

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY
COMMITTEE, April 27, 2006**

The meeting was called to order at 6:32 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, Sean McCoy, Mary McQuiston, Chris Meyer, Melanie Muckle, Dave Robertson, Christine Quinlan and Eric Vogelsberg

Excused: David Batts, Ira New Breast and Lisa Dilling

Staff in Attendance

Jan Burns, Therese Glowacki, Rich Koopmann, Conrad Lattes, Ron West, Janis Whisman, Chad Julian, Kevin Lyles, Summer Adamietz, Melissa Arnold and Ann Goodhart with the City of Boulder

Minutes of March 23, 2006 Meeting

Dave Robertson moved to approve the March 23, 2006 minutes and *Melanie Muckle* seconded the motion. ***Motion carried unanimously.***

Public Participation for Items not on the Agenda

Sean McCoy commented that is glad to be back at the POSAC meetings, as he has been volunteering for the income tax assistance program.

Property Transaction: The Farm in Boulder Valley

Joint conservation easement acquisition with City of Boulder

Staff Presenter: Janis Whisman

See staff memo for detail.

Janis Whisman began the presentation by highlighting the points made in the staff memo to POSAC. This property lies adjacent to the western edge of Boulder County's Alexander Dawson property and lies in the heart of an area protected by Boulder County and City of Boulder fee open space and conservation easements, as well as regulatory NUPUD conservation easements. Staff recommended approval to invest \$1,767,404.30 towards the City of Boulder's purchase price for a conservation easement over 10 building lots covering approximately 40 acres in The Farm in Boulder Valley NUPUD subdivision to help protect a heron rookery south of the property. Boulder County would receive a 35% undivided interest in the conservation easement over the property.

Ann Goodhart augmented the presentation by highlighting the historical partnership between the City and County's open space programs, a partnership which has acquired a total of 12,000 acres for \$74 million. This property is the last piece to be purchased in this joint acquisition area. She explained the history of lot development in the area, as well as the acquisition of the surrounding open space. She noted the existence of the heron rookery since the 1930's and the inclusion of some egret nests, making this the only known egret-nesting site along the Front Range. Research indicates the need for large buffers (approx. 325-550 feet) around rookeries to avoid disturbance, and colony abandonment may increase with the development of the lots and increased human activity. The partnership, the payout over 10 years and the opportunity to finish what was started all make this expensive purchase worthwhile.

Discussion/Questions by POSAC Members

Following questions, *Ann Goodhart* clarified that these lots are the result of The Boulder Valley Farm NUPUD that went through the County's land use process in 1992. Also, the location of a gravel operation to the east of the rookery does not seem to disturb the herons, as it is human activity that disturbs nesting. When *Chris Meyer* asked why the top 4 lots are a part of the deal when they do not meet the criteria for protecting the rookery, she answered that the City wants the area to stay in agricultural use, which is a City open space value. Following a question from *Eric Vogelsberg*, she answered that the City does not have the option to select individual lots for purchase. He asked whether selected lots could be purchased in fee if allowed to go on the market, she responded that this would be expensive and would defy the intent to purchase as many lots as possible. *Barbara Hawke* asked for an elaboration on how the transactional structure was developed. *Ann Goodhart* explained that once the price was decided with Mr. Culver, a transaction was set up through the Boulder Municipal Property Authority (BMPA), which is similar to the seller financing the property where payments can occur over several years. This is treated like a municipal bond where the interest paid to Mr. Culver is tax exempt. She also answered that the City would support the County if they applied for grants. Following questions, she confirmed that even with the existing conservation easement on the lots, at present the Culvers could develop the 4 lots near the creek. The new proposed conservation easement before POSAC would only allow 2400 square feet of loafing sheds for a potential non-commercial horse operation, but the location of these sheds has not been defined. The City and the County have not requested a first right to purchase the land if the Culvers ever choose to sell their fee interest in the property. *Eric Vogelsberg* asked whether POSAC, the Parks and Open Space Department or the County would have a legal right to create restrictions during the land use process if these lots were sold and somebody wanted to build homes. *Janis Whisman* commented that the Parks and Open Space Department would be a review agency with the right to comment on development proposals. *Conrad Lattes* added that although the County would have the power in the site plan review process to restrict locations of building envelopes, etc., the landowner could claim inverse condemnation if they felt the restrictions were too strong. When asked about protecting conservation values on the property other than the rookery, *Ann Goodhart* said that the City was also investing in this property for the greater wildlife values along Boulder Creek. When asked to clarify Mr. Culver's intentions with the property, *Mr. Perletz (Mr. Culver's representative)* responded that the Culvers are in their 80's, plan to renovate their house and Mrs. Culver is very attached to this property. If the ownership changes over the next 10 years, all conditions on the property would be transferred to the new owners. The Culver's primary interest is in completing the conservation easement before they leave the property for whatever reason.

Public Comment – None

Motion

Barbara Hawke moved to accept staff recommendation. *Melanie Muckle* seconded the motion. Opposed: *Sean McCoy, Chris Meyer, Dave Robertson, and Eric Vogelsberg*. In favor: *Melanie Muckle, Christine Quinlan, Barbara Hawke and Mary McQuiston*. **Motion resulted in a 4:4 split vote.**

Discussion on Motion by POSAC Members

Barbara Hawke commented that she is hesitant about the price and the length of time required for project completion, but she supports the staff recommendation because the surrounding open space was a previous investment to protect the rookery. This purchase can better secure these prior investments and continue protection for the heron rookery and other wildlife values. *Eric Vogelsberg* said he would not support the motion, because the County has an obligation to spend the public's money wisely, and he does not believe enough consideration has been given to the financial implications. Commenting that there are other ways to protect this property, he provided the example

that if the lots cost \$750,000 each on the market, they could buy the bottom lots for \$2 million in fee, saving \$3 dollars. He also noted that development impacts could be mitigated through the site planning process. *Dave Robertson* agreed with Eric, commenting that the existing conservation easement could be amended to relocate the 4 westerly lots to the north side of the road, adequately far away from the herons. Also, the building envelopes could be restricted to the northern end of the lots placing them further away from the rookery than even research suggests. Lastly, he commented that the price per lot is almost twice as much as the County usually pays and this could put a new floor on the value of property to the County's detriment. *Sean McCoy* said he would not be supporting the motion and stated that if Eric's conceptual plan were followed, this would do better to reduce sprawl. *Christine Quinlan* said she would support the motion because the business of conservation is opportunity driven, and she does not believe there is any guarantee that the City of County could buy the 4 lots on market, which would set a bad precedent anyway. She agreed with Barbara's comments that this purchase would round out the investments already made in the area. Also, she appreciates the specific biological component to the property, as well as the current view from White Rock Trail in Gunbarrel. *Melanie Muckle* commented that this purchase is but one piece in a puzzle, and trying to protect this land by any other means is very risky.

Forest Management

Staff Presenter: Chad Julian

See staff memo for detail. This presentation followed a pre-meeting field trip, which started at the Biomass facilities and moved to the Blue Jay Mine Forest Restoration/Fire Mitigation Project. The Biomass facility uses wood chips from forest thinning activities on Parks & Open Space properties. The presentation summarized the accomplishments of Resource Management in 2005 as well as the projects and goals of 2006 within five categories: forest planning; forest operations; insects and disease; prescribed fire; and wildland fire. This presentation came before POSAC as information only.

Discussion/Questions by POSAC Members

The discussion addressed various aspects of forest management, such as the definition of basal measures, how staff determines presettlement conditions in the lower montane life zone that can serve as models, Forest Service (FS) practices to the west of Heil Valley Ranch, and mechanics of the Wildland Task Force. *Chris Meyer* inquired about the guidelines used in determining what vegetation can and cannot be removed around trails during forestry operations, especially where a contractor is involved. *Chad Julian* explained that as an example, a 100-foot buffer will be left along the side of the Mud Lake trail in Unit C this year, allowing staff to conduct the forestry operations in the trail buffer and better control the impact to the trail. *Chris Meyer* appreciated this method. *Melanie Muckle* mentioned that at the Blue Jay Mine field trip, members observed that the trees were very close to the historic mine structures. She asked whether there were forest management plans to protect the buildings. *Chad Julian* said staff decided not to address this issue at the time of the project because of the fence around the mine structure, but he agrees that removal of the trees is probably in the best interest of the mine buildings and he will discuss this with staff. He mentioned that there is not much staff can do about the proximity of and the density of trees on the adjacent FS land, although he would have another conversation with the FS silviculturalist. Members asked to receive more information on the science of forest management and how the staff models forest pre-settlement, as it would help them address questions from the public. *Chad Julian* said he would put together an information sheet with his contact information and some readings to explain the science behind forest management. *Christine Quinlan* said she would email information to the Committee about a private forest landowner in Boulder, Bill Carpenter, who was awarded the 2005 Forest Steward of the Year by the Colorado State Forest Service's Forest Stewardship Committee.

Public Service Compressor Station, Statewide-Interest (1041) Application -- 3 alternatives

Staff Presenter: Ron West

See staff memo for detail. Xcel Energy, or Public Service Company of Colorado (PSCo), is proposing to maximize or increase the capacity of its trans-mountain natural gas line through increasing pressure. The 10-inch diameter pipe runs through Boulder County from east to west, over Rollins Pass, and extends service nearly to Durango. PSCo has identified three possible locations in unincorporated Boulder County as the upgrade site, although their preferred site is near Marshall on private land. This presentation came before POSAC as information only, but after the presentation, the members decided that a motion was appropriate.

Discussion/Questions by POSAC Members

Mary McQuiston asked about the location of the other compressor stations and the source of the gas to better understand whether the new site could be located on the Western Slope. *Ron West* said PSCo conducted an analysis on their entire system and the Land Use Department was hiring an engineer to evaluate the data. *Dave Robertson* asked about hazards, noise and smell, and the degree to which they could be mitigated. Starting with hazard, *Ron West* said PSCo stated that the compressor stations are completely safe in their system, but also stated during their site analysis that the station cannot be located next to residences. He mentioned the explosion of a compressor station by Rifle. The locals near the proposed stations have brought up evidence as to the safety of these stations. Addressing noise, he said homeowners at Marshall hired their own noise consultant to challenge what PSCo presented to them; as a result, the Land Use Department required PSCo to be more specific on the effects and location of the noise. He added that a noise barrier was installed at the temporary station, but this station never ran. In terms of smell, he said that the people at the Louisville site frequently complain about the odor. Mercaptan, the chemical added to the gas, is heavier than the gas. By the time somebody smells Mercaptan, the gas has probably vented. He said that although this question is better directed toward an expert, smelling Mercaptan does not necessarily mean gas has leaked into your house. *Barbara Hawke* mentioned a BLM study from the San Juan Basin for un-housed compressor stations (unlike the housed station being proposed). This study showed that noise and vibration had a clear impact on bird species, particularly during breeding season. She asked that in the future, this emerging research be considered by the County. *Eric Vogelsberg* believes a building of this size in the Marshall Mesa area would have a significant impact on what the City and County have been trying to achieve with these properties. With alternatives available, he believes this site is an inappropriate location for a compressor station and opposes the idea. Each week, he travels past the current Louisville installation and said that the station is well concealed down a hill and behind a fence, creating a low impact on adjacent properties. A compressor station at Marshall Mesa could not achieve these same results. *Mary McQuiston* and *Melanie Muckle* agreed with Eric's comments. *Melanie Muckle* added that the viewshed would also be greatly impacted because the preferred location is highly visible. She said that the two Louisville sites are bad also. The existing site option is adjacent to the Warrembourg property, which is Louisville's best open space. The question will come down to the lesser of 3 evils, but they are all evil. *Dave Robertson* said that although this presentation was information only, it would be helpful to take a vote.

Motion

Dave Robertson moved to disapprove of the Marshall Mesa site as the location for the PSCo compressor station for environmental reasons. *Melanie Muckle* seconded the motion. ***Motion passed unanimously.***


Discussion on the Motion

Dave Robertson echoed earlier member comments and added that because of the open space values surrounding the preferred location, the Committee needs to be especially watchful of the Marshall site. *Eric Vogelsberg* commented that the Committee is going to see more of this proposed action in the future, and it is their role as the Parks and Open Space Department to point out that the public protected this property for open space values and not as a 'dumping ground.' *Sean McCoy* added that similar to putting roads across open land, this upgrade would cut across public and private lands, and it is POSAC's role to ensure that the land remains protected. *Christine Quinlan* commented that it seems appropriate that POSAC's motion is communicated to the Commissioners. She reiterated from the last meeting that it would be good to hear about this type of action earlier. *Ron West* commented that as a Department, he and Rich Koopmann have been considering the best tools available to help convey the concept that open space is the highest and best use for a particular property. He offered that selected tools could be codified into the Land Use Code, or somehow institutionalized to provide the staff with more leverage in the future. Members appreciated the work staff is putting into this item.

Caribou Management Plan Amendment II: Planning Update and Bridge Location Analysis **Staff Presenter: Kevin Lyles and Summer Adamietz**

See staff memo for detail. Staff presented information on a second update/amendment to the Caribou Ranch Management Plan, which will address several issues, including the implementation of a new trail connection from Caribou Open Space to USFS managed land (the USFS Sourdough Trailhead). The amendment will include 6 components, but for the purpose of this meeting, POSAC was asked to provide a recommendation only on the first component: the creek crossing location. Following analysis, staff recommended one of three possible North Boulder Creek crossing locations for the trail connection and asked POSAC to make a recommendation on the alternatives. Staff will request additional action from POSAC on the other components in the amendment, once staff is further into the planning process. *Summer Adamietz* presented the amendment updates and *Kevin Lyles* presented the creek crossing location alternatives.

Discussion/Questions by POSAC Members

Following *Summer Adamietz*' presentation, *Barbara Hawke* asked when POSAC would have the opportunity to comment on the other five amendment components before plans and implicit decisions are made. She noted that the original Master Plan didn't appear to have provisions for loop or additional trails as it did for a connector trail. *Summer Adamietz* responded that the Trail Study Alignment Area would include the study of a loop trail and not just a connection trail. She said staff would follow up with more detail as they continue to assess the situation in the field, and would present their findings to POSAC for feedback. *Kevin Lyles* added that staff is exploring options separate from the Switzerland Trail and they will present a range of options to POSAC, including a proposal for just the Switzerland Trail. *Summer Adamietz* clarified that POSAC will be asked for their recommendation on items 2 through 6 at a future date, and not on May 2006 as specified in the memo. She commented that staff is at the beginning of the planning phase of this amendment, which is why she is providing mostly an update, but because this bridge is such a crucial issue, POSAC is being asked to make a recommendation at this time. The task outline addresses the entire process for this amendment (items 1-6)  not just the Switzerland Trail.

Following *Kevin Lyles*'s presentation, some members inquired about *Guercio*'s reason for the bridge donation. *Kevin Lyles* said they are still negotiating the terms in a letter of agreement, but at this time, it appears to be a straight donation where *Guercio* perceives the bridge as a benefit to the future development and residents of his property. *Guercio* would donate a Douglas Fir and structural steel

bridge with the architectural character of a railroad truss bridge; however, staff will still propose Alternative B2 regardless of the donation. *Eric Vogelsberg* commented that if there are going to be trails on public land, they should be public and not private. He also commented on staff's analysis of Alternative C, stating that the pond is in a very attractive area and is a reasonable extension from the heritage area. He said he is uncomfortable with the logic of keeping people away from the wildlife closure area, because this could be a slippery slope of reasoning. He commented that many conservation areas are very attractive, and although people cannot enter them, they should be provided the opportunity to experience them. He understands staff's concern, but requested that they consider building a spur to an observation point. *Kevin Lyles* said that staff has discussed this matter extensively. As part of the Blue Bird Site planning process, they will be discussing the possibility of creating a spur out to the point without requiring a crossing. They are also considering the implications of creek access. This matter will be referred to the City of Boulder and they have strong concerns about water quality. Answering questions about the height and safety of the bridges in Alt B1 and B2, *Kevin Lyles* said if money were not an object, staff would propose Alternative B1 because the bridge would be longer and higher, allowing visitors to stay on the same elevation as the Switzerland Trail. In terms of safety, he said the safety mechanisms are in the design of the bridge, making elevation above water irrelevant. Following the motion, *Eric Vogelsberg* commented that he is enthusiastic about Jim Guercio's contribution to the project, and Alternative B2 makes the most sense because the bridge will receive the most use from equestrians and hikers.

Public Comment

Suzanne Webel, 5735 Prospect Rd. Longmont, CO 80503, #303-485-2162, commented on behalf of BCHA and is very excited about this phase of the development of Caribou Ranch. She said that a bridge that is shorter and lower to the water is better from an equestrian standpoint, because horses manage better under these circumstances. Additionally, Alternative B2 is a good compromise between recreating the old trestle in its entirety, and choosing something more pragmatic. She supported *Eric Vogelsberg's* suggestion of creating a spur to the pond, and she is looking forward to a thorough and objective study in the Trail Study Alignment Area. Whether the trails evolve from *Guercio's* private trail system or are newly created by the County, she believes that a trail system is a very appropriate use of this portion of the property.

Motion

Eric Vogelsberg moved to accept staff's recommendation for bridge location Alternative B2. *Sean McCoy* seconded the motion. ***Motion passed unanimously.***

Special Update

Ron Stewart was unable to attend tonight's meeting to present the Director's Update; instead, *Kevin Lyles* presented an update on Walker Ranch. In 2004, staff submitted an application to Land Use for a limited impact special review for the expansion of the South Boulder Creek trailhead parking lot. This item subsequently came before POSAC, at which time they suggested that staff investigate a trail connection between the Meyers Homestead trailhead and the South Boulder Creek trailhead as an alternative starting point to access the loop trail. Staff is proceeding with this trail connection, and it was incorporated in the GOCO grant. The County was awarded a \$145,000 grant for expansion of the parking lot, construction of a permanent restroom and construction of a trail connection to the Meyers Homestead Trail. He passed around a map of the proposed corridor, which will consist of a mile of new trail from the kiosk at Meyers Homestead trailhead to the kiosk at the South Boulder Creek Trailhead. This trail will be built this summer using Youth Corps crews.

Adjournment

Meeting adjourned at 9:25 p.m.