

CITY COUNCIL COMMUNICATION



MEETING DATE: January 14, 2025

ITEM NUMBER: 12.A

SECOND READING:

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: General Business

PRESENTED BY:

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SUBJECT/AGENDA TITLE:

Proposed Land Exchange Between The City's Tull Property (Utilities, Public Works) And Its Distel Property (Open Space): Initiation By Referral To The Parks And Recreation Advisory Board

EXECUTIVE SUMMARY:

This item addresses a proposed exchange of two City-owned properties. The City acquired the Tull and Distel properties from Aggregate Industries in 2019 (Attachment 1). Aggregate Industries has historically leased properties along St. Vrain Creek in Weld County for the purpose of mining gravel. On both the Tull and Distel properties, gravel mining operations have been conducted for several decades.

If completed, this proposed land exchange would result in a net benefit to both the public and the City departments that acquired each property.

Through initial evaluation, staff has determined that the ongoing gravel operations and overall industrial condition of the Distel property make it best suited for Utilities and Public Works purposes, such as a site for a composting facility, a relocation of the fire training center, and/or a future municipal training center. Due to the extent of industrial disturbance on Distel, the probability of ecological restoration success¹ and the likelihood of achieving Open Space criteria and goals as set forth in Chapter 14.52.10, is greater on Tull. The Tull property's location near Boulder Creek and within the floodway, makes it better suited for Open Space uses, including ecological restoration, potential for public accessibility and recreation, and the possibility of water storage (Attachment 2).

The Tull property was acquired with Street, Storm Drainage, Open Space, Water, and Sanitary Sewer funds, while the Distel property was purchased using only Open Space funding. Consequently, transferring fund ownership between these properties requires following Chapter 14.52 of the Longmont Municipal Code, Open Space Disposition, through an exchange of interest in City land for property that has a higher Open Space Program value. This process mandates that City Council refer the matter to the Parks and Recreation Advisory Board (PRAB) and any other appropriate boards for review and recommendations. PRAB is required to hold a public hearing within 60 days of the referral.

¹*Ecological restoration success: In this context, restoring land to beneficial open space use means responsibly*

utilizing Open Space funding to restore ecosystems to a functioning state, i.e., creating native riparian and upland ecosystems that sustain native species and habitat.

COUNCIL OPTIONS:

1. Refer this matter to the Parks and Recreation Advisory Board for their action, and direct staff to follow Chapter 14.52 concerning this proposed exchange of Open Space for property that has a higher Open Space value.
2. Do not refer this matter to the Parks and Recreation Advisory Board for their action, and do not direct staff to follow Chapter 14.52 concerning a proposed exchange of Open Space.

RECOMMENDED OPTIONS:

Option 1.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

The intent of this proposed exchange of properties would be to complete the land exchange action without utilizing funds from any City fund, i.e., a net benefit to all involved Departments.

BACKGROUND AND ISSUE ANALYSIS:

In 2019, Longmont acquired the 215-acre Tull property from Aggregate Industries with a combination of funds from Street, Storm Drainage, Open Space, Water, and Sanitary Sewer. The City purchased the Tull property to provide space for the excess fill materials generated by ongoing City Utilities and Public Works projects, and to serve as a potential location for other municipal operations. Importantly, Open Space funds were used to acquire approximately 66 acres of the property, in order to protect Boulder Creek's riparian corridor from the potential operational uses on the rest of the property.

Additionally in 2019, Longmont acquired the 115-acre Distel property, using exclusively Open Space funding, and entering into a lease-back agreement with Aggregate Industries until December 2033. The intent of this acquisition was to preserve land in an area contiguous with other City Open Space properties along St. Vrain Creek, providing a buffer between Longmont and the development of surrounding communities. Holcim, the successor to Aggregate Industries, currently operates a gravel processing facility on the property. The Distel property's surface has been improved and graded to accommodate gravel processing activities, including daily truck traffic.

Over the past several months, staff have started evaluating each property. This has entailed reviewing each property's potential for continued industrial uses, reclamation, riparian corridor connectivity and protection, and public access for recreation, as well as identifying potential future uses of the land for the various involved Departments.

Given the continued industrial activities on Distel, staff believe the Distel property aligns better with municipal operations that could include a site for a composting facility and/or the relocation of Longmont's fire training center, among other potential municipal operations. Whereas the Tull property aligns better with Open Space purposes with its adjacency to Boulder Creek and its riparian corridor and its potential for the ecological restoration of riparian and upland ecosystems. Additionally,

since the Tull property purchase includes a conditional decree for water storage rights, staff would evaluate potentially developing water storage on a portion of the property.

As this exchange is currently proposed, a portion of the Tull property would be used to fulfill the original Public Works purpose of the Tull Property purchase and serve as the location for the placement of excess fill materials from City Utilities and Public Works projects (Attachment 3). This limited activity would continue for several decades, but after this time, this final portion of the Tull property would be restored and transferred to Open Space management consistent with the remainder of the Tull Property. This proposed exchange would result in a net benefit to all involved Departments and on both properties.

Chapter 14.52 of the Municipal Code describes that there may be instances when Open Space goals and purposes may be furthered through an exchange of interest in City land for property that has a higher open space value, or by selling a parcel with limited open space value to another landowner or City fund and using the proceeds to obtain land that more clearly meets Open Space purposes without expending additional limited Open Space funds. The code also states that it is in the City's interest that City Council retain the ability to take advantage of opportunities to add land that improves the quality of the City's Open Space inventory. Staff has determined that the proposed land exchange furthers both of these goals.

Under Chapter 14.52, an exchange or disposal of Open Space should be for a public purpose as determined by City Council. The definition of public purpose under this section includes the exchange of property interests that result in a net benefit to the Open Space Program, which staff believes the proposed land exchange will accomplish. City Council may approve an exchange of existing Open Space land for other property if it determines that the land to be obtained in the exchange is of equivalent value. To substantiate equivalent value, staff would evaluate factors including the relative size of both parcels, the ecological value of the parcels, and whether the obtained parcel would better meet the purposes of Longmont's Open Space Program than the current parcel. While exact acreages have yet to be finalized or presented to the Parks and Recreation Advisory Board (PRAB) for their recommendation to City Council, staff believes that exchanging the Distel property for Tull property clearly meets Open Space purposes.

The first step in this process would be for City Council is to refer this request to PRAB and any other boards that the Council feels necessary for their review and recommendation back to the Council after a public hearing. PRAB must hold a public hearing within 60 days of receiving the referral from Council.

ATTACHMENTS:

Att 1 - Vicinity Map

Att 2 - Public Lands Detail

Att 3 - Current vs. Proposed Exchange