

THE STORY OF GUNBARREL

A Briefing Paper

2005

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INTRODUCTION

In the course of the five-year update to the Boulder Valley Comprehensive Plan in 2005, the LWVBV natural resources committee found itself confronting the issue of the status of the Gunbarrel area. This quasi-independent community has been developed for more than forty years, and yet the future of its governance is still unresolved.

When city water and sewer were first extended to the district, the city and the developers anticipated that all the properties would be annexed to the city within the next five to seven years. This did not come to pass. Today, almost all of the residences remain under county jurisdiction, while IBM and the commercial development, plus a small percentage of residences, have joined the city.

Ever since the intensive exploration of the possibility of annexation ended in 1993, the city and the county have mutually agreed on accepting dual governance for the Gunbarrel area. The political climate today makes the prospect of annexation to the city even less favorable now than it was then.

However, the BVCP still shows the Gunbarrel area, including the unincorporated portion, as a “subcommunity” of the city. The current Plan states:

“Although interest in voluntary annexation has been limited, the city and the county continue to support the eventual annexation of Gunbarrel-Heatherwood. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents.”

This paper was prepared for the LWVBV by Janet Roberts to contribute some historical perspective to the recent contentious debates about the governance of Gunbarrel.

THE COMING OF IBM

In 1957 the International Business Machines company decided to exercise its options and purchase about 640 acres of farmland near the Boulder Reservoir northeast of the city of Boulder. It would be hard to overstate the enormous influence IBM's decision had on the development of the entire area.

In anticipation of the eventual location there of a major employer like IBM, a number of different players began laying plans for the future. Indeed, when the statewide consolidation of school districts was achieved in the early 1960s, the boundary between the Boulder Valley and the St. Vrain districts was drawn to divide the IBM property roughly in half, in order to equalize any future revenues from property taxes. The city and the county, the University and the Ball Brothers corporation, and a number of private investors and developers all got into the act. But first, the city of Boulder.

THE “SPOKES OF THE WHEEL”

In the years just after World War II, the pressures of growth and rapid urbanization on the city had been unrelenting.

Soon after becoming city manager in 1960, Bob Turner came up with some novel ideas for managing this growth, in particular through control of the extension of water and sewer lines. He proposed using a “revocable permit,” a procedure by which out-of-city users might be provided with city utilities, but only on condition that they pay higher rates and agree to annex to the city as soon as their land was legally eligible.

Turner foresaw that the fringe area surrounding the city was destined to develop. Since the county at that time had virtually no power to control land use nor to prevent the formation of autonomous special service districts, he felt that it was imperative that the city exert some control over that development. The strategy that he recommended to the city council became known as the “Spokes of the Wheel.”

In essence, the concept defined the outer limits of a “service area,” beyond which the city would not expect ever to expand. Within that area, utility extensions would radiate outward from the central city in several lines, or “spokes.”

The plan was this: interested developers would be encouraged to finance these utility extensions in return for city water and sewer services. (The utility lines would become the property of the city.) They would develop their projects, according to city standards, at the edge of the future city, thereby defining its area of influence and discouraging the formation of special service districts. Growth pressures were so strong that the city council fully expected that landowners between the ends of the spokes and the city limits would soon be enticed to hook on to the new lines and become part of the city.

GUNBARREL GREEN AND THE COUNTRY CLUB

The first such extension reached along the Diagonal Highway to an area northeast of town near the site which IBM had purchased in 1957. (The extension was intended in part to encourage IBM to move ahead with its plans to build a plant there. This was to be the key to the future development of Gunbarrel as an integral part of the Boulder “service area” – the availability of city water and sewer service.) The utility extensions were paid for by George and Everett Williams, prominent Boulder developers. Turner had approached them in 1962 with a proposal to help implement the “Spokes of the Wheel” plan by building a new golf course for the city on land that they owned across the highway from the IBM site. Since the existing city course shared its site on Arapahoe Avenue with the Boulder Country Club, both needed more room.

The Williams brothers determined that it would not be economically feasible to try to build and operate a golf course without a subsidy of some sort. They had a proposal: move the Country Club to the new site instead, leaving the city course on Arapahoe Avenue. They would then build the new golf course and an adjacent residential subdivision to subsidize it.

To accomplish this objective, the Williams brothers created the Boulder Valley Water and Sanitation District. The subdivision was built and named Gunbarrel Green. When IBM made the move to Boulder in 1965, it was served with city water and sewer through the new district.

THE DEMISE OF THE “SPOKES OF THE WHEEL”

But the anticipated scenario for the development of the “service area” never came to pass. There was unexpectedly strong opposition from many of the owners of the intervening agricultural lands to their annexation and development.

A second utility extension was completed, east along Arapahoe Avenue to Ball Brothers and the school district’s new administrative center. But when another developer, Sam Rudd, proposed to extend city water and sewer southward over Davidson Mesa, the citizens of Boulder rebelled. They took the issue to a referendum in July, 1965, and voters solidly rejected the extension.

THE ROLE OF 'CIRC'

At about the same time, in the mid-1960s, the University along with the Ball Brothers company and a number of private investors completed plans for an ambitious land acquisition for a research park near IBM. This was to be called the Colorado Industrial Research Campus (CIRC). The group acquired about 750 acres of land in the vicinity of IBM. Their property was included in the Boulder Water and Sanitation District when IBM secured water and sewer service. Much of the present Gunbarrel development lies on land that was once part of the CIRC holdings

The University acquired some 54 acres of land from CIRC in December, 1965 for \$100,000. It intended to use the property for an "incubator" facility for new, high technology employers who might locate in Boulder, utilizing faculty and graduate student talents. The general location of the University property was east of the Longmont Diagonal highway, on the north side of Lookout Road, just west of 71st Street.

The great plans for CIRC as an industrial and research development were never realized. On the roughly 750 acres originally acquired by CIRC, only one building was ever erected. . The University leased its portion for a while as pasture land, and finally sold its interests in all but 8.5 acres to a private developer. Those 8.5 acres are still in University ownership.

GUNBARREL ESTATES

One residential development that was started at about the same time was not reliant on Boulder water and sewer services. This was Gunbarrel Estates. In 1959, Bob Bowron Builders purchased a tract of land east of 71st Street and north of Lookout Road for a future subdivision. The Bowrons first built the houses facing 71st Street. In 1964, the actual subdivision was begun. It derived its water from the Left Hand Water District and sewer services from the Niwot Sanitation District.

It was an attractive location for the families who were moving to IBM, and by the seventies it had become an established neighborhood with people other than IBM employees moving there for its country-like atmosphere. Since it was not part of the Boulder Valley Water and Sanitation District, it has never been included in the discussions of annexation to the city of Boulder.

CONTINUING DEVELOPMENT IN GUNBARREL

The Williams brothers developed additional residential subdivisions, including Heatherwood, within the Boulder Valley Water and Sanitation district. As a condition of

receiving city water and sewer, each property owner agreed to annex to the city at such time as annexation became possible. This contractual agreement was included in the deed for each residential property.

Other subdividers followed the lead of the Williams brothers, and soon much of the land included in the District had been spoken for. But a landmark court case was soon to change drastically the city's efforts to control growth by means of its water and sewer utility.

THE ROBINSON CASE

Attracted by the advantages of a location near IBM, a developer named Larry Robinson had acquired a tract of land that was contiguous to the Boulder Valley Water and Sanitation District, but not actually within it. The county approved his proposed subdivision, but only on the condition that he acquire water and sewer services. He applied for inclusion in the District. His application was forwarded to the city council, whose approval was required for any expansion of the District.

By this time, the city had had second thoughts about its earlier efforts to encourage growth at the far edges of the future service area. The 1970 comprehensive plan had designated these lands as slated for development "after 1990." For these reasons, the city refused his request.

Robinson sued the city, and in 1974 the court handed down a precedent-setting decision in his favor. The court held that the city had essentially established itself as a monopoly for utility services in the area and could therefore not refuse service to any landowner in the area for other than utility-related reasons. Growth and land use considerations could not be grounds for refusal. The trial court's decision was affirmed by the Colorado Supreme Court in 1976.

The Robinson case basically ended the city's long-range efforts to control growth through its utility services. For the next few years, the city's focus turned to efforts to achieve the annexation of the areas already served.

ANNEXATION EFFORTS AFTER ROBINSON

The city undertook a comprehensive study of the steps necessary to enable the annexation of the Gunbarrel area, which had always been the ultimate goal. The first step was the establishment of the required physical contiguity.

In November of 1975 the city council passed a resolution declaring its intent and embarked on a progressive series of annexations. These created essentially a "dogleg" to the north and east through city-owned open space land until the city boundaries eventually, by December of 1976, reached the edge of the IBM property.

The next step was to move forward with enforcing the contract with the Gunbarrel landowners which required them to annex to the city when legally possible. The Williams brothers willingly honored their obligation and applied for annexation to the city, as did IBM. By the end of 1977 most of the commercial and industrial land in Gunbarrel had become part of the city. This gave the city the much-needed revenues from sales and property taxes that would enable it to offer city services to the still-unincorporated residential properties.

THE 1978 ANNEXATION PROPOSAL

By 1978 more than 6000 persons were living in the unincorporated portion of Gunbarrel. Previous surveys of the residents had revealed overwhelming opposition to being annexed by the city. In an effort to meet some of their objections, the city prepared a proposal which spelled out in considerable detail the facilities and services which the city would offer to balance the costs of annexation to the property owners. (These costs would include city property taxes as well as miscellaneous city taxes, franchise fees and park fees.) The most important benefits would be greatly improved fire protection, a level of other services equal to that provided in-city residents, and development of several neighborhood parks. The city would also assume the remaining bonded indebtedness of the water and sanitation district.

City manager Bob Westdyke presented the Gunbarrel landowners with the formal proposal in October, and an election was held in November. Although the support for annexation had increased, the proposal was defeated by a vote of 788 in favor, 890 opposed.

Despite this setback, sporadic interest in annexation still survived, and less than a year later a tentative new proposal was developed. This was scuttled, however, after the Country Club (which had agreed to be included in the earlier annexation proposal and whose assent was essential to establish the required contiguity) withdrew its support.

THE 1993 ANNEXATION ATTEMPT

One more serious effort was launched in 1987. With some support from area residents, the city and county staffs held neighborhood meetings and laid the groundwork for an annexation election in 1988. But late that winter a new obstacle surfaced. The Boulder Rural Fire District, until then a volunteer organization, asked the county commissioners to enable it to become a taxing district.

The city objected, and even offered free fire protection to the residents until an annexation election could be held. But the county approved the creation of the special district, citing the obvious need for better fire protection, and the city withdrew its efforts.

In the early 1990s annexation again assumed a high priority. There still remained a good deal of vacant developable land in the Gunbarrel area. By 1990, the pressures for further development had begun to mount. The city had annexed two new subdivisions along Lookout Road (Gunbarrel North and Country Club Estates), and the increase in traffic, along with growing commercial activity in the shopping center portion, caused serious concern among the existing residents.

Plans were brought forth to create a taxing district which could purchase some of the still undeveloped land and preserve it as open space. Spurred by the possibility of yet another special district, the city once again considered offering annexation as an option. A steering committee was formed which included elected officials from both city and county as well as a number of representatives of the Gunbarrel citizens.

But to no avail. After many heated discussions with all concerned, the city presented its proposal. At a public meeting held at the Niwot high school in May of 1993, it became obvious that there was now overwhelming opposition to annexation. No election was scheduled, and the pursuit of annexation as a short-term goal was over.

WHERE WE ARE TODAY

Ever since the intensive exploration of the possibility of annexation ended in 1993, the city and the county have mutually agreed on accepting dual governance for the Gunbarrel area. The political climate today makes the prospect of annexation to the city even less favorable now than it was then.

The special Gunbarrel taxing district provides funds for open space acquisition and for some road improvements in the area. The Boulder Rural Fire Protection District takes care of basic fire protection needs. The county provides many of the other services which the residents desire, and has consistently supported the residents in their effort to preserve a suburban lifestyle.

However, the BVCP shows the Gunbarrel area, including the unincorporated portion, as a "subcommunity" of the city. The current BVCP states: "Although interest in voluntary annexation has been limited, the city and the county continue to support the eventual annexation of Gunbarrel-Heatherwood. If resident interest in annexation does occur in the future, the city and county will negotiate new terms of annexation with the residents."

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