

ORDINANCE NO. 137, 2016  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 7.5-18 OF THE CODE OF THE CITY OF FORT COLLINS TO  
PROVIDE THAT THE STREET OVERSIZING CAPITAL IMPROVEMENT EXPANSION  
FEE WILL BE INCREASED OR DECREASED ANNUALLY BASED ON THE  
ENGINEERING NEWS DENVER REGIONAL CONSTRUCTION COST INDEX AND NOT  
ON THE DENVER-BOULDER CONSUMER PRICE INDEX FOR URBAN CONSUMERS

WHEREAS, the City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, among the home rule powers and authority is the power to regulate, as a matter of purely local concern, the development of real property within the City and the authority to fund and construct, as matters of purely local concern, public improvements; and

WHEREAS, the City's comprehensive plan shows that the rate of future growth and development in Fort Collins will require a substantial expansion in community park, police, fire, general government facilities and streets, and related capital equipment, if its level of service standards for such facilities are to be maintained; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing such capital improvements; and

WHEREAS, the City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City; and

WHEREAS, based on the foregoing, the City Council has previously enacted Article II of City Code Chapter 7.5 adopting the Community Parkland, Police, Fire Protection, General Government and Street Oversizing Capital Improvement Expansion Fees (collectively, the "Capital Improvement Expansion Fees"); and

WHEREAS, City Code Section 7.5-18 provides for the annual adjustment in all Capital Improvement Expansion Fees for inflation, corresponding to the increases reflected in the Denver-Boulder Consumer Price Index for Urban Consumers, now known as the Denver-Boulder-Greeley Consumer Price Index for Urban Consumers (the "CPI"); and

WHEREAS, while Section 7.5-18 provides that the Street Oversizing Capital Improvement Expansion Fee is to be increased or decreased annually pursuant to the CPI, the Council City has historically, upon City staff's recommendation, used instead the Engineering News Record Denver Regional Construction Cost Index ("ENR") as the inflation index when approving the annual increases or decreases to the Street Oversizing Capital Improvement Expansion Fee; and

WHEREAS, City staff has in the past recommended and continues to recommend the use of the ENR rather than the CPI for such increases or decreases in the Street Oversizing Capital Improvement Expansion Fee because the ENR is a more accurate measure of the annual changes in costs for the construction of street improvements within the City than is the CPI; and

WHEREAS, for the foregoing reasons, the City Council has determined that Section 7.5-18 should be amended to reflect the Council's past practice of using the ENR instead of the CPI to determine the annual increase or decrease of the Street Oversizing Capital Improvement Expansion Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the definition of "*dwelling unit*" contained in Section 7.5-17 is hereby amended to read as follows:

*Dwelling unit (D.U.)* shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom designed to occupy or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed use building.

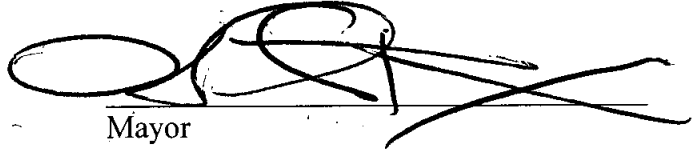
Section 3. That Section 7.5-18 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-18. - Calculation of capital improvement expansion fees.**

For each category of capital improvements for which a capital improvement expansion fee is established under the provisions of this Article, the amount of each such capital improvement expansion fee shall be determined on a per dwelling unit basis according to the gross floor area of each such dwelling unit (in the case of residential development) or on the basis of each square foot of new construction (in the case of commercial or industrial development). The amount of each fee, except for the street oversizing capital improvement expansion fee established in code section 7.5-32, will be increased or decreased annually according to the Denver-Boulder Consumer Price Index for Urban Consumers, as published by the Bureau of Labor Statistics. The amount of the street oversizing capital improvement expansion fee will be increased or decreased annually according to the Engineering News Record Denver Regional Construction Cost Index. In addition, the methodologies used to set each fee shall be reviewed and compared to the City's actual infrastructure costs at least once every five (5) years, and adjustments made in accordance with such review and with the provisions of § 7.5-16 of this Code.

Introduced, considered favorably on first reading, and ordered published this 6th day of December, A.D. 2016, and to be presented for final passage on the 20th day of December, A.D. 2016.



  
Mayor

ATTEST:

  
City Clerk

Passed and adopted on final reading on this 20th day of December, A.D. 2016.



  
Mayor

ATTEST:

  
City Clerk