

Uplands Master Official Development Plan Neighborhood Meeting for Parcel A (Night 2, January 27, 2021)

Webinar ID	Actual Start Date /Time	Duration	# Registered	# Attended	Questions Asked (#)	Questions Answered (#)
670-923-915	01/27/2021 05:29 PM MST	2 hours 6 minutes	149	74	116	49
Questions and comments read aloud and answered during the neighborhood meeting						
Last Name	First Name	Question # (Per Person)	Question Asked Date/Time	Question Asked	Answer Given	
Jennings	Steve	1	05:54:41 PM MST	yes,	If the answer provided by the applicant, please let us know.	
Jennings	Steve	2	05:55:50 PM MST	Can you describe the background options	Please clarify your question. Thank you	
Vue	Jasper	1	05:58:50 PM MST	Q: Hello can we upgrade marcus, me and bonnie		
Jennings	Steve	3	06:02:58 PM MST	Cant see the slides	Please log out and log back in to see if this solves the issue	
Grucza	Naomi	1	06:03:32 PM MST	The format for these meetings limits community engagement. The neighborhood should be visible and be given enough time for everyone to speak. This meeting is supposed to be for us, right? We should be able to have our cameras on, but still be muted.	Comment was read aloud to the audience.	

Grucza	Naomi	2	06:03:48 PM MST	<p>What is your plan to rectify the Pillar of Fire's Church's relationship with the KKK? The Pillar of Fire Church took gifts and donations from the KKK and used their land to terrorize communities of color, including burning crosses, allowing the KKK to speak at their church, and met to plan to take over local Coloradoan governments. How will you (Uplands) support our community and rectify this issue? This should be included in master plans if you want to continue referencing this land's original plans....</p>	<p>If the answer given by the applicant did not answer your question, please let us know.</p>	
--------	-------	---	--------------------	--	---	--

Grucza	Naomi	3	06:04:02 PM MST	<p>If water usage is not an issue then why did you put a moratorium on building in 2018? I don't think you answered the question about water usage yesterday. The development would increase water usage. There's only 1 water source so Uplands would have to use Westminster's supply. What will you do to make sure water usage decreases across the rest of the city? Will you push for Westminster current residents to be able to get efficient water saving measures at cost or below cost? Water is a basic necessity. The City needs to provide a detailed answer for considering putting more of a strain on a basic necessity.</p>	<p>If the answer given by the applicant and staff did not answer your question thoroughly, please let us know.</p>	
Grucza	Naomi	4	06:04:21 PM MST	<p>Give us more up-to-date information about traffic statistics and how this will affect the surrounding area. You are putting in more lights, and more intersections. A quarter of all deaths and ½ of all injuries in car accidents occur at intersections. How will adding more than 1,000 cars to this area not increase the risk of traffic accidents?</p>	<p>If the answer given by the applicant did not answer your question please let us know.</p>	

Grucza	Naomi	5	06:05:03 PM MST	The park size should be maximized. The residents do not want money for the city, we would want the maximum open space.	Comment read aloud to audience	
Nokes	Melanie	1	06:05:59 PM MST	When will Parcel B be reviewed?	If the question given by the applicant did not answer your question thoroughly, please let us know.	
Rinkoff	Lori	1	06:07:45 PM MST	Are we supposed to be able to see the slides? I can only see the speaker.	Please log out and re join the meeting.	
Palmer	John	1	06:10:22 PM MST	Slides need to be LARGER please ASAP	There should be a zoom function on your display window or on your monitor that may resolve this.	
Dekker	Naomi	1	06:11:50 PM MST	Define "mixed use" and "comprehensive mixed use plan" exactly.	If the answer given by the applicant did not answer your question thoroughly, please let us know.	
Rinkoff	Lori	2	06:14:36 PM MST	Can we please see the slides? Is there something I am doing wrong? I can only see the speakers.	The slides are being displayed and other attendees are able to view them.	

Ray	Karen	1	06:16:10 PM MST	<p>Reduce system-wide water use from 126 gallons per capita per day (gpcd) to 110 gpcd or lower by 2030, a 12.5% reduction over 10 years.”</p> <p>Last night the representative from the Water division said the addition of 7000 people from this development would not impact the city water supply. I think this contradict what was adopted with the 2020 Water Plan.</p> <p>The city is facing drought conditions again and the 2020 Water Plan report to City Council by City Manager Tripp stated that there already is a gap in current usage vs water supply.</p> <p>Ø 1. Where is the water going to come from to support a development of 7000 people? This is an increase of 6% to total city population.</p> <p>Ø 2. So is the 2020 Water Plan 12.5% reduction in water usage being done to support the increase in development? Because the math does not add up unless residents are being told to use less so that private developers can come in and build out this city and residents are paying for it.</p>	<p>If the answer given by the applicant and staff did not answer your question thoroughly, please let us know.</p>	
-----	-------	---	--------------------	--	--	--

Nokes	Melanie	2	06:16:11 PM MST	Why would 4 to 5 story multi-family buildings and 3 story single family attached and detached homes be acceptable in a mostly single story and 2 story single family, and max 3 story multi-family, area? Especially when considering that the Midtown development, most dense urban-suburban development, North of Denver or the fact that in Denver the outlying neighborhoods are 3 story multi-family 2 story single family. In Denver, you need to go downtown to find taller buildings.	If the answer given by the applicant did not answer your question thoroughly, please let us know.	
Palmer	John	2	06:16:55 PM MST	The dates on that slide are 6+ years pld. Answer that	If the response given by the applicant did not answer your question thoroughly, please let us know or re-state the question.	
Nokes	Melanie	3	06:18:33 PM MST	What is the project number in the City's etrakit system to look up each of the MODPs for each of the parcels?	If the response given by the applicant did not answer your question thoroughly, please let us know.	
Palmer	John	3	06:18:57 PM MST	What makes you think curved streets slow people down? What world do you live in ?	If the response given by the applicant did not answer your question thoroughly, please let us know.	

Ray	Karen	2	06:19:00 PM MST	Given the large number of businesses shutting down, more office space being vacated as more work remotely permantly, many city commercial areas are blight. Why would the city approve MORE commercial / retail/ office space when the current business areas are already stressed and empty.?	If the response given by the applicant did not answer your question thoroughly, please let us know.	
Palmer	John	4	06:20:03 PM MST	Setback needs to be increased to 35' or more all along lowell So will you make that happen ?	If the response given by the applicant did not answer your question thoroughly, please let us know.	
Leeds	Whitney	1	06:20:15 PM MST	Is there a translation option for non-Spanish speakers?	Response was read aloud to the audience	
Nokes	Melanie	4	06:20:32 PM MST	Do the setbacks along major roads include the turn lanes, or are the setbacks from the road and turn lanes?	If the response given by the applicant did not answer your question thoroughly, please let us know.	
Leeds	Whitney	2	06:20:38 PM MST	non-English, sorry	We will have documents translated into Spanish posted on the Uplands development webpage	
Dekker	Richard	1	06:21:24 PM MST	Do you have a 3d presentation of those huge 4 story apartments blocking out the view of the front range except to the apartment dwellers.	If the response given by the applicant did not answer your question thoroughly, please let us know.	
Nokes	Melanie	5	06:22:16 PM MST	What is the estimated purchase cost from Oread for the single family detached homes? What is the estimated purchase cost for single family attached homes?	If the response given by the applicant did not answer your question thoroughly, please let us know.	

Palmer	John	5	06:23:29 PM MST	How will you guarantee that we will be able to use them if they are a HOA?	If the response given by the applicant does not answer your question thoroughly, please let us know.	
Nokes	Melanie	6	06:23:46 PM MST	What percent of Parcel A dwelling units are planned as rental property vs. buyer owned?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Rinkoff	Lori	3	06:24:57 PM MST	I am on the app and all I see is the speakers talking how can I see the slides	If you are using a tablet or cell phone you might have to "swipe" the screen to toggle between the slides and the speaker	
McCawley	Jean	1	06:25:50 PM MST	I would like to know where 86th Ave is located and how this is going to effect those who live on 85th Ave? As you are aware 85th Ave is a extremely narrow street. Do you plan on widening 85th?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Johnson	Kimberly	1	06:26:03 PM MST	This has nothing for our current residents, why are they hogging even a park, why isn't there something for everyone? This is not inclusive.	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Palmer	John	6	06:26:22 PM MST	Currently no other buildings on Federal or in the area so that does not fit with existing buildings or neighborhood . so how is 65' fit in ?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	

Rinkoff	Lori	4	06:26:27 PM MST	I just logged in and out and still just see the soaker	The recording of the meeting links for both evenings will be posted on the Uplands development page https://www.cityofwestminster.us/Government/Departments/CommunityDevelopment/Planning/ProjectStatus/Uplands	
Leeds	Whitney	3	06:26:30 PM MST	?		
Ray	Karen	3	06:26:37 PM MST	To City: Parks SME: Last not it was confirmed that the "city" agreed to a cash in lieu of PLD instead of 12 acres per/1000persons only requiring 5 acres per 1000 acres public park and took cash. Where will that cash be used? Will it be inveted in public park for the severely underserved Shaw Hts and older Westminster? Per TPL, Shaw Hts has only 2% parks. The affluent areas of the city have more than 15% parks and golf courses.	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Johnson	Kimberly	2	06:28:44 PM MST	Again their residents, not ours, children are being neglected of their own space! What has this to offer any future for them. ?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Palmer	John	7	06:28:49 PM MST	Feedback is WE DONT WANT YOUR UPLANDS in this neighborhood. Hows that for feedback?	Comment was read aloud to the audience	
Johnson	Kimberly	3	06:30:43 PM MST	What about community gardens and no houses? Where is the humanity?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	

Palmer	John	8	06:31:21 PM MST	Who will be paying for all the water for all those trees you have planed?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Ray	Karen	4	06:31:22 PM MST	All the slides have a disclaimer that anything can change...How much of this "concept" can change?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us	
Palmer	John	9	06:32:17 PM MST	Will all the furtue meeting be open to everyone?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Palmer	John	10	06:32:45 PM MST	Will everyone be notified?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Leeds	Whitney	4	06:32:55 PM MST	How much if any of this will be dedicated as affordable housing units?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Rinkoff	Lori	5	06:32:58 PM MST	Can I have the presentation emailed to me	Response was read aloud to the audience	
Nokes	Melanie	8	06:32:59 PM MST	Last night an attendee pointed out that the City development plans require 12 acres per 1,000 residents be PLD, but Uplands only has 5 acres per 1,000 residents. The City shared that Uplands can choose to design with less and pay the City per missing PLD instead. What will the City be paid per acre for the acreage that is missing PLD?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	

Palmer	John	11	06:33:21 PM MST	Will the information be published on the City's media?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Leeds	Whitney	5	06:34:11 PM MST	What is the city doing to ensure that non-English speakers will be able to engage with this process? (Even the uplands website only partially translates into selected languages, but not entirely.)	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Jennings	Steve	4	06:35:37 PM MST	Sorry, I meant what are the "backyard" options?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Flaming	Les	1	06:35:54 PM MST	If we live in close proximity to one of the Parcels, how will our property values be affected by this new development?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Nokes	Melanie	9	06:37:29 PM MST	How does the City label the density of Parcel A? E.g. moderate density, high density, etc. For this label what is the DU per acre by definition, e.g. max 8 DU per acre is moderate or max 16 DU per acre is high density?	If the response given by the applicant and/or staff did not answer your question thoroughly, please let us know.	
Questions and comments not read aloud and answered during the neighborhood meeting						
Last Name	First Name	Question # (Per Person)	Question Asked Date/Time	Question Asked	City Staff Response	Applicant Response

Nokes	Melanie	7	06:27:57 PM MST	<p>City employee stated last night that even with this development there is enough water for indoor use. This implies the City staff is making a decision to allow this development at the detriment to existing residents landscapes, which often cost individual owners several thousand dollars. Can you help me understand why this is an acceptable risk, or trade-off, to put upon existing residents?</p>	<p>City Staff Response: The City has planned to provide water to all remaining developable land in the City, including this property, including indoor and outdoor water use, while maintaining a secure supply for current customers. In addition, the city charges tap fees for each new connection to its water system to help ensure that current customers don't pay for system changes or additional water supply necessary for the new connection. Drought represents a much larger threat to the sustainability of the City's water supply. Conservation measures undertaken by our community is by far the best way we can protect our water supply against environmental threats like drought.</p>	
Palmer	John	12	06:36:28 PM MST	<p>Marcus. That DID NOT answer the question would you like to try again?</p>		<p>Applicant Response: Not sure of the context here. If you have a question, please email us at info@uplandscolorado.com</p>

Wycoff	Eric	1	06:38:18 PM MST	<p>The developers water report only allots 89 gallons per person and 2.0 persons per household for the majority units in the development. Westminster Water Efficiency Plan calls for a goal 110 gallons per person. Why is the developer being allowed to use such a lower number?</p>	<p>City Staff Response: The per-capita goal in the 2020 Water Efficiency and Conservation plan is a systemwide goal including businesses, industry, irrigation at parks, etc. Current per capita water use for residential customers is about 80 gallon per capita per day, below the planned water use for this property.</p>	<p>Applicant Response: Uplands is using the City's engineering standards for domestic water usage. City standards outline 89 gallons per person per day for Single Family Detached with a projected 2.9 people per house and 90 gallons per person per day for Single Family Attached/Multifamily with a projected 2.0 people per house. Again this is not a variance from the City's standards.</p>
--------	------	---	--------------------	---	--	--

Johnson	Kimberly	4	06:38:55 PM MST	The housing development will overtake the reason for Westminster being a historical area. Why isn't this being considered??	City Staff Response: The history of the site has many layers. Some of the history predates the territorial days and settlement of Colorado. When Westminster was incorporated as a City in 1911 the site was part of the Westminster University campus, and there was a cog railway that provided some of the access. Bradburn Drive composed one segment of that cog route. The original building from the University remains and is known as "the castle". The University closed in 1917 due to lack of students. The school was males only and most potential students were serving in World War I. The site was vacant for a few years. The Pillar of Fire Church purchased the site in the 1920's and over their 90 plus years of stewardship they have used the larger site for a church, a school, and agriculture uses. This legacy remains.	Applicant Response: It's important to note that no historical buildings are being altered in any way by Uplands. To the contrary, the funds from this sale will allow the church to continue to maintain the historic 'castle' property, which is on the National Register of Historic Places, into the future. Numerous studies, including a third-party study on this property from 2008, show development of this land will improve Historic Westminster. We take this community development portion of our job seriously, and we look forward to working with area stakeholders, including the City, Hyland Hills, Westminster Public Schools, Summit Square shopping center, and all our commercial neighbors to ensure Historic Westminster thrives.
Grucza	Naomi	6	06:39:08 PM MST	WE CANNOT UNDERSTAND YOU	City Staff Response: Thank you for your comment.	
Grucza	Naomi	7	06:39:43 PM MST	We cannot understand Julie Koehler	City Staff Response: Thank you for your comment.	
Dekker	Naomi	2	06:40:27 PM MST	Patrick's shut your mic off. you are causing interruptions on Julie	City Staff Response: Thank you for your comment.	

Nokes	Melanie	10	06:40:32 PM MST	<p>How does a water budget protect the existing residents from the fact this development will further impact our one and only water supply?</p>	<p>City Staff Response: Constructing this development will require the use of more water; however, this use has been thoroughly vetted and included in long range water supply models and other planning programs, and that water use can be supported by the City's water system based on that modeling. And while it does represent a sizeable amount of water use compared to current water demand, it does not outpace our current available water supply.</p> <p>In addition, the City charges tap fees for each new connection to its water system to help ensure that current customers don't pay for system changes or additional water supply necessary for the new connection. If a project requires system changes above and beyond what is currently planned by the city, the developer will need to pay for those changes in addition to their tap fee.</p>	
-------	---------	----	--------------------	---	--	--

Palmer	John	13	06:40:32 PM MST	I was told by City staff water budget wasnt given untill PDP/ODP plans were approved. Was that not true?	City Staff Response: The City's Comprehensive Plan designates the site as Traditional Mixed Use Neighborhood Development (TMUND). For a TMUND designation the City's water model uses a net density of 18 dwelling units per acre, and finds that the City has sufficient water to supply this site. The water is available once the fees have been paid at the building permit phase of development.	
Palmer	John	14	06:41:39 PM MST	WHO is speaking and why cant we see tham?	City Staff Response: Thank you for your comment.	
Dekker	Naomi	3	06:41:57 PM MST	PATRICK shut your mic off when not speaking. You are causing interuptions to the other speakers	City Staff Response: Thank you for your comment.	

Sieber	Lucy	1	06:42:11 PM MST	Are you still seeking metro special tax district designation for this development? And are you aware that there is movement in the state legislature to address this?	City Staff Response: Metropolitan Special Districts (MSD) are enabled under Colorado Revised Statutes (CRS) Title 32, Special District Act. These districts are formed by developers to finance, construct and maintain public improvements related to a proposed development. With City Council review MSD's can be allowed for commercial or residential development. The City adopted a policy for MSD's in December, 2004 and that policy remains in effect. The policy establishes criteria that must be met, and requires that a PDP and ODP must be approved prior to the submittal of an application for a MSD. The City policy is available at the end of this PDF document.	Applicant Response: Uplands is investing millions of dollars up front for utility system upgrades, roadway improvements, street safety measures, and to address pre-existing stormwater/flooding issues on Shaw Boulevard. These items, along with the installation of miles of pedestrian and biking connections, don't cost the City or existing residents anything — even though both groups will benefit from these improvements. These collective public infrastructure obligations will require Uplands to seek approval for a Metropolitan District to cover a portion of those costs, as contemplated by the City's Metropolitan District policies for traditional mixed use neighborhood communities (e.g. Bradburn). The City's policy regarding Metropolitan Districts is to approve them only after an Official Development Plan (ODP) has been approved. At this time, no
Palmer	John	15	06:42:32 PM MST	AUDIO is BAD keeps cutting in and out	City Staff Response: Thank you for your comment.	
Dekker	Naomi	4	06:43:05 PM MST	PATRICK shut your mic off when not speaking. You are causing interruptions to the other speakers	City Staff Response: Thank you for your comment.	

Palmer	John	16	06:43:52 PM MST	Todd ... How many cars travel on Lowell Blvd. daily?	City Staff Response: South of 88th carries approximately 10,000 vehicles per day. North of 84th carries approximately 8,500 vpd. North of 80th carries 9,500 vpd and near 72nd carries approximately 14,000 vpd.	Applicant Response: Approximately 8300 vehicles per day.
Palmer	John	17	06:44:19 PM MST	Todd, Please answer that question.		Applicant Response: Not sure of the context here. Please email us at info@uplandscolorado.com .
Wycoff	Eric	2	06:44:35 PM MST	What about the size of the school's, it will be more kids and larger classrooms. What is Uplands providing for the school's	City Staff Response: The area of Parcel A is entirely within the boundaries of the Westminster School District (WSD). The WSD has been and continues to be provided copies of all submittals for formal review. In August, 2019 the WSD stated they have had declining enrollment and the WSD has capacity for new students in existing schools. They asked for no land for schools, and will accept the fee to be paid in lieu of a land dedication. The WSD letter is available at the end of this PDF document. The City Council will make the final determination of the fee in lieu of land dedication at the time they review the PDP and the MODP.	Applicant Response: We've been meeting with Westminster Public Schools since we began imagining Uplands, and the District's management has publicly supported the approval of Uplands. They have extensively studied Uplands' impact on their area schools, and they assure us they can serve future students with their existing buildings and classrooms. Due to the fees contributed by Uplands, as well as the State funding associated with new students, the District will receive substantial incremental funding for additional instructors and other resources.
Palmer	John	18	06:45:38 PM MST	Todd, what world do you live in, everything you just said didnt mean anything.		Applicant Response: Happy to clarify any unanswered questions. Please email us at info@uplandscolorado.com .

Wycoff	Eric	3	06:46:59 PM MST	If the city saw a problem with sidewalks why didn't they ever do anything before	City Staff Response: Westminster's policy is to have the undeveloped property construct the required improvements along their property frontage. There are times that the City will propose using Capital Improvement funding, from the taxpayers, to construct these improvements. Since there is an application on this property, the City has not moved forward with using CIP funding for improvements if a development would construct.	
Rinkenberger	Jon	1	06:47:34 PM MST	Regarding increased water usage and traffic, Is the city taking in consideration the other high density housing developments in the area? Examples: Alpine Vista Duplexes (72 paired homes on 8 acres) St. Mark Village (216 multi-family units on 6 acres) Westglenn Apartments (306 multi-family units on 30 acres). Westminster Peaks Apartments (5-story building with 274 units) Aspire Apartments (5-story building with 241 units) Hyland Village Townhomes (52 new townhomes)	City Staff Response: Yes. The City has planned to provide water to all remaining developable land in the City while maintaining a secure supply for current customers. In addition, the city charges tap fees for each new connection to its water system to help ensure that current customers don't pay for system changes or additional water supply necessary for the new connection. In regards to the traffic impacts, the background traffic and annual growth percentage of the traffic of the adjacent developments are considered in the overall traffic impact study and subsequent traffic reports.	

Palmer	John	19	06:47:51 PM MST	Federal is CDOT controlled, so how can the city or Uplands speak for them?	City Staff Response: The City is not speaking for CDOT but relaying the conversations between CDOT and the City. This is an ongoing coordination.	Applicant Response: Uplands is working with the City and CDOT; Uplands does not represent CDOT.
Palmer	John	20	06:48:29 PM MST	NO cash in lue ...WE WANT THE PARKS!	City Staff Response: Thank you for your comment.	Applicant Response: Thank you for your comment.
Palmer	John	21	06:51:06 PM MST	Again we are not worthy of having Jeff attend and answer questions. Why is that?		Applicant Response: Jeff is listening in during every meeting and is coordinating responses to your questions; however it is important to recognize the Uplands team is comprised of a large team of experts, many of whom are better suited than Jeff to answer specific questions. Jeff and all the Uplands team believe community input is critical to a successful process. If you need to speak to Jeff directly, please email info@uplandscolorado.com .

Nokes	Melanie	11	06:51:33 PM MST	One of Oreads selling points is that this development will attract more families. I live in a development with 2 and 3 story single family homes. These narrow, limited outdoor space and multi-floor homes have maybe 1 family with kids per every 20 single family attached home. This is pretty common across developments. Do the City reviewers acknowledge this, and agree that Oread's plan would imply that they are overstating their development plans would attract families with kids?	City Staff Response: The City uses historical demographic data to estimate the number of persons per dwelling unit. The data is updated on a regular basis. The Westminster School District (WSD) uses similar data to forecast future student population. In the early years of the Uplands there is likely to be a larger student population, and as the development ages there is likely to be a decline in students in the Uplands. The Uplands plans indicate a variety of dwelling unit types and if the plans are approved there is likely to be a variety of ages, family units, and income levels in the Uplands.	
Rinkenberger	Jon	2	06:53:16 PM MST	Why does the Upland group continue to say "when it is built"? Is there already an implied determination within the city staff of this development as approved without the city's councils approval?	City Staff Response: The City Council will make the final determination for approval of a PDP and a MODP.	Applicant Response: Semantics seem to be the issue here. Maybe it would be better if we had said 'should it be built' but we said 'when it is built'. We have to speak in future terms to illustrate certain concepts, but we'll try to watch our language going forward.
Palmer	John	22	06:53:50 PM MST	Todd you did not answer the question. Please try again or just say "I dont know"		Applicant Response: Happy to clarify any unanswered questions. Please email us at info@uplandscolorado.com.

Palmer	John	23	06:55:52 PM MST	Does the city's numbers on water include the increased usage in 2020 double and triple usage by residents?	City Staff Response: Residential water use did not double or triple in 2020 but was higher than 2019 because of a hotter and drier summer. Changes in climate, including hotter and drier summers, are included as part of the City's water supply planning.	
Hensinger	James	1	06:56:08 PM MST	CDOT is notorious for being uncooperative with requests for modifications to Federal Blvd. Witness the recent problems with the St Marks Village Development at 97th and Federal. Why do you think your development is "special?"	City Staff Response: With the City's joint project with Adams County and Federal Heights to study the Federal corridor, CDOT understands that the City is looking to improve this corridor. CDOT is currently evaluating a resurface and safety improvement project from I-76 to 92nd and indicate they are open to safety improvements. The St Mark Village project and specifically the 97th Ave intersection is unique and highlights the importance of evaluating access points. At that location, you cannot have left turns for both northbound 97th Ave and southbound Cascade Drive.	Applicant Response: Uplands has worked with the City and CDOT for years, and have had numerous meetings on how it will fit into the current multimodal CDOT plan, and how Uplands would impact the existing roadway system.

O	lan	1	06:57:20 PM MST	When will Parcel D be reviewed and what are the initial plans if any?	<p>City Staff Response: Parcel B is part of the larger PDP for the Uplands. A pre-application has been submitted for review to the City. The proposal shows duplexes north of Bradburn Drive, and land for Public Land Dedication. The proposal is generally consistent with the PDP.</p>	<p>Applicant Response: Parcel D is included in the Preliminary Development Plan submittal, which includes information such as maximum allowed density, public land dedication and view corridors. All five parcels will be reviewed at future public hearings in front of Planning Commission and City Council for that Preliminary Development Plan. Should the Preliminary Development Plan be approved, the next steps will be creating a conceptual site plan and preparing a Site Specific Official Development Plan with the City. This formal process will require at least one additional neighborhood meeting.</p>
---	-----	---	--------------------	---	---	---

Rinkoff	Lori	6	06:57:27 PM MST	I am a Shaw Heights resident and found out about this meeting by accident. I believe one of the speakers said notices were sent to people within 750 feet. The area you are developing is quite a bit larger than the area you sent notices to. I feel that notices should be sent to all residents of the Shaw Heights Water District.	City Staff Response: The City's Code was recently updated to expand the notification area to 500 feet from the perimeter of a proposed development for a required neighborhood meeting. The previous requirement was 250 feet.	<u>Applicant Response: We've been conducting community outreach in and around Shaw Heights for two years. We're sorry you just learned about this, but are happy you made it to the meeting. For this City-hosted meeting the City set a notification requirement of 500 ft from Parcel A, which would have meant approximately 290 notifications based on the Assessor's data. But we expanded that to notify everyone within 750 of all five parcels and mailed approximately 1,340 notifications. Please visit our website and sign up for emails. That's the best way to ensure you are notified of future meetings.</u> www.uplandscolorado.com
Palmer	John	24	06:57:31 PM MST	NO the COMP Plan slide	City Staff Response: Thank you for your comment.	Applicant Response: Not sure of the context here. Please email us at info@uplandscolorado.com .
Palmer	John	25	06:58:31 PM MST	One of the first few that Bonnie showed with comp pplan,	City Staff Response: Thank you for your comment.	Applicant Response: Not sure of the context here. Please email us at info@uplandscolorado.com .

Rinkenberger	Jon	3	06:58:34 PM MST	Can the city explain how adding 1531 housing units will not adversely impact the city's water supply compared to the existing non-irrigated farm with a single farmhouse?	City Staff Response: The City has planned to provide water to all remaining developable land in the City, including this property, including indoor and outdoor water use, while maintaining a secure supply for current customers. In addition, the city charges tap fees for each new connection to its water system to help ensure that current customers don't pay for system changes or additional water supply necessary for the new connection.	
Palmer	John	26	07:00:54 PM MST	Your are showing slight bends in the road NOT curves so how will that slow cars down?	City Staff Response: With changes in roadway alignment, on-street parking and potentially bike lanes, there has been studies that show the speeds are not as high as if a roadway was built straight with no other obstacles. This is not to say that individuals may choose to travel in speeds above the posted speed limit.	Applicant Response: Uplands technical traffic, planning and civil engineers utilize many tools to assist in calming traffic and also provide visual interest in the streetscape. Besides curb extensions, narrowing of the streets, and intersection treatments, we have also incorporated curvilinear street sections to reduce the long straightaways seen in some gridded urban settings that promote speeding and inattentive drivers. The curves along with the other traffic measures reinforce attentiveness in driving and reduce speeds.

Hensinger	James	2	07:02:35 PM MST	Will the commercial area have underground parking?		Applicant Response: The mixed use area may have a combination of surface parking, structured parking or possibly underground parking. Design details, including the site plan, architecture and landscape improvements will be provided at time of a Site Specific Official Development Plan.
Rinkenberger	Jon	4	07:02:38 PM MST	Can the city explain why adding thousands of people, vehicles and population in all its form is a benefit to the city?	City Staff Response: State and City regulations allow development of property if codes and standards are met.	

Palmer	John	27	07:03:47 PM MST	Why should setback be any different on Lowell as compared to Federal?	<p>City Staff Response: Lowell Boulevard is a collector status street and is residential in character, and is proposed to remain residential in character. Federal Boulevard is an arterial road and is a commercial corridor in the vicinity of the Uplands. Federal Blvd. has a much higher speed limit, more traffic, more noise and more pollution than Lowell Blvd. so the setbacks on Federal Blvd. will be larger than the setback to Federal. Because of the nuisances of Federal for residential uses the City will be requiring some sort of barrier to buffer the noted items. The proposed front setback on Lowell Blvd. is consistent with residential development in other Traditional Mixed Use Neighborhood Developments (TMUND). The proposal is for the homes that front onto Lowell Blvd. to have vehicle access from rear alleys, and pedestrian access at the front of the homes on Lowell Blvd.</p>	<p>Applicant Response: Setbacks typically vary within the City based on the classification of the street buildings are adjacent to. In this case, Federal Boulevard is considered a 5-lane state highway / major arterial, while Lowell is considered a 2-lane collector.</p>
--------	------	----	--------------------	---	---	---

Jennings	Steve	5	07:03:56 PM MST	What kind of infrastructure is being planned for high speed internet to anticipate Work from Home, Video Conferencing i.e. Zoom & Streaming video?		Applicant Response: Uplands is working with both wired and wireless information infrastructure providers and specific improvements are still being evaluated by providers. Typically these details occur at the next level of design.
Ray	Karen	5	07:05:08 PM MST	Where are the cars going to park? How many parking spaces per household? How many cars are you estimating since this proposed development is NOT in walking distance of Westy Station or RTD Bus terminal?	City Staff Response: The proposed uses will meet the City's required parking standards. The Traditional Mixed Use Neighborhood Development (TMUND) guidelines have minimum parking requirements for each type of land use. The City does not typically account for proximity to bus or rail stops to determine parking requirements.	Applicant Response: The proposed Preliminary Development Plan defers to City requirements for parking. Any potential variances to parking requirements will be included and reviewed at time of Site Specific Official Development Plan.
Leeds	Whitney	6	07:05:10 PM MST	How much, if any, of these residential properties will be preserved as affordable housing units?	City Staff Response: The City does not have a threshold for affordable housing for the Uplands. There will be a diversity of housing size and type. The City's housing policies are managed in the City's Economic Development Department. For specific information you may contact the Housing Coordinator at 303.658.2414.	Applicant Response: There will be designated affordable housing as part of the overall Uplands community, but the exact number has not yet been determined. We are actively working with both senior and family affordable housing providers.

Rinkenberger	Jon	5	07:05:26 PM MST	Can the city explain why it needs condensed commercial space in the proposed development when there seems to be vacant commercial space throughout the city	City Staff Response: The Traditional Mixed Use Neighborhood Development (TMUND) guidelines require a mix of commercial and residential uses.	
Palmer	John	28	07:06:30 PM MST	Why is Jeff not present? He told us he would always be available, dont these meetings qualify?		Applicant Response: Jeff is listening in during every meeting and is coordinating responses to your questions; however it is important to recognize the Uplands team is comprised of a large team of experts, many of whom are better suited than Jeff to answer specific questions. Jeff and all the Uplands team believe community input is critical to a successful process. If you need to speak to Jeff directly, please email info@uplandscolorado.com .

Nokes	Melanie	12	07:09:57 PM MST	<p>For the earlier question that asked why 4 to 5 story multi-family and 3 story single family homes are acceptable in an area with shorter profile homes and buildings, I wanted to hear from the City Staff. Can the City Staff explain why these taller profiles are acceptable in this area?</p>	<p>City Staff Response: The Comprehensive Plan designation for Parcel A in the Uplands is Traditional Mixed Use Neighborhood Design (TMUND). This land use supports a mix of residential densities, and commercial uses. In the general neighborhood of the Uplands there is a mix of residential uses. Immediately to the north and to the west of Parcel A most of the dwellings are one story single family detached houses on a single lot. At the southeast corner of 84th & Federal there are several apartment complexes and townhomes. At the southwest corner of 84th and Lowell there is an existing apartment complex. At the northwest corner of 88th and Lowell a duplex development is under construction. On the east side of Federal there is an existing apartment complex. Some of these buildings in the existing nearby buildings are 2 or 3 stories. Taller structures within the proposed Uplands development would be consistent with some of the existing residential development in the general neighborhood of the Uplands.</p>	
Palmer	John	29	07:09:58 PM MST	<p>Will 85th & 86th & 87th be controlled by traffic lights on Lowell?</p>	<p>City Staff Response: At this time, and based on the proposed grid style alignment of roadways, it does not appear that these intersections would meet the warrants for a signalized intersection.</p>	<p>Applicant Response: No, these intersections will be controlled by stop signs on the side streets that interface with Lowell. The intersections do not meet the Federal or the City's traffic signal warrant.</p>

Flaming	Les	2	07:10:29 PM MST	<p>Marcus spoke of working to keep residents on site or within the Upland boundaries. What types of stores/shopping toward meeting resident needs would be expected in the Village area?</p>		<p>Applicant Response: We'd love to hear your ideas for the Village Center and have a place for you to do that at www.myuplandsinput.com. But generally speaking, the Village Center could accommodate shops and personal services (e.g. a coffee shop, a cafe, a co-working space, etc.). Please share with us what you'd like to see!</p>
---------	-----	---	--------------------	--	--	---

Rinkenberger	Jon	6	07:11:44 PM MST	<p>Why does the Uplands group state "this what the is city planned for". Can anyone in the city give a clear definition of "The City" Is it the elected city councilors, the hired city staff, the citizens, the businesses or some outside group. There are thousand of people that are opposed to this development. Why won't the the city listen to us!</p>	<p>City Staff Response: The City Council is the policy making body for the City and staff are generally referencing adopted City policy when they use the phrase "the City." For land use issues the Comprehensive Plan is the policy document that guides staff on land use. The City Council adopted its first Comprehensive Plan in 1997, and the document has been updated several times. In 2013 the Comprehensive Plan was updated and the City Council action designated Parcel A in the Uplands as Traditional Mixed Use Neighborhood Design (TMUND). City staff implement the policies in the Comprehensive Plan document with the review of proposed land uses. This assures that the development proposal meets the City's required codes and standards.</p>	
--------------	-----	---	--------------------	--	---	--

Palmer	John	30	07:12:43 PM MST	So it dosent fit with existing building height in the area. is that is a correct statement from Uplands?	<p>City Staff Response: There is a mix of existing apartment buildings, townhomes, duplexes and single family detached residential units in the general area near the proposed Uplands. Some of the existing buildings are 2 and 3 stories. The proposed Uplands development indicates a mix of housing types on Parcel A, and that is consistent with the general neighborhood of the Uplands.</p>	<p>Applicant Response: Taller construction will be concentrated into mixed use areas centered around 86th and Federal. Concentrating the multifamily in this location - consistent with City's planning documents - places the higher intensity uses within mixed use land areas and adjacent to planned multi-modal improvements along Federal. This generally allows for lower building heights throughout the remainder of the community. It's important to note that 5 stories is the maximum height allowable; however, based upon current conversations with builders, you'll likely see multifamily buildings of varying heights / stories. Actual building heights and design details will be reviewed by the City with future Site Specific Official Development Plans.</p>
--------	------	----	--------------------	--	---	--

McCawley	Jean	2	07:14:47 PM MST	<p>As a teacher I am aware that we already have large class sizes and limited classroom space in Westminster. Since there will an increase in families in the area, are you going to build schools in this area? With an increase in students we need places to put these students.</p>	<p>City Staff Response: Parcel A is within the Westminster School District (WSD). The WSD has reviewed the proposed Uplands and has requested that no land be dedicated for new schools. The WSD has asked for cash in lieu of land. A copy of the WSD letter is included with these replies.</p>	<p>Applicant Response: We've been meeting with Westminster Public Schools since we began imagining Uplands, and the District's management has publicly supported the approval of Uplands. They have extensively studied Uplands' impact on their area schools, and they assure us they can serve future students with their existing buildings and classrooms. Due to the fees contributed by Uplands, as well as the State funding associated with new students, the District will receive substantial incremental funding for additional instructors and other resources.</p>
----------	------	---	--------------------	---	---	---

Ray	Karen	6	07:15:55 PM MST	<p>To City staff: Aren't new developments supposed to blend and integrate with Existing neighborhoods NOT change the existing or degrade existing neighborhoods. This design with heights as high as 65' down to 3-story housed is COMPLETELY different than what currently exists. Isn't city going against their own Comp plan and goal of being sustainable?</p>	<p>City Staff Response: There is a mix of existing apartment buildings, townhomes, duplexes and single family detached residential units in the general area near the proposed Uplands. Some of the existing buildings are 2 and 3 stories. The proposed Uplands development indicates a mix of housing types on Parcel A, and that is consistent with the general neighborhood of the Uplands. The proposed Uplands will have a number of sustainable features. Interior water fixtures, heating and cooling equipment, and appliances are more efficient per the present national, state, and local codes. The Uplands proposes smaller lots with limited yard areas. Smaller yards are likely to use a significantly smaller amount of water for irrigation than larger lots. Runoff will be detained and filtered prior to release offsite.</p>	
Palmer	John	31	07:16:16 PM MST	<p>Note to City ... WE NEED / WANT more Open space and Park area in our heighborhood than Upland is propossing. Can we get that?</p>	<p>City Staff Response: Thank you for your comment. Staff will continue to collaborate with the development team to determine opportunities for expanding the physical public land dedication.</p>	

Ramirez	Terrance	1	07:18:45 PM MST	How any acre feet of water is Upland supplying to the City?	City Staff Response: Typically new development does not supply water to the City. Typically, the City secures water from creeks, wells and reservoirs and provides that water to the new development. The City has stated that 778 acre feet of water is available for the proposed Uplands development.	Applicant Response: As part of the City process the City secures water and budgets water for projects throughout the City. The land was annexed into the City years ago; and therefore, no delivery of raw water is required.
Palmer	John	32	07:19:00 PM MST	How is the City & Uplands planning to accommodate the wildlife the lives and visits the 5 parcels of land?	City Staff Response: The City doesn't have documentation of the existing wildlife that visits Parcel A. Parcel A has been farmed for a large number of years, and is considered to be "disturbed" land that is not likely to host endangered species. With the new development there are likely to be common suburban wildlife such as squirrels, rabbits, etc.	Applicant Response: As we're sure you are aware, the farm has been planted with corn and wheat as far back as anyone can remember. These are annual crops that must be planted, harvested, and tilled under with tractors and farm implements each year. While there may be animals using the farm, there really aren't a substantial number of animals actually living there. To confirm, we conducted an environmental study, including a verification that no endangered species or significant habitat would be impacted. The study was submitted and reviewed by the City.

Wycoff	Eric	4	07:19:58 PM MST	Along 88th the views will be gone for current residents with 65 ft multi houses	City Staff Response: The existing dwellings along the north side of 88th Avenue have fences adjacent to 88th that appear to block any existing views.	Applicant Response: Structures are limited to a maximum 40 ft along 88th. The parcels allowing 65 ft in height are located along Federal nearest the intersection of 86th. The Public Land Dedication / view corridors at 82nd and Lowell and 84th and Federal protect the best views on the site, consistent with the City's Comprehensive Land Use Plan. Actual building heights and design details will be reviewed by the City with future Site Specific Official Development Plans.
Ramirez	Terrance	2	07:22:12 PM MST	How many parking spaces will have facilities for charging electric vehicles?		Applicant Response: Electric vehicle charging is important to the overall vision for Uplands. The number of spaces proposed may vary by neighborhood/area (single family homes vs multifamily homes vs mixed use/commercial areas); this level of detail may be provided with future design details either at Site Specific Official Development Plan or building permit.
Rinkenberger	Jon	7	07:22:23 PM MST	Why is the city giving the same answer to all the questions? Who should we send our questions to for answer?	City Staff Response: For answers to questions not addressed here send questions to the attention of Patrick Caldwell, Senior Planner at pcaldwel@cityofwestminster.us .	

Palmer	John	33	07:22:32 PM MST	Are you trying to push this through before the Recall of city councilers?	City Staff Response: The City has a standard review process, and the proposed Uplands is following that process.	Applicant Response: Thoughtfully-planned developments like Uplands take many years. We've been at this for many years already. We cannot control the timing of the approval process, and Covid has certainly slowed work across our entire industry. Despite timing uncertainly, we have transparently shared changes to our plans, and we will continue moving forward in our collaborations with City staff and stakeholders.
--------	------	----	--------------------	---	--	---

Palmer	John	34	07:26:31 PM MST	Everything that Marcus just said about housing was not how what we have been told, we were told "Missing Middle housing" so now you changing your story?		Applicant Response: We're not sure of the context here, but we'll try to clarify. In Westminster's 2020 Community Survey, 68% of respondents said they want a community with distinct neighborhoods. Additionally, 65% said that they want to ensure the City provides ample affordable / workforce housing. Uplands is responding to these citizen priorities by offering a mix of single family detached, single family attached (paired homes and townhomes), and multifamily (condos/apartments) ranging in size and price; affordable housing is included in this range of prices. Single family homes will be built on smaller, more water-efficient lots with front porches that encourage community interaction and a friendly, walkable neighborhood. This community will contain more Missing Middle Housing than any major development in the City.
McCawley	Jean	3	07:27:13 PM MST	Will those living arrangements for affordable housing (if any) have to pay an HOA fee?		Applicant Response: Details have yet to be determined, but appreciate this question.

Ramirez	Terrance	3	07:27:39 PM MST	How many parking spaces will have facilities for charging electric vehicles? Terrance 5637 W 109th Cir, 80020		Applicant Response: Electric vehicle charging is important to the overall vision for Uplands. The number of spaces proposed may vary by neighborhood/area (single family homes vs multifamily homes vs mixed use/commercial areas); this level of detail may be provided with future design details either at Site Specific Official Development Plan or building permit.
Palmer	John	35	07:27:47 PM MST	Please answer question on Jeff.		Applicant Response: Jeff is listening in during every meeting and is coordinating responses to your questions; however it is important to recognize the Uplands team is comprised of a large team of experts, many of whom are better suited than Jeff to answer specific questions. Jeff and all the Uplands team believe community input is critical to a successful process. If you need to speak to Jeff directly, please email info@uplandscolorado.com .
Palmer	John	36	07:28:21 PM MST	Or are we to be in the dark?		Applicant Response: We believe this refers to the question above. Please see answer in the box above.

Dekker	Naomi	5	07:28:42 PM MST	Are the 65 foot 4 story apartments going to be facing Federal?	<p>City Staff Response: The current plans for Parcel C indicate that taller buildings with a mixed use of commercial on the first floor and apartments above are to be located at 86th Avenue and adjacent to Federal. The Traditional Mixed Use Neighborhood Development (TMUND) encourage higher density near the commercial core and lower densities as development moves away from the commercial area.</p>	<p>Applicant Response: Tough to answer what 'facing' means in th context of multifamily buildings. As we noted above, taller construction will be concentrated into mixed use areas centered around 86th and Federal. Concentrating the multifamily in this location - consistent with City's planning documents - places the higher intensity uses within mixed use land areas and adjacent to planned multi-modal improvements along Federal. It's important to note that 5 stories is the maximum height allowable; however, based upon current conversations with builders, you'll likely see multifamily buildings of varying heights / stories. Actual building heights and design details will be reviewed by the City with future Site Specific Official Development Plans.</p>
--------	-------	---	--------------------	--	---	---

Palmer	John	37	07:29:23 PM MST	Will the backyards have grass that will need water?	<p>City Staff Response: The Traditional Mixed Use Neighborhood Development (TMUND) guidelines have minimum lot depths and widths for different housing types. There are also minimum yard spaces for some product types. The City does not require the private yards to have grass. The City supports the use of low water use plant materials and for non-residential uses the City's Landscape Standards require a minimum percentage of the site to be landscaped with low water use plant materials.</p>	<p>Applicant Response: Each home is anticipated to have some private outdoor space - this could include at-grade yard space, porches or decks. These design details will be provided at time of Site Specific Official Development Plan.</p>
--------	------	----	--------------------	---	--	--

Nokes	Melanie	13	07:32:52 PM MST	<p>How is a 3 story single family home more attainable housing than a 2 story home? Houses are sold at a rate of x dollars per square foot. 3 stories would imply higher price. This is a benefit to the developer, to be able to sell homes for higher price while using less of the limited land. The style of these homes are similar to the Midtown development, narrow side-to-side and deeper front to back. Those Midtown homes are 2 story only. 3-4 years ago when I was looking to buy a home, the Midtown homes were being sold for mid \$400,000 when they were the nicer homes and high \$300,000. These single family homes are larger, by appearance at 3 stories, and would be on the market after several years of house prices growing by about 10 percent. I am trying to reconcile Oread's selling point that this will include attainable housing. Does the City acknowledge this?</p>	<p>City Staff Response: The Traditional Mixed Use Neighborhood Development (TMUND) guidelines require a mix of housing types. Some of the housing types will be more "attainable" than others. You may contact the City's Housing Coordinator at 303.658.2414 for information on the City's efforts with affordable housing.</p>	<p>Applicant Response: Home sales prices are dependent on a number of factors, including home square footage, as you noted, but also land area. Three story homes offer the opportunity for home square footages comparable to a two story home, but on a smaller lot that uses less irrigation water. That's one reason many newer homes within Westminster are unattainable - large homes on conventional suburban lots have represented most of the new home market, whereas smaller more attainable-by-design cottages, townhomes, row homes, and paired homes have not been widely available. Additionally this appeals to homebuyers who prefer lower maintenance living options. We anticipate a mix of two and three story homes within the Village Residential planning areas of Parcel A. We note that the City's Housing Needs Assessment highlighted the need for more diverse housing options in the City, including smaller homes, smaller lots, and a variety of medium density single-family attached homes, exactly as Uplands is providing.</p>
Wycoff	Eric	5	07:34:23 PM MST	#savewestminsterfarm #nouplands	<p>City Staff Response: Thank you for your comment.</p>	<p>Applicant Response: Thank you for your comment.</p>
Ray	Karen	7	07:34:33 PM MST	Does the city see who has asked questions	<p>City Staff Response: Yes, the name of the questioner and their question are shown on the webinar page.</p>	

August 6, 2019

City of Westminster
Planning Division
4800 W. 92nd Ave.
Westminster, CO 80031



To Whom It May Concern:

RE: Proposed Development of Pillar of Fire Land: **Rose Hill, A Planned Development**

The District welcomes both residential and commercial development within its boundaries and, while the District takes no position on the specific plans presented by *Westminster OC, LLC*, we believe that a vibrant community should include a wide choice of housing types and generate additional economic activity. This project brings residential and economic options to the community.

Based on City of Westminster student generation multipliers, we conservatively calculated the student yield from the proposed development (we are aware of the multiple housing types proposed but only used the single-family detached calculations to generate the highest possible number).

	Housing Units	Elementary School Yield	Potential Elementary Students	Middle School Yield	Potential Middle School Students	High School Yield	Potential High School Students	Total Potential Students
Rose Hill	2000	0.29	580	0.14	280	0.19	380	1,240

In reviewing the proposal to determine the short- and long-term impacts on the District, we considered the following: 1) Student enrollment trends and future projections, 2) Our current building stock and capacities, 3) Instructional programming, and 4) Our electoral history with bond and/or tax increase initiatives.

Enrollment Trends

During the 2011-2012 school year, the District reported an enrollment of 10,297 students to the Colorado Department of Education. In 2018, that number had dropped to 9,453 students. In working with our demographer, by the year 2023, we are projected to have an enrollment of 8,224 students.

Building Stock/Capacities

With our declining enrollments, we are “under capacity” at most schools throughout the district. Some notable examples are Ranum Middle School, built to house approximately 1,400 students with a current enrollment of about 600. Westminster High School, designed for 3,000 with enrollment hovering around 2,400. Hidden Lake High School could easily house 1,000 students, 700 more than currently attend

classes in the building. We are building a new K-8 school at Skyline Vista which will double the capacity of the current building.

Instructional Programming

Over the past few years, the district has been moving to a Pk-8 model at many of our schools. We have found parents like the security of knowing that the fifth to sixth-grade transition has been eliminated and that students, entering a challenging period in the physical/emotional development, continue to have familiar faces and supports to help them along the way. Spreading out the "middle school" student to more buildings throughout the district has resulted in relieving pressure on our traditional middle schools and opens some of our larger buildings to redesign and repurposing, giving us flexibility in managing building capacities.

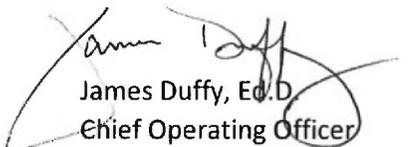
Tax Increases

While past performance is not a guarantee of future results, the district has been challenged in passing bond measures. New construction is expensive and the costs continue to increase, without a dedicated funding source, we would be hard pressed to build a new school on any land we acquired.

After careful consideration of the impact, the Rose Hill Development could potentially have on the district, and the factors described above, the district has determined that a land dedication is not needed. We have signaled the developer that Westminster Public Schools is supportive of a cash-in-lieu option and we have reached an informal agreement, subject to formal District approval, on the structure of such a scenario.

The District believes it is important to focus on the quality of the development and the degree to which it will revitalize the community in the years ahead. The District believes development in the heart of the District will provide economic benefit for the citizens of the community and, in general, will have an overall positive impact on the existing neighborhood(s).

Sincerely,



James Duffy, Ed.D.
Chief Operating Officer
Westminster Public Schools



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 13, 2004



SUBJECT: Policy for Metropolitan Special District Formation

PREPARED BY: Mary Ann Parrot, Finance Director
John Carpenter, Community Development Director
Marty McCullough, City Attorney

Recommended City Council Action

Adopt the policy regarding formation of Metropolitan Special Districts

Summary Statement

- Metropolitan Districts also referred to as Metropolitan Special Districts (MSD) are enabled under CRS Title 32, Special District Act.
- These districts are formed by developers to finance, construct and maintain public improvements related to a proposed development. The districts have the power to levy ad valorem property taxes and to charge fees. MSD's can be used to tax-exempt finance the costs of constructing and financing the improvements they are building and the taxes they assess can be used to reimburse the developer for these costs.
- The City currently has five MSD's within its boundaries (the mill levies shown are the maximums):
 - Countrydale MSD for the Westmoor Business Park (Commercial, formed in 1998) – cap of 50 mills.
 - NBC (Circle Point Business Park – Commercial - Year 2000) – cap of 50 mills.
 - Bradburn Village (Commercial and Residential – Year 2000) – cap of 50 mills commercial, cap of 30 mills residential.
 - Huntington Trails (Residential – Year 2000) – cap of 25 mills.
 - 144th Avenue MSD (Commercial – Year 2004) – mill levy not yet established.
- City Staff has identified several issues of concern over the past four years, as a result of the City's recent experience involving these kinds of districts:
 - The City may or may not benefit from the improvements constructed, whereby the developer may benefit beyond the point of public interest of the citizens.
 - There are definite differences between commercial and residential districts, especially given the nature of the property owners – commercial tenants vs. homeowners – and the expertise each group has or does not have with regard to taxing districts.
 - Residents of metro districts, paying up to 25 mills to a metro district, often do not understand why they have to pay this tax when the vast majority of Westminster residents do not.
 - Increased tax burdens on the residents of these districts may or may not come to the attention of the residents and tenants of these districts at the time of purchase.
 - A distressed MSD could result in unreasonable mill levy burdens and/or closure of businesses.

Expenditure Required: \$0
Source of Funds: N/A

Policy Issue

Does City Council desire to adopt a formal policy concerning the creation of MSD's?

Alternatives

1. Delay or reject approval of the draft policy. This is not recommended, as Staff believes that the absence of a policy leads to ad hoc decision-making and uncertainty in the development review process.
2. Adopt a policy, which is more permissive with regard to approving districts, mill levies, etc. This is also not recommended, as Staff believes that this is not in the best interests of the City or its taxpayers.

Background Information

Staff has operated under policy direction given to Staff on a verbal basis over the past several years. Staff has reviewed policies from several other cities and drafted the attached policy, based on past policy direction from City Council and in part on the procedures used by other cities, which have proven useful and practical. A summary of the policy issues is as follows:

- In general, there can be a use for Title 32 Metropolitan Districts, especially where improvements are involved that will benefit the taxpayers and citizens of Westminster.
- Staff is recommending that City Council implement conditions, restrictions and requirements with regard to the formation and substance of these districts that go beyond what is contained in State Statute.

Objectives in establishing this policy are as follows:

1. Articulate the types of benefits that are expected to inure to the City and its citizens generally in the proposed formation of a special district
2. Avoid having indebtedness of special districts affect the credit rating of the City of Westminster
3. Preserve the financial integrity of the City and its citizens
4. Prevent the shifting of development risk to non-developers
5. Attempt to minimize and insulate the City from risks and controversies that may arise in relation to special districts
6. Attempt to minimize excessive tax burdens upon City residents in special districts
7. Prevent the costs of any such district from being shifted to citizens who are not within the geographic boundaries of the District or receiving benefit from it

In particular, the policy perspective on two types of MSD's will differ depending on whether the district is a residential district or commercial. This is primarily because residents do not typically use property taxes as a determining factor when buying a house to the extent that office and other commercial users do. And in the event that the residential taxpayer does investigate property taxes, the system is complicated and can be very confusing. In the case of office and retail, this confusion is reduced because the taxes are passed through in the leases on the spaces rented. The City has taken a more protective approach to residential citizens than those occupying commercial establishments. The policy perspective is presented below for each type of district: residential or commercial.

Residential MSD's:

In general the City is opposed to the creation of MSD's to fund capital construction of residential developments for the following reasons:

1. Virtually all existing Westminster residential development was funded without MSD's. In other words, the lack of having these districts clearly has not adversely affected Westminster residential development.
2. Creation of a residential MSD creates a differential property tax structure among similar residential developments where the MSD resident is paying significantly more property tax without any commensurate public benefit – up to 6 to 7 times the City mill levy.

3. Buyers of homes in MSD projects are generally unaware of the higher property taxes in their development but can become upset when they later discover this. Residents may be surprised to find out the price of their home did not include the price of streets and utilities in their development that they repay over a 30 or more year period through their property taxes versus the vast majority of Westminster homes where this is not the case.
4. There would be an arguable public benefit if home prices were lower in MSD projects, reflecting the developers lower capital cost. Studies have shown that this is not the case.

In summary, there is generally not a compelling public purpose and benefit to form residential districts. In very limited and unique circumstances, the City may support a residential MSD. Examples include:

1. For the purposes of annexing a highly desirable parcel into the City of Westminster.
2. For a large-scale regional retail and mixed use project that provides significant sales tax revenues to the City and includes high quality residential product integrated into the regional retail area in a new urbanism design.
3. Construction of a unique new urbanism project such as Bradburn, which incorporates a significant retail commercial area, office buildings, office and retail units over retail space and a variety of housing types including single-family detached and attached products along with significant recreational amenities (pool, clubhouse, etc.), private parks and public parks and open space.
4. As an incentive for redevelopment.
5. To ensure an operating mill levy for long-term maintenance of improvements, when there is no effective HOA in place.

The process of determination that the formation of such a district is compelling, special and unique is a two-step process described below under the section titled "Review Procedures." If and when they are considered and/or approved, the mill levy cap is proposed at 25 mills.

1. This mill levy will cover debt service and operating expenditures.
2. The debt service portion of the mill levy will disappear when the bonds are redeemed.
3. The operating portion of the mill levy will be encouraged, if not required. It will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, its consultants, or other parties. A district cannot levy this operational mill levy until after Staff reviews the uses for it, and it is approved by City Council.
4. This will be fixed mill levy, with no peel-off provision allowed and no other derivations associated with the mill levy. However, provision that allow the mill levy to decline will be permitted.

Commercial MSD's

These types of districts will be viewed differently and will be reviewed for the benefit they bring to the City. These districts can be beneficial to the City and the tenants for the following reasons:

1. They can help to attract a business park to the City. Many high quality business parks in the metropolitan Denver area have created MSD's to support a higher quality of business park amenities.
2. They may be critical to attracting an economic development project.
3. They could be used to support a redevelopment project.

The mill levy cap is proposed at 50 mills and peel off provisions for mill levies will be reviewed but not necessarily approved. (Peel off provisions allow the removal of mill levy caps in certain circumstances when the ratio of debt to assessed value reaches certain levels, or with other formulae as specified in the MSD Service Plan.)

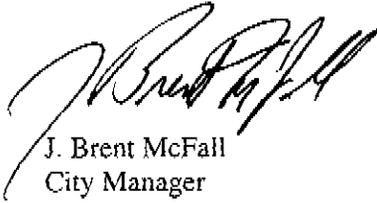
1. This mill levy will cover debt service and operating expenditures.
2. The debt service portion of the mill levy will disappear when the bonds are redeemed.
3. The operations mill levy will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, district consultants and/or other parties.
4. The City reserves the right to impose an operating mill levy to continue past the term of the bonds.

Review procedures

Procedures are spelled out for two levels of review:

1. Criteria for deciding whether to accept a proposal for review or not. If a developer's proposal does not meet the criteria outlined above, Staff will recommend to City Council that the proposal be rejected. City Council would have the prerogative to accept the developer's proposal or reject it after Staff has given them a recommendation.
2. Criteria for review after a proposal has been accepted include required submittals such as approved PDPs and ODPs, compliance with City standards for financing in these districts, time necessary for review, etc.

Respectfully submitted,



J. Brent McFall
City Manager

Attachments

CITY OF WESTMINSTER

POLICIES AND PROCEDURES

FOR

TITLE 32 DISTRICT FORMATION

NOVEMBER 2004

Table of Contents
MSD Policies and Procedures

<u>Section</u>	<u>Page Number</u>
1. Purpose of Policies and Procedures	3
2. Definitions	4
3. Service Plan Considerations	5
4. Criteria for Accepting Applications	5
5. Criteria for Reviewing Applications	6
6. Service Plan Contents	8
7. Administrative Review	9
8. Public Hearing	10
9. Annual Report Required and Reviewed	10
10. Material Modification	12
11. Amendments	12
12. Quinquennial Review	13
13. State Conservation Trust Fund/ Greater Outdoors Colorado Grant Monies	13
14. Dissolution or Consolidation	13
15. Failure to Comply with Policies and Procedures	14
16. Exemptions	14
17. Effective Date	14
18. Service Plan Outline and Table of Contents	Exhibit A
19. Improvements Matrix	Exhibit B
20. Bibliography	Exhibit C

Purpose of Policies and Procedures

Under appropriate circumstances, financing districts, including metropolitan districts organized under the Title 32 of the CRS, Special District Act ("Districts") provide an economic alternative to the development of municipal infrastructure at the expense and risk of the City. The City has previously authorized Districts within its corporate limits for the sole purpose of development of infrastructure within their respective service areas. Through its approving resolutions and intergovernmental agreements with the Districts, the City has restricted the authority and autonomy of the Districts by limiting the Districts' powers to the construction, financing and maintenance of capital infrastructure.

Certain Districts in the Denver metropolitan area have undertaken capital development financed with District bonds exceeding the ability of the Districts to retire such indebtedness and the ability of the local unit of government to maintain and fund replacement of the facilities within the constraints of available municipal resources. It is necessary to coordinate the development of capital facilities between the City and Districts to achieve the most efficient and cost effective delivery of municipal services.

The purpose of establishing these policies are to accomplish the following objectives:

- Have the district pay for infrastructure or other public improvements that the City would normally install,
- Articulate the types of benefits that are expected to inure to the City and its citizens generally in the proposed formation of a special district,
- Avoid having indebtedness of special districts affect the credit rating of the City of Westminster,
- Preserve the financial integrity of the City and its citizens,
- Prevent the shifting of development risk to non-developers,
- Attempt to minimize and insulate the City from risks and controversies that may arise in relation to special districts,
- Attempt to minimize excessive tax burdens upon City residents in special districts,
- Disallow the costs of any such district to be shifted to citizens who are not within the geographic boundaries of the District or receiving benefit from it.

It is the intention of the City of Westminster to accomplish the following objectives if and when a Title 32 Metropolitan Special District is considered and/or approved by the City:

- Achieve improvements that would benefit the City taxpayers by enabling the City to avoid the costs of selected public improvements, whereby the district will finance these improvements either through developer-financed infrastructure or through the public sale of financing bonds. This will help to keep the high quality services high without the increased burden on the City's funds. In addition, those property owners and tenants will be the ones to share in the costs of these improvements and they are the ones benefiting directly by the improvements.
- Impose conditions, restrictions and requirements on the development by existing and future Districts. Restrictions will apply to additional capital infrastructure and the issuance and refunding of indebtedness, in order to preserve the public purpose of the district, the financial integrity of the City and the health, safety, prosperity, security and general welfare of all of the residents and citizens of the City, including the residents and citizens of the Districts. The City of Westminster takes a more protective stand toward the use of special district financing in a residential setting, than in a commercial setting. Research has shown the price of homes in high-end housing developments bears no relation to the tax burden on the residents. In other words, in this area of the Denver metropolitan area, taxpayers do not comparison-shop property taxes when buying a home. On the other hand, however, property taxes in a commercial/business environment are routinely included as a factor in the businessperson's search for competitive lease and rental rates.

The City of Westminster finds that the Special District Act and the existing intergovernmental agreements between the City and the Districts in certain respects do not adequately address the local concerns and interests of the City in regulating the Districts' development of capital facilities and incurring of debt to finance such development, both of which ultimately have a direct financial consequence to the City.

- Residential MSDs: In general the City is opposed to the creation of MSD's to fund capital construction of residential developments for the following reasons:
 1. Virtually all existing Westminster residential development was funded without MSD's. So the lack of these districts has not adversely affected Westminster residential development.
 2. Creation of a residential MSD creates a differential property tax structure among similar residential developments where the MSD resident is paying significantly more property tax without any commensurate public benefit.
 3. The higher mill levy in MSD projects may make these residents less inclined to support property tax increases.
 4. Buyers of homes in MSD projects are generally unaware of the higher property taxes in their development but can become upset when they later discover this. Residents may be surprised to find out the price of their home did not include the price of streets and utilities in their development which they repay over a 30 or more year period through their property taxes versus the vast majority of Westminster homes where this is not the case.
 5. There would be an arguable public benefit if home prices were lower in MSD projects, reflecting the developers lower capital cost. Studies have shown that this is not the case.
- In summary, there is generally not a compelling public purpose and benefit to form residential districts. In very limited and unique circumstances, the City may support a residential MSD. Examples include:
 1. For the purposes of annexing a highly desirable parcel into the City of Westminster.
 2. For a large scale regional retail and mixed use project (at least 100 acres in size) which provides significant sales tax revenues to the City and includes high quality residential product integrated into the regional retail area in a new urbanism design.
 3. Construction of a unique new urbanism project such as Bradburn which incorporates a significant retail commercial area, office buildings, office and retail units over retail space and a variety of housing types including single family detached and attached products along with significant recreational amenities (pool, clubhouse, etc.), private parks and public parks and open space.
 4. As an incentive for redevelopment.
- The process of determination of compelling, special and unique project is a two-step process described in Section 4 below. If and when they are considered and/or approved, the mill levy cap will be 25 mills. This mill levy will cover debt service and operating expenditures. The debt service portion of the mill levy will disappear when the bonds are redeemed. The operating portion of the mill levy will be encouraged, if not required. It will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, its consultants, or other parties. A district cannot levy this operational mill levy until after Staff reviews the uses for it. This will be fixed mill levy, with no peel-off provision allowed and no other derivations associated with the mill levy.
- Commercial Districts:
 - In general, the City will consider the formation of commercial districts, especially if there are demonstrated benefits to the citizens, residents in general or the City of Westminster itself.
 - The mill levy cap for commercial districts will be 50 mills for commercial and/or non-owner occupied residential, except for the "Gallergherizing" of the mill levy cap. There will be no exceptions to this cap; derivative products may or may not be considered.

In General: The City will not support such districts if the costs of establishing the district, including fees paid to consultants, either directly, or through the issuance of bonds, are outside the public purpose intent of the district formation. The City will make this determination on a case-by-case basis, and will make this decision based on the public purpose and benefit or detriment to the public purpose. Examples of these kinds of costs include but are not limited to: remuneration to developers, underwriting or financial advisory fees at the levels of \$20 per \$1,000 bond or higher. This determination will be made by the City Staff and its consultants.

The City of Westminster further determines that it is necessary and advisable to specify the events and conditions which, under the Special District Act; likely constitute material modifications to an approved District service plan, in the context of the particular business and legal relationship between the City and Districts.

The provisions of this document are also intended to provide procedures for the processing and review of proposals for formation of new Districts, and to define the restrictions and limitations which may be imposed by the City as a condition to the approval of such Districts consistent with the policy and intent of this Document.

The adoption of this document is necessary, requisite and proper for the government and administration of local and municipal matters under the City's home rule powers granted by Article XX, Section 6 of the Constitution of the State of Colorado.

1. Definitions

- A. *Board* means the Board of Directors of a Title 32 Metropolitan Special District.
- B. *District* means a special district organized under the Special District Act whose service area is located wholly or partially within the corporate limits of the City of Westminster. *MSD* will be used for the term *Metropolitan Special District*.
- C. *Petitioners* or *Applicant(s)* means any person(s) proposing a service plan or an amendment to an approved service plan.
- D. *Service Plan* is the service plan required under 32-1-202 of the Special District Act.
- E. *Special District Act* means Article 1 of Title 32, C.R.S.
- F. Certain other terms are defined in the text of this document and shall have the meaning so indicated.

2. Service Plan Considerations

The following sections shall govern the acceptance, processing, review and consideration of service plans, for new Districts. These provisions shall also apply to the consideration of service plan amendments (with the exception of Section 6 on Service Plan Contents).

4. Criteria for Accepting Applications

The City will use certain criteria in determining whether to accept a draft service plan to review for any given MSD:

- Prospective petitioners shall initiate a special district discussion by meeting with a designated City staff representative to discuss the procedures and requirements for a service plan. The City representative shall explain the administrative process, and provide information to assist petitioners in the orderly processing of the proposed service plan. The purpose of the discussion is to allow Staff the opportunity to determine whether the City would entertain the addition of a special district to the existing tax base in the City.

- The City is more concerned about residential MSDs due to the differences in levels of expertise of buyers (residential vs. office) and the practices of shopping for property taxes when shopping for residential purchase prices. Prospective homeowners do not tend to research levels of property taxes, whereas office tenants are usually careful to look at this, especially when triple-net leases are involved. There must be a compelling reason for the City staff to agree to review a residential MSD application. Applications for Residential MSDs will not be accepted unless there is a very special reason, which Staff will determine and communicate to City Council.
- The proposed development shall be in conformity to existing land use and city growth management guidelines. Prior to consideration of the Service Plan, a PDP must have been submitted and approved by the City. Prior to consideration of the Service Plan, an ODP must also have been submitted and approved by the City.
- There shall be special circumstances and benefits to the City that dictate the use of this type of district and its associated financing, as opposed to the developer using privately financed infrastructure improvements.
- Prospective petitioners shall use the Exhibits A-C to comply with the City's review process:
 1. Exhibit A: Service Plan Table of Contents and Outline. The organization of the Service Plan must include a table of contents with appropriate page numbers and must comply with this outline.
 2. Exhibit B: Improvements Matrix, completed to the best of the petitioner's ability.
- Staff shall maintain their discretion on their availability and the timing to conduct the review or time to contract and manage the review process. If time is not available due to other higher priority projects, the application shall be turned down.
- If Staff accepts an application for further review, Staff shall notify the City Manager's office of acceptance, along with the estimated time for review.
- If Staff rejects an application for further review, Staff shall notify the City Council and the City Manager's office of rejection, the reasons why. The notification shall be in the form of a Staff Report sent to the City Council in the next available packet.

5. Criteria for Reviewing Applications

If a project is accepted for review, the City will use the following guidelines in reviewing the service plan:

- Petitioners shall file a complete proposed service plan with the office of the City's Finance Director, with the clear covering statement that both PDP and ODP have been approved and the date of such approval. The proposed service plan shall substantially comply with the format of Exhibit A: Model Service Plan Outline maintained on file with the City of Westminster. A copy of the proposed petition to be filed with the district court must be included with the proposed service plan filed with the City. Five (5) copies of the proposed service plan must be submitted to the Finance Director at the time of application and distributed as follows:
 - Finance Department (1 copy)
 - Community Development (2 copies)
 - City Attorney (1 copy)
- The following timetable will be observed in submitting service plans for consideration. (A more detailed timetable is attached as Exhibit C.) Submission of modified applications may set back or re-start the review period.

The deadline for submittal of a complete service plan has been determined to be the end of May, based on the following deadlines, in reverse order:

- o Ballot language must be certified in September of even numbered years.
 - o This requires that City Council approve the service plan in August, at the latest by the 2nd Council meeting in August (4th Monday in August).
 - o Staff will need a minimum of three months to review the service plan, negotiate changes and finalize the service plan with the developer
 - o A complete service plan must be submitted no later than mid-May for City Council approval in August.
 - o For even-numbered years when May elections are allowed, the calendar outlined above should be adjusted by approximately 5 months to accommodate a submittal deadline of end-December in time for the May special election.
 - o The service plan submitted MUST be complete. If it is not complete, it will be rejected. It may be re-submitted, but if it is beyond the deadline of mid-May for re-submittal, it will not be reviewed and will be returned to the developer for the next year's calendar.
- City Staff shall be provided at least three months to conduct the entire review once a complete application is submitted. The application outline and contents to be included are included in Exhibit A. All applications must conform to this outline.
 - Fees and Remuneration to the City:
 - o The application and processing fee for a service plan shall be ten thousand dollars (\$10,000). In addition the City Manager may impose additional fees to reimburse the City for reasonable direct costs related to such special review.
 - o In addition to the processing fee, the Petitioners shall also pay the expenses of additional consultants hired by the City to conduct the review.
 - o In addition to the fees above, if the City maintains any of the infrastructure, the City will receive an annual fee assessed as a mill levy, sufficient to allow the City to defray the cost of infrastructure maintenance and repair, either constructed by the City or constructed by the District and deeded or donated to the City.
 - o Lastly, on any plan amendment or refunding review, the City will receive an administrative fee of \$5,000 and .25%, whichever is greater, of the bonds if/when refunded.

The City will review the proposed millage rate with the City with respect to its potential to jeopardize or impact City or other mill levy elections may need to have in the future. Mill levies on operations and maintenance of improvements will be favored over mill levies for capital construction. This is because of the risk described earlier: if, due to the market, a buyer is paying the same price for property with or without an MSD mill levy, this means the buyer is paying higher than normal taxes to pay for infrastructure costs the developer is passing onto the buyers.

The City wants residential buyers to be aware of the additional tax burden to be imposed. The City mandates early, written and recorded notice of the total (overlapping) tax burden, including the special district millage, along with relevant details such as the length of the debt millage. The City will review the type and timing of the disclosure, which the Petitioners are proposing. The notice shall be recorded against all property within the District prior to the District's certification of the formation of the district to the Colorado Division of Local Government.

In addition, two major reviews will be conducted using the following criteria:

1. The Planning/Engineering Guidelines are as follows:
 - a. The developer must have already submitted and had approved both a PDP and an ODP.
 - b. Detailed cost estimates shall be included along with unit prices and numbers of units in sufficient detail to enable Staff to verify estimates.
 - c. Detailed lists of all site improvements shall be included along with a designation of which improvements are to be paid for, constructed by, maintained by, dedicated to (and when conveyed) and by whom: district, developer, HOA or City.

2. The Finance Guidelines are as follows:
 - a. The IGAs and Developer Agreements will be reviewed to determine governance issues, relationships among residents/tenants and board and controls.
 - b. The City will require early, written and significant notice to be given, in writing, to prospective homeowners/tenants of the district.
 - c. Cash flows will be reviewed for all phases of the project through build-out and until debt is paid off.
 - d. Mill levies will be capped at 25-mills for owner-occupied residential, and 50-mills for commercial developments and non-owner occupied residential or retail developments.
 - e. Residential mill levy caps.
 - i. This mill levy will cover debt service and operating expenditures.
 - ii. The debt service portion of the mill levy will be eliminated when the bonds are fully retired or redeemed.
 - iii. The operating portion of the mill levy will be encouraged, if not required. It will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, its consultants or other parties. They cannot levy this operational mill levy until after Staff reviews the specific budgeted uses for it.
 - iv. This will be a fixed mill levy, with no peel-off provisions or other "derivative" provisions attached to it. Reductions in the mill levy will be eliminated where determined appropriate by the Board and the City.
 - f. Commercial mill levy caps.
 - i. This mill levy will cover debt service and operating expenditures.
 - ii. The debt service portion of the mill levy will disappear when the bonds are fully retired or redeemed.
 - iii. The operating portion of the mill levy will be encouraged, if not required. It will be reviewed to see if it provides for maintenance of the capital infrastructure to be maintained by the district. In addition, it will be reviewed for reasonableness regarding fees paid to the district, its consultants or other parties. They cannot levy this operational mill levy until after Staff reviews the specific budgeted uses for it.
 - g. Leverage will be limited to a maximum of 50% of projected assessed value.
 - h. The cash flows will designate the breakout of expenses designated for debt service and operational costs, both in dollars and mills.
 - i. Bond sizing will be reviewed (size, annual debt service, structure and term, credit enhancement). Bond issues beyond 30 years will not be viewed favorable. In addition developer guarantees and the use of any or all components to improve the security of the district on behalf of the homeowner/tenant will be reviewed. The City will make the determination what additional credit enhancements are necessary to secure approval of the service plan. It may not be necessary to use all components, as each case is unique. Each situation will be reviewed on a case-by-case basis.
 - j. Material variations in service plan will be reviewed. The City will determine what constitutes a material modification requiring approval by the City. The following paragraphs must be included in the draft service plan:
 1. On or before September 1 of each year, the district shall submit an annual report and proposed budget, including proposed debt service and O&M levies. The annual report shall explain all major actions taken during the preceding year to implement the Financing Plan and the preliminary engineering plan set forth in the service plan, together with projections for the ensuing fiscal years and such other available information as the City may request. The District shall also file a copy of its statutorily required audit with the City.

2. The City will determine what change constitutes a "material modification" of the Service Plan. Any significant change in the Service Plan shall be submitted to the City and shall first be subject to approval by the City in accordance with the provisions of the Act. Material modifications are include, but are not limited to those items listed in Section 11 Material Modifications.
 - i. Those which add property to the district
 - ii. Other conditions as determined by the City
- k. Amendments will be viewed as necessary, not deleterious to the district, its board or its advisors. The City recognizes there will be changes to the district over time, especially in large, multi-phase developments, and the financing components may need to be adjusted accordingly. However, the City maintains the expectation that the District will work with the City on new and/or strengthened constraints to be imposed beyond the original ones contained in the service plan.

6. Service Plan Contents

The proposed service plan shall include the following:

- A. The information required by Title 32, The Special District Act.
- B. A map of the proposed District's boundaries, which shall have attached a legal description.
- C. An itemization of any costs, which petitioners expect to be assumed by the City for the construction of public improvements.
- D. Identification by names, addresses and phone numbers of those persons who the petitioners intend to be the nominees for the initial Board.
- E. Proof of ownership for all properties within the District, a list of encumbrances on all properties, in a form acceptable to the legal department of the City.
- F. A copy of any and all proposed enabling, controlling, contractual and/or operations documents, which would affect or be executed by the proposed District, including the form of any intergovernmental agreement among the District, the City and any other government, authority or district. Any enabling intergovernmental agreement shall contain the following provisions, unless waived by the City Council:
 1. The District's power and functions shall be limited to construction and financing of public infrastructure.
 2. The District shall be prohibited from ownership and maintenance of public facilities and shall convey to the City all facilities upon completion to City standards.
 3. A prohibition on the District owning, managing, adjudicating or developing water rights and water resources, and water and wastewater treatment and distribution facilities.
 4. Limitations on the mill levy, development exaction and other revenues pledged to service payment of indebtedness of the District and required credit enhancements for District debt in order to preclude the creation of undue financial risk to the District residents and taxpayers.
 5. Appropriate assurances that all facilities are developed by the District to City standards.
 6. Standards and parameters for imposition by the District of capital recovery fees and exaction.
 7. Limitations on the inclusion or exclusion of properties from the District.
 8. Requirements for dissolution of the District upon the accomplishment of the purposes and undertakings for which the District was formed, or for other reasons as reviewed by City Council. (See also Section 15 on Dissolution.)
 9. That a copy of the written notice of every regular or special meeting of the District will be delivered to the City Clerk at least three (3) days prior to such meeting.
 10. That the annual report will be submitted in a timely fashion in accordance with the provisions of these policies.

G. A capital plan including the following:

1. A description of the type of capital facilities to be developed by the District.
2. An estimate of the cost of the proposed facilities.
3. A *pro forma* capital expenditure plan correlating expenditures with development.

H. A financial plan including the following:

1. All proposed sources of revenue and projected District expenses, as well as the assumptions upon which they are based for at the term during which the bonded indebtedness remains outstanding, starting from the date of the District formation.
2. The dollar amount of any anticipated financing, including capitalized interest, costs of issuance, estimated maximum rates and discounts, and any expenses related to the organization and initial operation of the District. Bond sources and uses, amortization schedules and other relevant "bond solution" information must also accompany this portion of the submittal. A designation of the financing as "public sale", "private placement", "developer bonds", etc. must also accompany this portion of the submittal.
3. The total amount of debt issuance planned for all phases of the development period commencing with the formation of the District
4. A detailed repayment plan covering the life of any financing, including the frequency and amounts expected to be collected from all sources and containing a relatively level or flat debt service schedule after build-out.
5. The amount of any reserve fund and the expected level of annual debt service coverage, which will be maintained for any financing.
6. The provisions regarding any credit enhancement, if any, for the proposed financing, including but not limited to developers guarantees, letters of credit, sureties and insurance.
7. The total authorized debt for the District.
8. A list and written explanation of potential risks of the financing.

Exhibits shall include the following:

1. City Council Resolution of Approval
2. Legal Description
3. City of Westminster Vicinity Map
4. Boundary Map
5. Facilities Plan
6. Facilities Diagrams
7. Improvements Matrix (see Exhibit D)
8. District Election Questions
9. Underwriter Commitment Letter
10. Market Research Report and Opinion Letter (Real Estate Absorption Analysis)
11. Forecasted Statements of Sources and Uses of Cash: Full Pro-Forma Income Statements with Amounts and Mill Levies for Debt Service and Operational Costs
12. Full Bond Solutions: Sources and Uses of Bond Proceeds, Amortization Schedules including Use of Capitalized Interest, Other Statistical Information.
13. Intergovernmental Agreement between City of Westminster and District
14. Inter-District Intergovernmental Agreements
15. Such other information as may be deemed necessary or appropriate by the City Manager.

7. Administrative Review

The City has three months from the date of filing of a complete service plan (Items 6A-J) to complete its preliminary review. Such deadline may be extended for up to an additional thirty (30) days, as deemed necessary by the City Manager. Once a review has been completed, a comprehensive analysis shall be made in written Staff Report form to the City Council. The report shall evaluate the service plan and incorporate comments of the City Staff as well as consultants. The report shall set forth the recommendations made in accordance with the review criteria set forth in this Chapter.

8. Public Hearing

The City Manager upon acceptance of the Staff Report on the service plan shall schedule a public hearing at a regular City Council meeting. The Petitioners shall publish public notice in accordance with the requirements of 32-1-204(l)(1.5) of the Special District Act. The public hearing will conform to current City standards regarding procedure, protocol and content.

After the public hearing, the City Council shall take one of three actions in writing applying the criteria prescribed under Section 32-1-204.5 of the Special District Act after consideration of the service plan reports, evidence and testimony accepted or taken at the public hearing:

- A. Approve without condition,
- B. Approve conditionally (with conditions described), or
- C. Disapprove the proposed service plan or amendment.

If the service plan is approved, a resolution of approval shall be adopted.

If the service plan is conditionally approved, the amendments to be made in, or additional information relating to, the service plan, together with the reasons for such amendments, or additional information, shall also be set forth in writing. When such amendments or additional information is completed, the City will schedule a second public hearing for the review, approval or rejection of the service plan.

If the service plan is disapproved, a resolution for such disapproval shall be adopted, including the reason(s) for such disapproval. In the manner and to the extent provided in this Chapter, the City Council shall maintain continuing jurisdiction over the operations and affairs of the District, after approval of the service plan and/or amendment(s).

9. Annual Report Required and Reviewed

Not later than September 1 of each calendar year, each District shall file an annual report (the "Annual Report") with the City Clerk at the City's administrative offices. The annual report shall reflect activity and financial events of the District through the preceding December 31 (the "report year"). The annual report shall include the following:

- A. A narrative summary of the progress of the District in implementing its service plan for the report year.
- B. Except when an exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the District for the report year including a statement of financial condition (i.e. balance sheet) as of December 31 of the report year and the statement of operations (i.e. revenues and expenditures) for the report year.
- C. Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures incurred by the District in development of public facilities in the report year, as well as any capital improvements or projects proposed to be undertaken in the five (5) years following the report year.
- D. Unless disclosed within a separate schedule to the financial statements, a summary of the financial obligations of the District at the end of the report year, including the amount of outstanding indebtedness, the amount and terms of any new District indebtedness or long-term obligations issued in the report year, the amount of payment or retirement of existing indebtedness of the District in the report year, the total assessed valuation of all taxable properties within the District as of January 1 of the report year, and the current mill levy of the District pledged to debt retirement in the report year.
- E. The District's budget for the calendar year in which the annual report is submitted.
- F. A summary of residential and/or commercial development, which has occurred within the District for the report year, whichever is appropriate.
- G. A summary of all fees, charges and assessments imposed by the District as of January 1 of the report year.
- H. Certification of the Board that no action, event or condition enumerated in Section 11 of these policies has occurred in the report year.
- I. The name, business address and telephone number of each member of the Board and its chief administrative officer and general counsel, together with the date, place and time of the regular meetings of the Board.
- J. In the event the annual report is not received by the City Clerk on a timely basis, notice of such default shall be given by the City Clerk to the Board of such District, at its last known address. The failure of the District to file the annual report within thirty (30) days of the mailing of such default notice by the City Clerk shall empower the City Council to impose the sanctions authorized in Section 16 of these policies. The remedies provided for noncompliance with the filing of the annual report shall be supplemental to the remedy authorized under Section 32-1-209 of the Special District Act.

10. Material Modifications

In general, the City will determine whether a change to the Service Plan constitutes a material modification of the Service Plan. The examples listed below include, but are not limited to what constitutes a material modification. The occurrence of any of the following actions, events or conditions subsequent to the date of approval of the service plan or most recent amendment thereto are presumed to be changes of a basic or essential nature of a District, requiring a service plan amendment.

- A. Revision to mill levy beyond existing caps, increased bond authorization, increase in level of bonded indebtedness beyond bond authorization.
- B. Default in the payment of principal or interest of any District bonds, notes, certificates, debentures, contracts or other evidences of indebtedness or borrowing issued or incurred by the District when:
- C. Institution of a proceeding for debt adjustment or the confirmation of a plan for adjustment of debt under Chapter 9 of the Bankruptcy Code.
- D. Failure of the District to develop any capital facility proposed in its service plan when necessary to service approved development within the District.
- E. Failure of the District to realize at least seventy-five percent (75%) of the development revenues (including developer contributions, loans or advances) projected in the financial portion of the service plan during the three-year period ending with the report year. Development revenue is defined as fees and charges imposed by the District on residential and commercial development, excluding taxes, provided that the disparity between projected and realized revenue exceeds fifty thousand dollars (\$50,000).
- F. Refundings of any kind, including the following:
 - a. Those that extend the term of indebtedness will not be allowed.
 - b. Those which allow the reimbursement of significant fees to consultants and/or the developer, even though the mill levy is not increased will not be allowed.
 - c. Those in which the savings (present value or nominal) are not passed on to the property owners and/or tenants will not be allowed.
- G. The occurrence of any event or condition, which is defined under the service plan or intergovernmental agreement as necessitating a service plan amendment.
- H. The default by the District under any intergovernmental agreement with the City.
- I. The disconnection from the corporate limits of any property within the District's boundaries exceeding either ten percent (10%) of the service area of the District or ten (10) acres in area.
- K. Any of the events or conditions enumerated in 32-1-207(2) of the Special District Act.

In the event it is found a material modification has taken place, the District shall submit its request for an amendment in accordance with these policies. Upon a finding that no material modification has taken place, the District shall be relieved from obtaining an amendment for the events or occurrences reviewed by the City Council. The City Council shall retain the prerogative to require an amendment thereafter if the change or deviation, on a cumulative basis, subsequently becomes material. In making its determination, the City Council shall consider, among other relevant information, whether the modification will have a probable adverse financial impact on the City.

11. Amendments

Within ninety (90) days of the occurrence of an action, event or condition enumerated above in the section on Material Modification, the Board shall forward an appropriate petition to the City Council for approval requesting a service plan amendment ("amendment"). The only exception to this procedure would be wherein the City has determined that no material modification has occurred under the hearing procedure of the section above. The petition for amendment shall include the following information:

- A. Any information or documentation required under the applicable provisions of the Special District Act.
- B. Any changes since the service plan was last reviewed and approved by the City Council to any of the information, assumptions or projects furnished in conjunction with the petition for approval of organization of a District or contained in the service plan.
- C. A detailed explanation of the activity, events or conditions which resulted in the material modification to the service plan, including what action was taken or alternatives considered, if any, by the District to avoid the action, event or condition.

- D. The impact of the material modification on the District's ability to develop the capital facilities and infrastructure necessary to meet its capital development plan.
- E. The effect of the material modification on the District's ability to retire as scheduled its outstanding financial obligations and its ability to issue and market additional indebtedness to finance additional capital expenditures.
- F. A current financial plan for the District reflecting development absorption rates anticipated within the District's service area, projected annual revenues and expenditures based upon such projected absorption rates, debt issuance and amortization schedules, and a projection of anticipated capital outlays.
- G. The financial impact of the modification on existing residents of the District.
- H. An updated five-year capital improvements plan.
- I. What alternatives or options are available to the District if the requested amendment is not approved.

All of the required information shall be supported by appropriate technical analysis, reports and supporting documents of qualified professionals and consultants. The amendment shall be processed and reviewed in the same manner as prescribed by these policies for an initial service plan. Except that the submittal requirements of this Section shall be substituted for those of the section titled Service Plan Contents. The application fee shall remain at one thousand dollars (\$1,000). This Section shall not impair the right of the City to bring an action in the district court to enjoin the activities of the District pursuant to 32-1-207(3)(b) of the Special District Act.

12. Quinquennial Review

The quinquennial review required under Section 32-1-1101.5 of the Special District Act shall be subject to the following procedures:

- A. Five (5) copies of the application shall be submitted to the City Manager together with an application fee of one thousand dollars (\$1,000).
- B. Within sixty (60) days of receipt of a complete application, the City Manager shall submit a report to the City Council including a recommendation as to the statutory findings that should be made by the City Council on the application.
- C. The application shall be reviewed and considered at a regular meeting of the City Council held within sixty (60) days of the submission of the report of the City Manager.
- D. The City Council shall consider all evidence and testimony, as it deems relevant to its consideration of the application written.
- E. A written decision on the application shall be made by resolution of the City Council within twenty (20) days of conclusion of its review and consideration of the application.

13. State Conservation Trust Fund; Greater Outdoors Colorado Grant Monies

The District shall not claim any entitlement to moneys from the State Conservation Trust Fund. The District shall remit to Westminster all moneys it may receive from this Fund.

14. Dissolution or Consolidation

In the event there is reason to believe that the purposes for which the District was created have been accomplished, a public hearing shall be conducted before the City Council to determine whether the District should be dissolved. Prior written notice of such hearing shall be provided to the Board of Directors of the District. Upon an independent determination of the City Council that the purposes for which the District was created have been accomplished, the District shall agree to file a petition in District Court for dissolution. In any event, such dissolution shall not occur until the District has provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations. Provided, however, that the failure of the District to provide for the payment or discharge of all or any portion of its subordinate lien bonds shall not serve as a bar to dissolution.

The District shall not file a request with the District Court to consolidate with another title 32 district without the prior written approval of Westminster.

15. Failure to Comply with Policies and Procedures

Should any District fail to request and obtain a service plan amendment when required under the terms of these policies or otherwise fail to fully and completely comply with these policies, the City Council by resolution may impose one (1) or more of the following sanctions, as it deems appropriate:

- A. Exercise any applicable remedy under the Special District Act.
- B. Withhold the issuance of any permit, authorization, acceptance or other administrative approval necessary for the District's development of public facilities or construction.
- C. Exercise any legal remedy under the terms of any intergovernmental agreement under which the District is in default.
- D. Exercise any other legal remedy, including seeking injunctive relief against the District, to force compliance with the provisions of this Chapter.

16. Exemption

If any District has not undertaken development of capital facilities or issued any indebtedness, it may apply to the City for an exemption from compliance with these policies. The City Council shall grant an exemption if the Board submits a resolution to the City Council stating that upon issuance of the exemption, the District's authorization under the service plan and the intergovernmental agreement with the City to undertake development of capital facilities or issue any indebtedness is suspended.

With issuance of the exemption, the District shall be excluded from compliance with these policies except that the District annually, not later than September 1, shall submit financial statements from the previous year and the budget for the current year.

Prior to any District with an exempt status undertaking capital development or issuing any indebtedness authorized under its service plan or the Special District Act other than regulatory reporting, it shall fully comply with the provisions of these policies.

17. Effective Date

These policies shall take effect January 1, 2005.

Exhibit A
Service Plan Outline and Table of Contents

- I. INTRODUCTION
- II. PURPOSE OF DISTRICT
- III. PROPOSED DISTRICT BOUNDARIES/MAPS
- IV. PROPOSED LAND USE/POPULATION PROJECTIONS
- V. DESCRIPTION OF PROPOSED SERVICES
 - a. Types of Improvements
 - i. Water
 - ii. Streets
 - iii. Others
 - b. Standards of Construction/Statement of Compatibility
 - c. Facilities to Be Contracted and/or Acquired
- VI. DISSOLUTION/CONSOLIDATION
- VII. CONSERVATION TRUST FUND
- VIII. ASSESSED VALUATION
- IX. DEVELOPER REIMBURSEMENT
- X. PROPOSED AGREEMENT
- XI. ESTIMATED COSTS OF FACILITIES
- XII. OPERATION AND MAINTENANCE/ESTIMATED COSTS
- XIII. FINANCIAL PLAN/PROPOSED INDEBTEDNESS
 - a. Proposed General Obligation Indebtedness
 - b. Debt Limit
 - c. Mill Levy
 - d. Modification of Service Plan
 - e. Cost Summary and Bond Development
 - f. Economic Viability
 - g. Projections of Assessed Valuation
 - h. Operations
- XIV. FAILURE TO COMPLY WITH SERVICE PLAN
- XV. RESOLUTION OF APPROVAL
- XVI. DISCLOSURE
- XVII. ANNUAL REPORT
- XVIII. CONCLUSION

Attachments

- A. Legal Description of District Boundaries
- B. District Boundary Map
- C. Vicinity Map
- D. List of Interested Parties
- E. Description of Facilities and Costs
- F. Water Improvements
- G. Streets and Safety Protection Improvements
- H. Financial Plan
- I. Operation and Maintenance Expenses
- J. Matrix: Improvement, Built by, Donated to City of Westminster Maintained by (District, Developer, City, etc.)

Exhibit B: Improvements Matrix

Bradburn Public Improvements

<i>Improvement</i>	<i>Paid for by</i>	<i>Constructed by</i>	<i>Maintained by</i>	<i>Dedicated to</i>	<i>Date of Conveyance</i>	<i>Estimated Maintenance Cost</i>
Drainage Improvements	District	District	City	City	Final Plat	TBD
Landscape/Fence Improvements	District	District	District	Easement ⁽¹⁾	N/A	TBD
Community Entrances	Developer	Developer	District	District	Final Plat	TBD
Community Recreation Facilities	District	District	District	District	Completion	TBD
Private Open Space and Private Parks	District	District	District	District	Final Plat	TBD
Public Open Space and Public Parks	District	District	City	City	Final Plat	N/A
Alleys	District	District	TBD	TBD	TBD	TBD
Offsite Road Improvements	District	District	CDOT	CDOT	N/A	N/A
Off Interior Streetscape	District	District	Property owner	Easement ⁽¹⁾	N/A	N/A
Off Interior Streets	District	District	City	City	Completion	TBD
Off Interior Storm Sewers	District	District	City	City	Completion	TBD
Sanitary Sewer Mains	District	District	City	City	Completion	TBD
Water Mains	District	District	City	City	Completion	TBD
Gas Mains	Developer	PSC	PSC	Easement	N/A	N/A
Electric Lines	Developer	PSC	PSC	Easement	N/A	N/A
Telecommunications	Developer	Developer		Easement	N/A	N/A
Retention Pond on Private Open Space	District	District	District	District	Final Plat	TBD
Retention Pond on Public Open Space	District	District	District	N/A	N/A	TBD
Off Project Engineering and Construction Management including District Facilities	Developer	N/A	N/A	N/A	N/A	N/A
Over lot Grading – All	Developer	Developer	N/A	N/A	N/A	N/A

⁽¹⁾ District landscape maintenance on dedicated City right-of-way will be permitted by landscape maintenance easement from City.

Exhibit C – Bibliography

1. Douglas County – Special District Service Plans Application Submittal instructions and Review Procedures, March 2002.
2. Adams County – Special District Guidelines and Regulations, July 2000.
3. Town of Castle Rock – Title 11, Special District Oversight, October 1992.
4. City of Thornton - Chapter 66 pertaining to Powers of Metropolitan Special Districts, July 2000.
5. City of Aurora – Chapter 122 regarding Title 32 Districts, Undated but we've had this in the file since Fall 2000 when we started to draft these policies.
6. Town of Firestone – Title 13 regarding Formation of Special Districts, approx. June 2003.
7. City of Colorado Springs – Resolution Establishing City Financial Policy Regarding the Use of Certain Districts Authorized under Titles 31 and 32 CRS, August, 2000.