

## Lessons from a Greenbelt Program

Boulder, Colorado

Faced with the problems of sprawl, destruction of scenic areas and loss of identity, how does a city go about preserving those natural features which initially made it unique from all other cities? How does a city retain a proximity to natural areas? What solutions are there to the disturbing directions in which cities are moving in absorbing, filling, bulldozing and otherwise devouring the natural landscape around its borders.

Boulder, Colorado is answering these questions in part by means of a Greenbelt Program. The program establishes sub-community identity, preserves natural open areas in proximity to residential areas, preserves vistas from within the community and offers opportunities for contact with nature right at our doorstep. It is too soon for final evaluation of the 4 year old program, but it can be termed a success just on what it has accomplished so far. The following description of the Boulder Greenbelt Program may be helpful to planning personnel in other cities.

### BOULDER'S SETTING

Boulder is a council-manager governed home-rule city 30 miles northwest of Denver. It has an area of 13 square miles with a population of nearly 75,000 including 21,000 students at the University of Colorado. Unincorporated areas outside the city limits are governed by the 3-man Board of County Commissioners of Boulder County. While the city has some extra-territorial planning powers by use of water and sewer revocable permit extensions, it is dependent upon cooperation with county planners and the

commissioners to achieve lasting results through zoning and land use regulations outside the city.

Boulder is one of a series of cities located on the Colorado piedmont, where the foothills of the Front Range of the Rockies meet the plains. A dominant geographical feature is the mountain backdrop to the west of the city. This backdrop is a continuous north/south barrier with only a few canyons which permit roads. The cost of developing on this steep backdrop discouraged most development until the affluence of the late 1950's. As Boulder grew, so did the desire of people to locate above the city for a view over the plains.

#### WHY GREENBELTS

Provision of park lands and open spaces have always been important to Boulder residents. In 1899 Boulder was granted 3,000 acres of foothills land by Act of Congress and over the years citizens were motivated to donate land to the Mountain Parks system.

After World War II park lands were required to be dedicated in new subdivisions within the city. But it became apparent that private lands, customarily taken for granted as part of the city's scenic foothills background on the west, might soon be bristling with houses, or cut by roads, gravel pits or some other type of scarring that would destroy their natural scenic value. Boulder's population almost doubled between 1950 and 1960 and pressure was mounting to use scenic and open areas for housing as the city's employment base was rapidly expanding.

A charter amendment passed in 1958, known as the "Blue Line," prohibited city water service above a certain elevation. This slowed down

foothills subdivision, but did not stop it. A special bond issue in 1964 permitted the city to purchase a threatened mesa south of the city, but this was a one-shot purchase and required a major effort for a single property.

During 1965 and 1966 citizens were asked for opinions through various questionnaires on desirable features to be incorporated into a revised master plan. It was almost unanimously suggested that the foothills be preserved without development and that open space be used to keep Boulder visibly a separate community from other communities, including the expanding, uninterrupted complex of Denver communities.

Research and various studies now confirm the fact that public acquisition of open space not only serves aesthetic purposes but, surprisingly, it has been learned that in most instances it is more economical than allowing the property to be developed. This is especially true where proposed densities exceed one unit per acre. The reoccurring capital outlay for items such as schools, transportation, utilities, police protection, etc. will exceed the cost of acquiring open space.

We are continually being made aware of new benefits of open space. A few of its benefits and purposes are listed below.

1. Aesthetics
2. Economy
3. Protection against urban sprawl
4. Protection against other undesirable effects of development, such as crime, pollution inconvenience, etc.
5. Recreation
6. Flood control

7. Soil erosion control
8. Soil conservation
9. Earthquake susceptibility control
10. Wildlife preservation
11. Nature education
12. Fire and fire damage control
13. Natural resource conservation
14. And many others

If the cost, or actually the financial loss, caused by development were added to the costs of programs like Flood Control or Recreation, it should be obvious that open space is a pretty good buy.

#### ESTABLISHMENT OF THE GREENBELT PROGRAM

In early 1967 the Boulder Parks and Recreation Department prepared a summary of desirable features and possible uses of 20 acres that might be included in a greenbelt. The Department also prepared a slide show, "The Value of Green," and presented this program to community organizations.

The real impetus came when two foothills land owners presented subdivision development plans to the County Planning Commission. If approved, these two large developments would have ended greenbelt hopes for a major portion of the mountain backdrop immediately adjacent to the city. In view of the emphatic opposition from the City government and from many individuals and citizen groups, the County Planning Commission tabled the requests.

Greenbelt supporters went into action. A conference was held on "Greenbelts, why and how?" The conference was sponsored by a citizens group, PLAN-Boulder, and speakers came from the City and County government,

the Colorado Open Space Coordinating Council, the Colorado Department of Game, Fish and Parks, the Bureau of Outdoor Recreation, planning consultants and others.

Within a month the City Manager had met with foothills property owners and county representatives, believing that the city should take the initiative in forestalling development. By the end of another month, the City Manager and his staff had prepared and presented to City Council an ambitious implementation program for Greenbelts and Major Thoroughfares. He called for a 1% Sales and Use Tax to finance the two programs, recommending that 40% of the revenue be earmarked for Greenbelts and the remaining 60% for Thoroughfares. Coupled with this was a mandatory 2 mill decrease in the city property tax levy. City residents were already paying a 3% State sales tax and a 1% City sales tax, so the proposed additional tax would bring the total city sales tax to 5%.

"Citizens for Greenbelts" was organized immediately after this proposal was made public and for two months its members, as well as all 9 City Councilmen, campaigned intensively to sell the program to city voters. They printed and distributed green bumper stickers (GREENBELTS YES), held coffees, encouraged letters to the editor, and arranged telephone chains to spread the facts.

At the November, 1967, municipal election the sales tax passed by a 61% majority (over 80% of the eligible voters turned out for the election). In an era of citizen tax concern, this was an overwhelming demonstration of support for what the additional penny tax would buy.

## IMPLEMENTATION OF THE GREENBELT PROGRAM

Since the sales tax went into effect on January 1, 1968, implementation of the Greenbelt Program has moved forward on two fronts. An aggressive land acquisition program in high priority areas has been carried out by the City Manager's advisory committee. At the same time the Planning Department has looked at the long-range implications of the program in planning for the Boulder Valley and incorporated the greenbelt as part of the jointly prepared City and County Comprehensive Plan for the Boulder Valley.

### Land acquisition: procedure

By February 15, 1968, only 45 days after the sales tax became effective, the City announced that almost 100 acres of high priority foothills land has either been purchased, condemned, or promised to the city. Shortly after this the City Manager asked the City Council to appoint an Advisory Committee on Open Space consisting of members of the city administration involved in open space (Directors of Planning, Parks, Public Facilities and Finance), 1 councilman, at least 3 citizens, and the County Planning Director. This committee has the responsibility of setting policies on objectives for the Greenbelt, designating priorities for future land acquisitions and directing negotiations and purchase of Greenbelt lands.

The Advisory Committee set general priorities as First, mountain backdrop; Second, scenic mesas; Third, creeks and streams; Fourth, lakes; and Fifth, connecting links. Within this general breakdown a point rating system for evaluating land was devised. Points are assigned on the basis of aesthetic features, urban shaping features, service to urban needs, flood control, aquifer recharge, earthquake susceptibility, unstable slope, and

whether enough of the area remained in tact and undeveloped to be of value.

The above factors are viewed in conjunction with land cost, size of ownership, potential passive recreational opportunities, density of planned population adjacent to sites, number of people who will benefit, and comprehensive plan considerations. Most importantly, availability of land as offered by the owner has keyed the timing of the majority of purchases. When it is up for sale we attempt to be there first with our interest and our money.

In establishing the system of priorities the city consulted with Professor Philip H. Lewis, Jr., Director of the Environmental Awareness Center, School of Natural Resources, University of Wisconsin. In his Regional Design for Human Impact, Lewis concluded that there are aesthetic and cultural values in an open space program which tend to group together in distinct patterns which he calls "environmental corridors." Those areas having the highest number of values should be given highest priority in a preservation program. Application of Professor Lewis' criteria to the Boulder area reenforced the priorities reached by the Advisory Committee on Open Space.

Having identified a potential purchase and reached tentative agreement with the owner(s), the Advisory Committee then recommends to City Council that the land be acquired. City Council has given the City Manager authority to make land purchases, but reviews the Advisory Committee's findings and gives the sanction of City Council to negotiations. The Greenbelt Plan was initially approved by Council and used in the presentation of the program to the citizens so it is simply identifying specific parcels within the total context.

Appraisals and negotiations are carried out by the City Land Officer. He is knowledgeable in land values, appraisals and in the various methods of acquisition open to the city. All questions concerning land already acquired or under consideration are directed to the Land Officer to eliminate confusion for the public. He also serves in the purchase of land for the Major Thoroughfare Program as well as an "in-house" consultant on all matters relative to real estate such as zoning policies, annexations, real property capital improvement and so forth.

When he has completed negotiations, necessary legal documents are prepared by the City Attorney and executed.

In July, 1971, a Greenbelt Progress Report was issued in the form of a brochure sent to all residents in their monthly municipal water bill. It showed the following progress of Greenbelt land acquisition:

	Area Designated as Greenbelt (acres)	Area Acquired (acres)	To Be Acquired (acres)
Mountain Backdrop (not including pre-existing mountain parks)	2,900	2,400	500
Mesas, ridges, land around lakes and connecting links	7,400	1,600	5,800
Lakes	1,900	1,300	600
TOTAL	<u>12,200</u>	<u>5,300*</u>	<u>6,900</u>

\* - The Greenbelt Program has accounted for 2,500 acres of the 5,300 already acquired. The remainder pre-dated the program.

Land acquisition: finances

Land is acquired by purchase, by leasing, by option to purchase, and by condemnation. Condemnation is viewed as a last resort following unsuccessful negotiations. It is used only to prevent development or scarring

that is eminent. Three parcels have required court action.

In a typical acquisition part of the land is purchased outright and part is optioned, with the city acquiring control over the total parcel at the time of the initial purchase. For example, in one acquisition of a 50 acre area parcel: the city agreed to pay \$2,000 an acre, \$10,000 was paid in 1968 for the first 5 acres plus \$4,500 advance payment on the 45 optioned acres. Each year as the option comes up on another 5 acres, \$500 of the advance payment will be used and \$9,500 additional will be paid. The City so far has paid no interest on the options. We pay the property taxes on the optioned portions until we take control and request the County Assessor to take it off the tax rolls.

This method of lease/option secures land at a fixed price for future payment and may provide a tax advantage for the seller. Costs have run from \$1,000 per acre to \$3,500 per acre. Higher priced lands were those in which development was imminent and a lower price could not be negotiated.

Revenues from the 40% of the 1% Sales Tax, about \$500,000 in 1970, have not been adequate to purchase all of the highest priority land as rapidly as desired. To supplement the local acquisition program, the City has applied to HUD for four grants under its Open Space Land Program. Grants of \$172,000 in 1969, \$564,000 in 1971, and \$356,000 in 1972 were matched with city funds and used either for purchase or for early exercise of options.

In the November, 1971 election bonding for greenbelt was approved by over 78% of the voters. A two million dollar issue was released in December, 1972 leaving a bonding capacity of eight million. A second issue

will be considered in 1974. The bond indebtedness is retired from sales tax proceeds on a twenty year schedule.

Bonding is favored because it is felt that land prices will escalate faster than bond interest rates. Current purchases would be paid for by future residents who would be benefiting from the Greenbelt. One problem to be faced in proposing a bond election is whether to specify particular land tracts for purchase or to propose a blanket authorization for purchases in the total greenbelt. The latter is favored because of the difficulty in determining when ground will be available.

Land acquisition: planning

During 1968 and 1969 the City and County Planning Departments cooperated on the Development of the Boulder Valley Comprehensive Plan, covering 58 square miles including and surrounding the city of Boulder. As a first step, alternative concepts for development of the Boulder Valley were presented at many public meetings and community groups. The concept with the greatest citizen support was that of a series of sub-communities separated and shaped by greenbelts and other natural barriers.

The sub-communities are shown on the plan as areas of constant density. The concept of "density transfer" is an integral feature of the Comprehensive Plan and permits the "constant density" to be realized. By following this procedure the landowner is allowed to develop a total residential density of 4 dwelling units per acre, but if he agrees to leave desirable natural areas as open space and go Planned Unit Development he is permitted to develop at a maximum of 6 dwelling units per acre. There is no limitation on building types as long as the site plan is acceptable.

Density transfer is a major method of acquiring linear greenways running through the sub-communities and linking homes with schools, parks, greenbelt and shopping facilities. Dedication of these natural areas will come as part of the subdivision dedication process and the Planned Unit Development process.

Since the simultaneous adoption of the Boulder Valley Comprehensive Plan by both the City and County in late 1970, work has begun on detailed mapping of desired greenbelts and greenways on large scale maps to show exactly what land needs to be preserved. This detailing is being conducted through field surveys with assistance from groups such as the Audubon Society furnishing information on wildlife, bird nesting areas, vegetative concentrations, interesting man-made features such as rock walls, barns and similar structures.

#### Land Bank

It has become recognized that private development creates new demands for public services, and since the public provides and pays for these services, it should have the power of decision as to where and when development will occur. The public must be as ingenious and flexible as private enterprise in the land business and only public ownership can make this possible.

A land bank provides a public agency with flexibility of control previously unmatched. Planning might be more popular if effectuated through purchase rather than uncompensating police power.

Advantages of land banking include:

1. Enhancing public planning
2. Making land available for open space, low cost housing and other public facilities

3. Capturing the incremental value caused by growth
4. Combating land speculation
5. Holding land for further development, public or private

#### Administration of Greenbelt lands

All the land so far acquired as Greenbelt is the responsibility of the City Parks and Recreation Department for maintenance and operation. The intent is that areas shall be left in a natural condition. This includes fairly passive recreational activities such as hiking, horseback riding, and picnicking. It precludes development of traditional recreational facilities such as baseball, tennis, swimming and golf.

In the land acquired west of the city in the foothills it has been possible to extend the Mesa Trail, a popular hiking trail which runs south from the city for 8 miles. Prior to Greenbelt acquisition this trail was in danger of being closed where it crossed private land. No picnic facilities have been constructed, but trail maintenance work has been carried out by the Parks Department Junior Ranger Corps, and is patrolled by one full-time Ranger.

Eventually the greenbelts along the major creeks will support a system of trails and picnicking spots. Study centers for the school district and general public may be made part of the Greenbelt as well as wildlife sanctuaries and a public library.

#### THE FUTURE OF THE GREENBELT PROGRAM

To preserve all the open space designated on the Comprehensive Plan, additional revenues must be generated, regulations or techniques other than outright purchase developed and implemented. Many of these techniques

have already been considered and in some cases utilized.

#### Utility extensions

The city does not permit the extension of lines into greenbelt areas. This extension policy is presently being used to shape the city and set its direction of growth. In our semi-arid region, utilities are the key to development.

#### Flood plain zoning

Much land designated as open space along creeks is within a 100-year flood plain. Joint city and county flood plain regulations prohibit issuance of building permits or development in land in the area of rapid flow during the 100-year flood.

#### Slopes

In 1969 the County Commissioners adopted Excavation and Grading Requirements which require a permit before grading and/or excavation can be undertaken. This will not prohibit grading of slopes visible from the city, but strict enforcement will make it possible to minimize scars and other detrimental effects.

#### Tax incentives

Tax benefits for ground being utilized for farming or conservation purposes, where the development rights for other than personal habitation or buildings related to the operation, are given to the City or County. France and England are exploring this type of tax law. These rights may be brought back for past taxes, plus a penalty fee.

#### Development rights

In our region most of the land has considerable value for speculation or development and so the purchase of development rights has only

been used occasionally.

Under the right conditions, this technique may be very beneficial to both parties. As yet, Boulder has not paid more than 35% of "fair market value" for these rights but has, except for public access, accomplished its purpose.

We have approached development rights in a positive way, as would water or mineral rights and not as a "negative easement in gross." Also, the verbage used in our agreements stresses a positive conveyance in "perpetuity" rather than a restrictive covenant.

#### Gifts

This may be of value where taxes are involved or unusual family circumstances. Land gifts are becoming a rare occasion and cannot be counted on as an important technique.

#### Zoning

A more distinct separation between urban and rural areas with a minimum of 10-20 acres for development outside the urban areas.

### PROBLEMS AND CRITICISMS OF THE GREENBELT PROGRAM

The biggest problem faced so far in acquisition is the matter of timing - the problem of having money on hand to back up negotiations while land is still available at a reasonable price. The major tracts acquired in the foothills in the first stages of the Greenbelt Program were already committed to development and commanded the highest prices. In future acquisitions the city hopes to be able to take the initiative and approach land owners before they have decided to develop their land. The greatest benefit of the Sales Tax is as a steady source of income, putting us in a position of being able to count on money annually.

Long-term layout under purchase/lease arrangements may not be feasible on the smaller parcels to be acquired along the creeks. For these acquisitions, the city will either need total funds on hand or will depend on subdivision and density transfer procedures.

The City administration is moving forward with the program in view of the overwhelming support when it was inaugurated. However, officials realize that as the city population grows an increasing percentage of residents do not understand the background of the program or what it was expected to achieve. A public information program, therefore, is a continuing responsibility.

#### LESSONS FROM THE GREENBELT

Just in the past year, Aspen, Colorado, adopted a similar greenbelt program, also to be financed from a 1¢ sales tax. It is reasonable to expect that other communities will follow.

In a larger picture, the greenbelt experiences - from the organization of the City Manager's advisory committee to the negotiation and purchase procedures to the management and operation to the public information - are all educating and preparing us for a possible land bank program. This education is demonstrating to us, at least, that a land bank program can be a functional tool in a community's planning efforts.

There has been continuing discussion regarding no growth versus growth. To put it another way, bird watching is fine but jobs are needed more. The answer to this question can only come from a look at the community as a whole. The sensible answer should be conservation and controlled growth.

The question of removing land from the tax rolls has been raised. We are moving away from reliance on this type of tax in Boulder and consequently are not affected by this. Another potential problem is sky-rocketed land values adjacent to Greenbelt lands. A real estate transfer tax may be the answer to this question returning to the community some of the benefit of our Greenbelt program.

Strong citizen support, as in Boulder's case, is the key ingredient of a successful Greenbelt Program. This is one of the few programs in Boulder which has had almost 100% citizen support - Greenbelts are visible, their values are tangible, their place in the future can be explained. The permanent financing technique is the vital element. Sales tax worked for Boulder, cigarette tax worked in Wisconsin, your community may have a different approach. It is a positive and popular program - try it, you'll like it.