



Parks & Open Space

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

TO: Sam Walker, Community Planning & Permitting Department
FROM: Ron West, Natural Resource Planner
DATE: February 14, 2024
SUBJECT: Docket SU-23-0016, Tennis Center of the Rockies, 5701 79th Street

Site Conditions

I have reviewed the submitted materials, and have visited the parcel many times in the past. The entire 20-acre parcel is fallow agricultural land, probably farmed in the past for dryland winter wheat or used for grazing. Existing plant species are dominated by common non-native grasses and weeds. About two dozen horticultural evergreens have been planted on the southern boundary. There is a prairie dog population on-site, and on adjacent lands. In the past, the A-listed noxious weed, myrtle spurge, has been present; it likely still is. The county-listed noxious weed, musk thistle, is present.

County Comprehensive Plan Designations

The parcel has the following designations in the Boulder County Comprehensive Plan, and from other resource inventories.

- Visible from Public Lands, Public Trail, and Several Rights-of-Way
- Adjacent to Public Lands – City of Boulder (OSMP) open space, on east and west
- Adjacent to Critical Wildlife Area – on east
- Environmental Conservation Area – White Rocks/Gunbarrel Hill
- Significant Agricultural Lands of Local Importance – about 80 percent of the parcel

Discussion

Staff has numerous concerns with the proposal, including impacts to most of the resources listed above.

Visibility and Scenic Resources

The first concern is visibility. Staff's opinion is that this parcel is one of the most highly-visible parcels on the plains of Boulder County. Sitting on the western slope of Gunbarrel Hill, the view from the subject parcel is completely "open" to the north, west, and south. Whatever structures and features are developed on it would be visible from the following public areas:

- City of Boulder open space lands, immediately adjacent, on both east and west sides
- 79th Street, immediately adjacent
- At least seven houses to the north, about 1000 feet distant
- The OSMP Cottontail Trail, about 2000 feet to the west
- About three dozen of the closest houses in the subdivision to the west, about 2000 feet distant
- Lookout Road, about 1300 feet to the south
- Highway 52, about 0.5 miles to the north
- The Diagonal Highway, about 1.2 miles to the northwest
- And State Highway 36, north of Boulder. The subject area is readily visible from about 6 miles away.

Most of these distances and concerns were documented in a POS referral memo dated August 27, 2021, for an earlier proposal of a house on the site. Staff notes that given the large number of significant viewshed concerns, it is not possible to mitigate these concerns with normal means such as tree plantings or other screenings. Perhaps the closest view corridors, such as 79th Street, could be reduced somewhat through screening, but reducing the others is very unlikely – see below.

Some of the more “visible” features of the proposal include:

- The 26 total courts, particularly with the proposed surface colors of green and blue
- The 2 indoor bubbles, at 53 feet in height and about 425 feet long. In addition to daytime visibility, these may “glow” at night, depending upon materials used.
- The parking lot, for about 100 vehicles
- Outdoor lighting (on poles)
- The 7500 square foot clubhouse, at 31 feet high
- Extensive 10-foot-tall, black mesh fencing
- The swimming pool area
- Retaining walls, depending on finishes. The main retaining wall for the clubhouse is up to 15 feet tall. Other retaining walls are up to 19 feet.
- The detention pond and berm

Few of these features would be “subtle.” They would be highly visible, either individually or in combination, likely from all of the nine viewshed areas listed above. Outdoor lighting may be particularly visible. Staff believes that even with down-lit appliances there would still be significant negative impacts from many of the viewshed areas. Many of these impacted areas would be looking “up” at the facility. As an example, the closest houses in the subdivision to the west are over 100 vertical feet *lower* than the highest developed area on the subject parcel. It is likely that the lights would be visible to these houses (and to many other areas). If true, this would significantly impact dark skies in the area.

It is not possible for two 50-foot-tall bubbles, in any color, to “harmonize with the natural surroundings,” as stated in the application. Staff questions whether the 100-car lot would be sufficient in size for the “events, leagues, and programs” intended for the site, as a “Community Service Center.”

The Boulder County Comprehensive Plan states that, “*To the extent possible*, the county shall avoid, minimize, or mitigate impacts on views from view protection corridors...” (OS 1.02.01; emphasis added). Also, “Areas that are considered as valuable scenic vistas...shall be preserved as much as possible in their natural state.” And, “Open space values and functions, and impacts to county open space, shall be considered in the review of development proposals...”

Adjacent to Public Lands and Trail, and Critical Wildlife Habitat

The facility would be visible from large areas of public open space, both on the west and somewhat on the east. The east is also a designated Critical Wildlife Habitat (CWH) for prairie dogs, nesting burrowing owls, grasshopper sparrow, and raptor foraging. All three species are county-listed species of special concern, and some of the additional raptor species that hunt the area also are of special concern, such as golden and bald eagles, and ferruginous and rough-legged hawks.

Burrowing owls are known to have repeatedly nested in this CWH, and the site is closed to visitation for half of the year. The distance to the closest known nest site is over ¼-mile, however selected nesting burrows can change and could be closer to the facility in the future. Colorado Parks and Wildlife recommends a ¼-mile buffer for “large” developments. Nonetheless, given the expected numbers of facility users, impacts from children or adults entering the CWH should be expected over the years of use of the facility.

Although the CWH would not be physically impacted, it is literally 40 feet away from the subject parcel. It is certain that there will be “avoidance” impacts to hunting raptors, for an unknown distance into the CWH. This is also true for the northern half of the subject parcel, where prairie dogs would remain.

Also of note is the view from the public trail on the west. The proposed facility would be highly visible from about 3200 linear feet -- or about 0.6 miles -- of the OSMP Cottontail Trail. The current view from this trail to the east is almost without structures, with the exception of the church on the south and partial houses and barns to the north off 79th St.

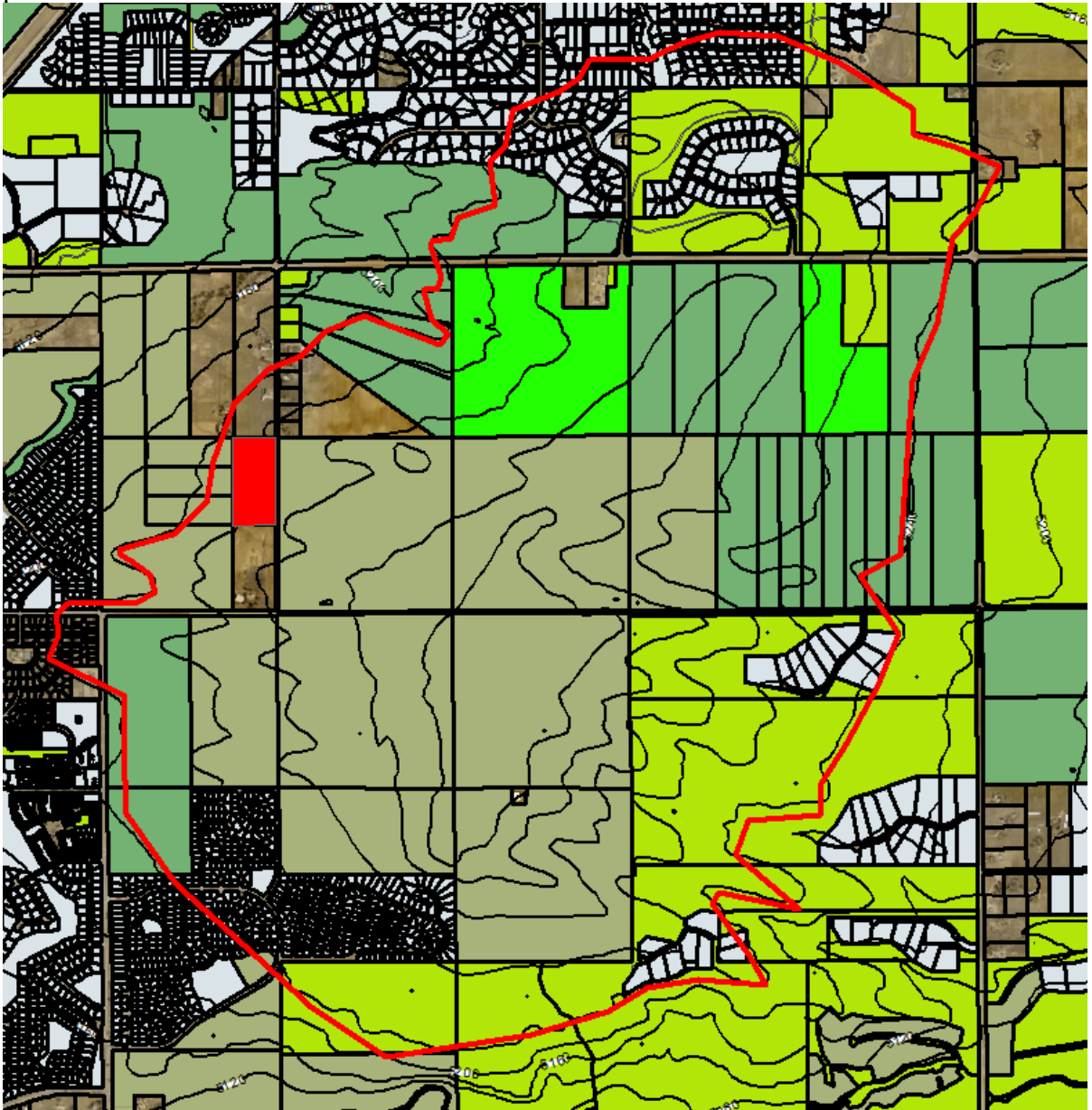
Protection of Gunbarrel Hill

Staff is also concerned about a “combination” of viewshed and open space protection. For decades, the large extent of Gunbarrel Hill has been an area of focus for open space purchases and protections, both by the City of Boulder and by Boulder County. This represents a significant public investment.

For an example, staff will use the topographic contour of 5240 feet as a (partially subjective) definition of Gunbarrel Hill.

Figure 1 shows both this contour, outlined in red, and the extent of open space lands within it. Staff estimates the total land area within/above the 5240-foot contour as being 3053 acres. Of this, about 2470 acres, or 81 percent of Gunbarrel Hill has been either purchased or conserved in conservation easements for public benefit. Indeed, the subject parcel may be the only undeveloped and unprotected parcel within the 5240-foot contour.

Figure 1. "Gunbarrel Hill," and public land preservation (various colors of green). Subject parcel is solid red.

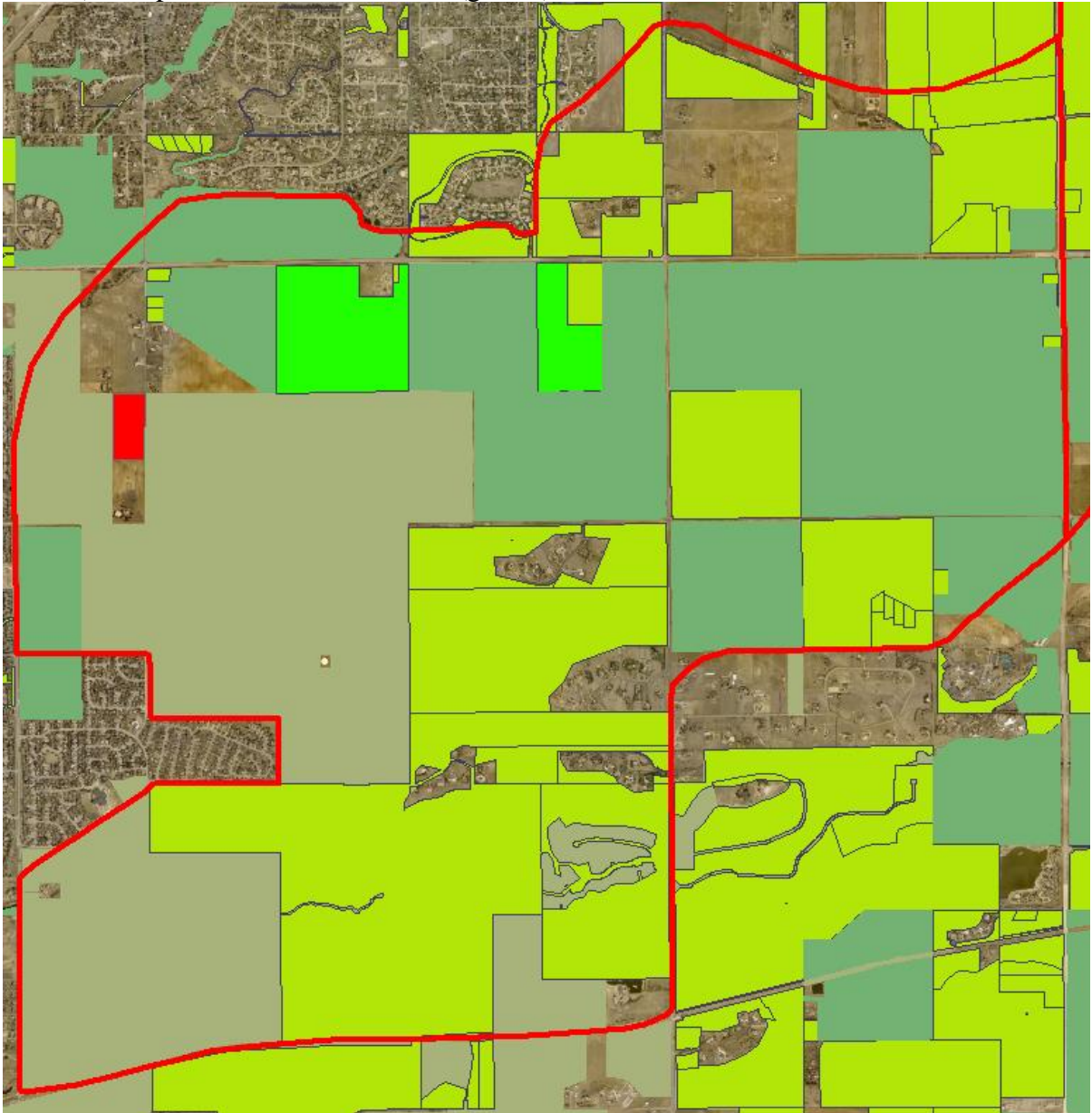


Environmental Conservation Area (ECA) and Protection of Biodiversity on a Landscape Level

The Boulder County Comprehensive Plan states that, “Boulder County’s overarching intention is to maintain the overall health and integrity of our rich and diverse environment *to the greatest extent possible...* (page 2, Environmental Resources Element; emphasis added). Specific to an ECA, policies state that “ECA’s are a planning tool...for analyzing land use[s]...in the context of the cumulative effects of developments, roads, trails, and increased human presence at a landscape-scale on these large and complex ecosystems. This land use decision-making tool is used as a strategy for maintaining the wide-ranging animal species, native plant communities, and natural ecological processes that operate at this landscape scale.”

As with other ECAs on the plains, the White Rocks/Gunbarrel Hill ECA is unusual in that it includes large areas of agriculture and (limited) residential developments. Yet it also includes large areas of mixed-grass prairie and other natural landscapes such as the riparian valley of Boulder Creek to the south. As such, the Gunbarrel Hill area provides one of the largest protected prairie landscapes in the county. In this case, the subject partial is internal to the ECA, and is also adjacent to about 2500 contiguous acres of protected lands – mostly in mixed grass prairie -- Figure 2. Staff concludes that the year-round, high-use tennis facility would result in a significant negative impact to the ECA.

Figure 2. The subject parcel (solid red) relative to the White Rocks/Gunbarrel Hill ECA (red outline), and public lands and interests (greens).



Significant Agricultural Lands of Local Importance, and Extent of Grading

About 10 acres (including detention pond area) of agricultural land would be permanently altered by development, with extensive and “deep” grading. The possibility of future agricultural uses would be removed. Combining cut and fill, about 83,000 cubic yards (CY’s) of material would be moved. Foundational and non-foundational grading combined, 30,000 CY’s would be cut, and 53,000 CY’s would be fill. Since there is significantly more fill than cut, this would require about 23,000 CY’s of imported fill of unknown source and qualities. Even with large dump trucks – say, 16 CY’s -- the imported fill would require around 1400 truck loads, or 2800 one-way trips.

The application states that, “Over the years of agricultural activity on the [subject] site, it is probable that soil fertility declined significantly.” On what is this based?

Staff concludes that (at least) 10 acres of agricultural lands would be permanently lost, a significant impact.

Prairie Dogs

The application does not address the prairie dogs in the 10 acres to be developed. It simply states that, “This issue will be dealt with by experts within the field of knowledge. The long term goal would be to exist side by side with wildlife....”

What does exist side by side mean? Numerous “unknowns” need to be known, and a Prairie Dog Management Plan should be required. What would be done with the prairie dogs on the 10 acres to be developed? Staff would recommend passive relocation, but that would require coordination with neighbors and OSMP, whose lands are adjacent and would be the “receiving” areas. Passive relocation is also time consuming.

How would the prairie dogs be managed on the remaining portion of the northern half of the parcel? What would happen to prairie dogs that come into the developed area in the future?

Staff concludes that 10 acres of active prairie dog habitat, and thus raptor foraging area, would be permanently lost. A Prairie Dog Management Plan should be a condition, if approved.

The Boulder County Comprehensive Plan, and Urban vs Rural Development

Staff’s opinion is that the development is urban in nature. A year-round facility that requires ten acres of land, a 100-car parking lot, outdoor lighting, swimming pool, clubhouse, extensive fencing, a detention pond and leach field, and the possibility of expansion (see below) is not a “rural” development.

Staff questions the location of the detention pond and leach fields. The berm for the pond would be only about 45 feet from the neighbor’s driveway, and about 110 feet from their main parcel. It would be about 8 feet from OSMP lands to the west. Would the pipe under the berm, on the northwest side of pond, discharge water onto OSMP land?

If this is truly the full extent of the planned facility, then the detention pond should be near the edge of the courts, not as far away as possible. As shown, this requires a very long storm pipe, and disturbs an area that should not be disturbed. Where the pond is located implies that the facility is planning an expansion. An earlier drawing C-101, dated 12/4/2023, shows a “Phase 2 Expansion Area” for the northern half of the parcel.

Application Drawings C-201 and C-203 show many storm sewer lines as “existing.” On C-203, shouldn’t there be two lines going to the northwest corner – one for stormwater and one for sewer? How wide of an area would be required to install these lines?

As mapped by the US Geological Survey, Gunbarrel Hill itself is drained by about a dozen intermittent drainages. The application states that there is a “drainage ditch running west to east at the center of the parcel.... It diverts stormwater through the site and prevents overflow or excessive flow rates.” Actually, this drainage (which is not a “ditch,” as in the application, nor does it flow west to east) flows through the middle of the parcel and is one of these dozen intermittent drainages flowing from Gunbarrel Hill.

What is the expected maximum flow in this drainage and how does that affect the design? How does the drainage “prevent overflow or excessive flow rates?” Also, the drawings show the overall facility’s northern edge (and a retaining wall up to 19 feet in height) only about 10 to 15 feet from the drainage in many places. Drawing C-202 shows grading, north of the clubhouse, at only one vertical foot above the drainage. How could these be completed without impacting the drainage?

Similarly, where would construction staging take place? Given the size and complexity of the facility, it appears that the only viable staging area would be north of this drainage, so the north half would be disturbed during construction, in addition to the leach fields and detention pond. Construction traffic, as well as the main stormwater pipe, would cross this drainage. The application states that the drainage “will not be altered,” yet this seems very unlikely.

Boulder Valley Comprehensive Plan (BVCP)

In the BVCP, the parcel is within an Area III-Rural Preservation Area. Page 40 of the Plan states that:

“The Area III-Rural Preservation Area is...where rural land uses and character will be preserved through...rural land use preservation techniques, and no new urban development will be allowed....”

“Rural land uses to be *preserved to the greatest possible extent* include: ...city and county acquired open space and parkland; sensitive environmental areas...; significant agricultural lands; and lands that are unsuitable for urban development because of...scattered locations, which are not conducive to maintaining a compact community” (emphasis added).

Staff’s opinion is that the proposal does *not* “to the greatest possible extent” preserve open space, sensitive environmental areas, or significant agricultural lands, and that the parcel is in a “scattered location” which is not conducive to maintaining a compact community.

Revegetation, Screening, and Weed Management

All species to be used for either revegetation or screening must be approved. The application’s Landscape Concept Plan appears to show hundreds of plantings in “naturalized” and “terraced” areas. What are the details for these plantings, within these two categories? Also, how does the location of the peripheral emergency road relate to the terraces/plantings? The outdoor use of potable water to irrigate so much landscaping is not a sustainable use of treated water.

A Revegetation and Weed Management Plan must be a condition, if approved. This plan includes: species to be used, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (this includes construction staging and soil stockpiling areas, buried utility lines, and septic system), locations of silt fence or erosion control logs down slope of all disturbed areas, and matting requirements as necessary on steeper slopes; and the mapping of county-listed, noxious weed species on the entire parcel, with their intended control techniques specified. The county-listed noxious weeds, musk thistle and (likely) myrtle spurge are on-site. Although not noxious, non-native curly dock is also common.

The plant list of “native and adapted” species on L4.0 is a good beginning, however there are species listed that could be of concern. Although non-natives are acceptable, there may be some listed where the native could be better than the non-native. Also, the six species/cultivars of juniper may be a wildfire hazard. All new horticultural/screening plantings should emphasize xeriscaping principles (Article 7-200-B-8, Land Use Code).

Under “Operational Details” in the application, where would the volleyball and beach tennis courts be located? Similarly, this section calls for “competitive pools” -- plural.

The application mentions that “...permeable surfaces have been thoughtfully incorporated,” however, what is the developed-area percentage that would be impervious, and what percentage pervious? This should be mapped.

Although maybe a “normal” practice, all of the pollutants from the 100-car lot would go to the detention pond – oil, grease, salts -- on cars and intentional de-icing, antifreeze, windshield fluid, etc.

Recommendations

- Staff does not support the proposal. From the numerous perspectives discussed above, it is not an appropriate use for the site. The proposal does not meet the following review criteria at Land Use Code 4-601-A -- 2, 3, 4, or 9. These involve compatibility with the surrounding area, in accordance with the county Comprehensive Plan, over-intensive use of land, and undue visual impacts. It is questionable whether the proposal meets Criterion 11: establishes “an appropriate balance between current and future...environmental and societal needs by minimizing the consumption...of water, land, and other finite resources” such as biodiversity.