

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 947**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO  
REPEALING AND REENACTING ARTICLE VI OF CHAPTER 4 OF THE *MEAD  
MUNICIPAL CODE* PERTAINING TO DEVELOPMENT IMPACT FEES**

**WHEREAS**, the Local Government Land Use Control Enabling Act, C.R.S. §§ 29-20-101, *et seq.* authorizes the Town to impose an impact fee or other similar development charge to fund expenditures by the Town on capital facilities needed to serve new development; and

**WHEREAS**, specifically, C.R.S. § 29-20-104.5 authorizes the Town to impose impact fees or similar development charges as a condition of issuance of a building permit or other land use approval, provided that the fees or charges are legislatively adopted, generally applicable to a broad class of property, and intended to defray the projected impacts on capital facilities caused by proposed development; and

**WHEREAS**, the Town imposes development impact fees in accordance with Article VI of Chapter 4 of the *Mead Municipal Code* (“MMC”), for the purpose of offsetting costs of adequate capital facilities necessary to serve new development within the Town; and

**WHEREAS**, the Town retained Willdan Financial Services (“Willdan”) to assess and update the Town’s current impact fees and to calculate new impact fees for several capital facility categories, including police, streets, and parks and open space; and

**WHEREAS**, Willdan has prepared a document titled “*Town of Mead, Colorado Non-Utility Development Impact Fee Study*” dated November 2020 (the “Impact Fee Study”); and

**WHEREAS**, based on reasonable methodologies and analyses for determining the impacts of new development on the Town’s capital facilities, the Impact Fee Study quantifies the reasonable impacts of new development on Town capital facilities, and establishes impact fees no greater than are necessary to defray the projected impacts on Town capital facilities directly related to proposed new development; and

**WHEREAS**, the Board of Trustees desires to adopt the Impact Fee Study; and

**WHEREAS**, the Board further desires to repeal and reenact Article VI of Chapter 4 of the MMC in its entirety; and

**WHEREAS**, the Board has determined that the adoption of this Ordinance is legislative in nature and will further the public health, safety, convenience and the general welfare of the community.

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

**Section 1.** The above recitals are hereby incorporated as findings of the Board of Trustees.

**Section 2.** The Impact Fee Study is hereby adopted by the Board of Trustees. The Board specifically finds that the Impact Fee Study accurately quantifies the reasonable impacts of proposed development on existing capital facilities and establishes the impact fees or development charges at a level no greater than necessary to defray such impacts directly related to proposed development, in accordance with Colorado law.

**Section 3.** Article VI of Chapter 4 of the MMC, titled "Development Impact Fees" is hereby repealed and replaced with the following new Article VI:

## **ARTICLE VI - Development Impact Fees**

### **Sec. 4-6-10. - Intent.**

This Article is enacted to establish the mechanism for the imposition of development impact fees to finance the capital costs of acquiring, establishing, upgrading, expanding and constructing public facilities that are necessary to accommodate such development. This Article is intended 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. Therefore, it is the intent of this Article to accomplish the following:

- (1) Implement and be consistent with the Mead Comprehensive Plan;
- (2) Allocate a fair and equitable share of the cost of capital facilities to new development; and
- (3) Require new development to contribute its proportionate share of funds necessary to accommodate its impact on capital facilities in accordance with state law.

### **Sec. 4-6-20. - Findings.**

The Board of Trustees makes the following legislative findings:

- (1) The Town is responsible for and committed to the provision of public facilities and services at levels necessary to support residential and nonresidential growth and development.
- (2) Such facilities and services have been and will be provided by the Town utilizing funds allocated via a capital improvement program that has been regularly updated at the direction of the Board of Trustees.
- (3) The rapid rate of growth experienced by the Town in recent years and projected growth rates would require an excessive expenditure of public funds to maintain adequate facility standards.
- (4) Each type of land development described in Section 4-6-60 hereof will create a need for the construction, equipping or expansion of capital facilities.
- (5) The imposition of development impact fees is one (1) preferred method of ensuring that public expenditures are not excessive and that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done to promote and protect the public health, safety, convenience and welfare.
- (6) The fees established by Section 4-6-60 are derived from, are based upon and do not exceed the costs of:
  - a. Providing additional capital facilities required for new development; or

- b. Compensating the Town for expenditures made for expansion of existing capital facilities in anticipation of new growth and development.
- (7) The November 2020 report titled *Town of Mead, Colorado Impact Fee*, prepared by Willdan Financial Services, 1555 South Havana Street, Suite F305, Aurora, CO 80012 (the “Willdan Report”), is hereby adopted by the Town of Mead as the impact fee study required by Section 4-6-120. The Willdan Report accurately quantifies the reasonable impacts of proposed development on existing capital facilities and establishes the impact fees or development charges set forth in this Article at a level no greater than necessary to defray such impacts directly related to proposed development, in accordance with Colorado law.

**Sec. 4-6-30. - Applicability and rules of construction.**

- (a) This Article shall be uniformly applicable to all new development that occurs within the corporate boundaries of the Town.
- (b) The provisions of this Article shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (c) For the purposes of administration and enforcement of this Article, unless otherwise stated in this Article, the following rules of construction shall apply to the text of this Article:
  - (1) In the case of any difference of meaning or implication between the text of this Article and any caption, illustration, summary table or illustrative tables, the text shall control.
  - (2) The word *shall* is always mandatory and not discretionary; the word *may* is permissive.
  - (3) Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
  - (4) The phrase *used for* includes *arranged for*, *designed for*, *maintained for* or *occupied for*.
  - (5) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction *and*, *or* or *either ... or*, the conjunction shall be interpreted as follows:
    - a. *And* indicates that all connected terms, conditions, provisions or events shall apply.
    - b. *Or* indicates that the connected terms, conditions, provisions or events may apply singly or in any combination.
    - c. *Either ... or* indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
  - (6) The word *includes* shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

**Sec. 4-6-40. - Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Applicant* means a person applying for the issuance of a building permit, subdivision or site plan approval, variance or other local land use decision that will create new development.

*Capital facility* means any improvement or facility that: (a) is directly related to any service that the Town is authorized to provide; (b) has an estimated useful life of five years or longer; and (c) is required by the Town pursuant to an ordinance, resolution or general policy of the Town. *Capital facility* does

not include the costs associated with the routine operation, maintenance, repair of such facilities or with facility replacements that do not increase the capacity or level of service, but does include reasonable costs for planning, engineering, design, land acquisition and other reasonable costs associated with such facilities.

*Capital improvements plan* means the Town's plan for capital improvements developed by qualified professional, as may be amended, which identifies capital facilities expansion for which development impact fees may be assessed and may include any of the following:

- a. Wastewater collection and treatment facilities and storm water, drainage and flood control facilities;
- b. Roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights-of-way, traffic signals, landscaping and any local components of state and federal highways;
- c. Buildings for general administrative purposes, library, senior center, municipal court, public works administrative and public works maintenance purposes.
- d. Buildings for police and essential police equipment; and
- e. Parks, recreation buildings, outdoor recreational areas, open space, trails and related areas and facilities.

*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 new capital facilities or capital 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, which is required by and attributable to the new development.

*Dwelling unit (du)* shall have the meaning set forth in Sec. 16-1-150 of this Code.

*Facility expansion* means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, so the existing facility may serve new development. The term does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development, including schools and related facilities.

*Fee* means a development impact fee.

*Floor area* means the sum of the gross horizontal areas of several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The floor area of a building shall also include elevator shafts and stairwells at each floor; floor space used for mechanical equipment (except open or enclosed equipment located on the roof); penthouses; attic space having headroom of seven feet ten inches (7'10") or more; interior balconies and mezzanines; enclosed porches; and floor area devoted to accessory uses; provided that any space devoted to off-street parking or loading shall not be included in floor area.

*New development* means any activity that results in a net increase in the demand for additional capital facilities, as defined in this Article. Such activity includes:

- a. The creation of a new dwelling unit where none previously existed;

- b. The increase in number of dwelling units by the conversion of a single dwelling unit or other building into additional dwelling units;
- c. A net increase in the gross floor area of any nonresidential building; and
- d. The conversion of a legally existing use to another permitted building or use if such change of building or use would create an increase in the demand for capital facilities.

*New development* does not include:

- a. The reconstruction of a dwelling unit that fire or natural disaster has destroyed;
- b. The reconstruction of a nonresidential building that fire or natural disaster has destroyed if there is no change in the size or density of the building or change in use of the building;
- c. The replacement of a mobile home, manufactured home or modular home with another manufactured home, modular home or site-built home;
- d. The replacement of an existing dwelling unit with a new dwelling unit (also known as "tear-downs");
- e. The alteration, expansion or remodeling of a single dwelling unit, as long as it remains a single dwelling unit;
- f. The construction of an accessory building that will not increase the demand for capital facilities;
- g. Facilities, structures, and buildings the construction of which is funded by the Town.

*Qualified professional* means a professional engineer, surveyor, financial analyst, planner or other person providing services within the scope of his or her license, education or experience.

*Service area* means the area within the corporate boundaries or extraterritorial jurisdiction of the Town, which area is to be served by the capital facilities specified in the impact fee study or capital improvements plan based on sound planning and engineering standards.

*Service unit* means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions.

**Sec. 4-6-50. - Imposition of development impact fees.**

- (a) Any person who, after the effective date of this Article, seeks to undertake new development within the Town is hereby required to pay development impact fees in the manner and amount set forth in Section 4-6-60 of this Article.
- (b) No new building permit or new permit for any activity requiring payment of a development impact fee pursuant to Section 4-6-60 of this Article shall be issued unless and until the development impact fee hereby required has been paid.

**Sec. 4-6-60. - Computation of development impact fee.**

- (a) The amount of the development impact fee shall be determined by an impact fee schedule prepared in accordance with methodology established in the impact fee study and in accordance with this section.
- (b) In the case of new development created by a change of use, redevelopment or expansion or modification of an existing use, the development impact fee shall be based upon the net positive increase in the development impact fee for the new use as compared to that which was or would have been assessed for the previous use.

(c) Fee schedule.

**Schedule of Development Impact Fees**

Development Type	Municipal Facilities	Police	Parks and Open Space	Storm Drainage	Streets and Transportation Facilities	Total Fee
<b>Residential (per unit)</b>						
Single Family	\$4,457	\$508	\$2,750	\$321	Single Family- \$5,846 Single Family (attached)- \$4,532	Single Family- \$13,882 Single Family (attached)- \$12,568
Multi-Family	\$2,267	\$258	\$1,399	\$154	\$4,083	\$8,161
<b>Nonresidential (per 1,000 square feet unless noted otherwise)</b>						
General Retail/ Commercial	\$1,095	\$200		\$125	General Retail/ Commercial- \$3,891 RV Park (per stall/site/pad)- \$3,070 Lodging (per room): \$996	General Retail/ Commercial- \$5,311 RV Park- \$4,490 Lodging- \$2,416
Office & Institutional	\$1,390	\$254		\$164	\$2,749	\$4,557
Industrial	\$543	\$99		\$209	\$1,413	\$2,264

**Sec. 4-6-70. - Payment of fee; violations and remedies.**

- (a) The applicant shall pay the development impact fee required by this Article to the Town before issuance of a building permit or other permit required for a proposed new development.
- (b) Failure to pay fees as required in this Article constitutes a violation of this Code. In addition to the other remedies set forth below, any person or entity who fails to pay fees as required by this Article shall be subject to the penalties set forth in Sec. 1-4-20 of this Code. All unpaid fees shall constitute a lien on the property and will be collected in the same manner as uncollected property taxes as provided by law. In addition, upon violation of this Article, the Town may seek any one or more of the following remedies:
  - (1) Delay processing of any pending land development-related application;
  - (2) Issue stop work orders;
  - (3) Refuse to issue or approve any land development permit, including but not limited to, right-of-way access, street cut, over-lot grading or building permits, or certificates of occupancy;
  - (4) Issue a citation to the applicant violating this Article in accordance with this Code;
  - (5) Seek any other remedy available in equity or at law.

**Sec. 4-6-80. - Appeals.**

Any aggrieved party may appeal to contest the amount, collection or use of the development impact fee in the manner provided for in Section 29-20-104.5(7), C.R.S., as may be amended.

**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 20, of the Colorado Constitution. The Police Enterprise Fund, 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.
  - (1) All funds collected from the various development impact fees shall be properly identified and promptly transferred for deposit in the above individual interest-bearing impact enterprise accounts for which fees are assessed and shall be special revenue fund accounts, and under no circumstances shall such revenue accrue to the General Fund.
  - (2) Notwithstanding the above direction for deposit in individual interest-bearing accounts, and provided that the funds and interest earned are properly credited to the individual impact enterprise accounts, development impact fees may be aggregated (pooled) for investment purposes.
- (b) Interest earned on development impact fees shall become part of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this Article.
- (c) Money from fees may be spent only for the purposes for which the fee was imposed as shown by the impact fee study and as authorized by this Article.
- (d) The Town Treasurer shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Board of Trustees or in accordance with appropriations specifically authorized by the Board of Trustees.
- (e) In accordance with Section 29-1-803, C.R.S., as may be amended, the Town Treasurer shall cause to be published on the Town's official website in a clear, concise, and user-friendly format information detailing the allocation by dollar amount of each land development charge collected to a fund or among

funds, the average annual interest rate on each fund, and the total amount disbursed from each fund, during the Town's most recent fiscal year.

- (f) As part of its annual audit process, the Town shall prepare an annual report describing the amount of any development impact fees collected, encumbered and used during the preceding year by category of capital facility.
- (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.
- (h) If bonds or similar debt instruments have been issued for capital facilities constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Article, development impact fees may be used to pay debt service on such bonds or similar debt instruments.

**Sec. 4-6-100. - Reserved.**

**Sec. 4-6-110. - Credits.**

- (a) Land and/or capital facility improvements may be offered by the applicant as total or partial payment of the required development impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Board of Trustees. If land or improvements are offered as payment, an independent appraisal acceptable to the Board of Trustees shall determine the value of such land or improvements. The Board of Trustees may authorize the fee payer a development impact fee credit in the amount of the value of the contribution.
- (b) Any claim for credit must be made no later than the time of application for the building permit.
- (c) Credits shall not be transferable from one (1) project of development to another without written approval of the Board of Trustees.
- (d) Credits shall not be transferable from one (1) component of the capital facility's development impact fee to any other component of this fee.
- (e) Determinations made by the Board of Trustees pursuant to the credit provisions of this Section are made at its sole discretion.
- (f) Any credit pursuant to this Section, if approved by the Board of Trustees, shall be memorialized in a written agreement by and between the applicant and the Town in a form acceptable to the Town Attorney.

**Sec. 4-6-120 – Impact fee study; capital improvements plan.**

- (a) The Town shall use qualified professionals to prepare an impact fee study to calculate the development impact fees. The impact fee study shall substantially address the following:
  - (1) A description, as needed to reasonably support the proposed development impact fee, which a qualified professional shall prepare, of the existing capital facilities within the service area and the costs to upgrade, update, improve, expand or replace the described capital facilities to adequately meet existing needs and usage and stricter safety, efficiency, environmental or regulatory standards;
  - (2) An analysis, which shall be prepared by a qualified professional, of the total capacity, the current usage and commitments for usage of capacity of the existing capital facilities;
  - (3) A description, which a qualified professional shall prepare, of all or the parts of the capital facilities and expansions and their costs required by and attributable to new development in the



- service area, based on a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period;
- (4) The projected demand for new capital facilities and capital facility expansions required by new service units accepted over a reasonable period of time, not to exceed twenty (20) years; and
  - (5) Anticipated sources of funding independent of development impact fees, if applicable.
- (b) The analysis required in Subsection (a)(2) may be prepared on a system-wide basis within the service area for each major category of capital facility.
- (c) The Town shall use qualified professionals to prepare a capital improvements plan. The Town's capital improvements plan shall be adopted by the Board of Trustees on a schedule to be determined by the Board, and shall be available for public inspection. Updates to the capital improvements plan may be approved by the Board of Trustees by resolution.

**Sec. 4-6-130 - Additional assessments.**

Payment of a development impact fee does not restrict the Town in requiring other payments from the applicant, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or turning lanes to access the site or other infrastructure and facilities specifically benefiting the development as required by the land use review regulations contained in Chapter 16 of this Code.

**Sec. 4-6-140 - Reserved.**

**Sec. 4-6-150 – Review and modification.**

The Board of Trustees shall have the authority to review and modify development impact fees set forth in this Article on a schedule to be determined by the Board of Trustees in accordance with Section 29-20-104.5, C.R.S.

**Section 4.** The new impact fees and development charges adopted by this Ordinance, including those specifically set forth in Sec. 4-6-60 of the MMC, as amended, shall be effective on January 1, 2021.

**Section 5. Effective Date.** This Ordinance shall be published and become effective as provided by law.

**Section 6. Remaining provisions.** Except as specifically amended hereby, all other provisions of the MMC shall continue in full force and effect.

**Section 7. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the MMC.

**Section 8. 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 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 9. 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 or resolution nor revive any ordinance or resolution thereby.

**Section 10. 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.

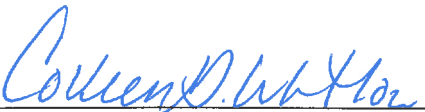
**INTRODUCED, READ, PASSED, AND ADOPTED THIS 30TH DAY OF NOVEMBER, 2020.**

**ATTEST:**

By:   
Mary E. Strutt, MMC, Town Clerk



**TOWN OF MEAD:**

By:   
Colleen G. Whitlow, Mayor