

## TOWN OF JOHNSTOWN, COLORADO

### ORDINANCE NO. 2022-221

Amending Article XII Of Chapter 17 Of The Johnstown Municipal Code Concerning Impact Fees, Specifically Section 17-224, Transportation Facilities Development Fee, Section 17-225, Parks And Recreation Facilities Development Fee, Section 17-226, Public Facilities Development Fee, Section 17-227, Library And Cultural Facilities Development Fee, And Section 17-228, Police Facilities Development Fee

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

**WHEREAS**, pursuant to state law, including but not limited to C.R.S. § 29-20-101 *et seq.*, and as a condition of issuance of a development permit, the Town has the authority to impose an impact fee or other similar development charge to fund expenditures by the Town for capital facilities needed to serve new development; 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, the intent being that new development shall pay for its proportionate share of the capital costs of additional infrastructure capacity needed to serve the new development; and

**WHEREAS**, impact fees are subject to specific legal standards, primarily referred to as the rational nexus test, which require a demonstration that new development will create a need for capital improvements, new development must derive a benefit from the payment of the fees assessed by the Town and the fee paid for a particular type of development should not exceed the developer’s share of the capital costs for system improvements; and

**WHEREAS**, based on those standards and based on an impact fee study prepared by Tischler and Associates, Inc., dated January 24, 2000, the Town Council of the Town of Johnstown (“Town”) adopted Article XII of Chapter 17 of the Johnstown Municipal Code (“Code”) to establish impact fees to be paid by new development by Ordinance No. 2000-617 (“Impact Fee Ordinance”); and

**WHEREAS**, since adoption of the Impact Fee Ordinance, the Town Council has periodically engaged consultants to evaluate and study the Town’s impact fees, quantify the reasonable impact of proposed development on existing capital facilities and recommend

modifications, if any, to the impact fees to ensure that the fees are at a level no greater than necessary to defray impact directly related to proposed development; and

**WHEREAS**, to undertake the foregoing review and analysis, the Town engaged WEL Consulting, LLC, a Colorado limited liability company (“WEL”); and

**WHEREAS**, WEL evaluated and selected appropriate impact fee methodologies for five categories of capital investment (transportation facilities, parks and recreation facilities, public facilities, library and cultural facilities and police facilities), determined demand indicated for each category and calculated residential and nonresidential proportionate share factors which were then used to allocate costs by type of development; and

**WHEREAS**, on November 8, 2021, WEL provided its final report to the Town Council, entitled *2021 Impact Fee Report, Town of Johnstown, Colorado* (“Impact Fee Report”); and

**WHEREAS**, based on its analysis, WEL recommended that the Town’s impact fees be increased for each category of capital investment for both residential and nonresidential classes of development; and

**WHEREAS**, the Town Council finds and determines, based on the Impact Fee Report, that the demand and cost assumptions underlying the Town’s impact fees warrant a modification to those fees; and

**WHEREAS**, rather than adopt the maximum permissible impact fees supported by the Impact Fee Report, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement lesser fees, as recommended by WEL; and

**WHEREAS**, the Town Council finds and determines that it is in the best interest of the citizens of the Town and the proponents of new land development to implement the recommended modified impact fees for the next five (5) year period as set forth below, with an initial adjustment during the 2022 calendar year upon the effective date of this Ordinance; and

**WHEREAS**, the Town Council further finds that the impact fees, as amended by this Ordinance, do not exceed the actual costs of funding expenditures on capital facilities that are of the type for which the fees shall be paid and are required to serve new impact-generating development; the impact fees, as amended by this Ordinance, shall not be used to remedy any deficiency in capital facilities existing on the effective date of this Ordinance; of the impact fee monies spent since adoption of Article XII of Chapter 17 of the Johnstown Municipal Code, such fees have only been spent for capital facilities for which such fees were paid; impact fee monies to be collected in the future are similarly expected to be spent only for capital facilities for which the fees are paid; capital facilities that have been constructed with impact fee monies have benefitted the developments that paid the fees; and future impact fee monies will fund capital facilities that will similarly benefit the developments that pay the fees; and

**WHEREAS**, the impact fees, as amended by this Ordinance, are legislatively adopted, generally applicable to broad classes of property and 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 Impact Fee Report, the Town Council desires to amend Article XII of Chapter 17 of the Johnstown Municipal Code to establish new impact fees.

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

**Section 1.** Section 17-224, Transportation Facilities Development Fee, shall be amended to read as follows:

All residential and nonresidential development in the Town shall be subject to the payment of a transportation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

<i>Residential Development</i>		<i>Development Fee per Dwelling Unit</i>				
	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$2,916	3,062	3,215	3,375	3,544
Attached Housing		\$2,481	2,605	2,735	2,872	3,016

<i>Nonresidential</i>		<i>Development Fee per square foot</i>				
	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$5.17	5.42	5.70	5.98	6.28
Office		\$3.13	3.29	3.45	3.62	3.80
Industrial/Other		\$2.02	2.12	2.22	2.33	2.45

**Section 2.** Section 17-225, Parks and Recreation Facilities Development Fee, shall be amended to read as follows:

All residential development in the Town shall be subject to the payment of a parks and recreation facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223 as follows:

<i>Residential Development</i>	<i>Development Fee</i>
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*per Dwelling Unit*

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,254	1,316	1,382	1,451	1,524
Attached Housing		\$1,067	1,120	1,176	1,235	1,297

**Section 3.** Section 17-226, Public Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a public facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

*Residential Development*

*Development Fee  
per Dwelling Unit*

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,668	1,752	1,839	1,931	2,028
Attached Housing		\$1,420	1,491	1,565	1,643	1,726

*Nonresidential*

*Development Fee  
per square foot*

	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$0.78	0.82	0.86	0.90	0.94
Office		\$0.78	0.82	0.86	0.90	0.94
Industrial/Other		\$0.78	0.82	0.86	0.90	0.94

**Section 4.** Section 17-227, Library and Cultural Facilities Development Fee, shall be amended to read as follows, which shall include an amendment to the Section heading:

**Section 17-227. Library and cultural facilities development fee.**

All future residential development in the Town shall be subject to the payment of a library and cultural facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

***Residential Development***

***Development Fee  
per Dwelling Unit***

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$1,205	1,266	1,329	1,395	1,465
Attached Housing		\$ 1,026	1,077	1,131	1,188	1,247

**Section 5.** Section 17-228, Police Facilities Development Fee, shall be amended to read as follows:

All future residential and nonresidential development in the Town shall be subject to the payment of a police facilities development fee at the time of building permit issuance, pursuant to this Section and Sections 17-216 through 17-223, as follows:

***Residential Development***

***Development Fee  
per Dwelling Unit***

	Calendar Year	2022	2023	2024	2025	2026+
Detached Housing		\$759	797	837	879	922
Attached Housing		\$647	679	713	748	786

***Nonresidential***

***Development Fee  
per square foot***

	Calendar Year	2022	2023	2024	2025	2026+
Retail		\$0.71	0.75	0.79	0.83	0.87
Office		\$0.26	0.28	0.29	0.30	0.32
Industrial/Other		\$0.26	0.28	0.29	0.30	0.32

**Section 6. 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 7. 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 8. Publication and Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Johnstown Home Rule Charter (“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 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 \_\_\_\_ day of January 2022.

**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 January, 2022.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

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

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