



Parks & Open Space

5201 St. Vrain Road • Longmont, Colorado 80503

303.678.6200 • Fax: 303.678.6177 • www.BoulderCountyOpenSpace.org

BOCC HEARING

Time/Date of Meeting: 11:00 a.m., Tuesday, March 10, 2020

Location: BOCC Hearing Room, 1325 Pearl Street, 3rd Floor, Boulder, CO

File

TO:	Board of County Commissioners
FROM:	Sandy Duff, Senior Land Officer
RE:	McLachlan Acquisition
DATE:	March 10, 2020
ACTION REQUESTED:	Approval

Summary

Boulder County proposes to pay \$2,400,000 to acquire fee title to Courtney and Brittany McLachlan's 73 acres of agricultural property with wetland features. The property's address is 1000 N. 65th Street in Longmont, and is at the north-east corner of N. 65th Street and Nelson Road. The property is located approximately ¾ mile from the town limits of Longmont. The county is also proposing the creation of two lots to be in the north-west portion of the property, each approximately two acres in size, to be marked for sale at a future date, subject to county-held conservation easements.

Background

The 73-acre McLachlan property contains dryland agriculture, wetland features, and the James Ditch that meanders through the property. The property is immediately adjacent to the Clover Basin Reservoir. The property is also adjacent to the Clover Basin Ranch conservation easement property and lies east of the Bergen Family Farm NUPUD conservation easement property and north and west of the Lyons conservation easement property and the Suitts Open Space property.

The City of Longmont controls the Clover Basin Reservoir and has long desired these parcels for additional open space around the reservoir.

Boulder County will acquire fee title to approximately 73 acres. The county is proposing the creation of two lots located in the north west portion of the property, each approximately two acres in size, to be marketed for sale at a future date. The future uses on these lots will be subject to county-held conservation easements limiting uses to single-family residential uses, subject to future review and approval by Boulder County Planning & Permitting. The remaining 69 acres of land will be open space. The City of Longmont will reimburse the county for one-half of the purchase price of the property, less one-half of any closed sale on a residential lot, and the city will own and manage the 69-acre property. The county will then hold a conservation easement over the vacant 69-acre property.

Acquisition Summary

Acres	Water Rights	# Building Rights County Will Acquire	Price per Acre	Water Right Value	Purchase Price
73 Fee*	None	2	\$32,876	N/A	*\$ 2,400,000
Total County					*\$ 2,400,000

* The county will sell two lots totaling approximately four acres, subject to CEs, with each lot having a residential building right. The county will then convey the remaining 69 acres to the City of Longmont, subject to a county-held CE. The net cost of this transaction is unknown, but the lots will each have substantial value.

The purchase of the property will include all mineral rights.

A Phase I environmental assessment has taken place, and no recognized environmental conditions were identified.

Boulder County Comprehensive Plan Designations

Because the maps in the Boulder County Comprehensive Plan (Comp Plan) are intended to be illustrative rather than specific, the following designations are indicators of importance but not confirmation that these features exist on the property. The Comp Plan indicates the property contains these features: Significant Agricultural Lands of Statewide Importance, Riparian Areas and Wetland Areas at the inlet to the reservoir, and View Protection Corridor.

Potential Uses

At this time, the property is used for agriculture and it also provides wildlife habitat. The property will be closed to public use for management review. The City of Longmont will undergo a public process to determine potential public access (including trails or other passive recreation) versus potential closures to protect the property's other open space resources. The City of Longmont will begin that process after it acquires the property from the county.

Public Process

A public 'division of land' process is required, because this transaction will create two, two-acre lots. Divisions of land under 35 acres require Boulder County Commissioners' approval pursuant to the Subdivision Exemption regulations contained in the Land Use Code. Adjacent property owners have been notified of the proposed divisions of land. The notices included an invitation to attend and comment at this meeting. Staff forwarded to POSAC all comments that were received. Please see the POSAC Recommendation section below for a description of the comments.

POSAC Recommendation

On Thursday, February 27, 2020, POSAC unanimously (7-0) recommended approval of the acquisition as described.

Staff received a total of three comments prior to the meeting, and one member of the public spoke at the meeting to express concerns the city is moving west outside of city town limits. One neighbor across 65th Street supports the acquisition but would like to see that future

houses would be located further back on the residential lots and not immediately adjacent to N. 65th Street. Two other neighbors that are adjacent to the property submitted written comments and one spoke at the POSAC meeting. They have concerns with access to the future lots, which staff explained will be defined with County Planning and Permitting input prior to sale of the lots. They also request that the conservation easement with the city include no public access to the remaining 69 acres because of impacts on the ecological aspects of the property, as well as other items outlined in their attached correspondence. Staff is in negotiations with the city on what that conservation easement will look like, and the city has indicated its intention to provide some type of public access. The two neighbors would like to know what the property use plan will be before the county relinquishes control of the property. Dan Welford, Land Program Administrator for the city, spoke at the meeting regarding the city's public process. The city and their staff are very appreciative of the working relationships they have with the county on a number of other properties, and both open space programs will consider what makes the best open space use of the property.

Responding to the neighbor's concerns about public access, POSAC member Paula Fitzgerald commented that she, too, had concerns with the city's interest outside of their limits, however she noted that the Clover Basin Reservoir is owned by the city. She thought it is important to separate the land transaction from the future public access. She feels that the city will have a public process that is robust and sincere in listening to the public, and it will be handled appropriately by the city staff. POSAC member Scott Miller added that the county will have a conservation easement on the property, so the city will be limited on what it can do on the property.

Staff Recommendation

Staff recommends approval. The property is a haven for a variety of waterfowl species, including bald eagles and osprey, as well as abundant wildlife. This property has always been of interest for the City of Longmont, as well as the county, which is why staff is proposing to partner with the city. Staff is recommending that the property remain closed for management review until the city undergoes its public process for future use of the property. By partnering with the city, the county and the city will be able share in limiting development along Nelson Road and preserve this important property.

BOCC Action Requested

Approve of the acquisition of the McLachlan property as described above.

