

# **Open Space Programs in Boulder County - 2003**

Prepared by LWVBV Natural Resources Committee, Open Space Subcommittee, in 2003

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## **INTRODUCTION**

People throughout Boulder County value their open spaces, and jurisdictions agree that their preservation is vital. Voters in Boulder County, the City and County of Broomfield and in the municipalities of Boulder, Lafayette, Louisville, Longmont and Superior have each approved sales and use taxes earmarked for Open Space. The concept of open space lends itself to varying interpretations, ranging from pristine wildlife habitats and farmlands to narrow green corridors within a municipality. In this report, we capitalize “Open Space” when discussing governmental programs.

The acquisition and preservation of land as Open Space is considered one of the strongest tools governments can use to define and separate municipalities, limit growth and urban sprawl, protect agricultural uses, and provide passive recreational opportunities while saving wildlife habitat. Some argue that preserving open space costs taxpayers less than providing roads, schools and other public services to support development. However, publicly financed Open Space is costly. All jurisdictions with Open Space programs confront budgetary pressures limiting not only their ability to purchase land, but also their ability to maintain and manage it.

In this report, we describe the various Open Space programs in Boulder County. We also look briefly at the Open Space program in Broomfield. Our focus is on undeveloped Open Space, not on developed parks or turf corridors through neighborhoods. We also review some of the problems and issues that arise in Open Space programs. Our goal is to

provide information that citizens can use to evaluate how they would like to see their own programs develop.

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## **OVERVIEW OF OPEN SPACE PROGRAMS**

By the end of 2002, nearly every municipality in the county had an Open Space program. All such programs serve multiple purposes. Most aim to frame or buffer urban growth, preserve ecosystems and wildlife habitat, conserve agricultural uses, and provide opportunities for passive recreation. Many also refer to preserving aesthetic values and open vistas, preventing development on floodplains, and protecting historic and geological sites.

Elected officials in each jurisdiction generally appoint a citizen Open Space advisory board or committee. These committees advise both elected officials and staff on acquisition, management, restoration and preservation of open space. Final authority with regard to Open Space decisions usually rests with elected officials. Only the City of Boulder advisory board has some policy-making authority.

Voter-approved sales and use taxes are the primary method of funding Open Space programs; many have a sunset date. Other funding sources include property taxes, impact fees, and Great Outdoors Colorado (GOCO) revenues from the Colorado lottery. Although allowed in most ballot issues, maintenance and management funding typically comes from general funds (property, sales and use taxes and other sources). Occasionally, landowners give land directly or through organizations such as the Nature Conservancy.

Conservation easements, purchased from private owners, allow land to remain in private ownership but protect it from development. In some jurisdictions, land use regulations require Open Space dedications from developers, as in planned unit developments (PUDs), annexation agreements, and through transfers of development rights (TDRs). As with conservation easements, the land remains in private hands. Such means protect land at low public cost.

Rapid growth in Boulder County over recent decades has brought its share of conflicts among jurisdictions. Boulder County and the City of Boulder, in particular, have sometimes rushed to snatch land from the grasp of neighboring communities and to acquire it as Open Space. Ironically, some of the municipalities who fought these land grabs now seek help from Boulder, the County, and from neighboring jurisdictions to preserve open spaces jointly. Municipalities increasingly share information and resources, coordinate planning to preserve wildlife corridors, and to connect trails.

Boulder County and its municipalities have made Intergovernmental Agreements (IGAs) to preserve Open Space. These IGAs provide the legal foundation for joint land purchases and planning agreements. An example is the three-way agreement signed in 1994 among the Town of Erie, the City of Lafayette, and the County to preserve an open space buffer of undeveloped county land between the two municipalities. Such land often remains in

private hands. Most IGAs have “sunset” limits.

Regional open space planning has been advanced through IGAs, the Consortium of Cities, the Denver Regional Council of Governments (DRCOG) and joint efforts to obtain GOCO funds. In 2002, the largest GOCO grant ever given (nearly \$12 million) was used to acquire land in southwest Weld County for preservation and recreational development. Team partners included Longmont, Weld and Boulder Counties, the State Division of Wildlife and Parks, and the towns of Erie, Frederick, Firestone, and Dacono.

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## **BOULDER COUNTY PARKS AND OPEN SPACE**

The Boulder County Parks and Open Space (BCPOS) program is distinctive for having large tracts of land and a number of complete family ranches. Starting with Ernie Betasso's property and Walker Ranch west of Boulder, Rabbit Mountain on the north border of the county, and the Rock Creek Ranch on the south county border, the county became a leader in open space preservation. More recently, the Heil and Hall ranches along the foothills between Boulder and Lyons, Shorty Lohr's farm along Highway 66, the addition of properties around Rabbit Mountain and east of the Continental Divide near Caribou, have given the county a dominant role in preserving open space.

Interested in saving land from rapid development, citizens in the mid-1960s encouraged the county commissioners to initiate the Boulder County Parks and Open Space program. At that time, there were fewer than 130,000 people living in Boulder County. Now there are nearly 300,000. Ernie Betasso's 1975 sale of his 773-acre ranch six miles west of Boulder was the county's first major open space acquisition.

Today, Boulder County owns nearly 53,000 acres with 85 miles of trails. Of these, it leases nearly 23,000 acres for agricultural use. These acres are not open to the public. Another 8,700 acres are closed either for wildlife protection or for lack of a completed management plan. Caribou Ranch, at more than 2,000 acres, is the largest of these. It will open in October 2004.

In addition, the county controls development rights on 17,000 acres of private land through conservation easements. Another 10,000 acres are dedicated as outlots through non-urban planned unit developments. Altogether, the county program protects some 80,000 acres, both public and private.

The three elected County Commissioners have final authority in governance and management of BCPOS. They appoint a Parks and Open Space Advisory Committee of 12 to 15 members, chosen from throughout the county to guide them in policy decisions. The Parks and Open Space Department has 80 full time equivalent (FTE) employees ranging from forestry specialists to GIS/GPS mapping specialists to weed technicians. It typically hires about 35 seasonal employees.

In 1993, after two earlier unsuccessful ballot issues, Boulder County voters approved a 0.25% Open Space sales tax. It will expire in 2019. In 1999, they approved an additional

0.10% sales tax, to expire in 2009. Together, these taxes generated \$12.6 million in 2002. Additional revenues, about \$8.5 million in 2002, come from the general fund. Another \$400,000 has come annually from GOCO lottery proceeds.

Since 1993, \$220 million in bonds have been issued; thirty million dollars remain available for further purchases. The county acquires Open Space property in several ways. The most common is by direct purchase. Other methods of protecting land from development include donations, intergovernmental transfers, joint municipal and county purchases, subdivision dedications and transfers of development rights.

The total BCPOS operating budget for 2002 was nearly \$9 million. It was spent as follows: about \$3.3 million in salaries, approximately \$3.7 million toward debt service and the remaining \$1.9 million to operate the Fairgrounds, Extension Service, resource management, agriculture division, and weed service.

Boulder County has also assisted municipalities to build barriers to sprawl. Shared purchases and intergovernmental agreements (IGAs) have preserved green spaces between municipalities and helped them to maintain their separate identities. Nevertheless, the large tracts are the crown jewels. In Boulder County, only the City of Boulder has obtained similar opportunities to preserve wildlife corridors and habitat.

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## **CITY OF BOULDER OPEN SPACE AND MOUNTAIN PARKS**

City of Boulder Open Space and Mountain Parks (OSMP) lands nearly ring the city, from Chautauqua meadow and the foothills to the west, including South Boulder and Bear Peaks, Green and Flagstaff Mountains, to the plains to the north and east, and circling south into Jefferson County. They include the Boulder Mountain Parks and a majority of the South Boulder Creek riparian corridor.

In 1898, the City first purchased land for permanent preservation as park land. It became Chautauqua Park, the forerunner of today's Open Space and Mountain Parks system. Over the next half century, approximately 6,000 acres were acquired for the Mountain Parks. By 1959, the threat of extension of water lines to allow development in the foothills overlooking the city mobilized citizens to initiate a ballot measure to prohibit city water service above an elevation of approximately 5,700 feet (the "Blue Line"). Approved by the voters, this charter amendment helped protect land in Boulder's mountain backdrop from development. Energized by this success, activists worked to create a greenbelt around the city. In 1967, Boulder became the first city in the nation to pass a sales tax to acquire and preserve open space.

In 1986, voters amended the city charter to create an Open Space Department and an appointed Open Space Board of Trustees. Prior approval of this five-person board is necessary before City Council can take action on any decision to dispose of Open Space.

Currently, some ninety percent of the OSMP budget is funded by dedicated sales and use taxes, with most of the remaining ten percent coming from the general fund. In addition

to outright purchase, the city also acquires Open Space land through donation, development dedications, annexation agreements and occasional condemnations. It may charge fees for access, parking, and special programs and uses.

Voters have approved sales taxes and/or bonding for Open Space acquisitions in four separate elections. The city levies a 0.4% permanent sales tax and a 0.33% temporary sales tax, totaling 0.73%. The temporary tax is scheduled to expire in 2018. By the end of 2002, the city had spent a total of over \$160 million to acquire Open Space.

Of its nearly \$18 million budget in 2002, more than half was debt service. Since the mid-1990s, the percent going to operations and maintenance has steadily increased, though the majority continues to pay for land acquisitions. The trend toward spending less on acquisitions and more on maintenance will continue unless voters approve new Open Space tax measures.

With its dependence on sales tax revenues, the OSMP Department has been heavily affected by Boulder's current economic down turn. Nevertheless, by the end of 2002, the city owned nearly 35,000 acres of OSMP lands. It currently retains a staff of 72, maintains 130 miles of trails, (including 41 open to bicyclists and all to horses), and estimates 3.5 million annual visits. About 3000 acres of this land is not open to recreational use because of public safety concerns (eg. inactive or abandoned mines), incomplete management plans, joint management with Boulder County, or ecosystem sensitivity.

In addition, the OSMP system includes 8,000 acres of private land that the city has protected from development in perpetuity through conservation easements or development rights that it purchased from owners. These private lands are not open to the public. All together, OSMP protects nearly 42,700 acres of public and private land from development.

Open Space acquisition is, for practical purposes, permanent. Any disposal or transfer of Open Space land requires approval of the Board of Trustees, the City Council, and if challenged, the voters. This requirement also applies to conservation easements, water and mineral rights, development rights agreements and any other Open Space rights that the city holds.

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## **ERIE**

Although voters defeated an open space sales tax measure in 2000, dedicated impact fees on new development support Open Space acquisition. The town's 1997 Parks, Recreation, Trails and Open Space Master Plan addresses open space values and functions, and it provides direction for management. The town trustees appoint an Open Space and Trails advisory board that is working to define Open Space goals.

How to maintain Open Space with the town's limited resources is an issue. There is no Open Space department, but with funds from impact fees, Erie has purchased 18 acres of

open space and has made a joint purchase with the county. Erie has IGAs with Lafayette, Boulder County and Broomfield establishing municipal and open space boundaries.

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## **LAFAYETTE**

Lafayette owns a variety of small tracts totaling 779 acres. These properties include riparian areas, community buffers, wildlife habitat, view corridors, trail connections and agricultural land.

Voters approved a permanent 0.25% (\$.25 per \$100) sales and use tax for open space acquisition and maintenance in 1991 and a temporary 0.25% tax in 1999 for acquisition only that will expire in 2004. Tax revenue for the Open Space Fund was \$1,100,373 in 2002. The operating budget was \$175,000.

Lafayette's Open Space Advisory Committee consists of five citizen voting members, two citizen non-voting members, a City Council member, a City Planning Commission member, and a city administrator. The City of Lafayette owns 779 acres of open space within city limits. Issues are maintenance, designated uses, and balancing public access with habitat protection.

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## **LONGMONT**

Longmont's newly acquired open space is all in western Weld County, mostly along the St. Vrain Creek corridor. Longmont voters approved a citizen-initiated sales tax in 2000, after the failure of a similar measure in 1995. The sales and use tax of 0.2% yielded \$2,515,682 in 2002 and will provide Open Space funding for acquisitions and management through 2020.

An Open Space and Trails master plan specifies low-impact passive recreational uses, such as hiking, fishing, non-motor boating, and swimming for both Open Space lands and for District Parks. These parks function as Open Space but are managed separately. Bicycles and horses are allowed on designated trails, and dogs must generally be on leash in both District Parks and on Open Space.

While the city charter requires a public vote to dispose of Park lands, Open Space land purchases do not have such protection. The master plan recommends revising the city charter to afford Open Space lands the same level of protection as granted to Park lands. Any charter change would require voter approval.

The City Council makes final decisions on Open Space preservation, acquisition and management. It has appointed an Open Space and Trails superintendent, the city's one Open Space employee. Maintenance on Open Space is done either by contract, seasonal assistance or with the help of the Parks Maintenance Division. Council also appoints a seven member Advisory Board to review all Parks, recreation and Open Space issues.

The Open Space budget for 2002 was approximately \$10 million of which \$9.7 million

was for land acquisition. By the end of 2002, the city had acquired nearly 1,100 acres of Open Space lands.

A challenge facing Longmont's program is the high cost of land in Weld County where the lands the city would like to buy are in a mixed-use development area. With only one Open Space employee, land management is also a challenge. Identified needs include a plant ecologist, a visitor services specialist who could operate a Park Ranger program, and staff for the future opening of the Sandstone Visitor Center and Resource Library.

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## **LOUISVILLE**

Voters in 1993 approved a ballot measure to impose a temporary 0.375% sales and use tax for the acquisition of land for open space buffer zones, trails, wildlife habitats, wetlands preservation and future parks. In 2002, voters approved its continuation through 2013. Operation and maintenance as well as acquisition was added to its uses. Today, the City of Louisville owns 1772 acres of Open Space and protects 134 acres in private ownership.

The Director of Land Management, hired by the city manager, is responsible for managing and maintaining Open Space. An Open Space Advisory Board advises both City Council and staff.

By the end of 2002, the sales tax had generated approximately \$8.6 million. The Land Acquisition budget was about \$1,600,000. The 2002 Parks & Open Space budget of \$700,000 includes maintenance and management of Open Space, parks, rentals, salaries, park upgrades and professional services.

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## **LYONS**

Although the Town of Lyons has no formal Open Space program, it has 110 acres of Open Space obtained through annexation agreements. Some portions are steep hillsides and rockfall areas, while others are riparian with trails and opportunities for kayaking and tubing. Funding for maintenance comes largely from sales taxes and building permits.

A Parks, Open Space and Trails Plan has been developed and the town trustees have appointed a pathways committee that works with the County and with Longmont to connect trails along St. Vrain Creek. Lyons and Boulder County have an IGA defining the town's urban growth boundaries. County Open Space (Hall and Heil Ranches) is contiguous to the town on the west and south.

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## **NEDERLAND**

Nederland has no earmarked tax for open space. However, using funds from a GOCO grant, it has prepared a Town of Nederland and Surrounding Areas Master Plan for town parks and outdoor recreation, and for trails on County Open Space. It has an IGA with Boulder County defining an open space buffer around Nederland.

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## **SUPERIOR**

In 2001, voters approved a ballot measure to impose a 0.3% sales and use tax to create an Open Space fund. Many decisions about how to use it remain. At present, Superior has neither a formal open space program nor staff. The town does not own natural Open Space and does not know if purchasing parcels outright is possible.

Town staff is currently working with the Town Board, Planning and Zoning Commission, and the Open Space Advisory Committee to define Open Space and to establish funding priorities. The involvement of the Advisory Committee in the development review process is still being refined. The Advisory Committee has recommended that the Town define natural Open Space as undeveloped land secured for habitat protection, limited recreational use, and archaeological and topographical preservation. The town is also considering an ecological study and an open space management plan.

Superior is bordered on two sides by Boulder County and City of Boulder Open Space land. An IGA between Superior and the county requires the county to first receive permission from Superior before purchasing land within Superior's planning area. The Town may place conditions on this approval. For example, it may specify public access and trailheads. Although no formal IGA exists between Boulder and Superior, the Town provides input on its preferences about Open Space use.

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## **OUTSIDE BOULDER COUNTY: THE CITY AND COUNTY OF BROOMFIELD**

Broomfield voters first approved a 21-year sales and use tax rate of 0.25% for open space and parks in 1994, and in 2001 they extended it indefinitely. Eighty percent of the revenue from the tax is allocated to Open Space acquisition, maintenance, or improvements to the land such as trails. Twenty percent is designated for park acquisition and development. Open Space Areas are parcels of land intentionally left free and protected from development. Improvements may include soft surface trails, native plants, picnic areas, boat docks and parking areas.

City Council makes final decisions about Open Space acquisitions. An Open Space and Trails Advisory Committee is composed of seven council-appointed members and two ex-officio city council members. It advises Council on acquisitions, trails and long-range plans. The Open Space and Trails Department, created in 2000, has one full time staff member plus one temporary intern. It is currently working on an Open Space and Trails Master Plan.

As of March 2003, Broomfield had acquired nearly 1971 acres of Open Space, plus 414 acres in conservation easements. The 2003 Open Space administrative budget is \$156,339. About 5% of the Open Space sales tax revenue is allocated to trail construction and other open space enhancement projects. Maintenance funding of \$390,000 comes from the general fund.

Broomfield has obtained several GOCO grants, has completed joint trail connections with Boulder County, and is working on new joint acquisitions with surrounding communities. The Advisory Committee holds occasional meetings with other Open Space boards. Broomfield also has numerous IGAs that relate to development and Open Space. Key issues are completion of a trail system throughout the community, regional trail connections, timely acquisition of Open Space, maintenance of open space, and wildlife management concerns.

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## **PHILOSOPHY AND MANAGEMENT OF OPEN SPACE PROGRAMS**

### **Philosophy**

- *Is open space preservation an appropriate use of public monies?*

**Yes.** Open space is the strongest tool we have for shaping our towns and cities with buffers, for providing habitat for wild animals, for continuing land in agricultural uses, and for balancing the recreational needs of humans and their natural environment. Open Space programs save money that would be needed for infrastructure if the lands were developed.

Other values are impossible to quantify. From the heart stopping view of the Boulder Valley from the top of Davidson Mesa, to private meditative refuges along quiet streams, Open Space lands enrich our lives. They provide opportunities to learn directly about our natural environment through classes, field trips and private natural experiences. The deer, fox and occasional bear that we encounter remind us that we share the land with other creatures.

**No.** Open space is elitist. It enables wealthy communities to push development elsewhere, encouraging sprawl. Maintenance is a permanent expense. Money spent on Open Space could be better used to meet social needs such as affordable housing and health care. Open Space also removes property from the tax rolls.

- *When is enough land enough?*

When voters fail to support extensions of Open Space taxes for acquisition, the limits will have been found. The voters will decide when they would rather spend money on other programs.

### **Management**

Since Open Space programs are rooted in the conflicting purposes of public recreation and natural preservation, contentious issues abound. Elected officials, Open Space advisory boards and staff must balance the competing priorities of a divided constituency. Some of the management issues mentioned below have come to full flower only in the older and larger Open Space programs. As newer programs mature, they may find

themselves dealing with many of the same issues.

• ***What part of Open Space budgets should be spent on acquisition versus management?***

Most of the sales taxes for Open Space allow funding for management as well as for acquisition. However, the desire to acquire land before it is developed has driven most programs to favor acquisition over management. As land available for acquisition becomes scarcer and more costly, budgets tend to shift toward management.

If and when voters no longer support additional taxes to acquire property, management will eventually consume 100% of Open Space budgets. Voters have approved permanent taxes that allow funding for management in only the City of Boulder and Lafayette. Without a dedicated tax, Open Space programs are dependent on general funds, and on unpredictable gifts and grants.

• ***How can Open Space be managed for recreation, agriculture, wildlife and habitat preservation?***

Open Space lands are not identical. They vary in appearance, function and in the clientele they primarily serve. Elected officials must decide how to balance uses. Most programs allow only "passive" recreation. This generally means no motors, no commercial operations. However, what about hang gliders? What about individuals teaching rock climbing on mountain lands for pay?

Disagreements among users are perhaps the most visible and vocal of all Open Space conflicts. Dogs on and off leash, and horses and bicycles on trails are hot buttons for both recreational users and wildlife advocates.

People also disturb wildlife. Nesting areas are often closed during a defined season. Does wildlife preservation require even greater limits on recreational use? What about prairie dogs? While they are an important part of the ecosystem and provide food for raptors, they can destroy both native vegetation and agricultural uses. Should they have sanctuary on Open Space? County land near Rabbit Mountain is being used, but should it be expanded?

What agricultural uses are acceptable on Open Space lands? Should composting be allowed? Should genetically modified seed be planted? To control noxious weeds, what combination of herbicides, prescribed grazing, controlled burning or labor intensive pulling should be used? In forest areas, how should we manage thick forests that present fire hazards? Thinning by hand creates the least disturbance to flora and fauna, but it is slow and expensive.

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## **FUTURE CHALLENGES**

At issue in all cases of conflict is how to manage competing priorities. It is difficult to find anyone who uses Open Space who does not support its good stewardship. However, there is never enough funding nor enough public consensus to satisfy all demands. To

decide what type and level of use is appropriate requires information, compromise, and an accessible and responsive public process. In sports-minded Boulder County, there will be calls for more recreational uses on Open Space. Yet in environmentally sensitive Boulder County, there will also be calls for preserving what little remains of relatively intact natural areas.

Relations between jurisdictions do not always run smoothly. How should Open Space be managed when trails connect lands under different jurisdictions? Should one jurisdiction charge visitors from others to use its tax supported Open Space?

Another challenge will be deciding under what conditions Open Space lands might be used for other purposes. A jurisdiction could choose to use some Open Space lands for flood control, water storage or highway development to add HOV lanes. What rules should then apply? Should Open Space lands only be transferred or sold to another governmental body? Could the land be sold on the open market? This is largely an uncharted area.

A latent problem is that municipalities and the county have not always purchased costly mineral rights on Open Space lands. Since these rights are in private hands, there is the potential of private drilling for oil, gas and methane.

The popularity and appreciation of Open Space programs continues to grow, and public willingness to pay for them has spread from one jurisdiction to another. More municipalities are building their own programs tailored to their own situations. Publicly funded Open Space has become a trademark of the Boulder area. This will almost certainly continue. However, Open Space acquisition and long-term management costs must compete for funding with other public needs. How we respond to this competition will decide the future of Open Space programs in Boulder County.

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## **APPENDICES: Charts**

### DEDICATED SALES AND USE TAX FOR OPEN SPACE

| Entity                               | Began | Percentage | Expires   | Yield in 2002 |
|--------------------------------------|-------|------------|-----------|---------------|
| <b>Boulder County</b>                | 1994  | 0.25       | 2019      | \$12,600,000  |
|                                      | 2000  | 0.10       | 2009      |               |
| <b>City of Boulder</b>               | 1968  | 0.4        | permanent | \$16,000,000  |
|                                      | 1990  | 0.33       | 2018      |               |
| <b>City and County of Broomfield</b> | 1995  | 0.25       | permanent | \$2,000,000   |
| <b>Lafayette</b>                     | 1992  | 0.25       | permanent | \$1,100,000   |
|                                      | 2000  | 0.25       | 2004      |               |
| <b>Longmont</b>                      | 2001  | 0.2        | 2020      | \$2,500,000   |
| <b>Louisville Superior</b>           | 1994  | 0.375      | 2013      | \$1,500,000   |
|                                      | 2002  | 0.3        | permanent | \$500,000     |

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### 2002 OPEN SPACE ACREAGE & REQUIREMENTS FOR DISPOSAL

| Entity                                 | Publicly owned (acres) (note 1) | Privately owned, publicly protected | Requirements for disposal            |
|--|---------------------------------|-------------------------------------|--------------------------------------|
| <b>Boulder County</b>                  | 52,000                          | 28,000                              | Public vote if 5% of voters petition |
| <b>City of Boulder</b>                 | 34,700 (note 2)                 | 8,000                               | Public vote if 5% of voters petition |
| <b>City &amp; County of Broomfield</b> | 1,971                           | 414                                 | Public vote                          |
| <b>Erie</b>                            | Not available                   | Not available                       | --                                   |
| <b>Lafayette</b>                       | 779                             | None                                | Public vote                          |
| <b>Longmont</b>                        | 1,100                           | 10                                  | --                                   |
| <b>Louisville</b>                      | 1,772                           | 134                                 | Public vote                          |
| <b>Lyons</b>                           | 110                             | Not available                       | --                                   |

(1) Figures may be overstated because they include 6,700 acres owned and claimed jointly by Boulder County and other jurisdictions.

(2) Includes 6,555 acres of Boulder Mountain Parks.

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