

Open Space Priorities and Disposition

Introduction

A community's quality of life is linked to several variables such as a strong economic base, diversity of primary jobs, a vibrant education system, a sense of safety, the natural climate and surrounding environment, and overall well-being. This white paper is intended to explore the value of Longmont's natural environment and our collective efforts to enhance and preserve it for today as well as for future generations. There are two important issues regarding the Open Space Program on which staff will be asking Council for direction: the prioritization of limited Open Space funds and the disposal or conveyance of existing Open Space lands for other public purposes as determined by the City Council.

The Citywide Strategic Plan, *Focus on Longmont*, was completed in 2006. *Focus on Longmont* identified five policy directions for action, including **Enhancing the Natural Environment**. The acquisition and preservation of open space and trails represents one of the more significant efforts that our community has used to pursue this policy direction. The City's Open Space and Trails Program, while relatively new when compared with Boulder County's and other surrounding jurisdictions, has preserved many environmentally sensitive areas throughout the community over the past nine years. Another key focus of the Open Space Program has been creating an eastern buffer to support Longmont's vision of remaining a free-standing community as development occurs in the region.

In the future, the strategic use of our Open Space funds will continue to be important, not only to the success of the Open Space Program, but to the overall success and prosperity of the community. Several research efforts have indicated that the decision of corporate leaders of where to locate their businesses and facilities is influenced by the community's natural environment and green spaces that they and their employees are able to view and enjoy. Longmont also will need to continue to partner with our surrounding agencies to best leverage our combined funds for the overall betterment of our community.

Background and Issue Analysis

In November of 2000, the residents of Longmont provided local funding for the development of the City's Open Space Program by approving a 20-year 0.2% sales and use tax. This open space tax generates revenue for the acquiring, improving and maintaining open space land in and around Longmont. The focus of the program is to provide a high-quality open space and trails system for the citizens of Longmont by:

1. Preserving natural areas, wildlife habitat, biodiversity, wetlands, agriculture, and visual corridors;
2. Linking trails to provide access to public lakes, streams, parks and other usable open space and public lands, stream corridors, and scenic corridors along the existing highways;

3. Conserving natural resources, including forested land, range lands, agricultural lands, aquifer recharge areas, water rights, and others;
4. Designing district parks devoted to low impact recreational uses sensitive to natural land values; and
5. Providing urban shaping buffers between and around community service areas and creating buffer zones between residential and nonresidential development.

To date, a total of approximately \$24 million has been generated by this tax. In order to accelerate the purchase of available property, the City issued \$22 million in bonds in 2001. Approximately 1,500 acres have been acquired using the new tax (primarily in Weld County to create the eastern urban buffer, support historical agriculture, preserve wildlife habitat and support development of the St. Vrain Greenway) and have been added to the 506 acres that the City owned prior to initiation of the formal Open Space Program in 2000. Since 2000, approximately \$990,000 has been spent on completing trails and improving district parks, and approximately \$3.3 million has been spent on ongoing operations and maintenance.

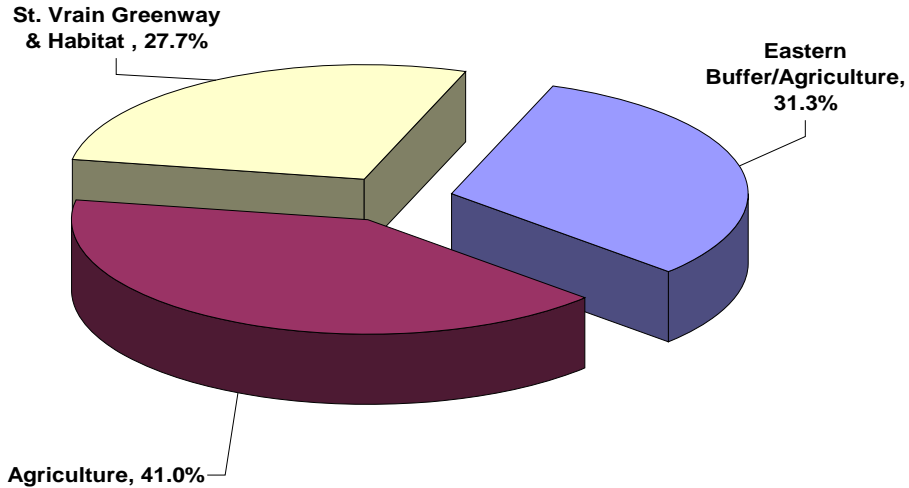
In November of 2007, Longmont voters agreed to continue supporting the Open Space Program by extending the sales tax for an additional 14 years, to 2034, and authorizing the restructuring of existing debt and the issuance of additional bonds. Open Space priorities were a significant focus of the public information effort leading up to that election. At that time, Council directed that the program should begin a shift toward projects that provide and/or improve public access in the form of district park and trail projects to promote community inclusion and connectivity. Attachment A is a graphic with a companion table identifying 24 possible projects for this program totaling an estimated \$32 million. This attachment indicates how many of the Open Space criteria would be met by the individual projects.

Recent economic conditions have precluded the City from issuing bonds authorized by the 2007 election. At that time, bonds were projected to generate approximately \$13 - \$15 million. That estimate, revised to reflect lower sales tax collections, now is expected to be in the range of \$10.5 million for projects or land acquisition after costs to issue bonds are deducted. However, as market conditions improve and a more favorable bond climate begins to emerge, we believe there will be a better opportunity to leverage bond funds for acquisition. Staff currently is anticipating a potential bond issue later in 2010, timed to avoid costs associated with paying off the principal on previous outstanding bonds.

As of November 2009, the City manages a total of 2,006 acres of Open Space: 1,464 acres are owned outright, 237 acres are in conservation easements, and 305 acres are encompassed by McIntosh Lake. The City also holds 788 acres in conservation easements for Boulder County. Attachments B and C provide an inventory of properties along with a map. The emphasis of land acquisition has been on the eastern buffer for agriculture and wildlife habitat protection and support of the St. Vrain Greenway as depicted in Chart 1.

Chart 1

Open Space Program Land Acquisition Types 2001-2009



In addition to the lands acquired through the Open Space Program, starting in 2010 the Natural Resources Division will begin managing over 3,000 acres of Cit- owned lands known as Button Rock Reservoir Preserve, which previously were managed by the Water Resources staff.

Partnerships and leveraging have been critical strategies to create the combination of funds necessary for the Open Space Program Land Acquisition Program. The City's Conservation Trust Fund allocation, Great Outdoor Colorado grants, Boulder County partnerships, and private donations all have been used to complete transactions. Over the past 15 years the contributions of these partnerships have totaled more than \$6.2 million.

Reconfirming Priorities

For the past several years, the City Council has reviewed annually the status of the Open Space Program and directed staff regarding the use of Open Space funds specifically related to land acquisition. As noted above, Council determined that priorities be given to acquiring properties located generally on Longmont's eastern buffer and to properties that enhance development of the St. Vrain Greenway. The primary reasons were to preserve critical wildlife habitat and prime agricultural lands and to provide an urban buffer supporting Longmont's vision of being a free-standing community. This focus is consistent with the defined Open Space criteria.

In preparation for the upcoming sale of Open Space bonds in 2010, the City Council may wish to reconfirm its priorities for use of Open Space funds. In the past, Council has requested recommendations from the Parks and Recreation Advisory Board (PRAB). Staff works closely with PRAB on a monthly basis updating them on the status of Open Space projects. In addition, the PRAB provided input into the 2009 Boulder

County Open Space Program requests for which they recommended projects that largely supported wildlife habitat and trail development. PRAB has not yet been asked to give advice on the specific program areas presented in this communication. At the October 6, 2009, Council meeting, direction was given to invite the PRAB to the retreat to talk with Council about future priorities. PRAB members plan to attend the retreat to fulfill this request. Council direction regarding future priorities for the Open Space Program will be included in the 2010 annual work plan and reflect Open Space funding strategies for planning and budgeting purposes.

Another possible area of work in 2010 could be completing the Union Reservoir Recreation Master Plan. This planning effort previously has gone through a robust public involvement process and is approximately 95% complete. Completion of planning for this particular district park ties in well with the City's overall strategy for Union Reservoir as well as for the eastern portion of our planning area.

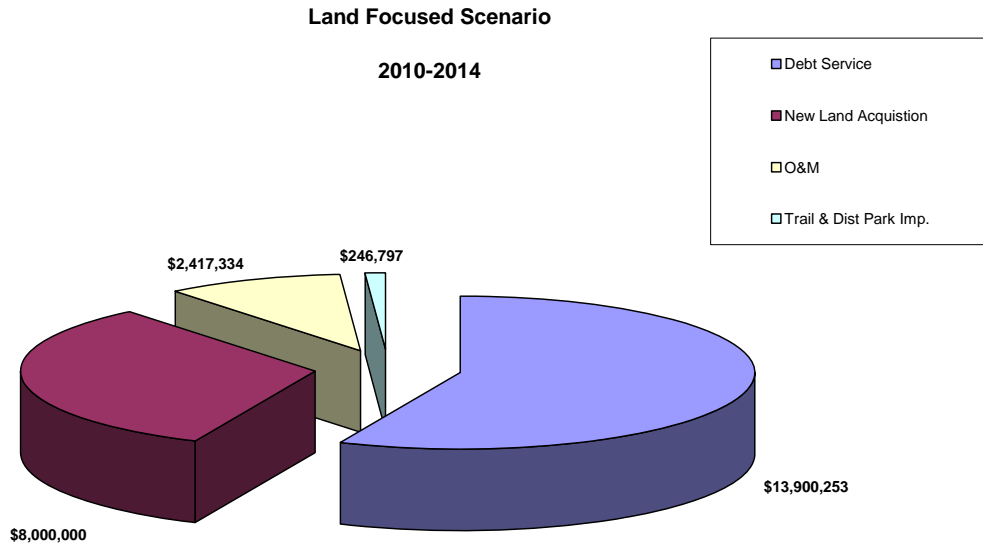
Major Open Space Program elements that will be funded over the next five years fall into four categories:

1. Land acquisition;
2. Debt service;
3. Operation and maintenance (O&M) expenses, including miscellaneous small capital projects to improve Open Space properties; and
4. Development projects for trails and district parks.

General assumptions for the fund at this time include a range of revenue increases between 0% and 3%, and annual 3% increases in O&M expenses.

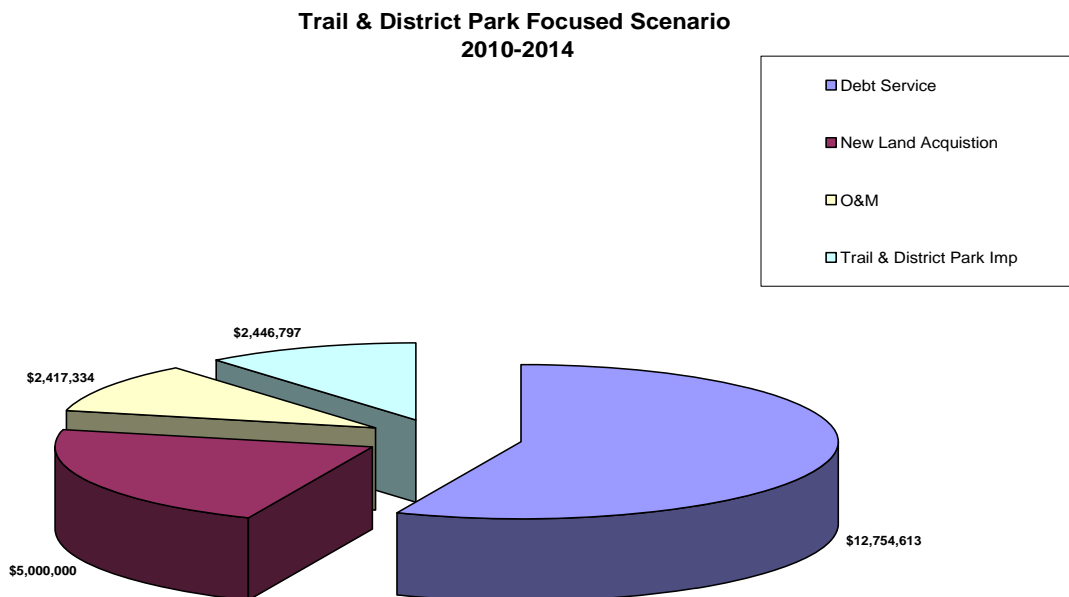
Following are two scenarios for Council's consideration. Charts 2 and 3 provide scenarios estimating how the Open Space Fund could be prioritized for a land-acquisition focus or for a trail and district park development focus. The land-acquisition focused scenario assumes land purchase costs of \$12.3 million, which includes the expenditure of \$4.3 million for the Adrian purchase in 2009. The only trail/district park improvements funded in this five-year planning window are carryovers from the 2009 CIP of the Lykins Gulch Trail, the Union Reservoir office/shop replacement, and the McIntosh Lake Phase 4 trailhead. 2010 funded projects include Martin Street Right-of-Way Improvements and approximately \$158,000 for planning and design, as well as modest site improvements at existing City Open Space properties.

Chart 2



The trail and district park focus scenario assumes land purchase costs of \$9.3 million, including the \$4.3 million used for the Adrian purchase in 2009. This scenario also includes an additional \$1.8 million for trail development from 2011 to 2015, and \$600,000 for the McIntosh Lake District Park in 2015.

Chart 3



Prioritization Options

To summarize the above discussion and information on the use of Open Space funds, the options for prioritizing projects are:

1. Projects that best meet the most Open Space criteria;
2. Continue to focus on acquisition in the eastern buffer and other areas;
3. Continue to focus on the St. Vrain Greenway system; and
4. District park improvements and trail connections that increase public access.

Disposition of Open Space

Open Space disposition has become an increasingly important issue for the City. This issue has prompted discussion related to the recent extension of Martin Street and the proposed Longmont Area Comprehensive Plan amendment to complete the extension of Boston Avenue, a portion of which will run generally parallel to the northern boundary of the Pavlakis Open Space property. This issue will continue to be relevant in 2010 as there may be an opportunity to expand the Open Space property inventory through an exchange of interest in City property with other property owners. In this scenario, the City is able to protect and preserve additional lands (that are potentially of a higher ecological value, for instance) without expending additional limited Open Space funds.

The PRAB reviewed the issue of the disposition of Open Space last fall and noted that it is important to both clarify and improve upon the current process to safeguard the public trust regarding the disposition of Open Space.

Below are the initial recommendations from PRAB on this issue. Prior to arriving at these recommendations, the PRAB asked staff and the City Attorney to define the legislation that addresses this issue. Attachment D is a copy of the City ordinance that defines the purpose and uses of the Open Space funds. The recommendations include criteria that were developed by the PRAB. The level of PRAB support is indicated as either a consensus or majority support.

Policy Area #1

Current Process: Disposal of Open Space should be for a public purpose as determined by City Council.

PRAB Consensus Recommendation: Disposal of Open Space should be for a public purpose; examples include right-of-way and easements for City roads, utilities and life-essential infrastructure while not intending to site occupiable facilities or private uses.

The disposal should be sensitive to the integrity of the property features and sensitive habitat, and generally should not adversely affect the remainder of the property.

Property not addressing the defined Open Space criteria identified in the Open Space Ordinance can be disposed of as necessary. Examples include the residential farm houses that are acquired when a farm property is purchased.

Policy Area #2

Current Process: Before final action, Council shall be advised by appropriate advisory boards.

PRAB Consensus Recommendation: Before final action, Council shall be advised by appropriate advisory boards. The City Council shall direct staff to initiate a 60-day public comment period, the results of which will be shared with the appropriate advisory boards prior to their deliberations and recommendations to City Council.

Policy Area #3

Current Process: Action will require approval by super-majority vote of City Council. Section 13.2 of the Charter requires an administrative ordinance approved by a 2/3 vote, or five votes. This action will be codified by ordinance.

PRAB Majority Recommendation: PRAB agrees with current process.

Policy Area #4

Current Process: Reimbursement to the Open Space fund will be based on fair market value as determined by the City Council.

PRAB Consensus Recommendation: Reimbursement to the Open Space fund will be based on fair market value as determined by the City Council. However, at no time will the fair market value be determined to be less than the original purchase price plus a 3% annual price adjustment.

Questions for Discussion

1. What process does Council wish to follow regarding setting future priorities for Open Space funds and programs?
2. What additional information or research does Council believe is needed in order to determine future Open Space priorities?
3. What additional information or research does Council believe is needed in order to determine criteria and policies related to the disposition of Open Space properties?

Attachments

- A. 2007 Open Space Fund Council project priorities
- B. Inventory of Open Space and natural lands owned by the City of Longmont
- C. Map of Open Space and natural lands owned by the City of Longmont
- D. Open Space Ordinance