



PARKS AND RECREATION DEPARTMENT

Civic Center • 500 East Third Street, Suite 200 • Loveland, Colorado 80537
(970) 962-2727 • FAX (970) 962-2903 • TDD (970) 962-2620
www.cityofloveland.org

LOVELAND OPEN LANDS ADVISORY COMMISSION FEBRUARY 10, 2016 – 5:30 PM REGULAR MEETING AGENDA Parks & Recreation Conference Room, Suite 200 500 E. Third Street, Loveland, CO 80537

Notice of Meeting Posted

Call to Order

Public Comment

Approval of Meeting Minutes (January 13, 2016)

City Council Liaison Report – Hugh McKean

Larimer County Open Lands Advisory Board Report – Kerri Rollins/Hugh McKean [OLAB Agenda/Minutes](#)

5:30-6:15 pm Reports/Correspondence:

1. Open Lands Financial Report (*attached*)
2. Property Acquisition Updates (*verbal*)
3. Open Lands Projects Report (*attached*)
4. 2016 Open Lands Capital Projects and Work Plan (*attached*)

6:15-7:00 pm Discussion/Action:

5. 2016 Goals and 2015 Accomplishments for Boards & Commissions Summit, March 3rd, 5:00-9:00 pm at Rialto Theater (*attached*)
6. Policies & Procedures – Updates/Recommendation (*attached*)

Executive Session (*if necessary*)

(24-6-402(4)(a) C.R.S.) *For information or discussion of the purchase or acquisition of real property*

Reminders/Events:

Feb. 13 – [Guided Bird Walk at River's Edge Natural Area](#), 9 am at River's Edge, 960 W. 1st St.

Feb. 18 – [PEEPs Program](#) “Those Dandy Ducks,” 9:30 & 11am at Loveland Library, 300 N. Adams

Commission Member Discussion Topics

Adjournment

Next Regular Meeting: March 9, 2016



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CITY OF LOVELAND OPEN LANDS ADVISORY COMMISSION

Special Meeting Minutes – January 13, 2016

The Lake Club, Centerra, 4555 Long Pine Lake Drive, Loveland, CO 80538

Commissioners Present: Rick Brent, Gale Bernhardt, Andy Hawbaker, Ross Livingston, Darren Pape, Jim Roode, Nathan Thompson, Bill Zawacki, Hugh McKean (City Council Liaison), Kerri Rollins (Larimer County Liaison).

Commissioners Absent: Jean Whittaker.

Staff Present: Elizabeth Anderson, Debbie Eley, Brian Hayes, Marilyn Hilgenberg, Michele Van Hare.

Guests: High Plains Environmental Center Staff Jim Tolstrup, Eric Blewitt; High Plains Foundation Board Members Joe Knopinski, Paul Mueller; High Plains Environmental Center Board Members Denise Bretting, Irene Foster; High Plains School Principal Diane Feeney; Reporter-Herald Staff Pamela Dickman.

The public meeting was called to order at 5:30 pm.

Guest Presentation: Jim Tolstrup opened the discussion about possible collaboration and partnerships between HPEC and Loveland Open Lands for the benefit of both organizations and the public, creating a culture of environmental stewardship in Loveland. HPEC and OLAC ideas included joint planning and programming for community education, native plant seed harvesting/cultivating, vegetation/restoration establishment and management on open lands, coordinated environmental education curriculum with school district, partnering on grants and open lands acquisitions, community opportunities to promote agriculture, sharing of volunteers and volunteer projects, joining trail systems and extending trail rules and enforcement to both systems, and sharing joint-use community facilities.

Approval of November 18, 2015 Meeting Minutes: Rick Brent made a motion to approve the minutes as written; Jim Roode seconded the motion. The minutes were approved unanimously as written.

City Council Liaison Report. Hugh McKean noted that Council recently amended the Centerra Master Financing Agreement for a parking garage and the Open Space agreement was not brought up.

Larimer County Open Lands Advisory Board Report. Kerri Rollins reported on the following items: 1) LCDNR staff will attend the GOCO Inspire kickoff in Denver on January 14-15. Larimer County recommends that the Inspire planning process include Loveland and Wellington simultaneously with the effort in NW Fort Collins at the Boys & Girls Club; 2) GOCO awarded open space funding for a project in the Horsetooth area; 3) the county and municipalities are working on an “Alternative Transfer Mechanism” for irrigated farmland, as part of the State Water Plan recently adopted; 4) the 2016 COSA conference in Estes Park September 12-14 will be sponsored by Larimer County; 5) events to celebrate the Help Preserve Open Spaces 20th anniversary will kick off in March; 6) the Poudre River Forum will be held at the Ranch on Feb. 5th; 7) the county anticipates numerous acquisitions in 2016; 8) minutes from the November regional meeting will be provided, with information on how we can collaborate and complement each other’s efforts; 9) the county and Loveland are coordinating to provide environmental education preschool programming.

Reports/Correspondence:

1. Open Lands Project Report.

Quick Win Projects/Property Management. Oxbow Natural Area is now open, with a soft-surface trail, fencing, and gates installed. Trail work at Morey Wildlife Reserve is about 50% complete. Fencing and signage have been installed at the Wenninger and Black (*Namaqua Skyline*) properties. Mariana Butte trails are partially completed and expected to be finished in the spring.

Christmas Bird Count. Members of Foothills Audubon and other local birders completed the Loveland count on Dec. 31-Jan. 1, including a thorough survey of Open Lands sites both open and closed to the public. Total bird numbers were down, probably due to recent cold weather and fewer geese.

River's Edge Natural Area. Installation of sign kiosks is nearly complete. The Swisher property is being graded and incorporated into the site. The Mineral addition trail and bridge are being designed for installation this spring. Volunteer trail hosts continue to monitor use and educate the public about site rules, including encouraging visitors to keep dogs on leash for resource protection and safety.

GOCO Grants. *Ward Trust Property.* The Ward Trust Open Space project was awarded full funding (\$500,000) by the GOCO Board. *Youth Corps.* Loveland was also awarded 2 weeks of Conservation Corps saw crew time (\$15,000), for removal of Russian olives in Cottonwood Run Natural Area.

Environmental Education. Staff and volunteers reached more than 1,200 youth and adults with educational programming in 2015. Also in 2015, the Trail Host Program was re-initiated at River's Edge, a monthly EE program for pre-schoolers was developed, and the first active generation tour program was held. New curriculum options for school groups will be offered this spring at River's Edge, and numerous other programs and offerings will encourage people to experience their open lands.

2. Property Acquisition Updates. Fee simple acquisition of the Luxor property is scheduled for Jan. 22, with Larimer County and Berthoud as partners. Staff continues due diligence on the E. 1st St. property towards a contract to close in April.

3. Open Lands and Trails Division Reorganization. Elizabeth Anderson explained the process over the past 8 months to determine the best course for the success of the Open Lands Division. There was a need for more direct contact with the field maintenance crews, resulting in the creation of a new crew supervisor position. Education and community outreach are a priority, so additional programs and staff hours were allocated. Planning assistance to help plan, design, and open sites for public access call for additional staff time. Trails were previously managed under the Parks Division but are more similar to Open Lands in management and maintenance needs. Management plans need to be developed, to balance preservation and access, and communication and public outreach will continue to be a focus. These changes resulted in the restructuring of the Open Lands and Trails Manager position, with Marilyn Hilgenberg shifting from interim to permanent status. Funding will be split among Open Lands and Trails funds for the manager and crew supervisor salaries and maintenance costs.

Discussion/Action Items:

4. Election of Officers. Rick Brent nominated Bill Zawacki as Chair and Ross Livingston as Vice Chair. Gale Bernhardt seconded the nominations and they were approved unanimously.

5. Property Naming – Wenninger/Black Properties. Based on more than 120 unique submissions, the name *Namaqua Skyline Natural Area* was selected by the commission.

Executive Session: The regular meeting was suspended and Executive Session convened at 7:38pm. At 8:12 pm, the Executive Session adjourned and the regular session reconvened.

Adjournment: The meeting was adjourned at 8:13 pm.



LOVELAND OPEN LANDS ADVISORY COMMISSION

AGENDA ITEM: 1

MEETING DATE: February 10, 2016

DESCRIPTION: Open Lands Financial Report

SUMMARY:

Year-end 2015 Financial Report:

FUND BALANCES (12/31/15)

Capital Account	\$9,310,143
Management & Maintenance Reserve	\$3,000,000
Capital Expansion Fees (CEF)	\$2,146,362

REVENUE

<u>Account Description</u>	<u>2015 Actual*</u>	<u>2016 Budget**</u>
County Sales Tax	\$2,360,615	\$1,836,000
Open Lands CEF	508,463	283,180
Insurance & Grants		199,740
Misc. Revenue/Leases/Grants	29,261	203,000
Economic Development Loan Repayment		28,324
Interest	139,297	182,490
TOTAL	\$3,037,636	\$2,587,094

EXPENDITURES

<u>Account Description</u>	<u>2015 Actual*</u>	<u>2016 Budget**</u>
Personnel Services	\$293,326	\$531,780
Supplies	28,334	41,800
Purchased Services	181,661	178,274
Capital	4,308,579	6,256,000
TOTAL	\$4,811,900	\$7,007,854

* Unaudited year-end figures

**2016 Budget Supplemental will include funding for anticipated acquisition and development projects not completed prior to year-end 2015 (Quick Wins \$210k and E. 1st St. property), and FEMA & GOCO flood reimbursements, not included in these original budget projections.

Commission Action Recommended: Informational.



LOVELAND OPEN LANDS ADVISORY COMMISSION

AGENDA ITEM: 3

MEETING DATE: February 10, 2016

DESCRIPTION: Open Lands Projects Report

SUMMARY:

GOCO Protect Initiative. A concept paper will be submitted for the 183-acre Ryans Gulch property acquisition for GOCO's new large-scale conservation project grant cycle. The request will ask for \$1.25M towards the \$2,604,000 purchase price. Selected applicants will receive an invitation-only application, which will be due in May, with grants to be awarded in June.

Quick Win Projects. Reconstruction of the trail at Morey Wildlife Reserve continues as weather allows. Planning for restoration of the former pond and wetlands is also underway, utilizing CWCB grant funding, along with a new trail extension and loop through the property. Trails are under construction at King's Crossing and Old St. Louis as well, along with small parking areas.

Devil's Backbone Construction Project. The trailhead expansion project is scheduled to begin Feb. 8 and the parking lot will be closed for approximately 4 weeks during construction. Work on the new trail through Hidden Valley will begin once the parking lot project is completed.

Open Lands Staffing Updates. The new Parks & Open Lands Planner and the Open Lands & Trails Crew Supervisor will both start in late February. Seasonal crew positions are currently being advertised for the 2016 field season.

Trails Update:

- **Front Range Trail** – Staff received CDOT approval to begin rights-of-way acquisition and is moving forward with final easements and appraisal pending approval of environmental clearance. Larimer County and the City are working closely to complete the environmental clearance. Staff expects to have this from CDOT by the end of February. Final trail design (excluding Larimer County) will be completed in early March with the project going out to bid when the County completes their plans. Staff hopes bidding will begin in May with construction planned to start in mid-summer.
- **Long View Corridor Trail** – The IGA between participating entities has been placed on hold pending potential changes from Fort Collins. That said, the agreement is not holding up Loveland's work schedule. Staff is proceeding with full design of the project in preparation

for construction commencement this fall. Complete project scoping, engineering and design will commence in February.

- Boyd Lake Trail Routing – The easement has been reviewed and approved by both the City and the State. Planning staff will prepare the easement exhibit and once the acceptance of the exhibit is confirmed, all documents will be sent to the City Manager for signature and sent back to the State for approval. The spillway and trail construction is delayed due to the weather and staff continues to monitor the detour route to accommodate the spillway improvements.
- Namaqua Trail Easement (Segment 10b) – The City was able to secure a trail easement from Namaqua Road almost to Rossum Drive in December and staff has begun work on the trail alignment. Staff is working with JUB Engineering to complete the bridge design for the GLIC ditch crossing. This trail easement has been in the works for over a year along with the Water and Power Department to secure a new power line easement and the trail easement. Acquisition of this easement is critical in our ability to complete the Recreation Trail Loop around Loveland.
- Wilson Bridge and Taft/Wilson Trail – Public works staff is proceeding with contract modifications with Ayres and design work is anticipated to commence in the next 30-45 days, pending contract and budget approval. Engineering should be completed this summer with construction anticipated to start this fall. Goal is to have FEMA's final response on the scope change request prior to fall construction. We are still waiting on FEMA scope change approval but anticipate this in the next 2 months.

Environmental Education.

January programs included a well-attended bird walk (23 participants) and two large sessions of preschoolers learning about the value of dead logs (45 children total, about 50% repeats). Open Lands also participated in the Library's "New Year, A New You" event on January 4. Dozens of folks stopped by to study the large map and pick up information about Open Lands.

February programs include a bird walk at River's Edge (guided by the local Audubon president Irene Fortune) and a preschool PEEPs program at the Library "*Those Dandy Ducks.*"

Volunteer recruiting was advertised in the February City Update utility bill insert, and trainings for environmental education and trail host volunteers are scheduled for March. Promotion for school programs includes a comprehensive new program brochure mailed to all Loveland and Berthoud elementary and middle schools along with a few Fort Collins schools. The environmental education field trip season has been set for April 19 thru May 25. All school programs will be moved to River's Edge beginning this spring.



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LOVELAND OPEN LANDS ADVISORY COMMISSION

AGENDA ITEM: 4

MEETING DATE: February 10, 2016

DESCRIPTION: 2016 Open Lands Capital Projects and Work Plan

PRESENTER: Marilyn Hilgenberg

SUMMARY:

Based on Open Lands Advisory Commission discussions and priority setting at the January meeting, staff has identified and prioritized the 2016 Capital Projects and Work Plan. The following are key projects for 2016.

Property Acquisitions

Luxor LLC - Ryan's Gulch Property in South Loveland

Nicholson - Tract U- Option

East 1st Street Property

Namaqua Skyline Area Properties

Boise Avenue - East Big T River connections

Boedecker Lake Area Properties

Rossum - Hwy 34 Connectivity

Recreation Trail Connectivity at Sunset Vista

West Loveland Acquisition - Ward Trust with TPL

West Loveland River Properties

East Big Thompson River Corridor Planning

Conservation Easement Amendments

Amend Lazy J - Raptor Ridge Parcel 1

Amend Hopkins - Hollander

Easements

LRM Namaqua East to Wilson Ave

GLIC Namaqua Road and bridge

Mineral Addition bridge crossing at Ryan's Gulch

Boyd Lake North - Colorado Front Range Trail

Hunters Run West Connections

Easements – East Big T River Corridor

Denver to Boyd Lake Ave Trail Easement - Centerra Trail Connection



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Other

Prairie Ridge Parking Lot & Trail - Planning & Development
HPEC Environmental Center

Quick Win - OL Projects/Trails

Oxbow Trail & Access
Old St. Louis Trail, Parking & Access
Kings Crossing Trail, Parking & Access
Morey Flood Repairs - Trail Access
Morey Added Trail Access (Trail Loop)/Revegetation Grant
Morey - Parking and Trail Connection from West
Swisher Renovation into RENA
Mineral Ditch Crossing and Trail into RENA
Completion of Mariana Butte Loop Trail

Trails

Wilson to Taft Trail & Bridge
North Colorado Front Range Trail
Long View Trail and Parking
Namaqua to US 34 - Segment 10b
Denver to Boyd Segment 12
Missing Trail Connection from Wintergreen to Sunset Vista
Prairie Ridge Parking Lot and Trail Access to Coyote Ridge
Sunset Vista Trails
Namaqua Road River Bridge Replacement (County Project)
Louden Access east from Black Property to Morning Drive
Trail System Wayward Sign Program
Update Trail Inventory (Both Soft Surface and Hard)
Update Data/Maps on Trail Kiosks
Trail Underpass "Closed" gates

Management Plans

Sunset Vista
Namaqua Skyline Natural Area
River's Edge Management Plan
Big Thompson River Properties Plan – Update and Combine
Meadowbrook Natural Area (Combine Solar OL)
Luxor
East 1st Street Property



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Administration

Re-Organization Hire Manager, Crew Supervisor & ½ Planner
Open Lands Signage program & policy
Annual Report/Branding/Web page updates
Conservation Easement Monitoring/Reporting/Certification
Zoning and annexation of properties

Other Tasks

Luxor - Secure, sign, NCES Evaluation, Name
Historical Analysis and Diligence at Sunset Vista
Meadowbrook Pond Capacity Evaluation
Transplant of Tree Donations to RENA from Ketterers
Partnerships on East 1st Street Property
Joint Discussions and planning with Larimer County
Cabin Lease at VS and National Forest Service Land Exchange
Environmental/Historical Interpretive Signs at Viestenz Smith
Weed Control on Open Lands- Weed District
Baseline Inventories -Ward Trust and Luxor LLC
Move EE program learning stations to RENA
Expand Community Education Programming & Trail host programs

Partnerships

Devils Backbone Expansion
Heron Lakes- Loveland/Berthoud Trail Connections
HPEC Environmental Center
South Front Range Trail
Fort Collins Separator

Grants

Morey- Revegetation
GOCO Protect Large Scale Grant Cycle- Luxor
GOCO Open Lands Grant Cycle – due August
Weeds and Russian Olive Grants
Colorado State Forest Tree Grant Planting at RENA

Staff will discuss planned projects with the Commission and reaffirm that these projects are addressing the needs and community desires, and OLAC and Master Plan priorities.

Commission Action Recommended: Informational.



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LOVELAND OPEN LANDS ADVISORY COMMISSION

AGENDA ITEM: 5

MEETING DATE: February 10, 2016

DESCRIPTION: 2015 Accomplishments and 2016 Goals for Boards & Commissions
Summit, March 3, 2016

SUMMARY:

The Annual Boards & Commissions Summit will be held on Thursday, March 3 from 5-9 pm at the Rialto Theater Center. Two OLAC representatives are invited to attend.

Agenda:

5:00 - 5:45pm Social Hour

5:45 - 6:45pm Buffet Dinner

6:45 - 7:00pm Mayor's Welcome / 2016 Goals

7:00 - 8:00pm Presentations of 2015 Accomplishments:

- Community Marketing Commission
- Disability Advisory Commission
- Fire & Rescue Advisory Commission
- Historic Preservation Commission
- Library Board
- Loveland Utilities Commission Board
- Visual Arts Commission

8:10 - 8:50pm Activity

8:50 - 9:00pm Closing Remarks

The following 2015 accomplishments and 2016 goals are presented for OLAC discussion and inclusion in the program for the Boards & Commissions Summit.

Major accomplishments in 2015 included:

1) Completed permanent repairs and fully opened River's Edge Natural Area for public access

River's Edge opened for full public access on September 28, 2015. Permanent repairs from 2013 flood damage included the relocation of the parking lot, flood hazard mitigation measures, reconstruction of trails and pond access points, and wetland restoration. Funding was provided by FEMA and GOCO flood recovery grants and insurance reimbursements.

2) Acquisition of 7 Properties (315 acres) for Open Lands Purposes:

- a. River's Edge Additions (9 acres; now totals 162 acres)
- b. Namaqua Skyline Natural Area (156 acres)
- c. Oxbow Natural Area (12 acres)
- d. Boedecker West (25 acres)
- e. Loveland-Fort Collins Separator Partnership (113 acres, 50 shares CBT water)

3) Site Development for Public Access:

- a. Mariana Butte
- b. Oxbow Natural Area
- c. Old St. Louis
- d. Kings Crossing

4) Growth in Public Outreach and Environmental Education:

- a. Significant growth in Trail Hosts & Environmental Education volunteers and training
- b. New Preschool Env. Ed. Programs (PEEPs)
- c. New program offerings for school groups and the public

Proposed 2016 Goals for Discussion:

- 1) Complete quick-win projects and open sites for public access.
- 2) Complete management plans for Sunset Vista and Namaqua Skyline natural areas.
- 3) Update the Management Plan for Morey Wildlife Reserve, incorporating flood recovery and mitigation measures, public access options, and the adjacent Ward Trust Property and other future acquisitions nearby.
- 4) Preserve property by fee simple or conservation easements to provide connectivity to existing open lands, address fragmentation of wildlife habitat, and balance resource protection and public access on city open lands.
- 5) Maximize public benefit from the open space sales tax, capital expansion fees and general funds, as well as grant and partnership funding sources.
- 6) Increase public outreach, environmental education programming, and volunteer opportunities.

Commission Discussion/Action Recommended: Review and discuss OLAC's 2015 Accomplishments and 2016 Goals. Select two representatives to attend the summit.



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LOVELAND OPEN LANDS ADVISORY COMMISSION

AGENDA ITEM: **6**

MEETING DATE: February 10, 2016

DESCRIPTION: Policies & Procedures – Updates/Approval

SUMMARY:

Policies and Procedures for Open Lands are reviewed annually by Open Lands Staff and every five years by Open Lands Staff with the Open Lands Advisory Commission. The State of Colorado Conservation Easement Certification Program requires that certain policies and procedures are in place in order for Loveland to be certified to hold Conservation Easements for which a state tax credit is claimed. There are currently 19 Open Lands Policies (see attached).

Minor changes made to the policies include updating the term “Natural Areas” to “Open Lands” to reflect the division name where appropriate. More substantial changes are red-lined in the attached documents and are summarized as follows:

- Policy OL-1 – Naming, has been revised to incorporate a more practical timeline and process for the naming of natural areas and open lands.
- Policy OL-5 – Weed and Non-native Species Policy, has been updated to include a general description of weed management and exemptions, and the table listing site-specific exempt areas and management strategies has been removed, as this table is updated annually department-wide.
- Policy OL-7 – Memorial Policy, has been updated to remove the spreading of cremated remains as an allowed use.
- Policy OL-19 – Permits for Activities, is now included to address special uses and permit conditions.
- Policy OL-6 – Signage, and Policy OL-18 – Management and Stewardship Policy, are in the process of being revised and will be presented for review at a future meeting.

Commission Action Recommended: Review and recommend the attached Open Lands Policies to the Open Lands and Trails Manager and the Director of Parks and Recreation.



SUBJECT: Policy for Naming Properties Acquired by the City of Loveland for the Open Lands Program

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a policy for naming properties as they are acquired

SCOPE: All properties acquired with Loveland's share of the Larimer County Open Space Sales Tax Fund or Open Lands Capital Expansion Fees.

RESPONSIBILITY: Open Lands Staff

BACKGROUND: OLAC adopted a Naming Policy in August of 1999. Staff and OLAC have used the policy set out below to name acquired properties since that time.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

I. Process

A. Timeliness

To accurately identify natural areas in public discussions, on maps, in brochures, and in other forms of communication, official names should be assigned to natural areas as soon as possible after the property is acquired.

~~For unnamed natural areas in City ownership or under contract, the naming process will begin when this "Naming of Open Lands" policy is adopted by the Open Lands Advisory Commission and Open Lands staff. Subsequently, the process will begin when each natural area goes under contract.~~

B. Public Announcement

When the City ~~sends a contract to purchase acquires~~ a property for natural area ~~or open lands purposes~~, the public will be invited, via press release, to submit prospective names for that



natural area, and the natural area will be put into an appropriate management classification.

~~The press release will acknowledge the fact that this is an in-process acquisition and, while it is unlikely, it is possible that the acquisition will not be finalized.~~ The media, City Council, and Open Lands Advisory Commission, and the Parks and Recreation Commission will receive a copy of the press release. When acquisitions are made jointly between other City Departments or jurisdictional entities, those departments/entities also will be included in this notification process. As determined on a case-by-case basis, the press release also may be sent to specific groups or individuals who have exhibited a particular interest in a certain natural area.

~~Deadline for submission of names will be two weeks from the date of the press release.~~

The press release will refer to the natural area by description, rather than by any informal name (e.g., the seller's name).

C. Administrative Review and Selection

Within two weeks after the closing date for submissions, the Open Lands Advisory Commission and Open Lands staff will select a name from the submissions, or if no acceptable submissions have been made, will develop additional proposed names. When the natural area being named is being acquired in conjunction with another City department, staff from that department will be invited to participate in the selection of the name. The selected name will be based on the criteria identified in this document.

Unless the selected name is the name of a person, the name will be provided to the Parks and Recreation Director for feedback before public announcement. Unless a serious problem is identified during this feedback, the name shall become official.

D. Naming After Persons

If the selected name is the name of a person, the proposal will be taken to the Parks and Recreation Director for official designation. The designation process shall include advance review by the Open Lands Advisory Commission and Open Lands staff.

E. Development Acquisitions

Natural areas obtained through the development process will be named in the development process.

F. Delays

In the unlikely event of a long delay in naming a natural area, the area will be assigned a number by which it will be known until it is officially named. The purpose of this number is to avoid the impression that staff has already decided on a name and to avoid an informal name becoming recognized as an official name. The number will start with the letters 'OL' for Open



Lands, followed by the year we the City first made contact with the landowner (e.g., '99' represents 1999), with the first two letters of the name of the landowner (e.g., 'SM' for Smith). Thus, the example just given would appear as 'OL99SM.' Preferably, natural areas will be named in a timely fashion, making this numbering seldom, if ever, used.

G. Eligibility

Anyone may submit proposed names for natural areas. Names may be submitted anonymously or with the submitter's identification.

II. Criteria

There are three priority levels. There is very little difference between priorities 1 and 2. They are listed as separate criteria because priority 1 criteria are absolutes – there is no foreseen circumstance in which they would not be adhered to. For priority 2 criteria, while they are equally as desirable as priority 1, there could conceivably be unusual circumstances in which it would be so difficult to apply them that they would result in an inappropriate or less desirable name. Because it is most desirable to focus on natural aspects, priority 3 criteria are the least desirable and can be expected to be seldom used.

A. Priority 1 – These are required criteria.

Donations: Any natural area involving significant charitable donations will automatically be named after the donor or given any other name the donor selects. Such name will be submitted to the Parks and Recreation Director for official designation and will not go through the public process. However, the donor may instead stipulate that a name be selected through the public process with the approval of the Open Lands Advisory Commission and the Open Lands Program staff.

Contiguous Areas: Natural area acquisitions that are contiguous to existing natural areas will not be given new names, but will be known by the name of the existing natural area. Name selection for such contiguous acquisitions will not go through the public process.

B. Priority 2 – These are highly desirable criteria. They should apply unless there is a compelling reason to override them.

Ecological Features: A natural area name should reflect its unique ecological features, such as the wildlife or vegetation species found on the site, geological features, or physical identifying features. If using a wildlife name, only wildlife that frequent a specific natural area should be used. If using a plant name, that plant should be native and predominant to the site or should be a species found on the site and classified as rare, threatened, or a species of concern. This criterion may be overridden in deference to Priority 1 criteria, or when the use of ecological features would create a cumbersome name.



Habitat Type: When feasible, the name should include the type of natural area, e.g., prairie, wetland, forest, upland, savanna, riparian area, shrub land, lake, pond, corridor, marsh, hogback, creek, river, etc. This criterion may be overridden in deference to Priority 1 criteria, when it is difficult to isolate a singular habitat type in an area encompassing several types, when including the habitat type would create an awkward name, or in other rare circumstances when it is not feasible to include the habitat type.

Confusion Avoidance: Attempts should be made to avoid names that create confusion with streets, subdivisions, parks, etc. in other parts of the city. This criterion may be overridden in deference to Priority 1 criteria, when there is only one appropriate name for a specific natural area, or when some other extreme circumstance makes it more appropriate to violate this criterion than to adhere to it. The main purpose for this criterion is for public safety. Emergency response personnel should not be faced with a natural area name that is easily confused with locations in other parts of the city.

History: Where appropriate, names may be based on historical use of a site, e.g., stagecoach use, settlements of native people, etc. This criterion is the least important of the Priority 2 criteria and should only be used when the historical use is significant.

C. Priority 3 – Less desirable, but acceptable in certain circumstances.

Persons Other than Donors: In some situations (to be determined on a case-by-case basis), it may be appropriate to name a natural area after a person other than a donor. This may include persons of considerable influence whom the community wishes to honor, persons who have been highly influential in the acquisition of specific natural areas, or persons who have significantly strengthened the field of natural area protection. Such names will be submitted during the public process. If such a name is chosen, the recommendation will go to the Parks and Recreation Director for official designation.

Subdivision Names: While not generally desirable, in certain situations (to be determined on a case-by-case basis) it may be appropriate to name a natural area after a subdivision.

III. Platting

~~After a natural area name becomes official, it will be platted.~~

IV. Documentation

The name selection process for each natural area will be documented, and any brochure about a specific natural area will include a brief explanation of the natural area's name.



SUBJECT: Open Lands Policy for Costs of Conservation Easement Transactions

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a policy for responsibility for costs involved in the conservation easement process and closing

SCOPE: All conservation easements acquired with Loveland's share of the Larimer County Open Space Sales Tax Fund and/or donated by landowners

RESPONSIBILITY: Open Lands Staff

BACKGROUND: OLAC adopted a conservation easement cost policy in May of 2003. Staff has used this policy to acquire conservation easements since that time. Minor changes to the policy have been made.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

The following table outlines the estimated costs of conservation easement (CE) activities that may be necessary to receive a grant of a conservation easement and the responsibility for each cost. This table will be used for all transactions involving conservation easements. Contracts to purchase CEs are prepared by the City Attorney's Office. Any changes or exceptions to this policy must be approved by the Director of Parks and Recreation.

Preparation or Report	Estimated Costs	Responsible Party
Letter of Intent	\$500-\$1,000	Open Lands Fund 202
Endowment Preparation	\$375-\$3,000	Open Lands Fund 202
Endowment Monitoring	\$1,000-\$2,000	Open Lands Fund 202
Endowment Defense Fund	\$2,000-\$3,000	Open Lands Fund 202

Preparation or Report	Estimated Costs	Responsible Party
Baseline Inventory on CE <u>Purchases</u>	\$1,500 - \$2,500	Landowner Cost
Baseline Inventory on CE <u>Bargain Sale</u>	\$1,500-\$2,500	Open Lands Fund 202
Baseline Inventory on CE <u>Donations</u>	\$1,500-\$2,500	Open Lands Fund 202
Appraisal on CE <u>Purchase</u>	\$4,000-\$6,000	Landowner Cost
Appraisal on CE <u>Bargain Sale</u>	\$4,000-\$6,000	50% Landowner 50% Open Lands Fund 202
Appraisal on CE <u>Donations</u>	\$4,000-\$6,000	50% Landowner 50% Open Lands Fund 202
Survey	\$varies	Open Lands Fund 202
Owner's Title Commitment CE <u>Purchase</u>	\$varies	Landowner Cost
Owner's Title Commitment CE <u>Bargain Sale</u>	\$varies	Landowner Cost
Owner's Title Commitment CE <u>Donation</u>	\$varies	
Closing Costs to the title company	\$200-\$500	50% Landowner 50% Open Lands Fund 202
Clean up or removal of structures, vehicles, trash or equipment.	\$varies	Landowner Cost



SUBJECT: Policy for Costs of Fee Simple Acquisition of Open Lands

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a policy for responsibility for costs involved in acquiring fee simple interest in open lands

SCOPE: All properties acquired with Larimer County Open Space Sales Tax Funds and/or donated by landowners

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Staff has used this policy for costs for fee simple acquisitions of open lands.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

The following table will be used for all transactions involving fee simple acquisitions of open lands. Contracts to purchase open lands are prepared by the City Attorney's Office. Any changes or exceptions to this policy must be approved by the Director of Parks and Recreation.

Preparation or Report	Estimated Costs	Responsible Party
<u>Appraisal on Purchase</u>	\$3,000-\$5,000	Landowner cost
<u>Appraisal on Bargain Sale</u>	\$3,000-\$5,000	50% Landowner 50% Open Lands Fund 202
<u>Appraisal on Donations</u>	\$3,000-\$5,000	50% Landowner 50% Open Lands Fund 202
<u>Survey</u>	\$ varies	Open Lands Fund 202
<u>Owner's Title Commitment Purchase</u>	\$ varies	Landowner cost
<u>Owner's Title Commitment Bargain Sale</u>	\$ varies	Landowner cost

Preparation or Report	Estimated Costs	Responsible Party
Owner's Title Commitment <u>Donation</u>	\$ varies	Open Lands Fund 202
Closing Costs to the Title Company	\$200-\$500	50% Landowner 50% Open Lands Fund 202
Clean up or removal of structures, vehicles, trash or equipment.	\$ varies	Landowner cost



SUBJECT: Open Lands Policy for Easement Requests on Natural Areas

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish the policies and procedures of the City of Loveland with respect to requests for easements or rights-of-way that affect publicly owned Open Lands. This policy does not apply to other lands owned by the City of Loveland.

SCOPE: The natural areas and other open lands addressed by these policies were acquired by the City of Loveland with dedicated funds from sales taxes that were approved by the voters of Larimer County for the specific purpose of protecting natural areas and open lands. It also applies to natural areas acquired by the City of Loveland prior to the passage of the Open Lands Sales Tax in 1996. This policy applies to requests for new easements or rights-of-way for a wide variety of purposes, including without limitation, streets, water, sewer, drainage, flood control, electric power, and telecommunication facilities. The policy applies to projects of the City of Loveland as well as those proposed by other public entities, and private parties. The policy does not apply to trails, parking lots, interpretive features or other facilities that are proposed as part of the management of the public natural area.

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Staff has followed this policy regarding easement requests.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

The goals for open lands described in the City of Loveland Open Lands Plan (2003) were as follows:

Goal 1

The community of Loveland commits to identify, preserve, protect and enhance open lands, natural areas, and other significant lands deemed important to Loveland's quality of life, image or identity.

Goal 2

The Loveland community shall use techniques to preserve open lands, natural areas, and other significant lands. The intent is to use available resources to best meet the community's objectives while at all times respecting individual property rights.

Goal 3

Standards for open lands within the city and surrounding area (i.e., types of open lands, service areas, population, and site characteristics) will be studied and compared with other similar communities. Two organizations (Colorado Open Space Alliance, Colorado Conservation Trust) track the open lands and natural areas in communities throughout Colorado.

Requests for easements or rights-of-way that affect natural areas or open lands must be considered within this context. The general policy is to avoid, to the maximum extent possible, granting easements or rights-of-way for activities that will adversely affect the use of the land for meeting the community's goals for natural area protection.

Because the majority of the natural areas owned by the City of Loveland occur within an urban context, it is recognized that requests for easements and rights-of-way will be forthcoming in order to allow for development to occur as set out by the city's Comprehensive Master Plan. Individual requests will be evaluated in accordance with both the general policy and with the specific policies listed in the following sections.

TYPES OF FACILITIES:

Public Streets. New highways, roads, or streets will not be allowed within City-owned natural areas or open lands, except for those specifically identified in the City of Loveland Transportation Master Plan. Widening or other street improvement projects on existing streets within natural areas or open lands will be allowed, consistent with the City of Loveland Transportation Master Plan. The alignment and design of any highway, road, or street improvement will be planned to avoid or minimize the effect on the natural area or open land and water quality.

Private Streets or Other Private Access. Requests by private parties for private streets or access easements to cross natural areas or open lands in order to gain access to a private parcel of land will not be considered unless crossing the natural area is the only feasible means of providing access to a legal parcel of land and it does not conflict with the preservation goals for the area. In such case, the alignment and design of any approved private street will be planned to avoid or minimize the effect on the natural area or open land and water quality. Maintenance of any approved private street will be the responsibility of the private party requesting access, and will be planned to avoid or minimize impacts to water quality, including methods for sediment and erosion control, and snow and ice removal/control.

Overhead Electric Power, Telephone, or Cable Lines. New overhead cable lines will not be recommended to City Council on any city-owned natural area or open land. Replacement of existing overhead cables with underground cables will generally be encouraged unless the installation of underground lines will result in adverse impact to the natural area that is inconsistent with these policies.

Aboveground Structures. New buildings or other structures, including without limitation, towers, transmitters, receiving stations, tanks, substations, or billboards, will not be allowed on city-owned natural areas or open lands.

Underground Utility Cables or Pipelines. Consistent with standard practice within the City of Loveland, underground utility cables and pipelines will be located within the street and utility right-of-way adjacent to the natural area. 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 Master Transportation 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 cables or pipelines are not typically placed beneath streets due to reliability or safety concerns. In instances where the cable or pipeline cannot safely 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 located on private land within the development and not on city-owned natural areas. Easements for conveyance facilities will be considered on a case-by-case basis when the city-owned land 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 be designed to blend into the surrounding terrain and enhance the natural habitat features or character of the site. Drainage facilities located on city-owned land will be the responsibility of the private development. Water conveyance and storage facilities will be planned to avoid or minimize impacts to water quality.

Public Flood Control and Drainage Facilities. To the maximum extent possible, planning for storm drainage, water quality and natural areas shall be coordinated so that lands needed for all of these uses are purchased jointly. Innovative approaches shall continue to be used so that flood control and water quality facilities are designed, constructed and managed to maintain or enhance natural area protection values while meeting or exceeding flood control, stream stability, and water quality needs. Easements or rights-of-way for flood control structures or facilities will be considered on natural area or open land properties when the facility is part of the implementation of an adopted basin-wide master plan.

COORDINATION WITH OTHER ENTITIES:

The city will generally not grant 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 natural area. Applicants must provide copies of written requests 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 natural areas of the City of Loveland. Requests for new or additional easements will not be considered if the applicant has not met the requirements of existing easement agreements.

RESOURCE PROTECTION STANDARDS:

As a condition of recommendation by OLAC to City Council of any easement or right-of-way, the City of Loveland will impose appropriate measures to ensure adequate resource protection for the natural area or open land. These measures will be 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; 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.; water quality protection methods to avoid or minimize impacts to water quality as a result of construction disturbance and/or ongoing operation and maintenance of the facility; restoration requirements to ensure the timely regrading and revegetation of disturbed areas to a condition consistent with the future management of the area; mitigation measures to replace resource values lost to the community as a result of the project; and requirements to minimize the impact to the natural area of ongoing operation and maintenance of the facility.

COMPENSATION:

As a condition of approval of any easement or right-of-way, the City of Loveland will require compensation for the easement and for the cost 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. Costs will be assessed for other expenses associated with processing the easement request and approval process, overseeing construction activities, and managing the easement following construction. Costs will be based on the estimated actual costs of the service provided.

OPEN LANDS ADVISORY COMMISSION AND COUNCIL REVIEW:

Granting an easement or right-of-way conveys a property right and must be approved by the City Council by ordinance. The Open Lands Advisory Commission will also review the easement proposal and make a recommendation in its advisory role to the City Council. City 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 Commission and the City Council. If an easement is granted by the City Council, staff will be responsible for overseeing and managing the easement and ensuring that the conditions of the grant are met.



SUBJECT: Open Lands Policy for Weeds and Non-native Species

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To clarify the policies and procedures of the City of Loveland Open Lands Division with respect to non-native plant species in Natural Areas owned by the City of Loveland.

SCOPE: The natural areas and other open lands addressed by these policies were acquired by the City of Loveland with dedicated funds from sales taxes that were approved by the voters of Larimer County for the specific purpose of protecting natural areas and open lands. It also applies to natural areas acquired by the City of Loveland prior to the passage of the Open Lands Sales Tax in 1996. The Recreation Trail along the Louden Ditch is handled by a separate agreement with the Parks Division.

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Staff has used the following policy regarding weeds and non-native species on Natural Areas.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:**I. Coordination with Other Entities**

The City of Loveland Open Lands Division will comply with current non-native plant (weed control) regulations of Larimer County and the State of Colorado.

II. Compliance with Existing City of Loveland Municipal Code Chapter 7.168

The Open Lands Division will comply with all ~~of the~~ provisions in the City of Loveland Municipal Code Chapter 7.16 (weed ordinance)8. ~~The following table includes the current list of properties to be exempt from the weed height ordinance because~~The Open Lands Division manages natural

areas and open lands primarily for their natural resource features, for the benefit of wildlife and native plant communities. The Parks and Recreation Director may designate open lands exempt from the City's weed ordinance and the Division annually updates the list of exempt areas, including vegetation management strategies for all city-owned natural areas, open lands and trail properties. Sites may be exempt from vegetation height requirements in the code if the property is a natural area, wildlife corridor or wetland, or because the land upon which the vegetation is growing is a dedicated public or private open lands natural area as determined by the Open Lands Manager. Management strategies may include mowing along trail edges for safety and maintenance and mowing for fire mitigation or weed control as needed.

Site	Exempt Area	Management Strategy
Benson Park	From water surface to an elevation of up to 4' above water surface	To allow and encourage the growth of wetland vegetation.
Centennial Natural Area	Entire site	To allow and encourage growth of cover for wildlife.
Centennial Park	Along recreation trail from edge of Big Thompson River to top of bank above trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. Unmowed area will provide cover for wildlife to move within a wildlife corridor.
Cottonwood Natural Area	Entire site	To allow and encourage growth of cover for wildlife.
CTM Place	Entire Site	To allow and encourage growth of cover for wildlife.
Emerald Glen Natural Area	Entire site except 4' on either side of recreation trail and 4' strip adjacent to single family home lots	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Fairgrounds Natural Area (8.49 acres to be known as Fairgrounds 5 th Addition to the City of Loveland)	Entire site except 4' strip on either side of recreation trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Jayhawker Ponds Natural Area	Entire site except 4' on either side of roads, trails, and structures	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Lafarge Bros Property	Entire site except 4' on either side of roads, trails, and structures	All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.

Site	Exempt Area	Management Strategy
Loomis I, II, and III	Entire site except 4' strip on either side of recreation trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Macy Natural Area	Entire site	To allow and encourage growth of cover for wildlife.
Meadowbrook Natural Area	Entire site except 4' on either side of roads, trails, and structures	All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Morey Wildlife Reserve	Entire site except 4' on either side of roads, trails, and structures	All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Namaqua Natural Area	Entire site	To allow and encourage growth of wetland vegetation and provide a natural area for wildlife to move within a wildlife corridor.
Namaqua Park	From edge of Big Thompson River to top of bank. From edge of irrigated turf east to boundary line.	Until the area east is developed, it can serve as a natural area of wildlife cover. Wildlife can move along the river as a wildlife corridor.
Recreation Trail 1 st Addition	Entire site except 4' strip on either side of recreation trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Recreational Trail 2 nd , 3 rd , 4 th , 5 th , 6 th Additions	Entire site except 4' strip on either side of recreation trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
RFJY Natural Area	Entire site except 4' strip on either side of recreation trail	A 4' wide strip will be mowed along both sides of trail edge to keep vegetation off the hard surface. All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.
Trailwood Drive Natural Area	Entire site	To allow and encourage growth of wetland vegetation.
Wild Property	Entire site except 4' on either side of roads, trails, and structures	All unmowed areas will provide a natural area with cover for wildlife to move within a wildlife corridor.



SUBJECT:	Open Lands Policy for Memorials on Open Land Properties
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	To establish a policy for the placement of memorials on Natural Areas and Open Lands Properties
SCOPE:	The natural areas and other open lands addressed by these policies were acquired by the City of Loveland with dedicated funds from sales taxes that were approved by the voters of Larimer County for the specific purpose of protecting natural areas and open lands. This policy also applies to natural areas acquired by the City of Loveland prior to the passage of the Open Lands Sales Tax in 1996.
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	Open Lands Staff occasionally receives requests to consider placing memorials on Open Lands property, as well as on facilities such as benches or trees within those properties. After careful consideration, OLAC and Staff have developed this policy to address such requests on Open Lands only. The Parks Division has a separate policy.
APPROVAL:	<hr/> Elizabeth R. Anderson Director, Parks and Recreation
POLICY:	<hr/> Marilyn Hilgenberg Open Lands and Trails Manager
	<ol style="list-style-type: none">1. The Open Lands Division will not permit the placement of plaques, markers, gravesites or other visible markers on natural area properties. Any existing gravesites or markers in place at the time of acquisition will be permitted unless changed through the negotiation process.2. The spreading of cremated ashes is <u>not permitted on open lands or natural areas</u> <u>permitted with the following guidelines:</u> A permit must be requested and obtained from Parks and Recreation. The location must be at least 100 feet from any water source. Ashes must be spread, not buried or placed in a pile. No markers, displays or plaques may be placed anywhere in the open space.

3. If memorial requests are made while working with a landowner during land negotiations, staff will notify OLAC during the property review process. These requests will be discussed during a regularly scheduled OLAC meeting.



SUBJECT: Open Lands Policy for Recognition of Financial Contributions

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a policy for the recognition of financial contributions to the Open Lands Program.

SCOPE: Recognition of all donations to the Open Lands Program.

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Open Lands Staff have solicited and received donations in the past. Donations have been used to help acquire open space properties and provide support for environmental education programming. These donations have helped to demonstrate community support for the Open Lands Program, and at times have provided matching funds for grant proposals.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

1. Recognition in the Open Lands Annual Report for contributions \$250 and over.
2. Name recognition (without logo) for individual contributions of \$250 or more, in an appropriate section of the main kiosk for that natural areas or open space.
3. Name recognition (with logo) as required per grant agreements with Great Outdoors Colorado or other funding agencies. This recognition will be located in an appropriate section of the main kiosk for that natural area or open space, along with recognition (with logo) of other partners in accordance with the grant agreement for each project.



SUBJECT:	Open Lands Policy for Neighborhood Requested Access
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	To establish a policy for neighbors who request access to Natural Area sites.
SCOPE:	All staff who work with neighborhoods adjacent to Natural Areas.
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	Open Lands Staff will manage sites that are open to the public. It is the preference of staff that all natural area users enter the natural area via designated trailhead(s). The following outlines the policy for considering neighborhood access requests.
APPROVAL:	<hr/> <p>Elizabeth R. Anderson Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

POLICY:

1. The purpose of directing the public to trailheads is to direct user access to major trailheads rather than to have multiple entry points. This is recommended in order to:
 - a. Reduce multiple trails across the Natural Area.
 - b. Decrease erosion.
 - c. Focus any patrol and enforcement to specific locations.
 - d. Reduce trespass of Natural Area users onto private property.
 - e. Reduce the amount of trash accumulation.
2. The following factors will be considered when requests are received for neighborhood access:
 - a. Any neighborhood access that only benefits nearby subdivision(s) should benefit as many subdivisions as possible for that access point.

- b. Any neighborhood access that also provides general public access should benefit as large a number of people as possible for that access point.
- c. There must be a majority agreement from the HOA requesting access and a letter from the President of the HOA requesting access in favor of having a neighborhood access point with proof of HOA majority approval attached.
- d. City of Loveland Parks and Recreation staff must be allowed access through the subdivision or on private roads or trails to check for violations related to the neighborhood access point.

3. Neighborhood access points will not be patrolled by City of Loveland Parks and Recreation staff. Staff will also not be responsible for trash, graffiti, etc., that may occur on private land. Staff retains the right but not the duty to patrol neighborhood access points.

4. Any access point misused for trespass, trash, graffiti, vehicular access, or unauthorized grazing will be removed as a neighborhood access point.

5. The City of Loveland will build and maintain only those portions of a neighborhood trail connection to an approved access point that are on City of Loveland property. The cost to build and maintain the access point on the City's property will be charged to the neighborhood requesting access. The neighborhood requesting an access point will pay the full cost of any gate, fencing, and standard City of Loveland signage.

6. All requests will be reviewed by OLAC and recommended to the Parks and Recreation Director for approval or denial.



SUBJECT: Water Rights Policy on Preserved Properties

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a policy for the attachment, acquisition and use of water rights associated with preserved lands.

SCOPE: All Natural Areas managed or owned by the City of Loveland

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Water rights are a key aspect to many preservation projects because of the habitat enhancement value of irrigated lands. *The City of Loveland Parks & Recreation Master Plan* (2014) states that “The City will acquire any water shares or rights tied to open lands properties when feasible.”

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

1. Water rights that are preserved as a part of a conservation easement should be preserved with language in accordance with Colorado House Bill 03-1008, passed during the 2003 legislative session. This bill expanded the definition of “conservation easements in gross” to clarify that a conservation easement can restrict water rights in Colorado. As a result, a landowner can limit the use of water rights to benefit land or a water area and maintain the water rights in a natural condition, which includes irrigation and maintaining or retaining wetlands.
2. Ditch company assessments and special assessments for shares preserved by partial ownership or by attachment as a part of a conservation easement shall be paid for by the landowner, if the water shares are used to benefit the landowner e.g., crops or livestock.
3. All Conservation Easements shall have language that grants and conveys to the easement holder its groundwater, spring water and seepage.
4. Fee simple owned properties may file for all groundwater, spring water and seepage if necessary in order to protect the water rights.



SUBJECT:	Acquisition and Due Diligence Review Procedure
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	To establish a procedure for the acquisition of property or conservation easements and the review of documents and background for each property or conservation easement to be acquired for the Open Lands Program.
SCOPE:	All Natural Areas, Open Lands, 2 and Conservation Easements acquired by the City of Loveland
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	Open Lands Staff follows the attached Acquisition Process recommended by OLAC in January 2010 to acquire real property interest and conservation easements. Open Lands Staff and the City Attorney's Office work together to complete the attached due diligence checklist for each Natural Area or Conservation Easement acquisition.
APPROVAL:	<hr/> Elizabeth R. Anderson Director, Parks and Recreation
	<hr/> Marilyn Hilgenberg Open Lands and Trails Manager

POLICY:**1. Title Insurance Commitment**

Open Lands Staff will request a title insurance commitment for the property interest to be acquired, including a full copy of exceptions to the title commitment. All exceptions will be reviewed by Open Lands Staff and the City Attorney's Office. Exceptions that are unacceptable to the City will be deleted or corrected prior to closing.

2. Property Survey

Open Lands Staff will work with the City Attorney's Office to determine whether a survey is necessary and the type of survey required. In some cases, a full ALTA survey will be required prior to closing.



3. Water Rights

Open Lands Staff will work with the City Attorney's Office to determine the status of any water rights acquired in connection with fee simple or conservation easement projects. Open Lands Policy OL-10 addresses how the city will work to perfect its interests in any water rights being acquired.

4. Mineral Rights

Open Lands Staff will work with the City Attorney's Office to determine the status of the mineral rights associated with an acquisition. Any severed mineral rights owned by a person or entity other than the surface owner will be researched to determine the potential effect of any future mining on the preservation project. If the chances of future mining are remote, a "mineral remoteness letter" may be required from a licensed geologist.

5. Environmental Assessment

Open Lands Staff will work with the Risk Management Division to complete a Phase 1 Environmental Assessment to determine the existence of any recognized environmental conditions on the subject property. The report will be reviewed by staff for a determination that either: 1) the site does not have any adverse environmental conditions, or 2) call for additional testing and/or mitigation prior to closing. Exceptions to a clear report must be approved by the Parks and Recreation Director.

6. Appraisal or Other Determination of Value

Open Lands Staff will work with the Parks and Recreation Director and/or advice from the Open Lands Advisory Commission to assess the need for an appraisal for each project. Some purchases of fee simple property and purchases of conservation easements are completed on a negotiated basis with the landowner. For these projects, staff compares similar property sales in the area to determine if the price is reasonable. In some cases, due to the size of the acquisition or funding received from grants such as Great Outdoors Colorado (GOCO), a full appraisal may be required. Any donation of a conservation easement to the City is required to follow state and federal laws regarding the appraisal of conservation easements.

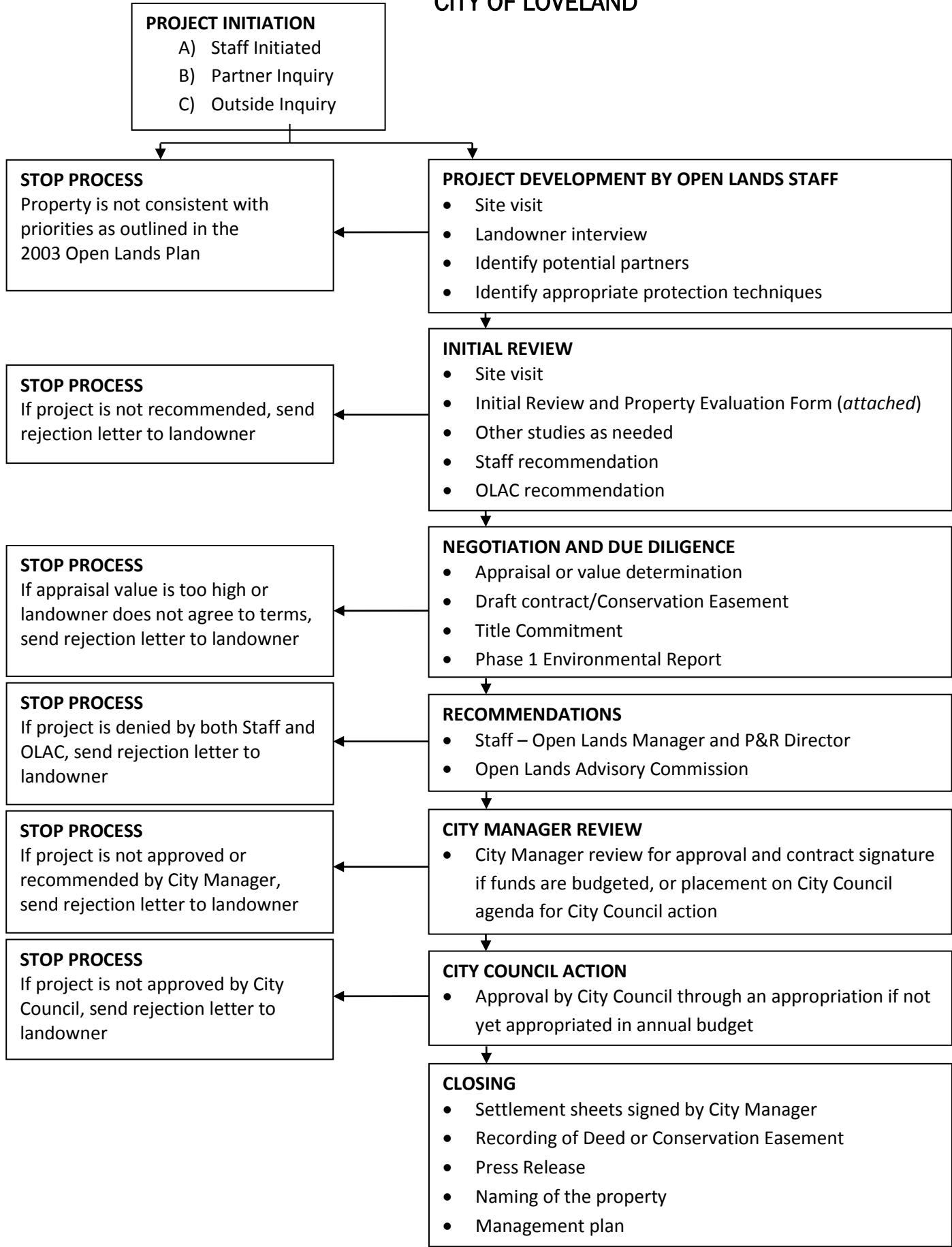
7. Notice to Landowners Regarding Legal Advice and Tax Credit Qualification

Open Lands Staff will provide written notice to landowners that the City of Loveland makes no guarantee as to the qualification of a conservation easement for tax credits or tax impact of any other donation of property rights, and that landowners should seek their own legal, financial, and tax advice.

8. Miscellaneous Due Diligence Matters

Other due diligence matters may become an issue during the acquisition process. Properties that are located along the Big Thompson River through Loveland often require that Open Lands Staff research the reclamation requirements by the Colorado Division of Mining Reclamation and Safety. In addition, many gravel mining sites now contain ponds; Open Lands Staff will research the requirement, if any, for augmentation of the water in the small lakes and ponds.

OPEN LANDS ACQUISITION PROCESS CITY OF LOVELAND



OPEN LANDS DIVISION**Due Diligence for Acquisitions****PROPERTY NAME:****UPDATED:**

ITEM	STATUS	COMMENTS
Title Insurance Commitment		
Survey		
Appraisal		
OLAC Reviews	1	
	2	
	Final	
Conservation Easement		
Mineral Remoteness Letter		
Phase I Environmental		
Phase II Environmental		
Contract		
Lease		
Intergovernmental Agreement		
Great Outdoors Colorado		
Baseline Inventory		
Management Plan		
Comp. Liability Insurance		
IRS Form 8283		
Donee Acknowledgement Letter		
Subordination Agreement		
Reclamation Release		
Augmentation Requirements		
Notice to Landowner Regarding Legal Advice and Tax Credit Qualification		

**CITY OF LOVELAND OPEN LANDS DIVISION
PROPERTY INFORMATION SHEET**

PROPERTY NAME:

UPDATED:

ITEM	STATUS	COMMENTS
Property Address		
Mailing Address		
Parcel ID		
Maps		
Owners and Encumbrance Report		
Title Insurance Commitment		
Title Insurance Policy		
Water Rights		
Plat Map		
Survey		
Appraisal		

**CITY OF LOVELAND OPEN LANDS DIVISION
PROPERTY INFORMATION SHEET - CONTINUED**

PROPERTY NAME:

UPDATED:

ITEM	STATUS	COMMENTS
OLAC Reviews	1	
	2	
	Final	
Conservation Easement		
Mineral Remoteness Letter		
Phase I Environmental		
Phase II Environmental		
Purchase Contract		
Intergovernmental Agreement		
Great Outdoors Colorado		
Colorado Parks and Wildlife		
Baseline Inventory		
Management Plan		
Comp. Liability Insurance		
IRS Form 8283		
Donee Acknowledgement Letter		
Subordination Agreement		
DRMS Reclamation Release		
SEO Augmentation Requirements		
Notice to Landowner Regarding Legal Advice and Tax Credit Qualification		

Review Date:

Project Name:

Project Number:

File Last Updated:

Values:

<input type="checkbox"/> <i>Scenic</i>	<input type="checkbox"/> <i>Significant Plants/Natural Communities</i>	<input type="checkbox"/> <i>Agricultural</i>
<input type="checkbox"/> <i>Buffer</i>	<input type="checkbox"/> <i>Outdoor Recreational</i>	<input type="checkbox"/> <i>Geological</i>
<input type="checkbox"/> <i>Wildlife Habitat</i>	<input type="checkbox"/> <i>Historic/Archeological</i>	<input type="checkbox"/> <i>Educational</i>
<input type="checkbox"/> <i>Wetlands</i>	<input type="checkbox"/> <i>Other (explain in narrative)</i>	

Property Description:

Quadrangle:

Acreage:

Current Zoning:

Adjacent Zoning: North –
South –
East –
West –

Water Rights:

Mineral Rights:

Other Rights Granted

(easements, etc.):

Liens:

Value Estimate:

Partners:

Potential Funding Sources:

Evaluation Criteria Summary:

Values	Rating (High, Medium, Low, Not Rated)
Environmental/Ecological	
Scenic/Aesthetic/Sense of Place	
Outdoor Recreation	
Historical/Archaeological	
Agricultural	
Geological/Paleontological	
Information/Education	
Context	
Political Factors	
Price	

Narrative: (Project description including relevant information regarding conservation values as described in Natural Area Sites 2008 report)

Management Recommendation: (Management or Stewardship Plan; Management Zones 0-4 on map)

PROPERTY: _____

THIS PROJECT IS BEING EVALUATED FOR THE FOLLOWING SHADED VALUES:

Scenic	Significant Plants/Natural Communities	Geological
Buffer	Outdoor Recreational	Paleontological
Wildlife Habitat	Historical/ Archaeological	Educational
Wetlands	Agricultural	Other (explain) _____

These criteria establish evaluation strategies that can be applied to properties proposed for acquisition under the Open Lands Program. These criteria are guidelines and will be used as a tool in determining properties that may be suitable and appropriate for acquisition. The scoring system is used by City of Loveland staff with input from appropriate professionals and/or experts to evaluate various properties against the evaluation criteria so that the Open Lands Advisory Commission can make reasoned and informed decisions for recommendations to City Council. This scoring system is an index, not a precise measurement, and is used as a guideline for setting priorities and making recommendations. The process consists of an index of a high, medium, or low ranking for each of the criteria applicable to the property in question. There may be situations on some properties where a particular evaluation criterion is not applicable and therefore not ranked (NR).

EVALUATION CRITERIA

High (H), Medium (M), Low (L), Not Rated (NR)

I. Context

Rating: _____

1. To what extent is the property located adjacent to or near other protected lands or open space?
 -
2. Is there potential that surrounding property may be protected with this property's protection?
 -
3. Does this property add to a more sustainable whole?
 -
4. Is protecting this property a strategic move to protect a larger area?
 -
5. What is the potential that the property will be developed or changed in land use?
 -
6. How compatible are the adjacent land uses with this proposed protection and use of this property? [Zoning]
 -

II. Environment/Ecology

Rating: _____

1. How important are the wildlife habitat qualities and plant communities?

[- Identify the wildlife – Describe the ecological values – Include all endangered/threatened species – Extent to which property provides a buffer to existing protected land]

•

2. To what extent does the property provide a buffer to minimize the disruption of ecological processes on already protected land?

•

3. To what extent are there important and/or sustainable wetland or riparian areas?

•

4. How manageable are any exotic plant/animal species on the property?

[- Note exotics on the property – Point out noxious weeds present]

•

5. If applicable, what is the potential for habitat restoration?

•

III. Scenic/Aesthetic/Sense of Place

Rating: _____

1. Does the property provide vistas or important scenic backdrop?

[- Sense of openness – Views of physical features – Ridgelines – Hogbacks – Timbered slopes – Unique color or textures or other visual interest – Does this property provide a sense of community identity?]

•

2. What is the property's visual exposure from roads, trails or other prominent locations?

•

3. Does this property serve as a community buffer or separator?

•

Outdoor Recreation/Public Use

Rating: _____

1. What is the potential for public use on this property?

[- Appropriateness – Desirability – Feasibility]

•

2. To what extent does this property provide opportunity to integrate public use into a larger recreation network?

[- Greenway trails – Open space – Regional trails]

•

3. What opportunities for outdoor recreation does this property provide?

Hiking	Fishing	Picnicking
Bicycling	Wildlife viewing	Horseback riding
Photography	Nature study	Boating

4. Are the activities considered appropriate with the ecological, physical and social environment?

-

IV. Historical/Archaeological

Rating: _____

1. Does the property contain significant archaeological or historic resources based upon State Historic Preservation Office criteria or National Register of Historic Places standards?

-

2. Does the property contain other significant archaeological or historic resources of concern to local research institutions, professionals, interest groups, or other agencies?

-

V. Agricultural

Rating: _____

1. Is agricultural use of the land suitable and sustainable within the context of surrounding land use?

-

2. Does the property help maintain a sense of agricultural tradition and rural character?

-

3. Is operation and management (lease, leaseback, etc.) of the property for continued agricultural use by the city economically acceptable/feasible?

-

4. What crops are grown?

-

5. What are the irrigation status and associated water rights?

-

VI. Geological/Paleontological

Rating: _____

1. Does the property contain significant paleontological sites?

-

2. Does the property contain significant geologic features such as faults, synclines, anticlines, etc.?

-

VII. Environmental Education**Rating:** _____

1. Are there environmental, historical and/or cultural education opportunities?

-

VIII. Political Factors**Rating:** _____

1. Is this a high-profile acquisition from the public perspective?

-

2. Will acquisition of this property serve as a catalyst for other acquisitions?

-

3. Will acquisition of this property in the manner proposed serve as a positive example for other landowners?

-

4. Does the project contribute to the Open Lands Program balance based on:

[- Project type (fee simple vs. conservation easement) – Urgent/immediate demands and long-term goals - Public access - Geographic distribution]

-

IX. Price**Rating:** _____

1. Is the price reasonable given current supply and demand and net present value?

-

2. Is the landowner willing to reduce the cost to the city for charitable or tax purposes?

-

3. Is cost sharing with partners significant?

-

4. Can the goals of the Open Lands Program be achieved with less than fee acquisition?

-

5. Will the property become more expensive or unavailable if not acquired now?

-

6. Are the projected annual management and maintenance costs acceptable and reasonable?

-



SUBJECT: Conservation Easement Phasing Policy

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a procedure for the “phasing” of conservation easements accepted by the City of Loveland.

SCOPE: All Conservation Easements acquired by the City of Loveland

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Phasing is the process of acquiring conservation easements on several adjacent properties over a period of years due to landowner desires and/or possible funding issues. A project completed over a period of years may be beneficial to the landowner and to the Open Lands Program.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

The City of Loveland currently follows the Colorado Coalition of Land Trusts' guidelines regarding phasing of conservation easements, *Guidance on the Phasing of Conservation Easements for Colorado Conservation Entities* (September 2005), as well as IRS Code 170(h), Treasury Regulation 1.170A-14, and the Colorado Department of Revenue FYI Income 39.

The Open Lands Division considers the following guidelines when contemplating a phased conservation easement project:

- 1) Every conservation easement (including phased easements) must stand alone and meet the requirements of the Internal Revenue Code 170(h)(4)(A). Each stage of a multiple-stage easement transaction must be evaluated independently on its own merits.
- 2) Each conservation easement will be analyzed by the City using the goals, priorities and criteria as described in the *Parks and Recreation Master Plan* (2014).



City of Loveland

- 3) The City should always consider protecting the more critical parcel first for each acceptable phasing project.
- 4) If any subdivision of the Property is permitted, it should be based on the conservation values of the entire parcel.
- 5) The City will acquire options to purchase conservation easements on future phases of the project to ensure that all phases of a project are completed. A proposed phasing plan/agreement, including a map, of the easement phases will be required before a first phase is accepted.
- 6) No more than four phases should be considered for a phased conservation easement project.



SUBJECT:	Conservation Easement Enforcement Policy
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	To establish a policy to: (1) prevent and resolve violations of Conservation Easements held by the City of Loveland or co-held by the City of Loveland and other entities; and (2) fulfill fiduciary obligations as beneficiary of a Conservation Easement held by the City.
SCOPE:	All Conservation Easements held or co-held by the City of Loveland
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	The Open Lands Division has followed the policy outlined below since its approval in 2010, to monitor compliance, enforce obligations, and resolve violations of Conservation Easements.
APPROVAL:	<hr/> <p>Elizabeth R. Anderson Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

POLICY:

All Conservation Easements are monitored by staff on an annual basis. Monitoring includes a site visit with photo points that are comparable to previous years' monitoring visits and the initial baseline inventory report. The purpose of monitoring is to ensure that the conservation values preserved by a Conservation Easement are protected. Possible violations may become apparent with the annual monitoring report site visit or may become apparent by a question or concern by an advisory commission member, a local citizen, City Council Member or City Staff. All details of the possible violation should be documented with photos, notes, and drawings or maps.

If a potential violation is observed, staff will meet with the Parks and Recreation Director to discuss a possible remedy. The landowner will be contacted after the Director decides on a course of action. A meeting will be set up with the landowner to discuss the possible violation. If a mutually agreeable solution is attained, the file will document the agreed-upon solution and completion of the agreed-upon action.

If resolution has not been made within 90 days, the Parks & Recreation Director, at his or her option and with advice from the City Attorney's Office, may take the violation to the Open Lands Advisory Commission and City Council to decide whether legal action will be pursued.



SUBJECT:	Conservation Easement Amendment Policy
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	To establish a procedure for reviewing and approving Conservation Easement amendment requests for easements held by the City of Loveland or co-held by the City of Loveland and other entities.
SCOPE:	All Conservation Easements held or co-held by the City of Loveland
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	City Staff has referred to guidance written by Alan Beezley (attorney) regarding consideration of amendments to conservation easements. This policy outlines a formal procedure for amendment requests. Overall, amendments should be rare and should be considered carefully.
APPROVAL:	<hr/> <p>Elizabeth R. Anderson Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

POLICY:

Open Lands Staff should consider conservation easement amendments only if the following conditions are met:

1. The amendment is consistent in protecting the conservation values of the property.
2. The amendment does not benefit the property owner financially.
3. The amendment does not affect the easement's perpetual duration.
4. The proposed amendment complies with the amendment language of the easement.

If a proposed amendment complies with the conditions above, Open Lands Staff will work with other partners or co-holders of the conservation easement to determine whether the amendment will be allowed. An appraisal may be required at the easement holder's discretion to determine whether or not the proposed amendment provides a financial benefit to the landowner. Appraisal costs will be paid by the party requesting the amendment (landowner or City). Any other encumbrances that post-date the original easement must be subordinated to the amendment. The City reserves the right to consult with outside experts regarding the proposed amendment.



City of Loveland

Proposed amendments will be discussed with the Parks and Recreation Director and the City Attorney's Office regarding the conditions under which the amendment may be allowed. The Open Lands Advisory Commission will have the opportunity to review easement amendment requests and give their recommendation to Open Lands Staff and the Parks and Recreation Director. All amendments must be approved and signed by the City Manager prior to recording of the amendment document. The City Manager reserves the right to seek such approval of City Council as s/he deems appropriate or necessary.

**SUBJECT:**

Conservation Easement Contingency Plan

EFFECTIVE DATE:

March 2016

REVIEW SCHEDULE:

Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE:

To establish a contingency plan for Conservation Easements in the event that the City of Loveland Open Lands Program ceases to exist, or can no longer steward and administer its conservation easements.

SCOPE:

All Conservation Easements held or co-held by the City of Loveland

RESPONSIBILITY:

Open Lands Staff

BACKGROUND:

All City of Loveland Conservation Easements contain a provision for assignment of the easement to another qualified organization.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager**POLICY:**

In the event that the City of Loveland determines that it will no longer administer and monitor Conservation Easements held or co-held by the City, staff will follow the guidelines listed below to ensure the perpetual maintenance of the easements:

- 1) City Staff will identify local government agencies and land trusts that are qualified per State of Colorado and Federal laws to hold Conservation Easements.
- 2) Staff will identify which entities are most qualified to hold the easements and those entities willing to take assignment of the City's easements.
- 3) Staff and the Parks and Recreation Director will recommend to the City Manager the entities that are best suited to hold the easements long term.
- 4) Promptly after a decision by the City Manager to assign any conservation easement, a Resolution authorizing assignment of the City's right, title and interest in the Conservation Easement may, to the extent required by the City of Loveland Charter or Municipal Code, be presented to City Council for approval. If approved by a Resolution of City Council, the City Manager will execute an assignment approved by the City Attorney's Office. In such event, all file documentation will be provided to the new easement holder.
- 5) Notice of the assignment will be given to other entities that have an interest in the property such as Great Outdoors Colorado (GOCO) and recorded in the real property records of Larimer County.



SUBJECT:	Policy Regarding Conflicts of Interest and Conservation Easement Transactions with Insiders
EFFECTIVE DATE:	March 2016
REVIEW SCHEDULE:	Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.
PURPOSE:	This policy applies to all members of the Open Lands Advisory Commission and employees of the City of Loveland. This policy ensures that all transactions conducted by the Open Lands Division of the City of Loveland are carried out according to the procedures outlined below.
SCOPE:	All Conservation Easements and Natural Areas Acquired by the City of Loveland
RESPONSIBILITY:	Open Lands Staff
BACKGROUND:	The City of Loveland “ <i>Handbook for Boards and Commissions</i> ” (revised May 2014) contains a Conflicts of Interests section that applies to appointed members of the City’s Boards and Commissions. The City of Loveland also adopted <i>Administrative Regulation AR-00001 Procurement Regulation</i> on October 22, 2009, which contains a policy regarding procurement responsibility and ethics and applies to all Departments and employees of the City of Loveland.
APPROVAL:	<hr/> <p>Elizabeth R. Anderson Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

POLICY:

The City of Loveland “*Handbook for Boards and Commissions*” (revised May 2014) states the following on page 5 in regards to Conflicts of Interest:

“Conflicts of Interest:

The objective of City Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered.



City of Loveland

If a board member has acquired confidential information in the course of official duties, that information cannot be used to substantially further the member's personal financial interests.

Occasionally gifts are offered to board members. Rules regarding acceptance of gifts are set forth in Chapter 2.73 of the City Code.

State law provides that a board member shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected by any official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For 6 months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in a substantial financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the Secretary of State, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

If you are unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Attorney's Office as soon as possible before the meeting."

In addition, the City of Loveland adopted *Administrative Regulation AR-00001 Procurement Regulation* on October 22, 2009, which contains the following policy regarding procurement responsibility and ethics that applies to all Departments and employees of the City of Loveland:

"Conflicts of Interest"

An employee may not take any official action concerning any matter as to which that employee has a conflict of interest. An employee has a conflict of interest if that employee (or his or her parent, spouse, or child) would receive any pecuniary, property, or commercial benefit relating to the matter. Any employee with a conflict of interest must disclose the conflict to his or her supervisor as soon as possible and may not take official action concerning the matter. In addition, an employee (or his or her parent, spouse, or child) may not have an interest in any City contract, unless the contract is awarded to the lowest responsible bidder after competitive bidding (via RFQ, RFP, or ITB). If you are unsure as to whether you may have a conflict of interest for the purposes of taking official action in any matter, or if you are unsure as to whether you or your parent, spouse, or child may bid on a particular City contract, please contact your supervisor and the City Attorney's Office."

**SUBJECT:**

Policy Regarding Public Input and Process

EFFECTIVE DATE:

March 2016

REVIEW SCHEDULE:

Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE:

This policy applies to the conduct of meetings of the Open Lands Advisory Commission

SCOPE:

Open Lands Advisory Commission Meetings

RESPONSIBILITY:

Open Lands Advisory Commission Chair/Vice Chair and Open Lands Staff

BACKGROUND:

The City of Loveland *Handbook for Boards and Commissions* (revised May 2014) addresses the conduct of public meetings. This policy provides further detail regarding public comment during Open Lands Advisory Commission meetings.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager**POLICY:**

The City of Loveland *Handbook for Boards and Commissions* addresses the conduct of public meetings with the following: "All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times." Each OLAC meeting agenda includes an item for "Public Comment."

During the March 2009 OLAC meeting, commission members voted to:

Take all public comment at the Public Comment segment of the agenda whether or not the item is on the agenda. Comment by citizens is then not allowed at the time the Commission discusses the particular agenda item and this is made clear during the Public Comment period. Public is welcome to stay for the entire agenda except for Executive Session. Public comment is limited to a time limit of 2 minutes per participant and 10 minutes per group.

NOTE: Unless there is a public hearing approved by staff and legal counsel, in general there will not be public testimony. See section entitled Public Hearings in the *Handbook for Boards and Commissions* for rules regarding public hearings.

Commission members noted that the purpose of commission meetings is to evaluate information, not take public comment.



SUBJECT: Policy Regarding Permits for Activities on Natural Areas and Open Lands

EFFECTIVE DATE: March 2016

REVIEW SCHEDULE: Annually in January by Open Lands Staff. Every five years by Open Lands Advisory Commission (OLAC) or more frequently if recommended by staff.

PURPOSE: To establish a procedure for the review and approval of requests to access Open Lands for activities that are outside of the scope of current rules and regulations for the property.

SCOPE: Open Lands and Natural Areas owned and managed by the City of Loveland

RESPONSIBILITY: Open Lands Staff and Open Lands Advisory Commission

BACKGROUND: Open Lands staff follows the attached Permit Application form and Permit Conditions table when evaluating requests.

APPROVAL:

Elizabeth R. Anderson
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

All special requests for uses and activities outside the scope of current rules and regulations for a Natural Area property will require the applicant to submit the attached Permit Application form and information listed as required on the attached Permit Conditions table. Staff will review each application for completeness and approve or deny each request. A record of all requests will be kept by the Parks and Recreation Department, including all supporting documentation on the approval or denial of a permit application.



To be filled out by applicant

OPEN LANDS AND NATURAL AREAS PERMIT APPLICATION



Applicant Name _____

Applicant Address _____

Applicant's phone: Day _____ Eve./Wknd _____ Cell _____

Natural area(s) in which the activity will occur _____

Date(s) of activity _____ Time(s) _____

Description of Activity _____

Attach to this application all information listed as "Required Information" for this activity as specified on the attached "Open Lands and Natural Areas Permit Conditions" table. All applicants must read and sign the below Release, Assumption of Risk, Waiver and Indemnity.

I acknowledge that there are risks inherent in the activities I am requesting to engage in pursuant to this permit, including bodily injury or death or damage to property that may occur from known or unknown causes to myself and others. I understand, accept, and assume all such hazards and risks. On behalf of myself, my heirs, executors, and assigns, and the organization on behalf of which I have obtained this permit (if any), I hereby waive and release all claims against the City of Loveland, Colorado, its Council members, employees, volunteers, and agents, that may arise, even if any resulting injuries or damages are the result of said parties' carelessness or negligence and also to indemnify and hold harmless the City of Loveland, its Council Members, employees, volunteers and agents against any and all claims, demands, and causes of action whatsoever, whether presently known or unknown, by any person who suffers any bodily injury or death or property damage as a result of any activity related to this permit. I further represent and warrant that I am authorized to sign this waiver and indemnity on behalf of the permitted organization or group, that I have had sufficient time to review and seek an explanation of the provisions contained above, carefully read them, understand them fully, and I, and such organization or group (if any) agrees to be bound by them.

In addition, I have read the Open Lands and Natural Areas Regulations. I, and if applicable, my group or organization, agree to abide by all conditions required for the requested activity. I understand that violation of any conditions or of any rules or laws not exempted in this permit may result in the revocation of this permit at any time.

Applicant Signature

Date

Submit application to the City of Loveland Parks and Recreation Department, Open Lands Division

For Department Use Only

Date application received _____

Date of reply to applicant _____

Additional Approval Conditions/ Reasons for Denial: _____

Approval Signature: _____

Title: _____



OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Enter a Natural Area between 10:30 pm and 6:00 am.	Specific event; and goals of activity cannot be reached other than in natural area during curfew hours; and other than flashlights or bike lights for navigation, no lights are used.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm; or interferes with law enforcement.	Wildlife surveys; astronomy classes.	Purpose for being in natural area during curfew hours. How many people are involved. Why activity cannot occur elsewhere or during non-curfew hours.
Enter a Natural Area closed to public access.	Specific event; and goals of activity cannot be reached other than in natural area closed to public access.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm; or interferes with law enforcement.	Wildlife surveys, plant surveys.	Purpose for being in natural area closed to public access. How many people are involved. Why activity cannot occur elsewhere.
Plant anything.	Open Lands staff has determined that planting(s) will benefit the natural area; and species are native to the site or area (as determined by Open Lands staff) unless staff approves non-native species.	Planting activities harm wildlife or vegetation, unless there is a compelling reason to permit harm.	Plantings for enhancement, buffering, or screening.	Map of disturbance area (planting and access). Project objective(s). Species to be planted. Source of plant materials. Description of after care. Number of persons involved in project. Name of trained supervisor. Any requested assistance from City staff. Description of equipment/vehicles to be used. Proof of insurance for vehicles.

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Collect seeds, vegetation.	Propagates native plants for restoration or enhancement of natural areas; or assists in vegetation management; and/or provides educational benefits, provided the benefits cannot be realized on a site other than a natural area, unless the natural area from which the collection is made has education as a primary purpose of the site; and activity will be conducted so as to have the least negative impact possible; and on sensitive natural areas, activity is conducted from trail if possible.	Destroys the values for which the site was acquired; or harms wildlife or vegetation, unless there is a compelling reason to permit harm; or removes too large a percentage of species population on site; or is for commercial gain; or a rare plant exists on site.	Collection for native plant propagation to restore or enhance natural areas; education projects.	Description of collection and propagation method(s) to be used. Description of vegetation management goals. Description of educational purposes, including why educational goals cannot be realized without disturbing a natural area. Map of disturbance area.
Build or install a structure.	Benefits wildlife, the community, or site visitors; and meets City Code.	Is for private use or benefit.	Structures for an approved wildlife release project; installation of nest boxes or bat boxes.	How the structure will benefit wildlife, the community, or site visitors. Proof of building permits (if required) must be submitted before construction can begin. Description of vehicles/equipment to be used. Proof of insurance for vehicles.

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Remove/rearrange downed trees, logs, groupings of branches, sticks.	Benefits the entire community; and/or Open Lands staff has determined that the activity will benefit natural values of the site; or is an appropriate educational activity.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm.	Removal/ rearrangement that is beneficial to the site.	How the community will benefit from removal/ rearrangement. How the site's natural values will benefit. Description of all equipment/vehicles to be used. Proof of insurance for vehicles. Map of where the site disturbance will occur, including site removal/rearrangement and where vehicles/equipment will enter/exit the area. Why goals of the removal/ rearrangement cannot be met at a site other than a natural area.
Land, launch, and fly aircraft.	The activity is necessary and can only be done on the natural area; and/or will benefit natural area protection; and the activity can only be conducted from an aircraft.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm.	Survey work.	Purpose of activity requiring aircraft access. Why the activity cannot occur elsewhere. Map of the portion of the natural areas(s) over which the aircraft will fly and where landing(s) are anticipated. Proof of insurance. How the activity will benefit natural area protection.
Build a campfire or other fire.	Enhances vegetation.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm.	Burning by ditch management personnel within a ditch maintenance easement is allowed by easement without permit.	How the burning will benefit site vegetation.

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Operate a motorized boat.	The activity is necessary and can only be done on the natural area and activity cannot be conducted with a non-motorized boat.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm; or strictly enforce for regulation.	Survey work.	Purpose of activity requiring motorized boat access. Why the activity cannot occur elsewhere or from a non-motorized boat. Who will benefit from the activity. Map of where the boat will enter and exit the water. Proof of insurance. Proof that the boat is not leaking oil or gasoline. Detailed description of any substance that will be entered into the water and /or anything to be taken from the water.
Remove archaeological, geological, paleontological materials.	Removal must be done by qualified personnel; and site is returned to original condition if required by Open Lands staff.	Destroys the values for which the site was acquired; or harms wildlife, rare species of vegetation, or the material being removed, unless there is a compelling reason to permit harm.	Qualified educational, historic preservation or research purposes where activities' goals cannot be realized by leaving the material on site.	Applicant's qualifications. Specific material/artifacts to be removed. Why material needs to be removed from site (as opposed to leaving it on site and having on-site interpretation). Map of portion of site that will be disturbed. Description of all equipment that will be used. How natural feature disturbance will be minimized. Proof of insurance for all equipment/vehicles. Condition in which the site will be left.
Allow livestock to graze.	Is beneficial to the site; is on a short-term temporary basis for management purposes.	Disturbs wildlife or harms rare species of vegetation, unless there is a compelling reason to permit harm.	Experimental weed / vegetation management.	How grazing will benefit the site. Vehicles to be used and proof of insurance. Proof of ownership of, or permission to use livestock. Type of livestock. Proof of insurance on livestock (liability). Statement releasing City from liability for injury/death of animals.

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Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Feed wildlife.	Permit applicant is an agency conducting special wildlife project; and/or project is beneficial to existing wildlife on the site and/or in the area.	Would introduce or attract undesirable or non-native wildlife.	Colorado Parks & Wildlife, Rocky Mountain Raptor Program, US Fish and Wildlife Service projects.	Description of wildlife project. How project will benefit wildlife of the site/area. Vehicles/equipment to be used (including proof of insurance). Any site alteration required (e.g., installation of poles, feeding stations, nest boxes, etc.).
Hold group event.	Should be of interest to natural area users; and/or promote natural area education; and must stay within identified boundaries.	Harms wildlife or rare species of vegetation; or causes the natural area to be closed to other visitors.	School events; environmental type fairs, athletic races (sites to be matched to wildlife impacts); benefit events.	Size of group. Purpose of activity. Specific site(s) where activity will occur. Any equipment/vehicles to be used. Description of temporary structures to be used.
Perform service for commercial gain.	Is part of an approved fair or other event.	Product or service that is illegal.	Sale of products by vendors during approved event.	Product/service to be sold. Event in which vendor is participating. Statement from event sponsor stating that this vendor has been approved to participate in the event.
Post notices.	Must pertain to an event related to use or management of natural areas or must be a lost and found notice; and should be 8½" x 11" or smaller; and must be dated and have a contact name/phone; and will be posted at approved site.	Advertises goods or services for sale; or promotes illegal activities.	An official sticker will be initialed and placed on the item by granting personnel; approved postings may provide information about items (including pets) found or lost in/near natural areas where posted.	Copy of material to be posted. Site(s) on which posting is requested (list requested sites on back of posting).

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Dump rocks, wood, dirt.	Enhances the natural values of the site.	Damages the site, or introduces undesirable vegetation; or degrades site's aesthetic values.	Construction projects that are adding soil containing native/plants seed that would be beneficial to the area.	Description of material to be deposited, including soil type, seeds/plants in soil, species of woody plant material; site/area from which material is taken, map of disturbance – including area over which vehicles will travel and location where material will be deposited.
Release/introduce wildlife or insects.	Beneficial research; or approved recreational value (fishing); or enhances natural wildlife communities.	Threatens native wildlife or plants; or harms the site or destroys the values for which the site was acquired; or threatens private or public property adjacent to the area on which released.	Release of beneficial insects for noxious weed control; CPW stocking of fish ponds is allowed without permit.	Species to be released. Description of how activity will enhance wildlife or vegetation communities. Purpose of project. Evidence of public review of project (if applicable). Impacts anticipated. Vehicles/equipment to be used. Description of any alteration of visitor activity required. Anticipated follow up.

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Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
Operate/park motor vehicle other than on roads or parking lot.	The activity is necessary and can only be done on the natural area and activity cannot be conducted without a motor vehicle; or the activity is designed by the Open Lands Division to use maintenance roads to make certain events accessible to persons needing assistance.	Harms wildlife or vegetation, unless there is a compelling reason to permit harm; or creates ruts or otherwise disfigures the site, unless the activity is absolutely necessary and unavoidable.	Required survey or construction work that can only be done by vehicle. Educational access at certain sites for groups having accessibility needs, when accompanied by approved interpretive personnel, and vehicle access is possible (e.g., on maintenance road).	Purpose of vehicle access. Why activity cannot occur elsewhere or without vehicle access. Detailed map of where the vehicle will be driving. Explanation of measures to minimize harm to wildlife, vegetation and/or humans. Who will benefit from the activity. Proof of vehicle insurance.