



Town of Berthoud
807 Mountain Ave.
P.O. Box 1229
Berthoud, CO 80513
970.532.2643

**AGREEMENT
FOR PAYMENT OF DEVELOPMENT REVIEW AND
CONSTRUCTION INSPECTION EXPENSES INCURRED BY THE TOWN**

This Agreement for Payment of Development Review and Construction Inspection Expenses Incurred by the Town ("Agreement"), between the Town of Berthoud, Colorado, a municipal Corporation, hereinafter referred to as "the Town," and _____, hereinafter referred to as "the Applicant," is executed to clarify the Town's application fee and reimbursement policies.

WHEREAS, the Applicant of certain property situated in the County of _____, State of Colorado, which is more particularly described in **Exhibit A** attached hereto and incorporated herein, and is commonly referred to as _____; and
(Project Name)

WHEREAS, the Board of Trustees has determined that the fiscal impact of development review and construction inspection should properly be borne by those parties who receive the benefits; and

WHEREAS, on August 9, 1994, the Board of Trustees passed Ordinance No. 707, establishing policies for reimbursement of professional fees and established fees for applications including, but not limited to, legal notification, planning fees, engineering fees, attorney fees, consultant fees, reproduction of material, public hearing expenses and recording documents; and

WHEREAS, on February 28, 1995, the Board of Trustees passed Ordinance No. 722, adopting a Development Code for the Town of Berthoud, which included the setting of new submittal review fees in Chapter 10; and

WHEREAS, on January 13, 2004, the Board of Trustees passed Ordinance No. 985, establishing new and/or revising existing fees as provided for in Chapter 10 of the Development Code; establishing an hourly fee for Town Personnel involved in development review; amending Section 30-10-104 of the Town of Berthoud Development Code; repealing Ordinance 707 and all ordinances in conflict herewith; providing a severability clause; providing an applicability clause; and providing for an effective date; and

WHEREAS, on February 14, 2006, the Board of Trustees passed Ordinance No. 1025, an Ordinance revising those fees established in Ordinance No. 985; and

WHEREAS, on December 9, 2025, the Board of Trustees passed Resolution 2025-26, a Resolution of the Town of Berthoud adopting a Fee Schedule for all Town fees as provided in the Berthoud Municipal Code; and

WHEREAS, the Town's staff has determined the typical municipal expenditure incurred by the Town in processing land development applications and performing construction inspections; and

WHEREAS, the Applicant desires to develop said property and has made a complete application to the Town of Berthoud for development; and

WHEREAS, the Parties hereto recognize that the Town will incur development expenses throughout the entire development process until final completion of the project, including, but not limited to, planning fees, engineering fees, attorney fees, consultant fees, reproduction of material, securing permits and easements, recording fees, and construction inspection fees.

NOW, THEREFORE, the Applicant understands that:

1. DEVELOPMENT REVIEW APPLICATION FEES

Applicant shall pay an Initial Application Fee and subsequent Additional Application Fees, as required to ensure that Applicant pays all of the development review-related expenses incurred by the Town. Applicant shall pay an Initial Application Fee and such subsequently required Additional Application Fees in the amounts established by the Board of Trustees and in accordance with this Agreement. As established by the Board of Trustees, effective January 1, 2026, the Initial Application Fee and the subsequent Additional Application Fee(s) are flat fees and cover all costs incurred by the Town related to the processing of a Development Review Application, including costs for review by Town staff and consultants retained by the Town to assist with technical review of development applications. These consultants include, but are not limited to persons performing engineering, planning, transportation, and legal services. The Initial Application Fee and the Additional Application Fee(s) also cover incidental costs such as postage, recording, mileage and publication fees. The Initial Application Fee covers two rounds of development review. Should the submittal following the second set of staff and referral review comments not be the final submittal, the applicant shall pay an Additional Application Fee for each subsequent submittal. Applications shall not be processed without receipt of either the Initial Application Fee or the required Additional Application Fee(s) (collectively referred to herein as "Application Fees."). Application Fees are non-refundable.

2. UNFORSEEN CIRCUMSTANCES

Due to numerous unforeseen circumstances, in the unlikely event that fees from consultants retained by the Town to assist with technical review of development projects exceed the Application Fees collected, the Applicant shall pay the Town an Additional Application Fee to cover these fees prior to the application moving forward in the development review process. At such time that Town expenses are in excess of the Initial Application Fee or the subsequent Application Fee(s) already collected by the Town, the Applicant shall pay a subsequent Additional Application Fee in the amount required by the Community Development Director. This amount will be based upon the status of the project and outstanding issues. In no event will review of a project continue once the Initial Application Fee and any subsequent Additional Application Fees have been exhausted until the Town has received an Additional Application Fee in an amount to cover anticipated expenses. Said payment shall be made within ten (10) days of the Town submitting an invoice for the expenses. Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application including cancelling any public hearing, and/or suspending any administrative processing of any application and withholding issuance of building permits and certificates of occupancy. The Applicant is not entitled to any interest on, and any interest that may accrue on Application Fees held by the Town shall belong to the Town.

3. CONSTRUCTION INSPECTION FEES

Prior to the Pre-Construction Meeting, the Applicant shall pay the Construction Inspection Fees as established by the Town Board of Trustees and contained in the Fee Schedule. Construction Inspection Fees are non-refundable.

4. MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) FEES

At the time of Building Permit application, the MS4 fees are paid to cover the inspection and permitting of MS4 for construction on individual lots. Reinspection fees will be charged should properties come out of compliance as established by the Town Board of Trustees and contained in the Fee Schedule. Inspection and Reinspection Fees are non-refundable.

5. APPLICATION TERMINATION. Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate its development application at any time by giving written notice to the Town.

6. COLLECTION OF FEES AND COSTS

If the Applicant fails to pay the fees required herein when due, the Town may proceed to collect the balance due by that Applicant. The Town shall also be entitled to all its filing fees, attorney's fees, expert witness fees, and other costs incurred in collection plus interest on the amount due at a rate of 18% per annum.

By signing this Agreement, the Applicant acknowledges that he/she has read this Agreement in its entirety, and agrees that by processing its application it will be required to comply with the Town's ordinances and the provisions set forth in this Agreement.

Applicant: _____

Date

Applicant: _____

Date

Applicant: _____

Date

(attach additional signatures as necessary)