

M E E T I N G S U M M A R Y

PROJECT: Denver Mountain Parks Master Plan **PROJECT NUMBER:** 0622

ISSUE DATE: October 2, 2007

PRESENT: Councilwoman Peggy Lehmann, Co-chair DMP Advisory Group
Landri Taylor, Co-chair DMP Advisory Group
Bart Berger, Denver Mountain Parks Foundation
Susan Baird, Denver Parks Natural Area Planner
Tina Bishop, Mundus Bishop Design, Inc.
Bill Mangle, Natural Resource Planner, ERO Resources

See attached list of Advisory Group members

FROM: Tina Bishop, Mundus Bishop Design, Inc.

RE: **Denver Mountain Parks Master Plan Advisory Group Meeting #3, September 12, 2007**

ENCLOSED: Advisory Group Member Attendance List

cc: Advisory Group members

1. Councilwoman Peggy Lehmann and Landri Taylor welcomed the Denver Mountain Parks Advisory Group Members to the second advisory group meeting.
 - a. Members, agency staff, and consultants introduced themselves.
2. Advisory Group members shared their thought on the topic of "Should Denver 'own' mountain parks in other counties?" The discussion was based on an editorial from the Denver Post and was facilitate by Susan Baird.

Why Denver Should Own Mountain Parks:

- Value for the Money Spent – just like Rocky Mountain National Park, DMP provides a 'free' value to Denver residents. It's a regional resource. It helps to bring the tourist base to Colorado and the Front Range. It provides an economic benefit to Denver.
- Nice Feeling in DMP that is unique. Gravel roads and shelters are unique and at the same level of quality and amenity as the national parks.
- Direct connection and direct benefit to Denver residents.
- Jefferson County Open Space does not want to buy Denver Mountain Parks, from Ralph Schnell.
- Legacy of early Denver leaders has direct benefit to Denver today. Each county, including Denver County, provides open space for its residents in the foothills. Denver led this effort in the early 1900s and should continue to provide this complementary experience to its urban parks.
- Citizens of Colorado. DMP are a gift to Denver and to all citizens of Colorado, providing important recreation experiences for children of Denver.
- Important in protecting the mountain backdrop and as a partner with Jefferson County Open Space in protecting this backdrop. JCOS and Jefferson County commissioners recently supported

the acquisition of a hogback parcel by Boulder County in Jefferson County because of this importance.

- Who pays – we all pay, in each county. Our users intermingle. Denver has as much responsibility and must be just as responsible a partner in managing and funding their lands as the counties do.
 - Parks don't pay for themselves. Each jurisdiction should finance their portion of the pie including Denver.
 - Pride of park ownership. Citizens are proud of their parks, and parks and open space are a value of the citizens of Denver. Everyone in the world knows Red Rocks.
 - Denver Mountain Parks make Denver unique. Tourism is a big revenue source for Denver and many of the DMP sites are huge tourism attractions.
 - Colorado State Parks has market studies to share with Denver including recent market assessments that show users are willing to pay for parks through fee-based programs including higher fees for non-residents. State Parks experiences 90% use from Colorado residents.
2. Susan Baird provided a presentation on “Building that Argument: Five Core Principles” that will guide the master planning process and the future of the Denver Mountain Parks system.
 - a. The Five Core Principles are 1) Refuge. *Denver should ensure that every resident, not just those who can afford it, has access to a mountain refuge from the city.* 2) Wonder - *Denver should ensure that every adult and child experiences the wonder of nature in the city and the mountains.* 3) Asset - *Denver should be a vigilant steward of this public asset, these irreplaceable mountain lands and natural resources, for today and for the future.* 4) Regional - *Denver should be a full partner with the other counties and cities that together, with Denver, provide a coordinated regional mountain park system.* 5) Western Heritage - *Denver should celebrate its rich western history expressed throughout the mountain parks.*
 - b. The Advisory Group had the following comments.
 - The economic benefits of Denver owning and managing the DMP system need to be marketed. This should be a more focused point of the core principles.
 - Regional open space planning is important.
 - Need to ‘prove’ that these assets generate revenue and that they have a role as an economic driver.
 - State Parks has a direct economic benefit to the State of Colorado as indicated by recent studies.
 - DMP is less than 50 miles from downtown and is a draw for tourists.
 3. A.J. Tripp-Addison provided a presentation on dispelling two key myths about the Denver Mountain Parks system: 1) We can just sell them, and 2) Denver doesn't work with other counties.
 - a. Land restrictions on most DMP properties preclude their sale. Land restrictions include designations as Denver park land through city charter, zoning as conservation lands in Jefferson County and Clear Creek County, and restrictions from the Land and Water Conservation funds. Refer to attachment.
 4. Tina Bishop, MBD presented “What Would it take (\$\$) to make Denver Mountain Parks system the jewel it was, meet today's need, and then keep it going? What is the need?”

- a. An overview of a proposed organizational restructuring was presented and included an annual projected budget of \$3 million. Refer to attachment.
 - b. The need analysis was organized into three basic categories:
 - 1) Capital Infrastructure that is based on the CIP and funding currently allocated for the next six years with a budget of \$2 million.
 - 2) Enhancement, which is based on providing basic improvements to bring the system up to industry standards. This equates to a long-term need of \$63 million in capital investment.
 - 3) Vision - based on making the system the jewel it once was. This approach has not been estimated since the vision for the system will continue to be developed through this master planning process.
5. Nissa Maddox with Trust for Public Lands provided a presentation on "Funding: The Quilt of Possibilities" Peggy Chiu, TPL was also in attendance.
- a. Nissa provided information on the success of ballot measures regarding funding for open space throughout the US and Colorado. Over 74% have been successful. Nissa also explained why local funding for open space is important.
 - b. Nissa provided an overview of the project growth for Denver and the region. Nissa presented the current structure of funding that Denver has in place for the Denver Parks and Recreation. Funding for Denver Parks is from the general fund, and is currently budgeted at \$47 million annually. Denver Parks is divided into two departments, Parks and Recreation. Denver Mountain Parks are a part of the Natural Resources Division under the Parks Department.
 - c. In 2007, Denver Mountain Parks had a staff of 13 and an operating budget of \$784,400.
 - d. Nissa presented the legal options that Denver has available for funding open space and the pros and cons of each of these. The legal options are 1) Create voter approved dedicated fund, 2) Re-allocate existing revenues within the city, 3) Develop revenue generating amenities at select sites, 4) Admission fees, 5) Special districts, 6) Regional funding.
 - e. Nissa presented the options for dedicated revenue including 1) Sales Tax (for example, a 1/8th cent = \$16 million / year), 2) Property Tax (for example, 2 mills = \$18 million / year), and 3) Bonds (for example, \$75 million GO Bond = \$13 a year per \$100K of home value).
 - f. Nissa summarized the choices for funding by noting that there is no silver bullet. Any solution must be multi-faceted and political support is critical. Funding for Mountain Parks is tied to City Parks. A Public Opinion Survey on this specific issue is needed and it should focus on funding and priorities. A Regional Solution should be thought of as a long-term vision.
6. Councilwoman Lehmann and Landri Taylor lead a group discussion.
- Change the reference from Enhancement to Critical Deferred Maintenance or to a title that is more descriptive of the intent. This should be the baseline for the need discussion, not what is currently funded.
 - Focus on a Simple, Clear Message.
 - Tie the message to the mountain backdrop. Denver residents are passionate about the view plane in Denver – use this momentum to bring awareness to DMP.
 - Would the use of a negative image – such as imposing development on a DMP site to show what would happen if were to be sold – be effective in raising awareness?
 - Positive message is the best approach.

- Grassroots support is critical in generating funding initiatives, but political and broad community support is also critical. Fundamentally, needs to be a citizen campaign. This can and should be furthered through the help of the elected officials and the city.
- Current lack of knowledge about the Mountain Parks and the need.
- City agencies generally want to keep funding steady.
- Dedicated Revenue is unnerving to city council as it can diminish their oversight, in particular special districts. Council has had to give away some oversight in the past.
- Dedicated funding through a sales tax or mill levy won't take away from Council oversight – it's not a special district.
- Polling is essential.
- Could a sales tax initiative be focused on natural areas and trails? This might be easier to sell.
- An initiative should be for all of parks, not just Mountain Parks.
- Education and marketing is needed. Educate the editorial boards, message should come before request for funding, message should start with the Advisory Group, go to the community and build a groundswell. Think of it as a campaign.
- Improve the ability of people to get to the Denver Mountain Parks.
- Can the lodging tax be extended into the concession sales in Denver Mountain Parks?

7. The schedule of future meetings was reviewed.

- a. Two more roundtable discussions will occur: 1) Communications and Marketing Roundtable is scheduled for October 3, 2007 from 11 am to 1 pm at the Webb Building, and 2) Funding Roundtable (not yet scheduled, will likely occur after the November election). The Recreation Roundtable occurred on July 18, 2007.
- b. The third Advisory Group Meeting scheduled for October 10, 2007 will not be held. The next Advisory Group Meeting will be held on November 14, 2007 from 8 to 10 am (location tbd).
- c. The first public meeting will be held concurrently with the Daniels Park open house in Douglas County on August 22, 2007. The second public meeting will be held jointly with Jefferson County Open Space at Red Rocks Park on October 13, 2007.
- d. Future Advisory Group Meetings are scheduled for October 10 and November 14, 2007.
- e. Three tours will be offered to help the Advisory Group members more fully understand the Denver Mountain Parks. The dates for the tours are: Friday, 13 July 2007 from 9 am to noon, Friday 20 July 2007 from 9 am to noon, and Saturday 28 July 2007 from 10 am to 1 pm.

end

Land Restrictions Summary

City Charter: Applies to all 14,130 acres of Mountain Parks

§ 2.4.5 Sale and leasing of parks.

Without the approval of a majority of those registered electors voting in an election held by the City and County of Denver, no park or portion of any park belonging to the City as of December 31, 1955, shall be sold or leased at any time, and no land acquired by the City after December 31, 1955, that is designated a park by ordinance shall be sold or leased at any time, provided, however, that property in parks may be leased for park purposes to concessionaires, to charitable or nonprofit organizations, or to governmental jurisdictions. All such leases shall require the approval of Council as provided for in Article III of this Charter. No land acquired by the City after December 31, 1955, shall be deemed a park unless specifically designated a park by ordinance.

(Charter 1960, A4.5; amended May 17, 1955; amended May 17, 1983; amended August 19, 1996)

Jefferson Co. Zoning: 10,090 acres in 36 parks

“Section 46: The Conservation Zone District is intended to provide areas for the conservation of open space and the development of parks and recreational facilities to meet the recreational needs of the County. (orig. 11-3-81)”

All parklands owned by Denver in Jefferson County are in the Conservation Zone (CO). Certain uses other than recreation are allowed as special uses.

Clear Creek County Zoning: 2,788 acres in 7 parks

Denver park land in Clear Creek County is now zoned as follows:

SECTION 16. (NR-PC) NATURAL RESOURCE - PRESERVATION/CONSERVATION

A. PURPOSE: This District is established for the purpose of providing for the conservation and preservation of public and private lands to meet recreation, open space, historic preservation, wildlife protection, scenic protection, and educational needs.

D. PERMITTED PRINCIPAL USES: No building or land shall be used, and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided herein, except for one or more of the following uses: (minimum impact recreation, wildlife, etc.)

USDA Forest Service Lands: 5,814 acres in 27 parks

“TO HAVE AND TO HOLD the land for public park purposes, subject to all the restrictions, conditions, reservations, purposes and reversion in said Act expressed.” Exception is made for mineral rights and access and for ditch/canal rights.

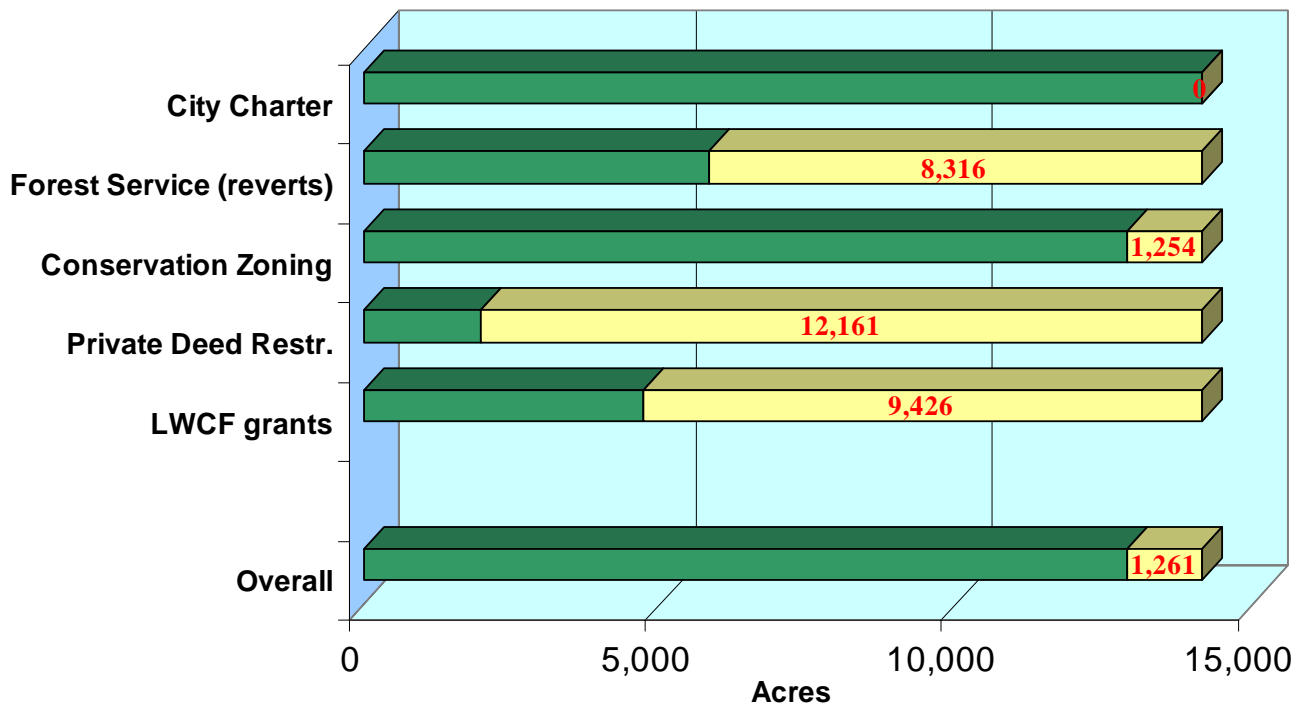
“*Provided further,* That said city and county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as before described, and that if the said lands shall be used for any purpose than public park purposes the same, or such parts thereof so used, shall revert to the United States.”

Land and Water Conservation Fund: 4,704 acres in 9 parks

Parks in which improvements were made using grants from the federal Land & Water Conservation Fund are subject to “provision of Section 6(f)(3) of the Act that requires **all property acquired or developed with LWCF assistance be maintained perpetually in public outdoor recreation use.** Consistent enforcement over the years has ensured permanency of LWCF's contributions to the national recreation estate.”

Quoted from <http://www.nps.gov/ncrc/programs/lwcf/history.html>, retrieved 8/27/07, emphasis in original.

Mountain Parks Land Restrictions Summary



Note: Vulnerable acreage shown in red on yellow bar; protected acreage is green bar.

Deed restrictions on lands acquired from private parties are listed on the following page.

Lands Donated by Private Parties with Restrictions

Daniels Park: Entire 1,000.65 acres. "PROVIDED, HOWEVER, that said premises are hereby conveyed to and accepted by the grantee herein upon the express condition that the same are to be **kept and used by said grantee for park purposes only**, and are to be called and known as 'Daniels Park.' "

Southeast quarter of Section 31 is also a designated Denver Landmark District.

O'Fallon Park: Entire 860 acres. "give, grant and convey to the City & County of Denver... the following real property situate in the County of Jefferson, State of Colorado, to be used as a public park forever, to-wit..."

Dedisse Park: 17.86 acres from Troutdale Realty Co.

"subject to the condition that the party of the second part, its successors and assigns, shall always maintain a golf course on said tract and use said tract as a golf course, and should this condition be broken by the party of the second part, its successors or assigns, thereupon this deed shall be void and said tract, and all right, title and interest therein shall thereupon revert to and be reinvested in the party of the first part, its successors and assigns,"...

Deer Creek Park: One parcel, 4.88 acres

"Second party shall retain the property described and shall not sell or convey the same."

Forsberg Park: 9.04 acres "A parcel of land for park and parkway purposes"

Genesee Park: 10 acres

"TO HAVE AND TO HOLD said Property for the purpose of a park that provides passive recreational access to the public, together with all improvements, appurtenances, and privileges belonging or pertaining thereto unto the grantee, its successors and assigns forever."...

Lookout Mtn and Colorow Pt. Parks: 66.54 acres

"TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said party of the second part, its successors and assigns forever, subject however, to the following restrictions, covenants, agreements and reservation, which are made a part of the consideration for the sale and conveyance of the premises herein described, and shall be considered as restriction, covents and reservations running with the premises hereby conveyed, and the said party of the second part, by accepting this deed, has and hereby does for itself and its successors and assigns, consent and agree to said restrictions, covents, agreements and reservations"...

"5th: That said lands shall be used only for public roads and public park purposes and should the party of the second part, or its siccessors [sic] or assigns, fail or neglect to maintain and use any or all of the lands hereby conveyed for public roads or park purposes, and said failure or neglect to maintain or use the said lands or any part thereof for said purposes shall continue for a period of three years, then and in that event it shall be deemed to have abandoned the said lands and the title thereto shall thereupon revert to and be vested in said parties of the first part, or their successors or assigns in fee, and the parties of the first part, their successors or assigns, shall thereupon become entitled to have the immediate possession thereof." [Note: this is one of 12 conditions, some of which also have reversion clauses.]

Red Rocks Park: land for Alameda Parkway ROW

"The grantee agrees that in the event said public highway is not completed, or if completed, it is thereafter abandoned in whole or in part, that all rights granted in this deed shall be cancelled, and the land shall revert to the grantor." [this is one of nine conditions]