

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE
ADVISORY COMMITTEE,
November 20, 2008**

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

POSAC Members in Attendance

Present: David Batts, Sue Cass, Lisa Dilling, Eric Hozempa, Paul Jurasin, Mary McQuiston, Janice Moore (arrived at 6:50), and Jason Vogel.

Excused: Christian Meyer

Staff in Attendance

Jan Burns, Jim Daus, Renata Frye, Therese Glowacki, Tina Nielsen, Ron Stewart, Mel Stonebraker.

October 23 Meeting Minutes

Lisa Dilling moved to accept the October 23 minutes as written, and Eric Hozempa seconded the motion. *Motion carried unanimously.* Jason Vogel abstained because he was not at the October 23 meeting.

Public Participation for Items not on the Agenda

None

Haystack Goat Dairy

** Action Requested- Recommendation to BOCC*

Proposed purchase of 32 acres located at the southeast corner of N. 63rd Street And Oxford Road
Staff Presenter: Mel Stonebraker

See Staff Memo for Detail on Presentation.

Questions

Lisa Dilling: Hoping to sell the house to an organic farmer is very specific. It seems like the process should be open to all prospective buyers. Mel Stonebraker: Normally we would list with an agent and offer to everybody. But in this case, we feel it's in the County's best interest to try to support these small-market farmers. It's very difficult for organic farmers to find this type of opportunity, and we feel comfortable offering this land to a narrow group of farmers. Lisa Dilling: How would you insure that the person who bought the house also farmed the land? Mel Stonebraker: The intent would be for the buyer to enter into a long-term farm lease. Jason Vogel: How much land is attached to the house? Mel Stonebraker: Two acres is attached to the house. Jason Vogel: So we are buying 32 acres, then selling off two acres? Mel Stonebraker:

Yes. Jason Vogel: In order to farm, the County would need to lease some of the remaining 30 acres to the buyers. How many acres are needed to farm? Mel Stonebraker: We have been told that 5-8 acres is what an organic farmer typically needs to be economically viable. The size of the area used for farming is flexible, depending on what the farmer requires. Jason Vogel: How many people could an organic farmer feed working on 5-8 acres? Mel Stonebraker: Anne Cure is part of that community and she is here tonight. She might be able to answer that question. Anne Cure: I am a farmer in Boulder County. A conservative estimate would be one acre for every 75 families. We farm 6 acres and we feed 165 households, a dozen restaurants twice a week, two farmers markets twice a week and a farm stand. Ron Stewart: We, as a department, would like to encourage more small-parcel farming in the county. We would like to make available as much land to a farmer that he or she can care for. People in this small-farming community tell us that those who do want a small parcel of land to farm can't afford to do it in Boulder County because they are competing with others who want to live and ranch in these rural areas. In the coming months, you will see more initiative on our part to put together more opportunities like this. As I have mentioned before, Adrian Card, from the Extension Office, has just started the second year of the new farmers class. This is a piece of a larger effort on our part to encourage the growing of local foods. Eric Hozempa: The \$275,000 price includes the house and the 1.5 acres? How is that price arrived at? It seems like a great deal. Mel Stonebraker: It comes with a conservation easement attached to it, which limits future development. We are looking for a specific buyer, that's why the price seems low.

Public Comment

- Guy Korthase, Robin Drive, Brigadoon Subdivision. This property is right behind his property. He is very pleased about the idea of the County becoming a neighbor. He asked about the property possibly being contaminated because it was a dump previously, and asked if it will need to rest for a period to be considered organic. He stated mosquitoes are a problem in that area and he asked if there would be a problem for the county to spray for mosquitoes near an organic farm.

Mel Stonebraker: The land has to stand untouched for 36 months to qualify for organic farming. We feel comfortable that the land would qualify. Ron Stewart: POS works with the Health Department in controlling mosquitoes. Much of the focus of the program is in using larvicides, that are applied prior to the emergence of the mosquitoes, rather than spraying afterwards. That would not take place not in the fields, but rather in the wetlands around the property.

- Anne Cure, 7416 Valmont Road, Boulder. She stated that the County Health Department uses BT (*Bacillus thuringiensis*), which is an active bacteria in the water, which is completely approved for all certified organic production through the USDA. She also commented that this proposition [for the County's purchase and subsequent lease] would be an ideal situation for a farmer in the county. The majority of new farmers lease land. There is often no land security, which is difficult when you rely on land for your business.

Motion

Jason Vogel moved to accept staff recommendation for the purchase as presented, and Lisa Dilling seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Jason Vogel: I think this is the type of property that should be in our open space program. However, we already have a conservation easement over this property. The County would be spending \$500,000, after the sale of the house, to provide organic produce for 300-600 families. This is a value choice; I think it's worth it. Lisa Dilling: I think this is a creative move. This is a value proposition, to try to create more organic farming. But I believe the people who live in the county would support this. Janice Moore: I really like this idea. It seems to fit with the goals of the Ag program, based on their presentation in September. David Batts: I also appreciate the creativity of this proposal and that POS is willing to take on a challenge on a management standpoint. Mary McQuiston: I think it is really great to come full circle and return to the original plan for this property from a few years ago.

Wittemyer

** Action Requested- Recommendation to BOCC*

Proposed purchase of 164 acres west of the Hessie Trailhead near Jasper Lake in the Indian Peaks Wilderness Area
Staff Presenter: Jim Daus

See Staff Memo for Detail on Presentation.

Questions

Paul Jurasin: What rights might the Owner have to develop the road to the property? Can he improve that road at all? Jim Daus: That is a question for the USFS and the Land Use Department to consider over time. There would be obstacles; the Commissioners have indicated that they do not want some of these roads improved too much because they do not want a lot of people going on them. To that end, they potentially would allow more development on rougher roads than they normally would. Eric Hozempa: Would there be public access to this property? Jim Daus: Public access is available to this property by virtue of it being the Indian Peaks Wilderness and open to the public as County-owned open space. Jason Vogel: You said the Commissioners have already approved the purchase agreement on this transaction. What is the point of POSAC voting on this? Jim Daus: We are inspecting this property, and part of that inspection is also your consideration. If a problem arises during the inspection period, and POSAC has not recommended the transaction, it would weigh in on the decision to get out of the contract. Sue Cass: What is the approximate elevation of the property? Jim Daus: I'll guess it's close to 10,000 ft. Sue Cass: If for some reason this property does not get traded to the USFS, do you see the County ever allow access and development, such as picnic grounds? Jim Daus: I can't answer that. It would have to go through a management planning process. It will be open to the public, and subject to the County's rules and regulations. There would not be access for vehicles. Paul Jurasin: How does this price per acre compare to other properties in the area? Jim Daus: It doesn't. There are no comparables. David Batts: This is different than other possible Forest Service trades, because this is in wilderness. I'm a little concerned that we are being used by the Forest Service as a purchasing group for them. Has the Forest Service ever

been approached by the Owner? Jim Daus: The Owner has tried unsuccessfully for years to orchestrate an exchange with the USFS. It might have something to do with the same issues we have encountered working with the USFS, that they are short-staffed. Whether they are using us, I can't give you an answer. It may be a fait accompli because of their situation. Because that is out of our control, we are looking at an opportunity for opportunity's value in and of itself. I will comment that we should in a trade with the USFS service, when it does occur, be able to trade value-for-value, dollar-for-dollar on an appraised basis. David Batts: I have a feeling that if we threatened to put up a big structure there, the USFS would be scrambling to make something happen. But about the road, I think that if we buy an in-holding in wilderness, we need to respect the law of what wilderness is. Was there a discussion to give up the right to ever use that road for motorized use? Jim Daus: No, there was not. Janice Moore: It seems to me that if someone is in a hurry to sell, but no one in the neighborhood has any money because of the economy, then are we in a hurry to buy? In general, I'm thinking about this with all the recent transactions. I'm guessing that we may not get any more new open space money from the voters, because they are feeling the pinch. Jim Daus: The concern from this Seller is that capital gains taxes are going to increase, so now is the time to sell. I think this Seller has tried every avenue to trade with the USFS. This is the first time he has been amenable to selling in the eight years we have been in contact with him. If we don't do this now, he could decide to sit on it for another six months or twenty years.

Public Comment

None

Motion

Eric Hozempa moved to accept staff recommendation for the purchase as presented, and Paul Jurasin seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Eric Hozempa: I think this is a beautiful piece of property. I wish we wouldn't trade it to the USFS. Paul Jurasin: This looks like a good purchase, and should be in the public domain. The price seems high to me. Jason Vogel: I echo what others have said, I am also sympathetic that this piece of property should be in the public domain. I think it would be incredibly difficult to develop this area. So, we are looking at purchasing this property because it is in a beautiful wilderness area, just because we want it in the public domain for people to enjoy. Is that worth \$1 million? Decide for yourselves. Lisa Dilling: Normally, we are trying to fill in to make a bigger block of open space, but this property is open space in the middle of open space. You would never know if this was developed or not. It's a gorgeous parcel, but is it worth \$1 million? David Batts: \$1 million is a lot of money, but it's pretty cheap when you consider what other developers have done with their in-holdings in wilderness areas to have them put back in the public domain. I think this belongs in the public domain, but I don't think it's really a BOCO cost to be incurred. If we look toward special legislation for future transfers, I would hope that this parcel would be a line item in and of itself, and get reimbursed from the USFS or the federal government and turn it over to the USFS who would manage it most appropriately. And secondly, with the road, I think we should forgo any motorized use and be a good neighbor to the USFS in the wilderness area.

Musser

** Action Requested- Recommendation to BOCC*

Proposed purchase of 39 acres of vacant land on
Stone Canyon Road adjacent to Lyons
Staff Presenter: Jan Burns

See Staff Memo for Detail on Presentation.

Questions

Eric Hozempa: Are there other examples like this, where the County purchased a property and, instead of having a development of 72 homes, you are looking at dividing it into two? Jan

Burns: The Olson property, there were 8 or 10 acres where we created two building lots and sold them subject to conservation easements. We used the density from that property and put it on two lots. The Becky property, 350 acres, could have been divided into 10 35-acre parcels.

POSAC and the Commissioners directed us to try to find a conservation buyer to help us try to re-coup some of the cost of buying the property. Jason Vogel: How much money do you think we could get from the sale of the two parcels? Jan Burns: It's difficult to say given what's

happening with the economy, but we would hope to get \$200,000-\$300,000 per lot, subject to the conservation easement. We may be able to list it for more, but this is a conservative estimate.

Jason Vogel: Is the Department willing to sit on these parcels for a while, to wait for the economy to recover? Jan Burns: We are going to sit on it for a while, waiting for a quiet title.

There is a strip of land in the northern portion of the property, that neither the Musser's, nor any previous owners, have ever owned it. We think it was originally intended for road right-of-way.

We would need to quiet the title and that would take some time. It would probably be next year before we would list it. Jason Vogel: That sounds like a 'no' to my question. I don't think we

will be out of current economic crisis in a year. Lisa Dilling: I have a question about the shapes of the lots. I know it's probably just following the road, but is that the best marketable shape?

Would it be worse to have a lot that crossed over the road? Jan Burns: We need to spend more time up there and we might decide to refine the shape before we list it. We wanted to talk about

this through the public process before we bought it. Lisa Dilling: Could we have a scenario where we just keep the lots as open space instead of selling? Are you just trying to re-coup the

cost? Jan Burns: I think it has potential for turning into private open space for the subdivision. Indian Mountain is closed except for ceremonial rites. Eric Hozempa: What is the threat of

development on this property? Has the Town of Lyons, or any developer, indicated that there is interest? Jan Burns: In addition to sending letters to the 130 adjacent homeowners, we sent

referrals to the county departments and to the Town of Lyons. We haven't received a response yet, but I expect that we will hear from the Town of Lyons before the Commissioners' hearing

on December 4. I think there has been more talk about reconsidering annexation of this property and there is potential that it will happen in the future. Ron Stewart: POS got involved in this

transaction because we kept getting emails from the neighbors asking us to preserve the land from the threat of annexation and having houses built there. There was a plat being proposed for

72 houses. That would require an amendment of the Lyons-Boulder County Intergovernmental Agreement; this parcel is currently designated "Rural Preservation" under the IGA. The County

and the Town of Lyons would need to agree, although, the IGA is set to expire in four to five years. Regarding why the County is suggesting putting two house lots there, everything above

this property is developed, everything below it is developed. This land could help create the boundary between where rural Boulder County starts and urban Lyons stops. As open space, it

would not be easy to manage because of all the people who live around it, but also because of the

roads that go through it. We thought it would be better to use this land for urban shaping and use the money from the sale of the lots to buy land that is more genuinely open space than this parcel is.

Public Comment

- Peggy Griffin, 633 Eagle Ridge Road, Lyons, CO. She stated her east property line is the west property line of Lot A of the Musser property. She was concerned if wells would be drilled on the Musser property. She also had concerns about what would happen to Eagle Ridge Road, which is access to her property.
- Mike Sloan, 3220 Eagle Ridge Road, Lyons, CO. He is the president of the Eagle Ridge Road Land and Homeowners Association. His property is two miles north of the Musser property and he uses the access. He asked if the County would be responsible for road maintenance, and if the road were to be re-routed, how would the neighbors be involved in the process?
- Jim Kubitschek, 601 Eagle Ridge Road, Lyons, CO. He echoed the concerns for what would happen to the road and the drilling of wells on the lots. He had heard that these lots could be sold to developers in the future.
- Al Musser, 1535 Apple Valley Road, Lyons, CO. He represents the Musser Family Partnership. He offered a brief history of this land: In the mid-1990's this property was annexed; shortly thereafter it was de-annexed. In the early part of this decade the Board of Trustees in a non-binding vote recommended it for annexation. Shortly thereafter, that annexation was put to a vote and it failed. These 40 acres are the last remaining for development for the Town, but the voters have decided they do not want this land developed.
- Walt Griffin, 633 Eagle Ridge Road, Lyons, CO. He wondered how the parcels would be announced for sale.

Jan Burns: The parcels would be listed through a realtor found by the County's competitive process selection. Upon enlisting a realtor, the property would then get listed on the MLS and signs would probably go up immediately. Once a buyer is found, that person will be required to go through site plan review with the County and all property owners within 1500 feet will be notified to give their input. Regarding the question if the lots could be developed in higher density in the future, the conservation easements would be in perpetuity, limiting development to one single-family home and restricting the total size. Regarding the road, the County has no intent to move the road. The property is subject to the existing road easement with Third Equity Corporation. The only change would be two driveway cuts for the two new homeowners. It would not be a county-maintained road; the new owners may need to contribute something toward maintenance. Wells are regulated through the state of Colorado, not the county. Any legal lot would be eligible for a well permit. We do not have any information about whether there is water there or if it would affect other water levels; that would need to be investigated more in the future.

Motion

Lisa Dilling moved to accept staff recommendation for the purchase, with the added language, ***Prior to putting the lots up for sale, the County will engage the Town of Lyons, to see if there is interest in partnering with Boulder County to maintain these parcels as pure open space.***

Jason Vogel seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Lisa Dilling: I think this purchase goes to the spirit of preserving open space. And selling off the lots also decreases the price. Overall, this is for the benefit of the County and Lyons to have this preserved. Jason Vogel: I'm not sure why POS feels that they need to shed these parcels as soon as possible. I think it would be better to wait until market conditions are more favorable. Eric Hozempa: I struggled with this one. I have to believe that the idea of moving forward to build 72 homes by a developer would seem problematic in this market. But this purchase does preserve a really nice corridor in Lyons, and preserve urban shaping. Janice Moore: I'm not hearing a groundswell of enthusiasm for this from the residents. Is there a real demand for this? Jason Vogel: The emails we received all stated that they don't want to see 72 homes here, but they also brought additional considerations. I think we received 12 emails in support, more than any other purchase I can remember. Janice Moore: I remember reading a lot of reservations about it in the emails. Lisa Dilling: I think the emails were overwhelmingly in favor of the purchase. To me the issue is the threat of annexation. If it's worth preserving, we should take the opportunity now. Mary McQuiston: I really support this purchase. Seeing 72 homes here would be tragic. I think this is creative, and maybe a bit of a risk, but if we sit on it for a while I can't imagine that we wouldn't get a fair price out of these two parcels. David Batts: I do support this, although I am a little concerned about the County becoming a development broker. Maybe we can take a step back before selling to see if there is a way to partner with the Town of Lyons to see if we can keep it in full open space. I've watched the struggles that this property has gone through and I would like it to close with some formality with the Town. Eric Hozempa: I like what David just said. Can we add that piece about partnering with the Town of Lyons to the motion? David Batts: We could add language similar to "Prior to putting the lots up for sale, engage the Town of Lyons, to see if there is interest in partnering with us to maintain it as pure open space". The definition of "partnering" could be left up to the County.

Spencer

** Action Requested- Recommendation to BOCC*

Proposed purchase of a conservation easement
On 76 acres of vacant agricultural land east of
N. 83rd Street, north of Niwot
Staff Presenter: Jan Burns

See Staff Memo for Detail on Presentation.

Questions

Mary McQuiston: In the possible situation that the owner might donate this conservation easement, they could also sell the TDR's privately, as well? Jan Burns: The \$1.5 million is the

market value of the conservation easement. If they sell the TDR's themselves, they might get \$700,000-\$800,000 for both parcels. Mary McQuiston: Which is about the same amount that the County would get for the TDR's, correct? Jan Burns: Yes. Janice Moore: If I am understanding this correctly, between the sale of the TDR's and possibly their purchasing open space subject to a conservation easement, a lot of this \$1.5 million could be recouped? Jan Burns: At least half with the TDR's, and more if the owners purchase the land in fee. Jason Vogel: I'm curious about what kind of development can occur on these parcels now? Jan Burns: Just two homes. Jason Vogel: So we are talking about purchasing away the ability to build just two homes, if the owner was willing to sell, on 35-acre parcels which could be used for agriculture. Jan Burns: Correct. Mary McQuiston: Would the size of these two possible homes be restricted to the 6,000 sf limit adopted by the County? Jan Burns: No, you have an option to build greater if you buy TDC's. Mary McQuiston: They would still need to go through the approval process? Jan Burns: Yes, and in the approval process they look at the median size of homes in the neighborhood. Mary McQuiston: Which is about 15,000 sf in that area. Jan Burns: Yes, those are all big houses around there. Ron Stewart: The County did go through an extensive process with the Niwot community regarding TDR's when the County adopted its regulations. Most residents would like to see development halted in areas like this one. Niwot views this as one of its highest priorities for preservation. If these parcels were on the market, they could get \$1.5 million a piece. We feel that this is a very good deal and we can get some money back from it. Lisa Dilling: Why would the Spencer family want to buy this other land that is currently open space? Jan Burns: They would have more area for horses and growing hay. Lisa Dilling: Why not just keep the land they have for that? Jan Burns: They aren't selling the land to us in fee; they are just selling a conservation easement over those parcels. Mary McQuiston: What is the County's use right now on the parcels the Spencer's want to buy? Jan Burns: There is an agricultural lease on that land now. Mary McQuiston: Would the Spencer's want to use it for agriculture or for their horses? Jan Burns: We don't know at this time. We would learn more if we went ahead in the process. I think it might be for growing hay.

Motion

Eric Hozempa moved to accept staff recommendation for the purchase, and Sue Cass seconded the motion. ***Motion failed 5 to 3. Members For: Eric Hozempa, Sue Cass, Paul Jurasin. Members Against: Jason Vogel, Mary McQuiston, Lisa Dilling, David Batts, Janice Moore.***

Discussion on Motion

Eric Hozempa: The price is high, but we are looking at creating a great buffer and preserving the rural character in that area. Sue Cass: This would add a big chunk to the green already on the map. Jason Vogel: I couldn't disagree more. I do not think we should purchase the conservation easement. First of all, I see it as the County paying an owner of a huge home \$1.5 million to preserve their views. Secondly, the urban boundary is already defined. This is an area already populated with mansions; only two additional homes can be built here. Thirdly, we are looking at areas that could be used for agriculture. Earlier we discussed keeping areas open for agriculture. Finally, I'd also like to know if the owners are really interested in selling these parcels for development. If they can sell the development rights for \$700,000-\$800,000 on their own, they can still get something for those parcels and stop development, just not as much as

they would get if the County does it for them. I feel that this is an irresponsible use for the limited remaining funds. Eric Hozempa: I want to clarify that we would be able to recoup some of that \$1.5 million. Mary McQuiston: I agree with Jason. When I saw the huge home being built right on the corner, it seemed like there is no reason to try to limit development here. It might have made a difference if that other house wasn't being built.

2nd Motion

Jason Vogel moved to not recommend this purchase to BOCC, and Lisa Dilling seconded the motion. **Motion carried 5 to 3.** Members For: Jason Vogel, Mary McQuiston, Lisa Dilling, David Batts, Janice Moore. Members against: Eric Hozempa, Sue Cass, Paul Jurasin.

2009-2014 Capital Improvement Plan

** Action Requested- Recommendation to BOCC*

Staff Presenter: Tina Nielsen

See Staff Memo for Detail on Presentation.

Questions

None

Public Comment

- Mike Barrow, 801 Sherman St., Longmont. He is with the Boulder Mountain Bike Alliance. The CIP is impressive in scope, the amount of improvements, and the amount of leveraging. Call out three things:

The Superior-to-Marshall Trail is highly anticipated, great that you got a grant; concern that a 4-foot wide trail is too wide. We would prefer a 2-foot width, like the Picture Rock Trail. Narrower trail forces users to be more courteous.

Reynolds/Rogers – yes, a lot of social trails, but they're not proliferating, so no hurry.

Looking forward to results of the Benjamin Management Planning process, and hope the project stays on schedule for work next year.

Motion

Jason Vogel moved to accept staff recommendation for the Capital Improvement Plan as presented, and Eric Hozempa seconded the motion. **Motion carried unanimously.** Lisa Dilling and Janice Moore were not present for this vote.

Discussion on Motion

Jason Vogel: We should be conscientious of the Benjamin Management Plan implementation. There is \$30,000 budgeted for that. It would be fantastic if we can do it for \$30,000. But, I'm a little worried of the process stretching beyond that number. David Batts: I want to voice my support of the Opportunity Fund, to keep it for flexibility in responding to unanticipated needs.

Director's Update

The Benjamin-Betasso field trip planned for this coming Saturday was canceled because only two POSAC members could participate. POS will reschedule for December 6. A second date will be scheduled on a weekday for a shorter trip.

Discussion

Jason Vogel asked about the Prairie Dog Vegetation Update from September. Does this study tell us what our next step should be? Does it actually help us in managing Prairie Dogs? Ron Stewart: I'm not sure that the study isn't helping us manage the population. It could lead to some sort of action, but it hasn't been discussed yet by staff. Jason Vogel: How much science is enough to make a decision about how prairie dogs ought to be managed? David Batts: POSAC has been pressuring POS staff to monitor and study [prairie dogs], so we have facts to make better determinations. Jason Vogel: I think that if we monitor forever, we will pay for it forever. Maybe that's what's needed, but I think it's something to consider.

Mary McQuiston: Is the County monitoring the different user groups on the Picture Rock Trail? Ron Stewart: We haven't yet, but we will. POS performs user-group studies at different parks on a regular basis. New trails always get more use initially.

Adjournment

The meeting adjourned at 10:05 p.m.