CITY OF BOULDER, COLORADO
OPEN SPACE AND MOUNTAIN PARKS

OPEN SPACE AND MOUNTAIN PARKS ACQUISITION UPDATE 2013-2019

2013

Protecting Boulder's Natural Landscape and Opportunities for Community Enjoyment

Approved by
Boulder City Council
May 7, 2013

Open Space Board of Trustees
December 12, 2012

THE CITY OF BOULDER CHARTER (1986)

Open Space Purposes-Open Space Land

Open space land shall be acquired, maintained, preserved, retained, and used only for the following purposes:

(a) Preservation or restoration of natural areas characterized by or including terrain, geologic formations, flora, or fauna that are unusual, spectacular, historically important, scientifically valuable, or unique, or that represent outstanding or rare examples of native species;

(b) Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats, or fragile ecosystems;

(c) Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing;

(d) Preservation of agricultural uses and land suitable for agricultural production;

(e) Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth;

(f) Utilization of non-urban land for spatial definition of urban areas;

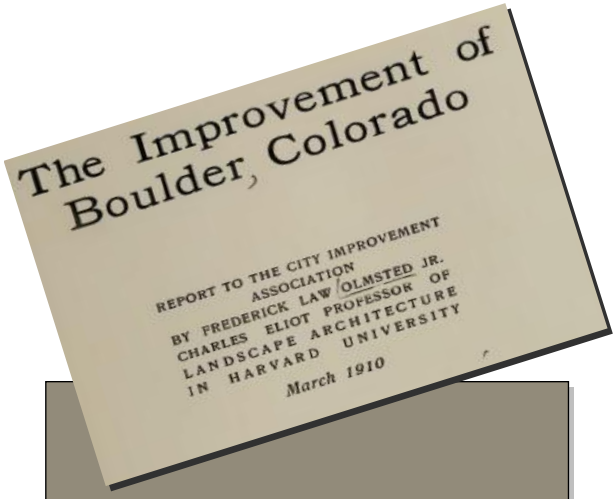
(g) Utilization of land to prevent encroachment on floodplains; and

(h) Preservation of land for its aesthetic or passive recreational value and its contribution to the quality of life of the community.

Open space land may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or to provide for passive recreational, open agricultural, or wildlife habitat use of the land. (Added by Ord. No. 4996 (1986), 1, adopted by electorate on Nov. 4, 1986.)

Open Space and Mountain Parks Acquisition Update 2013-2019

PROTECTING BOULDER'S NATURAL LANDSCAPE AND OPPORTUNITIES FOR COMMUNITY ENJOYMENT


The Improvement of Boulder, Colorado

REPORT TO THE CITY IMPROVEMENT ASSOCIATION
BY FREDERICK LAW OLMSTED JR.
CHARLES ELIOT PROFESSOR OF LANDSCAPE ARCHITECTURE IN HARVARD UNIVERSITY
March 1910

The City Forest

In the great tract of unspoiled foot-hill scenery lying above and beyond the Chautauqua grounds Boulder has a priceless possession

We have little specific advice to offer beyond the caution not to spoil what a bountiful nature has provided. The qualities that make such scenery precious are subtle and difficult to analyze.

LAND USE PLANNING AND OPEN SPACE ACQUISITION HAVE A LONG COMMON HISTORY IN BOULDER— RESIDENTS AND COMMUNITY LEADERS TOOK THE 1910 ADVICE OF FREDERICK LAW OLMSTEAD JR. TO HEART AND WHEN THEY TOOK UP THE PROTECTION OF "THE CITY FOREST"

EXECUTIVE SUMMARY

The City of Boulder's beautiful natural setting is at the root of its community identity. The current landscape is the product of a long history of actions taken by Boulder residents to preserve the forested foothills and prairie grasslands, shape how development occurs while setting aside refuges for native plants and animals and provide a place for people to enjoy the natural world. Boulder's strategic use of its land acquisition program has long been a key element in crafting the balance of environment and other community values. The city has been acquiring land through purchase, donation and other means since buying two acres near the mouth of Boulder Canyon in 1875. Today, the city has protected over 45,000 acres for ecological conservation, agriculture, passive recreation, urban shaping and scenic beauty.

The Open Space and Mountain Parks (OSMP) Acquisition Plan identifies priorities, describes strategies and explains the measures of success associated with completing and funding future open space acquisitions. This plan focuses on the seven-year period from 2013 through 2019.

The original Open Space Acquisition Plan (Plan) was completed in 1999, and then updated in 2001 and 2005. This update to the Plan takes into consideration specific City Council direction, changes in the Boulder Valley Comprehensive Plan (BVCP), strategies that have become of increasing importance since the last update, changes in patterns of land use and land availability, shifts in demographics and land protection priorities. The update includes special emphasis on acquisition priorities that are aligned with information about opportunities for natural resource conservation and passive recreation.

BATCHELDER RANCH, THE CURRENT SITE OF CHAUTAUQUA PARK, WAS ACQUIRED IN 1898 AND WAS BOULDER'S SECOND PURCHASE IN THE MOUNTAIN BACKDROP

City Charter Open Space Purposes Acquisitions and Boulder's Sustainability Framework

The 2013-2019 OSMP Acquisition Plan Update proposes only modest changes to the Plan that the Open Space Board of Trustees (OSBT) and City Council approved in 1999 and reaffirmed in 2008 and 2009. This is largely because the approach in the original plan is simple, based upon the City Charter's open space purposes (see inside front cover) and has proven successful.

The 1999 Acquisition Plan (Plan) included a set of priority acquisitions based upon the charter purposes as well as policies that developed over time based on the charter such as the Open Space goals and policies of the BVCP and the City Council-approved Open Space Long Range Management Policies.

Boulder's Sustainability Framework was first developed as a part of the BVCP. The City of Boulder has recently integrated the sustainability elements of the BVCP and aspects of the city's budgeting processes by defining a set of strategy areas (Figure 1).

FIGURE 1: CITY OF BOULDER SUSTAINABILITY FRAMEWORK STRATEGY AREAS

The OSMP acquisition program is based upon the City Charter purposes for open space and is well aligned with the Sustainability Framework (see Appendix A). As a way to link the charter purposes with the Sustainability Framework, OSMP has developed *strategies* for each of the strategy areas, and specific *actions* for each strategy. While most of the following strategies and actions are drawn from the previous Acquisition plans, some are acquisition related priorities from resource and visitor service plans.

Natural Environment — *Preserve and protect the ecological systems and land resources that provide habitat for native plants and animals.* Actions are:

- *Acquire management interest in riparian areas, wetlands and other areas of enhanced biological diversity.*
- *Protect the few remaining large intact blocks of grassland habitat in the acquisition area.*

Safety and Community Well-Being — *Coordinate open space land acquisition with other compatible community needs.* Actions are:

- *Collaborate with other agencies in the preservation of floodplains.*
- *Identify and acquire lands (and waters) suitable for local food production.*
- *Acquire property interest necessary to provide emergency access and ensure safe trail crossings at roadways, railways, etc.*

Economic Vitality — *Enhance and strengthen the aesthetic value of Open Space in shaping and supporting an urban form that attracts employers and residents.* The fundamental action is:

- *Identify and protect areas where development could adversely affect the city's view shed or access to destinations (e.g., scenic gateways, mountain backdrop, and prairie vistas). Continue to provide a setting consistent with the culture of organizations and businesses associated with natural products, outdoor recreation, environmental conservation, scientific research and education.*

Good Governance — *Demonstrate a "best value approach" for public funds.* Actions are:

- *Increase the use of data from various OSMP program areas and information management tools to determine relative value of parcels being considered for protection.*
- *Prioritize parcels and acquisition prospects with the widest range of community benefit.*
- *Ensure that operational costs are integrated into financial planning for new property acquisition, considering both the infrastructure needs at the property level and the incremental expense of significant cumulative property acquisition.*
- *Maximize return to community by considering the cost of potential acquisitions as a function of the degree to which it addresses the other sustainability goals.*

Energy — *Use land preservation to support the city's Climate Action Plan by replacing existing or potentially consumptive land uses with less impactful OSMP management, including the functions of natural vegetation as carbon sinks.* **Actions are:**

- *Continue attention to reducing development potential and associated single occupancy vehicle dominated commuting in the BVCP Rural Preservation Area.*
- *Work in partnership with other agencies, identify the best opportunities to reduce the carbon footprint and establish land uses compatible with both Open Space purposes and the city's vision for climate action.*
- *Integrate trail linkages compatible with Open Space and transportation planning objectives.*

Community Character — *Recognize the importance of balancing the protection of Open Space near the city with acquisitions farther away.* **Actions are:**

- *Investigate property acquisitions that would increase the level of city control over conservation easements and other partial ownerships—especially those in and near the city.*
- *Consider the acquisition of properties farther from the city to address increasing demand for open space visitor services and when properties are especially well-suited for desired community services (e.g., local organic agriculture).*
- *Preserve and protect buildings, sites and artifacts as determined by their archeological, ethnographic, historic and architectural significance.*

Mobility — *Acquire the lands or interests necessary to provide access to the OSMP trail system, build local trail connections, complete approved regional trail connections and provide alternatives to areas of high visitation that may relieve the adverse effects of crowding upon resources and the quality of the visitor experience in more crowded areas.* **Actions are:**

- *Partner with other agencies to develop acquisition priorities for passive recreational regional trail connections shown in the BVCP.*
- *Investigate the acquisitions necessary to implement trail linkages identified in Trail Study Area (TSA) plans.*
- *Acquire passive recreational access to properties where such access would relieve the adverse effects of heavy visitation upon the quality of the visitor experience and the city's open space resources.*

Planning, Prioritization and Real Estate Negotiations

Open space acquisitions have proceeded parcel by parcel for over a century. The 45,000-acre OSMP land system was built through more than 400 individual transactions. The success of the acquisition program is built upon enduring community support, city staff having a strong familiarity of the land base in the Boulder Valley, an understanding of the characteristics that make properties most compatible with the charter purposes for Open Space, expertise in local real estate market dynamics and long-term relationships with landowners. While staff can improve the likelihood of a successful acquisition, the city does not ultimately control when a property will become available. Consequently, staff cannot develop a prioritization matrix which matches the order in which properties will become available with the properties offering the "best" match for charter purposes or Sustainability Framework strategy areas. OSMP Land acquisition is fundamentally driven by opportunity.

Investment and Funding Options

The OSMP acquisition program is supported by the City of Boulder's Open Space Fund, which is derived almost exclusively from sales tax revenues. A portion (currently 0.88 percent) of sales tax collected in the city is dedicated to the Open Space Fund. Boulder voters approved four separate ballot measures in 1967, 1989, 1997 and 2003 to provide funds for the acquisition and management of Open Space (Table 1).

Because of strong support from the community, the city has had the funding and bonding authority to purchase extensive and important open space properties—many of which rely upon the purchase payments being made over a period of years. In accordance with the city's business planning methodology, this plan proposes three levels of spending and funding:

- Fiscally Constrained Plan is based upon the 2012 budget
- Action Plan assumes an increase in funding for open space acquisitions [1]
- Vision Plan is unconstrained by funding

Funding scenarios are described on page 20.

[1] Originally "*Action Plan assumes an increase in revenue or available funding to the Open Space Fund*" changed to reflect other ways of increasing funding for plan implementation.

TABLE 1: OPEN SPACE FUND: DEDICATED SALES TAXES

Year	Amount	Initial Term	Extended	Sunset Anticipated
1967	0.40%	Approved in perpetuity	--	--
1989	0.33%	15 years (1989-2004)	1997	2018
2003	0.15%	15 years (2004-2019)	--	2019

Measures of Success

Although the number of open space programs operating across the nation has increased sharply in the last few decades, the acquisition and maintenance of open space remains a relatively uncommon municipal service. Where programs do exist, they tend to be recent innovations closely tied to different specific interests specific to a particular community. For these and other reasons there are no generally accepted standards for municipal open space services. However, measuring the progress of land acquisition is relatively straightforward. OSMP will measure the success by tracking the number of acres and the degree to which acquisitions bring Boulder into alignment with the City Charter purposes, BVCP policies and the resource conservation and visitor service goals of OSMP plans.

OSMP will also continue to use citywide and OSMP-specific resident and visitor surveys to gauge the overall level of community priority associated with open space acquisitions.

Implementation

City of Boulder plan updates and Capital Improvement Programs (CIP) often have a five-year horizon. This plan looks out seven years (2013-2019) to include the years preceding the scheduled end of two Open Space sales taxes (Table 1).

Open Space and Mountain Parks staff continually tracks property availability, maintains contact with landowners and takes other actions to position the city favorably for acquisitions of targeted parcels. Each year OSMP will use the Priority Based Budgeting (PBB) approach to formulate annual updates to the acquisition CIP and provide updates and evaluation of progress in implementing the Plan as part of the city's budget process.

INTRODUCTION

What is the OSMP Acquisition Plan?

The Open Space Acquisition Plan has been in use by the City of Boulder since 1999 to guide the open space acquisition program by identifying priorities, addressing funding gaps and describing the relevant actions and approaches to complete acquisitions. The 1999 Plan and subsequent updates are based upon the goals and policies of the BVCP as well as the acquisition policies in the council-approved Open Space Long Range Management Plan (LRMP).

The water and mineral acquisition programs that are not related to a land purchase are funded in separate Capital Improvement Programs; and are not addressed in this plan. The LRMP describe the general approach used by OSMP regarding these rights. OSMP water rights are most related to implementation of the Grassland Plan initiatives, including agricultural management and ecological restoration. Water rights acquisitions can also contribute to the role played by open space in growth management.

OSMP is currently reassessing oil and gas ownership and the regulations controlling development of mineral rights.[2] The department will also attempt to acquire full mineral rights on OSMP property in accordance with the LRMP.

> ***Acquisition of Mineral and Water Rights***
>
> ***The department will attempt to acquire mineral and water rights associated with or of benefit to its land interest if financially feasible, and if such purchase is consistent with the objectives and priorities of the Open Space program.***
> (LRMP Sec II.C.)

This update to the Plan re-examines the previous update's objectives in terms of number of acres and locations of priority acquisitions, describes City Council direction regarding special acquisition projects since 2009, documents accomplishments since the last update to council, and provides a summary of an evaluation of priorities using computer modeling. The plan will be used by staff to guide OSMP acquisitions and the development of the OSMP Acquisitions CIP from 2013 through 2019.

Acquisition Tools

Success in property acquisition requires that OSMP keeps regular contact with owners of lands targeted for acquisition. In one instance, an acquisition of several hundred acres required more than 10 years of contact before the purchase of a complex series of development rights agreements limited the potential development of hundreds of acres of residential and commercial construction. In addition to familiarity with landowners and land availability, OSMP staff uses a number of real estate techniques described below to protect lands as city open space.

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[2] When mineral rights are severed from a property, and not acquired as part of an open space purchase, the open space value of the land may be reduced by potential future impacts from mineral extraction. OSMP staff considers the effect of severed mineral rights on value when both when prioritizing and again when negotiating acquisitions. With the recent rise in prices for natural gas and oil as well as developments in the technology of hydraulic fracturing (fracking), there is greater feasibility for profitable extraction of oil and natural gas. Therefore there is a greater likelihood that owners of mineral rights underlying open space, or potential acquisitions will seek to develop oil and gas interests. OSMP is pursuing a mineral rights initiative separate from this Acquisition Update aimed at clarifying ownership, assessing risk, setting priorities for action and developing strategies for action.

Fee Acquisition

Most acquisitions of open space have historically been fee simple purchases and this will continue as the desired approach for most future acquisitions. Fee acquisition have the advantage of giving the city full control over the management of the properties' resources, and provide the greatest flexibility for decision making about the best ways to address visitor access, agricultural management, ecological restoration and other management issues.

Conservation Easements and Development Rights Agreements

OSMP manages approximately 9,000 acres of conservation easements (CE). CEs and Development Rights Agreements (DRA) are legally enforceable agreements between the city/OSMP and landowners. These agreements protect the environmental values of a property by restricting commercial or residential development or other types of land use incompatible with Open Space purposes. CEs and DRAs are useful when a landowner is willing to preserve some environmental values, but not to give up full ownership of the land. Since the owner retains an interest in the property, the cost of obtaining a CE or DRA is typically lower than for fee ownership. However, costs are directly related to the level of restrictions placed on the properties. The city typically has less opportunity to actively restore ecological conditions or provide public access on CEs or DRAs compared to fee ownership.

OSMP also actively seeks CE donations as an acquisition strategy. Landowners are motivated to donate CEs because Colorado allows transferable tax credits for qualified donations. Currently, a CE donor can earn up to $375,000 in state income tax credits. Under policies now in effect, these credits can be carried forward for up to 20 years and used as needed to offset state income tax payments, or sold to others. Benefits to CE donors also include making a significant and long-lasting contribution to their community by preserving lands of conservation and historical values. OSMP owns CEs or development rights to over approximately 9,000 acres.

Trail Easements

In circumstances where the city is primarily interested in public access or a trail connection, an easement that specifically allows the construction of a trail linkage or public access through a property can sometimes be negotiated. Like CEs, these purpose-specific acquisitions offer the city a way to be efficient in its use of funding and minimally affect private property owners.

Dedications

From time to time the city has acquired property interests through the city or county development review process. Dedications tend to be relatively small and are often trail or scenic easements rather than fee ownership. These acquisitions are sometimes required by the city at the time a property is annexed. At times property interests are dedicated as open space through negotiations of urban development projects or as a condition of other types of land use review. OSMP has acquired approximately 60 parcels through dedication of properties ranging in size from 700 square feet to 17 acres. The first acquisition by dedication to OSMP occurred in 1973. No OSMP-managed land has been acquired through dedication since 1990.

Condemnation

Condemnation is the transfer of a property from its private owner to the government for some civic or public use with monetary compensation without the owner's consent. The amount of just compensation is determined through specific legal proceedings. In some cases, often referred to as "friendly condemnations," the government and the private party agree to the condemnation process as a way to determine the

appropriate value for a property. The city very infrequently uses condemnation as a tool to acquire open space. Since 1968, ten properties and approximately 950 acres have been acquired through condemnation. The most recent Open Space condemnation by the city occurred in 1997 to acquire 1.4 acres to protect Sombrero Marsh.

Grants

The primary source of grant funding for open space acquisition in Colorado is Great Outdoors Colorado (GOCO). In 1996, OSMP received GOCO funding for the purchase of a CE on the Joder property located northwest of Boulder along the Dakota hogback. OSMP will continue to seek funding opportunities through GOCO and other potential funding sources.

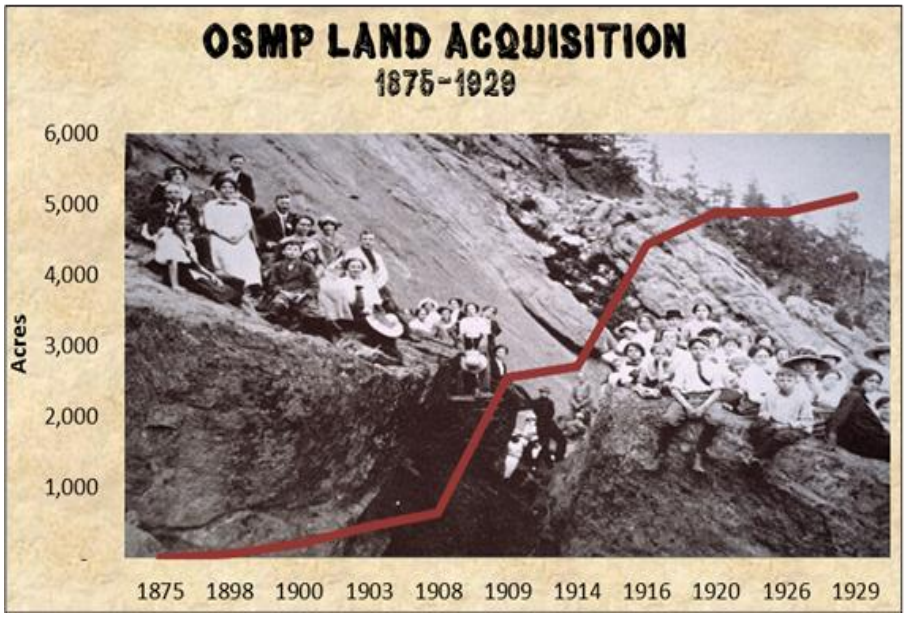
Partnerships

The city has participated in a number of joint open space acquisition projects with Boulder County Parks and Open Space, Jefferson County Open Space and one project with the Town of Superior. OSMP staff will continue to explore additional joint acquisitions with other local governments on a case-by-case basis. This plan specifically identifies a geographic area lying within Jefferson County where the intent is to be able to leverage OSMP acquisition funds by participating again with Jefferson County Open Space in the acquisition of parcels of mutual interest.

Open Space and Mountain Parks Acquisitions (1875-2012)

Early Acquisitions

The City of Boulder's acquisition of natural areas predates the 1999 Open Space Acquisition Plan by more than a century. The first acquisition of what would later be referred to as Open Space or Mountain Parks occurred in 1875 when the City of Boulder acquired two acres on a hillside near the mouth of Boulder Canyon. From 1875 to 1929 the city acquired by purchase, grant, donation and dedication just over 5,000 acres— including Chautauqua, Buckingham Park (in Lefthand Canyon) and much of the mountain backdrop (Figure 2).



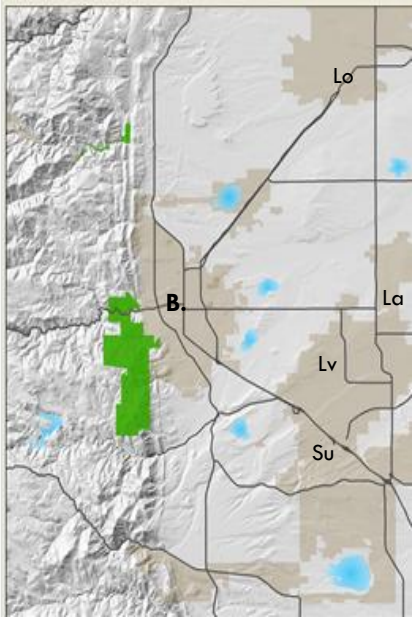


FIGURE 2: CITY ACQUISITIONS OF NATURAL AREAS THAT WERE TO BECOME OPEN SPACE AND MOUNTAIN PARKS (1875-1929).

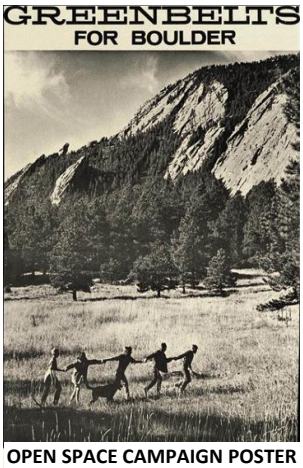
LEFT: PROGRESS OF ACQUISITION

RIGHT: LOCATION OF LANDS ACQUIRED

KEY TO MAP: B=2012 CITY LIMITS BOULDER, LO=LONGMONT, LA=LAFAYETTE, LV=LOUISVILLE, SU=SUPERIOR

Boulder Responds to Post War Boom Times

From the Great Depression through the Second World War, there was almost no open space acquisition in Boulder. However, high rates of population growth and rapid development in the post-war recovery during the fifties and sixties galvanized and re-awakened community interest in land-use planning. In 1959, Boulder's charter was amended to include the "Blue Line." Set at the western edge of the city, the Blue Line represented the elevation above which city water or sewer would not be provided— thereby limiting development. The Blue Line amendment was approved by 76 percent of those voting, an indication of the community's strong interest in the preservation of Boulder's mountain backdrop.

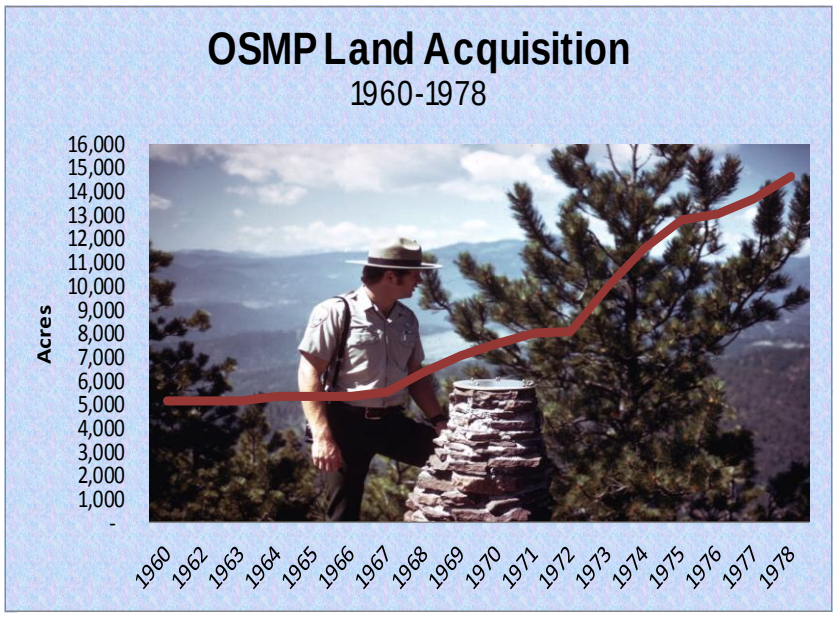


OPEN SPACE CAMPAIGN POSTER
CIRCA 1967

After repeated conflicts over planned developments in areas of high open space value during the early 1960s, Boulder voters made history in 1967 by approving a sales tax specifically to buy and maintain natural lands. This election marked the first time voters in any United States city voted to tax themselves in support of open space. The rate of open space acquisition, which had been rather flat the preceding decade, increased

soon after this 0.40 percent sales tax was passed. The rate of acquisition was given a further boost in 1971 when voters approved a charter amendment, allowing the city to issue bonds for the acquisition of open space land. Obtaining bonding authority for open space was another City of Boulder "first," and allowed the city to arrange the financing for the purchase of larger properties.

In 1978, with increasing interest in how Boulder and its surroundings would develop, the City of Boulder and Boulder County adopted the first edition of the BVCP. This plan relied upon open space acquisition as a primary tool for achieving the desired land-use future. From 1960 to 1978 the city's public land holdings approximately tripled from about 5,000 to about 15,000 acres and a greenbelt stretching around Boulder began to form (Figure 3).



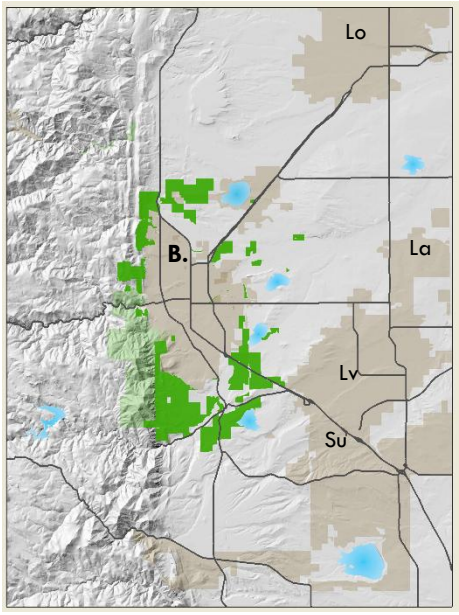
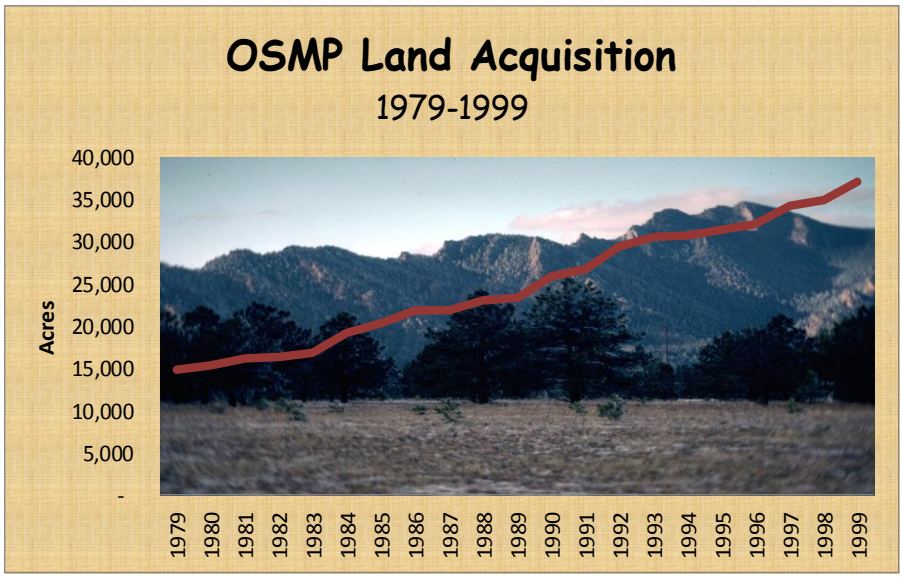


FIGURE 3: CITY ACQUISITIONS OF MOUNTAIN PARKS AND, AFTER 1967, OPEN SPACE (1960-1978)
LEFT: PROGRESS OF ACQUISITION DURING THIS PERIOD.
RIGHT: LOCATION OF LANDS ACQUIRED BY THE CITY DURING THE SAME PERIOD
KEY TO MAP: B=2012 CITY LIMITS BOULDER, LO=LONGMONT, LA=LAFAYETTE, LV=LOUISVILLE, SU=SUPERIOR

Establishment of Open Space as a Municipal Service

After repeated successes by the city in acquiring large parcels as Open Space and turning aside sprawling development, Open Space became established as an increasingly popular program among the residents of Boulder. In 1986, 77 percent of the electorate supported a citizen-led initiative to establish provisions in the City Charter formally establishing the Open Space Board of Trustees, the Open Space Department, the purposes for Open Space (see inside front cover), and strict requirements for the disposal of city-owned Open Space. In 1989, 76 percent of the voters supported a ballot initiative that established an additional 0.33 percent sales tax for 15 years to accelerate open space protection. In 1997, just seven years into the 15-year tax, voters supported extending the 0.33 percent tax until 2018. The city's experience with open space, and revisions to the BVCP between 1978 and 1999 further defined the role of Open Space in shaping the Boulder Valley—and even areas outside Boulder County (see inset, p. 13). The city's open lands increased by over 20,000 acres between 1978 and 1999 (Figure 4).



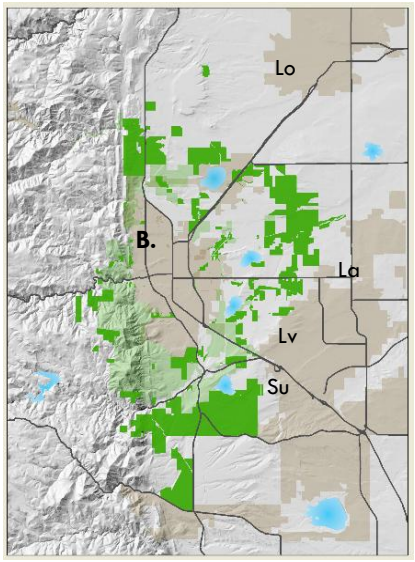


FIGURE 4 : CITY ACQUISITIONS OF OPEN SPACE AND MOUNTAIN PARKS (1979-1999)
LEFT: PROGRESS OF ACQUISITION DURING THIS TIME.
RIGHT: LOCATION OF LANDS ACQUIRED BY THE CITY DURING THE SAME PERIOD
B=2012 CITY LIMITS BOULDER, LO=LONGMONT, LA=LAFAYETTE, LV=LOUISVILLE, SU=SUPERIOR

Increasing Land Prices and a Focus on Planning

In 1999, the then-Open Space/Real Estate Department drafted its first Acquisition Plan for review by the Open Space Board of Trustees and approval by City Council. The Plan came at a time of increasing land prices driven by population growth in Colorado—especially along the Front Range. With higher land prices, and a variety of possible directions for open space purchases, Open Space staff worked with the OSBT and partner agencies to develop an Acquisition Plan and funding program for 2000-2006. The plan proposed focusing acquisition in four geographic areas:

- **The Boulder Valley Accelerated Acquisition Area**—especially near the City of Boulder.
- **The "Northern Tier"** described an area between the then present northern limits of City of Boulder Open Space northwards to Nelson Road. Nelson Road was proposed by Boulder County as a sensible northern boundary for the city's efforts because the county's open space program had previous and planned purchases farther north.
- **Boulder County Partnerships**. The city and county proposed working together to extend the open space buffer in the Northern Tier and between the City of Boulder and the Town of Superior.
- **Jefferson County Lands**. This area along Colorado Highway 93 just south of the Boulder County line included approximately 1,500 acres identified for purchase, which the OSBT and City Council approved in 1999.

The plan provided a general description of land ownership patterns in each of the four focus areas and estimated costs of open space acquisition. Implementation was to be carried out by acquiring a combination of purchase in fee and CEs. In addition to the four focus areas, the 1999 Plan also identified funding for unidentified needs to provide flexibility to pursue areas not specifically called out in the Plan, but that might have high community value.

At the time of the 1999 Acquisition Plan, the effectiveness of open space as a tool to manage growth had just recently been demonstrated. The city acquired 1,500 acres in northern Jefferson County which had been slated for a development described as "Tech Center North." That development had the potential to require the extension of urban services, increase recreational demands on surrounding public open lands (mostly City of Boulder Open Space) and result in traffic congestion—it would also have replaced lands that had provided scenic vistas and habitat for wildlife and native plant populations.

JEWELL MOUNTAIN OSMP PROPOSED SITE OF "JEFFERSON CENTER"

DENVER TECH CENTER

Acquisition Plan Updates

In 2001, after the Open Space/Real Estate Department and the Mountain Parks program merged, staff returned to the OSBT and City Council to recommend an expansion of the 2000-2006 Acquisition Plan to include approximately 300 acres in Boulder's mountain backdrop. The OSBT and City Council approved the western expansion and directed staff to include additional areas. These were: 1) other lands in northern Jefferson County, 2) portions of the Northern Tier between Boulder and Longmont, and 3) Lower Boulder Creek, which was added to the Plan as the third area for the Boulder County partnerships.

In 2003, midway through the implementation of the 2000-2006 plan, voters approved an additional 0.15 percent sales tax for a period of 15 years to support open space protection.

In preparation for the update to the Acquisition Plan, and in response to the additional funding made available through the 2003 sales tax, staff evaluated progress toward the Plan's goals. The evaluation included a 2005 study session with City Council to confirm ongoing support for the objectives, acquisition areas, and funding strategies contained in the 2000-2006 plan. Feedback from City Council included an interest in a greater focus on the acquisitions in the Boulder Valley Comprehensive Planning Area compared to outlying areas to the east, north or south. Council endorsed the idea of continuing the 2000-2006 plan through 2011 and continuing with the funding strategy in place at the time.

In 2008, OSMP staff provided an update to City Council on the implementation of the Plan. A joint study session with the OBST and City Council was held in October of 2009 to discuss the update to the Acquisition Plan. No significant adjustments to the Plan were identified at that time.

PROGRESS AND CHANGES

At staff's update to City Council in 2009, 5,800 acres identified in the Plan remained unprotected. Changes to the acquisition acreage objectives include those recommended by the OSBT and approved by City Council, acquisitions by Boulder County, and the several components of this Update.

Recent Board, Council and Partner Actions

Acquisitions

OSMP acquisitions have added 429 acres to the city's Open Space system since the 2009 City Council update. These include the Lappin, Weiser, Granite-Opal and Schnell properties. Boulder County purchased roughly 1,500 acres identified in the Boulder Partnership Area of the Plan.

SECTION 16/ROCKY 16[3]

640 acres; OSMP contribution: $2 million

Council approved the escrow of $2 million of OSMP funds as a partnership contribution with Boulder County, Jefferson County and others to conserve all or a portion of the 640-acre parcel of state Land Board property along Highway 93 adjacent to the Rocky Flats Wildlife refuge (RFNWR). The parcel, known as "Section16" or "Rocky 16," has high scenic and natural values. The other partners also made significant monetary contributions to the effort which successfully resulted in the transfer of Section 16 to the federal government for inclusion as part of the RFNWR.

Additions to the Plans Objectives

LEYDEN GULCH

ca. 900 acres; OSMP investment: cost unknown

In February 2010, as part of council action regarding the Denver Water Board's (Denver Water) Gross Reservoir expansion project, City Council directed staff to negotiate an agreement preserving Leyden Gulch, the location of a potential reservoir site owned by Denver Water in Jefferson County.

In 2002, Denver Water conveyed a purchase option to Jefferson County for the purchase of Leyden Gulch. The purchase option specifies that Denver would sell the land to Jefferson County if it determined the land would not be used as a reservoir site (for Denver Water or others). The purchase option allows Jefferson County to purchase less than the entire parcel and allows Denver Water to sell any remaining land. An agreement between Boulder and Denver Water to protect Leyden Gulch might be possible; however, any such agreement would need to take into consideration Jefferson County's purchase option.

RESOURCE AND AREA MANAGEMENT PLANS

Visitor Master Plan/Trail Study Area Plans

Acreage not determined; OSMP investment: estimated at $2-$3 million

The Visitor Master Plan (VMP) approved by City Council in 2005 identifies a number of regional trail connections that will require acquisition of either fee property or trail easements. These include connections between Eldorado Canyon and Walker Ranch, Lyons to Boulder, Dry Creek to Teller Farm as well as several road and railroad crossings. In 2012, OSMP acquired the Schnell property, including Chapman Drive, providing a multi-use, off-road connection from Boulder Canyon to the summit of Flagstaff Mountain. TSA Plans also include other acquisition strategies beyond regional connections. These are typically general recommendations and consistent with acquisition priorities in the geographic areas included in the Plan (pp. 15-17). In addition, during finalization of the West TSA, City Council directed staff to focus on a number of regional trail connections including Boulder to Heil Ranch.

Grassland Plan

Table Mountain 1,700 acres; OSMP investment: Cost estimate not determined; seeking CE donation

The City Council approved the OSMP Grassland Ecosystem Management Plan (Grassland Plan) in 2010. One of the strategies described in the Plan is the conservation of Table Mountain, which dominates the northern portion of the Grassland Planning Area. The US Department of Commerce (DOC) operates an experimental radio research site on Table Mountain. While the DOC's focus at the 1,700-acre Table

[3] Completed after December 2012 approval of plan by the Open Space Board of Trustees, but before City Council approval on May 7, 2013.

Mountain Field Site is not grassland conservation, the site offers considerable conservation potential and could be vulnerable to unintended, but ecologically adverse effects. Given government ownership and use of this property, it is unlikely that it would be for sale. The city has sought a CE donation potentially in exchange for ecological restoration and management of the site. It is likely that a significant financial commitment on the part of the city may be required to protect this site.

Update Changes

This category includes changes to the Acquisition Plan that emerged from staff's analyses during the planning process. They include additions to the Plan's objectives to address unanticipated opportunities as well as properties not previously considered which have come on the market, or are anticipated to come on the market soon. The changes also include the removal of some areas from the plan reflecting new thinking about community priorities, development that has occurred since the last update, and a reassessment of some of the strategic framework goals.

Additions to Plan Objectives

UNANTICIPATED OPPORTUNITIES AND NEEDS
500 acres; Estimated OSMP investment: $10,000,000

Not all open space conservation opportunities are accounted for in this update. Over the years, several properties valued highly for their open space attributes but considered "unattainable" became available and were purchased by the city. Future Open Space Boards or City Councils may seek to pursue such opportunities they consider to be critical for providing open space services. Funding has been included sufficient to purchase 500 unidentified acres at an average cost of $20,000 per acre. This category is also meant to include the funding that may be necessary for immediate management needs on properties that cannot be reasonably assumed by the OSMP operating budget.

NEWLY AVAILABLE PROPERTIES
1,498 acres; Estimated OSMP investment: $14,200,000

Over the past several years, a number of privately held parcels with significant open space value, but which were not anticipated to become available have come onto the market, or the owners have approached the city directly with an interest to sell. These properties, all of which are located in the BVCP Acquisition Area, total approximately 1,298 acres, and could cost as much as $14.2 million.

Reduction of Plan Objectives

This update identifies fewer and smaller target acquisition areas (Figures 5 and 6, pages 26 and 27) when compared with the previous Acquisition Plan map (Figure 7, page 28). These changes come in response to City Council input and economic factors. During a 2009 study session to discuss open space, City Council expressed its interest in emphasizing open space acquisitions in the Boulder Valley Comprehensive Planning Area rather than more outlying areas.

Modest economic growth for much of the past decade has reduced acquisition purchasing power and increased the need for a strategic approach to selecting targets for acquisition. Increasing focus upon strategic acquisitions is also consistent with a significant upcoming reduction in OSMP funding. Sales taxes dedicated to open space are set to expire in the next six to seven years, reducing OSMP revenues by 55 percent after 2019. Without a longer term source of stable and assured revenue, the city cannot issue

bonds or rely upon Boulder Municipal Property Authority notes (see page 23). With the loss of these long-term financing options, the city needs a more focused approach to open space acquisitions.

The changes to the Acquisition Plan that provide increased geographic focus are described below:

ACCELERATED ACQUISITION AREA = BVCP ACQUISTION AREA (CORE)
Removal of approximately 150 acres

The city has acquired approximately 400 acres in this area since 2009 including the Weiser and Schnell properties. OSMP has a special interest in protecting the riparian values of Dry Creek, and acquiring trail easements in this area. Staff has renamed this area the Boulder Valley Comprehensive Planning Area to reflect a focus on the BVCP as a guide for acquisitions in Area III's Rural Preservation Area. In addition, approximately 150 acres have been removed from the listing of priority acquisitions. These properties were all small (less than 40 acre) parcels and now mostly developed.

NORTHERN TIER = TABLE MOUNTAIN
Removal of approximately 110 acres

Over the past 12 years, OSMP has acquired over 1,400 acres in this area. The Northern Tier acquisition area has been reduced so that it extends north to Nelson Road and east only to North 63rd Street. The change has limited effect, eliminating only about 110 acres previously identified for protection. The area has been renamed the "Table Mountain Area" because it is centered upon and dominated by a 1,700 acre block of grasslands owned by the federal government. Approximately 2,300 acres remain identified in this area for protection, the majority of which is Table Mountain, but also including Lefthand Creek and its riparian area.

BOULDER COUNTY PARTNERSHIPS
City Council study sessions addressing OSMP acquisitions in 2005 and again in 2009 reflected council's interest in greater emphasis on "closer-in" acquisitions.

The removal of the Boulder County Partnership category from the Acquisition Plan does not imply less interest in continuing to work with Boulder County. The city and county jointly own more than 10,000 acres. OSMP will continue to seek partnership opportunities with Boulder County and Jefferson County as well as other municipalities. For example, OSMP worked with Boulder County to secure Section 16 in Jefferson County as part of a regional land protection program. Opportunities for several of the regional trail connections described above are maturing and will rely upon partnerships with Boulder County and others.

Boulder County Partnerships/Northern Tier
No change in acreage. Removal from plan because of successful implementation.

Acquisitions mostly in this area, mostly by Boulder County, have met the Plan objectives.

Boulder County Partnerships/Lower and East Boulder Creek
No change in acreage. Removal from plan because of successful implementation.

Since it was identified as part of the Acquisition Plan during the 2001 update, the city has acquired approximately 175 acres in the Lower Boulder Creek target area. Boulder County has also been active in this area completing acquisitions independent of OSMP. Consequently, the majority of this partnership area is in protected status either by the city or county. Some important conservation values remain along Lower Boulder Creek on parcels identified as part of the BVCP Acquisition Area.

Superior

No change in acreage. Removal from plan because of successful implementation.

OSMP has partnered with Boulder County and the Town of Superior to acquire 170 acres in this area. The establishment of an open space program in the Town of Superior has increased the town's capacity to acquire open space alone and in partnership with Boulder County. No priority acquisitions have been identified in this area since the 2008 update on OSMP acquisitions to City Council.

Areas and Costs Moving Forward

Table 2 provides a summary of the estimated area and cost of priority properties identified in the 2013-2019 Acquisition Update. Experience indicates that it is very unlikely that all of these properties will become available during the planning horizon. Even if they did, the funding necessary to make these purchases is not in place.

TABLE 2: SUMMARY OF CHANGES TO ACQUISITION PLAN WITH AREA AND COSTS

Description	Acres	Amount	Notes
Plan Status: Last Update	**5,815**	**$ -**	
Acquisitions since Last Update			
Open Space & Mountain Parks Acquisitions			
Lappin*	(40)	$ -	
Weiser*	(243)	$ -	
Schnell*	(118)	$ -	
Granite-Opal*	(29)	$ -	*Acquired since OSBT approval of Plan Update*
Section 16*	(640)	$ -	*Acquired since OSBT approval of Plan Update*
Subtotal	**(1,070)**	**$ -**	
Boulder County Acquisitions (approximate)			
AHI†	(648)	$ -	
Loukonen†	(804)	$ -	
Subtotal	**(1,452)**	**$ -**	
Remove from Plan			
Northern Tier north of Nelson Road††	(100)	$ -	
Schnell identified, left to owners*	(22)	$ -	
Small developed parcels††	(147)	$ -	
Subtotal	**(269)**	**$ -**	
Acres Acquired/Removed Since Previous Update	**(2,791)**		
Acres Remaining	**3,024**	**$ 60,480,000**	
Additions since Last Update			
Council Direction			
Leyden**	900	$ 3,000,000	
Subtotal	**900**	**$ 3,000,000**	
Resource and Area Plans			
Trail Connections (VMP/TSA)*	-	$ 2,000,000	
Table Mountain (Grassland Plan)*	1,700	$ -	*Cost likely to be substantial; to be determined*
Subtotal	**1,700**	**$ 2,000,000**	
Unanticipated Opportunities and Needs††	**500**	**$ 10,000,000**	
Newly Available Properties††	**1,298**	**$ 14,200,000**	
Mountain Parks	**198**		*No funding need currently identified*
Subtotal			
Area Added Since Previous Update	**4,596**		
Net Change	**1,805**	**acres**	
Arceage and Estimated Cost of Adjusted Vision Plan	**7,620**	**$ 89,680,000**	

* actions recommened by OSBT, approved by City Council; **actions approved by CC

† actions approved by Board of County Commissioners

† † 2013-2019 Staff Recommendation

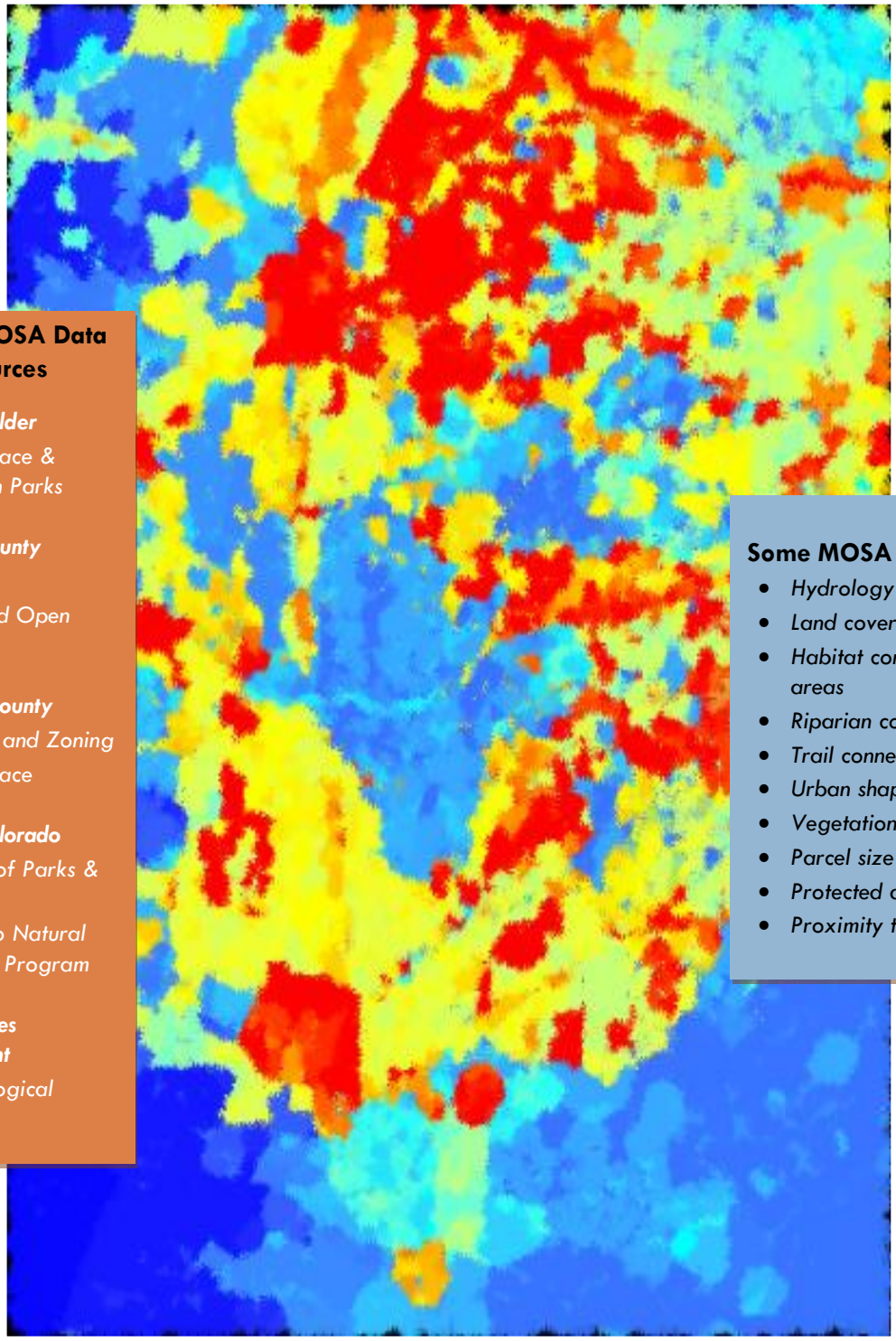
Checking In: Modeling Open Space Acquisition (MOSA)

OSMP's priorities for acquisition have developed over decades of practical experience. The program began with a parcel-by-parcel review of lands in the Boulder Valley and the development of long-term relationships with landowners, surveyors, city and county planners and other real estate professionals.

OSMP staff was interested in using a Geographical Information System (GIS) to see how previously established acquisition priorities lined up with the output of a computer model. To accomplish this, OSMP developed a data-driven model which examines properties based upon their size, proximity to Boulder, relative location to other OSMP parcels, and predicted natural resource, cultural, recreational and agricultural values (see Figure 8 sidebars). The model computes and assigns an open space value rating then plots these values—creating a map showing the relative open space value across the acquisition area. These ratings can be displayed as a range of colors where the "cooler" colors indicate a lower rating and "hotter" colors represent areas where the computed value is higher. The results of the analysis largely confirmed the acquisition priorities that have been in use for the past few decades. Figure 8 shows an excerpt from an intermediate stage of the model.

A common description of numerical models is "all models are wrong, but some are useful." OSMP recognizes that it would be inappropriate to rely only on MOSA to make decisions about acquisition priorities. However, the model can help staff identify potential acquisition areas and provide a coarse level of prioritization for some property attributes. The modeling information can assist staff with identification and evaluation—especially during early stages when coarse analysis of large areas is most useful. The model is not intended or used to the exclusion of other critical attributes used in the identification and prioritization of potential acquisitions—such as cost or availability. Staff has used, and will continue to rely upon on-the-ground property analyses to inform site-specific agricultural, ecological and recreational opportunities and limitations. Specific applications of MOSA include:

- Corroborate that the staff-identified priority acquisitions within the acquisition areas are generally consistent with MOSA's portrayal of open space value.
- Identify potential priority acquisitions. Although not comprehensive, MOSA does integrate many inputs. Consequently it can paint different pictures of the acquisition areas. By providing new perspectives, MOSA can help answer staff's questions about properties within the acquisition areas for which there may be an unexpected coincidence of open space values, or about properties for which there is little other information.
- Provide staff a starting place to look at relative value among acquisition priorities. Since MOSA does not integrate *all* the charter purposes of open space, and does not consider the degree to which one purpose may be locally of overriding importance—the output is one of many factors considered when prioritizing the acquisitions that advance to the OSBT and City Council.
- Answer questions about specific priorities or initiatives. For example MOSA could be recalibrated to identify the best opportunities for acquisitions to address an interest in local organic agriculture, or the where acquisition of mineral rights might be most effective at protecting viewsheds (or other resources) from the effects of future oil and gas development.



Some MOSA Data Sources

City of Boulder
- *Open Space & Mountain Parks*

Boulder County
- *Land Use*
- *Parks and Open Space*

Jefferson County
- *Planning and Zoning*
- *Open Space*

State of Colorado
- *Division of Parks & Wildlife*
- *Colorado Natural Heritage Program*

United States Government
- *US Geological Survey*

Some MOSA Data Layers
- *Hydrology*
- *Land cover*
- *Habitat conservation areas*
- *Riparian corridors*
- *Trail connections*
- *Urban shaping value*
- *Vegetation type*
- *Parcel size*
- *Protected area status*
- *Proximity to open space*

FIGURE 8 INTERMEDIATE OUTPUT OF GIS MODEL ASSESSING RELATIVE MATCH OF DATA INPUTS WITH OPEN SPACE VALUES

Funding Scenarios

The city's business plan approach to funding strategies is used to identify different funding scenarios for capital improvements. At its most basic, the model seeks to place different projects into different funding scenarios based upon a combination of benefit, readiness and costs.

Fiscally Constrained Plan

The Fiscally Constrained Plan is based upon current funding levels and budget targets. It provides information about the benefits of additional resource allocation and the effect of reductions.

OSMP currently allocates $3.4 million annually in capital funding for real estate acquisitions. As with all allocations within OSMP, continuation of the real estate acquisition allocation is dependent on an adequate revenue stream to the department. Over the next seven years, the city's Budget Office has projected an average of 3.0 percent annual increase in sales tax. In the event this projection is met, OSMP should be able to maintain the $3.4 million annual allocation to real estate acquisition, providing $23.8 million over the next seven years. At an estimated average cost of $20,000 per acre, plan implementation at the fiscally constrained level would permit the fee acquisition of approximately 1,190 acres or 170 acres annually.

As described above, even with the best efforts of staff to maintain contact with landowners and track property availability, open space acquisition is fundamentally opportunistic. Local market conditions and the broader (global) economy exert powerful controls on real estate prices, as do the particular attributes of a property. The number of acres acquired in a given year, or over the seven year CIP could change dramatically if all priority acquisitions happened to be particularly expensive (e.g., market prices high, all properties that become available have development potential). Conversely, more acreage than estimated could be protected if desired areas are relatively undevelopable, (e.g., wetlands and floodplains) or the real estate market is depressed.

Action Plan

The Action Plan describes the "next step" of expansion of the acquisition program that could be taken if increased funding were to become available. An Action Plan for land acquisition would require additional revenue, or the reallocation of funding from other program areas such as land management. Reductions in management funding for existing properties to allow the acquisition of new lands would be counterproductive. Therefore identification of other sources of funding would be necessary. In fact, OSMP will also be exploring opportunities for expanding management funding to accompany corresponding expansion in the land system.

The OSMP fund balance is a source of funding that could move the acquisition 2013-2019 CIP to the Action Plan level. The OSMP fund balance is comprised of revenue and earnings that have not been appropriated or spent. A portion of the fund balance is placed in reserves to cover liabilities in accordance with city policy. The remaining, or "unrestricted" fund balance is primarily the result of actual revenue exceeding projected revenue, and spending reductions put in place by the city during economic downturns and early phases of recovery. The fund balance could be a source of up to $2.0 million annually for the duration of the 2013-2019 acquisition CIP and increases the annual allocation to $5.4 million ($37.8 million over the course of the CIP) assuming sales tax revenue meets long-term projections. At an estimated cost of $20,000 per acre, this funding would allow for the purchase of approximately 1,890 acres over seven years or 270 acres per year. After the .33 percent sales tax sunsets at the end of 2018, an additional $1 million will be

allocated from the fund balance to retain the $3.5 million level. Additionally, in this scenario, $100,000 could be added to the operating budget beginning in 2015 to help cover the ongoing expenses for managing newly acquired properties.

Vision Plan

The Vision Plan is the complete set of open space acquisitions desired by the community, with one or more funding proposals. The Vision Plan provides policy guidance by illustrating the ultimate goals of the community and a long-range look to address future trends and deficiencies of the current land system. OSMP has continually updated the list of acquisition priorities since the Plan was first approved by City Council. The most recent assessment of acquisition priorities was started in 2010 in preparation for this update and identified approximately 7,620 acres remaining to be acquired. The Vision Plan is summarized in Table 2.

Because the Vision Plan addresses specific acquisition projects, it is possible to provide a better estimate of the cost of implementation in comparison with the Action or Fiscally Constrained Plans. For example, where the property-specific acquisition strategy is a CE or donation the purchase price would be lower than a fee acquisition. The per-acre cost of larger properties is often lower than smaller properties that essentially comprise a single home site. Acquisitions of the underlying fee on properties for which there is already a CE can also be less expensive than the purchase of properties unencumbered by easements. The cost to acquire the 7,620 acres in the Vision Plan has been estimated at approximately $90 million. As described above, the Action Plan model estimates that as much as $37.8 million could be allocated from 2013-2019, however this still leaves a funding gap between the Action and Vision Plans of $52.2 million. The gap between the Vision and Fiscally Constrained Plan is even greater—$66.2 million.

Staff spends considerable effort building relationships with landowners throughout the acquisition areas. These relationships allow OSMP to stay informed about properties that may become available, and have resulted in situations where a seller has chosen to make property available to the city directly rather than placing it on the open market. Availability of significant funding has proven useful in the past and will likely be a winning strategy in the future to allow OSMP the flexibility to take advantage of multiple acquisition opportunities which become available at the same time.

PAYMENT AND FINANCING

Over the past ten years, the impact of an uncertain economy on sales tax revenue has reduced the funding available for OSMP acquisitions and contributed to limits in financing options. Beginning in 2001, the city experienced 33 consecutive months of decreasing sales tax revenue. Boulders' economy returned to health in the mid-2000s only to experience another significant decline in 2008-2009. At times during these periods, OSMP reduced the acquisitions CIP to near zero to ensure on-going management of the Open Space lands.

During the last several years, Boulder's economy has experienced a modest recovery. Nonetheless, only modest increases in sales tax revenue combined with the expiration of the 0.33 and 0.15 sales taxes in 2018 and 2019 respectively mean that it is unlikely that the city will be able to incur significant debt for open space purchases as it has in the past.

Despite the economy being in a slow recovery, the OSMP fund balance has begun to grow and is expected to continue to do so over the next seven years. This is largely due to reduction in debt service payments as OSMP incrementally completes payments for past acquisitions. Presuming current budget projections prove accurate, by 2019 the OSMP Department's unrestricted fund balance will have grown to somewhere between $25 million (Action Plan) and $37.5 million (Fiscally Constrained Plan) (Figure 9). This growth is

based on rising projected sales tax revenue, decreasing debt service and conservative financial management proposed by staff and supported by the OSBT and City Council. OSMP has taken this conservative position because over 90 percent of the department's revenue comes from sales tax and because at least since 2000, sales tax revenue has proven to be volatile, with significant downturns in 2000-2003 and then again in 2008.

In light of current growth of the fund balance, an appropriation from the fund balance will be included in the OSMP budget request for future years to support the acquisition of open space.

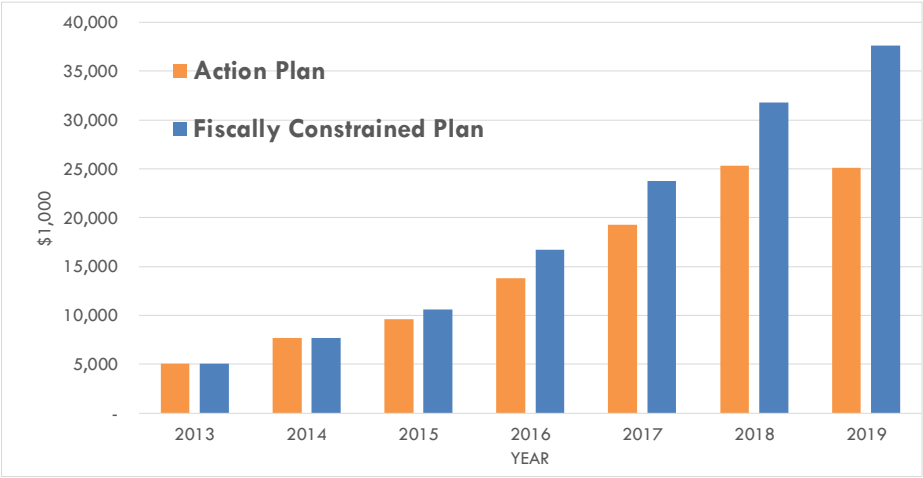


FIGURE 9 : ESTIMATED UNRESTRICTED OSMP FUND BALANCE 2013-2019
(ACTION PLAN AND FISCALLY CONSTRAINED PLANNING LEVELS)

At present, the land acquisition capital budget is limited to $3.4 million annually. As described previously, the CIP will allow the purchase of a maximum of approximately170 acres each year. By using fund balance dollars to supplement the existing Acquisitions CIP, the department will be better positioned to acquire larger, higher-priority properties.

Debt Instruments

Bonding

The OSMP Department currently has voter-approved bonding authority for up to $38 million dollars. Bonding is only a remote possibility due to the projected "sunsetting" of two of the department's sales taxes.

To obtain a favorable interest rate on bonds, a 20-year pay off time frame is typically required. Since more than one half of the current 0.88 sales tax revenue will be discontinued in 2018 and 2019 when the two sales taxes sunset, OSMP would only have sufficient revenue stream for a maximum of seven years to pay off any bonding indebtedness before revenue would be reduced by 55 percent. Bonding for less than 20 years would also result in a prohibitively high interest rate.

As a practical matter, exercising the $38 million approved bonding is not plausible as a funding strategy between now and the seven-year horizon for this plan.

Boulder Municipal Property Authority Notes

The Boulder Municipal Property Authority (BMPA) is a non-profit corporation with the legal ability to acquire real property on behalf of the City of Boulder. The OSMP Department uses BMPA to acquire and finance the purchase of real property in circumstances where OSMP may not have the cash on hand to pay the entire purchase price at the time of the closing, or as is often the case, when the seller prefers a payout over a longer period. This structure is often a win/win arrangement for both the city and the seller.

A typical BMPA transaction has the following elements:

- The city, through BMPA, agrees to purchase, and the seller to sell, land for open space purposes at a mutually agreeable price.
- The seller agrees to terms by which they receive a down payment at closing and a "carry-back" promissory note for the remainder of the purchase price for ten or more years[4]. The note bears interest at an agreed-upon rate.
- At the time of closing, BMPA enters into a Lease-Purchase Agreement with the City of Boulder/OSMP wherein BMPA leases the property to the city for open space purposes. The annual lease amount is equal to the amount of BMPA's annual note payment to the seller.
- The seller receives a yearly payment from BMPA until the note is paid in full.
- At the end of the lease term (which corresponds to the term of the BMPA note held by the seller), the city exercises its option to acquire the property from BMPA for a nominal fee.

Both the city and sellers are generally motivated to participate in BMPA agreements. The advantage to the seller is that the interest earned on the promissory note is not subject to either federal or state income tax. The seller receives a greater return than under a straight cash-at-closing transaction or a standard owner-carried note/deed of trust. The city benefits because in paying for the property over time, it can afford parcels that would be too expensive to acquire if the full payment were required at the time of closing.

Purchases of Fee Interest where the City has a Conservation Easement or Development Rights Agreement

Conservation easement ownerships, especially some developed early in the Open Space program's history, do not always allow full protection of wildlife corridors and habitat, the connection between agricultural lands and the waters that support agricultural production, or control how scenic areas are impacted from residual development allowed under the easement. It is even less common for a CE to allow for the development of a trail open to public use. OSMP recognizes the limitations of CE, but uses them as a "best available" tool, anticipating a future acquisition of a property in fee. In other cases, the city does not initially identify the need for fee ownership, but changing community needs or resource concerns may modify the city perspective and result in direction to acquire a property in fee even though it already is protected with a CE. The Vision Plan reflects the addition of several properties over which the city currently owns a CE, which staff feels may offer the community significantly higher open space value if owned in fee. It is also true that limitations provided by a CE or DRA may not secure all of the values of interest to OSMP and the city.

IMPLEMENTATION AND INTEGRATION

The previous sections of this document provided updated information about the priority acquisition projects, introduced the city's sustainability framework to acquisition planning and prioritization, described a new

[4] Federal regulations require a term of no less than ten years for the maximum tax advantage.

analytical tool for identifying properties with open space value (MOSA) and established three funding plans in accordance with the city's business practices. This section provides information about the action steps taken by OSMP to integrate resource management and acquisition. Appendix B relates elements of the Plan update to the property acquisition process.

Resource Management Planning and Actions

The timing and scale of Open Space and Mountain Parks management of a newly acquired property depends on a number of factors including setting, past land uses and condition of the resources. There are three categories of management actions:

1. Those which must or can be made immediately or within the first year of ownership,
2. Those which need to be taken within 2-5 years of the acquisitions and
3. Those identified as part of longer term management in other plans.

Initial Evaluation (Pre-Acquisition)

The property evaluation objective (Appendix B, row three) includes a staff assessment of critical management needs and decisions that can be made at the time of acquisition. Staff estimates the costs of projects necessary to address these immediate needs. This is also the point at which staff considers applicable plans to determine if there are decisions that need to be made or can be made to advance the implementation of OSMP's various plans. Examples include designation of the property as part of a Habitat Conservation Area and recommendations about next steps for trail development. The costs of the critical management needs and recommendations about policy and process decisions are typically included in the acquisitions memos for the OSBT and City Council.

Property Management Planning (Post Acquisition)

The Visitor Master Plan states that OSMP will develop management plans for newly acquired properties before opening them to public use. The new property assessment and management plans typically make recommendations for a 2-10 year period and go beyond the initial evaluation to:

- Summarize the physical/ecological characteristics and conditions of the property
- Document and record existing conditions and open space values
- Identify and prioritize management needs and opportunities
- Prescribe management actions
- Classify the property into a management area if not already completed as part of the acquisition process

Full Integration into System-Wide Planning Frameworks

As OSMP plans are developed (e.g., North, East South TSA Plans) or updated (e.g., Acquisition Plan), recently acquired properties are included in management and policy considerations. OSMP has had been successful looking broadly at community service delivery and resource conservation at broad scales (Visitor Master Plan, Grassland and Forest Ecosystem Management Plans), rather than relying on property specific plans. This approach is consistent with the policy direction contained in the LRMP to take an "ecosystem approach" and has helped OSMP to balance competing community interests while making effective and efficient use of staff time, available information and contributions from other agencies and members of the community.

NEXT STEPS

This update considers how to make progress through 2019 on objectives for open space acquisitions first established in 1999. The Plan's relevance has been maintained by periodic updates including review and acceptance by the OSBT and City Council. After 2019, the revenue stream supporting acquisition and maintenance of open space will change dramatically. OSMP will experiences a 55 percent reduction in funding. Without either revised program objectives or new sources of revenue, the city will be unable to fully implement the vision described in the Plan.

Determining the appropriate approach to open space acquisition and funding for the future will require a process to reassess community priorities. Such an assessment will include consideration of how to balance future acquisitions with programs for ecological restoration, agricultural operations, as well as visitor facility development and maintenance. In order to be prepared with recommendations to the OSBT and City Council in time for consideration of potential ballot initiatives, staff proposes to complete this assessment by the end of 2017. That assessment would describe a revised vision and funding recommendations.

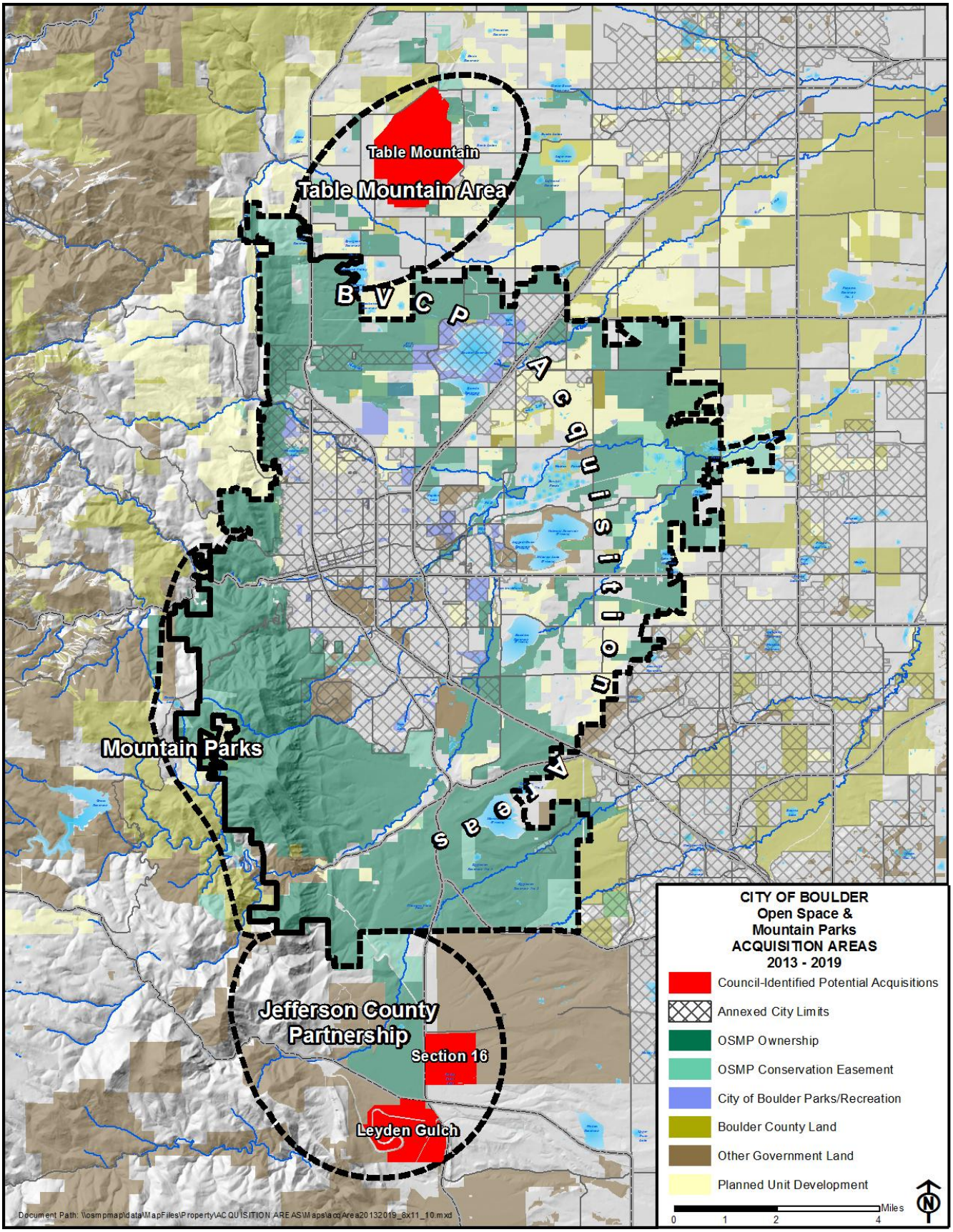
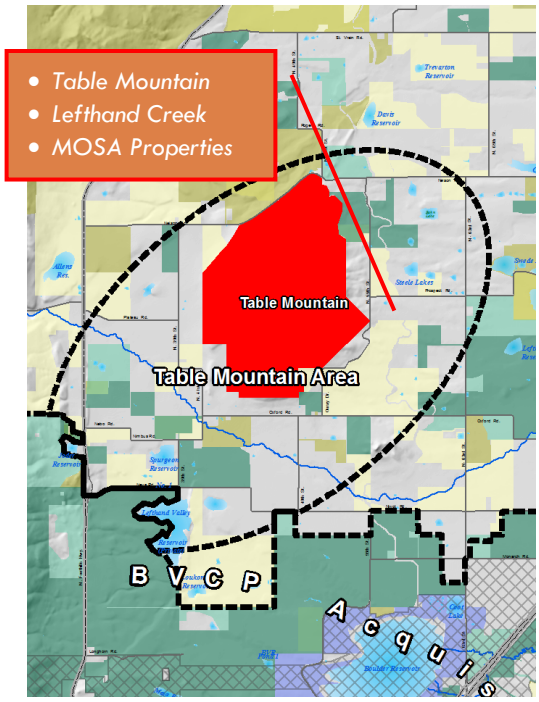
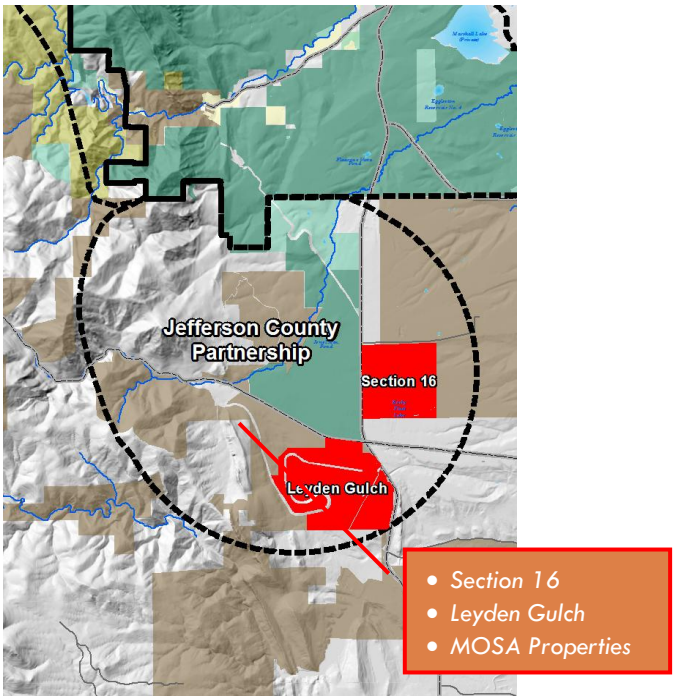


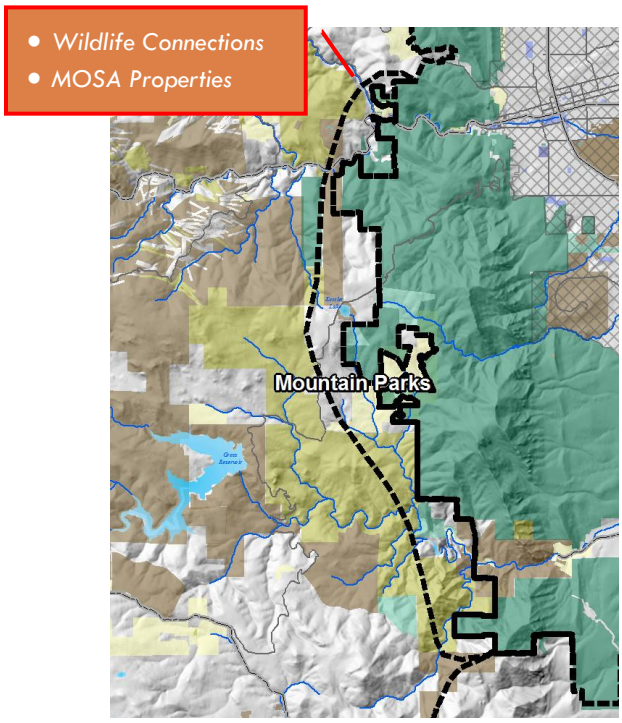
FIGURE 5: 2013-2019 OSMP ACQUISITION PLAN UPDATE MAP SHOWING ACQUISITION AREAS



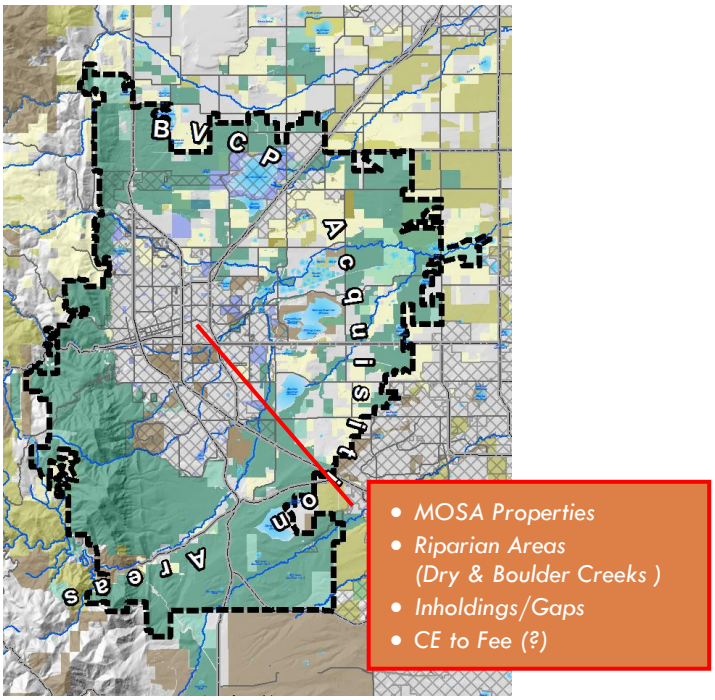
(a) Table Mountain Acquisition Area



(b) Jefferson County Partnership Acquisition Area



(c) Mountain Parks Acquisition Area



(d) Boulder Valley Comp Plan Acquisition Area

FIGURE 6: INDIVUAL OPEN SPACE ACQUISITION AREAS (2013-2019 OSMP ACQUISITION PLAN UPDATE)-SEE MAP KEY FIGURE 5

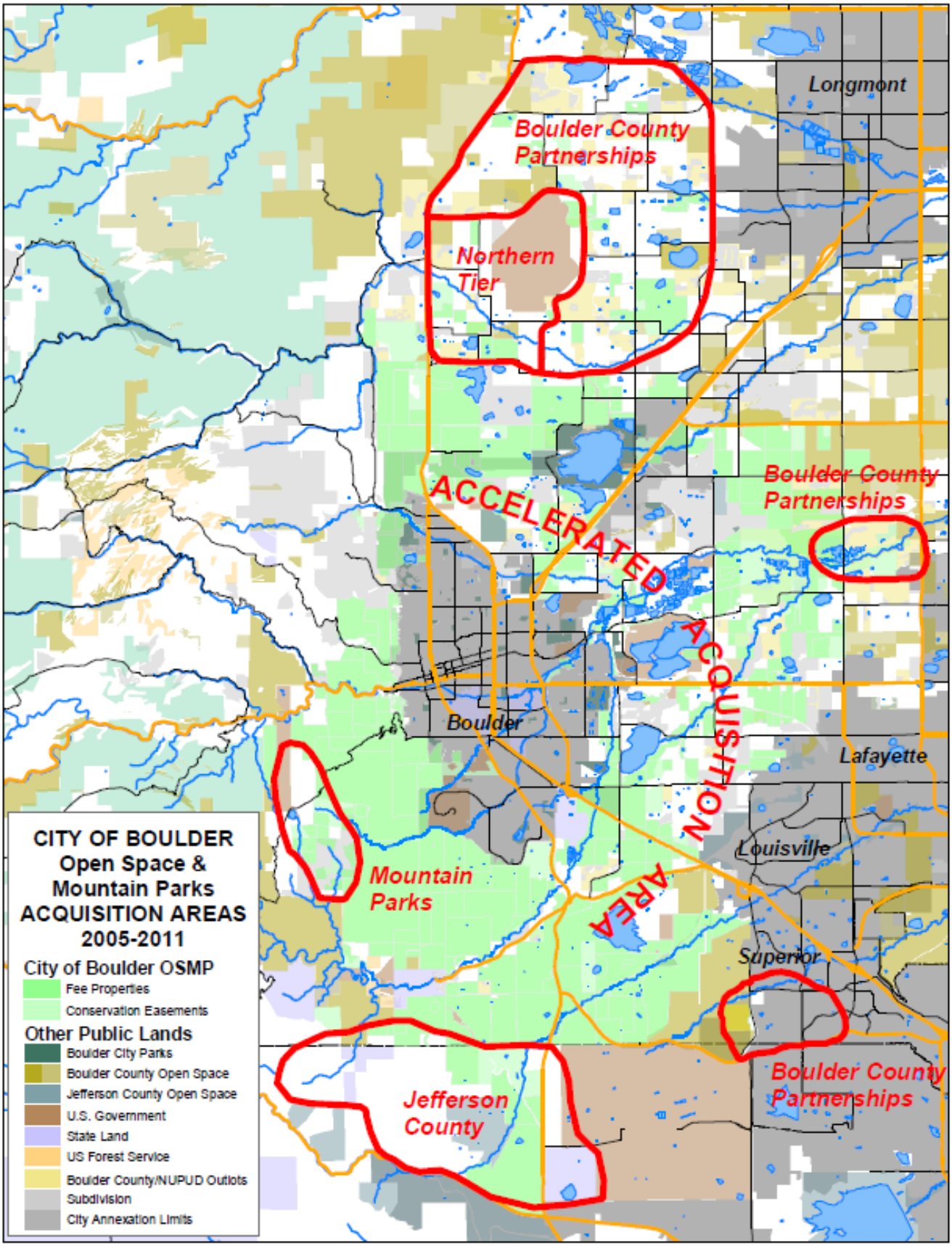


FIGURE 7 MAP ACCOMPANYING PREVIOUS UPDATE TO ACQUISTION PLAN

APPENDIX A: City Charter Open Space Purposes and Sustainability Framework Strategy Areas

CITY CHARTER OPEN SPACE PURPOSES
Open space land shall be acquired, maintained, preserved, retained, and used only for the following purposes:

Preservation or restoration of natural areas characterized by or including terrain, geologic formations, flora, or fauna that are unusual, spectacular, historically important, scientifically valuable, or unique, or that represent outstanding or rare examples of native species;	✓		✓			✓	
Preservation of water resources in their natural or traditional state, scenic areas or vistas, wildlife habitats, or fragile ecosystems	✓	✓	✓			✓	
Preservation of land for passive recreational use, such as hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding, or fishing;		✓	✓			✓	✓
Preservation of agricultural uses and land suitable for agricultural production;		✓	✓			✓	
Utilization of land for shaping the development of the city, limiting urban sprawl, and disciplining growth;	✓		✓		✓	✓	✓
Utilization of non-urban land for spatial definition of urban areas; of non-urban land for spatial definition of urban areas;	✓		✓		✓	✓	✓
Utilization of land to prevent encroachment on floodplains; and	✓	✓	✓	✓		✓	
Preservation of land for its aesthetic or passive recreational value and its contribution to the quality of life of the community.		✓	✓			✓	
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APPENDIX B: Implementation Steps and Relationship to Update

	Objective	Acquisition Process Step	Relationship to Acquisition Plan	Tools
Setting Priorities	Identify properties for addition to/removal as priority acquisition.	Evaluate land ownership maps and relevant parcel information throughout acquisition areas for potential acquisition priorities.	Plan provides: Integrated policy guidance (charter purposes, sustainability framework, LRMP) Revised Acquisition Areas Process Step supports: Information for Acquisition Plan updates and revisions	• City Charter Open Space Purposes • Boulder Valley Comprehensive Plan Acquisition Plan Map • GIS Model • Sustainability Framework Matrix (Appendix A)
	Determine if the property is available for purchase.	Cultivate relationships • Contact landowners • Describe city's interest • Contact property agents in peer agencies. • Maintain communication	Plan provides: Information about which property owners to contact Process Step supports: Increased likelihood that owners will work directly with OSMP Staff awareness about when properties will be available	Direct and indirect personal contact • Phone calls • Letters • E-mail • Site visits • Formal and informal meetings
	Evaluate property.	Review property with a variety of staff to determine the degree to which the property addresses the City Charter purposes for open space, and sustainability framework goals.	Plan provides: Integrated policy guidance Process Step supports: Goals in "Good Governance" strategy area. Documentation of specific resource values and likely management needs of property for OSBT and City Council.	• "Desktop" property review using map and existing sources of information. • Site visits. • Interviews/conversations with landowner. • Contracted Services (e.g., Phase I environmental report, appraisal)
	Prioritize and develop funding analysis in the context of other available/evaluated Properties.	Review Sustainability Framework Matrix and develop property-specific information from evaluation	Plan provides: Sustainability framework goals/matrix Funding plan options Process Step supports: Information for later use by community members, OSBT and City Council	• Evaluation Information
Taking Action	Establish terms and conditions for acquisition. Execute contract.	Develop contract/purchase agreement that is mutually agreeable to the seller and the city.	Plan provides: Catalog of acquisition tools Process Step supports: Development of innovative acquisition strategies, increased information about land prices to better inform funding scenarios	• Standard/Past Acquisition Contracts • Acquisition and Funding Strategies
	Recommend Open Space Board of Trustees and City Council approval. Close on acquisition.	Summarize how property meets sustainability framework goals, the properties' approximate rank/importance among priority acquisitions, and how the acquisition will be funded	Plan provides: Context and direction Sustainability framework goals/matrix Funding plan Acquisition Area maps. Process Step supports: Direct progress toward meeting plan goals. Development of management plan including preparations for ecological restoration and public access where appropriate.	• Sustainability framework matrix information (coarse and fine scale). • Fund financials show effect of purchase on Capital Improvement Program (CIP) • Future iterations of plan will identify long-term sustainability and funding.