

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 26-R-2004**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO,
REGARDING ADEQUATE PUBLIC SCHOOL FACILITIES AND THE
MITIGATION OF THE IMPACTS OF NEW RESIDENTIAL
DEVELOPMENT.**

WHEREAS, Section 16-4-80 of the *Mead Municipal Code* requires the Town of Mead to send a referral to the St. Vrain Valley School District RE-1J for all annexations and preliminary plats, requesting review and comments regarding the projected number of students from the proposed development and the sufficiency of school facilities to accommodate the new students; and

WHEREAS, the Town of Mead desires to work with the School District to help ensure that new development would not negatively impact the schools that serve the Mead community; and

WHEREAS, it is the policy of the School District to write letters recommending the denial of proposed residential developments in response to local government entity referrals when a school or schools within the feeder area serving the proposed development (elementary, middle school, and high school) reaches or is expected to reach 125% of building capacity within five years based on the new development's impacts as determined by the School District; and

WHEREAS, the School District has established a policy that provides the option for developers to donate a voluntary mitigation amount or to phase their projects in order to mitigate the impacts of school capacity; and

WHEREAS, the Town of Mead supports the use of a voluntary mitigation fee to assist the school district in funding facility expansion to address capacity concerns created by new development as outlined in the policy of the District's Board of Education on Voluntary Capital Mitigation; and

WHEREAS, C.R.S. Section 22-54-102 (3) (a) allows for cooperation between local governments and school districts to fund, construct, maintain or manage capital construction projects or other facilities including the acquisition of land, improvements, construction of structures or additions to existing structures, and acquisition of equipment and furnishings, as long as funding for such projects is provided solely from a source of local government revenue that is otherwise authorized by law, except impact fees or other similar development charges or fees;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF MEAD, WELD COUNTY, COLORADO, THAT:

Section 1. Town of Mead Review of Development Referrals. The Town of Mead

may approve developments which receive a negative referral from the School District based on the development exceeding the School District's 125% benchmark capacity policy under the following circumstances in accordance with the School District's policy:

- a. The developer has agreed to donate a voluntary mitigation payment based on the Board of Education's Policies and Regulations regarding Voluntary Capital Mitigation; or
- b. The developer has agreed to provide for the addition of classroom space in cooperation with and under the direction of the School District; or
- c. The developer has agreed to phase the development to coincide with the construction of additional capacity by the School District; or
- d. The developer has proposed a development that can be considered exempt because no students are generated by the development. Examples include but are not limited to the following:
 - (1) Alterations, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that does not increase the number of residential dwelling units; or
 - (2) Construction of any building or structure for 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; or
 - (3) Residential buildings or structures classified as housing for older persons, under the Federal Fair Housing Act then in effect.

Section 2. Applicability to Previously Approved Projects and Projects Pending Approval.

- a. Absent an agreement to the contrary, this resolution shall not apply to projects which have already receive preliminary or final plat approval by the Town of Mead.
- b. This resolution shall apply to all projects in the annexation stage and to projects which have yet to received preliminary plat approval from the Town as of the date of the adoption of this resolution.

Section 3. Management of Voluntary Mitigation Funds. The calculation of amounts, the collection of, and the authorization to spend voluntary mitigation funds shall be the sole responsibility of the School District. Any funds collected to address school capacity shortfalls shall be done through a separate voluntary agreement between the School District and the developer, and thus shall not be considered a fee of the Town of Mead. Evidence of payment

of the fee shall be provided to the Town by the developer prior to the issuance of building permits. Expenditures by the District shall go toward the addition and expansion of classroom space only in the Mead Area of Influence (MAI) as established in Town's Comprehensive Plan. This area shall be deemed to include Skyline High School until such time as a High School #5 is constructed and opened in the Town of Mead.


Section 4. Effective Date. This resolution shall be become effective immediately upon adoption.

Section 5. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

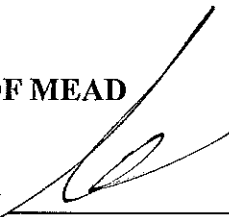
Section 6. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 30th DAY OF August, 2004.

ATTEST:

By 
Candace Bridgwater, Town Clerk

TOWN OF MEAD

By 
Richard E. Kraemer, Mayor