

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**CSU Extension Plant Clinic Fees**  
**February 21, 2023**

☐ For Information

☒ For Discussion/Board Direction

☐ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

Colorado State University Extension (CSUE) Jefferson County fee increase for diagnostic and plant/insect identification services to align with statewide rates and County (Parks & Conservation) cost recovery targets more closely.

**Background:**

In January 2023, CSUE Jefferson County elected to use the new state-of-the-art, statewide, Plant Diagnostic Clinic at the CSU Spur campus in Denver instead of our own local laboratory. While our Horticulture team will continue to perform sample intake and diagnostic assessments for Jefferson County residents, commercial samples or samples requiring further diagnosis or laboratory work will be sent to CSU's statewide Plant Diagnostic Clinic.

As a part of this shift, we reviewed our current fees which were established six years ago. Our current rates are not meeting the rising costs for this service and should be adjusted to align with CSU statewide fees and Parks & Conservation cost recovery targets. Below is the proposed new fees schedule with discounts for Jeffco residents.

<b>Fee Type</b>	<b>Current Jeffco Fee</b>	<b>Spur Clinic Fee</b>	<b>Proposed Jeffco Fee</b>
<b>Diagnostic Services</b>	\$7 resident \$10 non-resident	\$30	\$20 resident \$30 non-resident
<b>Plant Identification</b>	\$7 resident \$10 non-resident	\$25	\$15 resident \$25 non-resident
<b>Insect Identification</b>	\$7 for resident \$10 for non-resident	\$15	\$10 resident \$20 non-resident

\*CSU Extension of Jefferson County will accept county resident samples; non-resident samples to be accepted only for special circumstances necessary to supporting another CSUE county office.

**Discussion:**

Shifting to the Spur and the proposed fee schedule has several benefits. First, it uses the CSU statewide Plant Diagnostic Lab offering consistency, efficiency, and comprehensive analysis. The proposed fee schedule continues to provide Jefferson County residents a discount for the CSU Spur Plant Diagnostic Clinic. Also, the proposed fees better align with Jeffco Parks & Conservation Cost Recovery Policy adopted by the Board.

Changes to the fee schedule are requested to be approved by April before the influx of samples begins for the Summer 2023 season. Since the shift to using the Spur occurred after the 2023 Budget process was complete this fee adjustment was not previously approved by the Board.

**Fiscal Impact:**

- Year of impact: 2023 and onwards.
- TABOR impact: Unclear.
- Existing grant or project: Continuation of existing project.
- New grant or project: N/A.
- Requested in adopted budget: No.
- Ongoing or one-time: One-time change for an ongoing project; fees are subject to be reassessed over the years, depending on inflation and/or direction from the CSU Statewide Plant Diagnostic Clinic.
- General Fund impact: Unclear.
- Staffing impact: N/A
- APRA impact: N/A
- Match requirements: N/A
- Mandate/Contractual obligation: N/A

**Revenue Limits Impact:**    ☒yes    ☐no

Revenues received as fees are included in the County's TABOR Limit. Revenue impacts of this proposed fee increase are unclear, with potential County's Fiscal Year Revenue Limit impacts varying year to year.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendation:** That the Board of County Commissioners approves the fee increase for diagnostic and plant/insect identification services to align with statewide rates and County cost recovery targets.

**Originator:** Jeni Carter, CSU Director

**Contacts for Additional Information:** Jeni Carter, CSU Director,  
[jcarter@co.jefferson.co.us](mailto:jcarter@co.jefferson.co.us), 303-271-6629

**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Tincup Ridge Park – Public Service Company Agreement**  
**JCOS20-19**  
**February 21, 2023**

☐ For Information

☐ For Discussion/Board Direction

☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

The County and Public Service Company (PSCO) have reached an agreement for the purchase of 31.449 surveyed acres located on the eastern portion of Tincup Ridge Park, west of Rooney Road and north of I-70. The proposed purchase price is \$192,000.

**Background:**

The PSCO parcels are the last remaining private lands in Tincup Ridge Park. The purchase of this property allows Jeffco Open Space (JCOS) greater control in managing the I-70 Geologic Trail and offers opportunities for new trails within the park and a regional trail connection between Apex and Matthews/Winters Parks.

**Discussion:**

The acquisition of this property achieves several priorities in the Conservation Greenprint, including Goal 4 - Land Acquisition and Goal 9 - Park System Trail Expansion and advances a primary goal of the Jeffco Trails Plan to improve connections across the entire region. The purchase price is \$192,000, subject to an easement that allows continued access to the transmission lines and towers.

**Fiscal Impact:**

\$192,000 paid with Open Space Funds from the adopted 2023 budget.

- Year of impact: 2023
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: Funding is part of 2023 adopted budget
- Ongoing or one-time: One-time
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.

- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:**    ☐yes    ☒no

There is no TABOR FY Spending Limit impact, the request is to use existing funds in the FY2023 Budget, and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #21-06 and authorize the purchase of the Tincup Ridge Park – Public Service Company property for \$192,000, subject to an easement that allows continued access to the transmission lines and towers.

**Originator:**

Hillary Merritt, Deputy Director

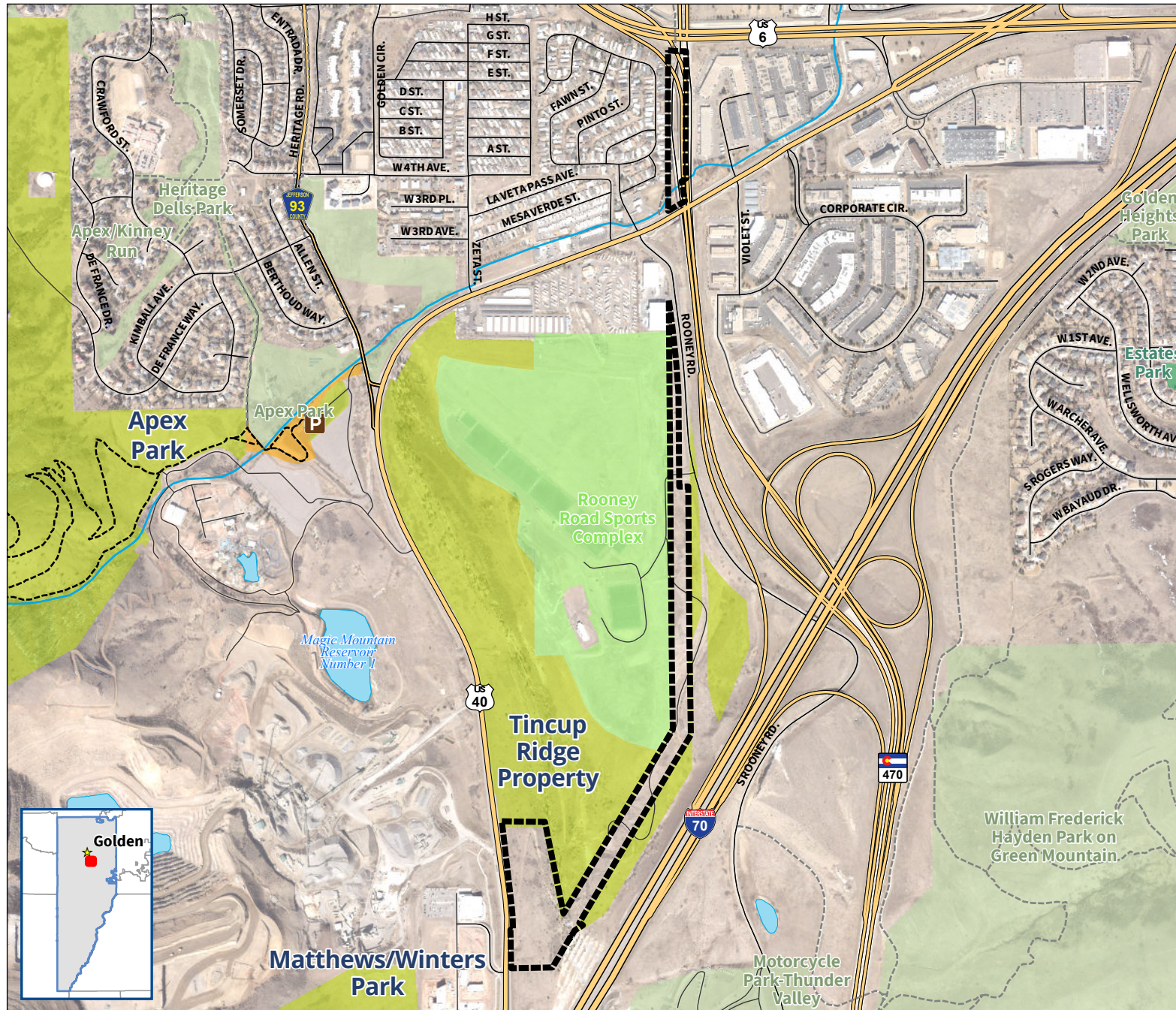
**Contacts for Additional Information:**

Hillary Merritt, Deputy Director, [hmeritt@co.jefferson.co.us](mailto:hmeritt@co.jefferson.co.us) 303-271-5948

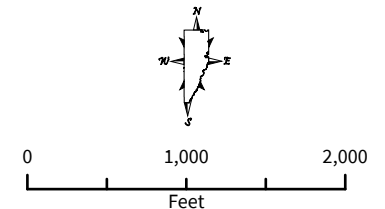


# Tincup Ridge Park - JCOS20-19

## Public Service Company Agreement



- Project Site (31.449 Acres)
- Parking
- Jeffco Open Space Shared-use Trail
- Non-Jeffco Open Space Trail
- Major or Park Access Road
- Local Road
- Jeffco Open Space
- Agreement Held by Jeffco Open Space
- Other Park or Open Space
- County
- Metropolitan/ Recreation District



Scale is 1:14,500 when printed at 8.5"x11"

Last Revised 7/18/2022



**JEFFERSON**  
COUNTY COLORADO  
Open Space

Data Sources: USGS, Jeffco ITS, Jeffco Open Space, NHD, CDOT

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**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Douglas Mountain – Mount Tom Land Conservation Area**  
**JCOS22-06**  
**February 21, 2023**

☐ For Information

☐ For Discussion/Board Direction

☒ Consent to  
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**Issue:**

The Douglas Mountain – Mount Tom Land Conservation Area consists of more than 3,000 acres of undeveloped land in northwestern Jefferson County located east of the Douglas Mountain Study Area and west of White Ranch Park, between Golden Gate Canyon Road and Crawford Gulch Road.

**Background:**

Jeffco Open Space (JCOS) acquired Douglas Mountain in 2015 and the property has been closed to the public to facilitate resource evaluations in advance of developing a park plan for the property. In partnership with Colorado Parks and Wildlife (CPW), Great Outdoors Colorado (GOCO), the Conservation Fund, and Mountain Area Land Trust (MALT), JCOS has an opportunity to preserve an additional 3,000 acres in this area. This acquisition will conserve critical Front Range habitat for big game, preserve scenic viewsheds, and provide public access to Mount Tom.

This project builds off the extraordinary conservation work completed by Jefferson County and CPW over the last few decades and brings together public and private partners with significant experience and resources. Funds from GOCO, CPW and JCOS will be used to purchase fee simple and conservation easement interests in some of the last, privately owned parcels with significant undeveloped acreage in the region.

**Discussion:**

In late 2022, JCOS closed on the first phase of acquisitions, including the 400-acre Parcel A Conservation Easement (CE) and the 435-acre Parcel B Fee acquisition. In the next phase, JCOS will purchase the 404-acre Parcel E property, which includes the summit of Mount Tom. The property is encumbered by a CE held by MALT and the CE will be amended to make a variety of changes, including: (1) extinguish all development rights, (2) incorporate GOCO's standard conservation easement language, (3) allow a new single-track trail for non-motorized use for public access to Mount Tom, and (4) allow subdivision of the subject property for land management purposes.

This final amendment to the CE is required for JCOS to convey 100 acres of Parcel E to CPW for inclusion in the Ralston Creek State Wildlife Area. CPW is not currently included as an eligible partner under the Administrative Policy, adopted on February 11, 2014, that describes the Open Space Program Terms, Priorities, Use of Funds and Transfers of Property. JCOS requests that for purposes of this transaction, the Board of County Commissioners make an exception to the Policy and include CPW as a "Local Government" under provision B.10. for purposes of completing this project. Additionally, for this transaction, JCOS proposes to expand the uses permissible under the Open Space Reverter language spelled out in provision D.6.b. to include as a permissible use that of wildlife protection as defined under the policy of the State of Colorado reflected in C.R.S §33-1-101(1). JCOS will bring these and other requested changes to the Administrative Policy to the Board for approval later this year.

As part of this transaction, JCOS will convey a 100-acre portion of Parcel E to CPW with the Jeffco Open Space Reverter, modified as described above, to ensure it is used exclusively for public open space, park, recreational, or wildlife protection purposes. JCOS will also purchase the 412-acre Parcel F property in Fee and convey the property to CPW for inclusion in the Ralston Creek State Wildlife Area with the aforementioned slightly modified Jeffco Open Space Reverter. In order to protect CPW's financial contribution to the acquisition of Parcel F, JCOS will also enter into an agreement with CPW whereby JCOS will reimburse CPW for the lesser of 10.3% of the property's appraised value or \$326,500 if the property is ever acquired by JCOS under the Reverter. The \$326,500, or 10.3% of the property's currently appraised value is CPW's contribution to this parcel.

**Fiscal Impact:**

The estimated cost for the entire project is approximately \$25.6 million, which will be funded by a \$9,564,500 award from GOCO, a \$6 million award from the CPW Habitat RFP, a \$8.56 million cash match from the Open Space Fund, and land value donations from private landowners. JCOS spent \$5.142 million of its \$8.56 million contribution in 2022 and anticipates spending the remaining \$3.418 million in 2023.



The proposed acquisitions and timelines, subject to final appraisals, are summarized in the following table:

<b>JCOS Acquisitions</b>	<b>CPW Acquisitions</b>
<b>Parcel A</b> – 400 acres Conservation Easement  JCOS contribution: \$2,655,000 GOCO contribution: <u>\$600,000</u> Total \$3,255,000  Completed: November 11, 2022	<b>Parcel G</b> – 664 acres Fee purchase  CPW-RFP: \$5,673,500 CPW-Centennial \$1,564,500 GOCO contribution: <u>\$3,801,500</u> Total \$11,039,500
<b>Parcel B</b> – 435 acres Fee purchase  JCOS contribution: \$2,487,000 GOCO contribution: <u>\$200,000</u> Total \$2,687,000  Completed: December 13, 2022	
<b>Parcels C &amp; D</b> – 817 acres Conservation Easement  Estimated Cost: \$1 million  Anticipated Closing: Fall 2023	
<b>Parcel E</b> - 404 acres Fee purchase (Includes MALT CE)  JCOS contribution: \$1,657,000 GOCO contribution: <u>\$1,332,000</u> Total \$2,989,000  Closing: Spring 2023	<b>Parcel E</b> - 100 acres conveyed with JCOS Reverter and MALT CE       Closing: Spring 2023
<b>Parcel F</b> – 412 acres Fee purchase  JCOS contribution: \$1,261,000 GOCO contribution: \$1,566,500 CPW contribution: <u>\$326,500</u> Total \$3,154,000  Closing: Spring 2023	<b>Parcel F</b> – 412 acres conveyed with JCOS Reverter       Closing: Spring 2023

- Years of impact: 2022-2023
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: Funding for this phase is part of 2023 adopted budget
- Ongoing or one-time: One-time
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.
- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:**    ☐yes    ☒no

There is no TABOR FY Spending Limit impact, the request is to use existing funds in the FY2023 Budget and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review:** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #22-11, and authorize funds remaining from the approved \$8.56 million from the Open Space Fund toward the next phase of land acquisitions.

**Originator:**

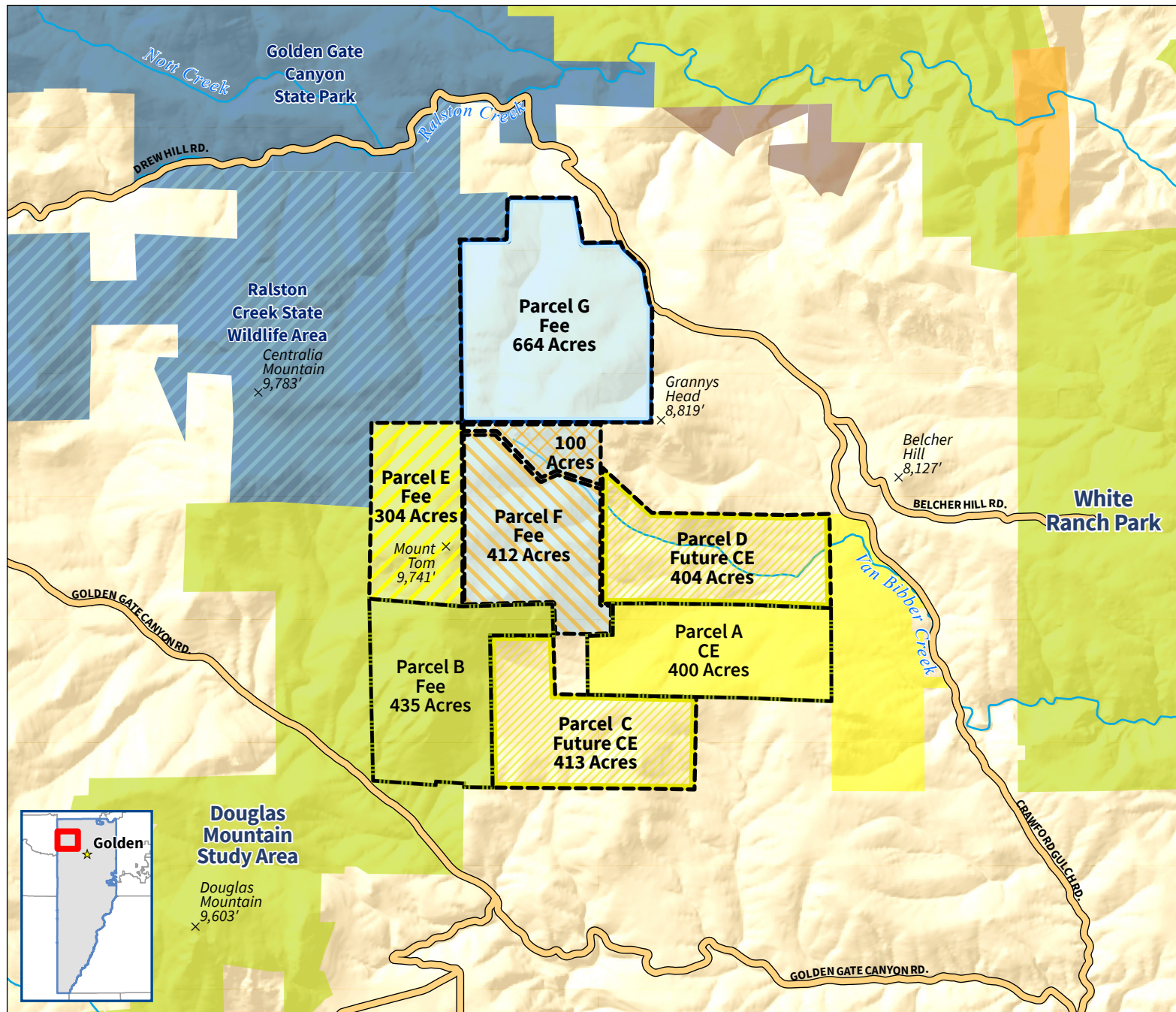
Hillary Merritt, Deputy Director

**Contacts for Additional Information:**

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# Douglas Mountain - JCOS22-06

## Mount Tom Land Conservation Area



**BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**  
**Jeffco Fairgrounds – Westernaires JCOS22-01**  
**February 21, 2023**

☐ For Information    ☐ For Discussion/Board Direction    ☒ Consent to  
Place on Business/  
Hearing Agenda

**Issue:**

Jefferson County proposes to deed 20.691 acres, including 12.8 acres of Open Space property located adjacent to the Jefferson County Fairgrounds to Westernaires, Inc., a Colorado nonprofit corporation. The property is to be used for public open space, park, and recreation purposes, including the grazing and maintenance of horses.

**Background:**

Jefferson County acquired 68.6 acres of property in 1951 to be used as the County Fairgrounds. In 1983, an additional 32 acres adjacent to the southeast corner of the Fairgrounds was acquired using approximately \$1.4 million of Jeffco Open Space Sales Tax Funds. The County conveyed the Fort Parcel, consisting of approximately 5.4 acres, to the Westernaires in the subsequent decades. In 1998, the County executed a perpetual Declaration of Covenants and Reciprocal Easements (Declaration), that essentially functions as a permanent lease with no termination clause and applies to the Fort Parcel and approximately 30 acres of adjacent General Fund and Open Space Fund properties. The Declaration describes various uses of the property in support of Jefferson County Youth, including for riding arenas, horse pasturing and feeding, and encouraging leadership through horsemanship. Portions of the property were also designated as drainage and buffer areas that were to be used exclusively for surface water detention and scenic buffers.

In the spring of 2019, the County observed a significant amount of manure in three different areas: on the Stadium Parcel, in the stormwater inlets that drain to the adjacent gulch, and in the pastures. To address the possible State water quality violations that could have resulted in fines of \$54,000/day/occurrence, the County worked with the Colorado Department of Health and Environment (CDPHE) and the Westernaires to address compliance with several regulations. These include the Municipal Separate Storm Sewer System (MS4) stormwater regulations and Colorado's Water Quality Control Commission Regulation 81 requirements for animal feeding operations. CDPHE approved a detention basins plan that remedy the violations and the County completed the required improvements in the fall of 2021. As the current owner of the property the County is subject to all

CDPHE fines even if the County is not the source or cause of the violation.

To address these issues, the County proposes a land transfer to the Westernaires that deeds 20.691 acres, including 12.8 acres of Open Space Fund property (Property).

**Discussion:**

Under the Land Transfer Agreement, the Parties will terminate the Declaration. Jefferson County will transfer the Property to the Westernaires with a deed that includes a right of entry for condition broken (RECB). Since this conveyance is to a nonprofit and they have existing assets on the property, the RECB will be used instead of the standard Open Space Reverter. If the Westernaires cease to use the Property for the intended purposes, and after a notice and cure period has expired, the County will have the option to take back the Property. In addition, if Westernaires decide at any time to sell the Property, the County must first approve the sale and termination of the restrictions, and the County will receive the greater of \$1,100,000 or 70% of the fair market value of the Property.

As part of the transfer of the Property and termination of the Declaration, the Parties will enter into a new Restrictive Covenant Agreement that requires the Property to be used for public open space, park, and recreation purposes, including the grazing and maintenance of horses. As the owners of the Property, the Westernaires will be responsible for all maintenance, operations, and use of the Property, including the detention basins.

The Parties will also enter into a Reciprocal Easement Agreement for utilities and drainage affecting the Property and the remaining property owned by the County.

**Fiscal Impact:**

There is no fiscal impact resulting from this agreement, any future payments received under this agreement will require additional Board approval.

- Year of impact: N/A
- TABOR impact: None.
- Existing grant or project: None.
- New grant or project: None.
- Requested in adopted budget: N/A
- Ongoing or one-time: N/A
- General Fund impact: None.
- Staffing impact: None.
- APRA impact: None.
- Match requirements: None.
- Mandate/Contractual obligation: None.

**Revenue Limits Impact:**    ☐yes    ☒no

No impact to the TABOR FY Spending Limit, no additional revenue being requested, and the Open Space Fund is exempt from TABOR.

**SPA Review:** Support, no concern.

**Facilities Review:** Does not apply/no fiscal impact.

**BIT Review:** Does not apply/no fiscal impact.

**Fleet Review:** Does not apply/no fiscal impact.

**Human Resources Review (new FTE only):** Does not apply/no fiscal impact.

**Recommendations:**

That the Board of County Commissioners approve the recommendation made in Open Space Advisory Committee Resolution #23-01 and authorize termination of the Declaration, transfer of the Property to the Westernaires, and execution of a new Restrictive Covenant Agreement and Reciprocal Easement Agreement, both with the Westernaires.

**Originator:**

Hillary Merritt, Deputy Director

**Contacts for Additional Information:**

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Tom Hoby, Director, [thoby@co.jefferson.co.us](mailto:thoby@co.jefferson.co.us) 303-271-5930





Jeffco Fairgrounds – Westernaires JCOS22-01





Jefferson County Fairgrounds  
3500 Aerial Image  
1:1000  
1 inch = 80 feet  
100 0 100 Feet



## FAIRGROUNDS – WESTERNAIRES CHRONOLOGY

- 1951** County acquires 68.6 acres where the Fairgrounds is now located.
- 1964** County conveys 4 acres lying south of the Fairgrounds to Westernaires, a nonprofit corporation and conveys an additional 1.4 acres in **2001** (*Fort Parcel*).
- 1983** County acquires 32 acres adjacent to the southeast corner of the Fairgrounds with \$1,412,102 of Jeffco Open Space Sales Tax Funds (\$44,128/acre).
- 1998** County and Westernaires execute the Declaration of Covenants and Reciprocal Easements (Declaration) that applies to:
- the 5.4-acre Westernaires property (*Fort Parcel*);
  - 9.163 acres of the Fairgrounds acquired with County General Funds (*Stadium Parcel*); and
  - 20.98 acres acquired with Open Space Funds (*Pasture Parcel 1, Pasture Parcel 2, Detention Parcel, and Pasture Drainage Area*)

## **CHRONOLOGY CONTINUED**

- Spring 2019** County observes a significant amount of manure on the Stadium Parcel, the Pasture Drainage Area, and in runoff from Pasture Parcels 1 & 2.
- County engages with CDPHE and Westernaires to address compliance with MS4 stormwater regulations and Colorado's Water Quality Control Commission Regulation 81 requirements for animal feeding operations.
- Late 2020** CDPHE approves detention basins plan with an August 1, 2021 completion date.
- County proposes a land transfer to Westernaires that terminates the Declaration.

# Jeffco Fairgrounds - JCOS22-01

Westernaires



Jeffco Fairgrounds

**Stadium Area**  
7.8 ac.  
(JCGF)

**Detention Area**  
(JCOS)

**Fort Parcel**  
5.4 ac.  
(Westernaires)

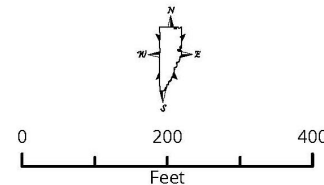
**Pasture Area 2**  
(JCOS)

**Pasture Area 1**  
(JCOS)

12.8 ac.

- Buffer Line
- Major or Park Access Road
- Local Road
- Jeffco Area/Ownership
- Westernaires Fort Parcel
- Jeffco Open Space Property

APPROXIMATE  
ACREAGE



Scale is 1:2,800 when printed at 8.5"x11"  
Last Revised 11/29/2022



Data Sources: USGS, Jeffco ITS, Jeffco Open Space, NHD, CDOT

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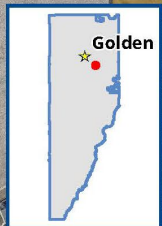
20.691 acres of the County Property

Buffers- 100 ft on Fort Parcel, following fence line on Pasture Area 1

Extended Detention Basins- O&M Plan

Terminate existing Declaration, new Restrictive Covenant- Upon any sale, payment to JCOS \$1.1M or 70% of FMV

Reciprocal Easement Agreement







Questions?