



Parks and Open Space Department

Administrative Office: 2045 13th Street • Boulder, Colorado 80302 • (303) 441-3950 • FAX: (303) 441-4594
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235/441-3927

M E M O

August 5, 1993

To: Board of County Commissioners
From: Parks & Open Space Staff
Re: Hillcrest Heights, Docket #EP-93-1/V-93-1

In response to questions and concerns raised at the Thursday, July 29, 1993 BOCC Meeting regarding this docket, staff has met with the Applicants representatives to further iron out some issues. The following include decisions made at the July 29 meeting and additional recommendations which you may wish to incorporate into the final approval documents for the subdivision:

1. The main roadway proposed for the subdivision (Crestview Drive) is to go through and connect Majestic Drive from the south with Crestview Lane/Oxford Road on the north rather than having separate cul-de-sac designs from the north and south as were once suggested.
2. There is to be no overlot grading of the buffer areas or the movement corridor, thereby preserving some of the grass seed source which currently exists there. It is understood that trenching for utility lines will be necessary, but that disturbance will be kept to an absolute minimum.
3. The trenching necessary to bury utility lines will follow the southern perimeter of the wetland buffer as near as practical. Disturbance will be kept to an absolute minimum and restoration will be begin immediately upon completion of utility installation.
4. The existing dirt surface roadway west of Little Gaynor Lake is to be closed off to vehicle/human access as soon as possible and reclamation will begin after the October 31 date when grading is allowed within the 500 foot area west of the lake.
5. The minimum 5-strand barbless wire boundary fence for the buffer area west of Little Gaynor Lake will be installed after the existing dirt roadway is graded out and reclaimed. Additionally,

although not required in Resolution 93-41 for this subdivision, the Applicant has agreed to install the same standard fence around the perimeter of the western wetland after the utility line construction is completed.

6. The "No Trespassing" signs to be installed by the County will also include the wording, "Wildlife Preserve".

7. A culvert of sufficient size should be placed under the road crossing of the movement corridor to accommodate small mammal movement as well as drainage.

8. The Applicant will do the design engineering and installation of a water control structure at the west end of the wetland which will function to restore the water levels back to the maximum elevation of the wetland delineation. The purpose is to restore and enhance the wildlife value of the wetland.

9. The County will solicit the assistance of the Colorado Division of Wildlife and the U.S. Fish & Wildlife Service to inventory the existing conditions of Little Gaynor Lake, western wetland and buffer areas to determine what, if any, additional habitat projects should be implemented to enhance the wildlife values of those areas.

10. The cooperative management agreement for the wildlife areas and buffers will address the possibility of future selective removal of undesirable plant/animal species.

11. The County will consult with the Applicant on a recommended plant species list for the Applicant's subdivision design guidelines with emphasis on native plants and those suitable for xeriscape landscapes. Additionally, the County will develop for the Applicant a site specific grass seeding mix to be used for reclamation of the dirt road and the utility line areas in the buffers.

12. The County and Applicant will cooperatively develop wildlife and other site specific environmental information which will be used for a pro-active information brochure for new homeowners explaining the important values being preserved and the responsibilities of those living in the subdivision toward that continued preservation.



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM

THURSDAY, JULY 29, 1993 – 9:00 AM
Hearing Room, Third Floor
County Courthouse, Boulder

PUBLIC HEARING

STAFF PLANNER: Rosi Koopmann

STAFF RECOMMENDATION RE:

Docket EP-93-1/V-93-1 Hillcrest Heights Replat B

Request: Review of County Parks and Open Space Department's management study of the wetland/buffer/corridor, and County Transportations Department's traffic study to determine if a western through-road is necessary from Majestic Dr. to Oxford Rd.

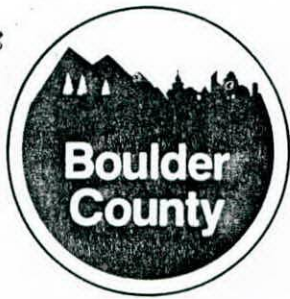
Location: East side of N. 95th St. between Majestic Dr. and Oxford Rd. in Section 23, T2N, R69 W.

Applicant: Jonah Murakami

DISCUSSION

The Board of County Commissioners conditionally approved on March 8, 1993 the Hillcrest Heights Replat B. Two of the conditions required County staff to do a wildlife management study and traffic study which would effect the final lot and road layout of the replat. These studies are attached for your review, and staff recommends that the conclusions of these studies be incorporated into the final plat documents. With regard to the lot and road layout, these recommendations would result in platting the western wetland and lake as separate outlots, the wildlife movement corridor as part of the adjacent lots, and the western road as a through road connecting Majestic Dr. and Oxford Rd.

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M E M O

July 26, 1993

To: Land Use Department, Rosi Koopmann
From: Rich Koopmann, Resource Planning
RE: Hillcrest Heights Subdivision Management Study

Over the past two months our resource staff and representatives of the Division of Wildlife and U.S. Fish & Wildlife Service, in consultation with the applicant's representative, have reviewed some management options for the protection of Little Gaynor Lake, the wetlands, wildlife corridor and buffer areas of this project. The resultant recommendations by specific area include:

Little Gaynor Lake - Little Gaynor Lake provides the most significant habitat on this site for waterfowl and other aquatic wildlife. In addition to being used as resting habitat, the west end of the lake has an excellent development of shoreline grasses which are undoubtedly used as nesting habitat for ducks and other birds. It is important to limit all shoreline disturbances within the 300-foot buffer platted as an outlot in the subdivision. Other specific recommendations for this area include:

- a) The wetland and buffer area are to be restored/maintained in their natural, unmanicured condition.
- b) The common property line fence between the lake buffer outlot and the private lots should have no provisions for private lot access to the buffer (ie- no gates).
- c) Any human use of the buffer is to be strongly discouraged with the exception of management activity such as weed control or habitat restoration where temporary access may be needed. The Applicant/Homeowners Association is primarily responsible for educating residents of the restrictions and County POS personnel will monitor and assist as needed/requested by the Applicant/HOA to help ensure the habitat is protected. POS will install and maintain "No Trespassing" signage around the buffer. A gated access point for entry of authorized personnel and/or emergency services will be provided for along the common access to 'Tract A' in the buffer.
- d) Artificial feeding of wildlife or releasing of non-native

- species in the lake or buffer area should be prohibited.
- e) The POS staff will develop an integrated pest management plan for weeds in the buffer area in conjunction with the Applicant/HOA, Cooperative Extension office and Weed Control District.
 - f) The POS staff will inventory and develop a habitat enhancement program as appropriate for the buffer outlot in conjunction with the Applicant/HOA, DOW and USFWS. If the Applicant/HOA agrees that the habitat enhancement is appropriate, a mutual agreement/partnership will be developed for implementation of the project. The POS staff will work with the Applicant/HOA to apply for any habitat restoration grant funds which may be suitable and available.
 - g) The POS staff will work with the Applicant/HOA and DOW to ensure there are enforceable regulations to prohibit hunting or trapping on the lake or buffer.
 - h) The POS staff will maintain the maximum natural buffer to the lake as possible in the outlot('C') on Oxford Road where a small public viewing area is to be constructed. The development plan for the outlot will be shared with the Applicant/HOA prior to construction to ensure neighborhood compatibility.
 - i) The POS staff should investigate the possibility of acquiring interest in the entire lake, wetlands and corridor for wildlife habitat preservation.

Movement Corridor - This area of the project will be the most difficult part to maintain for its intended purpose. If platted as an open outlot corridor between the lake and the west wetland, it will likely become a travel corridor as much, or more so, for humans as it would be for terrestrial wildlife. If platted as part of outlots, the accompanying restrictions could get lost some years down the road as ownership changes occur. Despite the risks, the second option is most conducive to meeting the intent of the corridor. Specific recommendations for this area include:

- a) Replat the wildlife movement corridor such that it is included in the adjacent lots rather than a separate outlot.
- b) Maintain an easement on the approximate 200-foot corridor width with appropriate restrictions such as open fencing, no structures/sand boxes/play equipment/gardens, suggested plantings and maintenance of same.
- c) Maintain an access easement for authorized personnel to monitor the corridor with due notice given to property owners.
- d) Maintain an option for a ditch/drainage easement in the corridor if it should be needed to get supplemental water to the wetlands and by mutual agreement it is agreed to develop that option.

Western Wetland and Buffer - Both the DOW and the USFWS felt there was great potential for restoration of the wetland to former conditions. The 200-foot buffer is a way to increase the wildlife value as is the addition of water and on-site control of drainage. Specific recommendations for this area include:

- a) County POS staff in conjunction with the Applicant/HOA, DOW and USFWS will inventory the wetland and buffer areas and develop an appropriate habitat restoration plan to include drainage controls, vegetation enhancement, weed control, mosquito control, and supplemental water. If the Applicant/HOA agrees to an enhancement plan, then a mutual agreement/partnership plan will be developed for implementation.
- b) The eastern end of the 200-foot buffer where it connects to the movement corridor should be replatted into adjacent lots as was recommended previously east of the roadway, and similar restrictions should be placed on the lots.
- c) The wetland buffer should be restored and remain in an unmanicured, natural condition.
- d) The buffer area should have restricted access from back yards adjacent to it.
- e) A gated access off 95th Street should be maintained for authorized management personnel, emergency services and sanitation district maintenance personnel.
- f) The POS staff will work with the Applicant/HOA and DOW to ensure that there are enforceable regulations to prohibit hunting or trapping in the buffer or wetland.
- g) POS staff will sign the area as a wildlife preserve with 'No Trespassing'.
- h) Particularly with the lots adjacent to the buffer area, care should be taken to minimize the amount of bluegrass lawn on the back end of the lot which requires considerable amounts of fertilizer and water for maintenance. The intent would be for the maximum amount of natural buffer to be able to absorb the nutrients in the runoff so as not to overload the wetland with massive algae blooms.
- i) A request should be made of the snow removal agency/crews to minimize the amount of salt materials used on the roadways since the street drainage ultimately ends up in the wetland.



Transportation Department Engineering Division

2045 13th Street • Boulder, Colorado 80302 • (303) 441-3900 • FAX (303) 441-4594

MEMORANDUM

July 26, 1993

TO: Board of County Commissioners

FROM: Clark Misner, Acting Engineering Director
Mike Thomas, P.E., Traffic Engineer

SUBJECT: Hillcrest Heights Traffic Study and Roadway Alignment Recommendations

Please find attached for your information a copy of a study performed relative to the decision before the Board on the future alignment of the north-south connector roadway in the replatted portion of Hillcrest Heights subdivision.

Per the enclosed traffic study, the traffic volume and safety data do not provide an overwhelming case for either the open or closed scenarios. Other factors, such as emergency response, road maintenance, and resident opinion, do indicate a preference for the north-south connection.

RESOLUTION 93 - 41

A RESOLUTION CONDITIONALLY APPROVING BOULDER COUNTY LAND USE DOCKET EP-93-1/V-93-1 ("HILLCREST HEIGHTS REPLAT B AND VACATION"): AN EXEMPTION PLAT TO REPLAT 48 LOTS IN THE NORTHERN PORTION OF THE HILLCREST HEIGHTS SUBDIVISION WITHIN THE NATURAL RESOURCE PROTECTION OVERLAY ZONING DISTRICT, AND TO VACATE CERTAIN PLATTED PUBLIC ROAD RIGHTS-OF-WAY IN THE SUBDIVISION AND UTILITY EASEMENTS IN BLOCKS 1-5 OF THE SUBDIVISION, AT THE SOUTHEAST CORNER OF OXFORD ROAD AND NORTH 95TH STREET, IN SECTION 23, T2N, R69W.

WHEREAS, Lesley J. Murakami ("Applicant") has requested approval of an exemption plat pursuant to Article 18B (Natural Resource Protection Overlay District) of the Boulder County Zoning Resolution ("Zoning Resolution"), and pursuant to the County's regulations governing Exemption Plats ("Exemption Plat Regulations"), to replat 48 lots which he owns in the northern portion of the Hillcrest Heights Subdivision ("the Subdivision"), which is located in the Agricultural Zoning District (with Natural Resource Protection Overlay) in unincorporated Boulder County as further described in the caption to this Resolution, above; and

WHEREAS, the purpose of the exemption plat/replat request under Article 18B ("the Exemption Plat Request") is to avoid or acceptably mitigate significant adverse impacts on the critical wildlife habitat designated in the County's Comprehensive Plan on Little Gaynor Lake ("the Lake") and the wetland along North 95th Street ("the Wetland"), which would result if the Subdivision were developed according to its original plat approved in 1964; and

WHEREAS, the Applicant has also requested to vacate the originally platted road rights-of-way within the Subdivision including Meadow View Lane, Rangeview Court, Lake Court, Cresthill Lane, northern portions of Cresthill Drive, Longview Drive and Cresthill Drive, as well as to vacate portions of the originally platted utility easements in Blocks 1-5 of the Subdivision ("the Vacation Request"); and

WHEREAS, the above-described requests were processed and reviewed as Boulder County Land Use Dockets EP-93-1/V-93-1 (collectively, "the Docket"), all as further described in the Boulder County Land Use Planning Staff's Memoranda and written recommendations to the Boulder County Board of County Commissioners ("the Board") dated February 9 and March 4, 1993, with their attachments (collectively, "the Staff Recommendation"); and

WHEREAS, on January 20, 1993, the Boulder County Planning Commission ("the Planning Commission") held a duly-noticed public meeting on the Vacation Request, and recommended approval of the Vacation Request to the Board; and

WHEREAS, on February 9, 1993, as continued to March 4 and March 8, 1993, the Board held a duly-noticed public hearing on the Docket ("the Public Hearing"), at which time the Board considered the Staff Recommendation and the recommendation of the Planning Commission, and also considered the documents and testimony presented by the staffs of the Boulder County Land Use Department, Parks and Open Space Department, Transportation Department, Health Department, and Attorney's Office, as well as by the Applicant and his representatives and consultants (Attorney; Architect; Ecologist; Wildlife Consultant; Project Coordinator; Engineering Consultant), and numerous members of the public including but not limited to existing residents of the Subdivision, adjacent property owners, and representatives of the Audubon Society and Sierra Club; and

WHEREAS, based on the Public Hearing the Board finds that the Exemption Plat Request can be approved pursuant to the applicable requirements of Article 18B of the Zoning Resolution and the Exemption Plat Regulations, subject to the conditions listed below which are reasonable measures to avoid or acceptably mitigate significant adverse environmental impacts on the Lake and Wetland; and

WHEREAS, based on the Public Hearing the Board further finds that the Vacation Request can be approved pursuant to the applicable requirements of Articles 11 and 17 of the Boulder County Subdivision Regulations and Part 3 of Article 2 of Title 43, C.R.S., as amended, subject to the conditions listed below which are reasonable measures to assure proper pedestrian and vehicular access through the Subdivision as a result of the right-of-way and easement vacations approved herein.

NOW, THEREFORE, BE IT RESOLVED that the Exemption Plat Request, with the proposed replat as revised and presented to the Board at the Public Hearing on March 8, 1993, is hereby approved, on the basis set forth in this Resolution, above and subject to the following conditions:

1. That a 300-foot buffer as measured from the high water line of the Lake be platted around the Lake as an outlet, and that this Lake/buffer area be subject to the following additional conditions:

a. The Lake and buffer be encumbered by a conservation easement which the Applicant will grant to the County, prohibiting any structures within the Lake/buffer area, and including any appropriate restrictions on use of the area based upon a cooperative management agreement between the County and the Applicant (including his successor/the responsible homeowners' association). The cooperative management agreement shall be developed and approved by County staff with the conservation easement as a precondition to recordation of the final plat.

b. The Applicant fence the buffer area, and the Applicant (including his successor/the responsible homeowners' association) maintain the fence. The minimum fence standard shall be 5-strand barbless wire.

c. The Applicant obliterate the existing dirt road and reseed to match adjacent ground cover.

d. The County sign the Lake and buffer for no trespassing for a wildlife preservation area.

e. The County construct and screen a small (3-5 cars), fenced parking area along Oxford Road to allow for public viewing of the Lake.

f. The County conduct weed management and possible vegetation enhancement according to a plan approved by the Applicant or his successor/the responsible homeowners' association, which approval shall not be unreasonably withheld.

2. That a 200-foot buffer be platted as an outlet around the Wetland ("the Buffer") and to form a corridor connecting the Wetland with the Lake ("the Corridor"), and that this Wetland/Buffer/Corridor be subject to the following additional conditions:

a. That the Wetland/Buffer/Corridor be encumbered by a conservation easement which the Applicant will grant to the County, and which will provide for the following measures:

(1) Prohibiting placement of any structures, playground equipment or storage of materials;

(2) Requiring vegetation of the Wetland to be left in a natural condition;

(3) Requiring vegetation of the Buffer/Corridor to be established utilizing low-maintenance grasses and shrubs, pursuant to a plan which the Applicant must create and have approved by the County Parks and Open Space and Land Use Departments for suitable ground cover types and other plantings;

(4) Prohibiting irrigated bluegrass lawns within the Corridor, Buffer, or Wetland;

(5) Discouraging mowing and active maintenance of the Buffer/Corridor; and

(6) Prohibiting fencing within the Wetland, and prohibiting solid fencing within the Buffer/Corridor with only open types of fencing like split rail allowed.

b. That in addition to the measures required in Condition #2.a., above, the Applicant implement any recommendations resulting from a management study of the Wetland/Buffer/Corridor which the County Parks and Open Space Department, with the assistance of state and federal wildlife or other appropriate management agencies and the Applicant's consultants, is directed to develop within four months after the date of this Resolution, for the purpose of reasonably protecting these natural resources.

c. That if the management study referenced in Condition #2.b., above, determines that protection of the Wetland/Buffer/Corridor areas would be better served by platting the Wetland/Buffer/Corridor within lots as opposed to as an outlot, the Applicant shall submit a replat for this purpose which shall appropriately add the Wetland/Buffer/Corridor area to the adjacent lots. The County Land Use Department staff shall be allowed to administratively review and approve this replat for recordation as a correction plat, without further public hearings or review by the Board. The conservation easement required in Condition #2.a., above, shall continue to encumber and apply to these replatted portions of the Wetland/Buffer/Corridor.

3. That within 500 feet of the high water mark of the Lake no grading or framing be allowed from April 1 through October 31 on any lot or outlot.

4. That no dogs, cats, horses, or livestock shall be allowed to be kept by the residents of the replatted lots, and no other animals shall be kept unrestrained if outside a residence or its accessory structures.

5. That the replatted lots be served by public sewer prior to the issuance of building permits.

6. That the Applicant meet all commitments of record, including but not limited to the commitment that no residential structure exceed 35 feet in height as measured from finished grade.

7. That the plat and all associated plat documents (including but not limited to the conservation easements required in Condition #'s 1.a. and 2.a., above), be reviewed and approved by County staff prior to recordation.

8. That the final plat contain a plat note/restriction providing that no lot shall be sold or building permit for a lot granted until the County Land Use Department staff issues a certificate of compliance showing that the Applicant or its successor has either satisfactorily constructed, or has provided to the County a letter of credit which meets the requirements of the Boulder County Subdivision Regulations (in addition to the appropriate plans and costs estimates) to guarantee, the improvements required in Conditions #1.b. (Lake buffer fencing); #1.c. (obliteration and reseeded of dirt road in Lake buffer area); #5 (provision of public sewer service to replatted lots); and the improvements necessary to provide public water service to the replatted lots. This plat restriction shall be released upon recordation of such certificate of compliance, with respect to the lot or lots noted on the certificate for which the associated water and sewer improvements have been either satisfactorily constructed or financially guaranteed (with the fencing and road obliteration/reseeding improvements to the Lake buffer area being required to be constructed or guaranteed prior to the conveyance of any lots or granting of any building permits).

9. That this development be subject to the growth management plan, school impact fees, and/or open space impact fees, if and when adopted by the County.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Vacation Request is hereby approved, on the basis set forth in this Resolution, above, and subject to the following conditions:

1. That the recorded plat show the western road in the replatted Subdivision extending through the Subdivision connecting Oxford and Majestic Roads, pursuant to the Staff Recommendation dated March 4, 1993.

2. That the County Transportation Department staff is directed to conduct a traffic study to be completed within four months after the date of this Resolution, to determine whether a western through-road better serves traffic circulation and reduction of travel miles; and, further, that if the Board determines based on a public meeting that the through-road is not necessary for that purpose, the Applicant shall submit a proper replat platting the road as a cul-de-sac as proposed at the public hearing on March 8, 1993, with the through-road portion to include a soft-surface trail for pedestrian and bicycle access only. The County Land Use Department staff shall be allowed to review and approve this replat for recordation as a correction plat, without further public hearings or review by the Board.

3. That the Applicant be urged to plat and construct a soft-surface trail for pedestrian and bicycle access adjacent to and outside of the fencing around the west side of the Lake buffer.

4. That the Applicant be allowed to proceed with the construction of the roads, sewer and water lines, and other improvements required to serve this development, provided that the Applicant has met all final plat pre-recordation requirements and recorded the final plat, and provided further that no construction related to these improvements (such as for water and sewer lines) shall be commenced within the Wetland/Buffer/Corridor area until the management study required in Condition # 2.b., above, has been completed. Any such construction in the Wetland/Buffer/Corridor shall then be allowed only to the extent that it is authorized by, or in no way conflicts with, the recommendations of the management study.

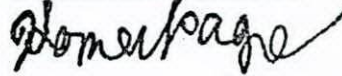
A motion to conditionally approve the Exemption Plat Request at the Public Hearing on March 8, 1993 was made by Commissioner Stewart, seconded by Commissioner Page, and passed by a 2-1 vote, with Commissioner Hume voting against the motion.

A motion to conditionally approve the Vacation Request at the Public Hearing on March 8, 1993 was made by Commissioner Stewart, seconded by Commissioner Page, and passed by a 2-1 vote, with Commissioner Hume voting against the motion.

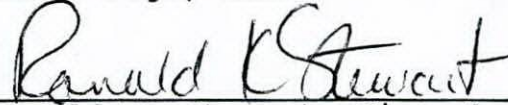
A motion to approve this Resolution as an accurate written representation of the Board's motions of conditional approval as verbally made at the Public Hearing on March 8, 1993, was made at a regularly scheduled public business meeting of the Board on March 30, 1993 by Commissioner Stewart, seconded by Commissioner Page, and passed by a 2-1 vote of the Board, with Commissioner Hume voting against the motion.

ADOPTED this 1st day of April, 1993, nunc pro tunc the 30th day of March, 1993.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:



Homer Page, Chair



Ronald K. Stewart, Vice Chair

Sandy Hume (OPPOSED)

ATTEST:


Clerk to the Board



Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM

TUESDAY, FEBRUARY 9, 1993 -- 2:00 AM
Hearing Room, Third Floor
County Courthouse, Boulder

PUBLIC MEETING

STAFF PLANNER: Rosi Koopmann

STAFF RECOMMENDATION RE:

Docket EP-93-1/V-93-1: HILLCREST HEIGHTS Replat B and Vacation

Request: Exemption Plat to Replat the northern portion of Hillcrest Heights Subdivision with a Vacation of road rights-of-way including: Meadow View Ln., Rangeview Cr., Lake Cr., Cresthill Ln., northern portions of Crestview Dr., Longview Dr. & Cresthill Dr.; with Vacation of portions of utility easements in Blocks 1-5 of Hillcrest Heights Subdivision.

Location: In Hillcrest Heights Subdivision, at the southeast corner of Oxford Rd. & N. 95th St., in the northern portion of the subdivision, in Section 23, T2N, R69W.

Zoning: Agricultural (A)

Applicant: Jonah Murakami

Agent: Marvin Davis

Original Plat Recorded: 1964

Planning Commission: January 20, 1993 Approval of Vacation Request

DISCUSSION

On January 7, 1993 the Board of County Commissioners approved a Natural Resource Protection Overlay Zoning District on Hillcrest Heights subdivision, because of the Critical Wildlife Habitats designated in the County Comprehensive Plan on Little Gaynor Lake and the wetland along N. 95th St. The Board of County Commissioners also adopted the Exemption Plat process to replat those vacant lots in Hillcrest Heights to reduce adverse impacts on the natural resources without altering the density.

Hillcrest Heights was platted in 1964 for 76 lots. Only 21 lots have been built on. The applicant owns 48 vacant lots and is proposing to replat these through the Exemption Plat process.

This request removes four of the applicant's eight lots located adjacent to Little Gaynor Lake and rearranges the remainder of his vacant lots.

The rearrangement of lots includes moving road rights-of-way and utility easements within the northern portion of the subdivision. Therefore, the existing road rights-of-way and utility easements must be vacated by the County.

In preparation for this replat, the applicant had the Army Corp of Engineers survey and delineate the wetland area. They also met with U.S. and Colorado Division of Wildlife staff, County Public Works and Parks and Open Space staff, and adjacent property owners.

The applicant is proposing the lake and previously-platted Lot 9 to be platted as a private outlot with public access for birdwatching off Oxford Rd.

As described in the attached staff memo from County Parks and Open Space, this property was designated as critical wildlife habitat because of the exceptional number of waterfowl and shorebirds that use this area. Little Gaynor Lake is believed to be one of the last prairie potholes remaining in the county. Parks and Open Space staff recommends that relocating Lots 43-46 to the west side of Cresthill Drive will provide a 300-foot buffer from Little Gaynor Lake which appears to be a suitable distance for some of the more sensitive species. This area would be platted as a private outlot, fenced and signed for no trespassing. Parks and Open Space would be willing to assist with management of the outlot.

In addition, the applicant is proposing a 50-foot buffer around the wetland adjacent to N. 95th St. Parks and Open Space recommend that buffer be extended to 150 feet.

The applicant has committed to placing building envelopes on some of the lots to ensure a 60-foot wide wildlife movement corridor connecting the lake with the wetland. The applicant also indicated a willingness to have open fencing requirements and domestic animal restrictions in the covenants to minimize adverse impacts on the wildlife.

REFERRAL RESPONSES

The request was referred out to over 200 hundred people including adjacent property owners, owners of lots within Hillcrest Heights, interested persons who had contacted the County Commissioners regarding wetland regulations, and appropriate agencies.

Half a dozen responses received from adjacent property owners indicated no conflict with the proposal. An equal number expressed opposition and suggested the County purchase the area as open space or transfer the density to another site. Their concerns include wildlife impacts, increased traffic on Majestic Drive and Cresthill Drive, and light pollution.

The Mountain View Fire Protection District responded with no objections to the replat or vacation provided the District's requirements for access, hydrants and water supply are met.

The St.Vrain School District expressed opposition to the Exemption Plat process stating that it is premature to approve any streamlined review process that will impact Niwot schools just that much sooner.

The applicants obtained the necessary signatures of approval for the vacation from Public Service, U.S. West, Niwot Sanitation District, and Left Hand Water District. Final approval of utility easements will be obtained from these service agencies prior to recordation.

Planning Commission reviewed and approved the vacation request on January 20, 1993. An adjacent property owner to the east expressed opposition to the vacation of Cresthill Lane which was one of his

three access points to his property.

CRITERIA

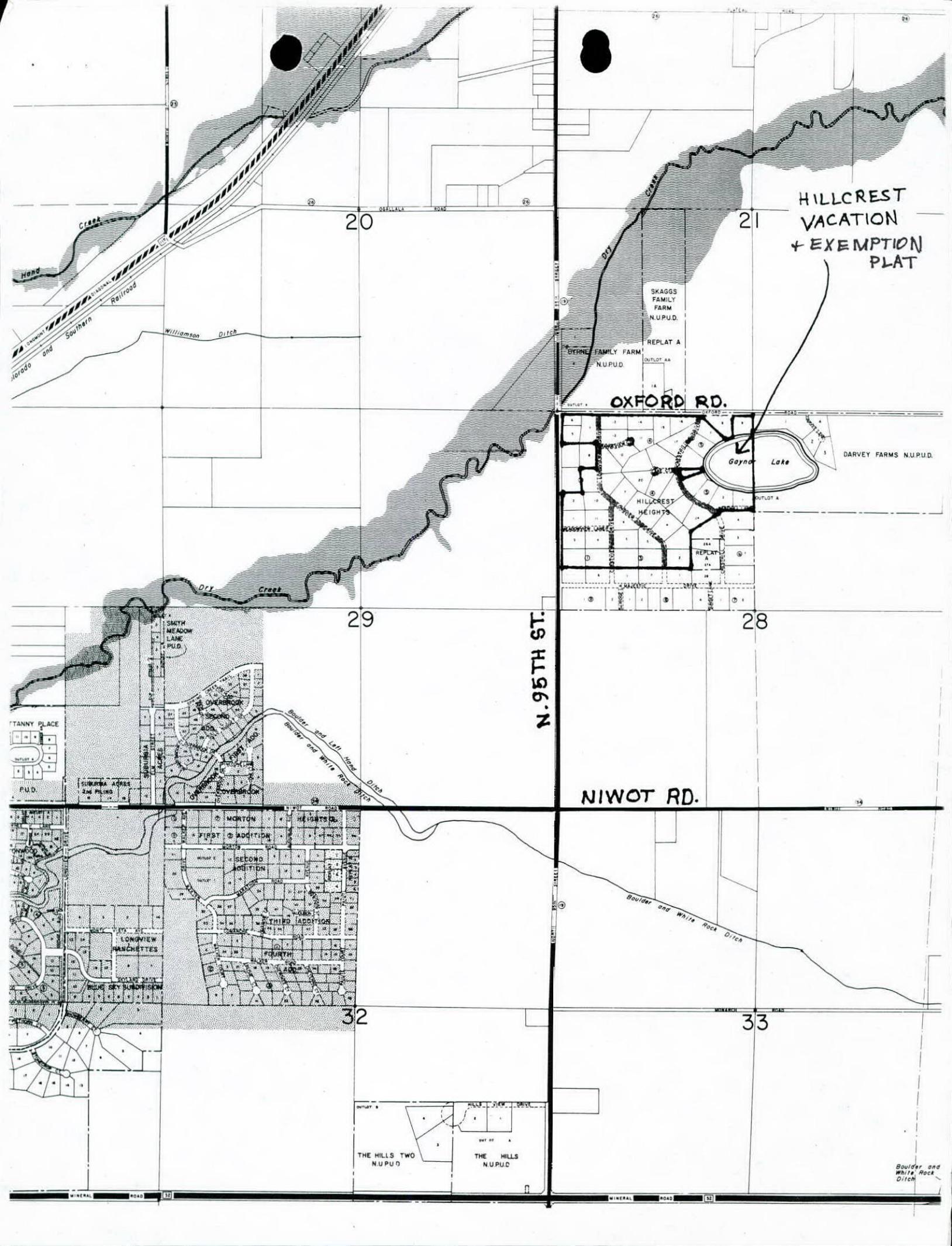
Staff finds this request meets the standards for approval of an Exemption Plat as specified in Section 1-300 of the Exemption Plat regulations with the following exceptions. To further mitigate adverse impacts on the critical wildlife habitat, no building lots should be located on the east side of Cresthill Lane adjacent to the lake, the buffer around the wetland next to N. 95th St. should be 150 feet, and building envelopes should be shown on the plat creating a 60 foot wide wildlife movement corridor between the lake and the wetland.

RECOMMENDATION

Therefore, the Land Use staff recommends the Board of County Commissioners APPROVE Docket EP-93-1/V-93-1: HILLCREST HEIGHTS Replat B and Vacation subject to the following conditions:

1. No building lots be located between the originally-platted Cresthill Drive and Little Gaynor Lake. This area will be platted as an outlot with public access limited to only the northern end of the lake from Oxford Rd.
2. The wetland and wildlife conservation buffer located adjacent to N. 95th St. will be 150 feet onto Lots 8-14.
3. Building envelopes must be shown on the plat to create a wildlife movement corridor of at least 60 feet in width connecting the wetland adjacent to N. 95th St. with Little Gaynor Lake.
4. All commitments of record must be met.
5. Plat will be reviewed by County staff prior to recordation.
6. This development will be subject to the growth management plan, school impact fees, and/or open space impact fees, if and when adopted by the County.

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HILLCREST
VACATION
+ EXEMPTION
PLAT

SKAGGS
FAMILY FARM
N.U.P.U.D.

BYRNE FAMILY FARM
N.U.P.U.D.

OXFORD RD.

DARVEY FARMS N.U.P.U.D.

Gaynor Lake

HILLCREST
HEIGHTS

N. 95TH ST.

NIWOT RD.

Colorado and Southern Railroad

Williamson Ditch

Dry Creek

Boulder and Left Hand Ditch
Boulder and White Rock Ditch

Boulder and White Rock Ditch

Boulder and White Rock Ditch

THE HILLS TWO
N.U.P.U.D.

THE HILLS
N.U.P.U.D.

MINERAL ROAD [32]

MINERAL ROAD [33]

95th

19

SKAGGS FAMILY FARM
N.U.P.U.D.

REPLAT A

BYRNE FAMILY FARM
N.U.P.U.D.

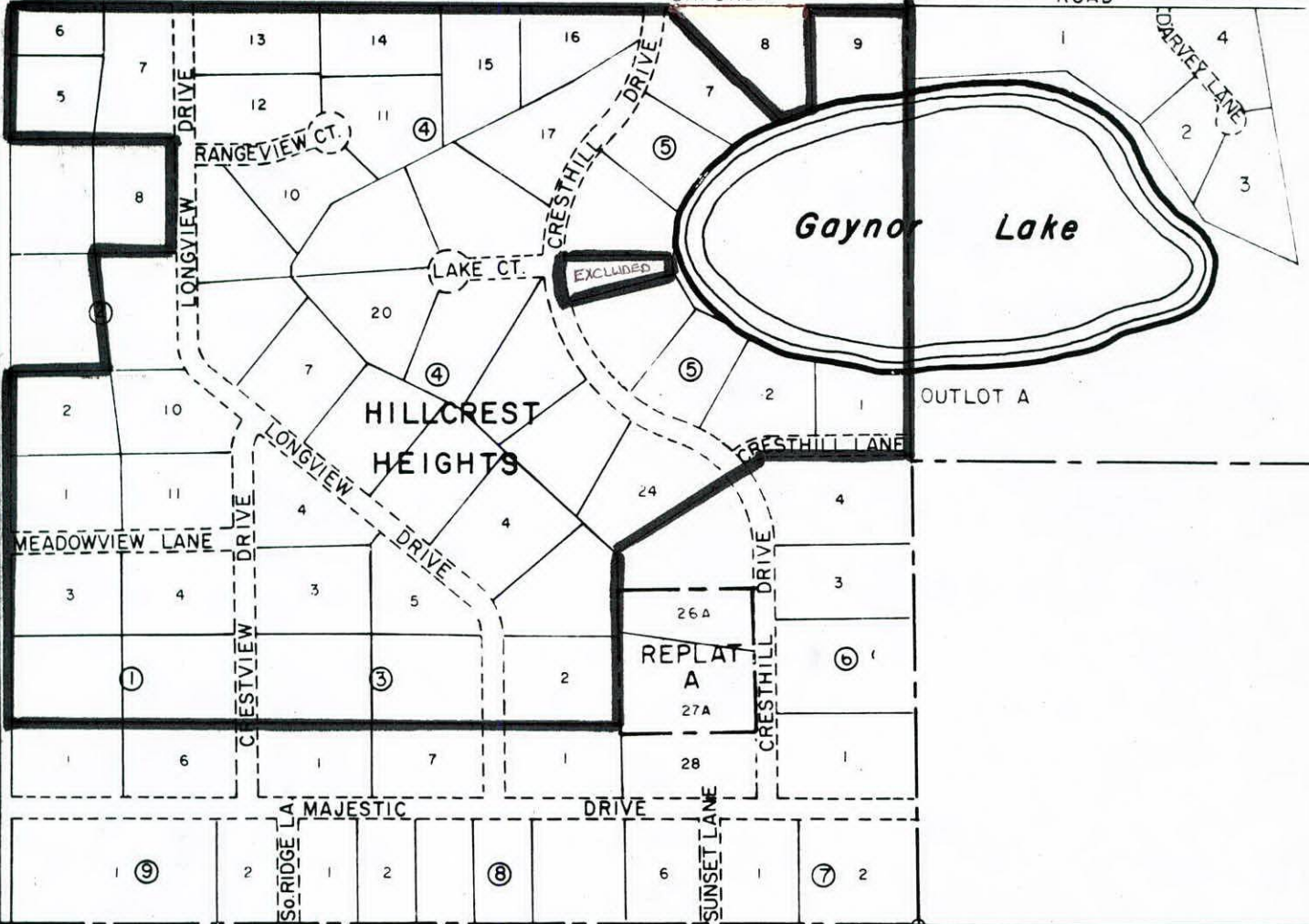
OUTLOT AA

1A

2

OUTLOT A

OXFORD ROAD



28

EXISTING

HILLCREST HEIGHTS REPLAT B

SHEET 2 OF 2

NOTES
SHOWS PLANNED IMPROVEMENTS TO EXISTING RECORD PLAN
AND SURVEYED AREAS FOR THE
PROPOSED DEVELOPMENT

DARVEY FARMS NUPUD

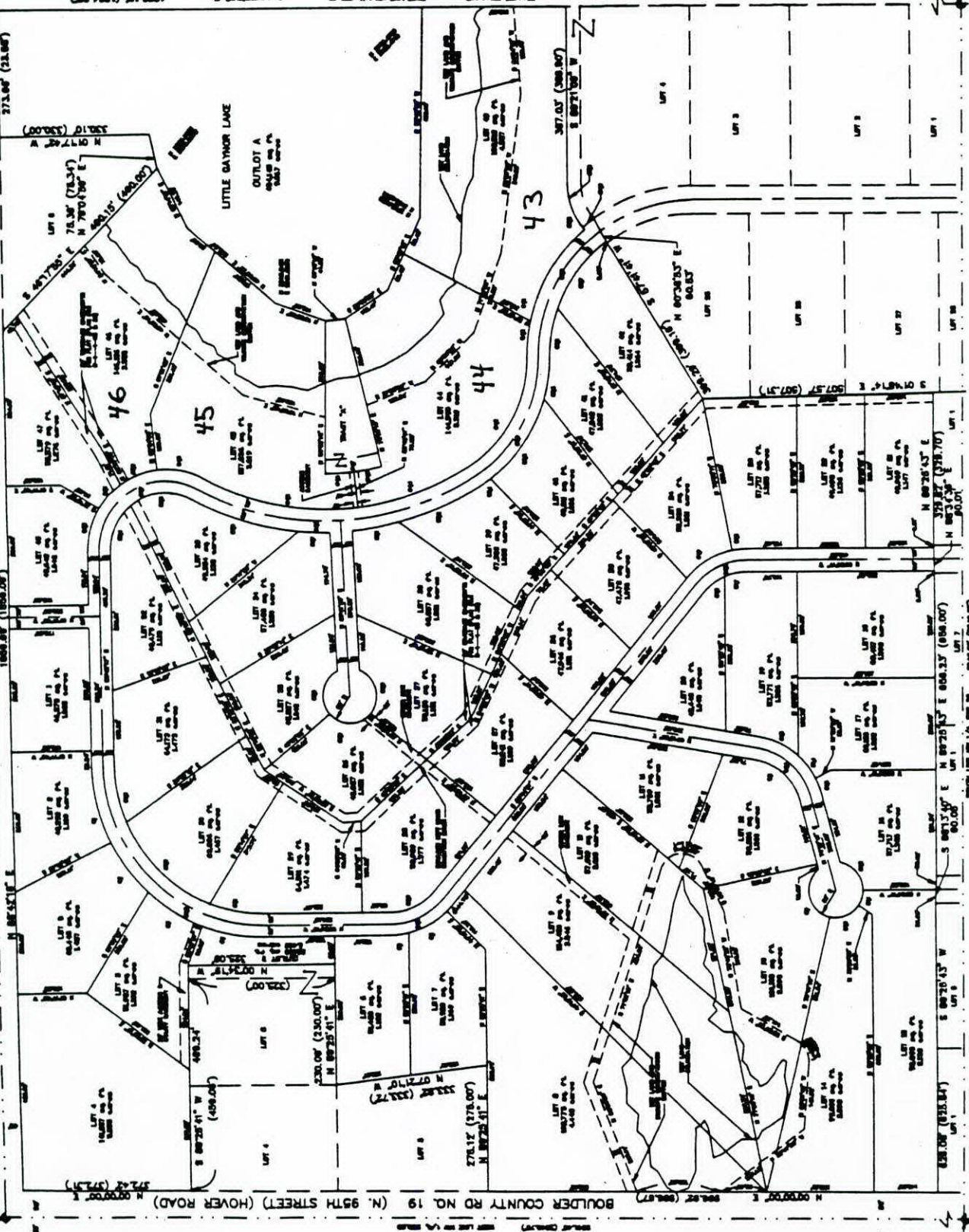
PROPOSED

UNPLATTED

UNPLATTED

BOULDER COUNTY RD NO. 28 (OXFORD ROAD)

UNPLATTED



UNPLATTED

UNPLATTED

Subject: Hillcrest Heights Exemption Plat

To: County Commissioners
Homer Page
Ronald K. Stewart
Sandy Hume

From: Lesley J. Murakami

Pursuant to your approval of the overlay district which denotes the Hillcrest Heights Subdivision as a "critical wildlife habitat area", and as owner of the subject subdivision, I respectfully submit the enclosed exemption plat for your consideration and approval.

In the first quarter of 1992, I, through my Real Estate Agent, Archie R. Shroust, entered into a contract to purchase the 48-lot Hillcrest Heights Subdivision. During my due diligence period I was assured by County officials that we could pull infrastructure and building permits immediately. Since purchasing the property the County has placed a cessation on all permits pending your action on the overlay district. The attached exemption plat is designed to lessen the impact of development upon the area's wildlife and wetlands, which have been delineated, surveyed and approved by the U.S. Army Corp of Engineers at my expense. As with the original plat, intentions were to create a subdivision that preserves the natural environment as much as possible through deed restrictions on certain lots fostering nesting habitat bordering and between the designated wetlands. Covenants are presently being completed having restrictions far beyond the present use.

The exemption plat is also the product of long and continuous meetings with the Department of Interior officials at the Federal, State and Regional levels; Land use, Public Works and Open Space administrators; Landplanner/landscape design architects who have conscientiously been guided by plant/wildlife considerations as stated in the Boulder County Comprehensive Plan; preservation of neighbors' view corridors, wetlands regulations, Little Gaynor Lake community use and traffic safety.

I hope for your prompt approval of the exemption plat because the delay has added to the holding, design and wetlands costs of the approved subdivision. Those of us associated with the project feel like the new plan benefits all, including the neighbors, God's Little Creatures and newcomers to the Hillcrest Heights Subdivision.

incl: Application Form
Exemption Plat



Parks and Open Space Department

Administrative Office: 2045 13th Street • Boulder, Colorado 80302 • (303) 441-3950 • FAX: (303) 441-4594
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235/441-3927

January 26, 1993

TO: Rosi Koopmann
FROM: Dave Hallock
RE: Hillcrest Heights Exemption Plat

Background: Little Gaynor Lake and the wetland along N.95th Street are designated as Critical Wildlife Habitats. The primary reason for the designation is the exceptional numbers of waterfowl and shorebirds that utilize these two wetland areas, particularly during the spring and fall migrations. Wetlands also tend to have high small mammal populations which attract raptors and mammalian carnivores, as well as many insects, plants and aquatic organisms which provide food for a host of wildlife species. In general, these are very rich wildlife habitats.

Little Gaynor Lake comprises about 14 acres of shallow ponded water with emergent shoreline vegetation. The origin of the lake is unclear. The lake appears as an unnamed water body on a 1926 map of Boulder County. The lake sits in a depression with no clear outlet. The possibility exists that it is a blowout or pothole. Bedrock geology indicates the site is underlain by Pierre Shale, a dense clay-like bedrock that effectively seals the basin. A terrace of Fox Hills Sandstone lies just southeast of the lake. Generally being a good source of subsurface water, the sandstone formation might provide some of the water for Little Gaynor Lake and the wetland along N.95th. The origin of this second wetland is unclear, though it may have also been a pothole. This wetland contained ponded water until around 1985 when the drain under N.95th was opened - the ponded water disappeared and the wetland decreased in size by about half.

Impacts of Development: It is probably impossible to place 48 units on this site without any impacts to the wildlife values. Some of the impacts will be:

1. The homes and permanent human presence on the site will discourage its use by raptors, coyotes and foxes - the top of the food chain;

2. There will be an increase in certain suburban animals - house cats, dogs, raccoons and skunks - that often prey on small mammals and ground nesting birds;
3. There will be displacement of waterfowl and shorebirds from portions of the wetlands that are too close to homes and human activity areas; and
4. There will be a loss of waterfowl nesting sites that may have existed in the agricultural fields between and around the two wetlands.

Relative to impacts on raptors, et al., (#1 above), it is unlikely that those impacts can be mitigated - the density of homes dictates that much of the site will be part of the formal "development" and cause the hawks and harriers to look elsewhere for food. With respect to the 4th impact listed above, information about the area seems to indicate that there is some waterfowl breeding, though not enough to consider this a key waterfowl production area. Again, the overall density of the development dictates that much of the site will be developed and preclude waterfowl production except in areas adjacent to the wetlands.

Relative to the second and third listed impacts, clustering of lots and keeping them away from the wetlands should help. Information on the "flushing" distances (the distance at which signs of disturbance appear) for various waterfowl, shorebird and wading bird species indicates that a distance of 100 yards (300 feet) appears to be a suitable distance for some of the more sensitive species that have been observed at the site. The more that lots are clustered, the greater will be the segregation between impacts resulting from development and the suitability of the wetland areas for wildlife.

Recommendations: Relative to Little Gaynor Lake, it would be most advantageous if lots 43-46 were relocated in order to use the space between the lake and the proposed road alignment as more effective buffer. The road is generally 300' from the lake. This land could be a private outlot, fenced and signed for no trespassing. County Parks and Open Space would be willing to assist with management of the outlot.

With regards to the wetland near N. 95th Street, it must be recognized that many of the wildlife values of this site were compromised when the drain under the highway was opened allowing the ponded water to disappear and the wetland to decrease in size. Ponded water could be returned to the site with some excavation. However, its relative small size (approximately 2.5 acres) probably precludes many species of wildlife from using the site. The proposed wetland buffer around this site is 50' - we would recommend that this be increased to 150'. If this wetland is to be restored to its 1984 size, than lots 8-14 should be relocated and this area made an outlot as the wetland will be about twice its

current size.

We still need to see additional information about building envelopes and landscape restrictions to see if any logical habitat connector between the wetlands can be located. Additional clustering of lots to the north and south could contribute to achieving this goal.



*Down to court to Boulder
County Planning
Mark Cousins*

Land Use Department

2040 14th Street • 14th & Spruce Streets • Administrative Services Building, 2nd Floor • Boulder, Colorado 80302 • (303) 441-3930

MEMO TO: Agencies and Adjacent Property Owners
FROM: Staff Planner Rosi Koopmann
DATE: January 6, 1993
RE: The following application, now being processed:



Docket EP-93-1 / V-93-1: HILLCREST HEIGHTS Replat B & Vacation

Request: Exemption Plat to Replat the northern portion of Hillcrest Heights Subdivision; with Vacation of road rights-of-way including: Meadow View Ln., Rangeview Cr., Lake Cr., Cresthill Ln., northern portions of Crestview Dr., Longview Dr. & Cresthill Dr.; with Vacation of portions of utility easements in Blocks 1-5 of Hillcrest Heights Subdivision.

Location: In Hillcrest Heights Subdivision, at the southeast corner of Oxford Rd. & N. 95th St., in the northern portion of the subdivision, in Section 28, T2N, R69W.

Zoning: Agricultural (A)

Applicant: Jonah Murakami

Agent: Marvin Davis

Original Plat Recorded: 1964

The Exemption Plat process provides a streamlined review, in lieu of the traditional Subdivision Replat approval process, for changes in subdivisions affected by a Natural Resource Protection Overlay Zoning District (wetlands and wildlife habitats). Exemption Plats typically involve Boundary Line Adjustments and/or Vacations of road easements or alignments; they do not allow increases or decreases in approved densities. The Exemption Plat process includes Public Hearings before the Board of County Commissioners; the Vacation process includes Public Meetings before Boulder County Planning Commission. Holders of liens, mortgages, easements or other rights in the subject property, and adjacent property owners, will be notified of these hearings.

The Land Use staff, Planning Commission and County Commissioners value comments from individuals and referral agencies. Please check the appropriate response below or send a letter. Late responses will be reviewed as the process permits; lack of response will be taken to indicate support for the proposal; 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 review the entire file at the Land Use Dept., 14th and Spruce, Boulder. If you have any questions regarding this application, please contact our office.

Please return your response to the above address by January 26, 1993.

- 1. We have reviewed the proposal and have no conflicts.
- 2. A formal recommendation is under consideration, to be submitted by _____
- 3. Additional time is necessary for board action, scheduled for _____
- 4. Please refer to the enclosed letter.

Signed *Mark A. Cousins* Please PRINT Name MARK A. COUSINS

Agency or Address COLORADO DIVISION OF WILDLIFE

The Planning Commission Public Meeting on the Vacation portion of this application has been scheduled for January 20, 1993, at 1:30 p.m.; the Board of County Commissioners' Public Hearing on the Exemption Plat and Vacation has been scheduled for February 9, 1993, at 2:00 p.m.; both will be held in the Hearing Room, Third Floor, County Courthouse, Boulder.

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