



STAFF REPORT

PLANNING & DEVELOPMENT DEPARTMENT JANUARY 11, 2022

Application #: 2022-01
Project Name: Impact Fees
Application: Land Use Code Amendment
Representative: City of Fruita
Request: This is a request for approval of amendments to Title 17.47 of the Fruita Municipal Code concerning the timing of payment of impact fee's along with an amendment to the drainage fee base value.

BACKGROUND:

This is a request for approval of amendments to the Land Use Code concerning the timing of payment of impact fees for residential, non-residential, and multifamily developments. An amendment to the Drainage Fee base value is also proposed.

For residential developments, impact fees are due at the time the Final Plat is recorded. Staff has seen this requirement as a roadblock and is proposing that the timing of impact fee payment be deferred to the time of Planning Clearance approval.

For non-residential and multifamily developments, impact fees are currently due at Planning Clearance approval. Although this is consistent with the how the city has historically collected impact fees for these developments, Staff believes that modifying the timing of these fees to the time the issuance or approval of a Certificate of Occupancy will reduce the amount of upfront costs prior to construction.

Each year the City Council adopts fees and charges associated with the functions of the City with the annual budget adoption. These fees and charges range from the cost of a fence permit to the cost to rent a room at the Community Center. Included with the Resolution adopting the annual fees and charges was the inclusion of the annually adjusted base value for the calculation of the Drainage Impact Fee. Staff feels that in order to be transparent, including this modification will help decrease the chance for confusion of how the Drainage Impact Fee is calculated.

REVIEW OF LAND USE CODE REQUIREMENTS:

17.09.080 (B) Approval Criteria. Amendment to this Title may be made upon a finding that the amendment is consistent with the city's goals, policies and Comprehensive Plan.

Although the proposed changes don't reflect one goal or policy set forth in the Comprehensive Plan, Staff believes that the timing of collection of impact fees is associated with ensuring that developments do not burden disproportionately the general public and existing residents with costs or expenses that offset certain impacts associated with the particular development.

Staff does not believe that the proposed amendments would deviate from the Plan Vision which states, "The City of Fruita values quality of place. It's an inclusive city, with a small-town feel and vibrant downtown, surrounded by public lands. People love to live, work, and play in Fruita because the City facilitates community, safe neighborhoods, family-friendly events, and walking and biking. The City governs in a way that's responsive to its citizens and prioritizes high-impact services and projects. Fruita fosters a fun and funky ambiance around the arts, agriculture, and recreation." (Page 3, Comprehensive Plan).

Additionally, it is a commitment of Staff to continue to review the Land Use Code to help ensure that the regulations reflect the best promotion of Fruita's Core Services. Staff believes these amendments meet this criterion.

REVIEW COMMENTS:

No reviewer expressed concerns regarding this proposed Land Use Code amendments.

PUBLIC COMMENTS:

At this time, no written public comments have been received regarding this proposed Land Use Code amendment.

LEGAL NOTICE:

17.07.040 (E)(3)

When a proposed amendment to the zone district regulations pertains to an entire zone district or all zone districts, notice shall be given only by publication in a newspaper of general circulation within the city, at least 15 days prior to the public hearing and posting of the notice at least five (5) days prior to the hearing at the Fruita City Hall, 325 East Aspen, Fruita, CO 81521, with no posting on any specific property or mailing required.

Legal Notice in Paper- December 22, 2021 (20 days prior to public hearing)

Posted Legal Notice- December 17, 2021 (25 days prior to public hearing)

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed Land Use Code amendments.

SUGGESTED MOTION:

Mr. Chair, I move we recommend (**approval**/denial) of the proposed Land Use Code amendments to the Fruita City Council concerning the timing of payment of impact fees and the drainage fee base value.

FRUITA PLANNING COMMISSION: January 11, 2022.

FRUITA CITY COUNCIL: February 15, 2022.