

<b>Title:</b> Regulatory Policy Traffic Impact Fee Program	<b>Policy No.</b> Part 8, Streets and Roads Chapter 4, Fees Section 1
	<b>Effective Date</b> January 1, 2021
<b>Policy Custodian</b> Transportation and Engineering Division	<b>Adoption/Revision Date</b> December 17, 2019/December 1, 2020

**Adopting Resolution(s):** CC19-424

**References (Statutes/Resos/Policies):** C.R.S 29-20-104.5; Jefferson County Land Development Regulation; CC86-90, CC88-724, CC91-155, CC94-454, CC94-872, CC95-375, CC96-203, CC97-284, CC98-719, CC99-070, CC00-617, CC01-325, CC02-183, CC04-085, CC07-064, CC08-019, CC09-016, CC11-399, CC12-439, CC15-086, CC17-348

**Purpose:** The Colorado Legislature granted statutory authority to local governments to impose traffic impact fees on new development (Colorado Revised Statutes 29-20-104.5) to ensure, consistent with applicable legal principles, that new development within the County bears a proportional share of the cost of capital expenditures necessary to provide improvements to interchanges, arterials, major collectors, and mountain collectors including capacity improvements, operational improvements and associated roadway improvements as required by the Jefferson County Land Development Regulation ("Transportation Improvements") in the three funding areas as defined below.

**Policy:** Traffic Impact Fee Program

A. Applicability

Prior to obtaining a building permit for any building/structure, the applicant shall pay traffic impact fees as required herein.

B. Computation of the Amount of Traffic Impact Fees

1. The amount of fees shall be determined by the Director of Planning and Zoning, or his/her appointed designee, according to the Traffic Impact Fee Schedule.
2. In mixed use commercial centers containing retail, office and/or industrial uses, the Director of Planning and Zoning, or his/her appointed designee, shall determine the primary use of each building based upon the percentage of square footage (gross floor area) per use. The fee shall be assessed at the rate of the primary use when such use equals or exceeds 60 percent of the gross floor area. Where the use of a building is unknown or indeterminate at the time of building permit application, the fee shall be assessed at the highest rate for any of the potential use categories.
3. All other uses shall pay the fee set forth in the Traffic Impact Fee Schedule for the most nearly similar use as determined by the Director of Planning and Zoning, or his/her appointed designee, using comparable trip-generation calculated in the then-current Institute of Transportation Engineers Trip Generation Manual as a guide.
4. In the case of change of use, redevelopment, expansion, or modification of an existing use which requires the issuance of a building permit, the traffic impact fee shall be based upon the net increase in the traffic impact fee for the new use as compared to the previous use as determined by the Director of Planning and Zoning, or his/her appointed designee.

5. Previously paid traffic impact fees shall not be refunded in the case of change of use, redevelopment, reduction, or modification of an existing use which results in a net decrease in traffic generation compared to the previous use.

C. Inflation Adjustment

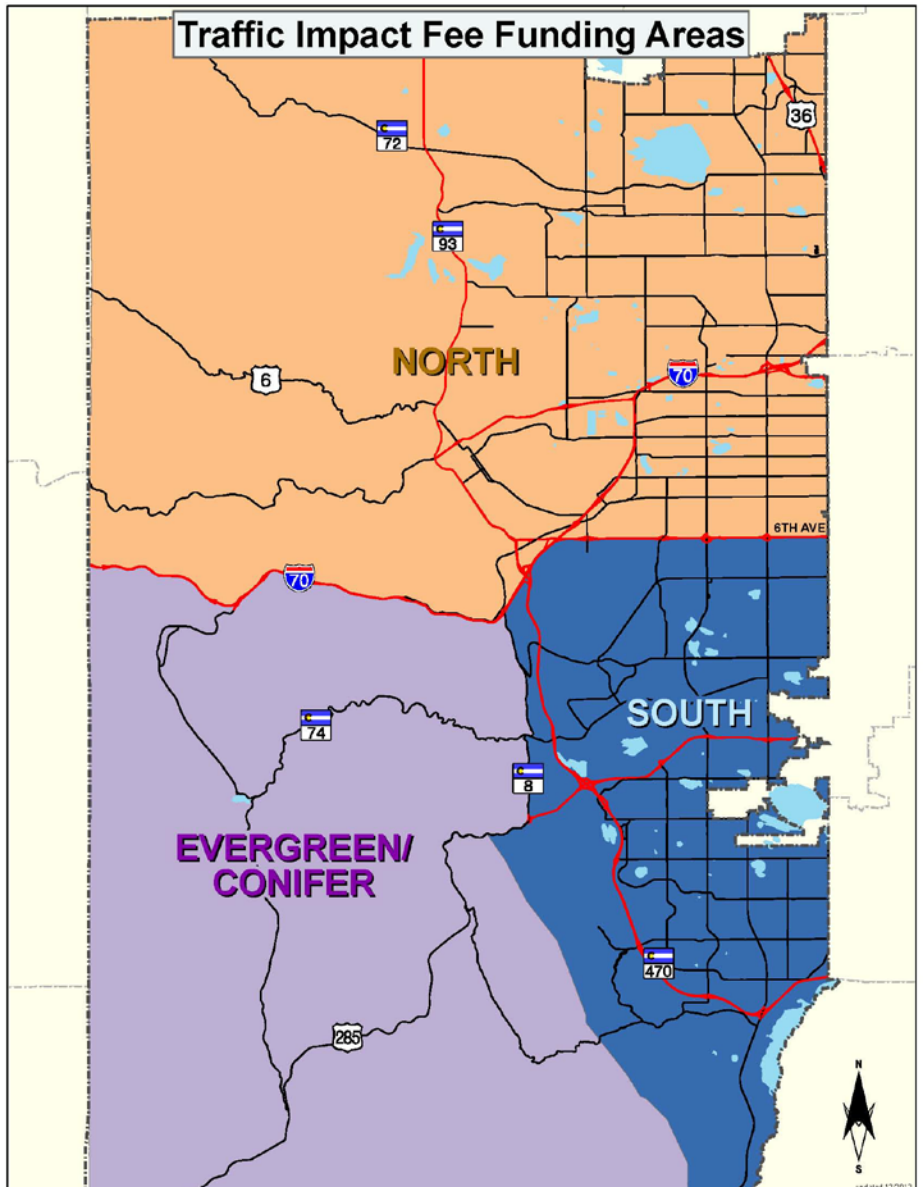
In January of each year, the fees specified in the Traffic Impact Fee Schedule and the cost estimates for projects identified in the Traffic Impact Fee Project Table shall be adjusted by the percentage increase in Construction Costs as determined by the State of Colorado. The Director of Planning and Zoning, or his/her appointed designee, will calculate the applicable increases or decreases and modify the Traffic Impact Fee Schedule and the Traffic Impact Fee Project Table accordingly.

D. Payment of Fees

Fees as computed by the Director of Planning and Zoning, or his/her appointed designee, shall be paid to the Jefferson County Division of Building Safety at the time of building permit issuance.

E. Traffic Impact Fee Road Fund

There shall be three (3) traffic impact fee funding areas as shown on the Traffic Impact Funding Areas Map. The funding areas are known as: South, North, and Evergreen/Conifer. All monies collected under this Policy shall be properly identified and promptly transferred to the appropriate funding area in the Jefferson County Traffic Impact Fee Fund and shall be held in this separate, interest-bearing account.



F. Use of Funds

All monies deposited in each fund shall be used solely to study, design, plan, and construct Transportation Improvements for the projects identified in the Traffic Impact Fee Project Table within such funding area and must be shown on the current Jefferson County Major Thoroughfare Plan. If after ten (10) years the funds have not been expended, the Board of County Commissioners shall take one of the following actions at a public meeting:

1. Retain the funds for an additional five (5) years. At the end of the first five (5) years' extension, the Board shall again consider an extension of five (5) additional years;
2. Refund the moneys not expended plus interest to the applicant having made the original payment, if the applicant can be located with reasonable effort; or
3. Treat funds as unclaimed property pursuant to County policy.

G. Credit Against Payment of Traffic Impact Fees

1. No credit shall be given for right of way dedications or site-related improvements required by the Jefferson County Land Development Regulation.
2. No credit shall be given for landscaping, except native seeding for erosion control, associated with the projects identified in the Traffic Impact Fee Project Table that is found in the procedure that implements this policy.
3. A person may obtain credit against all or a portion of traffic impact fees otherwise due or to become due by constructing any of the projects within the same funding area identified in the Traffic Impact Fee Project Table. Such construction must be in accordance with County regulations. The credit shall be determined and provided in the following manner:
  - a. An applicant for credit for construction of a project identified in the Traffic Impact Fee Project Table shall submit a request to the County Manager. The County Manager shall award full credit for roadway construction based on the County's cost estimate for the segment or portion of segment or intersection proposed to be constructed by the applicant. Only capital construction items are included in the County's construction cost estimate. Right of way acquisition and landscaping beyond native seeding are not included in the County's construction cost estimate. The County Manager shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, and an adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating agreement to the terms of the letter and return such signed letter to the County Manager before credit will be given. The failure of the applicant to sign, date, and return such letter within sixty (60) days of the date of the letter shall nullify the credit.
  - b. Except as provided in G.3.a, credit against traffic impact fees otherwise due will not be provided until:
    - (1) The construction is completed and accepted by the County;
    - (2) A suitable maintenance and warranty performance guarantee is received and approved by the County; and
    - (3) All design, construction, inspection, testing, bonding, and acceptance procedures are in strict compliance with the then-current county requirements, when applicable.

- c. Credit may be provided before completion of construction if the traffic impact fee payer posts security as provided below for the cost of construction. Security in the form of an irrevocable letter of credit or cash escrow shall be tendered to the County in an amount determined by the County Planning and Zoning Division and in a form acceptable to the County Attorney.
- d. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

H. Exemptions from Payment of Traffic Impact Fees

The following shall be exempt from payment of the traffic impact fee:

- 1. Alteration or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced over those produced by the existing use as determined by the Director of Planning and Zoning, or his/her appointed designee.
- 2. Accessory building or structure which will not produce additional vehicular trips over those produced by the principal building or use as determined by the Director of Planning and Zoning, or his/her appointed designee.
- 3. Replacement of a wholly or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional vehicular trips will be produced over those produced by the original use as determined by the Director of Planning and Zoning, or his/her appointed designee

I. Periodic Review

- 1. Projects identified in the Traffic Impact Fee Project Table will be reviewed every five years beginning January 1, 2022.
- 2. The Transportation and Engineering Division will analyze the roadways identified in the Major Thoroughfare Plan every five years beginning January 1, 2022, to identify transportation improvements that should be included in the Traffic Impact Fee Project Table. To be eligible for inclusion in the Traffic Impact Fee Project Table, a project:
  - a. must be identified in the Jefferson County Major Thoroughfare Plan;
  - b. currently operates at or better than Level of Service D; and
  - c. be projected to operate worse than Level of Service D within a ten (10) year period based on procedures used in the most current version of the Highway Capacity Manual.
- 3. Because the program is reviewed periodically, funds will be collected and will accumulate in funding areas where no projects may be listed in the Traffic Impact Fee Project Table for such area.

J. Program Termination

The Traffic Impact Fee Program will terminate:

- 1. For any single funding area, if the projects identified in the Traffic Impact Fee Project Table are constructed, and no additional projects are added during the periodic review to such funding area, then the Board of County Commissioners may choose to terminate the program within that funding area and refund the moneys not expended plus interest to the applicant(s) having made the original payment(s).

- a. Fees will be refunded to applicants with the most recent building permits who have paid traffic impact fees until all of the moneys within the funding area are exhausted.
2. When it is determined by the Board of County Commissioners that the projects identified in the Traffic Impact Fee Project Table will not be constructed.

K. Definitions.

1. Gross Floor Area: Area of each floor based upon exterior dimensions of building.
2. Gross Leasable Area: Eighty percent (80%) of gross floor area, unless it can be demonstrated otherwise to the Director of Planning and Zoning, or his/her appointed designee, based on the GLA definition contained in Section 32 of the Zoning Resolution.
3. Single-family attached: Dwelling units attached by a livable space or garage totally enclosed with full foundation.
4. Multi-family Attached: Totally enclosed single-family structures or dwelling units where more than one dwelling unit shares the same foundation or roof.
5. Assisted Living: Residential setting, usually with separate living quarters, that provides oversight or assistance with activities necessary for independent living; common services such as dining, transportation, and medication administration may be provided.

<b>Traffic Impact Fee Schedule</b>		
<b>Land Use</b>	<b>Unit</b>	<b>Cost Per Unit</b>
Single Family Detached Dwelling with two (2) or fewer car garage	dwelling unit	\$3,069
Single Family Detached Dwelling with three (3) or more car garage	dwelling unit	\$4,177
Single Family Attached and Multi-Family Dwellings	dwelling unit	\$2,554
Assisted Living	dwelling unit or bed	\$908
Commercial Retail Buildings	square foot of gross leasable area	\$6.67
Office Buildings	square foot of gross leasable area	\$4.47
Industrial and Warehouse/Wholesaling Buildings	square foot of gross leasable area	\$1.93
Hotel/Motel	room	\$2,901
Mini Warehouse	square foot of gross leasable area	\$0.80
Churches	square foot	\$2.28

<b>Traffic Impact Fee Projects</b>			
<b>SOUTH PROJECTS</b>			
<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2020 Construction Cost (for 2021)</u>
Bowles Avenue	Eldridge St	C-470	\$1,531,336
Quincy Avenue	Alkire St	Simms St	\$7,853,483
Ute Avenue	Kipling Pkwy	Owens St	\$3,324,141
Waterton Road	0.2 miles south of Wadsworth Blvd	County Line	\$4,133,402
Alameda Ave	Rooney Road (West of C-470)	C-470 Southbound Ramps	\$1,669,920
<b>NORTH PROJECTS</b>			
<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2019 Construction Cost (for 2021)</u>
Indiana Street	96th Ave	86th Ave	\$10,906,250
Wadsworth Boulevard	108th Ave	Church Ranch Blvd	\$14,940,130
Wadsworth Boulevard	Church Ranch	96th Ave	\$5,042,747
Simms Street	SH128	112th Ave	\$10,788,225
S. Golden Road	Ulysses St	Quaker St	\$2,811,671
S. Golden Road	Moss Street	Indiana St	\$3,307,133
32nd Avenue	Eldridge St	Zinnia St	\$3,709,521
20th Avenue	Denver West Pkwy	Youngfield St	\$3,615,232
<b>EVERGREEN/CONIFER PROJECTS</b>			
<u>Intersection</u>			<u>2019 Construction Cost (for 2021)</u>
US285/Light Lane Interchange (includes Main Street, Light Lane to Conifer Town Center Drive, and Light Lane from US285 to Main Street)			\$5,408,036
<u>Segment</u>	<u>From</u>	<u>To</u>	<u>2019 Construction Cost (for 2020)</u>
JC 73	N Turkey Creek Rd	Flying J Access Rd	\$12,904,547
JC 73	Barkley Rd	SH-285	\$4,033,880