



**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](http://www.cityofloveland.org)

**LOVELAND OPEN LANDS ADVISORY COMMISSION – REGULAR MEETING AGENDA**

**August 14, 2019 – 5:30 PM**

**Parks & Recreation Conference Room, 500 E. Third St., Loveland, CO 80537**

**[www.CityofLoveland.org/OpenLands](http://www.CityofLoveland.org/OpenLands)**

**Notice of Meeting Posted**

**Call to Order**

**Public Comment**

**Welcome Cindy Ticer as Regular Commission Member**

**Approval of Meeting Minutes:** June 12, 2019

**City Council Liaison Report**

**[Larimer County Open Lands Advisory Board Report](#)**

**5:45-7:30 pm – Discussion/Action Items:**

1. Approval or Revision of Department Drone Policy
2. Transfer of Kauffman Conservation Easement
3. Larimer County Natural Resources Land Acquisition Approach

**7:30-8:00 pm – Reports/Correspondence:**

4. Property Acquisition Updates
5. Open Lands Project Report
6. Trail Updates
7. Connect Loveland Updates

**Executive Session (if necessary)**

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

**Events/Reminders/News:**

**NOTE: September 9 – Boards & Commissions Appreciation Event (for members) at Fairgrounds Park, 5:30-8:00 pm**

Ongoing – [Native Plant Gardening Opportunities](#) at River's Edge Natural Area, flexible times

August 9 – [Evening of Storytelling & Smokey Bear's 75<sup>th</sup> Birthday Party](#) at River's Edge Natural Area, 7:00-8:00 pm

August 15 – PEEPs Preschool Programs “[Pop Up Prairie Pup!](#)” at Fairgrounds Park, 9:30 and 11:00 am

August 16 – [Art in Nature Sketch Hike](#) at Morey Wildlife Reserve, 6:00-8:00 pm

August 18 – [Open Lands Community Picnic](#) at River's Edge, 6:00-8:00 pm

August 25 – [Astronomy Night with NoCo Astronomical Society](#) at Sylvan Dale Ranch, 8:00-10:00 pm

Sept. 5, 6, 12 – [Volunteer Environmental Educator Training](#) at River's Edge, 8:30 am-1:00 pm

Sept. 7 – [Guided Bird Walk](#) at Morey WR, 8:00-9:30 am; also [Foothills Life-zone Walk](#) at Viestenz-Smith, 9:00-11:30 am

Sept. 13, 14 – [Volunteer Trail Host Training](#) at River's Edge and Parks & Rec Office, times vary

**Commission Member Discussion Topics**

**Adjournment**

**Next Regular Meeting:** September 11, 2019

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### CITY OF LOVELAND OPEN LANDS ADVISORY COMMISSION

Regular Meeting Minutes – June 12, 2019

Parks & Recreation Conference Room, 500 E. 3<sup>rd</sup> St., Loveland, CO 80537

**Commissioners Present:** Rick Brent, Mike Hinterberg, Scott James, Ross Livingston, Darren Pape, Jim Roode, Jean Whittaker, Bill Zawacki, Cindy Ticer (alternate).

**Commissioners Absent:** Gale Bernhardt, Don Overcash (City Council Liaison).

**Staff Present:** Bryan Harding, Brian Hayes, Marilyn Hilgenberg, Vince Junglas, Debbie Eley.

**Guests:** Diane Kristoff, Foothills Audubon. Dennis Miller, 1302 6<sup>th</sup> St. SE, President of Madison Arbor Meadows HOA. Mr. Miller submitted a request on behalf of the HOA to honor the legacy of Mr. Donn Conn, past president and natural area supporter, with a bench or sign in his name.

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

**Approval of May 8, 2019 Meeting Minutes.** Jean Whittaker made a motion to approve the minutes as written. Ross Livingston seconded the motion and the minutes were approved unanimously.

**City Council Liaison Report:** In Councilor Overcash's absence, Marilyn Hilgenberg reported that Council discussed the Capital Improvement Plan at their previous meeting.

**OLAB Liaison Report:** Marilyn Hilgenberg reported that: 1) OLAB reviewed the assignment of the Kauffman Conservation Easement to the City of Loveland and had no concerns; 2) the newly-implemented county sales tax ballot language changed the representation system for OLAB and Rick Brent has been appointed to the board effective July 1. Rick will resign from OLAC and Cindy Ticer, current OLAC alternate, will be appointed as a regular member.

#### **Discussion/Action:**

##### **1. Legal Discussion on Commission Roles & Responsibilities, Executive Sessions,**

**Unauthorized Encampments.** Assistant City Attorney Vince Junglas, legal advisor to the Parks & Recreation Department, provided an overview of the commission's role as an advisory body to City Council, including making recommendations to Council regarding the city's share of the Larimer County open space sales tax as well as the acquisition, disposal, transfer, planning, preservation, development, use and management of open space. Open public meetings, Executive Sessions (2/3 majority of members required), and open records including email were also discussed. In addition, Vince addressed the legal issues surrounding management of unauthorized encampments on city property, including 72 hours' notice and trespassing violations.

**2. Sales Tax Initiative.** Marilyn provided an overview of the community improvement program to proposed for the sales tax initiative recently approved by Council for the November ballot. The ballot measure includes a ½-cent tax for a period of 21 years. The proposal includes 8 recreation trail underpasses, with the N. Wilson and Namaqua Ave. the highest priority for safety of trail users.

**3. Viestenz-Smith Mountain Park Management.** The redesign of the mountain park following the 2013 flood resulted in a more natural site similar to River's Edge Natural Area, with amenities for public use including fishing access, restrooms, and picnic facilities. The park no longer has irrigated turf, ornamental plantings, fire grills, or reservable areas. Due to these changes, management of the site

will be transferred to the Open Lands and Trails Division beginning in 2020. An IGA is in place with Larimer County Natural Resources for patrol, enforcement and maintenance during the on and off seasons. Ongoing site improvement projects will be managed by Open Lands with assistance from Parks staff as needed. These new management costs will impact the 10-year Capital Plan over the next 4-5 years.

#### **Reports/Correspondence:**

**4. Property Acquisition Updates.** Brian reported that the assignment of the tax lien property at Skyline is in progress. The inholding property will require a special procedure for the deed transfer. As a first step in acquiring the property, the tax certificate has been paid and is now held by the city.

**5. Open Lands Project Report.** Staff provided the following project updates.

- The bid to construct the trail connection from Madison Avenue into Old St. Louis Natural Area using the new Farmer's Ditch Bridge closed on June 6. Several competitive bids were received and the trail construction is expected to occur this summer.
- The Namaqua Bridge Project is wrapping up with a June 13 opening planned for the road. Flood gates and signage will be added to the new trail underpass to let the public know that Medina's Crossing Natural Area is not yet open for public access.
- The Big T Reach 30-31 and Rist-Goss diversion construction projects are nearly complete. The restoration of the floodplain benches and other plantings will continue into the fall and next spring. The over-flow channel at Oxbow Natural Area has been re-vegetated and the trail replaced.
- Installation of a new wet well for the water right at Medina's Crossing has been completed. The new wet well is located upstream and will improve function, reliability and convenience.
- River restoration work along Wild Natural Area is nearly complete. The river is running high and the new channel and floodplain benches are operating as designed for high flows. The site has been re-vegetated and additional plantings will occur this summer and fall. The City is working through planning procedures for the Hwy 34 entrance, small parking lot and a trail on this site.
- With the abundance of spring wet weather, it has been a challenge to keep up with mowing on open lands and trail sites, and to be ahead of weed control.
- Loveland has contracted with the Larimer County Weed District to help with weed management on large open land sites, and with the re-vegetation of the south side of Sunset Vista Natural Area with native grasses.

#### **Partnerships, Planning and Grants**

- Students from biology and invasive species classes at Front Range Community College removed hundreds of Russian olives from Willow Bend Natural Area this spring as part of their hands-on learning experience, providing a value of more than \$7K in service.
- The public meeting on May 6 for the Skyline Natural Area Management Plan was well attended and staff was able to get valuable citizen feedback from both the meeting and an online public input process. Nearly 40 emailed responses were submitted during the public comment period through May 31. An intern from University of Colorado was able to help with the presentation boards and summary of data. Staff will continue to research questions and work with OLAC to discuss and determine best development and management practices for this site.
- Staff has been working with the Colorado Native Plant Society on the re-vegetation of two areas at River's Edge Natural Area with native species. Community volunteers will continue to monitor, water and weed these areas throughout the summer.

- The historical stone structure at Sunset Vista Natural Area has been re-roofed and the stone will be re-pointed in June. An interpretive sign will be added to the site this summer to highlight the historical and agricultural features of the site.

### **Programs/Environmental Education/Volunteers**

- The nest cams on the City's website show three young barn owls being raised, and kestrel eggs should hatch in mid-June. Volunteers from the Colorado Avian Research and Rehabilitation Institute will band the young to track them as part of their annual research.
- More than 20 volunteers worked on June 1 building a trail and cleaning up trash at Willow Bend Natural Area as part of National Trails Day. Volunteers were excited to get a sneak preview of this scenic property along the Big Thompson River corridor.
- Volunteers recently certified as Interpretive Guides through training provided by Open Lands staff are offering guided hikes and programs at various natural areas this spring and summer.
- Numerous trained volunteer trail hosts are providing a city presence at natural areas, offering information to visitors, encouraging compliance with regulations based on the Authority of the Resource Technique (ART), and providing reports on public use and maintenance issues to staff.
- The Fishing in Loveland pamphlet has been updated and is popular among area anglers.
- Environmental education programs have wrapped up for the spring season, providing programs for grades K-5 on wildlife, local plants, habitats, watersheds, geology and more, with the assistance of trained volunteer education guides.

### **5. Trail Updates.** Staff provided the following trail updates.

- The Prairie Ridge trail project is out to bid with an anticipated July start. This project will provide citizens with access to a new foothills trail opportunity and will connect with Fort Collins' Coyote Ridge Natural Area trails.
- CATS volunteers are constructing a segment of trail at Round Mountain trailhead up the Big Thompson Canyon to better connect Viestenz-Smith Mountain Park with the Round Mountain Trail parking lot and trail system.
- At the May 28 City Council meeting, the Council gave the initial direction to the Sales Tax Initiative Task Force to proceed with putting a ballot measure on the November election to fund eight identified City capital construction projects including recreation trail underpasses that would improve safety for pedestrians and bicyclists.
- The paved Recreation Trail between Wilson and Taft Ave. has reopened with the completion of the Wilson Ave. road construction project. A new parking area/trailhead is available on the west side of Wilson Ave. north of the river.
- The Loveland Bikeways and Trails map has been updated with current trails, bike lanes, bike routes, and other helpful information for trail users. The new foldable map brochure will be available in standard and pocket-size formats in June.

**Connect Loveland Updates.** Mike attended the first meeting of the stakeholder committee group. The new transportation plan will combine 4 transportation plans into one plan. Four meetings of this group over the next year will help refine the plan and address trails and connectivity. Jim will attend the July meeting of the Transportation Advisory Commission as a "connector" representing OLAC.

**Commission Member Discussion Topics:** None.

**Adjournment:** The meeting was adjourned at 7:20 pm.

**/s/ Jim Roode, Vice Chair**



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## LOVELAND OPEN LANDS ADVISORY COMMISSION

**AGENDA ITEM:** 1

**MEETING DATE:** August 14, 2019

**DESCRIPTION:** Approval or Revision of Department Drone Policy

### **SUMMARY:**

Unmanned Aerial Vehicles (UAVs), also known as drones, are remotely piloted aircraft that first started being used by the military when manned flights were considered too dangerous. Chronologically, drones first appeared in military operations starting in 2000, but have since gained civilian popularity. Because drone popularity has skyrocketed, local regulations regarding the use of drones for recreation have not kept up. The lack of regulations has resulted in issues regarding safety, privacy concerns, encroachment on private property and others, thereby warranting discussion regarding development of policy and regulations in Loveland.

Earlier this summer, both the Open Lands Commission and Parks and Recreation Commission discussed this topic and as a result of those discussions have jointly developed a Department policy to clarify drone use and restrictions on Loveland's lands and recreation facilities.

**Commission Action Recommended:** Policy Approval or Revision



## DRONE POLICY – PARKS AND RECREATION DEPARTMENT

**SUBJECT:** Unmanned Aerial System [UAS] (also known as drones)

**EFFECTIVE DATE:** Under Discussion with Commissions – Fall 2019

**REVIEW SCHEDULE:** Annually by the Parks and Recreation Staff. Every five years by Open Lands Advisory Commission (OLAC) and/or Parks and Recreation Commission, or more frequently if recommended by staff.

**PURPOSE:** To establish a policy for the use of drones on Loveland Parks and Recreation properties.

**SCOPE:** All Open Lands, Parks, Golf Courses, recreation facilities and trails managed or owned by the City of Loveland

**RESPONSIBILITY:** Parks and Recreation Staff

**BACKGROUND:** Changing electronic technology has made drones more prevalent at Parks and Recreation sites. A policy will allow mindful management of these devices to balance the recreational/educational/commercial values of drones while addressing safety, environment impacts, and conflicting use within recreational areas.

**APPROVAL:**  
\_\_\_\_\_  
Elizabeth R. Kayl  
Director, Parks and Recreation

\_\_\_\_\_  
Marilyn Hilgenberg  
Open Lands and Trails Manager

\_\_\_\_\_  
Dan Willadsen  
Parks Manager

**POLICY:**

1. *An Unmanned Aerial System [UAS] (aka drone) is an aircraft without a human pilot onboard and is operated from the ground remotely.*
2. *Launch or land a drone on Loveland's Parks is authorized at Loveland Sports Park and Mehaffey Park from November 1 through February 28 of each winter season (prohibited on open lands, trails, or golf courses). The operator must possess a current authorizing certificate issued by the Federal Aviation Administration (FAA), (2) meet a 333 exemption, or (3) is flying the drone strictly for hobby or recreational use.*
3. *Unmanned aerial systems for any commercial or use other than recreational are prohibited on Loveland Open Lands, Parks, Golf Courses, Recreation Facilities and Trails unless granted by a Special Use Permit.*
4. *When allowed, activity must comply with all FAA, state or local regulations. This includes an operator who is certified by the FAA to operate the drone and ensure all protocols and regulations are followed.*
5. *Internal City drone operation must be consistent with the implementation of the department's conservation, education, and recreation mission. Internal uses must reasonably demonstrate that the probability of wildlife disturbance or other resource impact is negligible or easily mitigated. Similarly, UAS operation should not significantly impact the health, safety, welfare, or experience of site visitors.*
6. *Use of drones shall have a well-defined conservation or communication purpose that may not otherwise be achieved by conventional methods. Typical internal UAS missions may be used for*

*resource inventory, wildlife surveys, vegetation monitoring, cultural assessments, wildland fire assessments, baseline surveys or inventories, original research, conservation easement (CE) monitoring, public safety, public relations, marketing and other purposes.*

7. *Use of UAS on City lands will only be allowed for activities that contribute to the understanding or management of these properties or resources and in situations in which UAS provide improved or more cost-effective alternatives for gathering remotely sensed data, or to provide for greater public safety.*
8. *UAS may be used for creating educational films, nature photography, or other purpose as part of carrying out the department's education mission.*
9. *The Parks and Recreation Department acknowledges the use of UAS for emergency operations and public safety is exempt from local policy. Law enforcement, fire protection and similar emergency service agencies may utilize drones without restriction for the purposes including but not limited to search and rescue, law enforcement, fire management, natural disaster assessment, or similar emergency incidents.*
10. *Local emergency service agencies are permitted with a Parks and Recreation Special Use Permit to practice or simulate emergency missions on natural areas for the purpose of improving familiarity with the natural area system or in the line of performing emergency services.*



## LOVELAND OPEN LANDS ADVISORY COMMISSION

**AGENDA ITEM: 2**

**MEETING DATE:** August 14, 2019

**DESCRIPTION:** Transfer of Kauffman Conservation Easement

### **SUMMARY:**

A Conservation Easement consisting of 73.5 acres was donated by Jake Kauffman and Son, Inc. to Larimer County in 2001. The goal of the Conservation Easement was to protect native vegetation and wildlife and to preserve scenic views. The property was a former gravel-mining pit and farming area. The Kauffman CE is located in the Big Thompson River Valley on the east side of County Rd 9, south of US Hwy 34.

The Conservation Easement also allows for potential recreational opportunities, including the right of the Grantee to build and maintain a parking lot, trailhead and trail for public use through the property including a loop around the on-site pond.

City Staff has held discussions with Larimer County over the past few months about a possible Assignment of this Conservation Easement to the City of Loveland to manage with other east Big Thompson corridor properties. The City has held a CE on the adjacent (Koppes) McWhinney property since 2004. The City has also acquired nearby fee simple land in the last year. The Wagner and Bonser fee simple acquisitions added 162 acres to the city's inventory. From a management and efficiency standpoint, this consolidation will be beneficial to both entities because of efficiency of monitoring and management costs.

**Commission Action Recommended:** Recommend acceptance of the Assignment of the Kauffman Conservation Easement from Larimer County.



**Review Date:** August 14, 2019

**Project Name:** Kauffman Conservation Easement

**Project Number:** OL19KA

**File Last Updated:** 2019

**Values:**

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

**Property Description:** The property is located on the east side of Loveland, north of the Big Thompson River, directly southeast of the City of Loveland Sports Park on East County Rd 20E, and west of the Koppes Conservation Easement. It is also adjacent to the recently purchased Cindy Wagner property.

**Quadrangle:** Loveland  
SW 1/4 of Section 16 T5N, R68W

**Acreage:** 73.55 +/-

**Current Zoning:** FA-Farming and I-Industrial by Larimer County

**Adjacent Zoning:** FA-Farming and I-Industrial by Larimer County

**Water Rights:** None

**Mineral Rights:** None

**Other Rights Granted  
(easements, etc.):** None

**Liens:** None

**Value Estimate:** N/A

**Potential Funding  
Sources:** N/A

## **Evaluation Criteria Summary:**

<b>Values</b>	<b>Staff Rating</b>
Environmental/Ecological	High
Scenic/Aesthetic/Sense of Place	High
Outdoor Recreation	High
Historical/Archaeological	NR
Agricultural	Medium
Geological/Paleontological	NR
Information/Education	Medium
Context	High
Political Factors:	High
Price:	Low

## **Narrative:**

The proposed project is an assignment of a Conservation Easement from Larimer County on 73 acres owned by the Kauffman family. The CE allows for trails and a parking area.

The proposed project would be an important link to the recently purchased Wagner Property, where approximately 3.5 miles of trails are planned connecting in to the Bonser property, with access to a future trail underpass at I-25.

The 73-acre Kauffman CE property provides a buffer to the Big Thompson River and other nearby protected lands. The property contains portions of Loveland Natural Area Sites #5 and #7 in the “*City of Loveland Natural Area Sites 2008*” report, with overall habitat ratings of 4 and 5 out of 10, respectively. These natural areas consist of large grass/forb meadows providing good small mammal habitat and hunting grounds for raptors, coyote, fox and other predators.

See attached aerial photo map of property and surrounding area.

**THIS PROJECT IS BEING EVALUATED FOR THE FOLLOWING SHADED VALUES:**

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

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: (H)**

1. To what extent is the property located adjacent to or near other protected lands or open space?
  - The property is adjacent to the Koppes Conservation Easement and the Wagner property and a future City of Loveland Reservoir site.
2. Is there potential that surrounding property may be protected with this property's protection?
  - Yes
3. Does this property add to a more sustainable whole?
  - Yes, this is an opportunity to conserve wildlife habitat along the urban Big Thompson River corridor between I-25 and County Rd 9.
4. Is protecting this property a strategic move to protect a larger area?
  - Yes
5. What is the potential that the property will be developed or changed in land use?
  - Low

6. How compatible are the adjacent land uses with this proposed protection and use of this property?

- This project would fit well with existing land uses in the area (parks and open lands).

## **II. Environment/Ecology**

**Rating: (H)**

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

- The property is part of a wildlife corridor along the east Big Thompson River and contains Natural Area Sites #5 and #7 as identified in the City's *Natural Areas Sites* (2008).

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

- The existing protected lands have conservation easements or restrictions (flood plain) in place that limit all development and protect conservation values of the river corridor.

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

- The river corridor contains valuable wetland and riparian habitat for wildlife as noted in #1.

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

- Would require continual management of the noxious weeds because of the disturbance from the 2013 flood. Russian olive trees can be removed, controlled, and replaced with native trees and shrubs.

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

- Enhancement potential is medium, removal of Russian olive trees would benefit existing vegetation.

## **III. Scenic/Aesthetic/Sense of Place**

**Rating: (H)**

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

- Yes

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

- High exposure to East 1<sup>st</sup> Street, County Rd 20E, and Boyd Lake Ave.

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

- No.

## **IV. Outdoor Recreation/Public Use**

**Rating: (H)**

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

- Possible access could accommodate hiking trails, nature study, and river access on the along the north side of the Big Thompson River from I-25 to the proposed reservoir along the planned Boyd Lake Avenue extension.

2. To what extent does this property provide opportunity to integrate public use into a larger recreation network?
  - Connections to the City's East Big Thompson River Trail and the Loveland Sports Park will be planned.

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?

- Yes

#### **VI. Historical/Archaeological**

**Rating: (NR)**

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

- No

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

- No

#### **VI. Agricultural**

**Rating: (M)**

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

- Hay grasses are harvested on the western part of the property.

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

- Yes, the subject property and the surrounding lands have been periodically used for agriculture for the last 100 years or so.

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

- Ag use for hay grasses could continue and would be compatible with proposed recreational uses.

4. What crops are grown?

- Hay grasses.

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

- NA

**VII. Geological/Paleontological** **Rating: (NR)**

1. Does the property contain significant paleontological sites?
  - Unknown at this time
  
2. Does the property contain significant geologic features such as faults, synclines, anticlines, etc.?
  - Unknown at this time

**VIII. Environmental Education** **Rating: (M)**

1. Are there environmental, historical and/or cultural education opportunities?
  - Possibilities exist for interpretive signage and guided public walks and programs when the site is opened for public use.

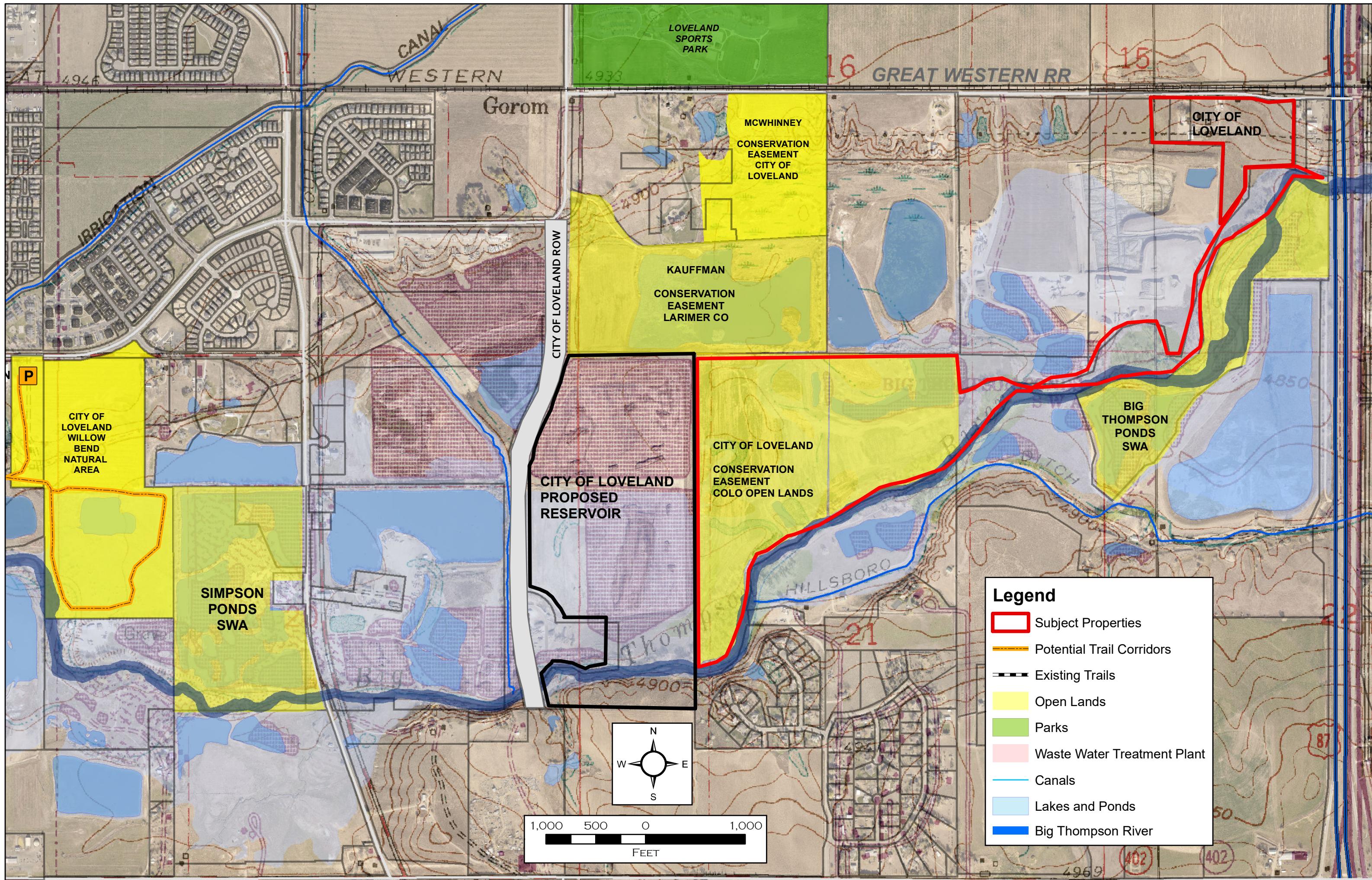
**IX. Political Factors** **Rating: (H)**

1. Is this a high-profile acquisition from the public perspective?
  - This would be a high profile acquisition because it expands on Loveland's River corridor and helps provide flood attenuation for future flood events.
  
2. Will acquisition of this property serve as a catalyst for other acquisitions?
  - Yes
  
3. Will acquisition of this property in the manner proposed serve as a positive example for other landowners?
  - Yes
  
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]*
  - Yes. Conservation easement with public access, immediate demand, and geographically distributed.

**X. Price** **Rating: (L)**

1. Is the price reasonable given current supply and demand and net present value?
  - N/A - transfer of CE from Larimer County, no costs.
  
2. Is the landowner willing to reduce the cost to the city for charitable or tax purposes?
  - N/A

3. Is cost sharing with partners significant?
  - N/A
4. Can the goals of the Open Lands Program be achieved with less than fee acquisition?
  - Yes, this is a Conservation Easement that allows for public access.
5. Will the property become more expensive or unavailable if not acquired now?
  - N/A
6. Are the projected annual management and maintenance costs acceptable and reasonable?
  - Yes. The City would be responsible for trail and parking lot construction and maintenance. The landowner is responsible for maintaining the rest of the property. The City would monitor the CE on an annual basis.



**ASSIGNMENT OF INTEREST IN  
DEED OF CONSERVATION EASEMENT  
Kauffman Property**

THIS ASSIGNMENT OF INTEREST IN DEED OF CONSERVATION EASEMENT  
(the "Assignment") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between:

- (i) **Board of County Commissioners of the County of Larimer, State of Colorado**, also known as **County of Larimer, State of Colorado**, a body politic, having an address of 200 W Oak Street, Fort Collins, CO 80521 ("Assignor"), which is the Grantee under the Conservation Easement described herein;
- (ii) **The City of Loveland, Colorado**, a Colorado municipal corporation, having an address of \_\_\_\_\_ ("Assignee"). and;

**RECITALS**

- A. Jake Kauffman & Son, Inc. ("Grantor") conveyed a Deed of Conservation Easement to Assignor recorded December 21, 2001 at Reception No. 2001118205 in the records of the Clerk and Recorder of Larimer County, Colorado (the "Conservation Easement"). The Conservation Easement is attached as **Exhibit 1** and encumbers the real property described in Exhibit A to the Conservation Easement, all attached hereto and incorporated herein (the "Property").
- B. Paragraph 21 of the Conservation Easement permits assignment of Assignor's interest as Grantee to another organization that is authorized to hold conservation easements under Colorado law and is a "qualified organization" as that term is defined under Section 170(h) of the Internal Revenue Code of 1954, as amended.
- C. Assignee is a qualified organization under Section 170(h) of the Internal Revenue Code of 1954, as amended, and is authorized to acquire and hold conservation easements under Colorado law. The mission of Assignee's Open Lands and Trails Division is to identify, preserve, protect and enhance open space, natural areas, trails and other significant lands. Assignee is also a government entity as required under C.R.S. § 38-30.5-101, *et seq.*, which provides for conservation easements to maintain land and water in a natural, scenic or open condition, for wildlife habitat, or for agricultural and other uses or conditions consistent with the protection of open land in Colorado. Assignee is certified as license number CE037 by the State of Colorado's Division of Conservation pursuant to C.R.S. § 12-61-724 and 4 C.C.R. 725-4, Chapter 2, to hold conservation easements for which a tax credit is claimed.

D. Assignee has executed this Assignment as Assignee of the interest of Assignor under the Conservation Easement and, by this Assignment, accepts the assignment of the interests and obligations of Assignor in the Conservation Easement.

## **AGREEMENT**

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Assignment. Assignor hereby quitclaims and assigns without warranties all of its rights and obligations under the terms of the Conservation Easement to Assignee, as permitted by the Conservation Easement.

2. Acceptance of Assignment. Assignee hereby accepts the assignment of the rights and obligations of Assignor under the Conservation Easement and agrees to carry out the conservation purposes that the Conservation Easement was originally intended to advance.

3. Representation by Assignor. Assignor has provided information, assurances and representations to Assignee that there are no outstanding violations of the Conservation Easement as of the date of this Assignment and Assignee has inspected the Property and is satisfied that the Assignor is in compliance with the terms of the Conservation Easement and accepts the Conservation Easement encumbering the Property in its current condition.

4. Release of Original Grantee. Assignor is hereby released from any and all obligations and liability as Grantee under the terms of the Conservation Easement and for all events arising before or after this Assignment.

5. Recording of Assignment. Upon full execution of this Assignment, Assignor shall record it in the records of the Clerk and Recorder of Larimer County, Colorado.

[Remainder of Page Intentionally Left Blank – Signature Page Follows]

**ASSIGNOR:**

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF LARIMER

ATTEST:

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## Clerk

Approved as to Form:

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## Deputy County Attorney

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Date

**ASSIGNEE:**

## CITY OF LOVELAND

ATTEST:

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## Clerk

Approved as to Form:

---

### City Attorney

---

Date

**EXHIBIT 1**

*{Attach the CE including the Legal Description attached to the CE}*



## LOVELAND OPEN LANDS ADVISORY COMMISSION

**AGENDA ITEM:** **3**

**MEETING DATE:** August 14, 2019

**DESCRIPTION:** Larimer County Natural Resources Land Acquisition Approach

**SUMMARY:**

# LARIMER COUNTY NATURAL RESOURCES

## Levels of Service

Larimer County Population

- Currently at 345,000
- Projected at 495,000 in 2043

Current portfolio

- 51,000 acres or .15/acre per person

To Maintain Balance Ratio of CE vs. Fee at 50/50

- 24,000 Acres by 2043
- ~8,000 Acres in Fee
- ~16,000 Acres in CE

Priority Areas

Laramie Foothills

Livermore

Buckeye

Poudre River

\*Redstone/Buckhorn

\*Big Thompson River

\*Blue Mountain

Little Thompson River

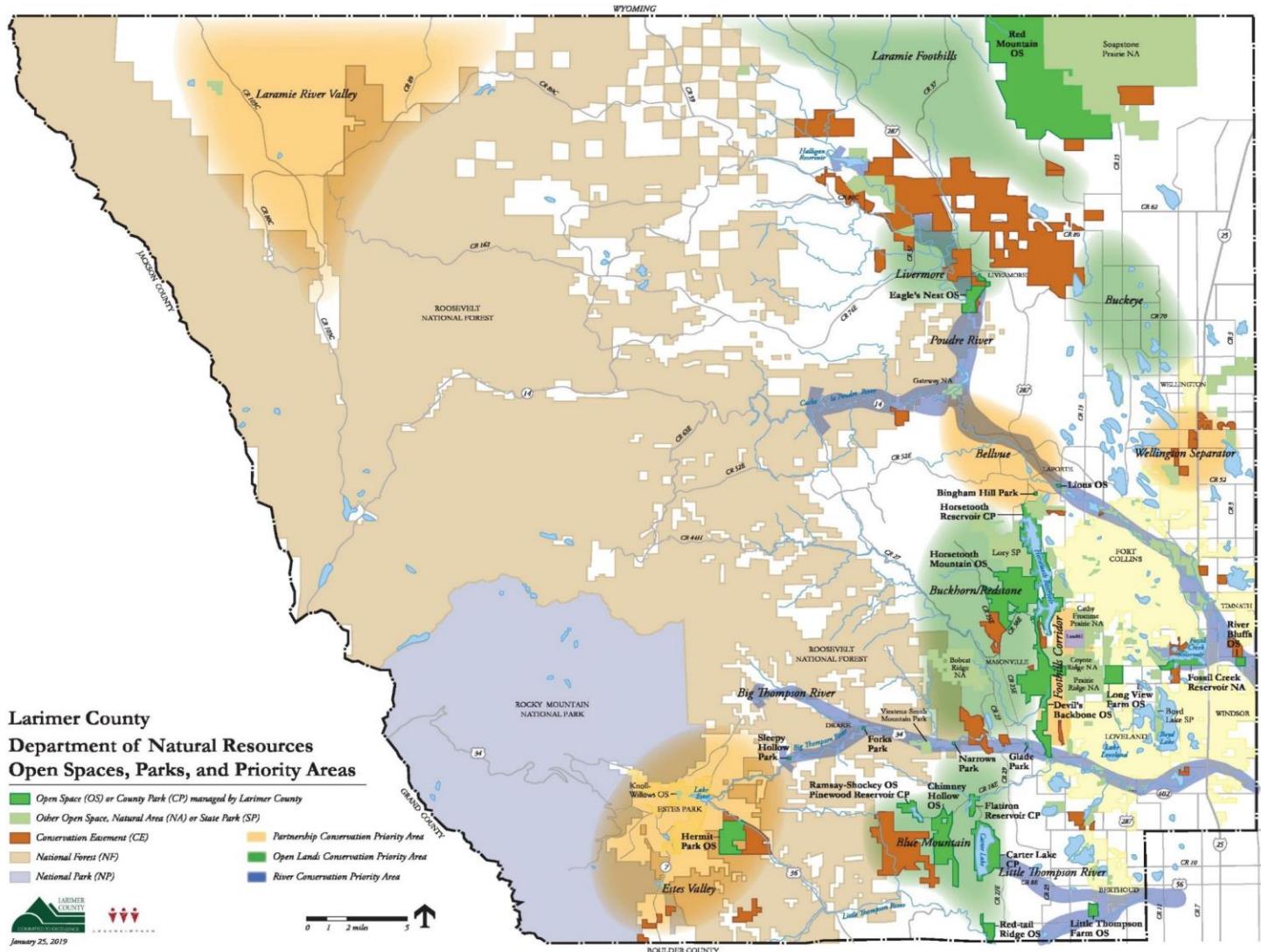
*\*Loveland as a Potential Partner*

## Land Acquisition Strategy & Opportunities

- Urgency – Fundamental shift in approach
- Develop a strategic, proactive approach to identify key parcels for land acquisition
- Identify parcels that best meet future public access goals (stand alone fee simple purchases vs. conservation easements)
- Implement Department of Natural Resources Master Plans
- Front load acquisition dollars
- Delay development of new parcels
- Proactively reach out to landowners
- Focus on 100+ acre stand alone parcels
- High natural, agricultural, recreation, and/or scenic values
- About 24,000 acres; 4-5 open to public use



Loveland will focus their open space partnerships with Larimer County on properties in the Big Thompson, Buckhorn and Blue Mountain priority areas. Loveland will continue to take a leadership role on property opportunities within Loveland's growth management area.  
Does the Commission support this acquisition approach?





## LOVELAND OPEN LANDS ADVISORY COMMISSION

**AGENDA ITEM: 5**

**MEETING DATE:** August 14, 2019

**DESCRIPTION:** Open Lands Project Report

### **SUMMARY:**

#### **Properties/Facilities/Projects/Maintenance/Operations**

- ❖ The bid to make the trail connection from Madison Avenue into Old St. Louis Natural Area has been awarded to Hoff Construction. This trail construction will begin in August.
- ❖ The Namaqua Bridge re-construction is complete and the road is back open to traffic. New fencing and signage at Medina's Crossing lets the public know that the site is not open for access yet.
- ❖ Construction of the Rossum-Wilson river restoration project and Rist-Goss diversion work is complete and the next phase of the projects for the fall and spring will be to complete the vegetative restoration. The trail and fence at Oxbow Natural Area have been replaced.
- ❖ Construction of the river restoration work along Wild Natural Area has also been completed. Now that runoff is slowing, final plantings can be installed this summer and fall.
- ❖ A new vault restroom has been ordered for Sunset Vista Natural Area and the trailhead for the regional Long View Trail. The restroom will be delivered and installed later this summer.
- ❖ In order to restore the landscape at Sunset Vista Natural Area to native grasses, Loveland has contracted with the Larimer County Weed District to treat weeds and re-plant the southern portion with native grass. The planting of a cover crop has been completed, and will be followed by seeding of the native grass mix this fall.
- ❖ A design-build bid has just closed for a pedestrian bridge over the Louden Ditch in west Loveland in connection with the future development of the Skyline Natural Area near Namaqua Hills.
- ❖ Signage, structures and environmental education improvements are underway at Viestenz-Smith Mountain Park. Several small projects to finalize the repairs and renovation of the historical and other structures are being completed in-house by parks and open lands staff. Projects will allow for the return of environmental education programs to the site, interpretive education signage, wayfinding signage, and security and lighting improvements.



## Partnerships, Planning and Grants

- ❖ The Colorado Native Plant Society, with staff assistance, has successfully re-vegetated two areas of River's Edge Natural Area with native species. Signage will be added to help identify the native plants in the gardens and throughout River's Edge. Information will provide practical advice on using these species in yards and home gardens. The plantings were made possible through Larimer County's Natural Resources Small Grant program.

## Programs/Environmental Education/Volunteers

- ❖ Parks and Recreation hosted two bike stations on Bike to Work Day, June 26<sup>th</sup>. One at Sunset Vista Natural Area/Long View Trail and another at the Civic Center. More than 200 riders visited these stations celebrating non-motorized transportation.
- ❖ The nest cams on the City's Open Lands website allow citizens to watch live the nesting activity of barn owls and kestrels. Both nests were successful this year and the fledglings and adult females were banded by Colorado Avian Research and Rehabilitation Institute volunteers, to track the birds as part of their ongoing research.
- ❖ We have had a busy summer of environmental programming including Bird Walks, Storytelling, Dog Day, Art in Nature, Critter Scene Investigations, Astronomy Nights, Orienteering Programs, new Native Plant Walks, and History Walks.





## LOVELAND OPEN LANDS ADVISORY COMMISSION

**AGENDA ITEM: 6**

**MEETING DATE:** August 14, 2019

**DESCRIPTION:** Trail Updates

### SUMMARY:

❖ The Prairie Ridge Natural Area development project has been bid and awarded to Delfalco Construction and will begin in August. This natural area property in northwest Loveland will provide citizens with a 3.3 mile soft-surface trail system and the north-south trail alignment will connect to Fort Collin's Coyote Ridge Trail.



❖ Staff continues to work on closing the missing trail gap, known as the Copper Ridge Connector, at 57<sup>th</sup> Street and the BNSF Railroad. Design is complete for the section at Sunset Vista Natural Area and we have begun the process of permitting with the BNSF Railroad. The Copper Ridge Development has indicated that they plan to construct their trail portion to 57<sup>th</sup> Street in late 2019.

❖ Planning work has begun on the future trail connection between Denver Avenue and Boyd Lake Avenue. With the construction of a new pedestrian underpass at Boyd Lake Avenue later this year, Parks and Recreation is working with landowners to secure easements and a trail corridor to connect Loveland's trail system with the Centerra trail system.



**Commission Action Recommended:** Informational.

# What We've Heard So Far... A summary from the online survey



## Important Factors To Consider When Prioritizing Transportation

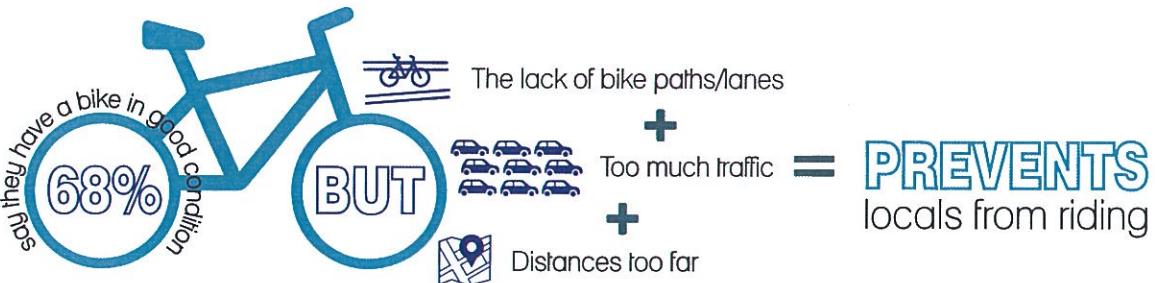
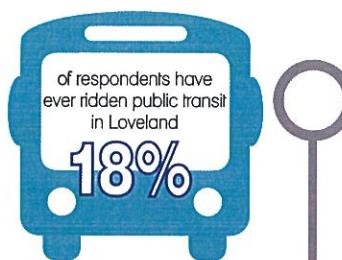


**79%**  
of respondents  
drive every  
day in  
Loveland

People feel safer in a  
personal vehicle when...



do NOT have a bus pass  
**98%**



**85%** of people have sidewalks in their neighborhood  
**60%** of people say sidewalks are in good condition

**44%** of respondents  
DON'T want to  
walk anywhere new