



# Parks & Open Space

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## PARKS & OPEN SPACE ADVISORY COMMITTEE MEETING

Time/Date of Meeting: 6:30 p.m., Thursday, November 20, 2024

**TO:** Parks & Open Space Advisory Committee  
**FROM:** Melissa Arnold, Land Officer  
**AGENDA ITEM:** Stillwater Bend Conservation Easement  
**ACTION REQUESTED:** Recommendation to the BOCC

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Real Estate Land Commitment: For much longer than Parks & Open Space's history of stewarding open space, the land in this community has been important to American Indian, urban native, Indigenous, and other cultural communities that continue to live here. We are making meaningful changes to how we do our work that include them, 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 conservation easements and restrictive covenants over Stillwater Bend, approximately 140 acres owned by GH Land, LLC and partly by the Gayle G Hepp Trust, for \$1,700,000. The property consists of three parcels with addresses of 6835, 6917 and 0 Hygiene Road located west of the Town of Hygiene near the intersection of N 75<sup>th</sup> Street and Hygiene Road. The property would be reconfigured into four parcels, the largest one being a preserve subject to a conservation easement, and the other three being house lots, one of which will be subject to a conservation easement and the other two subject to restrictive covenants. This configuration will result in one development right being removed from the property. Staff supports this acquisition.

### Background Information

Stillwater Bend, owned by the Hepp family for decades, is an ecologically diverse landscape that includes a 1,700-foot stretch of the St. Vrain Creek, a series of reclaimed gravel ponds with rich riparian and wildlife habitat, and undisturbed grassland and shrubland. The property also contains 10 acres of irrigated hay fields, lakes recreationally used by the family and their guests, and agricultural outbuildings approximately consisting of a 4,000 square foot barn, a 2,400 square foot barn, a 1,750 square foot equipment shed, and a 350 square foot lean-to shed.

After the 2013 flood, the landowner worked with the county to restore sections of the creek; however, the gravel pond in the southwest corner of the property that had been partially filled in by the flood was left untouched for wildlife habitat. This has resulted in an ecologically unique backwater area that is rare along the St. Vrain Creek, as it provides off-channel habitat for native fish, beaver and other aquatic species. Since 2019, the Hepp family has partnered with department wildlife staff to introduce and monitor the health of aquatic species in need of conservation with students from St. Vrain Valley School District Innovation Center. This backwater area continues to provide valuable scientific data and

opportunities for native species to once again thrive in and along the St. Vrain Creek.

### Deal Description

The property will be reconfigured into four separate parcels (illustrated on the enclosed Proposed Configuration of Parcels Map at the end of the memo), subject to restrictions including no division or annexation:

- **Preserve parcel:** an approximately 88-acre Preserve parcel, including the backwater area along the St. Vrain Creek, will be encumbered with a conservation easement prohibiting residential development and permitting up to 5,000 square feet of structures accessory to the permitted uses on the property. Any structures will be located within an approx. 2-3 acre building envelope located in the southeast portion of the Preserve where an existing barn and lean-to are already situated, except that up to 500 square feet may be placed outside of the building envelope in a location that does not diminish the conservation values. Continued agricultural use of the hayfields and recreational use of the lake will be permitted. Water rights associated with the Preserve, including water from the Chapman & McCaslin Ditch, will be tied to the land through the conservation easement so they cannot be sold separately.
- **West Lake House Lot:** an approximately 7-acre lot will be subject to a house lot conservation easement permitting one residence not to exceed 6,000 square feet, and up to 5,000 square feet of structures accessory to the permitted uses on the property.
- **East Lake House Lot:** an approximately 13-acre lot will be subject to a restrictive covenant, permitting one residence and agricultural uses, including an existing barn and equipment shed. This lot will not have square footage restrictions.
- **North Lake House Lot:** an approximately 32-acre lot subject to a restrictive covenant, permitting one residence not to exceed 6,500 square feet and structures accessory to permitted uses on the property that will not have square footage restrictions.

In addition, the landowner and county will enter into an agreement allowing department staff and its partners continued access to the backwater area of the Preserve for continued ecological and educational research and monitoring.

### Acquisition Summary

\$1,700,000	Total Price and Value (Fund Source: Open Space Sales and Use Taxes)
<u>\$ 0</u>	Water Price
\$1,700,000	Total Price (Fund Source: Open Space Sales and Use Taxes)
<u>\$ 0</u>	Donation Value
\$1,700,000	Total Value

Boulder County will acquire these interests:

- 140 Acres for two conservation easements and two restrictive covenants (as described above in Deal Description) [\$12,143/acre]
- 1 Development Right (to be extinguished with the Preserve conservation easement; 3 will remain with the 3 house lots)

- None Water Rights associated with the property will be tied to the Preserve conservation easement, including any water from the Chapman & McCaslin Ditch
- None Mineral Rights\*

\* Due diligence is still occurring regarding the mineral rights. It is likely that some of the mineral interest has been separated from the surface estate, but the conservation easement and restrictive covenants will prohibit further separation of or extraction of any minerals from the property to the extent the landowner still owns and controls the mineral rights. 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: Riparian areas, Riparian Habitat Connector along St. Vrain Creek, Critical Wildlife Habitats and Wildlife Migration Corridors for the St. Vrain Corridor, Preble’s Jumping Mouse Conservation Area Zone 1 mouse management area, Significant Agricultural Lands of Statewide Importance, and View Protection Corridor.

### **Potential Uses**

The property will not be open to the public because it is privately owned. Although the county is acquiring conservation easement and restrictive covenant interests over this property, it will remain in private ownership and will be managed by the landowner. The landowner’s property uses will be restricted by the terms of the conservation easements and the restrictive covenants, which are designed to protect the property’s conservation values.

### **Staff Recommendation**

Staff recommends approval. Stillwater Bend has been on the county’s priority list for years. The opportunity to preserve this land will ensure limited development, protect unique aquatic and wildlife habitat along the St. Vrain Creek, and add to hundreds of acres of contiguous open space and conservation easement land in the area. The fact that the landowner is allowing Parks & Open Space staff to have continued access to the backwater area of the Preserve for ongoing ecological and educational research and monitoring is especially valuable because it supports further advancement of wildlife and habitat goals within the county’s open space program.

### **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)



# Close-Up Map – Existing Configuration of Parcels



