



LARIMER COUNTY OPEN LANDS ADVISORY BOARD MEETING

A G E N D A

Thursday, January 3, 2013

5:00 - 8:00 p.m.

Larimer County Courthouse Offices, Boyd Lake Room, 200 W Oak, Fort Collins, 80521

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.

Please call Meg at 970-679-4592 if you are unable to attend a meeting. Votes require a quorum. Thanks!

Present:

Hugh McKean	City of Loveland	Nancy Wallace	Planning Commission
Peter Kast	At-large	Trudy Haines	At-large
Mary Banken	At-large	Ladonna Lee	At-large
Carl Sorrentino	At-large	Steve Vessey	At-large
Suzan Fritchel	At-large	Gerry Horak	City of Fort Collins

Staff Present:

Kerri Rollins	Open Lands Program Manager	Meegan Flenniken	Resource Program Manager
Gary Buffington	Director	Meghan Oren	Department Specialist
Zac Wiebe	Fund Devel. & Special Proj. Specialist	Rob Novak	Community Relations Specialist
Charlie Johnson	Land Agent	Travis Rollins	Open Lands Operations Manager
Commissioner Tom Donnelly	BOCC		

Absent:

John Phipps	Town of Estes Park	Paul Alaback	Town of Berthoud
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Peter called the meeting to order at 5:15 pm.

Mary requested the Board move to executive session, Nancy seconded the motion.

5:00-5:50pm

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

- There will be an Executive Session

The Board took a 10 minute break to allow time for the public to be seated for the Regular Meeting session.

6:00pm – Public Meeting commences

REGULAR MEETING

- Approval of the meeting minutes for November 14, 2012
 - Nancy motioned to approve the minutes and the Board approved unanimously.
- Review Agenda and enclosures
 - No changes/additions



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INFORMATION:

- Kerri thanked Peter and Penny Kast for hosting another wonderful Christmas celebration at their home for the Natural Resources Department Holiday Party. She also thanked Meg for arranging all the food and details! There was a great turnout for the party and everyone really enjoyed it.
- Kerri also announced John Fielder's visit and event at the Lincoln Center in Fort Collins on December 15th. The event was to celebrate 20 years of Great Outdoors Colorado and to promote his new book. Both Gary and Kerri attended the event and altogether approximately 120 people were there.
- Meegan announced to the Board that David Clack is the Larimer County 2012 Visual Artist of the Year. A reception honoring the Devil's Backbone Open Space artwork of the artist will be on January 11th at 2pm in the lobby of the Larimer County Courthouse Offices at 200 W Oak Street in Fort Collins. She encouraged all to attend the reception and also informed the Board that the piece will be on display in the Courthouse for one year.
- Meegan also announced that applications for the 2013 Visual Artist of the Year are available for anyone interested in applying. More information can be found at <http://larimer.org/openlands/artist.htm>
- Kerri reminded the Board that the meeting schedule for OLAB 2013 is enclosed. Please mark the dates on your calendars. For more information, please visit: http://larimer.org/boards/brd_info.cfm?board=23
- To sign up for Parks Advisory Board minutes go to <http://larimer.org/subscriptions.cfm> put in your email and click 'subscribe', then check "Parks Advisory Board" box
- Natural Resource Events for January. See website <http://www.larimer.org/naturalresources>
- Peter went over the protocol for public commentary and stated three minutes would be given to each person that wanted to comment to the Board. He suggested each Board member listen to everyone's comments, take notes, and any questions/comments Board members have can be asked or advised at the end of the Public Comment session. Gerry proposed Peter give a review to the public what the Board's responsibilities are and how it operates. Ladonna recommended going over the details of the easements on the property and Charlie said there will be a powerpoint presentation going over that information. Meegan asked that anyone that would like to speak/comment to please sign in and say their names before commenting to the Board.

PUBLIC COMMENT: Items not on the agenda - None

ACTION:

- Final Review (enclosed) – Roberts Ranch fee simple donation
 - **Project Overview**
 - Each Board member introduced themselves before the presentation. Peter noted to the public in attendance at the meeting that the Board only makes recommendations, not decisions, and as an advisory panel, any decision they suggest may/may not effect the commissioners' decisions.
 - Staff members also introduced themselves to the public.
 - Kerri gave a presentation on the Roberts Ranch project overview. She thanked the public for their attendance and opened the presentation by discussing the merits of the proposal by Catherine Roberts. Kerri explained that the county only works with willing landowners and



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- also went through the process and steps for acquisition. Catherine Roberts requested a meeting with the county six months ago about donating the property as a gift. Kerri reminded the Board and public attendees that the purpose of this meeting is to discuss the acquisition, although it is a gift, but the topic of management will come later in the process and not at this meeting.
- Kerri gave an overview of the acquisition process step by step with this meeting being the first public review. The process of acquisition is as follows: Project Initiation, Project Development and Review, OLAB initial review (Kerri noted that all discussions with land owners are confidential at this point in the process and it's still considered a private discussion), BOCC Initial Review (Kerri noted that the BOCC is who makes the final decision on whether to continue pursuing the acquisition or not), Field Trip (which allows board members to see the property and to ask questions), Project Negotiation (which includes continued negotiations with the landowner, with possibly a contract write-up and appraisal), OLAB Final Review and that's when the project goes public. Kerri noted in the presentation that this is where we are in the process. We take all public comments and present it to the county commissioners. The important date to keep in mind is when the BOCC makes their decision which will be on Tues. Jan 8th @ 10:15 am. They will also hear public comment. This is the process that we use for all projects.
 - Kerri oriented the public to where the property is in the county, everything in red is the Roberts ranch, in green is all existing conservation projects totaling about 140,000 acres, this is considered a priority area and has been since our master plan in 2001. A lot of the land near or surrounding the Roberts Ranch was acquired in the Laramie Foothills Mountains to Plains project.
 - Kerri reminded everyone that Larimer County only works with willing landowners. Kerri said that Catherine Roberts is the sole owner of the ranch, that Larimer County has a title commitment and title insurance guaranteeing that Catherine Roberts is the sole owner. Kerri said the first and second CE's were put in place in 2004 and 2006. She went over the conservation efforts and other values the public would attain, and said that all of the values come together on this property: agriculture, natural resources/cultural heritage/education. It is a Centennial Ranch dating back to 1873/4 with high wildlife and riparian resources, valuable ecosystems and plant systems, remnants of the Overland trail, tipi rings, and geologic features such as Steamboat Rock.
 - Kerri finished by summarizing that although the property is already conserved from development via CE's (Kerri described some of the primary conservation efforts put in place by Catherine Roberts such as the property will never be subdivided, conservation of habitats, prohibit building except in replacing existing, and the agreement would include all the water excluding 30 shares of NPIC, it supports ongoing agricultural practices, and a life estate of 20 acres on the homestead has been reserved for D.L. Roberts.
 - Included in the gift is: 16,500+ acres, 30 shares of NPIC, all vehicles including Chrysler collection, ~350 cow/calf pair and 11 bulls and personal property of Catherine Roberts. It will always be called Roberts Ranch, managed as a working cattle ranch and the conservation values protected.
 - Stipulations put in place by Catherine Roberts are: no unmanaged public access, retains life estate for herself, any funds generated from sale or transfer of assets must be reinvested in conservation organizations, any funds from sale of livestock must be used in current operations on the ranch, and she is recommending one of the homes be turned into a museum, PILT are paid by the county (current tax is \$12,600, interest is in school and fire district) and ongoing stewardship.



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- Ongoing steward activities: Campbell Valley restoration/erosion concerns; allow for ongoing research and education (vegetation and weed management plots), allow for ongoing archeological activity (many findings on ranch, CSU research ongoing and have students researching/writing dissertations)
 - Public benefit for the ranch: fee simple ownership ensures lasting conservation; manage, control, limit public access (will be determined by type, timing and location and be consistent with the CE's in place); CE's can be overturned in the future and so by fee simple ownership will help prevent that; could include museum/ag heritage center to celebrate Roberts family and ag practices, interpretation/education of resources via tours, and limited hunting/fishing. School groups currently visit there now, but the general public would benefit from being able to visit the museum and there will be other public benefits with possible limited use of roads for trails. Kerri noted that more will be discussed in the management plan process after the acquisition is complete.
 - What will happen if accepted: retain existing ranch manager for 1 year because we want to learn from him and make sure we're informed about the ranch so it continues as it currently exists. The county would hire a ranch manager so ongoing staff can have continuity of knowledge from the existing ranch manager. The current ranch manager is looking to move on and is willing to have an apprenticeship with new hire. The county would repair infrastructure necessary to inhabit houses, repair equipment and vehicle. A management plan process would take about 6-12 months. It's estimated start up cost is \$400,000.
 - Management planning process involves ongoing advisement of a "technical advisory team" on the whole management plan process, which will take about a year and there will be an extensive public process involving neighbors, community, general public, and all are welcome to come help advise to be a part of the process. Updates will be communicated via mailings, web, press releases, social media and OLAB meetings.
- **Public comment:** Peter opened the floor to comments from the public. A sign up list was available for people to sign in to in order for the process to be organized and everyone who wanted a turn would get one. Each individual was given three minutes to speak.
- Carl Judson: Opposes; inappropriate for the county to consider.
 - Terry Danielson: Opposes; Ethics vs. Legality
 - Astrid: Opposes; ethically and morally strange that C. Roberts would suddenly do this.
 - Gale Meisner: Opposes; morally wrong for a family member to do this, noted case in Wyoming, needs to be considered by the Ag Advisory Board as well.
 - Mary Beth Simon: Concerned about the water rights, wants to make sure the water doesn't get separated from the land/property
 - Dan Miller: Approves; His family has a verbal agreement that the land is deeded and he intends to continue that agreement, spoke in support of Catherine for her choice and her position.
 - Steve Campbell: Opposes; feels the money that would be used for the ranch start-up should be used for roads and schools.
 - Benjamin Roberts: Opposes; gave history of his family and explained feelings on the matter.
 - Lew Kinzli: Cautioned the county to not make a quick decision, but to fully consider all options.
 - René Lee: Opposes; feels it is family business.
 - Tom Niickel: Opposes; doesn't believe the government should own property.
 - Bonnie Hebbert: Opposes.



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- Richard Seaworth: Concerned that the county hasn't thought the whole idea through, wants to know management plan before decision is made.
 - Pat Hayward: Considers both sides: could break up a family, but also concerned about conservation and thinks Soapstone and Red Mountain are examples, affordability in long term.
 - Forrest Robinson: **Strikethrough because of inappropriate nature of comment for public release.*
 - Ray Ferree: Opposes.
 - Ed Haynes: Opposes; concerned as a tax payer, moral and ethical level, concerned about tires/pollution effects.
 - Luke Martin: Opposes; unethical.
 - Edie Yates: Concerned about public access, understands benefit of easements.
 - John Clarke: Opposes, feels the conservation easements in place already protect the land
 - James Martini: Approves.
 - Eric Sutherland: Opposes; read letter from Evan Roberts to an attorney
 - Patricia Taylor: Opposes.
 - Burke Roberts: Opposes; gave family history and opinion on what grandfather would have wanted.
 - D.L. Roberts: Opposes; talked about desire to conserve, but not the way his father would have wanted it to be done.
 - Meg read 7 letters sent via email to the Department of Natural Resources and staff members.
 - *Digital recordings of public comment are available.
- **Board discussion**
- The board took a ten minute break before proceeding with discussion. Peter called the meeting back to order at 7:54 pm. He thanked everyone for coming out tonight and agreed there are a lot of issues that are beyond the scope of this board. The two questions that the board needs to discuss are: is it a legitimate request/gift and does it fit in with the open lands program? This is not to limit discussion. We need to focus if this gift is appropriate or not, there are a lot of open issues.
 - Gerry: The water rights are a gift, are they attached? What's the difference between the current CE vs. county taking over?
 - Kerri: Yes the water rights are attached. The public benefit is the difference, and through the management plan process, we will find out what the public wants and how that relates to what the CE states. As mentioned in the presentation, the obvious public benefits are a museum featuring the Roberts family, potential to incorporate 4H program, demonstration area, and tours. While there are already limited tours, historic/school tours, they could be broadened, staff led tours. Both Red Mountain and Soapstone were similar in process and the benefits were realized on the tours not just through discussion, but the ability to interact and stand on the ranch. The management process has not started yet, and we would look at hiring a ranch manager which doesn't preclude other management options, like a young rancher to come on and ranch as an opportunity, and/or limited public hunting and fishing similar to Red Mountain.
 - Gerry: One of the things mentioned during the public comments is that the family has pursued a conservation/trust, has staff thought about these concerns and if/how they should be incorporated?
 - Kerri: Pursuant to the trust idea, we don't know/have many details but that it didn't work out. The staff has discussed it as part of the management plan process, and we would want a



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- stewardship board/task force that could be advising us on managing practices. I am not trying to be vague but that public process comes later.
- Hugh: Concern is that this is not the run of the mill fee simple, but is the largest acquisition we've ever had. I'm concerned about the management plan, not comfortable with the current process and feel a tremendous stress is riding on the management. If we fall on our face, we fall. I cannot sit here and be comfortable on the size of those decisions with all the moving pieces. Is the board willing to consider a management plan without being able to know what this would be like and what we'd be able to afford?
 - Kerri: It's a unique situation, and looking around our state, no one's ever had a gift like this with these values. We are stepping into the dark, and the values are all we are comfortable with, but don't know exactly what they'll look like. Those details would need to be worked out, like the ranch management practices. No one's ready to say what that'll look like other than what it's currently like and if leased into the future, then we'd know what that would cost. Like the current ranch operation - each scenario will look different and we haven't looked at it.
 - Hugh: This department, all of us, we need to start looking at what that is. There are a lot of things in agriculture that you can't control therefore we won't know, and as a steward of public money, we need to know as much as we can before we commit without knowing that. I am having a difficult time with this. The concern is not about what the public benefits are, but what the real best/worst case scenarios are to the rest of the board.
 - Gerry: I agree with Hugh. This should be a different process, and the process needs to start soon again because there isn't another piece of property operating like this before that we have. I understand it's all guesses, but it's a business plan and this one's a little harder. How much do these ideas cost? How does it fit in to the budget? This will allow the community to know. Moving ahead tonight isn't the right thing, because we need more data; more things to be concrete and structured. There aren't many details.
 - Trudy: I have a couple questions, and want to address some of the issues. There are a number of large issues without a lot of details and as we pull experts and public in to the process, it gets figured out. This happens both with county and city acquisitions. Without knowing the full public support, the speed of decision is effected by when it's done not how it is done. With any acquisition, it's important to find out what people want and the land, the preservation. I am a big supporter of the ranch family and farms, but I have questions. No, the county has no say in who inherits or lives there, and I feel bad for the family, but if the county doesn't take this gift, who will she (Catherine Roberts) give this land to? Another conservation organization? If the county says no, what happens?
 - Kerri: I don't know if we can answer that. She's looked at multiple options and don't know how many options she has, but she wants to pursue another conservation organization.
 - Nancy: To have a management plan in place before acquisition is difficult because the plan is expensive and is this an acquisition or a gift? Does it meet our priorities? We will have to spend money. Hermit Park was supposed to be a turnkey operation, great acquisition, but it's been anything but free. The decision was made to purchase and the management of Hermit Park has been very expensive, but worth every penny. I feel the same way about the Roberts Ranch. Disregarding the family issues, I believe we should accept it. It is part of the area where we have put so much money into as a priority area. It would be an incredible addition to the overall project. I think the Open Lands board should accept and we'll deal with the management plan. It will cost money. The question is: should it be part of the open space program, and the answer is yes, it should. It's an amazing property. The tires need to be resolved, it's been an ongoing issue, the open space pays taxes and we will continue to. The



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issues can be resolved with management and maintenance. In comparison to the benefit, it's amazing. It's coming with its own springs, some of the best in the county, plus Poudre shares. We have a potential for a number of agricultural opportunities, sustainable agriculture needs to be consistent. We would make a huge mistake to pass this up. This won't be the only issue we'll have to deal with if the tax doesn't continue in 2018. We'll find out when it comes up, but if we pass this opportunity up because of the potential that it won't pass, we will regret it. We should be overjoyed to receive it.

- Ladonna: Is there a process if we can't afford? There are a lot of costs we don't know. If it's a continually viable position as a ranch. This would be forging new ground.
- Gerry: 500,000 tires and what's the issue? Liability?
- Charlie: If we become the owners, we'd be responsible. There have been ongoing efforts with the tires, trying to reinforce the banks, and as money allows, but it's going to take time. There are opportunities to receive state funds. We knew about it (the tires) and we'll deal with it in the long term.
- Kerri: The estimation of the number of tires is varied, it is anywhere from 10,000-500,000, but they're getting less in number every year.
- Hugh: We had a huge tire issue in Loveland. Do you know the cost of removal/clean-up?
- Kerri: No, not directly, but there are grants.
- Hugh: Shouldn't part of the due diligence be how much this will cost? I wouldn't be going to a closing without knowing how much this will cost. Hermit Park - we knew about campgrounds etc. before we purchased that property.
- Charlie: Those tires are not a fire hazard according to this property report, they have been deemed not be an environmental hazard.
- Hugh: Still a cost though?
- Steve: Don't really want the county to get into the cattle business, it scares me to death. If we turn this down, would it go back to the family? Probably not. If my dad left me the ranch and my stepmom gave it away, I'd be upset. I'm torn and wish I wasn't here. We don't know what'll happen to it if we don't take it.
- Mary: I share your concern about the family and in an ideal world it'd continue in the family heritage, but that doesn't seem to be happening. As stewards in general for the county, if we turn it down and someone else from far away takes the offer, can we feel assured that they'll have the same sense of stewardship as someone in Larimer County would? Although I share the concerns to do a good job, the bottom line concern is: who's going to do a better job? What are the options? Is this going to be the best route of stewardship of this amazing property?
- Suzan: I have some concerns about stepping into a property which involves a museum. We don't have that experience. I'm not concerned about management. Red Mountain is a good example of how a neighboring ranch helps run the property, but I'm not sure we have our arms around this project, and I have reservations about how much it's going to cost. I am a staunch property rights advocate, and believe people have the right to do whatever they want with their property.
- Carl: The start up fee of \$400,000 --- how does this compare to other projects?
- Kerri: It varies and depends. For Hermit Park the start up was well over \$1 million dollars. Another example is Red Mountain and the infrastructure/road was close to a million dollars. In comparison, not a lot.
- Meegan: River Bluffs was well over a million, which included public infrastructure. We're looking at this property on a spectrum in comparing it to other properties.



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- Gerry: Refresh me on the conservation easements currently – they can't be developed or subdivided? There are 7 envelopes of properties, 2 of those can be new structures, and others can be replaced or enhanced?
- Kerri: Somebody could own it and opt to keep it as a private hunting club.
- Gerry: It still keeps it as open space.
- Charlie: The stipulations are that Catherine wants it to continue as a ranch. If she gives it to somebody else, that may not be a stipulation. We want to maintain her wishes.
- Trudy: If someone else gets this, they could not respect the ranching? Is that in a written agreement? It will be an obligation to the county to maintain it as a ranch. If she wanted to do so, she could.
- Hugh: If I saw correctly, it would be under county management unless not financially feasible.
- Trudy: Would she give that same stipulation? She'd have to make it. It sounds like the family is very supportive of conservation easements and preservation and would like to keep the ranch in tact. I respect Mrs. Roberts, am an advocate of property rights, and respect the family has to be sickened, but my personal view is this is an incredible gift and a generous offer. I really respect that. Question: is there some way that the county accepts the gift and has the family involved for the operation?
- Kerri: That was an idea that we proposed and Catherine didn't like that idea.
- Trudy: It is an incredible and generous gift, very selfless gift. My hesitation/concern is a legal issue, should we be prepared to battle a legal issue about inheritance? Have we explored that?
- Nancy: As an understanding and with respect to the family, Catherine holds the property rights. When the easements were granted to the city (of Fort Collins) and The Nature Conservancy, she had clear title as well during those conservation easements. We're not involved with those issues. The BOCC would want to make sure that there is clear title and that's not the issue tonight.
- Charlie: We are pursuing title insurance on this property.
- Peter: It's a tough deal, and nobody in the room is unconvinced that this is a fabulous property. It's a jewel. The issue before us is a stewardship issue. Do we understand the cost on an ongoing basis? That's where I still have some questions, and we are not swimming in money. We have to be very selective on where we put our dollars. I agree with Nancy that those costs pale in comparison to the value of the property, but also agree with Hugh that we need some concrete numbers. I'd like to know from a staff perspective, what is it going to cost us? Current ranch income? If we kept the operation as it sits, what does that mean?
- Kerri: It was one of the first things we shared with the board: fee, hired hands, fences, restoration, etc., and according to the 2012 budget, it (the ranch operation) makes about \$40,000 a year.
- Hugh: In 1985 we (my family) had 2 floods wiping out crops and lightning killed steer. It's not a rare occurrence when you count on cyclical weather, but when I look at the considerations it's fraught with these questions. I wouldn't be comfortable doing this without some of what these measures are. Our question is not the disposition of this property from Catherine. It would pain me if I wasn't asked what to do with our (family) farm. Are we being good stewards in this investment? We are going to take this ranch on in perpetuity. Nancy is saying it's such a great example of what northern CO is, but I can't make that decision, you're asking me to accept this working ranch in perpetuity, and we don't have enough information to answer that today. 1985 was a year we (my family) could not recover from and I'm not comfortable we have all the information.



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- Trudy: Has the county been asked to run a ranch or a grazing lease?
- Kerri: We could do either.
- Trudy: It's an option. There's a lot of info we have from that.
- Ladonna: I think we've all said how valuable this property is, but I share some of these concerns. They say in ranching you have one great year for every ten years. For our fiduciary responsibility, whether it's a lease or not, but what is your process to get us some of those economic factors? How long would it take to get us some of this information we're asking for?
- Kerri: Early on I did look at contracting out a feasibility study and we looked at two individuals who do that. The first wasn't interested and the other was quite expensive and was booked out for quite a while which is why we gave the numbers we did from the budgets we had available.
- Gary: That kind of dollar amount is not feasible, but the tire question, we could get some info and I think we could do some work in house. We'll look at our budget again. A week or two and we could do that. Would that suffice? Our next meeting is on the 24th. We have the grazing piece already, but can look at the operations. Peter, would you like to bench this or take a vote? Other open spaces we have do not have an agricultural business on it currently. I believe Tom is a great ranch manager and we have the opportunity to make it better.
- Carl: We have a meeting on Jan. 24th. Can we get the numbers by the 24th? We'd table it tonight and re-discuss it on that date. Does someone want to make a motion?
- Nancy: I motion to table the discussion.
- Peter: I second.
- Trudy: Does it does mean the BOCC would wait to make a decision?
- Kerri: We would not move forward without a recommendation from this board.
- All board members unanimously agree to table the decision until January 24th.

BOARD COMMENT: Items not on the agenda - None
Peter adjourned the meeting at 8:56pm.

Next regular meeting: Thursday, January 24, 2013; Loveland Council Chambers, 500 E. Third St., Loveland