

**CITY OF GRAND JUNCTION**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING SECTION 21.06 AND ADDING CHAPTER 21.11 OF THE GRAND JUNCTION ZONING AND DEVELOPMENT CODE CONCERNING THE UPDATING OF AND ADOPTION OF NEW DEVELOPMENT IMPACT FEES.**

**Recitals:**

The City Council having duly considered the policy and pragmatic implications of updating and enacting land development fees, which are also known as impact fees, (“Fees”) finds that Fees are a necessary component of funding the capital costs of infrastructure required to maintain the current level of service for city residents, and further finds that development should pay its proportionate share of the capital costs of fire, police, parks and recreation and transportation infrastructure.

The City recently completed two Fee studies and pursuant to State law regarding the purpose and methodology related to calculation and imposition of Fees, the Fee studies were presented to City Council. The Fee studies found that development created a demand on capital facilities and that the City’s current Fees do not support the Council policy that development should pay a proportionate share of the capital costs of fire, police, parks and recreational and transportation infrastructure and that updating and adopting new Fees as described in the Fee Studies would be reasonably related to the overall cost of the services or improvements to be provided by the City.

The City Council further finds and determines that resources of the City are properly allocated to maintaining and improving streets and that further resources are needed to defray the capital facilities costs related to new development.

Therefore, the City Council finds and affirms that it is in the public interest to continue the practice of collecting transportation and parks and recreation impact Fees and there is a need to increase the amount of those Fees to more accurately reflect the cost of improvements that are reasonably attributable to new development, new residents and new business activities.

The Council further finds and affirms that it is in the public interest to collect impact Fees for the fire and police to reflect the cost of capital improvements that are reasonably attributable to new development, new residents and new business activity.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT CHAPTER 21.11 BE ADDED AND SECTION 21.06. OF**

**THE ZONING AND DEVELOPMENT CODE BE AMENDED AS SHOWN: (Deletions struckthrough; additions underlined.)**

**ADD ALL OF THE FOLLOWING:**

**21.11.010 Development Impact Fees**

- (a) Title. This chapter shall be known and may be cited as the "Grand Junction, Colorado Impact Fee Ordinance" or "Impact Fee Ordinance."
- (b) Authority. The City has the authority to adopt this Chapter pursuant to Article XX, § 6 of the Colorado State Constitution, the City's home rule charter, the City's general police powers, and other laws of the State of Colorado.
- (c) Application. This Chapter shall apply to all development within the territorial limits of the City, except development exempted pursuant to §21.11.010(f)(2), Exemptions.
- (d) Purpose.
  - (1) The intent of this Chapter is to ensure that new development pays a proportionate share of the cost of city parks and recreation, fire, police and transportation capital facilities.
  - (2) It is the intent of this Chapter that the impact fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.
  - (3) Nothing in this Chapter shall restrict the City from requiring an applicant for a development approval to construct reasonable capital facility improvements designed and intended to serve the needs of an applicant's project, whether or not such capital facility improvements are of a type for which credits are available under §21.11.010(g), Credits.
- (e) Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

  - (1) Planning Clearance. A planning clearance issued by the Director permitting the construction of a building or structure within the City of Grand Junction.
  - (2) Capital facilities. Any improvement or facility that: a) Is directly related to any service that the City is authorized to provide; b) Has an estimated useful life of five years or longer; and c) Is required by the Charter, ordinances or policy of the City pursuant to a resolution or ordinance.
  - (3) Commencement of impact-generating development. Commencement of impact-generating development occurs upon either:

- (i) The submittal of a complete application for the development of a non-residential development or multi-family for rent development for which construction commences on or before two years from the date of complete application submittal, or
  - (ii) Planning Clearance for residential uses intended for fee simple ownership such as single family homes, townhomes or condominiums.
- (4) Complete Application. For the purposes of this chapter, a development application shall not be considered complete unless and until (a) all the required information and submittal materials required by all relevant city ordinances, resolutions, rules and regulations are submitted and received by the Director, and (b) the Director has determined the application is complete. The decision of the Director with respect to completeness is final.
  - (5) Development. Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for parks and recreation, fire, and police capital facilities
  - (6) Development approval. Any final approval of an application for a rezoning, an approved Planned Development Ordinance, conditional use permit, subdivision, development or site plan, planning clearance, planning clearance or similar application for new construction.
  - (7) Fee payer. A person commencing impact-generating development who is obligated to pay an impact fee in accordance with the terms of this chapter.
  - (8) Fee schedule or impact fee schedule. The impact fees for Police, Fire and Parks and Recreation and Transportation established by this chapter. The impact fee schedule is set forth in the Fee Schedule to this chapter and is incorporated herein by reference.
  - (9) Impact fee study. The study entitled *City of Grand Junction, Colorado 2019 Impact Fee Study*, prepared by TischlerBise dated August 8, 2019 and/or the study entitled *Transportation Impact Fee Study* by Duncan Associates dated November 2019 with Minor Revisions February 28, 2019.
  - (10) Independent Fee Calculation Study. A study prepared by a fee payer, calculating the cost of parks and recreation capital facilities, fire capital facilities, and police capital facilities required to serve the fee payer's proposed development, that is performed on an average cost (not marginal cost) methodology, uses the level of service standards, service units and unit construction costs stated in the impact fee study, and is performed in compliance with any criteria for such studies established by this chapter.
  - (11) Level of service (LOS). A measure of the relationship between service capacity and service demand for capital facilities.
  - (12) Floor area. The total finished square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages having no habitable area, uninhabitable areas that are located above the highest habitable level, or uninhabitable areas that are located below the first floor level.

- (13) Successor-in-interest. A person, as defined by this chapter, who is conveyed a fee simple interest in land for which an impact fee is paid or a credit is approved pursuant to the terms of this chapter.

For the purposes of this chapter, site-related improvements such as minimum street improvements, local street improvements and safety improvements shall not constitute transportation capital facilities.

(f) Development impact fees to be imposed.

(1) Fee obligation, payment and deposit.

- (i) Obligation to pay and time of payment. Commencing January 1, 2020, any person who causes the commencement of impact-generating development, except those exempted pursuant to §21.11.010(f)(2), Exemptions, shall be obligated to pay impact fees pursuant to the terms of this chapter. The obligation to pay the impact fees shall run with the land. The amount of the impact fees shall be determined in accordance with §21.11.010(f)(3), Calculation of amount of impact fees and the Fee Schedule in effect at the time of issuance of a planning clearance and paid to the Director at the time of issuance of a planning clearance. If any credits are due pursuant to §21.11.010(h), Credits, those shall be determined prior to the issuance of a planning clearance and payment of the impact fees.
- (ii) Fees promptly deposited into accounts. All monies paid by a fee payer pursuant to this chapter shall be identified as impact fees and shall be promptly deposited in the appropriate impact fee trust accounts established and described in §21.11.010(h), Impact fee trust accounts.
- (iii) Extension of previously issued development approval. If the fee payer is applying for an extension of a development approval issued prior to January 1, 2020, the impact fees required to be paid shall be the net increase between the impact fees applicable at the time of the current permit extension application and any impact fees previously paid pursuant to this chapter, and shall include any impact fees established subsequent to such prior payment.
- (iv) Fee based on approved development. If the planning clearance is for less floor area than the entire development approved pursuant to the development approval, the fee shall be computed separately for the floor area of development covered by the planning clearance, and with

reference to the use categories applicable to such development covered by the planning clearance.

- (v) Permit for change in use, expansion, redevelopment, modification. If the fee payer is applying for a planning clearance to allow for a change of use or for the expansion, redevelopment, or modification of an existing development, the impact fees required to be paid shall be based on the net increase in the impact fees for the new use as compared to the previous use and actual fee paid for the previous use, and shall include any impact fees established subsequent to such prior payment.
  - (vi) Prior conditions and/or agreements. Any person who prior to January 1, 2020 has agreed in writing with the City, as a condition of permit approval, to pay an impact fee shall be responsible for the payment of the impact fees under the terms of such agreement, and the payment of the impact fees may be offset against any impact fees due pursuant to the terms of this chapter.
  - (vii) Time of submittal. For non-residential and multi-family development (excluding townhomes, duplexes and condominiums residence(s)) the fee shall be calculated as of the submission of a complete application and construction commences within two years of approval. Should construction fail to commence within two years, the applicant shall pay those fees in place at the time of issuance of a planning clearance.
- (2) Exemptions. The following types of development shall be exempted from payment of impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first planning clearance. Any claim for exemption not made at or before that time shall be waived. The Director shall determine the validity of any claim for exemption pursuant to the standards set forth below.
- (i) Replacing existing residential unit with new unit. Reconstruction, expansion, alteration or replacement of a previously existing residential unit that does not create any additional residential units.
  - (ii) New impact-generating development creates no greater demand than previous development. New impact-generating development that the fee payer can demonstrate will create no greater demand over and above that produced by the existing use or development.

- (iii) Building after fire or other catastrophe. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe.
  - (iv) Accessory structures. Construction of unoccupied accessory structures related to a residential unit.
  - (v) Previous payment of same amount of impact fees. Impact-generating development for which an impact fee was previously paid in an amount that equals or exceeds the impact fee that would be required by this chapter.
  - (vi) Government. Development by the federal government, the state, school district, County or the city.
  - (vii) Complete development application approved prior to effective date of chapter. For development for which a complete application for a planning clearance was approved prior to January 1, 2020; and for non-residential and multi-family development for which a complete application was submitted prior to January 1, 2020 so long as construction commences by January 1, 2022, the required fees shall be those in effect at time of submittal.
  - (viii) Small additions and renovations for residential uses. Construction of an addition to an existing dwelling unit of 500 square feet or less, or expansion of finished space for an existing dwelling unit of 500 square feet or less. This exemption shall only be used one time for each dwelling unit and does not apply to accessory dwelling units.
- (3) Calculation of amount of impact fees.
- (i) Except for those electing to pay impact fees pursuant to §21.11.010(f)(3)(ii), Independent Fee Calculation Study, the impact fees applicable to the impact-generating development shall be as determined by the Impact Fee Schedule, which is hereby adopted and incorporated herein. The Impact Fee Schedules are based on the Impact Fee Studies. It applies to classes of land uses within the City, differentiates between types of land uses, and is intended to defray the projected impacts caused by proposed new development on city capital facilities. The determination of the land use category(ies) in the Impact Fee Schedules that are applicable to impact-generating development shall be made by the Director with reference to the Impact Fee Studies and the methodologies therein; the then-current edition of the ITE Trip Generation

Manual, published by the Institute of Traffic Engineers; the City zoning and development code; the then-current land use approvals for the development; and any additional criteria set forth in duly promulgated administrative rules.

(A) Annual adjustment of impact fees to reflect effects of inflation. The Impact Fee Schedule, shall be adjusted annually and/or bi-annually consistent with the Impact Fee Schedule. Commencing on January 1, 2023, and on January 1 of each subsequent year each impact fee amount set forth in the Impact Fee Schedule shall be adjusted for inflation, as follows.

- (1) For transportation impact fees, the fees shall be adjusted for inflation based on the latest 10-year average of the Colorado Department of Transportation Construction Cost Index, published quarterly by CDOT.
- (2) For Fire, Police, and Parks the fees shall be adjusted for inflation based on the most recent Construction Cost Index published by Engineering News Record.
- (3) Adjusted Fees/the adjusted Impact Fee Schedule shall become effective immediately upon calculation and certification by the City Manager and shall not require additional action by the City Council to be effective.

(B) Impact-generating development not listed in the Impact Fee Schedule. If the proposed impact-generating development is of a type not listed in the Impact Fee Schedule, then the impact fees applicable are those of the most nearly comparable type of land use. The determination of the most nearly comparable type of land use shall be made by the Director with reference to the impact fee study and City code.

(C) Mix of uses. If the proposed impact-generating development includes a mix of those uses listed in the Impact Fee Schedule, then the impact fees shall be determined by adding the impact fees that would be payable for each use as if it was a freestanding use pursuant to the Impact Fee Schedule.

(ii) Independent Fee Calculation Study. In lieu of calculating the amount(s) of impact fees by reference to the Impact Fee Schedule, a fee payer may

request that the amount of the required impact fee be determined by reference to an Independent Fee Calculation Study.

(A) Preparation of Independent Fee Calculation Study. If a fee payer requests the use of an Independent Fee Calculation Study, the fee payer shall be responsible for retaining a qualified professional (as determined by the Director) to prepare the Independent Fee Calculation Study that complies with the requirements of this chapter, at the fee payer's expense.

(B) General parameters for Independent Fee Calculation Study. Each Independent Fee Calculation Study shall be based on the same Level of Service standards and unit costs for the capital facilities used in the impact fee study, and shall document the relevant methodologies and assumptions used.

(C) Procedure.

(1) An Independent Fee Calculation Study shall be initiated by submitting an application to the Director together with an application fee to defray the costs associated with the review of the Independent Fee Calculation Study.

(2) The Director shall determine if the application is complete. If it is determined the application is not complete, a written statement outlining the deficiencies shall be sent by mail to the person submitting the application. The Director shall take no further action on the application until it is complete.

(3) When it is determined the application is complete, the application shall be reviewed by the Director and a written decision rendered on whether the impact fees should be modified, and if so, what the amount should be, based on the standards in §21.11.010(g)(1), Standards.

(D) Standards. If, on the basis of generally recognized principles of impact analysis, the Director determines the data, demand information and assumptions used by the applicant to calculate the impact fees in the Independent Fee Calculation Study more accurately measures the proposed impact-generating development's impact on the appropriate capital facilities, the impact fees determined in the Independent Fee Calculation Study

shall be deemed the impact fees due and owing for the proposed development. The fee adjustment shall be set forth in a fee agreement. If the Independent Fee Calculation Study fails to satisfy these requirements, the impact fees applied shall be the impact fees established in the Impact Fee Schedule.

(g) Credits.

(1) Standards.

(i) General. Any person causing the commencement of impact-generating development may apply for credit against impact fees otherwise due, up to but not exceeding the full obligation of impact fees proposed to be paid pursuant to the provisions of this chapter, for any contributions or construction (as determined appropriate by the Director) accepted in writing by the City for capital facilities. Credits against impact fees shall be provided only for that impact fee for which the fee is collected.

(ii) Valuation of credits.

(A) Construction. Credit for construction of capital facilities shall be valued by the City based on complete engineering drawings, specifications, and construction costs estimates submitted by the fee payer to the City. The Director shall determine the amount of credit due, if any, based on the information submitted, or, if he/she determines the information is inaccurate or unreliable, then on alternative engineering or construction costs determined by and acceptable to the Director.

(B) Contributions. Contributions for capital facilities shall be based on the value of the contribution or payment at the time it is made to the City.

(iii) When credits become effective.

(A) Construction. Credits for construction of capital facilities shall become effective after the credit is approved pursuant to this chapter, a written credit agreement is entered into and a) all required construction has been completed and has been accepted by the City b) suitable maintenance and financial warranty has been received and approved by the City, and c) all design, construction, inspection, testing, financial warranty, and acceptance procedures have been completed in compliance with

all applicable city requirements. Approved credits for the construction of capital facilities may become effective at an earlier date if the fee payer posts security in the form of an irrevocable letter of credit, escrow agreement, or cash and the amount and terms of such security are acceptable by the City Manager. At a minimum, such security must be in the amount of the approved construction credit plus 20 percent, or an amount determined to be adequate to allow the City to construct the capital facilities for which the credit was given, whichever is higher.

- (B) Contribution. Credits for contributions for capital facilities shall become effective after the credit is approved in writing pursuant to this chapter, a credit agreement is entered into and the contribution is made to the City in a form acceptable to the City.
- (iv) Transferability of credits. Credits for contributions, construction or dedication of land shall be transferable within the same development and for the same capital facility for which the credit is provided, but shall not be transferable outside the development. Credit may be transferred pursuant to these terms and conditions by a written instrument, to which the City is a signatory that clearly identifies which credits issued under this chapter are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the Director for registration of the change in ownership. If there are outstanding obligations under a credit agreement, the City may require that the transferor or transferee, or both (as appropriate) enter into an amendment to the credit agreement to assure the performance of such obligations.
- (v) Total amount of credit. The total amount of the credit shall not exceed the amount of the impact fees due for the specific facility fee (eg. Fire, Police, Parks).
- (vi) Capital contribution front-ending agreement. The City may enter into a capital contribution front-ending agreement with any developer who proposes to construct capital facilities to the extent the fair market value of the construction of these capital facilities exceed the obligation to pay impact fees for which a credit is provided pursuant to this chapter. The capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to the impact-generating development's use of the capital facilities constructed.

(2) Procedure.

(i) Submission of application. In order to obtain a credit against impact fees, the fee payer shall submit an offer for contribution or construction. The offer shall be submitted to the Director, and must specifically request a credit against impact fees.

(ii) Contribution Offer contents. The offer for contribution credit shall include the following:

(A) Construction. If the proposed credit involves construction of capital facilities:

(1) The proposed plan for the specific construction certified by a duly qualified and licensed Colorado engineer.

(2) The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated costs may include the costs of construction or reconstruction, the costs of all labor and materials, the costs of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction;

(3) A statement made under oath of the facts that qualify the fee payer to receive a contribution credit.

(B) Contribution. If the proposed offer involves a credit for any contribution for capital facilities, the following documentation shall be provided:

(1) A copy of the planning clearance for which the contribution was established;

(2) If payment has been made, proof of payment; or

(3) If payment has not been made, the proposed method of payment.

(iii) Determination of completeness. The Director shall determine if the application is complete. If it is determined that the proposed application is not complete, the Director shall send a written statement to the applicant

outlining the deficiencies. No further action shall be taken on the application until all deficiencies have been corrected.

- (iv) Decision. The Director shall determine if the offer for credit is complete and if the offer complies with the standards in §21.11.010(g)(1) Standards.
- (3) Credit agreement. If the offer for credit is approved by the Director, a credit agreement shall be prepared and signed by the applicant and the City Manager. The credit agreement shall provide the details of the construction or contribution of capital facilities, the time by which it shall be dedicated, completed, or paid, and the value (in dollars) of the credit against the impact fees the fee payer shall receive for the construction or contribution.
- (4) Accounting of credits. Each time a request to use approved credits is presented to the City, the Director shall reduce the amount of the impact fees, and shall note in the City's records and the credit agreement the amount of credit remaining, if any.
- (h) Impact fee trust accounts.
  - (1) Establishment of trust accounts.
    - (i) Establishment of trust accounts. For the purpose of ensuring impact fees collected pursuant to this Chapter are designated for the mitigation of capital facility impacts reasonably attributable to new impact-generating development that paid the impact fees.
    - (ii) Establishment of accounts. Impact fees shall be deposited into five (5) accounts: transportation, parks and recreation, capital facilities, fire capital facilities, and police capital facilities accounts.
  - (2) Deposit and management of accounts.
    - (i) Managed in conformance with CRS 29-1-801 et. seq. The impact fee accounts shall be maintained as interest bearing and shall be managed in conformance with CRS 29-1-801 et. seq.
    - (ii) Immediate deposit of impact fees in appropriate account. All impact fees collected by the City pursuant to the Chapter shall be promptly deposited into the appropriate account.
    - (iii) Interest earned on trust account monies. Any impact Fees not immediately expended shall be deposited in interest-bearing accounts. Interest earned on monies in the accounts shall be considered part of such account, and shall be subject to the same restrictions on use applicable to the impact fees deposited in such account.
    - (iv) Income derived retained in accounts until spent. All income derived from the deposits shall be retained in the accounts until spent pursuant to the requirements of this chapter.
    - (v) Expenditure of impact fees. Monies in each account shall be considered to be spent in the order collected, on a first-in/first-out basis.

- (i) Expenditure of impact fees.
- (1) Capital facilities impact fees. The monies collected from each capital facilities impact fee shall be used only to acquire or construct capital facilities within the city.
  - (2) No monies spent for routine maintenance, rehabilitation or replacement of capital facilities. No monies shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any city transportation parks and recreation, fire, or police capital facilities.
  - (3) No monies spent to remedy deficiencies existing on effective date of chapter. No monies shall be spent to remedy existing deficiencies in transportation capital facilities, parks and recreation capital facilities, fire capital facilities, or police capital facilities.
  - (4) Transportation impact fee monies may be spent for the reconstruction and replacement of existing roads, the construction of new road systems and may be used to pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements.
- (j) Refund of impact fees paid.
- (1) Refund of impact fees not spent or encumbered in ten years. A fee payer or the fee payer's successor-in-interest may request a refund of any impact fees not been spent or encumbered within ten years from the date the fee was paid, along with interest actually earned on the fees. Impact fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
  - (2) Procedure for refund. The refund shall be administered by the Director, and shall be undertaken through the following process:
    - (i) Submission of refund application. A fee payer or successor in interest shall submit within one year following the end of the 10th year from the date on which the planning clearance was issued for which a refund is requested. The refund application shall include the following information:
      - (A) A copy of the dated receipt issued for payment of the impact fee;
      - (B) A copy of the planning clearance; and
    - (ii) Determination of completeness. The Director shall determine if the refund application is complete. If the application is not complete, the Director shall mail the applicant a written statement outlining the deficiencies. The Director shall take no further action on the refund application until it is complete.
    - (iii) Decision on refund application. When the refund application is complete, it shall be reviewed and approved if the Director determines a fee has

been paid which has not been spent within the 10-year period. The refund shall include the fee paid plus interest actually earned on the impact fee.

(3) Limitations.

(i) Expiration of planning clearance without possibility of extension. If a fee payer has paid an impact fee required by this chapter and obtained a planning clearance, and the planning clearance for which the impact fee was paid later expires without the possibility of further extension, then the fee payer or the fee payer's successor-in-interest may be entitled to a refund of the impact fee paid, without interest. In order to be eligible to receive a refund of impact fees pursuant to this subsection, the fee payer or the fee payer's successor-in-interest shall be required to submit an application for such refund to the Director within 30 days after the expiration of the planning clearance for which the fee was paid. If a successor-in-interest claims a refund of impact fee, the City may require written documentation that such rights have been conveyed to the claimant. If there is uncertainty as to the person to whom the refund is to be paid, or if there are conflicting demands for such refund, the City Attorney may interplead such funds.

(ii) No refund if project demolished, destroyed, altered, reconstructed or reconfigured. After an impact fee has been paid pursuant to this chapter, no refund of any part of such fee shall be made if the development for which the impact fee was paid is later demolished, destroyed, or is altered, reconstructed, reconfigured, or changed in use so as to reduce the size or intensity of the development or the number of units in the development.

(k) Low-Moderate Income Housing.

In order to promote the provision of low-moderate income housing in the City, the City Council may agree in writing to pay some or all of the impact fees imposed on a proposed low or moderate income housing development by this chapter from other unrestricted funds of the City. Payment of impact fees on behalf of a fee payer shall be at the discretion of the City Council and may be made pursuant to goals and objectives adopted by the City Council to promote housing affordability.

(l) Administration, Appeals and Updates of determination or decision of Director to City Manager.

(1) Review every seven years. The impact fees described in this chapter and the administrative procedures of this chapter shall be reviewed at least once every seven years by the City Manager to ensure that a) the demand and cost

assumptions underlying the impact fees are still valid, b) the resulting impact fees do not exceed the actual costs of constructing capital facilities that are of the type for which the impact fees are paid and that are required to serve new impact-generating development, c) the monies collected or to be collected in each impact fee accounts have been and are expected to be spent for capital facilities for which the impact fees were paid, and d) the capital facilities for which the impact fees are to be used will benefit the new development paying the impact fees.

(2) Appeal.

(i) Any determination or decision made by the Director under this chapter may be appealed to the City Manager by filing with the City Manager within 30 days of the determination or decision for which the appeal is being filed: (1) a written notice of appeal on a form provided by the City Manager, (2) a written explanation of why the appellant feels the determination or decision is in error, and (3) an appeal fee established by the city.

(ii) City Manager review. The City Manager shall fix a time and place for hearing the appeal, and shall mail notice of the hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in the notice given by the City Manager. At the hearing, the City Manager shall consider the appeal and either affirm or modify the decision or determination of the Director based on the relevant standards and requirements of this chapter. The decision of the City Manager shall be final.

(3) Administrative rules. The City Manager and Director, and their respective designees may from time to time establish written administrative rules, not inconsistent with the provisions of this chapter, to facilitate the implementation of this chapter as provided in GJMC 2.12.010. Without limiting the foregoing, the Director is authorized to establish written administrative rules, not inconsistent with the provisions of this chapter, for use in the determination of the land use category(ies) in the Impact Fee Schedule that is applicable to impact-generating development. All administrative rules adopted pursuant hereto shall be published in written form and copies thereof maintained in the offices of the Director and City Clerk. Administrative rules adopted pursuant hereto and a copy of such rules shall be made available without charge to fee payers and other persons requesting a copy thereof.

## IMPACT FEE SCHEDULE

### FIRE, POLICE AND PARKS AND RECREATION

				Jan 1 2020	Jan 1 2021	Jan 1 2022	Jan 1 2023*
<b>Land Use Type</b>		<b>Unit</b>	<b>Current Fees</b>				
<b>Residential</b>	<b>Single Family</b>						
	Fire	Dwelling	\$0	\$0	\$0	\$710	\$710
	Police	Dwelling	\$0	\$0	\$0	\$305	\$305
	Parks and Recreation	Dwelling	\$225	\$484	\$743	\$1,001	\$1,260
	<b>Multi-Family</b>						
	Fire	Dwelling	\$0	\$0	\$0	\$467	\$467
Police	Dwelling	\$0	\$0	\$0	\$200	\$200	
Parks and Recreation	Dwelling	\$225	\$381	\$537	\$692	\$848	
<b>nonresidential</b>	<b>Retail/Commercial</b>						
	Fire	1,000 sf	\$0	\$0	\$0	\$489	\$489
	Police	1,000 sf	\$0	\$0	\$0	\$206	\$206
	Parks and Recreation	1,000 sf	\$0	\$0	\$0	\$0	\$0
	<b>Office/Institutional</b>						
	Fire	1,000 sf	\$0	\$0	\$0	\$191	\$191
	Police	1,000 sf	\$0	\$0	\$0	\$81	\$81
	Parks and Recreation	1,000 sf	\$0	\$0	\$0	\$0	\$0
	<b>Industrial</b>						
	Fire	1,000 sf	\$0	\$0	\$0	\$66	\$66
	Police	1,000 sf	\$0	\$0	\$0	\$28	\$28
	Parks and Recreation	1,000 sf	\$0	\$0	\$0	\$0	\$0
<b>Warehousing</b>							
Fire	1,000 sf	\$0	\$0	\$0	\$34	\$34	
Police	1,000 sf	\$0	\$0	\$0	\$14	\$14	
Parks and Recreation	1,000 sf	\$0	\$0	\$0	\$0	\$0	

\* Fee plus inflation

## IMPACT FEE SCHEDULE TRANSPORATION

				Jan 1 2020	July 1 2020	Jan 1 2021	Jul 1 2021	Jan 1 2022	July 1 2022	Jan 1 2023*	July 1 2023*
Land Use Type		Unit	Current Fees	12.5%	25.0%	37.5%	50.0%	67.5%	75.0%	87.5%	100.0%
Residential	All Multi-Family	Dwelling	\$ 1,769	\$ 1,908	\$ 2,047	\$ 2,186	\$ 2,325	\$ 2,464	\$ 2,603	\$ 2,742	\$ 2,881
	<1,250 sq.ft of living area	Dwelling	\$ 2,554	\$ 2,620	\$ 2,685	\$ 2,751	\$ 2,816	\$ 2,882	\$ 2,947	\$ 3,013	\$ 3,078
	1,250 to 1,649 sq.ft of living area	Dwelling	\$ 2,554	\$ 2,824	\$ 3,093	\$ 3,363	\$ 3,633	\$ 3,902	\$ 4,172	\$ 4,441	\$ 4,711
	1,650 to 2,299 sq.ft of living area	Dwelling	\$ 2,554	\$ 2,907	\$ 3,260	\$ 3,613	\$ 3,966	\$ 4,318	\$ 4,671	\$ 5,024	\$ 5,377
	2,300 or more of living area	Dwelling	\$ 2,554	\$ 3,115	\$ 3,676	\$ 4,237	\$ 4,798	\$ 5,359	\$ 5,920	\$ 6,481	\$ 7,042
	Mobile Home / RV Park	Pad	\$ 1,284	\$ 1,500	\$ 1,715	\$ 1,931	\$ 2,146	\$ 2,362	\$ 2,577	\$ 2,793	\$ 3,008
Hotel/Lodging	Hotel/Motel	Room	\$ 2,407	\$ 2,574	\$ 2,740	\$ 2,907	\$ 3,073	\$ 3,240	\$ 3,406	\$ 3,573	\$ 3,739
Retail/Commercial	Shopping Center/Commercial	1,000 sf	\$ 4,189	\$ 4,569	\$ 4,949	\$ 5,328	\$ 5,708	\$ 6,088	\$ 6,468	\$ 6,847	\$ 7,227
	Auto Sales/Service	1,000 sf	\$ 3,780	\$ 4,211	\$ 4,642	\$ 5,073	\$ 5,504	\$ 5,934	\$ 6,365	\$ 6,796	\$ 7,227
	Golf Course	Hole	\$ 5,951	\$ 6,111	\$ 6,270	\$ 6,430	\$ 6,589	\$ 6,749	\$ 6,908	\$ 7,068	\$ 7,227
	Movie Theater	1,000 sf	\$ 10,574	\$ 7,227	\$ 7,227	\$ 7,227	\$ 7,227	\$ 7,227	\$ 7,227	\$ 7,227	\$ 7,227
	Restaurant, Standard	1,000 sf	\$ 5,159	\$ 5,418	\$ 5,676	\$ 5,935	\$ 6,193	\$ 6,452	\$ 6,710	\$ 6,969	\$ 7,227
Convenience Commercial (Gas/Drive Thrus)	Bank, Drive-In	1,000 sf	\$ 6,359	\$ 7,485	\$ 8,610	\$ 9,736	\$ 10,861	\$ 11,987	\$ 13,112	\$ 14,238	\$ 15,364
	Convenience Store w/Gas Sales	1,000 sf	\$ 9,143	\$ 9,921	\$ 10,698	\$ 11,476	\$ 12,254	\$ 13,031	\$ 13,809	\$ 14,586	\$ 15,364
	Restaurant, Drive-Through	1,000 sf	\$ 11,544	\$ 12,022	\$ 12,499	\$ 12,977	\$ 13,454	\$ 13,932	\$ 14,409	\$ 14,887	\$ 15,364
Office	Office, General	1,000 sf	\$ 3,141	\$ 3,473	\$ 3,806	\$ 4,138	\$ 4,470	\$ 4,802	\$ 5,135	\$ 5,467	\$ 5,799
	Office, Medical	1,000 sf	\$ 8,862	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799
	Animal Hospital/Vet Clinic	1,000 sf	\$ 8,862	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799	\$ 5,799
	Hospital	1,000 sf	\$ 4,112	\$ 4,323	\$ 4,534	\$ 4,745	\$ 4,956	\$ 5,166	\$ 5,377	\$ 5,588	\$ 5,799
Institutional/Public	Nursing Home	1,000 sf	\$ 1,149	\$ 1,184	\$ 1,218	\$ 1,253	\$ 1,288	\$ 1,322	\$ 1,357	\$ 1,391	\$ 1,426
	Place of Worship	1,000 sf	\$ 1,967	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426
	Day Care Center	1,000 sf	\$ 4,086	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426	\$ 1,426
	Public/Institutional	1,000 sf	\$ 639	\$ 737	\$ 836	\$ 934	\$ 1,033	\$ 1,131	\$ 1,229	\$ 1,328	\$ 1,426
Industrial	Industrial	1,000 sf	\$ 1,864	\$ 1,884	\$ 1,904	\$ 1,924	\$ 1,945	\$ 1,965	\$ 1,985	\$ 2,005	\$ 2,025
Warehousing	Warehouse	1,000 sf	\$ 1,328	\$ 921	\$ 921	\$ 921	\$ 921	\$ 921	\$ 921	\$ 921	\$ 921
	Mini-Warehouse	1,000 sf	\$ 460	\$ 518	\$ 575	\$ 633	\$ 691	\$ 748	\$ 806	\$ 863	\$ 921

\* Fee plus inflation

## Delete Strikethrough Text, Add Underlined Text [Parks and Open Space]

### 21.11.020 Public and private parks and open spaces.

#### (a) ~~Public Parks and Open Space Fee Required.~~

~~(1) For all new residential development requiring rezoning, subdivision and/or planned development approval or site plan review, the owner shall pay into the City escrow fund for parks and open space acquisition and development that amount determined by the City to be necessary or required to defray the cost of and provide parks and open space.~~

~~(2) The dedication of land and/or the payment of the cash equivalent will enable the City to provide parks in the proper location and of the proper size to serve the citizens of the City. This regulation is also adopted to help discourage the proliferation of small parcels, tracts and out lots that are ostensibly created as open space and/or parks but are not sized, maintained or otherwise functional sites.~~

~~(3) For subdivisions, the open space fee is required and payable at the time of platting, when applicable. For all other reviews, the open space fee is required to be paid before the issuance of a planning clearance. For the purposes of this section only, "development" shall mean construction of one or more dwelling unit.~~

~~(4) Private open space and/or recreational area in any development, or outdoor living area required in a multifamily development, shall not be a substitute for the required open space fee, park impact fee or land dedication.~~

~~(5) The parks impact fee shall be as adopted by City Council by resolution.~~

~~(6) The parks impact fee shall not be waived or deferred for any development. The open space fee/dedication is discretionary, as provided for herein.~~

#### (a) **Open Space Dedication.**

(1) The owner of any residential development of 10 or more lots or dwelling units shall dedicate 10 percent of the gross acreage of the property or the equivalent of 10 percent of the value of the property. The decision as to whether to accept money or land as required by this section shall be made by the Director. Subdivisions with less than 10 lots or residential dwelling units are not required to dedicate 10 percent of the gross acreage of the property or the equivalent of 10 percent of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement.

(2) For any residential development required to provide open space, the owner shall hire an MAI appraiser to appraise the property. For purposes of this requirement, the property

shall be considered the total acreage notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases.

(3) The appraiser's report shall be submitted to the City for purposes of determining fair market value and otherwise determining compliance with this section. The owner shall pay all costs of the appraisal. The owner waives any privilege and/or protection that may exist or be asserted to exist over the details of the appraisal. The appraisal is and shall be considered by the City as an open record under the Colorado Open Records Act.

(4) The required dedication and/or payment shall be subject to and made in accordance with this code. The City Council may accept the dedication of land in lieu of payment so long as the fair market value of the land dedicated to the City is not less than 10 percent of the value of the property.

(5) As part of any project approval, the owner shall dedicate, at no cost to the City, public trails, rights-of-way and waterfront greenbelts/access as designed on and as needed to implement adopted plans of the City. If such dedication is claimed to exceed constitutional standards, the owner shall so inform the City Attorney who, if he agrees, shall ask the City Council to pay a fair share of the value of such dedication or waive all or part of such required dedication.

(6) For creation of a homeowners' association, each subdivision of five or more lots shall record covenants which shall contain provisions for assessments, liens and enforcement of maintenance of all private open space areas and provisions for enforcement by and reimbursement to the City should the homeowners' association fail to maintain the areas properly and the City elects to do so.

(7) For subdivisions, the land dedication or open space fee is required and payable at the time of platting, when applicable.

(8) Private open space and/or recreational area in any development, or outdoor living area required in a multifamily development, shall not be a substitute for the required ~~open space fee, park impact fee or~~ land dedication.

**Delete Strikethrough Text, Add Underlined Text [Transportation Impact Payments/Infrastructure Standards]**

**21.11.030 Infrastructure standards.**

**(a) General.**

(1) Public Improvements. The improvements described in this section must be built by the applicant and constructed in accordance with adopted standards, unless otherwise indicated. ~~The applicant/developer shall either complete construction of all such improvements (in this section “infrastructure”) prior to final City approval (such as a subdivision plat) or shall execute a development improvements agreement.~~ No improvements shall be made until the following required plans, profiles and specifications have been submitted to, and approved by, the City:

- (i) Roads, streets and alleys;
- (ii) Street lights and street signs for all street intersections;
- (iii) Sanitary sewer pipes and facilities;
- (iv) Fire hydrants and water distribution system and storage;
- (v) Storm drainage system;
- (vi) Irrigation system;
- (vii) Right-of-way landscaping;
- (viii) Other improvements and/or facilities as may be required by changing technology and the approval process;
- (ix) Permanent survey reference monuments and monument boxes (see § 38-51-101 C.R.S.).

(2) Guarantee of Public Improvements. No development shall be approved until the City has accepted constructed infrastructure or the developer has executed a development improvements agreement and provided along with adequate security (see GJMC 21.02.070(m)).

(3) No planning clearance for any use or activity shall be issued until minimum street improvements have been constructed, paid for or adequately secured.

(4) City Participation. The City may elect to require the developer to coordinate construction with the City as required in this chapter. ~~If the developer, in order to provide~~

~~safe access and circulation, must build or improve an arterial or collector street, the City may choose to participate in paying for a portion of the costs of paving these streets, including engineering, site preparation, base and pavement mat.~~

(b) **Streets, Alleys, Trails and Easements.**

(1) Design Standards.

(i) Streets, alleys, sidewalks, trails and bike paths shall be designed and constructed in accordance with applicable City standards also known as Transportation Engineering Design Standards (TEDS), ~~including Street and alley layouts shall conform to adopted street plans and other policies, as well as TEDS (GJMC Title 29).~~

(ii) No owner or developer shall propose a site design or plan which could result in the applicant controlling access to a street, alley or right-of-way.

(ii) Easements shall be provided as required for improvements and utilities. Alleys may be used for placement of utilities and infrastructure. ~~may be used.~~

(iv) If needed to provide safe and adequate access and circulation for residents, visitors, users and occupants, the applicant shall provide off-site infrastructure.

(v) Each project with one or more buildings (except detached dwellings) shall provide paved pedestrian walkway/sidewalk connections to nearby rights-of-way. Said connections shall be separate from parking and driveway areas.

~~(vi) Dedications required by subsection (b)(1)(iii) of this section shall be at no cost to the City. Dedications shall not be eligible for or require a refund or TCP credit.~~

(2) ~~Transportation Capacity Payment (TCP) and Right of Way~~ Right of Way Dedication

(i) A developer shall dedicate to the City such rights-of-way (i.e. streets, sidewalks, trails, bicycle paths and easements) needed to serve the project in accordance with: ~~(A) the adopted Functional Classification Map and Grand Junction Circulation Plan, as amended. from time to time.~~

(ii) Required right-of-way dedications shall be at no cost to the City. Such dedications shall not be eligible for transportation impact fee credit.

(3) Required Improvements.

(i) The developer shall ~~pay to the City a transportation capacity payment (TCP) and construct right of way improvements considered~~ minimum street improvements, local

streets, alleys, sidewalks, trails and bike paths ~~as minimum street access improvements as well as improvements necessary for the safe ingress and/or egress of traffic to the development,~~ as required by the Code. ~~Director.~~ The type of improvements and required design (i.e. cross sections) shall be those provided in TEDS.

- (a) (ii) ~~The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access improvements. Minimum street improvements shall be those required for the safe ingress and egress of traffic to and from the development and include the design and construction of all streets internal to and fronting a development that are designated as Local or Unclassified in the Grand Junction Circulation Plan, defined by the most recent version of the City's growth and development related street policy and/or TEDS (GJMC Title 29). The growth and development related street policy shall be reviewed by City staff and adopted periodically by Council resolution.~~
- (b) Any unbuilt street that is designated in the Grand Junction Circulation Plan as a Collector or Arterial and is internal to the development shall be constructed to a Local street standard by the developer.
  - a. The City may require the developer based on the City's Circulation Plan and input from the Public Works Director to design and construct the street to a Collector or Arterial standard, thereby requiring the oversizing of streets.
  - b. When oversizing is required, the developer may be eligible for a city cost-share agreement in the differential amount between the required Local street improvement and the required Collector or Arterial street improvement
- (c) All streets connecting the existing street network to the development shall be at least 20 feet wide, serve the development's traffic demands, meet the Fire Code, and designed structurally to meet fire equipment load requirements.

(ii) Commencing January 1, 2021, The developer shall construct improvements necessary for the safe ingress and/or egress of traffic to the development, as required by the Director.

- (a) To achieve safe ingress and/or egress, if turn lanes to and from the development are warranted based on a Traffic Impact Study, the developer will be responsible for the design and construction of said lanes.
- (b) Where a safety improvement is for the benefit of a development but will benefit other future developments, the developer may request the City to provide a reimbursement agreement for a period of up to 20 years to

recapture a portion of the improvement costs based on a proportionate usage of the improvement as determined by an approved traffic study. The developer may request extension of the reimbursement agreement term.

~~(ii) The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. These improvements are defined as minimum street access improvements. Minimum street access improvements shall be defined by the most recent version of the City's growth and development related street policy and/or TEDS (GJMC Title 29). The growth and development related street policy shall be reviewed by City staff and adopted periodically by Council resolution.~~

~~(iii) No planning clearance for a planning clearance for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid and minimum street access improvements have been constructed, paid for or adequately secured, as determined by the Director. Adequate security shall be that allowed or required for a development improvement agreement (DIA) under GJMC 21.02.070(m).~~

~~(iv) The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Colorado Department of Transportation's (CDOT) Construction Cost Index, published quarterly by the CDOT (this information can be found at the Internet site of <http://www.coloradodot.info/business/eema/construction-cost-index>).~~

~~(v) The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's growth and development related street policy, this section, and other applicable provisions of the Zoning and Development Code.~~

~~(A) To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements.~~

~~(B) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's growth and development related street policy) that are integral to and that add capacity to the street system.~~

~~(C) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue bond issued prior to July 6, 2004, or any portion of any current or future bond issued after July 6, 2004, and not used to finance major road system improvements.~~

~~(D) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety improvements but not used to upgrade existing deficiencies except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.~~

~~(E) No TCP funds shall be used for maintenance.~~

~~(F) TCP funds will be accounted for separately but may be commingled with other funds of the City.~~

~~(G) The Director shall determine when and where TCP funds shall be spent:~~

~~a. As part of the two-year budget process.~~

~~b. As required to keep pace with development.~~

~~(H) The TCP shall not be payable if the Director is shown by clear and convincing evidence that at least one of the following applies:~~

~~a. Alteration or expansion of an existing structure will not create additional trips;~~

~~b. The construction of an accessory structure will not create additional trips produced by the principal building or use of the land. A garage is an example of an accessory structure which does not create additional trips;~~

~~c. The replacement of a destroyed or partially destroyed structure with a new building or structure of the same size and use that does not create additional trips;~~

~~d. A structure is constructed in a development for which a TCP fee has been paid within the prior 84 months or the structure is in a development with respect to which the developer constructed street access improvements and the City accepted such improvements and the warranties have been satisfied.~~

~~(vi) If the type of impact-generating development for which a planning clearance is requested is for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.~~

~~(vii) In the event that the proposed expansion, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of the previous person having made the payment and/or constructed the improvements.~~

~~(viii) A request for a change of use permit that does not propose the expansion of an existing structure shall not require the payment of the TCP. If, however, a request for a change of use permit does propose the expansion of an existing structure, the TCP shall only be applied to the expansion and not the existing structure.~~

~~(ix) For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.~~

~~(x) Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.~~

~~(xi) Minimum street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director.~~

~~(A) Quality of service for any new development and/or for traffic capacity improvements shall be determined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.~~

~~(B) Required right-of-way dedications shall be at no cost to the City.~~

~~(xii) Definitions. The following terms and words shall have the meanings set forth for this section:~~

~~(A) "Average trip length" means the average length of a vehicle trip as determined by the limits of the City, the distance between principal trip generators and as modeled by the City's, the County's, the State's or MPO's computer program. In the event that the models are inconsistent, the most advantageous to the City shall be used.~~

~~(B) —“Convenience store,” “hotel/motel,” “retail,” and other terms contained in and with the meaning set forth in the Trip Generation Manual.~~

~~(C) —“Lane-mile” means one paved lane of a right-of-way one mile in length and 14 feet in width, including curb and gutter, sidewalk, storm sewers, traffic control devices, earthwork, engineering, and construction management including inspections. The value of right of way is not included.~~

~~(D) —“Percentage of new trips” is based on the most current version of the ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.~~

~~(E) —“Unimproved/under improved floor area” has the meaning as defined in the adopted building codes.~~

~~(xiii) — Calculation of Fee.~~

~~(A) —Any person who applies for a planning clearance for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a planning clearance. If any credit is due pursuant to subsection (b)(2)(x) of this section, the amount of such credit shall be deducted from the amount of the fee to be paid.~~

~~(B) —If the type of impact-generating development for which a planning clearance is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of the ITE Trip Generation Manual.~~

~~(C) —In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25 percent of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.~~

~~(D) —TCP Fee Calculation Study. At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and~~

agreed to by the applicant and the Director or for any proposed development for which the Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.

(E) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.

(F) The Director may charge a review fee and/or collect the cost for rendering a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with GJMC 21.02.210(b).

(G) The TCP fee calculation study shall be based on the same formula, quality of service standards and unit costs used in the impact fee study. The fee study report shall document the methodologies and all assumptions.

(H) The TCP fee calculation study shall be calculated according to the following formula:

<b>FEE</b>	=	<b>VMT x NET COST/VMT x RF</b>
VMT	=	TRIPS x % NEW x LENGTH ÷ 2
TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
NET COST/VMT	=	COST/VMT — CREDIT/VMT
COST/VMT	=	COST/VMC x VMC/VMT
COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (FEES SET BY CITY COUNCIL)
VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (FEES SET BY CITY COUNCIL)

RF	=	REDUCTION FACTOR ADOPTED BY POLICY (FACTOR SET BY CITY COUNCIL)
----	---	---

~~(f) A TCP fee calculation study submitted for the purpose of calculating a transportation impact fee may be based on data information and assumptions that are from:~~

~~a. An accepted standard source of transportation engineering or planning data; or~~

~~b. A local study on trip characteristics performed by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.~~

(3) Existing Streets

(i) Existing Local Residential Streets.

(a) General. Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods and areas, the existing local residential streets do not have curbs, gutters or sidewalks. ~~Where structures houses are already built on most or all of such lots, the character of the neighborhood is well established.~~ Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these well-established neighborhoods chooses to subdivide a lot or parcel or an owner in a commercial or industrial area chooses to develop a lot or parcel, unless such improvements are extended off site to connect to a larger system, the new “short runs” of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends them to other connecting facilities.

(b) ~~The Public Works and Planning Director shall determine the acceptable minimum improvements. (G) If all of the criteria have been met, Instead of constructing requiring these “short run” improvements, the Public Works and Planning owner may apply to the Director to defer full and permanent improvements (“Permanent Improvements”) by;~~

a. ~~Signing an agreement to form may, determine the in his or her discretion a signed agreement from the owner~~ an improvement district for the construction of certain required curb(s), gutter(s), and sidewalk(s) and street improvement(s) (“Temporary Improvements”) in

lieu of construction at the time of approval of the development application and

- b. Constructing, as required by the City, certain temporary curb(s), gutters(s), sidewalk(s), and street improvement(s) required by the City as a condition of approval of the development application. Temporary Improvements shall be constructed with the same materials and to the same standards as required of permanent improvements.
  - c. The agreement to form an improvement district shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.
- (c) The Director may defer for a period and on terms established by the Director, residential street improvements if all of the following criteria are met:
- a. The development is for three or less residential lots;
  - b. The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
  - c. The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1,000 average daily traffic (“ADT”) based on an assumed typical 10 trips per day per residence and the volume is expected to be less than 1,000 ADT when the neighborhood or block is fully developed;
  - d. At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well established;
  - e. If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the street improvements being built; and
  - f. There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar street improvements.

~~(G) If all of the criteria have been met, instead of requiring these “short run” improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.~~

~~(ii) Existing Local Nonresidential Streets. Many commercial and industrial areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many of these areas the existing local nonresidential streets do not have curbs, gutters or sidewalks. Given that there are no serious safety or drainage problems associated with these local nonresidential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in a commercial or industrial area chooses to develop a lot or parcel, the new "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways unless the improvements are extended off site to connect to a larger system or until some future development or improvement district extends them to other connecting facilities.~~

~~The Public Works and Planning Director shall determine the acceptable minimum improvements. In order to promote development of infill properties~~

- (d) The Director may defer for a period and terms established by the Director, nonresidential street improvements if all of the following criteria have been met:
- a. The development is for a single commercial or industrial lot or parcel that does not create a new lot or parcel;
  - b. The proposed development or use of the lot or parcel must be consistent with the allowed uses and requirements of the current zone district;
  - c. The lot or parcel size is two acres or less;
  - d. The lot or parcel does not have more than 500 feet of frontage on the local nonresidential street;
  - e. If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, exists and it can be improved or remedied without the local nonresidential street improvements being built; and
  - f. There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar local nonresidential street improvements.

~~(G) If all of the criteria have been met, instead of requiring these "short run" improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney. The agreement shall run with the land and shall be recorded with the Mesa County Clerk and Recorder.~~

(4) Public Right-of-Way and Private Parking Lot Use.

(i) No structure, fence, sign, parking lot, detention/retention pond, or other temporary or permanent object or structure shall be constructed, maintained, or erected in any portion of any public right-of-way first obtaining a revocable permit has been issued by the City. The City Engineer or other City official may allow traffic control devices, street signs, public notices, utility poles, lines and street banners consistent with this Code. ~~(see this chapter).~~

(ii) No person shall use, store, display or sell any goods, merchandise or any structure without having first obtained a revocable permit, except that this provision shall not be enforced in a manner which limits unreasonably any person's freedom of speech or assembly.

(iii) No commercial vehicle which exceeds one and one-half tons rated carrying capacity shall be parked in a public right-of-way which abuts any residential zone.

(iv) Parking of an RV or any vehicle for more than 72 hours shall not be allowed in a public right-of-way or on any vacant lot.\*

~~\*Code reviser's note — Ordinance 4833, which amends this subsection (b)(4)(iv), provides, "Sunset Clause. Within sixty days of the third anniversary of the adoption of this ordinance the City Council shall consider the effectiveness of the ordinance at achieving its stated purposes. Without further action by the City Council, the terms and provisions of this ordinance shall expire on the third anniversary of the effective date hereof without subsequent action by the City Council."~~

(6) Street Naming and Addressing System. A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, mail), reduce public costs for administration, and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. The Director shall check all new street names for compliance to this system and issue all street addresses. Existing streets and roads not conforming to this system shall be made conforming as the opportunity occurs.