TOWN BOARD WORK SESSION

January 12, 2026 - 5:30 PM
1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

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

WORK SESSION AGENDA ITEMS

1. Board/Manager/Attorney Monthly Meeting
2. Windsor Severance Fire Rescue Impact Fee Update
3. Open Space Charter Amendment Discussion - K. Frawley, Town Clerk; D. Money, Town Attorney
4. Future Meetings Agenda

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: January 12, 2026
To: Mayor and Town Board
From: Scott Ballstadt, Planning Director
Re: Windsor Severance Fire Rescue Impact Fee Update
Item #: 2.

Background / Discussion:
Windsor Severance Fire Rescue (WSFR) recently prepared the attached study and approved WSFR Resolution 2025-06 updating impact fees. WSFR will be present to discuss the study and updated fees.

Financial Impact:
Impact fees are assessed to builders and applicants at the time of building permit.

Relationship to Strategic Plan:
Community Safety - Windsor ensures that safety of our community is at the forefront of every decision we make ... We sustain an active emergency management system focused on prevention, preparedness, and recovery with key partnerships in place to effectively respond in crisis.

Recommendation:
Consider WSFR presentation and provide direction to staff.

CC:

Attachments:
1. 2026 Impact Fee Changes
2. Resolution 2025-06 Adopting Updated Impact Fee Schedule_Signed
3. Impact Fee WSFR_Report_10012025

Impact Fee Changes for 2026

Open House

November 13, 2025

READINESS | EXCELLENCE | COURAGE | RESPECT

Impact Fee Utilization for WSFR

- They are only for the expansion of services due to growth (adding additional fire stations, remodels, and equipment).
- Pay for a portion of service expansion (80/20).
- Currently project $350,000 collection of impact fees annually.
- Can not be utilized to replace existing equipment or facilities.
- Are re-evaluated every three years by an outside company.
- Will help to address WSFR needs that have been identified within its 10-year growth plan.

WSFR Future Planning

WSFR 10-Year Growth Projection

10 Year Capital Improvement Projects: **$20,993,000**

10 Year Service Expansion Projects: **$17,204,134**

Total 10 Year Capital Plan: **$38,197,134**

Impact Fee Fund Balance: **$2,122,292**

10 Year Impact Fee Collection Estimate: **$3,500,000**

Impact Fee Gap: **$11,581,842**

Capital Fund Balance: **$17,326,392**

Capital Fund Gap: **$3,666,608**

Type of Capital Facilities	Anticipated Cost (2025 $)
Buildings and Land	
Training Center Land	$500,000
Training Center Phase 1	$2,333,334
Training Center Phase 2	$3,200,000
Station 5 Land	$400,000
Station 1 Expansion	$750,000
Station 5 Building	$6,400,000
Vehicles	
BC Ops	$92,000
Training Lt.	$75,000
CRRD Permit tech	$40,000
Squad Response	$250,000
BC SOT	$92,000
Fleet Manager	$81,000
CRRD Fire Inspector	$62,000
Safety Officer	$92,000
EMS Educator	$72,000
BC Emergency Management/Community Response	$92,000
Division Chief EMS	$92,000
CRRD Fire Inspector	$62,000
Ladder For Station 5	$2,200,000
Equipment to outfit Station 5 Ladder	$175,000
Fire Equipment and Business Property	
Station 5 SCBA compressor	$80,000
Station 5 extractor	$30,000
MDT for fire units	$13,800
Station 5 radios	$20,000
Total Value of Fire Capital Facilities for Fee Calculation	**$17,204,134**

2021

Calculation of Impact Fees	
Value of Fire Infrastructure	$16,108,565
Current Land Use Distribution	
Single family residential	63.9%
Multifamily residential	4.0%
Commercial	20.7%
Industrial	11.4%
Costs by Land Use Category	
Single family residential	$10,289,307
Multifamily residential	$643,666
Commercial	$3,337,682
Industrial	$1,837,910
Existing Development	
Single family residential (in dwelling units)	14,850
Multifamily residential (in dwelling units)	2,368
Commercial (in square feet)	9,492,055
Industrial (in square feet)	5,226,845
Impact Fee by Land Use	
Single family residential (per dwelling unit)	**$693**
Multifamily residential (per dwelling unit)	**$272**
Commercial (per square foot)	**$0.35**
Industrial (per square foot)	**$0.35**

2026

Type of Capital Facilities	Anticipated Cost (2025 $)
Buildings and Land	
Training Center Land	$500,000
Training Center Phase 1	$2,333,334
Training Center Phase 2	$3,200,000
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Total Value of Fire Capital Facilities for Fee Calculation	**$17,204,134**

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	Future Capital Investment Cost Total ($) [A]	Existing Development (%) [B]	Future Capital Investment Cost Allocation ($) [C] = [A] x [B]	Projected Development: New Growth (units) [D]	Projected Development: Impact Fee ($) [C] / [D]
Single family	$17.2 million	68.0%	$11,690,516	7,617	$1,535 per dwelling unit
Multifamily		7.4%	$1,269,446	1,808	$702 per dwelling unit

Note: Development projections are for a 20-year timeline.

	Future Capital Investment Cost Total ($) [A]	Existing Non-Residential Dev. (% of Total) [B]	Existing Dev. (sq. ft.) [C]	ITE Employment Density (per 1,000 sq. ft.) [D]	Weighted Employment Ratio [E] = [C/1000 x D] / Σ [C/1000 x D]	Future Capital Investment Cost Allocation ($) [F] = [A x B x E]	Projected Development: New Growth (sq. ft.) [G]	Projected Development: Impact Fee ($) [F] / [G]
Commercial	$17.2 million	24.7%	6,652,358	2.12	0.59	$2,524,785	1,624,104	$1.55 per sq. ft.
Industrial			6,126,726	1.57	0.41	$1,719,387	1,897,900	$0.91 per sq. ft.

Note: Development projections are for a 20-year timeline.

Commercial development includes retail, office, institutional, and similar types. Industrial development includes manufacturing, warehousing, and similar types.

Comparison from Northern CO

FD	Single Family		FD	Multi-Family (per unit)		FD	Commercial		FD	Industrial
LFRA	$1,060.82		WSFR	$702.00		LFRA	$0.64		LFRA	$0.13
Poudre	$1,157.78		LFRA	$734.09		Poudre	$1.18		Poudre	$0.31
Front Range	$1,372.96		Poudre	$1,157.78		Front Range	$1.55		WSFR	$0.91
WSFR	$1,535.00		Front Range	$1,264.46		WSFR	$1.55		Berthoud	$1.36
Berthoud	$1,960.21		Berthoud	$1,487.59		Berthoud	$2.00		Front Range	$1.53
Frederick Firestone	***		Frederick Firestone	$2,527.00		Frederick Firestone	$2.17		Frederick Firestone	$2.17
2021 Adopted			WSFR	$272.00		WSFR	$0.35		WSFR	$0.35
WSFR	$693.00									
2024 Study			WSFR	$1,299.00		WSFR	$0.98		WSFR	$0.98
WSFR	$1,976.00									
2025 Study			WSFR	$702.00		WSFR	$1.55		WSFR	$0.91
WSFR	$1,535.00									

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Single Family Residental Impact Fees

Single Family Residential:

Dwellings up to 1,499 SF	$2,696.00 per dwelling
Dwellings 1,500 - 1,999 SF	$3,799.00 per dwelling
Dwellings 2,000 - 2,499 SF	$4,820.00 per dwelling
Dwellings 2,500 - 2,999 SF	$5,884.00 per dwelling
Dwellings 3,000 - 3,499 SF	$6,918.00 per dwelling
Dwellings 3,500 - 3,999 SF	$8,046.00 per dwelling
Dwellings 4,000 - 4,499 SF	$8,988.00 per dwelling
Dwellings 4,500+ SF	$12,306.00 per dwelling

RESOLUTION NO. 2025-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT ADOPTING AN UPDATED IMPACT FEE SCHEDULE

WHEREAS, the Windsor-Severance Fire Protection District (the "District") is a special district and political subdivision of the State of Colorado, organized and existing pursuant to Title 32 of the Colorado Revised Statutes; and

WHEREAS, the District is permitted to assess an impact fee pursuant to Sec. 32-1-1002(1)(d.5) and Sec. 29-20-104.5, C.R.S.; and

WHEREAS, the District's Board of Directors (the "Board") previously contracted with BBC Research and Consulting to perform an impact fee study, which was completed and reduced to a written report on September 10, 2020 ("Original Impact Fee Report"); and

WHEREAS, the District proceeded with adopting an impact fee scheduled based on the Original Impact Fee Report and entered into Intergovernmental Agreements with the Towns of Windsor and Severance along with Larimer County for the collection of District impact fees ("IGA's); and

WHEREAS, consistent with the Original Impact Fee Report and the IGA's, the District recently contracted with BBC Research and Consulting to perform an updated review of the District's impact fee schedule, which was completed and reduced to a written report on October 2, 2025 ("Updated Impact Fee Report"); and

WHEREAS, the Board believes that it is in the best interests of the District to adopt an updated impact fee schedule based on the Updated Impact Fee Report to ensure that new development pays for its impact on the future capital facility needs of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WINDSOR-SEVERANCE FIRE PROTECTION DISTRICT, THAT:

1. **Impact Fee Schedule.** The Board hereby adopts the following updated impact fee schedule based on the findings of the Updated Impact Fee Report, attached to this Resolution as **Exhibit A**, to be effective on new development applications filed with the subject jurisdiction on or after January 1, 2026. Terms used in this Resolution which are defined in the Updated Impact Fee Report shall have the same meaning as set forth in the Impact Fee Report.

   Fee Schedule:

• Single Family Residential	$1,535.00 Per Dwelling Unit
• Multifamily Residential	$702.00 Per Dwelling Unit
• Commercial	$1.55 Per Square Foot
• Industrial	$0.91 Per Square Foot

2. **Exemptions.** The following development projects shall be exempted from paying the District's impact fee:

   - Construction of any project which qualifies as affordable housing
   - Construction of any projects by governmental entities with a demonstrated public benefit

In addition, development projects which voluntarily install sprinkler systems consistent with current fire code recommendations, as confirmed by the District, shall qualify for a 100% impact fee reduction.

3. **Effective Date.** This Resolution shall become effective immediately upon passage.

4. **Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

ADOPTED AND APPROVED this December day of 10, 2025.

WINDSOR-SEVERANCE
FIRE PROTECTION DISTRICT

President

ATTEST:

Secretary

EXHIBIT A
(Impact Fee Report)

BBC RESEARCH & CONSULTING

Windsor Severance Fire Rescue Impact Fee Study

FINAL REPORT

Final Report

October 2, 2025

Windsor Severance Fire Rescue Impact Fee Study

Prepared for:
Windsor Severance Fire Rescue
100 N 7th St
Windsor, CO 80550

Prepared by:
BBC Research & Consulting
1999 Broadway, Suite 1470
Denver, Colorado 80202-9750
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bbc@bbcresearch.com

BBC RESEARCH & CONSULTING

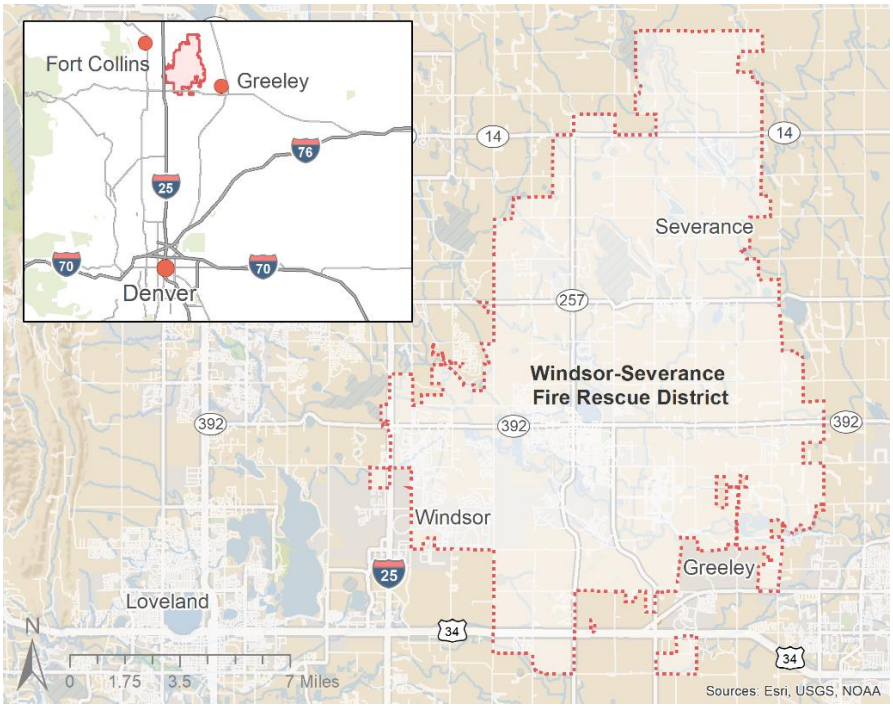
SECTION I.
Introduction

This report presents the analysis underlying calculation of updated proportional development impact fees for Windsor Severance Fire Rescue (WSFR or the District). This section describes fee design requirements and various implementation considerations.

WSFR provides fire rescue and emergency services to more than 50,000 residents across 100 square miles in Weld and Larimer Counties,[1] serving the towns of Windsor, Severance, and the surrounding communities, as shown in Figure I-1.

Figure I-1.
Windsor Severance Fire Rescue District Service Area

Source:
BBC Research & Consulting from ArcGIS shapefiles, 2024.



Objectives

Many fire districts in Colorado impose development impact fees for expansion of public infrastructure. Colorado statute and a series of United States Supreme Court decisions dictate the amounts that districts can charge in impact fees and how they can devise, impose, and spend them. Because of those requirements, WSFR retained BBC Research & Consulting (BBC) to prepare a report documenting the calculation of proportional and defensible impact fees to ensure it can maintain its existing service standards as development occurs in its service area.

[1] Windsor Severance Fire Rescue, https://www.wsfr.us/about-us

This report documents BBC's analysis and recommendations for an impact fee that recovers the proportional capital costs associated with new development and in a manner consistent with the Colorado Revised Statutes.

Colorado Impact Fee Requirements

Development impact fees have been used in Colorado going as far back as the 1920s, when cities began charging developers for the water rights required to serve new development.[2] Other states also charged impact fees to new development, and in 1947 one of the first legal challenges to impact fees was filed in Illinois. In that case, the Illinois Home Builders Association sued the Hinsdale Sanitary District over its tap fee. The case was appealed all the way to the Illinois Supreme Court, which ruled that the District's fee was legal so long as the revenues were used for capital expenditures and not operating expenses.[3]

In Colorado, impact fee requirements were heavily influenced by a 1999 lawsuit between Krupp and the Breckenridge Sanitation District. The case, known as Krupp v. Breckenridge Sanitation District, was heard by the Colorado Supreme Court, which ruled that impact fees are legal so long as they meet certain requirements. The requirements defined in the ruling on Krupp v. Breckenridge Sanitation District were formally codified by the Colorado Legislature with the passage of Senate Bill 01S2-015, "An Act Concerning Land Development Charges That May Be Imposed by Local Governments."

The Bill, which modified Section 29-20-104.5 of Title 29 of Colorado Revised Statutes, allowed local governments to impose impact fees on new development to fund expenditures on capital facilities needed to maintain existing service standards.[4] The impact fees are applicable to a broad set of land uses and can be calculated based on development characteristics of local land uses that roughly approximate each land use's burden on capital facilities. This enabling legislation allowed municipalities to charge a single impact fee to each type of development (e.g., residential, commercial, and industrial) rather than calculating fees on a case-by-case basis.

In 2016, the Colorado Legislature passed House Bill 16-1088, the "Public Service Fairness Act," which granted fire protection districts organized under Article 1 of Title 32, C.R.S., and fire authorities established under Section 29-1-203.5 the ability to levy impact fees on new development. The bill amended C.R.S. 29-20-104.5, allowing these districts to charge development impact fees as a condition for issuing development permits and to use the revenue for capital facilities supporting fire protection, rescue, and emergency services related to new development. However, fire protection districts were not given unilateral authority to impose these fees; instead, they were required to enter into intergovernmental agreements with county or municipal governments, which would collect and remit the fees on their behalf.

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[2] Lillydahl, J.H, 1987. Impact Fees in Colorado: Economic, Political, and Legal Overview. Presented at A Symposium on Impact Fees, 1987 Conference of the American Planning Association. New York City. Cited in White and Dahl, 2001.

[3] Carswell, A.T, 2012. The Encyclopedia of Housing, Second Edition. SAGE Publications. p. 385. ISBN 978-1-4129-8958-9. Retrieved 2023-04-03. Cited in Wikipedia, "Impact Fee;" accessed 2023-11-08 at https://en.wikipedia.org/wiki/Impact_fee.

[4] Local governments were defined as counties; home rule municipalities; and statutory cities, towns, territorial charter cities.

In May 2024, the Colorado Legislature significantly expanded the authority of fire protection districts by passing SB24-194, the "Special District Emergency Services Funding Act." Under C.R.S. 32-1-1002(1)(d.5), fire protection districts may impose and collect impact fees directly within their jurisdictions. Additionally, SB24-194 authorized both fire and ambulance districts to levy a sales tax, subject to voter approval, to generate additional revenue for district services.

To comply with current Colorado law, any development impact fees charged by a fire protection district must:

- Be a one-time charge imposed on new development;
- Quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts which are directly related to proposed development;
- Be reasonably related to the overall cost of capital. Fees must be fairly calculated and rationally based. Mathematical exactitude is not required, however, and the particular mode adopted by the district in assessing the fee is generally a matter of that district's discretion;
- Ensure no impact fee or other similar development charge shall be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed development; and
- Ensure that impact fees adopted by a local government do not require individual landowners to provide any site-specific dedication or improvements that meet the same need for capital facilities for which the district's impact fee is imposed.

Because the setting of rates and fees involves many questions of judgment and discretion, districts have the flexibility to choose the most appropriate rate-setting method so long as it uses reasonable assumptions and logic in the basis of calculating the development impact fee schedule.

U.S. Supreme Court Decisions

In *Sheetz v. County of El Dorado* (2024), the U.S. Supreme Court unanimously ruled that impact fees are subject to the Takings Clause of the Fifth Amendment of the U.S. Constitution. The two most notable court decisions that are used to analyze takings clause cases are often referred to as *Nollan* and *Dolan*[5].

Guidance from these decisions requires that there be an "essential nexus" between the exaction/fee and the state interest being advanced by that exaction. In the more recent *Dolan v. City of Tigard* (1994) decision, the U.S. Supreme Court held that in addition to an essential nexus, there must be a "rough proportionality" between the proposed exactions and the project impacts that the exactions are intended to mitigate. In *Dolan,* the court further states that rough proportionality need not be derived with mathematical exactitude but must demonstrate some relationship to the specific impact of the subject project:

> *"We think a term such as 'rough proportionality' best encapsulates what we hold to be the requirements of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."*[6]

Over the past two decades since *Dolan*, many fire districts have imposed impact fees; thus, there now is a broad set of common practices when considering how best to reflect these judicial and statutory requirements in fee design efforts.

Fee Applicability

As noted above, fire districts can only use impact fee revenue to cover the costs of any necessary expansion of capital facilities that are required to serve new development. In addition, fee amounts can only be set in a manner that is proportional to the cost of capital facility expansion needed to maintain—but not improve—existing standards of service.

Capital facilities. *Capital facilities* are the physical component of public services. Under Colorado statute, the definition of *capital* can include all equipment that has at least a five-year lifetime. It does not include personnel or any operational elements of service costs, even in circumstances where new staff are required to operate new facilities. Capital facilities generally include buildings, apparatus, vehicles, office furniture, and other support facilities.

5 *Nollan v. California Coastal Commission*, 483 U.S. 82; 1987 and *Dolan v. City of Tigard* (1994) 114S.Ct. 2309.

6 *Dolan v. City of Tigard* (1994) 114S.Ct. 2309.

Nature of capital investments. Not all capital facility costs are associated with community growth or with the expansion of capacity. Most fire districts make investments in capital facilities not because of growth pressures but for the repair and replacement of existing capital. For example, fire districts often make capital investments related to:

- *Repair and replacement of existing facilities*, such as annual building maintenance or replacing a roof;
- *Betterment of existing facilities*, such as introducing new services or improving existing capital facilities without increasing service capacity; and
- *Facilities expansions*, such as expanding an existing building to accommodate growing personnel requirements.

Fire districts are not allowed to account for such investments as part of impact fee calculations nor are they allowed to expend impact fee funds on such investments.

Capital Standards

In designing impact fees, fire districts must determine the appropriate capital standards applicable to each category of infrastructure. Facility standards can vary widely between districts. Whereas some states have legislation that describes such criteria with great specificity, other states—like Colorado—use more general standards. There are two primary approaches for calculating capital standards.

Capital buy-in approach. Capital standards can be estimated using the replacement value of specific capital facilities and the qualified equipment necessary for each category of capital facilities. For example, a city of 2,500 homes with a 20,000 square foot recreation center that has a replacement value of $5 million would have a recreation center standard of 8 square feet per housing unit (i.e., 20,000 square feet/2,500 homes = 8 square feet per home) and a replacement value of $250 per square foot (i.e., $5 million/20,000 square feet = $250 per square foot). Thus, each existing residence would have an embedded recreational investment of $2,000 per home (i.e., $250 x 8 square feet = $2,000 per home), representing the community's recreational facility standard, which is what a developer could be charged for recreational facilities for each new unit.

One important dimension of the capital buy-in approach is the use of the replacement value of each asset. As mentioned earlier, the purpose of impact fees is to maintain the current level of service. Therefore, the value of each asset should be assessed by its current functionality, not its dollar value. For example, even if a dump truck were purchased in 1980 and its present resale value is less than $10,000, the replacement value for that dump truck would be equal to the market rate of a new unit that performs the same function as the original vehicle.

If capital standards are defined using a capital buy-in approach, then calculations of those standards must account for any debt that applies against the relevant capital facilities. Because current residents are already responsible for that debt, it would be duplicative and inappropriate to charge developers impact fees that also include that debt.

Plan-based approach. Fire districts can also use a *plan-based approach* to set capital standards, which relies on capital improvement or other specific plans to estimate the value of capital required to serve future development. A plan-based approach requires forecasts of residential and commercial growth and detailed data on capital expansion plans and costs. Plan-based approaches must focus on expansion-related projects or the expansion portion of projects rather than betterment or replacement projects.

Other Considerations

Over time, some consensus has emerged on how best to ensure that impact fees comply with state statutes and court rulings. Many of the factors that fire districts must consider in designing fees appropriately are described above, but BBC also presents other considerations to be made:

- **Land use allocation**. Courts have indicated that all forms of development that have facility impacts—that is, residential, industrial, and commercial developments—must pay their fair share of expansion costs. If one type of development is exempted from fees, then fees may not be sufficient to cover expansion costs that result from new development.
- **Use specificity**. Impact fee calculations vary between different forms of land use. When compelling evidence is available that the forms, sizes, or uses of particular types of development will result in substantially different demands for fire protection services, then a district's impact fees should reflect that information.
- **Fund balance.** A fire district's impact fee fund balance represents cash investments the existing community has made in capital expansion. When utilizing the capital buy-in approach for calculating development impact fees, these cash investments are combined with capital facilities valuations to arrive at the total capital investment that the community has made.
- **Redevelopment**. The application of impact fees raises questions about how to deal with the redevelopment of existing properties. The redevelopment of a residence—even if it involves full scraping—does not lead to an increase in service demands, because it is still one residential unit with no implications for service delivery costs or capital needs. In contrast, the redevelopment of a larger lot into multiple homes would be assessed an impact fee based on the net number of new residential units, because there would be clear implications for service delivery and capital needs. Commercial redevelopment would be subject to the same considerations.
- **Waivers**. Fire districts should not waive fees unless the funds are reimbursed from other sources such as the general fund or other contributions by the developer to system expansion that meets or exceeds the calculated fees.
- **Timing.** Fees should be assessed at the time that building permits are issued.
- **Updates**. Impact fee calculations should be updated periodically to account for changes in costs and asset values. Most fire districts update their fees every year using an inflation multiplier and conduct updates to their impact fee studies every three to five years.

SECTION II.
Impact Fee Derivation

As described in Section I, there are several types of information that fire protection districts must consider to appropriately set their development impact fees, including determining capital standards. BBC used data from various sources to make appropriate considerations in developing development impact fees for Windsor Severance Fire Rescue.

- **Capital standards.** BBC used WSFR's planned future investment in facilities as the basis for determining capital standards for its new fees based on the District's projections of future capital requirements to serve new growth. The valuation includes estimates of investments in buildings, land, vehicles, and durable equipment.
- **Land use allocation**. It is important for fire districts to determine how impact fees should be allocated according to demand for services by land use so that all forms of development pay their fair share of expansion costs. Although WSFR does not maintain a database of relevant land use, data from the Weld County and Larimer County Assessor's Offices indicates that the majority of current development in WSFR's service area is for residential purposes (68.0 percent single family residential; 7.4 percent multi-family residential; 12.8 percent commercial; and 11.8 percent industrial & warehouse). BBC allocated WSFR's updated development impact fees accordingly, because the mix of future development in the region is not expected to differ substantially from current land use.
- **Use specificity.** To the extent possible, impact fees should reflect the degree to which different forms, sizes, and uses of particular types of development will result in different demand for fire protection services. For residential development, square footage serves as a proxy for demand due to the relative uniformity of residential structures and activity. For non-residential development—where service demand varies substantially based on building use and intensity—the fee calculation incorporates employment generation rates to reflect occupancy intensity.
- **Proportionality.** By using WSFR's planned future investment in facilities to derive capital standards and then setting fee rates to replace the future standards of facility investment, BBC has ensured that proportionality has been reasonably and fairly derived.

WSFR Budget Overview

Property tax revenues for WSFR are collected through the District's 8.250 property tax mill of properties in Weld and Larimer County that are within the District's service area. A millage rate is the tax rate used to calculate local property taxes and represents the amount per every $1,000 of a property's assessed value that a community would charge.

The 2024 WSFR Budget shows the District budgeted revenues of approximately $21.8 million in fiscal year 2024, the vast majority of which was tax-related revenue from property taxes. WSFR's anticipated expenditures in 2024 are $14.8 million, and this is allocated to personnel costs—including salaries, benefits, and volunteer incentives—as well as medical supplies, training, maintenance, capital purchases, and more. Additionally, the District has allocated $6.9 million to its Capital Reserve Fund for 2024. As discussed in Section I, capital investments are generally used for repair and replacement, betterment of facilities and service standards, and facilities expansion.

Property tax revenue that funds WSFR's operating budget will continue to be dedicated to the District's ongoing operational expenses and will not likely be sufficient to fund the District's growth-related capital infrastructure needs. With impact fees, new development pays for an equitable share of new infrastructure and existing taxpayers will not be responsible for subsidizing growth. In addition, WSFR's capital and operating funds can be reserved for other, non-growth-related uses.

Impact Fee Calculations

BBC's methodology for updating WSFR's impact fee includes the following tasks:

1. Quantify the infrastructure investment needed to maintain current level of service given projected growth;
2. Develop estimates of WSFR's current land use pattern; and
3. Calculate the fire protection capital costs per unit of development (per residential dwelling unit or per square foot of non-residential development).

Planned future investment. WSFR's current Capital Improvement Plan details significant investments in facilities and equipment necessary to serve new growth, Planned investments shown in Figure II-1 include only items related to service expansion that are eligible to be funded through impact fees.

Figure II-1.
WSFR Facilities and Capital Investment Plan

Source:

Windsor Severance Fire Rescue; BBC Research & Consulting, 2025.

Type of Capital Facilities	Anticipated Cost (2025 $)
Buildings and Land	
Training Center Land	$500,000
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Division Chief EMS	$92,000
CRRD Fire Inspector	$62,000
Ladder For Station 5	$2,200,000
Equipment to outfit Station 5 Ladder	$175,000
Fire Equipment and Business Property	
Station 5 SCBA compressor	$80,000
Station 5 extractor	$30,000
MDT for fire units	$13,800
Station 5 radios	$20,000
Total Value of Fire Capital Facilities for Fee Calculation	**$17,204,134**

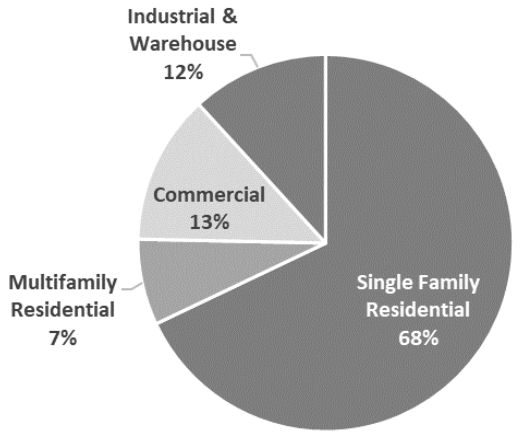
WSFR anticipates it will need approximately $17.2 million of capital attributable to new growth in order to maintain its existing level of service as new homes and businesses are built within the District service area over the coming decades. The capital plan includes a new fire station, training center, vehicles, and corresponding durable equipment.

Current land use. BBC used the current pattern of development in WSFR's service area as a first step in allocating capital expansion costs between different types of land uses. Figure II-2 presents the distribution of residential and non-residential building square footage, based on current data from the Weld County Assessor and Larimer County Assessor. As shown in Figure II-2, about 68 percent of existing development in the region is single family residential, 7 percent is multifamily residential, 13 percent is commercial, and 12 percent is industrial & warehouse.

Figure II-2.
Distribution of Residential and Non-residential Square Footage in the WSFR Service Area, 2024

Source:

Weld County Assessor; Larimer County Assessor; BBC Research & Consulting, 2024.



The $17.2 million value of future fire capital investment (Figure II-1) is allocated across residential and non-residential development based on the relative share of total square footage in the District. Allocating costs between residential and non-residential development based on existing square footage provides a rational and proportional framework for distributing the costs of firefighting facilities and equipment. Building square footage serves as a measurable indicator of the built environment's potential demand for fire protection services. Larger structures typically present greater fire risk, all else equal, in addition to requiring more time and personnel to inspect or suppress fires and may involve more complex response protocols. As such, square footage offers a reliable and consistent proxy for estimating system demand,

Within the District's service area, residential uses comprise 75.3 percent and non-residential uses comprise 24.7 percent of the built environment. Of the $17.2 million in future fire capital facilities investment, $12.9 million is allocated to residential development and $4.3 million is allocated to non-residential development.

Projected residential growth. Figure II-3 displays the residential growth projections for WSFR's service area through 2045 (column header "New Growth"). These projections were provided directly by the District, drawing on information WSFR assembled for the towns of Windsor and Severance. While WSFR does serve some parts of unincorporated Weld and Larimer Counties, this study makes a conservative calculation by estimating that the dwelling projections for Windsor and Severance account for nearly all residential growth within the District boundary.

The District's projections cover 2021 through 2041 for Windsor and 2023 through 2043 for Severance, while this fee study uses a 2025 through 2045 planning horizon. For consistency, it is assumed that the net increase in dwelling units across these similar 20-year periods will be comparable, such that shifting the time frame by a few years does not materially alter the projected level of growth.

Over the 2025 to 2045 period, development in the WSFR service area is projected to produce approximately 9,400 new residential units—7,600 single family dwellings and 1,800 multifamily units.

Residential impact fee calculation. The total value of the future fire capital investment is allocated across categories of residential development based on each category's percent share of existing development. Figure II-3 presents the full fee calculation and the resulting maximum impact fees for residential development within the District.

Figure II-3.
Maximum Allowable Residential Impact Fees for WSFR

	Future Capital Investment Cost Total ($) [A]	Existing Development (%) [B]	Future Capital Investment Cost Allocation ($) [C] = [A] x [B]	Projected Development	
				New Growth (units) [D]	Impact Fee ($) [C] / [D]
Single family	$17.2 million	68.0%	$11,690,516	7,617	$1,535 per dwelling unit
Multifamily		7.4%	$1,269,446	1,808	$702 per dwelling unit

Note: Development projections are for a 20-year timeline.

Source: Windsor Severance Fire Rescue; BBC Research & Consulting, 2025.

As Figure II-3 shows, proposed fees are $1,535 per single family dwelling or $702 per multifamily dwelling unit.

Projected non-residential growth. Figure II-4 displays the non-residential growth projections for WSFR's service area through 2045 (column header "New Growth"). The District provided employment projections originally prepared for the Town of Windsor, citing data from the U.S. Census Bureau's LEHD Origin-Destination Employment Statistics, the Colorado Department of Labor, and TischlerBise. The projections cover the 2019 through 2030 period and report anticipated job growth by sector.

For purposes of this fee study, projections were converted into annualized growth rates, consolidated into two broad categories—Commercial (retail and office/institutional development) and Industrial—and extended through the 2025 to 2045 planning horizon. These growth rates were then applied to the current inventory of non-residential development in the District, under the assumption that development square footage scales with employment growth.

Based on this methodology, development in the WSFR service area is projected to produce approximately 3.5 million square feet of new non-residential development over the 20-year planning horizon, including 1.6 million square feet of commercial space and 1.9 million square feet of industrial and warehouse space.

Non-residential impact fee calculation. Non-residential fire impact fees are calculated using the future capital costs allocated to non-residential development in conjunction with employment density rates to reflect use intensity amongst different categories of non-residential land use. While building size remains an important factor in determining the impacts new development have on WSFR's capital facilities, the intensity and variability of use across non-residential land uses plays a large role in influencing service demand. For example, a 10,000-

square-foot storage warehouse would typically generate fewer emergency calls than a similarly sized commercial kitchen, school, or medical facility.

The non-residential fee model uses average employees per 1,000 square feet from the *Institute of Transportation Engineers (ITE) Trip Generation Manual* to account for this variability.[1] The *ITE Trip Generation Manual*, published by the Institute of Transportation Engineers, provides empirically derived estimates of the employee density generated by different land uses. These rates are based on extensive observational studies conducted at sites across North America and are widely used in transportation planning, traffic impact studies, and land use analysis.

While square footage provides a baseline measure of physical scale, it does not capture differences in activity intensity or occupancy patterns that influence fire risk and service needs. ITE employee density rates serve as a practical proxy for these factors, reflecting how frequently a property is accessed and used. Land uses with higher employment density rates generally correspond to higher levels of human activity, increasing the probability of fire incidents, medical calls, and other emergency responses. Incorporating employment rates therefore enhances the model's ability to allocate costs in proportion to actual service demand.

As shown in Figure II-4, different non-residential land uses generate differing levels of activity. The future capital investment cost total is distributed across development types in proportion to their weighted employment. This produces a cost per square foot that reflects the relative service demands associated with each use and distributes the cost burden in proportion to the demand generated by different types of economic activity and land use. Figure II-4 presents the full fee calculation and the resulting maximum impact fees for non-residential development within the District.

Figure II-4.
Maximum Allowable Non-residential Impact Fees for WSFR

	Future Capital Investment Cost Total ($) [A]	Existing Non-Residential Dev. (% of Total) [B]	Existing Dev. (sq. ft.) [C]	ITE Employment Density (per 1,000 sq. ft.) [D]	Weighted Employment Ratio [E] = [C/1000 x D] / ∑ [C/1000 x D]	Future Capital Investment Cost Allocation ($) [F] = [A x B x E]	Projected Development	
							New Growth (sq. ft.) [G]	Impact Fee ($) [F] / [G]
Commercial	$17.2 million	24.7%	6,652,358	2.12	0.59	$2,524,785	1,624,104	$1.55 per sq. ft.
Industrial			6,126,726	1.57	0.41	$1,719,387	1,897,900	$0.91 per sq. ft.

Note: Development projections are for a 20-year timeline.

Commercial development includes retail, office, institutional, and similar types. Industrial development includes manufacturing, warehousing, and similar types.

Source: Windsor Severance Fire Rescue; BBC Research & Consulting, 2025.

As Figure II-4 shows, proposed fees are $1.55 per square foot of commercial development and $0.91 per square foot of industrial development.

[1] ITE Trip Generation Manual 11th Edition, 2021.

Sprinklers in lieu of fees. The presence of sprinkler systems can reduce the service burden on a fire district, while also preventing loss of both property and life. All commercial buildings within the District are required to have a fully automatic fire sprinkler system if the square footage exceeds 5,000 square feet.[2] Full sprinkler requirements are outlined in Chapter 9 of the 2024 International Fire Code. Fire districts may choose to waive or reduce impact fees for those residential or commercial developments who voluntarily install sprinkler systems.

Nationwide, the installation cost per sprinklered square foot generally ranges from $1.50 to $2.00. Thus, the average cost of voluntary sprinkler installation will often outweigh the value of impact fees. While the presence of sprinklers within a development does not eliminate the need for a response from the District in the event of an emergency, it helps to offset the impacts of the feepayer's development activity. In addition, sprinkler systems reduce property loss and reduce the chance of fire-related death or injury.

WSFR may offer waived or reduced impact fees for those developments that voluntarily install a sprinkler system. The reduction of impact fees should serve to incentivize residential and commercial developers to consider the installation of sprinkler systems when it is not required.

BBC recommends that WSFR reduce impact fees by a percentage commensurate to the reduced service costs when a sprinkler system is voluntarily installed. Because the presence of sprinklers does not completely eliminate the need for WSFR to respond to a call for a service, BBC recommends that the fee not be eliminated in its entirety.

WSFR may choose whether to waive or reduce the calculated impact fees for those developments that voluntarily install a sprinkler system. Should the District choose to reduce the fees, this fee reduction must be applied uniformly across all development types. In addition, developers must install sprinklers across the entire development, rather than on selected properties.

[2] Windsor Severance Fire Rescue, Construction & Development Procedures Guide, p. 12

SECTION III.
Summary and Recommendations

The residential and non-residential development impact fees that BBC recommends for WSFR's consideration represent maximum allowable amounts. However, WSFR may choose to adopt fees below these amounts. BBC offers the following recommendations regarding implementation of impact fees for Windsor Severance Fire Rescue:

- WSFR should provide the development community with a minimum of three to six months' notice prior to implementing the impact fee schedule. This advance notice ensures developers have sufficient time to adjust project budgets and timelines.
- WSFR should maintain its impact fee fund in an interest-bearing account that is separate and apart from its general fund. All fees collected in accordance with the impact fee schedule shall be deposited and accounted for as required in *Colorado Revised Statutes Title 29, Article 1, Part 8, Section 29-1-803 (see also C.R.S. 32-1-1002(1)(d.5)).*
- WSFR should adhere to a written policy governing expenditure of monies from its impact fee fund. Withdrawals from the impact fee fund should only be used to pay for growth-related capital facilities with a service life of five or more years. All proceeds shall be used in conformance with *Colorado Revised Statutes Title 29, Article 20, Part 1, Section 29-20-104.5 (see also C.R.S. 32-1-1002(1)(d.5)).*
- WSFR should prohibit the payment of operational expenses with impact fees, including the repair and replacement of existing facilities not necessitated by growth. In cases where WSFR expects new capital facilities to partially replace existing capacity and to partially serve new growth, the District and its legal counsel should determine, to the best of its ability, what percentage of repair and replacement is necessary to serve new development and should use that as the basis of allocating funding for repair and replacement needs.
- WSFR should update its impact fee studies periodically (e.g., every three to five years) as it invests in additional equipment and facilities and as future development occurs, to ensure its impact fees reflect its existing service standards.
- Between updates, WSFR should adjust its impact fees annually at the start of each year based on the U.S. Bureau of Labor Statistics' Mountain-Plains Information Office's consumer price index for the Mountain-Plains Region.[1]
- WSFR should establish a process to address unique scenarios that may require further individualization of impact fees. This process should include a mechanism allowing property owners to present data if they believe the fee, as applied, does not accurately reflect the specific impacts of their development, ensuring compliance with *Sheetz v. County of El Dorado, Cal., 601 U.S. 267* (2024).

[1] https://www.bls.gov/regions/mountain-plains/cpi-summary

MEMORANDUM

Date: January 12, 2026
To: Mayor and Town Board
From: Karen Frawley, Town Clerk
Re: Open Space Charter Amendment Discussion - K. Frawley, Town Clerk; D. Money, Town Attorney
Item #: 3.

Background / Discussion:

Following the 2024 Town election, the Town Board identified the need to review the Town Charter to provide clarification and consider updates. As the Town Charter may only be amended by a vote of the Windsor electorate, the Board appointed an Ad Hoc Charter Review Committee to conduct a comprehensive review and recommend possible revisions to the Charter's language.

The Ad Hoc Committee met over the course of several weeks and ultimately presented multiple recommended revisions for the Board's consideration and potential referral to the voters. One such recommendation pertains to Article XVI, Section 3, *Sale or Encumbrance of Property*. Specifically, the Committee recommends adding a new paragraph to this section by redesignating the existing paragraph as subsection (a) and adding a new subsection (b), so that the section would read as follows:

(a) The Town Board may not sell, exchange, or dispose of public utilities or permanent public buildings or any fee interest in real property except by ordinance or a majority vote of the electors at the option of the Town Board Members. The Town Board may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Town Board Members.

(b) (i) No change in ownership or use of any open space lands or property purchased through use of the proceeds of the 0.25% sales tax approved by Town voters at the Town election held in November 2022, or any subsequent sales taxes approved by Town voters specifically intended for the purchase of open space, shall be permitted, except as provided in a Town ordinance setting forth a process for Board consideration of proposed changes in the ownership or usage of said land. That process shall ensure that the change will align with the comprehensive plan, ensure review by the planning department and the planning commission, and shall provide multiple opportunities for public input.

(ii) Any change in use or ownership shall be approved by ordinance, and no such change approved by the Town Board shall occur until 90 days following the date of Town Board approval of such change. Within said 90-day period, a petition meeting the requirements of Article VII of this Charter, except that 90 days shall be allowed for the submission of the petition, may be submitted to the town clerk requesting that the proposed change in use be reconsidered by Town Board. If such petition is submitted, the proposed change in use shall be suspended and the Board shall reconsider the proposed change in use. Unless the Town Board, upon reconsideration, disapproves said change of use in its entirety, no change in use shall become effective unless approved by a majority of the registered electors voting thereon at an election to be held in accordance with the provisions of Article VII.

The current charter language reads as follows:

The Town Board may not sell, exchange, or dispose of public utilities or permanent public buildings or any fee interest in real property except by ordinance or a majority vote of the electors at the option of the Town Board Members. The Town Board may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Town Board Members.

When the voters approved the current open space tax, the ballot language included the following purposes:

- Purchase and maintain open space from willing landowners that achieves the following:

1. Ensuring acquired open space land will remain undeveloped and lessen the impact of residential housing growth, thereby reducing community impacts such as traffic, the cost of maintaining roads, sewer, stormwater and acquiring and treating water
2. Enable the Town to develop and maintain open space that will increase public recreation opportunities
3. Obtain, manage, and preserve working farms and community separators that will keep Windsor unique from neighboring cities and towns
4. Promote and perpetuate open space that conserves valuable wildlife habitats, protects the environment and creates green spaces and waterfront access to lakes, streams, and the Cache La Poudre River

The rationale behind this recommendation is the concern that future Town Boards may hold different perspectives regarding open space than the current board. The proposed amendment is intended to serve as an additional safeguard to protect open space acquired using the proceeds of the voter-approved sales tax November 2022.

Staff is seeking direction from the Town Board on whether it wishes to proceed with referring this proposed Charter amendment to the voters in the upcoming Regular municipal election in April.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:

FUTURE TOWN BOARD MEETINGS

January 19, 2026	Canceled – MLK Holiday
January 26, 2026 5:30 p.m.	Town Board Work Session New Hire – Meet the Board Proposed IGA/MOU with Clearview Library Standardized Reserved Powers Ordinance Discussion
January 26, 2026 7:00 p.m.	Town Board Regular Meeting
February 2, 2026	Canceled – 1st Monday
February 9, 2026 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Right of Way Ordinance and Maintenance Park Buildout
February 9, 2026 7:00 p.m.	Town Board Regular Meeting
February 16, 2026	Canceled – Presidents Day Holiday
February 23, 2026 5:30 p.m.	Town Board Work Session New Hire – Meet the Board Wastewater Treatment Plant Expansion Financing Discussion Wildfire Resiliency Code presentation – 2026
February 23, 2026 7:00 p.m.	Town Board Regular Meeting
March 2, 2026	Canceled – 1st Monday
March 9, 2026 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting DOLA Demographic Presentation Town Website Domain Discussion
March 9, 2026 6:45 p.m.	Kern Board Meeting
March 9, 2026 7:00 p.m.	Town Board Regular Meeting
March 16, 2026 5:30 p.m.	Town Board Work Session Monumental Entryway Sculpture Proposals

March 23, 2026 5:30 p.m.	Town Board Work Session New Hire – Meet the Board
March 23, 2026 7:00 p.m.	Town Board Regular Meeting
March 30, 2026	Canceled – 5th Monday

Future Work Session Topics

- Wildfire Resiliency Code presentation – 2026
- Camping Ban
- WDA Review and Evaluation – 2nd Quarter (April or May)
- Colorado's 150 celebration discussion
- Backyard Chicken Ordinance Discussion
- Kyger Fishery Designation
- October 19th meeting – Light Agenda (ICMA 2026)