The Board of County Commissioners will be attending this meeting telephonically. The public is invited to listen to the study sessions by calling 1-855-436-3656. The Board of County Commissioners may go into executive session as necessary to receive legal advice or discuss other confidential matters during the updates.

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners’ Office or through the County’s web site at www.arapahoegov.com. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under “Committee Updates” to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners’ Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

Study Session Topics

11:00 A.M.  *Call With Greg Romberg
Board of County Commissioners
Ron Carl, County Attorney
Greg Romberg, Lobbyist

Break

1:00 P.M.  *Buckley Air Force Base Compatible Use Buffer Project Modification
Discussion of a request from the City of Aurora to modify the scope of the previously approved Buckley Air Force Base Compatible Use Buffer project, resulting in a reduction in acreage acquired and in County funds invested

Request: *Information/Direction

Sandra Bottoms, Grants Program Specialist, Open Spaces
Shannon Carter, Director, Open Spaces and Intergovernmental Relations
Todd Weaver, Director, Finance
Tiffanie Bleau, Senior Assistant County Attorney
Study Session
May 18, 2020

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BSR_SS_BUCKLEY BUFFER MODIFICATION 5.18.20.PDF
PPT_BUCKLEY_BUFFER_STUDY_SESSION_20200518.PDF

1:30 P.M.  Strategy And Performance Update
Manisha Singh, Director, Strategy and Performance

2:00 P.M.  Calendar And Board Updates
Michelle Halstead, Director, Communication and Administrative Services

Break

3:20 P.M.  *Executive Session
Executive Study Session and County Attorney Administrative Meeting (Section 24-6-402 (4)(b) C.R.S.) (As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

Ron Carl, County Attorney

* To Be Recorded As Required By Law
WHR - West Hearing Room

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners’ Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.
BoCC Study Session

Board Summary Report

Date: May 18, 2020

To: Board of County Commissioners

Through: Shannon Carter, Open Spaces and Intergovernmental Relations Director

From: Sandy Bottoms, Grants and Acquisitions Administrator

Subject: Buckley Buffer Project Modification

Direction/Information
To provide information and seek direction on a request from the City of Aurora to modify the scope of the previously approved Buckley Air Force Base Compatible Use Buffer project, resulting in a reduction in acreage acquired and in County funds invested.

Request and Recommendation
The recommendation from Open Spaces staff and the Open Space and Trails Advisory Board (OSTAB) to the Board of County Commissioners (BOCC) is to approve a modification to the project scope reducing the acreage acquired from 734 to 429 due to unforeseen environmental concerns which make one of the planned acquisitions infeasible; and to allow the City to use a portion of the remaining funds to instead purchase Parcel 9 from the Trust for Public Land, which has been holding the parcel on behalf of the project partners since January 2019 in support of the Buckley Buffer effort.

Background
On February 14, 2017, the BoCC approved the award of $1,000,000 in Open Space Acquisition and Development funds to the City of Aurora to support the Buckley Air Force Base (Buckley AFB) Compatible Use Buffer Project. The Buckley Buffer Project is a collaborative land acquisition effort between TPL, the City of Aurora, Arapahoe County, the U.S. Air Force, the Colorado Department of Military and Veterans Affairs, and other partners. The goal is to create a protected buffer around Buckley AFB, preventing development from encroaching on the base perimeter and ensuring the long-term viability of Air Force and Colorado Air National Guard operations, while also preserving open space, stream corridors, wildlife habitat and migration corridors, and future trail opportunities. Buckley AFB plays a critical role in national security and brings an estimated $1 billion annually to Aurora’s and Arapahoe County’s economies.

At the time of the BoCC’s approval of these funds, the project was already underway. In 2016, nearly $5 million of partner funds were invested into the first three acquisitions (Parcels 1, 2, and 4, totaling 170 acres). The acquisition of Parcel 6 (78 acres) was also completed in 2016, utilizing Arapahoe County Open Space funds allocated to the Triple Creek Greenway Corridor project in addition to partner funds. In 2017, Parcel 3 (33 acres) was also acquired using partner funds. All properties are owned by the City
of Aurora and are under conservation easement held by Arapahoe County and the United States. See attached parcel map.

The $1 million in County funds awarded in 2017 were intended to supplement $16 million in partner funds in completing three additional open space acquisitions in the buffer area (Parcels 5, 14, and 13b). Parcels 5 and 14 (totaling 389 acres) were successfully acquired in 2019, leaving only Parcel 13b unacquired to date with $791,000 of the County’s commitment remaining.

**Links to Align Arapahoe**

- Increase Intergovernmental Cooperation
- Increase Community and Regional Partnerships
- Improve Park, Trail, and Open Space Opportunities
- Optimize Use of Resources
- Enhance Quality of Life

**Discussion**

Parcel 13b technically consists of three separate legal parcels totaling 345 acres. Parcel 13b is currently owned by the Air Force and was intended to be acquired by the City of Aurora through a land swap, wherein the Trust for Public Land would acquire Parcels 9, 10, and 11 on the City’s behalf and then trade those with the Air Force for Parcel 13b. The end result would be that the Air Force gained Parcels 9, 10, and 11, which would be incorporated into the base, and that the City would gain Parcel 13b, which contains a significant stretch of East Toll Gate Creek and which the base had deemed as surplus.

Parcel 9 was purchased by TPL in January 2019 along with Parcel 5, as both properties were owned by the same seller. Parcel 5 was immediately transferred to Aurora as noted above. Parcel 11 was donated to TPL by Adams-Arapahoe School District #28J. TPL has been holding both parcels in anticipation of the planned land swap and has invested $1,182,000 plus accrued interest of approximately $100,000.

Over the past year, it has become apparent that extensive environmental concerns exist with respect to Parcel 13b. The northern two of the three legal parcels were historically used as landfill and portions of the properties are known to contain asbestos, therefore the City concluded (and Buckley AFB officials concurred) that the environmental risks outweighed the benefits of using the property as public open space. The southernmost of the three legal parcels was historically used for small arms unexploded ordinance disposal, and later for training activities involving the use of practice (inert) munitions. The Air Force has conducted surface clearance of the site, but City and state officials desire subsurface clearance before the land swap occurs. Such cleanup would cost the Air Force an estimated $4.5 million, which is not expected to be available for at least 5-6 years. Additionally, plans for such cleanup would have to be approved by multiple federal and state agencies, likely extending the timeline for the land swap even further. For these reasons, the City and Buckley AFB have agreed not to pursue the planned land swap.

Although the land swap will not move forward, TPL is still in possession of Parcels 9 and 11. TPL, working on behalf of the project partners, purchased Parcel 9 in good faith and needs to recoup its investment including accrued interest. The City of Aurora requests that Arapahoe County share the cost of purchasing Parcel 9 from TPL. The appraised value of Parcel 9 is $1,182,000, to be split between the
City and County at $591,000 each. Additionally, the City will reimburse TPL for $100,000 in holding costs. Parcel 11 will be transferred to the City at no cost. The properties will be owned by the City, maintained as open space, and placed under a conservation easement held by Arapahoe County.

Parcels 9 and 11 total 40 acres of open space, representing a 305-acre reduction in acreage from the planned acquisition of Parcel 13b (345 acres). The remaining funds allocated to this project ($200,000) will be returned to the Acquisition & Development Fund balance and invested in future projects.

**Alternatives**
Approve, modify, or deny the request.

**Fiscal Impact**
Funds to support this modification would come from the $1,000,000 in Open Space Acquisition and Development funding previously approved and encumbered for the Buckley Buffer Project (resolution #170171).

**Concurrence**
On April 29, 2020, the Open Space and Trails Advisory Board recommended this request for BOCC approval (see attached).

**Attorney Comments**
None

**Reviewed By**
Sandy Bottoms, Grants and Acquisitions Administrator
Shannon Carter, Open Spaces and Intergovernmental Relations Director
Tiffanie Bleau, Assistant County Attorney
Janet Kennedy, Finance Director

**Attachments**
Buckley Buffer Parcel Map
OSTAB Recommendation
Buckley AFB Compatible Use Buffer
Parks, Recreation & Open Space Department
August, 2019

- Purchase Pending - Closes Early September
- Previous Purchases By City
- Already Purchased
- Fund and Purchase
- Potential Future Acquisition
- Trade Pending
- Not Part of Trade
- Owner Unwilling To Sell

August, 2019
Aerial Photography: Spring 2018

Parks, Recreation & Open Space Department
OSTAB Recommendation

Date: April 29, 2020

To: Board of County Commissioners

From: Open Space and Trails Advisory Board (OSTAB)

Subject: Buckley Air Force Base Compatible Use Buffer Project Modification

OSTAB Recommendation: After considering the request from the City of Aurora as an action item on this date, OSTAB recommends to the BOCC approval of the Buckley Air Force Base Compatible Use Buffer Project modification request as presented.

Motion by: Russell Stewart

Seconded by: Michele Frishman

Vote: _5_ Yes

_0_ No

_1_ Absent and Excused

_0_ Abstain
PROJECT HISTORY

- Collaborative effort between Trust for Public Land, City of Aurora, Arapahoe County, U.S. Air Force, Colorado Department of Military and Veterans Affairs, and others
- Purpose is to create a protected buffer around Buckley Air Force Base while preserving open space, stream corridors, and future trail opportunities
- From 2016 to date, 7 parcels totaling 669 acres have been acquired
- Arapahoe County funding was used for 3 parcels (6, 5, and 14)
- Arapahoe County holds conservation easements on all properties
In February 2017, the BoCC approved $1M in Open Space Acquisition & Development Funds for the project.

County funds leveraged with $16M from Aurora, Air Force, DMVA, and GOCO.

Goal was to acquire Parcels 5, 14, and 13b, totaling 734 acres.

Parcels 5 and 14, totaling 389 acres, were successfully acquired in 2019.

$791,000 of Arapahoe County’s commitment remains.
**PARCEL 13B CHALLENGES**

- Parcel 13b technically consists of 3 separate legal parcels totaling 345 acres
- Parcel 13b is currently owned by the Air Force and was intended to be a land swap for Parcels 9, 10, and 11
- Parcel 9 was purchased by TPL along with Parcel 5 in January 2019
- Parcel 11 was donated to TPL by a school district for the Buckley Buffer effort
- TPL transferred Parcel 5 to Aurora immediately, but held Parcels 9 and 11 for future land swap
- Due to extensive environmental concerns, the timely transfer of Parcel 13b from the Air Force to the City of Aurora is no longer feasible
TPL is still holding Parcels 9 and 11, having invested $1,182,000 plus holding costs.

Initially the base expressed interest in purchasing the parcels from TPL, but this is not feasible due to restrictions on their REPI funding source.

The proposed solution is for Aurora and Arapahoe County to purchase Parcel 9 from TPL (Parcel 11 will be transferred at no cost)

- Aurora will own the property and manage it as open space
- Arapahoe County will hold a conservation easement

Aurora and the County will each provide $591,000 (50%) of the purchase price, and Aurora will reimburse TPL’s holding costs.
NEXT STEPS & PROJECT CLOSEOUT

- Parcels 9 and 11 total 40 acres of vacant land without environmental concerns (a reduction of 305 acres from the approved scope)
- Pending approval from the BoCC and Aurora City Council, the transfer will be completed in June