



SUBJECT: Acquisition and Due Diligence Review Procedure

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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, and Conservation Easements acquired by the City of Loveland

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Open Lands Staff follows the attached Acquisition Process 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:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-11 Acquisition and Due Diligence Review Procedure

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 – W-1 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.

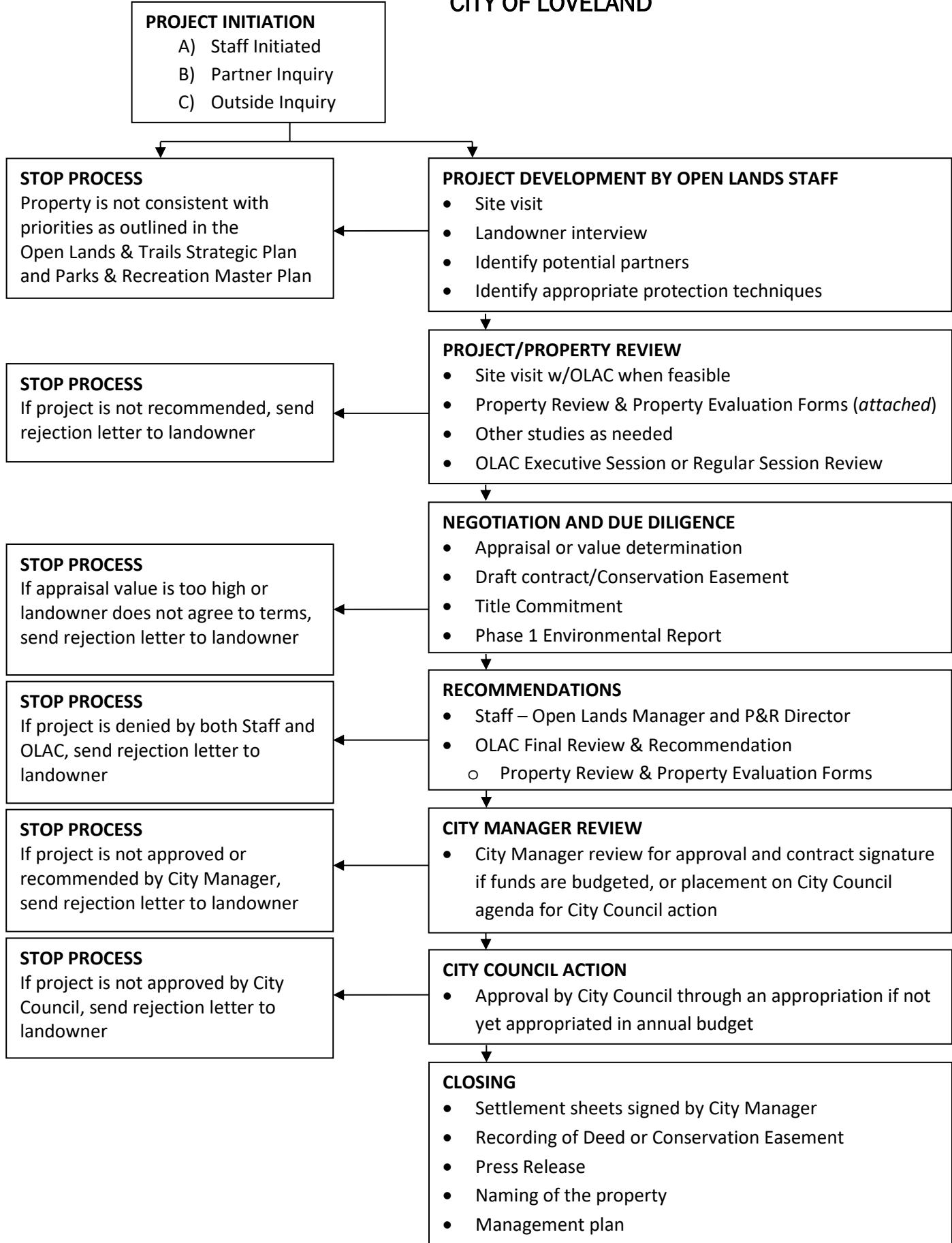
7. Notice to Landowners Regarding Legal Advice and Tax Credit Qualification

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 & Natural Area Management Classifications:

Nature Preserves – No public access and no developed features. Open lands with unique landscapes and high ecological value that protect or restore natural resources, agriculture and habitat.

Natural Areas – Public access with no developed features. Open lands that protect landscapes and open space from development, contribute to urban aesthetics, and provide habitat.

Local Open Spaces – Public access with some development. Open lands and corridors that are minimally developed to support habitat connectivity, self-directed recreation and access to natural areas.

Community Open Spaces – Public access with highest level of development. City's most utilized open land destinations intended to support nature interpretation, environmental education, self-directed recreation, outdoor play, and other programs. These are typically large open land sites that also provide wildlife habitat and corridors.

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		

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 Costs Policy

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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 or City Capital Expansion Fees, and/or donated by landowners or partners

RESPONSIBILITY: Open Lands Staff

BACKGROUND: Staff has used this policy to acquire conservation easements since this policy was adopted in 2003. Minor changes to the policy have been made.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-2 Conservation Easement Costs Policy

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	\$1,500-\$2,000	Open Lands Fund 202/Fund 263
Endowment Preparation	\$1,375-\$4,000	Open Lands Fund 202/Fund 263
Endowment Monitoring	\$2,000-\$3,000	Open Lands Fund 202/Fund 263
Endowment Defense Fund	\$3,000-\$4,000	Open Lands Fund 202/Fund 263
Baseline Inventory on CE <u>Purchases</u>	\$2,500-\$3,500	Landowner Cost
Baseline Inventory on CE <u>Bargain Sale</u>	\$2,500-\$3,500	Open Lands Fund 202/Fund 263
Baseline Inventory on CE <u>Donations</u>	\$2,500-\$3,500	Open Lands Fund 202/Fund 263
Appraisal on CE <u>Purchase</u>	\$5,000-\$7,000	Landowner Cost
Appraisal on CE <u>Bargain Sale</u>	\$5,000-\$7,000	50% Landowner 50% Open Lands Fund 202/Fund 263
Appraisal on CE <u>Donations</u>	\$5,000-\$7,000	50% Landowner 50% Open Lands Fund 202/Fund 263
Survey	\$ varies	Open Lands Fund 202/Fund 263
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 Title Company	\$1,200-\$1,500	50% Landowner 50% Open Lands Fund 202/Fund 263
Clean up or removal of structures, vehicles, trash or equipment.	\$ varies	Landowner Cost



SUBJECT: Conservation Easement Phasing Policy

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-12 Conservation Easement Phasing Policy

POLICY:

The City of Loveland currently follows the Keep It Colorado 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* (as adopted).
- 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:	April 2022
REVIEW SCHEDULE:	Annually 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. Kayl 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 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 and 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.

This policy was formerly named: OL-13 Conservation Easement Enforcement Policy



SUBJECT:	Conservation Easement Amendment Policy
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

This policy was formerly named: OL-14 Conservation Easement Amendment Policy

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.

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 appropriate or necessary.

**SUBJECT:**

Conservation Easement Contingency Plan

EFFECTIVE DATE:

April 2022

REVIEW SCHEDULE:

Annually 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. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-15 Conservation Easement Contingency Plan

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:	April 2022
REVIEW SCHEDULE:	Annually 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 February 2022) 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> in December 2017, 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. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

This policy was formerly named: OL-16 Conflict of Interest Policy

POLICY:

The City of Loveland “*Handbook for Boards and Commissions*” (revised February 2022) 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.

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* in December 2017, 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: Disposition of Open Land Parcels and Water Rights

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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 disposition of real property and water rights.

SCOPE: Open Lands Parcels and Water Rights acquired by the City of Loveland

RESPONSIBILITY: Open Lands Staff and Open Lands Advisory Commission

BACKGROUND: Open Lands does not currently have a policy regarding the disposition of real property and water rights. This policy will require a recommendation by OLAC and approval by the Parks & Recreation Director. However, any land or water rights sale would have to be approved by City Council.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

As part of its mission, the Open Lands and Trails Division acquires open lands and water rights for conservation purposes. Under some circumstances, a sale of land or water rights may be in the City's best interest. The City of Loveland could consider sale of land or water rights purchased with Open Lands funds if one or more of the following conditions exist:

1. A parcel is purchased with the intent to implement a Conservation Easement with another entity such as Larimer County and then to sell the underlying fee simple estate.
2. A parcel is purchased with the intent to sell part of the parcel off that is not desired or appropriate for open lands purposes.
3. A parcel is purchased that no longer meets the intent for which it was purchased. For example: *A parcel is purchased with the intent to preserve additional open lands; however additional open lands cannot be acquired, or the conservation values are greatly diminished due to surrounding land uses.*



4. A parcel is purchased with an encroachment issue on part of the property. The land subject to the encroachment is disposed to resolve the ownership issue.
5. A parcel is purchased for conservation purposes but no longer meets the original open space goals, and the conservation values are protected with a conservation easement or deed restriction prior to sale or disposition of the property.
6. It is determined that a parcel could be monetized to acquire land of greater conservation value.
7. An area is required for utilities, roads, road widenings and drainage ways.
8. Water rights acquired as part of an Open Lands purchase are not beneficial for use on Open Lands parcels for conservation purposes, or do not benefit the City of Loveland as a whole.

Any land parcels held jointly with other entities would require approval by the other party(ies) prior to sale of land. Jointly owned properties have a process for disposition described in the Intergovernmental Agreements (IGA's) completed at the time of purchase.

Any revenue generated by sale of Open Land parcels or Water Rights must only be appropriated for future Open Lands and Water Rights purchases in and around the City of Loveland for the purposes of conservation and preservation.



SUBJECT:	Easement Requests on Natural Areas
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 (extended to 2043 in 2018) and lands acquired with funds from the City's Open Lands Capital Expansion Fee. 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:	<hr/> <p>Elizabeth R. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

This policy was formerly named: OL-4 Easement Request Policy

POLICY:

The City of Loveland Open Lands goals are 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 Natural Heritage Program) 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 the City 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 CITY REVIEW:

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



SUBJECT:	Fee Simple Acquisition Costs Policy
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 or City Open Lands Capital Expansion Fees 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:	<hr/> <p>Elizabeth R. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

This policy was formerly named: OL-3 Fee Simple Costs Policy

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
Appraisal on Purchase	\$4,000-\$6,000	Landowner cost
Appraisal on Bargain Sale	\$4,000-\$6,000	50% Landowner 50% Open Lands Fund 202/263
Appraisal on Donations	\$4,000-\$6,000	50% Landowner 50% Open Lands Fund 202/263
Survey	\$ varies	Open Lands Fund 202/263
Owner's Title Commitment Purchase	\$ varies	Landowner cost
Owner's Title Commitment Bargain Sale	\$ varies	Landowner cost
Owner's Title Commitment Donation	\$ varies	Open Lands Fund 202/263
Closing Costs to the Title Company	\$1,200-\$1,500	50% Landowner 50% Open Lands Fund 202/263
Clean up or removal of structures, vehicles, trash or equipment.	\$ varies	Landowner cost



SUBJECT: Recognition of Financial Contributions

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

POLICY:

1. Recognition in the Open Lands Annual Report for contributions \$1,000 and over.
2. Name recognition (without logo) for individual contributions of \$1,000 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.

This policy was formerly named: OL-8 Financial Contributions Policy



SUBJECT:	Memorials on Open Land Properties
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 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 (extended to 2043 in 2018) and lands acquired with funds from the City's Open Lands Capital Expansion Fee.
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/> <p>Elizabeth R. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

POLICY:

1. The Open Lands Division will not permit the placement of memorials, 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 not permitted on open lands or natural areas
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.
4. City Staff may accept memorial benches, trees or other assets which provide a community benefit and are consistent with the integrity and operation of the site. Donated assets may have a small plaque that meets the Department's Donation Plaque Policy.

This policy was formerly named: OL-7 Memorial Policy

**POLICY NUMBER:****SUBJECT:**

Management and Stewardship Process and Plans

EFFECTIVE DATE:

April 2022

REVIEW SCHEDULE:

Annually 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 management and stewardship of Natural Areas, Open Lands properties, and conservation easements acquired for the Open Lands Program.

SCOPE:

Natural Areas, Open Lands and Conservation Easements acquired by the City of Loveland

RESPONSIBILITY:

Open Lands Staff and Open Lands Advisory Commission

BACKGROUND:

Open Lands Staff follows the attached Management Plan Process and Stewardship Plan Process recommended by OLAC in May 2016.

Depending on the outcome of the process, staff follows the attached Management Plan Template or Stewardship Plan Template.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-18 Management & Stewardship Policy

**POLICY:**

Properties and conservation easements acquired by the City of Loveland for the Open Lands Program will be managed according to a management or stewardship plan developed for each site. The attached Management Plan Process and Stewardship Plan Process provide a framework for evaluating properties for the need for a management or stewardship plan and a process to develop and implement a plan. Properties will be evaluated on several factors to determine whether a management or stewardship plan is appropriate. Criteria include: infrastructure (one-time capital) costs; ongoing management and maintenance costs; location, remoteness, accessibility, and capacity of the site; and surrounding properties (connections). Management plans are developed with public input for sites where public access is envisioned. Stewardship plans are written for properties where public access is not being considered in the near term. Stewardship plans may be re-evaluated if conditions change that may warrant a full management plan. The Management Plan process and Stewardship Plan process each represent potential steps in developing a plan.

Specific steps utilized for a given plan will be dependent upon the complexity of the plan and the circumstances associated with a specific property. Potential management costs may be included in property evaluations during the acquisition process, when evaluating suitable activities on the site. The attached Management Plan Template and Stewardship Plan Template are used to develop each plan, depending on the outcome of the process above. Each outline represents a potential template. Specific elements of each plan will be dependent upon the circumstances associated with a specific property.

Parcels with connectivity/adjacency to existing conserved open lands and natural areas may be added to existing management and stewardship plans if conditions are similar and management needs are determined to be comparable.

STEWARDSHIP PLAN PROCESS

CITY OF LOVELAND OPEN LANDS

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

1. PROJECT VISION AND VALUES

*City of Loveland Parks & Recreation Master Plan
Open Lands Advisory Commission
Open Lands Staff*

Determine desired values and uses during acquisition process

Determine need for stewardship plan vs. management plan by considering the following criteria:

- Infrastructure costs
- Management and maintenance costs
- Capacity of the site
- Surrounding properties
- Remoteness/accessibility of the site
- Open Space Management Type

2. INFORMATION IDENTIFICATION/NEEDS

Department Staff, Stakeholders
Identify appropriate resource advisory team members
Gather information from site visits and other sources

3. OPPORTUNITIES, BENEFITS AND CONSTRAINTS

Department Staff, Resource Advisory Team, OLAC, Public
Identify opportunities and areas of special concern

4. DEVELOP INITIAL DRAFT PLAN

Department Staff
Develop initial draft plan using all acquired information

5. DRAFT PLAN REVIEW

Department Staff, Resource Advisory Team
Review draft stewardship plan and obtain additional information

6. DEVELOP FINAL DRAFT PLAN

Department Staff
Develop final draft stewardship plan

7. FINAL PLAN RECOMMENDATION

Open Lands Advisory Commission
Make recommendation regarding final stewardship plan

8. FINAL PLAN APPROVAL

Parks and Recreation Director
Review and approve final stewardship plan

9. IMPLEMENT STEWARDSHIP PLAN

Department Staff

STEWARDSHIP PLAN TEMPLATE

CITY OF LOVELAND OPEN LANDS

The following represents a potential Stewardship Plan template. Specific elements of a given Stewardship Plan will be dependent upon the circumstances associated with a specific property.

1. INTRODUCTION

- 1.1 Purpose and Objectives of the Plan
- 1.2 History
- 1.3 Scope and Organization of the Plan
- 1.4 Stakeholder Involvement

2. EXISTING CONDITIONS

- 2.1 Overview
- 2.2 Natural Resources
- 2.3 Visual Resources
- 2.4 Cultural Resources
- 2.5 Existing Improvements
- 2.6 Water and Mineral Rights

3. STEWARDSHIP PLAN

- 3.1 Overview
- 3.2 Natural Resource Management
- 3.3 Cultural Resource Management
- 3.4 Stewardship Plan Implementation

APPENDIX A: Species Lists

APPENDIX B: Deed of Conservation Easement

BIBLIOGRAPHY

MANAGEMENT PLANNING PROCESS

CITY OF LOVELAND OPEN LANDS

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

1. PROJECT VISION AND VALUES

*City of Loveland Parks & Recreation Master Plan
Open Lands Advisory Commission
Department Staff*

Determine desired values and uses during acquisition process

Determine need for stewardship plan vs. management plan by considering the following criteria:

- Infrastructure costs
- Management and maintenance costs
- Capacity of the site
- Surrounding properties
- Remoteness/accessibility of the site
- Open Space Management Type

2. INFORMATION IDENTIFICATION/NEEDS

Department Staff, Stakeholders

Identify appropriate resource advisory team members

Gather information from site visits and other sources

3. OPPORTUNITIES, BENEFITS AND CONSTRAINTS

Department Staff, Resource Advisory Team, OLAC, Public

Identify opportunities and areas of special concern

4. DEVELOP INITIAL DRAFT PLAN

Department Staff

Develop initial draft plan using all acquired information

5. DRAFT PLAN REVIEW

Department Staff, Resource Advisory Team, OLAC, Public

Review draft management plan and obtain additional information

6. DEVELOP FINAL DRAFT PLAN

Department Staff

Develop final draft management plan

7. FINAL PLAN RECOMMENDATION

Open Lands Advisory Commission

Make recommendation regarding final management plan

8. FINAL PLAN APPROVAL

Parks and Recreation Director

Review and approve final management plan

9. IMPLEMENT MANAGEMENT PLAN

Department Staff

MANAGEMENT PLAN TEMPLATE

CITY OF LOVELAND OPEN LANDS

The following represents a potential Management Plan template. Specific elements of a given Management Plan will be dependent upon the circumstances associated with a specific property.

1. INTRODUCTION

- 1.1 Purpose and Objectives of the Plan
- 1.2 History
- 1.3 Scope and Organization of the Plan
- 1.4 Public and Agency Involvement

2. EXISTING CONDITIONS

- 2.1 Overview
- 2.2 Natural Resources
- 2.3 Visual Resources
- 2.4 Cultural Resources
- 2.4 Existing Improvements
- 2.5 Water and Mineral Rights

3. MANAGEMENT PLAN

- 3.1 Overview
- 3.2 Natural Resources Management
- 3.3 Visitor Management and Education
- 3.4 Cultural Resource Management
- 3.5 Management Plan Implementation
- 3.6 Conclusion

APPENDIX A: Species Lists

APPENDIX B: Deed of Conservation Easement

BIBLIOGRAPHY

Open Lands & Natural Area Management Classifications:

Nature Preserves – No public access and no developed features. Open lands with unique landscapes and high ecological value that protect or restore natural resources, agriculture and habitat.

Natural Areas – Public access with no developed features. Open lands that protect landscapes and open space from development, contribute to urban aesthetics, and provide habitat.

Local Open Spaces – Public access with some development. Open lands and corridors that are minimally developed to support habitat connectivity, self-directed recreation and access to natural areas.

Community Open Spaces – Public access with highest level of development. City's most utilized open land destinations intended to support nature interpretation, environmental education, self-directed recreation, outdoor play, and other programs. These are typically large open land sites that also provide wildlife habitat and corridors.



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

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Annually 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: Staff and OLAC have used the policy set out below to name acquired properties since this policy was approved in August of 1999.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named as: OL-1 Naming Policy

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 feasible after the property is acquired.

B. Public Announcement

When the City acquires a property for natural area or open land purposes, the public will be invited to submit prospective names for that natural area (unless a name has been determined for a site during the acquisition process). When acquisitions are made jointly between other City Departments or jurisdictional entities, those departments/entities also will be included in the notification process. As determined on a case-by-case basis, the naming notice also may be sent to specific groups or individuals who have exhibited a particular interest in a certain natural area.

The naming notice 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

Following 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 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.

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:

Neighborhood Requested Access

EFFECTIVE DATE:

April 2022

REVIEW SCHEDULE:

Annually 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 the city that all natural area users enter the natural area via designated trailhead(s). The following outlines the policy for considering neighborhood access requests.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-9 Neighborhood Access Policy

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:	Policy Regarding Public Input and Process
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 <i>Handbook for Boards and Commissions</i> (revised February 2022) addresses the conduct of public meetings. This policy provides further detail regarding public comment during Open Lands Advisory Commission meetings.
APPROVAL:	<hr/> <p>Elizabeth R. Kayl 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* 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 3 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.

This policy was formerly named: OL-17 Public Input & Process



SUBJECT:	Permits for Activities on Natural Areas and Open Lands
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 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:	<hr/> <p>Elizabeth R. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

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.

This policy was formerly named: OL-19 Permit Policy



OPEN LANDS AND NATURAL AREAS PERMIT APPLICATION



Applicant Name: _____

Applicant Address: _____

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

Applicant's email: _____

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

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

City of Loveland

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

2

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

3

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

4

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.

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

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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).

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

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Activity	Conditions to Allow	Conditions to Disallow	Examples of Allowable Activities	Required Information – to be provided by Applicant
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.

OPEN LANDS AND NATURAL AREAS PERMIT CONDITIONS

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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.

**SUBJECT:**

Signage Policy

EFFECTIVE DATE:

April 2022

REVIEW SCHEDULE:

Annually 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 with respect to signage of Open Lands.

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. The policy also applies to natural areas acquired by the City of Loveland prior to the passage of the Open Lands Sales Tax in 1996, as well as properties acquired by the City of Loveland using Open Lands Capital Expansion Fees.

RESPONSIBILITY:

Open Lands Staff

BACKGROUND:

Staff has used the following policy regarding signage on Open Lands.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

Marilyn Hilgenberg
Open Lands and Trails Manager

This policy was formerly named: OL-6 Signage Policy

POLICY:

Natural Area and Open Lands signage shall be approved by staff and consistent with the guidelines outlined below.

Signage will be utilized on Loveland's Open Lands and Natural Areas for the following:

1. Regulation and Enforcement
2. Information and Education
3. Identification and Wayfinding

Regulation and Enforcement

In order to communicate rules, regulations and safety conditions to the public, signage will be used throughout Loveland's open lands sites. Examples include Rules and Regulations, Fishing and Wildlife Management signs, and traffic, pedestrian and parking signage.

Rules and Regulations for each Open Lands site should be posted at the entry point(s) of the site. Signage should reflect the most current regulations approved by the Parks and Recreation Director and posted on the City's website.

Information and Education

Signage will be used to communicate key information and educate the public regarding the intended use and appropriate stewardship of each open lands site.

Larger publically accessible sites will have informational kiosks to communicate information to users and identify the sites as City of Loveland Open Lands. Kiosks will typically contain site-specific maps, rules, regulations, and other resource or event information. No advertising is allowed on City of Loveland Open Lands or natural area properties.

Sites may also include educational information from Colorado Parks & Wildlife and/or other open lands agencies regarding awareness and safety. This could include wildlife warnings and information, fishing regulations and stewardship, Waterway Cleanup signage, Fishing Line Recycle Tubes, etc.

Interpretive Signage will be used on sites open for public access that lend themselves to unique natural resources, wildlife, plants, birds, views, or historical features. Special signage or learning stations may be installed to promote environmental education and public programming.

Signage will comply with requirements of grant agreements, when applicable. Grants and partnerships will be recognized by name or logo for their contribution at the open lands or natural area (e.g., Great Outdoors Colorado, Colorado Open Lands, Larimer County Conservation Corps).

Identification and Wayfinding

Identification of open lands sites is an important component of communication with citizens. Each open lands site should be signed with the name of the property or identify it as part of the City of Loveland's open lands program.

In order to adequately direct citizens to the location, addresses should be assigned and address signs installed at the entry point of each open lands area. This is also necessary to provide accurate locations for emergency services.

Wayfinding signage and maps will be posted on-site (and on the City's Website) to allow users to navigate each site and be able to find the available amenities. Signage will be used to delineate trails and publically accessible areas.

Signage will be also used to prohibit access to adjacent private properties, restoration areas and closed sites (e.g., "No Trespassing" per Section 9.48.010 of the City Municipal Code).

**SUBJECT:**

Water Rights Policy on Preserved Properties

EFFECTIVE DATE:

April 2022

REVIEW SCHEDULE:

Annually 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. Kayl
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.

This policy was formerly named: OL-10 Water Rights Policy



SUBJECT:	Weeds and Non-native Species
EFFECTIVE DATE:	April 2022
REVIEW SCHEDULE:	Annually 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 and Trails 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, as well as properties acquired by the City of Loveland using Open Lands Capital Expansion Fees. 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:	<hr/> <p>Elizabeth R. Kayl Director, Parks and Recreation</p> <hr/> <p>Marilyn Hilgenberg Open Lands and Trails Manager</p>

This policy was formerly named: OL-5 Weed and Non-native Species Policy

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 7.16

The Open Lands Division will comply with all provisions in the City of Loveland Municipal Code Chapter 7.16 (weed ordinance). 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 natural area as determined by the Open Lands and Trails Manager. Management strategies may include mowing along trail edges for safety and maintenance and mowing for fire mitigation or weed control as needed.



SUBJECT: Electronic Personal Assistance Mobility Device Regulations (EPAMD)

EFFECTIVE DATE: April 2022

REVIEW SCHEDULE: Every three (3) years by the Parks and Recreation Director or more frequently as recommended by staff.

PURPOSE: To clarify the policies, procedures, and regulations regarding the use of an Electronic Personal Assistance Mobility Device (EPAMD) in City Parks and on hard and soft surface trails, sidewalks, outdoor recreation facilities and Open Lands maintained by the Parks and Recreation Department.

SCOPE: The City Parks, Open Lands, and Trails addressed by these policies are acquired by the City of Loveland with dedicated funds.

RESPONSIBILITY: Parks, Open Lands and Trails Staff

BACKGROUND: Staff has used the following policy regarding the use of EPAMDs in City Parks, on the Recreation Trail, and on Open Lands properties.

APPROVAL:

Elizabeth R. Kayl
Director, Parks and Recreation

**POLICY:****I. Background**

Effective March 15, 2011, the Department of Justice (DOJ) revised its rules effectuating Subtitle A, Part 35 of Title II of the Americans With Disabilities Act of 1990 with respect to the use of power-driven mobility devices by individuals with mobility disabilities on lands owned by public entities. The City of Loveland (City) desires to accommodate individuals with mobility disabilities while ensuring that power-driven mobility devices do not have a significant negative impact on the immediate environment, natural or cultural resources, or visitor safety.

In Developing this EPAMD policy, the Parks and Recreation Department (Department) has taken into consideration the use of “other power-driven mobility devices” as that term is defined in 28 CFR § 35.104 and factors such as impacts on safety of other park, trail, sidewalk and outdoor recreational facility and open land users, impacts on property and infrastructure, and the noise level of such devices. Other factors considered were the types of power-driven mobility devices acceptable in parks or on trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department based upon the type, size and speed of a device in relation to, among other things, the width, length, composition and location of the park, trail, sidewalk or outdoor recreational facility and open lands and the volume of users of these facilities.

II. Impacts of Other Power-Driven Mobility Devices

While the City of Loveland Parks and Recreation Department desires to accommodate individuals with mobility disabilities, this must be done in a way that does not have a significant negative impact on the mission of the Parks and Recreation Department or jeopardize the safety of persons using City parks, trails, sidewalks, outdoor recreation facilities or open lands, including those with a mobility disability. One of the assessment factors the City considered in making its assessment is whether the use of certain classes of other power-driven mobility devices creates a substantial risk of serious harm to the immediate environment or natural or cultural resources.

Based upon the Department’s assessment, All-Terrain Vehicles (ATVs), snowmobiles, other Off-Road Vehicles (ORVs) and other similar devices that may meet the definition of “other power-driven mobility devices,” are not appropriate types of devices for City parks, trail, sidewalks, outdoor recreation facilities and open lands.

ATVs, ORVs, snowmobiles and other similar devices pose a considerable threat to the safety of citizens using the park system due to their speed and design and are not conducive in a sports or active use area due to the mix and age of users and the traffic patterns and needs of a particular play activity. Also, these devices usually employ internal combustion engine powered vehicles that pose a considerable threat to the environment from noise, increased air pollution and trail degradation. In particular, the noise of off-road vehicles interferes with the overall mission of parks, as a respite and refuge from crowded urban areas or roads.



ATVs, ORVs, snowmobiles and other similar devices also interfere with natural, peaceful surroundings sought by trail or open land users such as hikers, bicyclists, and other non-motorized recreationists. Noise from these types of devices is also likely to cause significant adverse impacts to wildlife in at least two ways. First, exposure to noise from these devices can result in wildlife hearing impairment or even loss, with severed consequences for animals dependent on their sense of hearing for finding prey, avoiding predators, and interacting with other individuals of the same species. Second, wildlife exposed to these noises often experience stress and other disturbance effects. Over time, such impacts are likely to lead to altered wildlife movement patterns, behavioral changes, and long-term stress impacts, all with potentially significant adverse results. Considerable literature on disturbance effects across ecosystem types indicates that negative impacts to wildlife from ORV use are widespread. Since most of our trail system is located along major wildlife corridors these vehicles are not conducive.

Trail degradation by ATV or similar device can be very problematic on multiuse trails and sidewalks. Rutted or eroded trails can be dangerous for other users and degrade overall access to open lands and parks. Several miles of the City's trail system are eight foot (8') wide and cannot accommodate these vehicles and other trail users safely. Most of the City's sidewalks within our parks are six foot (6') wide or less and cannot accommodate ATV or ORV and existing users without significant safety issues. The Department has determined that, in addition to wheelchairs and other manually-powered mobility aids; it will permit the use of certain *Electronic Personal Assistance Mobility Devices* (EPAMDs) in City parks, on hard and soft surface trail, sidewalks, outdoor recreation facilities and open lands maintained by the Department pursuant to the terms and conditions set forth below.

III. Definitions

For purposes of this policy:

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

Other Power-Driven Mobility Device means any mobility device powered by batteries, fuel, or other engines – whether or not designed primarily for use by individuals with mobility disabilities – that is used by individuals with mobility disabilities for the purpose of locomotion, including golf carts, electronic personal assistance mobility devices (EPAMD), such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning of this section.

***Electronic Personal Assistance Mobility Device* (EPAMD)** is a device used by a person with a mobility disability but does not include gasoline or fuel powered devices or vehicles, golf carts, riding lawn mowers, ATVs, snowmobiles, ORVs or other devices with internal combustion engines.



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

IV. Policy

The Department authorizes a person with a mobility disability to use an electronic personal assistance mobility device (EPAMD) in City parks, and on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department, subject to the following conditions:

1. Individuals with mobility disabilities shall be allowed to use:
 - a. Wheelchairs;
 - b. Manually-powered mobility aids (e.g. walkers, crutches, canes, braces or similar devices designed for use by individuals with mobility disabilities); and
 - c. Other Power-Driven Mobility Devices that are EPAMDs and meet all other conditions of this policy.
2. The following may not be used:
 - a. Gas or fuel powered devices or internal combustion engine vehicles;
 - b. Devices heavier than 500 pounds; and
 - c. Other power-driven mobility devices that exceed more than 32" in width measured from the outside of each tire.
3. EPAMDs may only be used in City parks and on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department, so long as such use does not cause damage to such park, trail, sidewalk, outdoor recreation facility or open land.
4. The EPAMD:
 - a. Must be designed to travel on two or more low-pressure tires;
 - b. Must operate by an electric powered engine or motor with a maximum decibel level of 55 or less;
 - c. Must not be driven into wet, ecologically sensitive or hazardous areas which are posted as prohibited areas by the Department or Open Lands Divisions;



- d. Must not carry more than one person on the frame or carry any object on the frame that may make the EPAMD unstable;
- e. Must not be operated in a dangerous or reckless manner, or at speeds that jeopardize the safety of the operator, or other persons; and
- f. Must only be operated between 6 AM and 10:30 PM.

5. The EPAMD is allowed only in areas of the park, or on hard and soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department in which the general public is allowed.
6. A driver or operator of an EPAMD shall be subject to the same statutory restrictions regarding consumption of alcohol and/or drugs and operation of a motor vehicle or vehicle.
7. An individual without a mobility disability is prohibited from using an EPAMD under this policy, regardless of whether or not he or she is accompanying an individual with a mobility disability who is using an EPAMD.
8. Neither the Department nor the City shall be responsible for the EPAMD, including, but not limited to, storage, security, maintenance, loading or unloading of the EPAMD.
9. Neither the Department nor the City shall be responsible for any damage to the EPAMD, or injury to the operator, whether caused by the operator, another park, trail, sidewalk, outdoor recreation facility or open land user or visitor and preserves all defenses under law, including but not limited to governmental immunity.
10. The Department reserves the right to suspend or place additional restrictions on the use of EPAMDs in its parks, and on trails, sidewalks, outdoor recreational facilities or open lands maintained by the Department, if doing so is in the best interests of the City, the Department, or users of such parks, trails, sidewalks, outdoor recreational facilities or open lands.
11. Users of Mobility Devices are subject to all other City park, trail, outdoor recreation facility and open land policies and regulations.
12. The operator of the EPAMD must be a person with a mobility disability, and proof of such disability may be requested by Department personnel or law enforcement officers in accordance with ADA regulations.
13. An individual using a Mobility Device authorized pursuant to this policy may be asked to provide "credible assurance" that the Mobility Device is required because of the individual's disability. Credible assurance may include: showing a valid State-issued disability parking placard or card or other State-issued proof of disability. In lieu of a valid State-issued



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disability parking placard or card or other State-issued proof of disability, a verbal representation, not contradicted by observable fact, that the Mobility Device is being used for a mobility disability shall constitute credible assurance.

14. A person using a Mobility Device may not be asked about the nature and extent of the person's disability.

15. The Department reserves the right to change, modify, or amend this policy at any time.



SUBJECT:	Hang Gliding, Paragliding, and Powered Paragliding Policy
EFFECTIVE DATE:	August 1, 2018 (Parks and Recreation Commission) April 2022 (Open Lands Advisory Commission)
REVIEW SCHEDULE:	Annually by the Parks and Recreation staff. Every five years by the Parks and Recreation Commission and Open Lands Advisory Commission, or more frequently if recommended by staff.
PURPOSE:	To enhance the safety and quality of experience for all patrons who utilize City of Loveland parks, golf, open lands, trails and recreation facilities.
SCOPE:	This policy prohibits the use of hang gliders, paragliders, and powered paragliders within all City of Loveland parks and recreation facilities.
RESPONSIBILITY:	Parks and Recreation Staff and Enforcement by Loveland Police Department
BACKGROUND:	The Director finds that the operation of hang gliders, paragliders, and powered paragliders may jeopardize the safety of patrons who utilize City of Loveland parks and recreation facilities and patrons who utilize the aforementioned flying apparatus. The Director also finds that the use of the aforementioned flying apparatus may substantially interfere with the use and enjoyment of other patrons in City of Loveland parks and recreation facilities.
	This policy has been reviewed and approved by the Parks and Recreation Commission on June 14, 2018 by a vote of 6 to 0.

APPROVAL:

Elizabeth Kayl
Director, Parks and Recreation

POLICY:**I. Policy Statement**

The City of Loveland Parks and Recreation Department prohibits the possession or use of hang gliders, paragliders, and powered paragliders within, or upon, all City of Loveland parks, and City of Loveland Recreation facilities.



II. Definitions

Hang Gliding

The use of an unpowered flying apparatus for persons consisting of a frame with a fabric airfoil stretched over it where the operator is suspended from a harness below and controls flight by body movement

Patron or Person

Any person who utilizes any City of Loveland park or recreation facility.

Paragliding

Use of an unpowered flying apparatus in which a wide canopy resembling a parachute, which is attached to a person's body by a harness in order to allow them to glide through the air after jumping from or being lifted to a height.

Powered Paragliding

Use of a powered flying apparatus in which a wide canopy resembling a parachute, which is attached to an open air cockpit along with a motor (sometimes referred to as a para-motor) that provides enough thrust to take off from the ground by the pilot.

III. General Guidelines

Modification of Policy

This policy is subject to amendment or rescission, at any time, at the discretion of the Department Director.

Authority

The Loveland Municipal Code ("LMC") Section 12.40.010, provides that, "[t]he parks and recreation department shall have the authority to establish and enforce such rules and regulations as it deems necessary pertaining to the operation of all parks and recreational facilities owned or operated by the city." This policy is being produced pursuant to the aforementioned Section of the LMC.

Prohibition

No person shall be permitted to take-off, launch, land, possess, or utilize a hang glider, paraglider, or powered paraglider, within, or upon, all City of Loveland parks, and City of Loveland recreation facilities.

Inconsistent Use

Any person found to be in violation of the immediately preceding prohibition portion of this policy is utilizing City property in a manner and for a purpose inconsistent with the manner or purpose for which the City property was intended.



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Remedy

Any person found to be in violation of the prohibition portion of this policy may be asked to leave the relevant premises or may be asked to refrain from activity that violates this policy. Department personnel are instructed to engage in an approach that is focused on public education of this policy, when appropriate.

In the event aggravating circumstances exist or the patron refuses to cooperate, Department personnel are encouraged to contact the Loveland Police Department to assist in the issuance of a temporary trespass notice to the violating patron or the issuance of a summons and complaint for trespassing under LMC 9.48.010(D) to the violating patron.

Community Education

The Department will provide information on the implementation of this policy via the following methods:

- A. Post notice of new policy and effective date in parks where this type of activity has been occurring.
- B. Post on the City's website and social media, the new policy and effective date.
- C. Staff will notify any person engaged in the act of hang gliding, paragliding, and powered paragliding of the new policy and effective date.



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SUBJECT:

Regulations for the Use of Parks, Open Lands, and Trails

EFFECTIVE DATE:

January 3, 2021 (Parks and Recreation Commission)
April 2022 (Open Lands Advisory Commission)

REVIEW SCHEDULE:

Annually by Parks, Open Lands and Trails Staff. Every five years by the Parks and Recreation Commission and Open Lands Advisory Commission, or more frequently if recommended by staff.

PURPOSE:

To establish a policy of rules and regulations for City of Loveland Parks, Open Lands and Trails.

SCOPE:

All City of Loveland Parks, Open Lands and Trails properties.

RESPONSIBILITY:

Parks, Open Lands and Trails Staff

BACKGROUND:

Municipal Code 12.40 established 1974, most recently updated 9/5/89. The Parks and Recreation Department has used the aforementioned Code provision to establish the rules, regulations, and policies for Parks, Open Lands and Trails.

APPROVAL:

Elizabeth Kayl
Director, Parks and Recreation

**POLICY:****I. Municipal Code****12.40.010 Rules and Regulations**

The Parks and Recreation Department shall have the authority to establish and enforce such rules and regulations as it deems necessary pertaining to the operation of all parks and recreational facilities owned or operated by the city. (Ord. 3572 § 1, 1989).

II. Criteria - City ordinance, Site Rules and Colorado Parks and Wildlife regulations are in effect unless otherwise posted.**III. Rules and Regulations****A. Park Rules and Regulations**

1. Municipal Code 12.44.010 establishes the hours of Loveland's parks as open from 6:00am to 10:30pm. Overnight parking, residing within a park, or camping within a park is prohibited. Residing is defined as utilizing a park, under the totality of the circumstances, in such a manner, and with such a frequency, which would give rise to a reasonable belief that an individual is living within a park.
2. Camping is defined as setting up a tent (meaning a temporary structure constructed of fabric and/or any other material utilized in a manner to provide privacy), or any other like structure for providing privacy is prohibited.
3. Only small pop-up shade shelters, temporary in nature, with removable walls designed to provide shelter from the sun are allowed (10' x 10'). Larger tents may be approved upon application for Large Groups or Special Events.
4. No stakes are to be driven into the ground more than 6" (inches) for any reason (irrigation lines are present)
5. Glass containers/ bottles are prohibited.
6. No open fires or flames except in provided grills. No gathering or cutting firewood.
7. Smoking is prohibited, except in designated areas.
8. Motorized vehicles (except authorized) are not allowed outside of established streets and parking areas.
9. Parking allowed in designated areas only. Parking cannot be blocked off.
10. Littering, graffiti or markings on parks or facilities is prohibited.
11. Alcoholic beverages are only allowed by having an Alcohol Beverage Permit, allowed ONLY in conjunction with a shelter/pavilion or special event reservation. Alcohol permits expire at 10:00pm on the day of the reservation. [Alcohol Permits are not given for July 4th Reservations at North Lake, Benson or Dwayne Webster Parks]. The Noise Ordinances of the City are strictly enforced.



12. Pet owners are required to pick-up and remove pet waste. Pets must be leashed and under human control at all times, except in designated dog park enclosures. Dogs at dog park enclosures must remain under voice control. A leash is still required for arrival/departure at dog parks, or if there are control issues in the dog park areas.
13. Pets are NOT Allowed inside the Barnes Park Softball or Centennial Park baseball complexes, on inline hockey rinks, skate park areas, spray park areas, basketball and volleyball courts, the Championship Field or within 100 feet of any other athletic courts or fields while practices or games are being played. (U.S. Department of Justice defined Service Animals are allowed, but must be kept under control at all times and cleaned up after.)
14. Horses (except police) are not permitted on parks, recreational trails, or open lands.
15. Feeding, trapping, hunting, or disturbing wildlife is NOT permitted.
16. Discharge or use of firearms, projectiles, or fireworks is prohibited.
17. Bicycling permitted on designated trail only.
18. Swimming, wading, boating, ice fishing and bow fishing are NOT permitted. Float Tube Fishing permissible only at River's Edge Natural Area .
19. Fishing is regulated by Colorado State Regulations. All persons over age 16 are required to have a Colorado Fishing License.
20. Collecting, removing, destroying, or defacing any natural or man-made object or surface area (including but not limited to: turf, concrete, flower beds, shelters, picnic tables) is NOT permitted.
21. No Jump Castles, Dunk Tanks, Pony Rides, or other similar set-ups.
22. No silly string, paint or any other item which may contain dyes and permanently markup areas.
23. Approval of the City Manager is required to perform any takeoff or landing of any aircraft, including Hot Air Balloons and Helicopters, within the City Limits.
24. Use of hang gliders, paragliders and powered paragliders within all City of Loveland parks and recreation facilities is prohibited.
25. Vending is not allowed in City Parks, Open Land areas or trails without prior permission from the Parks and Recreation Department.
26. Remote control (RC) boating questions are addressed by Colorado Parks & Wildlife through the office in Fort Collins. Please call (970) 472-4300 for information. In Loveland, battery powered RC boats have been approved for use on small City-owned bodies of water only; suggested sites would be the Foote Lagoon or North Lake Park-Duck Pond. RC boats are not permitted at River's Edge Natural Area.



27. The City's public-use space is not intended for residing or camping day or night, commercial/retail activities, or for long-term uses.
28. Occupation or use of the Hammond Amphitheater at North Lake Park is by reservation only.
29. Private landscaping or use of park lands, recreational trails (and easements on which they are located) or open lands, including extensions of back yard landscaping, trash or rubbish dumping, or other unauthorized use, is prohibited.
30. Any encroachment or storage of privately owned items is prohibited.
31. Call 911 in case of Emergency. Report park maintenance concerns or vandalism to the Parks and Recreation Department at (970) 962-2727.
32. Failure to obey park rules, closing times, allowing unruliness by intoxicated members of the group, or harassment of park employees will warrant forfeiture of all reservation deposits and/or ticketing.

B. Skate Park Rules and Regulations

1. Inspect the riding and playing surfaces before use.
2. Protective gear (helmets, knee pads, wrist protectors, etc.) is strongly recommended.
3. No riding during maintenance activities or when the skate park is closed.
4. Modifications to the skating surfaces are not allowed.
5. No adding of ramps, jumps or other obstacles.
6. Food and beverages are not allowed on the skating surfaces or areas.
7. Spectators and pets are not allowed on the skating surface.
8. Skate Park may be closed until further notice if: Any liquid other than rain, snow, or hail gets on the street course, ramps or bowls. The skating surface or any part of the facility is damaged. Tagging, graffiti or stickers are found on the skate surface, street course, ramps or bowls.

C. Spray Park Rules and Regulations

1. Spray Park hours are 8am-7pm daily. Open from Memorial Day through Labor Day.
2. Children under 7 years of age should be supervised by an adult.
3. Surfaces may be HOT - footwear is recommended at all times.
4. Drinking the spray-water is prohibited.
5. Climbing on spray park equipment is prohibited.



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6. Smoking, food, and beverages are not allowed on spray pad or in playground areas.
7. Inspect the play area before starting play.
8. Hanging of clothes or towels on trees, walls, structures or stone benches is prohibited.
9. Swim diapers are required for children under 4 years of age.
10. Please clear the area when conditions for thunder or lightning are possible.
11. Spray Park may be closed until further notice if the surface or any part of the facility is damaged or undergoing maintenance.

D. LSP Championship Field Rules and Regulations

1. Protective gear is strongly recommended.
2. Smoking, food, beverages, and pets are not allowed on the field surface.
3. No metal cleats or gear that will damage the turf.
4. No unauthorized vehicles permitted on, or around the field.
5. Parks and Recreation Department programmed use of the facility takes precedence over drop-ins.
6. The Championship Field may be closed if the field surface or any part of the facility is damaged or undergoing maintenance.

DI. Open Lands Rules and Regulations

1. Hours of operation are from 6:00 a.m. to 10:30 p.m. (except Morey Wildlife Reserve, Prairie Ridge Natural Area, Viestenz-Smith Mountain Park and Mariana Butte Trails, which are open from sunrise to sunset). Overnight parking or camping is prohibited.
2. Pets must be leashed and under human control at all times. Pet owners are required to pick up and remove pet waste. Pets are not allowed at Prairie Ridge Natural Area or Morey Wildlife Reserve.
3. Fishing is regulated by Colorado State Regulations. Site-specific regulations apply. All anglers over age 16 are required to have a Colorado Fishing License.
4. Float tube/"belly boat" fishing permitted at River's Edge ponds (except Jayhawker North Pond).
5. All other boating, swimming, wading, ice fishing, bow fishing, and ice skating are prohibited.
6. Glass containers/bottles are prohibited. Alcoholic beverages are not permitted.



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7. No open fires or flames. No gathering or cutting firewood.
8. Bicycling permitted on designated trails only. Bicyclists yield to other trail users. Type I and II e-bikes are allowed where bicycles are allowed (except Prairie Ridge Natural Area – no eb-bikes permitted).
9. Horses (except police) are not permitted on open lands or trails, except at Prairie Ridge Natural Area, via trail from Coyote Ridge Natural Area.
10. Motorized vehicles (except authorized) are not allowed on trails or outside of established streets and parking areas. Parking allowed in designated areas only.
11. Remote control (RC) motorized vehicles, including drones and RC boats, are not allowed.
12. Littering, graffiti or markings on open lands or facilities is prohibited.
13. Discharge or use of firearms, projectiles, or fireworks is prohibited.
14. Feeding, trapping, hunting, or disturbing wildlife is not permitted.
15. Collecting, removing, destroying, or defacing any natural or man-made object or surface area (including but not limited to: turf, concrete, flower beds, shelters, picnic tables) is NOT permitted.
16. Shade structures are available for drop-in use and are not reservable, except for city-authorized programs.
17. Smoking and vaping are prohibited.
18. Noise Ordinance is strictly enforced.
19. Commercial, retail and vending activities are not allowed in City Parks, Open Lands or trails without a permit from the Parks and Recreation Department.
20. Private landscaping or use of open lands or trails (and easements on which they are located), including extensions of backyard landscaping, trash or rubbish dumping, or other unauthorized use, is prohibited.
21. Any encroachment or storage of privately owned items on open lands or trails is prohibited.
22. Call 911 in case of Emergency. For non-emergency police, call (970) 667-2151. Report maintenance concerns or vandalism to the Parks and Recreation Department at (970) 962-2727.

F. Recreation Trail Rules, Regulations, and Guidelines

1. Overnight parking or camping is prohibited along the Recreation Trail System.
2. Glass containers/bottles are prohibited.
3. No open fires or flames. No gathering or cutting firewood.



4. Smoking is prohibited, except in designated areas.
5. Motorized vehicles (except authorized) are not allowed on the trail system. Type I and II e-bikes are allowed where bicycles are allowed.
6. Parking allowed in designated areas only.
7. Littering, graffiti or markings on the trail are prohibited.
8. Alcoholic beverages are not permitted.
9. Noise Ordinance is strictly enforced.
10. Pet owners are required to pick-up and remove pet waste. Pets must be leashed and under human control at all times. Pets are NOT Allowed in environmentally sensitive areas.
11. Horses (except police) are not permitted on the trail.
12. Feeding, trapping, hunting, or disturbing wildlife is NOT permitted.
13. Discharge or use of firearms, projectiles, or fireworks is prohibited.
14. Fishing is regulated by Colorado State Regulations. All anglers over age 16 are required to have a Colorado Fishing License.
15. Collecting, removing, destroying, or defacing any natural or manmade object is NOT permitted.
16. Vending is not allowed in City Parks, Open Land areas or trails without prior permission from the Parks and Recreation Department.
17. Private landscaping or use of trail system, including extensions of back yard landscaping, trash or rubbish dumping, or other unauthorized use, is prohibited . Any encroachment or storage of privately owned items on the trail system is prohibited.
18. Report accidents and emergencies on the trail directly to the Police Department (Dial 911). For non-emergency police, call (970) 667-2151. Report maintenance concerns or vandalism to the Parks and Recreation Department at (970)962-2727.
19. Recreation Trail Guidelines
 - Please stay on the designated trail; and respect the rights of adjacent property owners.
 - Loveland's trails have many different types of users. Please be courteous to others on the trail. Bicyclists yield to other trail users.
 - The flow of traffic on the trail is similar to road traffic. Always ride or walk on the right side and warn others of your approach.
 - Ride or walk single file when traffic is approaching from the opposite direction or when someone verbally signals they would like to pass.



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- Be predictable: ride or walk in a straight line and avoid weaving.
- When passing others on the trail, verbally warn them that you are passing on the left.
- Bicyclists are encouraged to use helmets and to make sure your bike is operational and properly equipped (including reflectors and lights).

G. EPAMD POLICY: The Parks and Recreation Department authorizes a person with a mobility disability to use an electronic personal assistance mobility device (EPAMD) in City parks, and on hard & soft surface trails, sidewalks, outdoor recreation facilities and open lands maintained by the Department, subject to the following conditions:

- a. Individuals with mobility disabilities shall be allowed to use:
 - i. Wheelchairs
 - ii. Manually-powered mobility aids (e.g. walkers, crutches, canes, braces or similar devices designed for use by individuals with mobility disabilities)
 - iii. Other Power-Driven Mobility Devices that are EPAMDs and meet all other conditions of this policy
- b. The full Parks and Recreation Department Policy is available as PRDEPT E-1 Electronic Personal Assistance Mobility Device Regulations (EPAMD).
- c. The following may not be used:
 - i. Gas or fuel powered devices or internal combustion engine vehicles
 - ii. Devices heavier than 500 pounds
 - iii. Other power-driven mobility devices that exceed more than 32" in width measured from the outside of each tire



SUBJECT: Unmanned Aerial Systems (“UAS”) Policy

EFFECTIVE DATE: September 1, 2021 (Parks and Recreation Commission)
April 2022 (Open Lands Advisory Commission)

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

PURPOSE: To establish a policy for the use of UAS on property managed by the Parks and Recreation Department.

SCOPE: All Open Lands, Parks, Golf Courses, recreation facilities, trails, and other property managed by the Parks and Recreation Department.

RESPONSIBILITY: Parks and Recreation Staff

BACKGROUND: The Director finds that technological advancements in UAS and the increased availability of UAS for recreational, commercial, and educational uses requires the Parks and Recreation Department to promulgate regulations consistent with City policy and the safe and environmentally conscious use within or upon property managed by the Parks and Recreation Department.

APPROVAL:

Elizabeth Kayl
Director, Parks and Recreation

POLICY:**I. Policy Statement**

The City of Loveland Parks and Recreation Department seeks to provide UAS users with reasonable regulations to promote the safe and environmentally conscious use of UAS.

II. General Guidelines**Modification of Policy**

This policy is subject to amendment or rescission, at any time, at the discretion of the Department Director.



Authority

The Loveland Municipal Code (“LMC”) Section 12.40.010, provides that, “[t]he parks and recreation department shall have the authority to establish and enforce such rules and regulations as it deems necessary pertaining to the operation of all parks and recreational facilities owned or operated by the city.” This policy is being produced pursuant to the aforementioned Section of the LMC.

III. Definitions

Unmanned Aircraft System (UAS): a system that includes the aircraft and the necessary equipment, network, and personnel to control an unmanned aircraft.

Commercial Use: is the use of UAS where any person, not limited to the direct user, seeks either direct or indirect financial gain from the use of UAS within or upon property managed by the Parks and Recreation Department.

Facility User: is any person who utilizes property managed by the Parks and Recreation Department who is not an employee of the City or an authorized contractor working within the scope of said employment or within the scope of a contract.

Local Emergency Service Providers: is an agency in Larimer County that provides a public service traditionally associated with a service performed by a first responder, which would include police, fire, rescue, emergency medical service, and other first responder type services.

Recreational Use: is the use of UAS where any person, not limited to the direct user, does not seek direct or indirect financial gain from the use of UAS within or upon property managed by the Parks and Recreation Department.

IV. City UAS Usage Rules

- When required, a Drone Use Permit must be completed at the Parks and Recreation Administrative Office no less than 7 days and no more than one year before a proposed UAS flight is to begin.
- At all times, the internal use of UAS by Parks and Recreation Department staff shall adhere to the City’s policy on UAS. To the extent these rules and regulations conflict with the City’s policy, the City’s policy shall govern.
- Parks and Recreation Department use of UAS shall be consistent with the Parks and Recreation Department’s mission of conservation, education, or recreation. In addition, the use of UAS by the Parks and Recreation Department shall possess a well-defined conservation or communication purpose that may not otherwise be achieved by conventional methods.
- Conservation or communication purposes may include, but are not limited to:



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- Resource inventory, wildlife surveys, vegetation monitoring, cultural assessments, wildland fire assessments, baseline surveys or inventories, original research, conservation easement monitoring, public safety, public relations, educational filming, nature photography, and marketing.

Facility User Usage Rules

- The recreational use of UAS is allowed without permit at designated park locations under specific circumstances listed below:
 - No flying above people or crowds
 - No flight operation from a moving vehicle
 - Do not discharge or drop anything from drone
 - No flying near nesting birds
 - Always protect the privacy of others
- Designated park locations:
 - Barnes Parks and Fairgrounds Fields
 - Centennial Park
 - Fairgrounds Park
 - Loveland Sports Park
 - Mehaffey Park
 - North Lake Park
- No commercial use of UAS is permitted.
- Recreational use of a UAS within park facilities must comply with all federal laws concerning the use of UAS including, but not limited to, 49 U.S.C.A. § 44801 et al., all Federal Aviation Administration rules and regulations, and all applicable laws or rules and regulations of the state of Colorado. For more information, facility users of UAS seeking to engage in a recreational use should consult https://www.faa.gov/uas/recreational_fliers/.
- The use of UAS, at all other property managed by the Parks and Recreation Department not listed above, whether recreational or commercial, is prohibited, including, but not limited to, any other park, open land area, trail, or golf course.

Local Emergency Service Exemption:

- Local Emergency Service Providers may acquire a special use permit from the Parks and Recreation Department to practice or simulate emergency missions on natural areas for the purpose of improving familiarity with the natural area system. During an emergency where life or property are in immediate peril, Local Emergency Service Providers need not acquire the aforementioned special use permit.



The Department may post signs that reflect the rules promulgated within this policy in any reasonable shorthand manner the Director may choose.

Community Education

The Department will provide information on the implementation of this policy via the following methods:

- A. Post on these rules and regulations on the City's internet page and on appropriate social media outlets maintained by the City or the Parks and Recreation Department.
- B. Post rule signage as deemed appropriate by the Director.
- C. On-site Rules and Regulation signage, pamphlets and internet site.
- D. Safety Guidelines
 - a. Do not fly above people or crowds
 - b. Do not fly from moving vehicle
 - c. Do not discharge or drop anything from drone
 - d. Do not fly over sensitive or protected areas
 - e. Do not fly near nesting birds
 - f. Protect others privacy

Citizen Review

This policy has been reviewed and approved by the Open Lands Advisory Commission on April 13, 2022 and by the Parks and Recreation Commission on October 10, 2019.



Parks and Recreation Department

Drone Use Permit Application

Per the City of Loveland Parks and Recreation Department Unmanned Aerial System [UAS] Policy all operators of UAS (aka drones) must complete the Drone Use Permit Application. There may be a fee associated with the permit.

An application for a permit shall be filed with the Parks and Recreation department no less than 7 days and no more than one year before the proposed UAS flight is to begin. Policy does not allow "payload".

Applicant Name: _____

Organization Name: _____

Address: _____

E-mail: _____ Phone Number: _____

Driver's License Number Or other form of valid, government-issued identification: _____

Name of Pilot: _____

Federal Aviation Administration (FAA) registration number of the UAS: _____

Type of UAS Activity: Organization Personal Public Agency

Description of Flight Type/Purpose of Flight to be Flown and specific Considerations: _____

Location of takeoff for the UAS: _____

Location of Landing for the UAS: _____

Date of proposed flight: _____ Beginning time flight: _____ Ending Time of flight: _____

Reason for conducting the UAS flight at this particular location:

Maintenance Conservation Difficult Access Area City Marketing/Promotion

Will you be filming or photographing: Yes No

Willing to share film/photos with the City for Operations & Marketing purposes? Yes No

*email film/photos to: Parks@cityofloveland.org or call 970.962.2327

Please initial that you understand the following as the applicant:

____ Applicant agrees to the community-based set of safety guidelines (see UAS Policy) and within the programming of a nationwide community-based organization.

____ Applicant agrees to provide proof of any required FAA authorization and/or exemption if the applicant proposes a commercial use of a UAS pursuant to the permit for which the application is being filed.

By signing my name below, I certify that the all of the above information is true and correct to the best of my knowledge, including all attachments to the application. My signature also certifies my understanding of and agreement with the City of Loveland Parks and Recreation UAS policy.

____ Signature of Applicant

____ Date

For Department Use Only

Date Application Received _____ Date of Replied to Applicant _____

Additional Approval conditions/Reasons for Denial: _____

Approval Signature: _____ Title of Approver _____