



## LARIMER COUNTY OPEN LANDS ADVISORY BOARD MEETING MINUTES

Wednesday, Nov. 10, 2010 – 5:00 p.m.- 9:15 p.m., Larimer County Courthouse, 200 W Oak St., Ft. Collins CO

*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:

John Ericson	Town of Estes Park	Trudy Haines	At-large
David Roy	City of Ft. Collins	Suzan Fritchel	At-large
Nancy Wallace	Planning Commission	Mary Banken	At-large
Patricia Brennan	At-large	Peter Kast	At-large

Staff:

Gary Buffington	Director	Travis Rollins	Open Lands Operations Manager
Kerri Rollins	Open Lands Program Manager	Zac Wiebe	Natural Resource Technician
Meegan Flenniken	Resource Stewardship Manager	Jeffrey Boring	Resource Specialist
Lori Smith	Senior Accountant	Rob Novak	Education Coordinator

Absent:

Jeff Hindman	Town of Berthoud	Steve Vessey	At-large
Hugh McKean	City of Loveland	Don Griffith	At-large

Peter called the meeting to order at 5:09 pm.

**REGULAR MEETING**

- Approval of the meeting minutes for September 23, 2010.  
     **John motioned to approved the minutes, David seconded and the motion passed unanimously.**
- Review Agenda and enclosures

**PUBLIC COMMENT: Items not on the agenda.**

**INFORMATION:**

- Natural Resource Boards Holiday party is scheduled for December 2, 6-9pm, at the home of Peter & Penny Kast. Email invitations have been sent. Please RSVP by 11/29 to Zac.
- Aerial spraying for cheatgrass, as part of the Devil’s Backbone Open Space grassland management plan, was successfully completed on November 1<sup>st</sup>. Notification was sent to adjacent neighbors and no concerns were expressed. One more prescribed burn will complete the project.
- The seasonal (~4 week) closure for the rattlesnake hibernaculum at Red Mountain Open Space (RMOS) began in mid-October.

Volunteer monitors have observed several rattlesnakes. The closure will remain until there is a long term frost. Peter asked if the snake population is stable. Meegan answered that it is stable and the population is about 50. She recommended a recent National Geographic article that includes information on rattlesnake migration patterns.

- Natural Resource Events for November. See website <http://www.larimer.org/naturalresources>

Nancy mentioned her husband George’s hunt at Red Mountain Open Space (RMOS). The current access is very difficult and involves a lot of hiking. Gary mentioned that the Department of Natural Resources (DNR) may



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want to review the access issues. Meegan said that DNR will contact all the hunters to get feedback on any issues, then adjust regulations as necessary. Allowing overnight camping may be considered.

### **FINANCIAL REPORT:**

- Annual review of cash flow for Acquisition and Long Term Management funds – Lori Smith  
Lori pointed out the 2010 column projected sales tax (yellow). \$3,553,325 is the current projection. Last time it was \$3,335,000. Finance has increased the projection. Most of this surplus is from administrative fees that can no longer be kept. The same projection is used for 2011. What was \$3,335,000 is now \$3,440,000. The next line is bond debt service. Nancy asked why the bond payment changes. Lori answered that finance will change the number depending on the amount of interest they receive. Adjustments are for interest, debt service reserve and less revenue collected in following years, it's an accrual. Money is received in 2019 because DNR will still receive tax revenue for 3 months.

### Uses of funds:

*Operations* - The 2010 administrative costs (yellow) was \$555k and is now \$498k. For 2011, it was \$506k and has dropped to \$419k due to lower staffing costs. As trends change from acquisition and development to maintenance, staff salaries get shifted into maintenance costs.

*Planning* - Lori pointed out that \$10k was set aside for Buckeye but can now be released. She also pointed out a negative \$33k amount at the bottom of the second page. This is from the Kraft property that DNR owned. A utility paid DNR for an easement through the property. The RMOS development amount was reduced from \$12k to \$10k. Poudre river trail was \$366,615 and is now \$ 301,547. Road and bridge didn't need all the money, it was released to us. In the 2010 column, cumulative available funds were \$1,963,000. Because DNR will be spending more than it takes in from 2013 to 2018, only \$ 1,267,371 is unspent or unallocated. On page 4 showing Regional park fees, DNR will get \$50k and plans to spend it at Hermit Park Open Space next year.

- Update: Natural Resources Capital Development and Acquisition Summary 2009 - 2011.  
Gary mentioned that there is possibly a reserve fund of about \$400k and he is trying to get it released. Nancy asked if accounting thinks income has bottomed out. Lori said that they feel that DNR's debt service is good and are more confident. She then pointed out the department holdback projects, \$200k then \$300k in 2019. That's money that is taken out of Acquisition and Development and put towards department projects. Gary clarified that it is an internal reserve. Lori will change the spreadsheet.

The summary removes staff salary etc. and just shows the available funds, current projects, and shortages in future years where spending will outweigh revenue. The acquisition and development fund borrowed \$4.2 million from development and it's those years when the management fund needs that repayment. Kerri discussed the approval and need for an additional \$32k needed for 3 Bells and requested approval. **Nancy moved to approve the additional \$32k, David seconded and the motion approved unanimously.**

Lori moved into the management cashflow spreadsheet and pointed out the increased sales tax numbers. User fees have gone up from projections, most of which is Hermit Park Open Space which is getting more than expected. The main difference in 2011 is that the areas that Travis monitors are moving into one fund. He will merge funds into one budget that will be easier to manage. Also, the projected rate of annual expense increase is showing 9% in later years. This won't be raised, it will be staff moving into management from acquisition and development. It will be the same staff, just a shift of how they are paid. She pointed out the \$1.4 million and \$1.6 million expenses with sales tax going up are at 28%. Gary clarified that reservoir expenses are not current. Nancy asked if DNR has put anything into reservoir expenses in the last few years. Lori answered no, the last money set aside for the reservoirs was for the Blue Sky trailhead. Some of it was spent at Horsetooth Mountain



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Open Space (HTMOS). Nancy clarified that all of the original Horsetooth Mountain Park is included in HTMOS. John asked what capital cost in 2014 is. Lori answered that Chimney Hollow Open Space (CHOS) will be open to the public then. He asked if there is any budget for the tax renewal project. There isn't yet. Kerri commented that a proposal would be presented to the board. John clarified that the County 2011 budget has been approved. Tom corrected that it has not been approved; there will first be public comment. Gary asked Lori to talk about the percentages on top. She repeated that staff will be moved from acquisition and development to management. Nancy asked if the CHOS figures were based on the projected dollar per acre that has been developed. Lori answered yes, for CHOS and Red Tail Ridge Open Space, but others are slightly different based on actual costs. Nancy recommended that it would be advisable to keep track of the cost per acre as a piece of valuable information. The cost per acre shouldn't drop off. Lori commented that it won't. Lori has that information but it isn't as big of a factor when it's lumped into one budget that includes properties that have actual costs. Nancy thinks it is valuable to explain to the public how DNR will spend the tax when it goes back for an extension. Lori pointed out that there is a budget of \$6,334 for River Bluffs Open Space as an example of actual costs. Peter told the new members about the past exercise of moving an area into public access and determining how much it costs to keep it closed or open. Lori mentioned research from other entities about costs and it was discovered that it was not a realistic comparison because of overhead costs that were not factored in. DNR was more accurate because it included everything. It was a very comprehensive exercise.

### **ACTION:**

- Final Review for open space acquisition - Three Bells I and II Conservation and Trail Easements

Charlie passed around a map of Three Bells 1, a 163.19 acre property that includes 1.5 miles of the Poudre river and an active Bald Eagles nest. No mining is allowed and development is limited. In the NE corner the landowner is allowed five structures. The homesites are restricted by the flood plain and the Colorado Division of Wildlife (CDOW) recommendations for a ¼ mile buffer around the Bald Eagle nest. It will include a half mile section of the Poudre river trail. Mineral rights are 100% owned. They have the right to do directional drilling for oil and gas. There are liens that will be subordinated at closing. The value of the easement is \$1.27 million, \$7788/acre. The landowner donation is included in that figure. *See handouts for partner contributions and land evaluation ratings.* Suzan asked about the 2 home sites in the NW corner, if there were restrictions on the transfer. One will be associated with the property, the other one can be sold separately. Only 1, 5 acre site can be sold separately. Nancy asked about the 150 acres left when mining is done. It is currently in agriculture, a center pivot in disrepair will be dismantled and grazing will continue.

The Three Bells 2 parcel is a 174 acre property that includes nearly a mile of the Poudre River. There is an existing permit to mine gravel and the easement will allow for continued mining. The landowner owns 100% of the sand and gravel and it will be extracted. The building sites in the SW and SE corners were placed to comply with floodplain restrictions. Nancy wondered how long it will be before mining is complete. The permit ends next year but it will likely be extended. Charlie thinks it will be complete in 4-6 years. Trudy asked how close mining will get to the river. Charlie answered that there is no legal requirement and it depends on the river bank, it's usually about 100-200 feet. Trudy asked if there are plans to reclaim the mining areas for building. There are but it will be years before reclamation is complete. David suggested protecting the river corridor in future discussions. Charlie has actively discussed this idea with the landowner. Peter asked if the trail can be built as soon as the deal closes. The trail building will be contingent upon successful grant funding. Tom asked Kerri how much further it will be to tie into the Ft. Collins portion of the trail. Kerri answered that there is an approximately four mile gap on the 40 mile trail. Kerri commented that this is a good demonstration project for our communication with landowners in the future. Three Bells II has six building sites, five of which can be sold separately. The SE site allows a home site and associated outbuildings. The SW sites allows for a homesite and an accessory home on each. The landowner envisions these for family. The maximum square footage for



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the accessory homes is 2500 sq/ft. Jeffrey asked which of the six will get the balance of the property. Charlie isn't sure yet. Peter asked if there was reason to be concerned from a resource perspective. Jeffrey said it depends how they are cut out and DNR should work with them to do it sustainably. Charlie mentioned that everything is contiguous. On Three Bells II, they own 100% of sand and gravel and only 75% of oil and gas. Mary asked what the implications are. Charlie answered that someone could drill but not the landowner. **Suzan moved to recommend approval of the Three Bells I & II Conservation Easement acquisitions to the Board of County Commissioners, Nancy seconded and the motion approved unanimously.**

- Final Review for open space acquisition – Sylvan Dale Cedar Creek Conservation Easement (CE) donation This is a continuation of the long standing partnership with the Sylvan Dale ranch. DNR has been working with them since 1998. They have a guest ranch and cattle operation. See map for the new easement. The Cedar Creek CE is 560 acres. Sylvan Dale currently has 1060 acres under CE. The area is mostly Ponderosa pine forest with several access roads. The landowners are very good stewards of the area and will follow Natural Resource Conservation Service recommendations. The existing “cow camp” and historic lumber area are notable features included in this easement. This CE is fairly typical but it allows for guest ranch activities, typical with this landowner. There is no public access planned. Sylvan Dale currently has 6 CEs, this one would be the largest. It is a full donation, DNR would only pay the transaction costs. The total donation so far is over 1.3 million dollars, one of the highest ever donated in Larimer County. The value is approximately \$500/ acre, an appraisal will be done soon to finalize the cost per acre. The County will hold the easement and the BOCC has authorized up to \$20k for initial costs although it will likely be less, around \$15k. Trudy asked why the property value is so low. It has bad access and no water, sewer or other facilities. Mary asked if they will be using tax credits. Yes, they will recapture at most 40% of their donation. **Peter motioned to approval of the Sylvan Dale Cedar Creek Conservation Easement acquisition to the Board of County Commissioners, Nancy seconded and the motion passed.** Suzan abstained from the vote due to a conflict of interest.

- River Bluffs Open Space educational kiosk banner and tagline. Rob Novak Rob thanked Suzan and Don for their work on the subcommittee. The Poudre Heritage Alliance is currently completing a plan and DNR will work with them. See handout, the statements of significance will become the theme for the area. The banners will be located on any materials about the property. The subcommittee is recommending “the past flowing through the present” as a tagline. He showed three options including three different taglines that can be moved around. Rob requested feedback or discussion. Trudy commented that the graphic on C could be construed as a lake. Nancy likes the graphic of option A and the vegetation of B. David likes B. Peter clarified that the tagline is “past flowing through the present”. David likes B with “past flowing through the present”. Peter asked about the inclusion of buffalo nearby. Nancy likes B but not any of the taglines. Jeffrey asked why the subcommittee was in favor of the tagline. Suzan like the river flowing in and that it tied well with the past flowing into present. Trudy likes more concrete things such as “Poudre meets the plains”. Rob suggested adding willows to the A. Nancy likes smaller mountains of C. Trudy would like to defer to expertise. Nancy commented that the second sentence of the first paragraph of the handout doesn't make sense and suggested adding a comma or breaking it up.

### DISCUSSION ITEMS:

- Greeley waterline proposal through Lions Park – Charlie Johnson DNR has a perpetual lease on Lions' Park Open Space (LPOS). The Greeley waterline comes from Bellvue, through LPOS. Greeley has gone through the planning commission and, as part of the process, they have to approach DNR to ensure that its' interests are protected. Greeley is asking DNR to sign a crossing agreement to allow construction of a new waterline. The easement will be granted by the Colorado Division of Wildlife and the crossing agreement addresses any impacts to DNR. DNR won't sign the agreement until the easement is



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granted. The planned easement width is 50 ft. permanent with a 75 ft. temporary construction easement for a 60" water line. It will go through LPOS just north of the parking lot, will affect some vegetation. Efforts to restore this vegetation will take place. John asked where the water goes. Dan Moore, a representative from Greeley, answered that it starts at the Bellvue water treatment plant and continues to Greeley, its' sources are the Poudre river and Horsetooth reservoir. Peter asked if the pipe is a replacement. It's not a replacement, it is designed to supplement existing lines. Gary asked if there is ever money paid for easements like this. Charlie answered that money goes to the parties based on there interest. Dan answered that there is an intent to pay the CDOW to make the property whole. Charlie commented that our leasehold interest isn't damaged unless there is limited access. Trudy asked about the value of the view. Jeffrey commented that the view will change. It was clarified that the pipe will be underground and not affect the view once completed. Kerri asked about "boring" instead of digging. That can take place in some cases but this part will be dug. Mary asked about the expected timeframe. Dan answered that it will be wintertime approximately a year from now and will take approximately 6-8 weeks.

- Hermit Park Open Space (HPOS) financial overview, user fees and management updates - Chris Fleming  
Chris mentioned that there have been some developing opportunities and issues at HPOS. She does an annual update and solicited concerns or questions before implementation of any management decisions. The management plan process of 2007 allowed hunting at HPOS. Outdoor Buddies, a group that provides access for disabled hunters, and the Colorado Division of Wildlife (CDOW) approached DNR about allowing hunting. Chris would like to allow them access the last week of November and middle of January. The harvest goal would be 10 cow elk. This is a pilot program and looks at management goals. The reason for two seasons is to help with the rate of success. The CDOW wants to apply pressure on the elk so HPOS doesn't become a sanctuary. David asked about user conflicts. Chris commented that they will limit the amount of conflict by limiting the areas of use and keeping hunters away from the cabin area, where most of the winter use is. David wondered how a disabled person will be able to hunt. Meegan asked if they are hunting from roads. They will indeed hunt from roads. Trudy asked if Outdoor Buddies is a County organization and how many members are in the northern Colorado region. No one knows. Mary asked where they would hunt. Chris answered that hunting would take place near the entrance station and past homestead meadows. John clarified that they would be in restricted areas. He's concerned about the people on the other side of Highway 36 and the neighboring areas. John asked if neighbors would be informed. He wants to be proactive, not reactive. Chris commented that there will be signage. Kerri asked about hunting at Lory State Park (LSP). LSP allows it but not on weekends or overnight. Trudy suggested going over the "saddle" area to avoid potential conflict with neighbors. Chris commented that this group is responsible and ethical and she's not as concerned with this particular group as she would be with the general public. Mary asked if Candy and Jim Sulzbach have been contacted. They have not. Kerri assumed that there would be a pre hunt meeting to go over regulations. Chris will touch base with the neighbors. John reiterated his concern about conflicts with neighboring landowners. Mary asked about kill retrieval. It would be allowed but non-motorized. Meegan asked what year this would start. It will be this November. John asked that Chris contact the Estes Park Police Chief before any hunting takes place.

Chris is looking at financial efficiency by doing a park closure at HPOS during the slowest recreational months, a period from December 20th through the end of February. Last year during that same time frame about \$2300 dollars of revenue was generated compared with about \$6500 in seasonal costs. Peter asked if it was closed last year. It was not. Nancy asked about the hunting season during the proposed closure. DNR will allow hunting access during that time. Mary asked if all use was prohibited. Chris answered that people can walk in but the gates will be closed.



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It's been three years since HPOS opened and no fees have been raised. The Bobcat campground has been renovated and Hermit's Hollow campground will hopefully be renovated. Chris would to increase fees for camping, not cabins. The current rate is \$20 with a \$6 day use fee. Other areas in the vicinity charge \$29 to \$40. She'd like to increase the current camping fee by \$2-4. This increase would bring an additional \$10-18k into HPOS. Gary commented that the campsites are in great demand. Charlie commented that, unlike Rocky Mountain National Park, the allowance of dogs at HPOS is an attractant. Kerri reminded the board that two GOCO grants for HPOS will be decided on November 17. Nancy asked about the responsibility of the board. There needs to be a recommendation to increase fees. Trudy asked if there was a difference of fees for out-of county vs. in-county visitors. There is no difference. Jeffrey asked if there were levels of camping. Chris said that there are levels of amenities system-wide but all HPOS sites are basic. John asked if there is overflow in demand for camping at HPOS. Chris answered absolutely, every weekend. Mary asked what the charge is to camp at Mary's Lake. Chris commented that the levels are \$20, \$25 and \$30. **Trudy motion to recommend the increase of four dollars for camping at Hermit Park Open Space, David seconded and the motion passed unanimously.**

- Regional Open Space Master Plan and Conservation Financing discussion continued.

David thought the Trust for Public Land (TPL) presented well but it was more significant to get everyone in the room together. It gave people a sense of how to work together. Nancy felt it was unifying and a way to bring a lot of people into the discussion. TPL could do a lot of the legwork to obtain information and move us to the next step. John commented that TPL brings so much to the table. Nancy agreed, especially since so much is free. Kerri mentioned that since TPL is a non-profit they are there to help instead of make money. In addition, they bring money to the table. Trudy recommended sending out the presentation and having a more detailed discussion at a later meeting. Kerri commented that there will be a lot of time for discussion at the January meeting. David asked how OLAB should interpret the fact that three communities didn't attend. Kerri doesn't know; Berthoud has been involved already and planned to attend, Wellington also responded that they would be there. Only Johnstown declined. Kerri will follow up with Loveland to see why Johnstown declined. David thinks those communities should be shown the presentation. A video will also available. Patricia thinks TPL is a great resource and likes Dee's political background. Mary thought it was an excellent presentation and thought the Greenprint is a great tool. Suzan thought it made the idea that a tax could be passed possible. It seemed daunting before. Peter thinks there are a lot of tools, a lot of which DNR could use, some more appropriate for the cities. The topic will be discussed in more length at the January meeting

**BOARD COMMENT: Items not on the agenda**

**DIRECTOR'S REPORT: Items not on the agenda**

**EXECUTIVE SESSION:** (24-6-402(4)(a) C.R.S. Purchase, acquisition, lease, transfer or sale of any real or personal property interest.

*Next regular meeting: Thursday, January 27, 2011; Loveland Council Chambers, 500 E. Third St., Loveland*