

Land Use

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BOULDER COUNTY PLANNING COMMISSION AGENDA ITEM #4

October 19, 2016 – 1:30 PM
Commissioners Hearing Room, Third Floor
Boulder County Courthouse

DECISION ITEM AND PUBLIC HEARING

Docket BCCP-15-0001: Boulder County Comprehensive Plan, Open Space Element Update

STAFF PLANNERS AND PRESENTERS: Tina Nielsen, Special Projects Manager, Parks and Open Space Department; Nicole Wobus, Long Range Planning Manager

Introduction

The purpose of this presentation is to review updates to the Boulder County Comprehensive Plan Open Space Goals, Policy and Maps Element Update and to request final adoption of the narrative, Goals and Policies. Changes to the map components are undergoing refinement; staff will provide a brief progress update at the October meeting and anticipates bringing forward the revised map approach for approval in November, along with a draft map for review.

Background: OSE Update Process to Date

A team of staff from the Parks and Open Space and Land Use Departments began working on the OSE Update in 2015. The last update was in 1996, and much has changed in the county and the open space program in the last 20 years. The OSE Staff goals for the OSE update are:

- Continue to provide high level guidance
- Update and broaden the goals and policies to reflect the range of programs and activities provided by the Parks and Open Space Department
- Eliminate redundancies and references to programs
- Streamline and simplify the document narrative
- Provide a forward-looking focus to help navigate future opportunities and challenges

The staff team developed a new framework for policies:

Current Policy Framework	New Policy Framework
<ul style="list-style-type: none"> • Acquisition • Resource Management • Scenic Area & Open Corridor Protection • Recreation Use • Rural Character Preservation & Community Buffering • Trails • Public/Private Partnerships • Public Decision Making 	<ul style="list-style-type: none"> • Value • Conserve • Steward • Engage • Collaborate

Public Process

Date	Event	Purpose
April 23, 2015	POSAC Hearing	Introduce and gain approval for proposed OSE Goals and Policy framework
June 17, 2015	Planning Commission Hearing	
July 28, 2015	Public Open House	
April 13, 2016	POSAC-Planning Commission Joint Study Session	Introduce updated OSE narrative and policies
June 23, 2016	POSAC Hearing	Public hearing and recommend approval to Planning Commission
August 17, 2016	Planning Commission Hearing	Progress report
August 24, 2016	Referral Request	Solicit comments from County Departments and peer agencies in Boulder County
August 25, 2016	BOCC	Overview of OSE Update and request for input
October 19, 2016	Planning Commission Hearing	Public Hearing and request adoption of OSE Goals and Policies component (policy narrative component of OSE update)
November	Planning Commission Hearing	Public Hearing and request adoption of OSE scenic roadway corridor map approach; Begin review period for draft OSE map

Review of Updates to the Draft Open Space Element

The following is a review of updates to the Open Space Element (OSE) narrative, goals and policies in two parts:

- I. A summary of recommended changes since the April 13 PC-POSAC joint study session and June 23 POSAC hearing. These changes were presented at the August 17 PC update and are reflected as redlined text in Attachment B, Policy Evolution Guide. They are also reflected in Attachment A, OSE updated draft, but not as redlined text.
- II. A summary of changes to OSE narrative, goals and policies in response to referral comments. These changes are reflected in the redline text in Attachment A, OSE Draft, as well as in Attachment B, Policy Evolution Guide.

- III. An update on progress toward developing a revised Open Space Element map with scenic roadway corridor designations

I. Summary of Changes to OSE Goals and Policies since April 13 PC-POSAC Joint Study Session (reflected in Attachment B)

Most POSAC and PC questions, comments and discussion fall into three overarching themes:

- Clarify open space values, differentiate the “what” and “how”
- Flesh out the concepts relating to little “o” (general) and big “O” (county owned) open space.
- Some streamlining went too far; preserve the concepts and language from existing policies in some cases

In addition, specific comments and discussion addressed the scenic corridor designation, passive recreation definition, clarifications regarding historic preservation and agriculture goals to include more about restoration, among many others.

At their June 23 hearing following the joint study session, POSAC accepted staff recommendations with a few changes. The following is a summary of changes POSAC recommended for approval:

1. Clarified Open Space Values
 - Section I: Reworked narrative; added list of values and functions
 - Section II. b: Changed heading from “Definitions Open Space and Recreation” to “Open Space Definitions, Values, and Functions”
 - Updated the open space definition with expanded list of values
 - Section III: Updated policies OS 1.01 and OS 1.02
 - Section III: Expanded the language in Policy 2.02
 - Section III: Incorporated “values and functions” to language in Goal 5 and relevant policies throughout
2. Clarified little “os” and big “OS” concepts
 - Section II. c: Changed header from “Acquisitions” to “Open Space Preservation Tools” to get at the broader (little “o”) preservation concepts
 - Expanded narrative and added reference to other comp plan elements
3. Retained language/concepts from existing policies in proposed policies. POSAC recommended keeping specific language in the following existing OSE policies:
 - OS 3.03
 - OS 3.05.01
 - OS 4.02
4. Expanded policy 3.04 addressing monitoring data with two sub-policies
 - OS 3.04.01 addresses how monitoring data will be used
 - OS 3.04.02 addresses making monitoring data available to the public
5. Fuller treatment of “restoration”
 - Restoration is contained in the proposed new language for OS 3.03 and OS 4.02
6. Other:

- Added new policy OS 5.01 about identifying broad range of stakeholders, and removed the term “stakeholders” from OS 5.02 and replaced with “visitors”
- Added “dogs” to passive recreation definition as designated use, along with “boating”
- Deleted OS 1.02 “Boulder County shall utilize its open space program as an important tool for preserving the county’s open space values” as this idea is fully fleshed out in the policies under Goal 2 (this policy is also nearly identical with ERE 1.06)
- Included language about soil health, as proposed by Elizabeth Black via email
- Recommended a new policy, OS 5.03.01: “Boulder County shall retain management authority of jointly owned properties with high environmental and natural values”
 - This suggestion was discussed with Planning Commissioners at the August 17, 2016 meeting. Based on staff recommendation, input from BOCC, and 8/17 PC discussion, this recommendation was ultimately not included. POSAC was briefed about this at their August 25 hearing under “Director’s Update” and indicated their understanding and agreement with this direction.

II. Summary of Changes to OSE Narrative, Goals and Policies in Response to Referral Comments (reflected in Attachments A and B)

A referral was sent to various Boulder County agencies and peer open space agencies in Boulder County on August 24, 2016. Comments were received from Boulder County Transportation, Boulder County Land Use Building Safety and Inspection Services, City of Boulder Open Space and Mountain Parks, City of Longmont, and Town of Lyons.

Comments from the Boulder County Transportation Department addressed the value and function of open space lands as a tool for floodplain management. Although floodplain management is not called out in the definition of open space in the tax resolution language, Open Space staff agrees that the very fact of the existence of undeveloped lands allows for natural floodplain and mitigates the damage posed by natural disasters, including floods.

Staff recommends a number of changes based on comments from Boulder County Transportation and City of Boulder Open Space and Mountain Parks:

1. Section I: Add reference to Natural Hazards Element addressing flood mitigation
2. Section II b.:
 - Add opening paragraph to explain evolution of appreciation of open space values and functions (triggered by Transportation suggestions)
 - Include natural floodplains in list of open space functions (Transportation suggestion)
3. Goal 2: Added “function” to goal language (Transportation)
4. Policy OS2.02 c.: Reword, and remove reference to soil health (OSMP suggestion—staff agrees that singling out this one component is too specific; also, soil health is called out in paragraph f of this policy)
5. Policy OS 3.02: Add back “regional context” to policy language (OSMP suggestion)
6. Add new policy, OS 3.04, stating the intention to plan for and adapt to the impacts of climate change (triggered by Transportation suggestions)

7. Policy OS 3.06 (formerly OS 3.05): Delete clause “as approved in the management plan” (staff)
8. Add new policy OS 3.06.07 to include ecological restoration as an appropriate reason for infrastructure improvements (influenced by OSMP suggestion)

III. Map Development Progress Update

Staff continues to move ahead with development of scenic roadway corridor mapping that will ultimately be incorporated into a single updated OSE map and presented for adoption. Land Use staff has made changes to the earlier proposed approach based on input from the Parks and Open Space Advisory Committee (POSAC), Planning Commission (PC) and Board of County Commissioners (BOCC), and in response to practical challenges encountered during the initial mapping efforts. Staff would like to allow additional time for internal staff vetting of revisions to the mapping approach before asking for review by PC. We anticipate bringing a draft map forward to PC for review at the November meeting. In the meantime, the following points summarize key changes that staff is in the process of implementing. Staff would be happy to provide additional information on any of these points during the October PC meeting.

- **Simplifying criteria and focusing more on visual elements.** Staff is revising criteria to focus more directly on visual elements, to better align with the GIS data available (e.g., drawing on features mapped within other BCCP elements), and to be more readily mappable (e.g., the old “majority of a one mile stretch of roadway meets criteria across at least two categories” approach was difficult to convert to actual GIS mapping).
- **Streamlining categories** (from 6 down to 3). Staff plans to roll the archaeological, cultural and historic categories into a single “cultural resources” category. In addition, staff plans to remove the recreational category because, while recreational use often occurs in areas that are scenic, it is not a visual attribute in and of itself. Furthermore, roads that would have been captured for their recreational characteristics are likely to be captured for meeting various other criteria.
- **Transitioning to a scoring system for identifying roadways for designation.** The scoring system under development is intended to capture, in effect, the magnitude of scenic characteristics of a given road segment (i.e., the percentage of roadway meeting criteria, and/or the number of criteria met). The scoring system uses a weighting scheme that gives higher scores to road segments that either: 1) meet some criteria for a long stretch of roadway; or 2) meet a significant number of criteria for a shorter stretch of roadway. This approach differs from the previous proposed approach that required a roadway to meet criteria across more than one category (i.e., prioritizing diversity in the type of criteria met).

In advance of the November PC meeting staff will share a draft map that reflects proposed revisions to the criteria and system for designating scenic roadway corridors. That draft map will not capture all cultural resources; manual adjustments would be made to more fully capture cultural resources.¹ At

¹ The county lacks the staff resources to conduct a comprehensive mapping of cultural resources at this time. Therefore, for the first map approved by PC for the updated OSE, staff will rely on PC, POSAC, and other county staff input to identify additional cultural resources that warrant mapping. The only cultural resource criteria captured in the initial GIS data-based mapping is resources with official historic landmark designation. Additional proposed cultural resource criteria would include: “Historic, cultural or archaeological interpretive signage or displays are present along the roadway” and “The road itself, or parcels adjacent to the road are identified by staff as possessing historic, cultural or archeological significance.”

the November PC meeting, staff plans to request PC approval of the proposed mapping, and to launch a period of review for the draft map. During the review period following the November meeting PC, staff from other county departments and members of the public will have an opportunity to review the draft map to provide general quality control, and to identify road segments that have cultural significance but were not captured based on the initial mapping of GIS data-based criteria.

Discussion Questions

1. Do Planning Commissioners have any questions or concerns with the proposed policy updates?
2. Do Planning Commissioners have any feedback in response to staff's progress update regarding scenic roadway corridor mapping, or development of the OSE map?
3. Any other feedback, comments, changes?

Action Requested

Staff requests approval of the Open Space Goals and Policies Element (OSE ap to be approved separately at a later date)

ATTACHMENTS

Packet available at <http://www.bouldercounty.org/property/build/pages/bccp150001.aspx>

- A. Updated Open Space Goals, Policies and Map Element proposed for approval, with redlined text reflecting recent changes made in response to referral comments
- B. Policy Evolution Guide: Open Space Element Goals & Policies, with redlined text reflecting all changes made since PC-POSAC Joint Study Session of 4-13-16
- C. Referral Comments to # BCCP 15-0001

Boulder County Comprehensive Plan UPDATE
DRAFT Open Space Goals, Policies, & Maps Element

(Outline for drafting and reviewing purposes)

- I. Purpose of the Open Space Element**
- II. Boulder County Open Space Program**
 - a. Origins and Evolution of the Program**
 - b. Open Space Definition, Values and Functions**
 - c. Open Space Preservation Tools**
 - d. Management Framework**
- III. Goals and Policies**

I. Purpose of the Open Space Element

Situated at the intersection of the Great Plains and the Rocky Mountains, Boulder County is endowed with an extraordinary natural heritage born of its geological and biological diversity. This heritage forms part of the foundation for an exceptional quality of life. The *Open Space Goals, Policies, and Map Element* lays out Boulder County’s vision for understanding, preserving, and enjoying this heritage and its open space values and functions, including community buffers, scenic vistas, agricultural lands, natural resources, recreation opportunities, wildlife habitat, and cultural resources. Section II provides a brief history of the county’s open space preservation efforts, establishment and evolution of the Parks and Open Space Department, and the department’s framework for management, engagement, and collaboration. The goals and policies in Section III provide guidance for the future. The policies in the OS element complement those in other elements of the plan. Specifically, scenic resources and other environmental resource values are addressed in the Environmental Resources Element; regional trails and facilities are addressed in the Transportation Element; maintaining viable agriculture in the county is addressed in Agriculture Element; ~~and~~ cultural resource protection is addressed in the Cultural Resources Element, and flood and other natural hazard mitigation is addressed in the Natural Hazards Element.

Comment [NT1]: Staff addition inspired by Transportation referral comments 9-8; fleshes out the context of all relevant Elements

- II. Boulder County Open Space Program**
 - a. Origins and Evolution of the Program**

The idea of a county open space program was initiated in the mid-1960s by Boulder County citizens who were interested in parks and recreation needs of the unincorporated area and in "preserving open space land in the face of rapid county development" (*Boulder County Comprehensive Plan, 1978, History of Open Space Program*). In 1967 the Board of County Commissioners appointed an "official" citizens group, the Parks and Open Space Advisory Committee (POSAC), to help formulate a plan for preserving open space. This was at a time when Boulder County's 741 square miles were home to a population of fewer than 130,000 people. The

2015 population was approximately 319,400. The Boulder County Parks and Open Space Department was formally designated as of January 1, 1975, initially overseeing several properties amounting to approximately 85 acres.

Turning the vision into reality took time and hard work. The first two attempts to pass a county-wide open space sales tax failed in 1978 and 1988. In 1993 the first sales tax passed: 0.25% for 15 years. Since then, several additional tax resolutions have extended or passed new sales taxes, along with significant bonding authority to accelerate purchases. In 2016, the open space sales and use tax stands at 0.6%.

Since the last Open Space Element update in 1996, the county's open space interests have increased to over 100,000 acres of land. As a result, stewardship of our lands and engagement with our citizens are increasingly important features of the open space program.

Comment [NT2]: Staff addition; fleshes out the historical overview

Sidebar: Timeline of Significant Milestones

- 1967: Parks and Open Space Advisory Committee appointed
- City of Boulder voters approved a sales tax in the City of Boulder for open space (along with transportation)—first in the country
- 1973: POSAC hosts community meetings
- 1974: Community survey to obtain citizen input
- 1975: Commissioners created the Boulder County Parks and Open Space Department and adopted:
 - 8 policies for Open Space
 - First priority trail corridor locations
 - Areas of interest for land acquisition and approval to initiate negotiations in those areas
- 1978: Boulder County Comprehensive Plan
 - Urban-type growth would only occur in cities and towns and not in the rural countryside
 - Various tools could implement the Vision:
 - Zoning - Minimum parcel size 35 acres in unincorporated county to maintain rural character
 - Intergovernmental cooperative efforts
 - Acquisition of Open Space
- 1975: Early acquisitions: Betasso and Walker Ranch
- 1980-1991: Rock Creek Farm, first farm property
- 1996: Heil Ranch and Hall Ranch
- 2002: Caribou Ranch, (first acquisition)
- 2013: Historic Flooding in September*
- 2015: Toll Property, (BCPOS surpasses 100,000 ac., 40th Anniversary)
*a number of fires and floods have affected open space lands in the past and will in the future

Comment [NT3]: Inspired by Transportation referral comments 9-8

Sidebar: Sales & Use Tax Resolutions

- 1978: First attempt at county-wide open space sales and use tax fails
- 1988: Second attempt at county-wide open space sales and use tax fails
- 1993: Resolution 93-174 passes, 0.25% through 2009
- 1999: Resolution 99-111 extends 0.25% 10 years through 2019
- 2000: Resolution 2000-113 extends existing 0.10% Recycling and Composting Tax for open space through 2009
- 2004: Resolution 2004-86, superseded by Resolution 2004-102, new 0.10% sales tax through 2024, with 0.05% continuing in perpetuity
- 2007: Resolution 2007-80 extends 2000 0.10% sales and use tax 20 years through 2029
- 2009: Resolution 2009-100 proposed extension of 0.25% sales and use tax through 2034 fails
- 2010: Resolution 2010-93 new 0.15% sales and use tax through 2030
- 2016 (?): Resolution 2016-77 extends half of 0.25% sales and use tax scheduled to expire in 2019 through 2034

Comment [NT4]: Will be updated to reflect outcome of November election

b. Open Space Definition, Values and Functions

Appreciation of the values and functions of open space has increased and evolved over time with changing conditions, including population growth and the improved understanding of the impacts of climate change. Recent flood and fire events in particular have heightened community awareness of the important role open space lands play in reducing and mitigating the risks from natural disasters.

Comment [NT5]: Staff addition, inspired by Transportation referral comments 9-8

~~Since the original 1978 Boulder County Comprehensive Plan, o~~pen space ~~has been~~ defined as “lands intentionally left free from development” to conserve, preserve and provide for:

- the rural character of the unincorporated county and scenic values;
- natural resources, including wildlife habitat, grasslands, shrublands, forests, soils, riparian areas, natural floodplains and water;
- lands and waters of significant agricultural importance,
- cultural resources;
- recreational access opportunities and trail linkages;
- education and outreach.

Comment [NT6]: Transportation referral comment 9-8

Passive Recreation, referred to in the *Open Space Element* policies, is defined as

- Non-motorized outdoor recreation with minimal impact on the land, water or other resources that creates opportunities for closeness to nature, enjoyment of the land’s open space features, and a high degree of interaction with the natural environment.
 - Passive recreation requires no rules of play or the installation of equipment or facilities, except for trails and associated improvements.
 - Passive recreation includes activities such as hiking, snowshoeing, cross-country skiing, photography, bird-watching or other nature observation or study.
 - If specifically designated, passive recreation may include bicycling, horseback riding, dog walking, boating or fishing.

c. Open Space Preservation Tools

Boulder County protects open space values and functions through a number of Comprehensive Plan Elements, including Agriculture, Cultural Resources, Environmental Resources, and Sustainability. Regional cooperation is an essential ingredient of Boulder County’s preservation efforts. Boulder County has been a leader in establishing a regional vision for open space preservation, working with local communities to identify where rural preservation is appropriate, and likewise, where urban development is desired. This work has resulted in a series of inter-governmental agreements and a number of joint purchases with communities within the county. As mandated by the 1993 sales tax resolution, Boulder County annually solicits input from municipalities and stakeholders on open space acquisition and trail priorities (see Policy OS 5.04).

[Reference Comprehensive Development Map in Map Section]

Following passage of the open space sales and use tax in 1993, the next two decades saw prolific additions to the county’s open space assets. At the 40-year anniversary in 2015, the county open space program surpassed the 100,000-acre milestone of preserved lands, along with 115 miles of trails. About half of these properties are in the foothills and mountains, and half in the plains,

including about 25,000 acres of agricultural lands. Approximately 60% of these lands are owned in fee, and the remaining 40% are privately owned under conservation easement. The majority of county-owned land is open for public use.

[Link to web page or include maps showing evolution of acquisitions, decade by decade]

Boulder County uses a variety of methods to acquire open space, including fee simple title, conservation easements, trail easements and leases, as well as transfers of development rights and credits, public land dedications and intergovernmental agreements. These tools will continue to play an important role in the program as significant opportunities become available.

Sidebar: Acquisition tools

The county employs different methods depending on the situation.

- Donation
- Bargain Sale
- Full value purchase
- TDR receiving site
- Subdivision dedication
- Intergovernmental Agreements

d. Management Framework

As the program has evolved and matured, the Boulder County Comprehensive Plan continues to provide the overarching guidance for finding the appropriate balance of uses in the stewardship of county open space through careful management and citizen engagement. The next level of guidance consists of management policies, which provide more detailed direction for landscape level and system-wide issues. Property specific management plans offer the greatest level of detailed management guidance for specific properties or groups of properties. The Boulder County Parks and Open Space Department Mission, Rules and Regulations, Department-wide goals, annual performance measures and work plans also reflect guidance from the Comprehensive Plan.

Possible sidebar: Open Space Mission Statement: To conserve natural, cultural and agricultural resources and provide public uses that reflect sound resource management and community values.

Text box: What's in a word? Preserve v. Conserve: Both terms convey a sense of protection, but there is a key difference in how that protection is carried out. "Conserve" suggests responsible and sustainable use of natural resources, whereas "Preserve" implies maintaining the landscape in its original, or pristine, state. In the Open Space element policies "conserve" is used for working landscapes such as agricultural properties, while "preserve" is used for policies relating to broader protection.

Link: <http://www.bouldercounty.org/os/openspace/pages/posplans.aspx> (or Sidebar: List of Management Policies & Plans)

Possible sidebar: Open Space Mission Statement: To conserve natural, cultural and agricultural resources and provide public uses that reflect sound resource management and community values.

III. Goals and Policies

Goal 1. Boulder County values and preserves open space for its contribution to an exceptional quality of life.

Policies

- OS 1.01. Boulder County supports conservation efforts that uphold one or more open space values or functions, consistent with adopted plans and agreements.
- OS 1.02. Open space values and functions, and impacts to county open space, shall be considered in the review of development proposals submitted through the Land Use Department.
 - OS1.02.01 To the extent possible, the county shall protect views from scenic corridors including, but not limited to, those shown on the Open Space Map. The county may preserve these scenic corridors by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.
 - OS1.02.02 Areas that are considered as valuable scenic vistas and Natural Landmarks shall be preserved as much as possible in their natural state.
- OS 1.03. The Boulder County Land Use Code shall provide for land dedications of parks and open space, trails and necessary public access to those areas where appropriate.

Goal 2. Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters of significant open space value and functions.

Policies

- OS2.01. Boulder County acquires real estate interests in land, water, and minerals through appropriate real estate methods such as fee title, conservation easements and trail easements.
- OS2.02. Boulder County acquires real property rights to protect open space values and functions, including the following, in no particular order:
 - a. Establish and preserve rural lands, scenic corridors and community buffers to ensure community identity and prevent urban sprawl.
 - b. Conserve natural resources, including lands or features designated in other Boulder County Comprehensive Plan Elements.
 - c. ~~Protect, C~~onserve and ~~enhance~~ improve soil health of agricultural lands, especially agricultural lands of local, statewide, and national importance.
 - d. Protect and manage water resources, including agricultural water and in-stream flows.
 - e. Acquire land or easements to establish appropriate public access on open space properties and trail linkages between properties.

Comment [NT7]: Transportation referral comment 9-8

Comment [NT8]: OSMP referral suggestion 9-8: health is more than soils; healthy soils included in paragraph f. below

- f. Protect and restore native plants, healthy soils, wildlife, ecological processes, and significant habitats including riparian zones, wetlands, stream corridors, **natural floodplains**, grasslands, shrublands, and forests.
- g. Protect, preserve, and restore cultural resources.
- h. Enlarge existing open space properties to enhance the open space values and functions they serve.

Comment [NT9]: Transportation referral suggestion 9-8: add natural floodplain

OS2.03. Boulder County maintains and protects its real estate interest in open space properties to the maximum extent possible and works to prevent illegal uses and minimize impacts from legal third-party activities.

Goal 3. Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.

Policies

OS 3.01. Boulder County prepares management plans and policies as appropriate for open space properties where the county has management authority and uses the plans and policies to manage its open space resources and assets.

OS 3.02. Plans and policies are based on sound planning practices, **regional context**, public input, and desired future conditions.

Comment [NT10]: OSMP referral suggestion 9-8: appreciate calling out regional context as a peer agency and partner

OS 3.03. Through planning and management, Boulder County strives to preserve significant resources and enhance protection and restoration of native ecosystems and their native species populations while also providing passive, sustainable and enjoyable public uses that connect the public to their environment.

OS 3.04. **Through planning and management, Boulder County plans and adapts to the impacts of climate change.**

Comment [NT11]: Staff addition to call out the future facing nature of the policies

OS 3.05. Boulder County monitors and evaluates uses and resources on open space to inform management decisions and seeks to be innovative in its approaches to on-the-ground management of open space resources utilizing knowledge of current conditions, latest science, best technologies and practices.

OS 3.05.01 Monitoring data shall be synthesized, analyzed and utilized to adapt management practices in response to changing conditions.

OS 3.05.02 Monitoring data shall be available to the public as appropriate, subject to the Parks and Open Space Department’s sensitive data policy.

OS 3.06. Boulder County will provide appropriate improvements that serve the open space values and functions of the property while maintaining the rural and natural character.

OS 3.06.01 Recreational facilities shall be designed and maintained to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and critical wildlife habitats, while providing an exceptional and sustainable user experience.

OS 3.06.02 Open space trails shall provide for multiple uses, unless otherwise specified in a management plan.

- OS 3.06.03 Regional trails linking to open space are coordinated with Boulder County Transportation and other government agencies and may have special rules.
- OS 3.06.04 Boulder County may establish regional parks such as the Boulder County Fairgrounds or similar facilities at the direction of the Boulder County Commissioners.
- OS 3.06.05 Agricultural infrastructure such as center pivot sprinklers, hay sheds, grain bins and other improvements may be constructed as appropriate to support agricultural goals.
- OS 3.06.06 Infrastructure needed to support the use and management of historic structures, museums, and other related resources shall be developed in a manner compatible with the setting and historic character of the resources.
- OS 3.06.07 Infrastructure shall be constructed as appropriate to support the natural and ecological functioning of the resources.

Comment [NT12]: Inspired by 9-8 OSMP referral comments; completes the list of reasons infrastructure improvements could be approved.

Goal 4. Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.

Policies

- OS 4.01. The county commissioners shall appoint a Parks and Open Space Advisory Committee to provide a forum for public input and advice to the Board of County Commissioners and Parks and Open Space Department regarding Parks and Open Space plans, programs, and actions.
- OS 4.02. Boulder County shall promote awareness of the county’s irreplaceable natural and cultural resources and the best practices for their protection, conservation, restoration, and enjoyment through communication methods designed to reach a broad spectrum of the public, including stakeholders, visitors, organizations, and businesses.
- OS 4.03. Boulder County shall reach out to the public through educational programs, volunteer opportunities, and regular interactions at open space properties.
- OS 4.04. Boulder County shall seek and consider public input about open space acquisitions and management through a variety of informal and formal engagement tools.
 - OS 4.04.01. Open space land acquisitions, the capital improvements plan (CIP), and management plans and policies require approval by the Board of County Commissioners, after a public hearing and after review and input by the Parks and Open Space Advisory Committee.

Goal 5. Boulder County collaborates with stakeholders and partners to promote and protect open space values and functions.

Policies

- OS 5.01. Boulder County shall invite input from a broad spectrum of stakeholders relevant to the policy and management issues under consideration.
- OS 5.02. Boulder County shall collaborate with businesses, organizations, visitors, volunteers, property owners, and partners to promote the county's open space values and functions.
- OS 5.03. Boulder County shall work closely with federal, state, and local authorities to promote and achieve mutual acquisition and management goals.
- OS 5.04. Boulder County shall annually solicit input from and provide updates to municipalities and stakeholders on open space preservation and trail priorities.
- OS 5.05. Boulder County Parks and Open Space shall respect nearby private property owners through communication and appropriate actions.

PROPOSED Open Space Goals	Staff Notes	EXISTING Open Space Goals	Origin of proposed changes
Goal 1. Boulder County values and preserves open space for its contribution to an exceptional quality of life.	Value	C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.	
Goal 2. Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters of significant open space value <u>and functions</u> .	Conserve	C.2 Parks, open space, and recreation facilities should be encouraged throughout the county and should be integrated whenever suitable with public facilities. The county will assume only those financial responsibilities for public development as provided under Open Space Policy OS 4.02.	Transportation referral suggestion 9-8: makes the language consistent with terminology used throughout the OSE
Goal 3. Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.	Steward	C.3 Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.	
Goal 4. Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.	Engage	C.4 A county-wide trail system shall be promoted to serve transportation and recreation purposes.	
Goal 5. Boulder County collaborates with stakeholders and partners to promote and protect open space values <u>and functions</u> .	Collaborate	C.5 The private sector, non-county agencies, and other governmental jurisdictions should be encouraged to participate in open space preservation and trails development in Boulder County.	PC-POSAC 4-13: Discussion about open space values. POSAC 6-23: accepted

Goal 1. [VALUE] Boulder County values and preserves open space for its contribution to an exceptional quality of life.			
PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p>OS 1.01 Boulder County supports all conservation efforts that uphold <u>one or more</u> open space values <u>or functions</u>, <u>consistent with adopted plans and agreements</u>.</p>		<ul style="list-style-type: none"> • New overarching policy concept 	<p>PC-POSAC 4-13: Discussion about open space values</p> <p>POSAC 6-23: accepted</p>
<p>OS 1.02 Boulder County shall utilize its Open Space program as an important tool for preserving the county's open space values.</p>	<p>OS 5.05 The county shall use its open space program as one means of achieving its environmental resources and cultural preservation goals.</p>	<p>Redundant with Goal 2</p> <p>Also addressed in ERE:</p> <p>ER 1.06 Boulder County shall use its open space program as one means of achieving its goals for protecting environmental resources.</p>	<p>PC-POSAC 4-13: Values used as noun v. verb; can we tie to 7 principles of comp plan</p> <p>POSAC 6-23: accepted recommendation to delete</p>
<p>OS 1.02 Open space values <u>and functions</u>, and impacts to county open space, shall be considered in the review of development proposals submitted through the Land Use Department.</p>	<p>OS 1.02 The county shall not deny development or other land use applications, otherwise in compliance with the land use regulations, solely because of the open space designation. However, in reviewing development or other land use applications, the county shall consider the open space values and other characteristics which contribute to the open and rural character of unincorporated Boulder County.</p>	<ul style="list-style-type: none"> • Propose to delete "Proposed Open Space" from County Open Space Plan map, making first sentence obsolete. <u>Rationale</u>: most of the properties so designated have been acquired. • Update language 	<p>PC-POSAC 4-13: Values discussion.</p> <p>POSAC 6-23: accepted. POSAC requested cross-reference with ERE. Staff added language at end of first paragraph of narrative.</p>
<p>OS 1.02.01 To the extent possible, the county shall protect views from scenic corridors including, but not limited to, those shown on the Open Space Map. The county may preserve these scenic corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.</p>	<p>OS 3.03 To the extent possible, the county shall protect scenic corridors along highways and mountain road systems. The county may preserve these scenic corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process or, by acquisition.</p>	<ul style="list-style-type: none"> • LU staff is considering how best to establish and incorporate a set of criteria to guide the selection of scenic corridors, and how best to incorporate performance measures to allow some flexibility to apply to roadways outside mapped corridors but that are still found to have scenic views we want to protect 	
	<p>OS 3.01 Where necessary to protect water resources and/or riparian habitat the county shall ensure, to the extent possible, that areas adjacent to water bodies, functional irrigation ditches and natural water course areas shall remain free from development (except designated aggregate resource areas). The</p>	<ul style="list-style-type: none"> • Staff is currently working through this issue, but tentatively proposes: a) deleting OS 3.01, and b) adding the following subset of the language to the end of ER 1.01, "The county may preserve these [environmental resources] by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition." 	

	county may preserve these open corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.	<ul style="list-style-type: none"> This would maintain protective language currently used by land use staff during the development review process, applying it to all environmental resources, not just riparian. 	
OS 1.02.02 Areas that are considered as valuable scenic vistas and Natural Landmarks shall be preserved as much as possible in their natural state.	OS 3.04 Areas that are considered as valuable scenic vistas and Natural Landmarks shall be preserved as much as possible in their natural state.	<ul style="list-style-type: none"> Addressed in Environmental Resources Element http://www.bouldercounty.org/doc/land-use/bccp-ere-goals.pdf ERE Goal B.6 Boulder County shall continue to protect prominent natural landmarks and other unique scenic, visual and aesthetic resources in the county. ER 1.03 Scenic vistas shall be preserved as much as possible in their natural state. 	
OS 1.03 The Boulder County Land Use Code shall provide for land dedications of parks and open space, trails, and necessary public access to those areas where appropriate	<p>OS 4.01 The Boulder County Land Use Code shall provide for land dedications of parks and open space and necessary public access to those areas where appropriate.</p> <p>OS 6.07 Where appropriate, trails should be incorporated into and provided by new development and linked to established trails, if possible.</p>	<ul style="list-style-type: none"> Incorporate “trails” from existing OS 6.07 into existing OS 4.01 	

Goal 2. [CONSERVE] Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters of significant open space value and functions.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
OS 2.01 Boulder County acquires real estate interests in land, water, and minerals through appropriate real estate methods such as fee title, conservation easements and trail easements.	OS 1.01 It is recognized that the acquisition of an interest in open space lands must be based on the long term implementation of the county’s overall open space plan, in which prioritization of need and available revenues must be considered. From time to time, applications for various land use decisions which contemplate development are expected to be made for privately owned lands which have been designated as open space on the Open Space Plan Map of the Boulder County Comprehensive Plan. In such cases, it will be the responsibility of the county to make decisions with regard to the possible acquisition of an interest in such lands in a timely manner. In the event a decision to acquire whatever public interest the county may desire is not made with reason diligently,	<ul style="list-style-type: none"> Policy 1.01 as currently worded is obsolete, and represents a different time with different conditions. Delete “Proposed Open Space” designation from County Open Space Plan map. <u>Rationale</u>: most of the properties so designated have been acquired. 	

	applicants shall be entitled to have their applications processed and considered as any other similar applications, not involving open space, would be.		
(covered in OS 2.01)	OS 1.03 When seeking to acquire whatever interest the county may desire in lands designated as open space, the county will negotiate in good faith with the property owners involved. The power of eminent domain shall be used only in exceptional cases, when obviously necessary to protect the public interest.	<ul style="list-style-type: none"> • The power of eminent domain has never been used; the reference is not necessary. • Concept is covered in OS 2.01 “appropriate real estate methods” 	
OS 2.02 Boulder County acquires real property rights to protect open space values and functions, Boulder County considers open space values when acquiring an interest in real property rights, including the following, in no particular order:		<ul style="list-style-type: none"> • Expands on Goal 2 theme by enumerating the open space values in one policy • Staff feels it is important to explicitly state there is no hierarchy of values. 	PC-POSAC 4-13: Is “value” the how, or what? (currently, it’s a little of both) POSAC 6-23: accepted
a. Establish and preserve <u>rural lands, scenic corridors and</u> community buffers and scenic corridors <u>to ensure community identity and prevent urban sprawl.</u>	OS 5.01 Boulder County shall, in consultation with affected municipalities, utilize open space to physically buffer Community Service Areas, for the purpose of ensuring community identity and preventing urban sprawl.	<ul style="list-style-type: none"> • Identify all the various open space values in one policy 	PC-POSAC 4-13: like specificity in original language POSAC 6-23: accepted
b. Conserve <u>natural resources, including</u> lands or features designated in other Boulder County Comprehensive Plan Elements.	OS 2.01 The county shall identify and work to assure the preservation of Environmental Conservation Areas, critical wildlife habitats and corridors, Natural Areas, Natural Landmarks, significant areas identified in the Boulder Valley Natural Ecosystems Map, historic and archaeological sites, and significant agricultural land.	<ul style="list-style-type: none"> • Designated areas are also covered in the Environmental Resource Element 	PC-POSAC 4-13: Like original language; original educates POSAC 6-23: accepted
c. Protect and e Conserve and enhance improve soil health of agricultural lands, especially agricultural lands of local, statewide, and national importance.	OS 5.04 The county shall use its open space acquisition program to preserve agricultural lands of local, statewide, and national importance. Where possible, purchase of conservation easements, purchase of development rights, or lease-back arrangements should be used to encourage family farm operations.	<ul style="list-style-type: none"> • Broaden language • 2nd sentence reflects current and historic real estate acquisition practice; covered in OS 2.01 	POSAC 6-23: one of Elizabeth Black’s suggestions, generally approved by POSAC OSMP referral suggestion 9-8: health is more than soils; healthy soils included in paragraph f. below Staff tweaked the opening wording
d. Protect and manage water	OS 3.01 Where necessary to protect water resources	<ul style="list-style-type: none"> • Broaden language 	PC-POSAC 4-13: What about aquifers?

resources, including agricultural water and in-stream flows.	and/or riparian habitat the county shall ensure, to the extent possible, that areas adjacent to water bodies, functional irrigation ditches and natural water course areas shall remain free from development (except designated aggregate resource areas). The county may preserve these open corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.	<ul style="list-style-type: none"> • Specific acquisition methods covered in OS 2.01 	Fracking concerns. Any clarification to water is good
e. Acquire land or easements to Create and establish <u>appropriate</u> public access on open space properties and trail linkages between properties.	OS 3.02 Where appropriate the county shall continue to acquire parcels of land or right-of-way easements to provide linkages between public lands.	<ul style="list-style-type: none"> • Broaden language 	PC-POSAC 4-13: Difference between establish and acquire, refer to/encourage regional trail POSAC 6-23: accepted
f. Protect and restore native plants, <u>healthy soils</u> , wildlife, ecological processes, and significant habitats including riparian zones, wetlands, stream corridors, <u>natural floodplains</u> , grasslands, shrublands, and forests.	OS 2.02 Significant natural communities, rare plant sites, wetlands, and vegetation, such as willow carrs, should be conserved and preserved.	<ul style="list-style-type: none"> • Reframe and broaden language 	POSAC 6-23: one of Elizabeth Black's suggestions (via email), generally approved by POSAC Transportation referral suggestion 9-8: add natural floodplain
g. Protect, <u>preserve</u> and restore historic and cultural resources.	OS 2.01 The county shall identify and work to assure the preservation of Environmental Conservation Areas, critical wildlife habitats and corridors, Natural Areas, Natural Landmarks, significant areas identified in the Boulder Valley Natural Ecosystems Map, historic and archaeological sites, and significant agricultural land.	<ul style="list-style-type: none"> • Call out historic and cultural resources explicitly • Also referenced in Environmental Resources Element 	PC-POSAC 4-13: "Preservation" is usually used with historic assets. Cultural resources is the broader term, encompassing historic resources. POSAC 6-23: accepted
h. Enlarge existing open space properties <u>to enhance the open space values and functions they serve and protections.</u>		<ul style="list-style-type: none"> • New policy concept 	PC-POSAC 4-13: "Protections" confusing/meaning? POSAC 6-23: accepted
OS 2.03 Boulder County maintains and protects its real estate interest in open space properties to the maximum extent possible and works to prevent illegal uses and minimize impacts from legal third-party activities.		<ul style="list-style-type: none"> • New policy concept • Addresses activities such as utility right of way requests, oil & gas extraction 	

Goal 3. [STEWARD] Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p>OS 3.01 Boulder County prepares management plans and policies as appropriate for Open Space properties where the county has management authority and uses the plans and policies to manage its open space resources and assets.</p>	<p>OS 2.03 The county shall provide management plans and the means for the implementation of said plans for all open space areas that have been acquired by or dedicated to the county.</p>	<ul style="list-style-type: none"> • Update language 	
<p>OS 3.02 Plans and policies are based on sound planning practices, <u>regional context</u>, public input, and desired future conditions.</p>	<p>OS 2.03.02 Management of county open space lands shall consider the regional context of ecosystems and adjacent land uses.</p>	<ul style="list-style-type: none"> • Broaden to encapsulate the idea of balance amongst uses and protection • Considering regional context is a sound planning practice 	<p>OSMP referral suggestion 9-8: appreciate calling out regional context as a peer agency and partner</p>
<p>OS 3.03 <u>Through planning and management, Boulder County strives to preserve significant resources and enhance protection and restoration of native ecosystems and their native species populations while also providing passive, sustainable and enjoyable public uses that connect the public to their environment.</u></p> <p>Through planning and management, Boulder County balances the protection and preservation of significant resources with providing passive, sustainable, and enjoyable public uses that connect the public to their environment.</p>	<p>OS 2.03.01 The foremost management objective of individual open space lands shall follow directly from the purposes for which the land was acquired.</p> <p>OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography, or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.</p>	<ul style="list-style-type: none"> • Management objectives include acquisition purpose, but take many other factors into account • These examples are covered in the narrative under definition of passive recreation, and more broadly in OS 3.03 <p>“Purposes for which land was acquired” concept is not included in current proposed policies</p>	<p>PC-POSAC 4-13: Dislike “balances”. Proposed: “Strive to enhance restoration and protection while also providing user experience.”</p> <p>POSAC 6-23: accepted alternative proposal and added “preserve significant resources”</p>
<p>OS 3.04 <u>Through planning and management, Boulder County plans and adapts to the impacts of climate change.</u></p>		<ul style="list-style-type: none"> • 	<p>Staff addition to call out the future facing nature of the policies</p>
<p>OS 3.05 Boulder County monitors and evaluates uses and resources on open space to inform management decisions and seeks to be innovative in its approaches to on-the-ground management of open space resources utilizing current knowledge, latest science, best technologies and practices.</p>		<ul style="list-style-type: none"> • New policy concept: Introduces the concept of adaptive management through monitoring and evaluating 	<p>PC-POSAC 4-13: Respond to new info and changing conditions. Make monitoring more robust, synthesize data, base decisions on scientific knowledge, provide model for other communities. Provide public access to data—rich resource.</p>

<p><u>OS 3.05.01 Monitoring data shall be synthesized, analyzed and utilized to adapt management practices in response to changing conditions.</u></p> <p><u>OS 3.05.02 Monitoring data shall be available to the public as appropriate, subject to the Parks and Open Space Department’s sensitive data policy.</u></p>			POSAC 6-23: accepted two sub-policies
<p>OS 3.06 Boulder County will provide appropriate improvements that serve the open space <u>values and</u> functions of the property while maintaining the rural and natural character.</p>	<p>OS 4.03 Recreational use of county open space land may be permitted where such use is consistent with the management plan for the property and does not adversely impact natural and cultural resources or other management objectives of the property.</p>	<ul style="list-style-type: none"> • Reframe concept • Broaden language so applies to more than recreation 	POSAC 6-23: accepted adding “values and”
<p>OS 3.06.01 <u>Recreational facilities shall be designed and maintained to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats, as well as to provide an exceptional and sustainable user experience.</u></p> <p>Recreational facilities shall be designed and maintained to provide an exceptional user experience, be sustainable, and avoid or minimize impacts to significant resources.</p>	<p>OS 6.01 Trails and trailheads shall be planned, designed, and constructed to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats. Riparian areas proposed for preservation but for which trail development is inappropriate include: 1) Boulder Creek between 55th Street and U.S. Highway 287, 2) St. Vrain Creek west of Airport Road, 3) Left Hand Creek west of State Highway 119, and 4) Rock Creek west of McCaslin Boulevard.</p> <p>OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography, or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.</p>	<ul style="list-style-type: none"> • Broaden language • Eliminate specific examples • Include maintenance concept 	<p>PC-POSAC 4-13: Alternative language proposed. “Exceptional user experience” necessary?</p> <p>POSAC 6-23: accepted alternative proposal</p>

<p>OS 3.06.02 Open space trails shall provide for multiple uses, unless otherwise specified in a management plan.</p>	<p>OS 6.04 Trails shall provide for pedestrian, equestrian, bicycle, and/or other non-motorized uses, where each is warranted. Incompatible uses shall be appropriately separated.</p>	<ul style="list-style-type: none"> • Broaden language • Separation of incompatible uses is one of many factors considered in property management plans 	
<p>OS 3.06.03 Regional trails linking to open space are coordinated with Boulder County Transportation and other government agencies and may have special rules.</p>	<p>OS 6.05 Special consideration shall be given to pedestrian, equestrian, bicycle, and/or other uses of road rights-of-way during the design and construction of road improvements.</p>	<ul style="list-style-type: none"> • Reframe and broaden language 	
<p>OS 3.06.04 Boulder County may establish regional parks such as the Boulder County Fairgrounds or similar facilities at the direction of the Boulder County Commissioners.</p>	<p>OS 4.02 Except as the county may establish a regional park, such as the Boulder County Fairgrounds, or other similar facilities, the county will provide only a minimum level of maintenance or development on park land.</p>	<ul style="list-style-type: none"> • Reframe • Maintenance is covered in OS 3.05.01 	
<p>OS 3.06.05 Agricultural infrastructure such as center pivot sprinklers, hay sheds, grain bins and other improvements may be constructed as appropriate to support agricultural goals.</p>		<ul style="list-style-type: none"> • New: explicitly call out agricultural improvements 	<p>PC-POSAC 4-13: Concerned about “as appropriate”-ref Ag policy? Concerned about ag structures that end up being used for other purposes “open to best practices moving forward” Ag goals as enunciated in comp plan/other docs Include other infrastructure, such for organic? Staff note: narrative updated with reference to Ag Element</p>
<p>OS 3.06.06 Infrastructure needed to support the use and management of historic structures, museums, and other related resources shall be developed in a manner compatible with the setting and historic character of the resources.</p>		<ul style="list-style-type: none"> • New: explicitly call out historical and cultural improvements 	<p>PC-POSAC 4-13: Manage structures; wants review by Denise Grimm: ref Ramey</p>
<p>OS 3.06.07 Infrastructure shall be constructed as appropriate to support the natural and ecological functioning of the resources.</p>		<ul style="list-style-type: none"> • 	<p>Inspired by 9-8 OSMP referral comments; completes the list of reasons infrastructure improvements could be approved.</p>

Goal 4. [ENGAGE] Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p>OS 4.01 The county commissioners shall appoint a Parks and Open Space Advisory Committee to provide a forum for public input and advice to the Board of County Commissioners and Parks and Open Space Department regarding Parks and Open Space plans, programs, and actions.</p>	<p>OS 8.02 Purchases of land for open space require approval by the Board of County Commissioners after public hearing and after review and recommendation of the Parks and Open Space Advisory Committee.</p>	<ul style="list-style-type: none"> Existing OSE has narrative reference to POSAC in history but no policy statement Builds foundation for OS 8.02 	
<p>OS 4.02 <u>Boulder County shall promote awareness and stewardship of the county's irreplaceable natural resources and promote best practices for their protection, conservation, restoration, and enjoyment through communication methods designed to reach a broad spectrum of people, visitors, organizations, and businesses.</u></p> <p>Boulder County shall promote awareness and stewardship of the county's open space resources and recreational opportunities through a variety of communication methods and programs designed to reach a broad spectrum of people, visitors, stakeholders, organizations, and businesses.</p>	<p>OS 2.04 The county, through its Parks and Open Space Department, shall provide appropriate educational services for the public which increase public awareness of the county's irreplaceable and renewable resources and the management techniques appropriate for their protection, preservation, and conservation.</p>	<ul style="list-style-type: none"> Fits with Engage better than Resource Management Update language 	<p>PC-POSAC 4-13: Keep specificity of original, alternate language provided</p> <p>(Staff added "stewardship" and "enjoyment" to suggested language)</p> <p>POSAC 6-23: accepted alternative proposal, with discussion about appropriate terminology for "stakeholders"</p>
<p>OS 4.03 Boulder County shall reach out to the public through educational programs, volunteer opportunities, and regular interactions at open space properties.</p>	<p>OS 2.04.02 The Parks and Open Space Department shall seek to meet the needs of diverse populations in the county by providing information and programming to accommodate special groups such as disabled persons, young people, senior citizens, and Spanish-speaking citizens.</p>	<ul style="list-style-type: none"> Fits with Engage better than Resource Management Update language 	
<p>OS 4.04 Boulder County shall seek and consider public input about open space acquisitions and management through a variety of informal and formal engagement tools.</p>	<p>OS 8.03 In developing management plans for open space areas, Parks and Open Space staff shall solicit public participation of interested individuals, community organizations, adjacent landowners and the Parks and Open Space Advisory Committee. Plans shall be reviewed by the Parks and Open Space Advisory Committee,</p>	<ul style="list-style-type: none"> Broaden language 	

	including public comment, and recommended for adoption after public hearing by the Board of County Commissioners.		
OS 4.04.01 Open space land acquisitions, the capital improvements plan (CIP), and management plans and policies require approval by the Board of County Commissioners, after a public hearing and after review and input by the Parks and Open Space Advisory Committee.	OS 8.01 The county shall annually develop a Capital Improvements Program (CIP) for open space acquisition and trails construction. Formulation of the CIP shall take into consideration project suggestions from municipalities as well as suggestions received from the public. The CIP shall be reviewed by the Parks and Open Space Advisory Committee, after public comment, and recommended for adoption after public hearing by the Board of County Commissioners.	<ul style="list-style-type: none"> • Broaden but keep CIP reference; it is in the 1993 ballot language • Local government collaboration covered in OS 5.03 	
	OS 8.04 Significant changes to overall management direction or techniques shall be presented to the Parks and Open Space Advisory Committee and/or the Board of County Commissioners, with opportunity for public comment before a decision is made.	<ul style="list-style-type: none"> • “significant changes” not explicitly called out in draft policies • Covered in OS 3.01 & OS 4.04 	

Goal 5. [COLLABORATE] Boulder County collaborates with stakeholders and partners to promote and protect open space values and functions.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p><u>OS 5.01 Boulder County shall invite input from a broad spectrum of stakeholders relevant to the policy and management issues under consideration.</u></p>		<ul style="list-style-type: none"> Staff addition after PC-POSAC 4-13 meeting, to include the overarching policy for this goal 	<p>POSAC 6-23: accepted</p>
<p>OS 5.02 Boulder County shall collaborate with businesses, organizations, <u>stakeholders</u>visitors, volunteers, property owners, and partners to promote the county’s open space values <u>and functions</u>.</p>	<p>OS 7.01 The county shall consider for possible acquisition those lands within the county which are owned and may be disposed of by other governmental agencies.</p> <p>OS 7.03 The county shall cooperate with the owners of privately owned open space, including conservation easements, to protect their interests from public trespass.</p> <p>OS 7.04 The county, through the Parks and Open Space Department, shall work with foundations, trusts, developers, ditch and utility companies, and others from the private and public sectors in furtherance of the county’s open space objectives by encouraging land donations and dedication and multiple use of easements and by providing and informing the public of incentives for preservation.</p>	<ul style="list-style-type: none"> Combine the concepts of OS 7.01, 7.03 and 7.04 into one collaboration policy 	<p>PC-POSAC 4-13: discussion about terminology for “stakeholders”</p> <p>POSAC 6-23: accepted updated language</p>
<p>OS 5.03 Boulder County shall work closely with federal, state, and local authorities to promote and achieve mutual acquisition and management goals.</p>	<p>OS 7.02 The county may promote and participate in partnership projects with the communities in the county for open space acquisition and trails development outside of community service areas.</p>	<ul style="list-style-type: none"> Broaden language 	
<p><u>OS 5.03.01 Boulder County shall retain management authority of properties with high environmental and natural values.</u></p>	<p>POSAC 6-23: POSAC recommended this additional policy due to dissatisfaction with the outcome of the NTSA process. Planning Commissioners on 8-17 and BOCC on 8-25 agreed to delete this policy in accordance with staff recommendation based on concerns outlined below. POSAC was briefed on this reasoning under “Director’s Update” at their 8-25 meeting and indicated agreement.</p> <ul style="list-style-type: none"> <i>To the extent we have jointly owned properties, management is determined in the purchase agreement. The Beech property and a few others we purchased jointly with city of Boulder early on are an exception. Management of those properties is determined through an Intergovernmental agreement.</i> <i>Some properties are purchased with the intent of an eventual exchange with the US Forest Service and BLM to consolidate ownership patterns. Staff is concerned that this policy might prohibit future exchanges.</i> <i>Finally, staff feels that this is more of an operational matter than aspirational policy appropriate for the comprehensive plan.</i> 		
<p>OS 5.04 Boulder County shall annually solicit</p>	<p>OS 8.01 The county shall annually develop a Capital</p>	<ul style="list-style-type: none"> Engage: Broaden to encompass 	<p>PC-POSAC 4-13:</p>

input from and provide updates to municipalities and stakeholders on open space preservation and trail priorities.	Improvements Program (CIP) for open space acquisition and trails construction. Formulation of the CIP shall take into consideration project suggestions from municipalities as well as suggestions received from the public. The CIP shall be reviewed by the Parks and Open Space Advisory Committee, after public comment, and recommended for adoption after public hearing by the Board of County Commissioners.	public process in decision making in OS 4.04 <ul style="list-style-type: none"> Collaborate: Local government collaboration addressed in OS 5.03 	Incorporate the concept of feedback/dialogue POSAC 6-23 added “and provide updates to...”
OS 5.05 Boulder County Parks and Open Space shall respect nearby private property owners through communication and appropriate actions.	OS 6.02 Adverse effects on private lands shall be minimized insofar as possible by trail and trailhead placement, posting of rules and signs against trespassing, installation of containing fences where critical, and any other appropriate measures.	<ul style="list-style-type: none"> Reframe and broaden language 	

Programmatic Existing Policies

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
	OS 2.03.03 Management of individual open space lands, including those under agricultural leases, shall follow good stewardship practices and other techniques that protect and preserve natural and cultural resources.	<ul style="list-style-type: none"> Covered in OS 3.01, OS 3.03 and OS 3.04 	
	OS 2.05 The county, through its Weed Management Program, shall discourage the introduction of exotic or undesirable plants and shall work to eradicate existing infestations through the use of Integrated Weed Management throughout the county on private and public lands.	<ul style="list-style-type: none"> Programmatic Covered in OS 3.01 - OS 3.04 	
	OS 2.04.01 The Parks and Open Space Department shall cooperate with schools and non-profit organizations in the county to provide environmental education activities which increase awareness, understanding, appreciation, and support for stewardship of the natural and cultural resources on open space.	<ul style="list-style-type: none"> Programmatic Covered in OS 4.02 	
	OS 2.04.03 The Parks and Open Space Department shall develop and disseminate information through publications, exhibits, and other media on the uniqueness, importance, and appropriate stewardship and management of open space areas in the county.	<ul style="list-style-type: none"> Programmatic Covered in OS 4.02 and OS 4.03 	
	OS 2.04.04 The Parks and Open Space Department shall utilize trained volunteers, cooperating groups, and private individuals to assist in the delivery of environmental education and interpretive services.	<ul style="list-style-type: none"> Programmatic Covered in OS 4.03 	
	OS 4.06 Private dedication or development of parks, open space or recreational	<ul style="list-style-type: none"> Not necessary; addressed as 	

	facilities shall, to the extent subject to public review, be reviewed by the Parks and Open Space Advisory Committee, and where appropriate, the Planning Commission, for recommendation to the Board of County Commissioners.	part of the development review and referral process stipulated in the code	
	OS 4.03.02 (misabeled as 4.03.01) Accessibility for special populations such as disabled persons, young people, senior citizens, and Spanish-speaking people shall be addressed on a system-wide basis.	<ul style="list-style-type: none"> • Programmatic • Covered in OS 4.02 	
	OS 4.04 Requests for special uses or events on county open space shall be evaluated for their impacts to natural and cultural resources as well as other management objectives and maintenance considerations.	<ul style="list-style-type: none"> • Programmatic • Addressed in Open Space Rules and Regulations 	
	OS 4.05 Any development of regional county facilities or of county park or open space land shall be based on a plan approved by the County Commissioners after review by the Parks and Open Space Advisory Committee.	<ul style="list-style-type: none"> • Regional facilities covered in OS 3.05.04 • Public process covered in OS 4.04 and OS 5.02 	
	OS 4.07 In neighborhoods where residents desire more open space and park and recreation facilities than the county provides, the county shall cooperate in the formation of special taxing districts for open space and park and recreation facilities.	<ul style="list-style-type: none"> • Overly prescriptive and not appropriate for comp plan policy 	
	OS 5.02 The county shall utilize Intergovernmental Agreements with one or more municipalities to encourage the preservation of open space lands and the protection of the rural and open character of the unincorporated parts of Boulder County.	<ul style="list-style-type: none"> • Covered in OS 5.02 	
	OS 5.03 The county shall encourage use of Transfer of Development Rights (TDR) to preserve and protect rural character, open space, scenic features, and environmental resources.	<ul style="list-style-type: none"> • Programmatic, covered in OS 2.01 	
	OS 6.03 The County shall acquire trail rights-of-way through purchase, lease, donation or dedication from any public or private entity. When appropriate and beneficial, existing roads and right-of-way will be used.	<ul style="list-style-type: none"> • Programmatic, covered in OS 2.01 	
	OS 6.06 The county shall work through the Consortium of Cities to assure linkage of municipal and county trails and connections between communities.	<ul style="list-style-type: none"> • Programmatic • Covered in OS 2.01 (e) and OS 5.02 	
	OS 6.08 Trails constructed by the county Parks and Open Space Department shall be soft-surface except where necessary to prevent erosion and/or other resource damage.	<ul style="list-style-type: none"> • Programmatic • Covered in OS 3.05.01 	

ATTACHMENT C

Referral Responses to #BCCP-15-0001

September 8, 2016

TO: Nicole Wobus, Long Range Planning and Policy Manager, Land Use

FROM: Varda Blum, Floodplain Program Manager, Transportation
Julie McKay, Planning Division Manager, Transportation

SUBJECT: Docket #BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element

Request: Update to Open Space Element

The Transportation Department – Floodplain Management Program has reviewed the above referenced docket and has the following comments:

County Open Space lands account for approximately 58% of the county’s regulatory floodplain and the county relies on Open Space lands as a key floodplain management strategy. Before the Open Space Element draft is finalized, we would like to talk to the planning team (POS, Land Use) to discuss county floodplain management and to identify additional policies or policy modifications that should be included in the Open Space Element to describe this open space function and to reinforce the policy basis for the county’s approach to floodplain management.

Specific comments to this extent include:

Overall, all sections should recognize floodplain management as a function of Open Space, where applicable.

Goal 1: Add “community resiliency” to the Goal so that it reads, “...quality of life and enhanced community resiliency.”

Goal 2: Modify Goal 2 to say, “...significant open space value and functions.”

Goal 2: OS2.O2- Include a policy in this section that the county would acquire Open Space for floodplain management purposes.

Goal 2: OS2.O2- Include a planning policy so that OS acquisitions for the purpose of floodplain management should be planned ahead of time so that contiguous parcels are acquired over time, thereby avoiding the piecemeal or “checkerboard” assembly of lands.

Goal 3: There is some public expectation that County Open Space properties be available for flood control purposes, e.g. building a detention facility or flood control channel. It would be useful to clarify in OS 3.05. that OS lands reduce flood risk by being Open Space and that Open Space lands are managed for a flood risk reduction purpose in a way that preserves the natural features of the land and waterway (along with the rest of the management plan policies in this list).

Goal 4 and 5: No suggested modifications.

This concludes our comments at this time.

From: Gershman, Mark [mailto:GershmanM@bouldercolorado.gov]
Sent: Thursday, September 08, 2016 6:44 PM
To: Wobus, Nicole
Cc: Winfree, Tracy; Davison, Mark; Pilcher, Ericka; Potter, John; OSMP EP; Nielsen, Tina; Case, Dale
Subject: Referral packet for BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update

Nicole:

I am writing in response to the e-mail dated August 24, 2016 from Anna Milner entitled, *Referral packet for BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element Update*. Although the stated deadline for comments in the e-mail was August 7, Anna and I corresponded and she spoke with you to extend the deadline for comments from Open Space and Mountain Parks (OSMP) until September 9. Thank you for the opportunity to review the Open Space Element Update for the Boulder County Comprehensive Plan (BCCP). Thanks to you and Tina also for spending time to update Ericka Pilcher and I on the proposed Scenic Corridor Mapping Approach, and discussing the potential implications for the management of city OSMP lands and the delivery of open space services by the OSMP department. It was very helpful, and we would not have had the time to come up to speed without your help. The notification and review period for comments however did not allow staff time to review the materials and provide the Open Space Board of Trustees an opportunity to provide input. In the future and consistent with the spirit of policy 4.01, we would respectfully ask for sufficient time to provide the OSBT in the review process for BCCP policies likely to affect open space service delivery.

In addition to the comments given below, I have attached an annotated version of pages 1-11 from Attachment B (*Review Guide: Open Space Element Goals and Policies Update*) with comments on various changes proposed in the update. This appeared to be the best place to add comments in the context of changes to the element and feedback from the Planning Commission and the Parks and Recreation Advisory Committee (POSAC). Comments from OSMP in the attachment appear in [blue](#).

- **Proposed Addition of Policy OS 5.03.01. Boulder County shall retain management authority of jointly owned properties with high environmental and natural values.**
The City of Boulder and Boulder County are in the process of renewing an intergovernmental agreement (IGA) that gives the city management of three jointly-owned properties. These properties are included in various designations in the Environmental Resources Element of the BCCP that would support the position that they have high environmental and natural values. The city, in accordance with the Visitor Master Plan and Trail Study Area planning has designated these areas as Habitat Conservation Areas, in recognition of such natural and environmental values. In August, the POSAC recently recommended that the Board of County Commissioners (BOCC) support the renewal of this agreement.

If adopted, Policy 5.03.01 would create a situation where the BOCC approval of the IGA (and the POSAC recommendation) would be at odds with the BCCP. OSMP staff shares Boulder County Parks and Open Space (POS) and Land Use staffs' concerns about this policy as contained in the staff memo for the *Progress Report on the Boulder County Comprehensive Plan Open Space Element Update* presented to the Planning Commission on August 17. In addition, the proposed policy assumes that Boulder County would always be the appropriate agency to manage jointly owned properties with high natural values. While this may often be the case, there may be situations where flexibility would be appropriate. Partner agencies *may* be better situated or equipped to offer an acceptable level of management. City OSMP and county POS staff have worked together to improve the language of both the IGA and the Boulder Valley Comprehensive Plan in response to concerns raised by the POSAC over the degree to which BCCP guidance

regarding environmental resources is considered by the city. In retrospect we believe that the IGA has a good track record for ensuring sound management and community service delivery on the affected properties. We look forward to on-going engagement at with POS staff to improve the situation when needed.

From our telephone conversation, it is my understanding that members of the Planning Commission expressed general agreement with the staff concerns over proposed Policy 5.03.01 and supported removing it from the Open Space Element Update. It is also my understanding that both the BOCC and the POSAC have been advised of staff's intent to remove this policy and have not raised objections. OSMP would recommend removal of this policy, and supports county staffs' proposal to do so.

Again my thanks on behalf of Open Space and Mountain Parks. Please feel free to contact me with questions or comments.

Mark

Mark Gershman
Planning Supervisor
Open Space and Mountain Parks



City of Boulder
Open Space & Mountain Parks

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PROPOSED Open Space Goals	Staff Notes	EXISTING Open Space Goals	PC-POSAC comments
Goal 1. Boulder County values and preserves open space for its contribution to an exceptional quality of life.	Value	C.1 Provision should be made for open space to protect and enhance the quality of life and enjoyment of the environment.	Discussion about "exceptional quality of life:" may need to be qualified? Quality of Life is more than open space.
Goal 2. Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters of significant open space value.	Conserve	C.2 Parks, open space, and recreation facilities should be encouraged throughout the county and should be integrated whenever suitable with public facilities. The county will assume only those financial responsibilities for public development as provided under Open Space Policy OS 4.02.	This change significantly reduces the profile of recreation facilities and parks. Is there a place where a corresponding emphasis on parks and recreational facilities is added? If not, is there a reason or objective for the deletion of the first part of C3 from either proposed Goal 2 or 3? Is this policy is more tied to "C.3"? It appears to more closely mirror the language of that goal.
Goal 3. Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.	Steward	C.3 Open space shall be used as a means of preserving the rural character of the unincorporated county and as a means of protecting from development those areas which have significant environmental, scenic or cultural value.	This addition makes sense, but seems unrelated to the corresponding "existing" goal C.3, which in turn seems more relevant to Goal 2.
Goal 4. Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.	Engage	C.4 A county-wide trail system shall be promoted to serve transportation and recreation purposes.	This addition makes sense, but seems unrelated to the corresponding "existing" goal C.4. As with the comment on Goal 1, this seems to represent a reduction of emphasis on the recreational uses of county open space. Is there a particular reason for this reduced emphasis? Is recreational use addressed elsewhere in the BCCP?
Goal 5. Boulder County collaborates with stakeholders and partners to promote and protect open space values <u>and functions</u> .	Collaborate	C.5 The private sector, non-county agencies, and other governmental jurisdictions should be encouraged to participate in open space preservation and trails development in Boulder County.	PC-POSAC 4-13: Discussion about open space values. POSAC 6-23: accepted

This addition makes sense, and the city values language about agency collaboration among the goals in the Open Space Element. Again specific reference to trails is omitted. Does the county seek to de-emphasize collaboration on trail projects, or are trails addressed elsewhere in the BCCP?

Goal 1. [VALUE] Boulder County values and preserves open space for its contribution to an exceptional quality of life.			
PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
OS 1.01 Boulder County supports all conservation efforts that uphold <u>one or more</u> open space values <u>or functions</u> , <u>consistent with adopted plans and agreements</u> .	This new policy makes sense.	<ul style="list-style-type: none"> New overarching policy concept 	<p>PC-POSAC 4-13: Discussion about open space values</p> <p>POSAC 6-23: accepted</p>
OS 1.02 Boulder County shall utilize its Open Space program as an important tool for preserving the county's open space values.	OS 5.05 The county shall use its open space program as one means of achieving its environmental resources and cultural preservation goals.	<p>Redundant with Goal 2</p> <p>Also addressed in ERE:</p> <p>ER 1.06 Boulder County shall use its open space program as one means of achieving its goals for protecting environmental resources.</p>	<p>PC-POSAC 4-13: Values used as noun v. verb; can we tie to 7 principles of comp plan</p> <p>POSAC 6-23: accepted recommendation to delete</p>
OS 1.032 Open space values <u>and functions</u> , and impacts to county open space, shall be considered in the review of development proposals submitted through the Land Use Department.	OS 1.02 The county shall not deny development or other land use applications, otherwise in compliance with the land use regulations, solely because of the open space designation. However, in reviewing development or other land use applications, the county shall consider the open space values and other characteristics which contribute to the open and rural character of unincorporated Boulder County.	<ul style="list-style-type: none"> Propose to delete "Proposed Open Space" from County Open Space Plan map, making first sentence obsolete. <u>Rationale</u>: most of the properties so designated have been acquired. <p><i>What "proposed open space" areas have NOT been acquired and would lose the protection provided under the existing policy? Are any of these in the Boulder Valley?</i></p>	<p>PC-POSAC 4-13: Values discussion.</p> <p>POSAC 6-23: accepted. POSAC requested cross-reference with ERE. Staff added language at end of first paragraph of narrative.</p>
OS 1.032.01 To the extent possible, the county shall protect views from scenic corridors including, but not limited to, those shown on the Open Space Map. The county may preserve these scenic corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.	OS 3.03 To the extent possible, the county shall protect scenic corridors along highways and mountain road systems. The county may preserve these scenic corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process or, by acquisition.	<ul style="list-style-type: none"> LU staff is considering how best to establish and incorporate a set of criteria to guide the selection of scenic corridors, and how best to incorporate performance measures to allow some flexibility to apply to roadways outside mapped corridors but that are still found to have scenic views we want to protect 	<p><i>This policy change makes sense. To what degree is there likely to be a change in the parcels affected by this change? If there is a change have the newly affected property owners been informed and invited to learn more about the potential implications in this change in policy. OSMP staff appreciates time spent by Parks and Open Space and Land Use staff discussing the implications of this change to OSMP lands.</i></p>
	OS 3.01 Where necessary to protect water resources and/or riparian habitat the county shall ensure, to the extent possible, that areas adjacent to water bodies, functional irrigation ditches and natural water course areas shall remain free from development (except designated aggregate resource areas). The	<ul style="list-style-type: none"> Staff is currently working through this issue, but tentatively proposes: a) deleting OS 3.01, and b) adding the following subset of the language to the end of ER 1.01, "The county may preserve these [environmental resources] by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition." 	

	county may preserve these open corridor areas by means of appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.	<ul style="list-style-type: none"> This would maintain protective language currently used by land use staff during the development review process, applying it to all environmental resources, not just riparian. 	
OS 1.032.02 Areas that are considered as valuable scenic vistas and Natural Landmarks shall be preserved as much as possible in their natural state.	OS 3.04 Areas that are considered as valuable scenic vistas and Natural Landmarks shall be preserved as much as possible in their natural state.	<ul style="list-style-type: none"> Addressed in Environmental Resources Element http://www.bouldercounty.org/doc/land-use/bccp-ere-goals.pdf ERE Goal B.6 Boulder County shall continue to protect prominent natural landmarks and other unique scenic, visual and aesthetic resources in the county. ER 1.03 Scenic vistas shall be preserved as much as possible in their natural state. 	
OS 1.043 The Boulder County Land Use Code shall provide for land dedications of parks and open space, trails, and necessary public access to those areas where appropriate	<p>OS 4.01 The Boulder County Land Use Code shall provide for land dedications of parks and open space and necessary public access to those areas where appropriate.</p> <p>OS 6.07 Where appropriate, trails should be incorporated into and provided by new development and linked to established trails, if possible.</p>	<ul style="list-style-type: none"> Incorporate “trails” from existing OS 6.07 into existing OS 4.01 	

Goal 2. [CONSERVE] Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters of significant open space value.			
PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
OS 2.01 Boulder County acquires real estate interests in land, water, and minerals through appropriate real estate methods such as fee title, conservation easements and trail easements.	OS 1.01 It is recognized that the acquisition of an interest in open space lands must be based on the long term implementation of the county’s overall open space plan, in which prioritization of need and available revenues must be considered. From time to time, applications for various land use decisions which contemplate development are expected to be made for privately owned lands which have been designated as open space on the Open Space Plan Map of the Boulder County Comprehensive Plan. In such cases, it will be the responsibility of the county to make decisions with regard to the possible acquisition of an interest in such lands in a timely manner. In the event a decision to acquire whatever public interest the county may desire is not made with reason diligently, applicants shall be entitled to have their applications processed and considered as any other similar applications, not involving open	<ul style="list-style-type: none"> Policy 1.01 as currently worded is obsolete, and represents a different time with different conditions. Delete “Proposed Open Space” designation from County Open Space Plan map. <u>Rationale</u>: most of the properties so designated have been acquired. 	What “proposed open space” areas have NOT been acquired and would lose the protections offered under the existing policy? Are any of these in the Boulder Valley?

	space, would be.		
OS 2.01	OS 1.03 When seeking to acquire whatever interest the county may desire in lands designated as open space, the county will negotiate in good faith with the property owners involved. The power of eminent domain shall be used only in exceptional cases, when obviously necessary to protect the public interest.	<ul style="list-style-type: none"> • The power of eminent domain has never been used; the reference is not necessary. • Concept is covered in OS 2.01 “appropriate real estate methods” 	
OS 2.02 Boulder County acquires real property rights to protect open space values and functions, Boulder County considers open space values when acquiring an interest in real property rights , including the following, in no particular order:		<ul style="list-style-type: none"> • Expands on Goal 2 theme by enumerating the open space values in one policy • Staff feels it is important to explicitly state there is no hierarchy of values. 	PC-POSAC 4-13: Is “value” the how, or what? (currently, it’s a little of both) POSAC 6-23: accepted
a. Establish and preserve <u>rural lands, scenic corridors and</u> community buffers and scenic corridors to <u>ensure community identity and prevent urban sprawl</u> .	OS 5.01 Boulder County shall, in consultation with affected municipalities, utilize open space to physically buffer Community Service Areas, for the purpose of ensuring community identity and preventing urban sprawl.	<ul style="list-style-type: none"> • Identify all the various open space values in one policy 	PC-POSAC 4-13: like specificity in original language POSAC 6-23: accepted
b. Conserve <u>natural resources, including</u> lands or features designated in other Boulder County Comprehensive Plan Elements.	OS 2.01 The county shall identify and work to assure the preservation of Environmental Conservation Areas, critical wildlife habitats and corridors, Natural Areas, Natural Landmarks, significant areas identified in the Boulder Valley Natural Ecosystems Map, historic and archaeological sites, and significant agricultural land.	<ul style="list-style-type: none"> • Designated areas are also covered in the Environmental Resource Element 	PC-POSAC 4-13: Like original language; original educates POSAC 6-23: accepted
c. Protect, and conserve <u>and improve soil health of</u> agricultural lands, especially agricultural lands of local, statewide, and national importance.	OS 5.04 The county shall use its open space acquisition program to preserve agricultural lands of local, statewide, and national importance. Where possible, purchase of conservation easements, purchase of development rights, or lease-back arrangements should be used to encourage family farm operations.	<ul style="list-style-type: none"> • Broaden language • 2nd sentence reflects current and historic real estate acquisition practice; covered in OS 2.01 	POSAC 6-23: one of Elizabeth Black’s suggestions, generally approved by POSAC
d. Protect and manage water resources, including agricultural water and in-stream flows.	OS 3.01 Where necessary to protect water resources and/or riparian habitat the county shall ensure, to the extent possible, that areas adjacent to water bodies, functional irrigation ditches and natural water course areas shall remain free from development (except designated aggregate resource areas). The county may preserve these open corridor areas by means of	<ul style="list-style-type: none"> • Broaden language • Specific acquisition methods covered in OS 2.01 	PC-POSAC 4-13: What about aquifers? Fracking concerns. Any clarification to water is good

Re: c. (OS 5.04) While soil health is important, is it important to the exclusion of all other aspects of agricultural lands? Consider: Protect, conserve and improve agricultural lands of local, statewide and national significance--including but not limited to the soil health of these lands.

	appropriate dedication during the development process, reasonable conditions imposed through the development process, or by acquisition.		
e. Acquire land or easements to Create and establish <u>appropriate</u> public access on open space properties and trail linkages between among properties	OS 3.02 Where appropriate the county shall continue to acquire parcels of land or right-of-way easements to provide linkages between public lands.	<ul style="list-style-type: none"> • Broaden language 	<p>PC-POSAC 4-13: Difference between establish and acquire, refer to/encourage regional trail</p> <p>POSAC 6-23: accepted</p>
f. Protect and restore native plants, <u>healthy soils</u> , wildlife, ecological processes, and significant habitats including riparian zones, wetlands, stream corridors, grasslands, shrublands, and forests.	OS 2.02 Significant natural communities, rare plant sites, wetlands, and vegetation, such as willow carrs, should be conserved and preserved.	<ul style="list-style-type: none"> • Reframe and broaden language 	<p>POSAC 6-23: one of Elizabeth Black’s suggestions, generally approved by POSAC</p>
g. Protect, <u>preserve</u> and restore historic and cultural resources.	OS 2.01 The county shall identify and work to assure the preservation of Environmental Conservation Areas, critical wildlife habitats and corridors, Natural Areas, Natural Landmarks, significant areas identified in the Boulder Valley Natural Ecosystems Map, historic and archaeological sites, and significant agricultural land.	<ul style="list-style-type: none"> • Call out historic and cultural resources explicitly • Also referenced in Environmental Resources Element 	<p>PC-POSAC 4-13: Preservation” is usually used with historic assets.</p> <p>POSAC 6-23: accepted</p>
h. Enlarge existing open space properties <u>to enhance the open space values and functions they serve and protections.</u>		<ul style="list-style-type: none"> • New policy concept 	<p>PC-POSAC 4-13: Protections” confusing/meaning?</p> <p>POSAC 6-23: accepted</p>
OS 2.03 Boulder County maintains and protects its real estate interest in open space properties to the maximum extent possible and works to prevent illegal uses and minimize impacts from legal third-party activities.		<ul style="list-style-type: none"> • New policy concept • Addresses activities such as utility right of way requests, oil & gas extraction 	

Goal 3. [STEWARD] Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p>OS 3.01 Boulder County prepares management plans and policies as appropriate for Open Space properties where the county has management authority and uses the plans and policies to manage its open space resources and assets.</p>	<p>OS 2.03 The county shall provide management plans and the means for the implementation of said plans for all open space areas that have been acquired by or dedicated to the county.</p>	<ul style="list-style-type: none"> • Update language 	<p>In some places the changes seem to increase specificity (e.g., references to soil health--one of many components of healthy ecosystems and agricultural systems), and here the specificity of regional context of ecosystems and adjacent land uses is removed in preference of <i>sound planning practices</i>. As a partner agency and part of the regional context, OSMP appreciates and encourages the specific language regarding regional context and suggests that the county consider retaining it.</p>
<p>OS 3.02 Plans and policies are based on sound planning practices, public input, and desired future conditions.</p>	<p>OS 2.03.02 Management of county open space lands shall consider the regional context of ecosystems and adjacent land uses.</p>	<ul style="list-style-type: none"> • Broaden to encapsulate the idea of balance amongst uses and protection • Considering regional context is a sound planning practice 	<p>PC-POSAC 4-13: Dislike “balances”. Proposed: “Strive to enhance restoration and protection while also providing user experience”</p>
<p>OS 3.03 <u>Through planning and management, Boulder County strives to PRESERVE SIGNIFICANT RESOURCES AND enhance protection and restoration of native ecosystems and their native species populations while also providing passive, sustainable and enjoyable public uses that connect the public to their environment.</u></p> <p>Through planning and management, Boulder County balances the protection and preservation of significant resources with providing passive, sustainable, and enjoyable public uses that connect the public to their environment.</p>	<p>OS 2.03.01 The foremost management objective of individual open space lands shall follow directly from the purposes for which the land was acquired.</p> <p>OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography, or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.</p>	<ul style="list-style-type: none"> • Management objectives include acquisition purpose, but take many other factors into account • These examples are covered in the narrative under definition of passive recreation, and more broadly in OS 3.03 <p>“Purposes for which land was acquired” concept is not included in current proposed policies</p>	<p>POSAC 6-23: accepted alternative proposal and added “preserve significant resources” <i>Are the capital letters meant to convey something (other than an editorial purpose). How does the county distinguish public uses that connect the public to the environment with those that do not? Is the (previously defined) term "passive recreation" appropriate here. OSMP has been working to better understand and articulate how to integrate access to nature and conservation. Our experience is that a broad cross section of visitors to OSMP consider the activities that they pursue to connect them to the environment. It seems that it would be beneficial if terminology were defined by the County. This would allow partner agencies like OSMP to know if what we call "passive recreation" is the same as "public uses that connect the public to the environment" and if not, know how to distinguish the two.</i></p>
<p>OS 3.04 Boulder County monitors and evaluates uses and resources on open space to inform management decisions and seeks to be innovative in its approaches to on-the-ground management of open space resources utilizing current knowledge, latest science, best technologies and practices.</p> <p><u>OS 3.04.01 Monitoring data shall be synthesized, analyzed and utilized to adapt management practices in</u></p>	<p>OSMP relies heavily upon monitoring to know whether we have achieved our goals and has had a policy of adaptive management formally since 1995. We strongly support an adaptive management framework for the county.</p>	<ul style="list-style-type: none"> • New policy concept: Introduces the concept of adaptive management through monitoring and evaluating 	<p>POSAC 6-23: accepted two sub-policies</p>

<p><u>response to changing conditions.</u></p> <p><u>OS 3.04.02 Monitoring data shall be available to the public as appropriate, subject to the Parks and Open Space Department’s sensitive data policy.</u></p>			
<p>OS 3.05 Boulder County will provide appropriate improvements that serve the approved open space <u>values and</u> functions of the property while maintaining the rural and natural character, <u>as approved in the management plan.</u></p>	<p>OS 4.03 Recreational use of county open space land may be permitted where such use is consistent with the management plan for the property and does not adversely impact natural and cultural resources or other management objectives of the property.</p>	<ul style="list-style-type: none"> • Reframe concept • Broaden language so applies to more than recreation <p>It appears that the language of the proposed policy suggests that the county will use the management plans to define what is an appropriate improvement, rather than the policy. This seems at odds to the intent of the OS Element (which is to provide the policies that would define what is appropriate to help guide management plans). As written, the existing policy provides such policy guidance. The proposed language suggests that management plans will determine what improvements are appropriate. Perhaps this policy is merely attempting to state is that improvements must a) serve the open space values and functions of a property, b) maintain the rural and natural character, and c) be approved in a management plan. If so, it is a bit difficult to understand that intent.</p>	<p>POSAC 6-23: accepted adding “values and”</p> <p>POSAC did not review the additional clarifying language added by staff</p>
<p>OS 3.05.01 <u>Recreational facilities shall be designed and maintained to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats, as well as to provide an exceptional and sustainable user experience.</u></p> <p>Recreational facilities shall be designed and maintained to provide an exceptional user experience, be sustainable, and avoid or minimize impacts to significant resources.</p>	<p>OS 6.01 Trails and trailheads shall be planned, designed, and constructed to avoid or minimize the degradation of natural and cultural resources, especially riparian areas and associated wildlife habitats. Riparian areas proposed for preservation but for which trail development is inappropriate include: 1) Boulder Creek between 55th Street and U.S. Highway 287, 2) St. Vrain Creek west of Airport Road, 3) Left Hand Creek west of State Highway 119, and 4) Rock Creek west of McCaslin Boulevard.</p> <p>OS 4.03.01 Recreational use shall be passive, including but not limited to hiking, photography, or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing. Only limited development and maintenance of facilities will be provided.</p>	<p>This then raises the question of why the change was made that seems to omit reference to cultural resources (apart from those which may be rural character), and altered the threshold from the rather broad and protective "does not adversely impact natural and cultural resources or other management objectives" to the less specific are more difficult to define "a0 serve the open space values and functions of a property, b) maintain the rural and natural character.</p>	<p>31</p>
<p>OS 3.05.02 Open space trails shall provide for multiple uses, unless otherwise specified in a management plan.</p>	<p>OS 6.04 Trails shall provide for pedestrian, equestrian, bicycle,</p>	<ul style="list-style-type: none"> • Broaden language • Separation of incompatible 	

	and/or other non-motorized uses, where each is warranted. Incompatible uses shall be appropriately separated.	uses is one of many factors considered in property management plans	
OS 3.05.03 Regional trails linking to open space are coordinated with Boulder County Transportation and other government agencies and may have special rules.	OS 6.05 Special consideration shall be given to pedestrian, equestrian, bicycle, and/or other uses of road rights-of-way during the design and construction of road improvements.	<ul style="list-style-type: none"> • Reframe and broaden language 	OSMP looks forward to continued coordination with Boulder County on trail linkages. This change makes sense given the number of projects and frequency of collaboration between the the City of Boulder and Boulder County.
OS 3.05.04 Boulder County may establish regional parks such as the Boulder County Fairgrounds or similar facilities at the direction of the Boulder County Commissioners.	OS 4.02 Except as the county may establish a regional park, such as the Boulder County Fairgrounds, or other similar facilities, the county will provide only a minimum level of maintenance or development on park land.	<ul style="list-style-type: none"> • Reframe • Maintenance is covered in OS 3.05.01 	
OS 3.05.05 Agricultural infrastructure such as center pivot sprinklers, hay sheds, grain bins and other improvements may be constructed as appropriate to support agricultural goals.		<ul style="list-style-type: none"> • New: explicitly call out agricultural improvements 	PC-POSAC 4-13: Concerned about “as appropriate”-ref Ag policy? Concerned about ag structures that end up being used for other purposes “open to best practices moving forward” Ag goals as enunciated in comp plan/other docs Include other infrastructure, such for organic? Staff note: narrative updated with reference to Ag Element
OS 3.05.06 Infrastructure needed to support the use and management of historic structures, museums, and other related resources shall be developed in a manner compatible with the setting and historic character of the resources.		<ul style="list-style-type: none"> • New: explicitly call out historical and cultural improvements 	PC-POSAC 4-13: Manage structures; wants review by Denise Grimm: ref Ramey

Goal 4. [ENGAGE] Boulder County actively engages the public in stewarding, understanding, and enjoying county open space.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p>OS 4.01 The county commissioners shall appoint a Parks and Open Space Advisory Committee to provide a forum for public input and advice to the Board of County Commissioners and Parks and Open Space Department regarding Parks and Open Space plans, programs, and actions.</p>	<p>OS 8.02 Purchases of land for open space require approval by the Board of County Commissioners after public hearing and after review and recommendation of the Parks and Open Space Advisory Committee.</p>	<ul style="list-style-type: none"> Existing OSE has narrative reference to POSAC in history but no policy statement Builds foundation for OS 8.02 	<p>Should this be broadened to include the Planning Commission to the degree that they are the "final" authority on some matters of county business (e.g., BCCP)</p>
<p>OS 4.02 <u>Boulder County shall promote awareness and stewardship of the county's irreplaceable natural resources and promote best practices for their protection, conservation, restoration, and enjoyment through communication methods designed to reach a broad spectrum of people, visitors, organizations, and businesses.</u></p> <p>Boulder County shall promote awareness and stewardship of the county's open space resources and recreational opportunities through a variety of communication methods and programs designed to reach a broad spectrum of people, visitors, stakeholders, organizations, and businesses.</p>	<p>OS 2.04 The county, through its Parks and Open Space Department, shall provide appropriate educational services for the public which increase public awareness of the county's irreplaceable and renewable resources and the management techniques appropriate for their protection, preservation, and conservation.</p>	<ul style="list-style-type: none"> Fits with Engage better than Resource Management Update language 	<p>PC-POSAC 4-13: Keep specificity of original, alternate language provided</p> <p>(Staff added "stewardship" and "enjoyment" to suggested language)</p> <p>POSAC 6-23: accepted alternative proposal, with discussion about appropriate terminology for "stakeholders"</p>
<p>OS 4.03 Boulder County shall reach out to the public through educational programs, volunteer opportunities, and regular interactions at open space properties.</p>	<p>OS 2.04.02 The Parks and Open Space Department shall seek to meet the needs of diverse populations in the county by providing information and programming to accommodate special groups such as disabled persons, young people, senior citizens, and Spanish-speaking citizens.</p>	<ul style="list-style-type: none"> Fits with Engage better than Resource Management Update language 	
<p>OS 4.04 Boulder County shall seek and consider public input about open space acquisitions and management through a variety of informal and formal engagement tools.</p>	<p>OS 8.03 In developing management plans for open space areas, Parks and Open Space staff shall solicit public participation of interested individuals, community organizations, adjacent landowners and the Parks and Open Space Advisory Committee. Plans shall be reviewed by the Parks and Open Space Advisory Committee,</p>	<ul style="list-style-type: none"> Broaden language 	

	including public comment, and recommended for adoption after public hearing by the Board of County Commissioners.		
OS 4.04.01 Open space land acquisitions, the capital improvements plan (CIP), and management plans and policies require approval by the Board of County Commissioners, after a public hearing and after review and input by the Parks and Open Space Advisory Committee.	OS 8.01 The county shall annually develop a Capital Improvements Program (CIP) for open space acquisition and trails construction. Formulation of the CIP shall take into consideration project suggestions from municipalities as well as suggestions received from the public. The CIP shall be reviewed by the Parks and Open Space Advisory Committee, after public comment, and recommended for adoption after public hearing by the Board of County Commissioners.	<ul style="list-style-type: none"> • Broaden but keep CIP reference; it is in the 1993 ballot language • Local government collaboration covered in OS 5.03 	
	OS 8.04 Significant changes to overall management direction or techniques shall be presented to the Parks and Open Space Advisory Committee and/or the Board of County Commissioners, with opportunity for public comment before a decision is made.	<ul style="list-style-type: none"> • “significant changes” not explicitly called out in draft policies • Covered in OS 3.01 & OS 4.04 	

Goal 5. [COLLABORATE] Boulder County collaborates with stakeholders and partners to promote and protect open space values and functions.

PROPOSED POLICIES	EXISTING POLICIES	Staff Notes	PC-POSAC comments
<p><u>OS 5.01</u> Boulder County shall invite input from a broad spectrum of stakeholders on policy and management issues.</p>	<p>This would be an excellent opportunity to include a statement about providing adequate time for review and comment by stakeholders that may only meet periodically, such as the Open Space Board of Trustees.</p>	<ul style="list-style-type: none"> • Staff addition after PC-POSAC 4-13 meeting, to include the overarching policy for this goal 	<p>POSAC 6-23: accepted</p>
<p><u>OS 5.02</u> Boulder County shall collaborate with businesses, organizations, stakeholdersvisitors, volunteers, property owners, and partners to promote the county’s open space values <u>and functions</u>.</p>	<p>acquisition those lands within the county which are owned and may be disposed of by other governmental agencies.</p> <p>OS 7.03 The county shall cooperate with the owners of privately owned open space, including conservation easements, to protect their interests from public trespass.</p> <p>OS 7.04 The county, through the Parks and Open Space Department, shall work with foundations, trusts, developers, ditch and utility companies, and others from the private and public sectors in furtherance of the county’s open space objectives by encouraging land donations and dedication and multiple use of easements and by providing and informing the public of incentives for preservation.</p>	<ul style="list-style-type: none"> • Combine the concepts of OS 7.01, 7.03 and 7.04 into one collaboration policy 	<p>PC-POSAC 4-13: discussion about terminology for “stakeholders”</p> <p>POSAC 6-23: accepted updated language</p>
<p><u>OS 5.032</u> Boulder County shall work closely with federal, state, and local authorities to promote and achieve mutual acquisition and management goals.</p>	<p>OS 7.02 The county may promote and participate in partnership projects with the communities in the county for open space acquisition and trails development outside of community service areas.</p>	<ul style="list-style-type: none"> • Broaden language 	
<p><u>OS 5.03.01</u> Boulder County shall retain management authority of properties with high environmental and natural values.</p>	<p>See cover email.</p>	<ul style="list-style-type: none"> • 	<p>POSAC 6-23: POSAC approved an additional policy, in response to dissatisfaction with the outcome of the NTSA process. Staff has some concerns with this policy addition, outlined in PC memo</p>
<p><u>OS 5.043</u> Boulder County shall annually solicit input from <u>and provide updates to</u> municipalities and</p>	<p>OS 8.01 The county shall annually develop a Capital Improvements Program (CIP) for open space</p>	<ul style="list-style-type: none"> • Engage: Broaden to encompass public process in decision 	<p>PC-POSAC 4-13: Incorporate the concept</p>



Transportation Department

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Mailing Address: P.O. Box 471 • Boulder, Colorado 80306 • www.bouldercounty.org

September 12, 2016

TO: Nicole Wobus, Long Range Planning and Policy Manager, Land Use

FROM: Anita Riley, Transportation Planner

RE: Docket #BCCP-15-0001: Boulder County Comprehensive Plan Open Space Element

The Transportation Department has reviewed the above-referenced docket and is in general support of the update to the Open Space Element. However, the Transportation staff would welcome a discussion around the proposed criterion 2.c for Scenic Roadway Corridor Identification outlined in Attachment C: Scenic Roadway Corridor Mapping Proposal.

Specifically, staff understanding is that roadways are essentially the location from which the landscape is viewed, so it is unclear how criterion 2.c would be applied as it identifies the “road itself” as a possible cultural resource to be protected. The three questions that arise are:

1. What implications does this criterion have for road projects and/or right-of-way acquisition?
2. How might this criterion be applied in the development review process?
3. Is the Scenic Roadway Corridor Mapping the appropriate tool for developing an inventory of roads as a cultural, historical and/or archeological resource?

This concludes our comments at this time.



Land Use

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Building Safety & Inspection Services Team

MEMO

TO: Nicole Wobus, Long Range Planning Manager
FROM: Gary Goodell, Chief Building Official
DATE: September 5, 2016

RE: Referral Response, Docket BCCP-15-0001, Proposed Update to the Open Space Element of the Boulder County Comprehensive Plan

Thank you for the referral. We have reviewed the proposed update and not only have no conflicts with it, but we support it.

GRG:grg

From: Erin Fosdick
Sent: Thursday, September 08, 2016 8:05 AM
To: 'nwobus@bouldercounty.org' <nwobus@bouldercounty.org>
Subject: City of Longmont comments on BCCP-15-0001

Good morning Nicole-

City of Longmont Planning and Natural Resources staff have reviewed the draft open space element that you sent over as a referral. We don't have any comments, as reflected on the attached referral form. Thanks for sending this to us for review and nice job on this element!

Erin Fosdick, AICP | Senior Planner
City of Longmont | (303) 651-8336

From: Matt Manley [<mailto:MManley@townoflyons.com>]
Sent: Thursday, September 08, 2016 10:11 AM
To: Wobus, Nicole
Subject: RE: Boulder County Comprehensive Plan Open Space Element Update
Nicole,

Here are some additional comments from our Ecology Board members.

- In locations where the word “trails” and or “pathways” is used, additional language including “sensory trails” may be included in an effort to promote youth exercise, exploration and usage. (This could be a comment for the transportation element)
- OS2.O2. - Language within this area should include water purity and natural filtration. Maybe reference to dynamic beaver pond establishment that provides in-stream sediment reduction and increased water quality.
 - o The old Andesite Mine site could be a location for increasing water quality on the South St Vrain drainage.
- On OS 2.02, item e: I would suggest the term "in perpetuity" be added to the language on easements.
 - o Reasoning: The crafting of a conservation easement between Boulder County and willing landowners should always include language that makes it clear that the agreed-upon terms of the easement apply not only to the current landowners but all landowners in the future. Said language ensures that the easement, which was paid for and supported by taxpayers will not be compromised in the future by competing interests. A properly crafted easement will consider any future conflicts of use and either deny those uses or have language that clearly allows those uses. The amount paid for the easement will reflect such uses.

Thanks,

Matt

-----Original Message-----

From: Matt Manley [<mailto:MManley@townoflyons.com>]
Sent: Wednesday, September 07, 2016 11:00 PM
To: Wobus, Nicole
Subject: Fwd: Boulder County Comprehensive Plan Open Space Element Update

Nicole,

The Town of Lyons comments on the Open Space element are as follows:

Proposed Town Staff Comments

Goal 5.

Proposed OS 5.06 - Boulder County will consider the lifting of conservation easements in critical and unique circumstances such as when the development of a property is related to disaster recovery, when the development of a property would create connectivity to existing neighborhoods, schools and town infrastructure, and when the development of the property is offset by the acquisition of additional open space.

We have additional comments from our ecology board which will be submitted tomorrow.

Thanks!

Matthew Manley, AICP

864-201-8941