

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 816**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, AMENDING
CHAPTER 4, ARTICLE VI, OF THE *MEAD MUNICIPAL CODE* WITH
RESPECT TO DEVELOPMENT IMPACT FEES.**

WHEREAS, the Town of Mead by Ordinance No. 377, adopted a system of development impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding and constructing public facilities that are necessary to accommodate new development; and

WHEREAS, the intent of the Development Impact Fee system is to assure that development bears an appropriate share of the cost of capital expenditures necessary to provide such public facilities within the Town and its service area as are required to serve the needs arising out of development; and

WHEREAS, it is the intent of this Development Impact Fee system accomplish the following:

- (1) Implement and be consistent with the Mead Area Comprehensive Plan; and
- (2) Allocate a fair and equitable share of the cost of public facilities to new development; and
- (3) Require new development to contribute its proportionate share of funds necessary to accommodate its impact on public facilities having a rational nexus to the proposed development and for which the need is attributable to the proposed development; and

WHEREAS, the Town of Mead retained TischlerBise, 4701 Sangamore Road, Suite 240, Bethesda, MD, to analyze the impacts of development on the Town's capital facilities and to calculate development impact fees based on that analysis. Through interviews and discussions with town staff, a Board of Trustees work session on November 18, 2015, and a presentation to the Planning Commission, TischlerBise developed the proposed development impact fees to be implemented by this amendment to the Code;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. The introductory paragraph of Sec. 4-6-20, of the *Mead Municipal Code* is hereby amended to read as follows:

“Sec. 4-6-20. Findings.

The Board of Trustees makes the following findings based on extensive consultation with all municipal departments, the recommendations of the town's advisory committees, testimony offered at the public hearing and careful study of municipal facility needs.”

Section 2. Sec. 4-6-20 (6) b, of the *Mead Municipal Code* is hereby amended to read as follows:

“b. Compensating the Town for expenditures made for existing public facilities that they provided in anticipation of new growth and

development.”

Section 3. Sec. 4-6-20 (7), of the *Mead Municipal Code* is hereby amended to read as follows:

“(7) The report titled *Development Impact Fee Study*, dated August 1, 2016, prepared by TischlerBise, 4701 Sangamore Road, Suite 240, Bethesda, MD, is hereby adopted by the Town of Mead, to set forth a reasonable methodology and analysis for the determination of the impact of new development in relation to the need for and costs of public capital facilities in the Town and is determined to be a rational nexus of this Article.”

Section 4. Sec. 4-6-20, of the *Mead Municipal Code* is hereby amended by the addition of a new subsection (8) to read as follows:

“(8) The report titled *Town of Mead 10 Year Capital Improvement Program*, dated June 9, 2016, prepared by JVA Consulting Engineers, 1319 Spruce Street, Boulder, CO, is hereby adopted by the Town of Mead, as the capital improvements plan required by Sec. 4-6-120.”

Section 5. Sec. 4-6-40, the definition of *Capital improvement*, paragraph a, of the *Mead Municipal Code* is hereby amended to read:

“a. Wastewater collection and treatment facilities and storm water, drainage and flood control facilities;”

Section 6. Sec. 4-6-40, of the *Mead Municipal Code*, the definition for “*Connection fee*” is hereby deleted in its entirety.

Section 7. Sec. 4-6-40, of the *Mead Municipal Code*, the definition of “*Development impact fee*” is hereby amended to read as follows:

“*Development impact fee* means a charge or assessment imposed by the Town on new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions required by and attributable to the new development. The term includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, development fees and any other fees that function as described by this definition. The term does not include connection fees, dedication of rights-of-way or easements or construction or dedication of on-site or off-site wastewater collection or drainage facilities, streets, sidewalks or curbs if previously approved agreements between the developer and the Town require the dedication or construction and is required by and attributable to the new development.”

Section 8. Sec. 4-6-40, of the *Mead Municipal Code*, the definition of “*Town administrative official*.” is hereby amended to read as follows:

“*Town administrative official* means the Town Manager appointed by the Board of Trustees or the municipal officials that he or she may designate to carry out the administration of this Article.”

Section 9. Sec. 4-6-60 (a), of the *Mead Municipal Code*, is hereby amended to read as

follows:

“(a) The amount of the development fee shall be determined by an impact fee schedule prepared in accordance with methodology established in the document titled “Development Impact Fee Study,” dated August 1, 2016.”

Section 10. Sec. 4-6-60 (c), of the *Mead Municipal Code*, is hereby amended to read as follows:

“(c) Fee schedule.

Schedule of Development Impact Fees

Development Type	Municipal Facilities	Parks and Open Space	Storm Drainage	Transportation	Total Fee
Residential (per unit)					
Single Family	\$1,772	\$2,776	\$500	\$2,609	\$7,657
Multi-Family	\$1,252	\$1,961	\$229	\$2,180	\$5,622
Nonresidential (per square foot)					
Commercial	\$1.04	\$0.00	\$0.15	\$2.86	\$4.05
Office & Institutional	\$1.73	\$0.00	\$0.15	\$1.24	\$3.12
Industrial	\$0.94	\$0.00	\$0.33	\$0.43	\$1.70

”

Section 11. Sec. 4-6-90 (a), of the *Mead Municipal Code*, is hereby amended to read as follows:

“Sec. 4-6-90. Administration of funds collected; enterprise funds created.

(a) There are hereby created within the meaning of “enterprise” as defined in Article X, Section 10, of the Colorado Constitution. The Sewer Enterprise Fund, the Storm Drainage Impact Enterprise Fund, the Transportation Impact Enterprise Fund, the Park and Open Space Impact Enterprise Fund, and the Municipal Facilities Impact Enterprise Fund.”

Section 12. Sec. 4-6-90 (g), of the *Mead Municipal Code*, is hereby amended to read as follows:

“(g) Funds withdrawn from the development impact fee accounts shall be used solely for acquiring, planning and designing, constructing, expanding or equipping those public capital facilities identified in this Article.”

Section 13. Sec. 4-6-120 (a), of the *Mead Municipal Code*, is hereby amended to read as follows:

“(a) The Town shall use qualified professionals to prepare the capital improvements plan and to calculate the development impact fees, and shall address the following:”

Section 14. Sec. 4-6-150, of the *Mead Municipal Code*, is hereby amended to read as follows:

“Sec. 4-6-150. Review.

The Board of Trustees shall review the Development Impact Fee Schedule annually, using methodology established in the report titled *Development Impact Fee Study*. Such review may result in recommended amendments in one (1) or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data, reflecting interest and discount rates, current construction cost information for public capital facilities, etc. The Board of Trustees shall approve amendments, no more frequently than annually, based on such data. Any amendment shall be by ordinance, adopted in the same manner as the Development Impact Fee Schedule.”

Section 15. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 16. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 17. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 18. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26th DAY OF September, 2016.

ATTEST:

By Linda Blackston
Linda Blackston, MMC, Town Clerk

TOWN OF MEAD

By Gary R. Shields
Gary R. Shields, Mayor

