



To: Mayor and Town Council Members

From: Mark C. Meyers, Town Manager

Date: August 6, 2026

Subject: Open Space Ordinance

Background

In April, Town Council Approved amendments to the Open Space (OS) ordinance. The amendments included establishing prohibited uses. A second amendment included accepting federal and state lands from the use standards.

Recently, Planning Commission members have expressed concern at the exemption amendment. The concern relates to potential sale of Federal lands for undesirable uses (e.g., data centers, detention facilities, power plants and tall apartments). It also relates to recent federal legislation proposing public land sale for use the government may decide will fill a national need could include language requiring adherence to some or all types of local regulation.

Therefore, there is a desire among members to amend the OS ordinance to: 1) in the Whereas section, instead of a blanket exemption (i.e., "regulatory provisions... do not apply"), include new language stating that "regulatory provisions...may not always apply" and, inclusion of such lands are "primarily," not "only," for planning and mapping purposes, and 2) in the Applicability section, instead of stating "prohibited use provisions...shall not apply, "state, "may be preempted by law under powers of superior entities. In such an event, the provisions of the Code shall be enforced specifically and exclusively to the extent legally allowed."

Instead of having Planning Commission make a formal recommendation to the Town Council, Town Planner Ryker Steglich and I agreed that the Town Council should first discuss the merits of the concept in work meeting to determine if they wish the Planning Commission to even consider the matter. If so, they could refer it to staff to develop specific language for the Planning Commissions review, consideration and formal recommendation to the Council.

Recommendation

Staff recommends that the Town Council discuss Planning Commission member's concerns with the recent Open Space ordinance uses exemption of federal and state owned lands and provide direction to staff regarding whether or not to have the Commission consider any amendments to address member's concerns.