



Community Planning & Permitting

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**BOULDER COUNTY PLANNING COMMISSION
PUBLIC HEARING**

October 18, 2023 at 1:30 p.m.

**Boulder County Courthouse, 3rd Floor,
1325 Pearl Street, Boulder
Virtual and in-person**

STAFF RECOMMENDATION

STAFF PLANNER: Pete L’Orange, Planner II

DATE ISSUED: October 11, 2023

Docket SD-23-0003: Rodriguez TDR/PUD Sketch Plan

Request: Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development (PUD) receiving site consisting of a total of ten residential lots on approximately 39.5 acres.

Location: 6184 Niwot Road, located at the southwest corner of Niwot Road and N. 63rd Street, in Section 34, Township 2N, Range 70W.

Zoning: Rural Residential

Applicants/Owners: Ifrain & Shannon Rodríguez

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SUMMARY

The applicants request Sketch Plan review for a Transferred Development Rights Planned Unit Development (TDR/PUD) in order to subdivide an existing 39.5-acre parcel into a total of ten residential lots. The proposed lots would be the following sizes: one lot of 16.03 acres; one lot of 2.75 acres; seven lots of 2.5 acres; and one lot of 2.16 acres.

Staff finds the requested TDR/PUD does not meet all of the criteria for approval set forth in the Boulder County Land Use Code (the Code); as such, staff recommends denial of the proposal.

DISCUSSION

The subject parcel is located at the southwest corner of the intersection of Niwot Road and N. 63rd Street (see Figure 1 below). The parcel is currently 39.5 acres and is located in the Rural Residential zoning district. North of the subject parcel are several existing subdivisions dating from the 1960s;

these include: Haystack Mountain Ranch (platted 1965); Brigadoon Glen (platted 1964); Range View 1 (platted 1965); Range View (platted 1967); and Oriol Estates (platted 1964). There is also a small Nonurban Planned Unit Development (NUPUD) located east of the subject parcel – the Robl Farm NUPUD (platted 1990). This NUPUD consists of only two developed parcels and several outlots that have been encumbered by Boulder County-held conservation easements. The areas south and west of the subject parcel are unsubdivided and are generally residential and/or agricultural in use.



Figure 1. Vicinity Map, with subject parcel indicated in red.

The applicants have requested a Sketch Plan review for a TDR/PUD. As discussed in further detail below (see Article 6-700 below), the subject parcel has been determined to be eligible to apply for designation as a TDR receiving site. Per Article 6-700.D.1, a receiving site includes two units of density per 35 acres; as the parcel is 39.5 acres, it includes two units. The remaining eight units of density would be transferred to the site through TDRs. The applicants contacted the Boulder County Parks and Open Space Department and have confirmed that the county has sufficient TDRs available for purchase.

As proposed, the existing 39.5-acre would be subdivided into a total of ten parcels, each with a single family residential dwelling (see Figure 2 below). The proposed lots would be the following sizes: one lot of 16.03 acres; one lot of 2.75 acres; seven lots of 2.5 acres; and one lot of 2.16 acres. The subject parcel is currently developed as follows: a 5,266-square-foot residence; a 2,160-square-foot barn; and a 168-square-foot shed. Based on the sketch plan submitted by the applicants, the existing residence and accessory structures would be located on the 16-acre parcel.

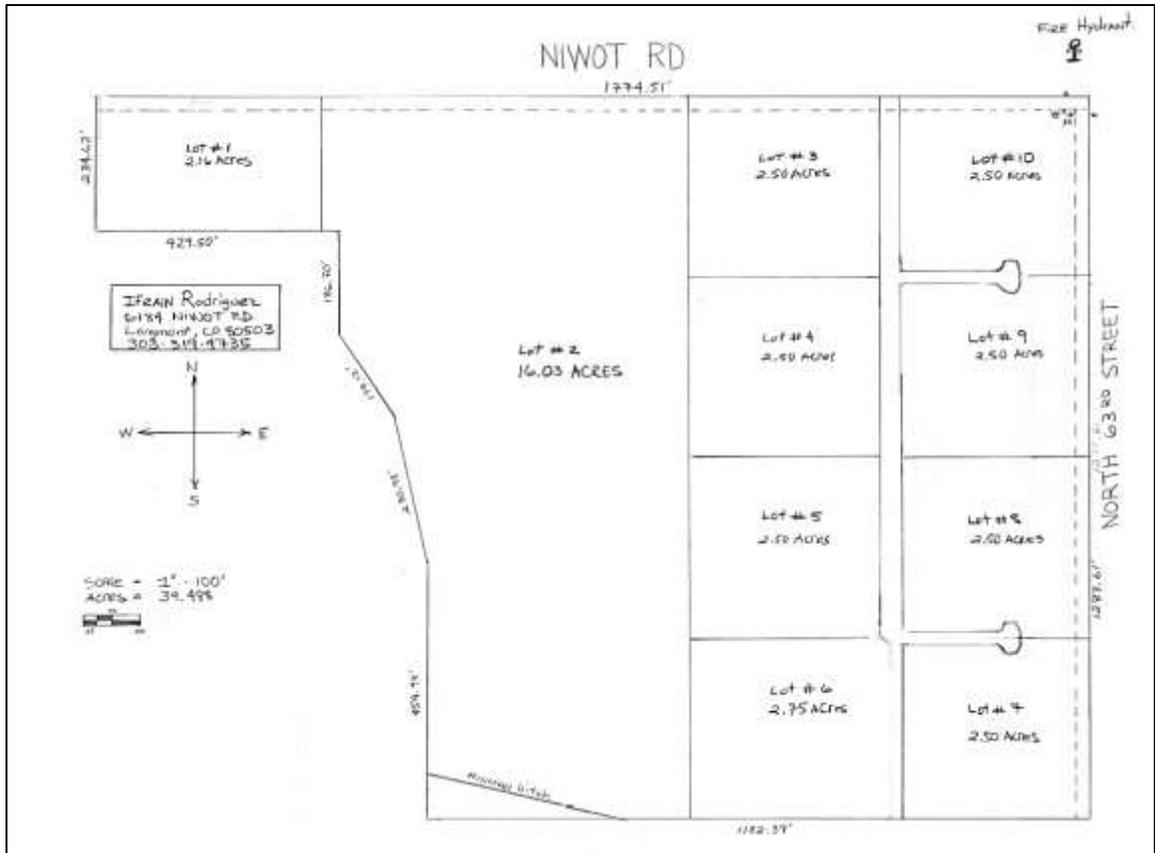


Figure 2. Sketch Plan submitted by the applicants.

The Sketch Plan review is first step of the three step approval process to plat unsubdivided land. The Sketch Plan is a conceptual level review to determine the feasibility and design characteristics of the development proposal. If a proposed Sketch Plan is approved, it can then proceed to a Preliminary Plan review. This is the second step and reviews the proposed subdivision in more detail, including details on mitigating any impacts identified during the Sketch Plan review and preliminary engineering. Only after the Preliminary Plan can a proposal move forward to Final Plat review. This third and final step will review the final engineering plans, the development agreement, letters of credit, conservation easements, homeowners covenants, the plat, and any other documents, reports, or studies as necessary; and may also review sketch plan or preliminary plan issues such as building height, landscaping, and building envelopes which have been deferred.

While the Code allows for the Sketch Plan, Preliminary Plan, and/or Final Plat to be combined into a single review, this is only allowed when the proposed development contains seven or fewer lots and does not require extensive engineering. As the proposal includes more than seven lots and would require extensive engineering, it cannot qualify for a combined review process.

The Boulder County Comprehensive Plan identifies several important resources on the subject parcel: the Boulder Valley Ranch/Beech Open Space Environmental Conservation area; a Riparian Area; and Agricultural Lands of Statewide Importance (see Figure 3 below). There are also view protection scores on both Niwot Road (scores between 1.0 and 1.41) and N. 63rd Street (score of 0.55 south of Niwot Road and of 1.36 north of Niwot Road); these view protection scores are discussed under Article 6-1000.A below.



Figure 3: Comprehensive Plan map.

As detailed in the criteria review below, staff finds that the proposed TDR/PUD development cannot meet all of the criteria of the Code for a TDR/PUD.

REFERRALS

This application was referred to the typical agencies, departments, and adjacent property owners. The application was referred on July 18, 2023. All responses received are attached and summarized below.

Boulder County Building Safety and Inspection Team: This team provided standard comments related to building permit requirements.

Boulder County Development Review Team – Access & Engineering: This team reviewed the application materials and provided comment. They noted that the existing parcel has legal access via Niwot Road. They also noted that the proposed Lots 1 and 2 have separate access points off Niwot Road, while Lots 3 through 10 would share a single access point approximately 340 feet west of the intersection of Niwot Road and N. 63rd Street. The Access & Engineering Team recommended that Lots 1 and 2 be slightly reconfigured so that a private road, that directly opposes Strath Road, can be created to serve both lots rather than providing individual accesses to Niwot Road. They also noted that the current configuration of Lots 3 through 10 includes additional side roads and cul-de-sacs, which they find to be unnecessary; they recommended that the side roads and cul-de-sacs be eliminated from the design. Finally, the Access & Engineering Team provided details on the additional access and engineering information which will need to be included as part of any Preliminary Plan application, including: demonstration that the roads and outlots meet the Boulder County Multimodal Transportation System (MMTS) requirements; a preliminary geotechnical report; a traffic report; a preliminary drainage report; a grading and drainage plan; pavement design details; and a complete set of preliminary construction drawings for the roads.

Boulder County Long Range Planning: This team provided comment on the application in relation to the Boulder County Comprehensive Plan (the “Plan”) and found that the proposal is not in

compliance with the Plan. They noted that proposal conflicts with multiple specific goals and policies related to the following elements of the Plan: the Niwot/Lefthand/Boulder Creek Subregion; the Agricultural Element; the Housing Element; the Sustainability Element; and the Transportation Element. They also found that proposal is not in line with the 2023 Boulder Couth Sustainability plan as the development would be auto-dependent, which is not a sustainable land use pattern. Finally, they found that the proposed development would not be in character with the existing adjacent subdivisions.

Boulder County Parks & Open Space – Natural Resource Planner: The Natural Resource Planner reviewed the application materials and stated that they do not support the proposal. They noted that the proposed subdivision and subsequent development would result in the loss of approximately 22.5 acres of agricultural land, and would be in conflict with past efforts to conserve land in the area. They also noted that the subject parcel is 140 feet outside of Area III of the Boulder Valley Comprehensive Plan (BVCP) and that rural preservation is one of the goals for Area III; they found that subdivisions are contrary to the BVCP. The Natural Resources Planner also noted that the development of nine new homes would have significant negative visual impacts on the View Protection Corridor along N. 63rd Street and its view of Haystack Mountain Natural Landmark, and that strategic house placement and/or landscaping would be unlikely to result in any significant mitigation of those impacts. They also expressed concerns about where the stormwater drainage would go and how it might impact the adjacent subdivisions. The Natural Resources Planner noted that the subject parcel is a known raptor foraging area for Bald Eagles, an identified wildlife species of concern, as documented by Colorado Parks and Wildlife and a 1990s raptor study; they also noted that they have observed hawks foraging on the subject parcel. Finally, they noted that the Riparian Area, Environmental Conservation Area, and the agricultural ditch would not be directly impacted. The Natural Resources Planner recommended denial of the application.

Boulder County Stormwater Team: The Boulder County Stormwater Quality Coordinator reviewed the application materials and noted that a stormwater quality permit (SWQP) is required for the overlot grading and infrastructure associated with the proposed development. They also noted that development on each of the created parcels will require a Boulder County SWQP. Finally, they noted that the development will need to adhere to the Boulder County Storm Drainage Criteria Manual, which will require a drainage report meeting the requirements in Section 200 and demonstrating that the project meets Low Impact Development, detention, and permanent stormwater quality outlined in Section 1200.

Boulder County Public Health: Boulder County Public Health noted that each of the proposed lots will require a separate onsite wastewater treatment system (OWTS), and that each lot will require a unique soils analysis and OWTS design; the submitted preliminary engineer report cannot be used for the new individual lots. They also provide standard comments regarding OWTS permitting and inspection requirements.

Boulder Rural Fire Protection District: This agency reviewed the application materials and stated that they have no conflict with the proposed subdivision. If the property is subdivided, however, they noted that additional fire hydrants will be necessary and that driveways, turn-arounds, et cetera, would need to be sized to accommodate fire engines.

Colorado Division of Water Resources: This agency reviewed the application materials and determined that the Left Hand Water District is capable of providing water to the proposed development without injury to any existing decreed water rights.

Colorado Geological Survey: This agency reviewed the proposal and determined that there are no geological hazards or constraints that would prevent the proposed residential development. They did note, however, that there is very shallow groundwater on the subject property. As such, they

recommend against any basement construction. They also recommend that the bottom of footing elevation should be at least 2 feet above the seasonal high groundwater table, which is anticipated to be close to 3 feet below ground surface. As such, to achieve a bottom of foundation elevation of at least 2 feet (preferably 3 to 5 feet) above the seasonal high groundwater table, the site grades will need to be raised or an underdrain system sufficient at lowering water levels installed.

Left Hand Water District: This agency reviewed the application materials and noted that the applicants will be required to submit a Subdivision Service Review Form with the Water District.

City of Boulder Open Space and Mountain Parks (OSMP): This agency reviewed the application materials and noted that the property is within 150 feet of the Boulder Valley Comprehensive Plan planning area, and any subdivision/development should be respectful of the context and adjacency to the rural preservation area. They also noted that any development should be mindful of potential viewshed impacts to Haystack Mountain. OSMP noted that the proposal would result in the loss of irrigatable agricultural lands. They also noted the subject property is likely a raptor foraging area and requested that an environmental survey be required to inventory and determine impacts on the plant, wildlife, and other resources on the property (and using the property) as well as proposed mitigation measures if development were to be permitted. They stated that the Hinman Ditch, which serves adjacent OSMP properties and other OSMP lands in the ditch's service area, bisects the property and cannot be interrupted or interfered with. Finally, they stated that the applicants should be aware that adjacent properties are used for agricultural purposes, and they should expect the operation of machinery, spreading of manure and other fertilizers, the feeding and pasturing of livestock and the application of herbicides, insecticides, or application of irrigation water.

St. Vrain Valley School District: The school district reviewed the application materials and determined that the potential increase in students resulting from the creation of ten lots would not result in any of the applicable schools exceeding their attendance benchmarks. Additionally, the school district stated that a dedication of land to the school district was not required, but that a cash-in-lieu payment to Boulder County would be required. Finally, they noted that bussing to elementary, middle, and high school will be provided by the school district.

Xcel Energy: This agency reviewed the application materials. They noted a potential conflict in that an existing natural gas service line to 6060 Niwot appears to run through the proposed Lot 1, which would place this pipeline in trespass; they stated that an easement may be necessary. They also provide language to be included in the Preliminary Plan and Final Plat related to required 6-foot utility easements on the resulting lots.

Adjacent Property Owners: Notices were sent to the property owners within 1,500 feet of the subject property; to date, staff have received approximately 120 public comments, nearly all in opposition. The comments received have cited concerns with traffic, visual impacts, the rural/agricultural character of the area, and property values.

Agencies that responded with no conflict: Boulder County Historic Preservation Team and Mile High Flood District.

Agencies that did not respond: Boulder County Assessor; Boulder County Office of Sustainability, Climate Action, and Resilience; Boulder County Sheriff; Boulder County Treasurer; Boulder County Public Works; Boulder County Surveyor; Boulder County Audubon Society; Left Hand Watershed Center; Northern Colorado Water Conservancy District; Poudre Valley REA; Lumen Technologies/CenturyLink; New Hinman Ditch Company; Boulder Valley & Longmont Conservation District; and History Colorado.

REVIEW CRITERIA

The specific Code Sections applicable to this proposal include the following:

- Subdivision Regulations, Article 5-102 Standards and Conditions for Sketch Plan Approval
- Planned Development Districts, Article 6-100 Purpose and Intent
- Planned Development Districts, Article 6-200 General Requirements for all Planned Unit Developments
- Planned Development Districts, Article 6-700 Transferred Development Rights Planned Unit Development
- Planned Development Districts, Article 6-800 Conservation Easement
- Planned Development Districts, Article 6-1000 Standards and Criteria for Approval of a Planned Unit Development
- Development Standards, Article 7-200 Development Design
- Development Standards, Article 7-400 Sewage Treatment
- Development Standards, Article 7-1100 Fire Protection
- Development Standards, Article 7-1200 Utility Location

The Community Planning & Permitting staff has reviewed the standards for Sketch Plan Approval and Transferable Development Rights Planned Unit Development as set forth in the Boulder County Land Use Code and finds the following:

Article 5-102 Standards and Conditions for Sketch Plan Review

A. The Planning Commission and the Board of County Commissioners shall not approve a sketch plan proposal until the applicant has adequately shown that the proposal meets the following:

1. The design conforms to the criteria established in Section 7-200.

Staff reviewed the proposed subdivision design in relation to the requirements in Article 7-200 of the Code (discussed in more detail below). Generally, it appears that the proposed subdivision will be able to meet the requirements of this Section. However, there are some criteria under Article 7-200 that cannot be determined at this time, and there is one criterion (Article 7-200.A.14) with which the proposal does not conform.

As such, staff finds this criterion is not met.

2. A water source is designated and the method of distribution within the proposed platted subdivision is defined. Also necessary, as applicable, are a preliminary agreement for water service from the appropriate water provider, well permits from the State Engineer, preliminary evidence on the availability of water, and/ or a preliminary water augmentation proposal. In accordance with Section 7-300, the water supply must be adequate for the type of platted subdivision proposed.

The applicants submitted a letter from the Left Hand Water District stating that the Water District is able and willing to provide water service for all of the proposed lots.

Therefore, staff finds this criterion is met.

3. Either a written commitment to provide a public sewage disposal system or a sewage disposal system which complies with state and local laws and regulations, in accordance with Section 7-400.

Per the application materials, the applicants do not propose to provide or connect to any public sewer system. Rather, each of the lots would be served by an individual onsite

wastewater treatment (e.g., septic) system. The applicants have submitted a preliminary septic suitability report for the proposed development. Per this report, the soil on the subject parcel does not meet Boulder County Public Health's guidelines for percolation rate for a non-engineered OWTS. As such, engineered OWTS designs will be necessary for development. Each of these would be reviewed as part of each lot development. Since the specifics of each OWTS cannot be known at this time, staff has not included analysis of Section 7-400. However, staff anticipates that each lot-specific OWTS can be designed to meet the requirements of Section 7-400.

Therefore, staff finds this criterion can be met.

4. *The development proposal conforms with the Comprehensive Plan, any applicable intergovernmental agreement affecting land use or development, and this Code.*

Staff reviewed the proposed subdivision for conformance with Boulder County Comprehensive Plan (BCCP) and finds that the proposal does not conform with a significant number of goals and policies in the BCCP. The specific goals and policies with which the proposal conflicts include the following:

Countywide Goal 1 Cluster Development. The first countywide goal of the BCCP states: *"Future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to preserve agriculture, forestry and open space land uses, and to maximize the utility of funds invested in public facilities and services."*

Staff finds that the proposed TDR/PUD is not within or adjacent to any urban area but rather is located in a generally agricultural area. As such, the proposal would not be consistent with this goal. The proposal would result in creating increased sprawl into a rural, primarily agricultural area. There are existing subdivisions north of the subject property, however they all date back to the 1960s, prior to the County's goal of limiting sprawl. One of the purposes of the Comprehensive Plan is to respond to growth patterns which are deemed to be undesirable; as such, development which occurred prior to the current Comprehensive Plan does not necessarily justify new development which conflicts with the Plan just because the proposed development is adjacent to the older, undesirable development pattern.

Agricultural Element Policy AG 1.01 Agricultural Land Preservation. This policy states: *"It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within the unincorporated areas of the county, and to make that position known to all citizens currently living in or intending to move into this area."*

Agricultural Element Policy AG 1.03 Agricultural Land of Importance. This policy states: *"It is the policy of Boulder County to encourage the preservation and utilization of those lands identified in the Agricultural Element as Agricultural Lands of National, Statewide, or Local Importance and other agricultural lands for agricultural or rural uses."*

Agricultural Element Policy AG 1.12 Land Unification. This policy states: *"The county shall continue to discourage the fragmentation of large parcels of agricultural land and to encourage the assemblage of smaller parcels into larger, more manageable and productive tracts."*

Staff finds the proposal conflicts with all three of these policies. As discussed above, the subject property is located within an area identified as Agricultural Lands of Statewide Importance. As such, staff finds that it would be contrary to the county's policies to fragment

an existing 39.5-acre largely undeveloped parcel into smaller parcels which would be effectively incapable of being used for agricultural purposes. Additionally, the proposal does not include any provisions for preserving any of the existing parcel for agricultural use. For example, in more recently approved TDR/PUD developments, the proposals would include significant outlots over which a county-held conservation easement would be established, protecting at least those portions of agricultural land in perpetuity. No such provision for agricultural outlots is included in this proposal. As such, staff finds there is no mitigation for the agricultural land which would be lost as a result of this proposal.

Economics Element Policy EC 3.04 Transit Oriented Development. This policy states: “*Boulder County works with local cities and towns to encourage patterns of commercial and residential development that support use of public transit and walkable mixed-use neighborhoods, including modifying development regulations to facilitate commercial or mixed-use projects at sites near transit stops.*”

The subject property is not located near any existing, proposed, or identified potential future public transit services. The subject parcel is approximately 2 miles away from the nearest public transit location (the RTD Park-n-Ride located at Niwot Road and CO 119). As such, staff finds the proposal is not in accordance with this policy.

Housing Element Policy HO 1.04 Limited Increases in Density. This policy states: “*In circumscribed situations, the county may enable increased residential density that meets affordability needs, is integrated within or adjacent to existing developed areas, is capable of being served by adequate public facilities, is considerate of long-term cost impacts on public facilities, and has strong multimodal transportation connections or potential for such connections.*”

This policy provided specific circumstances in which it may be acceptable for the county to allow increased residential density. These include supporting affordable housing needs; there is no indication that the creation of larger lots, each likely to have larger homes would support affordable housing in the county. As discussed in more detail in staff analysis of Article 6-1000 below, staff finds that the development of each lot will require extensive engineering and designing in order to build a house due to shallow groundwater levels; staff finds that this will increase the cost of developing each lot, further reducing any potential for affordability. Additionally, as discussed in more detail below, the proposed development does not have any strong multimodal transportation connections. As such, staff finds the proposed TDR/PUD is not in accordance with this policy.

Sustainability Element Policy SU 1.02 TDR Program Objectives. This policy states: “*This TDR program should consider facilitating the attainment of any or all of the following objectives:*

- *Preserving vacant lands identified in the Comprehensive Plan as having significant environmental, agricultural, visual or cultural values;*
- *Maintaining the character of established rural communities;*
- *Avoiding or reducing the fragmentation and disturbance of important ecological and environmental areas;*
- *Avoiding development in hazardous areas;*
- *Providing incentives for the promotion and retention of a diverse housing stock;*
- *Protecting and securing scenic vistas;*
- *Promoting the county’s goals of achieving sustainable land uses and reducing the impacts of the built environment; and*
- *Encouraging the voluntary participation of landowners.*”

This policy provides specific guidance on the objectives for the Transfer of Development Rights program. Staff finds that the proposal is not in accordance with this policy as it would not result in the preservation of any vacant lands with significant environmental, agricultural, visual, or cultural values; rather it would result in the development of lands identified as Agricultural Lands of Statewide Importance and environmental conservation area. Additionally, the proposal would not maintain the rural character of the area. See staff's analysis under Article 6-100.D below for detailed discussion of these objectives.

Transportation Element Policy TR 4.01 Reduce Single-Occupant-Vehicle Travel. This policy states: “Reduce single-occupant-vehicle (SOV) travel and shift SOV travel to off-peak periods through a variety of programs and techniques, including Transportation Demand Management (TDM).”

Transportation Element Policy TR 5.01 Reduce Vehicle Miles Traveled. This policy states: “Set goals for vehicle miles traveled (VMT) per capita reductions for 2015, 2020 and 2030. Encourage incorporated areas inside the county to adopt similar goals.”

Staff finds that the proposal does not align with these policies. The subject property is not located near any commercial, business, or employment centers. As such, residents of the proposed development would be required to drive to reach any employment or shopping areas, increasing both single-occupant-vehicle travel and the number of miles driven. Therefore, staff finds the proposed TDR/PUD is not in accordance with these policies.

Niwot, Lefthand, Boulder Creek Subarea Policy NIW 1.01 Preservation of Agricultural Character. This policy states: “Based upon past and present land use, lack of community services, physical conditions and citizen desires, it is county policy to recognize and designate the existing land use character of the Lefthand/Niwot/Boulder Creek Subregion (with the exception of the Niwot Community Service Area) as being agricultural in nature and to ensure that the accompanying Land Use Plan Map and attendant Boulder County Land Use Code will acknowledge such character in the designation and implementation of future land use types.”

Niwot, Lefthand, Boulder Creek Subarea Policy NIW 1.02 Limitations on New Building Sites and Residential Structures. This policy states, in part: “In recognition and support of the designated agricultural character of the Subregion, the Boulder County Land Use Code shall be developed in such a manner as to discourage the further subdivision of lands, situated outside of designated “Community Service Areas” for the purpose of creating new building sites for residential, commercial, or industrial land uses (except as otherwise permitted within these policy statements or by state statutes).”

The subject parcel is located within the Niwot, Lefthand, Boulder Creek Subarea, but is not located in the Niwot Community Service Area. As such, it is in an area which has been identified as agricultural in nature and where further subdivision of lands is discouraged. Additionally, the Niwot Community Service Area is identified as an area which is appropriate for further development and densification. Specifically, the Comprehensive Plan's description of the Niwot Community Service Area states: “The community of Niwot is the only area within the Subregion where significant public and private commitments have occurred in the form of centralized sewer, water, a range of residential densities, and housing types, fire protection, public educational facilities, [. . .] Consequently, Niwot is planned to be the only designated service area within the Subregion and the geographic area wherein the majority of future growth will be accommodated.” As such, staff finds that the proposed subdivision conflicts with both of the NIW policies discussed above as it is not in the Niwot Community Service Area and is therefore intended remain rural and agricultural in nature.

Additionally, staff finds that the proposal is in conflict with the Boulder Valley Comprehensive Plan (BVCP). The BVCP is a jointly administered planning document between Boulder County and the City of Boulder. It is intended to help direct and control development in the unincorporated portions of Boulder County near the City of Boulder municipal boundaries. While the subject property is outside of the BVCP area, it is only approximately 150 feet from the BVCP boundary. As such, staff finds that considering the impacts of the proposed development on the BVCP is appropriate. Specifically, the portion of the BVCP nearest to the subject property is identified as Area III, “Rural Preservation.” The goals and requirements for Area III focus on land conservation and retaining/protecting the rural and agricultural feel of the area. Subdivisions and other forms of intensive development are considered contrary to these goals and have the potential to negatively impact the BVCP area.

As the proposed subdivision is in conflict with multiple goals and policies of the Boulder County Comprehensive Plan, and has the potential to negatively impact the Boulder Valley Comprehensive Plan area, staff finds the proposal does not conform with the Comprehensive Plan.

Therefore, staff finds this criterion cannot be met.

5. The proposed methods for fire protection comply with Section 7-1100.

Currently, there is a single fire hydrant located on the north side of Niwot Road just west of N. 63rd Street and one on the west side of Strath Street just north of Niwot Road (see Figure 4 below). Per the referral response from the Boulder Rural Fire Protection District, additional fire hydrants will be required interior to the proposed subdivision; the specific locations for these have not been identified at this time. Additionally, the internal subdivision roads and accesses will need to meet the emergency access requirements for the Fire Protection District.



Figure 4. Subject parcel (outlined in red) with existing fire hydrants (indicated by red Xs).

This application did not include any information or proposal for meeting the requirements of Section 7-1100; as such, staff has not included any analysis related to this specific Section. However, staff finds that the specifics for compliance with Section 7-1100 of the Code are details that can be developed prior to the submission of any application for Preliminary Plan review.

With inclusion of these details for any Preliminary Plan review, staff finds this criterion can be met.

6. *The proposed uses for all areas are appropriate and the design is based on the constraints of topography, soil types, geologic hazards, aggregate resources, environmental resources, flood plain, airplane flight overlays, or other constraints.*

The existing uses in the area around the subject property are generally residential and/or agricultural in nature. The applicants have proposed that the new lots would be used for residential purposes. As such, staff finds the proposed use is appropriate.

However, as noted in the referral response from the Colorado Geological Survey, there is very shallow groundwater on the subject property, which may pose a significant constraint to development on the proposed lots. Staff has significant concerns about the potential implications and impacts of the shallow groundwater for the actual development of homes on the lots (discussed in more detail under Article 6-1000.A.11 below); however, staff finds that, since the shallow groundwater levels are present on the whole existing parcel, the design of the lots cannot be altered in such a way as to avoid this constraint.

Therefore, staff finds this criterion is met.

7. *Services are available and adequate to meet the needs of the proposed platted subdivision including transportation, police protection, schools, recreation, telephone, mail, gas, electric power and other services, and comply with Section 7-1200.*

No specific information was submitted related to locations or designs for any utility services as required in Section 7-1200 of the Code. However, based on the size and configuration of the proposed lots, it appears that the proposed subdivision would likely be capable of meeting the requirements of this Section. Initial proposed easements and locations for utilities must be included in any plans submitted for Preliminary Plan review.

Xcel Energy noted that an existing natural gas service line to 6060 Niwot appears to run through the proposed Lot 1 and that an easement may be necessary. Staff finds this does not appear to hinder the proposed subdivision's ability to have adequate services; however, this easement would have to be shown on the plans submitted for any Preliminary Plan review. Additionally, Xcel noted that specific language and graphic representations of utility easements would need to be included in plans for any Preliminary Plan review.

While specific water requirements were not submitted with the application materials, the applicants have provided a "willing and able" letter from Left Hand Water District, stating that they would be able to provide adequate water for the proposed development. This was also confirmed by the Colorado Division of Water Resources, which determined that adequate water could be provided to the development without posing risk or injury to any existing water rights.

No other service agencies have responded with any concerns.

Therefore, with the inclusion of the required utility easements and locations in any Preliminary Plan Review, staff finds this criterion can be met.

Article 6-100 Purpose and Intent for Planned Development Districts

D. In addition to those purposes outlined within these Regulations, NUPUD, NCNUPUD, and TDR/PUD submission, review, and action shall be guided by the following objectives:

- 1. To accomplish the preservation of those lands identified within the Boulder County Comprehensive Plan as agricultural lands of National, Statewide, and Local Importance and other valuable agricultural lands; to accomplish such preservation through the strategic and planned location of subdivided lots.***

As shown in Figure 3 above, the subject property is located in an area identified as Agricultural Lands of Statewide Importance. Staff finds the proposed development does not advance this objective as the sending site locations for the Transferable Development Credits are already preserved, and no new agricultural lands of significance are proposed to be preserved. Rather, the proposal would result in the fragmentation and development of approximately 23.5 acres of significant agricultural land.

Therefore, staff finds this object is not met.

- 2. To accomplish the preservation of those natural and cultural resources as identified in the Cultural and Environmental Resources Elements of the Comprehensive Plan; to accomplish such preservation through the strategic and planned location of subdivided lots.***

As shown in Figure 3 above, portions of the subject property are within the Boulder Valley Ranch/Beech Open Space Environmental Conservation Area (ECA). Based on the proposed Sketch Plan, approximately half of Lots 1 and 2 would be within the mapped ECA (see Figure 5 below).

In 2017, the Parks and Open Space Natural Resources Planner submitted a referral response related to the Site Plan Review for the (now) existing residence (SPR-17-0091), in which they stated that the mapped boundaries of the ECA were created with “a broad brush,” and that “the on-the-ground boundary in the subject area would extend to 63rd Street.” Based on this determination by the Natural Resources Planner, staff finds that all of the subject parcel has similar environmental values to the mapped ECA; as such, staff also finds the amount of environmentally sensitive land which would be impacted by the proposed subdivision is likely greater than that indicated in Figure 5. Staff finds that the establishment of building envelopes, landscaping requirements, and other site design restrictions could potentially minimize or mitigate these impacts. However, as no such envelopes, landscaping, or other site design proposals have been submitted at this time, staff cannot provide any analysis as to the potential effectiveness or appropriateness of any such measures at this time. Potential mitigation measures (including, but not limited to, building envelopes, landscaping requirements, and other measures as appropriate) should be included in any application for Preliminary Plan review. At this time, however, staff finds the proposal is in conflict this objective.

Related to the Boulder Valley Ranch/Beech Open Space Environmental Conservation Area, staff have some concerns regarding the potential for the proposed TDR/PUD and subsequent development to negatively impact wildlife in the area of the subject property. Per the referral responses from the Natural Resources Planner and the City of Boulder Open Space and Mountain Parks, the existing prairie dog colony located on the subject property is actively used as a foraging location by Bald Eagles, rough-legged hawks, and Northern harriers; it is

also possibly used for foraging by ferruginous hawks and for burrows by burrowing owls. The rough-legged hawk, the Northern harrier, and the ferruginous hawk are all county species of concern. As the specifics of the potential development on the lots has not been include in this application, staff cannot determine the specific potential impacts on these raptors, but it is reasonable to presume that the loss of the prairie dog colony will have an impact on their foraging activities. Therefore, staff recommends that a full environmental impact study, to inventory and determine impacts on the plant, wildlife, and other resources on/using the property as well as proposed mitigation measures be included in any application for Preliminary Plan review.



Figure 5. Proposed Sketch Plan with ECA indicated in purple.

No cultural resources have been identified on or near the subject parcel.

Therefore, due to the impacts to the ECA, staff finds this objective is not met.

3. To offer density bonus as an incentive to discourage the development of valuable agricultural and other resource lands in Boulder County.

As discussed in Article 6-100.D.1 above, staff finds that the proposal does not result in the protection of any new agricultural land, relying on TDRs from already protected areas. Allowing the subdivision and development of the subject parcel without corresponding offsets does not advance this object as it would be encouraging the development of agricultural land.

Therefore, staff finds this objective is not met.

4. To offer the NUPUD and TDR/PUD processes as a viable alternative to municipal annexation for development purposes.

The subject parcel is not located adjacent to any municipal boundary and is not a candidate for municipal annexation. It is also not located in any municipal influence area which might indicate the potential for annexation.

As this objective is related to giving properties an alternative to annexation, staff finds this objective is not applicable to this proposal.

5. *To stabilize nonurban land values.*

One of the objectives of the TDR program is to discourage the purchasing of larger rural properties with the intent of splitting them into smaller lots to be sold off as speculative investments, which can cause land values in the area to spike and make land less affordable in Boulder County. Staff finds the proposed subdivision and subsequent development of the lots would likely result in an increase in value of these nonurban lands.

Therefore, staff finds this objective is not met.

6. *To create a process for platting unsplit land whereby agricultural property owners may realize profits from the conveyance of portions of their land or the development rights from that land without being forced to sell large or entire agricultural tracts.*

This objective is related to the previous objective of stabilizing nonurban land values as it is intended to allow property owners to sell smaller portions of larger agricultural tracts instead of selling off large tracts. Based on the proposed Sketch Plan, the result of this proposal would be the selling of approximately 23.5 acres of the existing parcel, which is nearly 60% of the parcel.

Therefore, staff finds this object is not met.

7. *To provide for subdivided lots of such size, location, design, and orientation to minimize future demands for services while providing opportunities for the support of a variety of lifestyles.*

The proposed lots are all of sufficient size and design that they could be developed without needing any future demands for services above what are currently available.

Therefore, staff finds this object is met.

Article 6-200 General Requirements for all Planned Unit Developments

A. The parcel being considered for a PUD must be a legal building lot.

The subject parcel is greater than 35 acres. Per Article 9-100.A.2 of the Code, this constitutes a legal building lot.

Therefore, staff finds this criterion is met.

B. Any proposed PUD, or substantial modification to an approved PUD, is subject to the requirements of this Article and the public hearing process defined in Article 3 of this Code.

The applicant has submitted a complete application as required and is currently proceeding through the required review and public hearing process. Once the docket has been heard by the Boulder County Planning Commission and they have issued a recommendation, it will be scheduled for a public hearing before the Board of County Commissioners.

Therefore, staff finds this criterion is met.

- C. Any proposed plat for a NUPUD or NCNUPUD must meet the applicable general requirements included in Section 6-300 for all PUDs as well as the specific requirements for that type of PUD as described below. A TDR/PUD is not subject to the requirements of 6-300, but is subject to the specific requirements of Section 6-700, below.**

Per this provision, since the proposal is for a TDR/PUD, it is subject to the requirement of Section 6-700 of the Code. These requirements are discussed below.

- D. Any common areas proposed within a PUD shall be included within the overall area covered by the development plan.**

This application does not propose to create any common areas except for separate outlots for any private access roads internal to the proposed subdivision. These outlots must be included in plans submitted for any Preliminary Plan review.

Therefore, with the inclusion of all necessary outlots for private access roads in any Preliminary Plan review, staff finds this criterion can be met.

- E. No PUD shall be approved without a plan setting forth the provisions for unified development of the PUD, including but not necessarily limited to easements, covenants and restrictions relating to use, location, and bulk of buildings and other structures; intensity of use or density of development; utilities; private and public streets, ways, roads, pedestrian areas, and parking facilities; common (or dedicated) open spaces; and other public facilities.**

No plan for the unified development of the TDR/PUD has been included in this Sketch Plan review application. This plan will be required as for any Preliminary Plan application.

Therefore, with the inclusion of a plan for the unified development of the proposed subdivision in any Preliminary Plan review, staff finds this criterion can be met.

- F. A PUD must be maintained during construction and occupation under unified development control or a unified development plan.**

Conformance with this criterion would be included as a condition of approval for any future Final Plat application.

Therefore, staff finds this criterion is not applicable to this Sketch Plan review.

- G. Ownership and maintenance of the common areas designated for the enjoyment of residents shall be the responsibility of a homeowners association and/or architectural control committee pursuant to appropriate covenant, unless a different arrangement is determined to be adequate.**

As discussed above, no common areas were included or identified as part of this Sketch Plan application, however outlots for any necessary private access roads will be included in any plans for Preliminary Plan reviews. The ownership and maintenance of these private access roads will be a condition of approval for any Final Plat application.

Therefore, staff finds this criterion is not applicable to this Sketch Plan review.

H. No PUD shall be approved without the written consent of the landowner whose properties are included within the PUD.

The proposed TDR/PUD would be created from a single, existing parcel, which is owned by the applicants. Since they are sole owners of the subject parcel, they are the only landowners who must give consent, and that has been established through the submission of the Sketch Plan application.

Therefore, staff finds this criterion is met.

I. The proposal shall be in accordance with the Comprehensive Plan, and any applicable intergovernmental agreement affecting land use or development;

As discussed in staff analysis of Article 5-102.A.4 above, staff finds the proposal is not in accordance with Boulder County Comprehensive Plan and would negatively impact the goals of the Boulder Valley Comprehensive Plan.

Therefore, staff finds this criterion is not met.

Article 6-700 Transferred Development Rights Planned Unit Development

Per Article 6-700.C, sites proposed for development as a TDR/PUD must meet the criteria and standards for approval defined in 6-700.E, G, and K; these areas are referred to as receiving sites. Additionally, 6-700.J defines sites which cannot be considered for receiving sites. Each of these are discussed below.

D. Zoning Requirements: The uses approved as part of a TDR/PUD shall be limited to the following:

- 1. Residential and nonresidential density, uses, minimum lot area, minimum receiving land area, building height, and yard requirements shall be determined at the TDR/PUD sketch plan approval. The receiving site will include 2 units per 35 acres plus the density transferred to the site.***

As included in the project discussion above, the Sketch Plan application as submitted has identified the density, uses, lot areas, and receiving land area; the Sketch Plan application did not include any proposed building height or yard requirements. As such, the standard height limit of 30 feet above existing grade and the standard yard setbacks for the Rural Residential Zoning District would apply unless different limits are established through any Final Plat approval.¹

Per this Article, if approved as a receiving site, the subject parcel would include two units; the remaining eight units would be transferred via the TDRs the applicants have proposed to purchase from Boulder County Open Space.

- 2. Residential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, to any approved residential receiving site meeting the applicable criteria for receiving sites under these regulations. The maximum allowable total units within a residential TDR/PUD shall be 200.***

¹ The minimum setbacks in the Rural Residential Zoning District are the following: front yard – 25 feet; side yard – 7 feet; and rear yard – 15 feet.

The TDR/PUD as proposed would have a total of ten lots (“units”), which is well below the maximum of 200 allowed under this criterion.

As discussed below, the subject property meets the minimum requirements to be considered for designation as a receiving site (Article 6-700.E); however, it does not meet all of the criteria for development on a receiving site (Article 6-700.G). As such, staff finds the subject property cannot be approved as a receiving site.

Therefore, staff finds this criterion cannot be met.

3. ***Residential/nonresidential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, and converted to nonresidential uses and density on any receiving site in the B, C, LI, and GI zoning districts which meets the applicable receiving site criteria under these regulations. The sketch plan for a nonresidential TDR/PUD shall establish the ratio of nonresidential floor area to be developed on the receiving site, to the number of residential development rights being sent. In establishing this ratio, the effect of the proposed nonresidential floor area shall be of no greater impact to the surrounding area than would the equivalent amount of residential development which is transferred into the site. In evaluating the land use impact of the proposed nonresidential floor area, the impacts considered shall include but not be limited to traffic and circulation patterns, compatibility with adjoining development and land uses, and the effect on designated open space, environmentally sensitive lands, and critical wildlife habitats or corridors.***

The proposed TDR/PUD does not include any nonresidential uses. As such, staff finds this criterion is not applicable.

E. Development Criteria for Receiving Sites which Accept Transferred Development Rights

1. ***In order to be eligible for additional density from development rights, a property-owner must apply for and receive approval to plat a TDR/PUD on the parcel.***

The applicant has applied for approval to plat a TDR/PUD and that application is proceeding through the required review process. However, no approval for a TDR/PUD has been granted at this time; ultimately, any such approval would be through the Final Plat review process.

Therefore, staff finds this criterion does not apply to the Sketch Plan review.

2. ***Adequate facilities and services must be provided to serve a TDR/PUD development. Receiving sites shall be subject to any school impact fee in effect and to any other requirements, such as phasing of the project, necessary to mitigate the impact of new students on overcrowding of schools, or to assure that other facilities and services are adequate and available to serve the TDR/PUD.***

As discussed above, there are adequate facilities and services for the proposed TDR/PUD.

Additionally, per the referral response from the St. Vrain Valley School District (SVVSD), it is not anticipated that, if approved, the proposal would result in any of schools exceeding their capacity benchmarks. Also, per the referral response, the SVVSD will not require any land dedication, and cash-in-lieu payments as determined by Boulder County would be required instead.

Therefore, staff finds this criterion can be met.

3. ***Defined Subareas for transfer - For every TDR/PUD, 75% of the total number of development rights needed to complete the project must be acquired from designated sending sites located in the same subarea as the proposed receiving site unless the applicant proposes a specifically defined and identified sending area which is designated by the BOCC in the TDR/PUD approval.***

As discussed above, the proposed TDR/PUD would require eight development rights to be transferred to the subject property. A minimum of 75% of those (a total of six) would be required to come from sending sites located in the same subarea as the subject property. The subject property is located in the Agricultural Lands of Statewide Importance subarea, so those six credits would have to come from that subarea. This would be a post-approval requirement if the TDR/PUD Final Plat is ultimately approved.

Therefore, staff finds this criterion can be met.

G. Standards and Conditions of Approval for Development on a Receiving Site: A PUD utilizing transferred development rights shall be approved only if the Board of County Commissioners finds that the proposed development meets the following standards and conditions:

1. ***The proposed TDR/PUD must be adjacent to and compatible with adjoining development and land uses, as well as compatible with the land uses designated for the area in adopted municipal master or comprehensive plans.***

As discussed above, the subject property is located adjacent to the Brigadoon Glen subdivision (platted 1964); it is also near Haystack Mountain Ranch (platted 1965); Range View 1 (platted 1965); Range View (platted 1967); and Oriol Estates (platted 1964). All of these subdivisions are residential in use. As such, staff finds the proposal meets the requirement to be adjacent to and compatible with the adjoining land uses.

However, as discussed in staff's analysis of Article 6-1000.A.3 below, in terms of compatibility of character (including but is not limited to size, scale, mass, architectural design, and landscaping), staff finds that the character of the proposed development would not be in harmony with the character of the area as whole.

Additionally, as discussed in the staff analysis of Article 5-102.A.4 above, the proposal is not in accordance with the Comprehensive Plan.

Therefore, staff finds this criterion cannot be met.

2. ***The proposal must be located adjacent to a major arterial, collector, or transit route.***

The subject parcel is located adjacent to Niwot Road, a paved county owned and maintained right-of-way (ROW) with a functional classification of collector. It is also adjacent to N. 63rd Street; however, N. 63rd Street is a minor arterial.

Therefore, staff finds this criterion is met.

3. ***Except as provided in 6-700(G)(7), below, receiving sites shall not be located on national significant agricultural land, designated open space, environmentally sensitive lands, or critical wildlife habitats or corridors, as identified in the Comprehensive Plan.***

As discussed above, the subject property is located in Agricultural Lands of Statewide Importance and at least partially within an Environmental Conservation Area, which is a

category of environmentally sensitive lands. However, as discussed below, the subject parcel does qualify for an exception to this criterion as provided in 6-700.G.7.

Therefore, staff finds this criterion is met.

4. *Within any residential TDR/PUD not more than 5% of the total land area may be developed for structural nonresidential uses.*

As discussed above, the proposed subdivision would be a residential TDR/PUD. Since the total size of the TDR/PUD would be 39.5 acres, the maximum allowed size for structural nonresidential uses would be 1.975 acres. The only structural nonresidential uses that are proposed are the private access road. While the specific acreage of the outlot for the access road has not been determined at this time, it appears likely that the proposal would be able to meet the 1.975 acre limit. The exact size of the outlot for the access road must be included in any plans submitted for any Preliminary Plan review.

Therefore, provided the total acreage of all structural nonresidential uses is included as part of any Preliminary Plan submission and it limited to 1.975 acres, staff finds this criterion can be met.

5. *Within any residential TDR/PUD, the nonresidential portions of the TDR/PUD will not be issued a Certificate of Occupancy until such time as 75% of the residential portions of the development are complete.*

Compliance with this criterion would be included as a post-approval condition as part of any Final Plat approval.

Therefore, staff finds this criterion does not apply to the Sketch Plan review.

6. *The proposed development shall include, where appropriate, methods to contribute to the costs for the provision of capital facilities including schools.*

As discussed above, per the St. Vrain Valley School District, a cash-in-lieu payment from the applicants to Boulder County will be required. No other capital facility improvement costs have been identified at this time. All contribution requirements will be included as post-approval conditions on any Final Plat approval.

Therefore, staff finds this criterion does not apply to the Sketch Plan review.

- 7. *Exceptions to the above approval criteria may be granted by the Board of County Commissioners if the following conditions apply:***
- a. *The proposed project is located within an approved Community Service Area, or***
 - b. *The proposed project is located adjacent to existing subdivided land which is developed at greater than rural density or is a platted subdivision within a municipality.***

No exception shall alter receiving sites as designated in the Niwot Area or in an approved TDR IGA.

The subject parcel is not located in any approved Community Service Area (CSA), so the proposal cannot qualify for an exception to any of the approval criteria for development on a receiving site under provision “a” of this Article.

However, the subject parcel is located adjacent to existing subdivided land which is developed at a greater than rural density. "Greater than rural density" is considered to be any development which is approved for more than 1 unit per 35 acres. The existing Brigadoon Glen subdivision is considered "subdivided land which is developed at a greater than rural density." As such, the subject parcel does qualify for exceptions under provision "b" of this Article.

Finally, the subject parcel is not designated as a receiving site in the Niwot Sending and Receiving Area or any approved TDR IGA ("intergovernmental agreement"). As such, this restriction does not apply to the subject parcel.

Therefore, staff finds this criterion is met.

J. The following parcels will not be considered for a TDR/PUD receiving site:

- 1. Parcels of less than 35 acres, unless**
 - a. they are adjacent to an approved sending site or an approved conservation easement so that the total land area committed to agricultural or other open space use is at least 35 acres; or**
 - b. they are located within a municipal community service area or municipal influence area as described in the Boulder County Comprehensive Plan or a jointly adopted intergovernmental agreement between Boulder County and the relevant municipality, subject to the concurrence and approval of that municipality.**
- 2. Any parcel of less than 35 acres meeting the criteria of Sections 6-700(1)(a) or 6-700(1)(b), above, which is located more than one-half of a mile away from a municipal boundary, shall not be developed at a gross density of more than one unit per acre.**

The subject parcel is more than 35 acres. Therefore, staff finds these provisions are not applicable.

- 3. A subdivided lot shown on a plat recorded prior to August 17, 1994, the date of the first public notice of Planning Commission consideration of these regulations.**

The subject parcel is not currently subdivided or shown on any recorded plat. Therefore, staff finds this provision is not applicable.

- 4. Parcels of LESS than 70 acres created after August 17, 1994, will only be eligible for development rights at the base density of the zoning district in which the parcel is located. No additional development rights may be granted to those parcels.**

Based on staff review of the history of the subject parcel, it was created in its current configuration prior to August 17, 1994. Therefore, staff finds this provision is not applicable.

As outlined above, staff finds the subject parcel is not restricted from being considered for a TDR/PUD receiving site under the provisions of Article 6-700.J.

K. The following additional requirements shall apply within the Niwot Sending and Receiving area:

As discussed above, the subject parcel is not located within the Niwot Sending and Receiving area. Therefore, staff finds this Article is not applicable.

Article 6-800 Conservation Easement

- A. Before the Board of County Commissioners may approve a NUPUD, a NCNUPUD, or a TDR/PUD the applicant shall agree to grant to Boulder County a deed of conservation easement in gross pursuant to Article 30.5 of Title 38, C.R.S., as amended, protecting the preserved land from development in accordance with the approved conservation values. Conservation easements encumbering required outlots shall provide for long-term preservation and appropriate management of the property's conservation values and shall be granted in perpetuity, subject to transfer or termination only pursuant to the express terms of these regulations and the governing conservation easement.***

The application as submitted does not include any proposed new conservation easement or newly protected land. As such, staff finds the proposal does not currently meet this criterion. However, it appears that there is the potential to establish a conservation easement over all or most of the proposed 16-acre, Lot 2. Such a conservation easement could result in the permanent projection of up to approximately 40% of the existing parcel area. The specific area and potential provisions for such a conservation easement must be included in any application for Preliminary Plat review.

Therefore, staff finds this criterion is not currently met.

6-1000 Standards and Criteria for Approval of a Planned Unit Development

- A. The PUD shall be approved only if the Board of County Commissioners finds that the development meets the following standards and criteria:***
- 1. the development achieves the purposes of the PUD and the Comprehensive Plan when development at one unit per 35 acres would interfere with or be counter to those purposes;***

As discussed in staff's analysis of Article 5-102.A.4 above, staff finds the proposed TDR/PUD does not achieve the purposes of the Boulder County Comprehensive Plan (BCCP). Additionally, no conditions of approval have been identified which would allow the proposal to achieve the purposes of the BCCP.

Therefore, staff finds this criterion cannot be met.

- 2. the PUD would be a benefit through the provision of interconnected open space, conservation of environmental features, aesthetic features and harmonious design, and/or energy efficient site design;***

The proposal does not include any provisions for interconnecting any open space nor will it result in the conservation of any environmental or aesthetic features. Additionally, no specific benefits to the county have been identified, other than payment to the county for the purchase of the TDRs.

Therefore, staff finds this criterion is not met.

- 3. the development will not have a material adverse impact on the surrounding area and will be in harmony and compatible with the neighborhood (compatibility includes but is not limited to size, scale, mass, architectural design, and landscaping);***

As discussed above, the applicants have proposed to create lots of the following sizes: one lot of 16.03 acres; one lot of 2.75 acres; seven lots of 2.5 acres; and one lot of 2.16 acres. However, based on staff's review of the other parcels in the area, the proposed lots are not compatible with other parcels in the area in terms of parcel size. The parcels in the Brigadoon Glen subdivision immediately to the north are generally approximately 1 acre in size, and the parcels in the Range View subdivision, located to the northeast, are generally approximately

1.5 acres in size. The lots as proposed by the applicants are nearly all over 2.5 acres; staff finds this is a substantial difference in size. Additionally, while there are a few smaller, unsubdivided parcels in the area, these are the exception; generally, unsubdivided parcels in the area are much larger, mostly over 35 acres. As such, staff finds the proposed lot sizes are not in harmony with either the existing platted subdivision parcels or the unsubdivided parcels in the area.

Additionally, the application as submitted does not include any proposed details related to any residential structures on the proposed lots. As such, staff cannot determine whether any potential houses would in harmony with existing structures in the area. It may be possible to ensure that the residences on the resulting lots are in harmony with other residences in the area by placing restrictions on size, scale, mass, architectural design, and landscaping; however, no such restrictions have been proposed at this time. At a minimum, however, staff finds that limiting the maximum residential floor area in the proposed subdivision would be necessary.

Because the proposed parcel sizes are not compatible with the surrounding area, staff finds this criterion is not met.

4. *the proposal fully complies with the minimum zoning and Subdivision Regulations requirements set forth in this Code;*

As discussed in staff's analysis of Article 5-102 above, staff finds the proposal does not comply with all of the Subdivision Regulations requirements of the Code. Additionally, while some potential conditions of approval have been identified, they would not be sufficient for staff to find that the proposal complies with the minimum Code requirements.

Therefore, staff finds this criterion cannot be met.

5. *the development will be in accordance with the Comprehensive Plan, and any applicable intergovernmental agreement affecting land use or development;*

As discussed in staff's analysis of Article 5-102.A.4 above, staff finds the development is not in accordance with the goals and objectives of the Boulder County Comprehensive Plan; additionally, staff finds the proposal would have significant negative impacts on the goals and objectives of the Boulder Valley Comprehensive Plan. Staff has not identified any conditions of approval which would allow the proposed development to come into compliance with either plan.

As such, staff finds this criterion cannot be met.

6. *the project will be served by adequate facilities including streets, fire protection, water and sanitation;*

Based on the referral responses from the Left Hand Water District and the Colorado Division of Water Resources, there appears to be adequate water service for the proposed development. Additionally, the proposed development would be served by the Boulder Rural Fire Protection District, which has stated they have no conflict with the proposal, with the condition that more detailed plans be developed for the installation of additional fire hydrants and that the internal access roads be designed to accommodate fire vehicles.

The applicants have stated that they intend for each lot to be served by an onsite wastewater treatment system (OWTS). The applicants have submitted a preliminary septic suitability

report which indicates that the soils conditions on site will likely require engineered OWTS designs. However, staff finds that, with the appropriately engineered designs, the lots would be capable of being served by adequate sanitation facilities.

As discussed above, the application as submitted does not include sufficient levels of detail for staff to determine the adequacy of the internal access road to serve the proposed development. However, staff also finds that it is likely that the project can be designed in such a way as to ensure this requirement can be met. Engineered road designs must be included in any Preliminary Plan review application.

Therefore, staff finds this criterion can be met.

7. *the PUD results in no significantly greater burden on present and projected public facilities and services than development at one unit per 35 acres;*

The Boulder Rural Fire Protection District has stated they have no conflict with the proposal, Left Hand Water District has stated they are able and willing to provide water, and no other public service provider has responded with any conflicts or concerns.

As such, staff finds this criterion is met.

8. *undue traffic congestion or traffic hazards will not result from the proposed PUD; roadways, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD;*

No traffic analysis has been submitted at this time, so staff cannot provide a detailed analysis of the potential traffic impacts of the proposed development. A full traffic system impact study will be required for any Preliminary Plan application submission.

Therefore, with the submission of a full traffic system impact study as part of any Preliminary Plan application, staff finds this criterion can be met.

9. *the development will not cause significant air, water, or noise pollution;*

While impacts to air, water, or noise pollution are to be expected during the construction of any new residences, the development is not anticipated to cause any significant air, water, or noise pollution in the long-term.

Therefore, staff finds this criterion is met.

10. *detrimental conditions will not result due to development on excessive slopes or in geologic hazard areas;*

There are no excessive slopes or identified geological hazard areas on or near the subject parcel. The proposed development is not anticipated to result in any detrimental conditions related to excessive slopes or geological hazards.

Therefore, staff finds this criterion is met.

11. *the soil and drainage conditions are of a sufficiently stable nature to support development, including whatever sewage disposal treatment is used;*

Per the referral response from the Colorado Geological Survey, the groundwater level on the subject parcel is quite shallow. As a result, the Geological Survey recommends against any basement construction. Additionally, they recommended that the bottom of the footing elevation for each residence be at least two feet above the seasonal high groundwater table, which is anticipated to be close to three feet below ground surface. As such, to achieve a bottom of foundation elevation of at least two feet above the seasonal high groundwater table (three to five feet is recommended), the bottom of the footing elevation should be no more than one foot below the existing grade; and, if the recommendation from the Colorado Geological Survey for three to five feet above the seasonal high groundwater table were to be followed, the bottom of the footings would be at or above existing grade. Additionally, per the preliminary septic suitability report submitted by the applicants and as discussed above, the shallow groundwater on site will require engineered OWTS designs for each proposed lot development.

Additionally, per the referral response from the Boulder County Stormwater Quality Coordinator, the proposal will require a stormwater quality permit (SWQP) for the overlot grading and infrastructure associated with the proposed TDR/PUD. Additionally, as the proposed development will result in construction activity that is considered a part of a larger common plan of development which will ultimately disturb more than one acre of surface area, even if multiple, separate, and distinct land development activities take place at different times, future development on the created parcels will also require a Boulder County Stormwater Quality Permit (SWQP) for each lot. Finally, the development will be required to adhere to the Boulder County Storm Drainage Criteria Manual which will require a drainage report meeting the requirements in Section 200 and demonstrating that the project meets Low Impact Development, detention, and permanent stormwater quality outlined in Section 1200. Plans submitted for any Preliminary Plan review must demonstrate compliance with these stormwater requirements.

As such, staff finds that the soil and drainage conditions pose a significant challenge to the development; however, staff also finds it likely that the development could be engineered in such a way as to meet this criterion.

Therefore, staff finds this criterion can be met.

12. fire hazards will not be created or increased;

The subject parcel is located in Wildfire Zone 2, and standard Zone 2 wildfire mitigation will be required for all new development on the proposed lots. Staff finds that, based on compliance with standard Zone 2 wildfire mitigation measures, the proposed TDR/PUD will not create or increase fire hazards.

Therefore, staff finds this criterion is met.

13. the PUD will not adversely affect any land of significant historical, cultural, recreational or aesthetic value;

No historic, cultural, or recreational resources have been identified on or near the subject parcel. As such, staff finds the proposed TDR/PUD will not adversely impact any historic, cultural, or recreational resources.

However, staff has concerns related to the potential for the development to negatively impact lands of aesthetic value. The subject parcel is located adjacent to Niwot Road, which has viewshed protection scores between 1.0 and 1.41, and N. 63rd Street, which has viewshed

protection scores between 0.55 and 1.36. These viewshed protection scores are intended to help identify roadway corridors in Boulder County where care needs to be taken to ensure that any proposed development does not adversely impact the visual aesthetic and viewsheds; these scores go from 0 to 5.0, with 5.0 being corridors of highest concern for viewshed protection. While the viewshed protection scores in the vicinity of the subject parcel are fairly low, the visual impacts of potential development on the proposed lots must still be considered. As discussed above, no details on any potential architectural design restrictions have been provided as part of this Sketch Plan review. Staff finds that, in order to minimize and mitigate the aesthetic impacts of potential development on the proposed lots, strict architectural design standards must be included for review as part of any Preliminary Plan application. At a minimum, these standards must take into consideration the height of the potential structures, the rural/agricultural character of the area in architectural design, and the landscaping of the proposed lots.

Therefore, with the inclusion of architectural design standards, staff finds this criterion may be met.

14. the benefits of preservation of the larger land area which is accomplished by the banking or transfer of units shall clearly outweigh the potential impacts of approving a development which preserves a smaller area; and

As discussed above, no additional land area has been identified or proposed for preservation. As such, staff finds there are no benefits that might outweigh the potential impacts of the proposed TDR/PUD subdivision development discussed throughout this staff recommendation.

Therefore, staff finds this criterion cannot be met.

15. the PUD will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of Boulder County.

Staff have not identified any additional detrimental impacts to the health, safety, or welfare of the present or future inhabitants of Boulder County aside from staff's concerns discussed throughout the staff recommendation, and no referral agencies have responded with any additional concerns.

Therefore, staff finds this criterion is met.

Article 7-200 Development Design

Per Article 5-102.A.1, as discussed above, a proposed Sketch Plan must conform with the requirements of Article 7-200 of the Code.

A. The following shall be considered requirements for development design.

1. All subdivisions shall result in the creation of lots which are developable and capable of being built upon in conformance with this Code, the Building Code, or other County adopted regulations.

As discussed above, staff finds the proposed lots are of sufficient size and design that they would be capable of being developed in accordance with the Land Use Code, the Building Code, and other regulations.

Therefore, staff finds this criterion is met.

2. *The design of the development shall eliminate or mitigate the potential effects of hazardous site conditions.*

There are no identified or mapped hazardous conditions on the subject site. Therefore, staff finds this criterion is not applicable.

3. *Lots shall be laid out to provide positive drainage away from all buildings.*

As discussed in staff's analysis of Article 6-1000.A.11 above, the proposal will require a stormwater quality permit (SWQP) and will have to adhere to the Boulder County Storm Drainage Criteria Manual (SDCM). And as noted in staff's analysis to that criterion, staff finds that the soil and drainage conditions pose a significant challenge to the development; however, staff also finds it likely that the development could be engineered in such a way as to meet these requirements.

Therefore, staff finds this criterion can be met.

4. *Individual lot drainage shall be coordinated with the general storm drainage pattern for the area.*

As discussed above, the proposal will require a SWQP and will have to adhere to the SDCM. These will ensure individual lot drainage is coordinated with the general stormwater drainage pattern in the area. A drainage report and plan that will address drainage across the subdivision and each lot will be required as part of plans submitted for any Preliminary Plan review application.

Therefore, with the inclusion of the required drainage report and plan, staff finds this criterion can be met.

5. *Drainage shall be designed to avoid concentration of storm drainage from any lot to an adjacent lot.*

As discussed above, the proposal will require a stormwater quality permit (SWQP) and will have to adhere to the Boulder County Storm Drainage Criteria Manual. These will prevent the development from resulting in any concentration of storm drainage on adjacent lots. A drainage report and plan that will address drainage across the subdivision and each lot will be required as part of plans submitted for any Preliminary Plan review application.

Therefore, with the inclusion of the required drainage report and plan, staff finds this criterion can be met.

6. *Lot area, width, frontage, depth, shape, location, and orientation shall conform to all provisions of this Code and be appropriate for the location of the development and for the type of use allowed.*

Staff finds the sizes, configuration, and orientation of the proposed lots comply with the Code. Additionally, staff finds that, should the subject parcel be approved for a TDR/PUD, the resulting lots would be appropriately located within the proposed subdivision for the development of residences.

Therefore, staff finds this criterion is met.

7. *All lots shall front on and have access to a public right-of-way or approved private access easement.*

Staff finds that all of the proposed lots would front on either a public right-of-way, in the case of Lots 1 and 2, or a private access road as shown in the proposed Sketch Plan (Lots 3 through 10).

Therefore, staff finds this criterion is met.

8. *All proposed points of access must comply with the Transportation Standards.*

The proposed Sketch Plan as submitted does not include design details for any proposed point of access. As such, staff cannot determine their compliance with the Boulder County Multimodal Transportation Standards (MMTS) at this time. However, as discussed above, plans submitted for any Preliminary Plan review will be required to include engineered road designs reflecting compliance with the MMTS.

Therefore, staff finds this criterion can be met.

9. *No lot shall be divided by a municipal or County boundary line, road, alley or other lot.*

None of the proposed lots are divided by a municipal or county boundary line, road, alley, or other proposed lot.

Therefore, staff finds this criterion is met.

10. *Internal and external links to public trails and open space abutting the property shall be provided.*

The subject parcel does not abut any public trails or open space. Therefore, staff finds this criterion is not applicable.

11. *Extensions required for future development shall be provided.*

No future development (e.g. – future filings) is planned or anticipated related to the proposed TDR/PUD. Therefore, staff finds this criterion is not applicable.

12. *Lot boundaries should conform to descriptions in liens or mortgages so that the division of a lot through a foreclosure does not occur.*

There are no identified existing liens or mortgages which would result in the division of lots through a foreclosure. None of the proposed lot boundaries cross any existing liens or mortgages; as such, staff finds no conflicts with this criterion.

Therefore, staff finds this criterion is met.

13. *Maintenance of common facilities must be accomplished either through covenants and a homeowners association, a separate maintenance agreement, or some other perpetual agreement.*

No common facilities have been identified or proposed as part of the submitted Sketch Plan; however, staff finds that any private access roads will need to be shown as separate outlots on plans submitted for any Preliminary Plan review. Additionally, specific

provisions for the perpetual maintenance of these access roads would be a requirement for any Final Plat approvals.

Therefore, staff finds this criterion can be met.

14. The overall development design should conform to the Comprehensive Plan.

As discussed in detail in staff's analysis of Article 5-102.A above, staff finds the proposed development does not conform to the Boulder County Comprehensive Plan; additionally, no potential conditions of approval have been identified which might allow the proposed TDR/PUD to be in compliance with the Comprehensive Plan.

Therefore, staff finds this criterion cannot be met.

B. The following guidelines shall be used to the greatest extent possible.

1. The design and development of subdivisions should preserve the natural terrain, drainage, existing topsoil, and vegetation, including tree masses and large individual trees.

There are no tree masses or large individual trees on the subject parcel, except for a few trees located adjacent to the Hinman Ditch on the southern portion of the parcel. However, staff finds these trees are located on the southern end of proposed Lot 2, which is already developed with the existing residence. Additionally, as these trees are located within the established setback for the ditch, additional development that might impact these trees is unlikely.

As discussed above, staff finds that, due to the shallow groundwater on the subject property, extensive engineering will likely be necessary for the development of each of the proposed lots. Such engineering would severely impact the existing terrain, drainage, existing topsoil, and other vegetation. Staff is especially concerned with the impacts of the existing topsoil; as Agricultural Land of Statewide Importance, this parcel includes soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. The proposed subdivision and subsequent development of the proposed lots would likely have significant negative impacts on the existing topsoil.

Therefore, staff finds the proposal is not in accordance with this guideline.

2. The layout of lots and blocks should provide desirable settings for structures by making use of natural contours, maintaining existing views, affording privacy for the residents and protection from adverse wind, noise, and vehicular traffic.

The subject parcel is very flat, with no significant contours. Any new development on the proposed lots would likely have desirable views. However, given the open, agricultural nature of the area, extensive development (such as the construction of multiple new residences) would have a significant impact on the views for existing properties and from the public rights-of-way in the area.

In regard to providing privacy for residents of the proposed lots, staff finds that four proposed lots would abut N. 63rd Street, with the rears of the potential residences facing N. 63rd Street; this may expose residents to the impacts of traffic noise. Staff finds that these impacts could likely be mitigated through fencing and/or vegetative screening;

however, staff also finds that such fencing and/or screening would likely have additional impacts on the view for existing properties in the area.

Therefore, staff finds the proposal may not be accordance with this guideline.

3. *Development design should provide for efficiency in the installation and provision of all public and private facilities and services.*

Generally, the proposed lots are regular in shape, with a single access road serving most of the proposed lots. As recommended by the Access & Engineering team, staff recommend removal of the proposed spur roads and cul-de-sacs, as staff finds they are not necessary. Additionally, as also recommended by the Access & Engineering team, the access for Lots 1 and 2 should be redesigned to share a single access point; staff finds this would improve the efficiency for facilities and services.

Therefore, with the recommended access redesigns, staff finds the proposal can be in accordance with this guideline.

4. *The development should provide for solar access on site and on adjacent properties.*

As no architectural guidelines or proposed building envelope locations have been proposed, staff cannot provide any specific analysis on the proposed development's impacts to solar access on the proposed lots. However, based on the regular configuration of the majority of the proposed lots, staff finds the proposed developments could reasonably be designed so as to ensure solar access both for the proposed lots and adjacent lots.

Therefore, staff finds the proposal can be in accordance with this guideline.

5. *The development design should maintain stands of trees or other vegetative cover to reduce the effects of winds on buildings.*

As discussed above, there are no existing stands of trees to reduce the effects of winds on the buildings.

Therefore, staff finds the proposal is in accordance with this guideline.

6. *Lot dimensions should be adequate to allow for the provision of necessary private service and off-street parking facilities needed by the type of use and development allowed.*

Staff finds the proposed lots are all of adequate size to provide service and off-street parking.

Therefore, staff finds the proposal is in accordance with this guideline.

7. *Double frontage lots should be avoided except where essential to provide separation of residential development from expressways, major arterials, or to overcome specific disadvantages of topography and orientation.*

The Sketch Plan as submitted includes two spur roads with cul-da-sacs between proposed Lots 7 and 8 and between proposed Lots 9 and 10 (see Figure 2 above). Staff finds these spurs would result in those parcels having excessive and unnecessary frontages. As

discussed above, as recommended by the Access & Engineering team, the proposed internal spur roads and cul-de-sacs should be removed from any plans submitted for Preliminary Plan review.

Therefore, with the removal of the spurs and cul-de-sacs for any plans submitted for Preliminary Plan review, staff finds the proposal can be in accordance with this guideline.

- 8. *Landscaping should be provided, especially as a buffer between different types of uses both within and adjacent to the development. Xeriscape should be used instead of traditional landscaping.***

No landscaping plans or proposals have been included as part of the Sketch Plan review. However, staff finds the specifics for landscaping in accordance with this guideline should be included in any Preliminary Plan review application.

Therefore, with the inclusion of landscaping plans for any Preliminary Plan review, staff finds the proposal can be in accordance with this guideline.

- 9. *Side lot lines should be at right angles to, or radial to the center of curvature of the street or road on which the lot fronts. Where lot lines are not at right angles or radial to street lines, this shall be indicated on the final plat.***

All of the proposed lot lines for the new parcels are at right angles to the existing or proposed road.

Therefore, staff finds the proposal is in accordance with this guideline.

- 10. *Lots should be arranged to minimize the number of outlots.***

As discussed above, there are currently no outlots proposed, however it will be necessary to include one outlot for the shared private access drive for Lots 3 through 10 and, as recommended by the Access & Engineering team, a second outlot to create a shared access for Lots 1 and 2. Staff finds that this adequately minimizes the number of outlots in the proposed TD/PUD.

Therefore, staff finds the proposal can be in accordance with this guideline.

- 11. *Lots should use natural and man made divisions, such as fences and easements, as their boundaries.***

Staff finds there are no existing natural or man made divisions relevant to the proposed subdivision and subsequent development. Additionally, as discussed above, no architectural or landscaping plans have been included as part of this Sketch Plan review. However, based on staff's review of the proposed lot configuration, it appears that any plans submitted for Preliminary Plan review can adequately incorporate such divisions.

Therefore, staff finds the proposal can be in accordance with this guideline.

- 12. *All lots should have reasonable access to open space, trails, park land or recreation facilities that are set aside for either development use or use by the general public.***

As discussed above, there are no open space, trails, parks, or recreation facilities existing or proposed as part of this TDR/PUD. Therefore, staff finds this guideline in not applicable.

13. Recreation facilities should be centrally located to all residents of the development.

As discussed above, there are no recreation facilities existing or proposed as part of this TDR/PUD. Therefore, staff finds this guideline in not applicable.

14. The development design should be coordinated with the storm water drainage and flood control systems.

As discussed above, the proposal will require a stormwater quality permit (SWQP) and will have to adhere to the Boulder County Storm Drainage Criteria Manual which will address the subdivision as a whole.

Therefore, staff finds the proposal can be in accordance with this guideline.

15. Utility, access, or drainage easements should not divide a lot.

No utility or drainage easements have been included in the plans submitted for Sketch Plan review; however, staff finds that the design of the proposed lots would allow for utility and drainage easements to be established without dividing any of the proposed lots. These utility and drainage easements must be included in any plans submitted for Preliminary Plan review. Additionally, the access road as proposed does not divide any of the proposed lots.

Therefore, with the inclusion of utility and drainage easements in plans submitted for any Preliminary Plan review, staff finds the proposal can be in accordance with this guideline.

16. Common water and sanitation facilities should be located on separate outlots commonly owned by the users.

No common water or sanitation facilities are proposed or anticipated for the proposed TDR/PUD. Therefore, staff finds this guideline is not applicable.

17. Residential lots should be located to minimize adverse influences due to airports and airport operations.

The subject parcel is not located within any airport influence area, and no airport operations are anticipated to have any impact on the proposed TDR/PUD.

Therefore, staff finds the proposal is in accordance with this guideline.

18. The newly created residential lots should be located nearest to utilities and roads to minimize the amount of construction of these improvements and the loss of agricultural land.

All of the proposed lots are located near to existing and/or proposed roads. Staff finds this would minimize the amount of construction impacts to, and the loss of, agricultural land resulting from the construction of utilities and roads.

Therefore, staff finds the proposal can be in accordance with this guideline.

C. The following applies where phasing of the development is requested.

No phasing is proposed or anticipated as part of this proposal. Therefore, staff finds this criterion is not applicable.

Section 7-400 Sewage Treatment

As discussed above, the applicants proposed for each proposed lot to have separate, individual onsite wastewater treatment systems (OWTS); however, the specifics for each OWTS have not been submitted. The applicants have submitted a preliminary septic suitability report for the proposed development. Per this report, the soil on the subject parcel does not meet Boulder County Public Health's guidelines for percolation rate for a non-engineered OWTS. As such, engineered OWTS designs will be necessary for development. This would be reviewed as part of each lot development. Since the specifics of each OWTS is not known at this time, staff has not included analysis of Section 7-400. However, staff anticipates that each lot-specific OWTS can be designed so as to meet the requirements of Section 7-400.

Section 7-1100 Fire Protection

As discussed above, this application did not include any information or proposal for meeting the requirements of Section 7-1100; as such, staff has not included any analysis related to this specific Section. However, staff finds that the specifics for compliance with Section 7-1100 of the Code are details that can be developed prior to the submission of any application for Preliminary Plan review.

Section 7-1200 Utility Location

As discussed above, no specific information was submitted related to locations or designs for any utility services as required in Section 7-1200 of the Code. However, based on the size and configuration of the proposed lots, it appears that the proposed subdivision would likely be capable of meeting the requirements of this Section. Initial proposed easements and locations for utilities must be included in any plans submitted for Preliminary Plan review.

SUMMARY OF CRITERIA ANALYSIS

A total of 89 criteria, objectives, and guidelines were considered by staff in relation to this proposal; this does not include any of the specific criteria under Sections 7-400, 7-1100 and 7-1200, which cannot be analyzed at this time. Of those 89, staff finds 17 items do not apply to the Sketch Plan review in general or this proposal in specific. Of the remaining 72 criteria, objectives, and guidelines, the proposed TDR/PUD does not meet 18 of the items.

RECOMMENDATION

Staff have determined that the proposed Rodriguez Transferred Development Rights Planned Unit Development does not meet all the applicable criteria of the Boulder County Land Use Code for Sketch Plan Review and Transferred Development Rights Planned Unit Development. Therefore, staff recommends that the Boulder County Planning Commission recommend to the Board of County Commissioners ***DENIAL of docket SD-23-0003 Rodriguez TDR/PUD Sketch Plan.***



Boulder County Land Use Department

Courthouse Annex Building
2045 13th Street • PO Box 471 • Boulder, Colorado 80302
Phone: 303-441-3930
Email: planner@bouldercounty.org
Web: www.bouldercounty.org/lu
Office Hours: Mon., Wed., Thurs., Fri. 8 a.m. to 4:30 p.m.
Tuesday 10 a.m. to 4:30 p.m.

Shaded Areas for Staff Use Only

Intake Stamp

Planning Application Form

The Land Use Department maintains a submittal schedule for accepting applications. Planning applications are accepted on Mondays, by appointment only. Please call 303-441-3930 to schedule a submittal appointment.

Project Number		Project Name			
<input type="checkbox"/> Appeal <input type="checkbox"/> Correction Plat <input type="checkbox"/> Exemption Plat <input type="checkbox"/> Final Plat <input type="checkbox"/> Limited Impact Special Use <input type="checkbox"/> Limited Impact Special Use Waiver <input type="checkbox"/> Location and Extent		<input type="checkbox"/> Modification of Site Plan Review <input type="checkbox"/> Modification of Special Use <input type="checkbox"/> Preliminary Plan <input type="checkbox"/> Resubdivision (Replat) <input type="checkbox"/> Rezoning		<input type="checkbox"/> Road Name Change <input type="checkbox"/> Road/Easement Vacation <input type="checkbox"/> Site Plan Review <input type="checkbox"/> Site Plan Review Waiver <input checked="" type="checkbox"/> Sketch Plan <input type="checkbox"/> Special Use/SSDP	<input type="checkbox"/> Special Use (Oil & Gas development) <input type="checkbox"/> State Interest Review (1041) <input type="checkbox"/> Subdivision Exemption <input type="checkbox"/> Variance <input type="checkbox"/> Other:
Location(s)/Street Address(es) 6184 Niwot Road Longmont, Colorado 80503					
Subdivision Name River Rock Acres					
Lot(s) 1	Block(s) N/A	Section(s) N/A	Township(s) N/A	Range(s) N/A	
Area in Acres 39.48	Existing Zoning Rural residential	Existing Use of Property Rural residential and agricultural		Number of Proposed Lots 10	
Proposed Water Supply Left Hand Water District		Proposed Sewage Disposal Method Septic systems			

Applicants:

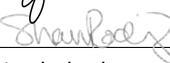
Applicant/Property Owner Ifrain and Shannon Rodriguez			Email ifrain.r@gmail.com ; rodriguez@indevr.com	
Mailing Address 6184 Niwot Road				
City Longmont	State CO	Zip Code 80503	Phone 303-319-4735	
Applicant/Property Owner/Agent/Consultant Owner			Email ifrain.r@gmail.com ; rodriguez@indevr.com	
Mailing Address				
City	State	Zip Code	Phone	
Agent/Consultant			Email	
Mailing Address				
City	State	Zip Code	Phone	

Certification (Please refer to the Regulations and Application Submittal Package for complete application requirements.)

I certify that I am signing this Application Form as an owner of record of the property included in the Application. I certify that the information and exhibits I have submitted are true and correct to the best of my knowledge. I understand that all materials required by Boulder County must be submitted prior to having this matter processed. I understand that public hearings or meetings may be required. I understand that I must sign an Agreement of Payment for Application processing fees, and that additional fees or materials may be required as a result of considerations which may arise in the processing of this docket. I understand that the road, school, and park dedications may be required as a condition of approval.

I understand that I am consenting to allow the County Staff involved in this application or their designees to enter onto and inspect the subject property at any reasonable time, without obtaining any prior consent.

All landowners are required to sign application. If additional space is needed, attach additional sheet signed and dated.

Signature of Property Owner 	Printed Name Ifrain Rodriguez	Date 05/22/2023
Signature of Property Owner 	Printed Name Shannon Rodriguez	Date 05/22/2023

The Land Use Director may waive the landowner signature requirement for good cause, under the applicable provisions of the Land Use Code.

Development Report

This report is prepared to correspond to the application requirements and standards listed in 5-102 and expanded upon in Article 7.

Subdevelopment proposed: 6184 Niwot Rd Longmont, Colorado 80503

Narrative:

This development report is required for subdivision requests to Plat unsubdivided land, PUDs, special review approvals, rezonings, and exemptions. The subdivision will offer housing to families while preserving the natural beauty of the area. The 39.48-acre parcel is nestled between the City of Boulder and Longmont, adjacent to BRIGADOON GLEN – NIV and RANGE VIEW 1, subdivisions.

History:

A pre-application meeting was held in April of 2017 between Boulder County representatives Dale Case and Summary Frederick and the property owners of the Niwot & 63rd Street parcel, Ifrain, and Shannon Rodriguez. At that time, it was determined that the property met all the requirements to start the application/approval process. Upon searching for TDR's to purchase and transfer credits to the property the property owners decided to put the sub-development on hold and build a single-family unit. Prior to making this decision, they received confirmation from Summary Frederick that it would not "outright disqualify the lot if a house were built on it."

In July of 2022, Shannon Rodriguez began the search for available TDR's. She was introduced to Hannah Hippely, Long Range Planning Manager from Boulder County Community Planning & Permitting, Liz Northrup Conservation Easement Stewardship Specialist of Boulder County Parks & Open Space, and Janis Whisman, Real Estate Division Manager of Boulder County Parks & Open Space. Janis Whisman was able to confirm that Boulder County has over 30 TDR's available for sale and transfer to a qualified receiving site. As such, the desire to subdivide the property is now being pursued.

Boulder County is a highly desirable area due to its proximity to outdoor recreation and the city of Boulder. The county has a growing population and a high demand for housing. This presents an opportunity for the development of a residential subdivision that meets the needs of the community.

To ensure that the proposed subdivision remains in line with Boulder County's objectives the proposed residential subdivision will not impact views or traffic, the following points should be highlighted:

1. **View Preservation:** The development will be designed with view preservation in mind, incorporating features such as strategic building placement to minimize the visual impact of the homes.
2. **Traffic Management:** The team will work with local transportation authorities to ensure the development does not contribute to traffic congestion.
3. **Sustainable Design:** The homes in the subdivision will be designed with sustainable features, such as low-water landscaping and energy-efficient building materials, which can help reduce the environmental impact of the development.
4. **Community Input:** The team will engage with the local community to gather feedback and incorporate their ideas into the design of the development. This will help ensure that the development is in line with the values and priorities of the community.

We are in the process of collecting data and studies to support the above claims. For example, a traffic impact study that shows the development will not cause significant congestion and a landscape architecture plan that incorporates best practices for preserving views. Completion of these resources will provide the County with objective evidence to support the argument that the development will not impact views or traffic.

See the attached **Sketch Plan** serving as a preliminary design or conceptual drawing that outlines the feasibility of the development project. It serves as a starting point for further discussion and refinement of this project. It is intended to be used to explore different development scenarios and to identify potential challenges and opportunities associated with this proposed development.

In accordance with the requirements set forth 3-203(F):

Land Use Code	Applicant's Response
a. An address list of all owners and their addresses of real property adjacent to the subject property.	Included
b. A description of site features such as streams, areas subject to flooding, lakes, high groundwater areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development.	Included
c. A description of soil characteristics of the site which have a significant influence on the proposed use of the land.	Included
d. The long and short-term effects on Environmental Resources shall be determined through field surveys, and/or expert opinions or other competent information. The applicant shall address any material adverse impacts of the development on any identified Environmental Resources, including plans for the mitigation of these impacts. Wildlife impact reports shall be required in accordance with Article 7-1700.	To be determined
e. The effect on significant cultural (archaeological and historic) resources shall be assessed and plans for the protection of such resources included.	The preliminary assessment determined that there are no significant cultural resources present, it is still important to be aware of the potential impact of the development project on cultural resources and to follow all relevant laws and regulations during the development process.
f. An evaluation of any potential radiation hazard that may have been identified by the State or County Public Health Departments.	The review of existing data and information regarding radiation hazards in the area, including any data collected by the State or County Public Health Departments indicates that there is no presence of natural or man-made sources of radiation, such as nuclear

	power plants, radioactive waste sites, or naturally occurring radon gas.
g. An evaluation of the expected demands and effects of the development on the ability of local governments and quasi-governmental agencies to provide water, sanitation, natural gas, electricity, access, fire protection, schools, hospitals, police, flood protection, solid waste disposal, and other services to this development while maintaining adequate levels of service to other areas.	Included. Willing and able letters from left hand water and PVREA.
h. Provision of financial guarantees for public or communal improvements.	To be determined, the understanding and anticipation of financial guarantees will need to be made to ensure that the necessary improvements are completed and maintained. This may include improvements such as roads, sidewalks, parks, water systems, and other infrastructure that are necessary to support the development and provide services to the surrounding community.

Effects on Environmental Resources

The effects of this development project on environmental resources will be determined through field surveys, expert opinions, or other competent information. This includes identifying any adverse impacts on environmental resources and developing plans for their mitigation.

Our field surveys will involve collecting data and information about the current state of the environment, including its flora, fauna, water quality, air quality, and other factors that may be impacted by the proposed development. Expert opinions will be sought from environmental scientists, ecologists, and other professionals who have expertise in the field. Competent information may include reports from government agencies, and other relevant sources.

The potential impacts of the development project on environmental resources have been identified, a plan will be put into place to mitigate these impacts. Mitigation measures may include implementing best management practices, restoring affected areas, and offsetting any environmental damage through the purchase of mitigation credits or other means.

Wildlife Impact Plan

Our development project is likely to have little impact on wildlife. If specific mitigation measures are determined as needed, they will be addressed by the possible mitigation below.

Habitat protection and enhancement: One of the most effective ways to mitigate the impacts of development on wildlife is to protect and enhance their habitat. This may involve preserving existing habitat areas, creating new habitat, and restoring degraded habitat. The plan may include measures

such as planting native vegetation, creating wildlife corridors, and installing nest boxes or other wildlife structures.

Minimizing disturbance: Another way to mitigate the impacts of this development on wildlife is to minimize disturbance during the construction and operation of the project. This may involve scheduling construction activities to avoid sensitive times of the year, such as nesting or migration periods, and minimizing noise and other disturbances that could affect wildlife.

Wildlife crossings: If the project is unlikely to impact wildlife movement or migration.

Overall, the mitigation measures included in our wildlife impact plan are designed to minimize the impacts of the development project on wildlife while still allowing the project to move forward. The specific measures will depend on the unique characteristics of the project and the species and habitats that are likely to be affected.

Evaluation of expected demands

The purpose of this evaluation is to determine the impact that the development will have on the capacity of local government and quasi-governmental agencies to provide these essential services while ensuring that adequate levels of service are maintained in other areas. The evaluation involved a review of existing data and information on current and projected levels of service, as well as an analysis of the expected demand for these services from the new development.

The evaluation determined that the development will not put a strain on local government and quasi-governmental agencies. Individual agencies and or services findings are described below:

Water: Letter from Lefthand

Sanitation: Letter from Boulder County septic company stating that lot sizes will be adequate for septic systems and will not have any environmental impact.

Electricity: Poudre Valley REA Letter

Access: Emergency services road access will be included in the road planning.

Fire Protection: All new homes will be built to code with sprinkler systems, installing fire hydrant in development will be discussed with boulder rural fire to determine its need. Along with Fire Truck access and turn arounds.

Schools: the amount of lots proposed should not have an impact on the school system. As proposed this project will only add nine additional single-family dwelling.

Hospitals: the amount of lots proposed should not have an impact on the hospital system.

Flood Protection: n/a

Solid Waste Disposal Services: n/a

FIRE Hydrant.

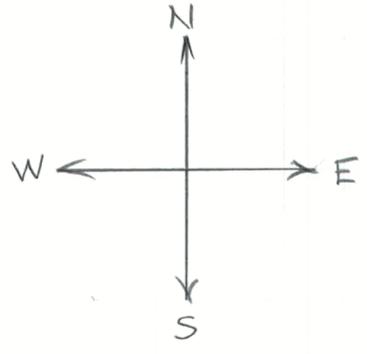


NIWOT RD

1774.51'



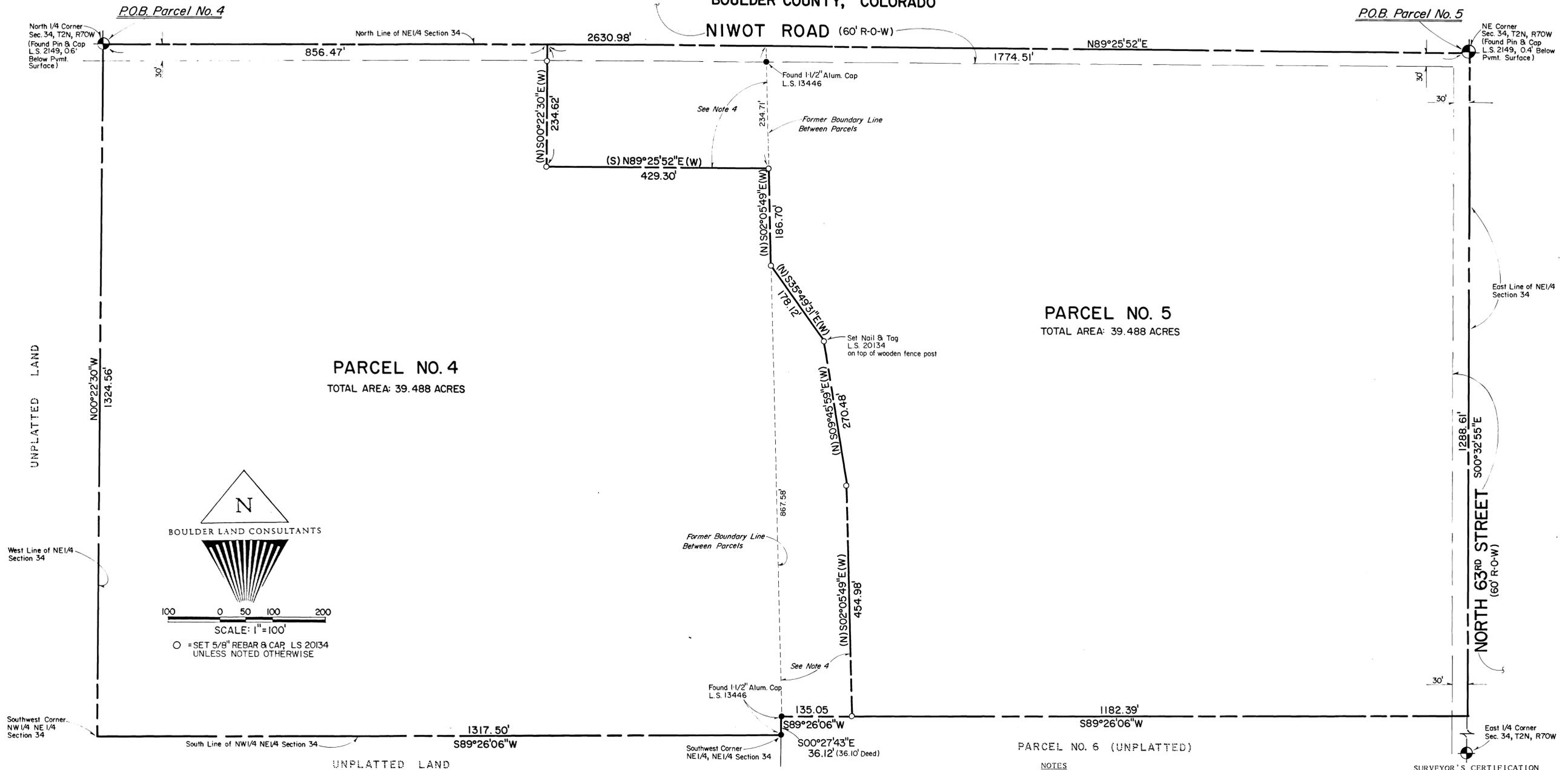
IFRAIN Rodriguez
6184 NIWOT RD
Longmont, CO 80503
303-319-4735



Scale = 1" = 100'
Acres = 39.488



**BOUNDARY LINE ADJUSTMENT MAP
OF
TWO PARCELS LOCATED IN THE NORTHEAST 1/4
OF SECTION 34, T2N, R70W
BOULDER COUNTY, COLORADO**



PARCEL NO. 4
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 34, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 34 BEARS N 89°25'52" E, 2630.98 FEET; THENCE N 89°25'52" E ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 34, 856.47 FEET;
 THENCE S 00°22'30" E, 234.62 FEET;
 THENCE N 89°25'52" E, 429.30 FEET;
 THENCE S 02°05'49" E, 186.70 FEET;
 THENCE S 35°49'31" E, 178.12 FEET;
 THENCE S 09°45'59" E, 270.48 FEET;
 THENCE S 02°05'49" E, 454.98 FEET;
 THENCE S 89°26'06" W, 135.05 FEET;
 THENCE S 00°27'43" E, 36.12 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 34;
 THENCE S 89°26'06" W, 1317.50 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 34;
 THENCE N 00°22'30" W, 1324.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 39.488 ACRES, MORE OR LESS.

PARCEL NO. 5
LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF BOULDER, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 34;
 THENCE S 00°32'55" E ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 34, 1288.61 FEET;
 THENCE S 89°26'06" W, 1182.39 FEET;
 THENCE N 02°05'49" W, 454.98 FEET;
 THENCE N 09°45'59" W, 270.48 FEET;
 THENCE N 35°49'31" W, 178.12 FEET;
 THENCE N 02°05'49" W, 186.70 FEET;
 THENCE S 89°25'52" W, 429.30 FEET;
 THENCE N 00°22'30" W, 234.62 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER OF SECTION 34;
 THENCE N 89°25'52" E ALONG SAID NORTH LINE, 1774.51 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 39.488 ACRES, MORE OR LESS.

- NOTES**
- THIS MAP AND THE DIMENSIONS SHOWN HEREON ARE BASED ON A SURVEY PLAT OF THE SUBJECT PROPERTIES PREPARED BY ROCKY MOUNTAIN CONSULTANTS, INC., L.S. NO. 13446, JOB NO. 8-5346, DATED JUNE 5, 1986. THIS MAP DOES NOT REPRESENT A PERIMETER BOUNDARY RE-SURVEY PERFORMED BY BOULDER LAND CONSULTANTS.
 - THE INFORMATION SHOWN HEREON IS BASED ON TITLE COMMITMENT NO. 241109 PREPARED BY TRANSAMERICA TITLE INSURANCE CO. AND DATED MAY 21, 1987 AND AFFECTING THE ORIGINAL PARCEL NO. 4. NO TITLE COMMITMENT AFFECTING THE ORIGINAL PARCEL NO. 5 WAS AVAILABLE. THEREFORE THERE MAY EXIST EASEMENTS AND OR OTHER ENCUMBRANCES AFFECTING THE ORIGINAL PARCEL NO. 5 THAT ARE NOT SHOWN HEREON. THIS MAP DOES NOT REPRESENT A TITLE SEARCH PERFORMED BY BOULDER LAND CONSULTANTS.
 - THE PROPERTY SHOWN HEREON IS SUBJECT TO AN EASEMENT AND RIGHT-OF-WAY FOR HINMAN DITCH (NOT SHOWN HEREON) AND A MOUNTAIN STATES TELEPHONE EASEMENT AS RECORDED ON FILM 812 AS RECEPTION NO. 59843 OF THE BOULDER COUNTY RECORDS (SAID DOCUMENT DOES NOT DESCRIBE A SPECIFIC ALIGNMENT FOR SAID EASEMENT).
 - THE INTENT OF THIS MAP IS TO MODIFY THE BOUNDARY LINE SEPARATING PARCELS NO. 4 AND NO. 5. THE TOTAL AREA OF EACH PARCEL REMAINS UNCHANGED AT 39.488 ACRES. THE AREA OF THE PORTIONS EXCHANGED BETWEEN PARCELS NO. 4 AND NO. 5 IS 2.293 ACRES EACH.
 - THE PROPERTIES SHOWN HEREON DO NOT LIE WITHIN A 100-YEAR FLOOD HAZARD AREA AS DEFINED BY F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL NO. 080023 0110 B, DATED JULY 15, 1988, ZONE C.
 - BASIS OF BEARINGS IS THE NORTH LINE OF THE NORTHEAST ONE-QUARTER OF SECTION 34, T2N, R70W AS BEARING N 89°25'52" E AS SHOWN ON SAID SURVEY PLAT DESCRIBED IN NOTE 1 ABOVE.

SURVEYOR'S CERTIFICATION

I, JASON EMERY, DO HEREBY CERTIFY TO NANCY S. HINDMAN AND DAVID J. HINDMAN THAT A SURVEY OF THE REVISED BOUNDARY LINE SEPARATING PARCEL NO. 4 AND PARCEL NO. 5 SHOWN HEREON WAS MADE UNDER MY DIRECT SUPERVISION AND THAT THIS BOUNDARY LINE ADJUSTMENT MAP ACCURATELY REFLECTS THE RESULTS OF SAID SURVEY, SUBJECT TO THE NOTES SHOWN HEREON.

OCTOBER 28, 1991

JASON EMERY
COLORADO REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 20134

IN ACCORDANCE WITH C.R.S. 13-80-105:

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU DISCOVER 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 CERTIFICATION SHOWN HEREON.



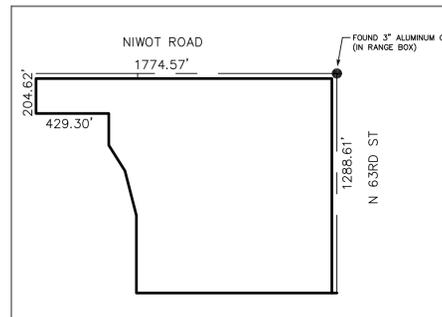
TITLE: BOUNDARY LINE ADJUSTMENT MAP TWO PARCELS LOCATED IN NE1/4, S34, T2N, R71W BOULDER COUNTY, COLORADO		DWG. NO.: 197-91
SCALE: 1"=100'	DRAWN BY: LHD	DATE: 10/28/91
REVISIONS: 4/10/92: Revise Mon. Info	FIELD BK./PG.: 71/01-07	
BOULDER LAND CONSULTANTS 4180 AMBER PLACE BOULDER, COLORADO 80504 303-443-3616		

15-92-0057

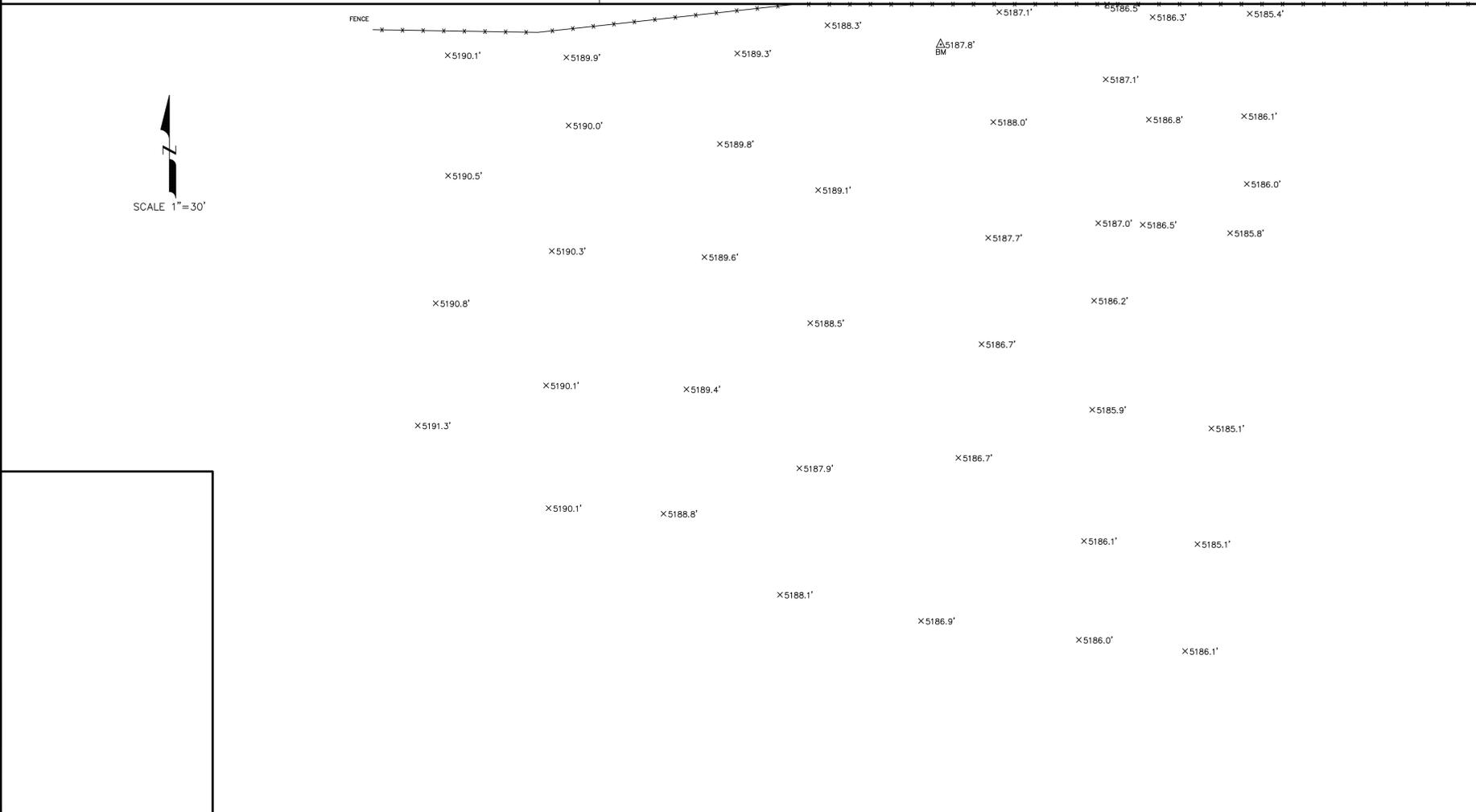
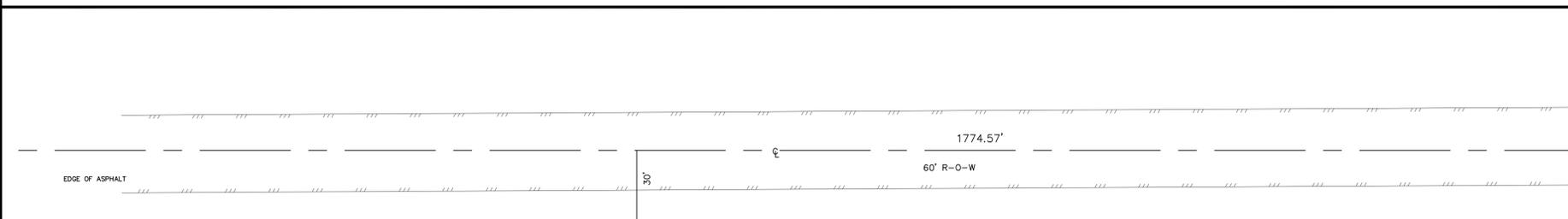
EXISTING GRADE

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34,
TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH P.M.,
COUNTY OF BOULDER, STATE OF COLORADO

SHEET 1 OF 1



Vicinity Map
NOT TO SCALE



Notes

- DATES OF FIELDWORK: DECEMBER 5, 2017 (CREW CHIEF B. GABBARD)
- BOUNDARY DETERMINATION IS NOT A PART OF THIS EXHIBIT. THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF A FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES. PARCEL LINES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND ARE DRAWN FROM RECORD INFORMATION AVAILABLE DURING THE PREPARATION OF THIS EXHIBIT. AN IMPROVEMENT SURVEY PLAT IS RECOMMENDED TO DEPICT MORE PRECISELY THE LOCATIONS OF THE IMPROVEMENTS SHOWN HEREON.
- ELEVATIONS BASED ON A SET 60D NAIL LOCATED AS SHOWN HEREON, WITH AN ASSUMED ELEVATION OF 5187.8 FEET.

Surveyor's Statement

I, JOHN B. GUYTON, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., TO IFRAIN RODRIGUEZ, THAT THIS TOPOGRAPHIC EXHIBIT WAS PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE; THAT SAID EXHIBIT AND THE RELATIVE ELEVATIONS SHOWN HEREON ARE ACCURATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

JOHN B. GUYTON COLORADO P.L.S. #16406
CHAIRMAN & CEO, FLATIRONS, INC.

REVISION	DATE
1	
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EXISTING GRADE
PREPARED FOR
IFRAIN RODRIGUEZ
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Flatirons, Inc.
Surveying, Engineering & Geomatics
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FAX: (303) 776-4355 FAX: (303) 443-9830



JOB NUMBER:
17-70,570
DATE:
12-06-2017
DRAWN BY:
E. ALTERMAN
CHECKED BY:
SB

BY:SENNIK FILE:70570 EXISTING GRADE VER.DWG DATE:12/6/2017 10:53 AM



Left Hand Water District

January 30, 2023

Ifraín & Shannon Rodriquez
6184 Niwot Road
Niwot, CO 80503-8755

Re: Parcel ID # 131734000001
Owners: Efraín & Shannon Rodriquez
Address: 6184 Niwot Road
Legal: NE 1/4 NE 1/4 LESS WLY 2.31 ACS M/L & PLUS 2.31 ACS NW
1/4 NE 1/4 34-2N-70 TOTAL 39.49 ACS M/L PER DEED 1626434
7/19/96 BCR ID 112200 COMB HERE MIN ONLY NCWA C2487(2)
4 AFU

TO WHOM IT MAY CONCERN:

The current property located at the above legal description is within the "SERVICE AREA" of Left Hand Water District and Northern Colorado Water Conservancy District.

Water service can be provided to the proposed properties upon meeting requirements of service, complying with any intergovernmental agreements, adhering to all rules and regulations regarding construction, execution of standard service agreements and payment of all fees associated with service.

Prior to beginning any construction on the proposed parcels, the owner(s) will need to provide the District with the Subdivision Service Review Application and the associated review fees.

If you have further questions regarding this matter, you may contact me at the District office.

Sincerely,

Betsy Wheeler

Betsy Wheeler
Program Coordinator
Left Hand Water District



January 31, 2023

Ifraín Rodriguez
6184 Niwot Rd
Longmont, CO 80503

RE: PROPERTY LOCATED IN SECTION 34, TOWNSHIP 2 NORTH, RANGE 70 WEST OF THE 6TH PM, COUNTY OF BOULDER, STATE OF COLORADO

Dear Mr. Rodriguez:

Poudre Valley Rural Electric Association, Inc. (Association) is ready, willing, and able to serve all electrical loads within our certificated service territory subject to the Rules and Regulations of the Association.

The person(s) signing any contract(s) and or easement(s) grants to the Association the right to ingress and egress for meter readers, tree trimmers, engineers, line personnel, or any agents of the Association for the purpose of reading meters, engineering services, line repair, maintenance, tree trimming, and/or right-of-way clearing as deemed necessary by the Association.

If you have any further questions, please call our office.

Sincerely,

A handwritten signature in blue ink that reads "Matt Truelove". The signature is written in a cursive style.

Matt Truelove
Distribution Designer

Enclosure(s)

AMERICAN GEOSERVICES, LLC

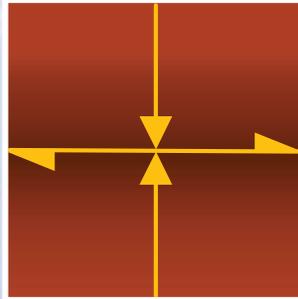
GEOTECHNICAL EVALUATION REPORT

PROPOSED CONSTRUCTION

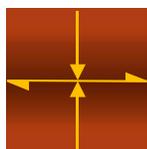
NIWOT RD & NORTH 63RD STREET
BOULDER COUNTY, COLORADO

PROJECT No: 0359-D17

NOVEMBER 8, 2017



888-276-4027



AMERICAN GEOSERVICES, LLC

Geotechnical, Geostructural, Environmental, Groundwater, Pavements, and Building Assessments

November 8, 2017

PROJECT NO: 0359-D17

Client: Mr. Ifrain Rodriguez

Reference: Geotechnical Evaluation Report, Niwot Rd and North 63rd Street, Boulder County, Colorado

At your request, we have completed the geotechnical evaluation for the referenced project in accordance with the American GeoServices, LLC (AGS) Proposal. Results of our evaluation and design recommendations are described below.

PROJECT INFORMATION

The project site is located as shown in attached figures. The site is vacant and relatively flat. It is our understanding that the proposed development will consist of building a residential single-family structure with light to moderate foundation loads. If these proposed conditions change, we should be contacted to modify our report.

SCOPE OF WORK

During September 2017, two explorations (B1 & B2) were performed at the approximate locations shown in attached figures. Explorations were performed using an excavator (test pits) and Williamson Drive Probe apparatus (WDP). The Legend and Notes necessary to interpret our Borehole Log are included in an appendix.

WDP is a “relative density” exploration device which is used to determine the distribution and to estimate strength of the subsurface soil and decomposed rock units. The resistance to penetration is measured in blows-per-1/2 foot of an 11-pound hammer which free falls roughly 3.5 feet driving the ½ inch diameter pipe into the ground. This measure of resistance to penetration can be used to estimate relative density of soils. For a more detailed description of this geotechnical exploration method, please refer to Volume I, United States Department of Agriculture, EM-7170-13, August 1994, p. 317-321. A representative schematic of WDP and correlation data with conventional Standard Penetration Test (SPT) is included in an appendix.

2663 Cinnabar Road
Colorado Springs, CO 80921
Ph: (719) 445 0473

www.americangeoservices.com
sma@americangeoservices.com
Ph: (888) 276 4027
Fx: (877) 471 0369

Mailing Address:
2810 E. College Avenue #102
Boulder, CO 80303
Ph: (303) 325 3869

Samples of subsurface soil materials were collected at regular intervals during exploration. The samples were visually inspected, logged, placed in a sealed container, and transported to testing laboratory for further visual evaluation. Groundwater level measurements were taken during drilling and after the completion of drilling. Laboratory analysis included soil classification and moisture content determination. Results of laboratory tests are included in an appendix.

Data obtained from site observations, subsurface exploration, laboratory evaluation, and previous experience in the area was used to perform engineering analyses. Results of engineering analyses were then used to reach conclusions and recommendations presented in this report.

SUBSURFACE CONDITIONS

Subsurface conditions encountered in subsurface explorations are described in detail in the Borehole Logs included in an appendix. Soil classification and identification is based on commonly accepted methods employed in the practice of geotechnical engineering. In some cases, the stratigraphic boundaries shown on Borehole Log represents transitions between soil types rather than distinct lithological boundaries. It should be recognized that subsurface conditions often vary both with depth and laterally between individual borehole locations. The following is a summary of the subsurface conditions encountered at the site:

Topsoil / Surface Conditions: Approximately up to 6 inches of topsoil consisting of the mixture of sand, silt, gravel, and rootmass is present near the surface.

Louviers Alluvium: Below the topsoil layer, medium dense to dense mixtures of sand, clay, and gravel/cobbles (GC) are present extending to approximately at least 7.5 feet below the ground surface (BGS). Cobble size is upto 12” in diameter. This material appeared to be alluvial in nature. Based on the results of our geologic literature review and soil survey map reviews (as shown in attached figures) and our knowledge of the site vicinity area, the Louviers Alluvium is known to extend to at least 25 feet BGS. This material is generally non-plastic.

Groundwater: Groundwater was encountered roughly 3.0-3.25 feet BGS at or after the completion of explorations which extended to a maximum depth of 7.5 feet BGS. We do not anticipate water levels within the anticipated excavation depths. This observation may not be indicative of other times or at locations other than the site. Some variations in the groundwater level may be experienced in the future. The magnitude of the variation will largely depend upon the duration and intensity of precipitation, temperature and the surface and subsurface drainage characteristics of the surrounding area.

Seismicity: Based on the results of our subsurface explorations and review of available literature (2006 International Building Code, Table No. 1613.5.2), in our opinion, a site classification “C” may be used for this project. However, this site classification may be revised by performing a site-specific shear wave

velocity study. We do not anticipate seismically induced liquefaction potential at the site. It should be noted that a seismic hazards evaluation was beyond the scope of services. We recommend site-specific seismic hazards evaluation of the site prior to development of any kind.

GEOLOGIC HAZARDS CONSIDERATIONS

It should be clearly noted that a detailed geologic hazards evaluation of any kind was beyond the scope of our services. Notwithstanding, there are no geologic hazards associated with the site that are of concern.

GEOTECHNICAL CONSIDERATIONS

The site is suitable for the proposed construction (with associated risk for various foundation options) provided following recommendations are strictly followed. It should be noted that our recommendations are intended as guidance. They are based on our interpretation of the geotechnical data obtained during our evaluation and following assumptions:

- Proposed foundations will be constructed on level ground; and
- Structural loads will be static in nature.
- An open hole inspection will be performed by AGS at the site after the excavation of footings to confirm subsurface soil conditions and all the recommendations given in this report. If necessary, given recommendations will be modified to suit site conditions discovered throughout the site.

Following construction recommendations are provided to highlight aspects of construction that could affect the design of the project. Entities requiring information on various aspects of construction must make their own interpretation of the subsurface conditions in order to determine construction methods, cost, equipment, and work schedule.

CONVENTIONAL SHALLOW SPREAD FOOTINGS

We do not recommend basement construction due to the presence of high water table. We recommend that the bottom of footing elevation should be at least 2 feet above the seasonal high groundwater table, which is anticipated to be close to 3 feet BGS.

Considering the uniform site topography and subsurface soil conditions throughout the site, as noted in attached figures and borehole logs, this report is valid for any location of the proposed house, provided an open-hole inspection (subgrade inspection) is performed by AGS and the subgrades are approved at the time of footing construction. AGS will confirm subgrade uniformity during an open-hole inspection. If variable soil conditions or groundwater conditions are encountered, AGS will provide specific recommendations at the time of footing construction.

- Foundation subgrades should be prepared as follows assuming favorable weather conditions:
 - a. Over-excavate the subgrade by 12 inches. Remove any cobbles/boulders from the over-excavation depth using jack hammer or any other simple tools. Do not use blasting to remove rock from excavation, unless the site is inspected and approved by us for rock blasting. Recommended over-excavation can be reduced or eliminated based on the results of open hole inspection.
 - b. Surficially compact any exposed loose or disturbed soils in the over-excavated subgrade with a jumping jack.
 - c. In order to achieve a uniform subgrade providing uniform bearing capacity, backfill with granular free-draining structural fill compacted to at least 95% of ASTM D698 maximum dry density.
- Foundations bearing upon properly prepared and approved subgrade should be designed for a maximum allowable bearing pressure of **2,000** pounds per square foot (psf).
- Estimated final structural loads will dictate the final form and size of foundations to be constructed. However, as a minimum, we recommend bearing walls be supported by continuous footings of at least 16 inches in width. Isolated columns should be supported on pads with minimum dimensions of 24 inches square.
- Continuous foundation walls should be reinforced in the top and bottom to span an unsupported length of at least 8 feet to further aid in resisting differential movement. As a minimum, additional reinforcement as shown in attached figures should be placed.
- Exterior footings and footings in unheated areas should extend below design frost depth of 36 inches.
- Foundation/basement walls should be adequately designed as retaining walls and adequate drainage measures should be implemented as shown in attached figures.

We estimate total settlement/heave for foundations designed and constructed as discussed in this section will be 1.25 inches or less, with differential settlements on the order of one-half to three-fourths of the total settlement/heave.

SLAB-ON-GRADE

The “Slab Performance Risk” as defined and published by the Colorado Association of Geotechnical Engineers (CAGE) associated with native soils/rock at the site is “ Low.” According to CAGE, the ‘slab performance risk’ is an engineering judgment which is used as a predictor of the general magnitude of potential slab heave/settlement and the risk of poor slab performance.

The actual slab movements that will occur on a particular project site are very difficult, if not impossible, to predict accurately because these movements depend on loads, evapo-transpiration cycles, surface and

subsurface drainage, consolidation characteristics, swell index, swell pressures and soil suction values. The actual time of year during which the slab-on-grade is constructed has been found to have a large influence on future slab-on-grade movements.

Slab heaves or settlements are normally defined in terms of "total" and "differential" movement. "Total" movement refers to the maximum amount of heave or settlement that the slab may experience as a whole. "Differential" movement refers to unequal heave or settlement that different points of the same slab may experience, sometimes over relatively short horizontal distances. Differential movements are arbitrarily determined to be one-half of the total movement in soils exhibiting Low Slab Performance Risk. Greater differential movements can occur in areas where expansive soils have been encountered and where the natural soils abruptly transition to fill material.

For design of floor slabs, a modulus of subgrade reaction of 200 pounds per cubic inch (pci) may be used provided slab-on-grade is placed on properly prepared subgrades after the completion of soil modification procedures described earlier.

We recommend that the construction measures outlined in the following paragraphs be followed to reduce potential damage to floor slabs, should wetting of the subsurface soils occur:

- Separate floor slab from all bearing walls and columns with expansion joints to allow unrestrained vertical movement. Under any circumstances, floor slab should not extend beneath exterior doors or over foundation grade beams without saw cutting the slab at the beam after construction.
- If wood or metal stud partition walls are used, they should be designed and constructed to allow for movement at the bottom of the walls.
- The connections between the interior, slab-supported partitions and exterior foundation supported walls should allow for differential movement. For slab-bearing masonry block partitions, provide slip joints at the top of the walls. Notwithstanding, if the floor moves, the partition walls may still show signs of structural distress such as cracking.
- If partition walls, masonry block walls, or any other walls without bottom slip joints are required, it is best to support them on grade beams which are, in turn, supported on piers. In other words, construct the slab independent of all foundations.
- If options are not available and slab-bearing partition walls are necessary, then the potential for structural distress may be reduced by connecting the partition walls to exterior walls using slip channels.
- Frequent control joints should be provided at about 10 feet spacing in the floor slab to reduce problems with shrinkage and cracking according to ACI specifications. Control joint spacing is a function of slab thickness, aggregate size, slump and curing conditions. The requirements for concrete slab thickness, joint spacing, and reinforcement should be established by the designer, based on experience, recognized

design guidelines and the intended slab use. Placement and curing conditions will have a strong impact on the final concrete slab integrity. Floor slabs should be adequately reinforced.

- The need for a vapor barrier will depend on the sensitivity of floor coverings to moisture. If moisture sensitive floor coverings are proposed for portions of the proposed structure, a capillary break material, typically consisting of a “clean” gravel, should be considered. We can provide additional recommendations if this is the case.
- Provided gravel is desired below the slab, a layer of 4 to 6 inches can be used. Plumbing passing through slabs should be isolated from the slabs and provided with flexible connections to allow for movement. A positive bond break should be provided where plumbing lines enter through the slab. Under slab, plumbing should be avoided if possible and should be brought above the slab as soon as possible.
- Where mechanical equipment and HVAC equipment are supported on slabs, we recommend provision of a flexible connection between the furnace and ductwork with a minimum of 1.5 inches of vertical movement.
- Sidewalks and other exterior flatwork should be separated from the slab and the slab should be designed as an independent unit.

RETAINING WALLS

Foundation walls and basement walls (if used) should be designed to be rigid (unyielding), and not free to rotate. Retaining walls for at-rest conditions can be designed to resist an equivalent fluid density of 55 pcf for on-site fill materials. If needed, only imported granular backfill meeting CDOT Class 1 structural backfill should be used. Retaining walls for unrestrained conditions (free lateral movement) can be designed to resist an equivalent fluid density of 45 pcf for on-site fill materials and 35 pcf for imported granular backfill or CDOT Class 1 structural backfill. For passive resistance of unrestrained walls, we recommend passive resistance of 300 psf per foot of wall height. A coefficient of friction value of 0.35 may be used for contact between the prepared soil surface and concrete base.

The above recommended values do not include a factor of safety or allowances for surcharge loads such as adjacent foundations, sloping backfill, vehicle traffic, or hydrostatic pressure. The above recommended values do not include hydrostatic pressures as they are based on drained conditions. We should be contacted to provide additional recommendations for any specific site retaining conditions.

Retaining wall backfill should be placed in strict accordance with our earthwork recommendations given below. Backfill should not be over-compacted in order to minimize excessive lateral pressures on the walls. As a precautionary measure, a drainage collection system (drains or geosynthetic drains) should be included in the wall design in order to minimize hydrostatic pressures.

A prefabricated drainage composite or drain board such as the MiraDrain 2000 or an engineer-approved equivalent may be installed along the backfilled side of the basement foundation wall.

SUBSURFACE DRAINAGE

Groundwater was not encountered during or after the completion of drilling. Nevertheless, proper subsurface drainage is critical for long-term performance of the proposed structures. As a minimum, recommendations illustrated in attached figures and given below should be strictly followed.

- A perimeter drain/dewatering system should be installed to reduce the potential for groundwater entering into foundation and slab areas. The lot-specific perimeter dewatering systems should be properly designed and connected to the suitable discharge from the lot.
- The subgrade beneath a structural floor system should be graded so that water does not pond. In addition, drain laterals that span the crawl space are recommended to prevent ponding of water within the crawlspace.
- As a minimum, the subsurface drainage system should consist typically of 4-inch minimum diameter perforated rigid PVC pipe surrounded by at least one pipe diameter of free draining gravel. The pipe should be wrapped in a geosynthetic to prevent fine soils from clogging the system in the future. The pipe should drain by gravity to a suitable all-weather outlet or to a properly designed area underdrain system. If an outlet or area underdrain is not available, the subsurface drainage system should be sloped to sump pits with sump pumps having standby capacity in the event of pump failure.
- Surface cleanouts of the perimeter drain should be installed at minimum serviceability distances around the addition. A properly constructed drain system can result in a reduction of moisture infiltration of the subsurface soils. Drains which are improperly installed can introduce settlement or heave of the subsurface soils and could result in improper surface grading only compounding the potential issues.
- The entire design and construction team should evaluate, within their respective field of expertise, the current and potential sources of water throughout the life of the structure and provide any design/construction criteria to alleviate the potential for moisture changes. If recommended drain systems are used, the actual design/layout, outlets, and location should be designed by AGS. The construction means and methods should be observed by a representative of AGS.

SURFACE DRAINAGE

Proper surface drainage should be maintained at the site during and after completion of construction operations. Based on the intended use of the proposed facility, all drainage recommendations provided local, state, and federal regulatory agencies should be strictly followed. As a minimum, recommendations illustrated in attached figures and given below should be implemented.

- It is important to follow these recommendations to minimize wetting or drying of the foundation elements throughout the life of the facility. Construction means and methods should also be utilized which minimize improper increases/decreases in the moisture contents of the soils during construction.
- The ground surface adjacent to buildings should be sloped to promote rapid run-off of surface water. We recommend a minimum slope of six inches in the first five horizontal feet for landscaped or graveled areas. These slopes should be maintained during the service life of buildings.
- Landscaping should be limited around building areas to either xeri-scaping, landscaping gravel, or plants with low moisture requirements. Irrigation should be minimal and limited to maintain plants. Roof downspouts should discharge on splash-blocks or other impervious surfaces and directed away from the building. Ponding of water should not be allowed immediately adjacent to the building.
- Upper 2 feet of exterior grading or landscaping fill placed immediately adjacent to the building (within 10ft) should be relatively impervious to minimize water infiltration adjacent to the building. Do not use plastic membrane in lieu of impervious fill to cover the ground surface.
- Again, positive drainage away from the new structures is essential to the successful performance of foundations and flatwork, and should be provided during the life of the structure. Paved areas within 10 feet of structures should slope at a minimum of 2 percent away from foundations, and landscape areas within 10 feet of structures should slope away at a minimum of 8 percent.
- Downspouts from all roof drains, if any, should cross all backfilled areas such that they discharge all water away from the backfill zones and structures. Drainage should be created such that water is diverted away from building sites and away from backfill areas of adjacent buildings.

EARTHWORK

At the time of report preparation, grading plans were not available. If cuts and fills exceed basement level depths, we should be contacted for specific earthwork recommendations, especially stability of upslopes and downslopes, any adjacent structures, shoring requirements, cut slopes, and construction dewatering. In any case, site grading should be carefully planned so that positive drainage away from all structures is achieved. Following earthwork recommendations should be followed for all aspects of the project.

Excavation: Materials encountered at this site may be excavated using special equipment with rock bit to excavate into the local weathered bedrock formations. Although our borings did not encounter “buried” foundation elements or other structures or debris, these materials may be encountered during excavation activities. Debris materials such as brick, wood, concrete, and abandoned utility lines, if encountered, should be removed from structural areas when encountered in excavations and either wasted from the site or placed in landscaped areas.

Temporary excavations should comply with OSHA and other applicable federal, state, and local safety regulations. In our opinion, OSHA Type B/C soils will be encountered at this site during excavation. Based on our review of OSHA guidelines, we recommend maximum allowable unbraced temporary excavation slopes of 1.0:1.0(H:V) for Type B/C soils for excavations up to 4 feet deep. Permanent cut slopes are anticipated to be stable at slope ratios as steep as 2H:1V (horizontal to vertical) under dry conditions. New slopes should be revegetated as soon as possible after completion to minimize erosion.

The impact of proposed excavation and construction on the existing house should be properly evaluated in order to minimize any damage. In general, unless proper shoring or underpinning design for protecting existing house is implemented, we recommend a minimum of 10 feet of clearance between the top of excavation slopes and soil stockpiles or heavy equipment or adjacent structures (subject to approval of AGS). If braced excavations are to be used, they should be reviewed and designed by AGS. It should be noted that near-surface soils encountered at the site will be susceptible to some sloughing and excavations should be periodically monitored by AGS's representative.

If excavation is performed under water table, or excavation is made steeper than OSHA recommendations, proper shoring should be provided. It is contractor's responsibility to assure safety during excavation and earthwork operations.

Construction Dewatering: Due to the presence of high water table, construction dewatering will be critical for this project. As a minimum, an interceptor drain outside the entire perimeter of proposed building may be considered with proper maintenance during construction. Sumps and pumps may also be required.

We recommend scheduling excavation activities to minimize excavation below water table so the soil caving and subgrade disturbance does not occur. Notwithstanding, for excavating under water table level (if at all required), we recommend lowering the water table by at least 2 feet below the bottom of excavation level, and using granular materials for removal and replacement of disturbed clays.

During construction in wet or cold weather, grade the site such that surface water can drain readily away from the building areas. Promptly pump out or otherwise remove any water that may accumulate in excavations or on subgrade surfaces, and allow these areas to dry before resuming construction. Berms, ditches and similar means may be used to prevent storm water from entering the work area and to convey any water off-site efficiently.

Fill Placement: Excavated on-site fill materials may be reused in the non-foundation areas such as slabs, pavements, and landscape areas, provided they are free from organics and any non-soil materials. Fill material should be placed under proper moisture control, in uniform horizontal layers (lifts) not exceeding 8 inches, before compacting to the required density and before successive layers are placed. If the contractor's equipment is not capable of properly moisture conditioning and compacting 8-inch lifts, then

the lift thickness shall be reduced until satisfactory results are achieved. Highly plastic clays or weathered shale or claystone bedrock should not be re-used on-site except in landscaped areas.

On-site recycled fill to be placed should be moisture treated to within -1% to +3% of optimum moisture content (OMC) and compacted to 95% of Standard Proctor (ASTM D698) maximum dry density or greater. Compaction in landscape areas should be 85% or greater.

Fill under the foundations should be non-expansive and free from organics and non-soil materials. Imported structural fill should consist of sand or gravel material with a maximum particle size of 3 inches or less. In addition, this material shall have a liquid limit less than 30 and a plasticity index of 15 or less. Structural fill should also have a percent fine between 15 to 30 percent passing the No. 200 sieve. Structural fill should be moisture conditioned to within 2 percent of OMC and compacted to at least 95 percent of Standard Proctor (ASTM D698) maximum dry density. Compaction in the wall backfill areas should be 85% or greater.

Permanent fill slopes are anticipated to be stable at slope ratios as steep as 2H:1V (horizontal to vertical) under dry conditions. New slopes should be re-vegetated as soon as possible after completion to minimize erosion.

Cold Weather Construction: If earthwork is performed during the winter months when freezing is a factor, no grading fill, structural fill or other fill should be placed on frosted or frozen ground, nor should frozen material be placed as fill. Frozen ground should be allowed to thaw or be completely removed prior to placement of fill. A good practice is to cover the compacted fill with a “blanket” of loose fill to help prevent the compacted fill from freezing overnight. The “blanket” of loose fill should be removed the next morning prior to resuming fill placement.

During cold weather, foundations, concrete slabs-on-grade, or other concrete elements should not be constructed on frozen soil. Frozen soil should be completely removed from beneath the concrete elements, or thawed, scarified and re-compacted. The amount of time passing between excavation or subgrade preparation and placing concrete should be minimized during freezing conditions to prevent the prepared soils from freezing. Blankets, soil cover or heating as required may be utilized to prevent the subgrade from freezing.

CONCRETE & STEEL CONSTRUCTION

Concrete sidewalks and any other exterior concrete flatwork around the proposed structure may experience some differential movement and cracking. While it is not likely that the exterior flatworks can be economically protected from distress, we recommend following techniques to reduce the potential long-term movement:

- Scarify and re-compact at least 12 inches of subgrade material located immediately beneath structures.
- Avoid landscape irrigation and moisture holding plants adjacent to structures.
- Thicken or structurally reinforce the structures.

We recommend Class 2 sulfate resistance as per ACI 201 standards for all concrete in contact with the soil on this site. Calcium chloride should not be added. Concrete should not be placed on frost or frozen soil. Concrete must be protected from low temperatures and properly cured. We anticipate corrosive potential for on-site soils. A qualified corrosion professional should evaluate site conditions and provide proper recommendations for buried metal structures.

LIMITATIONS

Flood hazard evaluation of any kind was beyond our scope of services. Recommendations contained in this report are based on our field observations and subsurface explorations, limited laboratory evaluation, and our present knowledge of the proposed construction. It is possible that soil conditions could vary between or beyond the points explored. If soil conditions are encountered during construction that differ from those described herein, we should be notified so that we can review and make any supplemental recommendations necessary. If the scope of the proposed construction, including the proposed loads or structural locations, changes from that described in this report, our recommendations should also be reviewed and revised by AGS.

Our scope of work for this project did not include condition survey of the existing structures or flood hazard evaluation of any kind. Our scope of work did not include research, testing, or assessment relative to past or present contamination of the site by any source. If such contamination were present, it is very likely that the exploration and testing conducted for this report would not reveal its existence. If the Owner is concerned about the potential for such contamination, additional studies should be undertaken. We are available to discuss the scope of such studies with you. No tests were performed to detect the existence of mold or other environmental hazards as it was beyond Scope of Work.

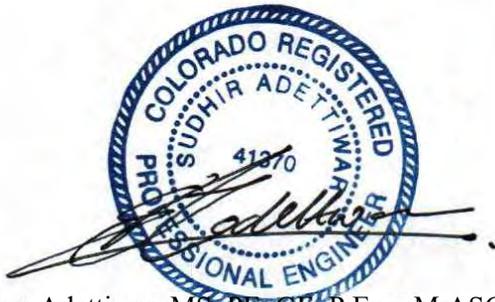
Local regulations regarding land or facility use, on and off-site conditions, or other factors may change over time, and additional work may be required with the passage of time. Based on the intended use of the report within one year from the date of report preparation, AGS may recommend additional work and report updates. Non-compliance with any of these requirements by the client or anyone else will release AGS from any liability resulting from the use of this report by any unauthorized party. Client agrees to defend, indemnify, and hold harmless AGS from any claim or liability associated with such unauthorized use or non-compliance.

In this report, we have presented judgments based partly on our understanding of the proposed construction and partly on the data we have obtained. This report meets professional standards expected for reports of this type in this area. Our company is not responsible for the conclusions, opinions or recommendations made by others based on the data we have presented. Refer to American Society of Foundation Engineers (ASFE) general conditions included in an appendix.

This report has been prepared exclusively for the client, its' engineers and subcontractors for the purpose of design and construction of the proposed structure. No other engineer, consultant, or contractor shall be entitled to rely on information, conclusions or recommendations presented in this document without the prior written approval of AGS.

We appreciate the opportunity to be of service to you on this project. If we can provide additional assistance or observation and testing services during design and construction phases, please call us at 1 888 276 4027.

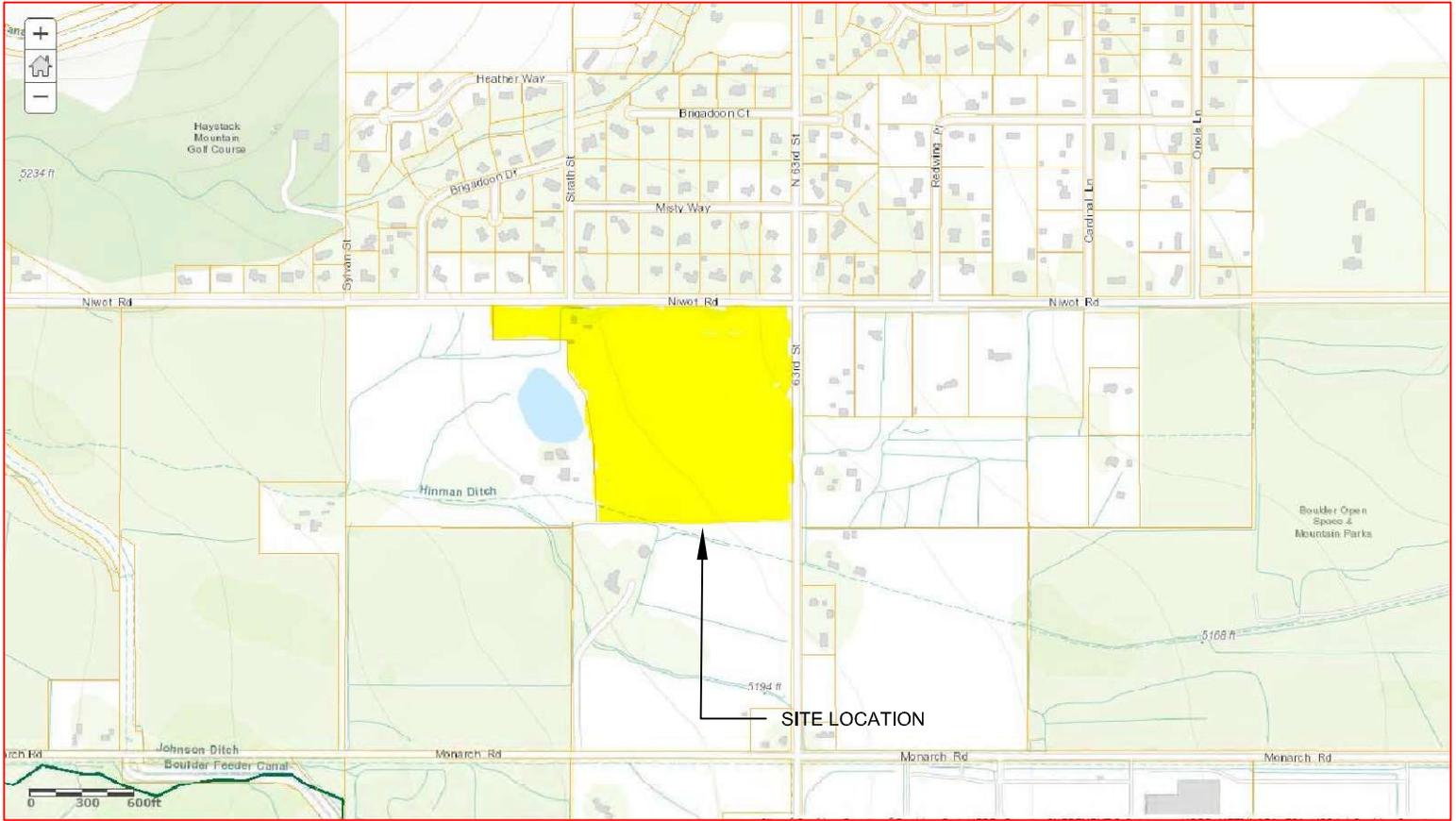
Sincerely,

A circular blue ink seal for a Colorado Registered Professional Engineer. The outer ring contains the text "COLORADO REGISTERED" at the top and "PROFESSIONAL ENGINEER" at the bottom. The inner ring contains the name "SUDHIR ADETTIWAR" and the number "41270". A handwritten signature in black ink is written across the seal.

Sam Adettiwar, MS, PE, GE, P.Eng, M.ASCE
Senior Engineer

Attachments

FIGURES

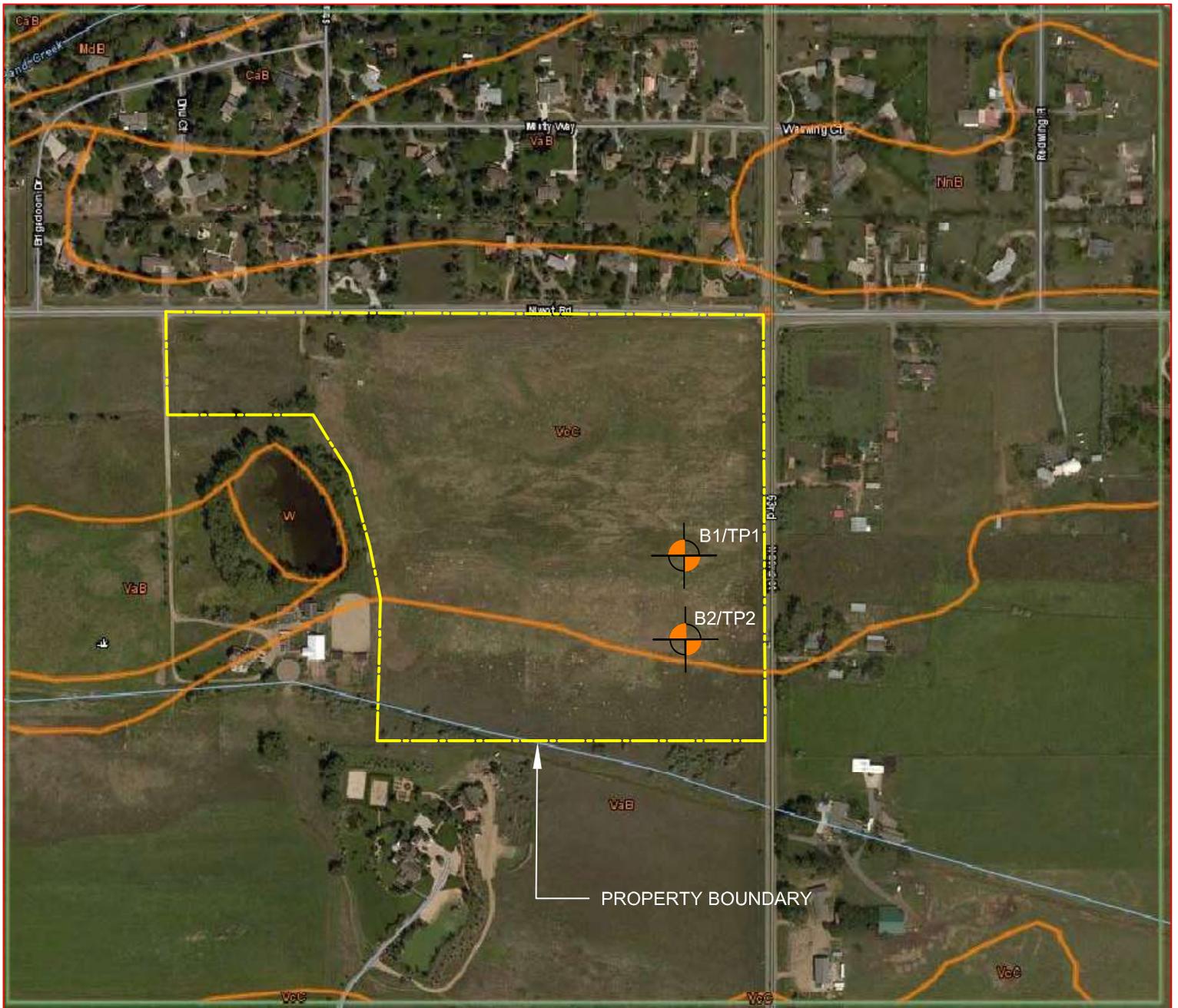


REFERENCE:
GOOGLE MAPS
USGS TOPOGRAPHIC MAPS



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SITE LOCATION MAP



NOTE:
SCHEMATIC PLAN TO SHOW APPROXIMATE SUBSURFACE EXPLORATION LOCATIONS ONLY; NOT SURVEYED.

LEGEND:

 DESIGNATES SUBSURFACE EXPLORATION LOCATIONS, BY AMERICAN GEOSERVICES, LLC. SEE EXPLORATION LOGS IN APPENDIX FOR FURTHER DETAILS.

VcC VALMONT COBBLY CLAY LOAM, 1 TO 5 PERCENT SLOPE (VERY GRAVELLY LOAM; VERY GRAVELLY SANDY LOAM)



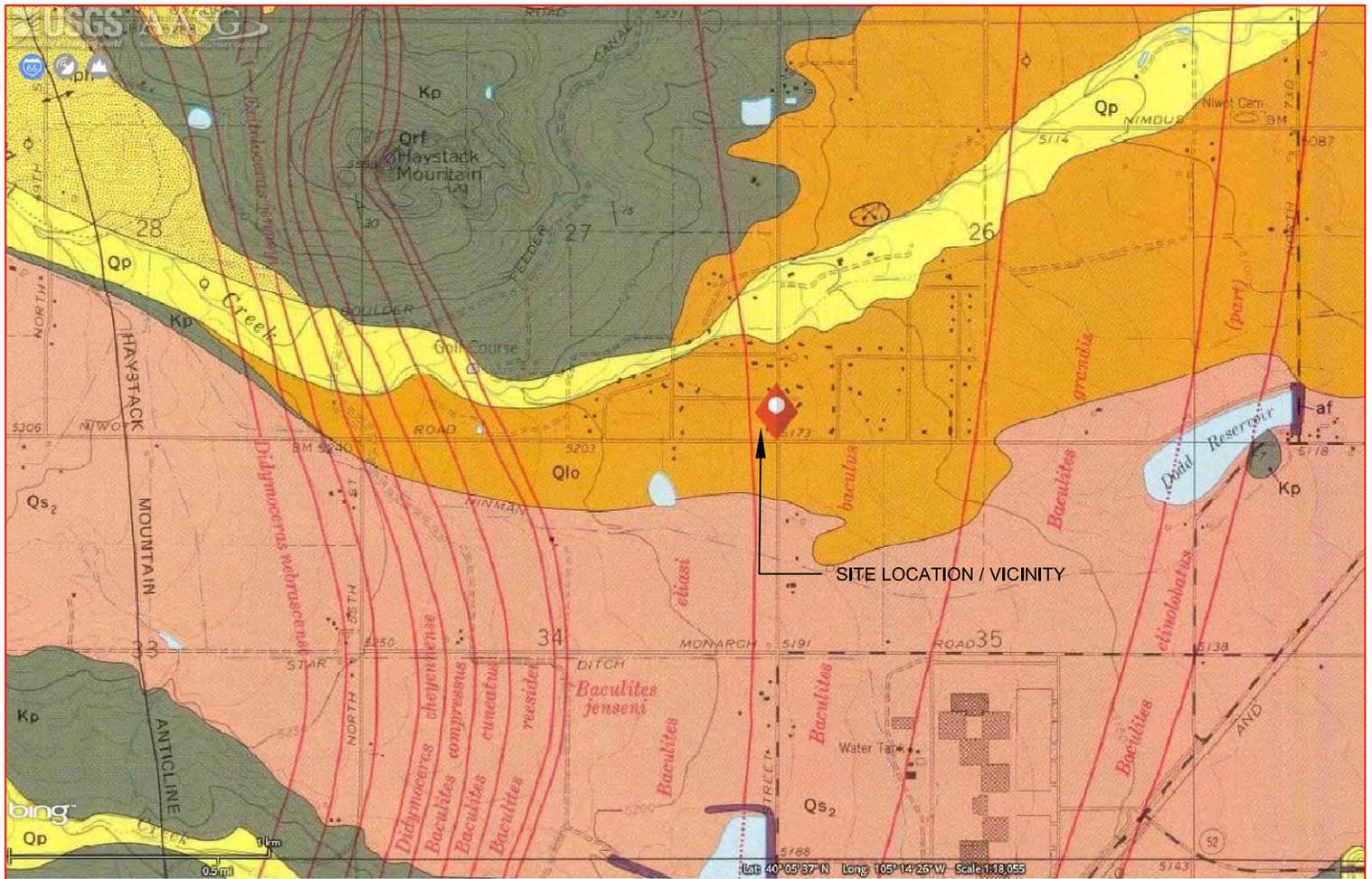
REFERENCE:
SOIL SURVEY MAP



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SCHEMATIC SITE PLAN



LEGEND

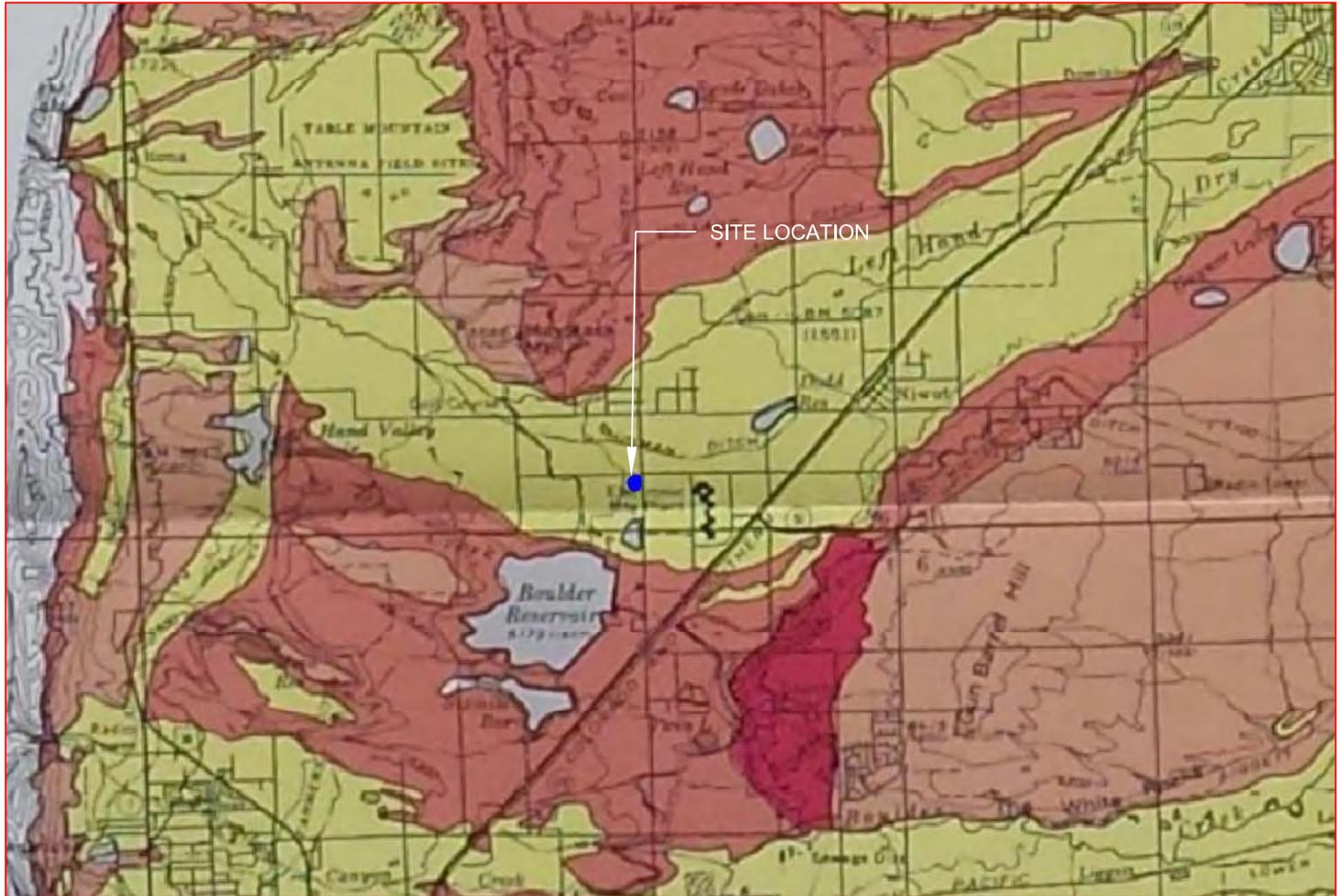
Qlo LOUVIERS ALLUVIUM (PLEISTOCENE—BULL LAKE GLACIATION)—Reddish-brown pebbly to bouldery alluvium, much stained by oxides of manganese and iron. Strong Brown soil in upper part. Some vertical threads and slight coatings of CaCO₃ in most exposures of the soil profile. Underlies Broadway Alluvium at shallow depth (61–183 cm, 2–6 ft) between Boulder Creek and South Boulder Creek. Maximum thickness probably >7.6 m (>25 ft). Forms terrace 6–12 m (20–40 ft) above modern stream. Base level of cutting deepest of any Quaternary deposits. Source of gravel for concrete aggregate

Qp PINEY CREEK ALLUVIUM (HOLOCENE)—Dark-gray homie clayey silt and sand in upper 15–61 cm (6 in.–2 ft); gravel, as large as small boulder size (less than 36 cm or 14 inches) in Left-hand Creek and cobble size (6 cm) in Soulder Creek, composed mainly of rounded pebbles of Precambrian crystalline rocks. Little or no alteration of pebbles and cobbles. Consists of medium- to dark-gray clayey sandy silt in Dry Creek. Contains upper Holocene weak Brown soil in upper part. Thickness 0–6 m (0–20 ft). Forms terrace 1.2–6 m (4–20 ft) above modern stream. Locally includes some post-Piney Creek alluvium. Locally may be covered by seasonal floods. Source of gravel for concrete aggregate

Qs₂ Pediment level generally <30.5 m (<100 ft) above modern stream level

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GEOLOGIC MAP



NOTE: YELLOW AREA INDICATES LOW SWELL POTENTIAL. RED AND BROWN AREAS INDICATES HIGH SWELL POTENTIAL

REFERENCE:

HART, STEPHEN. POTENTIALLY SWELLING SOIL AND ROCK IN THE FRONT RANGE URBAN CORRIDOR, COLORADO. 1973-74



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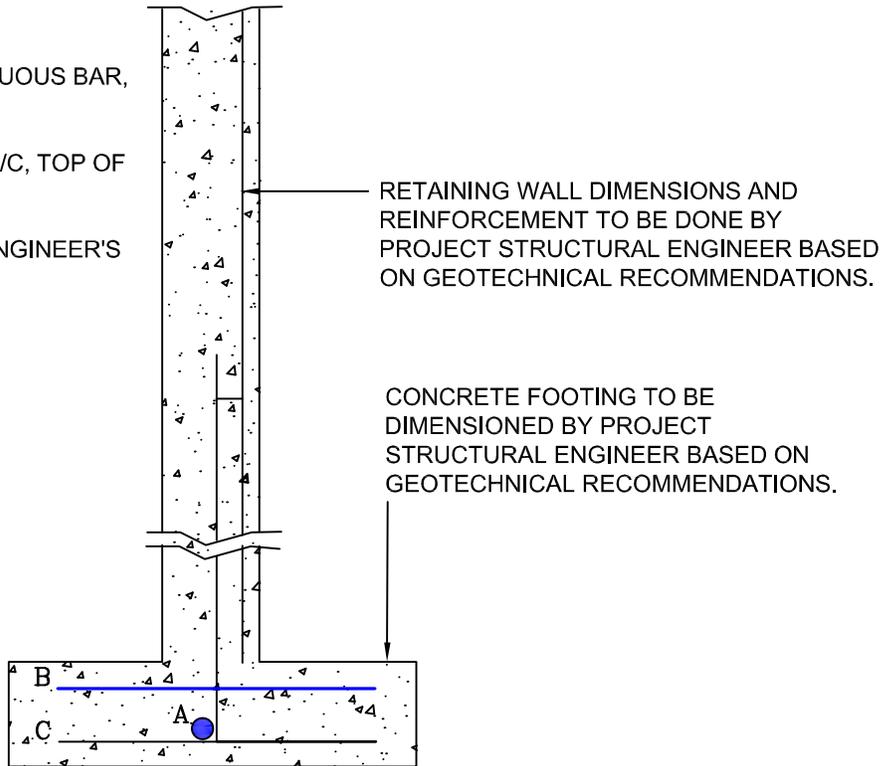
POTENTIALLY SWELLING SOIL MAP

NOTES:

A. ADDITIONAL REINFORCEMENT, #4 CONTINUOUS BAR, BOTTOM OF FOOTING.

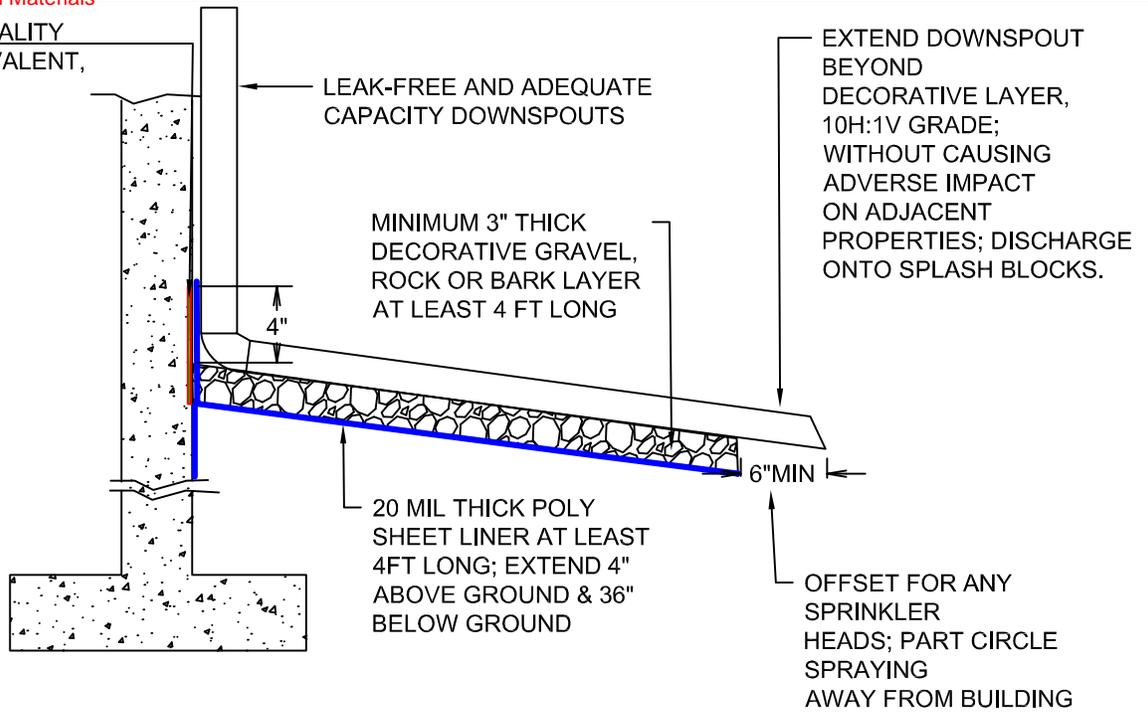
B. ADDITIONAL REINFORCEMENT, #4 AT 48" C/C, TOP OF FOOTING.

C. REINFORCEMENT AS PER STRUCTURAL ENGINEER'S DESIGN. AS A MINIMUM, USE #4 AT 48" C/C.



ADDITIONAL FOOTING REINFORCEMENT DETAIL

SILICON SEAL OR HIGH QUALITY FLEXIBLE ADHESIVE EQUIVALENT, 4" ABOVE GROUND; MAINTAIN LEAK-FREE



DOWNSPOUT & MOISTURE BARRIER DETAIL

COMPACTED EARTH BACKFILL/SOIL CAP (DO NOT USE IF STEM WALL IS DESIGNED AS A RETAINING WALL. IN CASE OF RETAINING WALL, USE FREE-DRAINING CRUSHED ROCK FILL TO AVOID HYSROSTATIC PRESSURE.

FOUNDATION/STEM WALL

POLYETHYLENE FILM GLUED TO FOUNDATION WALL AND EXTENDED BELOW THE DRAIN AS SHOWN

SLAB-ON-GRADE WITH EXPANSION JOINTS OR CRAWL-SPACE

OVER-EXCAVATION (SEE NOTE B)

SUBGRADE, IN-SITU SOIL (SEE NOTE C)

SLOPE TO DRAIN AWAY FROM STRUCTURE, 10H:1V (SEE DOWNSPOUT DETAIL)

MIRAFI 140 N FILTER FABRIC OR EQUIVALENT

12" MIN

6" MIN

EXCAVATED TRENCH, NEAR VERTICAL TO 0.5H:1V

FREE-DRAINING CLEAN CRUSHED ROCK/GRAVEL

PERIMETER OR FOUNDATION DRAIN DRAIN DETAIL

NOTES: **A.** 4-INCH DIAMETER PERFORATED PIPE PLACED 2" ABOVE DRAIN SUBGRADE EMBEDDED IN FREE-DRAINING GRAVEL OR CRUSHED ROCK ENVELOPE WITH 2% GRADE TO SUMP PIT OR DISCHARGED TO A SUITABLE RECEPTACLE SUCH THAT ON-SITE AS WELL AS OFF-SITE STABILITY IS NOT ADVERSELY IMPACTED. **B.** DEPTH BASED ON OPEN HOLE INSPECTION, FOR SHALLOW FOUNDATION OPTION. **C.** ALL FOUNDATION OR OVER-EXCAVATED SUBGRADES MUST BE INSPECTED AND APPROVED BY A GEOTECHNICAL ENGINEER.



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TYPICAL DRAINAGE DETAILS

APPENDIX

LABORATORY DATA

SUBSURFACE
EXPLORATION DATA

TP1/B1

Niwot St and North 63rd Street, Boulder County, CO

CLIENT: Thevenet

Project Number 0359-D17	Drill Rig: Soil Auger and Williamson Drive Probe (WDP)
Geologist/Engineer SMA	Ground Elevation Not measured
Date Drilled 9-18-2017	Total Depth of Borehole 7.5 Feet
Borehole Diameter 4 Inches	Depth to Water 3 Feet

Graphic Log	Description / Lithology	Depth (feet)	Sample	WDP Blow Count	Recovery (%)	Moisture (%)	DD (pcf)	LL (%), PL (%)	Swell (%)	Completion
OL	Topsoil									X
GC	CLAYEY SAND & GRAVEL, brown and gray, medium dense to dense, moist to wet, low to no plasticity	5	X	25	GRAB SAMPLES THROUGHOUT					X
		37	X	37						X
		48	X	48						X
		50+	X	50+						X
		50+	X	50+						X
		50+	X	50+						X
	Exploration terminated at 7.5 feet due to refusal to exploration. Groundwater was encountered at 4 feet during exploration and at 3 feet after the completion of drilling.									X



TP2/B2

Niwot St and North 63rd Street, Boulder County, CO

Project Number 0359-D17	Drill Rig: Soil Auger and Williamson Drive Probe (WDP)
Geologist/Engineer SMA	Ground Elevation Not measured
Date Drilled 9-18-2017	Total Depth of Borehole 7.5 Feet
Borehole Diameter 4 Inches	Depth to Water 3.25 Feet

Graphic Log	Description / Lithology	Depth (feet)	Sample	WDP Blow Count	Recovery (%)	Moisture (%)	DD (pcf)	LL (%), PL (%)	Swell (%)	Completion
OL	Topsoil									X
GC	CLAYEY SAND & GRAVEL, brown and gray, medium dense to dense, moist to wet, low to no plasticity	5	▽	50+	50+	50+	50+	50+	50+	X
	Exploration terminated at 7.5 feet due to refusal to exploration.									X
	Groundwater was encountered at 4.5 feet during exploration and at 3.25 feet after the completion of drilling.									X



Descriptive Terminology & Soil Classification

SYMBOLS		TYPICAL DESCRIPTIONS	SYMBOLS		TYPICAL DESCRIPTIONS
GRAPH	LETTER		GRAPH	LETTER	
	GW	WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES (GRAVEL)		Drain Rock	FREE DRAINING ROCK WITH NO FINES CRUSHED or ROUNDED (PEBBLE)
	GP	POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES (GRAVEL)		Crushed Rock	CRUSHED ROCK GRAVEL TYPICAL 3/4" minus (rdfill)
	GM	SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES (ANSI31@45+GRAVEL)		Fill	MAN MADE FILL (ANSI37)
	GC	CLAYEY GRAVELS, GRAVEL - SAND - CLAY MIXTURES (ANSI31+GRAVEL)		Wood	Wood, RETAINING WALL (pgrain)
	SW	WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES (SAND)		Topsoil	TOPSOIL (SWAMP + SAND)
	SP	POORLY-GRADED SANDS, GRAVELLY SAND, LITTLE OR NO FINES (SAND)		Earth (Soil)	EARTH SOIL (EARTH)
	SM	SILTY SANDS, SAND - SILT MIXTURES (ANSI31@45+SAND)		Earth (Rock)	EARTH ROCK (MOSAIC)
	SC	CLAYEY SANDS, SAND - CLAY MIXTURES (ANSI31+SAND)		Concrete	CONCRETE (ARCONC)
	ML	INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY (ANSI31@45)		Asphalt	ASPHALT (SOLID)
	CL	INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS (ANSI31)		Landslide Debris	LANDSLIDE DEBRIS (TRIANG@180)
	OL	ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY (DASH)		Siltstone	SILTSTONE (CROSS@45)
	MH	INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS (ANSI34@45)		Mudstone	MUDSTONE (CLAY)
	CH	INORGANIC CLAYS OF HIGH PLASTICITY (ANSI34)		Limestone	Limestone (AR-B816)
	OH	ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS		Basalt	BASALT (HONEY)
	PT	PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS (SWAMP)		Coal	Coal (AR-RROOF)

Descriptive Terminology & Soil Classification

Laboratory/Field Testing Definitions for Exploration Logs

- DD = Dry Density (pcf)
 - WD = Wet Density (pcf)
 - MC = Moisture Content (%)
 - Plastic Limit (%)
 - LL = Liquid Limit (%)
 - PI = Plasticity Index
 - OC = Organic Content (%)
 - S = Saturation Percent (%)
 - SG = Specific Gravity
 - C = Cohesion
 - ϕ = Angle of Internal Friction
 - qu = Unconfined Compressive Strength
 - #200 = Percent Passing the Number 200 Sieve
 - CBR = California Bearing Ratio
 - VS = Vane Shear
 - PP = Pocket Penetrometer
 - DP = Drive Probe
 - SPT = Standard Penetration Test
 - BPF = Blows Per Foot (N value)
 - SH = Shelby Tube Sample
 - GW = Groundwater
 - RQD = Rock Quality Desidnation
 - TP = Test Pit
 - B = Boring
 - HA = Hand Auger
-  = Groundwater Level/Seepage Encountered During Exploration
 = Static Groundwater Level with Date Measured

Consistency of Cohesive Soils

Consistency	SPT (BPF)	PP (tsf)
Very Soft	0-1	less than 0.25
Soft	2 - 4	0.25 - 0.5
Medium Stiff	5 - 8	0.5 - 1.0
Stiff	9 - 15	1.0 - 2.0
Very Stiff	16 - 30	2.0 - 4.0
Hard	30+	over 4.0

Relative Density of Cohesionless Soils

Density	SPT (BPF)
Very Loose	0 - 4
Loose	5 - 10
Medium Dense	11 - 30
Dense	31 - 50
Very Dense	50+

Particle Size Identification

Name	Diameter (inches)	Sieve No.
Rock Block	>120	
Boulder	12 - 120	
Cobble	3 - 12	
Gravel		
Coarse	3/4 - 3	
Fine	1/4 - 3/4	No. 4
Sand		
Coarse	4.75 mm	No. 10
Medium	2.0 mm	No. 40
Fine	0.425 mm	No. 200
Silt	0.075 mm	
Clay	<0.005mm	

SPT Explorations - Standard penetration testing is performed by driving a 2-inch O.D. split-spoon sampler into the undisturbed formation at the bottom of the boring with repeated blows of a 140-pound pin-guided hammer falling 30 inches. Number of blows (N value) required to drive the sampler a given distance was considered a measure of soil consistency.

SH Sampling - Shelby tube sampling is performed with a thin walled sampler pushed into the undisturbed soil to sample 2.0 feet of soil.

Air Track Exploration - Testing is performed by measuring rate of advancement and samples are retrieved from cuttings.

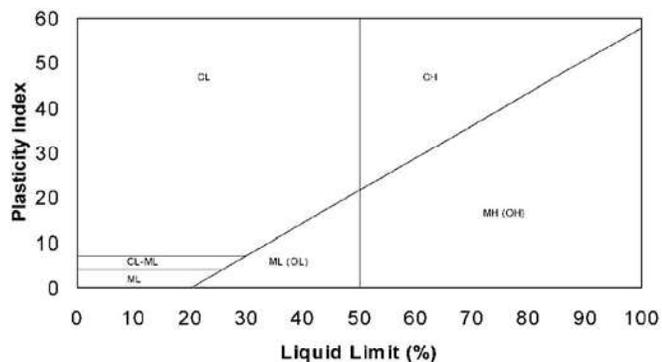
Hand Auger Exploration - Testing is performed using a 3.25" diameter auger to advance into the earth and retrieve samples.

Drive Probe Explorations - This "relative density" exploration device is used to determine the distribution and estimate strength of the subsurface soil and decomposed rock units. The resistance to penetration is measured in blows-per-1/2 foot of an 11-pound hammer which free falls roughly 3.5 feet driving the S inch diameter pipe into the ground. A schematic of the drive probe apparatus is included in the subsurface exploration portion of the appendix. For a more detailed description of this geotechnical exploration method, the *Slope Stability Reference Guide for National Forests in the United States, Volume I, United States Department of Agriculture, EM-7170-13, August 1994, p. 317-321.*

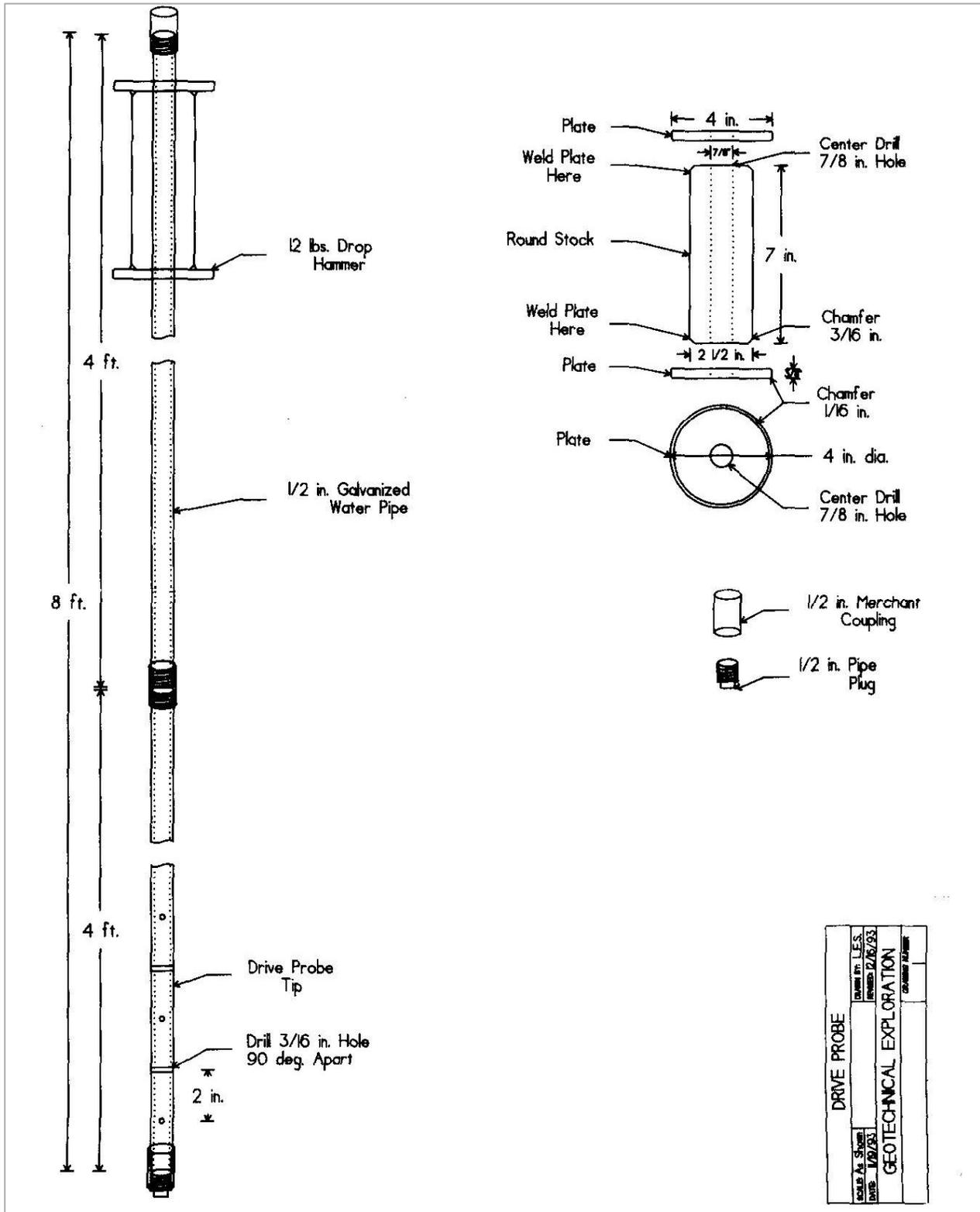
CPT Exploration - Cone Penetrometer Explorations consist of pushing a probe cone into the earth using the reaction of a 20-ton truck. The cone resistance (qc) and sleeve friction resistance (fs) are measured as the probe was pushed into the earth. The values of qc and fs (in tsf) are noted as the localized index of soil strength.

Unified Soil Classification System; from American Society for Testing and Materials

MAJOR DIVISIONS		GROUP SYMBOL	GROUP NAME
COARSE GRAINED SOILS MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 200 SIEVE	GRAVEL MORE THAN 50% OF COARSE FRACTION RETAINED ON NO. 4 SIEVE	Clean Gravel	GW WELL-GRADED GRAVEL, FINE TO COARSE GRAVEL
		Poorly-graded gravel	GP POORLY-GRADED GRAVEL
	Gravel with fines	SW	SILT GRAVEL
		GC	CLAYEY GRAVEL
	SAND MORE THAN 50% OF COARSE FRACTION PASSES NO. 4 SIEVE	Clean Sand	SW WELL-GRADED SAND, FINE TO COARSE SAND
		Poorly-graded sand	SP POORLY-GRADED SAND
FINE GRAINED SOILS MORE THAN 50% PASSES NO. 200 SIEVE	SILT AND CLAY LIQUID LIMIT LESS THAN 50	ML	SILT
		CL	CLAY
	SILT AND CLAY LIQUID LIMIT 50 OR MORE	OL	ORGANIC SILT, ORGANIC CLAY
		OH	ORGANIC CLAY, ORGANIC SILT
	HIGHLY ORGANIC SOILS	RH	SILT OF HIGH PLASTICITY, ELASTIC SILT
		CH	CLAY OF HIGH PLASTICITY, FAT CLAY
	OH	ORGANIC CLAY, ORGANIC SILT	
	PT	PEAT	



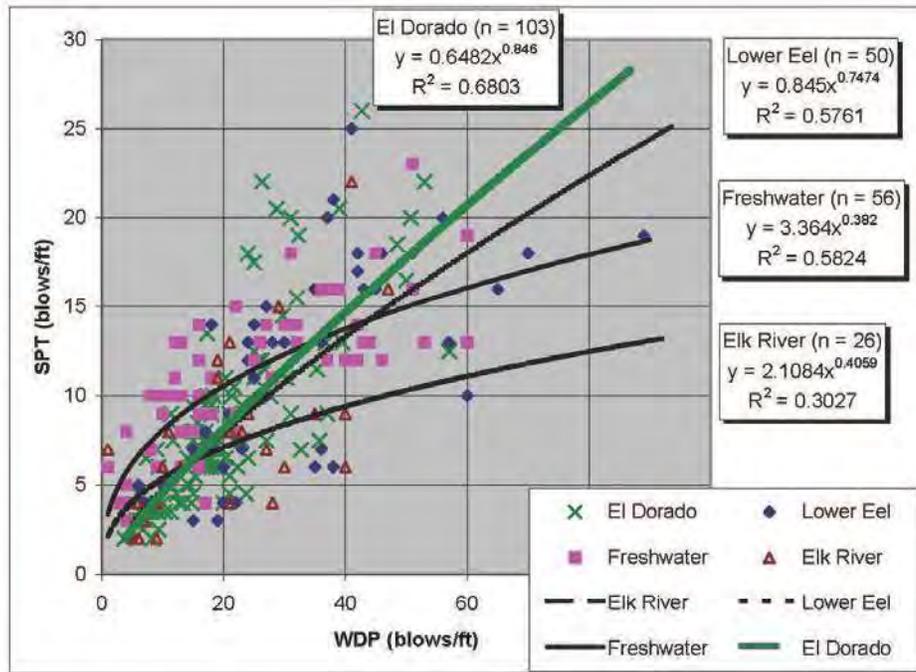
Drive Prove Schematic



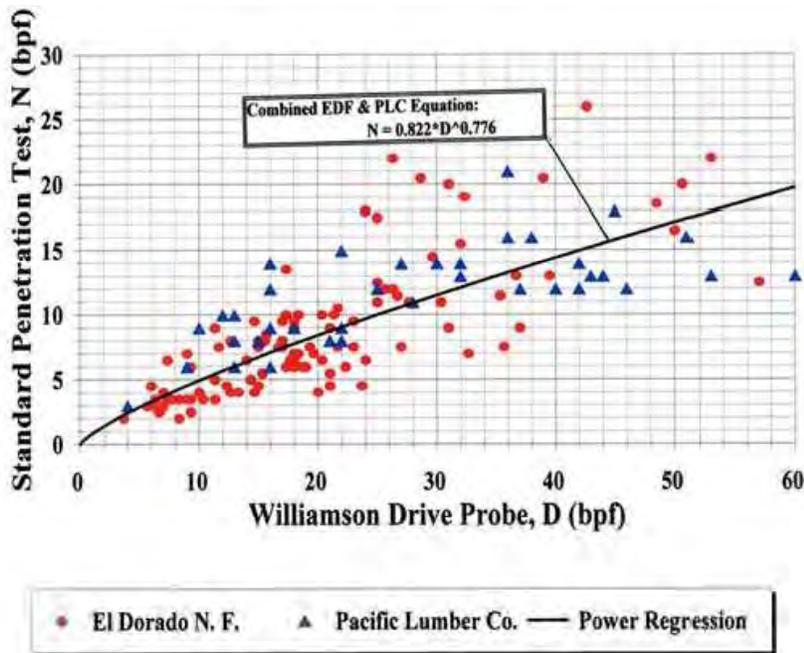
Reference: Figure 3.6.1, Appendix 3.6, Page No. 321, USDA EM-7170-13, August 1994, Volume I

CORRELATION

WILLIAMSON DRIVE PROBE (WDP) STANDARD PENETRATION TEST (SPT)



SOURCE: Published literature by W.C. Adams (Hart Crowser, Inc.), R.W. Prellwitz (Bitterroot Geotechnical) & T.E. Koler (El Dorado National Forest).



SOURCE: United States Forest Service, Technology Development Program Website (http://www.fs.fed.us/t-d/programs/im/williamson_drive/correlation.shtml)

IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING REPORT

As the client of a consulting geotechnical engineer, you should know that site subsurface conditions cause more construction problems than any other factor. ASFE/the Association of Engineering Firms Practicing in the Geosciences offers the following suggestions and observations to help you manage your risks.

A GEOTECHNICAL ENGINEERING REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS Your geotechnical engineering report is based on a subsurface exploration plan designed to consider a unique set of project-specific factors. These factors typically include: the general nature of the structure involved, its size, and configuration; the location of the structure on the site; other improvements, such as access roads, parking lots, and underground utilities; and the additional risk created by scope-of-service limitations imposed by the client. To help avoid costly problems, ask your geotechnical engineer to evaluate how factors that change subsequent to the date of the report may affect the report's recommendations.

Unless your geotechnical engineer indicates otherwise, do not use your geotechnical engineering report:

MOST GEOTECHNICAL FINDINGS ARE PROFESSIONAL JUDGMENTS

Site exploration identifies actual subsurface conditions only at those points where samples are taken. The data were extrapolated by your geotechnical engineer who then applied judgment to render an opinion about overall subsurface conditions. The actual interface between materials may be far more gradual or abrupt than your report indicates. Actual conditions in areas not sampled may differ from those predicted in your report. While nothing can be done to prevent such situations, you and your geotechnical engineer can work together to help minimize their impact. Retaining your geotechnical engineer to observe construction can be particularly beneficial in this respect.

- when the nature of the proposed structure is changed. for example, if an office building will be erected instead of a parking garage, or a refrigerated warehouse will be built instead of an unrefrigerated one;
- when the size, elevation, or configuration of the proposed structure is altered;
- when the location or orientation of the proposed structure is modified;
- when there is a change of ownership; or .for application to an adjacent site.

Geotechnical engineers cannot accept responsibility for problems that may occur if they are not consulted after factors considered in their report's development have changed.

A REPORT'S RECOMMENDATIONS CAN ONLY BE PRELIMINARY

The construction recommendations included in your geotechnical engineer's report are preliminary, because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site.

Because actual subsurface conditions can be discerned only during earthwork, you should retain your geotechnical engineer to observe actual conditions and to finalize recommendations. Only the geotechnical engineer who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations are valid and whether or not the contractor is abiding by applicable recommendations. The geotechnical engineer who developed your report cannot assume responsibility or liability for the adequacy of the report's recommendations if another party is retained to observe construction.

SUBSURFACE CONDITIONS CAN CHANGE

A geotechnical engineering report is based on conditions that existed at the time of subsurface exploration. Do not base construction decisions on a geotechnical engineering report whose adequacy may have been affected by time. Speak with your geotechnical consultant to learn if additional tests are advisable before construction starts. Note, too, that additional tests may be required when subsurface conditions are affected by construction operations at or adjacent to the site, or by natural events such as floods, earthquakes, or ground water fluctuations. Keep your geotechnical consultant apprised of any such events.

GEOTECHNICAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND PERSONS

Consulting geotechnical engineers prepare reports to meet the specific needs of specific individuals. A report prepared for a civil engineer may not be adequate for a construction contractor or even another civil engineer. Unless indicated otherwise, your geotechnical engineer prepared your report expressly for you and expressly for purposes you indicated. No one other than you should apply this report for its intended purpose without first conferring with the geotechnical engineer. No party should apply this report for any purpose other than that originally contemplated without first conferring with the geotechnical engineer.

GEOENVIRONMENTAL CONCERNS ARE NOT AT ISSUE

Your geotechnical engineering report is not likely to relate any findings, conclusions, or recommendations

about the potential for hazardous materials existing at the site. The equipment, techniques, and personnel used to perform a geoenvironmental exploration differ substantially from those applied in geotechnical engineering. Contamination can create major risks. If you have no information about the potential for your site being contaminated, you are advised to speak with your geotechnical consultant for information relating to geoenvironmental issues.

A GEOTECHNICAL ENGINEERING REPORT IS SUBJECT TO MISINTERPRETATION

Costly problems can occur when other design professionals develop their plans based on misinterpretations of a geotechnical engineering report. To help avoid misinterpretations, retain your geotechnical engineer to work with other project design professionals who are affected by the geotechnical report. Have your geotechnical engineer explain report implications to design professionals affected by them, and then review those design professionals' plans and specifications to see how they have incorporated geotechnical factors. Although certain other design professionals may be familiar with geotechnical concerns, none knows as much about them as a competent geotechnical engineer.

BORING LOGS SHOULD NOT BE SEPARATED FROM THE REPORT

Geotechnical engineers develop final boring logs based upon their interpretation of the field logs (assembled by site personnel) and laboratory evaluation of field samples. Geotechnical engineers customarily include only final boring logs in their reports. Final boring logs should not under any circumstances be redrawn for inclusion in architectural or other design drawings, because drafters may commit errors or omissions in the transfer process. Although photographic reproduction eliminates this problem, it does nothing to minimize the possibility of contractors misinterpreting the logs during bid preparation. When this occurs, delays, disputes, and unanticipated costs are the all-too-frequent result.

To minimize the likelihood of boring log misinterpretation, give contractors ready access to the complete geotechnical engineering report prepared or authorized for their use. (If access is provided only to the report prepared for you, you should advise contractors of the report's limitations, assuming that a contractor was not one of the specific persons for whom the report was prepared and that developing

construction cost estimates was not one of the specific purposes for which it was prepared. In other words, while a contractor may gain important knowledge from a report prepared for another party, the contractor would be well-advised to discuss the report with your geotechnical engineer and to perform the additional or alternative work that the contractor believes may be needed to obtain the data specifically appropriate for construction cost estimating purposes.) Some clients believe that it is unwise or unnecessary to give contractors access to their geotechnical engineering reports because they hold the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems. It also helps reduce the adversarial attitudes that can aggravate problems to disproportionate scale.

READ RESPONSIBILITY CLAUSES CLOSELY

Because geotechnical engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against geotechnical engineers. To help prevent this problem, geotechnical engineers have developed a number of clauses for use in their contracts, reports, and other documents. Responsibility clauses are not exculpatory clauses designed to transfer geotechnical engineers' liabilities to other parties. Instead, they are definitive clauses that identify where geotechnical engineers' responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your geotechnical engineering report. Read them closely. Your geotechnical engineer will be pleased to give full and frank answers to any questions.

RELY ON THE GEOTECHNICAL ENGINEER FOR ADDITIONAL ASSISTANCE

Most ASFE-member consulting geotechnical engineering firms are familiar with a variety of techniques and approaches that can be used to help reduce risks for all parties to a construction project, from design through construction. Speak with your geotechnical engineer not only about geotechnical issues, but others as well, to learn about approaches that may be of genuine benefit. You may also wish to obtain certain ASFE publications. Contact a member of ASFE or ASFE for a complimentary directory of ASFE publications.



8811 Colesville Road/Suite G106/Silver Spring, MD 20910
Telephone: 301/565-2733 Facsimile: 301/589-2017

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BUILDING ASSESSMENTS

WWW.AMERICANGEOSERVICES.COM



August 30, 2023

Ifrain Rodriguez
6184 Niwot Road
Longmont, Colorado 80503

Re: Preliminary On-Site Wastewater Treatment System (OWTS)
Site and Soil Evaluation Report
Proposed Subdivision – Parcel # 131734000001
6184 Niwot Road, Boulder County (Longmont) Colorado
Soilogic Project # 23-1217

Mr. Rodriguez:

Soilogic, Inc. (Soilogic) personnel have completed the preliminary On-Site Wastewater Treatment Systems (OWTS) site and soil evaluation you requested to determine the suitability of the above referenced parcel to support OWTS. The OWTS site and soil evaluation was completed through site specific subsurface exploration via test pit observations.

SITE DESCRIPTION

We understand the subject parcel includes a total of approximately 39.5 acres located in the Northeast quarter of Section 34, Township 2 North, Range 70 West of the 6th Principal Meridian in Boulder County near Longmont, Colorado. We understand the site may be subdivided to include a total of 10 single-family residential lots. We understand an existing single-family residence, detached barn and OWTS are present on the subject parcel and would be included as a single subdivision lot consisting of approximately 16 total acres. We understand the remaining nine (9) lots would all be greater than 2.15 acres in size with a majority of the lots expected to be approximately 2.5 acres in size. We expect the proposed residential structures will be lightly-loaded 1 or 2-story wood frame structures constructed over crawl spaces or full basements where subsurface conditions permit. Foundations loads for the structures are expected to be light, with continuous wall loads less than 3.5 kips per lineal foot and individual column loads less than 75 kips. Wastewater generated by the residences will be disposed of through On-Site Wastewater Treatment Systems.

Preliminary On-Site Wastewater Treatment System (OWTS)
Site and Soil Evaluation Report
Proposed Subdivision – Parcel # 13173400001
6184 Niwot Road, Boulder County (Longmont) Colorado
Soilogic Project # 23-1217

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The subject property was observed to be vegetated in grasses and weeds and generally slopes downward to the northeast with the maximum difference in ground surface elevation across the parcel estimated to be approximately 20 feet based on topographic maps. The Hinman Ditch (an earthen lined irrigation ditch) transects a small portion of the existing parcel near the southwestern property corner.

PRELIMINARY OWTS - SITE AND SOIL EVALUATION

Soilogic personnel have completed the test pit observations and site and soil evaluation you requested to determine the suitability of the above referenced property to support On-Site Wastewater Treatment Systems (OWTS). Results of the completed site and soil evaluation and a diagram indicating the approximate location of the profile test pits are included with this report.

On August 18, 2023, and as part of our site OWTS evaluation, Soilogic personnel observed four (4) test pit excavations completed by others across the subject property. Graphic logs of the profile test pits are included with this report as test pit TP-1 through TP-4. The materials encountered in profile the test pits consisted of approximately 2 to 8 inches of vegetation and topsoil underlain by dark-brown/rust-brown/beige Sandy Clay with a Granular structure shape and a Weak structure grade (Soil Type 4A) which extended to depths ranging from approximately 1½ to 3-feet below present site grade and was underlain by light-brown/rust-brown Loamy Sand with Gravel and Cobble with a Single Grain structure Grade (Soil Type R-0) which extended to the bottom the profile test pits at a depth of approximately 6 feet below present site grade. Soil samples obtained from the profile test pits were sealed and returned to the laboratory for further evaluation.

At the time of our site visit, groundwater was encountered in profile test pits TP-1 through TP-4 at depths of approximately 4½, 4, 2 and 5-feet below ground surface, respectively. Groundwater level information is indicated in the upper right-hand corner of the attached test pit logs. Groundwater levels will vary seasonally and over time based on weather conditions, site development, irrigation practices and other hydrologic conditions. Perched and/or trapped groundwater conditions may also be encountered at times throughout the year. Perched water is commonly encountered in soils overlying less permeable soil layers and/or

Preliminary On-Site Wastewater Treatment System (OWTS)
Site and Soil Evaluation Report
Proposed Subdivision – Parcel # 13173400001
6184 Niwot Road, Boulder County (Longmont) Colorado
Soilogic Project # 23-1217

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bedrock. Trapped water is typically encountered within more permeable zones of layered soil and bedrock systems. The location and amount of perched/trapped water can also vary over time.

As part of our soil evaluation, visual and tactile soil evaluations were completed on representative portions of the materials obtained from the profile test pits. The overburden Sandy Clay soils sampled contained less than 35% rock (material larger than a #10 (2 mm) size sieve). However, based on gradation analysis, greater than 35% of the underlying Loamy Sand with Gravel and Cobble samples were retained on the #10 (2 mm) size sieve resulting in a ‘Soil Type R-0’ classification and requirement for importing filter sand and the use of pressure distribution.

Boulder County Public Health (BCPH) guidelines require a percolation rate in the range of 5 to 60 minutes per inch for use of a non-engineered conventional OWTS. The ‘Soil Type R-0’ classification and corresponding percolation rate of less than five (5) minutes per inch does not meet that criterion. In addition, BCPH guidelines require that neither groundwater, nor crystalline bedrock, nor ‘Soil Type R’ materials be encountered within 4 feet of the ground surface in the proposed STA. The subsurface conditions encountered in the profile test pits indicate this area does not meet ‘Soil Type R’ and groundwater separation criteria but does meet and crystalline bedrock separation criteria.

Based on the results of our completed site and soil evaluation, we expect engineered OWTS designs will be required for all of the proposed lots on the subject site. Pressure dosed open-bottom sand filter systems constructed below ground surface could be considered in areas with sufficient vertical separation from seasonal groundwater levels. In areas of relatively shallow depth to groundwater, we expect mounding of pressure dosed open-bottom sand filter systems will be required in order to develop sufficient vertical separation from seasonal groundwater levels. Based on the proposed subdivision of land we expect the proposed lots will be adequately sized to treat wastewater generated by the proposed residences. Provided BCPH OWTS regulations are maintained we expect wastewater generated by the residences and disposed of through OWTS’s will not adversely impact the environment. Lot specific evaluations will be required prior to permitting to determine Long-Term Acceptance Rates (LTAR) of the near surface soils, soil types and depth to groundwater in proposed STA’s.

Preliminary On-Site Wastewater Treatment System (OWTS)
Site and Soil Evaluation Report
Proposed Subdivision – Parcel # 131734000001
6184 Niwot Road, Boulder County (Longmont) Colorado
Soilogic Project # 23-1217
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We appreciate the opportunity to be of service to you on this project. If we can be of further service to you in any way or if you have any questions concerning the enclosed information, please do not hesitate to contact us.

Very Truly Yours,
Soilogic, Inc.



Josh Schmidt
Engineering Technician

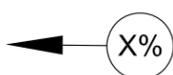
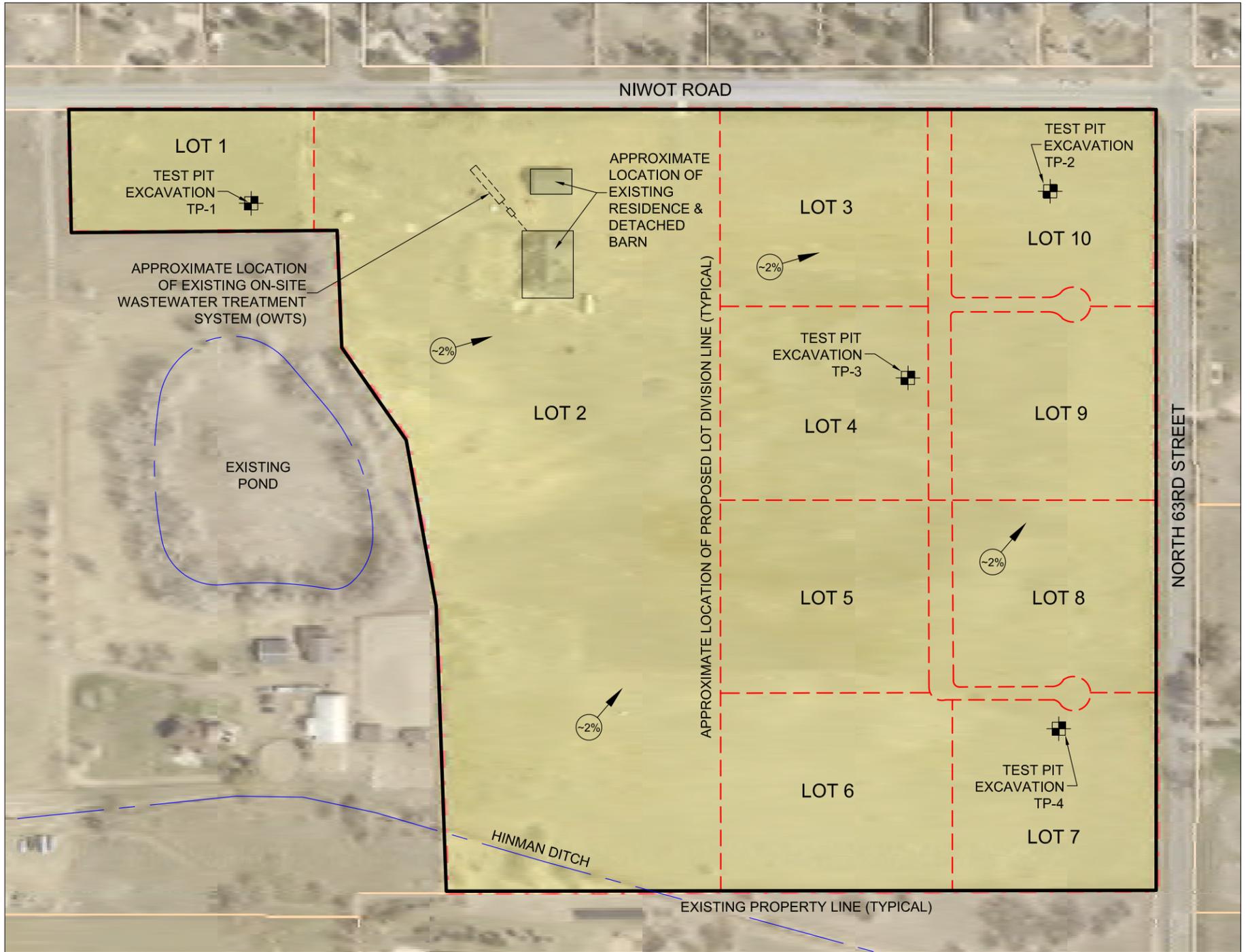
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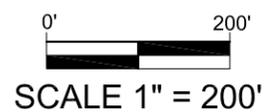
Wolf von Carlowitz, P.E.
Principal Engineer

AUGUST 2023
PROJECT #23-1217

TEST PIT LOCATION
DIAGRAM



DENOTES DIRECTION OF SLOPE
AND APPROXIMATE GRADE



SCALE 1" = 200' N



PROPOSED SUBDIVISION – PARCEL # 131734000001
6184 NIWOT ROAD, BOULDER COUNTY (LONGMONT) COLORADO

PROPOSED SUBDIVISION – PARCEL # 13173400001

6184 NIWOT ROAD, BOULDER COUNTY (LONGMONT) COLORADO

Project # 23-1217

August 2023



LOG OF TEST PIT TP-1

Sheet	1/1	Excavation Equipment:	Unknown	Water Depth Information	
Start Date	-	Auger Type:	-	During Excavation	-
Finish Date	-	Hammer Type:	-	After Excavation	-
Surface Elev.	-	Field Personnel:	JS	Site Visit: 8/18/2023	4.5'

USCS	SOIL DESCRIPTION	Depth (ft)	Sampler	"N"	MC (%)	DD (pcf)	Estimated q_u (psf)	% Swell @ 500 psf	Swell Pressure (psf)	Atterberg Limits		% Passing # 200 Sieve (%)
										LL	PI	
	6 - 8" VEGETATION & TOPSOIL	-										
	USDA: SANDY CLAY Soil Type 4A: Granular, Weak dark-brown, rust-brown	1										
		2										
		3										
	LOAMY SAND with GRAVEL & COBBLE Soil Type: R-0 rust-brown	4										
		5										
		6										
	BOTTOM OF TEST PIT @ 6.0'	7										
		8										
		9										
		10										
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PROPOSED SUBDIVISION – PARCEL # 13173400001

6184 NIWOT ROAD, BOULDER COUNTY (LONGMONT) COLORADO

Project # 23-1217

August 2023



LOG OF TEST PIT TP-2

Sheet	1/1	Excavation Equipment:	Unknown	Water Depth Information	
Start Date	-	Auger Type:	-	During Excavation	-
Finish Date	-	Hammer Type:	-	After Excavation	-
Surface Elev.	-	Field Personnel:	JS	Site Visit: 8/18/2023	4.0'

USCS	SOIL DESCRIPTION	Depth (ft)	Sampler	"N"	MC (%)	DD (pcf)	Estimated q_u (psf)	% Swell @ 500 psf	Swell Pressure (psf)	Atterberg Limits		% Passing # 200 Sieve (%)
										LL	PI	
	2 - 4" VEGETATION & TOPSOIL	-										
	USDA: SANDY CLAY	1										
	Soil Type 4A: Granular, Weak - dk-br, rust-br	-										
	LOAMY SAND with GRAVEL & COBBLE Soil Type: R-0 rust-bown	2										
		3										
		4										
		5										
		6										
	BOTTOM OF TEST PIT @ 6.0'	7										
		8										
		9										
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PROPOSED SUBDIVISION – PARCEL # 13173400001

6184 NIWOT ROAD, BOULDER COUNTY (LONGMONT) COLORADO

Project # 23-1217
August 2023



LOG OF TEST PIT TP-3

Sheet	1/1	Excavation Equipment:	Unknown	Water Depth Information	
Start Date	-	Auger Type:	-	During Excavation	-
Finish Date	-	Hammer Type:	-	After Excavation	-
Surface Elev.	-	Field Personnel:	JS	Site Visit: 8/18/2023	2.0'

USCS	SOIL DESCRIPTION	Depth (ft)	Sampler	"N"	MC (%)	DD (pcf)	Estimated q_u (psf)	% Swell @ 500 psf	Swell Pressure (psf)	Atterberg Limits		% Passing # 200 Sieve (%)
										LL	PI	
	2 - 4" VEGETATION & TOPSOIL	-										
	USDA: SANDY CLAY	1										
	Soil Type 4A: Granular, Weak - dk-br, rust-br	-										
	LOAMY SAND with GRAVEL & COBBLE Soil Type: R-0 rust-bown	2										
		3										
		4										
		5										
		6										
	BOTTOM OF TEST PIT @ 6.0'	7										
		8										
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PROPOSED SUBDIVISION – PARCEL # 13173400001

6184 NIWOT ROAD, BOULDER COUNTY (LONGMONT) COLORADO

Project # 23-1217

August 2023



LOG OF TEST PIT TP-4

Sheet	1/1	Excavation Equipment:	Unknown	Water Depth Information	
Start Date	-	Auger Type:	-	During Excavation	-
Finish Date	-	Hammer Type:	-	After Excavation	-
Surface Elev.	-	Field Personnel:	JS	Site Visit: 8/18/2023	5.0'

USCS	SOIL DESCRIPTION	Depth (ft)	Sampler	"N"	MC (%)	DD (pcf)	Estimated q_u (psf)	% Swell @ 500 psf	Swell Pressure (psf)	Atterberg Limits		% Passing # 200 Sieve (%)
										LL	PI	
	6 - 8" VEGETATION & TOPSOIL	-										
	USDA: SANDY CLAY Soil Type 4A: Granular, Weak dark-brown, beige	1										
		2										
		3										
	LOAMY SAND with GRAVEL & COBBLE Soil Type: R-0 rust-brown	4										
		5										
		6										
	BOTTOM OF TEST PIT @ 6.0'	7										
		8										
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Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302 • Tel: 303.441.3930 • Fax: 303.441.4856
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.gov

Building Safety & Inspection Services Team

MEMO

TO: Pete L'Orange, Planner II
 FROM: Michelle Huebner, Plans Examiner Supervisor
 DATE: July 25, 2022

RE: Referral Response, SD-23-0003: RODRIGUEZ TDR_PUD. Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

Location: 6184 Niwot Road

Thank you for the referral. We have the following comments for the applicants:

1. **Building Permit.** Building permits, plan review, inspection approvals, and a Certificate of Occupancy ("C.O.") are required for each proposed residence. Separate building permits are required for detached buildings, pools, hot tubs and outdoor gas fireplaces.

Pools, hot tubs and fireplaces must be offset with on-site or off-site renewable energy per sections N1103.10, N1103.11 and N1103.14 of the Boulder County Building Code Amendments.

Please refer to the county's adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

2. **Automatic Fire Sprinkler System.** Under the 2015 International Residential Code ("IRC") as adopted by Boulder County, all new one- and two-family dwellings and townhouses are required to be equipped with an automatic fire sprinkler system that is designed and installed in accordance with NFPA 13D or IRC Section P2904.
3. **BuildSmart.** Please refer to the county's adoption and amendments to Chapter 11 of the IRC, the county's "BuildSmart" program, for the applicable requirements for energy conservation and sustainability for residential additions and new residential buildings. Please be aware that there are energy related requirements of this code

Claire Levy County Commissioner Marta Loachamin County Commissioner Ashley Stolzmann County Commissioner

that may require the use of renewable energy systems (such as rooftop solar systems) that will also need to be approved by your electric utility provider. In some cases, there may be limitations on the size of on-site systems allowed by your utility provider that could constrain the project design. We strongly encourage discussions between the design team and the utility company as early in the process as possible in order to identify these constraints.

4. **Design Wind and Snow Loads.** The design wind and ground snow loads for the properties are 155 mph (Vult) and 40 psf, respectively.
5. **Ignition-Resistant Construction and Defensible Space.** Please refer to Section R327 of the Boulder County Building Code for wildfire hazard mitigation requirements, including ignition-resistant construction and defensible space.
6. **Electric vehicle charging outlet.** Boulder County Building Code requires:
 - a. R329.1 Electric vehicle charging pre-wire option. In addition to the one 125-volt receptacle outlet required for each car space by NEC Section 210.52(G)(1.), every new garage or carport that is accessory to a one- or two-family dwelling or townhouse shall include at least one of the following, installed in accordance with the requirements of Article 625 of the Electrical Code:
 - i. A Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - ii. Upgraded wiring to accommodate the future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet, or
 - iii. Electrical conduit to allow ease of future installation of a Level 2 (240-volt) electric vehicle charging receptacle outlet.
7. **Plan Review.** The items listed above are a general summary of some of the county's building code requirements. A much more detailed plan review will be performed at the time of building permit application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met. Our [Residential Plan Check List](https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf) and other Building Safety publications can be found at: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b24-residential-plan-check-list.pdf>

If the applicants should have questions or need additional information, we'd be happy to work with them toward solutions that meet minimum building code requirements. Please call (720) 564-2640 or contact us via e-mail at building@bouldercounty.org



Community Planning & Permitting

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August 28, 2023

TO: Pete L'Orange, Planner II; Community Planning & Permitting, Development Review Team - Zoning

FROM: Anita Riley, Principal Planner; Community Planning & Permitting, Development Review Team – Access & Engineering

SUBJECT: Docket # SD-23-0003: Rodriguez TDR PUD Sketch Plan – 6184 Niwot Road

The Development Review Team – Access & Engineering staff has reviewed the above referenced docket and has the following comments:

Access

1. The subject property is located at the southwest corner of Niwot Road and N. 63rd Street. There is an existing access for the property at Niwot Road, a paved County owned and maintained right-of-way (ROW) with a functional classification of Collector. Legal access has been demonstrated by adjacency to the public ROW.

The proposal appears to indicate that Lots 1 and 2 would be access from Niwot Road, while Lots 3 through 10 would be accessed from a new road that intersects Niwot Road approximately 340 feet west of the intersection of Niwot Road and N. 63rd Street.

In order to achieve better access control, staff recommends that Lots 1 and 2 be slightly reconfigured so that a private road, that directly opposes Strath Road, can be created to serve both lots rather than providing individual accesses to Niwot Road.

Be aware that the subdivision roads must be privately owned.

Plat/Design

2. The Sketch Plat lacks information and dimensions that would assist in the review of this proposal. The plan indicates 30-foot easements at the perimeter of the subject property but does not define the use of the easements. Additionally, there appears to be an easement or outlot, approximately 22 feet in width, between Lots 6 and 7. More information should be provided about these easements.

Any easements for ditches that traverse the property should be shown. Also, utility easements should be shown at the lot boundaries, as appropriate.

3. The applicant must dedicate 15 feet of ROW to County at N. 63rd Street. Note that aAll proposed site and drainage improvements must be located in a way to avoid any conflicts with the additional right-of-way dedication.
4. All subdivision roads must be located in outlots or easements that are dimensioned to allow for roads that meet the Boulder County Multimodal Transportation Standards (Standards). The Sketch Plat does not currently dimension the road outlot or easement but it appears to be 35 to 40 feet, which is narrower than the nominal right-of-way width for a local access road as noted in Table A-1 of the Standards.

5. Note that the current configuration of lots 3 through 10 does not require the additional side roads and cul-de-sacs. Staff recommends they be eliminated from the design.

Preliminary Plan Submittal

6. At the time of Preliminary Plan, the applicant must submit a complete set of Preliminary Plan documents including, but not limited to:
 - a. A Preliminary Geotechnical Engineering Report;
 - b. A traffic report complying with the Boulder County Road Standards and Specifications must be submitted by the applicant at the Preliminary Plan level of review;
 - c. A Preliminary Drainage Report that complies with the submittal requirements of the Boulder County Storm Drainage Criteria Manual;
 - d. A Grading (& Drainage) Plan that presents the proposed topography of the fill necessary to remove the site from the special flood hazard area;
 - e. Pavement design for the subdivision roads;
 - f. A complete set of preliminary construction drawings, including:
 - i. Construction notes that aid in evaluating the sequence of construction activities as proposed with this development.
 - ii. Detailed cross-sections every 50-feet;
 - iii. Access road plan/profile is needed for all subdivision roads. Plan/profile information shall include, but not be limited to, proposed road grade, vertical curves, existing and proposed grades, utility locations, and culvert locations;
 - iv. An erosion and sedimentation control (ESC) plan, as required in Article 7-903 of the Boulder County Land Use Code; and
 - v. Details of road, utility and ESC improvements.

All engineered plans submitted for review must be prepared by a licensed civil engineer registered in the State of Colorado.

This concludes our comments at this time.



Community Planning & Permitting

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TO: Pete L'Orange
FROM: Ethan Abner, Long Range Planning Division
RE: Referral for SD-23-0003 Rodriguez TDR PUD
DATE: October 10, 2023

Boulder County Long Range Planning has reviewed the provided referral materials for docket SD-23-0003 and has the following comments:

1. The applicant proposes to create a Transferred Development Rights (TDR) Planned Unit Development (PUD) consisting of ten residential lots on approximately 39.5 acres.
 - a. One parcel of 16.03 acres;
 - b. One parcel of 2.75 acres;
 - c. Seven parcels of 2.5 acres; and
 - d. One parcel of 2.16 acres.

2. Article 5-102 Standards and Conditions for Sketch Plan Approval requires that the Planning Commission and the Board of County Commissioners shall not approve a sketch plan proposal until the applicant has adequately demonstrated that the proposal meets certain criteria in the Boulder County Land Use Code. One of the criteria, Criteria 4, requires that “the development plan conforms with the Comprehensive Plan...” Although the proposal would support Comprehensive Plan goals related to the preservation of land at the designated TDR sending site, the proposal conflicts with numerous policies, goals, and objectives outlined in the Comprehensive Plan.

3. The Boulder County Comprehensive Plan was developed to respond to the widely accepted principle that the county will make decisions affecting the future of the county’s lands in a coordinated and responsible manner. Since its initial adoption in 1978, the overall philosophy of the Plan has changed very little—the county’s vision is to channel growth to municipalities, to protect agricultural lands, and to prioritize preservation of our environmental and natural resources in making land use and related decisions. The Comprehensive Plan outlines specific geographic subregions, to include the Niwot/Lefthand/Boulder Creek Subregion where the subject parcel is located.

The only geographic area within the Niwot/Lefthand/Boulder Creek Subregion that has been planned to accommodate future development is the semi-rural Niwot Community Service Area, which is considered a “Limited Community Service Area.” The community of Niwot is planned to be the only designated service area within the Subregion and the geographic area wherein the majority

of future growth will be accommodated. The subject parcel lies outside of the Niwot Community Service Area, and as such, should be considered in the context of the Subregion Policies, primarily NIW 1.01 and NIW 1.02.

- a. NIW 1.01 Preservation of Agricultural Character. Based upon past and present land use, lack of community services, physical conditions and citizen desires, it is county policy to recognize and designate the existing land use character of the Lefthand/Niwot/Boulder Creek Subregion (with the exception of the Niwot Community Service Area) as being agricultural in nature and to ensure that the accompanying Land Use Plan Map and attendant Boulder County Land Use Code will acknowledge such character in the designation and implementation of future land use types.
- b. NIW 1.02 Limitations on New Building Sites and Residential Structures. In recognition and support of the designated agricultural character of the Subregion, the Boulder County Land Use Code shall be developed in such a manner as to discourage the further subdivision of lands, situated outside of designated "Community Service Areas" for the purpose of creating new building sites for residential, commercial, or industrial land uses (except as otherwise permitted within these policy statements or by state statutes). Furthermore, new residential structures shall only be permitted on vacant lots within recorded rural residential subdivisions or on other previously established building sites where past public and private commitments have been made for the creation of such structures and their attendant service needs.

As proposed, the subdivision does not preserve agricultural character, increases the fragmentation of agricultural lands classified as Agricultural Lands of Statewide Importance, and supports a pattern of development that is inconsistent with the Comprehensive Plan.

4. As proposed, the TDRPUD conflicts with various goals outlined in the Boulder County Comprehensive Plan's Agricultural Element, to include:
 - a. AG 1.01 Agricultural Lands Preservation. It is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within the unincorporated areas of the county...
 - b. AG 1.03 Agricultural Land of Importance. It is the policy of Boulder County to encourage the preservation and utilization of those lands identified in the Agricultural Element as Agricultural Lands of National, Statewide, or Local Importance and other agricultural lands for agricultural or rural uses.
 - c. AG 1.12 Land Unification. The County shall continue to discourage the fragmentation of large parcels of agricultural land and to encourage the assemblage of smaller parcels...

The subject parcel currently consists of 39.5 acres of land wholly classified as Agricultural Lands of Statewide Importance. Generally, these lands include areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when

treated and managed according to acceptable farming methods. Subdividing the parcel into ten parcels is contrary to the Comprehensive Plan goals outlined above as it fragments a larger agricultural parcel and does not propose preserving any agricultural lands at the site.

5. The proposal also conflicts with Housing Element 1.04 Limited Increases in Density, Sustainability Element 1.02 TDR Program Objectives, TR 2.01 Integrate Transportation and Land Use Planning, and TR 4.01 Reduce Single-Occupant-Vehicle Travel.
 - a. Housing 1.04 Limited Increases in Density. In circumscribed situations, the county may enable increased residential density that:
 - i. Meets affordability needs;
 - ii. Is integrated within or adjacent to existing developed areas;
 - iii. Is capable of being served by adequate public facilities;
 - iv. Is considerate of long-term cost impacts on public facilities; and
 - v. Has strong multimodal transportation connections or potential for such connections.
 - b. Sustainability Element 1.02 TDR Program Objectives. This TDR program should consider facilitating the attainment of any or all of the following objectives:
 - i. Preserving vacant lands identified in the Comprehensive Plan as having significant environmental, agricultural, visual or cultural values;
 - ii. Maintaining the character of established rural communities;
 - iii. Avoiding or reducing the fragmentation and disturbance of important ecological and environmental areas;
 - iv. Avoiding development in hazardous areas;
 - v. Providing incentives for the promotion and retention of a diverse housing stock;
 - vi. Protecting and securing scenic vistas;
 - vii. Promoting the county's goals of achieving sustainable land uses and reducing the impacts of the built environment; and
 - viii. Encouraging the voluntary participation of landowners.
 - c. Transportation Element 4.01 Reduce Single-Occupant-Vehicle Travel. Reduce single-occupant-vehicle (SOV) travel and shift SOV travel to off-peak periods through a variety of programs and techniques, including Transportation Demand Management (TDM).

The proposal conflicts with many of the overlapping objectives outlined above.

The proposed subdivision could increase housing stock in the county by nine units, but it is unlikely to address any affordability needs. The proposal would create ten lots in an area where the presumptive size maximum is 5,270 sq. ft. The Comprehensive Plan notes that new single-family homes sizes in the unincorporated county have gone from an average of 3,881 sq. ft. in

1990 to 5,929 sq. ft. in 2005. Considering development trends in the unincorporated county it is likely that larger homes that do not meet the definition of affordable housing would be constructed on these lots.

The development of subdivisions in rural areas and the growth in home sizes not only impacts the affordability of homes in the unincorporated county but can increase the amount of energy and natural resources used. Such an increase is contrary to the Sustainability Element of the Comprehensive Plan. The proposed development would not maintain the character of established rural communities, promote sustainable land uses, reduce the impacts of the build environment, or prevent fragmentation.

The proposal is also contrary to TR 2.01 Integrate Transportation and Land Use Planning and TR 4.01 Reduce Single-Occupant-Vehicle Travel. As proposed, the subdivision does not have multimodal transportation connections or potential for such connections at this time (HO 1.04). The project is an auto-dependent development that is not located where integration with the multimodal transportation system is possible.

Sustainability, Climate Action & Equity are cross-cutting themes identified in the BCCP, these are “far reaching in scope, inter-related and closely linked to the Plans Guiding Principles and the county’s core values.” Sustainability is defined in the BCCP as “the use, development and protection of resources in a way that enables Boulder County residents to meet their needs and maintain a high quality of life, without compromising the ability of future residents to do the same, while ensuring protection and enhancement of naturally occurring ecosystems and their native species populations” According to the 2023 Boulder County Sustainability Plan, Transportation accounts for 26% of Greenhouse Gas Emissions. It is this recognition that historic auto-dependent land use patterns are not sustainable. The BCCP and Sustainability Plan link Land Use and Transportation planning and seek to ensure that new development provides or is near multimodal transportation options and is located near existing infrastructure and populations.

This approach is consistent with the BCCP countywide goal of recognizing climate change. Climate action or achieving ‘rapid and deep greenhouse gas emissions’ is a cross-cutting theme of the BCCP, auto-dependent development outside of a community service area and distant from municipal service services and facilities is inconsistent with this theme. Equity is also defined in the BCCP as: the just distribution of the resources and opportunities needed to achieve equitable outcomes for everyone in a community. Equity is reached through the systemic implementation of policies, practices, attitudes, and cultural messages that create and reinforce outcomes for all people. Work to achieve equity and dismantle racial, economic and health inequity needs to occur on three distinct levels—individual, institutional, and structural. The proposed development converts agricultural lands for the development of a disconnected auto-oriented subdivision that would provide limited housing of a type beyond the reach of those historically left out of the housing market.

The proposal does not conform to the Comprehensive Plan element specific polices or the cross

cutting themes of the BCCP.

This concludes Long Range Planning comments. We look forward to continuing to provide feedback and input throughout this process.

Best,

A handwritten signature in blue ink, appearing to read 'E. Abner', written in a cursive style.

Ethan Abner, Long Range Planner I



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
 303-678-6200 • POSinfo@bouldercounty.org
 www.BoulderCountyOpenSpace.org

TO: Pete L'Orange, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: August 23, 2023
SUBJECT: Docket SD-23-0003, Rodriguez, 6184 Niwot Road

Site Conditions

The 39-acre parcel is currently in agricultural use, and includes an existing residence and outbuildings. A substantial water impoundment was recently excavated (see Discussion below).

County Comprehensive Plan Designations

The parcels have the following designations in the Boulder County Comprehensive Plan, or from other resource inventories:

- Significant Agricultural Lands of Statewide Importance – entire parcel
- Environmental Conservation Area – Boulder Valley Ranch/Beech, western area
- Bald Eagle Summer Foraging – Colorado Parks & Wildlife (CPW) data
- Bald Eagle Winter Foraging – CPW data
- Prairie Dog Colony – active; therefore, possible burrowing owl use
- Documented Use by other County Species of Concern – rough-legged hawk, Northern harrier
- Documented Nearby Use by Species of Concern – ferruginous hawk (700 linear feet)
- Riparian Area – “buffer”
- Major Agricultural Ditch – Reformed New Hinman Ditch
- View Protection Corridors – 63rd Street, and Niwot Road
- “Adjacent” to Public Lands – City of Boulder OSMP, 140 feet away
- Adjacent to Historic Site – Ryssby School, on south, archeological

Discussion

Staff cannot support the proposal, for a number of reasons.

The subdivision would result in the loss of about 22.5 acres of Significant Agricultural Lands of Statewide Importance. Lands of statewide (and national) importance are those areas with the most productive agricultural soil classifications in the county. Removing these lands from production would be a significant negative impact, counter to the goals and policies of the Boulder County Comprehensive Plan.

The immediate vicinity has a decades-long history and focus of land conservation, by both the county and the City of Boulder. Of the lands within a one-mile radius of the proposal, at least 11 fee purchases and 7 conservation easements have been secured by the county and City. These total about 870 acres. The subject parcel also is not adjacent to a municipality – a normal condition for a TDR receiving site.

Technically, the subject parcel is 140 feet from Area III of the Boulder Valley Comprehensive Plan (BVCP). This is also part of the history and focus of land conservation in the immediate area. The goals and requirements for Area III are to maintain such lands in “rural preservation.” Subdivisions, and most any other intensive development, are contrary to the BVCP.

As a condition of approval in 2017, the then-proposed house was relocated to the northwest area of the parcel (see SPR-17-0091); it had been originally proposed near the middle of the parcel. One of the reasons for relocation was negative visual impact to the county-designated Haystack Mountain Natural Landmark. Haystack Mountain is the backdrop from 63rd Street. The parcel’s scenic importance is already documented. The addition of nine new houses and associated infrastructure would be a significant negative impact to the View Protection Corridor of 63rd Street, and possibly to Niwot Road. It is very unlikely that strategic house placements and landscaping could significantly change these negative impacts.

It is unclear where the subsequent “urban” stormwater drainage would flow. Lefthand Creek is about 1400 feet to the north, and the general topography would take the water to the northeast, to the creek, either on the west side or the east side of 63rd Street. How the new stormwater would drain through the Brigadoon Glen/Range View/Oriole Estates subdivisions is unknown.

The site for the subdivision is a known raptor foraging area for county-designated, wildlife species of concern (see list above). This was documented by both Colorado Parks and Wildlife and by a 1992-2000 raptor study of the county’s plains. Anecdotally, staff has repeatedly observed hawks using the site, particularly in the winter. At least 22.5 acres of the new lots would be lost to these species.

Staff is unclear about the new water impoundment on the parcel. Excavated in 2022, the disturbance area for construction was about 1.5 acres, though the surface area of the water is less than an acre. Staff assumes that the applicants hold ditch shares, storage rights, and an augmentation plan for the new storage. What this water is used for, and whether some of this water could be used for subdivision lots, is unknown.

Staff notes that this review is for a sketch plan, which is conceptual.

The Riparian Area, Environmental Conservation Area, and the agricultural ditch would not be directly impacted.

Recommendation

- Based on the above discussion, the proposal should be denied.



Public Works Department

Date: August 1, 2023

To: Peter L'Orange, Planner II, plorange@bouldercounty.gov

From: Jennifer Keyes, Stormwater Quality Coordinator, jkeyes@bouldercounty.gov

Subject: SD-23-0003: Rodriguez TDR PUD project at 6184 Niwot Road

The Public Works Department Stormwater Quality Coordinator has reviewed the above referenced project, and has the following comments:

1. As a part of Boulder County's water quality protection and Municipal Separate Storm Sewer System Construction Program, a stormwater quality permit (SWQP) is required for the overlot grading and infrastructure associated with this new planned unit development (PUD).
2. This PUD will create construction activity that is considered a part of a larger common plan of development ultimately disturb one acre or more of surface area, even if multiple, separate, and distinct land development activities take place at different times. Consequently, future development on the created parcels will require a Boulder County Stormwater Quality Permit (SWQP) for each lot or the lot may be combined if approved by the Stormwater Quality Coordinator.
3. This development is required to adhere to the Boulder County Storm Drainage Criteria Manual which will require a drainage report meeting the requirements in Section 200 and demonstrating that the project meets Low Impact Development, detention, and permanent stormwater quality outlined in Section 1200. This report must be developed and stamped by a registered professional engineer.

This concludes our comments at this time, but I welcome questions at jkeyes@bouldercounty.gov and invite applicant (s) to review the information on the Boulder County Stormwater Quality Permit website: <https://www.bouldercounty.org/transportation/permits/stormwater-quality-permit/>

And the Storm Drainage Criteria Manual website:

<https://bouldercounty.gov/transportation/floodplain-management/storm-drainage-criteria-manual/>

Claire Levy County Commissioner **Marta Loachamin** County Commissioner **Ashley Stolzmann** County Commissioner

Physical Location • 2525 13th Street • Boulder, Colorado 80304 • Tel: 303.441.3900
Mailing Address: P.O. Box 471 • Boulder, CO 80306 • www.BoulderCounty.gov



Public Health

Environmental Health Division

October 4, 2023

TO: Staff Planner, Community Planning and Permitting

FROM: Jessica Epstein, Environmental Health Specialist

SUBJECT: SD-23-0003: RODRIGUEZ TDR_PUD project

OWNER: RODRIGUEZ

PROPERTY ADDRESS: 6184 Niwot Road

SEC-TOWN-RANGE: 34 -2N -70

The Boulder County Public Health (BCPH) – Environmental Health division has reviewed the submittals for the above referenced docket and has the following comments.

OWTS:

1. In this proposal, there are nine additional lots being created and one lot remaining for the current residence. The current residence has a permitted onsite wastewater treatment system (OWTS). The other lots are new building lots that will each require an OWTS new construction permit.
2. The existing OWTS for the owner's home will be called Lot 2 under this proposal. BCPH issued a repair permit for the installation of an absorption bed system on 1/10/18. The permit was issued for an OWTS adequate for a 5-bedroom house. BCPH approved the installation of the OWTS on 8/14/19.
3. On 8/30/23, BCPH received an OWTS engineer report including soils analysis and site evaluations for this proposal. The conclusion of the report is that the proposed lots will be able to accommodate the homes and the required OWTS per regulations.
4. The owner or their agent (e.g., contractor) for each proposed lot must apply for an OWTS permit, and the OWTS permit must be issued prior to installation and before a building permit can be obtained. The OWTS be installed, inspected and approved before a Certificate of Occupancy or Final Building Inspection approval will be issued by Community Permitting and Planning.
5. For each lot, a unique soils analysis and OWTS design is required. The preliminary engineer report submitted for this SD-23-0003, cannot be used to design the nine individual OWTS. Advanced treatment may be required by BCPH.
6. BCPH must conduct an onsite investigation and review percolation rates, soil conditions and any design plans and specifications prior to OWTS permit issuance. The OWTS absorption field must be located a minimum distance of 100' from all wells, 25' from waterlines, 50' from waterways and 10' from property lines.

This concludes comments from the Boulder County Public Health – Environmental Health division at this time. For additional information on the OWTS application process and regulations, refer to the following website: www.SepticSmart.org. If you have additional questions about OWTS, please do not hesitate to email HealthOWS@bouldercounty.org

Cc: OWTS file, owner, Community Permitting and Planning



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

MEMO TO: Agencies
FROM: Pete L'Orange, Planner II
DATE: July 18, 2023
RE: Docket SD-23-0003

Docket SD-23-0003: RODRIGUEZ TDR PUD

Request: Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

Location: 6184 Niwot Road, located at the southwest corner of Niwot Road and N. 63rd Street, in Section 34, Township 2N, Range 70W.

Zoning: Rural Residential (RR)

Applicants/Owners: Ifrain and Shannon Rodriguez

The Sketch Plan is the first step of the three step subdivision approval process. It reviews potential feasibility of the project, conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, and conformance with the Boulder County Comprehensive Plan.

This process includes public hearings before the Boulder County Planning Commission and Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.gov. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.gov to request more information. If you have questions regarding this application, please contact our office at (303) 441-3930 or me via email at plorange@bouldercounty.gov.

Please return responses to the above address by **August 22, 2023**.

We have reviewed the proposal and have no conflicts.
 Letter enclosed.

Signed  Please PRINT Name Jessica Fasick

Agency or Address CP&P Historic Review

Date 7/25/23

From: [Dean Rogers](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] SD-23-0003
Date: Tuesday, July 18, 2023 2:37:15 PM

Pete,

Boulder Rural has the following recommendations regarding SD-23-0003, the Rodriguez TDR_PUD project at 6184 Niwot Road.

1. We have no conflict with the property being sub-divided.
2. If it is, and if additional homes are built on the property/ies, several hydrants would be needed to service the new homes.
3. Driveway access, turn-arounds etc. would need to accommodate our and the neighboring departments fire engines.

If I missed anything, or if there are any questions, please let me know.

Thank you,

Dean Rogers, Engineer

Boulder Rural Fire Rescue
6230 Lookout Road, Boulder, CO 80301
O 303-530-9575 | C 720-498-0019
drogers@brfr.org | www.brfr.org





August 21, 2023

Pete L'Orange, Planner II
 Boulder County Community Planning & Permitting
 Transmission via email: plorange@bouldercounty.gov

Re: Rodriguez Subdivision Sketch Plan
 File Number SD-23-0003
 Pt. NE ¼, Section 34, T2N, R70W, 6th P.M.
 Water Division 1, Water District 5

Dear Mr. L'Orange:

We have reviewed the above-referenced proposal to subdivide an approximately 39.5-acre parcel into ten (10) lots. Lot 1 is proposed to be approximately 2.16 acres in size and is currently vacant. Lot 2 will be approximately 16.03 acres in size and contains an existing dwelling served by the Left Hand Water District. Lots 3-10 are proposed to each be approximately 2.5 acres in size and are currently vacant. The proposed source of water supply for the subdivision is the Left Hand Water District ("District").

Water Supply Demand

The estimated water requirements for this project were not provided. The Left Hand Water District conservatively estimates an average daily demand of 650 gallons per day per tap for residential use (0.73 acre-feet/year). Total water requirements for the proposed subdivision would therefore equal 7.3 acre-feet per year, or an additional 6.57 acre-feet per year for nine (9) additional taps.

Source of Water Supply

The proposed source of water supply for the property is the Left Hand Water District. The application included a letter from the District, dated January 30, 2023, which states that the District can provide water service to the proposed subdivision. According to the letter, the property is within the District's "Service Area" and water service may be available in the future provided all conditions and requirements of the District are met. We do not know if the applicant has met these requirements.

This office most recently received information from the District regarding their water supply in a letter dated April 23, 2021. At that time, the District had 7,366 units of Colorado-Big Thompson water, of which 6,064.3 shares had been assigned, leaving 1,301.7 shares available (approximately 893 taps). Additionally, the District had 2,854 shares of Left Hand Ditch Company Shares water, of which 2,318.79 shares had been assigned, leaving 535.21 shares available (approximately 316 taps).

Additional Comments



Rodriguez Subdivision
Case No. SD-23-0003

August 21, 2023
Page 2 of 2

There is an existing pond located on the property, on proposed Lot 2. The pond may be storing water from the Hinman Ditch.

According to records available to this office, the parcel may have historically been irrigated with water from the Hinman Ditch. If the resulting lots will continue to be irrigated, the Hinman Ditch is an acceptable source of irrigation water provided that the landowner has shares or rights that entitle them to the use of water from the ditch. A direct flow irrigation water right may be temporarily detained for up to 72 hours to allow for more efficient or effective beneficial use of water. Any direct-flow water that is temporarily detained for irrigation use must be used within 72 hours in accordance with the Colorado Division of Water Resources' General Administration Guidelines for Reservoirs. Any unauthorized inflows (i.e., stormwater inflows) must be released to the stream system without use as soon as practical, but within 72 hours unless a different time frame is approved in writing by the Water Commissioner or Division Engineer. The District 5 Water Commissioner will contact the property owner regarding bringing the existing pond into compliance as deemed necessary.

If the pond is filled with any amount of groundwater, a non-exempt well permit from the State Engineer is required, and all of the laws associated with well construction and groundwater use apply. A non-exempt well permit cannot be issued unless the pond is operated pursuant to a court-approved plan for augmentation or an approved substitute water supply plan. A pond may be lined with a barrier that is impermeable to water so that groundwater is not exposed to the atmosphere. However, liners must be tested to achieve the State Engineer's guidelines for liners.

State Engineer's Office Opinion

Based on the above, the State Engineer finds, pursuant to section 30-28-136(1)(h)(I) and section 30-28-136(1)(h)(II), C.R.S., that with the Left Hand Water District as the water provider the proposed water supply is expected to be physically adequate, and can be provided without causing injury to decreed water rights. Should you or the applicant have any questions regarding this matter, please contact Kate Fuller of this office at 303-866-3581 ext. 8245 or kathleen.fuller@state.co.us.

Sincerely,



Kate Fuller, P.E.
Water Resources Engineer

Cc: Applicants (Ifraim Rodriguez, ifraim.r@gmail.com; Shannon Rodriguez, rodriguez@indevr.com)
District 5 Water Commissioner (Shera Sumerford; shera.sumerford@state.co.us)
Referral file no. 30911

COLORADO GEOLOGICAL SURVEY

1801 Moly Road
Golden, Colorado 80401



Matthew L. Morgan
State Geologist

August 21, 2023

Pete L'Orange
Boulder County Community Planning & Permitting
PO Box 471
Boulder, CO 80306

Location:
NE¼ Section 34,
T2N, R70W of the 6th P.M.
40.1001, -105.2094

Subject: Rodriguez TDR_PUD Sketch Plan, Docket SD-23-0003
6184 Niwot Road, Longmont, Boulder County, CO; CGS Unique No. BO-24-0001

Dear Pete:

Colorado Geological Survey has reviewed the Rodriguez TDR_PUD sketch plan submittal. The submittal documents include a Geotechnical Evaluation Report (American GeoServices, LLC (AGS), November 8, 2017). The applicant proposes to divide the existing 39.5 acres into ten residential lots at 6184 Niwot Road.

The site does not contain steep slopes, flood hazards, or other geologic hazards/constraints that would preclude the proposed residential use and density. Therefore, **CGS has no objection to the approval of the sketch plan**. However, AGS's geotechnical evaluation report is specific to one of the ten lots planned for a residential single-family structure. We offer the following comments and recommendations.

Shallow groundwater. As noted on page 2 of AGS's report, "Groundwater was encountered roughly 3.0-3.25 feet BGS at or after the completion of the explorations, which extended to a maximum depth of 7.5 feet BGS." CGS agrees with AGS on page 3, "**We do not recommend basement construction due to the presence of high water table. We recommend that the bottom of footing elevation should be at least 2 feet above the seasonal high groundwater table, which is anticipated to be close to 3 feet BGS.**" However, to achieve a *bottom of foundation elevation of at least 2 feet* (preferably 3 to 5 feet) above the seasonal high groundwater table, the site grades will need to be raised or an underdrain system sufficient at lowering water levels installed. **CGS recommends the county require AGS or another qualified geotechnical consultant to confirm subsurface soil and seasonally high groundwater conditions throughout the 39.5-acre site and provide an updated geotechnical investigation submitted with the preliminary plat/application.** The investigation should include the seasonal fluctuation in groundwater levels and shallow groundwater mitigation methods required for the entire site.

Subsurface drainage. As noted on page 9 of AGS's geotechnical report, "an interceptor drain outside the entire perimeter of the proposed building may be considered with proper maintenance during construction." The perimeter drain must be sloped to discharge to an interior pumped sump or a gravity outlet that discharges water as far as possible away from the structure. It may be necessary to incorporate additional drainage/dewatering systems and/or foundation stabilization during design and construction. Individual foundation perimeter drains are intended to handle small amounts of intermittent water and **should not be used to mitigate a persistent shallow groundwater condition.**

Pete L'Orange
August 21, 2023
Page 2 of 2

Thank you for the opportunity to review and comment on this project. If you have questions or need further review, please call me at (303) 384-2632, or email acrandall@mines.edu.

Sincerely,

A handwritten signature in black ink that reads "Amy Crandall". The signature is written in a cursive style with a large, looped initial "A".

Amy Crandall, P.E.
Engineering Geologist



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
 303-441-3930 • www.BoulderCounty.gov

MEMO TO: Agencies
FROM: Pete L'Orange, Planner II
DATE: July 18, 2023
RE: Docket SD-23-0003

Docket SD-23-0003: RODRIGUEZ TDR PUD

Request: Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

Location: 6184 Niwot Road, located at the southwest corner of Niwot Road and N. 63rd Street, in Section 34, Township 2N, Range 70W.

Zoning: Rural Residential (RR)

Applicants/Owners: Ifrain and Shannon Rodriguez

The Sketch Plan is the first step of the three step subdivision approval process. It reviews potential feasibility of the project, conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, and conformance with the Boulder County Comprehensive Plan.

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Please return responses to the above address by **August 22, 2023**.

We have reviewed the proposal and have no conflicts.

Letter enclosed.

Signed Marta Loachamin Please PRINT Name Marta Loachamin

Agency or Address Left Hand Water District

Date 7/21/2023



Left Hand Water District

July 21, 2023

Pete L'Orange
Boulder County Community Planning and Permitting
P.O. Box 471
Boulder, CO 80306

RE: SD-23-0003: RODRIGUEZ TDR_PUD

Mr. L'Orange,

Before any work is performed on existing Left Hand Water District infrastructure or proposed Left Hand Water District infrastructure the applicant will be required to submit a Subdivision Service Review Form with Left Hand Water District. The application form is available online at lefthandwater.gov/resources/#forms-downloads.

Feel free to contact me if you have any questions or require further information.

Sincerely,

Martin Harders

Martin Harders
Civil Engineer II
Left Hand Water District
(303) 530-4200



Community Planning & Permitting

Courthouse Annex • 2045 13th Street • Boulder, Colorado 80302
 Mailing Address: P.O. Box 471 • Boulder, Colorado 80306
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Request: Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

Location: 6184 Niwot Road, located at the southwest corner of Niwot Road and N. 63rd Street, in Section 34, Township 2N, Range 70W.

Zoning: Rural Residential (RR)

Applicants/Owners: Ifrain and Shannon Rodriguez

The Sketch Plan is the first step of the three step subdivision approval process. It reviews potential feasibility of the project, conceptual design, legal ability to obtain water and sanitation, location of geologic hazards, and conformance with the Boulder County Comprehensive Plan.

This process includes public hearings before the Boulder County Planning Commission and Board of County Commissioners. Adjacent property owners and holders of liens, mortgages, easements or other rights in the subject property are notified of these hearings.

The Community Planning & Permitting staff, Planning Commission, and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter to the Community Planning & Permitting Department at P.O. Box 471, Boulder, Colorado 80306 or via email to planner@bouldercounty.gov. All comments will be made part of the public record and given to the applicant. Only a portion of the submitted documents may have been enclosed; you are welcome to call the Community Planning & Permitting Department at 303-441-3930 or email planner@bouldercounty.gov to request more information. If you have questions regarding this application, please contact our office at (303) 441-3930 or me via email at plorange@bouldercounty.gov.

Please return responses to the above address by **August 22, 2023**.

We have reviewed the proposal and have no conflicts.
 Letter enclosed.

Signed Jacob Cassidy Please PRINT Name Jacob Cassidy

Agency or Address City of Boulder Open Space and Mountain Parks

Date 08/22/2023



City of Boulder Open Space & Mountain Parks

2520 55th St. | Boulder, CO 80301; 303-441-3440

<http://www.osmp.org>

MEMORANDUM

To: Pete L'Orange, Planner II, Boulder County Community Planning and Permitting

From: Jake Cassidy, Property Agent, City of Boulder Open Space and Mountain Parks

Date: 8/22/2023

Re: Docket SD-23-0003: Rodriguez TDR PUD

Thank you for the opportunity to review the application referenced above. The property is in vicinity to City of Boulder Open Space and Mountain Parks (OSMP) land. Please consider the following comments regarding this Transferred Development Rights (TDR)/Planned Unit Development (PUD) sketch plan:

Boulder Valley Comprehensive Plan (BVCP)

Although the property is not within the BVCP planning area, its boundary is less than 150 feet away. It possesses similar resources and characteristics that the city, as a party to BVCP, is interested in protecting. Future subdivision/development should be respectful of the context and adjacency to the rural preservation area.

Viewshed

The property is immediately adjacent to large agricultural tracts and open space and in the vicinity of Haystack Mountain, so additional development should be mindful of the potential scenic impacts to the existing viewshed.

Wildlife and Soils

The entire property is designated as Agricultural Land of Statewide Significance and is irrigable. Development of the site would result in a loss of important agricultural land.

Due to the existing active prairie dog colony, the property is likely currently used by raptors for foraging.

OSMP staff requests an environmental survey be required to inventory and determine impacts on the plant, wildlife, and other resources on the property (and using the property) as well as proposed mitigation measures if development were to be permitted.

The applicant can expect to experience conditions on the neighboring open space consistent with prairie dog occupation. Prairie dogs are native wildlife, and OSMP is not responsible for their movements across land ownership boundaries. The applicant should be informed that the prairie dog colony on the adjacent open space is designated as a transition area. Transition Areas are areas where the presence of prairie dogs makes continued agricultural production difficult or impossible. These areas are designated as removal areas and OSMP will manage these to be prairie dog free when opportunities for relocation or natural population reduction lead to conditions where prairie dogs can be excluded.

Ditch

The Hinman Ditch, which serves adjacent OSMP properties and other OSMP lands in the ditch's service area, bisects the property and cannot be interrupted or interfered with. The applicant and County staff should consult with the ditch company as a referral agency (contact Dave Hindman, President at (303) 818-1847) regarding proposed subdivision and development activities or land use within or near their easement and any anticipated crossing agreements.

OSMP staff is concerned that additional development would result in additional stormwater and sediment in the ditch which would impact operation and water quality. The applicant's materials do not indicate how stormwater/drainage is anticipated to be addressed.

Agricultural Operation

The applicant should be informed that the adjacent open space property is currently leased as an agricultural operation. The applicants should expect the operation of machinery, spreading of manure and other fertilizers, the feeding and pasturing of livestock and the application of herbicides, insecticides, or application of irrigation water.

Please feel free to contact me if you have any questions or comments about this response.



RE:

Dear

Thank you for referring the _____ referral to the School District. The District has reviewed the development proposal in terms of (1) available school capacity, (2) required land dedications and/or cash-in-lieu fees and (3) transportation/access considerations. After reviewing the above proposal, **the School District finds** _____, **and** _____ **exceed the benchmark.**

General Comments:

Detailed information on the specific capacity issues, the land dedication requirements and transportation impacts for this proposal follow on the next page. The recommendation of the District noted above applies to the attendance boundaries current as of the date of this letter. These attendance boundaries may change in the future as new facilities are constructed and opened. If you have any further questions or concerns regarding this referral, please feel free to contact me via e-mail at kragerud_ryan@svvsd.org or at the number below.

Sincerely,

Ryan Kragerud, AICP
Planning/GIS

ATTACHMENT A - Specific Project Analysis

PROJECT:

(1) SCHOOL CAPACITY

The Board of Education has established a District-wide policy of reviewing new development projects in terms of the impact on existing and approved school facilities within the applicable feeder system. Any residential project within the applicable feeder that causes the 125% school benchmark capacity to be exceeded within 5 years would not be supported. This determination includes both existing facilities and planned facilities from a voter-approved bond. The building capacity, including existing and new facilities, along with the impact of this proposal and all other approved development projects for this feeder are noted in the chart below.

CAPACITY INFORMATION				CAPACITY BENCHMARK*									
				(includes projected students, plus development's student impact)									
School	Building	Stdts.	Std.	2022-23		2023-24		2024-25		2025-26		2026-27	
Level	Capacity	Oct-22	Impact	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.	Stdts	Cap.
Elem (BMES)	613	513	2	516	84%	531	87%	541	88%	557	91%	571	93%
Middle (AMS)	840	795	1	804	96%	811	97%	819	97%	825	98%	833	99%
High (SCHS)	1568	1274	2	1255	80%	1250	80%	1258	80%	1270	81%	1283	82%
Total	3021		5	2576		2591		2618		2652		2687	

Specific comments concerning this proposal regarding School Capacity are as follows:

Specific Impact - This application will add additional residential units and yield additional students in the feeder.

Benchmark Determination – the affected schools exceed the benchmark within 5 years.

Mitigation Options - na

Phasing Plan – na

(2) LAND DEDICATIONS AND CASH IN-LIEU FEES

The implementation of the Intergovernmental Agreement (IGA) Concerning Fair Contributions for Public School Sites by the City of Longmont requires that the applicant either dedicate land directly to the School District along with provision of the adjacent infrastructure and/or pay cash-in-lieu (CIL) fees based on the student yield of the development. CIL fees provide funds for land acquisition and water rights acquisition, which is only a small component of providing additional school capacity for a feeder. Specific comments regarding land dedications and CIL fees for this referral are as follows:

Dedication and/or Cash-in-lieu Requirements –A land dedication required. Cash-in-lieu payments required for all residential units.

Cash-in-Lieu per unit payment by housing type: Boulder County

Housing type:	Cash in lieu payment	Units proposed	Cost
Single Family Unit	Contact Boulder County Planning and Permitting for payment information.		
Duplex/Triplex Unit			
Multi-Family Unit			
*Condo/TH Unit			
Mobile Home Unit			
			Total =

*TH = Townhouse

3) TRANSPORTATION/ACCESS

Transportation considerations for a project deal with bussing and pedestrian access to and from the project. Pedestrian access, in particular, is an important goal of the School District in order to facilitate community connection to schools and to minimize transportation costs. Specific comments for this application are as follows:

Provision of Busing -

Pedestrian/Access Issues –



Right of Way & Permits

1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303.571.3284
Donna.L.George@xcelenergy.com

July 24, 2023

Boulder County Community Planning and Permitting
PO Box 471
Boulder, CO 80306

Attn: Pete L'Orange

Re: Rodriguez TDR_PUD, Case # SD-23-0003

Public Service Company of Colorado's (PSCo) Right of Way and Permits Referral Desk has reviewed the **Rodriguez TDR_PUD** and has a potential conflict in that an existing natural gas service line to 6060 Niwot appears to run through the proposed Lot 1, which would place this pipeline in trespass. The property owner must contact Bill Schulz, Right of Way Agent, for any necessary easements by separate PSCo document (william.a.schulz@xcelenergy.com).

For these *single-family residential* lots and to ensure that adequate utility easements are available within this development and per state statutes, PSCo requests that the following language or plat note is placed on the preliminary and final plats for the subdivision:

Six-foot (6') wide dry utility easements are hereby dedicated on private property adjacent to each front lot line of each lot. These easements are dedicated to Boulder County for the benefit of the applicable utility providers for the installation, maintenance, and replacement of electric, gas, television, cable, and telecommunications facilities (Dry Utilities). Utility easements shall also be granted within any access easements and private streets in the subdivision. Permanent structures, improvements, objects, buildings, wells, water meters and other objects that may interfere with the utility facilities or use thereof (Interfering Objects) shall not be permitted within said utility easements and the utility providers, as grantees, may remove any Interfering Objects at no cost to such grantees, including, without limitation, vegetation. Public Service Company of Colorado (PSCo) and its successors reserve the right to require additional easements and to require the property owner to grant PSCo an easement on its standard form.

Public Service Company also requests that all utility easements are depicted graphically on the preliminary and final plats. While these easements should accommodate the majority of utilities to be installed in the subdivision, some additional easements may be required as planning and building progresses.

The property owner/developer/contractor must complete the application process for any new natural gas service, or *modification* to existing facilities via [xcelenergy.com/InstallAndConnect](https://www.xcelenergy.com/InstallAndConnect). It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details.

As a safety precaution, PSCo would like to remind the developer to contact Colorado 811 for utility locates prior to construction.

Donna George
Right of Way and Permits
Public Service Company of Colorado dba Xcel Energy
Office: 303-571-3306 – Email: Donna.L.George@xcelenergy.com

From: [Ryan Tigera](#) on behalf of [submittals](#)
To: [Milner, Anna](#)
Cc: [L"Orange, Pete](#)
Subject: [EXTERNAL] RE: Referral packet for SD-23-0003: RODRIGUEZ TDR_PUD project at 6184 Niwot Road
Date: Wednesday, August 23, 2023 9:51:40 AM
Attachments: [image001.png](#)
[MHFD-MainLogo-RGB-Color_dc850310-e98b-4e51-9ccb-9e6ba9e6d393.png](#)
[SocialLink_Facebook_32x32_dddf4d22-a17b-4b5e-a60e-a0d1c141aee6.png](#)
[SocialLink_Instagram_32x32_a5cf709f-423e-42d0-9b21-63116bf8f89c.png](#)
[SocialLink_Linkedin_32x32_b7a2051d-355d-4a7b-b923-ebe2177ea89b.png](#)
[SocialLink_Twitter_32x32_a6576c8a-bc49-4df2-8e65-1ec629178a82.png](#)

Hi Anna,

Thanks for the referral and I apologize for the delay in my response. MHFD has no comments on this project as it is located outside of our service area.

Please let me know if you need anything else with this project.

Thanks,

Ryan

Ryan Tigera, P.E.

Project Engineer

MILE HIGH FLOOD DISTRICT

12575 W. Bayaud Ave. | Lakewood, CO 80228

Office: 303-455-6277 | Direct: 303-749-5420 | www.mhfd.org

Protecting People, Property, and our Environment



MILE HIGH FLOOD DISTRICT



From: Milner, Anna <amilner@bouldercounty.gov>

Sent: Tuesday, July 18, 2023 12:40 PM

To: !LongRange <longrange@bouldercounty.gov>; Historic <historic@bouldercounty.gov>; #AssessorReferral <AssessorReferral@bouldercounty.gov>; #CAreferral <CAreferral@bouldercounty.gov>; Hatchimonji, David <dhatchimonji@bouldercounty.gov>; Chamberlin, James <jchamberlin@bouldercounty.gov>; Allshouse, Alycia <aallshouse@bouldercounty.gov>; Kiepe, Bob <bkiepe@bouldercounty.gov>; TD Stormwater Shared Mailbox <stormwater@bouldercounty.gov>; Stadele, Lee <leestadele@flagstaffsurveying.com>; Stadele, Lee <leestadele@bouldercounty.gov>; Keyes, Jennifer <jkeyes@bouldercounty.gov>; crossbill@boulderaudubon.org; Jessica Olson <jolson@watershed.center>; morgan@pvrea.coop; jstruble@northernwater.org; bflockhart@northernwater.org; BDRCO@xcelenergy.com; Donna.L.George@xcelenergy.com; Renee.Hester@lumen.com; Steve Buckbee

<sbuckbee@lefthandwater.org>; chrissmith@lefthandwater.org; djhindman1229@msn.com; tlongseth@msn.com; Ranglos, Chris <ranglosc@bouldercolorado.gov>; bonnellj@bouldercolorado.gov; CollinsB@bouldercolorado.gov; CassidyJ@bouldercolorado.gov; feula_heidi@svvsd.org; kragerud_ryan@svvsd.org; willits_brendan@svvsd.org; Vanessa McCracken <bldrvalleyandlongmontcnds@gmail.com>; CGS_LUR@mines.edu; submittals <submittals@mhfd.org>; hc_filesearch@state.co.us; sarah.brucker@state.co.us; Shera.Sumerford@state.co.us; drogers@brfr.org; Atherton-Wood, Justin <jatherton-wood@bouldercounty.gov>; Moline, Jeffrey <jmoline@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Goldstein, Andrew <agoldstein@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Huebner, Michelle <mhuebner@bouldercounty.gov>; Northrup, Elizabeth (Liz) <enorthrup@bouldercounty.gov>; Sanchez, Kimberly <ksanchez@bouldercounty.gov>; Transportation Development Review <TransDevReview@bouldercounty.gov>; West, Ron <rowest@bouldercounty.gov>
Cc: L'Orange, Pete <plorange@bouldercounty.gov>
Subject: Referral packet for SD-23-0003: RODRIGUEZ TDR_PUD project at 6184 Niwot Road

You don't often get email from amilner@bouldercounty.gov. [Learn why this is important](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please find attached the electronic referral packet for **SD-23-0003: RODRIGUEZ TDR_PUD** project at **6184 Niwot Road**.

Please return responses and direct any questions to [Pete L'Orange](#) by **August 22, 2023**. (Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

Best Regards,
Anna

Anna Milner | Departmental Contracts Administrator
Boulder County Community Planning & Permitting

Pronouns: she/her/hers

Physical address: 2045 13th St., Boulder CO 80302

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2638 (Direct)

amilner@bouldercounty.gov

Service hours are 8 a.m.-4:30 p.m. Monday, Wednesday, Thursday, Friday, and 10 a.m.-4:30 p.m. Tuesday

*My core working hours are 7am-5:30pm Tues - Fri

*Boulder County has migrated all email to the .gov domain. Please update your contact lists to reflect the change from name @bouldercounty.org to name @bouldercounty.gov. **Emails sent***

to both .org and .gov addresses will continue to work. This work is part of the migration to the .gov domain that began in July, 2022 when the Boulder County website moved to www.bouldercounty.gov. This move to the .gov domain provides a higher level of cybersecurity protection.



From: [Dean Stull](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Docket #: SD-23-0003: Rodriguez TD_PUD
Date: Thursday, July 20, 2023 4:11:44 PM

Dear Planner,

We live at 6225 Niwot Road, Longmont, 50503. We are located directly across Niwot Road to the north of the proposed Subdivision.

The submittal seems concerned about what the neighbors will contribute to their development process and what the neighbors will think. From our perspective, we always were told and believed that this parcel would/could not be developed in the county other than as agricultural land. Swapping land rights from one site to another was not contemplated when earlier decisions on land use were made from what I have been told.

All of us on Niwot Road that face south do really appreciate the stated desire to preserve sight lines, etc. We appreciate this idea - we are sure that your office will help make that a reality should this property move forward.

You may be aware of the sensitivity of our neighborhood, and especially those of us who live on Niwot road, to traffic. We have lived in our house at this location for 43 years and, yes, traffic has increased. We really did like Niwot Road as a dirt road prior to the development of the Lake Valley area! I used to get a wonder daily country run down Niwot Road and along the Left Hand Ditch. Now, not so much.

We understand why entrance to the proposed subdivision might preferentially be located on Niwot Road. Unfortunately the new point of access is very close to the four way stop and almost due south of our driveway entrance onto Niwot road. This is not our preference on either count.

In addition, the traffic on Niwot Road, generally, speeds. The posted speed limit is seldom adhered to. Similarly, the traffic volume on Niwot Road and at the intersection is becoming very congested and carries more volume every year. As you know, this is particularly noticeable at rush hour.

Our belief is that even a small subdivision like the one proposed here will negatively impact our quality of life. Only 8 homes, yes small. The service vehicles, landscapers, mowers, delivery trucks, school buses, mail trucks, and more will multiply 8 into 25 or 30 new, unneeded trips each day to the area on top of residents going to and from work, the grocery store, wherever they go during the day. We say "no thank you!"

More bicycles, runners, and walkers use Niwot Road and its shoulder than ever before. Weekend races on Niwot Road and 63rd are common during spring and summer and often every weekend. Another access road and its associated traffic will only exacerbate this problem. Again, we "say no!"

My neighbor to the east has three smaller children and we have three grandchildren that ride the bus to our house and are frequently walking on Niwot Road. The traffic speed is just too

fast and not safe, we "say no!"

We would like to respectfully request the following considerations now, even before any decisions are made - they only make sense!

- A traffic study is essential to assist in a fair evaluation and to bring a focus on this particular intersection.
- Walkways or a bike path on Niwot Road and/or 63rd Street are minimum safeguards for the impact of more drivers going too fast!
- Enhanced and enforced speed control is important. (why not an electronic "your speed is" sign along with more visibly speed limit signs immediately - buy some neighborhood good will?!) What can be done?

Respectfully submitted,
Dean and Nora Stull

--

Dean P. Stull, Ph.D.
Innovative Science, LLC
303-589-9472

From: [rosie](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] SD-23-0003
Date: Friday, July 21, 2023 3:55:53 PM

To: Pete L'Orange

Sir,

We are residents of 6387 Niwot Road and have a interest in this property at 63rd and Niwot Road planned for development into a residential community of 10 houses.

NO. NO. NO. NO. NO. In a word, NO. We vehemently oppose this proposal to build more homes in this already crowded area. Traffic is loud and bumper to bumper in the mornings and evenings at this particular spot. As avid bike riders, it is perhaps the busiest intersection we cross and fear for our safety. Adding more homes to this area will only increase this danger and noise.

Please keep this area rural and allow no more houses to be built.

Sincerely,

Perry and Rosemary Hubert

6387 Niwot Road

Sent from [Mail](#) for Windows

From: [rosie](#)
To: [LU Land Use Planner; L"Orange, Pete](#)
Subject: [EXTERNAL] SD-23-0003
Date: Tuesday, July 25, 2023 8:57:25 AM

Pete,

As residents of the area in question (6387 Niwot Road,) we would like to add to our prior statement AGAINST further land development:

We cherish this area of the proposed 10 home building site due to its unobstructed views of the foothills. Our land is situated slightly to the Northeast and can only view the foothills along the property border, where this land is located. I cannot imagine unsightly million dollar mansions that are multiple story turning this rural farmland area into another Boulder unaffordable expansion. (Just look at the Nelson Road / 73rd ongoing development of crowded townhomes and homes. Will it ever be completed?)

Also, over the years we have observed coyotes, owls and eagles eating the prairie dogs located in the field.

PLEASE NO TO FUTURE DEVELOPMENT IN THIS AREA!

The Huberts
6387 Niwot Road

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - frances marino - SD-23-0003 - 6184 Niwot Road
Date: Tuesday, July 25, 2023 6:30:44 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: frances marino

Email Address: horseypassion@aol.com

Phone Number: (720) 352-6038

Please enter your question or comment: Do not do this. We moved out into the country to get away from stuff like this. These people moved on to this property and now they want to make millions selling it off? Leave this land open space. They bought it is way. Theres enough congestion coming down 63rd now with all the development in Longmont. That stop sign is backed up for a mile at rush hour. You want to cause more congestion for years on 63rd with equipment? We will fight this

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Isabella Delaney - SD-23-0003 - 6184 Niwot Rd.
Date: Tuesday, July 25, 2023 9:17:31 PM

Boulder County Property Address : 6184 Niwot Rd.

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Isabella Delaney

Email Address: belladelaney@gmail.com

Phone Number: (720) 309-7778

Please enter your question or comment: As a resident very close to this suggested development, I strongly object to this PUD. Not only will it change the character of the neighborhood, but also obstruct views, and bring more construction and traffic to the area. Please do not approve this development!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: PJM@petermoore.com
To: [L'Orange, Pete](#)
Cc: [Zhanna Pauluhn](#); [Don Sniffin](#); [Dave Moore-Sargent](#); [Hopi Moore-Sargent](#); [Bob Cannistraro](#); [Adam Pauluhn](#); [Dean Ioppolo](#); [Erin Tanner Jospe](#); [Melissa Klein](#); [Alan Pratt](#); [Allyson Sands](#); [sunshinefred](#); [Angela Leonard](#); [Beege Harding](#); [Beth Adams](#); [Brad Klein](#); [Carl Anderson](#); [Clark Sands](#); [Claudia Montano-Morales](#); [Dean Stull](#); [Debi Wirth](#); [Derek Guarascio](#); [Don Nelson](#); [Doug Brandmier](#); [Elaine Byrnes](#); [Kathy Sniffin](#); [Gisela Barrett](#); [Gregory Ames](#); [Jim & Gwen Lazzeri](#); [Robert Silver](#); [Jan Schwendy](#); [Jack Duncan](#); [Jennifer Ioppolo](#); [Jennifer Ioppolo](#); [Jennifer And Jeremy Otten](#); [Jess Murphy](#); [Joshua & Toni Forman](#); [Karen Mandery](#); [Karen Mandery](#); [Karly Saber](#); [Kim Magill](#); [Kurrin Barrett](#); [Laura Heller](#); [Laurie Cameron](#); [Linda Dageenakis](#); [Liz Murphy](#); [Terry Poole](#); [Mark Gershman](#); [Michael Jospe](#); [Neian Corr](#); [Nora Stull](#); [ROXANNE SUTPHIN](#); [Robert Silver](#); [Rochelle@petermoore.com](#); [Ron & Debi Wirth](#); [Rose Huang](#); [Ruth Thompson](#); [Sahra AlSamarraie](#); [Terry Higgins](#); [Julie Barber](#); [Tim Foster](#); [Toni Forman](#); [Tony Dageenakis](#); [Valerie Cannistraro](#); [Wendy Khawaja](#); [Whitney Johansson](#); [elise seiffert](#); [lindabk@comcast.net](#); [martin magill](#); [Chuck Oppermann](#); [Bill Marcue](#)
Subject: [EXTERNAL] Docket SD-23-0003: RODRIGUEZ TDR_PUD
Date: Wednesday, July 26, 2023 11:13:38 AM

Dear Mr. L'Orange,

I'm extremely concerned about the impact of this application for development of this property. I am a longtime resident of Brigadoon Glen, directly north of this piece of land.

I understand that the proposal to depart from the existing zoning is based upon transferred development rights.

My first question is from whence these development rights are proposed to be transferred? My understanding is that development rights are a reflection of the zoning, development regulations and underlying development philosophy of a community, not a fungible asset that can be applied without regard to the differences between the characteristics of the origin and destination areas.

Second, how does this comport with the Boulder County Comprehensive Plan philosophy since this is certainly not channeling growth to a municipality nor protecting agricultural lands? The BCCP map of Significant Agricultural Lands places this property within the category of Lands of Statewide Importance.

As a local resident and a frequent user of the roads that would be impacted by this proposal, both as a motorist and cyclist, I'm concerned about the impact of these proposed houses in terms of the additional traffic they would generate, the additional access to the bordering roads that they would require and the degradation of safety on both Niwot Road and 63rd Street. As you are well aware, both these roads are key routes for recreational runners and cyclists. Throughout the year, we also have many competitive and charity events that use these roads both of which border open space and city parks, giving access to the Boulder Reservoir and Coot Lake areas.

Finally, this would change the very nature of the area; packing more large houses onto rural land in order to enrich the landowners who were well aware of the zoning of this property when they purchased it. Granting this request would set a precedent for others to try to subvert the BCCP and change the existing character of an area for their financial benefit.

Sincerely,

Peter Moore
6019 Brigadoon Dr.
80503
(303) 641-6000

From: [Ask A Planner](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Chris Ennis - SD-23-0003 - 6184 Niwot Road, Longmont, CO
Date: Thursday, July 27, 2023 12:02:51 AM

Boulder County Property Address : 6184 Niwot Road, Longmont, CO

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Chris Ennis

Email Address: christine.a.ennis@gmail.com

Phone Number: (303) 720-2066

Please enter your question or comment: Dear Mr. L'Orange,

I am submitting my initial set of comments on SD-23-0003. I may have additional comments later, as I consider this application further. I own a property nearby and east of the applicants' property.

(1) I respectfully request an extension of the due date for comments, to Sept 22. The community is in the process of organizing, and the Aug 22 due date means our review period coincides with a time when many families are on vacation and when there is a busy lead-up to the new school year. We know this application is a long process with many stages, BUT... it is important for us to have a reasonable opportunity here at the start. This would allow both the planner and the applicants to get a more accurate gauge of the community concerns. The planning department had from May 23 to July 15 to review the application. We should get at least that much time, and really much more because we are not a formal organization like the planning department.

(2) The proposed development is not suitable for this property from the perspectives of engineering and safety. I own a home downstream from the Rodriguez property. I say "downstream" because during the 2013 flood, the Rodriguez property was largely underwater. The lake that formed in the northeastern part of the property persisted for many days. The drainage pipe was pointed straight at my house to the east, and a torrent of water formed a moving stream headed my way. I took some extreme measures on my property to divert water, and I won my battle. But had there been houses on that property, as shown in the applicants' hand-drawn map, they would not have fared so well.

(3) The geological studies cited in the application were done in the higher area in the southeastern part of the 40-acre property. For reasons mentioned in #2, the results of the study are not applicable to the area on the northeastern part of the property where at least half of the 8 houses would be built, and where the only access road would lie. Much more work needs to be done from an engineering perspective, to uncover the issues in an appropriate way. This proposal should not proceed until such work is done.

(4) Not only is the proposed area for 8 of the houses in the most flood-prone part of the property, it is on the part of the property that would have the most negative visual impacts for the neighbors such as myself and passing motorists on 63rd Street. When the applicants were considering building their house several years ago, the County would not allow them to put it in the place they wanted, which was in the southeastern corner. Among the reasons was the visual impact to neighbors and motorists. The County wanted the views preserved, and rightly so. What was a bad idea back then is an even worse idea with this proposal now. This proposal would build not one, but eight (!) houses along the prime visual corridor. The County has valued the preservation of one of the few open areas in this proximity to Gunbarrel/Boulder. It should again value and preserve this unique area.

(5) This development would be completely inconsistent with the character of the properties that lie south of Niwot Road, which is the location of the applicants' property. The area south of Niwot Road is one of the last bastions of a truly rural/agricultural feel this close to Boulder. All the way west on Niwot/Neva, and east on Niwot Road to the Diagonal, there are no subdivisions on the south side— just fairly modest homes and small farms (the applicants' home being a recent addition that is not modest). The 9 homes proposed in this application would undoubtedly be out of character with the broader area. If the new homes are anything like the applicants' home, they would be large, with high visual impact and likely quite expensive.

(6) Though I understand the desire to add to the housing stock in the County, this application would not make a significant dent in the effort and would only benefit the very high-end buyers, which is not the market the County is most interested in addressing. And while the application would have a minimal impact on the Boulder County housing stock, it would have a disproportionately large impact on the local community in terms of traffic. For our small community in the Niwot/63rd area, the addition of 9 homes is huge and unprecedented for at least the last 30 years.

I appreciate the opportunity to provide this initial set of comments.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Troy Mandery](#)
To: [LU Land Use Planner](#); [L'Orange, Pete](#)
Subject: [EXTERNAL] Docket SD-23-003
Date: Thursday, July 27, 2023 2:33:31 PM

To: Pete L'Orange and Boulder County Planning Commission

Re: Docket SD-23-0003: RODRIGUEZ TDR PUD

I am writing to voice my opposition to this development. There are a number of reasons for this that are too numerous to mention in this letter but I will express a few of the most important ones to me here.

This property was denied locating their current house in the planned development location just a few short years ago. How does it now make sense to put 8 houses in the location that was previously denied? The denial was based on the current View Protection Corridor map.

This property is mapped as an Agricultural Land of Statewide Importance.

There is currently a significant prairie dog community on the property that feeds an abundance of wildlife including bobcat, coyote, fox and many birds of prey.

The property is directly adjacent to and even includes an existing ECA. By denying this development it would effectively extend that ECA.

Approving the rezoning of the land would create fragmentation of the rural character and the ECA adjacent to it. The county comprehensive plan expressly directs preservation of these two issues.

Traffic on Niwot Road at the intersection with 63rd Street is already quite congested. Adding another road entrance from the subdivision just a few hundred feet from the intersection would add to the significant congestion and create an even more unsafe environment for the multitude of cyclists, runners and vehicles that are on Niwot Road and 63rd Street. The weekends see thousands of cyclists and runners on these roads.

These are but a few reasons to not approve this project. Looking at Boulder County Comprehensive Plan and Boulder County Land Use Codes one can easily find many contradictions that this development creates.

Sincerely,

Troy Mandery

7019 N. 63rd Street

Longmont, CO 80503

303-818-3375

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Mark Winter - SD-23-0003 - 6184 Niwot Road
Date: Saturday, July 29, 2023 1:25:24 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Mark Winter

Email Address: mwinter@codifyllc.com

Phone Number: (303) 558-9040

Please enter your question or comment: I object to the proposed sub-division of this property, which potentially adds 10 home sites to what is clearly an agricultural property that is surrounded by other agricultural properties. My understanding is that the intent of the Boulder County Comprehensive Plan (BCCP) was to ensure that large agricultural lots were preserved along with open green space West of 75th St.. Approval of this subdivision contradicts that intent, and developments like this will dramatically change the character of the area.

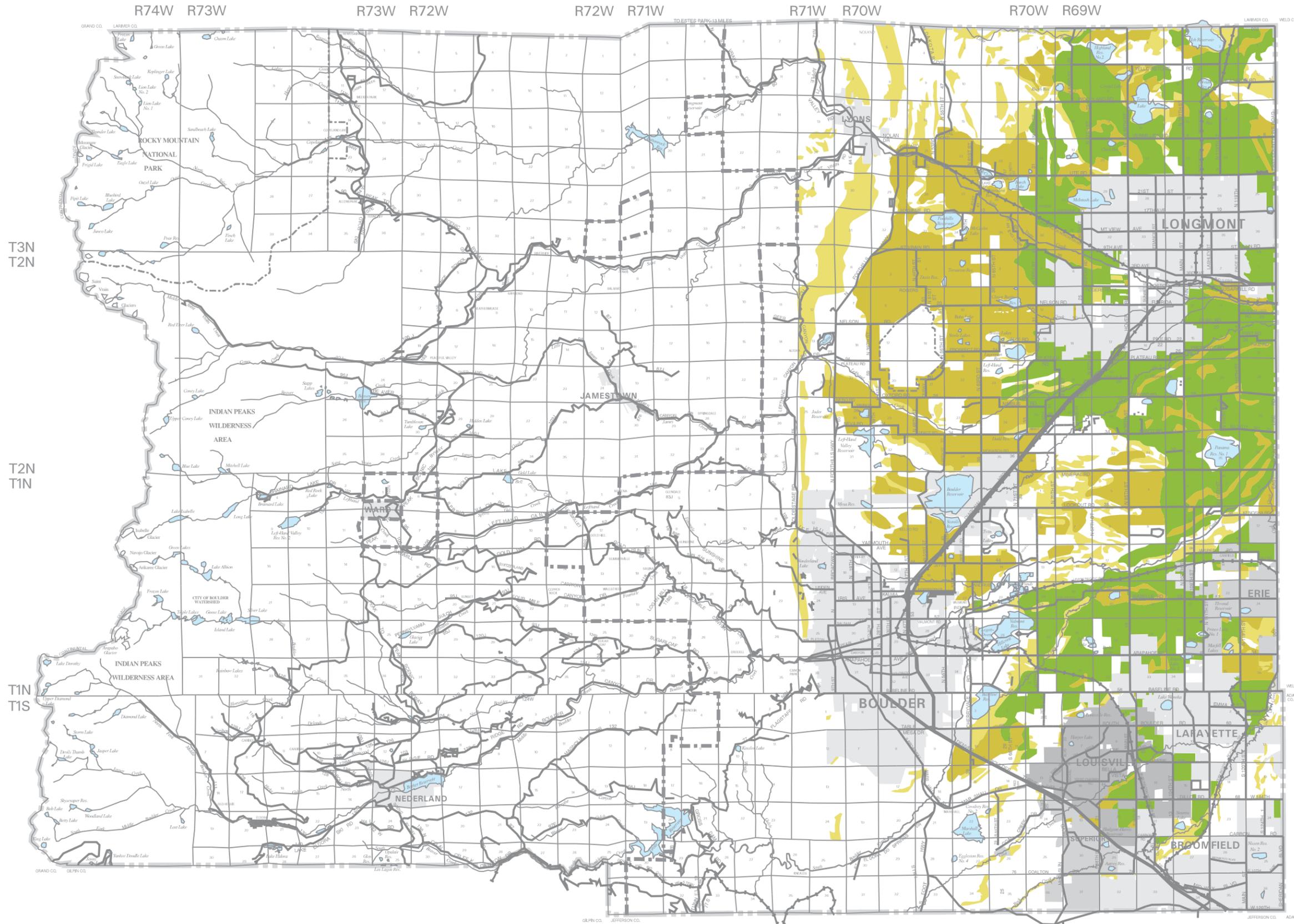
Furthermore, the BCCP designates the area of the development as “Lands of Statewide and Local Importance”. I would note that the recent subdivision of the property at the Niwot golf course was a minimum of 35 acres per lot, which should be the minimum standard set by precedent in a nearby area which was designated a Natural Landmarks area (but zoned as Commercial prior to its sub-division approval). In addition to adding residential density that contradicts the overall plan of this area, this plan aggravates what is already a serious problem with traffic on 63rd St. Because of the highly dense development on Nelson Road and 75th(Lennar), we are already seeing dramatically increased traffic levels on 63rd St. by residents living in that part of Longmont who are looking to bypass the worsening Diagonal traffic problems. There are mornings and afternoons where it can take many minutes to enter the 63rd because of so much traffic (often traveling at high speed) using this “bypass” which the county has done nothing to mitigate. Aesthetically, view lines toward the mountains will be interrupted by these houses for residents who live across the street and such a development will make the area feel much more densely packed with residential than it should be given its historic character and standing as “Lands of Statewide and Local Importance”. This is the last remaining part of the Boulder Foothills area that remains somewhat open and wild; we cannot permit this beautiful area to be filled in with housing tracts like so much of what is going on in other parts of eastern Boulder county.

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/9f3342d7-6674-4396-a8b9-83449aba47a0> - 948.88 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Significant Agricultural Lands Environmental Resources



Legend

- Lands of National Importance
- Lands of Statewide Importance
- Lands of Local Importance
- Incorporated Areas
(As of June 9, 1998)

Notes

Map scale and reproduction method limit precision in physical features and boundary locations.
PRINTED - JULY 1, 1998

Adopted - Planning Commission - July 16, 1997
Approved - County Commissioners - August 14, 1997



**COMPREHENSIVE
PLAN MAP**



From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - erin tanner Jospe - SD-23-0003 - Niwot road /63rd st
Date: Tuesday, August 1, 2023 8:15:09 PM

Boulder County Property Address : Niwot road /63rd st

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: erin tanner Jospe

Email Address: erintannerjospe@gmail.com

Phone Number: (303) 775-7898

Please enter your question or comment: My husband and I are neighbors to the property proposing to build 9 new homes off of Niwot Road and 63rd Street.

We are gravely against this development and will be a part of the fight against it to make sure it does not happen.

There are many reasons why this development would cause harm.

The traffic is already congested on 63rd street in this area, especially between the hours of 7-9am and 5-7pm.

There has been no plan to relocate the prairie dogs on the property.

The construction and new road will cause congestion and will be a danger to the road bikers in the area.

We support 2 or 3 homes however 9 homes is outrageous.

Please consider revising this proposal.

Thank you,

Erin Jospe

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Ask A Planner](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Karen Lin - Docket SD-23-0003: RODRIGUEZ TDR_PUD. - 4128 Spy Glass Ln
Date: Thursday, August 3, 2023 7:15:36 PM

Boulder County Property Address : 4128 Spy Glass Ln

If your comments are regarding a specific Docket, please enter the Docket number: Docket SD-23-0003: RODRIGUEZ TDR_PUD.

Name: Karen Lin

Email Address: karenalin@comcast.net

Phone Number: (720) 289-8404

Please enter your question or comment: What happened to the one-house-per-30(?) acres rule that used to be in place? Is this Sketch in any way expected to be accepted by the community in the area that will be affected by traffic etc. Once this exception is allowed, doesn't that open the door to much more development that will entirely change the rural nature of this environment that we moved to, despite the downsides of being a drive away from grocery stores etc. What can stop this development of that large parcel?

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Karen Dolphin - SD-23-0003 - 6374 Niwot rd
Date: Saturday, August 5, 2023 6:18:57 PM

Boulder County Property Address : 6374 Niwot rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Karen Dolphin

Email Address: kdolphin333@gmail.com

Phone Number: (303) 881-9926

Please enter your question or comment: Am writing to object to the development of the 63rd and Niwot subdivision. I believe on many levels this is not an area that should be developed. In 2013 that area was under water and although I am sure you will ensure there safety where would the water go. Endangering others I suspect. Agriculture areas are supposed to be protected not developed. We are not an urban area. The county does not feel our infrastructure is their responsibility(roads as an example) so I am sure based on your own comprehensive plans this is not a good fit. A meeting was held at my house today so there were many issues brought up. You will hear from me again

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

7060 North 63rd Street, Niwot, CO 80503

August 7, 2023

Mr. Pete L'Orange, Planner II
P.O. Box 471
Boulder, CO 80306

Boulder County Application SD-2023-0003

Dear Mr. L'Orange,

I am providing comments on Boulder County Application SD-2023-0003 and wanted to share some of my concerns regarding the potential development of the River Rock Acres subdivision.

1. Emergency Management/Public Safety Risk

Increasing Wildfire Risk and Fire Protection Services Needs

A huge public safety concern is the evolving, increasing risk of wildfire and this parcel, along with the entire neighborhood, is at high risk for wildfire. There have been 15 wildfires recorded within 20 miles of this property from 1984 to 2022. The most recent Marshall Fire in December 2021 showed the impacts of more frequent higher winds and higher temperatures. A recently published June 2023 FEMA Marshall Fire Report identified significant wildfire mitigation regulatory gaps and considerations needed for effective wildfire evacuation planning along with the needs for more support and resources for local fire protection services when responding to wildfires. There are already significant congestion issues on 63rd Street and Niwot Road. This development will only exacerbate the current traffic management issues and have adverse impacts when there is a mandatory wildfire evacuation in this neighborhood/ and when fire protection services need to come in and support the neighborhood during a wildfire.

Per the Boulder County Comprehensive Plan, fire protection is an essential service in the municipal/ community service areas and the non-urban areas of Boulder County. This proposed development will require more fire protection service resources that do not exist, and as a result, the proposed development will take away fire protection resources from the existing homes in the neighborhood. The closest fire protection Per Boulder County Land Use Code, development should not place undue burdens on any existing community.

2. Emergency Management/Public Safety Risk

Increasing Flood Risk

The proposed project parcel of 39.48 acres currently serves as flood risk mitigation for the surrounding neighborhood on 63rd Street and Niwot Road. Development of these 39.48 acres would have adverse impacts to the surrounding homes in the neighborhood. This parcel of land floods frequently and serves as an unofficial detention pond – as it did during the 2013 floods, absorbing much of the runoff and thus mitigating flood impacts to the surrounding homes. Per the recently adopted 2022-2027 Boulder County Natural Hazards Mitigation Plan, during the 2013 floods, Lefthand Creek had over ten inches of rain fall over this period and sustained approximately 8500 cfs causing flooding to homes, damage to the Lefthand Water District infrastructure and washing out roads.

Current FEMA flood risk maps for the neighborhood are dated from 2012 and do not accurately depict the current and evolving flood risk for this parcel of land (along with the rest of the surrounding community). With the recent low-risk rain events these past few months, one can see the pools of water on this parcel. The geotechnical evaluation report included with the application states that it does not recommend basement construction due to the presence of a high water table. It recommends that the bottom of footing elevation should be at least 2 feet above the seasonal high groundwater table, which is anticipated to be close to 3 feet BGS. Building to a higher grade to protect the proposed structures on this parcel would negatively compound the effects on surrounding properties downhill when flooding occurs.

The 63rd Street and Niwot Road community needs this parcel to remain as open space to reduce neighborhood-wide flooding vulnerability. With increasing high risk of flooding and wildfire in this neighborhood, per the 2022-2027 Boulder County Hazard Mitigation Plan, new development in such areas should be limited or avoided – this is also in direct alignment with the principles of the Boulder County Comprehensive Plan. Per the Boulder County Comprehensive Plan and its Natural Hazards Section, Goal 2 discusses limiting inappropriate development in natural hazard areas in order to minimize or eliminate potential harm to life, health and property. Goal 3 discusses the importance of mitigating existing areas at risk.

Again, per Boulder County Land Use Code, development should not place undue burdens on any existing community.

3. Inherent Conflicts within the Proposed Project and the Goals and Policies of the Boulder County Comprehensive Plan and the Vision/Values of the Boulder Valley Comprehensive Plan

The Boulder County Comprehensive Plan critically states that *“future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to preserve agriculture, forestry and open space land uses, and to maximize the utility of funds invested in public facilities and services.”*

This proposed project exacerbates sprawl and will be a stressor on public facilities and services, especially for fire protection services as described earlier regarding transportation and wildfire evacuation support. There is no public transportation network in this rural part of the county, so this proposed project not only increases population density, but more significantly increases cars on the road and increases traffic at an already tenuous cross-section at the 63rd Street and Niwot Road. It is a public safety issue that needs to be addressed, especially when reviewing where the proposed driveways will be. I cannot emphasize enough that per Boulder County Land Use Code, development should not place undue burdens on any existing community.

And, the proposed project eliminates existing open space. Currently, this tract of land is listed as an Agricultural Land of Statewide Importance and is directly adjacent to Environmental Conservation Area (ECA). Two of the proposed lots potentially may even have a portion in the ECA. Open space provides vital green infrastructure benefits such as mitigating climate change, flood alleviation, and ecosystem services as mentioned in the 2022-2027 Boulder Hazard Mitigation Plan, the Boulder Valley Comprehensive Plan and the Boulder Comprehensive Plan. Boulder Land Use Code states that the County shall conserve ECAs in order to perpetuate native species, such as the prairie dog habitat, biological communities, and ecological processes that function over large geographic areas and require a

high degree of connectivity to thrive. This proposed project location is a prime feeding zone for wild animals such as foxes, bobcats, coyotes and various birds of prey. Not only are the ecosystem benefits of ECAs and open space important to our community, the Boulder County Comprehensive Plan writes that open space “conserve[s] the rural character of the unincorporated county, scenic corridors, and community buffers to ensure community identity and prevent urban sprawl.” Originally, a previous request in this location was denied in order to protect the scenic corridor and that remains a critical issue for this proposed project.

The vision in the Boulder Valley Comprehensive Plan states that “the Boulder Valley community honors its history and legacy of planning for a livable community surrounded by open space and rural lands while striving together to create and preserve a truly special place that is sustainable, resilient, equitable and inclusive – now and for future generations.” Per the Boulder Country Comprehensive Plan and its Natural Hazards Section, Goal 1 discussed reducing additional air, water and noise pollution. This new development of potentially multi-million dollar and multi-thousand square footages homes will contribute to pollution and degradation. Potentially building these types of homes is not sustainable, nor is it equitable and inclusive. How needed and appropriate is this type of housing? The community and surrounding homes of the proposed project are primarily rural in an already pre-existing neighborhood fabric of modest, rural rustic, farm homes where some properties are zoned to allow horses, etc. The homes are modest, unique and not part of cookie-cutter subdivisions. Boulder County Land Use Code specifically speaks to the importance of preserving the Built and Contextual character of Boulder County’s diverse rural landscapes – and empowering neighborhoods like ours to identify the characteristics that are important to them and assist in development of land use strategies and tools for maintain those characteristics. This proposed project does not align with our neighborhood’s values or identity.

Most, if not all, the neighboring homes and surrounding community are extremely concerned with this proposed project, because it does not align with our values of environmental stewardship and climate action, open space preservation, public health and safety and well-being from natural hazards like wildfire and flooding, and of course public health and safety of the everyday avid cyclists and runners who use the 63rd Street and Niwot Road corridor as their training and recreation grounds. The 63rd Street and Niwot Road corridor also serves for many races and triathlons.

Our community values listed above align directly with the core values listed in the Boulder Valley Comprehensive Plan, and we hope they are taken into consideration when evaluating this project.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Nicole M. Aimone". The signature is written in a cursive, flowing style.

Nicole M. Aimone, AICP

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Joseph Winslow - SD-23-0003 - 5539 Niwot Road
Date: Monday, August 7, 2023 7:00:51 PM

Boulder County Property Address : 5539 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Joseph Winslow

Email Address: jowin3@gmail.com

Phone Number: (303) 386-6112

Please enter your question or comment: I am opposed to this project because it will increase already problematic traffic on both 63rd Street and Niwot Road.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Julie Barber - SD-23-0003: RODRIGUEZ TDR PUD - 6184 Niwot Road
Date: Wednesday, August 9, 2023 9:04:52 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003: RODRIGUEZ TDR PUD

Name: Julie Barber

Email Address: jimbar6@comcast.net

Phone Number: (303) 530-1644

Please enter your question or comment: 1-Traffic is already very busy at the Niwot/63rd intersection. 2-Negative effect on surrounding rural area and existing wildlife in the area. 3-Property is adjacent to existing ECA. Two of the proposed lots actually have a portion in the ECA. 4-This property is mapped as an Agricultural Land of Statewide Importance. 5-Groundwater issues. This land is a low point and is flooded often. Raising the ground level to grade would have a negative effect on surrounding properties, as many are on wells or septic. 6-Per Boulder County Land Use Code, development should not place undue burden on any existing community.

This project creates many contradictions as per the Boulder County Comprehensive Plan and Boulder County Land Use Codes.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Greg Ames - SD-23-003 - 7075 Brigadoon Dr
Date: Wednesday, August 9, 2023 9:20:40 AM

Boulder County Property Address : 7075 Brigadoon Dr

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: Greg Ames

Email Address: frgregames@gmail.com

Phone Number: (303) 905-2854

Please enter your question or comment: We have lived at the above address for over fifty years, In that time we have seen the impacts of increased housing in our area. This rural corner of Boulder county also offers beautiful open space, agricultural areas and abundant wildlife, in spite of the growth. I believe it would set a dangerous precedent to begin to allow the 45 acre plots of land that have been designated for home sites, to begin to be divided and become smaller parcels. The people who purchased these large plots of land which were required for homes in the undeveloped areas of Boulder county understood what they were buying and the county requirements for building on these parcels. To begin to break them up into small home sites means that in the future this would become an established precedent. This would render useless a long established policy that has helped control growth and allowed Boulder county to remain an environmentally sound and beautiful area of Colorado. IT would be a terrible policy change. Please leave these large parcels and our open space intact for future generations.. Greg Ames
Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Jeff Adams - SD-23-0003 - 6255 Misty Way,
Date: Wednesday, August 9, 2023 11:08:36 AM

Boulder County Property Address : 6255 Misty Way,

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Jeff Adams

Email Address: adamsdesigninc@comcast.net

Phone Number: (720) 771-5601

Please enter your question or comment: This development is not in line with what Boulder County open space represents. Impeding the panoramic views from 63rd and Niwot Rd would deteriorate the rural feel that Boulder County had worked hard over many years to maintain. This also goes against the planning views of the Boulder County Building Department having all the square footage above ground due to high water table on this property. This proposed development should not be allowed to move forward.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Louisa McGarty - SD-23-0003 - Niwot Rd. and 63rd, SW Corner, Rodriguez TDR
Date: Wednesday, August 9, 2023 2:05:40 PM

Boulder County Property Address : Niwot Rd. and 63rd, SW Corner, Rodriguez TDR
If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003
Name: Louisa McGarty
Email Address: mcgarty.louisa@gmail.com
Phone Number: (303) 817-9257
Please enter your question or comment: Hello,

I live at 6362 Bluebird Court not far from the proposed Rodriguez subdivision sketch plan. My husband and I moved out of the City of Boulder to this area to get away from heavy traffic, lights, congestion and noise. We are sorry to see this beautiful field become a cluster of houses. We oppose this plan as it will have a negative impact on local wildlife and ruin views of the mountains.

Since moving to Bluebird Court in 2016, it is surprising how much the traffic has increased on 63rd. It is becoming more and more difficult to turn left (south) from our neighborhood onto 63rd. It requires a long wait at certain times of the day to exit our neighborhood. Many drivers use 63rd now to bypass the Diagonal Hwy. There are also a high volume of runners and bicyclists in this area. Adding a subdivision will only increase traffic on 63rd and Niwot Rd and is a safety concerns. I have seen accidents with vehicles and pedestrians happen in front of Coot Lake on 63rd where people cross the street from IBM to the lake and back.

Why is the Rodriguez property zoned Rural Residential and not Agricultural? The proposed Prairie Orchard Event center at 5114 Niwot Rd is only 3.5 acres and zoned Agricultural. This is confusing and seems not to make sense on zoning.

We also want to point out that the SW corner of Niwot Rd and 63rd, the Rodriguez property, was under water during the flood of 2013. Building up this land with fill dirt could have a seriously bad impact to the properties on the east side of 63rd from the proposal.

We certainly hope this proposal does not move forward. After talking this over with neighbors and others who live on Niwot Rd., there is a lot of oppositional to the proposal. Please keep what is left of rural Boulder County the way it is for everyone to enjoy.

Very Truly Yours,
Louisa McGarty & Bryan Jackson
6362 Bluebird Court
Niwot, CO 80503
Phone 303-817-9257

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Kristin Lhatso](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] SD-23-0003
Date: Wednesday, August 9, 2023 8:21:26 PM

To: Pete L'Orange, Staff Planner with Boulder Community Planning and Permitting

Re: SD-23-0003

From: Kristin Lhatso, owner of 7284 Cardinal Lane Longmont CO 80503

I am opposed to the development of the land on the SW corner of Niwot Road/63rd Street for the following reasons:

1. These lands have been deemed Significant Agricultural Lands of Statewide Importance. I know that historically, county planners have taken this designation very seriously. Now more than ever, preserving agricultural lands in our county is of crucial importance.
2. As someone who lost my house due to the 2013 floods, I am extremely concerned about the flood dangers that will increase for neighbors if this development is allowed.

Sincerely,

Kristin Lhatso
7284 Cardinal Lane
Longmont, CO 80503
kristintintin108@gmail.com

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Suzanne Levy - SD-23-0003 - 6339 Niwot Road, Longmont, CO 80503
Date: Wednesday, August 9, 2023 5:38:00 PM

Boulder County Property Address : 6339 Niwot Road, Longmont, CO 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Suzanne Levy

Email Address: slevy@bolderleadership.com

Phone Number: (914) 582-1860

Please enter your question or comment: I absolutely oppose the building of this community. I live on the NE corner of Niwot Rd. and 63rd St. This will create a flood hazard directly to my home given this plot is the runoff for water. The visual will affect our property value and our personal value since it will cover the view of the mountains from our home. Traffic has already increased in the last few years due to the abundance of building in Longmont and Boulder causing greater delays in our daily commutes. This street holds dozens of bike races over the year which would increase the number of accidents and possible deaths. Both Niwot Rd and 63rd are heavily trafficked by runners, walkers and cyclists throughout the year thus increasing the likelihood of accidents. We already have too many drivers not stopping at the stop sign here given their impatience with the increased traffic.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Cheryl Craig](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] For public comment on docket#SD-23-0003 from Rex and Cheryl Craig, 5921 Niwot Rd
Date: Thursday, August 10, 2023 9:38:34 AM

We are strongly opposed to the proposed subdivision in docket #SD-23-0003 for numerous reasons.

My husband and I bought our forever home at 5921 Niwot Rd in 1988. At that time, we decided that we would forgo the convenience of living in the city to enjoy the rural nature of Boulder County. As a Boulder County native, I had seen the changes that came during my 25 years (at that time) and we knew that we needed to choose carefully to ensure that our home would not become encased by subdivisions. When we found our home, I spoke with a County Planner and at that time I found out that North Rim down the street had been approved for development and that the dirt road connecting Neva and Niwot Rd was slated to be paved. I also discussed what could be done with the current farms and the golf course. I was assured that the only development that could occur on these properties was 2 houses per 35 acres. My husband and I bought our home with this understanding.

Over the 35 years we've owned our home, we have enjoyed our rural life. We enjoyed seeing the horses on the property where the subdivision is proposed until the owners of it sold or passed away. We embraced the new home which was built to replace the rundown farmhouse. We hear the coyotes across the street from our home and watch the prairie dogs, hawks, bald eagles and occasional foxes. We enjoy seeing the cattle that sometimes graze in the pasture across the street from us. One of the main features of our home is the view from our front window. We see the farmland with the flatirons in the background. We love this view and I have attached a Facebook posting from last winter to demonstrate how important this view is to us. The farm across the road to us is the immediate neighboring property to the proposed subdivision. We are concerned that if the proposed subdivision is approved, that it is only a matter of time before this farm could be subdivided as well.

The proposed subdivision will permanently remove valuable farmland. While this parcel was overgrazed during the time that the horse farm was there, with little effort, I believe it could again be returned to being a viable farm. If the proposed subdivision happens and homes are built on this property, this land will never be used for a farm ever again. While the current owners may not have any desire to farm the land, future owners might welcome the ability to be able to farm.

I noticed that the application says that view lines will be maintained. I'm not sure how this will happen as any building, even a single story will block views. Also trees which will be planted around the homes will also block views and pretty soon this stretch of 63rd st will no longer have any views of the mountains. The open plains feel will be forever removed.

In summary we are vehemently against the proposed subdivision in docket #SD-23-0003 for the following reasons:

- * It is a major shift from what we were assured was the maximum density when we bought our home for the properties in our immediate neighborhood
- * It sets a precedent for the neighboring farm immediately to the west. If it were to subdivide as well, my husband and I would lose the rural aspect directly across the street from us which was a major consideration when we bought our home.
- * Views are worth saving
- * Wildlife habitat is worth saving
- * Farmland is worth saving
- * It is ironic that someone who bought their property a few years ago could completely change the character of the neighborhood. This at a detriment to numerous neighbors who bought their homes decades ago with the understanding that the housing density could change only slightly.

Boulder County has done a wonderful job in maintaining the rural enclaves over the years. Looking at neighboring counties, one city flows into the next. Please don't chip away at the rural spaces that Boulder County has. Once they are gone, they are gone forever. We strongly encourage you to not approve this subdivision.

Rex and Cheryl Craig

A Special Species And A Bad Idea

by Longtime Resident Chad Fogelberg, August 8, 2023

Prairie dogs are a fundamental part of the ecosystem. They are what's considered a keystone species, and are an essential part of the food chain. Like many, I used to think that Boulder County ran too many prairie dog stories, and that they put too much importance on animals, that to humans, can seem like pests. Now, I understand how critical their existence is. A recent proposal to develop an area previously denied development, seems both fishy to many people and fatal to many animals. A neighborhood proposal Southwest of Niwot Rd. and 63rd Street is both breaking the rules regarding it being adjacent to an Environmental Conservation Area, and also inhibiting or destroying an ecosystem that is not suitable to development by humans anyway, due to groundwater issues and probable road congestion. Prairie dogs, who often have burrows with 20 family groups, in a moderate space of ground, should not be removed or perish at the hands of humans who want several acres of land and a large house. A prairie dog colony can range from a fraction of an acre to two or so acres. The annihilation of burrows not only affects the huge amount of this key species that would have to relocate or die, but would impact the territorial behavior of these important rodents in the surrounding area. It would be a domino effect, that would cascade through other rural areas of Boulder County. Prairie dogs are fiercely territorial. Additionally, and perhaps just as important, foxes, coyotes, hawks, eagles, and owls rely on rodents, especially prairie dogs, for food. In addition, there's an established land use code, and a view protection corridor for us to have a line of sight to the mountains. Other issues such as the effect on human safety, recreation, and outdoor activities are valid points, but most important of all, we are connected to other species too, and if a key link in that chain is broken, there will be significant repercussions.

From: [Elaine Byrnes](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Docket#SD-23-0003 RodriguezTDR_PUD
Date: Friday, August 11, 2023 11:52:11 AM

Community Planning & Permitting Department,

I am responding to the notification regarding a Subdivision Review Notification, Docket# SD-23-0003; Rodriguez TDR_PUD. I am opposed to this subdivision for 3 reasons.

1. The development of a subdivision at this location goes against at least 2 items in the Boulder County Comprehensive Plan.

A. "Growth should be channeled to municipalities". The location of the subdivision is in rural, unincorporated Boulder County, not a municipality.

B. "Agricultural lands should be protected". The location of the subdivision is in an area labeled Agricultural Land of Statewide Importance.

The BCCP was put in place for a reason and should not be ignored.

2. The land, where the subdivision is to be located, is low lying land that has standing water when we receive heavy rains. During the rains/floods of 2013, that property was entirely under water. The property acted like a detention pond that saved the properties around it from flooding. Developing this land will force that water to flow elsewhere into existing homes/properties.

3. The Niwot Rd & 63rd Street corridors are heavily used by bicycles and runners. It also handles a significant amount of traffic during the evening "rush hour" when Hwy 119 traffic, going from Boulder to Longmont, is backed up. Adding a subdivision entry/exit on Niwot RD (especially one so close to the 4 way stop intersection), has the potential for increased risk of danger to those bicycles and runners. Drivers turning into or out of the subdivision may not see a bicycle or runner when cars are backed up at the 4 way stop. This development is not worth the safety of others.

My husband purchased our home on Brigadoon Ct in 1977. We moved out of Boulder to get away from the traffic and congestion that had already started in Boulder. We enjoy the rural atmosphere of our area. Adding a subdivision, would have a negative impact on our quality of life and negate the reason we moved to this rural location 46 years ago. Please do NOT allow this subdivision to proceed.

Regards,
Elaine Byrnes
6224 Brigadoon Ct
Longmont, CO 80503

Sent from my iPad

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Janet Lopez - SD-23-003 - 6184 Niwot Road
Date: Friday, August 11, 2023 1:46:28 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: Janet Lopez

Email Address: janetlopez.web@gmail.com

Phone Number: (303) 807-8752

Please enter your question or comment: I am strongly opposed to this projected development and am particularly disturbed at the route by which these individuals are attempting to dupe and confuse our community by taking a backhanded approach using TDR. Niwot is designated as unincorporated and rural. This means of the "characteristics of the countryside rather than a town or village". Upon viewing the area, the boards knowledge of our area is not unknown-it is agricultural and rural; not dense, not overly congested. The area supports open spaces that our tax dollars have purchased and in doing so, need not be disturbed by development. Because of the open spaces and farms, many species of wildlife are free to roam, reproduce and balance the land. Development WILL impact that as well as changing the grade of the land that will in turn impact retention areas for heavy rain runoff, will change the foothills landscape and the design of homes will not be in line with those around them; this selfish, ill-intended development will literally dwarf the character of the existing homes and farms. Another key point is traffic congestion: Longmont is already too big and out of control and spilling its problems into Niwot specifically the re-routing the growth they fail to address through the intersection at 63rd & Niwot Rd, so as to avoid the diagonal congestion. Who in their right mind thinks a stoplight in a rural agricultural area is a great idea and fits the aesthetics of Niwot? No one but the individuals trying to force this subdivision upon the very intersection that is already stressed. I turn to Boulder County Land Use Code NIW1.02-This development pushes the limits of what residents feel are protections. More water use will be needed and gridlock problems abound. Niwot is rural to those of us living here despite what the commissioners, county planners and greedy land owners/developers believe. I shudder to think what the next moves will be to ruin land in the name of money. What's next? Please consider how strong our community is and vote to preserve Niwot's quaint charm. Thank you.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - frank pickell - SD-23-0003 - 6184 Niwot Road
Date: Saturday, August 12, 2023 5:38:51 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: frank pickell

Email Address: frank@futuristicfilms.com

Please enter your question or comment: The proposed Sketch Plan is not compatible with the surrounding properties. We do not want the increased traffic and density in this area of rural Boulder County.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Roxanne Sutphin - SD-23-0003 - 6184 Niwot Road
Date: Saturday, August 12, 2023 10:15:15 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Roxanne Sutphin

Email Address: sutphins@comcast.net

Phone Number: (303) 587-2590

Please enter your question or comment: To whom this may concern,

We are residents at 7349 N. 63rd Street-Longmont Colorado-80503. We are very concerned about the possibility of the proposed subdivision at the corner of Niwot and 63rd getting approved for many reasons. Some of the major issues are:

This area was designated for unique housing- not a development.

The corner of Niwot and 63rd is heavily used bike and running location in our county and a housing development would be very disruptive and dangerous.

Housing development would impact the wildlife and natural ecosystem.

There are numerous horse, cow, goat and agricultural properties in this area. Adding a housing development to an agricultural area would impact all the properties. This would add traffic, increase potential fire danger and possibly change the flood pattern.

The above are only a few concerns, we are very against the proposed housing development.

Thank you,

Steve and Roxanne Sutphin

303-587-2590

sutphins@comcast.net

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Elizabeth Wicht - SD-23-0003 - 63rd and Niwot Road
Date: Sunday, August 13, 2023 12:34:38 PM

Boulder County Property Address : 63rd and Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Elizabeth Wicht

Email Address: swisneski0163@msn.com

Phone Number: (720) 471-3263

Please enter your question or comment: I am not supportive of the Rodriguez request to create a small sub division on the corner of 63rd and Niwot. This is not compatible in this rural area. The infrastructure in this area is already taxed with bike and pedestrian traffic plus local - supporting multiple races etc. Dropping a bunch of houses onto a corner like this is just garish and not at all in the flow feel and nature of the area. Please do not allow this residential precedent to ruin rural boulder country.

I do live within a mile of this property - passing it multiple times a week.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Daev Finn - SD-23-0003 - 6184 Niwot Road
Date: Sunday, August 13, 2023 5:06:05 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Daev Finn

Email Address: daev.finn@mac.com

Phone Number: (310) 920-2623

Please enter your question or comment: I'm horrified that Boulder county is allowing this open land to be converted into a new subdivision. It destroys the integrity of the open space of Boulder which is something that Boulder has insisted is important. It opens up more of the protected spaces of Boulder to development so that it will soon resemble the overbuilding that is currently happening in Longmont, where no land is being protect, nor is there any design in integrating property as is.

The integrity of the Boulder County is in danger of disappearing forever, just as in the time that my parents were alive Los Angeles County went from being orchards to a hellscape of subdivisions.

Finally, there is not even enough infrastructure to support the community that is here. The roads already are dangerous along Niwot and 63rd where the cycling lanes are inadequate and dangerous. The intersections of 63rd and Diagonal as well as Niwot and Diagonal are places where accidents typically take place, or there are close calls as people race through these intersections, and yet NOTHING has been done to alleviate these problems. Instead there seems to be a push to overdevelop and increase the population of Boulder at a rapid pace that may destroy the integrity and the history of this valley.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Heather Kenny - SD-23-0003 - 6184 Niwot Rd
Date: Sunday, August 13, 2023 8:12:00 PM

Boulder County Property Address : 6184 Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Heather Kenny

Email Address: heathervkenny@gmail.com

Please enter your question or comment: Please do not approve the planned subdivision at 63rd and Niwot. I am a researcher from CU Boulder studying barn swallows breeding locally at several barns along 63rd, including near 63rd and Niwot. I personally oppose the subdivision. The planned subdivision would disrupt the ability of current residents to maintain their farms which serve as important breeding habitat for barn swallows, a species that is in decline. Maintaining open space and areas with livestock is an important part of preserving barn swallow habitat, as well as habitat for other native grassland birds and wildlife.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Avani Fachon - SD-23-0003 - 6184 Niwot Road
Date: Sunday, August 13, 2023 9:09:45 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Avani Fachon

Email Address: afachon14@gmail.com

Phone Number: (303) 668-1715

Please enter your question or comment: Hello,

I am writing to share my concerns about the Boulder County application SD-23-0003. I am a graduate from University of Colorado Boulder, and participated in barn swallow field research in Longmont during 2021 and 2022. One of our sites, Urban Farm Girlz, is located across from the planned subdivision. This construction would greatly harm the farm, as the owners would be unable to keep their livestock guardian dogs next to so many residential houses. In turn, it would no longer be practical to keep sheep and goats due to the increased risk of coyotes. This new development would destroy the existing open space, and would likely contribute to habitat loss for barn swallows.

I oppose the development at 6184 Niwot Road, and hope that you take these concerns into consideration.

Thank you,

Avani Fachon

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Max Reed - SD-23-0003 - corner of Niwot Rd and 63rd
Date: Sunday, August 13, 2023 11:51:15 PM

Boulder County Property Address : corner of Niwot Rd and 63rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Max Reed

Email Address: vistamachine@yahoo.com

Phone Number: (303) 549-1356

Please enter your question or comment: I writing to voice my concern and opposition for the proposed subdivision at the SW corner of Niwot Rd and 63rd street. I live in the neighborhood adjacent to this property. This land currently provides open space and agricultural potential to this rural area and is also valued as an environmental conservation area. It is out of character for this rural area to create a new subdivision here. We are all concerned about the impacts that this could have, including increased traffic on 63rd, both during construction and afterwards. We value the open space and quiet and beauty that it provides. We value the views that are provided of the foothills and flatirons that would be affected by this development. I understand this to be a view shed corridor. I'm also concerned about the impact to wildlife in the area, including coyotes, foxes, birds of prey.

Finally, this proposal is in violation of the Boulder County Land Use Code, NIW 1.02, where " ... shall be developed in such a manner as to discourage the further subdivision of lands..."

Adding a subdivision to this rural area would directly and negatively impact the value of our property and disrupt our lives. Please consider rejecting this proposal as it is not fair to the people living nearby and disproportionately benefits the one individual who submitted the application at the expense of the large number of existing property owners.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - William Marcue - SD-23-003 - 6184 Niwot Road
Date: Monday, August 14, 2023 1:32:37 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: William Marcue

Email Address: dwent@q.com

Phone Number: (303) 588-8269

Please enter your question or comment: I have been a homeowner in this neighborhood for over twenty years and would like to enter a protest against the above application for a PUD to subdivide a forty acre parcel at Niwot Rd and 63 Street. This neighborhood has no need for an additional nine houses and the additional traffic they will bring. When the Rodriguez's purchased the property they were completely aware that it was a parcel intended to have one residence built on it, under current land use regulations. After consulting my attorney, I was advised that for decades in Boulder County, transferable development credits have only been usable to increase the size of a home, not as a backhanded way of getting a large parcel subdivided. While it's understandable that the Rodriguez's would like to have a developer make them some money, no one here shares their enthusiasm. Given the amount of effort already expended, circumventing the intent of the Comprehensive Plan for Boulder County appears to have been their intent from the beginning or early on in their initial purchase of the property. I urge you to reject this application.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Erin Ellis - SD-23-0003 - corner of 63rd & Niwot Rd.
Date: Monday, August 14, 2023 2:41:07 PM

Boulder County Property Address : corner of 63rd & Niwot Rd.

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Erin Ellis

Email Address: erin85ellis@gmail.com

Phone Number: (303) 408-0501

Please enter your question or comment: Please do NOT allow the "transfer development rights" to be granted for the corner of 63rd & Niwot Rd. This and the subsequent proposed subdivision would take away the rural feel of the area. People moved here BECAUSE it feels rural. The codes are 35 acre minimum per structure in that area, so why would a random developer be given permission to be "above the law" with the codes? These codes were established for good reason--we don't want this area to become full of homes. The reason Boulder County is so special is because they HAVE protected open spaces for many many years, and that is exactly why many of us live here--it is crucial for our mental health to have open spaces and the wildlife that comes with it. More homes mean fewer places for wildlife to live and maintain a presence, and wildlife corridors will be chopped up if there is more development. Also, the site is a detention area for excessive water during floods, which is crucial to maintain with the climate change issues. It would also increase traffic, & there is already lots of traffic on 63rd during commuter hours every day in mornings and afternoons for several hours. Please do NOT allow the "transfer development rights" to be granted for the corner of 63rd & Niwot Rd.

Thank you very much for your time and for honoring the open spaces in our county!

Erin Ellis

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Deborah Voigt - SD-23-0003 - 7043 Carter Trl
Date: Monday, August 14, 2023 3:06:24 PM

Boulder County Property Address : 7043 Carter Trl

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Deborah Voigt

Email Address: debivoigt@comcast.net

Phone Number: (720) 581-3176

Please enter your question or comment: I am opposed to urban development of this property. We moved here years ago and settled in an older subdivision surrounded by rural areas. We love the rural feel and feel that 63rd already has traffic issues and is not an appropriate place to increase housing density.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Ti Na](#)
To: [L'Orange, Pete](#)
Subject: [EXTERNAL] Boulder County Docket SD-23-0003
Date: Tuesday, August 15, 2023 12:18:18 AM

To: Pete L'Orange, Planner II
Boulder County Community Planning & Permitting

RE: Boulder County Docket SD-23-0003
Rodriguez TDR_PUD
6184 Niwot Road

As a nearby homeowner, I am writing to oppose the subdivision of the property at 6184 Niwot Road at the intersection of 63rd Street in Boulder County.

Subdividing this land and building an additional nine homes on this property will stray from the guidelines and intentions of my understanding of the Boulder County Comprehensive Plan. This part of the county is rural and the agricultural land should be preserved.

The subdivision of this land is an indication of greed and disregard for the natural beauty of the area. Currently, the surrounding homes are modestly sized for the lots that they occupy. By subdividing the land, new homeowners will want to build large homes that do not match the current aesthetics of the neighborhood. Already, the new, white home constructed at 6184 demonstrates a drastically different style which stands out in the landscape. It doesn't blend in at all.

The proposed documents that accompany SD-23-0003 do not mention any guidelines as far as size of home, decor style, height of homes, etc. Additionally, I'm concerned that someone will purchase these lots and further subdivide the lots into smaller lots (less than the 2.5 acres proposed in this docket).

The Niwot Road/63rd Street neighborhood and surrounding area is not like other communities where builders are squeezing homes on every space possible. That's the beauty of this portion of Boulder County. This is an agricultural, rural area who's landscape should be maintained.

Boulder County should fight back the urge to allow the growth of subdivisions on every piece of land just so property owners can make even more money off others. Let's live sustainably and preserve the rare and rural beauty of unincorporated Boulder County.

This land that we live on is land of the Native Americans who once roamed this territory. The Native American wisdom is too often disregarded. Once our sacred grounds are filled with buildings and cities, nature is forever changed and can never return.

I strongly oppose the development in SD-23-0003.

Thank you.
Tina Fredo

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Barry Schwartz - - 7215 Cardinal Lane
Date: Monday, August 14, 2023 4:30:42 PM

Boulder County Property Address : 7215 Cardinal Lane

Name: Barry Schwartz

Email Address: barrys7215@gmail.com

Phone Number: (303) 499-5359

Please enter your question or comment: I am opposed to the subdivision proposed at 63rd and Niwot Road because it is just a few homes and the area is already congested with bike and car traffic. Of course, the "golden rule" will apply, i.e., the one with the most gold will win and I bet the county wants the extra tax dollars, yes???

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Eric Sipocz - SD-23-0003 - 3525 28th St #303 Boulder CO 80301
Date: Tuesday, August 15, 2023 7:59:24 AM

Boulder County Property Address : 3525 28th St #303 Boulder CO 80301

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Eric Sipocz

Email Address: ericsipocz@aol.com

Please enter your question or comment: I am opposed to this project primarily on the grounds that it will ultimately worsen housing affordability, contribute to sprawl, and consequently to unsustainable infrastructure costs that already plague a county as suburban as Boulder County.

I fully support the creation of additional housing in Boulder County, as this is the best way to invest in the future of this county and the future prosperity of its residents. However, suburban development is fundamentally unsustainable due to outsized amounts of infrastructure (roadways, sewer, water, electrical utilities, etc), often ridiculously large lawns/landscaped areas often required by code, and so on. The fact that a low population density like this requires a greater proportional upfront and ongoing infrastructure cost, but of course consequently has a low tax dollar density means that as these infrastructure projects age, they struggle to remain funded, start to decay, and consequently start to drive away tax base, accelerating the cycle further. The same process is observed where these pieces of infrastructure are privately maintained or publicly maintained, and either way, denser areas end up unfairly being forced to subsidize these irresponsible developments.

Additionally, this project will obviously miss the most fundamental points of housing affordability; from 8/15/22 to 8/15/23, the average sales price for single family homes built in the last five years with lot acreages between 1.5 and 3.5 acres in Boulder County (that is to say, broadly comparable with what these homes are likely to be) was \$2,932,000.00. This is obviously a luxury home development project, which ought to lower its priority by its nature. It is not producing housing for the demographics which need it most; that is to say, the vast majority of the population.

In addition to being fundamentally economically unsustainable, these developments are completely car-dependent, leading to both greater emissions, added congestion (not a huge issue here due to low population overall), and more seriously, more traffic related injuries and deaths.

The anti-social nature of this development is again something worth opposing; single family neighborhoods isolate families, individuals, and especially children. New housing projects ought to promote community integration rather than further isolation.

Addressing specific points in the development narrative:

1. View Preservation: Laudable goal, though this really only affects near neighbors and road users. Still, single family homes are much more of an eyesore than an open field... just look at the development to the north of Niwot Rd for evidence of that.
2. Traffic Management: Nine homes are unlikely to have a large effect on traffic, but when we should be doing everything we can to urbanize, promote and expand transit use/walkability, and disincentivize automobile use, this project is going the exact wrong direction.
3. Sustainable Design: Hit the right buzzwords all you want, even if these homes are net-zero or better, they are not hitting the big issue. We want sustainable land use, not only "sustainably designed" homes. Single family homes are not economically sustainable in the long run, and promote other unsustainable behaviors (car dependency, more than anything). Multifamily housing would make each resource put to a project of this size go so much further.
4. Community Input: Even if true, this may be an issue as the community around this development is almost 100% composed of single family homes in the exact same type of irresponsible unsustainable development but from 50 years ago. Though some of these occupants likely moved in much more recently, they are unlikely to share values

which differ greatly from those of the developers, and are likely to promote more unsustainable developments of the same kind... just as long as they are not next door, or blocking their view of the mountains.

In general, housing ought to be proximate to existing development, especially shops, offices, parks, and other public spaces. It ought to be sufficiently dense to promote socialization, perpetual economic sustainability, and sustainable growth. Appropriately dense housing is sustainable, more pleasant overall, and will actually add value to the community rather than leeching off the more productive (dense) areas of a community. This project, like those that surround and which sadly abound in Boulder County, is unsustainable, hedonistic, setting a bad example, and not putting community and the good of its potential future residents first.

I support housing development in Boulder County, and I support the current landowner's ability to make money developing housing in Boulder County, but this type of project is fundamentally the wrong way to do it. This will in the long run mean that Boulder County and its residents are worse off.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Abigail Wright - SD-23-003 - 6990 Lake View Point Drive
Date: Tuesday, August 15, 2023 10:37:09 AM

Boulder County Property Address : 6990 Lake View Point Drive

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: Abigail Wright

Email Address: abigail@mirandaproductions.com

Please enter your question or comment: Regarding the proposed "63rd St. Subdivision", please do not approve.

I have lived in this part of the County for more than 20 years. It is wonderfully quiet. The skies are filled with hawks and eagles. We have visiting bobcats that help control the rabbit population. I am aware that we are privileged to be so close to Boulder and Longmont yet be able to enjoy rural roads.

I have several reasons to object to the proposed development along 63rd Street. Yes, the houses will fill in a lovely open corner with a wonderful view of the mountains, bad enough. But that land (according to your maps) is of significant agricultural value. The current owner has neglected the land and it's now being overrun with prairie dogs. You must be aware that prairie dogs will ruin the land in about two years - which is why you will see farmers installing mesh along their fences to keep them out. The "subdivision" will take care of the prairie dog problem, but we will loose acres and acres of prime farm land. Is this contrary to Boulder County's sustainability goals? Yes.

Living out in the country has its drawbacks, such as transportation. There are no bus lines that provide rides to or through our part of the county. We have to drive to reach a market - all about equidistant in terms of time: Lucky's, the King Soopers in Gunbarrel, or Niwot Market. We will often go into Niwot because that drive is less congested. The proposed subdivision will complicate that route. I was thinking I would get an ebike and travel that way into Niwot (I am 73) but with the increased traffic it would no longer be safe.

And finally, what is the point of zoning if a developer with deep pockets can override the vision of Open Space? This is very discouraging because it seems to pay service to greed. There is no point in sprawl, which is what this proposed project is.

Respectfully,
Abigail Wright
6990 Lake View Point Drive
Longmont 80503

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Lia Fioroni - - 6184 Niwot Road
Date: Tuesday, August 15, 2023 1:36:19 PM

Boulder County Property Address : 6184 Niwot Road

Name: Lia Fioroni

Email Address: lia.fioroni@gmail.com

Phone Number: (212) 920-5706

Please enter your question or comment: To the city planners,

Please do not allow this property to be subdivided. 63rd has gotten so busy! We choose to live here because it is rural, more houses equals more urban sprawl, more noise, light and emissions pollution. There used to be a ton of prairie dogs on this lot and the last few years they are completely gone! I suspect foul play. Please stop this!

Thank you,

Lia Fioroni

6033 SUNrise Ranch Dr, 80503

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Glen Alleman - SD-23-0003 - 4347 Pebble Beach DRive
Date: Tuesday, August 15, 2023 3:15:49 PM

Boulder County Property Address : 4347 Pebble Beach DRive

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Glen Alleman

Email Address: glen.alleman@niwotridge.com

Phone Number: (303) 241-9633

Please enter your question or comment: The addition of 8 houses on this property will create traffic that is currently not present at the intersection of 63rd and Niwot Road

The current view of the Front Range will be blocked by the houses, with the wild life destroyed

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Katherine Gardner - SD-23-0003 - 6184 NIWOT RD LONGMONT, CO, 80503
Date: Tuesday, August 15, 2023 3:53:15 PM

Boulder County Property Address : 6184 NIWOT RD LONGMONT, CO, 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Katherine Gardner

Email Address: krg70@me.com

Phone Number: (303) 589-2227

Please enter your question or comment: Boulder County Land Use Dept.,

In reference to **RODRIGUEZ TDR_PUD**

Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

I am writing to express my concerns in relation to the following: 1) lack of notification to potentially impacted citizens, lack of signage for such a significant development request and the very short timeframe citizens are being provided to comment and gain representation in opposition to this proposed development. It seems inappropriate that a single family site plan review offers more signage and notification as compared to a proposal for a full scale development in a rural area and out of compliance with current zoning and land use regulations.

2) The use of TDR in direct opposition to the rural nature, zoning and existing Land Use regulations, 3) Ground water impacts with the addition of 10 septic systems in a known sub-irrigated valley. 4) the addition of more subdivision roads in light of the lack of road maintenance in existing/adjacent unincorporated Boulder County neighborhoods 5) density increases outside the city limits of Boulder County 6) significant impact to the rural, open nature of the proposed site especially critical site lines. 7) continued upward pressure on property values in Boulder County. The few remaining rural areas of Boulder County must be vehemently defended against development or the very essence of what is special about this place will be forever lost. An individual's desire for wealth should not negatively impact an entire community.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Sherry Madison - SD-23-0003 - Corner of 75th and Niwot Rd
Date: Tuesday, August 15, 2023 4:20:41 PM

Boulder County Property Address : Corner of 75th and Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Sherry Madison

Email Address: sherrymadison@hotmail.com

Phone Number: (720) 217-2430

Please enter your question or comment: I oppose the granting of this development because it will ruin the rural nature of this area. The City of Longmont has, and continues to transform what was once an agricultural town into a high density, traffic ridden, city. Case in point, the subdivision on the corner of 75th and Nelson Rd. What was once open fields is now a neighborhood filled with ugly town houses and single family houses. Approving this proposal will do the same thing, it will turn a beautiful, peaceful, bucolic area into an ugly, chunk of suburbia.

I've lived in Niwot for over 27 years and riding my bike around the farms and ranches of Niwot and Longmont has been something I've loved. Friends who visit think it is a beautiful place because of the open fields and farmlands. Replacing that beauty with subdivision after subdivision is criminal. With all the development that has occurred in Boulder County over the past 10-15 years it's time to stop! Do not let every money thirsty developer with deep pockets come in and ruin our town! This guy got his huge house on Niwot Rd with his huge unattached barn/garage. It needs to stop there. Do not allow this proposal for 7, or any number of additional houses to be built on this land.

Thank you,

Sherry Madison

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Sherry Madison - SD-23-0003 - 6184 Niwot Rd
Date: Tuesday, August 15, 2023 4:31:05 PM

Boulder County Property Address : 6184 Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Sherry Madison

Email Address: sherrymadison@hotmail.com

Phone Number: (720) 217-2430

Please enter your question or comment: I previously submitted comments regarding this development proposal but mistakenly sited 75th street instead of 63rd. My apologies for the error.

I implore you to please deny development of this proposal to build 7 homes on the corner of 63rd and Niwot Rd.

Thank you,

Sherry Madison.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Donna Schult - SD-23-0003 -
Date: Wednesday, August 16, 2023 6:14:57 AM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Donna Schult

Email Address: dlschult@comcast.net

Phone Number: (303) 532-7900

Please enter your question or comment: You cannot undo a bad decision. As the planning board, you have a fiduciary and moral responsibility to protect the residents against real estate developers using "technical" loopholes to circumvent minimum zoning acreage in unincorporated Boulder. We purchased our property with the understanding that new residential development would be subject to a min 10-20 acre lots. PLEASE DO NOT allow the development of 8 homes on 2.5 acres at the corner of 63rd St and Niwot. The decision to do so will set precedence for the other horse properties on Niwot Road to redevelop their land into subdivisions and destroy the beauty of the area. We deliberately chose that area to purchase our home in 2005 because it was a rural and beautiful area. Our home values have thrived because it. Please KEEP IT RURAL!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Eric Schult - SD-23-0003 -
Date: Wednesday, August 16, 2023 6:23:19 AM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Eric Schult

Email Address: ERSchult@comcast.net

Phone Number: (303) 532-7901

Please enter your question or comment: I OPPOSE the proposed development of 8 residential homes on the corner of 63rd Street and Niwot Road. The beauty of the area, and the reason we purchased our home there, is that it is relatively rural and ideal for runners, triathletes, cyclists and athletes in general. Adding additional residential homes on small acreage will add to the auto traffic in an area that is used by thousands of athletes every day of the week and that corner is the hub of most weekend races and bike events. As a long time resident, I would prefer an abundance of cyclists and runners vs automobiles.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Donna Schult - SD-23-0003 - Robin Drive
Date: Wednesday, August 16, 2023 6:39:08 AM

Boulder County Property Address : Robin Drive

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Donna Schult

Email Address: dlschult@comcast.net

Phone Number: (303) 532-7900

Please enter your question or comment: I OPPOSE the proposed subdivision. The newly constructed residential home on the subject property was denied placement at this same corner per Docket SPR-17-0091 because it violated the view protection corridor and infringed upon the wetlands and ECA. The property has not changed since that recommendation was made in 2017. In fact, protection of those rights has become more critical now as residential subdivisions are approved in the City of Boulder and Longmont which negatively impact our land and environment. Please do not approve this subdivision.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Elizabeth Cook - SD-23-0003 RODRIGUEZ TDR PUD - 6105 Monarch Rd
Date: Wednesday, August 16, 2023 10:53:10 AM

Boulder County Property Address : 6105 Monarch Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003 RODRIGUEZ TDR PUD

Name: Elizabeth Cook

Email Address: Libby@philanthropiece.org

Phone Number: (303) 817-1399

Please enter your question or comment: Dear planner,

I am writing in response to the proposed RODRIGUEZ TDR PUD Subdivision Review Notification. I am the property owner at 6105 Monarch Road which is the 40 acre parcel on the southern boundary adjacent to the proposed development parcel. I have owned this property for approximately 35 years. I intentionally purchased this property because of its low density zoning of 1 house/35 acres and have tried to be a good steward of both the land in terms of protecting the view corridor and the wildlife that inhabit this area. I am strongly opposed to the proposed development for the following reasons:

(1) This is a rural area that is not appropriate for development given the climate goals of the county. This proposed development is not within walking distance (or biking distance without adding full bike lanes along 63rd and Monarch roads) of any public transit or any other amenities (eg grocery stores etc). It would result in significantly increased car traffic along 63rd street and the surrounding paved and unpaved roads.

(2) The proposed development and sketch plan do not preserve the view corridors that have been a focal point for the county. In fact several years ago the planning department requested and I agreed to install my ground mounted solar array in the far northwest corner of my 40 acres in order to preserve the view corridor from 63rd street west to the mountains. The proposed sketch plan with 8 houses built along 63rd street would eliminate this view corridor. If any type of development were approved it should be adjacent to the existing house and run along Niwot Road so as to preserve the view west from 63rd street.

(3) This is not an appropriate site for this type of dense development given the disruption to the surrounding homes and wildlife. Also if approved there is no way to control the pace at which this development would take place and could result in significant noise pollution and disruption to the other residents for many many years.

(4) 63rd Street, Niwot Road, Monarch Road and 55th Street are HEAVILY used by bikers and runners. This development would result in increased risks to recreational users who use these roads especially given the lack of adequate or nonexistent shoulders on these roads. Also there are many biking, running and triathlon events held along these roads that are already disruptive. Does the county plan to add bike lanes, a traffic light at 63rd and Niwot Road and a left turn lane and would this development be required to contribute to that cost?

(5) This development, if approved, would in effect supersede and render null and void the low density zoning of this rural part of Boulder County. Was this the intent of the TDR process? I would propose that the county look at changing the zoning to allow for perhaps 1 house/10 acres. This allows all property owners to know what the future development for this area might look like and to be involved in creating a more equitable solution that prevents individual property owners from being able to bypass the low density zoning that has been in place for decades.

(6) This development if approved as currently proposed would pave the way for both me as the adjacent property owner and other nearby property owners to also acquire TDRs allowing us to pursue additional residential PUD subdivisions along 63rd and Niwot Roads. Does opening this Pandora's box makes sense given the few rural areas remaining in Boulder County and given the fact that there are so many more appropriate and available areas for development that meet the countys needs and goals?

Thank you for your consideration of my concerns. Please feel free to contact me if you have any further questions or need additional information.

Sincerely,

Elizabeth Cook

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Steven Meyrich - 23-SD-0003 - 6184 Niwot Road
Date: Wednesday, August 16, 2023 11:03:01 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: 23-SD-0003

Name: Steven Meyrich

Email Address: stevenmeyrich@me.com

Phone Number: (720) 308-3107

Please enter your question or comment: In my 50 years living in Boulder County (including service on Boulder County Parks and Open Space advisory commission I never imagined that Boulder authorities would allow the use TDR's to promote subdivision development in rural Boulder as is contemplated here. This is contrary to all applicable zoning regulations and environment goals and must be stopped dead in its tracks. I am sure that no legal or rational basis exists to allow this application to go forward and the sooner it is stopped the better

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Susie Chandler - SD-23-0003 - 6184 Niwot Rd
Date: Wednesday, August 16, 2023 11:13:17 AM

Boulder County Property Address : 6184 Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Susie Chandler

Email Address: susie@susiesunflower.com

Please enter your question or comment: I recently found out about this proposed construction of 9 homes on the parcel at 6184 Niwot Road. I am very familiar with the area and very upset to hear about this project. My good friends own a farm across the street and this will drastically effect their livelyhood and quality of life for themselves and their animals. And the fact that there has been no community outreach efforts from the owners of that land is the most upsetting. Please consider and listen to all of the community members in this process. The impact of this project will potentially destroy many neighbors plans, lives, and dreams. Density does not have a place in that community. Farmland needs to be valued for it's agricultural contributions, not for its development potential.

Thank you for your time.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Robert Green - SD-23-0003 - 63 and Niwot Rd
Date: Wednesday, August 16, 2023 12:44:34 PM

Boulder County Property Address : 63 and Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Robert Green

Email Address: rggreen@earthlink.net

Phone Number: (303) 898-8731

Please enter your question or comment: I oppose the proposed subdivision as an inappropriate use for the property for the following reason:

1. Will change the rural character of the area.
2. Will create traffic issues at what is already a very busy and dangerous intersection.
3. Will disrupt sight lines for vehicles, farm equipment, bicyclists, runners and others that use this intersection.
4. Will create safety issues for the above users.
5. Will create many construction related issues, vehicles, heavy equipment, worker parking, noise, dirt and dust pollution, construction debris, runoff water pollution, construction traffic for a number of years.
6. Misuse of the TDR process. It was not created to allow for infill development in the rural areas of the county but rather to preserve and protect those areas.

I strongly oppose the proposed project.

Thank you for your consideration.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Robert Peverley - SD-23-0003 - 6184 Niwot Road
Date: Thursday, August 17, 2023 12:08:20 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Robert Peverley

Email Address: rpeverley@gmail.com

Please enter your question or comment: Regarding the 63rd Street Subdivision. This is a beautiful area and uncrowded. I'm sure there are plenty of people who would like to live in this area but housing is limited. I think this development would be good for the area. I have owned my home here since 1999.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Boulder County Planning & Permitting
Attn: Community Planning & Permitting Department
P.O. Box 471
Boulder, CO 80306
planner@bouldercounty.org
Concurrent Copy to:
Boulder County Planning & Permitting
Attn: Pete L'Orange, Planner II
plorange@bouldercounty.org
RE: Boulder County application SD-2023-0003.

Dear Pete L'Orange and other county planners:

I have resided at 4850 Niwot Road for 40 years and own and care for my 31 acre parcel of open prairie land that is also a dedicated conservation easement. I am deeply familiar with the land along Niwot Road to my east. I have four areas of concern related to the application to override the county comprehensive plan and convert the 40 acre parcel on the southwest corner of Niwot Road and 63rd Street to a 10 dwelling subdivision. I would appreciate your giving some thought to the following issues as you consider this application.

1. CARE OF THE LAND

Both Boulder County and the City of Boulder have placed a premium on the vanishing prairie lands in unincorporated Boulder County. To that end, the county comprehensive plan was created in 1978 to protect the rural, and largely agricultural, unincorporated region containing this parcel from the growing density of incorporated municipalities.

This particular parcel has had a history of abuse, from over grazing to being overtaken with prairie dogs. Even with the extreme rains this year, it isn't supporting the rich prairie grasses seen in much of the surrounding land -- both open space and privately owned parcels.

The water table may be too high to support the tap roots of trees, but it still would be possible to nourish the prairie grasses back to health. It just needs the kind of stewardship that many surrounding landowners all devote to their acreage, for it to return to being a true prairie.

2. ENTRY LOCATION

At 200 yards west of the intersection, the proposed Niwot Road entry location is too close to the intersection between Niwot Road and 63rd Street. Both of these roads are major routes for truck and car traffic and carry increasing numbers of runners and bikers as well.

You might want to consider an entry adjacent to the driveway of the land's owner, who lives further west at 6184 Niwot Road. There is no landscaping that would be disturbed, and it could lead east toward the dwelling or dwellings eventually approved.

3. DENSITY INVOLVED IN APPLICATION

A. impact on flood protection and water shed function

This barren, neglected site still serves a function for water shed purposes, both because it sits lower than surrounding land, and because it has no impermeable blacktop, concrete or structures limiting its ability to absorb water.

The proposed 9 added dwellings, complete with patios, driveways and access roads would dramatically reduce this function. That is without any consideration for the engineered septic systems that would likely be needed for each house.

B. Number of dwellings

The idea of an added 9 dwellings on only 40 acres is not in keeping with the surrounding unincorporated land, and its footprint is far more than this extremely fragile land can handle.

The possibility of 2 or at most 3 dwellings surrounded by open space areas dedicated to becoming restored open prairie grasses might be workable. It could invite the wildlife back into the area, and would continue to protect the "view corridor" which is a basic concern in the comprehensive plan.

4) CONCERN FOR ESTHETICS

The owner of the land has constructed, as their home, a prominent white dwelling and barn with sparse landscaping. This esthetic would be out of place for the multiple dwellings being considered for this land. It would be yet another way it wouldn't fit in with the surrounding land and housing. Therefore, it seems appropriate to ask for a minimum of legislated esthetics to be required as well.

If the much fewer number of dwellings that get approved can be in earth tones, have a reasonable footprint (under 6000 square feet, perhaps), and have landscaping to bring some greenery to the spaces around the home(s), that would be far more in keeping with the surrounding area.

I appreciate your giving consideration to these comments.

Sincerely,



Diane [Dee] Joy Coulter, owner
4850 and 4860 Niwot Road
Longmont, CO 80503
phone/text: 720-331-1700
email: dcoulter@ecentral.com

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - John Seaborn - SD-12-0003 - 6184 Niwot Road
Date: Thursday, August 17, 2023 3:20:25 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-12-0003

Name: John Seaborn

Email Address: oneglideon@proton.net

Please enter your question or comment: My wife and I live in the area and have travelled 63rd to and from our home for something like 26 years. There are several things about this proposal that seem somewhat obvious. While we appreciate the idea of freedom to develop property we are opposed to the proposed development under SD-12-0003

1. The NE side of the lot floods with some regularity. Anytime there is a heavy rain or snow melt the NE corner has standing water due to its being below grade.
2. A development of this nature directly on the road seems to be in conflict with the rural nature of the area. Granted there is development to the NE and NW of the proposed site but this is a rural area to the SW which would be turned into home sites.
3. Traffic. The intersection of 63rd and Niwot Rd is already very busy and this development wont help.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Nick Preobrazhensky - SD-23-0003 -
Date: Thursday, August 17, 2023 10:25:16 PM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Nick Preobrazhensky

Email Address: nicholai.preo@gmail.com

Phone Number: (720) 431-4528

Please enter your question or comment: I'm writing to express my opposition to the 63rd street subdivision project. This project will greatly disrupt the neighborhood. This area is already heavily utilized for sporting events such as bike races and running. Adding more houses and the subsequent cars that would accompany these houses is not a good idea.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Philip Baldwin - SD-23-0003 - 6184 Niwot Road
Date: Friday, August 18, 2023 8:03:39 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Philip Baldwin

Email Address: ross@rossbaldwin.com

Please enter your question or comment: I oppose this development. This will have a negative impact on the environment, as well as biker safety. 63rd street is already incredibly overloaded by traffic attempting to escape the daily traffic jams on the Diagonal Highway.

This land should not be subdivided in any way.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Carol Hsile - -
Date: Friday, August 18, 2023 10:10:48 AM

Name: Carol Hsile

Email Address: carolmhaile@gmail.com

Phone Number: (303) 819-8661

Please enter your question or comment: I strongly oppose the newly proposed housing development on 63 Street and Niwot Road. A housing development at this site would disrupt the rural atmosphere of the surrounding area. There are bobcats in this area that have dens along the boulder reservoir that would be affected by b this development. I wonder why Boulder County would approve of this subdivision from a 40 acre property. I thought Boulder valued their rural farmlands and surrounding areas. This would disrupt that rural atmosphere.

I value the rural feel and would like for it to remain. There is not much of that left in the county

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Robert Peverley](#)
To: [L'Orange, Pete](#)
Subject: Re: [EXTERNAL] Ask a Planner - Robert Peverley - SD-23-0003 - 6184 Niwot Road
Date: Friday, August 18, 2023 10:43:27 AM

Hi Pete,

My friend David and I looked at the plots, he lives down off 287 and Isabelle on Fox Hills Dr. it's a regular neighborhood where the houses are right next to each other. He said "they are only building eight houses and all of them are on at least 2 acres, they are building a neighborhood like mine."

I echo the same sentiment. There is a similar project on McCaslin and South Boulder Rd.

It was done 15 years ago. Looks great.

I live at 6510 Bluebird Ave, just sold my house to a great couple who are excited about raising their family in this area.

Prior to selling it I got low ball offers for a bunch of speculators.

Eight more homes for people like Eirik and Mary Beth (who bought my home) is perfect for this area.

Good luck.

Robert
720-204-3123

On Thu, Aug 17, 2023 at 12:24 PM L'Orange, Pete <plorange@bouldercounty.gov> wrote:

Thank you for your comments. They have been received and will be included in the official record.

If you have any questions or any additional comments, please don't hesitate to get in touch with me again. Thanks!

Pete L'Orange | Planner II

Boulder County Community Planning & Permitting

Pronouns: he/him/his

Courthouse Annex | [2045 13th Street | Boulder, CO 80302](#)

Mailing address: PO Box 471 | Boulder, CO 80306

Direct: 303-441-1418 | Main: 303-441-3930

plorange@bouldercounty.gov

www.bouldercounty.gov/lu

*Boulder County has migrated all email to the .gov domain. Please update your contact lists to reflect the change from plorange@bouldercounty.org to plorange@bouldercounty.gov. **Emails sent to both .org and .gov addresses will continue to work.** This work is part of the migration to the .gov domain that began in July 2022 when the Boulder County website moved to www.bouldercounty.gov. This move to the .gov domain provides a higher level of cybersecurity protection.*

-----Original Message-----

From: Wufoo <no-reply@wufoo.com>

Sent: Thursday, August 17, 2023 12:08 PM

To: LU Land Use Planner <planner@bouldercounty.gov>

Subject: [EXTERNAL] Ask a Planner - Robert Peverley - SD-23-0003 - 6184 Niwot Road

[Boulder County](#) Property Address : 6184 Niwot Road If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Robert Peverley

Email Address: rpeverley@gmail.com

Please enter your question or comment: Regarding the 63rd Street Subdivision. This is a beautiful area and uncrowded. I'm sure there are plenty of people who would like to live in this area but housing is limited. I think this development would be good for the area. I have owned my home here since 1999.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

--

Robert Peverley
720-204-3123

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Cory Dickson - SD-23-0003 - Rodriguez TDR PUD
Date: Friday, August 18, 2023 10:58:02 AM

Boulder County Property Address : Rodriguez TDR PUD

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Cory Dickson

Email Address: cfid1313@msn.com

Phone Number: (303) 818-3434

Please enter your question or comment: I am very concerned about the proposed Rodriguez development referenced in the above Docket SD-23-0003.

Numerous concerns were outlined in 2017 by Ron West, Boulder County Natural Resource Planner. The home that was subsequently built west of this proposed subdivision development was denied a build in the same location of this proposed subdivision. Mr. West's concerns were that this same area for the newly proposed development with this application is its Significant Agricultural Lands of Statewide Importance, it is an ECA (Boulder Valley Ranch/Beech), it is a wetland, it is a View Protection Corridor, and the Proximate to Public Lands as it is nearly adjacent to OSMP land to the southwest. None of these concerns/criteria have changed to my knowledge.

The proposed development will put additional pressure on the already heavily trafficked intersection of Niwot Road and 63rd. Besides motor vehicles, the intersection sees a heavy volume of cyclists and runners, including myself.

Niwot Road and 63rd are both listed on Boulder County's map as view shed protection corridors.

This proposed area of development area supports an existing prairie dog community (County wildlife species of concern) which provides a hunting ground for coyotes, bobcat, fox and many birds of prey.

Affected proposed development area serves as a detention pond for excessive water during floods. I have seen a picture taken of the area after the 2013 flood that shows significant standing water in the same location of the proposed development. Added elevation as projected in the planning materials will have a negative effect on the surrounding homes.

Proposed homes will create fragmentation of the rural character and is adjacent to and includes an Environmental Conservation Area. Boulder Land Use Code NIW 1.02 Limitations on New Building Sites and Residential Structures states the Boulder County Land Use Code shall be developed in such manner as to discourage the further subdivision of lands, situated outside of designated "Community Service Areas" for the purpose of creating new building sites for residential, commercial, or industrial land uses. This proposed development seems to me to be in opposition to the Boulder Land Use Code.

As outlined in my above concerns, I urge you to refuse any development on this land.

Sincerely,

Cory Dickson

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Laura Dickson - SD-23-0003 - Rodriquez TDR PUD
Date: Friday, August 18, 2023 10:52:14 AM

Boulder County Property Address : Rodriquez TDR PUD

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Laura Dickson

Email Address: dclaura13@me.com

Phone Number: (303) 818-3374

Please enter your question or comment: I am very concerned about the proposed Rodriquez development referenced in the above Docket SD-23-0003.

Numerous concerns were outlined in 2017 by Ron West, Boulder County Natural Resource Planner. The home that was subsequently built west of this proposed subdivision development was denied a build in the same location of this proposed subdivision. Mr. West's concerns were that this same area for the newly proposed development with this application is its Significant Agricultural Lands of Statewide Importance, it is an ECA (Boulder Valley Ranch/Beech), it is a wetland, it is a View Protection Corridor, and the Proximate to Public Lands as it is nearly adjacent to OSMP land to the southwest. None of these concerns/criteria have changed to my knowledge.

The proposed development will put additional pressure on the already heavily trafficked intersection of Niwot Road and 63rd. Besides motor vehicles, the intersection sees a heavy volume of cyclists and runners.

Niwot Road and 63rd are both listed on Boulder County's map as view shed protection corridors.

This proposed area of development area supports an existing prairie dog community (County wildlife species of concern) which provides a hunting ground for coyotes, bobcat, fox and many birds of prey.

Affected proposed development area serves as a detention pond for excessive water during floods. Pictures after the 2013 flood show significant standing water in the same location of the proposed development. Added elevation as projected in the planning materials will have a negative effect on the surrounding homes.

Proposed homes will create fragmentation of the rural character and is adjacent to and includes an Environmental Conservation Area. Boulder Land Use Code NIW 1.02 Limitations on New Building Sites and Residential Structures states the Boulder County Land Use Code shall be developed in such manner as to discourage the further subdivision of lands, situated outside of designated "Community Service Areas" for the purpose of creating new building sites for residential, commercial, or industrial land uses. This proposed development seems to me to be in opposition to the Boulder Land Use Code.

In light of the above concerns, I urge you to refuse any development on this land.

Sincerely,

Laura Dickson

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Bjelland, Erica

From: Ask A Planner <no-reply@wufoo.com>
Sent: Friday, August 18, 2023 12:16 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Christie Baryames - SD-23-0003 - 6184 Niwot Road

Boulder County Property Address : 6184 Niwot Road If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Christie Baryames

Email Address: christiebaryames@gmail.com Phone Number: (303) 817-4330 Please enter your question or comment: I am opposed to developing this property. The congestion, traffic, noise etc. is not conducive to the area in any way, shape or form. No additional housing units should be built on this property.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Bjelland, Erica

From: Ask A Planner <no-reply@wufoo.com>
Sent: Friday, August 18, 2023 12:42 PM
To: LU Land Use Planner
Subject: [EXTERNAL] Ask a Planner - Mary Robl - - 6620 Niwot Rd

Boulder County Property Address : 6620 Niwot Rd

Name: Mary Robl

Email Address: mary2ron@gmail.com

Phone Number: (303) 530-3565

Please enter your question or comment: File : Niwot/N63rd subdivision

9 additional houses is too many for this parcel.

- 1) Niwot and 63rd are already too congested.
- 2) The property is low. Water stands there after rains.
- 3) Putting 2 additional houses should be the maximum for this parcel.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Joan Knudson - SD-23-0003 - 6184 Niwot Road
Date: Friday, August 18, 2023 1:36:54 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Joan Knudson

Email Address: joanie@philanthropiece.org

Phone Number: (303) 520-3267

Please enter your question or comment: I am writing in opposition to the proposed housing project at 63rd and Niwot Road. I am a nearby neighbor who has lived on Monarch Road for the last 20 years. The density of this project is not suitable for this location. This is a rural and agricultural area with current zoning that allows for one home per 35 acres. There is no need to develop this property except for personal gain. It will create an unappealing view corridor in an area that is intended for view protection. The amount of traffic currently in this area is approaching maximum capacity due to the heavy recreational use this area receives with bicycles, runners and the fact that it is often part of an organized event route. This project will not help alleviate Boulder's housing needs. Will any of these homes be "affordable"? What will be the traffic impacts? This project should not be allowed to move forward as proposed. At a bare minimum the number of homes should be drastically reduced. Best would be to deny this application in its entirety.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Linda Giandinoto - SD-23-0003 - 7059 Redwing Place
Date: Friday, August 18, 2023 1:58:53 PM

Boulder County Property Address : 7059 Redwing Place

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Linda Giandinoto

Email Address: giandinotolinda@gmail.com

Phone Number: (720) 938-7528

Please enter your question or comment: My husband Roger Briden and I are very much opposed to the proposed subdivision at 63rd and Niwot Road. I do not want the extra traffic, congestion. I want the bicyclists and runners to be able to continue exercising in the area. I am concerned about the prairie dogs, foxes, racoons, skunks and birds of prey. Concerned about flooding in the area of subdevelopment. Will create fragmentation of rural character and Environmental Conservation Area. Thank you for listening and I do hope this proposed subdivision never comes to pass. Linda K. Giandinoto. 720-938-7528

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - paula rubin - spr-17-0091 - 3963 nimbus rd
Date: Sunday, August 20, 2023 8:02:05 PM

Boulder County Property Address : 3963 nimbus rd

If your comments are regarding a specific Docket, please enter the Docket number: spr-17-0091

Name: paula rubin

Email Address: prubin181@gmail.com

Phone Number: (303) 775-8967

Please enter your question or comment: this area is rural residential. that does not mean suburban subdivisions aka gunbarrel. This subdivision will only increase density and result in suburbanization of a rural residential area. The county should be focusing on low income housing rather than letting developers enriching themselves. This subdivision would not only increase nonrural aka suburban development but increase traffic on 63rd/niwot rds. Again...low/medium income housing should be a priority rather than more million dollar houses. Boulder county has enough of them already.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Thomas Jacobsen - SD-23-0003 - 5529 Niwot Rd
Date: Sunday, August 20, 2023 8:39:55 AM

Boulder County Property Address : 5529 Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Thomas Jacobsen

Email Address: tomjaco1@yahoo.com

Please enter your question or comment: Re proposed development at 63rd St and Niwot Rd.:

We have lived in our home for 30 yrs and are opposed to this nearby development proposal. It will increase traffic congestion and noise, impact wildlife and natural surroundings, and greatly change the nature of this beautiful area. As the site is already specified agricultural, and apparently has drainage problems (per the 2013 flood), I am surprised that the County is even considering this proposal. Given the strong opposition from the neighborhood, please do not move forward on this project.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Kathleen Berman - SD-23-0003 - 6629 Secretariat Drive
Date: Sunday, August 20, 2023 11:36:47 AM

Boulder County Property Address : 6629 Secretariat Drive

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Kathleen Berman

Email Address: kathberman@gmail.com

Phone Number: (303) 929-1785

Please enter your question or comment: I am very much opposed to any development at 63 and Niwot Road. This area is rural and many of us

wish to keep it that way. It is why we moved here. We did not want to live in larger towns such as Longmont or Boulder. We enjoy the open fields and mountain views. More housing will severely impact our way of life.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - rita sharp - SD-23-0003 - 5995 Nelson rd
Date: Sunday, August 20, 2023 12:57:35 PM

Boulder County Property Address : 5995 Nelson rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: rita sharp

Email Address: rita@ritasharp.com

Phone Number: (303) 517-4961

Please enter your question or comment: Hello Mr. L Orange

I have a 35 acre farm North of this parcel and am also zone rural ag. I bought my farm in 2004 .I was under the impression that no more subdividing would be allowed West of 75th .I have watched 63rd become a heavily used "cut thru "off of the diagonal for folks going to North longmont .There have been no improvements to this road or the bike lanes which are dangerously inadequate. Now you are looking at changing the density without addressing traffic and bike safety . The views and peacefulness are some of the reasons folks choose to live rural .

Haystack Mt. was divided into 35 acre plus parcels ,3 ,I believe ,keeping in line with the 35 acre format.

Please keep this larger parcel intact to keep some of Boulder County rural...

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Jeff Kosberg - SD-23-003 -
Date: Sunday, August 20, 2023 4:06:57 PM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: Jeff Kosberg

Email Address: jeffkosberg@gmail.com

Please enter your question or comment: We recently moved to Lake Valley Estates from Florida. During our due diligence we found out that many years ago Boulder County established deed restrictions on most of the open farm land to ensure the out of control housing development by tract builders would not happen. I believe it is 1 house per 35 acres. Therefore, how can this development even be considered?

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [David Hindman](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] SD-23-0003 Rodriguez application
Date: Sunday, August 20, 2023 4:08:07 PM

My name is Dave Hindman and my wife Lynn and I own the forty acre parcel that is immediately adjacent and to the west of the proposed application. 6060 Niwot Road We are very much opposed to this development!

These two forty acre parcels, ours and Rodriguez's, were bought in 1905 by my great grandfather, Alva Dodd, who homesteaded on the corner of Niwot Road and 73rd Street, just east of Dodd Lake. He bought this acreage as a place to graze his dairy cows during the day. It was good pasture land, complete with a stock pond, which we still use today. A couple years later, he bought the forty acres just to the south of the Rodriguez's property for additional grazing (see L.Cook's opposition letter). Some of the Dodd children, my Grandfather being one, used to move the cows from the Dodd farm to this pasture land in the morning and bring them home at night. Their path being along the south side of the dirt road, now known as Niwot Road, from Dodd Lake, across 63rd to the southwest corner of 63rd and Niwot Road. Later, in the 50's and 60's, my Grandfather and his brothers ran cattle on this property, then for the next twenty years, a local farming family ran their cows on this property. Most of this area has been in agriculture for the last 150 years. I, and other long-time residents in this area, want to keep it that way!

Through an earlier family division with the Dodd heirs, the 120 acre tract on the southwest side of Niwot Road and 63rd was divided into three 40 acre parcels, with one building site on each parcel (one per 35 acres) as per Boulder County zoning regulations. My wife and I built on our part of this original Dodd property over 30 years ago. We have worked hard to maintain the pastures to support our horses and small herd of cows. To the west and south of us, is City of Boulder Open Space, which is leased out for either grazing or haying. East of 63rd street, along the south side of Niwot Road, are small farms and ranches along with private hay fields. Just to the west of Dodd Lake is County Open space that is leased for grazing.

From the Boulder County Land Use Code, Section 6-700 Transferred Development Rights Planned Unit Development, "Section A" states the purpose of the County's TDR's. The proposed density development on the SW corner of 63rd and Niwot Road is completely at odds with everything that Section A desires to promote with the TDR plan. It meets none of the listed objectives while the development, if approved, will destroy much of "rural character, scenic vistas and natural features" of the area. As the County knows, this area of Niwot Road is a popular route for the numerous bike and running events put on by various clubs and organizations. Some of the events are quite large with a national following. My discussions with people involved in these events love the routes that run along our fairly open agricultural lands. Denying this application and prohibiting any area along the south side of Niwot Road from becoming a Receiving Site will greatly benefit the residents of Boulder County.

Most of the people I know in this area are involved in some type of agriculture. Most have lived out here a long time and plan to stay, enjoying the rural feel of an area situated between Boulder and Longmont. I have never heard anyone say they were interested in using their land for a subdivision. In fact, I don't know anyone who thought it possible, based on current Boulder County Land Use Codes, such a proposal could even be considered. The almost unanimous opposition to this application should be reason enough to deny it!

Dave and Lynn Hindman
6060 Niwot Road
303 818-1847

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Karen Mandery - Docket SD-23-0003: RODRIGUEZ TDR_PUD - 7019 N. 63rd Street
Date: Sunday, August 20, 2023 7:43:19 PM

Boulder County Property Address : 7019 N. 63rd Street

If your comments are regarding a specific Docket, please enter the Docket number: Docket SD-23-0003:

RODRIGUEZ TDR_PUD

Name: Karen Mandery

Email Address: karen@surfbbp.com

Phone Number: (303) 818-3316

Please enter your question or comment: Missing information and documents in Docket SD-23-0003:

Article 5-102 of the Boulder County Land Use Code Standards and Conditions for Sketch Plan Approval requires conformance with the criteria established in Article 7-200. Subpart (C)(1) of that section states that the phasing schedule should be noted in the development agreement. However, the initial phase of development occurred in the absence of development agreement, even though the applicant had contacted the county expressly describing their interest in more intense development (than allowed by right) and their intent to include the transfer of development rights.

The proposal lacks a written commitment to provide a public sewage disposal system as required by Article 5-102

The proposal fails to conform to Article 7-1100 as there is no commitment to provide hydrants as required by sub part (B)(1)

There is no evaluation of the site's fire hazard rating per Article 7-1100 (C.1). Given the disastrous outcome of the Marshall Fire, Boulder County should be taking all possible precautions to ensure that the setting of the proposed development--a grassland --like the Marshall Fire is appropriately rated. A fire starting in or spreading to the proposed subdivision would create enhanced fuel loading and risk for surrounding homes and properties. The existing open land at the site would give firefighters an opportunity to set up a fire break and stop advancing fires. The presence of a subdivision removes that opportunity, placing adjoining properties at increased risk.

There is no documentation to support the assertion in the Development Report that the following services named at Article 3-203 (subpart F-1g) are available and adequate to meet the needs of the proposed subdivision:

Transportation, police protection, schools, gas, or other services such as internet access.

There is no assurance from the Boulder County Sheriff's Office that services are available and adequate to meet the needs of the proposed subdivision.

The Development Report states:

"The subdivision will offer housing to families while preserving the natural beauty of the area." The second part of this statement is not supported in any way and is subjective.

"The Parcel is nestled between the city of Boulder and Longmont." Nestled carries the meaning of being pressed closely to something. The subject property lies miles from the City of Longmont, and over 0.5 miles from the nearest point within Boulder's corporate limits.

"The Parcel is adjacent to Brigadoon Glen -NIV and Range View 1 subdivisions." This is not accurate. The parcel is separated by Niwot Road from Brigadoon Glen, and by N. 63rd St. from Range View.

"A pre-application meeting was held in April of 2017 between Boulder County representatives Dale Case and Summary Frederick." A check of the county staffing at that time indicates a planner named Summer Frederick, but no one with the first name "Summary". This error has been repeated twice.

"At that time, it was determined that the property met all the requirements to start the application/approval process." No reference is provided to what process, and no evidence that such a conclusion was reached by the county is provided.

Prior to making this decision, they received confirmation from Summary Frederick that it would not "outright disqualify the lot if a house were built on it." Despite the use of quotation marks (to suggest this text was excerpted from a document provided by the county) no such documentation is provided to substantiate this statement. And if not contradictory to the provision of Article 7-200 (C)(1), it seems that some reference for the intent of the county's interest in documenting phasing of development should have been made by county land use staff and noted along with the other information placed in the Development Report.

Community Input: "The team will engage with the local community to gather feedback and incorporate their ideas into the design of the development. This will help ensure that the development is in line with the values and priorities of the community." Beyond notification by Boulder County of the pending application by mail, members of the Brigadoon Glen subdivision (affected property owners), characterized by the applicant as "adjacent" have received no engagement.

"A traffic impact study that shows the development will not cause significant congestion and a landscape architecture plan that incorporates best practices for preserving views." Neither of these documents have been provided to substantiate the claims contained in the Development Report.

The Development Report states: "Completion of these resources will provide the County with objective evidence to support the argument that the development will not impact views or traffic." This suggests that it is the applicant's understanding that the process is for the applicant to provide information that will lead to a specific conclusion. However, it seems if the process is to be objective, the information should be to allow the County staff, Planning Commission and Board of County Commissioners to make the determination if the development is consistent with land use standards.

Article 3-203 (F-1b) states that the report should provide: "A description of site features such as streams, areas subject to flooding, lakes, high groundwater areas, topography, vegetative cover, climatology, and other features that may aid in the evaluation of the proposed development." No information is provided about vegetative cover. Since the proposal is to replace prairie grassland with a subdivision, it seems that this information would aid in the evaluation of the proposed development. Regarding flooding, the report uses the word "flood" only once, when it lists flood protection as "n/a". The subject property is known to be flood prone. This is a serious omission from the Development Report because of the implications for the surrounding community.

Article 3-203 (F-1b) states "The long and short-term effects on Environmental Resources shall be determined through field surveys,

There is no documentation for several of the elements identified in the list under Article 3-203(F)(1)(g): Natural Gas – if the proposal is to have propane tanks that creates additional traffic and fire hazards.

Fire Protection, Schools, hospitals, solid waste disposal.

Or as required at Article 5-102(A)(7) police protection, recreation, telephone or mail

For solid waste, the applicant has indicated that this is n/a. This term typically means "not applicable", and it is difficult to understand how ten homes will not require solid waste disposal. Under sanitation the Development Report states "Letter from Boulder County septic company stating that lot sizes will be adequate for septic systems and will not have any environmental impact". No such letter was included in the application materials made available to the public. And even if there were a letter, does the county rely upon a letter from a "septic company" to conclude that nine septic systems placed anywhere on the property will have no environmental impact? The community has great concern about this aspect of the proposed subdivision.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Elizabeth Helgans - SD-23-0003 - 8408 N 81st St Longmont, CO 80503
Date: Saturday, August 19, 2023 12:31:31 AM

Boulder County Property Address : 8408 N 81st St Longmont, CO 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Elizabeth Helgans

Email Address: bhelgans@gmail.com

Phone Number: (720) 840-1452

Please enter your question or comment: I grew up in CO and now I don't recognize it because of sneaky tricks like this development! This is a slimy attempt to carve up land that is rurally designated. Please don't allow the carving up farm land! Soon there will be none left. If this passes you are setting a precedent that will allow for further development of other properties in our area. This goes against the value Boulder County has long held to protect OPEN spaces. I am strongly opposed to allowing this development. Please listen to the people that actually live in this area. We have been and are stewards of this land, are you?

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Mark Schroeder - - 5890 Prospect Rd
Date: Saturday, August 19, 2023 7:57:44 AM

Boulder County Property Address : 5890 Prospect Rd

Name: Mark Schroeder

Email Address: mark@mythena.com

Phone Number: (303) 746-0988

Please enter your question or comment: DearCommunity Planners,

My name is Mark Schroeder. I live at 5890 Prospect Road, right off 63rd Street. I vigorously oppose SD-23-0003, which is the petition to build 9 residences at 63rd St and Niwot Road. The majority of people who live out here chose to do so based on the rural character of the area. Enabling the ability to build these 9 high-end residences via a "Transfer Development Rights" process -- on a property zoned for one residence -- will open up a Pandora's Box, as many homeowners and farmers will attempt to use the same process to get their properties rezoned. In short, by granting this request, the County Planners may well be taking the first step of altering rural Boulder County forever. The owner of the land bought this property knowing it was zoned for one residence. It should remain that way.

Best regards,

Mark Schroeder

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Carla Friedli - SD-23-0003 - 6184 Niwot Rd
Date: Saturday, August 19, 2023 8:22:29 AM

Boulder County Property Address : 6184 Niwot Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Carla Friedli

Email Address: Honeybeefarm77@gmail.com

Phone Number: (303) 746-0994

Please enter your question or comment: Hello, I am writing to strongly oppose the subdivision plan for 63rd and Niwot Road. This land and part of Boulder county is a refuge from the high density building throughout Boulder County. Every morning people on bikes, runners, and folks enjoying a country drive enjoy 63 rd and Niwot Roads. The weekends are filled with events from road runners, marathons, charity events and neighborhood groups enjoying a bike ride. Increasing the density will make this just another development in the county. It will do nothing for the quality of life and will harm the safety and serenity from all who enjoy this area. This is not a NIMBY comment and no, it won't help housing affordability either. The new owners have built a lovely home. Ideally they will learn to enjoy and care for this land or make it an Open Space parcel that is protected for our future. Now is the time to respect the access to rural Boulder and open skies and space that all can participate in. Please leave this land rural, no new subdivisions. Allowing a subdivision will only encourage the next large acreage owner to do the same.

Respectfully,

Carla Friedli, Ph.D.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Roger Briden - SD-23-0003 - 7059 Redwing Pl
Date: Saturday, August 19, 2023 9:06:34 AM

Boulder County Property Address : 7059 Redwing Pl

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Roger Briden

Email Address: rbriden@yahoo.com

Phone Number: (303) 442-0682

Please enter your question or comment: I am Roger Briden. My spouse Linda Giandinoto and I own 7059 Redwing Place. I am very much opposed to the proposed development at 63rd and Niwot Road. We want to maintain the safety of bicyclists and runners who use the streets extensively. We want to safely preserve prairie dogs, birds of prey, foxes, racoons, bears, skunks. We are concerned about the number of septic tanks which will be needed.

Affected area serves as a detention pond for excessive water during floods. Added elevation as projected in planning materials will have a negative effect on surrounding homes. Will create fragmentation of the rural character and is adjacent to (and includes) an Environmental Conservation Area. Thank you for listening.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Richard Weidenbach - SD-23-0003 - 6184 Niwot Road
Date: Saturday, August 19, 2023 1:16:42 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Richard Weidenbach

Email Address: rlrja@aol.com

Please enter your question or comment: To whom it may concern, Both my wife, Daniela, and I, Richard H. Weidenbach, are opposed to the approval of this request for the development of a new subdivision at the SW corner property of 63rd & Niwot road. We live in the nearby Lake Valley Community. The community has been and continues to be a rural/agricultural zoned area which provides a tremendous amount of value, as is, with the right amount of balance between existing subdivisions, working ranches and farms, and other agricultural businesses that have abided and worked within the existing master community plan for Boulder County (BC). This BC development master plan continues to provide this portion of Boulder County with a highly valued land usage shield to protect the rights of existing property owners, many of which have been living peacefully in this community for 20, 30, 40 years, from the constant onslaught of development and or developers who are mainly interested in maximize short term profits over long term protected rural and agricultural land value. Not to mention adding even more traffic, cycling, and pedestrian volumes to an already saturated street crossing. The fact that the petitioner is using a Transferred Development Rights as a means to secure the needed approval speaks volumes as to the bottom line intent of this project...i.e. maximize short term profits over long term existing master planning. Hence we respectfully ask the Boulder County Planning Commissioners and the BC County Commissioners to reject this application fully and completely. Thank You....

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [THOMAS BYRNES](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Docket#: SD-23-0003
Date: Saturday, August 19, 2023 4:40:41 PM

To: Pete L'Orange, Staff Planner

Re: Boulder County Docket#:SD-23-0003: RODRIGUEZ TDR_PUD

Good Day,

In response to the Boulder Co. Subdivision Review Notification, I wish to expound in detail why this permitting will not be good for our County. Having lived in Brigadoon Glen for forty-six years, I have a disagreement with permitting this Subdivision. Increased housing especially near the 4way stop intersection of Niwot and 63rd. will exasperate the already auto overload during the daytime.

Also, in my opinion, the permit will change the agricultural feel of sheep, goats and cattle(Oreo cows) grazing near 63rd. Street; and not in step with the three Vegetable farms just one mile North from the Subdivision.

Will this Plan decrease the area of the ECA? I hope not since we receive great enjoyment from the area's wildlife of Prairie Dogs to Bobcats to Bear.

My last concern is the potential loss of views including Haystack mountain and the fabulous one-of-a-kind vista of the Flatirons. Once these vistas are blocked by structures they will never be returned.

Respectfully submitted,
Thomas Byrnes

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Margaret Wallace - SD-23-0003 -
Date: Saturday, August 19, 2023 6:56:25 PM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Margaret Wallace

Email Address: mewalace@comcast.net

Please enter your question or comment: I'm writing to oppose the building of a subdivision at Niwot and 63rd. I know that Boulder County needs housing, but this is not the spot. This property floods when we have a heavy rain; it's a natural water collection basin that we rely on, and we don't need that water in nearby homes. It's also right by where bikes, runners, and traffic share a busy and dangerous intersection at Niwot and 63rd. There are thousands of bikes and runners who go down 63rd every weekend in the summer, and sometimes, such as during triathlons, those of us who live in the neighborhood can't get in and out for hours. Adding more traffic here would be unsafe. This subdivision would also change the semi-rural character of this area of the county, with the prairie dog communities, birds of prey, foxes and coyotes, and also the beautiful views of fields and distant mountain. These large properties wouldn't even address our need for affordable housing; Boulder County can do better than permitting this construction.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Justin Hatfield - Boulder County Docket SD-23-0003 - 6490 Bluebird Ave 80503
Date: Monday, August 21, 2023 9:26:25 AM

Boulder County Property Address : 6490 Bluebird Ave 80503

If your comments are regarding a specific Docket, please enter the Docket number: Boulder County Docket SD-23-0003

Name: Justin Hatfield

Email Address: taylorhatfieldadm@gmail.com

Phone Number: (720) 557-9621

Please enter your question or comment:

1. Negative effect on our existing rural culture.
2. Traffic is already very busy at the intersection of Niwot and 63rd. The exit of the proposed subdivision would be just a couple hundred feet from the stop sign. Runners, cyclists and autos already have many altercations in this area.
3. Prairie dog habitat. This is a prime feeding zone for animals such as Fox, Bobcat, Coyote and many birds of prey.
4. The property proposed is adjacent to an existing ECA (Environmental Conservation area).
5. Groundwater issues. This land is currently a low point in the area and is often flooded. Raising the ground level to a grade that would no longer flood could have negative effects on those properties downhill from the proposed development. Many of these homes are on wells and most have septic systems.
6. Negative impact on the view from our existing rural community.

Furthermore, an overwhelming majority in the existing surrounding communities fervently oppose the proposed development (SD-23-0003)

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Patricia R. Fuller-Pratt and Alan M. Pratt, 5953 Heather Way, Longmont CO 80503

August 14, 2023

Pete L'Orange and Boulder County Planning Commission
Boulder County Community Planning and Permitting
2045 13th Street
Boulder Colorado 80306

RE: Docket SD-23-0003: RODRIGUEZ TDR PUD

Dear Mr. L'Orange and the Boulder County Planning Commission,

We are writing to express our strong opposition to the above referenced proposed subdivision development. We live in the adjacent Brigadoon area and moved here 11 years ago because of the rural character of the area and the excellent bicycling roads.

We read the permitting information when this property was originally approved for building in 2017. The owners stated that they intended to use the property for large animals and possibly growing hops. Seemingly this was not their intention. In addition, the property was denied locating their house in the planned development area of the proposed subdivision. The denial was based upon the current View Protection Corridor map. It makes no sense to put 8 new houses in the location that was previously denied for 1 house.

We are avid cyclists and note that 63rd Street and Niwot Road are some of the premier cycling routes in Boulder County. Hundreds if not thousands of cyclists and runners use these roads, which have become more congested over time. Eight new houses (plus another nearby), with access close to the intersection of Niwot Road and 63rd Street would exacerbate the congestion. In addition a number of charity races and cycling events as well as races and triathlons use these roads and would be impacted by the additional development.

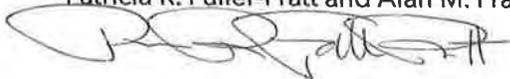
Rezoning of this parcel would fragment of the rural character of the area and of the Environmental Conservation Area adjacent to the parcel (and includes part of the parcel). The county comprehensive plan expressly directs preservation of these two issues.

In a letter response to a neighbor who brought up the issue of setting a precedent, it was stated that the county looks at each case individually. This may be the case for the county but developers and landowners would very much regard approval of this subdivision as a legal precedent.

We urge the County to deny this subdivision request.

Sincerely,

Patricia R. Fuller-Pratt and Alan M. Pratt



From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Karen Mandery - SD-23-0003 - 7019 N 63rd Street Longmont CO 80503
Date: Monday, August 21, 2023 9:50:23 AM

Boulder County Property Address : 7019 N 63rd Street Longmont CO 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Karen Mandery

Email Address: karen@surfbbp.com

Phone Number: (303) 818-3316

Please enter your question or comment: Hello Pete.

Please find attached spreadsheets of online and paper petition signatures. A scan of the paper petitions is also attached.

Our local community protests against and opposes the sketch plan. The proposed sketch is not compatible with the surrounding properties and is not in conformance with the Boulder County Comprehensive Plan.

Beyond notification by Boulder County of the pending application, members of the Brigadoon Glen subdivision and surrounding area, characterized by the applicant as “adjacent” have received no engagement. There was no community outreach by the applicants.

Please let me know if you have any questions or need further documentation.

Karen Mandery
7019 N 63rd Street
Longmont, CO 80503
303-818-3316

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/f13bb2c7-3b43-4702-859f-ae65ddd6107f> - 517.47 KB

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/a101f84f-ce9c-4e06-b229-d63c4fd9d9e7> - 503.90 KB

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/e8ec8f53-fc11-4835-9de0-00d25113bfad> - 7.80 MB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Online Petition Signers

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TOLCH WILLIAM A	6173 NIWOT RD	LONGMONT	CO	80503-8755	tolchlinda@gmail.com bill@?	—
WILSON MADELEINE MEYER	6015 NIWOT RD	LONGMONT	CO	80503	madmeywil@gmail.com	8/5/2023
WILSON ANDREW	6015 NIWOT RD	LONGMONT	CO	80503	acw137@gmail.com	8/5/2023

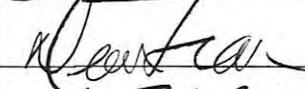
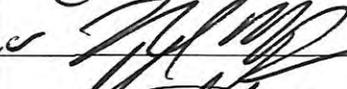
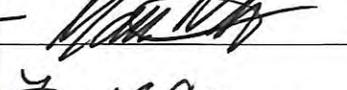
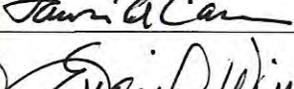
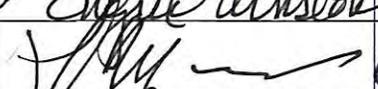
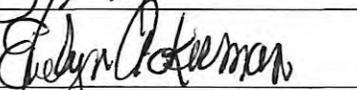
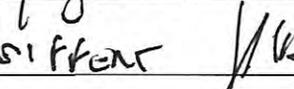
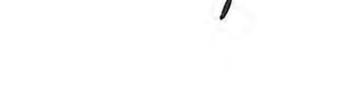
Engrid Winslow	5530 Niwot Road	Longmont	CO	80503	engrid@aol.com	8/5/2023
Bryan Jackson	6362 Bluebird Court	Longmont	CO	80503	brv.jackson@yahoo.com	8/8/2023
Louisa McGarty	6363 Bluebird Court	Longmont	CO	80503	mcgarty.louisa@gmail.com	8/8/2023
Laura Dickson	6536 Robin Drive	Longmont	CO	80503	dclaura13@me.com	8/8/2023
Cory Dickson	6536 Robin Drive	Longmont	CO	80503	cfd1313@msn.com	8/8/2023
Susan Hicks	5253 Niwot Road	Longmont	CO	80503	saehicks@msn.com	8/7/2023
Robyn Fogelberg	6405 Bluebird Avenue	Longmont	CO	80503	danfoge@gmail.com	8/7/2023
Daniel Fogelberg	6405 Bluebird Avenue	Longmont	CO	80503	danfoge@gmail.com	8/7/2023
Chad Fogelberg	6405 Bluebird Avenue	Longmont	CO	80503	chadfoge530@gmail.com	8/7/2023
Alice Kasahara	7097 Redwing Place	Longmont	CO	80503	akasahara04@gmail.com	8/5/2023
Alice Mead	5045 Niwot Road	Longmont	CO	80503	alioops@me.com	8/5/2023
Sabrina Gerringer	4512 Oxford Road	Longmont	CO	80503	dreamspinnersabrina@yahoo.com	8/5/2023
Jan Nowicki	6438 Robin Drive	Longmont	CO	80503	jannowicki@comcast.net	8/5/2023
Karen Dolphin	6374 Niwot Road	Longmont	CO	80503	kdolphin333@gmail.com	8/5/2023
Adam Miltenberger	7060 N 63rd Street	Longmont	CO	80503	amiltenberger@gmail.com	8/5/2023
Michael Leidesdorff	5045 Niwot Road	Longmont	CO	80503	ldsdrf@gmail.com	8/5/2023
Linda Giandinoto	7059 Redwing Place	Longmont	CO	80503	lgiandinoto@yahoo.com	8/11/2023
Roger Briden	7059 Redwing Place	Longmont	CO	80503	rbriden@yahoo.com	8/11/2023
Margaret Rainford	7241 Oriole Lane	Longmont	CO	80503	jomar28@comcast.com	8/10/2023
Julia Worthington	7097 Redwing Place	Longmont	CO	80503	Julia.W624@gmail.com	8/10/2023
Karen Irving	7101 Oriole Lane	Longmont	CO	80503	normirving@yahoo.com	8/10/2023
Edward Roth	7021 Oriole Lane	Longmont	CO	80503	edjroth1@gmail.com	8/10/2023
Deane Little	7140 Oriole Lane	Longmont	CO	80503	dlittle@newskyenergy.com	8/10/2023
Julia Pine	7240 Oriole Lane	Longmont	CO	80503	juliapine@att.net	8/10/2023
Jen Elias-Reed	7261 Oriole Lane	Longmont	CO	80503	bluegreenmarble@yahoo.com	8/10/2023
Kathy Johnson	6655 Bluebird Avenue	Longmont	CO	80503	kathyjohnson2@gmail.com	8/10/2023
Kristen Boyer	6675 Bluebird Avenue	Longmont	CO	80503	kristen.boyer@comcast.net	8/10/2023
Ian Rainford	7241 Oriole Lane	Lognmont	CO	80503	jomar28@comcast.net	8/10/2023
Samantha Jagoda	6197 Niwot Road	Longmont	CO	80503	sjakoda@gmail.com	8/12/2023
Tony Locken	6197 Niwot Road	Longmont	CO	80503	tonylocken5@gmail.com	8/12/2023
Janace D Cole	6399 Waxwing Court	Longmont	CO	80503	janace@comcast.net	8/12/2023
Darrin Cole	3784 Oakwood Drive	Longmont	CO	80503	darrinacole@gmail.com	8/12/2023
Jeffery Sutphin	3375 Chisholm Trail Unit 104	Boulder	CO	80301	jeffsutphin@gmail.com	8/12/2023
Kevin Sutphin	7349 N 63rd Street	Longmont	CO	80503	plumbumpycraftwork@gmail.com	8/12/2023
Brad Dehoff	6679 Snead Court	Longmont	CO	80503	coralfool@aol.com	8/13/2023
Marcia Purdy	5075 Niwot Road	Longmont	CO	80503	marciapurdy@gmail.com	8/13/2023
Joeseoph Rosen	5075 Niwot Road	Longmont	CO	80503	joerosen11@gmail.com	8/13/2023
Heather Johnson	8277 Ouray Drive	Longmont	CO	80503	piperrio@comcast.net	8/13/2023
Stan Greenhager	8277 Ouray Drive	Longmont	CO	80503	stan.greenhager@tmhydrator.com	8/13/2023
Richard Jorgensen	4500 Neva Road	Longmont	CO	80503	rjorgensen@mac.com?	8/14/2023
Richard Carlson	5469 Niwot Road	Longmont	CO	80503	t1956bird@aol.com	8/14/2023
Debra Scott	7313 N 49th Street	Longmont	CO	80503	niwotskincare@yahoo.com	8/14/2023
Diane J Coulter	4850 Niwot Road	Longmont	CO	80503	dcoulter@ecentral.com	8/15/2023
Dennis Bloemker	5769 Niwot Road	Longmont	CO	80503	dlbloemker@aol.com	8/15/2023
Carolyn Bloemker	5769 Niwot Road	Longmont	CO	80503	cabloemker@gmail.com	8/15/2023
Ted Frazier	6317 Bluebird Avenue	Longmont	CO	80503	tedfzz@gmail.com	8/12/2023
Sheryl Finn	6455 Robin Drive	Longmont	CO	80503	sheryl@? (illegible)	8/12/2023
Donna Schult	6481 Robin Drive	Longmont	CO	80503	dlschult@gmail.com	8/12/2023
Eric Schult	6481 Robin Drive	Longmont	CO	80503	erschult@comcast.net	8/12/2023
Jerome Korthase	6507 Robin Drive	Longmont	CO	80503	jkorthass@aol.com	8/12/2023
Bernadine Korthase	6507 Robin Drive	Longmont	CO	80503	niwotmarti@aol.com	8/12/2023
Nancy Newton	6500 Robin Drive	Longmont	CO	80503	nancyellanewton@gmail.com	8/12/2023
Wendy Volan	7245 Cardinal Lane	Longmont	CO	80503	wvolan@gmail.com	8/12/2023

Timothy Neusberger	6555 Bluebird Avenue	Longmont	CO	80503	bluebirdbees@gmail.com	8/12/2023
Laurie Normandeau	6555 Bluebird Avenue	Longmont	CO	80503	laurienormandeau@mac.com	8/12/2023
Bob Gray	6380 Bluebird Court	Longmont	CO	80503	bob@boulderlabs.com	8/12/2023
Linda Zimmerman	6437 Bluebird Avenue	Longmont	CO	80503	no email	8/12/2023
Terry Zimmerman	6437 Bluebird Avenue	Longmont	Co	80503	no email	8/12/2023
Terry Kruegel	6392 Bluebird Court	Longmont	CO	80503	krugelcommercial@gmail.com	
Jeff Hainline	6723 Snead Court	Longmont	CO	80503	jeff.hainline@gmail.com	8/17/2023
Lisa Hainline	6723 Snead Court	Longmont	CO	80503	lisahainline@gmail.com	8/17/2023
Suzanne Wong	3924 Wedge Court	Longmont	CO	80503	no email	8/15/2023
Myron Welch	7254 N 63rd Street	Longmont	CO	80503	lwelch1923@aol.com	8/15/2023
John Scott	7313 N 49th Street	Longmont	CO	80503	jmscottdc@yahoo.com	8/16/2023
William Tointon	5400 Niwot Road	Longmont	CO	80503	billtointon@msn.com	8/16/2023
Carl Anderson	6011 Brigadoon Drive	Longmont	CO	80503	cnc.anderson@gmail.com	8/16/2023
Kevin J Anderson	6011 Brigadoon Drive	Longmont	CO	80503	kevinjakobanderson@gmail.com	8/16/2023
William K Manes	5253 Niwot Road	Longmont	CO	80503	no email	8/18/2023
Vickie Cashman	6374 Niwot Rd.	Longmont	CO	80503	mv.cashman@gmail.com	8/19/2023
Roberta Dunlap	6464 Niwot Rd.	Longmont	CO	80503	rmdunlap7@gmail.com	8/19/2023
Mark Winter	7333 N. 63rd St.	Longmont	CO	80503	mwinter@codifyllc.com	8/5/2023
Patricia R. Fuller-Pratt	5953 Heather Way	Longmont	CO	80503	prfuller-pratt02@comcast.net	8/12/2023
Alan M. Pratt	5953 Heather Way	Longmont	CO	80503	alanpratt02@comcast.net	8/12/2023
Ray Simpson	7070 Brigadoon Drive	Longmont	CO	80503	no email	8/19/2023
Karen Simpson	7070 Brigadoon Drive	Longmont	CO	80503	no email	8/19/2023
Po'okela Osaki	6081 Brigadoon Drive	Longmont	CO	80503	kelao1011@gmail.com	8/19/2023
Patty Fried	5993 Heather Way	Longmont	CO	80503	pattyfried63@gmail.com	8/19/2023
Alan Fried	5993 Heather Way	Longmont	CO	80503	friedalan4@gmail.com	8/19/2023
Rose Huang	5986 Heather Way	Longmont	CO	80503	meiquihhg@gmail.com	8/19/2023
Brendan Magill	5986 Heather Way	Longmont	CO	80503	brendansbrain@yahoo.com	8/19/2023
Clark Sands	7183 Strath Street	Longmont	CO	80503	hcsands@comcast.net	8/19/2023
Donald Nelson	6136 Misty Way	Longmont	CO	80503	donaldnelson@mac.com	8/19/2023
Victoria Nelson	6136 Misty Way	Longmont	CO	80503	victoria.tafari@gmail.com	8/19/2023
Angela Leonard	6205 Misty Way	Longmont	CO	80503	angela.leonard@gmail.com	8/19/2023
Rochelle Moore	6019 Brigadoon Drive	Longmont	CO	80503	rochelle@petermoore.com	8/19/2023

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

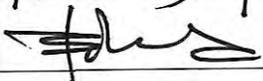
We, the undersigned live in the surrounding area affected by the requested Sketch Plan, do hereby protest against and oppose the Sketch Plan. The proposed Sketch Plan is not compatible with the surrounding properties and is not in conformance with the Boulder County Comprehensive Plan.

PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
Roxanne Sutphin		7349 N. 63rd St	Sutphin.ros@comcast.net	8-5-23	✓
Denny Frankenstein		1431 Redwing Pl.	df.designs@live.com	8/5/23	✓
Rich Frankenstein		" "	richfrankenstein@gmail.com	8/5/23	✓
MARK WINTER		7333 N. 63RD.	M.WINTER@CODIFACE.COM	8/5/23	✓
Laurie Cameron		6074 Brigadoon Dr	laurieacameron@gmail.com	8-5-23	✓
Engrid Winslow		5539 NIWOT RD	ENGRID@AOL.COM	8-5-23	✓
PETER MOORE		6019 BRIGADOON DR	PJMO@PETERMOORE.COM	8/5/23	✓
EVELYN ACKERMAN		6049 NIWOT RD	ACKERMAN6049@COMCAST.NET	8/5/23	✓
ROBERT & ELISE SIFFERT		7068 SYLVAN ST	SETFRONT13013@AOL.COM	"	✓

TO: Boulder County Community Planning & Permitting

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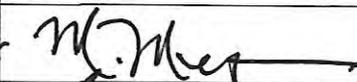
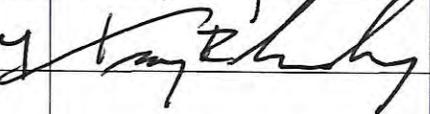
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
Jan Nowicki	jan nowicki	6438 Robin Dr 80503	jannowicki@comcast.net	8/5/23 ✓
KAREN DOLPHIN	Karen Dolphin	6374 Niwot Rd 80503	kddolphin333@gmail.com	8/5/23 ✓
Binesh Prasad		6197 Niwot Rd 80503	bineshprasad@gmail.com	8/5/23 ✓

TO: Boulder County Community Planning & Permitting

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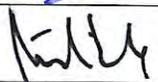
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
Alice Kasahara		7097 Redwing Pl Longmont, CO 80503	akasahara04@gmail.com	8/5/2023	✓
Madeleine Meyer		6015 Niwot Rd. Longmont 80503	madmeywil@gmail.com	8/5/2023	✓
ANDREW C. WILSON		6015 NIWOT ROAD LONGMONT 80503	ACW137@GMAIL.COM	8/5/23	✓
Alice Mead		5045 NIWOT RD LONGMONT 80503	alioops@me.com	8/5/23	✓
Troy MANDERY		7019 N. 63RD ST	troy@surfbbq.com	8-6-23	✓

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
ADAM MILTENBERGER		7060 N. 63 RD ST NIWOT, CO	AMILTENBERGER@GMAIL.COM	8/5/23
Michael Leidsdorf		5015 Niwot RD	lidsdorf@gmail.com	8/5/23

✓
✓

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RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
Nicole Aimone	Nicole M. Aimone	7060 N. 63rd St	Nicole.daimone@gmail.com	8/5/23	✓
Elaine Byrnes	Elaine Byrnes	6224 Brigadoon Ct	ebyrnes9@comcast.net	8/5/23	✓
Sabrina Gerringer	Sabrina Gerringer	4512 Oxford Rd	dreamspinnersabrina@yahoo.com	8-5-23	✓
Kristin Moseley	Kristin M. Moseley	7031 Cardinal Ln.	kristinmoseley@mac.com	8/5/23	✓
Karen Mandery	Karen Mandery	7019 N. 63rd St	karen@surfbbp.com	8/6/23	✓
Robyn Fogelberg	Robyn Fogelberg	6405 Bluebird Ave.	danfoge@gmail.com	8/7/23	✓
Chad Fogelberg	Chad Fogelberg	6405 Bluebird Ave.	chadfog530@gmail.com	8/7/23	✓
David W. Fogelberg	David W. Fogelberg	6405 Bluebird Ave.	danfoge@gmail.com	8/7/23	✓

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
SUSAN I Hicks		5253 NIWOT ROAD LOT- 80503	sae Hicks@msn.com	8/7/23	✓
ELISE H. SEFFERT		7068 SYLVAN ST,	elise.seffert@gmail	8/8/23	✓
Jerry W Driver		6361 Niwot Rd	mjd driver 7 @ msn.com	8-8-23	✓
Mary Driver		6361 Niwot Rd	mjd driver 1 @ msn.com	8-8-23	✓
Laurie Cameron		6074 Brigadoon Dr	laurie.cameron@gmail.com	8-8-23	
Elton Cameron		6074 Brigadoon Drive	eltoncam@live.com	8-8-23	✓
Cory Dickson		6536 ROBIN DRIVE	cfed1313@msn.com	8/8/23	✓
LAURA DICKSON		6536 ROBIN DRIVE	delaurea13@me.com	8/8/23	✓
Louisa McGarty		6362 Bluebird Ct.	McGarty.louisa@gmail.com	8/8/23	✓

signed twice

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
Bryan Jackson	<i>Bryan Jackson</i>	6302 Bluebird Longmont Ct	bryjackson@yahoo.	8/8/23
THOMAS BYRNES	<i>Thomas Byrnes</i>	6224 BRIGADOON CT. LONGMONT	TBYRNES7@COMCAST.NET	8/10/23
David Hindman	<i>David Hindman</i>	6060 Niwot Rd	djhindman1229@gmail.com	8/10/2023
Nancy S. Hindman Nancy S. Hindman	<i>Nancy S. Hindman</i>	5305 Niwot Rd	jshindman@msn.com	8-10-23
JAMES P. HINDMAN JAMES P. HINDMAN	<i>James P. Hindman</i>	"	"	"
Linda Giandinoto	<i>Linda Giandinoto</i>	7059 Redwing Pl LONGMONT CO 80503	Lgiandinoto@yahoo.com	8-11-23
Roger Briden	<i>Roger Briden</i>	7059 Redwing Pl LONGMONT CO 80503	rbriden@yahoo.com	8-11-23
Doug Brandman	<i>Doug Brandman</i>	5956 HEATHER WAY LONGMONT CO 80503	doug.brandman@gmail.com	8/11/23
Binesh Prasad	<i>Binesh Prasad</i>	6197 Niwot Rd Longmont CO 80503	bineshprasad@gmail.com	8/11/23

signed twice

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
Arthur Askins	<i>Arthur Askins</i>	7097 Redwing Place	atfa@berkeley	10 Aug. 2023
Karen Irving	<i>Karen Irving</i>	7101 Oriole Ln	normirving@yahoo.com	8-10-2023
Edward ROTH	<i>Edward Roth</i>	7021 Oriole	edjroth1@gmail.com	8/10/2023
Peana Little	<i>C Peana Little</i>	7140 Oriole	slittle@uawskyenergy.com	8/10/23
Julian Pine	<i>Julia Pine</i>	7240 Oriole Ln	julianpine@att.net	8-10-23
Jen Elias-Reed	<i>Jen Elias-Reed</i>	7261 Oriole Ln	bluegreenmarble@yahoo.com	8-10-23
Kathy Johnson	<i>Kathy Johnson</i>	6655 Bluebird	kathyjohnson2@gmail.com	8-10-23
Kirsten Boyer	<i>Kirsten Boyer</i>	6675 Bluebird	Kirsten.boyer@comcast.net	8-10-23
IAN RAINFORD	<i>Ian Rainford</i>	7241 ORIOLE LANE	JOMAR 28@COMCAST.NET	8/10/23

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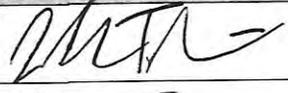
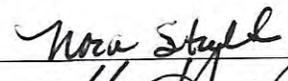
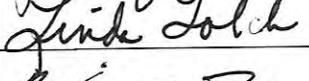
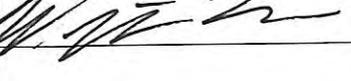
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
MARGARET RAINFORD	Margaret Rainford	7241 Oriole Lane	COMCAST.COM JOMAR 280	8/10/23
JULIA WORTHINGTON	Julia Worthington	7097 REDWING PL	JULIA.W629 @GMAIL.COM	8/10/23
WENDY T. VOLAN	Wendy T. Volan	7245 CARDINAL LN	wvolan@gmail.com	8/12/23
Timothy Neuberger	Timothy Neuberger	6555 Bluebird Ave	bluebirdbees@gmail.com	8/12/23
Laurie Normandeau	Laurie Normandeau	6535 Bluebird Ave	laurienormandeau@mac.com	9/12/23
Bob Gray	Bob Gray	6380 Bluebird Ct	bob@boulderlabs.com	8/12/23
LINDA ZIMMERMAN	Linda Zimmerman	6437 BLUEBIRD AVE.	CRASHLUNZIM@YAHOO.COM	8/12/23
Terry Zimmerman	Terry Zimmerman	6437 Bluebird Ave.		9/12/23
Terry Kruegel	Terry Kruegel	6392 Bluebird Ct	kruegelcommercial@gmail.com	8/12/23

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

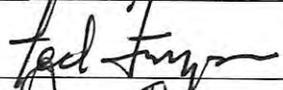
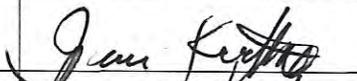
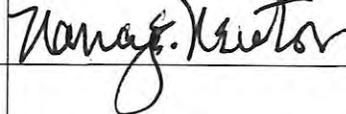
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
Jeffrey Sutphin		3375 Chisholm Trail Vnt 104	jeffsutphin@gmail.com	8/12/23
Kevin Sutphin		7344 N 63 rd St	Plumbury Plumburycraftworks@gmail.com	08-12-23
Dean Stull		6225 Niwot Rd	dean.stull@gmail.com	8/16/23
Nora Stull		6225 Niwot Rd	nora.jo.stull@gmail.com	8/16/23
Jeff Hainline		6723 Snead Ct	Jeff.Hainline@gmail.com	8/17/23
LISA HAINLINE		6723 Snead Ct	lisahainline@gmail.com	8/17/23
Linda Tolch		6173 Niwot Rd	tolchbinda@gmail.com	8/17/23
Bill Tolch		6173 NIWOT Rd	bill@wsproworks.com	8/17/23

TO: Boulder County Community Planning & Permitting

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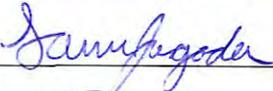
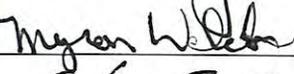
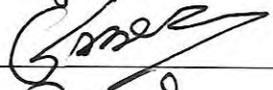
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
TED FRAZIER		6317 Bluebird Ave	tedf222@gmail.com	8-12-23 ✓
Sheryl Finn		6455 Robin Dr.	sheryl@conkdom-transitions.com	8-12-23 ✓
Donna Schult		6481 Robin Dr	dlschult@gmail.com	8-12-23 ✓
Eric Schult		6481 Robin Dr	ERSCHULT@COMCAST.NET	8-12-23 ✓
Jerome Korthase		6507 Robin	jkorthase@aol.com	8-12-23 ✓
BERNADINE KORTHASE		6507 ROBIN DR	NIWOTMARTI@AOL.COM	8-12-23 ✓
Nancy Newton		6500 Robin Dr.	nancyclaneston@gmail.com	8-12-23 ✓

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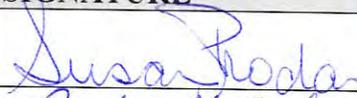
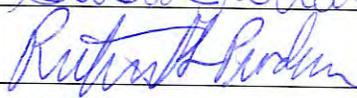
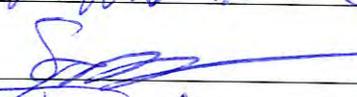
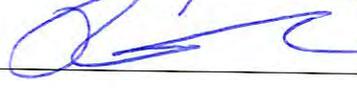
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
* Patricia R. Fuller-Pratt		5953 Heather Way Longmont 80503	prfuller-pratt02@comcast.net	8/12/23	X
* Alan M. Pratt		"	alanpratt02@comcast.net	8/12/23	X
Samantha Jagoda		6197 Niwot Rd Longmont, CO 80503	sljagoda@gmail.com	8/12/23	X
Tony Locken		6197 Niwot Rd Longmont CO 80503	tanylacken5@gmail.com	8-12-23	X
Suzanne Wong		3924 Wedge Ct. Longmont CO 80503		8-15-23	X
Myron Welch		7254 W. 65th St. 80503	LWELC11925E.AOL.COM	8-15-2023	X
christian Saber		6255 Niwot Rd Longmont, CO 80503	K.Kisaber@gmail.com	8-16-23	X
Karly Saber		6255 Niwot Rd. Longmont, CO 80803	KarlySaber@gmail.com	8-16-23	X

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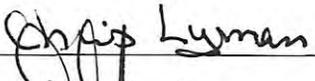
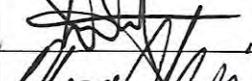
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
SUSAN PRODAN		6600 Niwot Rd	vanillalady@comcast.net	8-12-2023
Richard Prodan		6600 Niwot Rd	rich.prodan@comcast.net	8/12/23
Christian Gardner		6421 Robin Dr	krj70@me.com	8-12-23
Katherine W Gardner		6421 Robin Dr	krj70@me.com	8/12/23
Zedd Gardner		6421 Robin Dr	tedd.gardner@me.com	8/12/23
Tasha Gardas		6184 Niwot Rd	jsgardas@earthlink.net	8/12/23

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	
FRED ELLIS		6116 Misty Way	Sunshine FRED@ ^{MSN} .com	8-9-23	✓
DARRIN COLE		3784 OAKWOOD DR.	darrinacole@gmail.com	8/12/23	✓
JANACE D COLE		6347 W. ... Ct.	janace@comcast.net	8/12/23	✓
CHRIS LYMAN		6330 Starling Ct	-	8-12-23	✓
DEREK GUARASCIO		6185 BRIGADOON CT	Derek@treelineboulder.com	8.12.23	✓
MELISSA KLEIN		6204 Brigadoon Ct.	melissa_klein@comcast.net	8.12.23	✓
BRAD KLEIN		6204 Brigadoon Ct	brad.klein@bz.com	8.12.23	✓
MAX KLEIN		6204 Brigadoon Ct	max.klein.71@gmail.com	8/12/23	✓
CHUCK OPPERMAN		774 Strath Blvd.	coppermann@ckr.com	8/12/23	✓

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RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

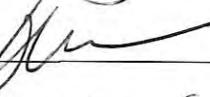
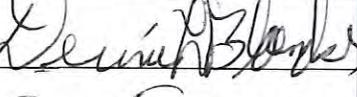
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Cheryl Craig	<i>Cheryl Craig</i>	Niwot CO 80503 5921 Niwot Rd	ccacraig10@yahoo.com	8/13/23 ✓
Rex Craig	<i>Rex Craig</i>	Niwot CO 80503 5921 Niwot Rd	rexcr@comcast.net	8/13/23 ✓
Brad DeHoff	<i>Brad DeHoff</i>	6629 Sneed Ct ^{Lake} Valley	coralfool@aol.com	8/13/23 ✓
MARCEA Purdy	<i>Mareea Purdy</i>	5075 NIWOT RD.	marceidpurdy@gmail	8/13/23 ✓
Joseph Rosen	<i>Joe Rosen</i>	5075 Niwot Rd	joerosen11@gmail	8/13/23 ✓
Heather Johnson	<i>Heather Johnson</i>	8277 QUAY DR. #100 NIWOT, CO 80503	PiperRio@comcast.net	8/13/23 ✓
STAN GREENHALGE	<i>Stan Greenhalge</i>	8277 QUAY DR.	STAN.GREENHALGE@COMCAST.NET	8/13/23 ✓

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RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

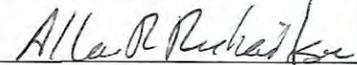
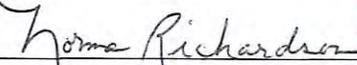
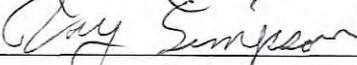
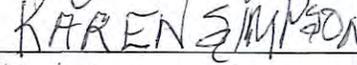
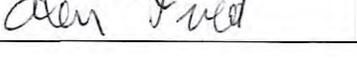
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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
RICHARD JORGENSEN		4500 NEOT RD	rgjorgensen@mac.com	8/14 ✓
RICHARD NELSON		5469 NIWOT RD	T1956BIAD@AOL.COM	8/14/23 ✓
Debra Scott	Debra Scott	7313 N. 49th St.	niwotskinicare@yahoo.com	8/14/23 ✓
DIANE J. COULTER		4850 NIWOT RD	dcoulter@centralf.com	8/14/23 ✓
Dennis Bloemker		5769 NIWOT RD	dlbloemker@aol.com	8/15/23 ✓
Carolyn Bloemker	Carolyn Bloemker	5769 NIWOT RD	cabloemker@gmail.com	8/15/23 ✓

TO: Boulder County Community Planning & Permitting

RE: Sketch Plan review for a Transferred Development Rights (TDR)/Planned Unit Development for the real property located at 6184 Niwot Road, identified as Docket SD-23-0003 (the "Sketch Plan")

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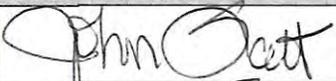
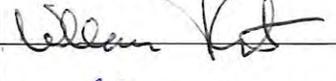
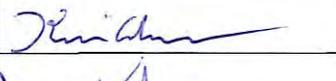
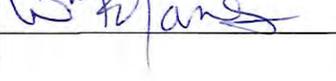
PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE	signed notice
ROBERT L. SEIFFERT		7068 SYDOW ST. Longmont	SEIFFERTBOB@AOL.COM	8/13/23	
Alexander Hester		5767 Niwot Rd. Longmont, CO 80503	andershester@gmail.com	8/13/23	X
Allen Richardson		6121 Misty Way Longmont, CO	- 0 -	8/13/23	X
NORMA RICHARDSON		6121 Misty Way Longmont, CO 80503	- 0 -	8/13/23	X
Ray Simpson		7070 Brigadoon Drive		8/19/23	X
Karen Simpson		7070 Brigadoon		8/19/23	X
Po'okela Osaki		6081 Brigadoon Dr	kela0101@gmail.com	8/19/23	X
PATTY FRIED		5993 HEATHER WAY	pattyfried63@gmail.com	8/19/23	X
ALAN FRIED		5943 " "	Friedalan4@GMAIL.COM	" "	X

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2
2
properties

PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
John Scott		7313 N. 49th St.	JM.Scott DC1@YAHOO.COM	8-16-23
William Tenta		5400 Niwot Rd	bill.tenta@comcast.net	8/16/23
William Tenta		6871 N. 53rd St	bill.tenta@comcast.net	8/16/23
CARL R ANDERSON	Carl R. Anderson	6011 Brigadoon Dr	crc-anderson@g.com	8/16/23
Kevin J Anderson		6011 Brigadoon Dr	KevinJakobAnderson@gmail.com	8/16/23
William K Maurer		5233 Niwot Rd		8-18-23

X
X
/

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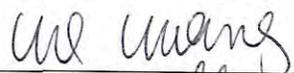
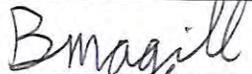
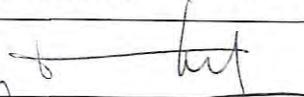
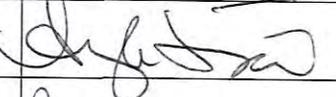
PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
DAVID SKAGGS	<i>David Skaggs</i>	7428 N 73 rd 80503	dvdskaggs@aol.com	8/16/23
Laura Skaggs	<i>Laura Skaggs</i>	7428 N. 73 rd 80503	lauralskaggs@aol.com	8/16/23
CHRISTINE ENNIS	<i>Christine Ennis</i>	6372 NIWOT RD 80503	christine.ennis@gmail.com	8/16/23
Vickie CASHMAN	<i>Vickie Cashman</i>	6374 Niwot Rd ⁸⁰⁵⁰³	MV.CASHMAN@gmail.com	8/19/23
Roberta Dunlap	<i>Roberta Dunlap</i>	6464 Niwot Rd ⁸⁰⁵⁰³	rm.dunlap7@gmail.com	8/19/23

Handwritten checkmarks (✓) are present to the right of each row in the table.

TO: Boulder County Community Planning & Permitting

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PRINTED NAME	SIGNATURE	ADDRESS	E-MAIL	DATE
Rose Huang		5986 Heather Way	meiguihhq@gmail.com	8/19/23
Brendan Magill		5986 Heather Way	brendansbrain@yahoo.com	8/19/23
CLARK SANDS		7183 Strath Blvd	HCAAPSC@comcast.net	8/19/23
Donald Nelson	Donald Nelson	6136 Misty Way	donaldnelson@mac.com	8/19/23
Victoria TAFUM NELSON		6136 Misty Way	victoria.tafuni@gmail.com	8/19/23
Angela Leonard		6205 Misty Way	angela.leonard@gmail.com	8/19/23
Rachelle Moore	Rachelle Moore	6019 Brigadoon Dr	rachelle@petermoore.com	8/19/23

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Mary Jones - SD-23-0003 - 6184 Niwot Road
Date: Monday, August 21, 2023 10:08:17 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Mary Jones

Email Address: jones.pds.1979@gmail.com

Phone Number: (850) 288-0488

Please enter your question or comment: As a member of the Dodd family, I understood this property in review was zoned as 1 house per 30 acres in Boulder County. Because the original farm house that belonged to my Uncle Courtney Dodd and his family was on the 30 acres, it was allowed to stay as a second dwelling for that 30 acres.

Why should such a change in the proposed docket be allowed? My comment is to leave it as is it has been designated 1 home per 30 acres, as the surrounding properties are. Isn't that what makes life in Boulder County so desirable, open space to behold?

Other reasons I desire the present status be retained is to assist in conserve and preserve of Boulder County to perpetuate native species, biological communities and ecological processes that function over large geographic areas and require a high degree of connectivity to thrive. The prairie dog habitat on this property allows for greater diversity of wildlife, i.e., fox, birds of prey, coyote, and bobcat. This tract of land is listed as an Agricultural Land of Statewide Importance. Let's keep it that way!

Mary Dodd Jones

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Beth Newton - SD-23-0003 - 6184 Niwot Road
Date: Monday, August 21, 2023 10:13:50 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Beth Newton

Email Address: newton.beth@icloud.com

Please enter your question or comment: I live on N. 63rd St. with 41 acres and Open Space borders the south side of my property. I have been told that the Boulder County Land Use only allows ONE home on 35 acres, so why is this plan for a subdivision even consider?!

In the past Boulder County has purchased Open Space with our taxes, and then attempted to change the rules to suit their underlying intentions. IF they get away with this project it will set a precedents for future corruption. This isn't the first time land is bought with the intention to sell or "repurpose it" for profit.

Other reasons I am against this subdivision project:

- The property proposed is adjacent to an existing ECA (Environmental Conservation area).
 - Two proposed lots run into the sectioned area.
- This tract of land is listed as an Agricultural Land of Statewide Importance.
- Negative effect on our existing rural culture.
 - Negative impact on the view from our existing rural community.
 - Traffic is already very busy at the intersection of Niwot and 63rd.
 - The exit of the proposed subdivision would be just a couple hundred feet from the 4-way stop.
 - Runners, cyclists and autos already have many altercations in this area.
 - Many commuters used 63rd as a "short-cut"
 - This subdivision will only add more traffic and speeding violations to the area.
 - Many races (cycling, running, and triathlons) occurs on 63rd Street. Where will they race if 63rd becomes a busier road?
- Groundwater issues.
 - This land is currently a low point in the area and is often flooded. Raising the ground level to a grade that would no longer flood could have negative effects on those properties downhill from the proposed development. Many of these homes are on wells and most have septic systems.
- Prairie dog habitat.
 - This is a prime feeding zone for animals such as Fox, Bobcat, Coyote and many birds of prey.

If this passes, I will never vote for Open Space again if they continue to be so dishonest with their intentions.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



Jordan J. Bunch
Partner
 Phone 303.473.4828
 jjbunch@hollandhart.com

August 21, 2023

Boulder County Community Planning & Permitting
 2045 13th Street
 Boulder, CO 80302
 Attn: Pete L'Orange

**Re: Request for a Sketch Plan Review for a Transferred Development Rights (TDR) / Planned Unit Development
 6184 Niwot Road (the "Property")
 Docket: SD-23-0003
 Owner: Infrain and Shannon Rodriguez**

Dear Mr. L'Orange,

Holland & Hart represents two homeowners in the immediate vicinity of the Property: Troy and Karen Mandery of 7019 N. 63rd Road. We are writing on their behalf to object to the application by Infrain and Shannon Rodriguez for a Sketch Plan Review (the "**Application**"). The Application seeks to subdivide the Property, which encompasses approximately 39.5 acres of land, into ten (10) new lots which will be developed for single family homes. The development proposed by the Application is not compatible with the goals and principles set forth in the Boulder County Comprehensive Plan ("**BCCP**") and would have a significant, negative impact on the surrounding property owners; therefore, the Application should be denied.

The Property is a large tract of agricultural land located at the South-West corner of Niwot Road and 63rd. It is situated among other large, agricultural parcels and contributes significantly to the rural nature of this area of Boulder County. The Property is zoned RR which permits development "*at a density and character compatible with agricultural uses*". Boulder County Land Use Code (the "**Code**") § 4-103. Although this development can include residential development, that residential use must remain compatible with agricultural uses. Nine of the ten lots proposed in the Application will be less than two and a half (2.5) acres in size. Lots of that size cannot reasonably be expected to be used for any type of agricultural purpose and therefore undermine the requirement that residential use be compatible with agricultural uses. Based on the foregoing, the Application does not comply with the Code requirements.

Similarly, the conversion of this Property to multiple single family homes conflicts with numerous provisions of the BCCP. Map 31 of the BCCP identifies the Property as being included with Agricultural Lands of Statewide Importance. Pursuant to the BCCP, "*it is the policy of Boulder County to promote and support the preservation of agricultural lands and activities within*

Location
 1800 Broadway, Suite 300
 Boulder, CO 80302

Contact
 p: 303.473.2700 | f: 303.473.2720
 www.hollandhart.com

the unincorporated areas of the county, and to make that position known to all citizens currently living in or intending to move into this area ...[and]... it is the policy of Boulder County to encourage the preservation and utilization of those lands identified in the Agricultural Element as Agricultural Lands of National, Statewide, or Local Importance and other agricultural lands for agricultural or rural uses.” In furtherance of these policies, and in recognition that agricultural lands are an “*important nonrenewable resource*”, the County has explicitly adopted goals for promoting cluster development, fostering agriculture, and preserving land:

Cluster Development. Future urban development should be located within or adjacent to existing urban areas in order to eliminate sprawl and strip development, to assure the provision of adequate urban services, to preserve agriculture, forestry and open space land uses, and to maximize the utility of funds invested in public facilities and services.

Foster a Diverse Agricultural Economy. Agricultural enterprises and activities are an important sector of the Boulder County economy and the county shall foster and promote a diverse and sustainable agricultural economy as an integral part of its activities to conserve and preserve agricultural lands in the county.

Conserve & Preserve Land. Productive agricultural land is a limited resource of both environmental and economic value and should be conserved and preserved.

The foregoing goals and policies are not furthered by the development proposed in the Application. The Property is surrounded by other agricultural parcels and this corridor should be preserved to promote continued agricultural uses. Once this land is developed, it will likely never be returned to an agricultural use.

Furthermore, Map 13 of the BCCP shows that a portion of the Property is included in an Environmental Conservation Area. Environmental Conservation Areas are areas of the County which “*possess a relatively low amount of fragmentation, contain high quality natural resources or habitats, are designated at a sufficient size to provide ecological benefit, and/or have significant potential for restoration.*” A set forth in the BCCP, the County has a specific goal to “*conserve and preserve Environmental Conservation Areas (ECAs) in order to perpetuate native species, biological communities, and ecological processes that function over large geographic areas and require a high degree of connectivity to thrive.*” The conversion of ECA property to single family homes is diametrically opposed to this goal as it would reduce the size of this natural and important habitat.

The foregoing clear and present desire to preserve agricultural property is further reflected the County’s policies related to transferrable development credits. Specifically, the County states in the BCCP that the transferrable development program should consider the following objectives:

- *preserving vacant lands identified in the Comprehensive Plan as having significant environmental, agricultural, visual or cultural values;*
- *maintaining the character of established rural communities;*

- *avoiding or reducing the fragmentation and disturbance of important ecological and environmental areas including but not limited to significant plant and wildlife habitats, wetlands and riparian areas, and Environmental Conservation Areas.*

None of the foregoing objectives are served by the development proposed in the Application.

Finally, this proposed development would have a significant impact on important view corridors and view sheds in the area. Both Haystack Mountain and the Boulder Flatirons are visible from both the public streets and private property surrounding the Property. Haystack Mountain and the Boulder Flatirons are designated as Natural Landmarks in the BCCP. Pursuant to the BCCP, the County “*shall continue to protect prominent natural landmarks and other unique, scenic, visual, and aesthetic resources in the County.*” The development of the Property would significantly decrease the views of these two iconic natural landmarks.

Approval of this Application would fundamentally change the nature of agricultural and environmentally important property. It does not further any of the goals or policies set forth in the Code or BCCP and undermines the importance of preserving the rural nature of this area of Boulder County. We ask that the County follow both the spirit and the specific requirements of the Code and BCCP and reject the Applicant’s proposal.

Very truly yours,



Jordan J. Bunch
Partner
of Holland & Hart LLP

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Nancy Kainer - SD-23-0003 - 4100 Greens Place
Date: Monday, August 21, 2023 10:20:17 AM

Boulder County Property Address : 4100 Greens Place

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Nancy Kainer

Email Address: Nancy@kainer.com

Phone Number: (303) 938-8768

Please enter your question or comment: I strongly oppose development of this property as the traffic is already very intense, unsafe. This part of Niwot road is already massively used by cyclists. It is the main road running east/west for the occupants in a couple of already established neighborhoods. Its only a two lane road , and did I mention it is already heavily used by cyclists, that don't obey traffic laws. Would make an unsafe area worse!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Douglas Brandmier - SD-23-0003 - 5956 Heather Way
Date: Monday, August 21, 2023 10:55:25 AM

Boulder County Property Address : 5956 Heather Way

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Douglas Brandmier

Email Address: doug.brandmier@gmail.com

Phone Number: (303) 330-5808

Please enter your question or comment: I AM IN OPPOSITION TO THIS PROPOSED SUBDIVISION FOR THE FOLLOWING REASONS:

- ENCROACHMENT ON AN ESTABLISHED ECA ON THE PROPERTY

- ORIGINAL APPLICATION IN 2017 WAS DENIED FOR SEVERAL REASONS BUT MOSTLY BECAUSE IT IS ON WETLAND PROPERTY. IF THAT AREA IS ALTERED FOR HOUSING DEVELOPMENT, ANY FLOOD WATERS WILL FLOW ONTO IMMEDIATE HOMEOWNER'S PROPERTIES.

- WHAT HAS CHANGED SINCE THIS ORIGINAL APPLICATION WAS DENIED IN 2017.

- THIS INTERSECTION IS VERY BUSY CURRENTLY AND ANY DEVELOPMENT WOULD EXACERBATE THE PROBLEM.

- THIS IS A VIEW PROTECTION CORRIDOR.

THANKS FOR YOUR CONSIDERATION,

DOUG

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Boulder County Planning & Permitting
Attn: Community Planning & Permitting Department
P.O. Box 471
Boulder, CO 80306
planner@bouldercounty.org
Concurrent Copy to:
Boulder County Planning & Permitting
Attn: Pete L'Orange, Planner II
plorange@bouldercounty.org

RE: Boulder County application SD-2023-0003

To: Boulder County Planning and Permitting:

My wife and I have issues with Docket SD-23-0003, as follows:

1. Common Courtesy

We live at 6766 North 63rd Street Longmont, we have enjoyed having Ifrain and Shannon as neighbors since they joined the neighborhood. They attend the annual Hinman Ditch meeting held at our home and are always friendly and have shared that they are interested in using their property for agricultural activities. We now are disappointed that the Rodriguez' haven't contacted us, or any other neighbors with their intention to build this development on their property? I've talked to all of the surrounding neighbors, none of which were contacted prior to receiving the Docket SD -23-0003 for review. This disappointed us, given all our prior interactions with Ifrain and Shannon. While I'm sure contacting neighbors isn't required, it is very concerning that this proposal has advanced as far as it has given the surrounding neighbors work hard to maintain the agricultural feeling and culture of this area, and all felt Ifrain and Shannon were doing the same.

I'll add that at one point since they built their house the Rodriguez' contacted me asking if I could possibly cut and bale hay on their property. I told them I could, however their request of me was never followed up on. I now find it interesting that when I look at their property taxes it appears they have been claiming AG status as their taxed went down significantly in 2020, 2021, and 2021. I do process hay for other property owners west of 63rd on Niwot road so I frequently travel past the Rodriguez property, I have never seen any AG/farm activity since they moved into their new home.

2. Disparity in SPR-17-0091 and the latest Docket SD-23-0003

Page 2(Narrative) of the Site Plan review in the SPR-17-0091, signed by Ifrain, states: "Barn Use: We plan on using the Barn for general agricultural use including hay, animal feed, tractor, farm tools and equipment. We hope in the future to own and care for, horses, goats, and sheep."

Page 4 of the SPR-17-0091 proposal states:

"The property is designated as having significant agricultural lands of statewide importance, as identified by the [Boulder County Comprehensive Plan](#). The final location of the residence was selected in order to reduce fragmentation of the agricultural lands. The applicant has stated their intention to continue the agricultural production of the subject property. As conditioned, staff finds that the application is in conformance with this Standard."

In 2017 the SPR-17-0091 proposal Zoning was submitted as Agricultural, Docket SD-23-0003 is submitted as Rural Residential. I find this interesting given the taxes paid for the last 3 years, and that the original SPR set an expectation with the surrounding neighborhood that this property would remain a single dwelling focused on AG.

What has changed since 2017 that now in 2023 the property is no longer a significant agricultural land of statewide importance?

3. Building envelop of the proposed buildings in SPR-17-0091 and history that conflicts with SD-23-0003

We were told by the Rodriguez' that in 2017 they preferred building their home on the Southeast portion of their property but Boulder County wouldn't allow it and required them to build the house and barn where it is today. The Rodriguez house and barn now fits nicely with the agricultural feel of the immediate area. From our home it appears of if their house and barn are nestled in at the base of Haystack Mountain. That will be gone with the current SD-23-0003 proposal.

An interesting point is that during the SPR-17-0091 process, someone(not my wife or I) commented in the formal response to SPR-17-0091 that building the house could block the view of Haystack mountain from 6766 North 63rd Street(our address). I've searched Boulder County's Land Use document history but haven't found this, if necessary I will spend additional time to find this and provide you with it as a direct reference. While we didn't submit this concern I now find that several of the proposed building sites in Docket SD-23-0003 will be placed where the Rodriguez wanted to build in 2017 and it was rejected by the County, as well as the concern about the view from our home. We were not concerned about a single dwelling being built in 2017, but we take serious issue now that several homes will be built blocking our view.

4. Area that floods with heavy snow or rainfall on the north and east end of the proposed lots

Every year during rainy season, or heavy snow, water gathers on the west side of 63rd where two of more of the proposed lots are(on the east and north end of the proposed development). In addition when properties to the west irrigate water finds follows the same path, even during dry summer months water can be standing in this area. This is a natural drainage area and **should not** be mitigated with additional fill dirt, this would only push the water further west into other lots. The water needs to be left to drain under 63rd Street where it finds it's way down the south side of Niwot road and to the east. Due to this many of the lots on the north

end of the proposal will have high water table presenting problems with septic systems. I know this seemed to be addressed in the proposal but even well engineered septic systems will have problems with the amount of water that can gather there. After the 2013 flood water stood in this area for months after the flood. While this flood was rare, it happened and it can happen again.





Pictures taken Saturday 8/19/23

5. Traffic

While the additional cars/vehicles may not be large in number by adding the additional 9 homes on this property, there are other serious traffic issues already due to the vehicles, and thousands of cyclists and runners using 63rd Street and Niwot road for access to highway 119, exercise, conditioning, and planned events throughout the year. People commuting from homes north of Niwot Road and west of 63rd Street, as well as the cyclists and runners use 63rd Street as mainstream access to Highway 119 into Boulder, Gunbarrel, and the Boulder reservoir.

As someone who farms in this area I have to use 63rd street and Niwot road west of 63rd while moving farm equipment to properties I where I cut and bale hay. I have to be very careful given the number of vehicles, cyclists and runners that use these roads providing for congestion 8 to 10 hours every day. Adding the proposed homes adds congestion to an already busy and at times dangerous intersection.

6. The future of AG in this immediate area is at risk if Docket SD-23-0003 is approved

We have neighbors that have 20 acres of AG/farm property that could propose a development similar to SD-23-0003. These are currently against SD-23-0003 but have said they would have to give up farming at their current location and would then likely pursue developing their property for financial reasons. I couldn't blame them if they did this. While no one can predict

the future our property is a 35 acre conservation easement and adjacent to this property. If this happens most of the properties south and east of 63rd and Niwot road will have a subdivision surrounded by mostly AG properties.

7. about us, the Longseth's

My wife and I live at 6766 N 63rd Street, Longmont. We have lived here for 42 years, raised our family, and now work to be good stewards of AG property in Boulder County. We purchased 10 acres at this address in 1981 and have worked to improve the agricultural performance of our acreage every year since.

- In 2009 we expanded our farm operation by purchasing 25 acres from Boulder County Open Space. This acreage is adjacent to our original property, at the time the 25 acres was baron due to prairie dogs, and lack of proper irrigation and care. Today this 25 acres has excellent pasture which is used for our herd of Galloway cattle. We joined the properties into one 35 acre conservation easement that Boulder County required as part of the purchase. While this likely devalued our original property we felt it supported our goals and Boulder County's Comprehensive Plan.

- In 2020, we leased the IBM Open Space expanding access to an additional 185 acres for our cattle operation. Similarly this property needed a lot of work, we have invested heavily, both in money and our own hard work in this property by adding fencing for rotational grazing, fertilizing, and reseeding as much as 50 acres that was nothing but dirt left open to serious erosion from winter winds. Our initial lease was for 3 years, Boulder County Open Space offered us a 3 year extension that we accepted earlier this year.

- 2020, we leased 40 acres from IBM where we harvest hay for our Galloway cattle.

We offer the above as background to serious issues we have with the proposed development at 63rd Street and Niwot Road(Docket SD-23-003). This development is counter to what Boulder County has asked us to do, not to mention that it is in conflict with Boulder County's Comprehensive Plan, once again as referenced in the approved SPR-17-0091 submitted by Ifrain and Shannon Rodriguez.. Page 4 as follows:

"The property is designated as having significant agricultural lands of statewide importance, as identified by the [Boulder County Comprehensive Plan](#). The final location of the residence was selected in order to reduce fragmentation of the agricultural lands. The applicant has stated their intention to continue the agricultural production of the subject property. As conditioned, staff finds that the application is in conformance with this Standard."

Perhaps Ifrain and Shannon Rodriguez could consider adding one TDR and splitting the property in half in order to keep with the original intent of keeping this ground for Agriculture. Adding

one additional home doesn't cause near as much concern as adding nine with one large lot verses 9 smaller lots.

In closing thank you for considering our input.

Larry and Teresa Longseth

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Barry Collen - SD-23-0003 - 4484 Nicklaus Ct
Date: Monday, August 21, 2023 1:40:20 PM

Boulder County Property Address : 4484 Nicklaus Ct

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Barry Collen

Email Address: blcollen@gmail.com

Phone Number: (303) 378-4378

Please enter your question or comment: The proposed 63rd St development would dramatically alter the pastoral character of the area.

It would not only violate the Master Plan specifically but also the principles it recites as foundational. This stretch of the process would open the door to evisceration of guidelines that have served to preserve Boulder County's largely successful covenant to preserve meaningful rural components.

I vigorously oppose the proposed development.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: mark.mythena.com
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] From Mark Schroeder re: 63rd Street Subdivision
Date: Monday, August 21, 2023 5:31:02 PM

Hi Pete,

I hope this email finds you well!

I'm writing to voice my opposition to [SD-23-0003](#), the proposed development of 40 acres at 63rd and Niwot Road.

I have lived off of 63rd Street for 3 decades. That intersection really marks the beginning of rural Boulder County, and I see little argument for allowing 9 high-end, 6,000 sq foot houses to be built on the property (certainly it doesn't increase affordable housing options). What it would do is reduce the quality of life for those who live near the plot, it increases traffic at an intersection that typically sees hundreds of bikers and runners every weekend -- and more ominously the granting of transfer rights to the Rodriguez family may well set a precedent for other property owners in this area, the end result being the takeover of rural Boulder County by high end mansions.

Please vote no on this proposed development.

Best regards,

Mark Schroeder
5890 Prospect Road

I am opposed to the proposed subdivision at 6184 Niwot Road, SD-23-0003, for the following reasons:

Boulder County Comprehensive Plan:

The Boulder County Comprehensive Plan clearly states:

“The BCCP philosophy is that:

- Growth should be channeled to municipalities.
- Agricultural lands should be protected.
- Preservation of our environmental and natural resources should be a high priority in making land use decisions.”

Additionally, BCCP Guiding Principle #5: Maintain the rural character and function of the unincorporated area of Boulder County by protecting environmental resources, agricultural uses, open spaces, vistas, and the distinction between urban and rural areas of the county.

Allowing a subdivision of 9 additional houses at 6184 Niwot Road in unincorporated Boulder County is contrary to all of those points.

Significant Agricultural Lands of Statewide Importance, View Protection Corridor & ECA:

Ron West, BCPOS Natural Resource Planner, submitted comments in 2017 regarding SPR-17-0091 when the Rodriguez’s submitted an application to build their house and barn that now stand on the property. Mr. West made the following comments regarding 6184 Niwot Road:

“The parcel has the following designations in the Boulder County Comprehensive Plan, or from other resource inventories.

- Significant Agricultural Lands of Statewide Importance
- Environmental Conservation Area (ECA) – Boulder Valley Ranch/Beech
- Wetland
- View Protection Corridor
- Proximate to Public Lands – nearly adjacent to OSMP land, to southwest

Protection of agricultural lands is one of the fundamental components of the county Comprehensive Plan; this includes the recognition of agricultural lands as a nonrenewable resource. **“It is the policy of Boulder County to encourage the preservation and utilization of those lands identified...as Agricultural Lands of National, Statewide, or Local Importance...” (Comprehensive Plan, AG 1.03).**

Both Haystack Mountain and the Boulder Flatirons are designated as Natural Landmarks in the county Comprehensive Plan. As such, the unobstructed scenic views of these, and negative impacts to these scenic features, are always of concern. **“Areas that are considered...Natural Landmarks shall be preserved as much as possible in their natural state,” Comprehensive Plan, OS 1.02.02.**

Environmental Conservation Area (ECA) - In the county Comprehensive Plan, ECA's are the "largest remaining relatively natural or restorable forests, shrublands, grasslands, and agricultural landscapes in Boulder County." They are to be designated to help in "...analyzing land use and land management decisions in the context of the cumulative effects of development, roads, trails, and increased human presence at a landscape-scale... (Environmental Element, page 2). "Development within ECAs shall be located and designed to minimize impacts on...ECAs" (Comprehensive Plan, ER 3.03)."

Mr. West's comments also conveyed that BCPOS staff did not support the Rodriguez's original location for their house and barn closer to 63rd Street because the location would fragment the agricultural lands and create negative visual impacts to 63rd street and neighboring houses. Notably, in 2017, the County required the farmhouse and barn construction moved to the northwest part of the property.

Fast forward to 2023, the Rodriguez's apply to build 9 additional houses on this same parcel with 8 of the homes in essentially the same area that the County chose to protect from the original build in 2017. Why would the County now allow multiple homesites on a parcel that they protected in 2017? What has changed with this parcel? The land has not changed, the views have not changed, the environmental resources have not changed and the fundamental components of the BCCP have not changed. It seems the only thing that has changed is the Rodriguez's narrative. In the original SPR application in 2017, their narrative for the land spoke of being agriculturalists, having horses, goats, sheep, storing hay in the barn and growing and drying organic hops. In 2023, the narrative and intention has radically changed to fragmenting agricultural land with multiple lots and subdividing their property.

Boulder County TDRs:

It is my understanding that TDRs are intended to be used to build near municipalities, near urban areas, not in unincorporated rural areas of Boulder County. The purpose of TDRs is to promote county-wide agriculture, rural open space and character, scenic vistas, natural resources and environmental resources. Allowing 9 additional houses to be built at 6184 Niwot Road will not accomplish any of that, in fact it will do the opposite. Building 9 more houses at 63rd and Niwot Road will create more congestion, disrupt and fragment agricultural land that needs and deserves to be stewarded and destroy a view corridor that thousands of people enjoy every day.

Additionally, if this development is allowed, the precedent this would set is irreversible.

Approval of this application could open the door to anyone that has a receiving site to develop their land and the consequences of that would change unincorporated Boulder County forever.

Please do not allow this subdivision application to move forward.

Respectfully submitted,
Paula Shuler

Dear Mr. L'Orange,

The Boulder County Land Use Code states that “*development should not place undue burdens on any existing community.*” This development of SD-23-0003 would create serious burdens and hazards for the Niwot/63 community that I'd like to describe in this letter.

Flood

The subject property is prone to flooding in the northeastern portion. These photos tell the story:



The above photo shows the property during the 2013 flood looking west across 63rd St.

In fact the property serves a useful function as a detention pond and as a throughway for irrigation waters from nearby agricultural properties. If developed into a subdivision as proposed, the landscape would presumably be re-engineered and raised significantly. Water would have nowhere to go except the surrounding properties. Ditches along 63rd and Niwot Rd would have to be completely revamped.

I am not sure why the application SD-23-0003 states “Flood protection: n/a”!



Fire

On the opposite end of the spectrum, we have increasing vulnerability to fire throughout the world, and particularly in Colorado and the West. In the Niwot/63 area, there have been several wildfires to the west and north in the last few years. The large open area of the subject property offers a line of defense for firefighters, who could potentially set a fire break in the area and protect homes to the east (among them, my property which is 2 parcels east). If a subdivision is put in here, my risk and the risk to others is greatly increased. Not only is the fire break no longer possible, the subdivision would fuel the fire.

Sanitation

The water table is very high in the Niwot/63 area, and particularly so in the subject property. Putting 9 new septic systems into the property, several in the problematic NE corner low spot shown in the photos on page 1, is dangerous for everyone in the area! I don't even want to think about what would happen when we get the next heavy rains or flood. (I live east, i.e. "downstream".)

Traffic

The area is already overburdened with traffic from developments to the north and east. Commuters use Niwot Rd. and 63rd to avoid the Diagonal. A subdivision just adds to the burden we're all now feeling out here.

Then there's the problem of the subdivision exit/entry being so close to the 63rd street intersection. Cars could back up into the corner as a westbound car waits to turn south into the new subdivision. The configuration in the subdivision map is problematic from a traffic safety perspective, it seems to me.

In addition, the subdivision egress onto Niwot Rd. is going to shine headlights directly into homes in Brigadoon across the street at night.

Bicyclists/Runners/Walkers

There is a lot of recreational activity in this area. In fact, bicycle races almost always use Niwot Road and 63rd Street as a part of their race course. Putting more homes in this area, particularly at this intersection, increases the risk of everyone just out trying to enjoy our beautiful area.

Light Pollution

If this subdivision goes in, our night sky west of 63rd is gone.

For all these reasons and many more, this subdivision should be denied.

Sincerely,
Chris Ennis

This application uses Transferred Development Rights, but not in the way they were intended for the subject property.

- The Boulder County Land Use Code Article 6-700 (B) describes the “Designation of Areas to be Preserved” as follows:
“The sending sites to be preserved and protected through the application of this article are those designated on the Boulder County TDR Sending Sites Map, the Niwot Sending and Receiving Area Map, and areas designated through Intergovernmental Agreements with municipalities in Boulder County.”
- The relevant map for the subject property is the Boulder County TDR Sending Sites Map (April 1995) (<https://assets.bouldercounty.gov/wp-content/uploads/2017/03/land-use-code-map-tdr-sending-sites.pdf>). Of the seven categories on this map, the subject property is marked as “Agricultural Land of Statewide Importance.”
- Therefore: Per the above cited Section 6-700 (B) of the Code, the intention is that the subject property is “to be preserved and protected.”



The subject property is, in fact, a perfect example of the type of resource that the TDR process seeks to preserve.

Article 6-700 (A) states that the purpose of Transferred Development Rights Planned Unit Development is:

“To promote county-wide preservation of agriculture, rural open space and character, scenic vistas, natural features, and environmental resources for the benefit of the residents of Boulder County . The preservation and maintenance of these resources will be ensured by encouraging county wide land use planning including the perpetuation of large areas of generally contiguous properties suitable for agricultural use through the transfer of development rights from parcels suitable for preservation to properties meeting the criteria for development.”

The points below show how the application is in opposition to this purpose:

- The subject property is in an area of historic agricultural activity. Adjoining properties include large 40-acre and 20-acre farming/ranching operations that date to the early 1900s, when the Dodd family settled in the area. The proposed development clearly is inconsistent with “the perpetuation of large areas of generally contiguous properties suitable for agricultural use.”

- The preservation of the view corridor, one of the goals cited by the Code as a purpose of the TDR PUD process, has been one of the guiding principles in County policy/planning for the subject property and its environs. This determination was in fact recently applied, when the County would not allow the current owners to build their residence along 63rd Street, and instead ruled that they must locate it further to the northwest where it now is. It also was applied a few years ago when the County would not allow the adjacent property owner to the south, at 6105 Monarch Road, to locate a ground-mounted solar array on the eastern part of their property, specifically because the County wanted to preserve the westward view corridor from 63rd Street. (The array was installed instead in the property's far northwest corner.) The County should adhere to this well-established precedent and deny Docket SD-23-0003. By proposing 9 homes along the existing 63rd St./Niwot Rd. roadways, the development would be an egregious violation of the County's guiding principle to protect and preserve the view corridor.
- It should be noted that the high water table in the subject property will preclude building any sub-ground aspects for the proposed homes. This means the houses would have a large geographic footprint on the landscape, in effect a lateral sprawl for each home. Upward extension is also likely. The existing home on the property is a case in point for what would be occurring 9 times over with this proposed development—a large visual impact on the rural landscape. The view corridor would be completely lost, forever.
- Although the SD-23-0003 application states that “The development will be designed with view preservation in mind, incorporating features such as strategic building placement to minimize the visual impact of the homes,” the application's hand-drawn sketch of the subdivision is the prime evidence as to why this is impossible. The layout in fact maximizes visual impacts both along 63rd Street and along Niwot Road. There will be no “mountain views” for neighbors, passing motorists, bicyclists, and runners.
- It is hard to see how an estate-type of development with multi-million dollar homes would “preserve agriculture and rural open space and character.” In fact it would destroy it. This is against the purpose of TDRs and they should not be used here.

Other aspects of the TDR process appear to be misused in this application.

- The Land Use Code states that receiving sites should be adjacent to or on a major arterial, collector, or transit route [Article 6-700 (G-2)]. None of those conditions are true at the subject property. 63rd Street is a Principal Arterial, and Niwot Road is a Minor Arterial. From the transit perspective, this area is clearly NOT an example of what the Code intends as a desired location for transferred development. Bus and other commuter options are nonexistent in the area.
- The TDR process intended that development would be transferred from areas with low infrastructure and transit resources to areas with resources suitable for additional development. This application does not meet that objective. In addition to the transit options mentioned above, other infrastructure support such as fire and police protection are particularly lean in this area.
- Article 6-700 (G-1) states that “*The proposed TDR/PUD must be adjacent to and compatible with adjoining development and land uses, as well as compatible with the land uses designated for the area in adopted municipal master or comprehensive plans.*” There are no adjoining properties consistent or compatible with a subdivision. South, west, and east of the subject property, the properties are rural in character and from 5 to 40+ acres with typically

modest older homes. An estate-type development such as proposed would be incompatible with the rural character and feel of the area. Only to the north, across Niwot road and NOT adjacent to the property, is there a smaller subdivision, Brigadoon. However it is relevant here to note that Brigadoon was built 50+ years ago to serve the housing needs of employees of nearby IBM. There is no such employment-driven need arising now, and a development at 63rd St. and Niwot Rd. is unnecessary. Therefore it is a specious argument to say that the existence of Brigadoon/Range View gives some kind of rationale for the proposed subdivision. Those developments had a well defined purpose; the current proposal significantly affects the rural feel of an area that has not been encroached in over 50 years and has no overriding “need” to be developed.

- Article 6-500 (B-4) regarding Noncontiguous Nonurban Planned Unit Development states that “The cumulative impacts of units transferred into an area must not result in a significant change in the non urban character of the area. For receiving parcels greater than 35 acres, no transfer shall be permitted which creates a density greater than 6 units per 35 acres, excluding the homestead units.” I am not sure if this part of the Code applies to the subject property, but if it does, I note the following: Presumably there are no contiguous sending sites with TDRs. Therefore, the subject property would be a NCNUPUD and application SD-23-0003 is in violation of both the qualitative and quantitative components of this Article. Namely, (1) the impact will be a significant change in the non urban character. (2) The application SD-23-0003 proposes 10 homes on ~40 acres, including the “homestead unit” which would be on ~16 acres. Therefore the proposal is for 9 homes on ~24 acres. The math does not work here! Siting of 9 homes would require ~52 acres to be consistent with this language.
- The Boulder County Land Use Code Article 6-700 (E 3) states that 75% of the proposed development rights must come from the same subarea (unless the Commissioners determine otherwise). Are there any TDRs in the sub-area of this property? Please provide a map or list of the TDR sub-areas and the location of development rights held by Boulder County in those areas.

In conclusion: Based on the Land Use Code, TDRs are an inappropriate mechanism for developing the subject property. In fact, the subject property should be a Sending site, not a Receiving site! It is possible that the Boulder County Land Use Code would allow the applicants to put another house somewhere on the property. But it absolutely cannot be in the view corridor; it certainly shouldn’t encroach on the Environmental Conservation Areas of the property; and should avoid the flood-prone area in the northeast portion. Is there such a location on the parcel? Perhaps in an area to the south and as far west as possible. But within the last ~5 years, the County has already denied an application from the owners to build their own home in that area. These critical constraints leave few options for development on the parcel.

Application SD-23-0003 should be denied.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Gisela Barrett - SD-23-0003 - 6279 Brigadoon Court
Date: Monday, August 21, 2023 11:09:51 PM

Boulder County Property Address : 6279 Brigadoon Court

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Gisela Barrett

Email Address: gbarrett@comcast.net

Phone Number: (303) 907-0183

Please enter your question or comment: Hello Boulder County Community Planning & Permitting Staff Members,

Thanks for taking the time to read through my email regarding Docket SD-23-0003: RODRIGUEZ TDR_PUD

My family and I have lived on Brigadoon Court since 2005. We feel very fortunate to live in rural unincorporated Boulder County and our family is very sad to hear about the proposed housing development on 63rd and Niwot Road. Moving here from the Denver area we love the Boulder County open space and the Boulder County Comprehensive plan to keep the landscape intact for future generations. I am worried that trading development rights of rural properties opens up pandoras box and Boulder Countys Agricultural District will slowly transform into an extension of the front range housing blob.

We looked through the application and want to state our concerns in regards to the proposed residential subdivision.

*Traffic Hazard:^{[[[}_{SEP]} I believe this development will add a huge hazard for the recreational traffic on Niwot Road. Niwot Road & 63rd Street is used by large groups of cycling enthusiasts and runners. During the summer months we see 200 or more cyclists per day and multiple races (e.g. Ironmen, etc.) occur from May to July. The intersection of 63rd Street and Niwot Road is already at its capacity with cars and the recreational traffic, adding 20+ cars from the development that exit to Niwot Road seems like a road hazard to me.^{[[[}_{SEP]}

//// West Longmont has had a building boom and many homeowners take the back country roads (Niwot Road, 63rd Street, 75th Street, etc.) for their commute. No traffic mitigation has been done in the rural areas to accommodate this rapid growth and our neighborhood had asked multiple times for more speed limit signs or other traffic mitigation but unfortunately no actions have been taken from the county. Therefore it seems unreasonable to add even more cars to rural Niwot Road since it is a 100% car dependent area.

*Wildlife: Because of the surrounding open space, agricultural farms and Lefthand Creek there is an abundance of wildlife. This year we saw raccoons, foxes, bears, coyotes, lynx, snakes, owls, hawks, eagles, elk, deer, etc. Unfortunately wild animals have been hurt by traffic already in this area. This increase in cars and people will create a hazard for these animals.

*Flood Mitigation: The property has a low area in the corner of Niwot Road and 63rd Street. During the 2013 flood the North Eastside of the property turned into a lake and the water stayed there for a long time. The groundwater table in this area is very high and with the recent extreme weather events I am worried that taking away the water overflow area will create a hazard to existing neighboring residences.

*Municipality Resources & Strains: According to the Boulder County Comprehensive Plan, new development is supposed to be concentrated in areas that support public transportation. The proposed development would be in a 100% car dependent area.

... And there are many more concerns regarding the proposed TDR development...

We oppose this development.

Thank you for taking the time to read through this email and all the other emails from our neighbors.

Sincerely,

Gisela & Kurrin Barrett

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Christine Toell - SD-23-0003 - 6184 Niwot & 63rd
Date: Monday, August 21, 2023 8:55:31 PM

Boulder County Property Address : 6184 Niwot & 63rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Christine Toell

Email Address: ctoell@hotmail.com

Phone Number: (303) 774-9501

Please enter your question or comment: My reason for being against this subdivision project:

Traffic is already very busy at the intersection of Niwot and 63rd.

From the drawing, it looks like the exit of the proposed subdivision would be just a couple hundred feet from the 4-way stop. This subdivision will only add more traffic to the area.

Another main reason for objection, the habitat for the existing Prairie dog habitat would be lost and with that a prime feeding zone for animals such as Fox, Bobcat, Coyote and many birds of prey.

Should this pass, I will never vote for any Open Space tax again.

Christine Toell

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - David Weaver - SD-23-003 - Boulder County Property Address : 6184 Niwot Road
Date: Monday, August 21, 2023 7:18:05 PM

Boulder County Property Address : Boulder County Property Address : 6184 Niwot Road
If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003
Name: David Weaver

Email Address: daverweaver@comcast.net

Phone Number: (303) 818-1485

Please enter your question or comment: Please do NOT allow the "transfer development rights" to be granted for 6184 Niwot Road. This is 40 acre property, which under the 35 acre rule would allow 1 residence, which is already there. Why should they get a variance? This would open the door to other developers to come in and ruin this rural area. There is already too much traffic and bicycle races in this area. A development would just add to this problem. The county has spent millions on "Open Space" properties in this area, why would you undo all of our tax payer monies that the county spent? The property almost always has standing water in the NW corner because of a high water table. Adding homes will only make this problem worse. Please don't open the door to over development in the county !!!

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Lori Salo - SD-23-0003 -
Date: Monday, August 21, 2023 6:51:20 PM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Lori Salo

Email Address: lori@lorisalo.com

Please enter your question or comment: I have real concerns about re-zoning this property to add a neighborhood. The rural and protected lands of Boulder County need to be protected and preserved. Population dense housing needs to be concentrated where the infrastructure exists.

We already see wildlife being affected negatively by human interaction in the county and projects like this will add to the problem.

Please do not make an exception for the benefit of a few greedy people as this is a slippery slope.

Thank you for your thoughtful consideration.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Robert Levy - SD-23-0003 - 6339 Niwot Road
Date: Monday, August 21, 2023 6:15:58 PM

Boulder County Property Address : 6339 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Robert Levy

Email Address: rob.myles.levy@gmail.com

Phone Number: (914) 473-9191

Please enter your question or comment: Prior to purchasing our home, we carefully selected the area of 63rd on Niwot Road. We live on the NE corner to the proposed development site and our view is protected by the View Corridor Protection. The zoning offered the residence of the area protection from land developers and builders. The open space is protected by its zoning laws. The views and the open space on this corner are breathtaking, attracting hundreds of runners and cyclists on any given weekend. Purchasing our home is by far the largest investment we will make in our lifetime. We chose this area because it was zoned rural residential and it also protected the large plots of land from being divided into smaller lots through its zoning laws.

What is before the county is beyond upsetting to the residents of our community. Our area is now in jeopardy of a change to the landscape forever. This one decision by the county will either help preserve this area for our future or it will help attract other investors and developers who will first use this TDR loophole to circumvent the zoning laws that were created to protect this very thing from changing the landscape forever.

This loophole, if approved by the county to build, has little regard for the people who live here and who love this area for the open undeveloped land and should be protected by the zoning laws and the View Corridor Protection. I have recently learned that the View Corridor Protection was an issue a few years back when the current residents of the property were requesting development approval and were rejected from building their own home on the very spot they are now seeking to develop with eight new homes.

Long time residents in our community of more than twenty and thirty years are now at the mercy of the new to the area residents/investors and builders of just a few years that will have the power to change our landscape forever. Anyone seeking to build should not have the power to purchase a property and use a loophole of Transfer Development Rights. This area that was once protected by zoning laws will now have a loophole and we no longer have this protection.

This decision by the county to allow this proposed project to move forward will forever change our landscape attracting new investors to decide what our land will become. This area must be preserved for the value of open space. A value that is important to Boulder County. We must preserve the stunning views and beauty this area offers to the residents, attracting visitors, athletes, sporting events like the triathlons and other races.

This proposed development is not only disappointing but unfathomable given that our zoning was designed to protect our community.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Ron Wirth - SD-23-0003 Rodriguez TDR/PUD - 6184 Niwot Road
Date: Monday, August 21, 2023 6:15:00 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003 Rodriguez TDR/PUD

Name: Ron Wirth

Email Address: rdwirth@comcast.net

Phone Number: (303) 589-7488

Please enter your question or comment: This letter is in response to the proposed subdivision on the SW corner of 63rd and Niwot Road. This area is and has been rural agricultural, including horse farms. (The two subdivisions that do exist on the northeast and northwest corners of the intersection have been there for many years.) Allowing this new subdivision flies in the face of the county's own land use code:

Boulder County Land Use Code

NIW 1.02 Limitations on New Building Sites and Residential Structures. In recognition and support of the designated agricultural character of the Subregion, the Boulder County Land Use Code shall be developed in such manner as to discourage the further subdivision of lands, situated outside of designated "Community Service Areas" for the purpose of creating new building sites for residential, commercial, or industrial land uses.

Secondly this area, proximitus to the Boulder Reservoir, Coot Lake and Tom Watson Park, is used extensively by bikers, runners and nature lovers, which already creates safety concerns and traffic congestion. Additionally, there are numerous bike and decathlon events held around and through this intersection as well, which is utilized for its rural nature.

Lastly, if this subdivision and this precedent is allowed through this slight of hand zoning switch, what is to prevent the same scenario from being allowed to occur on other land tracts in the area: the old Haystack golf course could easily support 50 or more houses, and there are numerous acreage and open space tracts in this area that could be allowed to increase density. We do not need another "Gunbarrel". Please keep the subdivision growth where it was intended, near, in or proximitus to established towns and cities.

We strongly oppose this proposed development.

Ron Wirth Debi Wirth
7141 Strath Street, Longmont, Co 80503
Rdwirth@comcast.net

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Jordon Belfast - SD-23-0003 - 7156 Elm street and 7087 Niwot road
Date: Monday, August 21, 2023 5:53:12 PM

Boulder County Property Address : 7156 Elm street and 7087 Niwot road
If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003
Name: Jordon Belfast
Email Address: jordonbelfast@gmail.com
Phone Number: (720) 400-3044
Please enter your question or comment: Hello, my name is Jordon Belfast. I was born in north Boulder in 1990 and grew up on Niwot road.

I would like to voice my opposition to SD-23-003. This subdivision is completely out of character for the area and will permanently change the nature of the area and the quality of life of those who live there. The roads are already overburdened with people not local to the area driving unsafely as well as large groups of road bikers. This area has largely remained a rural agricultural community for most of my life. There are very few areas left like this area. The intersection of Niwot and 63rd is by far the busiest/most trafficked intersection in the area. It also appears that the proposed borders fall on wildlife conservation land as well as agricultural land of state importance.

There is a tremendous amount of very special wildlife in the area as well. Many endangered species make it their home. The traffic, light pollution, noise pollution and general pollution that comes with large groups of people would have a negative impact on the wildlife and those with farm animals nearby.

This seems like one of the situations that Boulder County's comprehensive plans/land use code were made for. We want to conserve and preserve the nature of the area. If we allow never ending urban sprawl soon many of the special places we have left in the county will be gone. Allowing construction of a subdivision on 63rd and Niwot would permanently alter the nature of the area and effect everyone who already lives there negatively. I urge you to please consider this decision very carefully.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

I live at 6850 N 63rd Street directly across the street from this proposed project. I oppose of any subdivision of this farm land. I am sheep and goat farmer and having a sub-division directly across the street will be detrimental to my farming operations. The location of my farm being close in with residential homes and a very busy street with cars and cyclists already comes with challenges. I purchased this farm because of the views, the conservation easement and open space along my south and east fence lines, the homes on my north fence line are 5 acre parcels, and because of the subject property across the street being designated as farm land.

Livestock needs space, it is essential for their health and well-being. I have two live-stock guardian dogs that patrol the property it is not an option to have my livestock without them because of the predators. If this project is approved and moves forward I will be forced to get rid of my goats and sheep. To create more noise and density around my property will accelerate the dog's behavior which will become an issue with neighbors.

Besides losing my current farm operation, I lose my views, privacy, piece and quite. A project this size will be years and years of construction, noise, traffic etc.. This stretch of 63rd Street has very heavy traffic during certain times of day because people use it as a commuting route. It is also a very active area of cyclist, runners, and athletic events.

I have been a Boulder County resident for 40 years. I have chosen to live in this County because I believe in the Boulder Comprehensive Plan philosophy of preserving farm land. Living in this area is a lifestyle choice, people want the space.

This property should not qualify as a receiving site because it shows up on the County's TDR Sending Site Map designated as Agricultural Land of Statewide Importance in the County Comprehensive Plan. The purpose of the TDR program stated in Section 6-700-A is to promote county-wide preservation of agricultural land. The concept behind the creation of the TDR program was to take the undeveloped density out in the plains portion of the County that had designated resources, such as agriculture land, and transfer to areas adjacent to municipalities where public services were available (public sewer and water). This area is not a municipality.

So why is the County considering promoting subdivision of farmland in exchange for selling their transfer development rights to land designated as Statewide Importance? This is extremely conflicting with Boulder County Comprehensive Plan. This has never been the intention of the TDR program. Nor was it set up to be a revenue raiser for the County.

I highly discourage the County from paving a road and promoting a program to circumvent the 35 acre minimum parcel guidelines for agriculture land. Utilizing TDR's to dimension this farmland, when it was never the intent to begin with, is an abuse of power in my opinion. Before you place your vote to move this forward I suggest you read your code of ethics and remind yourself what you signed up for. Your job is to protect and preserve what is left of farm land in this area, not to diminish it. There is no amount of money that outweighs integrity. Approval of any sub-division on this property will set a precedent for future density on agriculture lands designated Statewide Importance.

Boulder County prides itself with its land preservation and open space program and gets national recognition for it. Is it in the best interest of the County to approve this and limit future farm operations? My farm will be forever changed. There are not many active farms left in this area that have livestock. My farm will be limited to a horse property since livestock guardian dogs would not be necessary. Is this the direction the County wants to go?

Under Section 6-700-F.6. The TDR's mentioned in the Development Report that the County Open Space has available for purchase are questionable because the BOCC has to determine participation in a TDR receiving site enhances the preservation of the sending site. If these TDR's have already been purchased by the County, how does it enhance preservation?

The Sketch Plan provided on laying out the lots along 63rd Street appears to conflict with Section 6-700.G.1 which states the proposed TDR/PUD must be adjacent to and compatible with adjoining development and land uses. 63rd Street is not high density, the adjacent density is on Niwot Road.

Building 9 multi-million dollar homes does nothing to help the housing problem or benefit the surrounding community. It is not compatible with the surrounding area to add such density and destroy views. It would change the whole dynamics and feel of this area in such a negative way.

The Development Report included with application states:

The Community Input: The team will engage with the local community to gather feedback and incorporate their ideas into the design of the development. This will help ensure that the development is in line with the values and priorities of the community.

The applicants have not reached out to any adjacent neighbors or surrounding community regarding this proposal. We all learned of this from receiving the letters and have felt blindsided by it.

If the County wants to have community input on decision making, then require the applicants to come forward and discuss this directly with the adjacent neighbors prior to submitting these letters. It is clear by their lack of outreach that they have a total disregard about the negative impact this will have on their neighbors and community.

A submittal of a Sketch Plan is not community outreach. A Sketch Plan is simply step one requirement of the County upon submitting an application.

I have a few request in closing:

1. If you approve the Sketch Plan and move this forward, encourage the applicants to come forward sooner than later with the adjacent neighbors to discuss this. The City of Boulder this is standard practice they require the applicants to hold meetings and/or respond to community input directly. You should use them as a model and implement this as an initial step in the process.
2. Any County official that has a say in this proposal come out to this area and spend time here prior to making a decision. Come different days/different times. The neighbors and community

resistance is authentic we are not making our concerns up. This is people's lives, a community that matters, and cares about its future. Many people that have been in this area much longer than the applicants or myself please respect this.

3. Read each and every comment prior to voting on this.

Amy Rapple
Urban Farm Girlz
6850 N. 63rd Street.

From: [DEBORAH DODD](#)
To: [L"Orange. Pete](#)
Subject: [EXTERNAL] FW: Docket number SD-23-0003
Date: Tuesday, August 22, 2023 12:08:06 PM

Boulder County Property Address: 6148 Niwot Road
DOCKET NUMBER: SD- 23-0003

Name: Deborah Dodd

Email Address: Misty1992@msn.com

Phone Number: (801) 452-5217

Please enter your question or comment:

I grew up in the area near 6184 Niwot Road enjoying the natural beauty and peace of the area. Since then, I have lived in several busy and urban areas including Newark, NJ, the San Francisco Bay Area, and Tokyo, Japan.

I value the efforts of Boulder County to conserve open space and manage the rural aspect of the region with the demand for growth.

My wife, Nancy Wymer, feels the same way.

We are in favor of maintaining the rural feel of this part of Boulder County.

Deborah J. Dodd

Nancy Wymer

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Alison Fisher - SD-23-0003 - 314 lefthand canyon dr
Date: Tuesday, August 22, 2023 12:16:25 PM

Boulder County Property Address : 314 lefthand canyon dr

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Alison Fisher

Email Address: alisonfisher415@gmail.com

Phone Number: (303) 591-0989

Please enter your question or comment: Hello. I am writing in regards to the proposed 11 new houses on the corner of 63rd and Niwot Rd. It is in conceivable to me that you would even consider this development. Niwot and 63rd is very busy road most times of the day, the bike and car traffic impacts will be horrible. Also, what about all the bike races that use this intersection and these already miserable road closures. I live on Lefthand Canyon and use this intersection almost daily to walk my dog and shop in Gunbarrel.

Also, regarding the ECA that is on this property, how is this development going to affect this area plus what about all the wildlife that use this as a wildlife corridor, where will they go?

This development also seems out of character for this rural area. what negative impacts will this development have here? More lights which interrupts night time birds and insects which are already in decline and the noise that will increase because of this development. The other thing that is disturbing is your contradiction of Land Use Code NIW 1.02 the disruption of the line of sight views of the mountains. Hi highly encourage you to deny this development for the reasons I have listed above.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Elizabeth Cook - SD-23-0003 - 6105 Monarch Rd
Date: Tuesday, August 22, 2023 1:57:38 PM

Boulder County Property Address : 6105 Monarch Rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Elizabeth Cook

Email Address: Libby@philanthropiece.org

Phone Number: (303) 817-1399

Please enter your question or comment: I wanted to add some additional comments to the previous comments I filed in opposition to the above development.

(1) I know that one of the goals is to balance the need for conservation of the view corridor versus the need for more housing. It appears to me that the need to preserve the view corridor on Niwot and 63rd Street greatly outweighs the need for more housing in this area especially given the fact that the Niwot Hills subdivision on Niwot Road and 95th Street that was approved in 1999 still has approximately 20 of the parcels available for development of the original 46 parcels 24 years after receiving approval!

(2) Even though it may seem from maps that this development is accessible by bike to downtown Niwot or Gunbarrel crossing Highway 119 is a significant barrier to accessibility.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - John Birks - SD-23-0003 - 6184 Niwot Road
Date: Tuesday, August 22, 2023 6:25:42 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: John Birks

Email Address: jwbirks@hotmail.com

Phone Number: (303) 875-6535

Please enter your question or comment: These comments are in response to SD-23-0003. I am in FAVOR of the proposed subdivision to provide 9 additional homes on this 40-acre property.

This response is written as much or more to the local community as it is the Boulder County Community Planning and Development members.

I live at 7107 N 49th street at the NW corner of 49th Street and Niwot Rd, about 1.3 mi west of the proposed subdivision, and I am the father of Shannon Rodriguez, who with her husband Ifrain Rodriguez, purchased the land in question from my wife Kathy Rowlen and me in May 2018. I have lived in Boulder County for 50+ years, beginning with my appointment as a chemistry professor at CU in 1977. I currently work with 2B Technologies, a company I co-founded in 1998 to develop portable instruments for air pollution measurements. I direct the AQEarth program, a program funded by the National Institutes of Health (NIH) to help communities develop local, citizen-run air pollution monitoring programs, especially in low income, environmental justice communities. I am a board member of the Climate Protection and Restoration Initiative, a nonprofit that is working to strongly encourage the U.S. government to do more to fight climate change. In my early career, I worked on the stratospheric ozone depletion problem due to CFCs, and I co-developed the “nuclear winter” theory (with Paul Crutzen, 1985 Nobel Laurette), which is now widely recognized as having reduced the risk of nuclear war over the past 40 years. Thus, I have authentic environmental credentials.

So why am I in favor of this development? Because it is environmentally sound. The population of Boulder County is growing, largely due to its burgeoning tech industry and our desirable physical environment, and thus needs additional single-family housing to accommodate that growth. At the same time Boulder County wants to have as much open space as possible for all Boulder County residents to enjoy and to protect wildlife habitat and migration. One of the tools the County has used to provide open space is the Transferred Development Rights Planned Unit Development (TDR/PUD) program “for the purpose of preserving generally contiguous properties to protect agriculture, rural character, open space, scenic vistas, natural features, and environmental resources.” Based on many considerations, the County has designated “sending” and “receiving” areas. Landowners can give up their development rights in sending areas by selling TDRs, and those TDRs can be purchased by landowners in receiving areas to subdivide into building lots. As pointed out by the County in a separate comment, 6184 Niwot Rd is in a receiving area and thus qualified for subdivision through the TDR/PUD program. Why is this 40-acre parcel a receiving property? I suspect that it is largely because it is surrounded by other subdivisions, especially the one directly across Niwot Rd where ~250 acres are divided into typically 1-acre lots. It makes sense that

new houses be built in this already developed area rather than in areas that are contiguous with current open space.

It is important to note that Shannon and Ifrain only request to subdivide the property into a total of 10 lots. If developed like the subdivision across Niwot road where the typical lot is 1 acre, and from where most of the opposing comments come, it would be 40 lots. And, if it were developed like the city of Boulder or Longmont where lots are more typically 0.25 acres or less, it would be 160 lots or more. If not allowed to be developed at this time, the next owner could choose to apply for a much higher density development than the one requested by Ifrain and Shannon, and as the Boulder city limits expand, it could eventually be developed into apartment buildings, townhouses and condos. Thus, approval of this development application, actually protects the land from a much more dense development in the future.

Relevant History

My wife Kathy Rowlen and I purchased 6184 Niwot Rd (then 6097 Niwot Rd) on July 1, 2014 from the trust of several descendants of the historic Dodd family who had long ago moved away from Colorado. At that point in time, there was a ~100-year-old boarded up house, some collapsed sheds and one shed with a mostly missing roof. Prior to it being sold to us, it had been rented out for many years, and there were approximately six mobile homes on the property at one time, with their trash being disposed of in the various sheds rather than being taken to the dump. Most of this trash had been removed before selling the property to us. After purchasing the property, I soon learned that most of the land spanned the ancient bed stream of Left Hand Creek, which now flows through the large subdivision to the north. Thus, the soil is filled with river rocks, and it is virtually impossible to farm. The land was mostly covered with a wide variety of weeds such as mullein, burdock, various thistles, foxtail barley and large sections of cheatgrass that dies early in the summer and presents a fire hazard to the neighborhood. In fact, while we owned the property, a car drove through our fence along 63rd Street and onto the land, starting a fire in the dead cheatgrass that spread to the property of Libby Cook to the south. Luckily, the fire was extinguished by the fire department before burning any houses. There were hundreds of prairie dogs, which over the years neighbors have continued to complain about, and despite numerous attempts at eradication costing tens of thousands of dollars (receipts available), always come back due to migration from other properties.

The house was on the historic preservation list, but was filled with asbestos, mold and rat droppings. The structural wood was rotting, and there was a cistern beneath a portion of the house filled with stagnant water. I obtained permission to demolish the house after it was inspected in person by County officials, including the County Architect. Prior to demolition it was a real environmental hazard to the neighborhood – especially to children who lived in the development across the road who could potentially break in and expose themselves to chemical and biological hazards. We also removed the septic tank and collapsed sheds. We replaced the roof and put windows in the one surviving building to preserve it for historical reasons.

There were many large dead trees and tall stumps along Niwot Road that I paid to be removed, and in addition to demolishing the old house (at considerable expense due to asbestos mitigation, etc.), I began mowing the property annually to reduce the propagation of weeds. It took about 40 hours of work to mow the entire 40 acres using my old Ford tractor. During this time, I received many comments of appreciation from neighbors, including some of the ones

who have submitted comments here, for cleaning up the property and improving the look of the neighborhood. This most likely increased the value of nearby homes.

Kathy and I had hoped to build a house on the property, but we had insufficient time to navigate all of the County rules and requirements, so when the house at 63rd and Niwot Rd became available, we decided to buy that property instead of building and to sell the 6184 Niwot Road land. The Vinelife Church offered to exchange some of their land for the Niwot Road property, but I declined. Their pastor was a former real estate developer and saw the property as an opportunity to build a church school or to subdivide the land and develop it for profit for their church. Instead, I listed the land for sale with the Bernardi Group, but received no offers after several months on the market. I then contacted the County of Boulder about buying the property and making it open space. But the County responded that they were not interested because it was not contiguous with any other open space and was not of high value for wildlife protection. In the meantime, because the house had been removed, the already high taxes on the property (because it wasn't designated agricultural) had approximately doubled (something the County does to encourage development and increase their tax base) to about \$20,000/yr. Around that time, Shannon and Ifrain were looking for a lot to build a house. Ifrain is a carpenter and builder by trade and saw this as a great opportunity to build a house for their family of five. We sold the property to them in May 2018, and Ifrain built the beautiful, single story, net zero house that stands there now. Overall, I think our family has contributed significantly to the improvement of this property and the local community.

As we did, Ifrain and Shannon found the land very expensive to maintain because of the taxes and prairie dog mitigation. Like us, they hoped to grow grass there so that the land could be used as pasture or for growing hay, but all of their efforts failed, aside from a small subset of the land. Indeed, according to our neighbor Nancy Hindman, her uncle, one of the original Dodd sons, had great difficulty trying to grow crops there as well. Thus, only a small portion of the land is suited for agriculture. And it is unreasonable to expect Shannon and Ifrain to bear the cost of maintaining the land as a sort of open space for the neighborhood. This is an example of land that is well suited for construction of new housing because of its proximity to other subdivisions – freeing up other land to be used for open space.

We all enjoy having our own “little piece of heaven” here along Niwot Rd. Let’s allow a few others to have the same opportunity. Sure, a few houses along Niwot Rd are going to lose their views of the Flatirons – but those views across private property were never guaranteed in perpetuity.

I’m attaching a few photos of the property taken during the time we owned the land in question. These show the exterior and interior of the old house, a small fraction of the large rocks I removed to the edge of the property, some of the dead tree debris, etc.

John Birks
7107 N 49th Street

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/4395402b-0921-42d6-8315-bb9c6bedbf8e> - 1.87 MB

Public record acknowledgement:

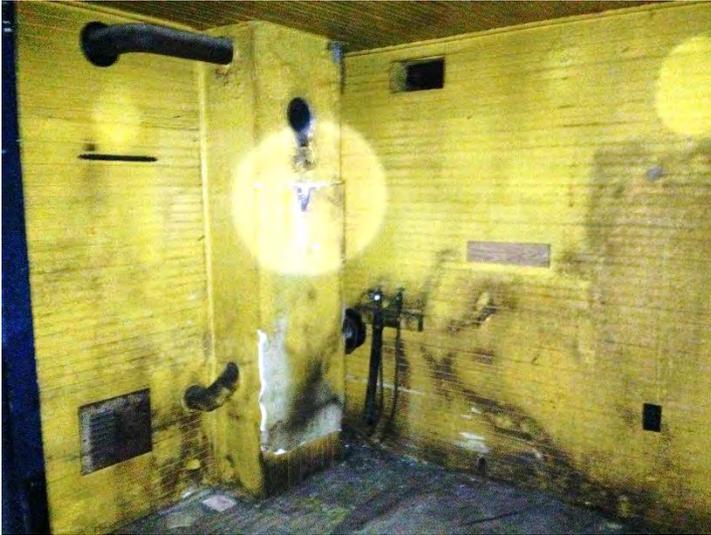
I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.



The old house that was demolished. This house presented a danger to the neighborhood because of chemical (e.g., asbestos) and biological hazards. Children could have easily broken into the house and exposed themselves to these hazards.



Left: Mowing weeds taller than the tractor. Right: Large stand of mullein (a very tall and thick-stalked weed) on the property.



Some photos of the house interior. The floor was covered with rat feces.



A small fraction of the dead trees and wood removed from the property.



Two of the many loads of large rocks removed from the field. Thousands (millions?) of smaller rocks remain and continue to work their way to the surface over time. Plowing is virtually impossible on most of the land, either because of the ancient streambed rocks or the swampy area created by leakage from the Hindman pond to the west.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Heather Ng - SD-23-0003 - 6184 Niwot Road
Date: Tuesday, August 22, 2023 8:39:02 PM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Heather Ng

Email Address: ninjaheat@gmail.com

Phone Number: (303) 819-2618

Please enter your question or comment: Hello,

I live down the street from this address. I've lived here for 12 years. I have a lot of concerns about this potentially becoming a subdivision.

1. I moved out here to have land (at least an acre), and be around farms and live in rural Boulder county. I did not move out here to be near new subdivisions.

2. These two streets (Niwot & 63rd) have only gotten increasingly more busy, there is always a bike or running race, and traffic is already strained.

3. This area is always flooded when it rains. It's generally sitting in standing water after a thunderstorm. I do not know what it would take to get the ground level and how will that affect all the surrounding houses and farms? What about all the prairie dogs that live there?

4. But most of all, this subdivision is not in accordance with the area, the open space, and it kills the view.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

August 22, 2023

*Andrew Wilson
6015 Niwot Road
Longmont, CO 80503*

Regarding:

Docket Number: SD-23-0003

Docket Type: Subdivision Sketch Plan

Location: 6184 Niwot Road

Proposal: Request for a Sketch Plan review for a Transferred Development Rights (TDR) / Planned Unit Development receiving site consisting of a total of ten (10) residential lots on approximately 39.5 acres.

Dear Boulder County Community Planning and Permitting Department,

I am writing to strongly object to the proposed development of 6184 Niwot Road (Docket Number SD-23-0003).

I and my neighbors purchased our properties on the north side of Niwot Road on the understanding that the tract of land on the south side (including 6184 Niwot Road) is listed as an Agricultural Land of Statewide Importance and could not be subdivided less than one home per 35 acres. In making our decision to purchase, we balanced the benefits of view protection offered by relatively open agricultural land against the traffic on Niwot Road and 63rd Street. The proposed development will disrupt this view protection. The importance of the view corridor was recognized by the County when it denied the original requested for a more eastward position of the home on the property.

My understanding is that limited development of my region of the County in the 1960s and 1970s was a concession that the County made as part of the establishment of the nearby IBM facilities, but otherwise the County, through its land use code seeks to limit new building and residential structures and discourage further subdivisions of lands. My understanding is that the approach is to allow higher density development in the cities (Boulder, Longmont etc.) but maintain low density in the County, thereby maintaining the agricultural character of the County for all to enjoy. The proposal is starkly at odds with these principles.

We appreciate that it is difficult for the county to extend open space, but not allowing development on this property would effectively extend an existing Environmental Conservation Area and effectively create space that is relatively open, near to OSMP land, at no cost to the County. Like many in Boulder County, I am deeply committed to conservation and preservation, as vital for a sustainable future. The area is home to a prairie dog community (a county wildlife species of concern) which serves as a hunting ground for coyotes, bobcat, fox and many birds of prey.

It seems that one argument for allowing development on this property is that it is near to an existing development. If this argument is successful, where would this end? I am concerned that allowing development on this property could result in cascading development in the County.

As resident of the area, I am acutely aware that the 4-way stop intersection of Niwot Road and 63rd street is often busy, and that vehicles often drive far beyond the speed limits on both Niwot Road and 63rd Street. Since I moved to the area in 2010, I have observed many traffic incidents and accidents. Niwot Road is enormously popular with runners and cyclists, and used for numerous race events each year. Altercations between cars and cyclists is an almost daily occurrence. I am deeply concerned that the proposed development will result in increased traffic and to injuries and deaths of runners and cyclists.

I experienced first-hand the 2013 flooding in the area. I saw the 6184 Niwot Road property essentially become a lake during the flooding. I worry new homes built on the site would be highly vulnerable to future flooding, and that efforts to address this may cause water to flow to existing homes in the area. It is important for the County to prepare for more frequent extreme weather conditions that are now strongly predicted by established climate models.

Finally, when I moved to Boulder County, I was shocked by the vast scale of septic tank use. Failing septic systems in the County are likely discharging untreated wastewater containing pathogens, nutrients, and other harmful substances directly into the groundwater or onto the ground and into surface waters. This problem is exacerbated by development of the sort proposed.

Thank you for your consideration.

Regards,

A handwritten signature in black ink that reads "Andrew Wilson". The signature is written in a cursive, flowing style.

Andrew Wilson

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Bambe Marlin - - 5939 Niwot Rd.
Date: Wednesday, August 23, 2023 12:15:59 AM

Boulder County Property Address : 5939 Niwot Rd.

Name: Bambe Marlin

Email Address: singinbrdd@aol.com

Phone Number: (303) 530-4202

Please enter your question or comment: My family and I live on 5939 Niwot Rd, very close to the current Brigadoon neighborhood just west of N. 63rd St. We are very opposed to the new proposed subdivision at the corner of N. 63rd St and Niwot Rd.

1. The proposal of multi-million dollar homes does not fit with the current mix of rural and middle income properties.
2. The traffic on N. 63 and Niwot Rd is already congested and several minor and larger accidents have happened at that intersection.
3. Several homes out here are rural and historical. Our home and outbuildings are from the original Dodd Dairy Farm, which I've believe is the first one in Longmont area. please do not proceed with the buuilding of new millionaire homes in our area. There are many many reasons we oppose building the new subdivision. We would welcome the opportunity to speak with the County Planners at an open meeting. Hoping to hear from you in the near future.

Sincerely, the Marlin family:

James W. Marlin Sr., Marlene A. Marlin, Bambe A. Marlin

5939 Niwot Rd., Longmont, co 80503

Land-line phone 303-530-4202

cell phone 720-201-2078.

we look forward to hearing from you soon! Thank you.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

To the Boulder County Community Planning & Permitting Department,

I am writing to ask you not to allow SD-23-0003, a proposed subdivision at the corner of Niwot Rd and 63rd St. in unincorporated Boulder County, to go forward.

I live on the north side of Niwot Rd, just 1 acre west of where the western most house of this subdivision will be built. The most valuable thing to us when we started renting our house in 2010, and then when we bought it in 2011, was the beautiful rural setting: beautiful agricultural land with mountains in the distance. I soon learned the beauty was not just in the view, but in the sense of peace from watching the daily activities of the working farm across from us, and the contrast it gave to the busy streets and businesses in Boulder and Longmont. That space and peace is also enjoyed by thousands of people who come here to run and cycle. There are plenty of long flat roads in Colorado perfectly suited to running and cycling, but these people come here for the rural beauty.

As the population continues to increase in Boulder County, with the cities growing larger and denser, and in some places closer together, it is extremely important to keep the rural areas in between as buffers. Part of Boulder County's strong mission has been the acquisition of agricultural/rural land for Open Space, strong support for creating Environmental Conservation Areas on private land. Therefore, allowing the proposed Niwot & 63rd subdivision to go forward is in direct opposition to these missions.

Additionally, NIW 1.02 says, "In recognition and support of the designated agricultural character of the subregion Boulder County Land Use code shall be developed in such manner as to discourage the further subdivision of rural lands" and "...new residential structures shall only be permitted on vacant lots within recorded rural residential subdivisions". Clearly these guidelines are in opposition to creating new subdivisions here.

Those in favor of development might say that there are already areas of subdivision on either side of 63rd just north of Niwot Rd, but these were built roughly 50 years ago (before the missions above became central to development decisions), and also as a part of a group of things done to convince IBM to locate here (homes for the employees). It is not random that no further subdivisions were built in the years since then. It would be both unwise and a slippery slope to believe that adding a few homes almost adjacent to the existing subdivisions in the area is not a big deal. It is a very big deal, because it sets a precedent that can be used to argue for further development of any land nearby existing rural subdivisions, as well as those newly developed areas now being next to other open land, allowing that land to be developed too, and so on.

There are many other reasons allowing this subdivision to proceed is wrong. The land in question is:

- 1) Already designated "agricultural land of statewide importance" and a view protection corridor, both of which should be protected.
- 2) Part of the buffer between cities that allows homes/corridors for many native species in the area both predator and prey.

- 3) A crucial water retention area which may have prevented further road or home damage during the 100-year flood (or future floods). The northern portion is often full of standing water. Raising that land could push water back into the roads and existing neighborhoods.
- 4) Next to a busy and always potentially dangerous intersection at 63rd St. and Niwot Rd. Due to many cars, cyclists and runners, as well as new laws allowing cyclists to not stop at the intersection and increased traffic leading to impatience that fuels reckless driving (speeding, unsafe passing), a new road/driveway for multiple homes anywhere near that intersection would be dangerous.

On a personal note: Our house is across from a farm on roughly 40 acres. Because current rural residential land use here allows one house per 35 acres, my husband and I decided to buy this house knowing our view would never be blocked. In addition to the sadness that would cause, it would seriously decrease the value of our house. Although one proposed house will be diagonally across from us, our view would be largely preserved. But all of the people further east of us on Niwot or 63rd, that are across from the bulk of the proposed subdivision, will be in that position now if this goes forward. They thought the rules protected them.

Please do not let this subdivision to be built.

I appreciate your time and consideration.

Thank you,

Madeleine Meyer Wilson
6015 Niwot Rd
Longmont CO. 80503
madmeywil@gmail.com
720-568-0919

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Ryan Christian - SD-23-0003 -
Date: Thursday, August 24, 2023 8:48:35 AM

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Ryan Christian

Email Address: rchristian.r34@gmail.com

Phone Number: (720) 453-8410

Please enter your question or comment: Relating to the proposed subdivision along 63rd Street, I, as a citizen of Colorado and Boulder County, would like to formally express my concerns regarding this project. Having grown up in Boulder County I have had the privilege of knowing exceptional people, and waking to truly breathtaking views of the land and Rocky Mountains for which our state is famed. When surrounded by such extraordinary natural beauty it is easy to see why so many works of poetry, music, and art have been inspired by the very slopes that we call home.

However, in recent years Boulder County has also seen incredible population growth. While this boom has definitely done wondrous things for the economy, it should also be noted that this sudden burst of industry has not been a completely positive thing for people, myself included, who have always enjoyed the opportunity to live here. Without delving into a lengthy explanation, citing everything from police reports to census data, it may be difficult to provide specific examples right down to the number, but for those of us who have lived here their whole lives such graphs are unnecessary. We experience the effects of this massive influx of neighbors every time we drive to work, buy our groceries, or go looking for our next home to buy or rent.

Beyond the traffic and crowding, this rapid increase in population has also created a massive demand for new housing developments. The owners of a particular part of land, specifically located on the Southwest corner of 63rd Street and Niwot Road, are currently attempting to capitalize on this demand with the construction of a new subdivision. This decision, while a solid move for the financial well being of the owners in question, is ultimately not made to the benefit of the people already living nearby, nor the environment which would be adversely affected should this development proceed as planned. This opinion is shared among many members of the community, many of whom are lifelong residents of Boulder County who have lived together and supported one another through extraordinary circumstances throughout recent history, from floods to wildfires and everything in between.

These same residents also enjoy the gorgeous vistas, incredible wildlife, and legendary sunsets for which our state is famed. It is no exaggeration to say that the sunset over the Rocky Mountains is easily one of the most wondrous and romantic things that a person can experience, and wildlife such as foxes and the numerous birds of prey found along the front range are a subtle but powerful reminder to appreciate the natural beauty of our world. These things are made possible through Environmental Protection initiatives and other regulations designed specifically to ensure that these natural wonders can be enjoyed for generations to come. While this may seem like little more than a roadblock to profitability to a businessperson that hails from highly urbanized places such as Los Angeles or New York, to Colorado natives this effort to protect the landscape serves as a promise not just to us, but to our children that we will have something unique and beautiful to enrich our lives beyond simple material possessions and wealth.

It is with these priceless elements of our lives in mind that I strongly urge those reviewing this application to reject the proposed development. This issue affects more than a single subdivision, but sets an example for all those who would place their own profits ahead of the good of our beautiful state and the people who live here. In the pursuit of financial gain, there are many who would plunder the plains, ravage the hillsides, and carve every inch of the front range to pieces until only a sprawling urban expanse remained in its place, trading the magic and majesty of our home for the mundane, uniform landscape that has taken so many similar places around the country. While these developers dress up this exploitation with words like “progress” and talk of economic benefits, we cannot let their words blind us to all of the beauty that would be lost if we said and did nothing, simply allowing them to do as they please until nothing remains.

The power to protect what makes this community, and indeed this entire state, so spectacular – or to condemn it to rampant urbanization – now rests in the hands of those reviewing the application. For the sake of the place I call

home, the wildlife that we live side-by-side with, the people, and myself as well, I hope that you feel every bit as passionately about this issue as the community and I do.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - MIRIAM PAISNER - 63rd street subdivision - 3250 oneal cir h 24
Date: Thursday, August 24, 2023 1:03:24 PM

Boulder County Property Address : 3250 oneal cir h 24

If your comments are regarding a specific Docket, please enter the Docket number: 63rd street subdivision

Name: MIRIAM PAISNER

Email Address: miriampaisner@hotmail.co

Phone Number: (720) 771-9772

Please enter your question or comment: big misake to develop that area

i drive it every day to longmont horse ranches

its already a nuisance with all the road fixing and biked riders but to destroy the natural beauty of this place and put more g d dam d houses there is a big misuse of natural worl; just look at what happened to maui because of such growth; just leave it be or put horses on the property; developers are the US s destroyers of land and nature

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

5305 Niwot Road
Longmont, DO 80503
August 21, 2023

Boulder County Community Planning
And Permitting Department
Po Box 471, Boulder, CO 80306

Boulder County application SD-23-0003

We live at 5305 Niwot Road in Boulder County. We have lived there since May of 1987. Our home is built on old family-owned pastureland.

We object to the "proposed development" of the 40 acres on the southwest corner of 63rd and Niwot Road.

That 40 acres has always been "pasture." It is zoned "Agricultural" and is listed as "Significant Agricultural Land of Statewide Importance."

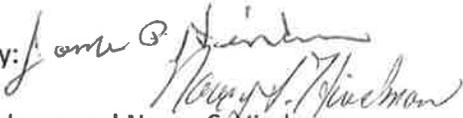
Boulder County has "decreed" that 35 acres be required for the building of a private home.

The developer plans for 10 homesites on this 40 acres.

An article in the "Longmont Times Call" on August 15, 2023, states: "Critical Open Space" between Boulder and Longmont needs to be protected. There will always be development pressure. It is when the pressure is strongest that conservation and open lands need to be protected.

This is NO PLACE for this proposed subdivision.

Submitted by:



James P. Hindman and Nancy S. Hindman
5305 Niwot Road

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Tom Daly - SD-23-0003 - 6184 Niwot Road, Longmont CO 80503
Date: Friday, August 25, 2023 4:58:01 PM

Boulder County Property Address : 6184 Niwot Road, Longmont CO 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Tom Daly

Email Address: tomdaly49@gmail.com

Phone Number: (303) 204-1495

Please enter your question or comment: I do not support the PUD in question. My primary concern is an increase of traffic on Niwot Road, specifically at the intersection of 63rd Street. The entrance to the 10 proposed lots is quite close to the intersection. Also, the addition of ten houses there will negatively affect the rural nature of the area. And, the water table is quite high. Per the Nov 8, 2017 analysis by American Geoservices, the ground water was at 3 to 3 1/2 feet at their test holes. these holes are at or near proposed lot sites 5, 6, 7 and 8. Proper mitigation of this issue will likely have a negative impact on the surrounding properties along Niwot Road.

Attach a photo or document (optional): <https://bouldercounty.wufoo.com/cabinet/8e5911cd-7949-466d-93da-f02d945c5a77> - 320.32 KB

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Aaron Richmond - - 6184 Niwot Road, Longmont, CO 80503
Date: Friday, September 1, 2023 9:10:18 AM

Boulder County Property Address : 6184 Niwot Road, Longmont, CO 80503

Name: Aaron Richmond

Email Address: aaron_richmond@hotmail.com

Phone Number: (720) 621-6810

Please enter your question or comment: I strongly oppose this development. This is agricultural property and is also a seasonal riparian zone. If this subdivision goes through it will drastically damage and alter the drainage and environment. Specifically, where will this water go? What about the prairie dogs on the property? Will the water flood near by neighbors?

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Vickie Cashman - SD-23-0003 - 6184 niwot rd
Date: Sunday, October 1, 2023 10:17:21 AM

Boulder County Property Address : 6184 niwot rd

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Vickie Cashman

Email Address: mv.cashman@gmail.com

Phone Number: (303) 530-1325

Please enter your question or comment: Natural beauty lifts the human spirit... where as rampant and unnecessary housing developments in the wrong place blocking mountains and sky certainly crowd, constrict and suppress the human spirit.

With as negative as the world is today...we need all we can do to lift the human spirit in every community. Keeping open spaces for people and wild life in beautiful Boulder/Longmont area which the planning committees and county commissioners have consciously protected over the years would be and is a gift to the human spirit especially now in our Niwot community. We so appreciated how well you have protected the land considering that we don't have a municipality or governing body to protect us and the land. Thank you , thank you.

Please deny this application to put 9 huge million dollar houses in that beautiful field that opens up to our wonderful majestic sky and mountain view. We don't need our hearts constricted and spirits crushed in this community.

Please continue to be caring and thoughtful of the natural beauty and scenery in this Niwot / Coot Lake area.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Charles Oppermann - SD-23-0003 - 7194 Strath Street, Longmont, CO 80503
Date: Wednesday, October 4, 2023 10:04:14 AM

Boulder County Property Address : 7194 Strath Street, Longmont, CO 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Charles Oppermann

Email Address: coppermann@wkre.com

Phone Number: (303) 594-5707

Please enter your question or comment: I oppose this subdivision request for two technical reasons:

1. For many years it has been the County Commissioner's policy to no longer support subdivisions "out" in the county unless they adjoin an incorporated community. By doing this they assured that there would not be additional burdens on road maintenance, police protection, school busing, fire protection, etc, since the subdivision would be annexed into the incorporated community. Those same issues apply for this application and therefor it should be denied.

2. My second reason for opposing approval is the location of the access. From the appearance of the sketch plan, access is too close to the 63rd and Niwot intersection. Both roads are fairly heavily used, especially at rush hours. Adding this access too close to the intersection adds a an additional risk to the public, including the many joggers and cyclists that used both roads.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Jordan Green - SD-23-0003 - 6184 Niwot Road
Date: Friday, October 6, 2023 8:08:27 AM

Boulder County Property Address : 6184 Niwot Road

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Jordan Green

Email Address: jlgreen11@gmail.com

Please enter your question or comment: The hypocrisy of

<https://stop63rdstreetsubdivision.org/> is almost unbelievable but I've experienced similar development stories elsewhere. Most of the people who are concerned about this new development, at least in the general area of the land in question, live in single family homes on land that was divided up 20 to 50 years ago, "negatively effecting the rural culture at that time". The worsening of traffic is extremely marginal with the addition of 9 homes but suburban sprawl has been the historical cause of worsening traffic. They don't actually care about runners or cyclists but neither does the city or county of Boulder it seems. The predatory animals of the area have plenty of prairie dogs around to hunt, if it's even true this land is a prairie dog habitat. Their concern of the proposed residential property being adjacent to an existing environmental conservation area is invalid as the property itself is not an environmental conservation area. It could be valid if something other than houses were being proposed. Now, groundwater issues with the property being a low point and flooding is a valid concern and should be addressed if true, especially if it affects adjacent properties. The people involved with the petition, again in the general area of the proposed property, live in mostly million dollar plus homes mostly concerned about their view as noted with their last concern. The VPC score of the area is less than 2 however.

As much as I don't care for more single family housing, especially during a housing crisis and when they are most likely going to be big luxury expensive homes, more housing is needed. Even though there are restrictions and regulations on what can be developed, not just in Boulder but almost everywhere, there is also the issue of private land rights and ultimately what the owner of the land wants to do with that land is their right to do so.

Growth is inevitable and change is part of growth. These people need to embrace the change. The only solution they have to avoid more homes being built is purchasing the land themselves and maintaining its blank slate.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [rosie](#)
To: [L"Orange, Pete; LU Land Use Planner](#)
Subject: [EXTERNAL] Docket SD-23-0003: Rodriguez TDR PUD
Date: Friday, October 6, 2023 8:37:18 AM

We are opposed to the Urban Development on the Rodriguez property at 63rd and Niwot Road. We have signed petitions, sent multiple emails stating this, and are planning on attending the 10/18 public hearing in two weeks.

I question, if presumably this has not been permitted, WHY has the owner set up a staging area on the open space land? Initially this was – again presumably for the street widening project, but NO this is now for the staging of the monstrous McMansions planned on the land.

From the photos above, there are fire hydrants and water / sewage pipes set up on this space. Are we to assume that the PERMIT has been granted without due process???

PLEASE comment and reassure that a PERMIT has NOT been granted as it is still to be determined!

Thank you for addressing.
R Cushman Hubert

Sent from [Mail](#) for Windows





From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Anna Mahorski - SD-23-003: Rodriguez/PUD - 7803 N. Foothills Hwy.
Date: Friday, October 6, 2023 2:57:28 PM

Boulder County Property Address : 7803 N. Foothills Hwy.

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003: Rodriguez/PUD

Name: Anna Mahorski

Email Address: woobee21@gmail.com

Phone Number: (303) 669-1982

Please enter your question or comment: With this new development, 63rd Street will become as crowded as the Diagonal during morning and evening Rush Hour. The Coot Lake trail head on the West side of 63rd, and the parking area for dog walkers and exercisers on the East side of 63rd, many who run across 63rd, may have some fateful accidents. This also includes the bike riders ON 63rd, all day and evening. I do not live close to this area, but drive 63rd St. many times a week going to Gunbarrel, and to go to Longmont via the Diagonal. Many people now do not slow down at the cross walk to Coot Lake (not good). Stop signs, a traffic light at the 4 way stop at 63rd and Niwot road would have to installed (more expense for County), and would aggravate traffic and the drivers even more than at present during the Rush Hour times. PLEASE rethink the development and turn it over to Open Space. Let OUR Wild Life keep their home.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Anna Mahorski - SD-23-003 - 7803 N. Foothills Hwy.
Date: Saturday, October 7, 2023 11:23:34 AM

Boulder County Property Address : 7803 N. Foothills Hwy.

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-003

Name: Anna Mahorski

Email Address: woobee21@gmail.com

Phone Number: (303) 669-1982

Please enter your question or comment: And- We have enough excess traffic around Longmont and Boulder- do NOT bring this traffic to rural Boulder County.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - Caren McCreedy - SD-23-0003 - 2499 Mapleton, Boulder ,CO
Date: Sunday, October 8, 2023 1:35:43 PM

Boulder County Property Address : 2499 Mapleton, Boulder ,CO

If your comments are regarding a specific Docket, please enter the Docket number: SD-23-0003

Name: Caren McCreedy

Email Address: caren.mccreedy@gmail.com

Phone Number: (303) 884-9630

Please enter your question or comment: This development looks fine to me. There is no reason for it not to proceed \. The people who frequent the area do so on the road which will still be there. Let Boulder County take a hit for housing. About time.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

From: [Wufoo](#)
To: [LU Land Use Planner](#)
Subject: [EXTERNAL] Ask a Planner - James Massello - SD23-0003 - 4472 Nicklaus Ct. Longmont, Co 80503
Date: Sunday, October 8, 2023 5:20:28 PM

Boulder County Property Address : 4472 Nicklaus Ct. Longmont, Co 80503

If your comments are regarding a specific Docket, please enter the Docket number: SD23-0003

Name: James Massello

Email Address: jjmassello@sandiego.gov

Phone Number: (520) 360-0120

Please enter your question or comment: I am strongly opposed to this project for many personal reasons and for all the reasons stated by the stop63rdstreetsubdivison.org group of concerned neighbors. Please do not approve this application and development.

Public record acknowledgement:

I acknowledge that this submission is considered a public record and will be made available by request under the Colorado Open Records Act.

Exhibit A

Speaker: Chris Ennis

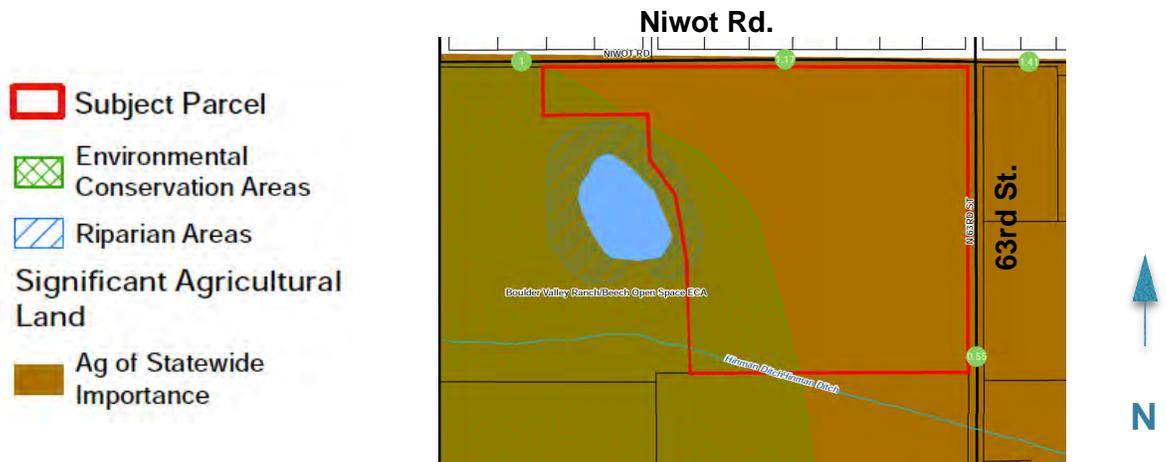
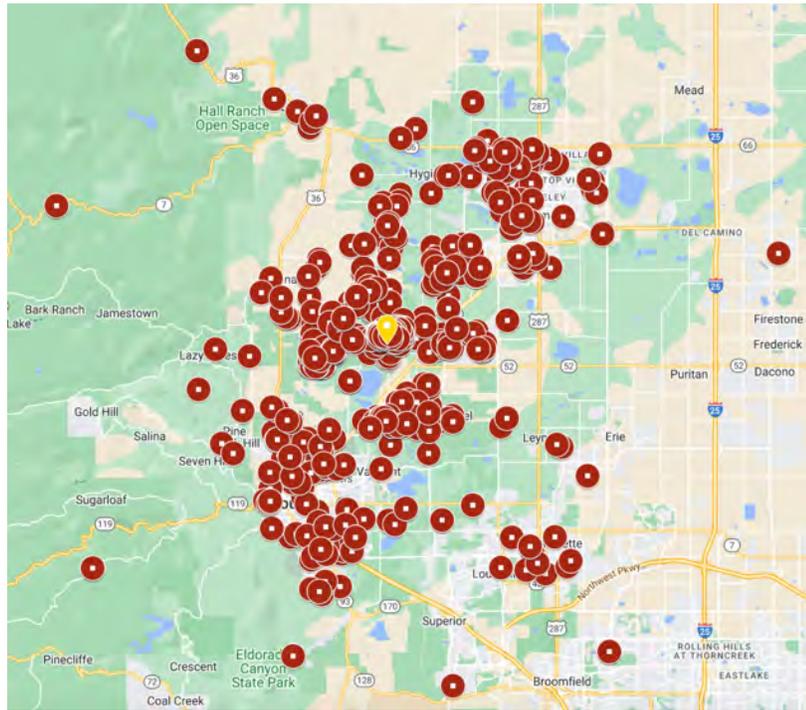


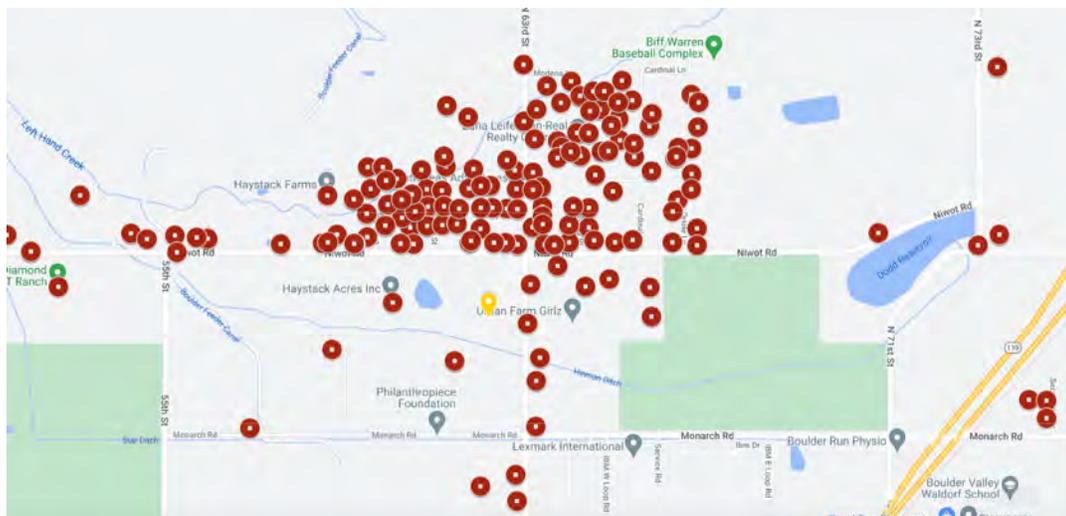
Exhibit B

Speaker: Chris Ennis

Opposition is County-wide



Local Opposition is Strong and Vocal



860+ petition signers as of 10/9/23

110 out of 113 public comments are opposed as of 10/9/23

View map dynamically at this link:

<https://www.google.com/maps/d/edit?mid=1JcUKVP8r6exHBJ2pfMQndCg0DuXjvIA&usp=sharing>

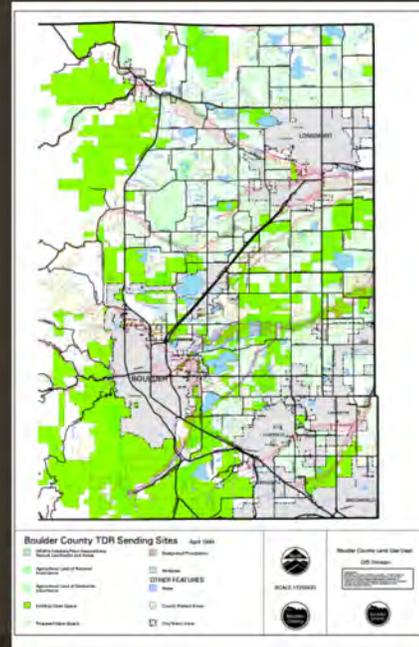
Exhibit C (3 pages)
 Speaker: Troy Mandery

The TDR

The TDR program was created to preserve the county's agriculture, open space, scenic vistas, natural features, and environmental resources.

The county has explicitly mapped the eligible sending sites for development rights—specific places that are suitable for the preservation of the county's agriculture, open space, scenic vistas, natural features, and environmental resources.

There is no map available of receiving sites. But (historically) intergovernmental agreements between the county and cities and towns allowed development rights to be transferred *from* the rural areas of the county *to* cities where enhanced development was part of the plan.



The One Hand

The project lies on land identified as eligible to be a TDR sending site. That is, the county has expressed an intent to see its

- agriculture,
- open space,
- scenic vistas,
- natural features and environmental resources...

...Preserved.

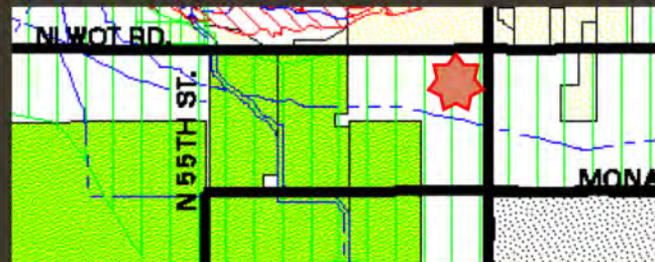


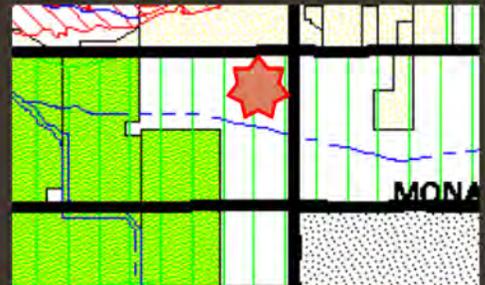
Exhibit C (continued)

Speaker: Troy Mandery

The One Hand

The project lies on land identified as eligible to be a TDR sending site. That is, the county has expressed an intent to see its

- * agriculture,
- ✓ **Significant Agricultural Lands of Statewide Importance**
- * open space,
- ✓ **Current status and by-right development allows one dwelling unit/35 acres—many open space values intact.**
- * scenic vistas,
- ✓ **The BCCP designates both Haystack Mountain and the Boulder Flatirons as Natural Landmarks. Both Niwot Rd and N. 63rd St. have associated view protection corridors.**
- * natural features and environmental resources...
 - ✓ Environmental Conservation Area - Boulder Valley Ranch/Beech, western area
 - ✓ Bald Eagle Summer Foraging - Colorado Parks & Wildlife (CPW) data
 - ✓ Bald Eagle Winter Foraging - CPW data
 - ✓ Prairie Dog Colony - active; therefore, possible Burrowing Owl use
 - ✓ Documented Use by other County Species of Concern - Rough-legged Hawk, Northern Harrier
 - ✓ Documented Nearby Use by Species of Concern - Ferruginous Hawk (700 linear feet)
 - ✓ Riparian Area - "buffer"



...Preserved.

The One Hand

This site is designated as eligible to be a TDR **sending** site—and has many of the qualifying attributes the program seeks to preserve.

The Other Hand

This site is being proposed for development as a TDR **receiving** site.

Exhibit C (continued)
Speaker: Troy Mandery

The Contradiction

A part of unincorporated Boulder County where the County, and cities of Boulder and Longmont, have spent millions of dollars and negotiated and deliberated over thousands of hours to protect its rural character.

Eligible on many counts to be a TDR **SENDING** site.

Is being considered as a TDR receiving site.

Using development rights obtained to preserve the rural character of unincorporated Boulder County.

This would diminish the very attributes of rural Boulder County the TDR program was created to preserve.

Exhibit D (5 pages)

Speaker: Nicole Aimone

Article 6 - 6-600 Mountain Planned Unit Development

6-600 Mountain Planned Unit Development

- A. Purpose: Mountain Planned Unit Developments may be permitted in the Forestry zoning district in order to minimize service and management costs of lands located in mountain areas; to provide flexibility and to accommodate personal desires in the sale of mountain properties; to encourage the retention of large areas of mountain land in forestry uses by allowing the conveyance of small land parcels; to provide flexibility in the location of residential lots in mountain areas; and, to provide a means of development sensitive to environmental concerns and existing capital services, such as roads.
- B. Mountain PUDs shall meet both the PUD requirements and the following additional requirements.
 1. The Mountain PUD shall include an area of not less than 70 acres.
 2. The overall density of the Mountain PUD does not exceed one dwelling unit per 35 acres.
 3. Conservation easements, or other acceptable means, are applied to prevent further subdivision or development of lands committed for forestry or other open uses.

6-700 Transferred Development Rights Planned Unit Development

- A. Purpose: To promote county-wide preservation of agriculture, rural open space and character, scenic vistas, natural features, and environmental resources for the benefit of the residents of Boulder County. The preservation and maintenance of these resources will be ensured by encouraging county wide land use planning including the perpetuation of large areas of generally contiguous properties suitable for agricultural use through the transfer of development rights from parcels suitable for preservation to properties meeting the criteria for development.
- B. Designation of Areas to be Preserved: The sending sites to be preserved and protected through the application of this article are those designated on the Boulder County TDR Sending Sites Map, the Niwot Sending and Receiving Area Map, and areas designated through Intergovernmental Agreements with municipalities in Boulder County.
- C. Areas to be Developed Utilizing Development Rights Transferred From a Sending Site: The areas which are suitable for development using the density transferred from the sending sites must meet the criteria and standards for approval defined in 6-700(E), (G), and K below as applicable. These areas are referred to as receiving sites.
- D. Zoning Requirements: The uses approved as part of a TDR/PUD shall be limited to the following:
 1. Residential and nonresidential density, uses, minimum lot area, minimum receiving land area, building height, and yard requirements shall be determined at the TDR/PUD sketch plan approval. The receiving site will include 2 units per 35 acres plus the density transferred to the site.
 2. Residential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, to any approved residential receiving site meeting the applicable criteria for receiving sites under these regulations. The maximum allowable total units within a residential TDR/PUD shall be 200.
 3. Residential/nonresidential TDR/PUDs: Residential development rights may be transferred from any designated sending site in the A, RR, ER, and SR zoning districts, and converted to nonresidential uses and density on any receiving site in the B, C, LI, and GI zoning districts which meets the applicable receiving site criteria under these regulations. The sketch plan for a nonresidential TDR/PUD shall establish the ratio of nonresidential floor area to be developed on the receiving site, to the number of residential development rights being sent. In establishing this ratio, the effect of the proposed nonresidential floor area shall be of no greater impact to the surrounding area than would the equivalent amount of residential development which is transferred into the site. In evaluating the land use impact of the proposed nonresidential floor area, the impacts considered shall include but not be limited to traffic and circulation patterns, compatibility with adjoining development and land uses, and the effect on designated open space, environmentally sensitive lands, and critical wildlife habitats or corridors.
- E. Development Criteria for Receiving Sites which Accept Transferred Development Rights
 1. In order to be eligible for additional density from development rights, a property-owner must apply for and receive approval to plat a TDR/PUD on the parcel.
 2. Adequate facilities and services must be provided to serve a TDR/PUD development. Receiving sites shall be subject to any school impact fee in effect and to any other requirements, such as phasing of the project, necessary to mitigate the impact of new students on overcrowding of schools, or to assure that other facilities and services are adequate and available to serve the TDR/PUD.
 3. Defined Subareas for transfer - For every TDR/PUD, 75% of the total number of development rights needed to complete the project must be acquired from designated sending sites located in the same subarea as the proposed receiving site unless the applicant proposes a specifically defined and identified sending area which is designated by the BOCC in the TDR/PUD approval.

Exhibit D (continued)

Speaker: Nicole Aimone

Article 6 - 6-700 Transferred Development Rights Planned Unit Development

- F. Development Criteria for Sending Sites from which Development Rights are Transferred**
1. Parcels eligible for the density transfer option must be located within approved sending areas, as depicted on Boulder County TDR Sending Sites Map, the Niwot Sending and Receiving Area Map, or any map adopted through an Intergovernmental Agreement with a municipality in Boulder County.
 2. In no case shall the developed acreage of a sending site exceed 5% of the total area of the sending site, and the conservation easement shall cover all of the sending site area.
 3. The conservation easement, pursuant to C.R.S. 38-30.5-101 through 38-30.5-110, or other acceptable means are effected to prevent further subdivision or development of lands committed for agriculture or other open uses.
 4. Units which have been expressly banked as unutilized density through an approved and recorded NUPUD or NCNUPUD, may be eligible to participate in a TDR/PUD if the Commissioners determine that participation enhances the preservation of the sending site, and otherwise furthers the purposes of this Section 6-700 and the Comprehensive Plan. Any such banked units which are not proposed or approved for use in a TDR/PUD, can still be platted as part of an NUPUD or NCNUPUD application provided that all regulations in effect at the time of the application are met.
 5. Units which have not been expressly banked as required in the preceding subsection, and which are merely units not utilized in or approved as part of a NUPUD or NCNUPUD application, may not be held and used as part of a TDR/PUD.
 6. Units proposed for transfer from sending sites which have been acquired in fee by a governmental entity for the preservation purposes listed in Section 6-700(A), above, or from sending sites encumbered by a conservation easement held by a governmental entity for the preservation purposes listed in Section 6-700(A), above, will be eligible for participation in a TDR/PUD only if the Commissioners determine that the proposal for participation enhances the preservation of the sending site and otherwise furthers the purposes of this Section 6-700 and the Comprehensive Plan. If such a determination is made, participation in a TDR/PUD will not require a separate conservation easement to be granted to the County over the sending site, unless the Commissioners determine that a separate easement is necessary to assure the long-term preservation of the sending site on substantially the same terms as the Conservation Easement form approved by the County for use in these TDR/PUD regulations. A public hearing shall be held prior to the sale of development rights from open space.
- G. Standards and Conditions of Approval for Development on a Receiving Site: A PUD utilizing transferred development rights shall be approved only if the Board of County Commissioners finds that the proposed development meets the following standards and conditions:**
1. The proposed TDR/PUD must be adjacent to and compatible with adjoining development and land uses, as well as compatible with the land uses designated for the area in adopted municipal master or comprehensive plans.
 2. The proposal must be located adjacent to a major arterial, collector, or transit route.
 3. Except as provided in 6-700(G)(7), below, receiving sites shall not be located on national significant agricultural land, designated open space, environmentally sensitive lands, or critical wildlife habitats or corridors, as identified in the Comprehensive Plan.
 4. Within any residential TDR/PUD not more than 5% of the total land area may be developed for structural nonresidential uses.
 5. Within any residential TDR/PUD, the nonresidential portions of the TDR/PUD will not be issued a Certificate of Occupancy until such time as 75% of the residential portions of the development are complete.
 6. The proposed development shall include, where appropriate, methods to contribute to the costs for the provision of capital facilities including schools.
 7. Exceptions to the above approval criteria may be granted by the Board of County Commissioners if the following conditions apply:
 - a. The proposed project is located within an approved Community Service Area, or
 - b. The proposed project is located adjacent to existing subdivided land which is developed at greater than rural density or is a platted subdivision within a municipality.

No exception shall alter receiving sites as designated in the Niwot Area or in an approved TDR IGA.

Exhibit D (continued)

Speaker: Nicole Aimone

Article 6 - 6-700 Transferred Development Rights Planned Unit Development

- H. Development Standards for Sending Sites**
1. Principal and accessory uses will be determined through the establishment of a conservation easement pursuant to the provisions of this Article following a form approved by Boulder County.
 2. Property owners choosing not to participate in the transfer of development program still may utilize the use by right of one residential unit per 35 acres.
 3. The potential number of development rights available for transfer from sending sites and the number of building lots permitted on sending sites participating in the transfer density program is as follows:
 - a. For parcels between 35 and 52.49 acres
 - (i) two development rights can be sent; OR
 - (ii) one unit may be sent AND one unit may be built on site, but only if specifically approved by the Commissioners based on a finding that the proposal enhances the preservation of the sending site and otherwise furthers the purposes of this Section 6-700 and the Comprehensive Plan.
 - b. For parcels between 52.5 and 69.9 acres
 - (i) three development rights can be sent; OR
 - (ii) two units may be sent AND one unit may be built on site, but only if specifically approved by the Commissioners based on a finding that the proposal enhances the preservation of the sending site, and otherwise furthers the purposes of this Section 6-700 and the Comprehensive Plan.
 - c. For parcels between 70 and 87.49 acres
 - (i) four development rights can be sent; OR
 - (ii) three rights can be sent AND one unit may be built on site.
 - d. For parcels between 87.5 and 104.9 acres
 - (i) five development rights can be sent; OR
 - (ii) four rights can be sent AND one unit built on site.
 - e. For parcels between 105 and 122.49 acres
 - (i) six development rights can be sent; OR
 - (ii) five rights can be sent AND one built on site.
 - f. For parcels between 122.5 and 139.9 acres
 - (i) Seven development rights can be sent; OR
 - (ii) six development rights can be sent AND one built on site.
 - g. For parcels 140 acres and larger
 - (i) two development rights per 35 acres can be sent; OR
 - (ii) any combination of transfer and on site development which does not exceed two units per 35 acres transferred or one unit per 70 acres on site (i.e., on 140 acres there could be the transfer of 6 units and the construction on site of 2 units).
 4. Sending sites which have deliverable agricultural water rights in an annual average amount of 1½ acre feet per acre or more attached to, available for use on, or used on a significant portion (generally considered to be 75%) of the property, for at least 5 years prior to August 17, 1994, shall receive an additional unit of density for each 35 acres irrigated. This may be exercised only through the sending of that unit to a recognized receiving site. This additional unit shall be made available if the owner provides the County an undivided interest in the water rights which have been historically applied to the sending site as set forth in this subsection.
 5. Verification of sending site acreage through a survey will be required if the property is within 5% of the minimum acreage needed to be eligible for a development right.

Exhibit D (continued)

Speaker: Nicole Aimone

Article 6 - 6-700 Transferred Development Rights Planned Unit Development

- I. Procedure for Obtaining Transferred Development Rights
1. Development rights may be transferred to an approved receiving site only after the applicant obtains a Development Right Certificate for each right to be utilized from an eligible sending site.
 - a. A Development Right Certificate will be issued by the Boulder County Community Planning & Permitting Department upon the conveyance of a Conservation Easement to the County on the sending site. A Conservation Easement will not be required only under the circumstances provided in Section 6-700(F)(6), above.
 - b. The Conservation Easement, which defines the limitation on the development of the sending site, including the number of development rights severed from that parcel, shall be recorded in the real property records for that sending site at the office of the Boulder County Clerk and Recorder.
 - c. Any remaining development rights shall be built only after the sending parcel goes through the proper process for establishment of location of buildings or lots as follows:
 - (i) Development of one right must be on the undivided sending site and requires Site Plan Review (see Article 4-800).
 - (ii) Development of two or three rights requires a Subdivision Exemption (see Article 9) if separate lots are being created, or PUD approval if separate lots are not being created.
 - (iii) Development of more than three rights requires a Subdivision Regulations and/or PUD approval, as applicable, if separate lots are being created, or PUD approval if separate lots are not being created (see Articles 5 and 6).
 2. The receiving site may be established by a conceptual plan, including location, size and general development parameters, submitted by the applicant and approved by the Board of County Commissioners after review and recommendation by the Planning Commission. A sketch plan will be required following the conceptual plan approval or in lieu of submittal of a conceptual plan.
 3. A TDR/PUD approval shall also require a preliminary plan which shall be submitted by the applicant and approved by the Board of County Commissioners after review and recommendation by the Planning Commission.
 4. The final plat will only plat and record the number of subdivided lots for which all of the development rights have been acquired and documented by Development Right Certificates.
 - a. Prior to the acquisition of all development rights approved on a receiving parcel, the final plat will only define the rights utilized in each block. Building permits will not be issued for development using those rights platted in blocks until an amendment to the TDR/PUD, including an amended final plat converting the blocks into subdivided lots, is approved.
 - b. Improvements directly related to the block for which some or all of the subdivided lots have been platted, must be complete or adequately guaranteed prior to the issuance of building permits.
- J. The following parcels will not be considered for a TDR/PUD receiving site:
1. Parcels of less than 35 acres, unless
 - a. they are adjacent to an approved sending site or an approved conservation easement so that the total land area committed to agricultural or other open space use is at least 35 acres; or
 - b. they are located within a municipal community service area or municipal influence area as described in the Boulder County Comprehensive Plan or a jointly adopted intergovernmental agreement between Boulder County and the relevant municipality, subject to the concurrence and approval of that municipality.
 2. Any parcel of less than 35 acres meeting the criteria of Sections 6-700(1)(a) or 6-700(1)(b), above, which is located more than one-half of a mile away from a municipal boundary, shall not be developed at a gross density of more than one unit per acre.
 3. A subdivided lot shown on a plat recorded prior to August 17, 1994, the date of the first public notice of Planning Commission consideration of these regulations.
 4. Parcels of LESS than 70 acres created after August 17, 1994, will only be eligible for development rights at the base density of the zoning district in which the parcel is located. No additional development rights may be granted to those parcels.

Exhibit D (continued)

Speaker: Nicole Aimone

Article 6 - 6-800 Conservation Easement

- K. The following additional requirements shall apply within the Niwot Sending and Receiving area:
1. No more than a total of 93 units shall be received within the potential Niwot Receiving Areas.
 2. Units may be sent to Niwot receiving areas only from sending areas designated on the Niwot Sending and Receiving map as sending areas and only in the following ratios:

Table 6-700-K-2

Sending Area	Percentage Eligible to be sent into Niwot Receiving Areas
1A	100%
1B	100%
2	70%
3A	70%
3B	50%
4A	50%
4B	33%
4C	50%
5	100%

Remaining development rights may be used in receiving sites if approved outside of the Niwot Receiving Area.

3. Any development approved within receiving area R2 shall incorporate a buffer along Highway 52.
4. Any units approved within receiving area R4 shall be compatible with the agricultural character of existing adjacent development.

6-800 Conservation Easement

- A. Before the Board of County Commissioners may approve a NUPUD, a NCNUPUD, or a TDR/PUD the applicant shall agree to grant to Boulder County a deed of conservation easement in gross pursuant to Article 30.5 of Title 38, C.R.S., as amended, protecting the preserved land from development in accordance with the approved conservation values. Conservation easements encumbering required outlots shall provide for long-term preservation and appropriate management of the property's conservation values and shall be granted in perpetuity, subject to transfer or termination only pursuant to the express terms of these regulations and the governing conservation easement.
- B. The conservation easement shall include the following terms:
 1. The easement shall limit future County termination of the easement to situations where:
 - a. the termination is consistent with the current Comprehensive Plan and this Code; and
 - b. the termination is consistent with a management or land use plan contractually agreed to by the County and another interested governmental entity or entities.
 2. If termination of the conservation easement is proposed, the County may require compensation in an amount sufficient to offset any loss of public benefit resulting from the proposed easement termination. Determination of the amount and form of compensation shall be made on a case-by-case basis by the Board.
 3. If transfer of the conservation easement is proposed, the recipient of any transferred interests must be a governmental entity, or a charitable organization, defined as a "qualified organization" under Section 170(h) of the Internal Revenue Code of 1986, as amended.
 4. The parcel preserved by the conservation easement shall be managed as a single agricultural unit, unless multiple outlots are approved or to separate areas of the parcel or parcels that are unsuitable for agricultural uses. These areas would include natural areas, wildlife preserves, trails, or other identified environmental or open lands resources.
 5. The conservation easement for a TDR/PUD sending site shall include a reference to the extinguishment of the development rights transferred off that site. If additional rights are transferred after the recordation of the conservation easement, the easement shall be amended to reflect the extinguishment of those additional rights and the amendment shall be recorded.

Exhibit E

Speaker: Nicole Aimone

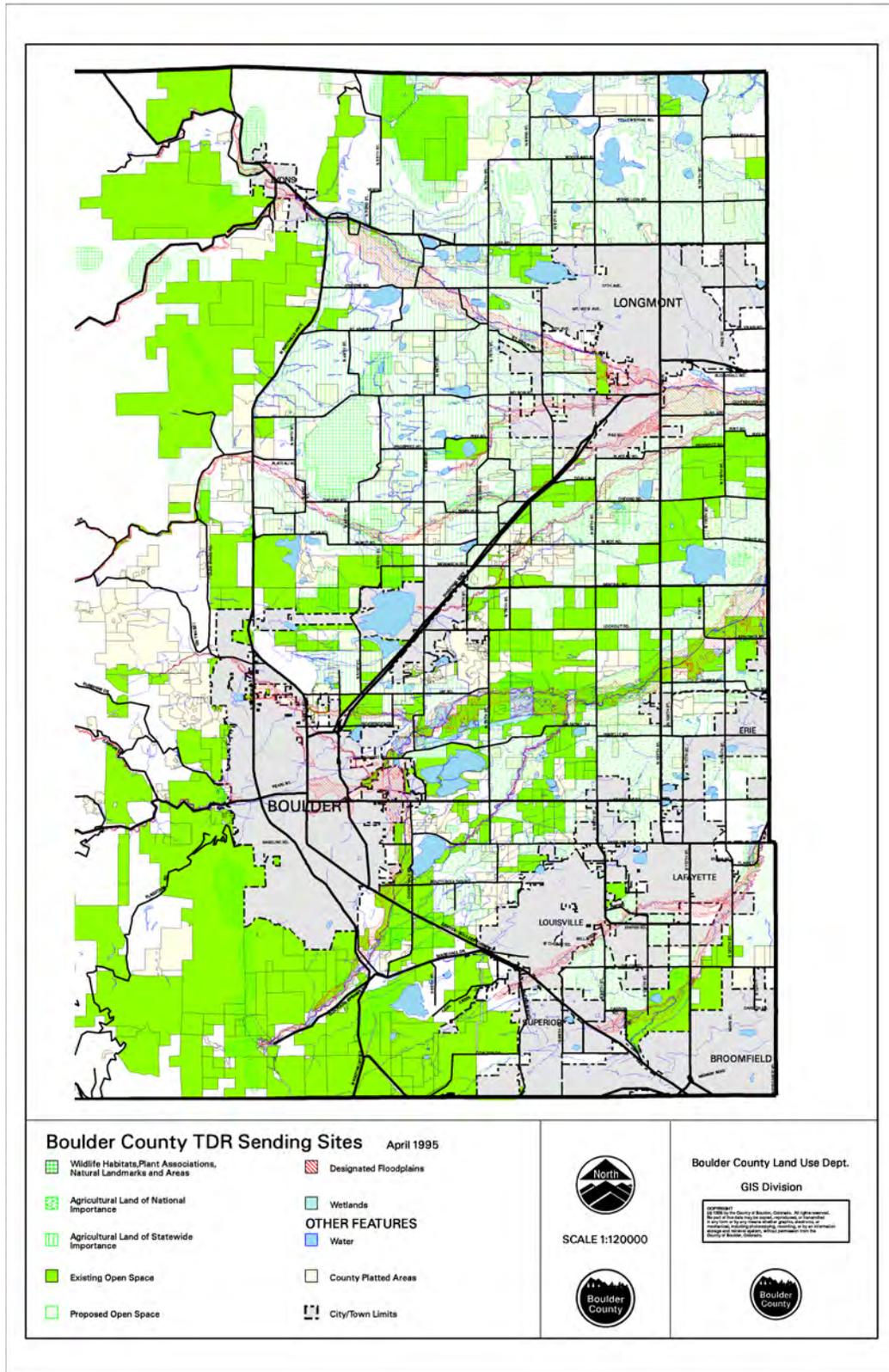


Exhibit F

Speaker: Nicole Aimone

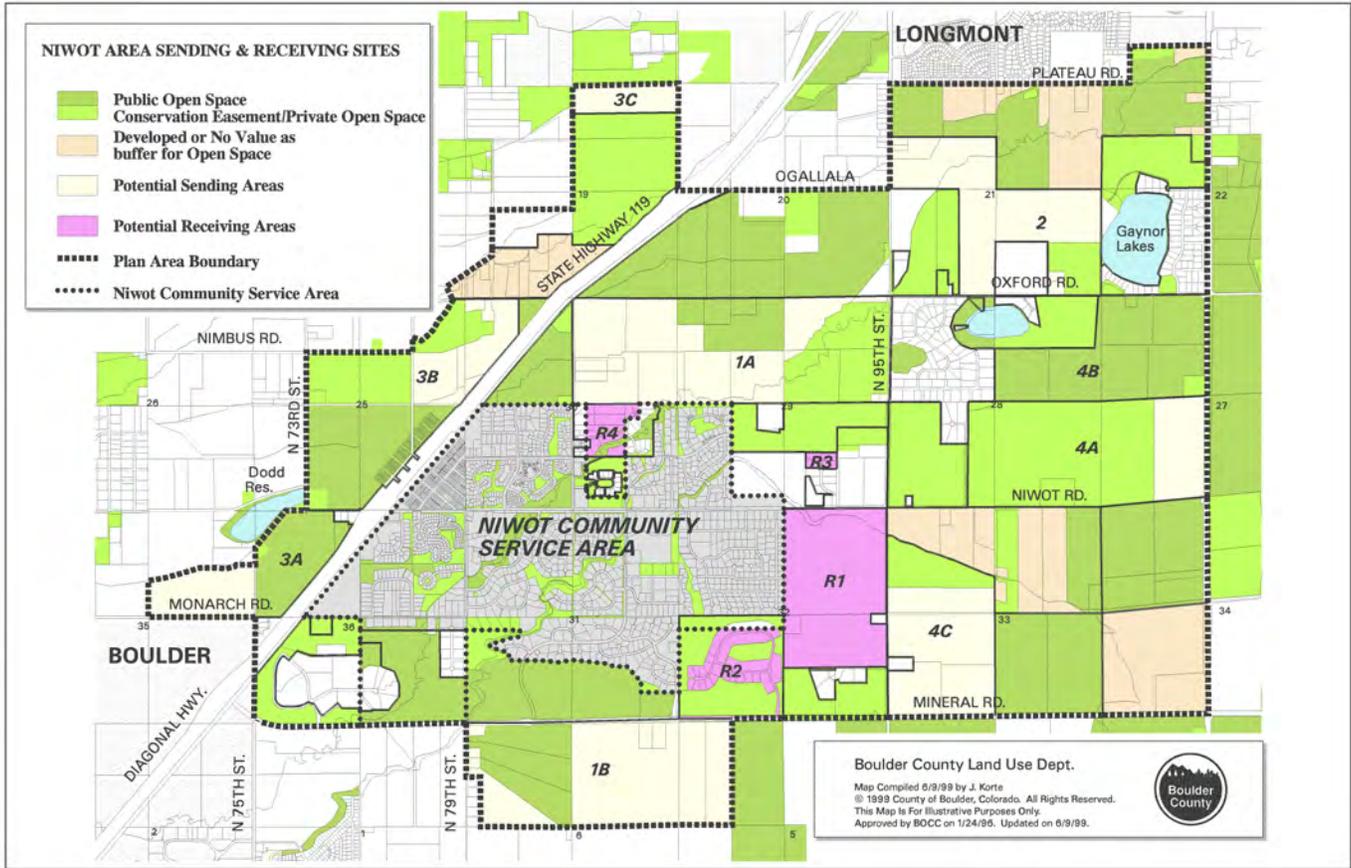


Exhibit G

Speaker: Dave Hindman



Photo from the corner of 63rd and Niwot Road looking southwest.
Circa late 1950s / early 1960s.

Exhibit H

Speaker: Rob Levy

Both photos: Subject Property during the 2013 Flood



looking west across 63rd Street, Sept 2013



Exhibit I

Speaker: Rob Levy



Photo: A day or two after an August 2023 rainstorm, taken looking south from corner of 63rd/ Niwot road. (Construction from Left Hand water line project.)

From Parks and Open Space Dept. referral on docket SD-23-0003, 23 August 2023:

“It is unclear where the subsequent “urban” stormwater drainage would flow. Lefthand Creek is about 1400 feet to the north, and the general topography would take the water to the northeast, to the creek, either on the west side or the east side of 63rd Street. How the new stormwater would drain through the Brigadoon Glen/Range View/Oriole Estates subdivisions is unknown.”

Exhibit J

Speaker: Laura Heller

environmental health. Pollution of air, water, and soil, and pollution caused by noise or light, shall be eliminated or minimized to the greatest extent possible in order to prevent potential harm to life, health and property, and to reduce incremental degradation of the environment.

6. Protect Natural Landmarks. Boulder County shall continue to protect prominent natural landmarks and other unique scenic, visual and aesthetic resources in the county.

7. Conserve & Preserve. Boulder County shall conserve and preserve Environmental Conservation Areas (ECAs) in order to perpetuate native species, biological communities, and ecological processes that function over large geographic areas and require a high degree of connectivity to thrive.

8. Protect Environmental Resources. Boulder County shall protect environmental resources both at the site-specific scale and landscape scale through a variety of means such as partnerships with private landowners, nongovernmental organizations, and other governmental agencies; education and outreach; advocacy at the state and federal level; and other programs consistent with the goals and policies of the Comprehensive Plan.

HOUSING

1. Value. Boulder County is an inclusive, culturally responsive community that values, respects, and seeks to support the housing needs of all individuals while adhering to the Guiding Principles of the Comprehensive Plan.

2. Advocate & Support. Boulder County supports strategic and collaborative interventions at the local, regional, state, and federal levels to address the availability, accessibility, and preservation of affordable housing.

3. Act on Values. Boulder County's housing-related regulations and decisions reflect the county's values and the Guiding Principles of the Comprehensive Plan.

4. Engage. Boulder County actively engages and collaborates with stakeholders and partners to promote the values of affordable living and address the community's housing needs.

NATURAL HAZARDS

1. Reduce Pollution & Degradation. Air, water and noise pollution and overall environmental degradation should be reduced as much as possible or eliminated in order to prevent potential harm to life, health and property.

2. Limit Inappropriate Development. Inappropriate development in natural hazard areas should be reduced as much as possible or eliminated in order to minimize potential harm to life, health and property.

3. Mitigate Existing Areas at Risk. Efforts to mitigate existing areas at risk to the impacts of natural hazards and disasters should be made to minimize the potential for harm to life, health, and property.

OPEN SPACE

1. Protect. Boulder County recognizes and protects open space for its contribution to an exceptional quality of life.

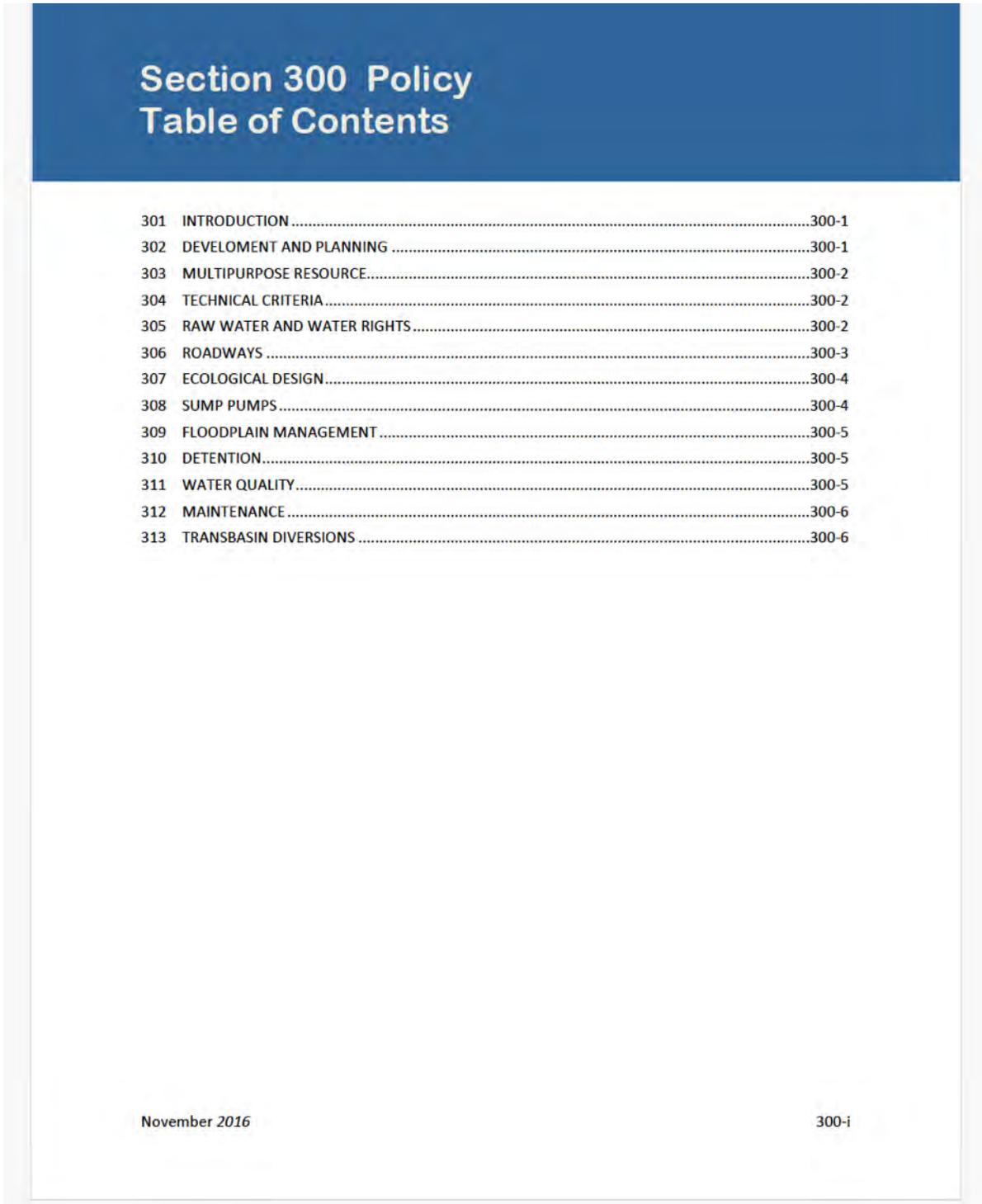
2. Conserve. Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters embodying significant open space values and functions.

3. Steward. Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.

4. Engage. Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.

5. Collaborate. Boulder County collaborates with stakeholders and partners to promote and protect open space values and functions.

Exhibit K (7 pages)
Speaker: Laura Heller

The image shows a slide titled "Section 300 Policy Table of Contents". The title is in white text on a dark blue background. Below the title is a table of contents with 13 items, each with a number, a description, and a page number. The items are: 301 INTRODUCTION (300-1), 302 DEVELOPMENT AND PLANNING (300-1), 303 MULTIPURPOSE RESOURCE (300-2), 304 TECHNICAL CRITERIA (300-2), 305 RAW WATER AND WATER RIGHTS (300-2), 306 ROADWAYS (300-3), 307 ECOLOGICAL DESIGN (300-4), 308 SUMP PUMPS (300-4), 309 FLOODPLAIN MANAGEMENT (300-5), 310 DETENTION (300-5), 311 WATER QUALITY (300-5), 312 MAINTENANCE (300-6), and 313 TRANSBASIN DIVERSIONS (300-6). At the bottom left of the slide is the date "November 2016" and at the bottom right is the page number "300-i".

Item Number	Description	Page Number
301	INTRODUCTION	300-1
302	DEVELOPMENT AND PLANNING	300-1
303	MULTIPURPOSE RESOURCE	300-2
304	TECHNICAL CRITERIA	300-2
305	RAW WATER AND WATER RIGHTS	300-2
306	ROADWAYS	300-3
307	ECOLOGICAL DESIGN	300-4
308	SUMP PUMPS	300-4
309	FLOODPLAIN MANAGEMENT	300-5
310	DETENTION	300-5
311	WATER QUALITY	300-5
312	MAINTENANCE	300-6
313	TRANSBASIN DIVERSIONS	300-6

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Exhibit K (continued)
 Speaker: Laura Heller

Section 300 Policy

301 INTRODUCTION

Provisions for adequate drainage are necessary to preserve and promote the general health, welfare, and economic well-being of the region. Drainage is a regional feature that affects all governmental jurisdictions and all parcels of property. This characteristic makes it necessary to formulate a program that balances both public and private involvement. Overall coordination and master planning must be provided by various government entities, but drainage planning must be integrated on a regional level.

When planning drainage facilities, certain underlying principles provide direction for the effort. These principles are made operational through a set of policy statements. The application of the policy is in turn facilitated by technical criteria and data. When considered in a comprehensive manner, on a regional level with public and private involvement, drainage facilities are provided in a manner that will enhance the general health and welfare of the region, ensure optimum economic and social relationships, and avoid uneconomic water losses and disruption of raw water delivery.

302 DEVELOPMENT AND PLANNING

Drainage is a component of development, and drainage facilities must be planned alongside development. Drainage planning should consider local and regional systems. Drainage planning considerations are discussed in depth in Section 400 Planning.

The policy of Boulder County shall be to consider storm drainage as an integral component of development and to require storm drainage planning for all development to include the allocation of space for drainage facilities.

Storm drainage can be a regional phenomenon and may not respect jurisdictional boundaries. Planning must emphasize jurisdictional cooperation, when appropriate, to accomplish mutually beneficial goals.

The policy of Boulder County shall be to pursue a jurisdictionally unified drainage effort to ensure an integrated plan, where applicable and appropriate.

Because drainage boundaries are not jurisdictional and new development cannot plan for the entire county, the county should take the lead role and encourage preparation of drainage master plans.

The policy of Boulder County shall be to encourage the development of detailed regional drainage master plans that will set forth site requirements for new development and identify the required public improvements. Master plans shall be prepared and adopted.

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300-1

Exhibit K (continued)

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

303 MULTIPURPOSE RESOURCE

Every community has competing demands for space and resources. Stormwater and drainage facilities should be managed and developed to serve as many uses and to provide as much benefit as is practicable at any given location. Examples of this include incorporating boatable drops, ecological design concepts, and space for trails into open channel design. It may also include constructing soccer fields within a floodplain where other development is not permitted or converting a landscaped area to a rain garden to treat water quality.

The policy of Boulder County shall be to consider stormwater runoff as a resource that should be incorporated into the community as a recreational, social, environmental, and aesthetic resource with multiple possible uses consistent with adopted plans.

304 TECHNICAL CRITERIA

The design criteria presented in this MANUAL represent the values and priorities of Boulder County with regard to stormwater management. The criteria are intended to establish guidelines, standards, and methods for effective planning and design. These criteria will be revised and updated as necessary to reflect advances in best practices in the field of urban water resources management and changes within Boulder County.

Boulder County requires all storm drainage facilities be planned and designed in accordance with the criteria set forth in this MANUAL, including referenced technical design documents, as amended.

Many of the criteria in this MANUAL refer to the major and minor storm or the major and minor storm runoff events.

The major storm shall be the rainfall event having a 1 percent chance of occurring in any given year, also known as the 100-year event. The minor storm shall be the rainfall event having a 20 percent chance of occurring in any given year, also known as the 5-year event.

305 RAW WATER AND WATER RIGHTS

Storm drainage infrastructure should be designed and developed so as not to interfere with existing water rights or affect the value, quality, and use of the water. Existing drainageways and storage facilities are often intertwined within the system of water rights in Colorado. This relationship must be addressed to preserve the integrity of water rights.

Exhibit K (continued)

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

The policy of Boulder County shall be to recognize existing and potential future water rights and to include the interrelationship of water rights and stormwater management in the planning and design of the proposed drainage facility.

Many ditches and reservoirs that provide raw water for drinking and non-potable irrigation are located within Boulder County. These ditches and reservoirs historically intercepted runoff from rural or agricultural areas that were highly pervious, generally without major problems. With development, runoff pollution, rates, volumes, and frequencies have all increased and raw water facilities can no longer be used as drainage facilities.

Raw water ditches should not be used as basin boundaries. Ditches will generally be flowing full or near full during large storms, and tributary runoff will flow across the ditch.

The policy of Boulder County shall be to require drainage analysis to assume that no raw water ditch intercepts storm runoff from any basin above it, and that that all area above raw water ditches is tributary to the area downstream of the ditches. Raw water ditches shall not be assumed or relied upon to convey stormwater runoff.

If new development will alter existing patterns of storm drainage into raw water ditches or reservoirs by increasing flow rates or volumes, or by changing water quality or points of concentration, the written consent from the reservoir or ditch owners (individuals and/or company) shall be submitted with the development application. The change in runoff discharge into a raw water ditch shall only be approved if it is consistent with an adopted master drainage plan, approved by the reservoir or ditch owner(s) in writing, and in the county's best interest.

If raw water ditches cross major drainageways within a developing area, the developer shall be required to design, obtain approval from ditch owner(s), and construct appropriate structures to separate peak storm runoff from ditch flows.

306 ROADWAYS

The design of roadways and drainageways with respect to each other must balance public safety and convenience with fiscal responsibility. Section 900 discusses allowable roadway encroachment and overtopping by stormwater during design events for various roadways classifications within the county.

Boulder County recognizes that during major storm events, roadways may experience overtopping for some period of time, and may not be available for travel. It is the policy of the county to construct a resilient transportation system so that when overtopping subsides, the infrastructure will be available for safe travel.

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300-3

Exhibit K (continued)

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

All roadways in Boulder County shall be evaluated with respect to stormwater runoff in accordance with the criteria in this MANUAL; specifically, Section 900 Roadways and Section 1000 Culverts and Bridges, shall apply to all roadways, including all private access roads, whether in the public right-of-way or not.

The policy of Boulder County shall be that all private access shall meet the criteria of this MANUAL.

307 ECOLOGICAL DESIGN

Ecological design, especially in channel restoration, has numerous public and environmental benefits when applied in an appropriate location. Ecological design components can be incorporated into almost all traditional engineering projects, but the design approach must balance ecological function with the need for channel stability.

The policy of Boulder County is to promote ecological design. The potential for every channel restoration project to include ecological components shall be discussed with the county during project planning. Ecological design will be incorporated.

308 SUMP PUMPS

Many homes and structures in the county have sump pumps located below the basement floor elevation that help to keep water out of the structures' basements. Shallow groundwater can result in consistent sump pump discharges to the ground surface. These flows can become problematic when there are not established locations for the sump pumps to discharge.

Locations that are not acceptable for sump pump discharge include sanitary sewers, privately owned adjacent property (without written permission), sidewalks, and curb and gutter sections. The county considers discharge of sump water to county roads to cause harm. Discharge to roadways will not be permitted. Acceptable locations include existing drainageways, existing public stormwater conveyance facilities excluding curb and gutter sections, and adjacent property with written approval from the owner. Discharge to raw water ditches or reservoirs as described in section 305 is allowable with the written permission of the facility owner(s). All sump discharge water must be free of all pollutants, including, but not limited to, solvents, pesticides, oil, and grease.

Where no acceptable location is immediately available, a pathway must be constructed to convey the sump discharge to the nearest acceptable location. This pathway may be constructed above ground as a roadside ditch or underground as a trenched pipeline. Boulder County must be consulted and approve of all sump drainage outfall construction that is located within county right-of-way. Written consent must be obtained from any raw water ditch or reservoir owner into which sump discharge is conveyed.

300-4

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Exhibit K (continued)

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

309 FLOODPLAIN MANAGEMENT

The county has adopted floodplain regulations that set forth the purpose, restrictions, and requirements for development within the regulatory floodplain. These regulations can be found in the CODE and are not repeated herein. They are considered policy for this MANUAL.

The policy of Boulder County regarding floodplain management shall be as set forth in the adopted floodplain regulations in the most recent version of the Boulder County Land Use Code and in the State floodplain regulations.

The floodplain regulations apply to all areas within the Floodplain Overlay District as defined in the most recent version of the CODE. There are specific provisions for the floodway, the flood fringe, and floodproofing. Floodplain regulations are discussed further in Section 1400 Environmental and Regulatory Permitting.

The Colorado Water Conservation Board issued *Rules and Regulations for Regulatory Floodplains in Colorado* (State floodplain regulations) on November 17, 2010. They can be found online (http://www.casfm.org/papers/Colorado_Floodplain_Rules_and_Regs_11-17-2010_Adopted.pdf) or via an internet search of "rules and regulations for regulatory floodplains in Colorado."

310 DETENTION

Local detention can reduce increased runoff rates caused by development to runoff rates that are closer to the historical or predevelopment rates. Regional detention can provide an even larger benefit by controlling a greater volume of storm runoff.

The policy of Boulder County is to require all new development and redevelopment to provide full-spectrum detention as set forth in Section 1200 Detention and Permanent Water Quality of this MANUAL.

311 WATER QUALITY

Stormwater runoff from developed areas is usually of poor quality. Pollutants in urban runoff may consist of all kinds of trash and debris, chemicals and salts from winter ice control, pesticides, herbicides, fertilizers, and bacteriological pollutants. Pollutants in rural runoff may include sand and silt, fertilizers, and bacteriological pollutants. Industrial runoff pollutants may consist of silts, oils, salts, and other chemicals.

The policy of Boulder County is to require all new development and redevelopment to provide permanent water quality treatment as set forth in Section 1200 Detention and Permanent Water Quality of this MANUAL.

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300-5

Exhibit K (continued)

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

312 MAINTENANCE

Storm drainage, storage, and water quality facilities will lose function over time if they are not maintained. Maintenance typically involves removal of debris and sediment from all kinds of stormwater facilities. Channel bank erosion, damage to drop structures, crushing of pipe inlets and outlets, and deterioration to the facilities must be repaired to avoid reduced conveyance capability, unsightliness, and failure. Maintenance access must be designed to facilitate maintenance activities.

Boulder County requires that maintenance access be provided to all drainage facilities. The property owner or homeowner's association shall be responsible for maintaining all drainage facilities unless modified by an agreement with Boulder County. Boulder County shall have the right to enter a property for the purpose of maintenance if the owner fails to do so. All such maintenance costs shall be reimbursed to Boulder County by the property owner.

The UDFCD provides an incentive program, called the Maintenance Eligibility Program (MEP), to encourage responsible design in developer-initiated floodplain modification projects. The UDFCD's Floodplain Management Program will review and comment on proposed development projects. Projects approved through the MEP process are eligible for UDFCD maintenance. Projects must meet the criteria contained in the UDFCD's USDCM as well as the Guidelines for Maintenance Eligibility.

It is the policy of Boulder County to pursue maintenance eligibility status from the Urban Drainage and Flood Control District for projects owned and operated by the county.

313 TRANSBASIN DIVERSIONS

Transferring the burden of managing runoff from one location or property to another is not equitable. Ongoing liability questions arise when the historic drainage patterns are altered. The diversion of runoff from one basin to another should be avoided. Planning and design of stormwater facilities should not be based on the premise that problems can be transferred from one location to another.

Changes to historic or natural drainage paths because of development within a major basin are generally acceptable provided the altered flow path continues to discharge back into the natural drainageway at or near the historic location. When runoff does not return to the historic drainageway, or returns at a rate higher than the historic rate, the basic civil drainage law principle of not discharging water onto a property in a manner or quantity that does more harm than formerly is violated.

The policy of Boulder County shall be to prohibit transbasin diversions of stormwater and to maintain the historic drainage path within the basin.

300-6

November 2016

Exhibit L

Speaker: Laura Heller

Boulder County Storm Drainage Criteria Manual

areas with pervious areas interspersed. This type of layout will slow the rate of runoff from a site and allow more opportunity for runoff from the impervious areas to infiltrate into the pervious areas. While using this strategy at a single site might not have a large effect on the watershed as a whole, low-impact development practices implemented routinely throughout a watershed can have a very large effect, especially on water quality. Additional information on low-impact development can be found in the USDCM.

403.7. Detention Ponds and Permanent Water Quality Facilities

Detention and permanent water quality facilities shall be sized and sited very early in the development planning process to ensure that side slopes can remain relatively flat. This will allow the facilities to be more easily maintained and to be incorporated into an overall site use plan that will allow them to be viewed as site amenities, rather than a necessary nuisance. The potential for infiltration will be evaluated. Local storm drains shall be incorporated into the functionality of the facility, and the design depth of the water in the detention or water quality facility will consider adjacent property use.

404 UNIQUE SITE CONSIDERATIONS

The considerations in this section occur much less frequently, but county staff and developers will determine if each of these items is applicable to the site being evaluated, as the impacts from these items can be extensive.

404.1 Water Rights and Raw Water Ditches

Drainage improvements must not affect water rights or the function of raw water ditches. The presence and potential impact of and to local head gates, raw water ditches, and reservoirs needs to be evaluated early in the planning process to determine appropriate measures required to avoid injuring water rights. Raw water ditch and reservoir owners must be contacted to determine what options are acceptable or impermissible prior to beginning design. Raw water ditches are not typically intended to convey stormwater runoff as transbasin diversions may occur; although, there are exceptions. Consent from the ditch owner(s) is required with the development application if the proposed improvements will alter flow patterns, quality, rates, or quantities to or within an existing raw water ditch.

404.2 Jurisdictional Dams and Reservoirs

There are over 100 jurisdictional dams in Boulder County, as defined by the Colorado Division of Water Resources Dam Safety Branch. Most are owned and operated by private irrigation companies, water districts, or municipalities, while a few are owned and operated by Boulder County Parks and Open Space. The CODE states that, "Land which is subject to a possible upstream dam failure shall not be platted unless the potential flooding condition is alleviated according to plans approved by the County Engineer, unless otherwise approved by the State Engineer." Development shall not be planned on lands that are subject to inundation by a dam breach without a design exception.

400-4

November 2016

Exhibit M

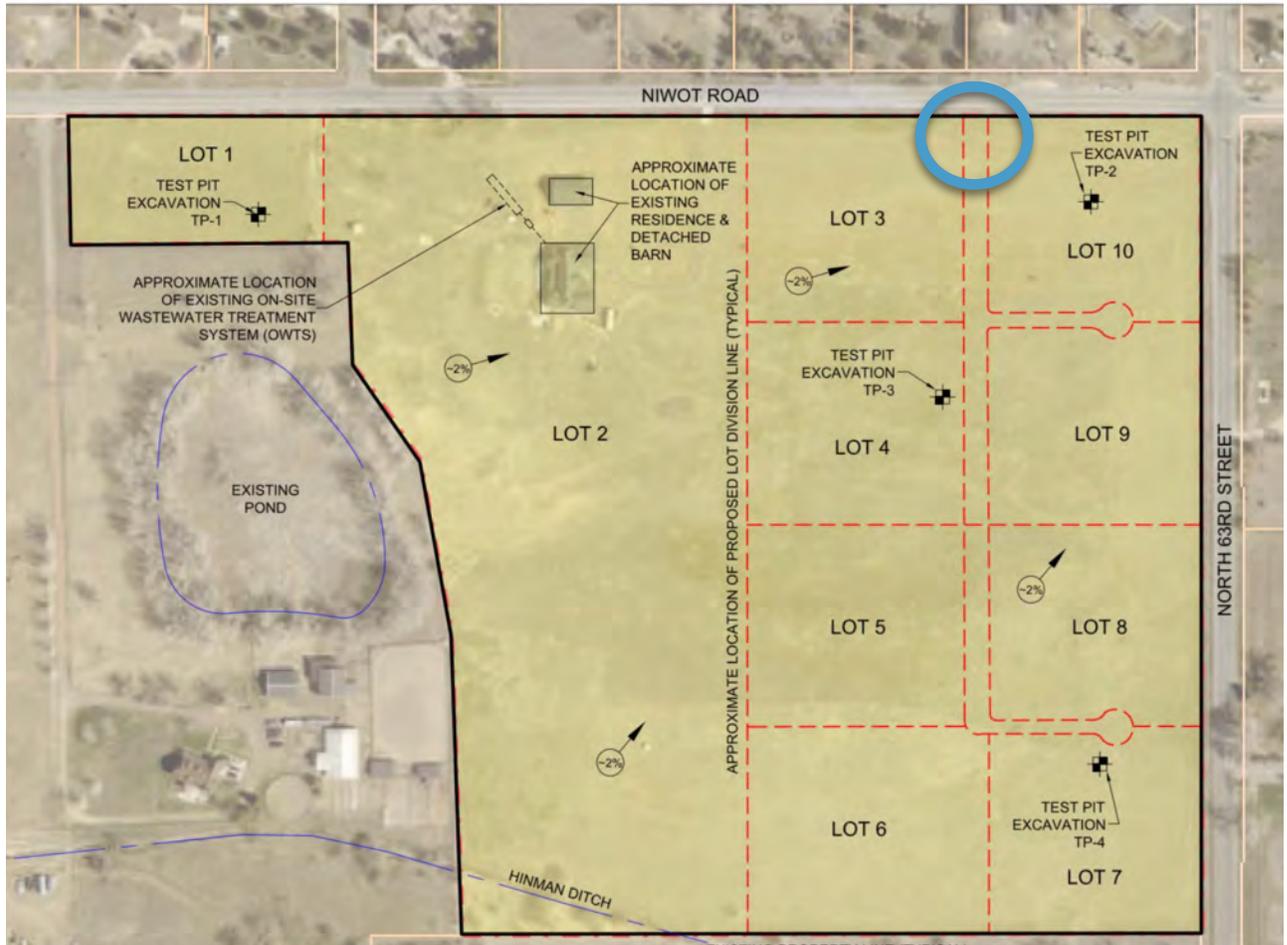
Speaker: Laura Heller



Pond on applicant's property, looking east.

Exhibit N

Speaker: Elaine Byrnes



Sketch from application materials. Note location of Niwot/63rd intersection and location of proposed subdivision access road. (blue circle)

Exhibit O

Speaker: Peter Moore



Exhibit P

Speaker: Jamie Seper

**Boulder County Wildfire History
Locations west of 63rd St & Niwot Rd**

Lefthand Fire	9/6/1988
Olde Stage Fire	11/24/1990
Lefthand Fire	9/25/2000
Overland Fire	11/3/2003
Elk Mtn. Fire	2/13/2006
Olde Stage Fire	1/6/2009
Llama Farm Fire	1/7/2009
Lefthand Fire	3/10/2011
Maxwell Fire	6/25/2006
Calwood Fire	10/17/2020
Middle Fork Fire	1/7/2021

Per Boulder County Wildfire - A Story Map

From: [Chris Ennis](#)
To: [L"Orange, Pete](#)
Subject: [EXTERNAL] MAPs of Petition Signers re: SD-23-0003
Date: Tuesday, October 10, 2023 1:36:03 AM
Attachments: [public comment Petition Maps 9Oct2023 SD-23-2003.pdf](#)

Dear Pete,

Please find attached a pdf that REPLACES my earlier comment #98 (8/22/23).

Many thanks,

Chris

Comment regarding Docket SD-23-0003

Chris Ennis
6372 Niwot Road
Longmont, CO 80503

Dear Mr. L'Orange,

My comment concerns the community response to application SD-23-0003.

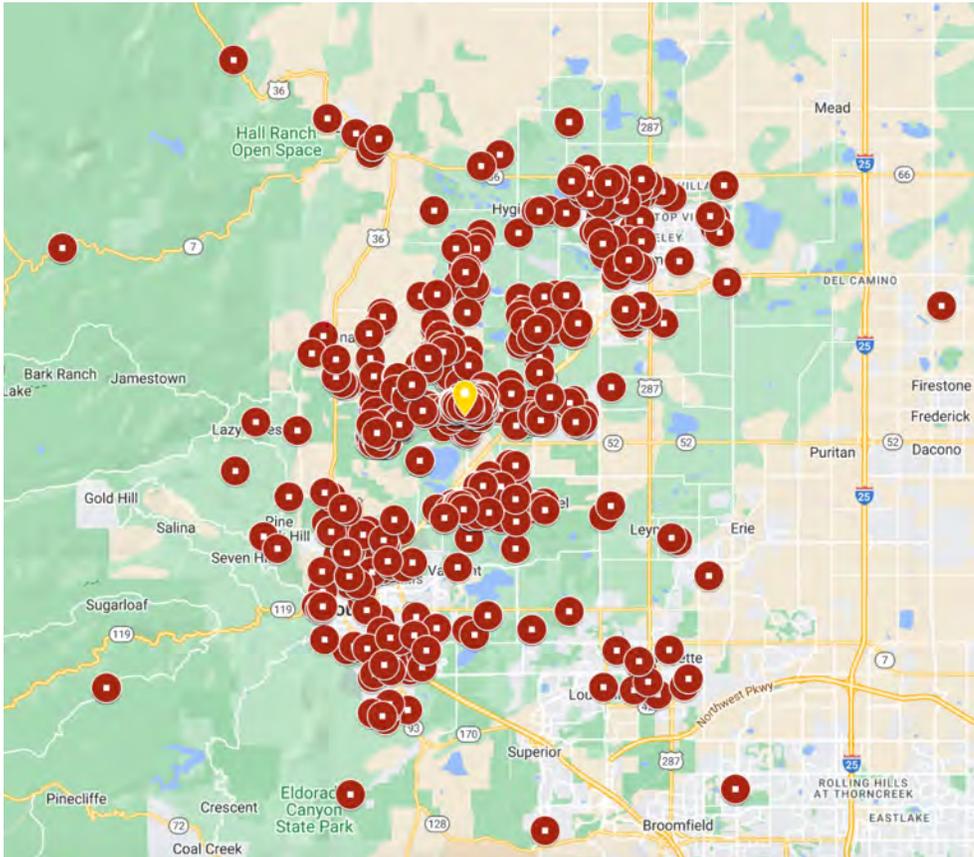
As of 9 October 2023, 876 people in Boulder County and beyond have signed a petition opposing docket SD-23-0003. I submitted the signatures to you on 9 October 2023.

They say a picture is worth a thousand words. To that end, we have created a Google Map of the addresses on the petition. It may be accessed by anyone using the following link:

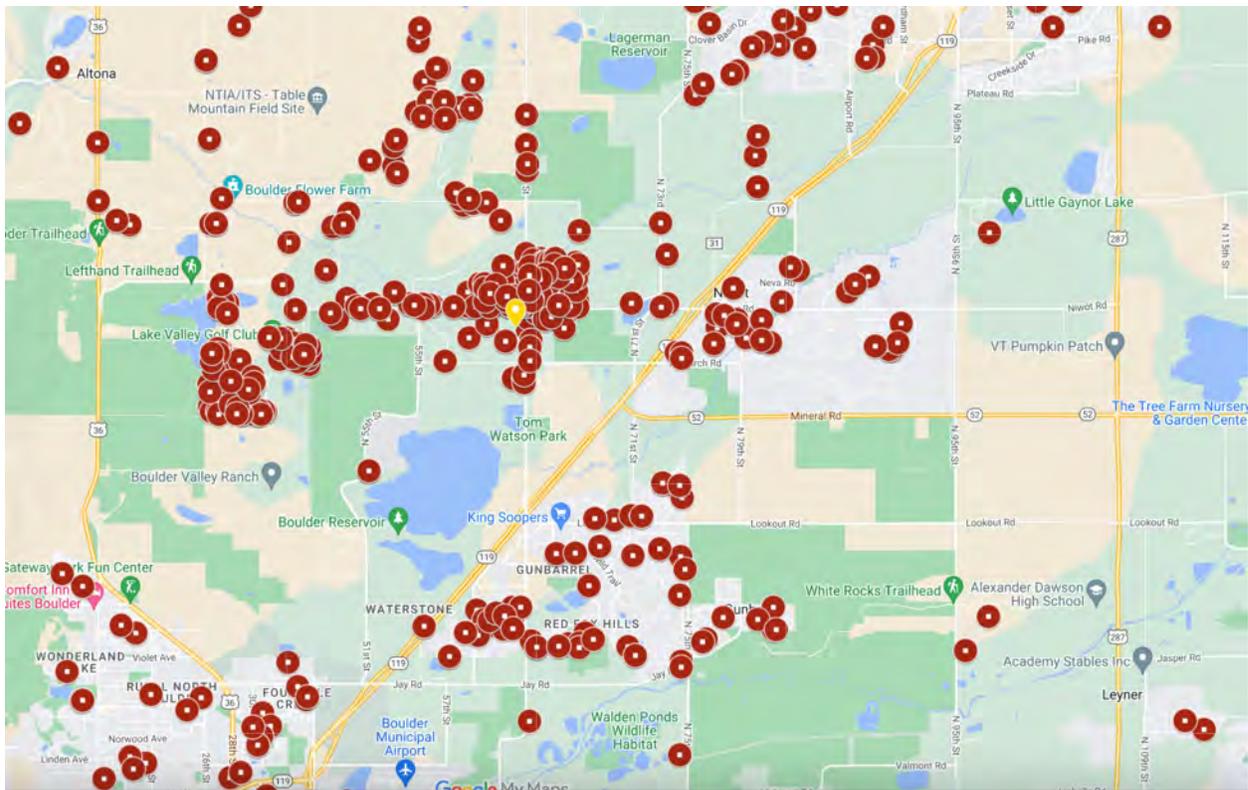
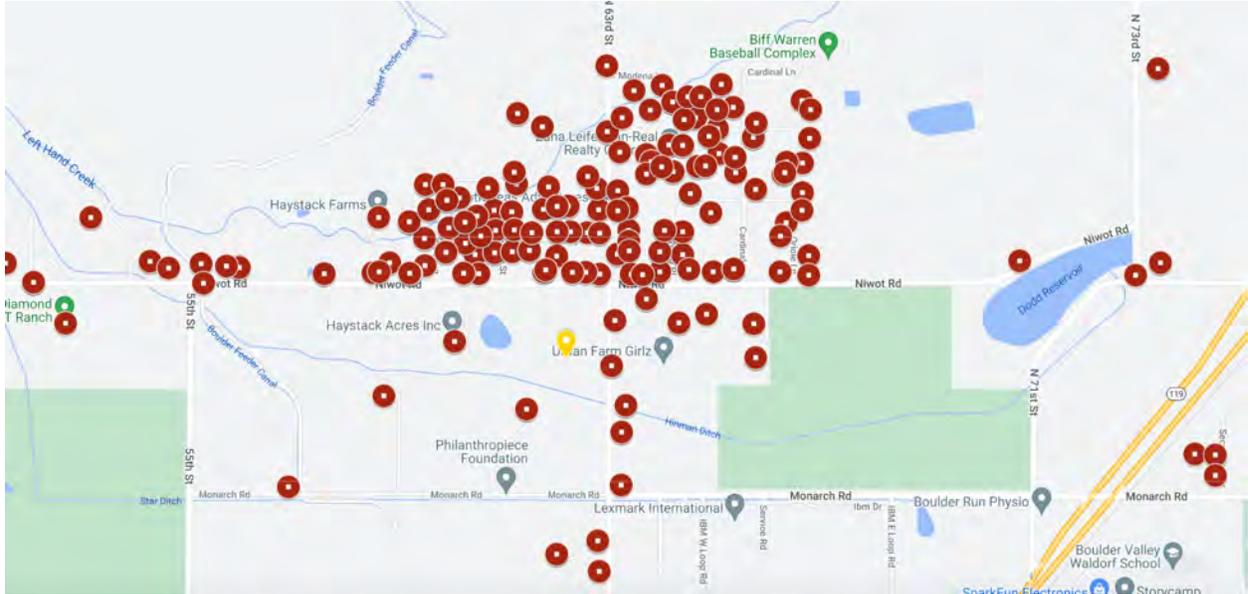
<https://www.google.com/maps/d/edit?mid=1JcUKVP8r6exHBJ2pfMQndCg0DuXjvIA&usp=sharing>

This is a living map that is updated regularly as the word spreads and people continue to sign the petition. The map is best viewed interactively on the web.

Three screenshots of the map as of 8/20/23 are shown below. One is a wide view to illustrate how people throughout Boulder County and beyond value this area of 63rd Street and Niwot Road. It is frequented by many bicyclists, runners, horse enthusiasts, and others who value its rural character and unobstructed views, which have been historically preserved and protected via the Boulder County Comprehensive Plan.



The other two maps show closer views of the nearby neighborhood. An overwhelming majority of the addresses on the Affected Property Owner list are represented on the petition list. People have chosen to live in this area precisely because of its rural character, and many have long histories of farming and ranching in the area.



An astounding number of people (453) signed the petition in its first 16 days of circulation. That number is now close to doubling, at 873. Clearly: The opposition to SD-23-0003 is strong, widespread, and growing every day.

The opposition is also outspoken and engaged. This is shown not only by the petition and these maps, but also by the numerous public comments (110 of 113 are in opposition as of 9 October 2023).

We ask that this application SD-23-0003 be denied.

Sincerely,
Chris Ennis

All Petition Signers as of 9 October 2023

TOTAL = 876

Opposition to SD-23-0003

Name	Address	City	State	zip	email address	date signed
Kristin Ihatso	7284 Cardinal Lane	Longmont	CO	80503	kristintintin108@gmail.com	8/7/23
Amy J Rappleye	6850 N 63rd Street	Longmont	CO	80503	amy@rappleyepas.com	8/7/23
Frances Marino	7020 Oriole Lane	Longmont	CO	80503	horseypassion@aol.com	8/7/23
Paul Griffin	7284 Cardinal Lane	Longmont	CO	80503	catbirdhuman@gmail.com	8/7/23
Kunzang Lhatso-Suppan	7284 Cardinal Lane	Longmont	CO	80503	klhatsosuppan@gmail.com	8/7/23
James T. Fay	6472 Robin Dr.	Longmont	CO	80503	jamestfay@comcast.net	8/7/23
Carmela Fay	6472 Robin Dr.	Longmont	CO	80503	carmfay@comcast.net	8/7/23
Trevor Johnson	5687 Monarch Rd.	Longmont	CO	80503	trevor@blackcatbrewing.com	8/7/23
Dewey Brown	5836 Oxford Rd.	Longmont	CO	80503	buddy@lundbrown.com	8/7/23
Amanda Hendrix	5699 Boulder Hills Sri.	Longmont	CO	80503	amanda.r.hendrix@gmail.com	8/7/23
Joe Winslow	5539 Niwot Road	Longmont	CO	80503	jowin3@gmail.com	8/7/23
Joel Schaap	4560 Niwot Road	Longmont	CO	80503	jmschaap@comcast.net	8/7/23
Mj Mahalic	11319 Flatiron Dr.	Lafayette	CO	80026	lukybuky@yahoo.com	8/7/23
Erin Tanner Jospe	6054 Dhu Ct.	Longmont	CO	80503	erintannerjospe@gmail.com	8/8/23
Michael Jospe	6054 Dhu Ct.	Longmont	CO	80503	michael@earthbasedinstitute.org	8/8/23
Sahra Cahoon	7171 N. 63rd St.	Longmont	CO	80503	tedandsahra@me.com	8/8/23
Theodore Cahoon	7171 N. 63rd St.	Longmont	CO	80503	theodorecahoon@gmail.com	8/8/23
Zana Leiferman	6422 Bluebird Ave.	Longmont	CO	80503	zana.realtor@gmail.com	8/8/23
Stephen Sutphin	7349 N. 63rd St.	Longmont	CO	80503	sutphins@comcast.net	8/8/23
Lynn Hindman	6060 Niwot Rd.	Longmont	CO	80503	lynn@haystackacres.com	8/9/23
Julie Barber	6099 Brigadoon Drive	Longmont	CO	80503	jimbar6@comcast.net	8/9/23
Jeff Castleberry	6224 Trevarton Dr.	Longmont	CO	80503	jpcastleberry@gmail.com	8/9/23
Charlotte Johnson	6850 N 63rd Street	Longmont	CO	80503	thecharlotte.johnson@gmail.com	8/9/23
Keith J. Ames	7075 Brigadoon Dr.	Longmont	CO	80503	rkames2@comcast.net	8/9/23
Gregory K. Ames	7075 Brigadoon Dr.	Longmont	CO	80503	frgregames@gmail.com	8/9/23
Martin Magill	5938 Heather Way	Longmont	CO	80503	mjmagill5938@gmail.com	8/9/23
Jeff Adams	6255 Misty Way	Longmont	CO	80503	adamsdesigninc@comcast.net	8/9/23
Debi Wirth	7141 Strath St.	Longmont	CO	80503	debiwirth@comcast.net	8/9/23
Elizabeth Cook	6105 Monarch Road	Longmont	CO	80503	libby@philanthropiece.org	8/9/23
Joan Knudson	6105 Monarch Road	Longmont	CO	80503	joanie@philanthropiece.org	8/9/23
Suzanne Levy	6339 Niwot Road	Longmont	CO	80503	slevy@bolderleadership.com	8/9/23
Rob Levy	6339 Niwot Road	Longmont	CO	80503	robmyleslevy@gmail.com	8/9/23
Julia Levy	6339 Niwot Road	Longmont	CO	80503	julialevy37@gmail.com	8/9/23
Jake Levy	6339 Niwot Road	Longmont	CO	80503	jakelevy213@gmail.com	8/9/23
Kristin Savory	6474 Redwing Place	Longmont	CO	80503	kristinsavory@gmail.com	8/9/23
Lisa Lund-Brown	5836 Oxford Rd.	Longmont	CO	80503	lisa@lundbrown.com	8/9/23
Carol Rechel	4541 Canterbury Drive	Boulder	CO	80301	cjespinoza@yahoo.com	8/10/23
Kurrin Barrett	6279 Brigadoon Ct.	Longmont	CO	80503	kurrin.barrett@comcast.net	8/10/23
Tolley Sink	7290 Oriole Ln	Longmont	CO	80503	trolleysink@gmail.com	8/10/23
Janet Lopez	7586 Crestview Drive	Niwot	CO	80504	lopjanet7586@gmail.com	8/11/23
Emily Hicks	5253 Niwot Road	Longmont	CO	80503	eihicks00@gmail.com	8/12/23
John Bengston	6174 Brigadoon Ct	Longmont	CO	80503	jjjwest@comcast.net	8/12/23
Marni Spott	8700 N. 55th St.	Longmont	CO	80503	marni.spott@gmail.com	8/12/23
Bonnie Bahlmann	6217 Corinth Rd.	Longmont	CO	80503	bahlmannb@hotmail.com	8/12/23
Katrina Gvazdinkas	5311 Highlands Dr.	Niwot	CO	80503	katieb2562@gmail.com	8/12/23
Jessica Rothman-Church	6542 Fairways Dr.	Longmont	CO	80503	jessie.rothman@gmail.com	8/12/23
Martyn Church	6542 Fairways Dr.	Longmont	CO	80503	martynchurch@aol.com	8/12/23
Allyson Sands	7183 Strath St.	Longmont	CO	80503	allysonsands@comcast.net	8/12/23
Laura Heller	6094 Brigadoon Drive	Longmont	CO	80503	lheller@hotmail.com	8/12/23
Ian Schwendy	6094 Brigadoon Drive	Longmont	CO	80503	ian@fortyonefabrication.com	8/12/23

Name	Address	City	State	zip	email addresss	date signed
Gretchen Johnson	5599 Niwot Road	Longmont	CO	80503	gretch926@msn.com	8/12/23
Payton Johnson	5599 Niwot Road	Longmont	CO	80503	pjhaystack@gmail.com	8/12/23
Chris Rakhshan	4900 Niwot Road	Longmont	CO	80503	crakhshan@yahoo.com	8/12/23
Frank Pickell	5859 Niwot Road	Longmont	CO	80503	frank@futuristicfilms.com	8/12/23
Sally Dyer	7235 N. 63rd St.	Longmont	CO	80503	atrimom@gmail.com	8/12/23
Rosemary C. Hubert	6387 Niwot Rd.	Longmont	CO	80503	rosiechubert@gmail.com	8/12/23
Perry Hubert	6387 Niwot Rd.	Longmont	CO	80503	perry@affirmmediation.com	8/12/23
Lilla Shanbhag	7493 Park Circle	Boulder	CO	80301	lillashanbhag@gmail.com	8/12/23
Noreen Reeder	7067 Fairways Dr.	Longmont	CO	80503	noreenreeder@gmail.com	8/12/23
Eric Zabel	4247 Pebble Beach Dr.	Longmont	CO	80503	eric.zabel@ctsntl.com	8/13/23
Elizabeth Ransom	7820 Danny Brook Ct.	Longmont	CO	80503	ransomliz@yahoo.com	8/13/23
Cynthia Schechter	5900 Oxford Road	Longmont	CO	80503	cyndischechter@gmail.com	8/13/23
Lori Neff	4141 Niblick Drive	Longmont	CO	80503	LIncolo58@gmail.com	8/13/23
Deborah Royds	6781 Golf Club Drive	Longmont	CO	80503	deblar83@comcast.net	8/13/23
Larry Royds	6781 Golf Club Drive	Longmont	CO	80503	deblar83@comcast.net	8/13/23
Brent Facchinello	8110 Ouray Dr.	Longmont	CO	80503	bafacch@gmail.com	8/13/23
Stanley Wisneski	6629 Putter Ct.	Longmont	CO	80503	stan1095@yahoo.com	8/13/23
Kathleen Dodd	4692 Palmer Ct.	Longmont	CO	80503	kathiedodd@comcast.net	8/13/23
Paul Dodd	4692 Palmer Ct.	Longmont	CO	80503	dave.ski@comcast.net	8/13/23
Isabella Delaney	6490 Bluebird Ave.	Longmont	CO	80503	belladelaney@gmail.com	8/13/23
Cari Higgins	8242 Ouray Dr.	Longmont	CO	80503	runcari@mac.com	8/13/23
David L. Johnson	5415 Niwot Rd.	Longmont	CO	80503	djohnson96@aol.com	8/13/23
William Carlton	5415 Niwot Rd.	Longmont	CO	80503	bcarlton96@aol.com	8/13/23
Ron Kadlec	6006 Heather Way	Niwot	CO	80503	ronkadlec01@gmail.com	8/13/23
Nancy Karlec	6006 Heather Way	Niwot	CO	80503	nbkadlec1@gmail.com	8/13/23
Dave Finn	6455 Robin Dr.	Longmont	CO	80503	daev.finn@mac.com	8/13/23
Ron Wirth	7141 Strath St.	Longmont	CO	80503	rdwirth@comcast.net	8/13/23
Cassandra Longo	4106 Spy Glass Lane	Longmont	CO	80503	caseylongo@hotmail.com	8/13/23
Edward Harshaw, III	8534 Boulder Hills Drive	Longmont	CO	80503	tedd@harshawproperties.com	8/13/23
Heather Kenny	1260 Kalmia Ave	Boulder	CO	80304	heathervkenny@gmail.com	8/13/23
Mary L. Robl (Trust)	6620 Niwot Rd	Longmont	CO	80503	mary2ron@gmail.com	8/13/23
Jennifer Buffington	7056 Redwing Place	Longmont	CO	80503	jnnfrmira@yahoo.com	8/13/23
GBI Colorado	7056 Redwing Place	Longmont	CO	80503	gbicolorado@comcast.net	8/13/23
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Community Planning and Permitting
Docket SD-23-0003: Rodriguez TDR PUD

October 10, 2023

My name is Dave Hindman and I am the president of the New Hinman Ditch. The New Hinman Ditch board strongly opposes the proposed development of the Rodriguez property located at 6184 Niwot Road. The Ditch trends generally east, supplying Left Hand Ditch water for irrigation purposes over agricultural lands, south of Niwot Road, as well as being the feeder ditch for Dodd Reservoir.

Due to the historic flood on September 12, 2013, the New Hinman Ditch overflowed its banks in several locations. One of these locations was on the Hindman property, located just west of what is now, the Rodriguez property. The attached topographic map shows clearly the topographic low that exists on the south side of Niwot Road. This topo low is the natural drainage into Dodd Reservoir. The map shows the location where the Ditch flooded, on the Hindman property, sending flood waters down to the northeast, into the small stock pond. An outlet on the north side of the pond prevented water from cresting the earthen dam. Water then flowed east, before hitting the elevated N. 63rd Street, which acted as a de facto dam. The resultant lake on the southwest corner of Niwot Road and 63rd Street is documented by several photos.

The map shows clearly that several of the proposed building sites would be located in the topographic low. Even heavy rainfalls cause water to pond at this location. Without significant flood mitigation work done in this area, there is no question building sites in this corner of the property will experience future flooding.

In the event the County unwisely approves this development, the New Hinman Ditch demands from the County, the developer and any future property owners, release from any and all liability, to both property and persons due to future possible flooding in the New Hinman Ditch.

Dave Hindman
President- New Hinman Ditch

