

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE
ADVISORY COMMITTEE,
September 25, 2008**

The meeting was called to order at 6:30 p.m. by Christian Meyer 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, Christian Meyer, Janice Moore, and Jason Vogel.

Excused:

Staff in Attendance

Rob Alexander, Mark Brennan, Claire DeLeo, Ellen Flannelly, Renata Frye, Conrad Lattes, Ron Stewart, Mel Stonebraker, Luke Stromquist.

August 28 Meeting Minutes

Lisa Dilling moved to accept the August minutes. David Batts seconded the motion. *Motion carried unanimously.* Jason Vogel and Mary McQuiston abstained because they were not present at the August meeting.

Public Participation for Items not on the Agenda

- Dick Schillawski, 1160 N. 119th St., Lafayette, CO. He attended the POSAC retreat on September 20. He thought there were good questions and topics, but he did have an issue with how the IGA item was covered. He questioned if the governmental entities actually promote rural preservation.

Property Transaction: Montgomery Farm Open Space

Platte River Power Authority request for easement for an underground electric transmission line
Staff Presenter: Ellen Flannelly with Mike Dahl, Platt River Power Authority

** Action Requested-
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

David Batts: What is the voltage of the line? Ellen Flannelly: 230 kv. David Batts: What is the motivation for the company to underground the lines? Mike Dahl: We have tried to be sensitive to areas the lines pass through. It will be underground where there is a higher housing density. Paul Jurasin: Is there a conflict having an existing easement with Tri-State and now with Platt River? Ellen Flannelly: The existing easement states that Tri-State must approve the granting of any other easements overlapping its easement, and Tri-State has agreed to the

easement. David Batts: Have we talked to Tri-State to see if they would be amenable to taking down their poles and placing their lines underground? Ellen Flannelly: I have not asked Tri-State. I took Platt River's word for it that Tri-State would not want to spend \$1 million dollars that they didn't need to.

Public Comment

- Richard Quigley, 2005 Sundance Dr., Longmont, CO. He lives directly to the west of the Montgomery Farm Open Space. He is concerned about the new lines increasing from 550 amps to 1200 amps, meaning there will be a 250% increase in EMF levels. The existing easement doesn't allow larger poles and lines that exceed 550 amps. He would like to see all lines get placed underground.

Discussion

Ellen Flannelly: There is a second easement granted to Tri-State that replaces the original easement. The second easement gives Tri-State considerably more ability to upgrade and improve the lines and poles. This easement includes Tri-State's successors and agents. In this scenario, Platt River would be acting as Tri-State's agent. POS thinks this is allowed within the terms of the latest easement. Jason Vogel: Why isn't Platt River acting as an agent of Tri-State now, instead of requesting a separate easement? Do they not have underground rights? Ellen Flannelly: Exactly. The existing easement is only an overhead easement. Lisa Dilling: This request for an underground easement is not related to any overhead improvements or enhancements? Ellen Flannelly: No, the two are independent. David Batts: What would happen if we didn't grant this easement? Ellen Flannelly: They might go around us, or go overhead. They would still need an easement for their own facility to go overhead, but we would prefer them to go under. Janice Moore: I sympathize with the residents. Is there any way we can use this easement to mitigate the exposure? Ellen Flannelly: This would be beyond the scope of the County's legal rights to require these changes to the existing easement. Christian Meyer: I think that, at a minimum, you should have a discussion with Tri-State about this, so we are clear about what people would like to see considered.

Motion

Jason Vogel moved to accept staff recommendation for request of the easement as presented, and Eric Hozempa seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Jason Vogel: It seems clear to me that our hands are tied. Mary McQuiston: Legally this is straightforward. But when we become aware of a potential problem for residents, how does the County interact with these questions? Ellen Flannelly: Boulder County Commissioners and Land Use have already looked at the overall plan and the same issue was debated. They concluded they have neither the authority nor the information to make a decision regarding electro-magnetic fields. Christian Meyer: I would like for this conversation to carry forward from staff. Jason Vogel: I think we are reducing the overall exposure of the neighborhood to EMFs by allowing these underground lines. I think that, as a board, we would be receptive to granting underground easements for existing overhead lines, if a request ever came before us.

Property Transaction: Ross

Proposed purchase of 190 acres on East
County Line Road between Pike Road &
Oxford Road

Staff Presenter: Mel Stonebraker

** Action Requested-
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

Christian Meyer: Is there a time limit on the FRPP grant? Mel Stonebraker: We would need to spend about \$200,000 by next March. There is every indication that the FRPP would grant an extension. Christian Meyer: If you couldn't sell the fee interest within that time frame, would you lose those funds? Mel Stonebraker: I assume that within a year's time, we would have completed a transaction. Christian Meyer: We should recommend that, when you take it to BOCC, you make it clear that the burden is present if something doesn't happen in a timely fashion. Mel Stonebraker: Yes. David Batts: What is the proposed sell-off of Big T water? Mel Stonebraker: It's something we would do as soon as we find a buyer. We already have a couple of possible buyers. I expect we would be able to sell within 12 months. This is very expensive water and we don't really have a use for it. David Batts: Would it be a good investment to hold on to the water for a while? Mel Stonebraker: The price [of Big T water] is influenced by many things. If we had access to those funds, we would have better ways to spend the money in the short-term. Ron Stewart: The biggest variable in terms of worth is the amount of development. Big T was \$14,000 per share a few years ago when all those towns like Erie, Firestone, Dacono, and Frederick required a share of Big T to build a house. But development has slowed substantially, which is why the price has dropped. We have some concern over whom we sell it to. We would like to see it used in a city rather than for more development in an unincorporated area. We wouldn't just turn it over now; we would wait until there was a higher value to it. Sue Cass: If the Big T water gets removed, are the ditch shares adequate for this property? Mel Stonebraker: Yes, but not at the level it would be with Big T on it. One would need to consider what crops would do better with the amount of water remaining after the sale of Big T. Mary McQuiston: Will someone be able to build a residence on the Weld County parcel? Mel Stonebraker: It depends on whom we sell it to. It would depend on whether the buyer wanted a development right to remain on the property. There is some indication that an adjacent owner might want this property for farming and would not want a development right. Ron Stewart: If we were to sell this as farmland, it would sell for \$6,000-\$7,000/acre, or \$650,000-\$700,000. If we sell with a development right allowing a 6,000 SF home, it might sell for \$1,500,000. To what extent do we want to preserve totally vacant land, verses trying to get a better return on our money? What we are really trying to do is save this land from annexation. Jason Vogel: My thought is that we get a lot more bang for our buck if we allow one house. The memo states that the sellers will retain the mineral rights. I know that there is extensive gravel mining in the area. What does it mean that they are keeping the mineral rights? Mel Stonebraker: I don't think there are any gravel assets here. Primarily what we are looking at are oil and gas mining. There are currently five wells on the 160 acres that include Ross. There are another five on the Weld County side. The owners want to keep the royalties from those, as well as be able to put in new wells. Jason Vogel: How many additional wells might we see? Conrad Lattes: If there are five wells on each quarter section, that is the

maximum number of pads that there could be in the Greater Wattenberg Area under the current system of rules and regulations of the Oil and Gas Conservation Commission. Lisa Dilling: I was looking at the possible financial cost in the end. It appears to me that we could sell the Weld County land for \$750,000; we would get the FRPP grant for the difference up to \$1,600,000, leaving about \$540,000. About 400,000 for TDR's, Big T water about another \$1,300,000. That leaves about 1,500,000-2,000,000 that the County would be out in the end. Mel Stonebraker: That is our hope; that's how we structured it. Jason Vogel: Why would we not sell the property on the Boulder County side, subject to a conservation easement? Mel Stonebraker: That works best when there is an adjacent landowner who would want to buy and farm the additional land. I don't think POS would be very motivated to create a stand-alone 80-acre parcel. Unless we can attach it to something else, it makes it hard to sell it on its own, subject to a C.E.

Public Comment

- Dick Schillawski, 1160 N. 119th St., Lafayette, CO. He wondered if selling off Big T water would preclude a crop like corn, which he said is typically a big money maker. In addition, he stated that selling off this water could adversely affect the market value.

Ron Stewart: White Rock water has some storage capacity in the Panama Reservoir. It's clearly not as good as keeping Big T on the ground, but how much do we want to spend for agricultural water? We have, over the past months, been picking up native water to replace the Big T water we sold. Some crops, like corn, you might not be able to grow with less water. This [Ross Property] transaction is difficult for us because we have to come to you with only the first piece, because we don't yet have all the pieces. Once we find a buyer for the land, that buyer might want the Big T water, which means the price of the property would be more.

Motion

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

Discussion on Motion

Janice Moore: It seems to me that there are many ways we can move with this, and POS has an experienced staff. I think this is a reasonable purchase, even though it may take a while to come to fruition. Lisa Dilling: It makes sense with its location, filling in the area. Christian Meyer: Part of me thinks that when water is sold, we should buy more. But I realize in the context of management plans and policies, it is never looked at independently. Regarding TDR's, to me this doesn't carry a lot of meaning as an asset, since they aren't being sold right now. Eric Hozempa: I'm concerned about selling the water rights. I'd like to see the water stay fairly close to a developed area.

Summary of Prairie Dog Vegetation Monitoring, 2001-2008

**Information only*

Presenter: David Buckner, Ph.D, ESCO Associates, Inc.

See Staff Memo for Detail on Presentation.

Questions

Jason Vogel: Prairie dogs have been in the area for a long time, presumably having similar effects over history. It seems the only real issue now is that we have a bigger problem with invasive weeds that can re-colonize an area that otherwise, after a plague knocked out a colony, would have re-grown with native plants? David Buckner: First, there is an abundance of aggressive opportunists that have come with us, agricultural man. Second, the prairie dogs don't really have the opportunity to move to other areas once they have grazed down their colony. Even though we have thousands of acres of open space, they start to really annihilate significant portions of the native grasslands that wasn't the case historically. There is an on-going cycle of disturbance and re-colonization. In our case, the scale of our open space, large though we've tried to make it, isn't that big to sustain prairie dog habitat compared to habitat available pre-settlement. I have to believe that, if it were not for these invading weeds, the prairie dogs would have a very hard time surviving on a lot of these sites. I believe that the abundance of weed seed and the germination has a lot to do with how they survive at this point. Christian Meyer: Is anyone else looking at this question in a similar environment, a mixed urban rural area like this? David Buckner: Not that I know of. There might be something similar in Larimer County. Janice Moore: Is there some relationship between the likelihood of Plague exterminating a colony and the kind of ground cover it is subsisting on? David Buckner: I don't know about that. Sharon Collins at the CU Biology Department has been working on that, but I think her observations are still happening. Eric Hozempa: Is this on-going research? Will there be another phase or will it conclude? Claire DeLeo: We will do the monitoring, as long it is required in our management plan. We monitor each property on a 3-year schedule, except for the areas that have Plague, which requires more immediate monitoring. This is monitoring, not experimental design, so we are looking at trends versus causation.

Agricultural Resources Division Update

**Information only*

Staff Presenter: Rob Alexander

See Staff Memo for Detail on Presentation.

Questions

Christian Meyer: How long do the agricultural leases last and once they are up for renewal, do the leases always go up for bid? Rob Alexander: Typically, we have 3-year leases, and if everyone is happy at the end, then we renew the lease. We are pretty happy with our operators and they seem pretty happy with us. We have enough properties coming up for bid that those who want to get in usually can. Christian Meyer: Your memo mentions you have only two tenants under the age of 40. Do you think that younger people have the same opportunity when it comes to bidding? Rob Alexander: The people who come to the bid meetings are not

particularly young. They fit the average age of our tenants. Eric Hozempa: Regarding bio-seed crops, is it primarily sunflowers that are grown? Rob Alexander: Yes, we are growing sunflowers now because our guys know how to raise it and it does well here. We are looking at trying canola in 2010; you need another crop to rotate with sunflowers. There is also promise for some other oil-seed crops. Lisa Dilling: What are the criteria for selecting tenants? Rob Alexander: We look at who can take care of the land and provide a fair rent. We consider knowledge, experience, track record, labor and equipment and their financial condition. Lisa Dilling: How much of the land is used to grow the crops to make bio-diesel to run the equipment? Rob Alexander: About 1/10th of the acreage is used. Mary McQuiston: How is the rent determined? Rob Alexander: We look at local, private land rents for comparison. But most of our rents are based on crop-share. We participate in a portion of the crop cost and in return we receive a portion of the revenue. It's much more work for us, but it reduces the risk for the operators. Janice Moore: Have you considered an internship program to help young farmers gain the knowledge needed by helping more experienced farmers? Rob Alexander: We encourage younger family members to stay on with their parents who farm for us. We approached the Vocational Ag Program in the St. Vrain School District some years ago. BOCO will lease land to them so the young people in the program can intern and they hopefully will stay and farm in Boulder County. Jason Vogel: Are there currently any CSA's [Community Supported Agriculture] on Boulder County open space ag land? Rob Alexander: Yes, this was the first year of production on the Harney Lastoka property. This property is owned jointly by the cities of Louisville and Lafayette and Boulder County. Sue Cass: You indicated that your department picks up the cost of certification for organic farmers. Approximately how much does it cost for certification? Rob Alexander: It's based on acreage. For a typical 5-10 acre parcel, it would be several thousand dollars. Christian Meyer: [The handout] is a great source of information, very comprehensive.

Director's Update

The 2012 Vision for Parks and Open Space was handed out to POSAC members. This document is a result of staff meetings and discussions at the 2007 POSAC retreat.

Discussion

Jason Vogel: Goal 5- I think it would be useful to separate out what are transportation opportunities, the connections between cities, verses the trail systems that are largely used for recreation; soft-surface trails as opposed to hard-surface trails. That would give me a better idea of how are we supporting infrastructure for alternative transportation verses providing a recreational experience.

Ron Stewart: We can look at that. We won't do a lot of regional trails. The source of funding for those will come out of the transportation tax.

Christian Meyer: Even though the County may not be responsible for that, it's useful to see what role are we playing in a bigger context.

Janice Moore: Would it be worthwhile to put some of these ideas out in a type of press release? The public may like to see a plan.

Ron Stewart: That's a good idea. We'll do as much of that as we can, maybe as an insert in the papers.

The Board of Commissioners met last night to vote on the trailhead for Picture Rock Trail. They were divided in their vote, but they approved a temporary trailhead on Red Gulch Road. They approved a permanent trailhead on Red Gulch, to be built after the design is finished and the limited impact special use process is complete. They decided to work with the Town of Lyons for expansion or overflow parking at Bohn Park. We approached the school board but they were not receptive to having the parking lot at their location. The temporary trailhead will be ready by this weekend.

Lisa Dilling: On another topic, would it make sense for Boulder County to buy the mineral rights with open space funds? It really impacts the visual quality of our open space.

Ron Stewart: We have bought mineral rights on some properties where we didn't get them initially. It really depends on what the owners think the rights are worth. Many people aren't interested in selling their rights. We can consider it if we have the opportunity.

Adjournment

The meeting adjourned at 9:10 p.m.