



TOWN BOARD WORK SESSION

April 21, 2014 – 6:00 P.M.

Town Board Chambers, 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.

AGENDA

1. November 2014 ballot question
 - a. Election calendar timeline
 - b. Actions before and after question is set
2. Implementation of new water and sewer tap fees
3. Amendments to Windsor-Severance Highway 392 IGA
4. Town Board logistics
5. Future Meetings Agenda



MEMORANDUM

Date: April 21, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Dean Moyer, Director of Finance
Re: November Ballot Question on CRC Expansion
Item #: Work Session - 1

Background / Discussion:

We have held several work sessions regarding the expansion of the Community Recreation Center and a proposed ballot question for the November 2014 election. Tonight we have two parts of this topic to discuss:

1. Campaign Regulations

Representatives from GK Baum are here this evening to talk about what election publicity is allowed as a community, both before and after the ballot question is set by the Town Board.

2. Ballot Question

- a. A marked up version of the 2002 question that shows points that can be changed when preparing the question for a 2014 election.
- b. A copy of the 2002 ballot question that was approved for the funding of the existing building.

Financial Impact: Depends on outcome of discussion.

Relationship to Strategic Plan: Provide for Diverse and Healthy Lifestyle Choices in Leisure, Cultural Activities and Recreation

Recommendation: Discuss, provide staff with direction.

DISCUSSION DRAFT ONLY

TOWN OF WINDSOR

ORDINANCE NO. 2014-

AN ORDINANCE OF THE TOWN OF WINDSOR INCREASING THE RATE OF THE TOWN SALES AND USE TAX BY [REDACTED] PERCENT; ESTABLISHING A SUNSET REQUIREMENT; RESTRICTING THE USE OF REVENUES GENERATED FROM THE TAX INCREASE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS; SETTING THE BALLOT TITLE AND BALLOT QUESTION REFERRING THIS ORDINANCE AT AN ELECTION TO BE HELD NOVEMBER 4, 2014; PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Windsor, Colorado ("Town"), is a home-rule municipal corporation duly organized and operating under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town presently imposes a sales and use tax at the rate of 3.2% pursuant to Section 4-3-110 and Section 4-3-120 of the *Windsor Municipal Code*; and

WHEREAS, a portion of the Town's current sales taxes are required by law to be deposited into the Town of Windsor Capital Improvement Fund (the "Capital Improvement Fund") and used solely for the purpose of providing capital improvements or paying debt service on bonds issued for such purpose pursuant to state law; and

WHEREAS, pursuant to Ordinance No. 2002-1106, approved and adopted by the qualified electors of the Town at the regular municipal election held April 2, 2002, 0.2% of the revenues generated from the Town's current sales and use tax were restricted and deposited into the Community and Recreation Center Fund, used solely for the purposes for which said fund was established; and

WHEREAS, the Town Board desires to construct and equip an expansion of the Windsor Community and Recreation Center ("Community Recreation Center Expansion") to be financed through the issuance of sales and use tax revenue bonds; and

WHEREAS, it is anticipated by the Town Board that the operation and maintenance of the Community and Recreation Center will not be fully self-supporting; and

WHEREAS, in order to provide funds for the repayment of the revenue bonds and the operation of the Community Recreation Center, the Town Board desires to increase the rate of the Town's sales and use tax from 3.2% to [rate increase], effective [date], and to restrict the revenues generated from the [rate increase%] tax rate increase by requiring the revenues from said tax

DISCUSSION DRAFT ONLY

increase be deposited into the Town Community Recreation Center Expansion Fund and used solely for the purposes for which said fund is established; and

WHEREAS, to provide security in addition to the Community Recreation Center Expansion Fund for payment of the revenue bonds and enable them to be issued at lowest interest costs to the Town, the Town Board desires to pledge to payment of the revenue bonds, if necessary, moneys in the Capital Improvement Fund and the additional sales and use tax revenues of the Town; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the Town have voter approval in advance for any tax rate increase and for the creation of any multiple -fiscal year direct or indirect debt or other financial obligation whatsoever; and

WHEREAS, the Town Board desires to submit a ballot issue to the eligible electors of the Town on November 4, 2014, authorizing the tax rate increase and the issuance of the revenue bonds for the purposes set forth herein.

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

Section 1. Calling the Election. An election shall be held on Tuesday, November 4, 2014, at which there shall be submitted to the eligible electors of the Town a question authorizing a tax increase and the issuance of revenue bonds, which question shall be in substantially the following form:

SHALL THE TOWN OF WINDSOR DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$ [dollar amount], WITH A MAXIMUM REPAYMENT COST OF \$ [dollar amount] AND SHALL THE TOWN OF WINDSOR TAXES BE INCREASED \$ [dollar amount] (FIRST FULL FISCAL YEAR DOLLAR INCREASE); SUCH DEBT TO CONSIST OF SALES AND USE TAX REVENUE BONDS TO BE PAYABLE FROM ALL OR ANY PORTION OF THE TOWN' S SALES AND USE TAX AND ISSUED SOLELY FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING AN EXPANSION OF THE WINDSOR COMMUNITY RECREATION CENTER; SUCH BONDS TO BE DATED AND SOLD AT SUCH TIME, AND AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE TOWN BOARD MAY DETERMINE; SUCH TAX TO CONSIST OF A RATE INCREASE IN THE TOWN-WIDE SALES AND USE TAX OF [rate increase%] ([text of rate increase % spelled out] PERCENT, WHICH REPRESENTS [text of cents per ten dollars] CENTS ON EACH TEN DOLLAR PURCHASE) COMMENCING [date]; SHALL ORDINANCE NO. 2014-[this Ordinance No.] OF THE TOWN PROVIDING FOR THE INCREASE IN THE TOWN SALES AND USE TAX, PROVIDING FOR THE DEPOSIT OF TAX REVENUES INTO THE WINDSOR

DISCUSSION DRAFT ONLY

COMMUNITY RECREATION CENTER EXPANSION FUND AND LIMITING THE USE OF MONEYS IN SAID FUND TO CONSTRUCTING AND EQUIPPING THE WINDSOR COMMUNITY RECREATION CENTER EXPANSION, PAYING THE COSTS OF OPERATING AND MAINTAINING WINDSOR COMMUNITY RECREATION CENTER EXPANSION, OR PAYING THE DEBT SERVICE ON REVENUE BONDS OR REFUNDING BONDS ISSUED FOR SAID PURPOSES BE APPROVED; AND SHALL ALL MONEYS DEPOSITED IN THE WINDSOR COMMUNITY RECREATION CENTER EXPANSION FUND (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER - APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 2. Setting Ballot Title and Content. For purposes of § 31 - 11- 111, C.R.S., this Ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself. Any petition to contest the form or content of the ballot title may be filed with the District Court and a copy served on the Town Clerk within five days after the title of the ballot issue is set by the Town Board upon adoption of this Ordinance.

Section 3. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance and the holding of a polling place election on November 4, 2014.

Section 4. Addition of sub-section 4-2-20 (9). Section 4-2-20 of the *Windsor Municipal Code* is hereby amended by the addition of a new sub-section which shall read as follows:

(9) *Community Recreation Center Expansion Fund.*

- (a) There is hereby established a special fund of the Town to be known as the Town of Windsor Community Recreation Center Expansion Fund. Said fund shall be considered a capital improvement fund within the meaning of § 29-2-111, C.R.S. One hundred percent (100 %) of the revenues derived from the [percentage increase] percent ([numerical]%) sales and use tax imposed by this Chapter shall be deposited into said fund and used solely for the purpose of paying the costs of constructing the Windsor Community Recreation Center Expansion, equipping Windsor Community Recreation Center, paying the costs of operating and maintaining the Windsor Town Community Recreation Center, or paying the debt service on revenue bonds or refunding bonds issued for said purposes. With the exception of said purposes, moneys deposited into such fund from the [percentage increase] percent ([numerical] %) sales and use tax shall not be available to be pledged or expended, by interfund transfer or otherwise, for any general municipal purposes; provided however, no sales

DISCUSSION DRAFT ONLY

or use tax revenues in the Windsor Community Recreation Center Expansion Fund may be expended for purposes of operating and maintaining the Windsor Community Recreation Center unless said fund contains sufficient revenues to pay the anticipated annual debt service on any revenue bonds for which moneys in the fund have been pledged.

- (b) At such time as the Reduced Sales Tax Rate set forth in Section 4-3-110 (b) takes effect, One-hundred percent (100 %) of the revenues derived from the [post-sunset sales tax percentage rate for O&M] percent ([numerical post-sunset percentage sales tax rate for O&M]%) sales tax imposed by this Chapter shall be deposited into the Community Recreation Center Expansion Fund and shall be used solely for the purpose of paying the costs of operating and maintaining the Windsor Community Recreation Center. With the exception of said purposes, moneys deposited into such fund from the [post-sunset sales tax percentage rate for O&M] percent ([numerical post-sunset sales tax percentage rate for O&M] %) sales tax shall not be available to be pledged or expended, by interfund transfer or otherwise, for any general municipal purposes.
- (c) At such time as the Reduced Use Tax Rate set forth in Section 4-3-120 (b) takes effect, One hundred percent (100 %) of the revenues derived from the [post-sunset use tax percentage rate for O&M] percent ([numerical post-sunset percentage use tax rate for O&M]%) use tax imposed by this Chapter shall be deposited into the Community Recreation Center Expansion Fund and shall be used solely for the purpose of paying the costs of operating and maintaining the Windsor Town Community Recreation Center. With the exception of said purposes, moneys deposited into such fund from the [post-sunset use tax percentage rate for O&M] percent ([numerical post-sunset use tax percentage rate for O&M] %) sales tax shall not be available to be pledged or expended, by interfund transfer or otherwise, for any general municipal purposes.

Section 5. Repeal and Reenactment of Windsor Municipal Code Section 4-3-110. Section 4-3-110 of the *Windsor Municipal Code* is hereby repealed and reenacted to read as follows:

Sec. 4-3-110. Imposition of sales tax.

- (a) **Initial Sales Tax Rate.** There is imposed a sales tax of [proposed percentage rate] percent ([numerical] %) on sale of tangible personal property at retail or the furnishing of taxable services, as provided herein at Section 4-3-170 of this Code and at § 29-2-105(1)(d), C.R.S. (the "Statute").

DISCUSSION DRAFT ONLY

- (b) **Reduced Sales Tax Rate.** At such time as the costs of paying the debt service on revenue bonds or refunding bonds issued for construction of the Windsor Community Recreation Center Expansion or equipping Windsor Community Recreation Center Expansion have been paid in full, the sales tax rate shall be reduced to [post-sunset rate] ([numerical post-sunset rate] %) without further voter approval or Town Board action.

Section 6. Repeal and Reenactment of subsection 4- 26(a) Windsor Municipal Code Section 4-3-120. Section 4-3-120 of the *Windsor Municipal Code* is hereby repealed and reenacted to read as follows:

Sec. 4-3-120. Imposition of use tax.

- (a) **Initial Use Tax Rate.** There is imposed a tax of [proposed percentage rate] ([numerical] %) as a use tax, to be imposed only for the privilege of storing, using or consuming within the Town any construction and building materials or construction equipment located within the boundaries of the Town for a period of more than thirty (30) consecutive days.
- (b) **Reduced Use Tax Rate.** At such time as the costs of paying the debt service on revenue bonds or refunding bonds issued for construction of the Windsor Community Recreation Center Expansion or equipping the Windsor Community Recreation Center Expansion have been paid in full, the use tax rate shall be reduced to [post-sunset rate] ([numerical post-sunset rate] %) without further voter approval or Town Board action.

Section 7. Ratification of Windsor Municipal Code. With the exception of the provisions of the Windsor Municipal Code which are modified as provided herein, all remaining provisions of the Windsor Municipal Code shall remain in full force and effect.

Section 10. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

[Introduction/adoption text]

ORDINANCE NO. 2002 - 1106

AN ORDINANCE OF THE TOWN OF WINDSOR INCREASING THE RATE OF THE TOWN SALES AND USE TAX BY TWO-TENTHS PERCENT; RESTRICTING THE USE OF REVENUES GENERATED FROM THE TAX INCREASE; AUTHORIZING THE ISSUANCE OF REVENUE BONDS; SETTING THE BALLOT TITLE AND BALLOT QUESTION REFERRING THIS ORDINANCE AT AN ELECTION TO BE HELD APRIL 2, 2002; PROVIDING THE EFFECTIVE DATE OF THIS ORDINANCE; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Windsor, Colorado (the "Town"), is a municipal corporation duly organized and operating as a statutory Town under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town presently imposes a sales and use tax at the rate of 3.0% pursuant to Section 4-25 and Section 4-61 of the Windsor Municipal Code; and

WHEREAS, a portion of the Town's current sales taxes are required by law to be deposited into the Town of Windsor Capital Improvement Fund (the "Capital Improvement Fund") and used solely for the purpose of providing capital improvements or paying debt service on bonds issued for such purpose pursuant to state law; and

WHEREAS, the Board of Trustees of the Town (the "Board of Trustees") desires to construct and equip a Town Community and Recreation Center to be financed through the issuance of sales and use tax revenue bonds; and

WHEREAS, it is anticipated by the Board of Trustees that the operation and maintenance of the Community and Recreation Center would not be fully self-supporting; and

WHEREAS, in order to provide funds for the repayment of the revenue bonds and the operation of Community and Recreation Centers, the Board of Trustees desires to increase the rate of the Town's sales and use tax from 3.0% to 3.2% effective July 1, 2002, and to restrict the revenues generated from the 0.2% tax rate increase by requiring the revenues from said tax increase be deposited into the Town Community and Recreation Center Fund and used solely for the purposes for which said fund is established; and

WHEREAS, to provide security in addition to the Town Community and Recreation Center Fund for payment of the revenue bonds and enable them to be issued at lower interest costs to the Town, the Board of Trustees desires to pledge to payment of the revenue bonds, if necessary, moneys in the Capital Improvement Fund and the additional sales and use tax revenues of the Town; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the Town have voter approval in advance for any tax rate increase and for

the creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever; and

WHEREAS, the Board of Trustees desires to submit a ballot issue to the eligible electors of the Town on April 2, 2002, authorizing the tax rate increase and the issuance of the revenue bonds for the purposes set forth herein; now therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF WINDSOR, COLORADO:

Section 1. Calling the Election. An election shall be held on Tuesday, April 2, 2002, at which there shall be submitted to the eligible electors of the Town a question authorizing a tax increase and the issuance of revenue bonds, which question shall be in substantially the following form:

SHALL THE TOWN OF WINDSOR DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$5,000,000, WITH A MAXIMUM REPAYMENT COST OF \$8,500,000 AND SHALL THE TOWN OF WINDSOR TAXES BE INCREASED \$275,000 (FIRST FULL FISCAL YEAR DOLLAR INCREASE); SUCH DEBT TO CONSIST OF SALES AND USE TAX REVENUE BONDS TO BE PAYABLE FROM ALL OR ANY PORTION OF THE TOWN'S SALES AND USE TAX AND ISSUED SOLELY FOR THE PURPOSE OF

CONSTRUCTING AND EQUIPPING A TOWN COMMUNITY AND RECREATION CENTER, INCLUDING THE ACQUISITION OF LAND FOR SAID FACILITY;

SUCH BONDS TO BE DATED AND SOLD AT SUCH TIME, AND AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND CONTAINING SUCH TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF TRUSTEES MAY DETERMINE; SUCH TAX TO CONSIST OF A RATE INCREASE IN THE TOWN-WIDE SALES AND USE TAX OF 0.2% (TWO-TENTHS OF ONE PERCENT, WHICH REPRESENTS TWO CENTS ON EACH TEN DOLLAR PURCHASE) COMMENCING JULY 1, 2002; SHALL ORDINANCE NO. 2002-___ OF THE TOWN PROVIDING FOR THE INCREASE IN THE TOWN SALES AND USE TAX, PROVIDING FOR THE DEPOSIT OF TAX REVENUES INTO THE TOWN OF WINDSOR COMMUNITY AND RECREATION CENTER FUND AND LIMITING THE USE OF MONEYS IN SAID FUND TO CONSTRUCTING, ACQUIRING LAND FOR, OR EQUIPPING TOWN COMMUNITY AND RECREATION CENTERS, PAYING THE COSTS OF OPERATING AND MAINTAINING TOWN COMMUNITY AND RECREATION CENTERS, OR PAYING THE

DEBT SERVICE ON REVENUE BONDS OR REFUNDING BONDS ISSUED FOR SAID PURPOSES BE APPROVED; AND SHALL ALL MONEYS DEPOSITED IN THE COMMUNITY AND RECREATION CENTER FUND (REGARDLESS OF AMOUNT) CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 2. Setting Ballot Title and Content. For purposes of C.R.S. § 1-11-203.5, this Ordinance shall serve to set the title and content of the ballot issue set forth herein and the ballot title for such question shall be the text of the question itself. Any petition to contest the form or content of the ballot title may be filed with the District Court and a copy served on the Town Clerk within five days after the title of the ballot issue is set by the Board of Trustees upon adoption of this Ordinance.

Section 3. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance and the holding of a polling place election on April 2, 2002.

Section 4. Addition of paragraph 4-12(4.5). The Windsor Municipal Code is hereby amended by the addition of paragraph 4-12(1) to read as follows:

4.12. Special funds created.

(1.5) *Community and Recreation Center Fund.* There is hereby established a special fund of the Town to be known as the *Town of Windsor Community and Recreation Center Fund*. Said fund shall be considered a capital improvement fund within the meaning on Section 29-2-111, Colorado Revised Statutes. One hundred percent (100%) of the revenues derived from the two-tenths percent (0.2%) sales and use tax imposed by this Chapter shall be deposited into said fund and used solely for the purpose of paying the costs of constructing Town Community and Recreation Centers, acquiring land for or equipping Town Community and Recreation Centers, paying the costs of operating and maintaining Town Community and Recreation Centers, or paying the debt service on revenue bonds or refunding bonds issued for said purposes. With the exception of said purposes, moneys deposited into such fund from the two-tenths percent (0.2%) sales and use tax shall not be available to be pledged or expended, by interfund transfer or otherwise, for any general municipal purposes; provided however, no sales or use tax revenues in the Community and Recreation Center Fund may be expended for purposes of operating and maintaining Town Community and Recreation Centers unless said fund contains sufficient revenues to pay the anticipated annual debt service on any revenue bonds for which moneys in the fund have been pledged.

Section 5. Repeal and Reenactment of subsection 4-24(f). Subsection 4-24(f) of the Windsor Municipal Code is hereby repealed and reenacted to read as follows:

4-24. General provisions and exemptions from taxation.

(f) Every retailer or vender may deduct the statutorily permitted percentage of the amount of tax to be paid by him or her under this Article to cover his or her expense of collection and remittance of the tax.

Section 6. Repeal and Reenactment of subsection 4-25(a). Subsection 4-25(a) of the Windsor Municipal Code is hereby repealed and reenacted to read as follows:

4-25. Tax schedules; administration and enforcement.

(a) There is hereby imposed on the sale of tangible personal property at retail and the furnishing of services where such personal property and services are taxable pursuant to state law, a tax equal to three and two-tenths percent (3.2%) of the gross receipts. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the Town.

Section 7. Repeal and Reenactment of subsection 4-26(a). Subsection 4-26(a) of the Windsor Municipal Code is hereby repealed and reenacted to read as follows:

4-26. Approval; amendments.

(a) The rate of tax imposed pursuant to this Article shall continue in effect until otherwise modified or changed by the qualified, registered electors of the Town at an election held for such purpose.

Section 8. Repeal and Reenactment of subsection 4-61. Subsection 4-61 of the Windsor Municipal Code is hereby repealed and reenacted to read as follows:

4-61. Levied.

There is hereby levied, and there shall be collected and paid, a use tax on the privilege of storing or consuming with the Town any construction and building materials purchased outside the corporate limits of the Town to be used for new residential, commercial or industrial construction, equal to three and two-tenths percent (3.2%) of the retail cost thereof. Such tax shall be collected in accordance with schedules set forth in the rules and regulations promulgated by the State Department of Revenue or as otherwise provided by this Article.

Section 9. Ratification of Windsor Municipal Code. With the exception of the provisions of the Windsor Municipal Code which are modified as provided herein, all remaining provisions of the Windsor Municipal Code shall remain in full force and effect.

Section 10. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

Section 11. Emergency Declaration; Effective Date. By reason of the fact that it is necessary to certify the ballot issue no later than February 6, 2002, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health and safety, and that, with the exception of Sections 4, 5, 6, 7, 8 and 9 hereof, it shall be in full force and effect upon adoption. Upon passage of this Ordinance and subject to the approval thereof at the election to be held on April 2, 2002, the provisions of Section 4, 5, 6, 7, 8 and 9 hereof shall be effective on July 1, 2002.

INTRODUCED, PASSED AND ADOPTED this 28th day of January, 2002.

TOWN OF WINDSOR, COLORADO

By W. Wayne Muth
Mayor

ATTEST:

By Cathy M. Kennedy
Town Clerk



Four-Phase Approach...

1

**Needs Assessment
(Do Your Homework)**

2

**Share Needs Assessment
With Community**

3

Get Their Reaction

4

Campaign

12+ Months Prior

March – May

May – June

Aug – Nov

- Define Most Likely Case (and Plan B)
- Experts Sign-Off
- Elevations/Other Sizzle
- 500-Word Argument
- Voter Analysis
- Key Influencer Database
- Citizen Task Force

- Community Outreach
 - Employees
 - Key Influencers
 - Active Voter Households
- (Presentations/Direct Mail)*

- Public Meetings
- Mail Survey
- Phone Poll
- Task Force

- Organization
- Letterhead Committee
- Community Events
- Yard Sign Distribution
- Direct Mail
- Literature Drop
- Letters to Editor
- Print Ads
- Radio
- GOTV
- Other

Adoption of Ballot Question



Water & Sewer Tap Fees

Town Board Work Session

April 21, 2014

Utility Tap Fee Background

- Currently collect tap fees for water, sewer, storm drainage and in some cases raw water.
- Fees are collected on the building permit when it is issued.
- Fees have not been adjusted since 2007.
- Currently there is no provision for NISP project on either the water tap fee or monthly bill to existing customers.

Current Tap Fee Schedule

Water Plant Investment Fee Schedule

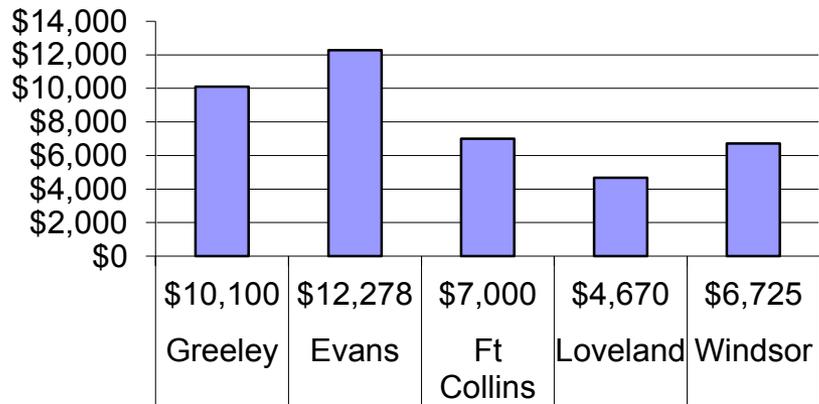
Meter Size	Fee	Equiv. Ratio	Plant Investment Fee
3/4"	\$6,725	1	\$6,725
1"		1.62	\$10,895
1 1/2"		3.82	\$25,690
2"		6.29	\$42,300
3"		13.86	\$93,209
4"		23.87	\$160,526
5"		37.52	\$252,322

Sewer Plant Investment Fee Schedule

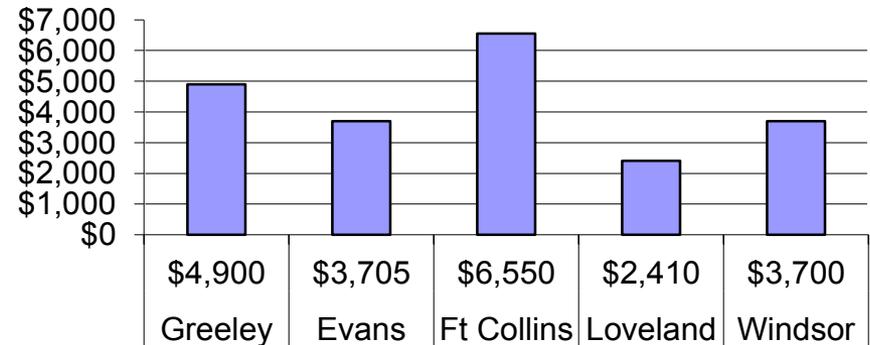
Tap Size	Fee	Equiv. Ratio	Plant Investment Fee
3/4"	\$3,700	1	\$3,700
1"		1.62	\$5,994
1 1/2"		3.82	\$14,134
2"		6.29	\$23,273
3"		13.86	\$51,282
4"		23.87	\$88,319
5"		37.52	\$138,824

Current Tap Fee Comparison

**Existing Water Tap Fee Comparison
- Single Family Home 3/4" Tap**



**Existing Sewer Tap Fee Comparison -
Single Family Home**



Drainage Tap Fees

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	Ord 2003-1148																				
	<p>New Growth Basin Impact Fee = (Impervious Rate Factor) X (New Growth Basin Impact Fee Factor) X (Area)</p> <p>where Impervious Rate Factor is based on the following table of values</p> <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	
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																					
	<p>New Growth Basin Impact Fee Factor = \$0.1838 / square foot Area = net area in square feet of the property</p>																					

Water Tap Fees 2014

- Buying into our system entails two separate parts.
 1. The first part covers the currently invested infrastructure.
 2. The second part covers the fees related to buying capacity from North Weld County Water District.
- Proposing addition of a third part to cover the cost of the NISP due from the Town.

Proposed 2014 Water Tap Fee

Water Plant Investment Fee Recommendation

Recommend we adjust the Water Plant Investment fee by adjusting the buy in to the Town system and by adding a third portion to the fee representing the NISP buy in. A summary of the preceding paragraphs appears below.

1. Buy In to existing Town System	\$ 3,565.81
2. Portion due North Weld for additional capacity	5,400.00
3. NISP Buy in fee	<u>475.00</u>
 Total Water Plant Investment Fee	 \$ 9,440.81

Rounding our fee to \$9,400 will serve our needs for 2014 and facilitate daily operations.

Proposed Water Plant Investment Fee Schedule

Meter Size	Fee	Equiv. Ratio	Plant Investment Fee
3/4"	\$9,400	1	\$9,400
1"		1.62	\$15,228
1 1/2"		3.82	\$35,908
2"		6.29	\$59,126
3"		13.86	\$130,284
4"		23.87	\$224,378
Taps over 4" will be considered individually			

Sewer Tap Fees 2014

This fee has only one component. We use the same system buy-in method here as we do in the water fund. We do not need to consider any outside service providers or NISP buy in component.

Proposed Sewer Tap Fee 2014

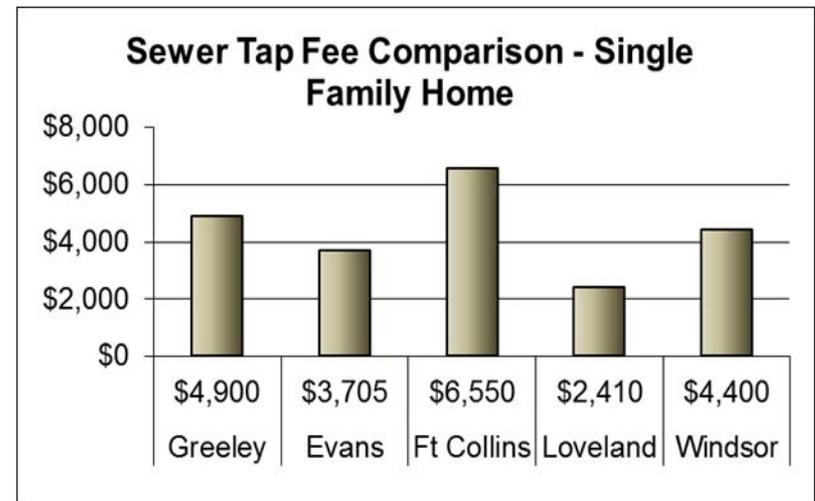
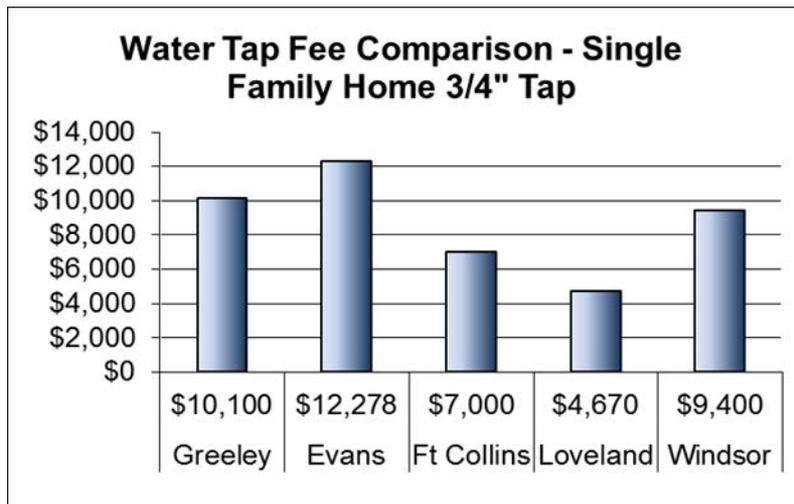
Proposed Sewer Plant Investment Fee Schedule

Tap Size	Fee	Equiv. Ratio	Plant Investment Fee
3/4"	\$4,400	1	\$4,400
1"		1.62	\$7,128
1 1/2"		3.82	\$16,808
2"		6.29	\$27,676
3"		13.86	\$60,984
4"		23.87	\$105,028
Taps over 4" to be considered individually			

Summary and Comparison Proposed Fees

Plant Investment Fees

	<u>2013 Existing</u>	<u>2014 Proposed</u>	<u>Dollars Difference</u>	<u>Percentage Difference</u>
Water	\$6,725	\$9,400	\$2,675.00	39.78%
Sewer	\$3,700	\$4,400	\$700.00	18.92%





MEMORANDUM

Date: April 21, 2014
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Joseph P. Plummer, AICP, Director of Planning
Subject: Discussion of Proposed Amendments to the Design Criteria for Developments Within the Industrial Areas of the Windsor-Severance Highway 392 Intergovernmental Agreement
Item #: Work Session 3

Background:

On January 12, 2004, Windsor and Severance jointly approved the enclosed Windsor-Severance Development Plan (Plan). The Plan established a cooperative planning area (CPA) to address development along State Highway 392 (392) between Weld County Road 19 (Hollister Lake Road) on the west and Weld County Road 23 on the east. As seen on Exhibit "A" on page 9 of the Plan, there were two (2) tiers of development areas established for developments within the CPA.

The first development tier (shown in pink on Exhibit "A") consists of the properties immediately abutting 392 and was designated as the "Commercial Corridor Area" where only general commercial activities are allowed to be developed. The second development tier (shown in yellow on Exhibit "A") consists of the properties set back one-eighth of a mile (660 feet) from 392 and was designated for limited industrial uses.

Additionally, and as it may be seen on Exhibit "D" on page 15 of the Plan, there was only one set of design standards and guidelines established for the all of the properties within the CPA. As it may also be seen on Exhibit "D", the scope and degree of these standards are extremely stringent since Windsor and Severance wanted to be sure that only "upscale" developments would be developed along the 392 corridor.

However, and except for a slight nuance concerning setbacks, there were virtually no distinctions made between standards for commercial developments (which are generally very strict in nature and, likewise, are reflected as such in the Plan) and standards for industrial developments (which are generally less stringent, but, in the present case, are not reflected in the Plan).

Discussion Item:

As it may be seen from the enclosed letter dated February 12, 2014, Mr. Christopher D. Ruff, Manager of 392 Ventures, LLC, is requesting consideration that some of the current development standards be amended to be more in line with the development standards that are more generally associated with those for other industrial parks, with some of these amendments pertaining to:

- Outdoor storage and fencing requirements
- Architectural standards
- Landscape standards

April 21, 2014
Work Session Memo
Page 2

Staff has met with Mr. Ruff and his representatives to discuss his specific requests. Following these discussions, staff has formulated the enclosed draft amendments that the Planning Commissions and Town Boards of both Windsor and Severance may wish to consider for *developments within the industrial portion of the CPA only*.

Please further note that in the event the proposed amendments were to be adopted, any such amendments would not pertain to the Commercial Corridor Area, as the current development standards and guidelines would remain intact for all developments which abut 392.

Planning Commission Review:

At the April 2, 2014 work session, the Planning Commission reviewed these proposed amendments and reached a consensus that these amendments are appropriate changes to the development standards within the industrial portion of the CPA. The Planning Commission also requested staff to place these amendments on an upcoming agenda for a recommendation to the Town Board.

Additionally, I have discussed these draft amendments with the Severance staff, and they are also in the process of scheduling these proposed amendments with their boards.

Recommendation: Town Board to reach a consensus and provide staff with direction on the next steps on the proposed amendments

Attachments: Windsor-Severance Development Plan
February 12, 2012 Letter from Christopher D. Ruff
Draft Amendments

pc: Severance staff
Christopher D. Ruff, Manager, 392 Ventures, LLC

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RECORDER'S MEMORANDUM
THIS DOCUMENT WAS FOUND
TO BE INADEQUATE FOR
SCANNING PURPOSES.

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WINDSOR-SEVERANCE DEVELOPMENT PLAN

January 12, 2004

On December 11, 2000 the Towns of Windsor and Severance entered into an Intergovernmental Agreement (IGA) to provide for orderly and harmonious growth along the Colorado State Highway 392 (SH 392) Corridor. Section 3 of the IGA directed that a Comprehensive Development Plan for the Cooperative Planning Area along the SH 392 Corridor be developed to address all of the following issues: urban growth boundaries; land use restrictions; streets and highways; building permits; government services; drainage; parks, recreation and open space; setbacks, design standards, landscaping, and maintenance of rights-of-way; and land uses.

Lastly, and due to the facts that (a) any future development at or in the vicinity of the intersection of Weld County Road 23 (WCR 23) and SH 392 will be an integral part of the long-term development of the Town of Severance, and (b) the easternmost portion of the Cooperative Planning Area is contiguous to WCR 23, the same design and performance standards which have been included in this Development Plan for the SH 392 Corridor have also been included for all development along that portion of WCR 23 which is located within the Cooperative Planning Area.

I. URBAN GROWTH BOUNDARIES

Scope and Purpose. This Section addresses the resolution of conflicts between the municipalities and the establishment of consistent Urban Growth Boundaries (UGBs).

These boundaries were established and agreed upon by both municipalities when the IGA was adopted. These boundaries are depicted in Exhibit "A," attached hereto and incorporated herein by this reference. In order to make any amendments to these UGBs, both municipalities must agree to do so.

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Other Streets: Location: To be determined at Platting, etc.
Design: Per each jurisdiction's Street Standards.*
Right-of-way: Per each jurisdiction's Street Standards.*
Construction: Per each jurisdiction's Street Standards.*
Financing: Required by developer.
Maintenance: Municipality after Final Acceptance of Streets

* In the event Severance does not have street standards in place at the time of development proposals, Windsor's Street Standards shall apply to all such development proposals.

IV. BUILDING PERMITS

Scope and Purpose. This Section addresses the issuance, approval and review of building permits within the CPA. Each municipality will review, approve and issue building permits within their respective corporate limits upon annexation to the respective municipality.

V. GOVERNMENT SERVICES

Scope and Purpose. This Section addresses provisions for government services within the CPA, including, but not limited to, utility services, law enforcement, fire and emergency services, and code enforcement.

Utility Services: Water and sewer services shall be provided in accordance with the terms and conditions of the IGA. Such services shall not be considered as use by Severance of any of its treatment capacity established by agreement with Windsor.

Utility Easements and Rights-of-way: In accordance with Section 9 of the IGA, within their respective jurisdictions in the CPA, each municipality shall provide the other municipality, without charge, utility easements and rights-of-way necessary for utility improvements.

Law Enforcement: Until such time properties within the CPA are annexed by either municipality, the Weld County Sheriff's Office will continue to provide law enforcement services within the CPA. At such time properties are annexed to Windsor, police services shall be provided by the Town of Windsor. At such time properties are annexed to Severance, police services shall be provided by Severance in accordance with the law enforcement policy of the Town of Severance.



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Fire and Emergency

Response Services: The Windsor-Severance Fire Protection District will provide fire and emergency response services within the CPA.

Code Enforcement: Until such time properties within the CPA are annexed by either municipality, the Weld County Code Enforcement Office will continue to provide code enforcement services within the CPA. At such time properties are annexed to Windsor, the Windsor Police Department will provide general code enforcement activities relative to violations of the Windsor Municipal Code, and the Windsor Planning Department will provide zoning code enforcement activities relative to violations of the zoning ordinance. At such time

properties are annexed to Severance, the Severance Code Enforcement Officer will provide general code enforcement activities relative to violations of the Severance Municipal Code, and the Severance Zoning Officer will provide zoning code enforcement activities relative to violations of the Severance Zoning Code.

VI. DRAINAGE MASTER PLAN

Scope and Purpose. This Section addresses provisions for a drainage master plan for the CPA including the planning, design, construction, maintenance, and financing of drainage improvements and facilities.

Law Basin:

Area 1:

Since the vast majority of the land area located within the CPA is situated within the Law Basin, as depicted in Exhibit "C," attached hereto and incorporated herein by this reference, the following criteria is recommended. Windsor has conducted a study of the Law Basin as well as all other drainage basins that either influence or are influenced by the drainage activities in and around Windsor, and these findings have been incorporated into the Windsor Master Drainage Plan that was adopted July 14, 2003. All development that is proposed within Areas "1" and "2" of the CPA as depicted in Exhibit "C" shall utilize the existing drainage facilities and improvements within the Law Basin and, likewise, all drainage activities within these areas shall comply with Windsor drainage standards, in accordance with the criteria set forth in the Windsor Master Drainage Plan.



Area 2: All development activities that occur within the CPA and which are located within Severance’s UGB as depicted as Area 2 on Exhibit C shall be allowed on the condition that such development activities comply with and pay to Windsor all applicable storm water plant investment fees and any other relevant capital improvement fees associated with any storm water drainage improvements and facilities that have been constructed by Windsor for this area.

Area 3: Since the area that is depicted as Area “3” on Exhibit C is located wholly within Severance’s UGB and is situated entirely outside of the Law Basin, Severance shall be responsible for all costs associated with the preparation and approval of all storm water drainage studies, reports, plans, drainage master plans, etc., and for all costs associated with the design and construction of all storm water drainage

improvements, facilities, appurtenances, etc. for all drainage activities and infrastructure necessary for development within Area 3 on Exhibit C.

Area 4: Since the area that is depicted as Area “4” on Exhibit C is located wholly within Windsor’s UGB and is situated entirely outside of the Law Basin, Windsor shall be responsible for all costs associated with the preparation and approval of all storm water drainage studies, reports, plans, drainage master plans, etc., and for all costs associated with the design and construction of all storm water drainage improvements, facilities, appurtenances, etc. for all drainage activities and infrastructure necessary for development within Area 4 on Exhibit C.

Drainage Easements and Rights-of-way:

In accordance with Section 9 of the IGA, within their respective jurisdictions in the CPA, each municipality shall provide the other municipality, without charge, storm water drainage easements and rights-of-way necessary for storm water drainage improvements.

VII. PARKS, RECREATION SERVICES AND OPEN SPACE

Scope and Purpose. This Section addresses provisions for the development and maintenance of parks, recreation services, and open space within the CPA. These criteria shall be met by each municipality when annexation to and development proposals for the respective municipality occurs, as outlined below.



Windsor: All such development and maintenance of parks, recreation services and open space within Windsor shall be in accordance with all standards, policies, procedures, and guidelines that are outlined in the Windsor Parks and Recreation Master Plan and the Windsor Parks, Recreation, Trails, and Open Space Master Plan.

Severance: All such development and maintenance of parks, recreation services and open space within Severance shall be in accordance with the Town's standards, policies, procedures, and guidelines in effect at the time of such development.

VIII. SETBACKS, DESIGN STANDARDS, LANDSCAPING AND MAINTENANCE OF RIGHTS-OF-WAY

Scope and Purpose. This Section addresses provisions for the setbacks, design standards, landscaping, and maintenance of rights-of-way within the CPA.

Design standards, landscaping, paving setbacks, and the setback requirements have been established and are included in Exhibit "D," attached hereto and incorporated herein by this reference.

Rights-of-way shall be maintained by whichever governmental entity (CDOT, Severance or Windsor) has jurisdiction over the respective rights-of-way.

IX. LAND USES WITHIN THE COOPERATIVE PLANNING AREA

Scope and Purpose. This Section addresses the principal and accessory commercial and industrial uses that are permitted in the CPA.

Commercial Uses. All of the following types of principal and accessory commercial uses that are permitted as uses by right in the Commercial Corridor Area within the CPA as shown on Exhibit A attached hereto, and all such uses, developments and site plans shall meet all site planning criteria and requirements set forth in Exhibit D attached hereto.*

1. **Retail establishments** including, but not limited to: supermarkets; bakeries; liquor stores; convenience stores; hardware stores; appliance stores; drug stores; jewelry stores; garden centers; new and used automobile sales; automobile parts stores; bicycle stores; lumber, building supply, and home improvement centers; and other similar types of retail uses.
2. **Eating and drinking establishments**, including, but not limited to: bars; lounges; restaurants; delicatessens; banquet facilities; private and public clubs and lodges; and other similar types of eating and drinking establishments.

3. Customer service establishments, including, but not limited to: hair styling salons, barber shops and beauty salons; laundromats; dry cleaners; interior decorating services; art studios and galleries; car washes; quick-service establishments for automotive oil changes, tune-ups, etc.; automobile and furniture rental outlets; gasoline service stations; and other similar types of customer service establishments.
4. Recreational and tourism activities, including, but not limited to: theaters; outdoor and indoor commercial recreational facilities; bowling alleys; hotels, motels, bed and breakfast inns, and other similar commercial lodging establishments; and other similar types of recreational and tourism activities (leased or month-to-month apartments or townhome types of dwelling units are not allowed).
5. Business and professional offices and facilities, including, but not limited to: banks, saving and loan offices, credit unions, and other financial institutions; real estate offices, surveying firms, engineering firms, architectural firms, and similar types of consulting firms; medical and dental clinics; public administrative offices, buildings and installations; public utility offices, buildings and installations; and other similar types of business and professional offices and facilities.
6. Accessory uses and structures: Any structures or uses that are clearly incidental and subordinate to and are commonly associated with the operation of the principal use on a lot.

* Any outdoor storage associated with any of these uses that are located in the Commercial Corridor Area within the CPA as shown on Exhibit A attached hereto (a) may not be located in any front yard, (b) must be fully screened within an opaque fence which may not exceed six (6) feet in height, (c) must be approved by the respective reviewing municipality, and (d) no such storage shall protrude above the top of the respective opaque fence. This screening prohibition, however, does not apply to vehicles that are used on a daily basis by the respective business. Additionally, in the event a conflict arises between this fencing regulation and any other fencing regulation which may be outlined in Exhibit D attached hereto, the more restrictive regulation shall apply.

Industrial Uses. All of the following types of principal and accessory commercial and industrial uses that are permitted as uses by right in the portion of the CPA that is located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto, and all such uses, developments and site plans shall meet all site planning criteria and requirements set forth in Exhibit D attached hereto.**

1. All principal and accessory uses outlined in the Commercial Uses section above.

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2. Retail establishments including, but not limited to: outdoor sales areas for recreational vehicles, modular and manufactured homes, boats, trailers, heavy equipment, farm implements, etc.; and other similar types of retail uses.
3. Customer service establishments, including, but not limited to: rental outlets for trucks and recreational vehicles; transportation facilities such as light rail stations, transportation depots, etc. (truck stops and truck terminals are not allowed); fully enclosed automobile and appliance service and repair shops; commercial parking facilities; small package shipping and delivery services; printing and publishing facilities; and other similar types of customer service establishments.
4. Limited industrial uses, including, but not limited to: fully enclosed storage facilities; warehouses; facilities for contractors; manufacturing, assembly, processing, and fabrication facilities; food preparation facilities; research and development facilities; scientific laboratories; and other similar types of limited industrial uses.
5. Accessory uses and structures: Any structures or uses that are clearly incidental and subordinate to and are commonly associated with the operation of the principal use on a lot, including residential quarters for guards and caretakers.

** Any outdoor storage associated with any of these uses in the portion of the CPA that is (1) located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto, and (2) does not have street frontage along either SH 392 or WCR 23 (a) may not be located in any front yard, (b) must be fully screened within an opaque fence which may not exceed eight (8) feet in height, (c) must be approved by the respective reviewing municipality, and (d) no such storage shall protrude above the top of the respective opaque fence.

However, for any such use that is located within this portion of the CPA that is located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto but does have street frontage along WCR 23 (a) may not be located in any front yard, (b) must be fully screened within an opaque fence which may not exceed six (6) feet in height, (c) must be approved by the respective reviewing municipality, and (d) no such storage shall protrude above the top of the respective opaque fence.

This screening prohibition, however, does not apply to vehicles that are used on a daily basis by the respective business. Additionally, in the event a conflict arises between this fencing regulation and any other fencing regulation which may be outlined in said Exhibit D attached hereto, the more restrictive regulation shall apply.

EXHIBIT "A"

URBAN GROWTH BOUNDARIES, COMMERCIAL CORRIDOR
AREA AND COOPERATIVE PLANNING AREA

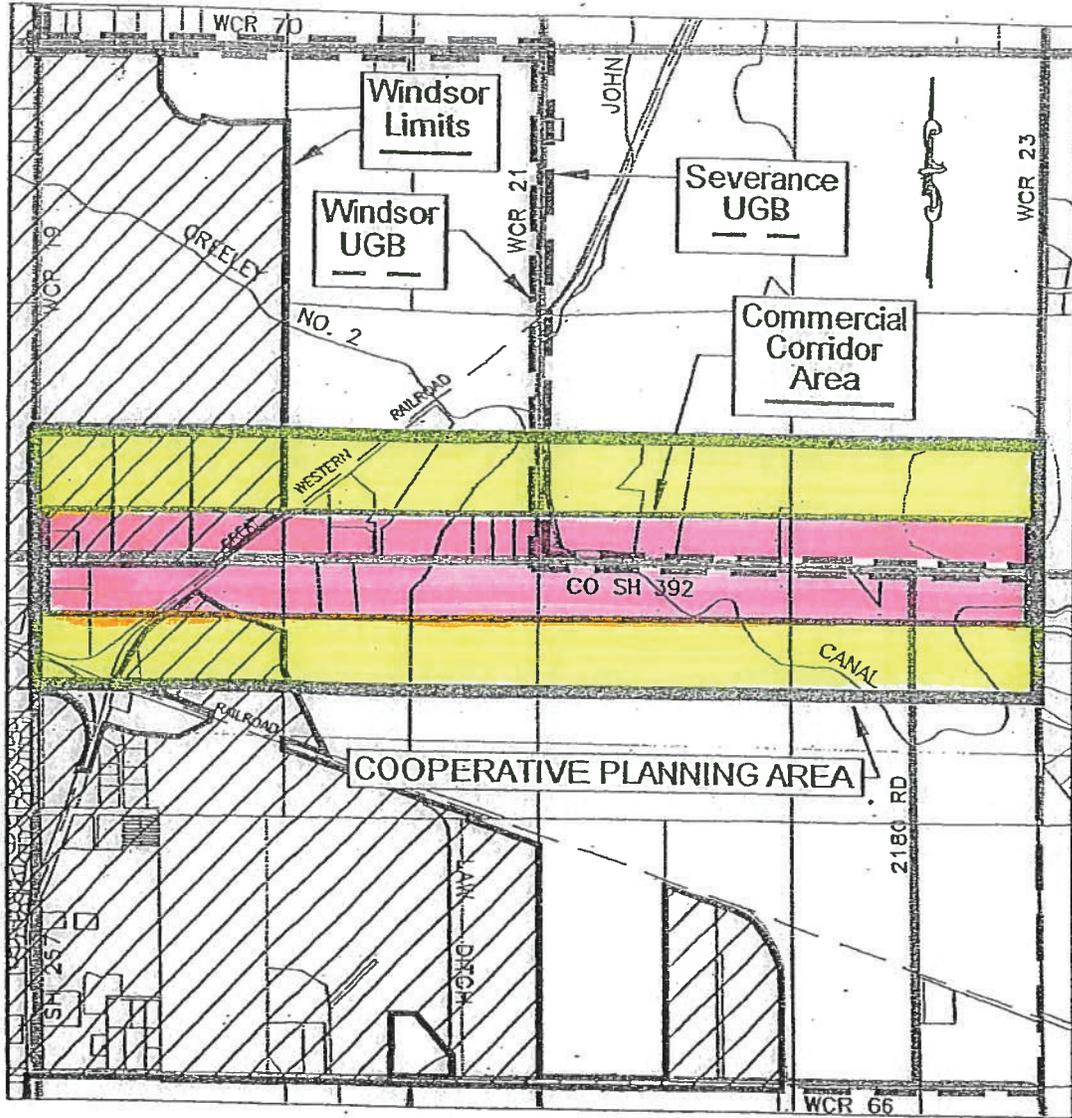
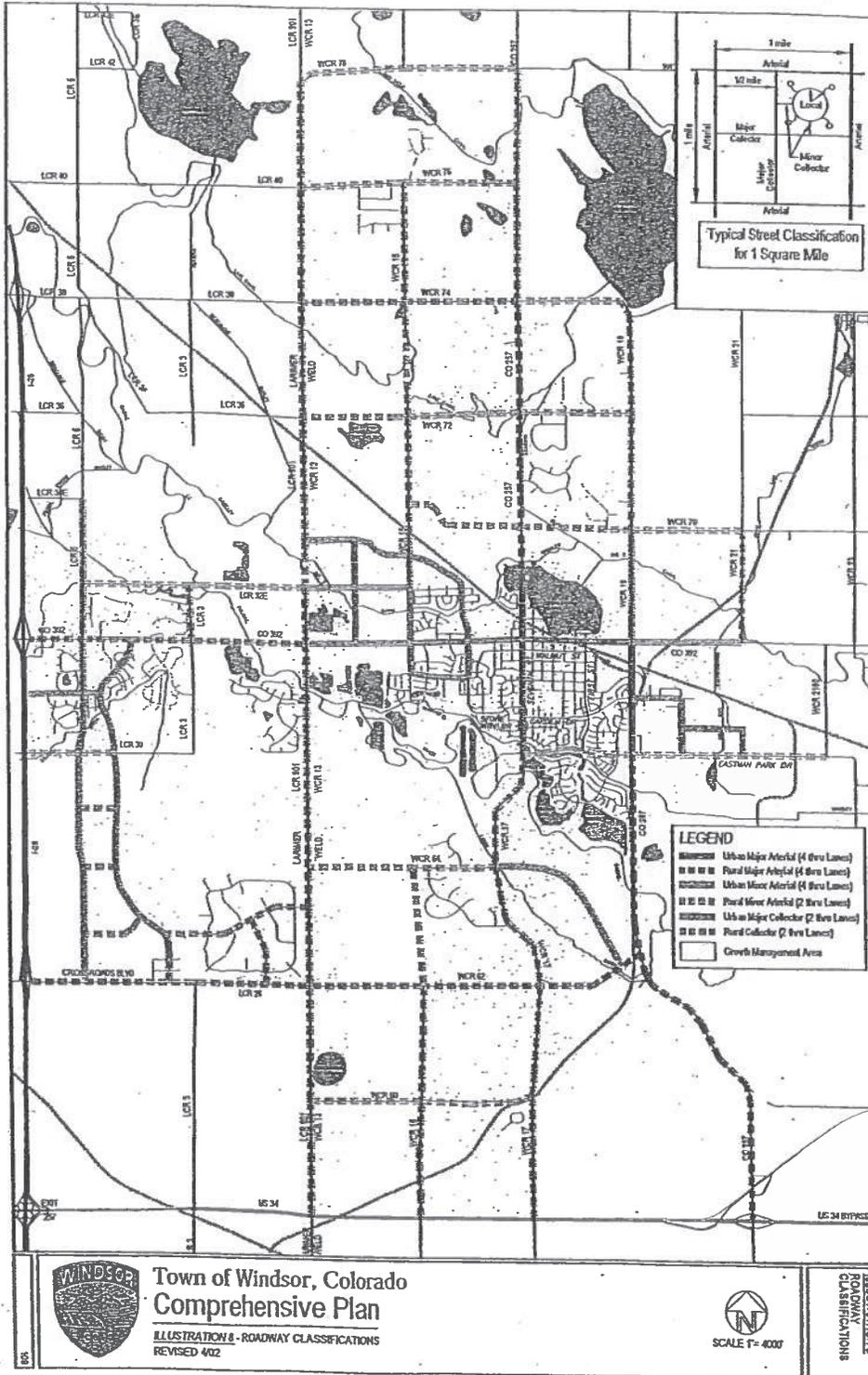




EXHIBIT "B"

ROADWAY CLASSIFICATIONS
 TOWN OF WINDSOR



Town of Windsor, Colorado
 Comprehensive Plan

ILLUSTRATION 8 - ROADWAY CLASSIFICATIONS
 REVISED 402



SCALE 1" = 400'

ILLUSTRATION 8
 ROADWAY CLASSIFICATIONS

EXHIBIT "B"
(Continued)
MINIMUM STREET STANDARDS
TOWN OF WINDSOR
(Urban Standards)

<u>Type</u>	<u>Right-of-Way</u> (Feet)	<u>Pavement</u> (Feet)*	<u>Sidewalk</u> (Feet)
Major Arterial (7 Lanes)	135	104	5
Minor Arterial (5 Lanes)	110	80	5
Major Collector (3 Lanes)	80	52	5
Minor Collector (2 Lanes)	60	40	4
Local (2 Lanes)	50	36	4

* Measured from flow line of gutter to flow line of gutter.

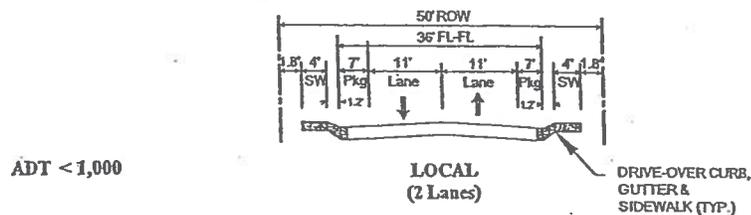
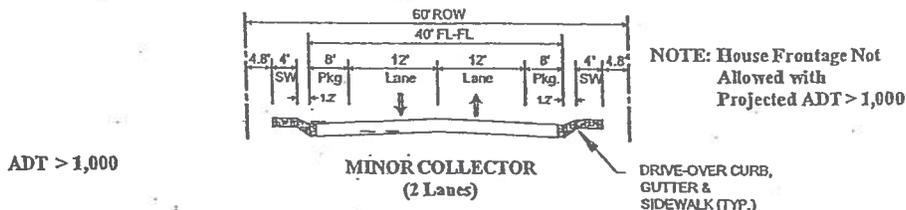
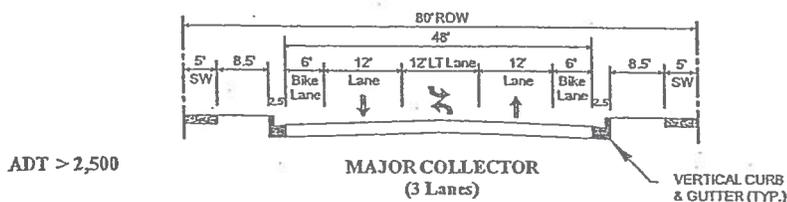
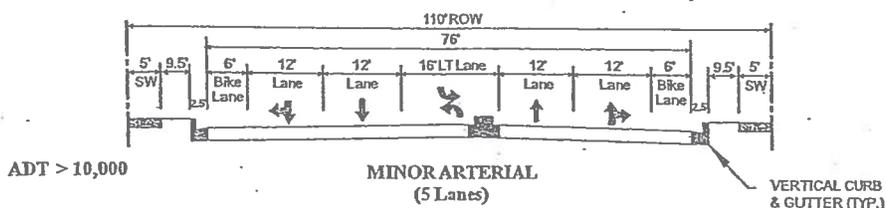
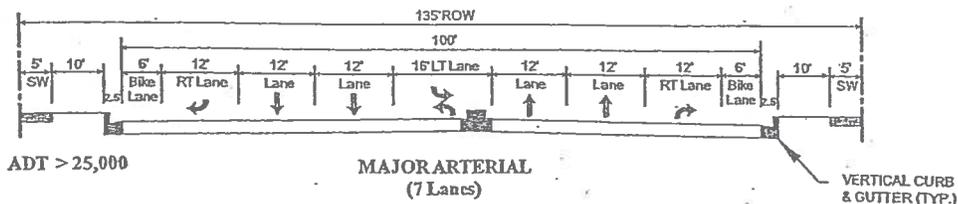
(Rural Standards)

<u>Type</u>	<u>Right-of-Way</u> (Feet)	<u>Pavement</u> (Feet)**	<u>Sidewalk</u>
Major Arterial (At Major Intersections) (7 Lanes)	150	100	N/A
Major Arterial (Not At Major Intersections) (5 Lanes)	150	76	N/A
Minor Arterial (At Major Intersections) (5 Lanes)	130	72	N/A
Minor Arterial (Not At Major Intersections) (3 Lanes)	130	48	N/A
Collector (At Intersections) (3 Lanes)	120	48	N/A
Collector (Not At Intersections) (2 Lanes)	120	36	N/A
Local (2 Lanes)	90	34	N/A

** Measured from edge of pavement to edge of pavement.
 N/A - Not Applicable.



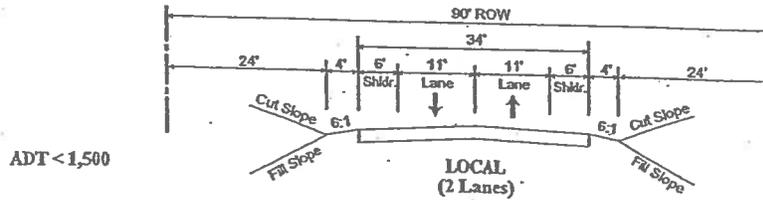
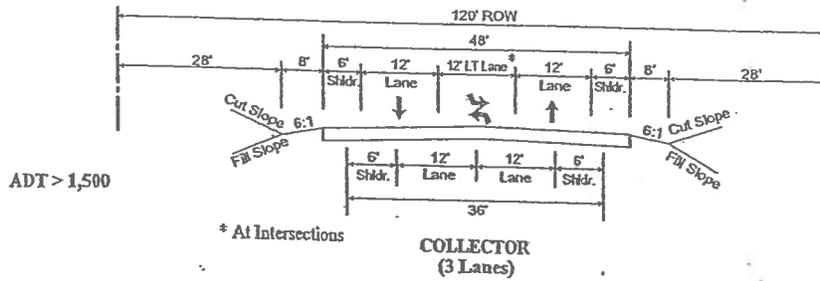
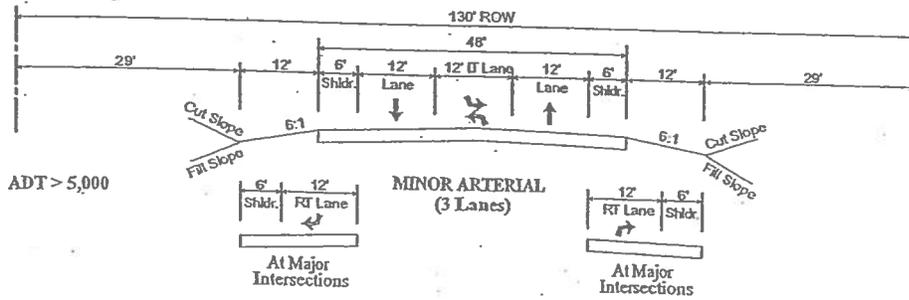
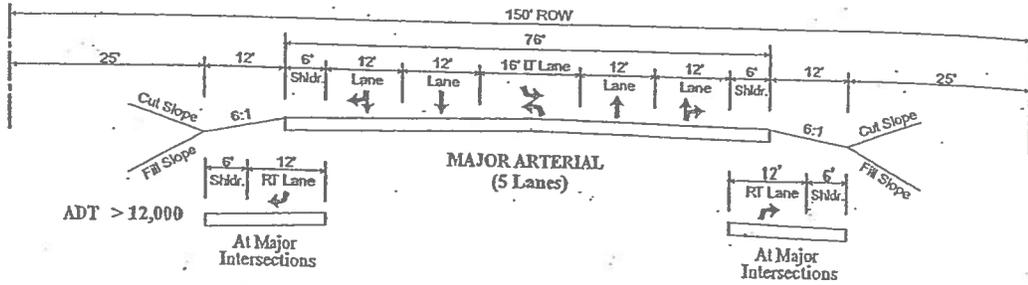
EXHIBIT "B"
 (Continued)
URBAN STREET CROSS SECTIONS
TOWN OF WINDSOR



Urban Street Cross-Sections



EXHIBIT "B"
 (Continued)
RURAL STREET CROSS SECTIONS
TOWN OF WINDSOR



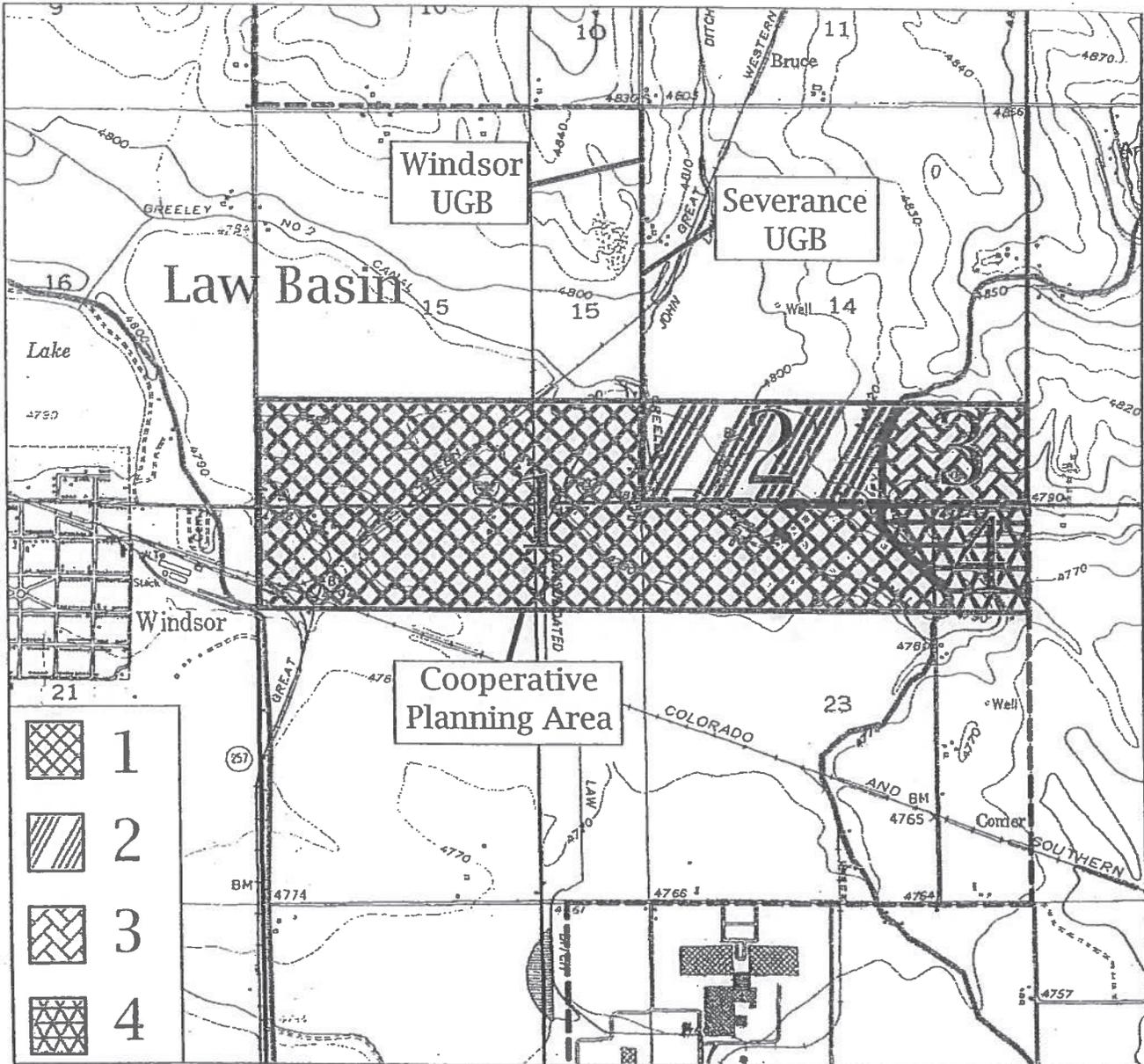
Rural Street Cross-Sections



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EXHIBIT "C"

DRAINAGE MASTER PLAN



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EXHIBIT "D"

WINDSOR-SEVERANCE DEVELOPMENT PLAN DESIGN STANDARDS AND GUIDELINES

I. INTRODUCTION

A. Purpose and Scope:

The Cooperative Planning Area (CPA) within the East Main Street Corridor (Corridor) has many unique qualities. Perhaps the most important quality is that this Corridor is the eastern "gateway" into the Town of Windsor and the southwestern "gateway" into the Town of Severance. The visual quality of this entryway is directly related to both communities' images, and positive community images are essential for economic development and the ability to attract quality developments.

The location and scope of the CPA within the Corridor is shown as the "Cooperative Planning Area" in Exhibit "A" of this Agreement.

B. Intent:

These standards and guidelines have been prepared in an effort to accomplish the following:

- To protect and enhance property values within the area; and
- To increase the opportunity for development and expansion of business and industry within the area.

II. PROCEDURE

A. Application of Standards:

These standards and guidelines shall apply to (a) all new development within the CPA, and (b) the remodeled portions of, or additions to, existing properties within the CPA. "Standards" denoted by (S) are mandatory; "Guidelines" denoted by (G) are not mandatory, but are provided in order to assist planners, design consultants, developers and the staff from both Towns concerning the design objectives of the Plan.

It is not intended that this document replace or supplant the existing requirements of either of the Towns, but merely supplement current requirements. Furthermore, all pertinent requirements of both Towns shall be followed in the development of a specific building site and shall be approved in accordance with all of the terms and conditions of this Agreement.

All zoning ordinances, building codes and regulations, and any other governmental restrictions, and requirements shall be observed. In the event of conflicts arise between this



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document and other governmental codes, regulations, restrictions, and/or requirements, the more restrictive standard shall apply.

B. Submittal Requirements:

1. SITE PLAN drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
 - a. The location of existing and proposed structures with the location of the entries noted.
 - b. The location and dimensions of all driveways, parking areas, loading areas, and pedestrian walkways.
 - c. The location and type of all outdoor storage or trash facilities with a description and/or indication of screening materials proposed.
 - d. The type and location of any ground signs.
 - e. The type and location of any accessory appurtenances such as scales, satellite dishes, antennae, gas pumps, etc.
 - f. The type and location of proposed site lighting.
 - g. A land use breakdown indicating total site area, total building area, building coverage area, parking and driveway coverage area and open space area.
 - h. The location of temporary model homes, sales offices, and/or construction facilities, including temporary signs and parking lots.
2. LANDSCAPING PLAN drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
 - a. Streetscape treatment.
 - b. General level of planting proposed, including an indication of planting beds, lawn areas and other proposed ground covers. All proposed plant materials should be drawn to scale at a size equivalent to ten (10) years maturity.
 - c. A plant material schedule indicating species, size and quantity of all plant material proposed. Plant material must be identified by direct labeling or by a clearly understandable legend.

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- d. A complete description of all proposed landscape accessory materials such as edging, planters, and mulches.
 - e. Planting details and/or specifications demonstrative of proper planting techniques, staking and mulching.
 - f. A note indicating that all landscaped areas, including parking lot islands, shall be irrigated by a fully automatic underground sprinkler system.
 - g. A note indicating that the owner shall be responsible for the maintenance of all landscape elements.
 - h. The position of existing trees on the site, if any, and a detailed plan for how these trees will be protected during construction.
3. SIGNAGE DETAILS drawn to scale containing the following:
- a. An indication and description of all materials to be used and the means of sign illumination as well as the dimensions of the sign.
 - b. An indication and description of all wordage and/or logos to be included on the sign.
4. BUILDING ELEVATIONS drawn to an appropriate scale on a 24" x 36" sheet containing the following information:
- a. An indication and description of all materials to be used on all sides of the buildings.
 - b. An indication of signage locations.
 - c. The height of the buildings and any appurtenances, including all accessory buildings, trash enclosures, etc.
 - d. The indication, description and height of all trash enclosures.
5. BUILDING COLORS AND MATERIAL SAMPLES of the actual materials to be used on the buildings including the following:
- a. Roofing materials and color.
 - b. Exterior wall materials and colors.
 - c. Trim materials and colors.



- d. Window and door materials and colors.
- e. All accessory structures.
- f. Trash enclosures.

III. SITE PLANNING

The following minimum standards and guidelines shall be used as criteria for development within the CPA.

A. Setbacks and Coverage:

1. All minimum setback distances for commercial developments shall be as follows: thirty-five (35) feet from SH 392 or WCR 23; twenty-five (25) feet from all streets other than SH 392 or WCR 23; and setbacks from all other property lines other than from streets (offsets): to be determined by the Planning Commission of the respective reviewing jurisdiction through the Planned Unit Development process. (S)
2. All minimum setback distances for industrial developments shall be as follows:
 - a. For industrial developments abutting other industrial districts and/uses: Thirty-five (35) feet from SH 392 or WCR 23; thirty (30) feet from all streets other than SH 392 or WCR 23; and twenty (20) feet from all other property lines other than from streets (offsets) which abut other industrial zoning districts and/or uses. (S)
 - b. For industrial developments abutting residential districts and/or uses: Any industrial use abutting a residential zoning district and/or any residential property shall maintain a minimum setback from all respective properties lines which abut either the residential zoning district and/or the respective residential property of thirty (30) feet, with said 30-foot setback distance being used for a substantial landscape buffer that adequately protects the adjoining residential properties from any negative impacts associated with the limited industrial use. (S)
3. To allow for landscape buffers, all paving shall be set back from the property lines a minimum of twenty-five (25) feet where abutting SH 392 or WCR 23, fifteen (15) feet abutting all other streets, and five (5) feet from all other property lines which do not abut streets. (S)
4. Building coverage on any given site shall not exceed forty percent (40%) of the site area. (S)
5. Building coverage on any given site shall preferably cover less than thirty-three percent (33%) of the site area. (G)



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6. Open landscape area on any site shall be twenty percent (20%) or greater. (S)
7. All building elements and landscaping should be oriented to minimize visual impact of parking areas. (G)
8. All fences located on the street side of any site shall be recessed a minimum of two feet (2') back from the front building corners of any building elevation facing a street. (S) Such fences shall be designed to be compatible with the styles, materials, and colors of nearby buildings and adjacent fences. No fences shall be constructed within any front yards on any sites which front on SH 392 or WCR 23, and no chain link fences shall be visible from SH 392 or WCR 23. (S)

B. Parking & Loading:

1. All parking and drive areas shall be paved with asphalt or concrete and shall have concrete curbs with appropriately radiused corners. (S)
2. Bicycle parking should be provided near building entries, but shall not encroach into pedestrian walkways. (G)
3. Parking areas should be minimized between the street or driveway and building entries. (G)
4. All off-street loading and refuse areas shall be designed to include adequate space for ingress, egress and maneuvering and shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building. (S)
5. All storage or equipment areas shall be screened from view with appropriate landscape elements or with screenwalls constructed of materials which are compatible with the building. (S)
6. Each site entrance drive shall not serve as direct vehicular access to individual parking spaces for a minimum distance, from right-of-way line, of forty-five (45) feet where abutting SH 392 or WCR 23, and thirty-five (35) feet where abutting all other streets. (S)
7. Landscape islands a minimum of fifteen (15) feet in length and eight (8) feet in width shall occur at ends of all parking rows. (S)
8. Parking lot areas shall be broken into sections of two hundred (200) parking spaces maximum, separated by landscaped buffers ten (10) feet in width or greater. (S)



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9. All utility services to facilities shall be installed underground. (S)
10. All areas for outdoor sales shall be contained either within a paved parking lot or on display pads constructed of concrete which are connected by a paved drive to a paved parking lot. All such display areas must be shown on the site plan and approved by the reviewing municipality. (S)

C. Site Lighting:

1. The style of light fixtures shall be compatible with the style and character of buildings proposed on the site. If a precedent has been established within the district, it should be followed for any subsequent light fixtures that are used in corresponding or similar situations. (S)
2. Light poles shall not exceed thirty feet (30) in height. (S)
3. Lighting shall be designed to retain light within the property lines of a given building site and shall not spill any light outside said property lines. (S)
4. The face of a building or a ground mounted sign may be flood lit from above the ground provided that the fixture is not more than eighteen inches (18") above grade and is screened by low planting materials or other architectural elements. (S)
5. All exterior and security lighting shall have underground service. (S)

D. Site Amenities:

All building sites are encouraged to incorporate pedestrian amenities such as benches, fountains, courtyards, works of art, etc., especially at the entry locations.

IV. ARCHITECTURAL

The following architectural standards and guidelines shall be established as a minimum for development in the CPA:

1. Building walls should be subdivided and proportioned to the size of a person, using offsets, projections, overhangs, and recesses, in order to add architectural interest and variety and avoid the effect of a single, massive wall with no relation to human size. (G)
2. Ground floor facades that face streets or public walkways must be modulated with animating features such as windows, entrance areas, arcades, porches, pilasters, arbors,

awnings, recessed or projecting display windows, and/or trellised vines along no less than 50% of the façade. (S)

3. No blank wall that faces a public street or walkway shall exceed fifty (50) feet in length. (S)
4. The predominant portion of any building shall not exceed thirty (30) feet in height. Ornamental architectural elements or appurtenances such as clock towers or cupolas shall not exceed forty (40) feet in height. (S)
5. Sloped "residential" type roofs over building masses and at covered walkways are encouraged. (G) Where roofs are sloped, roofs shall slope at a minimum of 5 in 12. (S)
6. Architectural elements that add interest to roofs such as dormers, cupolas, clock towers, and other similar elements are encouraged. (G)
7. Flat rooflines should be avoided on low one story buildings, and where utilized on taller buildings they should feature a three dimensional cornice treatment on all walls facing streets or public walkways. (G)
8. A relatively wide variety of building materials shall be permitted. However, it is intended that a basic harmony of architecture prevail.
9. Building materials should consist of textured unit masonry such as brick, stone and architectural grade concrete masonry units, as well as wood siding, used in repeating patterns throughout the building fabric of the area as much as possible. (G)
10. Any materials other than those encouraged in #9 above, if used, should be used as integral parts of the overall building fabric in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements and materials to cast shadows. (G)
11. Metal siding panels shall be prohibited on prominent facades, and only architectural grade metal panels will be allowed on non-prominent facades. Vertical ribbed metal siding panels shall be prohibited. (S)
12. Predominate exterior colors shall be of low reflectance, muted, neutral or earth tone colors. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated. (S)
13. Mechanical equipment and service functions associated with a building must be incorporated into the overall design theme of the building and the landscape so that these functions are screened from view from public ways and adjacent properties. (S)



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14. Wherever possible, conduits, meters and vents which are visible on buildings should be painted to match the respective building surfaces. (G)
15. Fully-enclosed trash enclosures constructed with building materials and colors to match the principal buildings on the site shall be provided. (S)

V. LANDSCAPE

In addition to the landscape guidelines in effect for the Town, the following shall constitute additional minimum guidelines for landscaping within the CPA:

1. The density of landscaping need not be so dense as to completely cover or mask the building site, but will not be so sparse as to be perceived as a minimum or superficial effort at landscaping. (G)
2. Landscape materials shall be of long living varieties, and shall be permanent in nature. All plant material shall be vigorous and free from disease and insect infestation, in accordance with specifications outlined by the American Association of Nurseries (AAN) for number one grade, and well adapted to the Windsor area climate zone. Plants must be sized according to the following table: (S)

TYPE	SIZE
Standard deciduous	2" caliper measured 6" above ground
Small ornamental flowering trees	1 1/2" to 1 3/4" caliper measured 6" above ground
Evergreen Trees	6 foot in height
Shrubs and hedges	Five gallon or adequate size consistent with design intent

3. Short lived materials, such as annual flowers, are encouraged to be used to accent or supplement the basic permanent landscape plan. Such flowers are encouraged to be utilized in a bed or planter at project entries. (G)
4. No plant material with invasive roots shall be used. (S)
5. Artificial plant materials shall be prohibited. (S)
6. Landscape elements should relate to the building's structural elements and be used to interrupt extensive building surfaces. (G)
7. All parking lot islands shall be landscaped with at least one shade tree and some low ground cover and/or shrubbery. (S)

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8. Street trees: Along the SH 392 and WCR 23 Corridors (the Corridors), continuity is required to connect the diverse land use areas and provide an appealing "corridor" feel to the entrances to the Towns. The use of trees along the Corridor can create this unifying effect. The following standards shall be used to create this effect:
- a. Trees planted along the Corridors shall be planted at a spacing of forty feet (40') and in straight rows to create a continuous street edge. (S)
 - b. Trees of varying species shall be planted to avoid drastic loss from insect or disease infestation. Different species with similar characteristics such as growth habit or color could be used to avoid over-use by one tree species yet maintain the desired look. (G)
 - c. In all new development projects the inclusion of a 5 foot (5') detached walk and a 10 foot (10') designated tree lawn, between the walk and the street, shall be required. Where such projects meet existing projects, new sidewalks shall be required. In the case of a redevelopment of an existing site which has a narrow frontage, the developer shall be required to post a bond equivalent to 110% of the value of such sidewalk and landscape improvements. Such bond will be utilized to construct the sidewalk improvements at the time there is enough adjacent redevelopment to allow for a substantial portion of new sidewalk to be constructed. (S)
 - d. Large size shade trees recommended along the Corridors include the following. (G)

Hackberry: *Celtis occidentalis*

Burr Oak: *Quercus macrocarpa*

American Elm: *Ulmus americana* (recommended only when varieties resistant to Dutch elm disease are available)

American Linden: *Tilia americana*

Northern Catalpa: *Catalpa speciosa*

Norway Maple: *Acer platanoides*

Ginkgo: *Ginkgo biloba*

English Oak: *Quercus robur*

Green Ash*: *Fraxinus pennsylvanica* (seedless varieties only such as 'Patmore' and 'Marshall Seedless')

White or American Ash: *Fraxinus americana*

Thornless Honeylocust*: *Gleditsia triacanthos inermis*

* Acceptable species but not recommended for planting in Windsor because of the large number of these tree species already planted. Over-planting of one species leaves the forest vulnerable to disease infestation.



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- e. Medium size shade trees recommended along the Corridors include the following:
(G)
- Littleleaf Linden: *Tilia cordata*
Ohio Buckeye: *Escudos glare*
- f. Small size trees recommended under power lines or where planting area width is only 5 to 6 feet include the following: (G)
- Schubert Chokecherry: *Prunes Virginian* 'Schubert'
Japanese Lilac Tree: *Syringe reticulata*
Mayday Tree: *Prunes pads committee*
Serviceberry: *Amelanchier species*
Amur Maple: *Acer ginnala*
Crabapple: *Malus species*
Hawthorne species: *Crataegus species* (thornless varieties)
Tatarian Maple: *Acer tataricum*
Japanese Pagoda Tree: *Sophora japonica*
- g. Trees not recommended along the Corridors include the following: (G)
- Evergreen Trees
Aspen: *Pupulus tremuloides*
Silver Maple: *Acer saccharinum*
Russian Olive: *Eleagnkus angustifolia*
Boxelder: *Acer negundo*
Mountain Ash: *Sorbus aucuparia*
Willows: *Salix species*
Birches: *Betula species*
Cottonwoods: *Populus species*
Siberian Elm: *Ulmus pumila*
Sunburst Honeylocust: *G. 'Sunburst' variety*
Hopa Crabapple: *Malus x Hopa*
- h. Street trees should be planted in the center of the tree lawn equidistant between the curb and sidewalk. (S)
9. Trees planted in areas of high pedestrian traffic shall be at least 3 inch caliper and be high branching. This size is required so that adequate branching height is achievable without severe pruning. (S)
10. All trees and shrubs must be maintained in healthy condition or be replaced at the expense of the owner. (S)

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11. All visible areas which are not put to use as planting or tree beds, as parking or walkways or as building area shall be seeded or sodded with bluegrass or other high quality turf blend. Planting or tree beds shall be sized such that, at the time the plant material they contain is mature, a minimal amount of mulch area is visible. (S)
12. All landscaped areas, including parking lot islands shall be irrigated by a fully automatic underground sprinkler system. (S)
13. Planting beds are encouraged around the perimeter of all buildings. (G)
14. The owner or developer shall, to the greatest extent possible, incorporate existing healthy, mature trees and shrubs into the landscape design. Existing trees and other plants in reasonable condition may be removed only if the owner or developer has satisfactorily demonstrated to the Town that site design restrictions necessitate their removal. Upon such demonstration, all removed trees or shrubs shall be replaced with new trees and shrubs in a quantity and size reasonably equivalent to those removed. An evaluation of the existing landscape proposed to be removed may be required. (S)
15. Existing plant material that is to remain as part of the permanent development or redevelopment of a property shall be protected during construction. Existing trees and shrubs shall be protected with a sturdy three foot (3') high construction fence that is placed at a distance from the tree equal to 40% of the height of the tree. If work is required closer than the construction fence, all work shall be done by hand with special care being given to minimizing disturbance to tree roots, and protecting the tree trunk from damage. (S)

VI. SIGNAGE

The following signage guidelines shall be established as a minimum for development in the Corridor:

1. All signs shall conform to the design criteria set forth herein as well as the criteria set forth in the Windsor Municipal Code. (S)
2. Project identification signage:
 - a. Each development, complex of buildings or large building complex shall be permitted to have one freestanding development identification sign. Such sign shall primarily identify the name of the development. Secondly, such sign may contain smaller signage for individual tenants which are housed within the development or complex. (S)

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- b. Each tenant which has at least 5,000 square feet of gross leasable area shall be classified as a "major tenant" and may have the following signage:

Building mounted signs shall be allowed on each building elevation, subject to all such signage meeting all of the requirements and standards outlined in subparagraph VI. 2. d. below of this Section; and

Either one freestanding sign for each street frontage which the property abuts or one sign which is a part of a development identification sign. (S)

- c. Each tenant which has less than 5,000 square feet of gross leasable area shall be classified as a "minor tenant" and may have the following signage:

Building mounted signs shall be allowed on each building elevation, subject to all such signage meeting all of the requirements and standards outlined in subparagraph VI. 2. d. below of this Section; and

One sign which is a part of the development identification sign. (S)

- d. The maximum, cumulative sign area on any individual building elevation shall not exceed ten percent (10%) of the total area of the respective building elevation. For major tenants, the height of any building mounted signs shall not exceed *either* 25 percent (25%) of the height of the building elevation upon which the sign is mounted *or* eight (8) feet in height, *whichever is less*. For minor tenants, the height of any building mounted signs shall not exceed *either* 25 percent (25%) of the height of the building elevation upon which the sign is mounted *or* five (5) feet in height, *whichever is less*. (S)

The height of the building elevation shall be measured as the vertical distance between the finished floor elevation of the building and the predominant roofline of the building elevation upon which the sign is mounted, not including architectural elements or appurtenances such as clock towers or cupolas.

Individual lettering is encouraged. Cabinet signs are permitted, however, if cabinet signs are utilized on multiple tenant buildings, written criteria describing uniform sign size, background color and general quality level is to be submitted, for approval, by the owner/landlord prior to the submittal of any tenant signage plans. Each tenant will be required to conform to such criteria. (S)

- e. Freestanding signs shall be "monument" type signs set on bases made of materials which are compatible with the architectural elements of the

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project. The height of the monument base of any sign shall not exceed 50 percent (50%) of the overall height of the sign. The width and length of such base shall be at least as wide and long as the bottom of the sign area. (S)

- f. Freestanding signs may not be located closer than fifteen (15) feet from SH 392 or WCR 23; ten (10) feet from any other streets; or five (5) feet from any other property lines not abutting any street, unless the total height of any such freestanding sign, including the monument base, does not exceed forty-two (42) inches-in height. (S)
- g. Freestanding signs are encouraged to be incorporated into a landscape planting bed with low landscape elements placed in front of signage to soften the sign and taller landscape placed behind single-sided signs to offer a backdrop. (G)
- h. Development Identification Signs. In addition to all of the general signage requirements outlined herein and also relative to the criteria outlined in Section VI. 2 .a. above of this Section pertaining to development identification signs, all development identification signs shall also comply with both of the following requirements:
 - (a) No such sign shall exceed sixteen feet (16') in height, including the monument base; and
 - (b) The maximum advertising area of all such signs shall not exceed fifty (50) square feet per side for each one hundred feet (100') of street frontage of the lot upon which the use is located, but no greater than one hundred (100) square feet per side, up to a maximum number of two (2) sides per sign. Such area shall be exclusive of the sign base. (S)
- i. Individual Major Tenant Signs. In addition to all of the general signage requirements outlined herein and also relative to the criteria outlined in Section VI. 2 .b. above of this Section pertaining to major tenant signs, all major tenant signs shall also comply with both of the following requirements:
 - (a) No such sign shall exceed eight (8) feet in height, including the monument base; and
 - (b) The maximum advertising area of all such signs shall not exceed forty-eight (48) square feet per side, up to a maximum number of two (2) sides per sign. Such area shall be exclusive of the sign base. (S)

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- j. Individual Minor Tenant Signs. In addition to all of the general signage requirements outlined herein and also relative to the criteria outlined in Section VI. 2. b. above of this Section pertaining to minor tenant signs, all minor tenant signs shall also comply with all of the following requirements:
- (a) Minor tenant buildings which are freestanding on their own lot shall be allowed to erect one (1) freestanding monument sign to accommodate all tenants who occupy leasable space upon the subject lot;
 - (b) No such sign shall exceed six (6) feet in height; and
 - (c) No such sign shall exceed twenty-four (24) square feet in sign area per side of sign, up to a maximum number of two (2) sides per sign. Such area shall be exclusive of the sign base. (S)
- k. Signs may be illuminated. (G)
- l. While canvas awnings are considered perfectly acceptable, acrylic or plastic awnings are discouraged. Interior illuminated awnings are also discouraged. (G)
3. Traffic Control and Directional Signage:
- a. Traffic control and directional signage shall be allowed as needed. Such signage shall be of a uniform character within each development. (S)
 - b. Such signage shall be constructed of steel, aluminum or alucabond, and shall not be larger than four (4) square feet in area. (S)
3. Prohibited signs.
- a. Pole mounted signs are prohibited. (S)
 - b. No sign shall be illuminated by or contain flashing, moving, blinking, fluctuating, intermittent rotating, or moving light or lights. The only exception shall be signs which provide a legitimate public service, such as the giving of time and temperature. (S)
 - c. No sign or part thereof shall contain or consist of strings of lights, ribbons, streamers, spinners or similar moving, fluttering or revolving devices. Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices shall also be prohibited. Such devices shall not be used for the purposes of advertising or attracting attention. (S)

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- d. Searchlights, whether stationary or revolving, beacons or other similar devices used for the purposes of advertising or attracting attention shall be prohibited. (S)
- e. Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises or repaired or renovated by the owners of the premises on order of the Zoning Officer. (S)
- f. No sign shall obscure vision or views of the natural landscape or the larger urban area along arterial and collector streets and roads, nor shall any such sign be distracting to motorists. (S)
- g. No sign shall be erected at the intersection of any street or road in such manner as to obstruct clear vision, nor shall any sign be erected at a location where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with any traffic sign, signal or control device. (S)
- h. Off-premise signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises upon which it is located is permitted. (S)
- i. No sign shall be erected on the roof of any building. (S)
- j. No sign shall be mounted to or otherwise applied to trees or other landscaping, regulatory traffic signage, utility and light poles or other similar structures, and shall not be located within road rights-of-way or private street easements.
- k. Mobile signs are prohibited.
 - (1) Mobile sign is defined as any sign painted or otherwise mounted on a vehicle, trailer or boat; fixed or attached to a device for the purpose of transporting from site to site. This definition includes all vehicles placed or parked for the purpose of drawing attention to a service, product, object, person, organization, institution, business, event, location or message, but not signs or lettering installed on vehicles such as buses, taxicabs or other commercial vehicles operating during the normal course of business. On-premise signs mounted to construction trailers directly related to construction on a site shall be allowed to be located on the site for the duration of construction, and shall be removed immediately upon the receipt of the last certificate of occupancy for the site. Trailers that are unrelated to the construction activities on the site



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shall not be allowed to be located on any site solely for the purpose of mounting signage; and

- (2) Any sign attached to, painted on, or mounted on any construction trailers that are permitted in paragraph "a" above shall be allowed if such signs meet the following conditions: The signs are magnetic, decals, or painted in a professional manner on an integral part of the construction trailer as originally designed by the manufacturer and do not extend beyond the profile of the construction trailer.

392 Ventures LLC
PO Box 99
Windsor CO 80550

February 12, 2014

Mr. Joe Plummer
Town of Windsor Planning Department
301 Walnut Street
Windsor CO 80550

RE: Windsor-Severance Highway 392 Development Plan

Dear Mr Plummer,

After several years of waiting and planning, our LLC is now preparing to develop the industrial portion of the land known as Falcon Pointe Business Park.

Our review of the referenced joint development plan indicates there are some significant issues with respect to allowable uses and design standards in the document. Specifically, we have concerns relative to the building standards in the industrial-zoned area being essentially the same as the commercial frontage area, which will require industrial buildings of far greater-than-typical cost and preclude most industrial development in there. We request some additional clarity as to allowable uses, landscaping, and the outside storage requirements.

We request the Town initiate a review of the document and revise the requirements of the industrial-zoned portion of the Windsor Severance plan to more closely match the current requirements in the I-L zone in the town's zoning code.

Thank you for your attention to this matter.

Sincerely,



Christopher D Ruff
Manager

Industrial Uses. All of the following types of principal and accessory commercial and industrial uses ~~that~~ are permitted as uses by right in the ~~portion~~ **portions** of the CPA that ~~is~~ **are** located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto. ~~and all~~ **All** such uses, developments and site plans shall meet all site planning criteria and requirements set forth in Exhibit D ~~attached hereto.~~ **** of the Windsor-Severance Development Plan dated January 12, 2004 recorded on 5/14/2004 under reception number 3180345 in the Office of the Weld County Clerk and Recorder.**

1. All principal and accessory uses outlined in the Commercial Uses section above.
2. Retail establishments including, but not limited to: outdoor sales areas for recreational vehicles, modular and manufactured homes, boats, trailers, heavy equipment, farm implements, etc., and other similar types of retail uses.
3. Customer service establishments, including, but not limited to: rental outlets for trucks and recreational vehicles; transportation facilities such as light rail stations, transportation depots, etc. (truck stops and truck terminals are not allowed); fully enclosed automobile and appliance service and repair shops; commercial parking facilities; small package shipping and delivery services; printing and publishing facilities; and other similar types of consumer service establishments.
4. Limited industrial uses, including, but not limited to: fully enclosed storage facilities; warehouses; facilities for contractors; manufacturing, assembly, processing, and fabrication facilities; food preparation facilities; research and development facilities; scientific laboratories; and other similar types of limited industrial uses.
5. Accessory uses and structures: Any structures or uses that are clearly incidental and subordinate to and are commonly associated with the operation of the principal use on a lot, including residential quarters for guards and caretakers.

~~** Any outdoor storage associated with any of these uses in the portion of the CPA that is (1) located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto, and (2) does not have street frontage along either SH 392 or WCR 23 (a) may not be located in any front yard, (b) must be fully screened within an opaque fence which may not exceed eight (8) feet in height, (c) must be approved by the respective reviewing municipality, and (d) no such storage shall protrude above the top of the respective opaque fence.~~

~~However, for any such use that is located within this portion of the CPA that is located outside of the Commercial Corridor Area as shown on Exhibit A attached hereto but does have street frontage along WCR 23 (a) may not be located in any front yard, (b) must be fully screened within an opaque fence which may not exceed six (6) feet in height, (c) must be approved by the respective reviewing municipality, and (d) no such storage shall protrude above the top of the respective opaque fence.~~

6. Accessory outdoor storage: The total square footage of accessory outdoor storage shall not exceed sixty-five percent (65%) of the total square footage of the property.

Outdoor storage located within any side or rear yard which is adjacent to a public or private street shall utilize screen walls, earth berms, landscaping, opaque fencing and/or a combination thereof to completely screen the storage, and no such storage shall be visible above or between said methods of screening. Any such screen wall or opaque fencing shall not exceed eight feet (8') in height. Chain-link fencing with slats shall not be considered adequate opaque fencing around any side or rear yard which is adjacent to a public or private street.

Outdoor storage located within any front yard which is adjacent to a public or private street shall utilize screen walls, earth berms, landscaping, opaque fencing and/or a combination thereof to completely screen the storage, and no such storage shall be visible above or between said methods of screening. Any such screen wall or opaque fencing shall not exceed six feet (6') in height. Chain-link fencing with slats shall not be considered adequate opaque fencing around any front yard which is adjacent to a public or private street.

Chain-link fencing with slats shall be allowed in all other areas that are not adjacent to either a public or private street, subject to any such fencing not exceeding eight feet (8') in height in any rear or side yard and not exceeding six feet (6') in height in any front yard.

This screening prohibition, however, does not apply to vehicles that are used on a daily basis by the respective business. Additionally, in the event a conflict arises between this fencing regulation and any other fencing regulation which may be outlined in said Exhibit D attached hereto, the more restrictive regulation shall apply.

Additionally, such outdoor storage areas may be surfaced with aggregates or recycled asphalt meeting CDOT Class 5 or 6 aggregate base course gradation, or any subsequent amendments thereto. Such surface materials shall require a plan for perpetual maintenance and dust abatement to be approved by the Engineering Department. However, all areas which are designed to be used for parking of vehicles and all interior drives connecting such parking areas shall be paved with asphalt or concrete. For the purposes of this Section, portions of the aggregate surface outdoor storage area may be utilized for parking of company-owned vehicles with a valid state license

plate upon identification and Town approval of a site plan application. Such areas for parking of company-owned vehicles as identified on the approved site plan shall not be included in the calculation of outdoor storage for the site.

IV. ARCHITECTURAL

A. Developments Within the Commercial Corridor Area:

The following architectural standards and guidelines shall be established as a minimum for development **within the Commercial Corridor Area of the CPA:**

1. Building walls should be subdivided and proportioned to the size of a person, using offsets, projections, overhangs, and recesses, in order to add architectural interest and variety and avoid the effect of a single, massive wall with no relation to human size. (G)
2. Ground floor facades that face streets or public walkways must be modulated with animating features such as windows, entrance areas, arcades, porches, pilasters, awnings, recessed or projecting display windows, and/or trellised vines along no less than 50% of the facade. (S)
3. No blank wall that faces a public street or walkway shall exceed fifty (50) feet in length. (S)
4. The predominant portion of any building shall not exceed thirty (30) feet in height. Ornamental architectural elements or appurtenances such as clock towers or cupolas shall not exceed forty (40) feet in height. (S)
5. Sloped "residential" type roofs over building masses and at covered walkways are encouraged. (G) Where roofs are sloped, roofs shall slope at a minimum of 5 in 12. (S)
6. elements that add interest to roofs such as dormers, cupolas, clock towers, and other similar elements are encouraged. (G)
7. Flat rooflines should be avoided on low one story buildings, and where utilized on taller buildings they should feature a three dimensional cornice treatment on all walls facing streets or public walkways. (G)
8. A relatively wide variety of building materials shall be permitted. However, it is intended that a basic harmony of architecture prevail.(G)
9. Building materials should consist of textured unit masonry such as brick, stone and architectural grade concrete masonry units, as well as wood siding,

used in repeating patterns throughout the building fabric of the area as much as possible. (G)

10. Any materials other than those encouraged in #9 above, if used, should be used as integral parts of the overall building fabric in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements and materials to cast shadows. (G)
11. Metal siding panels shall be prohibited on prominent facades **that face streets or public walkways**, and only architectural grade metal panels will be allowed on non-prominent facades. Vertical ribbed metal siding panels shall be prohibited. (S)
12. Predominate exterior colors shall be of low reflectance, muted, neutral or earth tone colors. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated. (S)
13. Mechanical equipment and service functions associated with a building must be incorporated into the overall design theme of the **building** and the landscape so that these functions are screened from view from public ways and adjacent properties, (S)
14. Wherever possible, conduits, meters and vents which are visible on buildings should be painted to match the respective building surfaces. (G)
15. Fully-enclosed trash enclosures constructed with building materials and colors to match the principal buildings on the site shall be provided. (S)

B. Developments Outside of the Commercial Corridor Area:

The following architectural standards and guidelines shall be established as a minimum for development not located within the Commercial Corridor Area of the CPA:

1. Building walls should be ~~subdivided and proportioned to the size of a person, using offsets, projections, overhangs, and recesses, in order~~ **designed so as** to add architectural interest to the façade. ~~and variety and avoid the effect of a single, massive wall with no relation to human size.~~ (G)
2. ~~Ground floor facades that face streets or public walkways must be modulated with animating features such as windows, entrance areas, arcades, porches, pilasters, awnings, recessed or projecting display windows, and/or trellised vines along no less than 50% of the façade.~~ (S)
3. No blank wall that faces a public street or walkway shall exceed fifty (50) feet in length. (S)

4. The predominant portion of any building shall not exceed thirty (30) feet in height. Ornamental architectural elements or appurtenances such as clock towers or cupolas shall not exceed forty (40) feet in height. (S)
5. ~~Sloped "residential" type roofs over building masses and at covered walkways are encouraged. (G) Where roofs are sloped, roofs shall slope at a minimum of 5 in 12. (S)~~
6. ~~Architectural elements that add interest to roofs such as dormers, cupolas, clock towers, and other similar elements are encouraged. (G)~~
7. ~~Flat rooflines should be avoided on low one story buildings. (S) and where utilized on taller buildings they should feature a three dimensional cornice treatment on all walls facing streets or public walkways. (G)~~
8. A relatively wide variety of building materials shall be permitted. However, it is intended that a basic harmony of architecture prevail. (G)
9. Building materials ~~should consist~~ **consisting** of textured unit masonry such as brick, stone and architectural grade concrete masonry units, as well as wood siding, used in repeating patterns throughout the building fabric are encouraged. (G)
10. ~~Any materials other than those encouraged in #9 above, if used, should be used as integral parts of the overall building fabric in repeating modules, proportioned both horizontally and vertically to relate to human scale, and with enough depth at joints between architectural elements and materials to cast shadows. (G)~~
11. ~~Predominate exterior colors shall be of low reflectance, muted, neutral or earth tone colors. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated. (S)~~ **Architectural grade metal panels will be allowed on prominent facades that face streets or public walkways, subject to a textured masonry wainscoting with a minimum profile of four inches (4") being applied to all such prominent facades. Any such textured masonry wainscoting shall (a) be a minimum of four feet (4') in height and shall be applied to the entire length of all such prominent facades, (b) consist of textured unit masonry such as brick, stone, or architectural grade concrete masonry units, and (c) wrap around the corners of all ends of all such prominent facades for a minimum distance of ten feet (10'). Other grades of metal siding panels shall be allowed on non-prominent facades, and except as otherwise specified above, the application of wainscoting on non-prominent facades is optional. (S)**
12. Predominate exterior colors shall be of low reflectance, muted, neutral or earth tone colors. Other colors may be used for accent or to emphasize focal areas provided that they are sensitively integrated. (S)

13. Mechanical equipment and service functions associated with a building must be incorporated into the overall design theme of the ~~building~~ **building** and the landscape so that these functions are screened from view from **streets and public walkways.** ~~public ways and adjacent properties.~~ (S)
14. Wherever possible, conduits, meters and vents which are visible on buildings should be painted to match the respective building surfaces. (G)
15. Fully-enclosed trash enclosures constructed with building materials and colors to match the principal buildings on the site shall be provided. (S)

Landscaping Request:

~~6. Open landscape area on any site shall be twenty percent (20%) or greater. (S)~~

6. Landscaping requirements. All landscaping shall meet the following standards.

Within the Windsor Growth Management Area: All landscaping shall comply with the standards set forth in the Town of Windsor's Tree and Landscape Standards, adopted by Resolution 2006-53 on October 23, 2006 and any subsequent updates thereto. (S)

Within the Severance Growth Management Area: All landscaping shall comply with the Tree and Landscape Standards set forth in Section 6 of the Severance Municipal Code and any subsequent updates thereto. (S)



MEMORANDUM

Date: April 16, 2012
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk
Re: Town Board logistics
Item #: Work Session - 4

Background / Discussion:

After the April municipal elections, the Town Board is required to appoint a Mayor Pro-Tem, choose liaisons for advisory boards and also determine the dias seating arrangement. Pursuant to the Town of Windsor Charter and Municipal Code, appointments are required to be made for the position of Mayor Pro-Tem and for liaisons to the various advisory boards established and supported by the Town of Windsor. These appointments will be on the April 28, 2014 Town Board agenda for consideration.

Mayor Pro-Tem - At the April 28, 2014 regular meeting, the Mayor Pro-Tem is to be appointed by a two-thirds vote of all the Town Board members in office. The Mayor Pro-Tem performs the responsibilities of the Mayor when the Mayor is "absent or otherwise unable to serve". The Town of Windsor Charter, § 3.2 (C), requires:

- The Mayor Pro-Tem must be a Town Board member;
- Requires two-third's majority vote of all Town Board members in office for appointment;
- The term for Mayor Pro-Tem is two years.

Boards and Commissions – All, except for the Downtown Development Authority, are non-voting Town Board liaisons. The liaison appointments are either called out in the municipal code or authorized pursuant to intergovernmental agreements or organization bylaws. All appointments are made by the Mayor by proclamation and are two year commitments (2014-2016).

Board of Adjustment: None required.

Downtown Development Authority: 2012-2014 liaison – Kristie Melendez
Meetings held the third Wednesday of each month at 7:30 a.m.

Historic Preservation Commission: 2012-2014 liaison – Robert Bishop-Cotner
Meetings held the second Wednesday of each month at 5:45 p.m.

Housing Authority: 2012-2014 liaison – Jeremy Rose
Meetings held the 3rd Tuesday at 3:00 p.m. at the Century III office, 1027 Walnut Street, Windsor

Parks, Recreation & Culture: 2012-2014 liaison – Myles Baker
Meetings held first Tuesday of each month at 7:00 p.m.

Planning Commission: 2012-2014 liaison - Don Thompson/Alternate Jeremy Rose
Meetings held the first and third Wednesday of each month at 7:00 p.m.

Tree Board: 2012-2014 liaison – Don Thompson

Meetings held the fourth Tuesday of each month at 5:00 p.m.

Water & Sewer Board: 2012-2014 liaison – Jeremy Rose

Meetings held the second Wednesday of even numbered months at 6:30 a.m.

Cache la Poudre Trail Board: 2012-2014 liaison – Ivan Adams/Alternate Myles Baker

Meetings held the first Thursday of each month at 7:00 a.m. at 1100 10th Street, 4th floor conference room, Greeley

Chamber of Commerce: 2012-2014 liaison – Kristie Melendez

Meetings held the first Wednesday of each month at 7:00 am at the Egg & I, 1205 Main Street, Windsor

Clearview Library District: 2012-2014 liaison – Robert Bishop-Cotner

Meetings held the last Thursday of the month at 5:30 p.m. at the Windsor/Severance Library

Great Western Trail Authority: 2012-2014 liaison – Don Thompson

Meetings held the third Wednesday of each month at 5 p.m. at the Old Severance Town Hall

North Front Range MPO: 2012-2014 liaison – John Vazquez/Alternate Kristie Melendez

Meetings held the first Thursday of each month at 6 p.m. – meeting locations vary

Student Advisory Leadership Team (SALT): 2012-2014 liaison – Ivan Adams

Recommendation:

- Discuss appointment of Mayor Pro-Tem
- Assign 2014-2016 advisory board/commission liaisons
- Determine dias seating assignments

Attachments:

None.



FUTURE TOWN BOARD MEETINGS

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

April 28, 2014 6:00 p.m.	Town Board Work Session Update from Colorado Municipal League – Sam Mamet, Director Parks/Public Works Space Needs Study
April 28, 2014 7:00 p.m.	Town Board Meeting
May 5, 2014 3:00 p.m.	Town Board Work Session Strategic Planning Windsong Estate, 2901 Saddler Boulevard, Fort Collins, CO
May 12, 2014 5:30 p.m./1st floor conference room	Board/Manager/Attorney Monthly Meeting
May 12, 2014 7:00 p.m.	Town Board Meeting Kern Board Meeting
May 19, 2014 5:30 p.m.	Town Board Work Session Strategic Planning
May 26, 2014	Memorial Day – Meeting Cancelled
June 2, 2014 6:00 p.m.	Town Board Work Session
June 9, 2014 5:30 p.m./1st floor conference room	Board/Manager/Attorney Monthly Meeting
June 9, 2014 7:00 p.m.	Town Board Meeting
June 16, 2014 6:00 p.m.	Town Board Work Session
June 23, 2014 6:00 p.m.	Town Board Work Session
June 23, 2014 7:00 p.m.	Town Board Meeting
June 30, 2014	Fifth Monday
July 7, 2014 6:00 p.m.	Town Board Work Session
July 14, 2014 5:30 p.m./1 st floor conference room	Board/Manager/Attorney Monthly Meeting
July 14, 2014 7:00 p.m.	Town Board Meeting

July 21, 2014
6:00 p.m. Town Board Work Session

July 28, 2014
6:00 p.m. Town Board Work Session

July 28, 2014
7:00 p.m. Town Board Meeting

Additional Events

April 22, 2014 Chamber of Commerce Annual Dinner - Attending: Vazquez, Melendez, Morgan,
I. Adams, R. Bishop-Cotner

April 29, 2014 Advisory Board Appreciation Dinner - Attending: Vazquez, Melendez, Bishop-
Cotner, Morgan, Adams

May 12, 2014 Recognition of outgoing Town Board Member Don Thompson

May 15, 2014 CML Spring Outreach – Loveland - Attending: Adams

June 17-20, 2014 Colorado Municipal League Annual Conference – Breckenridge, CO

Future Work Session Topics

Assessment of park improvement fees

Review of Town Board compensation