

1 AMENDED ADMINISTRATIVE RULES AND REGULATIONS FOR THE COLLECTION AND
2 ADMINISTRATION OF SUMMIT COMBINED HOUSING AUTHORITY DEVELOPMENT
3 IMPACT FEE RULES
4

5 WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, authorizes the creation of a
6 multijurisdictional housing authority through an intergovernmental agreement (“IGA”); and

7 WHEREAS, Summit County and the incorporated towns of Breckenridge, Frisco,
8 Silverthorne, Dillon, and Montezuma have entered into an IGA creating the Summit Combined
9 Housing Authority (“SCHA”); and

10 WHEREAS, Section 29-1-204.5, C.R.S., also provides that a multijurisdictional housing
11 authority is authorized to levy a sales and use tax as well as a development impact fee within
12 the boundaries of the authority; and

13 WHEREAS, in 2006 Summit County voters approved a ballot measure to impose one-
14 eighth of one percent (.125%) for a period of ten years and also authorized a development
15 impact fee of two dollars or less per square foot of new construction; and

16 WHEREAS, the SCHA adopted Resolution 06-05, attached hereto as Exhibit A,
17 establishing an impact fee of up to two dollars per square foot based upon the square footage of
18 the construction, as further set forth in Resolution 06-05 (“Impact Fee”); and

19 WHEREAS, Resolution 06-05 also provides that each member jurisdiction of the SCHA
20 has the ability to adopt more specific policies and procedures for the assessment, collection,
21 and administration of the impact fee; and

22 WHEREAS, the member jurisdictions, including the Town of Breckenridge, have entered
23 into a Third Amended and Restated Agreement with the Summit County Housing Authority
24 which, among other things, further authorizes members to administer and collect the Impact Fee
25 for all new residential, commercial and industrial construction within its jurisdiction. It also
26 authorizes a member to develop and implement a system to (i) provide a credit or offset against
27 the Impact Fee in favor of a developer who provides affordable housing for its project pursuant
28 to the Member's land use development laws; (ii) provide a voluntary endowment restrictive
29 covenant system or other mechanism authorizing a property owner to defer collection of the
30 Housing Impact Fee; and, (iii) expend its share of funds on affordable housing; and

31 WHEREAS, the Town of Breckenridge (“Town”) desires to adopt a set of policies and
32 guidelines for the assessment, administration, and collection of the Impact Fee, as further set
33 forth herein.

1
2 **1. Authority.** Authority to adopt rules and regulations is granted to the
3 administration under section 1-18-1 of the code.

4
5 **2. Applicability of Impact Fee.** The Impact Fee applies to all new market rate
6 residential, commercial and industrial construction within its jurisdiction, unless exempted from
7 payment of the Impact Fee pursuant to Section 12 of these Amended Regulations.

8
9 **3. Responsibility for Administration and Collection of Impact Fee.** The Impact
10 Fee will be administered and collected by the Town’s Department of Community Development
11 (“Department”). The Department will determine the square footage of a project for purposes of
12 calculating the required Impact Fee in accordance with the development code, and will make all
13 other determinations and interpretations regarding Impact Fee administration required to
14 properly implement these Amended Regulations, including, but not limited to, the calculation of
15 any applicable credit under Section 13 of these Amended Regulations.

16
17 **4. When Impact Fee Due.** The Impact Fee is due and must be paid to the Town
18 prior to issuance of a building permit.

19
20 **5. Type of Development to Which Impact Fee Applies.** The Impact Fee applies
21 to:

- 22 A. the “new construction” of a building or structure for which a building permit is
23 required under the Town’s building and technical codes; and
24 B. the construction of an addition to an existing building or structure for which a
25 building permit is required under the Town’s building and technical codes.

26
27 **6. Calculation of Impact Fee.** The Impact Fee shall be calculated based upon the
28 type of development and total square footage proposed to be constructed, as set forth in and
29 duly authorized by a building permit.

30
31 **7. Determination of Square Footage.** The following rules shall apply to the
32 determination of the square footage of a building that is subject to the Impact Fee:

- 1 A. Total square footage shall be calculated based on the Town of Breckenridge
2 Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code), and
3 the Department’s policies, procedures and methods of calculating square footage
4 under the Development Code section 9-1-5 density and mass definitions.
5 B. For the purpose of calculating total square footage, the following rules will apply:
6 (i) Finished and unfinished spaces will be counted toward overall square
7 footage.
8 (ii) Stairs will be counted for all levels, minus one level.
9 (iii) Attics and crawl spaces will not be counted toward overall square
10 footage.

11
12 **8. The Impact Fee schedule is as follows:**

- 13 A. Single Family Residences:
14 • 1,499 square feet or less - \$.0
15 • 1,500 to 2,499 square feet - \$.50 per square foot
16 • 2,500 to 3,499 square feet - \$1.00 per square foot
17 • 3,500 to 4,999 square feet - \$1.50 per square foot
18 • 5,000 + square feet - \$2.00 per square foot

19
20 Includes: detached single family residences, as well as duplexes (as defined in
21 the Development Code). The Impact Fee also applies to:

- 22 (i) new additions to existing detached single-family structures; and
23 (ii) accessory structures, including accessory units or garages, either
24 attached or detached to single family residences, but excluding sheds
25 and other accessory structures exempt from the requirements for a
26 building permit as provided in the Town's building code regulations.

27
28 The impact fee for additions to single-family residences shall be calculated as
29 follows:
30

1 The impact fee for the construction of an addition will be based upon the
2 combined square footage of the existing structure and the addition. For example,
3 the impact fee for the construction of a new 1,200 square foot addition to an
4 existing 4,000 square foot single family home would be \$2,400 [because the
5 combined total square footage of the existing structure and the new addition is
6 5,200, the applicable rate is \$2.00 per square feet. 1,200 square feet of addition
7 x \$2.00 per square foot = \$2,400 impact fee].
8

9 B. All Other Residential Structures¹:

- 10 • 999 square feet or less - \$.0
- 11 • 1,000 to 1,499 square feet - \$.50 per square foot
- 12 • 1,500 to 2,499 square feet - \$1.00 per square foot
- 13 • 2,500 + square feet - \$2.00 per square foot

14
15 Includes: apartments, duplex units, condominiums, condo/hotels,
16 hotel/lodge/inns, timeshare interests, townhouses, and other multi-family
17 dwellings (as defined in the Development Code), and additions to these types of
18 structures.

19
20 The impact fee for additions to all other residential structures shall be calculated
21 as follows:

22
23 The impact fee for the construction of an addition will be based upon the
24 combined square footage of the existing structure and the addition. For example,
25 the impact fee for the construction of a new 900 square foot addition to an
26 existing 1,000 square foot condominium would be \$900 [because the combined
27 total square footage of the existing structure and the new addition is 1,900, the
28 applicable rate is \$1.00 per square feet. 900 square feet of addition x \$1.00 per
29 square foot = \$900 impact fee].

¹The Impact Fee for All Other Residential Structures will be calculated on a “per unit” basis.

1 C. Commercial or Industrial Structures:

- 2 • \$2.00 per square foot

3

4 Includes: all commercial buildings and outbuildings to be built on the property
5 (e.g., garages, sheds, etc.).

6 D. Mixed Use Structures: For structures that are mixed use (e.g.,
7 commercial/residential buildings) the Impact Fee will be applied as follows:

8

- 9 • Residential area will be charged the Impact Fee for “All Other Residential
10 Structures.”
11 • Commercial area will be charged the Impact Fee for “Commercial or
12 Industrial Structures.”

13

14 Excludes: common areas, amenity buildings, garages and storage buildings.

15 E. Multiple Types of Structures On One Lot:

16

- 17 • All buildings constructed on the same lot, parcel, or subdivision will be
18 charged the Impact Fee based on the “type” of building permit issued for
19 that structure.

20

21 Excludes: common areas/amenity buildings and garages.

22

23 F. Redevelopments/Scrape-Offs:

24

- 25 • Where a building or multiple buildings are demolished and the site is
26 redeveloped, the entire square footage of the new development will be
27 considered new construction and will be subject to the Impact Fee
28 schedule set forth above for the type of units constructed.

29

- 30 • For redevelopments/scrape-offs that are subject to the Impact Fee,

1 a credit against the required payment of the Impact Fee will be granted
2 for a project containing already existing deed restricted employee housing
3 units. In order to qualify for this credit the already existing deed restricted
4 units must be restricted, in a form and substance acceptable to the Town
5 Attorney.
6

- 7 G. Impact Fee Not Calculated Incrementally. As provided for in the Combined
8 Housing Authority's Impact Fee resolution, the Impact Fee for all categories of
9 structures listed above will be applied to the total square footage of a structure or
10 addition, not in increments. For example, a 3,000 square foot house would pay
11 \$1.00 per square foot, or \$3,000 as opposed to the 3,000 square foot house
12 paying \$.50 per square foot for the first 2,500 square feet and \$1.00 per square
13 foot for the next 500 square feet, or \$1,750.
14

15 **9. Exemptions.** An Impact Fee will not be required to be paid for the following
16 categories of development:

- 17 A. Change of Use. Change of use without adding additional square footage or
18 space (Commercial or Residential) will not result in the assessment of the Impact
19 Fee.
20

- 21 B. Residential or Commercial Remodels. Commercial or residential
22 remodels that do not involve the construction of additional square footage will not
23 result in the assessment of an Impact Fee.
24

- 25 C. Exemptions. Per the impact fee resolution adopted by the SCHA in 2006, the
26 SCHA determined that there were two categories of exemptions from the impact
27 fee as follows:

- 28 (i) Low or moderate income housing. Any residential housing structure which
29 is deed restricted or otherwise properly restrained from open market sale
30 or use to ensure that it is properly characterized as low income housing or
31 moderate income, as such terms have been defined in accordance with
32 the interpretation of the Colorado Division of Housing, pursuant to C.R.S.

1 524-32-717(4), and as amended and/or relocated from time to time et.
2 seq.

3
4 (ii) Affordable employee housing. Any residential housing structure which is
5 deed restricted or otherwise properly restrained from open market sale or
6 use to ensure that it is properly characterized as affordable employee
7 housing, as such term is defined with specificity by the Town.

8 E. Other Exemptions. The Town Council may grant additional exemptions and
9 waivers of the Impact Fee when deemed to be in the public interest due to
10 special circumstances or unique situations, including, but not limited to, when a
11 proposed development provides alternative employee housing mitigation not
12 otherwise addressed by these policies.

13
14 **10. Credit For Restricted Housing Units.** A credit against the required payment of
15 the Impact Fee will be granted for projects that mitigate at least as much as is required by the
16 municipal code of its employee generation by deed restricting employee units (at not less than
17 350 square feet of housing per employee). In order to qualify for this credit the units must be
18 restricted, in a form and substance acceptable to the Town Attorney, so as to be permanently
19 affordable at an AMI agreed upon by the Town.

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21 **11. Amended Regulations; Effect of Amendment.** These Amended Regulations
22 supersede and replace any prior temporary or permanent rules governing the interpretation,
23 application and collection of the impact fee.

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28 _____
29 Shannon Haynes, Town Manager
30 Town of Breckenridge, Colorado
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