

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY
COMMITTEE, June 22, 2006**

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

POSAC Members in Attendance

Present: David Batts, Lisa Dilling, Barbara Hawke, Sean McCoy, Mary McQuiston, Chris Meyer, Melanie Muckle and Eric Vogelsberg

Excused: Christine Quinlan and Dave Robertson

Staff in Attendance

Ron Stewart, Tina Nielsen, Therese Glowacki, Mel Stonebraker, Melissa Arnold, Tim Swope with Department of Transportation, and Consultants Dean Pearson & Bill Mangle

Minutes of May 25, 2006 Meeting

Chris Meyer moved to accept the May 25, 2006 minutes with Melanie Muckle's correction of a typo. *Melanie Muckle* seconded the motion. ***Motion carried unanimously.***

Public Participation for Items not on the Agenda

None

Weed Management Update

** Information only*

Staff Presenter: Tim D'Amato

See staff memo and attachment for detail. Tim D'Amato presented information on the County's weed control efforts as summarized in the Draft Boulder County Parks and Open Space Weed Management Policy.

Discussion/Questions by POSAC Members

When asked whether the management plan included an emphasis on mapping and monitoring, *Tim D'Amato* responded that they were collaborating on a project with CSU to map weeds along the waterways in eastern Boulder County. Each year, they map invasive weeds on one of the major seven open space areas. Last year's focus was Rabbit Mountain, and this year's focus will be Hall Ranch.

Draft Niwot Trails Master Plan

** Action Requested- Recommend adoption of Niwot Trail Master Plan to BOCC*

Presenters: Ron Stewart and Consultants Dean Pearson & Bill Mangle

See staff memo and Draft Niwot Trails Master Plan for detail. Before the presentation, *Ron Stewart* mentioned that the draft not only identifies additional trails that might be appropriate within the Niwot community itself, but also identifies trail connections between Niwot and Longmont as a part of the Longmont to Boulder Regional Trail System. He commended the Niwot community for their participation and contribution to the project. *Dean Pearson* and *Bill Mangle* presented a summary of the Draft Niwot Trails Master Plan. Specifically, they discussed (1) the proposed improvements to the

existing Niwot Loop Trail, including Niwot Road, replacement of the existing Center Bridge Trail, Dry Creek Trail loop extension (“Local Loop”), 95th Street Trail extension, and (2) two conceptual alignments for the LoBo Regional Trail (both the 83rd St. Diagonal Hwy Alignment and the Dry Creek Alignment are recommended).

Discussion/Questions by POSAC Members

Answering questions, *Ron Stewart* responded that as a general rule, the County pays \$6,000-12,000/acre for fee simple land with water rights, and \$3,000-5,000/acre for conservation easement land; therefore, approximately \$8-15 million has been spent two miles from Niwot, and at least \$10 million within the planning area. When asked whether similar concerns were addressed in master plans along other parts of the regional connections, *the Consultants* responded that in Lafayette, they addressed similar buffer issues in the detailed design phase of the plan, but the project is not yet complete. *Eric Vogelsberg* recommended a parallel, soft surface component along planned hard surface trails. *The Consultants* said it has not yet been considered because the only hard surface trail is along Niwot Road, but the suggestion will be considered. Seeking clarification, members asked staff whether they were recommending adoption of both the LoBo Regional Trail Alignments, to what degree the public could be involved in shaping either one of those trails, and about the subsequent decision making process if both alignments are adopted. *Tim Swope* responded that the Plan is proposing both alignments, and both will undergo additional planning and analysis; the alignment that becomes feasible will be the alignment pursued for construction. *The Consultants* responded that staff would work closely with landowners in the detailed design phase. *Eric Vogelsberg* questioned why property would need to be purchased along the eastern alignment if the County owns most land in that area. He suggested combining the positive aspects of the eastern with the western alignments to avoid property issues. *The Consultants* agreed with the possibility, adding that other proposals will be considered if this one does not succeed. Responding to questions, *Ron Stewart* said that there is a willingness from the sanitation district and high school to work on easements, and once the conceptual plan is in place, negotiations will begin. *Barbara Hawke* commented that the 2 proposed alignments come together at a Swanson’s Hawk nest, and asked how the Division of Wildlife (DOW) standards would be accommodated. *The Consultants* said the Plan includes the DOW standards as guidance and recommends that staff survey the nest during the design and implementation phase. When asked about the impediments for choosing one alignment over the other, he said only 1 easement would need to be negotiated with the 83rd Street Alignment, but 3 negotiations would be necessary for the Dry Creek Alignment. *Ron Stewart* added that because the planning process indicated that both alignments were possible, staff chose to recommend both, leaving the options open for either. Answering questions, *the Consultants* said buffers were not considered into the budgets, and *Tim Swope* said federal enhancement funding for this trail would not expire until 2014. *Lisa Dilling* commented that the user experience could be a trade-off to doing one alignment over the other.

Public Comment

- *Julien Pine, 7166 Christopher Ct. Niwot*, commented that her backyard faces 83rd Street and believes that because the Dry Creek homeowners are politically organized, the 83rd Street Alignment will happen. She said this commuter route blurs the line between public and private and requested that the County work with her and her neighbors to minimize negative effects when the time comes.
- *Mike Glaser, 7552 N 83rd St. Niwot*, asked the consultants for clarification on the location of the trail along 83rd Street. He will oppose the trail if it is located on the west side of the road near his house. He is concerned that the plan is not developed enough to go the Commissioners and would like a delay for more landowner input.
- *Lisa Carp, 7265 Spring Creek Circle (Waterford Park)*, is representing several landowners whose homes are near the proposed Dry Creek Alignment. Providing a handout, she stated that their main request is that if the trail goes in, it goes up to 95th and does not become part of the LOBO system.

This will allow more landowner privacy. She pointed out Outlot B, which they do not want to become a trailhead. She would like the County to address the homeowners on this issue.

- *Jackie Tibbitts, 7237 Spring Creek Circle, Niwot (Waterford Park)*, said it was mentioned that the County might install fencing or barriers for privacy, but this was not incorporated in the proposal. She asked when this would occur, who would maintain the barriers and when could the landowners provide input into this process.
- *Debbie Lammers, 7270 Spring Creek Circle, Niwot*, lives across from Outlot A and is the former director and president of the Homeowners Association (HOA). She hopes that the concerns of adjacent property owners and the HOA will be included in the recommendation to BOCC and in the planning details. She mentioned that it would be easy to park in front of lower Outlot B (an undeveloped lot) to access Outlot A where the proposed trail easement would be located, requiring the attention of the HOA for liability reasons. She asked that trails through residential areas be community trails vs. regional trails. She noted that the public has easy access to their subdivision because of the Spring Creek Trail's connection to sidewalks, leading to unintended access to the Outlot A easement.
- *Greg Skomp, 9882 Niwot Road, Niwot*, believes additional trails will enhance the value of the community. He asked if there would be a Longmont Diagonal route for the regional connector that would allow these other trails to be local in nature.
- *Clifford Matsumoto, 7253 Spring Creek Circle, Niwot (Lot 11 Waterford Park)*, asked that the landowners be included in every phase of the planning, especially screening for privacy concerns.
- *Lenn Goldberg, 7162 Christopher Ct., Niwot*, as a neighbor of the first speaker, he echoed her comments of the 83rd Street privacy issues. He commented that there are 3 or 4 patio homes along this route (including his). Their front yards are minimal, so the patios are the only measure of privacy for outdoor usage and his master bedroom is only 22 feet from the proposed trail. He would like POSAC to consider that this usage will impact their privacy.
- *Barbara Comstalk, 8116 Dry Creek Circle, Niwot*, encouraged the creation of the Dry Creek Alignment so the neighbors can experience an open space trail. This trail would compensate for the fact that the Niwot Meadows Development is to the east of her home and pushing wildlife away from Niwot.
- *Will Hertschel, 291 Franklin St., Niwot*, a Niwot Community Association (NCA) Representative, read a letter they wrote to POSAC. In sum, the NCA Board supports the Dry Creek Alignment, and commented that it will add to the Niwot Loop, minimizing impact to landowners. The Board also endorses the LOBO Regional Trail, as it will provide the most efficient connection between Boulder and Longmont.
- *Krista Nordback, 777 Dellwood Ave., Boulder*, commented that as a bicyclist, she is in favor of this plan and is excited about this trail off-street connection since off-street options are needed and most bicyclists do not like to bike on the Diagonal. She prefers the western, more direct option.
- *John Moinester, 7245 Spring Creek Circle, Niwot*, is adjacent to lower Outlot B discussed previously. Currently, locals trespass his property, which does not bother him, but he would not accept trespass that a trail would bring. As a part of the LOBO Regional Trail, the Dry Creek Alignment would extend from the Diagonal for 2 miles without public access until Outlot B, leading to possible trespass. Spring Creek Circle is a cul-de-sac, and fire trucks could not get through if too many cars were park there. He asked whether Dry Creek would be recommended as a part of LOBO, which he opposes, or as a separate trail.
- *Jim Eastman, 7158 Overbrook Dr., Niwot*, is concerned about (1) the closeness of rails to the LOBO Regional Trail and (2) public access in Niwot for community residents, to avoid trespass across adjacent properties. He supports the LOBO Regional Trail and Dry Creek Alignment. Neighbors are concerned about informal trailheads, as there is already a problem where Center Bridge connects to Niwot Road.

- *Neal Anderson, 7181 Snow Peak Ct., Niwot*, is president of Niwot Community Association and a nearby landowner. He said Niwot trails are heavily used by community members (he guessed around 100-200 people use those trails each day). They endorse the expansion of the trails and support the Dry Creek Alignment as community trail, but encourage the involvement of the HOA and landowners.
- *Tracy Spencer, 8049 Bell Flower Ct., Niwot*, owns a 150-acre producing farm and believes the package has been presented very vaguely. The irrigation system and head gate would be impacted by the trails and her extensive 4-rail fencing would be very difficult to move. She expressed concern about security with the proximity of the trail to her barn and feels that this trail system is getting squeezed into the area. She spent several years cleaning up Dry Creek, which is a very fragile environment. She expressed concern with keeping people off of her farm and from petting the thoroughbred horses. She supports the 83rd Street Alignment and is willing to negotiate, especially if the trails could be moved. She asked that the farmers to the north who lease open space be considered as well.
- *Bob Charles, 8587 Niwot Meadow Farm Road, Niwot*, spoke on behalf of several neighbors. They prefer that the trail go along 83rd Street, as it would have least impact and involves the least amount of people. Their biggest concern is the regional trail, as this eastern part would bring in too much traffic. If the trail is built, he asked that it be a community trail that goes in behind the high school. Attention should be paid to parking and safety issues by the bridge over Dry Creek. He is also concerned about people riding through the street with dogs. If the trail does go in here, they discourage picnic tables behind the houses, and ask that the County pay for buffers. They would pay for buffer maintenance through the HOA.
- *Gail Packard, 1941 Diamond Dr., Longmont*, spoke on behalf of the Niwot Sanitation District. The board is supportive of the trails, but urges the County to create a specific alignment where the trail passes through their land, to minimize their safety concerns of the trail passing by their list station, and to push any alignment further north and as far away from their operations as possible.
- *Greg Kellerman* is on the board for the Waterford Park Homeowners Association. If the trail does go in along their development, they are concerned about homeowner access and liability where the trail goes along private property. The Association would like to be involved in the process should the trail go in along the northern portion of their property.
- *Eric Williams, 7241 Spring Creek Circle, Niwot*, reinforced the comment that a regional trail does not belong in a neighborhood, as this would bring traffic and liability. The homeowners who live against the proposed trail 24 hours a day will have a drastically diminished user experience compared to the trail user's more brief experience.
- *John Barrett, 7274 Gold Nugget Drive, Niwot*, spoke for 5 of his neighbors who back up against the alignment. Although they are not anti-trail, they are concerned about privacy and security issues. If the Niwot Sanitation District gives a trail easement, they will hold them personally responsible for any damage that occurs on their property. He commented that despite staff's hard work, it is premature to go forward with proposals to the BOCC until more work is done on the proposals.
- *Darcy Zuber, 7985 North 95th St., Niwot*, said the landowners adjacent to her property are not in favor of the Dry Creek Alignment and will be an issue. She is disappointed that both the Dry Creek and 83rd Street Alignments are being proposed, when they were told at the meetings that only one would be proposed. She agreed that this plan is being 'squeezed in'. Her main concern is privacy, as the entire attraction of her home is the open space on the west side. She commented that a regional trail through open space is not the best option, and encouraged further review of the Diagonal and 83rd Street options.

Discussion/Questions by POSAC Members

The Consultants explained the difference between a regional trail and a community trail: A regional trail is more direct for commuting, where a community trail is only used locally and loops are closed off.

When asked about funding for a community loop, *Ron Stewart* said a significant amount of funding would go toward the crusher fines, which the County would do for 1/3 of the cost of a contractor. Addressing the public about their concerns, *Chris Meyer* clarified that in the past, POSAC has asked staff to leave the plan undefined at this stage so that it can be more flexible and better consider public comments. *Ron Stewart* said they will hold public meetings for adjacent neighborhoods that are most affected by the trail. For example, in the Niwot Meadows Outlot, staff will stake a trail and neighbors can walk it and provide input. Homeowners could meet individually with staff and HOA to consider signage, buffers and other issues raised tonight. He said staff would do their best to accommodate as many comments as possible to mitigate the impact of the trail. *Eric Vogelsberg* added that on pg. 11, the plan clearly states that staff would work with individual homeowners to address their specific concern. In response to the trespassing concern through the Outlot, *Ron Stewart* said the County has the right to determine whether the road in front of the Outlot should be a no parking zone; additionally, the County staff can work with homeowners on education, and if necessary, enforcement. *The Consultants* responded that the high school could be considered as a trailhead, and *Mary McQuiston* encouraged this. In response to the liability concern, *Ron Stewart* said liability would not be any greater if there were trail on the land than there is now. He said the County would work with the HOA to find a liability solution. One option for the HOA would be to rid itself of all liability concerns by deeding the land under the trail to the County. The county cannot indemnify the HOA against liability on the trail easement.

Motion

Eric Vogelsberg moved to accept staff recommendation, *Sean McCoy* seconded the motion. ***Motion carried unanimously.***

Discussion on Motion by POSAC Members

Eric Vogelsberg commented that both the County and the landowners have expressed the desire to work together, and he believes it is best to leave the plan flexible for homeowner input. He asked staff to stay aware that landowners will be affected in all situations. He also questioned whether a regional trail would really create that much more of an impact compared to a community trail, and asked if this could be addressed in future discussions to help resolve concerns. *Sean McCoy* echoed *Eric's* comments that the County and landowners seem very willing to work together to reach a positive outcome. *Chris Meyer* mentioned that POSAC's field trip to the site revealed many of the concerns mentioned tonight. He echoed *Eric's* comments re: regional vs. community, stating that the biggest discussion about Dry Creek will be where and how the local community wants access to that system. *Barbara Hawke* commented that where the trail alignment goes close to homes, landowner concerns should be prioritized over user experience. Secondly, the County should work hard to minimize agricultural operation impacts. Lastly, she supports the Dry Creek Alignment as a community trail instead of a regional trail.

Property Transactions:

* Action Requested- Recommendation to BOCC

A. J-Family

Staff Presenter: Mel Stonebraker

See staff memo for detail. On this 34 acres near Oxford Rd & North 63rd St., the County would own the fee for \$340,000 and the City of Boulder would hold a conservation easement for which they will pay \$340,000 (total purchase price \$680,000). This purchase would include 30 shares of the Lefthand Ditch Company. Staff recommended acquisition of this parcel to the Board of County Commissioners.

Discussion/Questions by POSAC Members

When asked about ditch shares, *Mel Stonebraker* said the Lefthand Ditch shares would be brought to the property through the Holland Ditch, in which the County would have 1/16 share. He also answered that there are a number of people who could lease this land.

Motion

Sean McCoy moved to accept staff recommendation, *Lisa Dilling* seconded the motion. ***Motion carried unanimously.***

Discussion on Motion by POSAC Members

Sean McCoy commented that the price and the relationship with the City of Boulder makes this a great purchase, although he is disappointed the City of Longmont was not the partner municipality.

B. Sale of Barn on Cito Company Open Space

Staff Presenter: Mel Stonebraker

See staff memo for detail. Staff recommended the sale of the Cito barn on Hwy 52 to the adjacent property owner for \$20,000 subject to a conservation easement and according to an agreement to restore the structure.

Discussion/Questions by POSAC Members

Answering questions, *Mel Stonebraker* said the barn was considered locally historic, which, according to staff, is not enough to landmark the structure; additionally, it's not on the National Register. The agreement to restore the structure is in the conservation easement and original purchase agreement. *Melanie Muckle* mentioned that she was told the little shed qualifies as historic, but *Mel Stonebraker* said it does not come up on any surveys and is not salvageable.

Motion

Chris Meyer moved to accept staff recommendation, *Melanie Muckle* seconded the motion. ***Motion carried unanimously.***

Director's Update

Ron Stewart reviewed the chosen topics for the July 29th retreat to be held at the Goodhue Farmhouse: priority acquisitions, setting the context and the ensuring the long-term legacy of the Department. He responded that POSAC's requests from last month would be honored at next month's meeting, as he has been away from the office. *Eric Vogelsberg* requested passes for the parking garage because they are charging until 10 pm now. *Barbara Hawke* asked about alternative ways to receive emails from the public, as currently the members receive emails directly through their personal accounts. *Melissa Arnold* said she would look into creating a group POSAC email address to reduce spam, remove individual email addresses from the website and ensure that members and staff all receive the same emails. Members prefer that emails be received individually rather than in groups and forwarded automatically through the group email address.

Adjournment

The meeting adjourned at 9:15 p.m.