

**CHAPTER 30-10 DEDICATIONS AND FEES**

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**30-10-101 PUBLIC SITES, RESERVATIONS AND DEDICATIONS**

An applicant shall be required to dedicate easements for public streets, drainage and utility easements as needed to serve the area being developed. In cases where any part of an existing road is in the tract being developed or subdivided, the applicant shall be required to dedicate such additional right of way as may be necessary to increase such roadway to the minimum width required in this code. Reservation of sites for flood control purposes and other municipal uses shall be mutually agreed upon between the applicant and the Town Board.

**30-10-102 ACCEPTANCE OF IMPROVEMENTS**

A. During the progress of construction of facilities which will be dedicated to the Town, the developer shall conduct those tests which are specified in the construction documents and the Subdivision Agreement,

and those which are otherwise necessary as a part of standard construction quality control. Results of those tests shall be provided to the Town within two days of the day of the test.

- B. All facilities will remain in the ownership of the developer until officially accepted by the Town in writing. Acceptance can be made in part for fully functional portions of the development, but normally will be made for all proposed dedications as a whole. Conditional acceptance may be given for nonessential components (e.g., open space trails, etc.) on a case-by-case basis as mutually agreed to by the applicant and town. Interim inspections of work in progress are desirable, especially for those items which are otherwise not easily viewed or for which field modifications may be necessary.
- C. Review for acceptance by the Town is initiated by the developer. At the time he judges that the facilities are substantially complete he will request of the Town a certificate of completion acceptance. That request shall be accompanied by a statement from his engineer that all the facilities have been constructed in substantial conformance with Town standards and the plans and specifications, and a set of as-built drawings which highlight any modifications from the original construction documents. The Town will conduct its review of the facilities to be dedicated and either accept, reject or conditionally accept them. Once acceptance is made or confirmation that acceptance conditions have been met occurs, the Town acquires ownership. At that time the developer shall provide a one year guarantee of all facilities. During that year, the developer shall promptly repair or replace any facilities which the Town determines to be deficient. When any such restoration is complete the warrantee will be judged to be fulfilled, the Town becomes the full owner and any remaining bond/retainage is returned to the developer. Performance bonding, retainage, fees etc. will be as defined in the Subdivision Agreement.

### 30-10-103 SUBMITTAL REVIEW FEES

The Board of Trustees has determined that the fiscal impact of annexation, subdivision and development should properly be borne by those parties who receive the benefits. Therefore, the following fees shall apply to all development applications submitted to the Town.

#### A. APPLICATION FEES

1.	Sketch Plan	\$ 150.00 – each presentation to the Board
2.	Appeal to Administrative Decision	\$ 100.00
3.	Comp Plan Amendment	\$ 250.00 – less than 5 acres \$ 500.00 – more than 5 acres
4.	Vested Rights	\$ 200.00 – more than the 3 year minimum
5.	Telecommunications	\$ 500.00
6.	Temporary Use	\$ 100.00
7.	Out of town utility request	\$ 300.00
8.	Plat Amendment (replat)	\$ 250.00
9.	Time Extension for Plat/Plan	\$ 100.00
10.	Vacation of Plat	\$ 250.00
11.	Master Planning (a one-time fee)	\$ 40.00 per acre - Collected at annexation, rezoning, or amendment to a plan.
12.	Lot Line Merger	\$ 100.00
13.	Amendment to PUD – Text/Architecture	\$ 200.00
14.	Amendment to PUD – Plan	\$ 500.00
15.	Annexation	\$ 750.00
16.	Master Plan	\$ 750.00
17.	Preliminary Plat*	\$ 750.00
18.	Final Plat**	\$ 750.00
19.	Minor Subdivision	\$ 300.00
20.	Overall Development Plan	\$ 750.00
21.	Preliminary Development Plan	\$ 750.00
22.	Final Development Plan	\$ 750.00
23.	Rezoning	\$ 750.00
24.	Site Plan	\$ 300.00
25.	Special Use Review	\$ 300.00
26.	Variance	\$ 100.00
27.	R.O.W. and Easement Vacation	\$ 250.00 per Vacation
28.	Construction Plans	\$ 500.00
29.	Metro District	\$1,500.00 – to be collected upon approval

The Master Planning fee is a one-time fee per property. It is to be collected at time of annexation, rezoning and/or submittal of a master plan, site plan or the original land use plan for a planned unit development, including an overall development plan (ODP), preliminary development (PDP) or a final development plan (FDP). In the instance a request to amend an approved PUD is submitted to the Town, the master planning fee shall be imposed, if not previously collected. An amendment shall trigger the collection of the master planning fee, if it includes a change in use(s), density (residential), and/or intensity (nonresidential) as well as involves a need to alter transportation or utilities, if such features are identified in any of the Town's master plans, including parks, open lands, recreation, trails, streets, storm water or utilities.

**B. Development Review Deposit Schedule.** In addition to the Application Fee(s), the following development review deposit(s) shall be provided to the Town at the time of submittal of a Development Review Application:

Sketch Plan	\$ 150.00
Annexation	\$ 500.00 + \$15/acre
Master Plan	\$ 500.00 + \$15/acre

Preliminary Subdivision Plat*	\$ 750.00 + \$15/unit and \$15/acre if non-residential
Final Subdivision Plat**	\$ 750.00 + \$20/unit and \$20/acre if non-residential
Minor Subdivision Plat	\$ 500.00
PUD – Overall Development Plan	\$ 500.00 + \$15/acre
PUD – Preliminary Development Plan	\$ 750.00 + \$15/unit and \$15/acre if non-residential
PUD – Final Dev. Plan (with C.D.'s)	\$ 750.00 + \$20/unit and \$20/acre if non-residential
Rezoning/Zoning Up to 10 acres	\$ 250.00
10 < 40 acre	\$ 500.00
40 < 160 acres	\$ 750.00
160 + acres	\$ 1,000.00
Final Site Plan (with C. D.'s)***	\$ 750.00 + \$15/unit and \$15/acre if non-residential
Special Use Review	\$ 750.00 + \$15/unit and \$15/acre if non-residential
Variance	No Deposit
R.O.W. and Easement Vacation	\$ 500.00 per Vacation
Lot Line Merger	\$ 150.00
Comp Plan Amendment	\$ 150.00
Appeals of Administrative Decision	\$ 150.00
Vested Rights	\$ 150.00
Telecommunications	\$ 1,500.00 – new freestanding facility
	\$ 1,000.00 – referred to PC & BOT
	\$ 500.00 – administrative review
Amendment to PUD – Text/Architecture	\$ 300.00
Amendment to PUD – Plan	\$ 1,500.00
Amendment to Preliminary Plat	\$ 500.00
Amendment to Final Plat	\$ 500.00
Amendment to Plan	\$ 1,500.00
Review of Preliminary Drainage Plan	\$ 250.00 if less than 1 acre
	\$ 500.00 if 1 < 20 acres
	\$ 1,000.00 if 20 < 100 acres
	\$ 1,500.00 100 + acres
Review of Final Drainage Plan	\$ 500.00 if less than 1 acre
	\$ 1,000.00 if 1 < 20 acres
	\$ 2,000.00 if 20 < 100 acres
	\$ 2,500.00 100 + acres
Review of Preliminary T.I.S.	\$ 250.00 if less than 1 acre
	\$ 500.00 if 1 < 20 acres
	\$ 1,000.00 if 20 < 100 acres
	\$ 1,500.00 100 + acres
Review of Final T.I.S.	\$ 500.00 if less than 1 acre
	\$ 1,000.00 if 1 – 20 acres
	\$ 2,000.00 if 20 – 100 acres
	\$ 2,500.00 if over 100 acres
Metro District	\$ 2,500.00

- \* Waived if processed concurrently with a PDP
- \*\* Waived if processed concurrently with an FDP
- \*\*\* \$300 if property is less than 1 acre

**C. Calculation of Fees:** It is the applicant's responsibility to bear all costs related to the processing of a Development Review Application, including costs for review by consultants hired by the Town to assist with technical review of development projects. These consultants include, but are not limited to, engineering, planning, transportation, and legal. In order to keep track of the expenses incurred by the Town, the Town's staff, including, but not limited to, public works, planning, and administration, shall keep track of the time expended by each person involved in the process precipitated by the submittal of

a Development Review Application. The applicant is also responsible for paying incidental costs such as postage, recording, mileage and publication fees.

The following hourly rates have been established for each staff person for reimbursement of staff time spent on development projects:

Arborist	\$ 55.00
Planning Technician	\$ 55.00
Senior Planner/Engineer	\$ 70.00
Building Official	\$ 90.00
Parks and Recreation Director	\$ 75.00
Planning Director	\$ 90.00
Public Works Director	\$ 90.00
Town Administrator	\$110.00
Consultants	\$ 30.00 - \$160.00 depending on position

Due to numerous unforeseen factors, it is impossible to determine the actual expenses that may be incurred for review of development proposals. Therefore, at such time as expenses are in excess of the development review fee deposit amount, subsequent deposits shall be requested by the Planning Director. This amount will be based upon the status of the project and outstanding issues. In no event will review of a project continue once deposited development review fees have been exhausted until the Town has received a further deposit sufficient to cover anticipated expenses. Once final review is completed, any remaining development review fee deposit funds will be reimbursed to the applicant. The Town will provide regular statements to the Developer which shall describe in detail the dates, times and types of services being provided. In the event these fees or costs are disputed, the Developer may, within two (2) months of the date of the Town's statement, file with the Town a written request for review which shall specify the fees or costs being disputed. Within one (1) month after the receipt of the written request for review, the Town Administrator shall meet with the Developer to provide the Developer with an opportunity for hearing with respect to the disputed fee or cost. The Town Administrator shall send to the Developer a written response within two (2) weeks of the hearing.

The Town Administrator or Board of Trustees may waive all or any portion of the deposit and administrative expenses for an annexation, zoning, or variance when it is determined that the deposit is extremely disproportionate to the Town's anticipated actual costs or it is in the Town's best interest not to charge a fee.

### **30-10-104 PAYMENT OF IMPACT FEES**

A. The following impact fees shall be paid at the time of building permit issuance.

- (1) Water System Investment Fee
- (2) Wastewater System Investment Fee
- (3) School District PILO Fee
- (4) Raw Water System Investment Fee

B.

1. All other impact fees are due and payable within six (6) months of issuance of the building permit or at the time of issuance of the Certificate of Occupancy, whichever occurs first. To the extent that any impact fee is not paid at the time a building permit is issued, the permit holder will be required to pay the full amount of the impact fee which is in effect at the time the fee is paid. If the payment is not made prior to the effective date of any increased fee, the applicant is required to pay the fee in effect at the time payment of the balance of the deferred fees are paid.
2. In the event the recipient of the building permit fails to pay the required fees as specified above, the

Town shall have the following remedies which may be enforced separately or cumulatively:

- a. Interest on the unpaid balance shall commence retroactively from the date the building permit was initially issued at 1 .5" per month (18" per annum).
- b. The Town shall be entitled to collect, in addition to the interest at 1 8", its costs, legal fees, administrative expenses and all other costs of collection.
- c. The Town may elect not to issue any further building permits and/or deny the defaulting party the opportunity to defer fees if the Town does elect to issue building permits to them.

**30-10-105 RAW WATER CONTRIBUTION REQUIREMENTS**

**Section 1. Purpose and Scope**

The Board of Trustees has determined that it is in the best interests of the Town to continually acquire raw water sufficient to provide for the needs of current and future development. The Board has determined that in some cases it is difficult, if not impossible to purchase, at a reasonable price, sufficient raw water. It is therefore necessary to adopt this ordinance to accommodate the raw water requirements of the Town and the availability of water in the market place for the water needs of both large and small developments as well as those developments, which can only be served with treated water through a supplier other than the Town of Berthoud.

**Section 2. Dedication of Raw Water to the Town of Berthoud**

- A. It is not the intent of this Ordinance to allow the recalculation of water dedications for existing subdivisions or to increase the raw water requirements for subdivisions for which a final plat has already been approved as of the effective date of this Ordinance. A Developer or a person with an undeveloped pre-approved subdivision which has already established its raw water obligation within its development agreements may request the Town to renegotiate its raw water obligations. The requirements herein shall apply to all development, unless otherwise agreed to by a Developer or a person and the Town and set forth in the applicable annexation or development agreements.
- B. A "Developer" shall be defined for purposes of this Ordinance as someone who develops a subdivision, P.U.D., or comparable development of fifty (50) lots or more. Any person or entity who develops a subdivision, P.U.D., or comparable development with less than fifty (50) lots shall be referred to herein as a "person."
- C. Prior to issuance of a building permit, a Developer shall provide the required raw water dedication for said building permit. A Developer may dedicate additional water prior to the issuance of building permits which shall be credited by the Town toward future permits within the development. At the time of final plat, a Developer shall also dedicate all water necessary for irrigation of parks, open space, golf courses, playing fields, and similar areas.
- D. The Town shall require the conveyance of Units of the Colorado Big Thompson Project (CBT Units) under fixed quota allotment contracts, shares in the Handy Ditch Company, other raw water sources pursuant to paragraphs F and G below, or a combination thereof for water dedication requirements. This water dedication requirement shall be satisfied for each dwelling unit within a subdivision based upon the following schedule, and such other raw water as is necessary to provide for the anticipated requirements of parks and open space, commercial or industrial uses within the development.

Lot Size (square feet)	Acre Feet	CBT Units
5,000 or less	0.47	0.67
5,001 – 7,000	0.56	0.80
7,001 – 9000	0.64	0.92

9,001 – 11000	0.73	1.04
11,001 – 13000	0.81	1.16
13,001 – 15000	0.90	1.29
15,001 – 17,000	0.98	1.40

Lot sizes shall be rounded to the nearest increment in the table above to determine water dedication requirements. Water dedication for lot sizes in excess of 17,000 square feet shall be analyzed by the Town on a case by case basis.

- E. The Town may allow cash-in-lieu of water dedication at its sole discretion. The fee shall be based upon all costs of acquisition of CBT Units, including the administrative costs and average cost of CBT Units in the previous three (3) months' sales of CBT Units, the terms of which sales are available to the Town. The dedication of Handy Ditch shares shall also require the payment of \$500 per dwelling unit to pay the fees for converting the water from agricultural usage to domestic usage (conversion fee) in cases where Handy Ditch shares are dedicated for domestic usage.
- F. The amount of water for which a Developer will receive credit relative to the shares in the Handy Ditch Company (Handy) will be based upon six and two-tenths (6 2/10) acre feet per share if the historic use of the specific shares to be dedicated supports said yield in the Town's sole discretion. Other sources of raw water may be acceptable to the Town in its sole discretion provided they can be delivered in suitable amounts and times for the desired purposes under priorities that will provide a reliable source of water. However, water sources other than CBT Units may only comprise 50% or less of water required for potable uses. In the event that the property cannot be served by water processed at the Town's water treatment plant, then the only raw water acceptable to the Town to comply with the required raw water dedication will be water rights in the amounts acceptable to the water provider or water which can be delivered to the property for raw water irrigation purposes.
  - (1) A dwelling unit is defined in the current edition of the applicable Building Code as adopted by the Town. Thus, it would be presumed a duplex would have a raw water compensation requirement of two times a single family residence.
  - (2) Dwelling units on lots in excess of 17,000 square feet, commercial development, industrial development, parks, open space, apartment complexes, condominiums and townhouses which do not have in excess of 1,000 square feet of residential floor area, as prorated to each dwelling unit, and other uses shall be evaluated on a case by case basis to determine the amount of water to be dedicated or the amounts of cash-in-lieu of water dedications. The fee for cash-in-lieu of dedication of water rights shall be based upon all costs of acquisition of CBT Units including administrative costs and the average cost of CBT Units in the previous three (3) months' sales of CBT Units, the terms of which are available to the Town. The raw water dedication shall be based on actual usage including all system losses when available and predicted usage including all system losses when it is not. The Town may elect to provide its own analysis, if, in its judgment, the Town has sufficient information and experience with other similar developments to adequately evaluate the probable water demands and consumption for the property. The Town may also require the Developer or person developing the property to provide a water demand analysis for the property, including water demands and consumption per each use category (e.g., multi-family residential, commercial, office, industrial, parks or others) and irrigation demands and consumptive use. All calculations, whether performed by the Town, a Developer, or a person developing the property shall include all system losses experienced by the Town in delivering, treating, and storing a given water source. In such case, the Town shall make the final determination as to water dedication requirements.
  - (3) Upon determination of the amount of raw water usage as required by this section, the requirement shall be rounded to the nearest one-tenth (1/10) acre foot. Dedication of CBT Units for a development shall be rounded to the nearest full CBT Unit. Dedication of Handy Ditch shares for a development shall be rounded to the nearest one-tenth (1/10) of a share.

- G. The amount and suitability of a given raw water source necessary to provide firm yield water shall be determined by the Town in its sole discretion. Conveyance of any water to the Town must be made in a manner that warrants free and clear title to the water. The Town shall also require documentation evidencing free and clear title to the water. The Developer or person developing the property shall also execute or cause to be executed a dry-up covenant or covenants acceptable to the Town in cases where such covenants are deemed necessary by the Town and pay such fees as are required to make the water available for use by the Town.

### **Section 3.**

- A. Those properties currently receiving water treated through the Town's water treatment system shall be exempt from water dedication and water dedication fees except to the extent that the usage of the property changes; for example a residence to a restaurant at which point the Town may reevaluate the usage and require additional raw water to be transferred to the Town.
- B. The Board of Trustees recognizes that the acquisition of partial shares of Handy Ditch Company stock and Units of Colorado Big Thompson is difficult. For persons who are not defined as Developers and whose property can be provided water service or treated water through the Town's treatment plant, the Town will accept cash in lieu of dedication of water rights. Such payments shall be made at the same times as specified in Section 2.C. hereof for water dedications. The amount of such payments shall be based upon all costs of acquisition of CBT Units, including administrative costs and the average cost of CBT Units in the previous three (3) months' sales of CBT Units, the terms of which are available to the Town.

### **Section 4. Non-potable Irrigation Systems.**

- A. The Board of Trustees has determined that it is in the best interest of the Town of Berthoud to attempt to preserve the native and historic water rights on properties, which are subdivided within the Town. In order to do so, the Town encourages the use of non-potable irrigation systems utilizing such historic water rights where economically and administratively in the best interests of the Town.
- B. Developers or persons developing the property who wish to utilize non-potable irrigation systems shall pay for an analysis by the Town which shall include: (1) an analysis by a qualified engineer with supporting data as to the quantity and quality of the water which will be delivered through the non-potable irrigation system; (2) the proposed manner of delivery, including duration and volume; (3) the reliability of the system; (4) the plan for system maintenance and the entity to be responsible for such maintenance; (5) the proposed manner in which the non-potable water irrigation system will be connected to the Town's treated water system so that treated water can be used for irrigation when the supply of the non-potable water is unavailable or insufficient including, but not limited to, backflow devices; (6) a calculation of the volume of water which the non-potable system will be able to provide on a monthly basis in lieu of the usage of treated water for irrigation purposes and the proposed appropriate credit against raw water dedications or fees in lieu of raw water dedications; and (7) certification by an attorney who specializes in water law that the use of the non-potable water as it is presented will be in full compliance with the adjudicated usage of the decreed water rights.
- C. The Town shall review the information set forth in Section 5.B. to determine the amount of credit that it will recognize toward the water dedication requirements required above. The Developer or person developing the property shall pay for all costs of the Town's review.
- D. Upon approval, the Developer or person developing the property shall install a meter acceptable to the Town to measure the use of non-potable water when the non-potable system is installed. Use of non-potable water shall be reviewed and the Town reserves the right to require additional water dedication if the non-potable system does not deliver the amount of water for which the Developer or person was given a credit. The Developer or person shall be responsible for any such additional

water dedication for a period of five (5) years after the non-potable system is placed into use for the entire development.

### **30-10-106 RESIDENTIAL PARKLAND DEDICATION AND DEVELOPMENT FEES**

Upon the use of land for residential purposes the following dedications and/or fees shall be effective. Any property that has already met the requirements for park-land dedication or park-land development shall only be responsible for fees or dedications not yet paid or dedicated to the Town.

Park-land shall include land acquired for parks, trails and open space.

- A. **Park Development Fee:** The fee for park development shall be \$2,178.00 for single family equivalent (SFE) unless prior contractual arrangements have been made which provide that a credit shall be applied against this fee.
- B. **Park Land Dedication:** The park-land dedication (acquisition) fee for single family equivalent (SFE) is seven percent (7%) of the appraised value of raw land in the development unless dedication of seven percent (7%) of the land in the subdivision is accepted by the Board of Trustees, or unless it is a parcel in the already developed part of Town, in which case it is \$800 per SFE. This fee shall be assessed where the structure or portion thereof is primarily used for residential uses.
- C. **Location:** The land to be dedicated to the Town must be located on the site to be developed and should conform to the greatest extent possible to the Town's Parks and Open Space Plan. Another location may be acceptable if it is approved by the Town Board in writing.
- D. **Acceptance of Park-land Dedication:** The Town Board shall have the authority to accept or reject all or any portion of the proposed park-land dedication and require cash in-lieu of land for the remainder of the seven percent (7%).
- E. **Cash in Lieu Option:** If determined by the Town Board that the proposed 7% park-land dedication is not in the best interests of the citizen's of Berthoud, the Town may request a smaller amount of land or no land and payment-in-lieu for the portion not dedicated. The amount of the payment in lieu of land shall be determined as follows:
  - 1. If the parties cannot agree on the value of the land to be dedicated for park-land, and appraisal will be acquired by the Town and the petitioner shall be responsible for payment of this appraisal.
  - 2. The total appraised value of the property to be dedicated for residential uses shall be multiplied by seven percent (7%). This value will be the total park-land dedication fee collected for this property. (Total appraised value of the land to be developed for residential uses x 7% = Total cash in-lieu of land to be collected).
  - 3. Cash in lieu of land shall be payable to the Town for each new dwelling unit and the fee shall be determined as follows: Seven percent (7%) of the total appraised value of the property to be developed for residential purposes divided by the number of dwelling units on the property = the park-land fee for each dwelling unit.
  - 4. In the event a building permit for a new dwelling unit is requested for a lot existing in the Town upon the effective date of this ordinance, the park land acquisition fee of \$800.00 shall be due in lieu of park-land dedication.
- F. **Conditions of Acceptance:**
  - 1. All park land dedicated to the Town should be free of natural hazards (e.g., flood plains, steep slopes, water bodies), and manmade facilities (e.g., detention or retention basins, gas wells, etc.)

which inhibit the optimum development and utilization of the park-land for park uses, unless otherwise agreed upon in writing.

2. All park-land shall be dedicated to the Town without restrictions and free and clear of any and all liens, restrictions and covenants.
  3. Park-land to be dedicated to the Town shall be preserved, protected and maintained by the developer during the development process until the subdivision has installed infrastructure for the phase that the parkland is located.
  4. The developer shall not disturb the topsoil or vegetation on the park-land during the development process unless different arrangements are agreed to in writing by the Town.
  5. All construction debris and other foreign matter shall be removed from the site prior to dedication.
  6. The Town may request a Phase 1 Environmental Assessment for the area to be dedicated to the Town for park-land.
- G. **Review of Fees:** These fees shall be reviewed by the Board of Trustees not less frequently than annually and revised in necessary by resolution during the first quarter of each calendar year.

### **30-10-107 DRAINAGE FEE**

#### **A. Drainage Fee**

Each property containing any structures shall be assessed a monthly drainage fee for the square footage of all structures located on the property. This fee shall be billed in conjunction with the monthly water and wastewater utility billing.

#### **B. Drainage Fund**

The money collected through the drainage fee assessment shall be deposited in a fund to be used exclusively for the resolution of drainage related problems in the Town.

#### **C. Enforcement**

In the event the drainage fee assessment is unpaid and a delinquency is created the clerk of the Town, its treasurer or its designated representative may certify the delinquencies to the office of the treasurer of Larimer County. The treasurer then may proceed to collect these delinquencies through the applicable statutory tax sale procedure. The Town may also proceed to collect the unpaid fee by terminating utility service for water or sanitary sewer or both, or by litigation or through a combination of these remedies.

#### **D. Drainage Assessment**

1. For each property containing structures which have a total of 1,000 or less square feet of structural footprint, a minimum fee of \$3.50 per month will be assessed. The square footage of the structural footprint for the structures on a parcel of property shall be established by calculating the square footage based upon the outside exterior walls of the structures located on the property. For example, a structure having exterior measurements of 30 feet by 40 feet would have a structural footprint of 1,200 square feet, regardless of whether it was a one-story or multi-story structure.
2. Any property containing structures whose structural square footage is in excess of 1,000 square feet will be assessed an additional \$.25 for each 100 square feet, or fraction thereof. The

calculation for structural square footage shall be made as follows: Structural square footage up to fifty shall be rounded to the lowest 100 square feet and structural square footage of fifty or more shall be rounded to the next highest 100. (e.g. properties with structures whose structural square footage is less than 1,050 will be \$3.50 per month, but those structures whose structural square footage is more than 1,050 but less than 1,100 would pay \$3.75.)

3. The Town Board of Trustees reserves the right to consider the individual financial situation of the property owners and the factual circumstances regarding drainage on the specific property. In appropriate cases, and after establishment of the necessary administrative guidelines, the drainage fee may be deferred, waived, reduced, or increased.

**30-10-108 PUBLIC FACILITIES INVESTMENT FEE**

A. A public facilities investment fee shall be due and payable to the Town in the amount of \$1,524.00.

**30-10-109 CAPITAL FACILITY EXPANSION FEE**

(Reserved)

**30-10-110 WATER AND WASTEWATER TAP FEES**

Each person requesting a building permit for construction of a new single family equivalent structure shall pay the following fees:

**Section 1.A.1. Water Tap Fees**

<u>Meter Size</u> (inches)	<u>Meter Capacity</u> (gpm)	<u>Meter Capacity Ratio</u>	<u>Water Tap Fees</u> (\$)
5/8	10	1.0	\$ 5,500
3/4	15	1.5	\$ 8,250
1	25	2.5	\$13,750
1 ½	50	5.0	\$27,500
2	80	8.0	\$44,000
Over 2	Based on connector's estimated water characteristics.		

**Section 1.A.2. Wastewater Tap Fees**

<u>Meter Size</u> (inches)	<u>Meter Capacity</u> (gpm)	<u>Meter Capacity Ratio</u>	<u>Wastewater Tap Fees</u> <u>Without Lift Station</u>
5/8	10	1.0	\$ 6,255
3/4	15	1.5	\$ 9,382
1	25	2.5	\$15,637
1 ½	50	5.0	\$25,000
2	80	8.0	\$50,040
Over 2	Based on connector's estimated wastewater characteristics.		

**Section 2. Raw Water System Investment Fees**

At the time a building permit is issued which requires either the payment of a new water system investment fee or the increase of an existing water system investment fee, there shall also be due and

payable a raw water system investment fee in the amount of \$245.00. This fee shall primarily be used for the collection, delivery and storage of raw water.

### **30-10-111 DENSITY TRANSFER FEE**

- A. There is hereby implemented a fee to provide for the purchase of residential development units from agricultural areas, environmentally significant areas, and community separator areas to the Town of Berthoud. This may be accomplished by the purchase of the property in fee title or through restrictions on development or conservation easements or any combination of these or other rights, which would preserve or promote the open space aspects of the real property.
- B. The preservation of open space and agricultural areas primarily benefits the residents of the community with minimal impact upon or benefit to commercial or industrial users and is therefore applicable only to residential developments.
- C. A re-zoning of land from either a residential, agricultural, or transitional zoning district to a district that allows a higher residential density triggers payment of the fee. The total fee for a subdivision will be determined at the final development plan stage and then allocated to each unit for payment with the building permit. The total fee will be the sum of the total number of units in the final development plan, minus credits earned as listed below:
  - 1. One single-family unit credit is given for each single-family unit allowed by right with the prior County zoning or Town zoning if applicable. Multi-family credit can be earned in a similar manner. When calculating allowable prior zoning density, gross acres will be used. This will be measured using the centerline of exterior roads and will include all areas except for water bodies, floodplains, and area for road right-of-ways.
  - 2. For every acre of permanent open space provided in the subdivision, one single-family unit equivalent credit is given. Qualifying permanent open space includes deed-restricted land that is used for agricultural, environmental, or equivalent open space purposes. It does not include parkland required by the Town or buffer strips. Credit can also be earned for equivalent open space acquired off-site in areas approved by the Board of Trustees.
  - 3. Additional factors that increase or decrease the amount of credit given will be determined by the Planning Director, subject to the purposes and intent set forth in the preface to this ordinance. Appeals of his or her decision will be heard by the Town Board.
- D. New parcels created from fee paid lots through subdivision of said lot will be subject to this fee.
- E. If the Town increases the allowable density within a zoning district to the extent that a property could be subdivided for an additional unit, then the fee would apply and be assessed at such time as additional building permits for new residences are requested.
- F. The fee for a single-family house is \$3,000 and \$1,500 per dwelling unit for multi-family structures. Calculation of the fee is provided in a document entitled "Density Transfer Fee Calculation Guidelines".
- G. Six percent of the total Density Transfer fee collected will be used for administration of this process. The balance of these fees shall be exclusively used for the open space acquisition and preservation purposes as described in this Ordinance. These fees shall be separately accounted for within the Town's annual budget.

### **30-10-112 SCHOOL SITE DEDICATION OR PAYMENTS IN LIEU OF**

The Town of Berthoud has entered into an Intergovernmental Agreement with the Thompson School District R2-J and the Weld County School District RE-5J concerning annexations and school site dedication or payments in lieu thereof for school purposes.

1. Prior to the issuance of a building permit for residential construction, the Town will require proof that the appropriate dedication of land for school purposes has been made to the school district or that the school district has received a payment in lieu thereof. Any payments made shall be retained by the school district and administered in accordance with the Intergovernmental Agreement.

## **2. Exemptions**

- A. Because the following are not considered to have an adverse effect of the school district's ability to provide adequate educational opportunities, they shall be exempted from and dedication requirement or in-lieu payment requirements:
  - (1) Alteration or expansion of a residential dwelling unit not exceeding a net increase of 1,000 square feet of the existing dwelling unit.
  - (2) Replacement of a residential dwelling unit in which the replacement does not exceed a net increase 1,000 square feet of the dwelling unit being replaced.
  - (3) Construction of a non-dwelling unit, accessory building, or structure.
  - (4) Construction of an accessory dwelling unit according to Berthoud Municipal Code.
  - (5) Nursing homes as defined in the Town Code.
  - (6) Town-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.
- B. Any claim or exemption provided in this section must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

## **30-10-113 ROAD IMPACT FEES**

There shall be imposed a road impact fee for all new construction within the Town of Berthoud in accordance with the Fee Schedule as set forth on Exhibit "A", which is attached hereto and incorporated herein by reference. The fee is applied in increments of 1,000 square feet. The fee will be prorated according to the actual square footage of the new construction.

There shall be no fee due when the building permits are issued for remodeling, when the construction does not increase the square footage of the structure in excess of 1000 square feet.

Retail establishments and restaurants shall also be exempt from the fee when it can be shown that their sales will generate sales tax revenues comparable to the competitive retail and restaurants which are already operating within the Town. It is the intent of this provision to recognize and give credit for sales tax revenues which will be generated by new businesses and which are, pursuant to the Town's current sales tax ordinance, directed toward special purposes such as repair and replacement of streets.



## ROAD IMPACT FEE EXHIBIT "A"

LAND USE TYPE	UNIT	FEE/UNIT
Single Family Detached	Dwelling	\$2095.70
Multi-Family	Dwelling	\$1440.21
Mobile Home Park	Site	\$1041.11
Hotel/Motel	Room	\$1787.24

### AUTO SALES/AUTO REPAIR AND SERVICE/BANKS

Auto Sales	1000 sq. ft.	\$4096.73
Auto Service/Repair/Tire Store	1000 sq. ft.	\$2750.26
Bank	1000 sq. ft.	\$7764.95
Movie Theater	1000 sq. ft.	\$7619.19

### OFFICE/INSTITUTIONAL

Office/General < 100,000 sq. ft.	1000 sq. ft.	\$3508.54
Office/General < 200,000 sq. ft.	1000 sq. ft.	\$2628.80
Office/General 200,000 sq. ft. +	1000 sq. ft.	\$2151.63
Office, Medical	1000 sq. ft.	\$7837.81
Hospital	1000 sq. ft.	\$3638.68
Nursing Home	1000 sq. ft.	\$1058.47
Church/Synagogue	1000 sq. ft.	\$1978.10
Day Care Center	1000 sq. ft.	\$2061.40
Elementary/Secondary School	1000 sq. ft.	\$ 645.49

### INDUSTRIAL

General Light Industrial	1000 sq. ft.	\$1509.61
Warehouse	1000 sq. ft.	\$1075.81
Mini-Warehouse	1000 sq. ft.	\$ 541.38