

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE ADVISORY
COMMITTEE, June 28, 2007**

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: Lisa Dilling, Sean McCoy, Mary McQuiston, Christian Meyer, Melanie Muckle, Christine Quinlan and Jason Vogel.

Excused: David Batts and Janice Moore

Staff in Attendance

Mark Brennan, Jan Burns, Jim Daus, Therese Glowacki, Vivienne Jannatpour, Conrad Lattes, Tina Nielsen, Larissa Read, Ron Stewart, Mel Stonebraker and Ron West

May 24, 2006 , Meeting Minutes

Sean McCoy moved to accept the May 24, 2007, minutes as presented. Mary McQuiston seconded the motion. *Motion carried unanimously.*

Public Participation for Items not on the Agenda

Sean McCoy commented that it might be advantageous to have a summer meeting at the Longmont POS building to encourage members of the public in the Longmont area to attend. (The POS building in Longmont is not equipped with recording equipment for public meetings.)

James Construction Open Space Update

** Update Only- No Action Requested*

Presenter: Ian McVey, 4424 Wellington Road, Gunbarrel, CO; adjacent property owner to James Open Space.

Mr. McVey thanked POSAC for the opportunity to provide an update and thanked Tina Nielson, Vivienne Jannatpour, Mark Brennan and Therese Glowacki for their assistance and insight regarding the property. Mr. McVey addressed a petition that was circulated by Jim Fitzpatrick in his neighborhood and presented to POSAC in April. Mr. Fitzpatrick's primary concerns with the property are returning the land to agricultural use and in doing so ridding the land of weeds and prairie dogs. Mr. Fitzpatrick told Mr. McVey that the prairie dogs removed from the land would be relocated to Wyoming to help feed a black-footed ferret population. Mr. Fitzpatrick did not convey to Mr. McVey, however, that the prairie dogs would be euthanized. Mr. McVey and his wife Jean have put together a petition in opposition to Mr. Fitzpatrick's petition and were able to gather 48 signatures from the neighborhood at large. (Mr. Fitzpatrick gathered 47), there are 150 homes in the community. Mr. McVey stated that he and his wife both have a great affinity for wildlife. Mr. McVey provided slides of the James Construction Open Space property, which included prairie dog barriers currently in place. Mr. McVey stated that some conservationists believe this area serves as a wildlife corridor from the east to the west and there are concerns that if this property were returned to agricultural use (particularly crops) it would disrupt the wildlife currently inhabiting the land. Mr. McVey asked POSAC to consider the following:

- If the land is returned to agricultural use, hundreds of prairie dogs will be exterminated. The wildlife in the area have been allowed to populate the land for several years, many different species would be displaced, including prairie dogs, rabbits, rodents, snakes, frogs, birds, foxes and coyotes.
- The prairie dogs have been effectively contained by the chicken wire barrier on the wooden fence along the northern boundary of the property. By adding a proper barrier along the chain link portion of the fence the prairie dog encroachment onto adjacent property should be minimized.
- It is acknowledged that there are weeds on the property, however, there are also native plants and grasses endemic to the area.
- There is little evidence that the prairie dogs have invaded the property near Old Brompton Road.
- If the land is returned to agricultural use, it will likely be difficult for the County to coordinate efforts with adjacent private property owners to prevent repopulation of the land by prairie dogs.

In reading the minutes from the April POSAC meeting, it is noted that Rob Alexander explained the lease and irrigation history of the property. Of concern are the following:

- Herbicide and pesticide use and subsequent drift onto adjacent private property.
- Cost of irrigation and who will bear the financial burden.
- If cows are returned to the area will neighbors be unhappy with the attendant smell and will more substantial fencing be necessary for cattle?

In summation, is the County willing to leave the property as is but add more fencing/prairie dog barriers? Will the County earn enough money to offset the cost of returning the property to agricultural use? Can the extermination of the wildlife that currently exists on the open space be justified?

The petition presented requests that the County leave the James Construction Open Space property as is. Mr. McVey suggested in his presentation that BCPOS should possibly consider changing the designation from a Multiple Objective Area to a Prairie Dog Conservation Area in the future so that all wildlife in the area will be protected for future generations.

Questions/Discussion by POSAC:

Melanie Muckle thanked Mr. McVey for his comments and his presentation and commented that when the issue came before POSAC in April she considered that perhaps the point of view presented by Mr. McVey existed but had not been expressed. Christine Quinlan asked if there is going to be action requested by POSAC. Ron Stewart responded that this is a grass roots issue

with two opposing points of view and that there is some consideration regarding establishing a committee to involve stakeholders on both sides of the issue. At this point, we do not think that we will be making a recommendation to return this property into a wholesale agricultural property with crop production. However, the property does have water rights that are not currently being utilized. We may look at some type of agricultural activity such as grazing which would also allow for wildlife. The property is designated as a Multiple Objective Area (MOA) under the Grassland Management Plan; it is not managed as a Habitat Conservation Area (HCA). HCAs need to be large enough to sustain prairie dog activity in a natural setting. Irrigated land typically does not allow for prairie dogs. Prior to any changes in the management designation category of the property, the issue will be brought before POSAC. Jason Vogel asked about placing prairie dog barriers to prevent the migration of prairie dogs onto adjacent properties. Ron Stewart replied that he does not think the area in question is our (POS) fence, but we can certainly look into putting some additional barriers in place. Ron Stewart also noted that it is important to point out that there is grass cover this year due to the high moisture content, in past years the land has been denuded and there have been problems with invasive weed species. He noted that this is one of the reasons the property is difficult to manage.

Property Transaction: Dan Thompson Property * Action Requested- Recommendation to BOCC

Staff Presenter: Mel Stonebraker

See Staff Memo for Detail on Presentation.

Discussion/Questions by POSAC:

Mary McQuiston asked if there will be size restrictions placed on the house? Yes, there will be square-footage limitations outlined in the conservation easement. Jason Vogel asked for clarification on how the 2.5 shares of the ditch will be used. The water is adequate to irrigate the property; in addition, the ditch crosses the Loukonen Outlot Open Space property and it is possible that some of the water could be used there.

Public Comment:

None

Motion:

Christian Meyer moved to accept staff recommendation for the purchase of the Dan Thompson property. Melanie Muckle seconded the motion. ***Motion carried unanimously.***

Discussion on the Motion:

Melanie Muckle thanked the owners of the property for their willingness to protect the property as open space. Sean McCoy concurs and added that it is an important elk migration corridor.

Property Transaction: Alexander Dawson Disposition

Staff Presenter: Mel Stonebraker * Action Requested- Recommendation to BOCC

See Staff Memo for Detail on Presentation.

Discussion/Questions by POSAC:

[Unidentified speaker] asked why the land was purchased in the first place. Mel Stonebraker replied that the parcel was part of a larger acquisition. Mary McQuiston commented that the field has been used for years by soccer teams in Boulder County and should remain connected to the school and that the historic use be continued. Jason Vogel commented that selling the land to a private entity may diminish the ability for recreational [public] use—the County can maintain that use but a private individual may not. Christian Meyer asked what the original purchase price was. It was \$6,000.00 per acre including water rights. We are selling the land for \$5,000.00 per acre subject to a Conservation Easement. It should also be noted that our charter requires passive recreational use not active recreational use.

Public Comment:

None

Motion

Sean McCoy moved to accept staff recommendation for the disposition of the Alexander Dawson property, and Lisa Dilling seconded the motion. ***Motion carried unanimously.***

Property Transaction: Damyanovich

Staff Presenter: Mel Stonebraker

* Action Requested- Recommendation to BOCC

See Staff Memo for Detail on Presentation.

Discussion/Questions by POSAC:

Mary McQuiston asked how the southern portion of the property may be impacted by the road-widening project. It is not clear at this point how the property may be impacted as the road-widening project is still in the early planning stages.

Public Comment:

None

Motion

Melanie Muckle moved to accept staff recommendation for the acquisition of the Damyanovich property and to try to place a Conservation Easement on the barn if possible (noted in memo but not in staff recommendation). Christian Meyer seconded the motion. ***Motion carried unanimously.***

Discussion on the Motion:

Melanie Muckle thanked the owners of the property for their willingness to protect the property as open space.

Property Transaction: West of Hessie Group

Staff Presenter: Jim Daus

* Action Requested- Recommendation to BOCC

See Staff Memo for Detail on Presentation.

Discussion/Questions by POSAC:

Jason Vogel asked how the closure of the property (due to mine hazards) is enforced, for example in the case of hiking and backcountry skiing, particularly in the area around Lost Lake. How would an average citizen know that there are mine hazards? Jim Daus stated that we are working with the state to close mine hazards but the process for closures takes time. The property will be closed to the public until the hazards are mitigated. Staff will likely place signage in the area and fencing around open mines. The ultimate goal would be to open the property to the public once the hazards are secure. Property closures come before POSAC as an informational item annually. Jason Vogel also asked for clarification on the about the price differences for the different parcels. There are a lot of different sellers and parcels, each transaction is negotiated on a case-by-case basis. We are under contract with the sellers for the prices noted. Melanie Muckle asked if there is a mine hazard near the old growth area. Jim Daus replied, yes there is, it is located on the Bennett property.

Public Comment:

None

Motion

Christian Meyer moved to accept staff recommendation for the acquisition of the Hill Foundation property. Jason Vogel seconded the motion. *Motion carried unanimously.*

Motion

Christian Meyer moved to accept staff recommendation for the acquisition of the Forrest property. Jason Vogel seconded the motion. *Motion carried unanimously.*

Motion

Christian Meyer moved to accept staff recommendation for the acquisition of the Bennett property. Jason Vogel seconded the motion. Jim Daus asked that the motion be restated to include buying the three building sites as a group or individually. Jason Vogel proposed a friendly amendment to purchase all three parcels for \$30,000.00 or any one of the three parcels for \$10,000.00. Chris Meyer accepted the friendly amendment. *Motion carried unanimously.*

Motion

Christian Meyer moved to accept staff recommendation for the acquisition of the Bruckman property. Jason Vogel seconded the motion. *Motion carried unanimously.*

Property Transaction: Olivieri

Staff Presenter: Jim Daus

** Action Requested- Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Discussion/Questions by POSAC:

Melanie Muckle asked the age of the cabins on the property and whether they have been historically surveyed. They have not been surveyed but they may be eligible for historic designation if they were nominated, they are likely turn-of-the-century. Jason Vogel asked for more discussion regarding the importance of protecting this property as open space, especially with regard to the price. Jim Daus replied that there are not many parcels left to protect in the

area, our goal is to consolidate ownership in this area into public hands and to keep it from being developed. This acquisition will stop the development of two potential building sites and all of the associated impacts of development. The negotiated price is market value. Ron Stewart commented that the Big Horn Mountain area is extraordinary in terms of the open space acquisition effort because ultimately the area will be comparable in size to Hall Ranch, Walker Ranch and Heil Ranch. However, it will not have been purchased in one effort, it will have been purchased many pieces at a time. It is appropriate to consider if we want to continue purchasing property in this area. There are many private inholdings that may be available for open space acquisition. The determining factor for price is per development right not necessarily per acre. Some of this land will not be part of the USFS exchange as it is not within the USFS boundaries. Jason Vogel asked about the vision for the area, with regard to use. Ron Stewart pointed out the area on the map that is part of the Counties R&PPA application to the BLM, as part of the application, the County must allow for recreational use. We have a conceptual plan for recreational trails and yes there will be opportunities for public access. Larissa Read explained the mechanisms for the federal lands exchange, which includes a three-way trade with the USFS and the BLM. The R&PPA application will not be processed until the exchange is complete which could take a few years. At that time, we will receive a lease on the land and will make the R&PP improvements prior to taking full title of the land. Management planning will likely begin in 2-3 years. Christine Quinlan asked about the historical structures on the property. Jim Daus replied that we will need to get our Historical Preservation staff to survey the property. Jim Daus pointed out an area on the map adjacent to significant private inholdings that has been excluded from the R&PPA application based in part on concerns from private landowners. We will however, be acquiring this property as part of the BLM exchange. Jason Vogel asked for clarification regarding the designation of the land adjacent to the private property.

Public Comment:

Karen Simmons, 8000 Sunshine Canyon, Boulder, CO speaking on behalf of herself and adjacent property owners, Mr. Hanneman and Mr. Meeker stated that their main concern as private property owners in the area is safety and liability issues especially with regard to the Fox and Ulibarri properties. Ms. Simmons commented that the R&PPA application in 2003 specifically stated that all recreational development would be excluded from Tillibutzel to Big Horn Mountain. She and other property owners in the area are concerned that when the maps indicate that the property is open space there will be more visitors to the area. Of primary concern is the airshaft in the historic house at the Snow Bound mine, which has not been sealed. There are also privacy issues. For example, the Fox property is 100 feet from Ms. Simmons home. Ms. Simmons stated that the property owners in the area have not heard any plans regarding how the County plans to protect buildings and the historic nature of the Ulibarri property.

Staff comments:

Ron Stewart commented he was on the BOCC at the time that the decision was made regarding the land to be included in the R&PPA application. There were concerns about including lands between Butzel and Big Horn Mountain as part of the application because of all of the private property in the area. At the [2003 BOCC] hearing Ron Stewart recalls that from a recreational perspective there was a lot of concern from property owners in the area and that these lands should be excluded from the R&PPA application because with the BLM land, we would not be able to put recreational trails through an area with so much surrounding private land. Ron does

not recall ever saying that there would not be recreation between the two areas but rather that it would not be included as a part of the BLM application. In terms of historical significance, the County will make a determination and proceed accordingly. With regard to value of the land, we have done appraisals in the area and the prices are not inconsistent.

Discussion by POSAC:

Christian Meyer commented that he does recall discussions regarding access between the two areas in question but it was realized that it would be very difficult to achieve in this particular area. Lisa Dilling asked if the land is acquired would recreational use have to be allowed? Jim Daus stated that no, it would not. Christian Meyer commented that the concerns brought up by Ms. Simmons are valid concerns that need to be addressed and that the concerns will likely be best managed by the County in terms of stewardship. Lisa Dilling concurs and added that there are several different values to be considered in terms of acquisition of the property as open space including the view corridor, extinguishing building rights, environmental value and historical value. Lisa added that she appreciates the concerns of the neighbors and has faith that the County will do a good job of addressing those concerns with the neighbors when the management plan is developed. However, we will likely need to do a better job of communicating with the private property owners in the area. Christian Meyer commented that when this goes before the BOCC, we will want to be clear about what was excluded in the R&PPA application. Jim Daus clarified that although these parcels were excluded in the R&PPA application, it does not mean that ultimately recreation could not occur here. Melanie Muckle commented that it does state in the memo that staff will request that the property be closed so that hazards and structures can be secured.

Motion

Christian Meyer moved to accept staff recommendation for the acquisition of the Olivieri property. Lisa Dilling seconded the motion. *Motion carried unanimously.*

Director's Update:

The County received eight National Association of Counties (NACO) awards. Four of which were awarded to POS for the historic preservation video, volunteer programs, the Grasslands Management Plan and the biomass heating system. The POS Roadshow is currently underway and staff will let POSAC members know when the roadshow is scheduled in their community. Ron Stewart asked POSAC for comments and questions. Christian Meyer commented on the 1.1 million dollars in pending grant money. Christian Meyer commented that he did receive approval on a COSA session for the conference in Steamboat Springs in September on how to get good board input in public process. Christian Meyer will put together a draft and solicit input from other POSAC members. Lisa Dilling requested that POSAC receive an update on the Cougar study prior to the final results of the study. Ron Stewart replied that as soon as the protocol is available it will be presented to POSAC and we will also get a sense of when the study results will be presented. Melanie Muckle thanked staff for their time and effort in conducting the POSAC retreat. Jason Vogel commented that the retreat was very informative. Jason Vogel asked about the recent stakeholder meetings. Ron Stewart provided background information on the meetings and the process and will make the meeting minutes available to POSAC. POS staff is working on a fourth POS video on environmental restoration projects.

Adjournment

The meeting adjourned at 8:30 p.m.