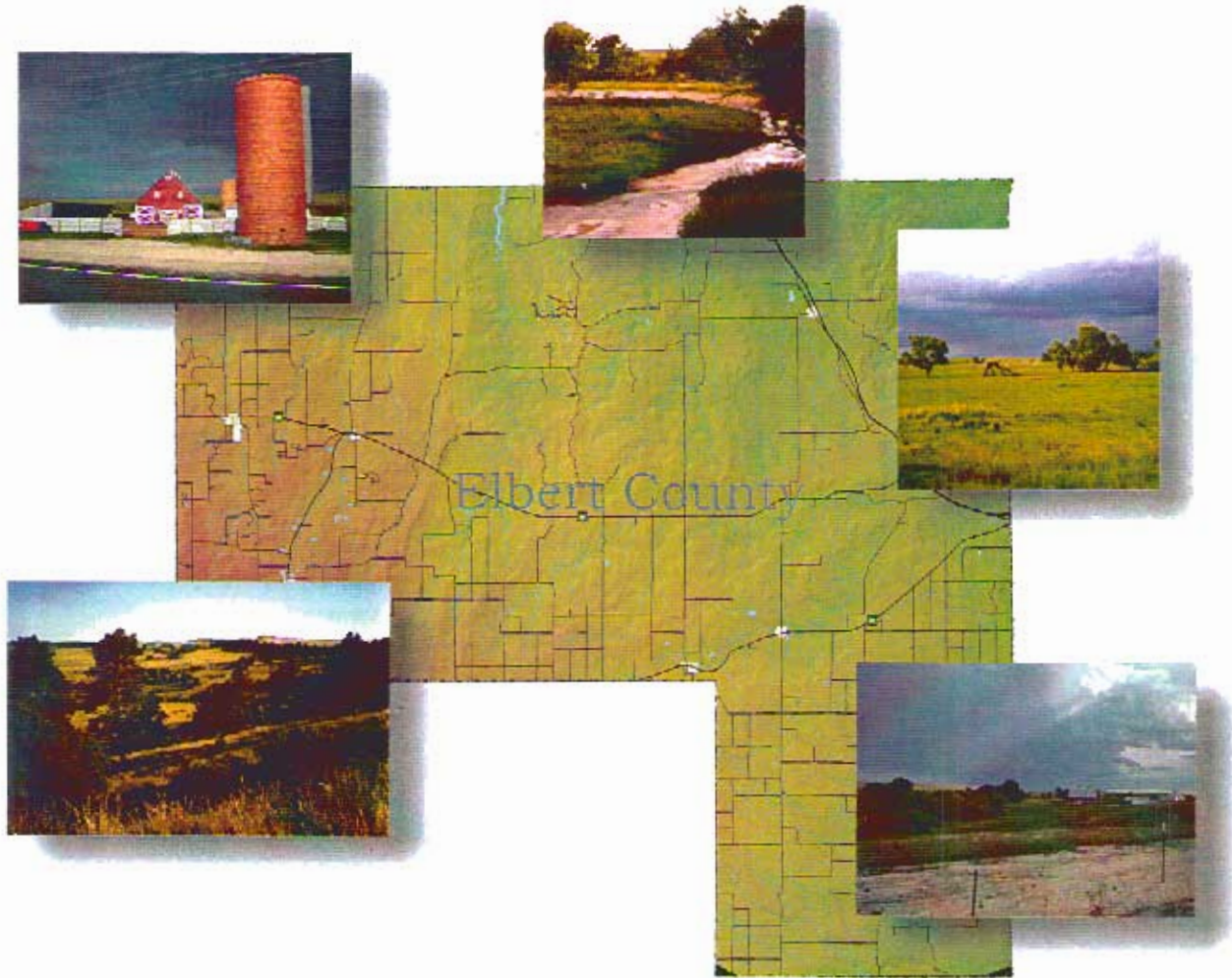

ELBERT COUNTY OPEN LANDS, PARKS AND TRAILS PLAN



1999

EDAW

Elbert County Open Lands, Parks and Trails Plan

Prepared by
EDAW, Inc.
Fort Collins, Colorado

In Cooperation with
**Elbert County Open Lands, Parks
and Trails Advisory Committee**

Joe Kiely	Valerie Cortinovia
Tom Maroney	Kurt Prinslow
Steve Johnson	Don Draper
John Dunn	John Huck
Larry Hook	Steve Weaver
Teresa DuVall	Chris Solum

And
Elbert County Planning Department Staff

Sherman Feher, Planner II
Kenneth Wolf, Planning Director

And
Other Interested Public

December 1999



TABLE OF CONTENTS

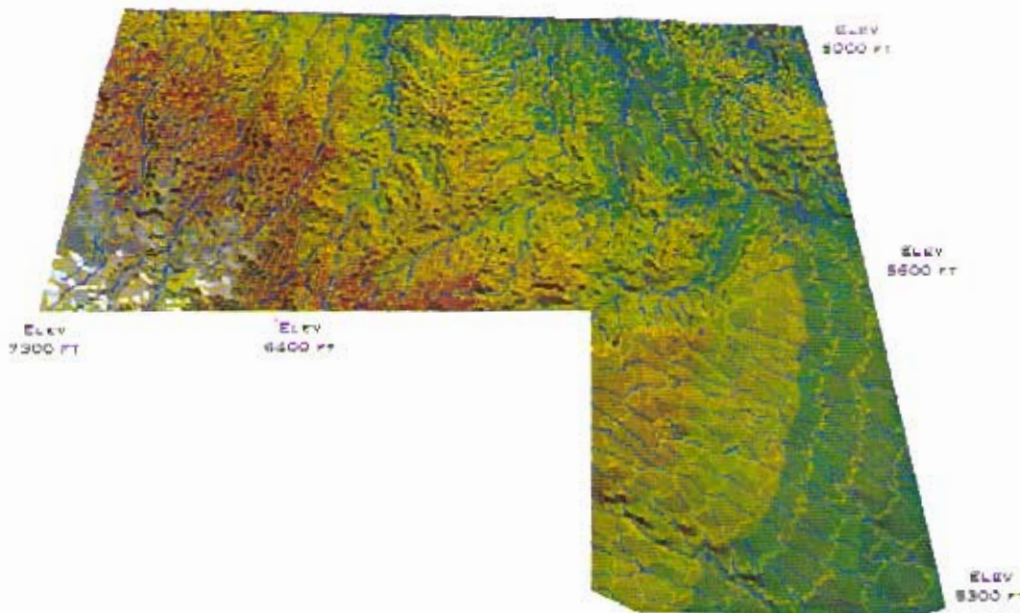
1. Introduction	1-1
2. The Present Situation	
Regional Context.....	2-1
Planning Context.....	2-1
Vegetation.....	2-6
Vegetation Communities.....	2-6
Wetlands.....	2-10
Colorado Natural Heritage Sites.....	2-10
Wildlife Resources.....	2-12
Landscape Character.....	2-16
Recreation.....	2-16
Cultural/Historical Background.....	2-19
Sources.....	2-21
3. A Master Plan for the Future	
Goals.....	3-2
Open Lands.....	3-2
Regional Parks.....	3-3
Natural Areas.....	3-3
Special Resource Areas.....	3-3
Trails.....	3-4
Implementation Recommendations.....	3-5
Additional Tools/Funding Sources.....	3-18
Acquisition Methods.....	3-18
Zoning.....	3-19
Other Funding Sources.....	3-20
Transportation Equity Act for the 21 st Century – TEA 21.....	3-20
Colorado Historical Society.....	3-21
List of Maps	
Map 2.1 Elbert County Topography.....	2-2
Map 2.2 Elbert County Planning Context.....	2-4
Map 2.3 Elbert County Environmental Resources.....	2-7
Map 2.4 Elbert County Wildlife Resources.....	2-14
Map 2.5 Elbert County Cultural Resources.....	2-18
List of Tables	
Table 2.1 Elbert County Population Trends.....	2-1
Table 3.1 Open Lands Classifications.....	3-4
Table 3.2 Comparison of Dedication/Parkland Fee Requirements.....	3-12



1. INTRODUCTION

Elbert County is a land of exceptional beauty. Here the grasslands of the high plains begin their final ascent to the Rocky Mountains, reaching elevations of more than 7,000 feet far to the east of the mountain front. Unlike other locations along the Front Range, the meeting of these great landforms is marked by a prolonged transition rather than an

abrupt escarpment. The resulting landscape combines elements of each, a landscape where sweeping grasslands merge with islands of dark timber. In Elbert County, dense stands of ponderosa pine may venture further east than at any other location in Colorado. The basins of Colorado's major east slope rivers also converge in Elbert County, where a gentle divide separates the



northward flowing tributaries of the South Platte from the Big Sandy and other streams that flow to the Arkansas River.

Perhaps in keeping with its transitional place in Colorado's geography, Elbert County faces a time of transition. A county that had 3,000 people in 1970 will be the home of more than 21,000 people by the year 2000. Proximity to both Denver and Colorado Springs, its attractive setting, and other factors suggest the County's population may grow to over 42,000 by the year 2020. Until recently, there was no apparent need to consider a plan to protect some of the open



lands in Elbert County — this job was being done by the ranchers and farmers who have been stewards of the land for more than a century. With population growth, however, comes urbanization and large areas have been converted to residential uses, particularly in the fast-growing western third of the County. These trends are expected to continue. The open lands that characterize Elbert County can no longer be taken for granted.

This master plan is based on the recognition that open lands are important to Elbert County residents and that additional efforts are needed to protect this rich heritage. How do we define this heritage? How do we protect what is here now? What do we mean by the term open lands? How is this term specific to Elbert County? The Elbert County Open Lands, Parks and Trails Advisory Committee spent many evenings wrestling with these questions. Through these efforts, the following definition emerged:

Open lands are Elbert County's heritage of range-lands, farms, rolling hills, river corridors and pine bluffs that form its distinctive, high plains landscape. These working open lands are valued for their importance in supporting traditional agricultural uses, protecting wildlife and other environmental resources, preserving views and providing recreational opportunities. Open lands are intended to serve a variety of purposes reflecting the sensitivity of the resources, community wishes and private property rights.

This definition is unique to Elbert County. Key concepts that emerged, and therefore guided development of this master plan, include the characterization of open lands as a working landscape in recognition of the County's agricultural traditions and the importance of individual property rights. Therefore, the plan is intended to protect open lands by building on the support and mutual interests nearly all residents have for maintaining Elbert County's beautiful landscapes. This open space plan is not a land use plan and it does not propose specific changes to the County's master plan, but seeks to build upon it. The plan seeks to develop a greater recognition of the importance of the County's open



lands heritage while defining an array of short and long-term tools and strategies for protecting lands through the willing participation of landowners. No single strategy is a panacea and protecting open lands in Elbert County will require a variety of approaches. Perhaps most importantly, the plan will only be successful through the continuing efforts of landowners, citizens and community leaders who commit to the hard and on-going work of implementing open lands protection measures that are appropriate to Elbert County.

What follows in the remainder of this master plan is an effort to address the issue of protecting open lands and illuminating the environmental, economic, recreational and other benefits they provide to County residents. The plan begins with an inventory of existing resources and provides a framework for identifying some of the County's important natural areas and landscapes. The final chapter defines specific tools that can be used to implement the vision of the master plan. Before venturing into the detail of the plan, it may be best to provide a reminder of some of the values of Elbert County's open lands:

Imagine.

*A colony of purple iris in damp deep soil at creek side.
A field of penstemon turning to Gramma grass eyelashes by fall.
A forest of ponderosa pine flocked white by yesterday's blizzard.
A red-tailed hawk and rattlesnake, eye to eye.
A home where the buffalo roamed and the deer, elk and antelope still play.
A lone prairie where the coyote howls and we still feel free.*

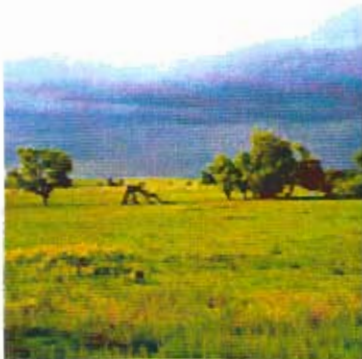
*Steve Johnson,
Advisory Committee Member*



2. THE PRESENT SITUATION

This Chapter defines existing conditions relevant to development of the open lands, parks and trails plan.

Regional Context



Elbert County is located southeast of Denver on the Eastern Slope of the Rocky Mountains. The County has an area of 1,854 square miles and is bordered by Arapahoe County to the north, Douglas County to the west, El Paso County to the south, and Lincoln County to the east. Elbert County marks the juncture between the Front Range and high plains grasslands, and ranges in elevation from 5,000 ft. to 7,350 ft. Elevation, which has a strong influence on vegetation and other natural factors, is depicted in Map 2.1.

Planning Context

Elbert County is one of the fastest growing counties in the nation. In the period from 1970 to 2000, the County's population grew by an average rate of approximately 20% per year, increasing from just over 3,000 residents in 1970 to an estimated population of nearly 21,500 by the year 2000. As shown in the table below, substantial population growth is expected to continue – the County's population is projected to exceed 42,000 by the year 2020.

Table 2.1 Elbert County Population Trends



<u>Year</u>	<u>Population</u>
1970	3,003
1980	6,850
1990	9,646
1996	16,209
2000	21,471
2010	32,400
2020	42,273

Source: Colorado Department of Local Affairs

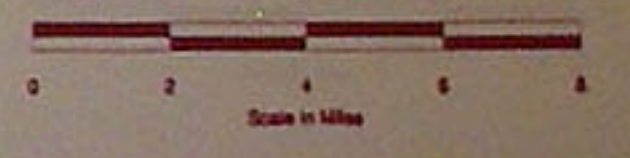


Map 2.1

ELBERT COUNTY
OPEN LANDS, PARKS & TRAILS PLAN

 Topography 

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Subdivisions and other developed areas are generally depicted in Map 2.2. As shown in the map, the majority of the County remains undeveloped but the pattern of development is not evenly distributed. Most of the existing development is concentrated in the western third of the County, particularly in the Elizabeth-Kiowa vicinity and in the northwestern corner of the County. Also shown in Map 2.2 are the community influence areas that extend around each of the County's incorporated towns. These are areas that may have been identified by each town and include lands that may have been the subject of an intergovernmental agreement between the County and a municipality or are roughly within three miles of a municipality. According to the County's 1996 master plan, a range of densities are anticipated in these areas, ranging from urban development at 6 units per acre to rural development at one unit per 10 acres.

In other unincorporated areas of the County, the master plan anticipates three levels of development. High-density rural development is indicated in the northwest corner of the County, extending from the Elizabeth/Kiowa area to the Douglas and Arapahoe County lines. High-density rural development is defined as ranging from one unit per 3 acres to 1 unit per 10+ acres. South of Highway 86, the master plan defines an area of medium density rural development, which extends from the El Paso and Douglas County lines to the Elizabeth/Kiowa area. Medium density is defined as one unit per 10+ acres to 1 unit per 20 acres. East of Kiowa and extending from the El Paso County line on the south and to the Arapahoe County line in the north is an area identified as low density rural residential development. This type of development is defined as 1 unit per 20+ acres to one unit per 59.99 acres. Remaining unincorporated areas located in the central and eastern portions of the County are included in an agricultural and mineral land use areas. These land use areas allow for mineral resource development, agricultural land uses and residential densities less than one unit per 35 acres.

Map 2.2

ELBERT COUNTY
OPEN LANDS, PARKS & TRAILS PLAN

Planning Context

Legend

- Community Influence Area
- Existing Development
- State School Board Land

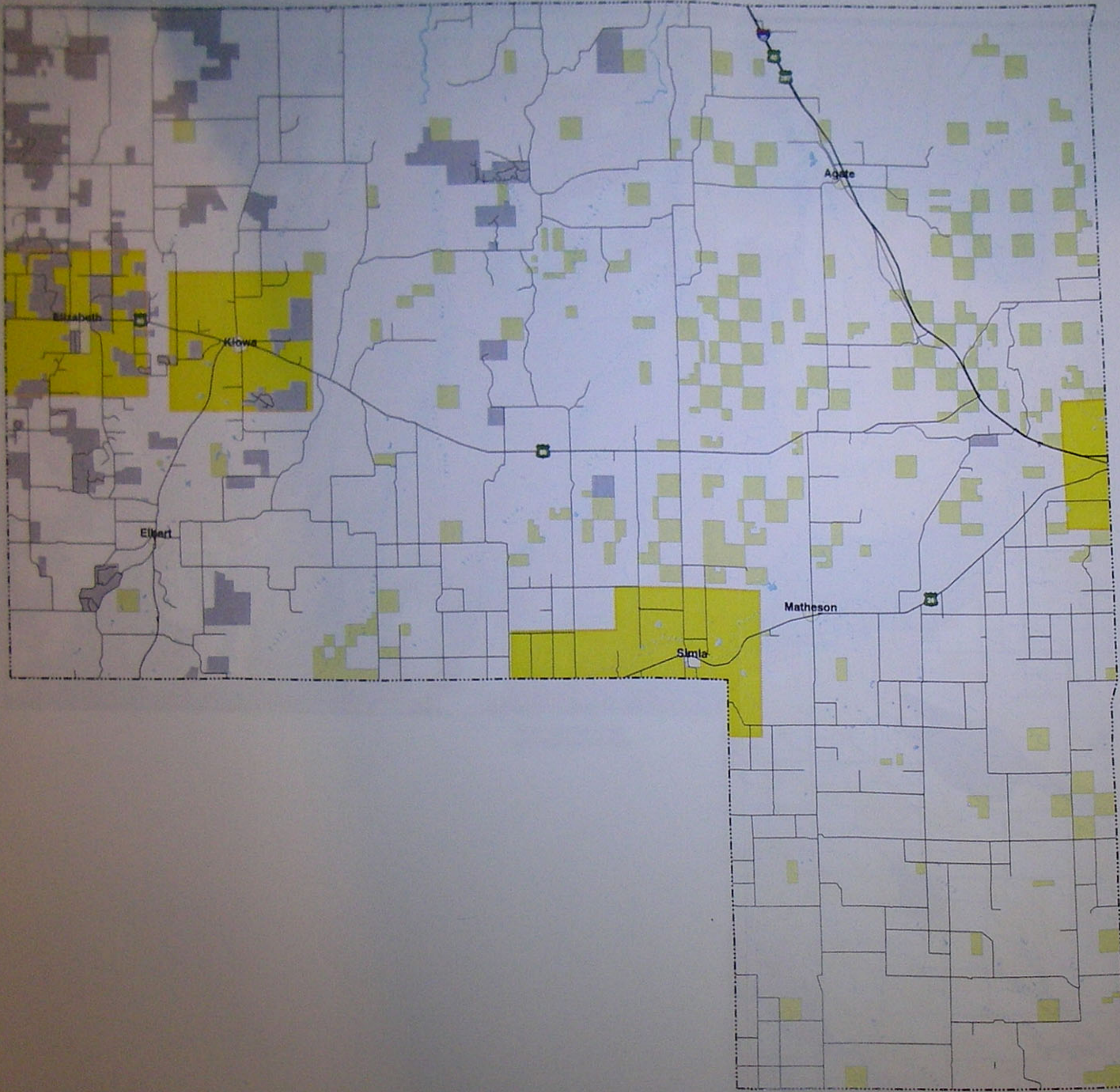
Source: Elbert County Master Plan (1996). Updated by the Elbert County Planning Department.

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A notable aspect of growth in Elbert County, which is recognized in the master plan, is the fact that much of the existing and projected development in the County is outside of established communities. In 1997, the most recent date for which population estimates are available, the combined population of Elizabeth, Kiowa, and Simla was approximately 2,500. At the same time, the County's overall population was estimated at 17,487, indicating that more than 85% of the County's population resides in rural areas outside of incorporated communities. Continuation of this development pattern, given the amount of growth anticipated in Elbert County, will have profound implications on the amount of open land remaining in the high growth, unincorporated areas surrounding Elizabeth and Kiowa.

As indicated previously, the County's population is expected to increase by nearly 21,000 people between the year 2000 and 2020. If 85% of this growth occurs as rural residential development that is concentrated in the western portion of the County, open lands in this portion of the County will be substantially diminished. For illustrative purposes, consider the possibility that 85% of the 21,000 projected population increase would be in unincorporated areas, a total of 17,850. Assuming an average household size of 2.8 results in 6,375 additional households. At an average density of one household per 10 acres, which is near the midpoint of the high and moderate density areas defined in the master plan, results in the development of approximately 63,750 acres or nearly 100 square miles. Adding this amount of new development to existing development in this portion of the county would leave very little open lands in the western portion of the county. Although development at one home per 10 acres may be considered rural, it fragments wildlife habitats and results in land units that are too small to retain viable agricultural uses.

An attempt to understand the future is not a precise exercise and any number of factors could modify the forecast outlined in the prior paragraph. However, it is important to attempt to understand the challenges facing open lands. This

generalized scenario shows that current trends could result in profound change to the open landscape character of western Elbert County.

Adding to the challenge of maintaining open lands is the fact that public lands in Elbert County are very limited and largely consist of over 134 square miles of State School lands. The distribution of State lands is shown in Map 2.1. The majority of state lands are located in the eastern portion of the county where development pressure is less notable.

Vegetation



Vegetation in Elbert County is diverse, reflecting the variations in elevation, water availability, soils, and other factors present in the landscape. The western portion of the County consists of rolling hills with pockets of ponderosa pine woodlands and rocky outcrops. To the east, the land flattens and the grasslands associated with the high plains dominate this portion of the county's landscape.

Most of the natural vegetation of Elbert County consists of drought-resistant grasses and shrubs. The majority of the grasses are sod-forming perennials such as buffalo grass and blue grama. Annual grasses include wheat grass, fescue, and side oats grama. The eastern part of the County has sandier soils that support cool-season grasses, ideal for agriculture. Map 2.3 shows the distribution of vegetation communities in Elbert County according to the Gap Analysis Program (GAP). GAP is a mapping program coordinated by the U.S. Geological Survey to provide regional land cover information in support of land and biological resource management. A brief description of the major communities is described below.

Vegetation Communities

Tallgrass prairie

Dominant Species: Big bluestem (*Andropogon gerardii*), little bluestem (*Schizachyrium coparium*), indian grass (*Sorghastrum nutans*)

Distribution: Concentrated in western half of county, particularly the area west of Comanche Creek and north of the Town of Elbert. Also occurs within the Bijou Basin.

Map 2.3

ELBERT COUNTY OPEN LANDS, PARKS & TRAILS PLAN

Environmental Resources

Legend

Vegetation

- Dryland Agriculture
- Irrigated Agriculture
- Tallgrass Prairie
- Midgrass Prairie
- Shortgrass Prairie
- Foothills/Mountain Grassland
- Ponderosa Pine
- Juniper Woodland
- Shrub Wetland
- Graminoid/Forb Wetland
- Sand Dunes
- Sandy Areas

Source: CDOW GAP Analysis

Colorado Natural Heritage Program Site

- 1. West Bijou Creek Macrosite
- 2. West Kiowa Creek at Elbert
- 3. Kiowa Creek at Kiowa
- 4. Big Sandy Creek at Matheson/Lasater Ranch
- 5. Big Sandy Creek at Ramah
- 6. North Rush Creek
- 7. Antelope Creek at South Rush Creek
- 8. Cedar point

Source: Colorado Natural Heritage Program

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To Ramah Reservoir
State Recreation Area



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Mid-grass prairie

Dominant Species: Sideoats grama (*Bouteloua curtipendula*), Galleta (*Hilaria jamesii*), Foxtail barley (*Hordeum jubatum*), Western wheatgrass (*Pascopyrum smithii*), Bluebunch wheatgrass (*Pseudoroegneria spicata*), Little bluestem (*Schizachyrium scoparium*), New Mexico feathergrass (*Stipa neomexicana*), Green needlegrass (*Stipa viridula*).

Distribution: This is one of the dominant vegetation types in the county, occurring throughout most areas but concentrated in the central portion of the county.

Shortgrass prairie

Dominant Species: Buffalograss (*Buchloe dactyloides*), blue grama (*Bouteloua gracilis*)

Description: This community is dominated by short grass prairie species and buffalograss is considered as an indicator. Buffalograss must be present for a grassland to be mapped as this type. This type usually consists of a shortgrass understory of buffalograss and blue grama and an overstory of western wheatgrass, needle and thread grass, or other mixed grass species.

Distribution: Except where replaced by cultivation, this is the dominant vegetation community in the lower elevation, eastern third of the county.

Foothills and mountain grassland

Dominant Species: Arizona fescue (*Festuca arizonica*), Idaho fescue (*Festuca idahoensis*), mountain muhly (*Muhlenbergia montana*), Oat grass (*Danthonia parryi*), Needle-and-thread (*Stipa comata*).

Distribution: Limited to the higher elevation, southwest portion of the county.

Juniper woodland

Dominant Species: Rocky Mountain juniper

Description: Woodland dominated by juniper. Junipers must comprise more than 25% of the total vegetative cover.

Distribution: This community is rare in Elbert County and may be limited to the Cedar Point vicinity in the northeastern corner of the county.

Ponderosa pine

Dominant Species: Ponderosa pine (*Pinus ponderosa*)

Description: Ponderosa pine dominated forest or woodland that is not significantly affected by logging. Canopy closure may vary from 26-100%.

Distribution: The distribution of this community is common in Elbert County. Ponderosa pine woodlands are found on the high ridges in western Elbert County, especially in the higher elevation areas south of the Town of Elbert.

Shrub-dominated wetland/riparian

Dominant Species: Any shrub dominated riparian area.

Description: Riparian or wetland areas where shrubs comprise more than 25% of the vegetative cover and trees comprise less than 25%. Shrubs often include various willow species but other shrubs (hawthorn, wild plum, birch, alder, may be present or dominant.

Distribution: Occurs along portions of East Bijou and Big Sandy Creeks.

Graminoid and forb dominated wetland/riparian

Dominant Species: Varied

Description: This type includes wetland and riparian areas with vegetation dominated by grasses or forbs. Includes communities such as wet and moist meadow grasslands, marsh and swamp wetlands, cattail, bulrush and sedge dominated wetlands, as well as riparian areas. Must not have more than 25% shrub or tree cover.

Distribution: Occurs along a variety of drainages in the county, including portions of the Bijou and Big Sandy basins.

Wetlands



In addition to the riverine wetland areas, Elbert County has hundreds, perhaps thousands, of small palustrine wetlands scattered fairly evenly throughout its boundaries. It is possible to distinguish five different wetland complex types. On the far western border of the County, there are relatively few wetlands, all are small (less than a few hundred feet across), and nearly all are intermittent or seasonally flooded. There are many small impoundments in this area as well.

The north-central region has many small to medium-sized wetlands; most are seasonally emergent or exposed flats, and farm ponds are common. The northeastern, extreme southwestern, and northwestern portions of the County have relatively few wetlands, and most are small. These areas are dominated by flats, emergent wetlands, and some open water sites, all seasonally flooded or intermittent in nature.

A large region south of Highway 24 is dotted with a few seasonal, small, palustrine emergent wetlands and exposed flats. Farm ponds are also common in this area.

The remainder of the County (central and southwestern regions) has many wetlands, ranging up to several thousand feet in size. However, most are small, and emergent wetlands, flats, and open water areas are most common. Almost all are seasonally flooded or intermittent.

Colorado Natural Heritage Sites

As shown in Map 2.3, a number of sites in Elbert County have been designated by the Colorado Natural Heritage Program (CNHP) as conservation sites, or areas with known or potential occurrences of rare species or significant biodiversity. CNHP is located in the College of Natural Resources at Colorado State University and its role is to collect and disseminate information on rare or imperiled plants and animals and significant natural communities in Colorado. Each of the conservation sites in Elbert County is discussed below:

1. **West Bijou Creek Macrosite.** This site is ranked at having a high significance on the basis of its biodiversity. West Bijou Creek has a wide-bottomed and well-vegetated floodplain that contains a good example of a plains cottonwood/peach-leaved willow riparian community.
2. **West Kiowa Creek at Elbert Microsite.** The Kiowa Creek site is identified as a high-quality, low elevation riparian area with biodiversity of high significance. The site centers on a foothills ephemeral stream with meanders and pockets of willow and narrow leaf cottonwood.
3. **Kiowa Creek at Kiowa Microsite.** Another area ranked with high biodiversity significance that includes large stands of mature plains cottonwoods. The site also contains a willow plant (montane willow carr) that has a rarity rank of S2, which is defined by CNHP as “imperiled in state because of rarity (6 to 20 occurrences), or because of other factors demonstrably making it very vulnerable to extirpation from the state”.
4. **Big Sandy Creek at Matheson Microsite.** This large site has a high biodiversity ranking and is described as having good quality occurrences of several plant communities, including the sand bluestem-prairie sandreed, sand bluestem-needle and thread, blue grama-buffalo grass, and western wheat grass-green needlegrass. The western wheat grass-green needlegrass community is very uncommon in Colorado.

-
5. **Big Sandy Creek at Ramah Microsite.** This site is notable because of the occurrence of the Arkansas darter. The Arkansas darter is listed by the State as threatened. This three-inch native of the Arkansas drainage prefers cool, clear, spring-fed ponds and creeks with abundant vegetation. The darters are intolerant of silty accumulations in the streams where they reside, which has resulted in their being eliminated from a number of plains streams in Colorado.
 6. **North Rush Creek Microsite.** The significance of this site also derives from the occurrence of the Arkansas darter, which is described above.
 7. **Antelope Creek at South Rush Creek Microsite.** Another occurrence of Arkansas darter has been noted at this site.
 8. **Cedar Point Microsite.** Cedar Point is an outcrop of what appears to be sandstone with some small groves of Rocky Mountain juniper growing in ravines and among the rocks. This is an unusual feature for this part of the high plains. On this site are examples of several plant communities in good condition ranking as having a high significance from a biodiversity standpoint.

Wildlife Resources



The rural nature of the County offers a diverse natural environment for a variety of wildlife species. The western portion of the County, with its woodland pockets, steep rocky slopes, and high plains grasslands, provides habitat for deer, elk, and many small mammals. In the eastern portion of the county, where large areas of grassland have been converted to cultivated fields, remaining, high value habitats are largely concentrated in the riparian corridors along the drainages. The Colorado Division of Wildlife has noted the richness of species inhabiting Elbert County and plans to foster this resource by working with Elbert County to protect and enhance wildlife habitat. Map 2.4 shows the distribution of important wildlife habitats in Elbert County, using data provided by the Colorado Division of Wildlife. Each of these areas is briefly described in the remainder of this section.

Elk

Although often considered a resident of the high country, elk were historically abundant in the grasslands and they are reasserting that status in Elbert County. Elk are now found in many areas of Elbert County; their core habitat area is in the western portion of the county, particularly along Kiowa Creek. The elk population is expected to continue to increase in Elbert County.

Mule Deer

Mule deer range throughout the county. Winter habitat, which is a critical component of their overall habitat, is concentrated along the major drainages in the county but also includes the uncultivated uplands around Cedar Point. These areas, which are shown in Map 2.4, are areas where mule deer can find cover and food sources during severe winter weather. The ultimate carrying capacity of an area's habitat is usually determined by the availability of viable winter range.

Mountain Lion

Mountain lions are often associated with the deep interior of the Rocky Mountains. The mountain lion range is now expanding, reaching the high plains of western Elbert County. A shy species, the lion's habitat is typically confined to riparian corridors. Their numbers are expected to increase as game populations, such as elk, continue to rise.

Antelope

This is another species that ranges throughout the county. Map 2.4 shows the location of winter range areas for this species, both of which are located near the northwest corner of the county.






Map 2.4

ELBERT COUNTY OPEN LANDS, PARKS & TRAILS PLAN

Wildlife Resources

Legend

Important Habitat Features

-  Prairie Dog Colony
-  Potential Peregrine Falcon Nesting Area
-  Golden Eagle Nesting Area
-  Burrowing Owl Nesting Area
-  Elk Overall Range
-  Antelope Winter Range
-  Turkey Winter Range
-  Mule Deer Winter Range

Other Species:

Antelope and mule deer are found throughout Elbert County. Large predators such as the black bear and mountain lion inhabit the western and southwestern portions of the County. Whitetail deer, geese and blue heron frequent the riparian areas. Pheasant are found primarily in the northeastern portion of the County.

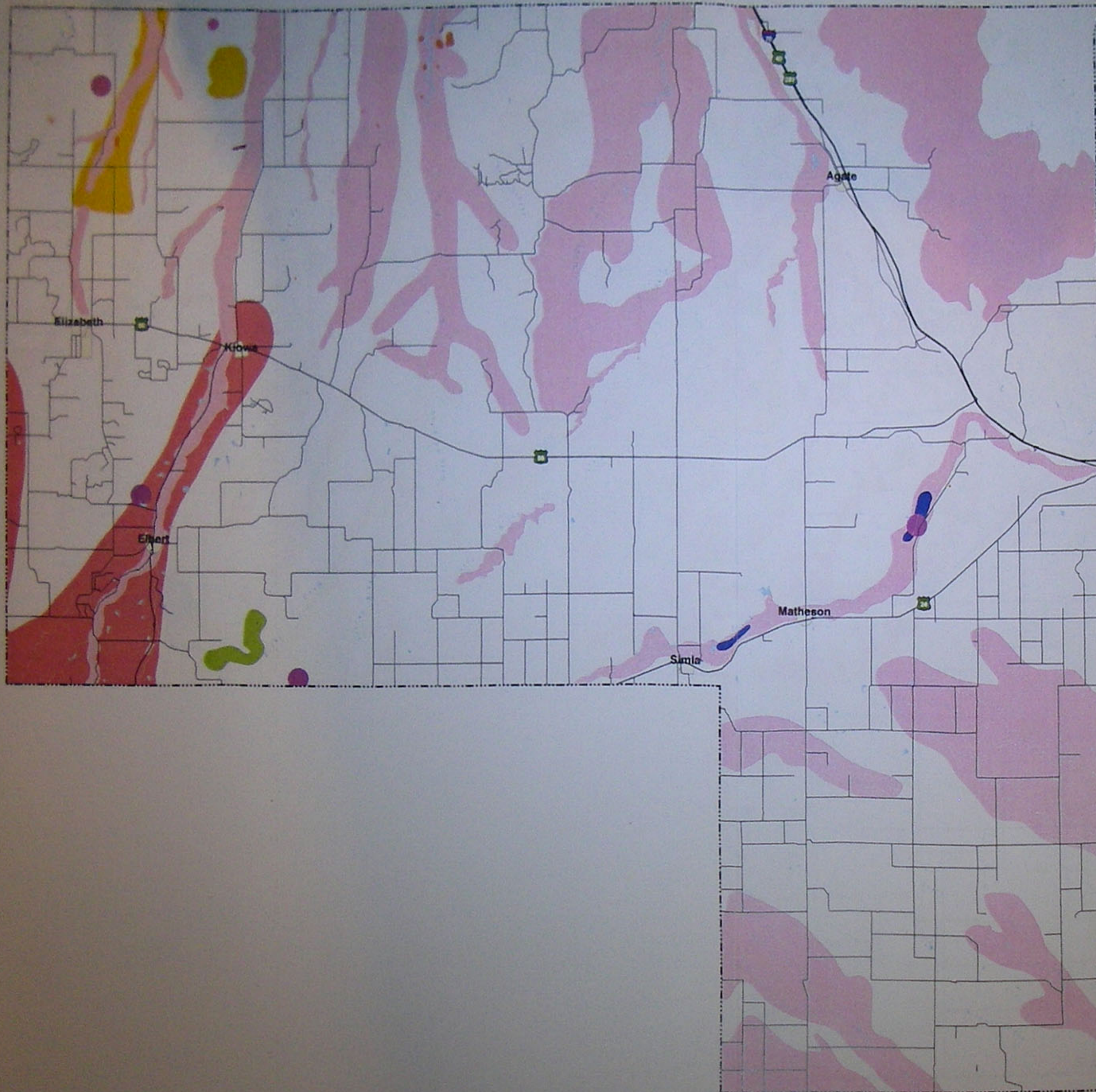
Source: CDOW WRIS Data

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Prairie Dog

Numbers of this species have been in sharp decline as grasslands are converted to fields and urban development. Although long considered a nuisance by farmers and ranchers, this species is an important food source for raptors and other predators and its burrows provide habitat for a number of other species. Prairie dog colonies occur at a number of locations in Elbert County. Those that have been mapped by the Colorado Division of Wildlife are shown in Map 2.4.

Preble's Meadow Jumping Mouse

Although not depicted in Map 2.4, this species is listed as threatened by both the state and federal government. The species depends upon habitat found along the plains drainages and adjacent upland areas of the Front Range and Elbert County. Portions of five streams in the western and central part of the county are considered as potential habitat for this threatened species. The county is currently working on a plan for preservation of the Preble's mouse habitat.

Peregrine Falcon

This raptor is a conservation success story, a species that had become extremely rare but has recovered sufficiently to have been recently removed from the threatened and endangered list. Although no longer threatened, this species is of wide interest and may nest in Elbert County. Potential nesting areas occur along Bijou Creek and in rock cliffs located in the southwest portion of the county (depicted in Map 2.4).

Golden Eagle

Golden eagles range throughout much of the county. The availability of suitable nesting areas is an important requirement for maintaining a viable population of this large raptor. The general location of known nest areas is shown in Map 2.4.

Burrowing Owl

The burrowing owl is listed as threatened by the State of Colorado. Its numbers appear to have diminished substantially, primarily due to habitat loss associated with the loss of prairie dog burrows due to the conversion of grassland to farms and urban uses. Burrowing owls occur in Elbert County; the general location of a nesting area is shown on Map 2.4.

Turkey

Turkeys also depend upon winter range for their survival, areas that provide good cover and food sources in severe weather. Winter range for this species has been mapped at two locations along Big Sandy Creek.

Landscape Character



As noted earlier, Elbert County residents enjoy a varied and highly scenic landscape. Map 2.5 highlights some of the important elements of the county's overall landscape, including distinctive areas and prominent ridges. Although any effort to define distinctive landscapes has an element of subjectivity, the areas shown in Map 2.5 reflect a general consideration of the amount of variety that is present in terms of landform, vegetation patterns, presence of water, and other landscape elements. In general, landscapes with a high degree of variety tend to be considered by most observers as more scenic or interesting than landscapes with a low degree of variety. On this basis, the major riparian corridors in the county can be defined as distinctive landscapes due to the rich vegetation mix, standing or flowing water, and bluffs or stream bank areas that often contrast with the surrounding grasslands. Major riparian corridors shown on Map 2.5 include Running, Kiowa, Bijou and Big Sandy drainages.

In addition, several upland areas are defined on Map 2.5 as distinctive. The largest of these in area is the Cedar Point uplands in the northeast corner of the county. This area contains some of the steepest slopes in the county and a highly varied landscape of ravines, rock outcrops and scattered stands of juniper.

Parks, Recreation and Trails



Other areas shown on Map 2.5 include the uplands between the West and Middle Forks of Bijou Creek , Upper Kiowa Creek south of Elbert and the prominent ridge east of Elizabeth. Each of these areas provide a mosaic of grassland and forest vegetation along with varied and interesting landforms.

Also shown on Map 2.5 are some of the prominent ridge lines in the county, which are defined as visually prominent landscapes. These elevated areas stand out from the surrounding landscape and generally represent locations where development or other modifications to the landscape would be highly visible.

Residents of Elbert County enjoy a natural landscape filled with many recreational opportunities. In some areas, residents may have less opportunity for more organized recreational activities than many surrounding counties. The County does not provide developed parks and concentrates its resources on maintaining and upgrading the County Fairgrounds. While serving an important role and connection to the agricultural traditions of the area, this facility does not serve the general park and recreational needs of county residents.

The Town of Elizabeth has three parks that total almost 12 acres. The three parks are primarily neighborhood parks with informal play and picnic areas. The Town of Kiowa has a small park with a playground, play field and tennis court.

The Elizabeth Parks and Recreation District, a special district formed to serve recreation needs in the area, operates the 27-acre Casey Jones Park. This park is located east of Elizabeth and provides two lighted sports fields and other recreational facilities. The district also provides indoor recreational programs, utilizing school facilities in the area.

Including the park acreage located within incorporated communities, Elbert County residents have access to less than 2.5 acres of developed parkland per thousand residents, a level that is well below that of many other urbanizing counties along the Front Range. To date, no public trails have been developed in Elbert County.

Map 2.5

ELBERT COUNTY
OPEN LANDS, PARKS & TRAILS PLAN

Cultural Resources

Legend

Visual Resources

- Distinctive Landscapes
- Visually Prominent Landscape
- Steep Areas Greater than 20 Percent

Source: USGS 100,000 Contours

Land Resources

- State School Board
- Stewardship Trust
- Boy Scouts of America
- Arapahoe NRCS/SCS
- Existing Parks or Recreational Facility

Source: BLM and Elbert County

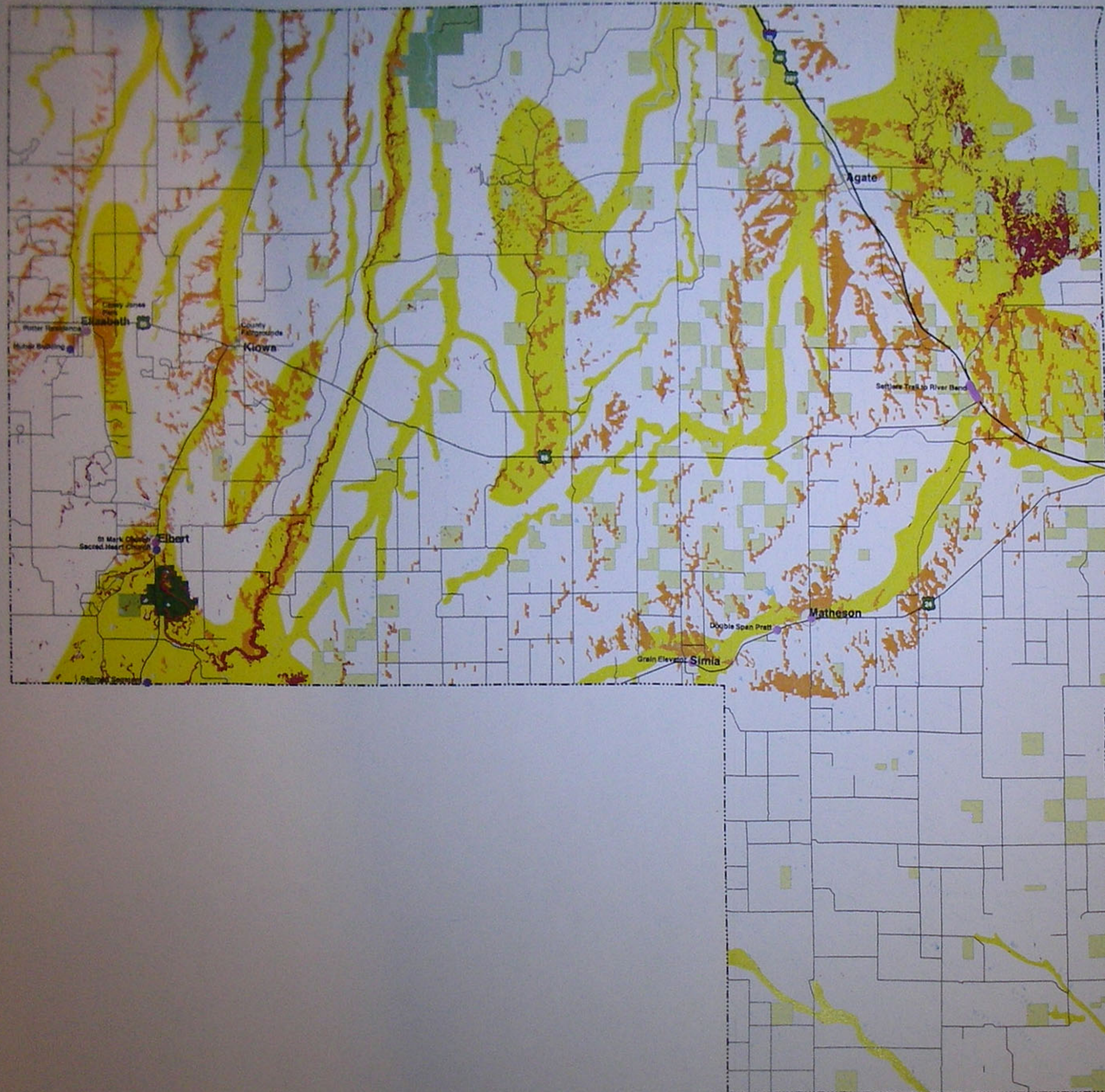
Historic Resources

- Site on the National Register
- Site on the State Register
- Site Eligible for the State Register

Source: State Historic Preservation Office

Note: Sensitive Archaeological Resources Are Not Displayed.

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Other regional recreational facilities include the Boy Scout Camp, located south of the Town of Elbert and the planned Plain's Conservation Center located on West Bijou Creek, straddling Arapahoe and Elbert Counties. The Boy Scout Camp currently serves a regional destination for scouts along the Front Range. The New Plains Conservation Center will be constructed on 6,000 acres, providing historic and environmental interpretation activities to Elbert County and residents along the Front Range. The majority of activities will be by appointment only. When completed, visitation to this regional facility is expected to surpass 20,000 visitors.

Cultural/Historical Background



*My children
My children
Here it is, I hand it to you
The earth,
The earth,*

Southern Arapaho Song

Many millions of years ago, the Rocky Mountains rose up to drain a vast inland sea and create, in its place, an arid grassland prairie, that with some uniformity slopes ten feet per mile from the mountain to Mississippi. Tens of thousands of years ago, nomadic people from Asia gained access to this vast prairie. Their names and languages are lost in time. Yes, it is quite possible that these people hunted to extinction some large animal species and, yes, they did leave artifacts of their industry about: the Clovis spear point for example. And yet, in all that time, the landscape and the other life forms barely noticed them.

When other people came this way, first the Spanish from the South and then Europeans from the East, they encountered descendants of the ancient people, still largely nomadic and still quite various in culture and language. In our high prairie divide region they came to be known as the Arapaho, the Apache, the Cheyenne, the Comanche, the Kiowa, the Navajo, the Shoshone, the Ute.

*It was the old, old story of the white man
with plenty of fine presents and a paper
which he wished the Indians to sign.*

George Bent

Conflict was inevitable, but the end result was not. The cultural divide between Lame Bear of the Cheyenne and Colonel Chivington of the Colorado Volunteers, for example, was enormous. History books are filled with broken agreements, attacks and counter attacks. Our high prairie divide had its share. In the end on October 14, 1865 these plains Indians, by now remnant Arapaho and Cheyenne in this region, were forced to abandon all claims to the Territory of Colorado.

*Americanos! conquerors! marches humanitarian!
Formost! century marches! Liberated! masses!
For you programme of chants
Chants of the prairies.*

Walt Whitman 1881

From 1540 on the Spanish influence seeped north into our region. Colorado veered east into Kansas with no settlement here. Cultural change was slow for over 250 years. Then everything changed in 1803 with the Louisiana Purchase. Suddenly the United States doubled in size and on came the European explorers like John Fremont, the trappers like Cyrus Alexander, and traders like the Bent Brothers, William and Charles.

As most of this activity followed the South Platte River to the north and the Arkansas River to the south, permanent settlement did not appear in our high prairie divide for another 50 years, until the 1850's -- just before the discovery of gold in 1858 in the mountains to the west. Cultural change exploded; the gold rush and the growth of Denver and Colorado City (Colorado Springs) required lumber, sawmills in our timbered area. These sawmills created a job market and a base for the towns of Elizabeth (1855) and Elbert (1860). Kiowa began as a stagecoach station on the Smoky Hill Trail (1859).

In 1861 the Colorado Territory was established with John Evans appointed Governor (a political reward from President Lincoln). The Homestead Act of 1862 encouraged further settlement. Elbert County was formed up in 1874 and originally extended eastward to Kansas. The present eastern

boundary was established in 1889. (Elbert County was named for Samuel H. Elbert, a judge, Denver business/political associate and son-in-law of John Evans.)

Simla was established as a Rock Island Railroad town in the 1880's. At about the same time the Denver and New Orleans line laid track from Denver through Elizabeth and Elbert to Colorado Springs. However, on May 30, 1935, a sudden summer storm sent flood water down creek beds such that most of the town of Elbert, much of the Denver and New Orleans Railroad, and parts of Kiowa and Elizabeth were washed away. Another flood in 1965 did considerable damage along the Bijou Creek watershed. Nomads from the North, Spanish from the South, Europeans from the East, all settled here, came to understand that our high prairie divide's beauty came with wind and winter blizzard, came with drought and eroding summer flood.

During this time and extending to the present, agriculture was the dominant human activity: Texas longhorns, sometimes sheep, potatoes, pinto beans, small grains, corn, melons, squash, pumpkins, root vegetables, small dairies. Today this agricultural base is the range land grazing of beef cattle, wheat and alfalfa, some irrigated and much directed towards the County's growing pleasure horse population. The traditional activity of the rural small town and the surrounding agriculture have modified the landscape from that of the nomadic hunter-gatherer, but most of the character of this land, this open land, remains intact. Now, within the life span of most of us (beginning in about 1970), a second sudden culture shift is upon the land. The growing population along the foothills between Denver and Colorado Springs is spreading ever more rapidly into the rolling grasslands and pine covered hills of Elbert County. Commuter populations and rural subdivisions are now doubling every 10 to 20 years! Can infrastructure and required public services keep up? Will the preservation of remnant nature become our best effort or will we remake ourselves and our cultural institutions so that we people might live, at least in part, in immediate contact with our high prairie divide . . . and sing again:

*My children
My children
Here it is, I hand it to you
The earth,
The earth,*

Elbert County was also along the route of the large cattle drives of the 1870's and 80's that transported Texas cattle north to Montana and Wyoming. The route of these drives ran along the Elbert-Lincoln County line.

Some of the historic sites in Elbert County are shown on Map 2.5. For the most part, these are historic structures located within communities that have been determined to be on or eligible for listing on the State or National Register of Historic Places. Exceptions include a site along the Smoky Hill Trail in the vicinity of Cedar Point that has been determined to be field eligible for the National Register. Other sites in unincorporated areas of the County include historic rail structures and archaeological sites located south of Elizabeth.



3. A PLAN FOR THE FUTURE



The information provided in Chapter 2 provides a framework for identifying important open lands in Elbert County. Rather than attempting to pinpoint particular parcels or areas that should be prioritized for protection, this plan suggests that most all of the important resource areas identified in Chapter 2 merit consideration for some type of protection. In some cases, these lands will remain open through continuation of the stewardship already being practiced by the current landowners. No further efforts are needed in these instances, with the possible exception of creating opportunities for landowners to take advantage of the tax and other benefits associated with conservation easements and other strategies that provide long-term assurance that the land will remain open.

With increasing frequency, however, economics or other considerations are likely to prompt the current landowners to convert important open lands to residential uses or other forms of urban development. An overriding goal of this plan is to provide other choices for landowners – choices that enable a landowner to realize a financial return or other benefits without having to sell off their property for urban development. As outlined in the remainder of this chapter, a variety of approaches can help to conserve open lands, ranging from donation of conservation easements with their associated tax benefits at one end of the spectrum, to outright purchase at full market value at the other end. As indicated in Chapter 1, no single approach will always be right.

For a variety of reasons, the plan suggests that open lands remain privately owned except in those instances where a regional park or opportunities for public access are needed.

What follows is set of recommendations for addressing the open lands needs of Elbert County. The discussion begins with a statement of goals and then proceeds to a set of specific actions that will help residents of the County achieve the stated goals.

Goals

The following goals were developed in conjunction with the Open Lands Advisory Committee.

1. Increase awareness of open lands and the contributions they make to the quality of life in Elbert County.
2. Identify critical open lands that are priorities for preservation, including maintenance of agricultural uses.
3. Provide incentives, such as density bonuses, density transfers, and other measures that promote voluntary protection of open lands.
4. Utilize the development review process and appropriate regulations to avoid development of sensitive areas such as ridgelines, mesas, riparian zones, forests and other areas determined to be environmentally or visually sensitive.
5. Provide public access to publicly purchased open lands, where appropriate, to serve the recreational needs of County residents.
6. Develop an ongoing open lands and public education program.
7. Provide additional options to landowners that would like the opportunity to further protect their land and maintain it in its traditional use.

Open Lands

As previously discussed, open lands take many forms. Some of the controversy that occasionally emerges regarding land conservation efforts is a misunderstanding about the nature of open lands and the belief that public access is somehow associated with all efforts to protect land. For this reason, a set of definitions was developed that clarify the purposes of protecting open lands. It should be noted that nothing in the following classification scheme is intended to limit the options of individual landowners who wish to conserve their lands in ways that may not fit with the guidelines outlined in Table 3.1. Instead, the classification system is intended to help guide the investment of public resources in those

instances where the County is purchasing land or development rights or is otherwise entering into agreements with private landowners.

Regional Parks

As discussed in Chapter 2, Elbert County residents have limited opportunities for hiking, horseback riding, and other outdoor recreational activities on public lands. A key recommendation of the plan is that the County acquire and develop a regional park that provides these types of opportunities while also protecting open lands. As shown in Table 3.1, the minimum size recommended for a regional park is 100 acres. Numerous sites exist in Elbert County that would make an exceptional regional park. The plan recommends that the County look for a site in the western half of the County where most of the population is located. Because of the public access associated with a regional park, a park site is usually acquired on a fair market basis from a willing seller.

Natural Areas

The most common form of open lands protection is classified as a natural area. These areas could be protected through a variety of means described in the implementation strategies outlined in this chapter. Public access to these areas would be determined on a case-by-case basis, depending on resource sensitivity, the type of conservation strategy implemented (i.e. fee simple purchase or easement), and the preferences of the landowner. A greater emphasis would be placed on resource protection in these areas, as compared to regional parks, and the minimum size is identified as 10 acres. For the most part, sites smaller than this are difficult to administer and a series of small, fragmented open lands does little to protect the important resources and landscapes of the County. In most cases, natural areas should be larger than the 10 acre minimum.

Special Resource Areas

This type of open lands is intended to protect important and/or sensitive resources. Therefore, the management emphasis is on resource protection and public access will not be available in most cases. As with natural areas, a variety of conservation strategies can be applied to protect this type of area. No specific size limitation is defined due to the potential for a rare plant or important natural feature occurring on a site of less than 10 acres.

Trails

As Elbert County continues its growth, the need for publicly accessible hiking and equestrian trails will become increasingly apparent. At the same time, trails are often difficult to develop and the casual delineation of trail corridors on a map can generate controversy and concern on the part of potentially affected landowners. For this reason, the plan does not identify any specific trail corridors. The needs and opportunities for trail development in Elbert County should not be ignored. The plan recommends that a trail planning committee be established as a subset to the Open Lands Advisory Board (see next page), and that this group further explore the issues and opportunities for trail development in Elbert County. One place to start in this investigation is the potential for utilizing part of the County's rich heritage of historic trails as the nucleus of a trail system.

Table 3.1 Open Lands Classifications

Classification	Acreage	Purpose/Function	Management Guidelines
<i>A. Regional Park Preserve</i>	100 acres+	Protect large area with natural resource values of regional significance. These areas should also provide opportunities for nature-oriented, outdoor recreation.	Emphasis is on achieving an appropriate balance between resource protection and public use. No more than 10% of site area can be dedicated to developed recreational use area, including roads, parking, environmental education/ interpretation, picnic sites, and visitor support facilities.
<i>B. Natural Area</i>	10 acre minimum	Protect natural values. These areas may also provide opportunities for nature-oriented, outdoor recreation.	Emphasis is on resource protection. Public use to be determined on a case-by-case basis. No more than 10% of site area can be dedicated to park uses, including roads, parking, environmental education/ interpretation, picnic sites, and visitor support facilities.
<i>C. Special Resource Areas</i>	Variable	Protect areas with unusual or especially significant natural, cultural or other community values. These may include areas of significant vegetation, important habitats, scenic areas, or areas that contribute to urban shaping and buffering goals.	Emphasis is on protection of the values that qualify the area for designation as a special resource area. In most cases, public access will not be provided and no facilities will be developed.

Implementation Recommendations



Implementation of a program to protect open lands will require the use of a variety of tools. It is impossible at this point to assign specific tools to particular projects because each will have unique opportunities and constraints that will dictate the approach and methods of protection. The goals of this plan are reflective of a “living document” that will be modified as Elbert County changes. Not all of the following strategies will be applicable immediately but are intended to be implemented over time. In many cases, the appropriateness of some strategies will increase as the foundation is laid for them by the implementation of other strategies. All of the methods and strategies discussed below have been used successfully along the Front Range.

1. Appoint a Permanent Open Lands Advisory Board

The purpose of this board would be to oversee implementation of the open lands plan and promote greater recognition of the importance of open lands. Its functions would include: interacting with public and private landowners as well as with other land protection organizations, such as a local or statewide land trusts; recommending funding for particular projects; and informing landowners of protection techniques and options. In the near term, some of these functions could be handled by the current Open Lands, Parks & Trails Plan Advisory Committee or by county staff. However, once the county begins making financial commitments and acquiring property rights, a permanent advisory board should be created.

2. Sponsor an Annual Elbert County Lands Protection Forum

A regularly-scheduled forum or symposium would help to build momentum for establishment of an open lands system. The forum would encourage partnerships and resource sharing among organizations and individuals interested in open lands protection and should include the participation of key landowners. Discussions could be structured around particular issues, such as estate planning, tax benefits associated with donation of conservation easements, etc.

3. Nominate Identified State Land Board Parcels for Inclusion in the Stewardship Trust Program

The Colorado Constitution, as amended by voters in November 1996, establishes a Stewardship Trust of 295,000 – 300,000 acres. The purpose of the Stewardship Trust is to protect the long-term productivity of lands held in trust by the State Land Board. The second cycle of the Stewardship Trust will occur before January 1, 2001. This may be the last chance to add to the existing 200,000+ acres currently in the Stewardship Trust.

Lands placed into the Stewardship Trust must be managed “primarily to preserve long-term benefits and returns to the state.” Land placed into the Stewardship Trust will be managed with two objectives: 1) Preserving the natural values of the parcel, since the voters of Colorado have determined that sound stewardship enhances economic productivity; and 2) Ensuring that lands do their part in yielding reasonable and consistent income over time for trust beneficiaries. Selected parcels will be held and managed to maximize options for continued stewardship, public use, or future disposition by permitting only those uses, not necessarily precluding existing uses or management practices, that will protect and enhance the beauty, natural values, and wildlife habitat.

The State Land Board evaluates the expected future uses and revenue for a nominated parcel and thereafter determines the impacts, if any, that designation might have. The role of additional management is also important to the Board in deciding whether to designate a property. The State Land Board will work with lessees, nominators, local government and other interested parties to develop a management plan for the parcel to preserve and enhance the natural values of the parcel. The Board also evaluates the degree of support for the designation from local governments, the lessee, and the community.

For each of the designated parcels, the Board will enter into a Memorandum of Understanding with the nominator and other interested parties. It should be emphasized that

placing property in the trust does not ensure permanent protection of the parcel. A vote of 4 of the five land board commissioners can remove a designated parcel from the trust.

One property, 'Kiowa Creek', located south of the Town of Elbert, was nominated by CDOW and selected for the State Land Board's Stewardship Trust Program in 1998. The second cycle of the Stewardship Trust will occur before January 1, 2001. The Committee should conduct an evaluation of State School Board Land previously identified by the County and CDOW. The Committee's evaluation should include the following:

- Present Use and Associated Revenue
- Potential Future Uses of the Parcel
- Aesthetic Values
- Natural Resource Values
- Wildlife Habitat Values
- Other Unique Aspects
- Current and Anticipated Changes In the Management of the Parcel
- Long Term Benefits of Protecting the Parcel
- Relationship to Larger Plans (Comprehensive Plan)

The Committee should coordinate with other public entities such as CDOW to seek support for a nominated parcel.

4. Evaluate the Feasibility of Creating a Dedicated Funding Source for Open Lands Protection

Many local governments along the Front Range utilize sales tax revenue to preserve open lands. Nearby Douglas County is just one example of a jurisdiction at the county level that utilizes this funding for open lands protection. Although Elbert County has a small sales tax base, commercial activity is likely to increase as population growth occurs. Even a small amount of consistent and dedicated funding could be a vital element in the County's ability to leverage GOCO and other funding sources. Other jurisdictions with a small sales tax base, such as Manitou Springs, have recognized the benefits of a dedicated funding source and implemented a sales tax to protect open lands.

An additional potential source of revenue is allocation of a portion of the revenue obtained through property taxes. In 1996, Routt County voters approved a 10-year purchase of development rights program funded by a one mill increase in the property tax. This program raised approximately \$350,000 in 1997.

Another funding strategy utilized in some areas is a real estate transfer tax. These programs usually take the form of a fixed percentage that is collected on the value of a real estate transaction. In Colorado, this strategy has most often been applied in mountain resort communities.

5. Create an Elbert County Parks and Recreation District or Department

Elbert County should explore the potential of forming a parks and recreation district or department. This will become a priority as many of the recommended tools are implemented and dedicated funding sources for open lands, parks and trails are put into place. Elbert County should work in conjunction with the Town of Elizabeth's Parks and Recreation District or Department to investigate the feasibility of creating a district that provides and administers the future recreational resources of Elbert County.

6. Transfer Conservation Trust Funds (lottery) to Open Lands Protection

Elbert County receives approximately \$140,000 annually from this program. This money is currently used to fund improvements at the fairgrounds and other activities. After existing financial commitments are completed, a large portion of these funds should be redirected to support protection of open lands. Available funds should be leveraged to obtain additional money from other grant sources, including GOCO. With the rapid population growth anticipated in Elbert County, the county's share of this funding program should increase in the future.

7. Aggressively Seek Matching Funds from GOCO

The Great Outdoors Colorado Trust Fund (GOCO) was created in 1992 by voter approval of Amendment 8. Under this amendment, a portion of State Lottery money is designated for funding programs for parks, wildlife, outdoor recreation, environmental education, open space and natural areas. Until recently, the fund was also used to pay off debt incurred from the State Capital Construction Fund. Now that these obligations have been paid off, the amount of funding available for open space and related projects is expected to increase from approximately \$20 million annually to in excess of \$40 million. The majority of available funding (71.5%) will be used for open space protection.

Recently, GOCO developed a strategic plan to guide its future activities, prompted in part by the availability of increased funding. The strategic plan identifies five areas, or initiatives, where open space funding will be concentrated. These initiatives include:

- Important River Corridors
- Unique Natural Areas and Wildlife Habitats
- Community Separators
- Land for Future Parks and Outdoor Recreation
- Strategic Agricultural Lands

Many of the open lands values that occur in Elbert County are addressed by these initiatives. Each initiative is summarized below.

- **Protecting Important River Corridors.** Kiowa, Bijou and other riparian corridors provide important wildlife habitat that fits within this funding category. Examples of the types of projects GOCO will fund in this category include:
 - Purchase of lands and conservation easements for open space, wildlife habitat, agricultural lands and recreational corridors.
 - Purchase of easements for recreational access and trails.

-
- Transaction costs associated with the donations of easements and long-term management agreements.
 - **Protecting Colorado's Unique Natural Areas & Wildlife Habitats.** In addition to riparian corridors, Elbert County has a variety of other important habitats and unique natural areas. For example, the upper Bijou Creek drainage contains important raptor nesting habitat, including known golden eagle nesting site and a potential peregrine falcon nesting area. Other examples include some of the eight Colorado Natural Heritage Program sites designated in Elbert County. The types of projects that will be funded in this category include:
 - Acquisition of lands in fee title and acquisition of conservation easements in perpetuity.
 - Transaction costs associated with the donation of easements.
 - **Protecting Community Separators.** The Highway 86 corridor between Elizabeth and Kiowa is a good example of the type of project covered by this initiative. Ongoing and future development patterns are likely to blur the distinctions between these two communities and could result in nearly continuous development along the Highway 86 corridor. This initiative is intended to fund the purchase of lands and conservation easements for open space, recreation, and agricultural lands within community separators.
 - **Protecting Land for Future Parks & Outdoor Recreation.** This initiative is directed at securing land for future state and local parks and outdoor recreation areas. Examples of projects include:
 - Land or water in fee title for public park and outdoor recreation use.
 - Land or easements for trails.
 - Leases on land or water for future outdoor recreation use.

-
- **Protecting Strategic Agricultural Lands.** Strategic agricultural lands are those lands that are key to maintaining the viability of agriculture in a region. Those lands with multiple values, i.e. strategic agriculturally but also supporting other initiatives such as community separation or important wildlife habitat, are in the best position to be funded. Examples of project types under this initiative include:
 - Acquisition of agricultural conservation easements.
 - Transaction costs for the donation of conservation easements on properties where landowners cannot afford them.
 - Acquisition of long-term leases on lands that provide significant open space, wildlife, recreation and/or scenic values.

8. Revise Current Land Dedication Requirements

Existing Elbert County requirements include a 20 percent dedication of open space for new developments over 5 lots or fee-in-lieu of this dedication. Land dedicated for open space is often marginal in quality and highly fragmented from other open land parcels. Formalized parks are not developed with this land since homeowners' associations are unable to acquire insurance.

The County should address the identified problems and amend the current process along the lines of the recommendations outlined below.

As indicated in the table below, many counties in Colorado have defined land dedication requirements for new development. Common elements of most of these procedures are the following: 1) recognition of a difference between land dedication for a public purpose and requirements for sound site planning, 2) clear definition of the purposes of the land dedication, 3) providing for a fee in lieu based on a defined standard, and 4) providing the county with sole discretion in determining whether or not to accept a land dedication versus payment of a fee in lieu.

Table 3.2 Comparison of Dedication/Parkland Fee Requirements

County	Basis for Regional Park or Open Space Requirement	Fee in Lieu of Provision	Who Determines Dedication vs. Fee	Valuation of Fee if No Dedication
Adams	4.8 acres/1,000 population	Yes	County	Appraised market value of land at time of approval of final plat.
Boulder	25 acres/1,000 population	Yes	County	Appraised market value of land as it is valued after platting.
Douglas	.030 acres/unit	Yes	County	Appraised market value after completion of platting.
Elbert	Current process is based on 20%, qualified by "as a general guideline" and "may" be required	Yes	Not specified	Not specified
Jefferson	10.5 acres/1,000 population	Yes	County and/or affected districts	Appraised market value, based on the plat.
Larimer	0.167 acres/single family equivalent	Yes	County	\$701/single family unit
Summit	"... when such requirements are reasonably necessary. . ."	Yes	County	\$575/unit

An important distinction can be drawn between a public purpose dedication requirement and a requirement to protect sensitive resources on a site by site basis. Nearly every county has some type of requirement to protect sensitive natural features and/or maintain a certain portion of the site as open space. Sometimes these provisions are quantified and a specific amount of open space is specified. In Lincoln County, the requirement is for a minimum of 60% open space in rural developments; in Larimer County the requirement is for 80% open space in most rural areas. Open space set aside through these procedures typically remains the responsibility of the development/homeowners' association. A conservation easement may be placed on the open space set aside.

Many counties, including Elbert, also specify that particular resources be protected, e.g. "Development shall be directed away from significant ridge lines, mesas, riparian zones and other areas determined to be environmentally or visually sensitive . . ." (Elbert County Master Plan)

In addition to these development requirements, which reflect good site planning precepts, each of the counties listed in the table have adopted a specific dedication requirement based on achieving a larger public purpose. This may be a school site, a neighborhood park, and increasingly, open space in the form of a regional park. The key distinction is that these dedication requirements are based on community needs that usually extend beyond the boundaries of a particular development. This distinction is not apparent in Elbert County's regulations and, as a result, the purpose of the County's open space dedication requirement is not clear.

The following recommendations are offered to improve the current dedication process:

1. Separate the concept of land dedication from the requirements of sound site planning. Retain the existing guidelines for protecting sensitive areas and define more clearly the purposes of the dedication requirement. Land that is dedicated should meet criteria established in the parks and open space master plan. It should protect important resources and/or contribute to the establishment of a regional park.
2. Establish a level of service goal for regional parks and use this goal as the basis for the parkland fee.
3. Specify that the decision on whether to accept a land dedication or require a fee in lieu is entirely at the County's discretion.
4. Continue to allow a combination of land dedication and fee in lieu when the land proposed for dedication meets the criteria defined in 1, above. Credit for the land to be

dedicated would be based on the market value of the property being offered; if the land was in the floodplain or otherwise undevelopable, the value would be adjusted accordingly.

In order to legitimately establish the fee, the County would have to follow through with the development of a series of regional parks. As discussed previously, a regional park is largely a natural area that is purchased in fee simple on a willing seller basis. Although the land remains largely natural, the park would be open to public use and limited facilities such as trails, parking, and picnic sites provided. As seen in the table, counties have expressed the level of service requirement for regional parks in various ways. The following illustrates the implications of adopting a 20 acres/1,000 population standard:

Additional Population Added By 2020 =
20,802

Acres of Parkland Required to Meet Standard
= $(20,802 / 1,000) * 20 = 416$ acres

Cost of Developing Regional Park @
\$15,000/acre = \$6,240,000

Number of Additional Households in 2020 @
3.16 avg. household size = 6,583

Fee Per Each New Household = \$948

The County should explore the possibility of applying the fee to new residential development in the County, including those occurring within incorporated areas. This would require adoption of intergovernmental agreements between the County and each municipality.

As previously discussed, adoption of a regional parkland fee is not a panacea, but would be one more tool for protecting portions of the County while providing additional recreational opportunities for its residents. The following additional benefits could also be anticipated:

- The procedures for land dedication would be clarified and the rules made clear to all involved. In addition to uncertainty, portions of the current procedure are unworkable. For example, a fee in lieu of provision must be tied to a realistic standard or level of service. The County has no real basis to establish a fee under the current system. Rigid adherence to a fee in lieu based on the 20% dedication would be overly burdensome. For example, a 100 acre development, with 20 units on 5 acre lots could face a fee of \$10,000/unit (20 acres required to be dedicated x \$10,000/acre = \$200,000/20 units = \$10,000).
- Revenue generated through the fee in lieu provision could be directed at meaningful conservation projects, thus avoiding the fragmented and incoherent pattern of land that often results from a more loosely structured dedication process.
- The County would position itself for revenue sharing with GOCO and other conservation sources such as the Colorado Division of Wildlife.

As indicated, a number of counties have implemented a system similar to that outlined in this paper. It would be necessary, however, to have a legal review prior to implementation, particularly since the County would be adopting a level of service standard much higher than is currently being provided. It is not unusual, however, for municipalities and other entities to adopt a parkland development fee based on a desired level of service that is higher than the level of service currently being provided.

9. Promote Creative Development Techniques

Clustering and other creative voluntary measures have been encouraged by Elbert County, however most programs have not seen widespread acceptance. Developers may resist these programs due to perceived economic risks.

Open lands in Elbert County can be protected without acquisition and without precluding development. Some counties have implemented a rural land use program that provides landowners with incentives to avoid standard one unit per 35-acre development. The 1996 Elbert County Master Plan provides for density bonuses when 50 percent of a development is preserved in a conservation easement and environmentally sensitive design standards are met.

Other counties have provided the opportunity for landowners to earn density bonuses and an expedited review process by clustering development and avoiding sensitive areas. Since the process is voluntary, landowners can participate without fear of losing existing entitlement. In return for the incentives provided, landowners agree to dedicate a substantial portion of the property as open space.

These incentives should be encouraged for new developments and undeveloped portions of future phases of existing 35 and 60-acre subdivisions. Elbert County should foster these programs by providing further incentives and developing several pilot developments that demonstrate the successful implementation of these programs. In addition, a task force should be set up to investigate promoting and expanding current voluntary policies.

10. Promote Establishment of a State Park in Elbert County

A good case can be made that Elbert County, which does not have a single state park, has a shortage of state park facilities. The County should explore the possibility of establishing a new state park in Elbert County and enlist the support of members of the State Legislature who represent County residents as well as other elected officials.

11. Promote the Establishment of an Active Land Trust in Elbert County

Land trusts are typically nonprofit organizations that hold land and other property rights for the benefit of the public. Because most are private, land trusts have significant flexibility in the way they can acquire property and have the ability to react quickly to acquire an easement before the land is developed. Land trusts can assist in a number of ways, including participation in preacquisition negotiations and the ability to accept donations of property through a transaction that qualifies the landowner for substantial tax benefits. Their private status is often appealing to landowners who many otherwise be reluctant to deal with a government entity.

Elbert County has the opportunity to work in partnership with Douglas County in the formation of the structure for a new land trust. Members of this organization should work in partnership with the Douglas County Land Conservancy for several years before seeking Land Trust status on their own. Douglas County may take on the role of a mentor, assist with outreach and negotiations, and be the designated holding entity for easements. Elbert County should seek grant funding from GOCO to assist with this task.

12. Leverage Funds Through Partnerships

Elbert County should leverage funds through partnerships with local governments, state agencies and private organizations. Developing partnerships with other government agencies and private and nonprofit groups will be essential to success. Pooling resources and expertise is an important step toward achieving project goals. Many grant programs require partnerships and/or matching funds prior to granting money for open space protection efforts. More partners mean more leveraging capabilities. Private groups involved with land conservation such as the Cattlemen's Association can help educate the public and raise awareness of the benefits of preservation strategies. These groups can assist in developing public consensus around a future vision of Elbert County. Some groups, such as neighboring land

trusts, may be able to assist with preacquisitions and negotiations, and may be the appropriate holder of conservation easements.

13. Promote Right to Farm Laws

Elbert County should consider developing a right to farm and ranch ordinance that helps protect its ranching and farming heritage. These ordinances protect agricultural land uses from nuisance suits and complaints related to farming practices. New residences are provided with information notifying them that surrounding land uses may generate odors and noise relating to traditional farming and ranching activities.

Additional Tools/Funding Sources



Acquisition Methods

Acquisition of some of the land area or certain land rights in key areas will be essential. Where acquisition is necessary, purchase of a conservation easement or specific development rights will generally be the preferred approach. In both cases, there is a legal agreement made by a property owner to restrict the type and amount of development that may take place on his or her property. This provides open space protection while retaining the land in private ownership and on the tax rolls. With conservation easements, certain levels and types of development may still be allowed.

Typically, the price of an easement or development right is calculated as the difference between appraised highest and best use and appraised value as farmland. A landowner may wish to sell the land at a price that is below market value or as a bargain sale, in which case the landowner can take a tax deduction on the difference between the market price and the bargain price. The land or land rights can also be acquired through a donation, either as a bequest from the landowner or in exchange for the tax benefits that a donor receives. The combination of tax benefits and a desire to see the land preserved creates a strong incentive for a surprising number of landowners to include some level of donation in land conservation transactions.

Local governments can also develop leaseback arrangements in order to keep the land in agriculture. This can simply involve a standard lease agreement or a more complex transaction involving a division of land rights. If a property is acquired in fee simple, it is possible to retain certain development rights and then reconvey the property (“lease back”). In this way, a farmer/rancher has the ability to cash in on a portion of their land value while retaining control of the property and keeping it in agricultural production. This technique is being used in a number of open space programs.

Zoning

Zoning and other regulatory tools can be used to direct development away from inappropriate areas and assure that appropriate densities and compatible uses are achieved. Effective use of large lot zoning designations maintains rural character and land use pattern consistent with agricultural operations. Elbert County does not have a review for lands over 60 acres, and has a faster review process for 35-acre developments. Elbert County zoning requirements allow for permitted densities equal to adjacent developments. To avoid loss of key open lands and natural resources within the County, higher density developments should be encouraged within the urban growth areas of Kiowa, Elizabeth and Simla. Within the County, zoning should further encourage the protection of the identified sensitive environmental resources.

Zoning is subject to change and strong growth pressures can raise issues of individual property rights and fairness. In other cases, zoning may lack the requirements needed to protect all the natural resources of the County. Therefore, zoning and other regulatory approaches usually must be supplemented with some of the other tools described in this section to become effective.

Other Funding Sources

There are a number of funding sources at the state and federal level that can be used to assist local open lands protection efforts. It should be noted, however, that local governments have little control over the level or timing of the availability of these sources, and in most cases must compete with other governmental agencies. Several sources of funding are summarized below.

Transportation Equity Act for the 21st Century – TEA 21

This legislation, which is a direct successor to the 1991 Intermodal Surface Transportation Act (ISTEA), retains many of the earlier provisions in ISTEA relating to nontraditional highway spending. Funding for transportation enhancement projects, which includes scenic and historic preservation, was increased from approximately \$450 million annually under ISTEA to \$620 million per year under TEA 21. The specific definition of “transportation enhancement activities” is shown below:

“ . . . provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highways, landscaping and other scenic beautification, historic preservation. . . ”

In particular, the legislation established a Transportation and Community and System Preservation Pilot Program that is intended to promote “green corridors” and other activities that reduce the impacts of transportation on the environment. Projects that protect lands or provide bike trails along the Highway 86 or I-70 corridors could fit within this funding category.

Colorado Historical Society

The Colorado Historical Society administers the State Historical Fund, which totaled \$10.7 million in fiscal year 1998. The program is funded by proceeds from legalized gambling and targets 80% of available funding to a statewide grants program. An emerging area of potential funding is preservation of cultural landscapes or districts. Cultural landscapes are those specific sites and historic open spaces marked by human interaction with the land that are of particular historic significance. These can include large geographic areas and associated structures with historic significance. An example is historic ranching and farming operations that are threatened by encroaching development. Protection of the agricultural landscapes, irrigation features, and farm buildings that characterize portions of the County may fit within the context of this funding program.

Conclusion

None of the individual strategies previously described provide a complete solution to open lands protection in Elbert County. It is likely that a variety of approaches will be required, each providing a portion of the funding or otherwise contributing to the goals of the plan. Perhaps most importantly, the plan will only be successful through the continuing efforts of landowners, citizens and community leaders who commit to the hard and ongoing work of implementing open lands protection measures that are appropriate to Elbert County.



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