

**TOWN OF TIMNATH
ORDINANCE NO. 21-2006**

**AN ORDINANCE OF THE BOARD OF TRUSTEES
OF THE TOWN OF TIMNATH AMENDING
ARTICLE VII, SECTION 4.125 OF THE *TIMNATH
MUNICIPAL CODE* WITH REGARD TO IMPACT
FEES FOR PARTICULAR PUBLIC FACILITIES
AND ESTABLISHING THE WIFI CAPITAL
INFRASTRUCTURE EXPANSION ACCOUNT AS
THE DEPOSITORY FUNDS FOR THE WIFI
CAPITAL INFRASTRUCTURE IMPACT FEES
COLLECTED.**

WHEREAS, pursuant to authority granted in C.R.S. § 29-20-104 (1) (g), a local government may impose an impact fee or other similar developer charge to fund expenditures by such local government on capital facilities needed to serve new development; and

WHEREAS, no impact fee or other similar development charge shall be imposed except pursuant to a schedule that is legislatively adopted, generally applicable to a broad class of property, and intended to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, a local government is required to quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development; and

WHEREAS, no impact fee or other similar development charge shall be imposed to remedy any deficiency in capital facilities that exist without regard to the proposed development; and

WHEREAS, the Town of Timnath has caused a study to be conducted of the existing capital improvement expansion fees to quantify and determine the reasonable impact of proposed development upon existing capital facilities and those capital facilities needed to serve future development; and

WHEREAS, the Board of Trustees has determined that it is appropriate to amend the current schedule of capital improvement expansion fees in accordance with the results of the study: and

WHEREAS, the Board of Trustees has determined that it is appropriate to establish a separate account within the capital improvement expansion fund to be known as the "WiFi



capital infrastructure expansion account” as the depository for all funds collected from the WiFi Capital Infrastructure Impact Fee.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Timnath, Colorado, as follows:

Section 1. Section 4.125 of Article VII of the *Timnath Municipal Code* is hereby repealed in its entirety and reenacted to read as follows:

“Section 4.125. Fees for Particular Public Facilities.

A. Police Impact Fee.

1. There is hereby established a Police Impact Fee which is imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to provision of law enforcement services, as such improvements may be identified in the capital improvements plan for law enforcement services. Such fee shall be payable prior to the issuance of any building permit for any structure. The amount of such fee shall be \$202 per single-family detached dwelling unit, \$108 per multifamily dwelling unit, and is waived for commercial and industrial buildings.
2. All fees collected under this Section shall be deposited into a separate account within the capital improvements expansion fund to be known as the “law enforcement capital improvement expansion account.” This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the account shall be used only for the purposes specified in this Section and said expenditures shall be subject to the provisions of this Article.

B. Parks, Open Space and Trails Impact Fee.

1. There is hereby established a Parks, Open Space and Trails Impact Fee which is imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of parks, open space and trail services, as such improvements may be identified in the capital improvements plan for parks, open space and trail services. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be \$4,146 per single-family detached dwelling unit and \$3,707 per multifamily dwelling unit.
2. All fees collected under this Section shall be deposited into a separate account within the capital improvements expansion fund to be known as the “Parks, open space and trails capital improvement expansion account.”

This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the account shall be used only for the purposes specified in this Section and said expenditures shall be subject to the provisions of this Article.

C. Public Buildings Impact Fee.

1. There is hereby established a Public Buildings Impact Fee which is imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of public buildings, as such improvements may be identified in the capital improvements plan for public buildings to serve the residents and businesses within the Town. Such fee shall be payable prior to the issuance of any building permit for any structure. The amount of such fee shall be \$384 per single-family detached dwelling unit, \$205 per multifamily dwelling unit, and is waived for commercial and industrial buildings.
2. All fees collected under this Section shall be deposited into a separate account within the capital improvements expansion fund to be known as the "Public buildings capital improvement expansion account." This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the account shall be used only for the purposes specified in this Section and said expenditures shall be subject to the provisions of this Article.

D. WiFi Capital Infrastructure Impact Fee.

1. There is hereby established a WiFi Capital Infrastructure Impact Fee which is imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of a Town-wide WiFi system. Such fee shall be payable prior to the issuance of any building permit for any structure. The amount of such fee shall be \$181 per single family dwelling unit, \$96 per multifamily dwelling unit, and \$0.09 per square foot of commercial and industrial buildings.
2. All fees collected under this Section shall be deposited into a separate account within the capital improvements expansion fund to be known as the "WiFi capital infrastructure expansion account." This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the account shall be used only for the purposes specified in this Section and said expenditures shall be subject to the provisions of this Article."

Section 2. **Effective Date.** This ordinance shall be published by title only and

become effective as provided by law.

Section 3. **Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

Section 4. **Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. **Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS 15th DAY OF November , 2006.**



ATTEST:

By *Linda Griess*
Linda Griess, Acting Town Clerk

Donna Benson
Donna Benson, Mayor

**Exhibit II-1.
Town of Timnath,
Current Land Use Patterns (square feet)**

	Square feet	Percent of Total
Residential	181,496	79%
Single Family ⁽¹⁾⁽²⁾	177,300	77%
Multi-Family	4,196	2%
Commercial	<u>49,305</u>	<u>21%</u>
Total	230,801	100%

**Exhibit II-2.
Town of Timnath,
Projected Land Use Distribution (square feet, 2003-2022)**

	Square feet	Percent of Total
Residential	10,519,878	79%
Single Family ⁽¹⁾⁽²⁾	10,376,364	78%
Multi-Family	143,514	1%
Commercial	<u>2,857,818</u>	<u>21%</u>
Total	13,377,696	100%

**Town of Timnath
Current Development -- 2002**

Total number of residential units (1):	94
single family units	90
multi-family units	4
Commercial Square Feet	<u>49,305</u>

**Town of Timnath
Projected Development -- 2003-2022**

Residential	5,404
Single Family	5,267
Multi-Family	137
Commercial	<u>2,857,818</u>

**Exhibit III-1.
Town of Timnath, Police
Impact Fee Eligible Capital Infrastructure**

Type of Capital Infrastructure	Square Feet	2006 Cost	% to Include in Fee ⁽⁴⁾	Cost to Include in Fee
Police Station ^{(1) (2)}	8,656	\$1,391,000	98%	\$1,367,218
Land Cost ⁽³⁾	8,656	\$0	98%	\$0
Impact Fee Study	NA	<u>\$12,000</u>	33%	<u>\$4,000</u>
Total		\$1,403,000		\$1,371,217

Notes:

- (1) Office space assumes 249 built sq ft. per staff member (12.9 officers at 2.5 officers per thousand, G.L. Williams Group Report).
- (2) Assumes office space is \$160.70 per square foot -source RS Means Construction Calculator <http://www.cmdfirstsource.com/Means/index.asp>
- (3) Assumes land will be donated.
- (4) Assumes Present Population of 233

**Exhibit III-2.
Town of Timnath, Police
Calculation of Impact Fees – CIP Approach**

Total Costs for Police Infrastructure ⁽¹⁾	\$1,371,217
Allocation for Impact Fees ⁽²⁾	
Residential (Single Family)	78%
Residential (Multi-Family)	1%
Commercial	21%
Allocated Costs by Category	
Residential (Single Family)	1,063,580
Residential (Multi-Family)	14,710
Commercial	292,927
Projected Development	
Residential Single Family (in dwelling units)	5,267
Residential Multi Family (in dwelling units)	137
Commercial (in square feet)	2,857,818
Cost by Unit of Development (rounded)	
Residential	\$202
Residential (per multifamily dwelling unit)	\$108
Commercial (per square foot)	\$0

Notes:

(1) See Exhibit III-1. Impact Fee Eligible Police Infrastructure

(2) See Exhibit II-2. Projected Growth

**Exhibit IV-1
Town of Timnath Parks, Open Space and Trails,
Capital Infrastructure**

Type of Capital Infrastructure	Date Constructed	Total Replacement Cost	% to Include in Fee	Allocated Replacement Value
Land				
Regional Parks, Open Space & Trails	NA	\$22,790,000	98%	\$22,400,356
Impact Fee Study	2002	<u>\$12,000</u>	33%	<u>\$4,000</u>
Total		\$22,802,000		\$22,404,356

Source: Parks, Recreation, Open Space and Greenway Guidelines, National Recreation and Park Association, 1996.

**Exhibit IV-2
Town of Timnath Parks, Open Space & Trails,
Calculation of Impact Fees – CIP Approach**

Total Costs for Parks Infrastructure ⁽¹⁾	\$22,404,356
Allocation for Impact Fees ⁽²⁾	
Residential (Single Family)	97.47%
Residential (Multi-Family)	2.53%
Commercial	0%
Allocated Costs by Category	
Residential (Single Family)	\$21,837,157
Residential (Multi-Family)	\$567,199
Commercial	\$0
Projected Development	
Residential Single Family (in dwelling units)	5,267
Residential Multi Family (in dwelling units)	137
Commercial (in square feet)	2,857,818
Cost by Unit of Development (rounded)	
Residential	\$4,146
Residential (per multifamily dwelling unit)	\$4,146
Commercial (per square foot)	\$0

Notes:

(1) See Exhibit IV-1 Parks, Open Space & Trails Infrastructure

(2) See Exhibit II-2 Projected Development

**Exhibit V-1
Town of Timnath Public Buildings,
Capital Infrastructure**

Type of Capital Infrastructure	Date Constructed	2006 Cost	Percent to Include in Fee	Allocated Replacement Value
Land, Building and Improvements				
New Town Hall	N/A	\$2,500,000	98%	\$2,457,257
Land Cost	N/A	\$150,000	98%	\$147,435
Impact Fee Study	2002	<u>\$12,000</u>	<u>33%</u>	<u>\$4,000</u>
Total		\$2,662,000	98%	\$2,608,692

Notes:

- (1) Assumes 10,000 gross square feet
- (2) Assumes office space is \$160.70 per square foot - source RS Means Construction Calculator <http://www.cmdfrtsource.com/Means/index.asp>
- (3) Assumes land cost of 1.5 acres at \$100,000/ acre developed
- (4) Assumes Present Population of 233

**Exhibit V-2
Town of Timnath Public Buildings,
Calculation of Impact Fees – CIP Approach**

Total Costs for Public Buildings Infrastructure ⁽¹⁾	\$2,608,692
Allocation for Impact Fees ⁽²⁾	
Residential (Single Family)	78%
Residential (Multi-Family)	1%
Commercial	21%
Allocated Costs by Category	
Residential (Single Family)	\$2,023,423
Residential (Multi-Family)	\$27,986
Commercial	\$557,283
Projected Development	
Residential Single Family (in dwelling units)	5,267
Residential Multi Family (in dwelling units)	137
Commercial (in square feet)	2,857,818
Cost by Unit of Development (rounded)	
Residential	\$384
Residential (per multifamily dwelling unit)	\$205
Commercial (per square foot)	\$0

Notes:

(1) See Exhibit V-1 Public Buildings Capital Infrastructure

(2) See Exhibit II-1 Current Land Use Pattern

**Exhibit V-1
Town of Timnath WiFi
Capital Infrastructure**

Type of Capital Infrastructure	Date Constructed	Total Replacement Cost	Percent to Include in Fee	Allocated Replacement Value
WiFi construction	N/A	\$1,250,000	98%	\$1,228,629
Total		\$1,250,000	98%	\$1,228,629

Notes:

(1) Assumes 30 - 50 repeaters per square mile @ a cost of \$125,000/square mile for 10 square miles.

**Exhibit V-2
Town of Timnath WIFI
Calculation of Impact Fees -- CIP Approach**

Total Costs for Public Buildings Infrastructure ⁽¹⁾	\$1,228,629
Allocation for Impact Fees ⁽²⁾	
Residential (Single Family)	78%
Residential (Multi-Family)	1%
Commercial	21%
Allocated Costs by Category	
Residential (Single Family)	\$952,982
Residential (Multi-Family)	\$13,181
Commercial	\$262,467
Projected Development	
Residential Single Family (in dwelling units)	5,267
Residential Multi Family (in dwelling units)	137
Commercial (in square feet)	2,857,818
Cost by Unit of Development (rounded)	
Residential	\$181
Residential (per multifamily dwelling unit)	\$96
Commercial (per square foot)	\$0.09

Notes:

(1) See Exhibit V-1 Public Buildings Capital Infrastructure

(2) See Exhibit II-1 Current Land Use Pattern

**Exhibit VIII-1
Town of Trimmath
Maximum Allowable Impact Fees by Unit of Development**

Police Fees		
Residential	\$202	
Residential (per multifamily dwelling unit)	\$108	Waived as an incentive to encourage commercial development (increased sales tax) within Trimmath.
Commercial (per square foot)	\$0	
Parks, Open Space and Trails Fees		
Residential	\$4,146	
Residential (per multifamily dwelling unit)	\$3,707	Reduced by 11% to \$3707 (for multifamily bringing in more \$ for economic spending than single family building)
Commercial (per square foot)	\$0	
Public Buildings Fees		
Residential	\$384	
Residential (per multifamily dwelling unit)	\$205	
Commercial (per square foot)	\$0	Waived as an incentive to encourage commercial development (increased sales tax) within Trimmath
WiFi Fees		
Residential	\$181	
Residential (per multifamily dwelling unit)	\$96	
Commercial (per square foot)	\$0.09	
Total Fees		
Residential	\$4,913	
Residential (per multifamily dwelling unit)	\$4,115	
Commercial (per square foot)	\$0.09	