

City of Boulder
Planning and Development Services
P.O. Box 791
Boulder, Co. 80306-0791

February 2, 2018
Via: Email

Attention Mr. Phil Kleisler

Dear Phil:

The following is in response to your January 17, 2018 email to City Council regarding the 4 acres of Open Space-Other (OS-O) at 311 Mapleton.

Referral to Boulder County

The email does not mention that the county disagreed with the city's findings detailed in the referral.

Staff determined that the OS-O designation was clearly the result of a mapping error and notified Boulder County Land Use on December 11, 2017. They reviewed the facts provided by the city. On December 29, 2017, Boulder County Land Use advised the city that they disagreed with the conclusion in the referral. The county did not conclude that the OS-O designation was clearly a mapping error.

Protection provided by OS-O Designation

Your January 17, 2018 email is ambiguous with regard to the protection provided by the OS-O designation. As noted below, the OS-O designation provides protection by preventing the current applicant from developing congregate care buildings on the 4 acres.

In the Planning staff response to the initial application (Land Use Review dated August 29, 2017) is this statement: "The Land Use Designation of Open Space-Other on the site, shown below, would need to be amended to allow the application to be consistent with the site review criteria which requires that the development is consistent with the land use map."

The applicant is required to go through site review since the project is larger than 5 acres. The code states that no site review application shall be approved unless the approving agency finds that "The proposed site plan is consistent with the land use map.." (BRC 9-2-14(h)(1)(A)). Since development of congregate care buildings would not be consistent with long term open space uses, such development would not be allowed by code.

We feel the protection provided by the OS-O designation for the current 311 Mapleton development application is an important fact that should not be omitted from

deliberations on this issue. If Planning staff disagrees that in site review the OS-O designation prevents the current applicant from developing the 4 acres of OS-O, please advise.

Purpose of OS-O Designation

Your January 17, 2018 email describes the OS-O designation as aspirational.

The Boulder Valley Comprehensive Plan (BVCP) defines OS-O as: “This designation applies to other public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods, including but not limited to intergovernmental agreements, dedications or acquisitions.”

The focus of this definition is preservation. Aspirations resulting in acquisition is one of many options that might be used to achieve preservation.

The goal of preserving OS-O land is supported by the Daily Camera article dated May 5, 1970. A petition of 2,857 Boulder residents asked the city to secure and protect the open land without houses on the Dakota Ridge from Mapleton to Linden Avenues. The council agreed to direct the administration to proceed with negotiations for the property “with all deliberate speed”.

The OS-O designation should be maintained to preserve the mountain backdrop of Boulder even if the city does not have a current interest in acquiring it.

OSMP Analysis

Topography

Your January 17, 2018 email states that the OS-O didn’t appear to coincide with any topographic consideration. This statement is not supported by the facts.

It is inconsistent with the map drawn by staff in their response to the May 5, 2017 revised application (see attached). The portion of the 15.77 acre development site noted as “steep slope to avoid” is predominately contained within the 4 acres of OS-O land. The OS-O is located on the steepest section of the property along the western boundary. Additionally, the topography of the 4 acres of OS-O is similar to the topography of the acquired open space immediately to the west and north.

The small portion of the OS-O that includes a section of the lower parking lot is so steep that it required two separate tiers.

Other

Your January 17, 2018 email notes that the city would not be interested in creating

Open Space services on a developed site. As noted above the purpose of OS-O is preservation. While the city may choose to acquire the land and in some cases provide Open Space services on acquired land, other preservation methods including but not limited to intergovernmental agreements and dedications are also used to protect OS-O land. These would not typically involve Open Space services.

With respect to the opportunity to acquire the property in 1990, the city had no reason to acquire the 4 acres prior to the recent sale by Boulder Community Health. The hospital provided access through the site and on the Dakota Ridge access trail. Boulder Community Health had no plans to develop it, and they allowed hikers to use the upper parking lot for access. The city had the benefit of using it for the past 40 years without the need to acquire it. The recent sale changed this dynamic. The current owners have placed a chain across the access drive to the upper parking lot, they have denied access up the walkway to the upper parking area, and are planning to construct a significant portion of a three-building complex and two individual residences on the 4 acres. All of this development activity is proposed on the mountain backdrop of Boulder.

We have provided numerous reports showing that the OS-O at 311 Mapleton was created to preserve Dakota Ridge from further development and was not created by an error, as asserted by staff. These include the 1977 BVCP map (approved in 1978) which shows Proposed Open Space on the 311 site significantly to the east of the ditch (see attached) and east of the incorrect ditch location on the 1979 parcel map used in the referral to Boulder County.

We will provide this and other information to the OSBT during their February 14, 2018 meeting so they can make an informed judgement and advise our city council. Please contact us if you have any questions regarding the above matters.

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The BVCP Land Use Map has provided a basic framework for future land use that has been relied on by Boulder residents for over 40 years in making their home purchase decisions. The actions of involved citizens and the leadership of the 1970 City Council sought to protect the mountain backdrop of Boulder over 47 years ago. The 4 acres of OS-O at 311 Mapleton remain a legacy of those efforts and any effort to change this designation or alter the protection it provides should be rejected.

Sincerely,

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