

Open Space Advisory Board

Agenda

Wednesday, July 10, 2024
Library 1st Floor Meeting Room
951 Spruce Street
7:00 PM

Members of the public are welcome to attend and give comments remotely; however, the in-person meeting may continue even if technology issues prevent remote participation.

- *Call in to: +1 346 248 7799 or +1 408 638 0968 or 877 853 5247 (Toll Free) Webinar ID: 883 3175 6380 or*
- *You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/osab*

The Board will accommodate public comments during the meeting. Anyone may also email comments to the Board prior to the meeting at EmberB@LouisvilleCO.gov.

1. 7:00 pm Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. 7:05 pm Public Comments on Items Not on the Agenda (5 minutes, more time as needed)
6. 7:10 pm Staff Updates (5 Minutes)
7. 7:15 pm Board Updates (10 Minutes)

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

8. 7:25 pm Discussion Item: Quasi-Judicial Status Related to OSAB. Presented by: Rob Zuccaro, Director of Community Development (45 Minutes).
 - Quasi-Judicial Process
 - Review a Draft Ordinance Amending and Clarifying OSAB's Role Related to Quasi-Judicial Matters
9. 8:10 pm Action Item: Redtail Ridge Construction Drawings-Trails. Presented by Bryon Weber, PROS Project Manager (60 Minutes).
10. 9:10 pm Discussion Items for Next Meeting August 7th, 2024
August meeting is tentatively scheduled to be hosted at City Hall, Spruce Meeting Room.
 - Possible Topics:
 - A. Strategies for Protecting Habitat, Steve Jones Wildlife Consultant (August)
 - B. Presentation by LOSA Citizen Group (August)
 - C. Parks, Recreation, and Open Space Long Term Planning Document Scope of Work Review (August)
 - D. Trails Long Term Planning Document Scope of Work Review (August)
 - E. E-Bikes (September)
 - F. Ranger updates (September)
 - G. Mosquito Control
11. Adjourn

Open Space Advisory Board Meeting Minutes

Wednesday, June 12, 2024, 7:00pm

Louisville Public Library, 1st Floor Meeting Room
951 Spruce Street

1. **7:00 pm Call to Order**
2. **Roll Call**

Present: Andrew Dorsey, Brad Pugh, David Blankinship (On the phone), Susan McEachern, Michiko Christiansen, Mark Poletti, Charles Danforth
Staff members: Ember Brignull

Absent: Jessamine Fitzpatrick

3. **Approval of Agenda**
 - Motion: Mark
 - Second: Michiko
 - All approved

Ember noted that the agenda was reposted with a notice that items 8 and 9 were rescheduled. Council is pushing back the date for discussion on Redtail Ridge, so there will be time for any OSAB comments in July to make it to Council in time for Council to consider them.

4. **Approval of Minutes**
 - Motion: Charles
 - Second: Susan
 - All approved

5. **7:05 pm Public Comments on Items Not on the Agenda (5 minutes, more time as needed)**

Tamar Krantz expressed concerns about rodenticides on the Redtail Ridge (RTR) site now that grading can begin. She also asked that OSAB look closely at the Redtail Ridge agreements with the city to understand what commitments from Sterling Bay are binding. She has sent a follow-up email with more details, which has been included in this month's packet along with other citizen communications.

Sherry Sommer also expressed concerns about treatment of prairie dogs at the RTR site. She reminded OSAB that we can ask for actions from Sterling Bay, like the Northwest Parkway did. Suggested that OSAB request that the developers use passive relocation or carbon monoxide instead of rodenticides and that if they do use rodenticides that we ensure they follow all guidelines to ensure no injury to other species. Also, noted that Sterling Bay said they were doing wildlife studies. She has not seen them and suggested we ask about them.

Cathern Smith submitted comments in writing that will be put in next month's packet.

Charles asked about the status of the grading permit. Ember noted that there is no approved grading permit yet. Open Space staff are meeting with other city staff to ask questions about the grading process based on citizen comments and has shared the public comments with all the staff involved in the decision to issue the permit. Susan asked that the results of the staff meeting be shared with OSAB if allowed.

Michiko asked why we have not yet seen a clear map of the area to be graded. Ember: Open space staff are also asking for a clear grading plan that shows the areas to be graded. The City should have this plan soon.

General concern from OSAB members about the timing of the grading permit process, since it is proceeding without OSAB input. Susan will draft an email from OSAB to relevant city staff to share concerns about the lack of OSAB input.

David noted that there is sometimes divergence between planning staff and OSAB, citing the previous conversations about trails at Redtail Ridge. He has concerns about how OSAB concerns are incorporated in staff reviews and wants to ensure that OSAB feedback is effectively represented to Council. He also noted that OSAB has only been asked to review trails on RTR, but there are several other issues at the site that could be in OSAB purview, particularly wildlife.

Andy – concerns about how the current proposed review process (which, based on the planning department's memo is that OSAB provides comments to the planner) is at odds with the proposed changes to city code about the OSAB quasi-judicial status, which suggests that OSAB communicates directly to council. Ember will send out an email to get questions about the quasi-judicial process from the board so that she can forward it to the city manager and planning department and ensure they can address them at the next meeting.

6. 7:10 pm Staff Updates (5 Minutes)

The Open Space department filled the trail & maintenance technician and open space manager positions. Both are very well qualified. Manager starting in August.

Regarding grazing, finished successful goats and cattle grazing for this spring. There is good data on the impact of grazing on fuels reduction. Cattle will be back in fall, but goats will not be back until next year. Susan suggested we consider additional educational signage for next year. Ember noted that the reaction to goats at Dutch Creek this year was not as positive as it was at the North Open Space last year. Staff are thinking about a different communication plan, including signage, for next year to better explain the rationale and benefits of goat grazing.

City of Louisville

*Parks Division 749 Main Street Louisville CO 80027
303.335.4774 (phone) www.LouisvilleCO.gov*

See packet for other updates about water to Harney-Lastoka, fishing line recycling, national trails day event, accessible trails program, trail etiquette campaign, and new trash cans. Ember shared a summary of the city council discussion last month about e-bike speed limits.

David – there could be better communication about the accessible trails event to clarify that able bodied people could attend. Ember will send communication to David and ask for his edits. Ember noted that for the accessible trails program, staff reached out to hospitals, physical therapists, disability advocates and others about the event. She also noted that staff really want it to be open to anyone – people with and without disabilities.

7. 7:15 pm Board Updates (10 Minutes)

• Downtown Revitalization Plan-South Street Underpass

Susan attended the Louisville Revitalization Commission (LRC) May meeting about the downtown revitalization plan and South Street Underpass to better understand the rationale and funding sources for the underpass and to learn if there were any attempts to use open space funds to help fund the project. She reported that the project is currently estimated to cost \$10 million. There is \$3 million committed from the Denver Regional Council of Governments (DRCOG), but that commitment will expire mid-July. City is asking the LRC for \$5 million, but that has not yet been committed. That leaves another \$2 million with no clear funding mechanism. She will attend the next meeting on June 19, when LRC will likely decide about its commitment.

Susan noted that the underpass was originally developed as part of the planning for the light rail stop. Since that is not in the near-term picture, one of the current arguments in support of the project is that the underpass could connect downtown to additional parking.

• Public Works Communication

David: The Public Works department reached out to David about engineering communication to the public. He is not yet sure what specific issues they would like to address. David will meet with them in about 5 weeks. He is happy to share any thoughts OSAB members have.

8. 7:25 pm Discussion Item: Review a Draft Ordinance Amending and Clarifying OSAB's Role Related to Quasi-Judicial Matters. Presented by: Rob Zuccaro, Director of Community Development (20 Minutes). **Postponed Until July Meeting**

9. 7:45 pm Discussion Item: Redtail Ridge Construction Drawings-Trails. Presented by Bryon Weber, PROS Project Manager (60 Minutes). **Postponed until July meeting**

10. 8:45 pm Discussion Item: Review of Proposed Acquisition Process. Presented By Susan McEachern, OSAB Chair (10 Minutes)

Susan shared the proposed process OSAB received from city staff at the last meeting. Based on the discussion from the last meeting, the Parks and Open Space Director (Adam) asked OSAB to revise the plan to include the OSAB timeline and other changes the board thinks necessary. There is a June 18 deadline to get the plan to council.

Members discussed ideas about how to respond, including how we could use a tiger team to respond to council now and to respond when properties come up for sale. Also, discussion about how OSAB and council can respond to properties that come up for sale.

Also discussed the ideas we put forth at the last meeting about an OSAB presentation immediately before any executive session of council considering open space purchases.

Decision about response to Adam: Ember will put together a bulleted list of the current OSAB timeline to finalize OSAB recommendations, which will include a field trip every other year (odd years) and a desk review on the year (even years) when there is no field trip. It will also include a note that at any time OSAB may review properties (on or off the list) that come up for sale and provide written input to council through Ember. Ember will also note that OSAB strongly recommends that at least one OSAB member be able to make a presentation to council during executive session and be part of the discussion if possible.

Decision about Process for Response on Properties that Come Up for Sale: Discussion on whether a tiger team should provide input to Ember to forward to council, or if the whole board should be involved. Decided that in cases where time is of the essence, OSAB agreed that the tiger team would develop the draft memo, send it to Ember, and she will forward it to the rest of the board for feedback. This decision is subject to Ember checking with the city staff about compliance with open government laws.

11. 8:55 pm Action Item: OSAB Review of Potential use of Glyphosate and Prescribed Fire as Part of Small Isolated Research Plots. Presented by, Ember Brignull, Open Space Superintendent (15 Minutes)

- **Glyphosate:** Open Space staff request OSAB support for using glyphosate to control smooth brome on two small two test plots.

Ember noted that removal of smooth brome is an important component of fire mitigation as smooth brome burns faster and hotter than native grasses. She reviewed the current

test plots in the North Open Space where the staff is trying different methods (mowing, grazing, seeding) to kill and replace smooth brome, as described in the packet.

However, research and discussion with partners suggests that glyphosate may be the best option for smooth brome control. Based on staff research, it is the safest effective herbicide for this particular use. (There is one other potential herbicide, but it is likely to be less effective.) Staff would like to do a test plot to see the relative effectiveness of different methods, including glyphosate, and the cost. The current idea is to do two small (75 feet x 75 feet) plots with one fall application only, although there may need to be a second- or third-year application. Staff would like the board's recommendation to council that they be allowed to conduct the test.

Discussion about how glyphosate might eventually be used if it is effective. Ember noted that even if glyphosate proves to be effective, it would likely not be applied across broad swaths of brome but could be used in strips to start segments of native grasses.

Discussion about potential use of other herbicides.

Motion by Susan, Second by Mark: The OSAB supports the use of glyphosate in one test plot in North Open Space in the fall of 2024 to evaluate the scientific effectiveness of glyphosate to remove smooth brome.

Decision: Unanimously approved

- **Proposed prescribed burn:** Open Space staff request support in implementing a test of controlled burn on smooth brome as part of a research study at CU Boulder

The staff is requesting to do a one-to-two acre burn in Damyanovich open space because some research suggests that fire with grazing might be the best way to get species diversity in smooth brome-infested areas. Staff are working with researchers at CU Boulder to test this theory, as part of a larger research study about improving species diversity in grasslands. Ember noted that the proposed burn space is not near homes and is not particularly visible from residences, but it is near US 36 and highly visible from there. The burn would likely happen in fall 2024, but the final date would be set by Boulder County and the researcher based on weather and safety and would be in areas that have already been grazed and/or mowed. In addition, the area around the burn will also be mowed to reduce risk of spread. The city has done several burns in the past, and generally a half-acre burn that the city has done in the past takes about 30 minutes. The most likely burn managers would be Boulder County, with city, county, and sheriff

approval. The county has a burn team that may be able to provide oversight. Note that there needs to be an agreement for an external burn manager before this project can proceed. Currently this is not approved with partners.

Discussion about how critical communication will be if we do this. Also, discussion about the important role of fire in most ecosystems.

Question – is there another possible area? Ember: not comfortable with any other property. The idea is to target smooth brome, and this proposed area is by far the most distant smooth brome area from homes.

Motion by Charles; Second by Mark: The OSAB supports a one to two acre-controlled burn in the Damyanovich open space to study the impact of fire on species diversity in a smooth brome plot.

Decision: Unanimously approved.

12. 9:10 pm Discussion Items for Next Meeting July 10th, 2024

Possible Topics:

- A. Discuss Option for a Tiger Team in Coordination With PPLAB to Identify Appropriate Locations for BMX/Pump Track Bike Course to Mitigate Damage to Open Space Natural Resources. Ember noted that the Rec Advisory Board would like to be involved in this. She will follow up with the two boards and alert Susan to the next steps.
- B. Strategies for Protecting Habitat, Steve Jones Wildlife Consultant (July or August)

Conversation about how this would be useful. Wildlife strategies can be integrated into the open space plan. Interest in scheduling this, but not for July.

- C. Off-Trail Education Regarding Grazed Areas (Staff Update)
- D. Presentation by LOSA (August)

General agreement that the next meeting should only include Redtail Ridge and the quasi-judicial status of the OSAB board.

13. Adjourned at 9:30 p.m.

MEMORANDUM

To: Open Space Advisory Board
From: Open Space Division
Date: July 10, 2024
Re: Information Item 6: Staff Updates

General:

1. The Acquisition Process discussion with City Council may be postponed. Staff provided OSAB feedback to Adam Blackmore in the form of minutes. Staff will draft a formal memo, with OSAB Chair review, for Council when appropriate.
2. Redtail Ridge Updates:
Staff have received questions and concerns from the public and board regarding ecological components of Redtail Ridge. While many ecological topics fall outside the purview of the City (and therefore OSAB) staff are able to provide a general update based on recent conversations with the applicant.

As reminder, a number of ecological inventories and studies were completed by the applicant's consulting team dating back to 2019 and submitted to the City as part of the preliminary plat review and approval process. Approval of the preliminary plat by Council earlier this year took the past submittals into consideration when approval was granted for the project to move forward.

The consultants, particularly ERO, remain actively involved on the applicants project team and continue to monitor current status of the ecological components discussed in their earlier reports to ensure future construction activity satisfies applicable regulations and guidelines. Given that most of these topics fall under state and/or federal regulations (as opposed to City) they are outside the purview of the City (and therefore OSAB) for any type of binding review and comment.

Our current understanding on these topics is as follows:

- Wetland/Floodplain – the applicant is working with state/federal agencies to obtain required permitting for work in these areas. Wetlands aren't controlled by the City, however a floodplain permit would need to be obtained from the local floodplain manager.
- Raptors/Migratory Birds/Burrowing Owls – the consultants are monitoring activity to ensure regulations are met involving setbacks for construction activity and timing of vegetation removal to comply with state/federal regulations.
- Prairie Dogs – the consultants are monitoring activity and ensuring compliance with State regulations for mitigation. Staff have expressed to

the applicant our desire to follow City's approach to mitigation including avoidance of rodenticides, but these suggestions are non-binding.

- Regarding vegetation, Staff are continuing to review available drawings related to earthwork grading to determine the extent of impacts. PROS Staff have requested additional drawing exhibits showing an overlay of earthwork disturbance and existing vegetation to better understand impacts. While earthwork on the privately held 'PUD' parcels is outside the purview of PROS staff, we desire to understand impacts to parcels slated for future dedication to the City for parks, trails, and open space. PROS staff will also be reviewing plans for vegetation restoration in the form of seeding and planting as they become available on future referrals.

Natural Resources:

1. Boulder County Youth Corps and staff will be removing junipers on the north side of Harper Lake Open Space for fire mitigation in mid-July. Fire wise shrubs will be reestablished in the fall. Impacted homeowners will receive an informational letter from the City.
2. Herbicide applications occurred on select Open Space properties in June.
3. Five American kestrels successfully fledged from the City Services nest box. The chicks were banded by the Colorado Avian Research and Rehabilitation Institute. One other kestrel box is active this season on the Coal Creek Golf Course.
4. Staff and volunteers removed over nine truckloads of Scotch thistle along the 104th Trail corridor in June. Staff contacted Boulder County regarding the weeds along the eastern edge of the fence to request management.
5. Mosquito barrier treatment occurred on Dutch Creek Open Space.

Maintenance & Trails:

1. Staff has completed filling the water in the Warembourg Fishing Pond.
2. Staff is still in the process of conveying water to the Harney Lastoka agricultural tenant, which will continue until July 11th, 2024.
3. Property perimeter mowing, in select areas, is in progress and is on schedule to be completed by June 26th, 2024.
4. Staff will complete the second round of hard surface trail corridor mowing by June 21st, 2024. Staff will move onto mowing the soft surface trail corridors with a planned completion of July 19th, 2024.
5. Staff has partnered with the Boulder County Youth Corps to install bench pads on Open Space properties. Seven pads have been installed thus far.
6. Staff has completed the installation of eight metal trash cans on Open Space properties including Daughenbaugh, Warembourg, and Harper Lake. Completion of installation is targeted for July 31st, 2024.

7. Staff is excited to welcome a new Maintenance Technician I. This is a new position. The employee will be starting on July 1st, 2024.
8. Staff has been collecting trail use and user data at Davidson Mesa Open Space for the past few months. Data is collected monthly from four counters around the Open Space. Thus far, the data predicts about 465,000 people to pass by counters this year. Staff also saw a trend of visitation peaking at 11 a.m., with another small peak around 6 p.m. This information will assist in informing resource protection, as well as scheduling contract work or education and race events.

Resource Protection:

1. Rangers will be presenting two different topics at the Colorado Open Space Alliance (COSA) conference in October.
 - a. E&O is No Accident: How to Build Education and Outreach into Ranger Programs (presented in collaboration with RMRA and South Suburban Parks and Recreation District.)
 - b. Body cameras for rangers (presented in collaboration with RMRA and the City of Longmont.)
2. Rangers distributed trail etiquette campaign materials to E-Bikes and Colorado and Louisville Cyclery to provide point-of-purchase education for cyclists and e-bikers.
3. Rangers responded to several cases of distempered raccoons throughout the city. They assisted with evaluation, capture, and disposal.

Education/Volunteer:

1. A volunteer group assisted with installing prairie dog barrier fencing on Davidson Mesa, weed control, and a trash pick-up on June 28th.
2. The layout has been approved for the interpretive panels for Davidson Mesa and Daughenbaugh and the contractor is now working on the artwork on the signs.
3. The Weed Whacker team, led by Susan McEachern, has completed multiple weed control events so far this season.

Education Events Upcoming:

1. Sunday, July 14th, 2024, from 7:00 to 9:00 AM, North Open Space on Canvas (Open Space Plein Air Series) at North Open Space.
2. Sunday, July 14th, 2024, from 9:00 to 10:00 AM, Wildflower Hike at Davidson Mesa Open Space.
3. Wednesday, July 17th, 2024, from 6:30 to 7:30 PM, Wildflower Hike (2nd offering) at Davidson Mesa Open Space.
4. Saturday, July 27th, 2024, from 9:00 to 11:00 AM, Fire Mitigation Event: Debris Removal at North Open Space.

Education Events Past:

5. Thursday, June 13th, 2024, from 10:00 AM to 12:00 PM, Noxious Weed ID Booth on Davidson Mesa Open Space. 19 participants.
6. Saturday, July 6th, 2024, from 8:00 to 10:00 AM, Pulling for Louisville-Davidson Mesa at Davidson Mesa Open Space. Participation not available at time of publication.

Discussion Item 8: Review A Draft Ordinance Amending and Clarifying OSAB's Role Related to Quasi-Judicial Matters

**ORDINANCE NO. XXX
SERIES 2024**

AN ORDINANCE AMENDING CHAPTERS 2.20 AND 4.02 OF THE LOUISVILLE CONCERNING THE QUASI-JUDICIAL ROLES OF THE OPEN SPACE ADVISORY BOARD AND THE PARKS AND PUBLIC LANDSCAPING ADVISORY BOARD

WHEREAS, the City previously created and established an Open Space Advisory Board (OSAB) and a Parks and Public Landscaping Advisory Board (PPLAB), which serve in an advisory capacity to the City Council; and

WHEREAS, City Council desires to formalize and clarify the quasi-judicial roles and responsibilities of the OSAB and PPLAB with respect to land development application review.

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

Section 1. Chapter 2.20 of the Louisville Municipal Code is hereby amended by the addition of a new Section 2.20.080 to read as follows:

**Chapter 2.20
Boards and Commissions**

Sec. 2.20.080. Parks and Public Landscaping Advisory Board.

A. There is created and established a Parks and Public Landscaping Advisory Board for the City.

B. The Board shall consist of seven members, each of whom shall be appointed by the City Council. The qualifications, terms, and other matters respecting membership of the Board shall be set by City Council resolution.

C. The members of the Board shall serve in an advisory capacity to City Council, and shall have principal responsibility for matters related to parks and public landscaping. The powers, duties and responsibilities of the Board shall be set forth in this section and by City Council resolution.

D. Development application review.

1. The Board shall review:

a. Preliminary and final subdivision plats that include public use dedications or cash in lieu of public use dedications pursuant to Section 16.16.160 of the Code or

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public.

b. Land development applications that include streetscape landscaping in new development.

2. The intent of the Board’s review is to advise the Planning Commission and City Council on those parts of the land development application related to:

a. Park development within the project boundaries, including the preferred locations for parks and whether the application meets the criteria for park development set forth in the City Code and other City-adopted policies;

b. Development of trails and trail connections;

c. Infrastructure or improvements relating to parks;
and

d. If the application does not include a park dedication, the Board may recommend that the application be revised to include a park element.

3. The Board shall conduct a public hearing in connection with its review of land development applications. Public notice shall be provided in accordance with Sections 16.04.070 of the Code. The Board shall act as a quasi-judicial body in the conduct of the hearing.

4. After the public hearing is concluded, the Board shall adopt a resolution making findings concerning the matters set forth in this Section and recommending approval, approval with conditions or denial of the application.

Section 2. Chapter 4.02 of the Louisville Municipal Code is hereby amended by the addition of a new Section 4.02.050 to read as follows:

**Chapter 4.02
Citizens Open Space Advisory Board**

Sec. 4.02.050. Development application review.

A. The Board shall review development applications that include proposals for public use dedications, cash in lieu of public use dedications, or public or private common open space. Specifically, the Board shall review:

Discussion Item 8: Review A Draft Ordinance Amending and Clarifying OSAB’s Role Related to Quasi-Judicial Matters

1. Preliminary and final subdivision plats that include public use dedications or cash in lieu of public use dedications pursuant to Section 16.16.160 of the Code.

2. Preliminary and final PUD applications that include a proposal for open space pursuant to Section 17.28.080 of the Code.

3. Preliminary and final PUD applications that include a proposal for open space as part of a waiver request pursuant to Section 17.28.110 of the Code.

B. The intent of the Board’s review is to advise the Planning Commission and City Council on those parts of the land development application related to:

1. Open space development within the project boundaries, including the preferred locations for open space and whether the application meets the criteria for open space development set forth in the Charter, City Code and other City-adopted policies;

2. Development of trails and trail connections;

3. Land management standards for private common open space;

4. Infrastructure or improvements relating to open space; and

5. If the application does not include an open space dedication, the Board may recommend that the application be revised to include an open space element.

C. The Board shall conduct a public hearing in connection with its review of land development applications. Public notice shall be provided in accordance with Sections 16.04.070 and 17.04.070 of the Code. The Board shall act as a quasi-judicial body in the conduct of the hearing.

D. After the public hearing is concluded, the Board shall adopt a resolution making findings concerning the matters set forth in this Section and recommending approval, approval with conditions or denial of the application.

Section 3. Section 4.02.040.D of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken thorough~~):

Discussion Item 8: Review A Draft Ordinance Amending and Clarifying OSAB’s Role Related to Quasi-Judicial Matters

Sec. 4.02.040. Ongoing duties.

D. The board shall provide comments to the Council and/or Planning Commission on development applications as provided in Section 4.02.050. ~~proposals for land immediately adjacent to, or materially impacting, open space lands providing the comments are provided during the standard referral timeliness 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.~~

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision 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 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED PUBLISHED this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Discussion Item 8: Review A Draft Ordinance Amending and Clarifying OSAB's Role Related to Quasi-Judicial Matters

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

July 2, 2024

To: Open Space Advisory Board
From: Bryon Weber, PROS Project Manager

Re: Redtail Ridge Construction Drawings Referral – Trails

Following the staff update provided at the May 8, 2024 OSAB meeting, staff welcome board comments and suggestions pertaining to the latest iteration of the trail and sidewalk plans for Red Trail Ridge as part of the City's construction document referral process. A map is attached to reference site locations corresponding to various Staff comments.

Comments received from the Board will be included with PROS Staff comments sent to the City's case manager – in this instance the City Engineer as part of the case manager's construction document referral process. As with all department referrals, Board and PROS Staff comments will be taken into consideration during the project's approval and permit process as seen fit by the project's case manager.

A draft of staff comments to be submitted to the case manager is provided below for board review. A draft response memo has been created by staff for the Board's convenience in structuring their response. Opportunity to agree, disagree and make further comments is provided.

Based on review of materials submitted for the above mentioned referral, The Parks, Recreation & Open Space Department has the following comment items:

- 1) Staff support developing a fully detached concrete walkway on the east side of 88th between Campus Drive and Rockcross Drive.
- 2) Staff support modifying the trail surface from crusher fines to concrete for the portion of trail on Tracts I & B which connects Rockcross Drive to the proposed school underpass (see item 3) for the purpose of plowing snow on the route from the SW corner of the development to the BVSD school property. A minimum of one new trail/walk connection on the north side of the proposed underpass on the BVSD property should therefore also be concrete.
- 3) Staff support creating a safer crossing of Campus Drive near the Boulder Valley School District's property by installing an additional pedestrian underpass at Campus Drive instead of an at-grade crosswalk.
- 4) Staff do not support development of two trail connections shown on Parcel I which connect to the west side of parcel PUD 3 as currently shown. Staff suggest including these potential connections as part of the review process for PUD 3 if/when submitted.
- 5) Staff suggest adding an additional hard surface trail connection on Tract C to more efficiently connect the easternmost Campus Drive underpass up to the sidewalk on the north side of Campus Drive. The trail connection should be concrete to facilitate plowing snow on the route from the east side of the development towards the BVSD property. The portion of trail from the northern portal of the easternmost underpass to the new

connection should be changed from crusher fines to concrete.

- 6) Staff support the development of sidewalk/trail connection on the west side of 96th to connect Campus Drive to W Dillon Rd. Staff prefer the trail is detached from the roadway for safety and a better user experience.
- 7) Staff support the installation of a pedestrian bridge over the NW Parkway to better connect the development to the City of Broomfield.
- 8) Staff support trail connections to Tract D from the proposed pedestrian bridge through the future City of Broomfield Varra Park as shown on applicant's diagram labeled 'Trail and Landscape Exhibit' and dated 5/30/24.

July 10, 2024

To: Bryon Weber, PROS Project Manager
From: Open Space Advisory Board

Re: Redtail Ridge Construction Drawings Referral – Trails

Based on review of staff memorandum and map materials submitted 5/21/24 and 7/2/24 for the above mentioned referral, the Open Space Advisory Board has the following input:

OSAB's response to staff identified items:

"Yes" indicates OSAB agrees with staff comment

"No" indicates OSAB does not agree with staff comment

Item 1 – Support detached sidewalk on 88th

yes no

Comment:

Item 2 – Support concrete surfacing for trail on Tracts I & B

yes no

Comment:

Item 3 – Support underpass to BVSD property

yes no

Comment:

Item 4 – Support removing/delaying two trail segments which connect to parcel PUD 3

yes no

Comment:

Item 5 – Support additional hardscape connection to Campus Drive on Tract C

yes no

Comment:

Item 6 – Support walkway/trail along west side of 96th

yes no

Comment:

Item 7 – Support pedestrian bridge over NW Parkway

yes no

Comment:

Item 8 – Support trail connections to Tract D coming from Varra Park / NW Parkway Bridge

yes no

Comment:

OSAB would like to note the following in addition to the staff identified items:

NOTE: BELOW ARE SAMPLE STATEMENTS BASED ON PRELIMINARY DISCUSSIONS STAFF HEARD DURING MAY OSAB PRESENTATION (INSTRUCTION TO OSAB: FINALIZE COMMENTS AS NEEDED AND DELETE THIS NOTE PRIOR TO RETURNING TO STAFF)

- 1) OSAB requests an additional underpass beneath Rockcross Drive near 88th street, as shown in plans revised and discussed in 2022.
- 2) OSAB believes the trail system shown for Parcel D is overly complex and suggests removing the 8' wide interior loop connection on the western side of proposed pond.
- 3) OSAB suggests that if the trail on Parcel I leading the school underpass is changed from crusher fines to concrete that it be rerouted to the western edge of Tract I to provide a more intact habitat on the eastern side of the open space parcel.

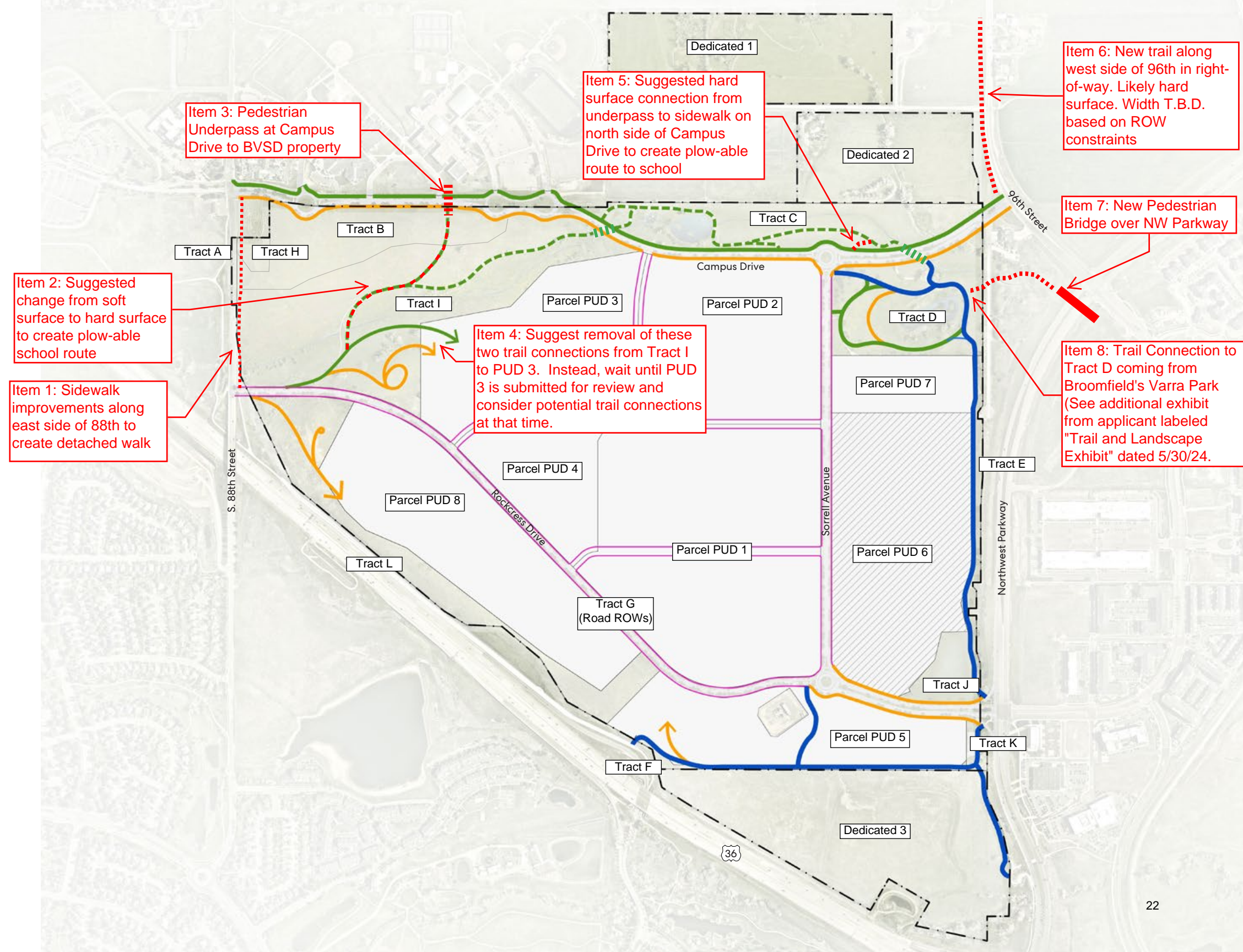
DRAFT

Trail Surfaces & Widths

All comments shown in RED indicate on-going discussions as part of the final plat and/or construction document review. No decisions or agreements have been made regarding implementation. All are subject to change.

Trails and connections not highlighted by Items 1-8 in this exhibit have not changed since previous OSAB review in 2022.

- 12' Width, Hard Surface Trail
- 10' Width, Hard Surface Trail
- - - 10' Width, Soft Surface Trail
- 8' Width, Hard Surface Trail
- 6' Width, Hard Surface Trail



UNINCORPORATED BOULDER CO.

CITY OF LOUISVILLE

Proposed 12' Multi-Use Trail Connection to Dillon Road

R.O.W. Walk

Proposed Head-in Parking with Signage (5 spaces)

Campus Drive

Old 96th Street

North Metro Fire Station 67

96th Street

Proposed Termination of Existing Asphalt

Proposed 10' Multi-Use Trail for Pedestrian Access

Campus Drive Underpass

Proposed removal of previously designed concrete box culvert

Property Boundary, Typ.

Goodhue Ditch

Proposed Elimination of 96th Street Sidewalk

Proposed Continuous Green Drainage Basin

6' Trail
Proposed 10' Trail Integrated with Varra Park Trail System
4' Trail

10' Trail

Redtail Ridge Tract D

Proposed NW Parkway Overpass

Northwest Parkway

Varra Park

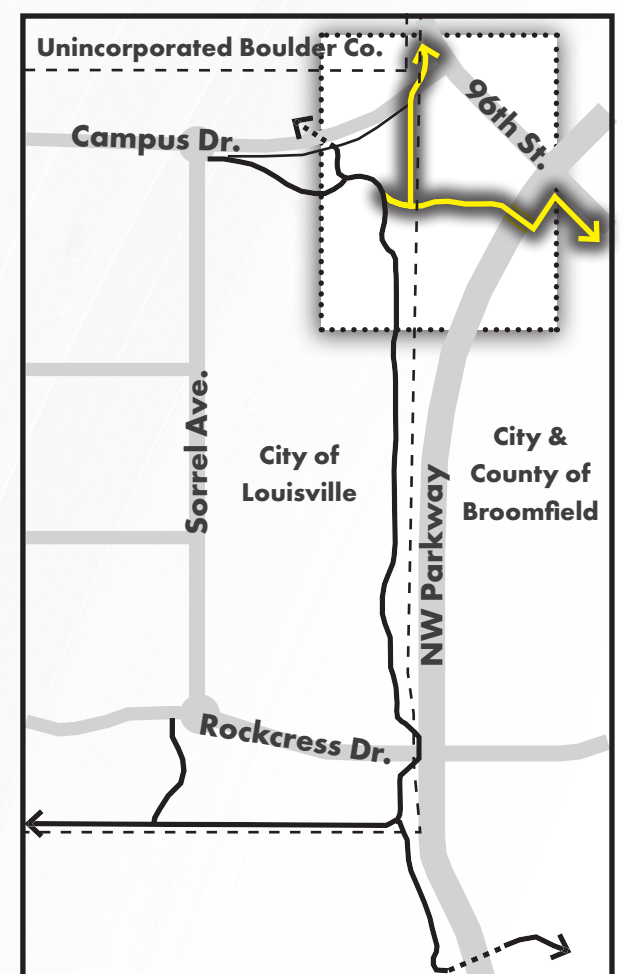
CITY OF LOUISVILLE
CITY & COUNTY OF BROOMFIELD

Existing Utility Vehicle Access Drive

TRAIL KEY:

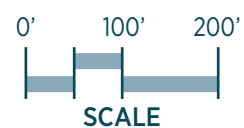
- Proposed ADA Crusher Fine Trail
- Proposed Vehicular Gravel
- Proposed Concrete Trail
- Concrete Trail (Redtail Ridge)
- ADA Crusher Fine Trail (Varra Park)
- Proposed Painted Trail Marker

TRAIL CONCEPT KEYMAP



REDTAIL RIDGE | TRAIL AND LANDSCAPE EXHIBIT

05/30/2024



NORRIS DESIGN
PEOPLE + PLACES

Comments for Open Space Board prior to 6/12 meeting

Tue 6/11/2024 2:06 PM

To: Ember Brignull <emberb@Louisvilleco.gov>

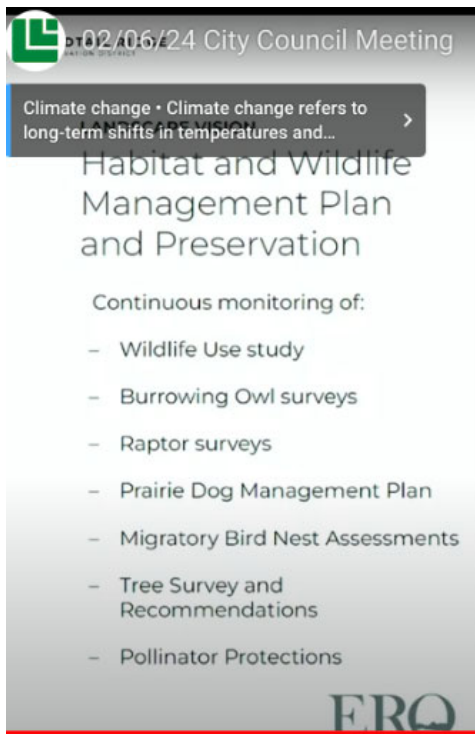
OSAB-

I am writing to you with some thoughts and concerns pertaining to the Redtail Ridge discussion item on your 6/12 agenda. While I would very much like to attend your meeting, I have my own committee meeting to attend in Superior that always meets on the same Wednesdays, and at the same time as OSAB.

I have read through the minutes from a number of your meetings, especially following city council meetings about RtR, and am aware of the discussion that occurred during your May 8th meeting. I understand that there is ongoing confusion about OSAB's role in this process, especially given the private property aspect of RtR. However, I would like to encourage you to give everything you have to this 6/12 (and possibly July) discussion, as it appears there are open opportunities for you to ask questions of, and make recommendations to, referring staff members and departments involved in RtR and permitting.

Specifically, I am urging you to weigh in on what appears to be insufficient planning for the wildlife on the site. If grading permits are to be approved with grading beginning as early as 6/21, the abundant wildlife on this site needs representation. I have done quite a bit of calling and contacting recently to try and obtain information and specific, up-to-date plans. I have reached out to High Plains Environmental Center, who was clearly contracted by Sterling Bay, and have heard nothing in return. Conversations with City of Louisville staff have been greatly appreciated, but no one has been able to refer to or produce any current documents, detailed procedures, or plans for wildlife prior to, or upon grading. I have heard repeatedly that Sterling Bay is "following the applicable (state & federal) laws and requirements," but any documentation demonstrating this or outlining plans is unavailable.

What we do know is that during the [2/6 Council meeting](#) (5:15), a Sterling Bay presenter indicated that "SB is investing in the Butterfly Pavilion to do ongoing monitoring after the project is complete that will build upon the previous studies that ERO has done, including..." (see list from screenshotted slide)



What/ where are these ERO studies now, and are these the ERO studies linked with the previous developer, Brue Baukol? If so, they are not current. Are you concerned that this would occur after the project is done? What about now, before grading begins, when it really matters?

Here are some additional questions I believe need to be asked, and for which current documentation should be provided:

- Is there a current burrowing owl survey that has been conducted? (i.e., not from 2021)
- Has Sterling Bay and/or the City sought and received any opinion from CPW about the plans for wildlife on this site upon grading, and is there documentation? Where is evidence of this kind of due diligence?
- What is the current, detailed plan for wildlife on this site once bulldozing begins? Is there a local prairie dog conservation expert being subcontracted to provide input and oversight? Are legitimate, passive relocation techniques being used with prairie dogs, or potentially, efforts towards translocating them elsewhere? If so, where is that outlined/ published?
- Where is there documentation that if euthanasia is employed, it will be via carbon monoxide (PERC) within the burrows and NO rodenticides will ever be used on the site?
- Is Sterling Bay or any of its representatives aware of the call for prairie dog conservation as a wildfire mitigation recommendation in the recently accepted [Wildfire Hazard and Risk Assessment of Louisville Public Lands](#)?
- Could the issuance of grading permits be contingent upon the provision of current, detailed wildlife plans, and that those current, detailed plans be included in the subdivision improvement agreement (SIA)?

I am very concerned that the minimal plans or comments made regarding wildlife have been delivered during conceptual-level slide presentations to the city council. Additionally, I am concerned that, when asked by a council member during the [2/20 Council meeting](#) (3:43) about wildlife on the RtR site, Kristen Oles, the Ecology Program Manager for High Plains Environmental Center and a representative for Sterling Bay commented:

"... a lot of the wildlife that is currently using the site, they are fairly mobile and because the site is not going to be developed all at one time, there are going to be opportunities for the wildlife to relocate to areas that are a little more amenable to them while the development is occurring, and then once the development is finished it will be really amazing wildlife habitat that they'll be happy to go back to."

As someone who has volunteered for prairie dog translocation projects and had the benefit of learning from local experts, I'm puzzled by the assumption that wildlife such as prairie dogs (who are protective, familial beings) would willingly move in an organized fashion, together with their dependent pups, when bulldozers arrive. In fact, it is irresponsible for anyone involved in ecology to imply such a thing. What actually happens? The first response that prairie dogs will more likely have to approaching bulldozers is that they are a threat, and they will go down into the safety of their chambers. Prairie dogs do not understand bulldozers and many will suffocate and die. If burrow tunnels reach the colony edge, some prairie dogs may escape towards the edge of the road and potentially be hit by cars. Additionally, we are also currently in pup season, with dependent pups staying near to their mothers and other females in the coterie. The point is, without other plans or strategies in place, prairie dogs in the way of approaching bulldozers will not save themselves. This also impacts all other species who depend on prairie dogs. There are passive relocation techniques that can be used to encourage prairie dogs towards existing, unused burrows, but this should not be attempted until the fall, when population counts are significantly reduced. There are local experts that can help with these techniques, but again, what evidence exists that the developer and consultants have any such plans in place?

I thank you sincerely for your time. This is a challenging situation overall, but I have observed this committee to be thoughtful, curious, and willing to dig deep to find answers and solutions. Please feel free to reach out if I can be of any assistance.

Amber Greves

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Draft Comments on RTR trails--Please consider additional comments.

Tue 6/11/2024 7:49 PM

To: Ember Brignull <emberb@Louisvilleco.gov>

Dear Open Space Advisory Board Members, Planning Staff, and Open Space Staff working on trails plan,

I see that you will be discussing Redtail Ridge during your meeting tomorrow.

Thanks for sharing the draft comments to be submitted to the case manager (the city engineer) regarding the trail drawings. Since I attended your last meeting, all seven comments make sense to me. I hope that they will be taken into consideration as part of the project's approval process.

Could you add the following three items to the draft to protect open space and wildlife?

Thanks for considering these,

Tamar Krantz,
Louisville.

(1) Avoid Bisecting Open Space. If tract I and tract B are both designated for "RECREATION, OPEN SPACE, PARK, TRAIL, DRAINAGE", in the [final plat](#), could the location of the trail remain flexible until the final designations are made? Or, would it be possible to make sure that the trail doesn't bisect open space? I believe one of your members suggested having the trail run between the park and open space.

(2) Eliminate some trails around the pond in tract D. I hope that you will consider eliminating trails all together from one side of the existing pond to allow habitat protection for wildlife.

(3) Request trail locations and materials to be included in the Subdivision Improvement Agreement (SIA), Operations and Maintenance Agreement, or other binding agreement.

Section 3.1 (b) of the [March 8, 2024 SIA](#) states:

"trail improvements" shall be defined to include, where applicable, but shall not be limited to, all improvements within public rights-of-way, public lands, or public trail easements necessary for construction of such improvements as shown on the Approved Plans by the City prior to construction."

The definition of Approved Plans is not clear to me. If approved, the eight-page final plat doesn't include the trails as shown on page 18 of your May 8, packet. Nor are these trails included in the SIA. The SIA only shows faint lines in exhibits F through I. Could OSAB ensure that approval of the final plat includes binding specifications for trail locations and materials?

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Wildlife Protections for Redtail Ridge

Tue 6/11/2024 9:26 PM

To: Ember Brignull <emberb@Louisvilleco.gov>; Susan McEachern <susanlmceachern@gmail.com>

Dear Open Space Advisory Board Members.

I see that you will be discussing Redtail Ridge at your meeting tomorrow night. I wrote you a letter regarding the draft comments on trails, but I wanted to write to ask you: Please do not limit your referral comments to the location and materials of trails. Please also advise on wildlife protections.

Can OSAB make a recommendation regarding prairie dog management?

The 4-month agreed-upon delay for site grading ends on June 20 and the city anticipates providing a grading permit this month. (per update during [June 5 PPLAB meeting -- see page 81/88](#)) . According to the PPLAB update, *"work will begin in the south and east portions of the property given that's the location of foundational infrastructure (such as the proposed sewer lift station)."* You can see from the [plat](#) (Tract K shown on page 2) that this is the area near the Broomfield conservation easement. The draft 2021 PDMP (not part of the new application) shows that this area is occupied by prairie dogs. Unfortunately, without a final subdivision plat, there is no development agreement-- and no agreement with Sterling Bay on wildlife protections for grading. Can you please recommend NO rodenticide use on the site? I think that the developer may already be amenable to this based on their presentations. I am just not sure how to get that commitment from them. Can the city add this as a permit condition if the applicant is willing? Can it be added to the stormwater management plan where pesticides are mentioned? The grading will begin on land to be dedicated to the city. Our [integrated pest management plan](#) that says pesticides should be a last resort-- maybe that gives you some say on this land? I know you understand the impacts of rodenticides on the ecosystem.

Can OSAB make recommendations on surveys prior to grading?

Can you request a burrowing owl survey and a bird nest survey be done before they begin grading (to prevent a violation of the Endangered Species Act and Migratory Bird Treaty Act?) Maybe the applicant is already planning to do this. If so, can you request these surveys be shared with the public?

Can OSAB make recommendations for wildlife protections on the site as part of the final plat agreement?

The applicant made commitments to protect existing wildlife during their presentation on the subdivision plat before council. Is there a mechanism for you to request that the developers' commitments on wildlife protections be put into writing? Currently the SIA draft only states, *"Habitat and Wildlife. The Project will include continuous monitoring of wildlife use, including burrowing owl and raptor surveys, a prairie dog management plan, migratory bird nest assessments, and pollinator protections."* Can you ask for these surveys and plans to be finalized and included by reference in the contract?

Thanks for reading this whole email and considering these urgent issues.

Tamar Krantz

Louisville.

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