ARC DISTANCE OF 67.75 FEET; 2) THENCE N89°58'34"W, 34.68 FEET; 3) THENCE S87°28'48"W, 164.87 FEET TO THE EASTERLY LINE OF 1000 ROSEWOOD SUBDIVISION; THENCE ALONG SAID EASTERLY LINE N00°04'00"W, 538.59 FEET; THENCE CONTINUING N00°04'00"W, 60.00 FEET; THENCE S60°43'52"E, 186.98 FEET; THENCE S59°56'23"E, 716.83 FEET TO SAID WESTERLY RIGHT OF WAY OF N. BROADWAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY S00°04'00"E, 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 6.298 ACRES.

ANNEXATION PETITION
Submit with your application.

Annexation Information

Location of property to be annexed: 4475 Broadway

Legal Description: (see attached)

Size of property: 6.29 acres Requested Zoning: RM-2

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

Property Owners

List below all owners or lienholders of the property proposed for annexation (please print):

1. City of Boulder
2. _____
3. _____
4. _____

2011 FEB 19 PM 3:29

Please Note:

No person shall petition to the city of Boulder for annexation of any real property until he has first read and thereafter follows these instructions in the execution of the within petition:

1. Every person signing the within annexation petition must personally insert the information required on the signature page(s) attached to the petition.
2. The person or persons who circulate the within petition must witness the signatures of every person signing this petition and so certify by executing the affidavit attached on the last page of this petition.
3. The following definitions of terms shall be applicable throughout this petition and every subsequent step of the annexation proceeding commenced pursuant to this petition:

- a. Landowner: means the owner in fee of any undivided interest in a given parcel of land. If the mineral estate has been severed, the landowner is the owner in fee of an individual interest in the surface estate and not the owner in fee of an individual interest in the mineral estate. In the case of multiple landowners, such as tenants in common or joint tenants, only one such landowner need petition for annexation, and the signature of one such landowner shall be sufficient, provided however, that said signing landowner had become liable for taxes in the last preceding calendar year or is exempt by law from payment of taxes, and provide further, that no other owner in fee of an individual interest of the same property objects to the annexation of the said property within 14 days after the filing of the annexation petition by submitting a written statement of his objections to the City Council.

A purchaser of real property shall be deemed a landowner for the purpose of an annexation petition if:

- (1) The said purchaser is purchasing the land pursuant to a written contract duly recorded, and
- (2) The said purchaser has paid the taxes thereon for the next preceding tax year.

A corporation, non-profit, owning land shall be deemed a landowner, and the same persons authorized to convey land for the corporation shall sign the within petition on behalf of such corporation.

- b. Nonresident Landowner: means any person owning property in the area proposed to be annexed, who is not a qualified elector as herein below defined, and who is at least eighteen (18) years of age as attested to by a sworn affidavit.
 - c. Identical Ownership: means a situation where each owner has exactly the same degree of interest in a separate parcel of two or more parcels of land.
 - d. Contiguous: means that one-sixth of the boundary of the territory proposed for annexation and the city limits must coincide. Contiguity as referred to in this petition or subsequent annexation proceedings is not affected by the existence of a platted street or alley, public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or artificial waterway between the city limits of the city of Boulder and the territory to be annexed.
4. This petition must be filed with the City Clerk of the city of Boulder.

5. This petition should be filed in the following manner:
 - a. All blanks herein contained should be filled out and completed.
 - b. Each signer shall, before signing said petition, carefully read the contents hereof.
 - c. The signatures attached to this petition must have been signed within 180 days immediately preceding the filing of the said petition with the City Clerk.
 - d. After filing of the petition, no person having signed said petition shall thereafter be permitted to withdraw his/her signature from said petition.
 - e. This petition shall be accompanied by at least four copies of an annexation map containing the following information:
 1. A written legal description of the boundaries of the area proposed to be annexed.
 2. A map showing the boundaries of the area proposed to be annexed.
 3. Within the boundaries of the area proposed to be annexed, the location of each ownership tract in unplatted land and, if part or all of the area has been platted, the boundaries and the plat numbers of the plots or of the lots and blocks shall be shown.
 4. The portion of the boundaries of the area proposed to be annexed which is contiguous to the city limits of the city of Boulder, as the same exist at the time this annexation petition is to be filed, must be shown and the dimensions thereof indicated.

Submit with your application.

TO THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, GREETINGS:

The undersigned hereby petition(s) the city of Boulder to annex to the city of Boulder the territory shown on the map(s) attached hereto and described on the attachment hereto:

This Petition is signed by landowners qualified to sign. It is intended that this Petition be a one hundred percent (100%) petition for annexation as described in C.R.S. 1973, Section 31-12-107(l)(g), (as amended).

In support of this petition, the undersigned state(s) and allege(s) as follows, to wit:

1. That it is desirable and necessary that the above described territory be annexed to the city of Boulder.
2. That petitioners are landowners of one hundred percent (100%) of the territory, excluding streets and alleys, herein proposed for annexation to the city of Boulder.
3. That no less than one-sixth of the aggregate external boundaries of the above described territory hereby petitioned to the city of Boulder is contiguous to the city limits of the city of Boulder.
4. That a community of interest exists between the above described territory and the city of Boulder, And that the same is urban, or will be urbanized in the near future, and further that the said territory is integrated or is capable of being integrated in the city of Boulder.
5. That in establishing the boundaries of the above described territory, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof, except and unless such tracts or parcels are already separated by a dedicated street, road or other public way.
6. That in establishing the boundaries of the above described territory, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate comprising twenty acres or more which, together with the buildings and improvements situate thereon, have an assessed valuation in excess of \$200,000 for ad valorem tax purposes for the year next preceding the filing of the within petition for annexation, has been included within the above.
7. That the above described territory does not include any area which is the same or substantially the same area in which an election for an annexation to the city of Boulder was held within the twelve months preceding the filing of this petition.
8. That the above described territory does not include any area included in another annexation proceeding involving a city other than the city of Boulder.

9. That at least four copies of an annexation map setting forth with reasonable certainty a written legal description of the boundaries of the area proposed to be annexed, a delineation of the outer boundaries of the above described territory, and the location of each ownership, tract and/or the boundaries and the plat numbers of plats and lots and blocks, the portion of the boundary contiguous with the existing city limits of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, and the dimensions of said contiguous boundary, all upon a material and of a size suitable for recording or filing with the City Clerk of the city of Boulder, accompany, have been attached hereto and hereby constitute a part of this petition.
10. That the above described territory is not presently a part of any incorporated city, city and county, or town.
11. That the above area described will (not) result in the detachment of area from any school district and the attachment of the same to another school district (and the resolution of school board of the district to which the area will be attached approving this annexation request).

ANNEXATION PETITION

Signature of petitioners requesting annexation of property to the city of Boulder, Colorado

Date of signature of each petitioner

Mailing address of each petitioner

Description of property included within the area proposed for annexation owned by each person signing this petition. (Attach separate sheet, if necessary).

(Jane S Brautigam)

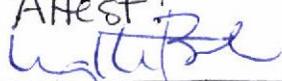
City Manager 2-15-19

City of Boulder
1777 Broadway
Boulder, CO 80302

SEE LEGAL DESCRIPTION ATTACHED
FOR PONDEROSA MOBILE HOME PARK
4475 BROADWAY, BOULDER, CO 80304

APPROVED AS TO FORM
OFFICE OF THE CITY ATTORNEY



Attest:

City Clerk

CIRCULATOR'S AFFIDAVIT
CIRCULATOR'S AFFIDAVIT

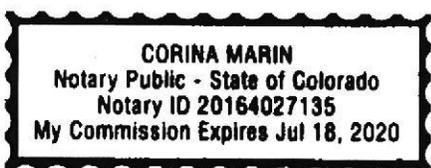
STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

CRYSTAL LAUNDER
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.

[Handwritten Signature]
Circulator

Subscribed and sworn to before me this 15 day of February, A.D. 2019.

Witness my hand and official seal. My commission expires: July 18, 2020.



[Handwritten Signature]
Notary Public

CIRCULATOR'S AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

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.

Circulator

Subscribed and sworn to before me this _____ day of _____, A.D. 20_____.

Witness my hand and official seal. My commission expires: _____.

LEGAL DESCRIPTION

(PER TITLE COMMITMENT)

PARCEL I:

A TRACT OF LAND IN SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 13, 1002 FEET; THENCE SOUTH 89°54'50" WEST (SURVEYED: NORTH 89°58'34" WEST), 210.5 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89°54'50" WEST (SURVEYED: NORTH 89°58'34" WEST), 612.5 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF TRACT OF LAND DESCRIBED IN BOOK 1046 AT PAGE 18 OF THE RECORDS IN THE OFFICE OF THE BOULDER COUNTY CLERK AND RECORDER; THENCE NORTH 0°04' WEST 591.6 FEET, MORE OR LESS, ALONG THE WEST LINE OF TRACTS DESCRIBED IN BOOK 1046 AT PAGE 18 AND BOOK 1155 AT PAGE 566 TO THE NORTHWEST CORNER OF THE TRACT IN BOOK 1155 AT PAGE 566; THENCE SOUTH 59°44' EAST TO A POINT IMMEDIATELY NORTH OF THE POINT OF BEGINNING; THENCE SOUTH TO THE POINT OF BEGINNING, EXCEPT THAT PORTION CONVEYED TO THE CITY OF BOULDER, RECORDED JANUARY 9, 1996 AT RECEPTION NO. 1575389 AND EXCEPT ANY PORTION THEREOF LYING WITHIN THAT TRACT OF LAND DESCRIBED IN DEED RECORDED MAY 17, 1949 IN BOOK 843 AT PAGE 222, COUNTY OF BOULDER, STATE OF COLORADO.

PARCEL III:

A TRACT OF LAND IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 1046 AT PAGE 18 OF THE BOULDER COUNTY, COLORADO, RECORDS; THENCE N0°04'W A DISTANCE OF 60 FEET; THENCE SOUTHEASTERLY AND PARALLEL WITH THE NORTHERLY LINES OF THE TRACTS OF LAND DESCRIBED IN BOOK 1043 AT PAGE 18 AND BOOK 1037 AT PAGE 533 TO THE WEST LINE OF COLORADO ROAD NO. 7; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID COLORADO ROAD A DISTANCE OF 60 FEET MORE OF LESS TO THE NORTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN BOOK 1037 AND PAGE 533 OF THE BOULDER COUNTY, COLORADO, RECORDS; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINES OF THE TRACTS OF LAND DESCRIBED IN BOOK 1037 AT PAGE 533 AND BOOK 1046 AT PAGE 18 OF THE BOULDER COUNTY, COLORADO RECORDS, TO THE POINT OF BEGINNING.
COUNTY OF BOULDER. STATE OF COLORADO.

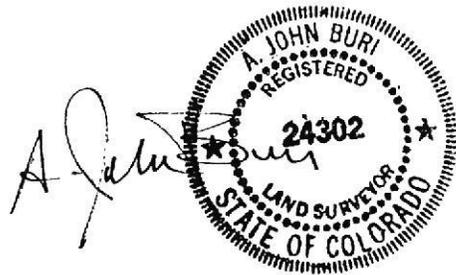
LEGAL DESCRIPTION (PREPARED BY SURVEYOR PER CLIENT REQUEST, TOTAL PARCEL)

A TRACT OF LAND LOCATED IN THE NORTHEAST 1/4 OF SECTION 13, TOWNSHIP 1 NORTH, RANGE 71 WEST OF THE 6TH P.M., COUNTY OF BOULDER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 13, WHENCE THE EAST LINE OF SAID NE 1/4 OF SECTION 13 BEARS S00°04'00"E, SAID LINE FORMING THE BASIS OF BEARINGS FOR THIS DESCRIPTION; THENCE ALONG SAID EAST LINE S00°04'00"E, 872.00 FEET; THENCE N90°00'00"W 40.00 FEET TO THE WESTERLY RIGHT OF WAY OF N. BROADWAY (COLORADO STATE HIGHWAY 7) AND THE TRUE POINT OF BEGINNING;

THENCE N59°56'23"W, 197.13 FEET; THENCE S00°04'00"E, 202.29 FEET; THENCE N89°58'34"W 350.65 FEET TO THE NORTHERLY RIGHT OF WAY OF 10TH ST. PER RECEPTION NO. 01575389 RECORDED 1/9/96; THENCE ALONG SAID NORTHERLY RIGHT OF WAY THE FOLLOWING THREE COURSES; 1) NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A CENTRAL ANGLE OF 39°36'39" A RADIUS OF 98.00 FEET (CORD BEARS N70°10'17"W, 66.41') AN ARC DISTANCE OF 67.75 FEET; 2) THENCE N89°58'34"W, 34.68 FEET; 3) THENCE S87°28'48"W, 164.87 FEET TO THE EASTERLY LINE OF 1000 ROSEWOOD SUBDIVISION: THENCE ALONG SAID EASTERLY LINE N00°04'00"W, 538.59 FEET; THENCE CONTINUING N00°04'00"W, 60.00 FEET; THENCE S60°43'52"E, 186.98 FEET; THENCE S59°56'23"E, 716.83 FEET TO SAID WESTERLY RIGHT OF WAY OF N. BROADWAY; THENCE ALONG SAID WESTERLY RIGHT OF WAY S00°04'00"E, 60.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 6.298 ACRES.

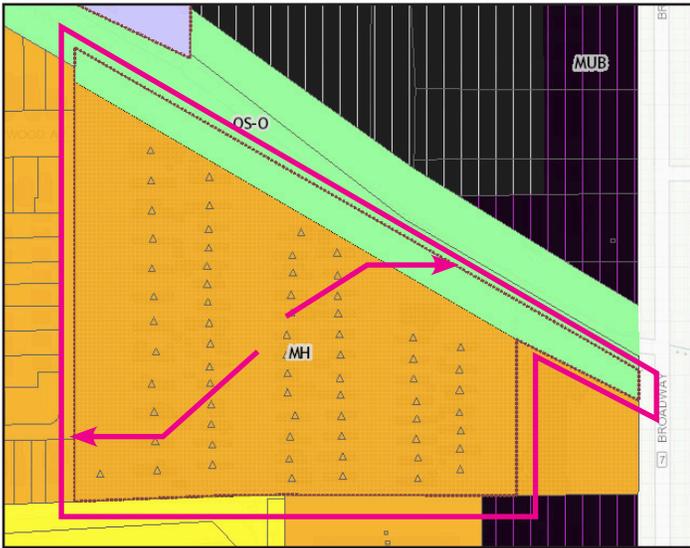


A. JOHN BURI P.L.S. #24302
FOR AND ON BEHALF OF
SCOTT, COX & ASSOCIATES, INC.
1530 55TH STREET
BOULDER, COLORADO 80303
303.444.3051
02/04/19
PROJECT NO. 17298D

EXHIBIT

Map of Proposed Land Use and Zoning Changes

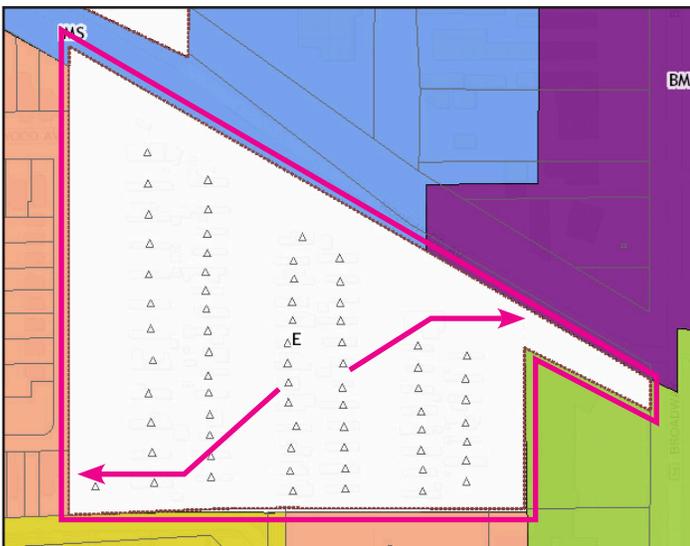
LAND USE CHANGE



Existing
Manufactured Housing (MH) & Open
Space-Other (OS-O)

Proposed
Medium Density Residential (MDR),
100% of site

PROPOSED ZONING



Existing
Unzoned/Enclave

Proposed
Residential Medium -2 (RM-2),
100% of site

**CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
September 5, 2019
1777 Broadway, Council Chambers**

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

David Ensign
John Gerstle
Lupita Montoya
Sarah Silver
Peter Vitale
Harmon Zuckerman, Vice Chair

PLANNING BOARD MEMBERS ABSENT:

Bryan Bowen, Chair

STAFF PRESENT:

Charles Ferro, Development Review Manager
Hella Pannewig, Assistant City Attorney
Cindy Spence, Administrative Specialist III
Sloane Walbert, Senior Planner
David Thompson, Civil Engineer II / Transportation
Kurt Firnhaber, Director of Housing & Human Services
Crystal Launder, Housing Planner II
Christin Shepherd, Senior Civil Engineer
Katie Knapp, Engineering Project Manager
Gerrit Slatter, Principal Transportation Projects Engineer
Marina Lagrave, CEO of CLACE

1. CALL TO ORDER

Vice Chair, **H. Zuckerman**, declared a quorum at 6:04 p.m. and the following business was conducted.

2. APPROVAL OF MINUTES

None to Approve.

3. PUBLIC PARTICIPATION

No one spoke.

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS / CONTINUATIONS

A. CALL UP ITEM: 950 Regent Dr.; Floodplain Development Permit (FLD2019-00088);

Replacement of 19th Street Pedestrian Bridge over Boulder Creek. This decision may be called up before Planning Board on or before September 11, 2019.

- B.** CALL UP ITEM: 1855 Folsom St.; Floodplain Development Permit (FLD2018-00039); Channel Work in the North Boulder Farmers Ditch. This decision may be called up before Planning Board on or before September 5, 2019.
- C.** CALL UP ITEM: 1953 Poplar Lane; Floodplain Development Permit (FLD2019-00129); New wood fence in the High Hazard zone of Wonderland Creek. This decision may be called up before Planning Board on or before September 11th, 2019.
- D.** CALL-UP ITEM: Minor Subdivision of an existing lot at 2130 Upland Avenue in the RE (Residential Estate) zoning district to create one additional lot with frontage on Tamarack Avenue. The subdivision will result in one northerly 16,648 square foot lot (Lot 1) and one southerly 19,472 square foot lot (Lot 2). Case no. LUR2019-00001. The call-up period expires on September 5, 2019.
- E.** CALL UP ITEM: Boulder Transit Village Subdivision Replat 'B' (TEC2019-00012): Final Plat for a five-lot subdivision associated with the property commonly referred to as 30Pearl, located at 2360 30th Street, 3001 Spruce Street, 3101 Spruce Street and 2261 Junction Place. The subdivision includes a 0.57-acre property for use as a city-owned pocket park serving the area. The call up period expires on September 10, 2019.

None of the items were called up.

5. PUBLIC HEARING ITEMS

- A.** AGENDA ITEM: Public hearing and consideration of the following requests related to a 6.3-acre property at 4475 Broadway (Ponderosa Mobile Home Park):
 - 1. Boulder Valley Comprehensive Plan (BVCP) land use map designation change from Manufactured Housing and Open Space, Other to Medium Density Residential (#LUR2019-00014);
 - 2. Recommendation on an application for Annexation of the property with an initial zoning of Residential Medium – 2 (RM-2) (#LUR2019-00016); and
 - 3. Site Review for the phased installation of utility and transportation infrastructure and construction of 12 new residential units along the western edge of the property (currently vacant). The site review would allow existing mobile homes to remain but would permit the replacement of mobile homes with fixed foundation homes. The long-term concept (10+ years) includes 73 permanently affordable residential units on fixed foundations. New homes are proposed as primarily single-family and duplex homes, with some carriage houses, triplexes, fourplexes, and townhomes (#LUR2019-00015).

B. *Bowen recused himself*

Staff Presentation:

C. Ferro introduced the item.

S. Walbert presented the item to the board.

Board Questions:

S. Walbert answered questions from the board.

Applicant Presentation:

Danica Powell, with Trestle Strategy Group, and **K. Firnhaber**, presented the item to the board.

Board Questions:

Danica Powell and **K. Firnhaber**, representing the applicant, answered questions from the board.

Public Hearing:

- 1) **Ed Zick** spoke in opposition to the proposed Cherry Avenue access point. He said it would be too dangerous due to the presence of children. He stated that he is against closing the Broadway access. He asked the city to not build detention ponds in the location of existing homes, which would cause his sister Karen Cambell to relocate. He said that the development is currently unsubsidized affordable housing and that he would not be able to afford a Habitat for Humanity home.
- 2) **Thomas Pickett** thanked the board for working with the community and for allowing the existing residents to stay. He expressed appreciation for the public process.
- 3) **Charissa Poteet** (pooling time with **Karen Cambell**) spoke in opposition of the project. She stated that the proposal results in gentrification and displacement. She expressed concern that the owners of existing mobile homes would not get the proper evaluation for their homes. She requested a buffer from the Rosewood neighborhood and stated that the proposal for eleven homes on the west side of the park would be too excessive. She handed out a petition signed by neighbors in opposition to the annexation. She stated that she could not afford a Habitat home.
- 4) **Michael Gluck** spoke in opposition to the project. He said that since few residents could qualify for the Habitat for Humanity homes, the proposal should have been shelved and deemed unworkable and concentrate on improving the quality of life for the existing homeowners. He said the west side of the property should be landscaped with trees to create a buffer zone between the park and the Rosewood neighborhood. He stated that traffic would be an issue.
- 5) **Kathy Schlereth** spoke in opposition to the project. She claimed that the original plan with resident support was for exclusively detached single-family homes and that she does not support the new plan for a variety of housing types. People can't qualify for new homes and are leaving the park. The closing of the Broadway entrance would create a bottleneck for the Foothills Community at Violet and Broadway. She questioned if whether their homes would increase in value once the park was annexed into the city.
- 6) **Bernarda Ramirez** (**Victor Manuel Lemos Vargas** spoke for her) spoke in support of the project and the public process. She wanted to thank everyone for participating in the project.
- 7) **Carlos Valdez** spoke in support of the project. He asked all that are participating in the project to provide support to the Latino community living in Ponderosa. The project will be a positive change.
- 8) **Victor Manuel Lemos Vargas** (pooling time with **Jose Contreras**) spoke in support of the project. He is one of the designated resident leaders and families are very positive regarding the project. He asks City Council and other governing bodies to assist the existing residents in being able to purchase the new homes being offered. He asks that the city not give priority to people that are not a part of the Ponderosa community until they explore all possibilities for all existing Ponderosa members to purchase homes inside the community. The Latino families are not

against the city project but he would like to keep the residents well-informed throughout the project since misinformation has caused people to leave the park. The city and the rest of the team have done a great job so far.

- 9) **Estebah Alohso** spoke in support of the project. He asked that he be allowed to stay in the community and in the home they love.
- 10) **Tina Boguhn** stated that she was relieved to find out that pre-existing homes could remain in the park and the terms are written into the annexation. She appreciates the hard work that has been done but thinks additional scrutiny should be given to the proposal. She mentioned that some homes are pre-HUD, therefore they are not up to code and could be an issue when trying to get a permit for future work. She asked that this be looked at and reviewed. In addition, she is opposed to any detention ponds that displace residents and asked that this part of the proposal be reviewed.
- 11) **Susan Lythgoe**, Executive Director for Flatirons Habitat of Humanity, spoke in support of the project. She has been impressed by the city and the inclusive public process. She explained the application process for a new home on the property through Habitat for Humanity. All residents Habitat has talked to would qualify for a fixed foundation home, with the exception. The one exception was an undocumented resident and they have come up with a solution to allow that resident to remain in a rental unit. Habitat is committed to the project.

Board Comments:

Key Issue #1: Does the project, on balance, meet the relevant goals and policies of the Boulder Valley Comprehensive Plan?

- All board members agreed the project meets the relevant goals and policies of the BVCP.
- **L. Montoya** stated that the project is a prime opportunity to show our values for maintaining diversity in the city and to serve the most vulnerable, who are well-served by spirit the BVCP.
- **S. Silver** asked questions of staff and expressed concerns about maintaining housing affordability, especially for older residents.
- **J. Gerstle** asked staff about the estimated costs for residents who stay in the park and whether building permits would be necessary for existing mobile homes.

Key Issues #2: Is the proposed annexation consistent with State statutes and BVCP policies, including BVCP Policy 1.16, Annexation?

- All board members agreed the proposed annexation would be consistent with the state statutes and BVCP policies.
- **D. Ensign** appreciated the residents that came and spoke to the board. He reminded the residents that the city is doing the best they can to meets the needs of the residents. The property has to annex based on the failing utilities.
- **H. Zuckerman** stated that the property meets the definition of a county enclave and should be aggressively pursued for annexation. He is in full support.

Key Issue #3: Does the proposed change to the BVCP land use map to Medium Density Residential (MR) meet the applicable criteria?

- **J. Gerstle** said the request satisfies the criteria but the request was processed without the input of the Open Space Board. This process should be changed for lands designated OS-O in the future. He said any change regarding an OS-O designation should be done by the Open Space Board.

- **S. Silver** agreed with **J. Gerstle** because we should be protecting the wetlands and no structures should be located in the wetland buffers. The request was not approved by the appropriate board.
- **H. Zuckerman** stated that he felt the review process was adequate. The OS-O designation has a history of being placed in odd areas. It would be a waste of the Open Space Board's time given there is no value or park placed at this location. He concurs with the staff's analysis in the memo.
- All board members agreed that the proposed change to the BVCP land use map to MR meets applicable criteria. In addition, the board agreed that this project would not have significant cross-jurisdictional impacts that may affect residents properties outside the city; would not materially affect the land use and growth projections that were the basis of the BVCP; does not affect the urban facilities in the area; does not affect the CIP program; and does not affect Area II or Area III boundaries of the BVCP.

Key Issue #4: Is the proposed zoning of RM-2 appropriate for the site considering the context of the surrounding area?

- **L. Montoya** expressed concerns about the recommended zoning and if the housing choices included were appropriate.
- **D. Ensign** stated the RM-2 zoning would be acceptable. At Concept Plan Review the Planning Board directed the applicant and city staff to choose the RM zone that best meet the needs of the project. The proposed zoning meets this directive.
- **S. Silver** said the proposed design was lovely and would fit with the surrounding neighborhoods.
- **H. Zuckerman** said that he RM-2 zone would be a flexible district that allows the project to meet the stated policies and goals for the property, including a diversity of housing types.

Key Issue #5: Is the project consistent with the North Boulder Subcommunity Plan (NBSP)?

- **J. Gerstle** said that, in general, the project would be consistent with the NBSP; however he pointed out that the NBSP did not envision the flood issues and access constraints that affect this project.

Key Issue #6: Does the project meet the applicable Site Review criteria in Section 9-2-14(h), B.R.C. 1981?

- **S. Silver** expressed concern with the reduced setbacks on the western property line. She said that allowing fewer trees than is required is a concern as well. She suggested increasing the amount of foliage that is not lawn, in lieu of the loss of tree coverage.
- **J. Gerstle** had concerns regarding amount of proposed parking. He said he did not see the need for the excess parking and stated that this project should be treated like any other coming before the board. He suggested unbundling the parking and charging for the spaces.
- **D. Ensign** disagreed and said that the residents in this neighborhood are more car-dependent than the average resident in Boulder. He was impressed by how the proposal addressed the resident's needs.
- **S. Silver** mentioned that this situation points to inconsistencies surrounding the how much parking is necessary for projects within the city. This project should bring into focus how this issue is discussed moving forward. **S. Silver** asked staff whether there was interest in the types of homes on the western edge and voiced concerns about resident support for the housing types.
- **L. Montoya** stated that families in the community often work service jobs and are dependent on their cars to make a living. She had concerns regarding the closure of the Broadway entrance and the safety of the children.

- **D. Ensign** said, regarding the Broadway access, that city code states that access be from the lowest category street even though it is less convenient for the residents. The information provided by staff has helped him to accept the closure of the access. He suggested a pedestrian overpass over Cherry Street to the Waldorf School. Regarding parking, he stated that there are multi-generational families in the community and the parking provided was an appropriate compromise.
- **H. Zuckerman** said, regarding the setbacks along the western side of the project, the existing condition is a small alleyway. This could be argued is a classic hardship. He supports the limited setbacks as they are a part of the Site Review criteria. He had no issue with the trees. He said the design of the project seems to meet the Site Review criteria. Regarding parking, he said, due to the narrow streets and lack of on-street parking, the number of spaces does not seem excessive and the count itself is deceptive.

Motions:

On a motion by **S. Silver** seconded by **L. Montoya** the Planning Board voted 6-0 (**B. Bowen** recused) to approve case no. LUR2019-00014, a Boulder Valley Comprehensive Plan (BVCP) land use map designation change for the property at 4475 Broadway from Manufactured Housing and Open Space, Other to Medium Density Residential.

On a motion by **L. Montoya** seconded by **S. Silver** the Planning Board voted 6-0 (**B. Bowen** recused) to recommend to City Council approval of the proposed annexation with initial zoning of Residential-Medium 2 (RL-2) for 4475 Broadway pertaining to case number LUR2019-00016, incorporating this staff memorandum as findings of fact, subject to the recommended conditions of approval for the annexation as provided for in the memorandum of understanding in Attachment C.

On a motion by **P. Vitale** seconded by **D. Ensign** the Planning Board voted 6-0 (**B. Bowen** recused) to approve Site Review case no. LUR2019-00015 incorporating the staff memorandum and the attached Site Review Criteria Checklist as findings of fact, and subject to the conditions of approval recommended in the staff memorandum.

- **J. Gerstle** stated that he would like to approve the project but he has concerns regarding the proposed parking. He said it is easy to give additional spaces and difficult to take them away. This proposal would not be consistent with other efforts within the city.
- **H. Zuckerman** agreed; however, this project is different from others in the city because other policies are involved, and the residents already live in the community.

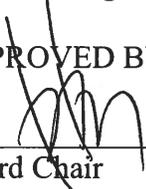
6. MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY

7. DEBRIEF MEETING/CALENDAR CHECK

8. ADJOURNMENT

The Planning Board adjourned the meeting at 9:33 p.m.

APPROVED BY



Board Chair

DATE

9.19.19

RESOLUTION 1217

A RESOLUTION FOR THE PURPOSE OF ENSURING THE LONG-TERM SUSTAINABILITY, RESILIENCE AND PERMANENT AFFORDABILITY OF THE PONDEROSA MOBILE HOME PARK.

WHEREAS, Ponderosa Mobile Home Park, established in 1957, has long offered an affordable housing opportunity to residents of Boulder County; and,

WHEREAS, Ponderosa Mobile Home Park, features the original, aging infrastructure requiring replacement to ensure the health and life safety of the residents; and,

WHEREAS, the Boulder Valley Comprehensive Plan asserts long-standing community values including commitment to sustainability, inclusivity, and diversity of housing types and price ranges; and,

WHEREAS, the Boulder Valley Comprehensive Plan has adopted policies to facilitate energy-efficient land use, sustainability, permanently affordable housing, and reduction or elimination of health and safety issues impacting manufactured housing communities; and,

WHEREAS, the City of Boulder has purchased Ponderosa Mobile Home Park for the purposes of annexing the property into the City of Boulder, replace and improve failing infrastructure, and preserve the community as permanently affordable; and,

WHEREAS, most Ponderosa residents have lived in the Boulder area for many years and contribute to its economy; and,

WHEREAS, the City of Boulder is committed to working with the residents to develop and implement a plan for addressing the housing needs of the community that ensures permanent affordability and sustainability with certitude; and,

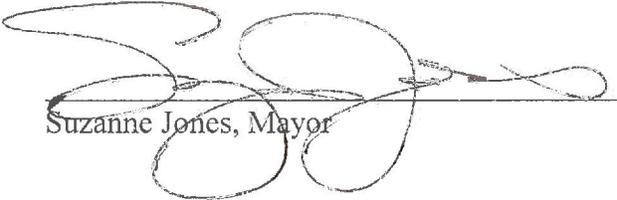
WHEREAS, the City of Boulder intends its ownership of the community to only last through the infrastructure improvements with the future ownership to be determined in partnership with the residents; and

WHEREAS, the City of Boulder is committed to working with the residents of Ponderosa Mobile Home Park to pursue a stabilization program guided by the principles of resident-engagement, sustainability and resiliency, minimal displacement, and long-term affordability.

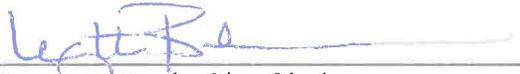
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, THAT:

1 The acquisition, annexation and improvements to the Ponderosa Mobile Home Park,
2 located at 4475 Broadway in Boulder, is consistent with the Boulder Valley Comprehensive
3 Plan. The City Manager is hereby directed to pursue a path forward in coordination with the
4 residents of the Ponderosa Mobile Home Park to protect the health and life safety of the
5 community, enable permanent affordability, promote sustainability and resiliency, and ensure
6 minimal resident displacement.

ADOPTED this 17th day of October 2017.

7 
8 Suzanne Jones, Mayor

9 ATTEST:

10 
11 Lynnette Beck, City Clerk

RESOLUCIÓN 1217

RESOLUCIÓN PARA ASEGURAR LA SOSTENIBILIDAD A LARGO PLAZO, LA FLEXIBILIDAD Y LA ASEQUIBILIDAD PERMANENTE DE PONDEROSA MOBILE HOME PARK.

CONSIDERANDO, que Ponderosa Mobile Home Park es una comunidad que fue establecida en 1957, habiendo ofrecido durante largo tiempo una oportunidad de vivienda asequible a los residentes del Condado de Boulder; y

CONSIDERANDO, que Ponderosa Mobile Home Park, tiene la infraestructura original envejecida y se requiere reemplazarla para garantizar la salud y la seguridad de la vida de los residentes; y

CONSIDERANDO, que el Plan Integral del Valle de Boulder afirma valores comunitarios de larga trayectoria como el compromiso con la sostenibilidad, la inclusividad y la diversidad de los tipos de vivienda y los rangos de precios; y

CONSIDERANDO, que el Plan Integral del Valle de Boulder ha adoptado políticas para facilitar el uso de terrenos orientado a la eficiencia energética, la flexibilidad, la vivienda permanentemente asequible, además de reducir o eliminar problemas de salud y seguridad que afecten a las comunidades de viviendas prefabricadas; y

CONSIDERANDO, que la Ciudad de Boulder ha comprado Ponderosa Mobile Home Park para los fines de anexar la propiedad a la Ciudad de Boulder, reemplazar y mejorar la infraestructura deteriorada y preservar la comunidad como permanentemente asequible; y

CONSIDERANDO, que la mayor parte de los residentes de Ponderosa han vivido en el área de Boulder por muchos años y contribuyen a su economía; y

CONSIDERANDO, que la Ciudad de Boulder está comprometida a colaborar con los residentes para desarrollar e implementar un plan a fin de abordar las necesidades de vivienda de la comunidad, que asegure la asequibilidad permanente y sostenibilidad con certeza; y

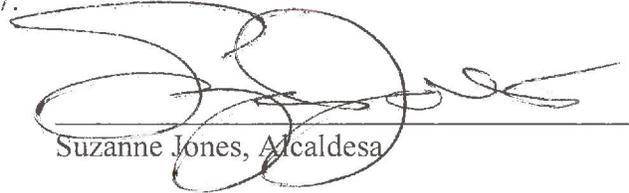
CONSIDERANDO, que la Ciudad de Boulder tiene la intención de ser propietaria de la comunidad solo hasta llevar a cabo las mejoras de infraestructura y luego determinar al propietario futuro en colaboración con los residentes; y

CONSIDERANDO, que la Ciudad de Boulder está comprometida a colaborar con los residentes de Ponderosa Mobile Home Park para emprender un programa de estabilización guiado por los principios de participación de los residentes, sostenibilidad y flexibilidad, desplazamiento mínimo y asequibilidad a largo plazo.

POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD BOULDER, COLORADO, RESUELVE QUE:

1 La adquisición, anexación y mejoras de Ponderosa Mobile Home Park, comunidad
2 situada en 4475 Broadway en Boulder concuerdan con el Plan Integral del Valle de Boulder. Se
3 le indica por la presente al Administrador Municipal que siga adelante como sea necesario de
4 manera coordinada con los residentes de Ponderosa Mobile Home Park a fin de proteger la salud
5 y la seguridad de la vida en la comunidad, que habilite la asequibilidad permanente, promueva la
6 sostenibilidad y asegure un mínimo desplazamiento de los residentes.

ADOPTADO hoy, 17 de octubre de 2017.


Suzanne Jones, Alcaldesa

8 TESTIGO:

9 
10 Lynnette Beck, Secretaria Municipal

11
12
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Land Use

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TO: Phil Kleisler, City of Boulder
FROM: Nicole Wobus, Boulder County Land Use
RE: Ponderosa Mobile Home Park- Boulder Valley Comprehensive Plan Land Use Map Change
DATE: August 16, 2019

On July 17, 2019, Boulder County Land Use received a referral from the City of Boulder regarding a proposed change the Boulder Valley Comprehensive Plan (BVCP) Land Use Map designation for the Ponderosa Mobile Home Park located at 4475 Broadway, as well as the annexation and initial zoning application for the property (case number LUR2019-00014). These comments focus on the applicant's plans for:

1. Annexation and initial zoning of Residential Medium 2 (RM-2)
2. Boulder Valley Comprehensive Plan (BVCP) land use designation change from Manufactured Housing to Medium Density Residential

The Ponderosa Mobile Home Park (Ponderosa) is located in North Boulder on approximately 6.29 acres and comprises 68 mobile homes. The City purchased the Ponderosa property in 2017 and initiated the Ponderosa Community Stabilization program to engage with Ponderosa residents in generating a long-term stabilization program to annex the county enclave in order to improve Ponderosa's infrastructure, provide flood protection, introduce a variety of affordable housing options to the residents, and ensure individual and community needs are met. The proposal includes the phased installation of utility and transportation infrastructure and redevelopment of the property.

The long-term concept (10+ years) includes approximately 68 permanently affordable residential units on fixed foundations. The applicant's plans focus on the foundational principle of minimal displacement to ensure Ponderosa is appropriately transformed into a stable and resilient community. The plans are based on extensive input from residents who have been actively engaged in the planning process for the future of the property.

As an enclave of county jurisdiction in Area II of the BVCP the property is eligible for annexation. As stated in BVCP policy 1.16 (Annexation), the city will actively pursue annexation of county enclaves. That policy further states that "annexation of existing substantially developed area will be offered in a manner and on terms and conditions that respect existing lifestyles and densities. The proposal is consistent with this policy.

The county supports the applicant's proposal to maintain the same number of housing units as currently exists on the property, while improving the structures in a manner that avoids displacement and improves the safety and quality of the structures and infrastructure on the property (i.e., through the construction of fixed foundation homes). The proposed Land Use Map designation of Medium Density Residential would allow for a broader range of housing types and densities than are discussed in the applicant's proposal, including a density as low as 6 units per acre. It is a priority to ensure avoidance of displacement in perpetuity, as well as consistency with the BVCP's policies related to housing (i.e., policies 7.08- Preservation & Development of Manufactured Housing, and 7.15- Minimizing Displacement). Therefore, the county requests the annexation agreement include provisions requiring that housing on the property remains permanently affordable, and that the general density and structure size that currently exists on the property be permanently maintained.

The county recognizes the applicant's holistic design approach (i.e., addressing multiple community benefits) and robust community engagement process as a model for a positive and effective

development outcomes. The county appreciates the opportunity to comment and welcomes further discussion of these comments as needed.