



**CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES AGENDA ITEM**

MEETING DATE: June 15, 2015

AGENDA TITLE: Consideration of a motion regarding North Trail Study Area Plan Sideboards

PRESENTER/S

Tracy Winfree, Director, Open Space and Mountain Parks
Mark Gershman, Environmental Planning Supervisor
Steve Armstead, Environmental Planner

EXECUTIVE SUMMARY

The North Trail Study Area (TSA) sideboards will define the decision space for the North TSA planning process. Sideboards clarify what is “on the table” for discussion, and what is beyond the scope of the plan. They provide critical guidance answering questions such as: 1) What constraints must the plan account for? 2) What considerations are essential for the plan to be supported as a viable set of recommendations?

An initial draft of the North TSA sideboards was created using the Open Space Board of Trustees (OSBT)-approved sideboards for the West TSA Plan and updated to include information and guidance relevant to the North TSA. The initial draft of the sideboards was made available for public feedback at two community workshops for the North TSA Plan and was posted on Inspire Boulder, the city’s digital town hall. The sideboards were revised to include suggestions made by a range of stakeholders (see Attachment A).

Final sideboards are desired before the next community engagement phase covering plan “Interests” which will begin the week of June 22, 2015. This is important because the sideboards allow community discussions about interests to be consistent and within the plan’s scope.

STAFF RECOMMENDATION

Staff requests Open Space Board of Trustees consideration of this matter and recommends action in the form of the following motion:

Motion to approve the sideboards for the North Trail Study Area Plan as attached to this memo including modifications made by OSBT at its June 15, 2015 meeting.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – Open Space and Mountain Parks (OSMP) lands contribute to the economic vitality of the city by providing a valuable amenity and recreation opportunities that add to the quality of life in the Boulder area. The North TSA Plan will identify ways to ensure the long-term sustainability of this economic asset.
- Environmental – The preservation and restoration of natural lands is a key part of the OSMP charter and contributes to the city’s environmental sustainability goals. The North TSA Plan will focus on how to manage visitor use and trails in a way that supports environmental sustainability. The North TSA provides the management tools to provide a high-quality visitor experience and recreation opportunities while protecting sensitive natural resources.
- Social – OSMP lands, facilities, and programs contribute to the community’s sustainability because they provide recreation opportunities that are accessible to all members of the community. The North TSA Plan supports the Visitor Master Plan’s framework to maintain and enhance recreational opportunities that are compatible with natural, cultural and agricultural resource conservation.

OTHER IMPACTS

- Fiscal – The North TSA sideboards have minimal fiscal impact. Establishing sideboards for the North TSA Plan was a deliverable staff included in the expenses for plan development.
- Staff time – Staff time was needed to develop and revise sideboards after community feedback. Staff time was allocated in the annual workplan to accomplish this task as part of developing the North TSA Plan.

PUBLIC COMMENT AND PROCESS

OSMP provided opportunities for public feedback on proposed sideboards at two community workshops and through the city’s digital town hall forum Inspire Boulder. Community members also provided comment through the North TSA website. A compendium of comments is available on the [project website](#).

Several themes were apparent in the public feedback staff received:

- Provide links to sideboard documents and example information where available;
- Clarify the constraints that exist when planning on jointly-owned lands;
- Include information about *anticipated* OSMP acquisitions;
- Clarify why the Joder interim trail is included as a sideboard describing the OSBT recommendation for the trail and the inclusion of this trail in the list of current projects; and
- Clarify how OSMP coordinates with Boulder County and other land owners/managers to enhance North TSA outcomes.

This item is being heard as part of this public meeting advertised in the *Daily Camera* on Sunday, June. 14, 2015.

ANALYSIS

Background

A sidebar is a pre-existing requirement or commitment affecting the development of recommendations for a project or plan—in this case, for the the North TSA Plan. The North TSA Plan must be consistent with the City of Boulder Charter, laws, regulations, legal requirements and agreements, and City Council approved plans and policies. Sideboards define the scope of a plan and affect how decisions can be made during the planning process.

Sideboards are necessary to ensure that all participants in the planning process have a shared understanding of the plan’s scope. Sideboards provide guidance that will answer questions such as:

- What area is covered by the plan?
- What types of changes are within or outside the scope of the plan?
- What constraints must the plan account for?
- What considerations are essential for the plan to include?

The North TSA Sideboards fall into three general categories:

1. Geographic Scope,
2. Legal Requirements (Laws, Regulations and Legal Agreements), and
3. Existing Commitments (Plans, Policies and Current Projects).

Geographic Scope

The North TSA Plan includes all lands managed by the City of Boulder as OSMP north of Linden Avenue and north of the Colorado Highway 119 (Longmont Diagonal). The North TSA Plan base map included as Attachment B depicts the geographic scope of the North TSA.

Legal Requirements (Laws, Regulations and Legal Agreements)

The North TSA Plan recommendations must comply with relevant laws and regulations. If there are situations where laws, such as city ordinances, preclude improvements to the situation in the North TSA, the plan can recommend changes or the reevaluation of the relevant laws. However, the inclusion of such recommendations is no assurance that changes will ultimately be made.

Examples of relevant laws and legal requirements include:

- Federal, State or County Laws,
- The City of Boulder Charter,
- City of Boulder Laws and Legal Requirements, and
- City Council Authority.

Existing Commitments (Plans, Policies and Current Projects)

The North TSA planning process is taking place amidst the implementation of other city plans, policies and projects. These include several 2013 flood recovery projects and projects included in the annual work plan. The on-the-ground actions contained in these plans and projects affect the scope of the North TSA Plan. Work on projects started prior to the beginning of the planning process will not be altered by North TSA Plan.

Generally, guidance from the different plans and policies are compatible, but there may be situations where guidance from different plans requires reconciliation in the TSA planning process. Examples of existing commitments considered as sideboards include:

- Adopted City of Boulder plans and policies,

- OSBT recommendations for the Joder Property,
- Design, construction, and maintenance standards and best management practices, and
- Existing OSMP projects.

Changes to the Draft Sideboards

Staff modified the draft sideboards in response to stakeholder feedback. The changes include:

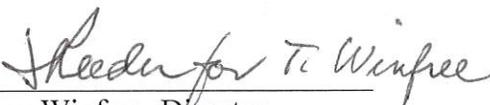
- The addition of links to specific documents and plans where these are available in digital form.
- The addition of the Left Hand Creek Watershed Master Plan to the “current projects” list.
- Changes to the geographic scope sidebar to clarify:
 - Properties owned jointly with Boulder County are included in the North TSA if OSMP is the identified property manager, and
 - Acquisitions in the North TSA planning area during the planning process will be evaluated as part of the North TSA if there is adequate information available about the property.
- Added clarifying language about the inclusion of the Joder interim trail as a “current project” to indicate the construction and opening of the trail are outside the scope of the North TSA, however the long-term plans for the trail are within the plan’s scope.

There were also public comments requesting that the sideboards include additional details about properties jointly owned with Boulder County and about coordination with Boulder County. If OSMP does not manage a property, the TSA Plan will not include that property in the scope of the plan. Properties not managed by OSMP could be included in a plan recommendation if needed to address opportunities to achieve desired outcomes for plan. OSMP will actively coordinate with Boulder County on plans for jointly-owned properties.

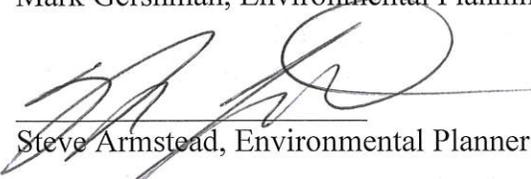
Recommendation

Staff requests that the OSBT approve the sideboards as attached to this memo or as modified by the OSBT.

Submitted by:


 Tracy Winfree, Director


 Mark Gershman, Environmental Planning Supervisor


 Steve Armstead, Environmental Planner

ATTACHMENTS:

- A. North Trail Study Area Plan Sideboards
- B. North Trail Study Area Basemap



Sideboards

June 10, 2015

What is a “Sideboard?”

For the purposes of Trail Study Area (TSA) planning, a **sideboard** is a pre-existing requirement affecting the development of a plan. Developing a plan is not like painting on a blank canvas – it must be consistent with the City of Boulder Charter, laws, regulations, legal requirements and agreements and City Council-approved plans and policies. Sideboards define elements of the decision space for the planning process. They are useful in understanding what is appropriate to consider as part of the plan as well as what is beyond its scope.

Sideboards *can* potentially be modified, but vary with regard to the ease, process, and time necessary to make changes. For example, an Open Space and Mountain Parks (OSMP) policy that is determined to be inconsistent with the objectives of the plan is easier to change than a federal regulation. Changes to sideboards can happen. In past TSA plans when a change to a sideboard was determined to be feasible and beneficial for a plan outcome, the resulting plan included a corresponding recommendation to address the sideboard.

Why are Sideboards Needed?

Sideboards are necessary to ensure that all the participants have a shared understanding of the plan’s scope and provide guidance that will answer questions such as:

- What area is covered by the plan?
- What constraints must the plan account for?
- What types of changes and actions might be considered to produce a viable set of recommendations?

The Sideboards Are:

1. Geographic Scope

The North TSA Plan includes all lands managed by the City of Boulder as OSMP north of Linden Avenue and north of the Colorado Highway 119 (Longmont Diagonal).

2. Legal Requirements (Laws, Regulations and Legal Agreements)

The North TSA Plan must comply with relevant laws and regulations. If there are situations where laws, such as city ordinances, preclude improvements to the situation in the North TSA—the plan can recommend changes or the reevaluation of the relevant laws. However, the inclusion of such recommendations is no assurance that changes will ultimately be made. Examples of legal requirements include but are not limited to

- *Federal, state or county laws*
- *The City of Boulder Charter*
- *City of Boulder laws and legal requirements*
- *City Council authority*

3. Existing Commitments (Plans, Policies and Current Projects)

The North TSA planning process is taking place amidst the implementation of other city plans, policies and projects. The policies and on-the-ground actions contained in these plans affect the scope of the

North TSA Plan. Work on most projects started prior to the beginning of the North TSA planning process will continue and not be altered as part of the North TSA Plan.

Guidance from the different plans and policies are generally compatible, but there may be situations where guidance from plans' directions conflict. This requires reconciliation in the TSA planning process. Examples of existing commitments include:

- *Adopted City of Boulder plans and policies*
- *OSBT recommendations for the Joder property*
- *Design, construction, and maintenance standards and best management practices*
- *Existing OSMP projects*

North Trail Study Area Plan Sideboards

| Geographic Scope | |
|---|---|
| Sideboard | Clarification/Examples ¹ |
| OSMP-Managed Lands in the North TSA. | <p>The North TSA Plan property map includes the OSMP-managed properties in the North TSA planning area. Properties owned jointly with Boulder County are included in the North TSA when an intergovernmental agreement identifies OSMP as the property manager and therefore the rules, regulations, policies and plans of the managing agency apply to the property. The North TSA includes other properties where OSMP has joint ownership or legally is identified as the land manager. If OSMP is not the property owner or manager, the property will not be included in the North TSA. See North TSA Basemap.</p> <p>If a property is purchased or a public access agreement is acquired within the North TSA planning area during the planning process, OSMP will evaluate and provide recommendations if adequate information is known about the conditions and resources of the property for it to be included in the North TSA Plan.</p> <p>Recommendations referring to areas outside of the North TSA must be consistent with, or reflect a reasonable potential for management agreements with other land owners or amendments to existing agreements.</p> |

| Legal Requirements (Laws, Regulations and Legal Agreements) | |
|--|---|
| Sideboard | Clarification/Examples |
| Federal, State, and County Laws and Legal Requirements. <i>The North TSA Plan must abide with OSMP's obligations to comply with federal, state, and county laws and regulations.</i> | <ul style="list-style-type: none"> • The Endangered Species Act. For example, projects in Preble's meadow jumping mouse suitable habitat or Ute ladies'-tresses occupied habitat may require authorization and permits from the United States Fish and Wildlife Service, • The Federal Clean Water Act regarding stream, wetlands and water body protection, • State laws and federal regulations preventing the removal or damage to cultural resources, • Boulder County's land use and flood plain requirements, and • The Americans with Disabilities Act (ADA). |
| City of Boulder Charter and Open | Article XII of the City of Boulder Charter describes: |

¹ Examples provide readers with an idea of some relevant sideboards in a broad category to improve their understanding of the category. The examples are not meant to be comprehensive or all inclusive.

| Legal Requirements (Laws, Regulations and Legal Agreements) | |
|---|---|
| Sideboard | Clarification/Examples |
| <p>Space Provisions. <i>The North TSA Plan must be consistent with all applicable sections of the Boulder City Charter and the Article XII provisions for the purposes of OSMP lands.</i></p> <p><i>As called for in the Charter, the North TSA Plan must recommend the locations, if any, where bicycling, horseback riding and fishing should be allowed.</i></p> | <ul style="list-style-type: none"> • The functions of the Open Space department (Sec. 171), • The roles and functions of the Open Space Board of Trustees (OSBT) (Secs. 172 - 175), • The process and role of OSBT for any proposed disposal of open space land including the opportunity for a referendum to oppose such a disposal (Sec. 177), and • The purposes and uses of open space (Sec. 176). <p>Open Space and Mountain Parks land shall be acquired, maintained, preserved, retained and used only for the following purposes:</p> <ul style="list-style-type: none"> ▪ Preservation or restoration of natural areas characterized by or including terrain, geologic formations, flora, or fauna that is unusual, spectacular, historically important, scientifically valuable, or unique, or that represent outstanding or rare examples of native species, ▪ Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats or fragile ecosystems, ▪ Preservation of land for passive recreation use, such as hiking, photography or nature study, and if specifically designated, bicycling, horseback riding or fishing, ▪ Preservation of agricultural uses and land suitable for agricultural production, ▪ Utilization of land for shaping the development of the city, limiting urban sprawl and disciplining growth, ▪ Utilization of non-urban land for spatial definition of urban areas, ▪ Utilization of land to prevent encroachment on floodplains, and ▪ Preservation of land for its aesthetic or passive recreational value and its contribution to the quality of life of the community. <p>Open Space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or to provide for passive recreational, open agricultural or wildlife habitat use of the land.</p> |
| <p>City of Boulder Laws and Legal Requirements. <i>The North TSA Plan must abide with OSMP's obligations to comply with the City of Boulder Revised Code.</i></p> | <ul style="list-style-type: none"> • Stream, wetlands and water body protection ordinances, • Wildlife protection ordinances (prairie dogs), • City laws protecting historic structures and cultural resources, and • Agreements with the United Tribes of Colorado and State of Colorado Historical Preservation Office to protect certain cultural resources. |
| <p>Boulder City Council, OSBT and OSMP Authority. <i>The Boulder City Council has authority for adopting the North TSA Plan as called for in the City of Boulder Charter and Boulder Revised Code.</i></p> | <p>The adoption of the North TSA Plan is subject to the authority and discretion of the Boulder City Council. The Open Space Board of Trustees provides recommendations to City Council.</p> |

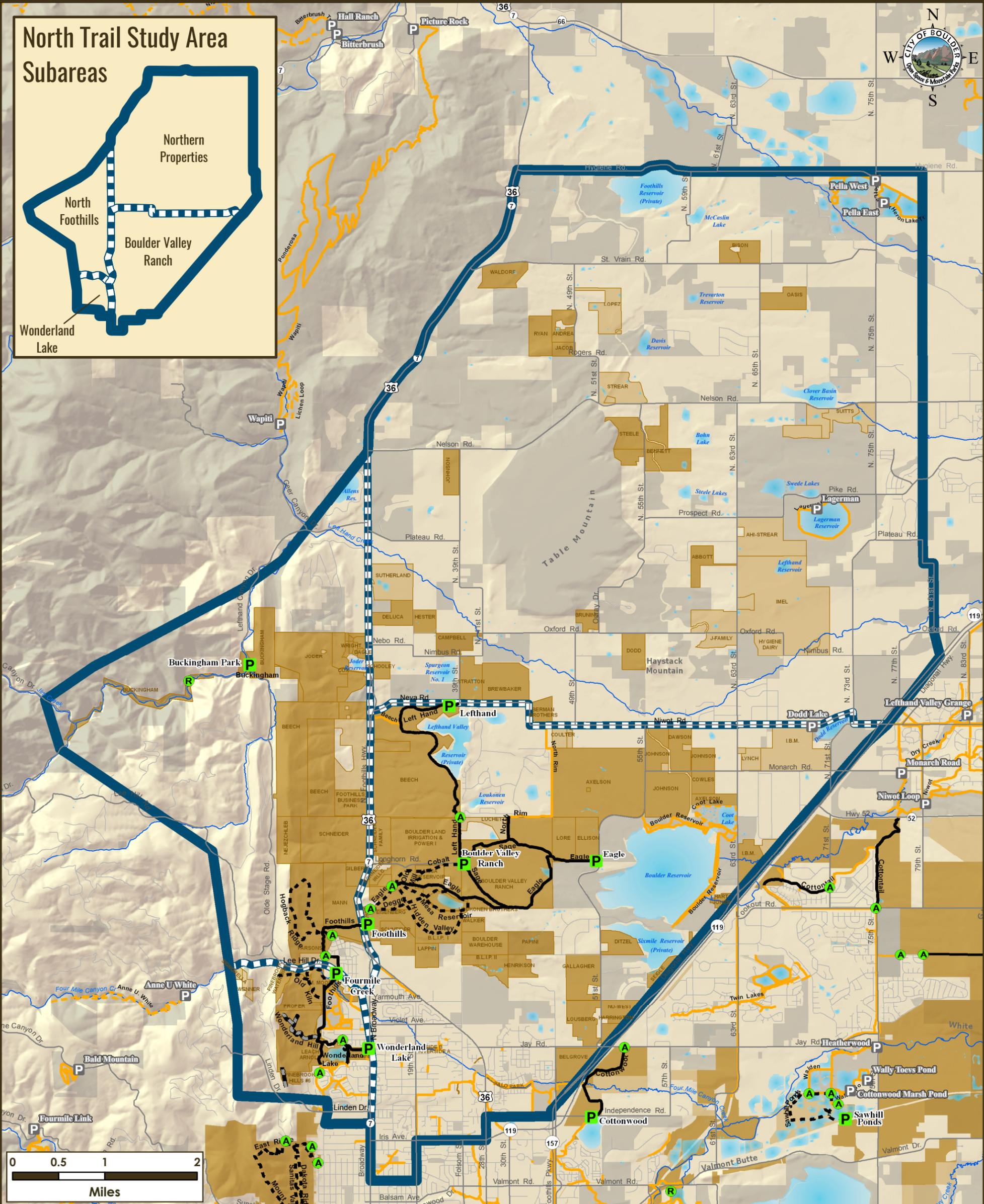
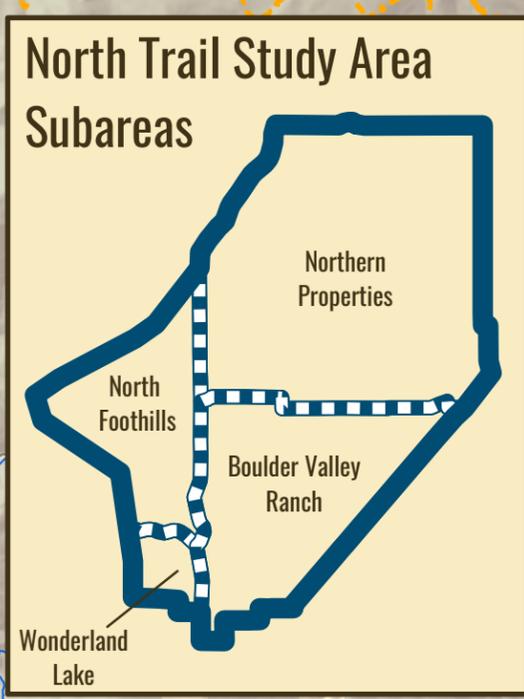
| Legal Requirements (Laws, Regulations and Legal Agreements) | |
|---|--|
| Sideboard | Clarification/Examples |
| <p>Adopted City of Boulder Plans and Policies. <i>The North TSA Plan will consider and integrate the information and management direction in City Council adopted plans relevant to the North TSA.</i></p> | <p>OSMP’s adopted plans provide information about the resources being managed and management policies, objectives, strategies and recommended actions to implement.</p> <p>Adopted OSMP plans and policies include but are not limited to:</p> <ul style="list-style-type: none"> • Open Space Long Range Management Policies, • Visitor Master Plan, • North Boulder Valley Area Management Plan, • Forest Ecosystem Management Plan, • Grassland Ecosystem Management Plan, • Acquisition Plan, and • Agricultural Resources Management Plan (in progress). |
| <p>OSBT Recommendations for the Joder Property. <i>The North TSA Plan will integrate the OSBT recommendations for an interim trail and trailhead on the Joder property into plan recommendations. The North TSA Plan will consider the designation of the Joder II property as a Habitat Conservation Area (HCA).</i></p> | <p>On Dec. 10, 2014, the OSBT recommended that staff construct an interim trail between Foothills Highway and Olde Stage Road across the Joder property. The board’s recommendation was made with the understanding that all uses of the Joder property, including this interim trail would be evaluated as part of the North TSA planning process.</p> <p>The usual HCA rules, including the on-trail requirement, will apply to the Joder property and the interim trail through the conclusion of the North TSA process.</p> <p>Dogs will be required to be leashed on the Joder portion of the interim trail. Voice and Sight regulations will remain in effect on the Buckingham Property portion of the interim trail. The North TSA process will consider whether to keep these designations in effect.</p> <p>The OSBT expressed its understanding and appreciation of the historic use of the Joder property for equestrians and believes that this historic use should be honored and accommodated through the TSA process.</p> <p>The OSBT stated that the designation of the Joder II property as an HCA was made with minimal public process and that the North TSA should take a fresh look at the Joder property’s management area designation.</p> |
| <p>Design, Construction, and Maintenance Standards and Best Management Practices.</p> | <p>OSMP has design, construction and maintenance standards that provide a framework for managing and assessing the condition of visitor infrastructure and facilities so that they are physically sustainable with regular maintenance. Examples of the types of design resources used include trail design and management guidelines, trailhead infrastructure guidelines, and a sign graphics manual.</p> <p>OSMP intends to address and improve infrastructure to be more consistent with design guidelines. Exceptions or variances may be appropriate when site specific conditions, terrain or environmental trade-offs preclude the feasibility of achieving the desired standard (e.g., a trail reroute would create too many resource</p> |

| Legal Requirements (Laws, Regulations and Legal Agreements) | |
|---|--|
| Sideboard | Clarification/Examples |
| | <p>impacts - steep terrain limits options).</p> <p>OSMP uses the Forest Service Trail Accessibility Guidelines (FSTAG) in designing trails and trailheads for people with disabilities.</p> <p>OSMP has also developed guidance for the ecological best management practices for trail planning, design, construction, maintenance and closure.</p> |
| <p>Existing Trail and Cultural Resource Project Commitments. <i>The North TSA Plan will not recommend changes to trail, natural resource or cultural resource projects underway or in the bidding process in the North TSA.</i></p> | <p>OSMP has existing projects that are 2013 flood recovery commitments with possible funding reimbursement from FEMA. These trail or flood restoration projects include, but are not limited to:</p> <ul style="list-style-type: none"> • Old Kiln Trail, • Foothills Trail and a bridge/culvert for Fourmile Canyon Creek, and • Implementation of the Left Hand Creek Watershed Master Plan. <p>Other OSMP Trail and Trailhead Projects:</p> <ul style="list-style-type: none"> • The interim Joder trail and trailhead will be constructed and opened during the development of the North TSA Plan. The long-term plan for the trail and trailhead will be included in the North TSA Plan. <p>OSMP has been working with Boulder County on trail connectors on OSMP land in the North TSA for many years. These projects are managed by Boulder County:</p> <ul style="list-style-type: none"> • IBM connector trail, and • Fourmile connector trail. <p>OSMP is assessing and preparing plans for the repair and maintenance of historic and cultural resources in the North TSA. Projects include, but are not limited to:</p> <ul style="list-style-type: none"> • Foothills Nature Center (including the trailhead), and • Old Lime Kiln (Fourmile Canyon Creek). |

City of Boulder Open Space and Mountain Parks

North Trail Study Area Plan

Date: 5/18/2015



NORTH TRAIL STUDY AREA BASEMAP

- P** OSMP Trailhead
- A** OSMP Access Point
- R** OSMP Recreational Feature Access
- P** Boulder County Trailhead
- OSMP Hiking/Equestrian Trail
- OSMP Multi-Use Trail
- OSMP Gliding Access
- Non-OSMP Managed Hiking Trail
- Non-OSMP Managed Multi-Use Trail
- NTSA Boundary
- NTSA Subarea
- OSMP Fee and Managed Property
- OSMP Easement or Jointly Owned, County-Managed Land

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