

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE
ADVISORY COMMITTEE,
June 25, 2009**

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: Sue Cass, Eric Hozempa, Paul Jurasin, Mary McQuiston, Christian Meyer, and Jason Vogel.

Excused: David Batts, Lisa Dilling, and Janice Moore.

Staff in Attendance

Jan Burns, Ellen Flannelly, Renata Frye, Rich Koopmann, Joe LaFollette, Tina Nielsen, Jesse Rounds, Mel Stonebraker, Brent Wheeler, and Julie McKay (Transportation Department).

April 23, 2009 Meeting Minutes

Jason Vogel moved to accept the April 29 minutes. Eric Hozempa seconded the motion. ***Motion carried unanimously.***

May 28, 2009 Meeting Minutes

Jason Vogel moved to accept the May 28 minutes. Sue Cass seconded the motion. ***Motion carried unanimously.***

Public Participation for Items not on the Agenda

None

Fairgrounds Update

**Information Only*

Staff Presenter: Joe LaFollette

See Staff Memo for Detail on Presentation.

Questions

Sue Cass: Do the Farmers' Market vendors pay a fee to participate? Joe LaFollette: There is a formula involved. I believe it's 5% of what they take in; we put a cap on it. Mary McQuiston: Are the campers who stay at the fairgrounds people who are there for events or are there campers who are just passing through who stop to camp? Joe LaFollette: Both. The campground starts to fill up mid-March and it includes events participants and people who are just traveling through the area. We see many of the same campers every year. During some of the larger events, pretty much the entire [camp] facility is reserved. Eric Hozempa: I have noticed the changes at the

fairgrounds, just by driving past, and I have to commend you and your staff, it really looks great. Christian Meyer: When you talk of the Farmers' Market expansion, what will that look like in terms of an impact on the facility? Joe LaFollette: It would all be an improvement. There are several options we are considering. One would be an eastern expansion off the central hub that would head toward Cattail Ponds, and the other one would be to head toward the midway, which is in front of the Jack Murphy Arena. The eastern expansion seems to be the more popular. The northern parking lot area is so large it really can accommodate many different uses. Christian Meyer: The drainage improvements you spoke about will all take place in 2009? Joe LaFollette: Phase I will, which will include paving the parking lots to create the drainage swale. That will address the western end. Then we will look into what will address the drainage on the east end. Christian Meyer: With all that you have planned, do you foresee changes in your budgeting request in the capital improvement plan? Joe LaFollette: We are trying to establish a 5-year plan so we can have a better idea of how we can better achieve this. Eric Hozempa: Do you know if there is any consideration from the City of Longmont to have a pedestrian walkway across Boston Avenue from Rodgers Grove? Joe LaFollette: Staff has discussed that with the new trail that is going in. We will contact the City once the trail is a little farther along. Christian Meyer: How much of the activity is seasonally driven? What are you doing as far as outreach so the facility is used a larger percent of the time? Joe LaFollette: The exhibit building is used year round. We promote it as much as we can, but we want to keep the facility more community-driven and not too commercialized. Some of the facilities, like the outdoor arena, really can't be used when the weather is bad. Activity does slow down in the winter, but it changes to different types of events. We have a waiting list for groups that would like to hold events at the fairgrounds. Brent Wheeler [POS Operations Manager]: The Fairgrounds became part of the Operations Division in the last year and we are very fortunate to hire Joe LaFollette. He has been a great addition to the staff. There has been a tremendous change, not just of the facilities themselves, but also with staff morale and building a team with staff, event users, the community, and emergency responders. We have heard nothing but glowing comments during the first event check-in I attended last year. People immediately saw there were changes. We got great comments from the county fair organizers last year.

Public Comment

None

Mountainview Egg Farms

Joint purchase of 144 acres in SE Boulder County bordering Lafayette and Broomfield
Staff Presenter: Mel Stonebraker

**Action Requested -
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

Sue Cass: Are Boulder County Audubon and Boulder County Nature Association aware of the burrowing owls on this property? Mel Stonebraker: Yes, I have shared this information. Sue

Cass: How long has it been since this egg farm has been active? Mel Stonebraker: I think about 8 years. Paul Jurasin: Do you know how much the royalties are from the six oil and gas wells? Mel Stonebraker: They are older wells, so it's not significant, maybe a few hundred dollars a month. Eric Hozempa: I noticed you have proposed to remove the chicken barns. Is there any plan to reuse or recycle them? Mel Stonebraker: The County has a policy to try to recycle everything we demolish. The question is if there is any value to the materials, and we will see if that is the case. Christian Meyer: Where will the money come from for the removal of the structures? Will it come from open space tax maintenance dollars? Mel Stonebraker: Yes, probably. Christian Meyer: What is the time frame for that? Mel Stonebraker: My hope is that we could do it next winter when the burrowing owls are gone. Christian Meyer: Where on the property do you envision the small market farmers being located and where would their access be? Mel Stonebraker: They would probably be at the top of the rise; there is a road that comes in from Highway 7. It's level, the soil is good, and it's near the well. Christian Meyer: What acreage are you thinking? Mel Stonebraker: With that amount of water, 10-30 acres. Christian Meyer: How do you find the small market farmers for land such as this? Mel Stonebraker: We don't seem to have a difficult time finding farmers. There are a couple associations and usually word gets out quickly. Christian Meyer: Will this property fall within the Southeast County Management Plan? Mel Stonebraker: I think this property will have its own management plan, which will be folded into the larger management plan. Christian Meyer: What conversations, in terms of long-range planning, have there been with the Town of Erie or CDOT regarding access going under Highway 7? Jeff Moline [Open Space Superintendent for City of Lafayette]: We have had some discussions with Erie about doing that. We have told them that if they have a way of getting to Hwy 7, then we would come from the South and get to Hwy 7. We told them that we would probably lean on them to get under Hwy 7. There is a bridge across Coal Creek on Hwy 7 that can be used to create an underpass for a trail there.

Public Comment

- Frank Phillips, Lafayette City Council and Council Liaison to Lafayette Open Space. He was a planning commissioner in 2003 and convinced his fellow planning commissioners to designate this property as future open space. He urges POSAC to recommend this purchase.
- Dick Schillawski, 1160 N. 119th St., Lafayette, CO. He states that this property was part of one of the first big coal mining operations in the area in the 1870's. This was also one of the first properties in the area homesteaded under the Homestead Act. He is sorry to see that information missing from the staff memo. He also has a problem with how the deal is being financed, with Broomfield having no part in it and Erie having a very small role.

Motion

Sue Cass moved to accept staff recommendation for the purchase, and Eric Hozempa seconded the motion. ***Motion carried unanimously.***

Discussion on Motion

Sue Cass: We are all aware of the massive development just to the east of this property in Weld County and that a piece of the large property just to the west is planned to be a Lowe’s store. This is a gloriously beautiful property and, although expensive, it is worthy of the purchase. Christian Meyer: Just a follow-up that, given what Dick Schillawski has added regarding the mining history of this property, I’m sure that will become a part of the educational aspect of the trail that goes in there.

Fabel

Acquisition of approximately 40 acres near Allenspark

Staff Presenter: Jan Burns for Jim Daus

**Action Requested -
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

Jason Vogel: What is meant by this sentence, “This will give the County some measure of control of the growing off-road presence along Bunce School Road”? Jan Burns: I think maybe as in being able to patrol, I don’t know exactly what Jim meant by that. Jason Vogel: I think that would be a waste of a ranger, and I am skeptical of the likelihood of the ability to control those folks up there. Jan Burns: I agree, we’ll talk about it. Christian Meyer: What changes of use do you see in recreational activities if this property is under the County management plan as opposed to its current uses in private hands? Jan Burns: Usually the plan with mountain properties is to keep them open and allow recreational activities to continue. Our biggest hope is for a trade with the Forest Service and we have several proposed trades with them.

Public Comment

None

Motion

Jason Vogel moved to accept staff recommendation for the purchase, and Mary McQuiston seconded the motion. ***Motion carried unanimously.***

Pasqual

An option to purchase 78 acres of land and water rights NE of Longmont. The terms include the sale of the fee interest in the Hirschfeld Open Space, subject to a conservation easement.

Staff Presenter: Jan Burns

**Action Requested -
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

Paul Jurasin: Are you asking us to approve just entering into an option agreement now, or the entire purchase? Jan Burns: We are asking for approval of the purchase, because if we enter into an option agreement now, and the commissioners approve it, we would proceed with the purchase according to all these terms. Christian Meyer: What criteria would staff use in determining to exercise the full option? Jan Burns: I would say that we would have already done our due diligence and we would be ready for the full purchase. The only restraint would be finances. Sue Cass: Regarding the property that is being exchanged in this deal, what has happened to property values since it was purchased in 1999? Jan Burns: We consider that it was purchased as open space and we will be selling it subject to a conservation easement that won't allow development. So it's really just the agricultural value of the property. Christian Meyer: One context I get out of it is that we typically go for half of the fee price when we do a conservation easement, so in that context, the County is saying it has doubled in price since its original purchase. Jan Burns: Correct. Jason Vogel: With the option agreement, this means the County is running out of money for property purchases, so we are trying to strike the right balance. So this \$30,000 is for the right to buy the property, it is not a part of the purchase price? Jan Burns: Correct. The extra \$30,000 is because we are locking up the property until 2010. Jason Vogel: So presumably this means there could be a lot of activity with this property, that's why we are locking it up for a future purchase? Jan Burns: Yes. If we felt we had the funds to go ahead and purchase it now, we would. Jason Vogel: The option on the Hirschfeld property would only be executable if Boulder County decided to execute our option first? Jan Burns: Yes.

Public Comment

None

Motion

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

Discussion on Motion

Eric Hozempa: I think this will be a great addition to the buffer that envelopes northern Longmont. Jason Vogel: I will vote for the motion, but I do have some reservations. I feel I'm a little in the dark as to why we are purchasing an option rather than the property right now. I understand that is the case, but I would prefer that it weren't the case. Christian Meyer: In general, I don't like the idea of selling fee interest, unless there is a compelling interest to do so. But I do like the idea of recouping the costs when we can either maintain or potentially improve the use of the property. I do echo Jason's concerns about what appears to be a change in acquisition strategy, we would like to know about that. Jan Burns: I should add that option agreements were something we did pretty routinely in the 1990's when we were trying to lock up many different properties and we either didn't have the funding or we only had enough funding to pay for a little bit each year. One thing I didn't mention about the Hirschfeld property is that it is a fee property but it is almost completely surrounded by conservation easements, so that is why we have considered selling the fee in it.

Vicklund

An option to purchase 79 acres of land and water rights in the SE corner of SH 52 & N. 115th St.

Staff Presenter: Jan Burns

**Action Requested -*

Recommendation to BOCC

See Staff Memo for Detail on Presentation.

Questions

Jason Vogel: As I understand, there are two possible dispositions of this property if we purchase it. One is the creation of a 4-acre lot, and the other is selling it to an agricultural tenant subject to a conservation easement. Do you have estimates for what those two options might bring in? Jan Burns: What we have proposed for selling the fee interest, subject to a CE, is close to \$1 million. If we sold the house lot, we would probably get something in the area of \$300,000. There is a third scenario, which would be to sell the house lot and the fee interest in the remaining agricultural land separately, which might bring \$600,000-\$700,000. Christian Meyer: Are we not being asked to approve division of the property at this time, except for the sale of the house? Jan Burns: Correct, I think we would come back to you if we get a conservation easement deal together. We don't know the answers to that yet. Jason Vogel: This option gives us 4 ½ months from today to exercise the option, so we are steadily decreasing the amount of time we have to see if there is a better deal out there? As the limit gets to zero months, the option is worthless. It seems like there is a change in strategy and I am becoming increasingly uncomfortable as the timeframe gets shorter and I begin to wonder what we are spending money on. Jan Burns: One reason for the timing is to wait until after the election in the fall in case there is a sales tax measure on the ballot. Mary McQuiston: Could you go over the numbers again? The County would lay out \$2.5 million, and get back perhaps \$250,000? Jan Burns: If we have a buyer to come to the closing with us in December, we would pay \$1.5 million and the other party would pay \$1 million. We would never own the fee in that case, only a conservation easement. Mary McQuiston: Is that a typical price for a conservation easement over 75 acres, \$1.5 million? Jan Burns: I would say so. Christian Meyer: How do you get water to the property if there are no water rights associated with the Leggett Ditch? Jan Burns: I believe it comes across the road from the west and also it gets water from the Boulder & White Rock Ditch. To respond again to Mary's question, one thing we might do if we sold the fee interest would be to keep the 25 units of Big T water and use it on other open space properties. That would amount to several hundred thousand dollars of value that the County would keep.

Public Comment

- Jules Van Thyne, 10323 Monarch Rd. He has farmed this property since 1979. He has some concern regarding separating the house from the rest of the property. He would like to see the property all stay together. This year it qualifies as a centennial farm, meaning it has been in the same family for one hundred years. One problem when you separate off a house lot is that the irrigation ditches have to go through the lot that gets created,

which usually causes problems. He is a strong proponent of open space and conservation easements, but he would prefer to see the property stay as one unit.

Motion

Eric Hozempa moved to accept staff recommendation for the purchase of an option for fee interest for \$2.5 million, any subdivision or future sale associated is not part of the motion, and Jason Vogel seconded the motion. **Motion carried unanimously.**

Discussion on Motion

Jason Vogel: I would like to offer a friendly amendment. I am fairly uncomfortable making recommendations on purchases when I don't know what I am recommending. I am potentially being asked to give carte blanche in what might happen later. My amendment would be to require staff to come back to POSAC for approval if they want to do divide the property or sell the fee interest subject to a conservation easement.

Von Reyn Open Space

Left Hand Water District request for a permanent and temporary construction easements for an underground water transmission line.

Staff Presenter: Ellen Flannelly

**Action Requested -
Recommendation to BOCC*

See Staff Memo for Detail on Presentation.

Questions

Paul Jurasin: Have you received any comments from the neighbors regarding this request?

Ellen Flannelly: No, we haven't heard from any of them. Sue Cass: Does your lessee have any problems with this? Ellen Flannelly: No, we will work with him regarding timing, and Left

Hand Water District will reimburse him for any lost crops. Jason Vogel: They are putting in a redundant line in the same 20-ft easement south of a certain point. North of that point they are asking for twice as much land. Why? Ellen Flannelly: At the corner of Lookout & 95th, there is a natural gas line and other utilities in the road and there just isn't room for them to put in the

line. Jason Vogel: How much compensation for staff time might we see? Ellen Flannelly: Probably between \$1,000 and \$1,500.

Public Comment

None

Motion

Jason Vogel moved to accept staff recommendation for the easement request, and Sue Cass seconded the motion. **Motion carried unanimously.**

Lyons to Boulder Regional Trail Update

**Information Only*

Overview of the master planning process and current status of the study, including trail alignment alternatives

Presenter: Julie McKay, Transportation Dept.

See Staff Memo for Detail on Presentation.

Questions

Christian Meyer: Although this committee had asked you to give a presentation, it is unclear to me what role POSAC might have and if we may be asked to approve a plan at the end of this process. Julie McKay: As I understand it, POSAC involvement would be if the proposed trail alignment touches open space lands, and then anticipating a management plan for those properties. Mary McQuiston: So you are saying that POSAC members will not have a vote on individual trail alignments? Rich Koopmann: This item would come before POSAC if any of the proposed alignments ended up on open space. Also, the open space properties that it would hit don't currently have management plans, so it would force that to the top of our list to put a management plan together accommodating a trail. Christian Meyer: What other trails exist that don't involve going through the public process? Rich Koopmann: There are trails being planned right now, part of the regional trail network, which only partially touch open space. The LOBO is an example of that. Mary McQuiston: Could you review for us what the decision-making process is for this project? Julie McKay: The next step in the master plan will be a recommendation for a preferred alignment through the joint team of Transportation and Open Space staff. Once we continue with our public process, it will then go before the BOCC who will have a say in where the trail alignment will be. The master plan will then let us use that alignment and take it to 30% design. That step is instrumental in completing the master plan. Mary McQuiston: This will not go to any citizen advisory group for general approval? Julie McKay: Correct, this is a project team recommendation that has been informed by the public process. Christian Meyer: I guess I would like to suggest you ask the BOCC if they would like to see this to come through POSAC for a public hearing, and not just to be limited to how it relates to open space properties. Julie McKay: Yes, I am happy to take that suggestion to the BOCC. Jason Vogel: I don't think we have any particular ownership on this issue, but POSAC does have a pretty useful role in the public process, and to skip that segment entirely might bite the BOCC when it comes time for their own hearing. One reason this was requested is because citizens came before us and it was relayed to us that there was a threat made of eminent domain. Could you address that? Julie McKay: Of the options for the trail that were suggested at the first public workshop, some would have involved major private property acquisitions either for access to public lands or to make some sort of a key connection. When we got feedback from the potentially affected land owners in the corridor, what we heard is that they are not generally interested in that type of use for their property. That's why the options presented here largely do not reflect any major crossings of private lands, with a few exceptions. At the same time, it is quite possible that we will have right-of-way needs that will involve, in some manner, private property. I think before the County would ever use eminent domain for the trail, it would completely exhaust all other options. It is not in our best interest to pursue that as a primary course and our preference is to enter into cooperative arrangements with property owners. Eric

Hozempa: I need to dissent from some of the other members. I think taking this through the public process as you are doing is enough and it would be redundant to bring it to POSAC unless it involves open space properties.

Public Comment

- Richard Carlson, 5469 Niwot Rd. He reports there are now over 150 land owners that are opposed to putting a trail in this corridor. He states that there are no County open space properties in the narrow box in which the corridor has been put. He asked, If this trail has been in the County's plan for 30 years, why didn't the County make acquisitions to support the trail? He sees this as a lack of planning and that is the source of much of the frustration for the land owners. There are also concerns about possibly using private land for toilets, trash receptacles, parking, and trailheads. He also states that these three trails were done without public input. He would like to see more public discussion.

Discussion

Mary McQuiston: I would like to again request that the BOCC consider allowing a public hearing before POSAC or another citizen advisory group. Christian Meyer: I would put that offer out there to the commissioners, to consider that.

Director's Update

Tina Nielsen gave the Director's Update for Ron Stewart.

The All County Open Space Advisory Committee meeting is planned for Saturday August 22, 9am-1pm, including lunch. POSAC members should already have received email about this year's meeting.

Break out or serial sessions on topics of interest:

Acquisition: What's left to preserve? Do we have the resources to finish the job?
Funding source issues in an economic downturn
Rocky Flats Section 16 (Superior)

Trails: Status of regional trail projects
We would be interested to examine how local/County Open Space trails fit in with Forest Service trails.
What to do with social trails? (Lafayette)
Alternate uses and events, such as races (Lafayette)
Possibility of an East County Trails map (Superior)
Trails on Verhey? (Superior)

Other: Pronghorn/antelope (Superior)
Management issues: weeds, prairie dogs, use conflicts...
Open Space and the eat local movement
Growing Partnership opportunities

Regional Trail Rules
Trail Difficulty Ratings

Questions for POSAC consideration:

- What topics are you interested in – either from the list or additional topics
- Any input on format – choice between serial presentations v. breakout sessions

Jason Vogel would like to get a better idea of how these different committees are organized, their scope, and how they operate.

Christian Meyer indicated that members should consider what topics they would like to have covered, and e-mail that information to Tina.

Christian Meyer has requested information that POSAC has not been getting:

- Items that have come before POSAC that have now gone before BOCC, and the outcome
- POS current financial status

Adjournment

The meeting adjourned at 9:25 p.m.