

RESOLUTION 2025-0812B
BOARD OF DIRECTORS
BERTHOUD FIRE PROTECTION DISTRICT

A RESOLUTION ESTABLISHING DISTRICT IMPACT FEES AND ADOPTING AN IMPACT FEES SCHEDULE FOR THE AREAS WITHIN THE TOWN OF BERTHOUD AND THE UNINCORPORATED PORTIONS OF WELD, LARIMER, AND BOULDER COUNTIES THAT ALSO ARE WITHIN THE DISTRICT'S JURISDICTIONAL BOUNDARIES

WHEREAS, the Berthoud Fire Protection District ("**District**") is a political subdivision of the State of Colorado, established to provide fire protection, rescue, and emergency services (collectively, "**Emergency Services**") to the citizens and property within its jurisdiction and to individuals passing through its jurisdiction;

WHEREAS, pursuant to Section 32-1-1002(1)(d.5)(I) of the Colorado Revised Statutes ("**C.R.S.**"), the District is authorized to establish and assess impact fees ("**Impact Fees**") 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 located within the Town of Berthoud ("**Town**") and the portions of unincorporated Weld, Larimer, and Boulder Counties (collectively, the "**Counties**") that lie within the District's jurisdictional boundaries ("**New Development**");

WHEREAS, in accordance with Section 32-1-1002(1)(d.5)(IV), on June 2, 2025 the District provided the Town and the Counties with 60 days' notice that the District's Board of Directors ("**Board**") intended to establish Impact Fees, adopt an impact fees schedule, and begin assessing Impact Fees on all New Development in the areas within the Town and the Counties that lie within the District's jurisdictional boundaries, effective January 1, 2026. The notice advised the Town and the Counties that they had until August 7, 2025, to submit to the District written comments on the Board's intended actions. Neither the Town nor the Counties submitted comments within the 60-day comment period;

WHEREAS, the District obtained an Impact Fee Study dated May 14, 2025 to evaluate the nexus between new development within the District's jurisdiction and the projected impact that development has on the District's capital facilities ("**Nexus Study**");

WHEREAS, the Nexus Study quantified the reasonable impacts of both new residential development and non-residential development on the District's capital facilities and, based thereon, the District's Chief Staff have recommended an impact fees schedule for the areas within the Town and the Counties that lie within the District's jurisdictional boundaries at levels no greater than necessary to defray such impacts directly related to New Development within the District's jurisdiction ("**Impact Fees Schedule**"). A copy of the Impact Fees Schedule is attached as **Attachment A**;

WHEREAS, the District published notice in one or more newspapers of general circulation within the District's jurisdictional boundaries that the Board would conduct a public hearing on July 31, 2025 for the purpose of receiving public comment on the Board's intent to establish Impact Fees and adopt an Impact Fees Schedule. Neither the Town nor the Counties provided comments before or at the public hearing; and,

WHEREAS, having received no comments from the Town or the Counties, the Board has determined it is in the best interests of the District and the citizens it serves to establish Impact Fees, and approve the attached Impact Fees Schedule, for all areas within the Town and the Counties that lie within the District's jurisdictional boundaries.

NOW THEREFORE, be it resolved by the Board of Directors of the Berthoud Fire Protection District, pursuant to its legislative authority, that:

1. Effective January 1, 2026, there is hereby established and required Impact Fees for all areas within the Town and the Counties that lie within the District's jurisdictional boundaries. In accordance with Section 32-1-1002(1)(d.5), C.R.S., the Board expressly finds, determines, and declares:

a. The Impact Fees have been legislatively adopted through this Resolution and the District Bylaws;

b. The Impact Fees apply to a broad class of property on which there will be 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,

c. The Impact Fees are intended to defray the projected impacts on capital facilities caused by the proposed construction. "***Capital facility(ies)***" shall mean any improvement or facility that is directly related to any service the District is authorized to provide and has an estimated useful life of five years or longer. The Board specifically determines that "improvement or facility" includes the following items to the extent they have a useful life of five years or longer: i) fire stations, administration buildings, crews quarters, apparatus barns, storage and maintenance facilities, training facilities, and any other physical structure or improvement; ii) emergency services apparatus, vehicles, ATV/UTVs, trailers, mobile training or demonstration units, mobile command centers, and any other similar mobile machinery; iii) tools and equipment, including but not limited to, emergency services radios, extraction tools, PPE extractors, generators, information technology, and station furnishings; and iv) ambulances and related emergency medical equipment.

2. The amounts of the Impact Fees shall be as set forth in the Impact Fees Schedule attached as **Attachment A**, which is hereby adopted for all areas within the Town and the Counties that lie within the District's jurisdictional boundaries, effective January 1, 2026. The Board may, in its discretion, adopt a new Impact Fees Schedule, or modify or update an existing Impact Fees Schedule, provided that the impact fees set forth in any new, modified, or updated Impact Fees Schedule shall be supported by an existing, updated, or new Nexus Study.

3. The amount of the Impact Fees set forth in the attached Impact Fees Schedule, or any new, modified, or updated Impact Fees Schedule the Board may be adopt, shall automatically be increased on January 1 of each year by the annual average percent change in the *U.S. Bureau of Labor and Statistic's Consumer Price Index for Denver-Aurora-Lakewood – All Urban Consumers*, or any successor consumer price index.

4. No individual landowner is required to provide a site-specific dedication or improvement to meet the same need for Capital Facilities for which the Impact Fees are imposed pursuant to the Impact Fees Schedule.

5. If Impact Fees are owed by a developer/builder, the District and the developer/builder may mutually determine whether the developer/builder will make an "in-kind" contribution in lieu of paying all or a portion of the Impact Fees owed.

6. Pursuant to the authority granted it by C.R.S. § 32-1-1002(1)(d.5)(IX), the Board waives the Impact Fees for the development of qualified low- or moderate-income housing and affordable employee housing. The Board establishes the following definitions for such housing:

a. "Low-income" means at or below eighty percent (80%) of the area median income ("AMI") within the applicable County, the Town, or other statistical area where the project is located, as reported by the U.S. Department of Housing and Urban Development ("HUD") at the time the developer/builder of a low-income housing project applies for a development permit or a similar permit.

b. "Moderate-income" means more than eighty percent (80%) but at or below one hundred fifteen percent (115%) of the AMI, as reported by HUD at the time the developer/builder of a moderate-income housing project applies for a development permit or a similar permit.

c. "Affordable employee housing" means housing for working households that derive at least seventy percent (70%) of their household income from gainful employment in the applicable County or the Town and meet the requirements for "affordable housing" established by HUD at the time the developer/builder of an affordable employee housing project applies for a development permit or a similar permit.


7. Pursuant to the authority granted it by C.R.S. § 32-1-1002(1)(d.5)(IX), the Board waives the Impact Fees for the development construction of any projects by governmental entities with a demonstrated public benefit.

8. The District shall account for all Impact Fees it collects in accordance with the requirements of Part 8 of Article 1 of Title 29 of the Colorado Revised Statutes.

9. The Board may cause the District to enter into an intergovernmental agreement with the Town and one or more of the Counties for their collection and remittance of the Impact Fees on behalf of the District.

ADOPTED this 12 day of August, 2025.


BY THE BOARD OF DIRECTORS
BERTHOUD FIRE PROTECTION DISTRICT



Director

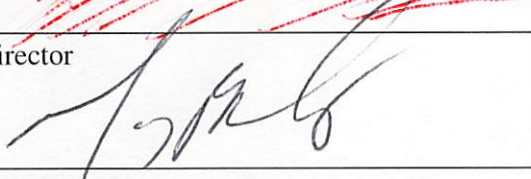


Director



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Director



Director

ATTACHMENT A

BERTHOUD FIRE PROTECTION DISTRICT

**IMPACT FEES SCHEDULE
EFFECTIVE: JANUARY 21, 2026**

| Development Type | Impact Fee |
|-----------------------------|----------------------------|
| Residential | |
| Single family residential | |
| Dwellings up to 1,200 SF | \$2,189 per dwelling unit |
| Dwellings 1,200 to 2,399 SF | \$3,923 per dwelling unit |
| Dwellings 2,400 to 3,599 SF | \$6,079 per dwelling unit |
| Dwellings 3,600 to 4,799 SF | \$9,154 per dwelling unit |
| Dwellings 4,800+ SF | \$14,014 per dwelling unit |
| Multifamily residential | \$2,847 per dwelling unit |
| Non-residential | |
| Retail & Commercial | \$2.77 per square foot |
| Office | \$4.29 per square foot |
| Public & Institutional | \$3.40 per square foot |
| Industrial & Manufacturing | \$2.01 per square foot |
| Warehouse | \$0.44 per square foot |

NOTES:

1. No individual landowner is required to provide a site-specific dedication or improvement to meet the same need for capital facilities for which Impact Fees are imposed pursuant to this schedule; however, the District and the developer/builder may mutually determine whether the developer/builder will make an "in-kind" contribution in lieu of paying all or a portion of the Impact Fees owed.

2. The amount of the Impact Fees set forth in the above Impact Fees Schedule, or any new, modified, or updated Impact Fees Schedule the District's Board of Directors may be adopt, shall automatically be increased on January 1 of each year by the annual average percent change in the *U.S. Bureau of Labor and Statistic's Consumer Price Index for Denver-Aurora-Lakewood – All Urban Consumers*, or any successor consumer price index.

3. Pursuant to the authority granted it by C.R.S. § 32-1-1002(1)(d.5)(IX), the District's Board of Directors have waived Impact Fees for development of low- or moderate-income housing and affordable employee housing. The Board established the following definitions for such housing:

a. "Low-income" means at or below eighty percent (80%) of the area median income ("*AIM*") within the applicable County, the Town, or other statistical area where the project is located, as reported by the U.S. Department of Housing and Urban Development ("*HUD*") at the time the developer/builder of a low-income housing project applies for a development permit or a similar permit.

b. "Moderate-income" means more than eighty percent (80%) but at or below one hundred fifteen percent (115%) of the AMI, as reported by HUD at the time the developer/builder of a moderate-income housing project applies for a development permit.

c. "Affordable employee housing" means housing for working households that derive at least seventy percent (70%) of their household income from gainful employment in the applicable County or the Town and meet the requirements for "affordable housing" established by HUD at the time the developer/builder of an affordable employee housing project applies for a development permit or a similar permit.

10. Pursuant to the authority granted it by C.R.S. § 32-1-1002(1)(d.5)(IX), the Board waives the Impact Fees for the development construction of any projects by governmental entities with a demonstrated public benefit