



## TOWN BOARD REGULAR MEETING AGENDA

Location: Hybrid  
South Metro Fire Protection District Station #42  
7320 South Parker Road

Or

[Meetings | Town of Foxfield \(colorado.gov\)](https://www.colorado.gov/townoffoxfield/meetings)

**Thursday, May 01, 2025: 6:30 p.m.**

### Call to Order

1. Pledge of Allegiance
2. Roll Call of Board Members
3. Audience Participation Period (limit 4 minutes per speaker)
4. Consent Agenda
  - a. Approval of Minutes – April 17th, 2025
5. Revenue Presentation by South Metro Fire on Possible Ballot Measure
6. For Possible Action
  - a. 2024 Audited Financial Statements
  - b. Engineering Fee Estimate for 2025 Pavement Repair and Surface Treatment Program
7. Reports
  - a. Members of Town Board
  - b. Staff

8. Future Agenda Items

- a. Tunnel and sidewalk repairs
- b. MHFD public outreach
- c. Culvert Clean-up
- d. Land Use Code Final Draft
- e. Speed Mitigation
- f. Wards Discussion
- g. Home Rule
- h. Social Committee

9. Adjournment

STUDY SESSION: LUC Definitions and Final Review



## BOARD OF TRUSTEES MEETING MINUTES

April 17th, 2025

### Call to Order

The meeting was called to order at 6:30 p.m. via Microsoft Teams.

1. Pledge of Allegiance

2. Roll Call

The following Trustees were present in person: Mayor Jones, Trustee Cockrell, Trustee Lawrence, Trustee Hodge, and Trustee Thompson.

Trustee Schultz was present via teams.

A quorum was present.

3. Audience Participation

Jim Pike, 6788 S Richfield St - Informed the board that the property that is growing garlic looks like they are irrigating with well water. Mayor Jones will get the resident a copy of the well permit and informed them this would need to be reported to the state if not permitted.

4. Consent Agenda

a. Mayor Jones moved to approve the Consent Agenda, with a second from Trustee Cockrell. The motion passed unanimously.

5. For Possible Action

a. Terracare Estimates for Sign and Shoulder/Swale Repairs

Ms. Proctor gave the board a breakdown on the updated estimate and what has changed. Trustee Thompson explained some details from the site visit. Trustees discussed erosion issues and how these areas would be affected by potential flooding. Trustee Lawrence asked if this type of expense is comfortable for the town. Other Trustees and Ms. Proctor stated that this is not a usual expense for the town and that is why there is a supplemental appropriation on the agenda to approve the expenditure. Trustee Cockrell asked about the hump at Arapahoe and Richfield and if there was any update on that. Ms. Proctor informed the board that we are waiting on a cost estimate for the repair.

- b. Resolution 2025-03 Supplemental Appropriation  
Mayor Jones moved to approve Resolution 2025-03 Authorizing A Supplemental Appropriation for Fiscal Year 2025, seconded by Trustee Thompson. The Resolution passed unanimously.
- c. Second Addendum to Republic Service Agreement  
Mayor Jones stated that a lot of work was spent on negotiations with Republic Services. Discussion was held regarding the proposed yearly increase percentage, the added roll off for yard waste during the annual trash day, and questions around 3 versus 5 years for renewal. Trustees agreed to the 5-year contract.  
Mayor Jones moved to approve the Second Amendment to Agreement for Services with Republic Services for a 5-year contract, seconded by Trustee Thompson. Motion passed unanimously.

## 6. Reports

- a. Members of Town Board
  - i. Trustee Hodge asked about the signs at the gates regarding fines. Ms. Proctor asked for clarification about the signs and what the trustees wanted them to say. Trustee Hodge stated that the signs should look the same as others in Town for consistency. Ms. Proctor asked if the signs should say the minimum or maximum fine. Discussion included gate repair costs, violation fees collected by year, and the process for violation issuance. The Board had questions on the fines collection process. Ms. Proctor will get more information on what information was previously determined regarding collections and what the Towns options are. Trustees agreed on having the minimum fine on the signs.
  - ii. Trustee Thompson asked for an update on gate tags. Ms. Torres advised the Board that the tags have been ordered, but not yet received by the vendor. Trustee Thompson gave the board an update on the airport noise roundtable meeting.
  - iii. Trustee Cockrell gave the board. She indicated that state funds are down and shareback from communities are going away.
  - iv. Trustee Shultz asked for an update on the open space playground equipment. Trustee Thompson mentioned that most of the playground equipment has been installed, but that the ground needs to be graded due to ADA compliance for the Tepee before it can be placed. In addition, the log needs to be secured in place. Mayor Jones asked for an update on the letter to be sent to residents from Mile High Flood. Ms. Proctor mentioned she would reach out to them for an update.
- b. Staff
  - i. Town Administrator Proctor
    - 1. Ms Proctor asked if Trustees would like to better utilize the bulletin boards in Town for communication. Trustee Thompson mentioned that she places items in there periodically. The board agreed that the website and email seem to be effective.

ii. Town Clerk Torres


1. Ms. Torres updated the board on the property with a garlic farm. Nearby residents have complained about potential well water overuse. Discussion included well permits and restrictions, state violation requirements, and well activity during the year. Mayor Jones mentioned that there is nothing in our code for well water usage and that code enforcement can close out that code violation.

7. Future Agenda Items

- a. Tunnel, sidewalk repairs
- b. MHFD public outreach
- c. Culvert Clean-up
- d. Land Use Code Final Draft
- e. Speed Mitigation
- f. Ward discussion
- g. Home Rule
- h. Social Committee

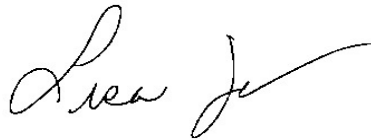
8. Adjournment

Mayor Jones adjourned the meeting at 7:32 pm.



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Monica Torres, Town Clerk



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Lisa Jones, Town Mayor



## MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: May 1, 2025

RE: 2024 Audited Financial Statements

### DISCUSSION:

Attached for Board approval are the Town of Foxfield audited Basic Financial Statements dated December 31, 2024.

The Town's financial statements are in compliance with all generally accepted accounting principles and State Statutes.

### RECOMMENDED MOTION:

*"I move to approve the 2024 Audited Financial Statements as presented."*

### ATTACHMENT:

**Exhibit A** – Town of Foxfield Basic Financial Statements December 31, 2024

**TOWN OF FOXFIELD, COLORADO**

**BASIC FINANCIAL STATEMENTS**

**December 31, 2024**

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**FINANCIAL SECTION**



## JOHN CUTLER & ASSOCIATES

Honorable Mayor and Members of the Board of Trustees  
Town of Foxfield  
Foxfield, Colorado

### INDEPENDENT AUDITORS' REPORT

#### Report on the Financial Statements

##### *Opinions*

We have audited the financial statements of the governmental activities and each major fund of the Town of Foxfield (the "Town") as of and for the year ended December 31, 2024, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the Town of Foxfield as of December 31, 2024, and the respective changes in financial position, thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

##### *Basis for Opinions*

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town of Foxfield, and to meet our ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

##### *Responsibilities of Management for the Financial Statements*

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

##### *Auditor's Responsibilities for the Audit of the Financial Statements*

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures of the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion of the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgement, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and required budgetary and pension information on pages 18 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board (GASB) who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Supplementary and Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The State Compliance information as listed in the table of contents, is presented for purposes of additional analysis and are not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements.

The State Compliance has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the State Compliance is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.

*John Luther & Associates, LLC*

April 23, 2025

# TOWN OF FOXFIELD, COLORADO

## Management's Discussion and Analysis

As management of the Town of Foxfield, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended December 31, 2024.

### Financial Highlights

- The assets of the Town exceeded its liabilities at the close of the most recent fiscal year by \$2,948,861.
- At the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of \$2,342,099.
- At the end of the current fiscal year, unreserved, undesignated fund balance for the general fund was \$1,703,339.
- The Town committed funds of \$275,967 for future road maintenance.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town's basic financial statements. The Town's basic financial statements comprise three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

**Government-wide financial statements.** The *government-wide financial statements* are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all the Town's assets and liabilities, with the difference between the two reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes).

Both government-wide financial statements distinguish functions of the Town that are principally supported by taxes. The governmental activities of the Town include general government, public safety, public works, and parks, recreation and open space, and capital outlay.

**Fund financial statements.** A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the Town can be divided into two categories: governmental funds, and fiduciary funds.

**Governmental funds.** *Governmental funds* are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The Town maintains four individual governmental funds. Information is presented in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the General Fund. Data from the other governmental funds are combined with the activities of the General Fund for financial statement presentation.

The Town adopts an annual appropriated budget for its general fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget.

**Notes to the financial statements.** The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found immediately following the basic financial statements.

**Other information.** In addition to the basic financial statements and accompanying notes, this report also presents certain *required supplementary information and certain additional supplemental information*.

## Government-Wide Financial Analysis

TOWN OF FOXFIELD  
NET POSITION  
As of December 31, 2024

	Governmental Activities	
	2023	2024
Current and other assets	2,137,144	2,497,463
Capital assets	639,893	606,762
Total Assets	2,777,037	3,104,225
Deferred Outflow of Resources	0	0
Total Assets and Deferred Outflows	2,777,037	3,104,225
Current liabilities	40,320	17,338
Long term liabilities	0	0
Total Liabilities	40,320	17,338
Deferred Inflow of Resources	136,904	138,026
Total Liabilities and Deferred Inflows	177,224	155,364
Invested in capital assets	639,893	606,762
Restricted	398,942	362,793
Unrestricted	1,560,978	1,979,306
Total net position	2,599,813	2,948,861

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town, assets exceeded liabilities by \$2,948,861 at the close of the most recent fiscal year.

Twenty-one percent (21%) of the Town's total assets reflects its investment in capital assets (e.g., roads, open space). The remaining balance of *unrestricted net position* (\$1,979,306) may be used to meet the Town's ongoing obligations to citizens and creditors.

At the end of the current fiscal year, the Town reports positive balances in all net positions.

STATEMENT OF ACTIVITIES  
Year Ended December 31, 2024

	Governmental Activities	
	2023	2024
Revenues:		
Taxes	817,417	766,771
Franchise Fees	45,374	35,773
Operating Grants & Contributions	0	0
Capital Grants & Contributions	98,278	0
Charges for Services	121,932	98,796
Investment Income	88,813	110,072
Other	1,674	1,342
Total Revenues	1,173,488	1,012,754
Expenses:		
General Government	575,114	321,490
Public Safety	122,221	140,884
Public Works	248,057	188,332
Parks and Recreation	17,078	13,000
Interest on long-term debt	0	0
Total Expenses	962,470	663,706
Increase in net position	211,018	349,048
Net position - beginning	2,388,795	2,599,813
Net position - ending	2,599,813	2,948,861

The Town's net position increased by \$349,048 during the current fiscal year.

**Governmental activities**

Apart from property tax collected to provide law enforcement, the Town's major sources of revenue are sales tax, use tax, ownership tax, franchise taxes and traffic fines.

**Financial Analysis of the Government's Funds**

As noted earlier, the Town uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

*Governmental funds.* The focus of the Town's *governmental funds* is to provide information on near-term inflows, outflows and balances of *spendable* resources. Such information is useful in assessing the Town's financing requirements. In particular, *unassigned fund balance* may serve as a useful measure of a government's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the Town's governmental funds reported combined ending fund balances of \$2,342,099 an increase of \$382,179 in comparison with the prior year.

The general fund is the chief operating fund of the Town. At the end of fiscal year 2024 unassigned fund balance of the general fund was \$1,703,339.

### **General Fund Budgetary Highlights**

The Town's revenues were \$170,240 more than budgeted primarily due to increased sales tax, and interest.

Total expenditures were \$123,514 less than budgeted, primarily due to savings in general government.

### **Capital Asset and Debt Administration**

**Capital assets.** The Town's main capital asset is the infrastructure for paving the streets which was completed in 2003. In 2014, one year ahead of schedule, the Town completed resurfacing all Town roads. In 2024 the depreciation on the infrastructure was \$8,085. More information can be found in Note 4.

**Long-term debt.** The Town does not currently have any long-term debt.

### **Request for information**

This financial report is designed to provide a general overview of the Town's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to [kproctor@townoffoxfield.com](mailto:kproctor@townoffoxfield.com).



## **BASIC FINANCIAL STATEMENTS**

TOWN OF FOXFIELD, COLORADO

STATEMENT OF NET POSITION

As of December 31, 2024

	GOVERNMENTAL ACTIVITIES	
	2024	2023
ASSETS		
Cash and Investments	\$ 1,975,770	\$ 1,583,529
Restricted Cash and Investments	333,693	366,242
Receivables		
Taxes	138,026	136,904
Accounts	49,974	50,469
Capital Assets, Not Depreciated	489,062	489,062
Capital Assets, Depreciated		
Net of Accumulated Depreciation	117,700	150,831
 TOTAL ASSETS	 3,104,225	 2,777,037
LIABILITIES		
Accounts Payable	17,338	40,320
 TOTAL LIABILITIES	 17,338	 40,320
DEFERRED INFLOW OF RESOURCES		
Deferred Property Taxes	138,026	136,904
 TOTAL LIABILITIES AND DEFERRED INFLOWS	 155,364	 177,224
NET POSITION		
Net Investment in Capital Assets	606,762	639,893
Restricted	362,793	398,942
Unrestricted	1,979,306	1,560,978
 NET POSITION	 \$ 2,948,861	 \$ 2,599,813

The accompanying notes are an integral part of the financial statements.

TOWN OF FOXFIELD, COLORADO

STATEMENT OF ACTIVITIES  
Year Ended December 31, 2024

FUNCTIONS/PROGRAMS	Expenses	Program Revenues		Net Revenues (Expenses) and Change in Net Position		
		Charges for Services	Capital		Governmental Activities	
			Grants and Contributions	2024	2023	
<b>PRIMARY GOVERNMENT</b>						
<b>Governmental Activities</b>						
General Government	\$ 321,490	\$ 97,846		\$ (223,644)	\$ (456,517)	
Public Safety	140,884	950	-	(139,934)	(118,886)	
Public Works	188,332	-	-	(188,332)	(149,779)	
Parks and Recreation	13,000	-	-	(13,000)	(17,078)	
<b>Total Governmental Activities</b>	<b>\$ 663,706</b>	<b>\$ 98,796</b>	<b>\$ -</b>	<b>(564,910)</b>	<b>(742,260)</b>	
		<b>GENERAL REVENUES</b>				
				766,771	817,417	
				35,773	45,374	
				110,072	88,813	
				1,342	1,674	
		<b>TOTAL GENERAL REVENUES</b>		<b>913,958</b>	<b>953,278</b>	
		<b>CHANGE IN NET POSITION</b>		<b>349,048</b>	<b>211,018</b>	
		<b>NET POSITION, Beginning</b>		<b>2,599,813</b>	<b>2,388,795</b>	
		<b>NET POSITION, Ending</b>		<b>\$ 2,948,861</b>	<b>\$ 2,599,813</b>	

The accompanying notes are an integral part of the financial statements.

TOWN OF FOXFIELD, COLORADO

BALANCE SHEET  
GOVERNMENTAL FUNDS  
As of December 31, 2024

	TOTAL GOVERNMENTAL FUNDS	
	<u>2024</u>	<u>2023</u>
ASSETS		
Cash and Investments	\$ 1,975,770	\$ 1,583,529
Restricted Cash and Investments	333,693	366,242
Property Taxes Receivable	138,026	136,904
Accounts Receivable	<u>49,974</u>	<u>50,469</u>
TOTAL ASSETS	<u>\$ 2,497,463</u>	<u>\$ 2,137,144</u>
LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY		
Accounts Payable	\$ 17,338	\$ 40,320
TOTAL LIABILITIES	<u>17,338</u>	<u>40,320</u>
DEFERRED INFLOWS OF RESOURCES		
Deferred Property Tax Revenue	<u>138,026</u>	<u>136,904</u>
FUND EQUITY		
Restricted for Emergencies	29,100	32,700
Restricted for Recreation and Open Space	309,491	269,288
Restricted for Grant Expenditures	24,202	96,954
Committed for Road Maintenance	275,967	127,587
Unassigned	<u>1,703,339</u>	<u>1,433,391</u>
TOTAL FUND EQUITY	<u>2,342,099</u>	<u>1,959,920</u>
TOTAL LIABILITIES, DEFERRED INFLOWS, AND FUND EQUITY		
Amounts reported for governmental activities in the statement of net position are different because:		
Capital assets used in governmental activities are not financial resources and therefore, are not reported in the funds.	<u>606,762</u>	<u>639,893</u>
Net position of governmental activities	<u>\$ 2,948,861</u>	<u>\$ 2,599,813</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF FOXFIELD, COLORADO

STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES - GOVERNMENTAL FUNDS  
Year Ended December 31, 2024

	TOTAL GOVERNMENTAL FUNDS	
	2024	2023
REVENUES		
Taxes	\$ 766,771	\$ 811,926
Franchise Fees	35,773	45,374
Licenses and Permits	55,000	136,425
Intergovernmental	42,744	80,115
Charges for Services	102	335
Fines	950	3,335
Interest	110,072	88,813
Grants	-	5,491
Miscellaneous	1,342	1,674
	<u>1,012,754</u>	<u>1,173,488</u>
TOTAL REVENUES		
EXPENDITURES		
General Government	288,359	279,182
Public Safety	140,884	122,221
Public Works	188,332	248,057
Parks and Recreation	13,000	17,078
Capital Outlay	-	120,608
	<u>630,575</u>	<u>787,146</u>
TOTAL EXPENDITURES		
NET CHANGE IN FUND BALANCES	382,179	386,342
FUND BALANCES, Beginning	<u>1,959,920</u>	<u>1,573,578</u>
FUND BALANCES, Ending	<u>\$ 2,342,099</u>	<u>\$ 1,959,920</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF FOXFIELD, COLORADO

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF POSITION  
Year Ended December 31, 2024

Amounts Reported for Governmental Activities in the Statement of Position  
are Different Because:

Net Changes in Fund Balances - Total Governmental Funds	\$ 382,179
Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount of depreciation expense.	<u>(33,131)</u>
Change in Net Position of Governmental Activities	<u>\$ 349,048</u>

The accompanying notes are an integral part of the financial statements.

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The Town of Foxfield (Town) is a Colorado statutory town (a municipal corporation), incorporated in 1994 and is governed by a Mayor and six-member Board of Trustees elected by the residents. The Town provides public safety, public improvements, planning and zoning, municipal court and general administrative services to its residents.

The accounting policies of the Town of Foxfield, Colorado conform to generally accepted accounting principles as applicable to governments. Following is a summary of the more significant policies.

**Reporting Entity**

In accordance with governmental accounting standards, the Town of Foxfield has considered the possibility of inclusion of additional entities in its basic financial statements.

The definition of the reporting entity is based primarily on financial accountability. The Town is financially accountable for organizations that make up its legal entity. It is also financially accountable for legally separate organizations if Town officials appoint a voting majority of the organization's governing body and either it is able to impose its will on that organization or there is a potential for the organization to provide specific financial benefits to, or to impose specific financial burdens on, the Town. The Town may also be financially accountable for governmental organizations that are fiscally dependent upon it.

Based on the application of these criteria, the Town does not include additional organizations in its reporting entity.

**Government-Wide and Fund Financial Statements**

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the Town. For the most part, the effect of interfund activity has been removed from these statements. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of the given function or segments are offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment.

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Government-Wide and Fund Financial Statements** (Continued)

*Program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds are reported as separate columns in the fund financial statements.

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when the liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current *financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Town considers revenues to be available if they are collected within 60 days of the end of the current fiscal period.

Property taxes, specific ownership taxes, grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town.

Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, are recorded only when payment is due.



TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Measurement Focus, Basis of Accounting, and Financial Statement Presentation**  
(Continued)

When both restricted and unrestricted resources are available for use, it is the Town's practice to use restricted resources first, then unrestricted resources as they are needed.

In the fund financial statements, the Town reports the following major governmental funds:

The *General Fund* is the Town's primary operating fund. It accounts for all financial resources of the Town, except those required to be accounted for in another fund.

**Assets, Liabilities and Fund Balance/Net Position**

**Cash and Investments**

Cash equivalents include investments with original maturities of three months or less. Investments are recorded at fair value.

**Capital Assets**

Capital assets, which include property and equipment, are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property and equipment of the Town is depreciated using the straight-line method over the following estimated useful lives:

Infrastructure	5 - 20 years
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TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Assets, Liabilities and Fund Balance/Net Position** (Continued)

**Long-Term Obligations**

In the government-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

**Net Position**

The government-wide financial statements utilize a net position presentation. Net position is categorized as investment in capital assets, restricted, and unrestricted.

*Net Investment in Capital Assets* includes the Town's capital assets (net of accumulated depreciation) reduced by the outstanding balances of bonds that are attributable to the acquisition, construction, or improvement of those assets.

*Restricted Net Position* includes assets that have third-party (statutory, bond covenant, or granting agency) limitations on their use. The Town typically uses restricted assets first, as appropriate opportunities arise, but reserves the right to selectively defer the use until a future project.

*Unrestricted Net Position* typically includes unrestricted liquid assets. The Town Board of Trustees has the authority to revisit or alter this designation.

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Assets, Liabilities and Fund Balance/Net Position** (Continued)

**Fund Balance Classification**

The governmental fund financial statements present fund balances based on classifications that comprise a hierarchy that is based primarily on the extent to which the Town is bound to honor constraints on the specific purposes for which amounts in the respective governmental funds can be spent. The classifications used in the governmental fund financial statements are as follows:

- Nonspendable – This classification includes amounts that cannot be spent because they are either not spendable in form or are legally or contractually required to be maintained intact. The Town does not report any balances in this category at December 31, 2024.
- Restricted – This classification includes amounts for which constraints have been placed on the use of the resources either (a) externally imposed by creditors (such as through a debt covenant), grantors, contributors, or laws or regulations of other governments, or (b) imposed by law through constitutional provisions or enabling legislation. The Town has classified Emergency Reserves as being restricted because their use is restricted by State Statute for declared emergencies. In addition, the Town has classified amounts collected for recreation and open space and unspent grant proceeds as restricted.
- Committed – This classification includes amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the Town’s Board of Trustees. These amounts cannot be used for any other purpose unless the Board of Trustees removes or changes the specified use by taking the same type of action (ordinance or resolution) that was employed when the funds were initially committed. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual requirements. The Town committed resources for road maintenance as of December 31, 2024.
- Unassigned – This classification includes the residual fund balance for the General Fund. The Unassigned classification also includes negative residual fund balance of any other governmental fund that cannot be eliminated by offsetting of Assigned fund balance amounts.

The Town would typically use restricted fund balances first, followed by committed resources, and then assigned resources, as appropriate opportunities arise, but reserves the right to selectively spend unassigned fund balances.

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES** (Continued)

**Deferred Outflows/Inflows of Resources**

In addition to assets, the statement of financial position and balance sheets will sometimes report a separate section for deferred outflows or resources. This separate financial statement element, *deferred outflow of resources*, represents a consumption of net position and fund balance that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of financial position and balance sheets will sometimes report a separate section for deferred inflows or resources. This separate financial statement element, *deferred inflow of resources*, represents an acquisition of net position and fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

**Property Taxes**

Property taxes are levied after December 10 and attach as an enforceable lien on property on January 1. Taxes are payable in full on April 30 or in two installments on February 28 and June 15. The County Treasurer's office collects property taxes and remits to the Town on a monthly basis.

Since property tax revenues are collected in arrears during the succeeding year, a receivable and corresponding deferred revenue are recorded at December 31. As the tax is collected in the succeeding year, the deferred revenue is recognized as revenue and the receivable is reduced.

**Comparative Data**

Comparative total data for the prior year has been presented in the accompanying financial statements in order to provide an understanding of changes in the Town's financial position and operations. However, complete comparative data in accordance with generally accepted accounting principles has not been presented since its inclusion would make the financial statements unduly complex and difficult to read.

Data in these columns do not present financial position or results of operations in conformity with generally accepted accounting principles. Neither is such data comparable to a consolidation. Interfund eliminations have not been made in the aggregation of this data.

TOWN OF FOXFIELD, COLORADO  
 NOTES TO FINANCIAL STATEMENTS  
 December 31, 2024

**NOTE 2: STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY**

**Budgets and Budgetary Accounting**

The Town follows these procedures in establishing the budgetary data reflected in the financial statements:

- In October, the Town staff submits to the Town Board of Trustees a proposed operating budget for the fiscal year commencing the following January 1. The operating budget includes proposed expenditures and the means of financing them.
- Public hearings are conducted to obtain taxpayer comments.
- Prior to December 31, the budget is legally enacted through passage of a resolution.
- The Town Administration is authorized to transfer budgeted amounts between departments within any fund. However, any revisions that alter the total expenditures of any fund must be approved by the Town Board of Trustees.
- Budgets are legally adopted for all funds of the Town. Budgets for the General Debt Service, and Agency Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP).
- Budgeted amounts in the financial statements are as originally adopted or as amended by the Town Board of Trustees. All appropriations lapse at year end. Colorado governments may not exceed budgeted appropriations at the fund level.

**NOTE 3: DEPOSITS AND INVESTMENTS**

A summary of deposits and investments as of December 31, 2024 follows:

Governmental Activities - Unrestricted	\$ (46,774)
Investments	<u>2,356,237</u>
Total	<u><b>\$ 2,309,463</b></u>

Cash and investments are reported in the financial statements as follows:

Governmental Activities - Unrestricted	\$ 1,975,770
Governmental Activities - Restricted	<u>333,693</u>
Total	<u><b>\$ 2,309,463</b></u>

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Deposits**

Custodial Credit Risk – Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Colorado Public Deposit Protection Act (PDPA) requires that all units of local government deposit cash in eligible public depositories. Eligibility is determined by state regulations. At December 31, 2024 State regulatory commissioners have indicated that all financial institutions holding deposits for the Town are eligible public depositories. Amounts on deposit in excess of federal insurance levels must be collateralized by eligible collateral as determined by the PDPA. PDPA allows the financial institution to create a single collateral pool for all public funds held.

The pool is to be maintained by another institution or held in trust for all the uninsured public deposits as a group. The market value of the collateral must be at least equal to 102% of the uninsured deposits. The Town has no policy regarding custodial credit risk for deposits.

At December 31, 2024, the Town had deposits with financial institutions with a carrying amount of (\$46,774). The bank balances with the financial institutions were \$46,061. All of these balances were covered by federal depository insurance.

**Investments**

Interest Rate Risk

There are many factors that can affect the value of investments, some of which are custodial credit risk, credit risk and interest rate risk. The Town is required to comply with State statutes, which specify investment instruments meeting defined rating, maturity, and concentration risk criteria in which local governments may invest. State statutes do not address custodial risk. The Town has not adopted an investment policy to address any of the risks mentioned above.

Credit Risk

Colorado statutes specify in which instruments the units of local government may invest which includes:

- Obligations of the United States and certain U.S. government agency securities
- General obligation and revenue bonds of U.S. local government entities
- Local government investment pools
- Written repurchase agreements collateralized by certain authorized securities
- Certain money market funds
- Guaranteed investment contracts

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 3: DEPOSITS AND INVESTMENTS** (Continued)

**Investments** (Continued)

The above investments are authorized for all funds and fund types used by Colorado municipalities.

The Town had invested \$2,356,237 in the Colorado Government Liquid Asset Trust (ColoTrust) which has a credit rating of AAAm by Standard and Poor's. ColoTrust is an investment vehicle established for local government entities in Colorado to pool surplus funds and is regulated by the State Securities Commissioner. It operates similarly to a money market fund and each share is equal in value to \$1.00. Investments consist of U.S. Treasury and U.S. Agency securities, and repurchase agreements collateralized by U.S. Treasury and U.S. Agency securities. A designated custodial bank provides safekeeping and depository services in connection with the direct investment and withdrawal functions. Substantially all securities owned are held by the Federal Reserve Bank in the account maintained for the custodial bank. The custodian's internal records identify the investments owned by the entities.

ColoTrust is not a 2a7-like external investment pool. The unit of account is each share held, and the value of the position would be the fair value of the pool's share price multiplied by the number of shares held. The government-investor does not "look through" the pool to report a pro rata share of the pool's investments, receivables, and payables.

**Restricted Cash and Investments**

At December 31, 2024, the Town's General Fund holds restricted cash and investments of \$333,693. Of this amount, \$20,195 is restricted for the Conservation Trust expenditures, \$289,296 is restricted for Open Space expenditures, and \$24,202 for grant expenditures.

TOWN OF FOXFIELD, COLORADO

NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 4: CAPITAL ASSETS**

Capital assets activity for the year ended December 31, 2024 is summarized below:

	Balances <u>12/31/23</u>	<u>Additions</u>	<u>Deletions</u>	Balances <u>12/31/24</u>
<b>Governmental Activities</b>				
Capital Assets, not depreciated				
Land	\$ 489,062	\$ -	\$ -	\$ 489,062
Capital Assets, depreciated				
Infrastructure	3,571,462	-	-	3,571,462
Machinery and Equipment	<u>175,324</u>	<u>-</u>	<u>-</u>	<u>175,324</u>
Total Capital Assets, depreciated	<u>3,746,786</u>	<u>-</u>	<u>-</u>	<u>3,746,786</u>
Less Accumulated Depreciation				
Infrastructure	3,539,601	8,085	-	3,547,686
Machinery and Equipment	<u>56,354</u>	<u>25,046</u>	<u>-</u>	<u>81,400</u>
Total Accumulated Depreciation	<u>3,595,955</u>	<u>33,131</u>	<u>-</u>	<u>3,629,086</u>
Total Capital Assets, depreciated, Net	<u>150,831</u>	<u>(33,131)</u>	<u>-</u>	<u>117,700</u>
Governmental Activities, Capital Assets, Net	<u>\$ 639,893</u>	<u>\$ (33,131)</u>	<u>\$ -</u>	<u>\$ 606,762</u>

Depreciation expense was charged to the public works program.

**NOTE 5: PUBLIC ENTITY RISK POOL**

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets, errors and omissions, injuries to employees, and natural disasters. For these risks of loss, the Town is involved with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), a separate and independent governmental and legal entity formed by intergovernmental agreement by member municipalities as allowed by State statute.

The purposes of CIRSA are to provide members defined liability, property, and workers compensation coverages, and to assist members in preventing and reducing losses and injuries to municipal property and to persons or property which might result in claims being made against members of CIRSA, their employees and officers.

It is the intent of the members of CIRSA to create an entity in perpetuity which will administer and use funds contributed by the members to defend and indemnify, in accordance with the bylaws, any member of CIRSA against stated liability of loss, to the limit of the financial resources of CIRSA.



TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 5: PUBLIC ENTITY RISK POOL** (Continued)

It is also the intent of the members to have CIRSA provide continuing stability and availability of needed coverages at reasonable costs. All income and assets of CIRSA shall be at all times dedicated to the exclusive benefit of its members. CIRSA is a separate legal entity, and the Town does not approve budgets, nor does it have the ability to significantly affect the operations of CIRSA.

There were no significant reductions in insurance coverage from the 2017 program to the 2024 program. No settlements exceeded insurance coverage for covered claims the past three fiscal years. The CIRSA financial statements can be obtained by requesting them from the following address: 3665 Cherry Creek North Drive Denver, Colorado 80209.

**NOTE 6: COMMITMENTS AND CONTINGENCIES**

Intergovernmental Agreements

**Arapahoe County Law Enforcement**

The Town has an intergovernmental agreement with Arapahoe County to provide law enforcement services. For the year ended December 31, 2024, the Town paid \$136,904 for these services.

**Tabor Amendment**

Colorado voters passed an amendment to the State Constitution, Article X, Section 20, which has several limitations, including revenue raising, spending abilities, and other specific requirements of state and local government. On November 5, 1996, voters within the Town approved the collection, retention and expenditure of the full revenues generated by the Town in 1996 and subsequent years for street improvement projects, capital projects, basic municipal services and/or lawful municipal purposes, notwithstanding the provisions of the Amendment.

The Town has established an emergency reserve, representing 3% of qualifying expenditures, as required by the Amendment. At December 31, 2024, the emergency reserve of \$29,100 was recorded in the General Fund.

TOWN OF FOXFIELD, COLORADO  
NOTES TO FINANCIAL STATEMENTS  
December 31, 2024

**NOTE 7: CONSERVATION TRUST FUND**

The Town annually receives funds through the State of Colorado that are restricted for use pursuant to Colorado Revised Statutes Article 21 of Title 29. Funds are to be utilized primarily for parks and recreation purposes. The following is a summary of the Town's Conservation Trust activity for the year ended December 31, 2024:

Balance 12/31/23	\$ 22,951
Receipts	9,055
Interest Earned	1,189
Expenditures	<u>(13,000)</u>
Balance 12/31/24	<u>\$ 20,195</u>

**NOTE 8: SUBSEQUENT EVENTS**

Subsequent Events have been evaluated through April 23, 2025, which is the date the financial statements were available to be issued.

**REQUIRED SUPPLEMENTARY INFORMATION**

TOWN OF FOXFIELD, COLORADO

GENERAL FUND  
 BUDGETARY COMPARISON SCHEDULE  
 Year Ended December 31, 2024

	2024			VARIANCE	2023 ACTUAL
	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL	Positive (Negative)	
REVENUES					
Taxes	\$ 627,862	\$ 619,004	\$ 766,771	\$ 147,767	\$ 811,926
Franchise Fees	36,800	36,800	35,773	(1,027)	45,374
Licenses and Permits	41,860	41,860	55,000	13,140	136,425
Intergovernmental	64,600	64,600	42,744	(21,856)	80,115
Charges for Services	650	650	102	(548)	335
Fines	1,500	1,500	950	(550)	3,335
Interest	76,300	76,300	110,072	33,772	88,813
Grants	-	-	-	-	5,491
Miscellaneous	1,800	1,800	1,342	(458)	1,674
<b>TOTAL REVENUES</b>	<b>851,372</b>	<b>842,514</b>	<b>1,012,754</b>	<b>170,240</b>	<b>1,173,488</b>
EXPENDITURES					
Current					
General Government	335,002	335,003	288,359	46,644	279,182
Public Safety	161,262	161,262	140,884	20,378	122,221
Public Works	223,324	223,324	188,332	34,992	248,057
Parks and Recreation	34,500	34,500	13,000	21,500	17,078
Capital Outlay	-	-	-	-	120,608
<b>TOTAL EXPENDITURES</b>	<b>754,088</b>	<b>754,089</b>	<b>630,575</b>	<b>123,514</b>	<b>787,146</b>
<b>NET CHANGE IN FUND BALANCE</b>	<b>97,284</b>	<b>88,425</b>	<b>382,179</b>	<b>293,754</b>	<b>386,342</b>
FUND BALANCE, Beginning	1,329,196	1,329,196	1,959,920	630,724	1,573,578
FUND BALANCE, Ending	<u>\$ 1,426,480</u>	<u>\$ 1,417,621</u>	<u>\$ 2,342,099</u>	<u>\$ 924,478</u>	<u>\$ 1,959,920</u>

See the accompanying independent auditors' report.

## **STATE COMPLIANCE**

The public report burden for this information collection is estimated to average 380 hours annually.

<b>LOCAL HIGHWAY FINANCE REPORT</b>		City or County: Town of Foxfield
		YEAR ENDING : December 2024
This Information From The Records Of : The Town of Foxfield	Prepared By: Phone:	Karen Proctor 303-905-9339

**I. DISPOSITION OF HIGHWAY-USER REVENUES AVAILABLE FOR LOCAL GOVERNMENT EXPENDITURE**

ITEM	A. Local Motor-Fuel Taxes	B. Local Motor-Vehicle Taxes	C. Receipts from State Highway-User Taxes	D. Receipts from Federal Highway Administration
1. Total receipts available				
2. Minus amount used for collection expenses				
3. Minus amount used for nonhighway purposes				
4. Minus amount used for mass transit				
5. Remainder used for highway purposes				

II. RECEIPTS FOR ROAD AND STREET PURPOSES		III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES	
ITEM	AMOUNT	ITEM	AMOUNT
<b>A. Receipts from local sources:</b>		<b>A. Local highway disbursements:</b>	
1. Local highway-user taxes		1. Capital outlay (from page 2)	0
a. Motor Fuel (from Item I.A.5.)		2. Maintenance:	120,767
b. Motor Vehicle (from Item I.B.5.)		3. Road and street services:	
c. Total (a.+b.)		a. Traffic control operations	0
2. General fund appropriations	92,048	b. Snow and ice removal	24,989
3. Other local imposts (from page 2)	13,670	c. Other	1,347
4. Miscellaneous local receipts (from page 2)	102	d. Total (a. through c.)	26,335
5. Transfers from toll facilities		4. General administration & miscellaneous	
6. Proceeds of sale of bonds and notes:		5. Highway law enforcement and safety	
a. Bonds - Original Issues		6. Total (1 through 5)	147,102
b. Bonds - Refunding Issues		<b>B. Debt service on local obligations:</b>	
c. Notes		1. Bonds:	
d. Total (a. + b. + c.)	0	a. Interest	
7. Total (1 through 6)	105,820	b. Redemption	
<b>B. Private Contributions</b>		c. Total (a. + b.)	0
<b>C. Receipts from State government (from page 2)</b>	41,282	2. Notes:	
<b>D. Receipts from Federal Government (from page 2)</b>	0	a. Interest	
<b>E. Total receipts (A.7 + B + C + D)</b>	147,102	b. Redemption	
		c. Total (a. + b.)	0
		3. Total (1.c + 2.c)	0
		<b>C. Payments to State for highways</b>	
		<b>D. Payments to toll facilities</b>	
		<b>E. Total disbursements (A.6 + B.3 + C + D)</b>	147,102

**IV. LOCAL HIGHWAY DEBT STATUS**  
(Show all entries at par)

	Opening Debt	Amount Issued	Redemptions	Closing Debt
<b>A. Bonds (Total)</b>				0
1. Bonds (Refunding Portion)				
<b>B. Notes (Total)</b>				0

**V. LOCAL ROAD AND STREET FUND BALANCE**

	A. Beginning Balance	B. Total Receipts	C. Total Disbursements	D. Ending Balance	E. Reconciliation
		147,102	147,102		(0)

**Notes and Comments:**

<b>LOCAL HIGHWAY FINANCE REPORT</b>	STATE: Colorado
	YEAR ENDING (mm/yy): December 2024

**II. RECEIPTS FOR ROAD AND STREET PURPOSES - DETAIL**

ITEM	AMOUNT	ITEM	AMOUNT
<b>A.3. Other local imposts:</b>		<b>A.4. Miscellaneous local receipts:</b>	
a. Property Taxes and Assessments	554	a. Interest on investments	
b. Other local imposts:		b. Traffic Fines & Penalties	102
1. Sales Taxes		c. Parking Garage Fees	
2. Infrastructure & Impact Fees		d. Parking Meter Fees	
3. Liens		e. Sale of Surplus Property	
4. Licenses		f. Charges for Services	
5. Specific Ownership &/or Other	13,117	g. Other Misc. Receipts	
6. Total (1. through 5.)	13,117	h. Other	
c. Total (a. + b.)	13,670	i. Total (a. through h.)	102
	(Carry forward to page 1)		(Carry forward to page 1)

ITEM	AMOUNT	ITEM	AMOUNT
<b>C. Receipts from State Government</b>		<b>D. Receipts from Federal Government</b>	
1. Highway-user taxes	37,476	1. FHWA (from Item I.D.5.)	
2. State general funds		2. Other Federal agencies:	
3. Other State funds:		a. Forest Service	
a. State bond proceeds		b. FEMA	
b. Project Match		c. HUD	
c. Motor Vehicle Registrations	3,806	d. Federal Transit Admin	
d. Other (Specify) - DOLA Grant		e. U.S. Corps of Engineers	
e. Other (Specify)		f. Other Federal	
f. Total (a. through e.)	3,806	g. Total (a. through f.)	0
4. Total (1. + 2. + 3.f)	41,282	3. Total (1. + 2.g)	
			(Carry forward to page 1)

**III. DISBURSEMENTS FOR ROAD AND STREET PURPOSES - DETAIL**

	ON NATIONAL HIGHWAY SYSTEM (a)	OFF NATIONAL HIGHWAY SYSTEM (b)	TOTAL (c)
<b>A.1. Capital outlay:</b>			
a. Right-Of-Way Costs			0
b. Engineering Costs			0
c. Construction:			
(1). New Facilities		0	0
(2). Capacity Improvements			0
(3). System Preservation			0
(4). System Enhancement & Operation			0
(5). Total Construction (1) + (2) + (3) + (4)	0	0	0
d. Total Capital Outlay (Lines 1.a. + 1.b. + 1.c.5)	0	0	0
			(Carry forward to page 1)

**Notes and Comments:**



## MEMORANDUM

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: May 1, 2025

RE: Engineering Fee Estimate for 2025 Pavement Repair and Surface Treatment Program

### DISCUSSION:

Attached is a scope of work and fee estimate from SEH for their management of the 2025 pavement repair and surface treatment program. This Agreement is for the development of the 2025 surface treatment program, bidding, and construction observation services. The total cost estimate is \$9,075.00. In the 2025, \$12,500 was approved for SEH engineering road maintenance.

### RECOMMENDED MOTION:

*"I move to approve the SEH Fee Estimate for 2025 Pavement Repair and Surface Treatment Program."*

### ATTACHMENTS:

Exhibit A – SEH Supplemental Letter Agreement and Fee Estimate



## Supplemental Letter Agreement

In accordance with the Master Agreement for Professional Services between Town of Foxfield (“Client”), and Short Elliott Hendrickson Inc. (“Consultant”), effective January 1, 2015, and the 2025 Contract Amendment, this Supplemental Letter Agreement dated April 10, 2025 authorizes and describes the scope, schedule, and payment conditions for the Consultant’s work on the Project described as: **2025 Pavement Repair and Surface Treatment Program**

**Client’s Authorized Representative:** Karen Proctor, Town Administrator

**Address:** P.O. Box 461450  
Foxfield, Colorado 80046-1450

**Telephone:** 303.905.9339      **e-mail:** kproctor@townoffoxfield.com

**Project Manager:** Erica Olsen

**Address:** 2000 S. Colorado Blvd. Suite 6000  
Denver, CO 80222

**Telephone:** 303.586.5828      **e-mail:** eolsen@sehinc.com

The Basic Services to be provided by the Consultant as set forth herein is provided subject to the General Conditions and Exhibits attached to this Agreement.

**Understanding:** SEH has developed this scope and fee to address the annual roadway pavement maintenance plan for 2025 for the Town of Foxfield.

SEH’s project team will consist of Erica Olsen, P.E., who will serve as Project Manager and Professional Engineer/Field Representative Blayne Risk.

**Project History:** In 2023, the final phase of chip seal and slurry surface treatments was completed in the Town of Foxfield. Annual inspections and ongoing preventative maintenance of the Town’s roadways began in 2024 and are necessary in the years between full surface treatments.

### Scope of Services:

Proposed services include the following:

#### Task 1 – Administration

- Project task set up and close-out
- Miscellaneous task coordination with Town staff.

#### Task 2– Program Development

- Review plan for 2025 with Town budget
  - *Adjust 2025 plan to meet budget.\**
  - *Field observation of 2024 completed streets for warranty work.\**
  - *Field observation of proposed 2025 streets for patching, crack patching, crack sealing or mastic repair. This includes, but is not limited to asphalt, concrete, and aggregate shoulders.\**

*Work has already been completed and billed under Task 9.0\**

### **Task 3 - Bid Document Preparation and Assistance (after Town Board Acceptance)**

- *Update specifications for proposed repairs and treatments.\**
- *Update typical details for patching and crack sealing.\**
- *Develop street map for the 2025.\**
- *Prepare bid forms.\**
- *Work with the Town Attorney and Administrator to develop contract documents for the Project Manual.\**
- Conduct pre-bid meeting and site visit with contractor. Scope assumes bid will go out to previous Town roadway contractor, Vance Bros. Shoulder and sign work to be done by Terracare and is not included in this work.
- Answer questions and prepare addenda as required.
- Receive bid and conduct bid review for accuracy and completeness.

*Work has already been completed and billed under Task 9.0\**

### **Task 4 – Construction Services**

- Conduct pre-construction meeting with contractor.
- Review material submittals within three business days of receipt.
- Mark patching and mastic areas prior to work.
- The inspector will prepare a daily log with photographs.
- At the completion of work the inspector will measure quantities and meet with the contractor to confirm.
- SEH will conduct a substantial completion walk through with the contractor and develop a punch-list of items to be completed.
- When the punch-list has been completed, SEH will field verify punch-list items have been addressed, and we will prepare a notice of final acceptance.
- SEH will review the contractor's pay requests.

### **Scope Exclusions**

The proposed work does not include:

- Field Survey
- Utility Locates
- Fees for posting or advertising
- Material testing
- Preparation of construction traffic control or MHT plans
- Services include no more than two reviews of contractor submittals
- Construction observation in excess of ten days
- Title commitments
- Legal descriptions and exhibits
- Construction survey staking

### **Schedule:**

Field observation to assess the locations where repair is required will be performed in April, weather permitting. Bid packages would be completed in April and the sent to Vance Bros. by the end of April. Bids could then be received by the end of May. Work schedule to be coordinated with contractor for summer 2025.

### **Payment:**

Attached is a spreadsheet with estimated hours for each task based on the hourly rates in our 2025 on-call contract amendment. The total, not-to-exceed, fee for this proposal is **\$9,075.00**. (This includes some fees already spent. See spreadsheet for details) These fees include all labor, expenses, mileage and materials. Additional work, if requested, shall be compensated in accordance with the rates provided.

**Other Terms and Conditions:**

Other or additional terms contrary to the Master Agreement for Professional Services that apply solely to this project as specifically agreed to by signature of the Parties and set forth herein:

1. An item of work that is not specifically included and identified as a "Task" within the Scope of Work is specifically excluded from the Scope of Work.

SEH will not proceed with this work without prior approval from the Town of Foxfield. If this proposal is accepted, please sign below and return a pdf copy to SEH. Please feel free to call Erica Olsen or Blayne Risk with any questions.

Thank you for providing SEH this opportunity to assist you with this important project.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Erica Olsen, P.E. CO  
Project Manager  
720.280.3695



Blayne Risk  
Graduate Engineer  
720.477.1204

Accepted for the Town of Foxfield

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

2025 Roadway Maintenance Plan, Bid and Construction Assistance							
April 22, 2025							
Task	Description	Senior	Professional	Senior	Sub	Expenses	Task Subtotal
		Project Manage	Engineer I	Accountant	Consultant		
2025 Hourly Rates		\$250.00	\$167.00	\$145.00			
<b>1</b>	<b>Administration</b>	2		1	\$0.00		\$645.00
<b>2</b>	<b>Program Development</b>						
2.1	Review and adjust 2025 plan*	1	4		\$0.00		\$918.00
2.2	Field inspection of streets*	1	8		\$0.00		\$1,586.00
<b>3</b>	<b>Bid Assistance</b>						
3.1	Update specifications*		1		\$0.00		\$167.00
3.2	Update typical details*		0.5		\$0.00		\$83.50
3.3	Street map*	1	1		\$0.00		\$417.00
3.4	Bid forms*	0.5	1		\$0.00		\$292.00
3.5	Contract documents*	1	1		\$0.00		\$417.00
3.6	Coordinate with potential bidder (does not include public bid process)		1		\$0.00		\$167.00
3.7	Bid review		1		\$0.00		\$167.00
<b>4</b>	<b>Construction Services</b>						
4.1	Conduct pre-construction meeting	2	2		\$0.00		\$834.00
4.2	Review submittals	0.5	2		\$0.00		\$459.00
4.3	On-site observation (2 days)		8		\$0.00		\$1,336.00
4.4	Measure quantities and prepare substantial completion punch-list	1	2		\$0.00		\$584.00
4.5	Final walk through		3		\$0.00		\$501.00
4.6	Notice of acceptance		1		\$0.00		\$167.00
4.7	Review pay request		1		\$0.00		\$167.00
	Subtotal Hours	10	37.5	1			
	Subtotal Fees	\$2,500.00	\$6,262.50	\$145.00	\$0.00	\$0.00	
	<b>Total Project Estimated Labor</b>						<b>\$8,907.50</b>
	Expenses 250 miles @ \$0.67/miles						<b>\$167.50</b>
	<b>Total Time &amp; Materials Not-to-Exceed Fee</b>						<b>\$9,075.00</b>
	<b>Subtotal for Work Still to be Completed</b>						<b>\$5,194.50</b>

**Notes:**

Work has already been completed and billed under Task 9.0\*





## MEMORANDUM

**TO:** Mayor Jones and Members of the Board

**FROM:** Monica Torres, Town Clerk

**DATE:** May 1<sup>st</sup>, 2025

**RE:** LUC – Article 6: Definitions Part 2

During this session we will be going over the second part of Article 6: Definitions. We are looking forward to finishing this section so we can turn in a final review of all the articles to Austin. He will then take this version to create the sign chart, and we will present a final version for your approval. Please take this time to make sure that your outstanding questions and comments are addressed.

**ATTACHMENT:**  
Exhibit A: LUC – Article 6: Definitions

Building Official. After inspection by the Building Official and provided that the use shall be in conformance with the provisions of this Chapter and all other applicable regulations, a certificate of occupancy shall be issued. A copy of all certificates of occupancy shall be filed by the Building Official and shall be available for examination by any person with either proprietary or tenancy interest in the property or building.

- (c) The Town is empowered, pursuant to Article 5 of this Chapter, to order in writing the remedy of any violation of any provision of this Chapter. After any such order has been served, no work on or use of any building, other structure or tract of land covered by such order shall proceed, except to correct such violation or comply with said order.
- (d) Building permits for new nonresidential construction may be referred to the Town Planner and Town Engineer for review of necessary public improvements.
- (e) The Town shall not accept any land use application for property currently being used or occupied in violation of this Chapter unless said application seeks to obtain an approval by the Town that would cause the property to be in compliance with the regulations of the Town.

## Article 6: Definitions

### 1. Rules of Construction<sup>150</sup>

All words and terms used in this Land Use Code have their commonly accepted dictionary meaning unless they are specifically defined in this Land Use Code or the context in which they are used clearly indicates to the contrary. The following rules of construction apply:

- a. All words used in the present tense include the future tense.
- b. All words used in the singular number include the plural, and words in the plural number include the singular.
- c. The word "shall" is mandatory, and not discretionary, and the word "may" is permissive.
- d. The word "building" shall include the word "structures."

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<sup>150</sup> New.

- e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The words "land," "property", "parcel," "premise," and "tract" are all interchangeable unless the context clearly indicates to the contrary.
- g. The word "individual" includes a "firm," "association," "organization," "partnership," "trust," "company," or "corporation" as well as a single individual.

2. General Definitions<sup>151</sup>

**ABUTTING**

Having a common property line or district line with an adjacent property. Properties separated by a right-of-way or easement shall be deemed abutting if, in the absence of the right-of-way or easement, the properties would have a common boundary.

**ACCESSORY USE OR STRUCTURE**

A use or structure subordinate to the principal structure or use which serves a purpose customarily incidental to the principal use and normally incidental to a use by right and complying with all the following conditions:

- a. Is clearly subordinate, incidental and customary to and commonly associated with the operation of the use by right.
- b. Is operated and maintained under the same ownership as the use by right on the same zone lot.
- c. Includes only those structures or structural features consistent with the use by right.
- d. Fences, gates, walls and utility poles are exempt from dimensional requirements and the number of allowed structures in each zone district.
- e. Has no party wall or common wall with another structure. Bridges, tunnels, basements, breezeways and other similar means of connecting one structure to another shall not, for the purpose of this Code, be considered to constitute a party wall or common wall.

**ACRE, GROSS**

An area in any shape containing 43,560 square feet.

**ADJACENT**

Either immediately contiguous to or abutting a neighboring property, lot or walkway, and excludes property, lots, or walkways across the street from, or diagonally opposite across an intersection from the subject property, lot, or walkway.

**AGENT**

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<sup>151</sup> Sec. 16-6-10; 16-4-50(b); 17-2-50. Duplicative definitions were combined. Simplified throughout. Removed the following definitions: public hearing; regular meeting; subdivision regulations;

Includes any person acting on behalf of or in place of the owner.

**AGRICULTURE PRODUCTION<sup>152</sup>**

Establishments engaged in the production of crops, plants, or vines, including forestry, and the incidental sale of produce raised on the premises to individuals or establishments.

**ALLEY<sup>153</sup>**

A public or private vehicular passageway dedicated or permanently reserved as a means of secondary access to abutting property and designated an alley on a final plat.

**ALTER**

To change any of the supporting members of a building, such as bearing walls, columns, beams or girders.

**ANIMALS, FARM OR DOMESTIC LIVESTOCK**

Farm animals or domestic livestock includes such animals as are not normally considered household pets that are kept wholly or partially outside of a residential structure.

**ANIMATED SIGN**

Any sign which changes or any part of which changes physical position by any movement or rotation.

**AUTHORIZED INSPECTOR**

Any police officer, Building Inspector, Arapahoe County Health Officer, Code Enforcement Officer or any other officer of the Town duly authorized to examine any public or private property within the Town for the purpose of ascertaining the nature and existence of any nuisance.

**AUTOMOTIVE CENTER AND SERVICES**

An establishment that is engaged in both the retail sales of a limited or full range of vehicle parts and fuels and the repair and maintenance of automobiles and light trucks. Self service, automated, or full service car washes as a primary use of property are included in this.

**ART GALLERY, MUSEUM, OR LIBRARY<sup>154</sup>**

A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, or scientific value.

**BANNER**

A flexible material (e.g., cloth, paper, vinyl, etc.) on which a sign is painted or printed.

**BANNER (ADVERTISING)**

A temporary sign, typically of canvas or plastic material which is not attached to a permanent mounted backing but which is securely fastened to a building at all times, which is used for the

**Commented [Cf60]:** Individual or establishments - does this mean a commercial grow? Incidental sale - what does this mean? We currently have a garlic farm happening in Foxfield.

**Commented [AF61R60]:** It relates just to the sale of produce which can be purchased by an individual (e.g., someone picking up garlic for household use) and a commercial entity (e.g., a Whole Foods truck buying a truck of garlic).

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<sup>152</sup> New.

<sup>153</sup> Removed duplicative definition.

<sup>154</sup> New.



purpose of announcing a "grand opening," "going out of business," "now hiring" or other commercial purpose.

**BANNER (ARCHITECTURAL)**

A temporary sign, displayed from a pole, light post or building for a holiday, seasonal or special event, and which does not qualify as an advertising banner sign.

**BARN AND STABLE<sup>155</sup>**

An accessory structure designed and constructed to primarily supplement agricultural operations. The structure shall not be a place of human habitation or a place of employment where products are processed, treated or packaged; nor shall it be a place used by the public.

**BEE**

Any stage of the common domestic honeybee, *Apis mellifera* species.

**BERM**

A mound of earth used for screening, definition of space, noise attenuation and/or decoration in landscaping.

**BILLBOARD**

A sign placed on a pole or similar standard designed so that advertising space can be leased for a business, product or service not available on the premises.

**BLADE SIGN**

See Projecting sign.

**BLOCK**

A parcel of land intended to be used for urban purposes, which is entirely surrounded by public streets, highways, public walks, parks or green strips, rural or vacant land or drainage channels or a combination thereof.

**BOARD OF ADJUSTMENT**

A group of individuals appointed or designated by the Board of Trustees as having the responsibility for hearing requests for variances from these regulations or for hearing appeals as to the interpretation of the provisions of these regulations. The Board of Trustees may act as the Board of Adjustment when no such separate body has been appointed or designated.

**BOARD OF TRUSTEES**

The Board of Trustees of the Town of Foxfield.

**BUFFER**

A horizontal distance or margin of land designed to provide an attractive space or area, obstruct undesirable views, serve as an acoustic barrier or screen from objectionable noise, smoke or visual impact, provide for future public improvements or additional open space or generally reduce the impact of adjacent development.

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<sup>155</sup> New.

## BUILDING

Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), having one or more floors, walls, a roof and permanently affixed to the ground.

### BUILDING COVERAGE

The amount of land taken up by the building itself on a zone lot. This "footprint" or building line viewed directly from above the structure includes all attached eaves, cornices, decks (covered and uncovered), covered patios (ground level and uncovered not included), balconies or other building attachments such as garages, porches, porch covers and the like; also includes the ground coverage of accessory uses. The footprint may not encroach into any setback or yard requirement unless otherwise defined in this Chapter (see also Projections). The amount of building coverage per zone lot specified in each zone district is the maximum amount of land that can be covered by all structures, whether they are principal or accessory uses, attached or detached.

### BUILDING ENVELOPE

An area within the property boundaries of a lot or property within which an allowed building or structure may be placed.

### BUSINESS OR PERSONAL SERVICES<sup>156</sup>

An establishment primarily engaged in providing services involving the care of a person or their apparel or rendering services to business establishments on a fee or contract basis, such as barber shops, clothing rental, tattoo or piercing parlor, photographic studios, cleaning and garment services (but not including power laundries or dry cleaning plants), coin operated laundries, advertising and mailing, building maintenance, office equipment rental and leasing, photo finishing, business supply services, computer programming/data processing services, locksmiths, and repair of business or household goods and equipment generally weighing less than 25 pounds.

### CANOPY

An accessory roof-type structure which is permanently affixed to the ground and typically not enclosed. As accessory structures, these structures would be exempt from the minimum distance requirements between structures. These structures shall meet all other minimum yard requirements within the zoning district.

### CANOPY SIGN

A projecting wall sign affixed above a doorway or window and attached to and supported by the wall of the building, by columns extending from the ground or by a combination of a building and columns.

### CERTIFICATE OF OCCUPANCY

Official certification by the Building Official that a premises conforms to provisions of the Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures.

<sup>156</sup> New.

**Commented [Cf62]:** Building vs. Loafing Shed vs. Structure. Are these definitions being used well in the code? Are these interchangeable? it is not our intent to do that

**Commented [AF63R62]:** It's a funnel. A building and shed are a type of structure. The former is generally for shelter. The latter is generally for storage.

**Commented [Cf64]:** Can typically be removed? If it is enclosed, then it needs to meet that definition and meet set backs.

**Commented [AF65R64]:** Definitely

**CLUSTERED DEVELOPMENT**

A type of land use design concentrating development in one or more areas of the project and allowing for a reduction in lot size below minimum requirements when compensating amounts of open space are provided within the proposed development.

**COLLECTOR'S ITEM**

A motor vehicle or implement of husbandry that is at least 25 years old and is of historic or special interest. In order to be considered a collector's item, a motor vehicle shall meet all criteria of "collector's item" as defined in Section 42-12-101, et seq., C.R.S., in addition to all other applicable statutes and ordinances.

**COLONY**

A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

**COMMISSION**

The Planning Commission of the Town of Foxfield, Colorado.

**COMMUNITY CENTER<sup>157</sup>**

A building or portion of a building used for nonprofit, cultural, educational, recreational, religious, or social activities that is open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

**COMPREHENSIVE PLAN**

Comprehensive Plan (Master Plan): The Master Plan for the Town of Foxfield, as may be adopted and prepared or which is being prepared for the Town and which includes any part or unit of any such plan separately adopted and any amendment to such plan or parts thereof. It is a plan for the future growth, protection and development of the Town, which makes recommendations and policies to provide adequate facilities for housing, transportation, convenience, public health, safety and the general welfare of its population.

**CONSTRUCTION**

Any site preparation, assembly, erection, substantial repair, alteration, demolition or similar action.

**CONSTRUCTION AND SALES OFFICE<sup>158</sup>**

Buildings, structures, facilities or trailers, or portions thereof, used for the purpose of the administration and management of construction activity and/or for selling or leasing dwelling units or non-residential space on the lot.

**CONVENIENCE STORE CONVENIENCE SERVICE**

A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

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<sup>157</sup> New.

<sup>158</sup> New.

**COOP<sup>159</sup>**

A small enclosed area or structure where chickens are kept.

**COPY**

The words, letters, symbols, illustrations or graphic characters used to convey the message of a sign.

**CUL-DE-SAC**

A short street having only one end open to traffic and being terminated at the other end by a vehicular turnaround.

**DAY CARE CENTER**

A facility, including a child care center, which is maintained for the whole or part of a day for the care of five or more children under the age of 16 years and not related to the owner, operator or manager thereof, whether such facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes facilities commonly known as day care, day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, centers for disabled persons and those facilities which give twenty-four-hour care for children and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private or parochial college or a private or parochial school; except that the term shall not apply to any kindergarten maintained in connection with a public, private or parochial elementary school system of at least six grades.

**DENSITY**

A unit of measurement, specific to development, to be interpreted as the number of dwelling units per acre of land.

**DENSITY, GROSS**

The average number of dwelling units or gross commercial building floor area per acre for the entire development area or site (property boundaries), including all roads and easements within the property boundaries.

**DEVELOPMENT**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DIRECTORY SIGN**

A sign utilized on a parcel containing more than one legal use that lists the names and/or other information of the individual businesses located on the parcel.

**DIRECTIONAL SIGN**

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<sup>159</sup> New. Incorporated from Article 3:4(b)(i)(5).

Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to or inclusion of, the name of a product sold or services performed on the lot or in a building, structure or business enterprise occupying the same.

#### **DISPOSITION**

A contract of sale resulting in the transfer of equitable title to an interest in subdivided land; an option to purchase an interest in subdivided land; a lease or assignment of an interest in subdivided land; or any other conveyance of an interest in subdivided land which is not made pursuant to one (1) of the foregoing.

#### **DRAINAGEWAY**

An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water.

#### **DRIVE-THROUGH RESTAURANT**

A restaurant operation located either within a retail center or situated on its own freestanding pad, which primarily: a) serves food that is prepared and/or packaged within five (5) minutes and is generally intended for consumption away from the premises; b) contains a drive-in or drive-through facility; and/or c) is intended to primarily serve the passerby and/or motoring public.

#### **DWELLING**

Any building or portion thereof, used exclusively for residential purposes. Single-family - A building containing one kitchen designed and/or used to house not more than one family, including necessary employees of each such family. Multi-family - A building designed and/or used to house two or more families, living independently of each other, including necessary employees of each such family. This includes duplexes, condominiums, townhouses and apartments. Living unit - A building or portion thereof containing one family, including necessary employees of such family.

#### **DWELLING UNIT**

A single structure with one or more rooms designed to function as a single living unit and containing only one kitchen plus living, sanitary and sleeping facilities.

#### **DWELLING, DUPLEX<sup>160</sup>**

A single building on a single lot containing two dwelling units under one roof, each of which is occupied by one family.

#### **DWELLING, MULTIFAMILY<sup>161</sup>**

One or more buildings or portion of buildings on a single lot that contains one or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway, and regardless of whether the dwelling units are owned or rented. This definition shall not include any other type of defined dwelling.

#### **DWELLING, SINGLE-FAMILY ATTACHED<sup>162</sup>**

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<sup>160</sup> New.

<sup>161</sup> New.

<sup>162</sup> New.

**Commented [Cf66]:** Can we remove this? Need to ask Lisa

**Commented [AF67R66]:** I would recommend keeping it so you ensure all dwellings are livable. This is a building code requirement.

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot.

**DWELLING, SINGLE-FAMILY DETACHED<sup>163</sup>**

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes “Dwelling, Manufactured Home” but does not include "Dwelling, Mobile Home."

**EATING AND DRINKING ESTABLISHMENTS<sup>164</sup>**

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food and beverages on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shop, but does not include Fast Food Restaurants.

**EASEMENT<sup>165</sup>**

A right granted by a property owner permitting a designated part or interest of the property to be used by others for a specific use or purpose. A right to use the land of another for a special purpose not inconsistent with the ownership of that land.

**EAVE(S)**

An edge of the lower portion of the roof which projects beyond the face of an exterior wall.

**ELECTRIC VEHICLE CHARGING STATION<sup>166</sup>**

A facility or area where electric-powered or hybrid-powered motor vehicles can obtain electrical current to recharge batteries and that is accessory to a primary use of the property.

**ELECTRONIC MESSAGE CENTER SIGN**

A sign whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electronically illuminated or mechanically driven changeable segments. This includes signs that have to be preprogrammed to display only certain types of information (i.e., time, date, temperature) and signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

**EMERGENCY**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage, which demands immediate action.

**EMERGENCY WORK**

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<sup>163</sup> New.

<sup>164</sup> New.

<sup>165</sup> Combined duplicative definitions.

<sup>166</sup> New.

**Commented [Cf68]:** Can this portion be removed? Trustees don't necessarily want to prohibit this as a primary use for future development and technological advancements.

**Commented [AF69R68]:** Definitely. I would modify to: "... And that may be either an accessory or primary use of land." I would also add it as a primary use in the uses table under **Utility and Communication Uses** (right now it's just listed under accessory uses).

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**ENCLOSED STRUCTURE**

A Structure with continuous walls on all sides, extending from the ground level to the roof, with doors and windows (as deemed necessary) at various locations in the walls and including a continuous roof sheltering all areas within the wall perimeter.

**ESTATE SALE**

The selling of property at a residence, upon the death of the owner or occupant of said residence, by the executor, administrator, conservator or guardian thereof.

**EVIDENCE**

Any map, table, chart, contract or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which shall be relevant and competent and shall support the position maintained by the subdivider.

**FAMILY**

Includes the following:

- a. A single individual or a collective body of persons in a domestic relationship based upon blood, marriage, adoption or fostering, living as a separate, independent housekeeping unit, including domestic servants; or
- b. A group of not more than six unrelated persons, all living together as a separate housekeeping unit in a single dwelling unit. Excludes boarding or rooming houses, lodges, clubs, hotels, motels or fraternities:

Notwithstanding the above, a family shall be deemed to include no more than eight persons not related by blood, marriage, adoption or legal custody occupying a residential dwelling unit and living as a single housekeeping unit if the occupants are within the definition of "group home" as defined in Section 31-23-303, C.R.S.

**FAST FOOD RESTAURANT**

An establishment whose primary business is the sale of food and/or beverages in a ready to consume state for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry out order, and whose principal method of operation involves serving food and/or beverages in edible containers or in paper or other disposable containers.

**FENCE**

A linear structure of wood, wire, metal, brick, stone, frame, stucco or other manufactured material or combination thereof, including gates and posts, which is intended to define an area, mark a property boundary, contain animals, provide screening or reduce roadway noise.

**FLAG**

Flags of the United States, the State, the Town, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of

competent jurisdiction, that is allowed to wave, flap or rotate with the wind. Flags may also be logos or solid color.

#### **FLASHING SIGN**

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

#### **FLOOD**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland waters; and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

#### **FLOODPLAIN<sup>167</sup>**

Any land area susceptible to being inundated by floodwaters from any source.

#### **FLOOR AREA RATIO (F.A.R.)**

The ratio of building gross square footage to the gross square footage of a parcel. The quotient of the gross floor area of all buildings on a lot divided by the area of said lot; for example:

Floor area 15,000 sq. ft. divided by land area = 43,560 sq. ft. = .34 (F.A.R.)

#### **FOR SALE SIGN**

A sign advertising an object or commodity, other than real estate, that is offered for sale.

#### **FREESTANDING SIGN**

A sign that is supported by one (1) or more columns, upright poles or braces extending from the ground or from an object on the ground or that is erected on the ground, where no part of the sign is attached to any part of a building, structure or other sign.

#### **FRONTAGE**

The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way line, unless otherwise defined. Also, see Lot frontage and Linear frontage.

#### **GARAGE OR CARPORT**

An accessory building or a part of a main building used for storage of private vehicles or boats of the family occupying the dwelling unit to which the garage is accessory.

#### **GARAGE SALE OR YARD SALE**

The selling of items or merchandise owned by the occupants of the residence at which the sale is held.

#### **GARBAGE**

Includes any vegetable or animal refuse, food or food product, matter from a kitchen, offal or carcass of a dead animal which, if deposited within the Town other than in a garbage receptacle, tends to create a danger to public health, safety and welfare or to impair the local environment.

**Commented [Cf70]:** Would a pride flag or a trump flag be considered a flag or would they be considered a sign? This could be answered when we get our new sign chart.

**Commented [AF71R70]:** Flags are a type of sign and per Supreme Court precedent governments can't regulate their content unless its obscene, defamation, etc. So, both types of flags would be permitted without a sign permit so long as they are smaller than 15 square feet and not affixed to any pole or structure that exceeds the maximum building height. See the Sign Code above.

<sup>167</sup> Combined duplicative definitions. Updated for clarity.



The use in this Subsection is not meant to prohibit properly maintained, odorless compost or manure piles.

**GREENHOUSE<sup>168</sup>**

A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale, for personal enjoyment, or for the temporary storage or display of plant material.

**GOVERNMENT SERVICE FACILITY<sup>169</sup>**

Any facility and its related premises, property, or equipment used to provide governmental services to the public.

**GRADE**

The vertical location of the ground surface.

**GRADE, EXISTING**

The surface level of the ground prior to alteration of the land by grading.

**GRADE, FINISH**

The surface level of the ground after completion of all grading.

**GRADE PLANE**

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the front façade.

**GRADING<sup>170</sup>**

Any change to the native contours of the surface of the property. This includes grading associated with building permits, the placement of fill material, cutting or reshaping a slope, berms, landscaping, or revising the area (square footage) and/or the point of discharge of surface drainage to adjacent property.

**GROSS FLOOR AREA (GFA)**

The total floor area of a building or structure enclosed by at least two impervious walls.

**GROUP HOME**

A residential dwelling or facility where eight or fewer persons, including staff, live as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and as interpreted by the courts, or by any similar legislation of the State, including but not limited to facilities providing housing for people with disabilities.

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<sup>168</sup> New.

<sup>169</sup> New.

<sup>170</sup> Combined duplicative definitions.

## **HAZARD**

A hazard to public health, safety and welfare and includes any activity so recognized by the laws and regulations of the United States, the State of Colorado, Arapahoe County or the ordinances of the Town. Such hazards shall also include, but not be limited to, activities likely to cause foul or offensive odors, promote the growth or propagation of disease-carrying insects, pollute the air or ground waters of adjacent property, create loud or offensive sounds, cause drainage and runoff to occur in other than historical patterns or dead trees or vegetation that constitute such a hazard.

## **HEIGHT, BUILDING<sup>171</sup>**

The vertical distance from the average finished grade surface of the building, structure, or wall exposed above the ground surface to the highest point of the roof, parapet wall, or uppermost part of the building or structure except that chimneys, bell towers, steeples, water towers, and roof-mounted mechanical equipment shall be exempt from the building height definition when extending no more than six feet above the highest point.

## **HIVE**

A structure intended for the housing of a bee colony.

## **HOME OCCUPATION**

Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit or in an accessory building on the premises by residents of the dwelling unit as more particularly described in Article 16-3 in this Code. Home Occupation includes automobile servicing, garden nursery, cottage foods, home childcare.

## **HOSPITAL**

A facility that makes available one or more of the following: medical, surgical, psychiatric, chiropractic, maternity and/or nursing services.

## **HOTEL OR MOTEL**

A building or group of attached or detached buildings designed for occupancy of specified rooms by short-term or part-time residents who are lodged with or without meals being provided in a restaurant and in which no facilities are provided for cooking in the individual rooms.

## **HOUSE FOR SALE**

A sign advertising a residential home located in the Town, which is currently being offered for sale.

## **ILLUMINATED SIGN**

A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

## **IMPERVIOUS COVERAGE**

Any material that substantially reduces or prevents the infiltration of stormwater or other water into previously undeveloped land.

**Commented [Cf72]:** Trustees want to remove this whole line. Was there a reason this needed to be added?

**Commented [AF73R72]:** This can be removed.

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<sup>171</sup> Combined with Structure Height and simplified.

## **IMPLEMENTS OF HUSBANDRY**

Every vehicle, farm tractor or machine that is designed, adapted or used for agricultural purposes.

## **IMPROVEMENT<sup>172</sup>**

Upgrading a piece of land by constructing buildings, streets, utilities and the like upon it or under its surface. Improvements may be either public or private depending upon who is the ultimate owner after construction. Improvements may also be designated as either "on-site" or "off-site" in relation to a development parcel.

## **INFLATED BALLOON**

A membrane device that is inflated and used as a sign by virtue of its shape or letters or figures that are affixed to it and that rests on the ground or is tethered and floats in the air.

## **INOPERABLE VEHICLE**

Any vehicle that: a) would be required to be licensed if operated on a public highway, but does not display current, valid license plates; b) does not work, move or run; c) is not functioning; d) is not operable for the function for which it was designed; or e) does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

## **JUNK**

Includes any old, used or secondhand materials of any kind, including, without limitation, cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, tires, brass, copper or other metal, furniture, refrigerators, freezers, all other appliances, the parts of vehicles, apparatuses and contrivances and parts thereof which are no longer in use, any used building materials, boards or other lumber, cement blocks, bricks or other second-hand building materials or any discarded machinery, vehicles or any other article or thing commonly known and classified as junk.

## **KENNEL**

Any building, structure or open space or portion thereof, used for the commercial breeding, raising, boarding or selling of animals that are more than six (6) months old or for more than one (1) litter.

## **LINEAL FRONTAGE**

The left-to-right maximum front dimension of a building.

## **LOADING AREA**

A parking space other than a public street or alley for the parking of commercial vehicles for the purpose of loading or unloading materials or merchandise.

## **LOAFING SHED**

Also known as a run-in shed, is a three-sided outdoor structure that shelters animals from the elements. Loafing sheds have a single sloped roof that provides protection from the wind while allowing the front of the shed to be exposed to the sun. They have one open side so that animals can enter and exit whenever they want. They can also be used to store animal supplies.

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<sup>172</sup> Combined duplicative definitions.

**LOGO**

Corporate colors, theme or other trademarked content.

**LOT<sup>173</sup>**

The unit into which land is divided on a subdivision plat or deed, with the intention of offering such unit for sale, lease or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. A lot is the smallest unit into which land is divided on a subdivision plat.

**LOT, CORNER**

A lot abutting two or more streets at their intersection or upon two parts of the same street and where in either case the interior angle formed by the intersection of the street lines does not exceed 135 degrees.

**LOT COVERAGE**

That portion of the lot area covered by a building, including all overhanging roofs and impervious surfaces.

**LOT, DOUBLE FRONTAGE**

A lot which runs through a block from street to street and which abuts two or more streets.

**LOT FRONTAGE**

That boundary of a lot which abuts a dedicated public street. In the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front line shall be designated by the owner based on the address of the property and filed with the Building Department.

**LOT LINE**

The external boundary of a lot.

**LOT WIDTH**

The distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest. Or, where no building exists, the average distance between two (2) side lot lines.

**MASTER PLAN**

The Master Plan and amendments thereto for the Town, which has been officially adopted to provide development policies for current and long-range development within the Town.

**MARQUEE**

A projecting wall sign affixed above a doorway or window and attached to and supported entirely by the wall of the building.

**MEDICAL FACILITY<sup>174</sup>**

An establishment engaged in providing diagnostic services, extensive medical treatment (including surgical services) and other hospital services, as well as continuous nursing service,

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<sup>173</sup> Combined duplicative definitions.

<sup>174</sup> New.

including general medical and surgical hospitals, specialty hospitals, medical laboratories, bio medical research and development, outpatient care facilities, medical schools and associated dormitories, medical appliance sales, and similar uses, but not including Veterinary and Animal Services.

**MONUMENT**

A pillar structure or other entryway feature of stone, brick, stucco, wood or similar material.

**MONUMENT SIGN**

A freestanding sign that is mounted on and supported by an architecturally compatible solid base. Generally, the length of the sign is greater than the sign height.

**MOTORCYCLE**

An unenclosed motor vehicle having a saddle for the use of the operator and two, three or four wheels in contact with the ground, including but not limited to motor scooters and mini-bikes.

**MUFFLER**

A device for abating the sound of escaping gases of an internal combustion engine and includes all similar sound dissipating devices in accordance with vehicle manufacturer specifications.

**NATIONAL COOPERATIVE SOIL SURVEY**

The soil survey conducted by the U.S. Department of Agriculture in cooperation with the State Agriculture Experiment Stations and other federal and state agencies.

**NOISE**

Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

**NOISE DISTURBANCE**

Any sound, which: a) endangers or injures the sanity or health of humans or animals; b) is audible at a residential property boundary; c) otherwise violates the specific prohibitions of this Section; or d) endangers or injures personal or real property.

**NONCONFORMING LOT**

Pertains to a defined lot where the area, width or other characteristic of which fails to meet requirements of the zoning district in which it is located.

**NONCONFORMING STRUCTURE**

A structure legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to the regulations of the zoning district in which it is located.

**NONCONFORMING USE**

A use legally existing and/or used at the time of adoption of this Chapter, or any amendment thereto, which does not conform to this Chapter.

**NUISANCE OR PUBLIC NUISANCE**

This includes:

Commented [Cf74]: Left off here

- a. The conducting or maintaining of any activity in violation of statute or ordinance:
- b. Any unlawful pollution or contamination of any air, water or other substance or material; any activity, operation or condition which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the Town, the Arapahoe County Health Department, County or State, continues to exist or be conducted in violation of statute, ordinance or regulation of the Town, the County or the State;
- c. Any activity, operation, condition, building, structure, place, premises or thing which is injurious to the public health, safety and welfare of the citizens of the Town, which contributes to blight or property degradation or which is indecent or offensive to the senses of an ordinary person, so as to interfere with the comfortable enjoyment of life or property. For the purposes of this Subsection, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a nuisance may be deemed a nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person; and
- d. Any nuisance defined or declared as such by applicable statute or ordinance.

**NURSING HOME, INCLUDING ASSISTED LIVING**

Facilities which make medical services and nursing care available for a continuous period of 24 hours or more to three or more persons not related to the operator.

**OFF-PREMISES SIGN**

Any sign, including, without limitation, a billboard or general outdoor advertising device, that advertises or directs attention to a land use, business, commodity, service or activity not located or available upon the premises whereon the sign is located.

**OFF-STREET PARKING**

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

**OPEN FENCE**

A fence that is seventy percent (70%) or more open. Examples of open fences include split rail and ornamental iron.

**OPEN SPACE**

A parcel of land, an area of water or a combination of land or water within the site designated for a Planned Development or subdivision, designed and intended primarily for the use or enjoyment of residents, occupants and owners of the P.D. and/or the general public for uses, including but not limited to recreation areas and facilities, gardens, parks, walkways, paths and trails and areas of native vegetation left substantially in their natural state or supplemented by additional plant material. The term shall not include space devoted to buildings, streets, roads and other ways, parking and loading areas. Open space credit for nonresidential developments shall be given for treatments such as berms, sodded areas, trees, water features, decorative rock treatments and, in some cases, landscaped plazas and atriums.

- a. Common open space means open space designed or intended primarily for the common use of the lawful owners, residents and occupants of a P.D. or subdivision, but not

necessarily including the general public, which is owned and maintained by an organization established for such purpose or by other adequate arrangements.

- b. Public open space means an open area developed, designed and dedicated to a public authority for use by the occupants of the development and by the general public. Portions of areas containing steep slopes (angle of incline greater than 45 degrees) and special sub- areas of floodplains (such as bogs) may not be dedicated as public open space.

**OUTDOOR STORAGE**

The storage of materials, equipment or vehicles, which material is either wholly or partially visible from the any right-of-way, any neighbor or abutting lot.

**PARKING SPACE**

That part of a parking area, exclusive of drives, turning areas or loading spaces, devoted to parking of one (1) vehicle or automobile.

**PERMANENT SIGN**

A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmovable, nonportable supporting structure.

**PERSON**

An individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

**PETS<sup>175</sup>**

Dogs, cats, small animals, reptiles and birds which are customarily kept in the home or on the premises, as those that may be purchased at local pet stores, for the sole pleasure and enjoyment of the occupants.

**PLACE OF WORSHIP**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**PLANNING COMMISSION**

The Town of Foxfield Planning Commission. In the absence of a separate appointed Planning Commission, the Board of Trustees is hereby authorized to act as the Planning Commission for purposes of these regulations within the meaning of Part 2 of Article 23 of Title 31, C.R.S.

**PLANNED DEVELOPMENT (PD)**

An area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or restrictions of the existing land use regulations.

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<sup>175</sup> Combined Pet Animal and Domestic Animal definitions.

**PLANNED SIGN PROGRAM**

A program designed to provide flexibility in signage for business, commercial, institutional and Planned Development uses.

**PLAT, FINAL**

The map of a proposed subdivision and specific supporting material drawn and submitted in accordance with the requirements of adopted regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

**PLAT, PRELIMINARY**

The map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.

**PLAT, SKETCH**

A map of a proposed subdivision, drawn and submitted in accordance with the requirements of the subdivision regulations, to evaluate feasibility and design characteristics at an early state in the planning.

**PLOT PLAN**

A surveyed overhead view plan that shows the location of the building on the lot and includes all easements, property lines, setback lines and a legal description of the lot.

**POCKET PARK**

A small park that accommodates passive recreation activities and other unstructured activities. Pocket Parks are between 70 and 2,500 square meters in size, have frontage on at least one public street, and are primarily hard surfaced with limited soft surface elements.

**PORTABLE SIGN**

A freestanding temporary sign, which is not affixed to the ground, a sign structure, building, canopy or awning and which is capable of being carried or moved about.

**PRINCIPAL USE**

The primary use located on a given lot or parcel of land, as opposed to an accessory use; also, a use which is listed as a use by right in any given zone district in this Chapter.

**PRINCIPAL USE OR STRUCTURE**

The primary use or structure located on a given lot or parcel of land, as opposed to an accessory use or structure.

**PRIVACY FENCE**

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

**PROJECTING SIGN**

A sign which projects, in whole or in part, more than 18 inches horizontally beyond the face of the building on which it is displayed. A blade sign is a projecting sign.



**PROJECTIONS**

Parts of buildings, such as architectural features that are exempted, to a specified amount, from the setback requirements of this Chapter.

**PROPERTY BOUNDARY**

An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

**PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, highway, sidewalk or alley or similar place, which is owned or controlled by a governmental entity. This term includes Town right-of-way.

**PUBLIC SPACE**

Any real property or structures thereon which are owned or controlled by a governmental entity.

**PUBLIC UTILITIES**

Every firm, partnership, association, cooperative, company, corporation and governmental agency and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewerage, pipeline, street transportation, sleeping car, express or private car line facilities and services.

**RAIL FENCE**

Typically, an open fence with vertical posts spaced approximately six to eight feet apart and two to four horizontal rails.

**REAL ESTATE SIGN**

A sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.

**RECREATIONAL FACILITIES**

Uses, structures and/or land utilized for the provision of recreational activities and/or open space that may be developed, operated and/or maintained by a public entity.

**RETAIL ESTABLISHMENT<sup>176</sup>**

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including furniture and appliance sales and business centers. These establishments are characterized by the following: 1) They buy and receive as well as sell merchandise; 2) They may process some products, but such processing is incidental or subordinate to the selling activities; and 3) They predominantly sell to customers for their own personal or household use.

**RESIDENTIAL PROPERTY**

Property that is zoned primarily for residential use.

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<sup>176</sup> New.

**RESUBDIVISION**

The changing of any existing lot on any subdivision plat previously recorded with the County Clerk and Recorder.

**REZONING**

A revision to the Official Zoning Map.

**RIGHT-OF-WAY<sup>177</sup>**

An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians and/or facilities of a public utility.

**ROOF SIGN**

A sign that is mounted on or projects above any part of the roof of a building or which is wholly dependent upon a building for support and which projects above the roof of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

**SCHOOL, PUBLIC OR PRIVATE<sup>178</sup>**

A public, parochial or private school which provides an educational program for one or more grades between grades one and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

**SCREENING**

A structure erected or vegetation planted to conceal from viewers the area behind it.

**SEPARATION DISTANCE**

The distance between structures measured from the foundation of one structure to the foundation of an adjoining structure.

**SETBACK**

The distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Where angled buildings or lots, curved streets, etc., exist, the setback shall be taken as an average distance. Setback also refers to the horizontal distance (plan view) between the delineated edge of wetlands, stream/river corridors, riparian areas or wildlife habitat and the closest projection of a building or structure.

**SETBACK, FRONT YARD OR FRONT LOT**

A line which forms a vertical plane parallel with a front lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such lot line and intersecting two (2) other lot lines of such lot.

**SETBACK LINE**

A line or lines within a property defining the minimum horizontal distance required between a building or structure and property line.

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<sup>177</sup> Combined duplicative definition.

<sup>178</sup> New.

**SETBACK, REAR YARD OR REAR LOT**

A line which forms a vertical plane parallel with a rear lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such rear lot line and intersecting two (2) other lot lines of such lot.

**SETBACK, SIDE YARD OR SIDE LOT**

A line which forms a vertical plane parallel with a side lot line of a lot, tangent to that part of a building or structure situated on such a lot which is closest to such side lot line and intersecting two other lot lines of such lot.

**SHED**

A simple roofed structure, typically made of wood or metal, used as a storage space or a workshop.

**SHORT-TERM RENTAL**

A rental of any dwelling, in whole or in part, to any person(s) for transient use of 30 consecutive days or less.

**SIDE WALL**

Any exterior wall that is not a front wall or a rear wall and is situated perpendicular to the front wall and rear wall of the same building.

**SITE DEVELOPMENT PLAN**

A plan view of land drawn to scale showing accurate dimensions and containing the information required in this Chapter, including uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, parking, building sites, reserved open space, buildings, major landscape features, both natural and man-made, and the locations of proposed utilities and easements.

**SIGHT TRIANGLE**

An area of land located at intersections of streets, drives and other public and/or private ways situated to protect lines of sight for motorists, within which the height of materials and/or structures is limited.

**SIGN**

Any object or device containing letters, figures and/or other means of communication or part thereof, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display and/or instruct potential users of a use, product, service or event.

**WIND ENERGY CONVERSION SYSTEM (WECS), GROUND- OR BUILDING-MOUNTED<sup>179</sup>**

All necessary devices that together convert wind energy into electricity, including the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s).

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<sup>179</sup> New.

**SOLAR COLLECTOR, GROUND- OR BUILDING-MOUNTED<sup>180</sup>**

A photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. Ground-Mounted Solar Collector may be a principal or accessory use. Building-Mounted Solar Collector is an accessory use. Building-Mounted Solar Collector includes agrivoltatic systems and parking canopy solar systems.

**SOLID FENCE**

A fence that is less than seventy percent (70%) open. Examples of solid fences include board on board, stockade, brick, stone and masonry.

**SOUND**

An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, volume and frequency.

**SOUND WALL**

A wall constructed for the purpose of reducing roadway noise.

**SPECIAL EVENT**

A temporary use for events such as weddings, receptions, banquets, dinners or fairs.

**SPECIAL REVIEW USE**

A use that shall have approval of the Board of Trustees before being allowed in the specific zoning district.

**STABLE**

A structure to house domestic livestock and farm animals, which shall be limited to the capacity of not more than one domestic livestock and farm animals per acre or portion thereof.

**STREET<sup>181</sup>**

A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties. This definition shall include the terms road, lane, place, avenue, drive and other similar descriptions.

**STRUCTURE**

The result of arranging materials and parts together, such as buildings, tanks, and fences (but not including tents or vehicles) and placing them or attaching them to a lot. It shall also mean a mobile or manufactured home, anything constructed or erected, any edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a

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<sup>180</sup> New.

<sup>181</sup> Combined duplicative definition.

location on or in the ground, including swimming and wading pools and covered patios. Paved areas and walks are excepted.

**SUBDIVIDER**

Any person, firm, partnership, joint venture, association or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision, and who either owned the land or has written authorization from the owner of the land to proceed with the subdivision.

**SUBDIVISION**

The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**SUBDIVISION IMPROVEMENTS AGREEMENT**

One or more security arrangements which may be accepted by the Town to secure the construction of such public improvements as are required by the subdivision regulations within the subdivision, and shall include collateral such as, but not limited to, performance or property bonds, private or public escrow agreements, loan commitments, assignments of receivables, liens on property, deposit of certified funds or other similar surety agreements.

**TEMPORARY SIGN**

A nonpermanent sign, banner or similar device that is intended for a temporary period of use. A temporary sign does not include a sign display area that is permanent but the message displayed is subject to periodic changes.

**TOWN**

The Town of Foxfield, Colorado.

**TOWN ENGINEER**

The employee or consultant designated by the Board of Trustees as the Engineer for the Town.

**TOWN PLANNER**

That individual appointed or designated by the Board of Trustees to enforce these Regulations.

**TOWN RIGHT-OF-WAY**

Same as Public right-of-way and Right-of-way.

**USE**

The purpose for which land or premises or a building thereon is designed, arranged or intended or for which it is or may be occupied, and includes the activity or function that actually takes place or is intended to take place on a lot.

**VARIANCE**

A decision of the Board of Adjustment which grants a property owner relief from certain provisions of this Chapter when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

**VEHICLE**

A machine propelled by power other than human power, designed to travel along the ground, in the air or through water by use of wheels, treads, runners, slides, wings or hulls and to transport persons or property, to pull non-self-propelled vehicles or machinery and includes, but is not limited to: automobile, airplane, boat, bus, truck, trailer, motorcycle, motor home, recreational vehicle, camper and truck tractor. For the purpose of this Section, the term vehicle includes implements of husbandry, mobile machinery and self-propelled construction equipment.

**VIBRATION**

An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity or acceleration with respect to a given reference point.

**WALL SIGN**

A sign attached to or painted on the wall of a building or structure whose display surface is parallel to the face of the building or structure and whose height does not exceed the height of the wall to which said sign is attached or painted upon. Awning, marquee and canopy signs are to be considered wall signs.

**WEEKDAY**

Any day Monday through Friday which is not a legal holiday.

**WINDOW SIGN**

A sign that is painted on, attached to or located within three (3) feet of the interior of a window and that can be seen through a window from the exterior of the structure.

**YARD**

An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this Chapter.

**YARD, FRONT**

A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

**YARD, REAR**

A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building.

**YARD, SIDE**

A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building and extending from the front yard to the rear.

**ZONING DISTRICT**

A portion of the Town within which the use of land and structures and the location, height and bulk of structures are governed; i.e., the RR classification is a district.

### 3. Wireless Service Facilities Definitions<sup>182</sup>

#### **ACCESSORY EQUIPMENT**

Equipment, including buildings and structures, used to protect and enable radio switching equipment, backup power and other devices incidental to a WSF, but not including antennae.

#### **ANTENNA**

Communications equipment that transmits or receives electromagnetic radio frequency signals used to provide wireless service.

#### **BASE STATION**

A structure or equipment, other than a tower, at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. The term includes any equipment associated with wireless communications services, including radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure, other than a tower, to which any of the equipment described hereof is attached.

#### **BUILDING ROOF-MOUNTED WSF**

A WSF that is mounted and supported entirely on the roof of a legally existing building or structure.

#### **ELIGIBLE TELECOMMUNICATIONS FACILITY REQUEST**

A request for approval of the modification of an existing tower or base station that involves the colocation of new transmission equipment, the removal of transmission equipment or the replacement of transmission equipment.

#### **EQUIPMENT STORAGE SHELTER**

Buildings, storage shelters, and cabinets used to house WSF equipment.

#### **FREESTANDING WSF**

A WSF that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

#### **MICROWAVE ANTENNA**

A disk-type antenna used to link communication sites together by wireless voice or data transmission.

#### **MICRO WIRELESS FACILITY**

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<sup>182</sup> Sec. 16-4-30. All of these definitions were duplicative of what appears to be older wireless regulations (previously called CMRS). These definitions were carried forward while the others were removed.

A WSF that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, that is no more than 11 inches in length.

#### **SMALL CELL FACILITY**

Either a personal wireless service facility as defined by the federal Telecommunications Act of 1996, or a WSF where:

- (1) Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and
- (2) Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

A small cell facility includes a micro wireless facility.

#### **SMALL CELL NETWORK**

A collection of interrelated small cell facilities designed to deliver wireless service.

#### **SUBSTANTIAL CHANGE**

A modification to an existing tower or base station under the following circumstances:

- (1) A substantial change in the height of an existing tower or base station occurs as follows:
  - a. For a tower outside of a public right-of-way, when the height of the tower is increased by more than ten percent (10%), or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater.
  - b. For a tower located in a public right-of-way or for a base station, when the height of the structure increases by more than ten percent (10%) or by more than 10 feet, whichever is greater.
- (2) Changes in height are measured as follows:
  - a. When deployments are separated horizontally, changes in height shall be measured from the original support structure, not from the height of any existing telecommunications equipment.
  - b. When deployments are separated vertically, changes in height shall be measured from the height of the tower or base station, including any appurtenances, as the tower or base station existed on February 22, 2012.
- (3) A substantial change in the width of an existing tower or base station occurs as follows:
  - a. For a tower outside of public rights-of-way, when the addition of an appurtenance to the body of the tower protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
  - b. For a tower in a public right-of-way or a base station, when the addition of an appurtenance to the body of the structure would protrude from the edge of the structure by more than six (6) feet.



(4) A substantial change also occurs for an existing tower in a public right-of-way or an existing base station as follows:

- a. When the change involves the installation of any new equipment cabinets on the ground, if no ground cabinets presently exist; or
- b. When the change involves the installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any existing ground cabinets.

(5) A substantial change also occurs for any existing tower or base station when any of the following are found:

- a. When the change involves installation of more than the standard number of new equipment cabinets for the technology involved, or more than four new cabinets, whichever is less.
- b. When the change entails any excavation or deployment outside the current site.
- c. When the change would defeat the concealment elements of the eligible support structure.
- d. When the change does not comply with conditions associated with the original siting approval of the construction or modification of the tower, base station or base station equipment. This limitation does not apply if the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in subsections (1) through (5)(b) hereof.

**TOWER**

A structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

**WHIP ANTENNA**

An array of antennae that is cylindrical in shape.