

MEMO

TO: Boulder Planning Commission; Michala Alldredge, Zoning Administrator; Peg Smith and other interested parties

FROM: Lee Nellis, FAICP

DATE: September 16, 2021

RE: Possible Responses to the Buildout Study

Here is the memo I promised last week on potential reactions to the buildout study. There are three basic responses as I see it, with a number of possible variations on the third one..

1 – No Problem. The simplest reaction you could have is to accept that the present zoning allows for roughly 450 additional dwellings to be built in Boulder, with almost all of them being constructed on either on or immediately adjacent to irrigated lands. We could finish up the changes we are making and the additional amendments needed to comply with state law and be done. Boulder would, sooner or later, become a very different community.

2 – Fund a Hydrologic Study and Wait. You could decide to accept the risk of an unspecified amount of development taking place while you wait for the results of a hydrologic study. Everyone seems to agree that there are important questions about the quantity of water available to support the projected buildout (or even smaller levels of development) and about the possible impacts of hundreds of new on-site wastewater systems. The town could focus on obtaining funding and wait for the results of a comprehensive hydrologic study. I will send another memo with my recommendations about the conduct and contents of such a study.

3 – Change Zoning. You could decide to change the zoning now, or really to begin changing the zoning now. It will take at least several weeks to do that, and then there would be an interim period before more changes are made to reflect the results of the hydrologic study. There are two main variations on this possibility.

- a. You could downzone the entire LDR and GMU zoning districts (almost the whole town) as an interim measure, tying the end of the interim zoning to prompt action on the results of a hydrologic study. This is more defensible than a total moratorium on building because it allows use of the existing subdivision and nonconforming lots and a bit of development on larger parcels. The downside of this approach is that it would create numerous nonconforming lots that are five or more acres in size, but smaller than the interim minimum lot size.
- b. You could change the zoning to better match the spirit of the general plan and the character of Boulder (and work toward a longer-term solution) by downzoning the irrigated lands, while allowing development of non-irrigated lands at the existing five-acre minimum in the interim, then making whatever changes seem consistent with the hydrologic study. You could soften what the owners of irrigated will probably perceive as a blow, by allowing the limited transfer of development rights off of irrigated land. I think there are a fair number of the ranchland owners who could use

that option if they wanted. It would be less helpful for those who own smaller irrigated parcels.

I hesitate to suggest downzoning numbers because I don't want people to focus on them rather than the basic concepts. And, let's be honest, downzoning will be controversial whatever the numbers are. I propose that we discuss these possibilities at the October meeting. If downzoning seems like the right path to follow, we can talk numbers at that time.

Before ending this memo, I want to point out that any of these choices impact the possibilities for more affordable housing development. That's unavoidable, and as urgent as I know the affordability issue seems, I think that knowing more about the water supply and quality realities is a necessary foundation for that discussion.