



**Parks & Open Space Advisory Committee  
AGENDA**

November 19, 2020  
6:30 p.m.

Virtual Meeting

*Suggested Timetable*

**6:30 Call to Order**

**6:30 Approval of the October 22, 2020 Meeting Minutes**  
*ACTION REQUESTED: Minutes Approval*

**Presentations**

**6:35 Chandler Acquisition**  
*ACTION REQUESTED: Recommendation to BOCC*  
PRESENTER: Sandy Duff, Senior Land Officer

**6:45 Management Plan Update for the Carolyn Holmberg Preserve at Rock Creek Farm**  
*ACTION REQUESTED: Recommendation to BOCC*  
PRESENTER: Marni Ratzel, Natural Resource Planner II

**8:45 Open Space-related Midterm Updates to the Boulder Valley Comprehensive Plan**  
*ACTION REQUESTED: Recommendation to Planning Commission*  
PRESENTER: Jeff Moline, Resource Planning Manager

**9:15 Parks & Open Space Rules and Regulations Revision**  
*ACTION REQUESTED: Recommendation to BOCC*  
PRESENTER: Bevin Carithers, Resource Protection Supervisor

**9:45 Director's Update**

**9:55 Adjourn**

**DRAFT**

**Parks & Open Space Advisory Committee  
MINUTES**

October 22, 2020  
6:30 p.m.

Virtual Meeting

**Call to Order**

The meeting was called to order at 6:30 p.m. by James Krug

**Members:**

Scott Miller  
Heather Williams (arrived 7:30 p.m.)  
James Krug  
Jenn Archuleta  
Paula Fitzgerald  
Steven Meyrich  
Trace Baker  
Ann Obenchain  
Tony Lewis

**Staff:**

Eric Lane  
Jeff Moline  
Renata Frye  
Nik Brockman  
Vivienne Jannatpour  
Stefan Reinold  
Therese Glowacki

**Approval of the August 27, 2020 Meeting Minutes**

*ACTION REQUESTED: Minutes Approval*

ACTION: Baker moved approval of item. Archuleta seconded the motion.

VOTE: **AYES:** Miller, Krug, Archuleta, Fitzgerald, Meyrich, Baker, Obenchain, Lewis

**Presentations**

**Study Session on Gross Reservoir & Dam Expansion Docket SI-20-000**

*ACTION REQUESTED: None, Information item only*

PRESENTER: Jeff Moline, Resource Planning Manager

**Open Space-Related Midterm Updates to the Boulder Valley Comprehensive Plan**

*ACTION REQUESTED: Recommendation to Planning Commission*

PRESENTER: Jeff Moline, Resource Planning Manager

Attachment: Oct. 22 Minutes (4259 : Approval of the October 22, 2020 Meeting Minutes)

POSAC decided to postpone this recommendation until staff can look at the inaccuracies regarding the Twin Lakes parcel designations.

**Public Comment:**

Jessica Hartung, 6868 Twin Lakes Rd., Boulder. She is a Twin Lakes resident. She spoke of the wildlife values in that area and the need to assign new designations to parcels near Twin Lakes.

Donna George, 4661 Tally Ho Ct., Boulder. She is a Twin Lakes resident and spoke about inaccuracies on the BVCP Land Use map.

Dinah McKay, 4695 Portside Way, Boulder. She was unable to be heard during the meeting, but in the written chat she asked that the Open Space Land Use designation be corrected from OS-O to OS-A on the BVCP Land Use Map.

**ACTION:** Fitzgerald moved to postpone recommendation of item. Archuleta seconded the motion.

**VOTE: AYES:** Miller, Krug, Archuleta, Fitzgerald, Meyrich, Baker, Obenchain, Lewis, Williams

**Director's Update**

Eric Lane and Stefan Reinold provided an update to POSAC on the impact of the CalWood fire on Heil Valley Ranch infrastructure and forest ecosystem.

**Adjourn**

The meeting was adjourned at approximately 8:46 p.m.



## Parks & Open Space

5201 St. Vrain Road • Longmont, Colorado 80503  
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### PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, November 19, 2020

Location: Virtual Meeting

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM:</b>	Sandy Duff, Senior Land Officer
<b>RE:</b>	Chandler – Acquisition of 40 Acres of Irrigated Farmland
<b>DATE OF MEMO:</b>	November 9, 2020
<b>ACTION REQUESTED:</b>	Recommendation to the BOCC

#### Summary

Boulder County proposes to acquire approximately 40 acres of irrigated farmland along with 20 shares of Left Hand Ditch and 0.05 shares of Williamson Ditch for \$1,250,000. The property is owned by Darrell and Geraldine Chandler and is located near the intersection of N. 81<sup>st</sup> Street and Oxford Road, west of the Diagonal Highway. The property lies on Oxford Road, but its address is associated with 7868 N. 81<sup>st</sup> Street, Boulder, Colorado. This transaction will be paid for with open space sales and use taxes, which Boulder County can only use for open space purposes.

#### Background Information

The Chandler property is located directly west of the county's Jay Road Church of Christ (JRCC) Open Space property. The property is prime agricultural land of national importance, and it is irrigated. The property has been a priority for county acquisition for many years. The property is an important piece in the Niwot area community buffer, and it provides scenic land along the Diagonal Highway.

#### Deal Terms

The county proposes to pay \$1,250,000 for the property, which includes 20 shares of Left Hand Ditch and 0.05 shares of Williamson Ditch. The county intends to later sell the property subject to a conservation easement that would ensure continued agricultural use of the property, but any such deal would need to be finalized and presented to you for consideration at a later date.

#### Acquisition Summary

Acres	Water Rights	# Building Rights County Will Acquire	Price per Development Right/Acre	Water Right Value	Total Purchase Price
40	20 shares Left Hand Ditch 0.05 Shares Williamson Ditch	1	\$1,170,000/right \$29,250/acre	\$80,000	\$1,250,000

- The county will purchase all mineral rights owned by the Seller.

Attachment: Chandler (4257 : Chandler Acquisition)

### **Transferable Development Rights (TDRs)**

Boulder County's Community Planning & Permitting Department has determined that the Chandler property has one development right. Due to its 40-acre size and vacant status, the property qualifies for a total of two TDRs. The TDR certificates will be issued in the Seller's name, signed by Seller at closing, and turned over to Boulder County as part of the purchase price for the county's purchase of the property. Boulder County will hold these TDRs for future sale, or for future conversion to TDCs for sale.

### **Boulder County Comprehensive Plan Designations**

The Boulder County Comprehensive Plan (Comp Plan) provides information about the area's agricultural, cultural, environmental, and other open space resources (including passive recreation, community buffers, and scenic viewsheds). Maps in the Comp Plan indicate the following designations of these resources near the property: Significant Agricultural Lands of National Importance – Prime irrigated agricultural land, and a medium high to high score on the View Protection Corridor map.

### **Potential Uses**

At this time, the property is used for agriculture. The property will be closed to public use for agricultural purposes.

### **Staff Recommendation**

Staff recommends approval. The property has been on the priority list for open space acquisition by Parks & Open Space for a very long time, and the Chandlers are now ready to sell the property to the county. This purchase will eliminate any future residential development on the property, and the property will remain in agricultural uses. Preserving prime agricultural land is one of the values of the open space program, as is preserving the county's scenic corridors.

### **POSAC Action Requested**

Recommendation to the Boulder County Commissioners to approve the request as described above and by staff at the POSAC meeting.

Suggested motion language: I move approval of this transaction as staff has described.

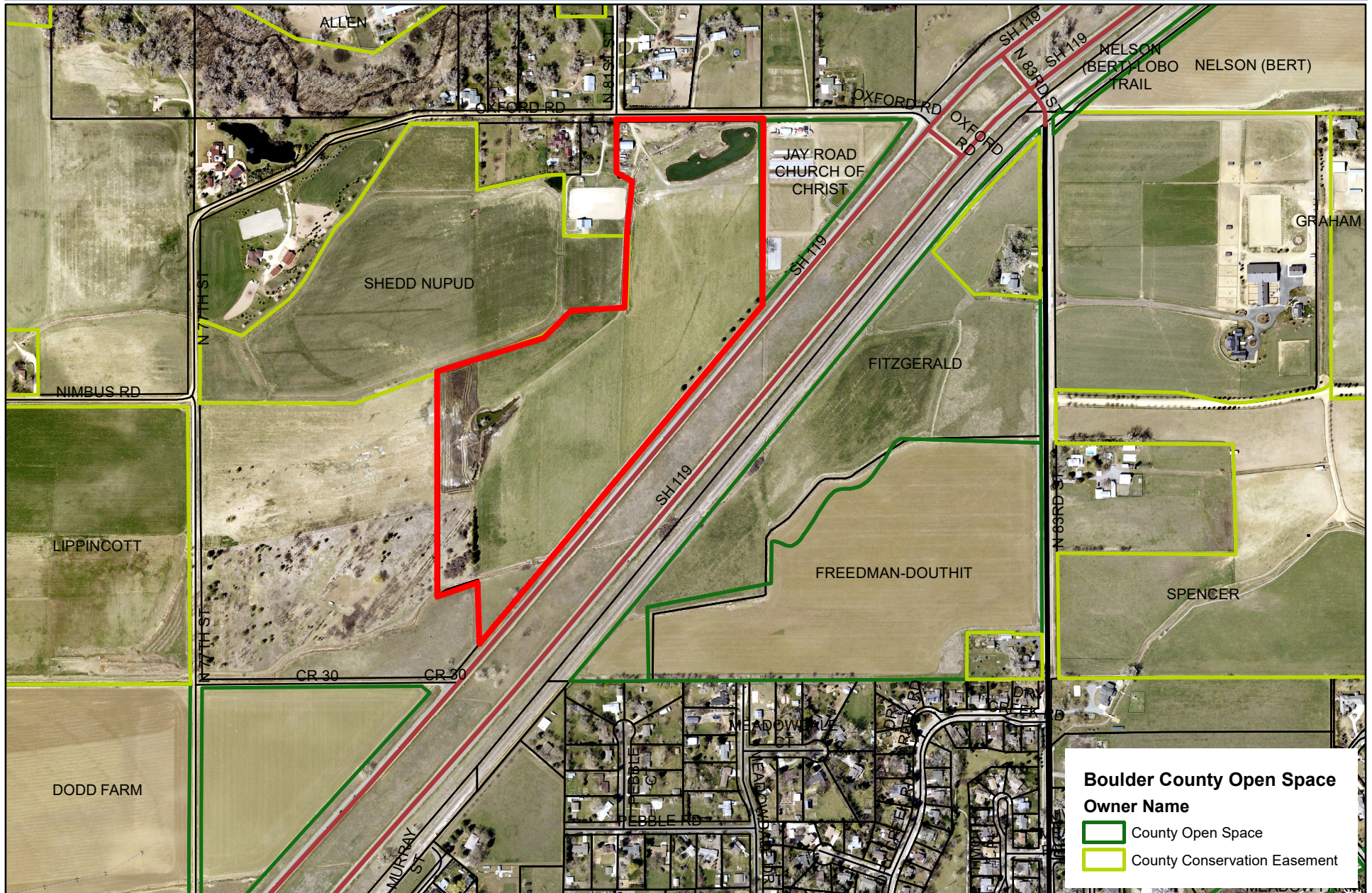


Property Name: Chandler

Aerial Map



Parks & Open Space



Attachment: Chandler (4257 : Chandler Acquisition)

Map Printed: 2020  
Aerial: 2018

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0 365 730 1,460 Feet





# Parks & Open Space

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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, Nov. 19, 2020

Location: Virtual Meeting

**CORRECTED and posted 11/13/2020**

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM/PRESENTER:</b>	Marni Ratzel, Resource Planner II
<b>AGENDA ITEM:</b>	<b>Update to the Carolyn Holmberg Preserve at Rock Creek Farm Management Plan</b>
<b>ACTION REQUESTED:</b>	Recommendation to the Board of County Commissioners

### Introduction

Boulder County Parks & Open Space (BCPOS) has drafted a proposed management plan update for the Carolyn Holmberg Preserve at Rock Creek Farm (CHP/RCF). The draft plan was posted on the plan update web page for public input on October 19 and is available [here](#).

While overall management of the open space is successful, there are several resource management issues and conflicts that need to be addressed. In the fall of 2019, an internal, multi-disciplinary project team began working to identify topic areas to focus on in the plan update. During 2020 staff has been working through those topics and has now generated recommendations for those items which form the core of the management plan update. Staff welcomes the opportunity to present information about the plan update and requests POSAC recommend the Board of County Commissioners adopt the updated Management Plan.

### Property Background

The CHP/RCF is a multifaceted open space property. Management involves the wide variety of resource activities that reflect the department's mission *to conserve natural, cultural, and agricultural resources and provide public uses that reflect sound resource management and community values*. Beginning in 1980, BCPOS purchased CHP/RCF to provide an open space buffer between surrounding communities and preserve the property's cultural resources and agriculturally significant lands. At the time, the property was one of only a few the department owned and managed. As the department's staff and capabilities grew, CHP/RCF became the focus of a number of initiatives to improve natural resources and wildlife habitat while retaining the importance of its agricultural heritage and its geographic prominence as a community buffer. While some of these initiatives, such as its use as a tree nursery for the department, have faded from prominence, the establishment of recreational infrastructure has had a lasting impact on the property and has helped it become one of the most visited parks in the entire BCPOS system. Through it all, the department continues to successfully manage the property in a manner that supports and integrates the many values that the community depends on for open space: agriculture, wildlife, cultural resources, community shaping, scenic vistas, and recreation to name the most prominent.

CHP/RCF is located along US Highway 287 and Dillon Road and encompasses 1,124 acres. The property is bordered by the City and County of Broomfield to the south, the City of

Louisville to the northwest, and the City of Lafayette to the north. BCPOS leases much of the property to an agricultural operator who raises irrigated and dryland crops, as well as livestock on agricultural lands of national and local significance. Since the early 1980s, the department has leased small portions of the property to the Birds of Prey Foundation rehabilitation center which operates flight cages on the east side of the property and an intensive care unit facility on the west side along 104<sup>th</sup> Street. There also are currently four operating oil and gas wells on the property.

Like so many places in the northern Front Range, many things have changed in and around CHP/RCF since 2002, when the last management plan update was adopted. Consequently, management of the property has become increasingly complex. After several years of managing through some resource conflicts and a growing internal discussion around needed changes to the property and its management, the department initiated this management plan update process to determine if some overall changes to the property's management can provide some long-term direction to resolve these challenges.

### **Management Plan Update Process**

The plan update process began by reviewing the existing goals and vision for the property. A BCPOS interdisciplinary team confirmed that the goals are to: 1) successfully balance the multiple uses of this property, as identified by staff, stakeholders, and the public; 2) provide staff with a direction and a common vision of what CHP/RCF will look like in the future; and 3) provide management direction to achieve those identified uses and values. Complimenting those goals is the vision statement:

*Carolyn Holmberg Preserve at Rock Creek Farm is a working landscape of farming, ranching, irrigation features, and reservoirs, intertwined with critical wildlife, wetland, riparian, and grassland habitats, that preserves its distinct history and provides regional trail connectivity and recreational amenities for current and future generations.*

Following the confirmation of the plan goals and vision, the planning process determined the scope of the update and reviewed the current conditions of resources on the property and the status of agricultural and recreational uses of the site. Through an internal staff process along with a public engagement period this spring, the team identified 13 planning issues to focus on and provided new management recommendations in order to resolve each of them. A brief summary of each planning issue, objectives, and recommendations are detailed in Chapter 3, beginning on page 39.

There are several issues that involve an intersection of resources and uses where proposed recommendations involve some degree of management change to ensure the vision and goals of the property may be sustainably achieved. Another set of issues was identified for refinement because of a need to improve stewardship, address aging infrastructure, and adapt to increasing demand for services. All of these proposed management recommendations emphasize the area's multiple resource values and uses, provide for continued agricultural production, protect the most sensitive natural, cultural, and historic resources, allow for appropriate visitor uses, and utilize an adaptive management approach using the most current resource information. Key components of proposed management are highlighted below.



### Improving Prairie Dog, Burrowing Owl, and Agricultural Management

Prairie dog management designations will, for the most part, be unchanged, except for the existing 40-acre burrowing owl preserve located in the north part of the property and shown as Field 7 on Attachment A. The designation of the preserve will be changed to support active agricultural operations. This allows for consolidation of active agricultural acreage in the northern portion of the property and lessens the amount of prairie dog control necessary to maintain the existing agricultural areas currently adjacent to the preserve. Emphasizing prairie dogs and grassland restoration in the southern and western part of the property will allow BCPOS to more effectively manage areas where burrowing owls have nested. Removing cultivated agriculture from this area will create more contiguous acres that are less fragmented by agricultural activities.

### Restoring Grassland and Riparian Health

The health and ecosystem function of grasslands will be improved through refined management of prairie dogs and livestock grazing. BCPOS proposes to investigate the efficacy of removing some prairie dogs via trapping—also known as population thinning. The intention is to decrease the overall population density of prairie dogs to allow the vegetation to reestablish and persist. A respite from livestock grazing for two to five years is proposed to reestablish native vegetation communities across as much of the grassland as possible. Livestock would be reintroduced using a prescriptive grazing plan in consideration of maintaining a healthy grassland and sustaining prairie dog habitat.

A priority within riparian corridors is preserving wildlife habitat and plant communities. These areas may also provide forage, through managed grazing during certain times of the year, to the extent that riparian habitat health can be maintained. Grazing in riparian areas will be planned and executed to improve and maintain wildlife habitat and native plant communities.

### Recreation Management for Wildlife and Visitors

Several species of raptors utilize CHP/RCF for nesting, roosting, and hunting including bald eagles and burrowing owls. Both species are protected by federal and state laws. BCPOS manages recreation on the property to comply with regulations and recommendations by the U.S. Fish and Wildlife Service and Colorado Parks and Wildlife agencies. This includes the seasonal closure of trail segments for nesting activities. Since the property includes a regional trail that provides both transit/multi-modal purposes as well as recreation, the plan update recommends changes and improvements to ensure continuity of the trail system using alternative alignments that meet accepted trail standards.

### Cultural and Paleontological Resources

CHP/RCF is a property that is rich in cultural and paleontological resources. At the same time, the property has been used intensively for mining, transportation, and agriculture for 150 years. While BCPOS has preserved and rehabilitated many of the historic structures found on the property, their continued use and maintenance remains an important component of the preserve. Additionally, the property has known prehistoric sites that need protection but has not been either recently or entirely surveyed for both historic and prehistoric sites. The plan update provides recommendations for additional surveys, an analysis of paleontological resource potential, and procedures to protect resources from impacts due to the property's use.

## Public Input

On Oct. 19, POS released the draft management plan update with recommendations for refinements to the management of the CHP/RCF open space. The plan and public comment form are posted at [boco.org/CHPplan](http://boco.org/CHPplan). The comment form will remain open until Dec. 15. All comments are published in real time on the webpage. As of Nov. 9, stakeholders submitted 58 comments using the online form. A majority of stakeholders provided input about prairie dog management. POSAC may view public comments [here](#). Comments received by Nov. 9 will be incorporated into the staff presentation for POSAC consideration at the meeting on Nov. 19. Comments received by Dec. 7 will be incorporated into the staff presentation to the Boulder County Board of County Commissioners on Dec. 15.

Staff hosted a virtual public meeting on Oct. 27 to present an overview of the draft plan update, recommendations, and the public input and approval process. The [presentation slides](#) and [public meeting video](#) are available on the plan web page. A question and answer session followed the presentation. Eighteen community stakeholders participated in the public meeting. Staff answered about two dozen questions, most about prairie dog management. Additional questions answered regarded the agricultural operation, cultural resources, proposed trail and trailheads, and raptors including bald eagles and burrowing owls. A summary of the Q & A session is provided in Attachment B.

In conformance with an intergovernmental agreement (IGA) between Boulder County and Broomfield, BCPOS staff notified Broomfield about the CHP/RCF plan update. At the request of Broomfield staff, BCPOS provided an informational update to the City and County of Broomfield Open Space and Trails Advisory Committee (OSTAC) at its meeting on Oct. 22, shortly after the plan had been released. OSTAC members sought information about refinement of recommendations relating to wildlife, trails and recreation, and the Birds of Prey Foundation. Initial feedback received from OSTAC members at the meeting expressed support for maintaining the Rock Creek regional trail connection to and through CHP/RCF, and for retaining the Birds of Prey Foundation facility at the site. Some members shared concern for changing the designation of the 40-acre burrowing owl preserve, and reducing the acres of prairie dog habitat. OSTAC submitted formal comments to BCPOS on Nov. 5, which are provided in Attachment C.

One Nov. 5, staff presented the draft plan as an information item to the Historic Preservation Advisory Board. Staff received input on the historic and cultural resources present on the property and recommendations for refinement. HPAB encouraged the recommendation to fund and conduct a complete cultural survey of the entire property. They also expressed appreciation for the county's awareness and attention to acknowledging the indigenous people on the land.

## Preliminary Response to Public Input

In response to public input received to date, staff proposes the following changes be incorporated into the CHPRCP management plan.

### Agriculturally Significant Lands

Include background information on the designation of nationally and locally important agricultural land as follows:

CHP/RCF contains agricultural land of both national and local importance. The U.S. Department of Agriculture (USDA) established definitions and criteria to identify the extent and location of important farmlands that can be used for production of the Nation's food supply. Nationally important agricultural land includes prime farmland defined by the USDA as:

land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied.

The USDA also recognizes farmland of local importance as lands to produce food, feed, fiber, forage, and oilseed crops, as designated by the appropriate local agencies.

### Land Designations

To clarify the changes in land designation and use, staff will update Chapter 2 Property Update existing conditions summary to clarify current management of field 65. Additional language will be incorporated into the draft plan to confirm that:

- The 2002 plan delineated approximately 35 acres MOA designated land west of 104th Street as dryland cropland. These acres comprise a portion what is identified today as field 65.
- The recent management intent has been to cultivate these fields with a cover crop to manage weeds and prepare the soil for reseeding as grassland. Over the years, the area cultivated for cover crop has expanded to approximately 63 acres. At the same time, the number and density of prairie dogs on these fields has increased. On-going prairie dog control has been minimal as POS prairie dog management has been focused on NPD designated lands.

Chapter 3 Recommendations background sections for 1. DESIGNATION AND USE OF 40-ACRE BURROWING OWL PRESERVE AND FIELD 65 and 2. GRASSLAND RESTORATION will be updated to also detail existing and proposed acres of prairie dog management designations (Habitat Conservation Areas (HCA), Multiple Objective Areas (MOA), and No Prairie Dog Areas (NPD), and lands under agricultural management are detailed in the following table. The totals for the two tables don't match exactly (0.4% error) due to mapping differences in the two GIS layers.

Prairie Dog Designation	Existing		Proposed	
HCA	159	14%	159	14%
MOA	375	33%	335	30%
NPD	588	52%	628	56%
Total	1122	100%	1122	100%

Agricultural Use	Existing		Proposed	
Irrigated	415	37%	455	41%
Dryland cropland	65	6%	0	0%
Out of production	111	10%	111	10%
Rangeland	426	44%	451	40%
Riparian	72	6%	72	6%
Wetland	29	3%	29	3%
	1118	100%	1118	100%

### Prairie Dog Management

Update the Chapter 3 Recommendations background section for 2. GRASSLAND RESTORATION to provide additional information on the thinning method proposed to decrease the density and numbers of prairie dogs. Several stakeholders have expressed concern for the provision in the prairie dog policy allowing **control as necessary to contain or restrict prairie dog population on** MOA designated lands. Additional language will be incorporated into the draft plan to confirm that:

- the goal of this effort is to strike a balance between prairie dog presence, and recovery of the important vegetation components present at CHP/RCF.
- staff will develop a formalized methodology based on contemporary research to determine recommended densities of prairie dogs in management areas. Vegetation response metrics will then be correlated as a baseline. As thinning efforts commence, continuous monitoring will occur, both to ensure the maintenance of the critical social structure of the prairie dogs as well as vegetation response to decreased densities. Staff will adaptively manage based on results.

### Cultural Resources

Update the Chapter 3 Recommendations for 7. CULTURAL AND PALEONTOLOGICAL RESOURCES to incorporate management actions to strengthen BCPOS relationships and engagement with tribal communities.

### Water Quality

Update the Chapter 2 Property Update existing conditions summary to clarify that the entirety of Rock Creek from its headwaters to its confluence with Coal Creek in Lafayette is on the state's 303(d) list as being an impaired waterway for selenium and also listed on Colorado's Monitoring and Evaluation List for E.coli. Inclusion on Colorado's Monitoring and Evaluation List means that the state has reason to suspect water quality problems for this parameter but more sampling and analysis needs to take place to fully understand the issue, reduce uncertainty regarding one or more factors, and identify the cause of impairment. Section 303(d) of the federal Clean Water Act requires that states submit to the U.S. Environmental Protection Agency a list of those waters for which technology-based effluent limitations and other required controls are not stringent enough to implement water quality standards. Additional information will be included to detail that:

- the roughly 2.5 miles of Rock Creek running through CHP/RCF lies in the middle of this 15-mile long impaired segment. To date, Boulder County has completed minimal water quality sampling in this reach.



- in 2017, two samples were collected on CHP/RCF: one upstream and another downstream where Rock Creek leaves the property at Hwy 287. The samples were consistent with the state's listing of the creek on its Monitoring and Evaluation List for E. coli, as values for the parameter were very high at both upstream and downstream locations.

Update the Chapter 3 Recommendations for 9. IRRIGATION AND WATER RESOURCE IMPROVEMENTS to provide additional background information about the issues associated with the existing conditions and incorporate management action recommendations as follows:

1. Understand the impairment of Rock Creek throughout property by conducting sampling and analysis and compare with municipal water quality sampling along the creek to better understand our influence in this reach.
2. Continue to engage with local municipalities through the Keep it Clean Partnership to help advance the conversation around impaired waterways and how the condition of Rock Creek may be improved.

#### **Next steps**

Based on input from POSAC hearing, staff will incorporate changes into the draft document and present a final CHP/RCF Management Plan Update document to the Board of County Commissioners for their consideration to adopt the plan.

#### **POSAC Action Requested**

Recommendation to the Boulder County Commissioners for approval of the Updated Management Plan for Carolyn Holmberg Preserve at Rock Creek Farm open space, as described above and as further described by staff at the POSAC meeting.

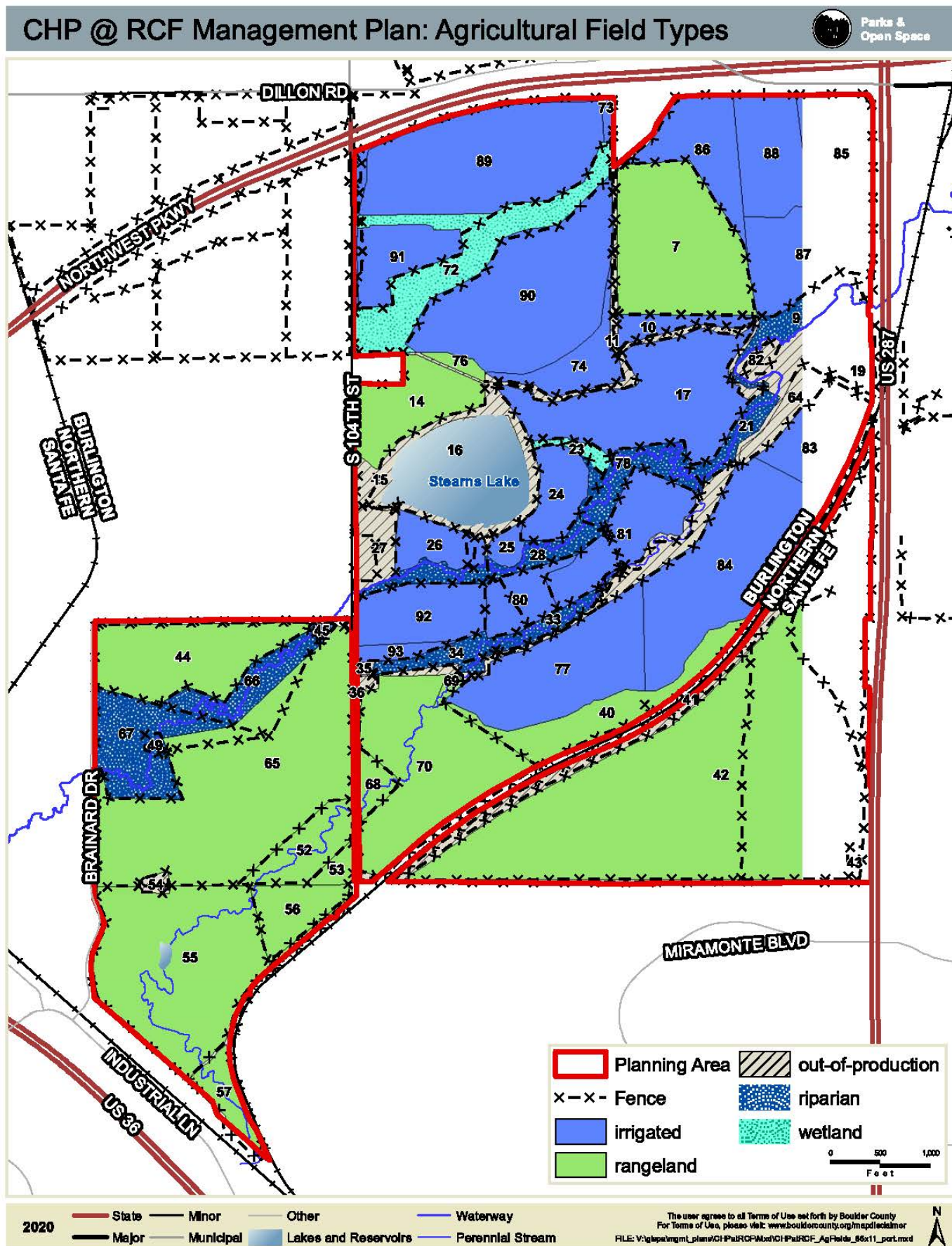
Suggested motion language: I move approval of a recommendation to the Boulder County Commissioners for approval of the Updated Management Plan for Carolyn Holmberg Preserve at Rock Creek Farm open space, as staff has described.

#### **Attachments**

Attachment A: Agricultural Field ID map

Attachment B: Oct. 27 Public Meeting Questions & Answers

Attachment C: City and County of Broomfield OSTAC Comments



**CHP/RCF draft Management Plan Update  
Nov. 27 Public Meeting  
Questions & Answers**

Public Questions:

1. **What are the crops being grown especially around field 7? Are any of these areas surrounding field 7 and just overall, organic regenerative cultivation operations?** - Jeremy Gregory
  - o Answer: Surrounding fields to #7 are corn and pumpkins. We can ask our Ag staff for more details on the overall operation. - Jeff Moline
  - o Answer: Jeff is correct that two important crops are corn and pumpkins. The tenants also raise wheat, barley, and alfalfa and grass for hay. Crops are rotated and the same crop is generally not grown in consecutive years. The tenants have considered organic production but have not initiated organic production. They are currently in the process of transitioning away from GMO corn. - Rob Alexander
  - o Answer: Cropland surrounds field 7 on all sides. All the crops raised on the farm are rotated among those fields. In addition to the primary crops mentioned, the tenants have raised triticale, white wheat and forage sorghum. So, over the years, the fields around field 7 have seen all of the crops raised on the farm. - Rob Alexander
2. **When you say trapping prairie dogs, does this mean trapping to relocate or to kill?**
  - o Answer: The department's management of prairie dog's system-wide includes trapping to relocate and trapping for donation to raptor and ferret programs. The trapping at Field 7 would be a relocation. Our overall prairie dog management program does include lethal control as well. Our Prairie Dog management staff can provide more information. - Jeff Moline
3. **How many prairie dogs are currently in field 7? When was the last prairie dog count done by county wildlife biologists?** - Ruby Bowman
  - o Answer: Counts have not been completed but will be - Amy Schwartz
4. **In the slide on historic resources, there was a bullet, "Several Isolated Finds." Can you give some examples?** - Trace Baker
  - o Answer: Isolated finds are usually small items that are not associated with a recognized site. For example, a stone tool. - Jeff Moline
5. **Are these finds always prehistoric, or can they be more recent?** - Trace Baker
  - o Answer: They can be more recent. - Jeff Moline/Marni Ratzel
6. **The proposed trailhead and parking lot at the end of 104th street is within ¼ mile of an active bald eagle nest, and even if the eagles choose not to nest there going forward, it will remain an active nest by CPW's definition for the next five years. How do you plan to follow CPW recommendations in pursuing this project, given that CPW's 2020 raptor guidelines recommend against new surface occupancy within ¼ mile of an active nest?** - Theo Kuhn
  - o Answer: Consult with CPW on the location of the proposed trailhead parking lot. - Therese Glowacki/Marni Ratzel
7. **In the Critical Wildlife Habitats Map where prairie dogs are occupying that area, why aren't these designated as HCAs?** - Pamela Wanek
  - o Answer: Criteria is used to designate prairie dog habitat as HCA. The MOA fields do not meet criteria to designate as an HCA. The current designated HCA up on the hillside is native grassland. The boundaries don't border cropland.



8. **How would thinning occur without damaging social structure?** I have 25 years of field experience with prairie dogs and thinning is not proven to be effective, in fact, it could exacerbate the problem. Could we potentially look more into restricting expansion, prairie dogs can regulate populations via less successful births etc... within stabilized areas. - Pamela Wink
  - o Answer: Thinning is disruptive to the social structure of colonies. No area to restrict expansion and the other areas on the property are already occupied by prairie dogs. - Therese Glowacki
9. **Has expanding the current parking lot been considered instead of putting in an additional lot to the south?** Unrelated: I am also curious --not in relation to the plan--about the juvenile bald eagle I've seen there recently. Is it related to the adult pair? - Tamar Krantz
  - o Answer: Tamar - The team has considered expansion of the existing parking lot, but due to its proximity to Stearns Lake and a very high-water table, we do not think that we will be able to expand in the current footprint. Consequently, we felt that a smaller parking area at the end of 104th could help with the need for additional parking. - Bevin Carithers
10. **I have spoken to quite a few stakeholders and the consensus is that there needs to be additional time for public comment.** Many Boulder County residents have been displaced by wildfires and are therefore unable to participate in the entirely virtual stakeholder feedback process. Across Colorado, COVID-19 cases are at their highest levels yet and continuing to rise. And the upcoming election on November 3rd—squarely in the middle of this timetable—is occupying the civic energy of many Coloradans. Aspects of the plan need to be accounted for by CORA request. **How can you justify the time frame?** - Dana Bove
  - o Answer: Public has 3 weeks to review the plan. Public should be able to meet these guidelines. - Jeff Moline
11. **If you remove PD from 7, and relocate PD out of Holmberg, and thin 68, how can you be sure enough prey for hawks and eagles.** - Donna Busching
  - o Answer: Removal of 40-acre preserve would not take out 'much' of the prairie dog habitat in the total acreage (occupied by prairie dogs) of the property. - Amy Schwartz/Therese Glowacki
12. I have one more question...**Has Boulder County seen Kiss the Ground? It's a movie about regenerative farming.** - Pamela Wanek
  - o Answer: Not yet. - Rob Alexander
13. Follow-up to Donna's question: The management plan asserts that there is "ample" prey for nesting bald eagles. Given that the draft plan recommends reducing prairie dog populations in almost all of the property's prairie dog colonies—including in MOAs and HCAs-- and given there is no upper limit in the Prairie Dog Policy on the amount of prairie dogs that can be removed, **how can BCPOS assure that there will still be "ample" prey for the nesting eagles under the new plan?** - Theo Kuhn
  - o Answer: Will be addressing these concerns moving forward. 40-acre preserve is first on the list. Several prairie dog colonies exist in the surrounding areas. - Amy Schwartz
14. **Something to consider is raising the standards of ag cultivating.** - Jeremy Gregory
  - o Answer: Mad Agriculture program/carbon forming research project → changing ag. practices and increase carbon/water sequestration - Therese Glowacki/Jeff Moline
15. **The proposed RR grade trail will also be in close proximity to burrowing owl nests and is in the middle of an area where the nesting eagles often hunt. How does this make sense?** - Dana Bove
  - o Answer: Cradleboard is currently subject to closures via the burrowing owls. Green line offers flexibility when closures occur, while maintaining trail connectivity. Orange line is a potential option to do the same. - Therese Glowacki/Marni Ratzel



16. **Does BCPOS plan to afford spatial protections for juvenile and adult eagles during the post-fledge dependence period that can last 6-8 weeks post fledge?** - Dana Bove  
o Answer: CPW changed guidelines, but BCPOS is respecting these guidelines Oct. 15-end of July. - Therese Glowacki
17. **But MOAS allow removal of up to 99 percent of PD, and there will be no HCA for PD.** - Donna Busching  
o Answer: HCAs will remain on the property. Removing 99% of prairie dogs has only occurred rarely on BCPOS properties and is not being recommended in the management plan. - Jeff Moline/Marni Ratzel/Amy Schwartz
18. **The nose of the RR grade trail could be within 250 meters of where burrowing owls recently nested.** - Dana Bove  
o Answer: Take a look at for sure. - Jeff Moline
19. **When the county does restoration of field 65, will prairie dogs be removed by lethal control from this field.** - Ruby Bowman  
o Answer: Do not have to remove prairie dogs on this existing field. - Therese Glowacki
20. **Why not put an upper limit on removal on MOA's at Holmberg, at a minimum?** - Dana Bove  
o Answer: Have not ever considered, but not opposed to in the future. - Therese Glowacki
21. **Hard to tell the difference in color of HCA and MOA on map.** - Donna Busching  
o Answer: Thank you for this comment. We will consider refining the colors to better distinguish the two colors. - Marni Ratzel
22. **Therese, then if the removal on MOA's has always been low, then how can you use past nest productivity records to justify PD removal on MOA at Holmberg that has no limits?** - Dana Bove  
o Answer: Prairie dogs will not be completely removed on MOAs at CHP/RCF and has not been considered. - Therese Glowacki
23. **I was curious about the juvenile bald eagle. It is not related to the plan, but is it related to the adults?** - Tamar Kantz  
o Answer: We could put you in touch with our wildlife specialist to discuss your question. - Therese Glowacki/Jeff Moline
24. **I do have a question about the current nest, more of comment. Can we discuss now?** - Dana Bove  
o Answer: We could put you in touch with our wildlife specialist to discuss your question. - Therese Glowacki/Jeff Moline

November 5, 2020

Dear Boulder County Parks and Open Space staff,

The Broomfield Open Space and Trails Advisory Committee (OSTAC) and Open Space and Trails staff commend Boulder County for their work on the thorough, in-depth DRAFT Carolyn Holmberg Preserve At Rock Creek Farm Draft Management Plan (DRAFT). We appreciate the extensive steps to provide outreach to Broomfield residents to make sure that our community is aware of this planning effort. Thank you also for attending our October OSTAC meeting to provide an overview of the DRAFT.

We appreciate your consideration of the following comments. We wish you the best with this management plan. Below are OSTAC's comments:

#### INTRODUCTION: DESCRIPTION OF PLANNING AREA

Page 7: The Carolyn Holmberg Preserve abuts CCOB property to the north too. Please note this in the first paragraph as it relates to a later comment about the proposed trail in this area.

#### INTRODUCTION: COLLABORATION

Page 11: Please note the meeting with OSTAC as we appreciated the Boulder County staff attending our meeting. It would also be nice to note the extensive notification that Boulder County completed to make sure Broomfield residents were informed about the project.

#### SOIL AND WATER RESOURCES

Page 16: It would be interesting to know a little more about what this sentence specifically means. "The BCCP designates much of the property as *nationally or locally important agricultural land*, a recognition of both suitable soils and adequate irrigation water."

Page 18: Parrots Beak Pond: It is unfortunate to hear about all the trash in this drainage. Perhaps a joint Broomfield and Boulder County open space clean-up would be a good event once we can gather together again. Could this be listed as a recommendation for the Buffalo Gulch recommendations?

#### DESIGNATION AND USE OF 40-ARE BURROWING OWL PRESERVE AND FIELD 65

Page 41-42: Please make it more clear in the plan if the Field 7 acres are being replaced by Field 65 that can allow for prairie dogs. Could Field 65 be an area that is designated for prairie dogs without other agricultural uses such as grazing so that the loss of Field 7 is compensated for in respect to prairie dog habitat?

Page 41: If Field 7 is returned to a dryland crop field, the expense of undergrounding the utility line is avoided to allow for a pivot sprinkler. Please explain if this is a viable alternative plan for the site.

## GRASSLAND RESTORATION

Page 43-45 Grassland Restoration (note this comment also relates to the sections on DESIGNATION AND USE OF 40-ACRE BURROWING OWL PRESERVE AND FIELD 65 and PRAIRIE DOGS):

Please clarify the existing acres where prairie dogs are allowed and the future acres designated for prairie dogs. The plan could benefit from this clarification as it is not clear if overall acres are proposed to be reduced. A map showing existing and proposed areas would be helpful. Please also confirm the existing and proposed acres of land devoted to farming and/or grazing.

OSTAC would like to see design alternatives that would avoid removing the existing prairie dog colony in Field 7. Relocation of that colony would cause inevitable loss, and we would like to see an analysis of how some neighboring fields perhaps to the north and east could be moved out of cultivation, allowing a more natural spread of the existing colony. Reducing the amount of cultivated land will reduce pressure on the irrigation systems and would make improvements more efficient by reducing the targeted area. We would also like to understand how prairie dog management is currently being conducted with respect to time and costs. Relocation of Field 7's 40 acres of prairie dog habitat into another suitable area of the Preserve is also an option that could be considered to compensate for the loss of Field 7. In summary, OSTAC would like to see a plan that scales farming acres back somewhat to preserve and restore more of the natural ecosystem to benefit the future. This plan, at a minimum, should maintain the number of acres currently allowed for prairie dogs and burrowing owl habitat.

Page 45: It appears that bullet #4. at the bottom of the page is missing a word -- we would suggest adding the word 'and' before 'prairie dog management'. Also, would it be possible to allow for restored grasslands without allowing for future grazing? Instead, this land could perhaps be designated for prairie dog habitat.

Pages 43-45: Is there more detail on how action items that note 'reducing prairie dog populations' and 'keeping prairie dog densities low' are being achieved? Questions on this topic could be expected as to how a targeted density is determined and how reductions in density are being carried out.

Page 30: What is the designation for the lands that are just west of 104th Street and south of the Northwest Parkway?

## PRAIRIE DOG MANAGEMENT

Page 46: At the southwest corner of Lac Amora along Fields 53, 55, 56, and 57, please allow for consideration of the use of barriers to minimize expansion into the residential area to the east. Currently, prairie dogs have migrated into the Lac Amora area from the Preserve. The goal is to minimize future prairie dog management in this area and reduce conflicts with residents. Barriers are a helpful tool to have in the management tool box. Please provide a chart that shows the location and acres of where prairie dogs currently live now and where

they will be allowed to be in the proposed management plan. A map showing pre- and proposed plan areas for prairie dogs would be helpful. It would be positive if the same number of prairie dog habitat acres are preserved in the new plan as currently exist. However, we would like to understand the acreage numbers more to see if this is a feasible request.

Page 46: Raptor poles could be added to areas where prairie dog populations are more dense to alleviate population pressures, while also supporting raptors' needs for prey.

Page 46: At the top of the page, under objectives, could the 2nd bullet be revised to state, "Minimize potential for prairie dog encroachment onto adjacent private or public lands that are not HCA areas"?

#### WILDLIFE CLOSURES OF THE REGIONAL TRAIL

Page 50: Please note in the recommendation for the Cradleboard Trail from 104th St. West to Brainerd Drive (Green Trail) that the proposed trail will be offset from the property line by at least 75 feet and a prairie dog barrier is needed along the northern property fence line to minimize migration into the residential/agricultural properties to the north. This buffer area should be a NPD zone to avoid conflicts with the residential/agricultural properties.

Page 50: OSTAC is interested in understanding the floodway's potential impacts on the Green Trail and proposed trailhead just west of 104th. The proposed trailhead should be located out of the floodway if at all possible. (Comment is also listed under RECREATION below).

Page 50: The orange proposed trail is a useful and positive option pending the analysis of environmental impacts.

Page 50: Please show the proposed trail in Recommendation 2 for the Cradleboard trail east of 104th so the proposal is more understandable. It is unclear where this alternative trail will be located without a map.

Page 50: Please provide a proposed trail map that shows the entire trail system for the property with the proposed trailheads, trails, etc.

#### RECREATION, VISITOR ACCESS, AND ACCESSIBILITY

Page 53: Please note that the final Brainerd trailhead location will be determined by Boulder County staff collaborating with Broomfield's Transportation Engineering Division, Open Space and Trails Department and adjacent residents.

Page 53: OSTAC is interested in understanding the floodway's potential impacts on the proposed trailhead just west of 104th. The proposed trailhead should be located out of the floodway if at all possible.



#### CULTURAL AND PALEONTOLOGICAL RESOURCES

Page 55: Please consider adding informational signage at the Preserve that acknowledges the native and indigenous people who once lived in this area. The acknowledgement in the Draft report is appreciated.

#### AGRICULTURAL OPERATIONS USE OF HISTORIC BUILDINGS AND STRUCTURES

Page 56: Please show a map of the historical structures and the proposed location in the north central area of the property for some of the agricultural operations.

#### BUFFALO GULCH

Page 58: Please add a recommendation about clean-up of the ponds and drainage area. Earlier in the document, the amount of trash is noted as a concern. This could be a nice opportunity for a joint clean-up project between Broomfield and Boulder County.

#### BIRDS OF PREY FOUNDATION OPERATIONS

Page 60: The Plan's recommendation to continue Boulder County's partnership and collaboration with the Birds of Prey is strongly supported. The recommendation to continue this work with the Birds of Prey is appreciated. Thank you for making it a priority to make sure this important non-profit has a home. It would be helpful to provide a map showing the relocation site area for the facilities. We commend Boulder County for seeking a new site that will protect the riparian zone and floodplain while providing a location for BOP facilities/operations.

#### PLAN PRIORITIES

It is recommended that the Prairie Dog Management Recommendations 2, 3 and 4 related to barriers and the MOA/HCA be given high priority designations.

Thank you again for your collaboration with Broomfield!

Sincerely,

City and County of Broomfield Open Space and Trails Advisory Committee



# Parks & Open Space

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[www.BoulderCountyOpenSpace.org](http://www.BoulderCountyOpenSpace.org)

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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, November 19, 2020

Location: Virtual Meeting

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM/PRESENTER:</b>	Jeff Moline, Resource Planning Manager
<b>AGENDA ITEM:</b>	Open Space-related Midterm Updates to the Boulder Valley Comprehensive Plan
<b>ACTION REQUESTED:</b>	Recommendation to the Planning Commission and BOCC

### Background

At the October POSAC meeting, staff presented information about open space-related Land Use Map updates to the Boulder Valley Comprehensive Plan (BVCP). The proposed changes to the map had been reviewed through a joint city-county process and were determined to be within the scope of changes allowed at a mid-term update. At the POSAC meeting, and in comments received beforehand, members of the public raised questions about why other map changes were not included in the update. They noted that the existing map contains a number of places where county open space parcels are not represented as “Open Space-Acquired” on the BVCP Land Use Map. At the meetings, POSAC requested that Boulder County Parks and Open Space review the requests and return to the committee with a new recommendation.

### Discussion and Analysis

Following the POSAC meeting, BCPOS staff reviewed the open space-related map changes requested by members of the public and agree that there are changes that should be made to the BVCP Land Use Map in order to improve its accuracy. Staff also concur with the public and POSAC that changes to the map in its display and coloration are important for improving the legibility of the exhibit. To this end, staff has prepared a list of recommended changes and updates to the map with respect to county-owned open space.

As noted by members of the public, the Twin Lakes Open Space parcel owned by the county is depicted on the BVCP Land Use Map as Open Space-Other (a label that applies to other public and private land designated prior to 1981 that the city and county would like to preserve through various preservation methods, including but not limited to inter-governmental agreements, dedications or acquisitions—by itself, this designation does not ensure open space protection). While a full review and update of changes to the BVCP Land Use Map is outside this current midterm update, BCPOS staff has prepared a list of 12 map changes that would add 286.9 acres of OS-A and OS-DR to the map Attachment C. These additions will be important to make in order to have the most accurate information available during the next major update of the BVCP. Staff does still recommend approving the open space-related changes presented at the last meeting as outlined in Attachments A and B.

### Next Steps

The POSAC recommendation will be carried forward as part of the BVCP update approval process to the four-body review process including the City of Boulder Planning Board,

Boulder City Council, and Boulder County Board of Commissioners and Planning Commission. The process is anticipated to be completed by the end of 2020.

### **Public Process**

The city Open Space Board of Trustees (OSBT) received a written update on this BVCP midterm update on July 8, 2020. They reviewed and approved these additions and revisions on August 12, 2020. POSAC heard this item at its October 22 meeting.

### **Staff Recommendation**

BCPOS recommends that POSAC recommend

1. the adoption of the open space-related changes to the BVCP Land Use Map.  
Specifically, the addition of 592 acres of OS-A and 1.15 acres OS-DR to the map due to recent acquisitions, and the removal of 5.6 acres of OS-A for lands that the city has disposed of from their open space program, and
2. the submittal of a list of 12 additional open space-related changes to the BVCP Land Use Map totaling 286.9 acres to be made prior to, or at the time of, the next major update process.

### **ATTACHMENTS:**

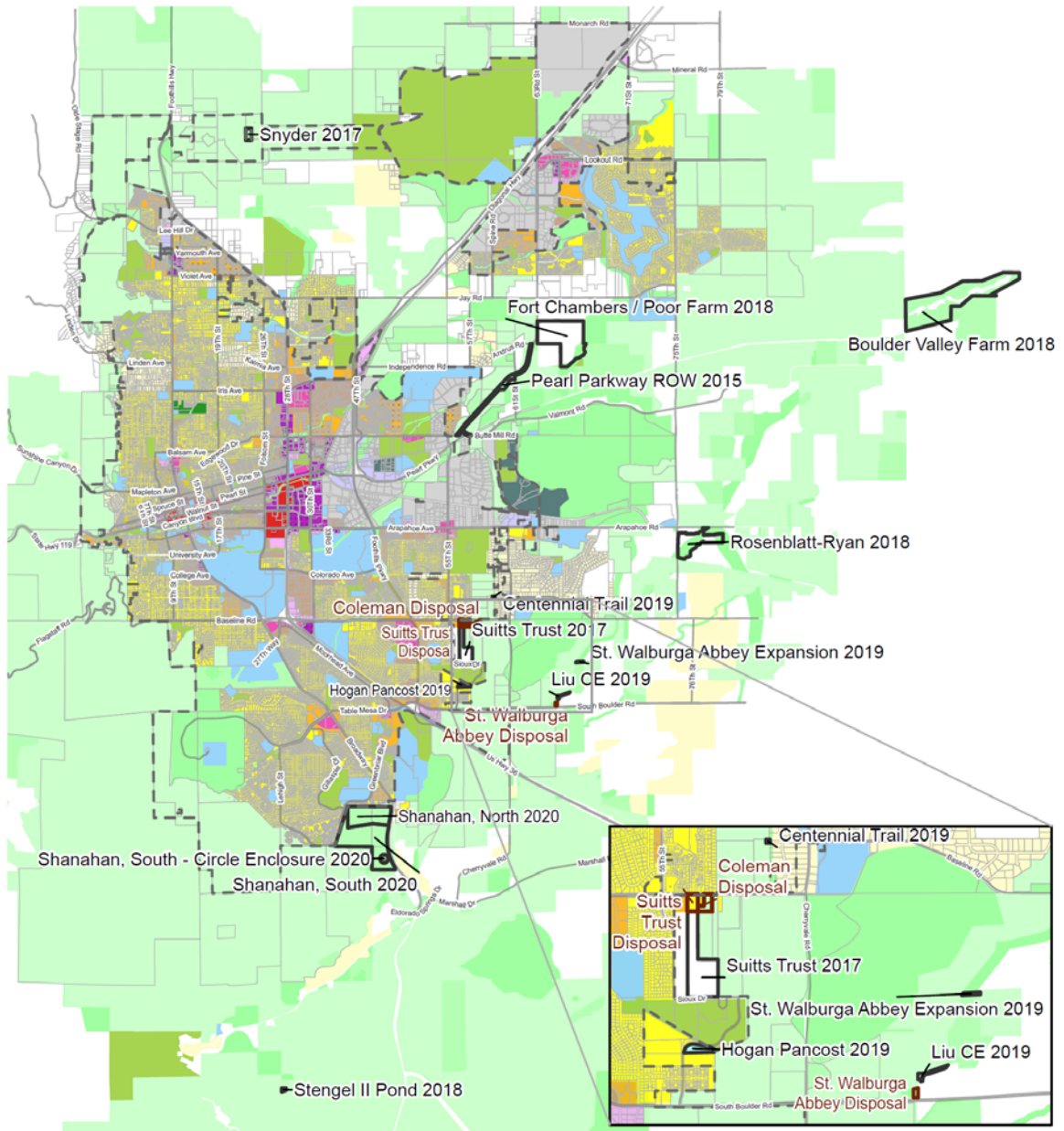
- Attachment A: Proposed open space-related changes to BVCP Land Use Map
- Attachment B: List of proposed open space-related changes to BVCP Land Use Map
- Attachment C: List of additional open space-related changes to be addressed prior to or during the next BVCP Major Update

#### **POSAC Action Requested**

Recommendation to the Boulder County Planning Commission and Board of County Commissioners for approval of the open space-related midterm updates to the Boulder Valley Comprehensive Plan, as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the open space-related midterm updates to the Boulder Valley Comprehensive Plan project as staff has described.

# Attachment A: Proposed Open Space-related Changes to BVCP Land Use Map





## Attachment B: List of Proposed Open Space-related Changes to BVCP Land Use Map

Newly Acquired Open Space—Proposed Designation of Open Space Acquired (OS-A) and Open Space Development Rights (OS-DR)				
Property Name	Year Closed	Acres	Current LU	Proposed LU
Boulder Valley Farm	2018	191.5	OS-DR and None	OS-A
Centennial Trail	2019	0.19	OS-A and OS-O	OS-A
Fort Chambers / Poor Farm	2018	113.26	OS-O and None	OS-A
Hogan Pancost	2019	2.73	EP	OS-A
Liu CE	2019	1.15	None	OS-DR
Pearl Parkway ROW	2015	25.79	None	OS-A
Rosenblatt-Ryan	2018	49.21	OS-O and None	OS-A
Shanahan, North	2020	60.08	OS-DR	OS-A
Shanahan, South - Circle Enclosure	2020	3.99	OS-DR	OS-A
Shanahan, South	2020	114.31	OS-DR	OS-A
Snyder	2017	5.26	OS-O	OS-A
Stengel II Pond	2018	1	OS-DR	OS-A
St. Walburga Abbey Expansion	2019	0.57	OS-DR	OS-A
Suitts Trust	2017	24.75	LR and None	OS-A
<i>LU = Land Use; OS-O = Open Space Other; OS-A = Open Space Acquired; OS-DR = Open Space Development Rights; EP = Environmental Preservation; LR = Low Density Residential; CE = Conservation Easement</i>				

Property Disposal: Remove Open Space Designation of OS-A				
Property Name	Year Disposed	Acres	Current LU	Proposed LU
Coleman Disposal	2020	2.55	OS-A	LR
St. Walburga Abbey Disposal	2019	0.58	OS-A	None
Suitts Trust Disposal	2020	2.45	LR and None	LR
<i>LU = Land Use; OS-A = Open Space Acquired; LR = Low Density Residential</i>				

Attachment C: List of additional open space-related changes to be addressed prior to or during the next BVCP Major Update

Property Name	Acres	Current LU	Proposed LU
Churchill	27.9	N/A	OS-A
Churchill CE	5.0	N/A	OS-DR
Coen	30.3	N/A	OS-A
Coen CE	4.6	N/A	OS-A
Gunbarrel Estates	10.0	OS-O	OS-A
Johnson Trust	31.0	N/A	OS-A
Johnson Trust CE	7.3	N/A	OS-A
Legion Park	23.1	OS-O	OS-A
Red Fox Hills	3.1	OS-O	OS-A
Twin Lakes	56.1	OS-O	OS-A
Washam	77.8	OS-O	OS-A
Willows	10.7	OS-O	OS-A



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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, Nov. 19, 2020

Location: Virtual Meeting

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM/PRESENTER:</b>	Bevin Carithers, Resource Protection Supervisor
<b>AGENDA ITEM:</b>	Revisions of Rules and Regulations
<b>ACTION REQUESTED:</b>	Recommendation to the BOCC

### Summary

Boulder County Parks & Open Space resource protection staff proposes changes to the current rules and regulations. These changes include an increase in some fine amounts, basic grammatical updates, clarification of existing regulations, and the addition of new regulatory language.

### Background

Boulder County Parks & Open Space rules and regulations are reviewed by the resource protection work group every 24 – 36 months. During the review process, staff considers revisions to regulations and fines based on changes in recreational behaviors and outdoor technologies, and to maintain a more consistent approach to regulatory language and fines regionally. Open Space rules and regulations were last updated in 2018.

### Proposed Revisions of Significance

- Basic fine amounts increase from \$75 to \$100 including dog off of leash violations and fishing without a valid license.
- Fines for closure violations, disorderly conduct, resource protection, and vehicles on open space lands increase from \$150 to \$200.
- Violations for parking in non-designated areas increase from \$35 to \$50. Parking in a manner that impedes the safe flow of traffic increase from \$50 to \$75. Violations for parking in handicap parking areas without a handicap placard increase from \$100 - \$150.
- Regulations 6 is redefined to prohibit overnight occupancy of vehicles, trailers, and campers.
- Regulation 19 is rewritten to include photography for commercial marketing and advertising purposes.
- Regulation 21 is divided into 21(a) and 21(b) to better define disorderly conduct and prohibit the amplification of sound.
- Regulations 23(b) is updated to better reflect staff practice for closures. Allows the director to enact closures for various management and safety reasons.

- Regulation 23(c) is removed due to CDOT closure of the Lindsey Open Space property access.
- Regulation 28 is divided into 28(a) and 28(b) to better define interference and prohibit evading and eluding park rangers acting lawfully in an official capacity on Open Space lands.

**POSAC Action Requested**

Recommendation to the Boulder County Commissioners for approval of the revised rules and regulations as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the revised rules and regulations as staff has described.

**RESOLUTION NO. ~~2018-132~~**

**A RESOLUTION CONCERNING RULES AND REGULATIONS FOR BOULDER COUNTY PARKS & OPEN SPACE AREAS (~~Superseding Resolution No. 2018-08~~).**

WHEREAS the Board of County Commissioners (“Board”) is empowered by § 29-7-101(2), C.R.S. and § 30-15-401, C.R.S., as amended, to adopt rules and regulations pertaining to Boulder County Parks & Open Space areas; and

WHEREAS, Boulder County, through the Board, has elected to adopt such Rules and Regulations; and

WHEREAS, these Rules and Regulations are for the sole purpose of managing and protecting property which Boulder County owns, leases or otherwise manages as Parks & Open Space areas and will be enforced in accordance with established resources and operating procedures; and

WHEREAS, enactment of these Rules and Regulations constitutes neither a waiver of governmental immunity pursuant to §§ 24-10-101, et seq., C.R.S., as amended, nor the assumption of any duties of care to any person.

NOW, THEREFORE, BE IT RESOLVED that the prior Resolutions listed above concerning Rules and Regulations governing Boulder County Parks & Open Space areas are superseded by the following:

**1. Resource Protection**

- (a) It shall be unlawful for any unauthorized person to remove, move, destroy, mutilate, collect, or deface any natural or man-made object within any Boulder County Parks & Open Space area, including, but not limited to: trees, down timber or branches, shrubbery, plants, flowers, rocks, fences, signs, kiosks, restrooms, tables, benches, cultural resources, and trash containers.
- (b) It shall be unlawful to install or replace rock bolts, plant vegetation of any type or any other type of landscape material, or establish or construct trails or other facilities for public or private use without the written permission from the Director of the Boulder County Parks & Open Space Department (“Director”).

**2. Wildlife**

- (a) It shall be unlawful for any person to feed, hunt, pursue, trap, molest, disturb, or kill any wildlife, or for any person to allow any domestic animal to do the same, at any time within any Boulder County Parks & Open Space area, except where and when such activities are permitted by action of the Board or by written permission from the Director and except as provided for in Rule 3 below. This provision shall not apply to any county, state, or federal government personnel authorized by the Board to carry out a wildlife management program through law or county-approved rules and regulations.
- (b) It shall be unlawful for any unauthorized person to relocate or release any animal within Boulder County Parks & Open Space areas.



### 3. Fishing Regulations

Fishing is permitted in accordance with the Colorado Wildlife Commission's land and water regulations, except in open space areas designated and posted with special Boulder County Parks & Open Space regulations. Ice fishing is prohibited on all Boulder County Parks & Open Space areas, unless the area is specifically posted to allow ice fishing. It shall be unlawful to violate special fishing regulations posted within any Boulder County Parks & Open Space area. Rules and Regulations, fees, and special permit requirements shall be determined by the Board and posted at affected Boulder County Parks & Open Space areas. The Board and the Director may modify these regulations or create new ones when deemed necessary for repairs, wildlife, vegetation, and/or public safety concerns. The Director, within two days of modifying or creating any regulations under this Paragraph, sends notification to the Board of such action. The Board may, at a regularly scheduled business meeting, rescind or modify the decision by the Director. Only that portion of any decision by the Director that is specifically approved by the Board shall continue to be effective.

Unless otherwise posted or provided in these rules and regulations, float tubes, as defined under the boating regulations below, shall be permitted in conjunction with fishing wherever fishing is permitted within Boulder County Parks & Open Space areas.

It shall be unlawful to use seines, cast nets, and/or live traps on any body of water within Boulder County Parks or Open Space areas.

(a) Walden Pond Wildlife Habitat:

- i. Fishing in Wally Toevs Pond shall be limited to senior citizens (ages 64 and over) and their companions (ages 15 years or younger) and anglers with disabilities and their companions.
- ii. It shall be unlawful to exceed the posted creel limit.
- iii. All other ponds at Walden Ponds Wildlife Habitat are designated as catch and release fishing for largemouth and smallmouth bass. At these ponds anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to Colorado Parks and Wildlife Commission regulations.
- iv. Fishing is prohibited on Cottonwood Marsh Lake.
- v. All vessels and float tubes are prohibited.

(b) Cattail Ponds at the Boulder County Fairgrounds:

- i. All vessels and float tubes are prohibited.
- ii. Fishing is limited to people under 16 years of age.

(c) Lagerman Reservoir:

- i. Vessels at Lagerman Reservoir are limited to non-motorized vessels and motorized vessels with electric motors or gasoline motors of 8 horsepower or less.
- ii. Vessels are restricted to wakeless speeds (less than five miles per hour).
- iii. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit is one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is five each).

(d) Stearns Lake at Carolyn Holmberg Preserve/Rock Creek Farm:

- i. All largemouth and smallmouth bass possessed must be 15 inches or greater in length. All tiger muskie possessed must be 36 inches or greater in length and the creel limit shall be one. The creel limits for all species shall adhere to the Colorado Wildlife Commission regulations (creel limit for largemouth and smallmouth bass is five each).
- ii. All vessels and float tubes are prohibited.

(e) Pella Crossing:

- i. All ponds at Pella Crossing are designated as catch and release fishing for largemouth and smallmouth bass. Anglers must use terminal tackle, such as flies and lures. Creel limits for all species other than largemouth and smallmouth bass must adhere to the Colorado Wildlife Commission regulations.
- ii. Fishing is prohibited on Webster Pond.
- iii. Non-motorized, portable vessels are allowed on Lake Sunset, Heron Lake, and Dragonfly, Poplar, and Clearwater Ponds. Such use is allowed only for the purpose of fishing.

(f) Twin Lakes:

- i. All vessels and float tubes are prohibited.

(h) Mud Lake:

- i. All vessels and float tubes are prohibited.

**4. Projectiles, Weapons and Explosives**

It shall be unlawful to carry or discharge on or into any Boulder County Parks & Open Space area, firearms (concealed or otherwise), projectile weapons, or explosives of any kind including but not limited to hand guns, rifles, shotguns, fireworks, BB guns, pellet guns, rockets, air guns, paint ball guns, blow guns, crossbows, longbows, and slingshots, except as expressly mandated by Article 12 of Title 18 of the Colorado Revised Statutes, as amended. Peace officers on official duty and Boulder County Park Rangers engaged in official wildlife management operations are excepted, as are residential tenants of the county within their living quarters and events under lease at the Boulder County Fairgrounds.

Further exceptions may be permitted only with written permission from the Board or the Director.

**5. Domestic Animals/Livestock**

- (a) Any dog or other domestic animal within a Boulder County Parks & Open Space area shall be restrained by a leash, cord, rope, or chain and under physical control of a person, except as otherwise provided for in this paragraph or posted with approval from the Board. Any owner/keeper accompanying a dog in an off-leash area must have the ability to restrain his or her dog when requested by Parks & Open Space staff.
- (b) It shall be unlawful for any owner/keeper to allow his or her domestic animals within a Boulder County Parks & Open Space area to engage in disorderly conduct or any activity which interferes with the health, safety, or welfare of users, livestock, other domestic animals or neighbors in the area, or which creates a nuisance, including unwanted physical contact or threatening behavior with any user, domestic animal, or livestock.

- (c) Any person who brings a dog into a Boulder County Parks & Open Space area shall pick up, carry out, and dispose of that dog's excrement.
- (d) Dogs may be prohibited on specific Boulder County Parks & Open Space areas by action of the Board.
- (e) Horses must be under the physical control of a person at all Boulder County Parks & Open Space areas except at the exhibitor and spectator areas at the Boulder County Fairgrounds and those permitted under a written grazing lease from Boulder County.
- (f) Domestic animals or livestock may be tied by a lead or rope sufficient to restrain the animals, but shall neither be left tied and unattended nor tied in any manner which damages vegetation or structures or which interferes with or disturbs the public's use of established trails, picnic areas, or campsites.
- (g) All feed provided to livestock while on Boulder County Parks & Open Space trails and trailheads must be free of weeds and weed seeds. Livestock grazing is allowed only by lease or written permission from the Director or the Board.
- (h) Exceptions to this rule are permitted for the use of a dog as a service animal as long as such use is in all respects in compliance with the regulations in 28 CFR § 35.136. A service animal must be individually trained to do work or perform tasks for the benefit of its handler's disability. Provision of emotional support, well-being, comfort, or companionship do not qualify as "work" or "tasks" which may be provided by a service animal.
- (i) It shall be unlawful to confine any animal in a motor vehicle in such a manner that places it in a life or health-threatening situation by exposure to a prolonged period of extreme heat or cold without proper ventilation or other protection from such heat or cold.

## 6. Camping

~~Camping is not permitted on Boulder County Parks & Open Space areas except in designated areas at the Boulder County Fairgrounds.~~

It shall be unlawful to camp overnight in a tent, or other shelter, or to occupy any vehicle, trailer, or camper for overnight camping on Open Space lands except in designated areas at the Boulder County Fairgrounds or when approved the Director or their designee.

## 7. Fire

- (a) Campfires are unlawful. Charcoal fires may be built only in established picnic and camping areas, and then only in grills and fireplaces provided by the department or in personal grills or stoves. All charcoal fires must be built in a safe manner and attended at all times. All charcoal fires must be properly extinguished and left in the provided grills. Exceptions may be granted only with written permission from the Board or the Director.
- (b) Fires may be prohibited entirely by order of the Board, the Boulder County Sheriff, or the Director by the posting of special notices or public notification through the press.

- (c) It shall be unlawful to violate an order or special notice prohibiting fires on any Boulder County Parks & Open Space area.

## 8. Bicycles

No person shall ride a bicycle or unicycle within any Boulder County Parks & Open Space area except on trails where such use is designated, including day-of-use and directional designations, and at the Boulder County Fairgrounds. Unless otherwise stated, the definition of bicycle shall include: all exclusively human-powered wheeled vehicles. Gas and electric assisted bicycles are prohibited within any County Parks & Open Space area except where such use is specifically designated. Strollers and wheelchairs are exempted from this regulation and are permitted within any Boulder County Parks & Open Space area.

## 9. Vehicles

- (a) No person shall operate a motor vehicle, including a car, truck, motorcycle, minibike, electric scooter, low-powered scooter, electric assisted bicycle, snowmobile, four-wheel drive or other recreational vehicle, within any Boulder County Parks & Open Space area, unless the area is specifically designated and posted to permit the operation of such vehicle in that area. Boulder County and emergency vehicles on official business are excepted from this rule. For exceptions related to disabled access refer to Rule 9(b).
- (b) Individuals with mobility disabilities are permitted to use wheelchairs and/or manually-powered mobility aids on any trail open to pedestrian use so long as they are used in a manner that is safe for the user. Individuals with mobility disabilities may use other power-driven mobility devices ("OPDMDs") on all trails open for pedestrian use unless a particular trail has been designated as being unsafe for use by OPDMDs based upon the assessment factors found in 28 CFR § 35.137(b)(2). A current list of trails that have been designated as being unsafe for use of OPDMDs shall be kept on the Boulder County Parks & Open Space web site. County personnel who have been granted authority for enforcement of these Rules and Regulations pursuant to Rule 28 shall have the discretion to temporarily designate additional trail segments or other facilities on Boulder County Parks & Open Space areas as inappropriate for use of certain classes of OPDMDs based upon current conditions that may affect the safety of the OPDMD user or other members of the public and/or harm to the immediate environment or natural or cultural resources, such as weather, trail conditions, and volume of pedestrian traffic. Use of OPDMDs within any Parks & Open Space area must be in a safe manner and is at the risk of the user. OPDMDs may not be used off trail in any Parks & Open Space area.
- (c) Vehicles must be parked only in designated areas, and/or in compliance with all posted parking signs.
- (d) Vehicles may not be parked, attended or unattended, at any time from sunset to sunrise except with permission from the Director.
- (e) Only persons with a disability may park in spaces designated for persons with disabilities. A license plate or placard obtained pursuant to § 42-3-121, C.R.S., as amended, or otherwise authorized by § 42-4-1208 (4), C.R.S., as amended, shall be displayed at all times while vehicle is parked in such a space.
- (f) It shall be unlawful to park in a manner that impedes the safe flow of traffic.



**10. Advertising and Signs Prohibited**

Posting of signs, advertisements and flyers or placement of brochures on Boulder County Parks & Open Space areas or on vehicles within parking facilities is prohibited without permission from the Director.

**11. Swimming and Skating**

It shall be unlawful to swim, dive, ice skate, walk on ice, use any floatation device not designed for fishing, in or on any lake, pond, or stream within any Boulder County Parks & Open Space area, unless the area is specifically posted to allow such activity.

**12. Littering/Dumping**

- (a) It shall be unlawful to deposit or dispose of trash, garbage, rubbish, litter, debris, or other objects within any park or open space area, except that which is generated by legal activities conducted within the Boulder County Parks & Open Space area. Trash and debris legally generated within any Boulder County Parks & Open Space area must be removed or deposited in a designated trash receptacle.
- (b) It shall be unlawful to clean vehicles / livestock trailers out onto Boulder County Parks & Open Space areas, including the Boulder County Fairgrounds.
- (c) Under no circumstance may hazardous materials be deposited within Boulder County Parks & Open Space areas.

**13. Glass Containers**

It shall be unlawful for any person to carry or possess, outside of an enclosed vehicle, any glass bottle or other glass container within any Boulder County Parks & Open Space area, except as might be required for prescribed medical treatment or for food preparation in the concession areas or campground at the Boulder County Fairgrounds. Exceptions are also made for specific events under lease at the Boulder County Fairgrounds or pursuant to the terms of an agricultural lease. Further exceptions are permitted only by obtaining written permission from the Director or the Board.

**14. Smoking**

Smoking is prohibited within any Boulder County Parks & Open Space area. Smoking is defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, plant, electronic smoking device or other combustible substance in any manner or in any form, regardless of its composition.

**15. Marijuana**

It shall be unlawful to consume marijuana or any marijuana derivative within any Boulder County Parks & Open Space area.

**16. Alcoholic Beverages**

Possession and consumption of alcoholic beverages is permitted within Boulder County Parks & Open Space areas so long as in compliance with all other Rules and Regulations and state law. Vendors at the Boulder County Farmers' Market may conduct tastings at the Fairgrounds without a Special Events Permit if in compliance with the Fairgrounds Policy Manual and the lease from Boulder County to the Farmers' Market. Alcoholic beverages may be prohibited on specific Boulder County Parks & Open Space areas by action of the Board.

**17. Hours**

Boulder County Parks & Open Space areas shall be open for daytime use only, between sunrise and sunset, with the exception of the trail corridors for the Longmont-to-Boulder (LoBo) Trail, Coalton Trail, Coal Creek Trail, Rock Creek Trail, Meadowlark Trail, US 36 Bikeway, Boulder Canyon Trail, Open Sky Loop trail adjacent to Pike Road, and Mayhoffer-Singletree Trail. These trail corridors and

neighborhood connecting spurs shall be open 24 hours per day. Further exceptions are permitted only by obtaining written permission from the Director or the Board.

**18. Research Projects**

All research projects to be conducted within any park or open space area must be reviewed and written authorization granted in advance from the department.

**19. Commercial Activity**

It shall be unlawful for any person, acting individually or on behalf of a business or organization, to use any ~~Boulder County Parks & Open Space~~ area for any commercial purpose ~~(such as~~ including races or events; filming movies or commercials; **photography for commercial marketing and advertising purposes**; guiding service; equipment demonstrations; **or** riding activities of a commercial horse stable, riding school, or livery~~).~~ Individuals engaging in still camera photography are exempt as are nonprofit tax-exempt entities and anyone acting pursuant to the terms of a lease.

**20. Special Use Permits**

Special use permits are required for any group of 25 or more. Requests must include the group affiliation, dates and time of use, trails or areas to be used, and other details of the use. If, in the opinion of the Board or the Director, the activity will cause significant impact to the natural environment or will require significant departmental resources, the county may prescribe a fee that includes the costs expected to be incurred by the department, or deny permission for the activity.

**21. Disorderly Conduct**

~~It shall be unlawful for any person to engage in disorderly conduct or any activity within a Boulder County Park and Open Space area which interferes with the health, safety, and welfare of users or neighbors in the area, or which creates a nuisance (including amplified sound).~~

~~Exception from the ban on amplified sound is made for leased events at the Boulder County Fairgrounds.~~

- (a) **It shall be unlawful for any person to engage in any activity or behavior within an Open Space area which interferes with the health, safety, or welfare of themselves, other users, or adjacent landowners.**
- (b) **It shall be unlawful to use sound amplification devices within Open Space areas or to permit unreasonably loud noises that disturb others except for leased events at the Boulder County Fairgrounds.**

**22. Trail Use**

- (a) It shall be unlawful for any trail user to fail to yield to other trail users in the manner defined herein or as otherwise posted at trailheads. The appropriate order for yielding

the trail right-of-way is as follows: All users yield to equestrians, bicyclists yield to pedestrians, and bicyclists headed downhill yield to bicyclists headed uphill. Yielding the right-of-way requires slowing down to a safe speed, being prepared to stop, establishing communication, and passing safely.

- (b) The Board may, by resolution, adopt use restrictions on specific trails or Parks & Open Space areas when such restrictions are necessary for resource protection or safety related issues. Such restrictions shall be posted at the trailheads.

## 23. Closures

- (a) Boulder County Parks & Open Space areas being managed for agricultural purposes, whether by the department or a lessee, are closed to the public unless trails and other related facilities are designated for another purpose by the Board. It shall be unlawful for any unauthorized person to enter such closed areas.
- (b) ~~The Board or the department may from time to time determine that closure of Boulder County Parks & Open Space areas to the public and/or to certain animals is necessary or desirable due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs. The Board may designate an area as closed temporarily, permanently, or for an indefinite period of time. The Director's or his or her designee may also designate an area closed, temporarily, permanently, or for an indefinitely for a period. not to exceed four weeks, and within two business days of making such a decision, shall send notification of the closure to the Board. The Board may, at a regularly scheduled business meeting, rescind, extend, or otherwise modify the decision by the Director or his or her designee. It shall be unlawful for any unauthorized person to enter areas that are closed. All closures, whether temporary, permanent, or indefinite, and whether by the Board or by the Director, shall be designated at the site of the closure and on the Boulder County Parks & Open Space website.~~  
The Board or the department may from time to time determine that closure of Boulder County Parks & Open Space areas to the public and/or to certain animals is necessary or desirable due to wildlife, vegetation, management review, contractual agreement, public safety concerns, and/or other resource protection needs. The Board may designate an area as closed temporarily, permanently, or for an indefinite period of time. The Director's or his or her designee may also designate an area closed, temporarily, permanently, or for an indefinitely for a period. not to exceed four weeks, and within two business days of making such a decision, shall send notification of the closure to the Board. The Board may, at a regularly scheduled business meeting, rescind, extend, or otherwise modify the decision by the Director or his or her designee. It shall be unlawful for any unauthorized person to enter areas that are closed. All closures, whether temporary, permanent, or indefinite, and whether by the Board or by the Director, shall be designated at the site of the closure and on the Boulder County Parks & Open Space website.
- (c) ~~Operators of remote controlled gliders may apply to the Director or the Board for permission to retrieve gliders that may land on the Lindsay Open Space property.~~

## 24. Other Prohibited Activities

- (a) Other prohibited activities include: polluting land, water, or air; golfing; hang gliding; paragliding; parapenting; parachuting; parasailing; the use of remote-controlled land, water, or air-borne devices; mountain skateboards; mountain ski-bikes; off-road roller blades; and similar devices unless the activity is permitted in a lease at the Boulder County Fairgrounds.
- (b) Except for emergency landings, it shall be unlawful to take off, operate, or land with any motorized or non-motorized aircraft within Parks & Open Space areas. "Aircraft" includes but is not limited to: airplanes, helicopters, ultralights, gliders/sailplanes, and hot-air balloons except as permitted by current Boulder County Parks & Open Space policies for unmanned aircraft systems or the conditions of a lease at the Boulder County Fairgrounds.
- (c) Special regulations may apply to buildings open to the public on Boulder County Parks & Open Space areas. These regulations shall be approved by the Board. Such regulations will be posted on site.

- (d) It shall be unlawful to take-off, land, or operate any unmanned aircraft system (drone) on Boulder County Parks & Open Space areas unless permitted by the Director. No person shall operate an unmanned aircraft system so as to endanger, harass, harm, or injure any person, companion animal, livestock, or wildlife on Boulder County Parks & Open Space areas.

## 25. Regulatory Signs

It shall be unlawful to violate any official rule or regulation posted on a sign.

## 26. Fairgrounds Campground

It shall be unlawful to violate the following rules and regulations for the Boulder County Fairgrounds.

- (a) Length of stay at the campground is not to exceed a total of fourteen days within a given calendar year. Campsites must be occupied during stay. Extensions may be permitted only by obtaining written permission from the Fairgrounds Manager.
- (b) Checkout time for those staying at the campground is 10:00 a.m. the morning following a paid night's stay.
- (c) Quiet hours at the campground are between the hours of 9:00 p.m. and 6:00 a.m.
- (d) Discharge of gray or black water from motor homes, campers or trailers is permitted only at the designated dumpsite.
- (e) Permits for camping in designated areas must be kept current or secured in advance from the Fairgrounds staff or onsite pay station. Payment for that day must be received by 10:00 am or within one hour after arrival to the campground.
- (f) Livestock are prohibited in the campground.
- (g) Within the exhibitor and spectator areas at the Boulder County Fairgrounds, livestock must be penned or tied in the barn areas or otherwise under the physical control of a person. Livestock is defined as: "farm animals, raised for human use or profit (cattle, horses, goats, hogs, sheep, etc.)"
- (h) Campground restrooms and showers may be used by registered campers only.
- (i) It shall be unlawful to violate any rule or regulation contained in the Boulder County Fairgrounds Manual. Violations may result in a fine and/or expulsion from the campground.

## 27. Boating

- (a) Boating is only permitted on waterways which are owned and/or managed as Boulder County Parks & Open Space areas if the waterway is specifically posted to allow boating and if in compliance with Article 13 of Title 33, C.R.S., as amended.
  - i. "Vessel" means every description of watercraft used or capable of being used as a means of transportation for persons and property on the water, other than single-chambered air-inflated devices, float tubes, or seaplanes.
  - ii. "Float tubes" means a single person inflatable watercraft designed for fishing and in which a fisherman is submerged below the water level. If the fisherman



sits above the surface of the water, the watercraft shall be considered a vessel and is subject to the rules and regulations related to boating.

iii. *"Portable vessels"* means non-motorized car top boats that can be lifted onto and taken from the top of a passenger vehicle such as kayaks, stand-up paddleboards, surfboards, and canoes.

- (b) Any vessel powered by the wind such as sailboats and sailboards are specifically prohibited on all Boulder County Parks & Open Space waters.
- (c) Motorized vessels are prohibited on all Boulder County Parks & Open Space waters, with the exception of Lagerman Reservoir, which allows motorized vessels with electric or gasoline powered motors of 8 horsepower or less. Any motorized vessel with a motor larger than 8 horsepower shall have that motor's propeller lifted out of the water at all times.

## **28. Interference and Eluding**

~~It shall be unlawful to interfere or attempt to interfere with any Boulder County Park Ranger or other Open Space employee who is acting in the performance of his or her duties on Parks & Open Space lands or waters or to give false or misleading information with the intent to mislead said person in the performance of his or her duties.~~

- (a) It shall be unlawful to knowingly obstruct, impair, or hinder the performance of a Boulder County Park Ranger or other Open Space employee who is acting in the performance of their duties or to give false or misleading information with the intent to mislead said person in the performance of their duties.
- (b) It shall be unlawful to evade, elude, or attempt to elude a Boulder County Park Ranger by any means or fail to comply with a lawful request to leave an Open Space area.

## **29. Exceptions to the Rules and Regulations**

Exceptions to these Rules and Regulations as amended, re-enacted, or re-adopted, may be granted by the Board or the Director for activities that involve the management of Boulder County Parks & Open Space areas, provided these activities are undertaken or overseen by department staff, or as provided in the terms of a lease.

## **30. Enforcement**

Pursuant to §§ 29-7-101(2) and (3) and § 30-15-401, C.R.S. et seq., as amended, it is the duty of the Boulder County Sheriff and the Sheriff's deputies to enforce any and all of the Rules and Regulations adopted for Boulder County Parks & Open Space areas. To the extent that the Board may find it desirable to vest specific enforcement authority in designated Boulder County personnel, those individuals so vested shall also have the authority and responsibility to enforce regulations adopted for Boulder County Parks & Open Space areas. Any person who violates any of these Rules and Regulations may be expelled from Boulder County Parks & Open Space areas.

## **31. Interpretation of Rules and Regulations**

- (a) It is hereby declared to be the legislative intent that the provisions of this resolution shall be separable, in accordance with the provisions set forth as follows: If any provision of this resolution is ruled to be invalid by any court of competent jurisdiction:
  - i. The effect of such judgment shall be limited to that specific provision or provisions which are expressly stated in the judgment to be invalid; and

ii. Such judgment shall not affect, impair, or nullify the validity of application of the remainder of this resolution as a whole or any other part thereof, and the rest of this resolution shall continue in full force and effect.

- (b) The enactment of this resolution or any amendment thereto shall not be construed as abating any action now pending under or by virtue of prior provisions, or discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the county under any provision existing prior to the adoption of this resolution, or as vacating or annulling any rights obtained by any person by lawful action of the county except as shall be expressly provided for in this resolution.

### **32. Penalties**

Violation of any rule or regulation above shall be a Class 2 Petty Offense as provided for in § 29-7-101(2) and § 30-15-402, C.R.S., as amended, and punishable by fine or as otherwise provided by law.

- (a) Any person having the authority and responsibility to enforce these rules and regulations and having knowledge of any violation of the rules and regulations stated herein may issue a citation or summons and complaint to the violator or, as set forth in Rule 32(b) herein, to a vehicle, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

- (b) Any person having the authority and responsibility to enforce the rules and regulations for Boulder County Park and Open Space areas and having knowledge of any violation of the rules and regulations stated herein may use the Penalty Assessment Procedure defined under § 16-2-201, C.R.S., as amended, by issuing the violator a penalty assessment notice

and releasing the violator upon its terms or, as the law allows, by taking the violator before a county court judge. The penalty assessment notice shall be a summons and complaint and shall contain the identification of the offender, the specification of the offense, and the applicable fine. As provided in § 16-2-201(1.5), C.R.S., as amended, a penalty assessment notice may be placed on an unattended vehicle that is parked in apparent violation of any county regulation. A penalty assessment notice placed on a vehicle shall contain the license plate number and state of registration of the vehicle in lieu of the identification of the offender.

- (c) When the Penalty Assessment Procedure is used, the following schedule of fines shall be used with exception for parking, weapons, hunting, and fire-related violations as noted below:

Regulations assessments:

First Offense ~~\$75~~ 100

Second Offense ~~\$150~~ 200

~~Third Offense \$300~~

Subsequent Offenses \$300 or maximum allowable by law

Weapons, hunting, Interference, and fire-related assessments:

First offense \$300

Subsequent Offenses \$300 or the maximum allowable by law

Closures, disorderly conduct, resource protection and vehicles in violation of Rule 9(a):

First Offense ~~\$150~~ 200

Subsequent Offenses \$300 or the maximum allowable by law

Parking assessments for violation of Rule 9(c):

First Offense ~~\$25~~ 50

Second Offense ~~\$50~~ 100

Third Offense ~~\$75~~ 150

~~Fourth Offense \$100~~

Subsequent Offenses \$300 or maximum allowable by law

Parking assessments for violation of Rule 9(d): ~~\$50~~ 75

Parking assessments for violation of Rule 9(e): ~~\$100~~ 150

The department shall make available for inspection to the public a current copy of the existing rules and regulations relating to Boulder County Parks & Open Space areas.

BE IT further RESOLVED that any prior resolutions setting forth Rules and Regulations for Boulder County Parks & Open Space areas, which are inconsistent herewith, are hereby expressly repealed.

A motion to adopt this Resolution was made by Commissioner \_\_\_\_\_

seconded by Commissioner \_\_\_\_\_ and adopted by a \_\_\_\_\_ vote.

ADOPTED this \_\_ day of \_\_\_\_\_, 2020.

BOARD OF COUNTY COMMISSIONERS  
OF BOULDER COUNTY

eGardner

ATTEST: