



## Agenda Memorandum

Agenda Item – {{section.number}}.C.

City Council Meeting  
July 8, 2024

### **Strategic Priority 1: Access to Opportunity**

Advance access to opportunity and prosperity for all in Westminster through diverse housing choices, increased mobility options, safe and walkable neighborhoods, and strong social networks

### **Strategic Priority 2: Community Empowerment and Engagement**

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life

### **Strategic Priority 3: Community Health and Safety**

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster

### **Strategic Priority 4: Economic Vitality**

Promote and support a resilient economy that attracts and retains a diversity of businesses, workers, and industries, expands living wage jobs, and diversifies the City's tax base

### **Strategic Priority 5: Resilient Infrastructure**

Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success

**Subject:** First Reading of Councillor's Bill No. 23 Re: Adding a New Section 13-1-17  
Establishing Special Regulations for the Westminster Hills Open Space

**Prepared By:** Tomas Herrera-Mishler, Director of Parks, Recreation and Libraries

## **Recommended City Council Action:**

Pass on first reading Councillor's Bill No. 23 adding a new section 13-1-17 to the Westminster Municipal Code establishing special regulations for the Westminster Hills Open Space.

## **Summary Statement:**

The Westminster Hills Open Space (WHOS) is a highly popular dog off-leash area, currently spanning 470 acres. To address the high volume of visitors (estimated at over 750,000 annually) and potential conflicts with existing City codes, a new section is proposed for the Westminster Municipal Code (W.M.C.) specific to this area.

This new section proposed for the W.M.C. establishes special regulations for a dedicated area within WHOS, designated as the "Westminster Hills Open Space Dog Off-Leash and Natural Area," with

specific regulations tailored to this area. This approach allows for continued dog off-leash activity, other recreational uses, and ecological restoration efforts to coexist.

To ensure a successful and balanced space for all users, an Area-Specific Management Plan (ASMP) will be developed. The ASMP will prioritize the user experience through, but not limited to, trail alignment and amenities, such as shade structures and benches, and guide sustainable resource management. Public education, signage, volunteer opportunities, parking management and enforcement strategies are all integral parts of the ASMP. Safety for dogs and people, adherence to proper maintenance practices, and habitat restoration remain paramount concerns. The ASMP is expected to take 8-12 months to complete once the consulting firm is selected. The ASMP will undergo periodic reviews to guarantee the long-term viability of the WHOS Dog Off-Leash and Natural Area.

### **Fiscal Impact:**

Initial cost estimate for 2025 is \$1,340,000 to \$1,370,000; additional funds will be requested in future years to support implementation of the ASMP for WHOS.

- \$120,000-\$150,000 for the ASMP and site design is needed to guide site access, trails and amenity locations and define areas for natural restoration (reallocation of existing funds in the Open Space Planning account)
- \$100,000 for early action projects: trail construction/deconstruction, gates, signage, etc. (reallocation of existing funds in the Open Space operating budget and Open Space Repair and Maintenance Capital Improvement project)
- \$760,000 for new Staff to advance the 2014 Open Space Stewardship Plan and ASMP, and to assure safe and enjoyable use of the WHOS and other open space throughout the City: 1.0 full-time equivalent (FTE) Crewleader, 2.0 FTE Open Space Stewards, 1.0 FTE Open Space Specialist (for Natural Resources Restoration), 1.0 FTE Volunteer Specialist, 1.0 FTE Senior Park Ranger, and 3.0 FTE Park Rangers (proposal for the 2025 operating budget)
- \$360,000 for equipment and vehicles to support the additional staff in performing their duties and assignments (proposal for the 2025 operating budget)

### **Source of Funds:**

Parks, Open Space and Trails (POST) Fund: Operating and Capital Improvement Program Budget and Future Grants – 2025 and beyond

Future revenues to offset some expenses may be derived from user fees and parking revenues based on the recommendations of the ASMP

### **Policy Issue(s):**

Does City Council wish to adopt the attached Councillor's Bill adding a new section to the W.M.C. establishing special regulations for the Westminster Hills Open Space? If City Council chooses to adopt the proposed special regulations for WHOS, the described staffing plan will be included in the proposed 2025 budget for City Council consideration.

**Alternative(s):**

1. City Council could choose not to approve the proposed addition to the W.M.C. This is not recommended as the proposed new section 13-1-17 carves out the WHOS as a unique asset within the open space system and defines allowable uses within the space. It formally designates this area as permitting dog off-leash activities while retaining much of the attributes of the natural space, including plants and wildlife.
2. City Council could choose not to approve the attached ordinance and instead direct staff to pursue a redesignation of the open space to park, including an amendment to the Comprehensive Plan changing the designation from Open Space to Parks/Golf Courses. This process would require a Comprehensive Plan amendment process, including posting sign notices on the property, mailing notices to adjacent properties, acquiring full legal descriptions through a survey of the property, public hearings before the Planning Commission, culminating in a public hearing before the City Council for final action. This is not recommended as the proposed ordinance retains the Open Space designation consistent to the Comprehensive Plan while addressing the unique attributes of this space. These resources (time and funding) could be better utilized to implement City Council's direction related to the site.
3. City Council could choose not to approve the attached ordinance and instead direct staff to retain the entire WHOS for its original purpose as currently defined in the W.M.C. This option would forgo the proposed W.M.C. amendment establishing specific and unique regulations for the space as a dog off-leash area. However, it is important to note that this option is not recommended, as City Council previously directed formally designating the space as a dog off-leash area.
4. City Council could choose not to approve the attached ordinance and instead direct staff to identify a reduced dog off-leash area. This option would allow City Council to consider other alternative proposals previously presented or alternatives from City Council or the community that designate an area smaller than the current 470 acres for dog off-leash use. These proposals would still allow for dog off-leash activities but on a reduced footprint within the WHOS. City Council directed the current 470 acres be formally designated as dog off-leash area and this option is counter to that direction.

**Background Information:**

The initial acquisitions in 1988 associated with what currently constitutes the WHOS area were done to protect the mountain views, provide a buffer to potential future development to the west, and prevent the development of the site, which was originally designated as a future office-industrial park. At over 1,000 acres, this is one of the largest stretches of shortgrass prairie publicly protected on the Front Range. WHOS was established through a series of land acquisitions with the primary goal of permanent land preservation and conservation. Core objectives for the WHOS include the following:

- Preservation: Preventing development and safeguarding the land's natural state.
- Recreation: Providing opportunities for passive recreational activities.
- Habitat Protection: Securing sensitive wildlife habitat and scenic mountain vistas. The WHOS holds significant ecological value as part of a vast regional network of interconnected, protected, public natural lands spanning over 100,000 acres throughout the Front Range. Notably, it contains a remnant of shortgrass prairie, a critically endangered ecosystem worldwide.

The WHOS is located on the western edge of Westminster, bordering the Countryside neighborhood, Rocky Flats National Wildlife Refuge, and Standley Lake Regional Park. In 2000, with City Council approval, approximately 27 acres in the northeast corner were designated as the City's first off-leash dog area as a pilot. The entire WHOS from Simms Street to Indiana Street opened to off leash dog walking in 2008 and was closed for most of 2009 due to an outbreak of Bubonic Plague among the prairie dog colony. The area where off-leash dogs were allowed was adjusted to the current approximately 470 acres in 2010, becoming the largest off-leash dog area in Metro Denver. In 2017, the 100th Avenue trailhead and an unpaved parking lot were built to support the Greenway Trail. The 100th Avenue parking lot was paved in 2018. With the addition of this trailhead and parking, the volume of use of the site for dog off-leash activity dramatically increased and has every year since.

The 2014 Open Space Stewardship Plan (OSSP) guides the management of Westminster's open spaces. The OSSP is intended to serve as a guide for current and future open space management, rehabilitation, enhancement, and sustainability for passive recreational uses in an effort to protect natural resources while ensuring high-quality visitor experiences now and in the future.

The 2014 OSSP recommends, as funding is available, to master plan higher priority, area-specific open space parcels. WHOS was identified as one of seven high priority area-specific open space master plan areas. In late 2022, initial work related to developing an area-specific management plan for this site started with the initiation of a conditions report. The assessment evaluated the site conditions related to soil and water, vegetation, noxious weeds, wildlife, and recreation impacts on the property and included staff-informed management strategies for consideration. This included the potential to change the size of the permitted dog off-leash area.

After several community meetings in late 2023 and early 2024 where concerns were raised by residents and visitors to the WHOS area, a Community Advisory Committee (CAT) comprised of various user groups (dog walkers, neighbors, cyclists, and open space advocates) was formed. The CAT provided 13 recommendations and provided several potential dog off-leash area size options. Staff considered this input while developing four options for City Council consideration. Details and maps were presented during the June 3, 2024, City Council Study Session. (Please see the [June 3 Staff Report](#) for a summary of this process, and associated attachments and reports.)

Staff presented the following options at the June 3, 2024, Study Session:

- Maintain the current approximately 470-acre size
- Large off-leash area (approximately 200 acres)
- Mid-sized off-leash area (approximately 110 acres)
- Neighborhood-sized option (approximately 33 acres)

At the June 3 Study Session, City Council directed Staff to return for formal City Council action to designate 470 acres as dog off-leash area, which is what this agenda memorandum is intended to do.

Findings showed that the WHOS is the largest off-leash dog area in the Denver Metro region and perhaps the entire State of Colorado, with Cherry Creek State Park Dog Off-Leash Area at 107 acres holding the second-largest designation, followed by Chatfield Dog Park (Colorado State Park) at 69 acres. Current estimates suggest over 750,000 visits to the WHOS dog off-leash area occur annually. This level of visitation has resulted in significant degradation of the site's natural features and has resulted in parking demand issues and conflicts.

Through the CAT process, staffing and funding the citywide open space maintenance program was identified as a priority. The 2014 OSSP recommends funding for open space ongoing maintenance and management of transitional landscapes, such as the WHOS, at a level of \$1,713 per acre. An allocation of \$805,110 would be required at this level to adequately manage the 470-acre portion of the WHOS alone. Based on current restoration costs, available contracting services, scheduling, and the existing conditions at the WHOS, it is estimated that restoration would take 5-10 years and require approximately \$400,000/year for the first five years, totaling \$2,000,000, to adequately restore the WHOS, after which the annual operating budget for the WHOS would drop to approximately \$200,000. Full restoration of the WHOS dog off-leash area would be achieved by approximately 2040. Such a restoration effort would be evaluated as part of the ASMP.

Proposed Staffing: The Open Space Stewardship Plan (OSSP) recommends a staffing ratio of 1:600 acres per Open Space Steward, aligning with the average ratio (1:300 to 1:700) observed in Front Range communities in 2014. Currently, the City has 3.0 FTE Open Space Stewards for its 3,805 acres of open space. This translates to a significant staffing deficit based on the OSSP recommendation.

This limited staffing has hampered restoration efforts across the City's open space system. To address this issue, 4.0 FTE Open Space additional staff members are proposed:

- 1.0 FTE Crewleader: This position will provide critical support to the Open Space Foreperson by managing field staff and ensuring efficient operations. Open Space is the only such crew without a crew leader throughout PRL.
- 2.0 FTE Open Space Stewards: These additional Stewards will bolster frontline operations, allowing for more comprehensive maintenance and restoration efforts.
- 1.0 FTE Open Space Specialist-Natural Resources: This dedicated specialist will provide enhanced support for the Integrated Pest Management (IPM) program and lead restoration initiatives across the open space system.

This staffing increase aligns with the City's open space maintenance program and the recommendations outlined in the OSSP. By achieving a staffing ratio closer to the recommended 1:600, the City can ensure the effective management and restoration of its valuable open space resources, with a particular focus on the WHOS upon implementation.

In addition, a 1.0 FTE Volunteer Specialist is recommended. Volunteer engagement is a key component of the PRL management strategy for maintenance of the WHOS Dog Off-Leash and Natural Area. PRL has one Volunteer and Grants Coordinator who splits his time between securing grants and coordinating volunteers across the entire city-wide open space system. A volunteer specialist focused solely on the volunteer program will allow PRL to secure greater volunteer resources to support WHOS without negatively impacting on our ability to pursue grant funding and volunteers for the rest of the City's public landscapes.

To enhance safety and enforcement of rules and regulations related to the WHOS and the citywide open space system, an additional 4.0 FTE Park Rangers are recommended. Currently, the City has 7.0 FTE Park Rangers, five (5) of whom are primarily assigned to the Standley Lake Regional Park including one supervisor (a Senior Park Ranger) and two (2) Park Rangers were recently added to assist with People Experiencing Homelessness efforts throughout the City.

The two Park Rangers dedicated to homelessness issues also patrol the remaining 4,293 acres of open space and parkland, which includes the 1,000 acres of the WHOS. The proposed additional 4.0

FTE Park Rangers would provide daily, year-round enforcement and education at the WHOS to include on/off-leash, pet waste, open space/park closures, increased parking enforcement along with increased enforcement along the entirety of the City's 126-mile trail system, open space, and parkland to include graffiti, and vandalism. The four new FTE position would include:

- 1.0 FTE Senior Ranger to balance staff supervision; and
- 3.0 FTE Park Rangers to provide support for the functions noted above.

This investment in additional Park Rangers is crucial for ensuring safety, effective enforcement of regulations, and proper management of the WHOS and the City's entire open space and parks system.

Proposed Ordinance Formally Designating Dog Off-Leash and Natural Area: Per City Council direction at the June 3 Study Session, the dog off-leash area is to remain unchanged in size. The property has operated as approximately 470 acres and staff was preparing the proposed City Council action accordingly. However, as staff continued to work through options to achieve this goal and upon deeper review, it was determined that a conservation easement over the Sisters of the New Covenant parcel (approximately 25.5 acres), which is held by Jefferson County on behalf of Great Outdoors Colorado (GOCO), established greater use restrictions than originally understood. The conservation easement calls for preservation and protection of the conservation values specific to natural habitat, open space scenic view preservation, passive outdoor recreation and education, and trail connections. As such, it is recommended that this parcel on the lower southwest corner of the current dog off-leash area (closest to the intersection of Alkire Street and 100<sup>th</sup> Avenue) be excluded from the formally adopted dog off-leash area. It is recommended that the Sisters of the New Covenant parcel be treated as a dog-free area in the same way as the western portion of WHOS.

In addition, the northern portion of the Walnut Creek Exchange parcel that nestles into the Meadow View subdivision (approximately 5.89 acres) is also recommended to remain an on-leash dog only area, as it currently operates. This section is currently fenced off from the rest of the off-leash area and has operated as an on-leash dog area since the City acquired it. Retaining this as an on-leash dog area is intended to respect the original agreement made with the neighborhood at the time of the property exchange to ensure dogs remain on-leash in the area closest to the homes in the Meadow View neighborhood that surrounds this parcel. (The southern part of this parcel is proposed to be retained as part of the off-leash area as it currently operates.)

As a result of the Sisters of the New Covenant conservation easement and the original agreement related to the Meadow View neighborhood associated with the northern portion of the Walnut Creek Exchange parcel, the proposed dog off-leash area is recommended to be adjusted to approximately 440 acres (see Attachment A – WHOS map).

Access to the Dry Creek Valley Ditch (DCVD) remains unresolved. This popular site feature traverses the site diagonally in the northeast corner. While the underlying land is City-owned, the approximate 3-acres of land covered by the ditch is a pre-existing ditch right-of-way owned by the Dry Creek Valley Ditch Company (Ditch Company) which, thereby, controls access to the ditch embankments and water. In 1993, the City secured an agreement with the Ditch Company for a single visitor crossing over a city-installed bridge. Staff discussions with the Ditch Company regarding expanding access are ongoing. However, the Ditch Company currently prohibits people and dogs from entering the DCVD or having any contact with the water. (See Attachment B – Letter from Dry Creek Valley Ditch Company (dated June 12, 2024)). It is unclear what level of access the Ditch Company will permit; however, staff will continue discussions on the possibility of expanding recreational use of the DCVD, including the possibility of adding a second pedestrian crossing. In the proposed ordinance

attached, access to the DCVD is specifically called out being subject to a use agreement (see 13-1-17(A)(2)(b) in the attached ordinance).

The proposed ordinance is intended to retain the significant area of dog off-leash area while also honoring the natural features of this land area. Like the Regulations at Standley Lake Regional Park (W.M.C. 13-1-16), the proposed ordinance creates a new section within the W.M.C. specific to this unique property. It is intended to clearly identify the large area where off-leash dogs are permitted and that the natural fauna and landscaping of the space remains (and is improved over time). Rather than re-designating the area as park, which could be confused with a manicured, water-intensive traditional park site, such as City Park or McFall Park, the area is recommended to be formally designated as Westminster Hills Open Space Dog Off-Leash and Natural Area with its own specific set of regulations welcoming all users, including off-leash dogs, hikers, and bikers to enjoy the space.

The proposed ordinance does the following:

- establishes as a dog off-leash area approximately 440 acres based on the original acquisition names (i.e., Colorado Hills, Brigham Young University, Church of Jesus Christ Latter-Day Saints, and the southern portion of the Walnut Creek Exchange parcels) and expressly permits off-leash dog activities in this area;
- notes that details related to the Dry Creek Valley Ditch that traverses the northeast corner of the site need to be worked through and use of this space is subject to a use agreement with the Ditch Company;
- calls out that the northern portion of the Walnut Creek Exchange parcel remains accessible to on-leash dogs but not off-leash dogs; and
- identifies the remaining parcels located on the western portion of the WHOS, including the Sisters of the New Covenant property, as dog-free areas.

Area Specific Management Plan (ASMP): Upon formal City Council action related to the designation of the dog off-leash area and the identification of the acreage, an ASMP will be pursued for the WHOS Dog Off-Leash and Natural Area. This ASMP will guide site improvements, management strategies, and user experience within the designated 440-acre area. It will establish a framework for prioritizing site improvements and providing specific management strategies. As part of the ASMP, the team will conduct a review of W.M.C. Title XIII, Chapters 1 and 5, related to parks and open space and make recommendations for amendments or clarification if appropriate. The creation of the ASMP will include the implementation of intensive management of an active use dog off-leash area. The goal of the ASMP is to increase ease of access with a looped trail system while improving the natural habitat within what will be an approximately 440-acre dog off-leash area, creating a high-level user experience. Originally anticipated to be developed in-house, the complexity of this site warrant external assistance in the development of the ASMP.

Key ASMP components will include:

- Sustainable Resource Management: Implement strategies to improve wildlife habitat within designated natural areas and manage the overall landscape to minimize human impact. This includes ongoing weed control, signage, educational programs, volunteer opportunities, and potential user fees.

- **Trail System and Amenities:** The ASMP will define a looped trail system and consider the placement of amenities, like benches and shelters, to optimize the user experience.
- **Access and Parking Management:** The ASMP will explore parking recommendations, including a potential restricted parking district in nearby neighborhoods and paid parking on-site.
- **Community Engagement:** Extensive community engagement will be a cornerstone of the ASMP planning process. Regular updates will be provided through the City website and to City Council.

Additional considerations in the development of the ASMP include:

- **Safety:** The ASMP will prioritize the safety of both dogs and people.
- **Habitat Restoration:** Best management practices will be used to restore native prairie ecosystems while balancing active use with wildlife needs.
- **Weed Control:** Staff will continue to use best practices in integrated pest management to keep the WHOS Dog Off-Leash and Natural Area free of Class A noxious weeds along with intensive reduction of Class B noxious weeds.
- **Long-Term Sustainability:** The ASMP will be a living document, reviewed periodically to ensure the long-term health of the natural environment.

A statistically valid survey may be advisable at some point to assess the level of City resident usership and preferences to inform the ASMP. Any major policy issues will be brought to City Council for consideration and direction. Once completed, the ASMP will be reviewed with the City Manager for final direction and implementation.

Negotiations with the Dry Creek Valley Ditch Company will be required to define any specific options for permissible crossings or access to the ditch water. The current license agreement allowing for the single bridge crossing may also need to be renegotiated to allow for improved access based on the site plan developed as part of the ASMP.

**ASMP Implementation:** The ASMP will be implemented in phases as resources are allocated, considering factors like capital expense budgeting, grant opportunities, and internal capacity. Early action projects may include expanded staffing, equipment acquisition, trail development, signage, fencing, and security measures. Long-term goals will focus on additional amenities based on available funding. The start of full-scale habitat restoration and expanded on-site enforcement efforts will depend on the approval of the 2025 Open Space operating budget and capital improvement program budget.

**Potential Early Action Projects:** Upon City Council formal action related to the size of the WHOS off-leash dog area, Staff will prioritize the following key initiatives and pursue as funding allows:

- **Improved Signage:** Installation of informative and regulatory signage throughout the WHOS Dog Off-Leash and Natural Area will enhance the user experience.
- **Expanded Volunteer Engagement:** A program of regularly scheduled volunteer workdays will be established. This fosters a sense of community ownership and provides valuable support for the dog off-leash and natural area maintenance and enhancement. Volunteers will participate through the City's volunteer program, following established procedures.



- Fencing: Installation of a wildlife-friendly fenced area(s) using wood posts, t-posts, goat wire, and smooth wire will enhance control and safety (parking areas and restrooms will remain outside the fenced zone).
- Access Points: Construction of secure entry/exit points at designated access locations will improve security.
- Trails: Completion of trail reroutes and restoration of abandoned trails will enhance user experience and improve environmental protection.
- Waste Collection Stations: Strategic placement and the addition of waste collection stations will promote cleanliness and responsible use.

This proposal aligns with several key objectives outlined in the City's Strategic Plan specific to Access to Opportunity, Community Empowerment and Engagement, Community Health and Safety, Economic Vitality, and Resilient Infrastructure. By allocating appropriate resources to the Open Space team, we can achieve a safer, more aesthetically pleasing, and better-maintained city in accordance with the Strategic Plan goals. Furthermore, this will empower dedicated PRL staff and volunteers to ensure a thriving and resilient environment within the WHOS Dog Off-Leash and Natural Area. Maintaining a dedicated dog off-leash area fosters a strong sense of community and belonging. Plans to partner with volunteers for open space maintenance leverages collective resources for maximum impact, aligning with the Strategic Plan's emphasis on efficiency. Ultimately, this proposal allows PRL to responsibly manage entrusted open spaces while meeting the needs of current and future users, adhering to the principles of sustainability and responsible stewardship outlined in the Strategic Plan.

Respectfully submitted,

A handwritten signature in blue ink that reads "Mark A Freitag". The signature is written in a cursive, flowing style.

Mark A. Freitag  
City Manager

**Attachments:**

Councillor's Bill No. 23 Adding a New Section 13-1-17 Establishing Special Regulations for the Westminster Hills Open Space

Attachment A – Proposed WHOS Map

Attachment B – Letter from Dry Creek Valley Ditch Company (dated June 12, 2024)

Attachment C – WHOS City Council Questions