



BOARD OF TRUSTEES
February 16, 2021
6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Meeting

Due to social distancing and limited seating, individuals that wish to appear in person at the meeting will need to register by February 16, 2021 at 4:00 p.m. by sending an email to euckerkk@wellingtoncolorado.gov. Once seating is full, registration will be closed.

Individuals attending in person will need to arrive at the meeting by 6:20 p.m. and will be required to wear masks.

Individuals wishing to attend the meeting virtually can view the meeting at the link below or by calling into the phone numbers listed below:

Please click the link below to join the webinar:

<https://zoom.us/j/95288407575?pwd=WFdUdEZXY3VqaU4rVUxyTGhycGxmZz09>

Passcode: 873112

Webinar ID: 952 8840 7575

Or iPhone one-tap :

US: +12532158782,,95288407575# or +13462487799,,95288407575#

Or Telephone:

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128 or +1 301 715 8592

A. ITEMS

1. Comprehensive Plan - Update and Future Land Use Discussion

- Staff presentation: Cody Bird, Director of Planning

2. Initiative and Referendum Discussion

- Staff presentation: Brad March, Town Attorney

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.

Board of Trustees Meeting

Date: February 16, 2021
Submitted By: Cody Bird, Planning Director
Subject: Comprehensive Plan - Update and Future Land Use Discussion

- **Staff presentation: Cody Bird, Director of Planning**

EXECUTIVE SUMMARY

The Comprehensive Plan is a tool adopted by the Town and is used to guide decision-making and the physical development of the community. The Comprehensive Plan is long range in nature, and is intended to provide a 20-year or longer vision of how the citizens of Wellington want the town to grow and change. The plan helps to guide policies and provide recommendations for future actions involving land development and land preservation to achieve the town's vision.

The Town last updated the Comprehensive Plan in 2014. A more recent plan update was started in 2020 and is nearing a draft document that will be ready for public review and comments. Town staff will provide an update of the progress on the Comprehensive Plan process and the Board will have an opportunity to discuss the draft future land use map and draft future land use categories.

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

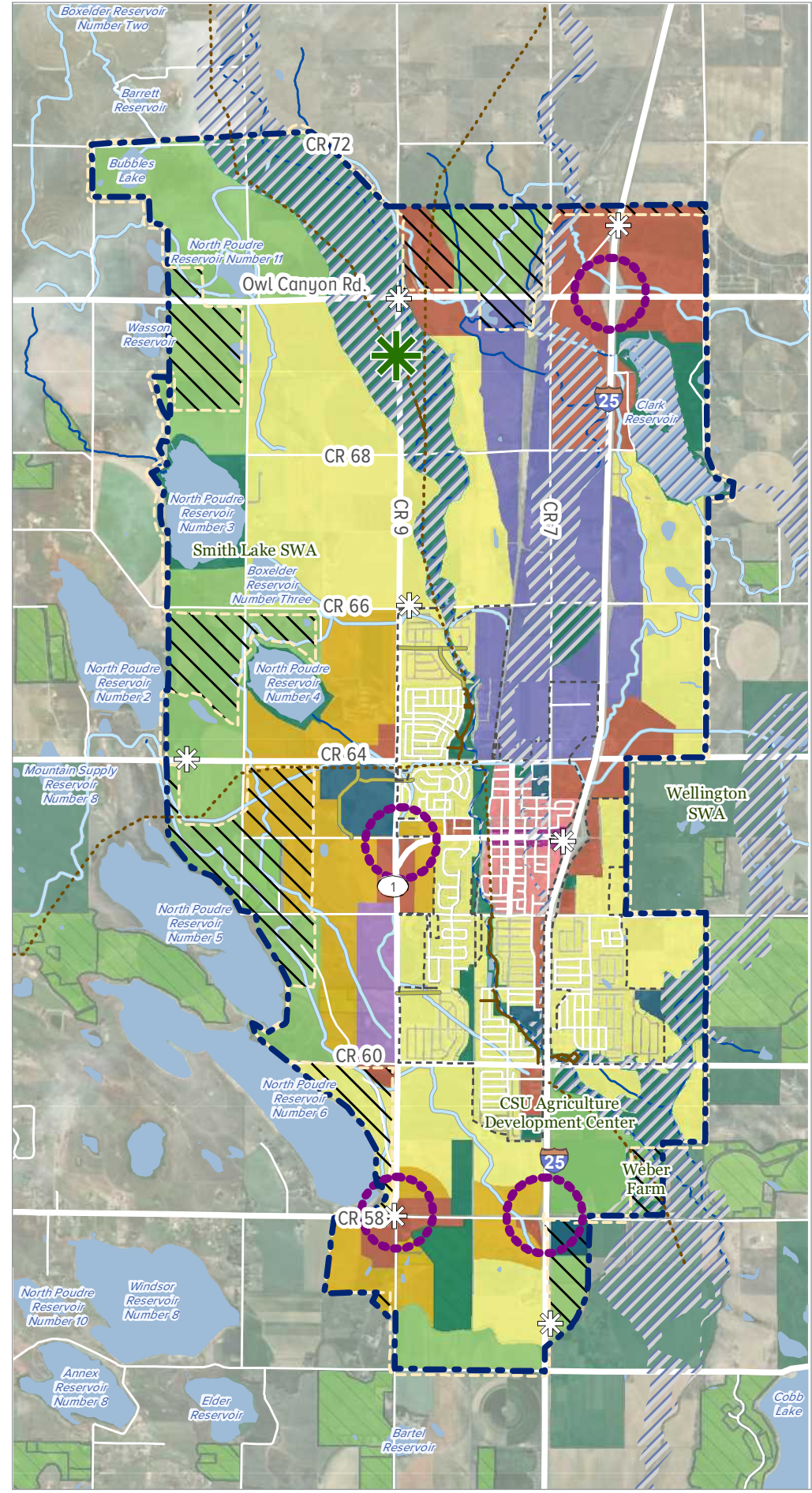
1. Draft Future Land Use



**FUTURE LAND USE MAP
& CATEGORIES**

MAP #.
WELLINGTON FUTURE LAND USE

-  Gateway
-  Regional Park
-  Existing Trails
-  Proposed Trails
-  Future Roads
-  Canal
-  Streams
-  Activity Center
-  100 Year Floodplain
-  Town Boundary
-  Growth Management Area
-  New GMA areas
-  Previous GMA Boundary
- Future Land Use**
 -  Parks and Open Space
 -  Agriculture
 -  Low Density Residential
 -  Medium Density Residential
 -  Downtown Neighborhoods
 -  Downtown Core
 -  Commercial
 -  Mixed Use
 -  Industrial/ Light Industrial
 -  Civic
- Conserved Lands**
 -  Private Conservation
 -  State Owned Conservation



(Source: Logan Simpson, 2021)

FUTURE LAND USE MAP & CATEGORIES

Overview

The future land use map illustrates desired growth patterns by identifying the characteristics and location of land use within the Town. The future land use plan should influence any zoning changes as development and redevelopment occur.

The location and characteristics of land uses reflect the community's desire for balancing residential with commercial uses and for maintaining the small town charm. That is, a town shaped by local businesses, a reasonable cost of living, family friendly amenities, a vibrant Downtown, outdoor recreation, and its agricultural heritage.

Constraints such as existing development, water and sewer service capacity, hydrology and floodplain, and conservation easements have been considered in development of the future land use map.

Emphasis in neighborhoods is on low and medium density residential developments, but mixed uses are likely in activity centers —areas designated as key centers to support strategic local and regional transportation networks, employment, recreation, and services. Key to the determination of land uses is size and extent based on anticipated and accelerated population growth, local and regional connections, and preservation of open space and farmland as development occurs. Other considerations include allowing for: development and infill to increase the vibrancy of Downtown; additional commercial and industrial along I-25; mixed uses that support

intentional commercial uses along SH 1; and balancing growth and amenities west and east of I-25.

Land use decisions should support the character and connection of Town-owned open spaces, gateway entrances, and Downtown, and should specify essential and most-needed future infrastructure, such as sidewalks, landscaping, shading, storm water management, pedestrian safety, lighting, parking, and motorized and non-motorized transportation options.

Gateway entrances (*) should be constructed to welcome residents and visitors and to slow traffic well outside Town limits. These gateways should be landscaped and designed to create a cohesive and attractive entrance to the Town and a unique and celebratory entrance to Downtown.

The future land use categories are described on the following pages. Each land use category outlines:

- general desired characteristics, features, and amenities;
- desired primary uses;
- general intensities (floor area ratios - FAR)
- general densities (dwelling units per acre);
- existing zoning categories;
- community voices; and
- photo examples of desired building types and character.

WHILE NOT REGULATORY, THE FUTURE LAND USE PLAN FORMS THE BASIS FOR FUTURE ZONING AND MUNICIPAL CODE UPDATES AND CHANGES. ZONING DISTRICTS REGULATE ALLOWED USES ON A PARCEL LEVEL AND IDENTIFY DEVELOPMENT AND DESIGN REQUIREMENTS. FUTURE LAND USE CATEGORIES RECOMMEND DESIRED USE TYPES AND DEVELOPMENT PATTERNS AS AREAS DEVELOP OR REDEVELOP. WHILE THE 2040 FUTURE LAND USE PLAN EXPRESSES A DESIRABLE LAND USE, WELLINGTON'S ZONING REGULATIONS INDICATE THE PERMITTED USE OF THE PROPERTY IN ACCORDANCE WITH THE TOWN'S REGULATIONS AND GUIDELINES.

PARKS AND OPEN SPACE

Desired Intent & Character

Parks and open spaces should be evenly dispersed throughout the community ensuring equitable access for all. Parks differ from open spaces as they are regularly maintained and provide active recreation opportunities on civic facilities. Parks should offer year round recreational options for all ages and abilities; maintain design standards that are cohesive with the surrounding land uses; and include typically linear pathways and connections between neighborhoods to open space areas.

✱ This symbol identifies a general vicinity for a future regional park.

Areas of open space, on the other hand, provide passive recreation opportunities on undeveloped, non-irrigated lands that support the preservation of sensitive areas and large- and small-scale agricultural operations. Open spaces should be used to enhance connections for regional recreation and wildlife movement.

Uses: outdoor recreation, natural open space, trails, pocket parks, playgrounds, sports fields, picnicking areas, community gardens, and water access.

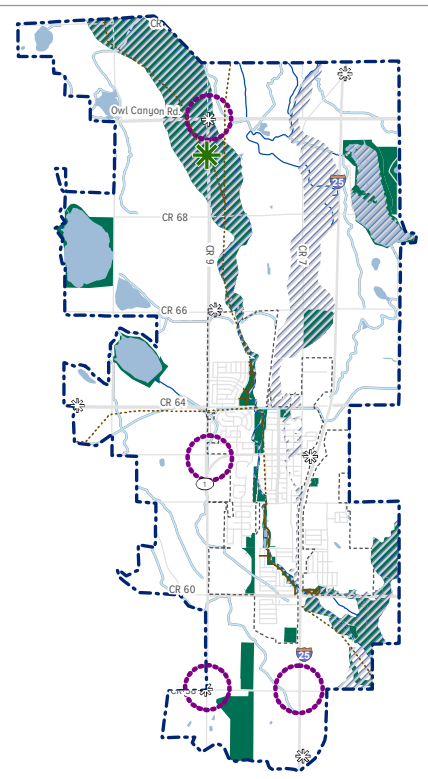
Density Range: N/A

Intensity Range: N/A

Existing Zoning: P, A

COMMUNITY VOICES:

"Forward thought to preserve Open Spaces where we can get out to ride bikes, play in green areas, build more parks. Eventually linking with Fort Collins' trail system in the future."



AGRICULTURE

Desired Intent & Character

These areas are intended to preserve Wellington's agricultural heritage and small town character valued by so many in the community. Agriculture applies to areas identified as desirable to continue to function as working agriculture (i.e. arable farming, pastures, agritourism, etc.).

As development pressures continue to grow, it is important to address opportunities for conservation and protection of these lands for environmental benefits (many species depend on this habitat) and to provide an obvious boundary between Town and unincorporated county land or neighboring towns.

Uses: pastures, farms, ranches, and rural residential envisioned as large lots that preserve views, natural features, and agricultural character.

Special uses may be allowed for agritourism purposes (lodging, demonstrations, workshops, fairs, etc.) by review.

Density Range: Maximum 4 DU/Acre

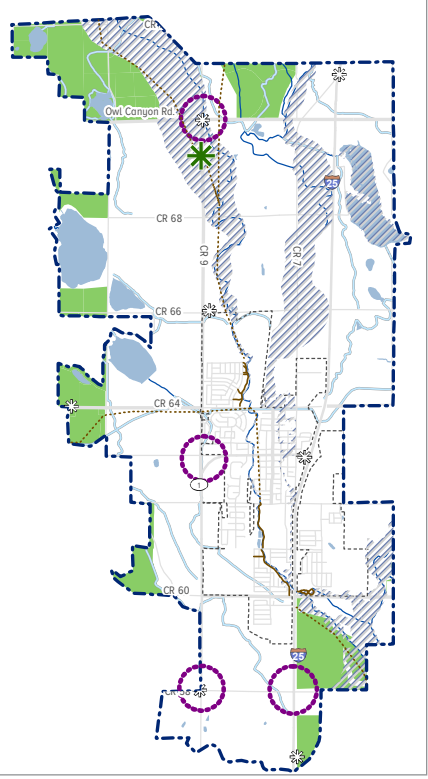
Intensity Range: Maximum 2.0 FAR

Existing Zoning: A, R-1

COMMUNITY VOICES:

"Positioning ourselves as a big, small town surrounded by rural agriculture."

"We need to preserve the farms..."



LOW DENSITY RESIDENTIAL

Desired Intent & Character

These neighborhoods are composed of single-family homes of interspersed attached and detached units supported by neighborhood amenities and public facilities.

While these areas may be more reliant on vehicles due to their sparse character, they should still be connected to the Town's trail network providing safe and active means to access jobs, services, schools, and parks, and connecting to the larger, regional trail system.

Uses: Single-family attached and detached homes. Complementary use to principal structure may include accessory dwelling units (ADUs).

Other uses include places of worship, schools, parks, recreation, open spaces, and civic uses.

Density Range: 2-6 DU/Acre

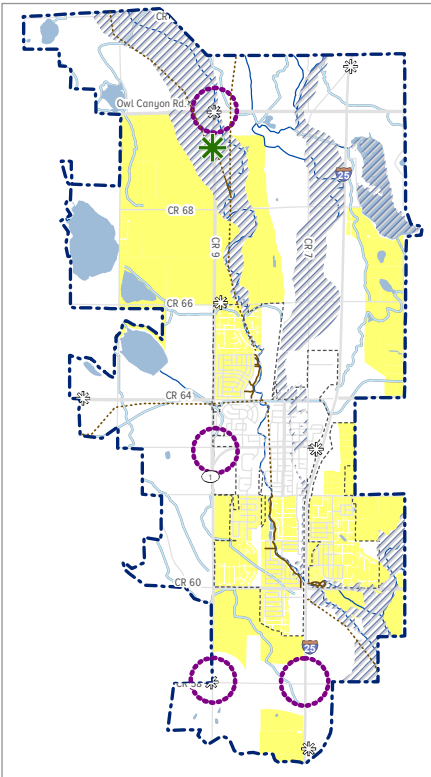
Intensity Range: N/A

Existing Zoning: R-1, R-2, P

COMMUNITY VOICES:

"Continue to provide housing that is affordable and of good quality."

"Enhance trail connections throughout town."



MEDIUM DENSITY RESIDENTIAL

Desired Intent & Character

Uses: Primarily single-family, duplexes, townhomes, live/work units, accessory dwelling units, cottage courts, apartments and condominiums.

Complementary uses places of worship, schools, parks, recreation, open spaces, home businesses (including child care and group care facilities) and civic uses, as well as commercial/retail at prominent intersections.

Density Range: 6-12 DU/Acre

Intensity Range: N/A

Existing Zoning: R-2, R-4, C-1, C-2, P

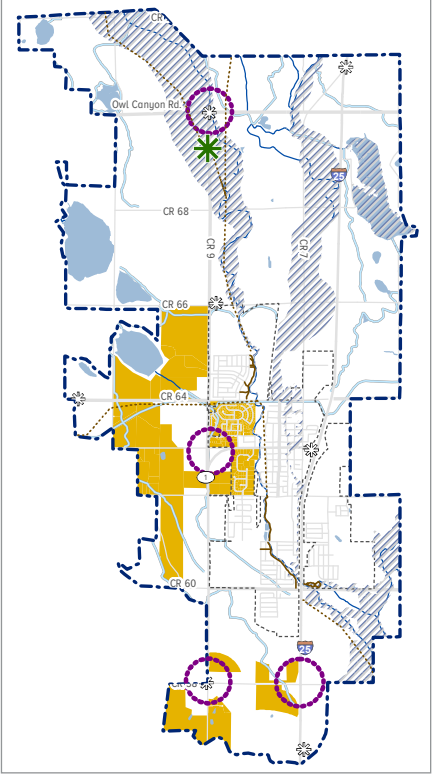
COMMUNITY VOICES:

"Bring more diversity of homes (i.e. multi-family, age-in-place) to subdivisions."

"Provide more housing rental opportunities"

Single- and multi-family neighborhoods with options for home businesses and for local corner stores and clustered commercial areas around prominent intersections. These higher density residential areas also provide access to public facilities and amenities (i.e. parks, open spaces, trails, recreation, etc.).

New neighborhoods, or upgrades to existing neighborhoods, would provide a walkable environment supported by motorized and non-motorized transportation options, neighborhood retail, parks, and public gathering spaces, ideal for people in all stages of life.



COMMERCIAL

Desired Intent & Character

Located in nodes and along I-25 and SH 1, these areas include a variety of businesses that provide employment opportunities and support the retail and service needs of the community. Building footprint may be free-standing or mid-rise in a unified campus-like setting integrated with sidewalks, landscaped features, and public spaces and providing access to motorized and non-motorized transportation options.

Uses: Various retail and services from shopping areas, to gyms, hospitality, lodging, entertainment, medical, and social services.

In activity centers developed as mixed use (see description on the next page), medium density residential is allowed.

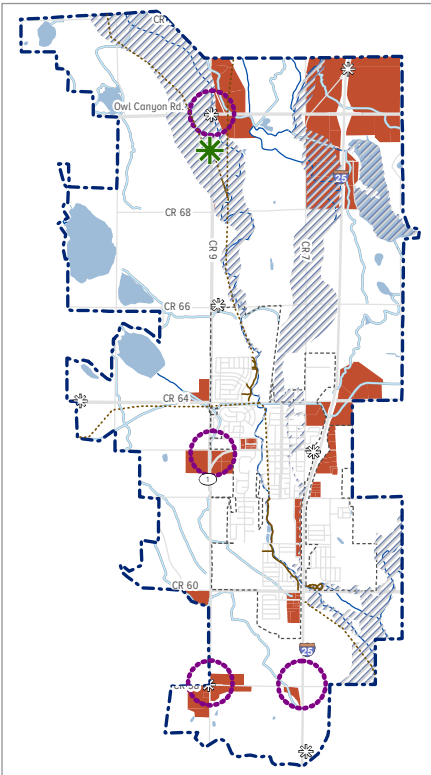
Density Range: N/A

Intensity Range: 0.1 – 1.0 FAR

Existing Zoning: C-1, C-2, C3, R-4

COMMUNITY VOICES:

"Balance residential and commercial development".



local photo



MIXED USE

Desired Intent & Character

The intent is for these uses to cluster potential destinations, encouraging people to walk between destinations and drawing more foot traffic to stores. These areas provide an optimal combination of multi-family residential and small to medium scale commercial uses that are highly connected to motorized and non-motorized transportation options offering convenient access for locals and visitors alike.

Uses: Primarily restaurants, offices, live-work units, apartments, condominiums, urban lodging, civic uses, public facilities, and cultural activities.

Density Range: 10-12 DU/Acre

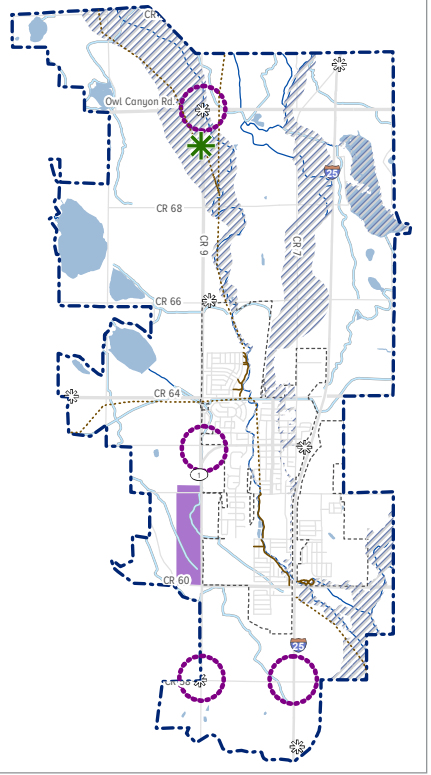
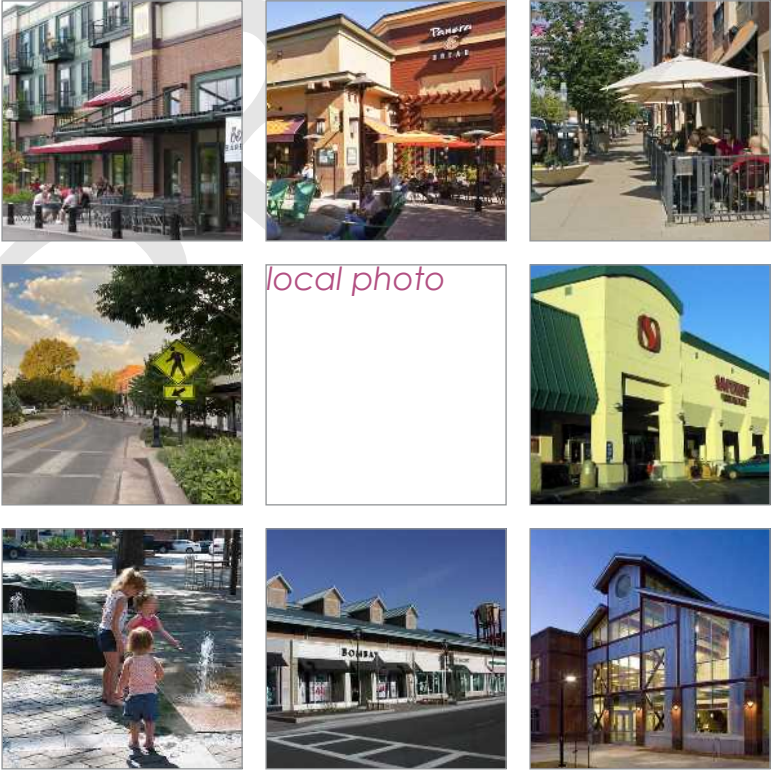
Intensity Range: 0.1 – 1.0 FAR

Existing Zoning: C-1, C-2, C3, R-4

COMMUNITY VOICES:

"Give residents an opportunity to do their shopping and keep taxes in town."

Activity Centers: This symbol identifies areas designated as key centers to support strategic local and regional transportation networks, employment, recreation, and services. Activity centers should be built as mixed use and leverage local and surrounding assets such as the Downtown, the I-25 and CR 58 interchange, the new high school, and the future Glade Reservoir and Montava developments.



DOWNTOWN NEIGHBORHOODS

Desired Intent & Character

This category includes neighborhoods adjacent to the Downtown Core and allows for a diversity of housing types. This area is intended to be supported by a traditional, highly connected grid system, with detached sidewalks, and incorporate pocket parks and public gathering spaces. Small-scale service establishments, including small offices, home-based businesses, and civic and community uses can be integrated within neighborhoods to add vibrancy to the overall Downtown area.

Uses: Primarily detached and attached single-family, backyard cottages, cottage courts, duplexes to fourplexes, and townhouses.

Secondary uses include small-format office and home-based business; live-work units; civic and community uses; places of worship, neighborhood and community parks.

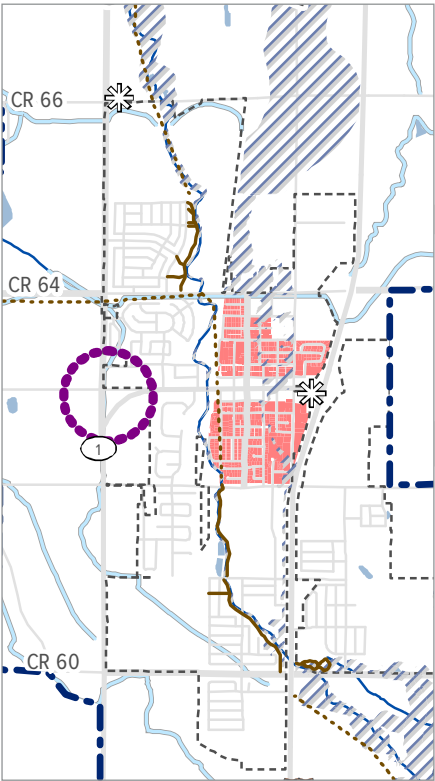
Density Range: 8-12 DU/Acre

Intensity Range: 0.1 – 1.0 FAR

Existing Zoning: R-1, R-2, C-1, C-2, TR

COMMUNITY VOICES:

"Balance Downtown uses to have tax-generating businesses without undermining social assets, i.e. parks, landmarks, churches, etc".



DOWNTOWN CORE

Desired Intent & Character

As the Town's primary activity center, Downtown Wellington is intended to be highly connected to an efficient network of motorized and non-motorized connections. Its character is based on historic and civic buildings, ample and landscaped sidewalks, groomed and activated alleys, public art, and gathering spaces, all designed with a human-scale perspective that gives the Downtown a unique sense of place and contributes to community pride.

In an effort to make Downtown more vibrant, the uses should encourage to fill in vacant residential and commercial areas and increase the height of existing buildings to support upper level residential uses. More Downtown dwellers will result in more foot traffic for Downtown businesses and in more "eyes on the streets" — for safety.

Uses: Primarily restaurants, specialty retail, offices, housing, urban lodging, and cultural activities.

Secondary uses include limited multi-family residential that enhance safety, vibrancy, and retail activity.

Density Range: Minimum 10 DU/Acre

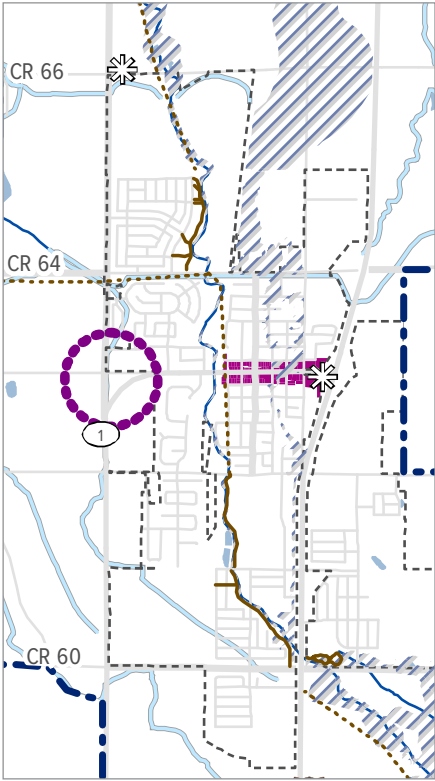
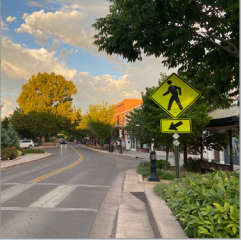
Intensity Range: 0.5 – 2.0 FAR

Existing Zoning: R-2, R-4, C-1, C-2, LI, TR

COMMUNITY VOICES:

"Promote 2-3 story multi-use buildings in Downtown".

"Address walkability (sidewalks, crosswalks), parking, and streetlights



Desired Intent & Character

Industrial and light industrial areas are intended to provide a diversity of building types and sizes for diverse businesses to contribute to Wellington's economy. These areas should provide sufficient hard surface to allow for movement of goods and should have convenient access to truck routes, railroads, and other major thoroughfares. They should also provide pedestrian connectivity and green space, offering visual relief and natural protection from adjacent uses.

Industrial areas should generally be located interior to the large block of industrial/ light industrial areas as identified on the future land use map.

Light industrial areas differ from traditional industrial areas as these are intended to support light manufacturing jobs that create minimal noise, smell, and road traffic. Typically, light industrial areas should serve as a separator between heavier industrial and surrounding land uses, such as residential and commercial.

Industrial Uses: Primarily large format buildings for manufacturing, assembly, warehousing, distribution, and processing. Complementary uses may include research and development.

Light Industrial Uses: small-scale buildings for start-ups, small offices, and live-work flex spaces.

Density Range: N/A

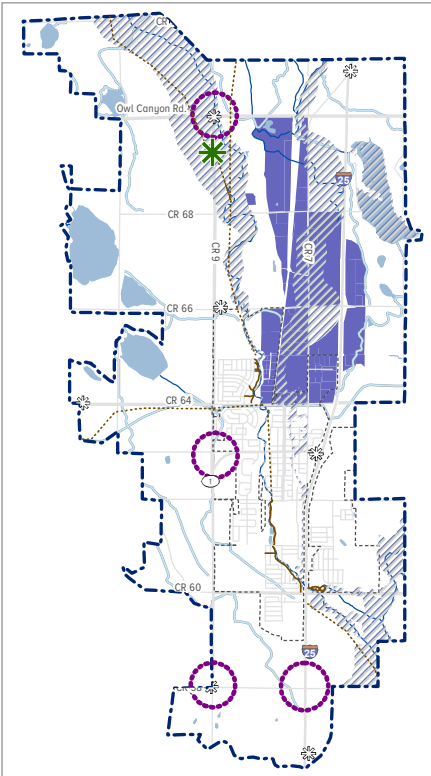
Intensity Range: 0.1 – 1.0 FAR

Existing Zoning: LI, I

COMMUNITY VOICES:

"We need a manufacturing base to generate tax."

"Locally owned [businesses] if possible."



Uses: Town buildings such as offices, the library, community center, and schools; government buildings such as post office and fire department; regional schools or research centers.

Density Range: N/A

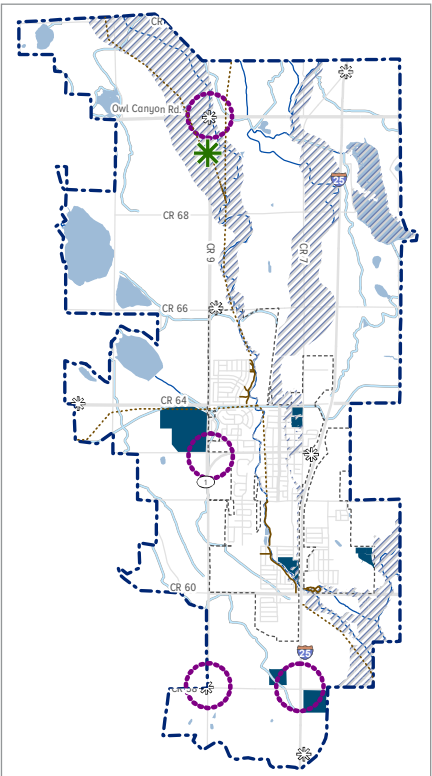
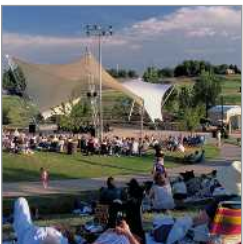
Intensity Range: 0.25 – 2 FAR

Existing Zoning: P

COMMUNITY VOICES:

"Add community/social gathering spaces in and around Downtown."

"Construct a new Town Hall."



Desired Intent & Character

These areas are intended to support the community with accessible walkways, gathering spaces, and motorized and non-motorized transportation connections and parking that accommodate a large influx of car and pedestrian and traffic. Buildings may be small, mixed with other uses in Downtown, or large, providing joint facilities (library, recreation center, etc.) intermixed in residential or mixed use areas.

Civic areas should consider building design, materials, and sustainability; making developments timeless, and favoring form and function over cost. Lastly, these areas should leverage local public art to add beauty and pride to Wellington.



Board of Trustees Meeting

Date: February 16, 2021
Submitted By: Brad March, Town Attorney
Subject: Initiative and Referendum Discussion

- **Staff presentation: Brad March, Town Attorney**

EXECUTIVE SUMMARY

The Colorado Constitution and the Colorado Revised Statutes provide requirements on the number of signatures required for citizen driven initiative and referendum petitions.

BACKGROUND / DISCUSSION

STAFF RECOMMENDATION

ATTACHMENTS

1. Board Presentation



Initiative and Referendum Rights



Colo. Const. art. V, § 1.

Under the Colorado Constitution all political power derives from the people and is vested in them. Colo. Const. art. II, § 1. Two forms of political power expressly reserved to the people are the initiative and the referendum. Colo. Const. art. V, § 1.

CLARK v. AURORA, 782 P.2d 771 (Colo. 1989) Supreme Court of Colorado



Referendum vs Initiative

The referendum is a process by which a law enacted by a legislative body is referred to the electorate for ultimate rejection or approval. Colo. Const. art. V, § 1(3);

The initiative power refers to the process by which the people propose laws by petition for enactment or rejection at the polls. Colo. Const. art. V, § 1(2)



Limitations on power of the citizenry to legislate.

The Colorado Supreme Court has recognized.

Initiative and Referendum rights are fundamental in character and are to be liberally construed so as to effectuate their purpose and facilitate their operation. This principle of liberal construction, however, is not intended to prohibit a legislative body from prescribing procedures relating to the proper exercise of the initiative and referendum. Thus, "while the Colorado Constitution certainly guarantees the right of initiative and referendum to the people, the legislative body may, so long as it does not diminish these rights, enact provisions regarding their exercise."



Town Code

The Wellington Municipal Code provides

Sec. 2-1-10. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965.





Constitution and statutory provisions

Colorado Constitution

Article V §1. Paragraph 9, Colorado Constitution

*The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. **Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen percent to propose any measure by the initiative in any city, town, or municipality.***



Colorado Statutes – Colorado Municipal Election Code

§ 31-11-104 (1). Ordinances – Initiative

*Any proposed ordinance may be submitted to the legislative body of any municipality by filing written notice of the proposed ordinance with the clerk and, within one hundred eighty days after approval of the petition pursuant to section 31-11-106(1), **by filing a petition signed by at least five percent of the registered electors of the city or town on the date of such notice...***





Colorado Constitution vs Statute

At the last election there were 7,055 registered electors in the Town of Wellington.

- 5% of registered electors equates to 353 electors
- 10% of registered electors equates to 706 electors (Constitutional Referendum)
- 15% of registered electors equates to 1,059 electors (Constitutional Initiative)

Pros and cons of increasing the number of electors required to place matters on the ballot

Proponents of initiative and referendum petitions strongly argue the rights of the public to maintain a voice in government. On the other side of the spectrum, concerns are raised that initiated matters are often not well drafted, lead to litigation, can allow small and special interest groups to disrupt the functions of the elected government and raise election costs and demands. The statute does not preclude a non-resident from championing an initiated or referred measure but only requires a requisite number of residents signatures to raise a challenge or to propose legislation. Initiative and referendum measures have long been the subject of expensive and complex litigation, including recently actions before the United States Supreme Court.



Article V §1. Paragraph 9, Colorado Constitution

*The initiative and referendum powers reserved to the people by this section are hereby further reserved to the registered electors of every city, town, and municipality as to all local, special, and municipal legislation of every character in or for their respective municipalities. The manner of exercising said powers shall be prescribed by general laws; except that cities, towns, and municipalities may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. **Not more than ten percent of the registered electors may be required to order the referendum, nor more than fifteen percent to propose any measure by the initiative in any city, town, or municipality.***