



TOWN BOARD REGULAR MEETING
November 23, 2015 - 7:00 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.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
4. Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
 - Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
 - Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
 - Town Board Member Rose – Clearview Library Board
 - Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
 - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
 - Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO

5. Invited to be Heard

Individuals wishing to participate in Public Invited to be Heard (non-agenda item) are requested to sign up on the form provided in the foyer of the Town Board Chambers. When you are recognized, step to the podium, state your name and address then speak to the Town Board.

Individuals wishing to speak during the Public Invited to be Heard or during Public Hearing proceedings are encouraged to be prepared and individuals will be limited to three (3) minutes. Written comments are welcome and should be given to the Deputy Town Clerk prior to the start of the meeting.

B. CONSENT CALENDAR

1. Minutes of the November 9, 2015 Regular Town Board Meeting – K. Eucker
2. Advisory Board Appointments - P. Garcia
3. Resolution No. 2015-68 - A Resolution of Support for the Town's Efforts in Seeking a Grant From the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Funds for the Purpose of Building a Public Works Service Facility - K. Unger
4. Resolution No. 2015-69 – A Resolution Vacating a Portion of the 10 Foot Utility and Drainage Easement Located at the East Property Line of 701 Automation Drive – P. Hornbeck

C. BOARD ACTION

1. Long Form Grant Request – Windsor-Severance Historical Society
 - Presentation: Sandy Brug

2. Ordinance No. 2015-1512 – An Ordinance Amending Section 16-27-70 of the *Windsor Municipal Code* and Adopting the New Digitized Weld County Flood Insurance Rate Maps and Flood Insurance Study Pertaining to the Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor
 - Second reading
 - Legislative action
 - Staff presentation: Dennis Wagner, Director of Engineering

3. Public Hearing – Ordinance No. 2015-1513 - An Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein – Patrick McMeekin, Vima Partners, LLC
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

4. Ordinance No. 2015-1513 - An Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein – Patrick McMeekin, Vima Partners, LLC
 - First reading
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

5. Resolution No. 2015-70 - A Resolution Approving the First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed Raindance Development
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

6. Resolution No. 2015-71 - A Resolution Approving an Agreement for Reallocation of Sanitary Sewer Capacity Units by, between, and among the Town of Windsor, Trollco, Inc., Vima Partners, LLC, and Raindance Aquatic Investments, LLC
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney

7. Public Hearing – Ordinance No. 2015-1514 - An Ordinance Pursuant to Chapter 16, Article XXIII of the *Windsor Municipal Code* Approving the Raindance Planned Unit Development Within the Town of Windsor – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant’s representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner

8. Ordinance No. 2015-1514 - An Ordinance Pursuant to Chapter 16, Article XXIII of the *Windsor Municipal Code* Approving the RainDance Planned Unit Development Within the Town of Windsor – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant’s representative
 - First reading
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner
9. Resolution No. 2015-72 - A Resolution Approving an Agreement by, between and among the Town Of Windsor, Raindance Aquatic Investments, LLC, and William F. Larrick, Inc., with Respect to the Planned Unit Development Known as “Raindance”
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney
10. Resolution No. 2015-73 - A Resolution Approving an Amended Master Plan for Property Within the Windsor Highlands Annexation No. 2, Raindance River Annexation and Windsor Highlands Annexation No. 1, Formerly Known As “Water Valley West”, Which Property Shall Henceforth be Known as “Raindance” – Martin Lind, Raindance Aquatic Investments, LLC, applicant/Mitch Black, Norris Design, applicant’s representative
 - Quasi-judicial action
 - Staff presentation: Paul Hornbeck, Associate Planner
11. Resolution No. 2015-74 – A Resolution of Support for the use of Larimer County Mill Levy Funds for Interstate 25 (I-25) Improvements
 - Legislative action
 - Staff presentation: Kelly Arnold, Town Manager
12. Public Hearing 2016 Budget
 - Legislative action
 - Staff presentation: Dean Moyer, Director of Finance
13. Resolution No. 2015-75 - A Resolution Summarizing Expenditures And Revenues For Each Fund, And Adopting A Budget For The Town Of Windsor, Colorado, For The Calendar Year Beginning On The First Day Of January, 2016, And Ending On The Last Day Of December, 2016, And Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amount And For The Purpose As Set Forth Below, For The Town Of Windsor, Colorado, For The 2016 Budget Year
 - Legislative action
 - Staff presentation: Dean Moyer, Director of Finance
14. Resolution No. 2015-76 - A Resolution Levying General Property Taxes For The Taxable Year 2015 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2016 Budget Year (Weld County)
 - Legislative action
 - Staff presentation: Dean Moyer, Director of Finance

15. Resolution No. 2015-77 - A Resolution Levying General Property Taxes For The Taxable Year 2015 To Help Defray The Costs Of Government For The Town Of Windsor, Colorado, For The 2016 Budget Year (Larimer County)

- Legislative action
- Staff presentation: Dean Moyer, Director of Finance

16. Resolution No. 2015-78 - A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2016 Windsor Downtown Development Authority Budget; Making Annual Appropriations for the Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2015; and Fixing the Mill Levy for the Windsor DDA District for the Fiscal Year Ending December 31, 2016

- Legislative action
- Staff presentation: Patti Garcia, Town Clerk/Assistant to Town Manager

D. COMMUNICATIONS

1. Communications from the Town Attorney
2. Communications from Town Staff
3. Communications from the Town Manager
4. Communications from Town Board Members

E. EXECUTIVE SESSION

An executive session pursuant to C.R.S. § 24-6-402 (4) (b) to confer with the Town Attorney for the purposes of receiving legal advice on specific legal questions concerning Raindance Conservation Easement (Ian D. McCargar)

F. ADJOURN



TOWN BOARD REGULAR MEETING
November 9, 2015 - 7:00 P.M.
Town Board Chambers
301 Walnut Street, Windsor, CO 80550

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MINUTES

A. CALL TO ORDER

Mayor Vazquez called the regular meeting to order at 7:04 p.m.

- | | | |
|--------------|---------------|----------------------|
| 1. Roll Call | Mayor | John Vazquez |
| | Mayor Pro Tem | Myles Baker |
| | | Christian Morgan |
| | | Jeremy Rose |
| | | Kristie Melendez |
| | | Robert Bishop-Cotner |
| | | Ivan Adams |

Also Present:	Town Manager	Kelly Arnold
	Town Attorney	Ian McCargar
	Town Clerk/Assistant to Town Manager	Patti Garcia
	Communications/Assistant to Town Manager	Kelly Unger
	Chief of Police	John Michaels
	Director of Planning	Scott Ballstadt
	Director of Finance	Dean Moyer
	Director of Parks, Recreation and Culture	Eric Lucas
	Budget Analyst	Vicki Miller
	Director of Public Works	Terry Walker
	Director of Engineering	Dennis Wagner
	Manager of Parks and Open Space	Wade Willis
	Assistant Town Attorney/ Town Prosecutor	Kim Emil

2. Pledge of Allegiance
Town Board Member Bishop-Cotner led the Pledge of Allegiance
3. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration by the Board
Town Board Member Melendez motioned to approve the agenda as presented. Town Board Member Bishop-Cotner seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.
4. Board Liaison Reports
 - Mayor Pro Tem Baker – Water & Sewer Board; North Front Range/MPO alternate
Mayor Pro Tem Baker had no report on the Water & Sewer Board.
Mr. Baker reported the MPO met last Thursday and there was a presentation by Mark Fenton. Mr. Fenton talked about the importance of complete roads and amenities available

- for walking and bicycling because of the collation between the decline of walking and the increase in childhood obesity. The one board action item was to increase the VanGo fare by 1% in an effort to get the program closer to being self-sufficient.
- Town Board Member Morgan – Parks, Recreation & Culture; Great Western Trail Authority
Town Board Member Morgan reported the Parks, Recreation and Culture board was presented with a financial overview from Mr. Moyer. Mr. Willis presented a master plan of Eastman Park South and the concepts are available online for viewing.
Mr. Morgan also reported the Great West Trail Authority was nominated for the 16 In 16 award which is the Governor’s plan to complete 16 trails in 2016. This award could also include \$200,000.
 - Town Board Member Melendez – Downtown Development Authority; Chamber of Commerce
Town Board Member Melendez reported the DDA will meet next Wednesday morning but the hiring committee has selected an executive director for the DDA. Once the contract is finalized the announcement will be made.
Ms. Melendez reported the Chamber of Commerce After Hours event is tomorrow evening at Manwieler Appliance. The Chamber is having a Board of Directors election currently with 5 board seats open. Also, the Chamber is preparing for a board retreat which will include evaluating the mission statement and marketing membership. The Town of Windsor, Chamber of Commerce and the DDA are preparing for Windsor Wonderland scheduled for December 5th.
 - Town Board Member Rose – Clearview Library Board
Town Board Member Rose reported discussion was centered on the potential of a new library including the location and financing options. The budget is prepared and will be presented on Thursday.
 - Town Board Member Bishop-Cotner – Historic Preservation Commission; Planning Commission
Town Board Member Bishop-Cotner had no report.
 - Town Board Member Adams – Tree Board; Poudre River Trail Corridor Board
Town Board Member Adams reported Mr. Lucas attend the Tree Board meeting and discussed plans for the town and what his ideas were for the tree board.
The two host schools chosen for Arbor Day 2016 are Tozar Primary and Mountain View Elementary. The 5k and tree sale are scheduled for April 16, 2016.
Mr. Adams reported the Poudre River Trail Board Volunteer Recognition will be November 18th from 5:30-7:30.
 - Mayor Vazquez – Windsor Housing Authority; North Front Range/MPO
Mayor Vazquez had no report.
5. Weld County Adoption Day Proclamation
Mayor Vazquez read the proclamation.
 6. Mayor Vazquez recognized Windsor Town Manager Kelly Arnold for his 30 years of service to municipal government and presented Mr. Arnold with a gift prepared by staff.
 7. Invited to be Heard
Mayor Vazquez opened the meeting for public comment to which there was none.

B. CONSENT CALENDAR

1. Minutes of the October 26, 2015 Regular Town Board Meeting – K. Eucker
2. Resolution No. 2015-67 - A Resolution Approving One No-Surface-Occupancy Oil and Gas Lease, and Related Terms, between the Town of Windsor, Colorado, and Grizzly Petroleum Company, LLC, and Authorizing the Mayor to Execute the same (one small parcel of land totaling 1.07 NET MINERAL ACRES, all in Section 29, Township 6 North, Range 67 West, in Weld County, Town of Windsor) – I. McCargar/K. Emil
3. Report of Bills for October 2015 - D. Moyer

Town Board Member Melendez stated a correction to the minutes needed to be made as a date was incorrect. In the minutes it stated the DDA was conducting interviews on November 5, 2015 and it was actually November 6, 2015.

Town Board Member Adams motioned to approve the consent calendar as amended; Mayor Pro Tem Baker seconded the motion. Roll call on the vote resulted as follows: Yeas –Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

C. BOARD ACTION

1. Update on Boardwalk Park Band Shell/Pavilion Project
 - Staff presentation: Eric Lucas, Director of Parks, Recreation & Culture

Manager of Parks and Open Space Wade Willis introduced Bob Walsh from Root House Design. Mr. Walsh provided a concept design for the Band Shell / Shelter for Boardwalk Park.

Mr. Walsh provided slides and an explanation of the improvements to the vendor section which will include access for food trucks with a rolled curb and gutter. The entry area of the park will include decorative pavement, ornamental trees and flower beds.

Mr. Walsh stated the goal for this project was to maximize the capacity for the concert venues without blocking the views of the lake; structures with very low profiles. Because of modern acoustics, the traditional band shell shape is not necessary. The band shell presented has a wave roof configuration, able to be customizable with town logos at a size of 40'X30'. Also being discussed was if the stage area in front of the existing location was necessary as a lot of individuals dance in the grass. This particular stage is centered on the existing picnic pavilion area making this site wheelchair accessible. Parking spaces will be available at the back of the stage for musicians and bands to load and unload equipment. Ideally once the folks got loaded and set up they would move vehicles to keep the back open for most concerts. The sidewalk will be extended out for the public to walk around when the vehicles are parked behind the stage. Also the stage would be slightly elevated to avoid drainage issues. A geotechnical report is being completed to determine the final height of the stage.

Mr. Vazquez inquired about the parking spacing at 23 feet, if there were a pick-up truck for example, that could easily take up 20 feet so that will leave 3 feet for a walk way. With the edge and sand that could be difficult for individuals in wheelchairs. Mr. Vazquez recommended

maybe extending the sidewalk or a policy for individuals with long vehicles they may have to parallel park.

Mr. Walsh stated another design element include anchors to hang speakers as it was recommended to forgo a permanent sound system. The area on the top front of the stage is available to display the town logo and can be changed out if the need arises. Landscaping will surround the stage as well.

Mr. Vazquez inquired about the security of any lighting and the speakers.

Mr. Willis stated the speakers will be put up and taken down for concerts.

Mr. Willis stated if lighting is put in for shows it will be vandal resistant. The summer concerts don't usually require any lighting.

Mr. Walsh stated there are options for hanging some type of retractable screen from the back for theatrical performances as well.

Ms. Melendez inquired if images could also be displayed on the screen.

Mr. Walsh stated that is possible.

Ms. Melendez inquired about the flowering beds and the maintenance side of them and if the existing trees would be removed.

Mr. Walsh stated the existing trees have been in place for about six years so they are the right size that a spade could be brought in and the trees be transplanted to a different location.

Ms. Melendez inquired if they will be reused in this current location.

Mr. Walsh stated the trees would be reduced from five to two trees.

Mr. Vazquez inquired if the trees could be moved to a different location.

Mr. Willis stated they absolutely could be.

Ms. Melendez inquired what that would do to the current budget since the project is currently under budget.

Mr. Walsh stated the project would still come in under budget.

Ms. Melendez inquired what the budget is for the project.

Mr. Willis stated \$500,000 is currently reflected in the budget and this scope is within that amount.

Mr. Walsh stated the project is well under the budget. The band shell was actually cheaper and the vendor row increased due to removing the curb, moving trees and going with a wider walkway.

Ms. Melendez inquired how far under budget the project is.

Mr. Walsh stated the project is at \$380,000 as of now.

Ms. Melendez inquired if that included everything that is being presented tonight.

Mr. Walsh stated that includes everything.

Mr. Adams inquired if there are funds available; why not put a stage on the ground in front of the band shell for people to be able to dance on.

Mr. Baker stated he agreed with Mr. Adams.

Mr. Baker inquired how many food trucks vendor row will accommodate.

Mr. Walsh stated it will accommodate 3 food trucks on the north side of vendor row.

Mr. Morgan inquired if they will park in the grass.

Mr. Walsh stated there will be a rolled curb which takes a six inch curb down to about four inches for convenience to pull into the grass and back out.

Mr. Adams inquired if a stage area would distract from the plans being presented.

Mr. Walsh stated it would not.

Mr. Vazquez commented about the walkway between vendor row and the concession stand, and suggested widening that walkway as that is where lines will form for the restrooms.

Mr. Arnold inquired as to what the next step would be.

Mr. Willis stated if the Town Board is comfortable with the way the project design is progressing; construction documents will begin and put out for bid.

Mr. Vazquez commented the landscape area is a crescent shape on the east side, could a crescent shape of concrete in some form of design encompass the west side. This will provide landscaping on one side and a dance area on the other.

Ms. Melendez stated she did not recall the budget for this project being so expensive. When the scenarios were presented were two that were \$500,000 and the least expensive one that was chosen was way less than \$500,000.

Mr. Walsh stated that might be because the initial cost estimate included the plaza area in front of the fire museum.

Ms. Melendez stated there were three scenarios presented and the one chosen was the least expensive of the three.

Mr. Willis apologized as that information was not available at the moment.

Mr. Walsh stated the cost estimate dated June 2, 2015 was the vendor row area was at \$9,000 as it was just an entry way has increased to \$72,000 with the improvements and the band shell went down from \$191,000 to \$153,000.

Ms. Melendez inquired as to what the other options were as there were three scenarios.

Mr. Walsh stated the performance stage as the initial concept 1 was \$191,000 and now it is \$153,000. The big expense is now vendor row.

Mr. Vazquez stated there may be confusion because the cost should be around \$200,000 and not \$385,000.

Mr. Willis stated the concept presented at the board retreat was around \$500,000 and right now the project is around \$385,000.

Mr. Arnold stated it sounds like we need to get the proposal that we talked about previously, assess the costs and make sure that is what the board wants to spend on the project.

Ms. Melendez stated she recalled a budget of around \$200,000.

Mr. Bishop-Cotner stated he recalled the project being close to \$200,000.

Mr. Walsh stated in the initial cost that also included a line item for design and construction which are not in the cost estimate now.

Mr. Arnold inquired about the plaza and how much was that will cost.

Mr. Willis did not have that information but will look into it.

Mr. Vazquez stated he feels there needs to be an itemized breakdown of expenses.

Mr. Morgan suggested looking at the numbers that were being contemplated before.

Ms. Melendez stated more detail is needed on what was presented previously.

Mr. Adams stated there was a lot of discussion around this subject but believed the main focus was on the band shell itself and does not remember discussion around sound and lighting.

Mr. Arnold stated the expansion on this project has been vendor row but is that something that the board really wants. A comparison of what was previously presented to what is being presented tonight can be made in a couple weeks and see where the project is at. The band shell is a piece that can be addressed now and then discuss the remainder of the project at a later date.

Mr. Bishop-Cotner stated even in the packet it shows no numbers.

Mr. Adams inquired if there was a time crunch on the project.

Mr. Arnold stated if we move forward with the band shell, we are still within the realm of that.

Mr. Walsh stated that has the biggest lead time.

Mr. Arnold inquired if the board liked the band shell piece.

Mr. Melendez stated she liked the band shell.

Mr. Arnold suggested working on a final design for the band shell and come back together to decide what to do with the rest of the project.

Mr. Bishop-Cotner inquired if the plaza would go where the concrete slab is currently.

Mr. Arnold stated that it would.

Mr. Vazquez stated he would like to see the band shell as the core project and the other pieces as alternate add-ons.

Mr. Arnold confirmed with the board to move forward with the design of the band shell while work is being done on the other components of the project and what the cost of those might be.

Mr. Arnold inquired what the cost of the band shell will be.

Mr. Walsh stated it was \$153,000.

Mr. Vazquez inquired as to the timing of the project.

Mr. Arnold stated the goal is to completion by the summer.

2. Ordinance No. 2015-1510 - An Ordinance Repealing Section 16-9-190 of the Windsor Municipal Code Concerning Permit Requirements for Temporary Advertising Intended to Promote Residential Development
 - Second Reading
 - Legislative Action
 - Staff presentation: Ian D. McCargar, Town Attorney

Town Board Member Melendez motioned to approve Ordinance No. 2015-1510 - An Ordinance Repealing Section 16-9-190 of the Windsor Municipal Code Concerning Permit Requirements for Temporary Advertising Intended to Promote Residential Development; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney Ian McCargar stated the ordinance being presented on second reading is Repealing Section 16-9-190 of the *Windsor Municipal Code* concerning permit requirements for temporary advertising intended to promote residential development. Code Section 16-9-190 was added during the economic downturn to facilitate lagging residential lot sales. Staff has requested an appropriation to fund a full-scale review of the Town's land use code in 2016 and 2017, which will give the town the opportunity to examine sign regulations as a whole. There have been no changes to the ordinance since first reading.

Mr. Baker inquired what the requirements would be for the signs.

Mr. McCargar stated the authority will be on the property owner over the location of signs. The town will not regulate based on the fact that it advertises residential lots; what will be regulated is where the sign is located, is it a nuisance and is the material durable; the kind of things that would not be content based.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

3. Ordinance No. 2015-1511 - An Ordinance of The Town Board of the Town of Windsor, Colorado, Approving a Consolidated Service Plan for the East Fossil Creek Ranch Metropolitan District Nos.

1-2 and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts

- Second Reading
- Legislative Action
- Staff presentation: Ian D. McCargar, Town Attorney; James Mock, Special Metropolitan District Counsel

Town Board Member Adams motioned to approve Ordinance No. 2015-1511 - An Ordinance of The Town Board of the Town of Windsor, Colorado, Approving a Consolidated Service Plan for the East Fossil Creek Ranch Metropolitan District Nos. 1-2 and Authorizing the Execution of an Intergovernmental Agreement Between the Town and the Districts; Town Board Member Bishop-Cotner seconded the motion.

Town Attorney Ian McCargar stated this is second reading of an ordinance presented previously. The proposed service plan matches up closely with the model service plan that was approved earlier this year. Mr. Mock has recommended approval on second reading. Staff also recommends the ordinance be adopted on second reading.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

4. Ordinance No. 2015-1512 – An Ordinance Amending Section 16-27-70 of the Windsor Municipal Code and Adopting the New Digitized Weld County Flood Insurance Rate Maps and Flood Insurance Study Pertaining to the Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor

- First Reading
- Legislative Action
- Staff presentation: Dennis Wagner, Director of Engineering

Town Board Member Melendez motioned to approve Ordinance No. 2015-1512 – An Ordinance Amending Section 16-27-70 of the Windsor Municipal Code and Adopting the New Digitized Weld County Flood Insurance Rate Maps and Flood Insurance Study Pertaining to the Flood Damage Prevention Measures Applicable to Land Use Practices within the Town of Windsor; Town Board Member Bishop-Cotner seconded the motion.

Director of Engineering Dennis Wagner stated this ordinance will amend the section of the code that reference the town's flood insurance maps. The paper maps have been utilized since 1991. Over a decade ago FEMA launched a project to electronically digitize all Flood Insurance Rate Maps (FIRM) across the country. The DFIRM product is a GIS based map produced from converting existing manually produced FIRM panels into a digital format. The intent of the DFIRM is to digitize existing mapping, not to restudy the floodplain. Putting the FIRM maps into the DFIRM format will allow a number of possibilities to link to other important data in a GIS format.

Mr. Vazquez inquired if the new FEMA GIS system would include all map revisions to date.

Mr. Wagner stated if they were approved by FEMA they would be reflected on digital maps. A study is currently being conducted on a portion of the Poudre River to update the digital maps.

Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays- None; Motion passed.

5. 2016 Budget Update

- Staff Presentation: Dean Moyer, Director of Finance

Director of Finance Dean Moyer stated the budget retreat was on October 10, 2015 and there were some line items the board requested a follow up on. The next Town Board meeting on November 23, 2015 will be the budget hearing and adoption.

- Request for funding from school district- \$150,000 has been added to the Capital Improvement Fund
- Development of parcel at 15th and Walnut- \$100,000 has been added to the Capital Improvement Fund
- Seasonal and part-time pay- \$63,000 in wages has been added to the General Fund to attract more seasonal and part time employees
- Water line replacement- Cost estimate on replacement of 16" water line at Riverbend was reduced from \$1.2 million to \$798,000
- Economic Development Fund- Fund will balance at the end of 2016 to be \$200,000
- New Cache storm water master plan- \$75,000 for overflow improvements for better functionality under flood conditions
- Additional employees for development review process- Three new positions in the Planning and Engineering departments beginning March 1, 2015 would be a cost of \$212,512
- Associate Planners realignment to Senior Planners- Associate Planners have been completing the tasks of Senior Planners per the American Planning Association's job descriptions. Adjusting the wage and job titles from the two Associate Planners to the two Senior Planners would be \$18,476 per year.

Mr. Vazquez inquired about the Economic Development fund coming back to \$200,000.

Mr. Arnold stated his interpretation is that every year there should be \$200,000 plus anything that is committed for that budget year that requires payouts. The Inter Service Fund has around \$30,000 remaining this year so that will be moved into the Economic Development Fund plus adding \$160,000 for a total of \$200,000 and there are no payouts scheduled next year.

Ms. Melendez inquired how flexible are the new positions are that are being created; if the positions get to the point where the workload has significantly decreased, would they be able to absorb other responsibilities.

Mr. Moyer stated the employees will be kept busy as long as possible. As a last resort, positions could be eliminated.

Mr. Arnold stated during the recession the development reviews were dramatically reduced. Staff in the Planning Department was utilized at that time in a wide variety of

projects that needed to be caught up on. If it gets to the point where there would not be enough work to be done, a reduction in staffing would need to happen.

Mr. Vazquez commented that the town should have the resources to accommodate the highest level of service.

Ms. Melendez inquired if the Associate Planners are realigned to Senior Planners, will they be at a top pay scale in that department or where is the elbow room.

Mr. Ballstadt stated in the last 15 years, the Associate Planner position has evolved over time as the town has grown. Gradually more responsibilities and duties have been added to Associate Planners. Years ago Associate Planners were not the liaison to the Board of Adjustment, Planning Commission and the Historic Preservation Commission. They also were not negotiating contracts with development agreements with the town attorney. Another challenge in the Planning Department, if Senior Planner duties are consistently delegated to Associate Planners, eventually they will move on to take a senior level position where they are compensated for senior level work elsewhere. This change would allow us to retain individuals with experience and knowledge of our processes and relationships with the development community. The position will still be in the mid-range.

Mr. Arnold stated essentially it will be a reclassification of the position.

Mr. Vazquez inquired if the new salary will fall into the pay scale.

Mr. Arnold stated a new position is essentially being formed. The Planning Department would consist of a Planning Director, Chief Planner, Senior Planner, Associate Planner, and Planning Technician. If we keep today's role as same, and we have needs in the Planning Department, the next position filled would be an Associate Planner.

Ms. Melendez inquired if there comes a time in the development world where there is nothing to do, we may be forced to reduce staff if they cannot be kept busy.

Mr. Arnold stated that is correct.

Mr. Ballstadt stated however with these positions being existing and already performing the tasks of liaison to other boards and things like that even during the recession, there was not an instance of not being able to keep someone busy.

Mr. Vazquez commented on seeing numerous planners move into other positions elsewhere as they have gained the experience of senior planners with the Town of Windsor.

Ms. Melendez commented that she does not think this shouldn't be done, but if it gets to another place the previous recession, it might not be beneficial to keep them in their positions.

Mr. Arnold stated during the recession the Planning Department, instead of outsourcing we did a lot more design in-house.

Mr. Bishop-Cotner commented that over the last three years, the Associate Planners are more and more visible. Previously, the Director of Planning and the Chief Planner were who was seen but now the Associate Planners are out developing relationships with developers.

Mr. Morgan commented that individuals don't get into government service because they are in direct competition for the same job in the private sector. Expectations of wage compensation for a government position are not the same as the private sector. Mr. Morgan also commented that a reduction in staff has not been done here and it is scary to put people in these positions until there is no work and then let them go.

Mr. Ballstadt commented there was discussion on various options as far as a third party consultant and addition of another staff member instead of promoting current staff. Mr. Ballstadt feels there has been a need for a Planning Technician for a while now as there is no backup in that position.

Mr. Morgan commented that if the job that the Associate Planners are doing is Senior Planner work then the employees should be compensated for that. There was some discussion that the town functions at a mid-range level of pay; rise to the average of what everyone else is doing and that's our top. Promotion from Associate to Senior Planners seems appropriate as that is the work they are already doing.

Mr. Arnold commented the budget process started in June or July with this being Mr. Ballstadt's first budget. A call in is always completed to allow staff to voice what they are needing and at that time neither the Planning Department nor Engineering Department expressed any concerns about needing help. Tonight is essentially the result of everything coming together a little more clear than it was four months ago and being confident to say this is what is needed. The Engineering Technician position is going to be budgeted for but will be monitored for the next couple months as that may not need to happen on March 1st. Everything else that is being proposed would move forward now.

Mr. Vazquez inquired if it truly is a need to provide the level of service that this board has set for an expectation.

Mr. Ballstadt stated he had a big request for a code update in the next couple years and didn't want to appear as though there was overstepping of bounds by asking for additional staff as well as the code but stated the Planning Technician position is something that has been a need for some time just as a customer service perspective. Without a back up to the Planning Technician, it does take some certain time to return phone calls and email.

Ms. Melendez inquired if the \$212,000 is for three positions.

Mr. Moyer stated that is correct.

The Town Board agrees to the modifications to the budget and look forward to the changes in the final budget approval.

D. COMMUNICATIONS

1. Communications from the Town Attorney
None
8. Communications from Town Staff

Ms. Garcia reported on the third quarter update on the strategic plan. There are five items that have not been started yet and one is related to the Comprehensive Plan.

9. Communications from the Town Manager

Mr. Arnold reported the next regular meeting is November 23rd and that will include the budget and a resolution supporting the Larimer County Road and Bridge for mill levy increase and the work session on November 23rd will be cancelled. The work session scheduled for November 16th will include a Board of Adjustment item on the number of individuals allowed for tutoring as the variance expires at the end of the year. Also, a road impact fee lookback will be discussed. The December 28th meeting has been cancelled and nothing is being scheduled for December 21st but items can be scheduled if needed.

The Regional Tourism Act is going well and will have an update in January.

As a reminder town hall will be closed Wednesday, November 11th in observance of Veterans Day.

10. Communications from Town Board Members

Mr. Vazquez reported the legion is having a breakfast on Saturday from 7:00-10:00 a.m.

Ms. Melendez reported a veterans ceremony will be at the high school also.

Mr. Vazquez wanted to extend his gratitude to all veterans.

Mr. Vazquez extended an invitation to join Mr. Arnold and staff at Stuft to celebrate Mr. Arnold's 30 years of service.

E. ADJOURN

Town Board Member Bishop-Cotner motioned to adjourn; Town Board Member Morgan seconded the motion. Roll call on the vote resulted as follows: Yeas – Baker, Morgan, Rose, Melendez, Bishop-Cotner, Adams, Vazquez; Nays – None. Motion passed.

The meeting was adjourned at 8:50 p.m.

Krystal Eucker, Deputy Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk/Assistant to Town Manager
Re: Advisory Board Appointments
Item #: B.2.

Background / Discussion:

On November 16, 2015 Town Board Members Melendez and Adams conducted advisory board interviews. Pursuant to those interviews, the following individuals have been recommended for appointment:

Historic Preservation Commission

Jean Hanson Zuckweiler; 1 full member term expiring March 2017
Dr. Larry Lawrence; 1 alternate member term expiring March 2019

Board of Adjustment

Cindy Scheuerman; 1 term expiring September 2019

Relationship to Strategic Plan:

1.B. Provide opportunities for residents to be involved and informed in town governance and in community service.

Recommendation:

For Town Board consideration.

Attachments:

Applications of those recommended for appointment.



4/16/15
5:15

rec'd 8/19/15

8/28/15
5:45pm

Historic Preservation Commission Application

To be considered a candidate for the Historic Preservation Commission, please complete this application and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 686-7180 or email to pgarcia@windsorgov.com. Application deadlines vary. Late applications will be kept on file for one year for future vacancies.

The Historic Preservation Commission meets on a monthly basis. Commission members may be asked to attend training and educational workshops throughout the year which may require travel to Denver and nearby communities.

Qualifications:

1. Applicant must be a resident of the Town of Windsor.
2. Applicant shall have demonstrated interest, knowledge or training in fields closely related to historic preservation. Preservation disciplines include, but are not limited to, history, architecture, planning and archaeology.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Historic Preservation Commission

Name: Jean Hansen Zuckweiler

Address: 532 Lakewood Ct

Day Phone: 970 396-9899 (C) Night Phone: 970 674-9050 (H)

E-Mail Address: jzuckweiler@earthlink.net

How long have you been a resident in Windsor? 11 years

Current Occupation: Adjunct Faculty Employer: UNC - History Department

Do you currently serve, or have you served previously, on a board or commission, including in the Town of Windsor? If so, please list below:
NO

Why do you want to become a member of this particular board or commission? Interest in learning about the process and issues of historic preservation

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

M.A. History - General interest in preservation

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

None known

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments: Intended to do so over summer; however meetings were cancelled

Are you available and committed to attending meetings? Yes No

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: _____

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature: Jan Hanson Feskewelder Date: 8-18-15



11/16/15
5PM

Rec'd 11/16/15

Choices by preference

- 1) BJA
- 2) PC
- 3) W+D

Historic Preservation Commission Application

To be considered a candidate for the Historic Preservation Commission, please complete this application and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 686-7180 or email to pgarcia@windsorgov.com. Application deadlines vary. Late applications will be kept on file for one year for future vacancies.

The Historic Preservation Commission meets on a monthly basis. Commission members may be asked to attend training and educational workshops throughout the year which may require travel to Denver and nearby communities.

Qualifications:

1. Applicant must be a resident of the Town of Windsor.
2. Applicant shall have demonstrated interest, knowledge or training in fields closely related to historic preservation. Preservation disciplines include, but are not limited to, history, architecture, planning and archaeology.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Historic Preservation (I would be interested in any)

Name: Dr. LARRY V. LAWRENCE

Address: 321 2ND St, Windsor, Co 80550

Day Phone: 970-460-9457 Night Phone: 970-481-8005

E-Mail Address: LarryL033187@gmail.com

How long have you been a resident in Windsor? 27 1/2 years

Current Occupation: Semi-retired Insurance Agent Employer: Security Ins Group - I work from home

Do you currently serve, or have you served previously, on a board or commission, including in the Town of Windsor? If so, please list below:

previously served on Board of Adjustment / Board of Appeals

Why do you want to become a member of this particular board or commission? I think preservation of our history is not only important to the present generation but to future generations as well.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

MBA and PhD in business; a student of history and archaeology;
retired from the Navy; I have owned two businesses of my own.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

NONE

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No

Comments: have attended previous meetings of Town Board +
Historic Preservation Commission

Are you available and committed to attending meetings? Yes No

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: I would be happy
to serve on any of them.

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics

Signature: Larry Lawrence

Date: 09/16/2015



11/16/15
5:30

Rec'd 8/10/15
9/21/15
5:45

Advisory Board/Commission Application

To be considered a candidate for a board or commission, please complete this application and return it to the Town Clerk's Office, 301 Walnut Street, Windsor, CO 80550, fax to (970) 686-7180 or email to pgarcia@windsorgov.com. Application deadlines vary. Late applications will be kept on file for one year for future vacancies.

Qualifications: All positions require residency within the Town of Windsor and some positions require a particular area of experience or vocation.

Additional information can be found on the Town's website under Boards and Commissions or contact the Town Clerk's office at (970) 674-2400.

Candidates will be invited to an interview with the Town Board and appointments are made by the Town Board as a whole.

Name of Board or Commission: Board of Adjustments/Board of Appeals

Name: Cindy Scheuerman

Address: 1498 Silverwood Ct Windsor, CO 80550

Day Phone: 970-590-6864 Night Phone: 970-590-6864

E-Mail Address: cascheuerman@hotmail.com

How long have you been a resident in Windsor? 4.5 years

Current Occupation: Insurance Agent Employer: Self-Employed

Do you currently serve, or have you served previously, on a board or commission? If so, which one(s)?
Board of Adjustments/Board of Appeals

Why do you want to become a member of this particular board or commission? I have enjoyed my time on this board and feel our work is important.

Briefly explain what you believe are the two most important issues facing this board or commission, and how do you believe this board or commission should address each issue?

- 1) As with any board that is charged with basically granting exceptions to the rules, it is a delicate balance to find when of alternates. I think having board members who try to recruit board members within the community as well as having the board act professionally in a manner that represents the town well are important keys to helping resolve the shortage of volunteers this board seems to continually face.
- 2) As with any board that is charged with basically granting exceptions to the rules, it is a delicate balance to find when exceptions are warranted because the spirit of the law and the reality of the particular circumstance don't line up neatly and still maintaining the integrity of the law's intent for the standards of our community. This requires thoughtful decision making and sometimes necessitates making tough decisions that you know are going to upset someone but doing it because it is right.

List any abilities, skills, licenses, certificates, specialized training, or interests you have which are applicable to this board or commission:

My insurance background gives me a lot of insight into potential liability hazards with various property conditions that is helpful with some of the work of this board. I am also just very civic minded in general and believe it is important to be actively involved in helping one's community to be a great place to live.

Please specify any activities which might create a conflict of interest that would prevent you from official action if you should be appointed to this board or commission:

I don't believe I have any other than if I were to have a personal relationship with a particular applicant in which case I would recuse myself from the meeting in which that person's application was being heard.

Have you attended a meeting of the board or commission you are applying to or talked to anyone currently on the board? Yes No
Comments: _____

If not appointed at this time, would you be interested in serving on any other advisory boards or commissions at the Town of Windsor? If so, please list any preferences: I would be interested in looking at the Planning Commission should I not be chosen to serve another term on the BOA.

All applicants are strongly encouraged to attend a regularly scheduled meeting of the board or commission for which they are applying.

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 for assistance.

I certify that all statements on this form are true and complete. I further understand that false statements shall be sufficient cause for rejection of this application or for grounds to apply the penalty provisions of the Code of Ethics.

Signature: Cindy A. Scheuerman Date: 8-8-15



M E M O R A N D U M

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Kelly Unger, Communications/ Assistant to the Town Manager
Re: A Resolution Supporting the Town of Windsor's Efforts at Seeking a Grant From the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Funds for the Purpose of Constructing a New Public Works Service Facility
Item #: B.3.

Background / Discussion:

The Town of Windsor currently occupies two properties in central Windsor that house the departments of Public Works and Parks & Open Space, one building is shared with the Weld RE-4 Windsor/Severance School District. The results of a space needs study concluded that the Town has outgrown its current facility. This facility does not meet the space requirements for the operations necessary to provide a high level of service to the public.

Staff is seeking Town Board support for a \$1 million Tier II Energy Impact Grant from the Department of Local Affairs. The grant is due December 1, 2015. The grant hearing is scheduled for March 2016.

Financial Impact:

Project Costs/Year	2015	2016	2017	Total
Property Acquisition				-
Engineering/Planning				-
Construction		\$ 2,333,000	\$ 8,240,000	\$ 10,573,000
Design	\$ 283,000			\$ 283,000
Total:	\$ 283,000	\$ 2,333,000	\$ 8,240,000	\$ 10,856,000
Grant Funding:				(\$1,000,000)
Total after Grant Funding:				\$ 9,856,000

Relationship to Strategic Plan:

Goal 4: Develop and Maintain Effective Infrastructure

Recommendation:

Staff is recommending Town Board approval of Resolution 2015-68.

Attachments:

Resolution 2015-68

TOWN OF WINDSOR

RESOLUTION NO. 2015-68

A RESOLUTION SUPPORTING THE TOWN OF WINDSOR'S EFFORTS AT SEEKING A GRANT FROM THE COLORADO DEPARTMENT OF LOCAL AFFAIRS ENERGY AND MINERAL IMPACT ASSISTANCE FUNDS FOR THE PURPOSE OF CONSTRUCTING A NEW PUBLIC WORKS SERVICE FACILITY

WHEREAS, the Town of Windsor ("Town") recognizes the need to provide a high level of exceptional public service for its citizens and visitors; and

WHEREAS, the mission of the Public Works Department is to provide cost-effective, safe, reliable and sustainable transportation, facility, and utility systems that promote long-term economic prosperity, social well-being, and exceptional quality of life throughout the Windsor community; and

WHEREAS, the Town currently has outgrown its shared Public Works facility and understands the need to build a new facility on 15th Street to meet the needs of a growing population both now and in the future; and

WHEREAS, the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund ("Fund") is an available source of funding for local governments to address the various impacts of oil and gas exploration activity within Colorado municipalities; and

WHEREAS, the Town wishes to apply for grant assistance from the Fund, in order to construct a new Public Work Service Facility; and

WHEREAS, the proposed new Public Works Service Facility will provide a variety of benefits to the Town, including:

- Enhancing the livability of our community; and
- Providing crucial services that promote a high quality of life in Windsor; and

WHEREAS, the proposed Public Works Service Facility will provide staff with adequate space in the future to promote community vitality, business prosperity, public health, safety, security and environmental quality; and

WHEREAS, the Town Board believes that the Town's efforts to obtain grant funding from the Fund will assist the Town in addressing the impact of oil and gas exploration activity within Weld County and within the Town.

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

1. The Town Board supports the efforts of its administration in securing a grant from the Colorado Department of Local Affairs – Energy and Mineral Impact Assistance Funds for the purpose of planning and constructing a Public Works Service Facility.
2. The Town Board encourages and authorizes the Town Manager to prepare applications and to provide information necessary to secure this and other available grants to facilitate planning and construction of this additional treated water storage tank.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Scott Ballstadt, AICP, Director of Planning
From: Paul Hornbeck, Associate Planner
Subject: Resolution No. 2015-70 – A resolution vacating a portion of the 10 foot utility and drainage easement located at the east property line of Lot 3, Block 2 of Windsor Tech Business Center Subdivision, 701 Automation Drive
Item #: B.4

Background / Discussion:

The applicant and property owner, Windsor Automation, LLC, represented by Mr. Steve Steinbicker, is requesting to vacate 1,200 square feet of the 10-foot wide utility and drainage easement in order to locate mechanical equipment in the area. There are no utilities in the easement and drainage facilities are already in place on the site.

The attached Exhibit A describes and illustrates the easement to be vacated. The Town's Engineering and Public Works Departments have signed the enclosed Exhibit B, disclaiming the Town's interest in the easement, as have the other utility providers.

Fiscal Impact: None

Relationship to Strategic Plan: N/A

Recommendation: Approval of Resolution No. 2015-70

Attachments: Resolution No. 2015-70
Exhibits A & B
Petition to Vacate

pc: Highland Meadows Community Association, applicant
Steve Steinbicker, applicant's representative

PETITION TO VACATE EASEMENT

I, the undersigned, being the owner of the property described as Lot 3, Block 2, Windsor Tech Business Center, Town of Windsor, Weld County, Colorado hereby request that the TOWN OF WINDSOR vacate a portion of the Utility and Drainage Easement located on the easterly portion of the property and shown and described on the attached exhibits and drawings. I request this vacation for the following reasons:

This portion of the easement is not currently being used by a utility;
Drainage facilities are already designed and built on this lot and Lot 2 (to the east) – neither lot is reliant on this easement to convey their drainage;
The area between the existing pavement and the east property line will remain as easement and will continue to abut the 10' easement on Lot 2. In the event that a utility requires a line in this area, adequate easement is still available;
Adjacent properties are already developed, the likelihood that the easement would be used in the future is minimal.

10.23.15

Date



Owner Signature

MICHAEL RAINSBERGER

WINDSOR AUTOMATION LLC
8204 SPANWAKER Bay DRIVE
UNIT B
WINDSOR CO 80528
Mailing Address

TOWN OF WINDSOR

RESOLUTION NO. 2015-69

A RESOLUTION VACATING A PORTION OF THE TEN (10) FOOT UTILITY AND DRAINAGE EASEMENT LOCATED ALONG THE NORTHEASTERN PROPERTY LINE OF LOT 3, BLOCK 2, WINDSOR TECH BUSINESS CENTER SUBDIVISION IN THE TOWN OF WINDSOR, COLORADO

WHEREAS, the Windsor Town Board has received from the affected property owner a petition to vacate a portion of the utility and drainage easement, located on the northeasterly portion of the property, described as Lot 3, Block 2, of the Windsor Tech Business Center Subdivision in the Town of Windsor, Colorado (“Petition”), attached hereto and incorporated herein by this reference as Exhibit “A”; and

WHEREAS, this portion of the easement is not currently being used by a utility; drainage facilities are already in place on both Lots 2 and 3, and neither lot relies upon this easement to convey drainage, thus rendering the need for this easement obsolete; and

WHEREAS, an easement still exists in the area between the existing pavement and the east property line on Lot 3 and it continues to abut the ten (10) foot easement on Lot 2. Should a utility require access in this area, adequate easement is still available; and

WHEREAS, the Town has disclaimed any interest in the future use or continued maintenance of said easement; and

WHEREAS, the Town Board has concluded that the utility and drainage easement which is the subject of the Petition is of no continuing use or benefit to the Town and, therefore, can be vacated without injury to the public interest.

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

1. A portion of the ten (10) foot utility and drainage easement, located along the northeastern property line of Lot 3, Block 2 of the Windsor Tech Business Center Subdivision as shown on the attached Petition is without present or future value to the Town and should be vacated.
2. The Town of Windsor has disclaimed any interest in the future use or continued maintenance of said portion of the utility easement described and outlined in said Petition.
3. The Town hereby vacates the portion of the utility easement described on said Petition.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

"EXHIBIT A"

PROPERTY DESCRIPTION

Easement Vacation Description

A parcel of land previously dedicated for easement purposes, located within Lot 3, Block 2 of Windsor Tech Business Center Subdivision recorded April 13, 1995 as Reception No. 2433992 of the records of Weld County, said Subdivision being situate in the West Half (W1/2) of Section Twenty-two (22), Township Six North (T.6N.), Range Sixty-seven West (R.67W.) of the Sixth Principal Meridian (6th P.M.), Town of Windsor, County of Weld, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast corner of Lot 3, Block 2 of Windsor Tech Business Center Subdivision and assuming the North line of Lot 3, Block 2 as bearing South 89°32'30" West a distance of 250.00 feet with all other bearings contained herein relative thereto;

THENCE South 00°02'41" West along the East line of said Lot 3, Block 2 a distance of 10.00 feet;
THENCE South 89°32'30" West a distance of 5.00 feet to the **POINT OF BEGINNING**;
THENCE South 00°31'41" East a distance of 200.00 feet, said line being approximately 0.9 feet West of the existing top back of curb;
THENCE South 89°36'13" West a distance of 7.00 feet to the Westerly line of an existing Ten foot wide Utility and Drainage Easement as was dedicated within said Windsor Tech Business Center Subdivision Plat;
THENCE North 00°02'41" East along said Westerly easement line a distance of 200.00 feet to the Southerly line of an existing Ten foot wide Utility and Drainage Easement as was dedicated within said Windsor Tech Business Center Subdivision Plat;
THENCE North 89°32'30" East a distance of 5.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 1,200 Square Feet more or less (±).

SURVEYORS STATEMENT

I, Ronnie L. Edwards, a Colorado Licensed Professional Land Surveyor do hereby state that this Parcel Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Ronnie L. Edwards - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38480

KING SURVEYORS
650 Garden Drive
Windsor, Colorado 80550
(970) 686-5011

"EXHIBIT A"

EXHIBIT DRAWING

EXHIBIT (2 of 2)

LOT 3, BLOCK 2
WINDSOR TECH BUSINESS CENTER

GARDEN DRIVE

POINT OF COMMENCEMENT

POINT OF BEGINNING

BASIS OF BEARINGS
S89°32'30"W 250.00'

L6

L1

L2

10' UTILITY & DRAINAGE
EASEMENT

EASEMENT
VACATION
1,200 sq. ft.

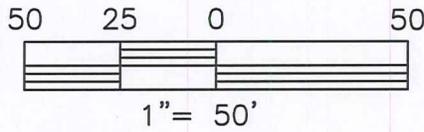
L5

L3

LOT 3, BLOCK 2
WINDSOR TECH BUSINESS
CENTER SUBDIVISION

LOT 2, BLOCK 2
WINDSOR TECH BUSINESS
CENTER SUBDIVISION

AUTOMATION DRIVE



LINE TABLE

LINE	BEARING	LENGTH
L1	S00°02'41"W	10.00'
L2	S89°32'30"W	5.00'
L3	S00°31'41"E	200.00'
L4	S89°36'13"W	7.00'
L5	N00°02'41"E	200.00'
L6	N89°32'30"E	5.00'

10' UTILITY &
DRAINAGE EASEMENT



Ronnie L. Edwards – On Behalf Of King Surveyors
Colorado Licensed Professional
Land Surveyor #38480

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



KING SURVEYORS

650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

PROJECT NO: 2015543
DATE: 8/18/2015
CLIENT: INTERWEST
DWG: 2015543EXH
DRAWN: RLE CHECKED: RLE

EXHIBIT B

The following utility providers hereby disclaim by written acknowledgement any interest in the future use or continued maintenance of the defined portion of the ten (10) foot utility and drainage easement located along the northeastern property line of Lot 3, Block 2, Windsor Tech Business Center Subdivision, also known as 701 Automation Drive, and as described on "Exhibit A, Pages 1 and 2".

Dennis Wagner
Engineering Department, Town of Windsor, Colorado

10-29-2015
Date

Tony Walker
Public Works Department, Town of Windsor, Colorado

10-29-2015
Date

Alan Jones
Xcel Energy

11/9/15
Date

Janet [Signature]
CenturyLink Communications

11/9/15
Date



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk/Assistant to Town Manager
Re: Long Form Grant Request – Windsor/Severance Historical Society
Item #: C.1.

Background / Discussion:

The Windsor/Severance Historical Society has submitted the attached long form grant application requesting \$50,000 to put towards the first payment of the bronze statue which is to be placed at Boardwalk Park.

Staff will provide a breakdown of the balance of the 2015 Outside Agency Fund line item at the November 23, 2015 meeting.

Relationship to Strategic Plan:

Goal 2.B. Promote creative and artistic outlets

Recommendation:

For Town Board consideration.

Attachments:

Letter from Windsor/Severance Historical Society
Windsor/Severance Historical Society Application Form



**The Windsor-Severance
Historical Society Board**
501 Ash Street, Windsor, CO 80550

November 12, 2015

To: Kelly Arnold, Windsor Town Manger

Re: Windsor Town Board outside agency fund request

For more than 25 years, the Windsor Severance Historical Society (WSHS) has strived to promote the history of Windsor and Severance so that future generations will remember and understand our heritage. A heritage that houses a vital link to our everyday lives. We understand that preserving our past—educationally and culturally—is the best way to leave a legacy.

As you are aware we have commissioned a nine-foot bronze monument that will depict the **sugar beet, water and work history** of the local area with prominent placement in Boardwalk Park. The sculptor on our project is 25-year-old local resident Austin Weishel, whose sculpture “Follow Your Heart” is currently housed in front of the Windsor Fire Department. Achieving this monumental project will take the generosity of our entire resident and business community.

While every donation will make a difference in helping us reach the \$150,000 goal, the WSHS board would like the opportunity to go before the town board before the end of the year to formally request a line item in their 2016 outside agency fund budget committing \$50,000 towards this community sculpture project contingent upon the additional \$100,000 raised by the end of next year. \$30,000 has been raised to date and the board is confident that with these matching funds this project can be completed in time for statue delivery to coincide with the completion of the 2017 museum landscaping initiative.

Since the WSHS last spoke to the Town Board we have completed the following to date towards reaching this goal:

- Sent postcards to all 243 of our members and 327 to other friends, family members, and neighbors who have expressed an interest in WSHS.
- Sent a letter to 375 members of the Windsor Chamber of Commerce .
- Sponsored an entry in the Labor Day Harvest Fest Parade.
- Had a booth at the Open Farm at the Von-Trotha Firestien Farm; at Severance Days; and at Main Park on Labor Day weekend.
- Promote the campaign ongoing through our Facebook page and our website.

- Presented our plan at a Severance Town Board meeting.
- Promote through constantly by word-of-mouth through our individual contacts.
- Sent thank you letters to 58 donors to date.

While our current efforts are seeing response, our artist, Austin Weishel, is concerned that the cost of the materials needed to make the statue are rapidly inflating and he has advised us that it would be to our advantage to lock in the project as soon as possible. The commitment from the Town Board would allow us to do this and will avoid having a final cost that is greater than our original goal.

Our continuing plans for fund-raising in 2016 include hosting a history/make a pledge dinner in the spring inviting at least 100-150 key business community stakeholders. The Bank of Colorado-Windsor has kindly agreed to underwrite this event for us. We are also planning to apply for the Poudre Heritage Alliance Grant in the spring and others that may be available and are prepared to hire a grant writer if necessary. Most of the applicable grants require a matching fund component so again this money commitment would enable us to provide that. We will also continue to send letters and speak to potential donors.

We understand that the Town Board will have remaining funds of \$50,000 in their outside agency fund for 2015. Might this discretionary fund be available to help us meet our goal? We would like to formally make this request for that amount at whatever opportunity you deem feasible. We believe if we can secure the funding in the above amount, combined with what we have already raised and hope to raise in the future, this would make it possible to complete our project and provide a beautiful statue and piece of history to the Windsor community.

Please let us know what we can do to further this request and if you need any additional information from us at this point. We thank you for your consideration.

Kindly,

Marge Straube, Sandy Brug and Sue Buxman

Marge Straube, Sandy Brug and Sue Buxman



**Standard (Long) Form Grant Application
Checklist**

Included	Not applicable	
✓		Organizational Summary
✓		Organizational Information
✓		Purpose of Grant
✓		Evaluation
✓		Attachment A – 2014 Annual Budget
✓		Attachment B – Most Recent Year-to-Date Financial Statements
✓		Attachment C – Current Year Balance Sheet
✓		Attachment D – 501(c)(3) Documentation or Articles of Incorporation
✓		Attachment E – Organizational Chart
✓		Attachment F – Board of Directors
		All required information is included in grant application packet



Standard (Long) Form Grant Application

ORGANIZATION NAME: Windsor-Severance Historical Society
MAILING ADDRESS: 501 Ash St., Windsor, CO 80550
PHYSICAL ADDRESS: Christian Church of Windsor, 530 Walnut (meeting place)
ORGANIZATION DIRECTOR/PRESIDENT: Marge Straube
GRANT CONTACT: Sandy Brug
DAYTIME PHONE: 970-686-2122 CELL PHONE: 970-978-6580
FAX: EMAIL: sbrug@live.com
WEBSITE ADDRESS: www.theWSHS.org
FEDERAL IDENTIFICATION NUMBER: 84-1106623
IS THE ORGANIZATION TAX EXEMPT UNDER THE PROVISIONS OF SECTION 501(c)(3) OF THE INTERNAL REVENUE CODE? yes

PURPOSE OF GRANT:

- Agency Support as a whole
Marketing Support
Special Program or Projects
Capital Expenditure
Seed, start-up or development costs
Technical assistance

TYPE OF AGENCY:

- Arts & Culture
Health & Human Services
Education
Environment
Sports/Recreation
Other:

AMOUNT OF REQUEST: \$ 50,000 FISCAL YEAR END: 2015

BRIEF DESCRIPTION OF REQUEST:

The money that is being requested would enable the WSHS to make the first payment toward our total cost of \$150,000 to have a bronze statue sculpted and placed at Boardwalk Park. The contract with our artist specifies that the first \$50,000 will allow him to begin the full sculpting in clay and it will also lock in the price for materials. It will help us to meet the deadline of having the sculpture in place when the re-landscaping of Boardwalk Park is complete in 2017.

2014 Actual Revenues: \$ 7187.13
2015 Budgeted Revenues: \$ 5601.38

2014 Actual Expenses: \$ 2819.79
2015 Budgeted Expenses: \$ 2290.98

MJ Straube
Signature, Director/President

Nov. 19, 2015
Date

I. Complete Organizational Summary.

The Windsor-Severance Historical Society is a non-profit organization. Its members include people born in Windsor as well as those who are new to the community. Anyone who has an interest in learning more about the Town and the surrounding area as well as those who are interested in preserving our local history are welcome to join. Many of the members are people who are interested in finding ways to give back to the community.

II. Organizational Information

a. Describe the mission of the organization and briefly outline the organization's goals.

The Windsor-Severance Historical Society's mission is to preserve Windsor and Severance past for the future.

Our major goal currently is to complete the funding and creation of a bronze statue that memorializes the people who have made Windsor culturally significant and that thanks the many volunteers who saved the historic buildings at Boardwalk Park and who started the Museum complex and founded the WSHS. We want to continue telling the story of the importance of agriculture, water, families, and immigration in the history of the Town, and, hopefully, begin a tradition of art in public places in Windsor.

b. Briefly describe the history of the organization. Include the year it was established.

The Windsor-Severance Historical Society is a non-profit organization (501 C3) founded in the 1970s after local community members organized to save the historic depot building from being torn down. Many locals worked with the Town and the railroad to move the depot to its current location at Boardwalk Park and to use the depot as a museum. The depot museum opened during Colorado's Bicentennial year and was officially dedicated on February 22, 1976, inspiring the formation of the WSHS who works to preserve the buildings and heritage of Windsor and Severance. The Society moved in additional buildings to Boardwalk Park that helped to continue telling Windsor's history. The school and adjoining teacher's quarters, the four-square house, the beet shack, and the prayer house were all moved in to the Park by the WSHS and numerous volunteers. Artifacts to place in the buildings were donated by members of the community. When the Old Town Hall building was slated for demolition, the Society worked to save the building and it, along with the other buildings were all turned over to the Town of Windsor in January 2003. The Society has continued to serve the community by recording oral histories of Windsor residents; by publishing a photographic history of Windsor; by working closely with the Arts and Cultural Heritage staff to serve as a resource for questions about the community; by maintaining a web page and Facebook page to share Windsor's story; and by serving as a resource for people who have questions about former residents, businesses and buildings in Windsor.

c. Describe current programs or activities, accomplishments, financial status, and governance structure.

Current programs of the Society include developing and creating the concept for a sculpture and securing donations; adding recordings to the Windsor Oral History Series; collecting photographs of the community and sharing them through our web site and Facebook page; serving as a resource for people requesting historical information about Windsor; giving presentations to schools and other interested groups; having a presence at Town events such as Windsor Wonderland and Labor Day to remind and teach people about the importance of preserving our history.

One major accomplishment was the publication of our book in 2012. Windsor was published by Arcadia Publishing Company as part of the Images of America series. Another accomplishment is

that we have made available over 25 oral history recordings that can be checked out at Clearview Library. Perhaps the most important accomplishment is that we began the first museum in Windsor and that we were able to save both buildings and artifacts for future generations.

d. Describe the steps your organization has made to becoming self-supporting.

The financial status of the Society is currently secure. Throughout the past we have received money from grants for special projects and we will also seek grants for this project for any gaps in funding after our big spring fund raising event. We spend very little money and have few overhead expenses. Our major expenses in the past two years have been related to our statue project. We paid our artist a retainer of \$1000 to begin the design of the statue and we have spent money to produce professional rack cards, donation request letters, and thank you letters and have paid for the postage to send out the letters.

The governance structure is informal. The officers are as follows:

Marge Straube, Chair; Gene Morey, Vice-Chair; Sue Buxmann, Secretary;
Elaine Schlotthauer – Treasurer

The rest of the organization consists of a varying number of volunteers who regularly attend meetings as well as 243 members who support the organization by paying dues. We also have 304 likes on our Facebook page.

The Society receives money in a variety of ways. Members pay membership dues; community members and families frequently donate money to us in memory of people who have passed away. In fact, this project was kicked off by a large donation in memory of Karla Lind. We received money from the initial sale of our book and we continue to receive small royalties; we have been actively requesting donations to help us “Fulfill Our Wish” to raise \$150,000 for the statue. In addition, during the construction of the buildings at Boardwalk Park, many items were donated as were services and materials.

e. Describe how your organization is collaborating with other organizations.

We collaborate with the Arts and Cultural Heritage staff who are employed by the Town. We began the process to create the statue by talking with Melissa Chew and her staff and we work closely with the Arts and Cultural Heritage Manager as well as the Museum Curator. We share information and photos for exhibits and provide contact information. One of our members volunteers at the Museum. We actively post information on our web site and Facebook page about activities that are of interest concerning Windsor's history and we also post information for local veteran groups to spread the word about their activities. We helped the Colorado National Guard prepare exhibits when their readiness center was built. We gave a presentation about our statue project at the Severance Town Board meeting and offered to help them begin to preserve historical buildings and information in Severance. Our basic tenant is that we will help any organization or group who is interested in learning more about Windsor's history.

f. Include an estimate of volunteer hours in 2013 from all volunteers, including board members.

2013 was the year after we had finished our book when we were searching for a new project so our volunteer hours were fairly low. Probably an honest estimate of hours spent that year was 200. Once the statue project began our volunteer hours have more than tripled.

III. Purpose of Grant

a. Describe the project/program to be funded, including a needs statement.

The project that is being funded is a bronze statue that depicts the historical story of Windsor. As Windsor, hopefully, becomes a destination community with the awarding of grant money to help build a resort hotel, it would be helpful if Windsor also had art in public places to attract visitors. There are currently few examples of public art in Windsor that are similar to the statue. We are hoping that our Statue will be the first instance of a healthy and active arts in public places program for Windsor. We would like it to be a beautiful monument and addition to Boardwalk Park where it can be shared with the public who visit the park for recreation and concerts and a reminder and thank to those who worked so hard to preserve this history for our community.

b. Describe the goals and objectives of the grant.

This grant would help us secure the goal of bringing the project to reality. By the board committing \$50,000 towards this community sculpture project (with the contingency that the additional \$100,000 is raised by the end of next year) this helps solidify our efforts and with the \$30,000 that has been raised to date, the board is confident that with these matching funds this project can be completed in time for statue delivery to coincide with the completion of the 2017 museum landscaping initiative. We are also hoping to apply for grants that would provide matching money to what we have already raised. In addition, this will help us lock in the price in the event that material costs increase in the future.

c. Describe the timetable for implementing this project/program.

When the artist receives the first \$50,000 he will begin sculpting the statue in clay. This will take from 4-6 months. After the piece is sculpted, we will pay the artist another \$50,000 and he will begin the molding and bronzing process. It will take three months to cast. Finally, we will pay the last \$50,000 before the sculpture is complete in bronze. This payment will also pay for shipping to the Boardwalk location. We are hoping to have the statue in place when the re-landscaping of Boardwalk Park is completed in 2017.

d. How does this project/program benefit the local community: How many people will be impacted.

The statue will be a beautiful centerpiece for the Town. It will be viewed by thousands of people who use the park for recreation, summer concerts, trips to the museum, fireworks, races, and many other activities that are held at the park. There is a huge potential for it to be seen by large numbers of people because the park is heavily used..

e. Include a list of all entities asked to give financial support to the proposed project, including the responses to date and dollar amounts committed.

We have sent letters requesting donations to:
243 WSHS members
375 Windsor Chamber of Commerce members
327 letters to friends, neighbors, family members and acquaintances.
Please see the attached spreadsheets of letters sent and of donations received.
Attachments 1 and 2.

f. What are the long-term sources/strategies for funding beyond the grant funds received?

We will continue to send letters and speak to people requesting donations. We are planning to host a history/make a pledge dinner in the spring inviting at least 100-150 key business stakeholders. The Bank of Colorado, Windsor has kindly agreed to underwrite the event for us. We are also planning to apply for the Poudre Heritage Alliance grant in the spring and others that may be available and we are prepared to hire a grant writer if necessary. Most of the applicable grants require a matching fund component so again this money commitment would enable us to provide that.

g. Why should the Town of Windsor provide funding to your organization? How does the requested funding support the Town of Windsor Strategic Plan?

We are hoping that the Town of Windsor will provide funding for the statue because it will be a beautiful gift that will be presented to the people of Windsor; it will be a beautiful addition to Boardwalk Park; it will be an example of a project that was created by many people working together, just as the entire museum complex represents the wonderful results that can be obtained by citizens working together.

The requested funding supports the Town of Windsor Strategic Plan under Goal 1: Build Community Spirit and Pride, item H: Encourage historic preservation, and under Goal 2: Promote Windsor as a Destination, item b: Promote creative and artistic outlets.

h. Are you funded by other sources? If so, what are the sources?

Our normal funding comes from membership fees; memorial donations in honor of friends and relatives who have passed away; and small royalties from sales of our book. Many of the members, besides donating time, donate supplies, photo processing costs, and other miscellaneous expenses they have incurred.

IV. Evaluation

a. What are the expected results during your funding period?

The expected results during our funding period are that we will be able to make the payments to our artist so that he can begin the sculpting process and so that we can meet our fund-raising goal. We would like the statue to be completed and placed in Boardwalk Park when the new landscaping is complete.

b. How will you define and measure results?

We will define and measure results by meeting our fund raising goal of \$150,000 and by having a completed statue to place in the park. When that is accomplished our goals will have been met.

c. How will the project's results be used and/or disseminated?

The sculpture will be placed at Boardwalk Park where it can be viewed by all park visitors. We are hoping that it will be the centerpiece of the park and that it will be shared with all park visitors. When the statue is completed and placed in its final destination, we would hope for media and social media coverage and we would hope to sponsor a very nice celebration/ceremony to thank all of the donors.

d. List dates that the Town of Windsor can expect to receive a preliminary or final report.

The Town can expect to receive a preliminary report as soon as the sculpture has been completed in bronze by the artist. A final report will be produced as soon as the sculpture is placed in Boardwalk Park in 2017 when the park has been re-landscaped.

V. Attachments.

- a. Organizations annual budget for fiscal year 2014.**
- b. Most recent year-to-date financial statements.**
- c. Current year balance sheet**
- d. Copy of 501 (c)(3) documentation if a non-profit or Articles of Incorporation.**
- e. Organizational chart – including executive director, staff, and volunteers.**
- f. List of board of directors, occupations, and board member donations.**

Attachment 1.

LAST NAME	FIRST NAME	ADDRESS 1	CITY	STATE	ZIP
Abbott	Don	107 7th St	Windsor	CO	80550
Abbott	Jim and Grace	8944 WCR 62	Windsor	CO	80550
Abernathy	Brett	33154 WCR 51	Greeley	CO	80632
Ackerman	Mike and Carol	7784 WCR 72	Windsor	CO	80550
Adams	Ivan	117 Bayside Circle	Windsor	CO	80550
Alred	Linda	12092 WCR 72	Eaton	CO	80615
Andres	Alvin and Evelyn	7584 Vardon Way	Ft Collins	CO	80528
Andersen	Carol	407 6th St.	Windsor	CO	80550
Arnold	Jeff and Sally	7877 Windsong Dr.	Windsor	CO	80550
Babcock	Margaret	1031 Walnut #6A	Windsor	CO	80550
Bachand	Marge	810 Locust St.	Windsor	CO	80550
Baldwin	Ralph and Linda	304 Oak St	Windsor	CO	80550
Ball	Bob and Wendy	1009 Cottonwood Dr	Windsor	CO	80550
Bareis	Reuben	255 Texas St. Apt. 503	Rapid City	SD	57701
Barnhardt	Dr. M. and Jerry	25 Rangeview Dr.	Windsor	CO	80550
Barrington	James and Roberta	10056 WCR 76 1/2	Windsor	CO	80550
Battles	Amy	502 5th St.	Windsor	CO	80550
Bauer	Bill and Sharlene	1050 Basalt Ct	Windsor	CO	80550
Beard	Louis and Mary	1535 Wedgewood Ct.	Windsor	CO	80550
Bechtholdt	Betty	4644 W. 21st Street Cir.	Greeley	CO	80634
Benningsdorf	Joyce	1250 Honeysuckle Dr.	Windsor	CO	80550
Berens	John and Verna	129 N. 6th St.	Windsor	CO	80550
Bernhardt	Timothy A.	13600 B. South Rd.	Glade Park	CO	81523-0315
Best	Rick	701 Main St.	Windsor	CO	80550
Boehler	Brad and Tammy	10940 WCR 70	Windsor	CO	80550
Bradley	Robert and Marilyn	227 N. Chimney Park Dr.	Windsor	CO	80550
Breniman	George W.	301 E. Chestnut St.	Windsor	CO	80550
Brokering	Harold	805 Compassion Dr. #203	Windsor	CO	80550
Bruder	Mike and Lynn	33950 Cliff Road	Windsor	CO	80550
Brunner	Eric and Helen	200 Chestnut	Windsor	CO	80550
Brunner	Kenton and Sharon	1959 Kestral Court	Windsor	CO	80550
Brunner	Ruth	342 10th St.	Windsor	CO	80550
Bruns	Dennis and Ronda	2037 Rivers Edge Rd.	Windsor	CO	80550
Burton	Rodger and Jackie	5918 O'Leary Court	Ft Collins	CO	80525-5831
Buxmann	Thomas	129 Ash St.	Windsor	CO	80550
Campbell	Jim	617 Blue Mountain Ct.	Windsor	CO	80550
Carey	Michael and Susan	713 Locust St.	Windsor	CO	80550
Casten	Fred and Kate	37341 Lee Lake Ave	Windsor	CO	80550
Casten	Tom and Judith	#8 East 3rd	Hinsdale	IL	60521
Cherrington	Linda	9211 Julian Way	Westminster	CO	80031-2731
Clay	Alfred and Imogene	6851 Alexander Dr.	Windsor	CO	80550
Corbiere	Tom and Ellen	612 1st St.	Windsor	CO	80550
Coren Printing		631 Birch St., Suit A	Windsor	CO	80550
Cullison	Tom	4300 West 29th St.	Greeley	CO	80634
DeSylvia	Mary Ann	424 Locust	Windsor	CO	80550
Detterer	Henry and Betty	1228 Teakwood Ct.	Windsor	CO	80550

Attachment 1.

Detterer	Stan and Sherrie	1012 Pinyon Dr.	Windsor	CO	80550
Dinsdale	Tom and Hazel	5011 South 600 West	Ogden	UT	84405
Donnel	Jim and Mary	1011 Indian Trail Drive	Windsor	CO	80550
Downing	Dr. Robin	415 Main St	Windsor	CO	80550
Drake	Richard and Kay	515 Pelican Cove			
Duffy	Bob and Kristy	1057 Pinyon Dr.	Windsor	CO	80550
England	Cathy	804 Storm Mtn Ct.	Windsor	CO	80550
Evans	Burt and Allison	1338 Alpine Pl.	Loveland	CO	80538
Everett	Stan and Sara	695 Southwood Ln	Windsor	CO	80550
Fagler	Bev	1290 Redwood Ct.	Windsor	CO	80550
Figal	Carolyn	508 Chestnut	Windsor	CO	80550
Firestien	Judy	3095 WCR 27	Greeley	CO	80631
Folbrecht	Robert & Joyce Durol-Folbr	33700 CR 15	Windsor	CO	80550
Foust	Bou Avon	1015 Walnut #4F	Windsor	CO	80550
Frank	Bob and Carole	717 Shipman Mtn.Ct	Windsor	CO	80550
Gallegos	Chris	404 Poudre Bay	Windsor	CO	80550
Gavin	Beth	215 5th St. Unit 4	Windsor	CO	80550
Gebhardt	Wilbur and Voila	1025 Walnut #2C	Windsor	CO	80550
Geng	Howard	1103 1st St. South	Moorhead	MN	56560
Goering	Scott	245 Sequoia Circle	Windsor	CO	80550
Greenwald	Ron and Arlene	5882 Seldovia Rd.	Ft Collins	CO	80524
Griess	Dick and Mary	4114 20th St. Rd.	Greeley	CO	80634
Gunter	Jim and Nancy	P O Box 1903	Estes Park	CO	80517
Gunther	Earl and Jan	17 Elm St.	Windsor	CO	80550
H & R Block		1215 G. Main St.	Windsor	CO	80550
Harsin	Gary and Jeanne	4840 Snowmass Ave.	Loveland	CO	80538
Hayes	Ray and Annette	616 Pine Mtn Ct.	Windsor	CO	80550
Heffel	Florence	320 6th St.	Windsor	CO	80550
Hein	Dean and Karen	220 Maple Ct.	Windsor	CO	80550
Hein	Ed and Connie	1093 Kiva Circle	Windsor	CO	80550
Held	Dorothy	201 Walnut St.	Windsor	CO	80550
Heldt	David and Lee Ann	33681 WCR 13	Windsor	CO	80550
Hergert	Don And Dolores	33678 County Rd. 27	Windsor	CO	80550
Hergert	Judy	205 Pelican Cv.	Windsor	CO	80550
Heroy	Michael	P O Box 511	Ault	CO	80610
Hettinger	Charles	5011 W 77th Dr.	Westminster	CO	80030
Hernerfauth	Bob and Dianne	200 Cattail Bay	Windsor	CO	80550
Hinojosa	Rudy and Carla	211 Walnut	Windsor	CO	80550
Hoff	Ken	206 Poudre Bay	Windsor	CO	80550
Hoffman	Dick and Jean	1357 43rd Ave. Unit 60	Greeley	CO	80634
Holland	Natalye	1037 Walnut #9E	Windsor	CO	80550
Holland	Brett	Investar Mortgage	Windsor	CO	80550
House of Windsor		430 Main St	Windsor	CO	80550
Huwa	Richard and Valene	9455 Hwy 392	Windsor	CO	80550
Hyink	Barbara and Bruce	37124 Cullison Ridge Rd.	Severance	CO	80550
Jackson	Deb	15 Veronica Dr.	Windsor	CO	80550
Jacoby	Melvin	517 Trailwood Cir.	Windsor	CO	80550

Attachment 1.

Jarboe	Jenny	10481 HWY 392	Windsor	CO	80550
Johanningmeier	B.J. and Deborah	5644 Taylor Lane	Ft. Collins	CO	80528
Johnson	Don and Carol	306 Poudre Bay	Windsor	CO	80550
Johnson	Georgia	510 Trailwood Circle	Windsor	CO	80550
Johnson	Harvey and Vina	316 9th St.	Windsor	CO	80550
Jones	Tom & Kathleen	601 Locust St.	Windsor	CO	80550
Kafka	Ken	14450 WCR 88	Pierce	CO	80650
Kaiser	Sharon	807 Elm St.	Windsor	CO	80550
Kamerzell	Darlene	1019 Walnut #3A	Windsor	CO	80550
Kamerzell	Mike and Renae	219 9th St.	Windsor	CO	80550
Kane	Dennis and Gloria	37136 Soaring Eagle Dr.	Severance	CO	80546
Kaump	Kirk and Heather	908 Foxtail Cort	Windsor	CO	80550
Keil	Eldon and Beverly	10693 WCR 76 1/2	Windsor	CO	80550
Kennedy	Steve and Cathy	1085 Larch Dr.	Windsor	CO	80550
Kisselman	Ken	320 Oak St.	Windsor	CO	80550
Knaub	Edna	620 4th St.	Windsor	CO	80550
Knaub	Randy and Tammy	1115 Hemlock Dr.	Windsor	CO	80550
Kurzweil	Marilyn	315 Habitat Cove	Windsor	CO	80550
Labue	Glenn and Elaine	1210 Redwood Ct.	Windsor	CO	80550
Land	Oscar	714 E. Elizabeth	Ft. Collins	CO	80524
Larson	Jean	201 A Manor Ct	Windsor	CO	80550
Lessman	Brian and Sharon	370 10th St.	Windsor	CO	80550
Lewis	Elaine	223 Walnut St.	Windsor	CO	80550
Lewis	Shirley	823 Locust St.	Windsor	CO	80550
Lichtenwalner	Craig and Gretchen	925 Clydesdale Lane	Windsor	CO	80550
Lind	Dan	35779 WCR 21	Windsor	CO	80550
Lind	Martin	8200 Eastman Park Drive	Windsor	CO	80550
Lind	Robert	610 Oak St.	Windsor	CO	80550
Lind	Ruby	1021 Walnut St. #1B	Windsor	CO	80550
Little	Ed and Jan	917 Shetland Court	Windsor	CO	80550
LSI Insurance		512 Main St.	Windsor	CO	80550
Lucas	Carrie Ann	612 Locust	Windsor	CO	80550
Ludwig	Don and Nancy	816 Elm St.	Windsor	CO	80550
Manweiler Hardware		418 Main St	Windsor	CO	80550
Margheim	Dan and Myrna	2097 Vineyard Dr	Windsor	CO	80550
Mark's Funeral and Cremation		9293 Eastman Park Dr.	Windsor	CO	80550
Marquette	Jan	3004 Tulane Dr.	Ft Collins	CO	80525
Marsh	Jerry and Nancine	33175 WCR 7	Greeley	CO	80631-9355
Martin	Kevin and Debbie	7690 Carlson Ct.	Ft. Collins	CO	80524
Martin	Loren and Kim	213 Poudre Bay St.	Windsor	CO	80550
Martin	Melvin and Nancy	29470 WCR 15	Windsor	CO	80550
Martinez	John and Tracie	307 Granite Ct	Windsor	CO	80550
Meis	Rick and Brenda	327 10th St.	Windsor	CO	80550
Melendez	Mario and Kristie	800 3rd St.	Windsor	CO	80550
Memory Lane Antiques		426 Main St	Windsor	CO	80550
Miller	Darya	514 Trailwood Circle	Windsor	CO	80550
Miller	Sandy	101 Snapdragon Dr.	Windsor	CO	80550

Attachment 1.

Mitchell	Art	2818 Hanover Dr.	Ft Collins	CO	80526
Moore	Kathy	4163 S. Syracuse St.	Denver	CO	80237
Nazareus	Jeanne	1220 Honeysuckle Ct.	Windsor	CO	80550
Ochsner	Dick and Gerry	35456 WCR 19	Windsor	CO	80550
Otto	Ron and Arlene	7225 W 18th St.	Greeley	CO	80634-8606
Parker	Wrenda	1105 Walnut St.	Windsor	CO	80550
Pearson	Hal	800 Elm St.	Windsor	CO	80550
Pedersen	Lori	1205 Boulder	Windsor	CO	80550
Peters	Bruce and Mary	152 Beacon Way	Windsor	CO	80550
Petersen	Glenn and Connie	34402 WCR 27	Windsor	CO	80550
Pike	Joe & Patty	7233 County Road 72	Windsor	CO	80550
Plummer	Joe	1104 3rd St.	Windsor	CO	80550
Points West Community Bank		PO Box 486	Windsor	CO	80550
Pratt	Bill and Ann	548 Lakewood Ct	Windsor	CO	80550
Prenger	Tom and Shelley	1580 Ridgewest Dr	Windsor	CO	80550
Price	Joel and Polly	1610 35th St.	Evans	CO	80620
Public Service Credit Union		PO Box 528	Ft. Collins	CO	80522
Raine	Jim	151 Beacon Way	Windsor	CO	80550
Raisley	Brian and Mary Jane	615 Blue Mountain Ct.	Windsor	CO	80550
Raisley	Jerry	911 Pine	Windsor	CO	80550
Rauh	Dan and Wendy	710 Walnut	Windsor	CO	80550
Re/Max Eagle Dc/o Gale Schick		6028 Stallion Drive	Loveland	CO	80538-9322
Reitz	Kent and Lois	543 Trailwood	Windsor	CO	80550
Renaissance Insurance		101 East Main St.	Windsor	CO	80550
Ricker	Dennis	1106 Canyon Dr.	Windsor	CO	80550
Rickart	Curtis and Kathy	219 Cattail Bay	Windsor	CO	80550
Rider	Gene and Norma	513 Parkwood Drive	Windsor	CO	80550
Rider	Randy and Maila	2119 Cape Hatteras Dr.	Windsor	CO	80550
Ruff	Chris and Cyd	430 Ponderosa Ave.	Eaton	CO	80615
Ruff	David and Nancy	745 3rd St.	Windsor	CO	80550
Rutz	Bob and Connie	1007 Cottonwood Dr.	Windsor	CO	80550
Rutz	Jim and Jeanette	7543 WCR 15	Windsor	CO	80550
Rutz	Ron and Arlene	2625 Redwing Rd St E.180	Ft Collins	CO	80526
Rutz	Vern and Audrey	10936 WCR Road 70	Windsor	CO	80550
Sachsel	Nancy	505 Elm St.	Windsor	CO	80550
Sandoval	Chris and Judy	11492 HWY 392	Windsor	CO	80550
Scheidt	Greg	619 Kenosha Ct.	Windsor	CO	80550
Schick	Gale and Gaylene	706 Parkview Mountain Ct.	Windsor	CO	80550
Schmittling	Mark and Tom	319 Main St.	Windsor	CO	80550
Schmode	Jerry	109 Valley Hill Drive	Henersonville	NC	28791
Schnorr	Darlene	6108 E. C. R. 52	Ft. Collins	CO	80524
Schultz	Rev. Laura	401 Oak St.	Windsor	CO	80550
Sears Real Estate		421 Main St.	Windsor	CO	80550
Severance	Town of	c/o Nicholas Wharton	Severance	CO	80550
Sharp	Martha	707 Apple Ct.	Windsor	CO	80550
Shell	Bob and Gloria	2119 Glenfair Dr.	Greeley	CO	80631
Simansky	Elvina M.	2070 Paseo Del Oro	Colorado Spgs.	CO	80904-1682

Attachment 1.

Skeen	John and Carolyn	401 Timberline	Fort Collins	CO	80524
Smith	Jeanette Teller	840 North Day	Powell	WY	82435
Smith	Tim and Betsy	409 Poudre Bay St	Windsor	CO	80550
Spaulding	Vernon	1200 Grand Ave.	Windsor	CO	80550
Staley	Lori	8476 WCR 62	Windsor	CO	80550
Starck	Bill and Nancy	917 Walnut St	Windsor	CO	80550
Starck	Ed and Joann	505 Chestnut	Windsor	CO	80550
Starck	Ted and Kathy	329 9th St.	Windsor	CO	80550
Steffens	Barbara	557 Trailwood Circle	Windsor	CO	80550
Stewart	Jack and Janet	304 North Shores Circle	Windsor	CO	80550
Stromberger	Arlin J.	401 10th St.	Windsor	CO	80550
Swanson	Wilma	850 Duram St.	Windsor	CO	80550
Talon	Vic and Pamela	608 Cornerstone	Windsor	CO	80550
The Group	c/o Nancy Miller	2803 East Harmony Road	Ft. Collins	CO	80528
Tiffany	David and Bonnie	1054 Pinyon Ct.	Windsor	CO	80550
Tongish	Lois	3512 Westbay Dr	Columbus	OH	43231
Turner	Jim and Martha	433 Grant Ave.	Nunn	CO	80648
Vess	Todd and Lisa	1204 Crest Court	Windsor	CO	80550
Vetter	Randy and Cindy	215 Elm St.	Windsor	CO	80550
Wagner	Dennis and Donna	1717 Yampa River Dr.	Windsor	CO	80550
Walgreens		1480 Main St.	Windsor	CO	80550
Walker	Betty	533 Trailwood Circle	Windsor	CO	80550
Walker	Fred and Kathy	37026 Mountain Meadows	Windsor	CO	80550
Weakland	Dr. and Mrs. Pat	214 5th St.	Windsor	CO	80550
Weeks	Mark	508 Main St.	Windsor	CO	80550
Weinmeister	Don & LaVey	121 Elm St.	Windsor	CO	80550
Weinmeister	Kathleen	1205 Lockmount Dr.	Loveland	CO	80537
Weitzel	Richard	1350 Third St.	Eaton	CO	80615
Wells Fargo Bank		1069 Main St.	Windsor	CO	80550
West and Associates		905 Main St.	Windsor	CO	80550
White	Teri	705 Buckhorn Mtn Dr.	Windsor	CO	80550
Wiedeman	Dorothy	1956 45th Ave.	Greeley	CO	80634
Wiggett	Alan and Dawn	700 1st St.	Windsor	CO	80550
Willis	Chris and Darlene	713 Walnut St	Windsor	CO	80550
Willson	John P. Jr.	726 Kenosha Ct.	Windsor	CO	80550
Windsor Eye Care and Vision Center		515 Main	Windsor	CO	80550
Windsor State Bank		1130 Main St	Windsor	CO	80550
Windsor	Town of	Parks & Rec Dept	Windsor	CO	80550
Winter	Donna	52107 W. 13th St. Rd.	Greeley	CO	80634
Winter	Robert and Janet	39828 Hilltop Circle	Severance	CO	80610-9775
Yauk	Maryanna	214 7th St.	Windsor	CO	80550-512
Yauk	Wayne and Shirley	721 Locust St.	Windsor	CO	80550
Zeil	Christina	7667 Spyglass Court	Ft. Collins	CO	80528
Zruek	Michael and Catherine	705 Cornerstone	Windsor	CO	80550

Attachment 2.

STATUE DONATIONS

DATE	DONATION NAME	DONOR NAME	ADDRESS	AMOUNT
2013	Linda Cumpsten Donation	See Cumpsten tab		\$305.00
2013	Helen Heinze Donation	Lois M. Tongish	3512 Westbay Drive, Columbus, OH 43231-7338	\$20.00
2014	Karla Lind Donation	See Lind tab		\$3,705.00
2014	Straube Donation	Brunner		\$200.00
2014	Class of 1957	See Weinmeister Tab		\$1,000.00
2015	Erma Weinmeister Donation	Ivan Adams	117 Bayside Circle, Windsor, CO 80550	\$350.00
2015	Molly Brug Donation	WHS Alumni Assn	c/o Gene Morey	\$530.00
5/12/2015	Open Farm - Von Trotha-Firestien	Windsor Chamber of Commerce		\$60.00
5/30/2015	All Town Barbecue	Charla Walty	640 S. Washington, Fort Collins, CO 80521	\$100.00
6/18/2015		Linda Cherrington	9211 Julian Way, Westminster, CO 80031	\$100.00
6/26/2015		Patty Pike	7233 WCR 72, Windsor, CO 80550	\$50.00
6/30/2015		Miriam Lee	2311 W 16th St #401, Greeley, CO 80634	\$20.00
7/1/2015		Carolyn Figal	508 Chestnut St, Windsor, CO 80550	\$100.00
7/3/2015		Alberta Hergenreder	610 Cornerstone Dr., Windsor, CO 80550	\$10.00
7/3/2015		Reuben and Marlowe Bareis	225 Texas St. #N503, Rapid City, SD 57701-2202	\$400.00
7/12/2015		James and Alexina Campbell	617 Bluebell Mountain Court, Windsor, CO 80550	\$25.00
7/12/2015		Gary and Jeanne Harsin	4840 Snowmass Avenue, Loveland, CO 80538	\$25.00
7/12/2015		Harold Walker	1685 S. Quivas St., Denver, CO 80223-3508	\$25.00
9/7/2015		Arlene Otto	7225 W. 18th St., Greeley, CO 80634-8606	\$25.00
9/7/2015		Tish Hines	PO Box 282, Laporte, CO 80535	\$50.00
9/1/2015		Edna Knaub	620 4th St., Windsor, CO 80550	\$25.00
9/8/2015		Windsor Harvest Festival Planners	PO Box 595, Windsor, CO 80550	\$125.00
8/21/2015		Eldon and Anne Schmidt	1002 3rd St., Windsor, CO 80550	\$15.00
8/9/2015	Severance Days	Dan and Mona Valdez	931 Columbine, Windsor, CO 80550	\$25.00
		Jack and Donna Winter	5207 13th St. Rd., Greeley, CO 80634	\$25.00
		Kathy Moore	4163 S. Syracuse St., Denver, CO 80237	\$8.00
				\$100.00

Attachment 2.

8/8/2015		Don and Dolores Hergert	33768 WCR 27, Greeley, CO 80634	\$100.00
		Dave and Nancy Ruff	745 3rd St., Windsor, CO 80550	\$25.00
8/4/2015		Jerald and Karlene Schneider	35205 Hwy 257, Windsor, CO 80550	\$50.00
7/29/2015		Gene and Norma Rider	513 Parkwood Drive, Windsor, CO 80550	\$100.00
		Alfred and Imogene Clay	6851 Alexander Drive, Windsor, CO 80550	\$50.00
		Hal and Deanna Pearson	800 Elm St., Windsor, CO 80550	\$100.00
		Mike and Carol Householder	455 Pelican Cove, Windsor, CO 80550	\$100.00
		Harvey and Vina Johnson	316 9th St., Windsor, CO 80550	\$20.00
8/25/2015	Bank of Colorado Donation			\$1,000.00
9/5/2015	Darrel McNabb, in honor of	Sharon Offenbacher	Bainbridge Island Marina, Inc.	\$180.00
		Ken Frazier	36883 County Rd. 15, Windsor, CO 80550	\$25.00
		James and Joann Feit	944 Deer Dr. NE, Albuquerque, NM 87122	\$50.00
		Boni Fanning	26 River Rock Road, Sheridan, WY 82801	\$100.00
		Larry Jacoby	530 Lakewood Ct., Windsor, CO 80550	\$25.00
			104 Rockbridge, Dr., Windsor, CO 80550	\$100.00
		TOTAL		\$9,938.00

Attachment C

Windsor Severance Historical Society

19-Nov-15

Current ratio	#DIV/0!
Quick ratio	#DIV/0!

Cash ratio	#DIV/0!
Working capital	\$33,735

Assets

Current assets	
Cash and cash equivalents	14,232
Short-term investments	19,502
Accounts receivable	-
Inventories	-
Deferred income taxes	-
Prepaid expenses and other current assets	-
Total current assets	\$ 33,735
Other assets	
Property, plant, and equipment at cost	4,092
Less accumulated depreciation	-
Property, plant, and equipment (net)	-
Long-term cash investments	-
Equity investments	-
Deferred income taxes	-
Other assets	-
Total other assets	\$ 4,092
Total assets	\$ 37,827

Liabilities

Current liabilities	
Loans payable and current portion long-term debt	-
Accounts payable and accrued expenses	-
Income taxes payable	-
Accrued retirement and profit-sharing contributions	-
Total current liabilities	\$ -
Other liabilities	
Long-term debt	-
Accrued retirement costs	-
Deferred income taxes	-
Deferred credits and other liabilities	-
Total other liabilities	\$ -
Total liabilities	\$ -

Business/Sales Tax Account Information

Organization Name WINDSOR-SEVERANCE HISTORICAL SOCIETY		Account Number 3236	
DBA WINDSOR-SEVERANCE HISTORICAL SOCIETY			
Contact STRAUBE MARGE			
Sales Tax Address 501 ASH STREET		Sales Tax Mailing Address 501 ASH STREET	
City WINDSOR		City WINDSOR	
State CO ZIP 80550		State CO ZIP 80550	
Federal ID 84-1106623		State ID 98-07975	
Phone 9706862624		SIC Please see attached list for valid SIC codes. 81	
Organization Type <input type="checkbox"/> Sole Proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership			
Nature of the Business <i>Non profit Historical Society for Windsor and Severance. Researching documentation for Windsor Severance History.</i>			
For Office Use Only			
License Number:		Date of Issue:	

Attachment D

Date: JUN 08 1989

WINDSOR-SEVERANCE HISTORICAL
SOCIETY INC
116 NORTH 5TH STREET
WINDSOR, CO 80550-0000

Employer Identification Number:
84-1106623
Contact Person:
EO TECHNICAL ASSISTOR
Contact Telephone Number:
(214) 767-3526

Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
Nov. 1, 1988
Advance Ruling Period Ends:
Dec. 31, 1992
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably be expected to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, you will be treated as a publicly supported organization, and not as a private foundation, during an advance ruling period. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must submit to us information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, you will be classified as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, you will be classified as a private foundation for future periods. Also, if you are classified as a private foundation, you will be treated as a private foundation from the date of your inception for purposes of sections 507(d) and 4940.

Grantors and contributors may rely on the determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you submit the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until the Service makes a final determination of your foundation status.

Letter 1045(DO/CG)

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE

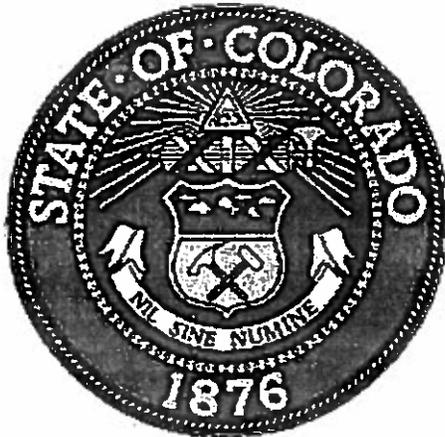
I, William A. Hobbs, as the Deputy Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,
WINDSOR-SEVERANCE HISTORICAL SOCIETY, INC.

is a
Nonprofit Corporation

formed or registered on 11/01/1988 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19881096923 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 08/23/2005 that have been posted, and by documents delivered to this office electronically through 08/26/2005 @ 10:10:20 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 08/26/2005 @ 10:10:20 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 6290801 .



William A. Hobbs

Deputy Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/bi/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."

Document must be filed electronically.
Paper documents will not be accepted.
Document processing fee
Late fee if entity is in noncompliant status
Fees & forms/cover sheets
are subject to change.
To access other information or print
copies of filed documents,
visit www.sos.state.co.us and
select Business.

\$10.00
\$40.00

Document number: 20121535146
Amount Paid: \$10.00

ABOVE SPACE FOR OFFICE USE ONLY

Periodic Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S)

ID number: 19881096923
Entity name: WINDSOR-SEVERANCE HISTORICAL SOCIETY, INC.
Jurisdiction under the law of which the
entity was formed or registered: Colorado

1. Principal office street address: 501 ASH STREET
(Street name and number)
WINDSOR CO 80550
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

2. Principal office mailing address:
(if different from above) 501 ASH STREET
(Street name and number or Post Office Box information)
WINDSOR CO 80550
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

3. Registered agent name: (if an individual) MOREY GENE ARTHUR
(Last) (First) (Middle) (Suffix)
OR (if a business organization)

4. The person identified above as registered agent has consented to being so appointed.

5. Registered agent street address: 501 ASH STREET
(Street name and number)
WINDSOR CO 80550
(City) (State) (Postal/Zip Code)

6. Registered agent mailing address:
(if different from above)

501 ASH STREET
(Street name and number or Post Office Box information)
WINDSOR CO 80550
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

This perjury notice applies to each individual who causes this document to be delivered to the secretary of state, whether or not such individual is named in the document as one who has caused it to be delivered.

7. Name(s) and address(es) of the individual(s) causing the document to be delivered for filing:

MOREY GENE ARTHUR
(Last) (First) (Middle) (Suffix)
501 ASH ST
(Street name and number or Post Office Box information)
WINDSOR CO 80550
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box and include an attachment stating the name and address of such individuals.)

Disclaimer:

This form, and any related instructions, are not intended to provide legal, business or tax advice, and are offered as a public service without representation or warranty. While this form is believed to satisfy minimum legal requirements as of its revision date, compliance with applicable law, as the same may be amended from time to time, remains the responsibility of the user of this form. Questions should be addressed to the user's attorney.

Attachment D

DR 0160 (07/03)
COLORADO DEPARTMENT OF REVENUE
DENVER CO 80261-0013

CERTIFICATE OF EXEMPTION FOR COLORADO STATE SALES/USE TAX ONLY

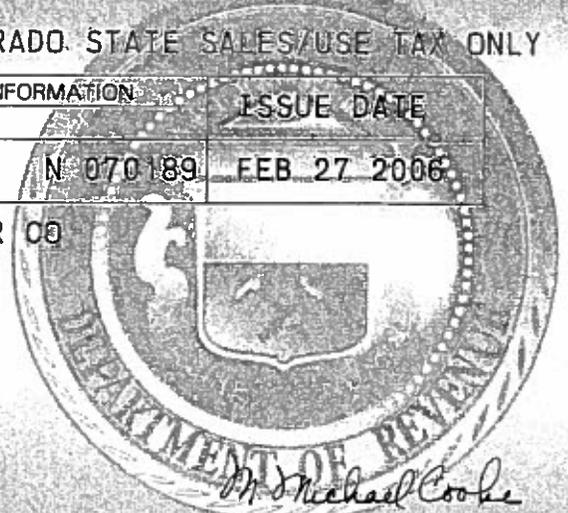
THIS LICENSE IS
NOT TRANSFERABLE

USE ACCOUNT NUMBER for all references	LIABILITY INFORMATION		ISSUE DATE
98-07975-0000	03 142	N 070189	FEB 27 2006

110 N 5TH ST

WINDSOR CO

WINDSOR SEVERANCE HISTRCL SOCIETY INC
WINDSOR SEVERANCE HISTRCL SOCIETY INC
301 WALNUT ST
WINDSOR CO 80550



M. Michael Cooke
Executive Director
Department of Revenue

NEW AUTOMATED SERVICES FOR AND ABOUT BUSINESSES

The Colorado Department of Revenue Sales Tax Information System provides the following automated services:

- * Colorado Sales Tax Rates – find specific city, county and special district rates.
- * Verification of Sales Tax License Exemption Numbers – determine whether a Colorado sales tax license or exemption certificate is valid.
- * Tax Rates by Account Number – find sales tax rates and locations for specific sales tax accounts.

These services make it possible for taxpayers to help themselves to information 24 hours a day – without requiring the assistance of a customer service representative. In this way, more complicated or confidential tax information inquiries can be reserved for speaking to a live agent.

Listen and look for these services on the department's business tax information phone line at 303-238-FAST (3278) for specific account information, 303-238-SERV (7378) for general information or the DOR Web site at www.taxcolorado.com

Web users can try the new system online at www.taxview.state.co.us We are interested in your comments about the system. You can send us an e-mail with your comments through our Department of Revenue Web site.

(970) 674-2486
www.windsorgov.com

Must be posted on site during regular business hours at business location.

^{FINANCIAL} BUSINESS LICENSE NUMBER (Used for all references)	CUSTOMER NUMBER	ISSUE DATE	LICENSE VALID UNTIL
BL003236	023487	12/2/2014	12/31/2015

THIS LICENSE IS NOT TRANSFERABLE

MAILING ADDRESS:

Win/Sev Historical Society
Win/Sev Historical Society
501 Ash Street
Windsor CO 80550

SERVICE ADDRESS:

501 Ash Street
Windsor, CO 80550



DIRECTOR of FINANCE and INFORMATION SYSTEMS

^ DETACH HERE ^

Thank you for licensing your business in Windsor.

A **WINDSOR BUSINESS LICENSE NUMBER** has been assigned identify your business. Update your systems and records to reflect only this BUSINESS LICENSE NUMBER and always include it on all correspondence with the Town of Windsor.

Your Annual Business License to conduct business in Windsor is printed above. Posting this license is mandatory while conducting business within the Town of Windsor. The license allows you to be engaged in business in Windsor; however it does not give approval of other city ordinances, rules or regulations that may apply in Windsor or in the State of Colorado.

This license *expires at midnight on December 31st* of each year. Prior to conducting any business the first day of the following year, the license must be renewed (Sec. 6-3-60) and renewal fees do apply. Expiration of this license does not automatically close the license and is not automatically renewed.

The license is not transferable. Each location where business is conducted in the city limits is required to have a separate Town of Windsor license. This license will not be applicable at any Special Events within the Town of Windsor.

All Windsor ordinances pertaining to licensing are online at www.windsorgov.com.
If you have any questions pertaining to your Town of Windsor business license please contact:
Windsor Finance Department at (970) 674-2486

Attachment D

Town of Windsor # 3236
301 Walnut Street
Windsor CO 80550



Dear Business Owner,

Attached is your 2014 Annual License for the
Town of Windsor. It expires on December 31st.

Expires Dec. 31

Windsor Municipal Code, Section 4-3-310(f) states, "License carrying or posting is required." The license, with the current year's sticker must be carried upon your person or exhibited at all times in a conspicuous place at your place of business while conducting any business within the city limits of the Town of Windsor.

If you have any questions pertaining to your Windsor license, contact:

Town of Windsor Finance Department
(970) 674-2486

ATTACHMENT E:

Chair – Marge Straube

Vice-Chair – Gene Morey

Secretary – Sue Buxmann

Treasurer – Elaine Schlotthauer

Volunteers:

Sandy Brug

Hal Pierson

Wrenda Parker

Bonnie Steinbrecher

Nick Wharton

ATTACHMENT F.

Marge Straube – retired – teacher - Windsor RE-4 School District
Gene Morey – retired – teacher – Windsor RE-4 School District
Sue Buxmann – retired – Windsor small business owner
Elaine Schlotthauer – Operations Officer, Bank of Colorado, Windsor
Board member donations are forthcoming.



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Doug Roth, Civil Engineer
Re: Digital Flood Insurance Rate Map Adoption by Ordinance
Item #: C.3.

Background / Discussion:

Over a decade ago FEMA launched a project to electronically digitize all Flood Insurance Rate Maps (FIRM) across the country. A FIRM typically shows the 100-year floodplain boundary and many times includes the floodway boundary also. The digital flood insurance rate map (DFIRM) project for Weld County has been ongoing for over nine years.

The DFIRM product is a GIS based map produced from converting existing manually produced FIRM panels into a digital format. The intent of the DFIRM is to digitize existing mapping, not to restudy the floodplain. Putting the FIRM maps into the DFIRM format will allow a number of possibilities to link to other important data in a GIS format.

The Letter of Final Determination was issued by FEMA on July 20, 2015 notifying communities that they have a six month period to adopt the DFIRM mapping and associated Flood Insurance Study (FIS). In order to adopt the DFIRM mapping, the Town Floodplain Ordinance will need to be amended to adopt the Weld County DFIRM mapping and FIS as the official Town floodplain mapping. A copy of the Ordinance will need to be sent to Colorado Water Conservation Board (CWCB) and FEMA so that they have verification that the Town has complied with FEMA requirements. CWCB has requested that local ordinance updates be completed by December 15th in order to have time to demonstrate to FEMA that communities are compliant with National Flood Insurance Program regulations.

Financial Impact:

No financial impact anticipated.

Recommendation:

Mapping has been reviewed by staff and appears to reflect changes requested by staff during the review period. Staff recommends amending the Floodplain Ordinance to incorporate The Flood Insurance Study for Weld County, Colorado and Incorporated Areas, dated January 20, 2016, with accompanying Flood Insurance Rate Maps.

Attachments:

DFIRM Adoption Ordinance

TOWN OF WINDSOR

ORDINANCE NO. 2015-1512

AN ORDINANCE AMENDING SECTION 16-27-70 OF THE *WINDSOR MUNICIPAL CODE* AND ADOPTING THE NEW DIGITIZED WELD COUNTY FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE STUDY PERTAINING TO THE FLOOD DAMAGE PREVENTION MEASURES APPLICABLE TO LAND USE PRACTICES WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers of self-governance reserved in accordance with state law; and

WHEREAS, the Town adopted the State floodplain regulations in 2013, codified in Chapter 16, Article XXVII of the *Windsor Municipal Code*, the purpose of which is to protect the public health, safety and welfare; and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) is responsible for working cooperatively with state and local governments for the purpose of assuring the adoptions of up-to-day flood damage prevention policy; and

WHEREAS, FEMA and the Colorado Water Conservation Board have completed a revision of the Weld County Flood Insurance Rate Maps in digital countywide format; and

WHEREAS, these new maps and accompanying Flood Insurance Study will become effective January 20, 2016; and

WHEREAS, to be in compliance, the Town must adopt revisions to its local floodplain management regulations by December 15, 2015; and

WHEREAS, the Town Board has reviewed the within Ordinance, and finds that its adoption promotes the public health, safety and welfare.

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

Section 16-27-70 of the *Windsor Municipal Code* is hereby repealed, amended and re-adopted to read as follows:

Sec. 16-27-70. Basis for establishing the Special Flood Hazard Area.

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report “The Flood Insurance Study for Weld County, Colorado and Incorporated Areas,” dated January 20, 2016, with accompanying Flood Insurance Rate Maps

(FIRM)” are hereby adopted by reference and declared to be a part of this Article and any revisions thereto are hereby adopted by reference and declared to be a part of this Article. These Special Flood Hazard Areas identified by the FIS and attendant mapping are the minimum area of applicability of this Article and may be supplemented by studies designated and approved by the Town of Windsor. The Flood Insurance Study, FIRMs DFIRMs, and/or FBFMs are on file at the Town Hall, 301 Walnut Street, Windsor, Colorado 80550.

Introduced, passed on first reading, and ordered published this 9th day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Regular meeting materials, November 23, 2015
From: Ian D. McCargar, Town Attorney
Re: Disconnection and rescission of vested property rights (Zeiler Farms property)
Item #: C.3.a

Background / Discussion:

At the request of the property owner, a portion of the Zeiler Farms Second Annexation is being proposed for disconnection from the Town's corporate limits. This property was brought into Town in 2009, but has since undergone a change of ownership and a change in vision. The current owner, Vima Partners, LLC, has proposed that the property be returned to Weld County jurisdiction, and essentially maintained for agricultural purposes indefinitely. This action is tied to a reallocation of sewer treatment capacity from this property to the RainDance property.

This property was approved for statutory vested property rights at the time it was annexed. Vested property rights are a tool by which development of property is given greater predictability over a prolonged period of time. Given that the property will no longer be part of Windsor, the attached Ordinance confirms that any vested property rights previously granted by Windsor will be rescinded.

Although this is an unusual step, the Planning Commission has recommended approval of the disconnection and rescission of vested property rights. The Statutes allow for disconnection by ordinance if the Town Board, after "due consideration", concludes that the "best interests of the ... town will not be prejudiced by the disconnection of such tract".

Recommendation:

Adopt the attached Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein.

Attachments:

Ordinance Approving the Disconnection of a Portion of the Zeiler Farms Second Annexation Pursuant to the Colorado Municipal Annexation Act of 1965, and Rescinding a Prior Approval of Statutory Vested Property Rights With Respect to the Property Disconnected Herein

Petition for Disconnection, July 9, 2014

TOWN OF WINDSOR

ORDINANCE NO. 2015-1513

AN ORDINANCE APPROVING THE DISCONNECTION OF A PORTION OF THE ZEILER FARMS SECOND ANNEXATION PURSUANT TO THE COLORADO MUNICIPAL ANNEXATION ACT OF 1965, AND RESCINDING A PRIOR APPROVAL OF STATUTORY VESTED PROPERTY RIGHTS WITH RESPECT TO THE PROPERTY DISCONNECTED HEREIN

WHEREAS, the Town of Windsor (“Town”) is a Colorado home rule municipality, with all powers of self-governance reserved in accordance with state law; and

WHEREAS, the Town has in place a comprehensive set of land use regulations, the purpose of which is to protect the public health, safety and welfare; and

WHEREAS, included within the Town’s land use regulations are requirements for the annexation and disconnection of land (“Annexation Code”), which are codified within Chapter 15 the *Windsor Municipal Code*; and

WHEREAS, the Annexation Code specifically requires that the Town comply with the Colorado Municipal Annexation Act of 1965, codified at Title 31, Article 12 of the Colorado Revised Statutes, when annexing property to the Town, and when disconnecting property from the Town; and

WHEREAS, by Ordinance No. 2009-1348, the Town Board approved the annexation known as the Zeiler Farms Second Annexation (“Property”); and

WHEREAS, by Ordinance No. 2009-1349, the Town Board approved vested property rights for the Property pursuant to Title 24, Article 68, Part 1, C.R.S.; and

WHEREAS, the Owners of the Property have submitted a Petition for Disconnection of a portion of the Property (“Affected Property”), the legal description for which is set forth in the attached Exhibit A hereto and is incorporated herein by this reference as if set forth fully; and

WHEREAS, approval of the Petition for Disconnection will cause the Affected Property to return to its former status as Weld County real property, not subject to land use regulation or taxation by the Town; and

WHEREAS, the owners of the Property have undertaken negotiations with a third party, the purpose of which is to strip the Affected Property of sanitary sewer discharge capacity, the result of which will render the Affected Property incapable of development; and

WHEREAS, the Town Board has given due consideration to the Petition for Disconnection, and is of the opinion that the best interests of the Town will not be prejudiced by the disconnection of the Affected Property; and

WHEREAS, the Town Board finds that the submittal of the Petition for Disconnection reflects the consent of the Property owners to the rescission of statutory vested property rights with respect to the Affected Property; and

WHEREAS, by its approval of the within Ordinance, the Town Board intends that its approval of this Ordinance, the Affected Property will not only be disconnected from the Town's corporate limits, but will, as a result of its disconnection, also lose any statutory vested property rights previously approved by the Town.

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

1. The Affected Property, described in Exhibit A hereto, is hereby DISCONNECTED from the Town's corporate limits.
2. The previous approval of statutory vested property rights for the Affected Property is hereby RESCINDED. Any statutory vested property right previously approved by the Town with respect to the Affected Property shall not be effective against Weld County, or any other local government which may subsequently obtain or assert jurisdiction over the Affected Property, including the Town in the event of re-annexation.
3. Upon the within Ordinance taking effect as provided in the Home Rule Charter, the Town Clerk is directed to file two (2) certified copies of this Ordinance, together with two (2) copies of the Disconnection Map, with the Weld County Clerk and Recorder to accomplish the disconnection.

Introduced, passed on first reading, and ordered published this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading, and ordered published this 14th day of December, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

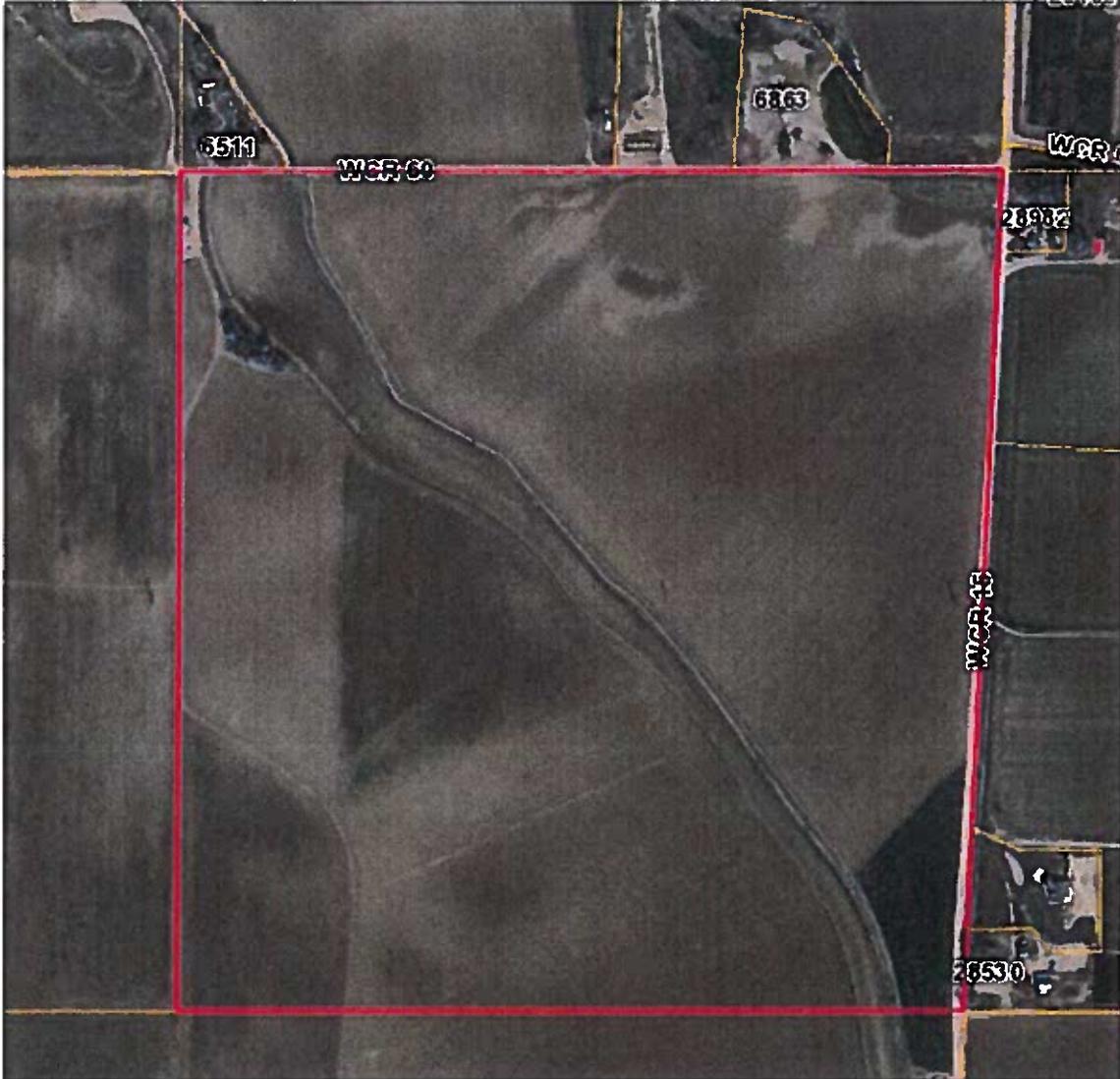
ATTEST:

Patti Garcia, Town Clerk

EXHIBIT A

THE NE ¼ OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO,

DEPICTED IN RED AS:



PETITION FOR DISCONNECTION

VIMA PARTNERS, LLC, being the owner of the real property described in the attached Exhibit A ("Property"), incorporated herein by this reference as if set forth fully, and pursuant to § 31-12-501, *et. seq.*, does hereby petition the Town of Windsor for the adoption of an ordinance disconnecting the Property from the Town's corporate limits.

I hereby assert that disconnection of the Property as requested herein will not prejudice the best interests of the Town.

DATED THIS 9th day of July, 2014.


VIMA PARTNERS, LLC

BY: Martin Lind, President



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Regular meeting materials, November 23, 2015
From: Ian D. McCargar, Town Attorney
Re: First Amendment to Zeiler Farms Annexation Agreement
Item #: C.5

Background / Discussion:

The proposed disconnection of a portion of the Zeiler Farms Second Annexation carries with it a request for the reallocation of sewer treatment capacity, which capacity is intended to serve development in the RainDance property. The attached First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement ("2009 Annexation Agreement") accomplishes three primary objectives:

- Re-allocation of 549 sanitary sewer density units to RainDance;
- Restrictions on the use of the Zeiler property following disconnection, including oil and gas uses;
- Confirmation that vested property rights are being rescinded by agreement.

The 2009 Annexation Agreement was approved by Town Board Resolution, and this First Amendment is presented for approval by Resolution as well.

Staff believes the First Amendment contains terms that will accomplish the developer's objectives for RainDance, but will also assure that future use of the disconnected property does not become an issue for Windsor and the neighboring property owners within Windsor.

Recommendation:

Adopt Resolution Approving the First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed RainDance Development

Attachments:

First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement

Resolution Approving the First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed Raindance Development

NOTICE: THIS INSTRUMENT IMPAIRS THE DEVELOPMENT
OF
THE REAL PROPERTY DESCRIBED HEREIN

**FIRST AMENDMENT TO ZEILER FARMS ANNEXATIONS
AND
MASTER PLAN ANNEXATION AND DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO ZEILER FARMS ANNEXATIONS AND MASTER PLAN ANNEXATION AND DEVELOPMENT AGREEMENT (“Amendment”) is dated this 15th day of March, 2015, and is by and between THE TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Town”), ZEILER FARMS, INC., a Colorado corporation (“Zeiler”), Robert E. Sorensen, Tamara L. Sorensen, Robert Eric Sorensen and Tamara Lynn Sorensen, and VIMA PARTNERS, LLC., a Colorado limited liability company (“Vima”) (all, collectively, the “Annexors”).

RECITALS:

WHEREAS, Vima is the owner of the real property located in the Zeiler Farms Second Annexation, as depicted on Exhibit A, attached hereto (“Property”); and

WHEREAS, Vima acquired the Property from Zeiler pursuant to Special Warranty Deed dated July 9, 2014, which deed was recorded the real property records of Weld County, Colorado, on July 11, 2014 at Reception No. 4029983.

WHEREAS, the Annexors (other than Vima) and the Town entered into that certain Zeiler Farms Annexations and Master Plan Annexation and Development Agreement dated September 21, 2009, and recorded in the books and records of the Weld County Clerk and Recorder on October 21, 2009, at Reception 3655181 (“Annexation Agreement”); and

WHEREAS, the Agreement incorporated Exhibit H thereto, in which specific development density allowances were identified for the Property, tied to sanitary sewer system capacity available to the property subject to the Annexation Agreement (“Annexation Property”); and

WHEREAS, since approval of the Annexation Agreement, Vima, as the new owner of the Property, wishes to permanently leave the Property undeveloped and dedicated to agricultural uses; and

WHEREAS, Zeiler previously entered into negotiations with Vima, the purpose of which was to permanently exclude the Property from further development, thus retaining its agricultural character in perpetuity; and

WHEREAS, in conjunction with said negotiations with Zeiler, Vima has agreed to disclaim and release certain sanitary sewer discharge capacity units within the Property, the effect of which is

to significantly reduce the number of habitable uses otherwise available within affected portions of the Property; and

WHEREAS, in order to assure that future use of the affected portions of the Property are excluded from development, Vima has agreed that the affected portions of the Property, as further described herein, will be encumbered with a recorded restriction on development; and

WHEREAS, in order to clarify their respective expectations, rights and duties, the Annexors wish to set forth herein their specific understandings in this regard and to amend the Annexation Agreement.

NOW, THEREFORE, the parties agree as follows:

I. DESCRIPTION OF PROPERTY

The Property described in Exhibit A hereto, incorporated herein by this reference as if set forth fully, is affected by this Amendment. It is specifically understood and agreed that all portions of the Annexation Property which are not included within the description of the Property set forth in Exhibit A shall not be affected by this Amendment in any manner.

II. DISCLAIMER AND RELEASE OF SANITARY SEWER DISCHARGE CAPACITY

The parties affirm that the Annexation Agreement contemplated a maximum level of development density within the Annexation Property as further defined in Exhibit H to the Agreement. The parties affirm that the development densities set forth in Exhibit H to the Agreement remain applicable at this time. In light of Vima's desire to permanently render the Property incapable of development, the Annexors hereby disclaim, release and forever disavow the equivalent of 549 sanitary sewer dwelling units, as that term is used to describe the measurement of sanitary sewer discharge capacity in relation to development of the Property. Annexors acknowledge that the within disclaimer/release of sanitary sewer discharge capacity renders the Property incapable of development when considered in conjunction with the remaining provisions of this Amendment.

III. RESTRICTION ON DEVELOPMENT WITHIN THE PROPERTY

Vima agrees that its execution of this Amendment shall result in the Property being rendered incapable of development, unless and until additional sanitary sewer discharge capacity is approved for the purpose of serving the Property by the Town. Such approvals may call for the construction of additional sanitary sewer facility infrastructure, the cost of which shall be borne entirely by Vima. Nothing herein shall obligate the Town to approve any additional sanitary sewer discharge capacity to serve the Property, and Vima knowingly and voluntarily assumes all risk that the Property may be permanently rendered incapable of development by the terms of this Amendment.

IV. DISCONNECTION OF THE PROPERTY, RE-ANNEXATION UPON FUTURE DEVELOPMENT

Vima, as the owner of the Property, has filed a Petition seeking the adoption of an Ordinance (“Disconnection Ordinance”) by the Windsor Town Board disconnecting the Property from the Town’s corporate limits pursuant to Title 31, Article 12, Part 5 of the Colorado Revised Statutes, Vima acknowledges that the adoption of the Disconnection Ordinance is a discretionary legislative act, vested in the sole discretion of the Windsor Town Board, and that nothing in this Amendment shall be construed as an agreement to disconnect the Property. The parties agree, however, that disconnection of the Property shall not affect the terms and conditions set forth herein, except as specifically stated herein.

Notwithstanding disconnection of the Property, Vima agrees that, within thirty (30) days of the occurrence of any of the contingencies set forth below, a fully-executed petition for annexation of the Property will be submitted to the Town pursuant to § 31-12-107, C.R.S., the purpose of which will be the approval of a voluntary re-annexation of the Property. The legislative decision of whether to re-annex the Property shall be left to the sole discretion of the Windsor Town Board. Nothing herein shall be construed as an agreement to re-annex the Property.

The contingencies for re-annexation under this Section shall be any one or any combination of the following:

- Any application for development and/or subdivision of the land in excess of or other than four (4) residential dwelling units;
- Any application for Use by Special Review, or the equivalent Weld County land use process, with respect to any portion of the Property, which allows any of the uses listed in Section V Below;
- Any application for commercial or industrial development of the land, whether such development exceeds four (4) residential dwelling units or is subsumed within any application for Use by Special Review or the equivalent Weld County land use process;
- Annexor, its successors and assigns, agrees that any uses listed in Article V Below taking place within the Property, at the time of re-annexation may be discontinued or amortized as a condition of re-annexation at the Town’s sole option and without compensation, notwithstanding any provisions of law to the contrary.

The provision of sufficient sanitary sewer service discharge capacity to the Property in the event of re-annexation shall be a condition precedent to any development approvals within the Property. Nothing herein shall compel the Town to provide sanitary sewer service discharge capacity to the Property, unless and until Vima constructs additional sanitary sewer facility infrastructure at Vima’s sole expense. However, nothing herein shall obligate the Town to approve any additional sanitary sewer discharge capacity to serve the Property, and Vima knowingly and voluntarily assumes all risk that the Property may be permanently rendered incapable of development.

Vima will not seek annexation of the Property into any municipality other than the Town, regardless of eligibility for annexation under the Colorado Municipal Annexation Act. Vima hereby waives, releases and disclaims any rights Vima may have under Colorado law to seek annexation or consent to annexation into any municipality other than the Town. Vima hereby agrees to object to any annexation efforts initiated by or within any municipality other than the Town. Vima hereby agrees to pay all of the Town's reasonable expenses of litigation, including the cost of expert witnesses and Town staff resources, in the event the Town initiates suit to challenge Vima's action with respect to annexation of the Property by any other municipality, or the rights of any other municipality to annex the Property. Such obligations shall last for a period of two (2) years from the date of this Amendment.

V. OIL AND GAS DEVELOPMENT UPON THE PROPERTY

Vima shall be permitted to undertake (or allow others to undertake) drilling of oil and gas wells upon the Property without any limitation and without any supervision or regulation from the Town. In the event that oil and gas wells are drilled upon the Property and those oil and gas wells are producing oil or gas in commercial quantities, Vima agrees that it shall voluntarily petition to annex the site of the oil and gas well into the Town pursuant to the provisions of this section and the Municipal Annexation Act of 1965. The annexation shall only be for the area immediately surrounding the well heads, as determined in the reasonable discretion of Vima, together with such land area as is required to assure contiguity in accordance with § 31-12-104 (1) (a), C.R.S. Notwithstanding the annexation of such Property into the Town, the Town agrees and acknowledges that the operation, screening, spacing, setback or any other factors surrounding the oil and gas well shall not be subject to any rules or regulations of the Town including, but not limited to, any Conditional Use Permit, any spacing, setback, noise, nuisance or other rules and regulations which the Town imposes or may have the authority to impose upon oil and gas wells located within its jurisdiction. In the event such oil and gas wells are producing resources of commercial quantities, Vima agrees that it shall undertake such petition for annexation, at no cost or expense to itself, and shall commence such petitions for annexation within ninety (90) days from confirmation that the oil and gas wells are producing in commercial quantities. In order to assure timely compliance with this request, Vima will furnish to the Town any quarterly reports that it receives from the oil and gas operator which evidence the production of oil and gas in commercial quantities following the completion of any wells on the Property. The Town shall impose no conditions, requirements, offset, or fees in connection with such annexation.

VI. AGRICULTURAL USES WITHIN THE PROPERTY

Vima intends to continue and, to some extent, expand the agricultural uses presently taking place within the Property. In the event that the Town does not adopt the Disconnection Ordinance or, if adopted, until such time as the Disconnection Ordinance takes effect, following its execution of this Amendment Vima shall not undertake the following agricultural uses within the Property:

- Asphalt or concrete batch plant;

- A junkyard or salvage yard, or the keeping of junk or derelict vehicles;
- Mining or mineral extraction;
- Transloading operations; and
- Livestock confinement operations.

Except as specifically prohibited above, agricultural uses permitted under the Weld County Land Use Code may take place within the Property prior to the effective date of the Disconnection Ordinance. The parties acknowledge that, except as otherwise set forth herein, upon disconnection the Property will be subject to Weld County land use regulations.

VII. LIMITED USE OF SEPTIC SYSTEMS

In the event that the Town does not adopt the Disconnection Ordinance or, if adopted, until such time as the Disconnection Ordinance takes effect, Vima shall be permitted to utilize an individual sanitary septic system or systems within the Property, so long as such system or systems serve no more than four (4) residences located within those portions of the Property which are not agriculturally-productive as contemplated in Section V above.

Regardless of whether the Property is or is not in the future located within the Town's corporate limits, Vima agrees that any future development within the Property which results in more than the four (4) residences contemplated under this Section shall require Vima to connect all developed sites to the Town's sanitary sewer system. As set forth above, the connection of any developed parcels within the Property to the Town's sanitary sewer system shall require Town approval of additional sanitary sewer discharge capacity for the Property. Such approvals may call for the construction of additional sanitary sewer facility infrastructure and improvements to the Town's Waste Water Treatment Plant, the cost of which shall be borne by Vima. Nothing herein shall obligate the Town to approve any additional sanitary sewer discharge capacity to serve the Property, and Vima knowingly and voluntarily assumes all risk that the Property may be rendered incapable of development beyond the four (4) residences described in this Section.

VIII. WAIVER AND AMENDMENT OF VESTED PROPERTY RIGHTS

The parties acknowledge that, pursuant to Ordinance No. 2009-1349, the Town of Windsor conferred statutory vested property rights upon the Property as provided in Title 24, Article 68 of the Colorado Revised Statutes and as further provided in Chapter 16, Article XXVI of the Windsor Municipal Code. The parties agree that this Amendment shall be construed as an agreement to amend vested property rights within the Property in accordance with the terms set forth herein. Further, Annexors agree that, approval of this Amendment by the Windsor Town Board by ordinance shall constitute official action modifying and amending vested property rights for the Property in accordance with the terms set forth herein. Upon Town Board approval of this Amendment by ordinance, Annexors shall be deemed to have waived any right to enforce

vested property rights pursuant to Ordinance No. 2009-1349 and Title 24, Article 68 of the Colorado Revised Statutes within the Property.

IX. DEED RESTRICTION WITHIN PROPERTY

Vima agrees that each and every deed of conveyance from Vima for any parcel of land within the Property shall bear the following legend, placed conspicuously in bold capital letters at the top of the first page:

DEVELOPMENT OF THE PROPERTY AFFECTED BY THIS INSTRUMENT IS AND SHALL BE RESTRICTED BY THE UNDERTAKINGS OF THE ANNEXORS AS SET FORTH IN THAT CERTAIN FIRST AMENDMENT TO ZEILER FARMS ANNEXATIONS AND MASTER PLAN ANNEXATION AND DEVELOPMENT AGREEMENT DATED MARCH 15, 2015, THE TERMS OF WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH FULLY.

Annexors further agree that a copy of this Amendment will be presented to each transferee of Vima prior to closing, with written evidence of receipt presented to the Town's Director of Planning.

X. DEDICATION OF RIGHTS OF WAY

Vima agrees that it will dedicate to the Town such rights of way, easements, permits and licenses as may be reasonably necessary for the development of the remainder of the Annexation Property. Such dedications shall be executed in a form approved by the Town. All such dedications shall be at no expense to the Town.

XI. MISCELLANEOUS

Incorporation of Agreement. Except as specifically modified herein, the terms and conditions of the Agreement are expressly incorporated herein by this reference as if set forth fully.

Binding on heirs, successors and assigns. The within Amendment is binding on the parties' heirs, successors and assigns.

Covenant running with the land. The undertakings of the parties as set forth herein shall be deemed covenants running with the land.

Third party beneficiaries. The within Amendment shall inure only to the benefit of its signatories, and their heirs, successors and assigns. Nothing herein shall be construed to create any third party beneficiaries, and no person or entity other than such signatories, heirs, successors and assigns shall have a right of enforcement.

Applicable law, venue. The within Amendment shall be construed in accordance with Colorado law. Any litigation regarding the enforcement or interpretation of this Amendment shall take place in the state courts of Colorado, sitting in Weld County.

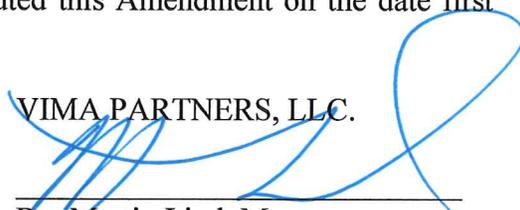
Attorney fees. In the event of litigation arising out of the within Amendment, the Town shall be entitled to an award of attorney fees, all costs of suit and expert witness expenses.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first set forth above.

TOWN OF WINDSOR, COLORADO

VIMA PARTNERS, LLC.

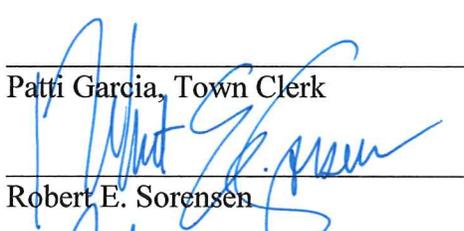
John S. Vazquez, Mayor



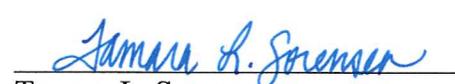
By: Martin Lind, Manager

ATTEST:

Patti Garcia, Town Clerk



Robert E. Sorensen



Tamara L. Sorensen



Robert Eric Sorensen



Tamara Lynn Sorensen

TOWN OF WINDSOR

RESOLUTION NO. 2015-70

A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE ZEILER FARMS ANNEXATIONS AND MASTER PLAN ANNEXATION AND DEVELOPMENT AGREEMENT TO ALLOW FOR THE REALLOCATION OF SANITARY SEWER DENSITY TO SERVE THE PROPOSED RAINDANCE DEVELOPMENT

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

WHEREAS, in 2009, the Town approved the annexation of the Zeiler Farms First and Second Annexations (“Annexations”); and

WHEREAS, in conjunction with the Annexations, the Town and the then-owners of the property within the Annexations entered into the Zeiler Farms Annexations and Master Plan Annexation and Development Agreement (“Annexation Agreement”); and

WHEREAS, the Annexation Agreement addressed the maximum number of sanitary sewer density units (“Units”) available to the Annexations, which Units were assigned by the Town in accordance with sanitary sewer infrastructure already in place; and

WHEREAS, since the Annexation Agreement was finalized, Vima Partners, LLC, has acquired a portion of the property within the Annexations (“Vima Property”); and

WHEREAS, Vima Partners, LLC, proposes to re-allocate the Units formerly assigned to the Vima Property to the proposed RainDance development (“RainDance”), the result of which will increase available density within RainDance; and

WHEREAS, the Town Board reaffirms that reallocation of sanitary sewer capacity is a function reserved to the Town’s Sanitary Sewer Utility, but may be facilitated by landowner agreements; and

WHEREAS, in order to facilitate modification of the allocation of the Units as proposed by Vima Partners, LLC, an amendment to the Annexation Agreement is required; and

WHEREAS, the Town and all owners of property within the Annexations have negotiated the attached First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement (“First Amendment”), incorporated herein by this reference as if set forth fully; and

WHEREAS, the First Amendment makes clear that, except to a very limited extent, the Vima Property will be rendered incapable of development by the re-allocation of the Units associated with the Vima Property; and

WHEREAS, the First Amendment also places certain limitations upon future land use within the Vima Property, and provides for re-annexation under certain circumstances; and

WHEREAS, the First Amendment does not in any way affect development or sanitary sewer density within those portions of the Annexations not owned by Vima, it being the intention of the parties to leave development of those portions as intended under the Annexation Agreement; and

WHEREAS, the Town Board desires to approve the First Amendment for the protection of the public health, safety and welfare.

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

1. The attached First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement is hereby approved.
2. The Mayor is authorized to execute the said First Amendment on the Town's behalf.
3. Nothing herein or in the said First Amendment shall be deemed to waive, modify, assign or dilute the Town's authority to allocate sanitary sewer capacity to serve development within the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

EXHIBIT A

THE NE ¼ OF SECTION 7, TOWNSHIP 5 NORTH, RANGE 67 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO,

DEPICTED IN RED AS:

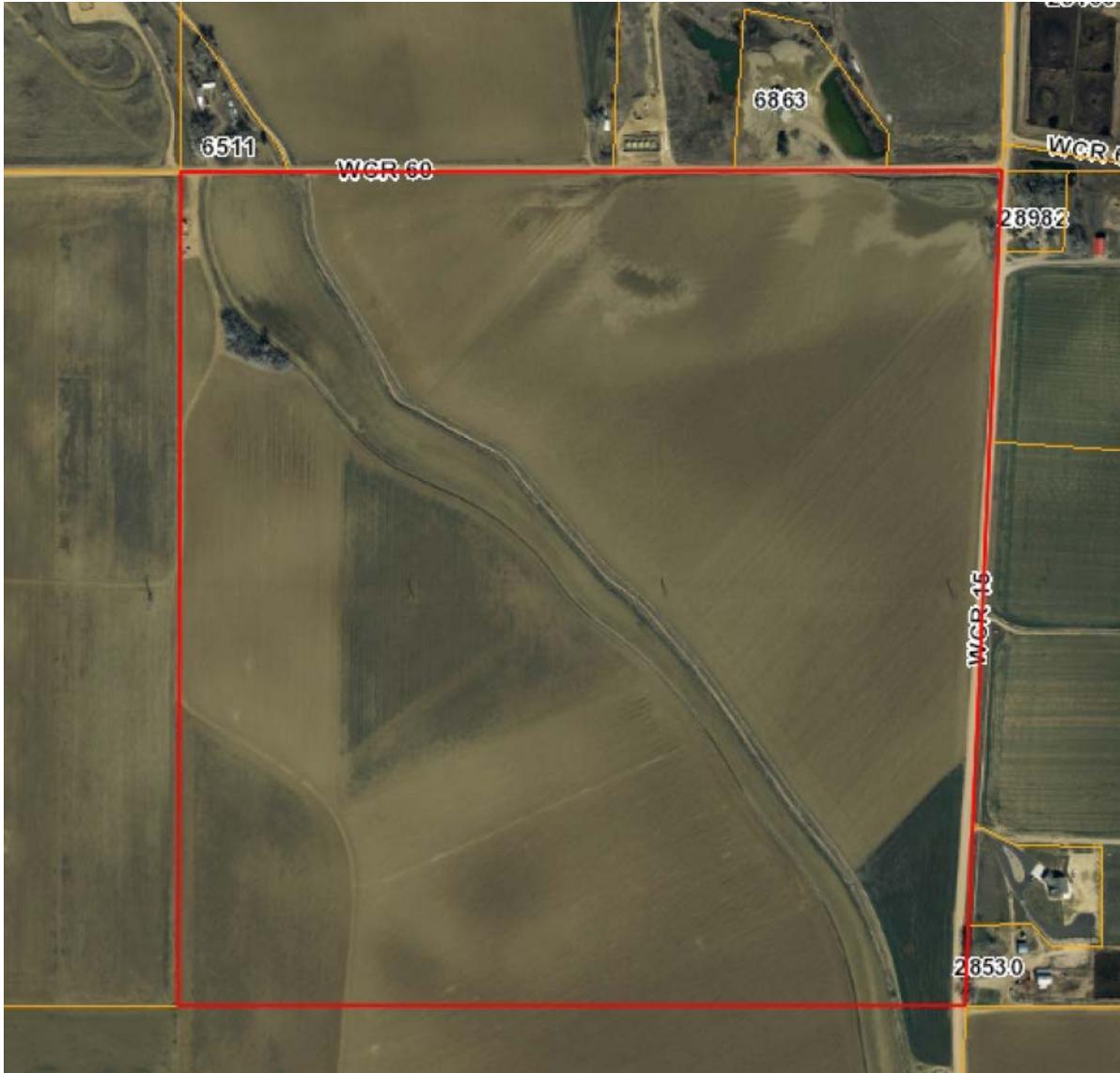


EXHIBIT A TO FIRST AMENDMENT TO ZEILER FARMS ANNEXATIONS AND
MASTER PLAN ANNEXATION AND DEVELOPMENT AGREEMENT



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Regular meeting materials, November 23, 2015
From: Ian D. McCargar, Town Attorney
Re: RainDanceSanitary Sewer Density transfers
Item #: C.6.a

Background / Discussion:

In order to enable the development of the RainDance property to the densities desired, the Town has been asked to authorize the reallocation of sanitary sewer treatment capacity from two areas: the Zeiler property and various parcels in Water Valley. Although the management of our sanitary sewer utility is reserved to the Town, we have negotiated two agreements to accomplish the reallocation of treatment capacity as requested by the landowners.

Each of these reallocation agreements have been reviewed and approved by the Engineering Department. In effect, the sewer discharges that would have been made from the Zeiler and Water Valley parcels will now be discharged from parcels within RainDance. The existing infrastructure is capable of handling this reallocation, so there is no additional infrastructure expense involved.

Attached are two Resolutions which approve these reallocation agreements.

Recommendation:

Adopt the attached Resolutions.

Attachments:

Agreement for Reallocation of Sanitary Sewer Capacity Units (Water Valley-to-RainDance);

Resolution Approving an Agreement for Reallocation of Sanitary Sewer Capacity Units by, between, and among the Town of Windsor, Trolco, Inc., Vima Partners, LLC, and Raindance Aquatic Investments, LLC (Water Valley-to-RainDance)

First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed Raindance Development

Resolution Approving the First Amendment to Zeiler Farms Annexations and Master Plan Annexation and Development Agreement to Allow for the Reallocation of Sanitary Sewer Density to Serve the Proposed Raindance Development

**NOTICE: THIS INSTRUMENT IMPAIRS THE DEVELOPMENT
OF
REAL PROPERTY DESCRIBED HEREIN**

AGREEMENT FOR REALLOCATION OF SANITARY SEWER CAPACITY UNITS

THIS AGREEMENT FOR REALLOCATION OF SANITARY SEWER CAPACITY UNITS (“Agreement”) is dated this 23rd day of November, 2015, and is by, between and among THE TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation (“Town”), TROLLCO, INC., a Colorado corporation, individually and as Survivor in Merger with VIMA, INC., F/K/A PAVISTMA, INC., and VIMA PARTNERS, LLC (collectively, “Water Valley Developer”) and RAINDANCE AQUATIC INVESTMENTS, LLC., a Colorado limited liability company.

RECITALS:

WHEREAS, RainDance is the owner of the real property located in the Water Valley West Annexation, as depicted on Exhibit A, attached hereto (“RainDance Property”); and

WHEREAS, the Water Valley Developer entities collectively are the owner and/or developer of the following real property as follows:

- a. Trolco, Inc. is Water Valley South Subdivision as is depicted in the recorded plat thereof; and
- b. Trolco, Inc. as Survivor in Merger with VIMA, INC. F/K/A PAVISTMA, INC. is the current owner and developer of Tract B, Hilltop Estates Subdivision, as depicted in the recorded plat thereof; and
- c. VIMA PARTNERS, LLC, an affiliated entity to Trolco, Inc., is the owner of the property known as the LaBue Farm as follows:

A parcel of land in the south half of Section 32 , Township 6 North, Range 67 West of the Sixth Principal Meridian; in Weld County, Colorado, said parcel being more particularly described as follows:

Lot B, Recorded Exemption number 1415, and the remaining portion of the southwest quarter of said Section, except Lot A of Recorded Exemption number 1415; and except that portion of said quarter section conveyed by bargain and sale deed recorded at reception number 3067075, and including that portion of the southeast quarter of said section conveyed by bargain and sale deed recorded at reception number 3067076, containing 155.4 acres more or less

All three (3) properties shall be collectively referred to herein as the “Transferring Parcels”.

WHEREAS, the Water Valley Developer has undertaken development of some but not all of the Transferring Parcels, but have not developed the Transferring Parcels in aggregate to the maximum sanitary sewer density previously anticipated by the parties; and

WHEREAS, as a result of the development of the Transferring Parcels at less-than-allocated density in aggregate, excess sanitary sewer capacity is available for reallocation to the RainDance Property; and

WHEREAS, RainDance proposes to develop the RainDance Property to a density requiring additional sanitary sewer capacity, some or all of which may be allocable by the Town from the Transferring Parcels; and

WHEREAS, to the extent the Transferring Parcels have been developed to some extent, the parties wish to re-affirm that the sanitary sewer capacity formerly allocated to such development shall remain available to serve future development and redevelopment, if any, within developed portions of the Transferring Parcels; and

WHEREAS, RainDance has provided the Town and the Water Valley Developer the results of analysis rendered by TST, Inc., Consulting Engineers regarding the sanitary sewer density units believed to be available within the Transferring Parcels for reallocation to the RainDance Property (“TST Density Opinion”); and

WHEREAS, the Town has reviewed and generally concurs with the TST Density Opinion, and generally agrees with the concept of reallocating sanitary sewer density units from the Transferring Parcels to the RainDance Property; and

WHEREAS, the Town is relying in good faith upon the TST Density Opinion in undertaking this Agreement; and

WHEREAS, the parties desire to assure the reallocation of the sanitary sewer density units for use within the RainDance Property while reserving to the Town the administration of such units; and

WHEREAS, in order to assure that further development within the Transferring Parcels is prohibited, Water Valley Developer has agreed that the Transferring Parcels will be encumbered with a recorded restriction on development; and

WHEREAS, in order to clarify their respective expectations, rights and duties, the parties wish to set forth herein their specific understandings in this regard.

NOW, THEREFORE, the parties agree as follows:

I. DESCRIPTION OF RAINDANCE PROPERTY

The RainDance Property, as described in Exhibit A, shall be the only property within which the sanitary sewer density capacity transfers contemplated under this Agreement shall be transferred. It is specifically understood and agreed that no other property shall be served or benefitted by the sanitary sewer density capacity transfers contemplated under this Agreement in any manner.

II. DISCLAIMER AND RELEASE OF SANITARY SEWER DISCHARGE CAPACITY

The parties affirm that the development of the Transferring Parcels assumed a certain level of development density, only a portion of which has been achieved in aggregate. The parties affirm that the development densities previously estimated for the Transferring Parcels remain applicable at this time. In light of Water Valley Developer's desire to permanently render the Transferring Parcels incapable of further development, either in whole or in part, the Water Valley Developer hereby disclaims, releases and forever disavows the equivalent of 827 sanitary sewer dwelling units ("Excess Units"), as that term is used to describe the measurement of sanitary sewer discharge capacity in relation to development of the Transferring Parcels. The Water Valley Developer acknowledges that the within disclaimer/release of sanitary sewer discharge capacity renders the Transferring Parcels incapable of further development, either in whole or in part, when considered in conjunction with the remaining provisions of this Agreement.

III. RESTRICTION ON DEVELOPMENT WITHIN THE TRANSFERRING PARCELS

The Water Valley Developer agrees that its execution of this Agreement will result in the Transferring Parcels being rendered incapable or less capable of further development, depending upon the extent to which the TST Density Opinion calls for sanitary sewer discharge capacity reallocation from a given parcel, lot or tract of land, unless and until additional sanitary sewer discharge capacity is approved for the purpose of serving the Transferring Parcels by the Town. Such approvals may call for the construction of additional sanitary sewer facility infrastructure, the cost of which shall be borne entirely by the Water Valley Developer. Nothing herein shall obligate the Town to approve any additional sanitary sewer discharge capacity to serve the Transferring Parcels, and the Water Valley Developer knowingly and voluntarily assumes all risk that the Property may be permanently rendered incapable of further development by the terms of this Agreement.

IV. REALLOCATION OF EXCESS UNITS TO RAINDANCE PROPERTY

The Town acknowledges that, by rendering the Transferring Parcels incapable of further development, or less-capable of further development, this Agreement enables the reallocation of the Excess Units from the Transferring Parcels to the RainDance Property. The Town agrees that, subject to its authority to manage the Town's Sewer Utilities Enterprise pursuant to Chapter 13, Article I of the *Windsor Municipal Code*, the reallocation of the Excess Units from the Transferring Parcels to the RainDance Property is hereby approved.

The RainDance Property has been divided into sanitary sewer basins for purposes of sanitary sewer capacity management. RainDance acknowledges and affirms the Town's sanitary sewer

basin system shall be the means by which sanitary sewer capacity will be managed by the Town within the RainDance Property with respect to all sanitary sewer density unit allocations, including both the Excess Units and any other sanitary sewer capacity existing within the RainDance property outside of this Agreement. The particular areas within the RainDance Property to which sanitary sewer density units shall be applied will be determined by the Town in accordance with the attached Southwest Sewer Master Plan Amendment dated October 21, 2015, designated as "Exhibit B", which is incorporated herein by this reference as if set forth full, and in accordance with the Town's authority to manage the Town's Sewer Utilities Enterprise pursuant to Chapter 13, Article I of the *Windsor Municipal Code*.

Nothing herein shall be deemed to confer upon RainDance or the Water Valley Developer any right, title or ownership interest in the sanitary sewer density units otherwise allocated or reallocated herein to the RainDance Property. The Town shall exercise sole authority over sanitary sewer density units available to serve development within the RainDance Property. Notwithstanding this reservation of authority to the Town, the Town represents that the sanitary sewer density units otherwise available and as reallocated from the Transferring Parcels by this Agreement shall be allocated to serve development within the RainDance Property so long as the Town's sanitary sewer treatment and collection systems are legally and physically capable of receiving sanitary sewer discharges from the RainDance Property in accordance with the analysis set forth in Exhibit B.

Nothing herein shall be deemed to permit the development of any parcel or combination of parcels in a manner which would result in densities exceeding the assigned capacity of the Town's sanitary sewer collection and treatment system.

IV. DEED RESTRICTION WITHIN TRANSFERRING PARCELS

The Water Valley Developer agrees that each and every deed of conveyance for any parcel of land within the Transferring Parcels shall bear the following legend, placed conspicuously in bold capital letters at the top of the first page:

DEVELOPMENT OF THE PROPERTY AFFECTED BY THIS INSTRUMENT IS AND SHALL BE RESTRICTED BY THE UNDERTAKINGS OF THE WATER VALLEY DEVELOPER AS SET FORTH IN THAT CERTAIN AGREEMENT FOR REALLOCATION OF SANITARY SEWER CAPACITY UNITS DATED NOVEMBER 23, 2015, THE TERMS OF WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH FULLY.

The Water Valley Developer further agrees that a copy of this Agreement will be presented to each transferee of land within the Transferring Parcels prior to closing, with written evidence of receipt presented to the Town's Director of Planning.

V. MISCELLANEOUS

Incorporation of Exhibits and Documents. The identified Exhibits and any documents referred to herein by title and date shall be deemed incorporated by reference as if set forth fully herein.

Binding on heirs, successors and assigns. The within Agreement is binding on the parties' heirs, successors and assigns.

Covenant running with the land. The undertakings of the parties as set forth herein shall be deemed covenants running with the land.

Third party beneficiaries. The within Agreement shall inure only to the benefit of its signatories, and their heirs, successors and assigns. Nothing herein shall be construed to create any third party beneficiaries, and no person or entity other than such signatories, heirs, successors and assigns shall have a right of enforcement.

Applicable law, venue. The within Amendment shall be construed in accordance with Colorado law. Any litigation regarding the enforcement or interpretation of this Amendment shall take place in the state courts of Colorado, sitting in Weld County.

Attorney fees. In the event of litigation arising out of the within Amendment, the Town shall be entitled to an award of attorney fees, all costs of suit and expert witness expenses.

TABOR compliance. Nothing herein shall be deemed a multiple fiscal-year obligation by the Town. Nothing herein shall require undertakings by the Town which violate Article X, Section 20 of the Colorado Constitution.

Governmental Immunity. Nothing herein shall be deemed a waiver of the Town's immunity from claims as provided in the Colorado Governmental Immunity Act.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first set forth above.

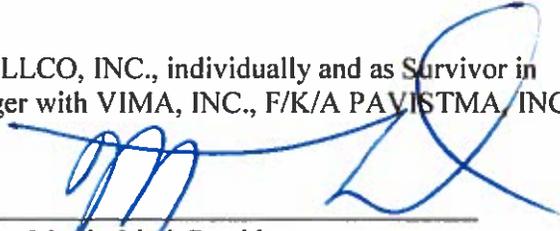
TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

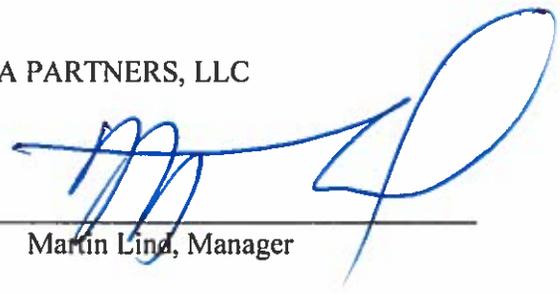
ATTEST:

Patti Garcia, Town Clerk

TROLLCO, INC., individually and as Survivor in
Merger with VIMA, INC., F/K/A PAVISTMA, INC.

By: 
Martin Lind, President

VIMA PARTNERS, LLC

By: 
Martin Lind, Manager

RAINDANCE AQUATIC INVESTMENTS, LLC

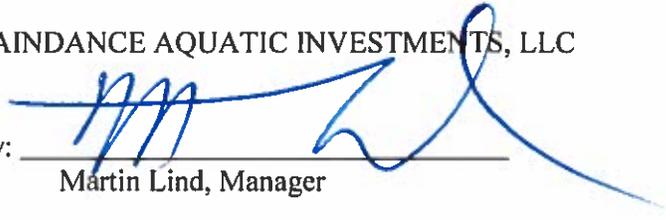
By: 
Martin Lind, Manager

Exhibit A

VICINITY MAP

NOT TO SCALE



**Southwest Sewer Master Plan
Amendment - 2015**

submitted to:

**Town of Windsor,
Colorado**

October 21, 2015





October 21, 2015

Doug Roth
Engineering Department
Town of Windsor
301 Walnut Street
Windsor, CO 80550

Re: Southwest Sewer Master Plan Amendment - 2014

Town of Windsor Development Review Team:

TST, Inc. Consulting Engineers has reviewed the current South/West Interceptor Sewer Calculations Spreadsheet (rev. 05/06/2009) for a local property owner & developer. The owner wishes to transfer sewer density between basins in order to proceed with development of the Raindance (a.k.a. Water Valley West) property.

The following narrative describes the means by which the transfers can be completed. The ultimate intent, if approved by Town staff, would be to update the Sewer Master Plan to reflect the proposed density transfers.

We appreciate your time in consideration of this project.

Regards,

TST, INC. CONSULTING ENGINEERS

Matthew Taranto, P.E.

Steve F. Humann, P.E.



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Raindance Sewer Analysis – Per Town Master Plan (05-06-09 Rev)

Raindance Sewer Analysis – As Proposed for Raindance South Hill with T.D.U.'s (05/2015)



Purpose:

The purpose of the sewer analysis was to determine if the owner of the Raindance (a.k.a. Water Valley West) property could transfer density units, based on sewer capacity, between basins without negatively impacting the existing system. The existing and proposed South/West Interceptor Sewer system was divided into North & South branches for the purpose of this study. The following information contained herein is intended to show a comparison of the latest Town of Windsor Sewer Interceptor Master Plan to our proposed amendment to the Master Plan, allowing for the transfer of density units.

Basin Breakdown (use in conjunction with Vicinity Map & Exhibit A):

Basin 1 – North – No additional density was added or transferred.

Basin 2 – North – No additional density was added or transferred.

Basin 3 – North – No additional density was added or transferred.

Basin 4 – North – A combined total of 443 units were added to this basin. There were 287 units added from Basin-28 & 156 units added from Basin-7. These transfers came from “Water Valley South” and “Hilltop M.F.” respectively.

Basin 5 – North – No additional density was added or transferred.

Basin 6 – South – A total of 549 units were added from Basin-14. This was a transfer from “Zeiler Farms”. This included a commercial reduction of approximately 38 acres at a rate of 3.45 DU/acre (development units), resulting in 130 units. The other 419 units were transferred from Tracts K, M, N, O, & P of the approved “Zeiler Farms” Master Plan. A total of 154 units were added from Basin-28. This was a transfer from “Water Valley South” to the proposed “Raindance” subdivision. A total of 132 units were added from Basin-9. This was a transfer from “South Hill/LaBue” to the proposed “Raindance” subdivision.

Basin 7 – North – Of the 47 acres, 21 acres are not available for density transfer. This left 26 transferable residential acres. All 26 acres were transferred to Basin-4 at a rate of 6 D.U./Acre. This totaled 156 units transferred to Basin- 4.

Basin 8 – South – No additional density was added or transferred.

Basin 9 – South – A total of 99 units were added from Basin-11. This is a transfer from “The Farm” to the “South Hill” subdivision and “LaBue” farm. The 132 units added to Basin-6 were taken from this basin. This was a transfer from the “South Hill” subdivision and “LaBue” farm to the proposed “Raindance” subdivision.

Basin 10 – South – The only part of Basin-10 that is accounted for is the area north of Crossroads Blvd. A portion (229.52 AC) of this area’s flow was transferred upstream (line S-5) to the proposed “Raindance” subdivision. The remaining flow (417.34 AC) remained as was originally planned in the South/West Interceptor Sewer Calculations. A commercial reduction of 51 commercial acres located in the 229.52 acres will be converted to residential at a rate of 3.45 DU/AC. This reduction will yield an additional 175.95 DU for Basin 10.

Basin 11 – South – The 99 units added to Basin-9 were taken from this basin. This is a transfer from “The Farm” to the “South Hill” subdivision and “LaBue” farm.



Basin 12 – South – No additional density was added or transferred.

Basin 13 – South – No additional density was added or transferred.

Basin 14 – South – A total of 549 units were transferred to Basin-6. This was a transfer from “Zeiler Farms”. This included a commercial reduction of approximately 38 of 82 acres at a rate of 3.45 DU/acre (development units), resulting in 130 units. The other 419 unit were transferred from Tracts K, M, N, O, & P to Basin-6.

Basin 15 – South – No additional density was added or transferred.

Basin 16 – South – No additional density was added or transferred.

Basin 17 – South – No additional density was added or transferred.

Basin 18 – South – No additional density was added or transferred.

Basin 19 – South – No additional density was added or transferred.

Basin 21 – South – No additional Density was added or transferred.

Basin 28 – North – A total of 441 units were transferred to Basins 4 (287) and 6 (154). This was a transfer from “Water Valley South” to the proposed “Raindance” subdivision. The Sewer Master Plan allows for 2,032 D.U.’s in Basin-28, but the actual density (both existing and proposed) is 1,591 D.U.’s. The difference between the allowed and actual is 441 D.U.’s.

Basin 29 – North – 77.5 acres were added based on the Raindance Master Plan. This will be added to the fixed flow (950 GPM) from the Westwood Village Lift Station.

Basin 30 – South – No additional density was added or transferred.



TOWN MASTER PLAN
&
ZEILER FARMS MASTER PLAN



WINDSOR SOUTHWEST INTERCEPTOR SEWER MASTER PLAN

- PROPOSED SEWER
- - - EXISTING SEWER
- SEWER SERVICE BOUNDARY
- TRIBUTARY BOUNDARY
- LAND USE BOUNDARY



1"=3000' 0' 3000' REVISED 07-01-15

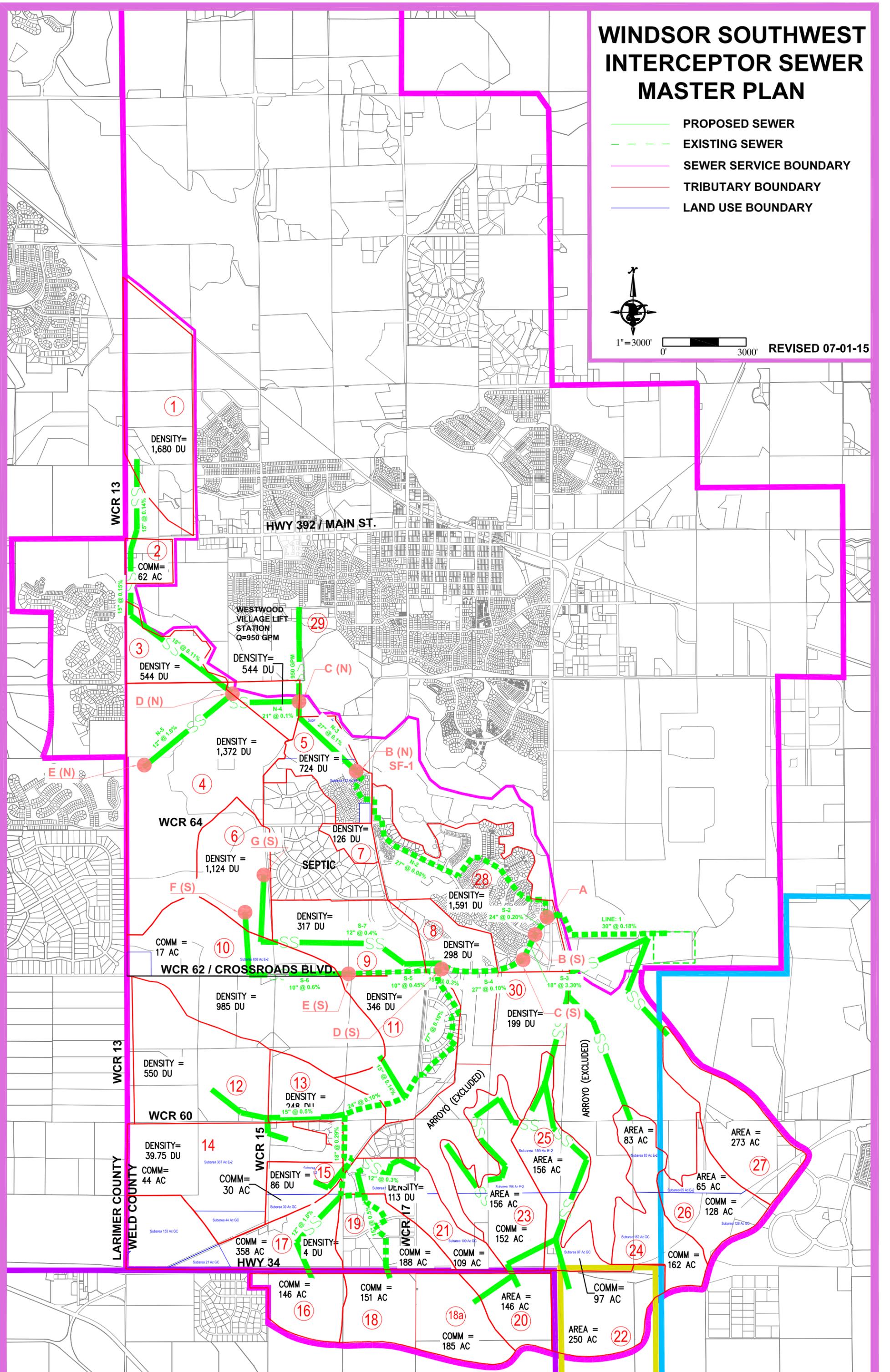


EXHIBIT-A

RAINDANCE DENSITY OPPORTUNITIES



Raindance Density Opportunities

Revised 10-21-2015

	South (Residential)	South (Commercial)	North
WV West @ 1.25 DU/acre SW Interceptor Sewer Master Plan Basins 6 and 10 (Estate Zoning @ 1.25 DU/acre) Commercial Reduction One acre commercial = 3.45 DUs	402 acres x 1.25 DU 503 units 51 acres x 3.45 DU 176 units	68 acres -51 acres	586.73 acres x 1.25 DU 733 units 77.5 acres x 1.25 DU 97 units
Subtotal	679 units		
Zeiler Farms (160 acres) Tract K Tract L (Commercial) Tract M Tract N Tract O Tract P (Park)	37.79 acres x 3.45 DU 121 units 130 units 59 units 116 units 123 units 0 units		
Subtotal	549 units		
Hilltop Tract B (35.97 acres - 10 acres = 25.97 acres) Zoned as MF2 (possibly 12-14 DU/acre) but Sewer MP Basin 7 depicts only 6 DU/acre			(potentially 312) 156 units
LaBue Farms & South Hill Sewer MP Basin 9 allows for density of 350. Add 99 units from Basin 11. Actual density (existing and proposed) = 317. 350+99-317=132	132 units		
WV South TDU Sewer MP Basin 28 allows for density of 2032. Actual density (existing and proposed) = 1459. 2032-1591=441 units	154 units		287 units
Total Units	1514 units	17 acres	1273 units

Total Potential Density = 17 Ac. Commercial and 2,787 Units

SUMMARY COMPARISON SPERADSHEETS
 (see Appendix for full analysis spreadsheets)

Density Transfer Summary						
Basin	Current		Proposed		Δ	
	D.U.'s	Comm.	D.U.'s	Comm.	D.U.'s	Comm.
	EA	Acre	EA	Acre	EA	Acre
1	1,680.00		1,680.00		0.00	
2		62.00		62.00		0.00
3	544.00		544.00		0.00	
4	928.75		1,371.75		443.00	
5	724.00		724.00		0.00	
6	288.75		1,123.75		835.00	
7	282.00		126.00		-156.00	
8	297.50		297.50		0.00	
9	350.00		317.00		-33.00	
10	808.75	68.00	984.70	17.00	175.95	-51.00
11	445.00		346.00		-99.00	
12	550.00		550.00		0.00	
13	247.50		247.50		0.00	
14	458.75	82.00	39.75	44.21	-419.00	-37.79
15	86.25	30.00	86.25	30.00	0.00	0.00
16		146.00		146.00		0.00
17	3.75	358.00	3.75	358.00	0.00	0.00
18		151.00		151.00		0.00
19		188.00		188.00		0.00
21	112.50	109.00	112.50	109.00	0.00	0.00
28	2,032.00		1,591.00		-441.00	
29			96.88		96.88	
29 (Fixed)						
30	198.75		198.75		0.00	
TOTAL	10,027.00	1,194.00	10,441.08	1,105.21	402.83	-88.79

*Note: Commercial reductions (3.45 DU/Acre) account for the difference between Current & Proposed totals.



Pipe Capacity Summary										
Pipe	Current					Proposed				
	Diam.	Slope	Qpeak	Velocity	d/D	Diam.	Slope	Qpeak	Velocity	d/D
	in	%	MGD	ft/s		in	%	MGD	ft/s	
1	30	0.18	11.21	4.04	0.82	30	0.18	11.15	4.04	0.81
S-2	24	0.2	6.19	3.66	0.78	24	0.20	6.23	3.67	0.78
S-3	18	3.30	6.06	10.76	0.50	18	3.30	6.09	10.77	0.50
S-4	27	0.10	6.06	2.80	0.78	27	0.10	6.09	2.81	0.79
S-5	10	0.45	0.58	2.82	0.28	10	0.45	0.72	2.96	0.65
S-6						10	0.60	0.72	3.32	0.59
S-7						12	0.40	0.86	2.99	0.55
N-2	27	0.08	5.74	2.51	0.83	27	0.08	5.69	2.50	0.81
N-3	27	0.10	3.92	2.59	0.57	27	0.10	4.48	2.67	0.62
N-4	21	0.10	2.55	2.31	0.67	21	0.10	2.89	2.35	0.74
N-5						12	1.00	1.14	4.53	0.50

Note: Existing line S-3 has a peak velocity greater than the 10 ft/s maximum specified. Existing line 1 & N-2 have a d/D greater than the 0.8 specified.

Summary:

After analyzing the current South/West Sewer Interceptor Master Plan (rev. 05/06/2009) and sewer calculations, TST Consulting Engineers proposes to transfer a total of 1,454 density units (D.U.'s) to the Raindance Development. This was accomplished through commercial reductions, as well as transferring density units from other basins. In all cases the transfers were added upstream of their current location.

The final analysis proved that the density could be successfully transferred within the system with only minor impacts to the original capacities and actually improved the flow in one section. A section of pipe in the southern branch of the system, running along Crossroads Blvd to East of the 7th Street round-a-bout, was originally designed and shown as 12". However, it was installed as 10". To provide additional capacity, a second pipe will be installed from the 24", East of Seventh St. and Crossroads Blvd. This new line will extend upstream through Basin-9 (South Hill 2nd Filing) and into Basin-6 as depicted in the revised Sewer Master Plan Map.

All existing pipe sizes are adequate to support the additional flow from the Raindance development and for the proposed density transfers. In the Pipe Capacity Summary table above, it should be noted that several existing lines are out of specification by a small amount. The maximum d/D allowed is 0.8 for interceptors and trunks. Line 1 is has a d/D of 0.82 (current) & 0.81 (proposed), and line N-2 has a d/D of 0.83 (current) and 0.81 (proposed). The maximum velocity at peak flow allowed is 10 ft/s. Line S-3 has a velocity of 10.76 ft/s (current) and 10.77 (proposed). No advert future repercussions are anticipated from these existing lines being in non-conformance.

We look forward to collaborating with the Town to amend the South/West Sewer Interceptor Master Plan. The proposed amendments are essential in ensuring the density and capacity is available for the new development, and ensuring that the current capacities of the existing developments are minimally affected. With the approval of the proposed transfers, we will be taking another step toward the successful completion of the Raindance Development.



APPENDIX



Raindance Sewer Analysis - South
Per Town Sewer Master Plan (05-06-09 Rev.)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day	MGD	gpm	gpm	ft/sec	in	%	%		
S - 5 (E - D)	6 HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28	<i>Note: Line S-5 shown in Master Plan as 12". A portion has been constructed and was installed as a 10" pipe.</i>						
	9 HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33							
	Residential					1,763		158,665.50	3.63	0.58							
	Non-Resid.									0.00							
										0.58	399.72	659.68	2.69	10	60.6	0.28	0.45
S - 4 (D - C)	6 HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28							
	9 HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33							
	10 HD-E	638.00	1.25	797.50	2.76	2,201.10	90.00	198,099.00	3.55	0.70							
	10-c GC	68.00						102,000.00	2.00	0.20							
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.85	0.28							
	11 HD-E	356.00	1.25	445.00	2.76	1,228.20	90.00	110,538.00	3.74	0.41							
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50							
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24							
	14 HD-E	367.00	1.25	458.75	2.76	1,266.15	90.00	113,953.50	3.73	0.43							
	14-c GC	82.00						123,000.00	2.00	0.25							
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09							
	15-c GC	30.00						45,000.00	2.00	0.09							
	16 GC	146.00						219,000.00	2.00	0.44							
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00							
	17-c GC	358.00						537,000.00	2.00	1.07							
	18 GC	151.00						226,500.00	2.00	0.45							
	19 GC	188.00						282,000.00	2.00	0.56							
21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11								
21-c GC	109.00						163,500.00	2.00	0.33								
Residential					10,040		903,555	2.95	2.67								
Non-Resid.							1,698,000	2.00	3.40								
										6.06	4,211.24	4,395.69	2.46	27	95.8	0.78	0.1
S - 3 (C - B)	6 HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28							
	9 HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33							
	10 HD-E	638.00	1.25	797.50	2.76	2,201.10	90.00	198,099.00	3.55	0.70							
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	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50							
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24							
	14 HD-E	367.00	1.25	458.75	2.76	1,266.15	90.00	113,953.50	3.73	0.43							
	14-c GC	82.00						123,000.00	2.00	0.25							
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09							
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	16 GC	146.00						219,000.00	2.00	0.44							
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00							
	17-c GC	358.00						537,000.00	2.00	1.07							
	18 GC	151.00						226,500.00	2.00	0.45							
	19 GC	188.00						282,000.00	2.00	0.56							
21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11								
21-c GC	109.00						163,500.00	2.00	0.33								
Residential					10,039.50		903,555	2.95	2.67								
Non-Resid.							1,698,000	2.00	3.40								
										6.06	4,211.24	8,564.61	10.80	18	49.2	0.50	3.3

Raindance Sewer Analysis - South
Per Town Sewer Master Plan (05-06-09 Rev.)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope		
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%	%			
S - 2 (B - A)	6 HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28									
	9 HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33									
	10 HD-E	638.00	1.25	797.50	2.76	2,201.10	90.00	198,099.00	3.55	0.70									
	10-c GC	68.00						102,000.00	2.00	0.20									
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.85	0.28									
	11 HD-E	356.00	1.25	445.00	2.76	1,228.20	90.00	110,538.00	3.74	0.41									
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50									
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24									
	14 HD-E	367.00	1.25	458.75	2.76	1,266.15	90.00	113,953.50	3.73	0.43									
	14-c GC	82.00						123,000.00	2.00	0.25									
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09									
	15-c GC	30.00						45,000.00	2.00	0.09									
	16 GC	146.00						219,000.00	2.00	0.44									
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00									
	17-c GC	358.00						537,000.00	2.00	1.07									
	18 GC	151.00						226,500.00	2.00	0.45									
	19 GC	188.00						282,000.00	2.00	0.56									
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11									
	21-c GC	109.00						163,500.00	2.00	0.33									
	30 HD-E	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20									
Residential						10,588.05		952,925	2.93	2.79									
Non-Resid.								1,698,000	2.00	3.40									
										6.19	4,297.26	4,540.83	3.22	24	94.6	0.78	0.2		
1 (A - WWTP)	6 HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28									
	9 HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33									
	10 HD-E	638.00	1.25	797.50	2.76	2,201.10	90.00	198,099.00	3.55	0.70									
	10-c GC	68.00						102,000.00	2.00	0.20									
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.85	0.28									
	11 HD-E	356.00	1.25	445.00	2.76	1,228.20	90.00	110,538.00	3.74	0.41									
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50									
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24									
	14 HD-E	367.00	1.25	458.75	2.76	1,266.15	90.00	113,953.50	3.73	0.43									
	14-c GC	82.00						123,000.00	2.00	0.25									
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09									
	15-c GC	30.00						45,000.00	2.00	0.09									
	16 GC	146.00						219,000.00	2.00	0.44									
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00									
	17-c GC	358.00						537,000.00	2.00	1.07									
	18 GC	151.00						226,500.00	2.00	0.45									
	19 GC	188.00						282,000.00	2.00	0.56									
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11									
	21-c GC	109.00						163,500.00	2.00	0.33									
	30 HD-E	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20									
Residential						10,588.05		952,925	2.93	2.79									
Non-Resid.								1,698,000	2.00	3.40									
										6.19	4,297.26	7,810.58	3.55	30	55.0	0.53	0.18		

Note: These flows are ONLY those contributions from the "South" contributing basins.

Total Units - South = 3,836.25

Notes:

- 1 Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
- 2 Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
- 3 d/D calculated using Bentley FlowMaster V8i



Raindance Sewer Analysis - North
Per Town Master Plan (05-06-09 Rev.)

LINE	Basin/ Land Use		Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope	
			Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%		%	
N - 4 (D - C) RMU	1	SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2	GC	62.00						93,000.00	2.00	0.19								
	3	SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4	HD-E	743.00	1.25	928.75	2.76	2,563.35	90.00	230,701.50	3.50	0.81								
	Residential						8,702		783,143	3.01	2.36								
	Non-Resid.								93,000	2.00	0.19								
											2.55	1,768.56	2,248.93	2.08	21	78.6	0.67	0.1	
N - 3 (C - B) RMU/SF-1	1	SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2	GC	62.00						93,000.00	2.00	0.19								
	3	SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4	HD-E	743.00	1.25	928.75	2.76	2,563.35	90.00	230,701.50	3.50	0.81								
	29	FIXED							1,368,000.00		1.37								
	Residential						8,702		783,143	3.01	2.36								
	Non-Resid.								93,000	2.00	0.19								
Fixed Flow										1.37									
											3.92	2,719.95	4,395.69	2.46	27	61.9	0.57	0.1	
N-2 (B - A) SF-1/RMU	1	SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2	GC	62.00						93,000.00	2.00	0.19								
	3	SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4	HD-E	743.00	1.25	928.75	2.76	2,563.35	90.00	230,701.50	3.50	0.81								
	29	FIXED							1,368,000.00		1.37								
	5	SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64								
	7	RMU	47.00	6.00	282.00	2.76	778.32	90.00	70,048.80	3.87	0.27								
	28 (WVS)	SF	508.00	4.00	2,032.00	2.76	5,608.32	90.00	504,748.80	3.20	1.61								
	Residential						17,086		1,537,782	2.72	4.18								
	Non-Resid.								93,000	2.00	0.19								
Fixed Flow										1.37									
											5.74	3,986.60	3,931.63	2.20	27	101.4	0.83	0.08	
1 (A - WWTP) RMU/O	1	SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2	GC	62.00						93,000.00	2.00	0.19								
	3	SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4	HD-E	743.00	1.25	928.75	2.76	2,563.35	90.00	230,701.50	3.50	0.81								
	29 (FIXED)	FIXED							1,368,000.00		1.37								
	5	SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64								
	7	RMU	47.00	6.00	282.00	2.76	778.32	90.00	70,048.80	3.87	0.27								
	28 (WVS)	SF	508.00	4.00	2,032.00	2.76	5,608.32	90.00	504,748.80	3.20	1.61								
	Residential						17,086		1,537,782	2.72	4.18								
	Non-Resid.								93,000	2.00	0.19								
Fixed Flow										1.37									
											5.74	3,986.60	7,810.58	3.55	30	51.0	0.51	0.18	

Total Units - North = 6,190.75

Notes:

- 1 Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
- 2 Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
- 3 d/D calculated using Bentley FlowMaster V8i



Raindance Sewer Analysis - North/South

Per Town Master Plan (05-06-09 Rev.)

LINE	Basin/ Land Use		Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope	
			Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%		%	
All Lines N & S - WWTP	1	SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2	GC	62.00						93,000.00	2.00	0.19								
	3	SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4	HD-E	743.00	1.25	928.75	2.76	2,563.35	90.00	230,701.50	3.50	0.81								
	29 (FIXED)	FIXED							1,368,000.00		1.37								
	5	SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64								
	7	RMU	47.00	6.00	282.00	2.76	778.32	90.00	70,048.80	3.87	0.27								
	28 (WVS)	SF	508.00	4.00	2,032.00	2.76	5,608.32	90.00	504,748.80	3.20	1.61								
	6	HD-E	231.00	1.25	288.75	2.76	796.95	90.00	71,725.50	3.86	0.28								
	9	HD-E	280.00	1.25	350.00	2.76	966.00	90.00	86,940.00	3.81	0.33								
	10	HD-E	638.00	1.25	797.50	2.76	2,201.10	90.00	198,099.00	3.55	0.70								
	10-c	GC	68.00						102,000.00	2.00	0.20								
	8	HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.85	0.28								
	11	HD-E	356.00	1.25	445.00	2.76	1,228.20	90.00	110,538.00	3.74	0.41								
	12	HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50								
	13	HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24								
	14	HD-E	367.00	1.25	458.75	2.76	1,266.15	90.00	113,953.50	3.73	0.43								
	14-c	GC	82.00						123,000.00	2.00	0.25								
	15	HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09								
	15-c	GC	30.00						45,000.00	2.00	0.09								
	16	GC	146.00						219,000.00	2.00	0.44								
	17	HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00								
	17-c	GC	358.00						537,000.00	2.00	1.07								
	18	GC	151.00						226,500.00	2.00	0.45								
	19	GC	188.00						282,000.00	2.00	0.56								
	21	HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11								
	21-c	GC	109.00						163,500.00	2.00	0.33								
	30	HD-E	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20								
		Residential					27,675		2,490,707	2.51	6.26								
		Commercial							1,791,000	2.00	3.58								
	Fixed Flow									1.37									
											11.21	7,783.39	7,810.58	3.55	30	99.7	0.82	0.18	

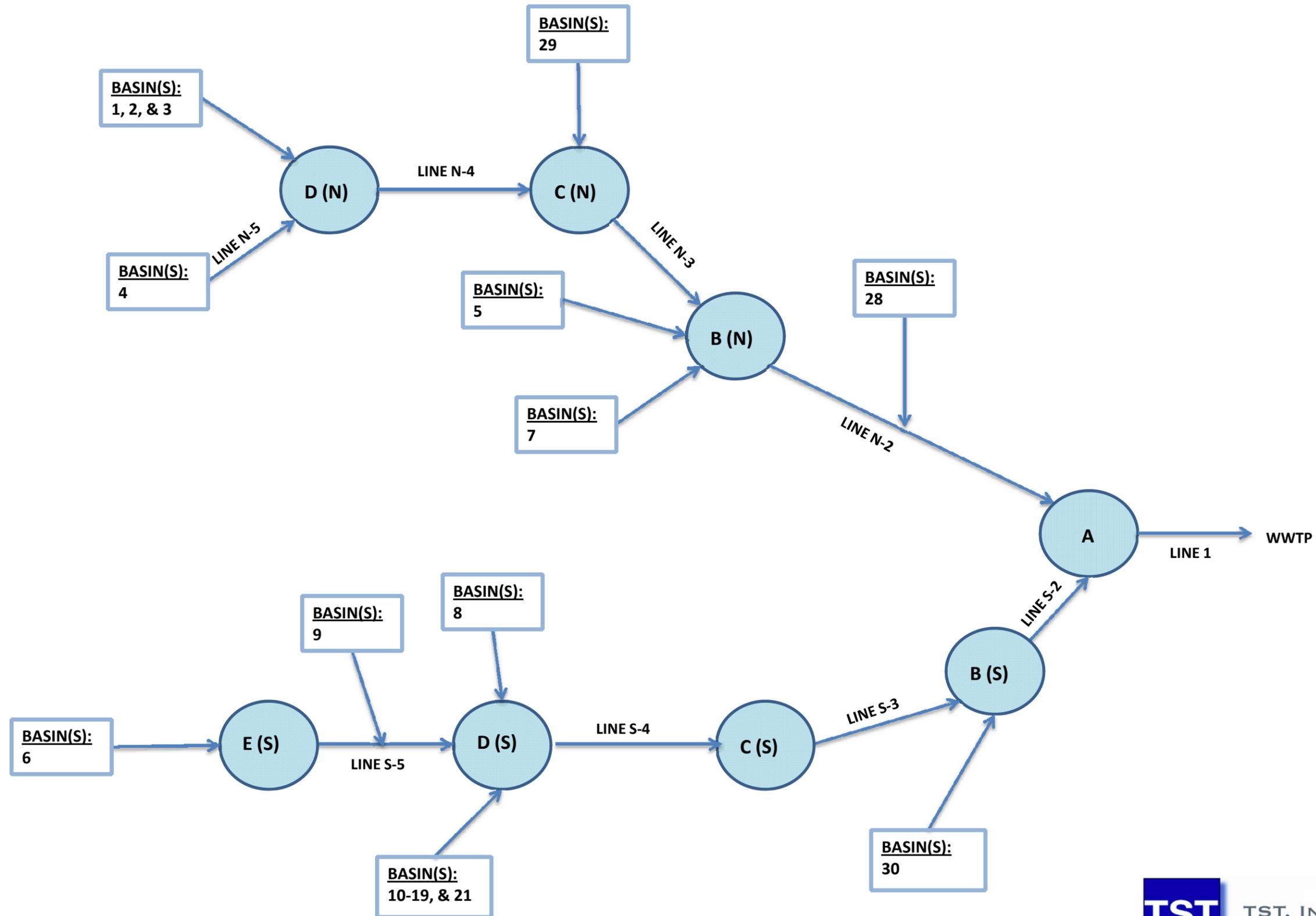
Total Units = 10,027.00

Notes:

- 1 Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
- 2 Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
- 3 d/D calculated using Bentley FlowMaster V8i



Raindance Sewer Analysis
Per Town Sewer Master Plan (03-18-09 Rev.)



Raindance Sewer Analysis - South
As Proposed for Raindance South Hill with T.D.U.'s (05/2015)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%	%	
S - 7 (G - D)	6 HD-E			549.00	2.76	1,515.24	90.00	136,371.60	3.68	0.50							
	9 HD-E			156.00	2.76	430.56	90.00	38,750.40	4.01	0.16							
	10 HD-E	230.00	1.25	287.50	2.76	793.50	90.00	71,415.00	3.86	0.28							
	Residential					2,739.30		246,537.00	3.48	0.86							
	Non-Resid.								2.00	0.00							
										0.86	595.05	1,011.36	2.87	12	58.8	0.55	0.40
S - 6 (F - E)	6 HD-E	231.00	1.25	574.75	2.76	1,586.31	90.00	142,767.90	3.66	0.52							
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17							
	10-c GC	17.00						25,500.00	2.00	0.05							
	Residential					2,071.93		186,473.88	3.57	0.67							
	Non-Resid.							25,500.00	2.00	0.05							
										0.72	498.21	761.73	3.11	10	65.4	0.59	0.60
S - 5 (E - D)	6 HD-E	231.00	1.25	574.75	2.76	1,586.31	90.00	142,767.90	3.66	0.52							
	9 HD-E			2.00	2.76	5.52	90.00	496.80	4.44	0.00							
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17							
	10-c GC	17.00						25,500.00	2.00	0.05							
	Residential					2,077.45		186,970.68	3.57	0.67							
Non-Resid.							25,500.00	2.00	0.05								
										0.72	499.32	659.68	2.69	10	75.7	0.65	0.45
S - 4 (D - C)	6 HD-E	231.00	1.25	1,123.75	2.76	3,101.55	90.00	279,139.50	3.43	0.96							
	9 HD-E	280.00	1.25	317.00	2.76	874.92	90.00	78,742.80	3.84	0.30							
	10 HD-E	647.00	1.25	808.75	2.76	2,232.15	90.00	200,893.50	3.55	0.71							
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17							
	10-c GC	17.00						25,500.00	2.00	0.05							
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.77	0.28							
	11 HD-E	356.00	1.25	346.00	2.76	954.96	90.00	85,946.40	3.81	0.33							
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50							
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24							
	14 HD-E	367.00	1.25	39.75	2.76	109.71	90.00	9,873.90	4.23	0.04							
	14-c GC	44.21						66,315.00	2.00	0.13							
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09							
	15-c GC	30.00						45,000.00	2.00	0.09							
	16 GC	146.00						219,000.00	2.00	0.44							
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00							
	17-c GC	358.00						537,000.00	2.00	1.07							
	18 GC	151.00						226,500.00	2.00	0.45							
	19 GC	188.00						282,000.00	2.00	0.56							
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11							
	21-c GC	109.00						163,500.00	2.00	0.33							
	Residential					11,340.01		1,020,601.08	2.90	2.96							
Non-Resid.							1,564,815.00	2.00	3.13								
										6.09	4,228.90	4,395.69	2.46	27	96.2	0.79	0.10

Added 549 units (B-14/Zeiler Farm).
Added 156 units from South Hill-2nd Filing
Added 247 ac. (~32%) of total residential acreage in B-10 and 8.8 acres west B-10 along CR 13

Added 154 units (B-28/WVS) & 132 units (B-9/LaBue).
Added Commercial Reduction of 51 acres from B-10-c (75% of total commercial acreage).
Added 17 commercial acres from B-10-c (25% of total commercial acreage).

Note: Line S-5 shown in Master Plan as 12". A portion has been constructed and was installed as a 10" pipe.

Added 154 units (B-28/WVS) & 132 units (B-9/LaBue).
Added 2 units from South Hill-2nd Filing
Added Commercial Reduction of 51 acres from B-10-c (75% of total commercial acreage).
Added 17 commercial acres from B-10-c (25% of total commercial acreage).

Added 154 units (B-28/WVS), 132 units (B-9/LaBue), & 549 units (B-14/Zeiler Farm). B-6 Flowing at 100%.
Added 99 units (B-11/The Farm), Relocated 132 units (B-6/Raindance)
Added 417 acres (~68%) of total B-10 (100% of B-10 is now flowing)
Added Commercial Reduction of 51 acres from B-10-c (75% of total commercial acreage).
Added 17 commercial acres from B-10-c (25% of total commercial acreage).

Relocated 99 units (B-9/South Hill & LaBue)
Relocated 419 units (B-6 & B-10/Raindance)
Relocated 130 units(37.79 comm. Acres @ 3.45 DU/Acre) (B-6 & B-10/Raindance) (-46%)



Raindance Sewer Analysis - South
As Proposed for Raindance South Hill with T.D.U.'s (05/2015)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope		
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%	%			
S - 3 (C - B)	6 HD-E	231.00	1.25	1,123.75	2.76	3,101.55	90.00	279,139.50	3.43	0.96									
	9 HD-E	280.00	1.25	317.00	2.76	874.92	90.00	78,742.80	3.84	0.30									
	10 HD-E	647.00	1.25	808.75	2.76	2,232.15	90.00	200,893.50	3.55	0.71									
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17									
	10-c GC	17.00						25,500.00	2.00	0.05									
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.77	0.28									
	11 HD-E	356.00	1.25	346.00	2.76	954.96	90.00	85,946.40	3.81	0.33									
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50									
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24									
	14 HD-E	367.00	1.25	39.75	2.76	109.71	90.00	9,873.90	4.23	0.04									
	14-c GC	44.21						66,315.00	2.00	0.13									
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09									
	15-c GC	30.00						45,000.00	2.00	0.09									
	16 GC	146.00						219,000.00	2.00	0.44									
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00									
	17-c GC	358.00						537,000.00	2.00	1.07									
	18 GC	151.00						226,500.00	2.00	0.45									
	19 GC	188.00						282,000.00	2.00	0.56									
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11									
	21-c GC	109.00						163,500.00	2.00	0.33									
	Residential					11,340.01		1,020,601.08	2.90	2.96									
	Non-Resid.							1,564,815.00	2.00	3.13									
										6.09	4,228.90	8,564.61	10.80	18	49.4	0.50	3.30		
S - 2 (B - A)	6 HD-E	231.00	1.25	1,123.75	2.76	3,101.55	90.00	279,139.50	3.43	0.96									
	9 HD-E	280.00	1.25	317.00	2.76	874.92	90.00	78,742.80	3.84	0.30									
	10 HD-E	647.00	1.25	808.75	2.76	2,232.15	90.00	200,893.50	3.55	0.71									
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17									
	10-c GC	17.00						25,500.00	2.00	0.05									
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.77	0.28									
	11 HD-E	356.00	1.25	346.00	2.76	954.96	90.00	85,946.40	3.81	0.33									
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50									
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24									
	14 HD-E	367.00	1.25	39.75	2.76	109.71	90.00	9,873.90	4.23	0.04									
	14-c GC	44.21						66,420.00	2.00	0.13									
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09									
	15-c GC	30.00						45,000.00	2.00	0.09									
	16 GC	146.00						219,000.00	2.00	0.44									
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00									
	17-c GC	358.00						537,000.00	2.00	1.07									
	18 GC	151.00						226,500.00	2.00	0.45									
	19 GC	188.00						282,000.00	2.00	0.56									
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11									
	21-c GC	109.00						163,500.00	2.00	0.33									
	28 (WVS) SF			35.00	2.76	96.60	90.00	8,694.00	4.25	0.04									
	30 HD-E	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20									
	Residential					11,985.16		1,078,664.58	2.88	3.10									
	Non-Resid.							1,564,920.00	2.00	3.13									
										6.23	4,327.97	4,540.83	3.22	24	95.3	0.78	0.20		

Added 154 units (B-28/WVS), 132 units (B-9/LaBue), & 549 units (B-14/Zeiler Farm). B-6 Flowing at 100%.
Added 99 units (B-11/The Farm), Relocated 132 units (B-6/Raindance)
Added 417.34 acres (~65%) of total B-10 (100% of B-10 is now flowing)
Added Commercial Reduction of 51 acres (75% of total).
Added 17 commercial acres (25% of total).

Relocated 419 units (B-6 & B-10/Raindance)
Relocated 130 units(37.79 comm. Acres @ 3.45 DU/Acre) (B-6 & B-10/Raindance) (-46%)

Note: No alteration will be made to the existing design of the sewer line. The existing design will produce a velocity of 10.76 ft/s before any density transfer.

Added 154 units (B-28/WVS), 132 units (B-9/LaBue), & 549 units (B-14/Zeiler Farm). B-6 Flowing at 100%.
Added 99 units (B-11/The Farm), Relocated 132 units (B-6/Raindance)
Added 417.34 acres (~65%) of total B-10 (100% of B-10 is now flowing)
Added Commercial Reduction of 51 acres (75% of total).
Added 17 commercial acres (25% of total).

Relocated 99 units (B-9/South Hill & LaBue)
Relocated 419 units (B-6 & B-10/Raindance)
Relocated 130 units(37.79 comm. Acres @ 3.45 DU/Acre) (B-6 & B-10/Raindance) (-46%)

Added 35 Units of B-28/WVS that actually flows into south system.



Raindance Sewer Analysis - South
As Proposed for Raindance South Hill with T.D.U.'s (05/2015)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%	%	
1 (A - WWTP) RMU/O	6 HD	231.00	1.25	1,123.75	2.76	3,101.55	90.00	279,139.50	3.43	0.96							
	9 HD	280.00	1.25	317.00	2.76	874.92	90.00	78,742.80	3.84	0.30							
	10 HD	647.00	1.25	808.75	2.76	2,232.15	90.00	200,893.50	3.55	0.71							
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17							
	10-c GC	17.00						25,500.00	2.00	0.05							
	8 HD	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.77	0.28							
	11 HD	356.00	1.25	346.00	2.76	954.96	90.00	85,946.40	3.81	0.33							
	12 HD	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50							
	13 HD	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24							
	14 HD	367.00	1.25	39.75	2.76	109.71	90.00	9,873.90	4.23	0.04							
	14-c GC	44.21						66,315.00	2.00	0.13							
	15 HD	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09							
	15-c GC	30.00						45,000.00	2.00	0.09							
	16 GC	146.00						219,000.00	2.00	0.44							
	17 HD	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00							
	17-c GC	358.00						537,000.00	2.00	1.07							
	18 GC	151.00						226,500.00	2.00	0.45							
	19 GC	188.00						282,000.00	2.00	0.56							
	21 HD	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11							
	21-c GC	109.00						163,500.00	2.00	0.33							
28 (WVS) SF		1.25	35.00	2.76	96.60	90.00	8,694.00	4.25	0.04								
30 HD	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20								
Residential						11,985.16		1,078,664.58	2.88	3.10							
Non-Resid.								1,564,815.00	2.00	3.13							
										6.23	4,327.82	7,810.58	3.55	30	55.4	0.53	0.18

Added 154 units (B-28/WVS), 132 units (B-9/LaBue), & 549 units (B-14/Zeiler Farm). B-6 Flowing at 100%.
 Added 99 units (B-11/The Farm), Relocated 132 units (B-6/Raindance)
 Added 417.34 acres (~65% of total B-10 (100% of B-10 is now flowing)
 Added Commercial Reduction of 51 acres (75% of total).
 Added 17 commercial acres (25% of total).
 Relocated 99 units (B-9/South Hill & LaBue)
 Relocated 419 units (B-6 & B-10/Raindance)
 Relocated 130 units(37.79 comm. Acres @ 3.45 DU/Acre) (B-6 & B-10/Raindance) (-46%)
 Note: These flows are ONLY those contributions from the "South" contributing basins.
 Added 35 Units of B-28/WVS that actually flows into south system.

Total Units - North = 4,342.45

- Notes:
- 1 Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
 - 2 Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
 - 3 d/D calculated using Bentley FlowMaster V8i



Raindance Sewer Analysis - North
As Proposed for Raindance South Hill with T.D.U.'s (05/2015)

LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope		
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%	%			
N-5 (E-D)	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14									
	Residential					3,786.03		340,742.70	3.35	1.14									
	Non-Resid.								2.00	0.00									
										1.14	793.79	1,599.09	4.54	12	49.6	0.50	1.00		
N-4 (D-C)	1 SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37									
	2 GC	62.00						93,000.00	2.00	0.19									
	3 SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50									
	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14									
	29 HD-E	77.50	1.25	96.88	2.76	267.38	90.00	24,063.75	4.10	0.10									
	Residential					10,191.65		917,248.05	2.95	2.70									
	Non-Resid.							93,000.00	2.00	0.19									
										2.89	2,006.02	2,248.93	2.08	21	89.2	0.74	0.10		
N-3 (C-B)	1 SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37									
	2 GC	62.00						93,000.00	2.00	0.19									
	3 SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50									
	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14									
	29 HD-E	77.50	1.25	96.88	2.76	267.38	90.00	24,063.75	4.10	0.10									
	29 FIXED							1,368,000.00		1.37									
	5 (50%) SF	90.50	4.00	362.00	2.76	999.12	90.00	89,920.80	3.80	0.34									
	Residential					11,190.77		1,007,168.85	2.91	2.93									
	Non-Resid.							93,000.00	2.00	0.19									
	Fixed Flow									1.37									
										4.48	3,111.68	4,395.69	2.46	27	70.8	0.62	0.10		
N-2 (B-A)	1 SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37									
	2 GC	62.00						93,000.00	2.00	0.19									
	3 SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50									
	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14									
	29 HD-E	77.50	1.25	96.88	2.76	267.38	90.00	24,063.75	4.10	0.10									
	29 FIXED							1,368,000.00		1.37									
	5 SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64									
	7 RMU	47.00	6.00	126.00	2.76	347.76	90.00	31,298.40	4.05	0.13									
	28 (WVS) SF	508.00	4.00	1,556.00	2.76	4,294.56	90.00	386,510.40	3.31	1.28									
	Residential					16,832.21		1,514,898.45	2.73	4.13									
	Non-Resid.							93,000.00	2.00	0.19									
Fixed Flow									1.37										
										5.69	3,948.87	3,931.63	2.20	27	100.4	0.81	0.08		
1 (A - WWTP)	1 SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37									
	2 GC	62.00						93,000.00	2.00	0.19									
	3 SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50									
	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14									
	29 HD-E	77.50	1.25	96.88	2.76	267.38	90.00	24,063.75	4.10	0.10									
	29 FIXED							1,368,000.00		1.37									
	5 SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64									
	7 RMU	47.00	6.00	126.00	2.76	347.76	90.00	31,298.40	4.05	0.13									
	28 (WVS) SF	508.00	4.00	1,556.00	2.76	4,294.56	90.00	386,510.40	3.31	1.28									
	Residential					16,832.21		1,514,898.45	2.73	4.13									
	Non-Resid.							93,000.00	2.00	0.19									
Fixed Flow									1.37										
										5.69	3,950.25	7,810.58	3.55	30	50.6	0.50	0.18		

Added 156 units (B-7/Hilltop) & 287 units (B-28/WVS)

Added 77.5 acres (B-29)

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Added 77.5 acres (B-29)

Added 156 units (B-7/Hilltop) & 287 units (B-28/WVS)
Added 77.5 acres (B-29)

Relocated 156 units (B-4/Raindance)
Relocated 441 units (B-4, B-6, B-10/Raindance) & 35 units to S-2

Added 156 units (B-7/Hilltop) & 287 units (B-28/WVS)
Added 77.5 acres (B-29)

Relocated 156 units (B-4/Raindance)
Relocated 441 units (B-4, B-6, B-10/Raindance) & 35 units to S-2

Note: These flows are ONLY those contributions from the "North" contributing basins.

Total Units - North = 6,098.63

Notes:

- Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
- Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
- d/D calculated using Bentley FlowMaster V8i



Raindance Sewer Analysis - North/South
As Proposed for Raindance South Hill with T.D.U.'s (05/2015)

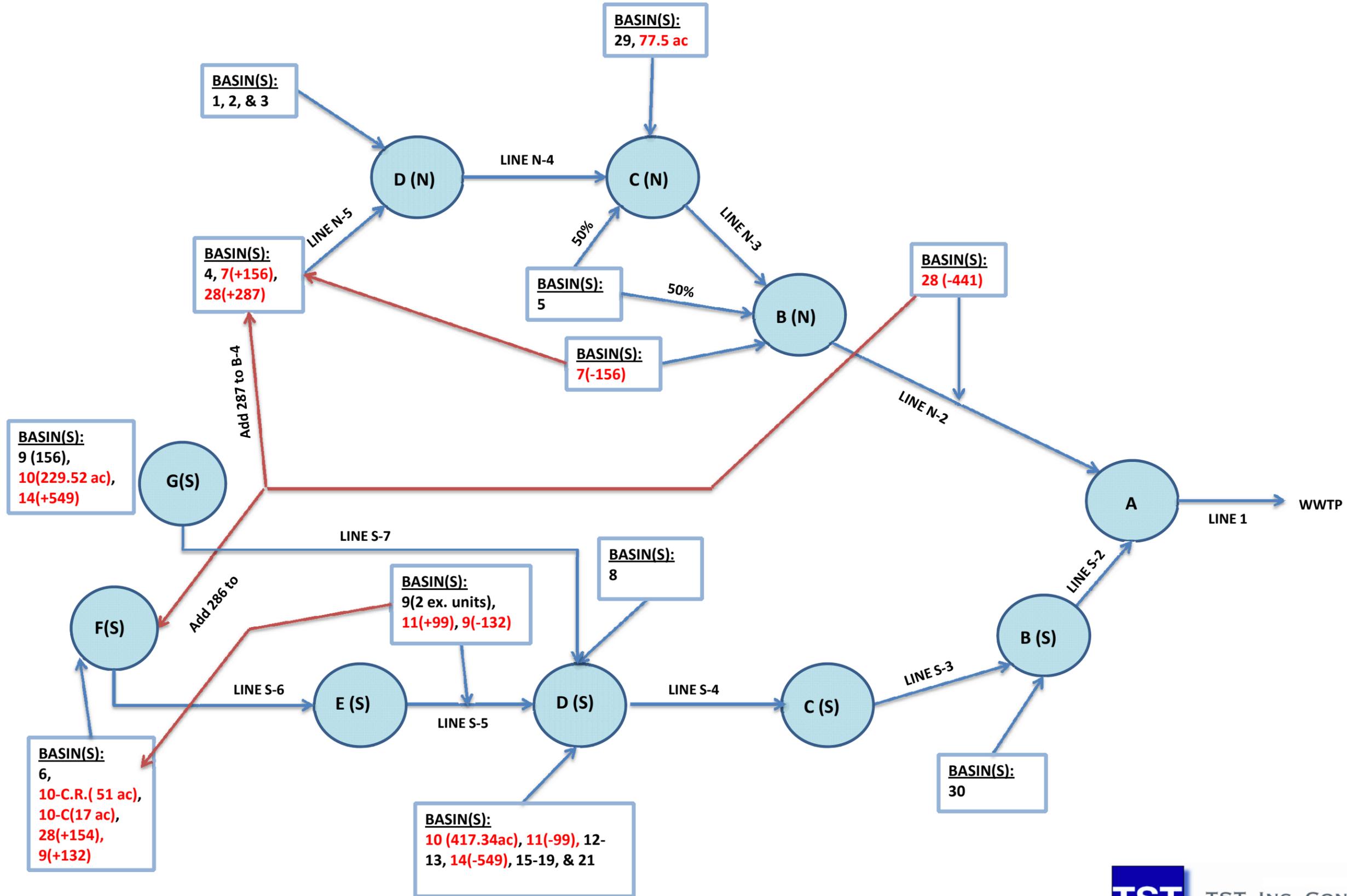
LINE	Basin/ Land Use	Area	Density Factor	Units	Occupancy Ratio	Population	Daily Flow per Capita	Base Flow	Peaking Factor	Q (max)	Q (max)	Full Flow Capacity	Full Flow Velocity	Design Diameter	Q/Qfull	d/D	Slope	
		Acres	units/ acre		People/Unit	Persons	gal/day/ person	gal/day		MGD	gpm	gpm	ft/sec	in	%		%	
1 (A - WWTP)	1 SF	420.00	4.00	1,680.00	2.76	4,636.80	90.00	417,312.00	3.28	1.37	950.00							
	2 GC	62.00						93,000.00	2.00	0.19								
	3 SF	136.00	4.00	544.00	2.76	1,501.44	90.00	135,129.60	3.68	0.50								
	4 HD-E	743.00	1.25	1,371.75	2.76	3,786.03	90.00	340,742.70	3.35	1.14								Added 156 units (B-7/Hilltop) & 287 units (B-28/WVS) Added 77.5 acres (B-29)
	29 HD-E	77.50	1.25	96.88	2.76	267.38	90.00	24,063.75	4.10	0.10								
	29 (FIXED) FIXED							1,368,000.00		1.37								
	5 SF	181.00	4.00	724.00	2.76	1,998.24	90.00	179,841.60	3.59	0.64								
	7 RMU	47.00	6.00	126.00	2.76	347.76	90.00	31,298.40	4.05	0.13								Relocated 156 units (B-4/Raindance) Relocated 573 units (B-4, B-6, B-10/Raindance) & 35 units to S-2
	28 (WVS) SF	508.00	4.00	1,556.00	2.76	4,294.56	90.00	386,510.40	3.31	1.28								
	6 HD-E	231.00	1.25	1,123.75	2.76	3,101.55	90.00	279,139.50	3.43	0.96								Added 154 units (B-28/WVS), 132 units (B-9/LaBue), & 549 units (B-14/Zeiler Farm). B-6 Flowing at 100%.
	9 HD-E	280.00	1.25	317.00	2.76	874.92	90.00	78,742.80	3.84	0.30								
	10 HD-E	647.00	1.25	808.75	2.76	2,232.15	90.00	200,893.50	3.55	0.71								Added 99 units (B-11/The Farm), Relocated 132 units (B-6/Raindance) Added 417.34 acres (~65%) of total B-10 (100% of B-10 is now flowing)
	10-c.r. GC	51.00	3.45	175.95	2.76	485.62	90.00	43,705.98	3.98	0.17								
	10-c GC	17.00						25,500.00	2.00	0.05								Added Commercial Reduction of 51 acres (75% of total). Added 17 commercial acres (25% of total).
	8 HD-E	238.00	1.25	297.50	2.76	821.10	90.00	73,899.00	3.77	0.28								
	11 HD-E	356.00	1.25	346.00	2.76	954.96	90.00	85,946.40	3.81	0.33								Relocated 99 units (B-9/South Hill & LaBue)
	12 HD-E	440.00	1.25	550.00	2.76	1,518.00	90.00	136,620.00	3.68	0.50								
	13 HD-E	198.00	1.25	247.50	2.76	683.10	90.00	61,479.00	3.90	0.24								Relocated 419 units (B-6 & B-10/Raindance) Relocated 130 units(37.79 comm. Acres @ 3.45 DU/Acre) (B-6 & B-10/Raindance) (-46%)
	14 HD-E	367.00	1.25	39.75	2.76	109.71	90.00	9,873.90	4.23	0.04								
	14-c GC	44.21						66,420.00	2.00	0.13								
	15 HD-E	69.00	1.25	86.25	2.76	238.05	90.00	21,424.50	4.12	0.09								
	15-c GC	30.00						45,000.00	2.00	0.09								
	16 GC	146.00						219,000.00	2.00	0.44								
	17 HD-E	3.00	1.25	3.75	2.76	10.35	90.00	931.50	4.41	0.00								
	17-c GC	358.00						537,000.00	2.00	1.07								
	18 GC	151.00						226,500.00	2.00	0.45								
	19 GC	188.00						282,000.00	2.00	0.56								
	21 HD-E	90.00	1.25	112.50	2.76	310.50	90.00	27,945.00	4.07	0.11								
	21-c GC	109.00						163,500.00	2.00	0.33								
	28 (WVS) SF			35.00	2.76	96.60	90.00	8,694.00	4.25	0.04								Added 35 Units of B-28/WVS that actually flows into south system.
30 HD-E	159.00	1.25	198.75	2.76	548.55	90.00	49,369.50	3.95	0.20									
Residential					28,817.37		2,593,563.03	2.49	6.47									
Non-Resid.							1,657,920.00	2.00	3.32									
Fixed Flow									1.37									
										11.15	7,745.33	7,810.58	3.55	30	99.2	0.81	0.18	

Total Units = 10,441.08

- Notes:
- 1 Calculations based on 2004 South/West Interceptor Sewer Calculations 05/06/2009
 - 2 Per 2004 South/West Interceptor Sewer Calculations 05/06/2009, used a Manning's coefficient of 0.013
 - 3 d/D calculated using Bentley FlowMaster V8i

Raindance Sewer Analysis

As Proposed for Raindance South Hill with T.D.U.'s (05/2015)



TOWN OF WINDSOR

RESOLUTION NO. 2015-71

A RESOLUTION APPROVING AN AGREEMENT FOR REALLOCATION OF SANITARY SEWER CAPACITY UNITS BY BETWEEN AND AMONG THE TOWN OF WINDSOR, TROLLCO, INC., VIMA PARTNERS, LLC, AND RAINDANCE AQUATIC INVESTMENTS, LLC

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

WHEREAS, pursuant to approvals issued by the Town, development has taken place within the property known as Water Valley South Subdivision, and Tract B, Hilltop Estates Subdivision has been approved for development by the Town; and

WHEREAS, Vima Partners, LLC, has petitioned for annexation of the property known as the “LaBue Farm”; and

WHEREAS, Water Valley South, Tract B, Hilltop Estates Subdivision and the LaBue Farm are collectively referred to herein as the “Transferring Parcels”; and

WHEREAS, development within the Transferring Parcels has not exhausted the sanitary sewer capacity allocated to them by the Town, the result of which is unused sanitary sewer units (“Units”); and

WHEREAS, Raindance Aquatic Investments, LLC, proposes to develop the RainDance property at a density which requires additional sanitary sewer units and which can be served through reallocation of the Units; and

WHEREAS, the reallocation of sanitary sewer capacity is a function reserved to the Town’s Sanitary Sewer Utility; and

WHEREAS, the Town and the owners of the Transferring Parcels have negotiated the attached Agreement for Reallocation of Sanitary Sewer Capacity (“Agreement”), the terms of which have been reviewed and approved by the Director of Engineering and the Town Attorney; and

WHEREAS, the Town Board finds that the Agreement does not in any way diminish the Town’s ultimate authority to manage the Town’s sanitary sewer utility, and the owners of the Transferring Parcels have acknowledged this authority on the Town’s part; and

WHEREAS, the Town Board finds the Agreement promotes the public health, safety and welfare; and

WHEREAS, the Town Board desires to approve the Agreement.

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

1. The attached Agreement for Reallocation of Sanitary Sewer Capacity Units is hereby approved.
2. The Mayor is authorized to execute the said Agreement on the Town's behalf.
3. Nothing herein or in the said Agreement shall be deemed to waive, modify, assign or dilute the Town's authority to allocate sanitary sewer capacity to serve development within the Town.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

TOWN OF WINDSOR PLANNING DEPARTMENT
301 Walnut Street, Windsor, CO 80550
Phone: 970-674-2415; Fax: 970-674-2456

For office use only:

Project ID No.

LAND USE APPLICATION FORM

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code (Code). The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Code for submittal requirements.

APPLICATION TYPE:

- ANNEXATION
 MASTER PLAN
 REZONING
 MINOR SUBDIVISION
 LOT LINE ADJUSTMENT
 MAJOR SUBDIVISION
 SITE PLAN
 ADMINISTRATIVE SITE PLAN
 SITE PLAN - Qualified Commercial or Industrial (Fast Track)

STATUS:

(for MAJOR SUBDIVISIONS and SITE PLANS only)

- Preliminary
 Final

PROJECT NAME*: Water Valley West

LEGAL DESCRIPTION*: See Attached

PROPERTY ADDRESS (if available): _____

PROPERTY OWNER (APPLICANT):

Owner's Name(s)*: Raindance Aquatic Investments, LLC & William F. Larrick, Inc.

Company: See Attached

Address*: See Attached

Primary Phone #: See Attached Secondary Phone #: _____

Fax #: See Attached E-Mail*: See Attached

OWNER'S AUTHORIZED REPRESENTATIVE:

Representative's Name: Mitch Black

Company: Norris Design

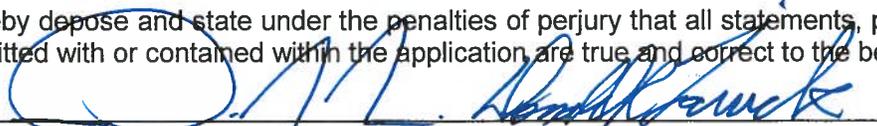
Address: 1101 Bannock Street Denver, CO 80204

Primary Phone #: (303) 892-1166 Secondary Phone #: _____

Fax #: _____ E-Mail: mblack@norris-design.com & breimer@norris-de

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature:  Owner or Owner's Authorized Representative**

Date

**Proof of owner's authorization is required with submittal if signed by Owner's Authorized Representative.

Print Name(s)

Resoning Application and Checklist
Page 3

*Required fields

Revised 12/23/2013

PATRICK MCMEEKIN, Manager Raindance Aquatic Investments LLC
Donald R. Larrick, President of William F. Larrick, Inc.



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Scott Ballstadt, AICP, Director of Planning
Subject: Public Hearing – Ordinance No. 2015-1514 approving zoning to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as RainDance PUD
Item #s: C.7.a

Discussion:

The applicants, Raindance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as RainDance PUD. The subject property, previously master planned and subdivided as Water Valley West, is located at the western terminus of New Liberty Road; north of and adjacent to Crossroads Boulevard; and east of and adjacent to County Line Road (WCR 13).

In accordance with Article XXIII of Chapter 16 of the Municipal Code, the intent of PUD regulations is, among other things, intended to “provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.” A complete copy of the Article XXIII PUD regulations is attached for further reference.

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town’s Official Zoning District Map and the minimum standards approved with the PUD will be applied to future land use applications within the PUD district. The RainDance PUD proposes variations in minimum lot size, setbacks, street standards and other aspects of development in order to accommodate specific product types and neighborhood concepts (please see the PUD materials for examples of such variations). This is consistent with the intent of PUD regulations which are “intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.”

In addition to the aforementioned variations to Municipal Code requirements, the PUD proposes side yard easements associated with some of the product types that would allow neighboring property owners to utilize the entire property between homes with limitations outlined in the PUD documents. The intent is to create a more useable area between homes than the typical five (5) foot offsets seen in standard subdivision development (please see the PUD materials and enclosed product examples).

Another unique aspect of the proposed PUD is the use of certain agricultural uses at the perimeter of the property along County Line Road (WCR 13) and Crossroads Boulevard to maintain an open and agrarian character. The agricultural uses that are allowed are specified in the PUD documents and those uses that require appropriate site plan approvals will be required to meet the site plan requirements of the RainDance PUD documents. The process is similar to the administrative site plan requirements of the Municipal Code, but tailored to agricultural uses.

An enhanced parks and open space system is one of the amenities proposed with the RainDance PUD to justify approval of the PUD. The final park layout will be determined with the future platting of the property, but the PUD documents indicate that the approximate location of open space and park features will be within one-third (1/3) mile radius to every resident.

The one aspect of the proposed PUD that staff and the applicant have not agreed upon that requires Planning Commission direction pertains to accessory dwelling units (ADUs). The PUD as proposed would allow ADUs to locate on lots less than 6,000 square feet in size. Based upon Planning Commission and Town Board concerns regarding the potential for overcrowding on minimum sized lots during the discussion and adoption of ADU regulations in 2014, staff is recommending that ADUs be limited to single family lots that meet the Single Family Residential SF-1 6,000 square foot minimum lot size requirement of the Municipal Code.

Included among the objectives that the PUD provisions are intended to further: “To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.” Based upon the application materials, the RainDance PUD appears to further this objective.

Conformance with Comprehensive Plan: The proposed RainDance PUD is consistent with the following Housing Goals and Policies of the Comprehensive Plan:

GOALS:

- 1. Promote an adequate supply and variety of safe and economically achievable housing products to meet the current and future needs of the community.*
- 2. Maintain housing that represents a diversity of style, density and price to meet the needs of Windsor residents.*

POLICIES:

1. All new developments should be encouraged to provide diversity in housing opportunities, both in terms of product offering and target market served, while minimizing public investment in capital expenditures for infrastructure.
2. A broad range of housing alternatives should be provided for senior citizens including single family housing, independent apartments, assisted living facilities and nursing care, which is affordable and conveniently located to community services and facilities.
11. Encourage and facilitate the development of housing which offers alternative choices in lifestyle such as townhouses, apartments and condominiums.

Conformance with Vision 2025: The proposed RainDance PUD is consistent with the following goals of the Vision 2025 document:

- Goal 1: Provide choices for housing in town, not just single family homes.
Goal 3: Maintain open-space, charm, rural character of Town.

Relationship to Strategic Plan: The proposed RainDance PUD is consistent with Strategic Plan Vision #4: “Windsor enjoys a friendly community with a vibrant downtown, housing opportunities, choices for leisure, cultural activities, recreation and mobility for all.”

Recommendation:

At the June 3, 2015 regular meeting, the Planning Commission voted to recommend approval of the proposed Planned Unit Development to the Town Board subject to the following conditions of approval:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. The PUD documents shall replace the use of “sharrows” with standard bike lanes in accordance with the Town’s street standards.

In the time that has elapsed since the Planning Commission meeting, the applicant has addressed conditions #2, #3 and #4. Therefore, the remaining unresolved condition as recommended by the Planning Commission and staff is as follows, and the applicant wishes to further discuss this condition with the Town Board:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.

Notification:

- Notice of June 3, 2015 Planning Commission public hearing published in May 22, 2015 Greeley Tribune
- Notice of November 23, 2015 Town Board public hearing published in November 6, 2015 Greeley Tribune
- Notice of June 3, 2015 Planning Commission public hearing posted on Town website May 18, 2015
- Notice of November 23, 2015 Town Board public hearing posted on Town website November 6, 2015

Attachments: minutes of June 3, 2015 Planning Commission meeting
Article XXIII PUD Regulations
application materials, examples & PUD justification
PowerPoint slides
Ordinance 2015-1514

pc: Martin Lind, Raindance Aquatic Investments, LLC
Patrick McMeekin, Raindance Aquatic Investments, LLC
William F. Larrick, Inc., applicant
Mitch Black, Norris Design, applicant's representative



PLANNING COMMISSION REGULAR MEETING

JUNE 3, 2015 – 7:00 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 Monday prior to the meeting to make arrangements.

MINUTES

A. CALL TO ORDER

1. Roll Call

Chairman Schick called the regular meeting of the Windsor Planning Commission to order on June 3, 2015 at 7:01 p.m.

The following Planning Commission members were present:

Gale Schick
Victor Tallon
Steve Scheffel
Robert Frank
Andrew Vissers
Ron Harding
Charles Schinner

Absent
Absent- Town Board Liaison

Wayne Frelund
Robert Bishop-Cotner

Also Present: Director of Planning
Town Attorney
Assistant Town Attorney
Director of Engineering
Associate Planner
Associate Planner
Civil Engineer
Deputy Town Clerk

Scott Ballstadt
Ian McCargar
Kim Emil
Dennis Wagner
Paul Hornbeck
Josh Olhava
Doug Roth
Krystal Eucker

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Mr. Tallon moved to approve the agenda as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR*

1. Approval of the minutes of May 20, 2015

Mr. Tallon moved to approve the consent calendar as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

C. BOARD ACTION

1. Site Plan Presentation – Highland Meadows Golf Course Subdivision 13th Filing – Power to Play Sports – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Eric Greene is proposing a new building in the Highland Meadows Golf Course Subdivision, 13th Filing, located off of and adjacent to Crooked Stick Drive and 350 feet from Fairgrounds Avenue.

The current configuration is Residential Mixed Use and General Commercial. This application has other items on the agenda for tonight’s meeting as well as other applications including a minor subdivision and a re-zoning that will be reviewed at another date.

Site characteristics include:

- an approximately 52,000 square foot building reaching 36’-8” tall;
 - Includes indoor basketball courts and a common area
- 6 indoor basketball courts;
- an outdoor patio; and
- 173 off street parking spaces, including accessible parking space(s).

The site to the east is the proposed fitness and tennis center presented to the Planning Commission on January 7, 2015. There are similarities in both site plan processes such as a building materials waiver.

The current presentation is intended for the Planning Commission’s information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff’s review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

The application is consistent with various elements of the Comprehensive Plan as well as the Vision 2025 document.

Mr. Schick inquired if the applicant has any further information to be presented.

Jon Turner, 6379 Crooked Stick Drive, Windsor Colorado stated the proposal is in the southwest section of Highland Meadows Golf Course. Originally when the annexing and

platting of the golf course took place, they didn't know what the fairgrounds development would entail so they pulled the 80 acres in the southwest corner back away as a buffer from the fairgrounds. The ground to the south and across from Crooked Stick, is zoned Industrial.

2. Waiver request of Commercial Corridor Plan Section III.B.3.b.(1) – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant's representative
 - Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, Mr. Jon Turner, represented by Mr. Eric Greene is requesting a waiver from Section III.B.3.b.(1) of the Commercial Corridor Plan regarding building materials. The site is located north of and adjacent to Crooked Stick Drive, and approximately 350 feet east of Fairgrounds Avenue, directly west of the proposed fitness and tennis center. The waiver request proposes building materials that are prohibited as follows:

Commercial Corridor Plan Section III.B.3.b.(1) states the following:

- b. The following building materials are prohibited as façade materials:*
 - (1) Vertical ribbed metal siding shall be prohibited. Only architectural grade metal panels will be allowed on non-prominent facades.*

As seen on the enclosed renderings, the applicant is proposing a mix of stone masonry, stucco and upgraded metal siding. Stucco material is utilized on the corners of the building and on the front/south façade. All facades include metal panels, enhanced by the use of differing colors, accents (such as the faux windows) and recessed elevations. The site will include additional landscaping around the building that will help to soften the site and building facades from the roadway. Staff does feel that the literal enforcement of the Commercial Corridor Plan standards restricting the use of metal paneling along the prominent building facades places a practical difficulty or undue hardship on the applicant.

Commercial Corridor Plan Section II.B.(2) states that requests for design criteria waivers shall be subject to review and determination by the Planning Commission. The Planning Commission may grant, conditionally grant or deny any waiver request brought under this sub-section. In order to receive a waiver, the applicant shall have the burden of establishing justification for waiver approval under the following criteria:

1. *Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship.*

Staff believes strict application of the Commercial Corridor standards would result in a practical difficulty as the use is not intended for retail activities and that a basketball facility has certain design requirements. The applicant has proposed a mix of building materials, combined with recessed building elevations and accents to the facades that will minimize the impact of the use of metal panels. The applicant will work with staff to provide substantial landscaping to reduce the visual impacts of the building and parking lot placement.

2. *The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and*

Staff believes the proposal for additional landscaping and building elements are consistent with the intent of the Commercial Corridor Plan, which is to convey an image of high quality development and community to residents, property owners and visitors (Commercial Corridor Plan - Purpose and Intent).

3. *Approval of the waiver request will not be detrimental to the public interest.*

Staff believes the public interest, public safety, and public welfare will not be detrimentally impacted by the proposed building materials, combined with additional landscaping.

The application is consistent with various commercial goals of the Comprehensive Plan and the Vision 2025 document does not address site specific details such as building materials.

Staff recommends the Planning Commission approve the use of high quality metal panels on the facades of the building with the following conditions:

1. The applicant will continue to work with staff through the site plan process, to provide substantial landscaping to reduce the visual impact of the building and parking lot placement.
2. Any reduction in building materials, colors or accents during the site plan review process will warrant an additional waiver request from by the applicant from the planning commission.

Mr. Scheffel inquired if the fitness and tennis facility used similar materials.

Mr. Olhava stated there was a waiver for materials as well. The north and west facades of the fitness and tennis facility are prominently metal due to the west façade being screened by the tennis courts, the distance from the road and additional landscaping.

Mr. Scheffel inquired if the two buildings will look like sister buildings.

Mr. Olhava stated the colors will not be the same but will have similar materials.

Mr. Turner stated they could comply with the commercial code but breaking up the materials could be more appealing. The goal of the area is to tie all the buildings together.

Mr. Scheffel inquired if they will look like they belong together.

Mr. Turner stated the buildings will look like they tie together. Landscaping, parking and sidewalks are tied together. The goal is to make it a complex and not individual site plans.

Mr. Schinner inquired about the closest distance from the middle of the road to the building as it appears to be set back from road.

Mr. Olhava stated it was 160 feet.

Mr. Frank moved to approve the waiver request of Commercial Corridor Plan Section III.B.3.b.(1) – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) subject to staff conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None
Motion carried.

3. Determination of off-street parking required for a use that is not enumerated in accordance with Section 16-10-30(7) of the Municipal Code – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Eric Greene has submitted a site plan application in the Highland Meadows Golf Course Subdivision, Thirteenth Filing, located off of and adjacent to Crooked Stick Drive. The new building is being planned as an indoor basketball facility of approximately 52,000 square feet.

Section 16-10-30(7) of the Municipal Code states:

“Uses not enumerated.

In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall determine the appropriate application of the parking requirements to the specific situation.”

The applicant is requesting that the Planning Commission determine that the 173 proposed parking spaces are adequate in order to move forward with the project. The applicant has provided an analysis of parking space need. In addition, the parking lot planned for the adjacent fitness and tennis center provides an opportunity for overflow parking, if needed. The site will also be connected to Town trails to provide alternative modes of transportation.

The application is consistent with various goals of the Comprehensive Plan and the Vision 2025 document does not note site specific details such as parking.

Staff recommends the Planning Commission determine the parking is appropriate as presented.

Mr. Tallon moved to approve off-street parking required for a use that is not enumerated in accordance with Section 16-10-30(7) of the Municipal Code – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

4. Public Hearing – Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Mr. Schick closed the regular meeting and opened up the public hearing.

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a major subdivision plat, known as Highland Meadows Golf Course Subdivision 11th Filing. The subdivision encompasses approximately 22 acres and is zoned Residential Mixed Use (RMU). The multi-family residential lots range from approximately 1,800 – 3,800 sq. ft.

Referral comments from the gas company pertaining to the gas easement across access points and roadway connections that were previously shown were not permitted by the gas company.

The applicant held a neighborhood meeting on March 4, 2014 with approximately 11 neighbors in attendance. Notes from the neighborhood meeting are attached to this packet for the Planning Commission's information and reference. The applicant received Preliminary Plat approval at the August 20, 2014 Planning Commission meeting. No major concerns or issues were raised during that meeting.

The application is consistent with various Socioeconomic and Overall Land Use goals and policies of the Comprehensive Plan as well as Residential Land Use goals and policies of the Comprehensive Plan. The application is consistent with Growth and Land Use Management elements of the Vision 2025 document as well as housing elements of the Vision 2025 document.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision subject to the following conditions:

1. All remaining Planning Commission and staff comments be addressed prior to recordation.
2. All subdivision requirements continue to be met.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during this public hearing
- Recommendation

Mr. Schick inquired if there were any comments or questions from the audience.

Bill Greeley, 6413 Half Moon Bay Drive, Windsor, Colorado wanted to comment on the traffic this will generate. There is also a proposal to the east for more development. This would add more traffic to an already busy road.

Mr. Tallon moved to close the Public Hearing; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

5. Recommendation to Town Board – Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant's representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava there are no further comments.

Mr. Tallon moved to forward a recommendation of approval of the Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th filing to the Town Board subject to conditions set by staff; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

6. Recommendation to Town Board – Final Site Plan – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a final site plan application, known as Highland Meadows Golf Course Subdivision 11th Filing – Site Plan. The site plan encompasses approximately 22 acres and is zoned Residential Mixed Use (RMU). A total of 68 townhome units are being proposed with the site plan, along with HOA maintained open space and private drives throughout the site. The multi-family residential lots range from approximately 1,800 – 3,800 sq. ft. All of the units have garages that are oriented inward to the private drives, while the front entrances face the exterior.

The application is consistent with various elements of the Comprehensive plan as well as the Vision 2015 document.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Final Site Plan subject to the following conditions.

1. All remaining Planning Commission and staff comments shall be addressed.
2. All site plan requirements continue to be met.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

The applicant’s representative, Jason Sherrill of Landmark Homes, 1170 West Ash Street, Windsor, CO highlighted key points of the project. A greenway trail system will connect the existing Highland Meadows community to the proposed application. The 4 and 6 unit townhomes will be on their own lots, every home will have a 2 car garage with a 2 car driveway. The units will have full unfinished basements and come in 2 bedroom and 3 bedroom floor plans. Each unit will also have a fenced private yard.

Mr. Scheffel inquired if there is only 1 access point to the project.

Mr. Sherrill stated in this project there is one access point but there is an emergency exit to the north.

Mr. Harding inquired if the walking path will connect the boardwalk with the basketball facility.
Mr. Sherrill stated they would.

Mr. Harding inquired if parking in the driveway will be allowed overnight.
Mr. Sherrill stated they restrict using garages as storage so the garage has to be available for parking.

**Mr. Tallon moved to forward a recommendation of approval to Town Board for the Final Site Plan – Highland Meadows Golf Course Subdivision 11th Filing subject to the conditions presented by staff – Mr. Frank seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner
Nays – None
Motion carried.**

7. Recommendation to Town Board – A Petition to Disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and related transfers of sanitary sewer units to the RainDance property – Patrick McMeekin, Vima Partners, LLC
 - Legislative action
 - Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, the applicant, Vima Partners, LLC, represented by Mr. Patrick McMeekin, is proposing to disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and transfer the available sewer capacity to the Raindance property. As the Planning Commission may recall, this proposal was previously discussed at a Planning Commission work session on February 5, 2014. The Planning Commission was in favor of the proposal and subsequently amended the Town's Comprehensive Plan land use map on June 4, 2014 to change the land use depiction of the property to Parks, Open Space, Mineral Extraction and Floodplains to reflect the deed restriction that will be placed on the property. The deed restriction on the property will ensure that the property will remain in agricultural production or open space with the exception of minimal agricultural related homes.

Mr. McCargar stated the land owner has asked for a disconnection and in conjunction an amendment to the Zeiler annexation agreement with the intent to render the parcel incapable of future development. Under the terms of the negotiated agreement, the sewer density will be removed from the property. With limited uses for the property, four residential dwelling are permitted to be served by septic systems. Agricultural uses are permitted for the property as well. There are some land uses specifically prohibited in the agreement so that the Town does not entirely lose control of what will take place on the property. There are triggers that would require the property to be re-annexed. The next agenda item which is the agreement, protect the Town of Windsor and preserves the town's interest once the property is disconnected. The official action to de-annex would be an ordinance heard on two readings.

Mr. Ballstadt stated staff has conditions within the recommendation and the applicant is present for any further questions.

Martin Lind, 1625 Pelican Point, Windsor, CO stated the original intent of this proposal was to correct a residential leap frog annexation and development. Mr. Lind indicated that while the Zeiler Annexation was happening he did not feel it was the right time to approach the Zeilers to discuss residential uses with commercial uses on U.S. 34. As the recession subsided, negotiations took place with the Zeilers to buy this parcel as residential as everything else they have is commercial. The proposal increases the density in RainDance which was originally extremely low density and will remain lower density. It prevents Windsor from having to service a leap frog development of 600 homes out on a dirt road. There are no water and sewer services in the area. This will help preserve the agricultural heritage in the area. Another reason to de-annex is to stay away from conflicting uses being inside the town but utilizing the property for agriculture.

Mr. Ballstadt stated that the following proposed conditions of approval pertain to the three agenda items #7, #8 and #9:

1. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
2. The applicant shall submit updated sewer master plan mapping and all related information necessary to reflect the resulting changes to the Town's sewer master plan in a format to be approved by the Town's Engineering Department.

Mr. Schick asked if the current agenda item is specifically the de-annexation.

Mr. Ballstadt stated that was correct.

Mr. Frank moved to forward a recommendation of approval to the Town Board for Petition to Disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and related transfers of sanitary sewer units to the RainDance property as presented subject to staff conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

8. Recommendation to Town Board – Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from the Zeiler Farms Second Annexation to the Water Valley West property (a.k.a. RainDance)

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Per Mr. McCargar, the agreement that was referred to earlier is really an amendment to the Zeiler Farms annexation and Master Plan Development Agreement. The reason the amendment is necessary is because the annexation agreement specifically laid out how many sewer capacity units were available to the entire Zeiler Farms annexation. A deed restriction will be placed on the subject portion of the Zeiler property and the restriction will be conspicuously called out on the top and in the body of the document to put everyone on notice once this agreement is recorded that this property will be rendered undevelopable. With the absence of a different sanitary sewer facility, the land owner is really incapable of further development which is important so that future purchasers within this parcel understand. Also, this agreement has

requirements for re-annexation if things happen that were not intended. There are some very specific uses that are prohibited that would trigger re-annexation. Additionally, if oil and gas activity take place on this parcel, it is understood that at least that portion of the property that is devoted to oil and gas and that it is necessary to have contiguity of the annexation act will be re-annexed primarily because of the way taxation is handled on oil and gas rights. The land owner has agreed to the terms as well. There are some minor details still to be negotiated in the agreement, for example, the land owner will be required to dedicate rights of way to the Town if it is necessary to serve the remaining portions of the Zeiler Annexation. Lastly, the agreement will revoke or cancel some vested property rights that were approved by the Town Board for just this portion of the property. A signature from a third party, one of the original parties to the annexation agreement, has yet to sign the agreement. The concerns of that party have been met but they have not yet signed the agreement. Mr. McCargar respectfully requests that the Planning Commission recommend approval of the agreement subject to signatures of all parties.

Mr. Schick inquired if they are seeking Planning Commission approval on the transfer of sewer density.

Mr. Ballstadt stated that was correct.

Mr. Schinner inquired if the land will be undevelopable.

Mr. McCargar stated it is incapable of further development other than the four residential properties.

Mr. Frank moved to forward a recommendation of approval of the agreement regarding the transfer of sewer capacity subject to the aforementioned conditions as presented to the Town Board; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

9. Recommendation to Town Board – Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from portions of the Water Valley South Subdivision to the Water Valley West property (a.k.a. RainDance)

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Mr. McCargar stated this is a related agreement, not to be confused with the disconnection. The Engineering Department has worked on what the sewer capacity will be within portions of Water Valley; an agreement that takes some sewer capacity from certain parcels of Water Valley and transfers or reallocates them to the RainDance property. The final agreement is still being reviewed by Mr. Lind's attorneys. If the final analysis looks like there are no amendments to which has changed the essential core of what was approved with the Zieler agreement, we are able to move forward on this and a recommendation to the Town Board is appropriate. If the agreement comes back from Mr. Lind's attorneys with a lot of changes, if the tone and character change drastically, more discussion will need to take place. If the changes are not significant, it is respectfully requested the Planning Commission forward a recommendation of approval to the Town Board.

Mr. Schinner commented that since the sewer transfer agreements were not yet executed, a recommendation of tabling the item may be appropriate.

Mr. McCargar stated that comment would require a motion and vote.

Mr. Schinner made a motion to table the current item until the final agreement document is completed; Mr. Scheffel seconded the motion.

Mr. Ballstadt stated for clarification that the staff recommendation is that agenda items #7, #8 and #9 not be scheduled for Town Board consideration until the sewer transfer agreements are executed, so the proposed conditions of approval are similar to Mr. Schinner's motion.

Mr. Lind respectfully requested that the item would not be tabled and to honor the staff's recommendations. Mr. Lind anticipates no issues with the agreements.

Mr. Schinner retracted the motion; Mr. Scheffel seconded the retraction after further discussion and clarification.

Mr. Frank inquired for clarification, if the item was tabled, it would need to be presented to the Planning Commission after conditions have been met and then forwarded to Town Board.

Mr. McCargar stated that was correct.

Mr. Frank inquired for clarification, if staff conditions are similar to tabling the item.

Mr. McCargar stated staff is stating until a signed agreement is executed, the Town Board official action can't move forward.

Mr. Scheffel inquired as to how long Mr. Lind's attorney has had the information.

Mr. McCargar stated the agreement for transfer density out of Water Valley to RainDance has been in Mr. Lind's councils' hands for about three weeks.

Mr. Schick stated the way staff wants to proceed is not much different than tabling the item.

Mr. Frank made a motion to recommend to Town Board approval of the Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from portions of the Water Valley South Subdivision to the Water Valley West property (a.k.a. RainDance) as presented subject to all staff recommendations and conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

10. Public Hearing – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as Raindance PUD – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant's representative

- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Schick closed the regular meeting and opened up the public hearing.

Per Mr. Ballstadt, the applicants, RainDance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres with a total of 2792 units known as RainDance PUD. The subject property, previously master planned and subdivided as Water Valley West, is located at the western terminus of New Liberty Road; north of and adjacent to Crossroads Boulevard; and east of and adjacent to County Line Road (WCR 13).

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map and the minimum standards approved with the PUD will be applied to future land use applications within the PUD district. The RainDance PUD proposes variations in minimum lot size, setbacks, street standards and other aspects of development in order to accommodate specific product types and neighborhood concepts. This is consistent with the intent of PUD regulations which are "intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development."

Another unique aspect of the proposed PUD is the use of certain agricultural uses at the perimeter of the property along County Line Road (WCR 13) and Crossroads Boulevard to maintain an open and agrarian character. The agricultural uses that are allowed are specified in the PUD documents and those uses that require appropriate site plan approvals will be required to meet the site plan requirements of the RainDance PUD documents. The process is similar to the administrative site plan requirements of the Municipal Code, but tailored to agricultural uses.

An enhanced parks and open space system is one of the amenities proposed with the RainDance PUD to justify approval of the PUD. The final park layout will be determined with the future platting of the property, but the PUD documents indicate that the approximate location of open space and park features will be within one-third (1/3) mile radius to every resident.

Another aspect of the proposed PUD is up to 17 acres of commercial use in the southwest corner of the property.

The proposed PUD is consistent with the Housing Goals of the Comprehensive Plan as well as the Housing Goals of Vision 2025 document and the Strategic Plan.

Mr. Lind stated the town's staff has worked diligently with his team on this project. The streets in RainDance are oriented to focus on Longs Peak.

Mitch Black, Norris Design, 1101 Bannock Street, Denver, CO stated it is exciting to get to the point of presenting the proposed project to the Planning Commission and soon to the Town Board. Norris Design looked at the town code and adopted most of the codes; however the PUD is necessary for some product types. The proposed 2792 units are the maximum permitted through a sewer study on the 1,100 acres.

The southwest corner of the development will include a market place along with 60 acres of agricultural farm ground on the south and the west. There will be orchards and varieties of permanent crops that can be sold at the farmers market. Tree rows and hedge rows will also be a component of the development. The metro district will oversee and ensure that the agricultural work will be monitored and made sure done it is done properly.

The northern edge may be an opportunity for future development of an active adult community which would include 800 units next to the golf course. All the trails and roads lead to the central core area. There is a large park in the center that is planned as well as a school site. With the park and school next to each other, there can be shared uses between the two sites. The RainDance park is intended to include a high end large recreation facility to include a pool facility with slides and a lazy river. The grassy area can be utilized for sports games and practicing. The south end will include a community garden area with a large gathering space to be used for various events.

Some lots are less than 6,000 square feet and some of the smaller lots are 30 feet wide and 80 feet deep.

Mr. Schick inquired if there were any questions or comments from the public.

Annelise Cummings, 8180 White Owl Court, Windsor, CO commented that it sounds like the sewer capacity issues have been well studied but wondered how well the traffic congestion and residential density increases that go along with moving the housing unit allocations to the RainDance property have been considered, especially since the large part of the property is a golf course. She feels like the density is being pushed to the other corners. About a year ago it was relatively low density residential on the master plan but now parts are going to be as high as 24 units per acre and the Planning Commission should consider not approving the addition of all these extra units. Instead of figuring out how to change the zoning rules to change the lot sizes to allow the applicant to meet these needs, she feels rules were developed for a reason and would like to consider how changing rules affects needs and desires as a whole and not just a particular developer.

Jim Cummings, 8180 White Owl Court, Windsor, CO stated he is surprised by the number of units on this property. 2800 units at 2-2 ½ people per unit is about 6,000-7,000 people which is 25-30% of the total population of Windsor. Windsor is a pretty spread out city and we are trying to increase the city by 25-30% on 2/3 of this property. That is a lot of residential density crammed into one place. Especially in light of the city working on the new Comprehensive Plan it seems like awkward timing and a rush to do this. Mr. Cummings would like to hold off on this project until after the Comprehensive Plan is finished.

Fred Mitchell, 2056 Ridge West Drive, Windsor, CO stated he resides on the west side of the property and is impressed with the application. This does take a master plan overview. A number of neighbors and I were concerned about six months ago when the Pace property was proposed for oil and gas. There was no planning or thought process. Mr. Mitchell represents a small number of home owners that are in favor of the project. This type of master plan program is something they welcome and look forward to. Mr. Mitchell stated he could see his property value increase as a result.

Mr. Tallon made a motion to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner
Nays – None
Motion carried.

11. Recommendation to Town Board – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as RainDance PUD – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant’s representative

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt stated the staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. The PUD documents shall replace the use of “sharrows” with standard bike lanes in accordance with the Town’s street standards.

Mr. Tallon made a motion to re-open the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner
Nays – None
Motion carried.

Mr. Lind stated the accessory dwellings are a quality of life issue and an aging at home issue. One of the reasons we didn’t want to give up on the 6,000 square foot minimum is for the individuals that live here seasonally and so we are trying not to restrict to eliminate someone from having a live-in nurse just because their lot is smaller. We envision the accessory unit could be above a garage or outbuilding. We are proposing it with forethought and would be happy to restrict these if they are not built as originally planned. This gives us a tool for a senior that has a lock and leave home but they want to have a live-in caretaker; it gives them the ability to do that but only if designed into the original concept of the house rather than added after-the-fact.

Mr. Schick inquired about what the proposed minimum lots are.

Mr. Ballstadt stated 4,000 square feet for single family detached. There is a small dwelling single family detached at 2,400 square feet. Also a single family attached dwelling on 1,200 square feet.

Mr. Lind requested to have the minimum lot square foot for accessory dwellings to be 4,000 square feet and would also restrict the accessory dwellings to those that are built per the approved Master Plan for that property.

Mr. Schick stated he would like to see more details around this issue before making a decision. Further consideration is necessary before removing the condition and the Planning Commission should review and compare what Mr. Lind is proposing. Mr. Schick stated he didn't have enough information to make the decision on which direction to go.

Mr. McCargar stated the public hearing can be continued to another date to gather all information needed to make a decision or, if the Planning Commission is not prepared to make a recommendation based on the record tonight, that will be indicated in the recommendation to the Town Board and leave the decision to the Town Board with the assumption the Town Board will convene another public hearing on the subject. The applicant and staff will be prepared to discuss the issue.

Mr. Tallon made a motion to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

Mr. Lind stated he concurred with Mr. Schick's concerns but would like to stay on track with the Town Board meetings. Mr. Lind asked if the PUD could move forward with staff's condition of approval regarding ADUs with the option to re-visit the issue with the Town Board when that meeting occurs. Staff will be given more detailed information before that time comes.

Mr. Frank asked if the ADU condition would come back before Planning Commission if it is re-visited in the future.

Mr. Ballstadt stated that it would require a Planning Commission recommendation to Town Board at that time.

Mr. Schick stated he is in agreement moving forward with staff recommendations.

Ms. Scheffel inquired about the staff recommendation regarding "sharrows".

Mr. Hornbeck stated sharrows, or shared lane markings, are when a vehicle lane is marked with a bike symbol so the bike and the vehicles can share the same lane. Other jurisdictions have used them but there are none in Windsor at this time. Staff's position is that sharrows can be an appropriate solution for existing streets in certain circumstances but bike lanes should be installed in this case because it's new construction.

Mr. Tallon made a motion to re-open the public hearing; Mr. Frank seconded the motion.

Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None
Motion carried.

Mr. McCargar stated that if there are questions related to the facts and more information is needed, the time to ask for that information is during the public hearing so that all information is covered.

Mr. Schick pointed out that there are times when questions are not raised until after the public hearing.

Mr. Hornbeck, for the purpose of stating the information during the public hearing, restated the information regarding the sharrows, or shared lane markings, explaining they are used when a vehicle lane is marked with a bike symbol so the bike and the vehicles can share the same lane. Other jurisdictions have used them but there are none in Windsor at this time. Staff's position is that sharrows can be an appropriate solution for existing streets in certain circumstances but bike lanes should be installed in this case because it's new construction.

Mr. Schick stated he agreed with staff since this is a new development.

Mr. Lind inquired if this would be paint on the road or increasing the street width.

Mr. Hornbeck stated a sharrow is paint on the road. To put in a bike lane they would need to add to the width of the road. Mr. Hornbeck stated that the proposed sharrows are located in the proposed commercial core area.

Mr. Scheffel inquired about the balance of the area.

Mr. Hornbeck stated other streets are proposed with standard bike lanes.

Mr. Scheffel inquired if the sharrows just pertain to the lower quadrant.

Mr. Black stated it is just in the lower quadrant; the oval with the store fronts. The speeds will be lower in that area with vehicles, people and bikes utilizing the shared area. With angled parking, bike lanes and cars, standard bike lanes will start pushing things father back.

Mr. Schick stated this comes down to a safety issue and doesn't want to compromise the safety of anyone who is living in that area or who is riding a bike and would recommend the segregated bike lane with the extra width for citizen safety.

Mr. Black stated if that is the direction they go, that will widen the character of the street.

Mr. Schick stated if it comes down to the character of the street or safety, safety should be the priority.

Mr. Harding stated he agreed. When bicycle traffic is promoted in this area, they need to feel safe riding in that area.

Mr. Scheffel stated the sharrows are proposed in the dense commercial portion of the development where there is more traffic and it seems counterintuitive to combine bikes and cars in such an area.

Mr. Scheffel inquired if golf carts will be permitted in this area.

Mr. Black stated they will be permitted. Mr. Black stated with the strong opinion of bike lanes everywhere, they may look into putting up signs that restrict bikes in the streets in that area.

Mr. Tallon motioned to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

Mr. Schick stated the consensus of the Planning Commission is in favor of the dedicated bike lane in place of the sharrows.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. The PUD documents shall replace the use of “sharrows” with standard bike lanes in accordance with the Town’s street standards.

Mr. Tallon made a motion to forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the conditions proposed by staff as revised to include the requirement of bike lanes rather than sharrows; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

12. Recommendation to Town Board – Water Valley West Amended Master Plan (a.k.a. RainDance) – Martin Lind, Raindance Aquatic Investments, LLC, applicant/Mitch Black, Norris Design, applicant’s representative

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, the applicants, Raindance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to amend the existing Water Valley West Master Plan to reflect the proposed RainDance Planned Unit Development (PUD). The subject property, previously master planned and subdivided into 4 large tracts, known as Water Valley West.

The master plan is consistent with the Housing Diversity Goals and Policies of the Comprehensive Plan as well as the Housing Goals of the Vision 2025 document and the Strategic Plan.

Mr. Ballstadt stated the golf course is situated over some existing conversation easements that the applicant will need to address.

Mr. McCargar stated 2 of the 3 conservation easements have been extinguished. There is a plan in place to extinguish the remaining small easement. Any official action approving the master plan will need to include the understanding that the approval is conditional upon the extinguishment of the last conversation easement.

Mr. Lind stated the conservation agreements contain language that will allow them to be moved to another parcel. If the easement cannot be extinguished, the process of moving the easement will take place to move it to another parcel.

Mr. Ballstadt stated the residential and commercial densities proposed in the amended master plan and the PUD are based on the approval of the proposed transfer of sanitary sewer units; therefore, the proposed conditions of approval require that all of the related agreements be executed prior to scheduling final approval by the Town Board.

Staff recommends the Planning Commission forward to Town Board a recommendation of approval of the proposed amended master plan subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. Nothing herein shall condone or permit a violation of the terms of the Deed of Conservation Easement dated December 8, 2003, recorded in Weld County at Reception No. 3139866. Extinguishment of the said conservation easement shall occur prior to Town approval of any future subdivision or site plan proposals.

Mr. Tallon motioned to forward to the Town Board a recommendation of approval of the proposed amended master plan subject to the conditions presented by staff; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission

Mr. Schinner inquired if the alley is now paved at Arapahoe Rentals.

Mr. Olhava stated at the last Planning Commission meeting, staff reported it has been paved, the landscaping has been satisfied, and staff is also reviewing the site plan proposal for that lot.

Mr. Vissers inquired why bike lanes/trails in town have a big metal post in the middle.

Mr. Ballstadt stated that is to prevent vehicles from accessing the trail.

2. Communications from the Town Board liaison

Absent

3. Communications from the staff

Mr. Ballstadt stated that at the work session on May 20th there was discussion regarding alternative ways to handle review of referrals from other jurisdictions. One option that staff is reviewing with Town Attorney is Planning Commission review of a draft referral response via email. If the draft raised issues that require Planning Commission discussion, the referral would need to be scheduled for the next regular meeting. If there were no issues with the draft, it could be forwarded to the referring jurisdiction.

Mr. Schick asked staff to continue refining the process with the Town Attorney and report back to the Planning Commission.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:33



Krystal Eucker, Deputy Town Clerk

ARTICLE XXIII - Planned Unit Development Regulations

Sec. 16-23-10. - Intent.

- (a) The planned unit development (hereinafter called PUD) provisions contained herein are intended to provide for the planning and development of substantial tracts of land, suitable in location and character for the uses proposed, as unified and integrated entities in accordance with detailed development plans.
- (b) Such planned unit developments are to be permitted as amendments to the Official Zoning District Map upon approval of a specific development proposal which complies with the requirements and standards set forth in this Chapter.
- (c) The regulations contained herein, which are based on sound comprehensive planning principles, are adapted to unified planning and development and are intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.
- (d) Specifically, the PUD provisions are intended to further the following objectives:
 - (1) To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.
 - (2) To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.
 - (3) To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.
 - (4) To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.
 - (5) To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.
 - (6) To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Sec. 16-23-20. - General location and planning requirements.

- (a) Relation to major transportation system. Planned development districts shall be so located with respect to major streets and highways or other transportation facilities as to be directly accessible without creating traffic on minor streets in residential areas outside such districts.
- (b) Relation to public utilities and community facilities. Planned development districts shall be so located in relation to public utilities and community facilities and services, either existing or to be available by the time development reaches the stage where they will be required, that such facilities can be provided at reasonable public cost.
- (c) Relation to general pattern of urban development. Planned development districts shall be planned and located in general compliance with the Comprehensive Development Plan and shall relate the major elements of the urban pattern, including housing, commercial facilities and principal places of employment, by physical proximity of major streets so as to provide for the convenience and amenity of residents of the community and reduce general traffic congestion by a close relationship between origins and destinations.

Sec. 16-23-30. - Physical character of site.

The site shall be suitable for the development proposed without hazards to structures, occupants or any property from probability of flooding on the site or on adjacent lands, erosion or deposition of eroded material on adjacent lands, subsidence of the soil or other dangerous conditions. Soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.

Sec. 16-23-40. - Site planning; external relationships.

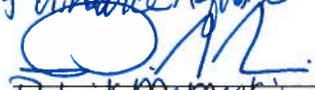
- (a) Vehicular access. Entrances and exits for vehicles shall be designed to encourage smooth traffic flow with minimum hazards to passing traffic or to traffic entering or leaving the development. Merging or turnout lanes may be required where anticipated traffic flows from or to the planned development indicate the need for such lanes. In no case shall streets within a planned development district connect to streets outside the district in such a way as to encourage use of any minor streets for through traffic.
- (b) Perimeter setback and screening. If topographical or other barriers do not provide adequate buffer between the planned development and adjacent uses, structures on the perimeter of the planned development shall be set back a distance equal to the minimum setback requirement of the adjoining district or shall be permanently screened by fences, walls or plantings as required to sufficiently protect the privacy and amenity of adjacent uses, to protect the planned development from potentially adverse external influences, such as a major street or highway and as necessary to make transition from adjoining districts.

Sec. 16-23-50. - Modifications of subdivision regulations.

- (a) The improvements required under Article X of Chapter 17, including streets, storm drainage, sanitary sewerage and potable water systems, shall be provided in each type of planned unit development.
- (b) The requirements and standards for the construction of streets and utilities set forth in the subdivision regulations shall be subject to modification where the plan and program for a PUD make adequate provision for vehicular and pedestrian access and circulation, recreation, utility and service needs of the tract when fully developed and occupied and which also provide such covenants, easements or other legal documents and provisions as will assume conformity to and successful implementation of the plan.

REZONING PETITION

We the undersigned, being the owners of the property described as a parcel of land in the Town of Windsor, County of Weld, State of Colorado, located in Sections 30, 31, and the west half of Section 29, Township 6 North, Range 67 West, of the sixth Principal Meridian and more particularly described as follows: Lots 1-5, Water Valley West Subdivision as shown on the plat thereof, recorded at the office of the Weld County Clerk and Recorder under reception number 3756094, containing 1,126.45 acres more or less, hereby request a Planned Unit Development overlay and do hereby pay the required fee.

Date	Owners Signature	Mailing Address
<u>9/9/14</u>	<i>Rainbow Aquatic Enterprises, LLC</i> 	1625 Pelican Lakes Point, Suite 201 Windsor, Colorado 80550
<u>9/12/14</u>	<i>Patrick McMeekin, Manager</i> <i>William P. Farrick, Inc.</i> <i>by Donald Farrick, Pres.</i>	1625 Pelican Lakes Point, Suite 201 Windsor, CO 80550

1101 Bannock Street
Denver, Colorado 80204
303.892.1166



September 12, 2013

Mr. Scott Ballstadt – Chief Planner
Town of Windsor Planning Department
301 Walnut Street
Windsor, CO 80550

Re: Proposed Planned Unit Development for Water Valley West

Dear Mr. Ballstadt:

On behalf of our clients, Don Larrick and Martin Lind, please find below the narrative description for the Water Valley West Planned Unit Development application.

The design objective for the Water Valley West PUD is to establish design guidelines that will facilitate a dynamic and diverse built environment on the Water Valley West site. As has been detailed in the Master Plan Amendment, the Water Valley West property will ultimately include parks, trails, a school, a commercial district, agricultural integrated throughout the site, a championship golf course, and a variety of housing products. This PUD is an integral step in achieving this broader vision for the Water Valley West property. The proposed standards are consistent with other Northern Colorado communities and a series of character photos, aerial photos, and various other approved plans have been provided in a separate document displaying how similar standards have been used in communities near Windsor.

Based on the proposed land use standards, a broader variety of housing product that fall below the 6,000 square foot single family detached lot size would be permitted on the Water Valley West site than would otherwise be allowed. These standards will also assist in orienting buildings towards the streets, generating a pedestrian-friendly built environment, and ensuring adequate provision for pedestrians, bicycles, and motor vehicles. As is shown on the Preliminary Zoning Map, residential density would decrease to the north and the east from a mixed use/commercial core located in the southwest corner of the property. By creating opportunities for a variety of housing products, the PUD will help make this transition occur.

It is our clients' objective to also integrate a variety of agricultural uses into Water Valley West. This PUD further details permitted agricultural uses, based on research of agricultural uses in similar integrated residential/agricultural communities, beyond the permitted uses listed in the *Windsor Town Code* (Sec. 16-32-20). These new standards differentiate from the General Commercial and the Residential/Mixed use portions of Water Valley West, incorporating into the community productive open space and tying the new development to Windsor's agricultural heritage.

In order to create more urban, walkable, and pedestrian-oriented streetscapes throughout the Water Valley West community, we are proposing a number of changes and additions to the roadway design standards. The proposed figures are based on precedents established in other Northern Colorado communities, including Windsor, Loveland, and Fort Collins. The roadway cross sections included in the PUD reflect these proposed design changes and include key Water Valley West features such as expanded tree lawns and wider sidewalks. A new retail major

1101 Bannock Street
Denver, Colorado 80204
303.892.1166



collector has also been designed that will allow for the opportunity to create a classic “main street” character in the commercial portion of Water Valley West. The proposed design of New Liberty Road includes a potential landscaped median, bike lanes, tree lawns, and trails in order to function as an attractive and inviting multi-modal corridor that bisects the Water Valley West neighborhood in a sensitive way.

Additional detail, including specific layout and configuration of open space, residential lots, local streets, streetscape character, parks, trails, neighborhood gathering spaces and other improvements, will be provided during the Major Subdivision stages of the project.

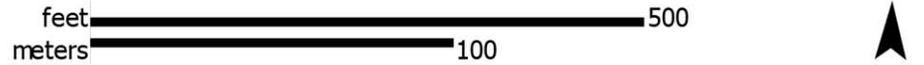
As we discussed recently, we would request this application move through the final stages of the review and approval process in the Town concurrent with the previously submitted Master Plan Amendment for Water Valley West. On an on-going basis, our team is available to meet with Town staff to review and discuss the proposed information or to provide additional examples of existing constructed examples.

Please let us know if you have any questions regarding this application, if you need additional information, or if we need to schedule review meetings to discuss our proposal. We look forward to hearing feedback and questions from the Town, and to working closely with Town Staff to refine this Planned Unit Development application in the coming weeks.

Sincerely,
Norris Design

A handwritten signature in black ink, appearing to read "Mitch Black". The signature is fluid and cursive.

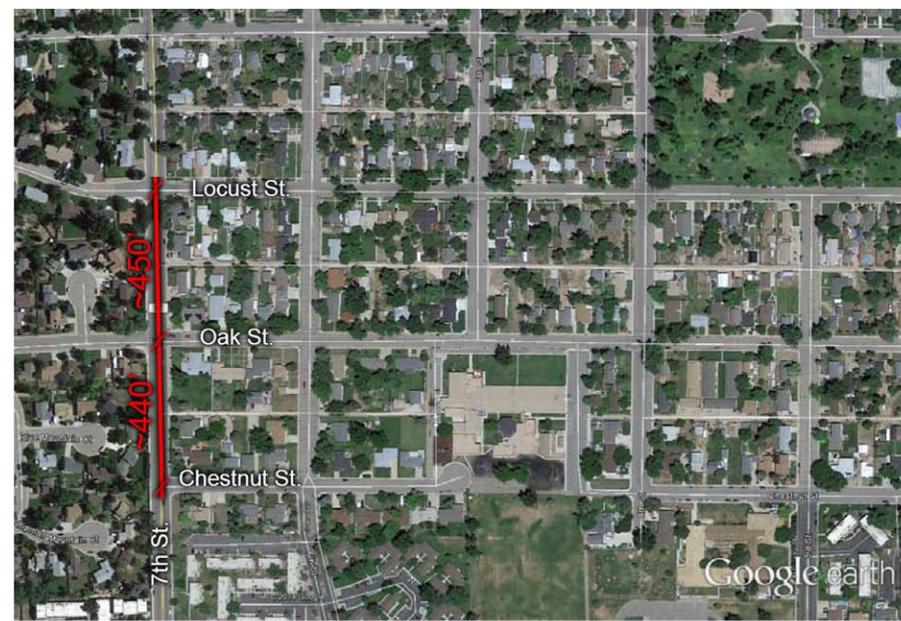
Mitch Black
Principal



Note : Local intersections spaced less than 150' are tighter than the proposed PUD.

Local Intersection Spacing Examples

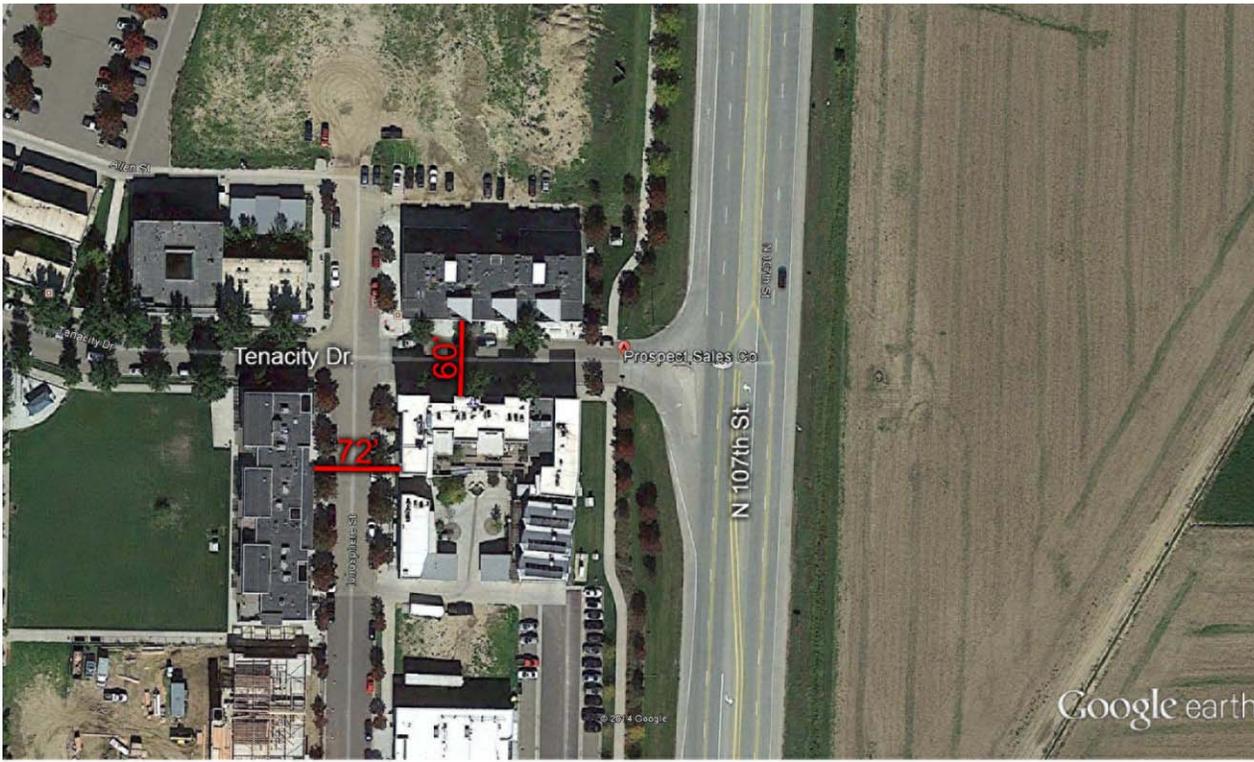
Location: Windsor



Note : Major collector intersections spaced less than 450' are tighter than the proposed PUD. The Collectors shown in this study are Urban Major Collectors as defined by the Town of Windsor Comprehensive Plan Illustration 8 - Roadway Classifications adopted 1/4/07

Collector Intersection Spacing Examples

Location: Windsor



Note : Dimensions shown are from building face to building face. Dimensions shown are tighter than in the proposed PUD.

Prospect Plan



72' Building to Building Perspective

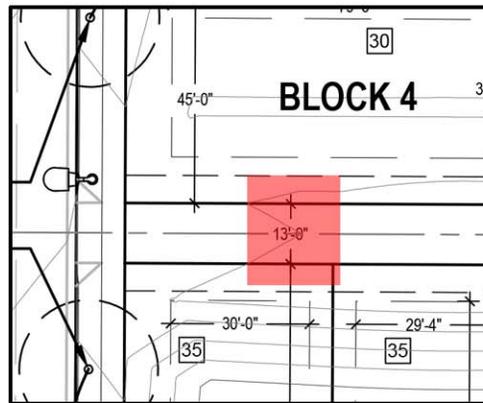
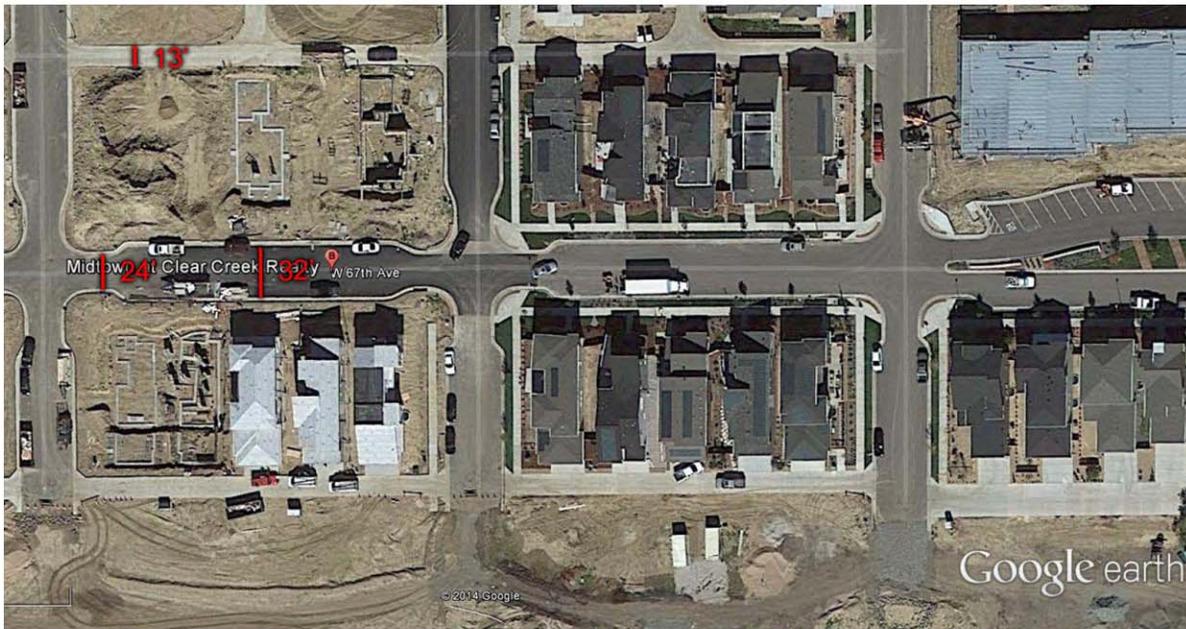


60' Building to Building Perspective

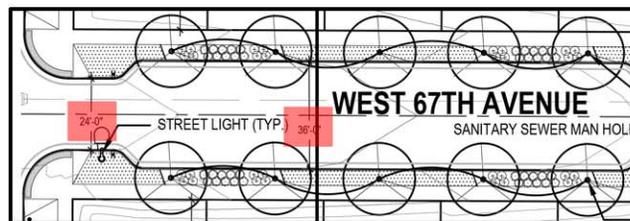
Main Street Examples

Location: Longmont

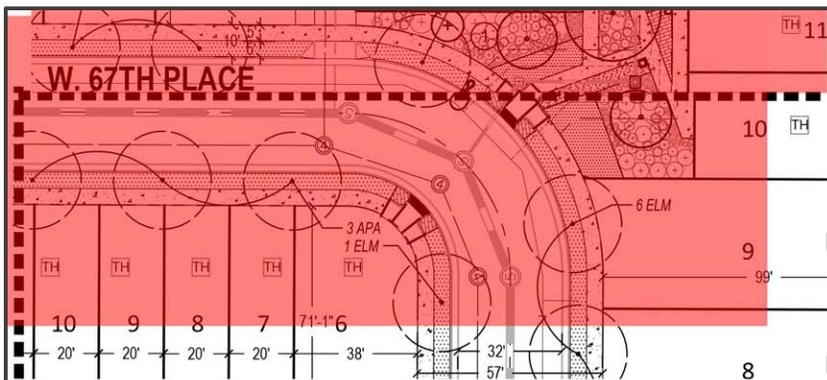
Development: Prospect Newtowne



Alley Detail - see plan to left



Street Detail - see plan to left



50' Centerline Radius Detail - no knuckle or bump-out

Roadway Design Examples

Location: Adams County

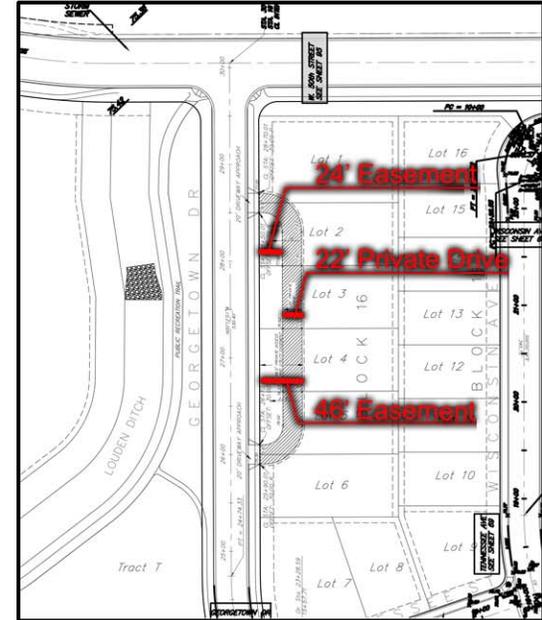
Development: MidTown



Kendall Brook Plan



Note: Dimensions shown are taken from the back of walk to the edge of pavement.



Kendall Brook Plat

Loop Lanes Example

Location: Fort Collins

Development: Kendall Brook



Note : Dimensions shown are taken from the back of walk to the closest building face. Dimensions shown are tighter than in the proposed PUD.

Prospect Plan



Minimum Front Yard Setback Example

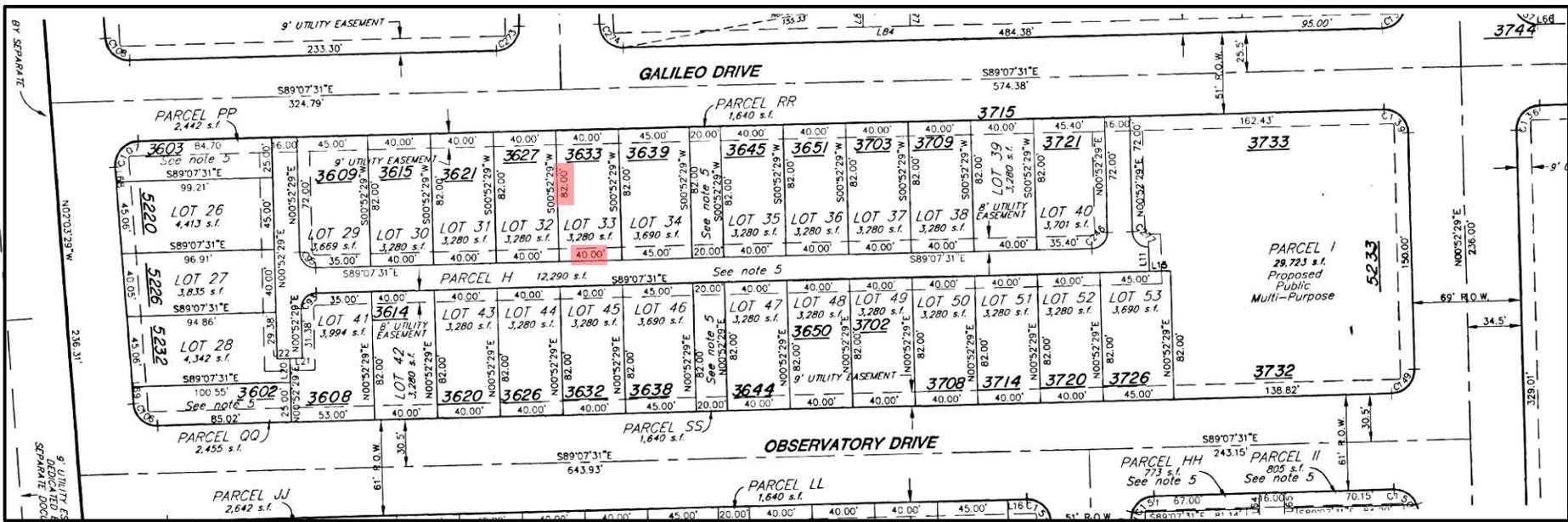
Location: Longmont
 Development: Prospect Newtowne



Water Valley South Filing 18 Final Plat

Small Lot Example - Single Family Detached Front Loaded

Location: Windsor
 Development: Water Valley South



Observatory Plat - recorded as Willow Brook

Note : For a 40' wide single family rear loaded lot, the lot square footage shown is less than in the proposed PUD.



Observatory Plan



Small Lot Examples - Single Family Detached Rear Load

Location: Fort Collins

Development: Observatory Village



Table 1.04.1
General Parameters

Street Classification	URBAN SECTION								
	Major Arterial	Minor Arterial	Major Collector	Major Collector Retail	Minor Collector	Local Ind/Comm	Local Residential	Alley with Fire Access	Alley without Fire Access
Number of Lanes	4-6 / 7 / 4-6	2 / 5 / 2	2 / 3 / 2	3	2 / 2 / 2	2 / 2 / 2	2 / 2 / 2	1 / 2	1
Right-of-Way Width	115-141 / 135 ft / 120-140	84 / 110 ft / 100	66 / 80 ft / 80	65-80 ft	76 / 53-68 ft / 67	66-72 / 50 ft / 60	51 / 56-59 ft / 50	12-20 / 20 ft	13 ft
Roadway Width ⁽¹⁾	83-107 / 104 ft / 80-116	52 / 80 ft / 38-76	40 / 33-48 ft / 38-48	39-60 ft	50 / 33-48 ft / 36-44	44-50 / 36 ft / 34	30 / 36 ft / 34		
Width at Intersections ⁽¹⁾	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Number of Travel Lanes	4-6 / 4 / 4-6	2 / 4 / 2	2 / 2 / 2	2	2 / 2 / 2	2 / 2 / 2	1 / 2 / 2		
Travel Lane Width	12 / 12 ft / 12	12 / 12 ft / 12	12 / 12 ft / 12	12 ft	11 / 12 ft / 11	11-12 / 11 ft / -	16 / 11 ft / 10		
Designated Bike Lanes	Y / Yes / Y	Y / Yes / Y	Y / Yes / Y	No	Y / Yes / Y	varies / No / No	varies / No / No		
Bike Lane Width	8 / 6 ft / 5-7	8 / 6 ft / 5-7	8 / 4.5 ft / 5-7	N/A	6-8 / 4.5 ft / 5-7	0 or 6 / N/A / N/A	0 or 4 / N/A / N/A		
Parking Lane Width	None / None / None	None / None / None	None / 7.5 ft / 5-7	7.5 ft	0-8 / 7.5 ft / 0-6	0, 8-10 / 7 ft / -	7 / 7 ft / 7	8 ft	8 ft
Sidewalk Width	6-7 / 5 ft / 6	6 / 5 ft / 6	5 / 5 ft / 6	5 ft	5 / 5 ft / 5	6-6.5 / 5 ft / 5	4.5 / 5 ft / 5		
Vertical, Driveover, or Rollover Curb and Gutter	V / V / V	V / V / V	V / V / V	V	V / D ⁽³⁾ / V, D, or R	V / V / V, D, or R	V or D / Varies / V, D, or R	Varies	Varies
Traffic Volume (ADT)	15-35k+ / >25k / 16k-48k	3.5-15k / >10k / 7k-16k	3.5-5k / 3.5-10k / 3-7k	3.5-5.5k	2.5-3.5k / 1.5-3.5k / 1-3k	<2.5k / <2.5k / 0.2-1k	<1.0k / <1.5k / 0.2-1k		
Design Speed (MPH)	50 / 50 / 50	50 / 45 / 45	40 / 35 / 40	30	40 / 30 / 30	30 / 25 / 30	25-30 / 25 / 25		
Posted Speed (MPH)	35-45 / 45 / 45	30-45 / 40 / 40	30-35 / 30 / 35	25	25-30 / 25 / 25	25 / 25 / 25	25 / 25 / 25		
Turn Lanes ⁽⁴⁾	Req. / Required / Req.	Req. / Required / Req.	Req. / Required / Req.	Varies ⁽⁵⁾	Varies ⁽⁶⁾ / Varies ⁽⁵⁾ / Not Req.	Varies ⁽⁶⁾ / No / No	No / No / No	No	No

(1) Flow Line to Flow Line (Urban Section) or shoulder to shoulder (Rural Section).
 (2) Detached Bikeway in lieu of on-street Bike Lane (where required).
 (3) Vertical curb required for industrial/commercial development.
 (4) Left-turn lanes are always required, right-turn lanes are required if TIS indicates need.
 (5) Where Minor Collectors intersect with streets of high traffic volume or high speeds, left turn lanes required.
 (6) To provide left turn lanes at intersections, parking shall be removed.
 See standard details for performance options.

Fort Collins
 Loveland
 Proposed

Table 1.07.3

Technical Design Criteria								
ROADWAY CLASSIFICATION		ARTERIAL		COLLECTOR			LOCAL	
Design Elements		Urban Major 4-6 / 7 lanes / 4-6	Urban Minor 2 / 5 lanes / 2	Urban Major 3 lanes	Urban Major Retail	Urban Minor 2 lanes *	Urban Ind/Comm 2 lanes	Urban Local 2 lanes
Overall Design Parameters								
Design Speed (MPH)		50 / 50 / 50	50 / 45 / 45	40 / 35 / 40	30	40 / 30 / 30	30 / 25 / 30	25-30 / 25 / 25
Posted Speed (MPH)		35-45 / 45 / 45	30-45 / 40 / 40	30-35 / 30 / 35	25	25-30 / 25 / 25	25 / 25 / 25	25 / 25 / 25
Stopping Sight Distance		400 / 400 ft / 400	400 / 400 ft / 325	275 / 275 ft / 275	275'	275 / 275 ft / 200	200 / 200 ft / 200	200 / 200 ft / 150
Horizontal Alignment								
Min. Centerline radius		1075 / 1075 ft / 1075	1075 / 600 ft / 825	600 / 500 ft / 600	500 ft	600 / 275 ft / 275	275 / 275 ft / 275	165 / 150 ft / 165
Max. Superelevation		4 / 6% / 4	4 / 5% / 4	4 / 4% / 4	4%	0 / 4% / 0	NA	NA
Min. Tangent lengths ⁽¹⁾		200 / 200 ft / 200	200 / 200 ft / 200	150 / 150 ft / 150	150 ft	100 / 100 ft / 100	100 / 100 ft / 100	100 / 50 ft / 50
Vertical Alignment								
Max. Centerline Grade		5 / 5% / 5	5 / 5% / 5	6 / 6% / 6	5%	8 / 8% / 8	8 / 6% / 8	8 / 8% / 8
Min. Gutter Flowline Grade		0.5 / 0.5% / 0.5	0.5 / 0.5% / 0.5	0.5 / 0.5% / 0.5	0.5%	0.5 / 0.5% / 0.5	0.5 / 0.5% / 0.5	0.5 / 0.5% / 0.5
Min. K-value for Vertical curves	Crest	110 / 195 / 110	110 / 125 / 80	60 / 90 / 60	60	60 / 60 / 45	30 / 30 / 45	20 / 30 / 45
	Sag	90 / 120 / 90	90 / 90 / 70	60 / 75 / 60	60	60 / 60 / 40	40 / 45 ⁽⁵⁾ / 30	30 / 45 ⁽⁵⁾ / 30
Intersection Design								
Min. sight distance at drives & intersections ⁽²⁾		1030 / 1030 ft / 1030	1030 / 940 ft / 830	660 / 800 ft / 660	335 ft	660* / 335 ft / 310	310 / 260 ft / 310	260 / 260 ft / 260
Access Management		(A) / (B)	(A) / (B)					
Min. distance between Intersections	w/ Signal	2640 / 2640' / 2640	2640 / 1200' / 2640	NA	NA	NA	NA	NA
	No signal	1320/660** / NA/1320' / 1320/660	1320/330** / 1320/500' ⁽⁴⁾ / 1320/660	330 / 450' / 330	450'	250 / 250' / 250	200 / 330' / 200	200 / 150' / 200
Min. distance between driveways		460-660** / NA/590' ⁽³⁾ / 660	460-660** / NA/350' ⁽³⁾ / 660/330	75 / 150' / 75	150'	100* / 125' ⁽⁸⁾ / 30	30 / 50' / 30	12 / 10' / 12
Driveway Configuration		Radial curb return	Radial Curb return	Radial or Curb cut	Radial or Curb cut	Radial or Curb Cut	Radial or Curb Cut	Radial or Curb Cut

(1) Between reverse curves or at intersections.

(2) Left-turn from Stop Sign.

(3) Right-in / Right-out Only Per Approval of Town Engineer.

(4) ¾ Movement Only Per Approval of Town Engineer.

(5) AASHTO values may be used within 100' of controlled intersections or other locations where speed is reduced.

(6) INTERNAL TO THE WATER VALLEY WEST PROPERTY, ANY LOCAL STREET MAY ACCESS ANY COLLECTOR AND ANY COLLECTOR MAY ACCESS ANY ARTERIAL.

(7) THERE WILL BE NO MINIMUM AMOUNT OF VEHICULAR OR PEDESTRIAN ACCESS POINTS REQUIRED INTO THE WATER VALLEY WEST PROPERTY.

(8) For commercial driveways only. 10' for Single Family Detached residential driveways.

* - Fort Collins Minor Collector is a higher road classification, compare to connector local

** - For a distance less than 460' an administrative variance must be approved by the Local Entity Engineer; for a distance greater than 660' a modification in accordance with the Land Use Code will be required.

Note: Deviations require a traffic study and analysis by a licensed engineer and must be approved by the Town Engineer.

(A) Without Raised Median

(B) With Raised Median

Fort Collins

Loveland

Proposed

**A Zoning proposal to create a
Planned Unit Development (PUD)
overlay district and a proposed
Amended Master Plan
for the RainDance property**

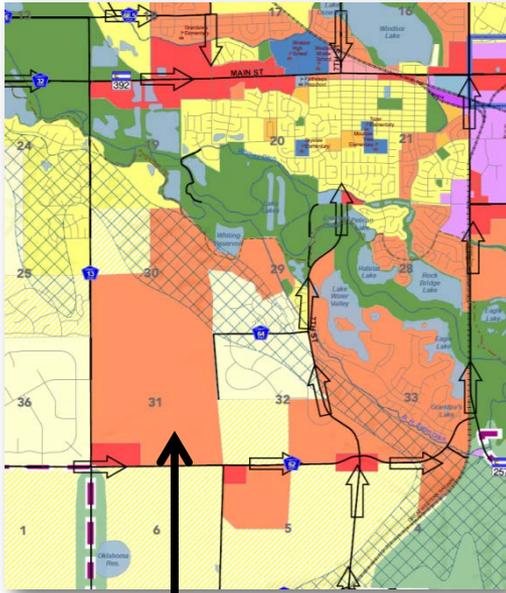
**Scott Ballstadt, AICP
November 23, 2015**

Town Board

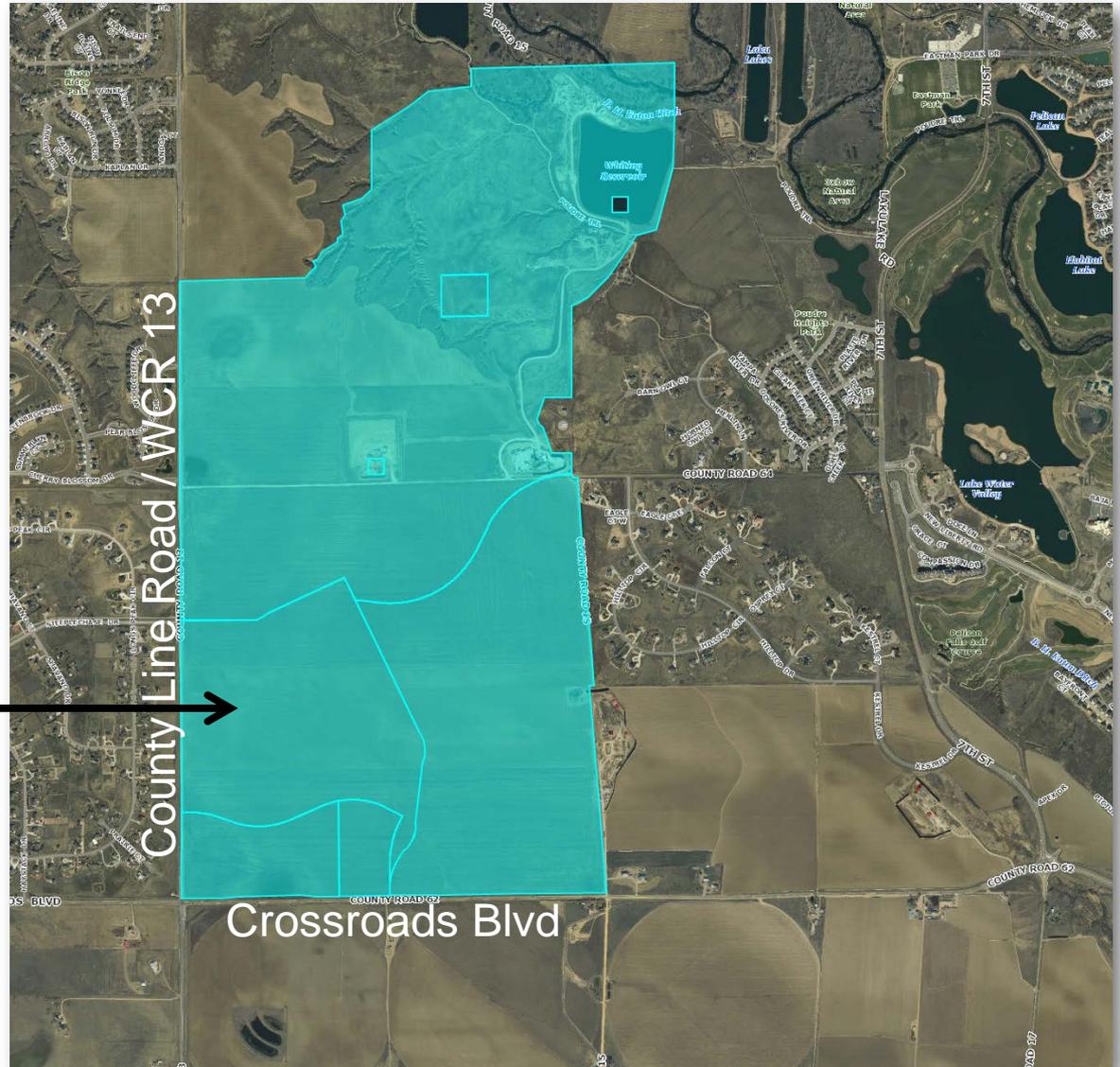
Items C.7, C.8 and C.10

LOCATION

Land Use Map

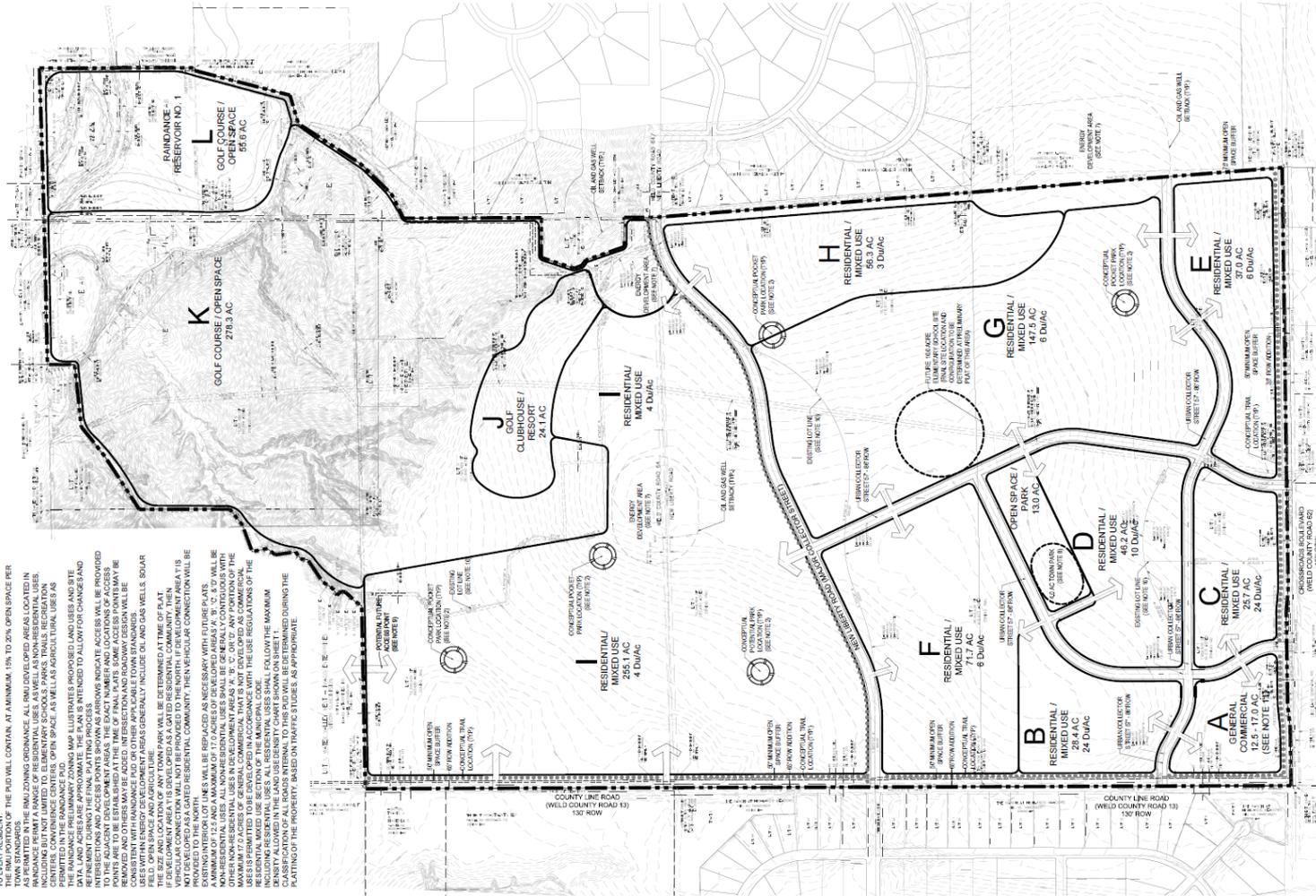


Subject Property



RAIN DANCE PUD

- NOTES**
1. THE PROPOSED ROAD ALIGNMENTS, INCLUDING NEW LIBERTY ROAD WELD COUNTY ROAD 64, THE FINAL SIZE, SHAPE, LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL POCKET PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT THE TIME OF FINAL PLAT. THE LOCATION OF THESE FEATURES WILL BE LOCATED TO ACHIEVE A 3% MAX. GRADES.
 2. TOWN STANDARDS OF THE PUD WILL CONTAIN, AT A MINIMUM, 15% TO 25% OPEN SPACE PER AN ACRE IN THE FINAL ZONING ORDINANCE. ALL NEW DEVELOPED AREAS LOCATED IN OPEN SPACE ARE TO BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY.
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 6. INTERSECTIONS AND ACCESS POINTS SHOWN AS ARROWS INDICATE ACCESS WILL BE PROVIDED TO EVERY RESIDENT. ACCESS POINTS TO BE ESTABLISHED AT THE TIME OF FINAL PLATS. SOME ACCESS POINTS MAY BE PROVIDED AT THE DISCRETION OF THE DEVELOPER. ACCESS POINTS TO BE ESTABLISHED AT THE TIME OF FINAL PLATS. SOME ACCESS POINTS MAY BE PROVIDED AT THE DISCRETION OF THE DEVELOPER.
 7. USES WITHIN ENERGY DEVELOPMENT AREAS GENERALLY INCLUDE OIL AND GAS WELLS, SOLAR PANELS, AND OTHER ENERGY RELATED DEVELOPMENTS. ACCESS POINTS TO BE ESTABLISHED AT THE TIME OF FINAL PLATS. SOME ACCESS POINTS MAY BE PROVIDED AT THE DISCRETION OF THE DEVELOPER.
 8. THE SIZE AND LOCATION OF ANY PARK WILL BE DETERMINED AT THE TIME OF PLAT. THE PARK SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE PARK SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE PARK SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY.
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 10. A MINIMUM OF 12' AND A MAXIMUM OF 17.2 ACRES OF DEVELOPED AREAS SHALL BE PROVIDED FOR OTHER NON-RESIDENTIAL USES IN DEVELOPMENT AREAS 'A', 'B', 'C', OR 'D'. ANY PORTION OF THE DEVELOPMENT AREAS 'A', 'B', 'C', OR 'D' THAT IS NOT DEVELOPED FOR OTHER NON-RESIDENTIAL USES SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY.
 11. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY. THE RECREATIONAL COMMUNITY SHALL BE DEVELOPED AS GATED RECREATIONAL COMMUNITY.
 12. CLASSIFICATION OF ALL ROADS INTERNAL TO THIS PUD WILL BE DETERMINED DURING THE PLATTING OF THE PROPERTY. BASED ON TRAFFIC STUDIES, AS APPROPRIATE.



RainDance
Planned Unit Development
Windsor, Colorado

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ENGINEER
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CENTER
1601 PULCAN LANE
WINDSOR, CO 80550
(970) 226-2844

DATE:
08/12/2014

REVISIONS:
12/28/2014
05/04/2015
05/29/2015

SHEET TITLE:
PRELIMINARY
ZONING MAP
400' SCALE

SHEET NUMBER:
2 of 16

RAINANCE PUD LAND USE STANDARDS

LAND USE STANDARDS

INTENT OF LAND USE STANDARDS

THE INTENT OF THESE LAND USE STANDARDS IS TO ESTABLISH AND ENTITLE THE LOT REQUIREMENTS THAT WILL FACILITATE THE DEVELOPMENT OF A MORE URBAN, VALUABLE COMMUNITY. TO CREATE SUCH A COMMUNITY, THESE STANDARDS ENABLE SMALLER LOTS, A DIVERSITY OF HOUSING TYPES THAT ARE Viable GIVEN CURRENT HOUSING TRENDS, AND PEDESTRIAN-ORIENTED STREETSCAPES, REDUCTIONS IN ON-LOT OPEN SPACE AS A RESULT OF THE SMALLER LOTS WILL BE OFFSET BY INCREASED COMMUNITY OPEN SPACE IN A VARIETY OF FORMS.

Use	Development Area													Accessory Uses					
	Permitted Maximum Density	Minimum Lot Area (square feet)	Minimum Lot Width	Minimum On-Lot Open Space (2)	Maximum Height	Minimum Setback for all Structures from Arterials (6)	Minimum Setback for all Structures from Collectors (6)	Minimum Front Yard Setback-Principal Structure (6)	Minimum Front Yard Setback-Garage (non-garage door side) (7)	Minimum Front Yard Setback-Garage (garage door side)	Minimum Side Setback-Principal Structure (6)	Minimum Side Setback-Corner Yard (9) (6)	Minimum Building Separation (13)	Minimum Yard Offset (non-alley load)	Minimum Yard Offset (alley load)	Maximum Height	Front Setback	Side Offset	Rear Offset
(SFD) Single-Family Detached Dwelling with Front Loaded Garage	4 du/ac	4,000 sqft	45'	30%	35'/45' (3)	20'	15'	15'	15'	20'	5' (10)	15'	10'	15'	n/a	15' (15)	20'	5'	5'
(SFD) Single-Family Detached Dwelling with Rear Loaded Garage	4 du/ac	4,000 sqft	40'	30%	35'/45' (3)	20'	15'	15'	15'	n/a (8)	5' (10)	15'	10'	N/A	5' (14)	15' (15)	20'	5'	5'
(SFD) Single-Family Detached Small Dwelling with Rear Loaded Garage (1)	12 du/ac	2,400 sqft	30'	30%	35'/45' (3)	20'	15'	15'	15'	n/a (8)	5' (10)	15'	10'	N/A	5' (14)	15' (15)	20'	5'	5'
(SFA) Single-Family Attached Dwelling	16 du/ac	1,200 sqft	15'	20%	35'/45' (3)	20'	15' (5)	15'/0' (5)	15'	20'	5' (11)	15'	10'	10'	5' (14)	15' (15)	20'	5'	5'
(MF) Multifamily Dwelling	24 du/ac	n/a	n/a	n/a	35'/45' (3)	20'	n/a	n/a	n/a	10'/0' (12)	20'	15'	15'	5' (14)	20'	20'	5'	5'	
Non-Residential	n/a	n/a	n/a	n/a	50'/70' (4)	20'	15'/0' (5)	n/a	n/a	10'/0'	20'	15'	15'	n/a	20'	20'	5'	5'	

SEE SHEETS 7 - 9 FOR LOT DIMENSION TYPICALS

LAND USE STANDARDS NOTES

- A MAXIMUM OF 400 SINGLE-FAMILY DETACHED SMALL DWELLINGS WITH REAR LOADED GARAGE WILL BE PERMITTED. REFERS TO THE PERCENT OF OPEN SPACE ON A RESIDENTIAL LOT. ON-LOT OPEN SPACE INCLUDES LAWN AREA.
- DECORATIVE ROCK, PLANT MATERIAL, PAVERS AND LANDSCAPED AREAS, ON-LOT OPEN SPACE DOES NOT INCLUDE ANY STRUCTURES BUILT UPON OR OVER THE PROPERTY, INCLUDING BUT NOT LIMITED TO: DETACHED GARAGES, CARPORTS, SHEDS, GAZEBOES, PERGOLAS, DECKS, PATIOS, IMPERVIOUS SURFACES, CONCRETE OR ASPHALT DRIVEWAYS, PARKING AREAS OR PEDESTRIAN PATHWAYS.
- MAXIMUM TWO-STORY HEIGHT IS 35' 45" FOR THREE-STORY. BUILDING HEIGHT EXCLUDES APPURTENANCES WHICH ARE AN INTEGRAL PART OF ANY PRINCIPAL STRUCTURE SUCH AS CLOCK TOWERS, CUPOLAS, PARAPETS, ROOFTOP MECHANICAL SCREEN TREATMENTS, CHIMNEYS, SMOKESTACKS, FLUES, COOLING TOWERS, VENTILATORS, ELEVATOR BULKHEAD, STAIRWAY ENCLOSURES, FIRE TOWERS, UTILITY POLES, SUPPORT STRUCTURES, ORNAMENTAL STRUCTURES, AND SOLAR ENERGY SYSTEMS; THESE ITEMS ARE SUBJECT TO HEIGHT LIMITATIONS AS DEEMED APPROPRIATE DURING THE DEVELOPMENT REVIEW PROCESS.
- 50' FOR THE PRIMARY STRUCTURE. 70' INCLUDES APPURTENANCES WHICH ARE AN INTEGRAL PART OF ANY PRINCIPAL STRUCTURE SUCH AS CLOCK TOWERS, CUPOLAS, PARAPETS, ROOFTOP MECHANICAL SCREEN TREATMENTS, CHIMNEYS, SMOKESTACKS, FLUES, COOLING TOWERS, VENTILATORS, ELEVATOR BULKHEAD, STAIRWAY ENCLOSURES, FIRE TOWERS, UTILITY POLES, SUPPORT STRUCTURES, ORNAMENTAL STRUCTURES, AND SOLAR ENERGY SYSTEMS.
- 5' SETBACK PERMITTED IN DEVELOPED AREAS A, B, C, AND D ON STREETS WHERE DEVELOPMENT IS PEDESTRIAN-ORIENTED. PEDESTRIAN-ORIENTED DEVELOPMENTS INCLUDE BUT ARE NOT LIMITED TO: PEDESTRIAN PATHWAYS, DECKS, PATIOS, CAFE SEATING AREAS, TREE GRATES, PERGOLAS OR SHADE STRUCTURES. PEDESTRIAN-ORIENTED DEVELOPMENTS GENERALLY ENTAIL MORE URBAN DEVELOPMENT PATTERNS WHERE BUILDINGS ARE TYPICALLY LOCATED CLOSER TO THE STREET. WHERE NECESSARY, UTILITIES ARE TO BE LOCATED IN THE REAR OF THE LOT WHEN 0' LOT LINES ARE USED.
- SETBACK MEANS THE HORIZONTAL DISTANCE BETWEEN ANY STRUCTURE AND THE ESTABLISHED STREET RIGHT-OF-WAY LINE. APPURTENANT STRUCTURES, INCLUDING BUT NOT LIMITED TO COVERED PORCHES, COURTYARDS, BAY WINDOWS, AND CANTILEVERS CAN ENCRoACH INTO SETBACK UP TO THE UTILITY EASEMENTS.
- THE MINIMUM FRONT YARD SETBACK IS DEFINED FROM THE RIGHT-OF-WAY TO THE STREET-FACING BUILDING PLANE OF A SIDE LOAD GARAGE.
- MINIMUM FRONT YARD SETBACK TO GARAGE DOES NOT APPLY TO SINGLE-FAMILY RESIDENTIAL LOTS THAT ARE REAR LOADED.
- IN SIDE LOADED CONDITIONS, THE MINIMUM SIDE CORNER YARD SETBACK TO GARAGE DOOR SHALL BE 20' TO EQUAL THE MINIMUM FRONT YARD SETBACK TO GARAGE.
- ZERO LOT LINE CONFIGURATIONS ARE ALLOWED AS USE BY THE RAINANCE ADMINISTRATIVE SITE PLAN, AS DETAILED ON SHEET 16 OF THIS PUD. WHEN ZERO LOT LINE CONFIGURATIONS ARE PERMITTED, DETACHED GARAGES MAY ALSO UTILIZE A 0' SIDE OFFSET. ADDITIONALLY, A SHARED MAINTENANCE GASCAEMENT OR SIDE YARD USE EASEMENT MUST BE PROVIDED ON ADJACENT PROPERTY AND DRAINAGE MUST BE ACCOUNTED FOR. DIMENSIONS, PRINCIPLES, AND NOTES ON SHEET 9 OF THIS PUD SHALL APPLY TO THE USE OF SIDE YARD USE EASEMENTS. ALL PLAN APPLICATION PROPOSING ZERO LOT LINE OR SIDE YARD USE EASEMENT CONFIGURATIONS MUST CONCURRENTLY SUBMIT AN APPLICATION FOR THE RAINANCE ADMINISTRATIVE SITE REVIEW AS DETAILED ON SHEET 16 OF THIS PUD. REFER TO SIDE YARD USE EASEMENTS NOTES ON SHEET 9 FOR MORE INFORMATION.
- EXTERIOR WALLS FOR SINGLE-FAMILY ATTACHED DWELLINGS SHALL HAVE A 5' MINIMUM SIDE OFFSET (CREATING A 10' MINIMUM BUILDING SEPARATION). WHEN DWELLINGS HAVE A SHARED WALL/COMMON WALL CONDITION, NO SIDE OFFSET WILL BE PROVIDED.
- EXTERIOR WALLS FOR MULTIFAMILY DWELLINGS SHALL HAVE A 10' MINIMUM SIDE OFFSET (CREATING A 20' MINIMUM BUILDING SEPARATION). WHEN DWELLINGS HAVE A SHARED WALL/COMMON WALL CONDITION, NO SIDE OFFSET WILL BE PROVIDED.
- 0' BUILDING SEPARATION IS REQUIRED FOR COMMON WALL LOTS.
- PARKING IS NOT ALLOWED BETWEEN GARAGE IN 5' CONDITION. REFER TO SHEET 13 FOR OTHER ALLEY PARKING CONFIGURATIONS AND SETBACKS.
- ACCESSORY DWELLINGS ARE PERMITTED, PER TOWN CODE. ANY ACCESSORY DWELLING UNITS PROPOSED ON LOTS SMALLER THAN 6,000 SF REQUIRE A RAINANCE ADMINISTRATIVE SITE PLAN SUBMITTAL, AS DETAILED ON SHEET 16 OF THIS PUD.

GENERAL NOTES

- WHEN NECESSARY, TREAD OF FIRST ENTRY STEP MAY BE LOCATED IMMEDIATELY ADJACENT TO PUBLIC SIDEWALK BUT NOT ADJACENT TO 10' TOWN TRAIL.
- SIDE YARD USE EASEMENTS ARE PERMITTED ON RESIDENTIAL LOTS WITH IMPROVEMENTS INCLUDING BUT NOT LIMITED TO DECKS, PATIOS, LANDSCAPING, WALLS, FENCES, RAILS, FURNITURE, DRIVEWAYS AND SIMILAR ELEMENTS ARE PERMITTED WITHIN THE DEFINED USE EASEMENT. REFER TO SIDE YARD USE EASEMENT NOTES ON SHEET 9 FOR MORE INFORMATION.
- PRINCIPAL STRUCTURES DO NOT INCLUDE ATTACHED OR DETACHED GARAGES OR OTHER ACCESSORY STRUCTURES.
- A TANDem GARAGE CONFIGURATION IS CALCULATED THE SAME WAY AS A GARAGE WITH STANDARD CONFIGURATION FOR MEETING RESIDENTIAL PARKING REQUIREMENTS. TANDem GARAGE CONFIGURATIONS ARE ONLY PERMITTED WHEN ON-STREET PARKING IS PROVIDED.
- ROOF OVERHANGS ARE PERMITTED IN THE BUILDING SETBACK/OFFSET AND ARE NOT INCLUDED AS A PART OF LOT COVERED. IN NO INSTANCE MAY AN ENCROACHMENT CROSS THE PROPERTY LINE OR BE LOCATED LESS THAN SIX FEET FROM THE BUILDING FACE OF THE ADJACENT PROPERTY. WHEN AN ENCROACHMENT IS LESS THAN 6' FROM THE PROPERTY LINE, THE THEN CURRENT IBC AND/OR IFC CODE REQUIREMENTS AND AMENDMENTS WITHIN THE GOVERNING MUNICIPALITY WILL BE ENFORCED WITH REGARD TO EXTERIOR WALL FIRE-RESISTANT RATING AND MINIMUM FIRE-SEPARATION DISTANCE REQUIREMENTS. ALL BUILDING COMPONENTS SUCH AS ROOF OVERHANGS, DECKS, SIDEWALL BUMP-OUT CHIMNEYS, THAT ARE LESS THAN 5' FROM A PROPERTY LINE MUST MEET ALL CURRENT BUILDING CODE REQUIREMENTS. ROOF OVERHANGS AND SOFFETS SHALL NOT EXCEED 24" INTO THE AREAS WHERE OPENINGS ARE PROHIBITED AS NOTED IN REFERENCE BUILDING CODE.
- ALL DETACHED STRUCTURES SHALL HAVE A USABLE COVERED PORCH AND ALL OTHER RESIDENTIAL STRUCTURES SHALL HAVE A USABLE COVERED SToop OR EQUIVALENT COVERED AREA ON ALL GROUND FLOORS. REFER TO COMMUNITY COVENANTS AND RESTRICTIONS FOR PORCH AND/OR SToop DESIGN REGULATIONS.
- THE MAXIMUM HEIGHT OF THE TWO STORY RESIDENTIAL UNITS SHALL BE 35 FEET AND THE MAXIMUM HEIGHT WITHIN THE DEVELOPMENT SHALL NOT EXCEED 4 STORIES OR 87 FT 6 IN. MIXED USE AND MULTIFAMILY BUILDINGS GREATER THAN THREE-STORIES ARE SUBJECT TO THE INTERNATIONAL BUILDING CODE (IBC). THE MAXIMUM HEIGHT OF A SINGLE FAMILY RESIDENCE SHALL NOT EXCEED 3 STORIES IN HEIGHT WHEN CONSTRUCTED OF V-B MATERIALS (COMBUSTIBLE) PER TABLE 503 OF THE 2006 IBC. A MAXIMUM OF 4 STORIES IS PERMITTED FOR A SINGLE FAMILY RESIDENCE IF USING A CONSTRUCTION TYPE OF IV, III, II, I PER TABLE 503 OF THE IBC.
- ACCESSORY DWELLING UNITS ARE PERMITTED, PER TOWN CODE. ANY ACCESSORY DWELLING UNITS PROPOSED ON LOTS SMALLER THAN 6,000 SF REQUIRE A RAINANCE ADMINISTRATIVE SITE PLAN SUBMITTAL, AS DETAILED ON SHEET 16 OF THIS PUD.
- HABITABLE SPACE PERMITTED OVER GARAGE STRUCTURE SHALL MEET THE REQUIREMENTS OF THE THEN CURRENT IBC AND IFC AND AMENDMENTS WITHIN THE GOVERNING MUNICIPALITY.
- WINDMILLS ARE PERMITTED TO ENCRoACH INTO OFFSETS UP TO 3 FEET, AS LONG AS ADEQUATE DRAINAGE IS ACCOMMODATED.
- ALL CONSTRUCTION SHALL ADHERE TO ALL BUILDING AND FIRE CODES IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.

PERMITTED AGRICULTURAL USES TABLE

Use	Zone	
	GC	RMU
Agricultural		
Retail Sales/Wholesale of Agricultural Products (farmers market, Christmas tree sales, pumpkin sales, permanent roadside stand, meat/garden, produce stand, feed store/farm supply, greenhouse/nursery, and similar uses)	A	A
Community Supported Agriculture Farm (crop production, pick-up/delivery of items, bee keeping, fish/hatcheries, and similar uses)	A	A
Accessory Building Incidental to Agricultural Use, such as a Silo, Stable, Barn, Pen, Coop, Crib, or Similar Structures	A	A
Preparation of Food Products	A	A
Research and/or Scientific Labs	A	A
Enclosed Storage Facilities and/or Outdoor Storage that is Accessory to a Principal On-site Agricultural Use	A	A
Agritainment (pick-your-own produce events, hay rides, children's play areas, seasonal festivals, pumpkin patches, haunted houses, corn mazes, school field trips, and similar uses)	A	A
Community Garden	A	A
Places of Assembly	A	A
Greenhouse	A	A

A = ALLOWED BY RIGHT

- NOTES:
- THIS RAINANCE PUD ZONING OVERLAY ALLOWS FOR AGRICULTURAL USES AS IDENTIFIED IN THIS DOCUMENT.
 - AT RAINANCE, WHEN THE WINDSOR MUNICIPAL CODE REQUIRES AN "ADMINISTRATIVE SITE PLAN", THE APPLICANT SHALL SUBMIT A RAINANCE ADMINISTRATIVE SITE PLAN, PER THE PROCESS DESCRIBED ON SHEET 16 OF THIS PUD.
 - AT RAINANCE, WHEN THE WINDSOR MUNICIPAL CODE REQUIRES A "SITE PLAN" (OTHER THAN AN "ADMINISTRATIVE SITE PLAN") THE STANDARD TOWN PROCESS SHALL BE USED. WHEN AGRICULTURAL USES CAN BE ADEQUATELY REVIEWED THROUGH OTHER MEANS, SUCH AS A BUILDING PERMIT REVIEW, THE DIRECTOR OF PLANNING MAY WAIVE THIS REQUIREMENT OR MAY INSTEAD REQUIRE A RAINANCE ADMINISTRATIVE SITE PLAN, PER THE PROCESS DESCRIBED ON SHEET 16 OF THIS PUD.

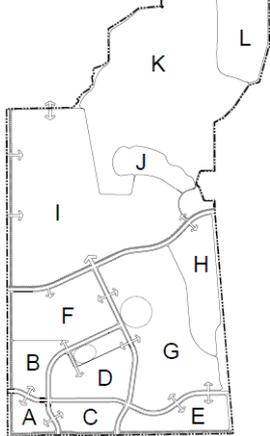
DEVELOPED AREA USES

Developed Areas	Anticipated Uses	Maximum Density (DU/AC)
A General Commercial	Commercial, MF, SFA, Office, RMU	24 DU/AC
B RMU	MF, SFA, SFD, Commercial, Office	24 DU/AC
C RMU	MF, SFA, SFD, Commercial, Office	24 DU/AC
D RMU	MF, SFA, SFD, Commercial, Office	10 DU/AC
E RMU	SFD, SFA	6 DU/AC
F RMU	SFD, SFA	6 DU/AC
G RMU	SFD, SFA	6 DU/AC
H RMU	SFD	3 DU/AC
I RMU	SFD, SFA, Active Adult	4 DU/AC

DEVELOPED AREA USES NOTES

- MF=MULTI-FAMILY, SFA=SINGLE-FAMILY ATTACHED, MU=MIXED USE, AND SFD=SINGLE-FAMILY DETACHED. ALL DEVELOPED AREAS MAY INCLUDE A VARIETY OF OTHER LAND USES, INCLUDING OPEN SPACE. OPEN SPACE MAY INCLUDE BUT IS NOT LIMITED TO PARKS, RECREATION IMPROVEMENTS, TRAILS, AND AGRICULTURE.
- A MINIMUM OF 12.5 AND A MAXIMUM OF 17.0 ACRES OF DEVELOPED AREAS 'A', 'B', 'C', & 'D' WILL BE NON-RESIDENTIAL USES. ALL NON-RESIDENTIAL USES SHALL BE GENERALLY CONTIGUOUS WITH OTHER NON-RESIDENTIAL USES IN DEVELOPED AREAS 'A', 'B', 'C', OR 'D'. ANY PORTION OF THE MAXIMUM 17.0 ACRES OF GENERAL COMMERCIAL THAT IS NOT DEVELOPED AS COMMERCIAL USE IS PERMITTED TO BE DEVELOPED IN ACCORDANCE WITH THE USE REGULATIONS OF THE RESIDENTIAL MIXED USE SECTION OF THE MUNICIPAL CODE, INCLUDING RESIDENTIAL USES. ALL RESIDENTIAL USES SHALL FOLLOW THE MAXIMUM DENSITY ALLOWED IN THE DEVELOPED AREA USES CHART ABOVE.

KEY MAP NOT TO SCALE



RainDance
 Planned Unit Development
 Windsor, Colorado

NORRIS DESIGN
 www.norris-design.com

1101 Bannock Street
 Denver, Colorado 80204
 P 303.892.1166
 F 303.892.1166

ENGINEER

T.S.T. Inc.
 Consulting Engineers
 745 White Oak Blvd. D
 Fort Collins, Colorado
 P 970-225-2004
 F 970-225-2004

OWNER:
 RAINANCE AQUATIC
 RECREATION, LLC
 1605 MILK CAN LANE POINT
 WINDSOR, CO 80550
 (970) 886-6626
 (970) 886-6744 FAX

DATE:
 09/12/2014
 REVISIONS:
 12/29/2014
 05/04/2015
 05/28/2015

SHEET TITLE:
 LAND USE
 STANDARDS

SHEET NUMBER:
 6 of 16



RAINDANCE PUD LAND USE STANDARDS

LAND USE STANDARDS

INTENT OF LAND USE STANDARDS

THE INTENT OF THESE LAND USE STANDARDS IS TO ESTABLISH AND ENTITLE THE LOT REQUIREMENTS THAT WILL FACILITATE THE DEVELOPMENT OF A MORE URBAN, WALKABLE COMMUNITY. TO CREATE SUCH A COMMUNITY, THESE STANDARDS ENABLE SMALLER LOTS, A DIVERSITY OF HOUSING TYPES THAT ARE VIABLE GIVEN CURRENT HOUSING TRENDS, AND PEDESTRIAN-ORIENTED STREETSCAPES. REDUCTIONS IN ON-LOT OPEN SPACE AS A RESULT OF THE SMALLER LOTS WILL BE OFFSET BY INCREASED COMMUNITY OPEN SPACE IN A VARIETY OF FORMS.

Use	Development Area				Maximum Height	Minimum Setback for all Structures from Arterials (6)	Minimum Setback for all Structures from Collectors (6)	Minimum Front Yard Setback-Principal Structure (6)	Minimum Front Yard Setback-Garage (non-garage door side) (6) (7)	Minimum Front Yard Setback-Garage (garage door side)	Minimum Side Offset
	Permitted Maximum Density	Minimum Lot Area (square feet)	Minimum Lot Width	Minimum On-Lot Open Space (2)							
(SFD) Single-Family Detached Dwelling with Front Loaded Garage	4 du/ac	4,000 sqft	45'	30%	35'/45' (3)	20'	15'	15'	15'	20'	5' (10)
(SFD) Single-Family Detached Dwelling with Rear Loaded Garage	4 du/ac	4,000 sqft	40'	30%	35'/45' (3)	20'	15'	15'	15'	n/a (8)	5' (10)
(SFD) Single-Family Detached Small Dwelling with Rear Loaded Garage (1)	12 du/ac	2,400 sqft	30'	30%	35'/45' (3)	20'	15'	15'	15'	n/a (8)	5' (10)
(SFA) Single-Family Attached Dwelling	16 du/ac	1,200 sqft	15'	20%	35'/45' (3)	20'	15' (5)	15'/0' (5)	15'	20'	5' (11)
(MF) Multifamily Dwelling	24 du/ac	n/a	n/a	n/a	35'/45' (3)	20'	15'/0' (5)	n/a	n/a	n/a	10'/0' (12)
Non-Residential	n/a	n/a	n/a	n/a	50'/70' (4)	20'	15'/0' (5)	n/a	n/a	n/a	10'/0'

SEE SHEETS 7 - 9 FOR LOT DIMENSION TYPICALS

Use	Accessory Uses							
	Minimum Side Corner Yard Setback (9) (6)	Minimum Building Separation (13)	Minimum Rear Yard Offset (non-alley load)	Minimum Rear Yard Offset (alley load)	Maximum Height	Front Setback	Side Offset	Rear Offset
(SFD) Single-Family Detached Dwelling with Front Loaded Garage	15'	10'	15'	n/a	15' (15)	20'	5'	5'
(SFD) Single-Family Detached Dwelling with Rear Loaded Garage	15'	10'	N/A	5' (14)	15' (15)	20'	5'	5'
(SFD) Single-Family Detached Small Dwelling with Rear Loaded Garage (1)	15'	10'	N/A	5' (14)	15' (15)	20'	5'	5'
(SFA) Single-Family Attached Dwelling	15'	10'	10'	5' (14)	15' (15)	20'	5'	5'
(MF) Multifamily Dwelling	20'	15'	15'	5' (14)	20'	20'	5'	5'
Non-Residential	20'	15'	15'	n/a	20'	20'	5'	5'



RAINDANCE PUD AGRICULTURAL USES

PERMITTED AGRICULTURAL USES TABLE

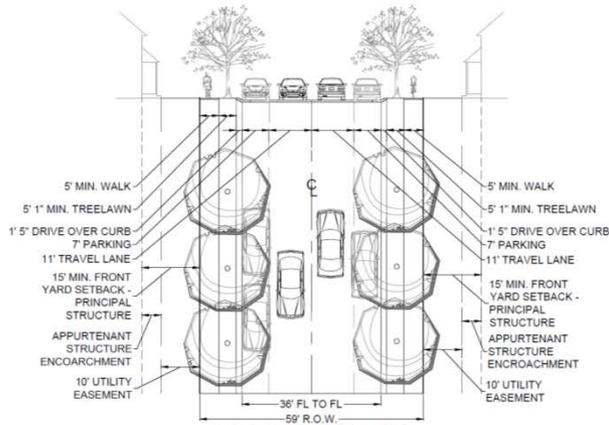
Use	Zone	
	GC	RMU
<i>Agricultural</i>		
Retail Sales/Wholesale of Agricultural Products (farmers market, Christmas tree sales, pumpkin sales, permanent roadside stand, market garden, produce stand, feed store/farm supply, greenhouse/nursery, and similar uses).	A	A
Community Supported Agriculture Farm (crop production, orchard, keeping of hens, bee keeping, fish hatcheries, and similar uses).	A	A
Accessory Building Incidental to Agricultural Use, such as a Silo, Stable, Barn, Pen, Coop, Crib, or Similar Structures	A	A
Preparation of Food Products	A	A
Research and/or Scientific Labs	A	A
Enclosed Storage Facilities and/or Outdoor Storage that is Accessory to a Principal On-site Agricultural Use	A	A
Agritainment (pick-your-own produce events, hay rides, children's play areas, seasonal festivals, pumpkin patches, haunted houses, corn mazes, school field trips, and similar uses).	A	A
Community Garden	A	A
Places of Assembly	A	A
Greenhouse	A	A

A = ALLOWED BY RIGHT

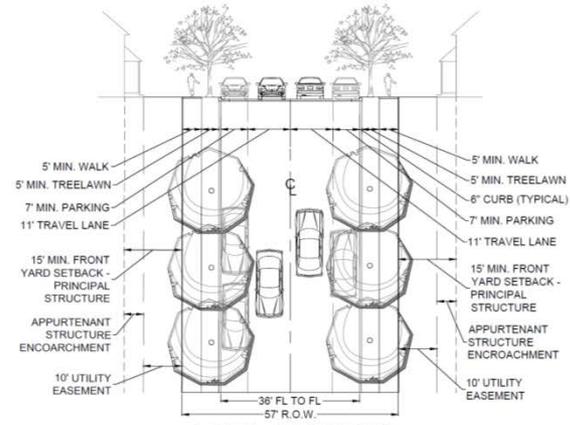
NOTES:

1. THIS RAINDANCE PUD ZONING OVERLAY ALLOWS FOR AGRICULTURAL USES AS IDENTIFIED IN THIS DOCUMENT.
2. AT RAINDANCE, WHEN THE WINDSOR MUNICIPAL CODE REQUIRES AN "ADMINISTRATIVE SITE PLAN", THE APPLICANT SHALL SUBMIT A RAINDANCE ADMINISTRATIVE SITE PLAN, PER THE PROCESS DESCRIBED ON SHEET 16 OF THIS PUD.
3. AT RAINDANCE, WHEN THE WINDSOR MUNICIPAL CODE REQUIRES A "SITE PLAN" (OTHER THAN AN "ADMINISTRATIVE SITE PLAN") THE STANDARD TOWN PROCESS SHALL BE USED. WHEN AGRICULTURAL USES CAN BE ADEQUATELY REVIEWED THROUGH OTHER MEANS, SUCH AS A BUILDING PERMIT REVIEW, THE DIRECTOR OF PLANNING MAY WAVE THIS REQUIREMENT OR MAY INSTEAD REQUIRE A RAINDANCE ADMINISTRATIVE SITE PLAN, PER THE PROCESS DESCRIBED ON SHEET 16 OF THIS PUD.

RAINDANCE PUD STREET STANDARDS



LOCAL STREET 'A'
PARKING ON TWO SIDES - 59' R.O.W.
POSTED SPEED LIMIT - 25 MPH
DRIVE OVER CURB

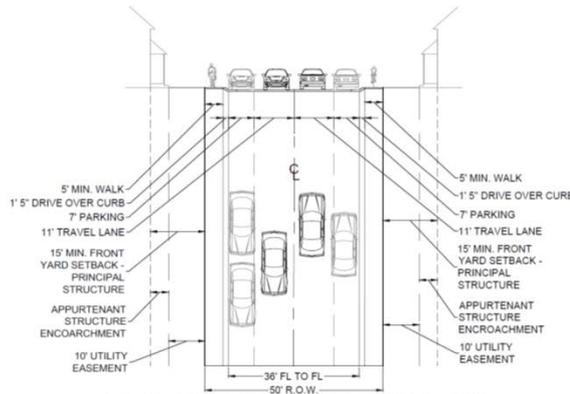


LOCAL STREET 'B'
PARKING ON TWO SIDES - 57' R.O.W.
POSTED SPEED LIMIT - 25 MPH
VERTICAL CURB

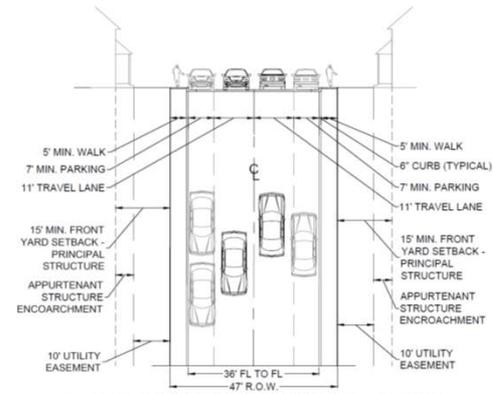
LOCAL STREETS WITH DETACHED WALKS

SCALE: 1"=20'

NOTE: RIGHT OF WAY MAY INCREASE TO ACCOMMODATE FOR TURN LANES AS NEEDED BASED ON ENGINEERING DESIGN.



LOCAL STREET 'C' - ATTACHED WALK
PARKING ON TWO SIDES - 50' R.O.W.
POSTED SPEED LIMIT - 25 MPH
DRIVE OVER CURB



LOCAL STREET 'D' - ATTACHED WALK
PARKING ON TWO SIDES - 47' R.O.W.
POSTED SPEED LIMIT - 25 MPH
VERTICAL CURB

LOCAL STREETS WITH ATTACHED WALKS

SCALE: 1"=20'

NOTE: RIGHT OF WAY MAY INCREASE TO ACCOMMODATE FOR TURN LANES AS NEEDED BASED ON ENGINEERING DESIGN.



RAINDANCE PUD & AMENDED MASTER PLAN

LAND USE DENSITY AND TABLES

Existing Zoning:	Acres
RMU	1,081.23
General Commercial	45.22
Total ⁹	1,126.5

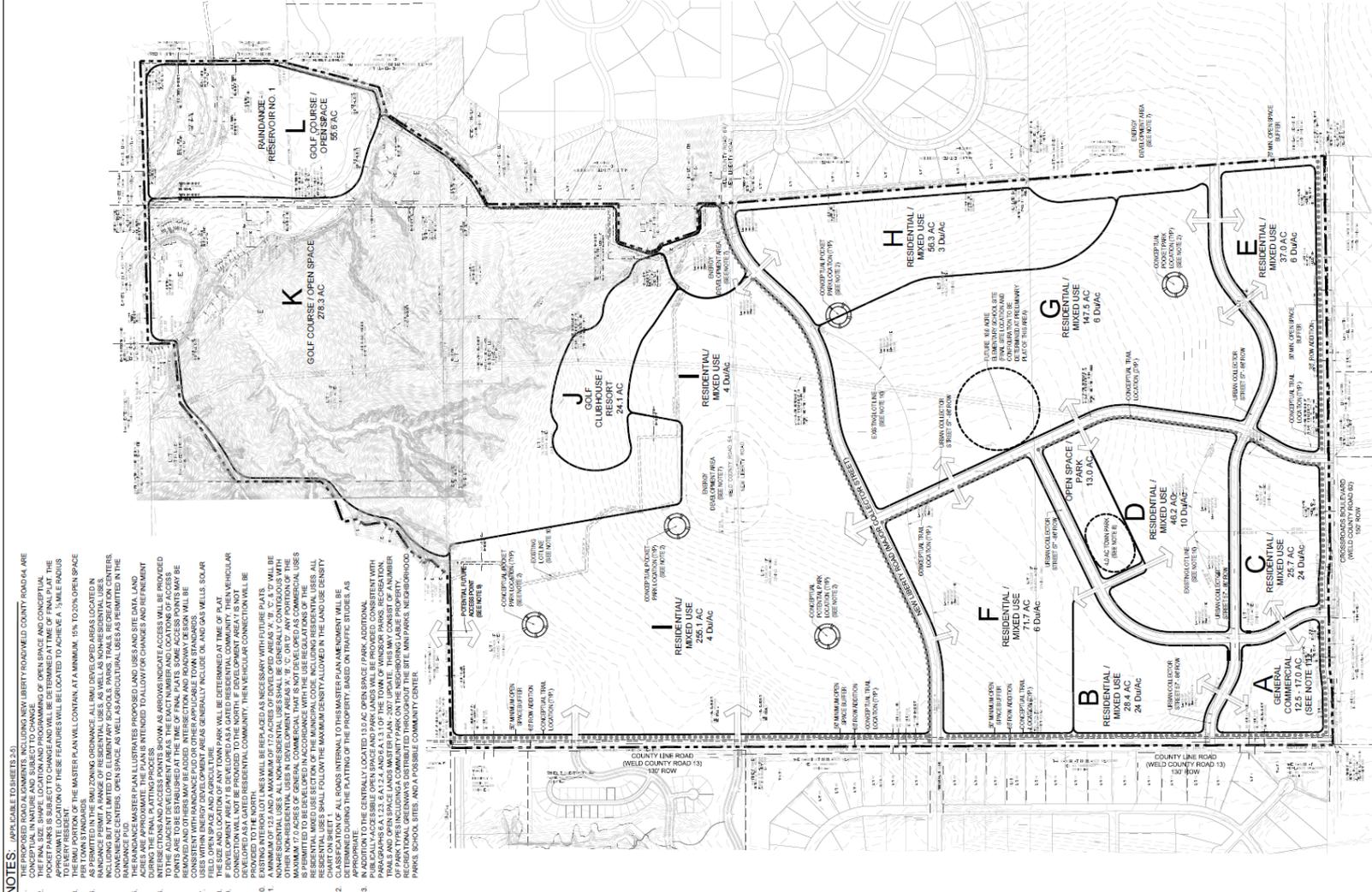
Developed Areas:	Acres	Residential Density	Max. Density (Du/Ac)	Anticipated Uses³
A General Commercial ^{1 & 5}	17.0	High	24	Commercial, MF, SFA ⁴ , Office, RMU, Agriculture
B RMU ⁵	28.4	High	24	MF, SFA, SFD, Commercial, Office, Agriculture
C RMU ⁵	25.7	High	24	MF, SFA, SFD, Commercial, Office, Agriculture
D RMU ⁶	46.2	Medium High	10	MF, SFA, SFD, Commercial, Office, Agriculture
E RMU	37.0	Medium	6	SFD, SFA, Agriculture
F RMU	71.7	Medium	6	SFD, SFA, Agriculture
G RMU	147.5	Medium	6	SFD, SFA, Agriculture
H RMU	56.3	Very Low	3	SFD, Agriculture
I RMU	255.1	Low	4	SFD, SFA, Active Adult, Agriculture
Right-of-Way Arterial	16.0	-	-	-
Right-of-Way Collector	33.2	-	-	-
J Golf Clubhouse / Resort ²	24.1	-	-	Golf Course, Clubhouse, Resort
K Golf Course / Open Space	278.3	-	-	Golf Course, Open Space
L Golf Course / Open Space	55.6	-	-	Golf Course, Open Space
Central Park	13.0	-	-	Open Space, Agriculture
Open Space Buffer	28.4	-	-	Open Space, Agriculture
Total	1,133.5			

Summary:	Acres	Percent of Site
Proposed Open Space:	399.4	35.2%
Proposed Developed Land:	734.1	64.8%
Total	1,133.5	100%

Residential Units:⁷	
Maximum Number of Units	2,792
Gross Density	2.46 Du/Ac
Net Density ⁸	3.80 Du/Ac

RAINDANCE AMENDED MASTER PLAN

RainDance Master Plan



- NOTES:** (APPLICABLE TO SHEETS 2-5)
1. THE PROPOSED ROAD ALIGNMENTS, INCLUDING NEW LIBERTY ROAD/WELD COUNTY ROAD 64 ARE SUBJECT TO THE TOWN OF WINDSOR'S ENGINEERING DEPARTMENT'S REVIEW AND APPROVAL.
 2. THE FINAL SIZE, SHAPE, LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT THE TIME OF FINAL PLAN. THE LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT THE TIME OF FINAL PLAN. THE LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT THE TIME OF FINAL PLAN.
 3. TO EVERY RESIDENT. THE MASTER PLAN WILL CONTAIN, AT A MINIMUM, 5% TO 20% OPEN SPACE PER TOWN PARCEL.
 4. AS PERMITTED IN THE ZONING ORDINANCE, ALL RMD DEVELOPED AREAS LOCATED IN CONFORMANCE WITH THE ZONING ORDINANCE, INCLUDING BUT NOT LIMITED TO ELEMENTARY SCHOOLS, PARKS, TRAILS, RECREATION CENTERS, COMMERCIAL CENTERS, OPEN SPACE, AS WELL AS AGRICULTURAL AREAS AS PERMITTED IN THE ZONING ORDINANCE.
 5. THE RAINDANCE MASTER PLAN ILLUSTRATES PROPOSED LAND USES AND SITE DATA. LAND USES WITHIN ENERGY DEVELOPMENT AREAS GENERALLY INCLUDE OIL AND GAS WELLS, SOLAR PANELS, AND OTHER ENERGY RELATED DEVELOPMENTS. INTENDED TO ALLOW FOR CHANGE AND REFINEMENT DURING THE FINAL LAYOUT PROCESS.
 6. INTERSECTION AND ACCESS POINTS SHOWN AS ARROWS INDICATE ACCESS WILL BE PROVIDED TO ALL DEVELOPMENTS AND ACCESS POINTS WILL BE DETERMINED AT THE TIME OF FINAL PLAN. SOME ACCESS POINTS MAY BE POINTS TO BE ESTABLISHED AT THE TIME OF FINAL PLAN. SOME ACCESS POINTS MAY BE POINTS TO BE ESTABLISHED AT THE TIME OF FINAL PLAN.
 7. USES WITHIN ENERGY DEVELOPMENT AREAS GENERALLY INCLUDE OIL AND GAS WELLS, SOLAR PANELS, AND OTHER ENERGY RELATED DEVELOPMENTS. INTENDED TO ALLOW FOR CHANGE AND REFINEMENT DURING THE FINAL LAYOUT PROCESS.
 8. THE SIZE AND LOCATION OF ANY TOWN PARK WILL BE DETERMINED AT THE TIME OF FINAL PLAN.
 9. IF DEVELOPMENT AREA IS DEVELOPED AS A GATED RESIDENTIAL COMMUNITY, THEN VEHICULAR ACCESS TO THE DEVELOPMENT AREA WILL BE PROVIDED AS A GATED RESIDENTIAL COMMUNITY. THEN VEHICULAR ACCESS TO THE DEVELOPMENT AREA WILL BE PROVIDED AS A GATED RESIDENTIAL COMMUNITY.
 10. EXISTING INTERSECTION LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
 11. A MINIMUM OF 25 AND A MAXIMUM OF 75 ACRES OF DEVELOPED AREA (A, B, C, D, E, F, G, H, I, J, K, L) WILL BE DEVELOPED AS GATED RESIDENTIAL COMMUNITY. THEN VEHICULAR ACCESS TO THE DEVELOPMENT AREA WILL BE PROVIDED AS A GATED RESIDENTIAL COMMUNITY.
 12. CLASSIFICATION OF ALL ROADS INTERNAL TO THIS MASTER PLAN AMENDMENT WILL BE DETERMINED AT THE TIME OF FINAL PLAN.
 13. APPROPRIATE SIGNAGE AND LIGHTING OF THE PROPERTY, BASED ON TRAFFIC STUDIES, AS WELL AS OTHER NECESSARY SIGNAGE AND LIGHTING, SHALL BE PROVIDED. CONSISTENT WITH THE TOWN OF WINDSOR'S ENGINEERING DEPARTMENT'S REVIEW AND APPROVAL.

RainDance
Master Plan
Windsor, Colorado

NORRIS DESIGN
www.norris-design.com

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F 303.892.1166

TST
TST, LLC
Civil/Structural Engineers
746 Walnut St., Ste. 10
Fort Collins, CO 80521
970.225.2544
www.tstllc.com

OWNER:
RAINDANCE AQUATIC
RECREATION, LLC
1405 PELICAN LAKE POINT
WINDSOR, CO 80590
970.886.6552
970.886.2788 FAX

DATE:
12/13/2013
REVISIONS:
06/16/2014
12/29/14
04/21/2015
05/20/2015

SHEET TITLE:
OVERALL
MASTER PLAN
(400' SCALE)
SHEET NUMBER:
2 of 8

TOWN OF WINDSOR

ORDINANCE NO. 2015-1514

AN ORDINANCE PURSUANT TO CHAPTER 16, ARTICLE XXIII OF THE *WINDSOR MUNICIPAL CODE* APPROVING THE RAINDANCE PLANNED UNIT DEVELOPMENT WITHIN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor is a home rule municipality with all powers conferred under Colorado law; and

WHEREAS, the Town has in place a comprehensive system of land use regulations, the purpose of which is to promote the public health, safety and welfare; and

WHEREAS, the Town has adopted the zoning regulations set forth in Chapter 16 of the *Windsor Municipal Code* (“Zoning Code”), under which parcels of land are identified and classified for regulatory purposes; and

WHEREAS, the property formerly master planned and subdivided as “Water Valley West” (“Property”), is presently zoned “Residential Mixed Use RMU” and “General Commercial GC”, pursuant to the regulations found in Articles XXIV and XIX of the Zoning Code; and

WHEREAS, the Property is now officially known as RainDance; and

WHEREAS, the owner of the Property, Raindance Aquatic Investments, LLC, has requested approval of a Planned Unit Development (“PUD”) district overlay for the Property pursuant to the provisions of *Windsor Municipal Code* Chapter 16, Article XXIII; and

WHEREAS, in accordance with the requirements for PUD district overlay approval, the request has been reviewed by staff and referred to the Planning Commission for review and recommendation following a public hearing; and

WHEREAS, the Planning Commission has recommended that the Town Board approve the request for PUD district overlay, subject to certain conditions to which the property owner has no objection; and

WHEREAS, pursuant to the requirements for PUD district overlay approval found in Article XXIII of the Zoning Code, the Town Board has convened a public hearing and heard relevant evidence with respect to the merits of the PUD request; and

WHEREAS, based upon the evidence presented at the public hearing, the Town Board concludes that the PUD district overlay should be approved.

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

The RainDance PUD district overlay is hereby approved, subject to the following conditions:

- a. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the *Windsor Municipal Code*; however, the property owner may propose to revisit this condition with proposed alternatives in the future.
- b. The transfer of sanitary sewer units serving property within the RainDance PUD shall be memorialized by agreements approved by separate action of the Town Board.
- c. The provision of public improvements and approval of future development within the RainDance PUD shall be governed by the Agreement between the Town and Raindance Aquatic Investments, LLC, dated November 23, 2015.

Introduced, passed on first reading and ordered published this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Introduced, passed on second reading and ordered published this 14th day of December, 2015.

TOWN OF WINDSOR, COLORADO

John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Regular meeting materials, November 23, 2015
From: Ian D. McCargar, Town Attorney
Re: RainDance PUD Agreement
Item #: C.9

Background / Discussion:

In conjunction with the establishment of a PUD overlay zone for the RainDance property, we have negotiated an agreement that covers a number of land use concerns for this rather large parcel of land. In the subdivision setting, staff would ordinarily negotiate and approve these agreements administratively. However, some of the terms of the PUD Agreement have come before the Town Board¹, and staff feels the Town Board should take official action to approve it in its final form.

The attached Agreement acknowledges that future development in RainDance will occur in filings and phases, rather than a single subdivision or site plan. The PUD allows for this and, considering the size and diverse uses that may occur in RainDance, the Agreement allows the Town to have a voice as each filing and phase is proposed. This Agreement is the product of significant staff and attorney effort, and is believed to be a reasonable accommodation of public and private interests.

Recommendation:

Adopt the Resolution Approving an Agreement by, between and among the Town Of Windsor, Raindance Aquatic Investments, LLC, and William F. Larrick, Inc., with Respect to the Planned Unit Development Known as "Raindance"

Attachments:

Agreement (by, between and among the Town Of Windsor, Raindance Aquatic Investments, LLC, and William F. Larrick, Inc., with Respect to the Planned Unit Development Known as "Raindance"), and all Exhibits referred to therein.

Resolution Approving an Agreement by, between and among the Town Of Windsor, Raindance Aquatic Investments, LLC, and William F. Larrick, Inc., with Respect to the Planned Unit Development Known as "Raindance"

¹ Timelines for the development review process, October 19, 2015

AGREEMENT

THIS AGREEMENT ("Agreement") is dated this 23rd day of November, 2015 ("Effective Date"), and is entered into by and between THE TOWN OF WINDSOR, COLORADO, a Colorado home rule municipal corporation ("Town") and RAINDANCE AQUATIC INVESTMENTS, LLC, a Colorado limited liability company, and WILLIAM F. LARRICK, INC., a Colorado corporation (collectively the "Owner"). The Town and Owner are sometimes individually referred to herein as a "Party" and collectively as the "Parties."

WHEREAS, the Owner, as their interests appear, own certain real property ("Property") located in the Town of Windsor, Weld County, Colorado described on **Exhibit A**, attached hereto and incorporated herein by this reference; and

WHEREAS, Owner seeks permission to improve the Property within the Town, under a Planned Unit Development ("PUD") pursuant to the provisions of Chapter 16, Article XXIII of the *Windsor Municipal Code* ("*Code*"); and

WHEREAS, the Property is deemed eligible for improvement as a PUD, as it contains a substantial tract of land suitable in location and character for the uses proposed by the Owner, and it is to be improved in unified and integrated entities in accordance with detailed development plans to be presented in the future by the Owner or other third parties (collectively with Owner a "Developer") responsible for undertaking development within the Property, now or in the future; and

WHEREAS, the Town and the Owner are entering into this Agreement regarding the planning, development and improvement of the Property; and

WHEREAS, the *Code* provides that development within a PUD shall be accomplished through detailed development plans to ensure that the intent of the *Code* is carried out, in accordance with sound planning and engineering principles while assuring flexibility and responsiveness to market preferences; and

WHEREAS, the Owner has requested PUD approval for the Property; and

WHEREAS, this Agreement is further executed for the purpose of protecting the Town from the cost of completing public improvements; this Agreement is not executed for the benefit of materialmen, laborers, or others providing work, services, or material within the Property or for the benefit of lot or home buyers within the Property; and

WHEREAS, the mutual promises, covenants, and obligations contained in this Agreement are authorized by the statutes of the State of Colorado and the ordinances of the Town of Windsor; and

WHEREAS, the Owner has submitted a final plat to be known as the RainDance Planned Unit Development (the "PUD Plan"), the terms of which are incorporated herein by this reference upon Town Board approval; and

WHEREAS, the Town has or shall contemporaneously herewith submit for recordation the PUD Plan to the Clerk and Recorder's Office in Weld County, Colorado; and

WHEREAS, the Town seeks to protect the health, safety and general welfare of the community by requiring the completion of the improvements in the Property, thereby limiting the harmful effects of substandard subdivisions and site plans; and

WHEREAS, the Owner has incorporated public improvement and other development standards into the PUD Plan which have been approved by the Town's Director of Engineering; and

WHEREAS, the PUD Plan was recommended for approval by the Town's Planning Commission on June 3, 2015, and by the Town Board of the Town of Windsor on November 23, 2015.

NOW, THEREFORE, in consideration of the mutual promises, covenants, obligations, payments, and performances of the parties, it is mutually agreed as follows:

PREAMBLE

The Town and the Owner agree that the aforesaid recitals are true and correct, and those recitals are hereby incorporated into the body of this Agreement.

SECTION I THE OWNER'S OBLIGATIONS

1. **Interest of the Owner.** The Owner has presented to the Town an ownership and encumbrance report ("O&E Report") which confirms that Owner, as their interest appear, has a legal interest in the Property. All other persons identified in the O&E Report as holding legal or equitable interests in the Property are signatories hereto and by their signatures, as their interests appear, subject the Property to this Agreement.

2. **Intent of the Parties.** In order to achieve the development of the Property and for the provision of public services, public uses, and infrastructure, all in the promotion of the health, safety and welfare of the Town and its citizens, the Parties enter into this Agreement in conformance with the provisions of the *Code* and Colorado law. It is the intent of the Parties that development within the Property will take place in distinct and separate Phases, as defined below, each of which shall be subject to review and approval by the Town in accordance with the terms of this Agreement and the applicable provisions of the *Code*. Nothing herein shall preclude the Town from requiring the Owner or Developer to enter into other or further agreements ("Future Agreement") for development of any Phase within the Property; provided that any such Future Agreement shall be in all respect consistent with the terms and provisions of this Agreement. In the event of any conflict between this Agreement and any Future Agreement, the Future Agreement shall control with respect to the particular Phase or Filing.

3. **Phased Development.** Owner and the Town agree that improvement of the Property will be implemented in multiple distinct and separate platted filings ("Filings"). For purposes of this Agreement, a Filing shall be defined as a submission by the Owner or Developer

to the Town for approval of a plat map for the portion of the Property the Owner or Developer desires to improve. Furthermore, improvement of each Filing of the Property may at the discretion of the Owner or Developer, be implemented in multiple phases. A "Phase" shall be identified by the installation of infrastructure within a portion of a Filing, which for example purposes, includes but is not limited to street rights of-way; installation of utilities; sidewalks; stormwater detention facilities; and grading for vertical improvements. The Parties acknowledge that the most efficient and economic development of the Property depends upon numerous factors and that it will be most economically beneficial to the ultimate purchasers of the Property to have the rate and location of each Filing of the Property, and each Phase therein, determined by the Owner or Developer. The right to develop a specific Filing or Phase shall not be dependent upon prior development of any other Filing or Phase, except with respect to infrastructure in such other Filing or Phase which is necessary to serve development of a specific Filing or Phase. The Owner has the discretion in selecting the location, size, number and timing of Filings that will be completed, and the location, size, number and timing of Phases that will be completed within each Filing.

4. **Improvements.** The Owner or Developer shall construct and install, at its own expense, those on-site, off-site improvements and site-specific improvements (collectively "Improvements") depicted in the approved improvement plans for each Phase within the Property as such Phases are approved from time to time. These required Improvements will be itemized and attached to each Phase specific approval documentation, in the form of a Future Agreement, and shall be deemed incorporated herein by this reference as if set forth fully. The Owner's or Developer's obligation to complete the Improvements will arise upon final Phase specific approval by the Town, will be independent of any obligations of the Town, and will not be conditioned upon the commencement of construction in the development or sale of any lots or improvements within the Property, or any other Filing or Phase thereof. The Owner or Developer may delegate any such development duties to a Metro District, as defined below, formed for the purpose of undertaking such development, so long as such delegation is expressly provided for in the Future Agreement for that Filing or Phase.

5. **Conditions for Commencement of Improvements.** Prior to the commencement of Improvements within the Property, and as more fully set forth in the Future Agreement associated with such specific Improvements and within each Phase thereof, the Owner or Developer, shall comply in full with each of the following conditions:

a. **Security:** Unless waived in accordance with the other terms and provisions of this Agreement, the Owner or Developer shall provide the Town with security in an amount equal to twenty-five percent (25%) of the approved estimated cost for construction of public improvements as set forth in the approved cost estimates for public improvements associated with each approved Phase of development. Security in the form of cash deposit, surety bond, letter of credit, or other appropriate form of security shall be accepted by the Town in the exercise of its reasonable discretion. Security shall not be required for those improvements not scheduled for dedication to the Town or to be constructed by a Metro District, provided that the Metro District demonstrates its financial ability to complete the Improvements without security as follows:

- i. The Metro District has issued bonds for completion of the Improvements; or
- ii. The Metro District provides the Town: its most-recent financial statements; its most-recent annual audit; and a letter bearing the signature of the Metro District's financial officer stating that the Metro District is financially viable, is reasonably implementing its general plan of finance and is reasonably capable of installing (or causing to be installed) the Improvements for which a waiver of security is being sought.

b. **Mylar Drawings:** For each approved Phase of development within the Property, the Owner or Developer shall provide to the Planning Department the required number of copies of the translucent original mylar drawings of the approved Phase specific maps or plats pursuant to the *Code* to be recorded in the office of the Weld County Clerk and Recorder, as well as the complete set of translucent original mylar utility and drainage plan drawings. The mylars shall include signatures as required. Reproduction mylars, dark-colored or tinted mylars and sepias will not be accepted.

c. **Electronic Copy of Drawings:** The Owner or Developer shall provide to the Planning Department a certified copy of a compact disc (CD) or other electronic data storage format as approved by the Town which shall contain the information exactly as is contained within the approved Phase specific maps or plats as finally approved by the Town. The CD shall be (1) formatted and certified in accordance with the Town's requirements, and (2) first approved by the Town's Geographic Information Systems (GIS) technician. Any Compact Disc (CD) or other approved digital media submitted pursuant to this Article shall conform to all requirements of the Town's then-current Electronic Document Submittal Standards, a copy of which are maintained by the Director of Planning. Incomplete or inaccurate CDs and CDs that are not certified will not be accepted.

d. **Insurance:** Prior to commencing any work, the Owner or Developer shall obtain the insurance required under this sub-section and receive approval from the Town as to the form and amount of such insurance, which approval shall not be unreasonably withheld or delayed. The insurance required under this sub-section shall be continuously maintained during the term of this Agreement or period of construction activity, whichever is shorter in duration. The insurance required in this sub-section shall name the Town as an additional insured, and coverage shall extend to the Town, its elected and appointive boards, commissions, officers, agents, employees, and representatives, and to the Developer and each contractor and subcontractor performing work on the improvements.

(1) **Public Liability and Property Damage Insurance.** The Owner or Developer shall maintain public liability insurance in an amount of not less than two million dollars (\$2,000,000.00) for injury to any one person and subject to the same limit of any one occurrence.

(2) **Evidence of Insurance.** Concurrently with the execution of this Agreement, the Owner or Developer shall furnish the Town satisfactory evidence

7. **Compensation Insurance.** Each contractor and subcontractor performing construction-related services within the Property or any approved Phase shall provide Workers' Compensation insurance for the contractors' or subcontractors' respective employees. The Owner or Developer agrees to indemnify the Town for all damages, loss, attorney fees and other expenses resulting from the contractors'/subcontractors' failure to comply with the requirements of this Section.

8. **Construction Standards and Specifications.** Subject to the PUD Plan, all on-site and off-site Improvements approved for each Phase intended for dedication to the Town ("Public Improvements") shall be constructed in accordance with the Town's standards for infrastructure design and construction. The obligation to complete the Public Improvements will arise upon final approval of improvement plans by the Town for each Phase of development within the Property, will be independent of any obligations of the Town, and will not be conditioned upon the commencement of construction in the development or sale of any lots or improvements within the Property.

9. **Notice to Mineral Estate Owners and Certification Thereof/ Ownership of Minerals.** The Owner acknowledges that as a condition of approval of any application for development within the Property, the Owner or the Developer must comply with the notification requirements of § 10-11-123, C.R.S., by providing notification to mineral estate owners, and by thereafter certifying to the Town, pursuant to § 24-65.5-103, C.R.S., that such notice has been provided. It is anticipated that Owner or Developer, or its designee, shall reserve and retain all mineral rights, if any, appurtenant to or under the Property. Such reservation shall not be impacted, amended, lessened or altered by the dedication of any Public Improvements or other properties to the Town, unless expressly provided in the instrument by which Public Improvements or other properties are dedicated to the Town.

10. **Commencement and Completion Periods.** Work on Public Improvements within any Phase of development within the Property shall not commence until written notice of intent to commence such work is delivered to the Town's Planning Department. Such written notice shall be tendered no less than fifteen (15) days prior to the proposed commencement date for Public Improvements within any Phase of development within the Property. The Town will undertake review of cost estimates for Public Improvements in accordance with Section 18 below. In the event no revisions to cost estimates are requested by the Town, the Owner or Developer may commence Public Improvements on the proposed commencement date. All Public Improvements shall be completed in accordance with the specific phasing plan as approved by the Town in association with development Phase approval and as specifically set forth in the Future Agreement. Completion dates may be extended by the Town, and shall contain such additional terms and conditions as the Town may find necessary for such extension.

Should weather or acts of God interfere with the completion of Public Improvements, the Town's Director of Engineering may, in his reasonable discretion, extend any applicable completion date. Under no circumstances shall a completion date be extended for Public Improvements that, in the reasonable discretion of the Director of Engineering, are deemed to materially affect the health, safety and welfare of the public.

11. **Water Supply.** Subject to the provisions of this Section 11, Owner or Developer will provide water to the Property from either the Town or a provider of water and sanitary sewer facilities in accordance with the provisions of the *Code* and applicable state statutes. Owner and the Town acknowledge and agree that the provider of water services to the Property has yet to be determined. The Owner or Developer shall dedicate water and water rights or otherwise provide the Town or such other water and sewer provider such funds or commitments to adequately serve the Property in accordance with the requirements of either the Town or the provider selected by the Owner or Developer in the exercise of their reasonable discretion.

12. **Issuance of Building Permits.** No building permit shall be issued by the Town within any Phase of development within the Property until the following conditions have been met and satisfied with respect to the particular Phase:

- a. Dedication of water rights, the amount and nature of which shall be in accordance with the provisions of Section 11 above.
- b. Payment in full by Owner, Developer, or the homebuilder of all building permit fees, impact fees, and all other development fees and charges in effect at the time the building permit application is deemed complete. Such fees and charges shall include, but shall not be limited to, storm drainage fees, road impact fees and water and sewer plant investment fees, to the extent applicable to the Filing or Phase.
- c. Dedication of land, or payments in cash in lieu thereof, for parks, in accordance with the provisions of the *Code*.
- d. In coordination with the Town's Parks, Recreation and Culture Department and with respect to park land intended for dedication to the Town in accordance with Section 12.c. above, the Owner or Developer shall provide physical connections to water and sanitary sewer systems to the park land, the cost of such connections shall be paid in addition to the payment of any applicable tap fees assessed by the water and sanitary sewer provider, if any, to the park site. If the source of treated water is an entity other than the Town, the Owner or Developer will provide a unit water volume no less than 3 acre-feet per acre of dedicated park land, which shall be available from April 15th through October 15th each year. The irrigation water must be provided to each irrigation site at a rate of 30 gallons per minute (GPM) per irrigated acre and at a dynamic pressure of no less than 80 pounds per square-inch (PSI) at the irrigation connection point for each park site dedicated to the Town. Further, the Owner or Developer will provide a tap or taps sufficient to irrigate any park land dedicated to the Town within the Property. In no case will the Town be required to pay any plant investment fee or connection fees for such taps, nor shall the Town be obligated at any time for paying the cost of water delivered to any park site dedicated to the Town.
- e. The Parties acknowledge that, pursuant to that certain Agreement dated September 23, 2013 and recorded October 7, 2013 at Reception

Number 3968839 of the Clerk and Recorder of Records of Weld County, the dedication of land, or payments in cash in lieu thereof, for schools, has been agreed upon by Owner and the Weld County School District RE-4. The provisions of Section 18.1 of said Agreement are incorporated herein by this reference as if set forth fully.

- f. The Owner or Developer shall remove all existing overhead utility lines and poles within and adjacent to each Phase of development within the Property and relocate all such utility service lines underground.
- g. Approval by the Town's Director of Engineering of a certificate of compliance from a licensed engineer or surveyor, evidencing that the over-lot grading plan has been fully implemented in each respective Phase of development within the Property for which building permits are being requested.
- h. Approval by the Town's Director of Engineering of a certificate of compliance from a licensed engineer or surveyor, evidencing that, where applicable, all stormwater detention pond(s) have been constructed in accordance with the approved plans and drainage report, including but not limited to outlet structure size and elevation and pond volume.
- i. The Owner or Developer shall provide satisfactory evidence to the Town Engineer that all of the street lights shown in the street lighting plan for the Phase as outlined in Section 5(g) of this Agreement have been installed and are fully operational.
- j. The Town and Owner have agreed that construction of a non-potable irrigation system is not required for the Property under the *Code*. Nothing herein shall preclude the Owner or Developer from establishing a non-potable irrigation system within any portion of the Property, in which case the issuance of building permits within such portion shall be conditioned upon construction of a fully-operational non-potable irrigation system in accordance with the provisions of the Parties' Future Agreement applicable thereto.
- k. Construction of any trails intended for dedication to the Town within each Phase of development within the Property in accordance with the Town's specifications.
- l. Construction acceptance of all Public Improvements within each Phase within the Property shall be in accordance with the terms and provisions of this Agreement. All Public Improvements in each Phase within the Property shall be completed prior to consideration of said improvements for construction acceptance. The Warranty Period referred to below shall apply to each Phase's Public Improvements unless specifically modified by the Owner's or Developer's phasing plan.

- m. No building permit shall be issued within the particular Phase being served by the Public Improvements until the Owner or Developer has received construction acceptance from the Town in accordance with the provisions of this Agreement or the Future Agreement applicable to such Phase. Upon completion of construction of all Public Improvements as required within each Phase, the Owner shall submit a written request for construction acceptance of the Public Improvements to the Town's Director of Planning.
- n. Should seasonal weather conditions or acts of God prevent the paving of streets required to be constructed in accordance with the terms and conditions of this Agreement, or the applicable Future Agreement, the Town, conditioned upon compliance with all of the provisions set forth in this Section 12 n, may issue building permits if the streets are surfaced with base course, and the request for such permit is accompanied by a certification from the Owner or Developer that all streets will be paved within six (6) months of the issuance of the first building permit.

13. **Issuance of Certificates of Occupancy.** No certificates of occupancy shall be issued by the Town within any Phase until the following conditions have been satisfied:

- a. The Owner or Developer has provided to the Town's Director of Engineering as-built drawings of all construction undertaken by the Owner or Developer.
- b. Installation of all landscaping and related irrigation system improvements for the common areas within the Phase, as depicted on the final landscaping plan for the Phase for which certificates of occupancy are requested; provided, however, no landscaping shall be required to be installed on residential lots for which the certificate of occupancy is sought. The Owner or Developer shall install the underground irrigation system and landscaping in accordance with the terms and conditions outlined herein and specified on the approved Landscape Plan for the Phase. If a certificate of occupancy is requested during the normal spring or fall planting season, the Owner or Developer shall install the underground irrigation system and landscape the site in accordance with the Landscape Plan accepted by the Town prior to the certificate of occupancy being issued. If a certificate of occupancy is requested during either the summer or winter months, and, in the opinion of the Town's Forester, the weather conditions do not permit the required underground irrigation system or the landscaping to be installed, the Owner or Developer shall post with the Town a Performance Bond in an amount equal to one hundred ten percent (110%) of the aggregate costs of said underground irrigation system and landscaping for a period not exceeding the length of the next planting season. Subsequently, the Owner or Developer shall install the underground irrigation system and all required landscaping no later than the next planting season. The amount of said Performance Bond shall be approved by the Town's Forester, and said estimated costs shall (1) be furnished by a licensed landscaping contractor, upon the landscaping contractor's business forms, and (2) be itemized to include costs for the

underground irrigation system and all of the landscaping elements of the Landscape Plan for the Phase for which a certificate of occupancy is requested. To the extent the landscaping and irrigation are constructed by a Metro District, the Performance Bond requirement shall be waived, so long as the Metro District provides financial assurance as set forth in Section 5 (a) above.

14. Other Conditions of Development. The following additional conditions of development shall be deemed a covenant running with the land within the Property:

- a. **Features Maintenance.** With the exception of trees in public places as provided in Section 7-4-50 of the *Windsor Municipal Code*, which shall be maintained by the Town, the Owner or Developer or their respective successors and/or assigns in interest, Association, as hereinafter defined or Metro District is responsible for maintenance and upkeep of entry features, walls, landscaping and landscaped areas and sidewalks between the boundary line of the Property and any paved roadways. The Owner or Developer or their respective successors and/or assigns in interest, or Metro District agree to the responsibility of maintaining all unimproved areas, irrigation facilities, irrigation ponds, detention ponds and detention areas, open space tracts and storm water detention facilities.
- b. **Surface Drainage Maintenance.** The Owner or Developer or their respective successors and/or assigns in interest, Association or Metro District(s) shall be responsible for maintenance of all drainage facilities installed pursuant to this Agreement. Requirements include, but are not limited to maintaining the specified storm water detention/retention volumes, maintaining outlet structures, flow restriction devices and facilities needed to convey flow to the established stormwater basins. The Town shall have the right to enter properties to inspect stormwater facilities at any time. If these facilities are not properly maintained, the Town shall notify the responsible party or parties in writing. Corrective action shall be taken within ten (10) working days of receipt of notification by the Town, unless an emergency exists, in which case, corrective action shall be taken immediately. Failure to take corrective action within ten (10) working days, shall entitle the Town to undertake the necessary maintenance and assess the maintenance cost to the responsible party.
- c. **Existing Underground Drainage Facilities.** Owner or Developer agrees that, to the extent existing underground storm drainage facilities are proposed for integration into approved storm drainage facility improvement plans, such existing underground facilities will be preserved and maintained by Owner, Developer, Metro District(s) or other entity approved by the Town. Even if the Owner or Developer does not propose to integrate existing underground drainage facilities into storm drainage system plans, Owner or Developer shall repair and restore any damage done to such underground drainage facilities by Owner or Developer.

- d. **Groundwater effects.** If required by the Town following competent groundwater analysis with respect to proposed development within any Filing or Phase, the Owner or Developer will install at a system of groundwater management that mitigates adverse groundwater effects within the Filing or Phase. The cost of construction and maintenance of any required groundwater management system shall be borne by the Owner or Developer or Metro District.

15. **Compliance With Law.** When fulfilling its obligations under this Agreement, all Parties responsible for undertaking development within the Property shall comply with all relevant laws, ordinances, and regulations in effect at the time of development approval. When necessary to protect the public health, safety and welfare, all Parties responsible for undertaking development within the Property shall be subject to laws, ordinances and regulations that become effective after development approval and before the end of the completion period.

16. **Dedication.** In accordance with the applicable provisions of the *Code* regarding final acceptance, the Owner or Developer shall dedicate to the Town, all Public Improvements identified on the approved Public Improvement plans, and specifications for each Phase, by a bill of sale or other appropriate document. The Parties acknowledge that there may be certain improvements constructed within the Property that are not intended for dedication to the Town. Such improvements shall be specifically identified in the approved improvement plans for each Phase of development within the Property.

SECTION II THE TOWN'S OBLIGATIONS

17. **Development Approval.** Each Phase shall be the subject to the approval of the Town following application, review and finalization of the Future Agreement applicable to the Phase of development in question, subject to the approval timeframes described above. Nothing herein shall be deemed to limit the Town's ability to require conditions to address the reasonable and proportional demands of development proposed within the Property in the terms of any Future Agreement even if such requirements were not imposed on previous filings of development; provided, however, that such conditions shall not be inconsistent with this Agreement or the terms of any applicable Future Agreement.

18. **Review of Cost Estimates.** Upon receipt of written notice of intent to commence construction of Public Improvements as provided in Section 10 above, the Town will undertake a review of previously-approved cost estimates for Public Improvements. The Town reserves the right to require updated cost estimates to assure that any security for completion of Public Improvements is based upon reliable and current construction costs. The Town will notify the Owner or Developer of any cost estimates requiring revision prior to the proposed construction commencement date.

19. **Inspection and Certification.** Upon completion of construction of Public Improvements within each Phase of development within the Property, the Owner or Developer shall submit a written request of Construction Acceptance of such Public Improvements to the Director of Planning. Within thirty (30) days after receipt of such request, the Town shall

inspect the subject Public Improvements in accordance with the relevant provisions of the *Code* and the approved improvement plans for the particular Phase of development. Upon Town inspection and confirmation that the Owner or Developer has complied with all Town initial Construction Acceptance requirements, the Town shall issue a letter or Certificate of Construction Acceptance. Before obtaining Construction Acceptance of any improvement, the Owner or Developer shall present to the Town valid lien waivers evidencing payment of amounts to the date of such request, or a reasonable alternative thereto acceptable to the Town, from the primary contractor providing materials or performing work on the improvements for which certification is sought. Certification by the Town for Construction Acceptance purposes does not constitute a waiver by the Town of the right to require Owner or Developer to satisfy any unpaid laborer, supplier or materialman, or to require compliance with the Town's Construction Standards and Specifications as a result of defects in or failure of any improvement that is detected or that occurs following such certification. The Warranty Period, as defined below, for each accepted Phase shall commence upon the date certification of Construction Acceptance is issued by the Town.

The Town shall provide timely written notice to the Owner or Developer whenever inspection reveals that Public Improvement does not conform to the Construction Standards and Specifications of the Town, is not constructed in accordance with the approved improvement plans, or is otherwise defective. The Owner or Developer shall have thirty (30) days from the issuance of such notice to cure the defect, or such longer period as may be reasonably necessary to cure such defect, in the event of inclement weather or other circumstances outside the control of the Owner or Developer. The Town may not declare a default under this Agreement during any applicable cure period on account of any such defect unless it is clear that the Owner or Developer is not taking good-faith steps to cure the defect or, because of imminent health, safety and welfare concerns, the Town deems it necessary to act immediately.

The Owner or Developer warrants that all Public Improvements conform to the Construction Standards and Specifications of the Town, are constructed in accordance with the approved improvement plans for the Phase in question, and are free from materials defects for a period of one (1) year from the date of Construction Acceptance by the Town. Said period is hereinafter referred to as "Warranty Period." The Owner or Developer shall be responsible for the maintenance and repair of all Public Improvements during the Warranty Period.

20. **Acceptance of Dedication.** In accordance with the provisions of the *Code* concerning final acceptance of Public Improvements, the Town shall accept final dedication of any validly-certified Public Improvement within thirty (30) days of the Owner's or Developer's offer of final dedication. No offer of final dedication shall occur until the expiration of the Warranty Period. Final acceptance of each Public Improvement is expressly conditioned upon Owner or Developer providing sufficient evidence that there are no liens, encumbrances, or other restrictions on title unacceptable to the Town in its reasonable judgment.

21. **Reduction of Security.** Upon issuance of a Certificate of Construction Acceptance of Public Improvements, and prior to final acceptance, the amount of security previously posted by the Owner or Developer for the Public Improvements so certified shall be reduced by sixty percent (60%). The balance of security shall not be released until final acceptance by the Town as set forth herein. At the request of the Owner or Developer, the Town

shall execute a certificate verifying final acceptance of Public Improvements. If the Owner or Developer is in default under any Future Agreement pertaining to the specific Phase, the Owner or Developer shall have no right to such a certificate. Upon final acceptance of the dedication of Public Improvements for which security has been posted, the remaining security shall be released in accordance with the relevant provisions of the *Code*.

22. **Use of Proceeds.** The Town shall use funds drawn under the security provided in this Agreement for the sole purpose of completing the Public Improvements for which such security has been posted, or correcting defects in or failure of the Public Improvements.

SECTION III OTHER PROVISIONS

23. **Sales Trailer.** In portions of the Property wherein platted lots are offered for sale, the Owner or Developer or the home builders undertaking residential sales within the Property shall be entitled to place, use, and maintain sales trailer(s) on the Property for the purpose of marketing said lots. Prior to placing any sales trailer on the Property, the Owner, Developer or residential home builders shall provide evidence to the Town of compliance with each of the following conditions:

- a. Placement and use of the sales trailer meets all applicable requirements of the Windsor-Severance Fire Protection District;
- b. The issuance of appropriate sign permits for all signs or advertising devices erected on the site in conjunction with the sales activities to which the sales trailer is related;
- c. All advertising devices shall comply with Chapter 16, Article IX of the *Windsor Municipal Code*.
- d. Approved connections to the Town's water and sanitary sewer utility systems, or temporary water service or sanitary facilities if the sales trailer shall be placed for less than one year; and
- e. The issuance of all necessary building permits.

Any sales trailer placed on the Property pursuant to this Section 23, shall be removed no later than thirty (30) days after the issuance of the last certificate of occupancy within each approved Phase of development for which a sales trailer is installed.

24. **Events of Default.** The following conditions, occurrences or actions shall constitute a default by the Owner or Developer:

- a. The failure of the Owner or Developer to commence construction of Public Improvements as outlined in Section 10 of this Agreement, subject to the exceptions provided for phasing of Public Improvements within thirty (30) days after written notice and right to cure.

- b. The failure of the Owner or Developer to complete construction of Public Improvements within five (5) years of the Town's approval of the Phase of development within which the Public Improvements are approved, subject to the exceptions provided for phasing of Public Improvements, as set forth in the Future Agreements.
- c. The failure of the Owner or Developer to cure a defective condition of any Public Improvement within the applicable cure period.
- d. If clearly evidencing the Owner's or Developer's inability to perform under this Agreement or any Future Agreement, the Owner's or Developer's insolvency, the appointment of a receiver for the Owner or Developer, or the filing of a voluntary or involuntary petition in bankruptcy respecting the Owner or Developer.
- e. If clearly evidencing the Owner's or Developer's inability to perform under this Agreement or any Future Agreement, the insolvency of any party responsible for undertaking Public Improvements and to whom an assignment of the Owner's or Developer's obligations under this Agreement, or any portion thereof, have been approved by the Town.
- f. If clearly evidencing the Owner's or Developer's inability to perform under this Agreement or any Future Agreement, foreclosure of any lien against or encumbrance upon the Property, or any portion thereof, or assignment or conveyance of the Property in lieu of foreclosure, unless such assignment or conveyance has been approved by the Town in writing, prior to the transfer and subject to such conditions as the Town may deem appropriate.

25. **Measure of Damages.** The measure of damages for breach of this Agreement with respect to the completion of Public Improvements shall be the reasonable cost of completing the Public Improvements in question. With respect to Public Improvements upon which construction has not begun, the Town-approved estimated cost of the Public Improvements in question shall be *prima facie* evidence of the minimum cost of completion. However, neither that amount nor the amount of the security establishes the maximum amount of damages to which the Town may be entitled. The Town shall be entitled to complete all unfinished Public Improvements, or any portion thereof, at the time of default, regardless of the extent to which development has taken place within the Property or whether development ever commenced.

26. **Town's Rights Upon Default.** When any event of default occurs as defined in Section 24, the Town may draw on the security provided hereunder associated with the Public Improvements in question. The Town shall have the discretion to complete Public Improvements itself or contract with a third party for completion, and the Owner hereby grants the Town, its successors, assigns, agents, contractors, and employees, an irrevocable and nonexclusive right to enter the Property for the purposes of constructing, inspecting, maintaining, and repairing the Public Improvements in question. Alternatively, the Town may assign the proceeds of the security to a subsequent developer (or a lender) who has acquired the portion or portions of the Property within which a default has occurred by purchase, foreclosure or

otherwise, who shall then have the same rights of completion as the Town, if and only if, the subsequent developer (or lender) agrees in writing to complete the unfinished Public Improvements. In addition, the Town shall have the authority to suspend development-related approvals within the portion or portions of the Property within which a default has occurred until the Public Improvements in question are completed and accepted by the Town. These remedies are non-exclusive and cumulative in nature.

27. **Indemnification.** The Owner or Developer hereby expressly agrees to indemnify and hold the Town harmless from and against all claims, costs and liability of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of, the performance of work at any development site within the Property pursuant to this Agreement. The Owner or Developer further agrees to aid and defend the Town in the event the Town is named as a defendant in an action concerning the performance of work undertaken within the Property, unless such suit is brought by the Owner or Developer. The Owner or Developer is not an agent or employee of the Town, and no act or omission by the Owner or Developer with respect to development of the Property shall be attributed to the Town.

28. **No Waiver.** No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both the Town and the Owner or Developer, nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The Town's failure to exercise any right under this Agreement shall not constitute the approval of any wrongful act by the Owner or Developer.

29. **Amendment or Modification.** The Parties may amend or modify this Agreement only by written instrument executed by both Parties.

30. **Attorney Fees.** Should the Town be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the Town shall be entitled to costs, including reasonable attorney fees and expert witness fees, from the opposing party. If the court, arbitrator, or mediator awards relief to both parties, each shall bear its own costs in their entirety.

31. **Vested Rights.** By the terms of this Agreement, the Town does not warrant that the Owner or Developer is entitled to any vested rights other than those established by the Developer in accordance with the provisions of the *Code* and by the laws of the State of Colorado. The establishment of vested property rights shall be take place only as provided by law.

32. **Third Party Rights.** No person or entity not a signatory to this Agreement shall have any right of action under this Agreement.

33. **Scope.** This Agreement constitutes the entire agreement between the Parties and no statement(s), promise(s), or inducement(s) not set forth in this Agreement shall be binding on the Parties.

34. **Severability.** If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality or unenforceability shall not affect

the validity of any other part, term, or provision, and the rights of the Parties shall be construed as if the part, term or provision was never part of this Agreement.

35. **Assignment and Release.** The benefits and burdens of this Agreement may be assigned by the Owner, but any such assignment shall not constitute a release of the Owner's obligations unless the Town has in writing consented to a release of the Owner. Upon affirmative assumption by the successor to the Owner and the Town's written consent, the Owner's obligations under this Agreement shall be released. The Town may assign its rights under this Agreement without the Owner's consent. If the Town accepts substituted security from any third party who obtains title to all or any portion of the Property, the Town shall release the Owner's or Developer's security, if any.

36. **Notice.** Unless otherwise stated above, any notice required or permitted by this Agreement shall be deemed effective when personally delivered in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

IF TO OWNER:

Raindance Aquatic Investments, LLC
1625 Pelican Lakes Point, Suite 201
Windsor, CO 80550
Attention: Martin Lind

and

William F. Larrick, Inc.
10 Inverness Drive East, Suite 290
Englewood, CO 80112
Attention: Donald R. Larrick and Andrew W. Larrick

IF TO TOWN:

Town Manager, Town of Windsor
301 Walnut Street
Windsor, CO 80550

With copies to:

Town Attorney
Town of Windsor
301 Walnut Street
Windsor, CO 80550

and

Director of Planning
Town of Windsor
301 Walnut Street
Windsor, CO 80550

37. **Recordation.** The Town shall record a copy of this Agreement with the Clerk and Recorder's Office in Weld County, Colorado.

38. **Immunity.** Nothing contained in this Agreement constitutes a waiver of the Town's sovereign immunity or governmental immunity under any applicable state law.

39. **Personal Jurisdiction and Venue.** Personal jurisdiction and venue for any civil action commenced by either Party to this Agreement, whether arising out of or relating to this Agreement or the security, shall be deemed to be proper only if such action is commenced in the District Court for Weld County, Colorado. The Owner expressly waives any right to bring such action in or to remove such action to any other court, whether state or federal.

40. **Districts and Associations.**

- a. **Metropolitan Districts.** Owners previously formed the RainDance Metropolitan District Nos. 1 through 4, pursuant to Article 1, Title 32, C.R.S. The purpose of the RainDance Metropolitan District Nos. 1 through 4 (individually, a "Metro District," and collectively, the "Metro Districts") are, *inter alia*, to facilitate financing and development of Public Improvements and other facilities and services for the project for which Owners or other Developers are or may become obligated under the terms in this Agreement, and such other purposes as are included in the approved service plan(s) for the Metro District(s). The Town agrees that, some or all of the obligations of Owners and/or Developers under this Agreement may be assigned to and assumed by the Metro District(s), and the formation documents of the Metro District(s) will require the Metro District(s) to honor any obligations that are assigned to and assumed by the Metro District(s) pursuant to this Agreement. Owners and other Developers further reserve the right to assign to the Metro District(s) all or any part of their obligations and rights under this Agreement with respect to the funding, construction, reimbursement and/or offset of fees, and other matters within the scope of the Metro District(s)' approved service plan in accordance with the terms and conditions of this Agreement, Future Agreements and applicable law. In such event, the Metro District(s) will provide facilities and services that the Town and/or Owners and/or other Developers might otherwise have to provide. The Metro District(s)' written assumption of any such obligation will, upon the Town's written consent, effect a release of the applicable Owner(s) or other Developer(s), as applicable, from performance of the assumed obligation without the requirement of further action; provided, however, that the Town will not unreasonably withhold or delay execution of its written consent upon receiving the applicable Owner(s)' or Developer(s)' written request therefor. Accordingly,

references to Owner(s) or Developer(s) in the context of Public Improvement obligations addressed in this Agreement will be construed to include by reference the applicable Metro District(s) to the extent the Metro District(s) have assumed the obligations of Owners or other Developers pursuant to the terms of this Agreement.

- b. **Associations.** Without any obligation under this Agreement to do so, Owner reserve the right to create one or more owners association(s) having as its/their members property owners within the Project (individually, an “Association” and collectively, the “Associations”). The purposes of the Association(s) will be, *inter alia*, to facilitate maintenance of the public and private infrastructure improvements and other public and private facilities within the project, including those for which Owner(s) or Developer(s) are or may become obligated under the terms of this Agreement or Future Agreements. Owners and other Developers, as applicable, further reserve the right to assign to the Association(s) all or any part of Owner(s)’ or Developer(s)’ obligations and rights under this Agreement with respect to the maintenance, reimbursement and/or offset of fees, and other matters related to the infrastructure required to support development of the project. In such event, the Association(s) will maintain facilities and services that the Town and/or Owners and/or Developer(s) might otherwise have to provide. References to Owner(s) or Developer(s) in the context of Public Improvement obligations addressed in this Agreement will be construed to include by reference the applicable Association(s) to the extent such entities have assumed the obligations of Owners or other Developers pursuant to the terms of this Agreement. No assignment under this sub-section shall constitute a release of the Owner(s)’ or the Developer(s)’ obligations under this Agreement unless the Town consents in writing to such release.

[Signatures Follow]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement as of the Effective Date.

TOWN OF WINDSOR, COLORADO

By: _____

Name: _____

Title: _____

ATTEST:

By: _____

Title: _____

Approved as to Form

By: _____

Title: _____

[Signatures continued on following page.]

OWNER:

Raindance Aquatic Investments, LLC,
a Colorado limited liability company

By: _____

Name: Martin Lind

Title: Manager

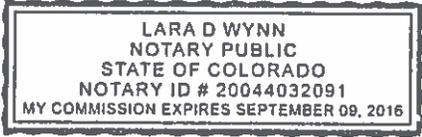
STATE OF COLORADO)
) ss
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 1st day of November, 2015, by Martin Lind, in his capacity as Manager of RAINDANCE AQUATIC INVESTMENTS, LLC, a Colorado limited liability company.

Witness my hand and official seal.

[Signature]

Notary Public



My commission expires September 9, 2016

William F. Larrick, Inc.,
a Colorado corporation

By: Donald R. Larrick

Name: Donald R. Larrick

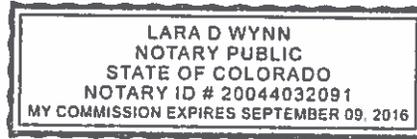
Title: President

STATE OF COLORADO)
) ss
COUNTY OF WELD)

The foregoing instrument was acknowledged before me this 1st day of November, 2015, by Donald R. Larrick in his capacity as President of WILLIAM F. LARRICK, INC., a Colorado corporation.

Witness my hand and official seal.

Lara D Wynn
Notary Public



My commission expires September 9, 2016

ATTEST:
[Signature]

Approved as to Form

TOWN OF WINDSOR

RESOLUTION NO. 2015-72

A RESOLUTION APPROVING AN AGREEMENT BY, BETWEEN AND AMONG THE TOWN OF WINDSOR, RAINDANCE AQUATIC INVESTMENTS, LLC, AND WILLIAM F. LARRICK, INC., WITH RESPECT TO THE PLANNED UNIT DEVELOPMENT KNOWN AS "RAINDANCE"

WHEREAS, the Town of Windsor ("Town") is a home rule municipality, with all powers granted pursuant to Colorado law; and

WHEREAS, the Town has in place a comprehensive regulatory scheme for the orderly and efficient development of land within its corporate limits; and

WHEREAS, the Town has approved a Planned Unit Development district overlay for the property formerly known as "Water Valley West", but officially approved as "RainDance"; and

WHEREAS, in order to assure the orderly development of parcels within RainDance in a manner responsive to the markets and in keeping with the public interest, the Town has negotiated the attached Agreement with the owners of the RainDance property ("Agreement"), the terms of which are incorporated herein by this reference as if set forth fully; and

WHEREAS, the Town Board has reviewed the attached Agreement, and finds that its terms are consistent with the public health, safety and welfare; and

WHEREAS, the Town Board wishes to approve the attached Agreement.

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

1. The attached Agreement by, between and among the Town of Windsor, Raindance Aquatic Investments, LL, and William F. Larrick, Inc., is hereby approved.
2. The Mayor is hereby authorized to execute Agreement on behalf of the Town.
3. Nothing herein shall condone or permit a violation of the terms of the Deed of Conservation Easement dated December 8, 2003, recorded in Weld County at Reception No. 3139866. Extinguishment of the said conservation easement shall occur prior to Town approval of any future subdivision or site plan proposals.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

LOTS 1 THROUGH 5, WATER VALLEY WEST SUBDIVISION, TOWN OF WINDSOR,
COUNTY OF WELD, STATE OF COLORADO

Also known by property address as: Vacant Lots, Windsor, CO 80550

RainDance Master Plan

(Formerly Water Valley West)

AMENDING THE WINDSOR HIGHLANDS ANNEX, NO. 2 AND RAINDANCE RIVER ANNEXATION MASTER PLANS, A TRACT OF LAND LOCATED IN SECTIONS 30, 31, THE WEST HALF OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 67 WEST, OF THE SIXTH PRINCIPAL MERIDIAN; COUNTY OF WELD, STATE OF COLORADO.

ACKNOWLEDGEMENT OF OWNERSHIP INTEREST

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BEING ALL THE OWNERS, LESSORS, AND HOLDERS OF ANY OWNERSHIP INTEREST AS DERIVED BY THE TOWN OF WINDSOR, OF THE LAND DESCRIBED HEREON, HAVE CAUSED SUCH LAND TO BE ANNEXED AND MASTER PLANNED AS INDICATED ON THIS MASTER PLAN. THE WITHIN MASTER PLAN IS SUBMITTED IN ACCORDANCE WITH THE WINDSOR MUNICIPAL CODE. IT IS HEREBY ACKNOWLEDGED THAT ALL CONSTRUCTION, USE AND DEVELOPMENT OF THIS PROPERTY WILL BE IN STRICT ACCORDANCE WITH THIS MASTER PLAN. IT IS FURTHER ACKNOWLEDGED THAT DEVIATION FROM THIS MASTER PLAN WITHOUT THE EXPRESS WRITTEN CONSENT OF THE TOWN OF WINDSOR MAY RESULT IN REVOCATION OF THE TOWN'S APPROVAL OF THE MASTER PLAN, DENIAL OF BUILDING PERMITS, REFUSAL TO ISSUE CERTIFICATES OF OCCUPANCY, INJUNCTIVE RELIEF PROHIBITING USE OF THE PROPERTY AND OTHER REMEDIES AVAILABLE TO THE TOWN UNDER THE WINDSOR MUNICIPAL CODE AND OTHER APPLICABLE LAWS OF THE STATE OF COLORADO. KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED HAVE CAUSED SAID LAND TO BE LAID OUT AND MASTER PLANNED UNDER THE NAME OF RAINDANCE MASTER PLAN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS THE ____ DAY OF _____, 20____.

MARTIN LIND WILLIAM F. LARRICK

NOTARIAL CERTIFICATE (TO BE USED IN CONJUNCTION WITH ALL OWNER'S SIGNATURES)

STATE OF _____

COUNTY OF _____, SS:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MARTIN LIND AND WILLIAM F. LARRICK, THIS ____ DAY OF _____, 20____.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC

(SEAL)

ENGINEERING DEPARTMENT APPROVAL

APPROVED THIS THE ____ DAY OF _____, 20____.

DIRECTOR OF ENGINEERING

PLANNING COMMISSION APPROVAL

APPROVED THIS THE ____ DAY OF _____, 20____.

CHAIRMAN,
WINDSOR PLANNING COMMISSION

PLANNING DEPARTMENT APPROVAL

APPROVED THIS THE ____ DAY OF _____, 20____.

DIRECTOR OF PLANNING

TOWN MANAGER'S APPROVAL

APPROVED THIS THE ____ DAY OF _____, 20____.

TOWN MANAGER

PUBLIC WORKS DEPARTMENT APPROVAL

APPROVED THIS THE ____ DAY OF _____, 20____.

DIRECTOR OF PUBLIC WORKS

DESCRIPTION

A MASTER PLAN FOR A PARCEL OF LAND IN THE TOWN OF WINDSOR, COUNTY OF WELD, STATE OF COLORADO, LOCATED IN SECTIONS 30, 31, AND THE WEST HALF OF SECTION 29, TOWNSHIP 6 NORTH, RANGE 67 WEST, OF THE SIXTH PRINCIPAL MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOTS 1-5, WATER VALLEY WEST SUBDIVISION AS SHOWN ON THE PLAT THEREOF, RECORDED AT THE OFFICE OF THE WELD COUNTY CLERK AND RECORDER UNDER RECEPTION NUMBER 3756094 AND LOT 4, WATER VALLEY WEST - IMAGO ENTERPRISES MINOR SUBDIVISION AS SHOWN ON THE PLAT THEREOF AS RECORDED AT RECEPTION NUMBER 349042, CONTAINING 1,133.5 ACRES MORE OR LESS.

NOTICE OF OTHER DOCUMENTS

ALL PERSONS TAKE NOTICE THAT CERTAIN DOCUMENTS HAVE BEEN EXECUTED PERTAINING TO THE DEVELOPMENT, WHICH CREATE CERTAIN RIGHTS AND OBLIGATIONS OF THE DEVELOPMENT. THE DEVELOPER AND/OR SUBSEQUENT OWNERS OF ALL OR PORTIONS OF THE DEVELOPMENT SITE, MANY OF WHICH OBLIGATIONS CONSTITUTE PROMISES AND COVENANTS THAT RUN WITH THE LAND. THESE DOCUMENTS ARE OF RECORD AND ARE ON FILE WITH THE DIRECTOR OF PLANNING OF THE TOWN OF WINDSOR AND SHOULD BE CLOSELY EXAMINED BY ALL PERSONS INTERESTED IN PURCHASING ANY PORTIONS OF THE DEVELOPMENT SITE.

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT A MASTER PLAN OF THE PROPERTY DESCRIBED HEREIN WAS APPROVED BY RESOLUTION NO. _____ OF THE TOWN OF WINDSOR PASSED AND ADOPTED ON THE ____ DAY OF _____, 20____, A.D. AND THAT THE MAYOR OF THE TOWN OF WINDSOR, AS AUTHORIZED BY SAID RESOLUTION ON BEHALF OF THE TOWN OF WINDSOR, HEREBY ACKNOWLEDGES AND ADOPTS THE SAID MASTER PLAN UPON WHICH THIS CERTIFICATE IS ENDORSED FOR ALL PURPOSES INDICATED THEREON.

MAYOR ATTEST: TOWN CLERK

PREPARER'S CERTIFICATE

I CERTIFY THAT THIS MASTER PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

SIGNATURE
PREPARER OF MASTER PLAN

PRINT NAME
PREPARER OF MASTER PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT ACCURATELY REPRESENTS THAT RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

LS. COLORADO REG. NO. _____

LAND USE DENSITY AND TABLES

Existing Zoning:	Acres
RMJ	1,091.23
General Commercial	45.22
Total¹	1,126.5

Developed Areas:	Acres	Residential Density	Max. Density (Du/Ac)	Anticipated Uses ²
A. General Commercial ^{1, 5, 6}	17.0	High	24	Commercial, MF, SFA ⁴ , Office, RMJ, Agriculture
B. RMJ ⁷	29.4	High	24	MF, SFA, SFD, Commercial, Office, Agriculture
C. RMJ ⁸	25.7	High	24	MF, SFA, SFD, Commercial, Office, Agriculture
D. RMJ ⁹	46.2	Medium High	10	MF, SFA, SFD, Commercial, Office, Agriculture
E. RMJ	37.0	Medium	6	SFD, SFA, Agriculture
F. RMJ	71.7	Medium	6	SFD, SFA, Agriculture
G. RMJ	147.5	Medium	6	SFD, SFA, Agriculture
H. RMJ	59.3	Very Low	3	SFD, Agriculture
I. RMJ	255.1	Low	4	SFD, SFA, Active Adult, Agriculture
Right-of-Way Arterial	16.0	-	-	-
Right-of-Way Collector	33.2	-	-	-
J. Golf Clubhouse / Resort ¹	24.1	-	-	Golf Course, Clubhouse, Resort
K. Golf Course / Open Space	278.3	-	-	Golf Course, Open Space
L. Golf Course / Open Space	55.5	-	-	Golf Course, Open Space
Central Park	13.0	-	-	Open Space, Agriculture
Open Space Buffer	28.4	-	-	Open Space, Agriculture
Total	1,133.5			

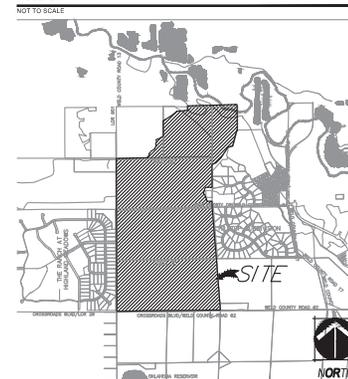
Summary:	Acres	Percent of Site
Proposed Open Space:	399.4	35.2%
Proposed Developed Land:	734.1	64.8%
Total	1,133.5	100%

Residential Units: ⁷	Acres	Percent of Site
Maximum Number of Units	2,792	
Gross Density	2.46 Du/Ac	
Net Density ⁸	3.80 Du/Ac	

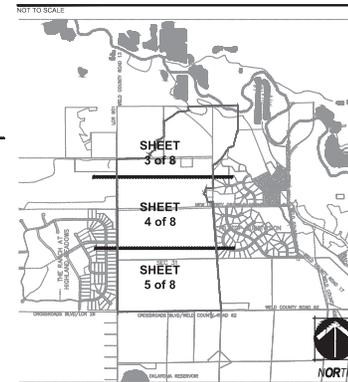
NOTES

- A MINIMUM OF 12.5 AND A MAXIMUM OF 17.0 ACRES OF DEVELOPED AREAS 'A', 'B', 'C', & 'D' WILL BE NON-RESIDENTIAL USES. ALL NON-RESIDENTIAL USES SHALL BE GENERALLY CONTIGUOUS WITH OTHER NON-RESIDENTIAL USES IN DEVELOPMENT AREAS 'A', 'B', 'C', OR 'D'. ANY PORTION OF THE MAXIMUM 17.0 ACRES OF GENERAL COMMERCIAL THAT IS NOT DEVELOPED AS COMMERCIAL USES IS PERMITTED TO BE DEVELOPED IN ACCORDANCE WITH THE USE REGULATIONS OF THE RESIDENTIAL MIXED USE SECTION OF THE MUNICIPAL CODE, INCLUDING RESIDENTIAL USES. ALL RESIDENTIAL USES SHALL FOLLOW THE MAXIMUM DENSITY ALLOWED IN THE LAND USE DENSITY CHART ABOVE.
- LOCATION AND CONFIGURATION OF OPEN SPACE AREA J IS SUBJECT TO CHANGE DURING FINAL SITE DESIGN AND FINAL PLAT OF IMPROVEMENTS IN THIS PARCEL. THE ACREAGE FOR OPEN SPACE AREA J MAY INCREASE BY UP TO 10% WITHOUT A MASTER PLAN AMENDMENT.
- MF=MULTI-FAMILY, SFA=SINGLE-FAMILY ATTACHED, MU=MIXED USE, AND SFD=SINGLE-FAMILY DETACHED. ALL DEVELOPED AREAS MAY INCLUDE A VARIETY OF OTHER LAND USES, INCLUDING OPEN SPACE. OPEN SPACE MAY INCLUDE BUT IS NOT LIMITED TO PARKS, RECREATION IMPROVEMENTS, TRAILS, AND AGRICULTURE. SINGLE-FAMILY ATTACHED MEANS A RESIDENTIAL STRUCTURE OF TWO (2) OR MORE UNITS BUT NOT MORE THAN EIGHT (8) DWELLING UNITS PER STRUCTURE, DESIGNED TO HOUSE A SINGLE-FAMILY UNIT FROM LOWEST LEVEL TO ROOF, WITH PRIVATE OUTSIDE ENTRANCE BUT NOT NECESSARILY OCCUPYING A PRIVATE LOT, AND SHARING A COMMON WALL BETWEEN ADJOINING DWELLING UNITS.
- A MAXIMUM DENSITY OF 24 DU/AC WILL APPLY TO ALL RESIDENTIAL PORTIONS OF DEVELOPED AREAS 'A', 'B', & 'C'.
- A MAXIMUM DENSITY OF 10 DU/AC WILL APPLY TO ALL RESIDENTIAL PORTIONS OF DEVELOPED AREA 'D'.
- MAXIMUM DENSITY FOR EACH DEVELOPED AREA IS SUBJECT TO THE GROSS DENSITY ESTABLISHED FOR RAINDANCE OF 2.792 RESIDENTIAL UNITS.
- DENSITY OF DEVELOPED AREAS EXCLUDES OPEN SPACE.
- THE 7.0 ACRE DISCREPANCY IN TOTAL SITE AREA BETWEEN THE APPROVED WATER VALLEY WEST MASTER PLAN AND THE REVISED RAINDANCE MASTER PLAN IS A RESULT OF THE INCLUSION OF A 7.0 ACRE CONSERVATION EASEMENT WITHIN THE REVISED RAINDANCE MASTER PLAN. THIS EASEMENT WAS PREVIOUSLY OMITTED FROM THE MASTER PLAN. IT CAN BE FOUND IN THE CENTER OF DEVELOPED AREA 'K' IN THIS REVISED PLAN. THE LEGAL DESCRIPTION HAS ALSO BEEN UPDATED ACCORDINGLY.

VICINITY MAP



KEY MAP



SHEET INDEX

COVER SHEET	1
OVERALL MASTER PLAN (400' SCALE)	2
MASTER PLAN (200' SCALE)	3-5
OVERALL MASTER UTILITY PLAN (SANITARY)	6
OVERALL MASTER UTILITY PLAN (WATER)	7
OVERALL MASTER DRAINAGE PLAN	8

BENCHMARK

TOWN OF WINDSOR BENCHMARK #57, WIN 66-17, 1997, 3-1/2" ALUM. CAP SET IN CONCRETE, 2.5' NORTHEAST OF POWER POLE, 25' EAST OF CENTERLINE OF WCR #17, NEAR THE SOUTHEAST CORNER OF THE INTERSECTION OF WCR #4 AND WCR 17, ELEVATION=4775.391 (NAVD 1988)

BASIS OF BEARING STATEMENT

BASIS OF BEARINGS: ASSUMED NORTH 00° 11'50" WEST ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 30, SAID LINE BEING MONUMENTED BY #6 REBARS WITH 2 1/2" ALUMINUM CAPS STAMPED PLS 31169, WITH ALL OTHER BEARINGS SHOWN HEREON RELATIVE THERETO.

RainDance
Master Plan
Windsor, Colorado



1101 Bannock Street
Denver, Colorado 80204
P 303.892.1168
F 303.892.1166

ENGINEER:



TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0507
fax 970-226-0204

OWNER:

RAINDANCE AQUATIC
INVESTMENTS LLC
1626 PELIKAN LAKES POINT
WINDSOR, CO 80550
(970) 696-6425
(970) 696-2768 FAX

DATE:

12/13/2013

REVISIONS:

05/16/2014

12/29/2014

04/21/2015

05/26/2015

07/06/2015

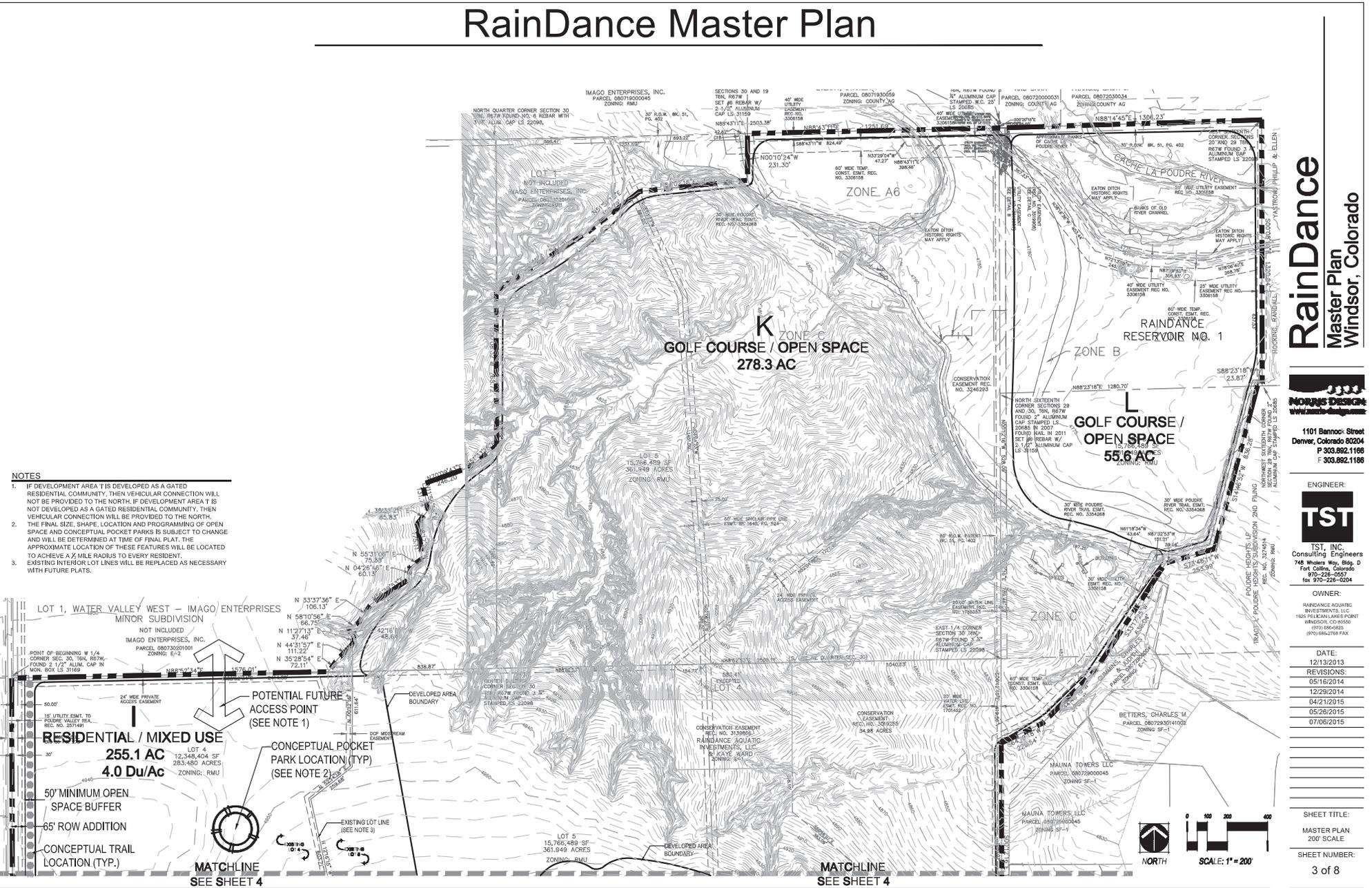
SHEET TITLE:

COVER SHEET

SHEET NUMBER:

1 of 8

RainDance Master Plan



- NOTES**
- IF DEVELOPMENT AREA 'I' IS DEVELOPED AS A GATED RESIDENTIAL COMMUNITY, THEN VEHICULAR CONNECTION WILL NOT BE PROVIDED TO THE NORTH. IF DEVELOPMENT AREA 'I' IS NOT DEVELOPED AS A GATED RESIDENTIAL COMMUNITY, THEN VEHICULAR CONNECTION WILL BE PROVIDED TO THE NORTH.
 - THE FINAL SIZE, SHAPE, LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL POCKET PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT TIME OF FINAL PLAN. THE APPROXIMATE LOCATION OF THESE FEATURES WILL BE LOCATED TO ACHIEVE A 1/2 MILE RADIUS TO EVERY RESIDENT.
 - EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.

LOT 1, WATER VALLEY WEST - IMAGO ENTERPRISES MINOR SUBDIVISION

NOT INCLUDED

IMAGO ENTERPRISES, INC.
PARCEL 08072001001
ZONING: 6/2

POINT OF BEGINNING W 1/4 CORNER SEC. 30, T6N, R57W, FOUND 2 1/2" ALUM. CAP IN MON. BOX LS 31169

24' WIDE PRIVATE ADJACENT EASEMENT

15' UTILITY ESM. TO POUDBRE WAZZ 1824 REC. NO. 2874481

POTENTIAL FUTURE ACCESS POINT (SEE NOTE 1)

DEVELOPED AREA BOUNDARY

DOP W/STREAM CORRIDOR

CONCEPTUAL POCKET PARK LOCATION (TYP) (SEE NOTE 2)

EXISTING LOT LINE (SEE NOTE 3)

RESIDENTIAL / MIXED USE
255.1 AC
4.0 Du/Ac

LOT 4
12,348,404 SF
283,480 ACRES
ZONING: RMU

50' MINIMUM OPEN SPACE BUFFER

65' ROW ADDITION

CONCEPTUAL TRAIL LOCATION (TYP.)

MATCHLINE
SEE SHEET 4

RainDance
Master Plan
Windsor, Colorado



1101 Bannock Street
Denver, Colorado 80204
P 303.882.1168
F 303.882.1168

ENGINEER:
TST
TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-9507
fax 970-226-0204

OWNER:
RAINDANCE AQUATIC INVESTMENTS LLC
1628 PELIKAN LAKES POINT
WINDSOR, CO 80550
(970) 696-8525
(970) 696-2768 FAX

DATE:
12/13/2013

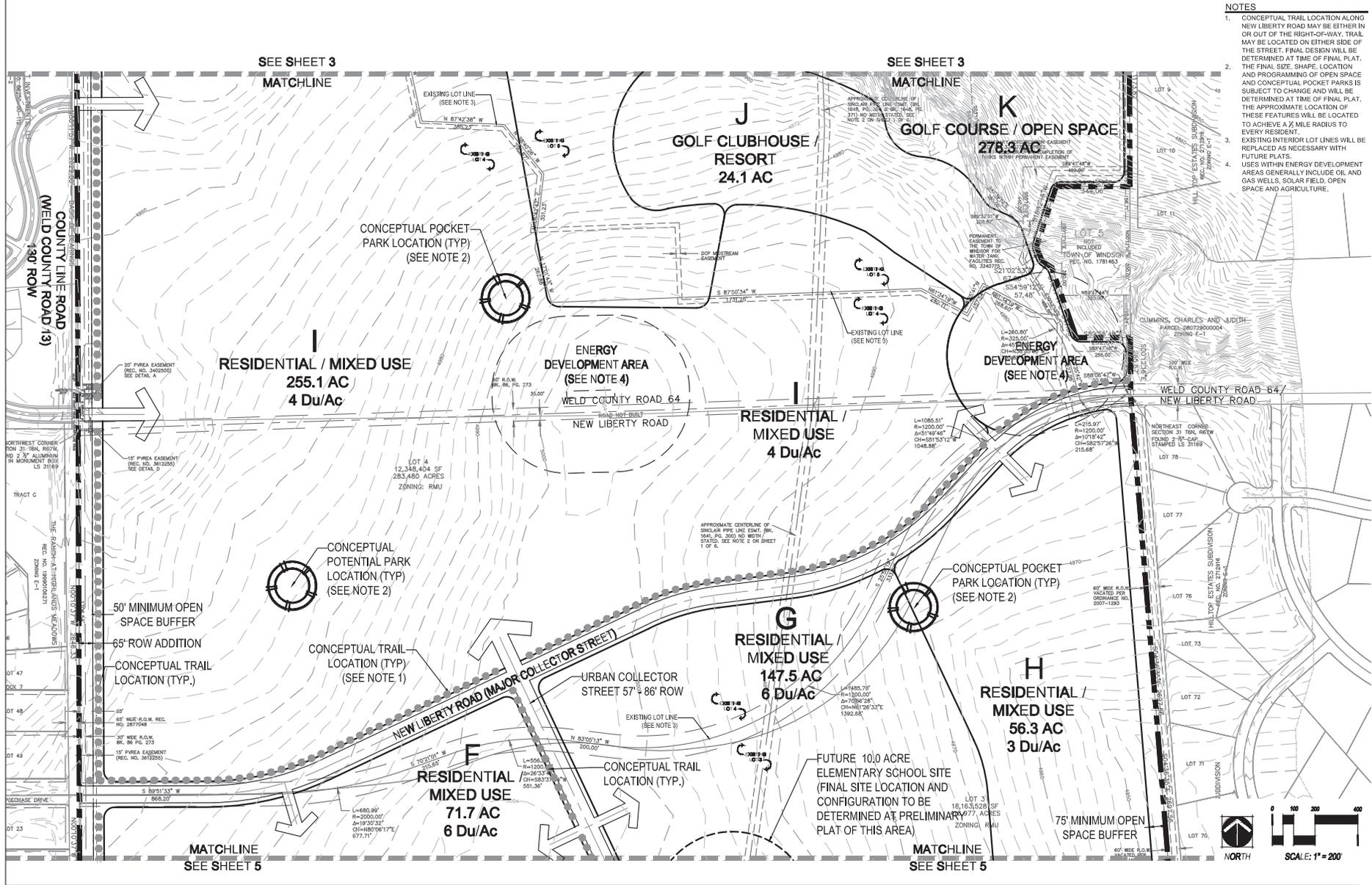
REVISIONS:
05/16/2014
12/29/2014
04/21/2015
05/26/2015
07/06/2015

SHEET TITLE:
MASTER PLAN
200' SCALE

SHEET NUMBER:
3 of 8

CHECKED BY: MB
DRAWN BY: D.D.

RainDance Master Plan



- NOTES**
- CONCEPTUAL TRAIL LOCATION ALONG NEW LIBERTY ROAD MAY BE EITHER IN OR OUT OF THE RIGHT-OF-WAY. TRAIL MAY BE LOCATED ON EITHER SIDE OF THE STREET. FINAL DESIGN WILL BE DETERMINED AT TIME OF FINAL PLAT.
 - THE FINAL SIZE, SHAPE, LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL POCKET PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT TIME OF FINAL PLAT. THE APPROXIMATE LOCATION OF THESE FEATURES WILL BE LOCATED TO ACHIEVE A 1/2 MILE RADIUS TO EVERY RESIDENT.
 - EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
 - USES WITHIN ENERGY DEVELOPMENT AREAS GENERALLY INCLUDE OIL AND GAS WELLS, SOLAR FIELD, OPEN SPACE AND AGRICULTURE.

RainDance
Master Plan
Windsor, Colorado



1101 Bannock Street
Denver, Colorado 80204
P 303.882.1166
F 303.882.1166



TST, INC.
Consulting Engineers
748 Whalers Way, Bldg. D
Fort Collins, Colorado
970-226-0507
fax 970-226-0204

OWNER:
RAINDANCE AQUATIC
INVESTMENTS, LLC
1626 PELICAN LAKES POINT
WINDSOR, CO 80550
(970) 696-5825
(970) 696-2768 FAX

DATE:
12/13/2013

REVISIONS:
05/16/2014
12/29/2014
04/21/2015
05/26/2015
07/06/2015

SHEET TITLE:
MASTER PLAN
200' SCALE

SHEET NUMBER:
4 of 8

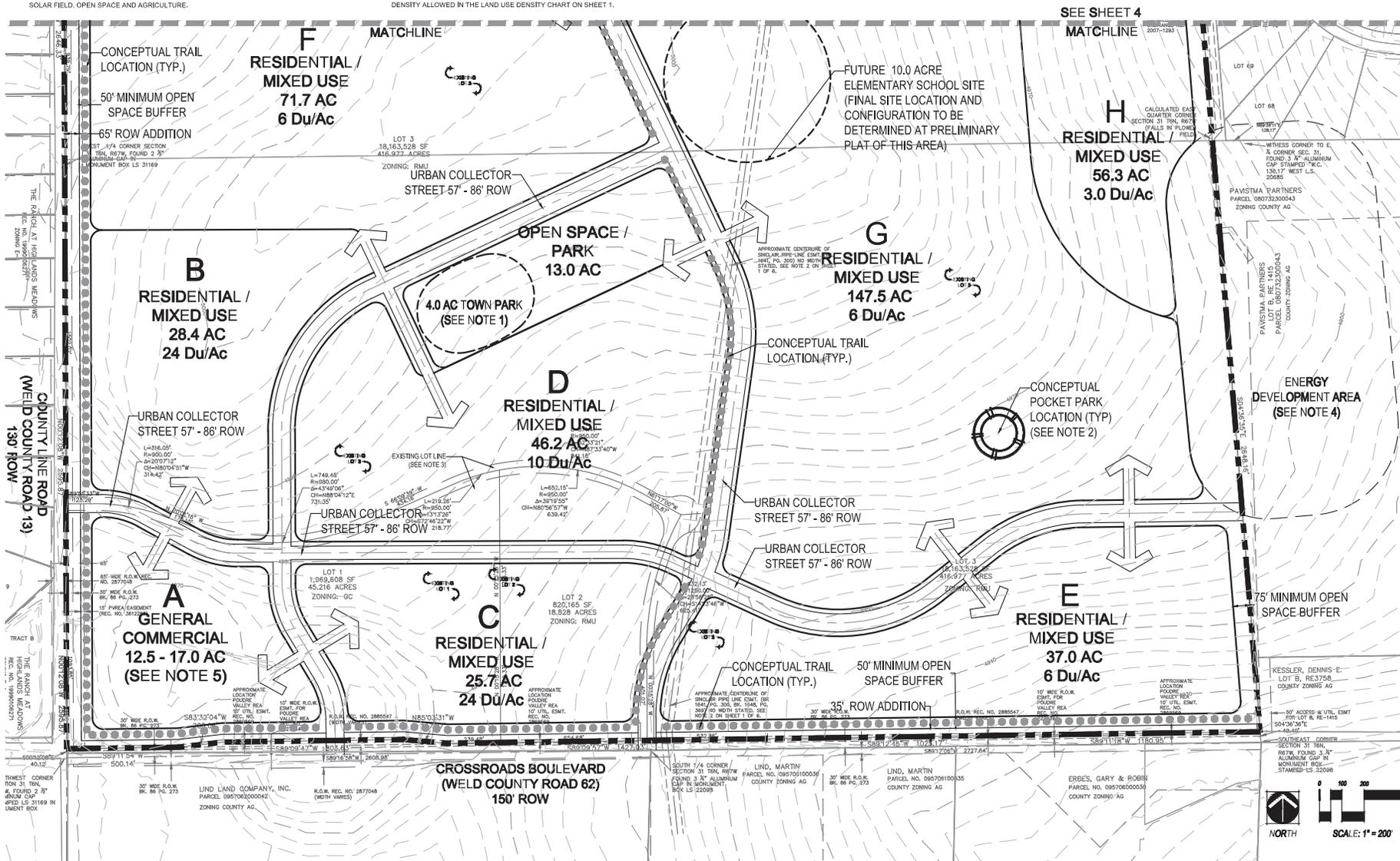


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DRAWN BY: LD

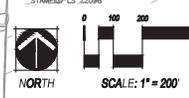
RainDance Master Plan

NOTES

- THE SIZE AND LOCATION OF ANY TOWN PARK WILL BE DETERMINED AT TIME OF PLAT.
- THE FINAL SIZE, SHAPE, LOCATION AND PROGRAMMING OF OPEN SPACE AND CONCEPTUAL POCKET PARKS IS SUBJECT TO CHANGE AND WILL BE DETERMINED AT TIME OF FINAL PLAT. THE APPROXIMATE LOCATION OF THESE FEATURES WILL BE LOCATED TO ACHIEVE A 1/2 MILE RADIUS TO EVERY RESIDENT.
- EXISTING INTERIOR LOT LINES WILL BE REPLACED AS NECESSARY WITH FUTURE PLATS.
- USES WITHIN ENERGY DEVELOPMENT AREAS GENERALLY INCLUDE OIL AND GAS WELLS, SOLAR FIELD, OPEN SPACE AND AGRICULTURE.
- A MINIMUM OF 12.5 AND A MAXIMUM OF 17.0 ACRES OF DEVELOPED AREAS 'A', 'B', 'C', & 'D' WILL BE NON-RESIDENTIAL USES. ALL NON-RESIDENTIAL USES SHALL BE GENERALLY CONTIGUOUS WITH OTHER NON-RESIDENTIAL USES IN DEVELOPMENT AREAS 'A', 'B', 'C', OR 'D'. ANY PORTION OF THE MAXIMUM 17.0 ACRES OF GENERAL COMMERCIAL THAT IS NOT DEVELOPED AS COMMERCIAL USES IS PERMITTED TO BE DEVELOPED IN ACCORDANCE WITH THE USE REGULATIONS OF THE RESIDENTIAL MIXED USE SECTION OF THE MUNICIPAL CODE, INCLUDING RESIDENTIAL USES. ALL RESIDENTIAL USES SHALL FOLLOW THE MAXIMUM DENSITY ALLOWED IN THE LAND USE DENSITY CHART ON SHEET 1.



SEE SHEET 4
MATCHLINE



RainDance
Master Plan
Windsor, Colorado



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(970) 696-5825
(970) 696-2768 FAX

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05/26/2015
07/06/2015

SHEET TITLE:
MASTER PLAN
200' SCALE
SHEET NUMBER:
5 of 8

CHECKED BY: MB
DRAWN BY: JD



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Scott Ballstadt, AICP, Director of Planning
Subject: Resolution No. 2015-74 Approving Water Valley West (RainDance) Amended Master Plan
Item #s: C.10.a

Discussion:

The applicants, Raindance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to amend the existing Water Valley West Master Plan to reflect the proposed RainDance Planned Unit Development (PUD). The subject property, previously master planned and subdivided as Water Valley West, is located at the western terminus of New Liberty Road; north of and adjacent to Crossroads Boulevard; and east of and adjacent to County Line Road (WCR 13).

The residential and commercial densities proposed in the amended master plan and the PUD are based on the approval of the proposed transfer of sanitary sewer units (agenda items 3, 4, 5 and 6); therefore, the proposed conditions of approval require that all of the related agreements be executed prior to scheduling final approval by the Town Board.

Conformance with Comprehensive Plan: The proposed amended master plan is consistent with the following Housing Goals and Policies of the Comprehensive Plan:

GOALS:

- 1. Promote an adequate supply and variety of safe and economically achievable housing products to meet the current and future needs of the community.*
- 2. Maintain housing that represents a diversity of style, density and price to meet the needs of Windsor residents.*

POLICIES:

1. All new developments should be encouraged to provide diversity in housing opportunities, both in terms of product offering and target market served, while minimizing public investment in capital expenditures for infrastructure.
2. A broad range of housing alternatives should be provided for senior citizens including single family housing, independent apartments, assisted living facilities and nursing care, which is affordable and conveniently located to community services and facilities.
11. Encourage and facilitate the development of housing which offers alternative choices in lifestyle such as townhouses, apartments and condominiums.

Conformance with Vision 2025: The proposed amended master plan is consistent with the following goals of the Vision 2025 document:

- Goal 1: Provide choices for housing in town, not just single family homes.
Goal 3: Maintain open-space, charm, rural character of Town.

Relationship to Strategic Plan: The proposed amended master plan is consistent with Strategic Plan Vision #4: “Windsor enjoys a friendly community with a vibrant downtown, housing opportunities, choices for leisure, cultural activities, recreation and mobility for all.”

Recommendation:

At the June 3, 2015 regular meeting, the Planning Commission voted to recommend approval of the proposed amended master plan to the Town Board subject to following conditions of approval:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. Nothing herein shall condone or permit a violation of the terms of the Deed of Conservation Easement dated December 8, 2003, recorded in Weld County at Reception No. 3139866. Extinguishment of the said conservation easement shall occur prior to Town approval of any future subdivision or site plan proposals.

In the time that has elapsed since the Planning Commission meeting, the applicant has addressed conditions #2 and #3, and condition #4 is being addressed between the applicant and the Town Attorney. Therefore, the remaining unresolved condition as recommended by the Planning Commission and staff is as follows, and the applicant wishes to further discuss this condition with the Town Board:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.

Notification:

- Notice of June 3, 2015 Planning Commission public hearing published in May 22, 2015 Greeley Tribune
- Notice of November 23, 2015 Town Board public hearing published in November 6, 2015 Greeley Tribune
- Notice of June 3, 2015 Planning Commission public hearing posted on Town website May 18, 2015
- Notice of November 23, 2015 Town Board public hearing posted on Town website November 6, 2015

Attachments: minutes of June 3, 2015 Planning Commission meeting
application materials

pc: Martin Lind, Raindance Aquatic Investments, LLC
Patrick McMeekin, Raindance Aquatic Investments, LLC
William F. Larrick, Inc., applicant
Mitch Black, Norris Design, applicant's representative



PLANNING COMMISSION REGULAR MEETING

JUNE 3, 2015 – 7:00 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 Monday prior to the meeting to make arrangements.

MINUTES

A. CALL TO ORDER

1. Roll Call

Chairman Schick called the regular meeting of the Windsor Planning Commission to order on June 3, 2015 at 7:01 p.m.

The following Planning Commission members were present:

Gale Schick
Victor Tallon
Steve Scheffel
Robert Frank
Andrew Vissers
Ron Harding
Charles Schinner

Absent
Absent- Town Board Liaison

Wayne Frelund
Robert Bishop-Cotner

Also Present: Director of Planning
Town Attorney
Assistant Town Attorney
Director of Engineering
Associate Planner
Associate Planner
Civil Engineer
Deputy Town Clerk

Scott Ballstadt
Ian McCargar
Kim Emil
Dennis Wagner
Paul Hornbeck
Josh Olhava
Doug Roth
Krystal Eucker

2. Review of Agenda by the Planning Commission and Addition of Items of New Business to the Agenda for Consideration by the Planning Commission

Mr. Tallon moved to approve the agenda as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

3. Public Invited to be Heard

Chairman Schick opened the meeting up for public comment to which there was none.

B. CONSENT CALENDAR*

1. Approval of the minutes of May 20, 2015

Mr. Tallon moved to approve the consent calendar as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

C. BOARD ACTION

1. Site Plan Presentation – Highland Meadows Golf Course Subdivision 13th Filing – Power to Play Sports – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Eric Greene is proposing a new building in the Highland Meadows Golf Course Subdivision, 13th Filing, located off of and adjacent to Crooked Stick Drive and 350 feet from Fairgrounds Avenue.

The current configuration is Residential Mixed Use and General Commercial. This application has other items on the agenda for tonight’s meeting as well as other applications including a minor subdivision and a re-zoning that will be reviewed at another date.

Site characteristics include:

- an approximately 52,000 square foot building reaching 36’-8” tall;
 - Includes indoor basketball courts and a common area
- 6 indoor basketball courts;
- an outdoor patio; and
- 173 off street parking spaces, including accessible parking space(s).

The site to the east is the proposed fitness and tennis center presented to the Planning Commission on January 7, 2015. There are similarities in both site plan processes such as a building materials waiver.

The current presentation is intended for the Planning Commission’s information. Should the Planning Commission have any comments or concerns pertaining to this project, please refer such comments to staff during the presentation so that they may be addressed during staff’s review of the project. The site plan will be reviewed and approved administratively by staff, however, if the project review process reveals issues that cannot be resolved between the applicant and staff, the site plan will be brought back to the Planning Commission for review.

The application is consistent with various elements of the Comprehensive Plan as well as the Vision 2025 document.

Mr. Schick inquired if the applicant has any further information to be presented.

Jon Turner, 6379 Crooked Stick Drive, Windsor Colorado stated the proposal is in the southwest section of Highland Meadows Golf Course. Originally when the annexing and

platting of the golf course took place, they didn't know what the fairgrounds development would entail so they pulled the 80 acres in the southwest corner back away as a buffer from the fairgrounds. The ground to the south and across from Crooked Stick, is zoned Industrial.

2. Waiver request of Commercial Corridor Plan Section III.B.3.b.(1) – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant's representative
 - Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, Mr. Jon Turner, represented by Mr. Eric Greene is requesting a waiver from Section III.B.3.b.(1) of the Commercial Corridor Plan regarding building materials. The site is located north of and adjacent to Crooked Stick Drive, and approximately 350 feet east of Fairgrounds Avenue, directly west of the proposed fitness and tennis center. The waiver request proposes building materials that are prohibited as follows:

Commercial Corridor Plan Section III.B.3.b.(1) states the following:

- b. The following building materials are prohibited as façade materials:*
 - (1) Vertical ribbed metal siding shall be prohibited. Only architectural grade metal panels will be allowed on non-prominent facades.*

As seen on the enclosed renderings, the applicant is proposing a mix of stone masonry, stucco and upgraded metal siding. Stucco material is utilized on the corners of the building and on the front/south façade. All facades include metal panels, enhanced by the use of differing colors, accents (such as the faux windows) and recessed elevations. The site will include additional landscaping around the building that will help to soften the site and building facades from the roadway. Staff does feel that the literal enforcement of the Commercial Corridor Plan standards restricting the use of metal paneling along the prominent building facades places a practical difficulty or undue hardship on the applicant.

Commercial Corridor Plan Section II.B.(2) states that requests for design criteria waivers shall be subject to review and determination by the Planning Commission. The Planning Commission may grant, conditionally grant or deny any waiver request brought under this sub-section. In order to receive a waiver, the applicant shall have the burden of establishing justification for waiver approval under the following criteria:

1. *Strict application of the applicable standard will result in either extraordinary practical difficulties or undue hardship.*

Staff believes strict application of the Commercial Corridor standards would result in a practical difficulty as the use is not intended for retail activities and that a basketball facility has certain design requirements. The applicant has proposed a mix of building materials, combined with recessed building elevations and accents to the facades that will minimize the impact of the use of metal panels. The applicant will work with staff to provide substantial landscaping to reduce the visual impacts of the building and parking lot placement.

2. *The proposed waiver, if approved, will protect the public interest equally or better than the standard for which the waiver is requested; and*

Staff believes the proposal for additional landscaping and building elements are consistent with the intent of the Commercial Corridor Plan, which is to convey an image of high quality development and community to residents, property owners and visitors (Commercial Corridor Plan - Purpose and Intent).

3. *Approval of the waiver request will not be detrimental to the public interest.*

Staff believes the public interest, public safety, and public welfare will not be detrimentally impacted by the proposed building materials, combined with additional landscaping.

The application is consistent with various commercial goals of the Comprehensive Plan and the Vision 2025 document does not address site specific details such as building materials.

Staff recommends the Planning Commission approve the use of high quality metal panels on the facades of the building with the following conditions:

1. The applicant will continue to work with staff through the site plan process, to provide substantial landscaping to reduce the visual impact of the building and parking lot placement.
2. Any reduction in building materials, colors or accents during the site plan review process will warrant an additional waiver request from by the applicant from the planning commission.

Mr. Scheffel inquired if the fitness and tennis facility used similar materials.

Mr. Olhava stated there was a waiver for materials as well. The north and west facades of the fitness and tennis facility are prominently metal due to the west façade being screened by the tennis courts, the distance from the road and additional landscaping.

Mr. Scheffel inquired if the two buildings will look like sister buildings.

Mr. Olhava stated the colors will not be the same but will have similar materials.

Mr. Turner stated they could comply with the commercial code but breaking up the materials could be more appealing. The goal of the area is to tie all the buildings together.

Mr. Scheffel inquired if they will look like they belong together.

Mr. Turner stated the buildings will look like they tie together. Landscaping, parking and sidewalks are tied together. The goal is to make it a complex and not individual site plans.

Mr. Schinner inquired about the closest distance from the middle of the road to the building as it appears to be set back from road.

Mr. Olhava stated it was 160 feet.

Mr. Frank moved to approve the waiver request of Commercial Corridor Plan Section III.B.3.b.(1) – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) subject to staff conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None
Motion carried.

3. Determination of off-street parking required for a use that is not enumerated in accordance with Section 16-10-30(7) of the Municipal Code – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) – Jon Turner, applicant/ Eric Greene, Power to Play Sports, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Eric Greene has submitted a site plan application in the Highland Meadows Golf Course Subdivision, Thirteenth Filing, located off of and adjacent to Crooked Stick Drive. The new building is being planned as an indoor basketball facility of approximately 52,000 square feet.

Section 16-10-30(7) of the Municipal Code states:

“Uses not enumerated.

In any case where there is a question as to the parking requirements for a use or where such requirements are not specifically enumerated, the Planning Commission shall determine the appropriate application of the parking requirements to the specific situation.”

The applicant is requesting that the Planning Commission determine that the 173 proposed parking spaces are adequate in order to move forward with the project. The applicant has provided an analysis of parking space need. In addition, the parking lot planned for the adjacent fitness and tennis center provides an opportunity for overflow parking, if needed. The site will also be connected to Town trails to provide alternative modes of transportation.

The application is consistent with various goals of the Comprehensive Plan and the Vision 2025 document does not note site specific details such as parking.

Staff recommends the Planning Commission determine the parking is appropriate as presented.

Mr. Tallon moved to approve off-street parking required for a use that is not enumerated in accordance with Section 16-10-30(7) of the Municipal Code – Highland Meadows Golf Course Subdivision 13th Filing Site Plan (Power to Play Sports) as presented; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

4. Public Hearing – Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Staff presentation: Josh Olhava, Associate Planner

Mr. Schick closed the regular meeting and opened up the public hearing.

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a major subdivision plat, known as Highland Meadows Golf Course Subdivision 11th Filing. The subdivision encompasses approximately 22 acres and is zoned Residential Mixed Use (RMU). The multi-family residential lots range from approximately 1,800 – 3,800 sq. ft.

Referral comments from the gas company pertaining to the gas easement across access points and roadway connections that were previously shown were not permitted by the gas company.

The applicant held a neighborhood meeting on March 4, 2014 with approximately 11 neighbors in attendance. Notes from the neighborhood meeting are attached to this packet for the Planning Commission's information and reference. The applicant received Preliminary Plat approval at the August 20, 2014 Planning Commission meeting. No major concerns or issues were raised during that meeting.

The application is consistent with various Socioeconomic and Overall Land Use goals and policies of the Comprehensive Plan as well as Residential Land Use goals and policies of the Comprehensive Plan. The application is consistent with Growth and Land Use Management elements of the Vision 2025 document as well as housing elements of the Vision 2025 document.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the final major subdivision subject to the following conditions:

1. All remaining Planning Commission and staff comments be addressed prior to recordation.
2. All subdivision requirements continue to be met.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- All testimony presented during this public hearing
- Recommendation

Mr. Schick inquired if there were any comments or questions from the audience.

Bill Greeley, 6413 Half Moon Bay Drive, Windsor, Colorado wanted to comment on the traffic this will generate. There is also a proposal to the east for more development. This would add more traffic to an already busy road.

Mr. Tallon moved to close the Public Hearing; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

5. Recommendation to Town Board – Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant's representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava there are no further comments.

Mr. Tallon moved to forward a recommendation of approval of the Final Major Subdivision – Highland Meadows Golf Course Subdivision 11th filing to the Town Board subject to conditions set by staff; Mr. Frank seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

6. Recommendation to Town Board – Final Site Plan – Highland Meadows Golf Course Subdivision 11th Filing – Jon Turner, applicant/ Jason Sherrill, Landmark Homes, applicant’s representative

- Quasi-judicial action
- Staff presentation: Josh Olhava, Associate Planner

Per Mr. Olhava, the applicant, Mr. Jon Turner, represented by Mr. Jason Sherrill has submitted a final site plan application, known as Highland Meadows Golf Course Subdivision 11th Filing – Site Plan. The site plan encompasses approximately 22 acres and is zoned Residential Mixed Use (RMU). A total of 68 townhome units are being proposed with the site plan, along with HOA maintained open space and private drives throughout the site. The multi-family residential lots range from approximately 1,800 – 3,800 sq. ft. All of the units have garages that are oriented inward to the private drives, while the front entrances face the exterior.

The application is consistent with various elements of the Comprehensive plan as well as the Vision 2015 document.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the Final Site Plan subject to the following conditions.

1. All remaining Planning Commission and staff comments shall be addressed.
2. All site plan requirements continue to be met.

At this time staff requests the following be entered into the record:

- Application and supplemental materials
- Staff memorandum and supporting documents
- Recommendation

The applicant’s representative, Jason Sherrill of Landmark Homes, 1170 West Ash Street, Windsor, CO highlighted key points of the project. A greenway trail system will connect the existing Highland Meadows community to the proposed application. The 4 and 6 unit townhomes will be on their own lots, every home will have a 2 car garage with a 2 car driveway. The units will have full unfinished basements and come in 2 bedroom and 3 bedroom floor plans. Each unit will also have a fenced private yard.

Mr. Scheffel inquired if there is only 1 access point to the project.

Mr. Sherrill stated in this project there is one access point but there is an emergency exit to the north.

Mr. Harding inquired if the walking path will connect the boardwalk with the basketball facility.
Mr. Sherrill stated they would.

Mr. Harding inquired if parking in the driveway will be allowed overnight.
Mr. Sherrill stated they restrict using garages as storage so the garage has to be available for parking.

**Mr. Tallon moved to forward a recommendation of approval to Town Board for the Final Site Plan – Highland Meadows Golf Course Subdivision 11th Filing subject to the conditions presented by staff – Mr. Frank seconded the motion. Roll call on the vote resulted as follows:
Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner
Nays – None
Motion carried.**

7. Recommendation to Town Board – A Petition to Disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and related transfers of sanitary sewer units to the RainDance property – Patrick McMeekin, Vima Partners, LLC
- Legislative action
 - Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, the applicant, Vima Partners, LLC, represented by Mr. Patrick McMeekin, is proposing to disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and transfer the available sewer capacity to the Raindance property. As the Planning Commission may recall, this proposal was previously discussed at a Planning Commission work session on February 5, 2014. The Planning Commission was in favor of the proposal and subsequently amended the Town's Comprehensive Plan land use map on June 4, 2014 to change the land use depiction of the property to Parks, Open Space, Mineral Extraction and Floodplains to reflect the deed restriction that will be placed on the property. The deed restriction on the property will ensure that the property will remain in agricultural production or open space with the exception of minimal agricultural related homes.

Mr. McCargar stated the land owner has asked for a disconnection and in conjunction an amendment to the Zeiler annexation agreement with the intent to render the parcel incapable of future development. Under the terms of the negotiated agreement, the sewer density will be removed from the property. With limited uses for the property, four residential dwelling are permitted to be served by septic systems. Agricultural uses are permitted for the property as well. There are some land uses specifically prohibited in the agreement so that the Town does not entirely lose control of what will take place on the property. There are triggers that would require the property to be re-annexed. The next agenda item which is the agreement, protect the Town of Windsor and preserves the town's interest once the property is disconnected. The official action to de-annex would be an ordinance heard on two readings.

Mr. Ballstadt stated staff has conditions within the recommendation and the applicant is present for any further questions.

Martin Lind, 1625 Pelican Point, Windsor, CO stated the original intent of this proposal was to correct a residential leap frog annexation and development. Mr. Lind indicated that while the Zeiler Annexation was happening he did not feel it was the right time to approach the Zeilers to discuss residential uses with commercial uses on U.S. 34. As the recession subsided, negotiations took place with the Zeilers to buy this parcel as residential as everything else they have is commercial. The proposal increases the density in RainDance which was originally extremely low density and will remain lower density. It prevents Windsor from having to service a leap frog development of 600 homes out on a dirt road. There are no water and sewer services in the area. This will help preserve the agricultural heritage in the area. Another reason to de-annex is to stay away from conflicting uses being inside the town but utilizing the property for agriculture.

Mr. Ballstadt stated that the following proposed conditions of approval pertain to the three agenda items #7, #8 and #9:

1. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
2. The applicant shall submit updated sewer master plan mapping and all related information necessary to reflect the resulting changes to the Town's sewer master plan in a format to be approved by the Town's Engineering Department.

Mr. Schick asked if the current agenda item is specifically the de-annexation.

Mr. Ballstadt stated that was correct.

Mr. Frank moved to forward a recommendation of approval to the Town Board for Petition to Disconnect a portion of the Zeiler Farms Second Annexation from the Town of Windsor and related transfers of sanitary sewer units to the RainDance property as presented subject to staff conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

8. Recommendation to Town Board – Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from the Zeiler Farms Second Annexation to the Water Valley West property (a.k.a. RainDance)

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Per Mr. McCargar, the agreement that was referred to earlier is really an amendment to the Zeiler Farms annexation and Master Plan Development Agreement. The reason the amendment is necessary is because the annexation agreement specifically laid out how many sewer capacity units were available to the entire Zeiler Farms annexation. A deed restriction will be placed on the subject portion of the Zeiler property and the restriction will be conspicuously called out on the top and in the body of the document to put everyone on notice once this agreement is recorded that this property will be rendered undevelopable. With the absence of a different sanitary sewer facility, the land owner is really incapable of further development which is important so that future purchasers within this parcel understand. Also, this agreement has

requirements for re-annexation if things happen that were not intended. There are some very specific uses that are prohibited that would trigger re-annexation. Additionally, if oil and gas activity take place on this parcel, it is understood that at least that portion of the property that is devoted to oil and gas and that it is necessary to have contiguity of the annexation act will be re-annexed primarily because of the way taxation is handled on oil and gas rights. The land owner has agreed to the terms as well. There are some minor details still to be negotiated in the agreement, for example, the land owner will be required to dedicate rights of way to the Town if it is necessary to serve the remaining portions of the Zeiler Annexation. Lastly, the agreement will revoke or cancel some vested property rights that were approved by the Town Board for just this portion of the property. A signature from a third party, one of the original parties to the annexation agreement, has yet to sign the agreement. The concerns of that party have been met but they have not yet signed the agreement. Mr. McCargar respectfully requests that the Planning Commission recommend approval of the agreement subject to signatures of all parties.

Mr. Schick inquired if they are seeking Planning Commission approval on the transfer of sewer density.

Mr. Ballstadt stated that was correct.

Mr. Schinner inquired if the land will be undevelopable.

Mr. McCargar stated it is incapable of further development other than the four residential properties.

Mr. Frank moved to forward a recommendation of approval of the agreement regarding the transfer of sewer capacity subject to the aforementioned conditions as presented to the Town Board; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

9. Recommendation to Town Board – Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from portions of the Water Valley South Subdivision to the Water Valley West property (a.k.a. RainDance)

- Legislative action
- Staff presentation: Ian McCargar, Town Attorney; Scott Ballstadt, Director of Planning

Mr. McCargar stated this is a related agreement, not to be confused with the disconnection. The Engineering Department has worked on what the sewer capacity will be within portions of Water Valley; an agreement that takes some sewer capacity from certain parcels of Water Valley and transfers or reallocates them to the RainDance property. The final agreement is still being reviewed by Mr. Lind's attorneys. If the final analysis looks like there are no amendments to which has changed the essential core of what was approved with the Zieler agreement, we are able to move forward on this and a recommendation to the Town Board is appropriate. If the agreement comes back from Mr. Lind's attorneys with a lot of changes, if the tone and character change drastically, more discussion will need to take place. If the changes are not significant, it is respectfully requested the Planning Commission forward a recommendation of approval to the Town Board.

Mr. Schinner commented that since the sewer transfer agreements were not yet executed, a recommendation of tabling the item may be appropriate.

Mr. McCargar stated that comment would require a motion and vote.

Mr. Schinner made a motion to table the current item until the final agreement document is completed; Mr. Scheffel seconded the motion.

Mr. Ballstadt stated for clarification that the staff recommendation is that agenda items #7, #8 and #9 not be scheduled for Town Board consideration until the sewer transfer agreements are executed, so the proposed conditions of approval are similar to Mr. Schinner's motion.

Mr. Lind respectfully requested that the item would not be tabled and to honor the staff's recommendations. Mr. Lind anticipates no issues with the agreements.

Mr. Schinner retracted the motion; Mr. Scheffel seconded the retraction after further discussion and clarification.

Mr. Frank inquired for clarification, if the item was tabled, it would need to be presented to the Planning Commission after conditions have been met and then forwarded to Town Board.

Mr. McCargar stated that was correct.

Mr. Frank inquired for clarification, if staff conditions are similar to tabling the item.

Mr. McCargar stated staff is stating until a signed agreement is executed, the Town Board official action can't move forward.

Mr. Scheffel inquired as to how long Mr. Lind's attorney has had the information.

Mr. McCargar stated the agreement for transfer density out of Water Valley to RainDance has been in Mr. Lind's councils' hands for about three weeks.

Mr. Schick stated the way staff wants to proceed is not much different than tabling the item.

Mr. Frank made a motion to recommend to Town Board approval of the Resolution Approving an Agreement Regarding the Transfer of Sewer Capacity Units from portions of the Water Valley South Subdivision to the Water Valley West property (a.k.a. RainDance) as presented subject to all staff recommendations and conditions; Mr. Tallon seconded the motion. Roll call on the vote resulted as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

10. Public Hearing – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as Raindance PUD – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant's representative

- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Schick closed the regular meeting and opened up the public hearing.

Per Mr. Ballstadt, the applicants, RainDance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres with a total of 2792 units known as RainDance PUD. The subject property, previously master planned and subdivided as Water Valley West, is located at the western terminus of New Liberty Road; north of and adjacent to Crossroads Boulevard; and east of and adjacent to County Line Road (WCR 13).

The subject rezoning application will create a PUD overlay district which constitutes an amendment to the Town's Official Zoning District Map and the minimum standards approved with the PUD will be applied to future land use applications within the PUD district. The RainDance PUD proposes variations in minimum lot size, setbacks, street standards and other aspects of development in order to accommodate specific product types and neighborhood concepts. This is consistent with the intent of PUD regulations which are "intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development."

Another unique aspect of the proposed PUD is the use of certain agricultural uses at the perimeter of the property along County Line Road (WCR 13) and Crossroads Boulevard to maintain an open and agrarian character. The agricultural uses that are allowed are specified in the PUD documents and those uses that require appropriate site plan approvals will be required to meet the site plan requirements of the RainDance PUD documents. The process is similar to the administrative site plan requirements of the Municipal Code, but tailored to agricultural uses.

An enhanced parks and open space system is one of the amenities proposed with the RainDance PUD to justify approval of the PUD. The final park layout will be determined with the future platting of the property, but the PUD documents indicate that the approximate location of open space and park features will be within one-third (1/3) mile radius to every resident.

Another aspect of the proposed PUD is up to 17 acres of commercial use in the southwest corner of the property.

The proposed PUD is consistent with the Housing Goals of the Comprehensive Plan as well as the Housing Goals of Vision 2025 document and the Strategic Plan.

Mr. Lind stated the town's staff has worked diligently with his team on this project. The streets in RainDance are oriented to focus on Longs Peak.

Mitch Black, Norris Design, 1101 Bannock Street, Denver, CO stated it is exciting to get to the point of presenting the proposed project to the Planning Commission and soon to the Town Board. Norris Design looked at the town code and adopted most of the codes; however the PUD is necessary for some product types. The proposed 2792 units are the maximum permitted through a sewer study on the 1,100 acres.

The southwest corner of the development will include a market place along with 60 acres of agricultural farm ground on the south and the west. There will be orchards and varieties of permanent crops that can be sold at the farmers market. Tree rows and hedge rows will also be a component of the development. The metro district will oversee and ensure that the agricultural work will be monitored and made sure done it is done properly.

The northern edge may be an opportunity for future development of an active adult community which would include 800 units next to the golf course. All the trails and roads lead to the central core area. There is a large park in the center that is planned as well as a school site. With the park and school next to each other, there can be shared uses between the two sites. The RainDance park is intended to include a high end large recreation facility to include a pool facility with slides and a lazy river. The grassy area can be utilized for sports games and practicing. The south end will include a community garden area with a large gathering space to be used for various events.

Some lots are less than 6,000 square feet and some of the smaller lots are 30 feet wide and 80 feet deep.

Mr. Schick inquired if there were any questions or comments from the public.

Annelise Cummings, 8180 White Owl Court, Windsor, CO commented that it sounds like the sewer capacity issues have been well studied but wondered how well the traffic congestion and residential density increases that go along with moving the housing unit allocations to the RainDance property have been considered, especially since the large part of the property is a golf course. She feels like the density is being pushed to the other corners. About a year ago it was relatively low density residential on the master plan but now parts are going to be as high as 24 units per acre and the Planning Commission should consider not approving the addition of all these extra units. Instead of figuring out how to change the zoning rules to change the lot sizes to allow the applicant to meet these needs, she feels rules were developed for a reason and would like to consider how changing rules affects needs and desires as a whole and not just a particular developer.

Jim Cummings, 8180 White Owl Court, Windsor, CO stated he is surprised by the number of units on this property. 2800 units at 2-2 ½ people per unit is about 6,000-7,000 people which is 25-30% of the total population of Windsor. Windsor is a pretty spread out city and we are trying to increase the city by 25-30% on 2/3 of this property. That is a lot of residential density crammed into one place. Especially in light of the city working on the new Comprehensive Plan it seems like awkward timing and a rush to do this. Mr. Cummings would like to hold off on this project until after the Comprehensive Plan is finished.

Fred Mitchell, 2056 Ridge West Drive, Windsor, CO stated he resides on the west side of the property and is impressed with the application. This does take a master plan overview. A number of neighbors and I were concerned about six months ago when the Pace property was proposed for oil and gas. There was no planning or thought process. Mr. Mitchell represents a small number of home owners that are in favor of the project. This type of master plan program is something they welcome and look forward to. Mr. Mitchell stated he could see his property value increase as a result.

Mr. Tallon made a motion to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

11. Recommendation to Town Board – A Zoning proposal to create a Planned Unit Development (PUD) overlay district on approximately 1,133 acres known as RainDance PUD – Raindance Aquatic Investments, LLC and William F. Larrick, Inc., applicants/Mitch Black, Norris Design, applicant’s representative

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Director of Planning

Mr. Ballstadt stated the staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. The PUD documents shall replace the use of “sharrows” with standard bike lanes in accordance with the Town’s street standards.

Mr. Tallon made a motion to re-open the public hearing; Mr. Frank seconded the motion.

Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

Mr. Lind stated the accessory dwellings are a quality of life issue and an aging at home issue. One of the reasons we didn’t want to give up on the 6,000 square foot minimum is for the individuals that live here seasonally and so we are trying not to restrict to eliminate someone from having a live-in nurse just because their lot is smaller. We envision the accessory unit could be above a garage or outbuilding. We are proposing it with forethought and would be happy to restrict these if they are not built as originally planned. This gives us a tool for a senior that has a lock and leave home but they want to have a live-in caretaker; it gives them the ability to do that but only if designed into the original concept of the house rather than added after-the-fact.

Mr. Schick inquired about what the proposed minimum lots are.

Mr. Ballstadt stated 4,000 square feet for single family detached. There is a small dwelling single family detached at 2,400 square feet. Also a single family attached dwelling on 1,200 square feet.

Mr. Lind requested to have the minimum lot square foot for accessory dwellings to be 4,000 square feet and would also restrict the accessory dwellings to those that are built per the approved Master Plan for that property.

Mr. Schick stated he would like to see more details around this issue before making a decision. Further consideration is necessary before removing the condition and the Planning Commission should review and compare what Mr. Lind is proposing. Mr. Schick stated he didn't have enough information to make the decision on which direction to go.

Mr. McCargar stated the public hearing can be continued to another date to gather all information needed to make a decision or, if the Planning Commission is not prepared to make a recommendation based on the record tonight, that will be indicated in the recommendation to the Town Board and leave the decision to the Town Board with the assumption the Town Board will convene another public hearing on the subject. The applicant and staff will be prepared to discuss the issue.

Mr. Tallon made a motion to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

Mr. Lind stated he concurred with Mr. Schick's concerns but would like to stay on track with the Town Board meetings. Mr. Lind asked if the PUD could move forward with staff's condition of approval regarding ADUs with the option to re-visit the issue with the Town Board when that meeting occurs. Staff will be given more detailed information before that time comes.

Mr. Frank asked if the ADU condition would come back before Planning Commission if it is re-visited in the future.

Mr. Ballstadt stated that it would require a Planning Commission recommendation to Town Board at that time.

Mr. Schick stated he is in agreement moving forward with staff recommendations.

Ms. Scheffel inquired about the staff recommendation regarding "sharrows".

Mr. Hornbeck stated sharrows, or shared lane markings, are when a vehicle lane is marked with a bike symbol so the bike and the vehicles can share the same lane. Other jurisdictions have used them but there are none in Windsor at this time. Staff's position is that sharrows can be an appropriate solution for existing streets in certain circumstances but bike lanes should be installed in this case because it's new construction.

Mr. Tallon made a motion to re-open the public hearing; Mr. Frank seconded the motion.

Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None
Motion carried.

Mr. McCargar stated that if there are questions related to the facts and more information is needed, the time to ask for that information is during the public hearing so that all information is covered.

Mr. Schick pointed out that there are times when questions are not raised until after the public hearing.

Mr. Hornbeck, for the purpose of stating the information during the public hearing, restated the information regarding the sharrows, or shared lane markings, explaining they are used when a vehicle lane is marked with a bike symbol so the bike and the vehicles can share the same lane. Other jurisdictions have used them but there are none in Windsor at this time. Staff's position is that sharrows can be an appropriate solution for existing streets in certain circumstances but bike lanes should be installed in this case because it's new construction.

Mr. Schick stated he agreed with staff since this is a new development.

Mr. Lind inquired if this would be paint on the road or increasing the street width.

Mr. Hornbeck stated a sharrow is paint on the road. To put in a bike lane they would need to add to the width of the road. Mr. Hornbeck stated that the proposed sharrows are located in the proposed commercial core area.

Mr. Scheffel inquired about the balance of the area.

Mr. Hornbeck stated other streets are proposed with standard bike lanes.

Mr. Scheffel inquired if the sharrows just pertain to the lower quadrant.

Mr. Black stated it is just in the lower quadrant; the oval with the store fronts. The speeds will be lower in that area with vehicles, people and bikes utilizing the shared area. With angled parking, bike lanes and cars, standard bike lanes will start pushing things father back.

Mr. Schick stated this comes down to a safety issue and doesn't want to compromise the safety of anyone who is living in that area or who is riding a bike and would recommend the segregated bike lane with the extra width for citizen safety.

Mr. Black stated if that is the direction they go, that will widen the character of the street.

Mr. Schick stated if it comes down to the character of the street or safety, safety should be the priority.

Mr. Harding stated he agreed. When bicycle traffic is promoted in this area, they need to feel safe riding in that area.

Mr. Scheffel stated the sharrows are proposed in the dense commercial portion of the development where there is more traffic and it seems counterintuitive to combine bikes and cars in such an area.

Mr. Scheffel inquired if golf carts will be permitted in this area.

Mr. Black stated they will be permitted. Mr. Black stated with the strong opinion of bike lanes everywhere, they may look into putting up signs that restrict bikes in the streets in that area.

Mr. Tallon motioned to close the public hearing; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

Mr. Schick stated the consensus of the Planning Commission is in favor of the dedicated bike lane in place of the sharrows.

Staff recommends the Planning Commission forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. The PUD documents shall replace the use of “sharrows” with standard bike lanes in accordance with the Town’s street standards.

Mr. Tallon made a motion to forward to the Town Board a recommendation of approval of the proposed Planned Unit Development subject to the conditions proposed by staff as revised to include the requirement of bike lanes rather than sharrows; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

12. Recommendation to Town Board – Water Valley West Amended Master Plan (a.k.a. RainDance) – Martin Lind, Raindance Aquatic Investments, LLC, applicant/Mitch Black, Norris Design, applicant’s representative

- Quasi-judicial action
- Staff presentation: Scott Ballstadt, Director of Planning

Per Mr. Ballstadt, the applicants, Raindance Aquatic Investments, LLC and William F. Larrick, Inc., represented by Mr. Mitch Black of Norris Design, are proposing to amend the existing Water Valley West Master Plan to reflect the proposed RainDance Planned Unit Development (PUD). The subject property, previously master planned and subdivided into 4 large tracts, known as Water Valley West.

The master plan is consistent with the Housing Diversity Goals and Policies of the Comprehensive Plan as well as the Housing Goals of the Vision 2025 document and the Strategic Plan.

Mr. Ballstadt stated the golf course is situated over some existing conversation easements that the applicant will need to address.

Mr. McCargar stated 2 of the 3 conservation easements have been extinguished. There is a plan in place to extinguish the remaining small easement. Any official action approving the master plan will need to include the understanding that the approval is conditional upon the extinguishment of the last conversation easement.

Mr. Lind stated the conservation agreements contain language that will allow them to be moved to another parcel. If the easement cannot be extinguished, the process of moving the easement will take place to move it to another parcel.

Mr. Ballstadt stated the residential and commercial densities proposed in the amended master plan and the PUD are based on the approval of the proposed transfer of sanitary sewer units; therefore, the proposed conditions of approval require that all of the related agreements be executed prior to scheduling final approval by the Town Board.

Staff recommends the Planning Commission forward to Town Board a recommendation of approval of the proposed amended master plan subject to the following conditions:

1. Accessory dwelling units (ADUs) on lots smaller than 6,000 square feet shall be removed from the PUD documents and shall instead follow the ADU requirements outlined in Chapter 16, Article XXXIII of the Municipal Code; however, the applicant may propose to revisit this condition with proposed alternatives in the future.
2. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town fully executed original agreements for transfer of sanitary sewer units.
3. Prior to scheduling Town Board consideration of the ordinance approving the RainDance PUD, the applicant shall submit to the Town a fully executed original PUD agreement.
4. Nothing herein shall condone or permit a violation of the terms of the Deed of Conservation Easement dated December 8, 2003, recorded in Weld County at Reception No. 3139866. Extinguishment of the said conservation easement shall occur prior to Town approval of any future subdivision or site plan proposals.

Mr. Tallon motioned to forward to the Town Board a recommendation of approval of the proposed amended master plan subject to the conditions presented by staff; Mr. Frank seconded the motion. Roll call on the vote as follows:

Yeas – Schick, Tallon, Scheffel, Frank, Vissers, Harding, Schinner

Nays – None

Motion carried.

D. COMMUNICATIONS

1. Communications from the Planning Commission

Mr. Schinner inquired if the alley is now paved at Arapahoe Rentals.

Mr. Olhava stated at the last Planning Commission meeting, staff reported it has been paved, the landscaping has been satisfied, and staff is also reviewing the site plan proposal for that lot.

Mr. Vissers inquired why bike lanes/trails in town have a big metal post in the middle.

Mr. Ballstadt stated that is to prevent vehicles from accessing the trail.

2. Communications from the Town Board liaison

Absent

3. Communications from the staff

Mr. Ballstadt stated that at the work session on May 20th there was discussion regarding alternative ways to handle review of referrals from other jurisdictions. One option that staff is reviewing with Town Attorney is Planning Commission review of a draft referral response via email. If the draft raised issues that require Planning Commission discussion, the referral would need to be scheduled for the next regular meeting. If there were no issues with the draft, it could be forwarded to the referring jurisdiction.

Mr. Schick asked staff to continue refining the process with the Town Attorney and report back to the Planning Commission.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 9:33



Krystal Eucker, Deputy Town Clerk

TOWN OF WINDSOR PLANNING DEPARTMENT301 Walnut Street, Windsor, CO 80550
Phone: 970-674-2415; Fax: 970-674-2456

For office use only:

Project ID No.

LAND USE APPLICATION FORM

Land use applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code. The Town of Windsor Planning Department reserves the right to refuse to accept incomplete submittals. Please see the Town's Municipal Code (Code) for submittal requirements.

APPLICATION TYPE:

- ANNEXATION
 MASTER PLAN
 REZONING
 MINOR SUBDIVISION
 LOT LINE ADJUSTMENT
 MAJOR SUBDIVISION
 SITE PLAN
 ADMINISTRATIVE SITE PLAN
 SITE PLAN - Qualified Commercial or Industrial (Fast Track)

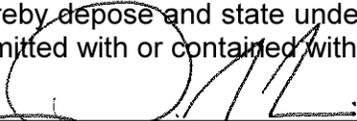
STATUS:

- (for MAJOR SUBDIVISIONS and SITE PLANS only)
 Preliminary
 Final

PROJECT NAME*: Water Valley West**LEGAL DESCRIPTION*:** Lots 1-5, Water Valley West Subdivision**PROPERTY ADDRESS (if available):** N/A**PROPERTY OWNER (APPLICANT):**Owner's Name(s)*: Martin LindCompany: Raindance Aquatic Investments, LLCAddress*: 1625 Pelican Lakes Point Windsor, CO 80550Primary Phone #*: (970) 686-5825 Secondary Phone #:Fax # (970) 686-2768E-Mail*: mlind@watervalley.com & andrew@larrickcorp.com**OWNER'S AUTHORIZED REPRESENTATIVE:**Representative's Name: Mitch BlackCompany: Norris DesignAddress: 1101 Bannock Street Denver, CO 80204Primary Phone #: (303) 892-1166 Secondary Phone #:Fax #: E-Mail: mblack@norris-design.com & breimer@norris-design.com

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

Signature:  Owner of Owner's Authorized Representative**

Date

12-12-13

**Proof of owner's authorization is required with submittal if signed by Owner's Authorized Representative.

PATRICK MCMEEKIN

Print Name(s)

*Required fields

TOWN OF WINDSOR

RESOLUTION NO. 2015-73

A RESOLUTION APPROVING AN AMENDED MASTER PLAN FOR PROPERTY WITHIN THE WINDSOR HIGHLANDS ANNEXATION NO. 2, RAINDANCE RIVER ANNEXATION AND WINDSOR HIGHLANDS ANNEXATION NO. 1, FORMERLY KNOWN AS “WATER VALLEY WEST”, WHICH PROPERTY SHALL HENCEFORTH BE KNOWN AS “RAINDANCE”

WHEREAS, the Town of Windsor (“Town”) is a home rule municipality, with all powers granted pursuant to Colorado law; and

WHEREAS, the Town has in place a comprehensive regulatory scheme for the orderly and efficient development of land within its corporate limits; and

WHEREAS, the Town has previously annexed the Raindance River Annexation, Windsor Highlands Annexation No. 2 and Windsor Highlands Annexation No. 1; and

WHEREAS, portions of the above-referenced Annexations were formerly assembled for master planning purposes into what was at that time known as “Water Valley West”; and

WHEREAS, in 2011, the Town Board approved the Water Valley West Master Plan; and

WHEREAS, since that time, the landowner has revised its plans for the former Water Valley West property, and has renamed the property “RainDance”; and

WHEREAS, the landowner’s revised plans for the RainDance property has brought about an Amended Master Plan, a reduced copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, the Amended Master Plan has been presented to the Planning Department as required by the *Windsor Municipal Code*, and has undergone Planning Commission review; and

WHEREAS, the Planning Commission has recommended the approval of the Amended Master Plan; and

WHEREAS, during a public hearing, notice of which was properly published, the Town Board has reviewed the Amended Master Plan, and finds that it is consistent with the Town’s Comprehensive Plan and applicable infrastructure planning documents; and

WHEREAS, the Town Board wishes to approve the Amended Master Plan for RainDance.

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

1. The attached RainDance Amended Master Plan, incorporated herein by this reference, is hereby approved, subject to the administrative requirements of Section 15-2-50 of the *Windsor Municipal Code*.
2. The Mayor is hereby authorized to execute such certifications and affirmations as may be necessary to finalize the Amended Master Plan on behalf of the Town.
3. Nothing herein shall condone or permit a violation of the terms of the Deed of Conservation Easement dated December 8, 2003, recorded in Weld County at Reception No. 3139866. Extinguishment of the said conservation easement shall occur prior to Town approval of any future subdivision or site plan proposals.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
From: Kelly Arnold, Town Manager
Re: Resolution of Support for Use of Larimer County Road and Bridge Mill Levy
Item #: C.11.

Background / Discussion:

At a recent annual Larimer County municipal dinner meeting, representatives from Larimer County discussed a method of using Larimer County Road and Bridge Mill Levy funds to help off-set potential match funds needed for I-25 bridge improvements. The proposal is that Larimer County would increase the County Road and Bridge Mill levy by .4228 and lower the County General Fund Mill levy by a similar amount. This would generate an additional \$2 Million a year for the Road and Bridge Mill levy. By statute, the Road and Bridge Mill levy is distributed to municipalities and county by a valuation formula. The proposal is that the municipal distribution of the increase would be kept by the County and used as a match for the I-25 bridge improvements.

According to current valuations, the Mill levy increase would mean an increase for Windsor in the amount just over \$22,000. The proposal is that this Mill levy increase would stay in affect for a five year period and that the Windsor (and other Larimer County municipalities) would allow their share be used as a match towards the I-25 bridge improvements and any funds in excess of the match would be used for a regional project such as expansion of LCR 19.

This proposal would not affect our current allocation and that would be distributed to Windsor as normal. Those funds are budgeted and used in the General Fund for street operational purposes.

Attached is a one-page paper from Larimer County explaining the proposal. The Resolution supports the proposal and also directs staff to engage in developing an Intergovernmental Agreement that would document the specifics of the proposal. It is anticipated that all Larimer County municipalities will support the proposal.

If the Resolution is approved, it will be sent to Larimer County for documentation purposes.

Financial Impact:

There is no fiscal impact for Windsor.

Relationship to Strategic Plan:

This proposal supports Windsor's Strategic Plan Goals of Develop and Maintain Effective Infrastructure since I-25 is a key element of transportation to and from Windsor and for Windsor residents/businesses.

Recommendation:

If the Board supports the resolution, the Board should move to approve the resolution and forward the resolution to Larimer County.

If the Board does not support the resolution or wants to amend the resolution, it is recommended that the Board table the resolution and ask that work session time be scheduled with Larimer County representatives to further discuss the proposal.

Attachments:

Attached is a copy of the Larimer County Mill levy proposal summary.

TOWN OF WINDSOR

RESOLUTION NO. 2015-74

A RESOLUTION OF SUPPORT FOR THE USE OF LARIMER COUNTY MILL LEVY FUNDS FOR INTERSTATE 25 (I-25) IMPROVEMENTS

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

WHEREAS, the Town recognizes that Interstate Highway 25 (“I-25”) is an integral part of the transportation system in northern Colorado that connects communities along the Front Range; and

WHEREAS, the Town further recognizes the need to expand the number of travel lanes to safely accommodate current and future traffic; and

WHEREAS, Colorado Department of Transportation (CDOT) is making application for a Risk and Resiliency grant, through a Presidential Challenge, to replace three (3) bridges on I-25 (Cache la Poudre, Big Thompson and Little Thompson) and to repair the Saint Vrain Bridge; and

WHEREAS, CDOT has identified these bridges as ‘pinch points’ that currently restrict expansion of the number of lanes on I-25 in northern Colorado; and

WHEREAS, the Risk and Resiliency grant for the bridges is a portion of a larger grant application for the entire State of Colorado that is scheduled to be evaluated and awarded by the end of 2015; and

WHEREAS, the Town recognizes that the grant request will require local matching funds to be viable and that the Larimer County should provide a portion of that match; and

WHEREAS, the Town understands that the increased property valuations for Larimer County property owners in 2015 provides an opportunity to temporarily increase the Road & Bridge Mill levy for a period of five years without detriment to other Town and Larimer County programs and without modifying the total mill levy: and

WHEREAS, assessed valuations on properties in municipalities are shared between the municipality and the County and assessed valuations on properties in the unincorporated areas goes to the County; and

WHEREAS, on October 22, 2015, the Board of County Commissioners presented the concept of temporarily moving General Fund mill levy to Road & Bridge mill levy with each local government contributing their increased portion to I-25 improvements to the Larimer County

Joint Regional Meeting on October 22, 2015, consisting of Fort Collins, Loveland, Berthoud, Estes Park, Wellington, Timnath, Windsor, and Johnstown; and

WHEREAS the concept has been well received and verbally supported by the eight municipalities; and

WHEREAS, the increased mill levy is estimated to generate approximately \$5.3 million over 5 years for use on I-25 improvements; and

WHEREAS, the remaining Larimer County funds, estimated at approximately \$4.7 million, will be used on a regional projects that will benefit residents of Larimer County, including those residing within the eight communities listed above; and

WHEREAS, the Larimer County Board of County Commissioners has asked that each community pass a similar Resolution committing to the temporary mill levy adjustment for I-25 for Larimer County budget approval purposes and will work with said communities to develop an Intergovernmental Agreement addressing the details.

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

1. The Town of Windsor supports the shift of funds from the Larimer County mill levy General Fund to the Larimer County mill levy Road & Bridge Fund for a period of five (5) years adjusting the increase mill to generate approximately \$2,000,000 per year, the disposition of which will be subject to further agreement between Larimer County and the communities contributing to the increase.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By: _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

I-25 is the largest unfunded infrastructure need in Northern Colorado. It affects all jurisdictions in commute times, safety issues, economic development, delivery of goods and services and emergency response.

CDOT is applying for a grant to replace 3 bridges (Poudre, Big Thompson, Little Thompson) on I-25 in Larimer County and repair one (Saint Vrain) in Weld County. If the grant is awarded, a match of about \$18 million will be required. Larimer County is proposing a short term extraction from the General Fund, routed through Road & Bridge, to raise about 1/3 of the matching funds over the next 5 years.

This proposal will not affect what municipalities currently receive including the increase based on valuation. The current Road & Bridge mill levy is .572 we are proposing an increase of .4228 to generate an extra \$2,000,000 per year. Based on the distribution formula, all the municipalities combined will generate \$761,645 per year. Larimer County will put in a proportional share based on valuation to fund I-25. The remaining County funds would go to a county project that would have benefits to residents in all of Larimer County. The proposed project is the expansion of CR 19 (Taft Hill) to 4 lanes between Horsetooth & Harmony that carries a current volume of 22,000 (2013) and serves a large portion of the residents.

ALL ENTITIES - PROPORTIONATE TO VALUATION							
Entity	Valuation	Percent of Total	Additional Temporary Mill Levy	\$ Increase	I-25	Larimer County Project	
Berthoud	\$ 64,747,424	1.8%	0.4228	\$ 13,688			
Estes Park	\$ 188,068,870	5.2%	0.4228	\$ 39,758			
Ft Collins	\$ 2,102,719,876	58.4%	0.4228	\$ 444,515			
Loveland	\$ 988,467,779	27.4%	0.4228	\$ 208,962			
Timnath	\$ 45,297,578	1.3%	0.4228	\$ 9,576			
Wellington	\$ 55,285,729	1.5%	0.4228	\$ 11,687			
Windsor	\$ 104,297,125	2.9%	0.4228	\$ 22,048			
Johnstown	\$ 53,975,316	1.5%	0.4228	\$ 11,410			
Municipalities	\$ 3,602,859,697	100.0%	0.4228	\$ 761,645			
Municipalities *	\$ 3,602,859,697	76.1%	0.4228	\$ 761,645	\$761,645		
Unincorp. **	\$ 1,129,043,675	23.9%	0.4228	\$ 1,239,004	\$295,629	\$943,375	
Larimer	\$ 4,731,903,372	100.0%	0.4228	\$ 2,000,649	\$1,057,274	\$943,375	
5 Year Total					\$5,286,370	\$4,716,874	
* Municipal share back is based on 50% of mill levy revenue							
** County share of mill levy revenue is 100% of collections from unincorporated and 50% of municipal property							

- Follows elected official direction to supply local dollars for I-25
- Raises \$5,286,370 over the five years for I-25
- No impact to local agency budgets (except County)
- Does not affect current funding levels
- County project will benefit many residents & address a current need – widening CR 19 (Taft Hill)



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Dean Moyer, Director of Finance
Re: 2016 Budget Hearing
Item #: C.12.

Overview

Tonight is the public hearing for our 2016 Budget. The notice of budget was published in the Windsor Beacon on November 6 and November 13, 2015. The 2016 Budget was based on the strategic plan developed by the Town Board and the results of our budget workshop held on October 10, 2015. Expenditures were approved which supported the strategic plan and were within revenue constraints. Any increase in expenditures or range of service had to be tied to the strategic plan.

REVENUES

Examining data from the previous three budget years that was better than expected, the Board increased revenue projections on retail sales tax. The assessed valuation has increased greatly over last year, causing an increase in projected property tax collections of \$882,245.

Retail Sales Tax

Revenues covered by the existing 3.2% sales tax rate are set to the average of collections 2013 actual, 2014 actual and adjusted projected 2015 collections and are budgeted at \$8.0 million. Total retail sales tax projected under the new .75% rate are estimated at \$1.4 million.

Construction Use Tax

Building permits are projected to be 258 permits for single family homes. The Use Tax associated with the 3.2% rate total \$1,233,738, and are set to the average of actual 2013 and 2014 actual collections and the projected 2015 collections. Total use tax projected under the new .75% rate is estimated at \$289,157.

Property Taxes

Windsor experienced an increase in assessed valuation this year of roughly \$73 million or 21% increase over last year. Our mill levy remains at 12.03 mills and will produce a tax increase in tax collections of roughly \$882,245. This is a direct increase in revenue to the general fund.

OPERATING EXPENDITURES

The total provision for full time employees produced a net addition of 12.58 FTE. New staffing for the CRC expansion accounted for most of the staffing. The cost of these additions including taxes and benefits totaled \$412,717.

Existing full time employee salaries included a 3.00% merit pay increase pool. Total cost of this adjustment including associated benefits and taxes was \$197,764.

Operating and personnel expenditures for 2016 are budgeted 6.6% higher than 2015 budgeted.

CAPITAL EXPENDITURES

The Board and staff developed a five-year capital plan covering 2016 through 2020. Attached is a list of projects to be completed in 2016, with the CRC expansion, railroad quiet zone project, Kyger Reservoir, road improvements and the public works facility being near the top of the list and directly tied to the strategic plan. Also planned are two drainage projects in the Law Basin.

The capital plan has benefitted from the previous three years producing higher revenue than expected. The Board has also decided to dedicate severance tax revenue to the capital improvement plan. The result is a robust plan for improvements through 2020.

SUMMARY AND PROJECTIONS

The last few years have been better than expected on the revenue front. As a result we are able to increase our operations budget while continuing to fund an extensive capital improvement plan. We expect 2016 to follow a similar path of producing a strong revenue stream of funding to be applied in the community.

Attachments:

2016 Budget Condensed Summary

PUBLIC HEARING

NOVEMBER 23, 2015



2015 PROPOSED BUDGET

CONDENSED SUMMARY

TOWN OF WINDSOR, COLORADO

JANUARY 1, 2016 – DECEMBER 31, 2016



Town of Windsor 2016 Proposed Budget Overview

Fund	Beginning Balance	Revenues	Expenditures	Ending Balance
General Fund	\$ 8,744,717	\$ 15,000,914	\$15,012,482	\$ 8,733,149
Park Improvement Fund	2,809,238	1,262,226	281,322	3,790,141
Conservation Trust Fund	543,782	215,470	477,107	282,145
Capital Improvement Fund	11,559,771	9,438,628	11,678,171	9,320,227
Community Rec Center Fund	293,020	1,037,681	1,049,420	281,280
Community Rec Center Expansion Fun	9,631,758	2,292,311	9,965,258	1,958,810
Water Fund O & M	7,433,520	3,680,037	4,550,578	6,562,979
Water Fund PIF	5,664,027	1,156,962	469,774	6,351,215
Water Fund Raw Water	212,868	287,947	500,815	0
Water Fund / Non-Potable	1,597,154	2,064,555	3,189,111	472,598
Sewer Fund O & M	4,350,587	1,851,510	2,734,298	3,467,800
Sewer Fund PIF	4,604,767	1,250,121	690,951	5,163,937
Storm Drain Fund O & M	504,884	342,864	387,206	460,542
Storm Drain Fund PIF	1,070,182	2,092,535	3,302,962	-140,246
Fleet Management Fund	476,127	1,123,351	1,081,163	518,316
Information Technology Fund	197,072	1,041,016	1,196,033	42,055
Facilities Services Fund	116,482	688,186	692,985	111,683
Windsor Building Authority Fund	145,529	145,080	145,080	145,529
Economic Development Incentive Fun	38,674	161,326	-	
All Funds Total				
	\$ 59,994,160	\$ 45,132,717	\$57,404,716	\$ 47,522,161

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**COMMUNICATIONS
BUDGET TRANSMITTAL MESSAGE**

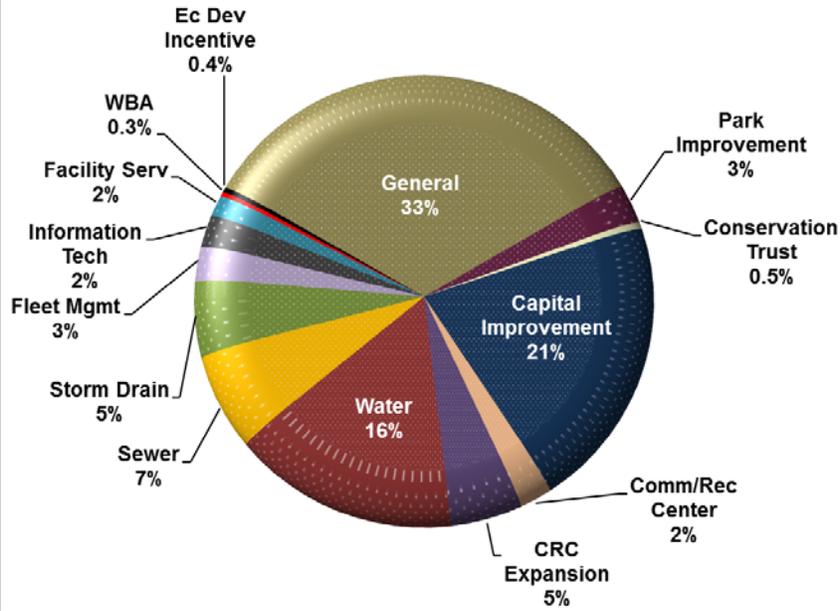
The 2016 Town of Windsor, Colorado Budget is hereby respectfully submitted. The enclosed document is the product of many staff hours dedicated to meeting the challenge of allocating scarce financial resources among the ever evolving list of community needs.

The following is a table of basic statistics for the Town Budget. Revenue resources include both estimated beginning Fund Balance and revenues for fiscal year 2016.

<i>REVENUE RESOURCES</i>	
General Fund	\$ 23,745,631
Park Improvement Fund	4,071,464
Conservation Trust Fund	759,252
Capital Improvement Fund	20,998,399
Community / Recreation Center Fund	1,330,701
Community / Recreation Center Expansion Fund	11,924,069
Water Fund	22,097,070
Sewer Fund	12,056,985
Storm Drainage Fund	4,010,464
Fleet Management Fund	1,569,479
Information Technology Fund	1,238,086
Facility Services Fund	804,668
Windsor Building Authority Fund	290,609
Economic Development Incentive Fund	200,000
TOTAL ALL FUNDS	\$ 105,126,877

<i>ESTIMATED EXPENDITURES</i>	
General Fund	\$ 15,012,482
Park Improvement Fund	281,322
Conservation Trust Fund	477,107
Capital Improvement Fund	11,678,171
Community / Recreation Center Fund	1,049,420
Community / Recreation Center Expansion Fund	9,965,258
Water Fund	8,710,278
Sewer Fund	3,425,249
Storm Drainage Fund	3,690,168
Fleet Management Fund	1,081,163
Information Technology Fund	1,196,033
Facility Services Fund	692,985
Windsor Building Authority Fund	145,080
Economic Development Incentive Fund	0
TOTAL ALL FUNDS	\$ 57,404,716

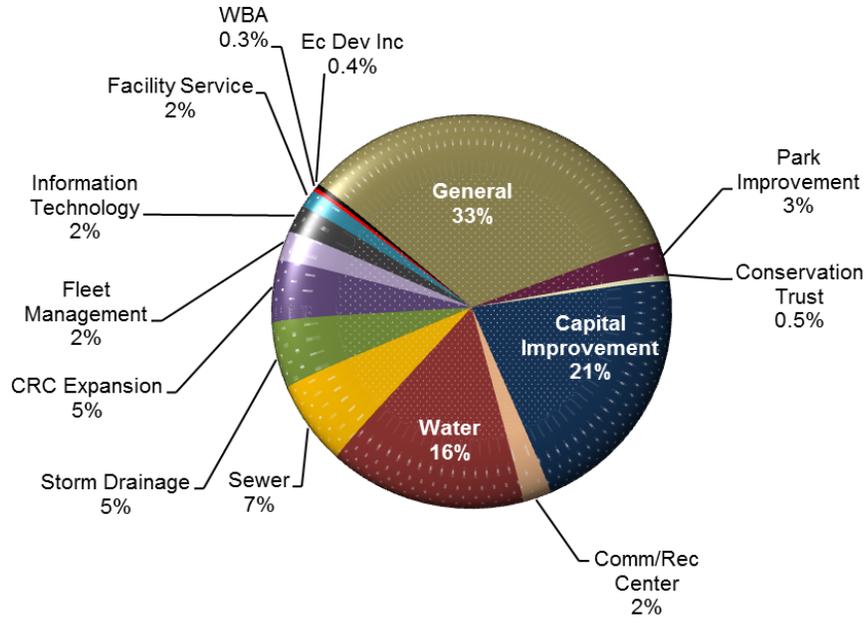
**2016 REVENUE SUMMARY % OF TOTAL
All Funds**



TOWN OF WINDSOR ALL FUND REVENUE SUMMARY by Source 2016 BUDGET															
Revenue	General Fund	Park Improv. Fund	Conserv. Trust Fund	Capital Improv. Fund	Comm/Rec Center Fund	CRC Expansion Fund	Water Fund	Sewer Fund	Drain Fund	Fleet Mgmt Fund	Info Tech Fund	Facility Services Fund	WBA Fund	Ec Dev Incentive Fund	Total
Taxes	11,387,206	117,537	-	4,892,235	595,621	2,042,583	-	-	-	-	-	-	-	-	19,035,183
Licenses	256,412	-	-	-	-	-	-	-	-	-	-	-	-	-	256,412
Intergov. Revenue	1,052,764	-	-	-	-	-	-	-	-	-	-	-	-	-	1,052,764
Services	1,096,180	-	-	-	55,000	114,728	-	-	-	-	-	-	-	-	1,265,908
Fines	174,078	-	-	-	-	-	-	-	-	-	-	-	-	-	174,078
Miscellaneous	146,425	-	-	-	-	-	-	40,227	-	105,000	-	-	-	-	291,653
Collections for Other Govern	194,650	-	-	-	-	-	-	-	-	-	-	-	-	-	194,650
Park Improv. Fees	-	1,144,231	-	-	-	-	-	-	-	-	-	-	-	-	1,144,231
Lottery Funds	-	-	205,344	-	-	-	-	-	-	-	-	-	-	-	205,344
Traffic Impact Fees	-	-	-	901,485	-	-	-	-	-	-	-	-	-	-	901,485
Water Sales	-	-	-	-	-	-	3,379,949	-	-	-	-	-	-	-	3,379,949
Plant Invest. Fees	-	-	-	-	-	-	1,091,129	846,714	713,903	-	-	-	-	-	2,651,746
Raw Water Fees	-	-	-	-	-	-	457,947	-	-	-	-	-	-	-	457,947
Sanitary Sewer Serv	-	-	-	-	-	-	-	1,810,456	-	-	-	-	-	-	1,810,456
Drainage Service	-	-	-	-	-	-	-	-	312,864	-	-	-	-	-	312,864
Interest/Invest Income	-	458	126	115,047	59	135,000	293,942	2,234	708	-	-	-	-	-	547,574
Grants	-	-	10,000	2,081,200	-	-	6,146	402,000	1,377,923	-	-	-	-	-	3,877,269
Loan Proceeds	-	-	-	-	-	-	1,254,730	-	-	-	-	-	-	-	1,254,730
Interfund Transfers/Loans	693,198	-	-	1,448,661	387,000	-	705,658	-	30,000	1,018,351	1,041,016	688,186	145,080	161,326	6,318,476
TOTAL REVENUES	15,000,914	1,262,226	215,470	9,438,628	1,037,681	2,292,311	7,189,501	3,101,631	2,435,399	1,123,351	1,041,016	688,186	145,080	161,326	45,132,717

A comparison of total budgeted revenues by fund and the year over year percentage change appears in the following chart, again reflecting a conservative revenue approach.

2016 REVENUE SUMMARY
% OF TOTAL



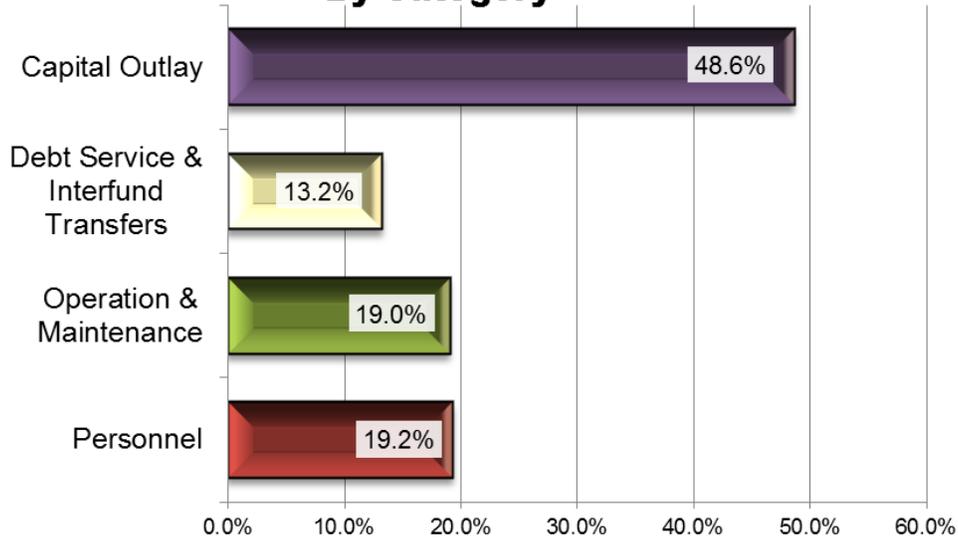
TOWN OF WINDSOR - 2016 BUDGET			
Revenue Summary	Adopted	Proposed	% of Total
with percentage change	2015	2016	2016
General Fund	\$ 13,578,695	\$ 15,000,914	33%
Park Improvement Fund	1,491,514	1,262,226	3%
Conservation Trust Fund	198,654	215,470	0.5%
Capital Improvement Fund	9,141,564	9,438,628	21%
Community/ Rec. Center Fund	1,005,304	1,037,681	2%
Water Fund	5,636,589	7,189,501	16%
Sewer Fund	3,711,833	3,101,631	7%
Storm Drainage Fund	2,513,649	2,435,399	5%
CRC Expansion Fund	17,923,815	2,292,311	5%
Fleet Management Fund	1,203,351	1,123,351	2%
Information Technology Fund	881,006	1,041,016	2%
Facility Services Fund	642,064	688,186	2%
Windsor Building Authority Fund	145,080	145,080	0.3%
Economic Development Incentive Fun	200,000	161,326	0.4%
	\$ 58,273,118	\$ 45,132,717	100%
Percentage Change		-22.5%	

Percentage increase would be 6.8% without the CRC Expansion Fund bond proceeds of \$16,100,000 in 2015.

Sales Tax increases in General, Capital and CRC Funds.

**FINANCIAL PLAN
EXPENDITURE SUMMARIES**

**2016 TOTAL EXPENDITURES
By Category**



TOWN OF WINDSOR ALL FUND EXPENDITURE BREAKDOWN BY CATEGORY 2016 BUDGET						
	2012	2013	2014	2015	2015	2016
	ACTUAL	ACTUAL	ACTUAL	BUDGET	PROJECTED	BUDGET
Personnel	\$ 8,109,703	\$ 8,274,359	\$ 8,901,157	\$ 9,935,952	\$ 9,655,256	\$ 11,039,838
Operation & Maintenance	8,762,807	8,262,641	9,895,244	10,644,653	10,013,982	10,903,505
Debt Service & Interfund Transfers	10,832,556	5,705,500	7,434,127	6,124,415	6,598,903	7,574,810
Capital Outlay	12,122,751	6,127,870	13,255,791	26,234,057	22,569,399	27,886,563
Total Expenditures	\$ 39,827,817	\$28,370,370	\$ 39,486,319	\$ 52,939,076	\$ 48,837,540	\$ 57,404,716
Personnel	20.4%	29.2%	22.5%	18.8%	19.8%	19.2%
Operation & Maintenance	22.0%	29.1%	25.1%	20.1%	20.5%	19.0%
Debt Service & Interfund Transfers	27.2%	20.1%	18.8%	11.6%	13.5%	13.2%
Capital Outlay	30.4%	21.6%	33.6%	49.6%	46.2%	48.6%
Total Expenditures	100%	100%	100%	100%	100%	100%

2012 debt service includes \$3,894,944 payment to refunding bond and debt issuance costs to refinance CRC debt.

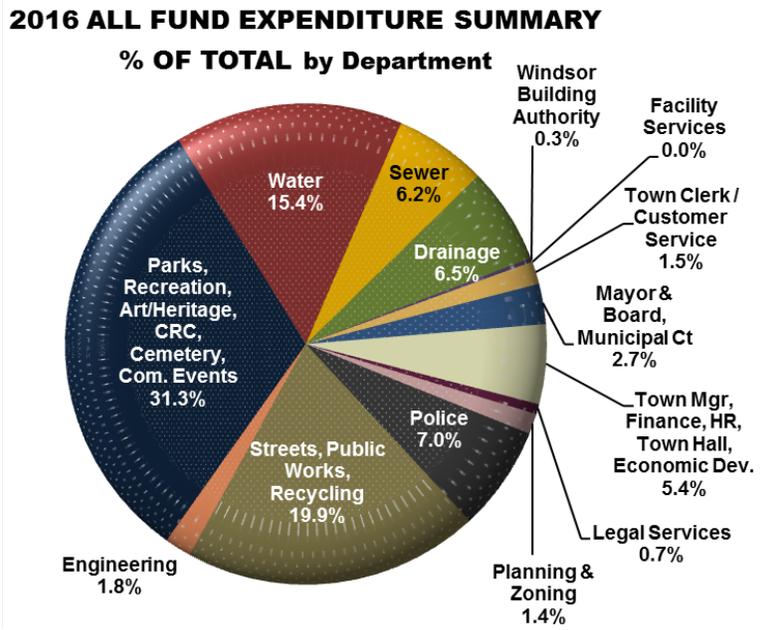
2014 capital outlay includes purchase of Kyger Reservoir.

2015 capital outlay includes Railroad Quiet Zones, Law Basin Master Channel and Law Basin West Tributary Channel – all over one million dollars. Also \$9.5 million is included to begin the CRC Expansion.

2016 capital outlay again includes the Railroad Quiet Zones, Law Basin Master Channel and West Tributary, and CRC Expansion, along with Kyger Pump Station, New Liberty Road Extension, PW/Parks Maintenance Facility, Eastman Park Dr./7th St. Roundabout, all over \$1 million.

TOWN OF WINDSOR ALL FUND EXPENDITURE SUMMARY by Department 2016 BUDGET				
EXPENDITURES	2016 Total	% of Total	2015 Total	% Change 2015 - 2016
Town Clerk / Customer Service	\$ 873,740	2%	\$ 746,503	17.0%
Mayor & Board, Municipal Ct	1,554,327	3%	1,230,985	26.3%
Town Mgr, Finance, HR, Town Hall, Economic Dev.	3,073,916	5%	2,477,711	24.1%
Legal Services	388,029	1%	345,636	0.0%
Planning & Zoning	787,014	1%	768,765	2.4%
Police	4,038,405	7%	4,047,181	-0.2%
Streets, Public Works, Recycling	11,427,880	20%	8,308,937	37.5%
Engineering	1,033,608	2%	830,483	24.5%
Parks, Recreation, Art/Heritage, CRC, Cemetery, Com. Events	17,967,389	31%	18,578,445	-3.3%
Water	8,812,565	15%	8,162,932	8.0%
Sewer	3,558,779	6%	2,920,404	21.9%
Drainage	3,739,283	7%	4,367,515	-14.4%
Windsor Building Authority	145,080	0.3%	145,080	0.0%
Facility Services	4,700	0.01%	8,500	0.00%
TOTAL EXPENDITURES	\$ 57,404,716	100%	\$ 52,939,076	8.44%

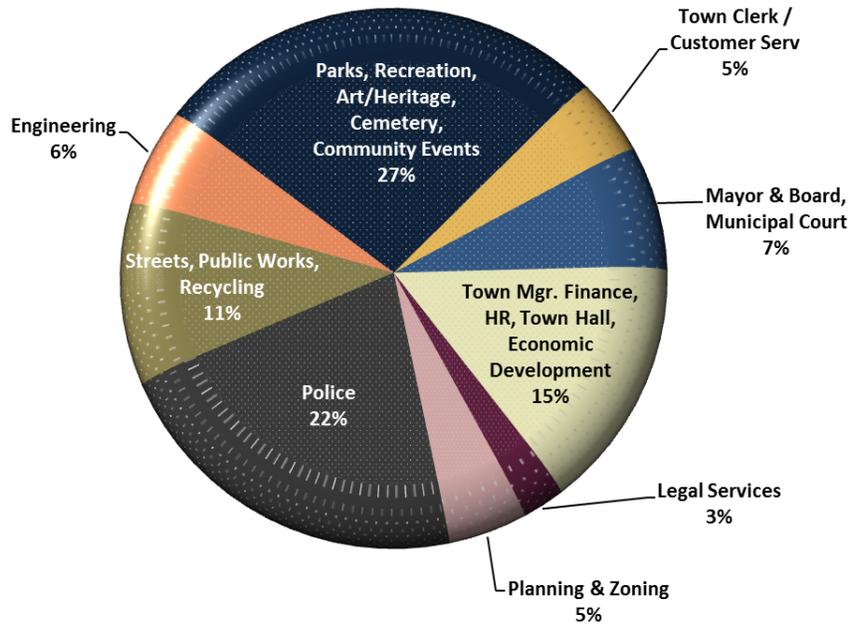
The CRC Expansion is reflected in both 2015 and 2016 as is the TIGER grant railroad quiet zone project in the Streets Department, the Kyger Reservoir pump station, and \$2.1 million for street improvements. Several larger projects will be completed in 2016. The Mayor & Board includes a \$583,250 transfer from General Fund to Capital Improvement Fund for the Public Works/Parks Maintenance Facility and the School District's request for \$150,000. The Economic Development Incentive Fund is associated with the Economic Development Department and has a \$200,000 transfer. Engineering increased 2 positions for 2016.



TOWN OF WINDSOR GENERAL FUND EXPENDITURE SUMMARY by Division 2016 BUDGET							
EXPENDITURES	2014	2015 BUDGET	2015 PROJECTED	2016 BUDGET	% of 2016 Total	\$ Inc/Dec	% Inc/Dec
	ACTUAL					2015-2016	2015-2016
Town Clerk / Customer Service	\$ 595,820	\$ 639,239	\$ 597,183	\$ 690,854	5%	\$ 51,615	8%
Mayor & Board, Municipal Court	419,133	586,450	522,839	1,122,973	7%	536,523	91%
Town Mgr. Finance, HR, Town Hall, Economic Development	1,751,766	2,105,019	2,054,671	2,242,885	15%	137,866	7%
Legal Services	377,559	339,035	338,158	380,497	3%	41,462	12%
Planning & Zoning	600,160	701,911	610,309	701,114	5%	(797)	0%
Police	2,838,637	3,122,689	3,147,000	3,273,456	22%	150,767	5%
Streets, Public Works, Recycling	1,620,461	1,772,179	1,635,437	1,633,337	11%	(138,842)	-8%
Engineering	641,153	743,073	745,494	887,113	6%	144,040	19%
Parks, Recreation, Art/Heritage, Cemetery, Community Events	3,965,342	4,013,754	3,955,073	4,080,253	27%	66,499	2%
TOTAL EXPENDITURES	\$ 12,810,030	\$ 14,023,349	\$ 13,606,162	\$ 15,012,482	100%	\$ 989,132.69	7%

The 2016 Budget reflects a transfer from the Mayor & Board department to the Capital Improvement Fund for \$583,250 for the PW/Parks Maintenance Facility.

**2016 GENERAL FUND EXPENDITURES
Percentage by Division**



If all of the full-time positions are approved during the budget process, the employee roster will be as follows:

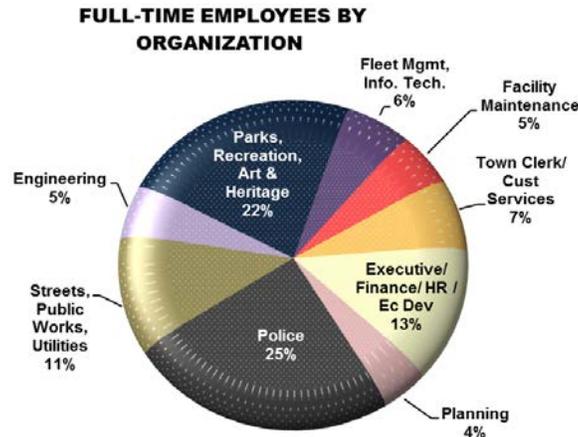
FULL-TIME EMPLOYEE COMPARISON								
Number by Department								
Department	Actual 2010	Actual 2011	Actual 2012	Actual 2013	Actual 2014	Projected 2015	Budgeted 2016	Percent of 2015
Town Clerk / Customer Service	7	7	7	7	7	8	8	6.3%
Executive & Legal	2	2	2	2	3	4.75	4.75	3.7%
Finance	5	5	5	5	5	5	5	3.9%
Human Resources	2	2	2	2	3	3	3	2.4%
Planning	5	5	5	5	5	5	6	4.7%
Economic Development	-	1	1	1	1	2	2	1.6%
Police	23	23	25	25	26	28	28	22.1%
Recycling**	-	-	-	-	-	-	-	0.0%
Streets***	3	3	3	3	3	4	4.75	3.7%
Pub Works	2	2	2	2	2	2	2	1.6%
Engineering	5	5	5	5	5	6	8	6.3%
Cemetery	1	1	1	1	1	1	1	0.8%
Community Events	-	-	-	-	1	-	-	0.0%
Forestry	2	2	2	2	2	2	2	1.6%
Recreation	5	5	5	5	5	5	7	5.5%
Aquatics**	-	-	-	-	-	-	-	0.0%
Park Maintenance	7	6	6	7	7	7	7	5.5%
Art & Heritage/Museum	2	2	2	2	2	2	2	1.6%
Community/Recreation Center	5	4	4	5	4	4	4	3.2%
Community/Recreation Center Expan.	-	-	-	-	-	4.38	7.38	5.8%
Water Utility***	3	3	3	3	4	2.5	2.5	2.0%
Sewer Utility	3	3	3	3	4	4.5	4.5	3.5%
Storm Drain Utility ***	1	1	1	1	1	0	0	0.0%
Fleet Management	3	3	3	3	3	3	3	2.4%
Information Technology	3	3	3	3	3	4	5	3.9%
Facility Maintenance	-	6	6	6	6	6	10	7.9%
Total Full Time Employees	89	94	96	98	103	113.13	126.88	100.0%
Total Part Time Employees	11	14	42.13 FTE*	39.85 FTE	39.15 FTE	34.3 FTE	33.6 FTE	
Total Seasonal Employees	133	39.1 FTE						

*Part-time and seasonal employees will be noted only as full-time equivalent (FTE) starting 2012

**These divisions are served only by part-time personnel

*** Storm Drainage vacancy was replaced with a Street Supervisor and Admin Assistant moved from Water to Public Works

New positions are in Planning, Streets, Engineering, Recreation, CRC Expansion, Information Technology and Facility Maintenance.



STAFFING AND PERSONNEL

Budget requests for additional personnel in the 2016 Budget underscore the continued pressures on Town staff. Funds are allocated for 15 FTE positions. In the General Fund, an Administrative Specialist is hired for the Economic Development Department, a streets laborer position in the Street Division of the Public Works Department, A planning technician, construction inspector and an engineering technician.

One new Information Technology Manager will be hired and shared by all departments.

There are 12 new employees for the Community Recreation Expansion Center. In addition, the new additional Facility employees as part of the expansion will be assigned to clean Museum facilities that are currently being funded by a part-time Museum department employee. The part-time position will be eliminated and there will be a reduction in the Museum division budget.

There will be reorganization in the Police Department with the reduction of one Lieutenant position and the addition of a Sergeant position to provide supervisory positions for each shift.

With the growth of development and development reviews, the Planning Department had need of senior planners so two associate planners were promoted to senior planners.

STAFFING AND PERSONNEL RELATED COSTS

A summary of new full-time positions proposed for the 2016 Budget year follows:

NEW FULL-TIME POSITIONS PROPOSED FOR 2016		
Position	2016 Salary & Benefits	Funding Source
Administrative Specialist (1 FTE)	\$ 56,525	General Fund
Street Laborer (0.75 FTE)	31,952	General Fund
Recreation Coordinators (2 FTE)	88,515	General Fund
Planning Technician* (1 FTE)	44,817	General Fund
Construction Inspector* (1 FTE)	53,942	General Fund
Engineering Technician* (1 FTE)	52,115	General Fund
Aquatics Specialist (3 FTE)	121,063	CRC Expansion
Guest Coordinators (4.38 FTE) 11 mo	146,950	CRC Expansion
Custodian/Guest Porters (1.5 FTE) 4 mo	23,325	Facilities Services
Custodians (2.5 FTE) 4 mo	35,066	Facilities Services
IT Manager (1 FTE)	87,430	IT Fund

**Positions to begin March 1st*

The 2 Recreation Coordinator positions eliminated 3.75 FTE

The 4 Guest Service Coordinators eliminated 2.8 FTE Customer Service Attendants

Net addition of 12.58 FTE

The following are the major Capital Projects for 2016.

2016 MAJOR CAPITAL IMPROVEMENT PLAN PROJECTS			
Over \$100,000			
Fund	Source	Description	2016 Budget
CRCE	CRC Expansion	Community Recreation Expansion (2015-2016)	\$ 7,215,695
WF	WF Non-Potable	Kyger Reservoir Pump Station & water supply	2,614,281
CIF/WF/SF	GF/CIF/WF/SF	PW/Parks Maintenance Facility design (2015-2017) (split GF/CIF/WF/SF)	2,333,000
CIF	CIF-Sales & Use Tax	GW Railroad Quiet Zone Project w/ TIGER grant included	2,200,000
CIF	CIF-Sales/Use/Sev Tax	Street Maintenance – overlays, sealcoating, crack sealing, concrete replacement	2,100,000
CIF	CIF - RIF	New Liberty Road extension	2,000,000
SDF	SDF Impact Fees	Law Basin Master Plan Channel w/ FEMA PDM & CDBG Grants included (2012-2016)	1,998,095
CIF	CIF - Sales & RIF	Eastman Pk. Dr./ 7th St Roundabout construction (2015-2016) (1/2 RIF)	1,085,320
SDF	SDF Impact Fees	Law Basin West Tributary Channel (2013-2016)	1,050,500
WF	WF User fees	Water Replacement Lines 16" south of Riverbend Park	798,000
SF	SF User fees	Sewer Lift Station #4 Replacement	515,000
CIF	CIF-Sales & Use Tax	Boardwalk Performance Venue	500,000
SF	SF Impact Fees	Sewer Nutrient Program w/ CDPHE grant included	402,000
CIF	CIF-Sales & Use Tax	Crossroads Blvd/WCR 13 Traffic Signal	340,000
WF	WF Impact Fees	Northern Integrated Supply Project (NISP)	289,000
CTF	Lottery Sales	Poudre Trail from Westwood Village w/ Poudre Heritage Alliance grant	250,000
CIF	CIF-Sales & Use Tax	Cemetery streetscape sidewalk construction	247,500
PIF	PIF LCOS	Windsor Trail Windsor West connection easement acquisition/engineering	200,000
CTF	Lottery Sales	Windsor Trail 392 Trail Design & Underpass '17, Underpass Ptarmigan '18	185,000
CIF	CIF-Sales & Use Tax	9th Street/Main St traffic signal	180,000
IT	Transfer from CIF	GIS Asset management software	150,000
CIF	O&G revenue	School District request	150,000
WF	WF Non-Potable	Non-Potable Water Projects	132,000
CIF	CIF-Sales & Use Tax	CR15 South of Crossroads	130,000
IT	Transfer from CIF	IT Studio Equipment Upgrade	125,000
CIF	CIF-Sales & Use Tax	15th and Walnut development	100,000

Fund Codes: **PIF** – Park Improvement Fund, **CTF** – Conservation Trust Fund, **CIF** – Capital Improvement Fund, **CRCE** – Community Recreation Center Expansion Fund, **WF** – Water Fund, **SF** – Sewer Fund, **SDF** – Storm Drainage Fund

TOWN OF WINDSOR

RESOLUTION NO. 2015-75

A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND, AND ADOPTING A BUDGET FOR THE TOWN OF WINDSOR, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2016, AND ENDING ON THE LAST DAY OF DECEMBER, 2016, AND APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNT AND FOR THE PURPOSE AS SET FORTH BELOW, FOR THE TOWN OF WINDSOR, COLORADO, FOR THE 2016 BUDGET YEAR

WHEREAS, Article 11 of the Town of Windsor Home Rule Charter contains requirements for the formulation, presentation and adoption of the annual budget; and

WHEREAS, the Town Board of the Town of Windsor has appointed Kelly Arnold, Town Manager to prepare and submit a proposed budget to said governing body at the proper time, and;

WHEREAS, Kelly Arnold, Town Manager has submitted a proposed budget to this governing body on October 10, 2015 for its consideration, and;

WHEREAS, upon due and proper notice, published or posted in accordance with the law, said proposed budget was open for inspection by the public at a designated place, a public hearing was held on November 23, 2015 and interested taxpayers were given an opportunity to file or register any objections to said proposed budget, and;

WHEREAS, whatever increases may have been made in the expenditures, like increases were added to the revenues so that the budget remains in balance, as required by law.

WHEREAS, it is necessary to appropriate the revenues provided in the budget to and for the purposes described below, thereby establishing a limitation on expenditures for the operations of the Town of Windsor.

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

Section 1. That the budget as submitted amended, and herein below summarized by fund, is hereby approved and adopted as the budget of the Town of Windsor for the year stated above.

REVENUE RESOURCES

General Fund	\$ 23,745,631
Park Improvement Fund	4,071,464
Conservation Trust Fund	759,252
Capital Improvement Fund	20,998,399
Community / Recreation Center Fund	1,330,701
Community / Recreation Center Expansion Fund	11,924,069
Water Fund	22,097,070
Sewer Fund	12,056,985
Storm Drainage Fund	4,010,464
Fleet Management Fund	1,569,479
Information Technology Fund	1,238,086
Facility Services Fund	804,668
Windsor Building Authority Fund	290,609
Economic Development Incentive Fund	200,000

TOTAL ALL FUNDS

\$ 105,126,877

ESTIMATED EXPENDITURES

General Fund

Current Operating Expenses	\$12,013,988
Debt Service and Transfers	<u>2,998,494</u>
Total General Fund	\$15,012,482

Park Improvement Fund

Current Operating Expenses	\$ 9,000
Debt Service and Transfers	27,172
Capital Outlay	<u>245,150</u>
Total Park Improvement Fund	\$ 281,322

Conservation Trust Fund

Current Operating Expenses	\$ 9,000
Capital Outlay	<u>468,107</u>
Total Conservation Trust Fund	\$ 477,107

Capital Improvement Fund

Current Operating Expenses	\$ 2,568,000
Small Equipment	98,025
Capital Outlay	8,488,433
Debt Service and Transfers	<u>523,713</u>
Total Capital Improvement Fund	\$11,678,171

Community/Recreation Center Fund

Current Operating Expenses	\$ 430,568
Debt Service and Transfers	<u>618,852</u>
Total Community/Rec Center Fund	\$ 1,049,420

Community/Recreation Center Expansion Fund

Current Operating Expenses	\$ 527,298
Debt Service and Transfers	1,388,597
Capital Outlay	<u>8,049,363</u>
Total Community/Rec Expansion Center Fund	\$ 9,965,258

Water Fund

Current Operating Expenses	\$ 2,771,098
Debt Service	313,972
Capital Outlay	4,971,134
Transfers	<u>654,074</u>
Total Water Fund	\$ 8,710,278

Sewer Fund

Current Operating Expenses	\$ 1,122,746
Debt Service	234,589
Capital Outlay	1,717,982
Transfers	<u>349,932</u>
Total Sewer Fund	\$ 3,425,249

Storm Drainage Fund

Current Operating Expenses	\$ 342,306
Capital Outlay	3,048,595
Transfers	<u>299,267</u>
Total Storm Drainage Fund	\$ 3,690,168

Fleet Management Fund	
Current Operating Expenses	\$ 491,163
Capital Outlay	<u>590,000</u>
Total Fleet Management Fund	\$ 1,081,163
Information Technology Fund	
Current Operating Expenses	\$ 873,164
Transfers	15,069
Capital Outlay	<u>307,800</u>
Total Information Technology Fund	\$ 1,196,033
Facility Services Fund	
Current Operating Expenses	\$ 686,985
Transfers	<u>6,000</u>
Total Facility Services Fund	\$ 692,985
Windsor Building Authority Fund	
Debt Service	\$ <u>145,080</u>
Total Windsor Building Authority Fund	\$ 145,080
Economic Development Incentive Fund	\$ <u>0</u>
Total Economic Development Fund	\$ 0
<hr/>	
TOTAL ALL FUNDS	\$57,404,716

Section 2. That the budget hereby approved and adopted shall be signed by the Mayor and Members of the Town Board, and shall be made a part of the public records of the Town of Windsor, Colorado.

Section 3. That the sums described above are and shall be appropriated for the 2016 Budget Year.

Section 4. The Town Clerk is hereby instructed to publish this Resolution in full upon adoption thereof by the Town Board.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

TOWN OF WINDSOR

RESOLUTION NO. 2015-76

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2015 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF WINDSOR, COLORADO, FOR THE 2016 BUDGET YEAR

WHEREAS, the Town Board of the Town of Windsor, has adopted the annual budget in accordance with the Local Government Law, on November 23, 2015, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from the property tax is \$3,671,739, and;

WHEREAS, the amount of money necessary to balance the budget for bonds and interest is none, and;

WHEREAS, the 2015 valuation for assessment for the Town of Windsor, as certified by the Weld County Assessor, is \$305,215,190.

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

SECTION 1. That for the purpose of meeting all general operating expenses of the Town of Windsor during the 2016 budget year, there is hereby levied a tax of 12.03 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the taxable year 2015.

SECTION 2. That for the purpose of meeting all bonds and interest of the Town of Windsor during the 2016 budget year, there is hereby levied a tax of 00.000 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the taxable year 2015.

SECTION 3. That the Town Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Weld County, Colorado the mill levied for the Town of Windsor as hereinabove determined and set.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

TOWN OF WINDSOR

RESOLUTION NO. 2015-77

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE TAXABLE YEAR 2015 TO HELP DEFRAY THE COSTS OF GOVERNMENT FOR THE TOWN OF WINDSOR, COLORADO, FOR THE 2016 BUDGET YEAR

WHEREAS, the Town Board of the Town of Windsor, has adopted the annual budget in accordance with the Local Government Law, on November 23, 2015, and;

WHEREAS, the amount of money necessary to balance the budget for general operating purposes from the property tax is \$1,418,071 and;

WHEREAS, the amount of money necessary to balance the budget for bonds and interest is none, and;

WHEREAS, the 2015 valuation for assessment for the Town of Windsor, as certified by the Larimer County Assessor, is \$117,877,910.

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

SECTION 1. That for the purpose of meeting all general operating expenses of the Town of Windsor during the 2016 budget year, there is hereby levied a tax of 12.03 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the taxable year 2015.

SECTION 2. That for the purpose of meeting all bonds and interest of the Town of Windsor during the 2016 budget year, there is hereby levied a tax of 00.000 mills upon each dollar of the total valuation for assessment of all taxable property within the Town for the taxable year 2015.

SECTION 3. That the Town Clerk is hereby authorized and directed to immediately certify to the County Commissioners of Larimer County, Colorado the mill levied for the Town of Windsor as hereinabove determined and set.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk



MEMORANDUM

Date: November 23, 2015
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
From: Patti Garcia, Town Clerk/Assistant to Town Manager
Re: 2016 Windsor Downtown Development Authority Budget
Item #: C.17.

Background / Discussion:

The Downtown Development Authority Board of Directors (DDA) approved their 2016 budget along with a mill levy increase to three mills at their October 21, 2015 regular meeting contingent upon Town Board consideration. Colorado State Statute requires that each year the DDA present their budget to the Town Board for review and approval.

Financial Impact:

The DDA is expecting to carry over an approximate \$521,839 balance at the end of 2015. The DDA Board is proposing to carry over that amount into their 2015 budget. They will use these additional funds for the 2016 projects as specified in the to-be-completed 2016 Work Plan.

The DDA is projecting \$13,080 in revenue from their property tax increment and \$15,959 in revenue from the property tax from the 4.0 mill levy that will be assessed on the DDA members.

Relationship to Strategic Plan:

This item is consistent with Goal 3.A. of the Town of Windsor Strategic Plan: Support the Downtown Development Authority

Attachments:

- Resolution No. 2015-78 - A Resolution of the Town Board of the Town of Windsor, Colorado, Approving the 2016 Windsor Downtown Development Authority Budget; Making Annual Appropriations for the Windsor Downtown Development Authority for the Fiscal Year Ending December 31, 2015; and Fixing the Mill Levy for the Windsor DDA District for the Fiscal Year Ending December 31, 2016
- 2016 DDA budget

TOWN OF WINDSOR

RESOLUTION NO. 2015-78

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, APPROVING THE 2016 WINDSOR DOWNTOWN DEVELOPMENT AUTHORITY BUDGET; MAKING ANNUAL APPROPRIATIONS FOR THE WINDSOR DOWNTOWN DEVELOPMENT AUTHORITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2015; AND FIXING THE MILL LEVY FOR THE WINDSOR DDA DISTRICT FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016

WHEREAS, on February 28, 2011, the Town Board of the Town of Windsor, Colorado (“Town Board”), adopted Ordinance No. 2011-1401, which established the Windsor Downtown Development Authority (“DDA”); and

WHEREAS, the DDA has been duly organized in accordance with the C.R.S. § 31-25-801, et seq.; and

WHEREAS, on October 21, 2015, the Board of Directors of the DDA (“DDA Board”), acting pursuant to the provisions of C.R.S. § 31-25-816, adopted a budget for the fiscal year ending December 31, 2016, and determined the mill levy necessary to help defray the costs of expenditures to be incurred by the DDA during the fiscal year ending December 31, 2016; and

WHEREAS, the DDA Board has recommended to the Town Board a mill levy of four (4) mills upon each dollar of assessed valuation on all taxable property within the DDA district, such levy being deemed appropriate in light of the DDA’s operational and maintenance needs for the fiscal year ending December 31, 2016; and

WHEREAS, it is the desire of the Town Board to approve the budget adopted by the DDA Board; to appropriate the sum of Eight Hundred Twenty One Thousand, Seven Hundred Thirty-Four Dollars (\$821,734) for expenditure on conducting the business of the DDA and for its projects and programs in accordance with the Town Board-approved DDA Plan of Development; and to fix the mill levy for the DDA District at four (4) mills for the fiscal year ending December 31, 2016; and

WHEREAS, C.R.S. § 39-5-128(1) requires certification of any tax levy to the Board of County Commissioners no later than December 15.

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

1. The 2016 DDA Budget is hereby approved; and
2. There is hereby appropriated for expenditure by the DDA the sum of Eight Hundred Twenty One Thousand, Seven Hundred Thirty-Four Dollars (\$821,734) for expenditure by the DDA on conducting the business of the DDA and for its projects

and programs in accordance with the Town Board-approved DDA Plan of Development; and

3. That the mill levy rate for the fiscal year ending December 31, 2016, of the assessed value of all taxable property within the DDA district as of December 31, 2015, shall be hereby set at four (4) mills, which mill levy has been deemed appropriate by the DDA Board for said fiscal year and which mill levy represents the amount of taxes for the DDA. Said mill levy shall be certified to the County Assessor and the Board of County Commissioners of Weld County, Colorado, by the Town Clerk as provided by law.

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of November, 2015.

TOWN OF WINDSOR, COLORADO

By _____
John S. Vazquez, Mayor

ATTEST:

Patti Garcia, Town Clerk

Downtown Development Authority Fund Detail Budget

ACCT NO	ACCOUNT NAME	ACTUAL - PROJECTED			DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND -19		NOTES
		2015 BUDGET	Thru JUL 2015	AUG-DEC 2015	2015 PROJ.	2016 BUDGET	
DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REVENUE - 19		DOWNTOWN DEVELOPMENT AUTHORITY (DDA)					
4001	<i>Beginning Fund Balance</i>	343,151			360,955	521,839	
4001	<i>Capital Projects Reserve Carryover</i>						
4311	Property Tax From Mill Levy	11,566	10,428	1,138	11,566	15,959	4 mills
4312	Auto Tax	0	493	352	846	850	
4324	Incremental Property Tax	14,326	10,673	3,653	14,326	13,080	
4334	Grants	0	0	0	0	0	
4364	Interest Income	5	3	2	6	5	
4367	Donations	0	0	0	0	0	
4376	Transfer from TOW General Fund	270,000	157,500	112,500	270,000	270,000	TOW Gen Fund transfer through 2016
DOWNTOWN DEVELOPMENT AUTHORITY REVENUES TOTAL		295,897	179,098	117,646	296,744	299,894	
AVAILABLE RESOURCES		639,048			657,699	821,734	
DOWNTOWN DEVELOPMENT AUTHORITY (DDA) EXPENDITURES -19		DOWNTOWN DEVELOPMENT AUTHORITY - 486					
5112	Wages/Part Time	0	0	0	0	0	
5130	FICAMED	0	0	0	0	0	
5131	FICA	0	0	0	0	0	
5134	Unemployment Insurance	0	0	0	0	0	
	<i>Personal Services Total</i>	0	0	0	0	0	
6210	Office Supplies	500	79	50	129	500	
6213	Public Relations/Advertising	25,000	15,729	6,000	21,729	25,000	Banners, DDA signage, event support/promotion
6214	Board Development	4,000	340	2,150	2,490	4,000	2016 DCI Conference - Pueblo
6217	Dues/Fees/Subscriptions	770	785	560	1,345	2,000	Chamber \$250, DCI \$295, Special Districts Assn \$521.55
6218	Small Equipment	0	0	0	0	2,500	Computer, phone, calculator
6219	Special Equipment	20,000	780	0	780	10,000	bike racks, planters, beautification items
6242	Street Repair/Maintenance	1,500	300	0	300	1,500	DDA lot maintenance
6245	Travel/Mileage	150	0	0	0	500	Visit other DDA's & conference travel
6246	Liability Insurance	2,053	0	2,053	2,053	2,500	General liability - \$2M
6252	Legal Services	10,000	1,295	1,000	2,295	10,000	Liley Rogers & Martell
6253	Contract Service	46,500	81	1,200	1,281	50,380	Executive Director \$43,180, VistaWorks \$1,200, office space use \$6,000
6256	Publishing/Recording	0	0	0	0	500	legal notices, etc.
6263	Postage	350	62	50	112	350	
6264	Printing/Binding	500	0	0	0	500	
6267	Study/Review/Analysis/Consulting	20,000	8,028	10,000	18,028	30,000	Retreat facilitator, consultants/architect/realtor - library, DDA-owned lots
6268	County Treasurer Fees	0	316	0	316	0	
6269	Miscellaneous	0	0	0	0	0	
6270	Façade Program	160,000	0	80,000	80,000	100,000	
6290	Elections	0	0	0	0	0	
	<i>Operating & Maintenance Total</i>	291,323	27,796	103,063	130,859	240,230	
7302	Admin Support Charge by Town of Windsor	5,000	2,917	2,083	5,000	5,000	monthly financial reports, consultation w/TOW
	<i>Debt Service Total</i>	5,000	2,917	2,083	5,000	5,000	
8410	Land/Easements	0	0	0	0	0	
8412	Site Improvements	0	0	0	0	5,000	Fencing for back lot - railroad

Budget 2016

Downtown Development Authority Fund Detail Budget

		ACTUAL - PROJECTED				DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND -19	
ACCT NO	ACCOUNT NAME	2015 BUDGET	Thru JUL 2015	AUG-DEC 2015	2015 PROJ.	2016 BUDGET	NOTES
8440	Machinery/Equipment	0	0	0	0	5,000	Office furniture for DDA Exec Dir
	Capital Outlay Total	0	0	0	0	10,000	
DOWNTOWN DEVELOPMENT AUTHORITY EXPENDITURES TOTAL		296,323	30,712	105,147	135,859	255,230	
BEGINNING DDA BALANCE		343,151					
CAPITAL PROJECTS RESERVE CARRYOVER					360,955	521,839	
REVENUE		295,897			296,744	299,894	
Available Resources		639,048			657,699	821,734	
EXPENDITURES		296,323			135,859	255,230	
ENDING DDA BALANCE		342,725			521,839	566,504	

		October 2015			
	<u>Previous Month</u>	<u>Previous Month's Year to Date</u>	<u>Current Month</u>	<u>Year To Date</u>	<u>Y.T.D. 2014</u>
Misdemeanor Complaints					
911 Hang up Calls	15	182	19	201	121
Animal	30	274	25	299	366
Arson	0	1	0	1	3
Assault	7	44	9	53	44
Assist Other Department	12	85	14	99	106
Attempted Suicide	0	7	0	7	12
Checks	0	2	1	3	0
Child Abuse	2	14	2	16	14
Citizen Service	95	731	83	814	601
Civil Complaints	7	81	8	89	87
Contributing Delinq./ Minor	0	0	0	0	0
Crime Against At-Risk Adult	1	1	0	1	2
Criminal Mischief	20	147	26	173	101
Criminal Trespass Premises	1	38	0	38	27
Death	3	18	0	18	14
Drugs	3	24	4	28	35
DUI's	9	60	12	72	51
False Burglar Alarm	23	269	31	300	255
False Imprisonment	0	0	3	3	0
False Reporting	0	2	2	4	1
Found Property	20	96	9	105	118
Harassment	14	79	13	92	98
Indecent Exposure	0	5	0	5	3
A. Curfew	0	0	0	0	3
B. Runaway	5	33	3	36	20
C. Other	7	39	1	40	74
Juvenile Problems (total)	12	72	4	76	97
Liquor Violations	0	1	0	1	13
Lost Property	4	42	1	43	37
Menacing	0	6	1	7	11
MIC / MIP	1	26	3	29	17
Missing Persons	2	9	7	16	25
Obstructing Police	2	3	1	4	8
Obstructing Telephone Service	0	1	1	2	2
Open door	7	80	8	88	64
Ordinance Violations	26	293	38	331	403
Reckless Endangerment	0	1	0	1	0
Repossession	0	0	0	0	0
Sexual Assault	2	11	2	13	12
Sex Offender Violation	0	3	1	4	0
Soliciting	0	9	0	9	11
Suspicious Activity	73	550	58	608	414

	October 2015				Y.T.D. 2014
	Previous Month	Previous Month's Year to Date	Current Month	Year To Date	
Misdemeanor Complaints Cont'd					
Theft	16	148	16	164	139
Theft By Receiving	0	0	0	0	0
Towed - Abandoned	0	2	0	2	15
Towed - Traffic	5	70	10	80	68
Towed (Total)	5	75	10	85	77
Traffic Accidents (total)	35	286	29	315	244
A. Non-injury/Property damage	33	249	22	271	233
B. Injury	1	24	4	28	28
C. Fatal	0	1	0	1	1
D. DUI Accidents	1	12	3	15	10
Underage Possession Marijuana	3	23	3	26	32
Vehicle Laws	231	1679	174	1853	1796
Violation of Restraining Order	3	36	2	38	16
Warrants - WPD	0	5	0	5	5
Warrants - Other Department	14	81	15	96	74
Warrants (Total)	14	86	15	101	79
Weapon Violation	0	6	1	7	6
Felony Complaints					
Armed Robbery	0	2	0	2	0
Arrests	7	60	7	67	63
Arson	0	1	0	1	1
Assault	1	9	0	9	5
Attempted Burglary	0	0	0	0	2
Auto Theft	1	5	0	5	6
Burglary	4	26	5	31	25
Checks	0	0	0	0	1
Child abuse	0	1	0	1	0
Child Neglect	0	0	0	0	0
Contrib./Delinq. of Minor	1	1	2	3	0
Criminal Impersonation	0	0	0	0	0
Criminal Mischief	1	13	2	15	13
Criminal Trespass - Dwelling	0	2	0	2	6
Criminal Trespass - Vehicle	7	54	0	54	74
Drugs	7	11	1	12	21
Forgery	0	8	1	9	4
Fraud	4	102	8	110	85
Homicide	0	1	0	1	0
Identity Theft	0	46	1	47	17
Intimidating Witness/Victim	0	0	0	0	0
Menacing	0	9	0	9	6
Recovery of Stolen Vehicle (ALL)	1	6	1	7	5
Robbery	0	0	1	1	0
Sexual Assault	0	1	2	3	0
Tampering with Evidence	0	1	0	1	0
Theft by Receiving	0	0	0	0	0

	October 2015				Y.T.D. 2014
	<u>Previous Month</u>	<u>Previous Month's Year to Date</u>	<u>Current Month</u>	<u>Year To Date</u>	
Theft	4	40	1	41	57
Warrant (Other Department)	1	15	3	18	23
Weapon Violation	0	1	0	1	0
Adult Arrest	35	236	40	276	218
Juvenile Detentions	0	25	5	30	22
Total Calls for Service	654	5389	561	5950	5226
A. Criminal	254	2779	309	3088	2959
B. Non-Criminal	300	2510	252	2762	2267
Cases Filed (County Penal)	26	218	37	255	156
County Traffic Citations	73	455	40	495	471
Municipal Citation	173	1386	149	1535	1601
A. Traffic	158	1220	119	1339	1353
B. Ordinances	15	166	30	196	248
Warnings	343	2633	326	2959	2872
Juvenile Filings	0	19	1	20	35
Parking Tickets	30	369	18	387	216
Juvenile Notification Forms	18	139	21	160	126
M-1 Holds	4	43	5	48	N/A
Misdemeanor Complaints Cleared by Arrest	28	201	38	239	176
Monetary Loss Misdemeanor Complaints	\$10,173	\$51,553	\$6,111	\$57,664	\$22,757
Monetary Recovery Misdemeanor Complaints	\$0	\$2,768	\$1,025	\$3,793	\$4,969
Felony Complaints Cleared by Arrest	7	60	7	67	63
Monetary Loss Felony Complaints	\$26,100	\$270,259	\$5,200	\$275,459	\$152,114
Monetary Recovery Felony Complaints	\$8,500	\$28,770	\$0	\$28,770	\$30,555