

**MINUTES AND PROCEEDINGS OF THE PARKS AND OPEN SPACE
ADVISORY COMMITTEE,
September 24, 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: David Batts (arrived 6:40), Sue Cass, Lisa Dilling (arrived 6:35), Eric Hozempa, Paul Jurasin, Mary McQuiston, Christian Meyer, Janice Moore (arrived 6:35), and Jason Vogel.

Excused: None

Staff in Attendance

Michael Bauer, Jan Burns, Jim Daus, Renata Frye, Conrad Lattes, Jesse Rounds, Ron Stewart

August 27, 2009 Meeting Minutes

Eric Hozempa moved to accept the August 27, 2009 minutes. Jason Vogel seconded the motion.
Motion carried unanimously.

Public Participation for Items not on the Agenda

None

Update of Visitor Use and Natural Resource

** Information Only*

Surveys of Walker Ranch Open Space

Presenters: Dave Hallock, Earthwork Conservation Planning, LLC
Michael Bauer, POS & Jesse Rounds, POS
See Staff Memo for Detail on Presentation.

Questions

Christian Meyer: Besides the reduction of knapp weed, what other significant changes have you seen in the last 25 years? Dave Hallock: The fire was the big change in that whole central portion, but really no other major changes.

Jason Vogel: It occurs to me that in studies such as this, I have never seen a high value habitat area coincident with a trail. Are trails barriers to animal traffic, or do trails actually kill habitat or create an intrusion into habitat that is unacceptable to those animals? Dave Hallock: It varies by species. There have been studies, and it's my interpretation, that trails create a type of community shift and those animals that are comfortable around people can increase and those who feel less comfortable may end up using the area less or may have more difficulty in raising young. They may still be present near a trail, but their nesting success may be lower over time.

Jason Vogel: Can you give me a sense of some of the species that are affected? Dave Hallock: In my experience, black bear avoid people. Elk tend to use the trail areas during periods when human activity is less, and then they head into the forests as traffic picks up. Mountain lions may do the same thing.

Jason Vogel: Did you correlate by user type the answers to the questions? Michael Bauer: No, but that can be done. Janice Moore: I think for all of the questions that would be a useful thing to know. To group by age or location could help in figuring out what public you're dealing with. Jason Vogel: A mountain biker answering 'yes' to a question vs. a hiker answering 'yes' could have two very different interpretations. Michael Bauer: Those are very interesting points. We still have the data and I can run any correlation at any time and I would be happy to do that.

Janice Moore: Sometimes when we ask the public if they want more trails, we don't give them the cost and ask what they would give up for that option. Perhaps if they knew it meant that we wouldn't buy another 100 acres elsewhere the response would be different. If they could get worked into these questions, you might get a different response. Michael Bauer: That's a good point, but we also need to keep the questions shorter to get more responses. Those questions might be possible at some point.

Christian Meyer: Regarding a public response regarding a lack of signage, do some of these answers get passed to staff so these issues can get addressed sooner rather than later? Michael Bauer: Yes, we organize the answers by subject and then they go to the appropriate staff members.

Public Comment

- Mike Barrow, 812 Sherman St., Longmont. He is speaking on behalf of the Boulder Mountain Bike Alliance and himself. He is looking forward to someday being able to take a bus to Nederland from Boulder, ride the west Magnolia area, across the Winiger Ridge area and the forest service, somehow connect the dots to Walker Ranch and down through Eldorado Canyon back to Boulder to his car. A lot of things have to happen to do this. It is a long term goal for recreational cyclists in Boulder County. The road from Boulder Creek to the Althoharo trailhead is not an enjoyable user experience. He would like to see an alternate option to get up that hill and the trail going down from the loop trailhead as well. Both are too wide and too steep. BMA would also like to get a trail from Nederland down to Meyer's Gulch.
- John Daily, 498 Blue Lake Trail, Lafayette. He is also with the Boulder Mountain Bike Alliance. He agrees with Mike Barrow's comments. The Walker to Eldorado connector is important to him. It is important to build and maintain well-designed and sustainable trails that control speed and control user interactions.

Michael Bauer: Regarding our study, there was large support for the Eldorado to Walker connection.

Jason Vogel: It all comes down to survey design, and how it's used in the end. I'm a little worried that decisions are being made on user opinions. Where are the ideas that Mike [Barrow] and John [Daily] brought up, to build trails to reduce conflict or increasing patrols or signage to educate people? I would like for POS to look at less intrusive management options.

Janice Moore: These kinds of survey don't necessarily direct management plans. These surveys can reveal ways to address problems, not necessarily provide guidance for management.

Jason Vogel: I agree with Janice.

Steen CE II / Murphy (Rene)

** Action Requested - Recommendation to BOCC*

*Acquisition of a conservation easement
Over 131 acres, plus the fee simple interest
In 15 acres primarily in the Gold Hill area
Staff Presenter: Jim Daus*

See Staff Memo for Detail on Presentation.

Questions

Mary McQuiston: Could you describe what the mining operation could potentially look like over the 99 year lease? Jim Daus: Who ever does the mining would be subject to the State's stringent permitting process. I am not aware if the county land use codes would further limit the structures. We have discussed with Mr. Steen the approximate locations of the structures and limiting the acreage of total disturbance. Mr. Steen could do this even if he sold the property but not the mineral rights, someone could build a house and he could still mine this property. We are working with him as best we can on these issues.

Mary McQuiston: And we are talking about approximately a third of the property? Jim Daus: Yes, and he is required to reclaim it once it's done.

Christian Meyer: For the multi-year closings, the revenue is encumbered as being owed, so do we need to set aside the money? Jim Daus: You cannot obligate future boards. The purchase agreement will have a provision about the availability of funding in future years. We will not be allowed to go to closing if funds are not available. Eric Hozempa: Why is the cost of the 99-year lease \$20,000? Jim Daus: We needed to pick a nominal form of consideration every year so we arrived at \$200/year and Mr. Steen preferred to pay it all at once.

Paul Jurasin: Are there active mines there today, and what is being mined? Jim Daus: There is a mine that was operating up until a few months ago. They are mining for gold. It is all subsurface, but as a result there are surface disturbances. David Batts: Have we done a rapid biological assessment on the property? Jim Daus: Not to my knowledge; I don't think so. We are probably waiting because it will all be done during the Gold Hill Exchange. Jason Vogel: I see the total amounts, but what is this year's payment going to be? Jim Daus: The first closing, Group One, will be 59 acres for \$375,000 in Gold Hill area only. Group 2 will be 27.3 acres, \$355,000 in Gold Hill area, Group 3 will be 37 acres for \$342,500 in Gold Hill area. Group 4

will be \$327,500, which includes a few in Gold Hill and the Caribou and Jamestown Lots and the Jamestown lode. Group 5 is \$10.00 for the unpatented claims at the closing for the Gold Hill Exchange.

Jason Vogel: Will the BOCC vote on the entire package, or just the on Group One? Jim Daus: They will vote on the entire package because they will need to sign the purchase agreement which contemplates the entire purchase. Paul Jurasin: Because there will be multiple closings, would it be possible for Mr. Steen to sell properties that the County has not yet closed on? Jim Daus: No, he could try but the purchase agreement would be recorded against the property. Jason Vogel: This CE allows public access across it, assuming it is because of the Recreation and Public Purposes Act. Would the mining operations affect the R&PPA application and the land exchange with the BLM? Jim Daus: I don't think so. We have the right to these trails. Mr. Steen was interested in having people see and use this area. It was part of his selling point. I don't believe that we have to build trails all over the property to satisfy the R&PPA, as long as parts of the property are open to the public.

Lisa Dilling: Could you explain unpatented claims? Would we end up owning the claims? Jim Daus: The BLM wants the County to have the mineral rights. At the end of the 99-year lease the County will own the rights with no lease encumbering them. The mineral rights are reserved by the person who filed for the patent but that person does not own the land. Ron Stewart: The Federal Government decided at some point to no longer patent these claims, so Mr. Steen can tie up the mineral rights without owning the land. Lisa Dilling: The BLM Exchange, you are pretty confident that this will go through? Jim Daus: I'm very optimistic. The BLM wants out of the County and I think it's just a matter of when. It's possible it will start happening this fall.

Public Comment

None

Motion

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

Discussion on Motion

David Batts: I would again like to stress the importance of doing a rapid biological assessment of the property, because we don't know what will happen in 99 years. Lisa Dilling: I would second that idea.

Heafer

**Action Requested-Recommendation to BOCC*

*Acquisition of a mining claim near
Sugarloaf Road
Staff Presenter: Jim Daus*

See Staff Memo for Detail on Presentation.

Questions

None

Public Comment

None

Motion

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

Discussion on Motion

Lisa Dilling: Seems like a good deal and there is a plan in place [to acquire inholdings in this area]. Sue Cass: I like it because it is not complicated. Mary McQuiston: I think it's incredibly visible, so this is a great area to preserve.

**BLM Exchange-Ward Area-
Sale of Government Lot 35**

** Action Requested-Recommendation to BOCC*

*Sale of 7 acres of isolated open space subject
to a conservation easement; informational update
on potential future sales of similar parcels of land
acquired in the BLM Exchange
Staff Presenter: Jim Daus*

See Staff Memo for Detail on Presentation.

Questions

Question from Jim Daus: How many of these types of sales would POSAC like to come before them? Or would POSAC prefer to have them go directly to the BOCC? Janice Moore: How many of these would there be? Would all of them be subject to conservation easements? Jim Daus: I would guess that there are about 200 slivers, but we might only do a few of them a year, we don't get that many requests. There would be conservation easements to prevent development. Lisa Dilling: I can see that there would be a reason for POSAC to hear about these sales if there is contention among neighbors. Jim Daus: POS would not be interested in getting in the middle of a contentious neighbor situation. Christian Meyer: If it's just one or two

a year, I don't know if bypassing us makes that big deal. If there were ten of them a year or they were showing up every month, maybe we wouldn't need to see them at all. Maybe if there was opposition we would want to hear about it. An annual update of those would be helpful if they don't come before us. Mary McQuiston: So these sales do not generate income? Jim Daus: Correct, the money basically just pays for the cost of doing the deal. Jason Vogel: I would not be in favor of these sales bypassing POSAC because that is what we are here for. If there were hundreds of these sales taking place I might feel differently. This isn't just about our time, but the opportunity for public participation and holding the County accountable.

Public Comment

None

Motion

Lisa Dilling moved to accept staff recommendation for the sale of Lot 35, and Janice Moore seconded the motion. *Motion carried unanimously.*

Discussion on Motion

Lisa Dilling: I think this makes sense given the history of this lot.

David Batts: I don't mind these sales by-passing POSAC as long as we have strict guidelines in place. The word "typically" the way it's used here makes me nervous. The current guidelines have too much flexibility. Jason Vogel: I would agree that I might be able to have these transactions by-pass us if the guidelines were written differently. I would also like to see the action items written as you would like the recommendation to be made so we know more of what you are asking for on more complicated transactions and we could make a better motion.

Janice Moore: I do like the idea of having guidelines to make the process more efficient. Lisa Dilling: If it will really only happen once or twice a year, I don't mind seeing them.

Resolution on Measure 1A

Christian Meyer submitted a resolution in support of Ballot Measure 1A for the extension of the open space sales and use tax.

BOULDER COUNTY PARKS AND OPEN SPACE ADVISORY COMMITTEE
STATEMENT OF SUPPORT
FOR BOULDER COUNTY'S 2009 BALLOT MEASURE 1A, THE OPEN SPACE SALES AND
USE TAX EXTENSION

The Boulder County Parks and Open Space Advisory Committee finds as follows:

1. Measure 1A, a question concerning the extension of the county's open space sales and use tax, has been placed on the Boulder County ballot for 2009; and 2. There continues to be a critical need for the preservation of open space lands in Boulder County; preserved open space being a fundamental shared value of the citizens of the county. These open space lands can be used for purposes including, but not limited to, buffers to preserve community identity, natural areas,

wildlife habitat and wetlands, continuation of existing visual corridors and passive recreational use through the development of a recreational trail system; and 3. The Committee believes that the extension of the existing county-wide open space sales and use tax, in the existing amount of .25%, for an additional 15 years from the current expiration date of December 31, 2019, to be effective to and including December 31, 2034, would permit these additional revenues to be used to meet the open space preservation goals of the residents of the County of Boulder.

Discussion

Janice Moore: When I was on LOSAC, we were able to dissolve as a board and reassemble as a PAC. Is that possible here? Conrad Lattes: This issue is already proposed and approved by BOCC to be on the ballot this November. County employees cannot advocate for this issue during work time. I don't know if an advisory committee is bound by the same restrictions. I can look into it.

Ron Stewart: County staff cannot be involved during business hours because, due to a state law, County government cannot spend more than \$50.00 to support a ballot issue. If employees were involved during work hours, that would be more than \$50.00 in resources. Citizen bodies in the County are not bound by that law, so a board can take positions.

Mary McQuiston: Will this resolution be sent to the newspapers? Christian Meyer: I will write letters to the Camera and Times-Call as chair of POSAC. Paul Jurasin: Do you have the language for 1A, because I haven't read it? Christian Meyer: I don't have the language with me, other than the text in the resolution. This was a last minute effort. Jason Vogel: For future reference, I would like to see the language in advance for something like this. I will still support the motion.

Motion

Lisa Dilling moved to adopt the resolution as read by Christian Meyer, and Sue Cass seconded the motion. *Motion carried unanimously.*

Director's Update

Tomorrow afternoon at the Goodhue House at the Carolyn Holmberg Preserve, we will hold our first Partnership Presentation to the groups that are helping with trail stewardship and other projects on open space properties.

Saturday, October 17 is the date for the all county open space advisory committee gathering. We'll hold the gathering at our offices in Longmont from 8:30-1:00. Please RSVP to Tina Nielsen by October 1.

Sunday, September 27 at 11:00 is the dedication of the new ranch house at Walker Ranch. The house was rebuilt by POS staff. In addition, the Autumn at the Homestead event takes place 10:00–4:00 on Sunday.

The Open Space Revenue and Expenditure Report was presented to POSAC.

Jason Vogel: Could you tell us how much of the funds are already obligated?

Ron Stewart: Everything you have approved is considered to be an expenditure on this report. Given the frailty of the sales tax extension right now, we may not feel comfortable obligating some of the \$13M until we are out of these difficult times. We would like to keep a nest egg. If 1A passes, that could change things.

Jan Burns: The line on the report that says Expenditure-2009 Purchases is everything we have committed to, including all approved options.

Mary McQuiston: It says “Includes all purchases prior to and including this month’s POSAC meeting”, so this month’s transactions are already in there?

Jan Burns: Yes. When we negotiate option agreements with a purchase schedule, our spreadsheets encumber those funds.

Ron Stewart: We can bring a more detailed spreadsheet to show you so you will have a better sense each month of what it means.

Janice Moore: Is there an organization that exists that is campaigning for the open space tax?

Ron Stewart: There is and you may contact the Commissioners’ Office to find out more.

Jason Vogel: I have the campaign manager’s information. Her name is Carolyn Dulchinos.

Lisa Dilling: We should all be campaigning for the tax ourselves. The economy is bad, but this is important for the future.

Mary McQuiston: It sounds like it will be a tiny ballot this time for County residents, so encourage those people to vote.

Adjournment

The meeting adjourned at 9:10 p.m.