



LARIMER COUNTY OPEN LANDS ADVISORY BOARD MEETING

Thursday, July 24, 2008 – 5:00 p.m. to 8:00 p.m., Loveland, Library, Loveland

The mission of the Larimer County Open Lands Program is to preserve and protect significant open space, natural areas, wildlife habitat, and develop parks and trails for present and future generations. These open lands provide opportunities for leisure, human renewal and protection of our natural and cultural resources.

Present:

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| Nancy Wallace | Bill Newman |
| John Ericson | Ben Manvel |
| Bob Streeter | Jean Carpenter |
| Brian Hayes | Trudy |
| Sue Sparling | Ted Swanson |

Staff:

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| Charlie Johnson | Justin Scharton |
| K-Lynn Cameron | Windy Kelley |
| Jeffery Boring | Meegan Flenniken |
| Kerri Rollins | Jerry White |
| Randy Eubanks | |

Absent:

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| Don Griffith | Jeff Hindman |
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Chair, Nancy Wallace called the meeting to order at 5:15 p.m.

Bill N. motioned to approve the July minutes. Ben seconded and the motion passed unanimously.

PUBLIC COMMENT: No public comments

INTRODUCTIONS:

- Welcome to 3 new Board members: John Ericson, Town Trustee for Estes Park; Jeff Hindman, Town Trustee for Berthoud; and Trudy Haines of Fort Collins.
- Welcome our new, full-time CCT Fellow Justin Scharton. Justin will be with us for two years.

INFORMATION:

- Update on Red Mountain Open Space.

Meegan: A few weeks ago CNHP trapped for Preble’s meadow jumping mouse, in compliance with the Endangered Species Act due to the location of a trail within 100 meters of potential habitat of the mouse. No Preble’s were trapped and the area is cleared for the construction. The trail crew is currently completing the Kruger Rock Trail at Hermit Park Open Space, and the trail will be completed earlier than expected. In early August the crew will return to Red Mountain Open Space. There are no changes to the RMOS budget or timeline.

- Belvoir Ranch Master Plan – Meegan: The City of Cheyenne owns the 18,800-acre Belvoir Ranch. The master plan is for the entire ranch, including the 1,800 acres under conservation easement which is held by the Nature Conservancy. We met with them recently regarding the specific amenities proposed in the



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master plan for this 1,800-acre parcel that were not in alignment with the terms of the conservation easement (vault toilets, parking, roads, etc.). They will revise the plan and send us and TNC a letter stating the changes made to match the easement terms.

- Update on Hermit Park Open Space. Meegan: The entire trail crew has been working at HPOS for over a month, constructing the trail to Kruger Rock. The anticipated date of completion is the 1st of August. The bid to construct the Highway 36 turn lanes came in approximately \$30,000 less than the engineering estimate, construction is anticipated to start August 11.
- Volunteers for Outdoor Colorado (VOC) are assisting Larimer County with improvements to the Horsetooth Falls Trail on July 26 and 27. Justin: The VOC project includes replacing timbers and steps that have eroded away and other maintenance on the Horsetooth Falls Trail. Our Trail Crew and VOC crew leaders will lead volunteers. This will be a great event with 140 individuals registered on Saturday and approximately 70 on Sunday. We are still looking for volunteers. To sign-up visit www.voc.org.
- BeLocal write-up on the Open Lands Program (See Enclosure) K-Lynn: The Living Local Economy Project, producers of the BeLocal coupon book, are developing a map which focuses on Fort Collins and surrounding areas. The purpose of the map is to identify producers of local products and local businesses which support the local producers. Open Lands' staff has discussed getting more involved with the "BeLocal" movement, looking to the future we wrote and submitted an article about the *Help Preserve Open Space Sales Tax* which will be in the next BeLocal coupon book.
- Mark your calendars, the 9th Annual COSA conference is in Estes Park this year September 15 - 17. Registration is posted on-line at www.coloradoopenspace.org. This year's keynote speakers are: Author and Professor at the University of Idaho, Sam Ham and co-founder and President of Conservation Impact, Shelli Bischoff-Turner. Kerri: K-Lynn, Kerri and Windy are serving on the COSA Steering Committee this year, helping to organize the conference. Larimer County, in conjunction with City of Fort Collins is hosting this year's conference. In past years there have been 200 plus attendees from across the state and beyond. All Advisory Board members are encouraged to attend.
- The 4th Annual Northern Colorado Birding Fair at Fossil Creek Reservoir Regional Open Space is scheduled for Saturday, September 27, planning is in full swing! Windy: We are looking forward to another fun and free day for the entire family at this year's NCBF. The planning committee is freshening up the day's agenda by offering a self-guided bird walk with Naturalist along the trail to assist participants and the committee has identified and invited several area organizations who have not participated in past year's to join us for this great community event.
- The Department will have booths at both the Fort Collins New West Festival (Aug. 16 – 17) and the Loveland Corn Roast (Aug. 23) Bob asked if the Department has a booth at the Larimer County Fair. Kerri explained the Department does not have a booth due to requirements we are not able to meet. For example the booth has to be staffed during the entire fair; we do not have the capacity to meet this standard.
- The Open Lands Staff mid-year retreat is scheduled for July 29.
- Updated membership roster. See attachment.
- Parks and Open Lands events for August. See handout.
- Dedication of the new outdoor classroom at the DBB open space (July 26, 2008). Kerri: Several months ago Park Manager Travis Rollins asked the Board for their approval for a plaque to be placed on the outdoor classroom which was donated by the Hequist, Altmix and Simmon's family, in-memory of their son. Dr. Cabrera, Big Thompson School District RJ-2 Superintendent, will attend and speak at the dedication.
- Open Lands staff is taking Artist of the Year recipient, Patti Hawkins, on an open space and conservation easement field trip July 28. Staff and Advisory Board members are welcome to join the field trip.
- Two field trips are planned on August 7 and 8 to discuss the expansion of Halligan Reservoir and what the mitigation requirements will be and how involved parties can partner in particular to discuss minimum



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Instream flows with Anheuser-Busch. K-Lynn noted that the National Fish and Wildlife Foundation is coordinating the work session with landowner partners including: City of Fort Collins Utilities; the Nature Conservancy; Colorado Division of Wildlife; and Larimer County. Part of the field trip will include Eagle's Nest Open Space to look at and discuss mitigation work along the North Fork of the Poudre where OLP (with assistance from Trout Unlimited) has implemented riparian restoration work.

- CCLT Update. K-Lynn: The CCLT Advisory Board met today. The agenda included discussing the recent governor appointed Conservation Easement Oversight Commission. This appointment of this commission was a condition of HB-1353 and will serve as an expert committee to advise the Colorado Division of Real Estate and the Department of Revenue. The make-up of the board includes a spot for a representative of a local government or a special district. With 200 conservation easements in the southeast portion of the state being reviewed due to potentially bad appraisals, Governor Ritter appointed Jay Winner with the Lower Arkansas Valley Water Conservancy District as the commission's local government/special district representative. We need to work with our local representatives to help them understand the needs of local governments and to communicate these needs to the governor. Another measure of HB-1353 is the certification of conservation easement holders. Local governments have to be certified by January 2010 and land trusts by 2009.

Sue: Will any of the sessions at the COSA conference address HB-1353 and its measures? K-Lynn: Yes.

- Smarter Colorado Initiative Update: K-Lynn reported the initiative is moving along, they anticipate having the required number of signatures by August 4. The initiative will eliminate an existing oil and gas subsidy which initiated when industry revenue was low. If the Smarter Colorado Initiative passes, 15% would go to GOCO to preserve critical wildlife habitat which could include trails and trailheads. There is no cap on the funding and distribution of the funding is not associated with any state quadrants. We are working to get local governments connected with the initiative. This could result in \$25 million additional funding towards conservation annually. K-Lynn added she supports the initiative.
 - Carter Lake Marina. K-Lynn: The new marina looks great, it is currently open, but an open house is planned for Labor Day weekend.

BOARD COMMENT: Items not on the agenda

- Bill: The Estes Valley Land Trust had 160 individuals attend their annual breakfast at Hermit Park Open Space. Several of them had visited HPOS in the past, others it was their first time. Everyone was very impressed and the overall reaction was "wow!" Park Manager, Chris Fleming, did an excellent job welcoming everyone and telling the story of Hermit Park Open Space.
- Bob: I would like the Board and staff to consider developing a policy to provide guidance for staff when a management plan is being developed and to consider how elaborate facilities and amenities will be provided. Instead of looking at the more expensive facilities/amenities the function of these items needs to be the primary consideration. Nancy: What do you envision and how would this come about? Currently, staff presents an initial overview of their proposals, update us as the planning process evolves, and then they present the final proposal for the Board to approve. Would the guidelines be part of the initial step?

Bob: We would develop this policy as a series of guidelines which may be broken into different categories such as: renewable energy, specific trail building criteria, and public facilities (i.e. restrooms, picnic tables). K-Lynn: A general policy statement saying, build the *Chevy* not the *Cadillac*. When staff considers project specifics, such as, constructing a ten foot wide trail instead of a narrower trail for commuters, they are looking at the future and bringing all the pieces together. I don't disagree; this could be a good policy. What is more important, the land we protect or the facilities we provide.



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Ben: Staff could develop a proposal for each project with one alternative based on the actual budget and a second alternative which is for example 25% less than the budget. Staff would propose both alternatives to the board and a recommendation would be made. K-Lynn: Providing the very basics of a trail and stating why it has to be this way. It would be more work. How much detail would you want to get? Bob: I think it would save staff detail when they are writing the management plan.

Jean: I vision a philosophy where we will meet certain requirements. The different management zones staff already uses could include a *zone 1* which could be built out to x. K-Lynn: What you're talking about is what we would call that management zone. Bob: Jean is saying there should be different levels within these management zones to include amenities/facilities. Jean: It's really about the wisest use of our resources. Meegan: The most important thing is to first purchase the land, and then add amenities to match the landscape. The Board agrees to management plans and what is included in them. When staff prepares to install amenities they review the approved budget. For example at Red Mountain Open Space, the Board approved an entrance road that will meet the minimum County road standards; this is the cheapest we can build. Staff could bring in a design of a basic shelter and one that a consultant developed to match the landscape, all based on the budget the Board approved. I like the overarching concept, in the end it depends how much the Board wants to piece it out.

Kerri: One thing to keep in-mind, several trail grants we apply want to know what trail standards we will meet. For example, if we will follow the United States Forest Service's standards for trail grade. If we are not meeting industry trail standards, this will result in less leveraging of dollars.

K-Lynn: The policy could be good. Providing guidelines before staff even begin to put anything on paper, guidelines we have all agreed to in advance. Meegan: This is a good point. We've already did this to a point at staff level following the development of Fossil Creek where we have our only flush toilets on an open space. We agreed we would never build a building again with flush toilets, an unwritten policy. Looking at the overarching umbrella of being good stewards of citizen's dollars, maybe it is a good idea to have a written policy. We considered renewable energy at Red Mountain Open Space, but it was a lot more expensive. If, for example, renewable energy was a policy standard we need to know some *blanket expectations* may not be cheaper.

Sue: I would like this to be an overarching philosophy, a statement of what the Open Lands Program is about, guiding-us for why we are here, doing the work we are doing.

Trudy: The City of Fort Collin's Land Conservation and Stewardship Board had a similar conversation. I agree with Sue and Jean's point regarding a philosophy. Maybe the policy outlines level *A* and level *B* facilities based on anticipated use and the benefits of the facilities to the County. Another approach could be staff presenting what facilities/amenities they would really like to have, identifying what they think is appropriate and what amenities they think would enhance the facility. The Board could either accept or decline their proposal. You may have to delay some of the desired improvements. K-Lynn: We are doing this at RMOS, building the minimum until we know what the use will be, this includes the educational components. Trudy: I'm talking a little different than phasing which is when you have the money for the improvements, but choose to implement them overtime. With delaying improvements, we don't have the funds for them, we are saying if we get the funds this is what we want to see.

Randy: How do you draw the line for when renewable energy will pay for itself? Meegan: That's a good question.



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Brian: I think what Bob is saying is good. We can learn overtime what the demand and needs are, for example the standard of having a 10 foot, wide asphalt trail. Ten years later, the use of the trail can be assessed, if it is high-use the trail could be upgraded to brick or other material that will be there longer. Providing alternatives may be a good solution, similar to how they conduct engineering projects, evaluating the advantages and disadvantages of each alternative. This will take a lot of time. Nancy: With time, you get better at figuring out what is necessary and what is not. What needs to be done now verses what can wait for the future. Evaluate future costs and which ones make sense. It seems, management plans are presented to the Board and decisions are already made regarding material and amenities. It is part of the Board's responsibility to know what is being proposed and to help staff identify the best option. Staff should not present only the cheapest or most expensive option.

Trudy: Is there public feedback? K-Lynn: In general, the public is in agreement. Maybe staff can talk about a framework and bring it back and discuss this concept with Gary. Nancy: Surveys could be administered at open spaces, requesting public feedback once a property is open. Kerri: The most recent survey conducted on public access property was regarding signs. It would be a good idea to do a survey six months after an open space opens. Meegan: In 2005, a survey was administered.

ACTION:

- River Bluffs Management Plan. (Draft plan was distributed last month; online at www.larimer.org/openlands/hot_topics.htm)

Jeffrey provided an overview of the planning process for the 160-acre open space north of State Highway 392 and east of Country Road 3 near Windsor. The resource management and implementation planning process has been in process for the last six months. A technical advisory team was identified and active in the planning process, including attending on-site meetings, and two public meetings were offered. Currently, we are in step nine of the planning process, requesting adoption of the plan by the Board.

The draft management plan was available for public review on the County's website for approximately six weeks. During the last public meeting, Thursday, July 10, the public was in full support of having a trail on River Bluffs Open Space. A member of the adjacent neighborhood expressed being nervous of potential picnickers at the trailhead. Overall, the public is in support.

Randy: Will the trail be handicapped accessible? Jeffrey: The entire Poudre River Trail should be handicapped accessible. At one time, there was discussion of an at-grade crossing at State Highway 392, however now it will be an underpass. K-Lynn: The trailhead amenities will also be handicapped accessible, including the restrooms and picnic tables.

Randy: At one time you considered constructing the trailhead off of County Road 32E. Jeffrey: We selected the trailhead location off of County Road 3 for several reasons. For one, we don't know if the trail will be go east or west of the river north of River Bluffs. Locating the trail off CR 3 gives us the most flexibility in terms of future trail expansion. Also, we want the trailhead to be tucked-away so it's not visible from the road or the majority of the trail, and to protect the viewshed of adjacent neighbors and commuters. Although River Bluffs is only 160 acres, there are a lot of contrasting, but compatible uses of the property planned in the Management Plan. River Bluffs has riparian areas, agriculture lands, and we are planning a concrete trail and paved trailhead. The trailhead will include a 30-vehicle parking lot and will be pushed-up the slope towards the western bluff to reduce its visibility. The design allows continued access to the agriculture field, and the trailhead will in-part be positioned on an existing dirt road. The construction of the trail, trailhead, and underpass will be phased throughout 2009 and 2010. Earthmoving, drainage, and pouring of the trail



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and trailhead will occur in April/May of 2009. The underpass and installation of the vault toilet and other amenities will occur in 2010. The estimated cost to construct the underpass is \$1 – 1.2 million, we have requested \$150,000 from the Town of Windsor. Currently, we are going through the extent review process with the County.

K-Lynn added the Town of Windsor received a grant from CDOT to design the underpass which is currently underway. Windsor asked us for a ten percent match for their grant which we contributed, in-turn we requested ten percent of the anticipated cost to construct the underpass. Trudy: If the Town of Windsor has the money, I hope they will contribute more than the requested \$150,000, their community will benefit the most from the underpass. Randy: Windsor has a historical museum which was destroyed by the tornado; it will cost them a lot of money to restore the museum. K-Lynn: The Town of Windsor receives a percent of the Help Preserve Open Space sales tax. Their share is approximately \$7,000 per year because a majority of their residence lives in Weld County.

Jeffrey: I think what we are proposing reflects the philosophy we discussed earlier. The management plan reads there will be one to three picnic tables, this allows us to start small and expand if needed. Trudy: When do you anticipate the trail and trailhead on River Bluffs will be complete? Jeffrey: In 2010. Sue: Regarding section 2-9, Recreation Use and Demand. I recommend you use the Census Bureau's estimate which is updated annually.

Jean moved to recommend the adoption of the River Bluffs Open Space Resource Management and Implementation Plan by the Department Director, Ben seconded. The recommendation was unanimously accepted.

DISCUSSION:

- Minerals Assessment project for Open Lands. C. Johnson
Charlie explained an inventory of severed mineral, oil, and gas rights associated with both fee simple and conservation easements owned/managed by Larimer County was requested by Commissioner Eubanks (See handout). The inventory is organized with fee simple properties on page one and conservation easements (CE) on page two, with the most pronounced properties on top. Where all rights are owned by the Open Lands Program the property is not included in the inventory. A severed right is when a mineral, oil, or gas right is reserved separately from the surface rights by another individual; this is very common in the west. Not all severed rights result in a red flag. Charlie provided a brief synopsis of his professional experience and knowledge working with oil and gas companies

The Open Lands Advisory Board subcommittee met on July 21 to discuss the inventory. The next step is to identify and narrow down which minerals, oil, or gas rights are most likely to be developed. For example, if a CE is located in the mountains and the oil and gas rights are severed, the potential to develop these rights is little to no threat due to the limited likelihood of gas or oil being present in mountainous areas. The subcommittee has worked to prioritize the inventory, including looking at the distance of minerals to open spaces. For example, if oil and gas are present twenty miles from an open space versus on an adjacent parcel the risk/impact to the open space is lower.

The Open Lands Program is required to hire an expert to evaluate the potential for mineral, oil, or gas development on an open space/conservation easement when either GOCO funding is used to acquire property or when a landowner utilizes a federal tax deduction or state income tax credit for donating a CE. For both GOCO funding and the federal tax deduction program a remoteness letter is required stating the extraction of minerals, oil, or gas is so remote to be negligible. Randy: How extensive are the lists in the



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remoteness letters as the industry evolves? Charlie: Everything should be taken in account. We are considering updating remoteness letters due to market changes. K-Lynn: We should check to see if uranium is included.

Charlie: Part of the process is to identify which area of a property has severed rights. For example, Eagle's Nest Open Space is 827 acres of which 80 acres have severed rights. We need to identify exactly where these 80 acres are on the property. Randy: Do we know who own the severed rights? Charlie: Some rights are owned by oil and gas companies, while railroads own other rights. The rights can also be privately owned. Jerry: Ownership of mineral, oil, and gas rights may not show-up, even with a title search. This is particularly true with privately owned rights verses oil and gas owned. K-Lynn: If we find there is threat of minerals being extracted, we will want to provide protection, this includes to properties we currently own or future acquisitions. Currently, we don't have the money to do this, but as the program moves forward and new ballot language is developed we need to look at protecting all of the program's interests. Randy recommended developing a strategy for working with mineral right owners, particularly during initial negotiations to acquire property. Trudy: Aren't there existing assessments showing where minerals, oil, and gas are found? Charlie: Yes, however these assessments are conducted by extraction companies and are not available to the public. Randy: Extraction is present in Weld County all the way to our county line. Jean: Riggs are present in northeastern Larimer County. Charlie: Larimer County is not known for it's mineral, oil, or gas resources.

K-Lynn: The next step is to schedule a meeting with the Board of County Commissioners to share what we have learned in compiling the inventory.

- Update on NISP project

Commissioner Eubanks explained a 45-day extension was granted to review the proposed NISP project. The BOCC will make their final decision regarding the proposed Glade Reservoir following the 45-day extension and develop a plan for moving forward. Nancy: What decision do you expect the BOCC will make? Randy: I anticipate they will either say they approve or disapprove the project to the extent of saying they want to see mitigation, specific or generic. I know the City of Fort Collins has reviewed the EIS extensively; I would be interested in rolling some of their information into our report. Ben: The city is looking at the effects on municipal water supply as well as waste water and environmental impacts.

Nancy: What is being reviewed is a draft version. In order to make a recommendation we need additional information. Trudy: Is it correct that the city and county have no input other then to say the study and provided outcomes are either sufficient or insufficient? Randy: Correct. The county has no power either way. Ben: Unless the county included reservoirs in the proposed 1041 regulations and the regulations are adopted. Randy: Correct. Trudy: You would think the BOCC would want to have more control no matter what their standing is on an issue.

- Whole Measures: Center for Whole Communities (Larimer County is sponsoring a workshop with Peter Forbes in November. To learn more about Whole Measures visit www.wholecommunities.org/)

K-Lynn: Peter Forbes with the Center for Whole Communities will be coming to Larimer County in November. The Board of County Commissioners, Open Lands Program, City of Fort Collins Natural Areas, and the Colorado State University's Center for Collaborative Conservation have formed a partnership to sponsor this workshop. The workshop will help the Open Lands Program to look at the future and evaluate what role we will play as things change with green energy and shrinking resources. As our society moves forward it's important to look at the Open Lands Program in a new way and hope we can be a part of the



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progression. New ways to consider using our open include local food production and business, decreasing use of fuels while increasing local use of food, resulting in our community lessening our footprint.

The work we do to provide outdoor recreation and wildlife habitat are important, and other opportunities may exist such as working with other organizations who garden with the low income or youth-at-risk, helping these members of our community to develop new skills. Boulder County has already moved in this direction, they are receiving overwhelming support for putting community supported farmer/agriculture (CSF/CSA) on open spaces. They are exploring and implementing several different frameworks including a CSF where the community can buy weekly shares of the farmer's crop. Traditionally, if a hail storm moved through an area the farmer would lose their crop, however with a CSA the farmer does not lose their crop, the hail marked food is still dispersed between CSA members. Another framework is structured similar to a homeowners association where several business owners are growing their individual crop on a parcel of land, but they share operating responsibilities of the land.

Peter Forbes says across the country organizations are doing a great job raising funds to protect land, now we need to work towards connecting people to the land. There are two parts to the November workshop. The first portion is open to the community, while the second part is limited to 25 members of the community. Currently, the individuals have been invited: County Commissioners Rennels and Eubanks; County Manager Frank Lancaster; Director of the Rural Land-Use Center; a representative for the Agriculture Advisory Board; a member of the City of Fort Collins Land Conservation and Stewardship Board; several staff with City of Fort Collins including Marty Heffernan with their Cultural, Library and Recreation Services; Loveland Youth Gardeners; Robin Reed with CSU's Center for Collaborative Conservation; several local farmers; and Gail Kimmel with the Local Living Economy Project.

- **Special Places Program.** See handout. Jerry: Last month we talked about the Special Places concept which was first identified in 1983. In 1999, Special Places was addressed in the Land Use Code and in 2001 the Open Lands Program's Master Plan referenced the Special Places Program. A draft program description was developed, noting the focus would be publicly owned lands and a work session was held with the BOCC last week. Commissioner Eubanks was in-support of the proposed program; Commissioners Rennels and Gibson were opposed saying it creates more bureaucracy and the open spaces are already protected.

K-Lynn: Part of the concern is having *special places* marked on a map and for example, an oil and gas company was conducting research for a pipeline would they avoid the publicly owned special place and instead locate the pipeline on private land. Nancy: Kathay said preference should not be given to public lands, all land should be considered. K-Lynn: The Special Places Program is still in the Land Use Code, we can address this again in the future. Bob: Is there a role the Friends of Larimer County Parks and Open Lands can play? Jerry: We would need to discuss this.

DIRECTOR'S REPORT: No director's report

EXECUTIVE SESSION: (24-6-402(4) (a) C.R.S. Purchase, acquisition, lease, transfer or sale of any real or personal property interest. **No executive session**

The meeting was adjourned by a motion from Ben. The motion was seconded by Sue and carried unanimously. The meeting was adjourned at 7:43 p.m.