

**TOWN OF JOHNSTOWN, COLORADO
ORDINANCE NO. 2024-240**

**AMENDING “TABLE 3-8: IMPACT FEES” OF THE TOWN OF
JOHNSTOWN LAND USE AND DEVELOPMENT CODE CONCERNING
IMPACT FEES IMPOSED ON BEHALF OF THE FRONT RANGE FIRE
RESCUE FIRE PROTECTION DISTRICT**

WHEREAS, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

WHEREAS, the Town Council is vested with authority to administer the affairs of the Town; and

WHEREAS, impact fees are one-time payments that fund the construction and expansion of public facilities needed to accommodate new development, as determined by level of service standards, with the intent being that new development pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

WHEREAS, pursuant to C.R.S. § 29-20-104.5 (“Impact Fee Act”), the Town has the authority to impose an impact fee as a condition of issuance of a development permit to fund expenditures incurred by fire and emergency services providers for capital facilities needed to serve new development and a fire and emergency services provider is thereafter authorized to receive and spend the impact fees imposed by the Town for the purposes described in the Impact Fee Act; and

WHEREAS, the Front Range Fire Rescue Fire Protection District (“District”) is a political subdivision of the State of Colorado, formed pursuant to Title 32, Colorado Revised Statutes, to provide fire suppression, fire prevention, emergency medical, emergency rescue and other related services to the citizens and property within its jurisdiction, and to individuals passing through its jurisdiction, which includes property lying within the Town’s jurisdictional boundaries, and is thus a fire and emergency services provider as contemplated by the Impact Fee Act; and

WHEREAS, by Ordinance No. 2018-154, based on a request from the District and pursuant to a nexus study that evaluated the nexus between new development within the District’s jurisdictional boundaries and the projected impact that such development had on the District’s Capital Facilities (“Nexus Study”), the Town agreed to impose an impact fee on the District’s behalf; and

WHEREAS, concurrently therewith, on or about December 3, 2018, the Town and the District entered into an Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Services Impact Fees with the District (“IGA”); and

WHEREAS, pursuant to the IGA, the District agreed to update the Nexus Study no less frequently than every five (5) years to ensure, among other requirements, that the impact fees remain reasonably related to the impacts of both new residential and non-residential development on the District’s capital facilities; and

WHEREAS, on or about May 15, 2023, the District obtained an updated nexus study prepared by BBC Research & Consulting, Inc. (“Updated Nexus Study”); and

WHEREAS, the Updated Nexus Study quantified the reasonable impacts of both new residential and non-residential development on the District’s capital facilities at a rate no greater than necessary to defray the impacts directly related to development within the jurisdictional boundaries of the District and concluded that the following impact fees are warranted: \$1,354.00 per single family home, two-family home and townhome; \$1,247.00 per multi-family home; and \$1.53 per square foot for non-residential use; and

WHEREAS, on August 8, 2023, the District’s Board of Directors adopted a Resolution approving the updated impact fee schedule at the levels set forth in the Updated Nexus Study; and

WHEREAS, on January 17, 2024, the District presented the findings of the Updated Nexus Study to the Town Council and requested that the Town Council adopt the updated impact fee schedule; and

WHEREAS, after duly considering the District’s request, the Town agrees to impose the updated impact fee schedule on the District’s behalf; and

WHEREAS, the updated impact fees herein described are legislatively adopted, generally applicable to broad classes of property and, based on the Updated Nexus Study, no greater than necessary to defray the projected impacts on capital facilities caused by proposed development; and

WHEREAS, based on the foregoing and based on the Updated Nexus Study, the Town Council desires to amend “Table 3-8: Impact Fees” of the Town of Johnstown Land Use and Development Code to modify the impact fees imposed on behalf of the District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO:

Section 1. “Table 3-8: Impact Fees” of the Town of Johnstown Land Use and Development Code (“LUDC”) is hereby amended to reflect the following impact fees on behalf of the Front Range Fire Rescue Fire Protection District:

RESIDENTIAL	
UNIT TYPE	FEE PER DWELLING UNIT

Single Family, Townhome or Two-Family	\$1,354.00
Multi-Family	\$1,247.00
NON-RESIDENTIAL	
UNIT TYPE	FEE PER SQUARE FOOT
Any Non-Residential	\$1.53

Town staff is hereby directed to amend the LUDC to codify the foregoing and to thereafter make copies of the amended LUDC available in the office of the Town Clerk and republish the amended LUDC on the Town’s official website.

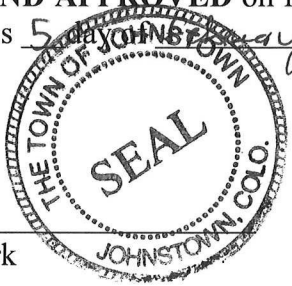
Section 2. Severability. If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

Section 3. Publication; Effective Date. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

INTRODUCED, AND APPROVED on first reading by the Town Council of the Town of Johnstown, Colorado, this 5th day of May, 2024.

ATTEST:

By: Hannah Hill
Hannah Hill, Town Clerk



TOWN OF JOHNSTOWN, COLORADO

By: Troy D. Mellon
Troy D. Mellon, Mayor

PASSED UPON FINAL APPROVAL AND ADOPTED on second reading by the Town Council of the Town of Johnstown, Colorado, this ___ day of _____, 2024.

ATTEST:

By: _____
Hannah Hill, Town Clerk

TOWN OF JOHNSTOWN, COLORADO

By: _____
Troy D. Mellon, Mayor