

ORDINANCE NO. 785

AN ORDINANCE AMENDING EXISTING AND ESTABLISHING NEW CAPITAL IMPROVEMENT FEES FOR THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

FINDINGS:

Design Studios West, Inc. has been performing a study of the Town's Capital Improvement Plan. Pursuant to this study the Board of Trustees finds that:

A. The Town must maintain the current levels of service for its public facilities and infrastructure if it is to accommodate new development without reducing current levels of services.

B. The Town's public facilities and infrastructure serve general municipal needs, and not just the specific needs of local neighborhoods.

C. Capital improvement fees on new construction within the Town will provide a portion of the capital to pay the expenses which new development creates for public facilities and infrastructure in excess of the Town's capacity to maintain the current levels of service.

D. The imposition of capital improvement fees on new development is the preferable method of ensuring new development bears its proportionate share of the cost of capital improvements necessary to maintain current levels of services.

E. There is a direct relationship between new development and the capital expenditures development necessitates including the use of public buildings, parks and infrastructure.

F. The imposition of capital investment fees implements the following goals and policies of the Berthoud Comprehensive Plan:

1. Make provisions for public improvements in a manner appropriate for a modern, efficiently functioning town; and,
2. Ensure that new development does not negatively impact the provision of municipal services by equitably allocating the costs of public facilities and infrastructure to new development.

G. The modification in fees and creation of new fees is reasonably necessary to protect, enhance and preserve the public health, safety and welfare of the citizens within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, LARIMER AND WELD COUNTIES, COLORADO.

Section 1. Computation of the Amount of Capital Improvement Fees.

A. Each person requesting a building permit for construction of a new single family equivalent structure shall pay the following fees:

1. Residential water tap - 5/8 inch \$2,943
with all other water tap fees to be
adjusted proportionately. No fee assessed
where no water service is provided.
2. Residential sewer tap \$2,257
for single family equivalent (SFE),
with all other sewer tap fees to be
adjusted proportionately. No fee assessed
where no sewer service is provided.
3. The park-land acquisition fee for single family equivalent (SFE) is
seven percent (7%) of the appraised value of raw land in the
development unless dedication of seven percent (7%) of the land in the
subdivision is accepted by the Board of Trustees, or unless it is a parcel
in the already developed part of Town, in which case it is \$800 per SFE.
This fee shall only be assessed where the structure, or a portion thereof,
is primarily used for residential uses.
4. The park-land development fee \$1,245
for single family equivalent (SFE).
This fee shall only be assessed where
the structure, or a portion thereof,
is primarily used for residential uses.
5. Public facilities, capital costs \$ 935
for single family equivalent (SFE).

B. If the request is for a building permit for mixed uses, then the chief building official, or designee, shall determine the fee by apportioning space to each specific use and then applying the applicable fee to each use.

C. If the request is for a building permit for a type of development activity not specified on the fee schedule, the chief building official, or designee, shall use the fee for the most comparable land use on the fee schedule.

D. As used herein, single family equivalent (SFE) shall mean a single family dwelling or building occupied by not more than one family and which has not more than one kitchen and at least one bathroom; or 1,000 square feet of retail space; or 1,200 square feet of office space; or 1,500 square feet of industrial/manufacturing.

E. The Board of Trustees reserves the right to modify these fees based upon circumstances which would make the application of these fees inequitable or where the modification could result in an inordinate economic benefit to the Town.

Section 2. Payment of Fees. The fees required in Section 1 above shall be paid at the time a building permit is requested.

Section 3. Use of Funds. The Town shall use the capital improvement fees for the purpose of acquiring, construction and making capital improvements to public facilities and infrastructure within the Town. Fees may be used for the payment of indebtedness incurred to pay for capital improvements for which these fees may be applied. Each fee shall be segregated and expenditures therefrom separately accounted for.

The Town shall not use capital improvement fees for periodic or routine maintenance.

Section 4. Pre-existing Development Agreements. Where the Town has a binding agreement that establishes a method of payment or collection for particular development which predates the effective date of this Ordinance, the method of payment or collection in the agreement shall govern in all respects instead of this Ordinance, but only as to that particular development.

Section 5. Review. The Board of Trustees shall, at least every two (2) years, review and update, as necessary, the costs of construction of public facilities and other factors affecting the capital improvement fees in this Ordinance. These fees may be modified by the governing body at any time it determines the fee or fees are inequitable or insufficient.

Section 6. Emergency Clause. The Board of Trustees hereby determines that an emergency exists which jeopardizes the provision of municipal services at a level which will maintain the health, safety and welfare of the Town justifying the adoption

of this Ordinance to take effect immediately upon passage this 13th day of January, 1998 by a vote of 5 for and 2 opposed.

TOWN OF BERTHOUD:

ATTEST:


Richard Strachan - Mayor


Mary K. Cowdin - Town Clerk

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