



**WHEREAS**, BBC prepared an Impact Fee Report, dated February 13, 2008 (the "2008 Impact Fee Report"), concerning recommended amendments or revisions to the development impact fees approved by Resolution 04-01; and

**WHEREAS**, the 2008 Impact Fee Report prepared by BBC, set forth a reasonable methodology and analysis for updating and/or amending the reasonable impact of various types of proposed residential and non-residential development on the County's capital facilities and transportation system.

**WHEREAS**, the impact fees set forth in this report, prepared by BBC and which were set forth in Resolution 08-17, were at a level no greater than necessary to defray the projected impacts on the County's road and bridge facilities, recreation facilities, public facilities, sheriff and jail facilities, court facilities, and all other capital facilities directly related to and caused by proposed development.

**WHEREAS**, after due and timely notice, the Board of County Commissioners held a public hearing on \_\_\_\_\_, \_\_\_\_\_ 2016, to discuss, review and hear public comments on the amended impact fees set herein; and

**WHEREAS**, the amended or revised impact fees adopted hereby are fair and rational, charge new development according to its impact on the County's capital facilities, and benefit the developers who pay them in a tangible way.

**NOW THEREFORE BE IT RESOLVED**, by the Board of County Commissioners for the County of Elbert, Colorado:

**I. Legislative Findings**

In addition to the legislative findings set forth in Resolution 04-01 and Resolution 08-17, which are incorporated herein as if set forth in full, the Board of County Commissioners further finds that:

- (a) The protection of health, safety and general welfare of the citizens of the County of Elbert requires that the County's road and bridge facilities, recreation facilities, public facilities, sheriff and jail facilities, court facilities, and all other capital facilities be expanded and improved to accommodate continuing growth within the county.
- (b) The 2008 Impact Fee Report, prepared by BBC, sets forth as reasonable methodology and analysis for updating and/or amending the reasonable impacts of various types of proposed residential and non-residential development on the County's capital facilities and transportation system.
- (c) The Impact fees have not been amended since Resolution 08-17, they have not been updated annually and have not kept up with the rate of inflation or the ENR Construction Cost Index.
- (d) The impact fees set forth in this resolution utilized the methodology provided for in the 2008 Impact Fee Report by BBC are at a level no greater than necessary to defray the projected



impacts in the County's road and bridge facilities, recreation facilities, public facilities and sheriff facilities directly related to and caused by proposed development.

## II. Authority, Applicability and Effective Date

- (a) This Resolution is enacted pursuant to the Authority granted to the County by Section 29-201-101 et seq., C.R.S.
- (b) The provisions of the Resolution shall apply to the unincorporated portions of Elbert County.
- (c) The effective date of this Resolution shall be \_\_\_\_\_, \_\_\_\_\_ 2016.
- (d) The provisions of this Resolution, including but not limited to the amended computation of impact fees set forth in Section IV, shall not apply to any development for which the applicant has:
  - i. Gone to public hearing before the planning commission while in the process of creating new, buildable lots smaller than thirty-five (35) acres prior to the effective date of this Resolution.
  - ii. Submitted a complete building permit application and paid all associated fees prior to the effective date of this Resolution.
  - iii. For development for which the applicant has gone to public hearing before the planning commission while in the process of creating new, buildable lots smaller than thirty-five (35) acres prior to the effective date of this Resolution and for any applicant who has submitted a complete building permit application and paid all associated fees, the provisions of Resolution 08-17 shall apply including but not limited the computation of impact fees set forth in Section V. of Resolution 08-17.

## III. ENR CCI Inflation Factor

- (a) Pursuant to Section 13, Subsection (i) of Resolution 04-01, Elbert County has the authority to updated impact fees annually for inflation using the Engineering News Record (ENR) Construction Cost Index (CCI).
- (b) ENR updates the CCI on a monthly basis. For uniformity and consistency, Impact fees shall be tied to the August data of the CCI and shall be updated and adopted in the spring of each year in accordance with the provisions of this Resolution.

## IV. Imposition and Computation of Impact Fees

- (a) Section V, Subsection (b) or Resolution 08-17 is hereby amended in its entirety as follows, with all other provisions of Section V. of Resolution 08-17 remaining in full force and effect.



- (b) Each fee shall be required as a condition of approval of all development in the County for which a development permit is required and payable prior to the issuance of any such development permit. Except for such fee as may be calculated, paid and accepted pursuant to an independent fee calculation study, that amount of each fee shall be as detailed in Attachment A, which is attached hereto and incorporated herein by reference.

**V. Intent**

It is the express intent of the Board of County Commissioners that all provisions of Resolutions 04-01 and Resolution 08-17 remain in full force and effect, except as particularly modified or amended by the provisions of this Resolution.

Amendments shall be limited to the following: To change the commercial impact fee category currently known as "Mini-Warehouse" to read "Mini-Warehouse/Surface Storage of RVs, Materials, Vehicles and Equipment".

**VI. Miscellaneous Provisions**

- (a) The subsection titles in this Resolution are for convenience only and shall not affect the interpretation of any portion of the text in this Resolution.
- (b) If any paragraph, section, subsection, sentence, clause or phrase of this resolution is. For any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provision of this Resolution shall continue in full force and effect.

Upon a motion duly made and seconded, the forgoing Resolution was adopted by the following vote:

\_\_\_\_\_  
**LARRY ROSS, CHAIR**

\_\_\_\_\_  
**KELLY DORE, COMMISSIONER**

\_\_\_\_\_  
**ROBERT ROWLAND, COMMISSIONER**

**ATTEST: DALLAS SCHROEDER  
COUNTY CLERK**

BY: Dallas Schroeder  
DALLAS SCHROEDER, CLERK TO THE BOARD



560064 B: 768 P: 941 RES  
06/23/2016 01:52:54 PM Page: 5 of 5 R 0.00 D  
Dallas Schroeder Recorder, Elbert County, Co

