

## ATTACHMENT D

### **4.04.130. Sales tax levied--Allocation of increased tax for open space acquisition and maintenance and street system maintenance and improvements from special public improvement funds--Sunset clause.**

(Sections A through F refer to the street sales tax and are therefore not shown)

G. All revenues derived from the 2001 two-tenths-cent increase, approved according to Ordinance O-2000-41, shall be allocated to a special fund as contemplated by article 9.9 of the City Charter, designated the open space sales tax fund, which shall be used solely for the following purposes:

1. To acquire, for open space, interests in real property, including, but not limited to, fee title, leases, development rights, mineral and other subsurface rights, conservation easements, rights-of-way, easements, and options through all means available and by various types of instruments and transactions, when determined by the Longmont city council, to be necessary to preserve such areas;
2. To acquire water rights and water storage rights for use in connection with real property acquired for open space;
3. To acquire rights-of-way and easements for access to open space;
4. To acquire options related to these acquisitions;
5. To pay for all related costs of acquisition, improvements and maintenance;
6. To improve all City of Longmont open space property in accordance with open space policies recommended by the parks and recreation board and adopted by the city council as part of the Longmont Area Comprehensive Plan (LACP);
7. To manage, patrol, and maintain all City of Longmont open space property in accordance with Longmont Area Comprehensive Plan policies adopted by council;
8. To permit the use of these funds for the joint acquisition of open space property, with other governmental entities in accordance with intergovernmental agreements, or with land trusts;
9. To establish reserves for, and to pay the costs of issuance and debt service of revenue bonds, including principal and interest thereon.

H. Open space, for the purposes of this section, is generally described as: those lands in which the Longmont city council determines that it is, or may in the future be, within the public interest to acquire an interest, to assure their protection and to fulfill one or more of the functions described below. Interests acquired may include, but are not limited to, fee title, leases, development rights, mineral and other subsurface rights, conservation easements, water rights and water storage rights, rights-of-way, easements, and options.

I. Open space shall serve one or more of the following functions:

1. Preservation of natural areas, wildlife habitat, wetlands, agriculture and visual corridors;
2. Link and trails, access to public lakes, streams and other usable open space lands, stream corridors and scenic corridors along existing highways;
3. Conservation of natural resources including, but not limited to, forest lands, range lands, agricultural land, aquifer recharge areas, and surface water;
4. District parks devoted to low-impact recreational uses;

5. Implementing greenways and open space policies or strategies of the Longmont Area Comprehensive Plan;
6. Urban shaping buffers between or around municipalities or community service areas and buffer zones between residential and non-residential development.
- J. Once acquired, open space may be used only for purposes set forth above.
- K. Specific annual expenditures for qualifying projects shall be determined annually through the city's capital improvements program and annual operating budget.
- L. On December 31, 2034, unless the electors authorize extending the two-tenths-cent open space acquisition component of the taxes imposed by this section, the tax rates listed in subsection A of this section shall be reduced in the amount by which they were increased by Ordinance O-2000-41, and subsections G through L of this section shall be repealed.