



Date: April 27, 2023
Time: 5:00 PM – 8:00 PM
Location: Larimer County Loveland Campus Building, 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room & Zoom Webinar

OPEN LANDS ADVISORY BOARD MINUTES

MEMBERS		STAFF		GUESTS
Paul Hudnut	V	Daylan Figgs	I	Wade Shelton
David Marvin	I	Meegan Flenniken	I	
Gale Bernhardt	A	Zac Wiebe	I	
K-Lynn Cameron	I	Justin Core	V	
Linda Stanley	I	Carolyn Rasmus	I	
Mark DeGregorio	I	*Jody Shadduck-McNally	V	
Gary Miller	A	Andrea Weber (minutes)	I	
Peter Kelly	V	Sarah Watson	I	
Ward Nelson	I	Zach Cook	I	
Mike Carter	I			
Steve VanderMeer	A			
Tom Shoemaker	A			

V = virtual attendee

I = in-person attendee

A = absent

*commissioner

Call to Order – 5:02 pm

Public Comment

Ellis Carpenter joined in-person. Resident of Larimer County, at the meeting to listen in.

Agenda Review

Review and Approval of Last Minutes

Linda moved to approve the minutes from last meeting, Mike seconded, motion passed unanimously.

Information and Announcements

Natural Resources events for this month: <https://larimer.org/naturalresources>.

To sign up for Open Lands Advisory Board updates, go to <https://apps.larimer.org/subscriptions.cfm>, enter your email, click “Subscribe,” and check the “Open Lands Advisory Board” box.

Introduction of DNR Staff

- Carolyn Rasmus introduced herself as the new admin coordinator for DNR.

- Zach Cook introduced himself as the new Visitor Services Manager for the Big Thompson District. He has been working for DNR since 2006, when he started as a seasonal.

Reporter Herald - Larimer County Commissioners inspect Heaven's Door

Update and Reports

Board of County Commissioner update

- Commissioner Shadduck-McNally welcomed the public attendee, Ellis Carpenter.
- She attended a meeting about the mental health crisis amongst the youth in Larimer County (LC).
- She noted Daylan and Julie Enderby attended the newly formed Larimer County Diversity, Equity and Inclusion Advisory Board meeting to make introduction to the department and share how we are providing inclusive and accessible in LC parks and open spaces.
- She has been active in the legislature, including the Forestry and Wildfire Mitigation Workforce Bill, Nursey Bill, and a Stream Restoration Bill.
- LC's Strategic Goal will kick off this summer and surveys will be going out to residents.
- Commissioners are working through the Spring recruitment applications for the boards and commissions.
- She shared her concerns regarding the state running a bill or allowing ballot language that would cap property taxes at 3% annually. This would have significant impacts on the county budget.
- Joined the other two LC commissioners and DNR staff on a great tour of Heaven's Door Ranch.

Annual Report

- Daylan said the Annual Report highlights department key accomplishments. Two examples, DNR's land conservation cumulative total was 2,400 new acres for 2022, and staff conducted 68,000 ANS inspections.

2022 Annual Financial Summary Report – Sarah Watson

- Sarah introduced the report as a high level summary of the department's activity for 2022.
- Review of Departmental 2022 Revenues
 - Total: \$25,583,568
 - General Fund: 1%
 - Conservation Trust/Lottery: 4%
 - Sales Tax: 47%
 - Intergovernmental Revenue: 10%
 - Miscellaneous Revenue: 6%
 - Property Tax and Specific Ownership Taxes: 3%
 - User Fees Revenue: 29%
 - The breakout of revenue sources is consistent year after year, with large contributions from sales tax and user fees.
- 2022 Operational Expenses Budget to Actual Comparison
 - Open Spaces 18% under budget
 - Reservoir Parks 10% under budget
 - Land Stewardship 4% under budget
 - Linda asked why these budgets are underspent. Sarah noted being understaffed due to difficulties with hiring seasonal employees.
 - Daylan continued, DNR paid more seasonal staff hours in 2022 than in 2021 but had significantly fewer staff (35 positions unfilled). These numbers show salary savings and the work the department was not able to get done without those positions. Mark asked if DNR ended up paying a significant amount of overtime. Daylan confirmed, sharing the total was around 1,100 hours.
 - Dave inquired, with personnel shortages, what projects that did not get done that stand out?

- Daylan said there were no significant projects that were not completed. DNR is more concerned with the pressure on the staff to get done what did get done.
 - Meegan noted it is seasonal staff DNR is having a hard time hiring. One strategy used in our land stewardship work was to divert wages to hiring contractors for work like aerial spraying.
 - Dave asked if 2023 seasonal hiring has been similar or if it is better. Daylan noted overall it is starting better this year, but we are still seeing some seasonal staff shortages.
- Open Space 5-year Operational Revenue and Expense Trends
 - Increase from 2018 – 2022 in Service based/user fee revenue.
 - Increase from 2018 – 2022 in Sales tax revenue.
 - Revenue was largest in 2018 and has varied over the years.
 - Operating expenses have remained steady over time.
 - Project and/or capital expenses peaked in 2018, 2020 and 2022 (Heaven's Door Ranch acquisition).
 - Spikes in 2020 are attributed to Covid which led to an increase in visitation.
 - Linda asked what the percentage increase in sales tax was for the county from 2021 to 2022. Sarah said it was about \$2 million for the county, a 10% increase for the Open Space Sales Tax.
 - Ward noted everything increased by 8%, including costs, so a 10% increase isn't a great figure.
 - Mike commented on the resiliency and consistency of DNR revenue sources.
- Reservoir Parks 5-year Operational Revenue and Expense Trends
 - Service based/user fee revenue steadily increased from 2018 to 2022.
 - Other revenues were consistent over time, with a large increase in 2021.
 - Operating expenses increased slightly but steadily from 2018 to 2022.
 - Project and/or capital expenses remained level and spiked in 2021 (Skyview Campground), coming back down in 2022.
 - Spikes in 2020 are attributed to Covid which led to an increase in visitation.
- Land Stewardship 5-year Operational Revenue and Expense Trends
 - Property and specific ownership tax revenue steadily increased from 2018 to 2022.
 - Other revenue varied through the years but remained constant from 2021 to 2022.
 - Operating expenses gradually increased from 2018 to 2022.
 - Base revenue is the Property Tax, weed services and herbicide sales.
- 2023 Capital Improvement Budget Summary by Category
 - Using various funding sources and covering multiple projects, the following is budgeted for 2023:
 - Land Acquisitions - \$5,157,637
 - Replacement of buildings/structures/grounds - \$1,984,583
 - New Capital Improvements (Buildings/Structures/Grounds) - \$5,498,046
 - New Capital Improvements (Restoration) - \$490,558
 - Capital Renewal - \$937,879
 - Daylan noted what is budgeted for land acquisitions and what is spent can drastically vary depending on land negotiations. Sarah continued; DNR does not always know when it will purchase a property at the time of developing the budget. Heaven's Door is one example of an opportunity that came to fruition quickly.

Discussion Items

Land Use Code and Natural Resources Designation – Meegan

- New NR Zone in unincorporated Larimer County
 - DNR staff worked closely on the Land Use Code update in 2020 and regulations on oil and gas. These included strong protections around both fee-title and conservation easement conserved

lands within the county, regardless of agency ownership. Specifically, conserved lands are granted a no surface occupancy status from oil and gas development.

- The updated land use code includes a new natural resources zone designation. Currently there are 8-10 zoning designations, with the biggest one being O-Open. There is not much specificity of what is allowable or restricted in this zone, it is very broad. The new natural resources zone is intended to be placed on lands that are already conserved.
- Larimer County would like to move forward with a legislative rezoning of county-owned open space properties.
- The new zone will not change projects or plans for LC open spaces. Most properties already have a 3rd party conservation easement on them, which are generally more restrictive than natural resource zoning.
- In addition to protections from oil and gas surface occupancy, the key benefit of the natural resource zoning is what it means for the parcel next door to a NR Zone: when the neighboring property goes to develop, there will be automatic setback and buffers and landscape requirements to protect the edges.
- DNR will come back to the board for a recommendation to the BOCC to enter the open space properties into the natural resource zone. The steps will include a formal rezoning legislative process with the BOCC in July or August.
- The department has also reached out to the cities of Fort Collins and Loveland to inquire about including any of their open spaces in the pilot run. DNR also sought concurrence with the cities because DNR shares ownership with them on both Long View Farm Open Space and portions of Devil's Backbone Open Space. She said Fort Collins and Loveland have properties in GMA leading to questions about Prairie Ridge and Dakota Ridge Natural Areas, both properties DNR partnered to conserve.
 - K-Lynn asked if for the properties within GMA's, DNR is looking for higher zoning on those lands. Meegan said the properties are in a GMA but adjacent to city limits. This is something staff are investigating further.
- Staff have been conducting outreach to land trusts and CE partners to share information about the new zone and the benefits and opportunities it provides. LC will move forward with the rezoning and ask landowners to provide a reason if they choose to not rezone if a property is already conserved.
- Questions/Feedback:
 - Ward shared his concerns with the "X's" placed on "no feedlots or dairies" and asked if there have been problems on either side around this. Meegan noted the public process has not started but will begin in May.
 - Mark asked how an agriculture zoning interface would work with the new zone.
 - Meegan explained there is also a new agriculture conservation zone which has a lot of setback restrictions and different allowable uses, but the same buffer zones as the new NR zone code. There may be some properties where the agriculture zone might be more appropriate.
 - Linda inquired about the impact the zoning would have on adjacent parcels that were neighbored to an O-Open property in terms of setbacks and use changes. Meegan said uses would remain the same for the neighbor but the setback, some buffering and landscaping restrictions/requirements would go into effect.
 - Meegan said the time frame for this effort is outlined in the board packet. The meetings are open to the public and anyone can join virtually or in-person.

Action Items

Final Review Little Thompson River Conservation Easement Partnership

- Justin shared his screen: Lewis Farm Trail Easement Agreement (Trust for Public Land) Final Review
 - The Lewis Farm, 226 acres, is in the Little Thompson River Priority Area in the southeast part of Larimer County on the Weld-Larimer County line.
- Project overview:

- The Trust for Public Lands (TPL) and Colorado Cattleman's Agricultural Land Trust (CCALT) closed on a conservation easement on the Lewis Farm in July 2021 which included water rights (2 shares, in perpetuity, in the Osborne and Caywood Ditches, which are some of the oldest senior water rights on the Little Thompson River).
- TPL acquired the fee simple interest after the CE was put in place.
- TPL will transfer fee-title to the Colorado Future Farmers of America (COFFA), subject to the CE. COFFA will own and manage the property for agriculture and youth education programming.
- DNR has been working on securing a trail easement around the perimeter of the property, and a half-acre trailhead in the SE corner of the farm. The easement gives LC the ability to develop part or all of the trail easement that will be an asset to COFFA and the public.
- Negotiated \$100,000 for the trail easement based on appraised value of the land.
- Variety of conservation values this project will support; public benefits, protection of agricultural lands and scenic views, retaining water rights in agriculture and within Larimer County, educational outreach, wildlife habitat in river corridor in NW corner of property, and a trail for future public recreational access.
- Wade thanked DNR for a great partnership and the 3 years working on this project. He touched on the huge effort in securing funding and being able to get this project to where it is today.
- Questions/Feedback:
 - Dave asked if the formal name for this project was the "Lewis Farm Trail Easement Agreement"? Justin confirmed.
 - Mike asked where the \$100,000 was being budgeted from and if the cost met DNR's expectations for the value/expenditure of the easement. Meegan explained the money comes out of the open space acquisition fund. DNR sets aside money in the budget for transaction costs and projects such as this. The final amount paid by DNR was set based on the property appraised value and the department thinks it's a fair number. DNR also reserves the right to transfer the trail easement to another entity.
 - The board agreed the dollar amount was appropriate.
- Dave asked for a motion to pass onto the BOCC that the board recommends approval of the Lewis Trail Easement Agreement with the commitment of \$100,000, for the purchase of the easement.
 - Mike moved to approve the agreement recommendation; K-Lynn seconded. Motion passed unanimously.

Other Business

Next Meeting Scheduled May 25th, 2023 @ Larimer County Loveland Campus Building: 200 Peridot Avenue, Loveland, CO 80537 - Poudre River Room & Zoom Webinar

Executive Session

Pursuant to C.R.S. (24-6-402(4)(a)) for discussion pertaining to the purchase, acquisition, lease, transfer or sale of any real, personal or other property interest.

Adjournment – 6:41 pm

Per the Americans with Disabilities Act (ADA), Larimer County will provide a reasonable accommodation to qualified individuals with a disability who need assistance. Services can be arranged with at least seven (7) business days' notice. Please email us at weberan@co.larimer.co.us, or call (970) 498-7719 or Relay Colorado 711. "Walk-in" requests for auxiliary aids and services will be honored to the extent possible but may be unavailable if advance notice is not provided.