



PLANNING COMMISSION REGULAR MEETING

December 3, 2025 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

To view Planning Commission meeting broadcasts, visit

www.windsorgov.com/MeetingsOnDemand.

AGENDA

A. CALL TO ORDER

1. Roll Call
2. Review of Agenda by the Board and Addition of Items of New Business to the Agenda for Consideration
3. Public 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 Planning Commission.

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 Town Clerk prior to the start of the meeting.

The Planning Commission will not respond to any questions or comments made by the public during this section of the meeting, though it will take all input under advisement. If requesting a response from the Town, please leave your contact information with the Town Clerk. The Town Manager or other appropriate staff member will reach out after the meeting to address specific questions or concerns when appropriate.

B. CONSENT CALENDAR

1. Approval of the November 19, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

C. BOARD ACTION

1. Public Hearing — An Ordinance by the Town Board of the Town of Windsor, Colorado, Amending Chapter 14 of the Land Use Code Regarding Disconnection of Property Annexed to the Town — Town Attorney's Office & Planning
 - Quasi-judicial action
 - Legislative action
 - Staff presentation: Town Attorney's Office
2. Recommendation to Town Board — An Ordinance by the Town Board of the Town of Windsor, Colorado, Amending Chapter 14 of the Land Use Code Regarding Disconnection of Property Annexed to the Town — Town Attorney's Office & Planning
 - Quasi-judicial action
 - Legislative action
 - Staff presentation: Town Attorney's Office

D. COMMUNICATIONS

1. Communications from Planning Commission
2. Communications from Town Board Liaison
3. Communications from Staff

E. ADJOURN

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.



MEMORANDUM

Date: December 3, 2025
To: Planning Commission
From:
Re: Approval of the November 19, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk
Item #: B.1.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

1. 11.19.25 PC Draft Minutes



Planning Commission Regular Meeting

November 19, 2025 - 7:00 PM

Town Board Chambers, 301 Walnut Street, Windsor, CO 80550

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www.windsorgov.com/MeetingsOnDemand.

MINUTES

A. CALL TO ORDER

Chairman Reddick called the meeting to order at 7:00 p.m.

1. Roll Call

Present: Chairman Reddick
Vice-Chair Nader
Nathan Kinney
David Hassard
John Neal
Nancy Frase

Absent: Ben Kirch
Jordan Spight

Also Present: Town Board Liaison Hallett
Carlin Malone, Planning Manager
Mark Price, Planner II
Rece Lampe, Digital Services Administrator
Laura Richardson, Assistant Town Clerk

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

Planning Commissioner Nader moved to approve the agenda as presented, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Maxwell Nader, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

3. Public Invited to be Heard

Chair Reddick opened the meeting for public comment on items not on the agenda, to which there were none.

B. CONSENT CALENDAR

1. Approval of the November 5, 2025, Planning Commission Regular Meeting Minutes - L. Richardson, Assistant Town Clerk

Planning Commissioner Nader moved to approve the consent calendar as presented, Planning Commissioner Hassard seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, David Hassard, Maxwell Nader, John Neal, Nathan Kinney, Nancy Frase; Nays - None; Motion Passed.

Jason Hallett, Town Board Liaison, gave a statement to the Planning Commission.

"Mr. Chair, for the record, I would like to disclose that I am a sitting member of the Town Board and that I am here in my capacity as a nonvoting liaison to the Planning Commission.

Although I will be present during all public hearings tonight, I will not be giving my opinion or participating in any of the discussions. I will not let tonight's proceedings influence or affect my review of these matters when they come before the Town Board. I will make my decision at the Town Board level based only on the evidence presented during the Town Board public hearings."

C. BOARD ACTION

1. Public Hearing - Conditional Use Permit to allow a shipping container storage yard and building located in the Heavy Industrial (HI) zone district for Great Western Industrial Park Subdivision 7th Filing, Lot 5, (30755 Great Western Drive) - Adam Bird, Applicant, VP of Renewables Luminary Logistics Solutions, LLC; Dean Brown, Owner Representative, Broe Real Estate

Luminary Logistics Solutions (formerly Central Oceans USA) represented by Mr. Adam Bird, is submitting the following Conditional Use Permit (CUP) application to the Town of Windsor, Colorado, in order to continue operation of a Foreign Trade Zone (FTZ) renewable energy distribution facility and solar infrastructure inventory yard in the Great Western Industrial Park.

A conditional use permit is required because the proposed temporary use is not specifically included as a use-by-right in any zoning district per Section 14-2-130(a) of the Town's Municipal Code, Conditional Use Permit Applicability. The applicant is requesting allowance for a Conditional Use Permit for their existing storage yard for one year with the opportunity to extend (administratively) for an additional year, expiring December 2027.

Mark Price, Planner II, presented to the Planning Commission.

Chairman Reddick opened the floor to public comment.

Colleen Blanks of 30523 County Road 23, expressed concern about the continual extensions of what was meant to be a temporary use. She noted that the permit had previously expired in 2024 with a year lapse before this current request and questioned whether the facility should be allowed to continue without building a permanent structure.

Greg Stieben of 30801 County Road 23 stated that as the property owner immediately east of the container yard, he was the most affected by the 30-foot wall of containers blocking his view. While he didn't object to the business operating, he questioned the definition of "temporary" and noted that many of the containers appeared to be empty.

John Demianycz of 30525 County Road 23 echoed concerns about empty containers and the length of extensions. He suggested that if extensions continue to be granted, the containers should at least be kept at a lower height and behind the fence where they would be less visible.

Adam Bird, the applicant, addressed some of the public's concerns and Dean Brown, owner representative, spoke about the site plan review and maintenance of the site.

Chairman Reddick opened the meeting to Planning Commission questions and comments.

Commissioner Frase asked about the long-term plan and a potential warehouse building, to which Adam Bird, the applicant, answered. Commissioner Frase asked additional questions about maintenance of the container yard, to which Mark Price, Planner II, answered.

Commissioner Nader requested clarification about administrative extensions and whether outdoor storage could become the primary use. Mark Price, Planner II, explained that no further administrative extensions would be allowed, and that outdoor storage must be secondary to a principal use under the code.

Commissioner Hassard expressed concern about the change in direction from the 2023 meeting, questioned the compatibility of stacked containers with the zoning code and suggested setbacks, height restrictions, and safety measures needed further consideration if this type of facility was to become permanent.

Commissioner Neal inquired about the initial start-up and inventory, to which Adam Bird, the applicant, answered. Commissioner Neal then asked about the perspective of adjacent property owners, to which John Demianycz of 30525 County Road 23 responded.

Dean Brown, owner representative, spoke about future development of the site and addressed previous comments made by the Planning Commissioners.

Commissioner Nadar asked questions about extensions and structure requirements, to which Mark Price, Planner II, answered. Chairman Reddick asked about the current inventory levels, stacking heights and future use, to which Adam Bird, the applicant, answered. Chairman Reddick also asked for clarification on administrative approval and structure requirements, to which Carlin Malone, Chief Planner, and Mark Price answered. Commissioner Hassard asked about accessory dwellings and square footage, to which Carlin Malone and Mark Price answered. Commissioner Frase inquired about code requirements relating to the applicant's business model, to which Carlin Malone answered. Chairman Reddick asked a question about future requests, to which Carlin Malone answered. Commissioner Neal inquired about the size of the property, to which Mark Price answered. Commissioner Hassard asked about the process if the Planning Commission did not forward a recommendation of approval to Town Board, to which Chairman Reddick answered.

Dean Brown, owner representative, spoke about the appearance of the property and long-term plans. Adam Bird, the applicant, explained business operations.

Chairman Reddick closed the public hearing.

2. Recommendation to Town Board - Conditional Use Permit to allow a shipping container storage yard and building located in the Heavy Industrial (HI) zone district for Great Western Industrial Park Subdivision 7th Filing, Lot 5, (30755 Great Western Drive) - Adam Bird, Applicant, VP of Renewables Luminary Logistics Solutions, LLC; Dean Brown, Owner Representative, Broe Real Estate

Please refer to public hearing item materials.

Planning Commissioner Nader moved to forward a recommendation of approval to the Town Board for a Condition Use Permit to allow a shipping container storage yard and building located in the Heavy Industrial zone district for Great Western Industrial Park Subdivision 7th Filing, Lot 5, Planning Commissioner Neal seconded the motion. Roll call on the vote resulted as follows; Yeas - Timothy Reddick, Maxwell Nader, John Neal, Nathan Kinney; Nays - David Hassard, Nancy Frase; Motion Passed.

D. COMMUNICATIONS

1. Communications from Planning Commission

None.

2. Communications from Town Board Liaison

Town Board Liaison Hallett provided an update on the Windsor Downtown Alliance, Chimney Park field lighting and performance reviews.

3. Communications from Staff

Carlin Malone, Chief Planner, thanked the Planning Commission for their discussion.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 8:26 p.m.

Laura Richardson, Assistant Town Clerk

DRAFT



MEMORANDUM

Date: December 3, 2025
To: Planning Commission
From: Town Attorney
Carlin Malone, Chief Planner
Re: Public Hearing — An Ordinance by the Town Board of the Town of Windsor, Colorado, Amending Chapter 14 of the Land Use Code Regarding Disconnection of Property Annexed to the Town — Town Attorney's Office & Planning
Item #: C.1.

Background / Discussion:

Executive Summary

The Town Board has asked the Town Attorney's Office to draft an ordinance for the disconnection of annexed property. This ordinance will outline processes, procedures, and criteria for a disconnection petition, which are not currently in the Town's Municipal Code. Note that Colorado Revised Statutes on property disconnection (Sec. 31-12-501 to 31-12-707) do not apply to home rule municipalities like Windsor. The attached ordinance will address disconnection of property annexed to the Town petitions within the Town's Land Use Code, Chapter 14, adding Section 14-2-30.5 – Disconnection.

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the ordinance amending Chapter 14, as stated in the staff recommendation section.

Proposed Section: Sec. 14-2-30.5 – Disconnection.

The attached ordinance includes the procedures and criteria for disconnect petitions, the referral process, Town review process and public hearing process, including public notification. The referral process is consistent with the terms within the IGAs (Intergovernmental Agreements) the Town has with surrounding jurisdictions, with a referral period of 21-days.

The public hearing notification for disconnection must be completed at least 30 days prior to the public hearing before the Town's Planning Commission. The notice of public hearing for disconnection must be sent to the affected taxing districts. Other application and public notice requirements, such as posting the property with a public hearing sign and mailings to surrounding property owners, will be consistent with Sec. 14-2-10 of the Town's Code, Land Use Code Administration and Procedures, General – All Applications.

After the Town Board public hearing and evaluation of the petition for disconnection, the Town Board shall decide whether the disconnection shall be granted. The Town Board may require a disconnection agreement providing the terms of disconnection.

Notifications

Notification of the land use code update was in accordance with the Town Code, requiring notification at least ten (10) days prior to the public hearing:

- November 21, 2025 – Notice posted to Town's website
- November 22, 2025 – Legal ad published in newspaper

Land Use Code Update Schedule

- Planning Commission public hearing and recommendation to Town Board on December 3, 2025.
- Town Board public hearing and first reading of the ordinance on December 8, 2025.
- Town Board public meeting and second reading of the ordinance on January 12, 2026.

Financial Impact:

The land use code amendment has no financial impact. Disconnection petitions could affect the Town financially and will be assessed as per this ordinance.

Relationship to Strategic Plan:

Vibrant and Healthy Economy – Guiding Principles

Fiscal Responsibility - Windsor is committed to sound fiscal management and transparency in all decision making. We plan for future generations through adequate allocation of resources that will allow for operations and maintenance of our facilities and land. We consistently evaluate our resources to maintain a healthy balance of programs and services.

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance Amending Chapter 14 of the Town of Windsor, Colorado, Land Use Code Regarding Disconnection of Property Annexed to the Town, subject to any comments from the Planning Commission being addressed.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Planning Manager

Attachments:

1. Staff Presentation
2. Draft Ordinance - Disconnection



An Ordinance Amending Chapter 14 of the Land Use Code Regarding Disconnection of Property Annexed to the Town

Planning Commission ~ December 3, 2025

Town Attorney's Office





Chapter 14

Land Use Code Amendment

- ❖ This ordinance will outline processes, procedures, and criteria for a disconnection petition, which are not currently in the Town's Municipal Code.
- ❖ Note: Colorado Revised Statutes on property disconnection (Sec. 31-12-501 to 31-12-707) do not apply to home rule municipalities like Windsor.
- ❖ This ordinance will address disconnection of property annexed to the Town petitions within the Town's Land Use Code, Chapter 14, adding Section 14-2-30.5 – Disconnection.



Chapter 14

Land Use Code Amendment

Proposed Section 14-2-30.5 – Disconnection

- ❖ The attached ordinance includes:
 - Procedures
 - Criteria for disconnect petitions (10 criteria)
 - The referral process
 - The referral process is consistent with the terms within the IGAs (Intergovernmental Agreements) the Town has with surrounding jurisdictions.
 - Town review process and public hearing process, including public notification.
 - 30-day public hearing notice.
 - Notification to taxing districts.
 - Properties posted with public hearing sign.
 - After the Town Board public hearing, the Town Board shall decide whether the disconnection shall be granted.
 - If granted, the Town Board may require a disconnection agreement providing the terms of disconnection.



Notification & Next Steps

Notifications:

Notification of this land use code update was in accordance with the Town Code, requiring notification at least ten (10) days prior to the Town Board public hearing:

- November 21, 2025 ~ Notice posted on the Town's website.
- November 22, 2025 ~ Legal ad published in the Greeley Tribune.

Land Use Code Update Schedule:

- December 03, 2025 ~ Planning Commission public hearing
- December 08, 2025 ~ Town Board public hearing, first reading of ordinance.
- January 12, 2026 ~ Town Board public meeting, second reading of ordinance.



Staff Recommendation & Record

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance Amending Chapter 14 of the Town of Windsor, Colorado, Land Use Code regarding disconnection of property annexed to the Town, subject to any comments from the Planning Commission being addressed.

Staff requests that the following be entered into the record:

- Draft ordinance
- Staff memorandum
- Public testimony from the public hearing



Thank You

Planning Commission ~ December 3, 2025

TOWN OF WINDSOR
ORDINANCE NO. 2025-

AN ORDINANCE BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AMENDING CHAPTER 14 OF THE LAND USE CODE REGARDING DISCONNECTION OF PROPERTY ANNEXED TO THE TOWN

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

WHEREAS, the Town created and adopted Chapter 14 of the Windsor Municipal Code (“Code”) regarding the Land Use Code Administration and Procedures on January 14, 2020, by Ordinance No. 2020-1620; and

WHEREAS, neither the Town’s Code nor the Land Use Code currently contains processes or procedures that allow for the disconnection of property, or to remove property from the boundaries of the Town; and

WHEREAS, state statutes on disconnection, stated in Colorado Revised Statutes Sec. 31-12-501 through 31-12-707, do not apply to home rule municipalities; and

WHEREAS, the Town would like to adopt an Ordinance to amend the Town’s Land Use Code to address the disconnection process of annexed properties; and

WHEREAS, this amendment to the Land Use Code serves to promote the public health, safety and welfare of the residents of the Town.

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

Section 1. The Town of Windsor Municipal Code Chapter 14, Article 2 is hereby amended by the addition of Sec. 14-2-30.5 and shall read as follows:

Sec. 14-2-30.5. – Disconnection.

- (a) Legislative Declaration. The disconnection of territory annexed to the Town may be appropriate if the property owner does not wish to maintain the Town's municipal service obligation and the Town Board determines that the disconnection will not unduly impair the Town's ability to provide economical services to other properties remaining within the Town boundaries and the disconnection is otherwise in the Town's best interests. This Chapter provides the exclusive method by which property may be disconnected from the Town upon property owner request. The Town Board finds that Parts 5, 6 and 7 of Article 12, Title 31, C.R.S., do not apply to disconnection from a home rule municipal corporation. It is the intention of the Town Board to establish in this Chapter an orderly procedure for**

the consideration of requests for disconnection and to establish the terms and conditions under which such petitions for disconnection may be granted.

(b) Petition. In order to initiate consideration of a request by a property owner for disconnection, a petition requesting disconnection shall be submitted to the Town, in compliance with the application procedures set forth in Sec. 14-2-10, containing the following information:

- (1) The legal description of the property to be disconnected (the "petitioned property").**
- (2) The names and addresses of the owners of the petitioned property as reflected in the public records of Weld County or Larimer County (the "petitioners"), and the names and addresses of any persons or parties having an equitable or beneficial interest in such property as reflected in a recorded instrument creating a lien or encumbrance against the petitioned property.**
- (3) Proof of ownership that the petitioners are all the owners of the petitioned property.**
- (4) The written consent of all lienholders and encumbrancers of the petitioned property to the disconnection.**
- (5) Written certification that the disconnection meets all requirements and conditions of this Chapter; and**
- (6) A concise summary of the reason that the disconnection is sought and the intended uses to be made of the petitioned property upon disconnection.**

(c) Hearing and Public Notice. The Town Clerk shall forthwith notify the Town Board in writing of the receipt of a complying petition for disconnection and, the Town Board shall establish a date for a public hearing on the petition not later than ninety (90) days from the date of receipt of the written communication from the Town Clerk. In addition, at least thirty (30) days prior to the date set for the public hearing before the Town Board, the petition for disconnection shall be reviewed in a public hearing by the Town Planning Commission. Notification of the hearing before the Planning Commission and Town Board shall occur, pursuant to Sec. 14-2-10, by publishing notice in the newspaper customarily utilized for the legal publications of the Town, no less than thirty (30) days prior to the public hearings, containing the following information:

- (1) The date, time and place for the hearings before the Planning Commission and the Town Board to consider the disconnection of certain property from the Town.**
- (2) The Town shall send notice by certified mail to all affected taxing districts.**

(3) The names of the petitioners and either the verbatim legal description of the property to be disconnected or a general description of same referring to established reference points; and

(4) That a copy of the petition for disconnection may be examined at the Town offices during regular business hours.

In addition, the petitioned property shall be posted with a notice containing the above information in the same manner as notice of rezoning is required to be posted under Town regulations.

(d) County referral. A copy of the notice required to be published shall be sent by certified mail or hand delivered to the clerk of the Weld County or Larimer County Board of County Commissioners and the County Attorney, at least twenty-one (21) days prior to the date of the scheduled public hearing before the Planning Commission. The referral comments of the County Commissioners or any office of the County shall be received at the hearing before the Planning Commission and Town Board.

(e) Planning Commission review. Upon completion of its public hearing, the Planning Commission shall advise the Town Board of its recommendation on the granting of the petition for disconnection. The Planning Commission's advisement shall be made part of the record in the public hearing before the Town Board; however, the recommendation of the Planning Commission shall not be binding on the Town Board.

(f) Technical requirements. No petition for disconnection shall be granted unless the following technical requirements are met:

(1) That, prior to disconnection, at least twenty percent (20%) of the perimeter of the petitioned property is coextensive with the boundary line between the municipal limits and unincorporated Weld County or Larimer County.

(2) No portion of the petitioned property has been made subject to a final subdivision plat processed through the Town subdivision regulations and approved by the Town Board; and

(3) All taxes or assessments imposed by the Town lawfully due upon the petitioned property up to the time of the filing of the petition have been fully paid.

(g) Criteria. The Town Board and Planning Commission shall consider the following criteria in determining whether or not it is in the best interests of the Town for the petition for disconnection to be granted:

(1) Whether or not the petitioned property is situated such that its disconnection may impair the ability of other properties adjacent to or within the area to develop.

- (2) Whether the petitioned property is situated such that its disconnection may impair or preclude the future annexation of properties adjacent to or in the vicinity of the property within unincorporated Weld County or Larimer County.**
- (3) Whether development of the petitioned property in accordance with its zoning is likely to generate a commercial tax base.**
- (4) Whether the water rights associated with the petitioned property have been received by the Town and are incorporated into the Town's water supply plan.**
- (5) Whether the provision of municipal services to other properties will likely necessitate the extension of utility lines, streets or other public infrastructure over the petitioned property.**
- (6) Whether the petitioned property is obligated contractually or otherwise expected to participate in the development of regional or wholesale infrastructure.**
- (7) Whether the termination of the Town's municipal service obligation to the petitioned property will have significant financial impact on the Town.**
- (8) The referral comments from Weld County or Larimer County.**
- (9) The type of land uses designated for the petitioned property under the Weld County or Larimer County land use master plan and the compatibility of such development with the approved and anticipated land uses for property remaining within the municipal boundaries of the Town; and**
- (10) Whether the property is currently being served by the Town's infrastructure, including, but not limited to, streets, stormwater drainage, water, or sanitary sewer.**

In addition to the above criteria, the Town Board may consider any other information which is relevant to the petitioned property.

- (h) Determination. Upon conclusion of its public hearing, the Town Board shall decide by consideration of an appropriate ordinance whether or not the petition for disconnection shall be granted. The decision of the Town Board shall be final and binding. The Town Board may, by a disconnection agreement, specify terms and conditions for granting the disconnection, which terms will survive the disconnection of the petitioned property.**
- (i) Conditions for disconnection. In addition to any conditions, restrictions or terms placed upon the disconnection by the Town Board in the disconnection ordinance or by agreement with the petitioner, every disconnection shall be conditioned upon satisfaction of the following:**

- (1) The petitioned property shall not be exempt from the payment of any taxes lawfully assessed against it for the purpose of paying any indebtedness or assessment lawfully contracted or imposed by the governing body of the Town while such land was within the limits of the Town and remains unpaid and for the payment of which the petitioned property could be lawfully taxed or assessed. When the Town Board levies a tax upon the petitioned property within the Town for the purpose of paying such indebtedness, the Town Board has the authority to levy a tax at the same rate and for the same purpose on the property so disconnected. The County Treasurer shall pay over to the Town all money collected on account of such tax, to be applied only to the payment of such indebtedness. In case the owner of any land so disconnected pays off and discharges a portion of such indebtedness equal in amount to the same proportion of the indebtedness which the valuation for assessment of his or her land bears to the entire valuation for assessment of all the property subject to taxation for the payment of such indebtedness, calculated according to the last assessment previous to such payment, said land shall be exempted from further taxation to pay such indebtedness. Upon such payment being made, the canceled bonds or other evidence of payment of such portion of said indebtedness shall be deposited with the treasurer of the Town, and a certificate shall be given by him or her stating that such payment has been made.**
- (2) The property owners shall convey to the Town any easements or other property interests over the petitioned property that the Town determines are likely to be necessary in order to extend municipal services to adjacent or intervening properties, including the extension of municipal utility lines and transportation facilities and/or other municipal infrastructure.**
- (3) The petitioned property shall not be used for industrial or commercial uses for a six-year period after disconnection if, during such period, the applicable ordinances of the Town prohibit such uses upon the area within the Town adjoining such land.**
- (j) Water forfeited. Any water previously dedicated to the Town shall be forfeited and shall remain in the Town water supplies.**
- (k) Disconnection procedure. If an ordinance is enacted in accordance with this Chapter approving the disconnection of the petitioned property, the Town Clerk, upon the effective date of such ordinance, shall file with the clerk and recorder of Weld County or Larimer County two (2) certified copies of the ordinance, which ordinance shall contain the legal description of the petitioned property. The County Clerk and Recorder shall retain one (1) certified copy and shall file the second certified copy with the division of local government in the department of local affairs as provided by applicable state statute. The ordinance approving the disconnection shall also contain a recitation and specific reference to the recording**

of any annexation or development contract affecting the petitioned property that such contract no longer is binding upon the Town or the property owner and no longer constitutes a lien or restriction against the petitioned property. If the Town and petitioners have entered into a disconnection agreement, such agreement shall be recorded concurrently with the disconnection ordinance.

- (l) Reservation. The approval of a disconnection is not intended to impair or prejudice the right of the Town or other property owner within the Town from comment, input or referral on subsequent rezoning of the petitioned property by Weld County or Larimer County. Disconnection shall not preclude the subsequent submission of a petition for annexation to all or any portion of the petitioned property.**

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Repealer. All orders, resolutions, or ordinances in conflict with this Ordinance are hereby repealed, only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Introduced, passed on first reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

Introduced, passed on second reading, and ordered published this ____ day of ____ 2025.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

[Seal]

DRAFT



MEMORANDUM

Date: December 3, 2025
To: Planning Commission
From: Town Attorney's Office
Re: Recommendation to Town Board — An Ordinance by the Town Board of the Town of Windsor, Colorado, Amending Chapter 14 of the Land Use Code Regarding Disconnection of Property Annexed to the Town — Town Attorney's Office & Planning
Item #: C.2.

Background / Discussion:

Please see public hearing item materials.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

Staff recommends that the Planning Commission forward to the Town Board a recommendation of approval of the Ordinance Amending Chapter 14 of the Town of Windsor, Colorado, Land Use Code Regarding Disconnection of Property Annexed to the Town.

CC:

Scott Ballstadt, Director of Planning
Carlin Malone, Planning Manager

Attachments: