



# Community Planning & Permitting

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303-441-3930 • [www.BoulderCounty.gov](http://www.BoulderCounty.gov)

May 25, 2023

Colorado Department of Transportation, c/o Adnana Murtic  
1050 Lee Hill Drive  
Boulder, CO 80302

Boulder County Community Planning & Permitting, c/o Stacy Proctor  
PO Box 471  
Boulder, CO 80306

Regional Transportation District, c/o Ali Imansepahi  
1560 Broadway, Suite 700, FAS-72  
Denver, CO 80202

Dear Applicants:

This letter certifies that a hearing of the Board of County Commissioners, County of Boulder, State of Colorado, was duly called and held on May 16, 2023, in consideration of the following request:

**Docket SI-22-0002: CO 119 Safety and Mobility and Bikeway Projects**

Areas and Activities of State Interest (1041) review for combined projects along Colorado Highway 119 (CO 119) related to safety and mobility improvements and construction of a bikeway from approximately 47th Street/Foothills Parkway in the City of Boulder to milepost 54.2 in the City of Longmont. The project is submitted by Colorado Department of Transportation c/o Adnana Murtic and Boulder County Community Planning & Permitting c/o Stacy Proctor, and Regional Transportation District c/o Ali Imansepahi (applicants) and is in the Agricultural, Rural Residential, Commercial, Light Industrial, Niwot Rural Community Districts I and II at Colorado Highway 119 (CO 119) from approximately 47th Street/Foothills Parkway, Boulder, to milepost 54.2, Longmont, in Sections 2, 3, 9, 10, 11, 15, and 16 of T1N, R70W; Sections 25, 35, and 36 of T2N, R70W; and Sections 17, 19, 20, and 30 of T2N, R69W.

The Board of County Commissioners has determined that the request is CONDITIONALLY APPROVED, subject to the terms in the attached resolution.

Your approval may have included certain conditions that must be met. Please contact the Community Planning & Permitting Department for more information on any necessary requirements.

If you have any additional questions, please feel free to contact me at 303-441-1418 or via email at [plorange@bouldercounty.org](mailto:plorange@bouldercounty.org).

Sincerely,

Pete L'Orange, Planner II  
Planning Division

Community Planning & Permitting Department

## RESOLUTION 2023-044

### **A resolution conditionally approving Boulder County Community Planning & Permitting Docket SI-22-0002: CO 119 Safety and Mobility and Bikeway Projects**

#### Recitals

A. The Board of County Commissioners of the County of Boulder (the “Board”) has approved and adopted regulations to designate areas and activities of state interest and to govern the administration of any designated activities and areas of state interest in unincorporated Boulder County pursuant to Article 65.1 of Title 24, as amended, commonly referred to as House Bill 74-1041 (the “1041 Regulations”), which are codified as Article 8-200 through Article 8-601 of the Boulder County Land Use Code (the “Code”).

B. The 1041 Regulations designate areas around key facilities, in which development may have a material effect upon the key facility or the surrounding community, as an activity of state interest that requires an application for and approval of a permit, all as further set forth in the 1041 Regulations.

C. The Colorado Department of Transportation (“CDOT”), the Regional Transportation District (“RTD”), and Boulder County (the “Applicants”), applied to Boulder County for an Areas and Activities of State Interest permit under Article 8 of the Code for key facilities. The combined projects include the construction of a bikeway along Colorado Highway 119 (“CO 119”) between the City of Boulder and the City of Longmont.

D. The proposed work will be performed adjacent to CO 119 from approximately 47<sup>th</sup> Street/Foothills Parkway, Boulder, to milepost 54.2, Longmont, in Sections 2, 3, 9, 10, 11, 15, and 16, Township 1 North, Range 70 West; Sections 25, 35, and 36, Township 2 North, Range 70 West; and Sections 17, 19, 20, and 30, Township 2 North, Range 69 West in Agricultural, Rural Residential, Commercial, Light Industrial, Niwot Rural Community District I, and Niwot Rural Community District II zoning districts of unincorporated Boulder County.

E. The CO 119 Multi-Modal Planning and Environmental Linkages Study established a multimodal corridor vision and identified numerous project elements that CO 119 local agency stakeholders are advancing as separate but coordinated projects. CDOT and RTD are leading the CO 119 Safety and Mobility Improvements Project (the “Mobility Project”) and Boulder County is leading the CO 119 Bikeway Project (the “Bikeway Project”). The Mobility Project and the Bikeway Project are collectively referred to as the “Project”. The Applicants have submitted the Areas and Activities of State Interest application (the “1041 Application”) as a combined effort for the Project.

F. The Applicants propose to begin construction of the Project in 2024.

G. The Mobility Project will create a more reliable and equitable regional transportation system by incorporating safe, efficient vehicular travel choices, with enhanced transit infrastructure. By 2040, the CO 119 corridor is projected to see a 25 percent increase in vehicular traffic. Increased traffic can result in more congestion, delay, accidents, and greenhouse gas emissions. The Mobility Project intersection improvements address many key infrastructure deficiencies that will foster a safer driving environment. By adding a Bus Rapid Transit (“BRT”) system, CDOT’s new Adaptive Signal Control System can be used to reduce queues and alleviate recurring congestion. This will address the pattern of congestion-related crashes due to speed differential times for emergency services. Upgrades to the signal equipment, including proven safety countermeasures (e.g., highly reflective backplates and adjustments to the clearance intervals) and additional features (e.g., dynamic signal warning systems) will improve signal visibility, reducing crashes. The Mobility Project intersection and transit improvements are located entirely within CDOT right-of-way (“ROW”).

H. The Bikeway Project adds a safe active transportation option within the CO 119 corridor, which is critical to increase connectivity. The bikeway is a proposed 12-foot-wide multi-use path between the Cities of Boulder and Longmont primarily within the median of CO 119. The bikeway will be paved and plowed in the winter to facilitate year-round use. The goal of the bikeway is to create a safe, direct, and accessible bicycle facility. The 9-mile facility will connect into the existing multi-use path networks within the City of Boulder and the City of Longmont. The Bikeway Project will require easements within the Cities of Boulder and Longmont as well as a small section within unincorporated Boulder County.

I. The Project includes the following corridor-wide elements:

- BRT service;
- Synchronized traffic signals that optimize the length of green lights and promote traffic flow;
- Adaptive signal technology that detects when vehicles, pedestrians, and bicyclists are present and adjusts the signal accordingly;
- Intelligent Transportation Systems that enhance safety and provide real-time information to travelers;
- Signage and pavement markings to make intersections safer and improve multimodal access; and
- Separated bikeway.

J. The Project also includes some intersection-specific elements:

- Physical reconfiguration of the Colorado Highway 52 (“CO 52”)

- intersection to reduce congestion and improve operations;
- Park-n-Rides consisting of bicycle and pedestrian facilities (i.e., shelters, seating, emergency phones, security cameras), local transit service (BRT stations), parking lot, and connections to the bikeway at 63rd Street and Niwot Road;
- BRT stations including bus platforms and bus queue bypass lanes (CO 52, 63rd Street, and Niwot Road);
- Elimination of left turns at CO 119 and Airport Road;
- Upgraded traffic signal poles at six signalized intersections (Jay Road, 63rd Street, CO 52, Niwot Road, Airport Road, and Hover Street);
- Improved pedestrian safety and access at all six signalized intersections, including signing, striping, and lighting; and
- Four planned bikeway under/overpasses to be constructed below/above cross streets and two Park-n-Rides which will directly interface with the proposed bikeway under/overpasses.

The following additional intersection safety improvements are under consideration:

- Options related to restricting 55th Street movements across CO 119 and making both 55th Street approaches right-in right-out (“RIRO”);
- Options to convert Monarch Road and CO 119 to RIRO intersections in both directions;
- Feasibility of a RIRO at 83rd and CO 119 intersection; and
- Options related to northbound CO 119 left-turn to northbound Fordham Street.

K. The application materials submitted are the preliminary 30 percent plans. Per the 30 percent plans, the Applicants will obtain and comply with any required approvals from Boulder County, the State of Colorado, and any necessary federal agencies. As the project plans are currently at the 30 percent point, the coordination of most of these approvals are still underway and under discussion. The Applicants will acquire all necessary permits, certifications, and/or approval prior to any physical work being undertaken.

L. The Boulder County Planning Commission considered the application at a public hearing on March 15, 2023, unanimously recommended approval subject to the conditions of approval as listed in the staff presentation and certified the docket for action to the Board.

M. The above-described request was processed and reviewed as Boulder County Community Planning & Permitting Docket SI-22-0002 (the “Docket”), as further described in the memorandum and written recommendation to the Board by Boulder County Community Planning & Permitting Department planning staff dated April 20, 2023, together with its

attachments (the “Staff Recommendation”). The Staff Recommendation found that the Docket could meet the criteria for approval with recommended conditions, and therefore, recommended that the Board conditionally approve the Docket.

N. At a public hearing on the Docket held on April 20, 2023 (the “Public Hearing”), as further reflected in the official record of the Public Hearing, the Board considered the Staff Recommendation, as well as documents and testimony presented by County Community Planning & Permitting Department planning staff. The Board also heard testimony from Stacy Proctor on behalf of Boulder County, Keith Schaeffer and Dan Marcucci on behalf of Colorado Department of Transportation and Karl Bucholz, Contractor. Thirteen members of the public spoke at the Public Hearing.

O. Based on the Public Hearing, the Board finds that the Docket meets the criteria for an Area of State Interest around key facilities in which development may have a material effect upon the key facility or the surrounding community as set forth in the Code and in the 1041 Regulations, and can be approved, subject to the conditions stated below.

Therefore, the Board resolves:

Docket SI-22-0002 is approved on the basis and terms set forth in this Resolution, above, and subject to the following conditions:

1. The Applicants must submit to Community Planning and Permitting staff 90 percent plans for each construction package for review and approval.
2. The Applicants must provide documentation of clearance from the Army Corps of Engineers to the county with materials submitted for permitting for each construction package.
3. The Applicants must apply for and receive the required Floodplain Development Permits (Fourmile Canyon Creek, Dry Creek No. 2, and Lefthand Creek) for each construction package as appropriate prior to issuance of any building or grading permits.
4. The Applicants must submit a staging plan, indicating all areas for staging and stockpiling of materials for each construction package, to Community Planning and Permitting staff for review and approval.
5. Prior to the issuance of any building or grading permits, the Applicants must submit the Noxious Weed Plan for each construction package to Community Planning and Permitting staff for review and approval.,

6. Plan review, inspections approval, and engineer-certified observation reports are required prior to final approval of the work covered by the building and grading permits.

7. The Applicants must submit a Revegetation Plan for each construction package that includes a list of all native grass and forb species (with scientific names) to be used, as well as any container plantings, an explanation of how topsoils will be stockpiled and reused, mapped delineation of all disturbance areas (this includes construction staging areas), locations of silt fence or erosion control logs down slope of disturbed areas, and matting requirements where necessary, to Community Planning and Permitting staff for review and approval before any grading occurs. Irrigation for establishment, particularly for plantings, must be included in the Plan, as well as replacement protocols if plantings die. The Applicants must tend to plantings for three years after planting.

8. The Applicants must use a native wetland seed mix for all reseeded within the wetlands.

9. The Applicants must demonstrate that the Park-n-Ride facilities include landscaped areas interior to each lot of at least 5 percent, or provide justification for why compliance is not necessary or possible, in all plans submitted for permitting.

10. Prior to the issuance of any building or grading permits, the Applicants must submit final plans for the Park-n-Ride structures, signage, and lighting to Community Planning and Permitting staff for review and comment.

11. Prior to the issuance of any building or grading permits, the Applicants must submit revised plans for the Park-n-Ride facilities which show the location of the utilities for future electric vehicle supply equipment to Community Planning and Permitting staff for review and approval.

12. Prior to the issuance of any building or grading permit, the Applicants must submit a full lighting plan, including photometric details to Community Planning and Permitting staff for review and approval.

13. The Applicants must obtain a Stormwater Construction Permit, which will include a Stormwater Management Plan ("SWMP") and SWMP Site Maps, for each construction package as appropriate and provide documentation of the approved permit to Community Planning and Permitting staff prior to the issuance of any building or grading permit.

14. Prior to the issuance of any building or grading permits, the Applicants must submit bikeway underpass plans for each construction package, identifying the locations of the outfalls and indicating the groundwater flow direction(s) in each location, to Community Planning and Permitting staff for review and approval.

15. Prior to the issuance of any building or grading permit, the Applicants must submit to Community Planning and Permitting staff for review and approval the Biological Assessment and Biological Opinion.

16. Prior to the issuance of any building or grading permit, the Applicants must submit documentation of the SB40 certification to Community Planning and Permitting staff.

17. The Applicants must obtain any required Stormwater Quality Permit for each construction package prior to any construction.

18. The Applicants must do all required dewatering in accordance with the CDOT Standard Specifications and the Colorado Department of Public Health and Environment regulations.

19. Erosion control Best Management Practices are required to prevent sediment migration during runoff into surface waters that are adjacent to construction.

20. A “spill kit” for emergency pollutant isolation must be onsite at all times during construction activity.

21. Prior to transporting equipment to the site, all machinery must be cleaned to remove soil/mud and attendant weed seeds. All machinery that would come in contact with water features must be cleaned to remove aquatic nuisance species (“ANS”) in accordance with State of Colorado ANS regulations. This involves either steam (heat) or chemical cleaning, not just power washing. Regardless of the history of use of the equipment, any equipment that is to contact water must be cleaned in this manner.

22. Biodegradable hydraulic fluids must be used in equipment and machinery to be used in the water.

23. The Project must be surveyed for raptor and other bird nests (including burrowing owls) by a qualified biologist just prior to the commencement of construction, and subsequent actions/restrictions adopted as necessary. This may be done either for the corridor as a whole or for each construction package individually.

24. Construction within one-half mile of the identified and documented Bald Eagle’s nest must be limited to daytime only with no construction under lights.

25. The Applicants must use the Reverse Dispersal Translocation method as the preferred mitigation measure for impacts to the Black-tailed Prairie Dog colony. The details/method to be used must be reviewed by Community Planning and Permitting staff



and use relocation/donation used as a first alternative. Euthanization may only be used as a last resort if all other methods fail.

26. Any trees to be cut should be cut and removed between September 1 and March 31, the non-nesting season for migratory birds, based on the federal Migratory Bird Treaty Act. All trees removed shall be replaced by a 1:1 ratio.

27. All straw mulch or straw bales must be certified weed-free.

28. Final US Fish & Wildlife Service (“USFWS”) clearance must be obtained prior to initiation of construction; the Applicants must submit the USFWS letter to Community Planning and Permitting.

29. The Applicants must complete coordination with county staff to identify and address any potential landslide impacts. Any necessary and appropriate mitigation measures must be included in final plans submitted for permitting.

30. The Applicants must provide all recommendations for cut and fill activities to Community Planning and Permitting staff for review and approval for each construction package. County recommendations must be incorporated into final plans for permitting.

31. Final plans submitted for permitting must be revised to reflect any necessary grading or alignment changes that would allow for the future development of an underpass connecting the bikeway with the south side of northbound CO 119 at or near Niwot Road with minimal changes to the bikeway.

32. The Applicants must provide to the county a recorded copy of an easement for grading outside the public ROW near Station 1031+00 prior to the issuance of any grading permit for the construction package in this location.

33. Prior to submitting final plans for permitting, the Applicants must provide documentation that the Section 106 consultation process has been completed, including consultation with the Boulder County Historic Preservation program. This may be done either for the corridor as a whole or for each construction package individually.

34. Prior to the issuance of any building or grading permits, the Applicants must provide a copy of the noise impact analysis, including any necessary mitigation measures, to Community Planning and Permitting staff.

35. The Applicants must provide notice to any applicable fire districts and/or local fire departments of any road closures, lane restrictions, or changes in lane alignments which could impact emergency response routes.

36. If fencing is deemed to be necessary, it must have minimal visual impact.

37. The Applicants must make meaningful efforts to fund and build a grade separated solution to connect the park-n-ride at Niwot with Niwot.

38. The Applicants shall be subject to the terms, conditions, and commitments of record and in the file for Docket SI-22-0002: CO 119 Safety and Mobility and Bikeway Projects.

**[Signature Page to Follow]**

A motion to approve the Docket was made by Commissioner Ashley Stolzmann, seconded by Commissioner Marta Loachamin, and passed by a 3-0 vote.

**ADOPTED** as a final decision of the Board on this 16th day of May 2023.

**BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY:**

*Claire Levy*

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Claire Levy, Chair

*Ashley Stolzmann*

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Ashley Stolzmann, Vice Chair

*Marta Loachamin*

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Marta Loachamin, Commissioner

ATTEST:

*Cecilia Lacey*

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Clerk to the Board