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|-----|-----|-----|
| 60% | 15% | 70% |
| 70% | 20% | 60% |
| 75% | 25% | 25% |
| 80% | 30% | 15% |

3. Notwithstanding the above provisions of this paragraph B., the city council may increase the percentage of fees waived under this section upon making a finding in its resolution waiving the fees that such percentage increase will serve a public purpose, which public purpose shall be specified in the resolution.
- C. Exemptions granted pursuant to this section shall be effective for one year from the date on which the exemption is granted unless extended by the city council for good cause shown. Any such extension shall be set forth in an amendment to the development agreement approved by resolution of the city council. (Ord. 5433 § 4, 2009)

16.38.085 Capital expansion fees for qualified affordable housing.

- A. As used in this section, the term “application” shall mean a substantially complete application for approval of a qualified affordable housing development that has been submitted to the city in compliance with applicable ordinances, rules, and regulations, and the term “first application” shall mean the original application at the first stage of any process that may culminate in ultimate approval of a site specific development plan for a qualified affordable housing development.
- B. Capital expansion fees, water rights requirements and fees, and any other fees imposed by the city upon a qualified affordable housing development, whether for capital or other purposes (collectively, “development fees”), shall be calculated as of the date the first application for the qualified affordable housing development was submitted to the city. The development fees calculated under this section shall be valid for five years from the date on which the housing development is first qualified as affordable.
- C. For housing developments qualified as affordable on or after July 1, 2009, the following rules shall apply:
 1. At the end of the five-year period set forth in paragraph B. above, the development fees shall be calculated each year thereafter on the basis of those development fees in effect five years prior. This adjustment shall continue each year until the last affordable housing unit within the affordable housing development receives a building permit, or the housing development loses its affordable designation in accordance with subparagraph C.3. below.
 2. In the event any such fees are reduced or eliminated after the date of the first application for the qualified affordable housing development, the owner or developer of the qualified affordable housing development shall receive a credit in the amount of such reduction at the time such fees for the qualified affordable housing development are paid.
 3. At the end of ten years, the housing development shall lose its affordable designation unless at least one affordable housing unit within the housing development has received a certificate of occupancy, in which case the development fees shall continue to be calculated as set forth in subparagraph C.1 above. Notwithstanding the foregoing, any developer that has not obtained a certificate of occupancy at the end of the ten-year period may request that the affordable housing commission consider and make a recommendation to the city council to extend the development’s affordable designation and the fee reduction provided for herein for good cause shown. Any such extension shall be set forth in a development agreement approved by resolution of the city council.

D. For housing developments qualified as affordable prior to July 1, 2009, the following rules shall apply:

1. The housing development shall lose its affordable designation unless at least one affordable housing unit within the housing development has received a certificate of occupancy within twelve years of the date on which it was first qualified as affordable.
2. Notwithstanding the foregoing, any developer that has not obtained, or is not reasonably likely to obtain, a certificate of occupancy before the end of the twelve-year period may request at any time that the affordable housing commission consider and make a recommendation to the city council to extend the development's affordable designation and the fee reduction provided for herein for good cause shown. Any such extension shall be set forth in a development agreement approved by resolution of the city council. (Ord. 5469 § 1, 2009)

E. Takings Determinations.

1. The purpose of this subsection is to provide a procedure for relief, where appropriate, for owners of housing developments qualified as affordable prior to July 1, 2009 ("property owners") who claim that their property has been taken by reason of the application of this Section 16.38.085. The provisions and procedures of this subsection shall be followed to conclusion prior to seeking relief from the courts based upon any claim of an alleged deprivation of due process that causes a taking, or any other taking of real property.
2. The city shall provide property owners with notice of the adoption of this Section 16.38.085 within thirty days of its adoption. Property owners must file a request for relief with the city manager on or before December 31, 2009. When a property owner timely files a request for relief under this subsection, the city manager shall schedule a public hearing for the matter to be heard by the city council no later than sixty days after the date the request for relief is filed.
3. The city council shall conduct the public hearing. The council shall adopt at the public hearing, or within thirty days of the public hearing, its written findings and conclusions. The city council's written findings and conclusions shall be considered the city council's final decision for purposes of any appeal of the city council's decision to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. (Ord. 5433 § 5, 2009; Ord. 4522 § 2, 2000; Ord. 5433 § 5, 2009)

16.38.090 Reduction in fee for minimal traffic.

The street capital expansion fee may be reduced for a specific land use if data deemed reliable by the city establishes that traffic for both peak hour and total daily volumes for the property are each less than sixty (60) percent of the traffic assumptions used in establishing the fees for that specific land category in the adopted fee tables. The new fee will be based on a simple average of the data deemed reliable by the city for the property and the traffic assumptions used to establish the adopted fees. (Ord. 4661 § 6, 2001; Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.38.100 Disposition of fees.

All fees collected pursuant to this chapter shall be deposited in a public works fund to be created by resolution of the city council, and to be used for the projects therein identified. Such resolution shall be established to comply with the provisions of Section 31-15-302(1)(f)(I), Colorado Revised Statutes. (Ord. 4444 § 1 (part), 1999; Ord. 4298 § 1 (part), 1997)

16.38.110 Review.