

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 782
(SERIES 2013)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
REVISING ARTICLE 10 OF THE LAND USE AND
DEVELOPMENT CODE REGARDING IMPACT FEES**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended on April 3, 2012; and

WHEREAS, pursuant to its Home Rule status, the Town is authorized to adopt such ordinances and resolutions relative to local municipal matters as are necessary to effectuate the purposes and intent of the powers granted to municipalities; and

WHEREAS, the Local Government Control Enabling Act (the “Act”), Sections 29-20-101, *et seq.*, C.R.S., Article 23 of Title 31, and other applicable laws grant broad authority to the Town to plan for and regulate the development of land on the basis of the impacts thereof on the community and surrounding areas; and

WHEREAS, Section 29-20-104.5, C.R.S. authorizes municipalities to impose an impact fee as a condition of issuance of a development permit to offset the costs of providing any capital fee directly related to any service the municipality is authorized to provide, that has a useful life of at least five years, and is required by charter or general policy of the municipality; and

WHEREAS, Article 10 of the Town’s Land Use and Development Code (“LUDC”) authorizes the Town to impose and collect impact fees; and

WHEREAS, the Town Council hereby finds and determines that it is appropriate and necessary to the function and operation of the Town to revise Chapters 10.02 and 10.04 of the LUDC to clarify the uses and collection of impact fees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Adoption of a new Section 10.2.7 of the LUDC. A new Section 10.2.7 of the LUDC is hereby adopted to read as follows:

10.2.7 An impact fee may be used for the costs of any capital facilities within the same specific fee type or category for which the impact

fee was originally collected, so long as the demand for such facilities is apportioned to the development activity in the same proportion as the original facility.

II. Revision of Section 10.4.1 of the LUDC. Section 10.4.1 of the LUDC is hereby revised to add the following underlined language:

10.4.1 Where development activities may result in multiple levels of development approvals, such as annexation, zoning, subdivision and building permit approval, impact fees shall be paid upon the earliest development activity to occur for which amount of impact fees can be reasonably calculated. A development application shall not be considered a complete application for purposes of determining impact fees if the specific impact fee amount is unable to be calculated for any reason. In such event, the impact fees may be imposed on any level of development approval that enables calculation of the impact fees.

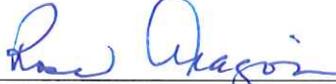
III. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

IV. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

V. Effective date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

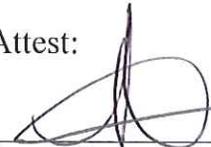
INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 8th DAY OF JANUARY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 

Ross Aragón, Mayor

Attest:



April Hessman, Town Clerk



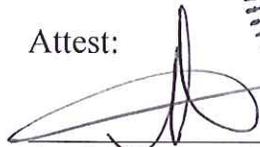
FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS SPECIAL MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 24th DAY OF JANUARY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

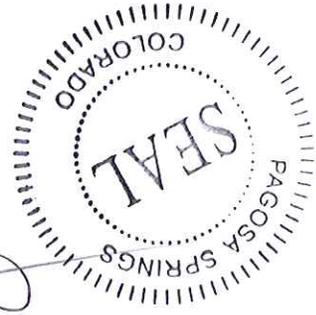
By: 

Ross Aragón, Mayor

Attest:



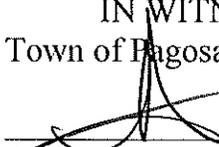
April Hessman, Town Clerk



CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 782 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its special meeting held on the 8th day of January 2013, and was published by title only, along with a statement that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on January 9th, 2013, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 24 day of January, 2013.

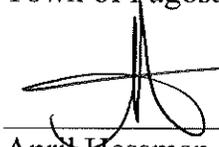


April Hessman, Town Clerk
(SEAL)



I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 782 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its special meeting held on the 24th day of January, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on Jan 24, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 24 day of Jan, 2013.



April Hessman, Town Clerk
(SEAL)

