

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY
COMMITTEE, November 16, 2006**

The meeting was called to order at 6:30 p.m. by Christine Quinlan in the Hearing Room of the Board of Commissioners, Third Floor, Boulder County Courthouse, Boulder, Colorado.

POSAC Members in Attendance

Present: Barbara Hawke, Lisa Dilling, Mary McQuiston, Janice Moore, Melanie Muckle, Eric Vogelsberg, Christine Quinlan and Dave Robertson

Excused: David Batts, Sean McCoy and Chris Meyer

Staff in Attendance

Melissa Arnold, Jan Burns, Jim Daus, Ellen Flannelly, Therese Glowacki, Larissa Read, Pete Reynolds, Ron Stewart & Brent Wheeler.

Minutes of September 28, 2006 Meeting

Dave Robertson moved to accept the September 28, 2006 minutes. *Melanie Muckle* seconded the motion. *Motion carried unanimously.*

Public Participation for Items not on the Agenda – None

Property Transactions:

* *Action Requested- Recommendation to BOCC*

A. Verhey

Staff Presenter: Ron Stewart

See staff memo for detail. Approx. 155 acres south of Superior and west of McCaslin Blvd.

Questions/Comments

Responding to questions about the private property to the east of Verhey, *Ron Stewart* said that this approximate 12-acre piece is owned by one individual, has a single-family house and it is in unincorporated Boulder County. When asked whether the landowners of Verhey considered donating a portion of the property as a CE donation, *Ron Stewart* said that although they were aware of their options, they chose a clean sale.

Public Comment

- *Margaret Parrish, 1547 E. Riverbend St, Superior*, is on the Town of Superior's Open Space Advisory Committee (OSAC), which has been interested in this parcel from the beginning. Until recently, many citizens mistakenly believed this parcel would always be open and they have expressed great concern about its future. She asked POSAC to give this property their full consideration and support.
- *Karen Imbierowicz, 967 E Karval Pl Superior*, is a trustee for the Town of Superior and has been working with Margaret on OSAC (previous speaker) since 2001. This parcel has received several proposals from developers over the past couple of years. She commented that she couldn't think of a better property for the County to invest in and

that the land around it is going fast. The Town of Superior is excited to be a part of this acquisition with the County and the City of Boulder.

- *John Nibarger, 1514 Weldona Way, Superior*, is the Chairman of OSAC for the Town of Superior. They did an open space analysis in town where the Lastoka parcel, the Verhey parcel and the private parcel to the east came out as high value open space. OSAC enthusiastically endorses this acquisition.

Motion

Melanie Muckle moved to accept staff recommendation. *Eric Vogelsberg* seconded the motion. ***Motion carried with seven in favor and Christine Quinlan abstaining.***

Discussion/Comments

Melanie Muckle commented that the purchase price is reasonable considering the value of the property. *Eric Vogelsberg* agreed, adding that the fact that it's annexed and has great development potential also makes the price reasonable. He also supports preserving one of the last pieces in an area that the City of Boulder calls the Southern Grasslands because it sits in the middle of an area Boulder County is trying to preserve. *Dave Robertson* commented that with the downturn in the real estate market and the failed attempts to develop this property, the price seems rather high; nevertheless, he said he would support the acquisition because it's a valuable piece of property. *Barbara Hawke* supports this acquisition because the County and a number of cities have worked to conserve the broader area, and it's nice to see working grasslands coming together with trail use in this area. *Janice Moore* agreed with the proceeding statements and commented that the private parcel to the east needs to be watched closely, as its development potential may become higher. *Mary McQuiston* expressed enthusiasm for this acquisition, as it's in an important area of the County and is a great partnership effort.

B. Henry/Eastlack Access Easement Request

Staff Presenter: Ellen Flannelly

See staff memo for detail. Under an oil and gas lease that existed before the County purchased the property for Open Space, EnCana Oil and Gas is requesting an easement along an existing farm road to drill a natural gas well on the property.

Questions/Comments

Answering questions, *Ellen Flannelly* clarified that the oil and gas lease will stay in effect as long as production is underway. She confirmed that the Stromquist conservation easement allows them to grant easements, but the County reviews it. Because this was a pre-existing lease, the oil company has a lot of rights.

Public Comment - None

Motion

Dave Robertson moved to accept staff recommendation. *Janice Moore* seconded the motion. ***Motion carried unanimously.***

C. Fox

Staff Presenter: Jim Daus

See staff memo for detail. Approx. 21 acres of mining claims on Sunshine Canyon Drive

Questions/Comments

Answering questions, *Jim Daus* said that the surrounding private land is owned by five different groups, and there are approximately five houses/cabins.

Public Comment - None

Motion

Barbara Hawke moved to accept staff recommendation. *Lisa Dilling* seconded the motion. ***Motion carried unanimously.***

Discussion/Comments

Eric Vogelsberg said he supports the acquisition because it ties in nicely with other County Open Space; however, he feels the price is too high for mountain property.

D. Rufenach

Staff Presenter: Jim Daus

See staff memo for detail. Approx. 2.2-acre mining claim on Emerson Gulch Rd, NW of Wall Street

Public Comment - None

Motion

Eric Vogelsberg moved to accept staff recommendation. *Dave Robertson* seconded the motion. ***Motion carried unanimously.***

Discussion/Comments

Eric Vogelsberg commented that this is a good price and the property will tie nicely into future acquisitions that are planned in the area.

E. Koehn

Staff Presenter: Jim Daus

See staff memo for detail. Approx. 8 acres of mining claims east of Duck Lake NW of Ward

Questions/Comments

Melanie Muckle expressed an interest in protecting Chipmunk Gulch and asked about the owners of the land that includes portions of the gulch. *Jim Daus* said he is in contact with landowner Martin Holland, and although it may take some time, he is talking. *Barbara Hawke* asked if there was an opportunity to get experts to research the boreal toad in this

area. *Jim Daus* said that although this was not his area of expertise, he indicated that the staff wildlife biologist could most likely work something out.

Public Comment - None

Motion

Eric Vogelsberg moved to accept staff recommendation. *Melanie Muckle* seconded the motion. ***Motion carried unanimously.***

Discussion/Comments

Eric Vogelsberg commented that the price was reasonable and he will support the acquisition because the property is off the Peak-to-Peak Highway, has significant potential riparian resources, has other properties in the area that the County is trying to protect, and has a few potential building sites. *Melanie Muckle* agreed with *Eric's* comments and added that it also creates potential access to Duck Lake.

F. Barron

Staff Presenter: *Jim Daus*

See staff memo for detail. Approx. 22-acre and 320-acre properties north of Duck Lake NW of Ward

Questions/Comments

Eric Vogelsberg mentioned that the Forest Service (FS) has long-standing trails that traverse the property that are very important to the FS network. He asked if the FS would be allowed to continue to use those trails if the County acquired the property. *Jim Daus* said that although he does not have an answer, they might have some prescriptive right.

Eric Vogelsberg said if the County considers using these properties for a FS land trade, the FS may be interested in the half with the most trail activity. He also commented that if the County acquires the property, they could assist the FS in re-routing trails in the area, which is something they have been trying to accomplish for some time but have been limited by private ownership in the area. Answering questions, *Jim Daus* said that by purchasing the fee interest in the Barron property where the County already holds a conservation easement, the County would eliminate the remaining building right and would gain management over the property. *Ron Stewart* added that this purchase provides an opportunity to remove all development from a 400-acre area, since the properties are surrounded by open forest.

Barbara Hawke asked if there were other means to do this deal, such as amending the conservation easement, deals with the State Land Board, etc. *Jim Daus* responded that because the owners marketed the property, this preempted other options. *Christine Quinlan* expressed concern about the terms of the use agreement with the landowners that would allow them (and their next generation) to camp on the trust property. *Jim Daus* replied that the County is in negotiation with the landowners. The landowners expressed an interest in only camping and fishing and seem to understand that the County will request limitations such as numbers and length of stay, and will prohibit structures.

Public Comment - None

Motion

Eric Vogelsberg moved to accept staff recommendation, with an additional recommendation that the County work with the Forest Service to maintain existing trail connectivity. *Melanie Muckle* seconded the motion. ***Motion carried unanimously.***

Discussion/Comments

Eric Vogelsburg commented that this is a great property that may provide the County with future leverage with the FS. *Melanie Muckle* commented that because of the creek and size of the properties, she supports the acquisition. She commented that this is a similar price/acre to the other acquisitions, but believes this one is better because it does not have adjacent houses like the Fox acquisition. *Lisa Dilling* commented that she supports the acquisition, as she appreciates the beauty of the area and the size of the parcel. *Christine Quinlan* commented that she would normally cautions against spending more money on a parcel where the County has already purchased a conservation easement, but in this instance, she believes it makes sense to control this land through fee ownership, eliminate the additional site, get the creek and trails, and have possible ammunition for trade with the FS.

Amendment to the Boulder County-Lafayette Jointly Owned Properties Management Plan (Stephenson-Nelson)

Staff Presenter: Summer Adamietz

** Action requested but decision was postponed after discussion*

See staff memo for detail. Staff requested feedback on the management plan amendment, including the regional trail alignment, as well as a recommendation to BOCC to adopt the management plan amendment.

Questions/Comments/Discussion

Answering questions, *Summer Adamietz* said that although staff has not consulted with the DOW, both the staff ecologist and wildlife biologist have been involved in the trail alignment location and riparian crossings. *Barbara Hawke* recommended talking to the DOW grasslands experts about burrowing owls since that species is of interest in the Comprehensive Grasslands Management Plan. She would like to see their opinion integrated into the decision-making process. Some members also spoke in favor of this idea.

In terms of prairie dog management, she said native grassland restoration is the short-term focus, but it is unclear at this point whether this would require prairie dog removal. *Eric Vogelsberg* suggested that a decision be made for either prioritizing grassland restoration or prairie dog management.

Equestrian use was discussed: Equestrians may use the alignment but cannot go west onto the City of Lafayette's Coal Creek Trail where equestrian use is prohibited.

Eric Vogelsberg provided feedback on a possible trail connection from Rock Creek Grasslands through the Archdiocese of Denver Property. He mentioned that local residents involved in a prior County outreach process in the Rock Creek Grasslands expressed an interest in a local trail connection. *Summer Adamietz* said an alignment does not exist in this area because it has not been discussed with parks staff, or gone through the full management plan process, which is planned for completion in 2008. *Eric Vogelsberg* expressed concern that the public is not always involved in the planning process until the staff has made decisions. He emphasized the importance of listening to public input early in the process. *Christine Quinlan*

said that although a trail connection decision has not yet been presupposed in this area, Eric's comment is well taken because the County should always consider public comment. She commented that because the management planning process has not yet occurred, she prefers that a possible trail connection not be indicated on the map prematurely.

Melanie Muckle suggested spur trails to access the steep banks of the creek for a more pleasant and safer trail user experience. She also suggested that the trail be built closer to the creek and not cut through potential burrowing owl habitat.

When *Lisa Dilling* asked whether homeowners expressed concern about the proximity of the trail alignment to their houses, *Summer Adamietz* said that they held an open house, which had a low attendance (landowners within 1500 feet of the trail alignments were notified). She said staff would continue to work with the homeowners when easements needed to be acquired. She noted that the alignment would depend on where easements could be acquired.

Janice Moore suggested that foreseen leash law violations be addressed when the alignment is created, as unleashed dogs are a problem along the Coal Creek Trail. She mentioned that increased trail use from the Anthem development would add to the problem. She suggested creating an atmosphere where leash law violations are considered unfashionable, as this could save management money in the long run.

Following public comment (see below), members agreed that coal mining history should be illuminated in the amendment, as it's an important piece of history in this part of the County.

Christine Quinlan suggested that Flagg Park to Armstrong Property be designed as a handicapped accessible area and be incorporated into the amendment.

Dave Robertson did not feel that POSAC could recommend the amendment at this time and suggested staff return in December after considering the suggestions. *Barbara Hawke* agreed, adding that some of the balancing decisions have not been made explicit and she would prefer to see the suggested changes in writing. Seeking clarification, *Summer Adamietz* posed the question that if the coal mining history component was added to the interpretative and outreach section of the amendment, whether the members vote on the amendment tonight; otherwise, she requested more input on how specific she should be. *Janice Moore* commented that because this is a management plan, and such plans are inherently fuzzy, she would feel comfortable recommending it with the addition of coal mining history. She pointed out that the items of concern would be re-addressed more specifically in future updates, and concrete decision would be made at that time. *Eric Volgesberg* shared Dave's concerns and also expressed concern about generalities and decisions that are being made that affect the periphery of the property but don't consider the context. He would prefer that uncertainties be dealt with by noting that there is a public interest and that it will be addressed. *Ron Stewart* said staff would work on the plan, gather input from the Lafayette City Council and bring the amendment back to POSAC in December. He said the parcel would be removed from the map that is not a jointly owned property with Lafayette. He commented that although the trails are the emphasis in the amendment, staff does not want to do a trails plan without considering the resources on the property and some vagueness will need to be allowed. *Christine Quinlan* encouraged POSAC to be prepared to move this item forward in December.

Public Comment

- *Dick Schillawski*, 1160 N. 119th Street, Lafayette, CO, addressing the concern about the proximity of the trail to people's houses, said that there are only a few houses in this area that are lived in and they are located close to the road. Most of the subdivision is defunct. He

suggested that staff look into actual property ownership rather than the old subdivision map. Mr. Schillawski reviewed the coal mining history of the area and requested that it be addressed in the management plan amendment with interpretative signs. He also suggested that coal mining history be incorporated into more management plans in the future.

Fairgrounds Update

** Information Only*

Staff Presenter: Pete Reynolds

See staff memo for detail. The presentation highlighted the facilities at the Fairgrounds, as well as current and future projects for the facility.

Questions/Comments

There was a discussion about the bentonite that helps reduce dust on the Indoor Arena floor.

Operations Division Update: Review of 2006 projects and 2007 priorities

Staff Presenter: Brent Wheeler

** Information Only*

Staff memo not included with this item.

Questions/Comments

Members praised staff's presentation and suggested making it available somehow to the public. *Janice Moore* supports the caretaker cabin, considering housing costs in the area. There was a discussion about the plans for the small pullout and overlook that will allow the public to view the champion cottonwood tree. *Eric Vogelsberg* relayed that at the Lyons meetings last night, people expressed an interest in starting construction on the connection trail now rather than waiting until the Town of Lyons went through their master plan for Bohn Park (scheduled for 2008). Since this trail will take at least a year, it may be worth starting. *Brent Wheeler* replied that this is staff's intent and they anticipate construction in 2007; however, they will not be able to connect to Lyons until that planning has occurred. He mentioned that GOCO grants have been submitted for the Heil and Lyons connections and potential trailhead this fall, as well as for Harney-Lastoka. Another grant request will be submitted for Caribou in the coming year.

Director's Update

Ron Stewart reported that the County had their first joint planning meeting last night on the Heil to Lyons connector, and 85 – 100 people showed. The County is doing the second agricultural stakeholder meeting with larger tenants. Regarding Pella Ponds, he discussed how the County is pursuing another water rights exchange with Frontier Materials, which retained some rights when the County first acquired the property. This was proposed to POSAC in 2003 and was approved, so it will not be coming before POSAC again. Following budget approval, the County will be adding three new full-time staff members and two part-time staff members, and will provide some additional money for hourly employees and for the content management project.

Adjournment

The meeting adjourned at 9:45 p.m.