



**CITY
OF
BOULDER**

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March 4, 2008

Board of County Commissioners
Boulder County Courthouse
P.O. Box 471
Boulder, CO 80306

RE: HOGAN PANCOST PROPERTY

Dear Commissioners:

On behalf of the Boulder City Council, I would like to express the city's serious concerns and disappointment with the actions of the property owner and the work that occurred on the Hogan-Pancost property located at 5399 Kewanee Dr. / 5697 S. Boulder Rd, and want to indicate the city's support for the county's enforcement against the grading of the property, which occurred without a permit.

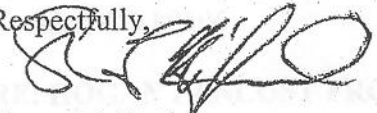
As you may know, in September 2007, Boulder Creek Commons LLC, the applicant for the Hogan-Pancost property, withdrew its application with the city for Concept Plan Review and requested that the city place its application for annexation on hold. At that time, the applicant was directed by city staff to provide detailed environmental analyses for the property to ensure that any proposed site plans address all applicable environmental factors prior to submittal of a revised concept plan. To date, city staff has not received the results of these analyses and will not move forward with the pending application for annexation until such studies have been reviewed by both city staff and an independent, third party consultant. Since the property is designated Area IIA in the Boulder Valley Comprehensive Plan and is eligible for immediate annexation into the city, it is important that any environmental sensitivities on the property be identified prior to annexation.

Throughout the annexation/development review process, the applicant has maintained that groundwater in the area results from a leaking ditch and that an arrangement would be made with the ditch company to improve the ditch in order to mitigate groundwater in the area. As the property lies within the jurisdiction of Boulder County, city staff has encouraged the applicant to work closely with the county, the ditch company, and the neighborhood while completing the groundwater mitigation project. It is unfortunate that the applicant has apparently disregarded the city's requests and neglected to secure the proper permits to perform work on the property.

We appreciate the county's prompt attention and enforcement of these violations. Based on the potentially sensitive environmental quality of the property, we ask that you continue to exercise your regulatory purview over the property. It is our understanding that the property owners will be required to go through the county's site plan review process, which will include an analysis of any impacts as specified in Boulder County Resolution 2007-124 (temporary moratorium on development in the South Boulder Creek 100 year floodplain). In addition, to the extent that you have regulatory authority, we urge you to require restitution or restoration of the property to its state prior to the unlawful grading.

In closing, the council will continue to support the efforts of the commissioners and county staff to ensure that any and all work completed on the property is done so in a transparent and lawful manner.

Respectfully,


Shaun McGrath
Mayor

On behalf of the Boulder City Council, I would like to express the city's appreciation and disappointment in the actions of the property owner and the work that occurred on the 10000 South Boulder property located at 10000 S. Boulder Rd. 73097 S. Boulder Rd. and want to express the city's support in the city's enforcement against the grading of the property, which occurred without a permit.

As you may know, in September 2007, Boulder Creek Concrete LLC, the applicant for the 10000 South Boulder property, withdrew its application with the city for Concept Plan Review and requested that the city place its application for an analysis of soil. At this time, the council has directed city staff to provide limited environmental analysis for the property to ensure that any proposed site plans address all applicable environmental factors prior to approval of a site plan. To date, city staff has not received the results of these analyses and will continue to work forward with the pending application for information such as soil studies have been reviewed by both city staff and an independent third party consultant. Since the property is designated Area 1a in the Boulder Valley Comprehensive Plan and is eligible for immediate rezoning into the city, it is important that any environmental requirements of the property be identified prior to rezoning.

Throughout the rezoning/development review process, the applicant has maintained that ground water in the area needs to be diked and that a diking project would be made with the city's property to improve the diking in order to mitigate ground water in the area. As the property lies within the jurisdiction of Boulder County, city staff has requested the applicant to work closely with the county, the city's engineer, and the applicant's consultant to complete a groundwater mitigation project. It is important that the city's staff has approved the city's requests and requested to ensure the proper permits to perform work on the property.