

**RESOLUTION NO.** \_\_\_\_\_ It was moved by Commissioner \_\_\_\_\_ and duly seconded by Commissioner \_\_\_\_\_ to adopt the following Resolution:

WHEREAS, pursuant to C.R.S. § 29-20-104.5, a board of county commissioners is authorized to adopt impact fees to fund expenditures for the cost of capital facilities necessary to serve new development in the County;

WHEREAS, the Board of County Commissioners of Arapahoe County (“the Board”) finds that Arapahoe County is experiencing increasing development, including both residential development and non-residential development in the unincorporated areas of eastern Arapahoe County;

WHEREAS, the protection of the health, safety, and general welfare of the citizens of Arapahoe County requires that the transportation system in the unincorporated areas of the County be expanded and improved to meet the demands of new growth and development;

WHEREAS, it is the desire and intent of the Board that all such new development pay its proportionate and equitable share of the required expansion and improvements to the transportation system needed by reason of the growth impacts attributed to such new development;

WHEREAS, a traffic impact fee, with a service area in the eastern area of the County, would enable Arapahoe County to impose a proportionate and equitable share of the costs of funding capital improvements to the transportation system that are necessary to serve new growth and development in that area;

WHEREAS, on December 14, 2021, by Resolution No. 21-424, the Board adopted the 2040 Transportation Master Plan (“TMP”), which recognizes that as development occurs in the rural eastern portion of the County, specifically the I-70 Corridor, the roads and roadway system must be improved to accommodate the increased use in an efficient, economical, and beneficial manner;

WHEREAS, the TMP identifies expected growth and development throughout the unincorporated area of Arapahoe County and recommends associated transportation infrastructure needs expected by reason of such growth and development;

WHEREAS, the Board retained the consulting firm of David Evans and Associates, who later partnered with Felsberg Holt & Ullevig (“FHU”) to work with the Arapahoe County Department of Public Works and Development, Transportation Division, to further evaluate potential future growth and development in the along the I-70 Corridor, specifically the direct and indirect impacts to the I-70/Monaghan interchange caused by new development, as well as to develop funding strategies to address the impacts of such development, all of which is set forth in the Interchange Impact Fee Study for I-70/Airpark (Monaghan Road) Interchange, dated June 2025, (the “Fee Study”), which is incorporated into this Resolution by this reference and which is available at the Arapahoe County Department of Public Works and Development;

WHEREAS, Public Works and Development staff prepared a Board Summary Report, dated August 4, 2025, which summarizes and explains the Fee Study and the proposed impact fee, which is incorporated into this Resolution by this reference and is available at the Arapahoe County Department of Public Works and Development;

WHEREAS, the Fee Study and the Public Works and Development Department staff have identified the subject interchange within the unincorporated area of Arapahoe County as subject to the greatest impact from new residential and non-residential development, quantified such expected growth and impacts over the next 25 years to the year 2050, and developed a recommended service area and plan for capital improvements for the affected interchange necessary to defray the impacts directly related to the proposed development as is set forth in the Fee Study;

WHEREAS, as set forth in the August 4, 2024, Board Summary Report, FHU developed refined impact fee area land use forecasts based on actual development plans that went beyond the Denver Regional Council of Governments previous work which was based on populations and employment forecasts. In so doing, FHU identified a 6-square mile impact fee area comprised of six Traffic Analysis Zones (TAZs);

WHEREAS, FHU calculated attributable costs to various land uses based on a tiered approach and normalized trip costs resulting in a recommended impact fee schedule that is calculated to be proportional and reasonably related to the cost of those specific capital improvements to the interchange that will be necessary to accommodate the expected new growth and development of each TAZ;

WHEREAS, Public Works and Development staff recommends that such impact fees be collected in the recommended service area, identified as set forth in the Fee Study as the area comprised of six Traffic Analysis Zones (TAZs), and that such fees be used for the capital improvements identified in the Fee Study;

WHEREAS, the Board finds that the unincorporated area of Arapahoe County specifically identified in the Impact Fee Area of the Fee Study will continue to experience over the next 25 years, increasing residential and non-residential development, and that such new development creates specific and definite impacts to the capital facilities and requires construction of improved and expanded roads, specifically the interchange, to accommodate such use and impacts;

WHEREAS, the Board finds that the capital improvements identified in the Fee Study and August 4, 2025, Board Summary Report, recommended by Public Works and Development staff, are necessary to accommodate such expected new growth and development over the next 25 years in eastern Arapahoe County;

WHEREAS, the Board finds that unless the recommended capital facilities are constructed on pace with the expected growth and development, the interchange will not continue to provide for a safe, efficient and effective transportation system to service the increasing residential and non-residential development in the area;

WHEREAS, the Board finds that tax and other revenues that will be generated from such new residential and non-residential development will not generate sufficient funds to provide for both associated public services for the development and for the transportation capital facility improvements necessary to safely accommodate and serve such new development;

WHEREAS, the Board finds that such new residential and non-residential development should be charged its reasonable, proportionate, and equitable share of the costs of the interchange improvements necessary to accommodate the new development;

WHEREAS, \_\_\_\_\_ and \_\_\_\_\_ [enter study session dates], the Board held study sessions at which the Public Works and Development, Transportation Division staff's recommendations, as set forth in the associated Board Summary Reports, for an impact fee were presented to the Board;

WHEREAS, on \_\_\_\_\_, 2025, Public Works and Development staff conducted a noticed public outreach and information meeting at which the FHU Fee Study and the Public Works and Development Department's projections, estimates and recommendations were presented to the public in attendance;

WHEREAS, on \_\_\_\_\_, the Board held a duly noticed public meeting to consider the adoption of the impact fees for new residential, commercial, and industrial development, at which the Fee Study and the Public Works and Development Department's projections, estimates and recommendations were presented, and at which public comment was heard by the Board;

WHEREAS, the Board further finds that it is appropriate to evaluate the amount of the fee periodically to compare with other jurisdictions and to analyze the rate of development in the service area, the cost of construction, fee revenue history and projections, progress with construction of capital facilities and transportation system needs, and based on such factors, future adjustments to the impact fee should be considered; and

WHEREAS, the impact fees established by this Resolution, and as may be adjusted through periodic evaluations, are intended to be a fair and equitable system for charging new development its fair share of the costs of capital facilities made necessary by impacts of new development.

NOW, THEREFORE, the Board of County Commissioners of Arapahoe County hereby resolves:

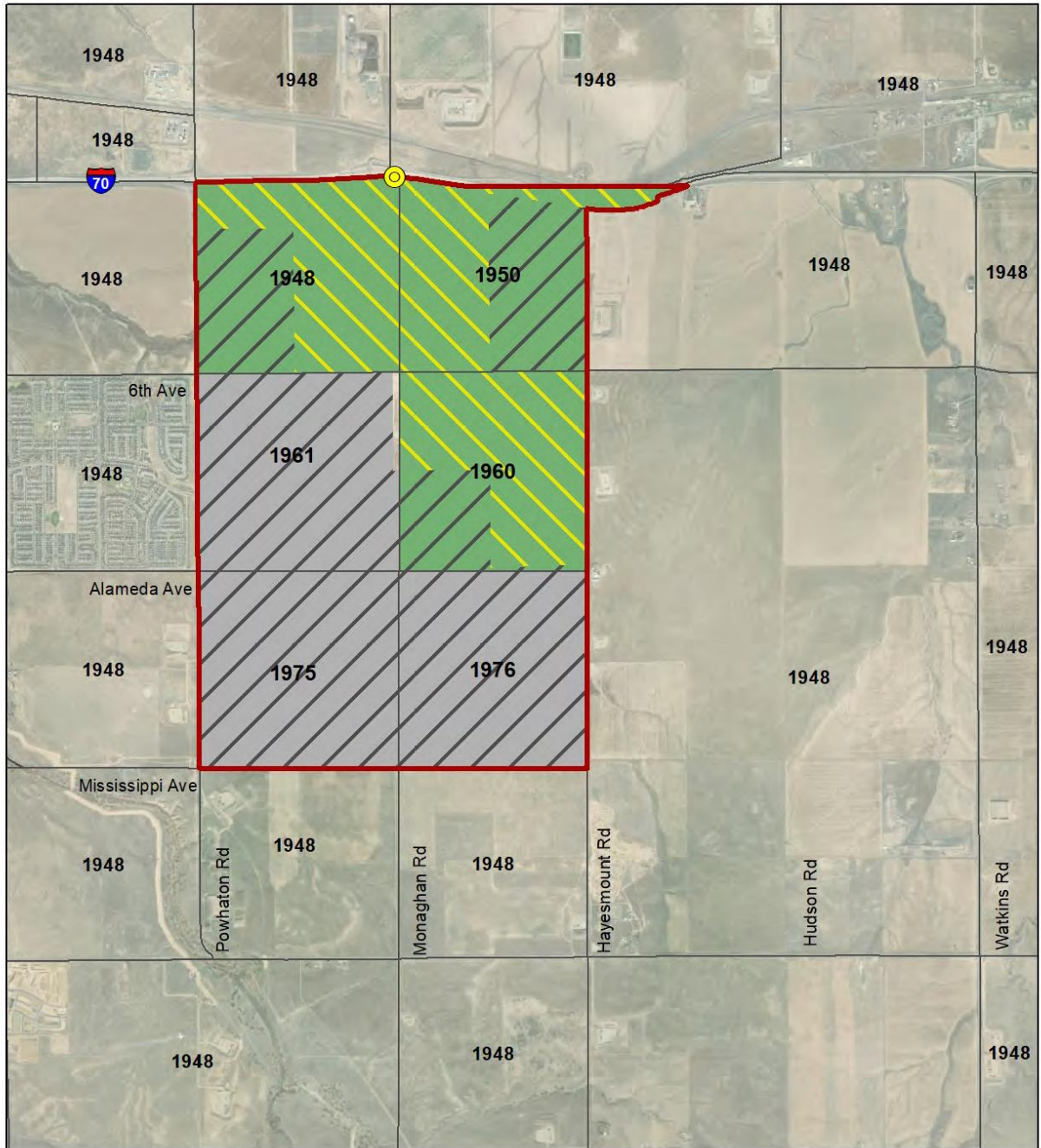
1. That the I-70/Airpark Interchange Impact Fee ("Interchange Impact Fee") fairly and proportionately quantifies the reasonable direct and indirect impacts of new residential development and new non-residential development on existing capital facilities in unincorporated Arapahoe County and are established at a level no greater than necessary to defray the impacts directly related to such new development.
2. That none of the Interchange Impact Fees are or shall be imposed to remedy any deficiency in capital facilities that exist without regard to such new development.

3. That the following schedule of Interchange Impact Fees is hereby adopted for all new qualifying development within the Fee Service Area defined in this Resolution:

| Land Use Type (ITE Category)  | Unit         | Daily Trips | Tier 1 Cost/Trip | Tier 2 Cost/Trip | Tier 1 Fee | Tier 2 Fee |
|-------------------------------|--------------|-------------|------------------|------------------|------------|------------|
| Single Family (210)           | Dwelling     | 9.43        | \$832.88         | \$87.63          | \$7,854    | \$826      |
| Multi-Family (220)            | Dwelling     | 6.74        | \$832.88         | \$87.63          | \$5,614    | \$591      |
| Retail (820)                  | 1000 Sq. Ft. | 15.54       | \$832.88         | \$87.63          | \$12,943   | \$1,362    |
| Convenience Store w/Gas (945) | 1000 Sq. Ft. | 99.87       | \$832.88         | \$87.63          | \$ 83,180  | \$8,752    |
| Fast Food Restaurant (934)    | 1000 Sq. Ft. | 140.24      | \$832.88         | \$87.63          | \$ 116,803 | \$12,289   |
| Office (710)                  | 1000 Sq. Ft. | 10.84       | \$832.88         | \$87.63          | \$9,028    | \$950      |
| Industrial (110)              | 1000 Sq. Ft. | 4.87        | \$832.88         | \$87.63          | \$4,056    | \$427      |
| Mini-Warehouse (151)          | 1000 Sq. Ft. | 1.45        | \$832.88         | \$87.63          | \$ 1,208   | \$127      |




4. That these Interchange Impact Fee shall be imposed and collected on all qualifying new development in the unincorporated areas of Arapahoe County that occurs in the following defined Fee Service Area:





This Fee Area is shown generally on the following map of the Service Area includes:



### Impact Fee Area

#### Legend

-  Interchange
-  Transportation Analysis Zones
-  Impact Fee Benefit Area

-  Tier 1
-  Tier 2
-  City of Aurora
-  Unincorporated Arapahoe County

Source: DRCOG Travel Demand Model, 2023

0 1 Miles



5. That, as used in this Resolution, qualifying new development shall mean any new residential and non-residential development as defined herein that occurs on or after the effective date of this Resolution within the Fee Service Area and for which a building permit is required.
6. That the Interchange Impact Fee for new residential development shall be assessed per dwelling unit constructed on or after the effective date of this Resolution. New residential dwelling units shall include residential dwelling units of any type.
7. That the Impact Fees for non-residential uses shall be assessed per 1000 square feet of gross floor space of new non-residential buildings constructed on or after the effective date of this Resolution. The Impact Fees shall only apply to new non-residential structures that increase vehicular trips. Ancillary and temporary structures are not subject to the Impact Fees adopted by this Resolution. The non-residential development categories subject to these Impact Fees are intended to be defined broadly.
8. That on or after the effective date of this Resolution, the specified Interchange Impact Fee shall be paid in the amount required under this Resolution or as may be adjusted by subsequent Board Resolution prior to the issuance of a building permit under the Arapahoe County Building Code.
9. That all Interchange Impact Fees will be imposed and shall be collected as a prerequisite to issuance of a building permit under the Arapahoe County Building Code.
10. That the Interchange Impact Fees imposed by this Resolution and collected by the County shall be expended for the capital facilities described in the Impact Fee Study.
11. That in accordance with C.R.S. § 29-20-104.5(7), any person or entity that owns or has an interest in land that is or becomes subject to the Interchange Impact Fees imposed under this Resolution may file for a declaratory judgment in a court of competent jurisdiction and proper venue to determine whether such impact fees comply with the requirements of C.R.S. § 29-20-104.5, and that, in accordance with C.R.S. § 29-20-104.5(7), an applicant for a development permit from Arapahoe County for which the Interchange Impact Fees have been charged, may pay the fees imposed and proceed with the development without prejudice to the applicant's right to challenge such fees in a proceeding under Rule 106 of the Colorado Rules of Civil Procedure.
12. That all Interchange Impact Fees collected under this Resolution shall be collected and accounted for separately in an interest-bearing account in accordance with the land development charges statute, C.R.S. § 29-1-801, *et seq.*, as same may be amended from

time to time. All such collected Interchange Impact Fees and the accrued interest thereon shall only be used for the purposes identified in this Resolution.

13. Reimbursement. (a) In accordance with C.R.S. § 29-20-104.5(3), any individual land owner subject to the traffic impact fee may apply for reimbursement up to but not exceeding the full obligation for impact fees due pursuant to the provisions of this resolution, for any contribution, payment, or construction accepted and received by the County for any non-site-related road capital improvements on the road system that are identified in the Impact Fee Study.

(b) No reimbursements shall be provided for land dedication or for site-related improvements or for improvements to the major road system not specifically identified in the Impact Fee Study.

(c) Reimbursement shall be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made to the County. Reimbursements shall be transferable in the same development but shall not be transferable for reimbursement for impact fees required to be paid for other public facilities.

14. That the Board directs that Public Work and Development, Transportation Division and other appropriate County staff conduct an evaluation of the Interchange Impact Fee adopted under this Resolution at least every two (2) years following the date of adoption hereof in order to analyze the rate of development in the service area, progress with construction of capital improvements and transportation system needs, fee revenue history and projections, changes in the cost of construction as identified in the Colorado Construction Price Index, and any other relevant factors as determined by the Board or such staff, and that Public Works and Development staff shall make recommendations to the Board as to whether the amount of such fees should be modified or adjusted.

15. That in administering the Interchange Impact Fees program adopted through this Resolution, the Director of the Public Works and Development Department is authorized to take all further actions necessary to carry out the intent and purposes of this Resolution.

16. That if any part or parts of this Resolution or the Interchange Impact Fees adopted hereunder are for any reason held to be invalid by a court of competent jurisdiction, such invalid part or parts shall be severed from and not be deemed to affect the validity of the remaining parts of this Resolution and the Interchange Impact Fees adopted hereunder not so held to be invalid. The Board declares that it would have passed this Resolution and the Interchange Impact Fees adopted hereunder and each separate part thereof regardless of the subsequent declaration of the invalidity of any one part or parts.

17. That this Resolution shall take effect \_\_\_\_\_ and that the required Interchange Impact Fees shall be paid prior to the issuance of a building permit for any qualifying development occurring within the Impact Fee Service Area on or after this effective date.

The vote was:

Commissioner Baker, \_\_\_\_; Commissioner Campbell, \_\_\_\_; Commissioner Fields, \_\_\_\_;  
Commissioner Summey, \_\_\_\_; Commissioner Warren-Gully, \_\_\_\_.

The Chair declared the motion \_\_\_\_\_ and so ordered.

DRAFT