

Article TBD  
Open Space and Trails

1.01 Purpose. The purpose of this article is to establish guiding principles to obtain, fund, preserve and manage open space and trails lands for Town-owned open space lands that:

- (1) Are consistent with good stewardship and sound ecological principles;
- (2) Preserve and promote native plants, native wildlife, and their habitats; and
- (3) Preserve and promote cultural resources, agriculture, scenic vistas, and appropriate recreation activities.

1.02 Definitions. The following terms shall have the following meanings:

“Conservation Easement” means a voluntary agreement between a landowner and the Town to place permanent restrictions on the use of a property.

“Native plants” means plant species that occur naturally in local habitats without direct or indirect human action.

“Native wildlife” means animal species that occur naturally in local habitats without direct or indirect human action.

“Open space” means land that designated as Town open space pursuant to applicable zoning and land use documents and includes, without limitation, trails owned by the Town.

“OSTAB” is the Open Space and Trails Advisory Board established in Article 5 of this Charter.

“PROST” is the Town Parks, Recreation, Open Space, and Trails Master Plan, or any such successor plan adopted by Town Council.

1.03 Designated Open Space.

(1) The Town shall establish and maintain an inventory of vacant land owned in whole or in part by the Town, and the Town Council shall periodically review and determine, after considering the recommendations of OSTAB and Town Staff, whether any such land shall be designated as open space.

(2) The Town shall provide and maintain an appropriate and distinct zoning or land use designation for all property designated as open space. With respect to any such land

is owned jointly by the Town and another government entity, the Town shall seek the consent of such government entity to designate the land as open space.

(3) No land designated by the Town as open space may be sold, rezoned, redesignated or placed into any other land use category without prior voter approval.

1.04 Classification and Management of Open Space.

(1) Management of open space shall be the responsibility of the Town Parks and Recreation Department, or its successors department. Open space management plans and practices shall honor the purposes of this Article and shall be documented and maintained in the PROST or by ordinance.

(2) In managing open space that is not within the exclusive control of the Town, the Town shall endeavor in good faith to manage such open space consistent with the purpose of this Article and the Town's adopted open space management standards. No substantive change in the use of such open space shall be approved by the Town without referral to and recommendation by OSTAB.

1.05 Purchase of Open Space.

(1) In addition to purchasing fee title to open space, the Town may purchase a conservation easement on a property to protect it from future development.

(2) As required by Article 8 of this Charter, the Town shall maintain the Open Space and Trails Fund, which shall be used exclusively to purchase open space and conservation easements.

(3) Purchases of open space require approval of the Town Council.

**Commented [HMG1]:** Suggest covering the deleted provisions about XS in Article 5

(4) The Town may acquire open space and conservation easements by other means including, without limitation, development fees-in-lieu of dedication, conservation trust fund programs, grants, contributions, and land donations.