

ORDINANCE NO. 086, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 7.5-30 OF THE CODE OF THE CITY OF
FORT COLLINS RELATING TO THE ADJUSTMENT OF THE FIRE
PROTECTION CAPITAL EXPANSION FEE

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 the City's Charter; and

WHEREAS, among the home rule powers of the City is the power to regulate, as a matter of purely local concern, the development of real property within the City and to impose impact fees for such development; and

WHEREAS, the City Council has determined that new development should contribute its proportionate share of providing the capital improvements typically funded with impact fees; and

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

WHEREAS, in early 2016, City staff initiated a comprehensive review of the City's various impact fees now charged to new development; and

WHEREAS, as part of that review, the City commissioned consultant Duncan Associates ("Duncan") to prepare an impact fee study for the community parkland, neighborhood parkland, police, fire protection and general government capital expansion fees (collectively, "Capital Expansion Fees") which resulted in the "Capital Expansion Fee Study" dated August 2016, in which Duncan identified the need to increase each of the Capital Expansion Fees by various amounts (the "CEF Study"); and

WHEREAS, on June 6, 2017, the City Council adopted Ordinance No. 049, 2017 ("Ordinance No. 049") in which it amended various sections of City Code Chapter 7.5 to implement the fee increases recommended for the Capital Expansion Fees in the CEF Study to be effective October 1, 2017, but in doing so, the Council decided to only increase the Capital Expansion Fees to 75% of the amounts recommended in the CEF Study; and

WHEREAS, Duncan recently discovered that the increased amount for the City's fire protection capital expansion fee (the "Fire CEF") was incorrectly calculated in the CEF Study resulting in the Fire CEF being increased in Ordinance No. 049 to a level that is 90% of the Fire CEF recommended in the CEF Study; and

WHEREAS, this has resulted in those persons and entities applying to the City for building permits since October 1, 2017, to pay the Fire CEF at the 90% level instead of the 75% level intended in Ordinance No. 049; and

WHEREAS, this Ordinance amends Code Section 7.5-30 to fix this error Duncan discovered by reducing the Fire CEF to the 75% level recommended in the CEF Study as intended in Ordinance No. 049; and

WHEREAS, contemporaneously with this Ordinance, the City Council will also consider the adoption of Ordinance No. 087, 2018, to appropriate \$130,000 from the Fire Protection Capital Expansion Fee Account within the Capital Expansion Fee Fund to reimburse applicants for building permits who have overpaid, and will continue to overpay until this Ordinance goes into effect, the Fire CEF at the 90% level instead of the intended 75% level; and

WHEREAS, for the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public's health, safety and welfare, that the Fire CEF be decreased in Code Section 7.5-30 as hereafter provided.

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.

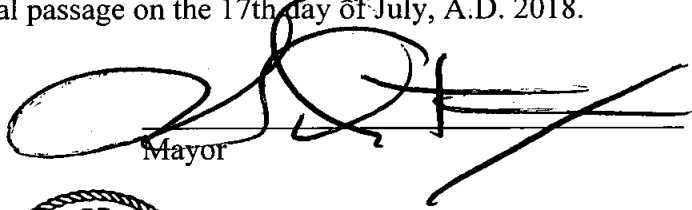
Section 2. That Section 7.5-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-30. - Fire protection capital expansion fee.

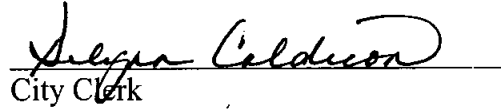
(a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

	Current	As of October 1, 2017
Resid., up to 700 sq. ft.	\$281.00	\$316.00
Resid., 701 to 1,200 sq. ft.	357.00	428.00
Resid., 1,201 to 1,700 sq. ft.	395.00	465.00
Resid., 1,701 to 2,200 sq. ft.	410.00	473.00
Resid., over 2,200 sq. ft.	440.00	526.00
Commercial buildings (per 1,000 sq. ft.)	339.00	395.00
Industrial buildings (per 1,000 sq. ft.)	80.00	93.00

Introduced, considered favorably on first reading, and ordered published this 3rd day of July, A.D. 2018, and to be presented for final passage on the 17th day of July, A.D. 2018.

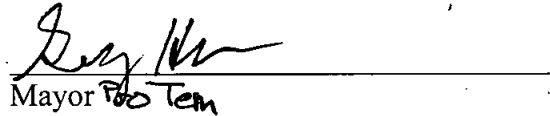

Mayor

ATTEST:

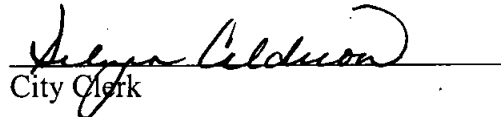

City Clerk



Passed and adopted on final reading on the 17th day of July, A.D. 2018.


Mayor *Bob Tem*

ATTEST:


City Clerk

