



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.