

7. SENATE BILL 35

My father, who was following this issue at the time, saw it primarily in terms of development of irrigated farmland on the outskirts of Front Range towns.

There had been a growing demand for 5-10-acre properties, small irrigated acreages on the edges of towns where families could enjoy an exurban 4-H lifestyle.¹ This sort of thing was taking agricultural land out of production at a rate that alarmed some politically influential citizens.

Concern about unregulated development of irrigated farm land near Front Range cities was one factor that triggered action by the Colorado State Legislature in the form of Senate Bill 35 in May of 1972.

SB 35 provided that land could no longer be sold in acreages of less than 35 acres unless the property was subject to formal subdivision proceedings.

An unintended consequence of Senate Bill 35 was to refocus real estate agents who had been serving this exurban market. Where to find 35 acres of any land for the price of 5-10 irrigated acres?... the market makers asked themselves. Their gaze came to rest on nearby foothills ranch land, where even \$80 per acre could be a windfall to small ranchers running close to the edge and where no previous dependable market for their ranches had existed.

At those prices, ranchers could sell out, take the proceeds and buy larger, more viable spreads removed from the Front Range, and some did: Gibbs, Kramers, Soderberg, Steinhoff and Tibbits among them. Others retired in unanticipated comfort.

Speculators quickly learned that it didn't take much to buy a ranch, survey each 640-acre section into seventeen or eighteen ~35-acre tracts, grade a few crude roads and quickly double or triple their money. Thus were born the "35-acre developers", and the land rush was on.

A hot knife through butter – the process cut through the Front Range foothills ranches, creating an unnatural pattern of ownership. 35 acres was a size that no one particularly desired – bigger than was needed, but not big enough to be of use – not quite enough to graze one cow or horse for a year.

Additionally, many of the first 35-acre developments had no protective covenants, inviting all manner of helter-skelter, libertarian homesteading practices.

The Livermore ranching community sustained a rogue wave of this speculative fever and mopped its collective brow – by 1977, five short years after SB35 was signed, the Livermore area ranches that were developed in the hands of 35-acre developers or immediately vulnerable included (see map opposite):

- The Kramers Ranch at Ted's Place
- the McMurray Ranch at Ingleside (Bonner Peak)
- the Swan Ranch on Gordon Creek,
- the Currie Ranch (Glacier View and Crystal Lakes)
- the Sloan Ranch on North Rabbit Creek
- the Williams Ranch on Rabbit Creek
- much of the Carey Ranch on the North Fork
- the Lavender Ranch on Mill Creek
- the Tibbits Ranch on the North Fork
- the Weaver Ranch above Virginia Dale
- the Chimney Rock Ranch on Sand Creek south of the Wyoming border
- and much of the Brackenbury Ranch on Meadow and Rabbit Creeks.

In addition to the speculators' pressures on the ranching community were acquisitions by the Colorado Division of Wildlife (see map opposite):

- Most of the rest of the Brackenbury Ranch that was not in the hands of speculators
- part of the Williams Ranch on Rabbit Creek

- the Wagner Ranch in Lower and Upper Cherokee Park
- the Lamb Ranch on Lone Pine Creek.

In addition, the Maxwell Ranch on Stonewall Creek had been given to Colorado State University (see map opposite).

The response in the ranching community to these sudden changes was schizophrenic. On one hand, higher land prices and an active market for foothills ranch land were welcome, but the upheaval caused by old ranch families moving out and speculators, or their customers, or the government (DOW and CSU) moving in was unsettling.

Other ranching communities were similarly disrupted: Rist Canyon, Stove Prairie, Bellvue, Horsetooth, Masonville and Buckhorn, continuing on south beyond Colorado Springs...

Not only the ranchers, but many long-time Front Range inhabitants – town folks, academics, businessmen and farmers were unsettled by the visual and cultural disruption of the region's bucolic, sleepy backyard – the foothills (Jeanne and I among them).

This was the steamy compost into which drifted the seeds of the Phantom Canyon Ranch project.

¹ On the edges of a still small Fort Collins (population ~20,000): These exurban small acreages ran north and south along Shields Street, Taft Hill Road and Overland Trail; west along Willox Lane, Vine Drive, Laporte Avenue, Mulberry Street, Elizabeth Street and Prospect Street – the land in between these streets was mostly still farmland.

