

TOWN OF PAGOSA SPRINGS, COLORADO

RESOLUTION NO. 2013-01

**A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS
ADOPTING A NEW IMPACT FEE SCHEDULE**

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 April 3, 2012; and

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

WHEREAS, the construction of new developments within the Town creates significant additional demand for adequate emergency services, parks, trails, roads and other public services and facilities; and

WHEREAS, the demand for public services and facilities is immediate upon development of residential and commercial units even though the Town’s funding from tax revenues often accrues after the demand for services exists; 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, Section 11.2, B) of the Town Charter directs that the Town’s land use and subdivision ordinance include such fees as are necessary to ensure that the cost of necessary public improvements and the use or depletion of public resources created by a specific development or project are paid for by that particular development or project; and

WHEREAS, pursuant to Resolution No. 2009-05, the Town Council previously adopted the Pagosa Springs Municipal Code Per Diem and Fee Schedule (the “2009 Fee Schedule”) which establishes impact fees (the “Impact Fee Schedule”); and

WHEREAS, the Impact Fee Schedule was based on a Joint Impact Fee Analysis that analyzed the extent of the impacts of development on public services throughout Archuleta County and the fees necessary to mitigate such impacts; and

WHEREAS, in December 2012, Town staff updated the Town’s development impacts analysis and capital improvements plan and determined that certain adjustments to the Impact Fee Schedule are needed to address the impacts of development on certain public services and facilities; and

WHEREAS, the Impact Fee Schedule includes impact fees for water storage, and the Town no longer collects impact fees for such purpose; and

WHEREAS, the Town Council hereby finds and determines that it is necessary to revise the Impact Fee Schedule adopted by the 2009 Fee Schedule to remove the water storage impact fee and school fees in lieu of public land dedication and to revise the non-residential regional public facilities impact fee.

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

I. Impact Fee Schedule. The Impact Fee Schedule that is a part of the Pagosa Springs Municipal Code Per Diem and Fee Schedule is hereby repealed and readopted in its entirety, as follows:

Type of Fee	Code Section	Description	Amount
<u>IMPACT FEES</u>			
Road Impact Fee	8.1	Lodging	\$1887 per 1,000 sq. ft.
		Retail	\$4336 per 1,000 sq. ft.
		Office/Industrial	\$1694 per 1,000 sq. ft.
		Single-Family Res.	\$975 / dwelling unit
		Multi-Family Res.	\$702 / dwelling unit

Regional Public Facilities Impact Fee	8.1	All Residential	\$ <u>127</u> / dwelling unit
		Non-Residential	\$ <u>159</u> per 1,00 sq. ft.
Regional Recreation Facilities Impact Fee	8.1	All Residential	\$ <u>863</u> / dwelling unit
Park Impact Fee	8.1	All Residential	\$ <u>368</u> / dwelling unit
Trail Impact Fee	8.1	All Residential	\$ <u>652</u> / dwelling unit
Emergency Service Provider Impact Fee	8.1	All Residential	\$574 / dwelling unit
		Non-Residential	\$741 per 1,000 sq. ft.
School Fees in Lieu of Public Land Dedication	8.12	All Residential	\$ <u>283</u> / dwelling unit

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

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

IV. Effective date. This Resolution shall take effect and be enforced immediately upon its approval by Council.

Adopted this 24 day of Jan., 2013. Resolution Passed 6 For 1 against

TOWN OF PAGOSA SPRINGS,
 COLORADO

By: Ross Aragón
 Ross Aragón, Mayor

Attest:


April Hessman, Town Clerk