

Road Impact Fee Frequently Asked Questions and Answers

GENERAL QUESTIONS

Question

Why does the County collect the fee, in other words how is it used?

Answer

EPC has a policy that encourage processes by which development can contribute a reasonable and fair share toward necessary off-site transportation improvements (EPC Policy Plan 9.4.5). This Road Impact Fee is simply a method of more fairly and equitably allocating the impact of new development and the traffic it generates and recovering the cost attributable to new development than individually negotiated developer agreements.

The fee pays for the capital costs of building new roads and road improvements that are triggered by the traffic generated by new development. The purposes of the program are to identify transportation improvements needed to accommodate growth, to fairly allocate the costs of transportation improvements among new developments, and to ensure the proper and timely accounting of improvements and funds. The program does not include all roads in the unincorporated County, only higher traffic roads that provide for regional travel.

The program operates in accordance with Colorado Revised Statutes Title 29. Government Local § 29-20-104.5 – Impact fees.

Question

How does the Public Improvement District (PID) work?

Answer

At final plat, a developer may choose to enter one of two PIDs. Entering a PID will impose a property tax of either 5 or 10 mills on all property in the plat. This tax pays for part of the Road Impact Fee for that property. The other part of the fee is paid at building permit, but due to the property tax the building permit cost is reduced. The property will remain in the PID for up to 20 years.

Question

How do I know if the parcel is in a Public Improvement District?

Answer

Check the TAX ENTITY AND LEVY INFORMATION on the Assessor's Website at:

<https://property.spatalest.com/co/elpaso/#/>. If no PID is listed, then it is not in a PID. If in a PID, it will be listed as:

EL PASO COUNTY PID #2 10.000

EL PASO COUNTY PID #3 5.000

WHEN DOES THE FEE APPLY?**Question**

When does the fee apply?

Answer

Effective on and after January 1, 2020, the obligation to pay Road Impact Fees is triggered by issuance of a Land Use Approval. For uses or structures that require multiple Land Use Approvals, the obligation is triggered by the final Land Use Approval required.

Notwithstanding the foregoing, for Single-Family-Detached or Multi-Family residential Final Plats submitted on or after January 1, 2020, the Developer may elect to pay the Road Impact Fees prior to recording the Final Plat or to defer payment until the time of subsequent Land Use Approval.

A Land Use Approval is Defined as: an approval or permit issued for a new use or structure on a parcel of property in unincorporated El Paso County that generates new trips for such parcel; examples include building permits, access permits, site plans, site development plans, special use approvals and variance of use approvals.

Question

An early assistance application has come in due to a code enforcement violation for the property. A variance of use expired and it appears new uses were on-site. They would have to go through a variance of use application but no new construction is anticipated. Would they have to pay road impact fee for the existing facilities they are trying to put into compliance?

Answer

If the variance of use was approved prior to November 15, 2012 and there are NO NEW uses, then the fee would not apply. If the variance of use was approved prior to November 15, 2012 and there are new uses, then the fee applies to the new uses only.

If the variance of use was approved after November 15, 2012 and the applicant can prove that they paid the fee or that it was not applicable and there are NO NEW uses, then no fee applies. If the variance was approved after November 15, 2012 and they cannot prove that the fee was paid and was applicable, then the fee applies to both the expired variance of use and the new uses. The fee does apply in cases for any building/use for which they did not obtain any required permitting and are now trying to legalize. It is not appropriate to encourage people to not get permits to avoid the fee and then let them fix it and not pay the fee.

Question

There was a question for you regarding an Approval of Location. An existing use is looking to construct a new building to expand the capacity of the use on a separate parcel. The owner recently acquired the adjacent property and are submitting for approval to build a new facility on the property, and then turn the facility into an administrative building. Does the fee apply?

Answer

They are subject to the fee. It is not an extension to an existing use on the existing lot. It is a new building on a new lot. And the old building is a new use. If the new use will be under a higher use fee category, then they would pay the difference between the old use category and the new use category for the Gross Floor Area. The new building would pay the fee as well.

Gross Floor Area: The total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of outside walls, but excluding enclosed vehicle parking areas.

Question

An applicant is looking to remedy an existing subdivision and zoning violation from converting an approved hotel use to a multifamily housing for the existing structure. Does this action trigger the road impact fees?

Answer

In looking at the property's past activities in EDARP and the aerials over time, it appears that the building has always been 22 units. Therefore, no fee would apply as the number of trips for multifamily is less than for hotel.

Per the Implementation Document: "If the type of development for which a Land Use Approval is requested is for a change of land use type, 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. In the event that the proposed change of land use type results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of Road Impact Fees previously paid."

Question

There was an Early Assistance for an existing gas station. They are requesting to add 3 additional fuel pumps. PCD will require a rezone. Per ITE Trip Generation, Gasoline Station generates 168 trips/day/fuel position. Typically, the fee is per the 1,000 sf of the commercial building built. In this case the gas station is existing. However, their additional pump stations will generate at least 100 more daily vehicle trips per ITE. Will they be required to pay road impact fee? How would we determine their fee?

Answer

Because there is no change in land use and no added square feet being built, there is no additional fee.

Question

A fire department is adding a new station and converting the existing station to create an office and storage space. Does the fee apply to the new station on the same lot?

Answer

The fire department is an existing use and the “new station” at the same location is for the same use and will contain the existing firefighting equipment. In addition, the existing building will contain the existing administration staff. Therefore, the rules of the fee program would consider this situation as not applicable for fees.

Question

How is the fee charged for Rezone, Special Use, or Variance of Use? And when the fee paid?

Answer

In these cases, a condition of approval should note that the fee will be paid, the fee amount of category, and when in the process the fee should be paid. For uses or structures that require multiple Land Use Approvals, the obligation is triggered by the final Land Use Approval required.

Question

Does a site development plan or site plan trigger a road impact fee?

Answer

Yes, this is a Land Use Approval that triggers the fee. Land Use Approval is defined as: An approval or permit issued for a new use or structure on a parcel of property in unincorporated El Paso County that generates new trips for such parcel; examples include building permits, access permits, site plans, site development plans, special use approvals and variance of use approvals.

Question

How do we assess fees to commercial facilities that do not require any building structure or small structures for the trip generation? Examples include, a recycling center, cement plant, landscaping/nursery sales.

Answer

If the type of development for which a Development Permit or Land Use Application is requested is not clearly specified in the above fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall first use the definitions set forth in Section A to make this determination. If the appropriate category is still not clear, the Road Impact Fee Administrator shall use the most current edition of the Trip Generation Manual, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to select a comparable type of land use based on trip generation rates. (Page 8, Implementation Document)

A recycling center, we would look to using ITE Manufacturing (140) 35.02 trips per acre. The traffic memo says the lot is 8.6 acres. The cost per trip is \$398.55. Multiply to get trips for the lot and multiply by the cost per trip. The RIF would be \$120,032.

For RV Storage, this use is similar to a mini-storage category and there is no ITE trip rate for this use. Instead of gross square feet, the square feet of parking spaces could be used (not to include driveways, trash building, etc).

In cases where there is a related ITE trip rate, the Fee Administrator delegated the determination of the appropriate land use and applicable fee to the Fee Manager. In other cases where there is no appropriate ITE trip rate, a memo should be drafted by staff and sent to the Fee Administrator through the Fee Program Manager for a final determination. (See the attached memo.)

MULTIPLE LAND USES OR CHANGE IN USE

Question

If we have a use that falls into more than one category, e.g. a warehouse with a small office attached, do we do separate calculations based on the square footage attributable to each use category, or do we pick the “primary” use and calculate based on that?

Answer

The appropriate fee is based on the primary use, but also calculate the fee based on the gross square feet of both the primary and secondary use.

Per the Implementation Document: In many instances, a particular structure may include accessory uses associated with the primary land use. For example, in addition to the actual production of goods, manufacturing facilities often also have office, warehouse, research, and other associated functions. The Road Impact Fees should generally be assessed based on the primary land use. If the applicant can document that an accessory land use accounts for over 25% of the gross floor area of the structure, and that the accessory use is not assumed in the trip generation or other impact data for the primary use, then the Road Impact Fees may be assessed based on the individual square footage of the primary and accessory land uses.

Question

What if there is a change in use? Do we charge the fee on commercial over the counter remodels?

Answer

If the type of development for which a Land Use Approval is requested is for a change of land use type, 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. In the event that the proposed change of land use type results in a net decrease in the fee for the new use or development as compared to the previous use or development, there shall be no refund of Road Impact Fees previously paid.

We should charge the fee for commercial over the counter remodels as this is a land use approval of a new use. However, as there is an existing use that is being changed (a new use), we should only charge the difference between the old use and the new use. This will only occur when the two uses are in different “fee categories.”

Question

There was a question regarding the imposition of the road impact fee on a Site Development Plan application. The site development plan is for a church. The applicant for the new church will not be building a new structure as they will be using the existing structure onsite. The previous use was a residential treatment center and the site received use approval in 2001. The question is whether this applicant would be required to pay fees as they are not building a structure.

Answer

The Impact Fee is not applicable in this situation. Even though no new structures are being built, as you noted, “Land Use Approval” does include a new use that generates trips. Here there is a change from a residential treatment center to a church, both of which fall into the same use category in the Road Impact Fee Program, namely Public/Institutional. Under the Program, therefore, the number of trips or impact of the use is considered to be the same. No fee is therefore assessed, because no additional trips will be generated. If, for example, they wanted to use the building to open a grocery store (General Commercial category in the Program), then the Impact Fee would apply.

HOW ARE FEES CALCULATED?

Question

How do I know which fee category to use?

Answer

First, use the definitions in the Implementation Document. <https://assets-publicworks.elpasoco.com/wp-content/uploads/Implementation-Document-2019b.pdf>

If the type of development for which a Development Permit or Land Use Application is requested is not clearly specified in the above fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall first use the definitions set forth in Section A to make this determination. If the appropriate category is still not clear, the Road Impact Fee Administrator shall use the most current edition of the Trip Generation Manual, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to select a comparable type of land use based on trip generation rates. The developer or the Road Impact Fee Administrator may request an independent fee study if the use is not contained in the Trip Generation Manual. The fee for submission and review of an independent study will be a minimum of \$2,000 per study. See Appendix 1 for the standards for preparing an independent study.

Question

How are fees calculated for homes and apartments?

Answer

Homes are charged the fee per single family dwelling. Duplexes are charged as two single family dwellings. The fee category is “Single Family.” A Dwelling Unit is defined as: One or more connected rooms and a single kitchen designed for and occupied by no more than one household unit for living and sleeping purposes.

Apartment complexes or apartments in a single building are also charged by Dwelling Unit, or number of apartments times the “Multi-Family” fee category.

Question

How are trips calculated for schools, commercial properties, warehouses, and industrial properties?

Answer

The fee is calculated by Gross Square Feet times the appropriate fee category amount. Use the “Unit” on the fee table and multiply by the fee amount – either for the Full Fee, or the Public Improvement District (PID) amount if the parcel is in one of the two PIDs. If the building has phases, a condition of approval should note that the fee is being charged for the initial phase and that additional building will trigger additional fees.

Gross Floor Area is defined as: The total floor area, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the outside surface of outside walls, but excluding enclosed vehicle parking areas.

Question

Are fees collected for accessory living quarters or mother-in-law suites?

Answer

No. These are considered as adding on to an existing house, which also does not trigger fees.

Question

If a second home is built on a lot that could be subdivided and sold as a separate home, does a fee apply?

Answer

Yes. This is not a way to develop and avoid the fee.

Question

Are fees charged for legal nonconforming uses if they add on or increase the intensity of their use?

Answer

Not unless there is a change in use or addition of a dwelling unit. Generally, these are considered existing uses and remodels to existing uses does not trigger the fee.

Question

How are fees determined for uses that cannot easily be correlated to one of those uses listed in the resolution?

Answer

The implementation document states: “If the type of development for which a Development Permit or Land Use Application is requested is not clearly specified in the above fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall first use the definitions set forth in Section A to make this determination. If the appropriate category is still not clear, the Road Impact Fee Administrator shall use the most current edition of the Trip Generation Manual, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to select a comparable type of land use based on trip generation rates.”

In these cases, a memo is sent to the Fee Administrator (County Administrator) for a final determination.

Alternatively, the developer or the Road Impact Fee Administrator may request an independent fee study if the use is not contained in the Trip Generation Manual. The fee for submission and review of an independent study will be a minimum of \$2,000 per study. See Appendix 1 for the standards for preparing an independent study.”

Independent studies should be reviewed by a traffic engineer through the PCD on call for traffic impact studies review.

WHAT ABOUT CREDITS AND ELIGIBLE IMPROVEMENTS?

Question

How do I know if a road improvement is reimbursable? What are the unit costs? How do I do a credit agreement?

Answer

There is a map and table of the reimbursable improvements.

Map: <https://assets-publicworks.elpasoco.com/wp-content/uploads/Documents/Map-13-2040-MTCP-Roadway-Improvement-Projects.pdf>

GIS: on the EPCstar drive, under DOT-DSD, there is a 2015 MTCP Maps folder that has the shapefiles.

Table: <https://assets-publicworks.elpasoco.com/wp-content/uploads/Documents/2040-MTCP-Improvement-Table.pdf>

Unit costs can be found in the Road Impact Fee Study, Table 18:

<https://assets-publicworks.elpasoco.com/wp-content/uploads/Engineering/RoadImpactFeePageDocuments/Road-Impact-Fee-Study-Update-Adopted-12-11-18.pdf>

There is a template for credit agreements that your manager can provide you. Credits are calculated by linear foot times that unit cost for the improvement. The type of improvement is listed on the Improvement Table in the above link. The credit template for agreements should be estimated at final plat and BEFORE any improvements are constructed. The Implementation Document describes the credit process (pages 10-14). <https://assets-publicworks.elpasoco.com/wp-content/uploads/Implementation-Document-2019b.pdf>

Question

How are credits obtained for intersections?

Answer

The fee program includes the cost of 63 Eligible Intersection Improvements. Unlike Eligible Improvements, Eligible Intersection Improvements have not been specifically identified for inclusion in the Program in order to afford maximum flexibility. There are criteria to determine if a potential signal or roundabout may be eligible in the Implementation Document (page 19).

<https://assets-publicworks.elpasoco.com/wp-content/uploads/Implementation-Document-2019b.pdf>

The developer will need to present their development, the intersection, and an explanation of the criteria to the Road Impact Fee Advisory Committee for a recommendation about whether or not their signal will be eligible for credit. Contact the Fee Program Manager to get on the meeting agenda. Meets are the third Thursday of the month at 1:30 PM.

The credit agreement template should be used. It can be found at: https://assets-publicworks.elpasoco.com/wp-content/uploads/Documents/RIF_Intersection_Checklist.pdf

Attachments

Please see the next pages for additional information from the Fee Program Administrator.

EL PASO COUNTY



COMMISSIONERS:
MARK WALLER (CHAIR)
LONGINOS GONZALEZ JR (VICE CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

Department of Public Works
Engineering ~ Highway Division ~ Fleet Services

Memorandum

Date: September 29, 2020
To: Planning and Community Development Department and the Road Impact Fee Advisory Committee
From: Amy Folsom, Road Impact Fee Administrator
CC: Lori Seago, Victoria Chavez
Re: Road Impact Fee determination of applicable category and trip rates for commercial facilities with small to no building structures.

Because the fee categories established in the El Paso County Road Impact Fee Program are broad, there are often questions about which land uses fall into various categories. Often these can be answered by the Road Impact Fee Program Manager as they are either in the definitions or are part of the category as listed in the ITE Trip Generation Manual.

In addition, a question recently arose about the appropriate trip rate to be used for determining trip generation and assessing fees on commercial facilities that do not require any building structure or have only small structures. Examples include a recycling center (ITE Manufacturing), landscaping or nursery (ITE Nursery Wholesale or ITE Nursery Garden Center), open farmers market (ITE Farmers Market) and a park and ride lot with transit access (ITE Park and Ride Lot with Bus or Light Rail Service).

All of the EPC fee categories are by dwelling, room, or 1000 Feet of Gross Floor Area. All of these categories assume construction of a building. There are many cases where commercial facilities include small accessory buildings or no buildings at all. In these cases, the fee schedule does not provide a clear fee category for uses not constructing buildings.

Per the Implementation Document, 'If the type of development for which a Development Permit or Land Use Application is requested is not clearly specified in the above fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall first use the definitions set forth in Section A to make this determination. If the appropriate category is still not clear, the Road Impact Fee Administrator shall use the most current edition of the Trip Generation Manual, prepared by the Institute of Transportation Engineers (ITE), or articles or reports appearing in the ITE Journal, as a guide to select a comparable type of land use based on trip generation rates. The developer or the Road Impact Fee Administrator may request an independent fee study if the use is not contained in the Trip Generation Manual. The fee for



submission and review of an independent study will be a minimum of \$2,000 per study. See Appendix 1 for the standards for preparing an independent study.”

To ensure an efficient program and development review process, in cases where the type of development for which a Development Permit or Land Use Application is required is not clearly specified in the adopted fee schedule, I delegate to the Road Impact Fee Program Manager to determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Program Manager shall apply the provisions of the Implementation Document cited above to make such determination.

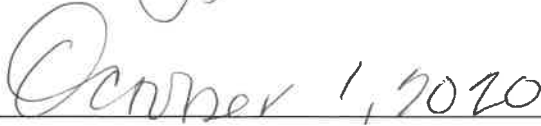
In cases where there is not an appropriate fee category but there is a comparable ITE trip rate that would be appropriate for the proposed use, I delegate the authority to the Road Impact Fee Program Manager to select the trip rate from the ITE Trip Generation Manual that will then be multiplied by the cost per trip as adopted in Res. 19-471 to determine the fee obligation for the land use approval.

In cases where there is neither a comparable land use in the fee schedule nor a comparable ITE trip rate, I as the Fee Administrator will make a determination on the appropriate fee category from the fee schedule, on the trip rate based on local studies, or will request an independent study.

As Fee Administrator, I retain the authority to hear appeals of a proposed application of a trip rate, to refer the determination to the Fee Advisory Committee, or to request an independent trip rate study.



Amy Folsom, County and Road Impact Fee Administrator



Date

EL PASO COUNTY



COMMISSIONERS:
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LONGINOS GONZALEZ JR (VICE CHAIR)

HOLLY WILLIAMS
STAN VANDERWERF
CAMI BREMER

Department of Public Works
Engineering ~ Highway Division ~ Fleet Services

Memorandum

Date: July 23, 2019

To: Planning and Community Development Department and the Road Impact Fee Advisory Committee

From: Amy Folsom, Road Impact Fee Administrator

CC: Lori Seago, Victoria Chavez

Re: Fee for Mobile Homes

A question was brought to our attention about the appropriate trip rate to be used for mobile homes. While there is a reference manual (ITE) for trip rates from various land uses, our program chose to use a short list of land uses that “averaged” the trips per day over a broad list of similar uses. The thought was to cluster the rates and avoid very high and very low rates and keep developers on a fairer playing field.

Per the Implementation Document, the definitions list what is included in a land use category. It says: “Single-Family Detached: A dwelling unit not connected to any other dwelling unit or connected to only one additional dwelling unit.” A mobile home would meet this definition. The trip rate from the Fee Program for a single family home is 9.61.

The Implementation Document also lists: “Multi-Family: A dwelling unit that is connected to two or more other dwelling units.” While the definition applies to physically connected units, mobile homes in a mobile home park are by definition, connected in single ownership of the land and potentially shared facilities such as laundry, recreation or driveway.

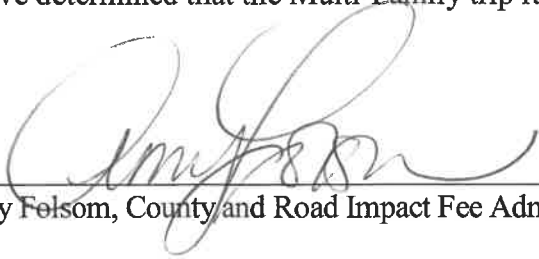
The trip rate for mobile homes more closely resembles an apartment type use. The Fee Program multi-family rate at 6.04 trips per day vs. the 5 trips per day for mobile home. However, for a mobile home on a single family lot, the trip rate will remain as the single-family detached land use.

The Implementation document notes: “If the type of development for which a Development or Building Permit is requested is not clearly specified in the above fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall first use the definitions set forth in Section A to make this determination. If the appropriate category is still not clear, the Road Impact Fee Administrator shall use the most current edition of the *Trip Generation Manual*, prepared by the Institute of Transportation Engineers (ITE), or articles or

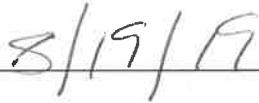


reports appearing in the ITE Journal, as a guide to select a comparable type of land use based on trip generation rates.

I have determined that the Multi-Family trip rate will be used for mobile home parks.



Amy Folsom, County and Road Impact Fee Administrator



Date