Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
Relay Colorado 711
303-795-4630 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

# Public Meeting

**November 22, 2016**
**9:30 A.M.**

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

**AGENDA**

1. **OPENING**

1.a. **CALL TO ORDER**
Arapahoe County Board of County Commissioners

1.b. **INTRODUCTION**
Ron Carl, County Attorney
Joleen Sanchez, Asst. Clerk to the Board

1.c. **ROLL CALL**

1.d. **PLEDGE OF ALLEGIANCE**

2. **MODIFICATION TO THE AGENDA**

3. **ADOPTION OF THE AGENDA**

4. **APPROVAL OF THE MINUTES**

4.a. **BOCC Public Meeting Minutes - November 1, 2016**

Documents:

BOCC PUBLIC MEETING MINUTES 11.01.2016.PDF

5. **CITIZEN COMMENT PERIOD**
Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-

minute time limit per person, unless otherwise noted by the Chair.

6. **CONSENT AGENDA**

6.a. **Authorization for Legal Representation; Nilges v. BoCC, et al.**
Adoption of a resolution authorizing legal defense and indemnification for two former employees of the Arapahoe County Sheriff's Office named in a civil lawsuit in the Arapahoe County Distirct Court, *Carl Nelson Nilges v. Board of County Commissioners of Arapahoe County, et al.,* Civ. No. 16-cv-00884-MEH

*Jed Caswall, Deputy County Attorney*
*Ron Carl, County Attorney*

Documents:

BOCC BSR RE SUPP RESO 11-15-2016.DOC
SUPP. RESO FOR DEFENSE OF WASIKE AND KYAMBADDE 11-15-2016.DOCX

6.b. **Authorization for Legal Representation; White v. Ternes, et al.**
Adoption of a resolution authorizing legal defense and indemnification for several current and former employees of the Arapahoe County Department of Human Services named in a civil lawsuit in the Jefferson County District Court, *Matthew White v. Cheryl Ternes, et al., Civ. No. 16-cv-31669*

*Jed Caswall, Deputy County Attorney*
*Ron Carl, County Attorney*

Documents:

BOCC BSR.DOC
BOCC RESO.DOCX

6.c. **Board of Assessment Appeals (1 Resolution)**
Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein

*Ron Carl, County Attorney*
*Karen Thompsen, Paralegal, County Attorney's Office*

Documents:

11 NOVEMBER 22, 2016.DOC
SAMPLE BAA RESOLUTION.DOC

6.d. **County Veterans Services Office Report - October 2016**
Acceptance of the Veterans Services Office Report from October 2016

*Linda Haley, Senior Resources Division Manager, Community Resources*
*Tim Westphal, Veterans Service Officer Community Resources*
*Don Klemme, Director, Community Resources*

Documents:

10-2016 BSR OCTOBER.PDF

6.e. **First Amendment to the Colorado Opportunity Scholarship Grant Agreement**

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the First Amendment to the Colorado Department of Higher Education Grant Agreement with Arapahoe Community College Foundation, Community College of Aurora Foundation (CCAF) to revise the invoice schedule to allow the Community College of Aurora to award more scholarship money in the Summer and Fall of 2017 with no increase to the total dollar amount of the Agreement, pursuant to the terms contained therein

*Diana Maes, BoCC Administration Manager*
*John Christofferson, Deputy County Attorney*

Documents:

BSR - COSI GRANT AGREEMENT 1ST AMEND ARAPAHOE COMMUNITY COLLEGE FOUNDATION - CONSENT 11-15-16.DOC
RESO NO. 160___ COLORADO OPPORTUNITY SCHOLARSHIP INITIATIVE GRANT AGREEEMNT FIRST AMENDMENT.DOCX
COSI GRANT AGRT 1ST AMEND.PDF

6.f. **W15-003 Amend Land Development Code for Farming and Ranching Events and Rodeos**

Adoption of a resolution approving proposed amendments to the Land Development Code, Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) to revise definitions and use tables related to Seasonal and other Farming and Ranching Events and Rodeos

*Jan Yeckes, Planning Division Manager, Public Works and Development*
*David Schmit, Director, Public Works and Development*
*Keith Ashby, Purchasing Manager, Finance*
*Robert Hill, Senior Assistant County Attorney*

Documents:

W15-003 BSR PACKET AMEND RANCH FARM RODEO CODE.PDF

7. **GENERAL BUSINESS ITEMS**

7.a. ***PUBLIC HEARING - Arapahoe County Rural Transportation Impact Fee Study, Adoption of a Rural Transportation Impact Fee**

Consideration of a request for review of C11-006; Arapahoe County Rural Transportation Impact Fee Study and recommendation of adoption of an Arapahoe County Rural Transportation Impact Fee as presented and described

*Presenter - Bryan Weimer, Transportation Division Manager, Public Works and Development*
*David Schmit, Director, Public Works and Development*
*Todd Weaver, Budget Manager, Finance*
*Robert Hill, Senior Assistant County Attorney*

Documents:

C11-006 BOCC ADOPTION IMPACT FEE FINAL AND MOTIONS 11-15-16.PDF
IMPACTFEES.TRANSPORTATION.RESO.V5.11.16.2016.CLEAN.PDF
2016-10-28 V2 ARAPAHOERURALTRANSPFEE FINAL.PDF

8. **COMMISSIONER COMMENTS**

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the "General Business" agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

*Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or Relay Colorado 711.*
*Please contact our office at least 3 days in advance to make arrangements.*

**MINUTES OF THE ARAPAHOE COUNTY**
**BOARD OF COUNTY COMMISSIONERS**
**TUESDAY, NOVEMVER 1, 2016**

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

| | | |
|---|---|---|
| **Nancy Doty, Chair** | **Commissioner District 1** | **Present** |
| **Nancy Jackson, Chair Pro-Tem** | **Commissioner District 4** | **Present** |
| **Nancy A. Sharpe** | **Commissioner District 2** | **Present** |
| **Rod Bockenfeld** | **Commissioner District 3** | **Present** |
| **Bill Holen** | **Commissioner District 5** | **Present** |
| **Ron Carl** | **County Attorney** | **Present** |
| **Matt Crane** | **Clerk to the Board** | **Absent and Excused** |
| **Gail Stumpo** | **Asst. Clerk to the Board** | **Present** |

when the following proceedings, among others, were had and done, to-wit:

**CALL TO ORDER**
Commissioner Doty called the meeting to order.

**INTRODUCTIONS**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MODIFICATION(S) TO THE AGENDA**
There were no modifications to the agenda.

**ADOPTION OF THE AGENDA**

**The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the Agenda as presented.**

**The motion passed 5-0.**

**APPROVAL OF THE MINUTES**

**The motion to approve the minutes from October 4, 2016 was made by Commissioner Sharpe, duly seconded by Commissioner Holen.**

**The motion passed 4-0-1, Commissioner Jackson abstained.**



The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

**The motion to approve the minutes from October 11, 2016 was made by Commissioner Jackson, duly seconded by Commissioner Holen.**

**The motion passed 4-0-1, Commissioner Sharpe abstained.**

**CEREMONIES**
There were no ceremonies on this date.

**CITIZEN COMMENT PERIOD**
There were no citizen comments on this date.

**CONSENT AGENDA**

**The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to approve the items on the Consent Agenda as presented.**

**The motion passed 5-0.**

**GENERAL BUSINESS ITEMS**

**Item 1 – Resolution No. 160646 - Public Trustee 2017 Budget**

Ron Carl, County Attorney, clarified that this item only required posting a public notice and that the Board had jurisdiction to hear this item.

Cynthia Mares, Public Trustee, presented the Public Trustee's proposed budget for 2017. Hardcopies were distributed for the record.

Commissioner Bockenfeld asked for more detail regarding the line items for meetings and travel expenses and training and education.

Commissioner Doty asked what the actual expenses were for those two categories for 2016.

Ms. Mares said approximately $1,500 for travel and $0 for training and education.

There was discussion regarding the potential for a legislative change to raise public trustees' fees.

There was discussion regarding whether or not County Treasurer's Offices performs the public trustee function for most counties.

**The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Sharpe to accept the Arapahoe County Public Trustee's 2017 budget.**

**The motion passed 5-0.**



The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

**COMMISSIONER COMMENTS**
There were no commissioner comments on this date.

**There being no other business before the Board, the public meeting was adjourned by Commissioner Doty at 10:00 a.m.**

**ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

_____

**MATT CRANE, CLERK TO THE BOARD**
**BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD**



The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

***Final Action: Approved _____ Failed _____ Consent Agenda Item #_____***
***Board of County Commissioners Public Hearing date: _____***

# Board Summary Report

**Date:** November 15, 2016

**To:** Board of County Commissioners

**Through:** Ronald Carl, County Attorney

**From:** Jed Caswall, Deputy County Attorney

**Subject:** Approval of a resolution authorizing legal representation and indemnification in pending litigation filed against former employees of the Arapahoe County Sheriff's Office.

## Purpose

As the Board will recall, a civil lawsuit for monetary damages was commenced earlier this year by a former jail inmate in the United States District Court, *Carl Nelson Nilges v. Board of County Commissioners of Arapahoe County, et al.*, Civ. No. 16-cv-00884-MEH, seeking money damages against the County and several current and former sworn and civilian employees of the Sheriff's Office for alleged violations of civil rights, and for alleged failures to provide timely and appropriate medical care to the plaintiff for injuries he claims to have suffered while in the jail. This memo and the accompanying resolution seek the Board's formal authorization to extend legal defense services and indemnification coverage to two individual former employees who have been added as defendants in the litigation since the Board adopted an initial resolution back in May to provide defense and indemnification protection to the individual defendants who were originally named in the suit.

## Background

The subject litigation arises from an incident that took place in a holding cell in the Detention Facility on April 19, 2014, involving multiple deputies and plaintiff Carl Nilges, a pre-trial detainee who had been booked into the jail on March 29, 2014. Mr. Nilges had been forcibly placed into the holding cell as a disciplinary measure after he had become physically combative with three deputies who had earlier attempted to move him temporarily to a medical cell. After being placed into the holding cell, Mr. Nilges attempted to push a deputy in the chest. This caused several deputies to re-enter the cell to physically restrain Mr. Nilges. Mr. Nilges fell to the floor at which time his right leg was caught beneath him causing it to fracture. The fracture was not diagnosed for approximately 43 hours when he was taken to an outside medical facility for x-rays.

The suit seeks compensatory and punitive money damages against the several deputies who

restrained Mr. Nilges in the holding cell, and against the medical personnel who failed to identify or diagnose the fractured leg. The two individuals subject to the proposed resolution are former nurses who were employed at the Detention Facility and who attended to Mr. Nilges at various times after the incident in the holding cell.

**Discussion**

Under the provisions of the Colorado Governmental Immunity Act, a county is obligated to bear the costs of providing a legal defense for its employees when they are sued for acts or omissions allegedly committed by them during the performance of their jobs. Additionally, a county is obligated to indemnify its employees for judgments or settlements that may enter against them in those suits, excluding punitive damages (unless otherwise authorized). These obligations are generally subject to the following conditions. First, that the conduct of an employee giving rise to the lawsuit occurred within the scope and performance of his or her job and, second, that the conduct of the employee was not wanton or willful, i.e., maliciously motivated or executed or taken in bad faith.

After reviewing the facts and information currently available, the County Attorney's Office has determined that the conduct of employees relevant to the claims in Mr. Nilges' suit was not undertaken wantonly or willfully, or with any intent to injure him or to violate his rights. It is also apparent that all of the challenged conduct taken by the several employees was taken by them within the scope of their job duties.

**Recommendation**

The County Attorney's Office recommends that the Board adopt the proposed resolution accompanying this memo and authorize a legal defense and indemnification protection (inclusive of potential punitive damages) as provided under the Governmental Immunity Act in the above-noted litigation for the two former ACSO employees. The defense will be conducted by the County Attorney's Office.

**Alternatives**

Not applicable.

**Fiscal Impact**

Presently unknown litigation costs.

***A Resolution of the Board of County Commissioners for the County of Arapahoe, Colorado***

**RESOLUTION NO. _____**

***It was moved*** by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Arapahoe County is generally obligated under the terms of the Colorado Governmental Immunity Act to bear the costs of the defense of its employees incurred in lawsuits brought against them for injuries they are alleged to have caused within the course and scope of their employment, and indemnify them with respect to money judgments and settlements that might result from such suits so long as their conduct was not willful or wanton; and

WHEREAS, it is common for plaintiffs, without a factual basis to do so, to allege that government officials and employees acted outside the scope and course of their employment, or acted willfully and wantonly; and

WHEREAS, a lawsuit titled *Carl Nelson Nilges v. Board of County Commissioners of Arapahoe County, et al.*, was commenced in the United States District Court for the District of Colorado against the County and several of its current and former employees for acts and omissions allegedly undertaken by them during the course and scope of their official duties and employment; and

WHEREAS, it appearing from the information presently available that the claims asserted against the several employees did not arise from wanton or willful conduct, and that there exist no disqualifying conflicts of interests between the several named defendants and the County; and

WHEREAS, the Board hereby determines that it is in the public interest for Arapahoe County to bear the cost of defending the current and former employees against the claims for personal liability and damages asserted in the suit against them, and to defend against and/or pay or settle such claims on their behalf subject to the terms and conditions contained in the Colorado Governmental Immunity Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, State of Colorado, that the cost of providing a legal defense for Boaz Wasike and Ruth Kyambadde in the matter of *Nilges v. Board of County Commissioners of Arapahoe County, et al.*, Case No. 2016-cv-00884-MEH, shall be borne by Arapahoe County and that such representation shall be provided by the Arapahoe County Attorney's Office except as may otherwise be determined by the County Attorney, in which case the County Attorney may retain outside legal counsel as may be deemed necessary; and

BE IT FURTHER RESOLVED that Arapahoe County shall, consistent with the terms contained in the Colorado Governmental Immunity Act, indemnify both Mr. Wasike and Ms. Kyambadde for any and all judgments or settlements that may enter against

them in the above-noted litigation, and that the claims asserted against them may be compromised, settled, and resolved of by Arapahoe County as it may deem appropriate, necessary, or convenient.

The vote was: Commissioner Bockenfeld ___; Commissioner Doty, Chair, ___; Commissioner Holen ___; Commissioner Jackson ___; and Commissioner Sharpe ___.

The Chair declared the resolution adopted and so ordered on the ____ day of _____ 2016.

***Final Action: Approved _____ Failed _____ Consent Agenda Item #_____***
***Board of County Commissioners Public Hearing date: _____***

# Board Summary Report

**Date:** November 9, 2016

**To:** Board of County Commissioners

**Through:** Ronald Carl, County Attorney

**From:** Jed Caswall, Deputy County Attorney

**Subject:** Approval of a resolution authorizing legal representation and indemnification in pending litigation filed against current and former employees of the Arapahoe County Department of Human Services.

**Purpose**

A civil lawsuit for monetary damages was recently commenced in Jefferson County District Court, *Matthew White v. Cheryl Ternes, et al.*, Civ. No. 16-cv-31669, against several current and former employees of the Arapahoe County Department of Human Services (ACDHS) arising from the alleged wrongful placement in 2007 of a minor child in an adoptive home. This memo and the accompanying resolution seek the Board's formal authorization to provide legal defense services and indemnification coverage for the individual employees who have been named as co-defendants in the suit.

**Background**

According to the complaint filed to initiate the suit, the ACDHS, through its defendant employees, recklessly placed a young child (now known as Matthew White) in an adoptive home in Jefferson County where they knew, or should have known, the child would be in danger of serious physical and emotional injury. A few years later, the child had to be removed from the home in light of life-threatening injuries and abuse inflicted against him by his adoptive parents. The child's current parents allege that the individual ACDHS defendants failed to undertake a reasonable investigation into the background of the previous adoptive parents before allowing the child to be adopted, and that the failure to do so directly led to the child being abused. The suit seeks compensatory money damages under federal and state law against the five current and/or former ACDHS officials who allegedly played a role in placing the child in the abusive home.

**Discussion**

Under the provisions of the Governmental Immunity Act, a county is obligated to bear the costs of providing a legal defense for its employees when they are sued for acts or omissions allegedly committed by them during the performance of their duties. Additionally, a county is obligated to indemnify its employees for judgments or settlements that may enter against them in those suits,

excluding punitive damages (unless otherwise authorized). These obligations are generally subject to the following conditions. First, that the conduct of an employee giving rise to the lawsuit occurred within the scope and performance of his or her job and, second, that the conduct of the employee was not wanton or willful, i.e., maliciously motivated or executed or taken in bad faith.

After reviewing the facts and information currently available, the County Attorney's Office has determined that the conduct of employees relevant to the claims in the current litigation was not undertaken wantonly or willfully or with any intent to injure the subject child, or to violate his rights. It is also apparent that all of the challenged conduct taken by the several employees was taken by them within the scope of their job duties.

**Recommendation**

The County Attorney's Office recommends that the Board adopt the proposed resolution accompanying this memo and authorize both a legal defense and indemnification protection (inclusive of potential punitive damages) as provided under the Governmental Immunity Act in the above-noted litigation for the several current and former Department of Human Services employees. The defense will be conducted by the County Attorney's Office.

**Alternatives**

Retain outside counsel.

**Fiscal Impact**

Presently unknown litigation costs.

*A Resolution of the Board of County Commissioners for the County of Arapahoe, Colorado*

**RESOLUTION NO. _____**

***It was moved*** by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Arapahoe County is generally obligated under the terms of the Colorado Governmental Immunity Act to bear the costs of the defense of its officials and employees incurred in lawsuits brought against them for injuries they are alleged to have caused within the course and scope of their employment, and indemnify them with respect to money judgments and settlements that might result from such suits so long as their conduct was not willful or wanton; and

WHEREAS, it is common for plaintiffs, without a factual basis to do so, to allege that government officials and employees acted outside the scope and course of their employment, or acted willfully and wantonly; and

WHEREAS, a lawsuit titled *Matthew White v. Cheryl Ternes, et al.*, was recently commenced in the Jefferson County District Court against several current and former employees of the Arapahoe County Department of Human Services for acts and omissions allegedly undertaken by them during the course and scope of their official duties and employment; and

WHEREAS, it appearing from the information presently available that the claims asserted against the several employees did not arise from wanton or willful conduct and that there exist no disqualifying conflicts of interests between the several named defendants and the County; and

WHEREAS, the Board hereby determines that it is in the public interest for Arapahoe County to bear the cost of defending the current and former employees against the claims for personal liability and damages asserted in the suit against them, and to defend against and/or pay or settle such claims on their behalf subject to the terms and conditions contained in the Colorado Governmental Immunity Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, State of Colorado, that the cost of providing a legal defense for Cheryl Ternes, Mindy Kugler, Myrlene Thorpe, Erin Minder and Erika Sorensen in the matter of *Matthew White v. Cheryl Ternes, et al.*, Civ. No. 16-cv-31669, pending in Jefferson County District Court, shall be borne by Arapahoe County and that such representation shall be provided by the Arapahoe County Attorney's Office except as may otherwise be determined by the County Attorney, in which case the County Attorney may retain outside legal counsel as may be deemed necessary; and

BE IT FURTHER RESOLVED that Arapahoe County shall, consistent with the terms contained in the Colorado Governmental Immunity Act, indemnify each of the current and former employees named as defendants in the suit from any and all judgments or settlements that

may enter against them in the above-noted litigation, and that the claims asserted against them may be compromised, settled, and resolved by Arapahoe County as it may deem appropriate, necessary, or convenient.

The vote was: Commissioner Bockenfeld ___; Commissioner Doty, Chair, ___; Commissioner Holen ___; Commissioner Jackson ___; and Commissioner Sharpe ___.

The Chair declared the resolution adopted and so ordered on the _____ day of _____ 2016.

Arapahoe County
Colorado's First

# Board Summary Report

**Date:** November 22, 2016

**To:** Board of County Commissioners

**Through:** Ronald A. Carl, County Attorney

**From:** Karen Thompsen, Paralegal

**Subject:** Approval of BAA Stipulation (1 Resolution Number)

## Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

## Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

## Discussion

The following BAA docket numbers have been stipulated to for the tax year(s) indicated below.

| Tax Year | Docket # | Property Owner | Property Address | Code | Original Value | Stipulated Value |
|---|---|---|---|---|---|---|
| 2016 | 69554 | Aukum-Terra Vista Apartments LLC | 5341 South Federal Circle | 1. | $38,851,000 | $36,928,950 |
| 2016 | 69556 | Churchill Downs Community Apartments LLC | 8400 East Yale Avenue | 2. | $20,445,300 | $19,038,700 |
| 2016 | 69567 | Simpson Cherry Creek LP | 7171 South Cherokee Trail and 16363 East Freemont Avenue | 3. | $65,173,900 | $61,629,325 |

## Code

1. The value was reduced in 2015 to $36,928,950 due to fire damage in March 2015 which rendered 24 subject units unusable and vacant. As of 1/1/2016 the damage had not been remedied, with the 24 units beginning to be usable again in October 2016. Therefore, the 2015 value is also applicable to 2016.
2. 2016 value matches 2015 value of $19,038,700.

3. 2016 value matches 2015 value of $61,629,325.

**Alternatives**

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

**Fiscal Impact**

Reduction in the amount of property taxes collected for the above listed properties.

**Concurrence**

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

**Reviewed By:**

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

**RESOLUTION NO. 160XXX** It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

| **Docket #** | **Property Owner** | **Tax Year** |
|---|---|---|

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.

Arapahoe County
Colorado's First

# Board Summary Report

**Date:** 11/03/2016

**To:** Board of County Commissioners

**Through:** Don Klemme, Community Resources Department Director

**From:** T.J. Westphal, County Veterans Service Officer

**Subject:** Veterans Service Officer Summary Report

**Direction/Information:**

The purpose of this report is to communicate the services provided to veterans and their families by the Arapahoe County Veterans Service Officer during the month of October, 2016.

**Background**

The Colorado Department of Veterans Services requires assistance to veterans and their families in compliance with Sections 28-5-801 et seq., Colorado Revised Statutes, in receiving their benefits such as, but not limited to:

Burials:
- Provide veterans within Arapahoe County the information regarding their burial allowance
- Advise and assist family members of veterans collection of death pension

Health Services:
- Assist veterans in processing claims for medical benefits
- Assist and coordinate with veterans' Medicaid cases

Claims:
- Prepare, present and appeal claims for VA benefits on behalf of Arapahoe County veterans and their dependents

**Links to Align Arapahoe**

The services provided to veterans through our Veterans Services Office link to the Align Arapahoe Initiatives of Quality of Life and Service First. By connecting veterans to the resources available for them and assisting them with claims which may increase their available income, quality of life is improved. Service First is met through the timely and professional delivery of services to all veterans and family members who work with the Veterans Service Office.

**Discussion**

Arapahoe County Veterans Services provides full-time assistance to veterans and their families as required by state statutes.

**Alternatives**

This document is a state form required by the State of Colorado to be submitted monthly as application for monetary benefits payable to the County General Fund in accordance with Section 28-5-707 Colorado Revised Statutes.

**Fiscal Impact**

The County receives $16,560 annually for the services provided to veterans in Arapahoe County. There is also a positive fiscal impact to individual veterans through successful claims recoveries.

**Concurrence**

This report was presented to Donald A. Klemme, Community Resources Department Director, who recommends approval and signature by the Board of County Commissioners.

**Attorney Comments**
If appropriate, include this section.

**Reviewed By:**
Although physical signatures are not required, the BSR must still be reviewed by all necessary departments prior to submitting. You MUST provide sufficient time for finance and county attorneys to review your document prior to being submitted. The names of the individuals that have approved must be listed below.

T.J. Westphal, County Veterans Service Officer
Linda Haley, Senior Resources Division Manager
Don Klemme, Community Resources Department Director

ARAPAHOE COUNTY
VETERANS SERVICE OFFICE

# Arapahoe County Veterans Service Office
# October, 2016 - Summary Report

For the month of October, 2016:

- The County Veterans Service Office prepared, presented and appealed claims for federal benefits to the Department of Veterans Affairs. The office also administered the Veterans Trust Fund for emergency financial assistance. Staff conducted all daily operations to include meeting with veterans and/or their dependents, conducting community outreach, processing legal correspondence and fielding calls related to claims, resource referrals and general inquiries.

- John Rossie gave **21 hours** of volunteer service to the County Veterans Service Office.

- **Goals and Objectives:**
  - Total phone calls processed: **960**
    - Specific to current claim action/status: **45**
    - Appointments, referrals, general inquiries: **445**
  - Scheduled/walk-in appointments/home visits: **59**
  - Claims for federal benefits filed to the VA: **35**
  - Other applications and claim correspondence: **50**
  - Requests for military records and corrections: **3**
  - Veterans Trust Fund requests granted: **10**
  - New favorable award notifications received: **20**
    - 2016 Favorable decisions to date: **238**
    - 2016 VA claim award recoveries to date: **$3,253,811.09**

- **Training, Outreach and Community Events:**
  - 10/01 – Outreach: *Cruisin' 1430's* 10th Annual Veterans Resource & Job Fair
  - 10/05 – Outreach: Quarterly CVSO Presentation @ Denver Vet Center
  - 10/13 – Outreach: VA Benefits Briefing @ Buckley AFB
  - 10/24 – Training: Hosted VA Readjustment Counselor for VA Benefits Training
  - 10/26 – Outreach: Arapahoe County Human Services Resource Fair

Respectfully Submitted,

T.J. Westphal
County Veterans Service Officer
Arapahoe County, Colorado

Colorado Department of Military and Veterans Affairs

County Veterans Service Officers Monthly Report and Certification of Pay

County of **ARAPAHOE** Month of **OCTOBER 2016**

| General Information | | Request for Medical Records | |
|---|---|---|---|
| Telephone Calls | 490 | 21-4142 &21-4142a | 1 |
| Office Visits | 69 | **Military Records/Corrections** | |
| Home Visits | 0 | SF180 | 2 |
| Outreach Visits | 4 | DD149 | 0 |
| Community Events | 1 | DD293 | 0 |
| Request for Medal | 0 | NA13075 | 0 |
| Operation Recognition | 0 | Other | 0 |
| Correspondence Rec'd | 35 | **NSC Pension** | |
| Correspondence Written | 78 | 21-527EZ | 0 |
| Info/Referral/Inquiries | 445 | 21-8416 | 0 |
| VCAA Notice | 7 | **Widows Pension** | |
| State Benefits | 0 | 21-534EZ | 1 |
| Income Verifications | 5 | 21-8416 | 0 |
| **New Claims Initiated** | | **DIC** | |
| 21-22 CVA | 27 | 21-5234EZ | 1 |
| 21-22 others | 0 | **Burial Allowance** | |
| **SC Entitlement** | | 21P-530 | 2 |
| 21-526EZ | 27 | 40-1330 | 3 |
| 21-0966 Informal | 11 | 21-2008 | 0 |
| 21-526EZ Reinstate | 0 | 26-1817 | 0 |
| 21-526EZ IU | 1 | **Waivers/Compromise** | |
| 21-8940 IU | 1 | 21-4138 | 0 |
| 21-4192 IU Employer | 1 | 21-5655 | 0 |
| 21-4138 SMC | 2 | **Appeals** | |
| 21-686c Dependency | 9 | 21-0985 NOD | 3 |
| 21-674 School Attendance | 1 | VA Form 9 | 2 |
| **VA Healthcare** | | **VA Home Loan** | |
| 10-10EZ | 1 | 26-1800 | 0 |
| CHAMPV | 0 | **Insurance Claims** | |
| **Homeless Veterans Claims** | | 29-357 | 0 |
| Service Connection | 0 | 29-4364 | 0 |
| NSC Pension | 0 | 29-336 Beneficiary | 0 |
| **VOC REHAB** | | 29-4125 Lump Sum | 0 |
| 28-1900 CH31 | 0 | **VTF Requests** | |
| **MISC CLAIMS** | | Rental Assistance | 3 |
| 21-8678 Clothing Allow | 0 | Utilities Assistance | 0 |
| 21-4502 Adaptive Equip. | 0 | Prescription Assistance | 0 |
| 26-4555 Housing | 0 | Food Assistance | 7 |
| 10-0103 HISA Grant | 0 | Transportation Assistance | 0 |
| CRSC | 0 | Clothing Assistance | 0 |
| **Incarcerated Veterans** | | Other | 0 |
| 21-526EZ Reinstatement | 0 | | |
| 21-4138 Apportionment | 0 | | |

## Certification by County Veterans Service Officer

I hereby certify, the above captioned monthly report is true and accurate. I have been paid the following amount(s) for the month of , 20____ from _____county.

| | | |
|---|---|---|
| Salary | $ | - |
| Expenses | $ | - |
| Office Space | $ | - |
| Telephone | $ | - |
| Office Supplies | $ | - |
| Travel | $ | - |
| Training Conference | $ | - |
| Other | $ | - |
| TOTAL | $ | - |

Signature of County Veterans Service Officer

11-3-2016
Date

## Certification by County Commissioner or Designee

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 9-11-2015:

_____ County Commissioner or Designee of

_____ County

_____ Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15th day the following month.

Mail to:
Colorado Division of Veterans Affairs
Attention: Deputy Director
1355 South Colorado Blvd.
Building C, Suite 113
Denver, Colorado 80222

ARAPAHOE COUNTY
COLORADO'S FIRST

# Board Summary Report

**Date:** November 3, 2016

**To:** Board of County Commissioners

**From:** Diana Maes, Manager, BoCC Administration

**Subject:** Colorado Opportunity Scholarship Initiative – First Amendment to Matching Student Scholarship Grant Agreement

**Request and Recommendation**
The Arapahoe Community College Foundation requests the Chair of the Board of County Commissioners sign the First Amendment to the Colorado Department of Higher Education Grant Agreement with Arapahoe Community College Foundation (ACCF), Community College of Aurora Foundation (CCAF) for ACCF to serve as the designated not-for-profit foundation to administer the scholarship program.

**Background**

The Governor and the General Assembly created the Colorado Opportunity Scholarship Initiative (COSI) with the goal of increasing the postsecondary credential completion and the preparedness of Colorado students to earn a livable wage, graduate with less debt and positively contribute to the growth of our state's economy.

COSI has designated funds for matching student scholarships in three specific categories: County-based grants, Institutions of Higher Education grants and Workforce Development grants. Arapahoe Community College Foundation (ACCF) is applying for the County-based grants. COSI is leveraging $7 million of start-up funds. Based on the Free and Reduced Lunch Population, a criteria of COSI, Arapahoe County is eligible for $741,633 of matching funds ($316,820.54 in FY 2016/2017 and $424,812.46 in FY 2017/2018).

The COSI grant proposal requires that the Board of County Commissioners support a designated not-for-profit foundation to administer the scholarship program. The BoCC previously agreed to have Arapahoe Community College Foundation (ACCF) serve as that designated foundation for Arapahoe County. The Chair previously signed a letter of intent and letter of support for ACCF to apply for the grant. ACCF is partnering with the Community College of Aurora Foundation (CCAF) to raise the matching funds. CCAF has committed to matching up to $350,000 of the total amount eligible. ACCF will serve as the fiscal and administrative partner to the County.

ACCF is responsible for the receipt and distribution of funds. No funds will be handled by the County. The County does not have any fiscal or auditing responsibilities. The state will annually audit ACCF. ACCF is required to provide a performance report to the County in June of 2017 and 2018. The County is not liable for any breach of the Agreement by ACCF or CCAF. The Grant Agreement provides detailed process and benchmarks.

On July 19, 2016, the Board approved a resolution authorizing the Chair to sign the Agreement. ACCF has submitted invoices to the State and are planning to award scholarships to students in Arapahoe County this Spring. The Community College of Aurora desires to award more scholarship money in the Summer and Fall of 2017. ACCF and CCAF are requesting for the County to execute the First Amendment to the Agreement. The total dollar amount of the Agreement remains the same, only the timing of invoicing will change.

**Alternatives**
The BoCC could decide not to proceed with this first agreement.

**Fiscal Impact**
There is no fiscal impact to the County.

**Reviewed by**
John Christofferson, Deputy County Attorney.

**RESOLUTION NO. 160__** It was moved by Commissioner __and duly seconded by Commissioner __ to authorize the Chair of the Board of County Commissioners to sign the First Amendment to the Colorado Department of Higher Education Grant Agreement with Arapahoe Community College Foundation, Community College of Aurora Foundation (CCAF) to revise the invoice schedule to allow the Community College of Aurora to award more scholarship money in the Summer and Fall of 2017 with no increase to the total dollar amount of the Agreement, pursuant to the terms contained therein.

The vote was:

Commissioner Bockenfeld, __; Commissioner Doty, __; Commissioner Holen, __; Commissioner Jackson, __; Commissioner Sharpe, __.

The Chair declared the motion carried and so ordered.

# GRANT AGREEMENT AMENDMENT – COLORADO DEPARTMENT OF HIGHER EDUCATION CONTRACT WITH [GRANTEE]

| Amendment # 1 | Original Grant CMS (CLIN) # CTGG1 2017-431 | Amendment CMS # |
|---|---|---|

**1) PARTIES**

This Amendment to the above-referenced Original Grant Agreement dated the 26 of July, 2016 (hereinafter called the "Grant") is entered into by and among Arapahoe Community College Foundation (hereinafter called "Grantee"), Community College of Aurora Foundation (hereinafter called "CCAF", Arapahoe County (hereinafter called "County"), and the STATE OF COLORADO, acting by and through the Colorado Department of Higher Education on behalf of the Colorado Opportunity Scholarship Initiative (hereinafter called the "State" or "CDHE"). "State" or "DHE").

**2) EFFECTIVE DATE AND ENFORCEABILITY**

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the "Effective Date"). The State shall not be liable to pay or reimburse Contractor for any performance hereunder including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

**3) FACTUAL RECITALS**

The Parties entered into the Grant to increase the availability and accessibility of pre-collegiate and postsecondary student support services and associated programming.

The parties desire to modify the Grant with respect to the Budget.

**4) CONSIDERATION-COLORADO SPECIAL PROVISIONS**

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment. The Parties agree to replacing the Colorado Special Provisions with the most recent version (if such have been updated since the Grant and any modification thereto were effective) as part consideration for this Amendment. If applicable, such Special Provisions are attached hereto and incorporated by reference herein.

**5) LIMITS OF EFFECT**

This Amendment is incorporated by reference into the Grant, and the Grant and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

**6) MODIFICATIONS.**

The Grant and all prior amendments thereto, if any, are modified as follows:

**a. Changes to Exhibit B Invoice Schedule**

Exhibit B of the Grant shall be replaced with the following:

Exhibit B of the Grant shall be replaced with the following:

Revised Budget attached. (Attached Exhibit B)

**7) START DATE**

This Amendment shall take effect on the Effective Date.

**8) ORDER OF PRECEDENCE**

Except for the Special Provisions, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Grant, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Grant or any amendment shall always control other provisions in the Grant or any amendments.

**9) AVAILABLE FUNDS**

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available.

**10) TERMINATION DATE**

The Grant, which incorporates this Amendment, shall terminate on the termination date set in Section 5 of the Grant, unless sooner terminated or further extended pursuant to the terms of the Grant.

**THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT**

*** Persons signing for Grantee hereby swear and affirm that they are authorized to act on Grantee's behalf and acknowledge that the State is relying on their representations to that effect.**

**GRANTEE**
**Arapahoe Community College Foundation**

By: Courtney Loehfelm
Title: Executive Director

*Signature

Date: 10/18/2016

**COUNTY**
**Arapahoe County**

By: Nancy Sharpe
Title: VP, Arapahoe County Board of County Commissioners

*Signature

Date: _____

**Community College of Aurora Foundation**
**CCAF**

By: John Wolfkill
Title: Executive Director, Community College of Aurora Foundation

*Signature

Date: 10/18/2016

**STATE OF COLORADO**
**John W. Hickenlooper, Governor**

By: Diane C. Duffy
Title: Chief Operating Officer, Colorado Department of Higher Education

*Signature

Date: _____

**ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER**

**CRS §24-30-202 requires the State Controller to approve all State contracts. This Amendment is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.**

**STATE CONTROLLER**
**Robert Jaros, CPA, MBA, JD**

By: _____
Michelle Zale, Controller, Colorado Department of Higher Education

Date: _____

**Exhibit B**

| Proposed Invoice Schedule | | | | |
|---|---|---|---|---|
| **Month** | **Year** | **CDHE Amount** | **Match Amount** | **Source** |
| JUL | 2016 | | $80,000 | Grantee Match |
| JUL | 2016 | $80,000 | | Colorado Department of Higher Education |
| NOV | 2016 | | $140,910.27 | Grantee Match |
| NOV | 2016 | $140,910.27 | | Colorado Department of Higher Education |
| APR | 2017 | | $95,910.27 | Grantee Match |
| APR | 2017 | $95,910.27 | | Colorado Department of Higher Education |
| JUL | 2017 | | $145,910.27 | Grantee Match |
| JUL | 2017 | $145,910.27 | | Colorado Department of Higher Education |
| NOV | 2017 | | $145,910.27 | Grantee Match |
| NOV | 2017 | $145,910.27 | | Colorado Department of Higher Education |
| APR | 2018 | | $132,991.92 | Grantee Match |
| APR | 2018 | $95,910.27 | | Colorado Department of Higher Education |
| APR | 2018 | $37, 081.65 | | Colorado Department of Higher Education – Administrative fee * |
| **Total** | | **$741,633.00** | **$741,633.00** | **Total Award Amount including Grantee Match** |

ARAPAHOE COUNTY
COLORADO'S FIRST

# Board Summary Report

**Date:** November 3, 2016 **Meeting Date:** November 22, 2016

**To:** Board of County Commissioners

**Through:** David M. Schmit, P.E., Director of Public Works and Development

**From:** Jan Yeckes, Planning Division Manager

**Subject:** Amend the Land Development Code to Address Farming and Ranching Events, Rodeos and Related Elements of the Code – Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions)

**Request and Recommendation**

This County-initiated application to amend the Land Development Code is to update the existing Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) with new verbiage, thresholds and requirements in order to better address the range of Farming and Ranching Events for which applications have been received in recent years. The draft amendment was the result of a meeting with concerned citizens held at Longhope's Donkey Shelter on May 5, 2016, at the request of the I-70 Corridor Regional Economic Advancement Partnership (REAP), and provides the following:

- Amends definition of activities currently defined as "Seasonal Farming or Ranching Events" to clarify what is permitted as a use within a zone district without the additional requirement of a Temporary Use Permit (TUP);
- Removes "Seasonal" from the term "Farming or Ranching Events;"
- Distinguishes between "Farming or Ranching Events" and "Rodeo;"
- Requires a Rodeo to receive prior approval of a Special Exception Use (SEU) through the Board of Adjustment where permitted (not a new requirement); and
- Redefines "Rodeos" to remove prohibitions that are difficult to enforce and may be beyond the County's authority under State law to prohibit.

The original proposal was to eliminate the definition of "Rodeo" from Chapter 19, as this type of event is currently included under "Seasonal Farming or Ranching Events." On further consideration, staff recommends the definition of "Rodeo" be retained, but amended, based on the final recommended changes in the code. The proposed amendment has received support from the agricultural business owners and affected property owners who participated in the May 5 meeting.

Planning Commission Recommendation: On April 19, 2016, the Planning Commission conducted a public hearing on an earlier draft of the proposed code amendment. In response to concerns about

impacts to the agritourism industry within the I-70 Corridor, the Planning Commission asked staff to meet with concerned business, farm and ranch owners, as well as property owners impacted by unauthorized rodeos, to reconsider the approach to regulating a few potentially high-impact events and possible unintended impacts of the proposed regulations to the more routine and lower-impact activities and events consistent with running a ranch, farm or other agricultural business. Following a meeting held May 5, staff continued to work with the proposed code to address not only the concerns with unauthorized rodeos that were causing impact to nearby property owners, but also the interests of farm and ranch owners who conduct numerous events consistent with routine operations of a farm or ranch.

On October 18, 2016, the Planning Commission conducted a second public hearing on an updated draft and voted in favor of a motion (five in favor, none opposed, two absent) to recommend that the Board of County Commissioners (BOCC) **APPROVE the proposed amendment, as submitted,** based on staff's findings and with staff's recommended conditions of approval.

**Discussion**

Arapahoe County is proposing to revise the Land Development Code to address "Seasonal Farming or Ranching Events" and "Rodeos" within unincorporated Arapahoe County (Case No. W15-003). Under the proposed revision, farming and ranching events are proposed to be re-defined to remove the inclusion of rodeos and to remove the dependence on seasons.

Farming or Ranching Events will continue to be permitted uses in the A-E and A-1 (Agricultural – 35-acre and 19-acre minimum lot size) zone districts and include various temporary or periodic events related to farming or ranching. Such events will be permitted to have incidental sales of farm or ranch products. Farming or Ranching Events, as defined, will not include rodeos; however, training and practice for individual rodeo events would be allowed. There will be no change to the requirement that rodeos will require a Special Exception Use (SEU) permit, approved by the Board of Adjustments, in the districts where allowed. The definition of rodeos is proposed to be revised to remove the prohibition against horse tripping and steer tailing, as such prohibitions are beyond the County's authority under existing law.

Although no change is proposed to where and how farming and ranching events are permitted in either the Agricultural or Rural Residential Zone Districts (i.e., whether Permitted, Not Permitted, or permitted only through prior approval of a Special Exception Use – P, NP or SEU in the following tables), the reference to "Seasonal Farming or Ranching Events" is altered to remove the reference to "Seasonal" in both Chapters 4 and 5.

The change proposed to *Chapter 4, Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts* would be as follows:

| | **A-E** | **A-1** |
|---|---|---|
| Rodeo | SEU | SEU |
| ~~Seasonal~~ Farming or Ranching Events | P | P |

The change proposed to *Chapter 5, Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts* would be as follows:

| | **A-2** | **R-A** | **R-E** |
|---|---|---|---|
| Rodeo | SEU | SEU | NP |
| ~~Seasonal~~ Farming or Ranching Events | NP | NP | NP |

The Rural Residential Zone Districts include A-2 Agricultural (minimum 9-acre lot size), R-A Residential Agricultural (2.41-acre minimum lot size) and R-E Residential Estate (1.61-acre minimum lot size).

The changes proposed to *Chapter 19 Definitions* include the following:

**RODEO.** An event comprising ~~of~~ activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging~~, steer tailing, horse tripping,~~ and barrel racing. Horse racing is not considered a rodeo activity. User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements. ~~Steer tailing and/or horse tripping are prohibited within unincorporated Arapahoe County.~~

~~**SEASONAL**~~ **FARMING OR RANCHING EVENTS.** Events related to or occurring in the course of farming and ranching~~, taking place during, or dependent upon a particular season~~. ~~Uses may include but not be limited to: rodeos, equestrian events, ancillary sales and previewing of livestock and training of small groups.~~ Events may take place during or be related to a particular season, but need not be dependent on a particular season. Uses at such Events may include but are not limited to: livestock or farming activity displays, farming or gardening classes for small groups, roping, riding or other equestrian events or demonstrations, incidental sales of ranch or farm produced goods, ancillary sales and previewing of livestock and training of small groups. Practice or group trainings for individual rodeo events may be conducted as Farming or Ranching Events; provided, however, that performance of multiple rodeo events in a venue at which user fees, dues, admission fees, or other compensation is charged to spectators for admission does not constitute a Farming or Ranching Event.

**Findings**

The Planning Commission's recommendation included the following findings from Staff's analysis of the proposed Land Development Code amendment:

1. The proposed changes to the referenced Chapters 4, 5 and 19 within the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.

2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.

3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.

**Alternatives**

The BOCC has several alternatives:

1. Approve the proposed amendment, as presented, based on the findings of the November 3, 2016, Board Summary Report and with the recommended Conditions of Approval.

2. Approve the proposed amendment, with changes, based on the findings of the November 3, 2016, Board Summary Report and with the recommended Conditions of Approval.

3. Deny the proposed amendment and retain the current language in the Land Development Code related to "Seasonal Farming or Ranching Events" and "Rodeos."

4. Continue the public hearing or action on the item to a future date in order to obtain additional information or to further consider information presented during the public hearing.

**Fiscal Impact**
The proposed changes will support many agricultural activities and events consistent with the daily operation of farms and ranches and agricultural businesses without additional regulation or requirements and will support agritourism within many areas of the east county. The changes will also help to reduce negative impacts that result from unregulated rodeo activities, while allowing rodeos to continue, where permitted, through the public review and approval process as Special Exception Uses in order to provide an opportunity for appropriate conditions of approval to limit or mitigate impacts.

**Reviewed by**
The proposed code received public input and referral agency input on an earlier draft that was considered by the Planning Commission in April 2016 and the current proposed version of the amendment recommended for approval by the Planning Commission in April 2016. REAP was an active reviewer and helped to organize a May 2016 meeting with affected farm and ranch owners and area residents. The recommended Land Development Code Amendment has been reviewed by the staff and management of the Zoning Administration and Current Planning programs and others within the Public Works and Development Department, the County Attorney's Office, and representatives of the Sheriff's Office with respect to anticipated impacts of events.

**Attachments**
- Draft Motions – includes recommended Conditions of Approval
- Draft Resolution
- Letters from Mayberry Farm Alpacas – 100% concurrence of attendees at May 5 meeting (other contacts by phone by Zoning Administrator); public referral agencies responding were No Comment.

August 8, 2016

Jan Yeckes
Planning Division Manager

Tammy King
Zoning Administrator

Arapahoe County Public Works
and Development
6924 South Lima Street
Centennial, CO 80112

Dear Ms. Yeckes and Ms. King:

Thank you for the opportunity to comment on your draft revision transmitted on August 8, 2016 via email, hereafter the revision, to a proposed amendment to the Land Development Code Chapters 4, 5, and 19: Rodeo and Farm and Ranch Events. I appreciate that you met with our affected community, listened to our concerns, and considered our written comments.

As I understand the revision, the Land Development Code Chapters 4 and 5 would be amended to allow a rodeo event as a Special Exception Use (SEU). Per Section 13-800, a Special Exception Use requires an application to the Board of Adjustment, payment of a fee, solicitation of comment by appropriate agencies, public notice, and a Board of Adjustment hearing. Given the size and scope of rodeo events, this seems appropriate to me. This process would allow the Board of Adjustment to address many of the concerns regarding rodeo events which were raised in the May 5, 2016 meeting with our community.

With regard to farming or ranching events, the revision proposes to amend the Land Development Code Chapters 4 and 5 to allow these events in agricultural zone districts A-E and A-1, and in rural residential zone districts A-2, R-A and R-E. The revision removes the distinction between commercial and non-commercial events as originally proposed and which was objectionable to the community. Thank you.

The revision proposes to amend the definitions of "rodeo" and "farming or ranching events" in the Land Development Code Chapter 19. The proposed changes to the definitions do a good job of clarifying the activities covered. My concerns regarding the distinction between seasonal and non-seasonal events are addressed in the wording of the revision. I appreciate the clarification that "incidental sales of ranch or farm produced goods" is an allowable activity within the definition of farm event.

I think that you have done a good job of addressing my concerns in this revision. Thank you for the opportunity to comment.

Sincerely,

Sharon L. Kercher
Mayberry Farm Alpacas
6889 South County Road 185
Byers, CO 80103
303-822-6955

# AMENDMENTS TO ZONING REGULATIONS OF THE LAND DEVELOPMENT CODE

**RESOLUTION NO. [Reso #]** It was moved by Commissioner [Moved] and duly seconded by Commissioner [Seconded] to adopt the following Resolution:

Whereas, Sections 30-28-113, -116 and –133, C.R.S., provided that the Board of County Commissioners has the power to adopt and amend the Zoning Regulations and Subdivision Regulations after notice to the Planning Commission and published notice of the Board's intention to consider amendments, all as set forth in Sections 30-28-116 and –133, C.R.S.; and

Whereas, staff recommendations for amendments to the Arapahoe County Zoning Regulations, a component of the Land Development Code, were forwarded to the County Planning Commission for review and comment, along with the changes recommended in the periodic review process; and

Whereas, the Planning Commission held a public meeting on October 18, 2016, and reviewed the recommended changes to the Zoning Regulations, known as case number W15-003 Amendment to the Land Development Code, Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts, and 19 (Definitions) to address Farming and Ranching Events and Rodeos, and voted to recommend that the changes be made to the Zoning Regulations, with certain conditions; and

Whereas, the Board reviewed a Notice of Public Hearing that appeared in The Villager, a newspaper of general circulation in the County, attesting to the publication of the Notice of Public Hearing on the third day of November, 2016, and a Notice of Public Hearing that appeared in the I-70 Scout, a newspaper of general circulation in the east county, attesting to the publication of the Notice of Public Hearing on first day of November, 2016; and

Whereas, on November 22, 2016, at 9:30 a.m., the Board of County Commissioners held a Public Hearing concerning proposed amendments to the Zoning Regulations; and

Whereas, evidence was received showing that the notice, publication and referral procedures required by law for amending the zoning resolution were followed; and

Whereas, no objection was raised by the public or the Planning Commission relating to the adequacy of the notice, publication or referral procedures followed; and

Whereas, at the public hearing County Planning and Legal staff presented and explained the proposed changes, and were questioned about the particulars by the members of the Board of County Commissioners; and

Whereas, the record for this action contains extensive documentation of the factual basis for the proposed regulations; and

Whereas, following the summary presentation by County staff, the Chairman asked members of the public for comments about the proposed changes; and

Whereas, following the opportunity for public comment, the Board of County Commissioners made the following findings:

A. The Board of County Commissioners finds and determines that the statutory jurisdictional requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendments to the Zoning Regulations.

   1. That adequate opportunity for public input and comment has been provided.

   2. That the Board has jurisdiction to hear, consider and act upon the proposed changes to the Zoning Regulations and/or Subdivision Regulations.

   3. That the Board considered and adopted the Findings outlined in the Board Summary Report, dated November 3, 2016, as follows:

      a. The proposed changes to the referenced Chapters 4, 5 and 19 within the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.

      b. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.

      c. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.

B. The Board of County Commissioners hereby concludes that changing conditions clearly require the following amendments to the Zoning Regulations, that the changes will not adversely effect the community's interest in reasonable stability in the zoning regulations and subdivision regulations, and that the changes are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado to adopt the revisions to the Zoning Regulations, in the Land Development Code, as presented in the staff report, with the following modifications, and with Conditions of Approval as follow:

A. Amend Chapter 4 – Agricultural Zone Districts, Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts, to read as follows:

| **Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts** | | |
|---|---|---|
| **P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted** | | |
| | **A-E** | **A-1** |
| Accessory Structure | P | P |
| Accessory Use | P | P |
| Agricultural or Ranch Use | P | P |
| Agri-tainment | USR | USR |
| Amateur Motorsports Facility | USR | NP |
| Animal Assisted Therapy Activities | P | P |
| Bed and Breakfast | SEU | SEU |
| Broadcast Tower Facility | SEU | NP |
| Building and use customarily appurtenant to the permitted use | A | A |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | |
| Commercial Feed Lot | SEU | NP |
| Solid Waste Disposal Site and Facility (subject to Certificate of Designation and applicable state requirements) | P | NP |
| Community Events and Conference Center | USR | USR |
| Explosion welding, cladding, or metallurgical bonding of metal or other similar uses | SEU | NP |
| Farm and Gardening Classes | P | P |
| Farm Museum | SEU | SEU |
| Farm or Ranch Animal Center | P | P |
| Farmer's Market (Year-Round) | SEU | SEU |
| Farmer's Market (Seasonal) | P | P |
| Farming or Ranching Events | P | P |
| Flower Farms | P | P |
| Greenhouse | P | P |
| Group Home - Type A | P | P |
| Group Home - Type B | USR | USR |
| Guest Ranch | SEU | NP |
| Home occupation | A | A |
| Hunting Club | USR | USR |
| Kennel or Animal Hospital | SEU | SEU |
| Landing Strip for Private Aircraft and/or aircraft-related recreational facilities | SEU | SEU |
| Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company | USR | USR |
| Manufactured Home | P | P |
| Mining, Quarry and Earth Extraction | USR | USR |
| Mother-in-law Apartment/Dwelling Unit | SEU | SEU |

| **Table 4-3 B. Allowed Uses in the Arapahoe County Agricultural Zone Districts** | | |
|---|---|---|
| **P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted** | | |
| | **A-E** | **A-1** |
| Office incidental to the operations of the permitted use | A | A |
| Processing, packaging, and selling of an agricultural commodity | P | P |
| Quasi-public Use | USR | USR |
| Ranch Hand/Agricultural Worker Housing (Residence for persons employed at the principal permitted use only) | SEU | SEU |
| Resource Recovery Operation (subject to Certificate of Designation as well as all applicable State requirements) | P | NP |
| Roadside sales stand provided only products raised on the premises shall be sold in such stand and any such structure should comply with applicable building codes. | A | A |
| Rodeo | SEU | SEU |
| Shelter for agricultural implements and tools used to maintain premises | P | P |
| Shooting Range (outdoor) | USR | NP |
| Single Family Dwelling Unit | P | P |
| Small Wind Energy Conversion System | P | P |
| Stable – Commercial Riding (see setback restrictions in setback table in this chapter) | P | P |
| Stable – Private Riding (see setback restrictions in setback table in this chapter) | P | P |
| Storage and Sale of Firewood | SEU | SEU |
| Temporary Concrete and or Batching Plant with materials stockpiling | SEU | SEU |

B. Amend Chapter 5 – Rural Residential Zone Districts, Table 5-2-B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts, to read as follows;

| **Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts** | | | |
|---|---|---|---|
| **P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted** | | | |
| | **A-2** | **R-A** | **R-E** |
| Agricultural or Ranch Use | P | A | NP |
| Accessory Structure | P | P | P |
| Accessory Use | P | P | P |
| Agri-tainment | NP | NP | NP |
| Amateur Motorsports Facility | NP | NP | NP |
| Animal Assisted Therapy Activities | NP | NP | NP |

| **Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts** | | | |
|---|---|---|---|
| **P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted** | | | |
| | **A-2** | **R-A** | **R-E** |
| Bed and Breakfast | NP | NP | NP |
| Broadcast Tower Facility | NP | NP | NP |
| Building and use customarily appurtenant to the permitted use | A | A | A |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | | |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | | |
| CMRS - See 12-1100 - Commercial Mobile Radio Facilities | | | |
| Commercial Feed Lot | NP | NP | NP |
| Solid Waste Disposal Site and Facility (subject to Certificate of Designation and applicable state requirements) | NP | NP | NP |
| Community Events and Conference Center | NP | NP | NP |
| Explosion welding, cladding, or metallurgical bonding of metal or other similar uses | NP | NP | NP |
| Farm and Gardening Classes | NP | NP | NP |
| Farm Museum | NP | NP | NP |
| Farm or Ranch Animal Center | P | NP | NP |
| Farmer's Market (Year-Round) | NP | NP | NP |
| Farmer's Market (Seasonal) | NP | NP | NP |
| Farming or Ranching Events | NP | NP | NP |
| Flower Farms | NP | NP | NP |
| Greenhouse (products to be used for consumption of residents only). | A | A | NP |
| Group Home - Type A | P | P | P |
| Group Home - Type B | USR | USR | USR |
| Guest Ranch | NP | NP | NP |
| Home occupation | A | A | A |
| Hunting and Riding Club | NP | NP | NP |
| Kennel or Animal Hospital | SEU | NP | NP |
| Landing Strip for Private Aircraft and/or aircraft-related recreational facilities | NP | NP | NP |
| Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a Private Company (1041) | NP | NP | NP |
| Manufactured Home | P | NP | NP |
| Mining, Quarry and Earth Extraction | NP | NP | NP |
| Mother-in-law Apartment | SEU | SEU | SEU |
| Office incidental to the operation of the permitted use. | A | NP | NP |
| Processing, packaging, and selling of an agricultural commodity | NP | NP | NP |
| Quasi-public Use | USR | USR | USR |

| **Table 5-2 B. Allowed Uses in the Arapahoe County Rural Residential Zone Districts** | | | |
|---|---|---|---|
| **P = Permitted, A = Accessory, USR = Use by Special Review, SEU = Special Exception Use, NP = Not Permitted** | | | |
| | **A-2** | **R-A** | **R-E** |
| Ranch Hand/Agricultural Worker Housing (Residence for persons employed at the principal permitted use only) | SEU | NP | NP |
| Resource Recovery Operation (subject to Certificate of Designation as well as all applicable State requirements) | NP | NP | NP |
| Roadside stand provided only products raised on the premises shall be sold in such stand and any such structure shall comply with applicable building codes | A | NP | NP |
| Rodeo | SEU | SEU | NP |
| Shelter for agricultural implements and tools used to maintain premises | A | A | NP |
| Shooting Range (outdoor) | NP | NP | NP |
| Single Family Dwelling Unit | P | P | P |
| Small Wind Energy Conversion System | P | P | P |
| Stable – Commercial Riding (see setback restrictions in setback table in this Chapter) | P | NP | NP |
| Stable – Private Riding (see setback restrictions in setback table in this Chapter) | P | A | NP |
| Storage and Sale of Firewood | SEU | NP | NP |
| Temporary Concrete and or Batching Plant with materials stockpiling | NP | NP | NP |

C. Amend Chapter 19 – Definitions, to delete the term and definition for Seasonal Ranching or Farming Events and to add a new term and definition for Ranching or Farming Events, to read as follows:

**FARMING OR RANCHING EVENTS.** Events related to or occurring in the course of farming and ranching. Events may take place during or be related to a particular season, but need not be dependent on a particular season. Uses at such Events may include but are not limited to: livestock or farming activity displays, farming or gardening classes for small groups, roping, riding or other equestrian events or demonstrations, incidental sales of ranch or farm produced goods, ancillary sales and previewing of livestock and training of small groups. Practice or group trainings for individual rodeo events may be conducted as Farming or Ranching Events; provided, however, that performance of multiple rodeo events in a venue at which user fees, dues, admission fees, or other compensation is charged to spectators for admission does not constitute a Farming or Ranching Event.

D. Amend Chapter 19 – Definitions, to amend the definition of the term Rodeo, to read as follows:

**RODEO.** An event comprising activities for competition, entertainment or display of skills including, but not limited to, horseback riding, bronco riding, steer wrestling, calf roping and/or riding, bulldogging and barrel racing. Horse racing is not considered a rodeo activity. User fees, dues, admission fees, or other compensation may be paid, but compensation is not a required element to define an event as a rodeo. Food and/or alcohol may be bought or sold on the premises, subject to meeting any State or local health and safety regulations and/or licensing requirements.

Conditions of Approval shall be as follows:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapters 4, 5 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the above action shall be effective immediately and shall be included in the next printing of the Land Development Code.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.

**W15-003 Land Development Code Amendment to Chapters 4, 5 and 19 to address Farming and Ranching Events and Rodeos**

*Staff has provided the following draft motions to assist the BOCC with preparing a motion.*

**Motion for Approval as Submitted:** *This action would be consistent with the recommendation of the Planning Commission and staff.*

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) to address Farming and Ranching Events and Rodeos, the County Commissioners have read the proposed code amendment and Board Summary Report and considered additional information presented during the public hearing. We find ourselves in agreement with Findings one (1) through three (3) set forth in the Board Summary Report dated November 3, 2016, and recommend that the Board of County Commissioners **approve the amendment as submitted, including retaining and modifying the definition of Rodeo**, with the following two (2) conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapters 4, 5 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

**ALTERNATE MOTIONS**

**Motion for Approval with Changes:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) to address Farming and Ranching Events and Rodeos, the County Commissioners have read the proposed code amendment and Board Summary Report and considered additional information presented during the public hearing. We find ourselves in agreement with Findings one (1) through three (3) set forth in the Board Summary Report dated November 3, 2016, and recommend that the Board of County Commissioners **approve the amendment with the following changes** and with the following two (2) conditions of approval:

Changes to the proposed text:

1. *Changes should be read as part of the motion to approve. The BOCC may generally note the changes to be accomplished and direct staff to modify the text with language determined to accomplish the intended purpose prior to incorporating the amendment into the Land Development Code.*
2. *….*

Conditions of Approval: *Any changes to the following conditions should be stated as part of the motion.*

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff,

in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.

2. Modifications to Chapter 4, 5 and 19 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

**Motion for Denial:** *This action would not be consistent with the recommendation of Planning Commission and staff.*

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4 (Agricultural Zone Districts), 5 (Rural Residential Zone Districts) and 19 (Definitions) to address Farming and Ranching Events and Rodeos, the County Commissioners have read the proposed code amendment and Board Summary Report and considered additional information presented during the public hearing. We do not find ourselves in agreement with Findings one (1) through three (3) set forth in the Board Summary Report dated November 3, 2016, and therefore **deny** the application **based on the following findings:**

1. *As part of the motion, state new or amended findings to support a motion for denial.*

**Motion to Continue:**

In the case of W15-003 – Land Development Code Amendment to amend Chapters 4, 5 and 19 to address Seasonal Farm and Ranch Events, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at this same location, [to obtain additional information] [to further consider information presented during the public hearing].

ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

# Board Summary Report

**Date:** November 15, 2016

**To:** Board of County Commissioners

**Through:** David M. Schmit, Director
Public Works

**From:** Bryan D. Weimer, PWLF, Division Manager
Transportation Division

**Subject:** **C11-006; ARAPAHOE COUNTY RURAL TRANSPORTATION IMPACT FEE STUDY, ADOPTION OF A RURAL TRANSPORTATION IMPACT FEE**

**REQUEST AND RECOMMENDATION**
Adoption of the Rural Transportation Impact Fee as presented below and describedin the draft implementing resolution.

**REVISED UPDATED FEE**

| Resident Size | Residential (per SF Living) | Commercial (per 1000 SF) | Office (per 1000 SF) | Industrial (per 1000 SF) |
|---|---|---|---|---|
| | | $3,806 | $2,223 | $769 |
| 1100 or Less | $1,503 | | | |
| 1101 to 1700 | $2,111 | | | |
| 1701 to 2300 | $2,531 | | | |
| 2301 to 2900 | $2,857 | | | |
| 2901 or More | $3,118 | | | |

**Links to Align Arapahoe**

**Service First –**
Implementation of a fee helps in addressing the traffic impacts of development in eastern Arapahoe County to improve or at-least keep the same level of service to those citizens that reside and/or use the transportation network.

**Quality of Life –**
The fee will provide the citizens of eastern Arapahoe County with a safer driving situation through the improvement of the roadway network.

**Fiscal Responsible –**
The fee helps with the increasing demand on the County's roadway and helps leverage additional funding from those creating the impact going forward. Currently, the County through property taxes is the only funding source for roadway improvements in this area. While some believe that fees are a hindrance to development and economic viability,

numerous studies show the opposite and that fees not only are not a hindrance, but can enhance development by helping in providing the necessary infrastructure to support such growth.

## BACKGROUND

**Rural Transportation Impact Fee**

The primary goal of the project is to evaluate a realistic range of financing options for some, but not all, rural roadway improvements as identified in the County's 2035 Transportation Plan. This effort will build upon the previous work performed and presented in the Impact Fee and Maintenance Funding Options Report prepared in conjunction with the 2035 Transportation Plan. That report and plan were the impetus for the development of this project, and performed initial evaluations of various funding mechanisms. In addition, the financing mechanisms need to be stable and there needs to be user equity based on the impacts created. Finally, the financing mechanism needs to be able to be implemented by the County legally, as well as administered easily and have user acceptance.

Arapahoe County has experienced a large number of new residential development in the form of 35 acre or greater parcel creations in the eastern portion of the County in previous years. These types of parcels have been created without the requirement for any land-use approval from the County and therefore, the County currently does not have a way to have these new developments pay for the impacts they create, as well as for the services needed once such residential development is constructed. Furthermore, there are perceptions that there are disproportionate responsibilities for transportation improvements allocated to single family homes that are required to be processed through the County's land use process versus the 35 acre (and above) parcels. Moreover, it is expected that this and other types of new residential development, as well as associated new non-residential commercial and industrial development, will continue to increase between now and 2040. This new development likewise will drive transportation system needs for capital improvements to serve the increasing demand.

Financing of rural roadway improvements currently comes from developer contributions associated with impacts created by their developments, which are reviewed through the County's land-use process. Currently, the County's requirements for subdivision and planned unit developments are two lanes of pavement, accel/decel lanes as required, curb/gutter/sidewalk where required, etc. along the frontage of the property being processed. In rural areas, the cost of the frontage improvements are often in excess of the property value being developed and therefore become burdensome and creates unintended consequences of the proliferation of 35 acre or greater parcels being created. The other forms of funding rural roadways come from the use of County Road and Bridge Funds or CIP funds. Both of these County funds are from property tax revenue. The amount of taxes collected are not adequate to provide funding for rural roadway improvements or maintenance as it relates to the amount of tax collected from an individual property versus the need or impact created. The County's intent, and as the proposed impact fees have been calculated, is to apply the recommended rural transportation impact fee mechanism to both County regulated and non-regulated land uses in an equitable manner.

Arapahoe County adopted land development codes currently permit mitigation of transportation oriented impacts within certain land use zone districts. The County has identified a greater need for a method of funding transportation impacts in eastern Arapahoe County, which may include a transportation impact fee or other methods of financing transportation improvements. The method of funding that would be developed and adopted would be for the purposes of recouping a proportionate share of the capital costs required to accommodate new development (single home, subdivision, commercial, etc.) and their associated impacts.

## DISCUSSION

### Key Findings

The general conclusions for the 2035 Arapahoe County Transportation Plan and the analysis performed for this fee are:

- There will be new growth in eastern Arapahoe County east of Gun Club Road between now and 2040.
- The new growth and development will generate a significant demand for construction of capital improvements to the County Roadway Network if the desired level of service is to be maintained.
- The 2035 Arapahoe County Transportation Plan indicates a need for approximately $700 to $900 million in capital roadway improvements out to 2035. Of this total, roughly $450 million is anticipated to be County responsibility with the remaining portion of the total coming from private sources (developers), local governments, State, and/or Federal sources. The portion in the service area for the fee is estimated to be approximately $300 million.
- The County's current fiscal structure cannot adequately fund the road capital improvements needed to accommodate the expected growth and development without either increasing in the Capital Expenditure Fund or establishing a new funding source for roadway improvements.

A legally defensible and rational nexus between land use and impacts created by such has been established with the work performed to date in the 2016 Eastern Plains Transportation Impact Fee Study prepared by consultant Tischler Bise and as presented at previous Study Sessions. This Board Summary Report summarizes the findings of the previous work.

### Impact Fees

Local governments in Colorado have powers granted to them via state enabling legislation (Sections 29-20-102 through 204 Colorado Revised Statutes). While the County has the ability to institute a Transportation Impact Fee, they have limitations and therefore should not be regarded as the total solution for infrastructure financing needs. Impact Fees should be considered as a component of a comprehensive portfolio to ensure adequate funding for public facilities. By law, Impact Fee Legislation has several requirements, which are:

- Impact fees must be legislatively adopted and apply to a broad class of properties.
- Impact fees must be directly related to the impacts of the proposed development.
- Impact fees may only be used to fund capital facilities, meaning facilities with a useful life of five years or longer, that are required by local ordinance or policy. They cannot be used for maintenance, to repair infrastructure, or correct an existing deficiency.

- Impact fees may only be used to fund existing and future capital improvements and may not be used to remedy and deficiency in capital facilities that exists without regard to the proposed development.

- Developers may not be charged impact fees to fund facilities to which they have already contributed fees through another mechanism and no individual landowner can be required to provide any site specific dedication of improvement to meet the same need for capital facilities for which the impact or similar development charge is imposed (unless a credit is given for any duplicate costs).

- The accounting for impact fees must be the same as for all other development charges (i.e., they must comply with the requirements of C.R.S. 29-1-801 through 804).

- Impact fees may be waived for affordable housing or employee housing developments, as determined by the governing agency.

**Fee Methodology**

Since the last time Staff presented to the BOCC, the Consultant looked at the different fee methodologies to determine what might be the appropriate approach for the proposed County Fee. These methodologies include:

***Cost Recovery (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 growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

***Incremental Expansion (concurrent improvements)***
The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. New development is only paying its proportionate share for growth-related infrastructure needed to maintain current standards. Revenue will be used to expand or provide additional facilities, as needed to keep pace with new development.

***Plan-Based (future improvements)***
The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a capital improvements plan and development potential is identified by land use assumptions. There are two options for determining the cost per service unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the capital facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost). Option 2 is used in the 2016 Eastern Plains Transportation Impact Fee Study.

All the above methodologies recognizes three elements of rational nexus: “Need”, “Benefit”, and “Proportionality”. The need was established in the County’s 2035 Transportation Plan. 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 (in this case vehicle miles of travel associated with typical land uses). Benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities

for which the fees were charged, which is similar to what the County does already with the existing RTIF collected in the Smoky Hill Road area.

Regardless of the methodology, a consideration of "credits" is integral to a legally defensible impact fee study. There are two types of "credits" with specific characteristics, both of which should be addressed in studies and ordinances.

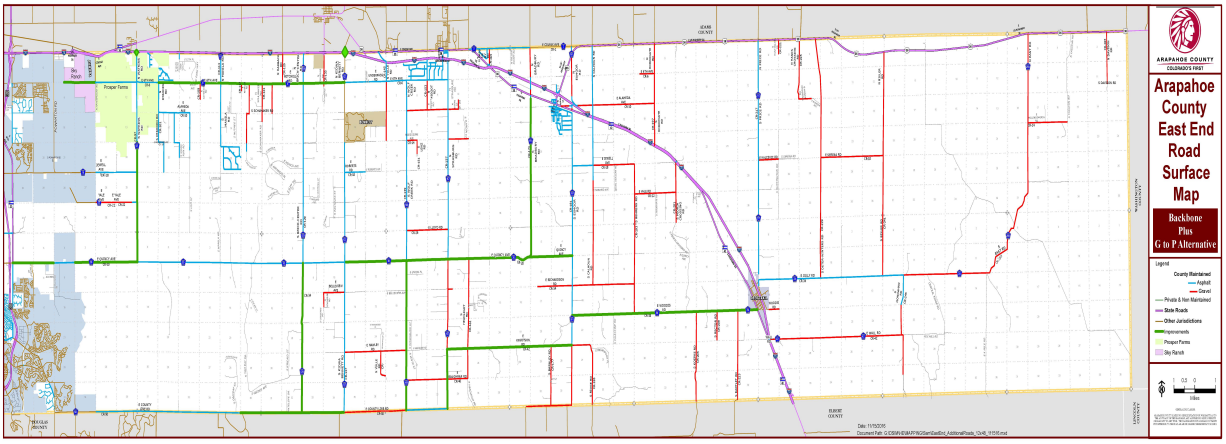
- First, a revenue credit might be necessary if there is a double payment situation and other revenues are contributing to the capital costs of infrastructure to be funded by transportation impact fee revenue. This type of credit is integrated into the transportation impact fee calculation, thus reducing the gross amount. In contrast to some studies that only provide general costs, with credits at the back-end of the analysis, Arapahoe County's transportation impact fee study uses growth shares to provide an up-front reduction in total costs. Also, the study provides transportation impact fee revenue projections to verify that new development will fully fund the growth cost of future infrastructure (i.e., only transportation impact fee revenue will pay for growth costs).

- Second, a site-specific credit or developer reimbursement might be necessary for construction of system improvements to be funded by transportation impact fee revenue. This type of credit is addressed in the administration and implementation of the transportation impact fee program.

After evaluating and comparing the methodologies, it was determined that the Plan Based method was best for Arapahoe County's situation and resulted in the lowest per service unit cost.

## Rural Road Impact Fees

The first step with the Impact Fee is establishing the **Service Area**. For this Transportation Impact Fee, the Service Area will be eastern Arapahoe County between Gun Club Road and the eastern Arapahoe County Boundary. The roadways that would be eligible for the fee are represented below.



Eastern Plains Transportation System Improvements 10/28/16

| *Roadways* | *Start* | *End* | *Improvement* | *Lane Miles* | *Total Cost* | *Other Revenue* | *Growth Cost (impact fees)* | *Growth Share* |
|---|---|---|---|---|---|---|---|---|
| Quincy Road | Kiowa-Bennett | Strasburg Road | Asphalt Pavement - 2 Lanes | 10.0 | $8,000,000 | $2,640,000 | $5,360,000 | 67% |
| Quincy Road | Strasburg Road | Bradbury | Asphalt Pavement - 2 Lanes | 8.0 | $6,400,000 | $2,112,000 | $4,288,000 | 67% |
| Quincy Road | Bradbury | Exmoor | New - 2 lanes | 4.0 | $3,200,000 | $1,600,000 | $1,600,000 | 50% |
| Quincy Road | Gun Club | Watkins | Asphalt Widening 2 to 6 | 20.0 | $35,000,000 | $10,850,000 | $24,150,000 | 69% |
| Watkins Road | Mississippi | Quincy Road | Widening - 2 to 6 lanes | 16.0 | $28,000,000 | $4,200,000 | $23,800,000 | 85% |
| 6th Avenue | Imbodin | Manila | New - 2 lanes | 6.0 | $4,800,000 | $1,200,000 | $3,600,000 | 75% |
| 6th Avenue | Manila | Kiowa - Bennett | New and Pavement - 2 Lanes | 12.0 | $9,600,000 | $9,600,000 | $0 | 0% |
| Brick-Center | Quincy | County Line | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| County Line Road | Peterson | Kiowa - Bennet | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| Undesignated* | | | | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| 6th Ave | Sky Ranch | Hayesmount | Widening (1 lane) | 1.5 | $2,250,000 | $1,170,000 | $1,080,000 | 48% |
| Wolf Creek | Quincy | County Line | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| Strasburg | County Line | Knudtson | Gravel - Pavement - 2 lanes | 4.0 | $3,200,000 | $1,408,000 | $1,792,000 | 56% |
| Bradbury | US 36 | Quincy Road | Gravel - Pavement - 2 lanes | 22.0 | $17,600,000 | $5,808,000 | $11,792,000 | 67% |
| Knudtson Rd | Strasburg | Exmoor Rd | Gravel - Pavement - 2 lanes | 12.0 | $9,600,000 | $3,168,000 | $6,432,000 | 67% |
| Woodis Rd | Exmoor | Deer Trail | Gravel - Pavement - 2 lanes | 17.0 | $13,600,000 | $4,488,000 | $9,112,000 | 67% |
| | | | Subtotal => | 172.5 | $173,250,000 | $62,324,000 | **$110,926,000** | 64% |
| | | | Roadways Growth Cost per Lane Mile => | | | | $643,000 | |

** Consistent with Expenditure Guidelines.*

*Note: Roadways within the boundary of Prosper are project-level improvements and will be funded 100% by Prosper, per the Development Agreement with Arapahoe County. Also, Prosper development will pay impact fees for the system improvements listed above.*

Impact fee revenue from the original recommended fee schedule set forth in the 2016 Study would cover 64% of the planned transportation improvements, with other revenues totaling more than $62 million required for the non-growth share over 24 years (i.e. roughly $2.6 million annually from other revenue sources).

The basic transportation impact fee formula is shown in the upper portion of the following graphic. Also, shown is the additional "drill-down" details (see lower boxes below).

| | | |
|---|---|---|
| Vehicle Miles of Travel (VMT)<br>Per<br>Development Unit | **X** | Growth Cost<br>Per<br>VMT |

| | |
|---|---|
| Average Weekday Vehicle Trip Ends<br>Per<br>Development Unit<br>**Multiplied By**<br>Tripe Rate Adjustment<br>**Multiplied By**<br>Average Miles per Trip<br>**Multiplied By**<br>Trip Length Adjustment | 24-Year Growth Cost of<br>Transportation<br>Improvements<br>**Divided By**<br>24-Year VMT Increase |

**Veh**
**icle Miles of Travel**
VMT is a measurement unit equal to one vehicle traveling one mile. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length. For the transportation impact fee study the average trip length is calibrated to the planned increase in paved arterial lane miles within the Eastern Plains of Arapahoe County (i.e. 171 lane miles as shown in the above table).

**Vehicle Trip Generation Rates**
The transportation impact fee study is based on Average Weekday Vehicle Trip Ends (AWVTE). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. The transportation impact fee methodology also includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

**Trip Length Weighting Factor by Type of Land Use**
The transportation fee methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. Trips associated with residential development are approximately 111% of the average trip length, primarily due to longer journey to work travel on a regular basis. Conversely, trips associated with commercial development (i.e. retail and restaurants) are approximately 63% of the average trip length because people tend to shop and dine close to where they live. For other types of nonresidential development trips lengths are 94% of the average for all trips.

The growth projected via the County's Comprehensive Plan is identified in the table below, which generally shows an annual growth rate of nearly 9% through 2040.

| Eastern Plains of Arapahoe County, Colorado | | | | | | |
|---|---|---|---|---|---|---|
| *FY begins January 1st* | *2010* | *2016* | *2020* | *2030* | *2040* | *Compound* |
| | | *Base Yr* | *4* | *14* | *24* | *Anl Growth* |
| Eastern Plains Population | 6,879 | 11,379 | 15,916 | 36,824 | 85,200 | 8.75% |
| ***Eastern Plains Housing Units*** | | | | | | |
| Dwellings (all types) | 2,646 | 4,377 | 6,122 | 14,163 | 32,769 | 8.75% |
| Persons per Housing Unit | 2.60 | 2.60 | 2.60 | 2.60 | 2.60 | |
| ***Eastern Plains Jobs (place of work)*** | | | | | | |
| Industrial (44%) | 748 | 963 | 1,139 | 1,734 | 2,640 | 4.29% |
| Retail/Restaurant (25%) | 425 | 547 | 647 | 985 | 1,500 | 4.29% |
| Office & Other Services (31%) | 527 | 678 | 802 | 1,222 | 1,860 | 4.29% |
| Total | 1,700 | 2,188 | 2,588 | 3,941 | 6,000 | 4.29% |
| Jobs-Housing Ratio | 0.64 | 0.50 | 0.42 | 0.28 | 0.18 | |
| ***Eastern Plains Nonresidential Floor Area (square feet in thousands = KSF)*** | | | | | | |
| Industrial KSF | 417 | 537 | 635 | 967 | 1,472 | 4.29% |
| Retail/Restaurant KSF | 213 | 274 | 324 | 493 | 750 | 4.29% |
| Office & Other Services KSF | 159 | 204 | 241 | 368 | 560 | 4.29% |
| Total | 789 | 1,015 | 1,200 | 1,828 | 2,782 | 4.29% |

Using the Plan Based methodology described above, the formula shown, and the variables for various land uses, the calculated Arapahoe County Transportation Impact Fee is depicted below.

| ***Input Variables for 2016 Transportation Impact Fee*** | |
|---|---|
| Average Miles per Trip | 4.04 |
| Additional Lane Miles over Ten Years | 173 |
| Growth Cost per Additional Lane Mile | $643,000 |
| 24-Year Growth Cost | $110,926,000 |
| VMT Increase Over 24 Years | 724,519 |
| Growth Cost per VMT | $153.10 |

| ***Residential (per dwelling unit)*** | | | | |
|---|---|---|---|---|
| *Square Feet of Finished Living Space* | *Avg Wkdy Veh Trip Ends* | *Trip Rate Adjustment* | *Trip Length Adjustment* | *Preliminary Fee* |
| 1100 or less | 5.64 | 56% | 111% | $2,168 |
| 1101 to 1700 | 7.92 | 56% | 111% | $3,045 |
| 1701 to 2300 | 9.50 | 56% | 111% | $3,652 |
| 2301 to 2900 | 10.72 | 56% | 111% | $4,121 |
| 2901 or more | 11.70 | 56% | 111% | $4,498 |
| ***Nonresidential (per 1,000 square feet of floor area)*** | | | | |
| *Development Type* | *Avg Wkdy Veh Trip Ends* | *Trip Rate Adjustment* | *Trip Length Adjustment* | *Preliminary Fee* |
| Industrial | 3.82 | 50% | 94% | $1,110 |
| Retail/Restaurant | 42.70 | 33% | 63% | $5,490 |
| Office & Other Services | 11.03 | 50% | 94% | $3,206 |

Pursuant BOCC direction at the September 26, 2016, BOCC Study Session, Staff adjusted the calculated impact fee referenced above and reduced it across the board on all land uses as follows. This adjustment made the fee for a typical 2300 SF home

$2,531, which was the desire of the BOCC. This adjustment to all land uses shows equity to all land uses and does not benefit one land use over another. The following tables show the Report Calculated Fee and the Reduced Fee, which is recommended for adoption.

**ORIGINAL RECOMMENDED STUDY FEE**

| Resident Size | Residential (per SF Living) | Commercial (per 1000 SF) | Office (per 1000 SF) | Industrial (per 1000 SF) |
|---|---|---|---|---|
| | | $5,490 | $3,206 | $1,110 |
| 1100 or Less | $2,168 | | | |
| 1101 to 1700 | $3,045 | | | |
| 1701 to 2300 | $3,652 | | | |
| 2301 to 2900 | $4,121 | | | |
| 2901 or More | $4,498 | | | |

**REVISED UPDATED FEE**

| Resident Size | Residential (per SF Living) | Commercial (per 1000 SF) | Office (per 1000 SF) | Industrial (per 1000 SF) |
|---|---|---|---|---|
| | | $3,806 | $2,223 | $769 |
| 1100 or Less | $1,503 | | | |
| 1101 to 1700 | $2,111 | | | |
| 1701 to 2300 | $2,531 | | | |
| 2301 to 2900 | $2,857 | | | |
| 2901 or More | $3,118 | | | |

This revised updated fee schedule represents an approximately 31% reduction across all uses from the originally proposed and calculated fee schedule.

**Comparisons**

The BOCC requested that Staff also look into the costs to develop within Adams County. Staff surveyed Adams County, Douglas County, City of Aurora, and City of Centennial for the cost to develop a hypothetical 333 single family DU development with a 4.97 DU/Ac development on 67 acres. This evaluation included Planning Fees, Building Fees, and Engineering Fees. Transportation Impact Fees were not included and will be discussed later. The results of the evaluation are as follows:

| Jurisdiction | w/o Fee Total Amount | w/ Rvsd Fee Total Amount |
|---|---|---|
| Arapahoe | $887,893 | 1,730,716 |
| Douglas | $1,380,021 | |
| Aurora | $3,348,938 | |
| Centennial | $2,038,755 | |
| Adams | $1,071,846 | 1,604,313 |

The following table provides a comparison of Transportation Impact Fees within individual jurisdictions along the front range of Colorado.

| *Jurisdiction* | *Average Size Single Dwelling* | *Light Industrial per KSF** | *Commercial per KSF** | *Office per KSF** |
|---|---|---|---|---|
| Adams County | $1,599 | $776 | $2,131 | $1,178 |
| Weld County | $2,377 | $2,141 | $3,296 | $2,174 |
| Loveland 2016 | $2,519 | $1,840 | $7,730 | $3,470 |
| Fort Collins 2015 | $3,112 | $2,220 | $11,930 | $7,760 |
| Larimer County 2015 | $3,418 | $2,894 | $8,812 | $4,726 |
| Jefferson County | $3,716 | $1,720 | $5,930 | $3,980 |
| Larimer County 04/07/16 Draft | $4,002 | $1,313 | $6,425 | $3,794 |
| Fort Collins 06/22/16 Draft | $4,936 | $1,879 | $9,820 | $5,823 |

* *Assumes 100 KSF (square feet of floor area in thousands).*

*Source: Table compiled by TischlerBise (October 2015 to June 2016).*

| Residential | Industrial | Commercial | Office |
|---|---|---|---|
| $2,531 | $769 | $$3,806 | $2,223 |

In addition, the Town of Castle Rock has just presented an updated transportation impact fee of the following and City Council directed staff to pursue implementation of the fee by bringing an ordinance for Council approval. The fee was calculated on an average 2400-2699 SF single family home

| | **Current Rate** | **Proposed 2017** | **Proposed 2018** |
|---|---|---|---|
| Castle Rock Fee | $2,725 | $3,482 | $6,104 |

Furthermore, the County's existing RTIF in the Smoky Hill Area has the following rates:

| | **Single Family** | **Retail** | **Office** | **Industrial** |
|---|---|---|---|---|
| Arapahoe County RTIF | $1,804 (2 Car)<br>$2,345 (3 Car) | $1,440 | $1,340 | $730 |

As a reminder, the revised updated fee being proposed is:

**REVISED UPDATED FEE**

| **Resident Size** | **Residential (per SF Living)** | **Commercial (per 1000 SF)** | **Office (per 1000 SF)** | **Industrial (per 1000 SF)** |
|---|---|---|---|---|
| | | $3,806 | $2,223 | $769 |
| 1100 or Less | $1,503 | | | |
| 1101 to 1700 | $2,111 | | | |
| 1701 to 2300 | $2,531 | | | |
| 2301 to 2900 | $2,857 | | | |
| 2901 or More | $3,118 | | | |

As can been seen, the new revised fee schedule is in the lower portion of transportation impact fees charged along the front range by other communities. This is a function of the extent and expense of improvements necessary verses the development potential being projected. It should be noted that many of these communities have dedicated sales tax that goes towards transportation improvements as well including Adams County (through

2028, 0.75% - 0.2% Transportation, .0.3% capital facilities, 0.25% open spaces; 2015 generated $44M).

The following analysis shows an example of the dollars that could be collected based on the roadways listed above. Based on the above variables, analysis, and assumptions, the Rural Impact Fee Rates and estimated amount generated would be as follows. Obviously as the fee is adjusted up or down the dollars collected are adjusted accordingly. For the purpose of the Rural Transportation Impact Fee, it is recommended that the list of roadways in the system improvements table stated above be used for calculations since it reflects priorities of rural type of development.

***24-Year Cost of Transportation Improvements***

Growth Cost => $110,926,000

***Transportation Impact Fee Revenue***

| | | *Average-Size Residential* $3,652 per housing unit | *Industrial* $1,110 per 1000 Sq Ft | *Retail / Restaurant* $5,490 per 1000 Sq Ft | *Office & Other Services* $3,206 per 1000 Sq Ft |
|---|---|---|---|---|---|
| | *Year* | *Hsg Units* | *KSF* | *KSF* | *KSF* |
| Base | 2016 | 4,377 | 537 | 274 | 204 |
| Year 1 | 2017 | 4,760 | 560 | 285 | 213 |
| Year 2 | 2018 | 5,176 | 584 | 298 | 222 |
| Year 3 | 2019 | 5,629 | 609 | 310 | 232 |
| Year 4 | 2020 | 6,122 | 635 | 324 | 241 |
| Year 14 | 2030 | 14,163 | 967 | 493 | 368 |
| Year 24 | 2040 | 32,769 | 1,472 | 750 | 560 |
| *24-Yr Increase* | | 28,392 | 935 | 476 | 356 |
| Projected Revenue => | | $103,688,000 | $1,038,000 | $2,613,000 | $1,141,000 |
| | | | | Total Projected Revenues (rounded) => | $108,480,000 |
| | | Res Share => | 96% | Nonres Share => | 4% |

In this example, the Residential amount represents 96% of the Rural Road Impact Fee based on the new residential units projected to be built through 2040. As can be seen the fee is projected to generate over $108,000,000. Since this fee only represents roughly 64% of the total cost of the improvements, the remaining 36% ($62.3M or $2.5M annually) would also need to be generated/allocated to match these Impact Fee funds in order to build the improvements.

The above example is based on the Calculated Impact Fee. By adjusting the Fee as stated above under the revised updated schedule to those being recommended for adoption, the growth share is reduced to 43% generating roughly $75M and the County's share would increase to $98M (see Below).

**Projected Transportation Fee Revenue - w/ Revised Fee**

| | | | | | | |
|---|---|---|---|---|---|---|
| 24 - Year Cost of Transportation Improvements | | | | | | |
| | | | Growth Cost => | $110,926,000 | Original | 64% |
| | Est. Cost | $173,250,000 | | $75,182,211 | Revised | 43% |
| Transportation Impact Fee Revenue | | | | | | |
| | | Average - Size Residential | Industrial | Retail / Restaurant | Office & Other Services | |
| | | $2,531 | $769 | $3,806 | $2,223 | |
| | | per Housing Unit | per 1000 Sq Ft | per 1000 Sq Ft | per 1000 Sq Ft | |
| | Year | Hsg Units | KSF | KSF | KSF | |
| Base | 2016 | 4377 | 537 | 274 | 204 | |
| Year 1 | 2017 | 4760 | 560 | 285 | 213 | |
| Year 2 | 2018 | 5176 | 584 | 298 | 222 | |
| Year 3 | 2019 | 5629 | 609 | 310 | 232 | |
| Year 4 | 2020 | 6122 | 635 | 324 | 241 | |
| Year 14 | 2030 | 14163 | 967 | 493 | 368 | |
| Year 24 | 2040 | 32769 | 1472 | 750 | 560 | |
| 24-Yr Increase | | 28392 | 935 | 476 | 356 | |
| Projected Revenue => | | $71,860,152 | $719,015 | $1,811,656 | $791,388 | |
| | | Total Projected Revenues (rounded) => | | | $75,182,211 | |
| Res Share => | | 96% | | NonRes Share => | 4% | |

## Public Meeting

Staff scheduled and held a public meeting on October 19, 2016, from 6:00-7:30 PM at the Arapahoe County Fairgrounds Facility. The meeting was advertised using the following methods of communication.

- Advertisements in the I-70 Scout
- Official Press Release
- Direct Mailers to over 3000 property owners east of Gun Club Road
- Direct Email to known builders, developers, large land owners, interested stakeholders, etc.
- Direct email to the I-70 Chamber of Commerce, I-70 REAP, Aurora Chamber of Commerce and asked for them to send to their contact lists
- Announcement at the October 12 I-70 REAP Meeting
- Website and other County Social Media

Prior to the meeting, staff received 14 phone calls regarding the meeting and the fee. Over 30 people attended the public meeting. The attached presentation was presented at the meeting and a question/answer period occurred after the meeting. A comment

form was provided for the public to provide their comments and of the date of this report only two written comments have been received. Both of these comments dealt with implementation time frame (ie time from adoption to when the fee would be effective), which ranged from March/April 2017 to January 1, 2018. The other comment received verbally was from a Sky Ranch representative that felt they did not receive any benefit from being within the fee boundaries. Overall the meeting and phone conversations went well and there seemed to be general support for the fee on new development to help mitigate traffic impacts from such.

**Project Implementation and Resolution**

Public Works Staff and the County Attorney's Office continue to fine tune the fee adoption resolution. The following are some items that have been clarified to date and incorporated into the draft resolution.

Based on feedback received at the public meeting and the November 1, 2016, BOCC Study Session direction, the implementation start dated if the fee is adopted is April 1, 2017

The following is a clarification related to various land uses and assignment of the fee is suggested.

**Residential** – All Based on Square Foot of Living Area per Unit (First/Second Floor) - exclude unfinished basement and garage

- Single Family
- Apartment
- Condo
- Townhouse
- Mobile Home

Note: Multi-Family fees will be assessed on size of units. Expansion on existing units would not be charged unless they are greater than a 50% increase and would be charged as follows:

If the existing home is 2000 square feet of finished living space it would be in the mid-range threshold, the owner added more than 1000 additional square feet it would be in the upper-range size threshold. Using the revised fee schedule, the new large home would owe $3,118, but they would receive credit for the old mid-size home ($2,531) and thus pay an additional $587.

**Office and Other Services**

- Entertainment (movie theaters, bowling alleys, etc.)
- Lodging (hotels and motels)
- Fitness Clubs
- Automotive Repair
- Office
- Health Care
  - Hospital
  - Assisted Living
  - Nursing Home
  - Congregate Care
  - Medical Office
- Personal and Professional Services
- Banks

Day Care
Educational
- Pre-School
- Elementary
- Middle
- High School
- Higher Education

Church/Synagogue/Mosque

**Commercial (Retail / Restaurant)**

Retail
Restaurants (Fast Food, Sit Down)
Shopping Center
Auto Sales
Supermarket
Discount Store
Building materials/hardware/nursery
Furniture Store

**Industrial (Processing, Production, Storage of Goods)**

Light Industrial
Industrial Park
Manufacturing
Warehousing
Mini-warehouse
Storage Units

Note: For non-residential units, building expansion should be handled similar to that of residential (ie 50% or more increase). In addition, for ease of implementation, the fee should be assessed on gross square footage and not net leasable area.

In addition, ancillary uses will not be charged. For example a parking garage is ancillary to the main development. Also, some apartment/condos have clubhouses and fitness center space that would also be considered ancillary to the units and thus not charged.

**<u>Eligible Roadways</u>**

To address the public comments received relative to being in the fee area and not contributing traffic to eligible roadways, staff proposes modification of the eligible roadways by the following. It should be noted however, that the fee study methodology is based on inbound trips and in the case of Sky Ranch with commercial uses, they would attract inbound trip from the fee service area. Nonetheless, we have made adjustments to the eligible roadway as follows:

1. Adjust County Line Road between Peterson and Strasburg Road to between Peterson and Kiowa-Bennett thereby reducing the lane-mileage to 10 lane miles. The remaining 10 lane-miles from the original table would then be allocated to an “unidentified” roadway to provide flexibility if a demand for improvements arises on segment of roadway within the fee service area that is not identified in the fee table. The modification would not increase the lane mileage and the original fee calculations.

2. Add roadways in the vicinity of the Sky Ranch Area within Unincorporated Arapahoe County. These additional roadways would add lane mileage and

cost to the overall fee area, making the calculated fee higher. However, since the BOCC has directed staff to adjust the fee for market condition, the rate would stay the same meaning that the County's share would increase. This fee rate would again be evaluated in 2-years as directed by the BOCC.

The revised eligible roadway list is provided earlier in this report and incorporates the two items referenced above.

**Eligible Improvements**

Eligible improvements on the roadways identified in the fee area would include improvements that are considered capital improvements with a life of greater than 5-years. System improvements that are eligible for transportation impact fee funding and include:

- A carrying-capacity enhancement to an existing arterial, such as reconstruction to add greater depth and width, including vehicular travel lanes, bike lanes, and/or shoulders.
- Constructing rural arterial travel lanes, including widening and gravel to asphalt pavement.
- Adding intersection improvements (e.g. turn lanes, traffic signals, or roundabouts), including State Highway with a County arterial, or a County arterial with another County arterial.

**Review Period**

The current draft resolution, per BOCC direction, directs staff to evaluate the fee at least every 2 years following the date of adoption in order to analyze the rate of development in the service area, progress with construction of capital improvements and transportation system need, fee revenue history and projections, changes in the cost of construction as identified in the Colorado Construction Price Index, and any other relevant factors as determined by the Board or such staff, and that Public Works and Development shall make a recommendation to the Board as to whether the amount of such fees should be modified or adjusted.

## ALTERNATIVES

The alternatives available in addition to the recommendations presented above include:

1. The BOCC could choose another scenario to use for the fee from the revised recommended reduction. The BOCC could also choose to eliminate roadways from the list, thus lowering the rate because less improvements are covered with the fee, but we would have to consider benefit and thus likely have to adjust the area being served, which could affect the improvements costs only being attributed to a smaller set of future growth.

2. The BOCC could adjust the fee further to an amount they feel is appropriate or what they believe the market could accommodate. However, based on the last study session with the BOCC, we believe the fee schedule recommended reflects the BOCC desires.

3. The BOCC could choose not to adopt a fee at all, thereby not enacting a Rural Transportation Impact Fee.

## FISCAL IMPACTS

The fiscal implications are presented above. In addition, it should be noted that if a fee is adopted, the expectation from those paying the fee would be that the fee be used for improvements and therefore, the County will be expected to provide its matching funds to construct project, putting additional pressure on the already challenged Capital Expenditure Fund.

It should be noted that if the fee other funding increases are not pursued, the County will continue to fall further behind on the capital improvement and maintenance funding needed to support growth and their associated impacts to the County's infrastructure.

## ATTORNEY COMMENTS

The Arapahoe County Attorney's Office has reviewed this BOCC Hearing topic, this report, and has drafted the adoption resolution, and has no particular comments at this point.

## REVIEWED BY

Various Divisions in Public Works has reviewed the staff report and recommendations.

cc: Board of County Commissioners
David M. Schmit, Director
Brian R. Love, CIP Manager
Chuck Haskins, Division Manager – Engineering Division
Dwayne Guthrie, TischlerBise
Carson Bise, TischlerBise
Diane Kocis, Oil and Gas Specialist
James Katzer, Road and Bridge
Jason Reynolds, Current Planning Manager
Todd Weaver, Finance Department
Robert Hill, Assistant County Attorney
File (C11-006)
File (Study Session Agenda)
Reader

RURAL TRANSPORATION IMPACT FEE DRAFT MOTIONS

APPROVAL:

I have read the 2016 Tischler Bise consultant report and the Public Works and Development Department Board Summary Report with the staff recommendations for adopting the Rural Transportation Impact Fee and have considered such recommendations, as well as the public comment heard today, and find myself in agreement with the staff recommendations and now hereby move that the Rural Transportation Impact Fee as set forth in the consultant report and the Board Summary Report be adopted for the eastern territory of Arapahoe County as such territory is defined in the reports and that the recommended schedule of fees for new residential and non-residential development recommended in the reports be adopted in the reduced fee amounts set forth in the Board Summary Report, with such fee amounts to be subject to periodic review at least every two years, and with the effective date for commencement of the fees to start April 1, 2017, all as presented by staff this day.

DENIAL:

I have read the 2016 Tischler Bise consultant report and the Public Works and Development Department Board Summary Report with the staff recommendations for adopting the Rural Transportation Impact Fee and have considered such recommendations, as well as the public comment heard today, and do not find myself in agreement with the staff recommendations and now hereby move that the proposed Rural Transportation Impact Fee not be adopted and staff recommendations be denied.

**RESOLUTION NO**. _____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

**WHEREAS**, pursuant to Section 29-20-104.5, Colorado Revised Statutes ("CRS"), a board of county commissioners is authorized to adopt impact fees to fund expenditures for the cost of capital facilities necessary to serve new development in the County; and

**WHEREAS**, the Board of County Commissioners of Arapahoe County ("the Board") finds that Arapahoe County is experiencing increasing residential development, including single family residential development on tracts of land of 35 acres or more, and non-residential development in the unincorporated rural area of eastern Arapahoe County; and

**WHEREAS**, the protection of the health, safety, and general welfare of the citizens of Arapahoe County requires that the transportation system in the unincorporated eastern rural areas of the County be expanded and improved to meet the demands of new growth and development; and

**WHEREAS**, it is the desire and intent of the Board that all such new development pay its proportionate and equitable share of the required expansion and improvements to the transportation system needed by reason of the growth impacts attributed to such new development; and

**WHEREAS**, a transportation impact fee, with a service area in the eastern rural area of the County would enable Arapahoe County to impose a proportionate and equitable share of the costs of funding required capital improvements to the transportation system that are necessary to serve new growth and development in that area; and

**WHEREAS**, on December 7, 2010, the Board adopted the Arapahoe County 2035 Transportation Plan, which recognizes that as development occurs in the rural eastern portion of the County, the roads and roadway system must be improved to accommodate the increased use in an efficient, economical, and beneficial manner; and

**WHEREAS**, the 2035 County Transportation Plan identifies expected growth and development throughout the unincorporated area of Arapahoe County and recommends associated transportation infrastructure needs expected by reason of such growth and development; and

**WHEREAS**, the Board retained the consulting firm of Tischler Bise to work with the Arapahoe County Department of Public Works and Development, Transportation Division, to further evaluate potential future growth and development in the eastern portion of Arapahoe County and to assess the associated impacts of such potential development, as well as to develop funding strategies to address the impacts of such development, all of which is set forth in the Tischler

Bise 2016 Eastern Plans Transportation Impact Fee Study, dated October 28, 2016 ("the Tischler Bise Study"), which is incorporated into this Resolution by this reference and which is available at the Arapahoe County Department of Public Works and Development; and

**WHEREAS**, Public Works and Development staff, prepared a Board Summary Report, dated November 11, 2016, which summarizes and explains the Tischler Bise Study and the proposed impact fees and which is incorporated into this Resolution by this reference and which is available at the Arapahoe County Department of Public Works and Development; and

**WHEREAS**, the Tischler Bise Study and the Public Works and Development Department staff have identified those rural areas and County roads within the unincorporated area of eastern Arapahoe County that are likely to experience the greatest impacts from new residential and non-residential development in rural eastern Arapahoe County, quantified such expected growth and impacts over the next 24 years to the year 2040, and developed a recommended service area and plan for capital improvements for affected county roads necessary to accommodate such new growth and development as is set forth in the Tischler Bise Study; and

**WHEREAS**, utilizing a plan based methodology which determines the average vehicle miles traveled associated with expected new development over the next 24 years, as is set forth in the Tischler Bise Study and in November 11, 2016 Board Summary Report, Tishcler Bise and Public Works and Development staff established a recommended impact fee schedule that is calculated to be proportionate and reasonably related to the cost of those specific capital improvements to the transportation system that will be necessary to accommodate expected new growth and development in rural eastern Arapahoe County; and

**WHEREAS** Public Works and Development staff recommends that the Board adopt impact fees to be charged to new residential, including new 35 or more acre residential development, and new non-residential development in the recommended fee service area and in the amounts set forth in the Tischler Bise Study; and

**WHEREAS**, Public Works and Development staff recommends that such impact fees be collected in the recommended service area, identified as the area comprising Tiers I, II, and III of unincorporated Arapahoe County identified in the Arapahoe County Comprehensive Plan, and that such fees be used for the capital improvements identified in the Tischler Bise Study; and

**WHEREAS**, the Board finds that the unincorporated areas of rural Arapahoe County from Gun Club Road east to the County line are experiencing and will continue to experience over the next 24 years increasing residential and non-residential development, and that such new development creates specific and definite impacts to the County road system and requires construction of improved and expanded roads to accommodate such use and impacts; and

**WHEREAS**, the Board finds that the capital improvements to the County roads identified in the Tischler Bise Study and November 11, 2016 Board Summary Report recommended by Public Works and Development staff are necessary to accommodate such expected growth and development over the next 24 years and finds that such improvements will be necessary to accommodate the anticipated new development in eastern Arapahoe County;  and

**WHEREAS**, the Board finds that unless the recommended capital improvements are constructed on pace with the expected growth and development, these roads will not continue to provide for a safe, efficient and effective transportation system to service the increasing residential and non-residential development in the area; and

**WHEREAS**, the Board finds that tax and other revenues that will be generated from such new residential and non-residential development will not generate sufficient funds to provide for associated public services for the development and for the necessary transportation capital facility improvements to safely accommodate and serve such new development; and

**WHEREAS**, the Board finds that such new residential and non-residential development should be charged its reasonable, proportionate and equitable share of the costs of such necessary transportation capital improvements to accommodate the new development and effectively subsidize such new development; and

**WHEREAS**, on September 26, 2016, October 17, 2016, and November 1, 2016, 2016, the Board held study sessions at which the Public Works and Development, Transportation Division staff's recommendations for a rural transportation impact fee were presented to the Board; and

**WHEREAS**, on October 19, 2016, Public Works and Development staff conducted a noticed public outreach and information meeting at which the results of the Tischler Bise report and the Public Works and Development Department's projections, estimates and recommendations were presented to the public in attendance; and

**WHEREAS**, on November 22, 2016, the Board held a duly noticed public hearing to consider the adoption of impact fees for new residential, commercial, and industrial development, including new residential development on parcels of 35 acres or more, and at which the results of the Tischler Bise reports and the Public Works and Development Department's projections, estimates and recommendations were presented to the public and at which public comment was heard by the Board; and

**WHEREAS**, in consideration of such public outreach and comments and so as not to significantly increase the cost of development in Arapahoe County as compared to other neighboring jurisdictions and to provide for a reasonable transition to implement the fees, the Board finds that it is appropriate initially to reduce the amount of impact fees as calculated in the Tischler Bise Study across all uses subject to periodic evaluation and review as provided in this Resolution; and

**WHEREAS**, the Board further finds that it is appropriate to evaluate the amount of the fee periodically to compare with other jurisdiction and to analyze the rate of development in the service area, the cost of construction, fee revenue history and projections, progress with construction of capital improvements and transportation system needs, and based on such evaluations the Board should consider appropriate adjustments to the impact fee amount and service area; and

**WHEREAS**, the impact fees established by this Resolution and as may be adjusted through periodic evaluations are intended to be a fair and equitable system for charging such new development its fair share of the costs of capital improvements made necessary by impacts to County transportation facilities caused by such new development; and

**NOW, THEREFORE,** the Board of County Commissioners of Arapahoe County hereby resolves:

1. That the Rural Transportation Impact Fees fairly and proportionately quantify the reasonable impacts of new residential development, including new dwellings units on parcels of 35 acres or more, and new non-residential development on existing capital facilities in unincorporated rural eastern Arapahoe County and are established at a level no greater than necessary to defray the impacts directly related to such new development.

2. That none of the impact fees are or shall be imposed to remedy any deficiency in capital facilities that exist without regard to such new development.

3. That the following schedule of Rural Transportation Impact Fees, reduced for the reasons stated in this Resolution, is hereby adopted for all new qualifying development within the Fee Service Area defined in this Resolution:

| Residential Development *(per new dwelling unit)* | | |
|---|---|---|
| Sq Ft of Living Space | Calculated Fee Amount | Reduced Fee Amount to be Collected (subject to 2 year reviews) |
| 1100 or less | $2168 | **$1503** |
| 1101 to 1700 | $3045 | **$2111** |
| 1701 to 2300 | $3652 | **$2531** |
| 2301 to 2900 | $4121 | **$2857** |
| 2901 or more | $4498 | **$3118** |
| Nonresidential Development Type *(per 1000 sq. ft. floor area)* | | |
| Industrial | $1110 | **$769** |
| Retail/Restaurant | $5490 | **$3806** |
| Office & Other Services | $3206 | **$2223** |

4. That these Impact fees shall be imposed and collected only for all qualifying new development in the unincorporated areas of Arapahoe County that occurs in the following defined Fee Service Area:

Tiers I, II, and III as defined in the Arapahoe County Comprehensive Plan in the unincorporated territory of eastern Arapahoe County. This Fee Area is shown generally on the map of the Service Area contained in the November 11, 2016 Board Summary Report and includes the territory east of Gun Club Road to the County line.

5. That, as used in this Resolution, qualifying new development shall mean any new residential and non-residential development occurring within the fee area and for which a building permit is required on or after the effective date of this Resolution.

6. That the impact fee for new residential development shall be based on the square footage of the any new dwelling unit constructed on or after the effective date of this Resolution. New residential dwelling units shall include residential dwelling units of any type. For such dwelling units, the square footage for purposes of assessing the impact fee shall include the total square feet of the climate controlled living space of the unit, and shall exclude garage space and unfinished basement floor area. Additions to existing dwelling units exceeding fifty percent (50%) of the square footage of the original finished floor area of the unit are to be charged an impact fee based on the total size of the unit with the addition but providing a credit in the amount of the fee that would have been charged under this Resolution for the square footage of finished floor area of the unit as originally built. For multi-unit residential buildings, such as apartment or condominium buildings, the dwelling size will be determined by dividing the total floor area of climate-controlled living space by the total number of units in the building, to establish the weighted average size per dwelling contained in each multi-unit building.

7. That the impact fees for non-residential uses shall be per 1000 square feet of gross floor space of new non-residential buildings constructed on or after the effective date of this Resolution. The Rural Transportation Impact Fee shall only apply to new non-residential structures that increase vehicular trips. Ancillary and temporary structures are not subject to the Rural Transportation Impact Fees adopted by this Resolution. The non-residential development categories subject to these Impact Fees are intended to be defined broadly within each category and are defined as follows. "Industrial" includes the production, processing, or storage of goods, and includes, but is not limited to, facilities for storage units, warehousing, mini-warehousing, transportation, communications, utilities, oil/gas extraction, agriculture, and construction. "Retail/Restaurant" include, but are not limited to, retail stores, vehicle dealerships, grocery, food or convenience stores, eating and/or drinking establishments that are either stand-alone or located in a mall or shopping center, malls, and other retail establishments. "Office and Other Services" include, but are not limited to, offices, health care such as but not limited to nursing homes, assisted living, congregate care, and medical offices, fitness clubs, personal services or professional services, business services, day care, banks, vehicle repair and service, lodging, entertainment services such as but not limited to theaters, bowling alleys, arcades, and other recreational uses, and public and quasi-public buildings that provide educational, social assistance, or religious services.

8. That on or after the effective date of this Resolution, the specified fee shall be paid in the amount required under this Resolution or as may be adjusted by subsequent Board Resolution prior to the issuance of a building permit under the Arapahoe County Building Code.

9. That all impact fees will be imposed and shall be collected as a prerequisite to issuance of a building permit under the Arapahoe County Building Code.

10. That the impact fees imposed by this Resolution and collected by the County shall be expended for the capital improvements specified in the Tischler Bise Study.

11. That in accordance with CRS 29-20-104.5(7), any person or entity that owns or has an interest in land that is or becomes subject to an impact fee imposed under this Resolution may file for a declaratory judgment in a court of competent jurisdiction and proper venue to determine whether such impact fees comply with the requirements of CRS 29-20-104.5, and that, in accordance with CRS 29-20-104.5(7), an applicant for a development permit from Arapahoe County for which an impact fee has been charged under this Resolution, may pay the fee imposed and proceed with the development without prejudice to the applicant's right to challenge such fee in a proceeding under Rule 106 of the Colorado Rules of Civil Procedure.

12. That all impact fees collected under this Resolution shall be collected and accounted for in accordance with the land development charges statute, CRS 29-1-801, *et seq*., as same may be amended from time to time.

13. That, in accordance with CRS 29-20-104.5(3), no individual land owner will be required to provide any site specific dedication or improvement to meet the same need for the capital facilities for which these impact fees are imposed, and that Public Works and Development staff is directed to establish procedures for the implementation and collection of these rural Transportation Impact Fees as adopted herein, including a site-specific credit or developer reimbursement process for development of all or any portion of the road improvements specified in the Tischler Bise Study and that are required by reason of a specific development approval within the service area**.**

14. That the Board directs that Public Work and Development, Transportation Division and other appropriate County staff conduct an evaluation of these fees imposed under this Resolution at least every two (2) years following the date of adoption hereof in order to analyze the rate of development in the service area, progress with construction of capital improvements and transportation system needs, fee revenue history and projections, changes in the cost of construction as identified in the Colorado Construction Price Index, and any other relevant factors as determined by the Board or such staff, and that Public Works and Development staff shall make a recommendation to the Board as to whether the amount of such fees should be modified or adjusted.

15. That in administering the impact fee program adopted through this Resolution, the Director of the Public Works and Development Department is authorized to take all further actions necessary to carry out the intent and purposes of this Resolution.

16. That if any part or parts of this Resolution or the impact fees adopted hereunder are for any reason held to be invalid by a court of competent jurisdiction, such invalid part or

parts shall be severed from and not be deemed to affect the validity of the remaining parts of this Resolution and the impact fees adopted hereunder not so held to be invalid. The Board declares that it would have passed this Resolution and the impact fees adopted hereunder and each separate part thereof regardless of the subsequent declaration of the invalidity of any one part or parts.

17. That this Resolution shall take effect April 1, 2017 and that the required fees shall be paid prior to the issuance of a building permit for any qualifying development occurring within the impact fee area on or after this effective date.

The vote was:

Commissioner Doty, ____; Commissioner Bockenfeld, ____; Commissioner Jackson, ____; Commissioner Sharpe, ____; Commissioner Holen, ____.

The Chair declared the motion carried and so ordered.

# 2016 Eastern Plains

# Transportation Impact Fee Study

**Prepared for:**

**Arapahoe County, Colorado**

October 28, 2016

TischlerBise
FISCAL | ECONOMIC | PLANNING

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# EXECUTIVE SUMMARY

Although Colorado is a "home-rule" state and home-rule jurisdictions 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 transportation 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 jurisdictions in Colorado have 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. Project-level improvements, typically specified in a development agreement, are usually limited to transportation improvements near a proposed development, such as ingress/egress lanes. According to Arapahoe County's land use code, project-level improvements along the frontage of a development include two travel lanes plus curb/gutter/sidewalk, acceleration/deceleration lanes, and left turn lanes.

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 more costly, 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, development 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 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 are 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 development 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 development 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. Development 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. a typical housing unit's average weekday vehicle trips).

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 as part of subdivision or zoning review.

Impact fees must increase the carrying capacity of the transportation system. Capacity projects include, but are not limited to the addition of travel lanes, intersection improvements (i.e., turning lanes, signalization or roundabouts) and widening roads (e.g. adding travel lanes, paved shoulders, and bike lanes). Whenever improvements are made to existing roads, non-impact fee funding is typically required to help pay a portion of the cost.

## TRANSPORTATION IMPACT FEES

As documented in this report, Arapahoe County has complied with applicable legal precedents and Colorado's Impact Fee enabling legislation (discussed above). The 2016 transportation impact fee schedule is proportionate and reasonably related to the cost of capital improvements needed to accommodate new development. Specific costs have been identified using local data and current dollars. With input from County staff, TischlerBise determined demand indicators for transportation capacity and calculated proportionate share factors to allocate costs by type of development. The transportation impact fee methodology also identifies the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

Transportation impact fees are derived from custom trip generation rates (see Appendix A), trip rate adjustment factors, and the capital cost per Vehicle Mile of Travel (VMT) . The latter is a function of average trip length, trip-length weighting factor by type of development, and the growth cost of transportation improvements. The basic transportation impact fee formula is shown in the upper portion of Figure 1, along with additional "drill-down" details (see lower boxes below).

**Figure 1: Basic Fee Formula (with drill-down details below)**

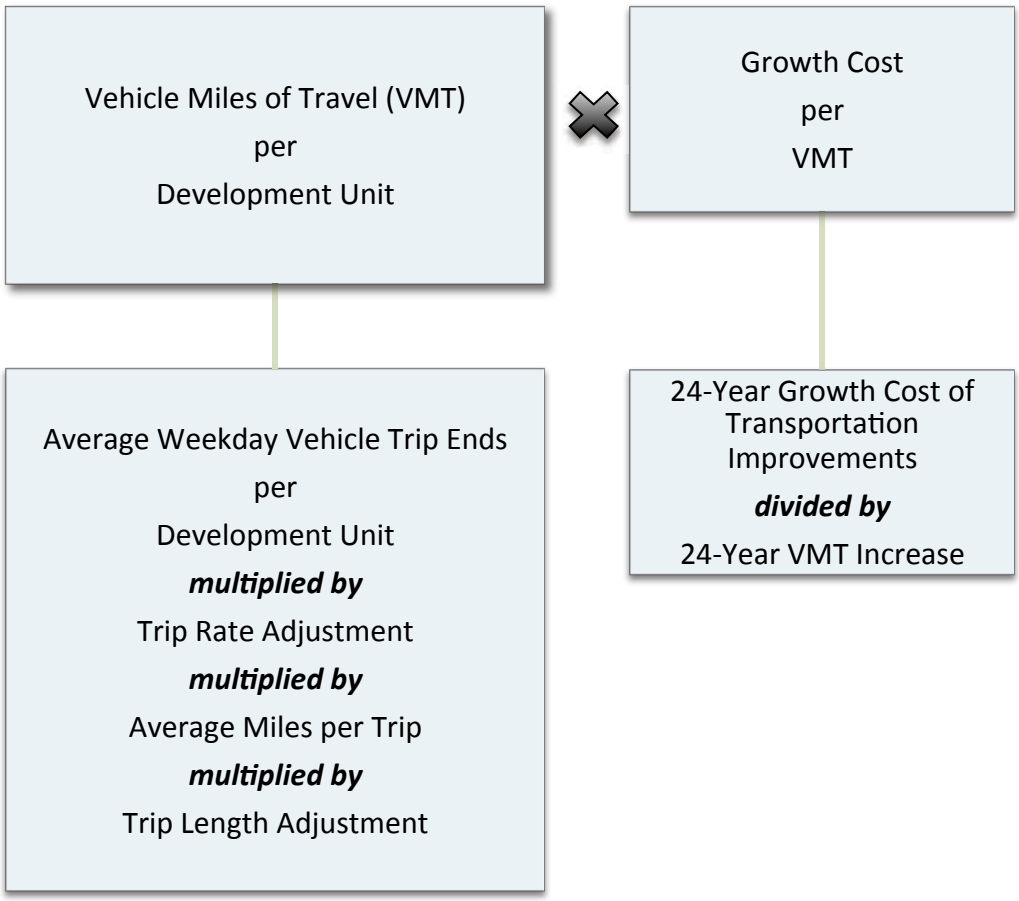


Figure 2 shows preliminary 2016 transportation impact fees for the Eastern Plains of Arapahoe County. For residential development, preliminary amounts are based on square feet of finished living space. Garages, porches and patios are excluded from the impact fee assessment. Fees by dwelling size, rather than house type, are consistent with best practices, simplify administration and improve proportionality.

For nonresidential development, transportation impact fees are stated per thousand square feet of floor area, using three broad categories. This approach makes the fees easier to administer and is consistent with Colorado's enabling legislation. The transportation impact fee schedule for nonresidential development is designed to provide a reasonable fee amount for general types of development. For unique developments, the County may allow or require an independent assessment.

**Figure 2: Preliminary Transportation Impact Fees for Eastern Plains**

| ***Residential (per dwelling unit)*** | |
|---|---|
| *Square Feet of Finished Living Space* | *Preliminary Fee* |
| 1100 or less | $2,168 |
| 1101 to 1700 | $3,045 |
| 1701 to 2300 | $3,652 |
| 2301 to 2900 | $4,121 |
| 2901 or more | $4,498 |
| ***Nonresidential (per 1,000 square feet of floor area)*** | |
| *Development Type* | *Preliminary Fee* |
| Industrial | $1,110 |
| Retail/Restaurant | $5,490 |
| Office & Other Services | $3,206 |

Figure 3 provides a comparison of current and proposed transportation fees in other jurisdictions along the Front Range of Colorado.

**Figure 3: Transportation Fees in Comparable Jurisdictions**

| *Jurisdiction* | *Average Size Single Dwelling* | *Light Industrial per KSF** | *Commercial per KSF** | *Office per KSF** |
|---|---|---|---|---|
| Adams County | $1,599 | $776 | $2,131 | $1,178 |
| Weld County | $2,377 | $2,141 | $3,296 | $2,174 |
| Loveland 2016 | $2,519 | $1,840 | $7,730 | $3,470 |
| Fort Collins 2015 | $3,112 | $2,220 | $11,930 | $7,760 |
| Larimer County 2015 | $3,418 | $2,894 | $8,812 | $4,726 |
| Jefferson County | $3,716 | $1,720 | $5,930 | $3,980 |
| Larimer County 04/07/16 Draft | $4,002 | $1,313 | $6,425 | $3,794 |
| Fort Collins 06/22/16 Draft | $4,936 | $1,879 | $9,820 | $5,823 |

** Assumes 100 KSF (square feet of floor area in thousands).*

*Source: Table compiled by TischlerBise (October 2015 to June 2016).*

## TRANSPORTATION IMPACT FEE

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire jurisdiction (referred to as system improvements). There are three general methods for calculating one-time charges for public facilities needed to accommodate new development. 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 infrastructure costs for new development 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, transportation impact fee calculations can become quite complicated because of many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following sections discuss three basic methods and how those methods can be applied in Arapahoe County.

***Cost Recovery (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 growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

***Incremental Expansion (concurrent improvements)***

The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. New development is only paying its proportionate share for growth-related infrastructure needed to maintain current standards. Revenue will be used to expand or provide additional facilities, as needed to keep pace with new development.

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

The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a capital improvements plan and development potential is identified by land use assumptions. There are two options for determining the cost per service unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the capital facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost). Option 2 is used in the 2016 transportation impact fee study for the Eastern Plains of Arapahoe County.

***Credits***

Regardless of the methodology, a consideration of "credits" is integral to a legally defensible impact fee study. There are two types of "credits" with specific characteristics, both of which should be addressed in studies and ordinances.

- First, a revenue credit might be necessary if there is a double payment situation and other revenues are contributing to the capital costs of infrastructure to be funded by transportation impact fee revenue. This type of credit is integrated into the transportation impact fee calculation, thus reducing the gross amount. In contrast to some studies that only provide general costs, with credits at the back-end of the analysis, Arapahoe County's transportation impact fee study uses growth shares to provide an up-front reduction in total costs. Also, the study provides transportation impact fee revenue projections to verify that new development will fully fund the growth cost of future infrastructure (i.e., only transportation impact fee revenue will pay for growth costs).
- Second, a site-specific credit or developer reimbursement might be necessary for construction of system improvements to be funded by transportation impact fee revenue. This type of credit is addressed in the administration and implementation of the transportation impact fee program.

## CAPITAL IMPROVEMENTS PLAN FOR TRANSPORTATION

Consistent with the adopted long-range Transportation Plan, Arapahoe County staff produced a Capital Improvement Plan (CIP) to address the long-range transportation needs for the Eastern Plains. Even though the current Transportation Plan used 2035 as the planning horizon, staff provided updated land use assumptions extending through 2040, as described in Appendix A. Long-range transportation improvements (through 2040) are summarized in Figure 4. The growth cost of $643,000 per lane mile, shown at the bottom-right of the table, was derived from the total growth cost of all projects listed, divided by the total increase of 172.5 lane miles. Impact fee revenue will cover 64% of the planned transportation improvements, with other revenues totaling more than $62 million required for the non-growth share over 24 years (i.e. roughly $2.6 million annually from other revenue sources).

County staff also provided cost estimates for additional improvements to two I-70 interchanges (at Watkins and Kiowa-Bennett), but these projects would add more than $12 million to the growth cost funded by impact fees. Rather than increase impact fees to fund interchanges on I-70, a study for Arapahoe County titled "Fiscal Solutions to Rural Road and Bridge Needs (TischlerBise 2012) recommended consideration of Special Districts as a viable funding strategy.

### Figure 4: Growth Cost of Transportation Improvements

| Eastern Plains Transportation System Improvements 10/28/16 | | | | *Lane* | *Total* | *Other* | *Growth Cost* | *Growth* |
|---|---|---|---|---|---|---|---|---|
| *Roadways* | *Start* | *End* | *Improvement* | *Miles* | *Cost* | *Revenue* | *(impact fees)* | *Share* |
| Quincy Road | Kiowa-Bennett | Strasburg Road | Asphalt Pavement - 2 Lanes | 10.0 | $8,000,000 | $2,640,000 | $5,360,000 | 67% |
| Quincy Road | Strasburg Road | Bradbury | Asphalt Pavement - 2 Lanes | 8.0 | $6,400,000 | $2,112,000 | $4,288,000 | 67% |
| Quincy Road | Bradbury | Exmoor | New - 2 lanes | 4.0 | $3,200,000 | $1,600,000 | $1,600,000 | 50% |
| Quincy Road | Gun Club | Watkins | Asphalt Widening 2 to 6 | 20.0 | $35,000,000 | $10,850,000 | $24,150,000 | 69% |
| Watkins Road | Mississippi | Quincy Road | Widening - 2 to 6 lanes | 16.0 | $28,000,000 | $4,200,000 | $23,800,000 | 85% |
| 6th Avenue | Imbodin | Manila | New - 2 lanes | 6.0 | $4,800,000 | $1,200,000 | $3,600,000 | 75% |
| 6th Avenue | Manila | Kiowa - Bennett | New and Pavement - 2 Lanes | 12.0 | $9,600,000 | $9,600,000 | $0 | 0% |
| Brick-Center | Quincy | County Line | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| County Line Road | Peterson | Kiowa - Bennet | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| Undesignated* | | | | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| 6th Ave | Sky Ranch | Hayesmount | Widening (1 lane) | 1.5 | $2,250,000 | $1,170,000 | $1,080,000 | 48% |
| Wolf Creek | Quincy | County Line | Gravel - Pavement - 2 lanes | 10.0 | $8,000,000 | $3,520,000 | $4,480,000 | 56% |
| Strasburg | County Line | Knudtson | Gravel - Pavement - 2 lanes | 4.0 | $3,200,000 | $1,408,000 | $1,792,000 | 56% |
| Bradbury | US 36 | Quincy Road | Gravel - Pavement - 2 lanes | 22.0 | $17,600,000 | $5,808,000 | $11,792,000 | 67% |
| Knudtson Rd | Strasburg | Exmoor Rd | Gravel - Pavement - 2 lanes | 12.0 | $9,600,000 | $3,168,000 | $6,432,000 | 67% |
| Woodis Rd | Exmoor | Deer Trail | Gravel - Pavement - 2 lanes | 17.0 | $13,600,000 | $4,488,000 | $9,112,000 | 67% |
| | | | Subtotal => | 172.5 | $173,250,000 | $62,324,000 | **$110,926,000** | 64% |
| | | | Roadways Growth Cost per Lane Mile => | | | | $643,000 | |

** Consistent with Expenditure Guidelines.*

*Note: Roadways within the boundary of Prosper are project-level improvements and will be funded 100% by Prosper, per the Development Agreement with Arapahoe County. Also, Prosper development will pay impact fees for the system improvements listed above.*

## VEHICLE MILES OF TRAVEL

VMT is a measurement unit equal to one vehicle traveling one mile[1]. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length. For the transportation impact fee study,

[1] Typical VMT calculations for development-specific traffic studies, along with most transportation models of an entire urban area, are derived from traffic counts on particular road segments multiplied by the length of that road segment. For the purpose of the transportation impact fee study, VMT calculations are based on attraction (inbound) trips to development located in the service area, with trip length limited to the road network considered

the average trip length is calibrated to the planned increase in paved arterial lane miles within the Eastern Plains of Arapahoe County (i.e. 172.5 lane miles as shown in the above table).

### Vehicular Trip Generation Rates

The transportation impact fee study is based on Average Weekday Vehicle Trip Ends (AWVTE). For residential development, trip rates are customized using demographic data for the area that includes rural Arapahoe County, as documented in Appendix A. For nonresidential development, trip generation rates are from the reference book Trip Generation published by the Institute of Transportation Engineers (ITE 9th Edition 2012). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. As discussed further below, the transportation impact fee methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

### Trip Length Weighting Factor by Type of Land Use

The transportation fee methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. TischlerBise derived the weighting factors using household survey results provided by North Front Range Metropolitan Planning Organization (NRFMPO 2010). As shown in Figure 5, trips associated with residential development are approximately 111% of the average trip length, primarily due to longer journey to work travel on a regular basis. Conversely, trips associated with commercial development (i.e. retail and restaurants) are approximately 63% of the average trip length because people tend to shop and dine close to where they live. For other types of nonresidential development trips lengths are 94% of the average for all trips.

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to be system improvements (arterials and collectors). This refinement eliminates pass-through or external-external trips, and travel on roads that are not system improvements (e.g. interstate highways).

**Figure 5: Average Trip Length by Trip Purpose**

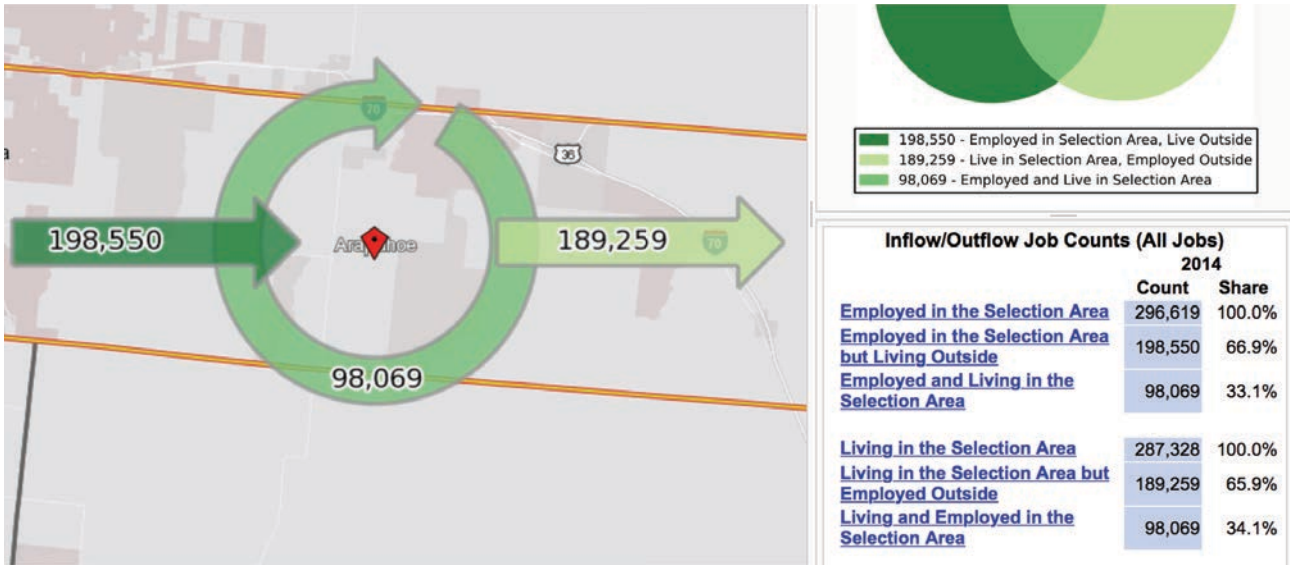
| *Type of Development* | *Trip Purpose* | *Trips* | *Average Miles Per Trip* | *Weighting Factor* | *Pct of Avg Trip Length* |
|---|---|---|---|---|---|
| 1-Residential | All other at home activities | 4,920 | 5.30 | 2.849 | |
| 1-Residential | Work/job | 1,637 | 7.14 | 1.277 | |
| 1-Residential | Dropped off passenger | 566 | 4.36 | 0.270 | |
| 1-Residential | Picked up passenger | 557 | 3.47 | 0.211 | |
| 1-Residential | Indoor recreation/entertainment | 516 | 4.80 | 0.271 | |
| 1-Residential | Change transportation mode | 354 | 9.37 | 0.362 | |
| 1-Residential | Outdoor recreation/entertainment | 254 | 6.60 | 0.183 | |
| 1-Residential | Service private vehicle | 160 | 5.44 | 0.095 | |
| 1-Residential | Working at home | 127 | 4.06 | 0.056 | |
| 1-Residential | Loop Trip and Other travel related | 55 | 2.71 | 0.016 | |
| 1-Residential | School at home | 7 | 2.03 | 0.002 | |
| **1-Residential Total** | | 9,153 | | 5.592 | **111%** |
| 2-Retail/Restaurant | Routine shopping | 1,236 | 2.76 | 1.571 | |
| 2-Retail/Restaurant | Eat meal outside home | 577 | 3.10 | 0.824 | |
| 2-Retail/Restaurant | Other | 180 | 5.37 | 0.445 | |
| 2-Retail/Restaurant | Major purchase / specialty item | 91 | 6.15 | 0.258 | |
| 2-Retail/Restaurant | Drive through | 88 | 1.80 | 0.073 | |
| **2-Retail/Restaurant Total** | | 2,172 | | 3.170 | **63%** |
| 3-Other Nonresidential | Attend a class | 790 | 2.59 | 0.756 | |
| 3-Other Nonresidential | Work/business related | 618 | 8.48 | 1.937 | |
| 3-Other Nonresidential | Errands (bank, dry cleaning, etc.) | 475 | 2.34 | 0.411 | |
| 3-Other Nonresidential | Personal business (attorney, accountant) | 241 | 5.50 | 0.490 | |
| 3-Other Nonresidential | Health care | 224 | 6.39 | 0.529 | |
| 3-Other Nonresidential | Civic/religious | 196 | 5.13 | 0.372 | |
| 3-Other Nonresidential | Other activities at school | 92 | 3.72 | 0.126 | |
| 3-Other Nonresidential | All other activities at work | 70 | 5.82 | 0.151 | |
| **3-Other Nonresidential Total** | | 2,706 | | 4.771 | **94%** |
| TOTAL | | 14,031 | 5.059 | | |

*Data Source: Table R-27, NFRMPO Household Survey, 2010. Analysis excludes "Visit friends/relatives" because the average distance of 22.43 miles traveled is an outlier, approximately four times the overall average.*

## Adjustment for Commuting Patterns and Pass-By Trips

As shown below in Figure 6, the Census Bureau's web application OnTheMap indicates that 65.9% of resident workers traveled outside Arapahoe County for work in 2014. Based on the countywide Census data, residential development has a larger trip adjustment factor of 56% to account for commuters leaving Arapahoe County for work. In addition to all inbound trips, the table above indicates 18% of residential trips are work/job related. In combination, these factors (0.50 x 0.18 x 0.659 = 0.06) support the additional 6% allocation of trips to residential development.

**Figure 6: Inflow/Outflow Analysis**




**Inflow/Outflow Job Counts (All Jobs)**

| | 2014 Count | 2014 Share |
|---|---|---|
| Employed in the Selection Area | 296,619 | 100.0% |
| Employed in the Selection Area but Living Outside | 198,550 | 66.9% |
| Employed and Living in the Selection Area | 98,069 | 33.1% |
| Living in the Selection Area | 287,328 | 100.0% |
| Living in the Selection Area but Employed Outside | 189,259 | 65.9% |
| Living and Employed in the Selection Area | 98,069 | 34.1% |

*Note: The U.S. Census Bureau map shown above indicates the geographic centroid of Arapahoe County. The table indicates countywide data. Also, the directional arrows are only conceptual. Actual outmigration of workers is primarily to the west, north and south, not east.*

For commercial development, the trip adjustment factor is less than 50% because retail development and some services, like schools and daycare facilities, attract vehicles as they pass by on arterial roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For the average shopping center, ITE indicates that 34% of the vehicles that enter are passing by on their way to some other primary destination. The remaining 66% of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 66% multiplied by 50%, or approximately 33% of the trip ends.

## Development Prototypes and Projected VMT

The relationship between the amount of development within the Eastern Plains of Arapahoe County and Vehicle Miles of Travel (VMT) is documented in Figure 7. In the table below HU means housing unit, KSF means square feet of nonresidential development, in thousands; Institute of Transportation Engineers is abbreviated ITE, and VTE means vehicle trip ends. Trip generation rates by bedroom range are documented in Appendix A.

A typical vehicle trip, such as a person leaving their home and traveling to work, generally begins on a local street that connects to a collector street, which connects to an arterial road and eventually to a state or interstate highway. This progression of travel up and down the functional classification chain limits the average trip length determination, for the purpose of impact fees, to the following question,

"What is the average vehicle trip length on impact fee system improvements?" The transportation impact fee analysis for Arapahoe County excludes travel on state highways and I-70.

As shown above in Figure 4, the County has shown the need for an additional 172.5 lane miles of arterials within the Eastern Plains of Arapahoe County by the year 2040. With a lane capacity standard of 4,200 vehicles per lane[2], the planned network has 724,500 vehicle miles of capacity (i.e., 4200 vehicles per lane multiplied by 172.5 lane miles). To derive the average utilization (i.e., average trip length expressed in miles) of the planned arterial network, divide vehicle miles of capacity by the vehicle trips attracted to new development in the Eastern Plains of Arapahoe County. As shown in the bottom-right corner of the table below, additional development will attract an increase of 165,039 inbound daily vehicle trips. Dividing 724,500 vehicle miles of capacity by the increase of 165,039 average daily inbound vehicle trips yields an un-weighted average trip length of approximately 4.4 miles. However, the calibration of average trip length includes the same adjustment factors used in the fee calculations (i.e., commuting pattern adjustment, commercial pass-by adjustment and average trip length adjustments by type of land use). With these adjustments, TischlerBise determined the weighted-average trip length on planned system improvements to be 4.04 miles. As used in the impact fee cost allocation methodology, the average utilization of planned system improvements is not the same metric as average trip length on all roads within the metropolitan area. As reported by Denver Regional Council of Governments (DRCOG) average driving distance originating in suburban areas is approximately 7.0 miles, with trips from rural areas averaging approximately 11.9 miles.

Over the next 24 years, VMT will increase by 85% due to new development in the Eastern Plains of Arapahoe County. The growth share of each transportation improvement listed above in Figure 4 is no greater than 85%, with most projects conservatively attributed a growth share ranging from 50-75%.

[2] Arapahoe 2035 Transportation Plan, rural arterial, 12 feet travel lanes with no additional shoulder width.

**Figure 7: Projected VMT Increase to Development within Eastern Plains**

| *Development Type* | *Weekday VTE* | *Development Unit* | *Primary Trip Adjustment* | *Trip Length Wtg Factor* | |
|---|---|---|---|---|---|
| Residential 0-1 Bedroom | 5.97 | HU | 56% | 1.11 | R1 |
| Residential 2 Bedrooms | 7.12 | HU | 56% | 1.11 | R2 |
| Residential 3 Bedrooms | 9.79 | HU | 56% | 1.11 | R3 |
| Residential 4+ Bedrooms | 11.71 | HU | 56% | 1.11 | R4 |
| Industrial | 3.82 | KSF | 50% | 0.94 | NR1 |
| Retail/Restaurant | 42.70 | KSF | 33% | 0.63 | NR2 |
| Office & Other Services | 11.03 | KSF | 50% | 0.94 | NR3 |
| Avg Trip Length (miles) | 4.04 | | | | |
| Vehicle Capacity Per Lane | 4,200 | | | | |

| Year-> | *Base* | *1* | *2* | *3* | *24* | *24-Year* |
|---|---|---|---|---|---|---|
| ***Eastern Plains Travel Model*** | ***2016*** | ***2017*** | ***2018*** | ***2019*** | ***2040*** | ***Increase*** |
| Residential 0-1 Bedroom | 193 | 210 | 229 | 249 | 1,447 | 1,254 |
| Residential 2 Bedrooms | 838 | 911 | 991 | 1,077 | 6,272 | 5,434 |
| Residential 3 Bedrooms | 1,950 | 2,120 | 2,305 | 2,507 | 14,595 | 12,645 |
| Residential 4+ Bedrooms | 1,396 | 1,519 | 1,651 | 1,796 | 10,454 | 9,058 |
| Industrial KSF | 537 | 560 | 584 | 609 | 1,472 | 935 |
| Retail/Restaurant KSF | 274 | 285 | 298 | 310 | 750 | 476 |
| Office & Other Services KSF | 204 | 213 | 222 | 232 | 560 | 356 |
| *0-1 Bedroom Trips* | 645 | 702 | 766 | 832 | 4,838 | |
| *2 Bedroom Trips* | 3,341 | 3,632 | 3,951 | 4,294 | 25,008 | |
| *3 Bedroom Trips* | 10,691 | 11,623 | 12,637 | 13,744 | 80,016 | |
| *4+ Bedroom Trips* | 9,154 | 9,961 | 10,827 | 11,777 | 68,553 | |
| *Industrial Trips* | 1,026 | 1,070 | 1,115 | 1,163 | 2,812 | |
| *Retail/Restaurant Trips* | 3,861 | 4,016 | 4,199 | 4,368 | 10,568 | |
| *Office & Other Services Trips* | 1,125 | 1,175 | 1,224 | 1,279 | 3,088 | |
| *Total Inbound Vehicle Trips* | 29,843 | 32,178 | 34,719 | 37,459 | 194,882 | 165,039 |
| *Vehicle Miles of Travel (VMT)* | 124,865 | 134,971 | 145,945 | 157,834 | 849,384 | 724,519 |
| LANE MILES | 29.7 | 32.1 | 34.7 | 37.6 | 202.2 | 172.5 |
| | | | | **24-Year VMT Increase =>** | | **85%** |

## REVENUE CREDIT EVALUATION

A credit for other revenues is only necessary if there is potential double payment for system improvements. In Arapahoe County, Capital Expenditure Fund property taxes and gas tax revenue will be used for maintenance of existing facilities, correcting existing deficiencies, and for capital projects that are not transportation impact fee system improvements. As shown below in the Figure 9, cumulative transportation impact fee revenue over the next 24 years roughly matches the growth cost of system improvements. There is no potential double payment from other revenues if elected officials

make a legislative policy decision to use transportation impact fee revenue to fund the growth cost of system improvements in the Eastern Plains of Arapahoe County.

## COST ALLOCATION FOR TRANSPORTATION IMPROVEMENTS

Input variables for the transportation impact fee study are shown in the upper portion of Figure 8. Inbound VMT by type of development, multiplied by the growth cost per VMT, yields the transportation fee. For example, an industrial building generates approximately 7.253 VMT per KSF (i.e. 3.82 x 0.50 x 4.04 x 0.94). Multiplying this amount of VMT by the capital cost of $153.10 per VMT, yields a fee of $1,1010 per KSF (truncated).

The text below from Trip Generation (ITE 2012) supports the consultant's recommendation to use ITE 820 Shopping Center as a reasonable proxy for all commercial development (i.e. retail and restaurants). The shopping center trip generation rates are based on 302 studies with an r-squared value of 0.79. The latter is a goodness-of-fit indicator with values ranging from 0 to 1. Higher values indicate the independent variable (floor area) provides a better prediction of the dependent variable (average weekday vehicle trip ends). If the r-squared value is less than 0.50, ITE does not publish the value because factors other than floor area provide a better prediction of trip rates.

> *"A shopping center is an integrated group of commercial establishments. Shopping centers, including neighborhood, community, regional, and super regional centers, were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, and health clubs. Many shopping centers, in addition to the integrated unit of shops in one building or enclosed around a mall, include out parcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices. Although the data herein do not indicate which of the centers studied include peripheral buildings, it can be assumed that some of the data show their effect."*

**Figure 8: Preliminary Transportation Impact Fee Schedule**

| ***Input Variables for 2016 Transportation Impact Fee*** | |
|---|---|
| Average Miles per Trip | 4.04 |
| Additional Lane Miles over Ten Years | 173 |
| Growth Cost per Additional Lane Mile | $643,000 |
| 24-Year Growth Cost | $110,926,000 |
| VMT Increase Over 24 Years | 724,519 |
| Growth Cost per VMT | $153.10 |

| ***Residential (per dwelling unit)*** | | | | |
|---|---|---|---|---|
| *Square Feet of Finished Living Space* | *Avg Wkdy Veh Trip Ends* | *Trip Rate Adjustment* | *Trip Length Adjustment* | *Preliminary Fee* |
| 1100 or less | 5.64 | 56% | 111% | $2,168 |
| 1101 to 1700 | 7.92 | 56% | 111% | $3,045 |
| 1701 to 2300 | 9.50 | 56% | 111% | $3,652 |
| 2301 to 2900 | 10.72 | 56% | 111% | $4,121 |
| 2901 or more | 11.70 | 56% | 111% | $4,498 |
| ***Nonresidential (per 1,000 square feet of floor area)*** | | | | |
| *Development Type* | *Avg Wkdy Veh Trip Ends* | *Trip Rate Adjustment* | *Trip Length Adjustment* | *Preliminary Fee* |
| Industrial | 3.82 | 50% | 94% | $1,110 |
| Retail/Restaurant | 42.70 | 33% | 63% | $5,490 |
| Office & Other Services | 11.03 | 50% | 94% | $3,206 |

## FUNDING STRATEGY FOR TRANSPORTATION IMPROVEMENTS

The revenue projections shown in Figure 9 assume implementation of the preliminary transportation impact fee schedule and the development projections described in the land use assumptions (see Appendix A). To the extent the rate of development either accelerates or slows down, there will be a corresponding change in transportation impact fee revenue and the timing of capital improvements. Based on the transportation impact fee methodology, residential development will pay approximately 96% of the growth cost for transportation system improvements, with nonresidential development covering the remaining 4%.

### Figure 9: Projected Transportation Fee Revenue

***24-Year Cost of Transportation Improvements***

| | |
|---|---|
| Growth Cost => | $110,926,000 |

***Transportation Impact Fee Revenue***

| | | *Average-Size Residential* $3,652 per housing unit | *Industrial* $1,110 per 1000 Sq Ft | *Retail / Restaurant* $5,490 per 1000 Sq Ft | *Office & Other Services* $3,206 per 1000 Sq Ft |
|---|---|---|---|---|---|
| | *Year* | *Hsg Units* | *KSF* | *KSF* | *KSF* |
| Base | 2016 | 4,377 | 537 | 274 | 204 |
| Year 1 | 2017 | 4,760 | 560 | 285 | 213 |
| Year 2 | 2018 | 5,176 | 584 | 298 | 222 |
| Year 3 | 2019 | 5,629 | 609 | 310 | 232 |
| Year 4 | 2020 | 6,122 | 635 | 324 | 241 |
| Year 14 | 2030 | 14,163 | 967 | 493 | 368 |
| Year 24 | 2040 | 32,769 | 1,472 | 750 | 560 |
| *24-Yr Increase* | | 28,392 | 935 | 476 | 356 |
| Projected Revenue => | | $103,688,000 | $1,038,000 | $2,613,000 | $1,141,000 |
| | | | | Total Projected Revenues (rounded) => | $108,480,000 |
| | | Res Share => | 96% | Nonres Share => | 4% |

## IMPLEMENTATION AND ADMINISTRATION

Development impact fees should be periodically evaluated and updated to reflect recent data. One approach is to adjust for inflation using the Engineering News Record (ENR) Construction Cost Index published by McGraw-Hill Companies. This index could be applied to the adopted impact fee schedule. The County should redo the fee calculations if cost estimates or service units (see Appendix A) change significantly.

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 impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time 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 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 impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against 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.

Based on national experience, TischlerBise typically recommends reimbursement agreements with developers that construct system improvements. The reimbursement agreement should be limited to a payback period of no more than ten years and the County should not pay interest on the outstanding balance. The developer must provide sufficient documentation of the actual cost incurred for the system improvement. The County should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the County pays more than the cost used in the fee analysis, there will be insufficient fee revenue for other capital improvements. Reimbursement agreements should only obligate the County to reimburse developers annually according to actual fee collections from the service area.

## Eastern Plains Service Area

The transportation impact fee service area is defined as the unincorporated area within the Eastern Plains of Arapahoe County (i.e. Tiers 1-3). Given Colorado's direct benefit requirement, fee expenditures should be limited to the Eastern Plains Service Area.

## Expenditure Guidelines

Arapahoe County will distinguish system improvements (funded by transportation impact fees) from project-level improvements, such as local streets within a residential subdivision. TischlerBise recommends limiting transportation fee expenditures to rural arterials. System improvements that are eligible for transportation impact fee funding include:

- A carrying-capacity enhancement to an existing arterial, such as reconstruction to add greater depth and width, including vehicular travel lanes, bike lanes, sidewalks, and/or shoulders.
- Constructing rural arterial travel lanes, including widening and gravel to asphalt pavement.
- Adding intersection improvements (e.g. turn lanes, traffic signals, or roundabouts), including State Highway with a County arterial, or a County arterial with another County arterial.

## Development Categories

Proposed transportation impact fees for residential development are by square feet of finished living space, excluding unfinished basement, attic, and garage floor area. Appendix A provides further documentation of demographic data by size threshold.

Three general nonresidential development categories can be used for all new construction within the Service Area. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates, as documented in Appendix A. Fees are only applicable to buildings that increase vehicular trips during a typical weekday. Ancillary and temporary structures are not subject to impact fees.

- "Industrial" includes the processing or production of goods, along with warehousing, transportation, communications, utilities, oil/gas extraction, agriculture, and construction.
- "Retail/Restaurant" includes retail development and eating/drinking places that might be either standalone or located in a shopping center.
- "Office & Other Services" includes offices, health care and personal services, automotive repairs/services, business services (e.g. banks), lodging and entertainment uses (e.g. movie theaters and bowling alleys). Also included in this category are public and quasi-public buildings that provide educational, social assistance, or religious services.

An applicant may submit an independent study to document unique demand indicators for a particular development. The independent study must be prepared by a professional engineer or certified planner and use the same type of input variables as those in this transportation impact fee study. For residential development, the fees are based on average weekday vehicle trip ends per housing unit. For nonresidential development, the fees are based on average weekday vehicle trips ends per 1,000 square feet of floor area. The independent fee study will be reviewed by County staff and can be accepted as the basis for a unique fee calculation. If staff determines the independent fee study is not reasonable, the applicant may appeal the administrative decision to County elected officials for their consideration.

# APPENDIX A: LAND USE ASSUMPTIONS

Current estimates and long-range forecasts of residents, housing units, jobs, and nonresidential floor area provide the foundation for the transportation impact fee study. To evaluate the demand for growth-related infrastructure from various types of development, TischlerBise prepared documentation on demand indicators by size of housing unit, jobs and floor area by type of nonresidential development, and average weekday vehicle trip generation rates. These metrics (explained further below) are the service units that will be used to derive transportation impact fees for the Eastern Plains of Arapahoe County.

Impact fees are based on the need for growth-related capital improvements and they must be proportionate by type of development. Demographic data and development projections will be used to demonstrate proportionality and anticipate the need for future infrastructure. Projected growth from 2010 to 2040 is consistent with Eastern Plains Housing Forecast and Employment Projections, as provided by Arapahoe County staff in 2016. Impact fee studies typically look out five to ten years, with the expectation that fees will be periodically updated. In Arapahoe County the fiscal year begins on January 1st.

## SUMMARY OF GROWTH INDICATORS

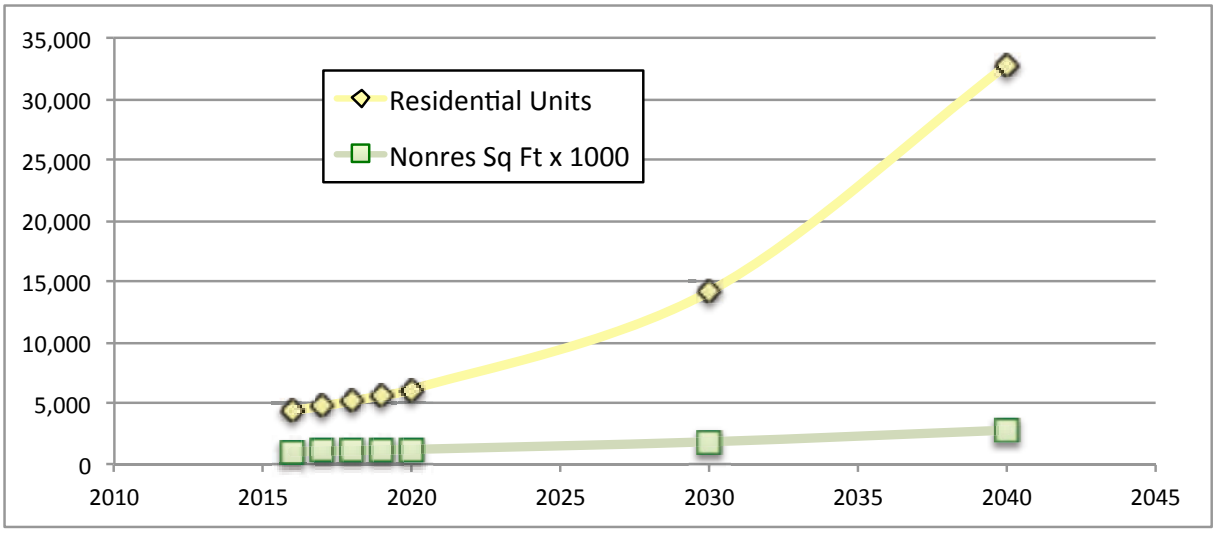
Key development projections for the Eastern Plains Transportation Impact Fee Study are housing units and nonresidential floor area, as shown in Figure A1. These projections are used to estimate fee revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. Because impact fee methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, the County will receive more fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

Residential development is based on the projected increase in population from 2010 to 2040 and a constant ratio of 2.6 persons per housing unit. From 2016 to 2030, the transportation impact fee study expects an average increase of 699 housing units per year in the Eastern Plains of Arapahoe County. Nonresidential development is based on the projected increase in jobs (i.e. employment by place of work) from 2010 to 2040. Annual data are derived using a compound growth formula, yielding annual increments that grow larger each year.

**Figure A1: Summary of Development Projections and Growth Rates**

Eastern Plains of Arapahoe County, CO

| | Year | | | | | | | 2016 to 2030 Average Annual | |
|---|---|---|---|---|---|---|---|---|---|
| | *2016* | *2017* | *2018* | *2019* | *2020* | *2030* | *2040* | *Increase* | *Compound Growth Rate* |
| Residential Units | 4,377 | 4,760 | 5,176 | 5,629 | 6,122 | 14,163 | 32,769 | 699 | 8.75% |
| Nonres Sq Ft x 1000 | 1,015 | 1,058 | 1,104 | 1,151 | 1,200 | 1,828 | 2,782 | 58 | 4.29% |




## Residential Development

The 2010 census did not obtain detailed information using a "long-form" questionnaire. Instead, the U.S. Census Bureau has switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which is limited by sample-size constraints. For example, summary tables with information by units in structure now combined with single detached and attached units (commonly known as townhouses). Part of the rationale for deriving fees by dwelling size, as discussed further below, is to address this ACS data limitation. Because townhouses generally have fewer bedrooms and less living space than detached units, fees by dwelling size ensures proportionality and facilitates construction of affordable units.

### Residential Estimates and Forecast

Based on U.S. Census Bureau data and Arapahoe County projections for the Eastern Plains, population and housing units are expected to increase dramatically the 24-year study period (see Figure A2). Population data were converted to housing unit by assuming 2.60 persons per housing unit, derived from 2014, five-year American Community Survey (ACS) Public Use Microdata Sample (PUMS) for the DRCOG East Plains area (see Figures A5 & A6 and related text). The 2016 (base year) population of 11,379 persons is expected to increase to 85,200 persons by 2040.

**Figure A2: Residential Development 2010-2040**

| *FY begins January 1st* | *2010* | *2016* | *2020* | *2030* | *2040* |
|---|---|---|---|---|---|
| | | *Base Yr* | *4* | *14* | *24* |
| Eastern Plains Population | 6,879 | 11,379 | 15,916 | 36,824 | 85,200 |
| ***Eastern Plains Housing Units*** | | | | | |
| Dwellings (all types) | 2,646 | 4,377 | 6,122 | 14,163 | 32,769 |
| Persons per Housing Unit | 2.60 | 2.60 | 2.60 | 2.60 | 2.60 |

## NONRESIDENTIAL DEVELOPMENT

In addition to data on residential development, transportation impact fees require data on nonresidential development. TischlerBise uses the term "jobs" to refer to employment by place of work. In Figure A3, gray shading indicates three nonresidential prototypes that will be used to derive average weekday vehicle trips and nonresidential floor area.

For future industrial development, Manufacturing (ITE code 140) is a reasonable proxy, with an average of 558 square feet per job. The prototype for future retail and restaurants is an average-size Shopping Center (ITE code 820). Retail and eating/drinking places are assumed to average 500 square feet per job. For office and other services (e.g. health care and institutional development) a General Office (ITE 710) is the prototype for future development, with an average of 301 square feet per job.

**Figure A3: Nonresidential Service Units per Development Unit**

| *ITE Code* | *Land Use / Size* | *Demand Unit* | *Wkdy Trip Ends Per Dmd Unit** | *Wkdy Trip Ends Per Employee** | *Emp Per Dmd Unit* | *Sq Ft Per Emp* |
|---|---|---|---|---|---|---|
| 110 | Light Industrial | 1,000 Sq Ft | 6.97 | 3.02 | 2.31 | 433 |
| 130 | Industrial Park | 1,000 Sq Ft | 6.83 | 3.34 | 2.04 | 489 |
| **140** | **Manufacturing** | **1,000 Sq Ft** | **3.82** | **2.13** | **1.79** | **558** |
| 150 | Warehousing | 1,000 Sq Ft | 3.56 | 3.89 | 0.92 | 1,093 |
| 254 | Assisted Living | bed | 2.66 | 3.93 | 0.68 | na |
| 320 | Motel | room | 5.63 | 12.81 | 0.44 | na |
| 520 | Elementary School | 1,000 Sq Ft | 15.43 | 15.71 | 0.98 | 1,018 |
| 530 | High School | 1,000 Sq Ft | 12.89 | 19.74 | 0.65 | 1,531 |
| 540 | Community College | student | 1.23 | 15.55 | 0.08 | na |
| 550 | University/College | student | 1.71 | 8.96 | 0.19 | na |
| 565 | Day Care | student | 4.38 | 26.73 | 0.16 | na |
| 610 | Hospital | 1,000 Sq Ft | 13.22 | 4.50 | 2.94 | 340 |
| 620 | Nursing Home | 1,000 Sq Ft | 7.60 | 3.26 | 2.33 | 429 |
| **710** | **General Office (avg size)** | **1,000 Sq Ft** | **11.03** | **3.32** | **3.32** | **301** |
| 760 | Research & Dev Center | 1,000 Sq Ft | 8.11 | 2.77 | 2.93 | 342 |
| 770 | Business Park | 1,000 Sq Ft | 12.44 | 4.04 | 3.08 | 325 |
| **820** | **Shopping Center (avg size)** | **1,000 Sq Ft** | **42.70** | **na** | **2.00** | **500** |

* *Trip Generation, Institute of Transportation Engineers, 9th Edition (2012).*

Figure A4 indicates 2016 base year estimates of jobs and nonresidential floor area located in the Eastern Plains of Arapahoe County. By 2040, the Eastern Plains of Arapahoe County is projected to have 6,000 jobs and approximately 2.78 million square feet of nonresidential floor area. The job mix of 44% industrial (e.g. construction, natural resource production and agriculture), 25% Retail/Restaurant, and 31% Office & Other Services was provided by Arapahoe County staff based on analysis of major proposed mixed use developments, such as Prosper.

### Figure A4: Nonresidential Development 2010-2040

| *FY begins January 1st* | *2010* | *2016* | *2020* | *2030* | *2040* |
|---|---|---|---|---|---|
| | | *Base Yr* | *4* | *14* | *24* |
| ***Eastern Plains Jobs (place of work)*** | | | | | |
| Industrial (44%) | 748 | 963 | 1,139 | 1,734 | 2,640 |
| Retail/Restaurant (25%) | 425 | 547 | 647 | 985 | 1,500 |
| Office & Other Services (31%) | 527 | 678 | 802 | 1,222 | 1,860 |
| Total | 1,700 | 2,188 | 2,588 | 3,941 | 6,000 |
| Jobs-Housing Ratio | 0.64 | 0.50 | 0.42 | 0.28 | 0.18 |
| ***Eastern Plains Nonresidential Floor Area (square feet in thousands = KSF)*** | | | | | |
| Industrial KSF | 417 | 537 | 635 | 967 | 1,472 |
| Retail/Restaurant KSF | 213 | 274 | 324 | 493 | 750 |
| Office & Other Services KSF | 159 | 204 | 241 | 368 | 560 |
| Total | 789 | 1,015 | 1,200 | 1,828 | 2,782 |

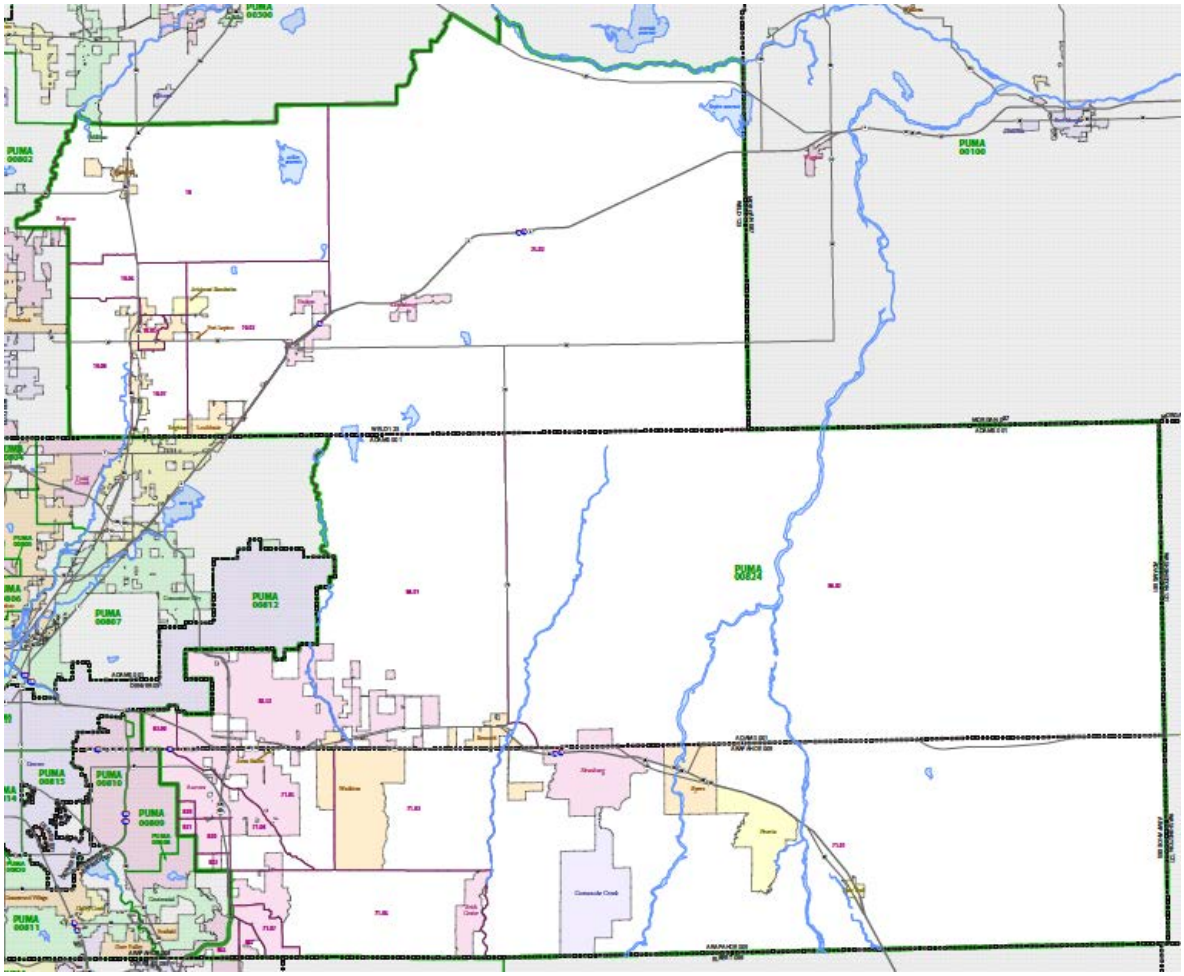
## Residential Trip Generation Rates

As an alternative to simply using national average trip generation rates for residential development, published by the Institute of Transportation Engineers (ITE), TischlerBise has derived custom trip rates using demographic data for Arapahoe County. Key inputs needed for the analysis (i.e. average number of persons and vehicles available per housing unit) are available from the U.S. Census Bureau's American Community Survey (ACS).

### Demand Indicators by Dwelling Size

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Microdata Samples (PUMS). Because PUMS files are available for areas of roughly 100,000 persons, the rural area of Arapahoe County is included in Public Use Microdata Area (PUMA) 824 that covers the eastern plains area of Weld, Adams, and Arapahoe Counties (see Figure A5).

**Figure A5: Map of PUMA 824 (DRCOG East Plains)**



At the top of Figure A6, cells with yellow shading summarize survey results for the DRCOG East Plains area that includes the rural portion of Arapahoe County. The middle section of Figure A6 provides nation-wide data from the Institute of Transportation Engineers (ITE). AWVTE is the acronym for Average Weekday Vehicle Trip Ends, which measures vehicles coming and going from a development. Dividing trip ends per household by trip ends per person yields an average of 2.01 persons per occupied apartment and 3.73 persons per occupied single dwelling, based on ITE's national survey. Applying the DRCOG East Plains' current housing mix of 23% apartments and 77% single-dwellings, yields a weighted average of 3.26 persons per household. In comparison to the national data, the DRCOG East Plains area only has an average of 2.60 persons per dwelling.

Dividing trip ends per household by trip ends per vehicle available yields an average of 1.30 vehicles available per occupied apartment and 1.58 vehicles available per occupied single-unit dwelling, based on ITE's national survey. Applying the DRCOG East Plains' current housing mix of 23% apartments and 77% single-dwellings, yields a weighted average of 1.52 vehicles available per household. In comparison to

the national data, the DRCOG East Plains area has more vehicles available, with an average of 2.13 per dwelling.

Rather than rely on one methodology, the recommended trip generation rates shown in the bottom section of Figure A6 (see AWVTE per Housing Unit in bold numbers), are an average of trip rates based on persons and vehicles available, for all types of housing units by bedroom range. In the DRCOG East Plains area, each dwelling is expected to yield an average of 9.73 AWVTE, compared to the national average of 8.86 trip ends per household.

### Figure A6: Average Weekday Vehicle Trips Ends by Bedroom Range

***PUMS Survey Results***

| Bedroom Range | Persons (1) | Vehicles Available (1) | Dwelling Units (1) | Housing Mix | Persons per Dwelling | Vehicles Available per Dwelling |
|---|---|---|---|---|---|---|
| 0-1 | 47 | 52 | 36 | 4% | 1.31 | 1.44 |
| 2 | 290 | 247 | 156 | 19% | 1.86 | 1.58 |
| 3 | 923 | 791 | 363 | 45% | 2.54 | 2.18 |
| 4+ | 856 | 647 | 260 | 32% | 3.29 | 2.49 |
| Total | 2,116 | 1,737 | 815 | | 2.60 | 2.13 |

***National Averages According to ITE***

| ITE Code | AWVTE per Person | AWVTE per Vehicle Available | AWVTE per Household | Housing Mix (2) | Persons per Household | Veh Avl per Household |
|---|---|---|---|---|---|---|
| 220 Apt | 3.31 | 5.10 | 6.65 | 23% | 2.01 | 1.30 |
| 210 SFD | 2.55 | 6.02 | 9.52 | 77% | 3.73 | 1.58 |
| Wgtd Avg | 2.72 | 5.81 | 8.86 | | 3.26 | 1.52 |

***Recommended AWVTE per Dwelling by Bedroom Range***

| Bedroom Range | AWVTE per HU Based on Persons (3) | AWVTE per HU Based on Vehicles Available (4) | AWVTE per Dwelling (5) |
|---|---|---|---|
| 0-1 | 3.56 | 8.37 | **5.97** |
| 2 | 5.06 | 9.18 | **7.12** |
| 3 | 6.91 | 12.67 | **9.79** |
| 4+ | 8.95 | 14.47 | **11.71** |
| Total | 7.07 | 12.38 | **9.73** |

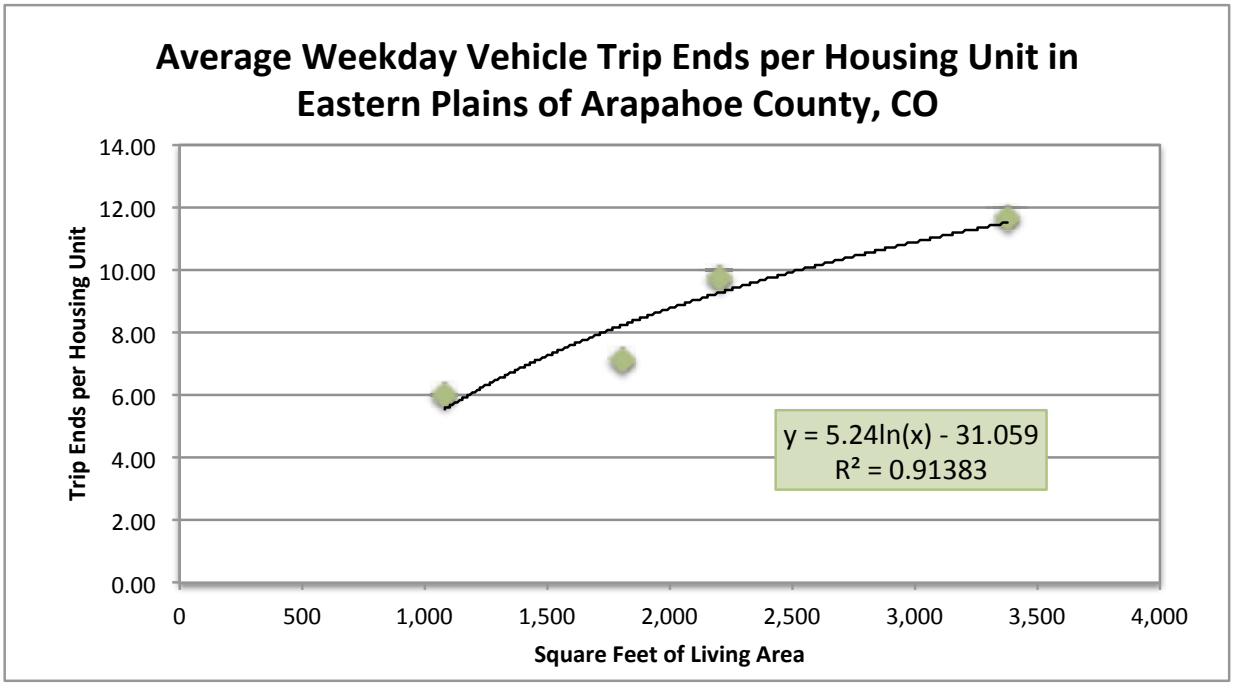
*1. American Community Survey, Public Use Microdata Sample for CO PUMA 824 (2013 five-year unweighted data).*
*2. Assumes 0-2 bedrooms are apartments and 3+ are single detached units.*
*3. Adjusted persons per housing unit multiplied by national weighted average trip rate per person.*
*4. Adjusted vehicles available per housing unit multiplied by national weighted average trip rate per vehicle available.*
*5. Average of trip rates based on persons and vehicles available per housing unit.*

### Trip Generation by Floor Area

To derive average weekday vehicle trip ends by dwelling size, TischlerBise matched trip generation rates and average floor area, by bedroom range, as shown in Figure A7. Average unit sizes, measured in square feet of finished living space (excludes garages, porches, and unfinished basements), are from U.S. Census Bureau. Square feet of two, three, and four or more bedrooms are from 2014 Survey of Construction for Mountain states. Square feet for a one-bedroom dwelling is the average for all multifamily units in the West Region.

The logarithmic trend line formula, derived from the four actual averages for the area that includes rural Arapahoe County, is used to derive estimated trip ends by dwelling size for five size ranges. A mid-size residential unit is estimated to range from 1,701 to 2,300 square feet of living space and average of 9.50 AWVTE per dwelling. In comparison, a small unit of 1,100 square feet is expected to generate 5.64 AWVTE per dwelling, which is 59% of the trip rate for an average size unit. A large unit of 2,901 or more square feet is expected to generate 11.70 AWVTE per dwelling, which is 23% more than the trip rate for an average size unit. If Arapahoe County implements a "one-size-fits-all" approach, small units will be required to pay more than their proportionate share while large units will pay less than their proportionate share. TischlerBise does not recommend an average fee for all house sizes, because it makes small units less affordable and essentially subsidizes larger units.

**Figure A7: Vehicle Trips by Dwelling Size**

Unit size is from U.S. Census Bureau. Two, three, and four or more bedrooms is from 2014 Survey of Construction for Mountain states. One bedroom is the average for all multifamily units in the West Region. Average weekday vehicle trip ends per housing unit are derived from 2013 ACS PUMS data for the area that includes Eastern Plains of Arapahoe County, CO (PUMA 824).

| *Actual Averages per Hsg Unit* | | | *Fitted-Curve Values* | |
|---|---|---|---|---|
| *Bedrooms* | *Square Feet* | *Trip Ends* | *Sq Ft Range* | *Trip Ends* |
| 0-1 | 1,081 | 5.97 | 1100 or less | 5.64 |
| 2 | 1,809 | 7.12 | 1101 to 1700 | 7.92 |
| 3 | 2,204 | 9.79 | 1701 to 2300 | 9.50 |
| 4+ | 3,382 | 11.71 | 2301 to 2900 | 10.72 |
| | | | 2901 or more | 11.70 |