
Mesa County

Transportation Impact Fee Resolution

Adopted June 7th, 2004
Resolution MCM 2004-107
Amended August 8, 2005
Resolution MCM-2004-107-1
Amended November 28, 2005
Resolution MCM-2004-107-2
Amended Impact Fee Schedule
January 1, 2007

RESOLUTION NO. MCM – 107-2

A RESOLUTION ADOPTING TRANSPORTATION IMPACT FEE REGULATIONS FOR NEW DEVELOPMENT AND FOR OTHER PURPOSES:

WHEREAS, Mesa County has the authority to assess transportation Impact Fees pursuant to Title 29, Article 20, Section 104.5 of the Colorado Revised Statutes; and

WHEREAS, the protection of the health, safety, and general welfare of the citizens of Mesa County require that the Major Road System be expanded and improved to meet the demands of new development; and

WHEREAS, an equitable transportation Impact Fee system enables Mesa County to impose a proportionate share of the costs of required improvements to the Major Road System on those developments that create the need; and

WHEREAS, Mesa County, in conjunction with the City of Grand Junction, the City of Fruita, and the Town of Palisade, conducted a Transportation Impact Fee Study known as the Transportation Impact Fee Study by Duncan Associates (the “Impact Fee Study”); and

WHEREAS, the Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the Major Road System; and

WHEREAS, the transportation Impact Fee described in this ordinance is based on the Impact Fee Study, and does not exceed the capital costs required to serve the development that will pay the fees; and

WHEREAS Impact Fees are calculated using the same methodology throughout the Service Area, however, the types of improvements to the road system considered in the Impact Fee Study should provide a direct or indirect benefit to the development paying the fee, it is therefore appropriate to divide the Service Area into Benefit Districts for purposes of collecting and spending Impact Fees: and

WHEREAS, there is both a rational nexus and a rough proportionality between the development impacts created by each type of new development covered by this regulation and the transportation Impact Fee that such development will be required to pay; and

WHEREAS, this Resolution creates a system by which transportation Impact Fees paid by Impact-Generating Development will be used to expand the Major Road System, so that the development that pays each fee will receive a benefit within a reasonable period of time after the fee is paid.

NOW, THEREFORE, BE IT RESOLVED BY THE MESA COUNTY BOARD OF COUNTY COMMISSIONERS, STATE OF COLORADO:

Section 1: That Mesa County, Colorado hereby approves and adopts a policy for assessing and collecting **TRANSPORTATION IMPACT FEES** as follows:

A. Short Title and Applicability

1. This section is known and cited as Mesa County's "Transportation Impact Fee Regulation," and is referred to herein as "this Regulation."
2. The provisions of this Regulation shall apply to all of the unincorporated area of Mesa County.

B. Purpose

1. The purpose of this Regulation is to require that Impact-Generating Development bears a proportionate share of the cost of improvements to the Major Road System; to require that the proportionate share does not exceed the cost of providing roadways; and to require that funds collected from Impact-Generating Development are actually used to construct Major Road System improvements.
2. It is not the purpose of this Regulation to collect any money from any Impact-Generating Development in excess of the actual amount necessary to offset demands generated by that development for Major Road System improvements for which the fee was paid.

C. Findings

The Governing Body finds that:

1. The protection of the health, safety, and general welfare of the citizens of Mesa County require that the Major Road System be expanded and improved to meet the demands of new development.
2. An equitable Impact Fee system enables Mesa County to impose a proportionate share of the costs of required improvements to the Major Road System on those developments that create the need.
3. The Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of various types of development on the Major Road System.
4. The Transportation Impact Fee described in this Regulation is based on the Impact Fee Study, and does not exceed the capital costs required to serve the development that will pay the fees.
5. The types of improvements to the Major Road System considered in the Impact Fee Study will benefit the Traffic Impact-Generating Development. For the purpose of ensuring fee payers receive sufficient benefit for fees paid, road Benefit Districts are established. The road Benefit Districts are shown in Exhibit 1, which is attached hereto and incorporated herein by reference.
6. The Impact Fees are calculated in the Impact Fee Study based on a level of service that is lower than the existing level of service for the Major Road System. The level of service is defined as the system-wide ratio of capacity to demand in the Major Road System, and the fees are based on a one-to-one ratio.

7. The Transportation Impact Fees, as adopted, do not include the entire costs to the Major Road System. The fees are being adopted at only 53 percent of the full cost calculated in the Impact Fee Study, without even including the cost of major structures.
8. There is both a rational nexus and a rough proportionality between the development impacts created by each type of new development covered by this Regulation and the transportation Impact Fee that such development will be required to pay.
9. This Regulation creates a system by which Impact Fees paid by Impact-Generating Development will be used to expand the Major Road System, so that the development that pays the fee will receive a corresponding benefit within a reasonable period of time after the fee is paid.

D. Time of Fee Obligation and Payment

1. On and after the effective date of this Regulation, no Site Plan shall be issued for any Impact-Generating Development until a Transportation Impact Fee has been assessed pursuant to the terms of this Regulation.
2. The fee shall be determined and assessed at the time a Site Plan or other Development Application is issued. The fee shall be paid prior to the commencement of development or the issuance of the building permit. The Applicant for the Site Plan or other development request shall be responsible for paying the fee.

E. Exemptions

1. The following shall be exempt from the terms of this Regulation. An exemption must be claimed at the time of application for a Site Plan:
 - a. Alterations of an existing dwelling unit where no additional dwelling units are created.
 - b. Replacement of a destroyed, partially-destroyed or moved residential building or structure with a new building or structure of the same use, and with the same number of dwelling units.
 - c. Replacement of destroyed, partially-destroyed or moved nonresidential building or structure with a new building or structure of the same gross floor area and use.
 - d. Any development for which a completed application for a Site Plan was submitted prior to January 1, 2005 provided construction begins prior to July 7, 2005. In such cases, the fees in effect prior to the adoption of this regulation shall apply. For purposes of this section, "Construction" means at a minimum, the laying of a foundation.
2. The Impact Fee Administrator shall determine the validity of any claim for exemption pursuant to the criteria set forth in this Regulation.
3. In order to promote the economic development of Mesa County or the public health, safety, and general welfare of its residents, the Governing Body may agree to pay some or

all of the Impact Fees imposed on a proposed development or redevelopment from other funds of Mesa County that are not restricted to other uses. Any such decision to pay Impact Fees on behalf of an Applicant shall be at the discretion of the Governing Body and shall be made pursuant to goals and objectives articulated by the Governing Body.

4. No waivers shall be granted for any required Impact Fees.

F. Fee Determination

1. Any person who applies for an Impact-Generating Development, except those exempted or preparing an independent fee calculation study, shall pay a Transportation Impact Fee in accordance with the following fee schedule prior to issuance of a building permit. If any credit is due pursuant to subsection J., the amount of such credit shall be deducted from the amount of the fee to be paid.

Transportation Impact Fee Schedule (January 1, 2010)

Land Use Type	ITE Code	Unit	Fee	Factor
Residential				
Single Family	210	Dwelling	\$1,678	1.00
Multi-Family	220	Dwelling	\$1,162	0.69
Mobile Home/RV Park	240	Pad	\$ 844	0.50
Hotel/Motel	310/320	Room	\$1,582	0.94
Retail/Commercial				
Shopping Center (0-99KSF)	820	1000 SF	\$2,754	1.64
Shopping Center (100-249KSF)	820	1000 SF	\$2,586	1.54
Shopping Center (250-499KSF)	820	1000 SF	\$2,507	1.49
Shopping Center (500+KSF)	820	1000 SF	\$2,315	1.38
Auto Sales/Service	841	1000 SF	\$2,488	1.48
Bank	911	1000 SF	\$4,182	2.49
Convenience Store w/Gas Sales	851	1000 SF	\$6,011	3.58
Golf Course	430	Hole	\$3,913	2.33
Health Club	493	1000 SF	\$2,241	1.34
Movie Theater	443	1000 SF	\$6,955	4.14
Restaurant, Sit Down	831	1000 SF	\$3,383	2.02
Restaurant, Fast Food	834	1000 SF	\$7,577	4.52
Office/Institutional				
Office, General (0-99KSF)	710	1000 SF	\$2,065	1.23
Office, General >100KSF	710	1000 SF	\$1,759	1.05
Office, Medical	720	1000 SF	\$5,825	3.47
Hospital	610	1000 SF	\$2,705	1.61
Nursing Home	620	1000 SF	\$ 757	0.45
Church	560	1000 SF	\$1,289	0.77
Day Care Center	565	1000 SF	\$2,691	1.60
Elementary/Sec. School	520/522/530	1000 SF	\$ 420	0.25
Industrial				
Industrial Park	130	1000 SF	\$1,220	0.73
Warehouse	150	1000 SF	\$ 870	0.52
Mini-Warehouse	151	1000 SF	\$ 304	0.18

This base rate is subject to annual adjustment for inflation based on the Consumer Price Index for All Urban Consumers (CPI-U), Western Region, Size B/C, published monthly by the United States Department of Labor. This information can be found at the internet site: <http://data.bls.gov/labjava/outside.jsp?survey=cu>. When the internet window opens follow the selection menu.

1) Select an area -- <i>West - Size Class B/C</i> (Scroll to bottom of menu)	3) Select -- <i>Not Seasonally Adjusted</i>
2) Select -- <i>All Items</i>	4) Click on -- <i>Get Data</i>

2. If the type of Impact-Generating Development for which a Site Plan or other Development Application is requested is not specified on the above schedule, the Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Impact Fee Administrator shall use the most current edition of the report titled *Trip Generation*, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to select a comparable type of land use by trip generation rates.
3. In many instances, a particular structure may include auxiliary uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities usually also have office, warehouse, research, and other associated functions. The Impact Fees generally are assessed based on the primary land use. If the Applicant can document that an auxiliary land use accounts for over 25% of the gross floor area of the structure, and that the auxiliary use is not assumed in the trip generation or other impact data for the primary use, then the Impact Fees may be assessed based on the individual square footage of the primary and auxiliary land use.
4. If the type of Impact-Generating Development for which a Site Plan or other Development Application is requested is for a change of land use type or for the expansion, redevelopment, or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.
5. In the event that the proposed change of land use type, redevelopment, or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of Impact Fees previously paid.
6. For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excludes unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.

G. Independent Fee Calculation

1. The Impact Fee may be computed by the use of an independent fee calculation study at the election of the Applicant, or upon the request of the Impact Fee Administrator, for any proposed Traffic Impact-Generating Development interpreted as not one of those types listed on the fee schedule or as one that is not comparable to any land use on the fee schedule, and for any proposed Traffic Impact-Generating Development for which the Impact Fee Administrator concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

2. The preparation of the independent fee calculation study shall be the sole responsibility and cost of the party electing to utilize the study.
3. Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.
4. The independent fee calculation study shall be based on the same formulas, level of service standards and unit costs for facilities used in the Impact Fee study, and shall document the methodologies and assumptions used.
5. The Impact Fee shall be calculated according to the following formula.

$$\text{FEE} = \text{VMT} \times \text{NET COST/VMT} \times \text{RF}$$

Where:

$$\text{VMT} = \text{TRIPS} \times \% \text{ NEW} \times \text{LENGTH} \div 2$$

$$\text{TRIPS} = \text{Daily trip ends generated by the development during the work week}$$

$$\% \text{ NEW} = \text{Percent of trips that are primary, as opposed to passby or diverted-link trips}$$

$$\text{LENGTH} = \text{Average length of a trip on the Major Road System}$$

$$\div 2 = \text{Avoids double-counting trips for origin and destination}$$

$$\text{NET COST/VMT} = \text{COST/VMT} - \text{CREDIT/VMT}$$

$$\text{COST/VMT} = \text{COST/VMC} \times \text{VMC/VMT}$$

$$\text{COST/VMC} = \text{Average cost to create a new VMC based on historical or planned projects (\$306 excluding major structures)}$$

$$\text{VMC/VMT} = \text{The system-wide ratio of capacity to demand in the Major Road System (1.0 assumed)}$$

$$\text{CREDIT/VMT} = \text{Credit per VMT, based on revenues to be generated by new development (\$82)}$$

$$\text{RF} = \text{Reduction factor adopted by policy at 52.6\%}$$

6. An independent fee calculation study submitted for the purpose of calculating a Transportation Impact Fee may be based on data, information or assumptions from independent sources, provided that:
 - a. The independent source is an accepted standard source of transportation engineering or planning data; or
 - b. The independent source is a local study on trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved in advance by the Impact Fee Administrator.

H. Use of Fees

1. An Impact Fee fund that is distinct from the general fund of Mesa County is hereby created, and the Impact Fees received will be deposited in an interest-bearing account to be known as the Transportation Impact Fee account.
2. The Transportation Impact Fee account shall contain only those Transportation Impact Fees collected pursuant to this Regulation plus any interest which may accrue from time to time on such amounts.
3. Monies in the Impact Fee account shall be considered to be spent in the order collected, on a first-in/first-out basis within the Benefit District where the traffic generating development paying the fee is located, except that:
 - a. Where a road on the Major Road System is used to define benefit boundaries, the road demarcating the boundary will be considered part of both Benefit Districts that it bounds, and Transportation Impact Fees from both Benefit Districts may be used to fund capital improvements for that road; or
 - b. Transportation Impact Fee funds may be authorized by the Mesa County Board of County Commissioners to fund a road improvement on the Major Road System outside the Benefit District from which the fees are collected, if it is demonstrated by competent evidence that the fee payers from the Benefit District from which the fees come will receive sufficient benefit from the road capital improvement.
4. The monies in the Impact Fee account shall be used only for the following:
 - a. To construct Major Road System improvements;
 - b. To pay Debt Service, including principle and interest, on any portion of any general obligation bond or revenue bond issued after the effective date of this Regulation and used to finance Major Road System improvements. For the purposes of Debt Service, only 50% of the fees may be obligated;
 - c. As described in subsection I., Refunds; or
 - d. As described in subsection J., Credits.
5. The monies in each Impact Fee account shall not be used for the following:
 - a. Rehabilitation, reconstruction, replacement or maintenance of existing roads, unless it is an integral part of an improvement that adds capacity to the Major Road System;
 - b. Ongoing operational costs; or
 - c. Debt Service for any past general obligation bond or revenue bond issued prior to the effective date of this Regulation, or any portion of any current or

future bond issued after the effective date of this Regulation and not used to finance Major Road System improvements.

6. Capital spending decisions shall be guided by the principles, among others, that Transportation Impact Fee funds shall be used to make capacity and safety improvements, but not used to upgrade existing deficiencies except incidentally in the course of making eligible improvements; Transportation Impact Fee fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.

I. Refunds

1. Any monies in the Transportation Impact Fee fund that have not been spent within seven years after the date on which such fee was paid shall be returned to the current property owners with interest earned since the date of payment.
 - a. Notice of the right to a refund, including the amount of the refund and the procedure for applying for and receiving the refund, shall be sent or served in writing to the present owners of the property within 30 days of the date the refund becomes due. The sending by regular mail of the notices to all present owners of record shall be sufficient to satisfy the requirement of notice.
 - b. The refund shall be made on a pro rata basis, if applicable, and shall be paid in full within 90 days of the date certain upon which the refund becomes due.
2. If an Applicant has paid an Impact Fee required by this Regulation and the building permit later expires without the possibility of further extension, and the development activity for which the Impact Fee was imposed did not occur and no impact has resulted, then the Applicant who paid such fee shall be entitled to a refund of the fee paid, without interest. In order to be eligible to receive such refund, the Applicant who paid such fee shall be required to submit an application for such refund within thirty 30 days after the expiration of the permit or extension for which the fee was paid.
3. At the time of payment of any Impact Fee under this Regulation, the Impact Fee Administrator shall provide the Applicant paying such fee with written notice of those circumstances under which refunds of such fees will be made. Failure to deliver such written notice shall not invalidate any collection of any Impact Fee under this Regulation.

J. Credits

1. General standards.

- a. Any person initiating Traffic Impact -Generating Development may apply for credit against Transportation Impact fees otherwise due for payment under the provisions of this Regulation, for any contribution, payment, or construction for any Non-Development Related Capital Road Improvements on the Major Road System. If all conditions and requirements set forth in this Section are met, a credit will be issued.
- b. Any person initiating Traffic Impact -Generating Development may apply for credit against Transportation Impact fees otherwise due, up to but not exceeding the full obligation for fees proposed for payment under the provisions of this Regulation, for any dedication of land accepted by Mesa County, which is not already decreed, declared, proclaimed or otherwise granted to Mesa County.
- c. Credits may only be applied for on expenditures or dedications that have been made following the adoption of this Regulation.
- d. Credits for contributions, payments, or construction for Non-Development Related Capital Road Improvements on the Major Road System are transferable within the same development or, within the same Benefit District, to another development owned by the owner originally receiving the credit.

Effective January 1, 2005, the holder of credits generated by a particular development may transfer such to persons or businesses with an ownership interest in individual lots within that development. These transferred credits may not be used against fees in any other development(s).

Any attempt, other than that set out in the paragraph above, to transfer credits to any person who is not an owner of a development to which the credits are attached will void the credits at the option of Mesa County. There shall be no transferable credits associated with any dedication of land set out in paragraph J.1.b. above.

Credits are not transferable for credit against any other fees required to be paid, including any required for other public facilities.

- e. To be eligible for credits, any person initiating Traffic Impact -Generating Development must enter into an agreement with Mesa County prior to the issuance of a Development Application approval if they propose to or are required to construct roads or dedicate right-of-way for Non-Development Related Capital Road Improvements on the Major Road System.
- f. Only a credit may be issued, in no case shall there be a refund of money.
- g. Credit must be used within 36 months of the credit agreement

- h. Examples of Non-Development Related Capitol Road Improvements on the Major Road System eligible for credit against Transportation Impact Fees include but are not limited to:

- ◆ Added traffic lanes on public streets or roads
- ◆ New traffic signals at existing intersections
- ◆ New auxiliary lanes that will serve existing or future public streets depicted on the Grand Valley Circulation Plan or Rural Circulation Plan
- ◆ Bridges, Pipes or other structures for crossing canals, streams or drainages that serve existing or future public streets depicted on the Grand Valley Circulation Plan or Rural Circulation Plan

Improvements eligible for Transportation Impact Fee credits include but are not limited to the examples cited.

To be eligible for Transportation Impact Fee credits, any of the above improvements must be constructed to the standards found in the *Mesa County Standard Specifications for Road and Bridge Construction* for the function classification of the particular street or road.

- i. Examples of Development Related Improvements constructed not eligible for credit against Transportation Impact Fees:

- ◆ Installation of a traffic signal at a new intersection created by the construction of a private driveway or private street.
- ◆ New Auxiliary lanes serving a private driveway or street.
- ◆ Bridges, pipes or other structures necessary for crossing canals, streams or drainages that facilitate the construction of a private driveway or private street.
- ◆ Reasonable Road Improvements that are not constructed to Mesa County Standards and/or are not part of the Grand Valley Circulation Plan or Rural Circulation Plan and are intended solely for access to the particular development.

Improvements not eligible for Transportation Impact Fee credits include but are not limited to the examples cited.

- j. All Non-Development Related Capitol Road Improvements are eligible for 100% credit against Transportation Impact Fees.

2. *Credit against fees.*

Credit will be in an amount equal to the value of the contribution or payment at the time it is made to Mesa County; the costs of the road construction at the time of its completion; or fair market value of the land dedicated for right-of-way at the time of dedication.

3. *Procedure for credit review.*

a. The determination of any credit will be undertaken upon the submission of an application for credit agreement, which must be submitted to the Impact Fee Administrator.

b. The application for a credit agreement must include the following information:

(1) If the proposed application involves a credit for any contribution or payment, the following documentation must be provided:

(a) A certified copy of the development approval in which the contribution was agreed;

(b) If payment has been made, proof of payment; or

(c) If payment has not been made, the proposed method of payment.

(2) If the proposed application for credit agreement involves construction:

(a) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;

(b) The projected costs for the suggested improvement, which must be based on local information for similar improvements, along with the construction timetable for the completion thereof. The estimated cost must include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

(3) If the proposed application involves credit for the dedication of land, Mesa County will evaluate land value for purpose of right-of-way dedication. The right-of-way dedication value amount will be given to the Applicant. For purposes of the credit agreement, the Applicant must submit:

(a) A drawing and legal description of the land;

(b) If Applicant disagrees with the right-of-way dedication value amount, the Applicant must provide an appraisal for the fair market value of the land at the time of the dedication, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA).

c. Within ten days of receipt of the proposed application for credit agreement, the Impact Fee Administrator will determine if the application is complete. If it is

determined that the proposed agreement is not complete, the Impact Fee Administrator will send a written statement to the Applicant outlining the deficiencies. The Impact Fee Administrator will take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

d. Once the Impact Fee Administrator determines the proposed application for credit agreement is complete, it will be reviewed within 20 days. The application for credit agreement may be approved if it complies with the General Standards in subsection J.1. With respect to an application for right-of-way dedication credits, if the Impact Fee Administrator disagrees with the Applicant's appraisal, it may conduct a second appraisal. Any right-of-way dedication credit agreement shall take into consideration the appraisals conducted. If no agreement can be reached, the Impact Fee Administrator shall determine the amount of the right-of-way dedication credit.

e. If the application for credit agreement is approved by the Impact Fee Administrator, a credit agreement will be prepared and signed by the Applicant and the county. It will specifically outline the contribution, payment, construction or land dedication; the time by which it will be completed, dedicated or paid and any extensions thereof; and the dollar credit the Applicant will receive for the contribution, payment or construction. For the purposes of this paragraph, the Impact Fee Administrator is authorized to sign the credit agreement.

4. *Appeal of credit decision.*

If the Applicant for a credit agreement disagrees with the decision of the Impact Fee Administrator, the Applicant can appeal the decision to the BOCC by filing with the Impact Fee Administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Impact Fee Administrator will schedule an appeal hearing before the BOCC within 30 days of the filing of the appeal. The BOCC will affirm or reverse the decision of the Impact Fee Administrator based on standards in subsection J.1. If the county commissioners reverse the decision, they will direct the Impact Fee Administrator to adjust the credit in accordance with their findings.

K. Reasonable Road Improvements:

1. The design and construction of Reasonable Road Improvements required to serve the development must be made. Examples of Reasonable Road Improvements include but are not limited to the following:
 - a. Absent unique needs or characteristics of the development, Reasonable Road Improvements shall include construction of full asphalt radii consistent with the classification of the future street and necessary drainage improvements, in accordance with the County standard detail for each intersection with a perimeter street and/or improvements necessitated if the proposed development creates lots with direct access to the perimeter street(s) as determined by the Impact Fee Administrator. If a Traffic Study is required and improvements in addition to those set out above are required, the Reasonable Road Improvements shall conform to the Traffic Study.

- b. Curb, gutter and sidewalk improvements shall be constructed as part of minimum access improvements when connecting directly to a street with like improvements.
 - c. Determination of Reasonable Road Improvements shall consider pedestrian connections, school bus stops and transit shall be incorporated into determining what improvements are required.
 - d. Drainage Structures including Bridges -- The development shall construct drainage structures and/or bridges associated with the connection of the development to the street system.
 - e. Traffic Studies -- Preparation of Traffic Studies shall be the responsibility of new development as currently defined by the Code.
 - f. Utilities -- The extension of utilities including water, sewer, storm water improvements, gas, electric, cable, and telephone, etc. will be the responsibility of new development.
2. In addition to the Transportation Impact Fee and Reasonable Road Improvements, the developer must fully construct (or if current needs do not require construction, then the developer must guarantee for future construction) all internal streets, roads, alleys, and future connections in accordance with the development's approved plan.

L. Miscellaneous Provisions:

- 1. The Impact Fee Administrator shall maintain accurate records of the Transportation Impact Fees paid, including the name of the person paying such fees, the project for which the fees were paid, the date of payment of each fee, the amounts received in payment for the fee, and any other matters that Mesa County deems appropriate or necessary to the accurate accounting of such fees. Records shall be available for review by the public during normal business hours and with reasonable advance notice.
- 2. Upon request by the Mesa County Board of County Commissioners, the Impact Fee Administrator shall present to the Mesa County Board of County Commissioners a proposed capital improvements program that shall assign monies from the Transportation Impact Fee fund to specific projects and related expenses for eligible improvements. The Impact Fee funds may be combined with other funds of the County for the purpose of completing specific projects. Any monies, including any accrued interest, not assigned to specific projects within such capital improvements program and not expended pursuant to subsection I., Refunds, or subsection J., Credits, shall be retained in the same Impact Fee fund until the next fiscal year.
- 3. If a transportation Impact Fee has been calculated and paid based on a mistake or misrepresentation, it shall be recalculated.

- a. Any amounts overpaid by an Applicant shall be refunded by the Impact Fee Administrator to the Applicant within 30 days after the acceptance of the recalculated amount, with interest since the date of such overpayment.
 - b. Any amounts underpaid by the Applicant shall be paid to the Impact Fee Administrator within 30 days after the acceptance of the recalculated amount, with interest since the date of such underpayment.
 - c. In the case of an underpayment to the Impact Fee Administrator, Mesa County shall not issue any additional permits or approvals for the project for which the Impact Fee was previously underpaid until such underpayment is corrected, and if amounts owed to Mesa County are not paid within such 30 day period, Mesa County may also rescind any permits issued in reliance on the previous payment of such Impact Fee.
4. The Transportation Impact Fees and the administrative procedures established by this Regulation shall be reviewed annually.
 5. Payment of a Transportation Impact Fee for Major Road System Improvements does not obligate Mesa County to construct any specific Major Road System Improvement.
 6. Nothing in this Regulation shall prohibit Mesa County from contributing funds, materials or labor for additional improvements to the Major Road System when it is deemed in the public interest to do so.

M. Appeals

Any determination made by the Impact Fee Administrator charged with the administration of any part of this Regulation may be appealed to the Governing Body within 30 days from the date of the decision to be appealed.

N. Violation

Furnishing false information on any matter relating to the administration of this Regulation, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed development, shall be a violation of this Regulation and shall result in the process beginning over with the correct information. If the process has been completed when the violation has been discovered, the violation shall be pursued as set forth in the Mesa County Land Development Code.

O. Effective Date

The provisions of this Regulation shall take effect on January 1, 2005. or when the Mesa County Land Development Code has been modified pursuant to Section 3 below, whichever is later, and from that date, the provisions herein shall be controlling in the applicable area of the Mesa County.

P. Calculation of Time for the Purposes of This Resolution

In computing any period of time prescribed or allowed by this Regulation, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a holiday. When the period of time prescribed or allowed is five days or less, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation. As used here, "holiday" means any holiday observed by the political subdivision of Mesa County.

Section 2: Definitions.

Certain words or phrases unique to this Regulation shall be construed as defined below, unless it is apparent from the context that they have a different meaning.

Applicant: For the purposes of this Regulation, the Applicant is an Applicant for a Site Plan or other Development Application for which an Impact Fee is due.

Benefit District: An area defined for purposes of collecting and spending transportation Impact Fees. A map of the Benefit Districts is attached hereto and made a part hereof as Exhibit 1.

Debt Service: Includes, principle, interest, and any fees associated with obtaining financing and servicing any debt.

Development: Means any activity which requires a Development Application.

Development Application: Means any application for any preliminary or final plat for rezoning, planned unit development, conditional or special use permit, subdivision, development or site plan.

Governing Body: The Governing Body for the purposes of this Resolution is the Mesa County Board of County Commissioners.

Impact Fee Administrator: Mesa County employee primarily responsible for administering the provisions of this Regulation, or his or her designee.

Impact Fee: The Transportation Impact Fee.

Impact Fee Study: The *Transportation Impact Fee Study* prepared for Mesa County by Duncan Associates in September 2002, or a subsequent similar report.

Major Road System: All state and federal highways, principal arterials such as 24 Road and Patterson Road, minor arterials, major collectors and minor collector roads within Mesa County as shown on the most current version of the Grand Valley Circulation Plan and Rural Road Classification maps in the Mesa County Road Access Policy.

Major Road System Improvements: Improvements that expand the capacity of the Major Road System, including but not limited to the construction of new roads, the widening of existing roads, intersection improvements, highway interchanges, and installation of traffic signals.

Non-Development Related Capital Road Improvements: Those Major Road System Improvements which are of benefit to the general public and not required as a Reasonable Road Improvement for the Development.

Service Area: Mesa County, Colorado.

Site Plan: Shall be as defined by the Mesa County Land Development Code.

Traffic Impact-Generating Development: Any land development designed or intended to permit a use of the land that will increase the number of Vehicle-Miles of Travel.

Vehicle-Miles of Capacity (VMC): The product of the maximum number of vehicles that can be accommodated on a roadway during a week day and the length of the roadway in miles.

Vehicle-Miles of Travel (VMT): The product of the number of vehicles traveling during a week day and the distance in miles that those vehicles travel.”

Section 3: The staff of the Mesa County Planning and Development Department is directed to submit changes to the Mesa County Land Development Code in conformity with this Resolution.

Section 4: Section 7.5.3 of the Mesa County Land Development Code, which currently includes a requirement for the payment of fee in lieu of land dedications, provides for a \$225.00 fee for residential development and a fee based upon square footage for commercial property. This fee includes \$75.00 for roads. To the extent the fee is for roads, the fee is repealed. Therefore, Section 7.5.3 of the Mesa County Land Development Code shall be modified to remove a provision for a road fee. The remainder of the fee shall remain undisturbed. Such provision shall be revised in conformity with this Regulation.

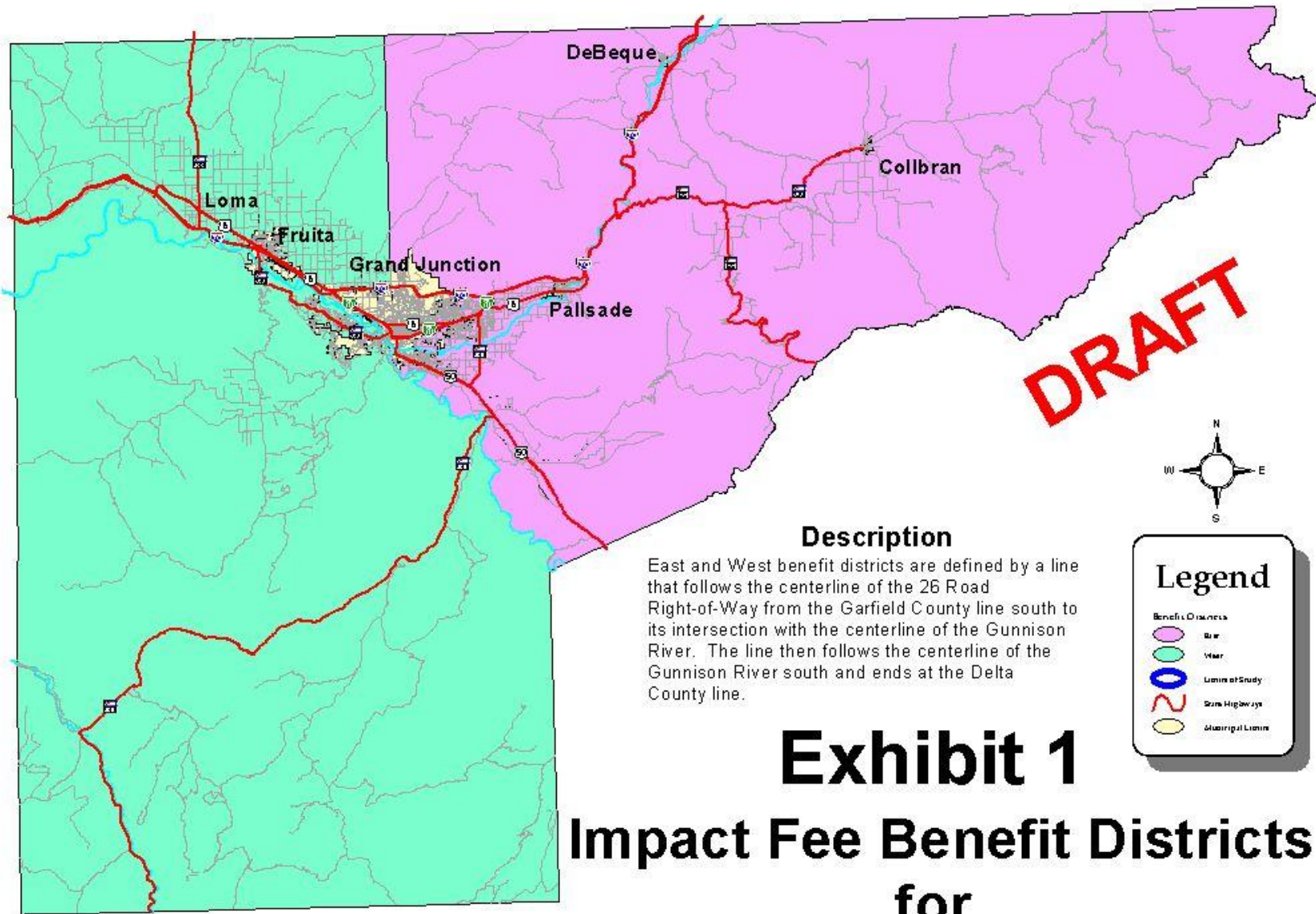
PASSED this ___ day of _____ 2004.

APPROVED:

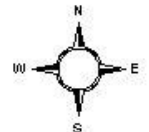
Doralyn B. Genova, Chair
Mesa County Board of County Commissioners

ATTEST:

Janice Ward, Mesa County Clerk and Recorder



DRAFT



Description

East and West benefit districts are defined by a line that follows the centerline of the 26 Road Right-of-Way from the Garfield County line south to its intersection with the centerline of the Gunnison River. The line then follows the centerline of the Gunnison River south and ends at the Delta County line.

Legend

- Benefit Districts
 - East
 - West
- Limits of Study
- State Highways
- Municipal Limits

Exhibit 1
Impact Fee Benefit Districts
for
Unincorporated Mesa County