

**COSAC IV Meeting Minutes
City Council Chambers
July 30, 2013, 8:30 a.m.**

COSAC members in attendance: Charlie Sturgis, Suzanne Sheridan, Stewart Gross, Rhonda Sideris, Kathy Kahn, Tim Henney, Cara Goodman, Jim Doilney, Judy Hanley, Erin Bragg. Megan Ryan arrived at 8:55 a.m.

Excused: Cheryl Fox, Jan Wilking, Wendy Fisher, Andy Beerman

Public and Alternates: Bronson Calder, Bill Cunningham, Carolyn Frankenburg, and Kate Sattelmeier

Staff: Heinrich Deters, Mark Harrington, ReNae Rezac

CALL TO ORDER

Vice chair Henney called the meeting to order.

PUBLIC COMMUNICATIONS

Vice chair Henney called for public input for any items not on the agenda. There was none.

ADOPTION OF JULY 2, 2013 MINUTES

Ms. Hanley said both she and Jim Doilney were in attendance at the July 2nd meeting and they are both listed as excused. Heinrich said Ms. Fox had contacted him to say it was her belief there had been a vote to have a conservation easement document drawn up for Risner Ridge. Heinrich noted that after discussing with ReNae, the recording did not verify a formal vote, but rather committee consensus.

Motion: Mr. Doilney moved approval of the minutes as amended. Ms. Hanley seconded the motion.

VOTE: The motion carried.

STAFF AND COMMITTEE DISCLOSURES/COMMENTS

Heinrich gave a brief overview of his family's evacuation from the Stanley, Idaho area due to wildfire.

REGULAR AGENDA

**Proposed Conservation Easement on Gambel Oak, White Acre and Hope
Parcels**

The Gambel Oak/White Acre is a collective conveyance by Congress. The Hope parcel is an open space purchase. The parcels are named for historic mining claims. Heinrich showed a map and pointed out the parcels for discussion. Because of the Federal government involvement with the Gambel Oak parcel, there may be some restriction as to what kind of conservation document should be used. There would be costs associated with stewardship of the property. The stewardship charges would be determined by the type of stewardship chosen. Chair Ryan asked if the funding source

COSAC IV
Minutes - Page 2
July 30, 2013

for obtaining open space could be used for stewardship of property acquired with the current funding source. City Attorney Harrington said that is an issue to be researched further.

Heinrich commented it is preferable to make perceived, necessary funding decisions to a parcel at acquisition.

Mr. Doilney asked what COSAC was trying to achieve with respect to the parcels. Evaluating the specifics of an easement? Preclude the Federal government from doing to us *again* what they did before? Heinrich responded that City Council had asked that COSAC weigh in as to what type of preservation instrument should be used. This is one of the parcels they are interested in hearing feedback about. Mr. Doilney said the main focus should be to honor the existing deed; i.e., "maintenance as open space solely for public recreation purposes". Vice chair Henney said COSAC is tasked with performing due diligence on the property and going to City Council with a recommendation. Ms. Sheridan added COSAC's job is deciding which preservation tool to use. Mr. Doilney suggested putting a conservation easement on the parcel that has language consistent with the deed. To make sure the purpose for conservation is clear.

Chair Ryan commented eminent domain is a high bar for a reason since public trust is involved. Vice chair Henney agreed and is supportive of the high bar since condemnation of property could not occur without public process.

Committee consensus was to address Gambel Oak, White and Hope parcels together. Ms. Ryan asked if the conservation easement was sufficient for these parcels or if a deed restriction should be utilized. Committee consensus was to use a conservation easement.

Motion: Mr. Doilney moved that staff draft a conservation easement consistent with the deed restriction and reflecting the sentiment of COSAC relating to uses and maintenance. Stewart Gross seconded the motion.

After discussion, a vote was taken. The motion failed.

Motion: Vice chair Henney moved placing a conservation easement on the Gambel Oak, White and Hope parcels subject to language and details. Mr. Doilney seconded the motion.

Vote: The motion carried.

Ms. Kahn asked what the definition of passive recreation is. It is her feeling that in the future the definition of non-motorized transportation is going to change with the use of battery-operated mountain bikes and similar transportation becoming available.

COSAC IV
Minutes - Page 3
July 30, 2013

Erin Bragg gave a PowerPoint presentation relating to the Gambel Oak, White, and Hope parcels and indicated the categories on the COSAC matrix that correlate to the property. The conservation values include: passive recreation/multiple uses, wildlife habitat, and critical view sheds. Mr. Doilney felt that when 99.9% of the open space in the area has been acquired, the funding will be available for stewardship. Heinrich commented maintenance of open space is *very* expensive. City Attorney Harrington recommended separating open space acquisition from stewardship.

Chair Ryan summarized the issues to be considered in the conservation easement per the discussion are:

Definitions

Passive recreation
Multiple uses
Wildlife
Critical view sheds
Infrastructure
Public uses
Utilities

Other component

Financial

Ultimately, there will be a two-part recommendation: 1) Easement; 2) Financing

Ms. Ryan noted it was time to adjourn the meeting and outlined two choices for COSAC:

- 1) Ask staff to draft a conservation easement; or,
- 2) Continue discussion at another meeting to flesh out the details

Mr. Doilney voiced his support that staff draft an easement for discussion. Ms. Sheridan felt it would be helpful for COSAC to supply staff with specific definitions to reduce the amount of time it would take to draft the document. Outlined definitions would help avoid the possibility that the document in its entirety could change.

Ms. Ryan added putting a conservation easement on the properties adds another layer to enhance what is already in place. City Attorney Harrington felt there was enough direction for staff to work with Summit Land Conservancy on a draft, providing a starting place for a point by point discussion.

The meeting adjourned at 10:07 a.m.