

*Transportation Capital Expansion  
Fee and Park In-Lieu Fee Study*

*prepared for*

*Larimer County, Colorado*



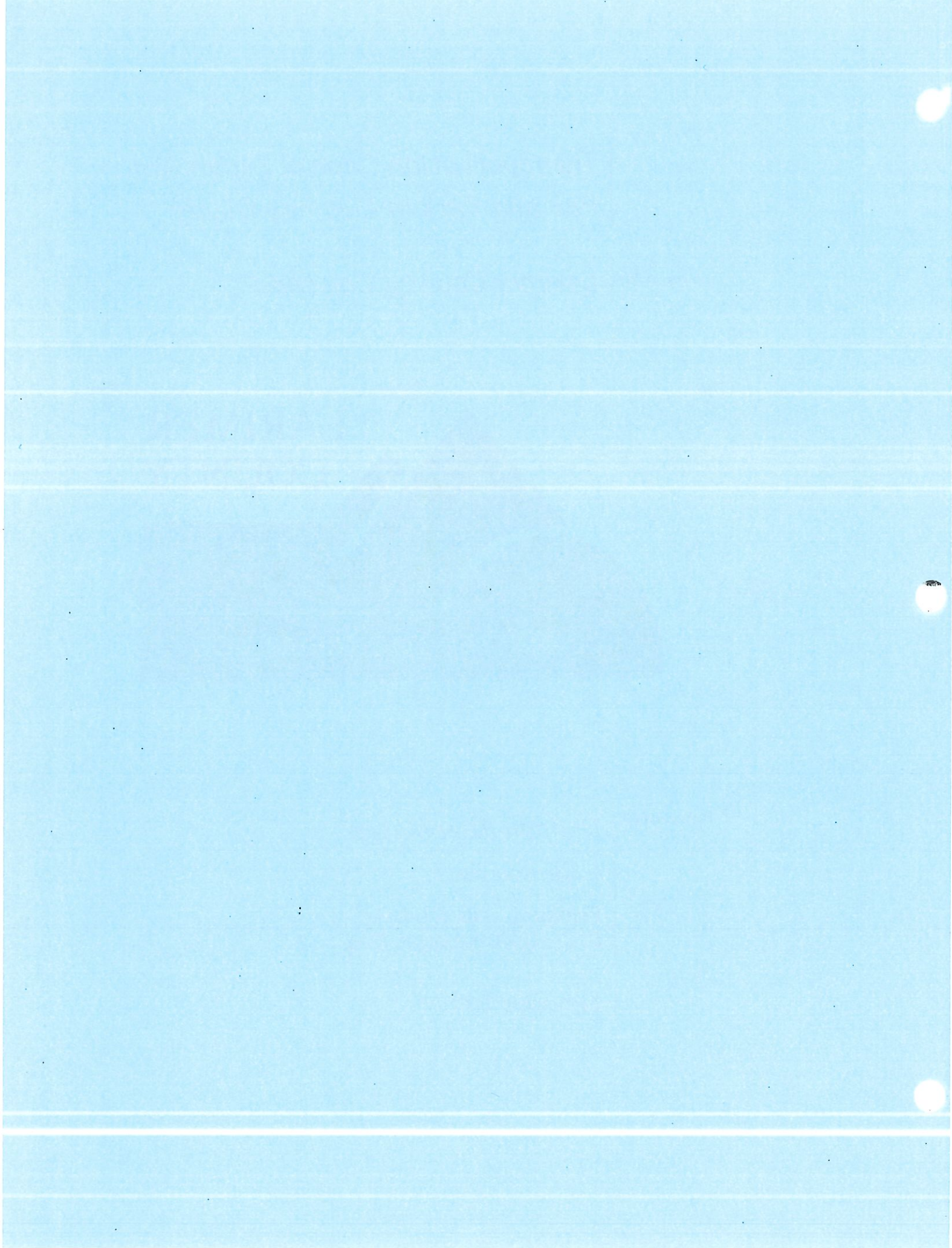
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## Contents

INTRODUCTION .....	1
Capital Expansion Fees .....	1
Scope of Project .....	1
Summary of Findings .....	1
TRANSPORTATION SYSTEM .....	3
Service Area .....	3
Service Units .....	7
Design of Transportation Capital Expansion Fees .....	7
Major Road System .....	9
Traffic Forecasts .....	10
Roadway Capacity .....	10
Level-of-Service Analysis .....	12
Net Cost per Service Unit .....	15
Travel Demand Factors .....	18
Potential Fees .....	20
REGIONAL PARKS AND OPEN SPACE .....	23
Current Park Exactions .....	23
Legal and Policy Framework .....	24
Level-of-Service Standard .....	26
Existing Service Units .....	26
Existing Facilities .....	29
Existing Level-of-Service .....	32
Potential Fees .....	32
NEIGHBORHOOD AND COMMUNITY PARKS .....	34
Existing Level-of-Service .....	34
Cost per Acre .....	35
Potential Fees .....	36
APPENDIX A: LARIMER COUNTY MAJOR ROAD INVENTORY .....	A-1

## List of Tables

Table 1:	Transportation Capital Expansion and Park In-Lieu Fee Summary .....	2
Table 2:	Single-Family Fees by Area .....	2
Table 3:	Road Characteristics by Area .....	4
Table 4:	Origin of Traffic on Regional Roads .....	5
Table 5:	Capacity Assumptions for Paved Two-Lane Roads .....	11
Table 6:	Capacities of Paved Two-Lane Roads .....	11
Table 7:	Existing Capacity Deficiencies .....	12
Table 8:	Cost per Vehicle-Mile of Capacity .....	15
Table 9:	System-Wide Capacity/Demand Ratios .....	16
Table 10:	Transportation Net Cost per Service Unit .....	17
Table 11:	Trip Generation Rates .....	19
Table 12:	Average Trip Length .....	20
Table 13:	Regional Road Net Cost Schedule .....	21
Table 14:	Non-Regional Road Net Cost Schedule .....	22
Table 15:	Current Park Fees in Unincorporated Larimer County .....	24
Table 16:	Residential Service Units per Dwelling, 1990 .....	26
Table 17:	Residential Service Units, 1990 .....	27
Table 18:	Population Growth, 1990-1998 .....	28
Table 19:	Residential Service Units, 1998 .....	28
Table 20:	Inventory of Regional Parks and Open Space .....	29
Table 21:	Regional Park Levels-of-Service .....	32
Table 22:	Regional Park Land Dedication/In-Lieu Fee Requirement .....	33
Table 23:	Community Park Levels-of-Service .....	35
Table 24:	Community Park Land Cost per Acre .....	35
Table 25:	Community Park Land Dedication/In-Lieu Fee Requirements .....	36

# INTRODUCTION

## Capital Expansion Fees

Capital expansion fees, often called impact fees, are one of the most direct ways for local government to require new development to pay a larger portion of the costs they impose on the community. Capital expansion fees are charges that are assessed on new development based on a standard formula such as the amount of square footage or the number of bedrooms per dwelling unit. Fees are one-time, up-front charges, with the payment usually made at the time of development approval, although some jurisdictions allow extended payments over a period of years. Essentially, capital expansion fees require that each developer of a new residential or commercial project pay its pro-rata share of the cost of new infrastructure facilities required to serve that development.

Capital expansion fees and other forms of developer exactions are not the sole answer to local government's capital funding needs. These funding mechanisms do not address the costs of maintenance, rehabilitation or replacement of existing facilities, nor can they be used to fund capital improvements required to remedy existing capacity deficiencies or safety problems. Rather than the ultimate solution to a community's capital funding needs, capital expansion fees should be viewed as a supplemental financing mechanism to be used in concert with more traditional funding sources.

## Scope of Project

The purpose of this project is to assist Larimer County in developing a system of capital expansion fees and developer exactions for roads, regional parks and open space, and neighborhood and community parks. In this report, separate capital expansion fees are calculated for regional and non-regional County roads. In addition, fees-in-lieu of dedication are calculated for regional parks and open space and neighborhood and community parks.

## Summary of Findings

The potential fees for five typical land use categories are summarized in Table 1. The road and park fees for a new single-family detached unit in the unincorporated area outside the GMAs would total \$2,379. Since the County currently collects a park fee-in-lieu of \$315 per unit, the potential net increase is \$2,064.

Within the GMAs, the potential fees would be somewhat higher, but the increase would in most cases be less than outside the GMAs because the County would no longer be collecting the

neighboring city's park capital expansion fee. Instead, the County would be collecting and turning over to the municipalities a neighborhood and community park fee-in-lieu.

The County will be asking the municipalities to participate in the regional transportation capital expansion fees and the regional park and open space in-lieu fees. Both regional fees have been calculated on the assumption that the cost to maintain the existing level-of-service would be borne by all new development in the county. However, the failure of some or all of the cities to participate would not invalidate the regional fees.

**Table 1  
TRANSPORTATION CAPITAL EXPANSION AND PARK IN-LIEU FEE SUMMARY**

	Single-Family (Unit)	Multi-Family (Unit)	Retail (1000 sf)	Office (1000 sf)	Industrial (1000 sf)
Regional Transportation Capital Expansion Fee	\$164	\$113	\$612	\$277	\$119
County Transportation Capital Expansion Fee	\$1,749	\$1,213	\$6,524	\$2,953	\$1,273
Regional Park and Open Space Fee-in-Lieu	\$512	\$333	\$0	\$0	\$0
Avg. N'hood/Community Park Fee-in-Lieu (GMAs only)	\$558	\$363	\$0	\$0	\$0
<b>Total Fees Inside GMAs</b>	<b>\$2,983</b>	<b>\$2,022</b>	<b>\$7,136</b>	<b>\$3,230</b>	<b>\$1,392</b>
<b>Total Fees Outside GMAs</b>	<b>\$2,425</b>	<b>\$1,659</b>	<b>\$7,136</b>	<b>\$3,230</b>	<b>\$1,392</b>

Source: Potential regional transportation fees from Table 13; county transportation capital expansion fees from Table 14; regional park and open space fees from Table 22; neighborhood and community park fee-in-lieu (average of Fort Collins, Loveland, Berthoud and Estes Park GMAs) from Table 25; retail and office fees are for shopping centers and general office buildings less than 100,000 square feet.

While the proposed neighborhood and community park fees in-lieu of dedication vary by area, the total proposed fees represent an average increase of about \$2,000 per single-family unit over the park fees currently being charged by the County, as shown in Table 2. The increase would be much less significant in the Fort Collins, Loveland and Berthoud GMAs if the County were collecting the full park capital expansion fees currently being charged by the municipalities.

**Table 2  
SINGLE-FAMILY FEES BY AREA**

	Proposed Fees	Existing Fees	Potential Increase
Fort Collins GMA	\$3,094	\$813	\$2,281
Loveland GMA	\$3,015	\$910	\$2,105
Berthoud GMA	\$3,093	\$1,100	\$1,993
Estes Park GMA	\$2,733	\$315	\$2,418
Unincorporated	\$2,425	\$315	\$2,110

Source: Proposed fees from Tables 13, 14, 22 and 25; existing park fees from Table 15.

# TRANSPORTATION SYSTEM

Larimer County does not currently assess transportation capital expansion fees on new development in unincorporated areas. This section of the report calculates the maximum transportation capital expansion fees that the County could charge.

Two types of transportation capital expansion fees are calculated. The first is a regional transportation capital expansion fee that would be assessed on all new development in the county for improvements to portions of five County roads (CR 17, CR 18, CR 19, CR 32 and CR 38) that largely serve traffic to and from Fort Collins, Loveland, Berthoud and I-25. The fee would be assessed by the cities as well as by the County, and would be earmarked for improvements to those regional roads.

The second is a County transportation capital expansion fee that would be assessed only on new development in the unincorporated area. Fee revenues would be earmarked for identified growth-related improvements to the County's non-regional arterial and collector roads.

## Service Area

Larimer County encompasses 2,600 square miles of territory. Most of the development has occurred in the eastern part of the county, on the plains and in the foothills. The mountainous western part of the county is sparsely developed, with the exception of Estes Park.

For analytical purposes, the county was divided into nine areas, as illustrated in Figure 1. These areas were used for the analysis of demographics and roadways. In particular, they were used to develop growth rates that could be applied to existing traffic volumes to generate traffic forecasts for roadways for which such forecasts were not available from the regional transportation model. The nine analytic areas were aggregated into "urban," "rural" and "mountain" areas. The urban areas are areas 1 and 2, which correspond roughly to the Fort Collins and Loveland Growth Management Areas (GMAs). The rural areas—areas 3, 4, 5, 6 and 8—comprise the remainder of the plains. Areas 7 and 9 are the mountain areas.

Selected characteristics of the system of County-maintained collector and arterial roads by area are summarized in Table 3. Not surprisingly, the percentage of paved roads decreases from urban to rural and from rural to mountain areas. The urban areas generate the most vehicular trips, while having the fewest lane-miles of major County roads.

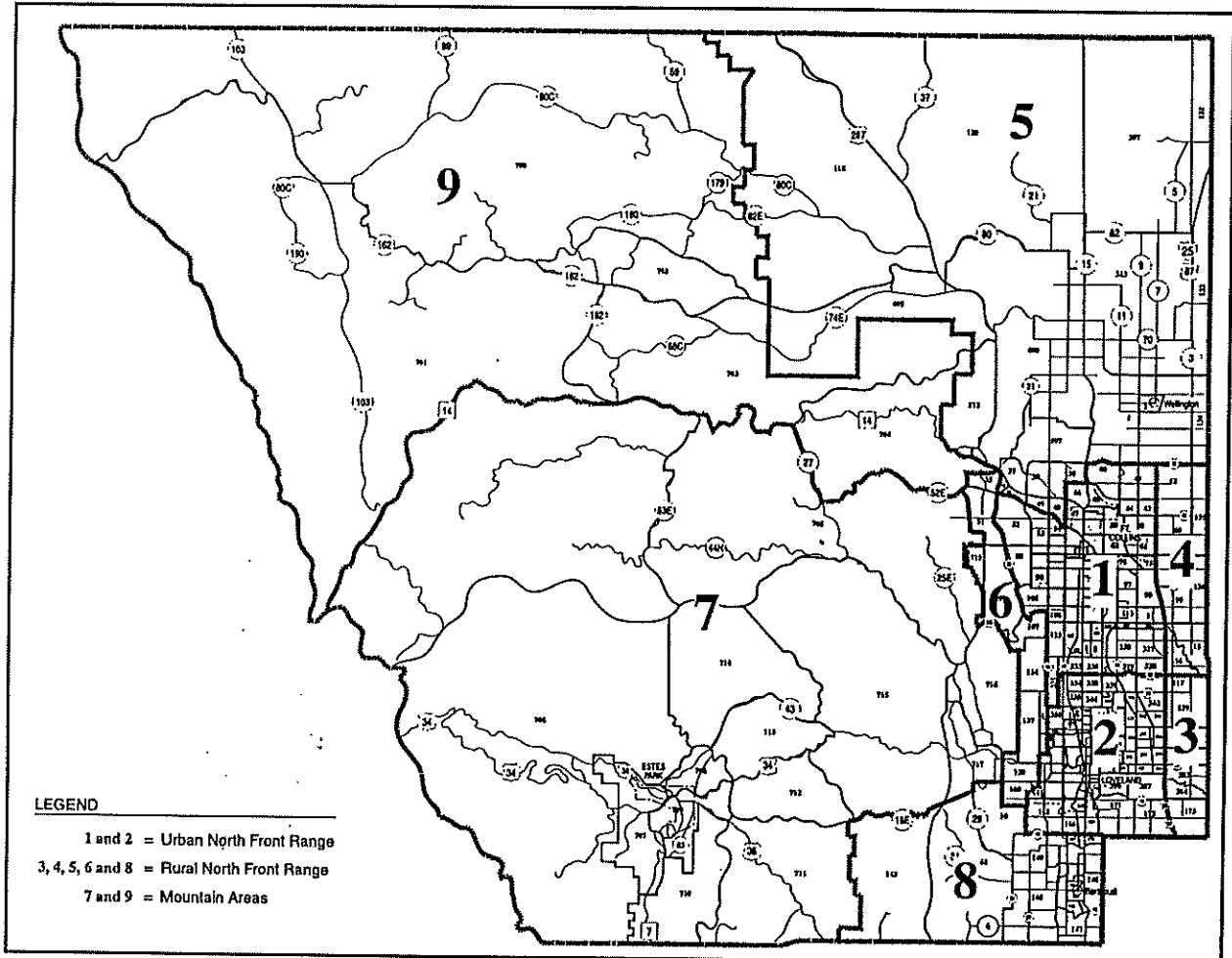
Despite differences between areas in the amount and type of roadways, these areas are not independent of each other in terms of the impacts of development on the County's major road system. The major road system is interrelated, and serves travel between urban, rural and mountain areas as well as travel within those areas.

**Table 3  
ROAD CHARACTERISTICS BY AREA**

Area	% Paved	Lane-Miles	Percent	Daily Trips	Percent
Urban	85%	223.33	20%	114,462	56.2%
Rural	59%	445.31	41%	54,930	27.0%
Mountain	30%	428.36	39%	34,085	16.8%
<b>Total</b>	<b>53%</b>	<b>1,097.00</b>	<b>100%</b>	<b>203,477</b>	<b>100.0%</b>

Source: Percent paved and lane-miles from County road inventory, Appendix A; daily trips are one-half 1995 daily trip ends from analysis of TAZ data for unincorporated areas by Felsburg, Holt & Ullevig, April 1998.

**Figure 1  
AREA MAP OF LARIMER COUNTY**





In order to estimate the proportion of traffic on the regional roads that is attributable to development in unincorporated Larimer County, a select-link analysis was performed. The results of this analysis should be viewed with caution, since the mountain area is not included in the North Front Range model that was used in the analysis. These limitations result in relatively gross estimates of the impact of development in the mountain areas on the regional roads for two reasons. First, the share of the traffic with a trip end in the mountains that is generated by Estes Park, rather than by development in the unincorporated county, needs to be estimated. This is accounted for by attributing to Estes Park the same percent of regional trips with mountain origins as the percent of total mountain trips originating in Estes Park (55.1 percent). Second, some of the west external station traffic may be traveling completely through the county without stopping in Larimer County, although traffic counts show this proportion is less than 15 percent.

The results of the select-link analysis, summarized in Table 4, indicate that at least one-half of all trips on regional roads within the unincorporated county have neither an origin nor destination in unincorporated areas. This strengthens the case for assessing the regional transportation capital expansion fee uniformly within the cities and the unincorporated county. Second, the results indicate that development in the mountains, which generates about 17 percent of all trips originating in unincorporated areas (see Table 3 above), accounts for about 13 percent of regional road trips originating in unincorporated areas. Given the limitations of the data, these results indicate that development in the mountains has a significant impact on regional roads, roughly proportional to its share of total trips. Consequently, the analysis supports charging a uniform fee throughout the unincorporated county, for both regional and non-regional County roads.

**Table 4**  
**ORIGIN OF TRAFFIC ON REGIONAL ROADS**

Trip Origin/Destination	All Trips	Unincorp. Trips
Mountains - External	4.2%	9.8%
Mountains - Plains	1.3%	3.0%
Estes Park - Plains	1.6%	3.7%
Plains - External/Plains	35.7%	83.4%
External - External	57.2%	NA
Total	100.0%	100.0%

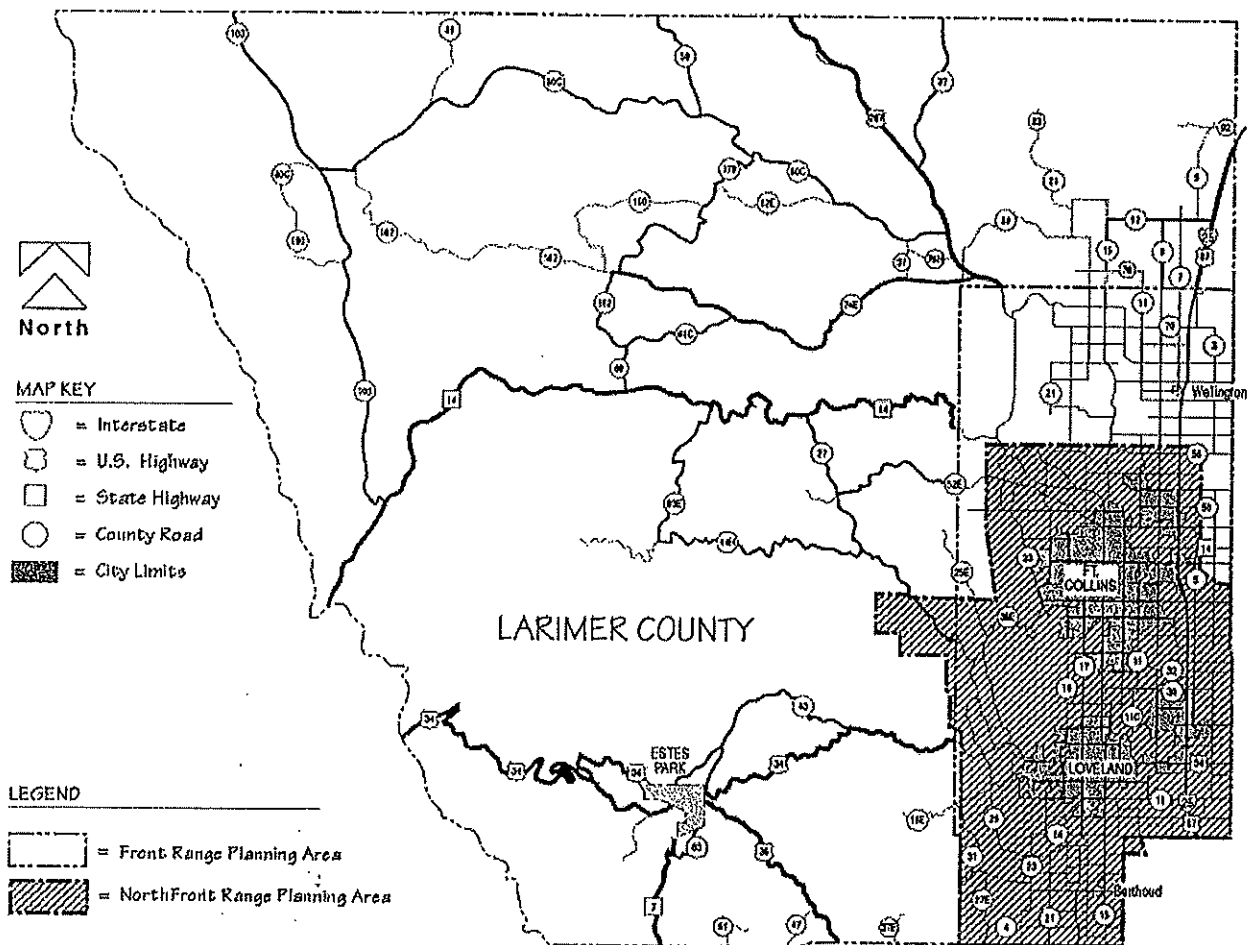
Source: Felsburg, Holt & Ullevig, *Larimer County Transportation Plan*, April, 1998 draft; "external" is outside unincorporated area; the unadjusted mountain percentages, which included trips with end in Estes Park, were reduced by 55.1%, which is Estes Park percentage of total mountains plus Estes Park trips; the trips attributed to Estes Park were placed in Estes Park - Plains and External - External categories.

While the entire county will be considered one service area for the purposes of fee calculation, it may be advisable to divide the county into benefit districts for the purpose of earmarking fee revenue to be spent in the area of the county in which it was collected. No such benefit districts

are recommended for the regional transportation capital expansion fee, which must by definition be spent on only three roadways located in the urban area. On the other hand, benefit districts would be advisable for the non-regional County transportation capital expansion fees.

Already-defined transportation planning areas provide a starting point for the identification of appropriate benefit districts. One such area is the North Front Range (NFR) Planning Area, which is the area within Larimer County that is included in the purview of the NFR Planning Council. Another is the Front Range Planning Area, which was the area studied during the PLUS planning process. These areas cover the more developed plains on the eastern side of the county, as illustrated in Figure 2.

**Figure 2**  
**TRANSPORTATION PLANNING AREAS**



Division of the county into four benefit districts should be sufficient for the non-regional County transportation capital expansion fees. Two benefit districts could be created within the Front Range Planning Area, divided between Fort Collins and Loveland by CR 32. The remainder of the county could be divided into two additional benefit districts by, for example, using SH 14 as the boundary.

## **Service Units**

Service units create the link between supply (roadway capacity) and demand (traffic generated by new development). An appropriate service unit basis for transportation capital expansion fees is vehicle-miles of travel (VMT). Vehicle-miles is a combination of the number of vehicles traveling during a given time period and the distance (in miles) that these vehicles travel. Available traffic counts and projected volumes and roadway capacities from the draft Transportation Plan are expressed in terms of vehicles per 24-hour period. Consequently, average daily VMT is the most appropriate service unit for Larimer County's transportation capital expansion fees.

For an individual development, average daily trip (ADT) generation rates are the most appropriate for assessing the impact of a new development on the need for road improvements. The trip generation rate is multiplied by the percent new trip factor and the average trip length to determine the number of VMT generated. For the major road system as a whole, VMT is determined by multiplying the length of each road segment by the average daily traffic count and aggregating the results for all road segments.

The capacity of a roadway segment is the maximum number of vehicles per day that can be accommodated at a desired level-of-service. In order to be aggregated for the major road system as a whole, however, capacities of individual road segments must be converted into vehicle-miles of capacity (VMC). This is accomplished by multiplying the capacity of each segment by the length of each segment in miles.

## **Design of Transportation Capital Expansion Fees**

The proposed transportation capital expansion fee methodology is based on a "demand-driven" model, which basically charges a new development the cost of replacing the capacity that it consumes on the major road system. That is, for every service unit of traffic generated by the development, the capital expansion fee charges the net cost to construct an additional service unit of capacity. Since travel is never evenly distributed throughout a roadway system, actual roadway systems require more than one VMC for every VMT in order to keep most road segments functioning at an acceptable level of service. Consequently, the demand-driven transportation capital expansion fee model generally underestimates the full cost of growth. It is, however, a conservative, legally sound and relatively simple approach to the calculation of transportation capital expansion fees.

While the demand-driven model is probably the most commonly-used approach for transportation capital expansion fees in the nation, many communities have used other models. The most common alternative is the "improvements-driven" model. The improvements-driven approach essentially divides the cost of growth-related improvements required over a fixed planning horizon (or to build-out) by the number new service units (e.g., VMT) projected to be generated by growth over the same planning horizon in order to determine a cost per service unit. This approach requires a sophisticated level of planning, as well as consideration of fiscal

constraints in developing the capital improvement plan to ensure that it does not include low priority, marginally-needed improvements. Despite these difficulties, the improvements-driven model can come closer to capturing the full cost of maintaining desired levels of service on most roadway segments than the demand-driven approach.

The consultant has developed a modified demand-driven transportation capital expansion fee model that more accurately identifies the full growth-related cost of maintaining desired service levels, while avoiding the difficulties associated with the improvements-driven approach. Essentially, the idea is that new development should be required to pay for the cost to construct more capacity than it directly consumes in order to maintain the system-wide ratio of capacity to demand. In this system, the cost per VMC is multiplied by the system-wide ratio of VMC/VMT to determine the cost per VMT. This is the recommended approach for Larimer County.

The recommended formula for transportation capital expansion fees in Larimer County is as shown in Figure 3.

**Figure 3**  
**RECOMMENDED TRANSPORTATION CAPITAL EXPANSION FEE FORMULA**

$$\text{FEE} = \text{VMT} \times \text{COST/VMT} - \text{CREDIT/VMT}$$

Where:

$$\text{VMT} = \text{TRIPS} \times \% \text{ NEW} \times \text{LENGTH} \div 2$$

$$\text{COST/VMT} = \text{COST/VMC} \times \text{VMC/VMT}$$

$$\text{CREDIT/VMT} = \text{DEFICIENCY} + \text{REVENUE}$$

$$\text{DEFICIENCY} = \text{EXCESS VMT} \div \text{TOTAL VMT} \times \text{COST/VMT}$$

Where:

VMT = Vehicle-miles of travel placed by the development on the County major road system during an average week day

TRIPS = Average daily trip ends

% NEW = Percent of trips that are primary trips, as opposed to passby or diverted-link trips

LENGTH = Average length of a trip on County major road system

÷ 2 = Avoids double-counting trips for origin and destination

COST/VMC = Average cost to create a new vehicle-mile of capacity (VMC) based on planned improvements in Transportation Plan

VMC/VMT = The system-wide ratio of capacity to demand in the major roadway system, which is the lower of the existing ratio or the ratio of new VMC to new VMT provided in the Transportation Plan

REVENUE = Revenue credit per VMT, based on percent of cost anticipated to be paid with other revenues

EXCESS VMT = The sum of existing VMT on individual segments of major road system that is in excess of existing capacity

TOTAL VMT = Total VMT on the major road system

## Major Road System

The proposed transportation capital expansion fee is designed to address the cost of expanding the County's system of arterial and collector roads in order to accommodate the traffic generated by new development. State and federal highways are excluded from the major roadway network that is to be funded with transportation capital expansion fees.

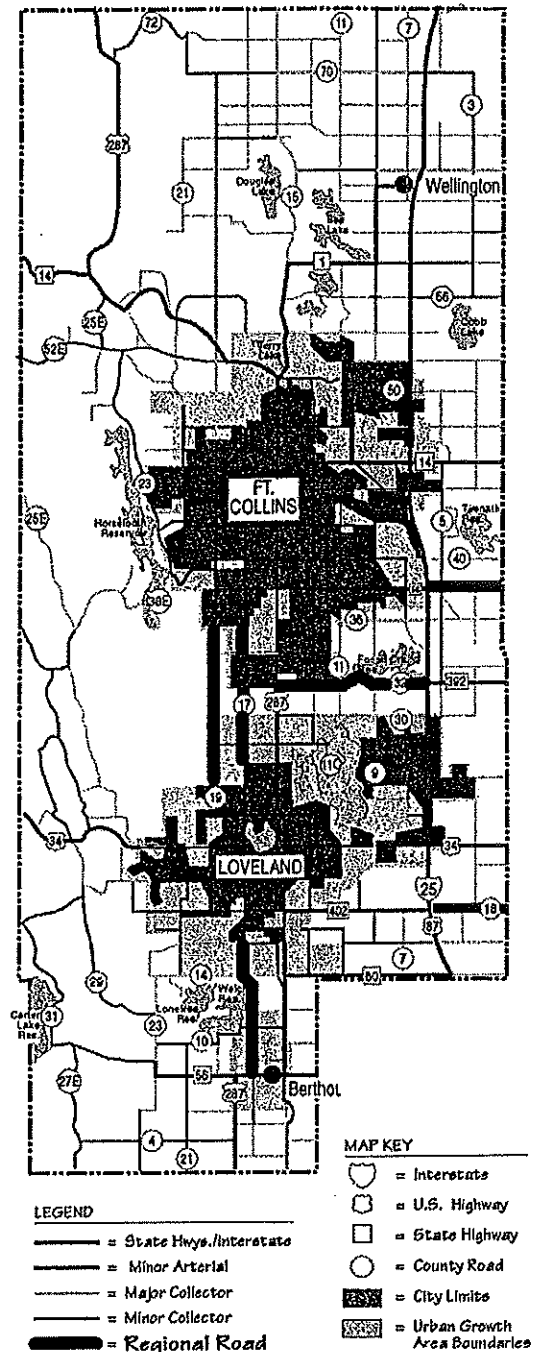
The major road system within the more developed Front Range Planning Area is illustrated in Figure 4. Transportation within the unincorporated area, including Growth Management Areas around the major cities, is provided by state and federal highways and County roads. Several County roads have been identified as "regional roads," because they primarily serve traffic that moves between cities or from outside the county to the cities. Regional roadways were identified based on the following criteria:

- Classification as arterials or major collectors;
- Continuity across significant areas of the county;
- Providing a connection between communities in or beyond the county, or between a county community and an I-25 interchange.

Exclusive of state and US highways, several segments of five County roads were judged to meet the above criteria. CR 17 between Loveland and Fort Collins and between Loveland and Berthoud, CR 18 from I-25 to the Weld County line, CR 19 between Loveland and Fort Collins, CR 32 between I-25 and US 287, and CR 38 from I-25 to the Weld County line, were identified as fitting the definition of regional roadways. These regional roads comprise only 4.9 percent of total lane-miles of the County's major roadways, while carrying 30.8 percent of the traffic.

The major road system for County transportation capital expansion fees will be all existing and planned County-maintained arterial and collector roads, excluding those designated as regional roads.

Figure 4  
MAJOR ROAD SYSTEM



A detailed inventory of the County's major road system, including both regional and non-regional roads, is presented in Appendix A. The inventory includes existing (1995) and future (2020) traffic volumes, roadway capacities and improvements required to maintain desired levels of service.

## **Traffic Forecasts**

As part of the transportation planning process, year 2020 traffic volume forecasts were developed for segments of the County's major road system using two different methods. Within the North Front Range modeling area, model forecasts were used where available, with current year calibration factors applied to model results. For other roadways, the 1995 to 2020 vehicle trip growth rates within the planning area were applied to 1995 volumes to estimate 2020 volumes.

1995 and 2020 households and employment by transportation analysis zone (TAZ) were obtained from two sources. Forecasts for Larimer County zones were obtained from the North Front Range 2020 planning process, based on input from local jurisdictions. Forecasts for mountain area TAZs that are not in the NFR planning area are based on 1993 and 2015 estimates and forecasts prepared by Coley/Forrest as part of earlier transportation plan development. These data were adjusted to 1995 and 2020 time frames by interpolation and extrapolation from 1993 and 2015 data.

Vehicle trip generation for NFR planning area zones was obtained from the NFR transportation forecasting model. Trip generation for the mountain zones was derived using the trip generation rates that are used in the modeling process. In the NFR modeling process, trip generation is adjusted up or down from base rates for some TAZs based on NFR trip generation surveys. Absent such survey data for the mountain areas, the base trip generation rates were used for mountain zones.

The resulting trip generation estimates by TAZs were grouped by the nine large County areas. The forecast and current vehicle trip ends were compared for each area to develop a forecasted growth factor for each one.

## **Roadway Capacity**

Roadway capacities were developed for various roadway types from different sources. Capacities for paved roads are based on current County level of service standards, which call for level of service (LOS) D for roadways in urban areas and LOS C for roadways in rural areas.

Unpaved Roads. Larimer County's standard calls for paving of roads in rural areas with greater than 200 vehicles per day (vpd) and in urban areas with greater than 150 vpd. These thresholds were considered to be the capacity of gravel roads. Roads that currently have a chip & seal surface were estimated to have a 2,000 vpd capacity.

Paved Two-Lane Roads. Using data obtained from the Larimer County roadway inventory, Colorado Department of Transportation (CDOT) state highway inventory, and 1994 Highway Capacity Manual methodology, capacities were developed for existing paved two-lane roadways, based on the width of lanes and shoulders. These capacities are based on the following assumptions.

**Table 5  
CAPACITY ASSUMPTIONS FOR PAVED TWO-LANE ROADS**

	Urban	Rural	Mountain
Planning Area	1, 2	3, 4, 5, 6, 8	7, 9
Level of Service	LOS D	LOS C	LOS C
Directional Split	60%/40%	60%/40%	60%/40%
Heavy Trucks	2 %	2%	1%
Terrain	Rolling	Rolling	Mountainous
No Passing Zones	40%	40%	60%
Daily Traffic in Peak Hour	10%	11%	12%

Source: Felsburg, Holt & Ullevig, *Larimer County Transportation Plan*, Appendix 5: Capacity Assumptions, September 1998.

Generalized planning estimates of roadway capacities for paved two-lane roads, based on the above assumptions, are presented in Table 6.

**Table 6  
CAPACITIES OF PAVED TWO-LANE ROADS**

Planning Area	Usable Shoulder Width (Ft.)	12-Foot Lanes	11-Foot Lanes	10-Foot Lanes	9-Foot Lanes
Urban	6	11,900	11,100	10,000	8,300
	4	10,900	10,100	9,200	7,700
	2	9,600	8,900	8,100	6,800
	0	8,300	7,700	6,900	5,800
Rural	6	7,200	6,700	6,000	5,000
	4	6,600	6,100	5,500	4,700
	2	5,800	5,400	4,900	4,100
	0	5,000	4,700	4,200	3,500
Mountain	6	4,200	3,900	3,500	2,900
	4	3,900	3,600	3,200	2,700
	2	3,400	3,200	2,900	2,400
	0	2,900	2,700	2,400	2,100

Source: Felsburg, Holt & Ullevig, *Larimer County Transportation Plan*, Appendix 5: Capacity Assumptions, September 1998.

Four-Lane Roads. Capacities for four-lane roads was based on thresholds for minor arterials that are used in North Front Range transportation planning. Since these capacity thresholds are based on level of service D operations, adjustments were made to develop level of service thresholds for rural areas with a level of service C standard. Level of service C thresholds were estimated to be 70% of the level of service D thresholds, based on typical *Highway Capacity Manual* values. This analysis resulted in average daily capacities for four-lane roads of 20,500 in urban areas and 21,900 in rural areas.

Traffic Signals. Traffic signal needs at County intersections were estimated, based on a comparison of Year 2020 forecasts with peak hour traffic signal warrants included in the *Manual of Uniform Traffic Control Devices*.

**Level-of-Service Analysis**

Existing traffic volumes were compared with existing roadway capacities for each segment of the major road system in order to identify over-capacity road segments. For each over-capacity segment, the volume in excess of capacity was multiplied by the length of the segment to determine excess vehicle-miles of travel (VMT). These were summed to determine excess VMT on a system-wide basis. As summarized in Table 7, most of the County’s existing deficiencies are on the regional road system.

**Table 7  
EXISTING CAPACITY DEFICIENCIES**

	<b>Excess VMT</b>	<b>Total VMT</b>	<b>Percent Deficiency</b>
Regional Roads	13,729	190,371	7.2%
Non-Regional Roads	3,686	428,602	0.9%
Total County Major Road System	17,415	618,973	2.8%

Source: Derived from Major Roadway Inventory, Appendix A.

One of the principles of capital expansion fees is that new development should not be charged, through capital expansion fees, for a higher level-of-service than is provided to existing development. In the context of transportation capital expansion fees, this has sometimes been interpreted to mean that capital expansion fees should not be spent on roadways that were over-capacity when the fees were adopted. A variant of this approach is that capital expansion fees should only be used to fund a percentage of the project that can be attributed to providing additional capacity beyond what is needed to remedy the existing deficiency. A problem with these approaches is that capital expansion fees are restricted from being spent on roadways that are most in need of improvement. Our recommended approach is to reduce the capital expansion fee by the system-wide deficiency percentage. This ensures that new development is not held to



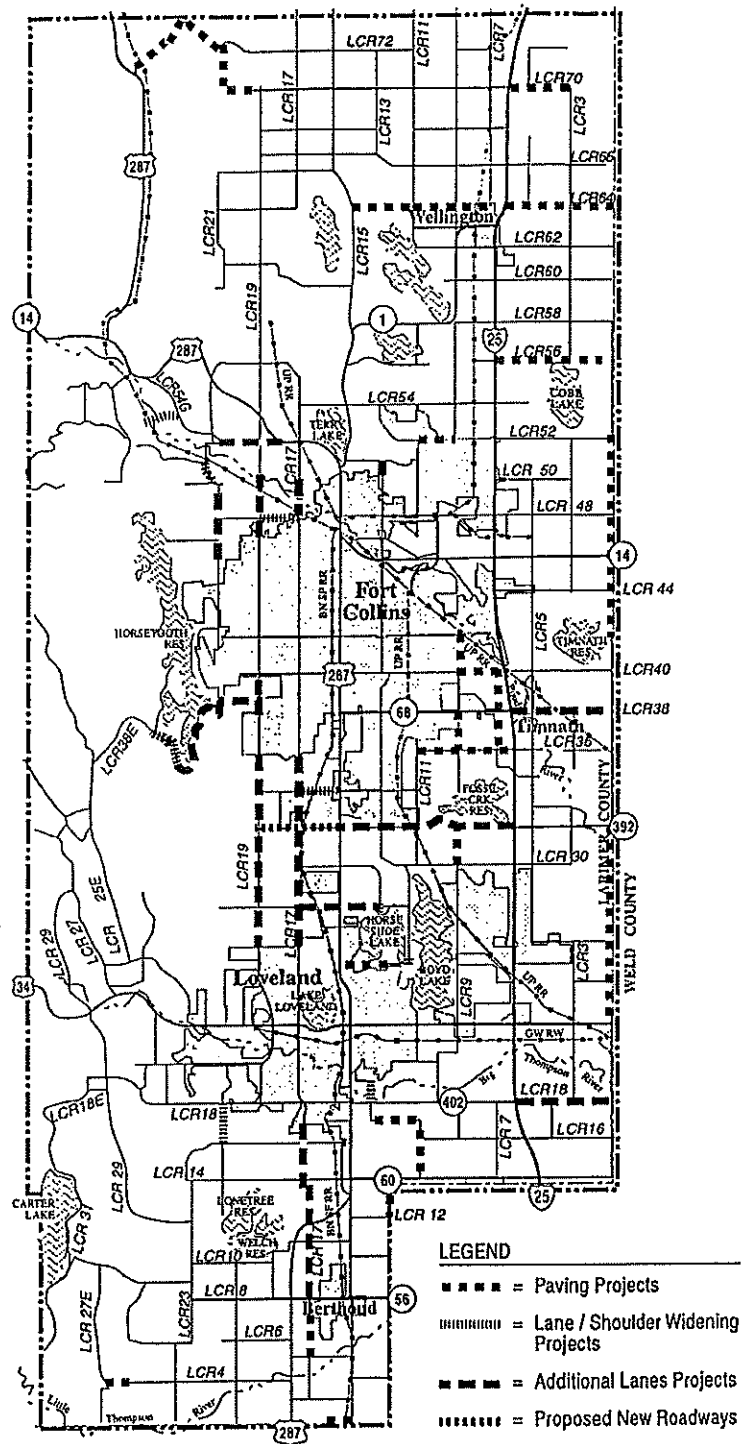
a higher standard than existing development, while maintaining maximum flexibility in the expenditure of capital expansion fee revenues.

The next stage in the level-of-service analysis was to compare forecasted 2020 traffic volumes on each roadway segment with the existing roadway capacities to identify roadways that will need improvement. In addition, some proposed new roadways that were identified as part of the previous transportation planning process were included in the list of identified growth-related improvements. The five types of roadway improvements that were considered to be capacity-driven improvements are the following:

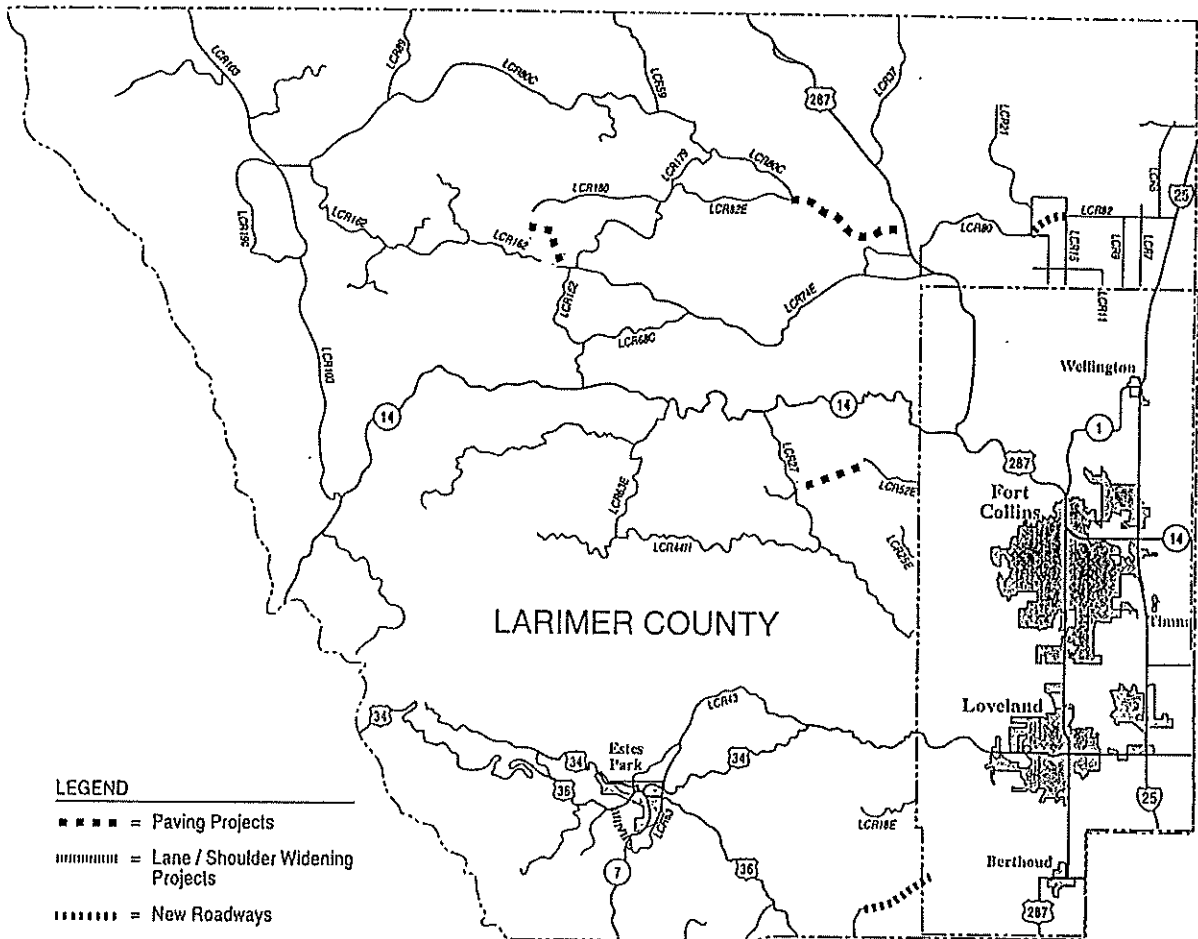
- paving of unpaved roads,
- lane/shoulder widening of two-lane paved roads,
- widening two-lane roadways to four lanes,
- constructing new two-lane roadways, and
- installing traffic signals.

The identified improvements are illustrated in Figures 5 and 6 and are shown in Appendix Table A.

**Figure 5  
ROAD IMPROVEMENTS  
(Urban/Plains Area)**



**Figure 6  
IMPROVEMENT NEEDS  
(Rural/Mountain Area)**



Order-of-magnitude unit costs for typical projects of each type were developed by Felsburg, Holt & Ullevig in coordination with Larimer County Public Works.

- Paving of Unpaved Roads: Paving of gravel or chip/seal roads is estimated to cost \$500,000 per mile in plains areas and \$1,075,000 per mile in mountain areas. These costs are based on the assumption that paving projects would also include widening of lanes and shoulders as appropriate.
- Widening Two-Lane Paved Roads: Increasing lane and shoulder widths on paved two-lane roads is estimated to cost \$700,000 per mile in plains areas and \$1,075,000 per mile in mountain areas. These costs are based on the assumption that widening projects would include reconstruction of the existing paved surface.

- Additional Lanes: Widening two-lane roadways to four lanes is estimated to cost \$1,700,000 per mile in plains areas and \$2,500,000 per mile in mountain areas.
- New Roads: Constructing new two-lane roadways is estimated to cost \$1,250,000 per mile.
- Traffic Signals are estimated to cost \$100,000 at each intersection location.

Based on these unit costs, the capacity-driven improvement needs identified for the County's major road system total \$126 million, as summarized in Table 8. Of the total, \$35 million would be needed for improvements to the regional road system, and \$91 million for the non-regional system. The improvements, with the exception of intersection improvements, are detailed in the roadway inventory in Appendix A. Sixteen signalization improvements were also identified, and are listed in the *Larimer County Transportation Plan*.

### Net Cost per Service Unit

There are three steps to calculate the net cost per service unit. First, the average cost per vehicle-mile of capacity (VMC) is calculated by dividing the total cost of the identified capacity-expanding improvements by the additional roadway capacity created by the improvements. Second, the cost per VMC is multiplied by the system-wide ratio of capacity to demand (e.g., VMC/VMT) to determine the cost per VMT. Finally, the cost per VMT is reduced by the percent of existing deficiencies and appropriate revenue credits to determine the net cost per VMT.

Dividing the total cost of the identified capacity-expanding improvements by the additional roadway capacity created by the improvements results in an average cost per vehicle-mile of capacity of \$143 to expand the regional road system and \$118 per VMC to expand the County's non-regional road system, as shown in Table 8.

**Table 8**  
**COST PER VEHICLE-MILE OF CAPACITY**

Improvement Type	Regional	Non-Regional	All Roads
New 2-Lane Roads	\$0	\$7,000,000	\$7,000,000
Widen 2-4 Lanes	\$43,670,000	\$38,070,000	\$81,740,000
Lane/Shoulder Widening	\$0	\$7,740,000	\$7,740,000
Paving Unpaved Roads	\$0	\$36,920,000	\$36,920,000
Signalization	\$600,000	\$1,000,000	\$1,600,000
<b>Total Costs</b>	<b>\$44,270,000</b>	<b>\$90,730,000</b>	<b>\$135,000,000</b>
<b>New Vehicle-Miles of Capacity (VMC)</b>	<b>310,070</b>	<b>771,406</b>	<b>1,081,476</b>
<b>Cost per New VMC</b>	<b>\$143</b>	<b>\$118</b>	<b>\$125</b>

Source: Improvements and estimated costs for other than signalization and new VMC from Appendix A; signalization projects identified in Felsburg, Holt & Ullevig, *Larimer County Transportation Plan*, Appendix 10: Traffic Signal Projects, September 1998.

The cost per unit of new capacity must be multiplied by the system-wide ratio of capacity to demand to derive the cost per unit of additional demand. The system-wide ratios of VMC/VMT are presented in Table 9 for both existing conditions and for the new capacity and demand anticipated by the *Larimer County Transportation Plan*. For regional roads, the existing ratio of 1.26, which is lower than the ratio provided by planned improvements, is the level-of-service provided to existing development and consequently the ratio that should be used.

For non-regional roads, on the other hand, the existing ratio is much higher than the ratio provided by planned improvements, indicating that the existing roadway system has more excess capacity than needed over the long-term. Consequently, the marginal VMC/VMT ratio of 1.64 provided by the planned improvements is the more appropriate ratio.

**Table 9  
SYSTEM-WIDE CAPACITY/DEMAND RATIOS**

	Regional	Non-Regional	All County Roads
1995 VMC	239,402	1,836,518	2,075,920
1995 VMT	190,371	428,602	618,973
1995 VMC/VMT	1.26	4.28	3.35
New VMC, 1995-2020	310,070	771,406	1,081,476
New VMT, 1995-2020	195,179	469,435	664,614
New VMC/New VMT	1.59	1.64	1.63
Recommended Ratios	1.26	1.64	

Source: 1995 VMC and new VMT 1995-2005 from Table A-1; 1995 VMT from Table 7; new VMC 1995-2020 from Table 8.

The final step is to reduce the cost per VMT by appropriate credits to account for existing deficiencies and for other revenues that will be generated by new development and used for capacity-expanding road improvements. Revenue credits are appropriate if there is outstanding debt for past road improvements, or if there are dedicated or historical local sources of capital funding for road improvements, or if outside funding can reasonably be anticipated for such improvements.

Larimer County has no outstanding debt for road improvements. The County's road and bridge fund has historically been used almost entirely for non-capacity expanding purposes, such as road repair and maintenance, paving overlays and bridge repairs and replacements. The County does not pave gravel roads, except on a contract basis when property owners form a district to provide funding. Nor does the County anticipate receiving much in the way of outside funding to improve County roads. However, some credit should probably be given to account for the

possibility of outside funding. It is recommended that the cost per service unit be reduced by ten percent to account for revenue credits.

The net cost calculations are summarized in Table 10. The cost per VMC is multiplied by the system-wide ratio of VMC/VMT to determine the cost per VMT. The cost per VMT is then reduced by the percent of existing deficiencies and by an additional ten percent to provide credit for additional revenues that may be generated by or attributed to new development and used for capacity-expanding improvements to the County's major road system. The resulting net costs per VMT represent the net costs per service unit for the regional and non-regional County major road systems.

**Table 10**  
**TRANSPORTATION NET COST PER SERVICE UNIT**

	<b>Regional Roads</b>	<b>Non-Regional Roads</b>
Cost per VMC	\$143	\$118
VMC/VMT Ratio	1.26	1.64
Cost per VMT	\$180	\$194
Deficiency Percent	7.2%	0.9%
Deficiency Credit	(\$13)	(\$2)
Revenue Credit (10%)	(\$18)	(\$19)
Net Cost per VMT	\$149	\$173

Source: Costs per VMC from Table 8; VMC/VMT ratios from Table 9; deficiency percentages from Table 7; revenue credit assumed.

## Travel Demand Factors

The travel demand generated by specific land use types is a product of three factors: 1) trip generation, 2) percent primary trips and 3) trip length. The first two factors are well documented in the professional literature, and the average trip generation characteristics identified in studies of communities around the nation should be reasonably representative of trip generation characteristics in Larimer County. In contrast, trip lengths are much more likely to vary between communities, depending on the geographic size and shape of the community and its major roadway system.

Trip generation rates were based on information published in the most recent edition of the Institute of Transportation Engineers' (ITE) *Trip Generation* manual. Trip generation rates represent trip ends, or driveway crossings from the site of a land use. Thus, a one-way trip from home to work counts as one trip end for the residence and one trip end for the work place. To avoid over-counting, all trip rates have been divided by two. This places the burden of travel equally between the origin and destination of the trip and eliminates double-charging for any particular trip.

Trip rates also need to be adjusted by a "primary trip factor" to exclude pass-by and diverted trips. This adjustment is intended to reduce the possibility of over-counting by only including primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a particular development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A diverted trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The reduction for pass-by and diverted trips was drawn from the ITE manual and other published information.

The recommended trip generation rates and primary trip factors are presented in Table 11.

**Table 11  
TRIP GENERATION RATES**

<b>Land Use Type</b>	<b>Unit</b>	<b>Daily Trips</b>	<b>Percent Primary</b>	<b>Primary Trips</b>
Single-Family Detached	Dwelling	4.79	100%	4.79
Multi-Family	Dwelling	3.32	100%	3.32
Mobile Home Park	Site	2.40	100%	2.40
Hotel/Motel	Room	4.46	100%	4.46
<b>Retail/Commercial</b>				
Shop Ctr/Gen Retail <100,000 sf	1000 sq. ft.	37.22	48%	17.87
Shop Ctr/Gen Retail <500,000 sf	1000 sq. ft.	19.86	74%	14.70
Shop Ctr/Gen Retail <1 million sf	1000 sq. ft.	16.72	81%	13.54
Shop Ctr/Gen Retail 1 million sf+	1000 sq. ft.	14.47	81%	11.72
Auto Sales	1000 sq. ft.	18.75	49%	9.19
Auto Service/Repair/Tire Store	1000 sq. ft.	12.44	51%	6.34
Bank	1000 sq. ft.	132.60	25%	33.15
Bldg Materials/Hardware/Nursery	1000 sq. ft.	13.51	90%	12.16
Convenience Store	1000 sq. ft.	369.00	25%	92.25
Discount Store	1000 sq. ft.	23.48	90%	21.13
Furniture Store	1000 sq. ft.	2.53	90%	2.28
Health Club	1000 sq. ft.	8.57	49%	4.20
Movie Theater	1000 sq. ft.	39.03	90%	35.13
Restaurant, Fast Food	1000 sq. ft.	248.06	29%	71.94
Restaurant, Sit-Down	1000 sq. ft.	44.98	52%	23.39
<b>Office/Institutional</b>				
Office, General <100,000 sf	1000 sq. ft.	8.09	100%	8.09
Office, General <200,000 sf	1000 sq. ft.	6.03	100%	6.03
Office, General 200,000 sf+	1000 sq. ft.	4.99	100%	4.99
Office, Medical	1000 sq. ft.	18.07	100%	18.07
Hospital	1000 sq. ft.	8.39	100%	8.39
Nursing Home	1000 sq. ft.	2.44	100%	2.44
Church/Synagogue	1000 sq. ft.	4.56	100%	4.56
Day Care Center	1000 sq. ft.	39.63	24%	9.51
Elementary/Secondary School	1000 sq. ft.	6.02	50%	3.01
<b>Industrial</b>				
General Light Industrial	1000 sq. ft.	3.49	100%	3.49
Warehouse	1000 sq. ft.	2.48	100%	2.48
Mini-Warehouse	1000 sq. ft.	1.25	100%	1.25

Source: "Daily trips" is 1/2 trip ends during a weekday, ITE, Trip Generation, 6<sup>th</sup> ed., 1997; shopping center and general office rates based on upper end of range; percent primary trips for shopping centers, banks, fast food restaurants and convenience stores from 5<sup>th</sup> edition ITE manual; percentage for day care center from paper by Hitchens, 1990 ITE Compendium; percentages for auto uses and health club from O&D studies in Orange County, Florida; percentages for other land uses assumed.

The average trip length on the major County road system is the most difficult travel demand factor to determine, because it should be based on local data and exclude travel on all roadways that are not part of the major road system. The approach that is used here is to divide the existing VMT on the major road system by the number of daily trips generated by existing land use to determine an approximation of the average trip length on the major County road system.

To determine the average trip length for the purpose of the regional transportation capital expansion fee, the existing VMT on the regional roads was divided by all of the daily trips generated by existing development throughout the county, including development within the municipalities. The resulting trip length is an average of 0.23 miles. For the non-regional transportation capital expansion fee, the VMT on the non-regional roads was divided by the trips generated only by development in the unincorporated areas of the county, resulting in an average trip length of 2.11 miles, as shown in Table 12.

**Table 12  
AVERAGE TRIP LENGTH**

	Regional Roads	Non-Regional Roads
Total Daily VMT, 1995	190,371	428,602
Total Daily Trips, 1995	820,725	203,477
Average Trip Length (miles)	0.23	2.11

Source: Total daily VMT from Table 9; total daily trips is one-half total trip ends, for regional roads includes all trips from development county-wide, while trips for non-regional roads includes only trips from development in unincorporated areas.

### **Potential Fees**

The result of combining primary trip generation rates and average trip lengths is the daily vehicle-miles of travel (VMT) generated by various land use types per unit of development. The capital expansion fee regulation will contain a provision allowing the option of independent fee determination studies for those applicants who feel that their development will have less impact on the need for road facilities than indicated by the equivalency table.

Based on projected travel demand by land use and the net cost per service unit, the net costs to provide regional road capacity per unit of development are shown in Table 13. The net cost schedule for non-regional County roads is presented in Table 14.



**Table 13  
REGIONAL ROAD NET COST SCHEDULE**

<b>Land Use Type</b>	<b>Unit</b>	<b>Primary Trips</b>	<b>Avg. Trip Length</b>	<b>Daily VMT</b>	<b>Net Cost/VMT</b>	<b>Net Cost/Unit</b>
Single-Family Detached	Dwelling	4.79	0.23	1.10	\$149	\$164
Multi-Family	Dwelling	3.32	0.23	0.76	\$149	\$113
Mobile Home Park	Site	2.40	0.23	0.55	\$149	\$82
Hotel/Motel	Room	4.46	0.23	1.03	\$149	\$153
<b>Retail/Commercial</b>						
Shop Ctr/Gen Retail <100,000 sf	1000 sq. ft.	17.87	0.23	4.11	\$149	\$612
Shop Ctr/Gen Retail <500,000 sf	1000 sq. ft.	14.70	0.23	3.38	\$149	\$504
Shop Ctr/Gen Retail <1 million sf	1000 sq. ft.	13.54	0.23	3.11	\$149	\$463
Shop Ctr/Gen Retail 1 million sf+	1000 sq. ft.	11.72	0.23	2.70	\$149	\$402
Auto Sales	1000 sq. ft.	9.19	0.23	2.11	\$149	\$314
Auto Service/Repair/Tire Store	1000 sq. ft.	6.34	0.23	1.46	\$149	\$218
Bank	1000 sq. ft.	33.15	0.23	7.62	\$149	\$1,135
Bldg Materials/Hardware/Nursery	1000 sq. ft.	12.16	0.23	2.80	\$149	\$417
Convenience Store	1000 sq. ft.	92.25	0.23	21.22	\$149	\$3,162
Discount Store	1000 sq. ft.	21.13	0.23	4.86	\$149	\$724
Furniture Store	1000 sq. ft.	2.28	0.23	0.52	\$149	\$77
Health Club	1000 sq. ft.	4.20	0.23	0.97	\$149	\$145
Movie Theater	1000 sq. ft.	35.13	0.23	8.08	\$149	\$1,204
Restaurant, Fast Food	1000 sq. ft.	71.94	0.23	16.55	\$149	\$2,466
Restaurant, Sit-Down	1000 sq. ft.	23.39	0.23	5.38	\$149	\$802
<b>Office/Institutional</b>						
Office, General <100,000 sf	1000 sq. ft.	8.09	0.23	1.86	\$149	\$277
Office, General <200,000 sf	1000 sq. ft.	6.03	0.23	1.39	\$149	\$207
Office, General 200,000 sf+	1000 sq. ft.	4.99	0.23	1.15	\$149	\$171
Office, Medical	1000 sq. ft.	18.07	0.23	4.16	\$149	\$620
Hospital	1000 sq. ft.	8.39	0.23	1.93	\$149	\$288
Nursing Home	1000 sq. ft.	2.44	0.23	0.56	\$149	\$83
Church/Synagogue	1000 sq. ft.	4.56	0.23	1.05	\$149	\$156
Day Care Center	1000 sq. ft.	9.51	0.23	2.19	\$149	\$326
Elementary/Secondary School	1000 sq. ft.	3.01	0.23	0.69	\$149	\$103
<b>Industrial</b>						
General Light Industrial	1000 sq. ft.	3.49	0.23	0.80	\$149	\$119
Warehouse	1000 sq. ft.	2.48	0.23	0.57	\$149	\$85
Mini-Warehouse	1000 sq. ft.	1.25	0.23	0.29	\$149	\$43

Source: Primary trips from Table 11; average trip length from Table 12; net cost per VMT from Table 10.

**Table 14**  
**NON-REGIONAL ROAD NET COST SCHEDULE**

<b>Land Use Type</b>	<b>Unit</b>	<b>Primary Trips</b>	<b>Avg. Trip Length</b>	<b>Daily VMT</b>	<b>Net Cost/VMT</b>	<b>Net Cost/Unit</b>
Single-Family Detached	Dwelling	4.79	2.11	10.11	\$173	\$1,749
Multi-Family	Dwelling	3.32	2.11	7.01	\$173	\$1,213
Mobile Home Park	Site	2.40	2.11	5.06	\$173	\$875
Hotel/Motel	Room	4.46	2.11	9.41	\$173	\$1,628
<b>Retail/Commercial</b>						
Shop Ctr/Gen Retail <100,000 sf	1000 sq. ft.	17.87	2.11	37.71	\$173	\$6,524
Shop Ctr/Gen Retail <500,000 sf	1000 sq. ft.	14.70	2.11	31.02	\$173	\$5,366
Shop Ctr/Gen Retail <1 million sf	1000 sq. ft.	13.54	2.11	28.57	\$173	\$4,943
Shop Ctr/Gen Retail 1 million sf+	1000 sq. ft.	11.72	2.11	24.73	\$173	\$4,278
Auto Sales	1000 sq. ft.	9.19	2.11	19.39	\$173	\$3,354
Auto Service/Repair/Tire Store	1000 sq. ft.	6.34	2.11	13.38	\$173	\$2,315
Bank	1000 sq. ft.	33.15	2.11	69.95	\$173	\$12,101
Bldg Materials/Hardware/Nursery	1000 sq. ft.	12.16	2.11	25.66	\$173	\$4,439
Convenience Store	1000 sq. ft.	92.25	2.11	194.65	\$173	\$33,674
Discount Store	1000 sq. ft.	21.13	2.11	44.58	\$173	\$7,712
Furniture Store	1000 sq. ft.	2.28	2.11	4.81	\$173	\$832
Health Club	1000 sq. ft.	4.20	2.11	8.86	\$173	\$1,533
Movie Theater	1000 sq. ft.	35.13	2.11	74.12	\$173	\$12,823
Restaurant, Fast Food	1000 sq. ft.	71.94	2.11	151.79	\$173	\$26,260
Restaurant, Sit-Down	1000 sq. ft.	23.39	2.11	49.35	\$173	\$8,538
<b>Office/Institutional</b>						
Office, General <100,000 sf	1000 sq. ft.	8.09	2.11	17.07	\$173	\$2,953
Office, General <200,000 sf	1000 sq. ft.	6.03	2.11	12.72	\$173	\$2,201
Office, General 200,000 sf+	1000 sq. ft.	4.99	2.11	10.53	\$173	\$1,822
Office, Medical	1000 sq. ft.	18.07	2.11	38.13	\$173	\$6,596
Hospital	1000 sq. ft.	8.39	2.11	17.70	\$173	\$3,062
Nursing Home	1000 sq. ft.	2.44	2.11	5.15	\$173	\$891
Church/Synagogue	1000 sq. ft.	4.56	2.11	9.62	\$173	\$1,664
Day Care Center	1000 sq. ft.	9.51	2.11	20.07	\$173	\$3,472
Elementary/Secondary School	1000 sq. ft.	3.01	2.11	6.35	\$173	\$1,099
<b>Industrial</b>						
General Light Industrial	1000 sq. ft.	3.49	2.11	7.36	\$173	\$1,273
Warehouse	1000 sq. ft.	2.48	2.11	5.23	\$173	\$905
Mini-Warehouse	1000 sq. ft.	1.25	2.11	2.64	\$173	\$457

Source: Primary trips from Table 11; average trip length from Table 12; net cost per VMT from Table 10.

## REGIONAL PARKS AND OPEN SPACE

Larimer County is a major provider of regional parks and open space facilities. However, the County's current park dedication/fee-in-lieu requirements are based on national standards for neighborhood and community parks—facilities that the County does not provide. This section develops proposed amendments to the County's land dedication/fee-in-lieu requirements to more closely reflect the types of facilities the County provides.

Regional park and open space facilities provide benefit to all county residents, including residents within municipalities. Since the majority of new residential development occurs within the cities, and since the cities own and manage additional regional park and open space facilities, a regional system could raise more revenue with a lower fee than a County fee that applies only in unincorporated areas. For these reasons, the possibility of a joint city/county system of development exactions for regional parks and open space is explored.

### Current Park Exactions

The County currently imposes park land dedication requirements on new residential subdivisions outside of the Growth Management Areas (GMAs). If there are no suitable park sites within the subdivision, a fee in lieu of dedication is required. The park land dedication and in-lieu fee requirements are based on national standards for neighborhood, community and regional parks. Current requirements are for 0.012 acres per unit, based on five acres per thousand residents and an average household size of 2.6 persons per unit. Fees in lieu of dedication are currently established by County resolution at \$315 per dwelling unit, which corresponds to a land cost of \$26,250 per acre.

Within the GMAs, the County assesses the park capital expansion fee charged by the neighboring city pursuant to the terms of intergovernmental agreements. The intergovernmental agreements stipulate that the County may spend the revenues to acquire and develop parks to serve the affected subdivisions, with City approval. Any fees not spent are to be remitted periodically to the city, with the County retaining 20 percent of the fees to be spent on regional parks.

The park fee in lieu of dedication currently being charged by Larimer County in unincorporated areas outside Growth Management Areas are contrasted with municipal park capital expansion fees being collected by the County within the GMAs in Table 15. Some cities have significantly increased their capital expansion fees recently, and these increases have not yet been reflected in the fees being collected by the County.

**Table 15**  
**CURRENT PARK FEES IN UNINCORPORATED LARIMER COUNTY**

Location of Development	Total Fee	City Share	County Share
Unincorporated outside GMAs (fee-in-lieu)	\$315	n.a.	\$315
Unincorporated in Fort Collins GMA	\$813	\$650	\$163
Unincorporated in Loveland GMA	\$910	\$728	\$182
Unincorporated in Berthoud GMA	\$1,100	\$880	\$220
Unincorporated in Estes Valley Rec. District	\$315	\$252	\$63

### **Legal and Policy Framework**

State law specifically authorizes Colorado counties to require dedication of park sites, or collection of a fee in lieu of dedication, as a condition of approval of residential subdivisions. The in-lieu fee must not exceed the average market value of land within the subdivision. The state courts have interpreted these provisions to be the only method by which counties may require new development to contribute to the cost of providing public park facilities. The state statutes also provide broad authority for cities and counties to cooperatively plan for and fund facilities of regional benefit.

The proposed approach for modifying the County's current system would be to base the fee on the existing level-of-service of regional parks and open space, and to assess the dedication/in-lieu fee requirement throughout the unincorporated area, including within the GMAs. Potential County dedication requirements within the GMAs to be developed in cooperation with the municipalities for neighborhood and community parks (see Community Parks chapter) would be in addition to the regional parks and open space requirement.

In the event that the cities opt to participate in a cooperative regional fee system, the existing level-of-service would be defined by all regional parks and open space land owned or operated by the County or the participating cities. However, since the County needs to take action in the near future, the fee will be calculated based on the just the County's level-of-service as well as under a regional approach. Since the fee will be lower under the regional approach, the County could adopt its fee at the lower level, in anticipation that the cities may participate.

Since the County's authority for park exactions appears to be limited to land dedication and fee-in-lieu requirements, it is assumed that a regional approach to regional parks and open space exactions would be structured in the same way. The cities' park capital expansion fees, at least for Fort Collins and Loveland, are strictly for neighborhood and community parks, and exactions for regional parks and open space would be an added fee to existing park capital expansion fees. Such a system could be designed so that the jurisdiction that collects the fee can control how the revenues are spent, or it could be designed to accommodate a more cooperative capital planning process.

To meet the state law requirement that the in-lieu fee be based on the subdivision's land value, we would recommend including a provision in the regulation that would allow the developer to challenge the in-lieu fee if it appears to exceed what the fee would be based on the average land value of the project. This would be unlikely to ever occur in practice, since residential land in Larimer County will almost always be worth more than the average cost of open space, which ranges from \$2,000 to \$3,000 per acre.

A more realistic scenario is that the County could require the dedication of land and sell the land in order to raise more money for open space acquisitions than could be obtained through collection of fees-in-lieu. This would create significant inequities in contributions between developers based on the value of their respective properties and whether the County decided to accept fees-in-lieu or require land dedication. To prevent these kinds of inequities, the regulation should also contain a provision limiting the value of any required land dedication to the amount of the in-lieu fees that would otherwise be required.

A question that might be raised is whether the dedication requirement or the fee-in-lieu should be reduced to account for sales tax funding. Currently, County and city open space programs are funded by a county-wide 1/4-cent sales tax approved by the voters in November of 1995. Revenues are earmarked for the acquisition, protection, improvement and maintenance of open space, natural areas, wildlife habitat, parks and trails. The open space sales tax, which will be in effect until the year 2003, generates about \$6 million each year. A minimum of 55% of the annual revenues are distributed to municipalities in the County based on the highest of either population or sales tax generation. The City of Fort Collins also has its own 1/4-cent sales tax for open space, which was just extended for another eight years.

However, as long as the dedication/fee-in-lieu requirement is based on the existing level-of-service, no reduction to account for the dedicated sales tax revenue is required. New development can legitimately be required to pay its proportionate share of the cost to maintain the current level-of-service. The fact that new development will be contributing to future open space sales tax revenues does not result in double-charging, since the sales tax revenue will be enhancing the level-of-service.

A final issue is whether the in-lieu fee revenues would need to be earmarked for expenditure only on land acquisition, or whether the revenues could also be spent on capital improvements, such as the development of trails, visitor amenities, etc. The County's open space sales tax revenues can legally be spent on improvements and even maintenance, but have been restricted by policy to land acquisition. To meet rational nexus requirements, however, the regional parks and open space fees-in-lieu should be restricted to funding land acquisition.

## Level-of-Service Standard

The most common level-of-service standard for parks is acres per 1,000 population. This is not necessarily the most appropriate standard, however, for a land dedication requirement. The guiding parks plan for the County, the 1993 *Comprehensive Parks Master Plan*, does not specify a level-of-service standard. The County's park dedication requirements are based on 0.012 acres per dwelling unit, which in turn is based on five acres per 1,000 residents and an average household size of 2.6 persons per unit.

The County's park dedication standard suggests a viable alternative to the typical acres-to-population standard. A ratio of acres to dwelling units is easier to measure than a ratio of acres to population, which requires assumptions about average household size, occupancy rates and residents in group quarters. However, all dwelling units are not equal in terms of the demand they generate for park facilities. This demand is generally assumed to be related to average household size, which varies by housing type.

Our recommended approach is to use the ratio of acres to park service units as the level-of-service standard, where park service units are single-family equivalents (SFEs). Single-family equivalents are based on the average household size of a single-family detached unit. Thus, a single-family unit counts as one SFE, and a multi-family unit might count as 0.8 SFE (assuming the average household size of a multi-family unit is 0.8 times that of a single-family unit).

## Existing Service Units

As noted in the discussion of level-of-service standards, the recommended standard is acres per service unit, where the service unit is a single-family equivalent (SFE). In Table 16, data from the 1990 census is used to determine the average household size in Larimer County of various types of housing. Other housing types are converted into single-family equivalents based on their average household size relative to that of a single-family detached unit.

Table 16  
RESIDENTIAL SERVICE UNITS PER DWELLING, 1990

Housing Type	Household Population	Occupied Units	Average HH Size	SFEs/Unit
Single-Family Detached	128,084	45,120	2.84	1.00
Single-Family Attached	6,794	3,080	2.21	0.78
Duplex	6,066	2,841	2.14	0.75
Multi-Family	25,503	13,757	1.85	0.65
Mobile Home	13,165	6,052	2.18	0.77

Source: Household population and occupied units from 1990 U.S. Census for Larimer County; average household size is household population divided by occupied units; SFEs/unit is ratio of average household size to that of single-family detached unit.

The number of SFEs per unit for each housing type from Table 16 above can be multiplied by the total number of units and the results summed to get the total number of SFEs. This has been done using total units by housing type from the 1990 census for each jurisdiction in the county, as shown in Table 17.

**Table 17**  
**RESIDENTIAL SERVICE UNITS, 1990**

Jurisdiction	SF Detached	SF Attached	Duplex	Multi-Family	Mobile Home	Total
Fort Collins	19,143	1,685	1,543	11,086	1,900	35,357
Loveland	9,991	900	850	2,502	468	14,711
Estes Park	1,259	229	85	383	50	2,006
Berthoud	755	34	39	153	187	1,168
Wellington	406	34	32	25	38	535
Timnath	72	0	2	0	9	83
Unincorporated	18,407	529	478	564	3,973	23,951
<b>Total 1990 Dwelling Units</b>	<b>50,033</b>	<b>3,411</b>	<b>3,029</b>	<b>14,713</b>	<b>6,625</b>	<b>77,811</b>
<b>SFEs per Dwelling Unit</b>	<b>1.00</b>	<b>0.78</b>	<b>0.75</b>	<b>0.65</b>	<b>0.77</b>	
Fort Collins	19,143	1,314	1,157	7,206	1,463	30,283
Loveland	9,991	702	638	1,626	360	13,317
Estes Park	1,259	179	64	249	39	1,790
Berthoud	755	27	29	99	144	1,054
Wellington	406	27	24	16	29	502
Timnath	72	0	2	0	7	81
Unincorporated	18,407	413	359	367	3,059	22,605
<b>Total 1990 SFEs</b>	<b>50,033</b>	<b>2,662</b>	<b>2,273</b>	<b>9,563</b>	<b>5,101</b>	<b>69,632</b>

Source: Dwelling units by housing type from 1990 U.S. Census for Larimer County; unincorporated area figures are total county less municipalities; SFEs per unit from Table 16.

Since 1990, the population of Larimer County is estimated to have increased by 24 percent. Population estimates for all jurisdictions in the county were estimated for 1998 to provide a consistent basis for establishing the existing levels of service for park and open space facilities. The 1998 estimates were based on 1997 estimates by jurisdiction prepared by Larimer County, which were updates of 1996 state Department of Local Affairs estimates using 1996 year-end building permit data, and the state's year 2000 projection for the county (see Table 18).

**Table 18  
POPULATION GROWTH, 1990-1998**

<b>Jurisdiction</b>	<b>1990</b>	<b>1997</b>	<b>1998</b>	<b>1990-1998 Growth Rate</b>
Fort Collins	87,758	106,305	108,504	23.64%
Loveland	37,352	45,904	46,918	25.61%
Estes Park	3,184	4,383	4,525	42.12%
Berthoud	2,990	4,019	4,142	38.53%
Wellington	1,340	1,728	1,775	32.46%
Timnath	190	227	232	22.11%
Unincorporated Areas	53,322	63,513	64,721	21.38%
<b>Total County</b>	<b>186,136</b>	<b>226,079</b>	<b>230,817</b>	<b>24.00%</b>

Source: 1990 population from 1990 U.S. census; 1997 estimates from Larimer County Planning, February 1997; 1998 estimate for total county based on straight-line interpolation between 1997 estimate and 2000 projection from Colorado Department of Local Affairs, Division of Local Government website, 4/3/98; 1998 jurisdiction estimates based on share of 1990-1997 population growth.

Using 1990 SFEs and these growth rates, 1998 residential service units are estimated for the municipalities, the unincorporated area and the county as a whole, as shown in Table 19.

**Table 19  
RESIDENTIAL SERVICE UNITS, 1998**

<b>Jurisdiction</b>	<b>1990 SFEs</b>	<b>1990-1998 Population Growth</b>	<b>1998 SFEs</b>
Fort Collins	30,283	23.64%	37,442
Loveland	13,317	25.61%	16,727
Estes Park	1,790	42.12%	2,544
Berthoud	1,054	38.53%	1,460
Wellington	502	32.46%	665
Timnath	81	22.11%	99
Unincorporated Areas	22,605	21.38%	27,438
<b>Total County</b>	<b>69,632</b>	<b>24.00%</b>	<b>86,375</b>

Source: 1990 SFEs from Table 17; 1990-1998 population growth rates from Table 18; 1998 SFEs based on 1990-1998 population growth rates.



## Existing Facilities

Larimer County currently manages over 11,000 acres of regional parks and open space. The County owns about 2,300 acres, most of it in the 2,100-acre Horsetooth Mountain Park. The remainder of the regional park and open space lands managed by the County are under a 50-year lease from the federal Bureau of Land Reclamation. These facilities are managed by the Larimer County Parks Department, which was founded in 1954 to manage recreational opportunities at several newly-constructed reservoirs – Horsetooth, Carter, Pinewood and Flatiron. The location of the major County facilities are illustrated in the following map from the County's 1993 *Comprehensive Parks Master Plan* (see Figure 7).

The cities of Fort Collins, Estes Park and Loveland also own and manage regional park and/or open space facilities. In the event that a regional approach to development fees for these facilities is developed, the cities' facilities would be included in determining the existing level-of-service.

The inventory of existing regional park and open space facilities is presented in Table 20. The inventory includes acres of land as well as the average cost per acre for recent land purchases.

**Table 20**  
**INVENTORY OF REGIONAL PARKS AND OPEN SPACE**

Facility	Owner/Operator	Acres	Cost/Acre
Bingham Hill	Larimer County	3.00	donated
Carter Lake	Larimer County	2,100.00	donated
Flatiron Reservoir	Larimer County	300.00	donated
Forks Park	Larimer County	5.00	donated
Glade Park	Larimer County	2.00	donated
Horsetooth Mountain Park	Larimer County	2,100.00	pre-1992
Horsetooth Reservoir	Larimer County	3,900.00	donated
Lions Park	Larimer County	20.00	donated
McMurry Park	Larimer County	30.00	donated
Narrows Park	Larimer County	2.00	donated
Pinewood Reservoir	Larimer County	250.00	donated
Sleepy Hollow Park	Larimer County	5.00	donated
Sports Cycle Park	Larimer County	16.00	donated
Strauss Cabin	Larimer County	2.00	donated
Shooting Range	Larimer County	110.00	donated
Franz Farm*	Larimer County	40.00	\$3,000
Steppel Ridge	Larimer County	80.00	\$3,481
Coyote Ridge Addition	Larimer County	315.00	\$2,200
Ute/Snowy Ridge**	Larimer County	119.50	\$5,157
Meadowdale Ranch	Larimer County	1,128.00	\$288
Childers/Henning Conservation	Larimer County	160.00	\$310
Soderberg Property	Larimer County	10.00	\$4,532
Buckner Property	Larimer County	120.00	\$4,654
Subtotal, Larimer County		10,817.50	\$1,997

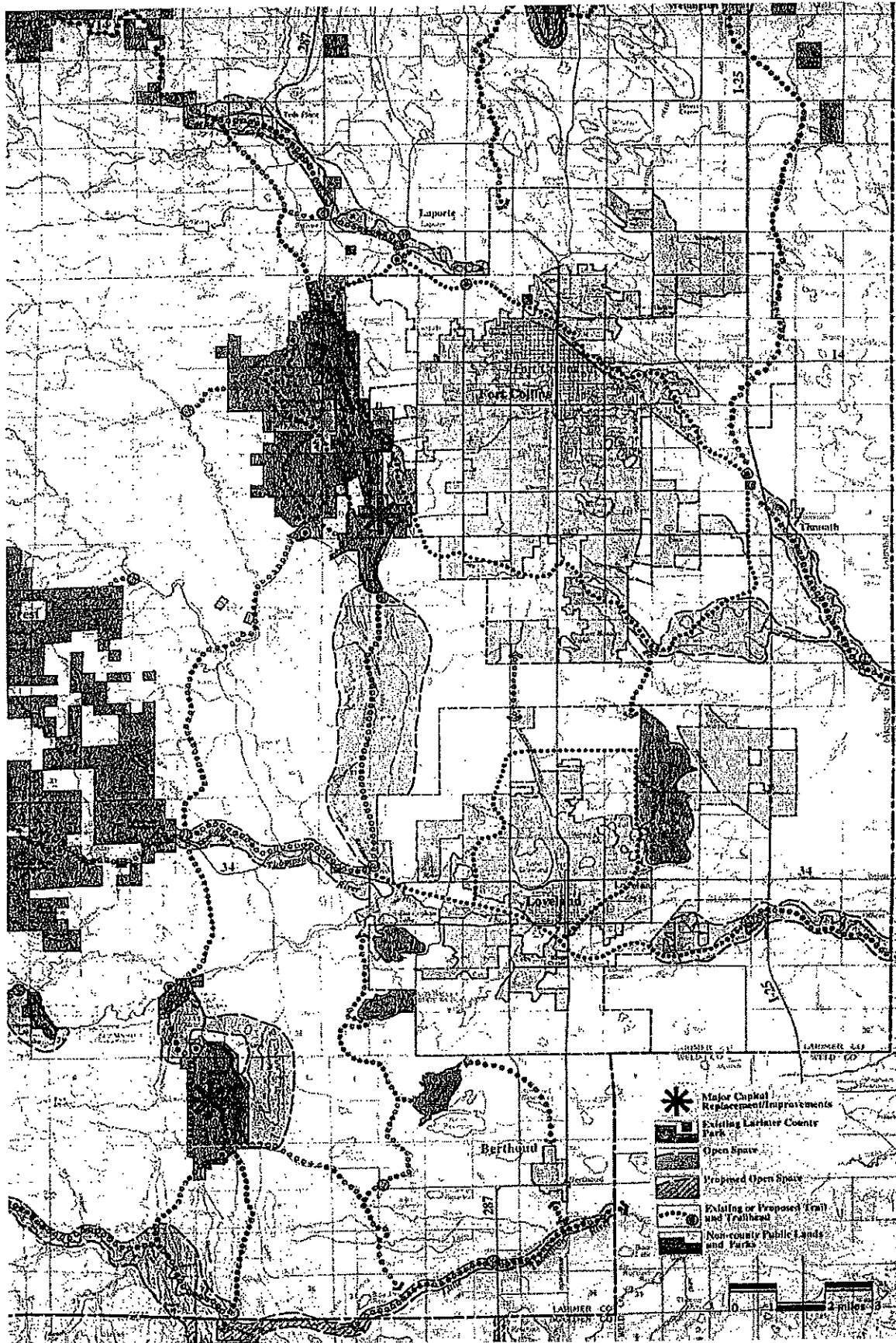
Facility	Owner/Operator	Acres	Cost/Acre
Campeau/Reservoir Ridge	Fort Collins	291.00	pre-1992
North Shields Pond	Fort Collins	10.00	pre-1992
Riverbend Ponds	Fort Collins	220.60	pre-1992
Prospect Ponds	Fort Collins	25.10	pre-1992
Archery Range	Fort Collins	50.00	pre-1992
Pineridge	Fort Collins	618.00	\$8,051
Cathy Fromme Prairie	Fort Collins	842.00	\$3,952
Prairie Dog Meadow	Fort Collins	88.00	\$5,636
Fossil Creek Wetlands	Fort Collins	229.00	\$3,463
Redtail Grove	Fort Collins	40.00	\$20,000
McKee	Fort Collins	973.00	\$2,610
Red Fox Meadows	Fort Collins	35.00	\$17,712
Site 9691	Fort Collins	24.00	\$8,000
Hickory Park	Fort Collins	11.40	\$5,515
Legacy	Fort Collins	12.80	\$4,134
Udall	Fort Collins	25.00	\$9,291
Bignall	Fort Collins	6.10	\$16,848
Nix	Fort Collins	30.80	\$15,306
Kingfisher Point	Fort Collins	58.30	\$4,060
Catail Chorus	Fort Collins	40.00	\$4,060
Cottonwood Hollow	Fort Collins	88.00	\$2,818
Arapaho Bend	Fort Collins	278.00	\$5,755
Maxwell	Fort Collins	168.00	\$1,429
Subtotal, Fort Collins		3,567.40	\$4,808
Viestenz-Smith Park	Loveland	405.00	donated
Big Thompson River rec trail	Loveland	120.00	\$4,000
Namaqua Natural Area	Loveland	4.50	\$22,667
Longs Natural Area	Loveland	5.00	\$19,000
Loomis	Loveland	4.60	\$14,600
Macy	Loveland	1.20	\$25,000
Subtotal, Loveland		540.30	\$5,722
Willow Park	Estes Park	5.00	\$90,000
Knoll Property	Estes Park	9.29	\$104,951
Subtotal, Estes Park		14.29	\$99,720
County-Wide Total		14,939.49	\$2,960

\* County has rolling options on rest of 160 acres

\*\* County owns entire 478 acres, but is currently only 1 year into 4-year installment purchase.

Source: Larimer County Open Space Coordinator, February 19, 1998 (Loveland data provided 6/29/98); jurisdiction average costs per acre weighted by acres for which recent cost data is available; county-wide average cost per acre weighted by jurisdiction acres.

**Figure 7  
LOCATION OF REGIONAL PARKS AND OPEN SPACE**



## Existing Level-of-Service

The existing levels-of-service for regional parks and open space land in Larimer County are shown in Table 21. The levels-of-service are expressed both in terms of a dedication requirement (acres per SFE) and a fee in-lieu of dedication (cost per SFE). Not surprisingly, the levels-of-service based on County-owned and operated facilities and unincorporated residential development is significantly higher than the county-wide level-of-service based on all residential development in the county.

**Table 21**  
**REGIONAL PARK LEVELS-OF-SERVICE**

	Unincorporated	County-Wide
Acres of Regional Parks/Open Space	10,818	14,939
Park Service Units (SFEs), 1998	27,438	86,375
Acres per Service Unit	0.394	0.173
Average Cost per Acre	\$1,997	\$2,960
Cost per Service Unit	\$787	\$512

Source: Acres and average cost per acre from Table 20; 1998 SFEs from Table 19.

## Potential Fees

As we noted earlier, the County should replace its current park dedication and fee-in-lieu requirements with provisions that reflect the actual level-of-service of regional parks and open space land that the County provides. We would also recommend that the revised dedication/fee system discriminate among housing types based on average household size, which is a reasonable indicator of the demand for regional park and open space facilities. The revised requirements can be based on the level-of-service provided directly by the County in the unincorporated area, or on the somewhat lower level-of-service provided by all jurisdictions county-wide.

The revised dedication requirements and fees-in-lieu shown in Table 22 are based on the county-wide level-of-service. The revised fees would replace the County's current flat rate of \$315 per unit, and would represent a fee increase for all housing types. The fee for multi-family units would increase only slightly to \$333, while the fee for single-family detached units would increase to \$512, an increase of 63 percent.

It is recommended that the revised regional park and open space dedication/fee-in-lieu requirements be imposed on all new development in the unincorporated area. This would represent a change from the current practice of imposing the County dedication requirement only outside the GMAs. Any dedication/fee-in-lieu requirement for neighborhood and community parks that might be charged by the County within the GMAs would be in addition to the regional park and open space requirements.

**Table 22  
REGIONAL PARK LAND DEDICATION/IN-LIEU FEE REQUIREMENT**

<b>Housing Type</b>	<b>SFEs/ Unit</b>	<b>Acres per Unit</b>	<b>Fee-in-Lieu per Unit</b>
Single-Family Detached	1.00	0.173	\$512
Single-Family Attached	0.78	0.135	\$399
Duplex	0.75	0.130	\$384
Multi-Family	0.65	0.112	\$333
Mobile Home	0.77	0.133	\$394

Source: SFEs per unit from Table 16; acres per unit and fee-in-lieu per unit for single-family detached from Table 21; acres per unit and fee-in-lieu per unit for other housing types based on SFEs per unit.

## NEIGHBORHOOD AND COMMUNITY PARKS

In Larimer County, neighborhood and community park facilities, referred to in this section of the report as “community parks,” are provided, not by the County, but by the municipalities. However, residential development that occurs under the County’s jurisdiction within the Growth Management Areas (GMAs) will ultimately be annexed and will affect the municipalities’ levels-of-service for community parks.

As described in the previous chapter, Larimer County currently collects city park capital expansion fees within the Fort Collins, Loveland and Berthoud GMAs. (The County also turns over a portion of its own fee-in-lieu collected within the Estes Park Recreation District to the Town.) Recent court cases have made clear, however, that counties do not have authority to impose park capital expansion fees, but instead are limited to land dedication and fee-in-lieu requirements.

To comply with recent case law while still helping to mitigate the impacts of development within the GMAs, the County could enter into intergovernmental agreements with the municipalities to provide community park facilities that will benefit residential development in the GMAs, and collect a fee in lieu of dedication from the new residential development that is turned over to the municipality.

This chapter calculates dedication requirements and fees-in-lieu that could be assessed on new residential development within each of the GMAs based on each city’s existing level of service for community parks.

### Existing Level-of-Service

It is recommended that the County’s dedication requirements for community parks be based on a standard methodology that can be applied to the various municipalities with relative ease. The recommended level-of-service standard is the same as the one used for regional parks and open space – acres per service unit with service units defined in terms of single-family equivalents (SFEs). Using the existing level-of-service, based on the number of developed and undeveloped acres of community park land, ensures that developers are not being charged for a higher level-of-service than the municipality provides to its current residents.

The number of residential service units based on the SFE concept was determined for each of the municipalities in the preceding chapter. This was combined with data on existing acres of community park land to determine existing levels-of-service, as shown in Table 23.

**Table 23  
COMMUNITY PARK LEVELS-OF-SERVICE**

<b>Jurisdiction</b>	<b>Park Acres</b>	<b>SFEs</b>	<b>Acres/SFE</b>
Fort Collins	835.5	37,442	0.0223
Loveland	394.0	16,727	0.0236
Estes Park	30.8	2,544	0.0121
Berthoud	39.0	1,460	0.0267

Source: Park acres from City of Fort Collins *Parks and Recreation Policy Plan*, 1996; City of Loveland Parks and Recreation Department, March 31, 1998; Estes Park Community Development Department, March 31, 1998; Berthoud Town Planner, March 27, 1998; SFEs from Table 19.

**Cost per Acre**

The fees in lieu of dedication cannot exceed the average value of "improved" subdivision land--land that has been graded, has road access and has utilities available at the perimeter. As shown in Table 24, these improvement costs add an estimated \$10,000 per acre to the land acquisition cost. Land costs tend to be about \$5,000 higher in the vicinity of Fort Collins than in the Loveland or Berthoud areas. Residential developers who feel that the value of their land is less than the average value used to determine the fee-in-lieu will have the option of hiring appraisers to determine an appropriate fee-in-lieu.

**Table 24  
COMMUNITY PARK LAND COST PER ACRE**

<b>Cost Component</b>	<b>Ft. Collins</b>	<b>Loveland</b>	<b>Berthoud</b>
Land Acquisition	\$20,000	\$15,000	\$15,000
Grading/Drainage	\$1,625	\$1,625	\$1,625
Road Access	\$3,650	\$3,650	\$3,650
Utilities to Perimeter	\$4,725	\$4,725	\$4,725
<b>Total Cost/Acre</b>	<b>\$30,000</b>	<b>\$25,000</b>	<b>\$25,000</b>

Source: Land acquisition costs from City of Fort Collins *Capital Expansion Cost Study*, 1996 and City of Loveland *Capital Cost Recovery System: Fee Update and Revisions*, 1994; Berthoud total cost per acre is cost for undeveloped park land cited in Town of Berthoud, *Capital Improvements Plan*, 1997; drainage, road and utilities costs are based on fraction (3/8) of typical costs for a community park from Fort Collins 1996 study cited above.

## Potential Fees

Based on the existing levels-of-service and average land costs, the dedication and fee-in-lieu requirements that could be assessed by the County in the Fort Collins, Loveland and Berthoud GMAs and within the Estes Park Recreation District are shown in Table 25.

**Table 25**  
**COMMUNITY PARK LAND DEDICATION/IN-LIEU FEE REQUIREMENTS**

Housing Type	SFEs/ Unit	Acres/Unit by GMA				Fee-in-Lieu/Unit by GMA			
		Ft. Collins	Loveland	Estes	Berthoud	Ft. Collins	Loveland	Estes	Berthoud
Single-Family Detached	1.00	0.0223	0.0236	0.0121	0.0267	\$669	\$590	\$303	\$668
Single-Family Attached	0.78	0.0174	0.0184	0.0094	0.0208	\$522	\$460	\$235	\$520
Duplex	0.75	0.0167	0.0177	0.0091	0.0200	\$501	\$443	\$228	\$500
Multi-Family	0.65	0.0145	0.0153	0.0079	0.0174	\$435	\$383	\$198	\$435
Mobile Home	0.77	0.0172	0.0182	0.0093	0.0206	\$516	\$455	\$232	\$515

Source: SFEs per unit from Table 16; acres per unit for single-family detached from Table 23; fee per unit for single-family detached based on cost per acre from Table 24 (Estes Park and Berthoud based on Loveland cost per acre); acres per unit and fee-in-lieu per unit for other housing types based on SFEs per unit.



**COMMUNITY PARK LAND DEDICATION/IN-LIEU FEE STANDARDS**

**Table of Contents**

A. Findings. .... 1

B. Short Title, Authority and Application. .... 2

C. Intent and Purpose. .... 2

D. Intergovernmental Agreement. .... 2

E. Level of Service Standards. .... 3

F. Definitions .... 3

G. Imposition of Dedication or In-Lieu Fee. .... 4

H. Establishment of Schedules. .... 6

I. Independent Fee Calculation Study. .... 7

J. Credits. .... 9

K. Benefit Districts .... 11

L. Refund of Fees not Spent .... 12

M. Review Every Five Years. .... 13



## **Community Park Land Dedication/In-Lieu Fee Standards.**

### **A. Findings.**

1. **Coordinated Provision of Services.** The Board of County Commissioners of Larimer County intends to provide land for neighborhood and community parks (hereafter Community Park Land) to serve new residential development within the unincorporated area of the Growth Management Areas (GMAs) of Fort Collins, Loveland, Berthoud and Estes Park.
2. **Urban Character of GMAs.** It is anticipated that the unincorporated area within the GMAs will eventually be annexed and become part of the municipality to which it is contiguous.
3. **New Growth in County.** Larimer County's Master Plan projects there will be a significant amount of new growth and development in the GMAs over the next twenty (20) years.
4. **New Growth Requires New Community Park Land.** The future growth and new development in the GMAs will require a substantial expansion in Community Park Land if the levels of service for community parks adopted for each GMA are to be maintained.
5. **Proportionate Share Policy.** The Board of County Commissioners of Larimer County has determined that future growth and new development should contribute its proportionate share of the costs of providing Community Park Land in the GMAs.
6. **Dedication Preferred.** The Board of County Commissioners of Larimer County has also determined that the imposition of a dedication/in-lieu fee requirement is one of the preferred methods of regulating new growth and development in the GMAs in order to ensure new growth and development bears a proportionate share of the costs of the Community Park Land necessary to accommodate that new development, and provide for the public health, safety, and welfare.
7. **Consistent with Master Plan.** A Community Park Land dedication/in-lieu fee requirement that contributes a proportionate share of the impact would assist in the implementation and be consistent with the Master Plan.

B. **Short Title, Authority and Application.**

1. **Title.** This Section shall be known and may be cited as the "Community Park Land Dedication/In-Lieu Fee Standards."
2. **Authority.** The Board of Commissioners of Larimer County has the authority to adopt this Regulation pursuant to Section 30-28-133(4)(a), C.R.S, and all other relevant laws of the state of Colorado.
3. **Application.** As of the effective date of this Regulation, the Community Park Land Dedication/In-Lieu Fee Standards shall apply to all lands in the unincorporated County within the GMAs of Fort Collins, Loveland, Berthoud and Estes Park (Participating Local Governments). In the event that an Intergovernmental Agreement consistent with the terms of this Regulation is not executed between Larimer County and any Participating Local Government within one calendar year from the effective date of this Regulation, the Community Park Land Dedication/In-Lieu Fee Standards shall no longer apply within the GMA of that Participating Local Government, and any in-lieu fees collected within that GMA shall be refunded pursuant to the applicable provisions of Section L, Refunds.

C. **Intent and Purpose.**

1. **Intent.** This Regulation is intended to implement and be consistent with the Master Plan.
2. **Purpose.** This objective is accomplished by requiring all new residential subdivisions to contribute a proportionate share of the Community Park Land necessary to accommodate any impacts or needs for Community Park Land through land dedication or in-lieu fees.
3. **Technical Support.** This Regulation is based upon the technical data and conclusions contained in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, which is incorporated herein by reference.

D. **Intergovernmental Agreement.** In order to administer this Regulation, Larimer County shall enter into Intergovernmental Agreements with the Participating Local Governments.

1. The Intergovernmental Agreements shall provide for coordination in the implementation of this Regulation.

2. The Intergovernmental Agreements shall provide the Board of County Commissioners of Larimer County the authority to coordinate the joint efforts of the Participating Local Governments and to coordinate the administration of the Community Park Land/ In Lieu Fee Dedication Standards.
3. The Community Parks Fee Administrator (hereinafter "Fee Administrator") shall be responsible for the administration of the Community Park Land dedication/in-lieu fee program, with assistance from the Capital Expansion Fee Administrators from each of the Participating Local Governments.
4. The duration of the Intergovernmental Agreement shall be for ten (10) years. It may be renewed pursuant to State law.

E. **Level of Service Standards.** The Board of County Commissioners of Larimer County has determined that the County shall provide the same Community Park Land levels of service (LOS) within the GMAs as the adjacent municipality provides within its corporate boundaries. Based on the analysis in the *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, the existing Community Park Land LOS for the municipalities, expressed in acres per Single-Family Equivalent (SFE), are as follows:

1. In Fort Collins, the LOS is 0.0223 acres per SFE;
2. In Loveland, the LOS is 0.0236 acres per SFE;
3. In Berthoud, the LOS is 0.0267 acres per SFE; and
4. In Estes Park, the LOS is 0.0121 acres per SFE.

F. **Definitions.**

1. **Building Permit** means that development permit issued by the Larimer County Building Department or any other County office before any building or construction activity can be initiated on a parcel of land.
2. **Community Park Land** means land owned or operated by or on behalf of Larimer County or the Participating Local Governments and dedicated or used for the purpose of neighborhood or community parks. Neighborhood or community parks are parcels of land used for active recreation activities, ranging in size up to about 120 acres and serving up to several neighborhoods but typically not serving an entire community or region with specialized facilities.

3. **Growth Management Area (GMA)** means the unincorporated area around a municipality that is identified in an Intergovernmental Agreement between the municipality and Larimer County as an area that will eventually become part of the municipality. For the purposes of this Regulation, the Estes Park GMA will be the area within the boundaries of the Estes Park Recreation District.
4. **Fee Administrator** means the person designated by the County Administrator to be the primary person responsible for the administration of this Regulation.
5. **Participating Local Governments** means the municipalities of Fort Collins, Loveland, Berthoud and Estes Park.
6. **Person** means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.
7. **Single-Family Equivalent (SFE)** means the demand for Community Park Lands represented by a single-family detached dwelling. A single-family detached dwelling unit represents one (1) SFE, while the number of SFEs for other housing types is the ratio of the average household size of the housing type to the average household size of single-family detached dwelling units.

**G. Imposition of Dedication or In-Lieu Fee.**

1. **Option by Subdivider.** At the time of filing a preliminary plat for a residential subdivision, the subdivider may either (1) identify as part of the preliminary plat subdivision lands proposed to be dedicated for community parks, (2) propose to pay the in-lieu fees for community parks, or (3) propose a combination of land dedication and in-lieu fee payment. Any such proposal shall provide sufficient lands or in-lieu fees to accommodate the growth and development proposed in the subdivision based on the LOS established in this Regulation.
  - a. If the subdivider proposes to pay the in-lieu fee for Community Park Land, it shall be accepted by the County, and the in-lieu fee shall be paid prior to the issuance of a building permit. The obligation to pay the in-lieu fee shall run with the land. The amount of the in-lieu fee shall be determined based on the in-lieu fee schedule in effect at the time of building permit application.
  - b. If the subdivider proposes to dedicate Community Park Land, the proposal shall be considered by the Planning Commission and considered and decided by the Board of County Commissioners. If the

lands offered for dedication are accepted, the subdivider shall convey the title to the property to the County in fee simple. If the lands offered for dedication are not accepted, then the subdivider shall pay the in-lieu fees for Community Park Land consistent with the procedures in G.1.a.

## 2. **Review of Dedication Offer.**

- a. The Planning Commission shall consider the offer of dedication concurrent with its consideration of the preliminary plat for subdivision, and make a recommendation to the Board of County Commissioners on whether or not the offer of dedication should be accepted by the County. In hearing the matter, the Planning Commission shall consider the Master Plan, comments from the Larimer County Recreation Board, public testimony, and all other relevant information. The Planning Commission shall recommend that the lands offered for dedication be accepted if they are of sufficient acreage to be used for Community Park Land purposes, are located so they provide reasonable Community Park Land opportunities to the public, further the County's and Participating Local Governments' general plan for neighborhood and community parks, and are approved by the Participating Local Government.
- b. The Board of County Commissioners shall consider the offer of dedication concurrent with consideration of the preliminary plat for subdivision. In reviewing the offer, the Board shall consider the recommendation of the Planning Commission, comments from the Larimer County Recreation Board, the Master Plan, public testimony, and all other relevant information. The Board shall accept an offer of park dedication only if they are of sufficient acreage to be used for Community Park Land purposes, are located so they provide reasonable Community Park Land opportunities to the public, further the County's and Participating Local Governments' general plan for neighborhood and community parks, and are approved by the Participating Local Government.

## 3. **Payment of In-Lieu Fees.**

- a. **Payment at Building Permit.** The in-lieu fees shall be paid prior to issuance of a building permit for development for any portion of the subdivision. The amount of the in-lieu fee shall be based on the in-lieu fee schedule in effect at the time of building permit application. If any credits are due pursuant to Section .J, Credits, they shall be determined at that time. The in-lieu fee shall be computed separately for the amount of

development covered by the permit, if the building permit is for less than the entire subdivision. If the in-lieu fee is exacted for development that increases impact because of a change in use (on land that is subdivided and subject to this provision), the in-lieu fee shall be determined by computing the difference in the in-lieu fee schedule between the new development and the existing development. The obligation to pay the in-lieu fee shall run with the land.

- b. **Prior Agreement.** Any subdivider who prior to the effective date of this Regulation agreed as a condition of development approval to pay Community Park Land in-lieu fees, shall be responsible for the payment of the fees under the terms of such agreement.

4. **Exemptions.** The following development shall be exempt from the terms of this Regulation.

- a. **Nonresidential Development.** Any development that does not involve the creation of additional dwelling units.
- b. **Alterations/Expansions/No Change in Use.** Alterations or expansion of an existing residential building where no additional dwelling units are created and the use is not changed.
- c. **Accessory Buildings/structures.** The construction of accessory buildings or structures added onto the principal residential building or land use that will not create additional dwellings units.
- d. **Replacement of destroyed building.** The replacement of a destroyed or partially destroyed residential building of the same size and use, provided that no additional residential units are created.

H. **Establishment of Schedules.**

- 1. **Dedication Requirement.** The minimum amount of land to be dedicated per dwelling unit for Community Park Land shall be determined from the following schedule.



Housing Type	Acres/Unit by GMA			
	Ft. Collins	Loveland	Berthoud	Estes Park
Single-Family Detached	0.0223	0.0236	0.0267	0.0121
Single-Family Attached	0.0174	0.0184	0.0208	0.0094
Duplex	0.0167	0.0177	0.0200	0.0091
Multi-Family	0.0145	0.0153	0.0174	0.0079
Mobile Home	0.0172	0.0182	0.0206	0.0093

2. **In-Lieu Fee Schedule.** The fee in-lieu of dedication per dwelling unit shall be determined from the following schedule. This is based on the formula and analysis in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, which is incorporated herein by reference.

Housing Type	Fee-in-Lieu/Unit by GMA			
	Ft. Collins	Loveland	Berthoud	Estes Park
Single-Family Detached	\$669	\$590	\$668	\$303
Single-Family Attached	\$522	\$460	\$520	\$235
Duplex	\$501	\$443	\$500	\$228
Multi-Family	\$435	\$383	\$435	\$198
Mobile Home	\$516	\$455	\$515	\$232

3. **Residential Dwelling Type not in Schedule.** If the residential dwelling unit type for which land is to be dedicated or an in-lieu fee is to be paid is not specified on the fee schedule, the Fee Administrator shall use the most comparable type of land use on the applicable schedule.

I. **Independent Fee Calculation Study.**

1. **General.** The amount of land to be dedicated or fee to be paid in-lieu of dedication may be computed by the use of an independent fee calculation study if the subdivider/feepayer chooses.
2. **Responsibility for Preparation.** The subdivider/feepayer shall be responsible for preparation of the independent fee calculation study. The person who prepares the independent fee calculation study shall be a qualified professional in the preparation of park impact analysis, and shall be approved by the Fee Administrator on the basis of professional training and experience.

3. **Procedure.**

- a. An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation study.
- b. Within ten (10) working days of receipt of an application for independent fee calculation study, the Fee Administrator shall determine if the application is complete. If the Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Fee Administrator shall take no further action on the application until it is deemed complete.
- c. When the Fee Administrator determines the application is complete, the application shall be reviewed and the Fee Administrator shall render a written decision in twenty (20) working days on whether the in-lieu fee should be modified, and if so, what the amount should be.

4. **Standards.** If on the basis of generally recognized principles of impact analysis it is demonstrated that the proposed residential land uses are designed or located so that the occupants of the development will demand less Community Park Land than shown in the schedules in Section H, the Fee Administrator shall appropriately adjust the dedication requirement or in-lieu fee. If the independent fee calculation study fails to satisfy the requirements of this Section, the dedication or in-lieu fee applied shall be that established in Section H.

5. **Appeal.**

- a. A feepayer affected by the administrative decision of the Fee Administrator on an independent fee calculation study may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place the appeal on the Board of County Commissioners' agenda for the next regularly scheduled meeting.
- b. The Board of County Commissioners, after a hearing, shall have the power to affirm or reverse the decision of the Fee Administrator. In making its decision, the Board of County Commissioners shall make written findings of fact and conclusions of law, and apply the standards in Section I.4. If the Board of County Commissioners reverses the

decision of the Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the fee.

J. **Credits.**

1. **General.**

- a. **Standards.** Any subdivider/feepayer required to dedicate land or pay in-lieu fees pursuant to this Regulation may apply for a credit against any in-lieu fees otherwise due, up to but not exceeding the full obligation for the in-lieu fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, or dedication of land accepted and received by Larimer County for the subdivision development for any Community Park Land.
- b. **Credit Amounts.** Credit shall be in an amount equal to fair market value of the land dedicated at the time of its dedication, or the value of the contribution or payment at the time it was made to Larimer County.
- c. **Credits not Transferable.** Credits for contributions, payments, or dedication of land for any Community Park Land shall run with the land and shall be transferable within the same development. They shall not be transferable to other development for credit against the payment of Community Park Land in-lieu fees, or for credit against fees required to be paid for other public facilities. The credit shall not exceed the amount of the in-lieu fees otherwise due and payable for the proposed subdivision.

2. **Procedures.**

- a. **General/Application Requirements.** The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Fee Administrator. The Application for Credit Agreement shall include the following information:
  - (1) If the proposed Application for Credit Agreement involves credit for the dedication of land:
    - (a) A drawing and legal description of the land;

- (b) The appraised fair market value of the land at the date of the dedication prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.
- (2) If the proposed Application for Credit Agreement involves a credit for any other contribution or payment:
  - (a) A certified copy of the development permit in which the contribution or payment was agreed;
  - (b) If payment has been made, proof of payment; or
  - (c) If payment has not been made, the proposed method of payment.
- b. **Sufficiency Review of Application.** Within ten (10) working days of receipt of the proposed Application for Credit Agreement, the Fee Administrator shall determine if the application is complete. If it is determined that the proposed Agreement is not complete, the Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.
- c. **Review by Fee Administrator.** Once the Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) working days. The Application for Credit Agreement shall be approved if it complies with the standards in Section J.1.
- d. **Credit Agreement.** If the Application for Credit Agreement is approved by the Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.

3. **Appeal of Application for Credit Agreement.** Any person affected by the decision of the Fee Administrator regarding credits may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator, within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioner's agenda for the next regularly scheduled meeting. The Board of County Commissioners, after a hearing, shall affirm or reverse the decision of the Fee Administrator based on the standards in Section J.1. If the Board of County Commissioners reverses the decision, it shall direct the Fee Administrator to readjust the credit in accordance with its findings.

**K. Benefit Districts.**

1. **Establishment of Benefit Districts.** For the purpose of ensuring subdividers/feepayers receive sufficient benefit for fees paid, the areas within the corporate limits and GMA of each Participating Local Government are hereby designated as a Community Park Benefit District. Subdistricts of these Community Park Benefit Districts shall be established in the Intergovernmental Agreements to ensure subdividers/feepayers receive sufficient benefit for in-lieu fees paid.
2. **Expenditure.** In-lieu fee funds shall be spent within the Community Park Benefit District and subdistricts in which the development is located. In-lieu fees shall only be spent for Community Parks. Eligible expenditure items include the raw land for community and neighborhood parks and the engineering and construction of capital improvements necessary to make the land usable for community and neighborhood parks, including clearing and grading, drainage improvements, fences, parking, road access and utilities to the perimeter of the property and other similar infrastructure improvements.
3. **Establishment of Trust Funds.** There are hereby established Community Park Trust Funds, one for each benefit district, into which in-lieu fees collected from development within the benefit district shall be deposited. Any proceeds in the Community Park Trust Fund not immediately necessary for expenditure shall be invested in interest bearing assets. All interest on the proceeds and any income derived from investments shall be retained in the trust fund. Records of the Trust Fund accounts shall be available for public inspection in the office of the Fee Administrator, during normal business hours.
4. **Intergovernmental Agreements.** The transfer of in-lieu fees to the Participating Local Governments and provisions to ensure that in-lieu fees are

spent according to the requirements of this Regulation shall be addressed in the Intergovernmental Agreements. The County shall not transfer any funds to any Participating Local Government until an Intergovernmental Agreement has been executed by the Board of County Commissioners and the Governing Body of that Participating Local Government that ensures that in-lieu fees are spent in such a way that fee payers receive sufficient benefit from in-lieu fees paid.

**L. Refund of Fees not Spent.**

1. **General/Standards.** Any community park in-lieu fees collected shall be returned to the fee payer or the fee payer's successor in interest (if the development subject to the in-lieu fee is sold by the fee payer) if (1) the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with interest earned, or (2) if an Intergovernmental Agreement has not been executed between Larimer County and an individual Participating Local Government consistent with the terms of this Regulation, within one calendar year of the effective date of this Regulation. In-lieu fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
2. **Refund Procedure.** The refund shall be administered by the Fee Administrator if the fees have not been transferred by the County, or by the Capital Expansion Fee Administrator of the appropriate Participating Local Government to which the in-lieu fees have been transferred. Refunds shall be undertaken through the following process:
  - a. A Refund Application shall be submitted within one (1) year following the end of the year the fee payer or a successor-in-interest is eligible for the refund. The Refund Application shall include the following information:
    - (1) A copy of the dated receipt issued for payment of the fee;
    - (2) A copy of the building permit; and
    - (3) Evidence that the applicant is the successor in interest to the in-lieu fee payer, if relevant.
  - b. Within ten (10) working days of receipt of the Refund Application, the Fee Administrator or the appropriate Capital Expansion Fee Administrator shall determine if it is complete. If it is determined the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the

deficiencies are corrected, the reviewer shall take no further action on the Refund Application.

- c. When it is determined the Refund Application is complete, the application shall be reviewed within twenty (20) working days, and shall be approved if it is determined the fee payer has paid an in-lieu fee which has not been spent within the period of time permitted under this Section. The refund shall include the in-lieu fee paid plus interest earned on the in-lieu fee.

- 3. **Appeal.** Any in-lieu fee payer or a successor in interest may appeal the decision of a Refund Application to the Governing Body of the local government administering the refund by filing a petition with that local government's Capital Expansion Fee Administrator within thirty (30) days of the decision. In reviewing and making a decision on the appeal, the Governing Body shall use the standards established in Section L.1. In no case shall the Governing Body have the authority to negotiate the amount of the refund.

- M. **Review Every Five Years.** At least once every five (5) years, the Fee Administrator shall recommend to the Board of County Commissioners whether any changes should be made to the land dedication or in-lieu fee schedules to reflect changes in the factors that affect the schedules. The Fee Administrator shall be assisted by the Capital Expansion Fee Administrators of the Participating Local Governments. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the dedications and in-lieu fees exacted will not exceed a pro rata share.





# COUNTY TRANSPORTATION CAPITAL EXPANSION FEE REGULATION

## Table of Contents

A.	Findings. ....	1
B.	Short Title, Authority and Application. ....	2
C.	Intent and Purpose ....	2
D.	Level of Service Standard. ....	2
E.	Definitions. ....	3
F.	Imposition of County Fee. ....	5
G.	Independent Fee Calculation Study. ....	6
H.	Credits. ....	9
I.	Benefit Districts. ....	11
J.	Refund of Fees Not Spent. ....	12
K.	Review Every Five Years. ....	14



## County Transportation Capital Expansion Fee

### A. Findings.

1. **New growth in County.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* projects there will be a significant amount of new growth and development in Larimer County in the next twenty (20) years.
2. **Need for Capacity Expansion.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* has determined that this new growth and development will require a substantial expansion in road capital facilities if adequate levels of service (LOS) are to be maintained on the County's Major Road System.
3. **Major Road CIP.** The Larimer County *Transportation Plan* and the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* have identified the improvements required to maintain adequate levels of service on the County's Major Road System. The list of the highest priority improvements that should be completed over the next twenty years, along with descriptions and cost estimates is referred to as the County Major Road Capital Improvement Plan (hereinafter "the Major Road CIP"), which is attached to this Regulation as Exhibit "A."
4. **Revenue Shortfall.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* demonstrates that revenue generated by this new growth and development under the County's existing fiscal structure will not be adequate to fund the needed road capital improvements necessary to accommodate this new growth and development if the desired LOS on the County's Major Road System is to be maintained.
5. **Proportionate Share Policy.** The Board of County Commissioners of Larimer County has determined that future growth and new development should contribute its proportionate share of the costs of providing such road capital facilities to the County's Major Road System.
6. **Transportation Capital Expansion Fee Preferred.** The Board of County Commissioners has also determined that the imposition of a transportation capital expansion fee is one of the preferred methods of regulating new growth and development in the County in order to ensure new growth and development bears a proportionate share of the costs of the road capital facilities necessary to accommodate that new development, and provide for the public health, safety, and welfare.

7. **Consistent with Master Plan.** A transportation capital expansion fee that contributes this proportionate share would assist in the implementation and be consistent with the Larimer County Master Plan.

B. **Short Title, Authority and Application.**

1. **Title.** This Section shall be known and may be cited as the "Larimer County Transportation Capital Expansion Fee Regulation."
2. **Authority.** The Board of Commissioners of Larimer County has the authority to adopt this Regulation pursuant to Sections 29-20-101-107, Sections 30-28-101 et seq., Section 30-28-133, C.R.S, and all other relevant laws of the state of Colorado.
3. **Application.** This Regulation shall apply to all lands in unincorporated Larimer County.

C. **Intent and Purpose**

1. **General.** This Regulation is intended to implement and be consistent with the Larimer County Transportation Plan and the Larimer County Master Plan.
2. **Purpose.** This purpose is accomplished in this Regulation by the establishment of a system for the imposition of transportation capital expansion fees (hereinafter "fees" or "transportation fees") to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, Road Capital Improvements identified as needed to be built in the Major Road CIP.
3. **Fair allocation of costs.** This Regulation is intended to be consistent with the principles for allocating a fair share of the costs of new public facilities to new users. It approaches the problem of determining the fair share transportation capital expansion fee in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the County's Major Road System.
4. **Technical support.** This Regulation is based primarily upon the Master Plan and Major Road CIP, and other technical data and conclusions contained in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, all of which are incorporated herein by reference.

- D. **Level of Service Standard.** The Board of County Commissioners have determined that the County's Major Road System shall operate at LOS "D" in urban areas and LOS

"C" in rural areas. The location of urban and rural areas within the county are shown in Exhibit "C."

E. **Definitions.**

1. **Building Permit** means that development permit issued by the Larimer County Building Department or any other County office before any building or construction activity can be initiated on a parcel of land. Building permit does not include any permits for demolition, grading or the construction of a foundation.
2. **Capacity** means the maximum number of vehicles which have a reasonable expectation of passing over a given section of a road in one (1) direction, or in both directions of a highway, during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per day. Capacity is measured in this Regulation and in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* during the week day.
3. **Existing Traffic-Generating Development** means the most intense use of land within the twelve (12) months prior to the time of Commencement of Traffic-Generating Development.
4. **Expansion** of the capacity of a road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing road's capacity to carry vehicles.
5. **Feepayer** means a person commencing Traffic-Generating Development who is obligated to pay a transportation capital expansion fee in accordance with the terms of this Regulation.
6. **Level of Service (LOS)** means a qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity of a road which is being utilized by traffic. The maximum V/C for LOS "C" is 0.79 and the maximum V/C for LOS "D" is 0.89.
7. **Major Road System** means all existing and planned County-maintained arterial and collector roads within unincorporated Larimer County, excluding roads included on the Regional Road System, as defined in the Larimer County Regional Transportation Capital Expansion Fee Regulation.

8. **Non-Site Related Improvements** mean road capital improvements and right-of-way dedications for roads on the County's Major Road System that are in the Major Road CIP that are not site- related improvements.
9. **Person** means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.
10. **Road Capital Improvement** shall include transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any road construction project on an arterial or collector road on the County's Major Road System, undertaken to accommodate traffic resulting from new traffic- generating development. Road capital improvements may include but not be limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new road construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new road construction, (g) the construction and reconstruction of intersections, (h) the widening of existing roads, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges, and (l) traffic control devices.
11. **Site-Related Improvements** mean those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements are typically located within or adjacent to a development site and include but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; and (d) internal streets. Credit is not provided for site-related improvements under the terms of this Regulation.
12. **Traffic-Generating Development** is land development designed or intended to permit a use of the land which will contain more dwelling units or floor space than the most intensive use of the land within the twelve (12) months prior to the Commencement of Traffic-Generating Development in a manner that increases the generation of vehicular traffic.
13. **Traffic-Generating Development, Commencement of** occurs upon the issuance of a final plat for subdivision, a final plan for planned unit development (PUD), or the issuance of a building permit, whichever occurs first after the effective date of this Regulation.

14. **Trip** means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).
15. **Trip Generation** means the attraction or production of trips caused by a certain type of land development.
16. **Vehicle-Miles of Travel (VMT)** means the combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

F. **Imposition of County Fee.**

1. **Time of Fee Obligation and Payment.**

- a. After the effective date of this Regulation, any person or governmental body (unless exempted by Intergovernmental Agreement) who causes the Commencement of Traffic-Generating Development shall be obligated to pay a County transportation capital expansion fee consistent with the terms of this Regulation. The fee shall be determined and paid to the Fee Administrator at the time of issuance of a building permit, and not later than issuance of a certificate of occupancy for the development. If any credits are due pursuant to Section H, Credits, they shall be determined at that time. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is exacted for Traffic-Generating Development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new Traffic-Generating Development and the existing Traffic-Generating Development. The obligation to pay the transportation capital expansion fee shall run with the land.
- b. Any person who prior to the effective date of this Regulation agreed as a condition of development approval to pay a transportation capital expansion fee, shall be responsible for the payment of the fee under the terms of such agreement.

2. **Exemptions.** The following development shall be exempt from the terms of this Regulation. An exemption must be claimed by the fee payer at the time of application for a building permit.

- a. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.

- b. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.
- c. The replacement of a destroyed or partially destroyed building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.

**3. Establishment of Fee Schedule.**

- a. Any person who causes the Commencement of Traffic-Generating Development, except those persons exempted or preparing an independent fee calculation study pursuant to Section G, Independent Fee Calculation Study, shall pay a transportation capital expansion fee in accordance with the fee schedule in Appendix A. The Board of County Commissioners may modify such fees administratively to reflect current road construction costs, provided that the fees are calculated in accordance with the formula set forth in G.(2) of this Regulation.
- b. If a fee is to be paid for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- c. If the type of Traffic-Generating Development for which a building permit is requested is not specified on the fee schedule, the Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Fee Administrator shall be guided in the selection of a comparable type of land use by:
  - (1) Using trip generation rates contained in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, or studies or reports done by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula set forth in Section G.(2) ; or
  - (2) Computing the fee by use of an independent fee calculation study as provided in Section G, Independent Fee Calculation Study.



**G. Independent Fee Calculation Study.**

**1. General.**

- a. The transportation capital expansion fee may be computed by the use of an independent fee calculation study at the election of the fee payer or shall be used upon the request of the Fee Administrator for any proposed land development activity interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, or for any proposed land development activity for which the Fee Administrator concludes the nature, timing, or location of the proposed development make 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.
- b. The preparation of the independent fee calculation study shall be the responsibility of the electing party.
- c. Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

**2. Formula.**

- a. The Independent Fee Calculation Study for the County transportation capital expansion fee shall be calculated by the use of the following formula:

FEE	=	VMT x NETCOST/VMT
VMT	=	ADT X %NEW X ATL ÷ 2
ADT	=	Number of average daily trips generated
%NEW	=	Percent new trips
ATL	=	Average trip length in miles on the County-maintained Major Road System, excluding regional roads
2	=	For the portion of the trip allocated to the new development (one trip)
NETCOST/VMT	=	Net cost per vehicle-mile of travel as calculated in the <i>Transportation Capital Expansion Fee and Park In-Lieu Fee Study</i>

- b. The transportation capital expansion fee calculations shall be based on data, information or assumptions contained in this Regulation or independent sources. Independent sources may be used, provided that:
  - (1) the independent source is an accepted standard source of transportation engineering or planning data or information;
  - (2) the independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering;
  - (3) the percent new trips factor used in the independent fee calculation study shall be based on actual surveys conducted in Larimer County.

### **3. Procedure.**

- a. An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation study. A potential fee payer may submit such an application. The County shall submit such an application for any proposed Traffic-Generating Development interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed Traffic-Generating Development for which it concludes the nature, timing, or location of the proposed development make 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.
- b. Within ten (10) working days of receipt of an application for independent fee calculation study, the Fee Administrator shall determine if the application is complete. If the Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Fee Administrator shall take no further action on the application until it is deemed complete.
- c. When the Fee Administrator determines the application is complete, the application shall be reviewed and the Fee Administrator shall render a written decision in twenty (20) working days on whether the fee should be modified, and if so, what the amount should be, based on the standards in Section G.4.

4. **Standards.** If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed Traffic-Generating Development. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established for the Traffic-Generating Development in Section F.3.

5. **Appeal of Independent Fee Calculation Study Decision.**

a. A feepayer affected by the administrative decision of the Fee Administrator on an independent fee calculation study may appeal such decision to the Board of County Commissioners, by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place the appeal on the Board of County Commissioners's agenda for the next regularly scheduled meeting.

b. The Board of County Commissioners, after a hearing, shall have the power to affirm or reverse the decision of the Fee Administrator. In making its decision, the Board of County Commissioners shall apply the standards in Section G.4. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the fee.

H. **Credits.**

1. **General Standards.**

a. Any person initiating Traffic-Generating Development may apply for a credit against County transportation capital expansion fees otherwise due, up to but not exceeding the full obligation for transportation capital expansion fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, construction, or dedication of land accepted and received by Larimer County for any Non-Site-Related Road Capital Improvements on the County's Major Road System identified in the Major Road CIP. No credits shall be provided for site-related improvements.

- b. Credits for contributions, payments, construction or dedication of land for non-site-related road improvements on the County's Major Road System in the Major Road CIP shall run with the land and shall be transferable within the same development. Credits shall not be transferrable to other development for credit against the transportation capital expansion fees, or for credit against fees required to be paid for other public facilities. The credit shall not exceed the amount of the transportation capital expansion fees due and payable for the proposed Traffic-Generating Development.
  - c. Larimer County may enter into a Capital Contribution Front-Ending Agreement with any person initiating Traffic- Generating Development who proposes to construct roads or dedicate right-of-way for Non-Site Related Road Capital Improvements on the Major Road System identified on the Major Road CIP. To the extent that the costs of the construction or the fair market value of the right-of-way dedication for these Road Capital Improvements exceeds the obligation to pay transportation capital expansion fees for which a credit is provided pursuant to this Section, the Capital Contribution Front-Ending Agreement may provide proportionate and fair share reimbursement.
2. **Credit Against Fees.** Credit shall be in an amount equal to the value of the contribution or payment at the time it is made to Larimer County, the costs of road construction at the time of its completion, or the fair market value of the land dedicated for right-of-way at the time of dedication.
3. **Procedure for Credit Review.**
- a. The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Fee Administrator.
  - b. The Application for Credit Agreement shall include the following information:
    - (1) If the proposed application involves a credit for any contribution or payment, the following documentation must be provided:
      - (a) A certified copy of the development approval in which the contribution was agreed;
      - (b) If payment has been made, proof of payment; or
      - (c) If payment has not been made, the proposed method of payment.

(2) If the proposed Application for Credit Agreement involves construction:

(a) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;

(b) 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 cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, 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) If the proposed Application for Credit Agreement involves credit for the dedication of land:

(a) a drawing and legal description of the land;

(b) the appraised fair market value of the land at the date a building permit is proposed to be issued for the Traffic-Generating Development, prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.

c. Within ten (10) working days of receipt of the proposed Application for Credit Agreement, the Fee Administrator shall determine if the application is complete. If it is determined that the proposed Agreement is not complete, the Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.

- d. Once the Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) working days. The Application for Credit Agreement shall be approved if it complies with the standards in Section H.1, Credits—General.
  - e. If the Application for Credit Agreement is approved by the Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.
4. **Appeal of Credit Decision.** A feepayer affected by the decision of the Fee Administrator regarding credits may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator, within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioner’s agenda for the next regularly scheduled meeting. The Board of County Commissioners shall affirm or reverse the decision of the Fee Administrator based on the standards in Section H.1. If the Board of County Commissioners reverses the decision, it shall direct the Fee Administrator to readjust the credit in accordance with its findings.

I. **Benefit Districts.**

- 1. **Establishment.** For the purpose of ensuring feepayers receive sufficient benefit for fees paid, four Road Benefit Districts are established. The Road Benefit Districts are shown in Exhibit "B," which is attached hereto and incorporated herein by reference.
- 2. **General.** Transportation capital expansion fee funds shall be spent within the Benefit District from which the Traffic-Generating Development paying the fee is located, except that:
  - a. Where a road on the County’s Major Road System is used to define Benefit District boundaries, the road demarcating the boundary shall be considered as part of both Benefit Districts that it bounds, and transportation capital expansion fees from both Benefit Districts may be used to fund road capital improvements for that road; or
  - b. Transportation capital expansion fee funds may be authorized by the Board of County Commissioners to fund a road capital improvement on the Major Road CIP and the County’s Major Road System outside the

Benefit District from which the fees are collected, if it is demonstrated by competent substantial evidence that the fee payers from the Benefit District from which the fees come will receive sufficient benefit from the road capital improvement.

3. **Establishment of Trust Fund.** There is hereby established the Larimer County Transportation Capital Expansion Fee Trust Fund for the purpose of ensuring that the fees collected pursuant to this Regulation are designated for the accommodation of impacts reasonably attributable to the proposed Traffic-Generating Development.

4. **Requirements for Trust Fund.**

a. Proceeds collected for the County transportation capital expansion fee shall be placed in the County Transportation Capital Expansion Fee Trust Fund. Proceeds collected and all interest accrued on such funds shall be used solely for transportation capital facilities in the Major Road CIP and on the County's Major Road System within the Road Benefit District from which the fees have been collected.

b. Any proceeds in the County Transportation Capital Expansion Fee Trust Fund not immediately necessary for expenditure, shall be invested in interest bearing assets. All income derived from these investments shall be retained in the trust fund.

J. **Refund of Fees Not Spent.**

1. **General.** Any transportation capital expansion fees collected shall be returned to the fee payer or the fee payer's successor in interest (if the development subject to the fee is sold by the fee payer) if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with the interest earned on the fee. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.

2. **Refund Procedure.** The refund of fees shall be undertaken through the following process:

a. A Refund Application shall be submitted within one (1) year following the end of the seventh (7th) year from the date on which the building permit was issued on the proposed development. The Refund Application shall include the following information:

(1) A copy of the dated receipt issued for payment of the fee;

- (2) A copy of the building permit; and
    - (3) Evidence that the applicant is the feepayer or the successor in interest to the feepayer, if relevant.
  - b. Within ten (10) working days of receipt of the Refund Application, the Fee Administrator shall determine if it is complete. If the Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Fee Administrator shall take no further action on the Refund Application.
  - c. When the Fee Administrator determines the Refund Application is complete, it shall be reviewed within twenty (20) working days, and shall be approved if it is determined the feepayer has paid a fee which the County has not spent within the period of time permitted under this Section. The refund shall include the fee paid plus interest earned on the fee.
3. **Appeal.** A feepayer affected by the administrative decision regarding refunds may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioners's agenda. The Board of County Commissioners, after a hearing, shall affirm or reverse the decision of the Fee Administrator based on the standards in this Section. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to readjust the refund in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the refund.
- K. **Review Every Five Years.** The Major Road CIP and this Regulation shall be reviewed and evaluated by the Fee Administrator at least once every five (5) years, to determine if any modifications need to be made to the Major Road CIP and this Regulation.



## Appendix A FEE SCHEDULE

Land Use Type	Unit	Primary Trips	Avg. Trip Length	Daily VMT	Net Cost/VMT	Net Cost/Unit
Single-Family Detached	Dwelling	4.79	2.11	10.11	\$173	\$1,749
Multi-Family	Dwelling	3.32	2.11	7.01	\$173	\$1,213
Mobile Home Park	Site	2.40	2.11	5.06	\$173	\$875
Hotel/Motel	Room	4.46	2.11	9.41	\$173	\$1,628
<b>Retail/Commercial</b>						
Shop Ctr/Gen Retail <100,000 sf	1000 sq. ft.	17.87	2.11	37.71	\$173	\$6,524
Shop Ctr/Gen Retail <500,000 sf	1000 sq. ft.	14.70	2.11	31.02	\$173	\$5,366
Shop Ctr/Gen Retail <1 million sf	1000 sq. ft.	13.54	2.11	28.57	\$173	\$4,943
Shop Ctr/Gen Retail 1 million sf+	1000 sq. ft.	11.72	2.11	24.73	\$173	\$4,278
Auto Sales	1000 sq. ft.	9.19	2.11	19.39	\$173	\$3,354
Auto Service/Repair/Tire Store	1000 sq. ft.	6.34	2.11	13.38	\$173	\$2,315
Bank	1000 sq. ft.	33.15	2.11	69.95	\$173	\$12,101
Bldg Materials/Hardware/Nursery	1000 sq. ft.	12.16	2.11	25.66	\$173	\$4,439
Convenience Store	1000 sq. ft.	92.25	2.11	194.65	\$173	\$33,674
Discount Store	1000 sq. ft.	21.13	2.11	44.58	\$173	\$7,712
Furniture Store	1000 sq. ft.	2.28	2.11	4.81	\$173	\$832
Health Club	1000 sq. ft.	4.20	2.11	8.86	\$173	\$1,533
Movie Theater	1000 sq. ft.	35.13	2.11	74.12	\$173	\$12,823
Restaurant, Fast Food	1000 sq. ft.	71.94	2.11	151.79	\$173	\$26,260
Restaurant, Sit-Down	1000 sq. ft.	23.39	2.11	49.35	\$173	\$8,538
<b>Office/Institutional</b>						
Office, General <100,000 sf	1000 sq. ft.	8.09	2.11	17.07	\$173	\$2,953
Office, General <200,000 sf	1000 sq. ft.	6.03	2.11	12.72	\$173	\$2,201
Office, General 200,000 sf+	1000 sq. ft.	4.99	2.11	10.53	\$173	\$1,822
Office, Medical	1000 sq. ft.	18.07	2.11	38.13	\$173	\$6,596
Hospital	1000 sq. ft.	8.39	2.11	17.70	\$173	\$3,062
Nursing Home	1000 sq. ft.	2.44	2.11	5.15	\$173	\$891
Church/Synagogue	1000 sq. ft.	4.56	2.11	9.62	\$173	\$1,664
Day Care Center	1000 sq. ft.	9.51	2.11	20.07	\$173	\$3,472
Elementary/Secondary School	1000 sq. ft.	3.01	2.11	6.35	\$173	\$1,099
<b>Industrial</b>						
General Light Industrial	1000 sq. ft.	3.49	2.11	7.36	\$173	\$1,273
Warehouse	1000 sq. ft.	2.48	2.11	5.23	\$173	\$905
Mini-Warehouse	1000 sq. ft.	1.25	2.11	2.64	\$173	\$457

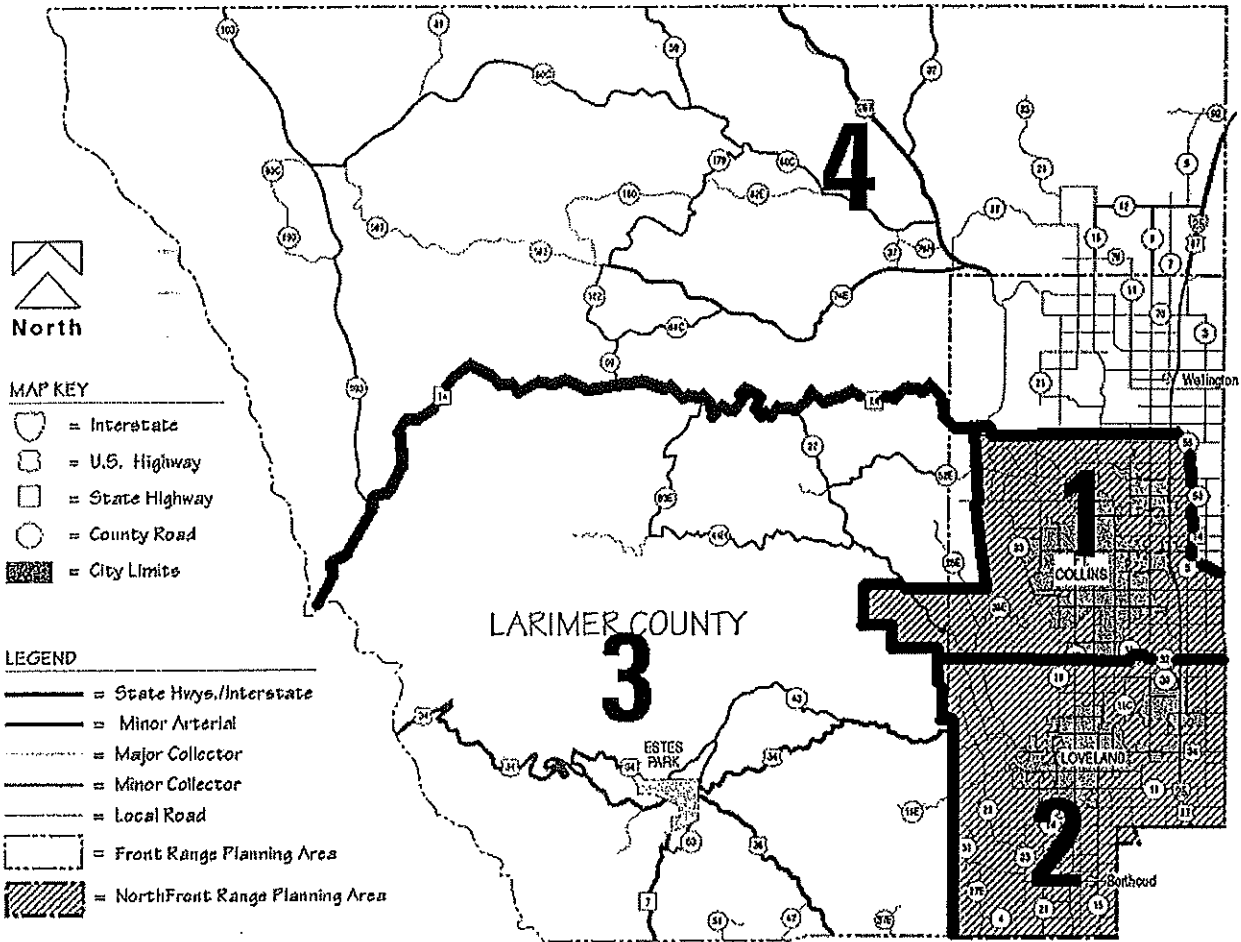
**Exhibit A**  
**COUNTY MAJOR ROAD CAPITAL IMPROVEMENT PLAN**

County Road No.	Section Length (miles)	Street (From)	Street (To)	2020 Needs	Improvement Costs
9E	1.056	SH 14	CR 48 (Vine)	Widen 2-4 Lanes	\$1,800,000
13	0.276	Ft Coles City Limit	CR 50E (Country Club)	Widen 2-4 Lanes	\$470,000
17	1.009	CR 48 (Vine)	CR 50 (Willox)	Widen 2-4 Lanes	\$1,720,000
19	1.080	CR 48 (Vine Dr)	Lr19-1.1-48 (Poudre)	Widen 2-4 Lanes	\$1,840,000
19	0.501	CR 46E (Laporte)	CR 48 (Vine Dr)	Widen 2-4 Lanes	\$850,000
21	1.010	CR 48 (Vine)	CR 50/dr to Clp Farm	Widen 2-4 Lanes	\$1,720,000
21	0.150	CR 46 (Mulberry)	Begin 87 Overlay	Widen 2-4 Lanes	\$260,000
21C	0.300	CR 50	Begin 1989 Overlay	Widen	\$210,000
21C	0.255	Begin 1989 Overlay	CR 50E-Bingham Hill	Widen	\$180,000
32	2.000	SH 287	CR 19	New Road	\$2,500,000
34	0.992	CR 17 (Shields)	SH 287	Widen	\$500,000
38E	1.370	Begin 1987 Overlay	CR 19 (Taft Hill)	Widen 2-4 Lanes	\$2,330,000
46E	1.721	Lemay Ave	CR 9E (Summitview)	Widen 2-4 Lanes	\$2,930,000
48	1.003	CR 19 (Taft Hill)	CR 17 (Shields)	Widen	\$700,000
50	0.760	CR 17 (Shields)	Ft Collins City Lim	Widen	\$530,000
50	0.240	CR 21C (Overland Tr)	Gdr to Clp Farm/CR21	Widen 2-4 Lanes	\$410,000
40	1.000	CR 9	CR 7	Pave	\$500,000
52	1.000	CR 11	CR 9	Pave	\$500,000
9	0.977	CR 40 (Horsetooth)	CR 42 (Drake)	Pave	\$490,000
9	0.969	CR 36	SH 68	Pave	\$480,000
7	1.000	CR 36	SH 68	Pave	\$500,000
7	0.990	SH 68	CR 40	Pave	\$500,000
<b>Area 1</b>					<b>\$21,920,000</b>
16	0.100	CR 15	US 287	New Road	\$120,000
13	0.210	29th St	Begin LvInd City Lim	Widen	\$150,000
13C	0.880	SH 402	Loveland City Limits	Widen	\$620,000
13E	0.290	CR 24E East Bound	Loveland City Limits	Widen	\$200,000
13E	0.290	Loveland City Limits	CR 28	Widen	\$200,000
21	1.000	CR 16	CR 18	Widen	\$700,000
28	0.498	SH 287	CR 13E	Widen 2-4 Lanes	\$850,000
28	1.003	CR 17 (Taft Ave)	SH 287	Widen 2-4 Lanes	\$1,710,000
7	0.050	CR 24E	City Limit/up ROW	Pave	\$30,000
24E	0.530	CR 13E (Monroe)	CR 13 (Madison)	Pave	\$270,000
13	0.044	Surf Chg (6 to 4)	CR 24e West Bound	Pave	\$20,000
11	1.000	SH 60	CR 16	Pave	\$500,000

County Road No.	Section Length (miles)	Street (From)	Street (To)	2020 Needs	Improvement Costs
9	1.006	CR 30	CR 32	Pave	\$500,000
11	0.490	CR 16	CR 16E	Pave	\$250,000
16E	0.986	Surf Chg (6 to 4)	CR 11	Pave	\$490,000
16	0.206	CR 11	Srfch (E to Q)	Pave	\$100,000
Area 2 Subtotal					\$6,710,000
901	4.730	US 34	Br Lr901-S0.4-S392	Pave	\$2,370,000
Area 3 Subtotal					\$2,370,000
5	2.529	CR 32E	CR 38	Pave	\$1,260,000
56	0.428	CR 3	Surfchg (4 to 6)	Pave	\$210,000
56	2.008	I-25 E. Frontage Rd	CR 3	Pave	\$1,000,000
901	5.120	Weld C R 78	CR 52	Pave	\$2,560,000
Area 4 Subtotal					\$5,030,000
21	0.380	Begin 1987 Overlay	CR 46E (Laporte)	Widen 2-4 Lanes†	\$920,000
21	0.500	CR 46E (Laporte)	CR 48 (Vine)	Widen 2-4 Lanes†	\$1,200,000
82	1.500	CR 82	CR 80/CR 19	New Road	\$1,880,000
54G	0.237	CR 19 (Taft Hill Rd)	Surf Chg (US 287)	Widen 2-4 Lanes	\$400,000
54G	0.126	Surf Chg (287)	US 287	Widen 2-4 Lanes	\$210,000
54G	1.271	CR 21C (Overland Tr)	CR 19 (Taft Hill Rd)	Widen 2-4 Lanes	\$2,160,000
70	1.410	Srfch (G to E)	CR 3	Pave	\$710,000
64	0.680	I-25 E. Frontage Rd	CR 5	Pave	\$340,000
21	1.260	CR 70	CR 72	Pave	\$630,000
70	0.990	CR 21	CR 19	Pave	\$500,000
72	3.180	Srfch (G to E)	CR 21	Pave	\$1,590,000
64	1.980	CR 5	County Line	Pave	\$990,000
66	1.100	CR 17	CR 15	Pave	\$550,000
66	0.600	I-25	CR 5	Pave	\$300,000
66	1.000	CR 11	CR 9	Pave	\$500,000
66	0.610	CR 66E	CR 11	Pave	\$310,000
66	0.990	CR 15	CR 13	Pave	\$500,000
66	0.630	CR 13	CR 66	Pave	\$320,000
64	1.000	CR 9	CR 7 (6th St)	Pave	\$500,000
64	1.020	CR 11	CR 9	Pave	\$510,000
80C	1.720	Project	SH 287	Pave	\$860,000
80C	0.640	CR 37	Project	Pave	\$320,000
80C	5.200	CR 82E	CR 37	Pave	\$2,600,000
64	1.570	CR 15	CR 11	Pave	\$790,000
Area 5 Subtotal					\$19,590,000
38E	2.443	Lakeview Dr/prj 122	Beg 87 Ovrly/end 122	Widen 2-4 Lanes	\$4,150,000

County Road No.	Section Length (miles)	Street (From)	Street (To)	2020 Needs	Improvement Costs
38E	1.927	CR 25G	Lakeview Dr/prj #122	Widen 2-4 Lanes	\$3,280,000
38E	0.670	Overhill Dr	CR 25G	Widen	\$470,000
52E	0.246	CR 23	Begin Paved Shoulder	Widen	\$170,000
52E	0.360	CR 23E	CR 54G (Old 287)	Widen	\$250,000
<b>Area 6 Subtotal</b>					<b>\$8,320,000</b>
63	0.420	SH 36	Proj #LRB63-0.5-s36	Widen	\$450,000
63	0.052	Project End	SH 34	Widen	\$60,000
67	1.610	CR 65	SH 36/SH 66	Widen	\$1,730,000
61	0.450	CR 43	CR 63E	Pave	\$480,000
52E	2.217	CR 41	Beg Prj #96/pavement	Pave	\$2,380,000
52E	1.415	CR 27	CR 41	Pave	\$1,520,000
<b>Area 7 Subtotal</b>					<b>\$6,620,000</b>
37F	0.990	CR 37E	CR 31 (Carter Lake)	New Road	\$2,500,000
4	0.490	CR 27E	Surf Change (E to G)	Pave	\$250,000
17	1.006	CR 4E	CR 6E	Pave	\$500,000
904	1.120	CR 12	SH 60	Pave	\$560,000
905	0.480	Boulder C 145	CR 15	Pave	\$240,000
<b>Area 8 Subtotal</b>					<b>\$4,050,000</b>
73C	5.242	CR 74E/162	CR 180	Pave	\$5,640,000
<b>Area 9 Subtotal</b>					<b>\$5,640,000</b>
<b>Ten Traffic Signals as Identified in Larimer County Transportation Plan</b>					<b>\$1,000,000</b>
<b>Total</b>					<b>\$81,250,000</b>

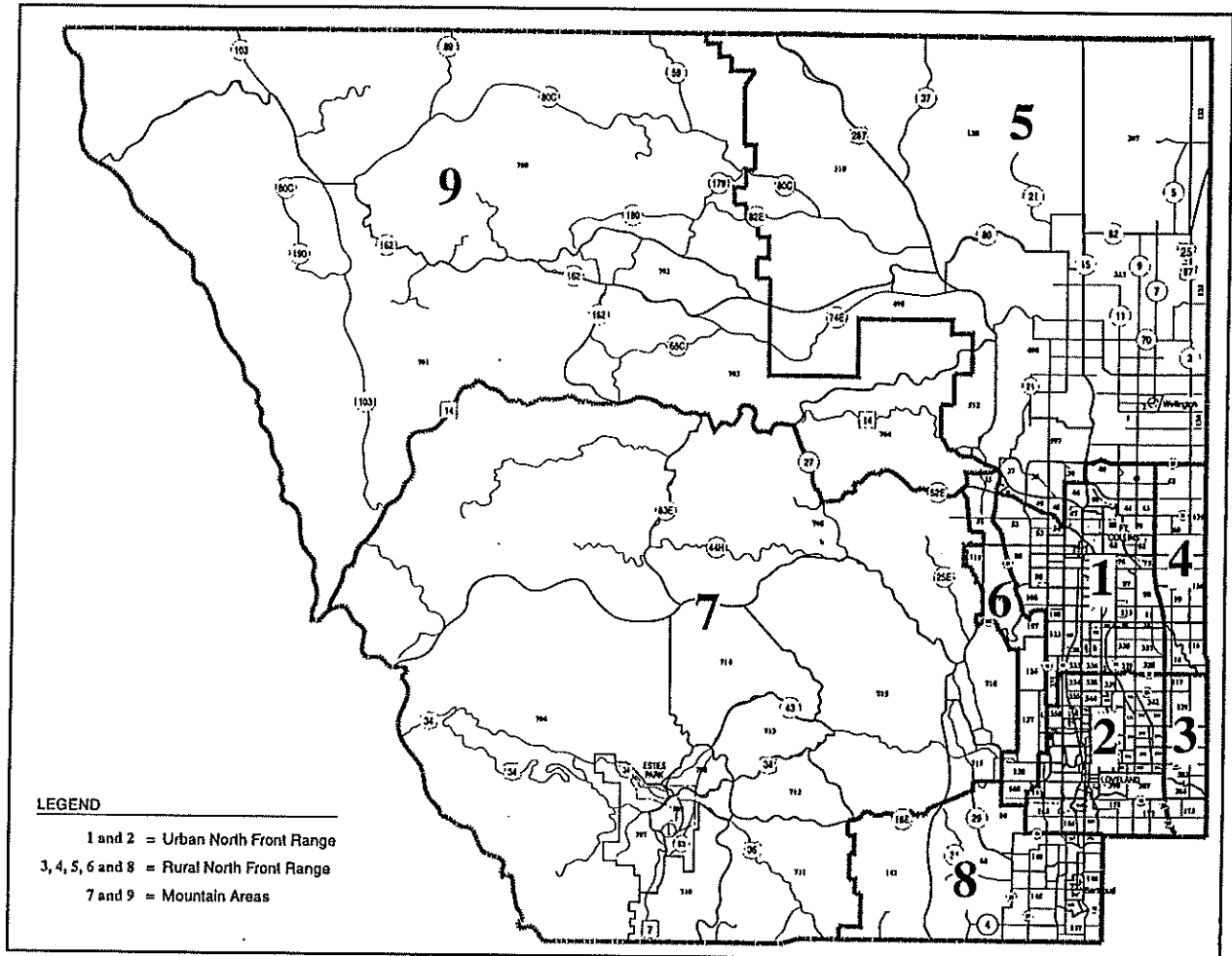
# Exhibit B COUNTY TRANSPORTATION CAPITAL EXPANSION FEE BENEFIT DISTRICTS



Note: Incorporated areas not included in benefit district areas.

# Exhibit C URBAN AND RURAL AREAS OF LARIMER COUNTY

(Areas 1 & 2 are Urban, rest are Rural)



# REGIONAL TRANSPORTATION CAPITAL EXPANSION FEE REGULATION

## Table of Contents

A.	Findings. ....	1
B.	Short Title, Authority, and Application ....	2
C.	Intent and Purpose ....	2
D.	Intergovernmental Agreement. ....	3
E.	Level Of Service Standard (LOS). ....	3
F.	Definitions. ....	3
G.	Imposition of Regional Fee. ....	6
H.	Independent Fee Calculation Study. ....	7
I.	Credits. ....	10
J.	Benefit Districts. ....	13
K.	Refund of Fees Not Spent. ....	13
L.	Review Every Five Years. ....	14





## Regional Transportation Capital Expansion Fee

### A. Findings.

1. **New Growth and Development.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* projects that there will be a significant amount of new growth and development in Larimer County over the next twenty (20) years.
2. **Need for Capacity Expansion.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* has determined that this new growth and development will require a substantial expansion in road capital facilities if adequate levels of service (LOS) are to be maintained on the Regional Road System.
3. **Regional Road CIP.** The Larimer County *Transportation Plan* and the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* have identified the improvements required to maintain adequate levels of service on the Regional Road System. The list of these improvements along with descriptions and cost estimates is referred to as the Regional Road Capital Improvement Plan (hereinafter "the Regional Road CIP"), which is attached to this Regulation as Exhibit "A."
4. **Additional Revenue Needed.** The Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* demonstrates that the existing revenue generated by this new growth and development will not be adequate to fund the needed road capital improvements necessary to accommodate this new growth and development if the desired LOS on the Regional Road System is to be maintained.
5. **Proportionate Share Policy.** In order to address this problem, the Larimer County Board of County Commissioners has established a policy that new land development activity shall bear a proportionate share of the cost of the provision of new road capital improvements required by such development on the Regional Road System.
6. **Regional Transportation Capital Expansion Fee Preferred.** The Larimer County Board of County Commissioners has determined that the imposition of a regional transportation capital expansion fee is one of the preferred methods of regulating land development in order to ensure that new development bears a proportionate share of the costs of the road capital improvements necessary to accommodate new development while at the same time maintaining adopted LOS on the Regional Road System and promoting and protecting the public health, safety and welfare.

7. **Consistent with Master Plan.** A regional transportation capital expansion fee that contributes to this proportionate share would assist in the implementation and be consistent with the Larimer County Master Plan.
8. **Coordinated Provision of Services.** In order to implement a region-wide Regional Transportation Capital Expansion Fee System, the Board of County Commissioners of Larimer County adopts this Regulation and shall pursue the establishment of Intergovernmental Agreements with the other local governments in the region that results in those municipalities participation and cooperation by adoption of a Regional Transportation Capital Expansion Fee to accommodate new development within their jurisdictions.

**B. Short Title, Authority, and Application**

1. **Title.** This Regulation shall be known and may be cited as the "Regional Transportation Capital Expansion Fee Regulation."
2. **Authority.** The Board of County Commissioners has the authority to adopt this Regulation pursuant to the Colorado Constitution , Secs. 29-20-101-107, 30-28-106, 30-28-133, C.R.S. and all other relevant laws of the State of Colorado.
3. **Application.** This Regulation shall apply to all lands within unincorporated Larimer County and, pursuant to Intergovernmental Agreements, all other lands within the boundaries of the Participating Local Governments.

**C. Intent and Purpose**

1. **Intent.** This Regulation is intended to implement and be consistent with the Larimer County Transportation Plan and the Larimer County Master Plan.
2. **Purpose.** This purpose is accomplished in this Regulation by the establishment of a system for the imposition of regional transportation capital expansion fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, Regional Road Capital Improvements identified as needed to be built in the Regional Road CIP.
3. **Fair allocation of costs.** This Regulation is intended to be consistent with the principles for allocating a fair share of the costs of new public facilities to new users. It approaches the problem of determining the fair share regional transportation capital expansion fee in a conservative and reasonable manner. This fee will only partially capture the governmental expenditures associated with improving the Regional Road System.

4. **Technical support.** This Regulation is based primarily upon the Master Plan and the Regional Road CIP, and other technical data and conclusions contained in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, all of which are incorporated herein by reference.

D. **Intergovernmental Agreement.** In order to implement a region-wide Regional Transportation Capital Expansion Fee Program, Larimer County intends to enter into Intergovernmental Agreements with the other local governments in the region that results in those municipalities participation and cooperation by adoption of a regional transportation capital expansion fee to accommodate new development within their jurisdictions to maintain the existing Regional Road System level of service.

1. The Intergovernmental Agreements shall provide for adoption and implementation of a regional transportation capital expansion fee regulation similar to this Regulation by the other local governments in the county and procedures for regional cooperation in the effort to plan for, fund and construct Regional Road Capital Improvements.
2. The Intergovernmental Agreements shall provide the Board of County Commissioners of Larimer County the authority to coordinate the joint efforts of the Participating Local Governments in this effort and to coordinate the administration of the Regional Transportation Capital Expansion Fee Program.
3. The Intergovernmental Agreements shall provide that the Board of County Commissioners of Larimer County appoint a Regional Transportation Capital Expansion Fee Administrator (hereinafter "Fee Administrator") who shall be responsible for the administration of the Regional Transportation Capital Expansion Fee Program, with assistance from the Capital Expansion Fee Administrators from each of the Participating Local Governments.

E. **Level Of Service Standard (LOS).** The Board of County Commissioners has determined that the Regional Road System shall operate at LOS "D" or better.

F. **Definitions.** Certain words or phrases unique to this Section shall be construed as herein set out unless it is apparent from the context that they have a different meaning.

1. **Building Permit** means that development permit issued by the Larimer County Building Department before any building or construction activity can be initiated on a parcel of land. Building permit does not include any permits for demolition, grading or the construction of a foundation.
2. **Capacity** means the maximum number of vehicles which have a reasonable expectation of passing over a given section of a regional road in one (1) direction, or in both directions, during a given time period, under prevailing

traffic conditions, expressed in terms of vehicles per day. Capacity is measured in this Regulation and the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* during the week day.

3. **Existing Traffic-Generating Development** means the most intense use of land within the twelve (12) months prior to the time of Commencement of Traffic-Generating Development.
4. **Expansion** of the capacity of a regional road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing regional road's capacity to carry vehicles.
5. **Feepayer** means a person commencing Traffic-Generating Development who is obligated to pay a regional transportation capital expansion fee in accordance with the terms of this Regulation.
6. **Level of Service (LOS)** means a qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for road segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity of a road which is being utilized by traffic. The maximum V/C for LOS "D" is 0.89.
7. **Non-Site Related Improvements** mean Regional Road Capital Improvements and right-of-way dedications for Regional Roads that are in the Regional Road CIP that are not site- related improvements.
8. **Participating Local Governments** means any municipality within Larimer County that has entered into an intergovernmental agreement between the governing body and Larimer County to implement this Regulation.
9. **Person** means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.
10. **Regional Road System** means roadways identified by the Participating Local Governments as major inter-urban travel corridors or as major corridors that connect urban areas to the interstate highway system. The Regional Road System is identified in Exhibit "A," which is attached hereto and incorporated herein by reference.
11. **Regional Road Capital Improvement** includes the transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any regional road on the Regional Road CIP, undertaken

to accommodate additional traffic resulting from new traffic-generating development, including but not limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new road construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new road construction, (g) the construction and reconstruction of intersections, (h) the widening of existing Regional Roads, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges, and (l) traffic control devices.

12. **Site-Related Improvements** mean those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements are typically located within or adjacent to a development site and include but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; and (d) internal streets. Credit is not provided for site-related improvements under the terms of this Regulation.
13. **Traffic-Generating Development** is land development designed or intended to permit a use of the land that will contain or convert to more dwelling units or floor space than the most intensive use of the land within the twelve (12) months prior to the Commencement of Traffic-Generating Development in a manner that increases the generation of vehicular traffic.
14. **Traffic-Generating Development, Commencement of**, occurs upon the issuance of a final plat for subdivision, a final plan for planned unit development (PUD), or the issuance of a building permit, whichever occurs first after the effective date of this Regulation.
15. **Trip** means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).
16. **Trip Generation** means the attraction or production of trips caused by a certain type of land development.
17. **Vehicle-Miles of Travel (VMT)** means the combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

**G. Imposition of Regional Fee.**

**1. Time of Fee Obligation and Payment.**

- a. After the effective date of this Regulation, any person or governmental body (unless exempted by Intergovernmental Agreement) who causes the Commencement of Traffic-Generating Development shall be obligated to pay a regional transportation capital expansion fee, pursuant to the terms of this Regulation. The fee shall be determined and paid to the Fee Administrator at the time of issuance of a building permit for the development, and not later than issuance of a certificate of occupancy for the development. If any credits are due pursuant to Section I, Credits, they shall also be determined at that time. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a Traffic-Generating Development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new Traffic-Generating Development and the Existing Traffic-Generating Development. The obligation to pay the fee shall run with the land.
- b. Any person who prior to the effective date of this Regulation agreed as a condition of development approval to pay a regional transportation capital expansion fee, shall be responsible for the payment of the fee under the terms of any such agreement.

**2. Exemptions.** The following shall be exempt from the terms of this Regulation. An exemption must be claimed by the feepayer at the time of application for a building permit.

- a. Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and where no additional vehicular trips will be produced over and above that produced by the existing use.
- b. The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.
- c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.

### 3. **Establishment of Fee Schedule.**

- a. Any person who causes the Commencement of Traffic-Generating Development, except those persons exempted or preparing an independent fee calculation study pursuant to Section H, Independent Fee Calculation Study, shall pay a regional transportation capital expansion fee in accordance with the fee schedule in Appendix A.
- b. If a fee is to be paid for mixed uses, then the fee shall be determined according to the above schedule by apportioning the space committed to uses specified on the schedule.
- c. If the type of Traffic-Generating Development for which a building permit is requested is not specified on the fee schedule, the Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Fee Administrator shall be guided in the selection of a comparable type of land use by:
  - (1) Using trip generation rates contained in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal, or studies or reports done by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula set forth in Section H.(2) ; or
  - (2) Computing the fee by use of an independent fee calculation study as provided in Section H, Independent Fee Calculation Study.

### H. **Independent Fee Calculation Study.**

#### 1. **General**

- a. The transportation capital expansion fee may be computed by the use of an independent fee calculation study at the election of the fee payer or shall be used upon the request of the Fee Administrator for any proposed land development activity interpreted as not one of those types listed on the fee schedule, or as one that is not comparable to any land use on the fee schedule, or for any proposed land development activity for which the Fee Administrator concludes the nature, timing, or location of the proposed development make 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.

- b. The preparation of the independent fee calculation study shall be the responsibility of the electing party.
- c. Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such independent fee calculation study.

**2. Formula.**

- a. The independent fee calculation study for the regional transportation capital expansion fee shall be calculated by the use of the following formula:

FEE	=	VMT x NETCOST/VMT
VMT	=	ADT x %NEW x ATL ÷ 2
ADT	=	Number of average daily trips generated
%NEW	=	Percent new trips
ATL	=	Average trip length in miles on the Regional Road System
2	=	For the portion of the trip allocated to the new development (one trip)
NETCOST/VMT	=	Net cost per vehicle-mile of travel as calculated in the <i>Transportation Capital Expansion Fee and Park In-Lieu Fee Study</i>

- b. The fee calculation shall be based on data, information, or assumptions contained in this Regulation or independent sources. Independent resources may be used, provided that:
  - (1) The independent source is an accepted standard source of transportation engineering or planning data or information;
  - (2) The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering;
  - (3) The percent new trips factor used in the independent fee calculation study is based on actual surveys prepared in Larimer County.



3. **Procedure.**

- a. An independent fee calculation study shall be undertaken through the submission of an application. A potential feepayer may submit such an application. The Fee Administrator shall submit such an application for any proposed land development activity interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, or for any proposed land development activity for which it is concluded the nature, timing, or location of the proposed development make 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.
- b. Within ten (10) working days of receipt of an application for independent fee calculation study, the Fee Administrator shall determine if the application is complete. If the Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Fee Administrator shall take no further action on the application until it is deemed complete.
- c. When the Fee Administrator determines the application is complete, the application shall be reviewed and the Fee Administrator shall render a written decision in twenty (20) working days on whether the fee should be modified, and if so, what the amount should be, based on the standards in Section H.4.

4. **Standards.** If on the basis of generally-recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed Traffic-Generating Development. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established for the Traffic-Generating Development in Section G.3. a.

5. **Appeal of Independent Fee Calculation Study Decision.**

- a. A feepayer affected by the administrative decision of the Fee Administrator on an independent fee calculation study may appeal such decision to the Board of County Commissioners, by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the

appeal. The Fee Administrator shall place the appeal on the Board of County Commissioners's agenda for the next regularly scheduled meeting.

- b. The Board of County Commissioners, after a hearing, shall have the power to affirm or reverse the decision of the Fee Administrator. In making its decision, the Board of County Commissioners shall apply the standards in Section H.4. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the fee.

## I. **Credits.**

### 1. **General Standards.**

- a. Any person initiating Traffic-Generating Development may apply for credit against regional transportation capital expansion fees otherwise due, up to but not exceeding the full obligation for fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, construction, or dedication of land accepted or received by Larimer County for any Non-Site Related Capital Road Improvements on the Regional Road System identified in the Regional Road CIP.
- b. Credits for contributions, payments, construction or dedication of land for Non-Site Related Capital Road Improvements on the Regional Road System identified in the Regional Road CIP shall run with the land and shall be transferable within the same development. Credits shall not be transferrable to other development for credit against the transportation capital expansion fees, or for credit against fees required to be paid for other public facilities. The credit shall not exceed the amount of the transportation capital expansion fees due and payable for the proposed Traffic-Generating Development.
- c. Larimer County may enter into a Capital Contribution Front-Ending Agreement with any person initiating Traffic-Generating Development who proposes to construct roads or dedicate right-of-way for Non-Site Related Capital Road Improvements on the Regional Road System identified in the Regional Road CIP. To the extent that the costs of road construction or the fair market value of the right-of-way dedication of these Regional Road Capital Improvements exceeds the obligation to pay transportation capital expansion fees for which a credit is provided

pursuant to this Section, the Capital Contribution Front-Ending Agreement may provide proportionate and fair share reimbursement.

2. **Credit Against Fees.** Credit shall be in an amount equal to the value of the contribution or payment at the time it is made to Larimer County, the costs of the road construction at the time of its completion, or fair market value of the land dedicated for right-of-way at the time of dedication.
  
3. **Procedure for Credit Review.**
  - a. The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Fee Administrator.
  
  - b. The application for a Credit Agreement shall include the following information:
    - (1) If the proposed application involves a credit for any contribution or payment, the following documentation must be provided:
      - (a) A certified copy of the development approval in which the contribution was agreed;
      - (b) If payment has been made, proof of payment; or
      - (c) If payment has not been made, the proposed method of payment.
  
    - (2) If the proposed Application for Credit Agreement involves construction:
      - (a) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;
  
      - (b) 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 cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, 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) If the proposed application involves credit for the dedication of land:
    - (a) A drawing and legal description of the land;
    - (b) The appraised fair market value of the land at the date a building permit is proposed to be issued for the traffic generating land development activity, prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.
  - c. Within ten (10) working days of receipt of the proposed Application for Credit Agreement, the Fee Administrator shall determine if the application is complete. If it is determined that the proposed Agreement is not complete, the Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.
  - d. Once the Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) working days. The Application for Credit Agreement shall be approved if it complies with the standards in Section I.1.
  - e. If the Application for Credit Agreement is approved by the Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.
4. **Appeal of Credit Decision.** A feepayer affected by the decision of the Fee Administrator regarding credits may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator, within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the

Board of County Commissioner's agenda for the next regularly scheduled meeting. The Board of County Commissioners, shall affirm or reverse the decision of the Fee Administrator based on the standards in Section J.1. If the Board of County Commissioners reverses the decision, it shall direct the Fee Administrator to readjust the credit in accordance with its findings.

**J. Benefit Districts.**

1. **Establishment.** For the purpose of further ensuring feepayers receive sufficient benefit for fees paid, all of the area within Larimer County is hereby designated as the Regional Transportation Capital Expansion Fee Benefit District.
2. **Expenditure.** Capital expansion fee funds shall be spent within the Benefit District within which the Traffic-Generating Development paying the fee is located. The expenditure of transportation capital expansion fee funds shall be limited to those Regional Road Capital Improvement projects included in the Regional Road CIP, attached as Exhibit "A" and incorporated herein by reference.
3. **Establishment of Trust Fund.** There is hereby established the Regional Transportation Capital Expansion Fee Trust Fund for the purpose of ensuring that feepayers receive sufficient benefit for regional transportation capital expansion fees paid. All regional transportation capital expansion fees collected by the Fee Administrator pursuant to this Regulation shall be immediately deposited in the Regional Transportation Capital Expansion Fee Trust Fund. Any proceeds in the Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the Trust Fund. Record of the Trust Fund accounts shall be available for public inspection in the Fee Administrator's office, during normal business hours.
4. **Intergovernmental Agreement.** Each Participating Local Government shall also establish a trust fund into which regional transportation capital expansion fees collected shall be deposited. The procedures for control and expenditure of these funds shall be established in the Intergovernmental Agreements.

**K. Refund of Fees Not Spent.**

1. **General.** Any fees collected shall be returned to the feepayer or the feepayer's successor in interest (if the development subject to the fee is sold by the feepayer) if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with the interest earned on the fee. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.

2. **Refund Procedure.** The refund shall be administered by the Fee Administrator, and shall be undertaken through the following process:
  - a. A Refund Application shall be submitted within one (1) year following the end of the seventh (7th) year from the date on which the building permit was issued on the proposed development. The Refund Application shall include the following information:
    - (1) A copy of the dated receipt issued for payment of the fee;
    - (2) A copy of the building permit; and
    - (3) Evidence that the applicant is the successor in interest to the fee payer, if relevant.
  - b. Within ten (10) working days of receipt of the Refund Application, the Fee Administrator shall determine if it is complete. If the Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Fee Administrator shall take no further action on the Refund Application.
  - c. When the Fee Administrator determines the Refund Application is complete, it shall be reviewed within twenty (20) working days, and shall be approved if it is determined the fee payer has paid a fee which has not been spent within the period of time permitted under this section. The refund shall include the fee paid plus interest earned on the fee.
3. **Appeal of Refund Decision.** A fee payer affected by the administrative decision regarding refunds may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioners's agenda. The Board of County Commissioners, after a hearing, shall affirm or reverse the decision of the Fee Administrator based on the standards in this Section. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to readjust the refund in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the refund.
- L. **Review Every Five Years.** At least once every five (5) years, the Fee Administrator shall recommend to the Board of County Commissioners and to the Governing Bodies

of the Participating Local Governments whether any changes should be made to the regional transportation component of Larimer County's *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, the Regional Road CIP and this Regulation. The Fee Administrator shall be assisted by the Capital Expansion Fee Administrators of the Participating Local Governments. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the regional transportation capital expansion fees will not exceed a pro rata share. Before any modifications of this Regulation are effective they shall be approved by the Board of County Commissioners and the Governing Bodies of the Participating Local Governments.

## Appendix A FEE SCHEDULE

Land Use Type	Unit	Primary Trips	Avg. Trip Length	Daily VMT	Net Cost/ VMT	Net Cost/ Unit
Single-Family Detached	Dwelling	4.79	\$0	1.10	\$149	\$164
Multi-Family	Dwelling	3.32	0.23	0.76	\$149	\$113
Mobile Home Park	Site	2.40	0.23	0.55	\$149	\$82
Hotel/Motel	Room	4.46	0.23	1.03	\$149	\$153
<b>Retail/Commercial</b>						
Shop Ctr/Gen Retail <100,000 sf	1000 sq. ft.	17.87	0.23	4.11	\$149	\$612
Shop Ctr/Gen Retail <500,000 sf	1000 sq. ft.	14.70	0.23	3.38	\$149	\$504
Shop Ctr/Gen Retail <1 million sf	1000 sq. ft.	13.54	0.23	3.11	\$149	\$463
Shop Ctr/Gen Retail 1 million sf+	1000 sq. ft.	11.72	0.23	2.70	\$149	\$402
Auto Sales	1000 sq. ft.	9.19	0.23	2.11	\$149	\$314
Auto Service/Repair/Tire Store	1000 sq. ft.	6.34	0.23	1.46	\$149	\$218
Bank	1000 sq. ft.	33.15	0.23	7.62	\$149	\$1,135
Bldg Materials/Hardware/Nursery	1000 sq. ft.	12.16	0.23	2.80	\$149	\$417
Convenience Store	1000 sq. ft.	92.25	0.23	21.22	\$149	\$3,162
Discount Store	1000 sq. ft.	21.13	0.23	4.86	\$149	\$724
Furniture Store	1000 sq. ft.	2.28	0.23	0.52	\$149	\$77
Health Club	1000 sq. ft.	4.20	0.23	0.97	\$149	\$145
Movie Theater	1000 sq. ft.	35.13	0.23	8.08	\$149	\$1,204
Restaurant, Fast Food	1000 sq. ft.	71.94	0.23	16.55	\$149	\$2,466
Restaurant, Sit-Down	1000 sq. ft.	23.39	0.23	5.38	\$149	\$802
<b>Office/Institutional</b>						
Office, General <100,000 sf	1000 sq. ft.	8.09	0.23	1.86	\$149	\$277
Office, General <200,000 sf	1000 sq. ft.	6.03	0.23	1.39	\$149	\$207
Office, General 200,000 sf+	1000 sq. ft.	4.99	0.23	1.15	\$149	\$171
Office, Medical	1000 sq. ft.	18.07	0.23	4.16	\$149	\$620
Hospital	1000 sq. ft.	8.39	0.23	1.93	\$149	\$288
Nursing Home	1000 sq. ft.	2.44	0.23	0.56	\$149	\$83
Church/Synagogue	1000 sq. ft.	4.56	0.23	1.05	\$149	\$156
Day Care Center	1000 sq. ft.	9.51	0.23	2.19	\$149	\$326
Elementary/Secondary School	1000 sq. ft.	3.01	0.23	0.69	\$149	\$103
<b>Industrial</b>						
General Light Industrial	1000 sq. ft.	3.49	0.23	0.80	\$149	\$119
Warehouse	1000 sq. ft.	2.48	0.23	0.57	\$149	\$85
Mini-Warehouse	1000 sq. ft.	1.25	0.23	0.29	\$149	\$43



**Exhibit A**  
**REGIONAL ROAD CAPITAL IMPROVEMENTS PLAN**

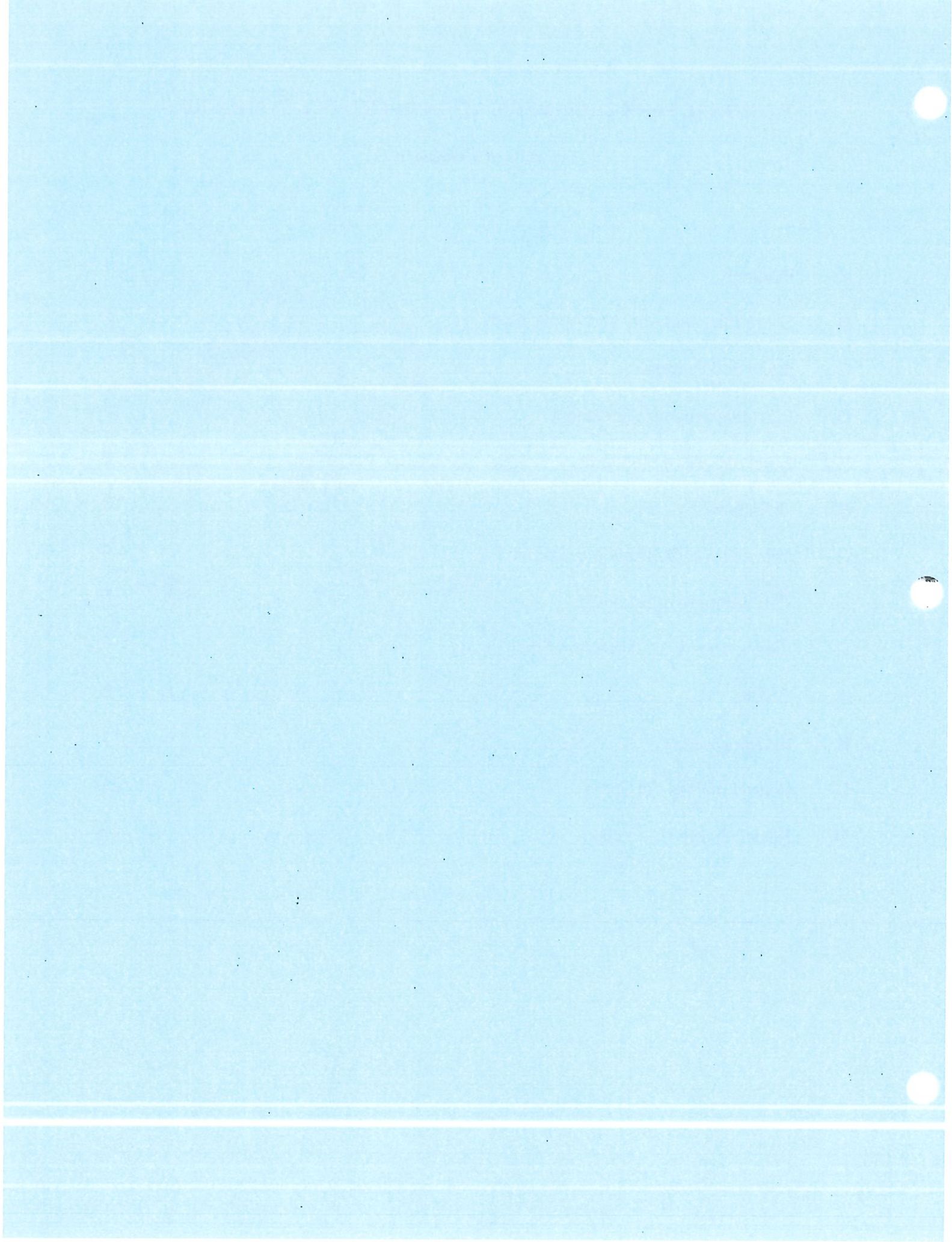
County Road No.	Section Length (miles)	Street (From)	Street (To)	2020 Needs	Estimated Improvement Costs
17	1.517	SH 287	CR 10E East Bound	Widen 2-4 Lanes	\$2,580,000
17	1.609	CR 10E East Bound	CR 14	Widen 2-4 Lanes	\$2,740,000
17	1.101	CR 14	Loveland City Limits	Widen 2-4 Lanes	\$1,870,000
17	0.179	Loveland City Limit	Loveland City Limit	Widen 2-4 Lanes	\$300,000
17	0.497	Loveland City Limit Split	End LvlnD Split	Widen 2-4 Lanes	\$840,000
17	0.752	End Loveland City Lm	CR 28 (57th St)	Widen 2-4 Lanes	\$1,280,000
17	0.250	CR 28 (57th St)	LvlnD City Limit Split	Widen 2-4 Lanes	\$430,000
17	1.246	End Loveland Split	Ft Collins City Limit	Widen 2-4 Lanes	\$2,120,000
17	1.000	Ft Collins City Limit	CR 34 (Trilby)	Widen 2-4 Lanes	\$1,700,000
17	1.000	CR 34 (Trilby)	Ft Collins City Limit	Widen 2-4 Lanes	\$1,700,000
18	2.447	I-25 E. Frontage Rd	CR 901	Widen 2-4 Lanes	\$4,160,000
19	0.610	End Loveland City Limit	8 <sup>th</sup> Street	None (Existing 4-Lane)	\$0
19	1.000	Loveland N. City Limit	CR 28 (57th St)	Widen 2-4 Lanes	\$1,700,000
19	0.438	CR 28 (57th St)	Begin Project # 37	Widen 2-4 Lanes	\$740,000
19	2.555	Begin Project # 37	CR 34 (Trilby)/ends 37	Widen 2-4 Lanes	\$4,340,000
19	1.007	CR 34 (Trilby)	End 1987 Overlay/CL	Widen 2-4 Lanes	\$1,710,000
19	1.001	Ft Cols CL/end Ovrly	CR 38 (Harmony)	Widen 2-4 Lanes	\$1,700,000
19	0.506	CR 38 (Harmony)	CR 38E	Widen 2-4 Lanes	\$860,000
19	0.505	CR 38E	CR 40 (W Horsetooth)	Widen 2-4 Lanes	\$860,000
32	0.408	Surface Change	CR 13	Widen 2-4 Lanes	\$690,000
32	0.996	CR 13	CR 11	Widen 2-4 Lanes	\$1,690,000
32	1.243	CR 11	CR 9	Widen 2-4 Lanes	\$2,110,000
32	1.257	CR 9	I-25 W. Frontage Rd	Widen 2-4 Lanes	\$2,140,000
32	0.142	I-25 W. Frontage Rd	Surface Change	Widen 2-4 Lanes	\$240,000
32	0.597	Surface Change	SH 287	Widen 2-4 Lanes	\$1,010,000
38	0.460	I-25 E. Frontage Rd	CR 5 North Bound	Widen 2-4 Lanes	\$780,000
38	1.990	CR 5 North Bound	CR 901	Widen 2-4 Lanes	\$3,380,000
Six Traffic Signals at Locations Identified in Larimer County Transportation Plan					\$600,000
<b>Total</b>					<b>\$44,270,000</b>



# REGIONAL PARK LAND DEDICATION/IN-LIEU FEE STANDARDS

## Table of Contents

A.	Findings. ....	1
B.	Short Title, Authority and Application. ....	2
C.	Intent and Purpose. ....	2
D.	Intergovernmental Agreement. ....	2
E.	Level of Service Standards. ....	3
F.	Definitions ....	3
G.	Imposition of Dedication or In-Lieu Fee. ....	4
H.	Establishment of Schedules. ....	6
I.	Independent Fee Calculation Study. ....	7
J.	Credits. ....	8
K.	Benefit Districts ....	11
L.	Refund of Fees not Spent ....	11
M.	Review Every Five Years. ....	12



## **Regional Park Land Dedication/In-Lieu Fee Standards.**

### **A. Findings.**

1. **New Growth in County.** Larimer County's Master Plan projects there will be a significant amount of new growth and development in the county over the next twenty (20) years.
2. **New Growth Requires New Regional Park Land.** The future growth and new development in the county will require a substantial expansion in regional park and open space land (hereinafter Regional Park Land) if the region-wide level of service for Regional Park Land is to be maintained.
3. **Proportionate Share Policy.** The Board of County Commissioners of Larimer County has determined that future growth and new development should contribute its proportionate share of the costs of providing Regional Park Land.
4. **Dedication Preferred.** The Board of County Commissioners of Larimer County has also determined that the imposition of a Regional Park Land dedication/in-lieu fee requirement is one of the preferred methods of regulating new growth and development in the unincorporated county and region in order to ensure new growth and development bears a proportionate share of the costs of the Regional Park Land necessary to accommodate that new development, and provide for the public health, safety, and welfare.
5. **Consistent with Master Plan.** A Regional Park Land dedication/in-lieu fee that requires new growth and development contribute a proportionate share of their impact would assist in the implementation and be consistent with the Master Plan.
6. **Coordinated Provision of Services.** In order to implement a region-wide Regional Park Land exaction standard (dedication/in-lieu fee or capital expansion fee), the Board of County Commissioners of Larimer County adopts this Regulation and shall pursue the establishment of Intergovernmental Agreements with the other local governments in the county.

**B. Short Title, Authority and Application.**

1. **Title.** This Section shall be known and may be cited as the "Larimer County Regional Park Land Dedication/In-Lieu Fee Standards."
2. **Authority.** The Board of County Commissioners has the authority to adopt this Regulation pursuant to the Colorado Constitution , Secs. 29-20-105 and 29-1-102, and 30-28-133(4)(a), C.R.S. and all other relevant laws of the State of Colorado.
3. **Application.** The Regional Park Land Dedication/In-Lieu Fee Standards shall apply to all lands in the unincorporated County and, pursuant to Intergovernmental Agreements, all other lands within the boundaries of the Participating Local Governments.

**C. Intent and Purpose.**

1. **Intent.** This Regulation is intended to implement and be consistent with the Larimer County Master Plan.
2. **Purpose.** This objective is accomplished by requiring all new residential subdivisions to contribute a proportionate share of the Regional Park Land necessary to accommodate any impacts or needs for Regional Park Land through land dedication or in-lieu fees.
3. **Technical Support.** This Regulation is based upon the technical data and conclusions contained in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, which is incorporated herein by reference.

**D. Intergovernmental Agreement.** In order to implement a region-wide Regional Park Land exaction standard, Larimer County intends to enter into Intergovernmental Agreements with the other local governments in the county to maintain the existing Regional Park Land level of service.

1. The Intergovernmental Agreements shall provide for adoption and implementation of a Regional Park Land exaction requirement by the other local governments in the region and procedures for regional cooperation in the effort to plan for, acquire and develop Regional Park Lands.
2. The Intergovernmental Agreements shall provide the Board of County Commissioners of Larimer County the authority to coordinate the joint efforts of

the Participating Local Governments in this effort and to coordinate the administration of the Regional Park Land exaction standards.

3. The Intergovernmental Agreements shall provide that the Board of County Commissioners of Larimer County appoint a Fee Administrator who shall be responsible for the administration of the Regional Park Land exaction program, with assistance from the Capital Expansion Fee Administrators from each of the Participating Local Governments.

E. **Level of Service Standards.** The Board of County Commissioners of Larimer County has determined that the amount of land required to be dedicated pursuant to this Regulation shall not exceed the existing level of service (LOS) of Regional Park Land provided by the County and Participating Local Governments to the residential development within the jurisdictions of the County and Participating Local Governments. The analysis in the *Transportation Capital Expansion Fee and Park In-Lieu Fee Study* indicates that the existing county-wide Regional Park Land LOS is 0.167 acres per Single-Family Equivalent (SFE).

F. **Definitions.**

1. **Building Permit** means that development permit issued by the Larimer County Building Department or any other County office before any building or construction activity can be initiated on a parcel of land.
2. **Regional Park Land** means land owned or operated by or on behalf of Larimer County or the Participating Local Governments and dedicated or used for the purpose of regional parks or open space. Regional parks are typically more than 250 acres in size, provide recreation opportunities associated with experiencing the natural environment and may include unique historic, archaeological or paleontologic features. Open space areas are areas with natural resource values that are intended for nature-oriented, outdoor recreation with the emphasis on resource preservation.
3. **Participating Local Governments** means any municipality within Larimer County that has entered into an intergovernmental agreement between the governing body and Larimer County to implement Regional Park Land exaction standards.
4. **Person** means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other entity.

5. **Single-Family Equivalent (SFE)** means the demand for Regional Park Land represented by a single-family detached dwelling. A single-family detached dwelling unit represents one (1) SFE, while the SFE for other housing types is the ratio of the average household size of the housing type to the average household size of single-family detached dwelling units.

**G. Imposition of Dedication or In-Lieu Fee.**

1. **Option by Subdivider.** At the time of filing a preliminary plat for a residential subdivision, the subdivider may either (1) identify as part of the preliminary plat subdivision lands proposed to be dedicated for Regional Park Land, (2) propose to pay the in-lieu fees for Regional Park Land, or (3) propose a combination of land dedication and in-lieu fee payment. Any such proposal shall provide sufficient lands or in-lieu fees to accommodate the growth and development proposed in the subdivision based on the LOS established in this Regulation.
  - a. If the subdivider proposes to pay the in-lieu fee for Regional Park Land, it shall be accepted by the County, and the in-lieu fee shall be paid prior to the issuance of a building permit. The obligation to pay the in-lieu fee shall run with the land. The amount of the in-lieu fee shall be determined based on the fee schedule in effect at the time of building permit application.
  - b. If the subdivider proposes to dedicate Regional Park Land, the proposal shall be considered by the Planning Commission and considered and decided by the Board of County Commissioners. If the lands offered for dedication are accepted, the subdivider shall convey the title to the property to the County in fee simple. If the lands offered for dedication are not accepted, then the subdivider shall pay the in-lieu fees for Regional Park Land consistent with the provisions in Section H.
2. **Review of Dedication Offer.**
  - a. The Planning Commission shall consider the offer of dedication concurrent with its consideration of the preliminary plat for subdivision, and make a recommendation to the Board of County Commissioners on whether or not the offer of dedication should be accepted by the County. In hearing the matter, the Planning Commission shall consider the Master Plan, comments from the Larimer County Opens Land Advisory Board, public testimony, and all other relevant information. The Planning Commission shall recommend that the lands offered for dedication be accepted if they are of sufficient acreage to be used for Regional Park



Land purposes, are located so they provide reasonable Regional Park Land opportunities to the public and further the County's and Participating Local Governments' general plan for regional parks and open space.

- b. The Board of County Commissioners shall consider the offer of dedication concurrent with consideration of the preliminary plat for subdivision. In reviewing the offer, the Board shall consider the recommendation of the Planning Commission, comments from the Larimer County Opens Land Advisory Board, the Master Plan, public testimony, and all other relevant information. The Board shall accept an offer of park land dedication only if they are of sufficient acreage to be used for Regional Park Land purposes, are located so they provide reasonable Regional Park Land opportunities to the public and further the County's and Participating Local Governments' general plan for regional parks and open space.

### 3. **Payment of In-Lieu Fees.**

- a. **Payment at Building Permit.** The in-lieu fees shall be paid prior to issuance of a building permit for development for any portion of the subdivision. The amount of the in-lieu fee shall be based on the in-lieu fee schedule in effect at the time of building permit application. If any credits are due pursuant to Section J, Credits, they shall be determined at that time. The in-lieu fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire subdivision. If the in-lieu fee is exacted for development that increases impact because of a change in use (on land that is subdivided and subject to this provision), the in-lieu fee shall be determined by computing the difference in the in-lieu fee schedule between the new development and the existing development. The obligation to pay the in-lieu fee shall run with the land.
- b. **Prior Agreement.** Any subdivider who prior to the effective date of this Regulation agreed as a condition of development approval to pay Regional Park Land in-lieu fees, shall be responsible for the payment of the fees under the terms of such agreement.

4. **Exemptions.** The following development shall be exempt from the terms of this Regulation.

- a. **Nonresidential Development.** Any development that does not involve the creation of additional dwelling units.
- b. **Alterations/Expansions/No Change in Use.** Alterations or expansion of an existing residential building where no additional dwelling units are created and the use is not changed.
- c. **Accessory Buildings/structures.** The construction of accessory buildings or structures added onto the principal residential building or land use that will not create additional dwellings units.
- d. **Replacement of destroyed building.** The replacement of a destroyed or partially destroyed residential building of the same size and use, provided that no additional residential units are created.

H. **Establishment of Schedules.**

- 1. **Dedication Requirement.** The minimum amount of land to be dedicated per dwelling unit for Regional Park Land shall be determined from the following schedule.

<b>Housing Type</b>	<b>Acres/Unit</b>
Single-Family Detached	0.173
Single-Family Attached	0.135
Duplex	0.130
Multi-Family	0.112
Mobile Home	0.133

- 2. **In-Lieu Fee Schedule.** The fee in-lieu of dedication per dwelling unit shall be determined from the following schedule. This is based on the formula and analysis in the Larimer County *Transportation Capital Expansion Fee and Park In-Lieu Fee Study*, which is incorporated herein by reference.

<b>Housing Type</b>	<b>Fee/Unit</b>
Single-Family Detached	\$512
Single-Family Attached	\$399
Duplex	\$384
Multi-Family	\$333
Mobile Home	\$394

3. **Residential Dwelling Type not in Schedule.** If the residential dwelling unit type for which land is to be dedicated or an in-lieu fee is to be paid is not specified on the fee schedule, the Fee Administrator shall use the most comparable type of land use on the applicable schedule.

I. **Independent Fee Calculation Study.**

1. **General.** The amount of land to be dedicated or fee to be paid in-lieu of dedication may be computed by the use of an independent fee calculation study if the subdivider/feepayer chooses.
2. **Responsibility for Preparation.** The subdivider/feepayer shall be responsible for preparation of the independent fee calculation study. The person who prepares the independent fee calculation study shall be a qualified professional in the preparation of park impact analysis, and shall be approved by the Fee Administrator on the basis of professional training and experience.
3. **Procedure.**
  - a. An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation study.
  - b. Within ten (10) working days of receipt of an application for independent fee calculation study, the Fee Administrator shall determine if the application is complete. If the Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Fee Administrator shall take no further action on the application until it is deemed complete.
  - c. When the Fee Administrator determines the application is complete, the application shall be reviewed and the Fee Administrator shall render a written decision in twenty (20) working days on whether the land

dedication requirement or in-lieu fee should be modified, and if so, what the amount should be.

4. **Standards.** If on the basis of generally recognized principles of impact analysis it is demonstrated that the proposed residential land uses are designed or located so that the occupants of the development will demand less Regional Park Land than shown in the schedule in Section H, the Fee Administrator shall appropriately adjust the dedication requirement or in-lieu fee. If the independent fee calculation study fails to satisfy the requirements of this Section, the dedication or in-lieu fee applied shall be that established in Section H.

5. **Appeal.**

- a. A feepayer affected by the administrative decision of the Fee Administrator on an independent fee calculation study may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place the appeal on the Board of County Commissioners' agenda for the next regularly scheduled meeting.
- b. The Board of County Commissioners, after a hearing, shall have the power to affirm or reverse the decision of the Fee Administrator. In making its decision, the Board of County Commissioners shall make written findings of fact and conclusions of law, and apply the standards in this Section I.4. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the fee.

- J. **Credits.**

1. **General.**

- a. **Standards.** Any subdivider/feepayer required to dedicate land or pay in-lieu fees pursuant to this Regulation may apply for a credit against any in-lieu fees otherwise due, up to but not exceeding the full obligation for the in-lieu fees proposed to be paid pursuant to the provisions of this Regulation, for any contribution, payment, or dedication of land accepted and received by Larimer County for the subdivision development for any Regional Park Land.

- b. **Credit Amounts.** Credit shall be in an amount equal to fair market value of the land dedicated at the time of its dedication, or the value of the contribution or payment at the time it was made to Larimer County.
- c. **Credits not Transferable.** Credits for contributions, payments, or dedication of land for any Regional Park Land shall run with the land and shall be transferable within the same development. They shall not be transferable to other development for credit against the payment of Regional Park Land in-lieu fees, or for credit against fees required to be paid for other public facilities. The credit shall not exceed the amount of the in-lieu fees otherwise due and payable for the proposed subdivision.

2. **Procedures.**

- a. **General/Application Requirements.** The determination of any credit shall be undertaken through the submission of an Application for Credit Agreement, which shall be submitted to the Fee Administrator. The Application for Credit Agreement shall include the following information:

(1) If the proposed Application for Credit Agreement involves credit for the dedication of land:

- (a) A drawing and legal description of the land;
- (b) The appraised fair market value of the land at the date of the dedication prepared by a professional Real Estate Appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.

(2) If the proposed Application for Credit Agreement involves a credit for any other contribution or payment:

- (a) A certified copy of the development permit in which the contribution or payment was agreed;
- (b) If payment has been made, proof of payment; or

- (c) If payment has not been made, the proposed method of payment.
  - b. **Sufficiency Review of Application.** Within ten (10) working days of receipt of the proposed Application for Credit Agreement, the Fee Administrator shall determine if the application is complete. If it is determined that the proposed Agreement is not complete, the Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Fee Administrator shall take no further action on the proposed Application for Credit Agreement until all deficiencies have been corrected or otherwise settled.
  - c. **Review by Fee Administrator.** Once the Fee Administrator determines the proposed Application for Credit Agreement is complete, it shall be reviewed within twenty (20) working days. The Application for Credit Agreement shall be approved if it complies with the standards in Section J.1.
  - d. **Credit Agreement.** If the Application for Credit Agreement is approved by the Fee Administrator, a Credit Agreement shall be prepared and signed by the applicant and the County. It shall specifically outline the contribution, payment, or land dedication, the time by which it shall be completed, dedicated, or paid, and any extensions thereof, and the dollar credit the applicant shall receive for the contribution, payment or construction.
- 3. **Appeal of Application for Credit Agreement.** Any person affected by the decision of the Fee Administrator regarding credits may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator, within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioner's agenda for the next regularly scheduled meeting. The Board of County Commissioners, after a public hearing, shall affirm or reverse the decision of the Fee Administrator based on the standards in Section J.1. If the Board of County Commissioners reverses the decision, it shall direct the Fee Administrator to readjust the credit in accordance with its findings.

K. **Benefit Districts.**

1. **Establishment of Benefit Districts.** For the purpose of ensuring subdividers/feepayers receive sufficient benefit for fees paid, all of the area within Larimer County is hereby designated as the Regional Park Benefit District.
2. **Expenditure.** In-lieu fee funds shall be spent within the Regional Park Benefit District in which the development is located. In-lieu fees shall only be spent for Regional Park Land. Eligible expenditure items include the raw land for regional parks and open space and the engineering and construction of capital improvements necessary to make the land usable for such purposes, including clearing and grading, drainage improvements, fences, parking, road access and utilities to the perimeter of the property, and other similar infrastructure improvements.
3. **Establishment of Trust Fund.** There is hereby established a Regional Park Trust Fund, into which in-lieu fees collected from development within the benefit district shall be deposited by the County. Any proceeds in the Regional Park Trust Fund not immediately necessary for expenditure shall be invested in interest bearing assets. All interest on the proceeds and any income derived from investments shall be retained in the trust fund. Records of the Trust Fund account shall be available for public inspection in the office of the Fee Administrator, during normal business hours.
4. **Intergovernmental Agreement.** Each Participating Local Government shall also establish a trust fund into which in-lieu fees collected shall be deposited. The procedures for control and expenditure of these funds shall be established in the Intergovernmental Agreements.

L. **Refund of Fees not Spent.**

1. **General/Standards.** Any Regional Park Land in-lieu fees collected shall be returned to the feepayer or the feepayer's successor in interest (if the development subject to the in-lieu fee is sold by the feepayer) if the fees have not been spent within seven (7) years from the date the building permit for the development was issued, along with interest earned on the fee. In-lieu fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
2. **Refund Procedure.** The refund shall be administered by the Fee Administrator, and shall be undertaken through the following process:

- a. A Refund Application shall be submitted within one (1) year following the end of the seventh (7th) year from the date on which the building permit was issued on the proposed development. The Refund Application shall include the following information:
    - (1) A copy of the dated receipt issued for payment of the in-lieu fee;
    - (2) A copy of the building permit; and
    - (3) Evidence that the applicant is the successor in interest to the in-lieu fee payer, if relevant.
  - b. Within ten (10) working days of receipt of the Refund Application, the Fee Administrator shall determine if it is complete. If it is determined the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Fee Administrator shall take no further action on the Refund Application.
  - c. When it is determined the Refund Application is complete, the application shall be reviewed within twenty (20) working days, and shall be approved if it is determined the fee payer or a successor in interest has paid an in-lieu fee which has not been spent within the period of time permitted under this Section. The refund shall include the in-lieu fee paid plus interest earned on the fee.
3. **Appeal.** An in-lieu fee payer affected by the administrative decision regarding refunds may appeal such decision to the Board of County Commissioners by filing with the Fee Administrator within ten (10) working days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Fee Administrator shall place such appeal on the Board of County Commissioners' agenda. The Board of County Commissioners, after a hearing, shall affirm or reverse the decision of the Fee Administrator based on the standards in Section L.1. If the Board of County Commissioners reverses the decision of the Fee Administrator, it shall direct the Administrator to readjust the refund in accordance with its findings. In no case shall the Board of County Commissioners have the authority to negotiate the amount of the refund.
- M. **Review Every Five Years.** At least once every five (5) years, the Fee Administrator shall recommend to the Board of County Commissioners and to the Governing Bodies of the Participating Local Governments whether any changes should be made to the land dedication or in-lieu fee schedules or capital expansion fee schedules to reflect



changes in the factors that affect the schedules. The Fee Administrator shall be assisted by the Capital Expansion Fee Administrators of the Participating Local Governments. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the exactions will not exceed a pro rata share.

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