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Tuesday, June 17, 2025, 6:00 PM  
Council Chambers  
One DesCombes Drive  
Broomfield, CO 80020

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## 1. Concept Review

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## 2. Study Session

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2.A. Discussion of Potential Public Land Dedication Code Updates and Draft Ordinance

2.B. Discussion of Potential Charter Change Recommendations and Direction on any 2025 Ballot Questions

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During the meeting, individuals can click the "CC" button on Live Council meeting video feeds to view closed captioning. Auxiliary hearing aid equipment can be requested on the night of the meeting with our AV team located at the back of the Council Chambers.



*Date Posted: June 11, 2025*



# City and County of Broomfield

## City Council Study Session

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### A. Discussion of Potential Public Land Dedication Code Updates and Draft Ordinance

Meeting	Agenda Group
Tuesday, June 17, 2025, 6:00 PM	Study Session Item: 2A.
Presented By	
Branden Roe, Principal Planner	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

## Overview

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The purpose of this memorandum is to discuss proposed amendments to the Broomfield Municipal Code to update and expand the Public Land Dedication (PLD) regulations.

The Broomfield Municipal Code (B.M.C.) currently has limited regulations related to PLD which were originally adopted by Ordinance No. 724 in 1987.

Since the original code language was added to the Broomfield Municipal Code 38 years ago, Broomfield has refined and modernized the PLD process through the Open Space, Parks, Recreation and Trails (OSPRT) Plan (formerly Master Plan), which has established an operational policy by which PLD has been required for many years.

### **Attachments**

[Ordinance No. XXXX Related to Public Land Dedication.pdf](#)

[Memo Regarding Potential Public Land Dedication Code Updates.pdf](#)

**Bold type** indicates new material to be added to the Broomfield Municipal Code  
~~Strikethrough type~~ indicates deletions from the Broomfield Municipal Code

## ORDINANCE NO. XXXX

An ordinance to amend the Broomfield Municipal Code, Title 16 and Title 17 related to Public Land Dedication and other Definitions related to Open Space and Recreation Facilities

### Recitals.

Note: Whereas clauses to be added prior to first reading if Council directs staff to move forward.

Now, therefore, be it ordained by the City Council of the City and County of Broomfield, Colorado:

### Section 1.

Chapter 16-08, Definitions, of the Broomfield Municipal Code is amended as follows:

16-08-010 - Definitions

As used in this title, the following words have the following meanings:

- (A) *Access control line* means a line designated on a subdivision plat between known points of reference for the purpose of restricting or limiting access.
- (B) *Block* means a unit of land within a subdivision containing one or more lots which is bounded by public or private streets, highways, railroad rights-of-way, public walks, alleys, parks or open ~~space~~ **land**, rural or vacant land, or drainage channels, subdivision boundaries, property boundaries, or a combination thereof, and which is customarily further divided into lots.
- (C) *Drainage easement* means a grant to the city of the right to control development of a drainage right-of-way or an area subject to periodic flooding. Development on such easement shall be restricted to uses which would not interfere with the flow of the water or act as a barrier for debris.
- (D) *Easement* means a grant by a property owner of use of land for designated purposes by another.
- (E) *Final drainage study* means a study in a form and content satisfactory to the city engineer, including such detailed maps, hydraulic calculations, designs, plans, drawings, and analyses as the city engineer shall specify.
- (F) *Flag lot* means a lot of regular or irregular shape normally situated to the rear of other lots having as its frontage and access a drive connecting it to a street.
- (G) *Geotechnical studies* means studies in a form and content satisfactory to the city

engineer, including such data and recordings as the city engineer shall specify.

- (H) *Minor subdivision* means a subdivision of five or fewer lots that requires no dedication of streets, rights-of-way, or other public uses. Easements may be dedicated to the city on a minor subdivision plat.
- (I) *Open Lands* means public and private lands acquired or preserved in the public interest for Parks and Open Space uses. They serve a variety of functions, including conserving and protecting natural, cultural, historic, agricultural, and scenic resources; providing opportunities for recreation; and shaping the pattern of growth and development. "Open Lands" is an umbrella concept that encompasses three key designations: Parks and Recreation Areas, Open Space, and Other Open Lands
- (J) *Open Space* means a parcel of land intentionally protected from development and/or set aside for unstructured, passive recreation and the appreciation of natural surroundings as well as for conservation easements. Open Space may contain but is not limited to trailheads and trails, water bodies, wetlands, wildlife viewing areas, agricultural lands, fishing facilities, and other facilities that support uses compatible with site resources and conditions. Open Space is deemed to be in use for a public purpose.
- (K) *Other Open Lands* means a parcel of land that exhibits qualities of Open Space or Parks and Recreation Areas that do not fit precisely into either the definition of Open Space or Parks and Recreation Areas. Examples of Other Open Land includes areas such as golf courses, cemeteries, landscaped trail corridors, or landscaped areas that are not necessarily a formal Park or Recreation Area or Open Space.
- (L) *Parks and Recreation Areas* mean a parcel of land that contains recreational centers and facilities, open turf areas that may or may not be irrigated for passive recreation, active recreation playing fields, hard courts, picnic areas, restroom facilities, and other improvements.
- (M) ~~(J)~~ *Preliminary drainage report* means a report in a form and content satisfactory to the city engineer, including such preliminary maps, hydraulic calculations, designs, plans, drawings, and analyses as the city engineer shall specify.
- (N) ~~(J)~~ *Street* means a way for vehicular traffic, whether designated as a street, alley, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
- (O) ~~(K)~~ *Subdivider or developer* means any person, partnership, joint venture, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.
- (P) ~~(L)~~ *Subdivision* means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business, or other use. The term shall also include and refer to any division of land previously subdivided or platted.
- (Q) ~~(M)~~ *Through lot* means an interior lot abutting on more than one street or a corner lot abutting more than two streets.

- (R) ~~(N)~~ *Tract* means a portion of land that is part of a subdivision which is designated for some purpose other than a building site, lot, or easement.
- (S) ~~(O)~~ *Traffic analysis report* means a report in a form and content satisfactory to the city engineer which addresses the traffic impact of the development of the land in question, and which includes such data and analysis as the city engineer shall specify.

## Section 2.

Chapter 16-28, Design Guidelines, of the Broomfield Municipal Code is amended as follows:

16-28-110 - Dedication; requirements generally.

- (A) Dedication of public streets, and easements for drainage, water, sewer, telephone, electric and gas service, cable television, and other facilities as determined necessary by the city, based on review of the reports submitted in accordance with section 16-20-040, B.M.C. and of the city's master plan, is required.
- (B) Public land dedication is required in accordance with sections 16-28-120 through 16-28-150 below for all land zoned for residential uses.
- (C) Land dedicated to the city shall be free of liens and subject only to encumbrances permissible by the city which do not impact the fundamental purpose of the land dedication.
- (D) Reservation of additional sites for public uses, including schools, shall be mutually agreed upon by the subdivider and the city following recommendations from public agencies directly involved in the development and service of the area. These reserved sites shall be delineated on the final plat and reserved for public purchase.

16-28-120 - ~~Dedication; pPublic lLand dDedication~~ requirements.

- (A) Land zoned for residential uses or that are mixed use with residential uses shall ~~dedicate~~ Except for land which is zoned for business, industrial, or commercial uses, the amount of land established by this section shall be dedicated as public open land which may include land for public recreation, and open space, location of public facilities, and other public uses as authorized by city council. Land zoned for business, industrial or commercial uses shall not be required to comply with this public land dedication requirement.
- (B) ~~The following percentage of land zoned for residential uses shall be dedicated at the time of platting:~~  
~~Gross density (i.e., total number of units divided by total area being subdivided) x 2 + 5 = percent of land to be dedicated.~~  
  
~~(Example: 5 units per acre (i.e., 200 units: 40 acres) x 2 + 5 = 15 percent of 40 acres, or 6 acres to be dedicated.)~~
  - (B) Public Land Dedication for land zoned for residential uses shall be calculated at a rate of 24 acres of public land dedication per 1,000 residents generated by the residential development. If a development does not generate 1,000 residents, then

the public land dedication obligation shall be calculated proportionally.

- (1) If a fraction of a resident is generated, then that number shall round up to the nearest whole number.
- (2) If a fraction of an acre is required, it shall be calculated to the hundredths place. If the thousandth place is .005 or higher it shall round up, if less than .005 it shall round down. (Example: 23.455 acres would round up to 23.46 acres).

(C) Public Land Dedication Methodology

- (1) *Market Rate Residential Developments*. Residential projects that do not include income aligned housing in accordance with Chapter 17-76 of the Broomfield Municipal Code, shall be required to comply with the following public land dedication methodology:

Method for PLD for 100% Market Rate Housing Projects			
Site Size	Required Minimum Percentage of On-Site PLD	Cash-In-Lieu Option if Minimum On-Site PLD Requirement is Met	Cash-In-Lieu if Minimum On-Site PLD Requirement is Not Met
Any size	25% of site (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by Broomfield	<p>Unmet balance of on-site PLD obligation shall be paid at the market value per acre.</p> <p>The remaining balance beyond the on-site obligation can be met through a cash-in-lieu payment based on the average value per acre for vacant land as published by Broomfield.</p>
<p><b>Example:</b>            PLD obligation is met with 20% on-site dedication plus 5% paid at market value per acre to meet the minimum on-site PLD obligation. The balance of the remaining PLD obligation (after meeting the minimum on-site obligation) is paid at the average value per acre for vacant land.</p>			
<p><b>Notes:</b>            (1) If a residential project provides the minimum on-site PLD obligation, the remaining balance beyond the on-site obligation can</p>			

be satisfied through a cash-in-lieu payment or a combination of additional on-site dedications and cash-in-lieu using the methodology outlined above.

- (2) If a project is mixed use then the gross acreage is based only on the gross residential area, excluding the gross non-residential area.

- (2) *Mixed Income and 100% Income Aligned Residential Developments above 60% AMI.* Residential projects that have a percentage of income aligned housing or are 100% income aligned housing developments that have rent or sale prices above 60% of the Area Median Income based on the Colorado Housing and Finance Authority (CHFA) Rent and Income table for each calendar year shall be required to comply with the following public land use dedication methodology:

Method for PLD for Mixed Income and 100% Income Aligned Residential Developments above 60% AMI			
Site Size	Required Minimum Percentage of On-Site PLD	Cash-In-Lieu Option if Minimum On-Site PLD Requirement is Met	Cash-In-Lieu if Minimum On-Site PLD Requirement is Not Met
10 acres or greater	20% of site (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by the City and County less any applicable PLD cash-in-lieu reductions per B.M.C.	Unmet balance of on-site PLD obligation shall be paid at the market value per acre
Less than 10 acres	15% of site (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by the City and County less any applicable PLD cash-in-lieu	Unmet balance of on-site PLD obligation shall be paid at the market value per acre

		reductions per B.M.C.	
<p><b>Example:</b>          PLD obligation for a 7 acre property is met with 10% on-site dedication plus 5% paid at market value per acre to meet the minimum on-site PLD obligation. The balance of the remaining PLD obligation (after meeting the minimum on-site obligation) is paid at the average value per acre for vacant land.</p>			
<p><b>Notes:</b>          (1) If applicants provide the minimum on-site PLD obligation, the remaining balance beyond the on-site obligation can be satisfied through a cash-in-lieu payment or a combination of additional on-site dedications and cash-in-lieu. The remaining balance of PLD cash-in-lieu would be eligible for cash-in-lieu reductions based on the applicable formula established in BMC 16-28-140(B).          (2) If a project is mixed use then the gross acreage is based only on the gross residential area, excluding the gross non-residential area.</p>			

- (3) *Income Aligned Residential at or below 60% AMI.* Residential projects that are 100% income aligned housing developments that have rent or sale prices at or below 60% of the Area Median Income based on the Colorado Housing and Finance Authority (CHFA) Rent and Income table for each calendar year shall be required to comply with the following public land use dedication methodology:

Method for PLD for 100% Income Aligned Housing Projects that Meet 60% AMI			
Site Size	Required Minimum Percentage of On-Site PLD	Cash-In-Lieu Option if Minimum On-Site PLD Requirement is Met	Cash-In-Lieu if Minimum On-Site PLD Requirement is Not Met
10 acres or greater	20% of site (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	No cash-in-lieu	Unmet balance of minimum on-site PLD is paid based on the average value per acre for vacant land as published by the City
Less than	15% of site	No cash-in-lieu	Unmet balance of



10 acres	(measured as the gross acreage of the project area minus the arterial or higher classification of right of way)		minimum on-site PLD is paid based on the average value per acre for vacant land as published by the City
<p><b>Example:</b>  PLD obligation for a 7 acre property is met with 10% on-site dedication plus 5% paid at average value per acre to meet the minimum on-site PLD obligation. The balance of the remaining PLD obligation (after meeting the minimum on-site obligation) is waived and no CIL is required beyond the market value per acre to satisfy the minimum on-site obligation.</p>			
<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>(1) Residential projects that are 100% income aligned housing developments that have rent or sale prices at or below 60% of the Area Median Income based on the CHFA Rent and Income table are only required to provide the required on-site PLD obligation (either through actual land dedication or through a cash-in-lieu payment consistent with the methodology outlined above).</li> <li>(2) If a project is mixed use then the gross acreage is based only on the gross residential area, excluding the gross non-residential area.</li> </ul>			

- (4) ***Small Residential Developments.*** For residential developments that have 5 or fewer lots or units, public land dedication is required to meet public land dedication requirements at the same 24 acres per 1,000 residents rate as defined above. On-site dedication is not required, but required PLD obligations may be addressed by payment of cash-in-lieu based on the average value per acre for vacant land, or by voluntary on-site dedications or a combination of on-site public land dedication and cash-in-lieu as defined in this section.
- (5) ***Subdivision Fragmentation Prohibited.*** A developer shall not purposefully fragment a project into multiple components of five or fewer lots in order to avoid on-site public land dedication obligations.
- (6) ***Public Access Easement in lieu of Dedications.*** When proposed on-site dedications for parcels or tracts of land are less than 3 acres, they will be eligible for credit as public land dedication but will not be formally dedicated to the City and County of Broomfield for ownership or maintenance. Instead, these parcels or tracts will require a permanent public access easement to be recorded as a separate instrument outlining at a minimum that the landowner (or their assignee) shall be responsible for the continued ownership and maintenance of the tract or parcel and provide for public access in perpetuity so that the track or parcel and its amenities continues to be eligible for credit as public land dedication.

- (7) **Amenities.** Public Land Dedication sites shall be improved by the developer with amenities such as, but not limited to shade structures, benches, playgrounds, trail connections, and signage, or other amenities appropriate for the site. Developers may request a waiver from required site amenities as part of a site development plan or urban renewal site plan, subject to approval by the Land Use Review Commission or City Council.
- (D) ~~(C)~~ In addition to the above, drainage channels as shown in the appropriate Outfall Systems Plan for the area in the city's master plan shall be dedicated.
- (E) ~~(D)~~ Dedication of land for the following purposes shall only be counted as public land dedication to the limited extent specified:
- (1) Detention ponds and drainage channels: ~~25%~~ 50% of the area dedicated;
  - (2) Lakes, ponds, creeks/streams/rivers, irrigation canals and reservoirs: ~~25%~~ 50% of the area dedicated; and
  - (3) School sites: 50% of the area dedicated, not to exceed five acres per school.

16-28-130 - **Public Land Dedication;** alternate parcel; when.

In lieu of providing dedicated public land dedicating land within the subdivision, the applicant may dedicate an alternate parcel of land consisting of the same number of acres in another area if, in the sole and exclusive opinion of the city council, it is capable of use for public purposes. In any event, the final decision shall be that of the city council.

16-28-140 - **Public Land Dedication;** cash in lieu; ~~appraisal procedure.~~

~~If the city council so determines, the subdivider shall pay to the city, in cash, an amount based upon the average market value of the land to be dedicated, as required in section 16-28-120, B.M.C., in lieu of land dedication. The fee shall be negotiated with the subdivider, and if the city and the subdivider fail to agree on the value of the land, such value shall be fixed by a real estate appraisal by one or more qualified appraisers acceptable to both the subdivider and the city. The cost of the appraisals shall be paid by the subdivider.~~

- (A) In lieu of providing public land dedication within the subdivision or through an alternate parcel of land consistent with BMC 16-28-130, subdividers shall have the option to meet their required public land dedication through cash-in-lieu.

(B) Cash-in-lieu calculations

- (1) If the on-site public land dedication requirement as calculated using the applicable methodology in Section 16-28-120(C) is not met, then the unmet balance of on-site public land dedication is paid based on the methodology identified in Section 16-28-120(C) for the applicable development type.
- (2) Once the on-site public land dedication requirement is met, either through on-site dedication, cash-in-lieu payment as per the methodologies set forth in Section 16-28-120(C), or a combination of the two; then, the remaining public land dedication obligation can be satisfied through a cash-in-lieu payment based on the current established average value per acre for vacant

land.

- (i) The average value per acre for vacant land will be updated every two years; beginning in 2025, and will be based on data provided by the Assessor's Department to determine an average value per acre for vacant land so that the cash-in-lieu amount reflects more accurately the actual value of land. This calculation will be calculated using larger parcels, generally greater than 20 acres in size, to avoid high or low value small parcels of land from possibly causing undervaluation or overvaluation.
- (3) Residential projects that have a percentage of income aligned housing or are 100% income aligned housing developments that have rent or sale prices above 60% of the Area Median Income (AMI) and have satisfied the minimum required on-site dedication may be eligible for additional reductions as outlined below.
- (i) For sale units consistent with residential developments described in Section 16-28-120(C)(2) which have satisfied the minimum required on-site public land dedication are eligible for public land dedication cash-in-lieu fee reductions for the development's remaining obligation based on the following matrix:

Public Land Dedication Cash-in-Lieu Fee Reduction Matrix for, For-Sale Income Aligned Units		AMI Level of Income Aligned For-Sale Units in Development	
		100% or below	Greater than 100%
Income Aligned For-Sale Units Share of Residential Development	60% or above	80%	0%
	40%	40%	0%
	20%	20%	0%
	12%	12%	0%
	0%	0%	0%
Note: 80% means there is a 80% reduction in the cash-in-lieu fee, whereas 0% means there is no reduction.			

- (ii) For rent units consistent with residential developments described in Section 16-28-120(C)(2) which have satisfied the minimum required on-site public land dedication are eligible for public land dedication cash-in-lieu fee reductions for the development's remaining obligation based on the following matrix:

Public Land	AMI Level of Income Aligned For-Rent Units in
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Dedication Cash-in-Lieu Fee Reduction Matrix for, For-Rent Income Aligned Units		Development					
		60% or below	61-70%	71-80%	81-90%	91-100%	Greater than 100%
Income Aligned For-Rent Units Share of Residential Development	100%	100%	80%	60%	40%	0%	0%
	80%	80%	65%	50%	30%	0%	0%
	60%	60%	50%	40%	20%	0%	0%
	40%	40%	35%	20%	10%	0%	0%
	20%	20%	20%	10%	0%	0%	0%
	0%	0%	0%	0%	0%	0%	0%
Note: 100% means there is a 100% reduction in the cash in lieu fee, whereas 0% means there is no reduction in the cash in lieu fee.							

~~16-28-150 – Dedication; policy determination considerations.~~

~~(A) In determining which of the above policies to implement, the land use review commission and the city council will consider the following: the size of the development and its adequacy for accommodating a suitable public use site; the public facility aspects of the city's master plan and the applicable school district's master plan; existing parks and other public uses in the area; the topography, geology, and location of land in the subdivision available for dedication; the needs of the people in the area; and any other appropriate factors.~~

~~(B) Land dedicated to the city shall be free of liens and encumbrances.~~

~~16-28-160~~ 150 Dedication; previous arrangements.

The public land dedication requirements shall not apply where satisfactory dedication arrangements were made and approved by the city council at the time of annexation or previous subdivision of the same property.

~~16-28-170~~ Reservation; schools and other public places.

~~Reservation of additional sites for public uses, including schools, shall be mutually agreed upon by the subdivider and the city council following recommendations from public agencies directly involved in the development and service of the area. These reserved sites shall be delineated on the final plat and reserved for public purchase.~~

## Section 3.

Chapter 17-04, Definitions, of the Broomfield Municipal Code is amended as follows:

### 17-04-304 - Open Space

*Open Space* means a parcel of land intentionally protected from development and/or set aside for unstructured, passive recreation and the appreciation of natural surroundings. Open Space may contain but is not limited to trailheads and trails, water bodies, wetlands, wildlife viewing areas, agricultural lands, fishing facilities, and other facilities that support uses compatible with site resources and conditions. Open Space is deemed to be in use for a public purpose.

### 17-04-313 - Private Recreational Area

*Private Recreational Area* means an outdoor recreational space that is privately owned, maintained and used for leisure, enjoyment, and outdoor activities by a specific group, like residents of a community or owners of a particular property. Private recreational areas include but are not limited to: private parks, private playgrounds or similar play equipment, private outdoor recreation spaces such as pools, playing courts and fields, and private golf courses.

### 17-04-314 - Private Recreational Facility

*Private Recreational Facility* means an indoor recreational space that is privately owned, maintained and used for leisure, enjoyment, and indoor activities by a specific group, like residents of a community or owners of a particular property. Private recreational facilities include but are not limited to: private community centers and clubhouses, private fitness centers, and private indoor playing courts.

### 17-04-322 - Public Recreational Area

*Public Recreational Area* means an outdoor recreational space that is owned by a governmental or quasi-governmental entity such as a city, county, or metropolitan district, that is maintained and used for leisure, enjoyment, and outdoor activities by the public. Public recreational areas include but are not limited to: public parks, public playgrounds or similar play equipment, public outdoor recreation spaces such as trails, playing courts and fields, and public golf courses.

### 17-04-324 - Public Recreational Facility

*Public Recreational Facility* means an indoor recreational space that is owned by a governmental or quasi-governmental entity such as a city, county, or metropolitan district, that is maintained and used for leisure, enjoyment, and indoor activities by the public. Public recreational facilities include but are not limited to: public community centers and clubhouses, public fitness centers, and public indoor playing courts.

## Section 4.

Section 17-38-120, PUD Plan; review standards, of the Broomfield Municipal Code is amended as follows:

17-38-120 - PUD plan; review standards.

The recommendation of the land use review commission and the decision of the city council shall be based on whether the applicant has demonstrated that the proposed PUD plan meets the following standards:

- (A) The proposal should be consistent with the intent of this chapter as set forth in section 17-38-010.
- (B) The proposal should be consistent with the ~~master plan~~ **comprehensive plan**.
- (C) The proposal should identify and mitigate potential negative impacts on nearby properties, other areas of the city, and the city as a whole.
- (D) The proposal should identify and maximize potential positive impacts on nearby properties, other areas of the city, and the city as a whole.
- (E) The proposal should include adequate facilities for pedestrians, bicyclists, and motorists.
- (F) The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.
- (G) The proposal should optimize conservation of energy, water, and other resources on a broad scale.
- (H) The land uses within the plan should be compatible with one another and with nearby properties.
- (I) The proposal should provide for ~~open space~~ **private open area** at a rate of not less than 40% of the developable site in residential areas and 25% in other areas as provided in section 17-38-240 below.
- (J) **The proposal should be in general conformance with the Open Space, Parks, Recreation, and Trails (OSPART) Plan, including the Park Design Standards and Trail Design Standards, riparian corridor protection, tree preservation, native vegetation restoration and wildlife protection guidelines.**
- (K) ~~(J)~~ The proposal should adequately provide for an organization for ownership and maintenance of any common areas.
- (L) ~~(K)~~ The proposal should justify any proposed deviations from the Broomfield Municipal Code in terms of the overall quality of the plan.

## Section 5.

Section 17-38-220, Review standards, of the Broomfield Municipal Code is amended as follows:

17-38-220 - Review standards.

The decisions of the land use review commission and the city council shall be based on whether the applicant has demonstrated that the proposed site development plan meets the following standards:

- (A) The proposal should be consistent with the intent of this chapter as set forth in section 17-38-010.
- (B) The proposal should identify and mitigate potential negative impacts on nearby properties.
- (C) The proposal should identify and maximize potential positive impacts on nearby properties.
- (D) The proposal should include adequate facilities for pedestrians, bicyclists, and motorists.
- (E) The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.
- (F) The proposal should optimize conservation of energy, water, and other resources on a site-specific scale.
- (G) The land uses within the plan should be compatible with one another and with nearby properties.
- (H) The proposal should provide for **private** open area at a rate of not less than 40% of the developable site in residential areas and 25% in other areas as provided in section 17-38-240 below.
- (I) **The proposal should be in general conformance with the Open Space, Parks, Recreation, and Trails (OSPRT) Plan, including the Park Design Standards and Trail Design Standards, riparian corridor protection, tree preservation, native vegetation restoration and wildlife protection guidelines.**
- (J) ~~(H)~~ The proposal should include any common areas serving the site, and adequate provisions should be made for the ownership and maintenance of such areas.
- (K) ~~(J)~~ The proposal should justify any proposed deviations from the Broomfield Municipal Code in terms of the overall quality of the plan.
- (L) ~~(K)~~ The proposal should be consistent with the approved PUD plan.
- (M) ~~(L)~~ For residential-use PUD plans and site development plans, the proposal should be consistent with adopted uniform standards.

## Section 6.

This ordinance is effective seven days after publication following final passage.

**Draft Only - Not for Approval at this time.**

## Summary

[View Correspondence](#)

[View Presentation](#)

The purpose of this memorandum is to discuss proposed amendments to the Broomfield Municipal Code to update and expand the public land dedication (PLD) regulations.

PLD regulations are a critical component of new residential development to ensure growing neighborhoods contribute proportionally to the community's parks, open space, trails, and recreational infrastructure.

The PLD requirement is based on anticipated population growth from new residential development. As new homes bring additional residents to Broomfield, the demand for parks and recreational facilities increases accordingly.

The PLD regulations ensure that new developments help meet this increased demand. Developers must satisfy PLD requirements through either land dedication, cash-in-lieu fees, or a combination of land and cash-in-lieu.

The Broomfield Municipal Code (B.M.C.) currently has limited regulations related to PLD, which were originally adopted by Ordinance No. 724 in 1987.

Since the original code language was added to the Broomfield Municipal Code 38 years ago, Broomfield has refined and modernized the PLD process through the Open Space, Parks, Recreation and Trails (OSPRT) Plan (formerly Master Plan), which has established an operational policy by which PLD has been required for approximately 20 years.

The most recent version of the [OSPRT Plan](#) was adopted by City Council in February 2024, and included further refined PLD policies and recommended proposed municipal code changes, which are incorporated into the draft ordinance included as an attachment to this study session memorandum.

The [2024 OSPRT Plan](#) included two chapters related to municipal code changes:

- Chapter 7 related to Title 17 to update review standards for Planned Unit Development Plans and Site Development Plans to expand upon PLD elements; and
- Chapter 8 related to codifying the 2024 OSPRT updates to the public land dedication process to account for flexibility to balance PLD and inclusionary housing requirements.

The 2024 OSPRT Plan outlined reasons to modify the existing PLD requirements, including:

- Challenges with multi-family projects providing the on-site public land dedication, particularly on smaller sites
- Community desire to address a variety of community goals such as Income Aligned Housing and Sustainability in private residential development projects
- Desire to achieve equitable access to location of Open Space and Park lands for all residents throughout the community
- Desire to encourage actual land dedication instead of cash-in-lieu
- Developer/Housing/Business Focus Group Feedback indicated a desire to make the requirements more achievable for higher density development
- Community Engagement results indicate that more Open Space and Park lands are desirable

A draft ordinance is attached to this study session memorandum for City Council's review and to assist with



discussion during the meeting.

## Financial Considerations

The draft ordinance is modeled after the adopted OSPRT Plan, which includes new methodologies for calculating PLD for all residential projects, including developments that have varied quantities of income-aligned housing. If adopted, the ordinance could result in potential decreased public land dedication cash-in-lieu (CIL) payments for certain types of projects that include attainable housing. Since each development project is unique, the exact financial impact from these reductions cannot be calculated. The ordinance establishes the reduction rate methodologies for projects.

It should be noted that these reductions in PLD obligations and reductions in PLD cash-in-lieu payments are intended to provide the development community with a mechanism to balance obligations and incentivize the incorporation of on-site income-aligned units in development projects to achieve the goals of Broomfield's Housing Needs Assessment. A hypothetical example of a project is included below to illustrate a "what-if" comparison of the proposed reduction in PLD cash-in-lieu for a mixed-income project.

### Examples in Practice:

#### Scenario 1: Current PLD Process (no CIL waivers) 300-unit apartment on a 10-acre property, with onsite dedication provided, 20% of units at 60% AMI

- 300 apartment units x 1.91 persons per unit = 573 persons generated
- 24 acres of PLD x (573/1000) = 13.75 acres of PLD required.
- 25% on-site requirement x 10 acres = 2.5 acres of on-site dedication
- Remaining balance of PLD totals 11.25 acres
- 11.25 acres x \$86,000 (average value per acre) = \$967,500

**Summary of PLD Contribution 2 acres of land and \$967,500 in CIL**

#### Scenario 2: Proposed PLD Process (with proposed CIL waivers) 300-unit apartment on a 10-acre property, with onsite dedication provided, 20% of units at 60% AMI

- 300 apartment units x 1.91 persons per unit = 573 persons generated
- 24 acres of PLD x (573/1000) = 13.75 acres of PLD required.
- 20% on-site requirement x 10 acres = 2 acres of on-site dedication
- Remaining balance of PLD totals 11.75 acres
- 11.75 acres x \$86,000 (average value per acre) = \$1,010,500
- CIL Reduction for Income Aligned Housing = 20% = \$202,100
- CIL Obligation after Reduction = \$808,400

**Summary of PLD Contribution: 2 acres of land and \$808,400 in CIL (after CIL reduction)**

**Financial Impacts of Proposed Reductions for Hypothetical Project: Broomfield would receive \$159,100 less in PLD CIL if the CIL reduction proposed by the OSPRT Plan and included in this draft ordinance is approved in comparison to the current process.**

Public Land Dedication cash-in-lieu funds provided to Broomfield through development are set aside in a designated fund for parks, recreation, open space/trail improvements or land acquisition for parks or open space.

## Prior Council or Other Entity Actions

[February 27, 2024](#) - City Council approved Resolution No. 2024-11, which adopted the Open Space, Parks, Recreation and Trails (OSPRT) Plan, which is a 20-year policy document updating and replacing the prior OSPRT Plan from 2005.

## Boards and Commissions Prior Actions and Recommendations

- On January 25, 2024, a joint Open Space and Trails Advisory Committee (OSTAC) and Parks, Recreation and Senior Services Advisory Committee (PRSSAC) meeting was held and members recommended approval of the OSPRT Plan. The vote was 14-1 for approval.
- On November 20, 2024 the proposed PLD cash-in-lieu reduction methodology for income aligned housing was presented to PRSSAC, and the advisory committee voted unanimously to support the methodology being incorporated into the draft ordinance.
- On December 5, 2024 the proposed PLD cash-in-lieu reduction methodology for income aligned housing was presented to OSTAC, and the advisory committee voted unanimously to support the methodology being incorporated into the draft ordinance.
- On February 27, 2025, a working draft of the proposed PLD ordinance was presented to OSTAC, and the advisory committee voted unanimously to support presenting the draft ordinance to City Council at the June 17, 2025 study session.
- On March 19, 2025, a working draft of the proposed PLD ordinance was presented to PRSSAC, and the advisory committee voted unanimously to support presenting the draft ordinance to City Council at the June 17, 2025 study session.
- On June 9, 2025, the proposed PLD ordinance was presented to the Land Use Review Commission (LURC) during a commission study session. The commission did not provide any feedback or take any action on the proposal.

## Proposed Actions / Recommendations

No formal action. Staff is seeking direction on whether Council desires to move forward with the draft ordinance to make changes to the B.M.C. related to public land dedication.

## Alternatives

Recommend no changes to the B.M.C. at this time or identify desired changes to the draft ordinance.

## Background

Broomfield's current PLD regulations were adopted in 1987 and are set forth within Title 16 of the Broomfield Municipal Code regarding Subdivisions. Amendments were subsequently adopted for various sections in 1988, 1991 and 1995. The current regulations apply to new residential development and the code language uses a residential project's density to determine the required public land dedication for that development. Broomfield moved away from this density-based calculation approximately two decades ago and instead has used a population-based calculation.

In 2005, following a two and one-half year community planning effort, City Council adopted the Open Space,

Parks, Recreation and Trails (OSPRT) Master Plan. The Plan was also adopted by reference into the 2005 Broomfield Comprehensive Plan. The 2005 OSPRT Master Plan was again referenced in the 2016 Broomfield Comprehensive Plan, and was the guiding policy document related to open space, parks, recreation and trails until 2024 when the newest OSPRT Plan was adopted by council.

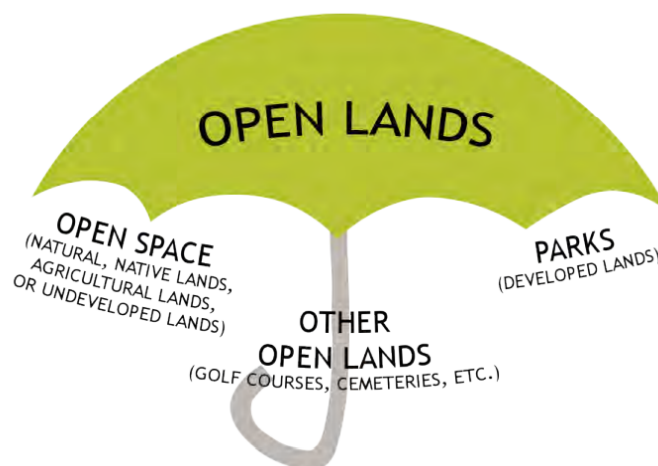
The new OSPRT Plan and Appendices were adopted by City Council in February 2024 and are designed as a 20-year policy document intended to serve as an updated road map for Broomfield staff, elected officials, advisory committees, and the community to guide decisions about open space, parks, recreation, and trails. The goal of the OSPRT Plan is to ensure that Broomfield's vision of the community is carried forward into the future and to promote a strong sense of unity, pride, and identity. This includes the continued objective of Broomfield achieving a total of 40% of Broomfield's Planning Area as open lands.

### What is Considered "Open Lands"

The concept of an overall Broomfield land acquisition goal or objective was first introduced formally in Broomfield's original 1988 Master Plan and reflected a 19% open lands goal. The 1995 Master Plan established a goal of 44% open lands in response to community concerns. The 2005 OSPRT Plan refined the 1995 Master Plan's open land acres by removing areas like highway medians and refining the GIS calculations given better GIS technology. This analysis and public process resulted in the current 40% Objective. The 2005 OSPRT Plan and 2016 Comprehensive Plan both call for providing 40% of Broomfield's Planning Area as Open Lands.

Open Lands is a broad, umbrella concept that encompasses three key types of land (graphically represented below). The 40% Open Lands Objective (40% Objective) consists of both public and private lands that meet these descriptions:

1. **Parks and Recreation** areas are the most intensely developed and used types of Open Lands. They may contain open turf areas that may or may not be irrigated for passive recreation, active recreation playing fields, hard courts, picnic areas, restroom facilities, and other improvements.
2. **Open Space** means a parcel of land intentionally protected from development and/or set aside for unstructured, passive recreation, and the appreciation of natural surroundings. Open Space may contain but is not limited to trailheads/trails, water bodies, wetlands, wildlife viewing areas, agricultural lands, fishing facilities, and other facilities that support uses compatible with site resources and conditions.
3. **Other Open Lands** may exhibit qualities of Open Space or Parks and Recreation areas. Other Open Lands do not fit precisely into either the definition of Parks/Recreation Areas or Open Space. Examples of Other Open Lands include golf courses, cemeteries, landscaped trail corridors, or landscaped areas that are not necessarily a formal Park or Open Space.



The 40% Objective is calculated by applying 40% to the Broomfield Planning Area. This Planning Area comprises the land within Broomfield's boundary plus the Intergovernmental Agreement Lands to the west of Broomfield for a total of 23,887 acres. 40% of the Planning Area equals 9,555 acres. Staff uses this Planning Area acreage for the 40% Open Lands calculations and will not be expanding the Planning Area for lands that become open space or parks outside of the Broomfield County boundary. This approach avoids an ever increasing 40% Objective if any lands are protected, for example, through a partnership with another county or city outside of the Planning Area.

The 40% Objective is intended to provide continuous, connected Parks and Open Space through the community to increase Broomfield's walkability and quality of life, enhance recreational experiences, and benefit wildlife. Broomfield currently has 8,607 acres of Open Lands comprising public and private Open Space, Parks, and Other Open Lands. The difference between the 9,555 and 8,607 acres is 948 acres. When pending and approved public land dedications are deducted from the 948 acres, the remaining Open Lands needed to meet the 40% Objective is approximately 759 acres. 1,262 acres of potential opportunities for Park and Open Space preservation areas were identified throughout Broomfield as part of the OSPRT Plan update. This number is provided to show that there are valuable sites that represent opportunities for parks and open space. It is not intended to indicate that all these lands need to be conserved. The [Broomfield Parks and Open Lands map](#) provides a comprehensive view of open lands in Broomfield and conservation easements adjacent to Broomfield's municipal boundaries. The [open space map](#) and [park land map](#) show those respective types of open lands and a ½ mile buffer overlaid. The maps depict the existing inventory of those types of open lands, and the accessibility of those sites assuming an approximately 10-minute walk distance. It should be noted that the ½ mile or 10 minute walk buffer does not factor in potential barriers to access like US 36, which could impact equitable access for some residents.

## Current PLD Requirements

### Municipal Code Requirements for Public Land Dedication

Currently, the Broomfield Municipal Code establishes the following public land dedication requirements:

- (A) Except for land which is zoned for business, industrial, or commercial uses, the amount of land established by this section shall be dedicated as public land for public recreation and open space, location of public facilities, and other public uses as authorized by city council.
- (B) The following percentage of land zoned for residential uses shall be dedicated at the time of platting:

Gross density (i.e., total number of units divided by total area being subdivided) x 2 + 5 = percent of land to be dedicated.

(Example: 5 units per acre (i.e., 200 units: 40 acres) x 2 + 5 = 15 percent of 40 acres, or 6 acres to be dedicated.)

- (C) In addition to the above, drainage channels as shown in the city's master plan shall be dedicated.
- (D) Dedication of land for the following purposes shall only be counted to the limited extent specified:
  - (1) Detention ponds and drainage channels: 50% of the area dedicated;
  - (2) Lakes, ponds, and reservoirs: 25% of the area dedicated; and
  - (3) School sites: 50% of the area dedicated, not to exceed five acres per school.

This code language was initially approved in 1987 and last amended in 1988. This has evolved with the 2005 and 2025 OSPRT Plans' recommendation. Although the recommendations of the OSPRT Plans were not formally adopted in the Municipal Code, the recommended PLD formula from the OSPRT Plans has been utilized for evaluating new residential developments to ensure consistency with the Comprehensive Plan, which adopted the OSPRT Plan by reference. The difference between the code and the OSPRT Plan has

often led to confusion and makes enforcing the OSPRT recommendations more challenging, as the comprehensive master plan is an advisory document not a regulatory document.

### OSPRT Plan Recommendations

The PLD formula utilized currently for new residential development as found in the OSPRT Plan requires 24 acres of land per 1,000 residents. This 24 acres is divided into 16 acres of Park Land and 8 acres of Open Space. The split between open space and park land is not strictly applied to residential development proposals. Instead, the character of the land and OSPRT needs within the project guide what uses will be provided on the PLD land.

The number of residents generated by residential projects is calculated using ratios for different housing types. The current population generation ratios are 2.93 residents per single unit detached and duplex units, 2.50 residents per townhome unit, and 1.91 residents per apartment and condominium unit. There is also typically a reduced ratio of 1.75 residents per single unit detached and duplex unit for age-restricted communities as well.

Typically, residential developers are required to dedicate 25% of the residential site area that is generating the need for public Park and Open Space with the balance of the PLD obligation being met by Cash-in-Lieu (CIL), additional land in the project, or both CIL and land.

#### Example in Practice:

- A project generates 387 residents on a 10-acre property, which results in a total PLD obligation of 9.29 acres.
- The developer must provide a minimum of 25% of the 10 acres of the land for on-site dedication - totaling 2.5 acres.
- The remaining 6.79 acres of PLD obligation (9.29 - 2.50 acres) could be met by additional land dedication, a CIL payment (currently \$86,000 per acre), or a combination of additional land and CIL.

Originally, the CIL rate was calculated based on the average cost per acre of previous Broomfield Open Space acquisitions ranging over a time period of 5 to 7 years. Recently, staff has started using the data provided by the Assessor's Department to determine an average value per acre for vacant land for parcels generally greater than 20 acres both within Broomfield and in the local region. The intent is to ensure that the CIL price per acre reflects more accurately the current cost of land in Broomfield and the region. The average value per acre will be evaluated every 2 years when the Assessors Office certifies land values. If the value changes during the 2-year period the CIL price per acre would be revised to reflect the most current values.

In some instances, developers have not been able to provide the minimum 25% on-site dedication. Most often this occurs at small, in-fill development sites. If the minimum 25% on-site dedication is not met with actual land dedication, then the unmet balance is typically addressed by cash in lieu based on the market value of the land within the proposed residential project and is applied up to the minimum 25% on-site requirement. Broomfield staff currently reviews proposed residential developments using the above (PLD) guidelines. However, these provisions are not codified.

The 2024 OSPRT Plan included recommendations for modifying the PLD policies and codifying them in the municipal code. Staff has provided a draft ordinance as an attachment to this study session memorandum for Council's review. The proposed ordinance incorporates the policy recommendations as new code requirements. Key changes are highlighted below with the bulk of the discussion focusing on the proposed PLD changes in Title 16 of the Broomfield Municipal Code (B.M.C.) and clean-up items in Title 17 of the B.M.C.

## Proposed Code Changes To Title 16 B.M.C. Related To PLD

The proposed ordinance would make modifications to the PLD regulations contained in the Broomfield Municipal Code aligned with the recommendations that were included in the 2024 OSPRT Plan adopted by Council in February 2024. The proposed ordinance will also reorganize the existing sections of the B.M.C. related to PLD to improve readability and organization. The proposed changes to Title 16 are summarized below and the comprehensive code changes are outlined in the draft ordinance attached to this memorandum.

### Definitions

The proposed ordinance includes adding new definitions to Title 16 and Title 17 related to public land dedication and recreational facilities. These definitions are based upon the framework that was established in the 2024 OSPRT Plan and are intended to establish clarity in terminology typically used as part of the public land dedication process.

### Administrative Cleanups and Clarifications

With the modification of the PLD process in the municipal code, there are a number of administrative clean up items proposed to ensure consistency with application of the code. These include:

- Specifying that projects that do not generate a full 1,000 new residents shall be based on the proportional share of public land dedication.
- Specifying the calculation methodology for public land dedication shall be calculated to the hundredths place. Rounding will be based on the thousandths place (.005 or higher rounds up, less than .005 rounds down). This allows for consistency in PLD across projects.

#### Example in Practice:

- A project generates 386.3 residents, this rounds up to 387 residents.
- 387 residents would result in a PLD obligation of 9.288 acres, which would round up to 9.29 acres of PLD.

- Specifying that PLD sites need to have amenities provided by the developer. Amenities may include shade structures, benches, playgrounds, trail connections, and signage, or other amenities as approved. Developers may request a waiver from required site amenities as part of a site development plan or urban renewal site plan, subject to approval by the Land Use Review Commission or City Council.

### Proposed Modifications to Public Land Dedication Requirements

The OSPRT Plan proposed to establish methodologies for satisfying public land dedication obligations for residential projects based on the sales prices of the units contained within the development. These methodologies are proposed for the following categories:

1. 100% Market Rate Developments
2. 100% Income Aligned Developments at 60% of the Area Median Income (AMI) or below; and
3. Mixed Income Projects or 100% Income Aligned Developments above 60% of the AMI

### Public Land Dedication for 100% Market Rate Residential Developments

The 2024 OSPRT Plan proposed to formally establish Broomfield's current policy for public land dedication as the methodology for satisfying public land dedication for development projects consisting of all market rate units. This method maintains the 24 acres per 1,000 resident ratio for public land dedication, and also continues to require a minimum of 25% of the project site to be on-site public land dedication. Table 1 provides a full summary of this development type's method for satisfying their PLD obligation.



**Table 1: Method for PLD for 100% Market Rate Housing Projects**

Site Size	Required Minimum % of on-site PLD	CIL if Minimum on-site PLD Requirement is Met	CIL if Minimum on-site PLD Requirement is Not Met
Any	25% of Site (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by the City and County	<p>Unmet balance of on-site PLD obligation shall be paid at the market value per acre.</p> <p>The remaining balance beyond the on-site obligation can be met through a cash-in-lieu payment based on the average value per acre for vacant land as published by the City and County</p>

Examples of satisfying the PLD obligation for a 100% market-rate housing project based on the proposed method detailed above are provided below. These examples in practice outline the scenarios of this hypothetical housing project both providing on-site PLD and not providing the required on-site PLD.

#### Examples in Practice:

##### Scenario 1: 300-unit apartment complex on a 10-acre property with the minimum on-site dedication provided.

- 300 apartment units x 1.91 persons per unit = 573 persons generated
- 24 acres of PLD x (573/1000) = 13.75 acre PLD obligation
- 25% minimum on-site dedication x 10 acres = 2.5 acres of on-site dedication
- Remaining balance of the obligation = 11.25 acres (13.75 acres - 2.5 acres)
- 11.25 acres x \$86,000 (average value per acre) = \$967,500

**Summary of PLD Contribution: 2.5 acres of land dedicated and \$967,500 in CIL**

##### Scenario 2: 300-unit apartment complex on a 10-acre property with the minimum on-site dedication *not* provided.

- 300 apartment units x 1.91 persons per unit = 573 persons generated
- 24 acres of PLD x (573/1000) = 13.75 acre PLD obligation
- 25% minimum on-site dedication x 10 acres = 2.5 acres of on-site dedication
- On-site dedication not provided triggering the market rate CIL value for the resulting in an increased CIL payment: 2.5 acres x \$108,900\* = \$272,250  
\*Hypothetical market value for example purposes only.
- Remaining balance of the PLD obligation = 11.25 acres
- 11.25 acres x \$86,000 (average value per acre) = \$967,500
- Total CIL = \$1,239,750

**Summary of PLD Contribution: 0 acres of land dedicated and \$1,239,750 in CIL (\$272,250 market value and \$967,500 in average value per acre).**

### **Public Land Dedication for Residential Projects with Income Aligned Housing Units**

During the OSPRT Plan update process, it was recognized that the historical approach to PLD didn't incorporate flexibility to balance both community goals related to PLD and income-aligned housing. Residential developments with a portion of their units or all of their units meeting the inclusionary housing requirements in the Broomfield Municipal Code are advancing multiple community goals simultaneously.

However, developers have expressed that it is challenging to develop 100% income aligned housing projects at or below 60% of the area median income. Developers have also shared that it is challenging to incorporate income aligned residential units into mixed income projects while also meeting other requirements related to development in Broomfield, including the PLD requirements. This is reflected in recent requests from developers to modify PLD for new residential developments when income aligned units are able to be incorporated into the project (example: The Grove at Cottonwood).

To be responsive to these concerns, the OSPRT Plan included a proposal to reduce cash-in-lieu fees for residential projects with Income Aligned Housing Units. The intention behind the proposed PLD cash-in-lieu reductions is to incentivize developers to provide on-site income aligned units while still providing some amount of on-site park or open space.

With the recent change in the cash-in-lieu methodology for inclusionary housing ordinance (IHO) units the cost for paying the in-lieu fee is at a level that now incentivizes the construction of actual on-site units and staff has seen an uptick of on-site units in development proposals. With the proposed reduction in PLD cash-in-lieu, the goal is to further incentivize developers to provide on-site units.

While the methodology for determining a project's overall public land dedication obligation remains 24 acres of PLD per 1,000 residents generated regardless of whether the units are market rate or income restricted, the proposed ordinance would decrease the required on-site PLD from 25% to 20% for sites 10 acres or greater in size and 15% for sites less than 10 acres.

Table 2 below summarizes the PLD methodology for residential projects that are 100% income aligned development with their units restricted to income levels of 60% of the AMI or less.

**Table 2: Method for PLD for 100% Income Aligned Housing Projects that Meet 60% AMI**

Site Size	Required Minimum % of on-site PLD	CIL if on-site PLD Requirement is Met	CIL if on-site PLD Requirement is Not Met
10 acres or greater	20% (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	No CIL	Balance of on-site PLD is met by the average value per acre for vacant land as published by the City
Less than 10 acres	15% (measured as the gross acreage of the project area minus the arterial or higher classification)	No CIL	Balance of on-site PLD is met by the average value per acre for vacant land as published by the City



	of right of way)		
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Examples of satisfying the PLD obligation for a 100% income aligned housing project meeting 60% AMI are provided below. These examples in practice outline the scenarios of this hypothetical housing project both providing on-site PLD and not providing the required on-site PLD. As a housing development that has 100% of the units meeting a 60% AMI is typically the most difficult to provide, the proposed incentives are the greatest to meet this community need.

#### Examples in Practice:

##### Scenario 1: 75-unit apartment on a 5-acre property, with the minimum on-site dedication provided

- 75 apartment units x 1.91 persons per unit = 144 persons generated (rounded up)
- 24 acres of PLD x (144/1000) = 3.46 acre minimum PLD obligation
- 15% minimum on-site dedication x 5 acres = 0.75 acres of on-site dedication
- Remaining balance totals 2.71 acres
- Remaining 2.71 acres of PLD is waived

**Summary of PLD Contribution: 0.75 acre of land and \$0 in CIL (due to waiving of CIL for 2.71 acres remaining)**

##### Scenario 2: 75-unit apartment on a 5-acre property, with on-site dedication *not* provided

- 75 apartment units x 1.91 persons per unit = 144 persons generated (rounded up)
- 24 acres of PLD x (144/1000) = 3.46 acre minimum PLD obligation
- 15% minimum on-site requirement x 5 acres = 0.75 acres of on-site dedication required
- 0.75 acres of onsite dedication not provided
- 0.75 acres x \$86,000 = \$64,000 CIL payment
- Remaining 2.71 acres of PLD is waived

**Summary of PLD Contribution: 0 acres of land dedicated and \$64,000 in CIL (compensation for minimum on-site dedication obligation total of 0.75 acres and waiving of CIL for 2.71 acres remaining)**

While residential projects consisting of 100% income aligned units at 60% of the AMI or lower are meeting what has been identified as a critical need for the community, developments with smaller proportions of attainable units and/or higher income levels are also desirable as they also increase housing availability and diversity for a wider range of residents. While the OSPRT plan and proposed ordinance includes full waivers of cash-in-lieu for residential developments meeting the 100% at 60% target in order to incentivize development for this critical need, the draft ordinance also provides various levels of cash-in-lieu reductions for mixed income projects as an incentive for additional income aligned units of various income levels.

Table 3 below summarizes the PLD methodology for residential projects that have mixed income units or are 100% income aligned units above 60% of the AMI.

**Table 3: Method for PLD for Residential Projects that have a Percentage of Income Aligned Housing Units or 100% Income Aligned Housing Projects that are Above 60% AMI**

Site Size	Required Minimum % of on-site PLD	CIL if on-site PLD Requirement is Met	CIL if on-site PLD Requirement is Not Met
10 acres or greater	20% (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by the City and County less any applicable PLD cash-in-lieu reductions per B.M.C.	Balance of on-site PLD is paid at the market value per acre
Less than 10 acres	15% (measured as the gross acreage of the project area minus the arterial or higher classification of right of way)	Unmet balance of the remaining PLD obligation to be paid at the average value per acre for vacant land as published by the City and County less any applicable PLD cash-in-lieu reductions per B.M.C.	Balance of on-site PLD is paid at the market value per acre

Table 3 notes that projects that have a percentage of income aligned housing units, or that are 100% income aligned housing projects that are above 60% AMI and meet their on-site PLD obligation are potentially eligible for PLD cash-in-lieu reductions. Tables 4 and 5 below provide the proposed PLD cash-in-lieu reductions for residential developments. Table 4 outlines the proposed reductions for for-rent projects with various percentages of attainable units at different levels of affordability. Table 5 outlines the same reductions, but for for-sale projects.

**Table 4: Public Land Dedication Cash-in-Lieu Fee Reduction Matrix for, For-Rent Income Aligned Units**

Public Land Dedication Cash-in-Lieu Fee Reduction Matrix for, For-Rent Income Aligned Units		AMI Level of Income Aligned For-Rent Units in Development					
		60% or below	61-70%	71-80%	81-90%	91-100%	Greater than 100%
Income Aligned For-Rent Units Share of Residential Development	100%	100%	80%	60%	40%	0%	0%
	80%	80%	65%	50%	30%	0%	0%
	60%	60%	50%	40%	20%	0%	0%
	40%	40%	35%	20%	10%	0%	0%
	20%	20%	20%	10%	0%	0%	0%
	0%	0%	0%	0%	0%	0%	0%
Note: 100% means there is a 100% reduction in the cash in lieu fee, whereas 0% means there is no reduction.							

**Table 5: Public Land Dedication Cash-in-Lieu Fee Reduction Matrix for, For-Sale Income Aligned Units**

Public Land Dedication Cash-in-	AMI Level of Income Aligned For-Sale
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Lieu Fee Reduction Matrix for, For-Sale Income Aligned Units		Units in Development	
		100% or below	Greater than 100%
Income Aligned For- Sale Units Share of Residential Development	60% or above	80%	0%
	40%	40%	0%
	20%	20%	0%
	12%	12%	0%
	0%	0%	0%
<b>Note: 80% means there is a 80% reduction in the cash-in-lieu fee, whereas 0% means there is no reduction.</b>			

### Proposed Public Access Easements in lieu of Dedications

The OSPRT Plan also includes a proposed change in the approach to actual dedication and maintenance of land to meet the PLD obligation to alleviate the maintenance burden previously imposed on Broomfield's Parks, Recreation and Senior Services Department when small tracts of land are dedicated to Broomfield.

The proposed ordinance includes provisions which aligns with the OSPRT Plan's recommendation for proposed on-site dedications for parcels or tracts of land that are less than 3 acres. The proposal is to continue to have these parcels or tracts be eligible for credit as PLD. However, rather than the project providing an actual dedication of the land to Broomfield ownership, these parcels or tracts will require a permanent public access easement to be recorded as a separate instrument, outlining at minimum that the landowner (or their assignee) shall be responsible for the continued ownership and maintenance of the tract or parcel eligible for credit as PLD.

### Proposed Changes to PLD Credit for Schools, Detention Ponds, Drainage Channels and other Water Bodies

The municipal code currently allows for public land dedication credit for detention ponds and drainage channels, lakes, ponds and reservoirs, and school sites that are dedicated as part of a residential project. The ordinance proposes to change the amount of credit for these types of dedications and expand the types of natural waterbodies eligible for PLD credit.

The proposed changes are based on a philosophical desire to emphasize usability and public value for lands receiving PLD credit and preserving natural resources in Broomfield. Typically, human-designed detention ponds and drainage channels are limited in their usability for PLD because their primary purpose is to meet engineered drainage specifications and to ensure safety of residents from floods. These areas also typically require access roads into the detention pond and periodic clearing of vegetation to allow for drainage. These areas are designed for the purpose of capturing and managing stormwater flows and typically are not conducive to parkland improvements where the site should be primarily level, suitable for play and not prone to flooding and potential damage to the park improvements during storm events. Amenities for detention ponds and drainage channels are typically limited to perimeter trails and occasional benches. The municipal code currently allows for these types of areas to be eligible for 50% PLD credit (for example a one acre detention pond could receive credit as 0.5 acre of PLD, regardless of if the area that is actually usable for parks or recreation purposes is less than .5 acre). To promote the dedication of quality property suitable for parklands and open space versus stormwater detention, the proposed ordinance would reduce the credit for detention ponds and drainage channels from 50% to 25% of the dedication (i.e., 2.5 acres for a 10-acre dedication).

In contrast, the municipal code currently only provides 25% PLD credit for lakes, ponds and reservoirs. The draft ordinance proposes to increase the credit for these types of natural features to 50% PLD credit, and proposes to expand the eligible water bodies to also include creeks, streams and rivers. The intent behind this change is to provide an incentive for residential developers to preserve and improve existing natural resources and ecosystems on their sites. The table below outlines the proposed changes to PLD credit.

No changes are proposed for the current PLD credit for school sites, which is 50%.

**Table 6: Proposed Changes to PLD Credit for Schools, Detention Ponds, Drainage Channels and other Water Bodies**

Type of Land Dedications	Current Dedication Credit	Proposed Dedication Credit
Detention Ponds and Drainage Channels	50%	25%
Lakes, Ponds, Creeks/Streams/Rivers, and Reservoirs	25%	50%
School sites: 50% of the area dedicated, not to exceed five acres per school	50%	50%

## Proposed Code Changes To Title 17 B.M.C. Related To PLD

The proposed amendments to Title 17 focus on cleaning up terminology and adding new review standards related to PLD to the Planned Unit Development (PUD) and Site Development Plan (SDP) regulations.

One key correction is in relation to a reference to a requirement for 40% open space in sections 17-38-120 and 17-38-220. This requirement is often confused with the goal for Broomfield to achieve 40% open lands as referenced in the OSPRT and Comprehensive Plans. However, this section is actually using an incorrect term of “open space” and instead should be referencing “open area” due to the term “open space” having a different meaning when this code section was originally drafted. Staff is proposing to update the terminology in this section to reference “open area”, which is the portion of a development site that is not occupied by paved parking surfaces or the building. It therefore includes sidewalks, stormwater areas, landscaped entrances, parking lot islands, foundation plantings around buildings, and other such private areas on a site. As Broomfield has moved toward slightly higher density developments, developers frequently request and have been granted variances to reduce open area requirements. In response, staff is suggesting that the open area requirement be reduced from 40% to 30%.

Additional terminology changes are proposed and new review standards are recommendations in the new OSPRT Plan adopted by Council in February 2024. These changes are summarized below:

- Adding new definitions to Title 17 for public recreation areas and facilities and private recreation areas and facilities.
- Adding the following new review standards for PUDs
  - The proposal should be consistent with the existing and future facilities and trails of the Open Space, Parks, Recreation, and Trails (OSPRT) Plan.
  - The proposal should be consistent with the Park Design Standards and Trail Design Standards of the OSPRT Plan.
  - The proposal should be consistent with the riparian corridor protection, tree preservation,

native vegetation restoration, and wildlife protection guidelines of the OSPRT Plan and Chapter 17-71, B.M.C.

- Adding the following new review standards for SDP
  - The proposal should be consistent with the existing and future facilities and trails of the Open Space, Parks, Recreation, and Trails (OSPRT) Plan.
  - The proposal should be consistent with the Park Design Standards and Trail Design Standards of the OSPRT Plan.
  - The proposal should be consistent with the riparian corridor protection, tree preservation, native vegetation restoration, and wildlife protection guidelines of the OSPRT Plan and Chapter 17-71, B.M.C.

## Broomfield Comprehensive Plan

The proposed public land dedication ordinance establishes methodologies that balance community goals related to open space, recreation facilities and income aligned-housing. The proposed code updates would help to promote a number of goals that were outlined in the 2016 Comprehensive Plan. These goals include:

- Goal CF-A: Community Form and Identity - Build on the established physical framework to strengthen Broomfield's sense of community identity by identifiably connecting neighborhoods, open lands, and residential and commercial areas, and by enhancing natural and human-made features.
- Goal CF-C: Community Form and Identity - Implementation - Implement the vision and the policies relating to Broomfield's physical form and identity.
- Goal GPC-A: Balanced Rate of Growth - Support population growth that ensures continuity of Broomfield's desired community identity and characteristics, while recognizing that trends and changes in net migration, transportation networks, household compositions, and economic growth may require flexibility in adapting and approving future residential and commercial development.
- Goal LU-A: Mix of Land Uses - Plan for an appropriate mix of land uses that ensures connectivity, livability, flexibility, environmental sustainability, and economic vitality.
- Goal LU-I: Development Standards - Use development standards and guidelines to help realize the community's overall vision and goals.
- Goal LU-J: Impact of Development - Evaluate and mitigate the impact of each development project on the system at the time of build.
- Goal OP-A: Forty Percent Open Lands - Provide approximately 40 percent of Broomfield's planning area as open lands.
- Goal OP-B: Interconnected Public Open Lands System - Connect public spaces with paths and greenways within and between existing and new areas of the community in order to provide continuous green space throughout the community benefiting wildlife, enhancing recreational experiences, and increasing Broomfield's walkability.
- Goal OP-C: Community Image and Identity - Use open space, parks, trails, and recreational facilities to reinforce a strong community image and identity and to improve quality of life.
- Goal OP-D: Stewardship - Careful and responsible management of open space and stewardship of natural resources.
- Goal OP-E: Future Needs - Develop a proactive approach to meeting future open space, parks, and recreation needs.
- Goal OP-F: Distribution of Facilities - Promote the equitable distribution of open space, parks, recreational, and trail facilities.
- Goal ED-F: Streamline and Simplify Development Processes - Review land development regulations to eliminate the piecemeal nature of layered review standards in order to reduce bureaucratic barriers to quality development.
- Goal CS-G: Recreational Facilities and Services - Support a recreation system that provides safe, year-round access to facilities, programs, and services that support and fulfill community interests in recreation and health across multiple disciplines, experiences, and skill sets
- Goal HO-B: Maintaining Housing Affordability/ Attainability - Encourage an adequate supply of

affordable/attainable housing for lower-income households.

- Goal HO-C: Diversity of Housing Types and Ownership Options - Encourage a diversity of populations within developed areas by providing a variety of housing types that serve a broad spectrum of households.

## Public Engagement

As described above, the new OSPRT Plan adopted by Council in 2024 provided significant guidance for the development of the proposed PLD ordinance update. During the OSPRT Plan update and rewrite, the following groups provided significant input into the proposed PLD modifications:

1. Development/Nonprofits/Business Housing Focus Group in addition to 5 other focus group gatherings
2. Overall OSPRT Community Engagement including a community survey and 18 outreach events
3. City Council comments made at the July 18, 2023 Study Session regarding the OSPRT Plan
4. OSTAC and PRSSAC input provided at numerous joint meetings
5. OSPRT Consultant Team
6. Broomfield staff from the Planning Division, Economic Vitality/Housing Department, Parks/Recreation/Senior Services Department, Attorneys Office, Assessors Department, and Open Space/Trails Department.

With the proposed ordinance being based upon the OSPRT Plan recommendations which included a robust community engagement effort, staff does not propose to duplicate direct engagement actions other than the creation of a Broomfield Voice page. The Broomfield Voice page will provide information regarding the proposed amendments that will be presented to City Council as part of a future proposed ordinance. The Broomfield Voice platform will allow for feedback on the proposed amendments to the Broomfield Municipal Code, and community engagement is encouraged. Comments received will be gathered and summarized to provide feedback as part of the public hearing process. Links to the BroomfieldVoice page will be provided to the community through social media postings and community newsletters. Email notice regarding the website will be provided to active developers/development consultants as commonly is done when Broomfield is considering development standard updates. There will also be an opportunity at the public hearing for the second reading of the proposed ordinance for additional public comments to be provided for City Council's consideration.

## Next Steps

Staff is requesting Council's feedback and direction regarding the proposed regulations. If directed to move forward, Staff will be bringing forth an Ordinance to make the changes as discussed in this memorandum and established in the draft ordinance accompanying this memorandum. Staff is tentatively targeting a first reading in August and a second reading in September.

## Questions For City Council To Consider While Providing Feedback

- Should staff move forward with the draft ordinance related to Public Land Dedication as drafted based on the OSPRT Plan?



# City and County of Broomfield

## City Council Study Session

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### B. Discussion of Potential Charter Change Recommendations and Direction on any 2025 Ballot Questions

Meeting	Agenda Group
Tuesday, June 17, 2025, 6:00 PM	Study Session Item: 2B.
Presented By	
Nancy Rodgers, City and County Attorney	
Community Goals	

## Overview

[View Correspondence](#)

[View Presentation](#)

This study session is intended to review additional potential Charter change recommendations, discuss any other potential changes Council may wish at this time, and obtain guidance on possible ballot questions to present to the voters in the November 2025 election and/or in future elections. There are additional updates and changes recommended by the Charter Review Committee that were not part of the slate of ballot questions in 2024.

### **Attachments**

[Study Session Memo for Potential Charter Change Recommendations and Direction on any 2025 Ballot Questions.pdf](#)

[June 17, 2025 Mtg - Ranking Sheet for Charter Provisions.pdf](#)

# Summary

[View Correspondence](#)

[View Presentation](#)

In 2023, City Council empaneled a Charter Review Committee (CRC) who provided multiple recommendations to Council regarding updates and amendments to Broomfield's Home Rule Charter. During the summer of 2024, and following the study sessions from [April 16, 2024](#), [May 7, 2024](#), and [May 21, 2024](#), Council approved [seven specific ballot questions](#) that went to the voters in the November 2024 election. These seven questions represented some of the recommendations made by the CRC, as well as amendments sought by Council.

There are additional updates and changes recommended by the CRC that were not part of the 2024 slate of ballot questions. This study session is intended to review those additional CRC recommendations, discuss any other potential changes Council may wish at this time, and obtain direction on possible ballot questions to present to the voters in the November 2025 election and/or in future elections.

This study session is for discussion on potential ballot questions only. If directed by Council, staff will prepare a ballot question ordinance(s) for a formal vote. Each ordinance will be subject to a first reading and second reading, with a public hearing. For the November 2025 ballot, any ballot question must be approved no later than the August 12, 2025 Council meeting. The voters have the ultimate decision on whether the amendment is adopted into the Charter.

## Background on Broomfield's Charter and the CRC, Ballot Question Process, and Proposed Changes

The background on Broomfield's Charter, the Charter Review Committee, the process for approving a ballot question, the CRC's recommendations, and Councilmembers' proposed changes to the Charter can be found in the staff memo for the [April 16, 2024](#) Study Session.

## Financial Considerations

Any potential Charter change may have its own financial considerations, which will be addressed if/when that specific change is presented to Council as an ordinance approving the ballot question.

## Prior Council or Other Entity Actions

[September 27, 2022 Resolution No. 2022-106](#): Council establishes the Charter Review Committee.

[November 14, 2023](#): Council heard the final report and recommendation of the CRC.

[April 16, 2024](#), [May 7, 2024](#), [May 21, 2024](#), and [June 18, 2024](#): Council study sessions to discuss the recommended changes and timing of such changes.

[June 11, 2024](#): Council's consideration on first reading of a repeal and replace ballot question ordinance ([Proposed Ord. No. 2238](#)) and a Chapter III/elections ballot question ordinance ([Proposed Ord. No. 2239](#)). The repeal and replacement ballot question ordinance failed on first reading.

[July 9, 2024](#): Council approved [Proposed Ord. No. 2239](#), Chapter III/elections ballot question ordinance. Council also approved, on first reading [five proposed ordinances](#) with separate ballot questions on term



limits, rezoning, ordinance publication, personnel chapter, and legal and judiciary chapter.

[July 30, 2024](#): Council approved Proposed Ord. No. 2248, on extending the mayor's term from 2 years to 4 years starting with the mayor elected in November 2025.

[August 13, 2024](#): Council approved on second reading [five proposed ordinances](#) with separate ballot questions on terms limits, rezoning, ordinance publication, personnel chapter, and legal and judiciary chapter.

## Boards and Commissions Prior Actions and Recommendations

[November 14, 2023](#): The CRC presented its final report and recommendations to Council.

## Proposed Actions / Recommendations

If Council desires to proceed with presenting a Charter change to the voters, Council should direct staff to prepare an ordinance(s) with the ballot question(s) for Council's formal consideration at a meeting between June and August 2025.

## Alternatives

Do not direct staff to prepare any proposed ballot questions and do not proceed with any changes to the Charter at this time.

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## Chart of Possible Ballot Questions - [Worksheet/Ranking Chart](#)

The worksheet is also included in the packet as a PDF.

## Full List of Broomfield Charter Review Committee Recommended Changes

### Overall changes

Remove outdated language or transitional language from 1974

Change "City" to "City and County" throughout; municipal to "City and County" when appropriate

### Prefatory Synopsis

Clean up; substantive changes to match other changes to Charter provisions, if applicable

Added a paragraph about Charter being the definitive governing document, but other key documents such as the strategic plan and comprehensive plan are critical to operational success and should be reviewed and updated (similar provision in 4.9(c))

### Preamble - Clean up

### Chapter I - Name Boundaries - no changes

### Chapter II - City and County Powers (formally "Municipal Powers")

No substantive changes that alter current operations

Form of Government remains Council-manager

No changes on the Issue 301 language in Section 2.1 re oil and gas regulatory authority and required focus on health, safety, and welfare

### Chapter III - Elections - **Approved in the Nov. 2025 election**

Made clear that Broomfield's elections follow Title I, so there isn't confusion between application of Title 31 and Title I of the Colorado Revised Statutes

Change "municipal" election to "coordinated" election throughout

### Chapter IV: Mayor and Council

#### 4.1 - City Council and Mayor

No change to the number of councilmembers

No change to mayor being elected "at large"

#### 4.2 - Wards

No change in the number of wards

Changes to the ward boundary map only occur following the census or when there is a significant disparity (5%) in population between the most populous and least populous ward

Manager prepares the ward map and City Council is limited to approval or rejection; they cannot modify the staff's recommended map

#### 4.3 - Terms of Office

Four year term for mayor - **Not approved in Nov. 2025 election**

No change to the four year term for councilmembers

Added term limits for elected officials - 3 consecutive terms (Note: term limits are not currently in Charter; Broomfield follows state law: 2 terms for 4-year elected terms and 3 terms for 2-year elected terms) - **Approved in Nov. 2025 election**

#### 4.4 - Mayor Power and Duties

Added that the mayor, with the assistance of the manager, sets the agenda

#### 4.6 - Qualifications [of Elected Officials]

Added a provision that changes in ward boundaries won't operate to exclude a sitting councilmember

Added that an elected official's absence from 50% or more Council meetings will be deemed to be a "vacant" seat

Added a specific prohibition that an elected official cannot hold another public elected office

#### 4.7 - Vacancies

Clarified that a councilmember vacancy will be filled by appointment, but only until the next available coordinated election when a person will be elected to serve the remainder of the original term (if any)

Clarified that a mayoral vacancy is filled via special election unless within 180 days from the coordinated election, then filled by appointment until that election

#### 4.8 - Compensation

Generally, there is agreement among the Charter Review Committee that the compensation for the hours worked is too low. However, there are multiple ideas of how to address that, particularly the mechanisms and the amount. The recommendation from the Committee, particularly the 5 resident members, that compensation should be tied to a relevant, independent index

#### 4.9 - Powers and Duties of Council

Added that Council shall adopt job descriptions, job duties, and general assignments for the mayor and councilmembers

Added that Charter is the definitive governing document, but other key documents such as the strategic plan and comprehensive plan were critical to operational success and City Council should review and update these documents as needed (similar provision in prefatory synopsis)

#### 4.11 - Ethics Code

Added that Council must adopt an ethics code (there is a current ethics code in the Broomfield Municipal Code but no requirement to do so in Charter)

### Chapter V - Council procedures

Permits a study session to be one of the required two meetings a month

Removed requirement to take a roll call vote but retained requirement that a yes or no vote be entered into the records unless the vote was unanimous. (New AgendaLink system displays each councilmember's vote on a screen)

### Chapter VI - Legislation

Added that land use rezones for a specific property (not a multiple property development) to be approved by resolution, not ordinance - **Approved in Nov. 2025 election**

Added a required “third reading” to ordinances that have substantive amendments on second reading

Veto by mayor remains

Changed the effective date for emergency ordinances - they will go into effect immediately (not eight days from passage)

Modified the publication requirement of ordinances so that ordinances are required to be published on the City and County website rather than a newspaper; ordinances can be published in a newspaper upon Council’s direction - **Approved in Nov. 2025 election**

## Chapter VII - Initiative and Referendum

Modified the deadlines on initiative and referendum to match state statute

## Chapter VIII - City and County (formally “Municipal”) Administration

Retained Council-manager form of government

Updated language and removed repetitive language in Sections 8.3 and 8.8

Removed language that allowed City Council to consolidate or merge departments, and language that required the manager to seek Council approval before dividing departments. This change is consistent with the manager’s authority over the various departments

Removed Section 8.8 on Administrative Departments because the tasks and responsibilities are covered in the managers’ duties in Section 8.3

Added a new requirement that the manager, with Council approval, shall appoint and could remove an Internal Auditor (the Internal Audit department is in Code, but not Charter)

## Chapter IX - Personnel - - **Approved in Nov. 2025 election**

A Personnel Merit System (PMS) remains required by the Charter

Clarified who is included/excluded in the PMS: includes all Broomfield employees except department heads, (new) the deputy/assistant city and county managers, elected officers, Council appointees, (new) temporary employees, boards and commission members, and special inquiry contractors -

The inclusion of the police chief in the PMS was removed. The Chief is excluded from the PMS, consistent with other department heads. The Chief would like Council to consider including the Deputy Chiefs of Policies in the group that are excluded from the PMS

Clarified that language to require the Personnel Merit System provide non-probationary employees a right to administratively appeal any disciplinary action

The Personnel Merit Commission was removed from Charter (note: The Commission still remains in Code and is an active Commission. City Council could, if it desired, change the ordinance to modify the structure and obligations of the PMC)

## Chapter X - Legal and Judiciary - **Approved in Nov. 2025 election**

### City and County Attorney

Broadened the language to recognize that the City and County Attorney employs staff in addition to attorneys

Specified that special counsel works under the direction of the City and County Attorney, who serves at the pleasure of Council

### Municipal Court

The Presiding Judge shall be the “department head” for the Court and will hire and supervise associate judges and such staff as needed by the Court

Modified the requirements for removal of a judge to reference the Colorado Code of Judicial Conduct

## Chapter XI - Boards and Commissions

Removed language that a board member could be removed “for just cause” and retained language that the member could be removed at the pleasure of Council

Current council members and employees cannot serve on any temporary boards or commissions, in addition to the existing prohibition for permanent boards or commissions

Council may permit an individual to serve on more than one board or commission

## Chapter XII - Finance and Budget

Added a requirement that the manager collaborate with Council on the recommended budget for the next fiscal year

Added a requirement that the proposed operational capital expenditures in the budget be both detailed and summarized for each Broomfield office

Removed requirements that publicly available documents be located at the “municipal building”; documents will be available publicly at the City and County main building, on the website, and per a public records request

## Chapter XIII - Taxation - Language updates; No substantive changes

## Chapter XIV - Municipal and County Funding - Language updates; No substantive changes

## Chapter XV - Improvement Districts - Language updates; No substantive changes

## Chapter XVI - Intergovernmental Relations

Allows intergovernmental contracts to be approved by a majority, not 2/3rd vote

Permits Council to delegate authority to enter into certain intergovernmental contracts

Require intergovernmental contracts be published on the City and County website

Chapter XVII - Utilities and Franchise - Language updates; No substantive changes

Chapter XVII - General Provisions (Eminent Domain, Open Space, Charter Amendments, etc.) - Language updates; No substantive changes

Chapter XIX - Transitional Provisions

Deletion of this entire provision, which contain sections needed for the transition from statutory town to home rule municipality

Chapter XX - Prohibition on Hydraulic Fracturing

The Committee recommends, by a vote of 5-2, deletion of this Chapter only because, by the terms of the policy statement in Chapter XX, the provision has expired. It was passed in 2013 and expired in five years from its implementation

Further Suggestions

The Committee recommends City Council consider adding a policy statement in the Charter supporting affordable housing and a policy statement supporting diversity, equity and inclusion

HOME RULE CHARTER for BROOMFIELD, COLORADO	2025 Questions (yes/no)	Notes
<b>CHANGES TO BE MADE THROUGHOUT CHARTER</b>		
"City" to "City and County"; municipal to "City and County" or "Broomfield"		
"City Council" to "Council"		
Remove outdated and transitional provisions going from statutory city to home rule		
<b>PREAMBLE AND PREFATORY SYNOPSIS</b>		
Clean up; New paragraph about key documents - comp plan, strategic plan		
<b>CHAPTER I - NAME - BOUNDARIES</b>		
<b>CHAPTER II - MUNICIPAL (City and County) POWERS</b>		
Section 2.1 - Add reference to the Broomfield Constitutional Amendment		
Section 2.3 - Application of the Charter - all ordinances, resolutions, policies must be consistent with Charter; If conflict, then Charter controls (new section)		
<b>CHAPTER III - ELECTIONS</b>		
<i>Chapter III - Elections: Changes approved by the Voters at the Nov. 2025 election - Changing the governing law from the Colorado Municipal Election Code to Title I the Uniform Election Code, except as set forth in Charter or Code.</i>	Changes Approved	
<b>CHAPTER IV - COUNCIL AND MAYOR</b>		
Section 4.2 - Wards (change to ward mapping requirement - after census or when there is a significant disparity between ward population)		
Section 4.3 - Four year term for Mayor and removal of transitional provisions		
<i>Section 4.3 - Term Limits - Changes approved by the Voters at the Nov. 2025 election. Added term limits for elected officials to be three consecutive terms. (A separate question extending the length of the mayor's term from 2 to 4 years was not approved by the voters.)</i>	Changes Approved in Part	
Section 4.4 - Mayor - Power and Duties (setting agenda with Manager)		
Section 4.6 - Qualifications (no map change impacts sitting member; no dual public office)		
Section 4.7 - Vacancies - 50% absences = vacancy		
Section 4.7 - Vacancies - Councilmember vacancy still filled by appointment but only until next coordinated election		
Section 4.7 - Vacancies - Mayor vacancy filled by appointment of Mayor Pro Tem but only until next general or coordinated election		
Section 4.9 - Powers of Council (adopt job duties, job descriptions; strategic plan and comp plan, community priorities provide Council the operational understanding and direction)		
Section 4.11 - Code of Ethics (New) (Council must adopt Code of ethics)		
<b>CHAPTER V - COUNCIL PROCEDURE</b>		
Section 5.1 - Regular Meetings - 2 per month (one can be a study session)		
Section 5.5 - Organization and Rules of Council (roll call vote; no personal interest added)		
Section 5.7 - Study Sessions and Executive Session (new section - old language from 5.6)		
<b>CHAPTER VI - LEGISLATION</b>		
Section 6.1 - Prior City Legislation - transitional provision, deleting		
Section 6.4 - Action by Ordinance Required - Changes approved by the Voters at the Nov. 2025 election. Permitting the rezone for a specific property to be by city council resolution approved during a public meeting rather than by ordinance.		
Section 6.5 - Form of Ordinance - Effective Date (severability clause)		
Section 6.6 - Procedure for Passage of Ordinances (Third reading if amended)		

Section 6.8 - Emergency Ordinances - effect immediately, not 8 days later		
Section 6.9 - Publication of Ordinances Changes approved by the Voters at the Nov. 2025 election. Requiring the publication of ordinances to be on the Broomfield website and allowing the publication of ordinances in the local newspaper to be optional.		
CHAPTER VII - INITIATIVE AND REFERENDUM		
Section 7.1 - Initiative - change dates to match state law		
CHAPTER VIII - MUNICIPAL ADMINISTRATION		
Section 8.1 - City Manager (Clarified Council sets Manager's salary and compensation)		
Section 8.3 - Powers and Duties (establish/divided dept - reflects current operation; establish system of internal auditing)		
Section 8.6 - City Clerk (clarifying duties)		
Section 8.8 - Administrative Departments (removing it because duplicative of 8.3)		
Section 8.9 - Performance and Internal Auditor (Is currently in Code; adding hiring Internal Auditor, with approval of Council, to Charter)		
CHAPTER IX - PERSONNEL		
Section 9.1 - <i>Personnel Merit System - Changes approved by the Voters at the Nov. 2025 election. Updating provisions regarding the Personnel Merit System to clarify who is and is not included in the employee personnel merit system, such as temporary employees; confirming the right to an administrative appeal; and removing the Personal Merit Commission provision from the Charter (it remains in Code).</i>	Changes Approved	
CHAPTER X - LEGAL AND JUDICIARY		
Section 10.1 - <i>City Attorney and 10.2 - Municipal Courts: Changes approved by the Voters at the Nov. 2025 election. Updating provisions regarding the City and County Attorney to reflect the current operational practice of employing non-attorney staff and updating provisions regarding Municipal Court to acknowledge the presiding judge's supervision of the court operation and to specify that the removal of municipal judges be tied to violations of the Colorado Code of Judicial Conduct.</i>	Changes Approved	
CHAPTER XI - BOARD AND COMMISSIONS		
Section 11.2 - Right to Establish, Amend and Abolish (Council can appoint alternates; person can serve on more than one; employees cannot serve on temp boards in addition)		
CHAPTER XII - FINANCE AND BUDGET		
Section 12.2 - Proposed Budget and Message (collaboration with Council)		
Section 12.4 - Budget Content (detailed "and summarized" content)		
Section 12.6 - Public Hearing (posting location)		
Section 12.9 - Public Records (removing "municipal building" as location to make budget public -- still required to make public)		
Section 12.11 - Independent Audit (removing "municipal building" as location to make budget public -- still required to make public)		
CHAPTER XIII - TAXATION		
Section 13.1 - Tax Authority and Limitations - removal of income tax		
CHAPTER XIV - MUNICIPAL FUNDING	No changes recommended	
CHAPTER XV - IMPROVEMENT DISTRICTS	No changes recommended	
CHAPTER XVI - INTERGOVERNMENTAL RELATIONS		
Section 16.2 - Cooperative Intergovernmental Contracts - can be approved by majority (not 2/3) vote; posted online		



CHAPTER XVII - UTILITIES AND FRANCHISES	<i>No changes recommended</i>	
CHAPTER XVIII - GENERAL PROVISIONS	<i>No changes recommended</i>	
CHAPTER XIX - TRANSITIONAL PROVISION		
Section 19.1 -19.5 - Transitional Provisions (deleted entirely because no longer needed)		
CHAPTER XX - PROHIBITION ON HYDRAULIC FRACTURING	<i>No changes recommended</i>	