



# OPEN LANDS ADVISORY BOARD (OLAB) Meeting Minutes

Wednesday, July 16, 2014

5:30- 7:30 PM

Courthouse Offices Building • Lake Estes Room on the 3rd floor • 200 W Oak, Fort Collins

*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.*

### Members Present

Peter Kast - At-large  
Nancy Wallace - Planning Commission  
Gerry Horak - City of Fort Collins  
Hugh McKean - City of Loveland  
Trudy Haines - At-large  
Ladonna Lee - At-large  
Mary Banken - At-large  
Paul Alaback - Town of Berthoud

### Staff Present

Gary Buffington, Natural Resources Director  
Kerri Rollins, Open Lands Program Manager  
Sandy Werkmeister, Department Specialist  
Charlie Johnson, Senior Land Agent  
Alex Castina, Land Agent  
Travis Rollins, Open Space Operations Manager

### Members Absent

Steve Vessey - At-Large  
Carl Sorrentino - At-large  
Suzan Fritchel - At-large

## 1. CALL TO ORDER / INTRODUCTION OF GUESTS

Peter Kast called the meeting to order at 6:35, reminding the Board that we are only here for one reason, which is to discuss and then take a position on ballot language, in preparation for a Board of County Commissioners work session.

## 2. PUBLIC COMMENT

Ross Livingston, representing the City of Loveland Open Lands Advisory Commission, had prepared a few questions (which Peter Kast said the Board would answer through the course of the meeting.)

- 1) What is the true source of this problem? i.e. what is driving the push for scenario 2?
- 2) How did the problem evolve?
- 3) What have we learned from this situation and what steps should we take to make sure this does not happen again?
- 4) How will the proposed revenue allocation scenario 2 affect the management of open lands by Larimer County in 3, 5 and 10 years from now?
- 5) How can the City of Loveland and Larimer County collaborate to find an acceptable solution?

Linda Stanley of Fort Collins Colorado introduced herself. She was one of the citizens who originally wrote the ballot language of 1995 and 1999 and worked to get the initiatives passed. She recommends that the Board pass scenario 2 tonight. They (citizens) have worked very hard with the County and citizen committees to come up with a good solution. She further said that if you asked the citizens of the HPOS committees of 1995 and 1999 what they thought about the original splits (that they wrote); they were probably much too generous with the municipalities at that time. Today they believe the County has done a really great job with the program. At the time it was new, they wanted to make sure there was buy-in and partnerships between the cities and the County. She commended County and cities for doing such a great job at that. At this point and time, it's a County tax--not

a city or municipality tax—that the citizens were generous enough when they wrote that ballot language to have it be shared back to the municipalities so the municipalities could partner with the County. She thinks it time that the County deserves a bigger share. They have a lot of properties with a lot of use. The use is extremely high, such as at Devil’s Backbone. The municipalities have a very big impact on the open lands. The County has displayed that they can manage land extremely well so the citizen committee is comfortable and feels good about scenario 2, and working together moving forward.

Jim Roode, representing the City of Loveland Open Lands Advisory Commission said he agrees that the County and City commission have established a good relationship and he suggests that if we pass scenario 2, we are about to severely damage that relationship and it matters to them.

**3. AGENDA REVIEW** – No changes made

**4. DISCUSSION & UPDATES**

Help Preserve Open Spaces (HPOS) tax

Kerri Rollins thanked everyone for all the time and commitment given to this important topic. She also thanked the municipalities (present and not) for providing their important feedback throughout our process, when we needed it. She gave pause to the fact that all of the surveys taken by our Larimer County residents tell of astronomical support and satisfaction for what this tax has accomplished the past 18 years; everyone in the room played a role in that. The Help Preserve Open Space tax has met citizen needs, and if it is extended in whatever shape or form, she has no doubt that we will all continue to work toward maintaining that level of citizen satisfaction. The fruits of this tax and efforts of those entrusted with it, have undoubtedly improved the quality of life here in Larimer County. Our collective work has conserved thousands of acres of wildlife habitat, working farm and ranch lands, open spaces, natural areas and miles of both paved and natural surface trails.

As we look to the future, there is still a lot of work to be done. Priorities are already rising to the top: Conservation of river corridors, lakes and streams continues to be the #1 priority for residents. Our past partnerships including conserving land and trail corridors along the Poudre River with the cities of Ft. Collins, Timnath, Windsor and Greeley provide a model for future work in other areas such as the Big Thompson canyon. While devastating, the Big Thompson flood has cast a new light on the river west of Loveland. The County is committed to seeing something positive come out of the devastation through conservation of the river corridor for habitat, river resilience and recreation opportunities. Already a partnership with Loveland is providing valuable information to move forward in this priority area.

As in the past, we will need continued partnerships with Loveland, Estes, GOCO, USFS and many other others to make it happen in coming years. Our track record shows that we can do it! To be able to move forward with priorities emerging from our master plan update, including river corridors, acquisition of larger foothills properties, agricultural lands and trails, and to maintain our current level of service at existing open spaces such as the DBB, Horsetooth, Hermit Park and Red Mountain, we will continue to need partnerships and collaborations from each city. We cannot do this without them, and we cannot do this without each other.

Our citizens just want it done, and they don’t care who does it! So in the end, all County citizens will benefit because of these collaborative efforts. As part of this important assessment of the process for the future of the tax, we put forward three scenarios for the future ballot amendment. We are at the point where we need to make a recommendation on these scenarios.

Because we are the County, we have developed the options primarily through the lens of the County and the citizen opinion surveys we gathered. In the preferred scenario, as put forward by the sub-committee, we are asking the cities to contribute a portion of the tax percentage they currently receive to help the County move forward with planned acquisitions and maintenance of existing properties that will benefit all county residents.

Every city in the county has plans that will be affected by this change, and we don't make this recommendation lightly. It is our desire to continue to work with each of the cities, partner with them to minimize any potential negative effects that the proposed split in Scenario 2 or scenario 3 might have.

In summary, you all know that the subcommittee is asking this board to support Scenario 2. In the preferred option, the numbers that we ran go as far as 20 years, although the subcommittee has recommended a 25 year extension.

Language specific to board representation –

The current language is "... a voluntary county-wide Advisory Board shall be established by the Board of County Commissioners to make recommendations regarding the attributable share to Larimer County; and membership of the Advisory Board at a minimum of one (1) elected official or appointee from the municipalities of Berthoud, Estes Park, Fort Collins and Loveland; one (1) member from the Larimer County Planning Commission; and four (4) citizens appointed at large. The membership of the Advisory Board shall represent a balance in geography, population and interest;"

The new proposed language from the subcommittee reads: "... a voluntary county-wide Advisory Board shall be established by the Board of County Commissioners to advise and make recommendations regarding the attributable revenue share to Larimer County; and that the membership of the Advisory Board at a minimum shall consist of at least nine (9) citizens with geographic representation substantially in proportion to population and sales tax."

*Discussion*

- Gerry: Main concern is to make sure if someone lives in the urban growth area, they are not "city." He feels the Commissioners don't appoint people who live in the cities, because the money comes from the cities.
- Hugh McKean: The removal of official representation for the cities is problematic, although I don't know a way to get away from the problem. I have not been an advocate that it must be an elected official. To not have city representation, combined with the change in splits, takes two steps where one would be sufficient.
- Trudy: Her only worry is no fail safe. Does this preclude a County Commission from appointing only people who live in unincorporated areas surrounding the cities?
- Nancy: The question is how do you mandate the County Commissioners to do what you think they should do? That's an issue of politics. If they don't appoint people based on substantial representation from these areas, people will object.
- Trudy: What if all the applicants were from one area? What would happen?
- Gary Buffington: Didn't the sub-committee add "in proportion" to? Yes, and that helps.
- Gerry: The point is, the Commissioners can do what they want and the citizens have to speak up. If all applicants come from one area, the Commissioners would likely ask for more applications. And remember it is different this time. This change was driven by Commissioner Johnson specifically and he has a good point.
- Trudy: What do the legal advisors say?
- Nancy: It's not a legal issue. It's a political issue.
- Hugh: We have smaller communities who now receive a share of the tax who do not have the same representation as the larger cities. What if there was a revolving seat which allowed each small community to have the opportunity to lobby for its needs.
- Gerry: When you are part of another board, you are not a city councilman. You're actually supposed to be looking out for that Board's charter, so he doesn't understand Hugh's argument.
- Ladonna: The at-large members may have more commonality than some of the smaller municipalities. The opportunity to apply opinion as an at-large member would probably better provide representation.

- Hugh: thinks the dedicated seats were put in for collaboration purposes, and he has always seen his position as two-fold (city & Board.)
- Nancy: If there isn't a mandated city representative on the board, a citizen from Loveland would have a higher priority to be appointed. The Commissioners will look harder for a citizen to serve from that area and she thinks this may have some advantage to the population.
- With no further discussion, Kerri reiterated that the language presented will move forward.

#### Municipal Feedback –

Kerri: We have asked for and received municipal feedback from some, but not all entities. Kerri displayed and summarized the comments received. On July 8, the Fort Collins city council expressed strong support for the proposed extension of the tax, and supported the committee's recommendation of Scenario 2. On July 9, the Berthoud Town Board voted to support Option 1. Windsor Town Board's only concern is that they be included as a municipality in proportion to the population that falls within the County. Estes Park Town Board majority of 5 are in support of Scenario 2. On July 8, Loveland City Council supported the recommendation of the Open Lands Commission favoring Scenario 1.

#### Answers to Ross' questions –

Peter Kast: The source of the issue is that in 2018, there's no money for anybody, when the tax runs out. We've been remarkably successful – for every dollar that goes into the County's program, we get another \$1.75 in partnerships with GOCO or grants. We've got a bunch of land to take care of! The program has done really well. The ultimate decision is if the County decided not to do any more acquisitions that would stretch things past 2018. But that doesn't appear to be what the citizens want – we haven't been able to do everything they want as it is. The more we open to the public, the more expensive it becomes and more money must go to management. To balance that out with acquisition, and even in Option 2 it's not the amount of acquisition that some would prefer, it's a 25-year solution, given the splits that are there.

What we've learned: It's been a very successful program, and needs have changed. In the beginning, virtually 100% of the money was spent on acquisitions. Now we're on the other side of the curve, and more needs to be spent on providing facilities and managing the properties. Over the next 3/5/10 years, it means we can take care of things at the current level. Some of the other scenarios could involve not opening areas like Chimney Hollow to the public. We need to take the pressure off Devils Backbone and others. The only way to do that is to have more great places to go. The County feels great about the collaboration with the cities, and what that's allowed us to do. It's worked really well to bring in other partners, often including several communities. It's been a great value to the community. The whole program evolves, and we're trying to create a structure that allows that evolution to take place, and yet assure the citizens that what they have now will continue to be taken care of.

Ross Livingston: What will be the County's responsibility on the 57<sup>th</sup> Street property that Loveland just acquired?

Kerri: That property doesn't close until the middle of August. The County has offered a partnership and a discussion of future grants and partnerships to complete the trails between Loveland and Fort Collins. Traditionally partnerships have involved acquisition and development – not as much the management. Berthoud, Windsor and Timnath have all talked about fee-for-service partnerships with the county for patrol of some properties.

Travis: Hidden Valley is an example of shared management. Anything is possible.

## 5. ACTION ITEMS

Board recommendation for Help Preserve Open Spaces (HPOS) tax extension

*Comments on proposed scenario:*

- Trudy Haines: Supports scenario 2 because 90% of survey respondents said ‘buy more land’ and scenario 2 allows this. And she believes the small cities will benefit more from Scenario 2, including Loveland. The county can move faster, and partner on city projects. Fort Collins has the most to lose, but it is very important for the County and the partnerships to be extremely successful.
- Paul Alaback: He feels really divided - he doesn’t like multiple hats. He understands the struggles the small towns have with budgetary issues. But he sees what the County has done and can do with the dedicated staff they have. They can make progress faster, that would take a little town forever. More efficient. The County can do more for Berthoud than Berthoud can do for itself. The key is partnerships. Wearing the County hat, there is such an incredible County record; it’s a strong argument in support of option 2. He wishes it didn’t create such a hit to the cities. The real goal of the whole program is to get people outdoors. Most people live in the cities. To have programs that connect with the County is important.
- Hugh McKean: Paul hits on something that has been on his mind, which is the focus on partnerships. He believes scenario 2 will create more partnering with cities. It will be the partnerships in the Big Thompson canyon which will be one of the highest priorities to take care of. If the county will be the bigger player, what will that look like? How magnanimous will the County be on projects which are important to the cities? The Loveland Commission and Council will support scenario 1.
- Gerry Horak: Supports scenario 2. He didn’t get there quickly. There’s no guarantee of a tax after 2018 for anyone. The first priority is to identify a plan that the voters will support. The reduction in acquisition is 79% - that’s what will take a hit, not the municipalities. We have a great chance to get this done. In 2019, all jurisdictions will be getting more money than they are now. We aren’t taking a hit – it’s just a re-adjustment. And regarding representation, he thinks it’s a fair way to do it for the Commissioners. He thinks they will tend to appoint people who have the background and knowledge to be effective.
- Ladonna Lee– Supports scenario 2. She thinks it gives us the greatest opportunity to move forward on the successes we have built, getting it passed (with the voters) and having a program that goes forward.
- Peter Kast: Supports scenario 2, because it takes us further out, and keeps us in the same business as we are today, with both acquisition and development .
- Mary Banken: Supports scenario 2. Maintenance is a critical issue for the future. The monitors at Hermit Park say the County is doing a fabulous job restoring some of the roads and the campgrounds at Hermit. Those kinds of scenarios will recur many times in the future, with disasters, etc. Scenario 2 gives us the best option for addressing those. She appreciates the concerns of the municipalities; but the County has represented themselves well throughout the entire county for the entire population. The cities will be able to work with the County on further acquisitions. That’s an important step for Estes Park.
- Nancy Wallace: Supports scenario 2. She never saw us approaching anything as a problem, but rather just as an evolution. We’ve had these years of acquisition. The cost of management rises as part of an evolutionary process, as acquisitions increase. How can the County continue to get the job done, and how can the cities continue what they have? Perhaps Loveland should consider a tax to support its priorities. I represent the County and I believe in this tax. Scenario 2 is the only one that evolves us into the next 20 years. We guarantee management for 20 years, and can probably go 25 years.
- Paul Alaback reminded the Board that we must do something palatable to the voters; otherwise it is a theoretical discussion. We have a notion of what the voters want, thanks to the surveys, but we still have to interpret because everyone always wants something for nothing, realistic or not. We must nuance it to be practical.
- Trudy Haines: The bigger challenge is having enough land for all these people – keeping up with population growth. Then we’ll be challenged with people ‘over-loving’ the open spaces.
- Gerry Horak: The Commissioners are not going to put something on the ballot without maintenance covered for a long time. The real threat if this doesn’t pass is a citizen initiative that is much more heavily

weighted toward acquisition. Then the question of long term management will have to be addressed again. It's important for the message – especially from the jurisdictions that support scenario 1—to be one of support of what the Commissioners refer to the ballot, or we could have zero \$ in 2019.

- Nancy Wallace moved that the Open Lands Advisory Board recommend the scenario 2 to the Board of County Commissioners for their July 17, 2014 meeting and that the language regarding the make up of the Board, as presented this evening, be part of the scenario. Second by Mary Banken. Clarification was made that his motion was for 25 years. Motion carried 7-1.

Kerri reviewed the next steps –

- Tomorrow, July 17, is a Board of County Commissioner work session to present and share the municipal feedback, as well as the Board discussion and recommendation. Nancy Wallace was asked to attend to represent the Board at the meeting.
- On July 22, we will present our attorneys' legal review of the ballot measure so the Commissioners have a chance to ask any questions.
- On July 29 we will take the Board's recommendation to the Commissioners, and ask them to refer it to the ballot.

6. The meeting adjourned at 6:50 PM.