

Commissioners approve ballot questions to reauthorize county sales tax, expand uses of land and water trust fund

By Lynda James Senior correspondent | Posted: Thursday, March 29, 2018 2:54 pm

A compromise was reached between the Park County Land and Water Trust Fund board and the county commissioners Feb. 28 on the ballot language asking voters to reauthorize the county one percent sales tax.

The compromise led to the commissioners adopting a resolution March 22 to place two questions on November's election ballot.

The LWTF board recommended running the same question as in 1997.

The commissioners wanted to add new uses to the 1997 language.

Adding new uses for the sales tax has been a contention between the LWTF board and the commissioners since 2015.

The 1997 ballot issue had a 10-year sunset date. It was renewed in 2006.

It will expire at the end of 2018, unless renewed by voters this November.

At the Feb. 28 work session, LWTF board member Dave Wissel said the ballot question passed by 81 percent of voters in 1997 and 89 percent in 2006.

At the work session, Commissioner Mark Dowaliby said he wanted the issue renewed, but was afraid the other two commissioners would not vote to place it on the ballot unless new language is added.

Wissel suggested a compromise using two ballot questions. All three commissioners agreed.

The original 1997 language will become the first question on the 2018 ballot.

It states the sales tax will be used "exclusively for the preservation, protection, acquisition, improvement and maintenance of Park County's remaining water resources, and lands in Park County containing associated water rights and water resources."



Restoration Partners

Cara Doyle (left), executive director of Mosquito Range Heritage Initiative, United States Forest Service South Park District Ranger Josh Voorhis (center) and Misi Ballard, board director of Wild Connections, pose for a photo after Park County commissioners approve a Land and Water Trust Fund project March 22. Funds will restore areas along Beaver, Sheep and North Tarryall creeks and adjacent wetlands and tundra areas that are heavily impacted by unauthorized offroad vehicle use and camping. The three entities are partnering with Wildlands Restoration Volunteers to complete the project. (Photo by Lynda James/The Flume)

The second 2018 ballot question adds leasing and specifies six uses. Some of the uses are not water dependent.

It states “Shall the permitted uses ... include the preservation, protection, acquisition, leasing, improvement and maintenance of water rights, water systems/structures, open space, and wildlife and outdoor recreation resources?”

At the March 22 meeting, Commissioner Mark Dowaliby said the 1997 language was too vague to know how it could be used and more specific language was needed.

Dowaliby also said that in the beginning, the sales tax was used to fight Aurora in a water court case, but uses changed after the case was won.

He was speaking of the South Park conjunctive use case brought by Aurora and Park County Sportsmen Ranch in the late 1990s.

According to a chart of how the money was used during the eight-year water court battle, the county spent \$1,341,229 on the court case and \$1,745,783 on projects, mostly water quality monitoring and conservation easements on land and associated water rights.

Even during the court case, about \$400,000 more was spent on water resources projects than on the court case.

The expense chart referenced above was created by Gary Nichols, who was community development and tourism director at the time. The chart was updated through 2016 by the LWTF.

Commissioner Dick Elsner said he believed some projects, such as helping upgrade Shawnee’s small water system, were not allowed under the 1997 language, but would be with the new language.

The LWTF board recommended approval of the Shawnee project, stating it fell under improving and maintaining a water resource.

The LWTF board, including members who helped develop the original wording, said the 1997 language was intentional.

The broad language allows for a variety of water resource projects without having to list every possible project type that could be proposed now or in the future.

Another concern LWTF members have stated is that more money could be used to buy open space and provide recreation facilities than on water resource projects.

Elsner said he had reservations about putting the questions on the ballot because the fund had \$3.5 million in reserves and the county needs to find a way to spend it.

According to county finance records, the fund had about \$3.2 million at the close of 2017.

Subtracting money the commissioners committed to 2017 projects that aren’t yet completed and 2018 projects approved at the March 22 meeting reduces the fund reserve to about \$2.7 million.

Projects are approved four times a year, with some years having a surplus and some years not. Projects in 2017 took almost \$1 million out of the reserves.

Elsner did not mention that the main reason the fund has a large surplus is the county received \$1.2 million between 2013 and 2015 for water court costs plus interest owed by the Sportsmen's Ranch.

Elsner did not mention that \$2 million were earmarked by the commissioners to help purchase the Lone Rock Ranch. Then in early March, the county's offer was declined in favor of another buyer's offer. (See Feb. 23 and March 16 The Flume articles)

If the sale had gone through, the fund would have about \$700,000 in reserves.

Elsner did not mention that the LWTF board has always recommended that at least \$1 million is left in reserve, in case the county needs to challenge another water court case.

LWTF projects approved

The commissioners approved four projects March 22 recommended by the LWTF board.

The first project will restore areas along and above Beaver, Sheep and North Tarryall creeks that have been heavily impacted by illegal use of off-road vehicles.

Gullies have developed, causing a large amount of sedimentation into the creeks and reduced water quality.

The project will close and revegetate illegal trails along Sheep and North Tarryall creeks, and through associated wetlands and the higher fragile tundra. A post and cable barrier will be installed to keep new trails from being created after the illegal ones have been revegetated.

About 2,000 feet of a illegal trail and eroding roadway along Beaver Creek will be replaced with 1,700 feet of trail east of the creek and a 500-foot long bridge across the adjacent wetland.

The commissioners requested the bridge be compliant with the Americans with Disabilities Act.

The LWTF will contribute \$67,500 of the total cost of about \$249,000.

Other partners, including the United States Forest Service, will contribute the remaining \$181,500.

"It's important to protect the headwaters," Dowaliby said.

SPCFPD project

The Southern Park County Fire Protection District was granted \$67,000 to purchase augmentation water from Headwater Authority of South Platte. The water will replace, also called augmenting, water that is used for training exercises.

The funding includes one half of the necessary equipment costs, up to \$25,000, to monitor usage and augmentation releases that are required by the state.

The fire district will pay one half of equipment costs and any remaining costs, if equipment is more than \$50,000.

The district will transport the augmentation water from the South Platte River to a storage tank on Currant Creek, to be released as needed. The district also will pay HASP's yearly administration costs to manage the releases.

"I have a problem with the district having a low mill levy and asking everyone else in Park County to pay for the fire district (project)," Elsner said.

Elsner said that Guffey needs to raise the fire district's mill levy. He said that until its mill levy is as high as Platte Canyon Fire Protection District's mill levy, we should not approve any more projects for SPCFPD.

"There are a lot of thoughtful, caring people in Guffey and they don't ask for much, so I want to help them," Dowaliby said.

"They ran OK for 20 years. Then someone alerted the state, so the county is fixing it (compliance with augmentation law)," Commissioner Mike Brazell said.

CUSP projects

The commissioners approved two projects proposed by the Coalition of the Upper South Platte.

The first will develop a strategic watershed plan to address mining impacts on the Middle Fork of the South Platte River plus Mosquito, Beaver and Buckskin creeks.

Water sampling will occur in the spring and fall at locations where water quality data is missing.

The strategic plan will propose future projects to increase water quality in the above-mentioned waterways.

The work will be completed by the Colorado Geological Survey and CUSP.

Colorado Department of Public Health is contributing \$98,000.

The commissioners wanted to include sampling above and below current mining operations in the Alma and the Fairplay placer mines. The commissioners also increased the sampling to three times, including the summer as well as in the spring and fall.

This additional sampling increased LWTF costs from \$42,250 to \$52,850.

CUSP's second project will restore portions of Sand Creek, which originates in the Lost Creek Wilderness.

A flood washed out an irrigation diversion structure on the Sand Creek Ranch in 2015 and caused significant damage to the riparian area downstream of the structure.

The owners constructed a temporary diversion structure that is inadequate, so the entire rangeland meadow is not irrigated and the structure is causing additional erosion around it.

CUSP is partnering with the landowner and the Palmer Land Trust, which owns a conservation easement on the property, to replace the temporary structure with a permanent diversion structure, stabilize the stream channel that is eroded and revegetate the stream banks.

Students from Colorado College will complete annual monitoring and study human interactions on the landscape.

Total cost is \$88,300 with the land owner contributing \$2,500. The Palmer Land Trust is contributing \$61,300 and CUSP in-kind is valued at \$4,000.

The commissioners approved \$20,500 from the LWTF for the project.

Land use cases

The commissioners approved two land use cases. Erik and Michele Wayland's plat amendment and rezoning case was postponed.

Randy Collins received a common plat amendment and a rezoning to residential for a 3.2-acre outlot in Santa Maria Ranch north of Hartsel, off County Road 15. The address is 497 Boyero Road.

The subdivision is zoned residential estates, meaning the lots are 20 acres or larger. It contains five outlots that were deeded to the county.

The staff report states the county had no use for the outlot, and offered it for sale to the adjacent property owners in 2017.

Four adjacent lots with different owners in Pike Trails Ranches were rezoned to residential ranch under one application. All lots are larger than the 35-acre minimum required for residential ranch zoning.

Pike Trails Ranches is west of Colorado Highway 9 near Guffey.

Liquor and marijuana licenses

The liquor license for China Village Restaurant in Bailey was transferred to Ying Song.

Song purchased the restaurant assets and signed a five-year lease on the restaurant property.

Song said he would be moving to the Bailey area from Highlands Ranch.

Z Golf Food and Beverage Services, LLC, doing business as Wedgewood Weddings received a new liquor license for the wedding venue property owned by Vera and Drayton Dunwody.

The property is adjacent to Elk Falls subdivision in northeast Park County.

The Dunwodys operated a wedding business at the property and are now leasing it to Z Golf.

Z Golf is an event management company that has been operating in several states for 32 years. They manage six other event properties in Colorado.

Sunrise Solutions, owned by Josh Grady, received medical marijuana store and cultivation licenses. The store is located on Main Street in Bailey.

Grady started operating the medical side of the store under a conditional use permit granted in 2013. Since then, the county adopted a medical marijuana ordinance that requires licenses to operate.

Grady also has recreational retail sales and cultivation licenses.

Other

The commissioners approved a public works right-of-way utility accommodation code. It will regulate utility placement in Park County's rights of way.

Greg Kasparek, public works right of way manager, said utility providers were invited to several meetings to give their input on the code and suggestions for changes.

Kasparek said the Park County code was adapted from Colorado Department of Transportation's code.

Intermountain Rural Electric Association representatives attended a commissioner work session on the code last week.

The IREA representatives were also at the March 22 meeting, and discussion outside the meeting resulted in last-minute changes to Park County's code.

The commissioners approved \$101,176 in vouchers for the week.

More than one half of the amount was from the general fund at \$52,238 and one quarter from the public works fund at \$27,612.

County grant fund spent \$10,479 and the human services fund spent \$5,551.

Four other funds spent the remaining \$5,296 in amounts ranging from \$393 to \$1,900.

Note - The author is a member of Park County Land and Water Trust Fund board.