

AGENDA ITEM SUMMARY

FORT COLLINS CITY COUNCIL

ITEM NUMBER: 27 A-B

DATE: April 20, 1999

STAFF: John Fischbach

SUBJECT:

Items Relating to an Exemption for Housing Authorities from the City's Requirement of Land Dedication or Payments of In-Lieu Fee for School Site Purposes.

RECOMMENDATION:

Staff recommends adoption of the Resolution and the Ordinance on First Reading.

EXECUTIVE SUMMARY:

- A. Resolution 99-44 Approving an Addendum to Two Intergovernmental Agreements Concerning Land Dedications or In-Lieu Fees for School Site Purposes.
- B. First Reading of Ordinance No. 65, 1999, Amending Resolution 96-73 and Amending Chapter 7.5, Article III of the City Code, so as to Exempt Any Housing Authority Established Pursuant to State Statute from the City's Requirement to Dedicate Land for School Site Purposes or Pay a Fee in Lieu of Such Dedication.

Colorado law exempts projects of housing authorities from the payment of any fees and taxes. Historically, the City of Fort Collins has enumerated, by resolution, the fees from which the Housing Authority is exempt. In April of 1998, the Council enacted, pursuant to intergovernmental agreements with the Poudre School District and the Thompson R2-J School District, a requirement that the developers of all new residential development in the City dedicate school sites or pay a fee in lieu of such dedication. The purpose of the Resolution and Ordinance is to exempt the projects of any Housing Authority from these requirements. The Ordinance would also reiterate the list of fees from which the Housing Authority is exempt and add the fee in lieu of school site dedication.

BACKGROUND:

In April of 1998, the City entered into agreements with the Poudre School District and the Thompson R2-J School District whereby the City agreed to require all new residential development in the City to dedicate land for future school sites or, in lieu of such dedication, pay a fee to fund the acquisition and development of such sites and the planning of capital facilities to be developed thereon. By state statute, housing authorities in the state are exempt from the payment of fees and taxes, although they are subject to the planning and zoning laws of local municipalities. Because the provision of affordable housing by housing authorities serves an important public purpose, staff is recommending that projects of any Housing Authority within the City be made exempt from the dedication and fee requirements which were codified pursuant to the 1998 agreements with the school districts.

Resolution 99-44 would approve an addendum to the two intergovernmental agreements which would allow for this exemption.

Ordinance No. 65, 1999 would amend Article III of Chapter 7.5 of the Code and Resolution 96-73 so as to implement this exemption. It would apply the exemption retroactively. The practical effect of this retroactive application would be to exempt the Via Lopez project which is presently under construction by the Fort Collins Housing Authority.

RESOLUTION 99-44
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN ADDENDUM TO TWO INTERGOVERNMENTAL AGREEMENTS
CONCERNING LAND DEDICATIONS OR IN-LIEU FEES FOR SCHOOL SITE PURPOSES

WHEREAS, the City has entered into intergovernmental agreements (the "Agreements") on or about April 21, 1998 with the Poudre School District and the Thompson R2-J School District;

WHEREAS, the Agreements, and Ordinance No. 74, 1998 (the "Ordinance"), which was enacted by the Council of the City of Fort Collins pursuant to the Agreements, provide for the regulation of all new residential development in the City of Fort Collins by requiring the dedication of land for future school sites or the payment of fees in lieu of such dedication;

WHEREAS, a certain amount of new development in the City is undertaken by the Fort Collins Housing Authority for the purpose of providing affordable housing to the low income residents of the City and the provision of such housing serves an important public purpose; and

WHEREAS, pursuant to §§29-4-213 and 29-4-226, C.R.S., respectively, housing authorities in Colorado are subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which their projects are situated, but such housing authorities are exempt from the payment of any taxes or fees to the state or any subdivision thereof; and

WHEREAS, for the foregoing reasons, the parties hereto believe that it would be in the best interests of the City and the School District to exempt projects of the Fort Collins Housing Authority from provisions of the Agreement and the Ordinance.

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

Section 1. That the addendum attached hereto as Exhibit "A" is hereby approved by the Council as an addendum to that certain "Intergovernmental Agreement Concerning Land Dedications or Payments in Lieu for School Purposes" between the City and the Poudre School District, dated April 21, 1998.

Section 2. That the addendum attached hereto as Exhibit "B" is hereby approved by the Council as an addendum to that certain "Intergovernmental Agreement Concerning Land Dedications or Payments in Lieu for School Purposes" between the City and the Thompson R2-J School District, dated April 21, 1998.

Passed and adopted at a regular meeting of the City Council held this 20th day of April, A.D.
1999.

Mayor

ATTEST:

City Clerk

ADDENDUM

This addendum is made and entered into by and between the CITY OF FORT COLLINS, COLORADO ("City") a municipal corporation and home rule city of the State of Colorado, and THE POUDDRE SCHOOL DISTRICT ("School District") a political subdivision of the State of Colorado, to be effective as of the _____ day of April, 1999.

RECITALS

A. The parties hereto entered into an intergovernmental agreement ("Agreement") on or about April 21, 1998 for the purpose of providing for the dedication of land for school sites or payment in lieu thereof as provided in the Agreement.

B. The Agreement, and Ordinance No. 74, 1998 (the "Ordinance"), which was enacted by the Council of the City of Fort Collins pursuant to the Agreement, provide for the regulation of all new residential development in the City of Fort Collins by requiring the dedication of school sites or the payment of fees in lieu of such dedication.

C. A certain amount of new development in the City is undertaken by the Fort Collins Housing Authority for the purpose of providing affordable housing to the low income residents of the City, and the provision of such housing serves an important public purpose.

D. Pursuant to §§29-4-213 and 29-4-226, C.R.S., housing authorities in Colorado are subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated but are exempt from the payment of any taxes or fees to the state or any subdivision thereof.

E. For the foregoing reasons, the parties hereto believe that it would be in the best interests of the City and the School District to exempt all housing authority projects from the provisions of the Agreement and the Ordinance.

AGREEMENT

NOW, THEREFORE, in consideration of the objectives and policies expressed in the Recitals to the Addendum and the mutual promises contained herein, the City and the School District agree as follows:

1. That Section 7.a. of the Agreement shall be amended so as to add an additional subparagraph vi. which shall read in its entirety as follows:

vi. Land Development Projects (or portions thereof) of any housing authority organized pursuant to the provisions of §29-4-101, et seq., C.R.S., also known as "The City Housing Law."

2. That the exemption for Land Development Projects of housing authorities provided for above shall apply retroactively to all such projects, whenever constructed, notwithstanding the provisions of Section 7.b. of the Agreement.

3. That the parties hereto understand and agree that the City Council intends to modify the provisions of Resolution 96-73 and Chapter 7.5, Article III of the Fort Collins City Code in order to implement the provisions of this Addendum.

4. That except as expressly modified above, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation and Home Rule City

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

Date: _____

Approved as to form:

City Attorney

Date: _____

POUDRE SCHOOL DISTRICT R-1

By: _____
Board of Education President

Date: _____

ATTEST:

Secretary

Date: _____

Approved as to form:

School District Attorney

Date: _____

ADDENDUM

This addendum is made and entered into by and between the CITY OF FORT COLLINS, COLORADO ("City") a municipal corporation and home rule city of the State of Colorado, and THE THOMPSON R2-J SCHOOL DISTRICT ("School District") a political subdivision of the State of Colorado, to be effective as of the _____ day of April, 1999.

RECITALS

A. The parties hereto entered into an intergovernmental agreement ("Agreement") on or about April 21, 1998 for the purpose of providing for the dedication of land for school sites or payment in lieu thereof as provided in the Agreement.

B. The Agreement, and Ordinance No. 74, 1998 (the "Ordinance"), which was enacted by the Council of the City of Fort Collins pursuant to the Agreement, provide for the regulation of all new residential development in the City of Fort Collins by requiring the dedication of school sites or the payment of fees in lieu of such dedication.

C. A certain amount of new development in the City is undertaken by the Fort Collins Housing Authority for the purpose of providing affordable housing to the low income residents of the City, and the provision of such housing serves an important public purpose.

D. Pursuant to §§29-4-213 and 29-4-226, C.R.S., housing authorities in Colorado are subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which the project is situated but are exempt from the payment of any taxes or fees to the state or any subdivision thereof.

E. For the foregoing reasons, the parties hereto believe that it would be in the best interests of the City and the School District to exempt all housing authority projects from the provisions of the Agreement and the Ordinance.

AGREEMENT

NOW, THEREFORE, in consideration of the objectives and policies expressed in the Recitals to the Addendum and the mutual promises contained herein, the City and the School District agree as follows:

1. That Section 7.a. of the Agreement shall be amended so as to add an additional subparagraph vi. which shall read in its entirety as follows:

vi. Land Development Projects (or portions thereof) of any housing authority organized pursuant to the provisions of §29-4-101, et seq., C.R.S., also known as "The City Housing Law."

2. That the exemption for Land Development Projects of housing authorities provided for above shall apply retroactively to all such projects, whenever constructed, notwithstanding the provisions of Section 7.b. of the Agreement.

3. That the parties hereto understand and agree that the City Council intends to modify the provisions of Resolution 96-73 and Chapter 7.5, Article III of the Fort Collins City Code in order to implement the provisions of this Addendum.

4. That except as expressly modified above, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

THE CITY OF FORT COLLINS, COLORADO
A Municipal Corporation and Home Rule City

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

Date: _____

Approved as to form:

City Attorney

Date: _____

THOMPSON R-2J SCHOOL DISTRICT

By: _____
Board of Education President

Date: _____

ATTEST:

Secretary

Date: _____

Approved as to form:

School District Attorney

Date: _____

ORDINANCE NO. 65, 1999
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING RESOLUTION 96-73 AND AMENDING CHAPTER 7.5, ARTICLE III OF
THE CITY CODE, SO AS TO EXEMPT ANY HOUSING AUTHORITY ESTABLISHED
PURSUANT TO STATE STATUTE FROM THE CITY'S REQUIREMENT TO DEDICATE
LAND FOR SCHOOL SITE PURPOSES OR PAY A FEE IN LIEU OF SUCH DEDICATION

WHEREAS, the City has entered into intergovernmental agreements (the "Agreements") on or about April 21, 1998 with the Poudre School District and the Thompson R2-J School District; and

WHEREAS, the Agreements, and Ordinance No. 74, 1998 (the "Ordinance"), which was enacted by the Council of the City of Fort Collins pursuant to the Agreements, provide for the regulation of all new residential development in the City of Fort Collins by requiring the dedication of land for future school sites or the payment of fees in lieu of such dedication; and

WHEREAS, a certain amount of new development in the City is undertaken by the Fort Collins Housing Authority for the purpose of providing affordable housing to the low income residents of the City and the provision of such housing serves an important public purpose; and

WHEREAS, pursuant to §§29-4-213 and 29-4-226, C.R.S., respectively, housing authorities in Colorado are subject to the planning, zoning, sanitary and building laws, ordinances and regulations applicable to the locality in which their projects are situated, but such housing authorities are exempt from the payment of any taxes or fees to the state or any subdivision thereof; and

WHEREAS, for the foregoing reasons, the parties hereto believe that it would be in the best interests of the City and the School District to exempt projects of the Fort Collins Housing Authority from provisions of the Agreement and the Ordinance; and

WHEREAS, by Resolution 96-73, the City Council has exempted the Fort Collins Housing Authority from the payment of certain capital improvement expansion fees enumerated therein; and

WHEREAS, said Resolution should be amended so as to add an exemption pertaining to the above-referenced fee in lieu of dedication.

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

Section 1. That the definition of "Building Permit" as contained in Section 7.5-17, of the Code of the City of Fort Collins as follows:

Building permit shall mean the permit required for new construction and additions pursuant to §2.13.2(A) of the Land Use Code. The term *building permit*, as used herein, shall not be deemed to include permits required for Land Development Projects (or portions thereof) of any housing authority organized pursuant to the

provisions of §29-4-101, et seq., C.R.S., also known as "The City Housing Law," nor shall it include permits required for remodeling, rehabilitation or other improvements to an existing structure or rebuilding a damaged or destroyed structure unless: (1) in the case of residential use, such remodeling, expansion or improvements results in the creation of one (1) or more new dwelling units, or (2) in the case of a commercial or industrial use, such remodeling, expansion or improvement increases the gross square footage of the existing structure(s).

Section 2. That Resolution 96-73 of the Council of the City of Fort Collins is hereby amended so that any housing authority organized pursuant to the provisions of §29-4-101, et seq., C.R.S., shall be exempt from the payment of any of the following fees to the City of Fort Collins:

- A. Appeal fees;
- B. Building permit fees;
- C. Development review fees;
- D. Parkland fees;
- E. Plan check fees;
- F. Street oversizing fees;
- G. Vested property right fees;
- H. Zoning variance fees;
- I. Community Parkland Capital Improvement Expansion Fee;
- J. Library Capital Improvement Expansion Fee;
- K. Police Capital Improvement Expansion Fee;
- L. Fire Protection Capital Expansion Fee;
- M. General Government Capital Improvement Expansion Fee; and
- N. Fee in Lieu of School Site Dedication.

Section 3. That the foregoing exemption for Land Development Projects of housing authorities provided for above shall apply to all housing authority projects, whenever constructed.

Introduced, considered favorably on first reading, and ordered published this 20th day of April, A.D. 1999, and to be presented for final passage on the 4th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 4th day of May, A.D. 1999.

Mayor

ATTEST:

City Clerk