Title: Regulatory Policy Traffic Impact Fee Program	**Policy No.** Part 8, Streets and Roads Chapter 4, Fees Section 1
	Effective Date January 1, 2014
Policy Custodian Transportation and Engineering Division	**Adoption/Revision Date** December 11, 2012 / November 25, 2013

Adopting Resolution(s): CC12-439

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

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

Policy: Traffic Impact Fee Program

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

B. Computation of the Amount of Traffic Impact Fees

   1. The amount of fees shall be determined by the Jefferson County Zoning Administrator according to the Traffic Impact Fee Schedule.

   2. In mixed use commercial centers containing retail, office and/or industrial uses, the Jefferson County Zoning Administrator shall determine the primary use of each building based upon the percentage of square footage (gross floor area) per use. The fee shall be assessed at the rate of the primary use when such use equals or exceeds 60 percent of the gross floor area. Where the use of a building is unknown or indeterminate at the time of building permit application, the fee shall be assessed at the highest rate for any of the potential use categories.

   3. All other uses shall pay the fee set forth in the Traffic Impact Fee Schedule for the most nearly similar use as determined by the Jefferson County Zoning Administrator, using comparable trip-generation calculated in the then-current Institute of Transportation Engineers Trip Generation Manual as a guide.

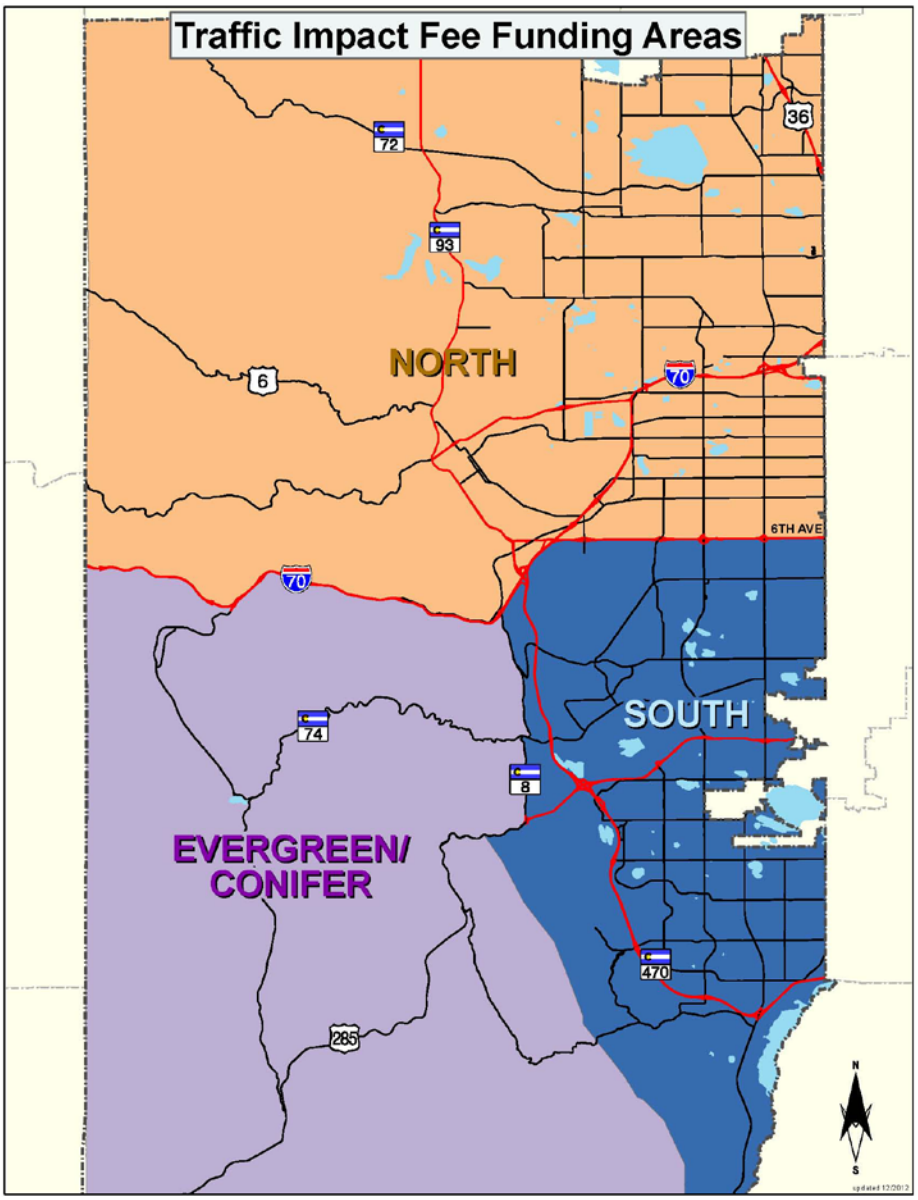
   4. In the case of change of use, redevelopment, expansion, or modification of an existing use which requires the issuance of a building permit, the traffic impact fee shall be based upon the net increase in the traffic impact fee for the new use as compared to the previous use as determined by the Jefferson County Zoning Administrator.

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

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

D. Payment of Fees
Fees as computed by the Jefferson County Zoning Administrator shall be paid to the Jefferson County Division of Building Safety at the time of building permit issuance.

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



F. Use of Funds

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

1. Retain the funds for an additional five (5) years. At the end of the first five (5) years' extension, the Board shall again consider an extension of five (5) additional years;

2. Refund the moneys not expended plus interest to the applicant having made the original payment, if the applicant can be located with reasonable effort; or

3. Treat funds as unclaimed property pursuant to County policy.

G. Credit Against Payment of Traffic Impact Fees

1. No credit shall be given for right of way dedications or site-related improvements required by the Jefferson County Land Development Regulation.

2. No credit shall be given for landscaping, except native seeding for erosion control, associated with the projects identified in the Traffic Impact Fee Project Table that is found in the procedure that implements this policy.

3. A person may obtain credit against all or a portion of traffic impact fees otherwise due or to become due by constructing any of the projects within the same funding area identified in the Traffic Impact Fee Project Table. Such construction must be in accordance with County regulations. The credit shall be determined and provided in the following manner:

   a. An applicant for credit for construction of a project identified in the Traffic Impact Fee Project Table shall submit a request to the County Administrator. The County Administrator shall award full credit for roadway construction based on the County's cost estimate for the segment or portion of segment or intersection proposed to be constructed by the applicant. Only capital construction items are included in the County's construction cost estimate. Right of way acquisition and landscaping beyond native seeding are not included in the County's construction cost estimate. The County Administrator shall provide the applicant with a letter setting forth the dollar amount of the credit, the reason for the credit, and an adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter indicating agreement to the terms of the letter and return such signed letter to the County Administrator before credit will be given. The failure of the applicant to sign, date, and return such letter within sixty (60) days of the date of the letter shall nullify the credit.

   b. Except as provided in G.3.a, credit against traffic impact fees otherwise due will not be provided until:

      (1) The construction is completed and accepted by the County;

      (2) A suitable maintenance and warranty performance guarantee is received and approved by the County; and

      (3) All design, construction, inspection, testing, bonding, and acceptance procedures are in strict compliance with the then-current county requirements, when applicable.

c. Credit may be provided before completion of construction if the traffic impact fee payer posts security as provided below for the cost of construction. Security in the form of an irrevocable letter of credit or cash escrow shall be tendered to the County in an amount determined by the County Planning and Zoning Division and in a form acceptable to the County Attorney.

d. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

H. Exemptions from Payment of Traffic Impact Fees
The following shall be exempt from payment of the traffic impact fee:

1. Alteration or expansion of an existing building where no additional units are created, where the use is not changed, and where no additional vehicular trips will be produced over those produced by the existing use as determined by the Jefferson County Zoning Administrator.

2. Accessory building or structure which will not produce additional vehicular trips over those produced by the principal building or use as determined by the Jefferson County Zoning Administrator.

3. Replacement of a wholly or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional vehicular trips will be produced over those produced by the original use as determined by the Jefferson County Zoning Administrator.

I. Periodic Review

1. Projects identified in the Traffic Impact Fee Project Table will be reviewed every five years beginning January 1, 2017.

2. The Transportation and Engineering Division will analyze the roadways identified in the Major Thoroughfare Plan every five years beginning January 1, 2017 to identify transportation improvements that should be included in the Traffic Impact Fee Project Table. To be eligible for inclusion in the Traffic Impact Fee Project Table, a project:

a. must be identified in the Jefferson County Major Thoroughfare Plan;

b. currently operate at or better than Level of Service D; and

c. be projected to operate worse than Level of Service D within a ten (10) year period based on procedures used in the most current version of the Highway Capacity Manual.

3. Because the program is reviewed periodically, funds will be collected and will accumulate in funding areas where no projects may be listed in the Traffic Impact Fee Project Table for such area.

J. Program Termination
The Traffic Impact Fee Program will terminate:

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

a. Fees will be refunded to applicants with the most recent building permits who have paid traffic impact fees until all of the moneys within the funding area are exhausted.

2. When it is determined by the Board of County Commissioners that the projects identified in the Traffic Impact Fee Project Table will not be constructed.

K. Definitions.

1. Gross Floor Area: Area of each floor based upon exterior dimensions of building.

2. Gross Leasable Area: Eighty percent (80%) of gross floor area, unless it can be demonstrated otherwise to the Zoning Administrator, based on the GLA definition contained in Section 32 of the Zoning Resolution.

3. Single-family attached: Dwelling units attached by a livable space or garage totally enclosed with full foundation.

4. Multi-family Attached: Totally enclosed single-family structures or dwelling units where more than one dwelling unit shares the same foundation or roof.

Traffic Impact Fee Schedule	
Single Family Detached Dwelling with two (2) or fewer car garage	$2,516.00 per dwelling unit
Single Family Detached Dwelling with three (3) or more car garage	$3,423.00 per dwelling unit
Single Family Attached and Multi-Family Dwellings	$2,093.00 per dwelling unit
Commercial Retail Buildings	$5.46 per square foot of gross leasable area
Office Buildings	$3.67 per square foot of gross leasable area
Industrial and Warehouse/Wholesaling Buildings	$1.58 per square foot of gross leasable area
Hotel/Motel	$2,377.00 per room
Mini Warehouse	$0.65 per square foot of gross leasable area
Churches	$1.87 per square foot

SOUTH PROJECTS			2013 Construction Cost (for 2014)
Intersection			
Alkire/Bowles	SB to WB right turn lane		$128,200
Segment	From	To	
Bowles Avenue	Eldridge St	C-470	$560,400
Chatfield Avenue	Pierce St	Platte Canyon Rd	$4,753,500
Quincy Avenue	Alkire St	Simms St	$8,050,300
Quincy Avenue	Kipling Pkwy	County Line	$7,737,500
Ute Avenue	Kipling Pkwy	Owens St	$1,687,400
Alkire Street	Bowles Ave	Belleview Ave	$7,185,300
Waterton Road	Wadsworth Blvd	County Line	$5,498,500
Pierce Street	Jewell Ave	Wadsworth Blvd	$3,269,300
Alameda Ave	Rooney Road (West of C-470)	C-470 Southbound Ramps	$1,526,100
NORTH PROJECTS			
Segment	From	To	
72nd Avenue	Alkire St	Urban Dr	$2,608,100
McIntyre Street	61st Ave.	48th Ave.	$14,257,500
McIntyre Street	48th Ave.	44th Ave.	$410,500
Indiana Street	96th Ave	86th Ave	$3,377,100
Wadsworth Boulevard	108th Ave	Church Ranch Blvd	$10,975,400
Wadsworth Boulevard	Church Ranch	96th Ave	$9,769,700
Simms Street	SH128	112th Ave	$8,846,300
S. Golden Road	Ulysses St	Quaker St	$2,245,000
S. Golden Road	Quaker St	Mt. Vernon Rd.	$1,383,800
S. Golden Road	Mt. Vernon Rd.	Indiana St	$4,737,800
32nd Avenue	Eldridge St	Zinnia St	$2,695,700
20th Avenue	Denver West Pkwy	Youngfield St	$1,748,300
Golden Gate Canyon Rd.	Golden City Limits	Crawford Gulch Rd.	$8,294,700
EVERGREEN/CONIFER PROJECTS			
Intersection			
US285/Light Lane Interchange (includes Main Street, Light Lane to Conifer Town Center Drive, and Light Lane from US285 to Main Street)			$4,431,900
Segment	From	To	
JC 73	Brook Forest Rd.	Thimbleberry Ln	$4,718,600
JC 73	N Turkey Creek Rd	Flying J Access Rd	$5,895,700
JC 73	Barkley Rd	SH-285	$1,794,800