

Open Lands Master Plan

Larimer County

DEPARTMENT OF NATURAL RESOURCES



June 2015





Photo: Jeff Andersen

Larimer County Department of Natural Resources Open Lands Program

Adopted and Recommended
Larimer County Board of County Commissioners
May 18, 2015

Adopted
Larimer County Planning Commission
June 17, 2015



Acknowledgments

Special thanks to the citizens of Larimer County who supported the passage of the Help Preserve Open Spaces tax extension, with specific appreciation to the many citizens who helped shape this *Open Lands Master Plan*.

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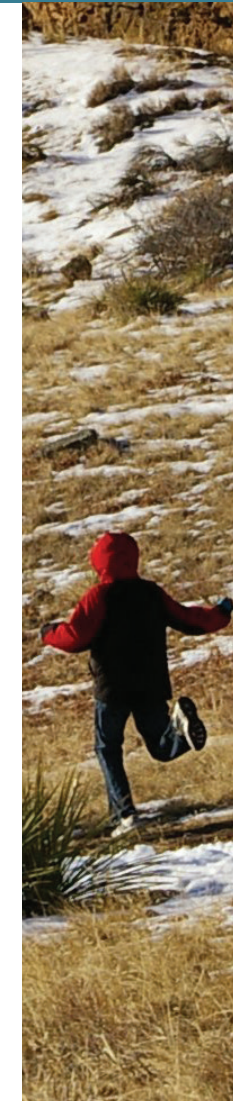
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Devil's Backbone Open Space. Photo: Staff

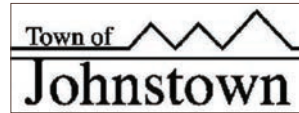


Chapter 1. Introduction



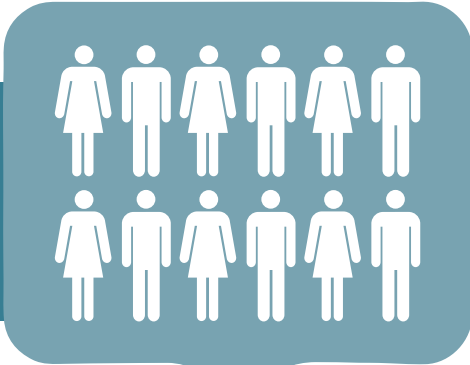
Larimer County has some of the most intact and diverse landscapes within the Front Range of Colorado. Near the Laramie Foothills, and at no other location in northern Colorado, the transition from native grasslands to the first rise of the foothills and beyond occurs within a continuous landscape that retains a sense of vastness and natural character. Pioneer trails, prominent landmarks such as Steamboat Rock, and an array of cultural features add to the richness of the landscape. Further south, thousands of acres of irrigated land creates an agricultural landscape where working farms and ranches persist, beneficiaries of a legacy of reservoirs and canals that also provide plant and wildlife habitat and offer a variety of recreational opportunities. Still further south, the land becomes more urbanized and cities and towns predominate but, not coincidentally, rivers and streams become more prominent and the riparian areas associated with the Cache la Poudre, Big Thompson, and Little Thompson rivers become a defining element of our communities. And across these changes north to south, there is one constant backdrop: a hogback front that ranges nearly 50-miles. For many of us, Horsetooth Rock, Devil's Backbone, Blue Mountain, the abrupt rise of the foothills, and the higher peaks beyond define our sense of place. This is where we live and play, and for many it's the landscape we miss most when away from home.

For more than 20 years, Larimer County and its citizens have been working to conserve these valued landscapes. Much progress has been made yet many areas remain in need of protection. With the county's population expected to grow by more than 150,000 residents by the year 2040 (Department of Local Affairs, 2013), the importance of conserving these remaining areas increases, the need to link them together becomes more critical, and the benefits of good stewardship, including restoring our rivers and other key habitats, becomes more essential. In short, the work is not complete. This *Open Lands Master Plan*, with the benefit of extensive input from the citizens of Larimer County, is intended to guide our future conservation efforts and optimize the use of available funding dedicated for this purpose. It provides a focused vision for the Larimer County Open Lands Program in continuing to conserve and restore natural resources, conserve agricultural lands and working landscapes, conserve and improve river health, and enhance appropriate outdoor recreation opportunities.



Our Lands - Our Future provided a wealth of information and has been recognized nationally, receiving awards from the Society for Outdoor Recreation Professionals, the American Planning Association, and the Colorado chapter of the American Society of Landscape Architects.

The voluntary citizen Open Lands Advisory Board provides oversight of the Open Lands Program and administration of Help Preserve Open Spaces sales tax funds.



1.1 Background

The first master plan for the Larimer County Department of Natural Resources, *Larimer County Parks: Comprehensive Parks Master Plan*, was completed in October 1993. This plan included an inventory of the existing Department facilities and the need for additional recreational opportunities, regional trails, and the acquisition of land to protect wildlife habitat and scenic areas. This plan was written prior to the initiation of the Open Lands Program. In 1995, Larimer County voters passed a citizen’s initiative for a ¼ cent county-wide sales tax specifically for the purchase, protection and management of open space, natural areas, wildlife habitat, regional park preserves, regional trails, and agricultural lands thereby initiating the Open Lands Program. In 1999, Larimer County citizens voted to extend the existing Help Preserve Open Spaces sales tax until 2018, and establish bonding authority for Larimer County.

After the tax extension, a planning effort specific to the use of the tax resulted in the *Larimer County Open Lands Master Plan*, adopted in 2001, which continues to guide the program today. Now that thirteen years have passed and significant portions of the plan have been accomplished, a renewal of the plan is in order.

In 2013, Larimer County and all of the cities and towns within partnered to complete a regional study of land conservation, outdoor recreation, and natural resources stewardship. This regional study, *Our Lands - Our Future: Recreation and Conservation Choices for Northern Colorado*, examined citizen preferences for conservation and recreation, analyzed the economic benefits of open space in Larimer County, and developed an online interactive mapping tool and a financial model to help predict future funding scenarios. This study forms a basis of information throughout this Master Plan. The renewed plan will be a continuation of the *Our Lands - Our Future* effort but will be specific to the role of the Larimer County Open Lands Program.

In 2014, Larimer County citizens overwhelmingly approved extending the existing sales tax for 25 more years, as described in Section 1.3 Help Preserve Open Spaces tax. This historic endorsement is a measure of the Open Lands Program’s success since its establishment in 1995.

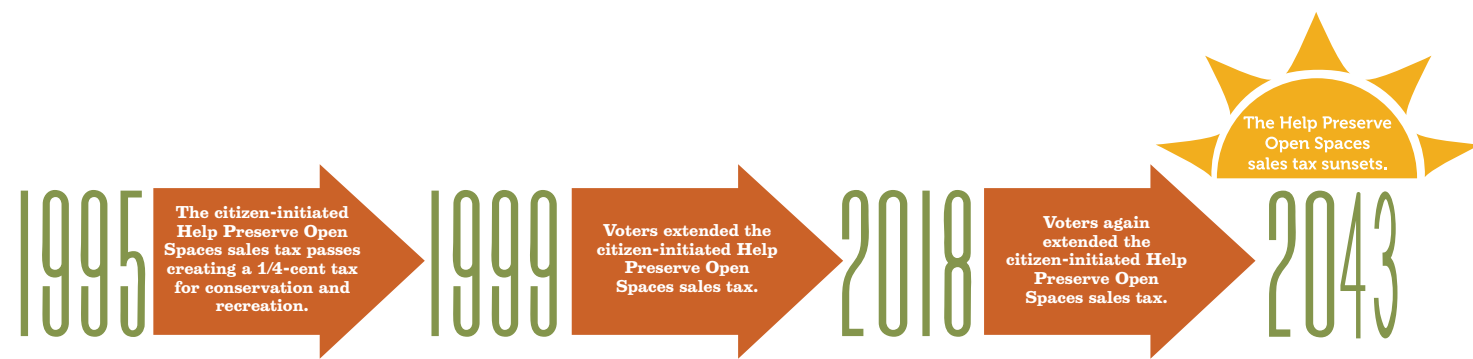
1.2 Department Organization and Structure

The Larimer County Natural Resources Department provides key services to Larimer County citizens through three major programs. Each program in the Department of Natural Resources obtains funding differently and is guided cooperatively by separate planning processes. The purpose of this plan is to outline the direction of the Open Lands Program and how revenues from the Help Preserve Open Spaces sales and use tax should be allocated for conservation and management of current and future lands.

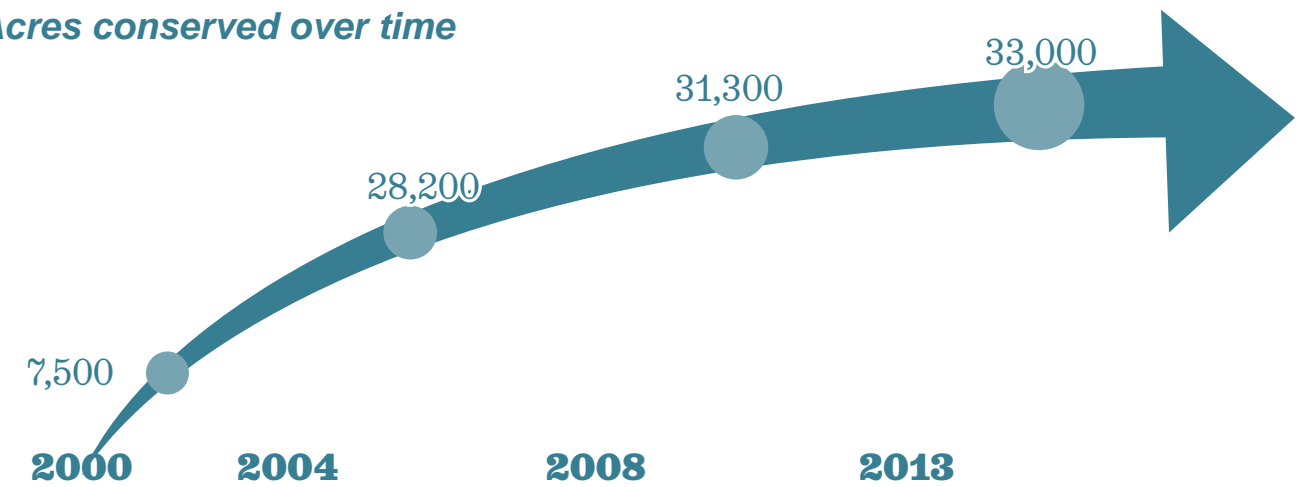
Land Stewardship Program: Assisting private landowners and agencies with vegetation management including weed control, native plant restoration, and forestry practices and enforcing the state noxious weed act and state pest control act for invasive plants and forest pests. Weed management is funded by a mill levy and forestry is funded through county general funds. A seven-citizen Land Stewardship Board advises these programs.

Parks Program: Managing the County’s four regional reservoir parks on Bureau of Reclamation owned property, namely Carter Lake, Flatiron, Pinewood and Horsetooth reservoirs. These reservoir parks are managed for camping, boating, fishing, swimming, and picnicking and are funded primarily through park entrance fees, Colorado Lottery proceeds. The voluntary citizen Parks Advisory Board advises on the management of the parks, guided by the 2007 *Larimer County Parks Master Plan*, which will be updated in 2017.

Open Lands Program: Acquiring and managing open space properties and holding conservation easements funded entirely through the Help Preserve Open Spaces sales and use tax. Open spaces are managed for non-motorized uses, primarily hiking, biking and equestrian trails, and for stewardship of natural and agricultural resource values. Expenditure of open space tax dollars is advised by the Open Lands Advisory Board comprised of citizens that represent a geographic balance in the county.



Acres conserved over time



Landowners show support for the Open Lands Program.
Land donations since 1996 = **\$10.5 MILLION**

1.3 Department Funding: Help Preserve Open Spaces Tax

The 1/4-cent Help Preserve Open Spaces sales and use tax was a ballot measure initiated by citizens in 1995 to create a fund for the purpose of preserving open space, natural areas, wildlife habitat, parks and trails. In 1999 the citizens extended the sunset of the tax from 2003 to 2018. Since its inception two decades ago, Larimer County has matured into a vibrant and robust open space program that is often used as a model around the state. Through the proceeds of Help Preserve Open Spaces, County residents now enjoy over 25,000 acres of publicly accessible land in addition to 8,000 acres of conservation easements. However, experience has shown that as the amount of acreage increases, so do management costs (see Figure 1-1).

In recognition of this reality and in response to the fact that the tax was due to expire at the end of the year 2018, an extension of Help Preserve Open Spaces was referred to the ballot in November 2014. Larimer County voters overwhelmingly (82%) supported an extension of Help Preserve Open Spaces through 2043, which included a few key revisions on how revenue would be shared and utilized.

Specifically, the extension revised the formula for revenue sharing between the County and its municipalities and modified the percentages allocated to acquisition and management to better reflect a maturing program.

The ballot language from the original 1995 measure and 1999 and 2014 extensions can be found in Appendix C.

Via the tax language applicable through 2018, the County receives about 42% of the tax and the municipalities split the remaining 58%. In 2013 the tax generated about \$11.3 million, with Larimer County receiving \$4.7 million. As revised and approved by voters in 2014, Help Preserve Open Spaces tax revenue will be shared on a 50/50 basis between Larimer County and the municipalities located within Larimer County beginning in 2019.

The municipal share directed to the cities of Fort Collins and Loveland, and towns of Berthoud, Estes Park, Johnstown, Wellington, Windsor and

Timnath is allocated by each community's population or the amount of sales tax revenue generated within that municipality, whichever benefits them most. Those municipalities that do not fall wholly in Larimer County (Windsor for example), are allocated revenue based on the portions of the municipality that are within the county boundary.

The municipal share directed to the municipalities can be used for both conservation and management activities.

Beginning in 2019, per the 2014 ballot language (Appendix C, pg 98), Larimer County is directed to dedicate a minimum of 50% of their portion to the improvement, management, maintenance and administration of open space, natural areas, wildlife habitats, parks and trails. A minimum of 35% is to be used for land acquisition and restoration purposes and an additional 15% may be used on a more flexible basis, allowing funds to be directed to either management and maintenance or acquisition, or improvements to existing reservoir parks, depending on the needs that emerge over time.

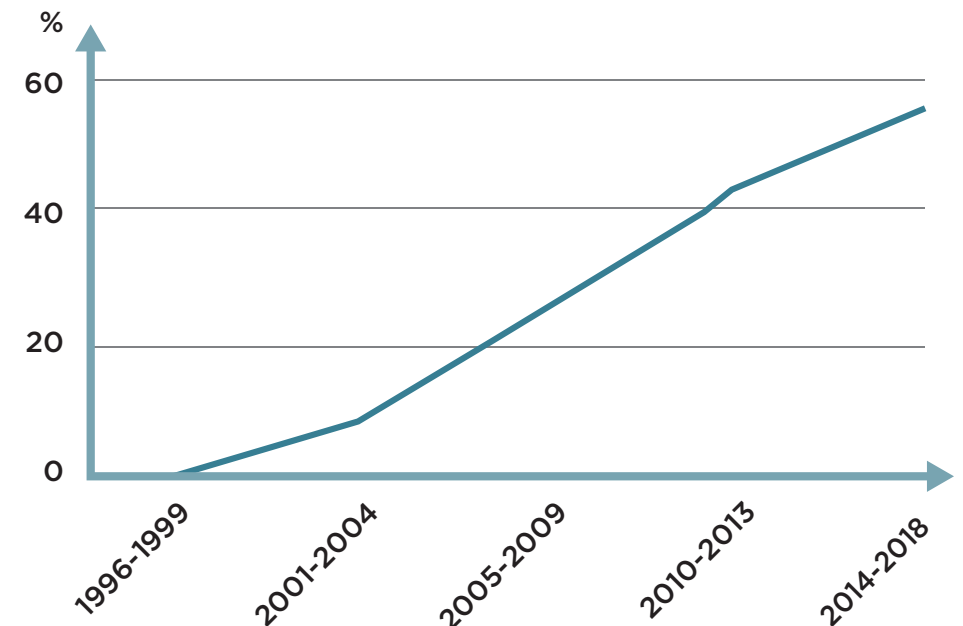


Figure 1-1. Long Term Management as a Percent of Larimer County Revenues. Years 2014-2018 are estimated.

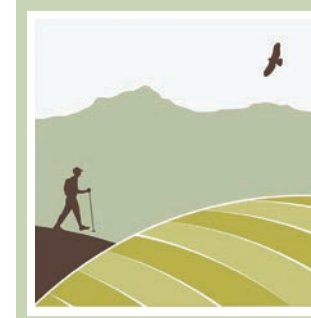
Mission

Larimer County Department of Natural Resources

“To establish, protect, and manage significant regional parks and open lands providing quality outdoor recreational opportunities and stewardship of natural resource values. We are committed to fostering a sense of community and appreciation for the natural and agricultural heritage of Larimer County for present and future generations.”

Larimer County Open Lands Program

“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.”



Our Lands - Our Future Regional Study (Adopted 2013)

Berthoud Parks, Open Space, and Trails Plan (Adopted May 2014)

Loveland Parks and Recreation Plan (Adopted July 2014)

Fort Collins Natural Areas Master Plan (Adopted October 2014)

Larimer County Open Lands Master Plan (Adopted June 2015)

“On the heels of *Our Lands - Our Future*, several partner agencies, including the cities of Fort Collins and Loveland, are using the information gained to update their master plans and the Larimer County Open Lands Program has done the same.”

1.4 Open Lands Program Guiding Principles

- Important open lands, natural areas, agricultural lands, parks and trails are defined in the Help Preserve Open Spaces initiative, the Larimer County *Open Lands Master Plan*, and other adopted plans.
- Available resources will be invested to achieve a balance between urgent, immediate demands and farsighted, long-range goals.
- Acquisition is fair to property owners, taxpayers and Larimer County citizens, and is from willing sellers only.
- An emphasis is on working with willing landowners to develop land-use alternatives and conservation strategies that meet the landowner’s financial needs and the County’s goal to preserve significant open lands.
- Stewardship is very important. Larimer County will develop wise management policies that fit within fiscal resources. When development of trails and outdoor recreation facilities is determined to be appropriate then development and management of these facilities will minimize conflicts with wildlife and will be compatible with the natural environment.
- Distribution of funds over time for open lands, parks and trails is balanced and fairly distributed throughout the County.
- Collaboration with partners is important to leverage available resources.

1.5 Planning Process

Following *Our Lands - Our Future* regional study, several municipalities in Larimer County have recently completed updates to parks and open space plans, including the cities of Fort Collins, Loveland, and Berthoud while other communities have older plans. Recent Fort Collins and Loveland plans are summarized below with emphasis on how these plans identify opportunities for partnerships/joint projects or other synergies.

In 2014, Fort Collins updated their *Natural Areas Master Plan*. The plan outlines local, community separators, and regional land conservation priority areas. The Cache la Poudre River, Bellvue valley and foothills areas will continue to be a priority, as well as conserving agricultural land in the Wellington separator.

Three challenges for the future of the program that the plan identifies include; upcoming funding decreases with the sunset of the current open space tax, to the challenge of balancing visitation with resource protection in light of population growth and tourism, and impacts on natural resources due to climate change.

Loveland completed a *Parks and Recreation Master Plan* in 2014 that addresses open lands. The plan places emphasis on potential park, open space and trail projects located within the city’s Growth Management Area and allocates approximately 10% of potential open space revenues to special projects located outside of the Growth Management Area, which amounts to approximately \$2.7 million extending to the year 2024. Trail corridors are identified to connect local and regional trails.

After gaps from previous studies were identified and new ideas proposed, this master plan public process vetted them to get additional feedback from the public to identify Larimer County’s role in possible implementation. The planning process for this *Master Plan* involved soliciting feedback from the public through open house forums, website surveys and focus groups.

1.6 Public Outreach

Community and citizen input is critical to the success of the *Master Plan*. Public involvement for this plan built on the outreach efforts of *Our Lands - Our Future*, which gathered feedback on regional public values and conservation, stewardship, and recreation strategies. Two citizen surveys, regional meetings, and interactive GIS scenarios modeling established the groundwork for Larimer County and partnership municipalities and created a vision for the county’s critical landscapes and outdoor recreational opportunities. Ideas and opportunities that emerged from this study were used as the basis for public involvement efforts for this *Master Plan*.

For the *Open Lands Master Plan*, outreach focused on the public perception and opinion of Larimer County’s efforts in county-wide conservation, management and outdoor recreation and on the role of the County’s Open Space Program. Multiple opportunities and a broad range of methods were used to engage the public during the planning process. A website was established within the Department’s webpage to provide the public with information, public meeting notices, opportunities to provide feedback, and process updates.



The Open Lands Master Plan focuses on public perceptions and opinions towards conservation, land management and outdoor recreation through the lens of the County's Open Lands Program.

Photo: Logan Simpson Design



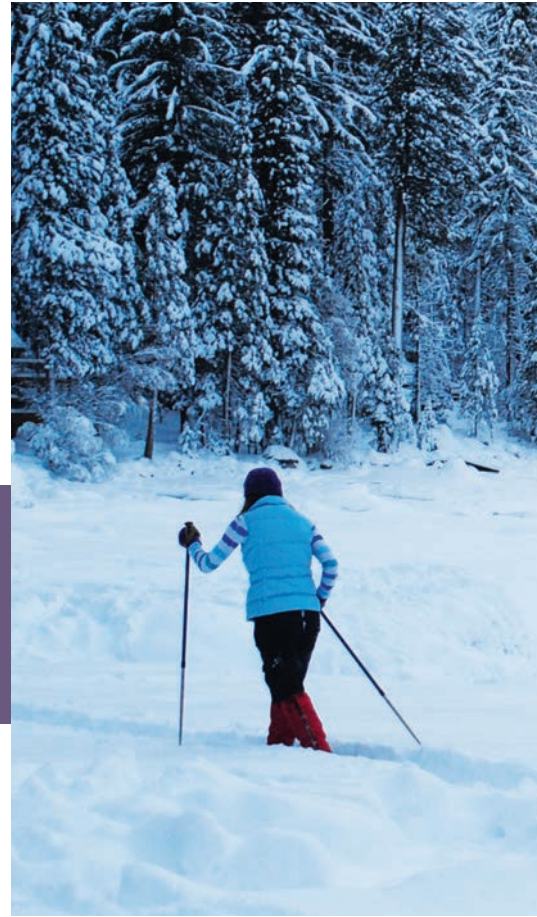
The planning process for Larimer County's Open Lands Master Plan was integrated with ongoing municipal planning efforts throughout the County. Photos: Logan Simpson Design

Table 1-1 Public Outreach Efforts

Event	Date	Number of Comments
Staff Planning Retreat	Feb 12th	10 Staff members
Public Forum #1	April 30th	45 Attendees & Key pad surveys: 38 Respondents
Cinco De Mayo	May 3rd	50 Respondents
Focus Group- Agricultural Advisory Board	May 27th, July 21	9 stakeholders
Focus Group-Front Range Community College	June 11th	9 Respondents
Online Surveys	N/A	108 Respondents
Public Forum #2	July 19th	15 Attendees

Two public forums were held during the *Open Lands Master Plan* process in order to 1) solicit feedback on key questions and 2) solicit feedback on initial plan recommendations prior to finalization. The public forums were advertised online via the County's website, social media channels and local newspapers. At the first public forum a key pad polling exercise was used to gather feedback on priority questions. This exercise facilitated lively discussions as the results were able to be reviewed instantaneously. These questions along with materials from each meeting were posted online to obtain additional feedback. Over 100 comments were received online following the first public meeting. The second public forum offered citizens a chance to comment on the initial recommendations for the plan including priority areas for conservation, trail system priorities, and potential new recreational uses on open space properties.

Focus groups were held with Latinos and young adults who traditionally have not participated in master planning processes and were underrepresented during the *Our Lands - Our Future* process. The focus groups were used to ascertain differences between these groups and overall community results. Information gained from public forums was used to solicit more specific feedback from these smaller groups. A focus group was also held with Larimer County's Agricultural Advisory Board (AAB). Discussions with the AAB dove deeper into topics specific to the agricultural community that would influence the priorities and direction of the Master Plan.



Chapter 2. Needs and Existing Conditions

This chapter establishes the background and context for developing the conservation and recreation vision in Chapters 3 and 4. Many accomplishments have been made not only since the beginning of the Open Lands Program but since the 2001 *Master Plan*. Changes in conservation and recreation trends and demographics create both challenges and opportunities moving forward.

2.1 Open Lands Program Accomplishments

The Open Lands Program initiated its land conservation efforts in partnership with the City of Fort Collins with the purchase of the Cathy Fromme Prairie Natural Area in the mid-1990s. The 2001 *Master Plan*, with its emphasis on conserving high value land within specific priority areas, kicked off over a decade of remarkable conservation achievements in Larimer County. Since then, the County has secured about 88 parcels of land and has assembled these into 10 priority, or conservation, areas.

Among the lands conserved by fee simple purchase are several of the iconic properties that define the program and attract many visitors to our open lands. These include Red Mountain, Devil's Backbone, and Hermit Park open spaces. Three additional properties are not yet open to the public. One of these - Chimney Hollow Open Space - will be developed as a future reservoir site offering both trail-based recreation and non-motorized boating west of Loveland and adjacent to Northern Colorado Water Conservancy District lands.

Today, Larimer County's Open Lands Program has protected over 33,000 acres of high quality land, including more than 25,000 acres conserved in fee simple and more than 8,000 acres in conservation easements. This does not include over 11,000 additional acres of land where Larimer County was a financial partner but does not have an ownership interest or management responsibility. The full inventory can be found on the Larimer County website, and a summary is provided in Table 2-1.



Photo credits
clockwise
from top left:
Richard
Snell, Staff,
Harry
Strharsky



Table 2-1. Conserved Lands Managed or Held in Conservation Easements Primarily by Larimer County

Priority Area Name	Acres Managed/ Held in Conservation Easements*	Notes
Laramie Foothills	16,639	Red Mountain Open Space accounts for approximately 90% of the total.
Buckeye/Waverly Agricultural Lands	810	These are all conservation easements distributed over several different ownerships.
Wellington Agricultural Lands	421	All are conservation easements.
Poudre River	764	These are a combination of conservation easements and one fee simple purchase (River Bluffs Open Space)
Fort Collins/Loveland Separator	839	The great majority of these acres were fee simple purchases.
Big Thompson River	1,841	Consists mostly of conservation easements placed on Sylvan Dale Ranch.
Blue Mountain	6,124	Includes Blue Mountain Bison Ranch conservation easement and fee simple purchase of Chimney Hollow Open Space.
Estes Valley	1,362	Entirely made up of fee simple purchase of Hermit Park.
Foothills Corridor / Devil's Backbone to Horsetooth	3,692	Includes a combination of fee simple and conservation easement purchases.
Little Thompson River	335	Primarily is fee simple purchase of Red-tail Ridge Open Space

*Includes both fee simple and conservation easements owned or held primarily by Larimer County since 2001. A map of the 2001 priority areas can be found on Figure 3-1, with 2014 priorities shown on Figure 3-6. These figures do not include approximately 11,000 acres conserved in financial partnerships with other agencies where Larimer County has no ownership interest.

The 2001 conservation priority areas range from smaller, discrete areas such as the Berthoud/Loveland Separator to much larger units like the Laramie Foothills. Parcels conserved in partnership range in size from the Homer Rouse Memorial Trail (1.5 ac.) to Red Mountain Open Space (14,980 ac.). Total acres by priority area are summarized in Table 2-1, which notes whether they are conserved in fee and managed by Larimer County or conserved by conservation easements that are held by Larimer County.

Approximately 54% of Larimer County's open lands currently offer public access and public access is planned on an additional 9%. The remaining 37% consists of conservation easements with limited or no public access.

Most of the conservation easements focus on agricultural properties where an important goal is to keep the land in production by encouraging on-going farming and ranching. Accordingly, many of these easements are in the Buckeye/Waverly and Wellington priority areas. Conservation easements in the Wellington area also contribute to maintaining community separation between Fort Collins and Wellington. In total area, the largest conservation easements the County has contributed to have been placed on working ranches, including the historic Sylvan Dale Guest Ranch and Blue Mountain Bison Ranch, both in Loveland.

In addition to supporting the continuation of ranching uses, these easements protect a variety of natural and cultural resources, including wildlife habitat, scenic landscapes and historic features.

Volunteers
at
Horsetooth
Mountain
Open Space
Photo:
Patricia
Brennan



83 miles of multi-use trails for hiking, horseback riding and mountain biking on 10 public open space areas are managed by the Open Lands Program

The Open Lands Program and willing landowners have conserved **25,000** acres of publicly accessible open spaces, **8,000** acres of conservation easements, and an additional **11,000** acres with local partners, for a total cost of **\$33 million**

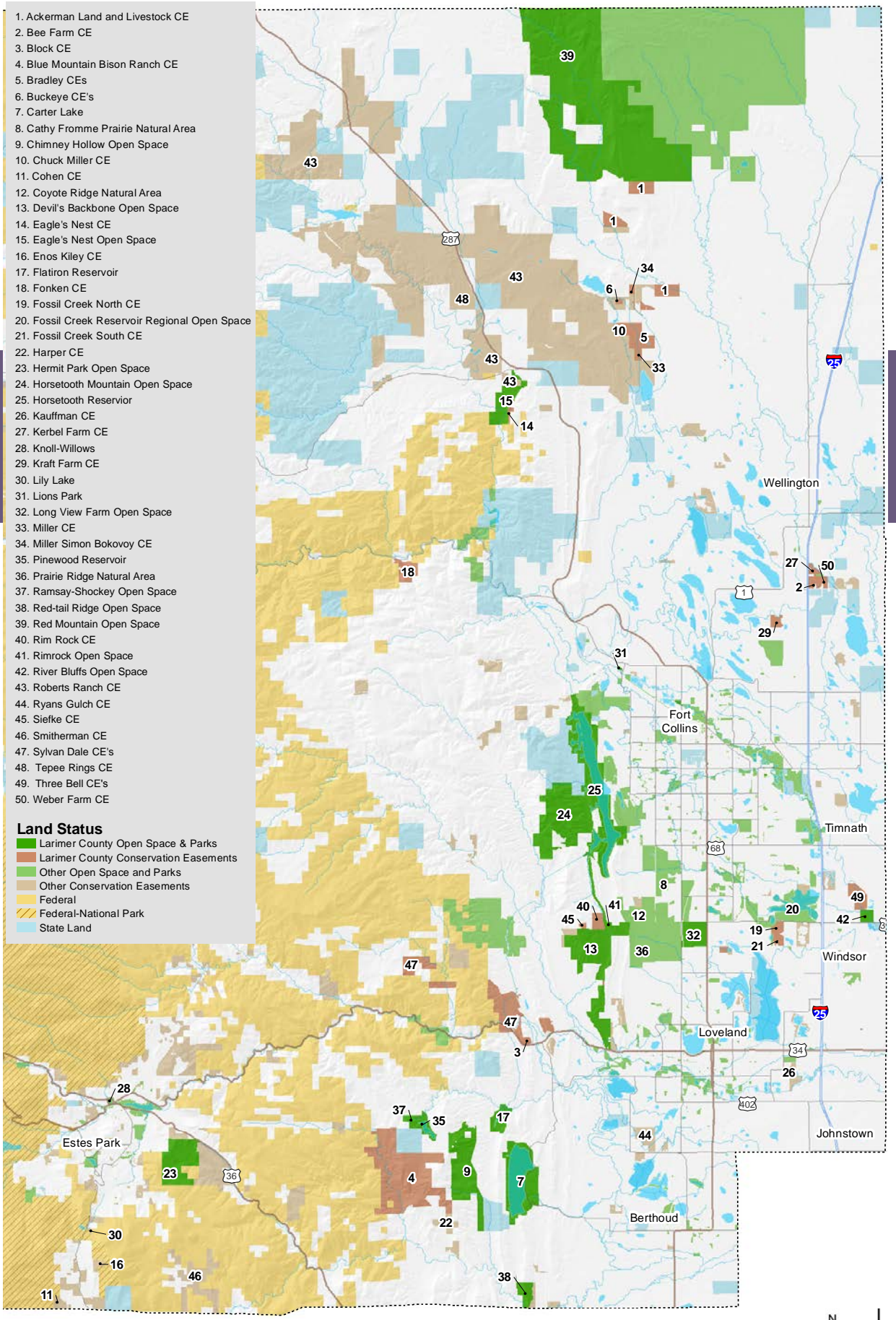


Figure 2-1 Conserved Lands of Larimer County: Larimer County Open Spaces, Parks, and CE's we hold are highlighted and numbered

In addition to the resources the Open Lands Program provides, Larimer County is fortunate to have large amounts of land conserved or protected by other governmental agencies and non-governmental organizations. Roosevelt National Forest extends through most of the mountains in the western part of the county, along with Rocky Mountain National Park in the southwest corner of the county. Many State Parks and State Wildlife Areas dot the Front Range. The Estes Valley Land Trust, Legacy Land Trust and The Nature Conservancy are the three most active land trusts operating in Larimer County. Connecting and enhancing these public lands creates a seamless conservation landscape more amenable to wildlife movement corridors and recreation.



2.2 Changing Demands for Land Conservation and Recreation

Larimer County’s population grew by almost 26% between the 2000 and 2013 (Table 2-2). Colorado’s Department of Local Affairs (DOLA) Demography Office estimates that the annual population will increase each year by approximately 1.4% to 2% through 2030. This would put the county’s population in 2018 close to 350,000, according to DOLA. The development of new housing units has matched the county’s population growth. The number of housing units in Larimer County increased by 29% between 2000 and 2013.

As Larimer County’s population grows and its demographics change, so will the needs and preferences of the county’s residents. For example, with a 2013 population of almost 316,000 and approximately 75,000 acres of land conserved by both county and municipal governments, these conservation efforts have resulted in the provision of almost .25 acre of open space for each resident. In order to maintain this same ratio in response to continuing growth, local government and their partners would need to conserve more than 45,000 additional acres by the year 2040 when an additional 175,000 people are forecasted to reside within Larimer County and its communities.

Those 65 and older accounted for over 13% in 2013. The median age has and is projected to steadily increase. As the age and proportion of Larimer County residents continues to increase, so too will a demand for diverse recreation options. The 2013 American Community Survey shows that 25% of the county’s population falls within the Baby Boomer age range (born between 1946 and 1964). This generation is known to be more active and have more resources available to them. They desire unique experiences that cater to “the need for self-fulfillment, healthy pleasure, nostalgic youthfulness, and individual escapes that are quite different than ‘senior’ games (i.e., bingo, bridge, shuffleboard).¹” Their lifestyles will demand a variety of active and engaging facilities and programs.

Another striking characteristic of Larimer County is its high education attainment, with nearly 95% of those over 18 years old holding a high school diploma. This high education level correlates to higher income levels which, combined, stimulate greater interest in diverse recreation experiences.

¹ Cochran, L. et. al. 2009. Leisure Programming for Baby Boomers. Human Kinetics.

Table 2-2. General Characteristics of Larimer County

Population	2000	2013
Population	251,494	315,988
Housing Units	105,392	136,079
Land area (square miles)	2,596	2,596
Persons per square mile (density)	97	122
Age		
Persons under 5 years old	6.1%	5.5%
Persons 18 years and over	76.2%	79.4%
Persons over 65 years old	9.6%	13.3%
Median Age	33.2	35.9
Education		
High school graduates	92.3%	94.6%
Bachelor’s degree or higher	39.5%	43.3%
Income		
Median household income	\$48,655	\$59,052
Persons below poverty level	9.2%	14.3%

Source: U.S. Census Bureau 2000 and 2013 ACS 1-year estimates

Red Mountain Open Space
Photo: David Coulson



The Open Lands Program leverages tax dollars through grants and donations. To date, 47¢ has been leveraged on every Help Preserve Open Spaces sales tax dollar.

Other demographic changes include greater ethnic diversity, which may introduce new demand for new recreation uses. Continued growth in Hispanic, Latino, and Asian communities, for instance, suggests more demand for family-based activities and bilingual programming. The demographic trends for each municipality and for the County as a whole must be considered when determining land conservation, stewardship and recreation priorities.

INCREASED DEMANDS FOR LAND AND WATER

A growing population will also increase the demand for land and water. New development requires additional sources of water and energy. Residential development occurring in previously intact and unimproved landscapes has dominated the landscape, often consuming agricultural land. Larimer County's farmland is being lost to alternative land uses at a rate of 4,500 acres each year at a cost of \$1.2 million in agricultural output (sales) each year, another significant consideration.²

Water rights will also be in high demand for developers: the Colorado Water Conservation Board estimates that Colorado will need between 600,000 and 1 million acre-feet/year of additional water for municipal and industrial uses to serve the state's population by 2050, adjusted to reflect modest amounts of conservation.³

The majority of this demand is anticipated to be supplied by current agricultural water rights: 500,000 to 700,000 acre feet could be transferred to municipal use by 2050. Meeting this demand will require more intense water conservation and agriculture/urban sharing of water resources and has implications for how water rights must be addressed in future conservation easements and fee-simple acquisitions.

2.3 Partnerships

As land prices and capital development costs increase, fiscal resources and personnel expertise are often pooled together to leverage resources and maximize benefits. Operating in partnership with other local governments, state and federal agencies, and non-profits is more the norm than the exception, especially in trail planning, land conservation, and land management efforts.

Table 2-3. Larimer County Race Comparisons

	2000	2010
White only	91.4%	90.5%
Black/African American only	0.8%	1.0%
American Indian/Alaska Native only	0.7%	1.0%
Asian only	1.6%	2.1%
Native Hawaiian/Other Pacific Islander only	0.1%	0.1%
Some other race alone	3.4%	3.3%
Two or more races	2.2%	2.2%
Hispanic or Latino*	8.3%	10.6%

Source: U.S. Census Bureau 2010. Persons of Hispanic or Latino origin are counted separately, so this line is in addition to 100%.

² See *Our Lands - Our Future*, Chapter 4: Our Economic Benefits.

³ Colorado Water Conservancy Board. 2012. Colorado's Water Supply Future. Accessed from <http://cwcb.state.co.us/water-management/water-supply-planning/Documents/SWSI2010/SWSI2010FactSheet.pdf>

Photo:
Dave
Marvin



Chapter 3. Conservation Vision

Since the early 1990's, Larimer County citizens have demonstrated a strong commitment to protecting and improving the quality of life that is provided by the natural and scenic wonders that the area offers. With their support, the County has been successful in conserving land to protect natural and cultural resources, working landscapes, as well as provide recreational opportunities.

In most cases, the Open Lands Program will continue to do what they have done effectively to meet the desires of the public and strengthen the assets that make the county so special. Yet there are important strides to be made in completing the open space network by conserving in-holdings and closing gaps between conserved areas. As the program matures, Larimer County will place greater emphasis on resource management and habitat restoration: allowing rivers to act as rivers; enhancing native plant communities; managing healthy grasslands and forests; managing non-native and invasive species; conducting wildlife management; and restoring degraded areas. In this chapter the ongoing and future role of Larimer County in future land conservation, types of land, resource stewardship, as well as protection of water and mineral rights is defined. Specifically, conservation priority areas are identified and described.

3.1 Results of Public Outreach

The Open Lands Program conservation vision is formed by extensive public input. Results from master plan outreach confirmed and expanded upon the significant input received in prior studies, such as *Our Lands - Our Future* in 2013 and *Plug In to Nature* in 2012. Topics requiring additional feedback were surveyed through public forums, focus groups, and online surveys during this master planning process. Table 3-1 shows the potential need for various conservation efforts across the county that were identified by participants or otherwise arose out of each of the individual studies and outreach efforts. Only the most commonly heard topics with the most interest relating to the mission of Larimer County are listed. Brown shading indicates that this topic was both tested and received positive response as a potential need. For a complete list of surveyed conservation values see the *Our Lands - Our Future Report*.



Photo credits
clockwise
from top
left: Donna
Mullins, Harry
Strharsky;
Mark Yoder;
Richard Snell



Table 3-1. Land Conservation Needs Assessment Summary

	Our Lands - Our Future Outreach	Plug In To Nature Outreach	Master Plan Update Outreach
Conserve lands to protect lakes, rivers, streams and preserve water quality			
Conserve lands to protect natural resources, wildlife habitat and rare species			
Conserve lands for more outdoor recreation opportunities			
Conserve lands to create greenways or trail corridors that connect communities and parks			
Conserve lands to preserve working farms and ranches			
Conserve lands within our communities near neighborhoods and schools			
Conserve community separators (open lands between cities and towns)			
Conserve regional lands			
Conserve historic sites or renovate historic structures			
Invest in management and maintenance of current natural areas and facilities			
Invest in additional paved and natural surface trails			
Invest in additional trailheads, parking, shelters, facilities, etc.			
Restore and rehabilitate rivers and open lands			
Acquire water rights for in-stream flows and wildlife habitat			
Secure water for agricultural lands			
Provide land for emerging farmers and small acreage farming			
Conserve land with proximity to existing open space			

Not included in Table 3-1 are priorities from the 2013 Larimer County Citizen Survey, which asked respondents' opinions on all county services. The survey further found that "protection of open spaces was seen as the most important concern" when citizens looked into the future. Open end comments to this survey further demonstrated citizens' passion for open areas, parks, and recreation, specifically expressing a desire for more land conservation, properly maintaining open lands, and more managed growth and development in unincorporated areas. It is clear from this and other surveys that open lands are an essential part of Larimer County's quality of life and economy.

As a result of the *Open Lands Master Plan* outreach and previous studies, several key issues were identified that were of primary interest to Larimer County citizens:

- Residents prefer an equal balance between preservation and recreation, rather than favoring one over the other. For example, there should be a balance between allowing appropriate public access and restricting public access for natural resource purposes.
- The most important wildlife habitat, river corridors, wetlands, agricultural lands, recreation opportunities, and similar resource areas should be identified and conserved as open space.
- Natural areas that are easily accessible and close to home are the most important to county residents
- Parents in Larimer County would like their children to spend even more time outdoors. Undeveloped areas, such as open lands, are the preferred location for connecting with nature.
- There is significant support for allocating dollars to a broad set of conservation and land management purposes. Conserving new properties is often favored over investing in existing lands, though there is a growing awareness for the need to properly care for what is already conserved.
- A system of regional trails should be developed to connect communities to each other and with open spaces and other public lands.
- Larimer County should continue to work in partnership with cities and towns, state and federal agencies, and non-profit organizations to leverage fiscal budgets and personnel expertise to maximize conservation efforts.

Public Outreach Photo: Staff
 Dark Brown = Top priority; Light Brown = Secondary Priority; White = either not a priority or the question was not repeated in this study.
 *In effort not to duplicate efforts from previous studies, these surveys asked a limited number of questions to gather additional feedback.
 Not all questions were asked in all studies.

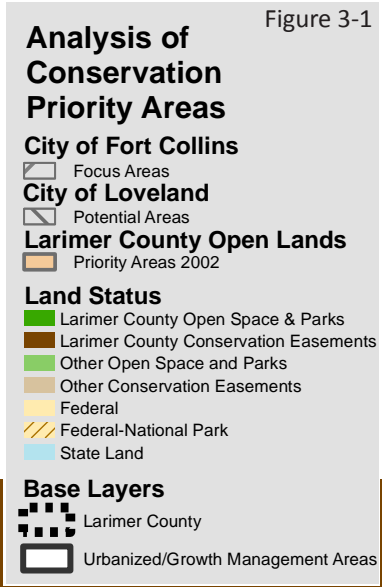
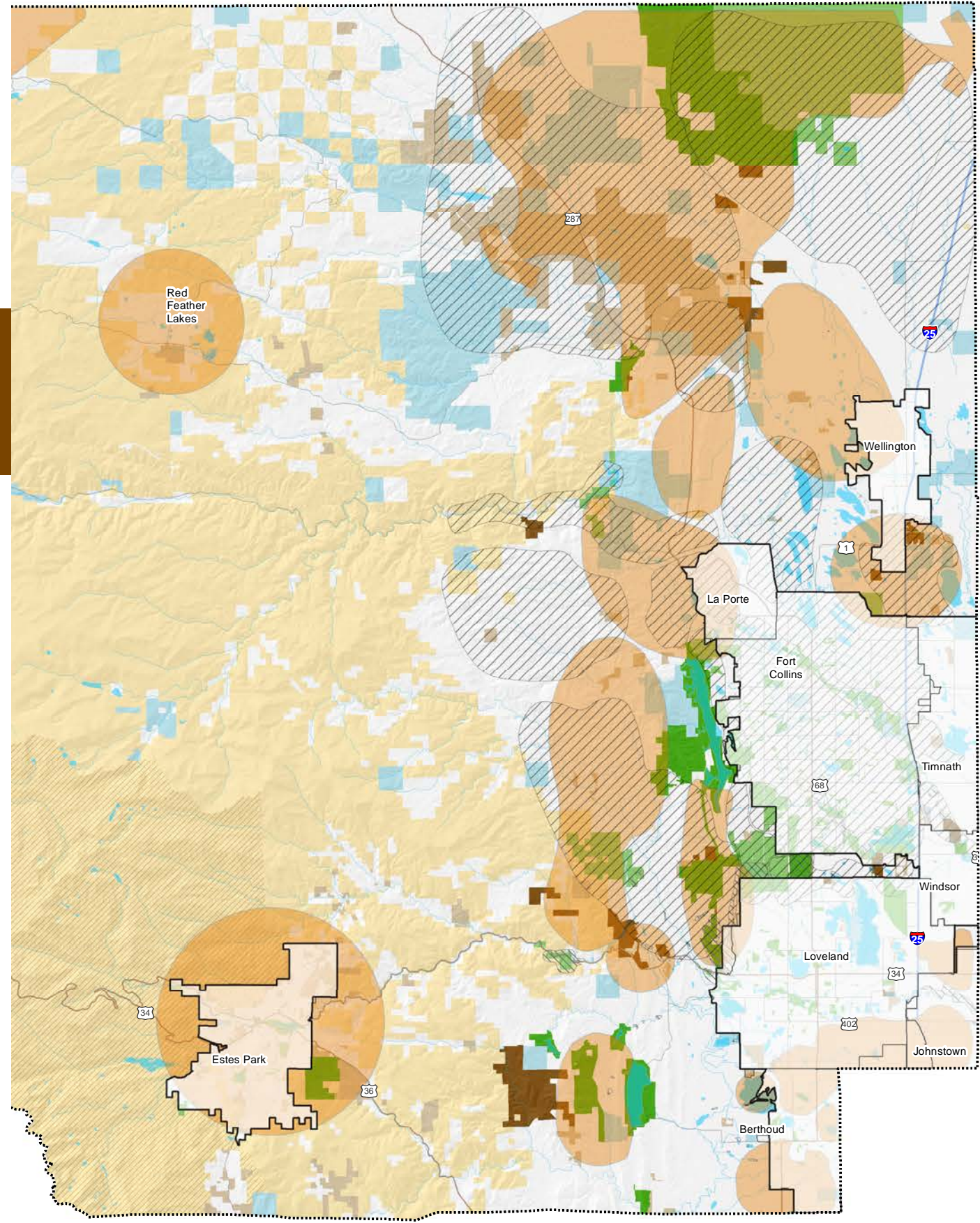
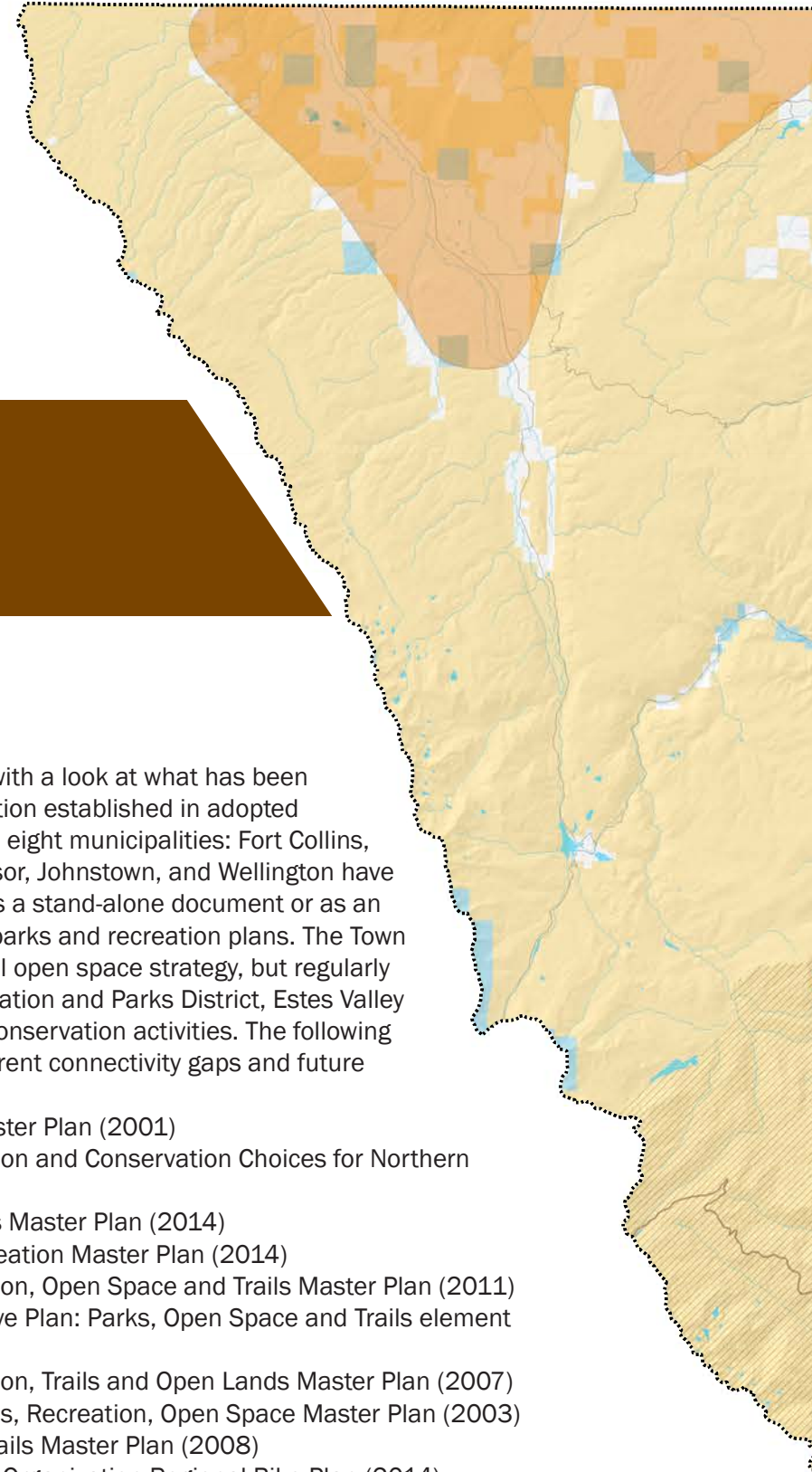


Figure 3-1



3.2 Priority Area Analysis

An analysis of priority areas began with a look at what has been accomplished and the current direction established in adopted plans. Nearly all of Larimer County's eight municipalities: Fort Collins, Loveland, Timnath, Berthoud, Windsor, Johnstown, and Wellington have adopted open space plans, either as a stand-alone document or as an element of their comprehensive or parks and recreation plans. The Town of Estes Park does not have a formal open space strategy, but regularly partners with the Estes Valley Recreation and Parks District, Estes Valley Land Trust and Larimer County on conservation activities. The following plans were consulted to analyze current connectivity gaps and future priorities.

- Larimer County Open Lands Master Plan (2001)
- Our Lands - Our Future: Recreation and Conservation Choices for Northern Colorado (2013)
- City of Fort Collins Natural Areas Master Plan (2014)
- City of Loveland Parks and Recreation Master Plan (2014)
- Town of Timnath Parks, Recreation, Open Space and Trails Master Plan (2011)
- Town of Berthoud Comprehensive Plan: Parks, Open Space and Trails element (2014)
- Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan (2007)
- Johnstown / Milliken Parks, Trails, Recreation, Open Space Master Plan (2003)
- Town of Wellington Parks and Trails Master Plan (2008)
- North Front Range Metropolitan Organization Regional Bike Plan (2014)

Priority areas from the 2001 *Open Lands Master Plan*, along with recently updated priorities from the cities of Fort Collins and Loveland, are mapped in Figure 3-1.

Figure 3-1
 Conservation
 Priority Areas



OUR LANDS - OUR FUTURE MODELING PROCESS



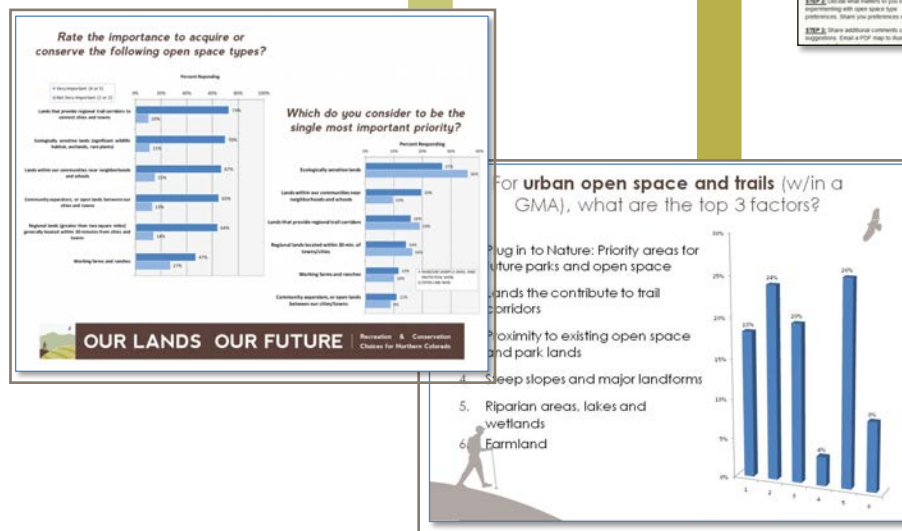
Regional Open Space and Trails	Outside of Growth Management Areas
Urban Open Space and Trails	Inside of Growth Management Areas
Natural Resource and Wildlife Areas	Ecologically Important Areas
Working Farms and Ranches	Agricultural Lands

Public and Agency Input

Public and Agency Input + Education



Where are the priority areas? What is the right balance between working farms and ranches, urban and regional recreation areas, and wildlife habitat?



OPEN LANDS MASTER PLAN PROCESS

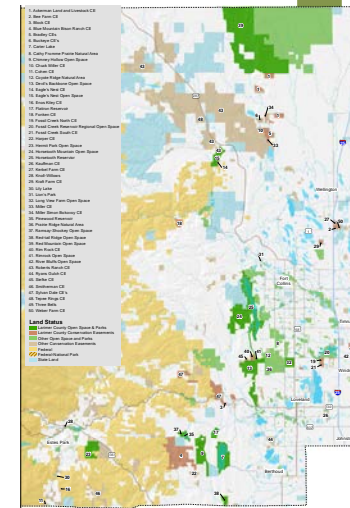


Public Forum #1 Focus Groups

Public Forum #2 Focus Groups

Agency, Committee, and Public Comments

Open Lands Advisory Board + Board of County Commissioner Review/Approval



Through the regional study process (*Our Lands - Our Future*), Larimer County and its partners developed innovative Geographic Information Systems (GIS) models weighted by public values to evaluate and map the region's greatest natural resource assets and land conservation opportunities. These models identify natural resource assets and land conservation opportunities that merit special consideration for protection to achieve the public's values for open space conservation, as described in Figure 3-2. The tool provides partners and citizens with a mechanism to understand open space data, priorities and criteria over time to meet changing needs. Over fifty natural resource, agricultural, real estate, and demographic GIS datasets were reviewed for availability, reliability, completeness, and accuracy.

Figure 3-2 Our Lands - Our Future Modeling Process. The open space modeling processes were driven by public input and the best available data. Online users can create their own scenarios and review the criteria, weights, and results at <http://tplgis.org/OurLands-OurFuture/>.

In *Our Lands - Our Future*, public input assisted in prioritizing four broad types of open space that share similar functions and conservation values, as well as costs of acquisition, facility development and long-term management. Each open space type shown in Figures 3-3 through 3-5 emphasizes specific resources but may include other resources as well.

They are:

- Protect natural resources and wildlife habitats
- Create regional open space and trail areas
- Conserve working farms and ranches
- Enhance and create urban open space and trail systems

The last type, urban open space, occurs within growth management areas and is primarily the responsibility of cities and towns.

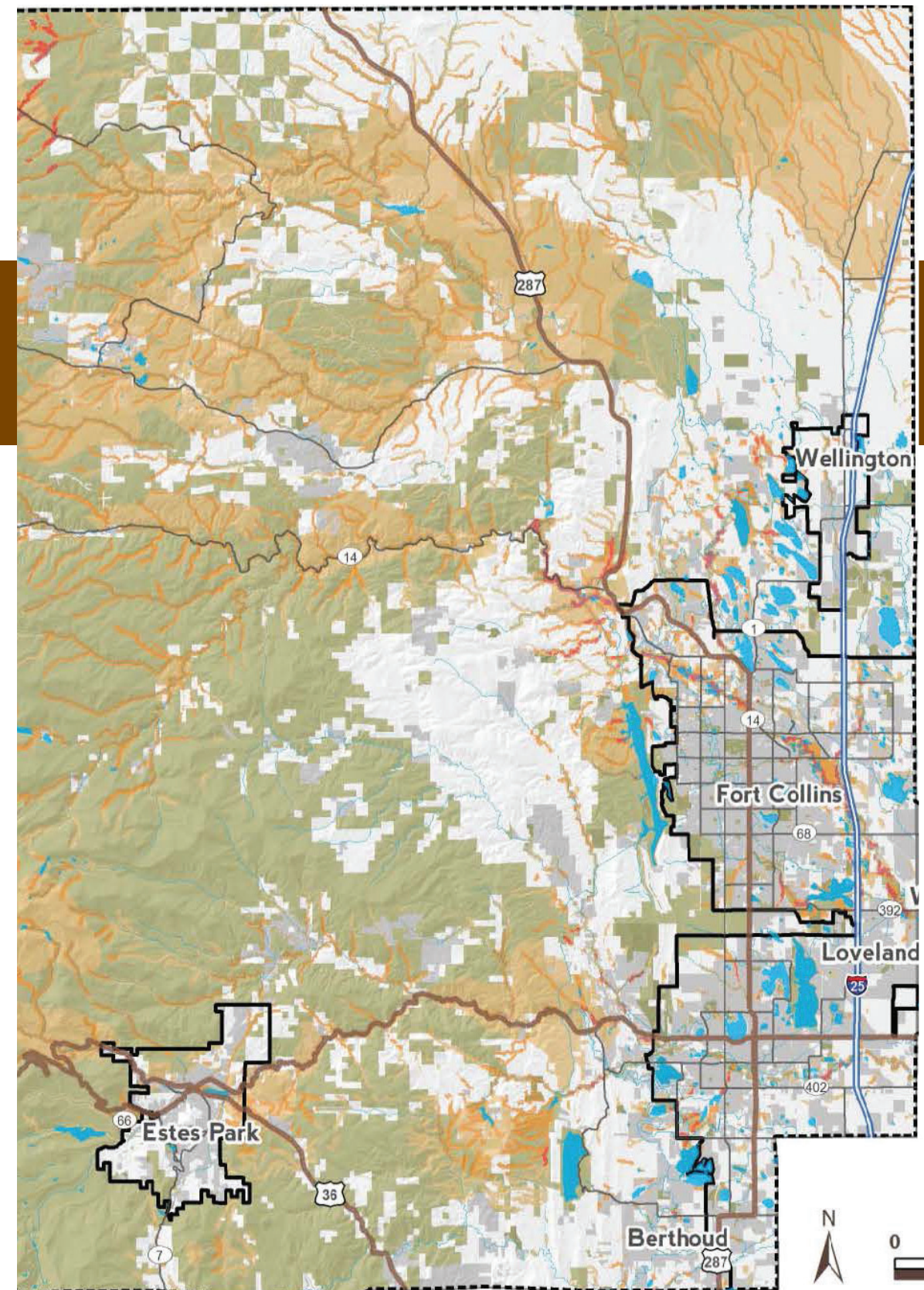
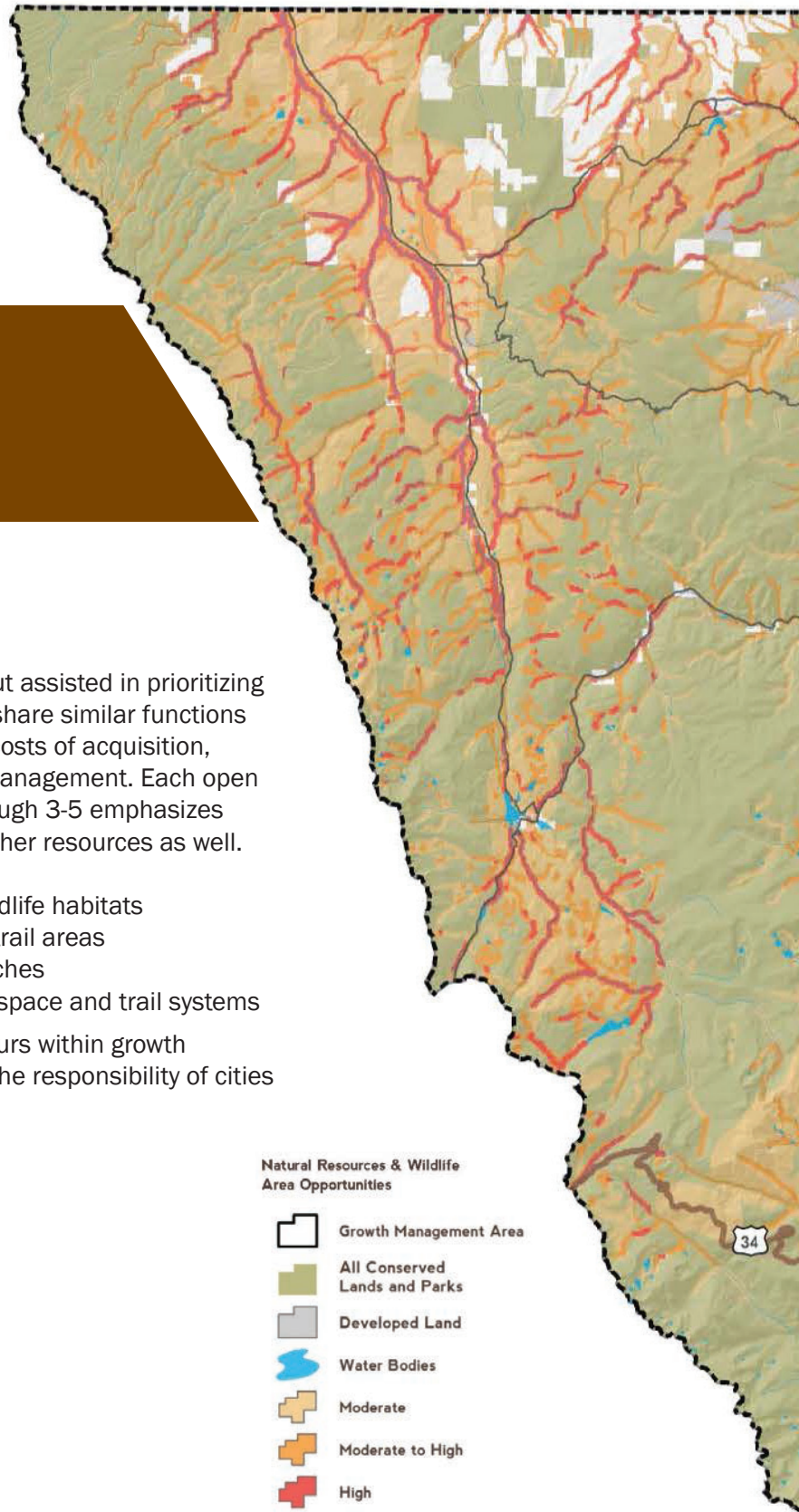


Figure 3-3
Our Lands - Our Future
Opportunity Map: Natural Resources and Wildlife Habitats

The partners weighed each of the datasets according to its importance in achieving the open space goals, as informed by public outreach. The model focuses on protecting multiple resources, their local and regional connectivity, and a mosaic of habitats and recreation experiences. The modeling results – referred to as Open Space Opportunity Maps - highlight the region’s assets or opportunity areas where public desires for land conservation can be achieved most effectively. Areas where the most sensitive resources overlap are shown in red and then orange, while white areas have comparatively few open space resources. The darker areas, predominantly in the Laramie Foothills, along hogback ridges and foothills near community centers, and along the stream and river corridors, are highly important in terms of natural resources and recreation and are prime opportunities for protection.

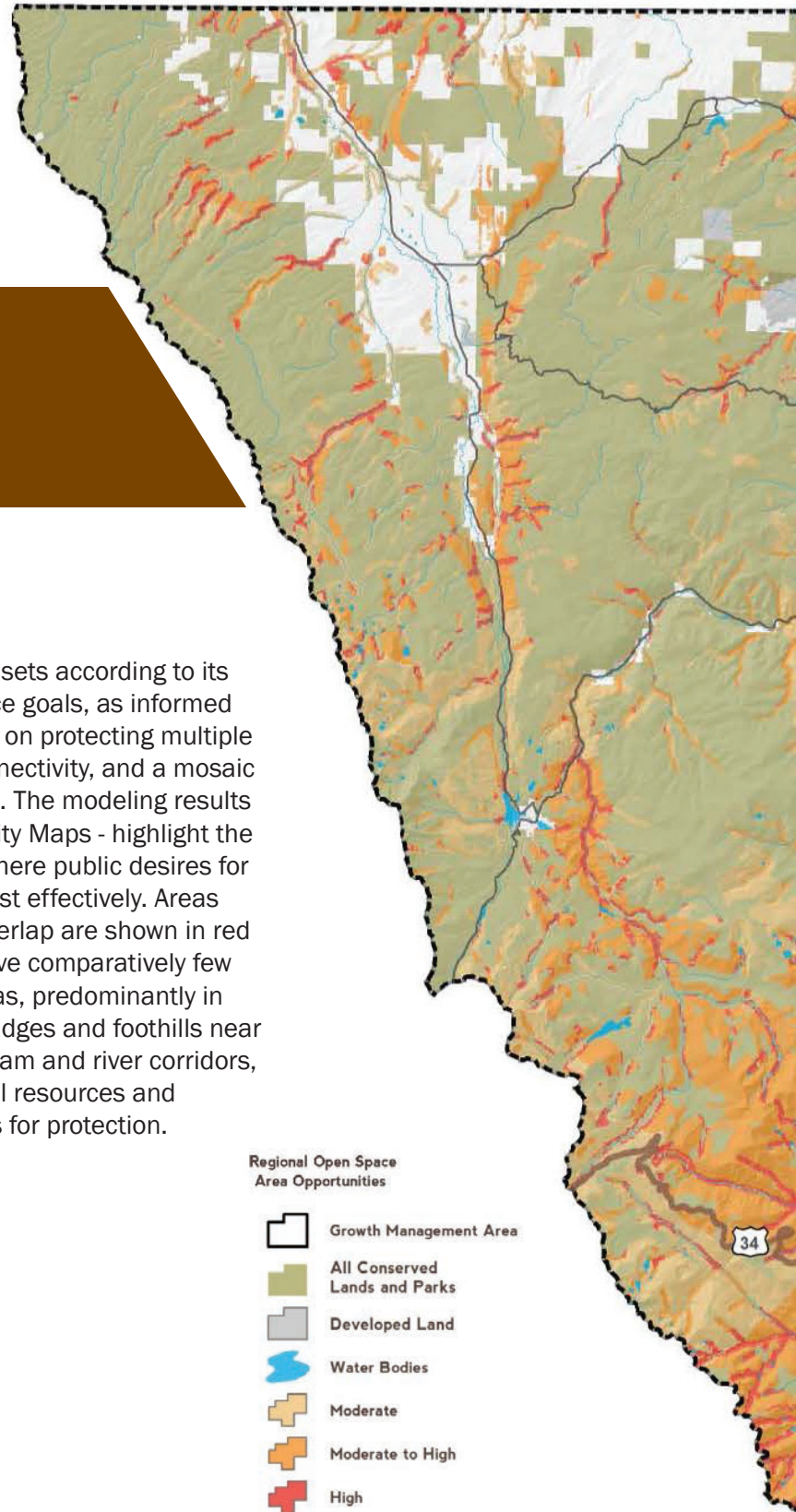
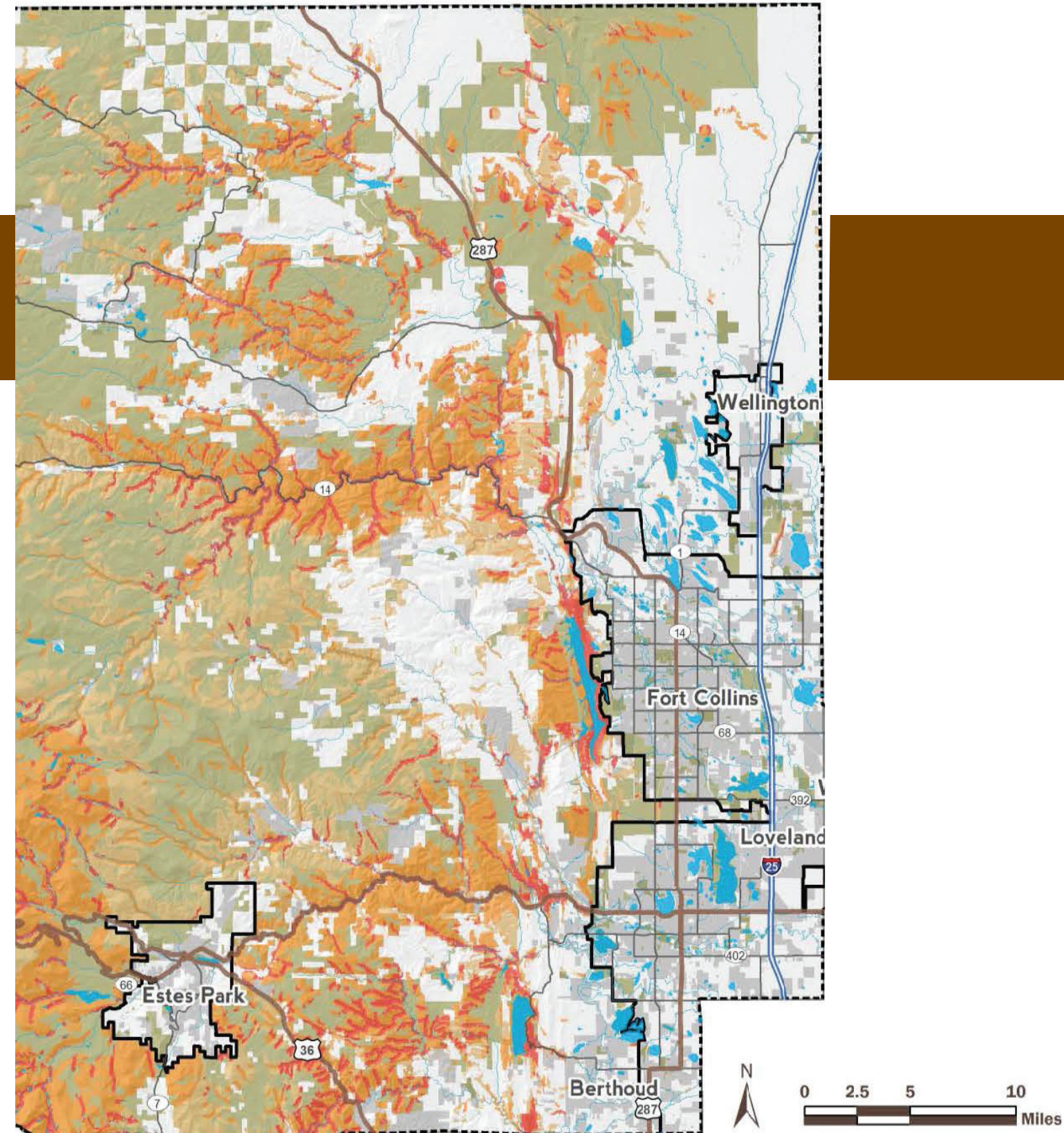


Figure 3-4
Our Lands -
Our Future
Opportunity
Map:
Regional
Open Space
and Trails



Open Space Opportunity Maps from *Our Lands - Our Future* are based on existing public information and are not intended for use in a regulatory context. Rather, they identify a collective regional vision and opportunities for project partners to work with willing landowners on voluntary land conservation. The County Open Lands Program – as well as Fort Collins, Loveland, and Berthoud – relied upon these opportunity maps as an input in refining and prioritizing their respective master plan priority areas.

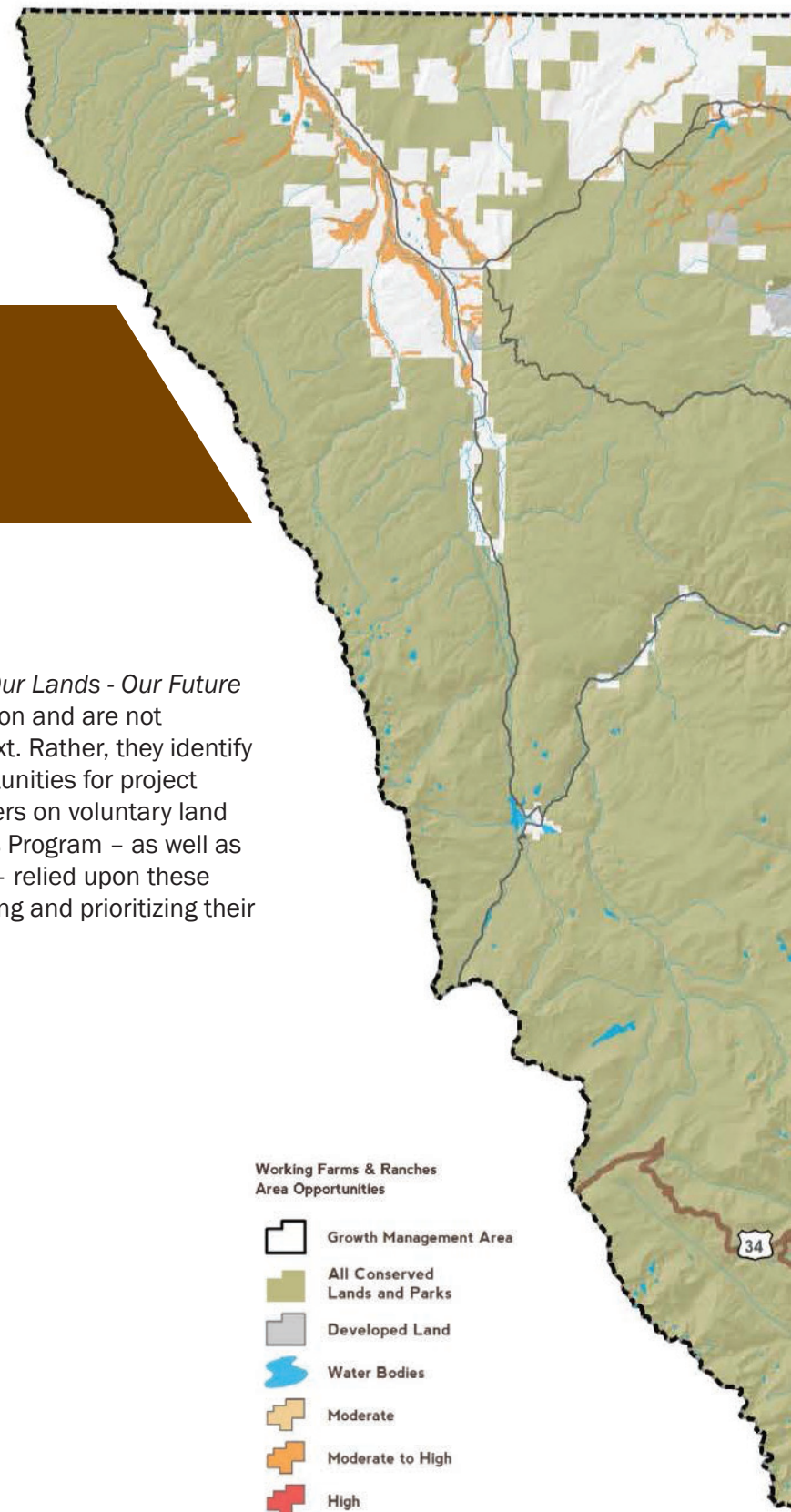
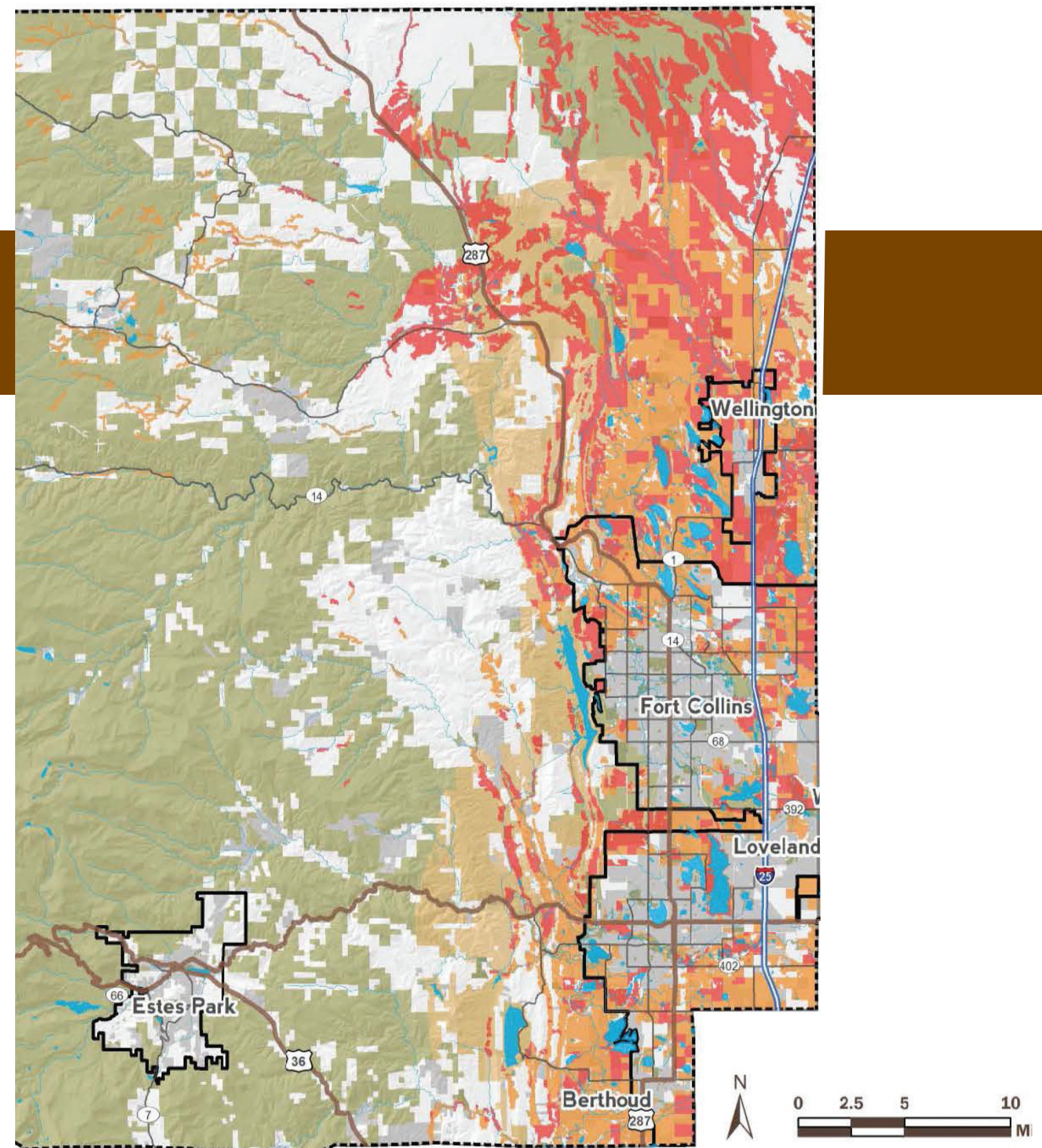


Figure 3-5
Our Lands - Our Future Opportunity Map: Working Farms and Ranches



3.3 Land Conservation Priority Areas

The response to identified public needs and demands and the conservation priority analysis conducted through *Our Lands - Our Future's* mapping is illustrated on the Open Lands Conservation Priority Areas map (Figure 3-6). Conserving lands shown on the map will be undertaken in phases, with guidance by the Board of County Commissioners and the Open Lands Advisory Board. Furthermore, the ability of Larimer County to implement this conservation strategy is dependent on long-term funding, such as the Help Preserve Open Spaces sales tax.

The conservation priority areas described provide a long-term vision for land acquisition but it is unrealistic to suppose, nor is it the intention of Larimer County, to acquire all land within the priority areas. Rather, these areas will be considered as prime candidates for protection when willing landowners desire to sell or donate their land or conservation easements to Larimer County. Financial resources are limited and most transactions will occur with local or state partnerships. All acquisitions will only occur with willing landowners. Additionally, it should be noted that lands outside the priority areas are not precluded from being considered for conservation and are given appropriate consideration when such opportunities arise.

The Open Lands Program will primarily focus on the Open Lands Priority Areas shown in Figure 3-6, described in detail at right.

Larimer County Open Lands Program's Role in Land Conservation

- **The Open Lands Program will primarily focus on the natural landscapes, areas of high ecological value, river corridors, and agricultural priorities areas with willing landowners beyond municipal Growth Management Areas.**

- **The Open Lands Program will expand existing open lands and conserved properties by conserving in-holdings and adjacent lands, Cities, towns, and non-profit land trusts should lead conservation activities in the partnership priority areas and within their respective Growth Management Areas, often with financial support from the County.**

Conservation Priority Areas

- Open Lands
- Partnership
- River

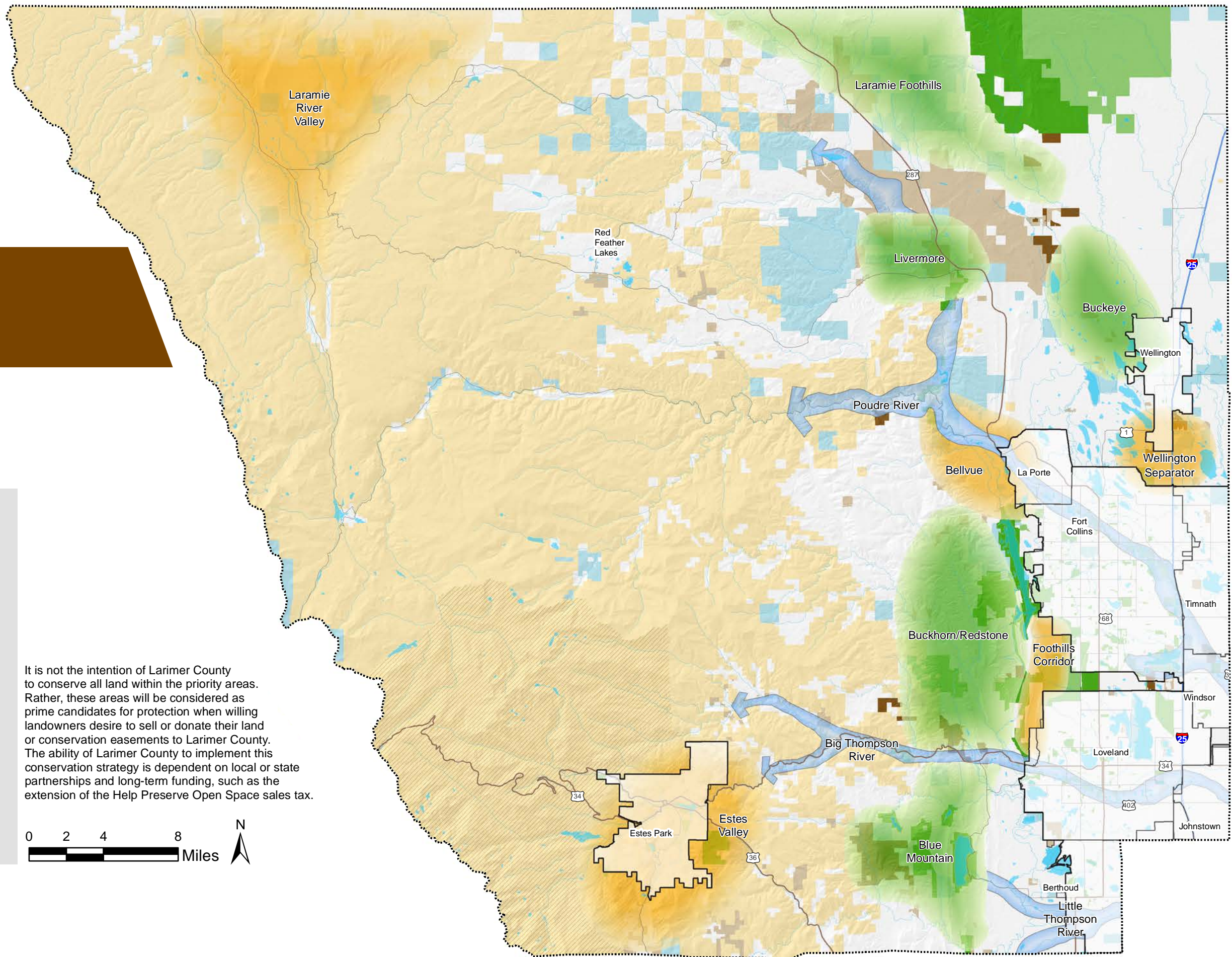
Land Status

- Larimer County Open Space & Parks
- Larimer County Conservation Easements
- Other Open Space and Parks
- Other Conservation Easements
- Federal
- Federal-National Park
- State Land

Base Layers

- Larimer County
- Urbanized/Growth Management Areas

Agriculture is a priority across the County based on attributes such as soil, water, connectivity to other conserved lands, etc.



It is not the intention of Larimer County to conserve all land within the priority areas. Rather, these areas will be considered as prime candidates for protection when willing landowners desire to sell or donate their land or conservation easements to Larimer County. The ability of Larimer County to implement this conservation strategy is dependent on local or state partnerships and long-term funding, such as the extension of the Help Preserve Open Space sales tax.

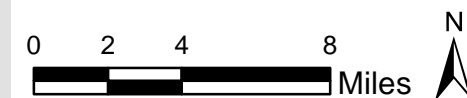
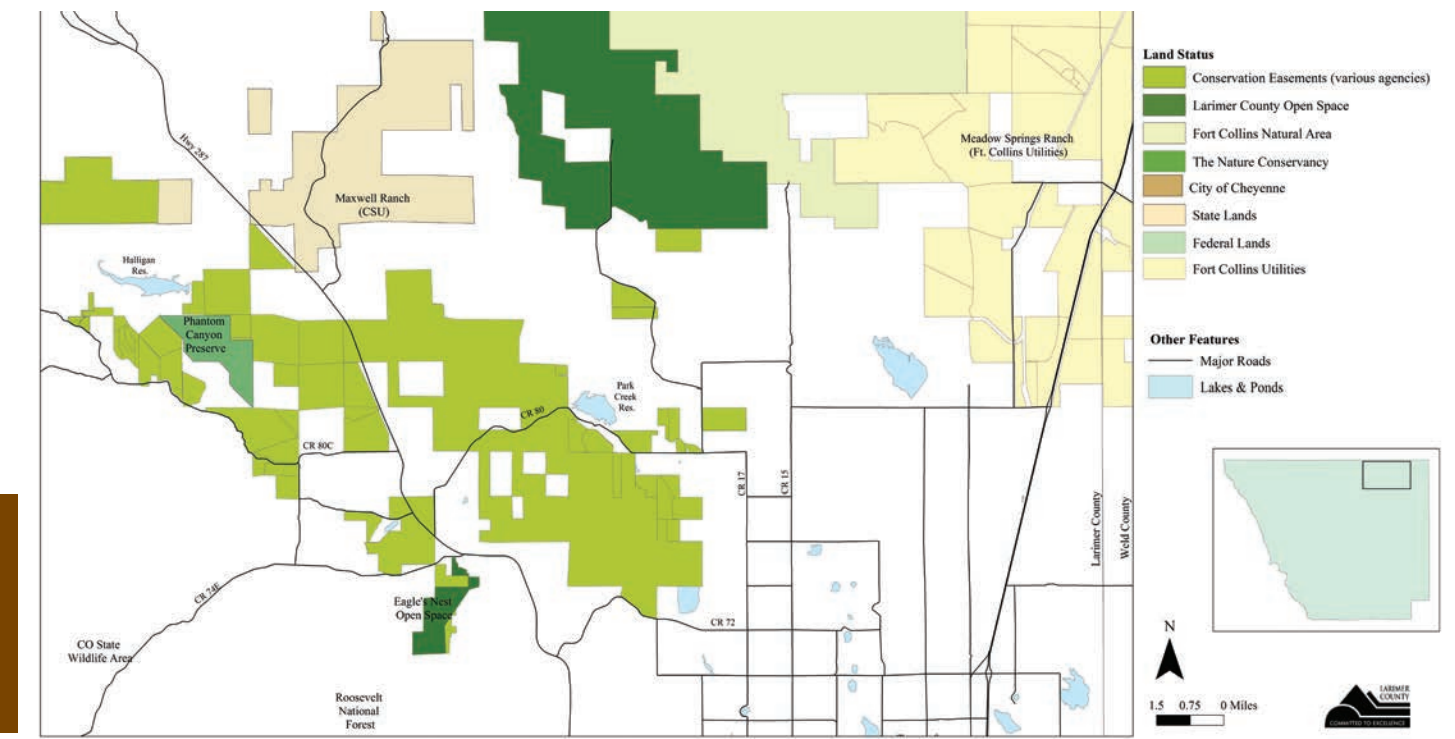


Figure 3-6 Land Conservation Priority Areas Map



OPEN LANDS PRIORITY AREAS

Laramie Foothills / Livermore

This area is one of the most significant conservation areas within the Front Range region. Spanning from an expansive area of native short grass prairie to higher elevation forests, this area provides a glimpse of pre-settlement Colorado and a diversity of habitat types. Anchored by the nearly 40,000-acre Red Mountain Open Space-Soapstone Prairie Natural Area conservation complex, the area is an outstanding example of landscape scale conservation, one that encompasses a rare opportunity to realize a mountains-to-plains project at a significant scale. Adding to the critical mass of conservation lands are other large parcels that are either publicly-owned, such as portions of Roosevelt National Forest (~40,000 acres), Cherokee State Wildlife Area (~25,000 acres), and the Belvoir Ranch in Wyoming (~20,000 acres), or under some form of protection such as conservation easements. Figure 3-7 illustrates the scale of the opportunity and the progress made to date.

The Livermore area, in the southwestern portion of the Laramie Foothills conservation complex, is a rich ranching area where the North Fork of the Poudre, Rabbit Creek, and other drainages converge. It's also a historic area, traversed by the Overland Trail with remnants of the trail still marking the landscape and pioneer signatures etched in rock reminding us of those who passed along the trail. Conservation efforts to date have resulted in the 755-acre Eagle's Nest Open Space and a series of conservation easements on working ranches that provide a nucleus for additional conservation efforts.

Future conservation projects in this focus area will seek to further realize a mountain to plains concept by conserving additional key areas adjacent to and within existing conservation lands and the corridors that link these lands together.

Figure 3-7
Laramie
Foothills:
Mountains
to Plains
Project.



Buckeye / Waverly

This area contains a concentration of working farms and ranches. Much of the area is irrigated, making it one of the more productive agricultural settings remaining within Larimer County. To date, there have been a cluster of approximately 15 conservation easements completed in partnership with a dedicated, creative group of landowners near Park Creek Reservoir and Legacy Land Trust. Future efforts will focus on conservation easements intended to maintain the critical mass of working farms in the area that is needed for long-term viability.

Buckhorn / Redstone

This is a highly scenic area located along a series of hogbacks and other interesting foothills that transition to the Rocky Mountains. Future conservation efforts will focus on conserving the mountain backdrop and enhancing the linkages between existing protected properties, such as the City of Fort Collins’ Bobcat Ridge Natural Area and Horsetooth Mountain Open Space, as well as the adjacent National Forest lands to the west.

Blue Mountain

The Blue Mountain area is located along the foothills in the southern most portion of the county. A complex of public lands with developed reservoirs provides a range of recreation opportunities and the lands surrounding them also serve as conservation lands. A substantial amount of conservation has been accomplished in this area, including the Blue Mountain Bison Ranch Conservation Easement, Chimney Hollow Open Space, Ramsay-Shockey Open Space, and Red-tail Ridge Open Space. Conservation goals in this area include protecting the mountain backdrop south of the Big Thompson River, including the Little Thompson River, and providing better linkages between conserved lands and to National Forest lands to the west and to Boulder County to the south.

*Buckeye CE.
Photo: Walt
Hubis*

*Redstone
Canyon
Photo: Charlie
Johnson*

*Ramsay-
Shockey
Open Space.
Photo: Scott
Bacon*



RIVER CORRIDOR PRIORITY AREAS

The three major river corridors that run through Larimer County, the Cache La Poudre, Big Thompson and Little Thompson rivers, are widely recognized as important resource areas for wildlife habitat and migration, scenery, and sense of place. These river corridors are essential to a healthy watershed, to a clean and natural water supply, and as buffers that help mitigate property damage from floods and fires.

Appropriate areas are also prime outdoor recreation and educational resources. For example, portions of the Big Thompson River and Little Thompson River also offer a largely unrealized opportunity to model the success of the Poudre River restoration and trail projects championed by the City of Fort Collins.

While some portions of these corridors have already been conserved – separately and in partnership with other entities such as Loveland, Larimer County, Colorado Parks and Wildlife and USFS – other portions remain unprotected.

Catastrophic flood events highlight the need for ecosystem, infrastructure, and partnership resiliency¹:

- **Ecosystem Resilience:** Allow rivers to act as rivers – providing reasonable space for flood lands and the ability of rivers to move laterally within their floodplains. The September 2013 floods demonstrated in dramatic fashion the power of rivers and the imprecision of floodplain mapping and risk analysis – many of the residential properties destroyed or damaged by flooding were not located within a defined floodplain, including areas along both the Big and Little Thompson Rivers. Conserving additional lands along rivers provides a margin of error in floodplain management and an added level of resilience to what can be achieved by floodplain regulations alone. In addition, floodplains and their adjacent benches provide critical habitats, wildlife movement corridors, and a scenic setting through which people travel to Rocky Mountain National Park and other regional attractions.

- **Infrastructure Resiliency:** Integrate land conservation planning with infrastructure planning. Recreational facility designs that provide soft and hard infrastructures to create different levels of protection outside of and within the floodplain will allow for natural variations of the river within defined limits while protecting facilities from the devastation of uncontrolled flooding. Land conservation in river corridors can assist in shielding critical infrastructure (bridges, emergency access, power and fuel supply, water supply, sewage treatment and outflow) by absorbing the velocity and volume of flood water.
- **Partnership Resiliency:** Create enduring processes and structures to ensure a strategic and shared approach to conservation, stewardship and funding over the long term. Collaboration is critical, and regular dialogue on how to best use conservation as a tool to avoid or diminish these regular – though unpredictable – disasters is a priority in this *Master Plan*. There is a need to institutionalize lessons learned from the flood events.

Open Lands Program's Role in River Corridors

- **Continue conservation and recreation efforts in the Cache La Poudre, Big Thompson and Little Thompson river corridors outside the growth management areas of cities and towns.**
- **Pursue partnership opportunities with municipal and state agencies, non-governmental organizations, and user groups to conserve lands along these rivers to enhance their long-term ecological functions, recreational opportunities, and scenic beauty.**
- **Support regional coalitions that serve as a knowledge-sharing network and strategically coordinate watershed planning and preventative measures for flooding and drought through conservation mechanisms; create a vision plan for conservation and recreation, particularly along the Big Thompson River; develop an action plan to coordinate and leverage funding for improvements, operations and maintenance.**

Pre-restoration (inset) and post-restoration comparison of Lions Park.
Photo: Staff

¹An Urban Land Institute Advisory Services Panel for Northern Colorado (Estes Park, Fort Collins, and Loveland) is examining regional resiliency strategies to avoid, reduce, recover, and adapt to the effects of natural disasters such as the 2013 Flood and wild fires that threaten Larimer County communities nearly annually. These recommendations mirror those by ULI; the full report is expected Fall 2014.

Three Bell CE.
Photo: Staff



PARTNERSHIP PRIORITY AREAS

Several priority areas are being carried forward from the 2001 *Master Plan*, in partnership with other municipalities, land trusts, and conservation organizations. Planning in the partnership priority areas will be led by other entities and supported by Larimer County when appropriate. Partnerships with other entities will consider respective priority areas that may not be highlighted in this plan. e.g. Red Feather Lakes area.

Wellington Separator

Known for its rich history and agricultural productivity and identified in the 2001 *Master Plan*, the prime farmland in the Wellington Separator also provides notable viewsheds to the foothills and mountains. Nearly 1,000 acres has been conserved in this separator, most of which has been accomplished in the last decade. Half of these have been conserved by Larimer County through conservation easements – ensuring that Weber, Kerbel, Kraft, Bee farms and others remain in agricultural production in perpetuity. This agricultural priority area also contains a significant number of irrigated farms that are a staple of the local economy and under threat as water rights are diverted from agricultural use to urban uses. In the future, Larimer County Open Lands will support partnerships with Fort Collins, the State of Colorado, water utilities and other conservation partners to conserve working farms and water rights in this area.

Weber
CE. Photo
Richard Snell

Bellvue / Mouth of Poudre Canyon

This picturesque agricultural community in the Pleasant Valley contains abundant resources: high agricultural production, community separation, wildlife habitat, a broad Poudre River floodplain with riparian habitat, and a highly scenic and historic setting. The Bellvue area offers opportunities to conserve prime farmland, maintain ecosystem connectivity, and promote river health. It also offers opportunities to connect three County properties (Lions Open Space, Bingham Hill Park, and Pleasant Valley Trail) to the Poudre River, Horsetooth Mountain Open Space and Lory State Park. In the future, Larimer County Open Lands will support partnerships with Bellvue, Fort Collins, the Laporte Area Planning Committee, and other area conservation organizations to complete potential conservation projects in this area.

Foothills Corridor / Devil's Backbone to Horsetooth

These north-south hogback ridges and narrow valleys have been a consistent priority for Larimer County, as well as Fort Collins and Loveland's conservation efforts for over a decade. These ridgelines form a striking Front Range Mountain Backdrop, one that is threatened by continuing pressures for residential development in the Larimer County foothills. They also contain unique plant communities, important wildlife habitat and travel corridors, and distinct geology. The 1,785-acre Devil's Backbone Open Space is extremely popular with recreationists. The county-managed trail system extends approximately 12 miles connecting the Soderberg and Blue Sky Trailheads at Horsetooth Mountain Open Space to Lory State Park to the north and Devil's Backbone Open Space in Loveland to the south, without crossing a major road. There are several Loop trails within this complex, like the popular Wild, Indian Summer, and Keyhole trails and the 1.7-mile Rimrock Trail, which connects to the Coyote Ridge Natural Area trail system.

This priority area offers an opportunity to complete ecological and recreational connections and filling in-holdings between four other notable priority areas or lands that are already conserved:

- Horsetooth Mountain Open Space and Horsetooth Reservoir
- Buckhorn / Redstone Priority Area (see description on page 38.)
- Big Thompson River Priority Area (see description under River Corridors, page 40.)
- Fort Collins-Loveland Community Separator. Descending eastward toward the Great Plains, several conserved prairies and agricultural lands already contribute to the Fort Collins-Loveland Community Separator – the majority of which has been conserved through projects such as Long View Farm Open Space, Prairie Ridge Natural Area (managed by the City of Loveland), Coyote Ridge and Fossil Creek Reservoir natural areas (managed by the City of Fort Collins). Per their master plans, the cities of Fort Collins and Loveland will continue to work together to protect additional parcels in this separator and provide important recreational linkages from urban areas.

Devil's
Backbone
Open Space.
Photo: Scott
Bacon



Estes Valley

The Estes Valley maintains the envious distinction of being a national destination in and of itself as well as the gateway to Rocky Mountain National Park and several wilderness areas. Despite three million tourist visits a year, a trend that began over a century ago, this mountain resort community is surrounded by a stunning setting, one that offers views to snow-capped peaks, dramatic rock outcrops, and densely forested hills. Key resources include scenery, wildlife habitat, historic features, and recreational opportunities. More than 150 private properties totaling nearly 10,000 acres have been conserved through conservation easements, donations, and acquisitions, including the 1,362-acre Hermit Park Open Space. Larimer County Open Lands will support the Town of Estes Park, Estes Valley Recreation and Parks District, Estes Valley Land Trust, and other conservation partners in acquisition transactions of county-wide significance, as well as creating recreational and wildlife linkages.

Hermit Park Open Space. Photo: Charlie Johnson

Laramie River Valley. Photo: Colorado Cattlemen's Agricultural Land Trust

Laramie River Valley

The Laramie River and its companion, Sand Creek, are two of a select few rivers that flow from south to north from Colorado into Wyoming. Separated from the Poudre and North Platte drainages by the collision of the Medicine Bow Range and the Colorado Front Range, the Laramie River Valley is one of the more undiscovered parts of Larimer County. An absence of the subdivisions and urban development so common along other areas of the Front Range along with an intact ranching community characterizes the area, which also boasts both canyon and valley reaches of the Laramie River. Situated in the shadow of the Continental Divide, this high mountain valley is rich in natural resources, riparian corridors, and critical wildlife habitat, as well as historic ranches and a segment of the Cherokee Trail. This is a new conservation priority area, in which the Open Lands Program will help stitch together the mixed public ownership pattern by partnering with land trusts, Colorado Parks and Wildlife, the U.S. Forest Service, the Bureau of Land Management and other conservation partners.

AGRICULTURE PRIORITY AREAS

Agriculture is an economically important land use and is integral to the local history of Larimer County and its communities. Preservation and interpretation of this important and declining land use is a benefit to the community for its food production, as a cornerstone of the local economy, as an urban delineator, providing community connection to the rural culture, and for historical context. Concerns continue to increase by farmers, ranchers, government agencies and the residents of Larimer County about how the encroachment of residential, commercial and industrial development into rural areas, the cost of land and water, the limited opportunities of emerging producers, and the purchase and transfer of water out of agriculture will affect the long-term viability of agriculture in the region. For these reasons, the Open Lands Program has conserved over 17,500 acres in fee simple ranchland and approximately 2,300 acres in conservation easements that are in agricultural production.

Agriculture serves an important economic and social role in Larimer County, including an inter-generational knowledge base that is hard to replace. Larimer County also contains soils of national importance and a highly developed irrigation infrastructure. Conserving agricultural lands will help maintain local food production and the economic diversity provided by agriculture and conserve a part of the landscape that produces jobs and income year after year from renewable resources (soil, water, sunlight). Additionally, conserving the irrigated landscape can provide benefits such as ground water recharge, flood surge control and the potential for innovative water sharing projects. Conserving agricultural lands may also serve to provide open space, wildlife habitat, scenic views, rural character and to a lesser extent can provide limited passive outdoor recreation. These areas are not mapped explicitly but in some cases, such as the Buckeye-Waverly area, contribute to the locations of the priority areas.

Buckeye CE Photo: Walt Hubis



The Our Lands - Our Future mapping tool identified lands with highest agricultural value through the Front Range. However, no accurate GIS datasets exist on water rights, so agricultural properties will be evaluated where appropriate using the Land Evaluation Site Assessment tool on a case by case basis using the following criteria which encompasses²:

- Soil characteristics
- Connectivity to other conserved lands
- Compatibility with surrounding uses
- Water availability
- Size and configuration
- Environmental resources
- Development pressure

²See USDA Natural Resources Conservation Service. *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands*, Second Edition.

Open Lands Program's Role in Agriculture

- ***Important agricultural lands do not need to be located within the Priority Areas in order to be considered for conservation. Larimer County's focus will be on larger acreage, unincorporated areas and will partner on smaller acreage near urban areas.***
- ***The Open Lands Program will seek input from the Larimer County Agricultural Advisory Board on irrigated agricultural conservation opportunities as needed.***
- ***Agricultural lands will primarily be conserved using conservation easements, although an array of land protection mechanisms may be used depending on the intended goal. The Open Lands Program will educate landowners about available conservation tools.***
- ***Water rights, as an integral component to the protection of prime agricultural lands, may also be acquired by the Open Lands Program and are described under Water Rights and Management on page 47.***
- ***The Open Lands Program will continue to purchase and lease lands for agriculture, and will evaluate and enhance this program to potentially provide increased opportunities for emerging farmers and ranchers as well as providing opportunities for existing farms and ranchers to continue to operate.***



WATER AND MINERAL RIGHTS

Water Rights and Management

Larimer County has focused the majority of open space acquisition dollars on the purchase of fee-simple and conservation easement lands. However, due to an unpredictable climate and anticipated population growth, the importance of conserving water along with the land it supports has become a higher conservation priority. Ensuring water availability for agriculture, healthy rivers and streams (in-stream flows) and wetlands and recreation (such as canoeing, kayaking, and fishing) is critical to sustaining conservation values throughout Larimer County.

At Red Mountain Open Space, Larimer County is currently working with the Colorado Water Conservation Board and Colorado Parks and Wildlife to secure in-stream flow rights to protect the important water and riparian habitats on Sand and Boxelder creeks. The State's in-stream flow program is a good example of a tool that can be used to protect water-reliant conservation values, while avoiding the high cost of purchasing water rights or injuring other water users. Similarly, there are numerous tools emerging for conservation of agricultural and in-stream water rights that could be utilized by the County and its partners in the future.

Fossil Creek Reservoir Regional Open Space. Photo: Rick Price

Open Lands Program's Role in Mineral Rights:

- *Secure, as feasible, mineral rights on fee-simple and eased properties*
- *Continue to evaluate development potential "remoteness" of mineral rights as part of open space and conservation easement transactions*
- *Continue to include language in conservation easements that ensure the county's role in surface use agreements in the event of any future minerals development*
- *Employ a similar planning approach as Energy By Design to best protect important resource values for any county-conserved lands where energy development may occur.*
- *Mitigate impacts of energy development to best protect important resource values for any county-conserved lands by employing planning approaches that limit surface disturbances and damage to natural or cultural resources.*

Stewardship of native plant communities and habitats, and the wildlife those habitats support, are the primary goals of resource management and restoration on open spaces.

Mineral Rights

Mineral rights encompass a broad range of minerals, gases and metals including silver, gold, sand and gravel and oil and natural gas. Extraction of these substances is the right of the mineral estate owner. Mineral Development and Land Conservation, a handbook provided by the Colorado Coalition of Land Trusts, provides an in-depth analysis of this issue and is a good resource for best practices³.

Mineral and oil and gas development looks much different today than it did only 10 years ago. Minerals and oil and gas that were previously impractical to develop are now being extracted via new technologies. Some extraction methods are more compatible with conservation values than others. In particular, oil and gas development has increased dramatically along the Front Range with the advances in the technologies of horizontal drilling (drilling into a geologic formation horizontally to maximize production) and directional drilling (drilling one or more wells from one location at an angle to reach targeted geologic formations).

³ The *Mineral Development and Land Conservation Handbook* can be found at: <http://www.cclt.org/Downloads/news/Jan.5.2009.pdf>

The Larimer County Natural Resources Department owns and manages many open space properties with split mineral estates, where a portion or all of the mineral rights and oil and gas are owned by other parties. While Larimer County will generally not purchase properties with a split estate of sand and gravel due to the impacts of surface mining, numerous acquisitions have occurred with split estates of oil and gas. In these cases, oil and gas development could occur on a Larimer County open space or a conservation easement held by the County.

Larimer County has developed tools to protect or reduce impact to conservation values on an open space or easement encumbered properties with a split estate of oil and gas. The County can request off-site pad sites, surface use agreements, and a baseline of natural resources. A good example is the Mountains to Plains Energy by Design, a voluntary planning effort between conservation organizations and mineral rights holders to develop oil and gas resources in the Laramie Foothills and Red Mountain Open Space in a manner that attempts to minimize loss of conservation values.

3.4 Habitat Restoration

An emphasis on habitat restoration to enhance native plant and animal communities will be a priority, and will require larger scale and longer term efforts and require a habitat restoration plan. Funding for this purpose is specifically outlined in the recently approved Help Preserve Open Spaces ballot language beginning in 2019. The following types of restoration effort are envisioned:

River and Riparian Health

Improving river and associated riparian health is integral to the long-term viability of these systems. Allowing rivers to act as rivers by providing space for natural flooding and inundation of floodplains helps to ensure river resiliency and habitat regeneration and protection in flood events. Riparian zones along rivers comprise approximately less than 2% of Colorado's land cover but provide some of the richest and most important habitats and function by filtering runoff from uplands and protect water quality in rivers.

The county currently manages several open spaces along the Poudre and Big Thompson rivers. At both Lions Open Space and River Bluffs Open Space, active efforts are underway to restore the river

and riverbank riparian systems. Specifically at River Bluffs Open Space, strides have been made to remove non-native elm and Russian olive trees along the banks, but a full scale restoration effort to reconnect this section of the river with its floodplain and restore native riparian vegetation is desired. Similarly, in response to the 2013 Big Thompson River flood, there are many parcels that will require substantial river restoration work both in-stream and along the banks to re-establish and enhance a functioning ecosystem both in the canyon and below. Larimer County's partnership in the Big Thompson River Restoration Coalition and leadership in the subsequent Big Thompson River Conservation and Recreation Assessment will help inform restoration, recreation, and conservation priorities and opportunities within this critical river system.



Open Lands Program's Role in Habitat Restoration:

- *Enhance and restore native plant communities and systems through planting, seeding, prescribed fire, grazing practices, forest stewardship practices, and other methods via a habitat restoration plan.*
- *Restoration of river corridors to mimic a natural flow regime, allow channel migration and floodplain inundation, provide diverse habitat, a healthy riparian forest and good water quality.*
- *Partner on species reintroductions (such as a multi-agency partnership for reintroduction of native plant and wildlife species).*
- *Explore the potential to use mitigation banks as a tool to achieve some restoration goals.*

Grassland Restoration

Numerous wildlife species rely on our native grasslands, yet today there are few intact systems remaining. Native grasslands have disappeared for multiple reasons, including natural disasters, agricultural practices, and development. Restoring native grasslands provides important habitat, increases biologic diversity, and reduces land fragmentation. Where appropriate, the County will restore and revive these grassland systems.

A future example might include Long View Farm Open Space, currently leased for dryland wheat production which may become less economically viable or otherwise infeasible to continue farming on this open space. At that time, this parcel would be evaluated for potential restoration back to shortgrass prairie, similar to other parcels in the Loveland-Fort Collins separator, creating a larger-scale grassland ecosystem.

Forest Restoration

Improving overall forest health by reducing insect and disease, creating habitat mosaics and improving ground cover will continue to be a priority for Larimer County. Proper management can reduce insect infestation and reduce both the causes and intensity of catastrophic wildfires while increasing species diversity and canopy heights throughout the system. Forest stewardship plans are in place for each property, developed by the Colorado State Forest Service, and are being implemented with the goal to increase overall forest health. Future efforts for restoring forest health will involve post mechanical thinning, restoring fire as a potential next step, and re-entry into forested areas that were initially treated 5-10 years ago.

Volunteers at Horsetooth Mountain Open Space. Photo: Dutch FlaHavhan

Wildlife Restoration

Overall, land conservation and proper land management benefit all wildlife species by reducing fragmentation, preserving travel corridors, and allowing populations (and their predators) to more naturally disperse. Wildlife management activities to monitor and protect known wildlife species and habitats is important and occurs on a limited basis today. There are potential opportunities to increase this monitoring effort as well as to directly engage or contribute to the restoration of specific wildlife species on open space lands. For example, restoring the greenback cutthroat trout to Sand Creek at Red Mountain Open Space returns a native species (and the Colorado State Fish) back to its native waters. Providing high quality habitats on new or existing open space lands provides opportunities to reintroduce rare, threatened or endangered species in partnership with Colorado Parks and Wildlife and the US Fish and Wildlife Service. Annual monitoring of wildlife populations will provide feedback on species health, and their responses to management actions and human activity.

Mitigation Banks

Mitigation banking is a potential tool for enhancing or creating important habitat areas within open space lands that would help to cover the cost of restoration goals, and should be explored. Grassland banks, river restoration banks, wetland banks and even threatened species banks are available, and will be evaluated for use on open space properties for serving multiple goals.



3.5 Resource Management

Many lands already acquired have been in relatively good ecological condition owing to the previous stewardship by the private landowner. One of the best actions to ensure continued protection of intact ecosystems and plant communities is to limit fragmentation of those plant communities as feasible and balanced with other goals identified during the property’s acquisition. Portions of properties that are degraded are identified in the management planning process for improvement and/or ongoing management efforts– specifically weed control, revegetation and smaller enhancements to existing plant communities at discrete property sites. Specific management practices are regularly monitored to determine adaptive management needs and strategies and determine success with project goals. These management goals are more specifically addressed in individual property management plans or subsequent habitat improvement plans.

There are specific areas where known restoration needs exist. These areas have been documented within open space properties and generally correspond to discrete sites that may have historically been disturbed by poor grazing practices or land uses such as roads or borrow pits, or where rivers have eroded, forests have been untreated, or weed incursions have reduced the native cover significantly. Staff regularly monitor existing and newly acquired properties, and will continue to do so in the future to evaluate adaptive management needs related to restoration and create a plan of action to restore these sites.

Cultural Resources

While conservation of our natural resources is a primary goal, protection of cultural resources on existing properties is also a goal of the Open Lands Program. Presently, the county has conducted archaeological/historic assessments on most of the open space properties in the county’s system. There are a wide range of cultural resources, from type to level of significance. In 2014, the county began embarking on a historic structures assessment to evaluate the relative cultural significance of the approximately 20 historic structures on existing protected open space lands and determining a course of action to either restore, stabilize or do nothing with each building based on its historic, interpretive, scenic, and sense of place values.

Soderberg
Open Space
Photo:
Richard
Snell

Open Lands Program’s Role in Resource Management:

- **Inventory and monitor vegetation.**
- **Manage non-native and invasive species through integrated weed management efforts, including a combination of chemical, biological, mechanical and cultural practices.**
- **Monitor and conduct wildlife management activities (monitoring of raptor nest success, construction of nesting platforms, use of wildlife friendly fencing, habitat improvements for aquatic species, and providing high-quality, limited hunting opportunities).**
- **Inventory and documentation of culturally significant resources on existing or new lands and evaluation of best practices to protect and enhance their value.**
- **Place trails and facilities strategically to minimize impacts to ecological values**

Table 3-2. Definitions of Open Space Types

Open Space Type	Location	Conservation Tool	Public Access	Costs	Values
Regional Open Space & Trails	Outside of Growth Management Areas	Fee, Covenants, Conservation Easements, Trail Easements, Development Review	Yes, but conservation easements have restricted access.	Moderate acquisition and management costs per acre	Regionally significant ecological values, ecosystems, critical habitat, scenery, and watersheds. Moderate non-motorized recreation uses and environmental education opportunities.
Natural Resources & Wildlife Areas	Throughout the County	Fee, Covenants, Conservation Easement	Limited and/or restricted	Low acquisition and management costs per acre	Unique ecological values, ecosystem, critical habitat, scenery, watersheds, and environmental education opportunities. Limited public access.
Working Farms & Ranches	Agricultural Lands Throughout the County	Conservation Easement, Fee, Lease	No or Limited (i.e. guided tours)	Lowest cost per acre to conserve. No management costs.	Local food production, agricultural heritage, employment, and economic resiliency. Working landscapes also provide community separation, scenery, and wildlife habitat.

MANAGEMENT PLANNING

When lands are acquired by Larimer County Natural Resources, a management plan specific to the property is developed via an adopted management planning process prior to opening to general public access (see Appendix E: Management Planning Process). Table 3-2 defines the types of open space for management planning.

Management plans outline appropriate uses of open spaces, parks and trails and guide stewardship of natural resources. Updates are done as lands are acquired or management needs arise as outlined in the Property Management Plans Update policy (see Appendix E). The process includes public involvement in several facets including input from a technical advisory group comprised of individuals with specialties in natural resources, outdoor recreation, and other interests specific to the property. It also includes individual meetings with stakeholders and targeted public engagement. Properties are not open for general public access until an initial property management plan is adopted and public access facilities are in place. During this interim period, the property is stewarded for vegetation management (such as weed control, forest health, etc.), patrolled by rangers, and in some cases guided public tours are conducted.

Chapter 4. Recreation Vision



Horsetooth Reservoir Photo: Harry Strharsky

Among the many community values the Open Lands Program seeks to conserve are access to quality public recreation opportunities. Providing sensitively-sited and well-managed public recreation has been a key element in the Open Land Program's success. The benefits of an open space system are well documented and include lifestyle and health advantages, increased property values, improved tourism and tax revenue, and the ability to attract regional employers and special events. Fundamental to the recreation program are the closely interrelated programs of natural resource management, agriculture resource management, education and interpretation, public safety and infrastructure development/improvement and maintenance.

4.1 Accomplishments

In line with the mission statement in Chapter 1, the *Help Preserve Open Spaces* sales and use tax has played a pivotal role in allowing the Open Lands Program to fulfill many of the goals in the 1993 and 2001 Master Plans. Specifically:

- Conserved open spaces are open to the public, or will soon be open to the public, and equitably distributed to serve residents throughout the Front Range.
- Safe, accessible, high quality recreational experiences are offered for all users of County parks and open space facilities, including hiking, biking, horseback riding, climbing, hunting, backcountry camping, boating, etc.
- A regional trail system is being established with participation of all cities and towns, the Poudre River Trail being the most notable.
- Contributed to major renovations at reservoirs parks including Horsetooth Reservoir and Pinewood Reservoir, and rebuilt and improved popular camping areas at Hermit Park and Horsetooth Mountain open spaces.
- Financial resources are allocated per the Help Preserve Open Spaces tax language to manage and steward conserved open lands and to continue providing quality experiences.
- Dollars are available and used to leverage grants and donations for land conservation and development of recreational amenities.
- Diverse water based recreational opportunities are now available beyond the current motorized boating activities on reservoirs managed by Larimer County.



The Open Lands Program, as part of the Department of Natural Resources, seeks to provide a diverse portfolio of land and recreational opportunities. The Open Lands Program complements the recreational opportunities offered by the Parks Program.

About 25,000 acres of fee-simple lands have been acquired, most of which currently offer or are planned to offer recreational access. During this same period, Larimer County constructed extensive trail systems - 83 miles to date as shown in Table 4-1. The majority of Larimer County's trails are natural surface and internal to open space properties: Horsetooth Mountain, Red Mountain, Eagle's Nest, Hermit Park, Ramsay-Shockey and Devil's Backbone open spaces and Horsetooth Reservoir, Carter Lake and Pinewood Reservoir parks. Great strides were also made in the last decade in completing two long distance trails: Poudre River (a portion of this regional paved trail traverses through county managed River Bluffs and Lions Open Spaces) and Blue Sky (connecting Soderberg Open Space at Horsetooth Mountain Open Space to Devil's Backbone Open Space in Loveland). These regional trails have provided important linkages to expand and distribute recreational experiences.

Photo: Mark Yoder

Table 4-1. Recreation Opportunities Currently Available by Larimer County Natural Resources Department

Parks & Open Space	Acres		Special Features
	Trail Miles		
Devil's Backbone Open Space and Blue Sky Trail	2,670 ac 15.2 mi		Rimrock Trail: No dogs
Eagle's Nest Open Space	755 ac 4.8 mi		North Fork of Poudre River
Horsetooth Mountain Open Space	2,711 ac 29 mi		
Hermit Park Open Space	1,362 ac 2.8 mi		Equestrian Campground, Winter closure
Lions Open Space & Bingham Hill Park	20 ac 2.2 mi 2.4 ac		Poudre River Trail
Red Mountain Open Space	14,980 ac 15.4 mi		No dogs Winter closure
River Bluffs Open Space & Poudre River Trail	161 ac 1 mi		Links to 21 miles of paved trails
Sleepy Hollow Open Space	3.6 ac		
Ramsay-Shockey Open Space	177 ac 2 mi		Links to 2 more miles of trail at Pinewood Res.

Permits			Amenities					Camping			Activities				
Camping Permit Required	Campsite Reservations	Entrance Permit Required	Accessible Recreation Activity	Drinking Water	Reservable Group Pavilion	Picnic Area & Shelter	Restrooms	Non-Electric Camping	Camper Cabins	Sanitary Dump Station	Leashed Dogs	Hiking Trails	Horse Trails	Biking Trails	Fishing
			Trail												
			Camp												
			Trail												
			Trail												

4.2 Results of Public Engagement

The recreation vision is formed by public and stakeholder input, and several outreach methods and previous studies played an extensive role in gathering grassroots public input for this *Master Plan*. Recreation topics were prioritized through public forums and online surveys during the planning process. Table 4-2 shows the potential need for various recreation activities across the county. Overwhelmingly, hiking, biking, and horseback riding continue to be supported by residents. Lesser priorities, such as shooting and off-trail use, are included but represent much less demand. Only the most commonly heard activities with the most interest relating to the mission of Larimer County are listed. Dark green squares indicate the recreation need was discussed and identified as a top priority by participants in the following outreach efforts. For a complete list of surveyed activities see the *Our Lands- Our Future Final Report*.

Questions were asked to determine satisfaction with activities in the County, the demand for more land or facilities for specific activities, and for activities in which residents plan to increase their participation.

Table 4-2. Recreation Needs Assessment Summary

	Our Lands - Our Future Outreach	Plug Into Nature Outreach	Master Plan Update Outreach
Walking/hiking/running on natural surfaces			
Walking/hiking/running on pavement			
Biking on paved trails			
Biking on roads			
Biking on natural surfaces			
Camping			
Fishing			
Motorized boating			
Recreating with dogs/off leash dog areas			
Picnicking			
Watching wildlife			
Hunting			
Shooting/archery			
Wild Zones			
Winter recreation			
Water-based recreation			
Off trail use zones			
Backcountry campsites without structures			
Backcountry campsites with structures			

Dark Green = Top Priority; *Light Green* = Secondary Priority; *White* = Either not a priority or the question was not repeated in this study.
**In effort not to duplicate efforts from previous studies, these surveys asked a limited number of questions to gather additional feedback. Not all questions were asked in all studies.*



Open Lands Program's Role in Recreation

- Outside of Growth Management Areas, offers a diversity of large-acreage compatible recreational experiences, while minimizing multiuse visitor conflicts and negative impacts on conservation values, including opportunities for hiking, biking, and horseback riding.
- Within and near the Growth Management Areas, partners with all municipalities to serve their local, open space and natural area recreational needs, as appropriate, including trail connections.

Open Lands Program's Role in Facility Development:

- Improvements will protect natural resources and water quality; enhance the quality of the outdoor recreational experience; and will provide public access and trails on county-owned lands. The timing, extent, and design of improvements will depend on approved management plans and the fiscal, social, environmental, and practical considerations at such time.



4.3 Recreation Opportunities

CONTINUE EXISTING OPPORTUNITIES

The planning process overwhelmingly confirmed the Open Lands Program's role and existing direction to continue to provide diverse recreational activities, such as:

- Offer paved and natural surface trail opportunities for hiking, biking, horseback riding, and numerous other low impact recreational uses.
- Connect conserved lands and local communities via regional trail opportunities.
- Provide river access for fishing, picnicking, wildlife viewing, photography, and enjoyment.
- Offer low-impact camping, picnicking, day use, rock climbing, natural play areas for children, fishing, non-motorized boating, and swimming at select open spaces.
- Offer limited hunting in coordination with Colorado Parks and Wildlife at appropriate locations, which currently include Red Mountain, Eagle's Nest, and Hermit Park open spaces.
- Develop and manage facilities to minimize conflicts with wildlife and other natural features.

It is important to recognize that the major priorities for outdoor recreation that were identified during the planning process consist almost entirely of what the

Open Lands Program already provides. These activities will remain the top priority for the program before considering additional recreation uses that are discussed below.

EXPLORE NEW OPPORTUNITIES

During the planning process, several new opportunities for recreation were identified. While the primary focus of the Open Lands Program will be continuing existing offerings, this *Master Plan* expands the spectrum of possible recreational offerings on select open space areas. Moving forward, Larimer County will consider new recreation opportunities through the property acquisition and management planning processes such as:

- Expanding backcountry camping opportunities where appropriate. Public preference is for camping away from campgrounds and without permanent structures.
- Evaluating the feasibility and Larimer County's role in potentially providing larger off-leash dog hiking areas with trails near community centers. Feasibility will be evaluated on newly purchased lands where existing conservation values would not be diminished or compromised.

4.4 Facility Development and Improvements

Of the 17 open spaces and parks managed by the Department of Natural Resources, 14 are open for some type of recreation. Public improvements are planned for the three remaining properties, as noted by descriptions below, so that all 17 open spaces and parks will be open to the public. Public recreation opportunities will continue to factor into the County's acquisition strategies.

PROPERTIES PROPOSED FOR FUTURE PUBLIC ACCESS

Red-tail Ridge Open Space: The vision for Red-tail Ridge Open Space is to protect scenic, recreational, natural, wildlife habitat and significant vegetation community resources in southern Larimer County. Visitors and the local community passing along Highway 287 and other county roads enjoy the undeveloped vista that this ridgeline provides to the west and as the first segment of the mountain backdrop as one enters Larimer County from the south. Recreation opportunities could include hiking, running, wildlife viewing, mountain biking and horseback riding to enable visitors to enjoy the magnificent natural beauty of this property. More details are available in the Resource Management Plan for the Red-tail Ridge Open Space, available on the Larimer County Natural Resources website.

Red-tail Ridge Open Space. Photo: Scott Fraser

Flatiron Reservoir Photo: Sue Burke



Open Lands Program's Role in Education and Volunteers:

- Expand environmental education information, programming and associated amenities with a particular focus on connecting youth and families to the outdoors.
- Continue to participate in events that share the Natural Resources Department's key messages.
- Continue to provide personal and non-personal (e.g. signs & kiosks) interpretation on-site at park and open space properties.
- Further engage volunteers in a diversity of projects as needs arise in the Department to enhance staffing capacity and create public ownership.

Long View Farm Open Space: The primary conservation values associated with Long View Farm are its role as a community buffer, and its scenic and agricultural values. In the event that agricultural practices are no longer appropriate, conversion of this property to a native grass prairie with recreation and educational uses will be evaluated. More details are available in the Resource Management Plan for the Long View Farm Open Space, available on the Larimer County Natural Resources website.

Chimney Hollow Open Space: Located west of Carter Lake in Loveland, conservation of this 1,847-acre property was a major accomplishment for the Open Lands Program in 2004. If a reservoir is built by the Northern Colorado Water Conservancy District on adjacent lands, recreation will be managed by Larimer County Natural Resources. Kayaking, canoeing, sailing, fishing and other non-motorized recreation on the future reservoir and natural surface trails for hiking, biking and equestrian use within the open space are anticipated. More details are available in the Stewardship Plan for the Chimney Hollow Open Space, available on the Larimer County Natural Resources website.

4.5 Community Engagement - Interpretation/Education/Volunteers

Larimer County Natural Resources utilizes a number of outreach tools in order to engage the public and help them connect with the resources the Department has conserved. This robust community engagement program includes marketing and public relations, environmental education and interpretation, and volunteer services.

The Department delivers its key messages to the public through its Virtual Courthouse webpage, social media, an e-mailed newsletter, community presentations and talks and through interactions at various public and private events. The Department has initiated several major events throughout the years including the Larimer County Fishing Expo, National Get Outdoors Day and the Northern Colorado Nature Fest, and participates in a number of other events community-led events.

The education program in the Department is responsible for both personal and non-personal (e.g. signs, kiosks, etc.) interpretation at open spaces and parks as well as environmental education and educational product development. Volunteer Naturalists deliver nature programs to the public on a wide range of topics throughout the system. School field trips take place at several locations in the system and thousands of school children utilize

the open spaces at outdoor classrooms per year. The education program also facilitates several clubs and programs targeted at different age groups. Interpretive plans for each open space property establish themes and topics for programming and interpretive signs as well as detailing how management issues or challenges at a particular property can be addressed with interpretation.

The Department's volunteer program has hundreds of active volunteers per year, and works with many others on projects to benefit the Department. Volunteer assignments range from assisting on the boat docks to hiking the trails and interacting with visitors. Volunteers staff special events and many people help out for trail maintenance and other resource stewardship projects. Camp hosts at the Department's campgrounds are all volunteers, and most of the photographs you see in this plan and department media are taken by volunteer photographers. The Department will continue to make wide use of volunteers in order to enhance staffing capacity as well as to allow the public to take some ownership in the stewardship of their parks and open space areas through community engagement.

Photo:
Staff

Long View
Farm.
Photo:
Charlie
Johnson

Chimney
Hollow Open
Space.
Photo:
Kenneth
Jessen

Open Lands Program’s Role in a Regional Trails System

- Beyond Growth Management Areas: Larimer County will lead and collaborate in trail funding, acquisition, construction, and maintenance to connect regional communities and recreation areas of regional significance.
- Within Growth Management Areas: Municipal governments, user groups, and other partners will lead in planning, constructing, and maintaining bicycle, pedestrian, and multi-use trail projects. Larimer County will support their leadership by leveraging funding and assisting with connectivity planning to the County’s trails system.
- On Open Space Properties: Provide diverse opportunities for exceptional walking, hiking, running, biking, and horseback riding experiences while minimizing user conflicts and protecting natural, scenic, and agricultural resources.

Table 4-3. Trail Definitions

Classification	Size	Definition/Purpose	Potential Passive Recreational Uses	Potential Facilities	Locational/ Access
A. Shared Use Path (Regional Trails)	8-14' width paved	Paved bikeways designed for non-motorized use; path is located in a designated trail easement or right-of-way and located to connect parks, open spaces and natural areas with residential and civic areas	Biking Inline skating Roller skating Skateboarding Kick scootering Horseback Riding Walking Jogging Nature Observation Interpretation Fishing Picnicking	8-14' paved or natural surface trail Benches Interpretive signage Trailheads River access points	Accessible to population centers. Paved trail grades not to exceed road grade. Along scenic drainages, railroads, valleys, ridges, irrigation ditches/canals, pipelines, power lines, or other linear physical features.
B. On-street paved bicycle lane or sidepath	6-14' width depending on design speeds of road	Attached paved bikeway (bike lane) or detached paved bikeway (side path) within a road right-of-way. Provides a non-motorized lane for bikes within a road-right of way. In conjunction with a shared use path, bike lanes and sidepaths improve non-motorized connectivity between parks, open spaces and natural areas and the surrounding community.	Biking Inline skating Roller skating Skateboarding Kick scootering Horseback Riding Walking Jogging	5-14' paved trail	Along scenic roads or local arterial roads that connect communities
C. Natural Surface/ Crushed Rock Trail (Regional Trails)	1.5-3' width	Access to public lands. Link to other trails or to complete loop.	Mountain Biking Hiking Jogging Horseback Riding Snowshoeing Wildlife Viewing	Natural surface trail Crushed rock trail Benches Interpretive signage Trailheads	Accessible via designated trailheads or neighborhood access agreements.

4.6 Regional Trail Corridors

Trails for hiking, biking, running, and walking are consistently among the highest priorities identified during the public process, accompanied by public demand to acquire appropriate land, easements and rights-of-way to develop non-motorized regional trail systems. Among the five goals in the 1993 *Comprehensive Parks Master Plan* was the ambition to: “Coordinate the development of a regional trail system.” This commitment, reiterated in the 2001 *Open Lands Master Plan*, is stronger than ever.

A complete and convenient multi-use trail system complements and expands the benefits of the open space system. Its benefits include lifestyle and health advantages, increased property values, improved tourism and tax revenue, and the ability to attract regional employers and special events.

Regional trails (aka: Shared Use Paths), are longer distance natural surface or paved trails that may be used for recreation as well as serve non-motorized transportation needs. Regional trails may connect existing trail systems, public lands and may be managed by multiple jurisdictions. Regional trails are often located in the vicinity of river and stream corridors, or along other linear features such as roads, railroad grades, utility corridors and irrigation canals. The Poudre River Trail, which combines

many existing and proposed trails to complete the Northern Colorado segment of a statewide trail — the Front Range Trail — is a good example of a planned regional trail. Larimer County and partners hope to repeat its success by completing additional regional trails.

The Regional Trail Corridors Plan:

- Identifies and emphasizes opportunities to connect communities to open lands and parks, and enhance local and statewide trail systems.
- Provides a consolidated summary of all local government and North Front Range Metropolitan Planning Organization (NFRMPO) existing and planned bicycle and trail infrastructure in Larimer County.
- Supports local, state, and Federal partners in their local trail planning and initiatives.
- Defines Larimer County’s role and prioritizes near-term opportunities.
- Positions Larimer County and partners for collaboration and funding opportunities.

4.7 Regional Trail Gap Analysis

All of Larimer County's eight municipalities: Fort Collins, Loveland, Timnath, Berthoud, Windsor, Johnstown, Estes Park, and Wellington have adopted bicycle, trail or pedestrian plans, either as a stand-alone document or as an element of their transportation, parks and recreation, or comprehensive plans. This plan builds upon existing municipality plans and incorporates the NFRMPO Regional Bicycle Plan (Figure 4-1), which was completed in 2013. The NFRMPO Regional Bicycle Plan includes a similar compilation of existing and planned trail facilities, corridor prioritization, and detailed corridor maps based on public outreach and collaboration with Larimer County and all member governments.

The following plans were consulted, and their existing and proposed trail systems mapped in Figure 4-1, to analyze current connectivity gaps and future priorities.

- Larimer County Open Lands Master Plan: Trails Priorities Map (2001)
- City of Fort Collins Paved Recreational Trails Master Plan (2013) and Transportation Master Plan (2011)

- City of Loveland Parks and Recreation Master Plan (2014), Bike and Pedestrian Plan (2012), and 2035 Transportation Plan (2012)
- Town of Timnath Parks, Recreation, Open Space and Trails Master Plan (2011)
- Town of Berthoud Comprehensive Plan: Parks, Open Space and Trails element (2014)
- Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan (2007)
- Johnstown / Milliken Parks, Trails, Recreation, Open Space Master Plan (2003)
- Estes Park Comprehensive Plan: Hike and Bike Trails Plan (2014)
- Town of Wellington Parks and Trails Master Plan (2008)
- Colorado Front Range Trail Plan (2007)
- NFRMPO Regional Bicycle Plan (2013)

Larimer County, Fort Collins and Loveland have considerable trail facilities in place, and every city or town in the county has many more trail facilities planned (See Figure 4-2 Regional Trail Analysis). Even with these strides, however, there remains significant gaps between communities and even more so, between communities and existing open lands.

Prioritization criteria were established to identify corridors and outline the need for additional facilities:

- *Consistent with Local/State Planning.* Proposed trail corridors that have been identified in local plans were used as a starting point.
- *Outside of Growth Management Areas.* The Open Land Program's primary role as a regional provider is creating access within and between recreation areas of regional significance and between regional communities.
- *Connects to Regional Trails/Trailheads.* Potential connections and expansions to existing regional trails were identified.
- *Reaches Multiple Jurisdictions.* Major connections between communities support an alternative transportation network.
- *Obstacles to Implementation.* Known obstacles in the vicinity of each potential route were identified, including number of property owners along a trail corridor, right of ways (public, private, railroad, ditch, etc.), political considerations, wildlife habitat and/or environmentally sensitive lands. Routes were selected to minimize potential obstacles (e.g., stream crossings, railroad crossings, interstate crossing, etc.).

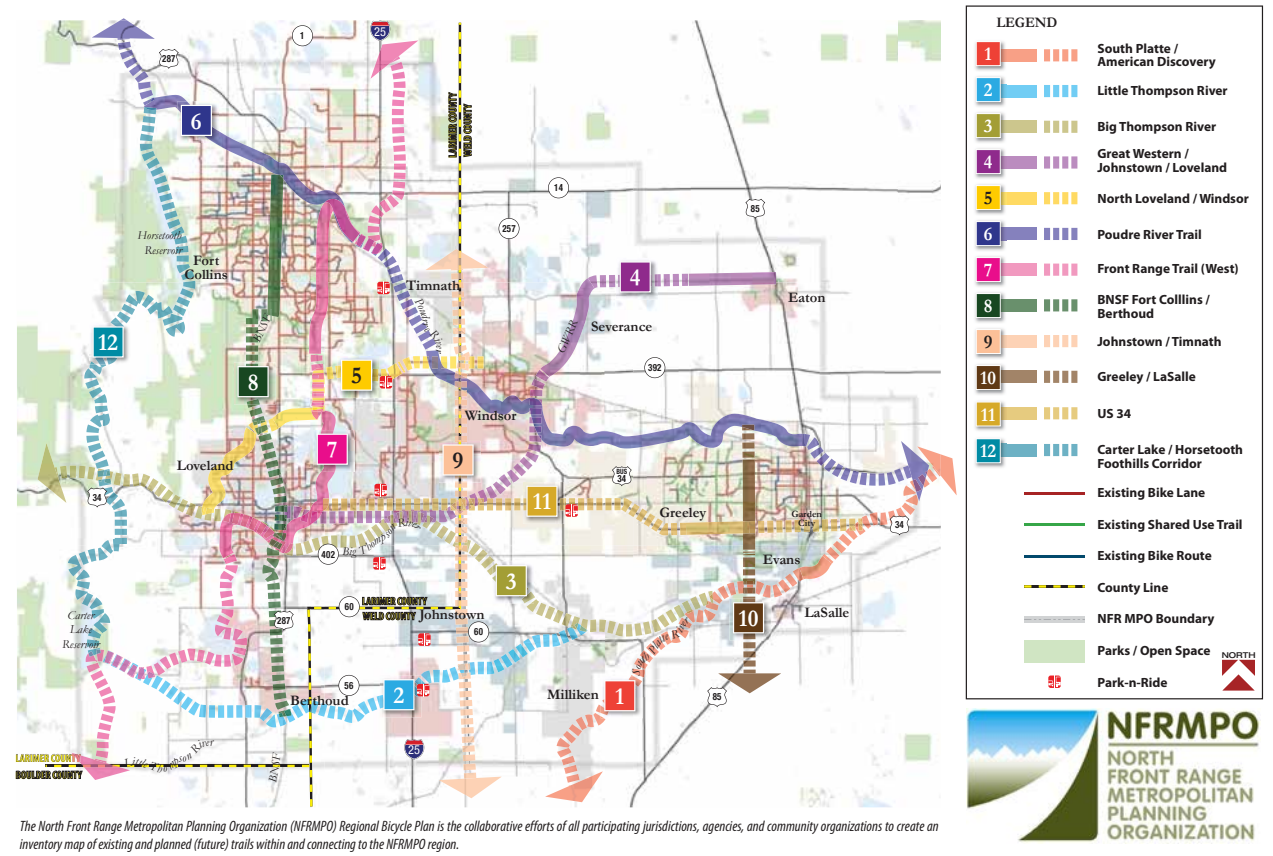
- *Public and Agency Input.* Input from the extensive public outreach process was used to identify routes with a strong public demand.

In light of these criteria, the regional trail corridors outlined in the 2001 *Open Lands Master Plan* remain the significant trail corridors through Larimer County. Specific routes have been refined through partner planning efforts. The 2001 Open Lands Trails Plan was compared to other municipality plans and the NFRMPO Regional Bicycle Plan to align the plans, priorities, and trail naming as described in Appendix D on page 104.

In response to public interest and consultation with United States Forest Service, Fort Collins, Loveland, and Estes Park, three new connections were added:

- North Fork Poudre River Trail (Eagles Nest Open Space to Poudre River) to connect existing natural areas and alleviate trail carrying capacity issues.
- Cedar Creek Trail (Bobcat Ridge Natural Area to Big Thompson River) to connect existing natural areas and alleviate trail carrying capacity issues.
- Estes Park - Lyons (U.S. 36 Corridor) in conjunction with Highway 36 flood reconstruction efforts already underway in partnership with Colorado Parks and Wildlife and the Colorado Department of Transportation.

Figure 4-1
NFRMPO
Regional
Bicycle Plan

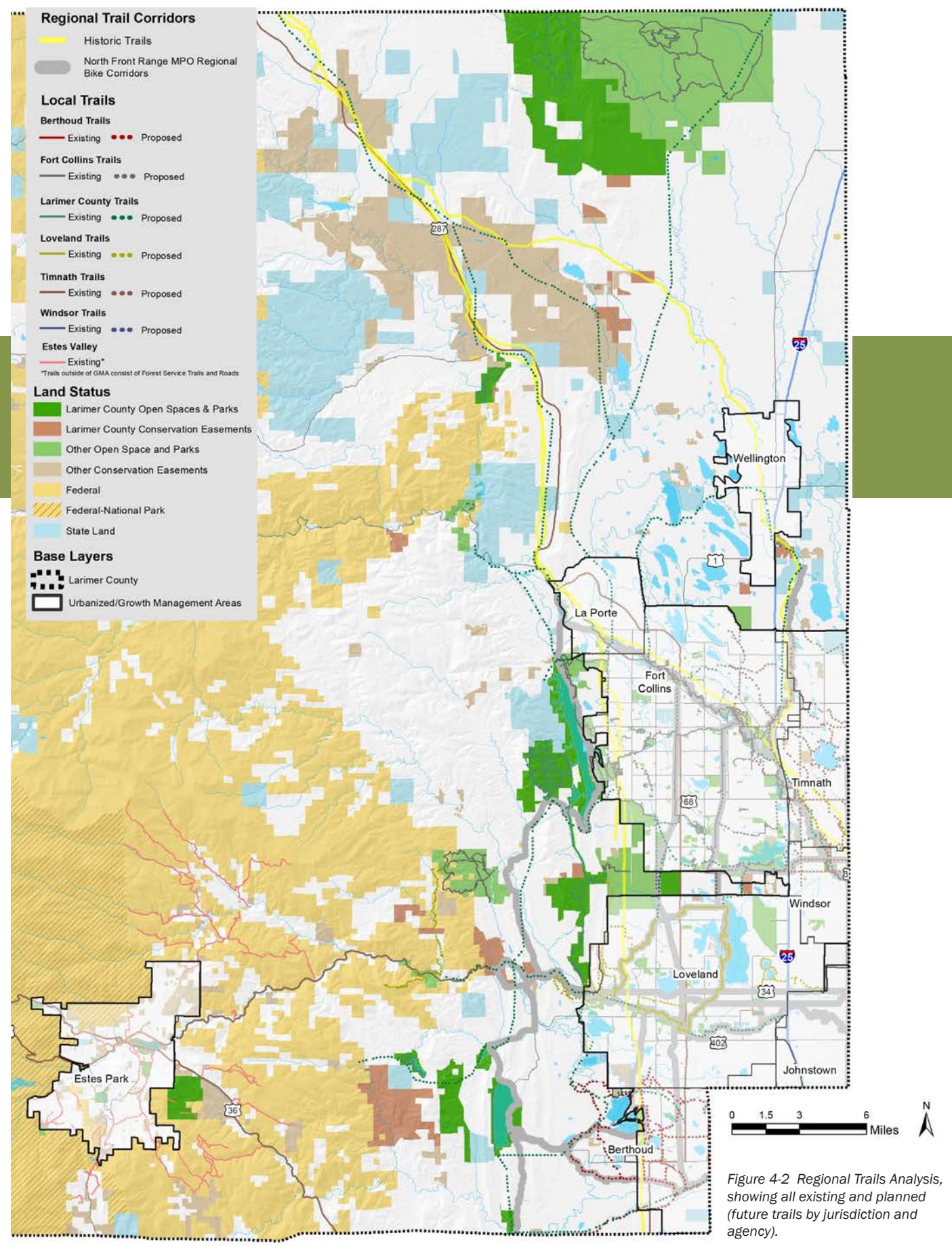


The North Front Range Metropolitan Planning Organization (NFRMPO) Regional Bicycle Plan is the collaborative efforts of all participating jurisdictions, agencies, and community organizations to create an inventory map of existing and planned (future) trails within and connecting to the NFRMPO region.

All maps produced for the Regional Bicycle Plan are intended to be used primarily for the coordination of trail construction for regional connectivity between jurisdictions. Alignment of trails and corridors are conceptual and may or may not be on railroad, ditch or public rights-of-way.

All trail representations are for planning purposes only. Please contact the local, county, or state jurisdiction for specific trail planning information.

Figure 4-2 Regional Trails Analysis, showing all existing and planned (future trails by jurisdiction and agency).



4.8 Regional Trails Corridors Priorities

The Regional Trail Priorities Map (Figure 4-3) illustrates the regional trail system resulting from the corridor identification and prioritization process described above and in Appendix D. The Regional Trail Corridors Priority Map is intended to be used primarily for the coordination of regional connectivity between existing open spaces, trailheads, and jurisdictions to provide an overall mix of non-motorized recreational opportunities to accommodate a variety of user groups and individuals with different levels of ability. Alignment of trails and corridors are conceptual and are for planning purposes only. Final alignments will be determined with further detailed study and willing landowners. Regional trails may be aligned in the vicinity of historic trail corridors to offer interpretation and education, where feasible. Trails should be designed to accommodate a variety of users and must meet County or partner agency design standards.

Future trail routes will be identified in cooperation with willing landowners, with respect to cost, feasibility, physical barriers (i.e. major road crossings) sensitive wildlife and other natural resource values. Trails will be designed and managed in consultation with wildlife experts including those from the Colorado Division of Parks and Wildlife.

Updated regional trail priorities focus on the segments beyond city growth management areas. While many trail alignments are mapped, it must be acknowledged that completing any one corridor can take decades. The regional trails shown on the Regional Trail Corridors Priority Map may not be developed, depending on willing landowners, funding availability and priorities that are set by the Board of County Commissioners and the Open Lands Advisory Board. Trail corridors can also be implemented through the development review process and in coordination with local government infrastructure improvements.

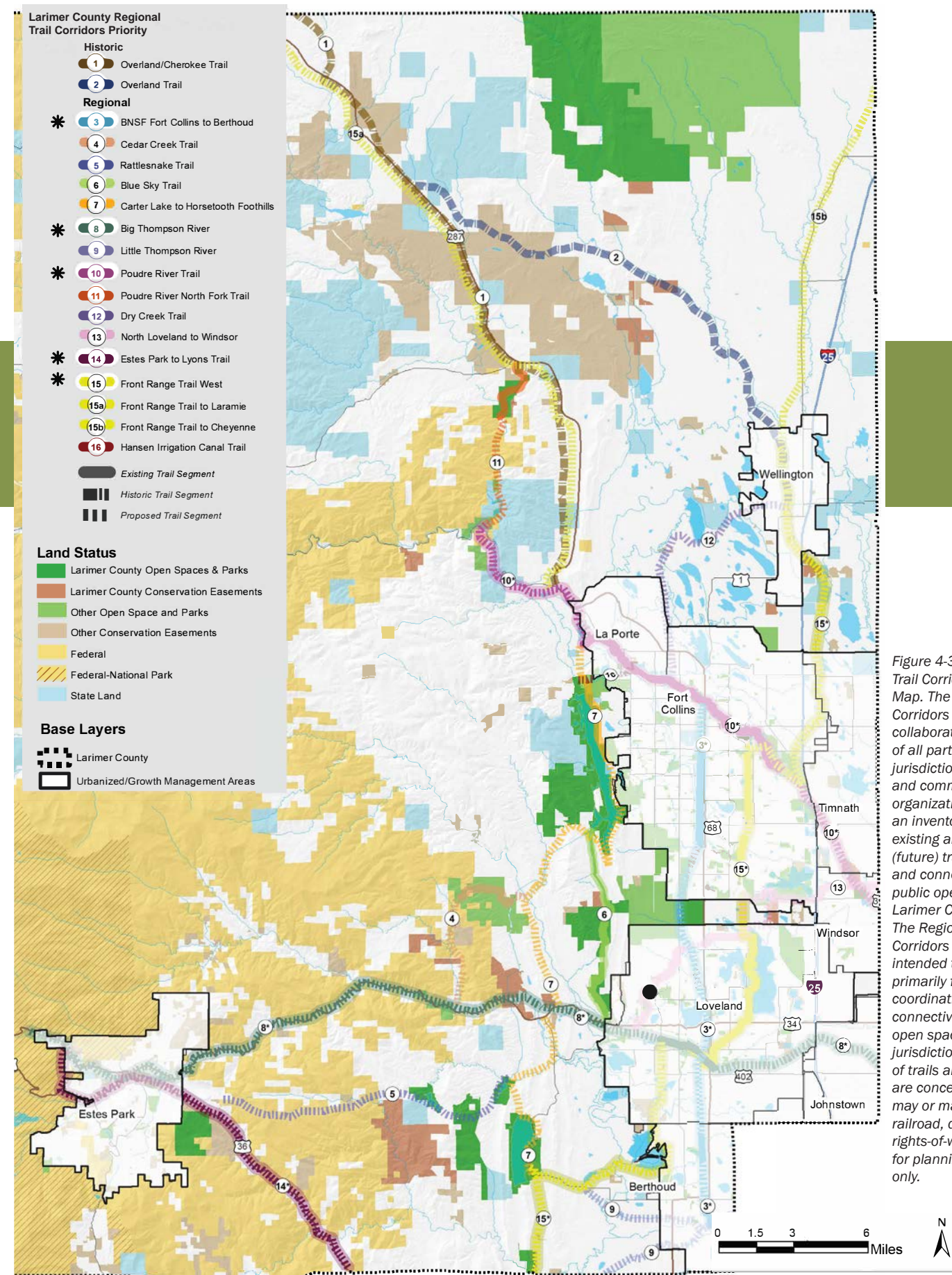


Figure 4-3 Regional Trail Corridors Priority Map. The Regional Trail Corridors map is the collaborative efforts of all participating jurisdictions, agencies, and community organizations to create an inventory map of existing and planned (future) trails within and connecting to the public open space in Larimer County. The Regional Trail Corridors map is intended to be used primarily for the coordination of regional connectivity between open space and jurisdictions. Alignment of trails and corridors are conceptual and may or may not be on railroad, ditch, or public rights-of-way and are for planning purposes only.



Chapter 5. Implementation Recommendations

This section of the master plan focuses on implementation policies and defines a framework for managing the various types of open space and trails within the Open Lands Program. It's important to note that conditions change over time and specific priorities consistently evolve. The changing circumstances and needs the Open Lands Program faced in the early years of the program are different than those of today. For this reason, it's important to regularly update the master plan on a regular cycle, preferably every ten years.

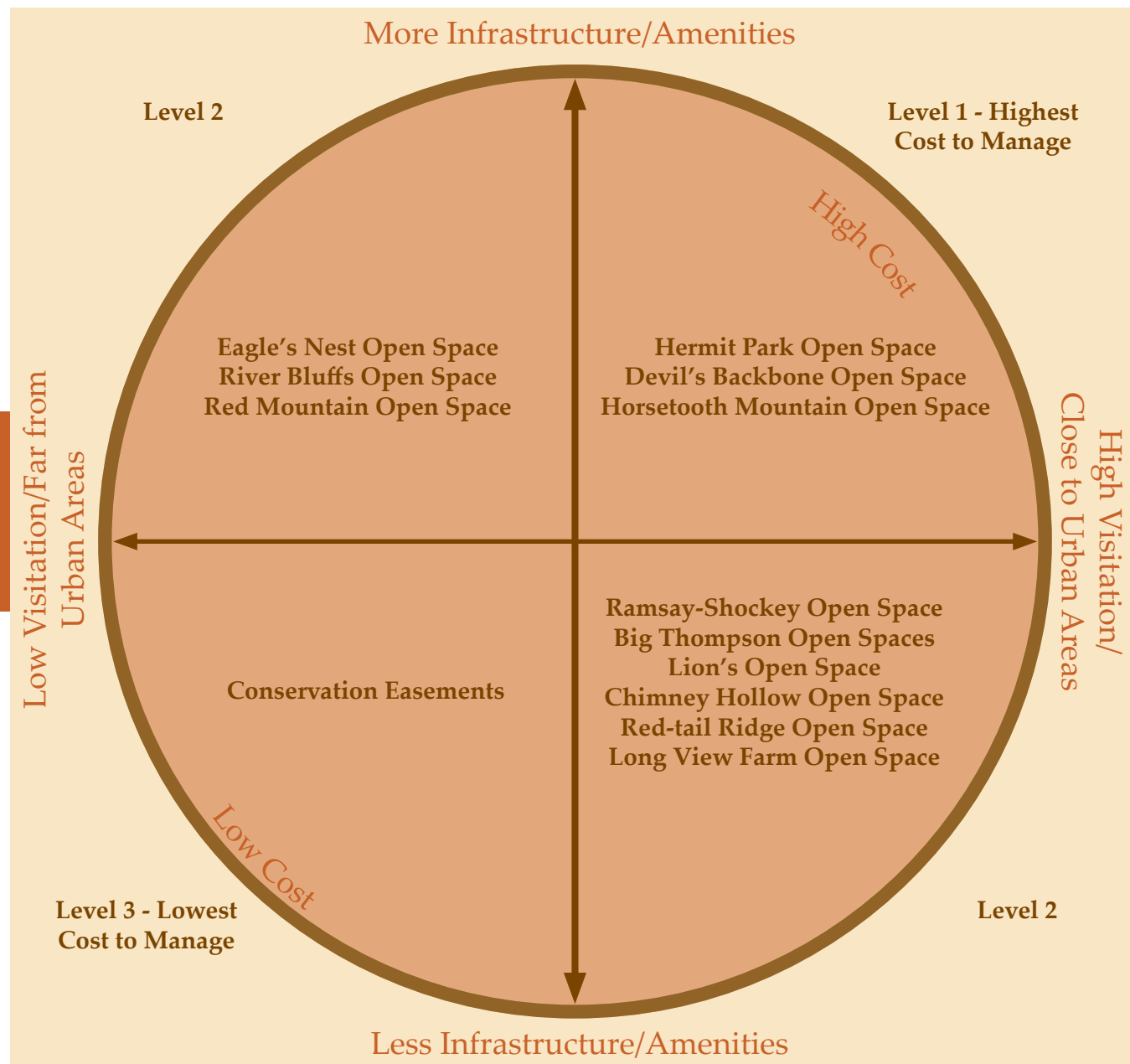
5.1 Level of Service

Levels of service are outlined below for management on open space properties including services such as ranger patrol, maintenance of facilities, capital replacement, etc. Determining levels of service is important for projecting management costs, effectively communicating and responding to public expectations, and adhering to the management vision. In individual property management plans, levels of service will be utilized to clarify the level of facility development, infrastructure and services to match public needs, management vision for the property and financial resources.

The level of service is higher on lands in closer proximity to urban centers as they receive greater visitation and thus require more infrastructure and amenities to support this high use. These two drivers, proximity to population centers and amount of infrastructure, are the most influential on cost per acre to manage open spaces. Figure 5-1 represents this relationship. The overall size of a property does not influence management costs as much as its levels of use, infrastructure/amenities, and proximity to urban areas.

The open space with the highest level of service and management costs is the 1,362-acre Hermit Park Open Space with over 90 campsites, 15 cabins, office and maintenance buildings, roads, and other facilities. It is also located in the Estes Valley along the heavily traveled Hwy 36 corridor. It should be noted that the acquisition of Hermit Park Open Space was a unique and unforeseen opportunity that included existing infrastructure and is unlike any other county-managed open space. By comparison, Larimer County's largest open space, the 15,000 acre Red Mountain Open Space, costs less per acre to manage because it is approximately 20 miles from an urban center and has a low level of facility development, which is limited to 15 miles of trails and one trailhead.

Photo credits
clockwise
from top left:
Charlie
Johnson; Jeff
Anderson;
Donna
Mullins; Sue
Burke; John
Fielder



Least expensive to manage are those properties conserved via a conservation easement that remain privately owned, leaving monitoring as the only annual management cost to the county.

Larimer County Natural Resources will continue to balance the higher acquisition and management costs associated with providing public access on fee-purchased lands with the lower cost to protect and monitor lands via limited access conservation easements, as supported by the *Our Lands - Our Future* study. On fee-purchased lands, Larimer County will manage use to provide a spectrum of opportunities for public access. Each fee-purchased property will be managed by a specific management plan that will outline the permitted recreation uses. Therefore, the management costs of each fee-purchased property will vary. Management costs are a significant consideration as the county strives to manage its current and future portfolio of lands through the life of the sales tax. Regular evaluation and discussion of level of service will be important at the time of acquisition of new lands and during updates of management plans for proposed changes in uses on existing lands.

Figure 5-1
Levels of
Service

5.2 Open Lands Program Policies & Processes

POLICIES

Policies related to the Open Lands Program are generally created by Larimer County Natural Resources staff with direction from the citizen Open Lands Advisory Board and are adopted by the Department Director.

Existing policies:

- Contingency Plan
- Records Retention Policy and Procedure
- Property Management Plans Updates
- Good Neighbor Policy
- Geocaching
- Memorials, Plaques, Burials on DNR properties
- Neighborhood Requested Access Policy
- Recognition on Open Lands Property for Financial Donations
- Use of Power-Driven Mobility Devices on Trails by Individuals with Mobility Disabilities.
- Special Events & Activities on Larimer County Natural Resource Properties
- Trail Closures for Wet and Muddy Conditions

PROCESSES

Open Lands processes outline the program's approach to specific actions related to the acquisition and management of land in Larimer County. Similar to policies, they are created in collaboration with staff, the citizen Open Lands Advisory Board, the Department Director, and adopted by the Open Lands Advisory Board and in some cases the Board of County Commissioners.

Processes include:

- Acquisition Process & Policies
- Management Planning Process
- Adaptive Management Review Process

For a full description of these Open Lands policies and processes, see Appendix E on page 106.



Photo:
Staff

Appendices

Appendix A. Acronyms

AAB	Agricultural Advisory Board
CE	Conservation Easement
CWCB	Colorado Water Conservation Board
DOLA	Department of Local Affairs
GIS	Geographic Information System
GOCO	Great Outdoors Colorado
NFRMPO	North Front Range Metropolitan Planning Organization
OLAB	Open Lands Advisory Board

Appendix B. Glossary

Community Separator: An area of undeveloped land between two municipalities created to permanently conserve the integrity of the two jurisdictions.

Cluster; Cluster Development: A development design which concentrates buildings on a portion or portions of the site to leave the remainder undeveloped and used for agriculture, open space and/or natural resource protection.

Conservation Easement: A legal agreement between a landowner and a land trust or government agency that permanently limits uses of the land to protect its conservation values. The conditions of the land are monitored to ensure adherence to the terms of the conservation easement and to protect the conservation values in perpetuity.

Emerging Farmers: First-career farmers who generate a significant portion of their income from the sale of farm products, and who are limited by land access (availability of agricultural property).

Fee- Title (Fee- Simple) Ownership: Ownership of most or all property rights upon a parcel of land.

Growth Management Area: An area adjacent to a city or town and identified for future urban development according to a community plan in an Intergovernmental Agreement with the County; same as Urban Growth Area.

In-stream flows: Non-consumptive water requirements that do not reduce the water supply, such as water required for maintaining flowing streams for fish or for recreational boating.

Land Trusts: Not-for-profit organizations that seek out landowners for donation or sale of conservation easements or other property interests for any number of conservation purposes.

Level of Service: An established minimum capacity of public facilities or services that must be provided per unit of demand, e.g., per new housing unit.

Master Plan: An adopted plan that provides an overall vision and priorities for the future.

Mineral Rights: Rights to subsurface land and profits. Typically, when real estate is conveyed, the grantee received all right and title to the land including everything above and below the surface, unless accepted by the grantor or previously severed from the surface rights.

Water rights: A right to use, in accordance with its priority, a certain portion of the waters of the State of Colorado by reason of appropriation of the water. A real property right that is subject to appropriation and can be severed from the land and transferred.

Working Farms and Ranches: Agricultural lands that can be protected by conservation easements that are provide local food production, agricultural heritage and economic resiliency.

Appendix C. 1995, 1999, and 2014 Ballot Language

1995 Ballot Language

RESOLUTION NO. R95-123g RESOLUTION CALLING ELECTION, CERTIFYNG BALLOT TITLE AND CONFORMING A PROPOSAL FOR A COUNTY-WIDE SALES AND USE TAX TO STATUTORY REUIREMENTS

WHEREAS, Article 2 of Title 29 of the Colorado Revised Statutes (C.R.S.), as amended, authorizes referral of a county-wide sales and use tax to the registered electors of a county either by resolution adopted by the Board of County Commissioners or by petition initiated and signed by five percent of the registered electors of the county; and

WHEREAS, a Petition entitled “HELP PRESERVE OPEN SPACES INITIATIVE” requesting a proposal for a county-wide one-fourth of one cent sales and use tax to provide money for open space, natural areas, wildlife habitat, parks and trails has been presented to this Board; and

WHEREAS, the Larimer County Clerk and Recorder has provided certification, as required by 29-2-104 (4), C.R.S., that the Petition has been signed by at least five percent of the registered electors of Larimer County; and

WHEREAS, pursuant to 29-2-104 (4), C.R.S., the Board of County Commissioners, upon being presented with a petition requesting a proposal for a county-wide sales and use tax, which is certified by the County Clerk and Recorder as being signed by five percent of the registered electors of Larimer County, is required to submit such proposal to the registered electors of Larimer County; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval of the proposed county-wide sales and use tax; and

WHREAS, 29-2-105 requires that a proposal for a county-wide sales and use tax contain certain provisions and the Petition requesting the proposal does not include certain provisions required by statute, and it is, therefore, necessary to amend the proposal prior to submission to the electorate.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSION- ERS OF LARIMER COUNTY:

Section 1. Election Called. It is hereby determined that an election shall be held on November 7, 1995, as part of the coordinated odd-year election, for the purpose of submitting to the registered electors of Larimer County the question set forth hereafter. The conduct of the election shall conform, so far as practicable, to the general election laws of the State of Colorado.

Section 2. Election Official. The Larimer County Clerk is hereby designated as the County’s “designated election official”, as defined in Section 1-1-104 (8), C.R.S. as the person responsible for running the election, and is directed and authorized to take such action as may be necessary to call, hold and canvass election in accordance with law.

Section 3. Ballot Title. The ballot title shall be as follows and is hereby certified to the Larimer County

Clerk and Recorder for submission to the registered electors of Larimer County:

SHALL LARIMER COUNTY TAXES BE INCREASED \$6,200,000 ANNUALLY, COMMENCING IN 1996, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FOR OPEN SPACE, NATURAL AREA, WILDLIFE HABITAT, PARK AND TRAIL PURPOSES, SUCH TAX TO CONSIST OF A ONE QUARTER PERCENT (1/4%) COUNTY-WIDE SALES AND USE TAX (NOT ON FOOD) TO BE IMPOSED BEGINNING JANUARY 1, 1996, AND ENDING ON DECEMBER 31, 2003, OF WHICH A MINIMUM OF 55% OF THE REVENUES ARE PLEDGED TO THE MUNICIPALITIES OF LOVELAND, FORT COLLINS, ESTES PARK, BERTHOUD, TIMNATH, AND WELLINGTON; AND NOT MORE THAN 45% OF THE REVENUES ARE PLEDGED TO LARIMER COUNTY; ALL FOR THE ACQUISITION, PROTECTION, IMPROVEMENT AND LONG-TERM MAINTENANCE OF OPEN SPACE, NATURAL AREAS, WILDLIFE HABITAT, PARKS AND TRAILS, ALL AS IS MORE PARTICULARLY DESCRIBED IN THE HELP PRESERVE OPEN SPACES INITIATIVE; AND SHALL THE PROCEEDS OF SUCH SALES AND USE TAXES, AND INVESTMENT INCOME THEREON CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE COUNTY WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE COUNTY?

YES
NO

Section 4. Notices of Election.

- a) Pursuant to 29-2-104 (5) C.R.S., the County Clerk and Recorder shall cause to be published the text, as amended, of the proposal for a county-wide sales and use tax four separate times, a week apart, in the official newspaper of Larimer County and each city and incorporated town within Larimer County.
- b) The County Clerk and Recorder shall cause to be published, at least ten days before the election, the notice required by 1-5-205 C.R.S. Such notice shall be in the form and contain the information required by law. Said notice shall also be posted as required by 1-5-205 (1.3).
- c) The County Clerk and Recorder shall cause a notice to all registered electors and the County to be mailed in accordance with Article X, Section 20 (3)(b) of the Colorado Constitution and other applicable laws. Such notice shall be in the form and contain the information required by law.
- d) In addition, such other notice of the election as may be required by law or deemed by the County Clerk and Recorder to, be necessary or appropriate shall be given in the time, form and manner required by law.

Section 5. Amendments to Text of Proposal.

Numbered paragraph 29 of the text of the proposal for a county-wide sales and use tax shall be amended to read as follows:

THAT a county-wide one quarter of one percent (0.25%) sales tax in accordance with the provisions of Article 2, Title 29, Colorado Revised Statutes, as amended, shall hereby be imposed on the sale of tangible personal property at retail or the furnishing of services in Larimer County as provided in

Paragraph (d) of Subsection (1) of Section 29-2-105, Colorado Revised Statutes, as amended, and as is more fully hereinafter set forth. For the purposes of this sales tax initiative, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Larimer County or to a common carrier for delivery to a destination outside the limits of Larimer County. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in Larimer County or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of a sales tax imposed by this initiative shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, as amended, and by rules and regulations promulgated by the Department of Revenue. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended. The tangible personal property and services taxable pursuant to this initiative shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, Colorado Revised Statutes, as amended, and subject to the same exemptions as those specified in Section 39-26-114, Colorado Revised Statutes, as amended, and further subject to the exemption for sales of food (as the term "food" is defined in Section 39-26-102 (4.5)) specified in Section 39-26-114 (1) (a) (XX), Colorado Revised Statutes, as amended, the exemption for purchases of machinery and machine tools specified in Section 39-26-114 (11), Colorado Revised Statutes, as amended, and the exemption for sales and purchases of those items in Section 39-026-114 (1) (a) (XXI), Colorado Revised Statutes, as amended. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by Larimer County when such sales meet both of the following conditions:

- a) The purchaser is a non-resident of or has his principal place of business outside of Larimer County; and
- b) Such personal property is registered or required to be registered outside the limits of Larimer County under the laws of the State of Colorado.

The county-wide sales tax shall not apply to the sale of construction and building materials, as the term is used in Section 29-2-109, Colorado Revised Statutes, as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the County evidencing that a local use tax has been paid or is required to be paid.

The county-wide sales tax will not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed by Larimer County. A credit shall be granted against the sales tax imposed by Larimer County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall not exceed the sales tax imposed by Larimer County.

The county-wide sales tax will not apply to the sale of food purchased with food stamps. For purposes of this paragraph, "food" shall have the meaning as provided in 7 U.S.C. Section 2012 (g) as such section exists on October 1, 1987 or is thereafter amended.

The county-wide sales tax will not apply to the sale of food purchases with funds provided by the special supplemental food program for women, infants and children, 42 U.S.C. Section 1786. For purposes of the paragraph, "food" shall have the same meaning as provided in 42 U.S.C. Section

Any person engaging in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, is required to obtain a license therefore, which license shall be granted at no cost and issued by a designated official of the Larimer County Financial Administration Division, and shall be in force and effect until the 31st day of December of 2003, unless sooner revoked. Such license shall be granted upon application stating the name and address of the person desiring such license, the name of such business and location, and such other facts as the said official may reasonably require. In case business is transacted at two (2) or more separate places by one person, a separate license for each place of business shall be required. Each license shall be numbered and shall show the name, residence, place and character of a business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be provided in Section 39-26-103, C.R.S., and any amendment thereto enacted before the effective date of this initiative, which provision is incorporated herein by this reference. No license shall be required for any person engaged exclusively in the business of selling commodities, which are exempt from taxation under this initiative.

The vendor (retailer) shall be entitled as collecting agent to withhold a collection fee in the same amount and in the same manner as authorized in Section 39-26-105, C.R.S., and any amendment thereto enacted before or after the effective date of this proposal, from the total amount due by vendor to the County. No vendor shall be entitled to the collection fee for any month that the vendor is or remains delinquent.

The sales tax imposed shall be collected, administered and enforced by the Executive Director of the Department of Revenue in the same manner as the collection, administration and enforcement of the Colorado State sales tax, as provided by Article 26 of Title 39, Colorado Revised Statutes, as amended.

A copy of the text of the amended proposal is attached hereto.

ADOPTED this day of , 1995.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LARIMER

ATTEST:

Deputy Clerk of the Board

By:

Chairman

APPROVED AS TO

FORM: DATE:

ASSISTANT COUNTY ATTORNEY

WHEREAS, there is citizen support in Larimer County to preserve and provide open space, natural areas, wildlife habitat, parks and trails for today and for the future; and

WHEREAS, the need exists now in Larimer County and in the cities and towns of Loveland, Fort Collins, Estes Park, Berthoud, Timnath and Wellington to protect, acquire, improve and maintain open space, natural areas, wildlife habitat, parks and trails; and

WHEREAS, no other county-wide funding source exists to protect open space and provide trails; and

WHEREAS, the intent of this initiative is to establish one county-wide sales and use tax to be shared by Larimer County, Loveland, Fort Collins, Estes Park, Berthoud, Timnath and Wellington for open space, natural area, wildlife habitat, park and trail purposes on a willing seller basis only; and

WHEREAS, Larimer County and the cities and towns in Larimer County have developed master plans for open space, natural area, park and trail purposes, and

WHEREAS, Larimer County will coordinate with unincorporated communities including but not limited to Laporte, Bellvue, Redfeather Lakes regarding their open space, natural area, wildlife habitat, park and trail goals; and

WHEREASE, the intent of this initiative is to supplement existing funding sources, if any, for open space, natural area, wildlife habitat, park and trail purposes; and

WHEREAS, agriculture is determined to be significant to Larimer County's cultural heritage, therefore preservation of lands for agricultural purposes from willing participants is desirable; and

WHEREAS, Larimer County and the cities and towns in Larimer County will partner with each other and with land trusts and other state and federal agencies in order to jointly pursue funds from the GO Colorado Trust Fund as well as other appropriate grant programs; and

WHEREAS, there is a citizen effort to place an initiative on the November, 1995 ballot to fund open space, natural areas, wildlife habitat, parks and trails with a county-wide ¼ cent sales and use tax (not on food) that is limited to eight years.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. THAT for the purposes of open space, natural areas, wildlife habitat, parks and trails, a county-wide one quarter of one percent (0.25%) sales and use tax shall hereby be imposed and the proceeds of the sales and use tax shall be expended by Larimer County for Larimer County and on behalf of the municipalities in Larimer County including Loveland, Fort Collins, Estes Park, Berthoud, Timnath and Wellington for the following purposes:
 - a) To acquire fee title interest in real property in Larimer County and within the municipalities of Larimer County for open space, natural area, wildlife habitat, park and trail

- purposes;
 - b) To acquire less than fee interest in real property such as easements (including conservation and agricultural), leases, options, future interest, covenants, development rights, subsurface rights and contractual rights, either on an exclusive or nonexclusive basis, for open space, natural area, wildlife habitat, park and trail purposes;
 - c) To acquire water rights and water storage rights for use in connection with the aforementioned purposes;
 - d) To acquire rights-of-way and easements for trails and access to public lands in Larimer County and within the municipalities of Larimer County, and to build and improve such trails and access ways;
 - e) To allow expenditure of funds for joint projects between counties, municipalities, recreation districts, other government entities, trusts, foundations or other public or private entities for open space, natural area, wildlife habitat, park and trail purposes in Larimer County and within the municipalities of Larimer County;
 - f) To improve and protect open space, natural areas, wildlife habitat, parks and trails;
 - g) To manage, patrol and maintain open space, natural areas, wildlife habitat, parks and trails;
 - h) To pay for related collection, distribution and construction costs subject to limitations stated herein.
2. THAT all acquisitions shall be carried out with good faith negotiations with willing sellers; and that no entity receiving this sales and use tax revenue shall use such funds to make any acquisition authorized by this initiative through eminent domain or the threat of eminent domain;
 3. THAT a separate fund, to be known as the "Larimer County Open Space Fund" (the "Fund") shall be created and 100% of the revenue (gross receipts less collection and distribution costs) derived from the sales and use tax shall be deposited thereto; and that a minimum of fifty-five percent (55%) the revenue deposited thereto shall be attributed to the municipalities located wholly within Larimer County as further described in paragraph 6; and that the remaining fund balance, after municipal shares have been attributed, but not less than thirty-five (35%), shall be allocated to Larimer County to be used solely for the purposes stated herein and as further described in paragraph 15 below;
 4. THAT interest generated from the revenues of the sales and use tax shall be used for the purposes state herein;
 5. THAT revenue generated on open space, natural areas, wildlife habitat, parks and trails acquired with this sales and use tax shall be used for the purposes state herein;
 6. THAT a minimum of fifty-five percent (55%) of the revenue (gross receipts less collection and distribution costs) derived from the sales and use tax shall be allocated to municipalities located wholly with Larimer County; and that the attributable share to each municipality within Larimer County shall be determined at least annually in accordance with one of two formulas as described in (i) and (ii), whichever attributes the larger amount of revenue to that municipality:
 - (i) Population formula: the amount deemed attributable to a municipality shall be that amount which bears the same ratio the population within said municipality bears to the total population of the municipalities of Larimer County; or

(ii) Sales tax collection formula: the amount deemed attributable to a municipality shall be that amount which bears the same ratio the amount of state sales tax revenue collected within said municipality bears to the total amount of state sales tax revenue collected in the municipalities of Larimer County whichever benefits that municipality most; and that the source of statistics for population shall be the same as the current statistics used by the Colorado Division of Local Government in the Department of Local Affairs; and that the source of statistics for sales tax collection shall be the same as the current statistics used by the Colorado Department of Revenue;

7. THAT Larimer County shall create a separate account for the municipality of Loveland; and that 100% of the revenue attributed to Loveland from said sales and use tax and any investment income thereon which is attributed to Loveland shall be deposited thereto; and that the revenue deposited shall be used for paying all or any part of the cost of acquiring interests in, protecting, improving and maintaining open space, natural areas, and wildlife habitat; and parks and recreational trails as defined in paragraphs 16b and 16c;
8. THAT Larimer County shall create a separate account for the municipality of Fort Collins; and that 100% of the revenue attributed to Fort Collins from said sales and use tax and any investment income thereon which is attributed to Fort Collins shall be deposited thereto; and that the revenue deposited shall be used to further implement the Fort Collins Natural Areas Plan and to further implement of the Fort Collins trails program; and that a portion of the revenue shall be used for long-term management and maintenance of natural areas and trails;
9. THAT Larimer County shall create a separate account for the municipality of Estes Park; and that 100% of the revenue attributed to Estes Park from said sales and use tax and any investment income thereon which is attributed to Estes Park shall be deposited thereto; and that the revenue deposited shall be used to fund preservation of open space, wildlife habitat and buffers to Rocky Mountain National Park and to provide trails as described in the Estes Park Hike and Bike Plan and the Estes Valley Trails Plan; and that a portion of the revenue shall be used for long-term management and maintenance of those purposes;
10. THAT Larimer County shall create a separate account for the municipality of Berthoud; and that 100% of the revenue attributed to Berthoud from said sales and use tax and any investment income thereon which is attributed to Berthoud all be deposited thereto; and that the revenue deposited shall be limited to activities that identify, preserve and maintain sites that are natural habitats for wildlife and native plants specifically including wetlands, reservoirs and river corridors; protect farmlands and encourage agricultural activities in those surrounding lands that also contribute to open space and buffers with nearby communities; link the undeveloped areas associated with the community gateway south of Berthoud with the Little Thompson corridor; protect the undeveloped lands around and connecting the reservoirs in the Berthoud area all as described in the Berthoud Comprehensive Plan, Land Use Plan and the Northern Colorado Regional Planning Study;
11. THAT Larimer County shall create a separate account for the municipality of Timnath; and that 100% of the revenue attributed to Timnath from said sales and use tax and any investment income thereon which is attributed to Timnath shall be deposited thereto; and that the revenue deposited shall be used for the purposes stated herein;

12. THAT Larimer County shall create a separate account for the municipality of Wellington; and that 100% of the revenue attributed to Wellington from said sales and use tax and any investment income thereon which is attributed to Wellington shall be deposited thereto; and that the revenue deposited shall be used for the purposes stated herein;
13. THAT Larimer County shall distribute funds on behalf of a municipality upon the municipality representing to the County that the funds are to be used in accordance with this initiative and the County is entitled to rely upon such representation when making the distribution and shall not be responsible for any misuse of funds so distributed;
14. THAT each municipality and Larimer County shall prepare a report to the public annually regarding the use of the revenues attributed to said municipality and Larimer County;
15. THAT, after municipal funds have been allocated, the remaining fund balance (not less than thirty-five percent) shall be used by Larimer County for the purposes stated herein; and that over the life of the sales and use tax; (i) not less than seventy percent (70%) of the revenue shall be used solely for paying all or any part of the costs of acquiring interests in, protecting and improving open space, natural areas, wildlife habitat, parks and trails; (ii) not less than fifteen percent (15%) and up to thirty percent (30%) of the revenue shall be set aside to be used solely for paying all or any part of the long-term costs of operating, maintaining, and administering such interests and improvements; and (iii) not more than fifteen percent (15%) of the revenue shall be used solely for paying any part of the costs of improving existing regional parks including Carter Lake, Horsetooth Reservoir, Flatiron Reservoir and Pinewood Reservoir; and that, if Larimer County terminates its lease with the U.S. Bureau of Reclamation for recreational management of the aforementioned reservoirs before December 31, 2003, then the revenue allocated to improving existing regional parks as described in (iii) above shall thereafter be used solely for paying all or any part of the costs of acquiring interests in, protecting and improving open space, natural areas, wildlife habitat, parks and trails. The above use of funds shall be determined as of December 31, 2003, the last effective day of the sales and use tax.
16. THAT, specifically for the revenues attributed to Larimer County, open space, natural areas, wildlife habitat, parks and trails are defined as, but not limited to, those lands generally described in the Larimer County Comprehensive Parks Master Plan adopted by the Board of County Commissioners on June 14, 1993, or as may hereafter be amended by the Board, in which it has been determined that it is, or may in the future be, within the public interest to acquire an interest in order to assure their protection; and that open space, natural area, wildlife habitat, park and trail acquisitions and improvements shall be, or similar in character to those described below:
 - a. Open space lands may include:
 - Lands with significant natural resource, scenic and wildlife habitat values;
 - Lands that are buffers maintaining community identity such as the area between Fort Collins and Loveland and the area between Loveland and Berthoud;
 - Lands that are to be used for regional trails and/or wildlife migration routes;
 - Lands that will be preserved for agricultural purposes from willing participants;
 - Lands that provide outdoor recreation, environmental education or nature

observation opportunities near population centers, including areas that expand or provide buffers to existing parklands;

- Lands with other important values such as scenic and historic sites that contribute to Larimer County's natural and cultural heritage.

Lands considered highly desirable for preservation using revenue from Larimer County's attributable share and in cooperative partnerships with other entities include:

- Riparian lands and access to riparian lands along the Big Thompson River and the Cache La Poudre River;
 - Wildlife habitat and scenic open space located in the foothills and upland grasslands in the vicinity of Fort Collins and Loveland;
 - Buffers to maintain community identity which include agricultural uses in the areas between Fort Collins and Loveland and Loveland and Berthoud;
 - Wildlife habitat, scenic open space and buffers to the Rocky Mountain National Park in the Estes Park area including the Meadowdale Ranch conservation easement;
 - Lands for wildlife habitat protection and passive recreation at plains reservoirs including Fossil Creek;
- b. Improvements will protect natural resources and water quality; enhance the quality of the outdoor recreational experience; and will provide trails and public access to public lands in Larimer County. Improvements may include trails and trailheads; water and sanitary facilities; campground and picnic facilities; swim beaches and boating facilities; environmental education opportunities and access for the physically disabled.
 - c. Trails provide links and access to outdoor recreation, open space, parks, natural areas and other communities while preserving natural features or migration corridors for wildlife.
17. THAT a voluntary county-wide Advisory Board shall be established by the Board of County Commissioners to make recommendations regarding the attributable revenue share to Larimer County; and that the membership of the Advisory Board at a minimum shall consist 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;
 18. THAT if the majority of the qualified electors voting thereon vote for approval of this county-wide sales and use tax initiative, such county-wide sales and use tax shall be effective throughout the incorporated and unincorporated portions of the Larimer County beginning January 1, 1996;
 19. THAT pursuant to Article 2 of Title 29 of Colorado Revised Statutes, Larimer County is authorized to pledge sales and use tax revenue for capital improvements and, if the sales and use tax is approved and if the County acted to pledge sales and use tax for capital improvements, the County shall pledge the revenue only for the purposes stated herein.

20. THAT no land acquired through the revenues provided by this sales and use tax may be sold, leased, traded, or otherwise conveyed, nor may an exclusive license or permit on such land be given, nor may the use of such land be converted to purposes other than those permitted hereby until approval of such action by the appropriate elected board or council. Prior to such action, the proposed action shall be reviewed by the applicable county or municipal advisory board, and a recommendation shall be forwarded to the appropriate elected board or council. Approval of the action may be given only by a majority vote of the members of the elected board or council after a public hearing held with notice published at least ten (10) days in advance in the official newspaper of the County and each municipality within the County, giving the location of the land in question and the intended action relating thereto.
21. THAT (i) if any real property or interest therein acquired by use of proceeds of said sales and use tax pursuant to paragraph 1 of this initiative ever be sold, exchanged, transferred or otherwise disposed of, the consideration for such sale, exchange, transfer or disposition shall be subject to the same expenditure and use restrictions as those set forth herein for the original proceeds of said sales and use tax, including restrictions set forth in this paragraph; and (ii) if any real property or interest therein acquired by use of proceeds of said sales and use tax pursuant to paragraph 1 of this initiative shall ever be converted to purposes other than open space, natural area, wildlife habitat, park and trail purposes, the County or municipality shall pay into the "Fund," from any legally available County or municipal moneys other than said sales and use tax, the then estimated value of such property, as determined by an appraisal;
22. THAT Larimer County and the municipalities within Larimer County are authorized to adopt such uniform rules and regulations as may be necessary for the administration and enforcement of this initiative; and that the Board of Commissioners or their authorized representatives are hereby empowered to enter into and execute on behalf of Larimer County any agreements necessary for the administration and enforcement of this initiative;
23. THAT the cost of the election shall be paid from the general fund of Larimer County.
24. THAT the County Clerk and Recorder shall publish the text of this sales and use tax initiative four separate times, a week apart, in the official newspaper of Larimer County and each municipality within this County.
25. THAT the County Clerk and Recorder, as election officer, shall undertake all measures necessary to comply with the election provisions set forth in Colorado Constitution, Article X, Section 20(3), including but not limited to the mailing of required election notices and ballot issue summaries.
26. THAT the conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.
27. THAT the distribution of all sales and use tax collected by the Director of Revenue, pursuant to this initiative, shall be to Larimer County which then distributes to municipalities as heretofore described.
28. THAT a) all use tax collected on construction and building materials pursuant to this initiative

shall be distributed to Larimer County; and b) all use tax collected on motor or other vehicles pursuant to this initiative shall be distributed to Larimer County.

29. THAT a county-wide one quarter of one percent (0.25%) sales tax in accordance with the provisions of Article 2, Title 29, Colorado Revised Statutes, as amended, shall hereby be imposed on the sale of tangible personal property at retail or the furnishing of services in Larimer County as provided in Paragraph (d) of Subsection (1) of Section 29-2-105, Colorado Revised Statutes, as amended, and as is more fully hereinafter set forth. For the purposes of this sales tax initiative, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of Larimer County or to a common carrier for delivery to a destination outside the limits of Larimer County. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in Larimer County or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of sales tax imposed by this initiative shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, as amended, and by rules and regulations promulgated by the Department of Revenue. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, as amended. The tangible personal property and services taxable pursuant to this initiative shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, Colorado Revised Statutes, as amended, and subject to the same exemptions as those specified in Section 39-26-114, Colorado Revised Statutes, as amended, and further subject to the exemption for sales of food (as the term "food" is defined in Section 39-26-102(4.5)) specified in Section 39-26-114(1)(a)(XX), Colorado Revised Statutes, as amended, the exemption for purchases of machinery and machine tools specified in Section 39-26-114(11), Colorado Revised Statutes, as amended, and the exemption for sales and purchases of those items in Section 39-26-114(1)(a)(XXI), Colorado Revised Statutes, as amended. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from the sales tax imposed by Larimer County when such sales meet both of the following conditions:
 - a. The purchaser is a non-resident of or has his principal place of business outside of Larimer County; and
 - b. Such personal property is registered or required to be registered outside the limits of Larimer County under the laws of the State of Colorado.

The county-wide sales tax shall not apply to the sale of construction and building materials, as the term is used in Section 29-2-109, Colorado Revised Statutes, as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the County evidencing that a local use tax has been paid or is required to be paid.

The county-wide sales tax will not apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule county equal to or in excess of that sought to be imposed by Larimer County. A credit shall be granted against the sales tax imposed by Larimer County with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule county. The amount of the credit shall

not exceed that sales tax imposed by Larimer County.

The county-wide sales tax will not apply to the sale of food purchased with food stamps. For purposes of this paragraph, “food” shall have the meaning as provided in 7 U.S.C. Section 2012(g) as such section exists on October 1, 1987 or is thereafter amended.

The county-wide sales tax will not apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants and children, 42 U.S.C. Section 1786. For purposes of this paragraph, “food” shall have the same meaning as provided in 42 U.S.C. Section 1786 as such section exists on October 1, 1987 or is thereafter amended.

Any person engaging in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, is required to obtain a license therefore, which license shall be granted at no cost and issued by a designated official of the Larimer County Financial Administration Division, and shall be in force and effect until the 31st day of December of 2003, unless sooner revoked. Such license shall be granted upon application stating the name and address of the person desiring such license, the name of such business and location, and such other facts as the said official may reasonably require. In case business is transacted at two (2) or more separate places by one person, a separate license for each place of business shall be required. Each license shall be numbered and shall show the name, residence, place and character of a business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable. Any license may be revoked for cause as provided in Section 39-26-103, C.R.S., and any amendment thereto enacted before the effective date of this initiative, which provision is incorporated herein by this reference. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxations under this initiative.

The vendor (retailer) shall be entitled as collecting agent to withhold a collection fee in the same amount and in the same manner as authorized in Section 39-26-105, C.R.S., and any amendment thereto enacted before or after the effective date of this proposal, from the total amount due by vendor to the County. No vendor shall be entitled to the collection fee for any month that the vendor is or remains delinquent.

The sales tax imposed shall be collected, administered and enforced by the Executive Director of the Department of Revenue in the same manner as the collection, administration and enforcement of the Colorado State sales tax, as provided by Article 26 of Title 39, Colorado Revised Statutes, as amended.

30. THAT a county-wide one quarter of one percent (0.25%) use tax in accordance with the provisions of Article 2, Title 29, Colorado Revised Statutes, as amended shall hereby be imposed for the privilege of using or consuming in Larimer County any construction and building materials purchased at retail and for the privilege of storing, using, or consuming in Larimer County any motor and other vehicles, purchased at retail on which registration is required. The use tax shall not apply:

- b. To the storage, use, or consumption of any tangible personal property the sale of which is subject to a retail sales tax imposed by Larimer County;
- c. To the storage, use or consumption of any tangible personal property purchased for resale in Larimer County either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;
- d. To the storage, use or consumption of tangible personal property brought into Larimer County by a non-resident thereof for his own storage, use or consumption while tempo-

rarily within the County; however, this exemption does not apply to the storage, use or consumption of tangible personal property brought into the state by a non-resident to be used in the conduct of a business in this state;

- e. To the storage, use or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only or by religious or charitable corporations on the conduct of their regular religious or charitable functions;
- f. To the storage, use or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;
- g. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule county equal to or in excess of that imposed by Larimer County. A credit shall be granted against the use tax imposed by Larimer County with respect to a person’s storage, use or consumption in Larimer County of tangible personal property purchased in another statutory or home rule county. The amount of the credit shall be equal to the tax paid by the person by reason of the imposition of a sales or use tax of the other statutory or home rule county on the purchase or use of the property. The amount of the credit shall not exceed that tax imposed by this proposal;
- h. To the storage, use, or consumption of tangible personal property and household effects acquired outside of Larimer County and brought into it by a non-resident acquiring residency;
- i. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of Larimer County and he purchased the vehicle outside of Larimer County for use outside of Larimer County and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of Larimer County;
- j. To the storage, use or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of this use tax proposal;
- k. To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into any time prior to the effective date of this use tax proposal.

31. THAT the one quarter of one percent (0.25%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this initiative has been paid. The use tax imposed by this initiative shall be collected by the authorized agent of the Department of Revenue of this county. The proceeds of said use tax shall be paid to Larimer County periodically in accordance with an agreement entered into by and between Larimer County and the Department of Revenue.

32. THAT except as provided by Section 39-26-208 and Section 39-26-304, Colorado Revised Stat-

utes, as amended, any use tax imposed shall be collected, enforced and administered by Larimer County. The use tax on construction and building materials will be collected by the County Building Inspector, by each municipality or as may be otherwise provided by intergovernmental agreement, based upon an estimate of building and construction materials costs submitted by the owner or contractor at the time a building permit application is made.

- 33. THAT seven percent (7%) limitation on amount of sales tax provided for in 29-2-108 of C.R.S. shall be exceeded in the municipality of Estes Park, Colorado, if the proposed sales tax is approved and adopted. In such event such sales tax limitation shall be exceeded by one quarter of one percent (0.25%).
- 34. THAT, for purposes of Colorado Constitution Article X, Section 20, the receipt and expenditure of revenue of this sales and use tax and investment income thereon, shall be accounted for, budgeted and appropriated separately from other revenues and expenditures of Larimer County and outside of the fiscal year spending of the County as calculated under Article X, Section 20, and nothing in Article X, Section 20 shall limit the receipt and expenditure in each fiscal year of the full amount of such revenues, nor shall receipt and expenditure of such revenues affect or limit the receipt or expenditure of any and all other revenues of Larimer County for any fiscal year;
- 35. THAT if any provision of this initiative or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the provisions or applications of this initiative regarding the sales and use tax which can be given affect without the invalid provision or application and to this end, the provisions of this initiative are declared to be severable;
- 36. THAT the sales and use tax shall expire at midnight on December 31, 2003 and all moneys remaining in the "Fund" created hereunder for Larimer County shall continue to be expended for the purposes set forth herein until completely exhausted.
- 37. THAT the Ballot Title/Question on the county-wide sales and use tax initiative that shall be referred to the registered electors of Larimer County at a general election to be held on Tuesday, the 7th day of November, 1995, shall be, in substantially the following form with only such changes as may be determined by the Board of County Commissioners:

“SHALL LARIMER COUNTY TAXES BE INCREASED \$6,200,000 ANNUALLY, COMMENCING IN 1996, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER, FOR OPEN SPACE, NATURAL AREA, WILDLIFE HABITAT, PARK AND TRAIL PURPOSES, SUCH TAX TO CONSIST OF A ONE QUARTER PERCENT (1/4%) COUNTY-WIDE SALES AND USE TAX (NOT ON FOOD) TO BE IMPOSED BEGINNING JANUARY 1, 1996, AND ENDING ON DECEMBER 31, 2003, OR WHICH A MINIMUM OF 55% OF THE REVENUES ARE PLEDGED TO THE MUNICIPALITIES OF LOVELAND, FORT COLLINS, ESTES PARK, BERTHOUD, TIMNATH, AND WELLINGTON; AND NOT MORE THAN 45% OF THE REVENUES ARE PLEDGED TO LARIMER COUNTY; ALL FOR THE ACQUISITION, PROTECTION, IMPROVEMENT AND LONG-TERM MAINTENANCE OF OPEN SPACE, NATURAL AREAS, WILDLIFE HABITAT, PARKS AND TRAILS, ALL AS IS MORE PARTICULARLY DESCRIBED IN THE HELP PRESERVE OPEN SPACES INITIATIVE; AND SHALL THE PROCEEDS OF SUCH SALES AND USE TAXES, AND INVESTMENT INCOME THEREON CONSTITUTE VOTER-APPROVED REVENUE

CHANGES AND BE COLLECTED AND SPENT BY THE COUNTY WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE COUNTY?”

YES
NO

1999 Ballot Language

INITIATIVE TO CONTINUE THE EXISTING HELP PRESERVE OPEN SPACES SALES AND USE TAX AND TO AUTHORIZE REVENUE BONDS FOR PRESERVATION OF OPEN SPACES

WHEREAS, at the general election held on November 7, 1995, the voters of Larimer County, Colorado (the “County”) overwhelmingly approved the following ballot question (the “1995 Help Preserve Open Spaces Ballot Question”):

SHALL LARIMER COUNTY’S TAXES BE INCREASED \$6,200,000 MILLION ANNUALLY COMMENCING IN 1996, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY THEREAFTER FOR OPEN SPACE, NATURAL AREA, WILDLIFE HABITAT, PARK AND TRAIL PURPOSES, SUCH TAX TO CONSIST OF A ONE QUARTER PERCENT (1/4%) COUNTY WIDE SALES AND USE TAX (NOT ON FOOD) TO BE IMPOSED BEGINNING JANUARY 1, 1996 AND ENDING ON DECEMBER 31, 2003, OF WHICH A MINIMUM OF 55% OF THE REVENUES ARE PLEDGED TO THE MUNICIPALITIES OF LOVELAND, FORT COLLINS, ESTES PARK, BERTHOUD, TIMNATH, AND WELLINGTON; AND NOT MORE THAN 45% OF THE REVENUES ARE PLEDGED TO LARIMER COUNTY, ALL FOR THE ACQUISITION, PROTECTION, IMPROVEMENT AND LONG-TERM MAINTENANCE OF OPEN SPACE, NATURAL AREAS, WILDLIFE HABITAT, PARKS AND TRAILS, ALL AS IS MORE PARTICULARLY DESCRIBED IN THE HELP PRESERVE OPEN SPACES INITIATIVE; AND SHALL THE PROCEEDS OF SUCH SALES AND USE TAXES AND INVESTMENT INCOME THEREON CONSTITUTE VOTER-APPROVED REVENUE CHANGES AND BE COLLECTED AND SPENT BY THE COUNTY WITHOUT REGARD TO ANY EXPENDITURE, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, AND WITHOUT LIMITATION IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE COUNTY?

WHEREAS, the citizens of Larimer County have shown strong support to preserve and provide open space, natural areas, wildlife habitat, parks and trails for today and for the future; and

WHEREAS, there is not enough existing funding to preserve and protect even the highest priority open spaces, natural areas, and wildlife habitat in Larimer County and the cities and towns of Larimer County; and

WHEREAS, Larimer County is one of the fastest growing counties in the United States, and its open lands are rapidly disappearing to development; and

WHEREAS, land values in Larimer County are currently increasing 15-20% per year and as high as 50% per year; and

WHEREAS, the authority to issue sales and use tax revenue bonds will allow Larimer County to preserve land at today’s prices and to protect our open space priorities before the land is developed; and

WHEREAS, it is financially responsible to preserve open space **now** because interest rates are not only below their historical average but are also lower than the annual percentage increase in land values; and

WHEREAS, Larimer County and the cities and towns of Larimer County have demonstrated the ability to acquire important lands responsibly; to leverage funds through Great Outdoors Colorado, land trusts and other government agencies; and to partner with each other to implement adopted master plans for open space, natural areas, parks and trails; and

WHEREAS, there is a citizens’ effort to place an initiative on the November 2, 1999 ballot to preserve open space, natural areas, wildlife habitat, parks and trails by continuing the existing ¼% county-wide open space sales and use tax, continuing the allocation of 55% of the proceeds thereof to the municipalities of Loveland, Fort Collins, Estes Park, Berthoud, Timnath and Wellington and the remaining 45% to the County and authorizing the County to issue revenue bonds payable from the proceeds of the open space sales and use tax allocated to the County; and

WHEREAS, the 1995 Help Preserve Open Spaces Ballot Question and paragraph 36 of the Help Preserve Open Spaces Initiative, as modified by County Resolution No. R95-123g, provide for the expiration of the open space sales and use tax midnight on December 31, 2003; and

WHEREAS, the provisions of the Help Preserve Open Spaces Initiative, as modified by County Resolution No. R95-123g, shall continue except as modified herein; and

WHEREAS, due to the immediacy of the need, sales and use tax revenue bonds as authorized by § 29-2-101, et seq., C.R.S., should be issued in order to allow acquisitions to take place as soon as possible; and

WHEREAS, Article X, Section 20 of the Colorado Constitution requires voter approval of the continuation of an expiring tax and the issuance of sales and use tax revenue bonds.

NOW, THEREFORE, BE IT RESOLVED:

1. The Help Preserve Open Spaces Initiative, as modified by County Resolution No. R95-123g, shall be amended as follows:
 - (a) Paragraph 1 shall be amended by the addition of the following new subparagraph i):
 - i) the portion of the proceeds of the sales and use tax allocated to Larimer County pursuant to paragraph 15 hereof shall be expended for the purposes set forth in such paragraph.

(b) Paragraph 15 of the Help Preserve Open Spaces Initiative, as modified by County Resolution No. R95-123g, shall be amended to read:

THAT there shall be established two separate funds within the Larimer County Open Space Fund to be known, respectively, as the “Larimer County Open Lands Acquisition and Improvement Fund” and the “Larimer County Open Lands Long-Term Management Fund”; and that, after funds have been allocated to municipalities as described in paragraphs seven through 14 hereof, the remaining fund balance in the Fund (not less than 35 percent) shall be deposited as follows:

(a) Not less than 70 percent and not more than 85 percent of such remaining fund balance in the Fund, the exact percentage to be determined by the Board of County Commissioners, in its discretion, shall be deposited to the Larimer County Open Lands Acquisition and Improvement Fund to be used solely to provide capital improvements for open space, natural areas, wildlife habitat, parks and trails, which, for this purpose, is defined as: (i) paying all or any part of the costs of acquiring interests in, protecting and improving open space, natural areas, wildlife habitat, parks and trails; (ii) paying all or part of the costs of improving existing regional parks, including Carter Lake, Horsetooth Reservoir, Flatiron Reservoir and Pinewood Reservoir, provided that the amount used for such purpose may not exceed 15 percent of such remaining fund balance; (iii) paying the costs of planning for and administering the activities described in clauses (i) and (ii); and (iv) paying the principal of, premium, if any, and interest on and other costs relating to the sales and use tax revenue bonds authorized by paragraph 38 hereof.

(b) Not less than 15 percent of such remaining fund balance in the Fund and any excess in the Fund remaining after the deposit to be made under subparagraph (a) of this paragraph 15 shall be deposited to the Larimer County Open Lands Long-term Management Fund to be used solely for paying all or any part of the long-term costs of managing, maintaining, and administering such interests and improvements, provided that such deposit shall not exceed 30 percent of the remaining fund balance in the Fund.

(c) Paragraph 36 shall be amended to read:

The sales and use tax shall expire at midnight on December 31, 2018 and all moneys remaining in the Fund created hereunder for Larimer County shall continue to be expended for the purposes set forth herein until completely exhausted.

(d) The following Paragraph 38 shall be added:

If the ballot question set forth in the Initiative to Continue the Existing Help Preserve Open Spaces Sales and Use Tax and to Authorize Sales and Use Tax Revenue Bonds for Preservation of Open Spaces is approved by County voters, the Board of County Commissioners of the County may issue sales and use tax revenue bonds in one or more series and from time to time in accordance with such ballot question and § 29-2-101, C.R.S., et seq., for the purpose of financing costs payable from the Larimer County Open Lands Acquisition and Improvement Fund.

2. The Board of County Commissioners of the County shall have the authority to modify or amend the Help Preserve Open Spaces Initiative, as modified by County Resolution No. R95-123g and this initiative, so that they conform to law.

3. The Ballot Title/Question on this county-wide sales and use tax initiative shall be referred to the registered electors of Larimer County at a general election to be held on Tuesday, the 2nd day of November, 1999, and shall be in substantially the following form with only such changes as may be determined by the Board of County Commissioners of the County:

SHALL LARIMER COUNTY TAXES BE INCREASED \$12 MILLION ANNUALLY (FIRST FULL FISCAL YEAR DOLLAR INCREASE STARTING IN 2004), WITH NO INCREASE IN ANY TAX RATE, BY CONTINUING THE EXISTING COUNTY-WIDE ¼% OPEN SPACES SALES AND USE TAX (NOT ON FOOD OR PRESCRIPTION DRUGS) FOR 15 YEARS FROM 2004 THROUGH 2018 FOR THE PURPOSE OF ACQUIRING, PROTECTING, IMPROVING, MANAGING, MAINTAINING AND ADMINISTERING OPEN SPACE, NATURAL AREAS, WILDLIFE HABITATS, PARKS AND TRAILS IN ACCORDANCE WITH THE “HELP PRESERVE OPEN SPACES INITIATIVE” APPROVED BY COUNTY VOTERS AT THE NOVEMBER 7, 1995 ELECTION; SHALL LARIMER COUNTY DEBT BE INCREASED BY NOT MORE THAN \$54 MILLION, WITH A MAXIMUM REPAYMENT COST OF \$84 MILLION, BY THE ISSUANCE OF REVENUE BONDS PAYABLE SOLELY FROM A PORTION OF THE REVENUES FROM THE OPEN SPACES SALES AND USE TAX ALLOCATED TO THE COUNTY; SHALL A SEPARATE CAPITAL IMPROVEMENT FUND BE CREATED FOR SUCH PURPOSE; SHALL THE COUNTY BE AUTHORIZED TO REFUND SUCH BONDS AT THE SAME OR A LOWER OR HIGHER INTEREST RATE WITHOUT ADDITIONAL VOTER APPROVAL; AND SHALL THE REVENUES FROM SUCH TAXES AND ANY EARNINGS ON THE INVESTMENT THEREOF AND ON THE PROCEEDS OF SUCH BONDS (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER-APPROVED REVENUE CHANGE; ALL IN ACCORDANCE WITH THE “INITIATIVE TO CONTINUE THE EXISTING HELP PRESERVE OPEN SPACES SALES AND USE TAX AND TO AUTHORIZE REVENUE BONDS FOR PRESERVATION OF OPEN SPACES” ON FILE AT THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER?

YES
NO

2014 Ballot Language

RESOLUTION NO. 07292014-R002

A RESOLUTION DESCRIBING A PROPOSAL FOR THE EXTENSION OF A 0.25% COUNTYWIDE SALES AND USE TAX FOR OPEN SPACE, NATURAL AREAS, WILDLIFE HABITAT, PARKS AND TRAILS PURPOSES; AMENDING CERTAIN PROVISIONS OF THE HELP PRESERVE OPEN SPACES INITIATIVE; CALLING AN ELECTION ON NOVEMBER 4, 2014 FOR THE CONSIDERATION OF SUCH PROPOSAL; SETTING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION; AND AUTHORITY TO SPEND ALL OF THE PROCEEDS OF THE SALES AND USE TAX.

WHEREAS, on November 7, 1995, a majority of the eligible electors of Larimer County voting at the election held on that day approved an initiated issue authorizing the imposition of a one quarter of one percent (0.25%) sales and use tax for open space, natural areas, wildlife habitat, parks and trails purposes to terminate on December 31, 2003, and as described in further detail in the Help Preserve Open Spaces Initiative; and

WHEREAS, on November 2, 1999, a majority of the eligible electors of Larimer County voting at the election held on that day approved an initiated issue authorizing the extension of the one quarter of one percent (0.25%) sales and use tax for open space, natural areas, wildlife habitat, parks and trails purposes until December 31, 2018, as described in further detail in the Help Preserve Open Spaces Initiative; and

WHEREAS, substantial input has been received from the public, and from various interested parties including municipalities, regarding whether it is in the best interests of the residents of Larimer County to extend the sales and use tax past December 31, 2018, and the input has been overwhelmingly in favor of extending the sales and use tax; and

WHEREAS, the input received supports that it is in the best interests of the residents of the County that the countywide sales and use tax at the rate of one quarter of one percent (0.25%) be extended from its current date of expiration of December 31, 2018, for a period of twenty-five (25) years to December 31, 2043, the receipts from which shall continue to be used for open space, natural areas, wildlife habitat, parks and trails purposes in the manner set forth in the Help Preserve Open Spaces Initiative; and

WHEREAS, input received and the County's experience administering and distributing the sales and use tax supports that it is in the best interest of the County, without increasing the tax, to adopt amendments to the Help Preserve Open Spaces Initiative in order to change the sales and use tax revenue available to the County to 50 percent and 50 percent to municipalities and to modify the County open space program's percentage allocation of funding, such that (i) funding for acquisition will change from 70 percent to 35 percent, (ii) funding for operations, maintenance, improvements and administration will change from 15 percent to 50 percent, and (iii) the remaining 15 percent in funding will be used for either of the aforementioned purposes,

and to make other minor clarifications to the County's open space program, as set forth in further detail herein; and,

WHEREAS, pursuant to Article X, Section 20 of the Colorado Constitution, an extension of an expiring tax requires majority voter approval; and,

WHEREAS, pursuant Article X, Section 20 of the Colorado Constitution, proposed amendments to the Help Preserve Open Spaces Initiative are permitted if approved by majority vote of the registered electors of Larimer County; and,

WHEREAS, the Board of County Commissioners desires to refer to the registered electors of the County a proposal for the extension of the countywide sales and use tax for the purposes enunciated herein at the next general election on November 4, 2014, and such election date is within the next succeeding 120 days after the adoption of this Resolution; and

WHEREAS, pursuant to Section 1-5-203(3), C.R.S., the Board of County Commissioners must certify ballot contents to the Larimer County Clerk and Recorder for said November 4, 2014 election.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Larimer, State of Colorado, that there shall be referred to the registered electors of the County at the general election to be held on November 4, 2014, the following proposal:

I. GENERAL PROVISIONS.

A. Purpose. The purpose of this Resolution is, upon the approval of a majority of registered electors voting on such proposal, to extend the sales and use tax of one quarter of one percent (0.25%) upon the sale at retail of tangible personal property and the furnishing of certain services in the County in accordance with the provisions of Article 2 of Title 29, and Article 26 of Title 39, C.R.S., as currently in effect or hereafter amended, including specifically and not by way of limitation the exemption for sales of food and prescription drugs, and such statutory provisions are incorporated herein by this reference, and such sales and use tax shall be dedicated to open space, natural areas, wildlife habitat, parks and trails purposes. The sales and use tax shall become effective at 12:01 a.m. on January 1, 2019 and cease at 11:59 p.m. on December 31, 2043.

B. Statutory Definitions Incorporated. Unless the context requires otherwise, the terms used in this Resolution shall have the meaning set forth in the Colorado Revised Statutes, which definitions are incorporated herein by this reference. If not defined therein, terms shall have their ordinary and common meaning.

II. BALLOT ISSUE. A Ballot Issue is hereby certified to the Larimer County Clerk and Recorder for inclusion in the November 4, 2014 election, as follows:

A. Ballot Title

CONTINUE PROTECTING OUR NATURAL AREAS, OPEN SPACE, RIVERS AND WILDLIFE HABITAT

Ballot Issue

WITHOUT INCREASING TAXES, SHALL THE EXISTING ONE-QUARTER OF ONE PERCENT LARIMER COUNTY SALES AND USE TAX, OR 25 CENTS FOR EVERY 100 DOLLARS (WHICH WILL NOT BE COLLECTED ON SALES OF FOOD OR PRESCRIPTION DRUGS), BE EXTENDED FOR 25 YEARS FOR THE SAME PURPOSES OF:

- CONSERVING NATURAL AREAS, OPEN SPACES, RIVERS AND WILDLIFE HABITAT,
- PROTECTING LANDS THAT PRESERVE WATER QUALITY AND RIVERS, LAKES AND STREAMS,
- OPERATING, MAINTAINING AND IMPROVING NATURAL AREAS, PARKS AND TRAILS, AND
- PROTECTING WORKING FARMS AND RANCHES

SUBJECT TO RECOMMENDATIONS OF A CITIZENS' ADVISORY COMMITTEE AND INDEPENDENT AUDIT, AND CONTINUING THESE FUNDS INCLUDING EARNINGS THEREFROM AS A VOTER-APPROVED REVENUE CHANGE WITHOUT REGARD TO ANY SPENDING, REVENUE, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW, AND WITH NO CHANGES TO THE "HELP PRESERVE OPEN SPACES" PROGRAM EXCEPT CHANGING THE COUNTY'S PORTION TO 50%, AND ALLOWING AT LEAST 35% OF THE COUNTY FUNDS TO BE USED FOR LAND ACQUISITION AND CONSERVATION; AT LEAST 50% FOR IMPROVEMENT, MANAGEMENT, MAINTENANCE AND ADMINISTRATION OF OPEN SPACE, NATURAL AREAS, WILDLIFE HABITATS, PARKS AND TRAILS; AND AT MOST 15% TO BE USED FOR EITHER OF THESE COUNTY OPEN SPACE PROGRAM PURPOSES?

- B. Election Called. It is hereby determined that an election shall be held on November 4, 2014, as part of the general election, for the purpose of submitting to the registered electors of Larimer County the ballot issue set forth herein.
- C. Cost of Election. The entire cost of the election shall be paid from the general fund of Larimer County.
- D. Notices of Election.
 - a. The Larimer County Clerk and Recorder shall publish the text of this Resolution four separate times, a week apart, in the official newspaper of Larimer County and each incorporated municipality within Larimer County;
 - b. The Larimer County Clerk and Recorder shall cause to be published, at least twenty (20) days before the election, the notice required by Section 1-5-205, C.R.S. Such notice shall be in the form and contain the information required by law. The notice shall also be posted at least ten (10) days before the election as required by Section 1-5-205(1.3), C.R.S.

- E. Election Official. The Larimer County Clerk and Recorder is designated as the County's "Designated Election Official" as defined in Section 1-1-104(8), C.R.S., as the person responsible for running the election and shall undertake all measures necessary to comply with the election provisions set forth in Colorado Constitution, Article X, Section 20(3), and any other law, including, but not limited to, the mailing of required election notices and ballot issue summaries.
- F. Conduct of Election. The conduct of the election shall conform so far as is practicable to the general election laws of the State of Colorado.

III. AMENDMENTS TO HELP PRESERVE OPEN SPACES INITIATIVE. Subject to approval of the above-referenced ballot issue by a majority of the registered Larimer County electors voting at the November 4, 2014 election, the Help Preserve Open Spaces Initiative shall be amended as follows:

- A. Section 1 is amended to include the municipalities of Johnstown and Windsor to reflect the Intergovernmental Agreement Concerning County Open Lands Sales Tax Distribution recorded at 20140040532 and any amendments thereto;
- B. Section 3 and Section 6 are amended to reduce the percentage of the Larimer County Open Space Fund ("Fund") available to the municipalities wholly or partially located in Larimer County from at least 55 percent to 50 percent;
- C. Section 3 is amended to increase the County's portion of the Fund to 50 percent and to remove the 35 percentage minimum allocation;
- D. Section 6 is amended to include in its population and/or sales and use tax collection formulas (whichever generates the most revenue) residents within and/or sales and use tax revenue generated within the Larimer County portion of the municipalities located partially in the County, consistent with the Intergovernmental Agreement Concerning County Open Lands Sales Tax Distribution recorded at 20140040532 and any amendments thereto;
- E. Section 15 is amended as follows:
 - a. Decrease the percentage available and amend the language within Section 15 to state for "paying all or any part of the costs of acquiring interests in, and protecting open space, natural areas, wildlife habitat, parks and trails" from not less than 70 percent to not less than 35 percent and up to 50 percent and to include the costs of restoring and enhancing native plant and animal communities and other habitat related restoration in the aforementioned purposes;
 - b. Increase the percentage available and amend the language within Section 15 to state for "paying all or any part of the long-term costs of operating, maintaining (to include noxious weed management and other maintenance costs), and administering such interests and shall include costs of improvements of lands purchased with monies from the Fund as those lands

generally described in the most current Larimer County Open Lands Master Plan” from not less than 15 percent to not less than 50 percent and from up to 30 percent to up to 65 percent; and

c. Clarify that the remaining 15 percent allocation shall be used for either of the aforementioned purposes and/or improvement of specifically Carter Lake, Horsetooth Reservoir, Flatiron Reservoir and Pinewood Reservoir.

F. Section 16 is amended in part to read as follows: “THAT, specifically for revenues attributable to Larimer County, open space, natural areas, wildlife habitat, parks and trails are defined as those lands generally described in the most current Larimer County Open Lands Master Plan adopted by the Board of County Commissioners....”

G. Section 17 is amended in its entirety to read as follows: “THAT 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 shall consist of at least nine (9) citizens with geographic representation substantially in proportion to population and sales tax generation.”

H. The Initiative is amended throughout to state that the extended sales and use tax to be imposed on all sales of tangible personal property at retail or the furnishing of services in Larimer County, as provided in Section 29-2-105 and Section 29-2-109, C.R.S., effective throughout the incorporated and unincorporated portions of Larimer County, shall become effective at 12:01 a.m. on January 1, 2019, and cease at 11:59 p.m. on December 31, 2043.

IV. ARTICLE X, SECTION 20, COLO. CONST. The full amount of revenues, and any investment earnings thereon, derived from the sales and use tax may be collected, retained and expended by the County as a voter-approved revenue change and an exception to the limits which would otherwise apply under Article X, Section 20 of the Colorado Constitution or any other law.

V. REPEAL AND AMENDMENT. If the sales and use tax is approved by a majority of the registered electors of Larimer County at the election to be held on November 4, 2014, this Resolution’s provisions relating to the amount of tax imposed, specifically the one-quarter of one percent (0.25%) sales and tax, shall not be repealed or amended except by a vote of the registered electors of the County.

VI. SALES AND USE TAX ADMINISTRATION. Larimer County is authorized to adopt such uniform rules and regulations as may be necessary for the administration and enforcement of the sales and use tax; and the Board of County Commissioners or their authorized representatives are hereby empowered to enter into and execute on behalf of the County any agreements necessary for the administration and enforcement of the sales and use tax. The Board of County Commissioners may change the procedures of collection of the sales and use tax, vendor fees, and the administration or enforcement of the sales and use tax, but may not add or eliminate exemptions without further voter approval, except the Board of County Commissioners may add, eliminate or change exemptions without further voter approval to reflect changes in exemptions as set forth in state law.

VII. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution, the Help Preserve Open Spaces Initiative, or the ballot issue certified by this Resolution, shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Resolution, the Help Preserve Open Space Initiative or said ballot issue. It is the intention of the Board that the various parts of this Resolution, the Initiative and said ballot issue are severable.

ADOPTED this 29th day of July, 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
LARIMER COUNTY, STATE OF COLORADO

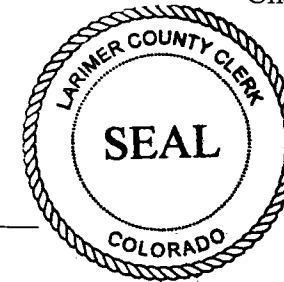
Nelson Cookman
Clerk to the Board

By: [Signature]
Chairperson

APPROVED AS TO FORM:

[Signature]
County Attorney

7-24-14
Date



Appendix D. Regional Trail Comparison

Comparison of 2001 *Open Lands Master Plan*, 2013 *North Front Range Metropolitan Planning Organization (NFRMPO) Regional Bicycle Plan*, and 2014 *Open Lands Master Plan*. The numbers under 2014 *Open Lands Master Plan* correspond to the *Regional Trail Priorities Map* (Figure 4-3).

2001 Open Lands Master Plan	2013 NFRMPO Regional Bike Plan	2014 Open Lands Master Plan
NFRMPO Corridors Carried Forward in 2014 Open Lands Master Plan		
Boxelder Creek Trail (Wellington to Poudre River east)	Front Range Trail (West)	15a. Boxelder Creek Trail (Front Range Trail [North])
Upper Poudre River Trail (Lion's Park – west)	Poudre River Trail	10. Poudre River Trail
Lower Poudre River Trail (Timnath to Weld County)	Poudre River Trail	10. Poudre River Trail
Buckhorn Trail (between Horsetooth Reservoir & Big Thompson River)	Carter Lake / Horsetooth / Foothills Corridor	7. Carter Lake / Horsetooth / Foothills Corridor
Long View Trail (CR 17 connection between Ft. Collins and Loveland)	BNSF Fort Collins – Berthoud Trail	3. BNSF Fort Collins – Berthoud Trail
Upper Big Thompson River Trail	Big Thompson River	8. Big Thompson River
Lower Big Thompson River Trail	Big Thompson River	8. Big Thompson River
Carter Lake Trail (Big Thompson River to Carter Lake)	Carter Lake / Horsetooth / Foothills Corridor	7. Carter Lake / Horsetooth / Foothills Corridor
Red-tail Ridge Trail (Carter Lake to Little Thompson River)	Front Range Trail (West)	15. Front Range Trail
Little Thompson River Trail (Red-tail Ridge downstream to Weld County)	Little Thompson River	9. Little Thompson River (including south to Boulder County)
Lonetree Trail (Big Thompson to Carter Lake via Lonetree Reservoir)	Front Range Trail (West)	15. Front Range Trail

2001 Open Lands Master Plan	2013 NFRMPO Regional Bike Plan	2014 Open Lands Master Plan
Berthoud Trail (Berthoud to Lonetree Reservoir, west to Carter Lake Trail)	Little Thompson River	9. Little Thompson River
NFRMPO Corridors Not Carried Forward in 2014 Open Lands Master Plan		
	Great Western / Johnstown / Loveland	N/A – Alternative transportation emphasis
	Johnstown / Timnath	N/A – Alternative transportation emphasis
	US 34	N/A – Alternative transportation emphasis
2001 Open Lands Master Plan Corridors Carried Forward in 2014 Open Lands Master Plan		
Overland Cherokee Trail (Laramie Foothills)		1&2. Historic Trails: Overland Cherokee Trail
Dry Creek Trail (Wellington to Poudre River – west)		12. Dry Creek Trail (Wellington to Poudre River west)
Hansen Irrigation Canal Trail (between Poudre River & Horsetooth Reservoir)		16. Hansen Irrigation Canal Trail (between Poudre River & Horsetooth Reservoir)
Duck Lake Trail (Fossil Creek Reservoir to Boyd Lake)		13. North Loveland to Windsor
Devil's Backbone to Horsetooth Reservoir Trail		6. Blue Sky Trail
Pinewood Trail (Larimer County Natural Resources Administration Offices to Roosevelt National Forest)		5. Rattlesnake Trail (Larimer County Natural Resources Administration Offices to Estes Park)
2001 Open Lands Master Plan Corridors Not Carried Forward in 2014 Open Lands Master Plan		
Old Trappers Trail (Laramie Foothills)		Historic Trails: Old Trappers Trail

CONTINGENCY PLAN

Updated October 9, 2014

EFFECTIVE PERIOD: Until superseded.

UPDATES: Department staff shall update this policy and procedure on an as-needed basis, or every five years.

SCOPE: This policy applies to any conservation easement held by Larimer County Open Lands.

PURPOSE: To provide a strategy for transferring conservation easements, in the event there is a determination that the Larimer County Open Lands Program will no longer administer and steward conservation easements, if Larimer County obtains fee simple ownership of a property it holds a conservation easement on and must assign the conservation easement interest, or there is another need to assign the conservation easement to another land conservation entity.

IMPLEMENTATION: To ensure that conservation easements held by the County will be transferred or assigned to another entity should the Program no longer administer and steward conservation easements, or a need otherwise arises to assign the easements to another entity.

RESPONSIBILITY: The Open Lands Manager and Senior Land Agent shall be primarily responsible for implementing the assignment of the Program’s conservation easements, with the assistance of the Resource Program, as needed.

POLICY: The following steps will be taken to ensure that conservation easements held by the County will be transferred or assigned to another qualified entity:

1. At the time that the Open Lands Program will cease to administer and steward one or more of County-held conservation easements, information will be gathered by staff regarding all entities within the county that are qualified to hold the particular conservation easements.
 - Qualified entities shall include:
 - those with long-term experience holding conservation easements;
 - experience with conservation easements that have a donative component;
 - adequate staff and experience in monitoring conservation easements;
 - adequate funding basis to provide on-going annual monitoring and enforcement; and
 - interest and experience in conservation of natural resources, open space, and agricultural/ranch lands.
 - Preference will be given to entities that are certified by the Colorado Division of Real Estate to accept donated conservation easements.
 - Entities may include local non-profit land trusts, other local government agencies, State agencies, Federal agencies, and state or national land protection groups (e.g. The Nature Conservancy, Colorado Open Lands, Trust for Public Lands, etc.).
2. Staff will identify which entity or entities appear to be best qualified to hold the easements, and will meet with those entities to determine if they are agreeable to accepting the conservation easements, which will likely include a stewardship fund request.
3. Staff will provide a recommendation to Open Lands Advisory Board at a regular Board meeting. The Board will evaluate the proposal, and make a recommendation which will be considered by the Board of County Commissioners at a public hearing.

4. The Board of County Commissioners will decide which entity or entities shall be assigned the conservation easements held by Larimer County.
5. It will not be necessary for a single entity to be selected as the recipient i.e. some conservation easements may be assigned to one entity, and others to another entity, if that is determined to be the best approach.
6. Within 45 days of decision by the Board of County Commissioners, the County Attorney will provide documents as necessary for transfer or assignment of the conservation easements to the selected entity. The documents will be executed by the Chair of the Board of County Commissioners, and recorded in the records of the County Clerk and Recorder.
7. County staff will provide all documents to the recipient entity pertaining to those conservation easements being transferred.
8. Notice of the action will be given to other entities (e.g. GOCO) which have an interest in specific easements, and to each affected property owner.
9. Staff will document that there is no private inurement or impermissible private benefit in the transaction and the County will retain such records.
10. Endowment requests will be received by the Open Lands Program staff and reviewed through the Open Lands Advisory Board and Board of County Commissioners for approval, as appropriate.

DISTRIBUTION: Department Director, Open Lands Manager, Senior Land Agent, Resource Program Manager, Resource Specialist, other staff as appropriate.

APPROVAL: _____
Gary K. Buffington, Director Date

COMPUTER FILE LOCATION:

RECORDS RETENTION POLICY & PROCEDURE

Updated October 9, 2014

EFFECTIVE PERIOD: Until superseded.

UPDATES: Department staff shall update this policy and procedure on an as-needed basis, or every five years.

SCOPE: This policy applies to all records and documents created in the course of the operation of the Open Lands Program, whether the documents are in paper or electronic form.

PURPOSE: To ensure the preservation and organization of documents and records of importance to the Larimer County Open Lands Program.

IMPLEMENTATION: To ensure that important documents are not lost or destroyed by fire, flood, hard-drive crash, etc., the following policy should be followed to properly archive all pertinent documents relating to the Program:

RESPONSIBILITY: All Department staff shall be responsible for recognizing important documents and archiving them in accordance with this policy. The Open Lands Manager, Senior Land Agent, and Resource Program Manager will be primarily responsible for maintaining files as needed.

POLICY: Staff shall follow the following archival steps to ensure that Larimer County Open Lands' important documents are best protected from loss and destruction:

- **Paper Documents –**

- a) For project acquisition documents (both fee and conservation easement):

- The original of recorded deeds, conservation easements, and amended conservation easements are retained by the Larimer County Treasurer, located at 200 West Oak Street, Ft. Collins, Colorado.
- Copies of deeds, conservation easements, and amendments to conservation easements, AND the original of all other irreplaceable and essential documents¹ shall be retained in the designated metal file cabinets within the office of the County Senior Land Agent at Suite 3000, 200 West Oak, Ft. Collins, Colorado.
- In addition, copies of all irreplaceable and essential documents shall be retained in metal file cabinets at the Natural Resources Department, 1800 South County Road 31, Loveland, Colorado.

¹ To include all other signed agreements, due diligence (title commitments, title exception documents and deeds, title policy, Phase I report, survey, maps, historic site survey, baseline documentation reports, letters of substantial compliance, IRS Forms 8283, and appraisal, if applicable), closing documents, finance documents, documents evidencing the public review process (such as critical correspondence, which may include correspondence with landowners related to project goals, tax, and legal matters, notifications, approvals, enforcement, etc.) and formal County Commissioner approval, correspondence and background information relating to the transaction. It should be noted that all deeds, easements, conservation easements, and amendments to conservation easements are also recorded in the Office of the County Clerk and Recorder for Larimer County.

- Originals and copies shall be stored in such a manner that they are protected from damage from fire, floods, and other potential threats.

b) For Conservation easement stewardship/monitoring documents:

- The original shall be retained in the designated file storage facility within the Natural Resources Department.

- **Electronic Documents –**

Copies of annual monitoring reports shall be archived electronically with redundancy to ensure that a local hard drive or server failure won't eliminate documents. The specified electronic documents shall be saved in the following locations:

- 1) Local hard drive at the office of the Senior Land Agent
- 2) Local hard drive at the office of the Natural Resources Department
- 3) S Drive on Main Server for Larimer County (Currently S:\Open Lands\)

This electronic records retention practice will also minimize the need for staff to access the hard copies, allowing them to be stored more securely.

- **Length of Retention—**

Because of the perpetual nature of the Open Lands Program projects, documents should be kept indefinitely.

- **Electronic Formats—**

Periodic assessments should be completed approximately every 5 years to determine whether the electronic formatting used is still appropriate or if documents need to be reformatted to a new electronic platform as technology evolves.

DISTRIBUTION: Department Director, Open Lands Manager, Senior Land Agent, Resource Program Manager, Resource Specialist, other staff as appropriate.

APPROVAL:

Gary K. Buffington, Director

Date

SUBJECT: **Property Management Plans Updates**

DATE: November 12, 2014

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Every 10 years or as otherwise needed/directed

PURPOSE: To outline the frequency and triggers that necessitate updates to property management plans

SCOPE: All Larimer County Park and Open Space Properties

RESPONSIBILITY: Director, Resource Program Manager

POLICY:

We have generally noted that we will update our property management plans on a 5-10 year basis. However, it may be determined that for some properties there is not a need to update the plan until a later time period when some “trigger” necessitates the update. Alternatively, there may be properties that on a 10-year basis require a “check in” on our management efforts with the public.

Minor changes to management activities are allowed within management plans as part of the adaptive management process. The process of adaptive management includes setting goals and objectives, implementing management actions to achieve those goals and objectives, monitoring and tracking management actions and visitor and resource responses to these actions, and finally, reassessing and refining the strategies used to more effectively and efficiently manage the site. This process is reiterative and can be conducted internally amongst staff as long as the vision for the property is upheld through the process.

The following triggers may necessitate a public-process-involved update to a management plan (on no more frequent than a 5-year interval).

- a. Proposed major change in the vision for the property or the Department
- b. Proposal for considerable changes in management goals and objectives if the changes significantly affect visitor use or resources
- c. Significant change in visitor use (e.g. increase recreational uses) or resources (e.g. T&E species) that would cause a change in management
- d. Sizeable new land added to the property
- e. Proposal to add significant new trails, trailheads, recreation opportunities, or other infrastructure
- f. Staff needs more direction on management issues than current plan provides
- g. Significant change to neighboring or adjacent lands that affect the property
- h. Significant budgetary changes that affect management direction.

On a 10-year basis, staff will internally review all management plans, even if there is not a trigger to conduct a public process update.

APPROVAL: _____
Gary K. Buffington, Director Date

SUBJECT: **Good Neighbor Practices**

DATE: February 13, 2013

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually in December (Open Lands Program Staff)

PURPOSE: To establish policy for potential parks/open space-neighbor conflicts

SCOPE: All staff who work with neighbors adjacent to parks/open spaces

RESPONSIBILITY: Resource Stewardship Team

The Larimer County Natural Resources Department manages park and open space properties to protect native plant and animal species, wetlands, viewsheds, and agricultural values and to provide recreational opportunities in a natural setting, when appropriate. The following outlines the department’s policy for park/open space properties adjacent to private lands.

POLICY:

1. Wildlife are "owned" by the citizens of the State of Colorado, they don’t belong to the owner upon whose land they live, feed, raise young, migrate through, etc. Deer, elk, hawks, prairie dogs, rattlesnakes, rabbits, insects, and other wildlife common to this area naturally move around and outside of ownership boundaries. Larimer County does not fence park/open space boundaries to keep wildlife in or out. In the instance of prairie dogs, as a good neighbor, Larimer County will not allow relocation of prairie dogs to park/open space properties and likewise doesn’t control/limit animal movements from existing colonies off of parks/open spaces. Wildlife may be managed within an open space for specific ecological reasons such as installing raptor perches to attract hunting raptors, protections for ESA species or other federally protected species, installation of prairie dog barriers between park uses, etc.
2. Larimer County employs agricultural best management practices (BMPs) on park and open space properties that may result in noise, odors, dust and other typical byproducts from farming or ranching activities. Practices that could have public health impacts, such as prescribed fires or aerially spraying herbicides, will be coordinated with neighbors.

3. Trails from neighboring properties into park and open space properties are prohibited, unless a neighborhood access agreement is in place between the landowners/HOA and Larimer County. Bordering neighborhoods can review the Larimer County Neighborhood Access Policy and apply for a permit.
4. Larimer County follows the Colorado Noxious Weed Act and utilizes an integrated weed management plan for each park and open space property, which may include the use of chemical herbicides, grazing, hand pulling, insect release, prescribed fire and/or mowing.
5. Larimer County park and open space properties will not be mowed for wildfire management purposes. Various best vegetation management practices such as grazing, prescribed fire and herbicide application are coordinated to manage plant communities and wildlife habitat.
6. Larimer County park and open space properties are managed primarily as natural landscapes. Minimal landscaping, such as native tree planting, mowing and weed control may occur in the developed areas (trailhead and campgrounds) of parks and open space properties.

APPROVAL:

Gary K. Buffington, Director

Date

- SUBJECT:** Geocaching
- EFFECTIVE DATE:** October 15, 2014
- EFFECTIVE PERIOD:** Until superseded
- REVIEW SCHEDULE:** Annually (Director, Managers, Open Lands Advisory Board, Resource Stewardship Team)
- PURPOSE:** To identify guidelines for geocaching on lands owned and/or managed by the Larimer County Department of Natural Resources Department
- SCOPE:** All land owned and/or managed by the Larimer County Department of Natural Resources
- RESPONSIBILITY:** Director and Department Program Managers

BACKGROUND:

In response to the growing sport of geocaching, the Larimer County Department of Natural Resources and Larimer County Open Lands Advisory Board have adopted a policy and guidelines that allow geocaching while at the same time protect important natural resources and limit the County’s liability in regards to unattended, closed containers being left on Department of Natural Resources properties. The main concerns related to geocaching are natural resource impacts resulting from geocaches placed off designated trails and subsequent social trail development, vegetation damage and safety/aesthetic concerns related to abandoned property. Larimer County would like to work cooperatively with the geocaching community to protect natural resources by keeping virtual caches along designated trails.

POLICY:

Geocaching is allowed in compliance with all Larimer County Department of Natural Resources regulations. Caches are allowed on any Larimer County Department of Natural Resources property under these restrictions.

1. All caches must be approved by appropriate district manager or appointed employee.
2. Types of Caches Allowed with Permission:
 - a. Virtual Caches
 - b. Earth Caches
 - c. Physical caches - Micro/Large/Multi-caches
 - a. Parameters of Caches - Restriction on size of cache so as not to affect LCDNR visitors or negatively impact cultural and natural resources.
 - b. Location of caches will be limited by proximity to trails (no off trail usage), sensitive and wildlife areas, and safety of participants. The caches will also be limited in proximity to other approved caches.
 - c. Caches will not be allowed to interfere with any other approved activity on LCDNR properties.

3. Geocaching Events

If a team wishes to host a geocaching event, a Special Events Permit Application would need to be filled out and approval of the event would be on a case-by-case basis. Some factors that will be taken into account for allowing one-day events include resource impacts, impacts to other visitors, number of participants, removal of all caches at the end of the event, etc.

4. New Geocaches

Geocache websites will be regularly monitored by an appointed staff member who will notify unauthorized geocachers of Department of Natural Resources policies. If the cache is not removed within an appropriate time, staff will dispose of the cache.

APPROVAL:

Gary K. Buffington, Director

Date

SUBJECT: Memorials, Plaques & Burials on DNR properties

EFFECTIVE DATE: October 2014

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually

ENCLOSURES: Lcpa-21 Memorial Application

PURPOSE: To establish policy for the placement of memorials and plaques on Park District properties (excluding Open Lands properties)

SCOPE: All requests for memorials on open spaces

RESPONSIBILITY: Director and Department Program Managers

BACKGROUND:

Upon occasion the Larimer County Department of Natural Resources has been asked to consider placing memorials and/or plaques on park or open space property, as well as on facilities such as benches or trees within those properties. After careful consideration, the Leadership and Resource Stewardship Team had developed a policy to address such requests on Park District lands only. The Open Lands Program, using the recommendation of the Open Lands Advisory Board, developed a separate policy. In September, 2010, it was brought to the attention of the Department that the adopted policy for Park District lands was in direct conflict with a pre-existing Bureau of Reclamation regulation. This policy was modified to be parallel to the Reclamation regulation. In October of 2014 the policy was further edited to create one policy to cover the Parks and Open Space Districts.

POLICY:Plaques as a Memorial

1. Plaques, markers, gravesites or other visible memorial markers will not be considered for placement on Larimer County Open Space properties or on Bureau of Reclamation lands. Plaques or other visible markers cannot be placed on trees or other items located on Larimer County Open Space properties or on Bureau of Reclamation lands.
2. Plaques or other identifiers placed on these lands under previous policy or prior to acquisition of the property by the Department may remain unless their specific removal is requested by a family member or managing agency partner.

Memorials

3. The Department is open to a request from the public for a memorial *furnishing* to be placed on a Larimer County park or open space.
4. Typical memorials (such as benches or picnic tables made from recycled plastic) may cost up to \$700 - \$1,500. Fifty percent of the cost of a memorial item must be collected in advance of the

department ordering the memorial item.

5. The request must be approved in advance by the appropriate program manager and/or staff member, and must fit within the guidelines of area resource management plans and current projects.
6. The department cannot guarantee a memorial can be placed on a specific property or at a specific location. Staff will advise which locations and furnishings are available at the time of the request. Items will not be placed in memoriam unless they also meet a legitimate business need of the department.
7. Memorials will remain in place for the life span of the memorial item selected. The individual item placed in memoriam should be considered the memorial without further external recognition.
8. To obtain a list of possible memorial furnishings or items, the public may call (970) 679-4570.

Plaques for installation on Memorial Furnishings

1. The Department must approve plaque material and wording before the donor orders the plaque..
2. Plaques must be made of a corrosive resistant metal, polycarbonate or similar durable material and of a color that will harmonize with the site furnishing.
3. The exposed surface of the plaque must not exceed a 4" x 6" dimension. Plaques exceeding the size limit will not be installed on site.
4. The Department will install plaques once they are received from the donor, and the donor will be notified upon installation.
5. The Department will not be responsible for vandalism and/or repair and replacement of memorial plaques. If a plaque is vandalized or damaged to the extent that it is a maintenance concern or possesses a liability to the public, the department will, at its discretion, remove it and notify the donor of the action.

Donation Memorials

1. If the situation arises where someone would like to donate either money or land to the Natural Resource Department Open Lands Program (as a memorial or otherwise) and requests special naming or recognition for that donation, then the "DNR-13 Open Lands Program Policy for Recognition of Foundation, Trust, Corporate, Business, Individual, State or Federal Financial Contributions", would apply. That policy outlines ways in which contributors are recognized for donations. If requests are made for recognition outside of those guidelines then the request must be presented to the Open Lands Advisory Board at a public meeting for discussion and decision.
2. If memorial requests are made while working with a landowner during the land acquisition negotiation process then staff will make the Board aware of these requests during the initial and/or final review phases of that potential open space and these requests will also be discussed and decided at a public Open Lands Advisory Board meeting.

Burial/Scattering of Remains

1. The burial, depositing, or scattering of human or animal remains *is not allowed* on Bureau of Reclamation lands, per Bureau of Reclamation policy.
2. The spreading of cremated human or animal remains is allowed on Larimer County Open Space properties within the following parameters:
 - a. The chosen area must be at least 100 feet from any water source, such as a lake or stream.
 - b. Discretion in spreading the ashes is very important and care must be given not to disturb other visitors. Early mornings are suggested.
 - c. Ashes must be spread about, rather than buried or placed in a pile.
 - d. No markers, displays or plaques may be placed anywhere in the open space.

APPROVAL:

Gary K. Buffington, Director

Date



DEPARTMENT OF NATURAL RESOURCES

• Visitor Services • Open Lands • Weed Management & Forestry
 1800 South County Road 31
 Loveland, CO 80537
 (970) 679-4570/ (970) 679-4574 FAX
 www.larimer.org/naturalresources

Memorial Application

Name of person or group applying for memorial		
Address		Email address
City	State	Zip code
		phone number
Person's Name being memorialized		
Narrative on details of request; why would department lands be a relevant location for this memorial? Attach pages as necessary.		
Type of memorial (including materials and design) – attach drawing or picture if available (must be constructed of a durable material and shall not contain any moving or electronic parts)	Dimensions of memorial (may not exceed 3 feet height, 2 feet wide, 6 inches thick)	Proposed location of memorial
For office use only below this line		
SEE DEPARTMENTAL POLICY: DNR-14 MEMORIALS AND PLAQUES IN PARK DISTRICTS		
Is location within Larimer County parks and open spaces? <input type="checkbox"/> yes <input type="checkbox"/> no		
Is the location on an Open Space? <input type="checkbox"/> yes <input type="checkbox"/> no		
Is the location on BOR property? <input type="checkbox"/> yes <input type="checkbox"/> no		
Has maintenance agreement been signed? <input type="checkbox"/> yes <input type="checkbox"/> no		
Is the request within the scope of the policy? <input type="checkbox"/> yes <input type="checkbox"/> no		
Title	Name of County official	Date

Lcpa-21 (1.2011)

SUBJECT: Neighborhood Requested Access

EFFECTIVE DATE: November 12, 2014

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually (Open Lands Program Staff)

PURPOSE: To establish policy for parks/open space neighbors to access parks/open spaces.

SCOPE: All staff who work with neighborhoods adjacent to parks/open spaces

RESPONSIBILITY: Resource Stewardship Team

BACKGROUND:

The Larimer County Natural Resources Department manages Parks and Open Spaces open to the public. It is the preference of the Natural Resources Department that all users enter such Parks/Open Spaces via a designated trailhead(s). The following outlines the department's policy for public Park/Open Space access with flexibility for considering neighborhood access points if requested.

POLICY:

1. The purpose of directing user access (pedestrian, equestrian and bicycle) to designated, public trailheads is to:
 - a. Reduce multiple trails across Park and Open Space areas.
 - b. Decrease erosion and "spider web" trails.
 - c. Delineate and minimize access points to Parks and Open Spaces.
 - d. Focus ranger patrol time to specific locations
 - e. Reduce trespassing from public areas onto private property.
 - f. Potentially reduce the number of casual refuse disposal areas on public property.

2. Unapproved access to Parks or Open Spaces from private land is not allowed. The following factors will be considered with respect to requests for neighborhood access:
 - a. Any new access point must be approved by Larimer County Natural Resources Department.
 - b. Any access should benefit as large a number of individuals as possible and not only a few or a single private citizen.
 - c. Access points that provide general public access will receive greater consideration.
 - d. Accesses requested as part of a land negotiation for the larger benefit of protecting open space will receive greater consideration.
 - e. There must be majority agreement from an HOA or neighborhood in favor of having a designated neighborhood access.
 - f. The access point must be located with attention to natural and cultural resource impacts, distance to the existing trail system, and sustainability as a connecting trail. Rangers must be allowed access through the subdivision or on private roads to check for violations

related to the private accesses.

- g. Access points within ½ mile of an existing approved access or trailhead will generally not be approved unless special circumstances are operant.
- 3. If an access is approved between Park and Open Space lands and private lands and does not include general public (i.e., non-neighborhood resident) access (i.e., due to private subdivision roads, gated communities, etc.), rangers will not patrol for “trespassers” leaving open space and going into the private community. Rangers or other staff will also not be responsible for trash, graffiti, etc., that may occur on private land; nor will rangers patrol or respond to calls of trespass if the public uses and parks on private subdivided roads to use the access point.
- 4. Any user entering a Larimer County Park or Open Space by bicycle, foot or horseback, that requires a fee, must carry a walk-in/bike-in permit at all times when on the Park/Open Space.
- 5. If neighborhood access is permitted, a Neighborhood Access Agreement will be prepared by Natural Resources Department staff in conjunction with the applicant. The Neighborhood Access Agreement will specify the terms of the neighborhood access. This Agreement must be signed by both parties and all billing must be finalized before trail construction begins.
- 6. While Rangers will not patrol for trespassing, trash, graffiti, etc., on private lands, they will intermittently patrol the access point to ensure compliance with the conditions of the Neighborhood Access Agreement and use the site for access to the Natural Resources trail system for emergencies and regular patrol.
- 7. Existing accesses misused for such purposes as trash disposal, encroachments, vehicular access, or unauthorized grazing will be removed. Accesses where use has resulted in erosion, non-designated trails or other damage to the resource will be considered for removal.
- 8. Larimer County will build, maintain and patrol only those portions of a trail connection to an approved access point that are on County property. The entity requesting access will pay in full the cost of any gate, any fencing, a standard Larimer County approved sign, reimbursement to Larimer County for the cost of trail construction connecting the access to the existing park or open space trail system, all improvements up to the boundary of the private lands before entering the open space, and all long-term costs of maintaining the trail and fence associated with the neighborhood access both on private and Larimer County lands. All neighborhood access trails on County property generally will be 3-foot wide, natural surface trails. All fences generally will be 4-strand, smooth-wired fence.
- 9. All authorized accesses will be granted on a revocable permit basis with an annual review period. Permits can be revoked for misuse as described in Sections 5 through 7 above or violation of rules (i.e., hours of use, vehicle use, etc.). Permits will be administered by the Natural Resources Department.
- 10. Requests will be reviewed by the Larimer County Natural Resources Department Resource Stewardship Team and if necessary due to complex situations, by the Management Team and/or Open Lands Advisory Board.

APPROVAL: _____
 Gary K. Buffington, Director _____
 Date

SUBJECT: Recognition on Open Lands Property for Foundation, Trust, Corporate, Business, Individual, State and Federal Financial Donations

EFFECTIVE DATE: November 12, 2014
 EFFECTIVE PERIOD: Until superseded
 REVIEW SCHEDULE: Every 5 years or as needed
 PURPOSE: To establish policy for recognition of contributions to the Open Lands Program
 SCOPE: Recognition of all contributions to the Open Lands Program
 RESPONSIBILITY: Director and Open Lands Program Manager

BACKGROUND:
 The Larimer County Open Lands Program actively solicits and welcomes grants, donations and sponsorships from foundations, trusts, local businesses, corporations, individuals and state and federal agencies to further the goals of the Program. Donations from these entities help to fund acquisition of and/or facility development at our open spaces. These donations and sponsorships also demonstrate community and business support; provide matching dollars for grant proposals; and leverage our open space tax dollars.

The Open Lands Program, with recommendation from the Open Lands Advisory Board developed policy to appropriately recognize contributions from these types of entities that fits within the mission and spirit of the Larimer County Open Lands Program.

POLICY:
 For Contribution of \$5000 and over:
 1. Recognition in the Open Lands Program Annual Report,
 2. An invitation to the Grand Opening of the open space and, along with the taxpayers of Larimer County and recognition in the press release for that event.
 For contributions of \$10,000 and over:
 1. Numbers 1 and 2 above, plus
 2. Name recognition (no logos) in an appropriate section of the main kiosk for that open space. In that same section of the kiosk, the taxpayers of Larimer County and landowners who donated their land fee simple or through a bargain sale will also be listed.
 3. In the case of a very large cash or land donation in which the entity requests additional recognition, that request will be reviewed and decided by the Open Lands Advisory Board. Public comment will also be solicited in that situation.

- o Originals and copies shall be stored in such a manner that they are protected from damage from fire, floods, and other potential threats.

b) For Conservation easement stewardship/monitoring documents:

- o The original shall be retained in the designated file storage facility within the Natural Resources Department.

▪ **Electronic Documents** –

Copies of annual monitoring reports shall be archived electronically with redundancy to ensure that a local hard drive or server failure won't eliminate documents. The specified electronic documents shall be saved in the following locations:

- 1) Local hard drive at the office of the Senior Land Agent
- 2) Local hard drive at the office of the Natural Resources Department
- 3) S Drive on Main Server for Larimer County (Currently S:\Open Lands\

This electronic records retention practice will also minimize the need for staff to access the hard copies, allowing them to be stored more securely.

▪ **Length of Retention**—

Because of the perpetual nature of the Open Lands Program projects, documents should be kept indefinitely.

▪ **Electronic Formats**—

Periodic assessments should be completed approximately every 5 years to determine whether the electronic formatting used is still appropriate or if documents need to be reformatted to a new electronic platform as technology evolves.

DISTRIBUTION: Department Director, Open Lands Manager, Senior Land Agent, Resource Program Manager, Resource Specialist, other staff as appropriate.

APPROVAL:

Gary K. Buffington, Director

Date

SUBJECT: Use of Power-Driven Mobility Devices on Trails by Individuals with Mobility Disabilities

EFFECTIVE DATE: November 12, 2014

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually

PURPOSE: For compliance with ADA Part 35 (Title II) regulations concerning use of power-drive mobility devices by individuals with mobility disabilities, to provide consistency in response to inquiries and enforcement of policy about the use of power driven mobility devices on trails managed by the Larimer County Natural Resources Department.

SCOPE: All Natural Resource Department Employees

RESPONSIBILITY: Director and Department Program Managers

BACKGROUND: Effective March 15, 2011, the Department of Justice (DOJ) revised its rules effectuating Subtitle A of Title II of the Americans With Disabilities Act of 1990 with respect to the use of power-driven mobility devices by individuals with mobility disabilities on lands owned by public entities.

Larimer County Natural Resources Department completed an assessment of all trails it manages to determine reasonable modifications to its policies and practices to allow the use of power-driven mobility devices by persons with mobility disabilities and to define the types and classes of devices that are appropriate for each trail. Information about the devices that may and may not be used on each trail will be posted on the Departmental website. Larimer County desires to accommodate individuals with mobility disabilities while ensuring that power-driven mobility devices do not have a significant negative impact on the immediate environment, natural or cultural resources, or visitor safety. A number of assessment factors were used to evaluate the types of power-driven mobility devices acceptable on County-managed trails including type, size and speed of device, environmental, natural and cultural resource impacts, visitor safety, and trail use volumes.

DEFINITIONS: For purposes of this policy:

Mobility Device means Other Power-Driven Mobility Device and Wheelchair collectively.

Wheelchair means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

Other Power-Driven Mobility Device means any mobility device powered by batteries, fuel, or other engines—whether or not designed primarily for use by individuals with mobility disabilities—that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, or any mobility

device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

POLICY:

1. Except as provided in Sections 2 and 3 below, individuals with mobility disabilities shall be allowed to use the following on County trails:
 - a. Wheelchairs;
 - b. Manually-powered mobility aids (e.g. walkers, crutches, canes, braces or similar devices designed for use by individuals with mobility disabilities); and
 - c. Other Power-Driven Mobility Devices
2. The following may not be used on County trails:
 - a. Gas-powered Mobility Devices;
 - b. Devices heavier than 500 pounds;
 - c. Mobility Devices and golf carts that have an outside wheel width between left and right side wheels that exceeds the width of the natural or paved trail (or any trail providing access to another trail of wider width) thereby causing the wheel(s) to roll over vegetation and resulting in potential environmental and cultural resource damage.
3. Mobility Devices may not be used on County trails if such use causes damage to the trail or facilities.
4. Other Power-Driven Mobility Devices must travel on low-pressure tires, remain on designated trails, and be capable of turning around within the trail tread in a safe manner.
5. Wheelchairs and Other Power-Driven Mobility Devices may not be operated at speeds greater than 5 (five) miles per hour (mph) and must be designed to have a maximum speed of 20 mph or less.
6. Other Power-Driven Mobility Devices may be used on County trails only on weekdays to coincide with lower visitation/use volumes with the exception of those trails at Eagle's Nest Open Space, Ramsay-Shockey Open Space, River Bluffs Open Space, and County-managed sections of the Pleasant Valley Trail – all of which have lower use volumes.
7. Only the person with the mobility disability is allowed on the Mobility Device.
8. Mobility Devices may not exceed a 55 decibel (dB) maximum sound level as heard 25 feet from the device.
9. A person using a Mobility Device may be asked to provide a “credible assurance” that the Mobility Device is required because of the person’s disability. Credible assurance may include: showing a valid State-issued disability parking placard or card or other State-issued proof of disability. In lieu of a valid State-issued disability parking placard or card or other State-issued proof of disability, a verbal representation, not contradicted by observable fact, that the Mobility Device is being used for a mobility disability shall constitute credible assurance.
10. A person using a Mobility Device may not be asked about the nature and extent of the person’s disability.

11. The Mobility Device user, or a competent assistant to the user, should be advised that even though sections of trail may appear to be passable with a Mobility Device, there is no assurance that it can be done safely. Trails are subject to the weather and other environmental conditions and change over time.
12. Safe use of any approved Mobility Device is the user’s responsibility. The Mobility Device must not be operated in a dangerous or reckless manner that jeopardizes the safety of others.
13. The Natural Resources Department accepts no responsibility for storage of the Mobility Device.
14. The Natural Resources Department accepts no liability for damage to the Mobility Device or injury to the user under any circumstance.
15. The Natural Resources Department accepts no liability for damage or injury to others caused by the use of a Mobility Device.
16. The Natural Resources Department reserves the right to suspend the use of a Mobility Device on County trails or facilities if such suspension is necessary to meet a management objective of the Department.
17. Users of Mobility Devices are subject to all other park/open space policies and regulations to the extent such policies and regulations are not inconsistent with this Policy.
18. This Policy may be amended at its annual review date or any other time the Natural Resources Department in its discretion determines such amendment to be necessary or appropriate.
19. Larimer County will post on the Natural Resources Department website the Other Power- Driven Mobility Devices allowed at specific parks/open space and on specific trails.
20. Special needs not addressed in this Policy or requests for exceptions will be addressed through the Natural Resources Department Special Event Application Process.
21. Grievance and Considerations

Grievance: Any mobility disabled person who believes he/she has been aggrieved by the application of this Policy may file a grievance using the following procedure:

STEP 1. File the Grievance

Within ten days following the incident giving rise to the grievance, the grievant shall submit a written grievance to the Director of the Department of Natural Resources. The grievance shall include at least the following information:

 - i. Name, address, and phone number of the person filing the grievance.
 - ii. Name, address, and phone number of the person alleging a violation of this Policy, if other than the person filing the grievance.
 - iii. Description of the alleged violation, including date of the incident, names of persons involved, and details of the incident.
 - iv. Description of the remedy sought.
 - v. Whether a complaint has been filed with the Department of Justice or other federal or state civil rights agency or court and if so, provide the name of the court or agency, name and

address of a contact person, the date the charge or case was filed, and the charge or case number.

STEP 2. Acknowledgement

Within 5 working days of receipt of the grievance, the Department of Natural Resources will send a written acknowledgement to the grievant that the grievance has been received.

STEP 3. Informal Resolution

Within 30 calendar days of receipt of the grievance, the Department of Natural Resources will conduct and complete such investigation as it deems necessary to determine the validity of the alleged violation. If appropriate, the Director of Natural Resources will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in writing and the case will be closed.

STEP 4. Written Determination

If an informal resolution of the grievance is not reached in Step 3, within 45 calendar days of receipt of the grievance, the Director of Natural Resources will issue a written determination as to the validity of the grievance, and a description of the resolution. The Director shall mail a copy of the determination to the grievant by both first class mail, postage prepaid and by certified mail, return receipt requested.

STEP 5. Review of Determination

If the grievant is not satisfied with the Director of Natural Resources' written determination, the grievant may, within fifteen calendar days of the date of the grievance, file an appeal with the Public Works Director. The appeal shall describe all facts, circumstances and law which grievant asserts support grievant's contention that the Director of Natural Resource's decision is in error.

Within fifteen calendar days of receipt of the appeal, the County Manager shall issue a written determination. The Public Works Director's written determination shall be final.

Considerations: Resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to the service or facility at issue, the health and safety of the grievant and others, the degree to which an accommodation would constitute a fundamental alteration in the service or facility or cause an undue hardship to the County. Accordingly, the resolution by the County of any one grievance does not constitute a precedent upon which the County is bound or upon which other complaining parties may rely.

For questions or more information regarding Larimer County Natural Resources Trail & Facility Assessment for Other Power-Driven Mobility Device use, please contact Gary Buffington, Director at (970) 619-4560.

APPROVAL:

Gary K. Buffington, Director

Date

SUBJECT:	Special Events and Activities on Larimer County Natural Resources Properties
DATE:	April 2005, revised March 2006, revised April 2009, revised February 2010, revised September 2010, revised April 2011, October 2012, February 2013
EFFECTIVE PERIOD:	Until superseded
REVIEW SCHEDULE:	Annually (Natural Resources Director, Management Staff, Leadership Team, Administrative Team)
PURPOSE:	To establish policy and procedure for special activities/events in the parks and open spaces.
SCOPE:	Administration Program, Park Program and Open Lands Program
RESPONSIBILITY:	Administration staff shall coordinate. Management Staff and Resource
DEFINITION:	Special Events/Activities: Any event/activity that may require special planning or scheduling, or may significantly impact departmental values, norms, liabilities and/or visitor expectations. See Exceptions C, below.
CRITERIA:	(used by staff for evaluating special event/activity permit applications) <ul style="list-style-type: none"> Consistency of activity with missions of Larimer County Natural Resources Department Impact from activity on natural environment (cultural resources and natural resources including riparian areas, wetlands, rare plants and plant communities and sensitive wildlife species) -- season, timing, intensity, duration and nature of activity Impacts on adjacent public and private lands (noise, trash, traffic, parking) Impacts on other users/uses of Larimer County parks and open spaces (safety, potential conflicts, trailheads, overuse, carrying capacity) Compliance with appropriate regulations and ordinances Staff and equipment requirements (enforcement, monitoring, education, restoration and follow up maintenance costs) Alternatives available; appropriate uses/events sited in designated areas or at more appropriate locations or properties Availability of toilet/parking facilities to accommodate proposed special use Reclamation of disturbed areas Benefit and relationship of proposed research projects to the Department or adopted missions within the Department

POLICY:

The following are the policies for the special events through the county system.

- A. Prime Time - Activities during peak use times may require additional Prime Time premium pricing.
- B. Approval Authority - All Special Events/Activities at any park or open land area must have prior approval by appropriate Management Staff or designee and/or Resource Stewardship Team.
- C. Exceptions to Policy - School groups K-12 (refer to Education Specialist), pavilion use only events; Group and Scout Service for Camping (refer to Volunteer Specialist).
- D. Notice - Minimum of 45 days' advance notice required for all Special Events/Activities; late fee may be assessed for less than 45 days' advance notice.
- E. Application - Use County Special Event Application (www.larimer.org/specialevent).
- F. Insurance - Risk management reviews all applications through the county special event system. All applications must be accompanied by an insurance certificate specifically naming Larimer County as additional insured on the Applicant's insurance policy. This certificate is to be specific to the event, in the minimum amounts specified by the County Risk Manager. Failure to submit this certificate within a minimum of twenty-one (21) days prior to the date of the event will prohibit final approval of the permit by the Board of County Commissioners or their designee. The permittee shall comply with the current Larimer County requirement for general liability insurance.

General Requirement: Except as indicated below, the permittee must submit a Certificate of Insurance with Larimer County specifically named as an additional insured for the minimum amount of \$150,000 per person and \$600,000 per occurrence or \$1,000,000 combined single limit. The Risk Management Department may impose additional coverage depending on the type of event.

Research or education events: Per Risk Management Department, all participants in research/education events (for example: UNC geology field trips, water sampling research, etc.- over 18 years of age) must complete individual liability waivers (Hold Harmless & Indemnification Agreement).

Governmental or educational entities: For events sponsored by governmental or educational entities (for example: PEER I), the agency may provide a Certificate of Liability for the specific event, **or** may have participants complete Waivers of Liability.

School groups (minors - under 18 years of age): Refer to Education Specialist.

Group or Scout Camping for Service groups: Refer to Volunteer Coordinator.

- G. Fees - The appropriate District Manager must negotiate the fees and terms, determine the charges which at a minimum cover staff time and benefits for implementation of event and follow up maintenance/restoration/etc., impacts to the resource, loss of revenue from displaced park & open lands users, etc. If appropriate, fees will generate revenue. Fees will be

- determined on a case-by-case basis. Fees must be based on all expenses incurred as well as amenities offered, and will include a 'non-refundable' application fee of \$25. Fees (including application fee) may be waived depending on type of event (for example: volunteer events, education events, etc.).
- H. Payment Schedule - Payment in full is due before the event may be approved, unless alternate arrangements have been made with the District Manager.
- I. Medical Coverage and Sanitation Plan – This is handled through the County Special Events process. Applicant must provide emergency medical and sanitary plans subject to review and approval by the Larimer County Health Department.

Depending on the size and nature of the event, (i.e.: endurance events or those with a substantial risk) a minimum of one certified EMT with appropriate medical equipment must be in attendance on the day(s) of the event.
- J. Inclement Weather - No refunds for inclement weather.
- K. Rescheduling - Special event/activity dates may be rescheduled prior to the original event date. Rescheduling will be based on availability and at the discretion of Larimer County Natural Resources staff based on the special event criteria above.
- L. Refunds:
 1. Application fee is non-refundable (but may be waived at manager's discretion.)
 2. For events canceled by business day before event, applicants are responsible for all costs incurred by department through date of cancellation or reschedule date, and/or for the balance of other non-refundable fees.
 3. There are NO refunds for cancellation or reschedules on the date of the event.
 4. If the event is canceled by the Larimer County Department of Natural Resources, any refund will be negotiated by the District Manager.
- M. Equipment and amenities: Must be approved, in advance, by the District Manager or designee.
- N. Web links: If event organizers have a website for the event, or a website which advertises the event, a link to the Larimer County Natural Resources website (www.larimer.org/naturalresources) is encouraged to be placed on the website if the event is approved.
- O. At least fourteen (14) days prior to the event, via certified mail, the Applicant must notify the appropriate fire protection districts, volunteer fire departments, and any other emergency response agencies that may be affected by the event.
- P. Event contact person: The Applicant will designate a contact person, associated with the event, who has decision-making authority. This person is to be continuously available to appropriate law enforcement personnel present at the event. The name and contact information for the

contact person must be supplied to all appropriate emergency response agencies affected by the event (i.e.: Law enforcement, EMS, Fire departments, hospitals.)

- Q. **Communication plan:** The Applicant will provide a communications plan that includes any emergency communications with emergency medical or law enforcement agencies needed during the event. This plan will be subject to review and approval by the Larimer County Sheriff's Department.
- R. Any or all of the above requirements may apply to a given event. The Applicant will be notified in writing or via e-mail, within fourteen (14) days of submittal of the Special Event Application, of those requirements to be complied with. The County may require a meeting between all affected and interested departments and agencies within three (3) weeks after initial submittal of the application. Any supplemental requirements shall be considered a part of these requirements. When all the specified requirements have been met and approved by the proper authority or agency, the Special Event Permit will be submitted to the Larimer County Board of Commissioners for final action.

PROCEDURE:

DNR-ONLY SPECIAL EVENTS (includes events which are: internal, higher ed, research-related, trainings, volunteer activities, and scouting events)

- A. All Special Event inquiries are referred to www.larimer.org/specialevent. EXCEPTIONS: School Groups K-12 (refer to Education Specialist), group and Scout service for camping (refer to Volunteer Coordinator.)
- B. **The Applicant** completes online application at the above website address. Applicant may be required to submit additional information or documentation if requested by the Department of Natural Resources, other departments, or other agencies.
- C. Upon receiving an email notification from an online Special Event application,

Administrative staff will:

1. Open the notification and link using the provided password (example 1), reviews the application, and then forwards the notification to the appropriate manager or designee (example 2).

NOTE: Events or activities which involve more than one park or open space area are forwarded to the Visitor Services Program Manager, who is responsible for assigning to the appropriate staff.

2. Print out a hard copy for the "Special Events" binder
3. Write email contact information on hard copy for future use (Click email contact on the online Special Event application to find email for applicant).
4. Update online application in the comments field with: "xx/xx/xx (date): Application has been forwarded to area manager for review." Click **Update Application** (example 3).

5. Process application fee if applicant has provided payment information and gives copies of payment to Accounting Technician. If applicant has not provided application fee at this time, fee must be collected before event is approved.
 6. Place event on departmental calendar as "PENDING." Access internal calendar by going to <http://bboard/parks/calendar.cfm> password: 9horses. Include time of event, event#, name, where, participate# and contact name and number.
 7. Place event on Special Events tracking Excel spreadsheet found at R:\1 - Natural Resources Central\Special Event Fee Worksheets-status, templates. Be sure to include payments made or due date on the Excel spreadsheet.
 8. Save all email organized by event number and year. All other paper correspondence is organized and filed in the current year Special Event binder.
- D. Upon receiving the forwarded email from Admin staff, the Manager:
1. Discusses event details with applicant and negotiates acceptable conditions and fees.
 2. If necessary, recommends approval or denial to the Leadership and Resource Stewardship Team (LRST).
 3. If approved: completes the Special Event/Activities Fee Worksheet <http://bboard/forms/lcpa-15c.pdf> and emails completed form to Admin staff (example 4). If denied: contacts customer to explain reason for denial and renegotiates.
 4. The manager is responsible for compliance by event organizers on all issues overseen by Natural Resources and specified in Special Event approval.
 5. The manager is responsible for monitoring event until it receives final disposition. If event is denied, canceled, or delayed, manager notifies Admin staff.
- E. Upon receiving the Special Event/Activities Fee Worksheet from the applicant, **Administrative staff:**
1. Opens and reviews the worksheet and then saves it in PDF format (by printing out worksheet and scanning into email) to the current year folder at 1 - Natural Resources Central\Special Event Fee Worksheets.
 2. Forwards PDF to the customer as an email attachment with payment instructions included in the body of the email (example 5). If necessary, a reminder email may also be sent (example 6).
 3. Notes on-line application with: "xx/xx/xx (date): Fee Worksheet was emailed to you today. Your event is approved by our department upon receipt of signed worksheet and payment in full." Click **Update Application** (example 7).
 4. Update event on Special Events tracking Excel spreadsheet found at R:\1 - Natural Resources Central\Special Event Fee Worksheets-status, templates. Update payment information within the Excel spreadsheet.
 5. Once final fees and signed Fee Worksheet are received, Admin staff makes copies for records and then gives additional copies and payment to Accounting Technician.
 6. Notes on-line application with: "xx/xx/xx (date): Signed worksheet and payment received. Thank you." Marks online application "approved." Click **Update Application** (example 8).
 7. Removes "PENDING" status from departmental calendar and changes it to "APPROVED".

8. Update event on Special Events tracking Excel spreadsheet found at R:\1 - Natural Resources Central\Special Event Fee Worksheets-status, templates. Update and track payment information until all required fees have been paid.
9. Saves any remaining email organized by event number and year. All other remaining paper correspondence is organized and filed in the current year Special Event binder.

COUNTY ROAD + DNR OR ADJACENT TO DNR AREA(S) SPECIAL EVENTS

- A. **The Applicant** completes form for County Roads and/or Private Land, instead of the DNR-Only application form.
- B. Upon receiving notification of application from online system, **Administrative staff:**
 1. Updates online application with: "xx/xx/xx: This event affects areas managed by the Department of Natural Resources. Application has been forwarded to area manager for review." Click **Update Application**.
 2. Follows same procedure as DNR-ONLY events (see previous).
NOTE: If the manager or designee determines there is no impact on DNR area(s), Admin staff is notified and proceeds to approval and departmental calendar.

ON-LINE DEPARTMENTAL CALENDAR:

An internal, web-based, departmental calendar at <http://bboard/parks/calendar.cfm> is available for online viewing only by any staff and is maintained by Administration by password.

COUNTY ROAD OR PRIVATE LAND EVENTS WITH ROUTE NOT ADJACENT TO DNR AREA(S)

- A. **The Applicant** completes the online form for County Roads and/or Private Land.
- B. Upon receiving notification of application from online system, **Admin staff:**
 1. Reviews application and determines route is not in, or adjacent to, any DNR area(s).
 2. Updates online application with: "xx/xx/xx: This event does not appear to affect areas managed by the Department of Natural Resources." Select drop-down "Approved" and click **Update Application**.

DISTRIBUTION: Natural Resources Managers, Front Desk Special Events Manual

APPROVAL: _____
Gary K. Buffington, Director Date

SUBJECT: **Trail Closures Due to Wet and Muddy Conditions**

DATE: October 2014

EFFECTIVE PERIOD: Until superseded

REVIEW SCHEDULE: Annually in December

PURPOSE: To establish a trail closure procedure for field staff

SCOPE: Field staff

RESPONSIBILITY: Senior Ranger/District Managers

BACKGROUND:

District managers and supervisory ranger staff need to be able to temporarily close trail areas when wet and muddy conditions exist. This decision should be based upon the amount of resource damage that will be done if the trail remains open.

POLICY:

Closures can be implemented at a specific property or system wide based on conditions. Individual trail closures may be utilized when conditions exist that would require the property to be closed for an extended period of time.

Trail Closure Protocol Initiated by Ranger Staff

1. Rangers will assess trail conditions or will be notified by trail crew staff.
2. Ranger will
 - a. Contact ranger shift supervisor and if not available, district manager, regarding proposed closure.
 - b. Update current conditions/webpage detailing trailhead and trail closures with expected re-opening time.
 - c. Send out social media (ex. Twitter, Facebook) update detailing closure.
 - d. Call or e-mail front desk staff to notify them of the closure.
 - e. E-mail volunteer ranger assistants to notify them of the closure.
 - f. Turn road signs from [TRAILS OPEN] to [TRAILS CLOSED].
 - g. Install closure signs on trailhead gate or on specific trails during individual trail closures. (see closure booklets in sign tubs).
 - h. Close trailhead gate ensuring no one is locked inside the trailhead.

APPROVAL: _____
Gary K. Buffington, Director Date



LARIMER COUNTY OPEN LANDS PROGRAM

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PROPERTY ACQUISITION & STEWARDSHIP PROCESS & POLICIES

Project Name: _____ Date Opened: _____
Acquisition Project Type: _____

✓ Non-ownership interest (expertise/discretionary donation)	✓ Non-ownership interest (larger donation)	✓ Secondary ownership interest (Partner projects)	✓ Primary ownership interest
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ADOPTED: January 1, 2015

EFFECTIVE PERIOD: Until Superseded

UPDATES: Program staff shall update these policies and procedures on an as-needed basis, or every five years.

SCOPE: These policies and procedures apply to acquisition projects proposed and pursued that involve a dedication of Larimer County Open Lands Program (“Program”) resources.

PURPOSE: To establish reasonable policies and procedures to ensure that all acquisition projects meet technical, legal, ethical, and environmental standards. These policies and procedures were developed to reflect and incorporate, as appropriate:

1. Section 170(h) of the Internal Revenue Code of 1986, as amended; and
2. Treasury Regulation §1.170A, as amended; and
3. Colorado conservation easement statutes, including Title 12, Article 61; Title 38, Article 30; and Title 39, Article 22, Colorado Revised Statutes, as amended; and
4. Minimum qualifications for certification as a certified holder, as established by the Colorado Division of Real Estate by its adoption of the Conservation Easement Regulations, as amended; and
5. The Larimer County Open Lands Program Mission, the Open Lands Master Plan, the Natural Resources Department Strategic Plan, and the Help Preserve Open Spaces Sales Tax initiative, as updated.
6. Industry best practices as demonstrated by the Colorado Open Space Alliance’s Best Management Practices document titled Holding Conservation Easements: A Local Government Best Practices Handbook (2009), as amended, and updated guidance documents produced by the Colorado Coalition of Land Trust’s Center of Excellence program and the Land Trust Alliance; and

IMPLEMENTATION: To ensure that all acquisition projects involving the dedication of Help Preserve Open Spaces Sales Tax funds and Open Lands Program resources are properly processed, Program staff shall adhere to the following policies and procedures. Should Program staff require further, they should consult with the rules and guidance documents referenced above.

RESPONSIBILITY: The Open Lands Manager and Senior Land Agent are the primary contacts for acquisition inquiries. The conservation purposes and conservation values are primarily documented by the Resource Program.

DISTRIBUTION: Department Director, Open Lands Manager, Senior Land Agent, Resource Program Manager, other staff as appropriate.

APPROVAL: _____
Gary K. Buffington, Director Date

COMPUTER FILE LOCATION:

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Project Name: _____ Date Opened: _____
Acquisition Project Type: _____

✓ Non-ownership interest (expertise/discretionary donation)	✓ Non-ownership interest (larger donation)	✓ Secondary ownership interest (Partner projects)	✓ Primary ownership interest
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1. PROJECT SELECTION & EVALUATION CRITERIA

Staff shall utilize (with input from appropriate outside experts) the following procedures to ensure the thoughtful selection and evaluation of all acquisition projects pursued by the Department.

Initial Screening Criteria

In order to expedite the acquisition process and limit consideration of outside offers that are not made in good faith, or offers on properties that may become environmental or management problems in the future, these criteria shall be met before proceeding with further review. Partnership requests must be accompanied by a project description, maps, and budget to trigger the application of these criteria:

NON-OWNERSHIP INTEREST – Criteria used for projects in which Larimer County will not acquire an ownership interest but will contribute transaction or partnership dollars, or expertise, include:

1. The acquisition request is brought by the landowner, or is brought by a certified land trust or local government that is a known entity and the County can be confident that the entity will carry the project to completion to County standards.
2. The property is located inside of Larimer County.¹
3. The property is not already protected.²
4. The property is in conformance with conserving natural areas, open spaces, rivers, and wildlife habitat; protecting lands that preserve water quality and rivers, lakes and streams; operating, maintaining and improving natural areas, parks and trails, and; protecting working farms and ranches, in addition to conformity with the Help Preserve Open Spaces initiative, Open Lands Master Plan, and other adopted land plans.

OWNERSHIP INTEREST – Criteria used for properties in which Larimer County will acquire an ownership interest include:

1. The acquisition request is brought by the landowner, or by a certified land trust or local government that is a known entity and the County can be confident that the entity will carry the project to completion (as agreed) to County standards.
2. The property is located inside of Larimer County.
3. The property is not already protected.³
4. The property is in conformance with conserving natural areas, open spaces, rivers, and wildlife habitat; protecting lands that preserve water quality and rivers, lakes and streams; operating, maintaining and improving natural areas, parks and trails, and; protecting working farms and ranches, in addition to conformity with the Help Preserve Open Spaces initiative, Open Lands Master Plan, and other adopted land plans.
5. The landowner/property presents no immediately unagreeable conditions or obvious location, access or boundary issues that could interfere with appropriate management of the land or impair its value.

¹ Properties outside of Larimer County need not be automatically excluded from consideration for partnerships, given that natural resources travel freely across political boundaries. However, projects within Larimer County will receive higher priority.

² Properties that are already protected in some way need not be automatically excluded from consideration for partnerships, given that other values may be present that justify the investment. However, unprotected parcels will generally receive higher priority.

6. The property does not contain obvious health, safety, or liability problems that the County is unable or unwilling to mitigate.
7. The price is reasonable given current supply and demand and net present value.

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

Project Evaluation Criteria

Staff shall apply these criteria to acquisition projects that pass the Initial Screening Criteria. These criteria should be used to evaluate how well each proposed acquisition project fits within the Program’s priorities and goals. They will also serve to inform the Open Lands Advisory Board and Board of County Commissioners to enable them to make reasoned decisions on approval or denial of proposed projects.³

INSTRUCTIONS: Check the corresponding box that applies: High (H) if the criteria is definitely met for the subject project, Medium (M) if the criteria is somewhat met, or Low (L) if the criteria is scarcely met or not met at all. If Yes (Y) or No (N) is the more appropriate response, select (H) for Yes or (L) for No. When a rating would benefit from explanation, please provide it in the Notes section below.

1. CONTEXT

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Is the property identified in the current Open Lands Master Plan or other adopted land plan as a priority for land protection?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. To what extent is the property located adjacent to or near other protected lands or open space?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. How compatible are the adjacent land uses with this proposed protection and use of this property (Zoning)?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d. Is the property of sufficient size to keep its conservation values intact and provide public benefit, even if surrounding properties are developed?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e. Is there a high probability that surrounding property may be protected with this property’s protection, adding to a more sustainable whole?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	f. What is the potential that the property will be developed or changed in land use if not protected?

2. VALUES

A. Scenic/Aesthetic/Buffer

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Does the property provide scenic vistas or important scenic backdrop? [<i>Sense of openness; views of physical features; ridgeline; hogbacks; timber slopes; unique color or textures or other visual interest; does this property provide a sense of community identity?</i>]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. What is the property’s visual exposure from roads, trails, or other prominent locations?

B. Buffer/Community Separator

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. Does this property serve as a community buffer or separator?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. Does this property act as a buffer to other protected lands?

³ Completed evaluation forms will be available at the time board members make a site visit. Evaluations may be adjusted by the board and staff as needed. Another tool that will be made available to board members to assist in determining relative priority is a map that illustrates existing open space and parkland within the county. Properties proposed for acquisition may be overlaid to show relationships with existing open space and other strategic factors.

<input checked="" type="checkbox"/>	Non-ownership interest (expertise/discretionary donation)	<input checked="" type="checkbox"/>	Non-ownership interest (larger donation)	<input checked="" type="checkbox"/>	Secondary ownership interest (Partner projects)	<input checked="" type="checkbox"/>	Primary ownership interest
-------------------------------------	---	-------------------------------------	--	-------------------------------------	---	-------------------------------------	----------------------------

C. Wildlife Habitat/Corridors

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. How important are the wildlife habitat qualities and plant communities? [<i>Identify the wildlife; describe the ecological values; include all endangered/threatened species.</i>]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. To what extent does the property protect wildlife movement corridors?

D. Rivers/Wetlands

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. To what extent is there important and/or sustainable wetland or riparian areas?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. Are there any water rights? If yes, describe:

E. Significant Plants/Natural Communities

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. To what extent are the natural plant communities intact? [<i>Identify the dominant plant communities; describe the ecological values; include all rare/endangered/threatened species.</i>]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. To what extent does the property protect intact ecological and wildlife movement corridors on a landscape context?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. How manageable are any exotic plant/animal species on the property? [<i>Note exotics on the property, point out noxious weeds present.</i>] Describe:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	d. If applicable, what is the potential for habitat restoration?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	e. Do current management activities on the property enhance the natural progression of ecological processes? (For conservation easements, is the landowner willing and able to adjust management practices according to the management plan?)

F. Outdoor Recreation/Public Use

H	M	L	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	a. What is the potential for public use, including both land and water-based recreational activities, on this property? [<i>Appropriateness, Desirability, Feasibility.</i>]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	b. To what extent does this property provide opportunity to integrate public use into a larger recreation network? [<i>Greenway trails, Open Space, Regional trails.</i>]
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	c. Are the activities considered appropriate with the ecological, physical, and social environment?

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

G. Historical/Archaeological

- H M L
- a. Does the property contain significant archaeological or historical resources based upon State Historic Preservation Office criteria or National Register of Historic Places standards?
-
- b. Does the property contain other significant archaeological or historical resources (buildings or otherwise) of concern to local research institutions, professionals, interest groups, or other agencies?

H. Agricultural (Irrigated or Rangeland)

- H M L
- a. Is agricultural use of the land suitable and sustainable within the context of surrounding land use?
-
- b. Does the property help maintain a sense of agricultural tradition and rural character?
-
- c. Is operation and management (lease, leaseback, etc.) of the property for continued agricultural use by the County economically acceptable/feasible?
-
- d. To what extent are important soil features present?
-
- e. To what extent are important crops or livestock grown? Describe:
-
-
- f. Is the irrigation status and associated water rights sufficient to protect agricultural conservation values?

I. Geological/Paleontological

- H M L
- a. To what extent does the property contain significant paleontological sites?
-
- b. Does the property contain significant geologic features such as faults, synclines, anticlines, etc.? If yes, describe:
-
-
- c. Are the minerals intact?
-
- d. If the minerals are not intact, is there a low potential for mineral development?

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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J. Environmental Education

- H M L
- a. To what extent are there existing and/or potential environmental, historical and/or cultural education opportunities for the public at large, educational groups, and/or researchers? If yes, describe:
-

K. Uniqueness/Unforeseen Opportunities

- H M L
- a. Does the property offer a unique conservation opportunity that is unlikely to be offered in the future? If yes, describe:
-

3. COMMUNITY BENEFIT

- H M L
- a. Is this a high profile acquisition from the public perspective?
-
- b. Will acquisition of this property serve as a catalyst for other acquisitions or serve as a positive example for other landowners?
-
- c. Does the project contribute to the Open Lands Program's balance based on: Geographic distribution, Project type, Urgent/Immediately demands and long-term/farsighted goals, and/or Population distribution?
-
- d. Will conservation of this property provide or enhance community values? *[Increases people's connection with the land; Conserving healthy landscapes/biodiversity; Supporting social goals such as health, system resiliency, transportation; Respecting long-term relationships with the land, etc.]*
-
- e. Does this project present other community benefits?

4. PARTNERSHIPS/COST-VALUE

- H M L
- a. Is the price reasonable given current supply and demand and net present value?
-
- b. Is the landowner willing to reduce the cost to the County for charitable and tax purposes?
-
- c. Is cost-sharing with partners significant?
-
- d. Is the acquisition type (CE v. fee title) the most practical option for achieving the goals of the Open Lands Program? *[Would less-than-fee acquisition achieve the goals of the Open Lands Program?]*
-
- e. Will the property become more expensive or unavailable if not acquired now?

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

f. Are the projected annual management and maintenance costs acceptable and reasonable based on the anticipated uses?

Notes

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
---	---	---	--	---	---	---	----------------------------

2. ACQUISITION PROCESS OVERVIEW

Staff shall utilize the following processes to bring acquisition projects involving the Open Lands Program to completion. These processes are represented by both a Flow Chart and a Narrative. These processes apply to projects that are staff-initiated, partner-initiated, or a result of an outside inquiry.

Definitions:

These colors appearing throughout the following policies and procedures indicate that the corresponding process, procedure, or step applies to and must be completed or followed for that acquisition project type, unless a compelling reason not to do so exists, and is noted accordingly.

Non-ownership interest (expertise/discretionary donation): Acquisition projects in which the County will not acquire any ownership interest, and requiring only staff expertise or an amount of funding from the Open Lands Program that is within the discretionary spending limit of the Open Lands Manager (typically transaction costs).

Non-ownership interest (larger donation): Acquisition projects in which the County will not acquire any ownership interest, and requiring an amount of funding that exceeds the discretionary limit of the Open Lands Manager (generally exceeding transaction costs).

Secondary ownership interest (Partner projects): Acquisition projects in which the County will acquire an ownership interest, but the County is not the lead entity facilitating the project. Common examples of these projects are generally partnership projects resulting in the County acquiring:

- A secondary fee-title interest,⁴
- A secondary conservation easement interest, or
- A primary conservation easement interest acquired as part of another entity's acquisition of the fee title interest in the same property.

Primary ownership interest: Acquisition projects in which the County will acquire an ownership interest, and is the lead entity facilitating the project. Common examples of these projects result in the County acquiring:

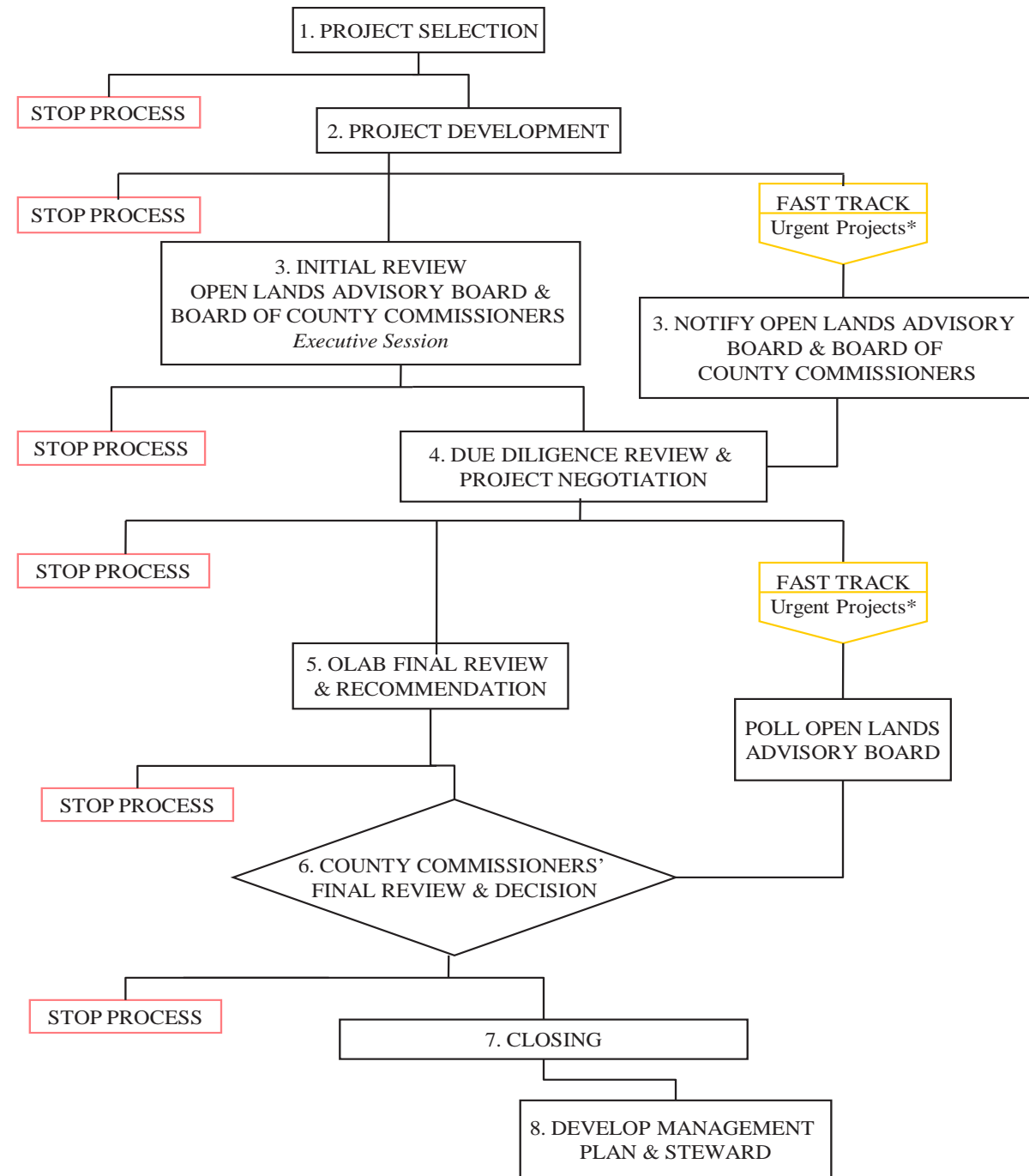
- A primary fee-title interest, or
- A primary conservation easement interest.

⁴ When the County acquires a 50% interest, the acquisition project may be processed according to which partner is the lead entity. If there is no obvious lead entity, the acquisition project may be processed according to which partner will have primary stewardship/management responsibilities.

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

Acquisition Process Overview (Flow Chart)

[Refer to Narrative for more details]



* Urgent Projects are determined on a case-by-case basis, but generally the reason for the urgency must be out of the control of the party seeking the status to qualify.

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
---	---	---	--	---	---	---	----------------------------

Acquisition Process Overview (Narrative)

[Refer to Flow Chart for visual representation]

1. Project Selection

✓	✓	✓	✓	A. Review the project description, maps, budget, and partnership request.
			✓	B. Conduct preliminary discussions with landowner or representative, and provide Landowner Information Packet as appropriate.
✓	✓	✓	✓	C. Examine project using Project Selection & Evaluation Criteria.
✓	✓	✓	✓	D. Decide to proceed or not and notify the landowner/representative of the decision. STOP (refer below)

STOP Any time this stop sign appears in this document, the Open Lands Manager may decide to **STOP THE PROCESS** based on feedback from Boards, information learned through the review process, or a breakdown in negotiations. If so, he/she may decide to:

- Refer to another agency or Rural Land Use Center,
 - Act as partner, not lead,
 - Put the project on hold as a lower priority, or
 - Reject the project if it fails to satisfy the Initial Screening Criteria or performs poorly on the Project Evaluation Criteria.
- Should the Open Lands Manager decide to stop the process, Staff will notify the landowner/representative of the decision.
 - Should the Open Lands Manager decide to proceed with the process as the lead entity, Staff will proceed with the following process.
 - Should the Open Lands Manager decide to proceed with the process as partner, not lead, Staff will proceed with the following process as the project is moved forward by the partner entity.

2. Project Development

		✓	✓	A. View the property. ⁶
			✓	B. Investigate potential partners and funding sources.
			✓	C. Develop and review preliminary preservation options with staff and partners.
			✓	D. Develop and review preliminary financing or acquisition options and budget with staff and partners. STOP
		✓	✓	E. Develop and review preliminary management issues and options with staff. STOP
			✓	F. Conduct negotiations with property owner. STOP

3. Initial Review - Open Lands Advisory Board (OLAB)⁷ & Board of County Commissioners (BOCC)

	✓	✓	✓	A. Perform Initial Review with OLAB & BOCC and receive direction to move forward with acquisition process. STOP ⁸
--	---	---	---	---

FAST TRACK: Urgent projects may require notifying OLAB & BOCC instead of scheduling an Initial Review.

⁶ Note: This could occur at any point in the process, numerous times, by multiple staff, as appropriate.



⁷ OLAB is a citizen advisory board that advises Larimer County Open Lands on acquisitions and other matters relating to the program. Department staff would ask that OLAB recommend the acquisition to the Larimer County Board of County Commissioners.

⁸ Note: There may be several iterations of initial review as project is developing.


Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____


<input checked="" type="checkbox"/> Non-ownership interest (expertise/discretionary donation)	<input checked="" type="checkbox"/> Non-ownership interest (larger donation)	<input checked="" type="checkbox"/> Secondary ownership interest (Partner projects)	<input checked="" type="checkbox"/> Primary ownership interest
---	--	---	--

4. Due Diligence Review & Project Negotiation –


<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A. Complete Due Diligence Review Procedure checklist according to project acquisition type. The following provides an overview of the major steps in the Due Diligence Review process. Some of the steps may not be necessary in all cases: 
				<ul style="list-style-type: none"> i. Phase 1 Environmental Assessment <input checked="" type="checkbox"/> ii. Value Determination (Appraisal) <input checked="" type="checkbox"/> iii. Title Review (Title Commitment, Minerals Report, Water Rights Review) <input checked="" type="checkbox"/> iv. Survey <input checked="" type="checkbox"/>
			<input checked="" type="checkbox"/>	B. Prepare contract and execute it with owner and County Manager (contingent upon BOCC final approval). 
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	C. Prepare draft conservation easement as appropriate
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	D. Prepare partnership agreement with cooperating agency, as appropriate.

5. Open Lands Advisory Board Final Review & Recommendation

	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A. Perform Final Review with OLAB & BOCC, solicit public comment, and receive recommendation from OLAB, and vote on motion to approve or deny contract from BOCC.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B. Solicit public comment.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	C. Make recommendation to County Commissioners. 

 **FAST TRACK:** Urgent projects may require polling the Open Lands Advisory Board instead of scheduling a Final Review.

6. County Commissioners' Final Review & Decision

	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A. Review and discuss Final Review and Project Evaluation Criteria, including transaction terms and conditions in public meeting.
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B. Motion and vote on approval or denial of contract. 

7. Closing

		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A. Prepare Baseline Report (for Conservation Easements) to be signed at closing.
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B. Schedule closing, arrange for transfer of funds, and execute and record deed.

8. Develop Management Plan & Monitor

		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	A. Develop Management Plan within one year of closing.
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B. Regularly monitor conservation easements to ensure compliance with easement terms.

3. DUE DILIGENCE REVIEW PROCEDURE

Program staff shall complete the due diligence review as described below for all proposed land acquisitions, as indicated (not necessarily in the order listed). For acquisition projects in which the County is not the lead entity facilitating the project, Program staff shall take necessary steps to ensure that the lead entity performs the following procedure, which may include performing it in conjunction.

INSTRUCTIONS: The colored boxes throughout this procedure indicate that the corresponding review item must be completed for that acquisition project, unless a compelling reason not to do so exists, and is noted accordingly.

1. Project Selection & Documentation--

- A. Create and maintain records of all land transaction projects according to the Records Retention Policy & Procedure, including entering project information into Open Lands Database and GIS system.
- B. Evaluate project according to Project Selection & Evaluation Criteria. Inform property owner if Open Lands Manager decides not to proceed with the process.

2. Notice & Authorization—

- A. Present a Landowner Information Pack to the landowner.
- B. Discuss the topic of tax benefits early in the process to ensure that landowners understand that potential tax benefit claims can be complex due to state and federal qualifying requirements, restrictions, and limitations.
- C. Obtain landowner/representative authorization to proceed to Initial Review.

3. Conflict of Interest--

The County shall not participate in any transaction, including sales, purchases, or transfers of real or personal property, for or from an employee or elected official or their immediate families, nor any firm in which s/he holds a responsible position or significant financial interest, without the approval of the County Commissioners. Department staff shall avoid negotiating real estate transactions involving insiders. In circumstances where this is unavoidable, Department staff shall:

- A. Ensure that the public is given notice of the conflict, and that the conflict is discussed during the public review and approval process.
- B. Bring the conflict to the County Commissioners' attention before they decide whether or not to proceed with the proposed transaction.

4. Initial Review--

- A. Prepare Initial Review, update Project Evaluation Criteria and maps (property map and context map) and submit all to Open Lands administrator for inclusion in OLAB Executive Session materials.
- B. Review and discuss project in executive session for direction to move forward with Acquisition Process.
- C. After receiving direction to move forward from OLAB, submit materials for Initial Review to BOCC administrator for inclusion in the executive session materials at the next BOCC Admin Matters Meeting (must be submitted by noon)

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

<input checked="" type="checkbox"/> Non-ownership interest (expertise/discretionary donation)	<input checked="" type="checkbox"/> Non-ownership interest (larger donation)	<input checked="" type="checkbox"/> Secondary ownership interest (Partner projects)	<input checked="" type="checkbox"/> Primary ownership interest
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on Thursday for following Tuesday’s meeting).

- D. Review and discuss project in executive session for direction to move forward with Acquisition Process.
- E. Receive direction to move forward from BOCC.

5. Comprehensive Field Review⁹—

- A. Obtain most recent aerial photograph and ownership maps to perform on-the-ground comparison.
- B. Identify uses and current property conditions.
- C. Identify boundaries of subject property (obtain Survey if necessary – See ¶(6)).
- D. Identify all water features and associated facilities (lakes, ponds, rivers, streams, wetlands, drainages, ditches, irrigation facilities, center pivots, windmills, stock watering structures).
- E. Identify farm/agricultural features (buildings, fences, livestock containment, tilled areas, and grazed areas).
- F. Identify other property aspects such as disturbed areas, erosion, recreational features, residential uses/structures, utilities (above and below ground), equipment/vehicle storage, scenic features, historic or active trash disposal sites, historic or active fuel/chemical storage, and historic/active mining sites.
- G. Identify conservation values of the property, including vegetation and wildlife habitat, historic features, cultural, agricultural, archaeological, paleontological, and scenic features. (For transactions with landowners seeking state tax benefits, see “Conservation Purpose Compliance Checklist” as updated by the Division of Real Estate.¹⁰ For transactions with landowners seeking federal tax benefits, see IRC § 170(h)(4)(A) and Treas. Reg. §1.170A-14(d)).

6. Environmental Assessment—

- A. Obtain completed Environmental Questionnaire from landowner.
- B. Based upon information obtained from the Environmental Questionnaire and the Field Review, staff shall determine if it is necessary to contract with a qualified consultant to provide a Phase I Environmental Assessment or other acceptable analysis of environmental issues (such as a Modified Transaction Screen Assessment). An Environmental Assessment will determine whether or not there are environmental conditions present that could create future liabilities for the County, create health and safety issues, or diminish the value or intended purpose of a the acquisition.

Situations which substantially dictate that such analysis should be done include:

⁹ The information obtained during this review will later be extrapolated upon and contribute to the preparation of the Baseline Report. Staff should keep notes on identifications and save a copy along with all obtained maps and photos in a digital and paper document file.

¹⁰ Consult an older version, if the checklist is no longer being made publicly available by the Division.

- evidence of existing or historic trash disposal sites,
- evidence of existing or historic fuel or chemical storage,
- existence of man-made structures that may contain lead-based paints,
- evidence of pollution on-site or on nearby properties,
- evidence of commercial or industrial use of the property, or
- evidence of significantly disturbed ground.

- A. If the County expects to receive grant funding for the acquisition, determine if the grant agency requires a Phase I as a condition to the County receiving funding.
- B. Phase I Environmental Assessments should be in conformance with the most up-to-date and applicable ASTM standards. See Phase I Specifications guidance document for more info to ensure the Environmental Assessment received is sufficient.
- C. Any issues raised by the Environmental Assessment should be discussed with the owner and, as appropriate, with the County Health Department and County Attorney.

Depending upon the extent of the problems identified in the report, the Open Lands Manager may decide to:

- 1) Have additional studies completed;¹¹ or
- 2) Require mitigation or resolution of the problems identified;¹²
- 3) Decline to move ahead with the acquisition.

7. Determination of Value—

The individual circumstances of each project dictate whether or not a formal appraisal is required.¹³ It is the policy of the Open Lands Manager to pay market value for acquisitions as determined by the valuation method selected.¹⁴ Generally, a formal appraisal will be used. There are many issues that may cause complexities in valuation. For more guidance, staff should consult the materials referenced above, as well as the Division of Real Estate’s Conservation Easement Appraisal Compliance Checklist, as updated, and the GOCO Conservation Easements Appraisal Checklist.¹⁵

- A. If the Program expects to receive grant funding for an acquisition involving a tax benefit, Program staff should determine if the grant agency requires a formal appraisal (generally, they do).
- B. If the Program decides not to utilize an appraisal to determine the value of the property, Program staff shall inform any landowner expecting tax benefits that they are responsible for ordering, obtaining, and paying for a qualified appraisal that

¹¹ Such as a Phase 2 ESA.

¹² This may be determined by a Phase 3 or mitigation ESA.

¹³ In situations where acquisitions are funded solely by the County, the value may be determined by appraisal, or by qualified staff using accepted appraisal methodology or through limited consultation with a qualified appraiser.

¹⁴ There may also be uncommon situations where staff will recommend to the County Commissioners to pay more than market value for a property or conservation easement. As an example, this may occur where a larger conservation project may be at risk because of one remaining privately-owned parcel, and the owner refuses to sell at a lower price.

¹⁵ Consult an older version, if the checklist is no longer being made publicly available by the Division.

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 Acquisition Project Type: _____

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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complies with U.S. Treasury Regulations¹⁶ and Colorado Division of Real Estate’s “Conservation Easement Appraisal Compliance Checklist,” as updated.

- C. If approval is given by the Board of County Commissioners to pay a higher-than-market price, staff shall document the justification for the purchase price.
- D. Obtain a copy of any requested appraisal or draft appraisal prior to closing.
- E. Program staff will review appraisals for major discrepancies with the uniform standards by utilizing the Conservation Easement Appraisal Compliance Checklist, as updated, and the GOCO Conservation Easement Appraisal Checklist or submitting to the Division of Real Estate for a Preliminary Advisory Opinion (with the landowner’s permission). Program staff will notify the landowner and appraiser of any issues found during this review.
- F. Program staff will ensure that any valuation determined by Program staff is based on sales comparison information for properties with similar location, features, water rights and encumbrances, and also considers the impact the proposed transaction may have in enhancing the landowner’s remaining property, which reduces the donation value.

8. Title Review—

- A. Contact a local Title Insurance Company and order a title insurance commitment, which should include vesting deed(s), requirements, and documents evidencing title exceptions.
- B. Confirm that current property ownership, as evidenced by the vesting deed(s), matches the landowner. (If applying for tax credits, confirm that the landowner has owned the land for more than 1 year. There may be tax implications if not).
- C. Examine exception documents looking for anything that could affect the transaction, result in legal conflicts with the conservation easement, or fee simple interest, or significantly undermine the important conservation values on the property (i.e. agreements, covenants, deed restrictions). The Title Company must list and provide documentation for all recorded matters specifically. Where appropriate, staff shall require that exceptions be deleted or corrected.
- D. Identify any mineral reservations (including those in patents), mineral deeds, and mineral leases (including active or expired oil and gas leases).¹⁷
- E. If the landowner is seeking tax credits and owns less than all of the minerals, a Mineral Remoteness Letter may be needed. If the landowner is not seeking tax credits and owns less than all of the minerals, a Mineral Remoteness Letter may be obtained and staff should discuss with OLAB and BOCC the potential for future mining activity, and whether such activity might undermine the values for which the property is being acquired.

¹⁶ Such appraisals must comply with the Uniform Standards of Professional Appraisal Practice (USPAP), and must be prepared by a qualified appraiser who is familiar with the Internal Revenue Service and state appraisal requirements as they pertain to charitable donations of conservation easements or properties.

¹⁷ Should an expired lease be identified, an affidavit of non-production or other letter should be secured from the current Lessee verifying that the lease has expired.

- F. Identify any Requirements (Mortgages, Deeds of Trust, Liens, etc.) on the property and ensure that they are met by closing. A recorded subordination or release will be needed for each (done in coordination with the County Attorney & Title Company at closing).
- G. If a subordination/release is required, confirm that the subordination/release information matches the lien information provided on the Title Commitment (policy number, bank, and recording date), that the subordination is recorded before the conservation easement, that the language in the agreement actually subordinates the lien to the terms of the easement, and that the lien holder signed the agreement (look at Title of individual for authorization to bind lien holder.)
- H. Confirm that the legal description is accurate, and that listed Exceptions truly pertain to the subject property. Where appropriate, staff shall require that legal descriptions be corrected and/or that listed Exceptions that do not in fact pertain to the subject property be deleted.
- I. Obtain Property Tax Certificate. All taxes on fee acquisitions must be paid up to the date of closing. On conservation easements, property taxes must not be in delinquent status or have a tax lien outstanding.

9. Mineral, Oil & Gas, and Sand & Gravel Review—

- A. All mineral, oil and gas, and sand and gravel reservations (including those in patents), mineral deeds, and mineral leases should be reviewed.¹⁸
- B. If surface mineral rights are severed from the landowner’s title, a Mineral Remoteness Letter should be obtained from a qualified geologist to determine if such mining is probable. For a conservation easement donation to qualify for tax benefits (or GOCO/grant deals), the Letter must be obtained and conclude that “the probability of extraction or removal of minerals by a surface mining method is so remote as to be negligible.”
- C. If subsurface mineral rights are severed from the landowner’s title, a Mineral Remoteness Letter may be obtained to determine if such mining is probable. For a conservation easement donation to qualify for tax benefits (or GOCO/grant deals), the Letter must conclude that “the probability of extraction or removal of minerals by a subsurface mining method is so remote as to be negligible” **or**, a qualified professional within the Program (or outside) must draft a document concluding that subsurface mining on the property would have “limited and localized impact that is not irretrievably destructive of significant conservation interests.” This can be further assured by writing into the easement that the County is/will be a party to any current or future Surface Use Agreement to require concealing facilities, etc. and receive all surface owner notifications.
- D. Confirm that the geologist signed the Mineral Remoteness Letter. The letter should be no older than one year prior to closing. (In areas of ongoing extraction, it is best to

¹⁸ Note that the right of a proprietor of any penetrating vein or lode to extract their ore is a subsurface, and not a surface, mineral right, and therefore does not automatically trigger a Mineral Remoteness letter.

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- shorten to 6 months.)
- E. Confirm that there is nothing in the Mineral Remoteness Letter that contradicts the overall conclusion.
 - F. Confirm that the landowner and legal description listed in the Mineral Remoteness Letter match the subject property.
 - G. In those cases where the County is purchasing a conservation easement or fee ownership of land with severed minerals, oil and gas, or sand and gravel interests, staff should discuss with Open Lands Advisory Board and County Commissioners the potential for future mining or drilling activities, and whether such activities might undermine the values for which the property is being acquired.

10. Water Rights Review—

Based upon information gathered from the field review, provided by the title commitment and by the landowner, staff should coordinate with the County Attorney (or a qualified private attorney familiar with water rights) to ensure that the County’s interests in any water rights on the property are properly acquired and protected. For reference, staff should consult with the Water Rights Handbooks for Colorado Conservation Professionals, published by the Colorado Water Trust in 2005 and revised in 2011, as updated.

Staff should evaluate the following (necessary for GOCO grant applications):

- A. Identify what water is apparent on the property (identify and map each ditch, pond, lake, stream, irrigation facility, wells, wetlands, etc).
- B. Determine the importance of the water to the identified conservation values (for CE, those will need to be encumbered).¹⁹
- C. Identify what decreed rights are associated with the property by consulting with the Colorado Division of Water Resources.
- D. Determine if existing water use is consistent with the decreed rights.
- E. Conduct interviews to confirm historical use and ownership of the water rights, as well as flagging any possibility for abandonment. (Interview the landowner, landowner’s family who held in the management of the property, local water commissioner, ditch owners, etc.)
- F. Obtain diversion records (if available); determine the priority of the rights, and how they might be affected by an augmentation plan to ensure reliability of the water supply.
- G. Establish a chain of title for the water rights by obtaining and reviewing deeds to the property (should be mentioned either generally or specifically in all deeds, under the landowner’s name or the property’s name).
- H. Determine if lakes and ponds are legal impoundments, whether storage rights exist, and whether existing dams are consistent with State requirements.

¹⁹ To effectively tie any water rights to the subject property for use on the property in perpetuity, the County may wish to, in addition to the conservation easement, take the added step of requiring private landowners to grant the County an undivided 50% interest (or more) when the County contributes funds to the project, or an undivided 5% interest for donated conservation easements. The County should then tie its interest in the water rights back to the property via a restrictive covenant running with the land and water rights in perpetuity.

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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- I. When encumbering water rights with a conservation easement, confirm that there is no mortgage on the property that may restrict the landowner’s ability to encumber the land or water rights. If so, a subordination or release will be needed.
- J. Draft a plan for monitoring the encumbered water, which will likely include requiring annual reports from the owner (including any reports provided to state water officials or other evidence of use (ex. crop reports), and requiring the landowner to provide the County with all notices they receive concerning the water rights, and to consult with the County if a change in irrigation practices is anticipated.

11. Property survey—

- A. Staff and County Attorney shall determine if a property survey is necessary for each project. Factors to be considered include:
 - size of property,
 - ability to determine property boundaries on the ground,
 - existence of fencing along boundaries,
 - existing or potential encroachments,
 - title issues which require a survey for resolution, and
 - whether property lines follow aliquot descriptions or are simply metes and bounds descriptions. Metes and bounds descriptions should be surveyed.

12. Grantor Review—

- A. If the grantor is an entity, get a certificate of good standing from the Secretary of State website.
- B. If the grantor is an entity, obtain a recorded Statement of Authority for the signatory. Confirm that the signor of the Statement, their title, limits on authority, and the name of the entity are consistent with the Conservation Easement.

13. Conservation Easement--

- A. Well-written Conservation Easement document (see Conservation Easement Template) – Having a comprehensive, understandable conservation easement provides a solid foundation for future stewardship and enforcement. It is particularly important to have a document that effectively spells out reserved rights and prohibited uses, and has enforcement provisions that are clear and defensible.
- B. Conservation easements, under the Treasury Regulations,²⁰ must include an agreement by the donor to notify the donee in writing of the exercise of any reserved right which may have an adverse impact on the conservation values.
- C. Conservation easements, under the same Treasury Regulation, must also provide the right of the donee to enter the property at reasonable times for the purpose of inspecting the property to determine if there is compliance with the terms of the donation.
- D. If we are co-holding an easement, ensure that our co-holder has sufficient funds

²⁰ Treas. Reg. 170(A)-14(g)(5)(ii)

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and/or insurance to enforce the easement.

14. Final Review--

- A. Prepare Final Review and Press Release, update Project Evaluation Criteria and maps (property map and context map) and submit all to the Open Lands administrator for inclusion in OLAB meeting materials.
- B. Review and discuss the final project in public meeting with OLAB and receive a recommendation to the BOCC.
- C. After receiving a recommendation from OLAB, prepare County Commissioners' resolution for adoption. Submit resolution along with Final Review materials to BOCC administrator for inclusion in the Administrative Matters materials and agenda for the next BOCC Admin Matters Meeting²¹
- D. Review and discuss final transaction terms and conditions in public meeting with BOCC and receive a Motion and Vote on approval or denial of contract.
- E. Approve and execute final resolution.

15. Baseline Documentation—

The purpose of the baseline documentation report (baseline) is to document the conservation values and existing conditions at the time of **conservation easement** conveyance (not fee transactions).

- A. All baselines with a tax benefit component must be signed by the landowner before or at closing.
- B. A detailed, comprehensive, and accurate baseline report reflects the condition of the property at the time the easement is put into place, and provides a sound basis for future monitoring and enforcement.
- C. Baseline fieldwork should be completed in snow-less conditions.
- D. The Acknowledgement Statement, signed by the grantor and grantee must clearly indicate that the Baseline "is an accurate representation of the property at the time of the conservation easement conveyance." The landowner should acknowledge (by initialing or encompassed within acknowledgement statement) that all photos are accurate. If there is an update report, ensure that an updated signed acknowledgement letter is acquired.
- E. Baselines are completed by qualified County staff or consultants, with oversight by the Resource Program Manager and follow Larimer County's Model Baseline Format.
- F. Grantor and Grantee must sign the Acknowledgement Statement.
- G. Larimer County and the landowner receive fully executed copies.

16. Closing—

- A. Prepare Partnership Agreement with Cooperating Agency, as appropriate.

²¹ Prior notice to the public is provided for all OLAB and BOCC meetings, inviting the public to attend and comment on any acquisition items being presented for final approval. Staff provides a detailed memo plus a verbal and visual presentation of the project before requesting first a recommendation from OLAB to the BOCC to approve the project, and then approval of the project from the BOCC. The presentation to the BOCC includes OLAB's recommendation, any concerns OLAB has about the project, and any changes to the project that address any major concerns OLAB has.

<input checked="" type="checkbox"/>	Non-ownership interest (expertise/discretionary donation)	<input checked="" type="checkbox"/>	Non-ownership interest (larger donation)	<input checked="" type="checkbox"/>	Secondary ownership interest (Partner projects)	<input checked="" type="checkbox"/>	Primary ownership interest
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- B. Schedule closing with Title Company and coordinate with the County Attorney, Finance and County Treasurer.
- C. Arrange for transfer of funds.
- D. Assure compliance with contract and Title Commitment contingencies
- E. Prepare, execute, and record deed.
- F. Assure Title Insurance is issued.
- G. Advise Open Lands Advisory Board

17. Management Plan—

- A. Landowners should complete a management plan, with technical support provided by Department staff, by closing, or at least within 1 year after closing.
- B. The Management plan shall outline the activities conducted by the grantor (and/or representatives) that will affect the conservation values. The management plan should, as appropriate, incorporate sections dedicated to weed control, wildlife habitat improvements, agricultural activities, fence maintenance and other structure maintenance.
- C. Throughout the Management Plan process, Program staff may provide land management advice and/or direct the grantor to other agencies to provide this advice, as needed.
- D. Baselines are completed by qualified Program staff or consultants, with oversight by the Resource Program Manager and follow the Model Baseline Format.
- E. Grantor and Grantee must sign the Acknowledgement Statement.
- F. Larimer County and the landowner receive fully executed copies.

18. Donation Documentation—

The holder of a **conservation easement** with a donative component provides certain documentation of the donation for tax benefit purposes. In a fee title acquisition, it is incumbent upon the landowner to seek necessary documentation.

- A. If there was a bargain sale component (the grantor was paid for part of the conservation easement) then provide a Settlement Statement to the seller detailing the Contract Sales price (distinct from money for transaction costs). Ensure all of the landowner and property information in Settlement Statement match the CE.
- B. If the grantor is an entity, obtain a recorded Statement of Authority. Confirm that the signor of the Statement, their title, limits on authority, and the name of the entity are consistent with the Conservation Easement.
- C. If there was a donation component to the CE, provide an Acknowledgement Letter to the landowner acknowledging that "no goods and services were provided in return for the donation." Confirm that all the information in the letter is accurate.

Due Diligence Notes

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 Acquisition Project Type: _____

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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Due Diligence Notes (continued)

4. PHASING PROCEDURE

Program staff shall complete the following review for any land acquisition project involving the establishment of multiple **conservation easements** on land that is owned in fee by the same underlying owner.

The objectives and standards to be achieved by the phasing procedures include, but are not limited to, the following:

- Meet or exceed local, state and federal phasing laws and regulations.
- Apply consistent standards and fair treatment to all County real estate interests, while preserving the County’s discretion to consider variations among properties, fact specific circumstances and the unique terms of individual conservation easements.
- Ensure public investments have adequate legal protection
- Stay informed of developments in phasing policy and regulation at the local, state, and federal level, as well as developments in best practices in the land conservation industry.
- Ensure that the County does not participate in abusive phasing schemes, such as those that abuse Colorado’s conservation easement tax credit program or federal tax deduction regulations.
- Ensure that each phase of a phasing project has conservation purpose and protects the property’s conservation values.
- Ensure that each phase of a phasing project involving potential tax benefits meets state and federal regulations to stand on its own as providing significant public benefit.
- Ensure that despite a landowner’s reason(s) for requesting phasing, the County’s decision and reasons for agreeing to phase are driven by the public benefit of the conservation project.

1. Define the Phasing—

Phasing is the establishment of conservation easements on multiple parcels held in the same ownership over a period of years, or the establishment of multiple conservation easements on a single larger parcel. There are many reasons for phasing conservation transactions that may make sense for one parcel but not another, some of which include:

- A landowner may request phasing for tax reasons,
- The County may phase a project when insufficient funding exists to purchase a conservation easement over an entire property at once,
- The County may agree to create several separate conservation easements when appropriate circumstances exist on the subject parcel (ex. when multiple dwellings exist on one parcel, the parcel may be divided into multiple parcels with one dwelling each, to be preserved at the same time or different times).

Phasing is generally accomplished by one of the following methods. Select those that apply:

- A. Placing an easement on only a portion of a landowner’s total property, with the expectation that additional property will be placed under conservation easement / acquired in subsequent years; or
- B. Dividing the property into smaller parcels prior to placing separate conservation easements on each parcel—also called “fragmentation”; or
- C. Retaining additional development rights within a single conservation easement with the expectation that these development rights will be extinguished through easement

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amendments in subsequent years.

2. Determine if the Phasing is appropriate—

In general, the County should only accept phased easements in unique circumstances. In evaluating phased conservation easements, Program staff shall consider the following:

- Each individual phase must stand on its own and comply distinctly with all federal and state statutory and regulatory requirements.
- A. Confirm that accepting a phased project is necessary to achieve the County’s conservation objectives.
- B. Confirm that the each phase complies with Treasury Regulation Section 1.170A-14, which states, in part, that, “All contributions made for the preservation of open space must yield a significant public benefit.”
- C. Confirm that each phase independently meets one or more of the conservation purposes as outlined in Internal Revenue Code 170(h) to qualify for tax benefits.
- D. Confirm that each phase is/has been evaluated in accordance with the adopted Evaluation Criteria of the County Open Lands Program.
- E. Confirm that each phase is/has been presented to the Open Lands Advisory Board and Board of County Commissioners as an independent acquisition project and received necessary approvals.
- F. Evaluate whether the benefits of the phased easement transaction are worth the risk of generating potential negative public perceptions that could lessen public support for the Open Lands Program.
- The following are red flags that, if met, would trigger more scrutiny (reference further guidance, as cited above) and may disqualify the project from consideration:
 - G. The project’s conservation purposes are defined only in broad, general terms and are poorly documented.
 - H. The project contains multiple 35-40 acre phases.
 - I. The project contains phases without legal access.
 - J. The project’s phases are valued at or near the \$750,000 cap, or the cap as amended/updated.
 - K. The project has multiple phases or fragmented ownerships on a given original parcel.
 - L. The project has a phasing structure that will require many years to complete the overall conservation objectives.
 - M. The project has little or no planning for how the phasing will ultimately work.
 - N. **The project involved or does involve subdivision of the property for the sole purpose of enhancing the market value for donation purposes.**

3. Plan the Phasing—

Well-planned phasing projects can have the mutual benefits of achieving the County’s conservation objectives while still maximizing the landowner’s financial goals. In fact, in some situations, phasing may

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provide the necessary economic incentives to protect lands that otherwise could not be protected.

Program staff shall complete the following steps prior to closing to ensure that the phasing project is well-planned as soon in the acquisition process as possible:

- A. Confirm that the larger and/or more critical portions of a conservation property are being pursued in the first phase.
- B. Confirm that any subdivision of the Property or reservation of building sites considers the conservation values of the larger parcel and is not based solely on enhancing the market value for donation purposes.
- C. Clearly identify and document the public benefits and conservation values of each individual phase and explain how the benefits are consistent with the County Open Lands Program’s mission.
- D. Secure access across unprotected property to monitor and enforce protected property.
- E. When additional stages of a phased easement are added, evaluate with the County Attorney whether the conservation instrument should reassemble the land into a single parcel.
- F. Where future phases are anticipated, discuss a phasing plan with the landowner for how and when the remainder of the property will proceed. The plan should include a map of the proposed easement phases. **Such a plan must be done in a manner that does not bind the landowner in any way to completing future phases, which would have the affect of disqualifying future donations from tax deductibility.**
- G. Consider executing an option agreement to ensure that the County has the ability to purchase the conservation easement in each phase if the landowner decides not to donate the conservation easement, ensuring the entire project is completed.
- H. Acquisition staff will educate the landowner about the valuation and tax implications of phasing.
- I. Program staff will contact the appraiser to confirm that the appraiser has/will consider the phasing in the valuation.

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 Acquisition Project Type: _____

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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5. STEWARDSHIP & VIOLATION PROCEDURE

Stewardship Procedure

Program staff shall follow the preventative measures listed below for all lands on which the Open Lands Program holds a property interest, as indicated, or otherwise is responsible for the continued monitoring and management of the property to minimize the number and extent of potential violations:

1. Monitoring Event—Applies to **Conservation Easement** interests held by the County in which the County has primary stewardship responsibilities.

- A. The primary, and most effective, way to ensure compliance with the terms of a conservation easement is through annual monitoring. An annual monitoring report must be completed for each conservation easement every calendar year (beginning the year after the Baseline Report is completed).
- B. Documents must be reviewed prior to each monitoring event, including the conservation easement, baseline report, management plan, previous monitoring reports, plats and findings or resolution or other planning documents (if the easement allows limited development).
- C. **Notice--** The grantor or their representative shall be contacted to schedule the monitoring event, which shall involve a site visit. The County staff who will perform the monitoring event shall attempt to contact the landowner via phone at least 2 weeks in advance of the monitoring event. If there is no response, County staff will leave a voicemail.²² County staff shall include the following information in their call/voicemail: date and time of the monitoring event, name and contact information for the County staff member that will conduct the monitoring, the expected duration of the monitoring event, and an invitation for the landowner to participate in the monitoring activities as well as a request for updates on their use of the property.
- D. Grantors (or representatives) are encouraged to attend the monitoring event to meet staff, discuss any changes or proposed changes to the property and property management. If the grantor or representative attends, their signature, affirming they attended the event, will be requested.
- E. In instances where the County is the primary holder (or primarily responsible for monitoring activities) of a co-held easement, County staff shall invite the co-holder to attend the site visit.²³
- F. If the grantor or their representative cannot attend the monitoring event, staff shall ask the grantor or their representative a series of questions over the phone about changes to the property or management of the property.²⁴ A summary of these comments will be captured in the monitoring report.

²² Since monitoring is required in the conservation easement, confirmation from the landowner is not required to begin the site visit.

²³ A back-up holder need not attend.

²⁴ See S:\OpenLands\Liz\CE Monitoring\If landowner will not be at the CE Monitoring event ask these questions.doc for guidance.

2. Monitoring Report—Applies to **Conservation Easement** interests held by the County in which the County has primary stewardship responsibilities.

- A. An official Conservation Easement Monitoring Report is generally completed by the individual that completes the monitoring event, at which the Program staff fills out the Monitoring Form.
- B. Monitoring reports should include photographs of any significant changes to the conservation values, changes in land use, improvements, potential easement violations, or other noteworthy observations.²⁵ New photos taken from a location not identified in the baseline require a new photopoint map to be included in the monitoring report.²⁶
- C. Monitoring reports should include documentation of the condition of the property and any potential violations.
- D. Monitoring reports must be completed within 10-14 months of the previous report.
- E. Staff Review – Staff shall review and approve each monitoring report after the site visit to confirm compliance with the easement terms.
- F. Landowners (and any back-up holders and partners) shall receive a Monitoring Report Cover Letter highlighting the date of the event and a copy of the completed annual report.
- G. County staff shall archive the paper original of the cover letters and annual report as well as a digital copy of both in the County records, according to the Records Policy & Procedure.
- H. The primary holder shall retain the original monitoring report and provide any co-holders and partners a copy of the completed report.
- I. County staff shall archive a digital copy of any monitoring reports done on property it owns in fee according to the Records Policy & Procedure.

3. Water Rights Monitoring—Applies to **Conservation Easement** interests held by the County that encumber water rights (usually in addition to land) in which the County has primary stewardship responsibilities. These rights require additional monitoring to ensure the appropriate amount of water is being diverted and the risk of abandonment is prevented.

- A. Staff shall check the state’s abandonment list (provided by the Colorado Division of Water Resources) and obtain diversion records from the appropriate Water Commissioner, documenting that the property has been irrigated or water has been diverted to the property and that assessments are being paid.
- B. During the monitoring event for a conservation easement, staff shall confirm the accuracy of the Division of Water Resources records, along with compliance with the terms of the decree, and any non-use of the rights.
- C. Staff shall document through photographs and/or commentary from farmers, ditch riders and landowners, as available, that the property has been irrigated or water has been diverted to the property in accordance with the decree.
- D. Obtain any annual reports (such as reports provided to the state water officials or crop reports) that are required to be provided by the landowner to the Department pursuant to

²⁵ Each photo from the Baseline report need not be reproduced for the annual monitoring report.

²⁶ If, over time, the location of pinpoints varies significantly from the baseline, an amendment to the baseline may be needed.

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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the monitoring plan. Also obtain any notices that the landowner has received and failed to provide to the County concerning the water rights.

- E. Should staff become aware of any issue with encumbered water rights or anticipated changes in irrigation practices, they shall work with the landowner to address the issue immediately and work with the County Attorney to pursue legal action as needed to preserve the affected water rights for continued use on the property.

4. Mineral Monitoring— Applies to **Conservation Easements** that involve properties with severed mineral rights in which the County has primary stewardship responsibilities.

- A. Department staff should regularly research the Colorado Oil and Gas Conservation Commission’s website for any new pending permit applications for properties with County-held interests.
- B. If a new pending permit is identified, Program staff shall consult with the County Attorney and contact the landowner to help them determine whether or not the production company has the legal rights to do what it is proposing and involve the County in negotiations for surface use agreements, so that any new oil and gas activity on the property is compliant with the conservation easement terms.

5. Management Plan— Applies to **Fee Title** and **Conservation Easement** interests upon which Larimer County executed a Management Plan with the landowner and/or has primary stewardship responsibilities.

- A. Management plans will be updated by the grantor as needed, to reflect current management practices.
- B. When appropriate, County staff will provide owners of easement properties information on property management and/or referrals to resource managers.

6. Landowner Relationships— Applies to **Conservation Easement** interests held by the County in which the County has primary stewardship responsibilities.

There is no better enforcement technique than a strong, positive and collaborative relationship with the landowner. Working together to steward the land based on the terms of the easement and the management plan can avoid most violations before they ever begin. This is particularly important as property ownership moves out of “first generation” ownership.

- A. Department staff shall establish and implement an institutional system to track changes in land ownership and receive notification related to requests for building permits or land use changes.
- B. When County staff is notified that a property has changed ownership, they will promptly contact the new owner to explain the terms of the easement, discuss any concerns, and work with the new owner to update the management plan for the property.
- C. Department staff performing monitoring activities should provide notes in the property Salesforce profile (either under the landowner or the CE, as appropriate).
- D. Department staff shall serve as a liaison between the County and landowner as consistently as possible. Staff will help landowners understand the land use review and approval processes landowners must complete before constructing new buildings. Staff will also

assist landowners in negotiating with oil and gas companies regarding drilling operations and related issues that affect their properties.

- E. Annually, (ideally in the Spring) staff shall send a letter to all fee owners of land that the County holds conservation easements on or otherwise assists with management on to share information about the management assistance that is available to them, including advice on noxious weed control, and encouraging landowners to call the Department with any questions, with contact information for staff.²⁷ This facilitates interaction and reminds landowners to check with the Department regarding uses that are allowed and prohibited on their properties.
- F. Staff shall handle inquiries from landowners and the public about reserved and permitted rights in a conservation easement (i.e., whether an activity is allowed under the terms of an easement).²⁸ These inquiries should be handled as a priority and responded to as quickly as possible, to establish and maintain good working relationships with owners and to provide the best in public service. Any inquiry requests or responses that originate or result in a writing should be documented according to the Records Policy & Procedure.

²⁷ See Appendix 8 of Boulder County Conservation Easement Policies & Procedures for an example.

²⁸ Staff should base such advice on the location, size, scope, design and nature of the proposed use, as compared to the conservation easement terms. Advice from the County Attorney may be sought, as appropriate.

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

✓	Non-ownership interest (expertise/discretionary donation)	✓	Non-ownership interest (larger donation)	✓	Secondary ownership interest (Partner projects)	✓	Primary ownership interest
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Violation Procedure

Larimer County endeavors to enforce the conservation easement interest in a manner that protects the property’s conservation values and the conservation easement’s purposes, including the public benefits derived from the easement. Larimer County addresses each matter on a case-by-case basis, and since each situation presents different facts, the necessary factors to consider may vary from one situation to another and these general policies may be modified to fit the subject situation. No action or inaction on the part of the County on a specific issue shall establish a binding precedent for resolution of any other issue, regardless of perceived similarities.

This procedure applies to all **Conservation Easement** interests held by the County.

If the County is the primary steward of the easement, then Program staff shall address each of the following procedures as the lead entity (acting in coordination with other holders to the extent practicable).

If the County is a secondary steward of the easement, Program staff shall act in coordination with the primary holder and any other holders, to the extent practicable, but shall continue on its own with the following procedures, as necessary.

1. Violation identification –

Department staff takes initial steps to determine the extent of an issue. These should be done as quickly as possible so that any emergency actions that may be necessary can be taken promptly.

- A. As previously mentioned, annual monitoring of each conservation easement is the best and most likely way that a potential violation is identified. If a possible violation is found during a monitoring visit, the monitor should gather as much information as possible, noting all details of the violation, including pictures, drawings, and notes. No judgments should be made at this point with the landowner; rather, information gathering is the primary goal.
- B. Staff shall keep detailed, accurate notes from the very beginning of dealing with a violation, including notes of phone calls, meetings, correspondence, and any actions taken regarding the situation. These notes should be documented according to the Records Policy and also included in the Salesforce file for the property and owner.
- C. When staff learns of a possible violation outside of a monitoring event, staff should inspect the violation site and thoroughly document conditions using maps, terrestrial or aerial photographs, GPS, video or other means.
- D. Staff Review – As soon as possible after the determination by staff that a violation is likely, appropriate Department staff shall review the conservation easement terms and meet to assess whether a true violation has occurred, and determine what the potential resolution should be. The County Attorney may be contacted at this point, particularly if it appears there is a need to immediately have the violation resolved.
- E. If staff determines that no violation has occurred, staff shall report back to any person who alerted the Department to the issue and explain why the issue is not a violation.
- F. Subsequent to an inspection, staff shall contact the landowner to notify them of the violation, arrange a meeting (if necessary), and propose a remedy (if appropriate). Staff

may also send a notice letter to the landowner, pursuant to the notice terms in the conservation easement, clearly describing the violation, proposing a solution to resolve the issue and requiring timely response and resolution. Staff should consider that the Department prefers to maintain positive working relationships with landowners by interacting informally as much as possible when deciding what communication method is best.

2. Formal Action—

If the landowner is unresponsive or unwilling to resolve the matter, and the violation affects central conservation purposes of the easement, has significant negative impacts on the property’s conservation values, is difficult to mitigate or reverse, or is potentially permanent, more formal actions detailed below should be taken.

- A. Advisory Board and County Commissioner Notification – At the discretion of the Department Director, (based upon the nature of the violation, the urgency to resolve the issue, the responsiveness of the landowner, etc.) the situation may be brought to the attention of the Open Lands Advisory Board and/or the Board of County Commissioners.
- B. Funder Notification—If the conservation easement was obtained with grant funds, staff shall notify the grant funder(s), because notification is typically required by the CE terms as soon as a violation has occurred. Staff shall then keep the funders informed as to how the violation is resolved.
- C. If the violation also violates county zoning or land use regulations, the County departments involved shall be notified and county staff shall work together to resolution. Public agencies such as the Environmental Protection Agency and Colorado Parks and Wildlife may also be consulted if federal or state laws are violated.
- D. Potential Legal Action – If agreeable and proactive solutions cannot be accomplished by the landowner and Larimer County staff, the County Attorney’s office shall be contacted for guidance.
- E. If the County Attorney indicates that legal action is necessary, the matter shall be presented to the Board of County Commissioners, who must authorize any legal action.
- F. If such authorization is given from the Board of County Commissioners, staff shall assist the County Attorney as needed, and shall provide updates to the Advisory Board and the Board of County Commissioners.

3. Resolution--

If a violation has occurred, Larimer County is obligated to take action and appropriate staff will be consulted and a resolution will be developed. If a violation occurs, properties will be restored to the condition before the violation took place or impacts to the conservation values will be mitigated on or off site. If these remedies are not feasible, Larimer County will seek compensation for the loss of conservation values (financing partners may also receive financial compensation for the loss relative to their contribution). In some cases, minor violations may be allowed to remain without enforcement by Larimer County. Once compliance has been achieved, staff will send a letter acknowledging the easement is no longer in violation. Funds needed to cover the defense of eased properties will be paid out of the Help Preserve Open Spaces sales and use tax.

Project Name: _____ Date Opened: _____
 Acquisition Project Type: _____

<input checked="" type="checkbox"/>	Non-ownership interest (expertise/discretionary donation)	<input checked="" type="checkbox"/>	Non-ownership interest (larger donation)	<input checked="" type="checkbox"/>	Secondary ownership interest (Partner projects)	<input checked="" type="checkbox"/>	Primary ownership interest
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6. CONSERVATION EASEMENT AMENDMENT PROCEDURE

While conservation easements are intended to last in perpetuity, unexpected circumstances may warrant an amendment to the recorded easement. Although amendments are not common, this guideline will be useful in the event there is a legitimate need to amend an easement.

Program staff shall complete the following analysis and review steps in response to any requests to amend a conservation easement held by the Larimer County Open Lands Program.

The objectives and standards to be achieved by the conservation easement amendment procedures include, but are not limited to, the following:

- Meet or exceed local, state and federal laws and regulations.
- Apply consistent standards and fair treatment to all County real estate interests, while preserving the County's discretion to consider variations among properties, fact specific circumstances and the unique terms of individual conservation easements.
- Ensure public investments have adequate legal protection and avoid giving private benefit or private inurement to the landowner or third parties.
- Stay informed of developments in conservation easement amendment policy and regulation at the local, state, and federal level.
- Ensure that any amendments do not compromise the perpetual nature of the conservation easement.

This document will serve to:

- Describe the role of staff and the Open Lands Advisory Board in addressing an amendment.
- Ensure that any amendment is consistent with Larimer County Department of Natural Resources mission.
- Describe the circumstances that may warrant consideration of an amendment.
- Describe amendment principles that should be considered when reviewing an amendment.
- Describe the process for review, approval and documentation of an amendment.

1. Amendment Philosophy--

Larimer County Department of Natural Resources' mission is to establish, protect, and manage significant regional parks and open lands providing quality outdoor recreational opportunities and stewardship of natural resource values. The Department is committed to fostering a sense of community and appreciation for the natural and agricultural heritage of Larimer County for present and future generations. When considering any amendment, these goals along with the Department's mission statement will be a critical element in the review process, in addition to applicable state and federal laws, and broadly accepted standards and practices for conservation easements.

Amendment Principles--

When evaluating a proposed amendment to a conservation easement, careful deliberation should be given to the legal, practical, historical, and conservation implications of the amendment. A general framework of principles regarding amendments should include, but is not limited to:

- A. The amendment should be consistent with the conservation purpose(s) and intent of the original conservation easement;
- B. It will have a net beneficial or neutral effect on the relevant conservation values protected by the easement;

- C. It must not result in private inurement or confer impermissible private benefit and must be in compliance with the County's conflict of interest policy;
- D. It must not affect the perpetual duration of the conservation easement or the qualification of the conservation easement under any applicable laws, including § 38-30.5-101 *et seq.*;
- E. It must not jeopardize Larimer County's 'qualified holder' status under State of Colorado and IRS regulations, or undermine the public's confidence in the County as a holder of perpetual conservation easements;
- F. It is consistent with the documented intent of the original acquisition interests and any distinct amendment policy of funding sources/partners.
- G. Any conservation easement co-holders approve of the amendment; and
- H. It is consistent with one of the circumstances for amendments listed below.

2. Circumstances for Consideration of Amendments--

- A. **Prior Agreement** – In rare cases, a conservation easement may include a specific provision allowing modification of the restrictions at a future date under specified conditions. Such agreements must be set forth in the conservation easement document or in a separate document signed by all parties at the time or prior to when the conservation easement was executed. The amendment must be consistent with the terms and conservation intent of the original agreement.
- B. **Upgrade Standard Language and Format** – The standard language and format of conservation easements are periodically revised to reflect new standard clauses, statutory changes, changes in policy, or to improve enforcement and administration, or enhance the protection of the conservation values of the protected property, or consolidate the legal documents in order to simplify the protection regime. Amendments for any of these purposes may be considered so long as the changes are consistent with the intent and objectives of the original conservation easement. A Letter of Interpretation is an alternative to an amendment that can help set a precedent for how certain terms in the conservation easement are interpreted to strengthen the protection of the conservation values while providing flexibility. A revision to the Property's Management Plan can also be an effective tool to address vague or conflicting terms in an easement.
- C. **Correct an Error or Ambiguity** – An amendment may be appropriate to correct an obvious error or oversight that was made at the time the conservation easement was entered into. This may include correction of a legal description, inclusion of language that was unintentionally omitted, or clarification of an ambiguity in the easement.
- D. **Settle Condemnation Proceedings** – An amendment may be considered as part of a settlement agreement with the condemning authority where it appears that the land to be taken has little or no resource value, is not central to the purpose of the conservation easement and where condemnation power would be properly exercised for a recognized public purpose. It may also be appropriate to recommend a settlement agreement with the condemning authority if the public health, welfare and safety significantly outweigh the diminution in conservation resource values. In reaching such an agreement, the intent of the original conservation easement must be preserved to the greatest possible extent.
- E. **Amendments to Leverage Additional Conservation** – Larimer County will consider amendments to add additional land to a conservation easement. The County also supports the deletion of reserved rights by landowners.
- F. **Amendments to Reconfigure Conservation Easements** – Modifications or additions of reserved rights in exchange for additional land conservation may be recommended provided that the above principles and other considerations are substantially met. Additionally, it may be acceptable to cooperate in a boundary

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adjustment based on a survey or in an exchange of land if the resource values of the land to be received are at least equivalent to the land exchanged.

Amendments Consistent with Conservation Purpose – Other amendments of a conservation easement may be considered where the modification is consistent with the goals of the original conservation project, there is no or only incidental private benefit, the amendment is substantially equivalent to or enhances the resource values protected by the conservation easement, and any additional burden on the staff is outweighed by the increased conservation value. Requests made under this section will be reviewed carefully.

3. Process—

Program staff shall ensure that all of the following steps are followed in a conservation easement amendment situation before approving such amendment:

- A. **Request for amendment** –
A comprehensive written proposal for amendment shall be submitted to staff. This proposal must explain specifically what is being amended in the Conservation Easement, and must address what circumstances justify the amendment. It must also address each of the “Amendment Principles” listed above. A fee (as determined by the Director of Natural Resources) may be required.
- B. **Review, recommendation, and approval**–
The review will generally follow the steps presented in the Open Lands Program “Acquisition Procedure”, i.e. detailed review and recommendation by staff, followed by initial and final reviews by Open Lands Advisory Board and Board of County Commissioners. A recommendation will be made by the Open Lands Advisory Board, and final decision shall be made by vote of the Board of County Commissioners in a public hearing. There may be occasions where the initial and final reviews are combined i.e. they are accomplished in a single meeting, rather than two separate meetings.
- C. **Partner/funding agency review and recommendation**–
Prior to consideration by the Open Lands Advisory Board, the request shall be provided to any partners or funding agencies involved in the original conservation easement for their input and recommendation.
- D. **Update other documents**—
It may be necessary to review and/or update the following: baseline report, title policy, management plan, charitable donation documentation, survey, legal description.
- E. **Signature and Recording**–
If approved, the amended conservation easement document shall be signed by the Chair for the Board of County Commissioners and recorded in the office of the County Clerk and Recorder.

4. No Precedent--

While Program staff make every effort to evaluate amendment requests as consistently and fairly as possible, the Department reserves the right to address each situation individually in its sole discretion, and approval or denial of an amendment request does not establish binding precedent for any other amendment request. The Department may find it appropriate to make different determinations in seemingly similar situations, due to the unique set of facts each amendment request presents, including associated conservation easement language and individual property characteristics.

✓ Non-ownership interest (expertise/discretionary donation)	✓ Non-ownership interest (larger donation)	✓ Secondary ownership interest (Partner projects)	✓ Primary ownership interest
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7. GRANTING EASEMENTS ON COUNTY-OWNED OR COUNTY-MANAGED OPEN SPACE

As approved by Board of County Commissioners Jan. 6, 2009

Purpose:

The purpose of the policy statement is to clarify the policies and procedures of Larimer County with respect to requests for easements that affect open spaces owned and/or managed by the Larimer County Department of Natural Resources.

Applicability:

The policy applies to requests for new permanent easements for a wide variety of purposes, including but not limited to streets, water, sewer, drainage, flood control, electric power, access, and telecommunications facilities. The policy applies to projects of Larimer County as well as those proposed by other private, quasi-public and public entities. The policy does not apply to trails, parking lots, interpretive features or other facilities that are proposed as a part of the management of public open spaces.

In cases where it is infeasible to comply with this policy, the applicant may submit a written request that the Board of County Commissioners waive any portion of this policy. The waiver request must include a detailed explanation of the nature of the request, and the justification for such waiver to be approved.

General Policy:

The open space properties affected by this policy were acquired by Larimer County for the specific purpose of protecting these properties and the natural resources on them. These lands are part of the fabric of the Larimer County landscape, and are viewed as a type of “community facility” intended to meet specific land preservation goals.

Many of these open space properties were acquired by Larimer County with dedicated funds from the Help Preserve Open Space sales tax that was approved by the voters of Larimer County. The goal of the open space tax 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.” (Larimer County Open Lands Master Plan, 2001)

Requests for easements that affect open spaces must be considered within this context. Accordingly, the general policy is to avoid, to the maximum extent feasible, granting easements for activities that will adversely affect the resource and open space values and their protection. Where easements are determined to be acceptable, the general policy is to minimize the impact on the open space by limiting the size, scope, and visibility of the area affected, by managing construction or other human activities with respect to their timing, duration, and frequency of occurrence, and by restoring affected areas to a condition that is equal to or better than the condition at the time the easement is granted.

Specific Types of Facilities:

- **Public Streets.** In situations where a transportation project involves construction of new public streets, or expansion of existing public streets on open space properties, the applicant must provide evidence that the project is consistent with the Larimer County Transportation Plan or that there is no other reasonably feasible alternative to the proposed alignment and design. The application must also show that the proposed project will avoid or minimize the effect on the open space.

Project Name: _____	Date Opened: _____
Acquisition Project Type: _____	

✓ Non-ownership interest (expertise/discretionary donation)	✓ Non-ownership interest (larger donation)	✓ Secondary ownership interest (Partner projects)	✓ Primary ownership interest
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- **Private Streets or Other Private Access.** Requests by private parties for private streets or access easements to cross open spaces in order to gain access to a private parcel of land will not be considered unless crossing the open space is the only reasonably feasible means for providing access to a legal parcel of land. Consideration of such requests shall be at the sole discretion of Larimer County. Compensation and restoration measures will be required, as described below.
- **Overhead Electric Power, Telephone or Cable Lines.** New overhead cable lines will be discouraged within any county open space. Replacement of existing overhead lines with underground facilities will generally be encouraged unless the installation of underground lines will result in adverse impact to the open space that is inconsistent with these policies.
- **Aboveground Structures.** New buildings or other structures, including but not limited to towers, wind turbines, transmitters, receiving stations, tanks, substations, signs, or billboards, will be discouraged on county-owned open spaces.
- **Underground Utility Transmission Facilities or Pipelines.** To the extent possible, underground utility transmission facilities (e.g. electric, telephone, fiber optic, etc.) and pipelines (e.g. gas, water, sewer) will be located within the street and utility right-of-way adjacent to the open space. In instances where the existing right-of-way does not conform to the planned future street right-of-way as depicted on the applicable adopted Transportation Master Plan, cable or pipeline easements will be located parallel to the existing roadway and within the area encompassed by the future street and utility right-of-way.
- Some larger utility transmission facilities or pipelines are not typically placed beneath streets due to reliability or safety concern. In instances where the facility or pipeline cannot be placed within the road right-of-way, it will be located as close as practicable, and parallel to the road right-of-way.
- **Drainage Facilities for Private Development.** Drainage facilities that serve new development (such as detention, retention, or water quality ponds) shall be encouraged to locate on private land and not on county open space. Easements for conveyance facilities will be considered on a case-by-case basis when the county open space is located between the private parcel and the historic receiving channel or stream. Flow conveyance will utilize existing swales and drainages to the maximum extent feasible, and will be designed to blend into the surrounding terrain and enhance the natural habitat features or character of the site.
- Where other reasonable options exist, requests will not be granted for easements by private entities to construct flood control or drainage structures on open spaces to facilitate development of land by removing privately-owned land from the floodplain. Requests will be considered for construction of flood control measures to address existing flood hazards that threaten public health or safety; in these cases, use of the open space must be the most reasonable alternative (at the sole discretion of the County) to address the flood hazard and the structure or measure must be designed to minimize the impact to the open space.
- **Public Flood Control and Drainage Facilities.** To the maximum extent feasible, planning for storm drainage, water quality and open space land acquisition shall be coordinated so that lands needed for all of these uses are purchased jointly. The expenditure of open space funds for such projects shall be determined by the project's goals as they relate to the adopted goals of the Open Space Program. Innovative approaches shall continue to be used so that flood control and water quality facilities are designed, constructed and managed to maintain or enhance open space values while meeting flood control, stream stability, and water quality needs. Easements for flood control structures or drainage facilities will be considered on open space properties when the facility is part of the implementation of an adopted basin-

wide master plan, or where there are obvious health and safety issues which must be immediately addressed.

Alternative Analysis:

In general, easements across county open spaces will be approved if they are the best reasonable alternative, considering environmental impacts, impacts to the use of the open space by the community, financial costs, engineering feasibility, public health and safety, and other appropriate factors. Applications for easements must identify and evaluate the environmental impact, engineering feasibility, and the cost of alternatives that do not affect the county open space. Depending on the type of the proposal, alternatives will need to consider both alternative locations for the facility as well as alternative designs. The number of potential alternatives to be considered will depend on the location and the nature of the proposal, but must be sufficient to allow the Natural Resources staff, the Open Lands Advisory Board, and the Board of County Commissioners to evaluate the costs and environmental impact of the available alternatives for meeting the intent of the proposal. Applicants should expect to provide information on the available alternatives at a level of detail to allow independent review of the conclusions by the Natural Resources staff or outside consultants retained by the county to assess the easement request.

Land Use Consistency:

Applicants for easements must demonstrate that any development to be served by the proposal is consistent with the Larimer County Master Plan. Where the purpose of the easement is to provide utility services to areas outside the land use jurisdiction of Larimer County, the applicant must demonstrate consistency with the adopted plan of the governing jurisdiction, and with any applicable growth management policies of Larimer County. Application for easements that facilitate development or growth that are contrary to the policies of Larimer County will not be approved.

Coordination with Other Entities:

The county will generally discourage exclusive easements. As a condition of approval, the applicant must contact other utility service providers in the project vicinity to determine if they have current or future plans for additional facilities in the area. To the extent feasible, the planning, design, and construction of facilities shall be coordinated among utility providers to conserve easement corridors and to avoid repeated construction activities that may affect the open space. Applicants must provide copies of the written request for utility coordination and the responses received from other service providers.

Compliance with Existing Easements:

Applicants must demonstrate compliance with the requirements of other easements they possess that affect open spaces of Larimer County. Requests for new or additional easements will not be considered if the applicant has not met the requirements of existing easement agreements and has failed to correct the situation after notification by the county.

Resource Protection Standards:

As a condition of approval of any easement, Larimer County will impose appropriate measures to assure adequate resource protection for the open space. These measures will be determined based on the characteristics of the proposal and the affected land, but may include, without limitation: field investigations to determine the presence of sensitive plant or animal species; siting requirements to minimize the effect on sensitive natural resources and on intact natural habitat; seasonal timing restrictions to avoid impacts to sensitive species or areas during critical periods of the year; access restrictions to control times and locations of access to the easement; construction management measures to ensure that activities are restricted to designated areas, to control erosion, to limit noise, etc.; restoration requirements to ensure timely re-grading and re-vegetation of disturbed areas to a condition consistent with the future management of the area; mitigation measures to replace resource values lost as a result

Project Name: _____	Date Opened: _____
Acquisition Project Type: _____	

✓ Non-ownership interest (expertise/discretionary donation)	✓ Non-ownership interest (larger donation)	✓ Secondary ownership interest (Partner projects)	✓ Primary ownership interest
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of the project; and requirements to minimize the impact to the open space of ongoing operation and maintenance of the facility. The Natural Resources Director or his/her designee shall develop and maintain a general list of resource protection standards that are applicable to open spaces. This list may be modified from time to time based on the experience gained in managing easements, developing knowledge about resource values of the county's open spaces, and improved knowledge about the appropriate measures needed to protect the natural values of Larimer County's properties. The resource protection standards shall be reviewed annually by the Open Lands Advisory Board and the Board of County Commissioners.

Larimer County may require that the applicant submit an escrow or bond to assure satisfactory completion of the required reclamation.

Compensation:

As a condition of approval of any easement, Larimer County will require compensation for the easement and for the costs of processing and managing the easement. Compensation for the value of the land and for damages will be based on fair market value as determined by accepted appraisal techniques. Fees may be assessed for other costs associated with processing the easement request and approval process, overseeing construction activities, and managing the easement following construction. Fees will be based on the estimated actual costs of the service provided.

Third Party Approval:

In many cases, it will be necessary for the applicant to also seek approval of a "third party" who has an ownership or management interest in the subject property. The County is not obligated to facilitate the review or approval of third parties, and has no control over the outcome of such review.

Advisory Board and County Commissioner Review:

Granting an easement conveys a property right, and must be approved by the Board of County Commissioners. The Open Lands Advisory Board will also review the easement proposal and make a recommendation in its advisory role to the Board of County Commissioners. Natural Resources staff will be responsible for working with the applicant on the application process, reviewing and evaluating the application and making a recommendation to both the Open Lands Advisory Board and the Board of County Commissioners. If an easement is granted by the County Commissioners, staff will be responsible for overseeing and managing the easement and ensuring the conditions of the grant are met.

Application Requirements and Review Process:

In addition to this Policy Statement, the Department of Natural Resources Director or his/her designee will establish procedures for reviewing applications for easements that affect County owned or managed open spaces. These procedures shall establish the fees (as approved by the Board of County Commissioners), necessary steps, and information requirements for the timely consideration of requests for easements. The Natural Resources Director or her/his designee will ensure that easement requests are presented to the Board of County Commissioners for decision in a timely manner.

8. SUCCESSION PLANNING POLICY

Program staff shall follow the policy described below for any conservation easement conveyance requests received from another entity that is the current holder of the easement.

The purpose of this policy is to outline criteria for the Program to review prior to accepting existing conservation easements conveyed by other entities.

Larimer County Natural Resources Department Open Lands Program holds conservation easements on privately-owned and publicly-owned lands within the county. Such easements are currently funded and managed through proceeds from the Help Preserve Open Spaces sales tax. Larimer County Natural Resources Department may accept responsibility for holding conservation easements from other conservation organizations or public entities by conveyance. Prior to accepting a conveyed conservation easements it is important that the Department review certain criteria related to the existing easement to ensure ability to provide adequate stewardship of the easement. In addition, it is important to ensure that the documentation, conservation easement language and any potential endowment support the Department in maintaining the records, tracking changes in ownership, visiting the property annually, keeping the documentation current, answering questions, interpreting the easement, approving activities, correcting violations and in the ultimate defense of the easement.

Before accepting a conservation easement from another holder, the Department will examine the following considerations to determine how closely the total project meets our standards for conservation easements and supporting documents:

1. The resource values conserved match those values identified in our existing master plans or other overarching goals,
2. The conservation easement lies within an identified land priority protection area in our existing master plans and/or is adjacent to other protected lands,
3. The recorded conservation easement is essentially equivalent in structure, language, intent, function, configuration and enforceability to our standard conservation easement or can be amended/updated to better meet these standards,
4. Ensure that we have the financial capacity to properly steward and defend the easement or that any potential stewardship endowment accompanying the transfer of the conservation easement would be sufficient,
5. The baseline documentation report for the property conserved meets our current standards or can be updated to do so,
6. Review the need for a co-holder (if one currently exists or is proposed). Any co-holder must be Colorado certified with a proven track record for stewarding conservation easements,
7. No outstanding violations currently exist and there is no indication that this property poses a higher-than-average probability of a future violation,
8. Annual monitoring reports show that monitoring was completed regularly for the conservation easement (if such monitoring has not been performed, Program staff should perform a monitoring event and

Project Name: _____	Date Opened: _____
Acquisition Project Type: _____	

determine whether the property is in compliance with the easement, and if not, what would be required to obtain compliance),

9. If a mortgage or other encumbrance existed on the property that required subordination, a recorded subordination agreement is on file,
10. Endowment requests will be considered to fund the continued stewardship of accepted easements, as well as the transfer of any violation insurance policy held by the transferring entity.
11. Within the boundaries of Larimer County, and
12. Larimer County is the most appropriate qualified entity to hold and steward this easement.

Review the management history of the property to determine what amendments have been allowed and how much leeway has been given in complying with the terms of the conservation easement.

Program staff may refer to the Project Selection & Evaluation Criteria for additional considerations.

Through this process, the Open Lands Advisory Board may choose to recommend to the Board of County Commissioners to waive in whole or in part any one of these guidelines should there be compelling reasons to do so.

Larimer County Natural Resources Department

MANAGEMENT PLANNING PROCESS* FOR OPEN LANDS, PARKS AND TRAILS

**Refer to Planning Process Flowchart*

The following represents potential management planning process steps. Specific steps utilized for a given management plan will be dependent upon the complexity of the management plan and the circumstances associated with a specific property.

Management plans outline appropriate uses of open spaces, parks and trails, guides stewardship of natural and cultural resources, and identifies interpretive and environmental education opportunities. Updates are done as lands are acquired or management needs arise.

1. PROJECT GUIDING VISION AND VALUES

Board of County Commissioners

Open Lands Advisory Board

Department Staff

- Develop preliminary vision for the area during the evaluation and acquisition process.
- Communicate preliminary vision with key adjacent landowners and public for both the acquisition process and the management planning process.
- Acquire pertinent existing conditions information as part of the project evaluation for the acquisition process.

2. SITE INVENTORY & USE ANALYSIS

Department Staff/Project Leader

- Establish public engagement strategy
- Identify pertinent existing conditions information
- Identify appropriate technical advisory group members.
 - ◊ Subject experts – external (agency, organization or individual partners) and internal (staff members such as trails, education, visitor services, etc.)
 - ◊ Users groups
 - ◊ Other interest groups
- Gather information from advisory group and other sources.
 - ◊ Interviews
 - ◊ Field trips
 - ◊ Questionnaires/surveys
 - ◊ Research

3. IDENTIFY OPPORTUNITIES, BENEFITS AND CONSTRAINTS

Department Staff/Project Leader

Technical Advisory Group

Adjacent Landowners and Other Parties

Open Lands Advisory Board

Public Engagement

- Department staff identifies:
 - ◊ opportunities presented by the property/project;
 - ◊ benefits provided by the project to the users, the community, & adjacent landowners; and
 - ◊ constraints and issues that must be addressed in order to take advantage of the opportunities and benefits.
- Refine and develop draft of preliminary vision and/or statements of significance.
- Present preliminary vision, opportunities, benefits, and constraints to technical advisory team, key adjacent landowners and the Open Lands Advisory Board for input and advice.
- Implement public engagement strategies to explore and address vision, opportunities, benefits and constraints

4. DEVELOP INITIAL DRAFT PLAN

Department Staff/Project Leader

- Develop initial draft plan using information gathered from public engagement, resource advisory team, management staff and public.

5. DRAFT PLAN REVIEW

Department Staff/Project Leader

Technical Advisory Group

Open Lands Advisory Board

Public Engagement

- Share draft management plan with Technical Advisory Group, Open Lands Advisory Board and public for review and to obtain additional information.

6. DEVELOP FINAL DRAFT PLAN

Department Staff/Project Leader

- Develop modified/final draft management plan.
- Make available on website or other means for public review/comment.

7. FINAL PLAN RECOMMENDATION

Open Lands Advisory Board

- Review final plan and make recommendation for approval.

8. FINAL PLAN ADOPTION

Department Director

- Review and adopt final plan

Note that after a plan has been formally adopted, the budgeting for expenses associated with the implementation of the plan will be incorporated in the normal budgeting process.

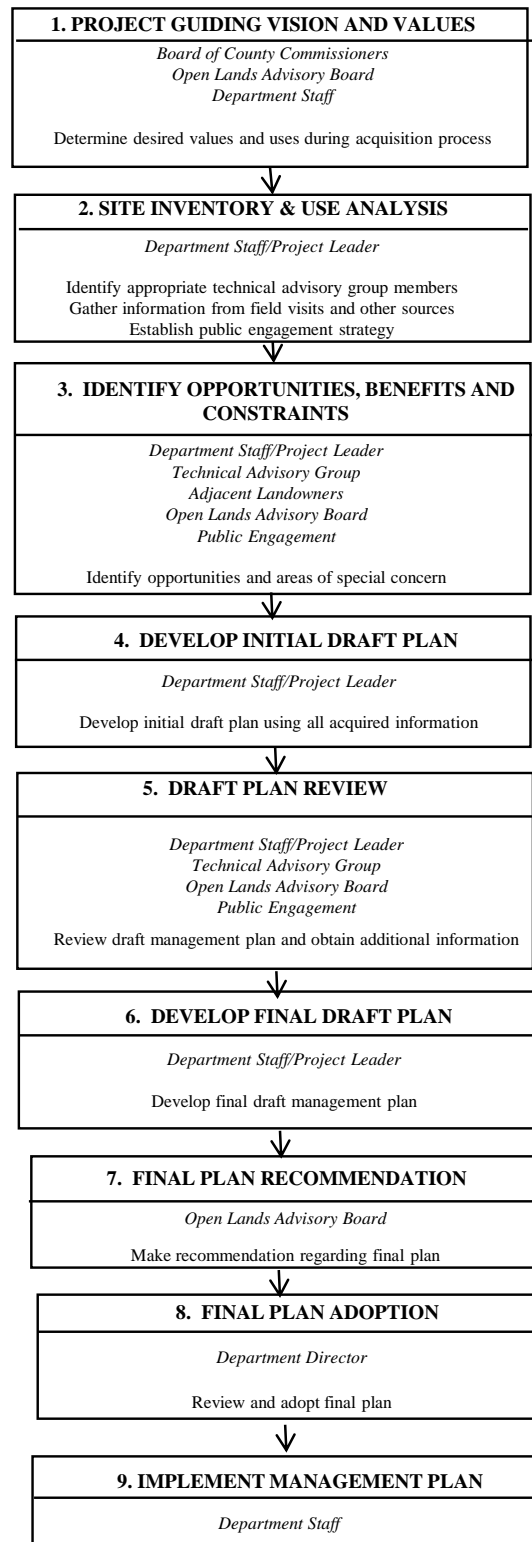
9. IMPLEMENTATION OF MANAGEMENT PLAN

Department Staff

Recommended by the Larimer County Open Lands Advisory Board February 26, 2015
Recommended by the Larimer County Board of Commissioners May 19, 2015
Adopted by the Larimer County Planning Commission June 6, 2015

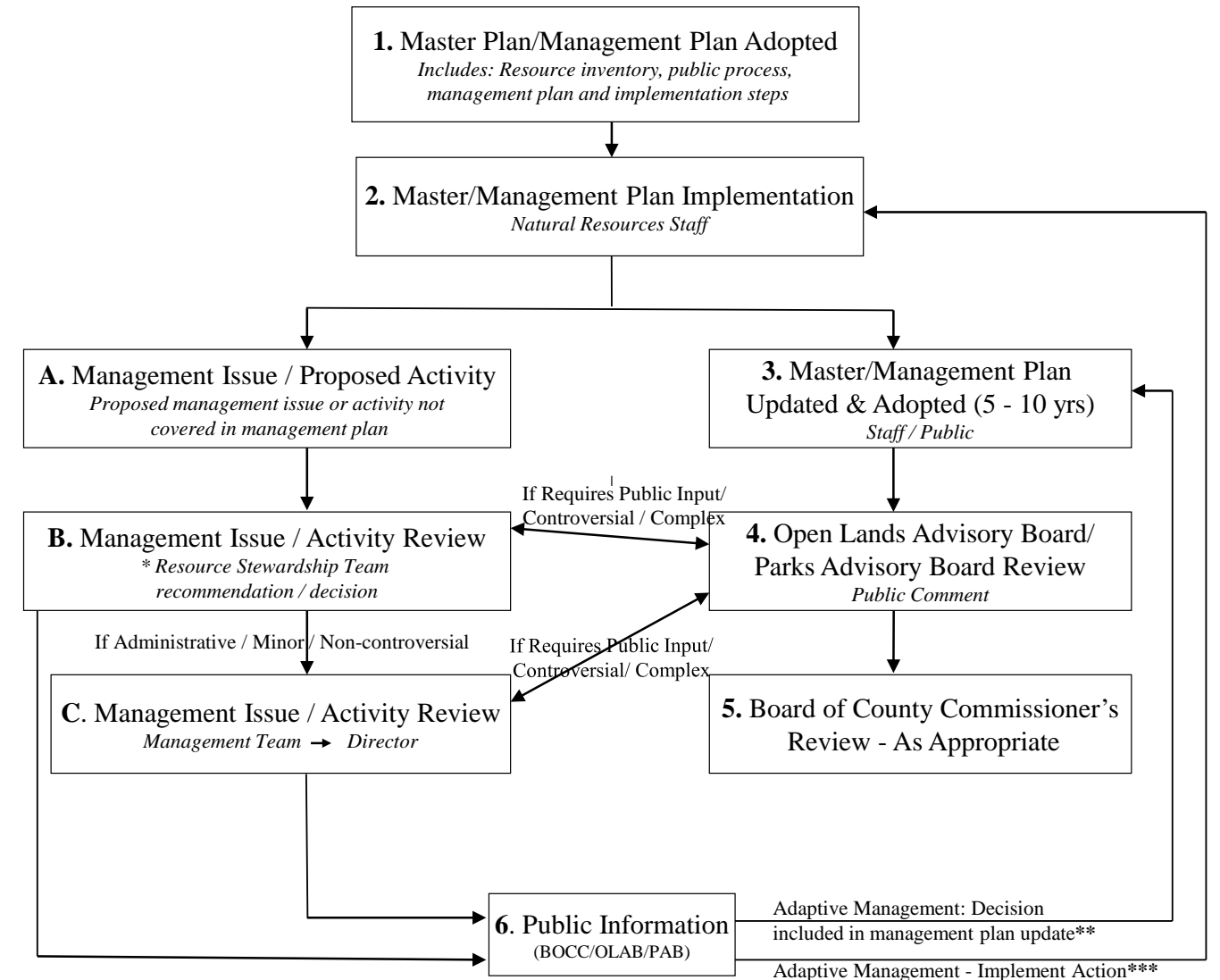
**MANAGEMENT PLANNING PROCESS
FOR OPEN LANDS, PARKS AND TRAILS**

The following represents potential management planning process steps. Specific steps utilized for a given management plan will be dependent upon the complexity of the management plan and the circumstances associated with a specific property.



Recommended by the Larimer County Open Lands Advisory Board February 26, 2015
 Recommended by the Larimer County Board of Commissioners May 19, 2015
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**Adaptive Management Review Process
For Larimer County Department of Natural Resources**



***Resource Stewardship Team** (Core team includes the Open Lands Resource Specialist, Blue Mountain District Manager and Horsetooth District Manager)

Purpose: To meet regularly to discuss, communicate, share ideas, coordinate resource management activities and make recommendations and/or decisions on visitor management that relate to a resource management issue

1. To ensure that resource management plans are being carried out effectively and appropriately per the specific property plan.
2. To ensure that resource management activities are coordinated within the Department.
3. To discuss, as a group, proposed projects and management issues on Parks and Open Lands properties.
4. To provide support to one another in completing resource stewardship activities.
5. To provide support and a forum for discussion of visitor management issues as they relate to resource protection.

**Once a decision is made, the outcome will be included and written in the updated management plan and continually evaluated.

***If the decision is made to implement a new activity, the activity will be implemented and continually evaluated.

Adopted by the Parks Advisory Board 2/12/08

Re-adopted by the Open Lands Advisory Board 02/26/20150

Appendix F. Adoption Resolution

PLANNING COMMISSION, LARIMER COUNTY, COLORADO

WHEREAS, the Larimer County Open Lands Master Plan has been proposed to supersede and replace the 2001 Larimer County Open Lands Master Plan;

WHEREAS, the Open Lands Master Plan focuses on the specific goals and mission of the Open Lands Program within the Parks and Open Lands Department and is a guide and vision for land protection efforts and regional trail projects;

WHEREAS, since 2001, significant portions of the plan have been accomplished and renewal of the plan is appropriate,

WHEREAS, working with the planning consultant, Logan Simpson, Larimer County has developed a proposed Larimer County Open Lands Master Plan, dated February 2015, which has been subject to extensive public outreach, comment and input;

WHEREAS, the 2015 Open Lands Master Plan replaces the 2001 Open Lands Master Plan;

WHEREAS, the 2015 Open Lands Master Plan expands on the 2013 Our Lands- Our Future project, a regional study of conservation and recreation in Larimer County that collected citizen input through two surveys, over 50 local presentations to public groups, boards and commissions, and multiple public meetings;

WHEREAS, The Board of County Commissioners and the Open Lands Advisory Board have recommended that the plan be adopted;

WHEREAS, the Open Lands Master Plan reflects the overwhelming support for open lands protection that has been expressed by Larimer County voters through their support of three separate ballot initiatives for Larimer County's Help Preserve Open Spaces tax; and

WHEREAS, the adoption of the Open Lands Master Plan by the Planning Commission will satisfy House Bill 01S2-1006 re: the recreational and tourism uses element of a county master plan;

NOW, THEREFORE, BE IT RESOLVED:

The Larimer County Planning Commission hereby adopts the Larimer County Open Lands Master Plan as an element of the Larimer County Master Plan. Be it further resolved that-the 2015 Open Lands Master Plan shall supersede and replace the 2001 Plan.

Dated June 17, 2015 as of May 20, 2015.

PLANNING COMMISSION OF
LARIMER COUNTY, COLORADO

By: Nancy A. Wallace
Chair

ATTEST:

Bill Wilson
Planning Commission Secretary

Dated: 6 17 15

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