



Land Use

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BOULDER COUNTY PLANNING COMMISSION AGENDA

June 21, 2017
2:30 P.M.

**Commissioners Hearing Room, Third Floor,
Boulder County Courthouse, 1325 Pearl Street**

PUBLIC HEARING

AFTERNOON SESSION – 2:30 P.M

No Action Requested

STAFF PLANNERS:

Land Use Department

Nicole Wobus, Long range Planning and Policy Manager

Steven Giang, Planner I

Parks & Open Space Department

Tina Nielsen, Special Projects Manager

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

Introduction

Staff will provide a brief overview of the minor edits made to the Boulder County Comprehensive Plan (BCCP) Open Space Element. Technical edits were made to finalize text following approval of the updated element at the March Planning Commission (PC) meeting. The majority of the changes are minor technical edits, with some text additions. The overall objectives of the changes were to improve consistency, clarity, and accuracy, and to make the document easier for the reader to navigate.

List of Changes:

- Minor text changes throughout the element
- Added brief titles for each goal and policy
- On page 5, the text regarding open space acquisition changed in recognition that Boulder County has already accomplished many of its acquisition goals, and in response to discussion at the March PC meeting. Definitions of acquisition tools were added as a sidebar for reference, and removed from the main body of narrative to avoid redundancy.

- On page 6, “including, but not limited to, those shown in mapping that accompanies this element” was added under policy OS 1.02 to reflect staff intent, and to be consistent with language from the appendix¹
- On page 7 made former policies OS 3.02 and OS 3.03 sub-policies under OS 3.01 to reflect the nature of their content

How this fits into the overall BCCP update process

Once completed, this document will be added to the Interim Layout BCCP which includes all comprehensive plan elements and amendments. That document will be made available to the public for download and viewing pending final approval of the Open Space Element.

¹ Policy 1.02.01 now reads, “To the extent possible, the county shall avoid, minimize, or mitigate impacts on views from view protection corridors including, but not limited to, those shown in mapping that accompanies this element. 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. This, however, does not preclude the county from providing essential and appropriately planned road improvements.”

Boulder County Comprehensive Plan UPDATE

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 geological and biological diversity, a natural heritage that helps form 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 natural heritage.

Section II provides a brief history of the county's open space preservation efforts, establishment and evolution of the Parks and Open Space Department, definitions, 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 Open Space element complement those in other elements of the [Boulder County Comprehensive 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 the Agriculture Element; cultural resource protection is addressed in the Cultural Resources Element; and flood and other natural hazard mitigation is addressed in the Natural Hazards Element.

Text box: What's in a word? Protect v. Preserve v. Conserve: Open space lands are "protected" from development but ~~the level of~~ protection can be carried out in different ways. "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 [policies relating to](#) working landscapes such as agricultural properties while "preserve" is used for policies relating to broader protection.

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 [open space sales and use 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 [open space](#) purchases. In 2017 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 these lands and engagement with county citizens are increasingly important features of the open space program.

Sidebar: Timeline of Significant Milestones

- 1967: Parks and Open Space Advisory Committee (POSAC) 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 (BCPOS) 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
- 1975: Betasso and Walker Ranch acquired
- 1978: Boulder County Comprehensive Plan adopted
 - 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
- 1980-1991: Rock Creek Farm, first farm property purchased
- 1996: Heil Ranch and Hall Ranch acquired
- 2002: Caribou Ranch, (first acquisition)
- 2015: Toll Property, (BCPOS surpasses 100,000 ac., celebrates 40th Anniversary)

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, creates 0.25% sales and use tax for open space through 2009
- 1999: Resolution 99-111 extends 0.25% for 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, creates new 0.10% sales tax 20 years through 2024, with 0.05% continuing in perpetuity
- 2007: Resolution 2007-80 extends 2000 open space 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 passes through 2030
- 2016: Resolution 2016-77 extends half of 0.25% sales and use tax scheduled to expire in 2019 through 2034, with half going to sustainability initiatives

b. Open Space Definitions, Values, and Functions

Open space is defined as “lands intentionally left free from development.” Open space serves one or more of the following values or functions¹ (listed in no particular order):

- Preserve rural character of the unincorporated county, scenic corridors, and community buffers to ensure community identity and prevent urban sprawl

¹ Many of these values and functions are set forth in the open space sales and use tax resolutions, <http://www.bouldercounty.org/os/openspace/pages/openspacefunding.aspx> .

- Conserve natural resources, including significant habitats, native species, and ecological processes
- Conserve and enhance agricultural lands, especially agricultural lands of local, statewide, and national importance
- Protect and manage water resources, including agricultural water and in-stream flows
- Provide passive recreation, trail linkages, and access to public lands
- Protect, preserve, and restore cultural resources, including historic and pre-historic features
- Provide opportunities for volunteerism, education, and interpretation of natural and cultural resources

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 to be close to nature, enjoy the open space features, and have a high degree of interaction with the natural environment. Further,

- ~~P~~assive recreation requires no rules of play or installation of equipment or facilities, except for trails and associated improvements.
- ~~P~~assive recreation includes activities such as hiking, snowshoeing, cross-country skiing, photography, bird-watching, or other nature observation or study.
- ~~I~~f specifically designated, passive recreation may include bicycling, horseback riding, dog walking, boating, or fishing.

c. Open Space Preservation Tools

Boulder County uses a variety of tools to ~~protect open space functions~~[accomplish its goals \(see sidebar on Acquisition Tools\)](#). In addition to acquiring open space interests ~~through its open space program~~, Boulder County protects open space values and functions via the goals and policies set forth in other Comprehensive Plan Elements, including the Agriculture, Cultural Resources, Environmental Resources, and Sustainability Elements. Many of these goals and policies are codified in the Land Use ~~Regulations~~[Code](#).

Regional cooperation is an essential ingredient of Boulder County's open space 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 intergovernmental 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 5.03).

~~{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~~[interests](#). 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~~ [Boulder County has accomplished most many of its major acquisition goals. However, acquisition 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.

- ~~Full value purchase~~
- ~~Bargain sale~~
- ~~Donation~~
- ~~TDR sending site~~
- ~~Subdivision dedication~~
- ~~Intergovernmental Agreements~~

Sidebar: Acquisition Tools

The county acquires different interests in land for open space purposes. The interests are acquired by [full purchase, full or partial donation, intergovernmental agreement, or regulatory/required means.](#)

- [Fee title: The owner conveys the land and any water rights to the county.](#)
- [Conservation easement, deed restriction or restrictive covenant: The owner agrees to restrict uses of the property in exchange for cash, tax benefits, land use approvals for use of adjacent land, or other compensation, such as transferable development rights \(TDRs\) that can be sold for use where the county and local municipality have agreed to allow greater density, or transferable development credits \(TDCs\) that can be sold for use by properties owners wishing to exceed the county's single family residential size threshold.](#)
- [Lease or management agreement: The county leases land \(such as from the State Land Board\) or otherwise agrees to manage land for open space.](#)

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. [Management policies provide the next level of guidance and contain more detailed](#) ~~The next level of guidance consists of is management policies, which provide more detailed~~ direction for [addressing](#) 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.

Sidebar: BCPOS 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. Protect. Boulder County recognizes and protects open space for its contribution to an exceptional quality of life.

Policies

- OS 1.01. **Conservation Efforts.** Boulder County supports conservation efforts that uphold one or more open space values or functions, consistent with adopted plans and agreements.
- OS 1.02. **Development Review.** Open space values and functions, and impacts to county open space, shall be considered in the review of development proposals submitted ~~through~~ to the Land Use Department.
 - OS1.02.01 To the extent possible, the county shall avoid, minimize, or mitigate impacts on views from view protection corridors including, but not limited to, those shown in mapping that accompanies this element. 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. This, however, does not preclude the county from providing essential and appropriately planned road improvements.
 - 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. **Public Land Dedications.** 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. Conserve. Boulder County conserves the rural character of the unincorporated county by protecting and acquiring lands and waters ~~embodying~~ **embodying of significant open space values and functions.**

Policies

- OS2.01. **Protection of Open Space Values and Functions.** Boulder County acquires real property rights to protect open space values and functions as outlined under the open space definition in Section II. b.
- OS2.02. **Acquisition Tools.** 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.
- OS2.03. **Protect Real Estate Interests.** Boulder County maintains and protects its real estate interests 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. Steward. Boulder County purposefully stewards its open space resources through sound management practices and appropriate visitor uses.

Policies

- OS 3.01. **Management Plans and Policies.** 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.
- 3.01.02 Plans and policies are based on sound planning practices, regional context, public input, and desired future conditions.
- 3.01.03 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 3.02. **Climate Change.** Through planning and management, Boulder County prepares for and adapts to the impacts of climate change.
- OS 3.05 **Adaptive Planning.** 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, and 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 **Facilities and Improvements.** Boulder County ~~will provide~~**provides** 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 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 needed for purposes of ecological restoration shall be constructed as appropriate to support the natural and ecological functioning of the resources.

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

Policies

- OS 4.01. **Parks and Open Space Advisory Committee.** The Board of 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. **Engagement Through Communication.** 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.
- OS 4.03. **Engagement Through Education.** Boulder County shall reach out to the public through educational programs, volunteer opportunities, and regular interactions at open space properties.
- OS 4.04. **Public Input.** 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. Collaborate. Boulder County collaborates with stakeholders and partners to promote and protect open space values and functions.

Policies

- OS 5.01. **Stakeholders.** Boulder County shall invite input from a broad spectrum of stakeholders relevant to the policy and management issues under consideration.
- OS 5.02. **Peer Agencies.** Boulder County shall work closely with federal, state, and local authorities to promote and achieve mutual acquisition and management goals.
- OS 5.03. **Annual Open Space and Trails Request.** Boulder County shall annually solicit input from and provide updates to municipalities and stakeholders on open space preservation and trail priorities.
- OS 5.04. **Good Neighbor Policy.** Boulder County Parks and Open Space shall respect nearby private property owners through communication and appropriate actions.