



# Broomfield Open Space, Parks, Recreation and Trails Master Plan Appendix H

## Comparison of Colorado Local Government Requirements for Open Space and Park Land Ownership in Perpetuity, Disposal, and Exchange

PREPARED FOR:  
City and County of Broomfield  
June 2004

PREPARED BY:  
Clarion Associates Inc.  
114 E. Oak Street  
Fort Collins, CO

**Appendix H: Comparison of Colorado Local Government Requirements  
for Open Space and Park Land Ownership in Perpetuity, Disposal, and Exchange**

*Note: This is a summary of research completed by Jeremy Hurlbutt, Broomfield Intern. Updated: December 2002*

<b>Jurisdiction <i>In alphabetical order (Contact Information)</i></b>	<b>Measures for Protecting Public Land in Perpetuity</b>	<b>Other Organizations Involved with Oversight</b>	<b>Requirements and Process for Property Disposal <i>(Cite applicable ordinance or ballot language)</i></b>	<b>Requirements and Process for Exchanging Properties</b>
<p><b>Boulder</b> Delaine Wheeler – Divison Manager – (720) 564-2010</p>	<p>City charter permanently protects land. The charter is the main governing body for open space. The city buys conservation easements. Boulder does not use deed restrictions.</p>	<p>Boulder County is involved with oversight on a few GOCO funded city conservation easements.</p>	<p><i>What are the Required Steps?</i> City of Boulder rule states: “No open space land owned by the city may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by the city council. Such approval may be given only after approval of such disposal by the affirmative vote of at least three members of the open space board of trustees after a public hearing held with notice published at least ten days in advance in a newspaper of general circulation in the city, giving the location of the land in question and the intended disposal thereof. No open space land owned by the city shall be disposed of until sixty days following the date of city council approval of such disposal. If within such sixty-day period, a petition meeting the requirements of Section 45 above and signed by registered electors of the city to the number of at least five percent of the registered electors of the city as of the day the petition is filed with the city clerk, requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until the steps indicated in Section 46 and Sections 47 above have been followed.” (Municipal Code Article XII, Open Space § 177)</p>	<p>Same as for property disposal.</p>
<p><b>Boulder County</b> Emily Brauley – Open Space Acquisiton</p>	<p>County requires that public open space and parkland be permanently protected. It is protected through a</p>	<p>Only on properties that are jointly owned.</p>	<p><i>What are the Required Steps?</i> Rule states: “That no open space land acquired through the revenues provided by this sales and use tax may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit on such open space land be given, until approval of such disposal by</p>	<p>No requirements for property exchange. County exchanges properties on a case-by-case basis.</p>

Jurisdiction <i>In alphabetical order (Contact Information)</i>	Measures for Protecting Public Land in Perpetuity	Other Organizations Involved with Oversight	Requirements and Process for Property Disposal <i>(Cite applicable ordinance or ballot language)</i>	Requirements and Process for Exchanging Properties
(303)-441-1953	sales tax resolution. The County buys conservation easements, development rights, mineral and other subsurface rights, water rights. County does not use deed restrictions.		the Board of County Commissioners (BCC). Prior to such disposal, the proposal shall be reviewed by the Parks and Open Space Advisory Commission, and a recommendation shall be forwarded to the BCC. Approval of the disposal may be given only by a majority vote of the members of the BCC after a public hearing held with notice published at least ten (10) days in advance in the official newspaper of the County and of each city and incorporated town within the County, giving the location of the land in question and the intended disposal thereof. No such land shall be disposed of until sixty (60) days following the date of BCC approval of such disposal. If within such 60 day period, a petition...is filed... requesting that such disposal be submitted to a vote of the electors, such disposal shall not become effective until a referendum held in accordance with said statute has been held." (excluding short-term agriculture leases). (See Resolution No. 93-174, Page 8, item 11). <i>Has County Disposed of Property? Yes.</i>	
Colorado Springs Chris Lieber TOPS Director (719) 385-6530	City intends to protect all land in perpetuity. City uses deed restrictions, conservation easements, and other measures to ensure that property is not sold or used for purposes other than open space protection.	The Palmer Foundation oversees open space land, but those lands are not part of the Trails, Open Space, and Parks Program (TOPS).	<i>What are the Required Steps?</i> "No new open space land acquired through the revenue provided by these sales taxes or other revenue sources as described in this ordinance may be sold, traded, or otherwise conveyed, nor may any exclusive license or permit with respect to such open space land be given, until approval is given by a majority vote of the electors of the City in a regular election after referral from the City Council or through a citizen initiative. Prior to such referral to the electors of the City, the proposal shall be reviewed by the Advisory Committee..." A vote is required for approval. (TOPS Policies and Procedures Manual, p. 42)	Rules for property exchange are the same as for disposal of property.

<b>Jurisdiction <i>In alphabetical order (Contact Information)</i></b>	<b>Measures for Protecting Public Land in Perpetuity</b>	<b>Other Organizations Involved with Oversight</b>	<b>Requirements and Process for Property Disposal <i>(Cite applicable ordinance or ballot language)</i></b>	<b>Requirements and Process for Exchanging Properties</b>
<p>Douglas County Toby Sprunk - Director (303) 660-7428</p>	<p>Resolution protects open space. County uses conservation easements for land purchased with GOCO funds.</p>	<p>County places land purchased with the help of GOCO or other parties Douglas Land Conservancy and Cattleman's Land Trust oversee some of the county's conservation easements.</p>	<p><i>What are the Required Steps?</i> Rules state: "No open space land acquired through the revenues provided by this sales and use tax may be sold, leased, traded, or otherwise conveyed, nor may any exclusive license or permit with respect to such open space land be given, until approval of such disposal by the Board of County Commissioners. Prior to such disposal, the Citizens Advisory Committee shall review the proposal, and a recommendation shall be forwarded to the Board of County Commissioners. Approval of the disposal may be given only by a majority vote of the members of the Board of County Commissioners after a public hearing held with notice published at least ten (10) days in advance in the official newspaper of the County and of each city and incorporated town within the County, giving the location of the land in question and the intended disposal thereof. (See Resolution No. R-994-062, Page 11, Item 11) County has not disposed of property.</p>	<p>In one case the density was a changed from one piece of land to another to help Douglas County afford land near Roxborough State Park.</p>
<p>Fort Collins Mark Sears - Natural Areas Manager - (970) 416-2096</p>	<p>All open space uses can be changed. City does not require that open space be protected in perpetuity. Lands acquired through programs such as GOCO have been put into conservation easements. Also, open space is rezoned to Public Open Lands (POL) to ensure that the land can be used</p>	<p>Legacy Land Trust oversees lands protected by conservation easements.</p>	<p>The city does not have a rule in the municipal charter to require voter approval for disposal of property. City council must approve all sales. Lands originally purchased with sales tax proceeds, if sold, funds must be returned to the open space fund.</p>	<p>The city is considering an exchange of open space property for CDOT park-and-ride land.</p>

<b>Jurisdiction <i>In alphabetical order (Contact Information)</i></b>	<b>Measures for Protecting Public Land in Perpetuity</b>	<b>Other Organizations Involved with Oversight</b>	<b>Requirements and Process for Property Disposal <i>(Cite applicable ordinance or ballot language)</i></b>	<b>Requirements and Process for Exchanging Properties</b>
	for limited public purposes, such as to build police stations or schools. The city could give other organizations, such as the Housing Authority, the right to use the land.			
<b>Jefferson County</b> Ken Foelske – Open Lands Planning Manager (303) 271-5950	The original resolution requires that open space bought with citizen’s money be kept as open space. A deed restriction with a reversion clause maintains this use. The resolution language generally protects every site and certain site features.	The cities and Parks and Recreation District oversee some of the lands that the county buys. Land is leased to Parks and Recreation Districts, but cities are given full control of open space. If cities change the use of the land or sell the land, the value of the land must be reimbursed to the county.	Original resolution sets forth a rule and process for property disposal. The public process begins with a staff write-up; it then goes to the open space advisory committee for review (with public meetings); the advisory committee recommendation is forwarded to the Board of County Commissioners.  Deed restrictions require that any land that is sold or has its use changed must go through a public process, and funds equal to the market value of the property must be returned to the open space fund. For example, if a fire station is built on open space, the Fire Department must pay market rate for the land.  The county has not disposed of property.	Language states that it would have to be a great financial gain or the quality of the property would have to be great to justify an exchange.
<b>Longmont</b> Dan Wolford – Superintendent Sandstone Ranch (303) 774-4691	The city uses conservation easements and fee simple purchase. Protection measures are done on a case-by-case basis and not all properties are protected in	In some cases Boulder County holds conservation easements for lands bought with GOCO funds (e.g., Sandstone Ranch). The city also holds easements for the county.	Disposal requires a vote of the people. This rule is still being formalized, but the city used the language from Jefferson and Boulder Counties, and the City of Boulder as examples to create Longmont’s rule. A disposition proposal would have to go through citizen advisory board review, and then city council, and then the citizens would vote on the proposal.	No, but city would have to benefit greatly from the transfer for it to occur.

<b>Jurisdiction <i>In alphabetical order (Contact Information)</i></b>	<b>Measures for Protecting Public Land in Perpetuity</b>	<b>Other Organizations Involved with Oversight</b>	<b>Requirements and Process for Property Disposal <i>(Cite applicable ordinance or ballot language)</i></b>	<b>Requirements and Process for Exchanging Properties</b>
	perpetuity.			
Thornton (303) 255-7831	Thornton protects open space through zoning—Parks and Open Space classification in city zoning code. No other measures in use.	GOCO and land trusts would like to see more permanent protection measures. No other parties involved with oversight of properties.	Council approval necessary only. Master Plan states that if city pays too much for open space, or if additional land must be purchased, then unneeded lands must be sold to reimburse the open space fund.	No rules. City is trading a farm property with Weld County.
Westminster Lynn Woddell – Land Acquisition Manager (303) 430-2400 x2142	Westminster uses deed restrictions that state that an open space property purchased with community funds must remain as open space. Only the City Council has the right to dispose of open space. City uses conservation easements for land purchased with GOCO and all lands have a Deed restriction placed on them. Rules are universally applied to all open space lands.	Adams and Jefferson County Oversee GOCO lands.	None.	None.