

PRESERVATION OF UNDEVELOPED LAND FOR POCKET PARKS IN NEIGHBORHOODS

I. INTRODUCTION

During 2002, two neighborhoods unsuccessfully pursued citizen “initiatives” calling for a self-imposed tax. The City Council asked staff to explore ways in which it can assist citizens in preserving what remaining vacant lands exist as open space within the community. Staff has inventoried the city and identified such land and is shown on the attached map. There are 6 areas that appear to meet the following “open space” description that is in the Longmont Area Comprehensive Plan (LACP). That property includes about 38 acres, 10 of which are along Pace Ave. and likely to be developed according to the LACP. Even though the current list contains relatively few infill development opportunities for pocket parks to happen we also are aware that other existing open areas in subdivisions may be future candidates if neighbors believe the opportunity presents itself.

II. BACKGROUND INFORMATION

Prior to making its decision, the Council may benefit from reviewing the applicable **Longmont Area Comprehensive Plan (LACP) goals, policies, and strategies and the Longmont Development Code.**

The definition of private **pocket park** is “a small area of open space that is developed and maintained for active or passive recreational use by the residents of a neighborhood or development.” A pocket park, by way of example only, may include lawn areas, a tot lot or playground, or picnic areas. The development code standards go on to say that a pocket park is required in all new developments of over 10 acres. The development must provide a minimum of one third of an acre for such “parks” based on the formula of one acre of pocket park for every 100 dwelling units and 50% of that area may be used as a storm water detention facility.

Open space is land that remains in a relatively natural state or use (including agricultural use) and serves one or more of the following functions: (1) preservation of natural areas and natural resources, (2) provision of outdoor recreation, (3) maintenance of Longmont’s separate identity, and (4) preservation or enhancement of the visual quality of entrance corridors to the community.

The City’s designation of land as open space does not necessarily imply that it will be accessible to the public or in City ownership. For example, it is possible to have open space as part of private development that also preserves natural areas or enhances the community’s visual quality. These areas can remain in private ownership. Therefore, when accessibility to the public is not a prime consideration for preserving open space, the City may consider using preservation techniques besides public dedication and acquisition.

GOAL 31: *Preserve the natural features and resources of the Longmont area, maintain the City’s separate identity, provide outdoor recreation, and enhance the visual quality of entrance corridors to the City.*

POLICY 31.1: *Use open space to preserve the natural resources of the Longmont area.*

Strategy 31.11: Designate as open space the areas with natural features including, but not limited to, wildlife habitat, rare plant communities, and high-quality lakes, ponds, and streams.

Strategy 31.12: Preserve designated open space within new neighborhoods by appropriate techniques.

Strategy 31.13: Use planned unit development regulations and other appropriate techniques to preserve natural features and to provide open space within developments.

Strategy 31.14: Acquire open space through appropriate methods when the City wants the open space to be accessible to the public or when other strategies for its preservation would not be effective.

Strategy 31.15: Cooperate with other entities and landowners to keep prime farmland within the Municipal Service Area and the Longmont Planning Area under agricultural production, where practical, until development occurs.

POLICY 16.6: *Protect and fully use the investment made in each public facility and provide for the maintenance and operating costs that are the City's responsibility.*

The net effect of policy 16.6, which promotes infill development, is that it is the best possible way to maximize the use of existing public infrastructure since it exists and new development then contributes more in taxes to pay for ongoing operations and maintenance. Additionally, all of the schools in proximity of these open space properties are for the most part under capacity.

In addition to the above LACP Goals, Policies, and Strategies the voter approved open space attributes are:

1. Preservation of natural areas, wildlife habitat, wetlands, agricultural lands and visual corridors.
2. Linkages and trails access to public lakes, streams, and other usable open space lands, and stream corridors, and scenic corridors along existing highways.
3. Conservation of natural resources including but not limited to forested lands, range lands, agriculture lands, aquifer recharge areas, and surface water.
4. District parks devoted to low impact recreational uses.
5. Urban shaping buffers between or around municipalities or community service areas, and buffer zones between residential and non-residential development.

III. ANALYSIS

In reviewing the LACP land use map, there currently are no designated land uses that would implement the above mentioned LACP strategies. The LACP supports infill development and as such there is not much "policy" support contained in the LACP for converting these existing areas into pocket parks or open space. Additionally, the recently adopted open space master plan evaluated whether open space funds should be used to acquire "infill" properties and determined this to be inconsistent with the criteria established and voted on when the City's Open Space Sales Tax was passed. However, if the Council believes that it is in the city's best interests to pursue this matter then perhaps an amendment to the LACP that creates a specific definition of "public pocket park" or "infill open space" would support spending time and resources to acquire these properties or at least cooperate and assist interested neighborhoods. The newly adopted development code contains a definition of private pocket parks that may be appropriate to use in a public context for the LACP amendment. The LACP amendment process requires extensive public involvement that should help gauge the level of overall community support for this issue. If there is not enough support to amend the LACP then the Council would be in a position of upholding

the current LACP and devote its efforts to ensuring that any new development mitigate impacts so as to be compatible with the existing neighborhood.

If the Council ultimately believes that there is sufficient support to preserve these properties because they are critical to the community, there are several ways in which this could happen.

- Capital Improvement Program/Public Improvement Fund--the Council could determine that these properties should be purchased at fair market value and use money from the Public Improvement Fund since the Park Improvement Fund can only be used for existing neighborhood and community parks. The PIF is an important funding source for the Capital improvement Program and is committed for two years –the current and future budget years. The Open Space Fund is also “restricted” because pocket parks were not mentioned as eligible types of open space in the voter approved ballot language establishing the fund and also because this type of project was determined to be a very low priority when the formal Open Space Master Plan was prepared.
- Improvement Districts--This approach could be used since it relies on those directly benefiting from the project to tax themselves for the cost associated with acquiring and maintaining the property as open space or some kind of a “pocket park”. As you know, this approach can be quite controversial since its purpose has both proponents and opponents and as such, unintentionally creates conflict among neighbors. It also places the property owner in a difficult position if he/she wants to develop according to the LACP.

Council directed, and staff has prepared materials that can be used to facilitate and expedite this process for those wanting to use improvement districts as a technique to finance the acquisition of land for pocket parks.

- Trust for Public Lands—This organization was used by the Yeager Farms neighborhood to make a contractual offer to the private property owner until monies could be obtained through the passage of a SID bond issue.

There may be other creative acquisition techniques not listed and, as such the Council may want to place this item on its 2003 work program for further investigation.

III. DISCUSSION POINTS

- 1) Should the Council reinforce and commit to implementing the LACP policies that encourage and support infill development? As part of the development review process adverse impacts on the neighborhood would attempt to be mitigated.
- 2) Should the total community be involved by proposing an LACP amendment that would designate these properties as essential to preserve, adding policies which reflect the importance of preserving pocket parks within the city and would then justify a new park category that would compete with other Capital Improvement Program-Public Improvement Fund projects? This may also include the idea of expanding the use of Open Space tax revenues for this purpose.
- 3) Should the city respond to these situations on a case by case basis and involve that portion of the community most impacted by these types of projects to carry the majority of the financial responsibility, with the City serving as a fiscal partner or advisor?
- 4) Should the Council conclude that there is sufficient existing community support to preserve these properties and promote the creation of Improvement Districts? This process would include discussions with the identified neighborhood to arrive at the most appropriate area impacted and to be

subject to a special election. This approach would allow the residents in the neighborhoods to vote (yes or no) on the most appropriate benefiting area to finance the acquisition and perpetual maintenance of the property.