

OPEN SPACE BOARD OF TRUSTEES

Wednesday, July 8, 2015

Council Chambers, 1777 Broadway

MEETING AGENDA

(Please note that times are approximate.)

- 6:00 I.** Approval of Minutes
- 6:05 II.** Public Participation for Items Not Identified for Public Hearing
- 6:15 III.** Matters from Staff:
- General Project Updates
 - Integrated Pest Management Annual Report
 - North Trail Study Area and Youth Engagement Update – *Review progress and next steps on the youth engagement strategy for the North TSA, including the upcoming Family Workshop on Saturday, July 11. Also, review progress on the North TSA Plan and discuss the next steps, deliverables and schedule.*
 - Enhanced Voice & Sight Monitoring Update - *An update on the baseline condition results from the dog regulation study conducted in 2014.*
- 7:15 IV.** Matters from the Board
- 7:30 V.** * Consideration of a motion to approve the purchase of approximately 12.5 acres of land, mineral estate, two houses and associated outbuildings along with the disposal of approximately 2.28 acres or less of land including two houses and associated outbuildings located at 5678 Baseline Road from the Ernest J. Coleman Trust for Open Space and Mountain Parks purposes in the amount of \$950,000. An additional \$50,000 is being requested for site improvements. The disposal portion of this Agenda Item is pursuant to Section 177 of the Boulder City Charter.
- 8:00 VI.** *Discussion of proposed revisions and update to the Open Space Board of Trustees Easement Request Policy.
- 8:30 VII.** Adjournment

*Public Hearing

OPEN SPACE BOARD OF TRUSTEES

Minutes

Meeting Date June 15, 2015

BOARD MEMBERS PRESENT

Shelley Dunbar Frances Hartogh Molly Davis Kevin Bracy Knight Tom Isaacson

STAFF MEMBERS PRESENT

Tracy Winfree Steve Armstead Mark Gershman Kelly Wasserbach Annie McFarland
Julie Johnson Juanita Echeverri Lisa Dierauf Katy Waechter Alyssa Frideres
Leah Case Alycia Knutson Megan Bowes Phil Yates Lynn Riedel
Cecil Fenio Deonne VanderWoude

CALL TO ORDER

The meeting was called to order at 6:10 p.m.

AGENDA ITEM 1 – Approval of the Minutes

Tom Isaacson said on page two in the fourth paragraph it should read, “staff put up.” On page three, the spelling of “Karl Anuta” needed to be corrected.

Tom Isaacson moved the Open Space Board of Trustees (OSBT) to approve the minutes from May 13, 2015 as amended. Kevin Bracy Knight seconded. This motion passed unanimously.

AGENDA ITEM 2 – Public Participation for Items not on the Agenda

David Paule, Boulder, expressed his concern about the National Institute of Science and Technology (NIST) trail area remediation. He said not much has been reopened; particularly the bridge over Anderson Ditch. Staff has had plenty of time to do this.

Diane Wells, Boulder, said the folks who work for NIST do not treat the trails with the protection they deserve. She has come across tire tracks leaving scars in the area.

Mike Barrow, Boulder Mountainbike Alliance, said he appreciates staff closing the muddy trails in order to protect them. He asked that staff consistently apply this practice to the whole system.

Janet Streater, Martin Acres Trails Working Group, said their group submitted a map with comments about the NIST trail changes and they never heard back. She said she hopes that they do not end up excluded from this process.

Tom Masterson, Boulder, said he appreciates the wildlife in this area, and would like to see the NIST trails stay open. He emphasized that many trails in an area are often better than one maintained surfaced trail.

Julie Krentzer, Boulder, said that the posted agenda items, such as the NIST update, should include more explanation on what will be discussed, and public comment should occur after staff speaks, so the feedback is more meaningful. Staff needs to include the public in this process; this area was promised as a permanent easement and therefore cannot be treated like the rest of the system.

David Krentzer, Boulder, expressed his concern that the public is not included enough in this process and would like staff to include both the public and NIST staff in field trips to this area.

AGENDA ITEM 3 – Matters from Staff

NIST Update

Annie McFarland, Visitor Access Coordinator, gave an update on NIST trail area changes.

Tom Isaacson asked about the conceptual trail alignment and if the proposed restoration closure is necessary for these undesignated trails. Annie said the decision to close these trails was taken from the West Trail Study Area (TSA) Plan and there is not a current timeline for reopening. She said with the Federal Emergency Management Agency (FEMA) deadlines and other priorities, staff cannot move on it as quickly as they hoped; once a plan is established staff will reach out to the public for participation opportunities. Shelley Dunbar agreed that public outreach is important because currently the neighbors feel like they are not involved. She suggested creating a trail that will accommodate the majority of the neighbors to alleviate possible social trails from forming. Annie said staff has to work with NIST to determine these alignments, as it was NIST who initiated this process. The Board agreed that this topic should become an agenda item for a future meeting; Shelley suggested including NIST staff in that conversation.

Art Program

Juanita Echeverri, Education and Outreach Coordinator, gave an update on the 3rd Annual OSMP Art Show.

Molly Davis said she appreciates that this type of activity is being represented and recognized. Shelley asked if this is being advertised in the newspaper. Juanita said yes.

Cultural Resource Update

Julie Johnson, Cultural Resources Coordinator, and Katy Waechter, Cultural Resources Technician, presented on the Cultural Resources Program projects.

Undesignated Trail Closure Effectiveness Study

Megan Bowes, Restoration Plant Ecologist, gave an update on the Undesignated Trail Closure Effectiveness Study.

Shelley asked staff to send the Board results from this study. Kevin Bracy Knight suggested publishing the results in addition to the report, as this might reach more people. Molly asked if staff is working with other natural resource agencies. Megan said there will be a variety of ways the word will get out.

Frances Hartogh asked why signs have not been posted at undesignated trails to help deter people from using them. Megan stated that staff tries to monitor use and put up educational signs explaining that restoration is in progress, but these are not officially closed areas. Tracy Winfree said staff is looking at new and different ways to communicate and address public compliance with closures. Kevin mentioned that the county seems successful with public observation of closures, perhaps staff can learn from their successes.

Issues due to the Weather

Kelly Wasserbach, Engineering Manager, presented on the safety concerns of the White Rocks bridge due to the rainy weather.

Additional Updates

Tracy said staff has created an active projects web page with project updates to help staff updates to be more efficient. Kevin suggested sending out an e-mail to the various groups when this page gets updated. Frances said she hopes staff continues to bring updates to the meeting as well.

AGENDA ITEM 4 – Matters from the Board

Kevin requested that the Hogback Trail be closed due to poor/muddy conditions. He also noted that the mud appears to have an oily like substance that staff should look into.

AGENDA ITEM 5 – Consideration of a motion regarding North Trail Study Area Plan Sideboards Steve Armstead, Environmental Planner, presented on the North Trail Study Area (TSA) Sideboards.

Public Comment

None.

Return to the Board

Frances said she does not feel comfortable making a decision because the inventory report was released with too little time to review before the meeting; this also excludes the public from participating. Molly said she had a similar concern as Frances, but after speaking with staff about the sideboards and the inventory report she understands that these are on a parallel path. Kevin added that attending one of the North TSA workshops helped to clarify the timelines and make him more comfortable moving forward with the sideboards. He asked if staff addressed the feedback submitted from the public during the workshop. Steve said staff has added links on the website to reference materials, and added more clarifying information on projects. Kevin suggested including a sideboard that has related plans and existing agreements with neighboring agencies to help with conservation efforts. Steve said the sideboards are intended to be a catch-all, so related plans and recommendations are considered on how they may interact, and potentially be integrated, into the North TSA. Tom said he thinks it is important that the sideboards not have language that excludes future ownership of properties. Shelley said it could be helpful to have a staff liaison report on what they know is happening with agencies adjacent lands, as well as report on future land purchases. Shelley said that while the public may not be following the steps of this process, she appreciates that staff is adhering to it. Steve said that staff will continue to work on fitting the public input into the appropriate places of the process. Molly said she appreciates staff's work and the commitment to deadlines.

Motion

Tom Isaacson moved the Open Space Board of Trustees approve the sideboards for the North Trail Study Area Plan as attached to the staff memorandum presented to the OSBT at its June 15, 2015 meeting. Kevin Bracy Knight seconded. This motion passed four to one; Frances Hartogh dissented.

AGENDA ITEM 6 – Review of and recommendation regarding the 2016 Open Space and Mountain Parks Department Capital Improvement Program Budget and a portion of the Lottery Fund Capital Improvement Program Budget.

Tracy Winfree, Director, presented the 2016 OSMP Department Capital Improvement Program (CIP) Budget and a portion of the Lottery Fund CIP Budget.

Kevin asked why the amount for Shanahan Trail flood repair is so high. Kelly said there are more robust repairs needed on that trail. Kevin asked if the Voice and Sight Tag Program revenue is consistent with what the budget projected. Tracy said the projections were more on the conservative side. Molly asked about the vehicle acquisition reserve, and if this means OSMP is not buying anything after this year. Tracy said that these funds are in the operating budget; the department was out of compliance with city vehicle leasing, so staff will be transitioning from vehicle leasing to vehicle purchasing. Frances asked why the overarching issues, such as damage from off-trail and nighttime use are not being addressed until late 2016. Tracy said during the City Council retreat, they supported bringing the North TSA plan to closure in mid 2016 and then staff will update the Visitor Master Plan (VMP) while addressing the

overarching issues. Molly said she is concerned that these newer, bigger projects coming along will overshadow the overarching issues.

Public Comment

None.

Return to the Board

Kevin suggested that the operating budget be worked on before the Board approves the capital improvement budget. Tracy agreed and said hopefully next year with more time staff can address the budget in a more holistic way. Kevin said he would like to give advanced notice and request that staff consider increasing the trail crews. Frances asked if there has been any change with ranger staff numbers. Tracy said there has been issue with getting the ranger crew fully staffed, but she will send the Board more information.

Motion

Molly Davis moved the Open Space Board of Trustees approve, and recommend that Planning Board approve, an appropriation of \$11,490,300 in 2016 from the Open Space Fund CIP as outlined in this memorandum and related attachments; and recommend that \$355,300 be appropriated from the city's Lottery Fund CIP in 2016 as outlined in this memorandum and related attachments. Shelley Dunbar seconded. This motion passed unanimously.

ADJOURNMENT – The meeting adjourned at 8:27 p.m.

These draft minutes were prepared by Alycia Knutson.

MEMORANDUM

TO: Open Space Board of Trustees

FROM: Tracy Winfree, Director, Open Space and Mountain Parks
Deonne VanderWoude, Human Dimensions Program Coordinator

DATE: July 8, 2015

SUBJECT: 2014 Dog Monitoring Baseline Conditions Results

Staff will be providing an informational update on the Voice and Sight monitoring project to the OSBT at its July 8 meeting. That update will include data gathered creating the baseline measures prior to the implementation of the new Voice and Sight Tag Program. Also, staff will be updating the board about the future schedule for comparison data gathering – for the purpose of comparing results of the new program to the baseline condition. Staff also is providing links below to the existing data and two prior memos for history and background.

A dog regulation compliance study was conducted in 2014 as part of the OSMP commitment to adaptive management of the Voice and Sight Tag Program. This study measured regulatory compliance prior to implementation of Tag Program enhancements, as discussed and recommended by the OSBT during the planning phase of the enhancements, using a field observation survey between May and July 2014. Data were collected on Voice and Sight regulations along with excrement removal and leash regulations, as recommended by the OSBT in July 2013, when this monitoring project was discussed. Results indicate a 67% overall Tag Program compliance level. Results from this project are intended to be used in discussions regarding the success of Tag Program enhancements.

Baseline Monitoring Results: 2014

The current project was conducted in 2014 (before), and is also scheduled to be repeated in 2016 (soon after) and in 2018 (2 years after) implementation of Tag Program enhancements. Materials associated with this update can be found here:

- Complete baseline conditions report: <https://bouldercolorado.gov/links/fetch/25578>
- Baseline conditions executive summary: <https://bouldercolorado.gov/links/fetch/25579>
- Complete monitoring protocol: <https://bouldercolorado.gov/links/fetch/25580>

Two Prior Memos for some History and Background

Notes from OSBT 2012 study session with commitment to monitor:

<https://www-static.bouldercolorado.gov/docs/study-session-notes-and-follow-up-memo-12-0111-1-201306111018.pdf>

Notes from OSBT 2013 monitoring project agenda item:

<https://documents.bouldercolorado.gov/weblink8/0/doc/123844/Electronic.aspx>



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

MEETING DATE: July 8, 2015

AGENDA TITLE: Consideration of a motion to approve the purchase of approximately 12.5 acres of land, mineral estate, two houses and associated outbuildings along with the disposal of approximately 2.28 acres or less of land including two houses and associated outbuildings located at 5678 Baseline Road from the Ernest J. Coleman Trust for Open Space and Mountain Parks purposes in the amount of \$950,000. An additional \$50,000 is being requested for site improvements. The disposal portion of this Agenda Item is pursuant to Section 177 of the Boulder City Charter.

PRESENTER/S

Tracy Winfree, Director, Open Space and Mountain Parks
John P. D'Amico, Property Agent

EXECUTIVE SUMMARY

The Coleman property is a 12.5-acre parcel along the south side of Baseline Road, west of Cherryvale Road. The parcel is adjacent to the Opal and Granite city open space parcels. (See Attachments A and B.) The purchase price is \$950,000 payable at the time of closing. Along with the land, the city is acquiring the mineral estate, two houses and a number of outbuildings totaling nearly 4,000 square feet of improvements. The two houses and outbuildings are valued at \$325,000. The adjusted cost for the 12.5-acre building site is \$625,000.

Initially, the property will remain closed to the public until an inventory report is completed and management recommendations are developed—a process anticipated taking no more than one year. In the interim, the land will be managed according to best practices to conserve its resource values. Staff believes the improvements most likely will be sold separately from the main acreage pending staff's completion of a management plan and pending approval from Boulder County Commissioners of a Community Facility Lot Split Subdivision Exemption.

The acquisition of this property satisfies the following city of Boulder Charter purposes:

- Preservation of natural areas characterized by flora or fauna that are unusual, spectacular, scientifically valuable, unique, or that represent outstanding or rare examples of native species. The conservation values of the South Boulder Creek floodplain and adjacent grasslands include habitat for two federally threatened species: the Preble's meadow jumping mouse and the Ute ladies'-tresses orchid. Other attributes include habitat for declining grassland and riparian bird species and habitat for declining amphibians such as the northern leopard frog. The property also includes relicts of the tallgrass prairie ecosystem and remnants of the plains cottonwood riparian ecosystem.
- This acquisition enhances the South Boulder Creek riparian area and surrounding uplands by providing a buffer to further protect these resources.
- Utilization of land for shaping the development of the city, limiting urban sprawl and disciplining growth. Open Space and Mountain Parks' (OSMP) proposals for acquisition and disposal are consistent with the Boulder Valley Comprehensive Plan's land use designations.
- Utilization of land to prevent encroachment on floodplains. This property is within the 100-year floodplain. Remnants of old meander scar from where the South Boulder Creek channel historically occurred are evident on historical photos.
- Preservation of land for its aesthetic value and its contribution to the quality of life of the community.

STAFF RECOMMENDATION: Staff recommends that the Open Space Board of Trustees approve a motion recommending that the Boulder City Council approve the purchase of approximately 12.5 acres of land, mineral estate, two houses and associated outbuildings from the Ernest J. Coleman Trust for \$950,000 along with \$50,000 for immediate property improvements and, the disposal of approximately 2.28 acres or less of land including two houses and associated outbuildings located at 5678 Baseline Road for Open Space and Mountain Parks purposes. The disposal portion of this Agenda Item is pursuant to Section 177 of the Boulder City Charter.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Environmental: OSMP is a significant community-supported program that is recognized worldwide as a leader in preservation of open space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly-owned lands.
- Economic: OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains

services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.

- Social: Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- Fiscal – The purchase price for the Coleman property is \$950,000 payable at the time of closing. There are sufficient funds in the Open Space Fund for this acquisition; a Cash Flow Projection is included as Attachment C. The potential sale and revenue from the 2.28-acre portion of the purchase will be reimbursed to the acquisition CIP.
- Staff time - This acquisition is part of the normal 2015 work plan for the OSMP real estate property agents.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on July 5, 2015. A Notice of Disposal of Open Space Lands was published in the *Daily Camera* on June 26 and 27, 2015 pursuant to Section 177 of the City Charter.

ANALYSIS

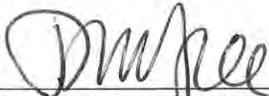
The 12.5-acre Coleman property is located in the South Boulder Creek floodplain west of the creek. Remnants of an old meander scar from the creek bisect the property. The type of wetland habitat created from this meandering scar is unique in today's landscape due to the widespread development of floodplains.

The location of the property makes it important as a buffer to the South Boulder Creek riparian area and its highly visited trail system. The adjacent undeveloped properties provide habitat for the federally threatened Preble's meadow jumping mouse and Ute ladies'-tresses orchid as well as wetland species like the northern leopard frog and common snipe. While on a site visit, two pairs of bobolinks (a conservation focus for OSMP) were observed along with savannah sparrows and red-winged blackbirds. This property is also adjacent to the Granite OSMP property. The Granite property was recently purchased by CDOT from a private owner and used to mitigate impacts to Preble's meadow jumping mouse and Ute ladies'-tresses orchid from the US 36 Improvement Project. The Granite property was then deeded to OSMP by CDOT to manage for its important habitat values. The management direction for the Coleman property will take into consideration the functions of these adjacent properties.

Because of the high resource values present on this property and adjacent OSMP properties, the purchase of this parcel will provide additional protection for these resources. Limiting development will provide a valuable buffer adjacent to South Boulder Creek, the associated habitat and the newly restored Granite property. Additional or new development on this property would compromise its ecological and scenic value as well as the existing OSMP property along South Boulder Creek.

Two small brick homes are located on the property approximately 200 feet from Baseline Road. These houses do not provide support to an agricultural operation on the property. The property is not considered suitable for local food production, and is especially ill-suited to diversified vegetable production because of the nature of the soils and the lack of irrigation water. The property's management direction will consider its high-value natural resources, and the way that agriculture could enhance them. The two homes are clustered at the front of the property with little impact to the majority of the acreage located to the south. Because of the clustering of the two houses along Baseline Road and their limited value to support local agriculture, staff recommends the disposal of the houses on approximately 2.28 acres or less of land.

Submitted by:



Tracy Winfree, Director

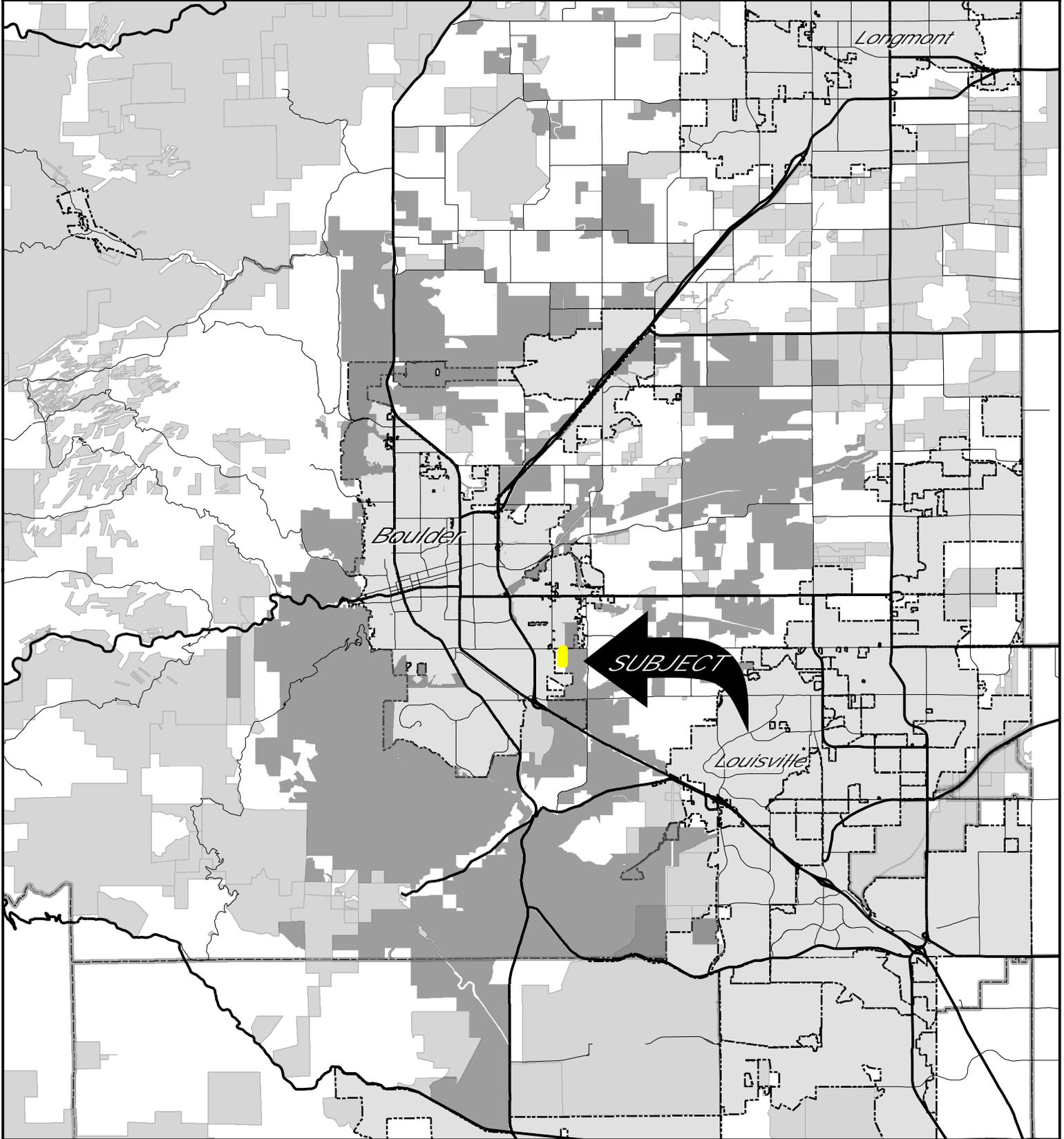


John D'Amico, Property Agent

ATTACHMENTS:

- A. Vicinity Map
- B. Location Map
- C. Cash Flow Projection

ATTACHMENT A - City of Boulder Open Space & Mountain Parks VICINITY MAP - Coleman



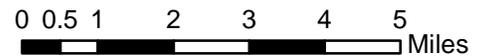
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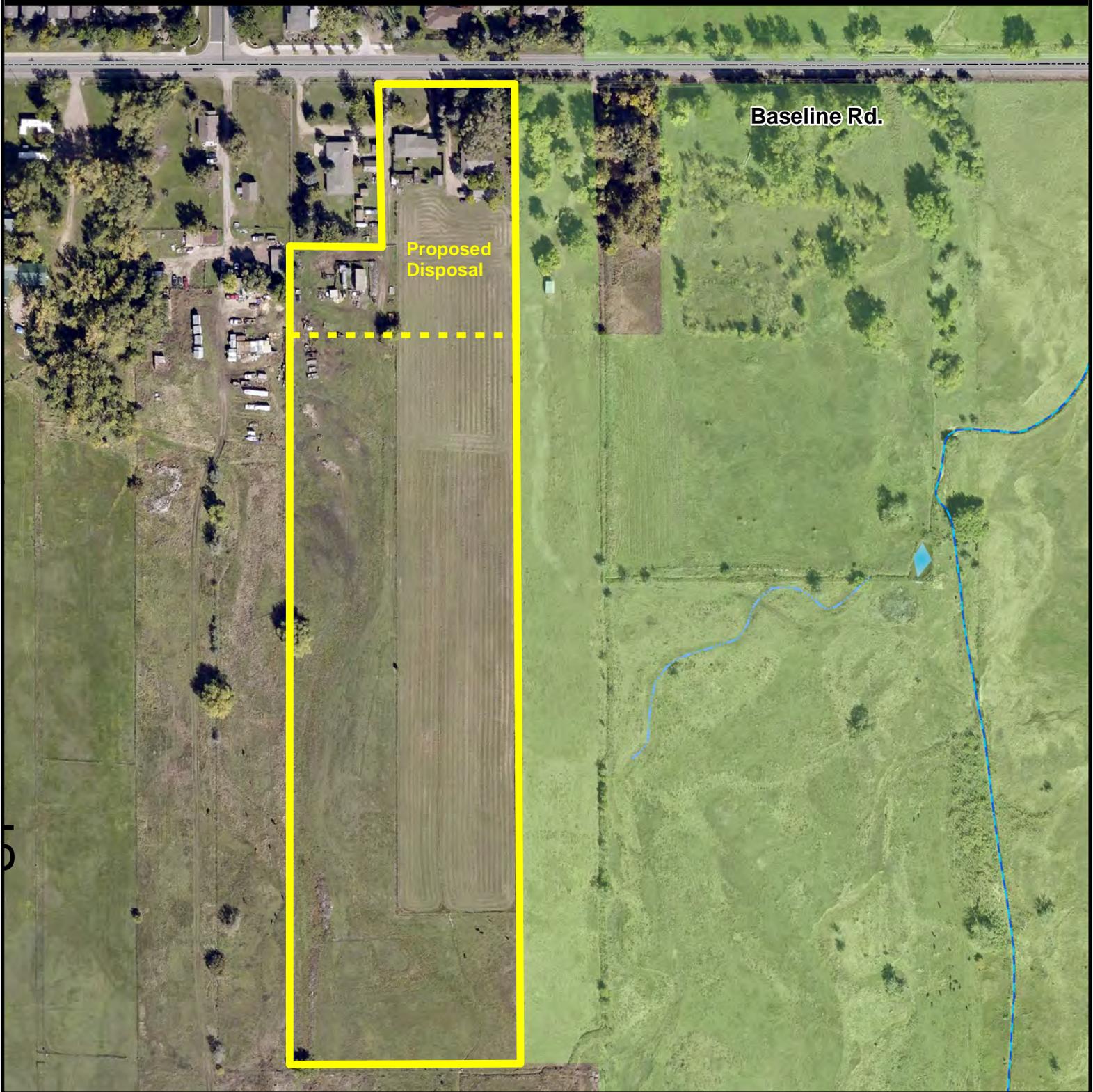
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-  Subject Property
-  City of Boulder OSMP
-  Other Public Lands



Approximate property boundaries from Boulder County Assessor's data

ATTACHMENT B - City of Boulder Open Space & Mountain Parks LOCATION MAP - Coleman Property



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-  Coleman Parcel
-  OSMP Fee Property
-  OSMP Conservation Easement



0 0.075 0.15 Miles

ATTACHMENT C
 Projected Open Space Cashflow 2014-2020
 Coleman
 6/29/2015

	<u>2014 Actual</u>	<u>2015 Adopted</u>	<u>2016 Projected</u>	<u>2017 Projected</u>	<u>2018 Projected</u>	<u>2019 Projected</u>	<u>2020 Projected</u>
PROJECTED SALES TAX GROWTH							
1 2011-2018 Sales Tax forecast 05/08/2012	3.48%	3.28%	3.29%	3.20%	3.15%	3.15%	
2 2013-2019 Sales Tax forecast 04/05/2013	-1.78%	8.26%	3.02%	3.73%	3.41%	-9.52%	
3 2014-2019	3.50%	3.35%	3.35%	3.25%	3.20%	3.20%	
4 2015-2020		3.13%	3.02%	3.73%	3.41%	3.41%	3.41%
5 BEGINNING CASH BALANCE	\$17,110,163	\$28,801,431	\$22,736,445	\$23,832,153	\$28,373,618	\$33,639,435	\$37,459,806
SOURCES OF FUNDS							
6 OS Sales Tax Revenue (for 2014 budget used as not all 2014 sales tax received)	\$26,295,672	\$28,467,600	\$29,327,322	\$30,421,231	\$31,458,595	\$28,464,917	\$23,701,368
7 OS Fund - Investments/Leases/Misc.	\$831,242	\$671,856	\$817,193	\$669,163	\$682,428	\$696,090	\$710,163
8 Proceeds from RE sale	\$6,791						
9 Proceeds from 2014 Bond Sale	\$10,123,341						
10 Funds from CDOT for Granite acquisition							
11 General Fund Transfer for Mountain Parks:	\$1,103,384	\$1,140,735	\$1,171,553	\$1,208,122	\$1,245,832	\$1,284,720	
12 General Fund Appropriation for Real Estate Services:	\$152,642	\$148,889	\$150,378	\$151,882	\$153,400	\$154,934	\$156,484
13 Lottery Fund Appropriation for CIP Purposes:	\$343,000	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
14 Unexpended Lottery Funds Carried Over from Previous Year	\$141,764						
15 Grants	\$72,525						
16 Total Annual Sources of Funds:	\$39,070,361	\$30,784,380	\$31,821,746	\$32,805,698	\$33,895,555	\$30,955,961	\$24,923,315
17 Total Sources of Funds Available:	\$56,180,524	\$59,585,811	\$54,558,191	\$56,637,851	\$62,269,174	\$64,595,397	\$62,383,121
USES OF FUNDS							
18 Total Debt Service for Bonds & Notes:	\$7,313,610	\$5,499,199	\$5,377,423	\$4,780,124	\$4,566,365	\$2,685,917	\$660,686
19 Capital Available for Land Acquisitions & Preservation	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
20 2014 Bond Proceeds	\$10,123,341	\$6,892,413					
21 Total Capital Available for Land Acquisitions & Preservation:	\$15,523,341	\$12,292,413	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
22 RE Acquisition 2014	\$5,174,203						
23 Less Other 2015 Land Acquisition/Commitments YTD		\$1,400,000					
24 Coleman		\$950,000					
24 Coleman Immediate Improvements (Acquisition CIP)		\$50,000					
25 Remaining Land Acquisition Capital Available:	\$10,349,138	\$9,892,413	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000	\$5,400,000
26 Capital for Visitor Infrastructure:	\$1,005,257	\$1,758,700	\$1,010,000	\$1,010,000	\$1,070,000	\$920,000	\$930,000
27 Unexpended Visitor Infrastructure Funds Carried Over from Previous Year							
28 Supplemental Visitor Infrastructure Appropriation			\$300,000				
29 Vehicle Acquisition							
30 Highway 93 Underpass							
31 Capital for Water Rights Acquisition:	\$89,511	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
32 Unexpended Water Rights Funds Carried Over from Previous Year							
33 South Boulder Creek Flow In Stream Flow:	\$1,912	\$150,000	\$2,000,000				
34 South Boulder Creek Flow In Stream Flow Carried Over from Previous Year							
35 Capital for Mineral Rights Acquisition:	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000
36 Unexpended Mineral Rights Funds Carried Over from Previous Year							
37 Lottery Capital for MP Restoration	\$224,226	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300	\$355,300
38 Unexpended Lottery Funds Carried Over from Previous Year							
39 Total CIP Expenditures:	\$6,495,109	\$14,856,413	\$9,365,300	\$7,065,300	\$7,125,300	\$6,975,300	\$6,985,300
40 Management Operating Expenditures - OSMP Program:	\$12,309,332	\$14,996,163	\$14,416,801	\$14,779,984	\$15,223,383	\$15,680,085	\$16,150,487
41 Operating Supplemental and Carryover							
42 Management Operating Expenditures - RE Services:	\$152,642	\$148,889	\$150,378	\$151,882	\$153,400	\$154,934	\$156,484
43 Cost Allocation:	\$1,108,400	\$1,348,701	\$1,416,136	\$1,486,943	\$1,561,290	\$1,639,354	\$1,721,322
44 Total Management Operating Expenditures:	\$13,570,374	\$16,493,753	\$15,983,315	\$16,418,809	\$16,938,073	\$17,474,373	\$18,028,293
45 Total Uses of Funds:	\$27,379,093	\$36,849,365	\$30,726,038	\$28,264,233	\$28,629,738	\$27,135,590	\$25,674,279
ENDING CASH BALANCE:							
46 Less Reserves:	\$28,801,431	\$22,736,445	\$23,832,153	\$28,373,618	\$33,639,435	\$37,459,806	\$36,708,842
47 Less Reserve for 27th Pay Period	\$3,500,000	\$2,500,000	\$2,400,000	\$2,000,000	\$2,000,000	\$1,100,000	\$100,000
48 Sick/Vacation/Bonus Reserve	\$45,000	\$95,000	\$145,000	\$195,000			
49 Property and Casualty Reserve	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	\$490,000	490000
50 South Boulder Creek Flow Reserve	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	400000
51 IBM Connector Trail	\$1,750,000	\$2,000,000					
52 Vehicle Acquisition Reserve		\$200,000					
53 Facility Maintenance Reserve	\$150,000	\$300,000					
54 UNRESTRICTED CASH BALANCE AFTER RESERVES:	\$22,366,431	\$16,551,445	\$20,097,153	\$24,888,618	\$30,249,435	\$34,869,806	\$36,608,842



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

MEETING DATE: July 8, 2015

AGENDA TITLE: Discussion of proposed revisions and update to the Open Space Board of Trustees Easement Request Policy.

PRESENTER/S

Tracy Winfree, Director, Open Space and Mountain Parks
Jim Schmidt, Property Agent

EXECUTIVE SUMMARY

The Open Space Board of Trustees (OSBT) Easement Request Policy (Policy) was adopted in November of 1985 and last revised in February 1995. Staff is recommending that the Policy be updated again with the proposed revisions primarily focusing on the following matters:

- 1) lengthening the timeframe for submittal of an application prior to the OSBT meeting at which the matter will be heard,
- 2) updating the process whereby the Board chair and the director shall make an initial determination whether there is sufficient need for the easement (a decision appealable to the OSBT),
- 3) updating the no upfront application fee requirement,
- 4) reconsidering that OSBT may require the applicant to reimburse the Open Space and Mountain Parks (OSMP) Department for staff time, and
- 5) amending the Policy's name to reflect that the Policy applies to all disposals of interest in Open Space lands.

Since 2010, staff has processed an average of four disposals a year. This year staff has already processed three disposals and knows that at least another three will be requested. Section 177 of the Open Space Charter provides that disposals of interests in Open Space lands go through a very formal process requiring OSBT and council approval. This results in a very time consuming project for OSMP staff, with the heaviest burden placed on the property agents. It is estimated, considering all the staff involved with meetings, field trips, negotiations, OSBT and council memo drafting, publishing the required notice, the GIS mapping component, OSBT public meeting presentation, council meeting and the actual conveyance document drafting, that at least 40 hours of staff time is being spent on each disposal. Thus, it is estimated that staff has spent 800 hours over the last five years working

essentially on projects that negatively impact the department's ability to achieve acquisition program objectives. Additionally, disposals are almost always deadline driven, usually requiring that potential acquisition projects being pursued are pushed aside so property agents can devote time to taking the disposal through the approval process in a timely manner. Most disposals of OSMP lands are spawned by big multi-million dollar projects involving energy delivery systems, water delivery systems and transportation system improvements. The application fee was last set in 1995 and does not reflect the cost of performing the service. Staff is proposing to recapture more of its costs by increasing the application fee. This systemic problem is addressed in the Policy revision through the imposition of an increased application fee which would enable OSMP to consider options to lessen the burden of the Charter Section 177 process on the property agent's acquisition goals. The other proposed revisions provide for a more realistic timeframe for the application to be received prior to the Board meeting and deleting the requirement that the Board chair and the OSMP director review and approve each application prior to the full Board's hearing on the matter.

STAFF RECOMMENDATION

This Agenda Item is a discussion item only. After obtaining the Board's input on the proposed update to the Easement Request Policy, this matter will be brought back to the Board as an action item at a future OSBT meeting.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Environmental:** OSMP is a significant community-supported program that is recognized as a leader in preservation of Open Space lands contributing to the environmental sustainability goal of the City Council. The department's land acquisition, land and resource management and visitor service programs help preserve and protect the Open Space values of the surrounding publicly owned lands.
- **Economic:** OSMP contributes to the economic vitality goal of the city as it provides the context for the diverse and vibrant economic system that sustains services for residents. The land system and the quality of life it represents attract visitors and help businesses to recruit and retain quality employees.
- **Social:** Because OSMP lands, facilities and programs are equally accessible to all members of the community, they help to support the city's community sustainability goal because all residents "who live in Boulder can feel a part of and thrive in" this aspect of their community.

OTHER IMPACTS

- **Fiscal** – On average, four disposals have been processed each year for the last five years, the proposed revision to the Board's Policy, requiring the proposed \$25,000 application fee per disposal would generate, on average, \$100,000 a year for the Open Space Fund.
- **Staff time** – Disposals consume a large amount of staff time, primarily property agent staff time. The Open Space Charter requires a very exacting process for the city's approval of any disposal of an interest in Open Space lands, with relatively few minor exceptions. Over the last five years, staff has been processing an average

of four disposals per year; this equates to an estimated 160 hours a year being devoted to disposal projects.

PUBLIC COMMENT AND PROCESS

This item is being heard as part of this public meeting advertised in the *Daily Camera* on July 5, 2015.

ANALYSIS

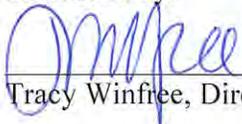
The Policy, as currently written, provides that an applicant for a disposal of Open Space may submit the application materials to the department 14 days prior to the Board meeting at which the matter will be considered. Receiving an application so close to the Board meeting would not permit staff to have sufficient time for memo deadlines and the required Notice of Disposal publication. Staff proposes to lengthen the time to fully vet the application and impacts of the disposal to the affected Open Space lands. The proposed revision remedies those problems by requiring that the applicant meet with staff prior to submitting an application and that the full application materials be submitted to staff a minimum of 45 days prior to the Board meeting.

The Policy as currently written states that the Board chair and the Open Space director shall determine if there is sufficient need for the easement/disposal prior to the Board hearing on the matter. This review and determination would assumedly be within the 14-day period between application submittal and the Board meeting, which creates another timing constraint. Additionally, the application would still require a Board hearing, so this step in the process does not actually allow any time savings, unless the applicant chose not to go forward with the request. The proposed revision eliminates the Board chair and director pre-OSBT meeting hearing step in the process.

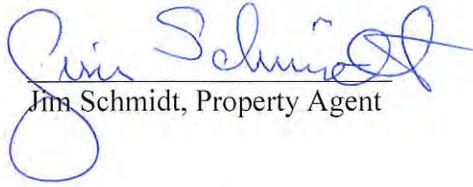
The current Policy does not require the applicant to pay an application fee. There is language that states staff may request reimbursement of staff time at a minimum of \$250. In practice, reimbursement is not requested. The proposed revision to the Policy would require an application fee of \$25,000 with the Board having authority to refund some of these monies to the applicant at the Board hearing on the disposal request. This fee would discourage frivolous applications while compensating the Open Space Fund for staff time spent reviewing, investigating and processing a disposal request. The typical disposal/easement request is estimated to require approximately 40 hours of staff time to process.

The current Policy refers only to easement requests when in fact any request, be it fee, easement or a termination/modification of an existing easement, which is a disposal of an interest in Open Space land is governed by this Policy. Amending the Policy's name to Disposal Request Policy is a more accurate statement.

Submitted by:



Tracy Winfree, Director



Jim Schmidt, Property Agent

ATTACHMENTS:

- A. Proposed Disposal Request Policy

ATTACHMENT A

CITY OF BOULDER
OPEN SPACE BOARD OF TRUSTEES
POLICY for DISPOSAL REQUESTS of OPEN SPACE

Adopted November 13, 1985

Revised February 8, 1995

-----, 2015

- I. Introduction. The primary purpose of the Open Space Program is to preserve and protect Open Space land for the benefit of the public. This Policy for Disposal Requests of Open Space is intended to reflect that purpose and, therefore, does not favor disposal of or allowing use of Open Space land for the financial benefit or the private convenience of individual residents or landowners.
- II. Application Process. All applicants shall schedule a meeting through Open Space staff as a prerequisite to submitting any application. An applicant for a disposal or easement ("Disposal") on Open Space must submit the following documents to the Open Space and Mountain Parks Department at least 45 days prior to the Open Space Board meeting at which consideration of the request is sought:
- A. An application fee of \$25,000 and a statement outlining the use of the proposed Disposal, including type and dimensions of any proposed improvements to be built within the Disposal area. The Open Space Board of Trustees may consider and approve a staff recommendation to refund part of this application fee when the Disposal request is heard by the Board;
 - B. A map showing the location and dimensions of the proposed Disposal and the location and dimensions of any temporary easement required during construction;
 - C. A map showing the location of wetlands within the proposed Disposal area, or any temporary easement required for construction. In addition, wetlands within 50 feet of the proposed Disposal and temporary construction easement must be shown on the map. The wetland boundaries must be delineated by a qualified wetlands biologist using the methodology detailed in the City of Boulder Land Use Code (9-12, B.R.C., 1981). If wetlands are located in the proposed Disposal area, temporary construction easement, or within 50 feet of either, the applicant will consult with the City of Boulder Planning Department to determine if a wetlands permit will be required for requested activities in the proposed Disposal area.
 - D. Plans for restoration of the Disposal area after construction, including a time frame and any additional maintenance, such as watering and weed control during reestablishment of vegetation, that will be provided by the applicant;
 - E. A statement explaining the need for the Disposal, which includes the following information:
 - 1. Alternative methods to achieve the purpose for which the Disposal is sought;
 - 2. Alternative locations to an Open Space Disposal;
 - 3. The cost to the applicant if the Open Space Disposal is granted;
 - 4. The cost of alternative methods and locations; and
 - 5. Any benefits perceived by the applicant to accrue to a broader group or to the public as a whole by virtue of the granting of the requested Disposal; and

- F. Any other items reasonably requested by the Director of Open Space and Mountain Parks, which items may, without limitation, include:
1. Subdivision maps;
 2. Surveys;
 3. Topographic maps;
 4. Illustrative slides; and
 5. Engineering plans.

Any items submitted in an application may be retained by the City of Boulder.

III. Referral to the Open Space Board of Trustees. The application for a Disposal on Open Space land will be considered by the Open Space Board of Trustees when the following criteria have been met:

- A. All required documents and the non-refundable application fee have been timely received; and
- B. The Open Space and Mountain Parks staff has finalized a staff recommendation.

IV. Consideration by the Open Space Board. The Open Space Board of Trustees will consider, at a public meeting, all applications that meet the criteria in Section III. The Open Space Board will consider the following factors in determining whether or not to recommend to City Council that a Disposal should be granted:

- A. Whether a sufficient need for the Disposal exists. In determining that such need exists, the Board will consider, without limitation, any alternatives available to the applicant, the cost of such alternatives, and the purposes for which the Disposal is requested;
- B. The degree to which the proposed Disposal will change the appearance and condition of the Open Space land;
- C. Whether the proposed use of the Disposal interferes with use of the land for Open Space purposes;
- D. Whether the proposed use of the Disposal is consistent with the goals of the Open Space Program as set forth in Section 2-3-9(c), B.R.C. 1981;
- E. Any benefits that will accrue to a broader group or to the public as a whole by virtue of the granting of the Disposal.

An applicant or applicant's representative for a Disposal shall be present at the meeting of the Board at which the Disposal is considered and should be prepared to make a presentation to the Board and to answer any questions that Board members may have pertaining to the application.

- V. Conditions that May be Imposed by the Open Space Board. A recommendation for approval of the Disposal to the City Council by the Open Space Board may include:
- A. Payment of money to the Open Space Fund. In determining how much money should be paid to the Fund, the Board may consider, without limitation, the following:
 1. The fair market value of the Disposal area;
 2. Any costs to the City occasioned by granting the Disposal, such as maintenance costs, recording fees, and appraisal costs;
 3. The money saved by the applicant in obtaining the Disposal from the City as opposed to using an alternative method for achieving the desired result;
 4. The payment of additional monies to reimburse the Open Space and Mountain Parks Department for staff time spent or to be spent on monitoring the project and restoration of the impacted Open Space lands.
 - B. An agreement by the applicant to petition for or not to oppose annexation to the City if the property benefited by the Disposal lies outside the City limits and is or becomes eligible for annexation;
 - C. Other form of payment to the City for the Disposal, for example, labor, materials, improvements to or exchange of property;
 - D. An agreement by the applicant permanently to maintain the Disposal area or affected Open Space adjacent to the Disposal area in a manner consistent with Open Space maintenance goals;
 - E. Planning Board or Parks Board review if deemed appropriate; and
 - F. Any other requirements intended to assure minimum disturbance and maximum preservation of the Open Space land resource, and performance by the applicant of any obligation imposed as a condition of the Disposal grant.
- VI. Conditions which will Always be Imposed by the Open Space Board. All recommendations to the City Council for approval of a Disposal request will be conditioned by the Open Space Board on:
- A. The applicant paying the cost of constructing all improvements proposed to be made in the Disposal area;
 - B. The applicant furnishing a survey description of the Disposal area by a registered land surveyor at the applicant's sole expense;

- C. The applicant's compliance with any posting requirements of the Colorado State mechanics lien statute;
 - D. An agreement by the applicant that the Disposal area will revert to the City if it is not used for the purpose for which it was requested within a reasonable period of time, or if the use of the Disposal area is abandoned;
 - E. Restoration of the Open Space property to a condition at least as good as prior to any disturbance by the grantee of the Disposal. The restoration must include, without limitation, reseeded, revegetation, and restoration of any existing improvements, such as fences. All restoration work must be to a standard and within a time frame acceptable to the City Open Space staff. The requirement of restoration will apply to any reentry by the applicant into the easement area for maintenance, reconstruction, or other activities;
 - F. Requirement that the applicant shall indemnify and hold the City harmless for any losses, claims, and expenses, including attorneys' fees, incurred by the City as a result of a use of the Disposal area or the failure of the applicant to perform required maintenance obligations; and
 - G. Approval of a wetland permit and/or urban wildlife protection ordinance compliance if needed, in accordance with the City of Boulder ordinances and regulations.
- VII. City Council Approval Required. No Disposal of Open Space may be granted without the approval of the Boulder City Council. Therefore, a recommendation for approval by the Open Space Board will always be referred to the City Council for further action pursuant to Section 177 of the Open Space Charter.
- VIII. Developer Requests/Development Review Committee. When a Disposal request originates in a proposal submitted to the City's Development Review Committee, or when a development request requires Development Review Committee consideration, all City departmental requirements relating to the Disposal request must be met as part of, or in addition to, the requirements contained in this Policy.