

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING CHAPTER 17 OF THE KEENESBURG MUNICIPAL CODE TO REQUIRE FAIR CONTRIBUTIONS FOR PUBLIC SCHOOL SITES

WHEREAS, current and projected growth in residential land development and the construction of new residential dwellings in the Town necessitates the acquisition of additional school sites to accommodate the corresponding increase in school population; and

WHEREAS, the requirements concerning Fair Contributions for Public School Sites set forth herein will provide a portion of the land to accommodate such demand; and

WHEREAS, to provide adequate public school sites to serve the Town residents of newly constructed residential dwelling units, it is appropriate that the Town and the Weld County School District RE-3(J) (the “School District”) cooperate in the area of acquisition of additional public school sites and/or the enlargement or the new construction of school facilities by the use of Fair Contributions for Public School Sites; and

WHEREAS, it is a reasonable exercise of the power of local self-government to require Fair Contributions for Public School Sites as a method of ensuring that new residential construction and residential development bear a proportionate share of the cost of such acquisition, enlargement and/or construction of additional public school sites necessary to accommodate the education service capacity demands of the residents who will be living in the new dwelling units; and

WHEREAS, the Board of Trustees of the Town and the School District Board agree that it is in the best interest of the citizens of the Town to mutually enter into a cooperative agreement to adequately provide for Fair Contributions for Public School Sites; and

WHEREAS, the Town and the School District entered into an Intergovernmental Agreement Concerning Fair Contributions for Public School Sites, effective as of July 5, 2020 (the “IGA”); and

WHEREAS, in order to implement the terms of the IGA, the Board of Trustees desires to amend Title 17 of the Keenesburg Municipal Code to enact requirements for Fair Contributions for Public School Sites as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF KEENESBURG, COLORADO:

Section 1. Chapter 17, Article I of the Keenesburg Municipal Code is hereby amended by the addition of a new Section 17-10-90 to read as:

17-10-90 Fair Contribution for Public School Sites.

- (a) For all subdivisions of land, the subdivider shall dedicate land for a public school site to the Weld County School District RE-3(J) (“School District”), or, in the event the dedication of land is not deemed feasible or in the best interest of the School District, as determined by the superintendent or designee of the School District, the subdivider shall make a payment in lieu of land dedication. The amount of such contribution of either land or payment in lieu of land (the "fair contribution for public school sites") shall be determined pursuant to the tables set forth in Subsection (e).
- (b) The following uses shall be excepted from the fair contribution for public school sites requirements:
 - (1) Construction of any nonresidential building or structure;
 - (2) Alteration, replacement with a comparable building or structure, or expansion of any legally existing building or structure, provided that such alteration, replacement or expansion does not increase the number of residential dwelling units;
 - (3) Construction of any building or structure for a limited-term stay or for long-term assisted living, including but not limited to bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes or hospices;
 - (4) Construction of any residential building or structure classified as housing for older persons, pursuant to the Federal Fair Housing Act then in effect;
 - (5) Construction of any residential building or structure owned by any housing authority of the Town
 - (6) Construction of any residential building or structure that is subject to recorded covenants permanently restricting the age of all resident to 18 years of age or older and permanently restricting the affordability for all residents of the dwelling unit and which combine the housing with services that help people who face the most complex challenges to live with stability, autonomy and dignity, such that the dwelling unit may be classified as “permanent supportive housing”;
 - (7) Construction of any dwelling for which imposition of Fair Contributions for Public School Sites is prohibited by law.

- (c) In the event the fair contribution for public school sites includes the dedication of land, the subdivider shall provide to the Town, prior to recording the final plat, evidence that such dedication has been made to the School District in accordance with the following requirements:
- (1) The subdivider has conveyed to the School District by general warranty deed title to the land slated for dedication, which title is free and clear of all liens, encumbrances and exceptions (except those approved in writing by the School District) including, without limitation, real property taxes, which will be prorated to the date of conveyance or dedication. The subdivider shall also enter into a contract with the School District for the sale and purchase of real property containing customary terms for the land being conveyed to or purchased by the School District.
 - (2) The subdivider shall provide all environmental site assessments and hazardous waste studies to the School District for review of the suitability of the dedicated property.
 - (3) At the time of dedication or conveyance, the subdivider shall provide a title insurance commitment and policy in an amount equal to the fair market value of the dedicated property.
 - (4) Arrangements have been made such that, at the appropriate time, and not later than the issuance of the first building permit for the subdivision, the subdivider shall pay or provide for the payment of its proportionate share of street development costs for the streets adjacent to the dedicated land and shall either provide or pay or make provision for payment of the costs associated with making improvements for water, sewer and all other utilities stubbed to the dedicated land, make the necessary water dedication pursuant to Town ordinances and regulations, and annexation and subdivision agreements, and provide over-lot grading of the dedicated land.
 - (5) The land being dedicated or conveyed to the School District shall be located and configured as directed by the School District.
 - (6) In addition to the lands dedicated or conveyed, the subdivider shall provide to the School District an option to purchase abutting lands identified as a school site at their fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the School District's land area requirements set forth in Subsection (e) below.

- (d) If the fair contribution for public school sites includes payment in lieu of dedication of land, then prior to the issuance of any building permit for any residential dwelling unit in the subdivision not otherwise exempt under Subsection (b). above, the Town shall be provided with proof that, for the lot for which the permit is sought, the required payment in lieu of dedication of land has been made to the School District.
- (e) The following Tables (e)(1) through (e)(3), containing school planning standards and calculations of in-lieu fees, shall be used to determine the fair contribution for public school sites to the School District required for the various occupancies addressed in such tables:

**SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE (e)(1)
SINGLE-FAMILY DWELLINGS (INCLUDING MANUFACTURED HOUSING)**

| | <i>Projected Student Yield</i> | <i>Student Facility Standard</i> | <i>Site Size Standard Acres</i> | <i>Acres of Land Contribution</i> | <i>Developed Land Value</i> | <i>Cash-in-lieu Contribution</i> |
|-------------------------------------|--------------------------------|----------------------------------|---------------------------------|-----------------------------------|-----------------------------|----------------------------------|
| Elementary | 0.32 | 525 | 10 | 0.0061 | \$129,053 | \$787.22 |
| Middle School | 0.14 | 900 | 25 | 0.0039 | \$129,053 | \$503.31 |
| High School | 0.16 | 1200 | 55 | 0.0073 | \$129,053 | \$942.09 |
| Total | 0.62 | | | 1.73 | \$129,053 | \$2,232.62 |
| Single-Family Student Yield is 0.62 | | | | | | \$2,232.62 per unit |

**SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE (e)(2)
TWO-FAMILY DWELLINGS (INCLUDING MANUFACTURED HOUSING)**

| | <i>Projected Student Yield</i> | <i>Student Facility Standard</i> | <i>Site Size Standard Acres</i> | <i>Acres of Land Contribution</i> | <i>Developed Land Value</i> | <i>Cash-in-lieu Contribution</i> |
|--------------|--------------------------------|----------------------------------|---------------------------------|-----------------------------------|-----------------------------|----------------------------------|
| Elementary | 0.15 | 525 | 10 | 0.0029 | \$129,053 | \$374.25 |
| Middle level | 0.09 | 900 | 25 | 0.0025 | \$129,053 | \$322.63 |

| | | | | | | |
|----------------------------------|------|------|----|--------|-----------|----------------------------|
| High School | 0.09 | 1200 | 55 | 0.0041 | \$129,053 | \$529.12 |
| Total | 0.33 | | | 0.0095 | \$129,053 | \$1,226.00 |
| Two-Family Student Yield is 0.33 | | | | | | \$1,226.00 per unit |

**SCHOOL PLANNING STANDARDS AND CALCULATION OF IN-LIEU FEES
TABLE (e)(3)
MULTI-FAMILY DWELLINGS (INCLUDING MANUFACTURED HOUSING)**

| | <i>Projected Student Yield</i> | <i>Student Facility Standard</i> | <i>Site Size Standard Acres</i> | <i>Acres of Land Contribution</i> | <i>Developed Land Value</i> | <i>Cash-in-lieu Contribution</i> |
|-----------------------------------|--------------------------------|----------------------------------|---------------------------------|-----------------------------------|-----------------------------|----------------------------------|
| Elementary | 0.19 | 525 | 10 | 0.0036 | \$129,053 | \$464.59 |
| Middle level | 0.08 | 900 | 25 | 0.0022 | \$129,053 | \$283.92 |
| High School | 0.10 | 1200 | 55 | 0.0046 | \$129,053 | \$593.64 |
| Total | 0.37 | | | 0.0104 | \$129,053 | \$1,342.15 |
| Multifamily Student Yield is 0.37 | | | | | | \$1,342.15 per unit |

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Municipal Code of the Town of Keenesburg by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED BY
TITLE ONLY this 1st day of June, 2020.

TOWN OF KEENESBURG, COLORADO

Kenneth Gfeller, Mayor

ATTEST:

Christina Fernandez, Town Clerk