

LARIMER COUNTY OPEN LANDS ADVISORY BOARD

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

Date: September 24, 2020

Time: 5:00 – 8:00 p.m.

Location: Zoom Webinar. Public registration:

https://zoom.us/webinar/register/WN_cpQly9R2RfqfTcfXTY5R-Q

Contact: Please contact Sidney at smichl@larimer.org or 970-619-4462 if you are unable to attend

AGENDA

Scheduled times are subject to change.

1. CALL TO ORDER/INTRODUCTIONS
2. PUBLIC COMMENT
3. AGENDA REVIEW
4. REVIEW AND APPROVAL OF LAST MEETING MINUTES
5. INFORMATION & ANNOUNCEMENTS
 - a. Natural Resources events for this month: larimer.org/naturalresources.
 - b. To sign up for Open Lands Advisory Board updates, go to apps.larimer.org/subscriptions.cfm, enter your email, click “Subscribe,” and check the “Open Lands Advisory Board” box.
6. UPDATES
 - a. Education and Volunteer update – Meegan & Angela
 - b. Department Conservation Easements monitoring and status update – Zac & Charlie
7. DISCUSSION ITEMS

8. ACTION ITEMS

- a. Fonken Conservation Easement Donation Final Review
- b. Three Bell Trail Easement Agreement of Non-use Final Review

9. OTHER BUSINESS

10. NEXT MEETING SCHEDULED: October 22, 2020 at the Larimer County Loveland Campus Building, 200 Peridot Avenue, Loveland, CO 80537, Poudre River Room

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

12. ADJOURN

Included in PDF:

- Agenda
- Sales Tax Revenue Distribution Report
- Fonken Final Review
- Three Bell Easement Final Review

Attached Separately:

- Minutes of last meeting
- News articles

This meeting will be recorded and archived according to law. Votes require a quorum.

Public can view agenda and minutes at:

http://legacy.larimer.org/boards/minutes/openlands_advisory_board.cfm



OPEN SPACE SALES TAX ACTIVITY
June 2020 Distribution

REVENUES:

| | | |
|------------------|----|--------------|
| SALES TAX | \$ | 1,430,476.39 |
| MV USE TAX | \$ | 134,595.76 |
| BUILDING USE TAX | \$ | 117,330.57 |
| INTEREST | \$ | 664.90 |
| TOTAL REVENUE | \$ | 1,683,067.62 |

EXPENDITURES:

| | | | | | |
|-----------------------|----|--------------|--|----|-----------|
| PERSONNEL & OPERATING | \$ | 6,323.31 | | \$ | 34,343.15 |
| | | | | | 34,343.15 |
| NET REVENUE: | \$ | 1,676,744.31 | | | |

% SALES TAX DISTRIBUTED TO INCORP. AREAS (USED AS A BASIS) 50%

DISTRIBUTION BASED ON POPULATION

2019 State of Colorado Statistics

| | 2018 <u>POPULATION</u> | % OF INCORP <u>AREA</u> | | <u>REVENUE</u> |
|---------------|---------------------------|----------------------------|----|----------------|
| FORT COLLINS | 167,347 | 59.36 | \$ | 497,630.88 |
| LOVELAND | 77,226 | 27.39 | \$ | 229,642.85 |
| ESTES PARK | 6,301 | 2.23 | \$ | 18,736.95 |
| BERTHOUD | 7,632 | 2.71 | \$ | 22,694.87 |
| WELLINGTON | 9,894 | 3.51 | \$ | 29,421.26 |
| WINDSOR | 7,329 | 2.60 | \$ | 21,793.86 |
| JOHNSTOWN | 2,235 | 0.79 | \$ | 6,646.10 |
| TIMNATH | 3,970 | 1.41 | \$ | 11,805.38 |
| TOTAL INCORP. | 281,934 | 100.00 | \$ | 838,372.16 |

DISTRIBUTION BASED ON SALES TAX GENERATION

2019 Larimer County Statistics

| | 2018 <u>GENERATION</u> | % OF INCORP <u>AREA SALES TAX</u> | | <u>REVENUE</u> |
|--------------|---------------------------|--------------------------------------|----|----------------|
| FORT COLLINS | \$ 13,743,866 | 53.93 | \$ | 452,171.27 |
| LOVELAND | \$ 7,720,582 | 30.29 | \$ | 253,958.97 |
| ESTES PARK | \$ 1,539,645 | 6.04 | \$ | 50,644.72 |
| BERTHOUD | \$ 263,974 | 1.04 | \$ | 8,683.08 |
| WELLINGTON | \$ 232,991 | 0.91 | \$ | 7,663.95 |
| WINDSOR | \$ 298,484 | 1.17 | \$ | 9,818.27 |
| JOHNSTOWN | \$ 851,021 | 3.34 | \$ | 27,993.28 |
| TIMNATH | \$ 836,707 | 3.28 | \$ | 27,522.44 |
| TOTAL INCORP | \$ 25,487,271 | 100.00 | \$ | 838,455.99 |

DISTRIBUTION BASED ON HIGHEST YIELD TO INCORPORATED AREAS:

| | | |
|--------------|---------------|--------|
| FORT COLLINS | \$ 497,630.88 | 53.41 |
| LOVELAND | \$ 253,958.97 | 27.26 |
| ESTES PARK | \$ 50,644.72 | 5.44 |
| BERTHOUD | \$ 22,694.87 | 2.44 |
| WELLINGTON | \$ 29,421.26 | 3.16 |
| WINDSOR | \$ 21,793.86 | 2.34 |
| JOHNSTOWN | \$ 27,993.28 | 3.00 |
| TIMNATH | \$ 27,522.44 | 2.95 |
| TOTAL INCORP | \$ 931,660.29 | 100.00 |

DISTRIBUTION FOR MUNICIPAL AGREEMENT:

| | | <u>YEAR TO DATE</u> | <u>PAID TO DATE</u> |
|----------------|-----------------|----------------------------|----------------------------|
| FORT COLLINS | \$ 447,802.57 | \$ 2,581,092.28 | \$ 87,540,406.82 |
| LOVELAND | \$ 228,529.79 | \$ 1,317,224.41 | \$ 40,883,392.46 |
| ESTES PARK | \$ 45,573.61 | \$ 262,682.04 | \$ 6,813,786.76 |
| BERTHOUD | \$ 20,422.41 | \$ 117,712.88 | \$ 3,229,814.03 |
| WELLINGTON | \$ 26,475.28 | \$ 152,601.04 | \$ 3,105,238.38 |
| WINDSOR | \$ 19,611.62 | \$ 113,039.53 | \$ 1,780,180.08 |
| JOHNSTOWN | \$ 25,190.28 | \$ 145,194.42 | \$ 1,244,312.96 |
| TIMNATH | \$ 24,766.60 | \$ 142,752.35 | \$ 1,462,977.36 |
| TOTAL INCORP | \$ 838,372.16 | \$ 4,832,298.95 | \$ 146,060,108.85 |
| TOTAL UNINCORP | \$ 838,372.15 | \$ 4,832,298.94 | \$ 108,503,801.61 |
| TOTAL | \$ 1,676,744.31 | \$ 9,664,597.89 | \$ 254,563,910.46 |
| | \$ - | | |

FINAL REVIEW: Fonken Conservation Easement - Phase VI 2020

Date: September 24, 2020

Staff Assigned: Justin Core

Property Description:

H.A. (Rick) and Elaine Fonken are the owners of 373 acres just south of Poudre Park in the Poudre Canyon, located along HWY 14, ten miles west of the HWY 14/HWY 287 junction. Since 2002, the Fonken's have donated five conservation easements to Larimer County, which protect 245 acres of their ownership. The "Phase VI" CE would add 83 acres of conservation land, contiguous to and in the heart of the existing Fonken CEs, and adjacent to Arapaho-Roosevelt National Forest. This final phase will bring the total Fonken Conservation Easement acreage to 328 acres. Upon conveyance of this final conservation easement to Larimer County, all phases will be consolidated under a single document, providing consistency with more current easement language and effectiveness for long-term monitoring.

The property consists of montane forests bisected by ephemeral creeks that converge into the Cache la Poudre River. These drainages provide riparian habitat and an intermittent water source that supports a variety of wildlife. The property also provides a buffer to Arapaho-Roosevelt National Forest to the south and west and protects the visual mountainous backdrop and scenic corridor to the south from the Poudre River and HWY 14.

The Fonken's would like to fully donate this final conservation easement (and will seek state tax credits) with the intent to complete protection of the majority of their family property in perpetuity. They intend to keep approximately 45 acres of their ownership unencumbered to allow flexibility for future uses.

Larimer County will pay for transaction costs associated with the donation.

| | |
|-----------------------|--|
| Priority Area: | Poudre River Corridor |
| Short Legal: | Portion of W1/2 of Section 12, Township 8 North, Range 71 West; Portions of SW1/4 of Section 1 and SE1/4 of Section 2, Township 8 North, Range 71 West |
| Acreage: | 83 acres |

Current Zoning: FA – Farming; O - Open
Adjacent Zoning: FA – Farming; O - Open
Water Rights: None
Mineral Rights: Severed; the possibility of mining economic minerals on the site is so remote as to be negligible (per minerals report, issued August 27, 2020)
Liens: None

| Evaluation Criteria: | Staff Assessment |
|---|-------------------------|
| Scenic Values | H |
| Buffer Values | H |
| Wetlands Values | M |
| Significant Plants/Natural Communities Values | M |
| Outdoor Recreation Values | N/A |
| Historical/Archaeological Values | N/A |
| Agricultural Values | N/A |
| Geological/Paleontological Values | L |
| Education Values | L |
| Context | H |
| Community Benefit | H |
| Partnerships/Cost-Value | H |

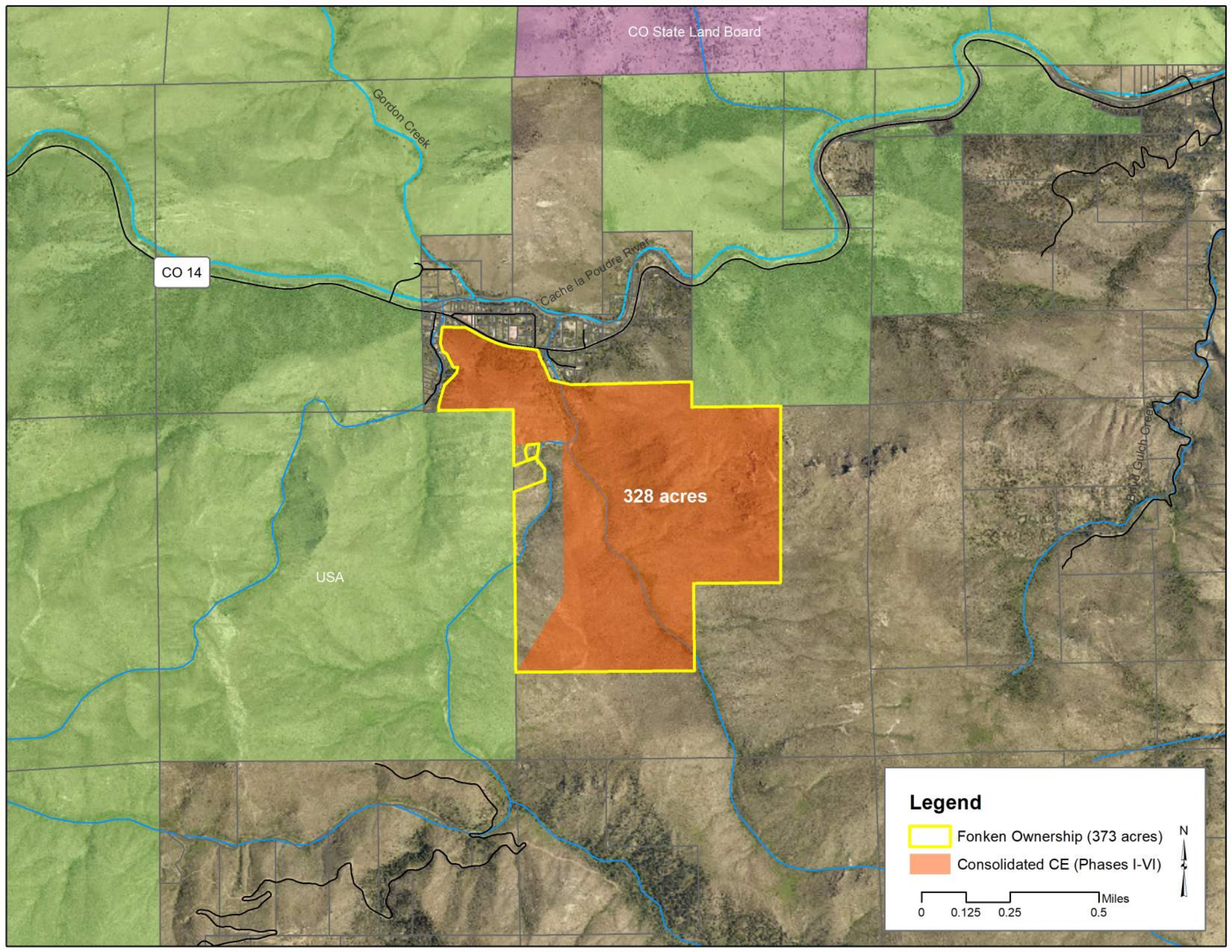
Partnerships: H.A. and Elaine Fonken
Description: Donated CE value

Property Interest for Larimer County: Conservation Easement

Purchase Price: \$0.00 (CE Donation)

Funding Sources: Fonken CE Phase VI (2020) Donation Value
 Larimer County
Amount: To be determined by appraisal
 Transaction costs (\$24,375.00)

Closing Date: October 30, 2020
Open Lands Advisory Board Final Review Date: September 24, 2020
Board of County Commissioners Final Review Date: October 6, 2020



CO State Land Board

Gordon Creek

CO 14



Cache la Poudre River

328 acres

USA

Boyd Gulch Creek

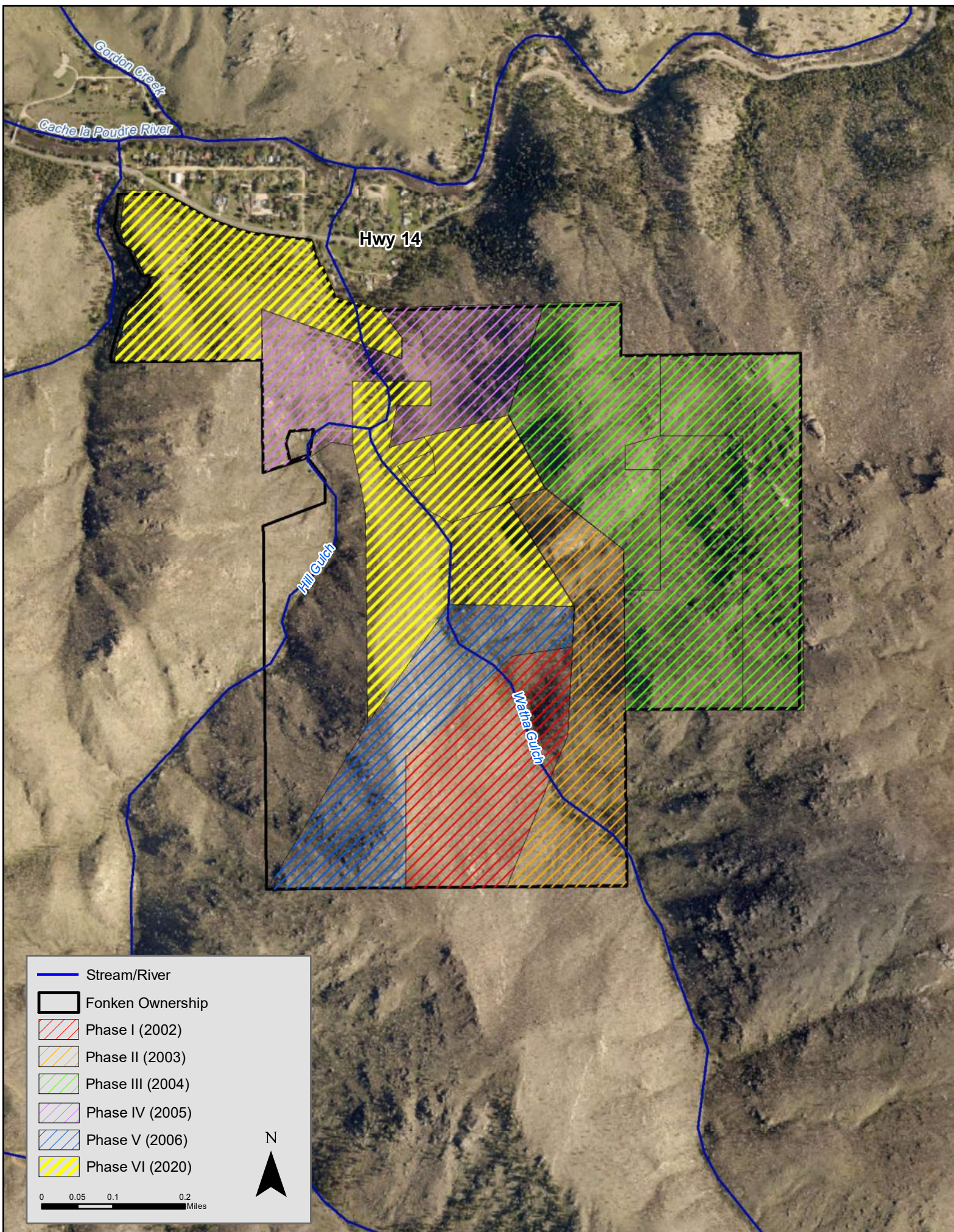
Legend

-  Fonken Ownership (373 acres)
-  Consolidated CE (Phases I-VI)

0 0.125 0.25 0.5 Miles



Fonken Conservation Easement Phase VI 2020



LARIMER COUNTY | NATURAL RESOURCES

1800 S. County Road 31, Loveland, CO 80537 | (970) 619-4570 | larimer.org/naturalresources

FINAL REVIEW: Three Bell Trail Easement – Agreement of Nonuse

Date: September 24, 2020

Staff Assigned: Charlie Johnson

Project Description:

In 2010, concurrent with the granting of the Three Bell I and II conservation easements to Larimer County and the City of Fort Collins by Timnath Farms Investments, LLC., the Grantor (Dino & Mike DiTullio) conveyed a trail easement (TE) to Larimer County for the purpose of providing a future connection for the Poudre River Trail. Fort Collins is not a party to the Three Bell TE. At that time, the Three Bell TE was intended to connect to the north and cross a New Cache Irrigation fee property. However, in the end, New Cache was not comfortable with the trail going through their property with its complex of facilities which includes a large diversion structure that diverts water from the Poudre River into the Greeley #2 Canal. Another conflict with the TE was identified when the bald eagle pair that occupied a nest for many years on the Three Bell I CE relocated their nest to within 650 feet of the future trail alignment. When possible, we try to respect an existing CPW recommendation to not have activities within a 1/4 buffer area surrounding a nest.

With these obstacles, we pursued and acquired an alternative alignment to the east granted by willing landowners. Two of these easterly TE's were granted and donated to the County by River Bluffs Ventures and Timnath Ranch Investments, LLC., both of which are entities of Dino & Mike DiTullio who granted the 2010 TE on the Three Bell CE's. With this easterly alignment, we now have our full connection for the Poudre River in place and the 2010 TE is longer needed, is a dead-end segment, is of no use to the county and the landowners wish to have it vacated.

For this situation, we propose to enter into the Letter of Agreement for nonuse of the trail easement through the Three Bell properties. GOCO and the City of Fort Collins both partially funded the Three Bell I CE and are supportive with our proposed Nonuse Letter of Agreement approach and in fact GOCO suggested it as an alternative to a formal vacation and CE amendment process without any oversight or concerns. A GOCO amendment process would involve GOCO, Larimer County and the City of Fort Collins. GOCO would rather not open the CE to their amendment procedures which is an extensive process with some potential unknown outcomes. The 3 Bell TE is identified as a recreational value and GOCO's preference is to not modify or remove any of the values identified in the conservation easement.

Priority Area: Poudre River
Short Legal: Three Bell I & II Trail Easement

Acreage: N/A

Current Zoning: FA Farming; O Open

Adjacent Zoning: FA Farming; O Open

Water Rights: N/A

Mineral Rights: N/A

Liens: N/A

Partnerships:

Description:

Steamboat Partners Investments, LLC

Party to the agreement with Larimer County

(Dino & Mike DiTullio)

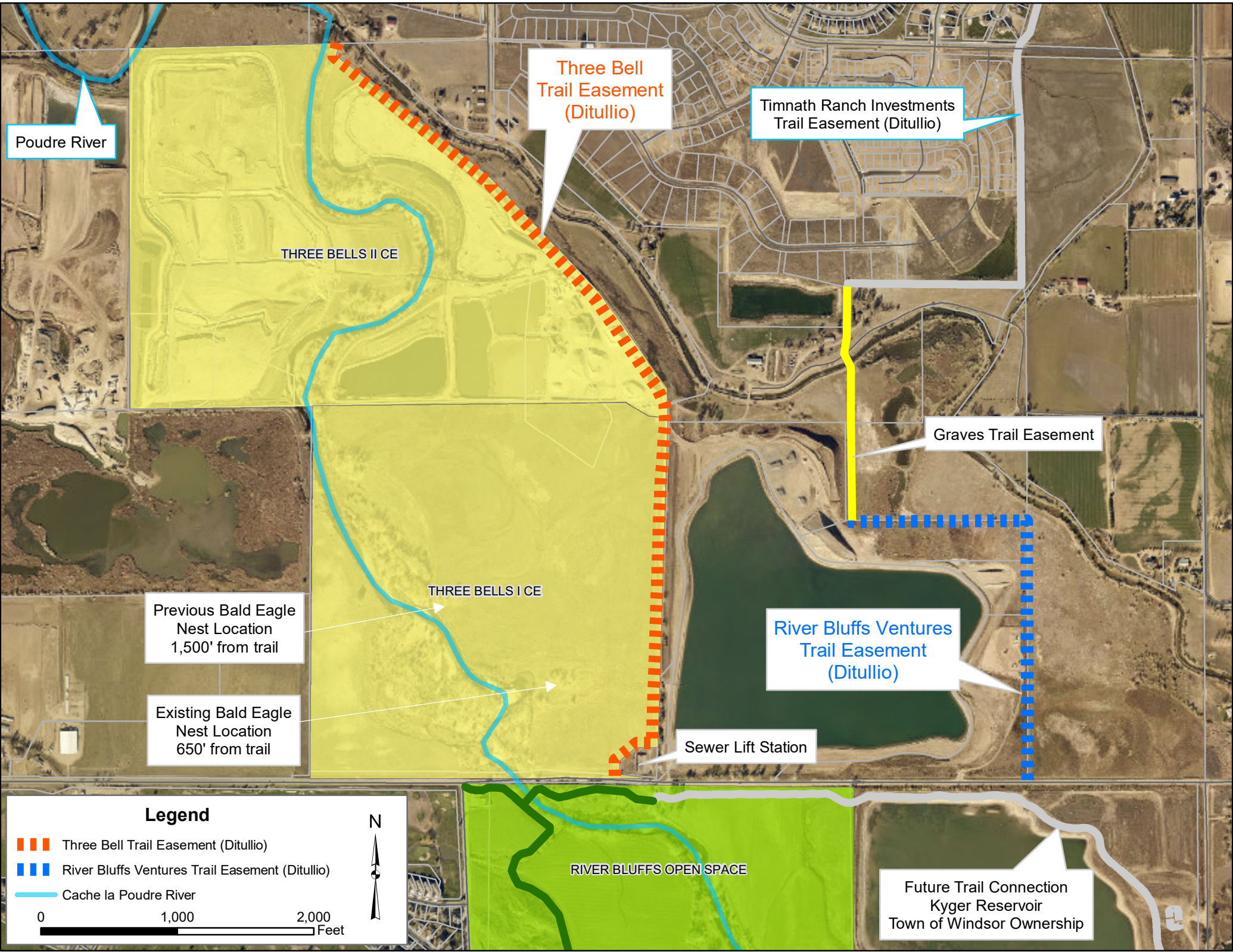
Property Interest for Larimer County: Trail Easement agreement of Nonuse

Purchase Price: N/A

Closing Date: Upon Signature by BOCC

Open Lands Advisory Board Final Review Date: 9-24-20

Board of County Commissioners Final Review Date: TBD



Poudre River

Three Bell Trail Easement (Ditullio)

Timnath Ranch Investments Trail Easement (Ditullio)

THREE BELLS II CE

Graves Trail Easement

THREE BELLS I CE

Previous Bald Eagle Nest Location 1,500' from trail

Existing Bald Eagle Nest Location 650' from trail




River Bluffs Ventures Trail Easement (Ditullio)

Sewer Lift Station

RIVER BLUFFS OPEN SPACE

Future Trail Connection Kyger Reservoir Town of Windsor Ownership

Legend

-  Three Bell Trail Easement (Ditullio)
 -  River Bluffs Ventures Trail Easement (Ditullio)
 -  Cache la Poudre River
- 0 1,000 2,000 Feet

