

**ORDINANCE NO. 1329
SERIES 2000**

AN ORDINANCE ESTABLISHING A LOUISVILLE CITIZENS OPEN SPACE ADVISORY BOARD TO ADVISE THE CITY STAFF AND COUNCIL ON MATTERS RELATED TO THE ACQUISITION, MANAGEMENT, RESTORATION, PRESERVATION AND USE OF OPEN SPACE LANDS AS SET FORTH IN THIS ORDINANCE, AND ESTABLISHING STANDARDS FOR THE ACQUISITION, MANAGEMENT, RESTORATION, USE AND PRESERVATION OF SUCH OPEN SPACE LANDS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. The Louisville Municipal Code is hereby amended by the addition of a new Title 4, to read as follows:

**TITLE 4
CITY OPEN SPACE**

**Chapter 4.01
GENERAL**

- Sec. 4.01.010 Purpose.**
- Sec. 4.01.020 Definitions.**
- Sec. 4.01.010. Purpose.**

This ordinance establishes a board of citizens to advise the City Staff and Council on matters related to the acquisition, management, restoration, preservation, and use of Open Space lands and establishes standards for the acquisition, management, restoration, use and preservation of such open space lands.

Sec. 4.01.020. Definitions.

A. "Open Space" shall mean and include land designated as Open Space on the City zoning map attached hereto as Attachment A as may be amended from time to time by the City Council, or as may be designated in the future by the City Council upon recommendation of the Board. Generally, such lands are undeveloped lands that are owned solely or jointly by the City with the intent that the land would be designated as open space buffers, agricultural land, wildlife corridors, wildlife habitat or other undesignated undeveloped land. Open Space shall not include Parks, Developed Recreation Areas, or the 96th Street connection.

B. "Parks" shall mean and include land owned solely or jointly by the City that is designated and/or managed as an active recreation area and/or primarily is composed of irrigated turf designed for public use. Parks shall include, but not be limited to, Memory Square Park, Keith Helart Park, Joe Carnival Park, Annette Brand Park, Pirates Park, Cleo Mudrock Park, Heritage Park, Cottonwood Park, and the park within the Meadows at Coal Creek.

C. "Developed Recreation Areas" shall mean and include the Louisville Cemetery and recreational facilities such as the Louisville Recreation Center, multi-purpose athletic fields, baseball fields, softball fields and golf courses that are owned and managed by the City. Reasonable efforts will be taken by the city to minimize the impact of such areas on Open Space and natural areas contiguous to Open Space.

D. "Passive recreation" shall mean and include activities such as hiking, photography, or nature studies, and if specifically designated, bicycling, horseback riding, or fishing. No motorized activity will be allowed except for maintenance activities, emergency services or legal access agreements.

**Chapter 4.02
Citizens Open Space Advisory Board**

Sec. 4.02.010.	Creation of the Board.
Sec. 4.02.020.	Board Procedures.
Sec. 4.02.030.	Initial Duties.
Sec. 4.02.040.	Ongoing Duties.

Sec. 4.02.010. Creation of the Board.

A. There shall be a Louisville Citizens Open Space Advisory Board composed of seven Louisville residents appointed by the City Council. No more than three members shall be appointed from one ward. The terms of each board member will be for 3 years, except that initially 2 members will be given 1-year terms, and 2 members will be given 2-year terms.

B. The initial board appointments shall be made within 60 days after the ordinance takes effect. Terms will expire on January 15th of each year. Terms lengths for initial appointees shall be calculated as if their terms started January 15, 2000.

C. The Board members shall serve without pay and shall not hold elective or appointive office within Louisville government, except that Board members may serve on City task forces.

D. For the purposes of the Louisville ordinances and state ethics laws governing the conduct of municipal officers each board member shall be considered an officer of the city.

E. Four members of the council may remove any board member for cause. Cause shall include but not be limited to:

1. Violation of city or state ethics laws;
2. Conviction of a felony; or
3. Missing four regular meetings in any 12-month period.

Sec. 4.02.020. Board Procedures.

A. At its initial meeting and thereafter at its first meeting after January 15 of each year, the Board shall choose a chair and a secretary from among its members.

B. The board shall hold public meetings once a month. Special meetings may be called at any time by the chair or 4 members of the board upon the giving of at least 48 hours notice of the special meeting to the board members.

C. All meetings shall be posted as per the city's standard policy for posting notices of meetings.

D. Four members of the board shall constitute a quorum. An affirmative vote of a majority of the members present at a Board meeting shall be necessary to authorize any action by the Board, except as otherwise expressly provided herein.

E. The board shall keep minutes and records of its meetings and transactions.

F. The board shall have power to adopt rules and regulations for the conduct of its business consistent with the provisions of the Louisville Municipal Code and state law.

Sec. 4.02.030. Initial Duties.

The Board's initial duties shall include:

A. Inventory of City Open Space.

1. Working with City Staff, the City Horticulture and Forestry Advisory Board, City consultants, and other applicable city boards or task forces, the Board shall produce an inventory of Open Space and other undeveloped lands owned by the City that may be eligible for Open Space designation in the future. This inventory shall exclude all Parks and Developed Recreation Areas.

2. The inventory shall include relevant information from public hearings, city staff, City Council, scientific consultants and city boards when appropriate and will identify the following:

- a. Current uses of the property;
- b. Plant, animal, cultural and agricultural resources of all City Open Space lands;
- c. Geographic, wildlife, or plant areas that are in particular need of protection;
- d. The relative levels of habitat fragmentation in the different tracts of land constituting City Open Space;
- e. Wildlife corridors in and around the City; and
- f. Degraded open space lands with high or moderate potential for serving as wildlife habitat, wetlands or other important ecological purpose.

3. Working with city staff, the Board shall advise City Council on the budget for completing this inventory. Except as otherwise authorized by the City Administrator, no resources should be obligated on such inventory prior to Council approval of such a budget. All expenditures and commitments of monetary funds and contracts shall be subject to the established financial policies of the city in effect at that time.

4. Working with city staff, the Board, where possible will endeavor to obtain the information in Section A, above, from surrounding landowners owning property subject to conservation easements, as well as surrounding open space within other jurisdictions.

5. No significant action shall be taken on any land designated as Open Space until the inventory is complete. If any such significant action is proposed for such land before completion of the inventory, no action shall be taken without first consulting the Board.

B. Open Space Master Plan.

1. Working with City staff and staff from entities who own land jointly with the City, the Board shall develop a near and long-term plan for recommendation to Council for the acquisition, maintenance, management, preservation, and use of Open Space. This plan will be called the Open Space Master Plan ("the Plan"). Council shall approve this plan before implementation thereof. This Plan should:

- a. Classify all City or joint city county Open Space pursuant to the classification system in Section 4.03.010, below.
- b. Identify geographic, wildlife, or plant areas that are in particular need of protection, relative levels of habitat fragmentation, wildlife corridors that pass through the city, and plans for protection of those areas.
- c. Identify short and long term plans for preserving, protecting and restoring flora and fauna while providing human access as needed and as appropriate.
- d. After giving due consideration to the existing Trails Master Plan, identify lands where ecological impacts from passive recreation are relatively minimal and are appropriate for trails and recommend on such lands how trails can be located and built so that they will have the least adverse impact on the ecosystem. In the instance where the available information indicates that the location of a trail as recommended in the existing Trails Master Plan is not appropriate, the Board shall recommend an alternative location for such trail as is necessary to mitigate the adverse environmental affects of the originally suggested location;
- e. Develop a strategy to protect Open Space areas, wildlife or native plants that are in particular need of protection based on their vulnerability or their importance to the ecosystem; and
- f. Evaluate and, if appropriate, update the city's current plans for acquisition and maintenance management practices of open space lands. Evaluate the City's open space acquisition and management plans.

2. Working with city staff, the Board shall advise City Council on the budget necessary for completing the Plan. Except as otherwise authorized by the City Administrator, no resources should be obligated to the Plan prior to Council approval of such a budget. All expenditures and commitments of monetary funds and contracts shall be subject to the established financial policies of the city in effect at that time.

Sec. 4.02.040. Ongoing Duties.

A. The Board shall, from time to time, review the classification system for Open Space and recommend any changes to the classification system.

B. The Board shall, from time to time, review the Open Space Master Plan and make recommendations for changes to such plan based on new information and or circumstances affecting open space land.

C. The Board shall inventory and provide recommendations to City Council for the classification of any Open Space acquired by the City after the enactment of this ordinance.

D. The Board shall provide comments to the Council and/or Planning Commission on development proposals for land immediately adjacent to, or materially impacting, Open Space lands providing the comments are provided during the standard referral timelines established for the city's development processes. Staff will coordinate providing the Board with information on pending issues to provide the Board a timely opportunity to provide such comments as part of the established planning process.

E. Provide input on the location of trails and paths on Open Space lands.

F. Provide input to the Planning Commission and City Council on revisions of the Plan.

G. Work with city staff to periodically review and evaluate the management policies and procedures of Open Space lands, and make recommendations to Council as to any desired changes regarding such management policies and procedures.

H. Provide recommendations as to how Open Space within the city's boundaries and immediately adjacent thereto can best coexist with surrounding private land.

I. Provide recommendations as to how the City can manage park and other land adjacent to Open Space lands in a manner that best promotes the continued integrity of Open Space.

J. Provide recommendations for weed management.

K. Provide recommendations for environmental education that address management issues including ways to minimize impacts to native flora and fauna.

L. Provide a forum for citizen comment on open space and trails issues.

M. Provide any additional recommendation on open space issues the Board finds appropriate.

**Chapter 4.03
MANAGEMENT OF OPEN SPACE LANDS**

- Sec. 4.03.010. Classification and Management.**
- Sec. 4.03.020. Management of Jointly Held City Open Space.**
- Sec. 4.03.030. Ability of City to Maintain Basic Infrastructure Not Impaired.**
- Sec. 4.03.040. Newly Acquired Lands.**
- Sec. 4.03.050. Actions Affecting Open Space and/or Native Plants, Wetlands, Wildlife or Wildlife Habitat within or upon Open Space.**
- Sec. 4.03.060. No Criminal Liability.**

Sec. 4.03.010. Classification and Management

Open Space shall be managed in a manner consistent with good stewardship and sound ecological principles that benefits citizens of Louisville by promoting native plants, wildlife, wildlife and plant habitat, cultural resources, agriculture and scenic vistas and appropriate passive recreation. It is intended that the differing classifications of Open Space will require different management policies to provide reasonable levels of protection consistent with the intended uses of the land. The City of Louisville shall manage its Open Space according to the following classifications:

A. Open Space-Preserve.

1. Land under this classification is characterized by a moderate to high level of relative ecological importance with lower levels of habitat fragmentation. Where Open Space-Preserve land is adjacent to other Open Space or other City-owned land, it is the intention that, when possible, the adjacent land shall include a sufficient buffer area to permit the successful management of the Open Space-Preserve land.

2. This land shall be managed in a manner to preserve and promote the long-term viability of native flora and fauna, restoration, restoration potential and ecologically sound agricultural use. Management of City-owned lands surrounding Open Space-Preserve lands shall, to the extent possible under and consistent with the management criteria for the classification of such surrounding land, not be in conflict with the management required under this section. Application of pesticides, herbicides and other chemicals shall be prohibited unless other non-toxic remedies are reasonably determined to have little opportunity for success or unless required by State and/or Federal law.

3. Visitation for research purposes and formal supervised educational visitation are permitted. It is intended that there shall be no or very low levels of passive recreational visitation.

4. When there is a real conflict between human use and any area or item of ecological importance in this classification of land, preference shall be given to sustaining the area or item of ecological importance.

B. Open Space-Protected Land.

1. Land under this classification shall be characterized by a moderate to high level of relative ecological importance with higher levels of habitat fragmentation.

2. This land shall be managed in the same manner as Open Space-Preserve Land, except that management may permit passive recreational opportunities so long as:

- a. the passive recreational opportunities are designed to encourage resource protection, long-term ecological viability of native flora and fauna, restoration, ecologically sensitive agricultural use, research and education; and
- b. the recreational impacts can be contained to prevent spillover to Open Space-Preserve land.

3. Visitation levels to this classification of land shall be moderate to moderately high.

4. When there is a real conflict between human use and any area or item of ecological importance in this classification of land, preference shall be given to sustaining the area or item of ecological importance.

C. Open Space-Visitor Land.

1. Land under this classification shall be characterized by a lower level of relative ecological importance with higher levels of habitat fragmentation.

2. Open Space-Visitor Land shall be managed so that recreational opportunities are designed to encourage resource protection with minimal landscaping using native plants and limited irrigation. Application of pesticides, herbicides and other chemicals shall be prohibited unless other non-toxic remedies are reasonably determined to have little opportunity for success or as may be required by state and/or federal law.

3. Moderate to high levels of visitation may be permitted on land in this classification.

D. Open Space-Other Lands.

1. Open Space-Other Lands shall be managed to include construction of entryway features and trail rests, planting of trees and other buffer plantings, provided that reasonable attempts shall be made to minimize the impact of entryway features and trail rests on the land, and reasonable attempts are made to use native trees and plants.

2. High levels of visitation and use consistent with existing patterns shall be permitted on such Open Space-Other Lands.

E. Notwithstanding the foregoing, all current uses and all uses contemplated in any intergovernmental agreement or other contractual obligation of the city in existence before the enactment of this ordinance will be allowed unless and until the City Council recommends a change and takes all necessary legal steps to implement such a change. The Board may recommend such a change to Council at anytime.

F. City Decisions regarding Open Space identification, classification and management shall consider the best available information.

Sec. 4.03.020. Management of Jointly Held City Open Space

In representing the City's position for the management of any land owned by the City jointly with another governmental entity, the City shall endeavor in good faith to manage such lands consistent with the standards for management of City Open space set forth in Section 4.03.010, above. The City Administrator shall notify the Board prior to the implementation of any change to the existing management of Joint Open Space and of the nature of such change, except that no notice need be provided for non-substantive changes to the existing management of such Open Space.

Sec. 4.03.030. Ability of City to Maintain Basic Infrastructure Not Impaired

Nothing in this ordinance shall be construed to impact or limit the safe and efficient operation, construction and maintenance of the city's water, sewer, drainage, and flood control systems and infrastructure except reasonable efforts will be taken by the City to mitigate the impact of such operation and maintenance on Open Space.

Sec. 4.03.040. Newly Acquired Lands

For lands acquired by the city subsequent to the adoption of this ordinance, the Council, in consultation with the Board, will designate the intended type of use of the land upon purchase and, to the extent that such purpose is not for a Park or Developed Recreation, will classify and manage the land in accordance with the provisions of Section 4.03.010, provided that Council will be permitted to act on acquisition opportunities that may arise without consulting the Board in situations where, due to the circumstances of the transaction, such consultation would jeopardize the ability of the City to complete the transaction. Such designation may be made in any ordinance adopted pursuant to C.R.S. Section 31-25-202 to authorize the purchase of land or interests in land.

Sec. 4.03.050. Actions Affecting Open Space and/or Native Plants, Wetlands, Wildlife or Wildlife Habitat within or upon Open Space.

When there is a City action or proposed action affecting Open Space and/or native plants, wetlands, wildlife, wildlife habitat within or upon Open Space that is inconsistent with the advice and/or recommendations of the Board, 5 Board members by written notice or 25 citizens through a written petition may request a public hearing. Any such notice or petition must be presented to the City Administrator within 5 business days after the Board and/or the citizens become aware of the City action or proposed action in question. The Council will hold such public hearing at the next regularly scheduled City Council meeting or such other regularly scheduled Council meeting, as requested by the Board or the petitioning citizens, no later than six weeks after the presentation of the notice or petition. Such City action or proposed action shall be postponed until after the public hearing has been held unless the postponement creates a significant legal liability or financial burden upon the City. At the hearing, the Board and any person may present information relating to whether the proposed City action or proposed action is in compliance with the management standards set forth in section 4.03.010. After the hearing, the council members shall have the opportunity to publicly

discuss their positions on the City action or proposed action in question. After such discussion, the Board and any citizen may provide additional comments and information to the Council and, upon the conclusion of the presentation of such additional comments and information, the Council shall decide whether the City action or proposed action complies with the management standards set forth in Sec. 4.03.010.

Sec. 4.03.060. No Criminal Liability.

An alleged violation of this title shall not be deemed a municipal offense subject to prosecution in the municipal court, nor shall a violation of this title be subject to the penalty provisions of section 1.28.010 of this Code.

Section 2. Effective Date. The ordinance shall take effect thirty days after its adoption and publication as provided by C.R.S. section 31-16-105; provided, however, that City Council may within such 30-day period after publication submit this ordinance as proposed or adopted to a vote of the registered electors of the City at a special election on April 11, 2000. If so submitted, the provisions of this ordinance shall not take effect unless and until a majority of the registered electors voting at said election vote in favor of the adoption of this ordinance.

Section 3. Severance. If any portion of this ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 4. Conflict with Other Municipal Ordinances. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion thereof are hereby repealed to the extent of such inconsistency of conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this 1st day of February, 2000

Tom Davidson, Mayor

ATTEST:

Nancy Varra, City Clerk

APPROVED AS TO FORM:

Griffiths, Tanoue & Light, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 15th day of February, 2000.

Tom Davidson, Mayor

ATTEST:

Nancy Varra, City Clerk

ATTACHMENT A

ATTACHMENT A, A MAP IDENTIFYING OPEN SPACE LANDS FOR PURPOSES OF ORDINANCE NO. 1329, SERIES, 2000, IS ATTACHED HERETO.

| 2/16/2000 9:39 AM/F:Office/Louisville/Ord/OpenSpaceOrdinance(final)