



## LARIMER COUNTY OPEN LANDS ADVISORY BOARD MEETING MINUTES

Thursday, March 24, 2011, 5:00 p.m. - 8:00 p.m., Loveland Municipal Building, 500 E. 3<sup>rd</sup> St, Loveland, 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:

Steve Vessey	At-large	John Ericson	Town of Estes Park
Mary Banken	At-large	Patricia Brennan	At-large
Nancy Wallace	Planning Commission	Hugh McKean	City of Loveland
Peter Kast	At-large	Commissioner Tom Donnelly	

Staff Present:

Gary Buffington	Director	Meegan Flenniken	Resource Program Manager
Kerri Rollins	Open Lands Program Manager	Zac Wiebe	Natural Resource Technician
Charlie Johnson	Land Agent	Stephen Gibson	County Ranger
Charlie Gindler	Natural Resource Specialist	Bob Loomis	County Ranger

Absent:

David Roy	City of Ft. Collins	Suzan Fritchel	At-large
Trudy Haines	At-large	Don Griffith	At-large
Hugh McKean	City of Loveland	Jeff Hindman	Town of Berthoud

Peter called the meeting to order at 5:19 pm.

**REGULAR MEETING:**

- Approval of the meeting minutes for January 27, 2011 and February 24, 2011.  
**Nancy motioned to approve the minutes of the last two meetings, Steve seconded and the motion passed unanimously.**
- Review Agenda and enclosures

**INTRODUCTIONS:**

- Steve introduced Bob Loomis, a seasonal Open Space ranger, who has a long history with State Parks.

**INFORMATION:**

- The Artist of the Year subcommittee has selected the 2011 artist, photographer Jim Digby  
Meegan updated the board on the selection process, there were six applicants representing a variety of artistic mediums. Jim uses a technique called “optical extraction” to create unique images.
- Colorado Coalition of Land Trusts conference – updates from those who attended  
The conference was held on March 7<sup>th</sup> & 8<sup>th</sup> at Denver University. Meegan, Charlie, Jeffrey, Kerri and Mary attended. There were good sessions about water rights, enforcing conservation easements, community engagements, and subordination. Kerri participated in a session about public access on conservation easements. Dave Armstrong from Sylvan Dale Ranch was a guest speaker at this session.



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- River Bluffs Open Space dedication and grand opening will be on 4/16. Activities will take place from 9:30am – 12:30pm with the ceremony happening from 10:30-11:30am. All board members are encouraged to attend. GOCO, Windsor, County Commissioners and several other groups will be in attendance.
- Environmental Education Pilot Project consultant interviews were held 3/17 and a consultant will be selected. There were six applicants that were narrowed down to two to interview. Rob Novak, Zoe Whyman of Ft. Collins Natural Areas, Peter Kast and Kerri made up the interview team. They will recommend Design Workshop to the BOCC soon. They have a lot of expertise in the field of environmental education including Brett Bruyere from CSU and Lisa Evans.
- Heron Lakes Regional Recreation and Open Space project grants were submitted to GOCO and Division of Wildlife. Staff will attend a presentation to DOW on 4/22 and will work with Berthoud on fall grant applications to fund both phases of the project. There will be a site visit with GOCO on 4/12. If they are successful, another Open Space application will be submitted in the fall. Gary commented on the proposed merger between Colorado State Parks and the DOW. It will take two legislative sessions to pass the merger, the governor is pretty adamant. They were together in the 1960s, some think the missions are pretty close but they are not. Hopefully it will be a win-win for everyone.
- Kerri attended an Estes Town Hall meeting with Commissioner Donnelly on 3/16 and met with citizens about the open space sales tax. Mary Banken was there, Vaughn Baker and Larry Gamble from RMNP.
- Red Mountain and Hermit Park open spaces re-opened on March 1<sup>st</sup>.
- Prescribed burns are planned to take place at Devil's Backbone OS for treatment of cheatgrass in late March or early April.
- Zac was successful in a Colorado State Trails grant for \$40,053 for trail maintenance at Horsetooth's Sawmill Trail and Foothills Trail. There were 5 funded projects out of over 40 applications and DNR received the 2nd highest amount. Yeah Zac!
- The Elkhorn Cabin at Hermit Park Open Space is nearly complete.
- Report from the Open Lands Operations Manager - Travis
  - 370 hunting applications for nine permits at Red Mountain, drawing was held March 8<sup>th</sup>
  - New bathroom now open to the public at River Bluffs' trail head
  - Horsetooth Mountain OS – vandalism at the self service vault; attempted break-in
  - Devil's Backbone – smash and grab at the trailhead
  - Cooperated with City of Fort Collins' Natural Areas Rangers to convict subject of removing artifacts over the past year from the Red Mountain/Soapstone area along with a few other natural areas. Kerri clarified that they will go to the Ft. Collins museum.
  - Registration has started for Ranger Excellence School hosted by Larimer County at the Ranch/Budweiser Event Center sponsored by the Colorado Open Space Alliance. It's a week-long training conference for park and open space rangers/natural resource officers from around the state of Colorado and western region. 50-80 people are expected from all over Colorado.
  - First quarter agriculture and grazing lease billings have been sent



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- Staff hosted a booth at CSU Natural Resources' career fair
- 2 medical incidents – one at HTMOS on the HT mountain Trail and one at Devil's Backbone Wild loop
- 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 April. See website <http://www.larimer.org/naturalresources>

### PRESENTATIONS:

- 5:45 pm - Small Grants for Community Partnering Award Presentation  
Sue commented that since 1998, 114 projects have been funded with over \$153,000. See handout. Sue introduced Tom Donnelly and Nancy Wallace to hand out the awards. Tom is bypassing a meeting with the governor to be here because he wants to hear from his constituents. Nancy commented on the small grants program history and the recent expansion. They both thanked the applicants, presented the awards and the recipients gave a brief overview of their projects.

### ACTION:

- Strauss Cabin property conveyance to the City of Fort Collins  
Charlie updated the board on the history of the Strauss Cabin; the cabin was burned down by arsonists in 1999. DNR would like to convey the property to Ft. Collins who can better maintain and steward it due to their adjacent properties. **Nancy motioned that DNR transfer the Strauss cabin property to the city of Ft. Collins, Mary seconded, and the motion passed unanimously.**
- Agricultural & Grazing Leases process proposal - Charlie Gindler  
Charlie G. gave an overview of the new lease process proposal. He recommends changing to a more competitive process of selecting grazing lessees. The current lessees have been "grandfathered" and there has been no competition. The new process uses criteria developed through analysis of other agencies that lease land for grazing. The new process will also result in a new contract template. If the Board approves the new process, Charlie G. will begin to work with the purchasing department and the new lessees will start in January. Nancy asked about the process for determining lessees on any new acquisitions. Charlie G. answered that this would be the new process unless there is an exception through the land negotiation process, in which case it would go to the Board and staff. Peter asked what motivated the new process. Charlie G. answered that there is a history of good relations with the current lessees but DNR wants to make it more equitable. Peter asked if DNR would end up with unhappy lessees. Charlie answered that they would have a very high chance of being selected due to the proposed criteria, which includes the applicant's ability to graze the property, but ultimately there is a possibility of unhappy lessees. Hugh asked about the evaluation process and if grazing evaluation is part of the process. Kerri answered that agricultural values are a part of it. Hugh wondered if DNR should formalize that part of the process in addition to this change. Hugh asked if the current lessee at RMOS grazed there previously. He didn't but the previous landowners did. Meegan mentioned that the new process is based on Natural Resource Conservation Service (NRCS) recommendations. Kerri asked how many cows are there now. There are about 110 cow/calf pairs. Hugh suggested formalizing the process as part of the intake of a property. Charlie G. commented that this new RFP will include parameters that specify stocking numbers. Gary clarified that Hugh is referring to an analysis at the time of acquisition. Charlie G. commented that an informal evaluation takes place. Meegan commented that all properties have a NRCS grazing analysis, it's very time consuming and takes place seasonally. Hugh clarified that he is worried about being stifled by a new process. John asked if there were any restrictions on the type of animal that is allowed to graze. Charlie answered that there are no restrictions but, at the moment, cattle are all that anyone grazes. One possible restriction would be to prohibit



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horse grazing in areas that allow equestrian trail recreation. **Nancy motioned to recommend to the Board of County Commissioners that the Department of Natural Resources adopt the new process for selecting agricultural and grazing lessees, Hugh seconded and the motion passed 6-1 with Steve dissenting.**

### DISCUSSION ITEMS:

- Other Powered Mobility Devices Policy procedure and a new Department of Justice ruling

Meegan updated the Board on the recently passed ruling that public entities cannot have policies or rules that prohibit mobility devices for people with mobility impaired. She gave a quick overview of the policy. The ruling does allow for agency's to assess their properties to determine the appropriateness of allowable mobility devices factoring in the size, weight, etc... of the vehicle. Our program learned recently about the ruling and she'd like to pass an interim policy until a formal one can be adopted to ensure that no inappropriate uses take place on our trails. She commented that an important component of the policy is the width criteria to minimize resource damage. This policy has been developed to be consistent with the City of Ft. Collins since so many properties are adjacent. Patricia asked about policy sections #1c and #2a canceling each other. The answer is the legal definition is "other-powered mobility devices" and can be confusing when used in a sentence. Mary asked how a Segway meets the qualifications. Meegan answered that Segways meet requirements for the most part except the width in a lot of cases. Mary asked if disabled users will make the case that they will need to be driven. Meegan answered that there will be room for exceptions through a special use process. Hugh mentioned his concern about a lack of understanding from other trail users. He recommended that some type of placard or other marker to indicate mobility devices. It would be recognizable to DNR enforcement staff as well as other trail users. Peter commented that it will allow us to keep track of the issue. Hugh commented that an expectation to display a placard may be unrealistic. Patricia commented that it could be tied to the process of getting a handicapped parks pass. Meegan will investigate these options. Peter asked about the noise policy, current closures are based on people and motorized use may demand an increased buffer. John asked what percentage of our trails is applies to. Meegan answered 100% although DNR isn't required to create new access. John asked if staff is putting signs up to indicate allowable uses. Meegan answered that there is no signage but the information is on the website. John wondered if this will result in disabled users demanding upgraded trails. Meegan responded that it's possible and may result from new ADA regulations. This ruling doesn't apply to federal lands and staff is waiting to hear back about the Bureau of Reclamation properties. Meegan clarified that the current ADA law is that anything defined as a wheelchair is allowed on all our trails. Gary commented that this is just a beginning and the Board will hear more in the future. Meegan commented that the Eagle's Nest Open Space trails and roads situation was worrisome but DNR doesn't have to improve the entrance. Meegan will keep the Board updated.

### FINANCIAL REPORT:

- Update: Natural Resources Capital Development and Acquisition Summary 2010 - 2012.

Kerri highlighted the sales tax report, the final reconciliation from 2010. Overall, agencies received higher amounts in 2010 than 2009 by a small percentage. Kerri will ask Lori to do a year end comparison. Gary commented that this report boosts the projections and DNR is trying to re-energize some major projects. Kerri pointed out the \$200k increase to acquisition to be focused on the Poudre River Trail. The other change is at Hermit Park Open Space (HPOS) concerning the equine campground. This project would also hopefully be funded through grants and leveraging. Gary reminded the Board about the history of redeveloping campgrounds. The pavilion at HPOS is the third change and will incorporate solar power. The fourth change is the required vault toilets. The \$40k awarded by the Gates Family Foundation has to be spent at HPOS. The other lines are for school transportation to open spaces, \$60k for resource projects, and master plan grant matching. Gary commented on the River Bluffs Open Space project finishing up and he'd like to expand its budget by \$25k to wrap up the project. Steve asked where it would come from. Gary answered that it would



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come from the bottom line of acquisition and development. Nancy asked if there are any other lines that are time sensitive. Gary commented that the Board has an option to move dollars around in 2012 and 2013, these numbers are just projections. Nancy asked how much is available now, could some be used now. Peter clarified that all these projects leave us with the bottom line of \$338k. Gary commented that there is a pretty healthy long term balance and may want to consider using some of the funds for development. The Board agreed to approve the changes and add \$25k to river bluffs, \$200k for Heron Lakes, and \$175k in unforeseen opportunities.

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

John reported that the trustees in Estes Park approved a historical preservation ordinance to apply within the town limits. Gary asked if John could send a copy to the Board. The trustees researched similar ordinances in the state before approval.

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

Gary commented that our rangers are teaching many of the courses at the ranger excellence school and gave kudos to the rangers for their efforts. Charlie J. offered to take photos at the event.

**Nancy motioned to go into executive session, John seconded and the motion passed unanimously.**

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

**Nancy motioned to adjourn, Steve seconded, the motion passes unanimously.**

*Next regular meeting: Thursday, April 28, 2011; Loveland Council Chambers, 500 E 3<sup>rd</sup> St., Loveland*