



Parks & Open Space

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PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, February 27, 2025

TO: Parks & Open Space Advisory Committee
FROM: Aaron Clark, Land Officer
AGENDA ITEM: Bearberry Property Acquisition
ACTION REQUESTED: 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 diverse American Indian, urban native, Indigenous, and other cultural communities that continue to live 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. Parks & Open Space operates within modern legal constructs of land ownership to steward Boulder County open space and accomplish these efforts on behalf of our community.

Summary

Boulder County proposes to acquire fee title to 80 acres owned by Florian Freymuth, with appurtenant water rights, for \$1,650,000. The property has addresses of 6201 Coal Creek Canyon Drive and 5614 Coal Creek Canyon Drive and is located near the intersection of Coal Creek Canyon Drive and the Peak to Peak Highway. Staff supports this acquisition.

Background Information

The property has been in the current owner's family for many years. Bearberry consists of three parcels. Two of the parcels totaling approximately 60 acres are within Boulder County and one parcel of approximately 20 acres lies within Gilpin County. Bearberry is adjacent to USFS lands on the south and west. To the north across Highway 72 is the recently acquired Elk Tracks county open space property, with Reynolds Ranch lying beyond that to the north. There are several structures on the property, including two houses, one in Gilpin County and one in Boulder County. There are also several small sheds that have been used for storing equipment. The property is primarily forested, although there are mapped wetlands and riparian areas in the vicinity of Beaver Creek, which flows through the northern part of the property. Two small ponds have been formed where driveways and culverts that access the property have been installed across Beaver Creek.

Deal Description

Parks & Open Space proposes acquiring these 80 acres and two residences for \$1,650,000. While the property will come with all appurtenant water rights, there are no ponds or other named water rights being acquired and the acquisition does not come with rights to use the water in Beaver Creek. The acquisition will acquire three development rights, two in Boulder County and one in Gilpin County. This transaction will be paid for with funds from the 2021 Gross Reservoir settlement between Denver Water and Boulder County. As part

of that agreement, Denver Water set aside funds for Boulder County to use “for acquisitions of fee properties, conservation easements, and trail corridors.”

Acquisition Summary

\$1,650,000 Land Price and Value

Boulder County will acquire these interests:

- 80 Acres (Fee)
- 3 Building Rights, with two residences in place and one building right unused.

The property is not subject to an oil and gas lease; however, the mineral rights were reserved by prior owners and will not be part of the county’s acquisition.

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: View Protection Corridor (Highway 72, Value 2.23 on a range from 1-5 with 5 being the highest), Riparian Areas, Wetlands, Significant Natural Communities. Gilpin County mapping shows the area as a Wildlife Corridor, Elk Migration Corridor, Elk Winter Concentration Area, and Mule Deer Winter Range., and a scenic view area

Potential Uses

Like all properties acquired for open space, the property will be managed for an open space use. The property is currently used for two residences and for seasonal recreation.

The property will be open to public use unless Parks & Open Space later determines other closures or other open space uses are appropriate. The process to determine specific future open space uses (including public access via trails or other passive recreation versus closures that protect a property’s open space resources) is an involved planning process that can only be done after acquisition. Parks & Open Space staff need ample time after acquisition to evaluate the property, and no evaluations about other potential future uses have been made at this time.

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.

Staff Recommendation

Staff recommends approval. The property is close to the recently acquired Elk Tracks property across the highway and Reynolds Ranch further north, along with US Forest Service lands on the

west and south. Additionally, acquisition of this property will protect an important area of riparian and wetland resources, scenic views, and wildlife habitat.

POSAC Action Requested

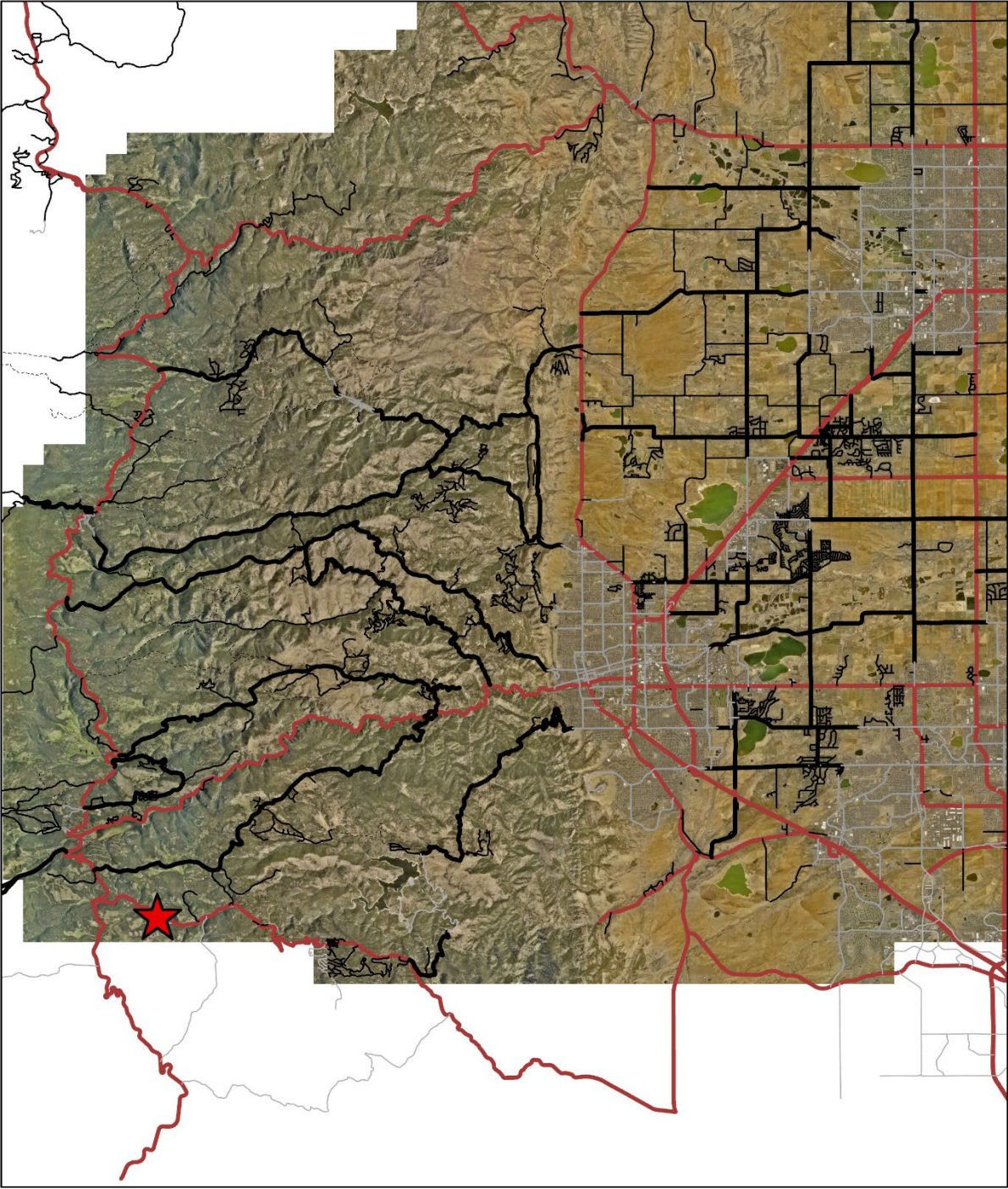
Recommendation to the Boulder County Commissioners for approval of the project as described above and as further described by staff at the POSAC meeting.

Suggested motion language: I move approval of the project as described above and as further described by staff in their presentation.

(see next pages for maps)

Vicinity Map

Bearberry Parcels - Vicinity Map



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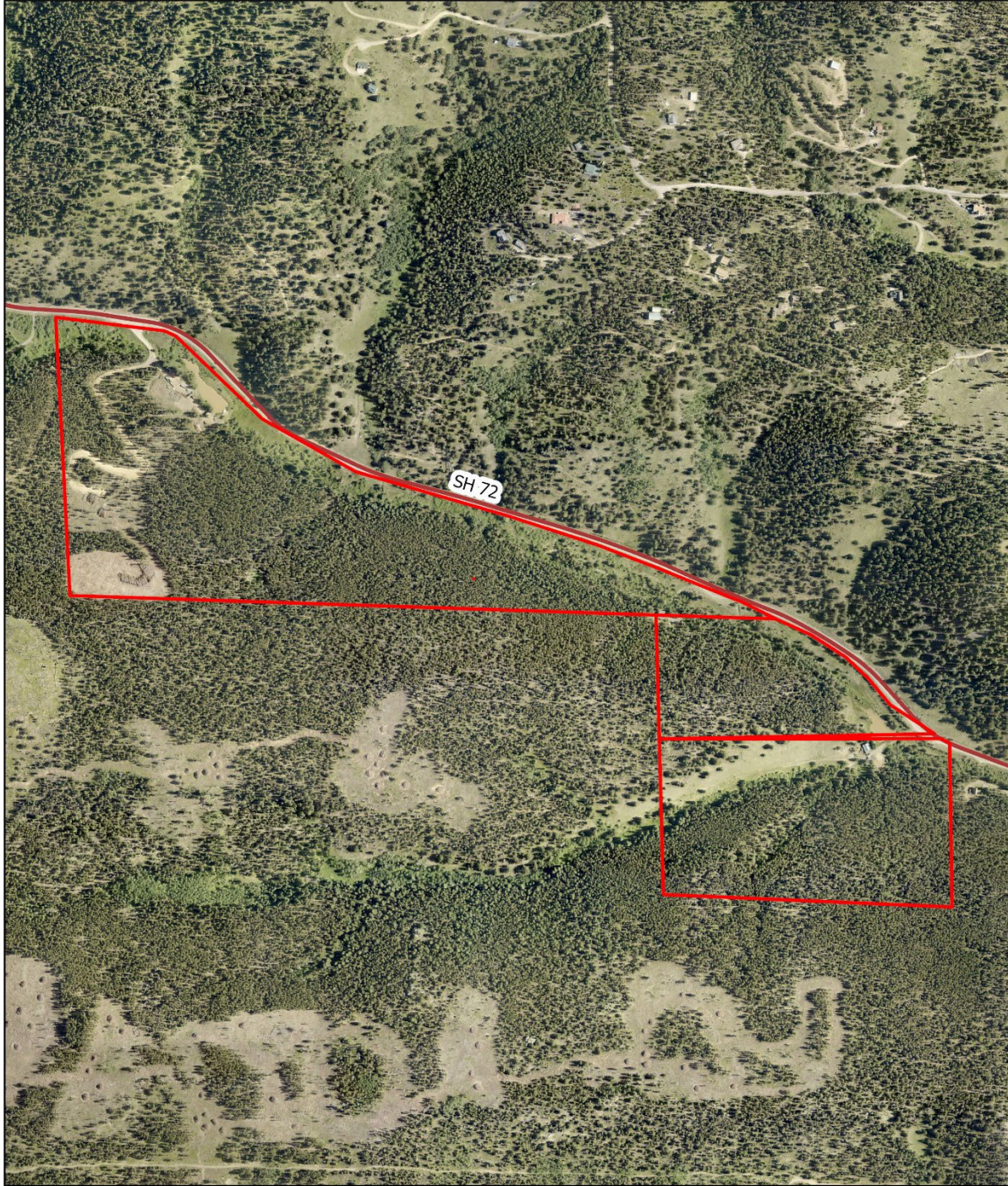
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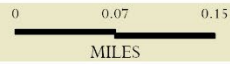
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Close-Up Map

Bearberry Parcels - Focus Map



2024



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