The Economics of Land Use

Final Report

East Grand Fire Protection District #4 Impact Fee Nexus Study

Prepared for:
East Grand Fire Protection District #4

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EPS #193049

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1. Executive Summary

Introduction

This Impact Fee Nexus Study provides the data and analysis that quantifies "the reasonable impacts of proposed development on existing capital facilities…" as required by CRS 29-20-104.5. Impact fees are charges on new development use to fund capital costs, in whole or in part, directly related to providing services to new development.

This study has been commissioned by East Grand Fire Protection District #4 (EGFPD). EGFPD commissioned its first impact fee study in 2000; the towns of Winter Park and Fraser and the Grand County Board of County Commissioners subsequently approved its first fire impact fee program in 2001 ($254 per residential unit or its commercial equivalent). The study was updated in 2004 and 2014, and approvals from the towns and the County modified the impact fee to $483 per housing unit and $268 per 1,000 square feet of non-residential development. Impact fee studies should be updated about every five years, and this 2019 update re-establishes the nexus between current capital costs and service demands and calculates an updated impact fee. No changes to the way the District administers its impact fees are recommended.

Updated Impact Fee

This study has calculated that the maximum justifiable impact fee for 2019 forward is $632 per dwelling unit and $0.28 per square foot of non-residential development as shown in **Table 1**.

Table 1. 2019 Updated Impact Fee

Fee Type	Updated 2019
Residential per Unit	$632
Non-Residential per sq. ft.	$0.28

Source: Economic & Planning Systems

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Methodology and Nexus

The fee calculation method used in this study is the buy-in method or recoupment method. The subsequent chapters in this report provide additional detail and explanation of the methodology and specific calculations and analysis. This method was chosen because it is most suitable to situations in which there is capacity to serve a large amount of additional growth with the existing facilities and equipment owned by EGFPD. New development benefits from this existing investment paid for by previous property owners and residents. To be equitable, new development will therefore "buy into" this system, with its share of the cost being the portion of the existing investment allocated to the estimated future buildout of the District. Since the district can serve a large amount of new development with its current facilities and equipment, most of its future capital needs will be for fleet replacement and major capital maintenance or expansions on its facilities limited to items with a useful life of five years or more. This buy-in method makes the appropriate nexus between capital replacement needs and the responsibilities of future development.

Colorado Impact Fee Law

Impact fees are charged by local governments on new development to help pay (in whole or in part) for capital facilities and capital equipment needed to serve growth. The State of Colorado has adopted a standard with the adoption of Senate Bill 15, codified as Section 29-20-104 and 104.5 of the Colorado Revised Statutes following a Colorado Supreme Court Decision.

In 1999, the Colorado Supreme Court ruled in Krupp v. Breckenridge Sanitation District that the District could assess an impact fee based on a set of development characteristics that reflect the general performance of a proposed use, rather than the specific conditions of an individual proposal. While traditional exactions are determined on an individual basis and applied on a case-by-case basis, an "impact fee is calculated based on the impact of all new development and the same fee is shared to all new development in a particular class."[1] The finding of the Court distinguishes impact fees, as a legislatively adopted program applicable to a broad class of property owners, from traditional exactions, which are discretionary actions applicable to a single project or property owner.

In 2001, the State Legislature provided specific authority in adopting Senate Bill 15 that "provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to serve new development." The bill amended Title 29 of the Colorado statutes that govern both municipalities and counties and defines

[1] Colorado Municipal League, *Paying for Growth*, Carolynne C. White, 2002.

"local government" to include a county, home rule, or statutory city, town, territorial charter city, city, or county. In 2016, the Colorado Legislature passed House Bill 1088, the Public Service Fairness Act, which specifically authorized Title 32 Fire Protection Districts to levy impact fees.[2]

Senate Bill 15 states that local governments must "quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development." The standard that must be met within the State of Colorado requires mitigation to be "directly related" to impacts. This test has been used consistently to establish impact fee programs and has not been legally challenged to date. This report is intended to satisfy these requirements by documenting the impact fee calculations used to determine the maximum impact fee that the EGFPD may charge.

Impact Fees Under SB-15

- **Capital Facilities** – Fees may not be used for operations or maintenance. Fees must be spent on capital facilities, which have been further defined as directly related to a government service, with an estimated useful life of at least five years and which are required based on the charter or a general policy.
- **Existing Deficiencies –** Fees are formally collected to mitigate impacts from growth and cannot be used to address existing deficiencies. In the analysis used to establish an impact fee program, the evaluation must distinguish between the impacts of growth and the needs of existing development.
- **Credits** – In the event a developer must construct off-site infrastructure in conjunction with his or her project, the local government must provide credits against impact fees for the same infrastructure, provided that the necessary infrastructure serves the larger community. Credits may not apply if a developer is required to construct such a project as a condition of approval due to the direct impact on the capital facility created by the project.
- **Timing** – The District must hold revenues in accounts dedicated for the specific use. Funds must be expended within a reasonable period or returned to the developer. The State enabling legislation does not specify the maximum length of time to be used as a "reasonable period." Because different types of improvements can vary in their size and cost, a "reasonable period" represents different lengths of time that correspond to the complexity of the improvement.
- **Accounting Practices** – The District must adopt accounting practices to track the collection and spending of impact fees.

[2] C.R.S. 29-1-203.5

- **Special Districts** – Senate Bill 15 does not specifically authorize metropolitan or special districts to establish impact fee programs. However, local governments may impose impact fees for "any service that a local government is authorized to provide." To the extent that such services are provided by other entities, such as a special district, it is appropriate for a city, town, or county to collect the impact fee to offset the costs of capital improvements directly related to providing that service. In some communities, special districts provide services such as water, police or fire protection services. To the extent that the local government(s) wishes in the future to collect fees on behalf of another entity to share in the cost of service provision, the local government may collect these fees, but must also establish procedures to ensure accurate transfer of funds and compliance with applicable legal requirements.
- **Pending or Previously Approved Development** – Colorado statutes exempt from impact fees developers who have submitted "complete applications" to a local jurisdiction prior to adoption of a fee program. This could apply not only to applications in the development review process, but also to the numerous vacant platted lots within existing subdivisions, depending on when the impact fee is collected. Senate Bill 15 states that impact fees may be assessed as a condition of issuance of a "development permit." While a building permit is not expressly listed in the definition of a "development permit," it seems clear that a building permit is an application for new construction within the meaning of the statute. Thus, if the program is established to trigger payment with a completed building permit application, "an impact fee… could probably be assessed against projects for which complete subdivision applications were filed before the fee was adopted, but which have not filed complete building permit applications."[3]
- **Impact Fees versus Exactions** – Once a town or county establishes an impact fee program, it remains able to include exactions (such as those defined in its Land Use Codes) in future development approvals as long as the impacts addressed through the exaction are distinct from the impacts addressed by the fees. Many municipalities employ both tools in their development approval process. The key is to ensure that the mitigation addressed by an exaction does not duplicate the improvements used as a basis for an impact fee. One of the benefits of an impact fee program is a potential reduction in the need to negotiate site-specific exactions, with particular benefit regarding regional needs and the process used to determine the appropriate share to be borne by individual development proposals. While the development community should benefit from a simplified development review process, an impact fee program itself does not preclude a town or county from requiring exactions.

[3] Colorado Municipal League, *Paying for Growth*, Carolynne C. White, 2002.

Impact Fee Calculation

The subsequent chapters in this report document the analysis completed to calculate the 2019 impact fee. The overall approach is outlined below:

- **Future Land Use** – Estimates the future buildout of the District from the remaining development in approved projects.
- **Asset Values and Apportionment of Costs** – Provides an inventory of fleet and apparatus and station facilities along with insured value, which is a close approximation for replacement cost. Then, apportions capital costs between residential and non-residential development, and existing and new development within those land uses.
- **Maximum Fee Calculation** – Calculates the maximum fee supportable based on the costs allocated to new development.

$$Maximum\ Impact\ Fee = \frac{(Total\ Asset\ Value\ \times\ \%\ Allocated\ to\ Growth)}{Units\ of\ Growth}$$

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2. Land Use

Service Area

EGFPD is one of five fire districts within Grand County, Colorado. The District's service area centers on the towns of Winter Park and Fraser and covers approximately 200 square miles as shown in **Figure 1**. The District provides fire protection and prevention services and emergency response assistance in Winter Park, Fraser, and unincorporated Grand County. Winter Park, Fraser, and Winter Park Ski Resort are located approximately 70 miles west of Denver and approximately 40 miles south of the Grand Lake entrance to Rocky Mountain National Park. The District's service area is therefore a popular winter and summer tourism and recreation destination, which affects the types of calls and seasonal fluctuations in calls that EGFPD must manage.

Figure 1. EGFPD Service Area Map

The District is situated in an area with many recreation and tourism draws, making it popular with overnight tourist visitors and second homeowners in both summer and winter seasons. Growth, particularly in second homes (most of the "vacant housing units" shown below), was especially robust during the early and mid-2000s but slowed down substantially from 2010 to 2018, as shown in **Table 2**. There is currently a resurgence in growth, with several large residential and commercial projects progressing and under construction again.

Development in Grand County has been highly cyclical, historically, making it difficult to forecast growth. Fee calculations can be highly sensitive to the growth forecast. This cyclical market is one reason that influenced the choice to use the buy-in method, which does not require a growth forecast.

Table 2. EGFP Population and Housing Growth

				2000-2010			2010-2018		
Description	2000	2010	2018	Total	Ann. #	Ann. %	Total	Ann. #	Ann. %
EGFPD									
Population	3,476	4,622	4,762	1,146	115	2.9%	140	18	0.4%
Housing Units	4,012	6,439	6,472	2,427	243	4.8%	33	4	0.1%
Occupied Housing Unit:	1,509	2,078	2,145	569	57	3.3%	67	8	0.4%
Vacant Housing Units	2,503	4,361	4,327	1,858	186	5.7%	-34	-4	-0.1%

Source: Economic & Planning Systems

Existing Land Use

Existing land use information is needed to analyze EGFPD call/incident response data used in allocating costs to residential and non-residential development. Currently, there are 7,298 dwelling units and 3.3 million square feet of non-residential space in the District as shown in **Table 3** and **Table 4**.

Table 3. Existing Residential Land Use

Residential Inventory	2018 Units
Residential Use	
Residential - Single Family	3,355
Residential - Duplex-Triplex	182
Residential - Condominiums	3,393
Residential - Multiple Units 4-8 Units	44
Residential - Multiple Units 9 or more Units	155
Residential - Manufactured Homes	92
Residential - Farm or Ranch Residence	77
Total	**7,298**

Source: Economic & Planning Systems

Table 4. Existing Non-residential land use

Non-Residential Inventory	2018 Square Feet
Use	
Commercial - Condominium	150,365
Commercial - Lodging/Hotel	680,578
Commercial - Merchandising	236,512
Commercial - Mixed Use	337,155
Commercial - Office	43,209
Commercial - Recreation	84,634
Commercial - Special Purpose	265,176
Commercial - Warehouse/Storage	129,121
Non-Residential-Exempt	1,369,701
Industrial - Contracting/Service	2,901
Total	**3,299,352**

Source: Economic & Planning Systems

Future Land Use

The buy-in method uses an estimate of future buildout as the denominator in the impact fee calculation. It is fully understood that the ultimate buildout is in the distant future; the buy-in method is not dependent on the timing of development.

In order to estimate buildout, EPS contacted and interviewed the planning and community development staff in Winter Park, Fraser, and Grand County. Data was collected and compiled on all existing entitlements and development remaining in each project. For zoned land outside of major projects, estimates for development capacity were made using density allowed in each zoning district, with input from staff in each jurisdiction. As summarized in **Table 5**, there is development capacity for over 13,000 new dwelling units and 1.4 million square feet of non-residential development. **Appendix Table 2** shows the more detailed estimates by area and by project.

Table 5. Summary of Buildout Estimate

Area	New Residential Units	New Non-Residential Sq. Ft.
Fraser	3,993	655,237
Winter Park	6,182	122,411
Unincorporated Grand County	3,271	594,399
Total	**13,446**	**1,372,047**

Source: Economic & Planning Systems

- **Fraser** – Grand Park is the largest project underway and has the potential for approximately 3,500 additional dwelling units. In Rendezvous, the residential component has approximately 117 dwelling units remaining, and the potential for approximately 500,000 square feet of non-residential space.
- **Winter Park** – In Winter Park, Rendezvous has capacity for approximately 1,800 additional residential units. Roam is another development with potential for 1,100 units. Around the resort base area, there are various properties with "Destination Center" zoning that could allow approximately 1,500 more residential units.

As shown in **Table 6**, residential buildout is estimated at 20,700 units, an increase of 13,500. Commercial buildout is estimated at 4.7 million square feet with an increase of 1.4 million square feet. These figures will likely vary over time with zoning changes and modifications to existing entitlements. The 13,500 units of new residential development comprise 65% of the buildout, which is the percentage of the capital asset values allocated to new development after they are allocated by land use to residential development. Similarly, 29 percent of the commercial buildout is the new development between today and buildout.

Table 6. EGFPD Buildout Forecast

			New Development	
Description	2018	Buildout	Units	% of Total
Residential (DU)	7,298	20,744	13,446	**65%**
Non-Residential (Sq. Ft.)	3,299,352	4,671,399	1,372,047	**29%**

Source: Economic & Planning Systems

3. Fee Calculation

In this chapter, the existing and future land use, asset inventories, and call volume data are combined into the impact fee calculation. The following steps are described in this chapter:

- **Call Forecast –** Forecast calls at buildout for residential and non-residential land uses.
- **Cost Allocation –** Allocate the value of the District's assets based on the estimated distribution of calls in residential and non-residential land uses at buildout.
- **Fee Calculation –** The value of the District's assets attributed to each land use category are divided by the new units of growth estimated between now and buildout.

Call Forecast

The call forecast begins with an analysis of call data over the four years from 2015 through 2018, shown in **Table 7**. Where the property type is identified under "Structure Fires," these responses can be easily assigned to residential or non-residential land uses. The District also responds to other incidents that have more to do with the overall level of visitors or "business" during peak tourism times. Many of these are auto-related incidents and false alarms, and the District does not have an accurate way of tracking the property type or location of these incidents at this time. These other responses are assigned to different land uses using the concept of "service population."

As described in the next section, service population is a set of figures that assigns population, visitors, and employees to different land uses. As shown below, 69 percent of the service population is assigned to residential property and the remaining 31 percent is assigned to non-residential property.

Table 7. EGFPD Responses, 2015-2018

Description	2015	2016	2017	2018	2015-2018 Average	Residential	Non-Residential
Structure Fires							
Private Dwellings	1	7	2	1	3	100.0%	0.0%
Apartments	4	1	5	4	4	100.0%	0.0%
Hotels and Motels	1	0	1	1	1	0.0%	100.0%
All Other Residential	0	0	2	3	1	100.0%	0.0%
Public Assembly	2	2	1	3	2	0.0%	100.0%
Stores and Offices	0	0	1	2	1		
Subtotal	8	10	12	14	11		
Other Fires and Incidents [1]							
Highway Vehicles	1	1	1	0	1	69.1%	30.9%
Other Vehicles	1	0	0	1	1	69.1%	30.9%
Non-Structure/Non-Vehicle	2	5	4	4	4	69.1%	30.9%
Brush/Grass/Wildland	0	3	1	4	2	69.1%	30.9%
Rubbish/Dumpsters	5	1	3	4	3	69.1%	30.9%
All Other Fires	1	4	5	5	4	69.1%	30.9%
Subtotal	10	14	14	18	14		
Other Incidents [1]							
Rescue/Emergency Medical	82	73	69	80	76	69.1%	30.9%
False Alarms	137	127	121	130	129	69.1%	30.9%
Hazmat Responses	19	30	39	26	29	69.1%	30.9%
Other Hazardous Responses	9	8	10	11	10	69.1%	30.9%
All Other Responses	47	42	60	58	52	69.1%	30.9%
Subtotal	294	280	299	305	295		
Total	**312**	**304**	**325**	**337**	**320**	**221**	**98**
Percent					**100.0%**	**69.0%**	**30.7%**
Mutual Aid - Not Incl.	**0**	**8**	**12**	**20**			

[1] Allocated on a service population basis
Source: Economic & Planning Systems

Service Population

Service population is the total of residents, overnight visitors, second homeowners, day skiers, and employees who commute into the District for work. In-commuting workers are weighted at 50 percent since they do not spend a full day in the District. The total service population in the EGFPD is estimated at 20,600 as shown in **Table 8**. After assigning land use categories to each component of the service population, the residential portion is estimated at 69.1 percent and the non-residential portion at 30.9 percent.

Table 8. EGFPD Service Population

Description	Factors		2018	Percent	Land Use
Population		A	**4,762**	23.1%	**Residential**
Commuters					
Jobs			3,679		
Employees (adjusted for multiple job holders)	1.20		3,066		
In-Commuting Employees [1]	85%		2,594		
In-Commuting Employee Impact	**50%**	B	**1,297**	6.3%	**Commercial**
Second Homes					
Vacant Housing Units			4,327		
Vacant for Seasonal Use	87%		3,775		
Short Term Rentals			1,945		
Guests per Unit	2.8				
Peak Occupancy	85%				
Peak Short Term Rental Population		C	**4,629**	22.4%	**Residential**
Non-Rental Second Homes			2,382		
Guests per Unit	2.4				
Peak Occupancy	85%				
Peak Second Home Population		D	**4,859**	23.5%	**Residential**
Hotels					
Rooms			195		
Guests per Unit	2.5				
Peak Occupancy	80%				
Peak Hotel Guest Population		E	**390**	1.9%	**Commercial**
Daily Skier Visits		F			
Peak weekend day			9,400		
Day Skiers	**50%**		**4,700**	22.8%	**Commercial**
Service Population	=A+B+C+D+E+F		**20,637**	**100.0%**	
Residential Share				**69.1%**	
Commercial Share				**30.9%**	
Total				**100.0%**	

Source: Economic & Planning Systems

Buildout Call Forecast

There was an average of 319 incident responses over the past five years. This equates to 0.0302 calls per residential unit and 0.0298 calls per 1,000 square feet of non-residential development as shown in **Table 9**. At buildout, an increase of 447 calls per year is estimated of which 91 percent are assigned to residential development and 9 percent are assigned to non-residential property.

Table 9. Call Forecast at Buildout

	2014-2018 Avg.			Buildout			Increase (New Development)		
Description	Inventory	Calls	Per Unit	Inventory	Per Unit	Calls	Inventory	Calls	Pct. of Calls
Residential (DU)	7,298	221	0.0302	20,744	0.0302	627	13,446	406	91%
Non-Residential (1,000 Sq. Ft.)	3,299	98	0.0298	4,671	0.0298	139	1,372	41	9%
Total Calls		**319**				**766**		**447**	

Source: Economic & Planning Systems

Fee Calculation

The impact fee calculation is shown below in **Table 10**.

- **Asset Value** – The District has $14.4 million in capital assets comprised of fleet, apparatus, and station and training facilities.
- **Cost Allocation** – At buildout, 91 percent of calls are forecasted to be to residential development and 9 percent to non-residential development.
- **Allocation to Growth** – At buildout, new residential development above what is existing development is estimated to comprise 65 percent of the total. New commercial development comprises 29 percent of the total. Therefore, 65 percent of the capital asset inventory value is allocated to new residential development or $8.5 million as shown. New non-residential development's share of the asset values is $387,000.
- **Fee Calculation** – The impact fee is the share of the asset inventory value by land use divided by the amount of new development. The maximum residential impact fee is $632 per unit. The maximum non-residential development impact fee is $282 per 1,000 square feet or $0.28 per square foot.

Table 10. Impact Fee Calculation

Description	Factor	Amount
Capital Asset Inventory		
Engines and Vehicles		$5,388,300
Existing HQ and Red Dirt Hill Stations		$6,043,704
South Station Construction		$3,000,000
Total Value		**$14,432,004**
Buildout Development		
Residential (DU)		13,446
Non-Residential (Sq. Ft.)		1,372,047
Cost Allocated by Land Use Type	Future Calls	
Residential	91%	$13,113,611
Non-Residential	9%	$1,318,393
		$14,432,004
Cost Allocated to New Development	Land Use	
Residential	65%	$8,500,141
Non-Residential	29%	$387,228
		$8,887,369
Updated Impact Fees		
Fee per Residential DU	13,446	**$632**
Fee per 1,000 Sq. Ft. Non-Residential	1,372	**$282**
		$0.28/Sq. Ft.

Source: Economic & Planning Systems

Appendix

Appendix Table 2. Detailed Buildout Estimates by Area

			Percent by Use		Acres by Use		Factors		Land Capacity	
Land Use	Vacant Acres	Parcels	Resi.	Non-Resi.	Resi.	Non-Resi.	Estimated FAR	Estimated DU/Acre	Res. DU	Comm. Bldg. Area (SF)
Fraser										
Land Use										
Business	14.3		75%	25%	10.7	3.6	0.5	20.0	214	77,667
High Density Multi-Family Residential	4.9		100%	0%	4.9	0.0	-	20.0	98	0
Low Density Multi-Family Residential	1.3		100%	0%	1.3	0.0	-	-	8	0
Low Density Single-Family Residential	0.3		100%	0%	0.3	0.0	-	7.3	2	0
Medium Density Multi-Family Residential	4.4		100%	0%	4.4	0.0	-	17.0	75	0
Medium Density Single-Family Residential	0.6		100%	0%	0.6	0.0	-	8.7	5	0
Planned Development District										
Rendezvous Commercial	22.0	4	0%	100%	0.0	22.0	0.25	-	0	240,016
Rendezvous Residential	-	-	-	-	-	-	-	-	117	0
Grand Park Commercial	-	-	-	-	-	-	-	-	0	337,554
Grand Park Residential	-	-	-	-	-	-	-	-	2,196	0
Grand Park Lodging	-	-	-	-	-	-	-	-	1,278	0
Fraser Total									**3,993**	**655,237**
Winter Park										
Land Use										
Destination Center	83.0	64	90%	10%	74.7	8.3	0.25	20.0	1,494	90,409
Limited Commercial	0.4	1	30%	70%	0.1	0.3	0.25	12.0	2	3,255
Residential-Commercial Service	13.2	4	80%	20%	10.6	2.6	0.25	8.0	84	28,747
Multi-Family Residential/Old Town	3.5	21	100%	0%	3.5	0.0		12.0	42	0
Multiple-Family Residential (West of Highway 40)	36.1	62	100%	0%	36.1	0.0		3.4	122	0
Multiple-Family Residential (East of Highway 40)	42.7	3	100%	0%	42.7	0.0		12.0	512	0
Single-Family Residential	29.2	48	100%	0%	29.2	0.0			48	0
Planned Development District										
Rendezvous Winter Park	-	-	-	-	-	-	-	-	1,800	0
Roam	-	-	-	-	-	-	-	-	1,136	0
Idlewild	-	-	-	-	-	-	-	-	319	0
Lakota	-	-	-	-	-	-	-	-	384	0
Mary Jane Road SF Lots	-	-	-	-	-	-	-	-	9	0
Mary Jane Road Condos	3.6		100%	0%	3.6	0.0	-	12.0	43	0
Other Planned Development	18.7		100%	0%	18.7	0.0	-	10.0	187	0
Winter Park Total									**6,182**	**122,411**
Unincorporated Grand County										
Land Use										
Accommodations	5.2	2	50%	50%	2.6	2.6	0.3	1.0	3	33,846
Business	26.5	18	20%	80%	5.3	21.2	0.25	-	0	231,182
Estate	24.1	13	100%	0%	24.1	0.0	-	1.0	24	0
Forestry/Open (Growth Area)	1,271.3	362	100%	0%	1,271.3	0.0	-	0.5	636	0
Forestry/Open (Non-Growth Area)	746.1	64	100%	0%	746.1	0.0	-	0.2	149	0
Residential	636.4	231	100%	0%	636.4	0.0	-	1.5	955	0
Tourist	48.1	104	80%	20%	38.5	9.6	0.5	2.0	77	209,371
Planned Development District										
Byers Peak Ranch	-	-	-	-	-	-	-	-	1,200	120,000
Red Hawk Ranch	-	-	-	-	-	-	-	-	228	0
Grand County Total									**3,271**	**594,399**
East Grand Fire District Total									**13,446**	**1,372,047**