

Julie Marshall's Opinion 10-22-21

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Daily Camera Editorial

CU can be the hero in this story

The images are powerful. Raging waters pushing cars down streets, smashed windows, mud everywhere. Residents who experienced waters that roared down Thunderbird Drive and wreaked havoc through Frasier Meadows Retirement Community and area neighborhoods during the 2013 flood say their hearts race every time the skies darken and there's a threat of heavy rain.

For people living in the west valley flood zone, the current CU South annexation plan brings a tangible, long overdue solution and with it, a measure of hope and relief. Boulder Mayor Sam Weaver and Councilmember Rachel Friend, who have been putting in long hours at the negotiating table, are understandably determined to represent the voices of these neighbors who want protection and right now.

If supporting the annexation of CU South were that simple, we would get in line. But the current negotiated plan does not yet inspire the confidence we need for a resounding approval for the future of CU South ? 308 acres near U.S. 36 and Table Mesa Drive ? that involves ecologically sensitive habitat in a critical riparian corridor. At least not while there are possible alternatives that bring wider appeal.

As the late, revered University of Colorado Boulder Physics Professor Emeritus Al Bartlett said when he was talking about flood planning and Boulder's future for an oral history collection at Carnegie Library: "Sometimes it's the solution that causes all the problems."

CU South is undoubtedly the most complex and controversial issue facing Boulder today. For the City of Boulder, flood mitigation should have happened yesterday, and since the university is the landowner, it is our belief that both entities have the moral obligation to figure out how to make it happen. But we don't believe annexation is the only option, at least not right now.

The city needs access to the land for flood mitigation work, which includes a berm and impervious flood wall, which together constitute a dam to hold back heavy waters that could fall directly on the flood plain, or flow downstream from higher elevations. The university bought the land in 1996 with the idea of someday expanding its campus; its main goal today is to provide housing for students, faculty and staff, but there are no specific details, because construction won't occur anytime soon.

With any negotiation, trust is an issue. And with CU South, it's even more so given that

the purchase of the land has a contentious history between town and gown. But for our purposes here, we can say that's water under the bridge and move forward.

Today, as Mayor Weaver said so well in his guest opinion last Sunday, climate change is upon us, and the water will come. Anyone with doubts should read the grim and sobering United Nations' Intergovernmental Panel on Climate Change report released earlier this month. You could say the city is desperate, but CU has time.

The annexation agreement has many positive things involved, including an additional 119 acres of open space for the city. The university even gave the city water rights, rather than a lease, which is no small deal. There are reasonable restrictions on height subject to the city's 55-foot limit, and a focus on housing over commercial development, with a minimum 2-to-1 ratio.

But CU South is a parcel that holds significant value to many citizens who walk there daily with their dogs. The land is part of the viewshed, they say, when cresting the hill at Davidson Mesa, where it's breathtaking to take in the views of open lands and be forever grateful to Boulder's visionaries in preserving riparian greenways throughout the valley and against the natural mountain backdrop. It's long been called south Boulder's gateway to the city.

Boulder is infamous for scrutiny over development, so it shouldn't surprise anyone that CU South is under a very intense microscope given the quality and location of the land. Add to the equation the unique nature of an annexation agreement that has to account for a myriad of issues that are difficult enough when standing alone, such as flood mitigation and future university expansion.

We saw a good example of this complexity when Boulder's planning board couldn't approve annexation in late July, in large part due to what some voting members called undefined details, including 750,000 square feet of nonresidential development.

Planners had more questions before approving annexation and granting water, sewer and public safety services to the university, and so do members of the grassroots group Save South Boulder, which has gathered enough signatures to place the annexation agreement ? which was approved Aug. 11 by Council on first reading ? as a ballot initiative in November's election.

What will happen if Council approves the agreement in September while voters go in the opposite direction? We assume it will end up in the courts and there will be no winners while flood mitigation is on hold. Boulder is on the verge of a civil war over CU South, which is why we have diligently been on a listening tour with all parties involved to find a solution.

One that seems to hold some potential is for the university to take a graceful step and grant the city an easement for flood mitigation to begin immediately. Easements are

historically processed very quickly, and this could serve as an intermediary step to calm the waters.

We've spoken to both city leaders and CU negotiators about this course; Mayor Weaver says that if CU is willing, the city would likely take this path. CU's Executive Vice Chancellor Patrick O'Rourke says the move is "theoretically possible" but is much less enthusiastic due to all the hard work done to this point.

We understand the frustration it would mean to CU, taking a pause on the annexation agreement. But we see this as a needed move that could result in benefits for all.

With more time, the university could consider another solution ? a land exchange. There are approximately 6,000 acres west of north 26th Street and north of U.S. 36 that the city purchased in 1996 for future planning. The area includes a 190-acre park and doesn't come with the myriad of problems to solve at CU South, including how to develop around a flood plain. Most appealing is that the area lacks ecological sensitivity, and there is no flood danger.

We are not suggesting that CU should not develop at CU South, as they own the land and have every right to expand the university. Recreational fields, for example, are a perfectly appropriate development in a flood plain. The fact they are not constructing houses or buildings on the flood plain is key.

We think CU could be a good developer. Some university professors have floated the idea of creating a living laboratory at CU South, where students can take part in flood mitigation efforts and careful preservation of the wetland complex at the base of a 136 square-mile Front Range drainage basin. Biodiversity is abundant here, with critical habitats fed by South Boulder Creek, says the university's Museum of Natural History Collections Manager Tim Hogan. Treasures of the watershed include leopard frogs, marsh hawks, lush and rare mesic vegetation that serves as a sink for greenhouse gases.

The concept of an open lands investment supported by CU isn't new. Former CU Regent Bob Sievers wrote a letter in 1996 to then-Chancellor Roderick Park and President John Buechner, proposing to use the "Gateway property" of CU South as an ecological study site for field-based education in biology, hydrology, geology, flood hazard assessment, water and air quality, wildlife and open space management.

In terms of housing at CU South, it might surprise CU and city leaders to learn that the agreement's staunchest critics see room for this at CU South.

It wasn't all that long ago that the late and legendary Boulder Open Space Director Jim Crain was talking to Council about possibly building low- and middle-density housing on the west flank and north part of CU South. The university holds the best experts in environmental architecture and can come up with smart, climate-friendly homes that

blend into the landscape in ways we haven't thought of yet.

There are no villains here, and we think both the city and CU have good intentions and noble goals, such as affordable housing. In fact, it is much more enticing to think of the university, with its experts in environmental architecture and supportive disciplines creating something the community could really get behind. It could be so much worse.

We have time to figure this out as a community, because if annexation happened tomorrow, nothing new would happen. The groundwater conveyance system is in its infancy design stage and construction won't begin until 2024 if permits are acquired in time.

CU can become the hero of this story by taking moral responsibility as landowner and granting the city an easement right away, with a pending annexation agreement for the future. We imagine this move would go a long way toward building trust with the city where it resides and look good to private donors. When CU regents voted to buy CU South the idea was for the next generation to figure out what would happen. If that is where we are close to now, granting an easement to save lives and unite our town is a great way to begin this next chapter.

Julie Marshall for the editorial board