

**RESOLUTION 2023-19**

**A RESOLUTION OF THE FRUITA CITY COUNCIL ADOPTING THE CITY OF  
FRUITA PARKS, HEALTH, RECREATION, OPEN SPACE AND TRAILS IMPACT  
FEE STUDY**

**WHEREAS**, the City of Fruita adopted the *City of Fruita Parks, Health, Recreation, Open Space and Trails (PHROST) Master Plan* on April 6, 2021, and

**WHEREAS**, one of the goals of the *PHROST Master Plan* was to evaluate land values and current construction costs and update the POST impact fee. Impact fees are one-time payments for new development's proportionate share of the capital cost of infrastructure, and

**WHEREAS**, the City engaged TischlerBise to conduct a Parks, Health, Recreation, Open Space and Trails Impact Fee Study (Study), and

**WHEREAS**, the Study attached hereto as Exhibit A was completed on May 31, 2022, and includes:

1. An Executive Summary of the Study and enabling legislation.
2. General methodology for determining impact fees.
3. Specific methodology used for determining the maximum supportable POST impact fee.
4. Implementation and administration guidelines and
5. Appendices for land use assumptions and land use definitions

**WHEREAS**, the City of Fruita has reviewed the study and is prepared to implement the recommendations in the study for the POST impact fee as part of the Fruita Land Use Code.

**NOW THEREFORE, BE IT RESOLVED THAT THE FRUITA CITY COUNCIL  
HEREBY APPROVES AND ADOPTS THE PARKS, HEALTH, RECREATION, OPEN  
SPACE, AND TRAILS IMPACT FEE STUDY DATED MAY 31, 2022 AS PREPARED BY  
TISCHLER BISE**

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL**

**THIS 20<sup>TH</sup> DAY OF JUNE 2023**

ATTEST:

City of Fruita

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor

# ***Parks, Health, Recreation, Open Space, and Trails Impact Fee Study***

*Prepared for:*

**City of Fruita, Colorado**

May 31, 2022

*Prepared by:*



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## EXECUTIVE SUMMARY

Impact fees are one-time payments for new development's proportionate share of the capital cost of infrastructure. The following study addresses the City of Fruita's Parks, Health, Recreation, Open Space, and Trails facilities. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. They may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies. Although Colorado is a "home-rule" state and home-rule municipalities were already collecting "impact fees" under their home-rule authority granted in the Colorado Constitution, the Colorado Legislature passed enabling legislation in 2001, as discussed further below.

### Colorado Impact Fee Enabling Legislation

For local governments, the first step in evaluating funding options for facility improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, "home-rule" states grant local governments broader powers that may or may not be precluded or preempted by state statutes depending on the circumstances and on the state's particular laws. Home rule municipalities in Colorado have the authority to impose impact fees based on both their home rule power granted in the Colorado Constitution and the impact fee enabling legislation enacted in 2001 by the Colorado General Assembly.

Impact fees are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called "system improvements". An impact fee represents new growth's proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, as long as there is a reasonable relationship between the new development and the need for the growth-related infrastructure.

According to Colorado Revised Statute Section 29-20-104.5, impact fees must be legislatively adopted at a level no greater than necessary to defray impacts generally applicable to a broad class of property. The purpose of impact fees is to defray capital costs directly related to proposed development. The statutes of other states allow impact fee schedules to include administrative costs related to impact fees and the preparation of capital improvement plans, but this is not specifically authorized in Colorado's statute. Impact fees do have limitations and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive portfolio to ensure adequate provision of public facilities. Because system improvements are larger and costlier, they may require bond financing and/or funding from other revenue sources. To be funded by impact fees, Section 29-20-104.5 requires that the capital improvements must have a useful life of at least five years. By law, impact fees can only be used for

capital improvements, not operating or maintenance costs. Also, impact fees cannot be used to repair or correct existing deficiencies in existing infrastructure.

## **Additional Legal Guidelines**

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end is also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e., stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an “essential nexus” between the exaction and the interest being protected (see *Nollan v. California Coastal Commission*, 1987). In a more recent case (*Dolan v. City of Tigard*, OR, 1994), the Court ruled that an exaction also must be “roughly proportional” to the burden created by development.

There are three reasonable relationship requirements for impact fees that are closely related to “rational nexus” or “reasonable relationship” requirements enunciated by a number of state courts. Although the term “dual rational nexus” is often used to characterize the standard by which courts evaluate the validity of impact fees under the U.S. Constitution, TischlerBise prefers a more rigorous formulation that recognizes three elements: “need,” “benefit,” and “proportionality.” The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Impact fees may be used to cover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The *Nollan* decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle likely applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the Dolan case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g., persons per household).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. The calculation of impact fees should also assume that they will be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available exclusively to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements.

### Proposed Maximum Supportable Impact Fee

The Parks, Health, Recreation, Open Space, and Trails impact fee is based on the actual levels of service and includes components for improvements and park land. The impact fee is only calculated for residential development. A summary of methodologies used in the analysis is provided in Figure 1.

**Figure 1. Summary of City of Fruita Impact Fees**

| Fee Category                                      | Service Area | Incremental Expansion   | Plan-Based | Cost Recovery | Cost Allocation |
|---|--------------|-------------------------|------------|---------------|-----------------|
| Parks, Health, Recreation, Open Space, and Trails | Citywide     | Improvements, Park Land | N/A        | N/A           | Population      |

### Maximum Supportable Impact Fees

Figure 2 provides a schedule of the maximum supportable impact fee for Parks, Health, Recreation, Open Space, and Trails facilities. The fees represent the highest amount supportable for each type of residential unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure 2. Maximum Supportable Impact Fee**

| Housing Type  | Persons per Housing Unit | Maximum Supportable Fee |
|---------------|--------------------------|-------------------------|
| Single Family | 2.42                     | \$3,179                 |
| Multifamily   | 1.64                     | \$2,154                 |



## GENERAL METHODS FOR IMPACT FEES

There are three general methods for calculating impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating impact fees and how those methods can be applied to City of Fruita.

### ***Cost Recovery Method (past improvements)***

The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new development will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

### ***Incremental Expansion Method (concurrent improvements)***

The City of Fruita impact fees use the incremental expansion method to document current level-of-service (LOS) standards for the infrastructure types included in the study, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development. The incremental expansion methodology is used for the parks and recreation impact fee. This is a conservative approach, which limits the City's General Fund exposure. If a plan-based approach were utilized, reliance on long-range growth projections would be likely, which could force the City to spend more General Fund dollars to implement the plan if growth does not occur as projected.

### ***Plan-Based Method (future improvements)***

Although not used in City of Fruita, the plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).

## **Evaluation of Possible Credits**

Regardless of the methodology, a consideration of “credits” is integral to the development of a legally defensible impact fee methodology. There are two types of “credits” with specific characteristics, both of which should be addressed in impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the Fire impact fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for construction of system improvements. This type of credit is addressed in the administration and implementation of the development impact fee program.

*Please note, calculations throughout this report are based on an analysis conducted using MS Excel software. Results are discussed in the memo using one- and two-digit places (in most cases). Figures are typically either truncated or rounded. In some instances, the analysis itself uses figures carried to their ultimate decimal places; therefore, the sums and products generated in the analysis may not equal the sum or product if the reader replicates the calculation with the factors shown in the report (due to the rounding of figures shown, not in the analysis).*

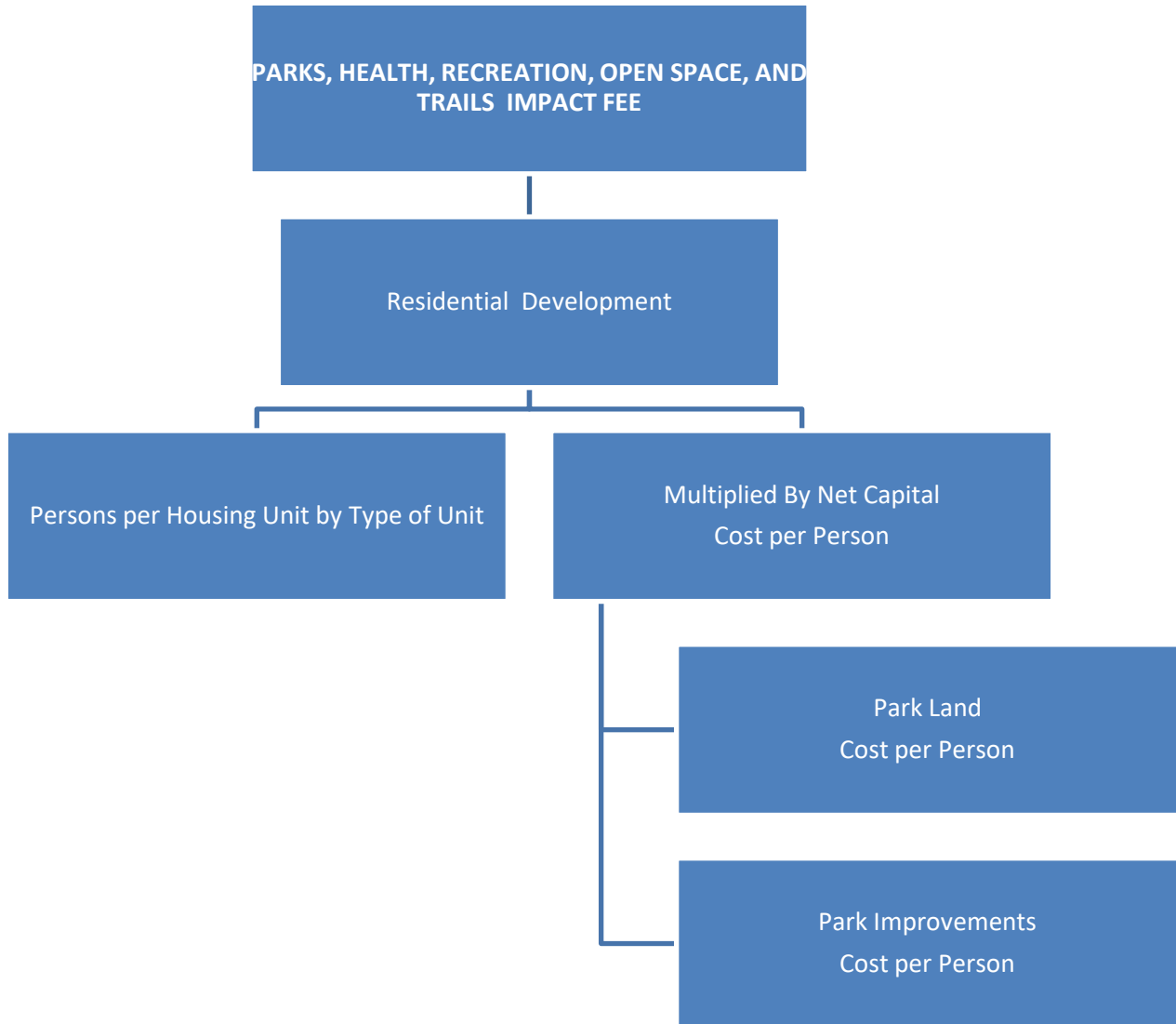
## **PARKS, HEALTH, RECREATION, OPEN SPACE, AND TRAILS IMPACT FEE**

The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on the incremental expansion methodology. The impact fee methodology assumes the City will construct additional recreation improvements and acquire additional park land. The study includes the replacement costs of improvements to park and recreational facilities and the expansion of park land. No revenue credit is necessary to avoid double payments as there is no current debt obligations for the park improvements included in the impact fee calculations. There are two components to the Parks, Health, Recreation, Open Space, and Trails Impact Fee:

- Park Land
- Park Improvements

Figure PR1 diagrams the general methodology used to calculate the Parks, Health, Recreation, Open Space, and Trails impact fee. It is intended to read like an outline, with lower levels providing a more detailed breakdown of the impact fee components. The Parks, Health, Recreation, Open Space, and Trails impact fee is derived from the product of persons per housing unit (by type of unit) multiplied by the net capital cost per person. The boxes in the next level down indicate detail on the components included in the fee.

**Figure PR1. Parks, Health, Recreation, Open Space, and Trails Impact Fee Methodology**



## **Parks, Health, Recreation, Open Space, and Trails Level of Service and Cost Factors**

The Parks, Health, Recreation, Open Space, and Trails Impact Fee is based on an inventory of Community and Neighborhood Park land and current values of park improvements throughout the city. The impact fee does not include a land component for other park types as it is assumed the Parks and Recreation Department’s focus over the next 5-10 years will be the buildout of Community and Neighborhood parks. Improvement costs have been estimated by TischlerBise staff. The use of existing standards means there are no existing infrastructure deficiencies. New development is only paying its proportionate share for growth-related infrastructure.

### ***Park Land and Improvements Level of Service***

Figure PR2 lists the current inventory of Community and Neighborhood Park land owned by the City of Fruita. Figure PR3 lists the current inventory of park improvements and their replacement costs. In total there is currently 37 acres of Community and Neighborhood Park land, and 65 park improvements.

To calculate the current park land level of service, the existing Community and Neighborhood Park land acreage, (37) is divided by the current population (13,654). This results in level of service standards of 2.71 acres of park land per 1000 persons.

The park land cost per acre (\$68,970) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per acre. As shown in Figure PR2, 2.71 acres per 1000 persons / 1000 x \$68,970 per acre = \$187 per person.

**Figure PR2. Park Land Level of Service**

| <b>Community and Neighborhood Parks</b> | <b>Acres [1]</b> |
|---|------------------|
| Little Salt Wash Park                   | 23.0             |
| Heritage Park                           | 4.0              |
| Olga Anson Park                         | 5.0              |
| Prospector Park                         | 2.0              |
| Reed Park                               | 3.0              |
| <b>Total</b>                            | <b>37</b>        |

#### ***Level-of-Service Standards***

|                                |             |
|--------------------------------|-------------|
| Residential Share              | 100%        |
| Share of Acreage               | 37.0        |
| 2021 Population                | 13,654      |
| <b>Acres per 1,000 Persons</b> | <b>2.71</b> |

#### ***Cost Analysis***

|                                |              |
|--------------------------------|--------------|
| Acres per 1,000 Persons        | 2.71         |
| Average Cost per Acre [2]      | \$68,970     |
| <b>Capital Cost Per Person</b> | <b>\$187</b> |

[1] Source: Fruita Parks PHROST Master Plan

[2] Source: Fruita Parks PHROST Master Plan

To calculate the current park improvements level of service, the existing park improvements, (65) is divided by the current population (13,654). This results in level of service standards of 4.76 improvements per 1000 persons.

The weighted average cost per improvement (\$15,384,135 total cost / 65 total improvements = \$236,679) is then utilized to generate a cost per person factor which is calculated by applying the level of service factor to the cost per improvement. As shown in Figure PR3, 4.76 improvements per 1000 persons / 1000 x \$236,679 per improvement = \$1,127 per person.

**Figure PR3. Park Improvements Level of Service**

| Description              | Improvements [1] | Unit Cost [2]    | Total Cost          |
|--------------------------|------------------|------------------|---------------------|
| Aquatics, Lap Pool       | 1                | \$8,894,082      | \$8,894,082         |
| Basketball Court         | 1                | \$45,000         | \$45,000            |
| Basketball, Practice     | 1                | \$38,117         | \$38,117            |
| Bike Course              | 2                | \$769,000        | \$1,538,000         |
| Diamond Field            | 4                | \$450,000        | \$1,800,000         |
| Disc Golf                | 2                | \$20,000         | \$40,000            |
| Event Space              | 1                | \$80,000         | \$80,000            |
| Fitness Course           | 1                | \$25,412         | \$25,412            |
| Horseshoe Court          | 7                | \$2,000          | \$14,000            |
| Loop Walk                | 3                | \$80,000         | \$240,000           |
| Natural Area             | 4                | \$114,352        | \$457,410           |
| Open Turf                | 9                | \$31,765         | \$285,881           |
| Passive Node             | 8                | \$9,529          | \$76,235            |
| Picnic Ground            | 1                | \$25,000         | \$25,000            |
| Playground, Local        | 7                | \$150,000        | \$1,050,000         |
| Rectangular Field, Large | 1                | \$115,000        | \$115,000           |
| Shelter, Large           | 2                | \$127,058        | \$254,117           |
| Shelter, Small           | 9                | \$31,765         | \$285,881           |
| Skate Park               | 1                | \$120,000        | \$120,000           |
| <b>Total</b>             | <b>65</b>        | <b>\$236,679</b> | <b>\$15,384,135</b> |

**Level-of-Service Standards**

|                                       |             |
|---------------------------------------|-------------|
| Residential Share                     | 100%        |
| Share of Improvements                 | 65.0        |
| 2021 Population                       | 13,654      |
| <b>Improvements per 1,000 Persons</b> | <b>4.76</b> |

**Cost Analysis**

|                                |                |
|--------------------------------|----------------|
| Improvements per 1,000 Persons | 4.76           |
| Average Cost per Improvement   | \$236,679      |
| <b>Capital Cost Per Person</b> | <b>\$1,127</b> |

[1] Source: Fruita Parks PHROST Master Plan

[2] Source: TischlerBise Estimate

## Projection of Growth-Related Park Land and Improvement Needs

To estimate the 10-year growth needs for park land, the current level of service (2.71 acres 1000 persons) is applied to the projected park population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR4, it is projected that the City will need to acquire 5.7 acres of park land to accommodate the needs generated by new development. By applying the cost for park land (\$68,970 per acre), the estimated growth-related expenditure is approximately \$394,000.

**Figure PR4. 10-Year Park Land Needs to Accommodate Growth**

| Type of Infrastructure | Level of Service |      |       | Demand Unit       | Cost / Acre |
|------------------------|------------------|------|-------|-------------------|-------------|
| Park Land              | Residential      | 2.71 | Acres | per 1,000 persons | \$68,970    |

| Growth-Related Need for Park Land |            |                   |           |
|-----------------------------------|------------|-------------------|-----------|
| Year                              | Population | Residential Acres |           |
| Base                              | 2021       | 13,654            | 37.0      |
| Year 1                            | 2022       | 13,865            | 37.6      |
| Year 2                            | 2023       | 14,076            | 38.1      |
| Year 3                            | 2024       | 14,286            | 38.7      |
| Year 4                            | 2025       | 14,497            | 39.3      |
| Year 5                            | 2026       | 14,708            | 39.9      |
| Year 6                            | 2027       | 14,919            | 40.4      |
| Year 7                            | 2028       | 15,130            | 41.0      |
| Year 8                            | 2029       | 15,340            | 41.6      |
| Year 9                            | 2030       | 15,551            | 42.1      |
| Year 10                           | 2031       | 15,762            | 42.7      |
| Ten-Year Increase                 |            | 2,108             | 5.7       |
| Projected Expenditure             |            |                   | \$393,966 |

|  |                  |
|--|------------------|
| <b>Growth-Related Expenditures for Park Land</b> | <b>\$393,966</b> |
|--|------------------|

To estimate the 10-year growth needs for park improvements, the current level of service (4.76 improvements per 1000 persons) is applied to the projected population growth. Fruita is projected to increase by 2,108 residents over the next ten years (see Appendix A). As shown in Figure PR5, it is projected that the City will need 10 additional park improvements to accommodate the needs generated by new development. By applying the weighted average cost for improvements (\$236,679 per improvement), the estimated growth-related expenditure is approximately \$2.37 million.

**Figure PR5. 10-Year Park Improvements Needs to Accommodate Growth**

| Type of Infrastructure | Level of Service |      | Demand Unit                    | Cost / Improvement |
|------------------------|------------------|------|--------------------------------|--------------------|
| Improvements           | Residential      | 4.76 | Improvements per 1,000 persons | \$236,679          |

| Growth-Related Need for Improvements |      |            |                          |
|--------------------------------------|------|------------|--------------------------|
| Year                                 |      | Population | Residential Improvements |
| Base                                 | 2021 | 13,654     | 65.0                     |
| Year 1                               | 2022 | 13,865     | 66.0                     |
| Year 2                               | 2023 | 14,076     | 67.0                     |
| Year 3                               | 2024 | 14,286     | 68.0                     |
| Year 4                               | 2025 | 14,497     | 69.0                     |
| Year 5                               | 2026 | 14,708     | 70.0                     |
| Year 6                               | 2027 | 14,919     | 71.0                     |
| Year 7                               | 2028 | 15,130     | 72.0                     |
| Year 8                               | 2029 | 15,340     | 73.0                     |
| Year 9                               | 2030 | 15,551     | 74.0                     |
| Year 10                              | 2031 | 15,762     | 75.0                     |
| Ten-Year Increase                    |      | 2,108      | <b>10.0</b>              |
| Projected Expenditure                |      |            | <b>\$2,374,631</b>       |

|   |                    |
|---|--------------------|
| <b>Growth-Related Expenditures for Improvements</b> | <b>\$2,374,631</b> |
|---|--------------------|



## Parks, Health, Recreation, Open Space, and Trails Impact Fee

Figure PR6 shows the cost factors for each component of the City of Fruita’s Parks and Recreation Impact Fee. Impact fees for parks and recreation are based on persons per housing unit and are only assessed against residential development. The fees for park improvements are calculated per person, so by multiplying the total cost per person by the housing unit size calculates the maximum supportable fee.

The fees represent the highest amount supportable for each type of housing unit, which represents new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in impact fee revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

**Figure PR6. Maximum Supportable Park & Recreation Impact Fee**

| Fee Component                   | Cost per Person |
|---------------------------------|-----------------|
| Park Land                       | \$187           |
| Improvements                    | \$1,127         |
| <b>Gross Total</b>              | <b>\$1,314</b>  |
| <b>Credit for Debt Payments</b> | <b>\$0</b>      |
| <b>Net Total</b>                | <b>\$1,314</b>  |

**Residential**

| Housing Type  | Persons per Housing Unit | Maximum Supportable Fee | Current Maximum Fees | Difference |
|---------------|--------------------------|-------------------------|----------------------|------------|
| Single Family | 2.42                     | \$3,179                 | \$1,860              | \$1,319    |
| Multifamily   | 1.64                     | \$2,154                 | \$1,860              | \$294      |

## Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

Revenue from the City’s Parks, Health, Recreation, Open Space, and Trails Impact Fee is estimated in Figure PR7. The impact fee revenue projection is based on projected units in the City of Fruita over the next ten years. By multiplying the projected residential growth in the City by the impact fee amounts, we estimate projected impact fee revenue of approximately \$2.76 million. Projected expenditures total \$2.76 million.

Figure PR7. Estimated Revenue from Parks, Health, Recreation, Open Space, and Trails Impact Fee

### Infrastructure Costs for Park Facilities

|                           | Total Cost         | Growth Cost        |
|---------------------------|--------------------|--------------------|
|                           | \$2,768,597        | \$2,768,597        |
| <b>Total Expenditures</b> | <b>\$2,768,597</b> | <b>\$2,768,597</b> |

### Projected Development Impact Fee Revenue

|                   |      | Single Family<br>\$3,179<br>per unit | Multifamily<br>\$2,154<br>per unit |
|-------------------|------|--------------------------------------|------------------------------------|
| Year              |      | Housing Units                        | Housing Units                      |
| Base              | 2021 | 5,086                                | 535                                |
| Year 1            | 2022 | 5,167                                | 544                                |
| Year 2            | 2023 | 5,248                                | 553                                |
| Year 3            | 2024 | 5,329                                | 562                                |
| Year 4            | 2025 | 5,410                                | 571                                |
| Year 5            | 2026 | 5,491                                | 580                                |
| Year 6            | 2027 | 5,572                                | 589                                |
| Year 7            | 2028 | 5,653                                | 598                                |
| Year 8            | 2029 | 5,734                                | 607                                |
| Year 9            | 2030 | 5,815                                | 616                                |
| Year 10           | 2031 | 5,896                                | 625                                |
| Ten-Year Increase |      | 810                                  | 90                                 |
| Projected Revenue |      | \$2,574,724                          | \$193,873                          |
|                   |      | <b>Projected Revenue =&gt;</b>       | <b>\$2,768,597</b>                 |
|                   |      | <b>Total Expenditures =&gt;</b>      | <b>\$2,768,597</b>                 |
|                   |      | <b>Non-Impact Fee Funding =&gt;</b>  | <b>\$0</b>                         |

## IMPLEMENTATION AND ADMINISTRATION

Impact fees should be periodically evaluated and updated to reflect recent data. If cost estimates or demand indicators change significantly, the City should redo the fee calculations. Colorado’s enabling legislation allows local governments to “waive an impact fee or other similar development charge on the development of low or moderate income housing, or affordable employee housing, as defined by the local government.”

### Credits and Reimbursements

A general requirement that is common to development impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time development impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the development impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the development impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against development impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

### Service Area

A development impact fee service area is a region in which a defined set of improvements provide benefit to an identifiable amount of new development. Within a service area, all new development of a type (single-family, commercial, etc.) is assessed at the same development impact fee rate. Land use assumptions and development impact fees are each defined in terms of this geography, so that capital facility demand, projects needed to meet that demand, and capital facility cost are all quantified in the same terms. Development impact fee revenue collected within a service area is required to be spent within that service area.

Implementation of a large number of small service areas is problematic. Administration is complicated and, because funds collected within the service area must be spent within that area multiple service areas may make it impossible to accumulate sufficient revenue to fund any projects within the time allowed.

As part of our analysis of the City and the type of facilities and improvements included in the development impact fee calculation, TischlerBise has determined that a citywide service area is appropriate for the City of Fruita for the Parks, Health, Recreation, Open Space, and Trails impact fee.

## APPENDIX A: LAND USE ASSUMPTIONS

### Overview

The City of Fruita, Colorado, retained TischlerBise to analyze the impacts of development on its Parks, Health, Recreation, Open Space, and Trails facilities and to calculate impact fees based on that analysis. The population and housing unit, projections contained in this document provide the foundation for the impact fee study. To evaluate demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by type of housing unit development. These metrics (explained further below) are the demand indicators to be used in the impact fee study.

Impact fees are based on the need for growth-related capital improvements, and they must be proportionate by type of land use. The demographic data and development projections are used to demonstrate proportionality and to anticipate the need for future infrastructure. Demographic data reported by the U.S. Census Bureau, and data provided by Fruita staff, are used to calculate base year estimates and annual *projections* for a 10-year horizon. Impact fee studies typically look out five to ten years, with the expectation that fees will be updated every three to five years.

Figure A1: Fruita Municipal Boundary



## Population and Housing Characteristics

Impact fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. Thus, TischlerBise recommends that fees for residential development in Fruita be imposed according to persons per housing unit.

Based on housing characteristics, TischlerBise recommends using two housing unit categories for the impact fee study: (1) Single Family, and 2) Multifamily. Each housing type has different characteristics which results in a different demand on City facilities and services. Figure A2 shows the US Census American Community Survey 2015-2019 5-Year Estimates data for City of Woodruff. Single family units have a household size of 2.42 persons and multifamily units have a household size of 1.64 persons.

Figure A2 illustrates the persons per housing unit factors that will be included in the impact fee analysis. The population and housing unit totals listed in the figure are not involved in the analysis, separate base year population and housing units are estimated in the next section.

**Figure A2: City of Fruita Persons per Housing Unit**

| Housing Type      | Persons | Housing Units | Persons per Housing Unit | Households | Persons per Household | Housing Unit Mix |
|-------------------|---------|---------------|--------------------------|------------|-----------------------|------------------|
| Single Family [1] | 12,317  | 5,080         | 2.42                     | 4,769      | 2.58                  | 91%              |
| Multifamily [2]   | 830     | 506           | 1.64                     | 506        | 1.64                  | 9%               |
| Total             | 13,147  | 5,586         | 2.35                     | 5,275      | 2.49                  |                  |

[1] Includes detached and attached single family homes as well as mobile homes

[2] Includes structures with 2+ units

Source: U.S. Census Bureau, 2019 American Community Survey 5-Year Estimates

## Base Year Population and Housing Units

To illustrate the growth in the City, annual building permit data is listed in Figure A2. Over the past four years, the City has seen a total of 362 new housing units constructed. On average, there has been 81 single family units and 9 multifamily units constructed annually.

**Figure A2: City of Fruita Building Permit History**

| Housing Type      | 2018 | 2019 | 2020 | 2021 | Total | Average |
|-------------------|------|------|------|------|-------|---------|
| Single Family [1] | 96   | 63   | 84   | 82   | 325   | 81      |
| Multifamily       | 0    | 0    | 0    | 37   | 37    | 9       |
| Total             | 96   | 63   | 84   | 119  | 362   | 91      |

Source:

[1] Single Family building permits include manufactured housing units

Source: City of Fruita

Population and Housing units for the base year of 2021 is based off 2020 U.S. Census data and 2021 housing permit data. The 2020 Census population estimate is 13,395 residents. Additionally, according to U.S. Census data there are a total of 5,502 housing units. The housing unit mix from the 2015-2019 ACS is applied to this total to get a total of 5,004 single family units and 498 multifamily units in the City. 2021 housing permits are then added to these totals, and the persons per housing unit TischlerBise derived is used to estimate the population increase. The base year population is then estimated to be 13,654 with a total of 5,621 housing units, with 5,086 single family units and 535 multifamily units.

**Figure A3: City of Fruita Base Year Population and Housing Units**

| Fruita, CO                     | 2020         | Base Year 2021 |
|--------------------------------|--------------|----------------|
| Population [1]                 | 13,395       | 13,654         |
| Housing Units                  |              |                |
| Single Family [2]              | 5,004        | 5,086          |
| Multifamily                    | 498          | 535            |
| <b>Total Housing Units [1]</b> | <b>5,502</b> | <b>5,621</b>   |

[1] Source: *U.S. Census*

[2] Includes detached and attached single family homes as well as mobile homes

## Projected Population and Housing Units

Housing unit projections are based off of the residential permitting data that was provided by city staff. New construction is expected to continue at the pace of the previous four years, with 81 new single family units and 9 multifamily units being added each year, for a total increase of 900 housing units in the next 10 years.

Population projections are the result of persons per housing unit factors being applied to the housing unit projections. In total, the City of Fruita is projected to increase by 2,108 residents of the next ten years, an increase of 15.4 percent from the base year.

Figure A4: City of Fruita Residential Development Projections

|                          | Base Year<br>2021       | 2022   | 2023   | 2024   | 2025   | 2026   | 2027   | 2028   | 2029   | 2030   | 2031   | Total<br>Increase |
|--------------------------|-------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------------|
| Population [1]           | 13,654                  | 13,865 | 14,076 | 14,286 | 14,497 | 14,708 | 14,919 | 15,130 | 15,340 | 15,551 | 15,762 | <b>2,108</b>      |
|                          | <i>Percent Increase</i> | 1.5%   | 1.5%   | 1.5%   | 1.5%   | 1.5%   | 1.4%   | 1.4%   | 1.4%   | 1.4%   | 1.4%   | 15.4%             |
| <b>Housing Units [2]</b> |                         |        |        |        |        |        |        |        |        |        |        |                   |
| Single Family            | 5,086                   | 5,167  | 5,248  | 5,329  | 5,410  | 5,491  | 5,572  | 5,653  | 5,734  | 5,815  | 5,896  | <b>810</b>        |
| Multifamily              | 535                     | 544    | 553    | 562    | 571    | 580    | 589    | 598    | 607    | 616    | 625    | <b>90</b>         |
| Total Housing Units      | 5,621                   | 5,711  | 5,801  | 5,891  | 5,981  | 6,071  | 6,161  | 6,251  | 6,341  | 6,431  | 6,521  | <b>900</b>        |



## APPENDIX B: LAND USE DEFINITIONS

### Residential Development

As discussed below, residential development categories are based on data from the U.S. Census Bureau, American Community Survey. Fruita will collect development fees from all new residential units. One-time development fees are determined by site capacity (i.e. number of residential units). This category also contains mobile homes and recreational vehicles

**Single-Family:** Single-Family detached is a one-unit structure detached from any other house, that is, with open space on all four sides. Such structures are considered detached even if they have an adjoining shed or garage. A one-family house that contains a business is considered detached as long as the building has open space on all four sides. Also included in the definition is Single family attached (townhouse), which is a one-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures. In row houses (sometimes called townhouses), double houses, or houses attached to nonresidential structures, each house is a separate, attached structure if the dividing or common wall goes from ground to roof.

**Multi-Family:** 2+ units (duplexes and apartments) are units in structures containing two or more housing units, further categorized as units in structures with “2, 3 or 4, 5 to 9, 10 to 19, 20 to 49, and 50 or more apartments.”