

**TOWN OF JOHNSTOWN, COLORADO  
ORDINANCE NO. 2021- 197**

**AMENDING SECTION 17-230(a) OF THE JOHNSTOWN  
MUNICIPAL CODE CONCERNING IMPACT FEES IMPOSED  
ON BEHALF OF THE LOVELAND FIRE RESCUE AUTHORITY**

**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”), 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 Loveland Fire Rescue Authority (“Authority”) is a public entity of the State of Colorado established by the City of Loveland and the Loveland Rural Fire Protection District on August 19, 2011 pursuant to that certain Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity; and

**WHEREAS**, the Authority was established to provide fire protection, rescue and emergency services, as well as other 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. 2018-151, based on a request from the Authority and pursuant to a nexus study dated October 19, 2017 that evaluated the nexus between new development within the Authority’s jurisdictional boundaries and the projected impact that such development had on the Authority’s Capital Facilities (“Nexus Study”), the Town agreed to impose an impact fee on the Authority’s behalf; and

**WHEREAS**, concurrently therewith, the Town and the Authority entered into an Intergovernmental Agreement for the Assessment, Collection and Remittance of Emergency Services Impact Fees with the Authority dated February 5, 1998 (“IGA”); and

**WHEREAS**, pursuant to the IGA, the Authority agreed to update the Nexus Study no less frequently than every three 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 Authority’s capital facilities; and

**WHEREAS**, on or about January 13, 2021, the Authority obtained an of 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 Authority’s capital facilities at a rate no greater than necessary to defray the impacts directly related to development within the jurisdictional boundaries of the Authority and concluded that the following impact fees are warranted: \$1,000.00 per single family home, \$692.00 per multi-family home, \$0.60 per square foot of commercial and \$0.12 per square foot of industrial; and

**WHEREAS**, on January 27, 2021, the Authority’s Board of Directors adopted a Resolution approving the updated impact fee schedule at the levels set forth in the Updated Nexus Study, upon adoption of such updated impact fee schedule by the governing bodies of the municipalities and county served by the Authority; and

**WHEREAS**, on April 19, 2021, the Authority 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 Authority’s request, the Town agreed to impose the updated impact fee schedule on the Authority’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 Section 17-230(a) to modify the impact fees imposed on behalf of the Authority.

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

**Section 1.** Section 17-230(a) of the Johnstown Municipal Code shall be amended to read as follows:

**Sec. 17-230. Fire and emergency services provider facilities development fee.**

(a) Loveland Fire Rescue Authority. All residential and nonresidential development within the jurisdictional boundaries of the Loveland Fire Rescue Authority shall be subject to the payment of a fire and emergency services provider facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

<b>Residential</b>	
Unit Type	Fee Per Dwelling Unit
Single Family	\$1,000.00
Multifamily	\$692.00

  

<b>Nonresidential</b>	
Use Type	Fee Per Square Foot
Commercial	\$0.60
Industrial	\$0.12

**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. Code revisions.** Minor changes such as the format and other changes to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.

**Section 4. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Town’s Home Rule Charter and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Home Rule Charter of the Town of Johnstown, Colorado. Copies of the entire Ordinance shall be 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 \_\_\_ day of \_\_\_\_\_, 2021.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_ day of \_\_\_\_\_, 2021.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Diana Seele, Town Clerk

By: \_\_\_\_\_  
Gary Lebsack, Mayor