

**Town of Erie  
Ordinance No. 33-2021**

**An Ordinance of the Board of Trustees of the Town of Erie  
Amending Chapter 5 of Article 2 of the Erie Municipal Code, to  
Modify the Town's Impact Fees**

**Whereas**, 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";

**Whereas**, an impact fee represents new growth's proportionate share of capital facility needs,

**Whereas**, pursuant to C.R.S. § 29-20-104.5, impact fees may only be used for capital improvements, not operating or maintenance costs or to repair or correct existing deficiencies in existing infrastructure, and the capital improvements must have a useful life of at least five years;

**Whereas**, pursuant to C.R.S. § 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; and

**Whereas**, on October 1, 2021, Tischler Bise completed the Town's Impact Fee Study, a copy of which was presented at a public meeting of the Board of Trustees on October 12, 2021.

**Now Therefore be it Ordained by the Board of Trustees of the Town of Erie, Colorado, that:**

**Section 1.** Section 2-5-1.F. of the Erie Municipal Code is hereby amended as follows:

**2-5-1 – Purpose and intent.**

\* \* \*

F. *The Town reviews and prepares an impact fee study every five years, which study: sets forth a reasonable methodology and analysis* ~~The impact fee study, prepared by TischlerBise, dated October 4, 2016, set forth a reasonable methodology and analysis~~ for determining and quantifying the reasonable impacts of various types of proposed residential and nonresidential development on the Town's capital facilities and streets system; *quantifies* ~~quantified~~ the reasonable impact of proposed development on the capital facilities addressed therein; *determines* ~~determined~~ the costs necessary to meet the demands created by new

development; and *determines* determined impact fees as set forth in Article A of this Chapter that are at a level no greater than necessary to defray such impacts of proposed new development on the Town's existing capital facilities. The *study sets forth* Town hereby establishes as Town standards the assumptions and level of service standards referenced in the impact fee study as part of its current plans for future expansions to the Town's capital facilities addressed in such study.

\* \* \*

**Section 2.** Section 2-5A-1.A. of the Erie Municipal Code is hereby amended as follows:

**2-5A-1 – Parks/~~open space and recreation~~ impact fee.**

A. *Fee established:* All future residential development in the Town shall be subject to the payment of a community and neighborhood parks, recreation facilities, ~~open space and trails~~ impact fee at the time of building permit issuance, pursuant to this Section and Sections 2-5-1 through 2-5-12 of this Chapter, as follows:

Residential Development by Type	Impact Fee Per Dwelling Unit
Single-family detached	<del>\$4,060.00</del> \$2,451
All other dwelling units	<del>2,951.00</del> \$1,339

\* \* \*

**Section 3.** Section 2-5A-2 of the Erie Municipal Code is hereby amended as follows:

**2-5A-2 – Public facilities impact fee.**

A. *Fee established:* All future residential and nonresidential development in the Town shall be subject to the payment of a public facilities impact fee at the time of building permit issuance, pursuant to this Section and Sections 2-5-1 through 2-5-12 of this chapter, as follows:

Residential Development by Type	Impact Fee Per Dwelling Unit
Single-family detached	<del>\$1,912.00</del> \$3,739
All other dwelling units	<del>1,389</del> \$2,042

Non-residential Development by Type	Impact-Fee Per 1,000 Feet of Floor Area
Commercial	<del>\$443</del> \$2,317
Office/institutional	<del>730</del> \$2,941
Industrial/manufacturing/warehousing	<del>398</del> \$1,945

\* \* \*

**Section 4.** Section 2-5A-4 of the Erie Municipal Code is hereby amended as follows:

**2-5A-4 – Transportation facilities impact fee.**

A. *Fee established:*

1. *Other than properties subject to the Town Center Planned Development dated March 24, 2020 and properties in the Historic Old Town area, all future residential and nonresidential development in the Town, shall be subject to the payment of a transportation facilities impact fee at the time of building permit issuance, pursuant to this Section and Sections 2-5-1 through 2-5-12 of this chapter, as follows:*

Residential Development by Type	Impact-Fee Per Dwelling Unit
Single-family detached	<del>\$6,169.00</del> \$5,598
All other dwelling units	<del>4,974.00</del> \$3,449

Nonresidential Development by Type	Demand Unit	Impact Fee Per 1,000 feet of Floor Area
Commercial/retail/shopping center	1,000 sq. ft. floor area	<del>\$7,485.00</del> \$4,973
General office and institutional	1,000 sq. ft. floor area	<del>3,240.00</del> \$1,895
Business park	1,000 sq. ft. floor area	<del>3,654</del>
Research and development center	1,000 sq. ft. floor area	<del>2,382.00</del>
Light industrial	1,000 sq. ft. floor area	<del>2,047.00</del>
Industrial	1,000 sq. ft. floor area	<del>2,006.00</del> \$765
Manufacturing	1,000 sq. ft. floor area	<del>1,121.00</del>
Warehousing	1,000 sq. ft. floor area	<del>1,045.00</del>
Motel	Room	<del>1,654.00</del>
Hospital	1,000 sq. ft. floor area	<del>3,883.00</del>
Assisted living	Bed	<del>781.00</del>
Nursing home	1,000 sq. ft. floor area	<del>2,232.00</del>
Day care	Student	<del>1,286.00</del>

Elementary school	1,000 sq. ft. floor area	4,532.00
High school	1,000 sq. ft. floor area	3,785.00
Community college	Student	361.00
University/college	Student	502.00

2. Property subject to the Town Center Planned Development dated March 24, 2020 and property within the Historic Old Town area zoned OTR, NMU, DT or MR shall be subject to the payment of a transportation facilities impact fee at the time of building permit issuance, pursuant to this Section and Sections 2-5-1 through 2-5-12, as follows:

<i>Residential Development by Type</i>	<i>Fee Per Dwelling Unit</i>
<i>Single-family detached</i>	<i>\$3,975</i>
<i>All other dwelling units</i>	<i>\$2,449</i>

<i>Nonresidential Development by Type</i>	<i>Fee Per 1,000 Square Feet of Floor Area</i>
<i>Commercial</i>	<i>\$3,531</i>
<i>Office/institutional</i>	<i>\$1,345</i>
<i>Industrial</i>	<i>\$543</i>

**Section 5.** Chapter 2-5A of the Erie Municipal Code is hereby amended by the addition of a new Section 2-5A-6, to read as follows:

**2-5A-6 – Police facilities impact fee.**

A. *Fees established:* All future development in the Town shall be subject to the payment of a police facilities impact fee at the time of building permit issuance, pursuant to this Section and Sections 2-5-1 through 2-5-12, as follows:

Residential Development by Type	Fee Per Dwelling Unit
Single family detached	\$686
All other dwelling units	\$375

Nonresidential Development by Type	Fee Per 1,000 Square Feet of Floor Area
Commercial	\$824
Office/institutional	\$322
Industrial	\$130

**Section 6.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

**Section 7.** Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

**Section 8.** Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

**Introduced, read, passed and ordered published this 14<sup>th</sup> day of December, 2021.**

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Jennifer Carroll, Mayor

**Attest:**

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Heidi Leatherwood, Town Clerk