

ORDINANCE NO. 849

**AN ORDINANCE CREATING A FEE AND ESTABLISHING A FUND TO
PROVIDE FOR THE TRANSFER OF DEVELOPMENT UNITS FROM
AGRICULTURAL AREAS TO THE TOWN OF BERTHOUD, LARIMER AND
WELD COUNTIES, COLORADO.**

WHEREAS, pursuant to Section 31-23-301(3), C.R.S., which grants to the Town of Berthoud as a statutory municipality the power and authority to promote the health, safety and general welfare of the community by regulating, among other things, the percentage of a lot that may be occupied, the size of open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residential or other purposes; and,

WHEREAS, the upzoning of real property after it is annexed to the Town has an immediate and significant positive impact on the fair market value of the property;

WHEREAS, a program that transfers development units directly from sending areas to receiving areas via sales between private property owners requires significant administrative cost and effort for both the Town and developers;

WHEREAS, the purpose of the fee is to simplify the transfer of development units to the Town of Berthoud from agricultural lands in the surrounding the area;

WHEREAS, the fee in lieu of a private transfer of development units allows the Town of Berthoud to target where development units are purchased, thus controlling the quality not just the quantity of the transfers;

WHEREAS, the process of developing acreage into residential, commercial and industrial lots necessarily removes land from agricultural uses and open space; and,

WHEREAS, it is incumbent upon the Town to ensure the logical and economical growth of the various physical elements of the Town, in a manner which promotes efficient use of the Town's infrastructure; and,

WHEREAS, the Town is charged with the responsibility of protecting the environmental assets of the Town while ensuring quality development that will preserve and enhance the quality of life for the residents of the Town; and,

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

Section 1. Density Transfer Fee.

Section 30-10-110 is hereby added to the Town of Berthoud Development Code.

- A. There is hereby implemented a fee to provide for the purchase of residential development units from agricultural areas, environmentally significant areas, and community separator areas to the Town of Berthoud. This may be accomplished by the purchase of the property in fee title or through restrictions on development or conservation easements or any combination of these or other rights, which would preserve or promote the open space aspects of the real property.
- B. The preservation of open space and agricultural areas primarily benefits the residents of the community with minimal impact upon or benefit to commercial or industrial users and is therefore applicable only to residential developments.
- C. A re-zoning of land from either a residential, agricultural, or transitional zoning district to a district that allows a higher residential density triggers payment of the fee. The total fee for a subdivision will be determined at the final development plan stage and then allocated to each unit for payment with the building permit. The total fee will be the sum of the total number of units in the final development plan, minus credits earned as listed below:
 - 1. One single-family unit credit is given for each single-family unit allowed by right with the prior County zoning or Town zoning if applicable. Multi-family credit can be earned in a similar manner. When calculating allowable prior zoning density, gross acres will be used. This will be measured using the centerline of exterior roads and will include all areas except for water bodies, floodplains, and area for road right-of-ways.
 - 2. For every acre of permanent open space provided in the subdivision, one single-family unit equivalent credit is given. Qualifying permanent open space includes deed-restricted land that is used for agricultural, environmental, or equivalent open space purposes. It does not include parkland required by the Town or buffer strips. Credit can also be earned for equivalent open space acquired off-site in areas approved by the Board of Trustees.

3. Additional factors that increase or decrease the amount of credit given will be determined by the Planning Director, subject to the purposes and intent set forth in the preface to this ordinance. Appeals of his or her decision will be heard by the Town Board.
- D. New parcels created from fee paid lots through subdivision of said lot will be subject to this fee.
- E. If the Town increases the allowable density within a zoning district to the extent that a property could be subdivided for an additional unit, then the fee would apply and be assessed at such time as additional building permits for new residences are requested.
- F. The fee for a single-family house is \$3,000 and \$1,500 per dwelling unit for multi-family structures. Calculation of the fee is provided in a document entitled "Density Transfer Fee Calculation Guidelines".
- G. Six percent of the total Density Transfer fee collected will be used for administration of this process. The balance of these fees shall be exclusively used for the open space acquisition and preservation purposes as described in this Ordinance. These fees shall be separately accounted for within the Town's annual budget.

Section 2. Effective Date.

The Board of Trustees of the Town of Berthoud herewith finds, determines and designates that this Ordinance shall take effect and be in force thirty (30) days after publication.

At its meeting March 14, 2000, a public hearing was set by the Board of Trustees of the Town of Berthoud for its meeting held on the 28th day of March, 2000. After the public hearing, the Ordinance was read, passed and ordered published by the Board of Trustees at its meeting this 28th day of March, 2000.

TOWN OF BERTHOUD:



Richard Strachan – Mayor

ATTEST:



Mary K. Cowdin - Town Clerk

Published: 4-06-00