

**ORDINANCE NO. 781**

**AN ORDINANCE OF THE TOWN OF MILLIKEN, COLORADO, IMPLEMENTING PROVISIONS FOR COLLECTION OF IMPACT FEE APPROVED BY FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT**

WHEREAS consistent with the authority granted in the Local Government Land Use Control Enabling Act of 1974 (“Act”), and particularly section 29-20-104.5 of such Act, and as a condition of issuance of development permits the Town of Milliken is authorized to impose an impact fee or other similar development charge to fund expenditures on capital facilities needed to serve new development by a fire and emergency services provider that provides fire protection, rescue, and emergency services;

WHEREAS the Front Range Fire Rescue Fire Protection District (“District”) represented that it obtained an impact fee study dated October 3, 2018, to evaluate the essential nexus between new development within the District’s jurisdictional boundaries and the projected impact that such development has on the District’s capital facilities (“Nexus Study”), which study quantified the impacts of both new residential and new non-residential development on the District’s capital facilities;

WHEREAS based on the Nexus Study, the District requested that the Town impose the following impact fees on its behalf: \$1,087.00 per single family or two-family home, \$692.00 per multi-family home and \$0.60 per square foot for non-residential uses;

WHEREAS on February 26, 2020, the Board of Trustees for the Town of Milliken, Colorado, (“Board”) voted to approve an intergovernmental agreement with the District described as “Intergovernmental Agreement for the Assessment, Collection, and Remittance of Emergency Services Impact Fees for Front Range Fire Rescue Fire Protection District” (“IGA”);

WHEREAS the impact fees approved in the IGA are legislatively adopted, generally applicable to broad classes of property and, based on the Nexus Study, set at a level no greater than necessary to defray the reasonable impacts of proposed development on the District’s capital facilities;

WHEREAS based on the foregoing the Board of Trustees for the Town of Milliken, Colorado, (“Board”) desires to amend the Milliken Municipal Code to reflect the adoption of the IGA;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MILLIKEN, COLORADO, AS FOLLOWS:**

Section 1. The following shall be added as a new Division 8 to Article I of Chapter 18 of the Milliken Municipal Code:

Division 8 – Emergency Services Impact Fees

Sec. 18-1-710. – Definitions.

As used in this Division, the following terms have the meanings indicated:

*Developer* means any applicant for a Development Permit for any Development; provided however that under no circumstances shall the Town be within the meaning of “Developer.”

*Development* means any new development located within the jurisdictional boundaries of both the Town and the District and requiring a Development Permit. Remodels of existing residential buildings, remodels of existing non-residential buildings where there is neither a change of occupancy nor a change of use, and construction of accessory buildings are expressly excluded from the meaning of “Development” as used in this Division.

*Development Permit* has the same meaning as in section 29-20-103 of the Colorado Revised Statutes, including without limitation any building permit.

*Development Permit Application Process* means the Town’s building permit application process.

*District* means Front Range Fire Rescue Fire Protection District.

*Emergency Services Impact Fee* means the impact fee adopted and approved in sections 18-1-720.

*IGA* means the intergovernmental agreement between the Town and the District described as “Intergovernmental Agreement for the Assessment, Collection, and Remittance of Emergency Services Impact Fees for Front Range Fire Rescue Fire Protection District” and approved by the Board of Trustees of the Town of Milliken on February 26, 2020, as it may be from time-to-time amended.

*Nexus Study* means the impact fee study obtained by the District dated October 3, 2018, to evaluate the essential nexus between new development within the District’s jurisdictional boundaries and the projected impact that such development has on the District’s capital facilities as it may be from time-to-time amended.

#### Sec. 18-1-720. – Adoption and Imposition of Emergency Services Impact Fee

Except where waived or deferred as otherwise permitted by law or by the IGA, All residential and nonresidential Development shall be subject to the payment of an Emergency Services Impact Fee during the Development Permit Application Process as follows:

**FRONT RANGE FIRE RESCUE FIRE PROTECTION DISTRICT  
EMERGENCY SERVICES IMPACT FEE SCHEDULE**

<b>RESIDENTIAL</b>	
<b>UNIT TYPE</b>	<b>FEE PER DWELLING UNIT</b>
Single Family or Two-Family	\$1,087.00
Multi-Family	\$692.00
<b>NON-RESIDENTIAL</b>	
<b>UNIT TYPE</b>	<b>FEE PER SQUARE FOOT</b>
Any Non-Residential	\$0.60

**Sec. 18-1-730. – Prohibitions.**

The other provisions of this Division to the contrary notwithstanding, no Developer or landowner is required to provide any site specific dedication or improvement to meet the same need for capital facilities for which an impact fee is imposed pursuant to the schedule set forth in section 18-1-720, and no impact fee will be imposed on a Developer or landowner if that person is already required to pay an impact fee or other similar development charge for another capital facility used to provide similar emergency services, or if the person has voluntarily made a commensurate contribution of money for such other capital facility.

**Sec. 18-1-740. – Amendments to Emergency Services Impact Fee Schedule.**

The Emergency Services Impact Fee Schedule set forth in section 18-1-720 may be amended by resolution of the Board of Trustees for the Town of Milliken upon any update or amendment to the Nexus Study or the IGA and upon such showing in support of the need for amendment as may be required by law.

**Sec. 18-1-750. – Collection process.**

Town staff and District staff shall cooperate to establish procedures for collection of the Emergency Services Impact Fee, which in any case shall be collected during the Development Permit Application Process except where waived or deferred as otherwise permitted by law or by the IGA, and for payment of an administrative fee to the Town as specified in the IGA, which shall be set by Town staff based on the actual and reasonable costs related to the collection and remittance of the Emergency Services Impact Fee but no more than 2% of Emergency Services Impact Fees collected.

**Sec. 18-1-760. – Controlling effect of other provisions.**

Provisions contained in Divisions 1 through 7 of this Article are not controlling with respect to collection of the Emergency Services Impact Fee.

Section 2. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases be declared invalid.

Section 3. Effective Date. This ordinance shall take effect on the later to occur of thirty days after publication as provided by law or July 1, 2020.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 20<sup>th</sup> DAY OF April, 2020.

TOWN OF MILLIKEN

  
By: Beau Woodcock, Mayor

ATTEST:

  
Cheryl Powell, Town Clerk

APPROVED AS TO FORM:

  
Matthew T. Gould, Town Attorney