

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4569

**AN ORDINANCE AMENDING SECTION 21.06.010(b)(2)
OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING TRANSPORTATION
CAPACITY PAYMENTS**

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

The Grand Junction City Council encourages updating of the Zoning and Development Code in order to maintain its effectiveness and responsiveness to the citizens' best interests.

Section 21.06.010(b) mandates that any development requiring a building permit for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a building permit.

The City Council finds that encouraging the reuse of existing buildings:

- Makes more efficient use of existing infrastructure including streets, water and sewer lines and other public facilities and services;
- Provides opportunities to reduce commuting distance/automobile dependency;
- May help to provide affordable housing within the City; and
- Reduces the demand for and impact from "end of the road" suburban sprawl.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that an amendment to eliminate the Transportation Capacity Payment for a change of use of an existing building will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GRAND JUNCTION THAT:**

Section 21.06.010(b)(2) is amended as follows:

- (2) Transportation Capacity Payment (TCP) and Right-of-Way Improvements.
 - (i) The developer shall pay to the City a transportation capacity payment (TCP) and construct right-of-way improvements as required by the Director.
 - (ii) The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access

improvements. Minimum street access improvements shall be defined by the most recent version of the City's growth and development related street policy and/or TEDS (GJMC Title 24). The growth and development related street policy shall be reviewed by City staff and adopted periodically by Council resolution.

(iii) No planning clearance for a building permit for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid and minimum street access improvements have been constructed, paid for or adequately secured as determined by the Director. Adequate security shall be that allowed or required for a development improvement agreement (DIA) under GJMC 21.02.070(m).

(iv) The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Colorado Department of Transportation's (CDOT) Construction Cost Index, published quarterly by the CDOT (this information can be found at the internet site of <http://www.coloradodot.info/business/eema/construction-cost-index>).

(v) The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's growth and development related street policy, this section, and other applicable provisions of the Zoning and Development Code.

(A) To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements.

(B) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's growth and development related street policy) that are integral to and that add capacity to the street system.

(C) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue bond issued prior to July 6, 2004, or any portion of any current or future bond issued after July 6, 2004, and not used to finance major road system improvements.

(D) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety improvements but not used to upgrade existing deficiencies except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near in time

and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.

(E) No TCP funds shall be used for maintenance.

(F) TCP funds will be accounted for separately but may be commingled with other funds of the City.

(G) The Director shall determine when and where TCP funds shall be spent:

a. As part of the two-year budget process.

b. As required to keep pace with development.

(H) The TCP shall not be payable if the Director is shown by clear and convincing evidence that at least one of the following applies:

a. Alteration or expansion of an existing structure will not create additional trips;

b. The construction of an accessory structure will not create additional trips produced by the principal building or use of the land. A garage is an example of an accessory structure which does not create additional trips;

c. The replacement of a destroyed or partially destroyed structure with a new building or structure of the same size and use that does not create additional trips;

d. A structure is constructed in a development for which a TCP fee has been paid within the prior 84 months or the structure is in a development with respect to which the developer constructed street access improvements and the City accepted such improvements and the warranties have been satisfied.

(vi) If the type of impact-generating development for which a building permit is requested is for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.

(vii) In the event that the proposed expansion, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of

the previous person having made the payment and/or constructed the improvements.

(viii) A request for a change of use permit that does not propose the expansion of an existing structure, shall not require the payment of the TCP. If, however, a request for a change of use permit does propose the expansion of an existing structure, the TCP shall only be applied to the expansion and not the existing structure.

(ix) For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.

(x) Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.

(xi) Minimum street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director.

(A) Quality of service for any new development and/or for traffic capacity improvements shall be determined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.

(B) Required right-of-way dedications shall be at no cost to the City.

(xii) Definitions. The following terms and words shall have the meanings set forth for this section:

(A) "Average trip length" means the average length of a vehicle trip as determined by the limits of the City, the distance between principal trip generators and as modeled by the City's, the County's, the State's or MPO's computer program. In the event that the models are inconsistent, the most advantageous to the City shall be used.

(B) "Convenience store," "hotel/motel," "retail," and other terms contained in and with the meaning set forth in the Trip Generation Manual.

(C) "Lane-mile" means one paved lane of a right-of-way mile in length 14 feet in width, including curb and gutter, sidewalk, storm sewers,

traffic control devices, earthwork, engineering, and construction management including inspections. The value of right-of-way is not included.

(D) "Percentage of new trips" is based on the most current version of the ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.

(E) "Unimproved/under-improved floor area" has the meaning as defined in the adopted building codes.

(xiii) Calculation of Fee.

(A) Any person who applies for a building permit for an impact-generating development shall pay a transportation impact fee in accordance with the most recent fee schedule prior to issuance of a building permit. If any credit is due pursuant to subsection (b)(2)(ix) of this section, the amount of such credit shall be deducted from the amount of the fee to be paid.

(B) If the type of impact-generating development for which a building permit is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of the ITE Trip Generation Manual.

(C) In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25 percent of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.

(D) TCP Fee Calculation Study. At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and agreed to by the applicant and the Director or for any proposed development for which the Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to

mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.

(E) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.

(F) The Director may charge a review fee and/or collect the cost for rendering a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with GJMC 21.02.210(b).

(G) The TCP fee calculation study shall be based on the same formula, quality of service standards and unit costs used in the Impact Fee Study. The Fee Study Report shall document the methodologies and all assumptions.

(H) The TCP fee calculation study shall be calculated according to the following formula:

FEE	=	VMT x NET COST/VMT x RF
VMT	=	TRIPS x % NEW x LENGTH ÷ 2
TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
NET COST/VMT	=	COST/VMT – CREDIT/VMT
COST/VMT	=	COST/VMC x VMC/VMT
COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (FEES SET BY CITY COUNCIL)
VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (FEES SET BY CITY COUNCIL)
RF	=	REDUCTION FACTOR ADOPTED BY POLICY (FACTOR SET BY CITY COUNCIL)

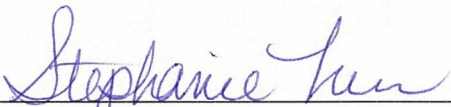
(l) A TCP fee calculation study submitted for the purpose of calculating a transportation impact fee may be based on data information and assumptions that are from:

- a. An accepted standard source of transportation engineering or planning data; or
- b. A local study on trip characteristics performed by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.

INTRODUCED on first reading the 20th day of February, 2013 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the 6th day of March, 2013 and ordered published in pamphlet form.

ATTEST:



City Clerk




President of the Council



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4569 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 20th day of February, 2013 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 6th day of March, 2013, at which Ordinance No. 4569 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of March 2013.



Stephanie Tuin, MMC
City Clerk

Published: February 22, 2013
Published: March 8, 2013
Effective: April 7, 2013

