



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)	
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<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>

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<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>

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	<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).