



STUDY SESSION MEMORANDUM

TO: Mayor and Members of City Council

FROM: Jane S Brautigam, City Manager
David Gehr, Chief Deputy City Attorney
Alison Rhodes, Director of Parks and Recreation
Jim Robertson, Comprehensive Planning Manager, Planning Department
Jeff Haley, Planning, Design and Community Engagement Manager
Phil Kleisler, Senior Planner, Planning Department

DATE: February 25, 2020

SUBJECT: Area III – Planning Reserve Response to City Council Questions

EXECUTIVE SUMMARY

This memo responds to questions from council members on Feb. 4, 2020 concerning Area III – Planning Reserve (“Planning Reserve”) as detailed in the Boulder Valley Comprehensive Plan (BVCP). Specifically, council members asked about the feasibility of exchanging city-owned land within the Planning Reserve with land owned by the University of Colorado Boulder on its South Campus (“CU South”).

The Planning Reserve includes approximately 500 acres of land outside of the existing Service Area of the City of Boulder. The city intends to maintain the option of Service Area expansion to the Planning Reserve in response to priority community needs that cannot be met within the existing Service Area.

Several studies must be approved by the city and/or county prior to portions of the Planning Reserve becoming eligible for annexation. The existing process could lead to areas of the Planning Reserve becoming eligible for annexation in 2026 or 2027. Alternatively, council could extend the current Mid-term Update to begin the first study now (Baseline Urban Services Study) and possibly complete the others by 2022. However, staff has identified several challenges with moving ahead with the Planning Reserve analysis now, most notably:

- **Timing.** The Service Area Expansion Plan requires conceptual land use plans, infrastructure plans and phasing information to ensure adequate city services can be provided. According to the information provided by the university,

development plans will not be prepared until at least 2023. Plans for future university development would likely be needed by 2021 to proceed with the Service Area Expansion Plan without delay, a necessary step prior to the Planning Reserve becoming eligible for annexation.

- **Parks Land.** Most of the city-owned land within Planning Reserve was purchased with the .25 Cent Sales Tax which was originally a ballot measure for a dedicated and specific fund for Parks and Recreation to acquire and develop necessary park land to meet the levels of service in the community. The land is satisfying the future needs and growth of the community for park and recreation land and facilities. If the city wanted to do a land swap with CU Boulder for land in the planning reserve, it would need to follow the procedures in the city charter related to the disposition of park land.
- **Unknowns.** The studies required for the Planning Reserve may surface more issues (e.g., environmental, transportation capacity, etc.) that cannot be anticipated at this time. This brings a degree of risk of delaying the flood mitigation project and accompanying annexation.

BACKGROUND

The Service Area concept and the creation of Areas I, II, and III is one of the keystones of the Boulder Valley Comprehensive Plan (BVCP), and in combination with joint city/county decision-making, distinguishes the plan from many others in the state and country. Area I (the city) and Area II (the area planned for annexation and service provision) form the city's service area. Area III was defined in 1977 to not accommodate urban development so that the rural character should be preserved and protected.

The Planning Areas remained as originally defined until 1993, at the conclusion of the Area III Planning Project. The Area III Planning Project was a three-year joint effort of the city and county planning departments. The city and the county had been receiving incremental requests for Area III to Area II changes, particularly along the Jay Road corridor and East Arapahoe, and the plan did not provide guidance as to where such a change would be appropriate. The goal was to determine where and when urban growth might and might not be acceptable in the future, prior to considering Service Area expansions.

City and county decision-makers ultimately concluded that only a small amount of Area III should be contemplated for future urban expansion, and then only if detailed planning for the area indicates that community benefits exceed potential negative impacts. The final report states:

“Service Area expansion is not desirable simply to provide additional land supply for future development; it must provide a broad range of community benefits...conceptual planning should provide an analysis of cumulative impacts and whether the carrying capacity of the Boulder

Valley can absorb this additional growth...and should also provide an evaluation of trade-offs in meeting conflicting community goals.”

After a series of public hearings, the four approval bodies agreed in the fall of 1993 to:

- Designate several hundred acres in the "West Portion-Northcentral Area" site as Area III-Planning Reserve because it presented very limited environmental constraints, was proximate to urban services, and was of sufficient overall size to potentially accommodate future unmet community needs; and
- Designate the remainder of Area III as “Area III- Rural Preservation Area,” where the city and county intend to preserve existing rural land uses and character.

A process for service area expansions was then set in place to ensure comprehensive planning of the Planning Reserve as opposed to incremental changes. The process to convert Area III – Planning Reserve land to Area II (i.e., eligible for annexation) is described below in three sequential steps.

Step 1. Baseline Urban Services Study.

The purpose of this study is to learn more about the feasibility and requirements for the city to provide urban services to the area, and to understand potential phasing and other logistical questions. This study provides a foundation of information necessary prior to undertaking the other two steps summarized below. The Baseline Urban Services Study can be completed any time (i.e., it need not be done in conjunction with a BVCP update) and further and it could examine only a portion of the Planning Reserve.

The study includes, but is not limited to, analysis and inventory of existing infrastructure and service capacity such as:

- Needed upgrades to the water, wastewater, and stormwater facilities and distribution system;
- Additional fire stations or vehicles;
- Police protection needs;
- Transportation network connections;
- Capacity of existing schools;
- Urban parks;
- Inventory of existing uses in the Area III-Planning Reserve; and
- Identification of logical Service Area expansions (areas and/or phasing).

Once complete, the study is reviewed by the Planning Board and approved by City Council. Council has recently expressed interest in completing a Baseline Urban Services Study as part of the 2021 or 2022 work plan.

Step 2: Identify Community Needs

The Planning Board and City Council will hold a public hearing at the beginning of a Mid-term or Major BVCP update to determine whether there is interest in considering a Service Area expansion as part of that update. Staff would then conduct a planning effort

to solicit and identify priority community needs. The finding of the community needs study would be referred to Boulder County prior to the Planning Board and City Council holding public hearings. The purpose of the city's public hearings would be to decide, based on the following criteria, whether a Service Area expansion plan should be prepared.

- **Community Value:** Expansion will address a long-term community value as articulated in the Comprehensive Plan.
- **Capacity:** The need for a service area expansion cannot be met within the existing Service Area because there is not suitable existing or potential land/service capacity.
- **Benefit:** Expansion will benefit the existing residents in the Boulder Valley and will have a lasting benefit for future generations.

Step 3: Service Area Expansion Plan

If initiated by the Planning Board and City Council, the Service Area Expansion Plan would be developed for the unmet community needs identified in Step 2. The public process and technical analysis for the expansion plan would be similar in scope to an area plan. Staff may need to examine shifts to the existing workplan and possible funding needs for consultant work (utility plans, transportation analysis). At a minimum, the expansion plan would include the following items:

- The location and amount of land area needed;
- Other uses that are needed or desired based on the identified needs;
- Conceptual land use and infrastructure plans, to ensure adequate facilities and services can be provided;
- General annexation requirements to further comprehensive plan goals and policies;
- Requirements and conditions for the city and the private sector for development, including on-site and off-site mitigation of impacts; and
- Anticipated development phasing.

Approval of the Service Area expansion plan and subsequent changes from Area III – Planning Reserve to Area II would be decided by the city and county.

ANALYSIS

Assumptions

Staff assumed the following when drafting this memorandum:

- The city would agree to consider annexation and with it, provide a full range of urban services;
- Only land currently owned by the City of Boulder would be considered for a “land swap” with the university;

- Only land currently owned by the City of Boulder or necessary for contiguity requirements (summarized below) would be eligible for any expedited process;
- Cost would be borne by both the city and university, as appropriate, for consultant services to complete surveys, studies, etc.; and
- Workplans for the Planning Department and other departments would be examined and possibly amended to accommodate work on the Planning Reserve.

Potential Challenges

- **Development Plans.** The Service Area Expansion Plan requires conceptual land use plans, infrastructure plans and phasing information to ensure adequate city services can be provided. According to the information provided by the university, development plans will not be prepared until at least 2023. Plans for future university development would likely be needed by 2021 to proceed with the Service Area Expansion Plan without delay, a necessary step prior to the Planning Reserve becoming eligible for annexation.
- **Parks and Recreation Land (Parcels 2-7, Attachment A):**
The city and the Boulder Municipal Property Authority (BMPA) purchased the planning reserve park site in 1999. BMPA is often used as a funding agency for the purchase of land for the benefit of the City.

The city purchased planning reserve property with funds from a .25 sales and use tax and bonding measure that was approved by the voters in 1995. The short title from the ballot measure of Ordinance 5740 provides that the funds are to be used, in part, for park land acquisition. The language of the main question was much more detailed in the types of parkland that should be purchased. There are no additional limitations on the disposition of land in the ballot measure, or the 1998 amendments to the ballot measure in Ordinance 5999. Further, there are no outstanding bond commitments from the 1995 ballot measure, so in turn, no bond covenants that would encumber the property.

If the city wanted to do a land swap with the University for land in the planning reserve, it would need to follow the procedures in the city charter related to the disposition of park land. The land appears to meet the definition in [charter section 161](#), that in part provides parkland is “all lands . . . acquired by the city through purchase, dedication, deed, or condemnation for park or recreation purposes.” Based on the 1995 ballot title alone, it appears that this land was purchased for parks and recreation purposes.

The charter provides that “park lands may be disposed of by the city council, but only upon the affirmative vote of at least four members of the parks and recreation advisory board. An advisory recommendation, which shall not be

binding on the council, shall be obtained from the planning board prior to the disposition or lease of park lands.” [Boulder Charter § 162](#)

If the city were to swap land that would be provided to the city for parks purposes at CU South, the City would also need to follow the acquisition procedures in [Boulder Charter § 163](#).

Other considerations include:

- Following the approval of the ballot item, a site selection process was initiated and ultimately the city purchased the Valmont Park site and Area III (located northeast of 26th and Violet). The Area III site was prioritized because of its large expanse of land that would allow a comprehensive park with a variety of amenities together and serve a broad cross section of the community with flexible, multiple use facilities and plenty of area for trails and path linkages as well as buffering from adjacent residential uses. Since the original planning and purchase, the Area III site has always been dedicated as a critical location for the city to expand its portfolio of parks and recreation assets to meet the community needs and levels of service.
- By design and classification, city and regional parks serve the entire community, as well as the surrounding county, and draw visitors to Boulder. For comparison, neighborhood parks are typically less than 20 acres and are located within walking distances of neighborhood residences. They provide space for high-intensity recreational activities, as well as natural areas and features typical of neighborhood and community parks. Regional parks are generally large tracts of land set aside for their scenic qualities and outdoor recreational opportunities.
- Valmont City Park, with 173 acres, is the only example of a large urban park in Boulder. The Boulder Reservoir is the only regional park operated by Boulder Parks and Recreation Department and provides a mix of developed and natural areas that attract visitors from well outside the city limits.
- The 2014 Parks and Recreation Master Plan identifies the Planning Reserve land as acreage needing to be developed to meet the necessary level of service in park land and amenities 2030 and beyond given population projections. Additionally, the department is in the process of updating the 2014 master plan and will further refine the needs for Area III into the future. This update will be completed in 2021.
- These areas vary in size depending on the type of facilities and are generally located within a short drive or other access modes of urban areas. Common features that might be found in regional parks include bike parks, picnic areas, botanical gardens, boating facilities, swimming facilities, and parking areas. These parks are usually larger in size and can range from 100 to 300 acres. They generally provide a mix of natural beauty and developed facilities.

- Extensive wooded areas are often part of large urban parks, lending a sense of the natural landscape to the urban setting. The types of facilities often found in large urban parks include athletic fields, nature centers, day camps, boating/swimming areas, picnic areas, and shelters. Other facilities include a mixture of trails and off-street parking facilities.
- Currently prairie dogs occupy approximately 155 acres of the total 187 on the property. The remaining unoccupied area is wetlands, the Farmer's Ditch and tree rows, all of which are unsuitable habitat for prairie dogs. Any future development of the site will need to strategically take into account the timeline and process associated with relocation.
- **Housing & Human Services Land (Parcel 1, Attachment A):** As part of the purchase described above, Housing picked up the fee ownership when funds were needed from outside Open Space to acquire land in Area III. The 30 acres of land are intended for future housing needs. The purchase agreement included an existing 99-year lease with an additional 50-year option good through the year 2112. The owner of the lease currently subleases a portion of the property to Atlas Flooring and the Family Fun Center (part of the driving range).
- **Established Process:** The BVCP allows changes from Area III – Planning Reserve to Area II only during Mid-term and Major updates. As currently scoped, the 2020 Mid-term update will be completed later this year and the next Major Update is scheduled for 2025. The study of unmet community needs and the Service Area Expansion Plan must be initiated and approved as part of a Mid-term or Major BVCP update. One of the following actions would need to be taken to move forward with the Planning Reserve studies immediately:
 - **Extend mid-term update.** City Council could choose to extend the Mid-term Update to complete the studies summarized above.
 - **Amend IGA.** The BVCP is adopted by the city and county through the execution of an Intergovernmental Agreement (“IGA”), which is included as Exhibit B in the BVCP. The IGA is what specifies that changes to the Planning Reserve can only be made during a mid-term or major update. As an alternative to extending the mid-term update, the city could seek to amend the IGA to allow changes to the Planning Reserve “out of cycle” (i.e., anytime). The agreement may be amended from time to time upon a majority vote of the Boulder City Council and the Board of County Commissioners and is also reviewed during the periodic updates to the BVCP.
- **Minimum contiguity:** The BVCP states that the “parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.” Existing city-owned land in

the Planning Reserve does not meet this requirement. Therefore, additional land beyond city-owned land would need to be included in the studies summarized above in order to meet the 1/6 contiguity requirement.

- **Unknowns.** The studies required for the Planning Reserve may surface more issues (e.g., environmental, transportation capacity, etc.) that cannot be anticipated at this time. This brings a degree of risk of delaying the flood mitigation project and accompanying annexation.

Timing

Attachment C includes a detailed schedule of anticipated tasks for changing a portion of the Planning Reserve to Area II. Table 1 below is a high-level summary of anticipated timing for completing this work as a part of the 2025 BVCP Major Update or by extending the current Mid-term Update. Notes on timing are rough estimates. The city has not yet completed a Service Area Expansion Plan and therefore, more time spent on project scoping is required prior to committing to any specific dates.

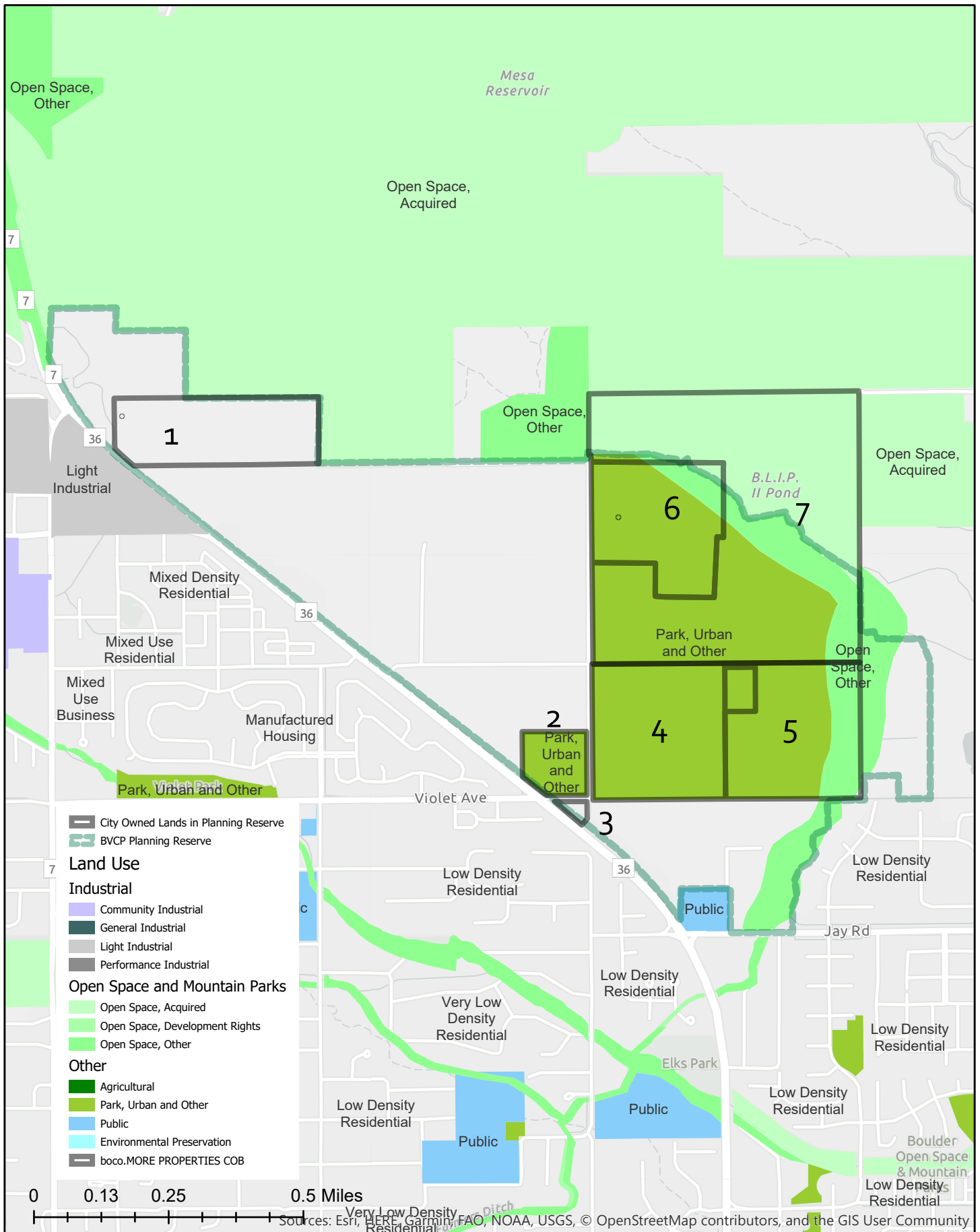
Table 1: Summary of estimated time to complete possible options.

| Milestone | Duration | With 2025 Major Update | With Mid-Term Update |
|--|--------------|------------------------|----------------------|
| Authorize Baseline Urban Services Study | 3 months | Q1, 2021 | Q2, 2020 |
| Complete & Accept Baseline Urban Services Study | 8 months | Q3, 2021 | Q1, 2021 |
| Determine if a service area expansion should be part of the BVCP Update | 5 months | Q1, 2025 | Q2, 2021 |
| Study of Unmet Needs | 3 – 6 months | Q3, 2025 | Q3, 2021 |
| Determine if identified needs warrant a Service Area Expansion Plan | 3 months | Q4, 2025 | Q4, 2021 |
| Complete and accept Service Area Expansion Plan | 13 months | Q1, 2027 | Q1, 2022 |
| Other necessary actions may include: <ul style="list-style-type: none"> • Parks and Recreation disposal and acquisition processes; • Annexation negotiation; and • Annexation of land(s). | | | |

ATTACHMENTS

- A. Maps of city-owned land in the Planning Reserve
- B. Detailed schedule of anticipated tasks
- C. Planning Reserve criteria

City Owned Land in Planning Reserve



Parcel 1 29.9 acres

Parcel Number 146307000012 Account Number 0032920



Parcel 2 8.56 acres

Parcel Number 146318100004 Account Number 0033011

Parcel 3 0.94 acres

Parcel Number 146318102062 Account Number 0106563



Parcel 4 39.7 acres

Parcel Number 146317200003 Account Number 0067849



Parcel 5 37.56 acres

Parcel Number 146317200001 Account Number 0067850

5

NW 1/4 NW 1/4 40 AC
17-1N-70 PER DEED
1022778 1/10/90 BCR

NE 1/4 NW 1/4 LESS
TRACTS 17-1N-70 37
AC M/L PER REC NO
703857 08/06/85 BCR

0 0.03 0.05 0.1 Miles

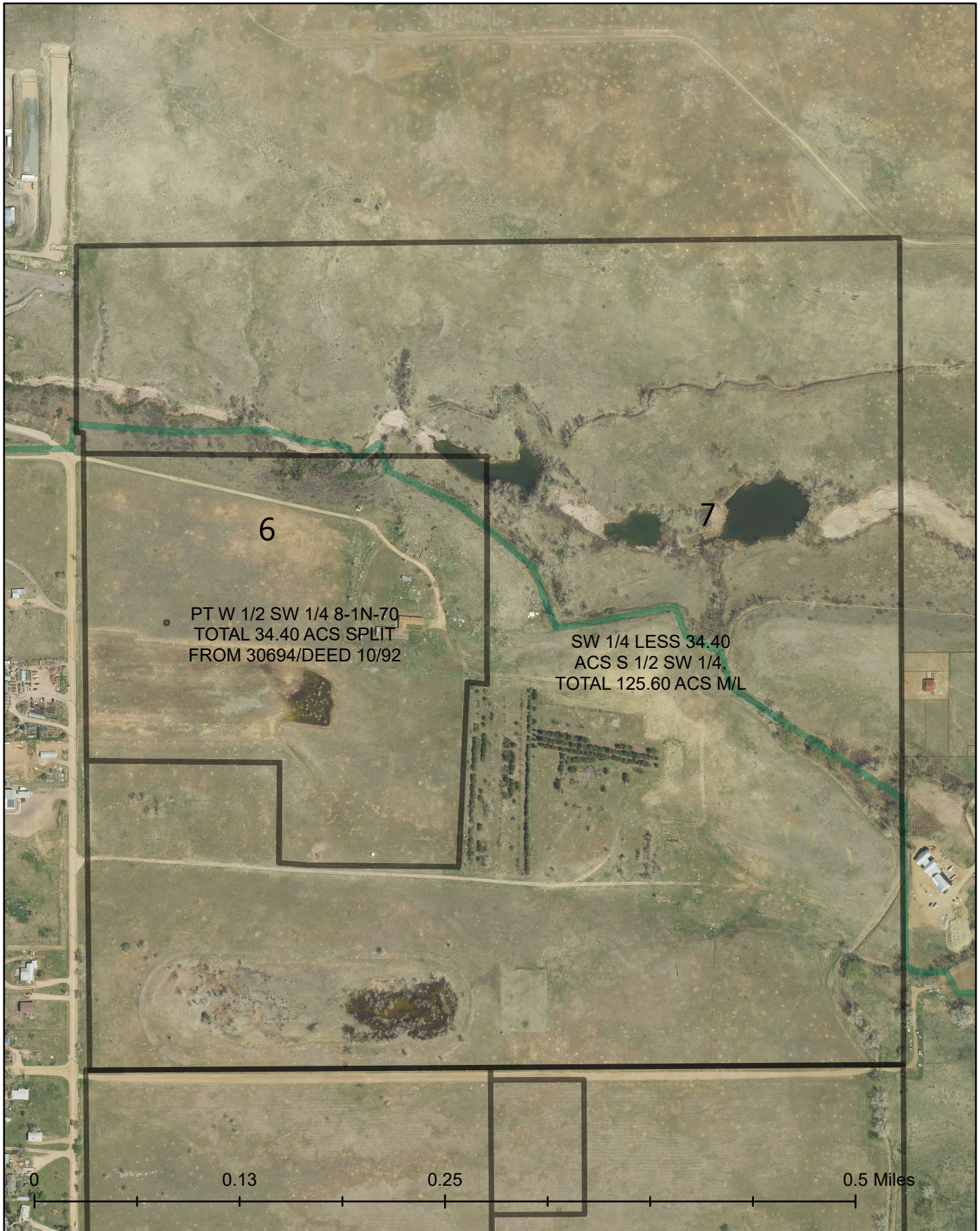


Parcel 6 33.33 acres

Parcel Number 146308000023 Account Number 0113658

Parcel 7 126.85 acres

Parcel Number 14630800002 Account Number 0030694



Attachment B: Detailed schedule of anticipated tasks.

| Milestone | Task | Estimated Time |
|--|---|---------------------|
| Authorize Baseline Urban Services Study | Scope Project, prepare materials | <i>2 months</i> |
| | Planning Board recommendation | <i>1 month</i> |
| | City Council public hearing | <i>1 month</i> |
| Complete & Accept Baseline Urban Services Study | Complete study | <i>6 months</i> |
| | Planning Board recommendation | <i>1 month</i> |
| | City Council public hearing | <i>1 month</i> |
| Determine if a service area expansion should be part of the BVCP Mid-term Update | Scope project | <i>2 - 3 months</i> |
| | Planning Board public hearing | <i>1 month</i> |
| | City Council public | <i>1 month</i> |
| Study of Unmet Needs | Complete study | <i>3 - 6 months</i> |
| Determine if identified needs warrant a Service Area Expansion Plan | Referral to the Board of County Commissioners | <i>30 days</i> |
| | Planning Board Public Hearing | <i>1 month</i> |
| | City Council Public Hearing | <i>1 month</i> |
| Complete and accept Service Area Expansion Plan | Scope project | <i>3 months</i> |
| | Plan creation and public process | <i>6+ months?</i> |
| | Planning Board Public Hearing | <i>1 month</i> |
| | City Council Public Hearing | <i>1 month</i> |
| | Planning Commission Public Hearing | <i>1 months</i> |
| | Board of County Commissioners Public Hearing | <i>1 month</i> |

*City and County means the City of Boulder Planning Board and City Council, and the Boulder County Planning Commission and Board of County Commissioners.

Notes on timing are rough estimates. The city has not yet completed a Service Area Expansion Plan and therefore, more time spent on project scoping is required prior to committing to any specific dates.

A. Types of Changes

1. Land Use Map Changes

Description

The Land Use Map is not intended to be a zoning map. Instead, it provides policy direction and definition for future land uses in the Boulder Valley.

Criteria

To be eligible for a Land Use Map change, the proposed change:

- a) on balance, is consistent with the policies and overall intent of the comprehensive plan;
- b) would not have significant cross-jurisdictional impacts that may affect residents, properties or facilities outside the city;
- c) would not materially affect the land use and growth projections that were the basis of the comprehensive plan;
- d) 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;
- e) would not materially affect the adopted Capital Improvements Program of the City of Boulder; and
- f) would not affect the Area II/Area III boundaries in the comprehensive plan.

Decision-making

Land Use Map changes in Area I & II are a city decision, with call-up to the county as described in the referral & call up procedures. Changes in Area III are a city and county decision.

2. Area II/III Boundary Changes

a. Service Area Expansions and Contractions

i. Minor Adjustment to the Service Area (Area III-Rural Preservation to Area II)

Description

A minor adjustment to the service area boundary is a small, incremental service area expansion that creates a more logical boundary. A change in designation of land from Area III to Area II may be eligible to be approved as a minor service area boundary adjustment based on the following criteria:

Applicability

- a) **Maximum size:** The total size of the area must be no larger than ten acres. Residential areas larger than 10 acres may be considered if the area consists of substantially developed properties below the Blue Line along the western edge of the service area.
- b) **Minimum contiguity:** The area must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.

Criteria

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

- b) **Compatibility with the surrounding area and the comprehensive plan:** The proposed change of Area III to II must be compatible with the surrounding area as well as on balance, the policies and overall intent of the comprehensive plan.
- c) **No major negative impacts:** It must be demonstrated that no major negative impacts on transportation, environment, services, facilities, or budget will result from an expansion of the Service Area.
- d) **Minimal effect on land use and growth projections:** The proposed change of Area III to II change does not materially affect the land use and growth projections that were the basis of the Comprehensive Plan.
- e) **Minimal effect on service provision:** The proposed change of Area III to II does not materially affect the adequacy or availability of urban facilities and services to the immediate area or the overall Service Area of the City of Boulder.
- f) **Minimal effect on the city's Capital Improvements Program:** The proposed Area III to II change does not materially affect the adopted Capital Improvements Program of the City of Boulder.
- g) **Appropriate timing:** The proposed Area III to II change will not prematurely open up development potential for land that logically should be considered as part of a larger Service Area expansion.

Decision Making

Minor Adjustments to the Service Area boundary are a city decision for areas five acres and under. For areas greater than five acres, the Board of County Commissioners may call-up a city decision for its review under the procedures described below.

ii. Service Area Expansions: Planning Reserve (Area III-Planning Reserve to Area II)

Description

The Area III-Planning Reserve is identified on the Area I, II, III map and includes approximately 500 acres of land outside the existing service area of the City of Boulder. The Area III-Planning Reserve is not currently eligible for urban services or annexation. This area was established at the conclusion of a comprehensive analysis of Area III; when city and county determined that only a small amount of Area III should be contemplated for future urban expansion, and then only if detailed planning for the area indicates community benefits exceed potential negative impacts. The area was chosen for its location and characteristics based upon the apparent lack of sensitive environmental areas, hazard areas and significant agricultural lands, the feasibility of efficient urban service extension, and contiguity to the existing Service Area, to maintain a compact community.

The Area III-Planning Reserve is that portion of Area III where the city intends to maintain the option of Service Area expansion for future urban development in response to priority community needs that cannot be met within the existing Service Area.

While Service Area expansion into the Area III-Planning Reserve may occur over time in several separate actions, it must result in a logical expansion of the Service Area. The needs of future generations should be considered any time a Service Area expansion of the Planning Reserve is contemplated.

Baseline Urban Services Study Required

The City of Boulder will complete a baseline urban services study of the Area III-Planning Reserve prior to considering a service area expansion. The purpose of the study is to learn more about the feasibility and requirements to provide urban services to the area, and to understand potential phasing and logical areas of planning and potential expansion. The city may undertake preparing the baseline urban service study at any time for all or a portion of the Planning Reserve, and should include, but is not limited to an analysis and inventory of the existing infrastructure and service capacity (such as needed upgrades to the water, wastewater, and stormwater or facilities and distribution system, additional fire stations or

vehicles and police protection needs, transportation network connections, capacity of existing schools, urban parks), inventory of existing uses in the Area III-Planning Reserve, and identification of logical Service Area expansions (areas and/or phasing). The completed study will be reviewed by the Planning Board and accepted by the City Council.

Service Area expansion process

a) **Service Area expansion consideration**

The city may consider a service area expansion into the Area III-Planning Reserve following acceptance of the baseline urban services study. Service Area expansion may occur at a mid-term or major update to the BVCP. At the beginning of each BVCP update, the Planning Board and City Council will hold a public hearing to determine if there is interest in considering a Service Area expansion as part of that update. If the city is interested in considering a Service Area expansion, a planning effort to solicit and identify priority community needs will begin. The city will hold public hearings and decide whether the identified needs are of sufficient priority based on the eligibility criteria below to warrant preparation of a Service Area expansion plan. Prior to the public hearings by the city, the identified needs will be referred to the county.

Criteria for Initiating a Service Area Expansion Plan

In order to initiate a service area expansion plan there must be sufficient community need. In determining whether there is sufficient community need, the city will consider the following factors:

- a. **Community Value:** Expansion will address a long-term community value as articulated in the Comprehensive Plan.
- b. **Capacity:** The need for a service area expansion cannot be met within the existing Service Area because there is not suitable existing or potential land/service capacity.
- c. **Benefit:** Expansion will benefit the existing residents in the Boulder Valley and will have a lasting benefit for future generations.

b) **Service Area Expansion Plan**

An expansion plan for priority community needs is anticipated to be similar in scope to an Area Plan, as described in the Comprehensive Plan and will be developed by the city in coordination with the county. If the city initiates preparation of a service area expansion plan, it will include, but not be limited to the following information:

- a. The location and amount of land area needed;
- b. Other uses that are needed or desired based on the identified needs;
- c. Conceptual land use and infrastructure plans, to ensure adequate facilities and services can be provided;
- d. General annexation requirements to further comprehensive plan goals and policies;
- e. Requirements and conditions for the city and the private sector for development, including on-site and off-site mitigation of impacts; and
- f. Anticipated development phasing.

Approval of a Service Area Expansion Plan

A service area expansion plan approval and change from Area III-Planning Reserve to Area II will consider the following:

- a. **Minimum size:** In order to cohesively plan and eventually annex by neighborhoods and to build logical increments for infrastructure, it is encouraged that the minimum size of the parcel or combined parcels for Service Area expansion be at least forty acres.
- b. **Minimum contiguity:** The parcel or combined parcels for Service Area expansion must have a minimum contiguity with the existing service area of at least 1/6 of the total perimeter of the area.

- c. **Provision of a community need:** Taking into consideration an identified range of desired community needs, the proposed change must provide for a priority need that cannot be met within the existing service area.
- d. **Logical extension of the service area:** The resulting service area boundary must be a logical extension of the service area. Factors used in making this determination include but are not limited to an efficient increment for extending urban services; a desirable community edge and neighborhood boundary; and a location that contributes to the desired compact urban form.
- e. **Compatibility with the surrounding area and comprehensive plan:** The proposed Area III-Planning Reserve area to Area II change must be compatible with the surrounding area and on balance, the policies and overall intent of the comprehensive plan.
- f. **No major negative impacts:** The Service Area Expansion Plan must demonstrate that community benefits outweigh development costs and negative impacts from new development and that negative impacts are avoided or adequately mitigated. To this end, the Service Area Expansion Plan will set conditions for new development, and it will specify the respective roles of the city and the private sector in adequately dealing with development impacts.
- g. **Appropriate timing for annexation and development:** A reasonable time frame for annexation is projected within the planning period after Area III-Planning Reserve area land is brought into the service area.

Decision-making

Initiating a service area expansion plan is a city decision. Approval of a service area expansion plan and change from Area III – Planning Reserve to Area II will be decided by the City and County.

iii. Service Area Contractions (Area II to Area III-Rural Preservation Area)

Description

A Service Area contraction removes land from the city's Service Area, due to a change in circumstances.

Applicability

- a) **Minimum size:** No minimum or maximum size.
- b) **Minimum contiguity:** No contiguity required.

Criteria

Proposed changes from Area II to Area III-Rural Preservation Area must meet the following criteria:

- a) **Changed circumstances:** Circumstances have changed that indicate either the development of the area is no longer in the public interest, the land has or will be purchased for open space, or, for utility-related reasons, or the City of Boulder can no longer expect to extend adequate urban facilities and services to the area within 15 years.
- b) **Compatibility:** Any changes in proposed land use are compatible with the surrounding area and on balance, the policies and overall intent of the comprehensive plan.

Decision-making

Changes from Area II to Area III – Rural Preservation are a city and county decision.

iv. Service Area Reinstatement (Area III – Rural Preservation Area back to Area II – Service Area)

The owner of property that has been moved from Area II to Area III may request that the change be reevaluated under the same procedures and criteria that were used to make such a change for a period ten years after the change was made. Thereafter, such properties will be subject to all of the procedural requirements of this section.