



# Parks & Open Space

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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, October 27, 2022

<b>TO:</b>	Parks & Open Space Advisory Committee
<b>FROM:</b>	Sandy Duff – Senior Land Officer
<b>AGENDA ITEM:</b>	Bald Mountain-State Land Board Acquisition
<b>ACTION REQUESTED:</b>	Recommendation to the BOCC

*For much longer than Parks & Open Space's history of stewarding open space, the land in this community has been important to the diverse Indigenous communities that continue to thrive here. We are partnering with Indigenous people to make meaningful changes to how we do our work that include Indigenous people, incorporate their perspectives, and honor their land stewardship legacy.*

### Summary

Boulder County proposes to acquire fee title to 130 acres owned by the State of Colorado, State Land Board, for \$2,878,000 including an agreement not to develop the mineral rights. The property has an address of 4111 Sunshine Canyon Drive and is located approximately 5.4 miles northwest of Boulder, along Sunshine Canyon Drive. Staff supports this acquisition.

### Background Information

The Bald Mountain parcel is located on both sides of Sunshine Canyon Drive, with the majority of the parcel being on the south side which has the trailhead and a one-mile scenic loop to the top of Bald Mountain. Boulder County has been leasing the property since 1973.

This parcel has no sale history as it was created during Colorado's statehood in 1876 when the Colorado Constitution created the Colorado State Board of Land Commissioners (State Land Board) to manage lands that were granted by the federal government to Colorado in public trust. This included lands in sections 16 and 36 in every township across Colorado. The property was leased by the State Land Board for mining and for grazing prior to the county lease.

Today, the Bald Mountain Scenic Area hosts over 33,000 visitors a year. The historic cattle loading chute serves as part of the gate at the trailhead.

### Deal Terms

On June 16, 2022, the State Land Board unanimously approved commencing the process of transferring two parcels of land to Boulder County through a direct to local government transaction. The State Land Board infrequently disposes of trust lands and does so only when there is a clear benefit to the State Land Board's trusts. State Land Board staff believe that the longstanding lease of the property for public open space makes any alternative future use or development unlikely.

The property has been appraised at \$2,800,000 for the land. There are no water rights with this property. Boulder County will not acquire the mineral rights with this property because the State Land Board is constitutionally prohibited from selling them. Instead, the State Land Board has agreed to enter into a 99-year non-development agreement with the county for the appraised value of \$78,000. The combined purchase price of \$2,878,000 equates to \$22,138/acre.

In 2015, Boulder County negotiated for a portion of its annual lease payments for the Heil Valley Ranch and Bald Mountain parcels to be credited toward the county’s purchase price of the properties. For ease of closing, the credit will be calculated and applied to the closing on the Bald Mountain parcel. The credit amount will be approximately \$650,000. This transaction will be paid for with open space sales and use taxes, which Boulder County can only use for open space purposes.

*Acquisition Summary*

Acres	Water Rights	# Building Rights County Will Acquire	Price per Acre	Water Right Value	Total Purchase Price
130	N/A	3	\$22,138 acre	N/A	\$2,878,000

A Phase I environmental assessment will be completed, and if the results show any mining hazards on the property, staff will notify the State of Colorado’s Division of Mining, Reclamation and Safety for formal closure of those hazards. Parks & Open Space will use the Phase I report to determine whether any portions of the property need to be closed to public use for public safety reasons.

*Oil & Gas Leases*

The property is not subject to an oil and gas lease.

**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 Natural Communities, and a View Protection Corridor rating of 2 on a scale of 1-5 (with 5 being the highest score).

**Potential Uses**

Like all properties acquired for open space, the property will be managed for an open space use. At this time, the property is used for passive recreational activities through the Bald Mountain trail system. The property will remain open to public use and will be operated under the Rules and Regulations of Boulder County Open space.

**Staff Recommendation**

Staff recommends approval. Boulder County has been leasing the Bald Mountain State Land Board Parcel since 1973, and this particular open space property is one of the flagship properties

in the county open space program. Hiking and picnicking are part of this popular spot. By securing the fee title of the parcel, the county will be able to protect the property in perpetuity, confident that the property cannot be subdivided and sold. The opportunity has now come up to purchase the property, and it is very important to acquire the property to protect it from development.

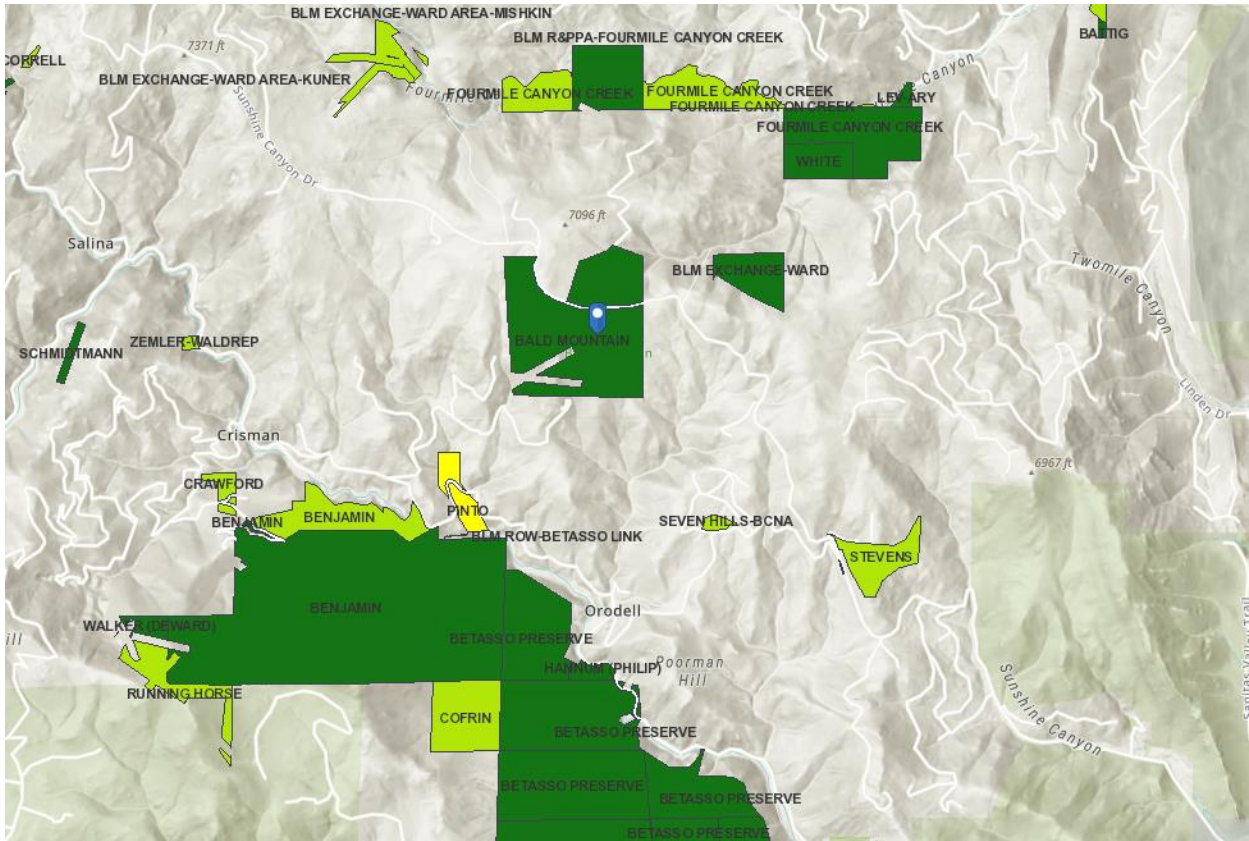
**POSAC Action Requested**

Recommendation to the Boulder County Commissioners for approval of the acquisition of the State Land Board Bald Mountain parcel as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the acquisition of the property as staff has described.

(see next pages for maps)

# Vicinity Map





Closeup Map

