



TOWN BOARD WORK SESSION

May 21, 2018 // 6:00 p.m. // First floor conference room
301 Walnut Street, Windsor, CO 80550

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

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

AGENDA

1. Park Impact Fees Discussion – E. Lucas
2. Future Meetings Agenda



MEMORANDUM

Date: May 21, 2018
To: Mayor and Town Board
Via: Dean Moyer, Acting Town Manager
From: Eric Lucas, Director of Parks, Recreation & Culture
Re: Park Development Fees
Item #: Work Session Item #1.a

Background/Discussion:

The purpose of this memo is to provide the Mayor and Board information that I intend to utilize at the May 21, 2018 Town Board Work session where I will be discussing the proposed ordinance change related to how we charge park development fees when new residential developments are planned.

In 2003, the Parks, Recreation, Trail and Open Lands Master Plan “highlighted that existing financial resources were falling short of meeting the increased service demands for parks a result of new growth and development”. This statement precipitated a Park Impact Study being commissioned with the premise that as new growth and development added rooftops / residents, that necessitated the need for neighborhood parks as well as proportional costs of improving community park sites to serve broader areas.

The result of the Park Impact Study was the refined definition of community parks and neighborhood park impact fees as well as the park fee in lieu of land. Additionally, the 2003 Parks, Recreation, Trail and Open Lands Master Plan recommended the goal of providing a neighborhood park within ½ mile of each home. Since that time the Town and Department have operated with this fee structure and park access goal.

- *Current Park Development Impact Fees*
 - Community Park: \$1,316
 - Neighborhood Park: \$3,897
 - Fee in Lieu of Land: \$52,970
 - *Note: Fees are adjusted annually based upon the Denver/Boulder CPI.*

In late 2016, the Town Board adopted a Parks, Recreation & Culture Master Plan update revealed that development and growth had achieved a very lofty 92% of all residents were within a 10 minute walk of a recreation amenity (park or trail). Additionally the master plan identified a multitude of recommendations and action items (see attached Recommendations & Action Items) designed to continue moving the department forward into the foreseeable future (5 years). Among the recommendations and action items were the following:

- *Objective 1.1: Continue to provide equitable access to parks to the Town of Windsor*
 - Objective 1.1.b Evaluate park impact fees, park land dedication, and fees-in-lieu policy to ensure that they continually cover expected cost.

- *Objective 1.5: Develop a system of prioritized growth and/or funding*
 - o Objective 1.5.a Categorize growth opportunities by
 - Safety Issues
 - Impact of the Three Pillars of NRPA
 - Social Equity
 - Health and Wellness
 - Conservation
 - Available funding – is it dedicated and/or recurring?
 - Need and/or demand of service
 - Ability to generate revenue for the Department
 - Ability to partner
 - Potential impact (cost/benefit) to the
 - Department and to the Town
 - Equitable investment in divisions

As a result of the aforementioned recommendations and action items, staff determined that no further neighborhood parks were needed beyond the ones already having development agreements in place. Additionally staff determined that our focus moving forward should be on acquisition and buildout of community parks (see attached Developed Parks Buildout Map). This direction was adopted by the Town Board in April 2017 and basically identified what the Town's developed park system would look like at buildout. It does not identify final open space or trails at buildout.

With the end in mind, I have been working to determine the cost to build-out the park system as shown in the adopted developed parks buildout map. The analysis led me to the conclusion that we have accumulated enough funding in the neighborhood park fund to enable the Town to build them when they come online. Unfortunately, we do not have enough money to acquire and buildout our community parks and if we continue with our current fee structure the Town will realize a significant shortfall in the community park fee fund and an excess in the neighborhood park fee fund. Given that our code does not permit co-mingling of these funds the result would be that we would have to refund the excess in funds once all neighborhood parks are built. Thus the need to adjust how we collect the park impact fees from new development.

At the Town Board work session on April 26, 2018 I showed the fund balances of both community and neighborhood park funds, the projected costs to buildout and the impact of failing to take action by adjusting the impact fees (see attached current and future park buildout financial spreadsheet). At that meeting, I recommended that we modify our ordinance to basically combines both fees (Neighborhood and Community Park) into one single park impact fee that can be used for the development of any park or trail in the Town of Windsor Park System. The result is a net zero (\$0) effect to developers. Until all funds are spent in the original fund accounts, this will result in three (3) funds to account for development and build out of our park system, the original funds (Neighborhood & Community Park) and the new Park Impact Fee Fund.

Town Board was in agreement and requested staff work with the Town Attorney to draft language that changes our park impact fees to a singular system and quickly return to Town Board for adoption. I have included a copy of the draft ordinance (See Item #1. e Draft Ordinance Clean) as well as the redlined

version (See Item #1. f Draft Redlined), so that you can see what changes were made from the original ordinance. The proposed changes found in the Draft Ordinance perform the aforementioned intent of the ordinance change to combine both fees (Neighborhood and Community Park) into one single park impact fee that can be used for the development of any park, trail or open space in the Town of Windsor Park System. The result is a net zero (\$0) effect to developers.

It should be noted and I intend to make it a point of clarification during my presentation that the money in this fund cannot be spent on trails or open space at this time as they are not yet quantified in terms of demand for the capital cost per our ordinance. I will be recommending a study in the 2019 budget proposal that will address this area of future development.

Financial Impact:

There is no financial impact at this time.

Recommendation:

Following the presentation and subsequent discussion regarding the draft ordinance staff will recommend that any modifications with Board consensus be made and the proposed ordinance appear on a future regular Town Board meeting agenda for approval and adoption. Staff anticipates would occur in June 2018.

Attachment:

TB WKS Item # 1.b	2016 Parks, Recreation & Culture Master Plan Recommendations & Action Items
TB WKS Item #1.c	Developed Park Buildout Map
TB WKS Item #1.d	Park Fund Buildout Financial Spreadsheet Current & Future
TB WKS Item #1.e	Draft Ordinance (Clean)
TB WKS Item #1.f	Draft Redlined

VI. Recommendations and Action Plan

The following Action Plan has been developed for the Department through input and analysis of key issues. Many of the 2007 Master Plan Goals are still relevant today, and this action plan represents new issues facing the Department. For the purposes of this action plan four timeframes were used:

- Ongoing – The Department is currently taking action, whether it be in planning or currently implementing.
- Short-Term – The Department should plan to accomplish the action in 1 – 3 years.
- Mid-Term – The Department should plan to accomplish the action in 3 – 5 years.
- Long-Term – The Department should plan to accomplish the action in 5 – 10 years.

Since the priorities of the Department will change and evolve throughout the lifetime of this plan, the following are not ranked in order of importance or priority.

A. Outdoor Facilities or Amenities to Add, Expand, or Improve

Objective 1.1: <i>Continue to provide equitable access to parks to the Town of Windsor.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
1.1.a Evaluate development agreements with developers to ensure that they are meeting the current level of service standards.	WPRCD/Planning Department	Staff Time	Short-Term /Ongoing
1.1.b Evaluate park impact fees, park land dedication, and fees-in-lieu policy to assure that they continually cover expected cost.	WPRCD	Staff Time	Short-Term / Ongoing
1.1.c Monitor ADA Transition Plan and identify issues as they arise to ensure that facilities remain compliant.	WPRCD	Staff Time	Ongoing
1.1.d Continue to develop walkable access to recreation to include new on-street and off-street trail segments and street crossings with an emphasis on connectivity to provide active transportation opportunities from subdivisions to locations, such as parks, schools, and commercial opportunities.	WPRCD	TBD	Ongoing

Objective 1.2:*Develop partnership opportunities to provide outdoor infrastructure.*

Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
1.2.a Continue to develop on street trail connectivity, which can involve coordination with public works and other Town departments or outside public and private entities.	WPRCD	TBD	Ongoing
1.2.b Continue and expand successful partnership with local school district to make school facilities available to Town residents, including programs such as Learning Landscapes, to improve community “ownership” of school facilities, including opportunities for joint maintenance and other efficiencies.	WPRCD	Staff Time	Ongoing
1.2.c Work with schools and local school districts to develop programs and infrastructure, such as Safe Routes to Schools, that physically connect young people to school grounds, including maintenance routes and snow clearing.	WPRCD	Staff Time	Ongoing
1.2.d Develop partnerships with surrounding municipalities to investigate the feasibility of providing regional park amenities.	WPRCD/Planning Department/ Town Manager	Staff Time	Long-Term
1.2.e Develop partnerships with existing HOAs and Metro Districts to provide desired amenities for residents in these areas.	WPRCD/ Planning Department	Staff Time	Short-Term

Objective 1.3:*Continue to develop and upgrade current park amenities.*

Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
1.3.a Address deficiencies in components in “GRASP® Inventory and Analysis Considerations.”	WPRCD	TBD	Mid - Term
1.3.b Provide unique, active opportunities in all park around the system.	WPRCD	TBD	Ongoing
1.3.c Utilize an updated Public Arts Plan to differentiate parks.	WPRCD	TBD	Mid-Term

1.3.d Consider opportunities to add new park components in existing parks to boost the value of these facilities. (Example – Diamond Valley athletic fields)	WPRCD	Staff Time	Short-Term / Ongoing
1.3.e Complete Boardwalk Park Museum and Landscape Plan.	WPRCD	TBD	Mid-Term
Objective 1.4: <i>Develop a conservation plan for the current system.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
1.4.a Preserve floodplains, wetlands, and natural areas.	WPRCD	TBD	Ongoing
1.4.b Determine appropriate amounts of irrigated turf for current and future parks.	WPRCD	Staff Time/TBD	Short-Term
1.4.c Become a model for the public through educating and advocating for conservation practices in river corridors, bluffs, trails, and working agricultural areas.	WPRCD	TBD	Long-Term
1.4.d Design future assets with conservation in mind.	WPRCD	TBD	Long-Term
1.4.e Evaluate operating efficiencies, and address problem areas, for example determining the efficiency of the watering schedule.	WPRCD	Staff Time	Short-Term
1.4.f Continue development of low impact irrigation in design and maintenance decisions to include: • “Smart” irrigation controllers • On-site weather sensors • Cloud based monitoring, scheduling and programming • Flow monitoring • Pressure regulation • Proper system design and programming • High efficiency heads and nozzles • Routine system maintenance and audits	WPRCD	TBD	Ongoing
1.4.g Use non-potable water supplies or reclaimed water if possible.	WPRCD	TBD	Ongoing

1.4.h Use low water plant species for turf, ornamental planting beds, and native grassland areas.	WPRCD	TBD	Ongoing
1.4.i Utilize proper soil amendment for moisture retention.	WPRCD	TBD	Ongoing
1.4.j Design with appropriate plant selection for a give site or microclimate.	WPRCD	TBD	Ongoing
1.4.k Consider working with a water conservation consultant to develop customized strategies for Windsor.	WPRCD	TBD	Ongoing
1.4.l Limit development in working agricultural assets.	WPRCD	TBD	Ongoing
Objective 1.5: <i>Develop a system of prioritized growth and/or funding allocation.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
1.5.a Categorize growth opportunities by • Safety Issues • Impact of the Three Pillars of NRPA ▪ Social Equity ▪ Health and Wellness ▪ Conservation • Available funding – is it dedicated and/or recurring? • Need and/or demand of service • Ability to generate revenue for the Department • Ability to partner • Potential impact (cost/benefit) to the Department and to the Town - Equitable investment in divisions	WPRCD	Staff Time	Short Term (3 months) Ongoing
1.5.b Create a short-term strategy of development that aligns with Town priorities.	WPRCD	Staff Time	Short-Term (3 Months)

B. Indoor Facilities or Amenities to Add, Expand, or Improve

Objective 2.1 <i>Ensure that indoor facilities and amenities are being utilized at their full potential.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
2.1.a Provide services at unique locations within the system.	WPRCD	TBD	Ongoing / Long Term
2.1.b Look for revenue generating opportunities at indoor spaces.	WPRCD	Staff Time/TBD	Ongoing
Objective 2.2: <i>Ensure that facilities meet the need of the community.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
2.2.a Develop and strengthen partnerships to continue to provide services to the community.	WPRCD	Staff Time	Ongoing

C. Operations

Objective 3.1: <i>Communicate operational goals and policies to the Windsor Community.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
3.1.a Define operational goals.	WPRCD	Staff Time	Short-Term
3.1.b Monitor, and adjust accordingly, cost recovery goals for the Department.	WPRCD	Staff Time	Ongoing
3.1.c Identify and implement policy changes that allow for prioritizing work.	WPRCD	Staff Time	Short-Term
3.1.d Communicate the effect that growing demands have on the current staff levels.	WPRCD	Staff Time	Short-Term
3.1.e Identify areas to install interpretive signage.	WPRCD	Staff Time/TBD	Mid-Term
3.1.f Develop metrics for benchmarking the current demand on the system.	WPRCD	Staff Time	Short-Term

Objective 3.2:*Develop internal operational efficiency and collaboration opportunities.*

Actions	Primary Dept. Responsibility/Support	Resource Impact/Budget Requirement	Timeframe to Complete
3.2.a Examine and consider revising the mission and values of the Parks, Recreation, and Culture Department.	WPRCD	TBD	Short-Term
3.2.b Develop opportunities for divisions to work collaboratively.	WPRCD	Staff Time	Ongoing
3.2.c Evaluate opportunities to provide more opportunities for programming within the Culture Division.	WPRCD	TBD	Short-Term

Objective 3.3:*Ensure proper staffing levels to meet the growing demands of the Parks, Recreation, and Culture Department.*

Actions	Primary Dept. Responsibility/Support	Resource Impact/Budget Requirement	Timeframe to Complete
3.3.a Use internal data and benchmark comparisons to justify additional staff to keep up with growing demand.	WPRCD	Staff Time	Ongoing
3.3.b Investigate the feasibility of additional contractual services.	WPRCD	Staff Time/TBD	Ongoing
3.3.c Develop recruitment strategies for variable hour employees.	WPRCD	Staff-Time	Ongoing

Objective 3.4: <i>Develop a system for prioritizing program development.</i>			
Actions	Primary Dept. Responsibility/Support	Resource Impact/Budget Requirement	Timeframe to Complete
3.4.a Categorize growth opportunities by • Impact of the Three Pillars of NRPA ▪ Social Equity ▪ Health and Wellness ▪ Conservation • The Pyramid Methodology (currently utilized within the Department) • Need and/or demand of service • Program alignment with the mission of the Department • Market factors, like alternative providers • Ability to generate revenue for the Department	WPRCD	Staff Time	Ongoing
Objective 3.5: <i>Develop additional funding mechanisms for the Parks, Recreation, and Culture Department.</i>			
Actions	Primary Dept. Responsibility/Support	Resource Impact/Budget Requirement	Timeframe to Complete
3.5.a Identify and develop additional funding mechanisms, including: • General Obligation Bonds • Local Tax Revenues • Utility Bill Fee • Advertisement Sales • Special Improvement Districts • Concessions and Merchandise Sales • Partnerships • Philanthropic • General Purpose/Operating Support Grants • Program or Project Support Grants	WPRCD	Staff Time	Ongoing

D. Programs to Add, Expand, or Improve

Objective 4.1 <i>Ensure that programming services are in line with a growing population base and target markets.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
4.1.a Evaluate programs on an annual or biannual cycle for fit within the Parks, Recreation, and Culture Department.	WPRCD	Staff Time	Ongoing
4.1.b Evaluate program fee schedule on a biannual basis.	WPRCD	Staff Time	Ongoing
4.1.c Explore opportunities with resource/environmental programs.	WPRCD	Staff Time	Ongoing
4.1.d Develop partnerships with local providers to expand Department services to the community.	WPRCD	Staff Time	Ongoing
Objective 4.2 <i>Develop internal and external partnerships to continue to provide high level programs and services to the Town of Windsor.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
4.2.a Develop partnerships to increase the awareness of the Cultural amenities in the Town of Windsor.	WPRCD	Staff Time	Ongoing
4.2.b Develop programs in activity clusters within the Town.	WPRCD	Staff Time	Ongoing
Objective 4.3: <i>Ensure that concert series, festival, and events are provided by the most effective means.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
4.3.a Develop a stronger application process.	WPRCD	Staff Time	Short-Term / 3 months
4.3.b Evaluate the cost of providing the service.	WPRCD	Staff Time	3 months / Ongoing
4.3.c Develop a pricing strategy, and re-evaluate annually.	WPRCD	Staff Time	3 months / Short-Term
4.3.d Develop a system for determining external support.	WPRCD	Staff Time	Mid-Term

Objective 4.4: <i>Ensure that programming meets the goals of “Our Lands – Our Future.”</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
4.4.a Develop and prioritize nature based and open programs.	WPRCD	Staff Time	Mid-term /Ongoing
4.4.b Develop educational programs.	WPRCD	Staff Time	Mid – Term / Ongoing
4.4.c Communicate the value of natural areas and open space to the community.	WPRCD	Staff Time	Short / Term Ongoing
4.4.d Gain further community input in developing natural programs.	WPRCD	Staff Time	Mid -Term

E. Marketing and Awareness

Objective 5.1: <i>Promote community awareness.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
5.1.a Develop a consistent message of what the Parks, Recreation, and Culture Department stands for; its services; and its value to Windsor.	WPRCD	Staff Time	Short-Term
5.1.b Develop educational programming and communication about the mission, goals, and value of the Parks, Recreation, and Culture Department.	WPRCD	Staff Time	Short-Term
Objective 5.2: <i>Develop marketing efforts to reach targeted population segments through the most effective means.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
5.2.a Define the brand of the Parks, Recreation, and Culture Department.	WPRCD	Staff Time	Short-Term
5.2.b Develop a Marketing Plan.	WPRCD	Staff Time	3 months / Short-Term
5.2.c Define a target market or markets within the greater whole.	WPRCD	Staff Time	Short-Term
5.2.d Develop channels of communication.	WPRCD	Staff Time	Ongoing

5.2.e Provide connections to technology through services (registration app, recreation program passport, etc.)	WPRCD	Staff Time	Mid-Term
Objective 5.3: <i>Increase partnerships to both identify and address community needs.</i>			
Actions	Primary Dept. Responsibility/ Support	Resource Impact/Budget Requirement	Timeframe to Complete
5.3.a Increase partnerships with other community services.	WPRCD	Staff Time	Ongoing
5.3.b Develop partnerships to identify needs, address needs, and deliver services to specific community groups.	WPRCD	Staff Time	Ongoing

Park Fund Buildout Current	
Community Park Fees	
Projected Balance Beginning 2018	\$ 3,272,585.00
Projected 2018 Revenue	\$ 767,053.00
Funds For Use 2018	\$ 4,039,638.00
Less funds for 2018 CIP*	\$ 3,000,000.00
Projected Balance End of 2018	\$ 1,039,638.00

*Note: \$1million for DV will role into 2019

Known Expenses

Main Park Playground	\$ -
Eastman Park South	\$ 994,103.00
Diamond Valley (note: This estimate is less the 2018/19 project	\$ 17,000,000.00
Tacincalla	\$ 6,682,724.00
Community Park (southside)	\$ 8,100,000.00
Total Community Park Costs	\$ 32,776,827.00

Neighborhood Park Fees	
Projected Balance Beginning 2018	\$ 3,345,708.00
Projected 2018 Revenue	\$ 1,341,780.00
Funds For Use 2018	\$ 4,687,488.00
Less Village East Park (2018)	\$ 866,000.00
Projected Balance End of 2018	\$ 3,821,488.00

Known Expenses:

Village East Park (2018)	\$ -
Wayne Miller Park	\$ 1,200,000.00
Jacoby Farm	\$ 500,451.00
Harmony Ridge	\$ 1,075,000.00
Fossil Creek	\$ 900,000.00
Windshire (Developer Built)	\$ -
Total Neighborhood Park Costs	\$ 3,675,451.00

**** All Fees and Expenses Based on 2018 Pricing**

[STANDARD ORDINANCE CAPTION]

AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 18 OF THE *WINDSOR MUNICIPAL CODE*, MAKING CERTAIN FINDINGS OF FACT, AND ADOPTING A PARK, OPEN SPACE AND TRAIL DEVELOPMENT FEE AS ARTICLE [## in Roman] OF CHAPTER 17 OF THE *WINDSOR MUNICIPAL CODE*

[RECITALS, including specific references to Master Plan, cost analysis, quantification, legislative adoption of the Master Plan, etc.]

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

Section 1. Article I of Section 18 of the *Windsor Municipal Code* is hereby repealed in its entirety.

Section 2. Chapter 17 of the *Windsor Municipal Code* is hereby amended by the addition of a new Article [Roman ##'s], which shall read as follows:

**ARTICLE [Roman ##'s]
Park, Open Space and Trail Fees, Dedications, Reservations**

Sec. 17-[##]-10. - Purpose and intent.

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

(b) The land dedication requirements and the imposition of development fees in this Article are intended to regulate the use and development of land by ensuring that new growth and development in the Town bear a proportionate share of the cost of capital expenditures necessary to provide for the establishment of new parks, establishment of new open space, establishment of trails and capital improvement of these recreational resources. The land dedication requirements and fees set forth in this Article shall not be used to collect more than is necessary to fund such category of capital improvements. The land dedication requirements and development fees set forth in this Article are based upon the following documents, together with such other evidence considered by the Town Board in the adoption of this Article: (1) The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan, dated [date], and adopted by the Town Board on [date]; and (2) The Town of Windsor Park Impact Fee Study, including the analysis and projection of the costs of park construction, [trail construction and open space

[acquisition] prepared by [consultant] and adopted by the Town Board contemporaneously with the adoption of this Article.

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

Sec. 17-[#]-20. - Definitions.

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

Capital facilities shall mean the purchase or long-term lease or lease-purchase of real property, the construction of public facilities or the purchase or long-term lease or lease-purchase of equipment or materials needed to facilitate the operation of such facilities or the delivery of services therefrom. Such facilities shall be directly related to services that the Town is authorized by Charter or state law to provide. The useful life of such facilities shall, in each instance, be no less than five (5) years.

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

Community Open Space shall mean open space and conservation easements that serve the purpose of providing community-wide recreational areas consistent with the intent of the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan

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

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

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

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

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

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

Trails shall mean a pedestrian or bicycle access facility constructed by the Town to its standards, and includes the infrastructure facilities, equipment and improvements for pedestrian and bicycle access facilities as defined in the Town's adopted Trails Master Plan.

Sec. 17-[#]-30. - Benefit areas and expenditures.

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

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

Sec. 17-[#]-40. - Neighborhood park land dedication under former Chapter 18, Article I.

(a) No neighborhood park land dedication, including the dedication of open space and conservation easements that serve the purpose of providing neighborhood recreational areas, will be required following the effective date of this Article.

(b) All neighborhood park land dedicated under the former Chapter 18, Article I of the Windsor Municipal Code is hereby reaffirmed for the purposes for which such park land was dedicated.

Sec. 17-[#]-50. - Disposition of Neighborhood Park Development Fees paid under the former Chapter 18, Article I.

(a) All fee revenue derived from the Neighborhood Park Development Fees paid under the former Chapter 18, Article I of the Windsor Municipal Code shall be exclusively devoted to the construction of developed neighborhood parks. These funds shall be used to address the need for such capital facilities brought about by development, including the need for pedestrian and bicycle connectivity between neighborhood parks. These funds are separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. No Neighborhood Park Development Fee funds collected under the former Chapter 18, Article I of the Windsor Municipal Code shall be used for the maintenance, improvement or redevelopment of existing parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of neighborhood parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.

(b) Until such accumulated funds are exhausted or refunded in accordance with this Article, the Town Board shall annually appropriate all revenues heretofore accumulated in the Neighborhood Park Development Fee fund for the construction of developed neighborhood parks, and including new capital facilities necessary for pedestrian and bicycle connectivity between neighborhood parks, in general compliance with the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan.

Sec. 17-[#]-60. - Park, Open Space and Trail Development Fee.

(a) There is hereby established a Park, Open Space and Trail Development Fee, which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital facilities related to the provision of community parks, community open space and trails. All fees collected pursuant to this Article shall be expended for the acquisition of community park land, construction of developed community parks, acquisition of community open space, development of community open space, acquisition of easements for trails, and development of trails. This Park, Open Space and Trail Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. Such fee shall be due and payable upon the issuance of every building permit and shall initially be established at [amount in Arabic and text] per residential dwelling unit.

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

Sec. 17-[#]-70. - Unpaid charges constitute lien.

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

Sec. 17-[#]-80. - Refunds.

(a) All fees collected pursuant to the former Chapter 18, Article I of the *Windsor Municipal Code* shall be expended by the Town for purposes approved therein within ten (10) years of the date of payment. Any fee not so expended shall be refunded, upon application, to the record owner of the property for which the fee was paid or, if the fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund; provided, however, that the Town shall retain an additional two percent (2%) of the refunded fee to offset the cost of refund.

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

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

Sec. 17-[#]-90. - Procedure to obtain refund.

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

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

(b) The Town Manager shall determine within five (5) working days whether or not the application for a refund is sufficient on its face. If the Town Manager determines that the application is not sufficient, a written notice shall be mailed to the applicant within said period, specifying the deficiencies. No further action shall be taken on the application unless the deficiencies are remedied. Any deficiencies must be remedied within twenty (20) days of the date of mailing of the notice from the Town Manager or prior to the expiration of the period of time for filing an application for a refund, whichever is later. If the application is determined to be sufficient, the Town Manager shall notify the applicant, in writing, that the application will be reviewed pursuant to the procedures and standards of this Article.

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

Sec. 17-[#]-100. - Annual adjustment of fees, costs and land valuation.

The fees established by this Article shall be adjusted annually to reflect the effects of inflation. Commencing on January 1, 2019, and on January 1 of each following year, unless the fees herein established are otherwise revised or replaced, such amounts set forth in this Article shall be adjusted for inflation based upon the Denver-Boulder Consumer Price Index. Such adjustments shall become effective immediately upon calculation by the Town and shall not require additional action by the Town Board to become effective.

Sec. 17-[#]-110. - Application of Article.

This Article shall apply to all complete applications for development and complete building permit applications received after [date].

[STANDARD ORDINANCE CAPTION]

AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 18 OF THE *WINDSOR MUNICIPAL CODE*, MAKING CERTAIN FINDINGS OF FACT, AND ADOPTING A PARK, OPEN SPACE AND TRAIL DEVELOPMENT FEE AS ARTICLE [## in Roman] OF CHAPTER 17 OF THE *WINDSOR MUNICIPAL CODE*

[RECITALS, including specific references to Master Plan, cost analysis, quantification, legislative adoption of the Master Plan, etc.]

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

Section 1. Article I of Section 18 of the *Windsor Municipal Code* is hereby repealed in its entirety.

Section 2. Chapter 17 of the *Windsor Municipal Code* is hereby amended by the addition of a new Article [Roman ##'s], which shall read as follows:

ARTICLE [Roman ##'s]

Park, Open Space and Trail Fees, Dedications, Reservations

Sec. 17-[##]-10. - Purpose and intent.

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

(b) The land dedication requirements and the imposition of development fees in this Article are intended to regulate the use and development of land by ensuring that new growth and development in the Town bear a proportionate share of the cost of capital expenditures necessary to provide for the capital establishment of new parks, establishment of new open space, establishment of trails and capital improvement of parks these recreational resources. Said The land dedication requirements and fees set forth in this Article shall not be used to collect more than is necessary to fund such category of capital improvements. The land dedication requirements and development fees provided for set forth in this Article are based upon the following documents, together with such other evidence considered by the Town Board in the adoption of this Article: (1) The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan, dated [date], and adopted by the Town Board on [date]; and (2) The Town of Windsor Park Impact Fee Study, dated May 2004, including the analysis and projection of the costs of park construction, trail construction and open space

acquisition prepared by [we need to find some way to quantify the fees] and adopted by the Town Board contemporaneously with the adoption of this Article.

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

Sec. 17-[#]-20. - Definitions.

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

Capital facilities shall mean the purchase or long-term lease or lease-purchase of real property, the construction of public facilities or the purchase or long-term lease or lease-purchase of equipment or materials needed to facilitate the operation of such facilities or the delivery of services therefrom. Such facilities shall be directly related to services that the Town is authorized by Charter or state law to provide. The useful life of such facilities shall, in each instance, ~~exceed~~ be no less than five (5) years.

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

Community Open Space shall mean open space and conservation easements that serve the purpose of providing community-wide recreational areas consistent with the intent of the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan

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

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

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

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

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

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

Trails shall mean a pedestrian or bicycle access facility constructed by the Town to its standards, and includes the infrastructure facilities, equipment and improvements for pedestrian and bicycle access facilities as defined in the Town's adopted Trails Master Plan.

Sec. 17-[#]-30. - Benefit areas and expenditures.

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

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

Sec. 17-[#]-40. - Neighborhood park land dedication under former Chapter 18, Article I.

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

(a) No neighborhood park land dedication, including the dedication of open space and conservation easements that serve the purpose of providing neighborhood recreational areas, will be required following the effective date of this Article.

(a)(b) All neighborhood park land dedicated under the former Chapter 18, Article I of the Windsor Municipal Code is hereby reaffirmed for the purposes for which such park land was dedicated.

Sec. 17-[#]-50. —Description of land acceptable for dedication.

~~(a) The Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan shall guide the location of neighborhood parks. The location of neighborhood parks shall generally conform to said Master Plan. The land to be dedicated and any developed neighborhood park to be constructed pursuant to this Article shall be subject to approval by the Town Board after review and recommendation by the Parks, Recreation and Culture Advisory Board. (b) Whenever a development proposal includes any part of a trail or open lands or other recreation area as designated in the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan, the Town may, in addition to the requirements set forth in this Article, require the conveyance of adequate land for trails, open lands or other recreation areas as may be reasonable and proportionate to the impact of the development proposal. Nothing herein shall be deemed to preclude the Town from providing credits against the land dedication or payment in lieu of land dedication requirements set forth herein for the dedication of lands, open space, conservation easements or other recreational areas as may be appropriate.~~

~~(Ord. 2011-1415 §1; Ord. 2012-1430 §2)~~

Sec. 18-1-60. —Required dedication.

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

~~(Ord. 2011-1415 §1; Ord. 2012-1430 §2)~~

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

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

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

~~times the number of acres that would otherwise be dedicated to the Town under the land dedication provisions of this Article.
(Ord. 2011-1415 §1; Ord. 2012-1430 §2)~~

~~- Disposition of Neighborhood Park Development Fees paid under the former Chapter 18, Article I.~~

~~(a) All fee revenue derived from the Neighborhood Park Development Fees paid under the former Chapter 18, Article I of the Windsor Municipal Code shall be exclusively devoted to the construction of developed neighborhood parks. These funds shall be used to address the need for such capital facilities brought about by development, including the need for pedestrian and bicycle connectivity between neighborhood parks. These funds are separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. No Neighborhood Park Development Fee funds collected under the former Chapter 18, Article I of the Windsor Municipal Code shall be used for the maintenance, improvement or redevelopment of existing parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of neighborhood parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.~~

~~(a)(b) Until such accumulated funds are exhausted or refunded in accordance with this Article, the Town Board shall annually appropriate all revenues heretofore accumulated in the Neighborhood Park Development Fee fund for the construction of developed neighborhood parks, and including new capital facilities necessary for pedestrian and bicycle connectivity between neighborhood parks, in general compliance with the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan.~~

~~(a) There is hereby established a Neighborhood Park Development Fee, which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital facilities related to the provision of developed neighborhood parks. All fees collected shall be expended for the construction of developed neighborhood parks. This Neighborhood Park Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. Such fee shall be payable prior to the issuance of any building permit and shall be established as three thousand two hundred seventy nine dollars (\$3,279.00) per residential dwelling unit. (b) No Neighborhood Park Development Fee funds shall be used for the maintenance, improvement or redevelopment of existing developed neighborhood parks. These fees shall be segregated, credited and deposited into a special fund and shall not be transferred therefrom except to pay for the expenses directly attributable to the development of neighborhood parks as addressed herein. These fees shall not be used for general or other governmental or proprietary purposes of the Town except to pay for the equitable share of the cost of accounting and management thereof.~~

~~(c) Commencing with fiscal year 2012, the Town Board shall annually appropriate all revenues accumulated heretofore in the Neighborhood Park Development Fee fund and in the future accumulated in the Neighborhood Park Development Fee fund for the construction of developed neighborhood parks in general compliance with the Town of Windsor Parks, Recreation, Trails and Open Lands Master Plan.~~
~~(Ord. 2011-1415 §1)~~

Sec. 17-[#]-9060. - Community Park, Open Space and Trail Development Fee.

(a) There is hereby established a Community Park, Open Space and Trail Development Fee, which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital facilities related to the provision of community parks, community open space and trails. All fees collected pursuant to this Article shall be expended for the acquisition of community park land, construction of developed community parks, acquisition of community open space, development of community open space, acquisition of easements for trails, and development of trails. This Community Park, Open Space and Trail -Development Fee is designed to address the need for such capital facilities brought about by development and is separate and distinct from the impact fees otherwise addressed by this Article and other provisions of this Code. Such fee shall be due and payable ~~prior to~~upon the issuance of ~~any every~~ building permit and shall initially be established at as ~~one thousand seventy-nine dollars (\$1,079.00)~~ [amount in Arabic and text] per residential dwelling unit.

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

Sec. 17-[#]-70. - Unpaid charges constitute lien.

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

Sec. 17-[#]-80. - Entitlement to Refunds.

(a) All fees collected pursuant to the former Chapter 18, Article I of the Windsor Municipal code this Article shall be expended by the Town for purposes approved therein within ten (10) years of the date of payment. Any fee not so expended shall be refunded, upon application, to the record owner of the property for which the fee was paid or, if the fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund; provided, however, that the Town shall retain an additional two percent (2%) of the refunded fee to offset the cost of refund.

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

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

Sec. 17-[#]-90. - Procedure to obtain refund.

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

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

(b) The Town Manager shall determine within **five (5) working days** whether or not the application for a refund is sufficient on its face. If the Town Manager determines that the application is not sufficient, a written notice shall be mailed to the applicant within said period, specifying the deficiencies. No further action shall be taken on the application unless the deficiencies are remedied. Any deficiencies must be remedied within twenty

(20) days of the date of mailing of the notice from the Town Manager or prior to the expiration of the period of time for filing an application for a refund, whichever is later. If the application is determined to be sufficient, the Town Manager shall notify the applicant, in writing, that the application ~~is ready for review~~ will be reviewed pursuant to the procedures and standards of this Article.

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

Sec. 17-[#]-100. - Annual adjustment of fees, costs and land valuation.

The fees, ~~costs and land valuations~~ established by this Article shall be adjusted annually to reflect the effects of inflation. Commencing on January 1, ~~2012~~ 2019, and on January 1 of each following year, unless the fees, ~~costs or land valuations~~ herein established are otherwise revised or replaced, such amounts set forth in this Article shall be adjusted for inflation based upon the Denver-Boulder Consumer Price Index. Such adjustments shall become effective immediately upon calculation by the Town and shall not require additional action by the Town Board to become effective.

Sec. 17-[#]-110. - Application of Article.

This Article shall apply to all complete applications for development and complete building permit applications received after [date].



Park Impact Fees

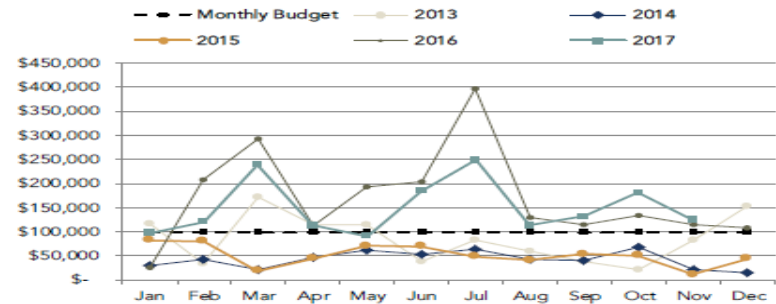
Town Board Work Session

5.21.2018

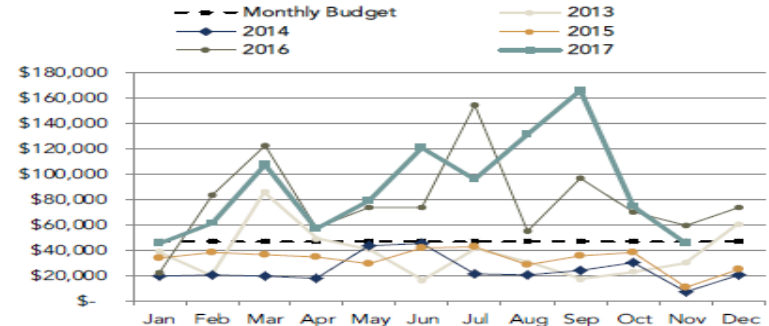
How Did We Get Here

- 2003 Parks, Recreation, Trails & Open Lands Master Plan
- Park Impact Study

Neighborhood Park Fees (PIF)



Community Park Fees (PIF)

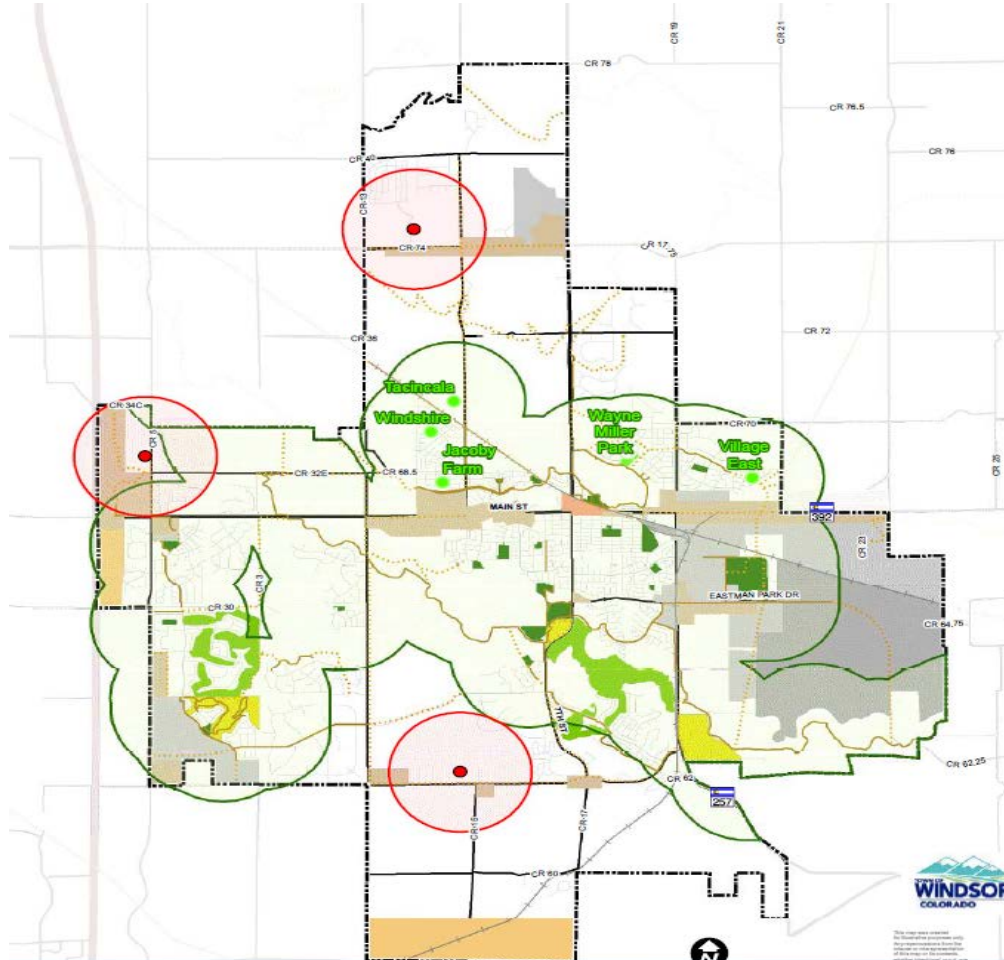




Current Park Impact Fees

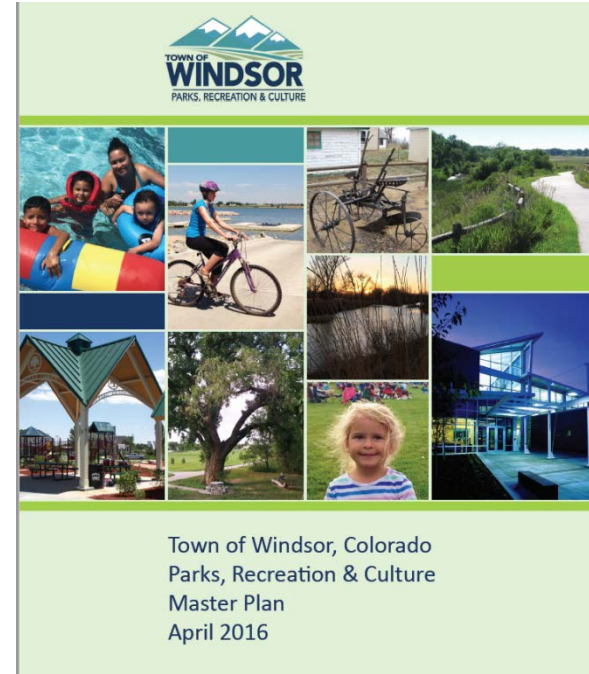
Fee Type	2018 Fee Amount
• Neighborhood Park Fees	• \$3,897
• Community Park Fees	• \$1,316
• Fee in Lieu	• \$52,970

Park Buildout Map



2016 Park Master Plan

- *Objective 1.1: Continue to provide equitable access to parks to the Town of Windsor*
 - Objective 1.1.b Evaluate park impact fees, park land dedication, and fees-in-lieu policy to ensure that they continually cover expected cost.





Park Funds / Buildout

Community Park Fees	
Projected Balance Beginning 2018	\$ 3,272,585.00
Projected 2018 Revenue	\$ 767,053.00
Funds For Use 2018	\$ 4,039,638.00
Less funds for 2018 CIP*	\$ 3,000,000.00
Projected Balance End of 2018	\$ 1,039,638.00
Known Expenses	
Main Park Playground	\$ -
Eastman Park South	\$ 994,103.00
Diamond Valley (note: This estimate is less the 2018/19 project	\$ 17,000,000.00
Tacincalla	\$ 6,682,724.00
Community Park (southside)	\$ 8,100,000.00
Total Community Park Costs	\$ 32,776,827.00
Neighborhood Park Fees	
Projected Balance Beginning 2018	\$ 3,345,708.00
Projected 2018 Revenue	\$ 1,341,780.00
Funds For Use 2018	\$ 4,687,488.00
Less Village East Park (2018)	\$ 866,000.00
Projected Balance End of 2018	\$ 3,821,488.00
Known Expenses:	
Village East Park (2018)	\$ -
Wayne Miller Park	\$ 1,200,000.00
Jacoby Farm	\$ 500,451.00
Harmony Ridge	\$ 1,075,000.00
Fossil Creek	\$ 900,000.00
Windshire (Developer Built)	\$ -
Total Neighborhood Park Costs	\$ 3,675,451.00



Recommended Change

Singular Park Impact Fee

- Combine the current fees into one.
- New fee in 2018 would be \$5,213 per dwelling unit.

Example

- 1000 unit development
- Single fee (1,000 x \$5,213) = \$5,213,000
- Used for Parks & Trails



Example continued

Current Model (1,000 units)

- NP Fee (1,000 x \$3,897)
= \$3,897,000
 - Used for NP, trails, ops
ONLY

Current Model (1,000 units)

- CP Fee (1,000 x \$1,316)
= \$1,316,000
 - Used for CP only

Net Result is the Same Fee to Developer \$5,213,000



Recommendation

- Create a singular (1) park impact fee for future development.
 - Essentially, combining the two current fees into one
 - New Fee in 2018 would be \$5,213 per dwelling unit *
 - Result is a net \$0 impact to developers
- Staff will maintain separate accounting functions related to the old system and the new one.
- Staff will work with Town Attorney make any modifications & return in a subsequent regular Town Board Meeting for adoption.



FUTURE TOWN BOARD MEETINGS

May 21, 2018 6:00 p.m.	Town Board Work Session Park Impact Fees
May 28, 2018 7:00 p.m.	Town Board Meeting - Cancelled Memorial Day – Offices Closed
June 4, 2018 6:00 p.m.	Town Board Work Session Joint Work Session with Planning Commission to discuss (1) Building Department Services and Contractor Licensing, (2) Land Use Code Amendments, and (3) Street Standards Amendments
June 11, 2018 5:30 p.m.	Board/Manager/Attorney Monthly Meeting Uniform Sales Tax Definitions
June 11, 2018 7:00 p.m.	Town Board Meeting
June 18, 2018 6:00 p.m.	Town Board Work Session
June 25, 2018 5:30 p.m.	Tree Board Grove Dedication - Outgoing Board Members
June 25, 2018 6:00 p.m.	Town Board Work Session Broadband Update
June 25, 2018 7:00 p.m.	Town Board Meeting
July 2, 2018 6:00 p.m.	Town Board Work Session
July 9, 2018 5:30 p.m.	Board/Manager/Attorney Monthly Meeting
July 9, 2018 7:00 p.m.	Town Board Meeting

Additional Events

May 22, 2018	Public Safety Fair & Awareness Day – Boardwalk Park
May 24, 2018	CML Spring Outreach Meeting – Windsor
May 24-25, 2018	Strategic Planning
June 19-22, 2018	CML Annual Conference – Vail
August 7, 2018	Dinner meeting with Weld County Commissioners

Future Work Session Topics

- Code Update meeting with Planning Commission (next code section in series) - Planning
- CDOT/Johnny Olson presentation
- Car Dealerships in CAC (Mr. Downing)