



TOWN BOARD WORK SESSION
February 18, 2013 – 6:00 P.M.
301 Walnut Street, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the public in attendance who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.

THIS WORK SESSION WILL NOT BE TELEVISED

AGENDA

- 6:00 1. CIP Unfunded Project Discussion – D. Moyer
- 7:00 2. Future Park Development Policy Process – M. Chew
- 7:25 3. Future Meetings Agenda
- 4. Adjourn



MEMORANDUM

Date: February 18, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Dean Moyer, Director of Finance and Information Systems
Re: Unfunded Projects
Item #: 1.a.

Background / Discussion:

We developed our five year capital improvement during last year's budget process. Included in this discussion were items we want to complete at some point, but currently do not have funding for these projects. A list of these projects is enclosed in your packet. We are to start the process of prioritizing and developing funding strategies for top prioritized projects.

Also this evening there are several revenue issues to discuss as to how we ultimately fund these projects. The enclosed list of projects is broken down by fund, and also names a funding source(s) to pay for the project.

Also enclosed is a schedule detailing our current impact fees that are charged at the time of issuance of the building permit. With the exception of the park impact fees, these fees have not been adjusted since 2007. The road impact fees were reduced by 12.3% in 2009.

Financial Impact:

Below is a general description of each fund revenue source.

- **Park Improvement Fund** – We are covering this fund and the philosophy of building parks later this evening. Our current funding here comes predominantly from park fees collected on building permits. The fees are adjusted annually for inflation. The fund also receives money from the Larimer County Open Space Tax.
- **Capital Improvement Fund** – This fund is also directly affected by the number of building permits we issue. Building permits produce use tax and road impact fees, both of which are recorded in this fund. Some of the projects listed in this fund include funding from other sources, as the size of those projects requires more than one source of funding.
- **Utility Funds** – Water, non-potable water, sewer and drainage funds have several large ticket items. Most of these projects involve using accumulated impact fees as a source of funding. We have not adjusted our impact fees in several years and we need to look at the adequacy of what we are charging for impact fees.

Relationship to Strategic Plan (optional):

Promote, Manage and Facilitate an effective infrastructure system within the Town and Northern Colorado.

Recommendation: None

Attachments:

List of unfunded projects.

Fee schedule.

2014 Unfunded Capital Projects

Fund		Unfunded Cost	Funding Source	Priority	Ranking	O&M Cost
PIF	Fossil Belmont Ridge Park Development	\$ 1,262,000	Park Improvement Fund - Neighborhood	IV	3	Y
PIF	Wayne Miller Park Development	1,542,500	Park Improvement Fund - Neighborhood	IV	3	Y
PIF	Jacoby Farm Park Development	495,300	Park Improvement Fund - Neighborhood	IV	3	Y
Capital	Eastman Park Dr./ 7th St Roundabout	684,500	Capital Improvement Fund	II	2	Y
Capital	CRC Expansion	15,000,000	Bond, grants, partners	II	2	Y
Capital	Street Maintenance	1,800,000	Capital Improvement Fund, Severance Tax, Mineral Royalties	II	2	Y
	<i>Balance of annual \$2.7M to hold at 75 pci</i>					
Capital	Public Works / Parks Shop Building <i>(linked to DV)</i>	8,000,000	Capital Improvement Fund, bonds, grants, loans, Enterprise funds	II	3	Y
Capital	Diamond Valley remaining development per master plan <i>(could be in phases and is linked to PW shop)</i>	19,067,129	Park Improvement Fund- Community, grants, partnerships	III	3	Y
Capital	Alley Paving	85,360	Capital Improvement Fund, DDA	III	3	Y
	<i>Construct concrete alley paving in block north of Main St. between 6th & 7th</i>					
Capital	7th St Roundabouts - Garden/Stone Mountain	1,220,000	Capital Improvement Fund	III	3	Y
	<i>Two roundabouts on 7th St. at Garden Dr. and at Stone Mountain Dr.</i>					
Capital	Permanent Museum Collections Storage and Exhibit Fabrication Building	675,000	Capital Improvement Fund	IV	3	Y
	<i>Permanent Museum Collections Storage and Exhibit Fabrication Building Design/Build:</i>					
Capital	Art & Heritage Center Elevator, ADA accessible	305,000	Capital Improvement Fund	IV	3	Y
Water	Water Line Replacements - Larch, Juniper, Hemlock and Pinyon Sts.	1,200,000	Water Plant Investment Fees	I	3	N
Water	Water Transmission Line connecting N. Weld Co	2,776,000	Water Plant Investment Fees	II	1	Y
	<i>20" water line connected to the NWCWD transmission line in WCR 76.</i>					
Water	Northern Integrated Supply Project (NISP)	23,924,000	Bond, Loan,	II	2	Y
	<i>The project proposes to build a system of water storage and conveyance for a new yield of 40,000 acre-feet.</i>					
Water	Regional Water Treatment	???	Bond, Loan, partners, grants	III	2	Y
	<i>Windsor is one of about 11 municipalities & water districts that are participating in a study of the feasibility of a regional water treatment plant or plants.</i>					

2014 Unfunded Capital Projects

Fund		Unfunded Cost	Funding Source	Priority	Ranking	O&M Cost
NP Water	Non-Potable Water Rights	2,239,800	Loan or Water Plant Investment Fees	I	1	N
NP Water	Non-Potable Water Storage <i>Water storage reservoir for non-potable water. Water stored in the reservoir would be released to the Poudre River as required by the town's water augmentation plan for wells used to irrigate parks and open space.</i>	3,000,000	Loan or Water Plant Investment Fees	II	2	N
Sewer	Sewer Interceptor to Hwy 257 & Harmony Rd <i>Sewer interceptor starting in Greenspire Subdivision northwest to Hwy. 257; north along Hwy 257 to WCR 72; northeast along Springer Canal; then north & northwest to intersection of Hwy 257 & Harmony Rd.</i>	2,900,000	Sewer Plant Investment Fees	III	3	Y
Drainage	Law Basin West Tributary Channel <i>Storm drainage channel extending north from the Law Ditch as identified in Windsor's 2003 Drainage Master Plan and as preliminarily designed in 2012. It is a portion of Reach L4 in the Master Drainage Plan.</i>	1,200,000	Drainage Basin Improvement & Plant Investment Fees	II	1	Y
Drainage	Law Basin Master Plan Channel - Phase 1 <i>Construct the drainage channel from Eastman Park Drive south to the Poudre River that is a part of Windsor's Storm Drainage Master Plan</i>	4,423,300	Drainage Basin Improvement & Plant Investment Fees	II	1	Y
Drainage	Law Basin Master Plan Channel - Phase 2 <i>Construct the drainage channel from the railroad south to Eastman Park Drive that is a part of Windsor's Storm Drainage Master Plan.</i>	4,262,200	Drainage Basin Improvement & Plant Investment Fees	II	1	Y
		\$ 96,062,089				

**Town of Windsor
Fee Schedule**

SEWER PLANT INVESTMENT FEE				
13-1-10	Water Meter Size	Ratio with ¾"	Sewer Plant Investment Fee	Ord 2007-1290
	¾"	1.00	\$3,700.00	
	1"	1.62	\$5,994.00	
	1 ½"	3.82	\$14,134.00	
	2"	6.29	\$23,273.00	
	3"	13.86	\$51,282.00	
	4"	23.87	\$88,319.00	
	5"	37.52	\$138,824.00	

**Town of Windsor
Fee Schedule**

WATER FEES AND CHARGES			
CODE SECTION	DESCRIPTION		RES/ORD NUMBER
	WATER PLANT INVESTMENT FEE		
13-2-70	Water Meter Size	Fee	Ord 2007-1290
	3/4"	\$6,725.00	
	1"	\$10,895.00	
	1 1/2"	\$25,690.00	
	2"	\$42,300.00	
	3"	\$93,209.00	
	4"	\$160,526.00	
	5"	\$252,322.00	

**Town of Windsor
Fee Schedule**

STORM DRAINAGE FEES																						
CODE SECTION	DESCRIPTION	RES/ORD NUMBER																				
	NEW GROWTH BASIN IMPACT FEE																					
13-3-50	Collected when there is to be construction of more than 350 square feet of impervious surface on any property New Growth Basin Impact Fee = (Impervious Rate Factor) X (New Growth Basin Impact Fee Factor) X (Area) where Impervious Rate Factor is based on the following table of values	Ord 2003-1148																				
	<table border="1"> <thead> <tr> <th>Category of Development</th> <th>Impervious Rate Factor</th> </tr> </thead> <tbody> <tr> <td>very low density Single-Family residential 1.5 acres</td> <td>0.10</td> </tr> <tr> <td>very low density Single-Family residential 2.5 acres</td> <td>0.10</td> </tr> <tr> <td>Single-Family residential high density</td> <td>0.40</td> </tr> <tr> <td>Single-Family residential medium density</td> <td>0.40</td> </tr> <tr> <td>Light Industrial</td> <td>0.80</td> </tr> <tr> <td>Heavy Industrial</td> <td>0.90</td> </tr> <tr> <td>Commercial</td> <td>0.95</td> </tr> <tr> <td>Multi-Family residential</td> <td>0.70</td> </tr> <tr> <td>Residential Mixed Use</td> <td>0.50</td> </tr> </tbody> </table>	Category of Development	Impervious Rate Factor	very low density Single-Family residential 1.5 acres	0.10	very low density Single-Family residential 2.5 acres	0.10	Single-Family residential high density	0.40	Single-Family residential medium density	0.40	Light Industrial	0.80	Heavy Industrial	0.90	Commercial	0.95	Multi-Family residential	0.70	Residential Mixed Use	0.50	
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Commercial	0.95																					
Multi-Family residential	0.70																					
Residential Mixed Use	0.50																					
	New Growth Basin Impact Fee Factor = \$0.1838 / square foot Area = net area in square feet of the property																					
	MONTHLY BASIN USER FEE																					
13-3-50	Monthly Basin User Fee = [(Operations and Maintenance Rate) X (Impervious Rate Factor) X (Area) + \$2.20] + [(Monthly Basin Improvement Rate) X (Area) X (Impervious Rate Factor)] where Impervious Rate Factor is based on the above table of values Operations and Maintenance Rate = \$0.00009 / square foot Monthly Basin Improvement Rate = \$0.00046 / square foot Area = net area in square feet of the property	Ord 2007-1292																				

**Town of Windsor
Fee Schedule**

PARK IMPACT FEES AND DEVELOPMENT COSTS			
CODE SECTION	DESCRIPTION	FEE	RES/ORD NUMBER
18-1-10	Required at final plat approval		Ord 2004-1190
	Park Land Dedication	Number of dwelling units X 2.73 residents X .0055 acres <hr/> = acres required for land dedication	
	Payment in lieu of Park Land Dedication	\$46,784 (per acre fee) X number of acres which would otherwise be dedicated to the Town <hr/> = payment in lieu of land dedication	
	Park Impact Fees (from building permits)	Community Park-\$1,163.00 Neighborhood Park-\$3,441.00	

**Town of Windsor
Fee Schedule**

ROAD IMPACT FEES			
CODE SECTION	DESCRIPTION	FEE	RES/ORD NUMBER
Chapter 17			Res 2009-93
Article XV	Single-Family Detached - Dwelling	\$2,115.00	
	Multi-Family – Dwelling	\$1,483.00	
	Mobile Home Park – Site	\$1,103.00	
	Hotel / Motel – Room	\$1,524.00	
	Retail / Commercial (per 1,000 square feet)		
	Shopping Center / General Retail	\$3,476.00	
	Auto Sales / Service	\$2,760.00	
	Bank	\$4,169.00	
	Building Materials / Hardware / Nursery	\$6,653.00	
	Convenience Store	\$7,396.00	
	Discount Store	\$5,061.00	
	Furniture Store	\$761.00	
	Movie Theater	\$5,889.00	
	Restaurant, Fast Food	\$9,322.00	
	Restaurant, Sit-Down	\$3,892.00	
	Office / Institutional (per 1,000 square feet)		
	Office, General	\$2,840.00	
	Office, Medical	\$6,074.00	
	Hospital	\$3,693.00	
	Nursing Home	\$1,280.00	
	Place of Worship	\$1,915.00	
	Day Care Center	\$1,997.00	
	Elementary / Secondary School	\$346.00	
	Industrial (per 1,000 square feet)		
	General Light Industrial	\$1,799.00	
	General Heavy Industrial	\$386.00	
	Warehouse	\$1,279.00	
	Mini-Warehouse	\$645.00	
	Applications for Pre-development Review of Impact Fee Calculations for uses not enumerated in Road Impact Fee Land Use Table above	\$50.00	Res 2002-47
	Applications for Pre-development Review of Impact Fee Calculations for uses not enumerated in Road Impact Fee Land Use Table above AND where outside consultants are used to determine fees	\$50.00 + consultant charges	



MEMORANDUM

Date: February 18, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Melissa M. Chew, CPRP, Director of Parks, Recreation & Culture
Re: Park Development
Item #:

Background / Discussion:

In 2007, the Town updated the Parks, Recreation, Trails and Open Space Master Plan. This was a public process and carried forward the long standing desire to provide both neighborhood parks and community parks as outlined in previous master plans (1998 by EDAW and 2003 by Greenplay, LLC). In compliance with these plans, park land was deeded to the Town from developments in the 1990's and early 2000's. In 2004, recognizing that funding was not accumulating enough to develop these parks, Ordinance 2004-1190 was passed. This Ordinance increased fees collected on building permits as well as established a mechanism for new developments to build parks and then be reimbursed. As funds began accumulating, parks began to be built. The 2004 master plan also incorporated staff to acre ratios based on national standards for maintenance (10-15 acres per parks maintenance staff – our current ratio is 16.35 including the 2013 new position and Northern Lights Park).

Excerpts from the 2007 master plan goals relative to park development include (complete list attached):

1. Provide the basic components of neighborhood parks within an easy reach of every home in Windsor.
2. Provide an adequate number of quality community park facilities to serve all of the citizens of Windsor.
3. Create new policies and criteria for improving general delivery of park services.
4. Provide a trails plan that accommodates a variety of trail users...
5. Develop and articulate an open lands program to protect natural values and allow for the co-existence of wildlife and human life....

As you may recall, in 2011, Town Board adopted Ordinance 2011-1415 that basically repealed Ordinance 2004-1190 and eliminated the requirement that developers construct neighborhood parks if such were determined to be a required part of each respective development. This effectively freed up funds for development of existing sites. Only three sites remain in town ownership that are not developed – Belmont Ridge (6.0 acres), Wayne Miller (7.5 acres) and the Jacoby Farmhouse site (1.9 acres). Windshire subdivision has not deeded land to the Town as yet, and is in the process of entering into an agreement with the Town that the developer will build the park and in return will not have to pay fees in lieu (as they will fall short of the required acreage in the land dedication requirements).

As the economy begins to strengthen a bit and some interest is renewing in development proposals, it is a good time to discuss the future of park development in Windsor. Several options include:

1. Update the 2007 Master Plan, and during the process determine the future needs / desires of park services.
2. Do nothing - Ordinance 2011–1415 requires that the Town builds parks; the “inventory” of parks to build has been dramatically reduced.
3. Adopt a different ordinance that might require developers to build parks, for which they may (or may not) be reimbursed.
4. Consider the pros and cons of metro districts and HOA’s building and maintaining parks (public process, funding for construction, standards, on-going maintenance, etc.).

Financial Impact:

Park Improvement Fund status:

The Park Improvement Fund is currently funded through fees collected on building permits (see attached sheet). In 2013, those fees are:

Neighborhood Park Fee	\$3,428
Community Park Fee	\$1,132

Additionally, funds related to the Larimer County Open Space Tax (can only be used in Larimer County) and Fees in Lieu of park land dedication (can only be used for land acquisition) are also in this fund. See attached sheet for details.

The anticipated balance of these accounts in this fund at the end of 2013 is as follows:

Neighborhood Parks	\$1,052,452
Community Parks	\$821,714
Larimer County Tax	\$180,480
Fees in Lieu	\$141,800

Design and Construction of neighborhood parks:

It costs approximately \$40,000 to design a neighborhood park, and for budgeting purposes the following is utilized for construction:

\$170,000 per acre to develop (variable based on final design)
10% contingency
\$100,000 for permits, taps and fees

Once developed, a typical per acre maintenance cost is about \$3,500 per acre, but is variable based on level of design and development – some may have natural components in the design that require less maintenance. Also, this number includes staff time, which is absorbed by current staff unless /until acres are added that exceed the ratio mentioned above. As you are

aware, recent park planning efforts have focused on reducing maintenance costs by adding less intense components, utilizing drought tolerant species and amenities that are easy to clean and/or repair. This has proven to be effective and embraced by the communities where these newer parks have been constructed. Water may be additional.

Relationship to Strategic Plan:

Goal 1.A., Goal 1.B.

Recommendation:

For discussion and provide direction to staff.

Attachments:

- b. Master Plan 2007 Update – Goals
- c. Park Inventory Spreadsheet
- d. Ordinance 2004-1190
- e. Ordinance 2011-1415
- f. Park Improvement Fund Balance
- g. 2013 Park Impact Fees



TOWN OF WINDSOR

PARKS, RECREATION, TRAILS AND OPEN LANDS MASTER PLAN – 2007 UPDATE

6. GOALS, RECOMMENDATIONS AND IMPLEMENTATION STRATEGIES

6. GOALS, RECOMMENDATIONS, AND IMPLEMENTATION STRATEGIES

A. Parks

Goal #1: *Provide the basic components of neighborhood parks within an easy reach of every home in Windsor.*

Strategies

1.1 Articulate a level-of-service standard for basic park development that assures an appropriate and equitable mix of recreation opportunities within easy reach of all homes in Windsor.

- Provide at least one active component for adults (court, trail, etc.) and one for children (playground, spray park, etc.).
- Provide at least two passive components (picnic shelter, open lawn area, natural area, etc.).
- Provide appropriate shade, seating, and other amenities to enhance the usability of components.

1.1.1. Guidelines for the location and placement of parks should be adopted to include street frontage on all sides of the park, or on two sides with natural amenities on the remaining sides. (No houses adjacent on any side.) On-street parking should be provided on a minimum of two, and preferably three, sides of the park.

1.2 Provide an adequate distribution of neighborhood park facilities.

A goal of providing an adequate distribution of neighborhood park facilities has already been stated in the Town's previous parks master plan. This report has shown that Windsor lacks an adequate distribution of neighborhood park features in some parts of town.

1.2.1. Provide basic neighborhood features within a short walk of each home in town. For new developments, this can continue to be accomplished through land dedication and fee requirements, and the subdivision review and approval process.

1.2.2. Provision of required features in a community park or a joint school/park site within the 1/4 - 1/3 mile service radius would be an acceptable alternative to providing a neighborhood park, and these features would not have to be grouped together on one site, but could be spread among several sites, as long as the location and size requirements were met.

1.2.3. Where no neighborhood park sites have been identified within a 1/4 - 1/3 mile radius, use a combination of approaches. Locate parks in new developments so they also serve adjacent neighborhoods as well as provide neighborhood service features in community parks whenever appropriate.

1.2.4. Adopt a standard neighborhood park size of 3-6 acres; where factors such as lack of water and other considerations are present, the basic features defined

above for neighborhood service could be contained within one or more *mini-parks* in the neighborhood. **A mini-park would be defined as one that is less than 3 acres in size.** Areas less than 3 acres in size should be maintained by the developer or homeowners association. (It is the Town of Windsor’s policy not to accept park land dedication of less than 3 acres.)

1.3 Allow flexibility in the definition of neighborhood parks and develop existing dedicated but undeveloped neighborhood parks to achieve the intent of Strategy 1.1.

1.3.1. Include recreational greenways in the definition of a neighborhood park. A recreational greenway would have a trail and additional amenities such as waysides with benches, shade, fitness stations, interpretive signs, landscaped areas, and other active and passive features that allow the greenway to substitute for a developed neighborhood park in some areas. Existing dedicated but undeveloped park lands could be held as open space or traded for greenway corridor acquisitions.

Goal #2: Provide an adequate number of quality community park facilities to serve all of the citizens of Windsor.

Strategies

2.1 Articulate a level-of-service standard for community parks and anticipate and provide for this need as the population grows.

2.1.1. Develop new facilities to bring the Level of Service for Key Features up to the total numbers needed. The Capacity Level of Service **Table 11** can be used as a guide, along with other town information highlighting community recreational needs.

2.1.2. In growth areas, consideration should be taken to plan for Community Parks as needed.

2.2 Review park impact fee requirement every five years when the Parks and Recreation Master Plan is updated to assure that adequate revenues are being generated to properly improve the land that is being received.

2.3 Research the feasibility of developing a commercial/industrial impact fee to help support the community-wide park, recreation, trails and open space facilities and services available for use by employees.

Goal # 3: Create new policies and criteria needed for improving general delivery of park services.

Strategies

3.1 Implement park sign standards by phasing in uniform park signs through the park system.

- 3.2 **Formalize policy to allow for flexibility in irrigation water sources.**
- 3.3 **Continue the practice of accepting “natural areas” as part of the land dedication and cash-in-lieu requirements for community parks at a rate of ¼ credit of park land (4 acres of natural area for every one developed acre).**
 - 3.3.1 Any land under consideration for dedication must be reviewed by the Town to make sure that it will serve the intended uses.
 - 3.3.2 Whenever accepting land as natural areas is deemed appropriate, the land should be evaluated to assure that it contains no unacceptable environmental hazards.
- 3.4 **Provide adequate ongoing funding to achieve a target ratio of 10-15 acres of developed parkland per maintenance employee.**
- 3.5 **Institute a program to review all existing facilities for improvements that assure Universal Access.** Assure that ADA requirements are met, and go beyond the ADA requirements where possible to enhance use by people with sight and hearing impairities, developmental disabilities, or other special needs.

B. Trails

Goal #4: Provide a trails plan for the Town of Windsor that accommodates a variety of trail users, requires participation by private developers for the development of the trail necessary to serve the development, takes advantage of Town-owned rights-of-way and easements, places a high priority on the Poudre River Trail, and respects the history of the area.

Strategies

- 4.1 **Consider incorporating a trails component into development fees to create funding to fill in missing links in the trail system.**
 - 4.1.1. A trail impact fee for residential development could be part of the park fees already charged, or added as a separate fee in the dedication ordinance.
 - 4.1.2. A trail impact fee for commercial and other non-residential properties is appropriate and should be considered, as trails are an amenity typically used by employees for both recreation and commuting to work.
- 4.2. **Trail standards should provide a variety of trail types.** The current 10’ concrete path would be used for all primary multi-purpose trails.
 - 4.2.1. Trails should be paved in most cases to avoid problems with weeds (such as goat heads). However, a combination of surfaces may be appropriate along some segments of trail to allow for both soft and hard pavements. Along

primary routes, this could be a 10' wide concrete surface with a 3' wide crusher fines strip adjacent to it.

4.3. Where appropriate, locate trails in Town-owned rights-of-way or in easements.

This determination may be made on a case-by-case basis to determine the most advantageous approach.

4.3.1. The width of easements and rights-of-way needs to be sufficient to allow for grading the path and meeting the proper criteria for curves, and allowing for an adequate shoulder along the edge of the path. In areas with trees, such as along the river, the right-of-way needs to be wide enough to allow alignment of the trail in a manner that will preserve existing trees.

4.3.2. Street rights-of-way can be used for both on-street and off-street trails. These efforts should be part of a town-wide alternative transportation plan. Sidewalk standards should be created that facilitate the use of designated walkways as part of the trail system. When a trail route follows an arterial street, the sidewalk can double as a trail if it is wide enough and designed appropriately. This can be done by configuring the street to allow more space for the walk, or by requiring a wider right-of-way. In some locations it may be feasible to restrict parking to one side of the street and leave space for a bike path. Both approaches should be considered. All routes should be properly marked with appropriate signs and delineated on a map for citizen use.

4.4. Trail dedication and construction requirements need to be reviewed to assure they result in appropriate trails constructed to Town of Windsor standards.

4.4.1. Trails shown as primary trails on the trails map would be required to be installed by developers as 10' concrete paths, unless the town determined a soft trail was preferred. In addition, the regulations should clearly identify when, where, and what type of secondary connections are required by developers in new developments or to connect developments.

4.5. Staff should establish a trail priority list, with a focus on regional trail connections and update annually.

4.6. Develop a pro-active communication plan for the trails system.

4.6.1. Standards for signage along the trail system, including identification signs, directional signs, and regulatory signs that show trail etiquette, etc. are needed. Signs should be designed in a way that will readily identify trails as part of Windsor's trail network. These signs also need to be placed along on-street bike routes to identify them as part of the network, and to alert drivers to be aware of cyclists using the street.

4.6.2. Update trails map annually and post on the Town website.

4.7. Provide safe crossings where needed throughout the trails system.

C. Open Lands

Goal #5: *Develop and articulate an Open Lands Program and Approach for the Town of Windsor to protect its natural values and allow the co-existence of wildlife and human life where appropriate and possible.*

Strategies

5.1. Communicate previously adopted definition of Open Lands and a Level of Service Statement that are appropriate and fitting for the Town of Windsor.

5.1.1. Open Lands Definition: Open Lands are land and aquatic areas acquired and preserved in their current state or returned to a natural state because of physical characteristics that are deemed essential to the Windsor community, including such features as wildlife habitat, scenic beauty, opportunities for passive recreation, ecological or cultural values, and agricultural values, among others. Appropriate areas of the lands should be developed for passive uses including trails, wildlife observation and picnicking.

5.1.2. Open Lands Level of Service Statement: The acquisition of open lands should be based on the values the land represents and not on a population ratio. Quality of the land is preferred over quantity of land.

5.2. Utilize a method of evaluation for determining open lands acquisition and/or easement priorities based on the values represented by potential properties.

5.2.1. A three-tiered approach should be used for evaluating and prioritizing potential acquisitions. The values mapping, provided as a part of this study, should be used when reviewing development applications as well.

Tier I: The mapping tools provided with this study should be used as a guide to determine from a broad-brush perspective, how many, and what type of values are present on the property, including:

- Surface Water
- Flood Plain
- Bluffs and Slopes
- Community Separators
- Wildlife Habitat Areas
- Whether it is in the municipal boundary
- Naturally Significant Agricultural Lands

Tier II: At this level we begin to look at individual parcels with a finer filter. Evaluation tools should be used to further evaluate individual parcels to determine the degree of each value present through additional field study and evaluate for other criterion including:

- Willingness of seller
- Wildlife /vegetation and restoration potential
- Recreation value and adjacent land uses

- Visual Access/Scenic Vistas
- Cost/benefit of acquisition and long-term management
- Cultural and historic value

This evaluation will allow staff to determine acquisition priorities by means of comparison.

Tier III: Determine who should acquire the parcel, if it is a partnering opportunity with other local governments, state agencies, private organizations or individuals), and the appropriate acquisition technique.

5.3. Determine potential acquisitions and/or easements for evaluation.

5.3.1. *Windsor Vision 2025 Strategies* include: “1) to actively pursue acquisition of open space through negotiation and cooperation with property owners and developers, and 2) to integrate wildlife and environmental conservation where possible in park settings” (page 22). The previous Windsor Vision 2020 identified strategies for key open lands areas. These are included here for background information. These areas, listed below, should be evaluated through the Tier Approach and brought before the public, as appropriate, to evaluate support and funding potential.

- A. The Bluffs between River West (County Road 13) and Hilltop Estates. Keep man-made structures off the ridgeline with a setback of one-quarter mile.
- B. 100-150 feet of land around lakes, including Windsor Lake, Windsor Reservoir, Thompson Lake, Lee Lake and Lake Osterhaus
 - a. Provide one access point with parking for five to ten cars at Lee Lake and Thompson Lake
 - b. Provide two access points with parking for twenty to forty cars at each access point for Windsor Reservoir
- C. Right of way for ditches coming into and leaving Windsor and its Growth Management Area (GMA)
- D. Railroad right-of-way whether there is a track in place or not (Rails to Trails program)
- E. One-eighth mile on either side of Poudre River, throughout Windsor and its GMA
- F. Bluffs north and south of Highway 392, and west of central Windsor
- G. Open lands along waterways
- H. Farmhouses and their trees. Purchase these areas and maintain them as parks, or ensure their maintenance as is without any further development.

5.4. Consider developing an Open Space land dedication requirement.

5.5. Determine potential funding mechanisms for open lands acquisitions.

Funding for the open lands program comes from grants and annual prioritizing of town-wide needs. Having a master plan in place that identifies more clearly the open lands needs will assist in identifying funding for the program.

Existing park funding has proven to be inadequate to meet the current need and growth need of the community. Re-allocating a portion of existing funds to protection of natural areas and other forms of open lands will only make this situation worse.

- 5.5.1. Open lands acquisitions should compete for additional funding from the General Fund and the Capital Fund on a project-by-project basis, however, the capacity of this funding mechanism should be evaluated realistically to determine how much progress can be expected.
 - 5.5.2. The Town of Windsor should continue to consider and evaluate the applicability of regulatory techniques and financial incentives, and determine which are appropriate for use, including:
 - A. Transfer or Purchase of Development Rights Program
 - B. Guidelines that encourage or require “clustering” of residential developments, which concentrates all of the homes and lots on a relatively small portion of the total site, in order to preserve large tracts of open lands, which should be dedicated to the Town and fall under its management (the Town of Windsor E-2 Zoning District addresses this issue)
 - C. Designating Floodplain areas associated with the Cache La Poudre River as open lands, as the Town continues its planning and development of the Cache La Poudre trail, with all proposed development along the river incorporating plans for the connection or extension of the trail
 - D. Prohibiting permanent structures within designated floodways, and requiring that all development within the 100-year floodplain meet all federal (FEMA), state, and local regulations for any such construction
 - E. Establishing set-back requirements for residential development for preservation and protection of important natural features. The intent of this requirement goes above and beyond the set back required through the normal subdivision approval process and is intended to provide appropriate buffering for low, medium and high sensitivity features for the preservation of open space.
 - 5.5.3. Continue the Land Dedication provisions that allows for the dedication of natural areas at ¼ credit of park land. As this would reduce the dedication for necessary park land, provision should be made for flexibility in other Open Lands funding sources to address the park need.
 - 5.5.4. A commercial/industrial building permit fee, land dedication requirement, or property assessment should be considered to acquire and fund open lands.
 - 5.5.5. Grants should be aggressively sought from GOCO, State Trails Program, Colorado Historical Society, Gaming Fund, ISTEAs, and others.
- 5.6. Enhance Open Lands management and maintenance policies and practices.**

- 5.6.1. It is critical that Parks and Recreation staffing resources be identified, funded and assigned to the management and maintenance of open lands as the amount of land increases. Lands must be managed according to management and maintenance plans.
- 5.6.2. Provide natural areas maintenance staff training.
- 5.6.3. At a future point in time, when significant open lands are amassed, consideration should be given to specific staff leadership of the program as a division of the Parks and Recreation Department. Management and leadership will be necessary for the development and implementation of management and maintenance plans for each parcel and for contract management in the case of conservation easements or other agreements.
- 5.6.4. Parcel-by-parcel management and maintenance plans should be completed to protect the values that reflect the original intentions of the acquisition. Communication about the intentions should be strong and clear from the outset. The philosophy of the Town should allow the coexistence of wildlife and human activity on Open Lands properties whenever possible. Plans need to reflect the standard of care desired by the community.
- 5.6.5. In general, dogs should not be allowed off-leash on Open Lands properties unless signed by staff as an appropriate off-leash area. Dogs should be allowed on-leash in designated and signed areas. There should be designated areas where dogs should not be allowed, for the purpose of protection of the wildlife resource and in order to provide a dog free trail experience.
- 5.7. **Take a comprehensive planning approach toward Open Lands preservation in the Town of Windsor**
 - 5.7.1. Develop a full inventory of preserved Open Lands or natural areas in the Town of Windsor, regardless of ownership and update annually (private and public such as HOA's and the Colorado Division of Wildlife).
 - 5.7.2. Track dedicated Open Lands as part of new developments. Work with Town planners and GIS staff to develop tracking mechanisms.
 - 5.7.3. Strengthen collaborative planning efforts with key providers of Open Lands including the Colorado Division of Wildlife areas for Watchable Wildlife (Kodak State NWA, Frank State NWA), Larimer County Open Space "Bluffs" and the Cache la Poudre River corridor and trail.

D. Recreation

Goal #6: Provide for adequate and efficient administration to support the recreation services effort in the Department.

Strategies

- 6.1. Continue improving the convenience of the program registration system for customers while welcoming non-resident participation.**
 - 6.1.1. If deemed necessary evaluate priority registrations for Windsor and RE4 School District Residents due to shared use of facilities agreements. Continue renewing the Inter-Governmental Agreement for shared use of facilities.
 - 6.1.2. Give priority registration by date of submittal to ensure a fair registration system.
- 6.2. Increase division capacity through re-organization and adding another staff member.**
 - 6.2.1. Continue tracking, projecting and recognizing program growth to identify additional staffing needs.
 - 6.2.2. Evaluate all fee programs to ensure all direct costs and part time staff costs are covered, which would allow for additional revenue to offset the cost of hiring additional staff.
 - 6.2.3. Add a facility supervisor position to handle the day to day issues of the CRC.
- 6.3. Evaluate Fee Policies for appropriateness in serving Windsor residents.**
 - 6.3.1. Refine pricing philosophy in order to have a solid and defensible foundation for fair and equitable fee policies and structure that are understood by staff, elected and appointed officials, and the public. This involves effectively tracking direct and indirect costs.
 - 6.3.2. Annually review scholarship program. Evaluate against available funding for the program and ensure that those with economic need are not prohibited from participating in the recreation program.

Goal#7: Assure a high quality recreation program that meets the needs of a growing Town.

Strategies

- 7.1. Adopt a Level of Service Statement that is appropriate and fitting for the Town of Windsor.**
 - 7.1.1. Continue to communicate an understanding, amongst the staff, elected officials and community residents, of **core services** to be provided by the

Department. This understanding should be based on a further articulation of the Mission Statement of the Department, a discussion of the “filters” described above, and a sorting of current programs to illustrate the distinction between core services and other services. This exercise and development of a core services understanding would be instrumental in providing a defensible argument for fair and equitable service and pricing structures.

- 7.1.2. An innovative example of a mechanism currently in place to maintain the existing Level of Service resides with the creation of Ad Hoc committees. These committees engage stakeholders in the process of creating new programs. This practice should continue and be expanded as necessary.
- 7.2. Proactively address the need for additional recreation amenities to meet current and future demand.**
- 7.2.1. As part of a future community-wide survey, identify preferences for new recreational amenities the community most desires as well as assess the willingness to pay for these enhancements. According to the 2003 survey that was administered prior to the building of the CRC, the community expressed desire for additional amenities including: family warm water pool, climbing wall, walk/jog track, weight/cardio and aerobic/fitness areas. For some of these needs, such as fitness, private-public partnerships should be sought.
 - 7.2.2. Consideration should be given to national standards that exist for select facilities as a point of reference. Other factors such as history of facility development in the community, other facility providers, usage patterns, satisfaction levels and available and potential funding must also be considered.
 - 7.2.3. Pursue the objective of lighting the high school tennis courts and/or other courts through discussion and partnership with the school district.
 - 7.2.4. Evaluate and maintain the established level of service standard for all facilities as the population grows to prevent lowering the level of service. Identify funding sources in advance of need for both capital and operations and maintenance funding.
- 7.3. Enhance the recreation program, evaluating the current program for effectiveness, and broadening program offerings.**
- 7.3.1. Evaluate program life cycles and diversity to identify programs that may have outlived their usefulness. The goal is to provide a wide array of program offerings and to promote collaboration between the three divisions as much as possible.
 - 7.3.2. Provide more appropriate activities and programs for the growing population of active older adults.

- 7.3.3. Formalize and institutionalize the use of ad hoc groups to develop and enhance program offerings. Tie their function and structure to the Parks and Recreation Advisory Board. Thus far, this community involvement and input has been effective in expanding program offerings in the following areas: active adults, adaptive recreation, teens or middle school age youth, and high school age youth.
- 7.4. **Identify needs and potential sources of funding for the recreation program.**
 - 7.4.1. Persist in identifying the operation and capital funding needed to fulfill recreation facility level-of-service needs.
 - 7.4.2. Continue to follow a cost recovery and pricing philosophy based upon the Pyramid methodology and ensure the current fee structure for all programs and services complies with this thinking. Articulate this philosophy to all staff, to the town board and to the public.
- 7.5. **Explore opportunities for corporate sponsorships** in alignment with the Department's overall sponsorship policies and priorities.

E. Cultural Affairs & Museums

Goal #8: *Provide strategic direction for the Cultural Affairs & Museums Division.*

Strategies

- 8.1. **Develop a strategic plan for the Cultural Affairs & Museums Division.**
This plan will provide strategic direction and priorities for the division.
 - 8.1.1. Identify a group of stakeholders to participate with staff in a strategic planning process. This group could then form the foundation of the development of a "Friends of the Town of Windsor Museum," (see *Strategy # 12.2*).
 - 8.1.2. Determine who will facilitate the strategic planning process. It will be important that a qualified professional skilled in strategic planning facilitation and museum-related issues is obtained. If an outside consultant is desired, funding will need to be secured.
 - 8.1.3. Develop a strategic planning process, agenda and schedule. The American Association of Museums' *Institutional Assessment Report for the Windsor Museum* (April 2005) should be consulted to help identify keys issues to address in the planning process.
 - 8.1.4. Complete strategic plan and implement recommendations.

Goal #9: *Refine and implement an operational plan for the Cultural Affairs & Museums Division.*

Strategies

- 9.1. Develop an operational plan that includes museum and Arts & Heritage Center hours of operation, staffing and volunteer needs, etc.** The strategic plan provides a broad-based strategic direction for the division, while the operational plan provides detailed day to day operating guidelines for various responsibilities.
- 9.2. Determine the Town of Windsor Museum facility maintenance needs, assess if current staffing levels are appropriate for expanded building maintenance demands and secure additional staffing as necessary.**

Goal #10: *Identify and secure funding for sustainable operations for the Town of Windsor Museum*

Strategies

- 10.1. Explore the feasibility of a designated tax such as a sales tax or property tax, to help support the Cultural Affairs and Museum operations.**
- 10.2. Pursue opportunities to increase cost recovery through alternative funding sources such as user fees, expanded use of sponsorships, private donations and use of volunteers.**
- 10.3. Use a mixture of funding sources to support the Cultural Affairs & Museum Division operations including Town General Fund monies, which should not be supplanted with alternative funding sources.**

Goal #11: *Identify and secure funding for capital improvements to museum buildings.*

Strategies

- 11.1. Aggressively investigate other grant opportunities in addition to the Colorado Historic Preservation Fund.**
- 11.2. Explore opportunities for corporate sponsorships in alignment with the Department's overall sponsorship policies and priorities.**
- 11.3. Continue to fund Museum building improvements in Town Capital Improvement budget, as appropriate.**

Goal #12: *Develop opportunities for community involvement and support.*

Strategies

- 12.1. Formalize a volunteer program.**

- 12.1.1. Develop a volunteer manual that outlines responsibilities, policies and procedures.
- 12.1.2. Recruit and train volunteers.
- 12.1.3. Provide ongoing volunteer supervision.
- 12.1.4. Offer ongoing training and recognition events for volunteers.
- 12.2. **Develop a Cultural Affairs & Museums community advisory or “Friends” group.**
 - 12.2.1. Provide staff support for the development of a “Friends of Windsor Museum” advisory group by identifying stakeholders and engaging in a strategic planning process.
 - 12.2.2. Work with “Friends” group to develop and implement a fundraising plan.
 - 12.2.3. Designate a liaison between the “Friends” group and the Windsor Parks and Recreation Advisory Board to represent Cultural Affairs and Museum issues.

Goal #13: *Continue to strengthen and expand key cultural affairs and museum activities and special events.*

Strategies

- 13.1. **Offer priority programs identified in the Cultural Affairs & Museums Strategic Plan.**
 - 13.1.1. Use qualified contractual instructors to offer priority arts, heritage and cultural programs at the Community Recreation Center or Arts & Heritage Center.
 - 13.1.2. Develop program partnerships with area theater and cultural groups, such as the Windsor Community Playhouse.

Goal #14: *Expand creative marketing and communication efforts.*

Strategies

- 14.1. **Create a strong identity for the Town of Windsor Museum and Art & Heritage services.**
 - 14.1.1. Identify consistent naming for the Cultural Affairs & Museum Division, with consideration give to the “Art & Heritage Division”, using the Town of Windsor Art & Heritage Center logo.
 - 14.1.2. Develop a signage plan for the Town of Windsor Museum including both identification and interpretive signage.

14.2. Expand marketing materials and strategies.

14.2.1. Strengthen art and heritage section of the Town of Windsor website.

14.2.2. Further develop art and heritage section of the Department program guide.

14.2.3. Use signage and banners as marketing tools.

14.3. Incorporate the economic benefits of heritage, arts and culture into marketing and communication efforts, as appropriate

Goal #15: Reassess the best organizational location for town-wide historic preservation functions and staffing requirements

Strategies

15.1. Determine if the Town historic preservation function should continue to be housed with the Cultural Affairs & Museums Division or be transitioned to the Planning Department.

15.1.1. Research how other communities of similar size have organized historic preservation responsibilities.

15.1.2. Conduct a staffing analysis to determine required historic preservation job responsibilities and qualifications.

15.1.3. Re-organize historic preservation function as necessary.

F. Administration

Goal #16: Update this Parks and Recreation Master Plan in 2012.

Strategies

16.1 Benchmark the department against itself by comparing the progress achieved in the next five years with the recommendations of this 2007 plan.

16.2. Conduct a citizen survey as part of the 2012 update or in conjunction with a more comprehensive town-wide survey that covers multiple city services.

PARKS AND RECREATION FACILITIES

	ACREAGE - DEVELOPED	ACREAGE - Playing Fields	ACREAGE - UNDEVELOPED	ACREAGE - OPEN SPACE	Conservation Easements	MILES OF TRAIL
COMMUNITY PARKS						
Boardwalk Community Park (Kirby Farm Annex) 100 5th Street	12.5					
*Windsor Lake & Shore Line						
Chimney Community Park (Chimney Park 1st Sub) 200 E. Chestnut Drive	20.7	6.0				
Diamond Valley Community Park (DV 5th Sub) 801 Diamond Valley Drive	14.0	6.0	86.0			0.5
Eastman Community Park (Eastman Park Sub) 7025 Eastman Park Drive	25.0	10.0	31.0			1.5
Main Community Park (Town of Windsor 2nd Sub) 300 Locust Street	9.2					
Tacincala Community Park (WH Exchange) N. 15th Street (25 acres deeded, 31.7 acres to be deeded per DA)			25.0			
Sub-Totals	81.4	22.0	142.0	0.0	0.0	2.0
NEIGHBORHOOD PARKS						
Aberdour Circle Park (Highland Meadows Golf Sub) 6600 Aberdour Circle	4.0					
Bison Ridge Park (Bison Ridge Sub) 1990 Yonkee Drive	2.0					
Brunner Farm Park (Brunner Farm Sub) 305 Prospector Street	4.5					
Covenant Park (Westwood Village 2nd Sub) 1401 Fernwood Drive	3.5					
Founders Green Park (Brunner Farm 5th Sub) 1201 Grand Avenue	2.0					
Northern Lights Park (Winter Farm Sub) 550 Saratoga Way			5.6			
Poudre Heights Park (Poudre Heights Sub) 1670 Green River Drive	5.2					
Westwood Village Park 15th and Walnut			1.1			
Windsor Highlands Park (Highland Meadows Sub) 7985 Highland Meadows Pkwy	7.5					1.0
Windsor Village (Windsor Village Sub) 55 Rochester Drive	2.0					
Windsor West Park (Windsor West Sub) 500 10th Street	2.7					
Sub-Totals	33.4		6.7			1.0
FUTURE NEIGHBORHOOD PARKS						

PARKS AND RECREATION FACILITIES

	ACREAGE - DEVELOPED	ACREAGE - Playing Fields	ACREAGE - UNDEVELOPED	ACREAGE - OPEN SPACE	Conservation Easements	MILES OF TRAIL
FUTURE NEIGHBORHOOD PARKS						
*Unnamed (Fossil/Belmont Ridge Sub) 7005 N. Aladar			6.0			
*Unnamed (Jacoby Farm Sub) *no address yet			1.9			
Wayne Miller Park (Greenspire Sub) 649 Redleaf Drive			7.5			
*Unnamed (Windshire Sub) no address yet			6.0			
Sub-Totals			21.4			
TRAILS / NATURAL AREAS						
Folkstone Tree Nursery 101 E. Garden Street				3.6		
Govenors Farm ROW	0.7					
Greeley Canal Trail						
Oxbow Natural Area (Conservation Easement) Eastman Park (Hilltop Annexation)				19.0	19.0	
Poudre Natural Area 1050 Larch Drive *Poudre Pooch Park				14.0		
Poudre River Trail Highway 392 to Kodak Bridge						9.2
Riverbend Natural Area (Riverbend 2nd Replat) 525 Parkwood Drive				10.0		
Windsor Lake Trail *Windsor Lake Dog Park						2.3
Windsor Trail (See Trails Spreadsheet)				5.4		
On Street						19.3
Off Street Paved and Unpaved						22.3
Sub-Totals	0.7			52.0	19.0	53.1
OTHER FACILITIES						
Art & Heritage Center 116 5th Street	0.3					
Chimney Park Pool 421 Chimney Park Drive						
Community Recreation Center 250 11th Street	9.0					
Lake View Cemetery 38215 Highway 257	13.0		8.0			
Town of Windsor Museum						

PARKS AND RECREATION FACILITIES

	ACREAGE - DEVELOPED	ACREAGE - Playing Fields	ACREAGE - UNDEVELOPED	ACREAGE - OPEN SPACE	Conservation Easements	MILES OF TRAIL
100 5th Street						
Depot, School, Church, 4 Square,						
Beet shanty, Summer kitchen,						
Eaton House (521 Birch)						
Windsor-Severance Fire Rescue Museum						
121 6th Street						
Sub-Totals	22.3		8.0			
GRAND TOTALS (excluding Conservation Easement)	137.7	22.0	178.1	52.0	19.0	56.1
CONSERVATION EASEMENTS (not maintained by TOW)						
Raindance Aquatic Thayer Farm					7.0	
Totals					7.0	
GRAND TOTALS (including Conservation Easement)	137.7	22.0	178.1	52.0	26.0	56.1

PARKS AND RECREATION FACILITIES

	ACREAGE - DEVELOPED	ACREAGE - Playing Fields	ACREAGE - UNDEVELOPED	ACREAGE - OPEN SPACE	Conservation Easements	MILES OF TRAIL
Legend						
N - Neighborhood Park						
C - Community Park						
O - Open Lands						
F - Recreation Facility						
T - Trail						

PARKS AND RECREATION FACILITIES

WATER SURFACE ACRES
183.5
183.5

PARKS AND RECREATION FACILITIES

WATER SURFACE ACRES

TOWN OF WINDSOR

ORDINANCE NO. 2004- 1190

BEING AN ORDINANCE REPEALING AND READOPTING ARTICLE I OF CHAPTER 18 OF THE WINDSOR MUNICIPAL CODE, REQUIRING THE DEDICATION OF LAND FOR PARKS, OR CASH IN LIEU THEREOF, UPON THE SUBDIVISION OF LAND AND THE CREATION OF RESIDENTIAL DWELLING UNITS IN THE TOWN OF WINDSOR; PROVIDING FOR THE CONSTRUCTION OF PARKS, OR CASH IN LIEU THEREOF, TOGETHER WITH A MECHANISM FOR SUBSEQUENT REIMBURSEMENT FROM THE TOWN; AND RE-ESTABLISHING DEVELOPMENT FEES FOR NEIGHBORHOOD PARKS AND COMMUNITY PARKS IN THE TOWN OF WINDSOR.

WHEREAS, the Town of Windsor is a Colorado home rule municipality, duly organized and existing pursuant to and in accordance with its charter and the laws of the State of Colorado; and

WHEREAS, pursuant to Section 2.4 of the Home Rule Charter, and to the extent applicable, Title 29 of *Colorado Revised Statutes*, the Town is authorized to impose development requirements and to assess certain fees specifically imposed for the purpose of defraying the cost of providing legitimate governmental services; and

WHEREAS, the Town currently has in place a park land dedication requirement and fees for the development of neighborhood and community parks; and

WHEREAS, the Town Board, upon the recommendation of the Windsor Parks and Recreation Advisory Board, recently commissioned a study for the purpose of evaluating the Town's parks and recreation needs; and

WHEREAS, such study has been completed, the results thereof constituting the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan; and

WHEREAS, on November 10, 2003, the Town Board adopted the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan; and

WHEREAS, the aforesaid Master Plan establishes a level of service for parks and recreation and specifically describes the capital facilities needs of the Town in order to meet the established level of service; and

WHEREAS, the aforesaid Master Plan establishes a framework for the expansion and enhancement of the Town's parks system based upon expected future growth; and

WHEREAS, in conjunction with the Master Plan, a Park Impact Fee Study establishing the costs of constructing neighborhood parks and community parks in the Town of Windsor, was likewise commissioned and has also been completed; and

WHEREAS, the Park Impact Fee Study has or will contemporaneously with the adoption of this Ordinance be approved and adopted by the Town Board; and

WHEREAS, in accordance with the aforesaid Master Plan and Park Impact Fee Study, the Windsor Parks and Recreation Advisory Board has recommended to the Town Board that certain increases in the nature of land dedication for parks and increases in park development fees be legislatively adopted to address the needs for capital facilities brought about by new development; and

WHEREAS, the Town Board finds that the increased land development requirements and the increased fees to be imposed by this Ordinance are reasonably related to the purpose and intent of this Ordinance and are specifically imposed for the purpose of defraying the cost of providing a legitimate governmental service; and

WHEREAS, the Town Board finds that in order to provide for new construction of neighborhood parks contemporaneously with the development of new neighborhoods, it is appropriate to require developers to construct such parks or pay cash in lieu thereof and thereafter recoup a portion of their contribution through reimbursements from the Neighborhood Park Development Fee established by this Ordinance; and

WHEREAS, the Town Board finds that the land dedication requirements and fees are separate and distinct from the impacts addressed by other requirements of the Windsor Municipal Code; and

WHEREAS, new growth should not be charged for the redevelopment of existing parks and facilities serving primarily existing development, and dedications and funds collected from new development for parks should be used to benefit the development of new parks; and

WHEREAS, the Town Board determines that the existing land development requirements and park fees do not sufficiently cover the growth related costs incurred by the Town in providing new and expanded parks made necessary by growing population levels and economic activity levels; and

WHEREAS, the Town Board finds that the land dedication requirements, construction requirements, reimbursement provisions, and fee structure contained in this Ordinance are supported by evidence considered by the Town Board in the adoption of this Ordinance; and

WHEREAS, the imposition of a requirement that developers of new residential areas provide for park development and payment of park fees will ensure that such development bears a roughly proportional share of the cost of new, expanded and enhanced parks and facilities necessary to accommodate such developments; and

WHEREAS, the Town Board finds and declares that the Town of Windsor will be better able to properly plan for growth and to serve new residents of the Town by the imposition and collection of the dedication requirements and fees imposed as a condition of approval of new residential developments; and

WHEREAS, the Town Board finds that the expenditures made possible by the imposition of the fees adopted herein will provide improvements, facilities and equipment having an estimated useful life of more than five years and are necessitated by new residential development, requiring services by the Town as required by its charter, ordinances, and general policies; and

WHEREAS, the Town Board finds that the development impact fees adopted herein are no greater than reasonably necessary to defray the impact directly related to proposed new developments in the Town; and

WHEREAS, the Town Board finds that the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan, together with the Park Impact Fee Study and other investigations and reports of the Windsor Parks and Recreation Advisory Board and the Town Staff, submitted to the Town Board and considered by the Town prior to the adoption of the land dedication requirements and development fees herein established, sufficiently and completely justify said dedications and fees; and

WHEREAS, the Town Board has determined that it is reasonable, necessary, desirable and proper to adopt the land dedication requirements and development fees provided herein in order to provide for the orderly provision of municipal parks and recreation areas that may be required in connection with new residential development within the Town, to guide the future growth of the Town, and to otherwise provide for and accomplish the goals and purposes of the ordinances and regulations of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF WINDSOR, COLORADO, AS FOLLOWS:

1. **Purpose and intent.** The provisions of this Ordinance are intended to set forth certain land dedication requirements and development fees for the purpose of fulfilling additional capital requirements with regard to parks, reflective of the Town's projected population increases. The land dedication requirements shall include the construction of a developed park, the obligation for which shall be part of the approval of any new subdivision of land within the Town that results in the creation of lots for residential dwelling units.

By the provisions of this Ordinance, a portion of the costs of constructing a developed park, or payment of cash in lieu thereof, shall be reimbursed from collected development fees. Development fees shall be collected at the time of the issuance of building permits. The land dedication requirements and the imposition of development fees are intended to regulate the use and development of land by ensuring that new growth and development in the Town bears a

proportionate share of the cost of capital expenditures necessary to provide for the capital improvement of parks. Said land dedication requirements and fees shall not be used to collect more than is necessary to fund such capital improvements. The land dedication requirements and development fees provided for in this Ordinance are based upon the following documents together with such other evidence considered by the Town Board in the adoption of this Ordinance:

- a. Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan dated November 2003 and adopted by the Town Board on November 10, 2003; and
- b. Town of Windsor Park Impact Fee Study dated May 2004, including the analysis and projection of the costs of park construction, prepared by GreenPlay LLC and adopted by the Town Board contemporaneously with the adoption of this Ordinance.

Dedicated lands and funds collected pursuant to this Ordinance shall not be used to remedy existing deficiencies, but only to provide new capital improvements necessitated by new development. The dedicated land and amount of revenue generated shall not exceed the cost of providing the capital improvements for which they are imposed, and the same shall be expended solely to provide the specified capital improvements. The Town Board finds that based upon the foregoing documentation, an adequate, justifiable and reasonable basis exists upon which to require the dedication of land and to assess the fees established by this Ordinance.

2. **Definitions.** When used in this Ordinance, the following words and terms shall have the following meanings:

- a. *Capital facilities* shall mean the purchase or long-term lease or lease purchase of real property, the construction of public facilities, or the purchase or long-term lease or lease purchase of equipment or materials needed to facilitate the operation of such facilities or the delivery of services therefrom. Such facilities shall be directly related to services that the Town of Windsor is authorized by charter or state law to provide. The useful life of such facilities shall in each instance exceed five (5) years.
- b. *Community parks* shall mean parks within the benefit area, including Eastman Park, Chimney Park, and Diamond Valley Sports Complex, and all other community parks identified in the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan and subsequent amendments thereto.
- c. *Complete application* means an application wherein all of the required information and submittal materials in the particulars required by this Code has been submitted to and received by the town department or official specified in this Code, and zoning officer of the Town, or his or her designee, has certified the application as complete.
- d. *Development* shall mean any construction of a new residential dwelling unit, any improvement or expansion of an existing structure that creates a new residential

dwelling unit, or any change in the use of land that creates a new residential dwelling unit.

- e. *Developed neighborhood park* shall mean a park constructed to Town standards and including the infrastructure facilities, equipment and improvements as defined in the Park Impact Fee Study.
- f. *Level of service* shall mean a measure of the relationship between service capacity and service demand for capital facilities.
- g. *Neighborhood parks* shall mean all parks within the benefit area other than community parks, identified in the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan.
- h. *Residential dwelling unit* shall mean any housing facility in the Town, but shall not include any commercial enterprise such as a hotel, motel, inn, or nursing home designed for lease as a transient residence.

3. Benefit areas and expenditures.

- a. The Town Board finds and determines that all new development in the Town will benefit from the neighborhood parks and community parks to be developed hereunder; therefore, the boundaries of the area to be benefited by such capital facilities are hereby determined to be identical to the boundaries of the Town of Windsor, as those boundaries may be expanded or modified from time to time.
- b. All fee revenue generated under this Ordinance shall be used only to acquire, construct, improve or expand capital facilities within the Town or within the Town's urban growth boundary, as may be permitted by law.

4. Neighborhood parkland dedication. Any new development proposal for the subdivision of land resulting in the creation of new residential dwelling units in the Town of Windsor shall require the property owner to dedicate land for the purpose of a neighborhood park in accordance with the requirements of this Ordinance.

5. Description of land acceptable for dedication.

- a. The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan shall guide the location of neighborhood parks. The location of neighborhood parks shall generally conform to said Master Plan. The land to be dedicated and any developed neighborhood park to be constructed pursuant to this Ordinance shall be subject to approval by the Windsor Town Board after review and recommendation by the Windsor Parks and Recreation Advisory Board.

- b. Whenever a development proposal includes any part of a trail or open lands or other recreation area as designated in the Windsor Parks, Recreation, Trails and Open Lands Master Plan, the Town may, in addition to the requirements set forth in this Ordinance, require the conveyance of adequate land for trails, open lands, or other recreation areas as may be reasonable and proportionate to the impact of the development proposal. Nothing herein shall be deemed to preclude the Town from providing credits against the land dedication requirements set forth herein for the dedication of lands, open space or other recreational areas as may be appropriate.

6. **Required dedication.** Based upon the examination of relevant population, census, and recreational use data referred to in this Ordinance or otherwise compiled by the Windsor Parks and Recreation Advisory Board, the Town Board finds and determines that the dedication of neighborhood park land shall be dedicated at the ratio of .0055 acres per resident of the projected development. Based upon the foregoing, the Town Board further finds and determines that the number of residents shall be computed as 2.73 per residential dwelling unit.

7. **Payment in lieu of land dedication.**

- a. The Town may find and determine that for reasons of topography, proximity of other recreational facilities, or for other reasons unique to the property proposed to be developed, the dedication of neighborhood parkland is not advisable within the subject property. Should such a determination be made, cash in lieu of dedication shall be required. In accordance with the terms of this Ordinance, the cash in-lieu required to be paid hereunder shall be segregated by the Town and shall be used for the exclusive purpose of acquiring land for neighborhood parks in general compliance with the Windsor Parks, Recreation, Trails and Open Lands Master Plan.
- b. Based upon the compilation of real estate sales and acquisition data and the analysis thereof by the Windsor Parks and Recreation Advisory Board, and the data set forth in the documents referenced in this Ordinance and relied upon by the Town Board in the adoption of this Ordinance, the Town Board finds and determines that the value of neighborhood park land is Forty Thousand Dollars (\$40,000.00) per acre. The amount of payment as cash in-lieu of land dedication shall initially be established at Forty Thousand Dollars (\$40,000.00) per acre times the number of acres that would otherwise be dedicated to the Town under the land dedication provisions of this Ordinance.

8. **Construction of developed neighborhood parks.** As a condition of development approval for the subdivision of land resulting in the creation of new residential dwelling units in the Town of Windsor, the property owner shall construct a developed neighborhood park. Unless modified by the Windsor Town Board in accordance with the provisions of this Ordinance, completion and acceptance of a developed neighborhood park must be accomplished prior to the issuance of any

building permits in excess of twenty-five percent (25%) of the total building permits proposed for the development. The foregoing 25% requirement notwithstanding, a developed neighborhood park must be constructed and accepted by the Town prior to the issuance of any building permits for the third phase of any development proposal that may be approved for phased development.

The construction of a developed neighborhood park shall be in compliance with the definitions set forth herein; all infrastructure regulations and guidelines as specified in this Code; the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan; the Park Impact Fee Study; and other applicable regulations for the construction of public improvements in the Town. Developed neighborhood parks shall be dedicated to the Town in accordance with the infrastructure requirements for public improvement dedication as otherwise required by the Town.

9. **Payment in lieu of construction of a developed neighborhood park.**

- a. The Town may find and determine that for reasons of topography, proximity of other recreational facilities, or for other reasons unique to the property proposed to be developed, the construction of a developed neighborhood park is not advisable within the subject property. Should such a determination be made, cash in lieu of the costs of construction shall be required. Unless modified by the Windsor Town Board in accordance with the provisions of this Ordinance, such cash in lieu must be paid in full prior to the issuance of any building permits in excess of twenty-five percent (25%) of the total building permits proposed for the development. The foregoing 25% requirement notwithstanding, cash in lieu of the construction of a developed park must be paid in full prior to the issuance of any building permits for the third phase of any development proposal that may be approved for phased development.
- b. Based upon the data set forth in the documents referenced in this Ordinance, including, but not limited to, the Windsor Parks, Recreation, Trails and Open Lands Master Plan and the Park Impact Fee Study, the Town Board finds and determines that the cost of a developed neighborhood park is One Hundred Ninety-five Thousand Eight Hundred Ninety-eight Dollars (\$195,898.00) per acre. The amount of payment as cash in lieu of construction of a neighborhood park shall initially be established at One Hundred Ninety-five Thousand Eight Hundred Ninety-eight Dollars (\$195,898.00) per acre times the number of acres that would otherwise be dedicated to the Town under the provisions of this Ordinance.
- c. All payments made hereunder in lieu of construction of a developed neighborhood park shall be segregated, credited and deposited in a fund to be established by the Town specifically for the construction of developed neighborhood parks. Such funds shall not be transferred therefrom except to pay for expenses directly attributable to the development of neighborhood parks. Payments shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

10. **Modification of requirements for construction of developed neighborhood parks or payment in lieu of construction of developed neighborhood parks.**

- a. The Town Board may, for good cause shown, modify the requirements of this Ordinance for the construction of developed neighborhood parks or payment of cash in lieu thereof. To accurately reflect the level of service requirements for a specific development proposal, such modification shall be limited to the location of parks to be constructed pursuant to the provisions of this Ordinance and the timing of such construction or the payment of cash in lieu thereof.
- b. Any request for modification must be filed with the Town Board in writing within (thirty) 30 days of any final determination of requirements under this Ordinance for the construction of developed neighborhood parks or payment of cash in lieu thereof. The burden of proof for any such modification shall be on the proponent of the development. It shall be the obligation of the proponent to present to the Town Board all relevant data, analysis and reports to assist the Town Board in determining whether the request for modification should be approved.
- c. In accordance with the provisions of the Town of Windsor Home Rule Charter and Colorado law, the proponent shall have the right to appeal any decision of the Town Board to the District Court of Weld or Larimer County, venue to be determined by the location of the land included in the development proposal.

11. **Reimbursement for construction of a developed neighborhood park or payment in lieu thereof.** In those developments where a developed neighborhood park has been dedicated and constructed pursuant to the provisions of this Ordinance, or payment in lieu thereof has been made, the developer of the park, or payer of the payment in-lieu, shall be entitled to a reimbursement agreement with the Town for a portion of the cost of construction or a portion of the payment in lieu. The reimbursement agreement shall reflect an appropriate deduction for consulting, internal cost and support services incurred by the Town as reflected in the Park Impact Fee Study. The amount of reimbursement shall initially be established at One Hundred Fifty-four Thousand Twenty-seven Dollars (\$154,027.00) per acre. Under no circumstances shall such reimbursement include the value of parkland dedicated pursuant to this Ordinance or payment of cash in lieu thereof. Reimbursement shall be made from the Neighborhood Park Development Fee hereinafter established. In accordance with the provisions of this Ordinance, the Town Board shall annually appropriate a minimum of 50% of the Neighborhood Park Development Fee for reimbursement of obligations that may be created under any reimbursement agreement, as set forth in this Ordinance.

12. **Neighborhood Park Development Fee.** There is hereby established a Neighborhood Park Development Fee, which shall be imposed pursuant to the provisions of this Ordinance for the purpose of funding capital facilities related to the provision of developed neighborhood parks. All fees collected shall be expended for the construction of developed neighborhood parks. This

Neighborhood Park Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Ordinance and other provisions of the Windsor Municipal Code. Such fee shall be payable prior to the issuance of any building permit and shall initially be established as Two Thousand Nine Hundred Forty-two Dollars (\$2,942.00) per residential dwelling unit.

No funds shall be used for the improvement or redevelopment of existing developed neighborhood parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of neighborhood parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

In accordance with the provisions of this Ordinance, the Town Board shall annually appropriate a minimum of 50% of the Neighborhood Park Development Fee for reimbursement of obligations that may be created under any reimbursement agreement, as set forth in this Ordinance.

13. **Community Park Development Fee.** There is hereby established a Community Park Development Fee, which shall be imposed pursuant to the provisions of this Ordinance for the purpose of funding capital facilities related to the provision of community parks. All fees collected shall be expended for the construction of developed community parks. This Community Park Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Ordinance and other provisions of the Windsor Municipal Code. Such fee shall be payable prior to the issuance of any building permit and shall initially be established as Nine Hundred Ninety-four Dollars (\$994.00) per residential dwelling unit.

No funds shall be used for the improvement or redevelopment of existing developed community parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of community parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

14. **Unpaid charges constitute a lien.** Any unpaid fee shall constitute a lien upon each lot or parcel of land within a development from the due date thereof. In the event such a fee is not paid when due, in addition to any other means provided by law, the Town Clerk shall certify such delinquent charges to the Treasurer of the county or counties in which the development is located, and the fee shall be collected in the same manner as though it were part of the taxes on the property. The Town reserves the right to withhold or revoke any permit, certificate or other approval of an applicant or obligor of the fee, or other approvals to any applicant who is delinquent in the payment of the fee.

15. **Entitlement to refunds.**

- a. All fees collected pursuant to this Ordinance shall be expended by the Town for purposes approved herein within ten (10) years of the date of payment. Any fee not so expended shall be refunded, upon application, to the record owner of the property for which the fee was paid, or if the fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund; provided, however, that the Town shall retain an additional two percent (2%) of the fee to offset the cost of refund.
- b. Any application for a refund under the provisions of this Ordinance shall be made within one hundred eight (180) days of the expiration of the ten-year period following the date of payment of such fee in accordance with the procedures hereinafter set forth. If a refund is due hereunder, the amount of such refund shall be divided proportionately among all applicants for refunds who have filed applications during said 180-day period; provided, however, that in no event shall the amount of any refund exceed the amount of the fee paid on behalf of the property for which the refund is sought, plus interest at the rate of five percent (5%) per annum.

16. **Procedure to obtain refund.**

- a. All applications for refund under this Ordinance shall be submitted to the Town Manager. Each application shall be in a form established by the Town Manager and shall contain the following:
 - (1) A copy of the dated receipt issued for payment of the fee;
 - (2) A notarized, sworn statement that the applicant is the current owner of the real property for which the fee was paid; and
 - (3) A certified copy of the current deed to such property.
- b. The Town Manager shall determine within five (5) working days whether or not the application for a refund is sufficient on its face. If the Town Manager determines that the application is not sufficient, a written notice shall be mailed to the applicant within said period, specifying the deficiencies. No further action shall be taken on the application unless the deficiencies are remedied. Any deficiencies must be remedied within twenty (20) days of the date of mailing of the notice from the Town Manager, or prior to the expiration of the period of time for filing an application for a refund, whichever is later. If the application is determined to be sufficient, the Town Manager shall notify the applicant, in writing, that the application is ready for review pursuant to the procedures and standards of this Ordinance.

- c. Within ten (10) working days after the application is determined sufficient, the Town Manager shall determine whether the Town has expended the fee paid by the fee payer within the period required under this Ordinance. If so, the application for refund shall be denied. If not, the applicant shall be entitled to a refund, except that the Town shall retain an additional two percent (2%) of the fee to offset the cost of administering the refund.
- d. The decision of the Town Manager with regard to any refund shall be final.

17. **Annual adjustment of fees, costs, and land valuation.** The fees, costs, and land valuations established by this Ordinance shall be adjusted annually to reflect the effects of inflation. Commencing on January 1, 2006, and on January 1 of each following year, unless the fees, costs, or land valuations herein established are otherwise revised or replaced, such amounts set forth in this Ordinance shall be adjusted for inflation based upon the Denver-Boulder Consumer Price Index. Such adjustments shall become effective immediately upon calculation by the Town and shall not require additional action by the Town Board to become effective.

18. **Application of Ordinance.** This Ordinance shall apply to all complete applications for development and complete building permit applications received after the effective date of this Ordinance.

19. **Effective Date.** This Ordinance shall become effective on December 1, 2004.

20. **Severability.** If any article, section, subsection, paragraph, clause, phrase, or sentence of this Ordinance is held to be unconstitutional or invalid for any reason, such determination shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts should be declared unconstitutional or invalid.

Introduced, passed on first reading, and ordered published this 26th day of July, 2004.

TOWN OF WINDSOR, COLORADO

By *Edward M. Hoover*
Mayor

ATTEST:

Cashy M Kennedy
Town Clerk



Introduced, passed on second reading, and ordered published this 9th day of August, 2004.

TOWN OF WINDSOR, COLORADO

By *Claude M. Stier*
Mayor

ATTEST:
Cathy M. Kennedy
Town Clerk



TOWN OF WINDSOR

ORDINANCE NO. 2011-1415

AN ORDINANCE REPEALING, AMENDING, AND RE-ADOPTING CHAPTER 18, ARTICLE I OF THE WINDSOR MUNICIPAL CODE WITH RESPECT TO THE IMPOSITION, COLLECTION AND DISPOSITION OF PARK IMPROVEMENT FEES PAID IN CONJUNCTION WITH THE DEVELOPMENT OF LAND WITHIN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Town of Windsor is a Colorado home rule municipality, with all powers and authority provided by Colorado law; and

WHEREAS, the Town's neighborhood and community parks are valuable community assets, the demand for which is driven largely by the development of land for residential uses; and

WHEREAS, the Town Board adopted Ordinance No. 2004-1190 in August, 2004, under which a system of fees was established to assure that residential development paid a portion of the cost of acquiring land and building parks within the Town; and

WHEREAS, the provisions of Ordinance No. 2004-1190 have been codified in Chapter 18, Article I of the Windsor Municipal Code ("Park Improvement Fee Ordinance"); and

WHEREAS, the Park Improvement Fee Ordinance requires land developers to dedicate land or pay fees in lieu of land dedication for the location of neighborhood parks; and

WHEREAS, the Park Improvement Fee Ordinance also requires that developers construct neighborhood parks or pay to the Town a fee in lieu of neighborhood park construction; and

WHEREAS, the Park Improvement Fee Ordinance further requires the payment of a Neighborhood Park Development Fee by each person who receives a residential building permit, fifty percent (50%) of which is set aside to reimburse developers for neighborhood parks built by such developers or to reimburse developers for fees paid in lieu of neighborhood parks construction; and

WHEREAS, the Neighborhood Park Development Fee Fund has accumulated a balance over time, but has not been used to reimburse any developer, for the reason that no developer has either built a neighborhood park or paid a fee in lieu of neighborhood park construction; and

WHEREAS, the Neighborhood Park Development Fee was clearly intended for the construction of neighborhood parks, with the assumption that developers would build neighborhood parks (or pay fees in lieu of neighborhood park construction), thus entitling them to reimbursements from the Neighborhood Park Development Fee Fund; and

WHEREAS, the absence of any reimbursable claims for Neighborhood Park Development Fee Funds, coupled with the corollary fact that neighborhood parks are not being built as expected through the land development process, leaves the Town with both an unused financial resource and a need for neighborhood park construction; and

WHEREAS, the Director of Parks and Recreation has recommended that the existing funds in the Neighborhood Park Development Fee Fund be released from the constraints of the Park Improvement Fee Ordinance, and dedicated to defraying the Town’s costs for construction of neighborhood parks; and

WHEREAS, the Town Board has reviewed the matter and concluded that an amendment of the Park Improvement Fee Ordinance is necessary to release the Neighborhood Park Development Fee Fund from its existing constraints, in order that the Town may begin to construct neighborhood parks in keeping with its existing Parks Master Plan; and

WHEREAS, the Town Board finds that no person or entity will be harmed by the within amendment to the Park Improvement Fee Ordinance, as no person or entity is legally entitled to reimbursement from the Neighborhood Park Improvement Fee Fund; and

WHEREAS, the Town Board finds that, by releasing the Neighborhood Park Development Fee Fund from the constraints of the Park Improvement Fee Ordinance, the Town’s objectives for construction of neighborhood parks will be better-achieved; and

WHEREAS, the Town Board recognizes that the funds represented by the Neighborhood Park Development Fee Fund will not solve all funding issues for the construction of neighborhood parks within the Town, and resolves to continue examining the funding resources available; and

WHEREAS, the Town Board finds that fee structure set forth in the within Ordinance is supported by the studies, master plans and experience of the Town both prior to and following the adoption of the Park Improvement Fee Ordinance, which studies, master plans and experience are incorporated herein by this reference as if set forth fully; and

WHEREAS, to the extent such incorporation is necessary to support the within Ordinance, the Town Board incorporates the Recitals contained within Ordinance No. 2004-1190 herein by this reference as if set forth fully.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Article I of Chapter 18 of the Windsor Municipal Code is hereby repealed, amended and re-adopted to read as follows:

ARTICLE I
Park Fees, Dedications, Reservations

Sec. 18-1-10. Purpose and intent.

(a) The provisions of this Article are intended to set forth certain land dedication requirements and development fees for the purpose of fulfilling additional capital requirements with regard to parks, reflective of the Town's projected population increases. The land dedication requirements shall be part of the approval of any new subdivision of land within the Town that results in the creation of lots for residential dwelling units.

(b) The land dedication requirements and the imposition of development fees herein are intended to regulate the use and development of land by ensuring that new growth and development in the Town bears a proportionate share of the cost of capital expenditures necessary to provide for the capital improvement of parks. Said land dedication requirements and fees shall not be used to collect more than is necessary to fund such capital improvements. The land dedication requirements and development fees provided for in this Article are based upon the following documents, together with such other evidence considered by the Town Board in the adoption of this Article:

(1) The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan, dated November 2003, and adopted by the Town Board on November 10, 2003; and

(2) The Town of Windsor Park Impact Fee Study, dated May 2004, including the analysis and projection of the costs of park construction, prepared by GreenPlay LLC and adopted by the Town Board contemporaneously with the adoption of this Article.

(c) Dedicated lands and funds collected pursuant to this Article shall not be used to remedy existing deficiencies, but only to provide new capital improvements necessitated by new development. The dedicated land and amount of revenue generated shall not exceed the cost of providing the capital improvements for which they are imposed, and the same shall be expended solely to provide the specified capital improvements. The Town Board finds that, based upon the foregoing documentation, an adequate, justifiable and reasonable basis exists upon which to require the dedication of land and to assess the fees established by this Article.

Sec. 18-1-20. Definitions.

When used in this Article, the following words and terms shall have the following meanings:

Capital facilities shall mean the purchase or long-term lease or lease purchase of real property, the construction of public facilities, or the purchase or long-term lease or lease/purchase of equipment or materials needed to facilitate the operation of such facilities or the delivery of services therefrom. Such facilities shall be directly related to services that the Town is authorized by charter or state law to provide. The useful life of such facilities shall in each instance exceed five (5) years.

Community parks shall mean parks within the benefit area, including Eastman Park, Chimney Park and Diamond Valley Sports Complex, and all other community parks identified in the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan and subsequent amendments thereto.

Complete application means an application wherein all of the required information and submittal materials in the particulars required by this Code have been submitted to and received by the Town department or official specified in this Code, and the zoning officer of the Town, or his or her designee, has certified the application as complete.

Development shall mean any construction of a new residential dwelling unit, any improvement or expansion of an existing structure that creates a new residential dwelling unit, or any change in the use of land that creates a new residential dwelling unit.

Developed neighborhood park shall mean a park constructed to by the Town to its standards, and including the infrastructure facilities, equipment and improvements as defined in the Park Impact Fee Study.

Level of service shall mean a measure of the relationship between service capacity and service demand for capital facilities.

Neighborhood parks shall mean all parks within the benefit area other than community parks, identified in the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan. *Neighborhood parks* shall include open space and conservation easements that serve the purpose of providing neighborhood recreational areas consistent with the intent of the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan.

Residential dwelling unit shall mean any housing facility in the Town, but shall not include any commercial enterprise such as a hotel, motel, inn or nursing home designed for lease as a transient residence.

Sec. 18-1-30. Benefit areas and expenditures.

(a) The Town Board finds and determines that all new development in the Town will benefit from the neighborhood parks and community parks to be developed hereunder; therefore, the boundaries of the area to be benefited by such capital facilities are hereby determined to be identical to the boundaries of the Town, as those boundaries may be expanded or modified from time to time.

(b) All fee revenue generated under this Article shall be used only to acquire, construct, improve or expand capital facilities within the Town or within the Town's urban growth boundary, as may be permitted by law.

Sec. 18-1-40. Neighborhood park land dedication.

Any new development proposal for the subdivision of land resulting in the creation of new residential dwelling units in the Town shall require the property owner to dedicate land for the purpose of a neighborhood park in accordance with the requirements of this Article.

Sec. 18-1-50. Description of land acceptable for dedication.

(a) The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan shall guide the location of neighborhood parks. The location of neighborhood parks shall generally conform to said Master Plan. The land to be dedicated and any developed neighborhood park to be constructed pursuant to this Article shall be subject to approval by the Town Board after review and recommendation by the Parks and Recreation Advisory Board.

(b) Whenever a development proposal includes any part of a trail or open lands or other recreation area as designated in the Windsor Parks, Recreation, Trails and Open Lands Master Plan, the Town may, in addition to the requirements set forth in this Article, require the conveyance of adequate land for trails, open lands or other recreation areas as may be reasonable and proportionate to the impact of the development proposal. Nothing herein shall be deemed to preclude the Town from providing credits against the land dedication or payment-in-lieu-of-land-dedication requirements set forth herein for the dedication of lands, open space, conservation easements or other recreational areas as may be appropriate.

Sec. 18-1-60. Required dedication.

Based upon the examination of relevant population, census and recreational use data referred to in this Article or otherwise compiled by the Parks and Recreation Advisory Board, the Town Board finds and determines that the dedication of neighborhood park land shall be dedicated at the ratio of .0055 acres per resident of the projected development. Based upon the foregoing, the Town Board further finds and determines that the number of residents shall be computed as 2.73 per residential dwelling unit.

Sec. 18-1-70. Payment in lieu of land dedication.

(a) The Town may find and determine that, for reasons of topography, proximity of other recreational facilities or for other reasons unique to the property proposed to be developed, the dedication of neighborhood park land is not advisable within the subject property. Should such a determination be made, cash in lieu of dedication shall be required. In accordance with the terms of this Article, the cash-in-lieu required to be paid hereunder shall be segregated by the Town and shall be used for the exclusive purpose of acquiring land for neighborhood parks in general compliance with the Windsor Parks, Recreation, Trails and Open Lands Master Plan.

(b) Based upon the compilation of real estate sales and acquisition data and the analysis thereof by the Parks and Recreation Advisory Board, and the data set forth in the documents referenced in this Article and relied upon by the Town Board in the adoption of this Article, the Town Board finds and determines that the value of neighborhood park land is forty thousand dollars (\$40,000.00) per acre. The amount of payment as cash in lieu of land dedication shall initially be established at forty thousand dollars (\$40,000.00) per acre, times the number of acres that would otherwise be dedicated to the Town under the land dedication provisions of this Article.

Sec. 18-1-80. Neighborhood Park Development Fee.

(a) There is hereby established a Neighborhood Park Development Fee, which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital facilities related to the provision of developed neighborhood parks. All fees collected shall be expended for the construction of developed neighborhood parks. This Neighborhood Park Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. Such fee shall be payable prior to the issuance of any building permit and shall be established as three-thousand two-hundred seventy-nine dollars (3,279.00) per residential dwelling unit.

(b) No Neighborhood Park Development Fee funds shall be used for the maintenance, improvement or redevelopment of existing developed neighborhood parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of neighborhood parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

(c) Commencing with Fiscal Year 2012, the Town Board shall annually appropriate all revenues accumulated heretofore in the Neighborhood Park Development Fee fund and in the future accumulated in the Neighborhood Park Development Fee fund for the construction of developed neighborhood parks in general compliance with the Windsor Parks, Recreation, Trails and Open Lands Master Plan.

Sec. 18-1-90. Community Park Development Fee.

(a) There is hereby established a Community Park Development Fee, which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital facilities related to the provision of community parks. All fees collected shall be expended for the construction of developed community parks. This Community Park Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. Such fee shall be payable prior to the issuance of any building permit and shall initially be established as one-thousand seventy-nine dollars (\$1079.00) per residential dwelling unit.

(b) No Community Park Development Fee funds shall be used for the maintenance, improvement or redevelopment of existing developed community parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of community parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

Sec. 18-1-100. Unpaid charges constitute lien.

Any unpaid fee shall constitute a lien upon each lot or parcel of land within a development from the due date thereof. In the event such a fee is not paid when due, in addition to any other means provided by law, the Town Clerk shall certify

such delinquent charges to the Treasurer of the county or counties in which the development is located, and the fee shall be collected in the same manner as though it were part of the taxes on the property. The Town reserves the right to withhold or revoke any permit, certificate or other approval of an applicant or obligor of the fee, or other approvals to any applicant who is delinquent in the payment of the fee.

Sec. 18-1-110. Entitlement to refunds.

(a) All fees collected pursuant to this Article shall be expended by the Town for purposes approved herein within ten (10) years of the date of payment. Any fee not so expended shall be refunded, upon application, to the record owner of the property for which the fee was paid, or if the fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund; provided, however, that the Town shall retain an additional two percent (2%) of the fee to offset the cost of refund.

(b) Any application for a refund under the provisions of this Article shall be made within one hundred eighty (180) days of the expiration of the ten-year period following the date of payment of such fee in accordance with the procedures hereinafter set forth. If a refund is due hereunder, the amount of such refund shall be divided proportionately among all applicants for refunds who have filed applications during said one-hundred-eighty-day period; provided, however, that in no event shall the amount of any refund exceed the amount of the fee paid on behalf of the property for which the refund is sought, plus interest at the rate of five percent (5%) per annum.

Sec. 18-1-120. Procedure to obtain refund.

(a) All applications for refund under this Article shall be submitted to the Town Manager. Each application shall be in a form established by the Town Manager and shall contain the following:

- (1) A copy of the dated receipt issued for payment of the fee;
- (2) A notarized, sworn statement that the applicant is the current owner of the real property for which the fee was paid; and
- (3) A certified copy of the current deed to such property.

(b) The Town Manager shall determine within five (5) working days whether or not the application for a refund is sufficient on its face. If the Town Manager determines that the application is not sufficient, a written notice shall be mailed to

the applicant within said period, specifying the deficiencies. No further action shall be taken on the application unless the deficiencies are remedied. Any deficiencies must be remedied within twenty (20) days of the date of mailing of the notice from the Town Manager, or prior to the expiration of the period of time for filing an application for a refund, whichever is later. If the application is determined to be sufficient, the Town Manager shall notify the applicant, in writing, that the application is ready for review pursuant to the procedures and standards of this Article

(c) Within ten (10) working days after the application is determined sufficient, the Town Manager shall determine whether the Town has expended the fee paid by the fee payer within the period required under this Article. If so, the application for refund shall be denied. If not, the applicant shall be entitled to a refund, except that the Town shall retain an additional two percent (2%) of the fee to offset the cost of administering the refund.

(d) The decision of the Town Manager with regard to any refund shall be final.

Sec. 18-1-130. Annual adjustment of fees, costs and land valuation.

The fees, costs and land valuations established by this Article shall be adjusted annually to reflect the effects of inflation. Commencing on January 1, 2012, and on January 1 of each following year, unless the fees, costs or land valuations herein established are otherwise revised or replaced, such amounts set forth in this Article shall be adjusted for inflation based upon the Denver-Boulder Consumer Price Index. Such adjustments shall become effective immediately upon calculation by the Town and shall not require additional action by the Town Board to become effective.

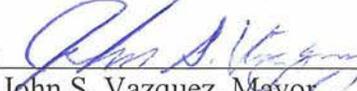
Sec. 18-1-140. Application of Article.

This Article shall apply to all complete applications for development and complete building permit applications received after the effective date of the ordinance codified herein. Until the within Ordinance takes effect, the provisions of Ordinance No. 2004-1190 shall remain in full force and effect.

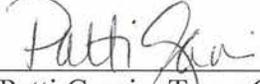
Section 2. The Town Manager shall implement the within Ordinance through such policies and practices as may give it full effect.

Introduced, passed on first reading, and ordered published this 8th day of August, 2011.

TOWN OF WINDSOR, COLORADO

By 
John S. Vazquez, Mayor

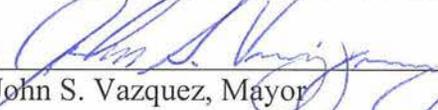
ATTEST:


Patti Garcia, Town Clerk

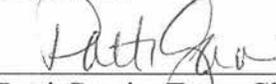


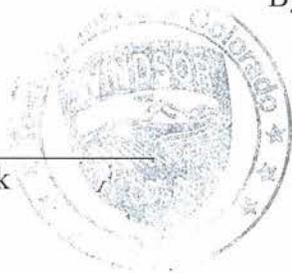
Introduced, passed on second reading, and ordered published this 22nd day of August, 2011.

TOWN OF WINDSOR, COLORADO

By 
John S. Vazquez, Mayor

ATTEST:


Patti Garcia, Town Clerk



Pk Imp. Fund Summary		Neighborhood	Community	Larimer County Open Space	Cash in Lieu	Grants	Interest & Transfer	Total	Balance	
Beginning Balance		1,135,428	276,986	50,099	146,800	0	82,831		1,692,144	Beg Bal 1/1/2010
Revenue 2010 thru 2013 projected		3,245,268	1,256,813	351,381	71,413	4,984	4,197		4,934,056	Revenue 4yr
Expenditures 2010 thru 2013 projected										
	10/11 Boardwalk Pk	(1,300)	(320,197)				(81,740)	(403,237)		
	10/13 Admin Transfer	(254,988)						(254,988)		
	11/13 Poudre Tr \$10K/yr Maint.			(28,000)				(28,000)		
	10/13Stonehenge	(120,000)						(120,000)		
	10 Windsor Highlands loan	(150,908)						(150,908)		
	11/12 Diamond Valley		(319,889)					(319,889)		
	12 Eastman Pk signs		(12,000)					(12,000)		
	12 Brunner Farm Pk	(398,452)						(398,452)		
	12 Bison Ridge	(390,611)		(50,000)				(440,611)		
	12 Poudre Heights	(906,443)						(906,443)		
	12 Regional Stewardship Study			(5,000)				(5,000)		
	13 Northern Lights Pk	(1,005,702)						(1,005,702)		
	13 Eastman Pk Multipurpose Ct		(60,000)					(60,000)		
	13 Windsor Highland Connection			(3,000)				(3,000)		
	13 Windsor Trail at PVREA			(110,000)				(110,000)		
	13 Three Bells Trail			(25,000)				(25,000)		
	13 BROE Trail Easement				(5,000)			(5,000)		
	Total Expenditures	(3,228,404)	(652,086)	(83,000)	0	0	(81,740)		(4,248,230)	Expenditures 4yr
		\$ 1,152,292	\$ 881,714	\$ 318,480	\$ 218,213	\$ 4,984	\$ 5,288		\$ 2,377,971	EFB 12/31/2013

Parks and Recreation

2013 Park Impact Fees and Park Development Costs

FEES IN LIEU FOR LAND

Year*	Cash Fee In Lieu Amount
2005	\$40,000
2006	\$40,000
2007	\$41,360
2008	\$42,601
2009	\$43,879
2010	\$44,146
2011	\$44,318
2012	\$46,002
2013	\$46,784

PARK IMPACT FEES (FROM BLDG. PERMITS)

Year*	Community Park Impact Fee	Neighborhood Park Impact Fee
2005	\$994	\$2,942
2006	\$994	\$2,942
2007	\$1,028	\$3,042
2008	\$1,059	\$3,133
2009	\$1,090	\$3,227
2010	\$1,097	\$3,247
2011	\$1,108	\$3,279
2012	\$1,150	\$3,404
2013	\$1,170	\$3,462



FUTURE TOWN BOARD MEETINGS

Work Sessions & Regular Meetings will be held in the Board Chambers unless otherwise noted.

February 25, 2013 6:00 p.m.	Town Board Work Session
February 25, 2013 7:00 p.m.	Town Board Meeting
March 4, 2013 6:00 p.m.	Town Board Work Session Speed limit discussion follow up Boardwalk Park summer operations discussion
March 11, 2013	Work Session and Town Board Meeting Cancelled
March 18, 2013 6:00 p.m.	Town Board Work Session
March 25, 2013 6:00 p.m.	Town Board Work Session Liquor licensing authority discussion Economic Development Quarterly Update
March 25, 2013 7:00 p.m.	Town Board Meeting Kern Board Meeting
April 1, 2013 6:00 p.m.	Town Board Work Session
April 8, 2013 First floor conference room 5:30 p.m.	Board/Manager/Attorney Monthly Meeting
April 8, 2013 7:00 p.m.	Town Board Meeting
April 15, 2013 6:00 p.m.	Town Board Work Session
April 22, 2013 6:00 p.m.	Town Board Work Session
April 22, 2013 7:00 p.m.	Town Board Meeting
April 29, 2013	Fifth Monday

Additional Events

February 20, 2013	Colorado Municipal League Legislative Workshop – attending: Adams, Vazquez, Arnold, Melendez
February 25, 2013	Meeting with Weld County Commissioners – attending: Thompson, Vazquez, Melendez, Arnold, McCargar
February 27, 2013	Managed Growth work session – attending: Thompson, Adams, Vazquez, Melendez, Arnold
March 6, 2013	Chamber of Commerce Annual Dinner – attending: Thompson, Vazquez, Adams, Arnold

Future Work Session Topics

Speed limit discussion follow up