

DATE: December 21, 2010
STAFF: Mike Freeman
John Voss

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

11

SUBJECT

Second Reading of Ordinance No. 125, 2010, Amending the City Code to Increase the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the Code so as to Reflect Inflation in Associated Costs of Services.

EXECUTIVE SUMMARY

The City Code requires annual adjustments to the City's impact fees. The Capital Improvement Expansion fees and Neighborhood Parkland fee are to follow the changes in the Denver-Boulder-Greeley Consumer Price Index (CPI). Street Oversizing fees are adjusted by the changes posted in the Engineering News Record (ENR). Since the last adjustment in 2009 the CPI has increased 1.1% and the ENR has increased 5.48%. This Ordinance was unanimously adopted on First Reading on December 7, 2010.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - December 7, 2010
(w/o attachments)

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AGENDA ITEM SUMMARY
 FORT COLLINS CITY COUNCIL

15

SUBJECT

First Reading of Ordinance No. 125, 2010, Amending the City Code to Increase the Amounts of the Capital Improvement Expansion Fees Contained in Chapter 7.5 of the Code so as to Reflect Inflation in Associated Costs of Services.

EXECUTIVE SUMMARY

The City Code requires annual adjustments to certain building permit related fees. Capital Improvement Expansion fees and Neighborhood Parkland fee are to follow the changes in the Denver-Boulder-Greeley Consumer Price Index (CPI). Street Oversizing fees are adjusted by the changes posted in the Engineering News Record (ENR). Since the last adjustment in 2009 the CPI has increased 1.1% and the ENR has increased 5.48%.

BACKGROUND / DISCUSSION

In May of 1996, Council adopted Ordinance No. 051, 1996, which established capital improvement expansion fees for Community Parkland, Police, Fire, and General Government services. The purpose of the fees is to have new development pay a proportionate share of the capital improvements and equipment that will be necessary to provide services to the development. The Code provisions approved by the Ordinance provide for the annual adjustment of the fees to keep up with inflation, using the Denver-Boulder (now Denver-Boulder-Greeley) Consumer Price Index.

The City has imposed a Parkland fee for neighborhood parks since 1968. In August 1996, Council adopted Ordinance No. 105, 1996, which aligned the Neighborhood Parkland fee to the housing size differentials in the Capital Improvement Expansion fee ordinance, and updated the fee schedule to reflect pre-1996 inflation. The Neighborhood Parkland fees were adjusted for inflation in 1997-2007, along with the Capital Improvement Expansion fees. Based on the Denver-Boulder-Greeley Consumer Price Index for all urban consumers, the inflation level since the last annual adjustment is an increase of 1.1% for 2011. This Ordinance adjusts the fee schedules in Chapter 7.5 and Chapter 23 of the City Code to account for inflation. In the Ordinance, all amounts for the capital improvement expansion fees have been rounded to the nearest dollar.

Calculation

Fees are adjusted only when the indexes move upward. For years in which the index is negative, the rate will not be reduced. However, in the year(s) following no adjustments, the calculation goes back to the last adjustment period.

For example, the 2010 fees were to be adjusted on the change in the CPI from July 2008 to June 2009. But because the change in CPI was negative 0.6%, the rates were not adjusted. For the 2011 fees, the adjustment is normally based on the change in CPI from July 2009 to June 2010, which was 1.7%. However, because 2010 was not adjusted, 2011 fees should be adjusted $1.7 - 0.6 = 1.1\%$.

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FINANCIAL / ECONOMIC IMPACTS

The 2011 revenue budget in the table below reflects changes in both the rates and volume of building activity.

Summary information:

Revenue

Fee Type	2008 Actual	2009 Actual	2010 Forecast	2011* Budget
Capital Expansion Fees	\$ 2,009,508	\$ 467,263	\$ 792,000	\$ 1,150,000
Neighborhood Parkland Fees	875,791	221,736	362,000	400,000
Street Oversizing Fees	2,910,656	641,491	2,200,000	1,895,000

*Reflects the fee increase and a budgeted increase in building activity.

Rate Change

Fee Type	2008 Authorized	2009 Authorized	2010	2011 Proposed
Capital Expansion Fees	2.50%	3.70%	0.00%	1.10%
Neighborhood Parkland Fees	2.50%	3.70%	0.00%	1.10%
Street Oversizing Fees	4.85%	6.30%	0.00%	5.48%

As of year-end of 2010, staff estimates that the total available balance in the Capital Improvement Expansion Fund will be approximately \$19.2 million, the Neighborhood Parkland Fund about \$8.0 million, and the Street Oversizing Fund nearly \$3.8 million.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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ORDINANCE NO. 125, 2010
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS
TO INCREASE THE AMOUNTS OF THE CAPITAL IMPROVEMENT
EXPANSION FEES CONTAINED IN CHAPTER 7.5 OF THE CODE SO AS
TO REFLECT INFLATION IN ASSOCIATED COSTS OF SERVICES

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 of the City is the power to regulate, as a matter of purely local concern, the development of real property within the City; 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 library, community park, police, fire, and general government facilities, 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 adopted Ordinance No. 051, 1996, establishing certain capital improvement expansion fees; and

WHEREAS, City Code Section 7.5-18 provides for annual fee increases in the capital improvement expansion fees corresponding to the increases in the Denver-Boulder-Greeley Consumer Price Index for all urban consumers; and

WHEREAS, in September 1968, City Council adopted Ordinance No. 038, 1968, which established the original Neighborhood Parkland Fee to fund the acquisition and development of parkland, which ordinance has since been amended on several occasions to adjust the fee and to refine related procedures and requirements; and

WHEREAS, with the adoption in August 1993, of Ordinance No. 082, 1993, the City Council directed the City Manager to annually review the Neighborhood Parkland Fee and submit to the Council proposed inflation-related increases based on the Denver-Boulder-Greeley Consumer Price Index; and

WHEREAS, the City Code and ordinances of the City authorize the annual adjustment of all Capital Improvement Expansion Fees, including the Neighborhood Parkland Fee, for inflation; and

WHEREAS, based on the Bureau of Labor Statistics most recent Denver-Boulder-Greeley Consumer Price Index for all urban consumers, staff anticipates that the Index will reflect an inflation increase of 1.10 percent since the last annual adjustment of the fees in 2008, effective January 1, 2011; and

WHEREAS, based on the Engineering News Record, the cost of constructing street improvements has increased 5.48 percent since the last adjustment of the Street Oversizing Capital Improvement Expansion fee; and

WHEREAS, additional funds are necessary to recover costs for outparcel right-of-way needed for roadway widenings; and

WHEREAS, for the foregoing reasons, the City Council has determined that it is necessary, in the interests of the protection of the public health, safety and welfare, that the Capital Improvement Expansion Fees, including the Neighborhood Parkland Fee and the Street Oversizing Fee, be increased.

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

Section 1. That the fee schedule in Section 7.5-28(a) of the Code of the City of Fort Collins, establishing the Community Parkland Capital Improvement Expansion Fee, is hereby amended to read as follows:

700 sq. ft and under	\$ 986.00
701 to 1,200 sq. ft.	1,398.00
1,201 to 1,700 sq. ft.	1,642.00
1,701 to 2,200 sq. ft.	1,889.00
2,201 sq. ft. and over	2,298.00

Section 2. That the fee schedule in Section 7.5-29(a) of the Code of the City of Fort Collins, establishing the Police Capital Improvement Expansion Fee, is hereby amended to read as follows:

700 sq. ft and under	\$ 72.00
701 to 1,200 sq. ft.	103.00
1,201 to 1,700 sq. ft.	122.00
1,701 to 2,200 sq. ft.	140.00
2,201 sq. ft. and over	171.00
Commercial buildings (per 1,000 square feet)	151.00

Industrial buildings (per 1,000 square feet)	41.00
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Section 3. That the fee schedule in Section 7.5-30(a) of the Code of the City of Fort Collins, establishing the Fire Protection Capital Improvement Expansion Fee, is hereby amended to read as follows:

700 sq. ft and under	\$ 106.00
701 to 1,200 sq. ft.	151.00
1,201 to 1,700 sq. ft.	176.00
1,701 to 2,200 sq. ft.	203.00
2,201 sq. ft. and over	248.00

Commercial buildings (per 1,000 square feet)	217.00
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Industrial buildings (per 1,000 square feet)	60.00
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Section 4. That the fee schedule in Section 7.5-31(a) of the Code of the City of Fort Collins, establishing the General Government Capital Improvement Expansion Fee, is hereby amended to read as follows:

700 sq. ft and under	\$ 134.00
701 to 1,200 sq. ft.	190.00
1,201 to 1,700 sq. ft.	223.00
1,701 to 2,200 sq. ft.	257.00
2,201 sq. ft. and over	312.00

Commercial buildings (per 1,000 square feet)	243.00
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Industrial buildings (per 1,000 square feet)	67.00
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Section 5. That Section 7.5-71(b) of the Code of the City of Fort Collins, regarding the Neighborhood Parkland Fee is hereby amended to read as follows:

Sec. 7.5-71. Collection of neighborhood parkland fee.

(b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

700 sq. ft. and under	\$ 886.00
701 to 1,200 sq. ft.	1,254.00
1,201 to 1,700 sq. ft.	1,475.00
1,701 to 2,200 sq. ft.	1,695.00

2,201 sq. ft. and over

2,064.00

Section 6. That Section 7.5-32 of the Code of the City of Fort Collins, regarding the Street Oversizing Capital Improvement Expansion Fee is hereby amended to read as follows:

**STREET OVERSIZING CAPITAL
EXPANSION FEE SCHEDULE**

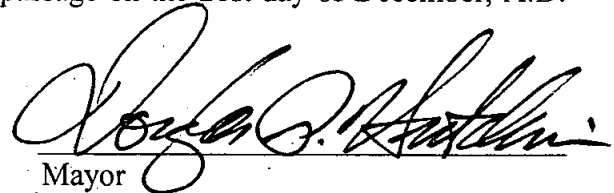
	Average Weekday Vehicle Trips (per housing unit)	Transportation Impact Fee Rate	
<u>Residential</u>			
SF Detached	9.55	2,842	per D.U
MF and Other Housing	6.59	1,961	per D.U
Hotel/Motel	8.70	2,589	per room
Apartment	6.12	1,821	per D.U
Retirement Community	3.30	982	per D.U
Assisted Living	4.52	1,345	per D.U
Congregate Care Facility	2.15	640	per D.U
Residential Condominium	5.86	1,744	per D.U
Duplex	7.18	2,137	per D.U
Townhome	5.86	1,744	per D.U
Mobile Home	4.92	1,464	per D.U
<u>Non Residential</u>		<u>(per 1,000 sq. ft.)</u>	
<u>Comm/Shopping Center</u>			
1000K GLA	32.09	5.56	/sq. ft.
500K GLA	38.65	6.70	/sq. ft.
200K GLA	54.50	9.44	/sq. ft.
50K GLA	91.65	10.92	/sq. ft.
Movie Theater	77.79	13.48	/sq. ft.
Fitness/Racquet Club	17.14	3.19	/sq. ft.
Day Care	79.26	5.77	/sq. ft.
Government Office	68.93	12.84	/sq. ft.
Post Office	86.78	16.17	/sq. ft.
Building Materials/Lumber	39.71	6.88	/sq. ft.
Specialty Retail	40.68	7.05	/sq. ft.
Discount Club	41.80	7.24	/sq. ft.
Nursery(Garden Center)	36.08	6.72	/sq. ft.
Sit Down Restaurant	130.34	15.53	/sq. ft.
Fast Food w/ Driveup	496.12	36.11	/sq. ft.
Car Sales	37.50	6.99	/sq. ft.
Service Station	168.56 /pump	12,269.67	/pump
Wholesale Tire Store	20.36	3.79	/sq. ft.
Self Service Car Wash	5.79 /stall	421.46	/stall
Supermarket	111.51	13.29	/sq. ft.
Convenience Market	737.99	53.72	/sq. ft.
Furniture Store	5.06	1.47	/sq. ft.
Bank	189.95	12.86	/sq. ft.

<i>Drive-In Bank</i>	265.21	19.30	/sq. ft.
Insurance Building	11.45	2.13	/sq. ft.
Manufacturing	3.85	1.12	/sq. ft.
Warehousing	4.96	1.44	/sq. ft.
Light Industrial	6.97	2.03	/sq. ft.
Mini-Warehouse	2.50	0.73	/sq. ft.
Business Park	14.37	4.18	/sq. ft.
General Office			
200K GFA	11.54	3.36	/sq. ft.
50K GFA	16.31	4.75	/sq. ft.
10K GFA	24.39	7.10	/sq. ft.
Recreational	3.64 /ac	1,059.84	/acre
City Park	3.66 /ac	1,065.66	/acre
Golf Course	5.04 /ac	1,467.47	/acre
Elementary School	1.02 /student	296.99	/student
Church/Synagogue	9.11	2.65	/sq. ft.
Library	54.00	15.72	/sq. ft.
Hospital	16.78	4.89	/sq. ft.
Nursing Home	2.60 /bed	756.15	/bed
Medical Clinic	31.45	9.16	/sq. ft.

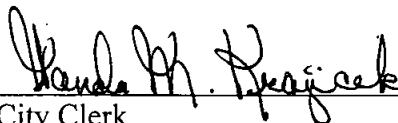
* Notes:

1. Rate calculation for each item based on the product of Number of Weekday Trips, Trip Adjustment Factor, and Cost Per Unit of Trip.
2. Italicized building types indicate that high pass-by trip adjustment factor is used when calculating SOS Rate.

Introduced, considered favorably on first reading, and ordered published this 7th day of December, A.D. 2010, and to be presented for final passage on the 21st day of December, A.D. 2010.


 Mayor

ATTEST:


 City Clerk

Passed and adopted on final reading on the 21st day of December, A.D. 2010.

Mayor

ATTEST:

City Clerk