

City of Louisville Planning Commission
September 13, 2020
[Sent via email]

Dear Members of the Planning Commission,

As part of the group of Louisville residents who opposed the 5.8 million square feet of development proposed for Redtail Ridge, we want to let you know that we appreciate the care with which the Commission approached the application to amend the city's Comprehensive Plan. Now that our City Council has remanded the proposal back to you, we would like you to know our position on development at this site.

When the Planning Commission declined Brue Baukol's application to change Louisville's Comprehensive Plan, several commissioners expressed a desire to have a dialogue with the public about what residents of the city would like to see happen with the Phillips66 property. Regrettably, the City Council's decision to remand the application back to the Planning Commission rather than deny it altogether means the application is still active and no such dialogue is possible because of its ongoing quasi-judicial status. We hope that this letter serves somewhat as a substitute for a more open give-and-take discussion.

Louisville's Comprehensive Plan and the Phillips 66 Property

We are committed to respecting the integrity of Louisville's democratic institutions. The creation of the city's Comprehensive Plan in 2013 was a highly collaborative process, involving hundreds of hours of discussion, analysis, argument, and persuasion among the people who live and work here. It is a testament to the dedication of Louisville's residents and city leaders to the qualities that make this city special. The Comprehensive Plan should never be amended when a majority of city residents oppose it, and when the proposed amendment would have such a deleterious impact on the quality of life so many of them worked so hard to codify.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 reflects this demand, and no amendment to the Comp Plan was required/proposed.

The Comprehensive Plan was created as a guide to the city's policies and decisions. It is the expression of the principles outlined in the city's Core Community Values – a list of values determined by the people who live and work in Louisville and are invested in the city in deeply felt ways. The Vision Statement describes Louisville as “an inclusive, family-friendly community that manages its continued growth by blending a forward-thinking outlook with a small-town atmosphere which engages its citizenry and provides a walkable community form that enables social interaction” (CP, 17). The 14 Core Community Values that shape the Comprehensive Plan emphasize the importance of the physical form of the city for creating an engaged community, maintaining environmental health, and shaping the quality of life for residents.

What the people of Louisville have made clear they want for the Phillips 66 property, in the 2013 Comprehensive Plan, in the review of the Plan in 2017, and in their letters and comments to the Planning Commission and the City Council, is that the site should remain a rural special district. The rural pattern of development envisioned in the Plan seeks to differentiate the character of rural areas from the rest of the city, preserve the feel of its agricultural past, and acknowledge the importance of the natural world for this community. Consistent with the Plan's vision of a rural gateway at the southeastern entrance to the city, any development at Phillips66 should adhere to the stipulations agreed upon by the community. These include:

- the .25 FAR allowed for rural pattern development (FAR calculation must include surface-level parking lots, as these are part of a site's built environment)

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is below 0.25 FAR, and remains as as a “Rural Pattern.”

- single-use development of either commercial or industrial operations, or a blend of the two; no residential development is allowed at rural pattern properties

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 has removed residential development, and exclusively offers a blend of commercial and industrial operations.

- a cap on building heights at 3 stories, except as permitted for structures that are “clustered and located out of the public view shed and buffered by surrounding topography and Open Space”

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is predominately 1-3 stories, with up to 5 stories when buildings are buffered with additional open space and clustered. [Note, per Planning Commission and City Council all height references are omitted from the GDP, so each individual building process will still need to go through their own public process for approvals at the height they design.]

- up to 3.1 million square feet of development

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is 3.0 million square feet.

- streets that avoid the block pattern of urban and suburban areas

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 does not include a comparable urban/suburban block pattern.

- site design for a natural resource orientation and the use native plants in landscaping.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is required to utilize biophilic design and incorporates native landscape. The land plan incorporates open space, ponds, and other natural elements. Partnership with High Plains Environmental Center will aid in these selection decisions. Water restrictions/limitations are included in the Sustainability Commitments.

Retaining the rural special district designation for Phillips 66 prevents the sprawl that undermines the sense of community, maintains the city’s small-town feel and its connection to its agrarian past, retains the unique character of the city’s southeastern corner, allows for more open space and trails for city residents, and speaks to the responsiveness of local government to residents’ concerns. It is also the economically and environmentally sustainable choice for Louisville, ensuring fiscal health, cleaner air and a smaller carbon footprint for families and individuals, and ecological diversity.

Major issues affecting Phillips 66 development

Housing Impacts on Fiscal Sustainability

The fiscal benefit to the city of the rural special district designation is clear: Without the fiscal drag on the City’s General Fund of residential development, commercial and/or light industrial uses will contribute significantly to the City’s tax base. In fact, full build-out of commercial/

industrial uses on the Phillips 66 site would produce nearly double the tax benefits of the initial Redtail Ridge proposal.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 offers a strong commercial tax base to support the City, and is projected to achieve annual tax revenues of \$25+ million at full build-out.

In the early stages of the 2013 Comprehensive Plan review process, allowing residential development on the site was rejected largely because of the expected sales tax leakage to Broomfield and Superior. This leakage would be in addition to the losses that come from reducing revenue and increasing costs when commercial property is repurposed to residential use.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 has entirely removed residential development from the plan.

When the Planning Commission took up the first Redtail Ridge proposal, it was suggested that the institutional senior housing component would function as a business on the site. In some senses this would be true, but from a fiscal benefit perspective using a significant portion of land for this use would have significant fiscal consequences for the City. Sales tax collections would be minimal and this “business” property would be taxed at the residential rate which is 25% the rate commercial property would pay. In sum, use of land for this purpose would have little, if any, fiscal benefit for the City.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 has removed senior housing development from the plan.

Social Impacts of Creating a Satellite Residential Development

Allowing residential development on the Phillips 66 site would require changing the sites’ designation in the Comprehensive Plan from rural to suburban. Suburban development becomes sprawl when the geographic separation between the development and the core of the community leads to increased dependence on cars and more energy consumption and emissions; cultural fragmentation and alienation within the city; and a monocultural aesthetic that blurs the distinction between one city and its neighbors. Sprawl in the age of climate change, and in an area that ranks 7th in the nation for air pollution, is hardly the result of “a forward-thinking outlook,” and it does nothing to promote “a small-town atmosphere which engages its citizenry and provides a walkable community form that enables social interaction” as envisioned by the Comprehensive Plan .¹

The Comprehensive Plan’s first Core Community Value recognizes the connection between city planning and social well-being, citing “A sense of Community...where residents, property owners, business owners, and visitors feel a connection to Louisville and to each other, and where the City’s character, physical form, and accessible government contribute to a citizenry that is actively involved” in the life of the community.

¹ Reid Ewing notes the psychic and social costs of sprawl, in addition to others: “strong communities of place, where neighbors interact, have a sense of belonging, and have a feeling of responsibility for one another . . . Communities of place are a casualty of sprawl” (“Is Los Angeles-style Sprawl Desirable?” *Journal of the American Planning Association*, Winter 1997, Vol. 63, p. 107-126.) Boulder County objects to the Redtail Ridge development on the grounds that it violates the sections of the Intergovernmental Agreement on maintaining clear divisions between east county cities and limiting sprawl.

Facilitating the Integration of Office and Light Industrial Land Uses

Allowing light industrial development in the site would enhance the marketability and development of the property. If this was to be allowed, it would be important to ensure the architectural compatibility of office and light industrial buildings. This should be done in the General Development Plan for the property.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 requires this per the PCZD Agreement accompanying the GDP Application. In collaboration with Planning Staff, each future building is still required to follow its own public process.

Respect Environmental Sustainability and Ecological Diversity

Background

The United Nations predicts the onset of catastrophic impacts from climate change in the year 2040 if nothing is done to decrease emissions. Louisville takes its role in decreasing greenhouse gas emissions seriously. In 2019 the City adopted climate action goals intended to keep emissions below 2016 levels. This goal is consistent with the Core Community Values that shape the Comprehensive Plan, where government, residents, and property owners are challenged to adopt “sustainable practices so the needs of today are met without compromising the needs of future generations.” It also aligns with the city’s Sustainability Action Plan goals for “CLIMATE & ENERGY: Reduce energy consumption, increase the use of clean energy and transition away from fossil fuels.”

Suburban mixed-use development at the Phillips 66 property would increase the city’s carbon footprint rather than decrease it in two areas: the energy consumption of its structures; and the increase in vehicular traffic necessitated by the property’s location. In retaining the Comprehensive Plan’s rural status for this site and adhering to the 2013 size allotment of 3.1 million square feet, or less, the city can begin to limit the climate impact of any new development.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is limited to 3.0 million square feet.

Environmental Sustainability

The following greenhouse gas mitigation steps, consistent with the values of the Comprehensive Plan and with the city’s Sustainability Action Plan, should be mandated:

- Building situation and design: Future sale of the parcels should require purchaser to agree to sustainable building design practices, and to achieve gold or platinum LEED certification, or the equivalent, for all buildings. Given the inevitability of climate-change induced drought in Colorado, all buildings should be designed for water efficiency.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes 30+ Sustainability Commitments and LEED Certification or higher for all buildings.

- Clean energy: Buildings should be net zero clean energy. On-site, on building, solar energy and battery storage or solar garden subscriptions should be maximized, before using renewable energy off the grid. Geothermal building heating and cooling should be

used, and no fossil fuel gas lines should be installed (Kestrel housing uses only geothermal heating and cooling).

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 requires that all commercial buildings will be all-electric. Gas lines are limited to industrial and process uses only. There is a goal to have one or more buildings be net zero energy.

- Parking lots: Parking structures at the Phillips 66 property should be underground as much as possible, so as to minimize the acreage covered by non-permeable, heat-absorbing/emitting asphalt surfaces, or should be in low-height parking garages, built to sustainable standards.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 allows for structured parking to minimize lot coverage and asphalt surfaces. Biophilic design is a commitment across the entire project. Underground construction may prove quite challenging given type of soil, topography and underlying mine network.

- Vehicle emissions: In an effort to encourage workers and visitors at the Phillips66 site to use alternative modes of transportation such as RTD or bicycles, the number of parking spaces available should be limited or require payment for use. Regular electric-vehicle shuttles should run between the site and the nearest RTD stop, and businesses should provide RTD EcoPasses for employees. Prime parking spots in the lots should be reserved for electric vehicles and should be equipped with charging stations.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes a continued commitment to Transportation Demand Management and essential tools to encourage reduced vehicular use (like bike facilities, pass discounts, preferred parking for carpool, etc.). The Sustainability Commitments includes a plan for EV Ready and Level 2 EV charging stations. A not to exceed minimum for parking spaces is also included in the latest GDP.

- Traffic studies for any new development should include additional vehicle miles traveled (over the baseline of Storage Tek). Estimates should then be done for additional greenhouse emissions resulting from this development assuming average vehicle fuel efficiency.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 decreases total traffic volume with the reduction of density, bringing them closer to - but just above - ConocoPhillips estimates. Peak hour traffic estimates will remain lower than ConocoPhillips projections. StorageTek volumes would be achieved or exceeded in the ~10th year of the project's build out.

Other Sustainability Goals

The city's other goals in the Sustainability Action Plan should be thoroughly reviewed and fully implemented.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes a Sustainability Commitments that has been reviewed and enhanced due to key input from the City of Louisville's Sustainability Coordinator.

Ecological Diversity

Sustainable development also recognizes a site's nonhuman animal and plant communities as key stakeholders. Louisville's Comprehensive Plan identifies ecological diversity as a core value "where the City, through its management of parks and open space and its development and landscape regulations, promotes biodiversity by ensuring a healthy and resilient natural environment, robust plant life, and diverse habitats." The city's Municipal Code, which derives from the values and frameworks of the Comprehensive Plan, stipulates at that at any development site "natural features, historical and archaeological sites, and vegetation of the area, including trees, must be preserved to the extent possible." The Sustainability Action Plan developed by the city this summer recognizes that the city's undeveloped lands "provide invaluable habitat for many species of wildlife and plant communities," and asserts that "protecting natural and cultural resources . . . is a priority for the community." The city's goal in the Sustainability Action Plan is to "mitigate the impact of the built environment and human behavior on our natural systems and improve the health and resiliency of Louisville's ecosystems." To that end, a mid-term goal is to "further integrate ecosystem health and biodiversity factors in City plans and policies and consider during the initial stages of the planning process."

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes a habitat management plan to aim for the ecological diversity and successful habitat objectives outlined above.

By retaining the Comprehensive Plan's rural status for the Phillips 66 property, and adhering to the 2010 size allotment of 3.1 million square feet, or less, Louisville can take significant actions towards its goals of ecological diversity and the preservation of "invaluable habitat for many species of wildlife and plant communities."

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is limited to 3.0 million square feet.

Ecology to be Considered at the Phillips 66 Site

The Phillips 66 site, of approximately 400 acres, consists primarily of native upland vegetation and native wetland vegetation, in addition to the footprint of the previous buildings. According to Brue Baukol's biological consultants, preliminary surveys of wildlife at the site show a 142 acre active prairie dog colony (a keystone species in prairie ecosystems), coyotes, foxes, and rodents of all types, raptors, and songbirds. The site is also a wildlife corridor.

Further Ecological Studies Are Still Needed

A complete understanding of the Phillips 66 property's ecosystem will not be possible until Brue Baukol follows through with the remaining surveys and makes all the reports publicly available. These include:

- A burrowing owl field survey, reportedly completed but not yet made public

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 completed this survey, and it was provided with the GDP submittal. No burrowing owls were identified on site after two seasons of reports/surveying.

- A full survey of migratory birds, beyond the limited raptor survey, which Brue Baukol says will be completed when and if the plan for Redtail Ridge is approved.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 performed MBTA and Raptor surveys. They will be updated regularly if/when the project proceeds towards construction.

- Completion of the vegetation management plan. This likewise awaits the outcome of the application to amend the Comprehensive Plan and rezone the site from rural to suburban.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes a draft version was provided with the subdivision documents. A final version of this plan will be developed during the subdivision approval process.

- Brue Baukol's consultants advise consultation with Colorado Parks and Wildlife and the US Fish and Wildlife Service on Preble's Jumping Mouse and the Western Prairie Fringed Orchid.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 included a requirement to consult with these entities will occur as part of habitat management and construction mitigation plans. To successfully do so, it requires a subdivision. Specific dates for thorough and complete review are subject to approval timing of the subdivision.

In Order to Honor Ecological Diversity, We Request the Following:

- The quantity and quality of open space be maximized to protect ecological diversity and habitat. To aid in accomplishing this objective, the Planning Commission, per 17.28.080 of the Municipal Code, should assess the need for open space in excess of the required the minimum land dedication required by title 16 of the Code.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes 74 acres of dedicated open space as well as 40 acres of conservation easement in the City and County of Broomfield. Please note Section 17 of LMC is referring to PUD-level assessments and not GDP-related requirements.

- Clustering of buildings of buildings should be explored as a means of maximizing open space.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 is 3.0 aligns with the Existing Comp Plan to identify clustering and additional buffered open space for buildings potential above 3 stories.

- Sports fields destroy natural animal habitat and require large amounts of parking. For years they have located elsewhere in Louisville, in areas closer to neighborhoods and the core of the City.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes dedicated park land to City of Louisville per PPLAB guidance. Discretion of ultimate programming and use will be up to the City.

- When waivers are granted, they should be associated with dedicating more land to open space.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes height waivers and potential additional open space requirements that will be allocated at the PUD stage when building design has occurred.

- Prairie dogs located at the site of potential structures must be relocated elsewhere on the property or to another site.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 includes consultation with CPW, guidance from the Prairie Dog Management Plan and High Plains Environmental Center to inform multi-step approach towards prairie dogs.

- The city of Louisville should provide oversight to ensure the project complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. It should go beyond these federal requirements as well by mandating the preservation of nesting habitat for great horned owls and burrowing owls, if present.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 will perform updated MBTA surveys to assess species and nests on site.

- Trails throughout the open space should be kept away from ecologically sensitive areas such as the pond on the northwest corner of the site.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 allows for softscape trails through open space. Exact location can be determined during the subdivision process with City of Louisville staff to work towards these objectives.

- Native trees and shrubs should be retained near the ponds, ditches, and wetland areas, and more trees should be planted. All landscaping should be native, drought-tolerant, pollinator-friendly plants.

ACTION TAKEN: The Redtail Ridge development plan approved in September 2021 incorporates a habitat management plan and partner that will help inform native selections. The Sustainability Commitments require native and water-wise landscaping choices.

We thank you for taking the time to read this letter. In summary, we hope you will retain the Comprehensive Plan's rural designation, with no residential development and a limit of 3.1 million square feet, or less, of building space. Only office and light industrial use that is compatible with the office architecture should be allowed. We should maximize vegetation and wildlife through clustering of buildings and dedicating certain areas as open space. Environmental sustainability and ecological diversity must be insisted on and any new development should adhere to the city's Sustainability Action Plan.

Respectfully,

- Cindy Bedell
- Matt Jones
- Tamar Krantz
- John Leary

- Beth McQuie
- Susan Morris
- Stephanie Rowe
- Jennifer Singer-Rupp
- Sherry Sommer