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 Section 4.125 of Article VII of the Timnath Municipal Code is hereby repealed in its entirety and reenacted to read as follows: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

Donna Benson, Mayor

ATTEST:

By Linda Griess, Acting Town Clerk
### Exhibit II-1.
**Town of Timnath,**
**Current Land Use Patterns (square feet)**

<table>
<thead>
<tr>
<th></th>
<th>Square feet</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>181,496</td>
<td>79%</td>
</tr>
<tr>
<td>Single Family(^{(1)(2)})</td>
<td>177,300</td>
<td>77%</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>4,196</td>
<td>2%</td>
</tr>
<tr>
<td>Commercial</td>
<td>49,305</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>230,801</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th></th>
<th>Square feet</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>10,519,878</td>
<td>79%</td>
</tr>
<tr>
<td>Single Family(^{(1)(2)})</td>
<td>10,376,364</td>
<td>78%</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>143,514</td>
<td>1%</td>
</tr>
<tr>
<td>Commercial</td>
<td>2,857,818</td>
<td>21%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13,377,696</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

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

- Total number of residential units (1): 94
- Single family units: 90
- Multi-family units: 4
- Commercial Square Feet: 49,305

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

- Residential: 5,404
- Single Family: 5,267
- Multi-Family: 137
- Commercial: 2,857,818
## Exhibit III-1.  
**Town of Timnath, Police**  
**Impact Fee Eligible Capital Infrastructure**

<table>
<thead>
<tr>
<th>Type of Capital Infrastructure</th>
<th>Square Feet</th>
<th>2006 Cost</th>
<th>% to Include in Fee</th>
<th>Cost to Include in Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Station <em>(1)(2)</em></td>
<td>8,656</td>
<td>$1,391,000</td>
<td>98%</td>
<td>$1,367,216</td>
</tr>
<tr>
<td>Land Cost <em>(3)</em></td>
<td>8,656</td>
<td>$0</td>
<td>98%</td>
<td>$0</td>
</tr>
<tr>
<td>Impact Fee Study</td>
<td>NA</td>
<td>$12,000</td>
<td>33%</td>
<td>$4,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,403,000</strong></td>
<td></td>
<td></td>
<td><strong>$1,371,217</strong></td>
</tr>
</tbody>
</table>

Notes:  
(1) Office space assumes 249 built sq. ft. per staff member (12.9 offices at 2.5 officers per thousand, G.L. Williams Group Report).  
(2) Assumes office space is $100.70 per square foot - source RS Means Construction Calculator http://www.crmfirstsource.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

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

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

<table>
<thead>
<tr>
<th>Type of Capital Infrastructure</th>
<th>Data Constructed</th>
<th>Total Replacement Cost</th>
<th>% to Include in Fee</th>
<th>Allocated Replacement Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>NA</td>
<td>$22,790,000</td>
<td>98%</td>
<td>$22,400,356</td>
</tr>
<tr>
<td>Regional Parks, Open Space &amp; Trails</td>
<td>2002</td>
<td>$12,000</td>
<td>33%</td>
<td>$4,000</td>
</tr>
<tr>
<td>Impact Fee Study</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$22,802,000</td>
<td></td>
<td>$22,404,356</td>
</tr>
</tbody>
</table>

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

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

Notes:
(1) See Exhibit IV-1 Parks, Open Space & Trails Infrastructure
(2) See Exhibit II-2 Projected Development
# Exhibit V-1
Town of Thanh Public Buildings, Capital Infrastructure

<table>
<thead>
<tr>
<th>Type of Capital Infrastructure</th>
<th>Date Constructed</th>
<th>2006 Cost</th>
<th>Percent to Include in Fee</th>
<th>Allocated Replacement Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Town Hall</td>
<td>N/A</td>
<td>$2,500,000</td>
<td>98%</td>
<td>$2,457,257</td>
</tr>
<tr>
<td>Land Cost</td>
<td>N/A</td>
<td>$150,000</td>
<td>98%</td>
<td>$147,435</td>
</tr>
<tr>
<td>Impact Fee Study</td>
<td>2002</td>
<td>$12,000</td>
<td>33%</td>
<td>$4,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,662,000</strong></td>
<td>98%</td>
<td><strong>2,608,692</strong></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Assumes 10,000 gross square feet.
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

<table>
<thead>
<tr>
<th>Total Costs for Public Buildings Infrastructure (1)</th>
<th>$2,608,692</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation for Impact Fees (2)</td>
<td></td>
</tr>
<tr>
<td>Residential (Single Family)</td>
<td>78%</td>
</tr>
<tr>
<td>Residential (Multi-Family)</td>
<td>1%</td>
</tr>
<tr>
<td>Commercial</td>
<td>21%</td>
</tr>
</tbody>
</table>

Allocated Costs by Category

<table>
<thead>
<tr>
<th>Residential (Single Family)</th>
<th>$2,023,423</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (Multi-Family)</td>
<td>$27,986</td>
</tr>
<tr>
<td>Commercial</td>
<td>$557,283</td>
</tr>
</tbody>
</table>

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)

<table>
<thead>
<tr>
<th>Residential</th>
<th>$384</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential (per multifamily dwelling unit)</td>
<td>$205</td>
</tr>
<tr>
<td>Commercial (per square foot)</td>
<td>$0</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Type of Capital Infrastructure</th>
<th>Date Constructed</th>
<th>Total Replacement Cost</th>
<th>Percent to Include in Fee</th>
<th>Allocated Replacement Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>WIFI construction</td>
<td>N/A</td>
<td>$1,250,000</td>
<td>98%</td>
<td>$1,228,629</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$1,250,000</td>
<td>98%</td>
<td>$1,228,629</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Total Costs for Public Buildings Infrastructure (1)</th>
<th>$1,228,629</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocation for Impact Fees (2)</td>
<td></td>
</tr>
<tr>
<td>Residential (Single Family)</td>
<td>78%</td>
</tr>
<tr>
<td>Residential (Multi-Family)</td>
<td>1%</td>
</tr>
<tr>
<td>Commercial</td>
<td>21%</td>
</tr>
</tbody>
</table>

### Allocate 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) | $95  |
| Commercial (per square foot)                | $0.09 |

**Notes:**

1. (1) See Exhibit V-1 Public Buildings Capital Infrastructure
2. (2) See Exhibit II-1 Current Land Use Pattern
### Exhibit VIII-1

**Town of Timnath**

**Maximum Allowable Impact Fees by Unit of Development**

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Residential</th>
<th>Residential (per multifamily dwelling unit)</th>
<th>Commercial (per square foot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Fees</td>
<td>$202</td>
<td>$108</td>
<td>$0</td>
</tr>
<tr>
<td>Parks, Open Space and Trails Fees</td>
<td>$4,145</td>
<td>$3,707</td>
<td>$0</td>
</tr>
<tr>
<td>Public Buildings Fees</td>
<td>$364</td>
<td>$205</td>
<td>$0</td>
</tr>
<tr>
<td>WIFI Fees</td>
<td>$181</td>
<td>$96</td>
<td>$0.09</td>
</tr>
</tbody>
</table>

**Total Fees**

<table>
<thead>
<tr>
<th>Residential</th>
<th>Residential (per multifamily dwelling unit)</th>
<th>Commercial (per square foot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$4,913</td>
<td>$4,115</td>
<td>$0.09</td>
</tr>
</tbody>
</table>

*Waived as an incentive to encourage commercial development (increased sales tax) within Timnath.*

*Reduced by 11% to $3707 (for multifamily bringing in more $ for economic spending than single family building).*

*Waived as an incentive to encourage commercial development (increased sales tax) within Timnath.*