



Durango Fire Protection District

Administrative Offices - P: 970-382-6000 F: 970-582-6018
142 Sheppard Drive, Durango, Colorado 81303 durangofire.org

RESOLUTION 2024-8

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE DURANGO FIRE PROTECTION DISTRICT ADOPTING AN IMPACT FEE SCHEDULE FOR CERTAIN NEW CONSTRUCTION AS AUTHORIZED BY COLORADO LAW

WHEREAS, Durango Fire Protection District (“DFPD”) is a quasi-municipal corporation and political subdivision duly organized and existing under the laws of the State of Colorado; and

WHEREAS, the DFPD Board of Directors (“Board”) may exercise all those powers and functions vested in statutory fire protection districts as authorized by Article 1 of Title 32, C.R.S.; and

WHEREAS, DFPD provides fire protection and emergency services to all property located within the boundaries of DFPD; and

WHEREAS, the property within the city limits of Durango, Colorado, although not located within the boundaries of DFPD is provided fire protection and emergency services by DFPD pursuant to the terms of an Agreement for Fire Protection and Emergency Services between the City of Durango and DFPD (the “Service Agreement”), which services are identical to those provided to property located with the boundaries of DFPD; and

WHEREAS, DFPD is authorized by §32-1-1001(1)(j) & (k) to furnish services and facilities to property within and without its boundaries, which includes all property within the boundaries of DFPD and property located within the City of Durango (the “Service Area”) and to establish fees, rates, tolls, penalties, or charges for such services and facilities; and

WHEREAS, § 32-1-1002(1)(d.5), C.R.S. was amended in 2024 to authorize fire protection districts to impose an impact fee on the construction of new buildings, structures, facilities, or improvements, including oil or gas wells and related equipment, on previously improved or on unimproved real property within the district's jurisdictional boundaries; and

WHEREAS, prior to adopting an impact fee schedule DFPD has notified every municipality or county that includes territory within the DFPD’s jurisdictional boundaries of its intent to adopt the schedule and has provided an opportunity for each municipality and county to submit written comments regarding the schedule; and

WHEREAS, DFPD commissioned the Durango Fire Protection District Impact Fee Support Study, August 2022 (the “District Impact Fee Study”), for the purpose of (i) determining the reasonable impacts of new development and growth on existing capital facilities; and (ii) determining what amount of proposed impact fees or development charges would be sufficient, but no greater than necessary, to defray such impacts directly related to new development and growth; and

WHEREAS, the District Impact Fee Study identifies future capital facilities needed to adequately provide service to new development and growth within the District Service Area and

recommends an impact fee necessary to defray such impacts related to new development and growth; and

WHEREAS, the Board hereby finds and determines that the District Impact Fee Study quantifies the reasonable impacts of new development and growth on existing capital facilities of the District and recommends an impact fee or development charge at a level no greater than necessary to defray such impacts directly related to new development and growth within the DFPD Service Area; and

WHEREAS, this Resolution adopts the impact fee schedule recommended by the District Impact Fee Study and establishes the terms, conditions, and limitations for the imposition and collection of such fees.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DURANGO FIRE PROTECTION DISTRICT:

1. IMPOSITION OF IMPACT FEES.

1.1 The Board of Directors of the Durango Fire Protection District hereby adopts the impact fee schedule set forth on Exhibit A, as recommended by the District Impact Fee Study, on the construction of new buildings, structures, facilities, or improvements, including oil or gas wells and related equipment, on previously improved or on unimproved real property within the DFPD Service Area, as amended from time to time by the inclusion or exclusion of real property.

1.2 The impact fee shall not be imposed on redevelopment, reconstruction or rehabilitation for which a building permit is required when the owner or developer replaces but does not increase the number of dwelling units in residential development or the gross square footage of floor area in non-residential development. If the number of dwelling units in residential redevelopment, reconstruction or rehabilitation increases or the gross square footage of floor area in non-residential development is expanded during reconstruction, rehabilitation or redevelopment, impact fees shall be calculated based on the number of increased residential units or the additional non-residential square footage added during the expansion.

1.3 DFPD may waive any portion of such fee on the development of low- or moderate-income housing or affordable employee housing as defined by the Board in its sole discretion.

1.4 Nothing contained herein shall affect any impact or development fees imposed by the City of Durango, La Plata County or San Juan County pursuant to any other agreement now in effect.

1.5 No individual landowner shall be required to provide any site-specific dedication or improvement to meet the same need for capital facilities for which the impact fee is imposed.

2. DETERMINATION OF IMPACT FEES.

2.1 Upon receipt of a copy of an application for a building permit from the City of Durango, La Plata County or San Juan County (“approving local governments”), the DFPD Fire Marshal shall determine the following:

A. The type of building use and occupancy proposed;

- B. If residential development is proposed, the number of dwelling units;
- C. If a non-residential use is proposed, the gross square footage of enclosed floor area of such non-residential development.

After making these determinations, the Fire Marshal shall determine the base impact fee by multiplying the number of dwelling units and/or the gross square footage of floor area by the applicable listing in the impact fee schedule adopted the Board pursuant to the requirements of this resolution.

2.2 Additional calculation considerations.

- A. If the type of new development proposed has multiple principal uses, as opposed to secondary or accessory uses commonly associated with a principal use, each identified principal use shall be subject to a separate impact fee calculation, unless the applicant can document that the effect of the multiple uses is to reduce the number of fire and emergency service calls generated by each individual principal use.
- B. If the type of new development is a qualifying home business, as defined the land use code of the approving local government, the gross square footage of floor area of the portion devoted to the non-residential development shall be calculated and this portion shall be the sole amount due for payment of the fire impact fee.
- C. All impact fee calculations shall be based upon the fee schedule adopted by the Board and in effect at the time the building permit is issued.
- D. Credits against the base impact fee calculated to be due from a new development pursuant to subsections 2.1 and 2.2 above shall be made to avoid over-charging an applicant when any one or more of the following circumstances exist:
 - i. the applicant is already required to pay an impact fee or other similar development charge for capital facilities used to provide fire, rescue, and emergency services, whether by agreement or otherwise; or
 - ii. the applicant has voluntarily contributed money or in-kind assets for such a capital facility.

Credits shall be equal to the amount paid or contributed under subsection D.

- E. If the Fire Marshal receives notice from the approving local government that changes have been made to the application which would affect the impact fee calculation, including changes in the number of residential units, square footage of non-residential development or other changes, the Fire Marshal shall revise the impact fee determination based on the changes.

3. COLLECTION OF IMPACT FEES

3.1 After final determination of the impact fee under Section 2, the Fire Marshal shall notify the applicant of the amount of the impact fee and that the applicant may request clarification of the determination.

3.2 The notification shall advise the applicant that the impact fee is due no later than 10 days following issuance of the building permit. Any fees not paid within 10 days shall be subject to interest at the rate of 12% per annum and all collection costs, including attorney fees. The notification shall also advise the applicant that Colorado statutes provide that the fee of DFPD is a perpetual lien on the property until paid.

4. USE OF IMPACT FEES. Impact fees collected shall be deposited in an interest-bearing impact fee fund account. Impact fee funds may only be appropriated for capital facilities identified in the District Impact Fee Study, as amended, or for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of DFPD to finance the costs for such capital facilities. Impact fees may not be appropriated or used for personnel, operations, maintenance, or repair of capital facilities.

5. APPEALS

5.1 A fee payer affected by an administrative decision of the Fire Marshal made pursuant to this resolution may appeal such decision to the DFPD Board of Adjustment by filing with the Fire Marshal a written notice stating and specifying the grounds of the appeal within ten (10) days of the date of the notification of the decision. The appeal shall be placed on the DFPD Board of Adjustment agenda for the next regularly scheduled or special meeting.

5.2 The DFPD Board of Adjustment shall hear all evidence *de novo* at a public hearing. The DFPD Board of Adjustment shall consider evidence from the applicant, Fire Marshal, and any other person that it deems would assist it in making a determination and shall have the power to affirm or reverse the decision. In making its decision, the DFPD Board of Adjustment shall make written findings of fact and conclusions of law and apply the standards set forth in this resolution for the administrative decision being appealed. If the DFPD Board of Adjustment reverses the decision, it shall direct the Fire Marshal to amend the decision in accordance with its findings. The decision of the DFPD Board of Adjustment shall be final and not subject to further administrative appeal.

6. MISCELLANEOUS PROVISIONS.

6.1 If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause phrase or portion of this resolution shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this resolution.

6.2 If the application of any provision of this resolution to any person, applicant or new development is declared to be invalid, for any reason, by a court of competent jurisdiction, the intent of the Board is that such decision shall be limited to that particular circumstance immediately involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair or nullify this resolution as a whole or the application of any provision of this resolution to any other person, applicant or new development.

6.3 The impact fee schedule may be adjusted by DFPD on April 1st of any following year based on the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood, or its successor index, after the percentage change for the prior calendar year is released annually near the end of February. Alternatively, the impact fee

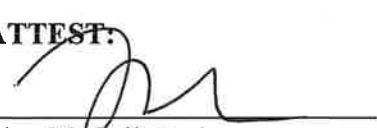
schedule may be adjusted by DFPD based on an updated District Impact Fee Study prepared and adopted in accordance with the requirements of Colorado law. Prior to final approval of any adjustment to the impact fee schedule, District shall provide a 60-day notice of the new schedule to allow the approving local governments to review and comment on the adjustment.

6.4 This resolution shall become effective July 28, 2024, and shall be applicable to all building permits issued after August 6, 2024.

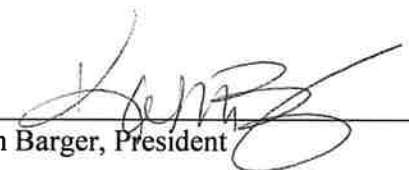
ADOPTED this 23rd day of July, 2024.

DURANGO FIRE PROTECTION DISTRICT

ATTEST:



Tina McCullum, Secretary

BY: 

Karen Barger, President

EXHIBIT A

DFPD IMPACT FEE

The impact fee is calculated by dividing the dollar amount of the Impact Fee CIP for each tier by the projected future residential dwelling units or projected non-residential floor area at the respective 20 or 30-year CIP planning horizons—when all CIP investments are projected to reach full capacity.

The Impact Fee Structure (Table 6) shows the per residential dwelling unit and per 1,000 square feet of non-residential floor area costs for each CIP tier and the total impact fee per land use type for all three CIP tiers.

Table 6. Impact Fee Structure

Future Demand Residential	Impact Fee CIP	Projected Residential Units	Fee per Residential Unit
Tier 1 (20-Year Horizon)	\$2,599,436	5,920	\$439
Tier 2 (30-Year Horizon)	\$2,596,788	8,880	\$292
Tier 3 (30-Year Horizon)	\$5,195,707	8,880	\$585
Total	\$10,391,931		\$1,317
Future Demand Non-Residential	Impact Fee CIP	Projected 1000s Sq. Ft. Non-Residential Floor Area	Fee per 1,000 Sq. Ft. Floor Area
Tier 1 (20-Year Horizon)	\$2,488,273	3,220	\$773
Tier 2 (30-Year Horizon)	\$2,506,338	4,830	\$519
Tier 3 (30-Year Horizon)	\$4,973,517	4,830	\$1,030
Total	\$9,968,127		\$2,321

Note: Dollars in Table 6 are presented as rounded to nearest dollar and do not show all of the decimal points utilized in the impact fee calculations.

The Durango Fire Protection District impact fee is \$1,317 per residential unit and \$2.321 per square foot of enclosed non-residential floor area or \$2,321 per 1,000 square feet of enclosed non-residential floor area.

Table 7. Durango Fire Protection District Impact Fee Schedule

Residential (Residential Units)	\$1,317
Non-Residential (1000s Sq. Ft. Enclosed Floor Area)	\$2,321
Non-Residential (1 Sq. Ft. Enclosed Floor Area)	\$2.321

