AGENDA
CITY OF LARAMIE, WYOMING
CITY COUNCIL WORK SESSION
CITY HALL
March 22, 2016 6:00 p.m.

1. Public Comments

2. PUBLIC HEARING

2.A. PUBLIC HEARING: 2016 Liquor License Renewals
[Johnson, CClk]

Documents: PH liquor renewals council packet 2016.pdf

2.B. PUBLIC HEARING: Original Ordinance No. 1939 annexing approximately 93 acres of property located in unincorporated Albany County, generally located on the northeast corner of I-80 and Curtis Street (Applicant: Turning Leaf Realty)
[Hunt]

Documents: CC Cover Sheet Org. Ordinance No. 1939 - PH 3.22.2016.pdf, Notification Letter A-15-01 CC.pdf

2.C. PUBLIC HEARING: Resolution 2016-23, certifying Planning Commission action, regarding amendments to the Future Land Use Map (Map 3.2) of the 2007 Laramie Comprehensive Plan.
[HUNT]

Documents: CC Cover Sheet CPA-16-01 PH 3.22.2016.pdf, Notification Letter CPA-16-01 CC.pdf

2.D. PUBLIC HEARING: Original Ordinance No. 1940, establishing zoning in an area approximately 93 acres in size to B2 (business) District, generally located on the northeast corner of I-80 and Curtis Street.
[HUNT]

Documents: CC Cover Sheet Org. Ordinance No. 1940 (Z-15-07) PH 3.22.2016.pdf, Notification Letter Z-15-07 CC.pdf

3. WORKSESSION

3.A. Impact Fees and the Economic Fee Initiative
[HUNT, CD Dir.]

Documents: CC Cover Impact Fees work session 2016-03-22.pdf, APA Policy Guide on Impact Fees.pdf, Development Impact Fees_ A primer.pdf, Cheyenne_Dev Impact Fees study 2015-03-04.pdf, CC work session 2016-03-22 - planning and engineering fee table - No Increase.pdf, CC work session 2016-03-22 - copy of 1.26.15 PC Work Session - fees.pdf

3.B. Fire Codes – Adoption of 2015 International Fire Code

[Chief Johnson/Chief Doyle]

Documents: Cover Sheet Fire Code.pdf

3.C. Building Codes
[HUNT, CD Dir.]

Documents: CC cover building fees - work session March 22 2016.pdf

3.D. City Council Updates/Council Comments

3.E. Public Comments

NOTICE OF APPLICATION FOR RENEWAL OF LIQUOR LICENSES

Notice is hereby given that on the 16th day of February, 2016, the following have filed applications for renewal of Liquor Licenses in the Office of the City Clerk of the City of Laramie, Wyoming, for the following described places and premises:

Retail Liquor Licenses:

- Laramie Lanes, Inc., dba Laramie Lanes, 1270 N. Third St., a 64 ft. x 16 ft. room in the SE corner of building, plus a package store;
- High Elevation Investments, LLC , dba Mulligan's, 1115 S. Third St., a 2680 square ft. room, entire building, including a package store;
- Hensley Property Holdings, LLC, dba Roxie's On Grand, 221 Grand Avenue, a 32 ft. x 20.5 ft. room in the southwest corner, first floor of building;
- Coyote Land, Inc., dba Cowboy Saloon and Dance Hall, 108 S. Second St., a 47 ft. x 120 ft. room in north portion, and an additional dispensing 42 ft. x 78 ft. room in south portion of building;
- E & K Smith Enterprises, dba The Alibi Pub, 404 S. Fourth St., a 980 square ft. room in entire building;
- Snowy Range Sports Bar and Discount Liquors, LLC, dba Snowy Range Sports Bar, 223 Adams Street, a 32 ft. x 96 ft. room, entire 1st floor of building;
- The 307 Office, LLC, dba Coppers Corner, 867 N. Third St., a 312 square ft. room in west center of building, including a package store.
- Boxcar Murphy, LLC, dba Bud's Bar, 354 West University St., a 31 ft. x 24.4 ft room of entire building;
- Safeway Stores 46, Inc., dba Safeway Stores 46, Inc., 554 N. Third St., a 1244 square ft. room in southeast corner of building;
- Sweet Melissa, Inc., dba Sweet Melissa Café & Front Street Tavern, 213 S. 1st St., a 13.4 ft. x 21.7 ft. windowed-wall room in southeast corner of building;
- RMH Franchise Corporation, dba Applebee's Neighborhood Grill & Bar, 3209 Grand Avenue, a 33 ft. x 37 ft. windowed-walled room in center of building;
- JASA, Inc., dba Reeds Liquor, 310 S. Fifth St, a 21 ft. x 23 ft. room in west half of building;
- Corner Pocket of Laramie, Inc., dba Mingles of Laramie, 3206 Grand Ave., a 82.5 ft. x 81.10 ft. entire room of building, plus a package store;
- Jona, Inc., dba (to be determined), 2415 Grand Avenue, parked license;
- Buckhorn Enterprises, Inc., dba Buckhorn Bar, 114 Ivinson St., a 46.5 ft. x 51 ft. room in first floor of building, and an additional dispensing 39 ft. x 23 ft. room in north portion of second floor of building;
- SDR LLC, dba O'Dwyers, 1622 E. Grand Avenue, a 66 ft. x 75 ft. room in west portion of building;
- AKME, LLC, dba The Still, 1602 Spring Creek, a 368 sq. ft. L-shaped room in north half of building;
- Ridley's Family Markets, Inc., dba Ridley's Family Markets, 3112 Grand Avenue, a 3,729 square ft. room in east end of building;
- Wagon Wheel, Inc., dba Wagon Wheel, Inc., 334 Fillmore St., a 45.8 ft. x 28 ft. room in southeast corner of building;

- Gateway Fuels, LLC, dba Gateway Liquors, 2471 Jackson Street, a 36.3 1/2 ft. x 50 ft. enclosed room in east end of building;
- First Street Station, Inc., dba Lovejoy's Bar & Grill, 101 Grand Avenue, a 31 ft. x 16 ft. window-walled room in east portion of building;
- Mickey M. Corp., dba Ranger Liquor Mart and Lounge, 463 N. Third St., a 64 ft. x 24 ft. room in SW corner first floor of building, plus a package store;
- Northridge Discount Liquors, Inc., dba Northridge Discount Liquors, 1660-A North 4th St., a 6400 square ft. room of entire building;
- Ya'Sou, Inc., dba 3rd Street Bar & Grill, 220 Grand Avenue, a 36 ft. x 22.2 ft. room of entire building;
- Crowbar and Grill, LLC, dba Crowbar and Grill, 202 S. 2nd St., an 11.6 ft. x 24 ft. window-walled room on south central side, first floor of building.
- Chalk n Cheese, LLC, dba Chalk n Cheese, 209 S. 2nd Street, a 640 square ft. loft room in northeast corner of building;
- On the 19th day of February, 2016, the following have filed application for renewal of Liquor License: Wal-Mart Stores, Inc., dba Wal-Mart Supercenter #1412, 4308 Grand Ave., 50 ft. x 37 ft. enclosed room in SW ¼ corner portion against south wall of building;

<u>Restaurant Liquor Licenses:</u>

- The New Mandarin, Inc., dba The New Mandarin, 1254 N. Third Street, the location being a 18 ft. x 30 ft. enclosed room in center of building;
- Jeffrey's Bistro, Inc., dba Jeffrey's Bistro, 123 Ivinson Street, the location being a 4 ft. x 6 ft. enclosed dispensing room in center of building;
- Pizza Hut of Laramie, Inc., dba Pizza Hut, 1460 N. Third Street, the location being a 11.8 ft. x 7.6 ft. enclosed dispensing room in the center of building;
- Bailey's of Laramie, Inc., dba Bailey's, 2410 Grand Avenue, the location being a 5 ft. 4in. x 14 ft. 10 in. enclosed dispensing room in the southeast section of building
- Christopher Ryan Ransom dba Grand Avenue Pizza, 301 Grand Avenue, the location being a 6 ft. x 6-1/2 ft. enclosed dispensing room in center of first floor of building;
- Bernie's Mexican Restaurant, LLC, dba Bernie's Mexican Restaurant, 367 Snowy Range Road, the location being a 7 ft. x 8 ft. enclosed dispensing room in northeast section of first floor of building;
- Guerin Enterprises, Inc., dba Coal Creek Coffee Co., 110 E. Grand Avenue, the location being a 4 ft. x 2.5 ft. enclosed dispensing room in southwest section of first floor of building;
- Estrella, Inc., dba Corona Village Andale Rapido, 2900 E. Grand Avenue, Unit 108, the location being a 4 ft. x 5 ft. enclosed dispensing room in northwest corner of building;
- Villas, Inc., dba Corona Village, 513 Boswell Drive, the location being a 176 square ft. enclosed room in northeast corner of building;
- Bighorn Associates, L.C., dba Chili's Grill, 2523 Grand Avenue, Suite F, the location being a 7.2 ft. x 10 ft. enclosed room in north center of building;
- Yellowstar Restaurants, Inc., dba Mizu Sushi, 307 S. 3rd Street, location being an enclosed 5 ft. x 14 ft. dispensing room in southeast corner of building;

- Anong's Thai Cuisine, LLC, dba Anong's Thai Cuisine, 101 E. Ivinson St., the location being a 6.3 ft. x 4.2 ft. room in southeast portion of building;
- Boomer's BBQ, LLC, dba Boomer's BBQ, 615 S. 2nd St., the location being a 6 ft. x 10.8 ft. enclosed room in southeast portion of building;
- J's Prairie Rose, Inc., dba J's Steakhouse, 3225 E. Grand Avenue, the location being an enclosed 80.25 sq. ft. room in northeast portion of building;
- Niko Sushi and Japanese Food, LLC, dba Niko Sushi & Steak, 1702 Grand Avenue, the location being an enclosed 12.3 ft x 14.3 ft. room in northwest portion of building;
- Thai Spice, LLC, dba Thai Spice, 204 South 3rd Street, Ste B & C, the location being an enclosed 12.2 ft. x 10.5 ft. room in southwest portion, ground floor of building;
- Shocktoberfest Productions, LLC, dba Shocktoberfest, 303 S. 3rd St., the location being an enclosed 7 ft. x 5.3 ft. room on the northwest wall portion of building;
- Go Wyo, LLC, dba The French Place, 207 S. 3rd St., the location being an enclosed 117 " x 80 ¼" room in NW corner of building.

<u>Club/Limited Liquor Licenses:</u>

- Laramie Moose Lodge No. 390, Loyal Order of Moose, 409 South 3rd St., the location being a room approximately 37.3 ft. by 22.5 ft. in north-central of 2nd floor of building;
- B.P.O. Elks Lodge No. 582, Laramie Elks Club, 103 South 2nd St., the location being a room approximately 24 ft. x 54 ft. in the south end of 1st floor, and an additional enclosed dispensing room 7.3 ft. x 19 ft. in the west end of 2nd floor of building;
- Husted Pendleton Post No. 14, the American Legion, 417 Ivinson St., the location being a room 1088 sq. ft. in center of 1st floor of building;
- Veterans of Foreign Wars, Post No. 2221, 2142 E. Garfield St, the location being a room approximately 2254 sq. ft. at north end of building;
- Fraternal Order of Eagles, AERIE No. 3493, 126 Lyons St, the location being a 1,390 square foot room 1st floor, in north end of building and an additional enclosed dispensing window-walled 38.6 ft. x 19.9 ft. room in 1st floor, in southeast section of building.

<u>Microbrewery Licenses:</u>

- Gregory R. Smith & Karen J. Robillard, dba Altitude Chophouse & Brewery, 320 S. 2nd Street, the manufacturing facility location being an enclosed 15 ft. x 23 ft. brewery room abutting center of south wall of 1st floor of building and 34 ft. x 25.4 ft. dispensing room in center abutting south wall of first floor of building;
- Sherlock Investments, LLC, dba The Library Sports Grille & Brewery, 201 E. Custer Street, the manufacturing facility location being an enclosed 19.11 ft. x 19.11 ft brewery room in southwest corner, first floor of building and 890 sq. ft. dispensing room in west side, first floor of building;
- Coal Creek TAP, Inc., dba Coal Creek TAP, 108 E. Grand Avenue, the manufacturing facility location being an enclosed 14 ft. x 24 ft. brewery room in south end of building and 31 ft. x 22 ft. dispensing room in north half of building.

Winery

- The Great Untamed, LLC, dba The Great Untamed, 209 S. 3rd Street, the location being a manufacturing facility in enclosed 24 ft. x 10.4 ft. room in east end of building and 21 ft. x 22.8 ft. dispensing room in middle of building.

Distillery – Satellite Manufacturer Permit:

- Vanatta Fine Liquor, LLC, dba Wajtek 269 N. 3rd St., the location being a 2316 sq. ft. distillery satellite manufacturer room in northwest section of building.

Bar and Grill Liquor Licenses:

- Sherlock Investments, LLC, dba The Library Sports Grille & Brewery, 201 E. Custer St. the location being a 890 sq. ft. dispensing room in west side, first floor of bldg;
- Gregory Smith & Karen J. Robillard dba Altitude Chophouse & Brewery, 320 S. 2nd Street, the location being a 34 ft. x 25.4 ft. dispensing room in center abutting south wall of first floor of building;
- Sushi Boat, LLC, dba Sushi Boat, 421 Boswell Dr., the location being an enclosed 91 ft. x 27 ft. room in southwest center portion of building.
- On the 17th day of February, 2016, the following have filed application for renewal of Liquor License:
- Scholl Reece, LLC, dba Born in a Barn, 100 E. Ivinson St., the location being an enclosed 13.3 ft. x 26.4 ft room in north portion, first floor of building.

Resort Liquor Licenses:

- Timberline Hospitalities, LLC, dba Holiday Inn, 204 S.30th Street, an enclosed 25 ft. x 33 ft. dispensing room in the northwest section of 1st Floor of building, and property situated in a tract of land Section 32, T16N, R73W, 6th P.M.;
- Laramie Hospitality, LLC, dba Ramada Inn, 2313 Soldier Springs Road, an enclosed 40 ft. x 63 ft. dispensing room in the northwest corner of main building, and property situated on Blocks 1 and 4, Skyline Plaza Second Addition.
- Hotel Investment Services-GI, Inc., dba Hilton Garden Inn, 2229 Grand Avenue, an enclosed 24 ft. x 15 ft. dispensing room in the southeast portion of first floor of building, and property situated on Lots 1 and 2, Block 1, University of Wyoming Plaza Subdivision.

Golf Club Liquor License:

- Jacoby Golf Club, dba Jacoby Golf Club, 30th and Willett Streets, the location being a 541 square foot room in the south portion of 1st floor of building, and property situated in a LR Zone on north half (N1/2) of Section 35, Township 16 North, Range 73 West of 6th Principal Meridian in City of Laramie.

Special Retail Malt Beverage Permit:

- The Trustees of the University of Wyoming, dba University of Wyoming, Wyoming Union Building, the location being a dispensing room as particularly described on Exhibit A attached to license in Wyoming Union Building, UW Campus, City of Laramie.

Public Hearing to hear comments or protests relative to the renewal of these licenses will be held Tuesday, March 22, 2016, at 6:00 p.m. in Council Chambers of City Hall. Licenses will be considered for renewal at the Regular Meeting of the City Council on Tuesday, April 05, 2016, at 6:30 p.m. in Council Chambers.

/s/ Angie Johnson, City Clerk Publish: March 11 and 18, 2016.

CITY OF LARAMIE COUNCIL PUBLIC HEARING March 22, 2016

Agenda Item: Public Hearing

Title: Original Ordinance No. 1939 annexing approximately 93 acres of property located in unincorporated Albany County, generally located on the northeast corner of I-80 and Curtis Street (Applicant: Turning Leaf Realty)

Recommended Council MOTION:

No action can be taken on a Public Hearing.

For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Ordinance No. 1939.

Per Council discussion at the March 1, 2016 meeting, signature documentation is to be provided in Council's second reading packet for the April 5, 2016 meeting.

Administrative or Policy Goal:

The Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2) shows the area as Auto Urban Commercial and Agriculture. Two companion requests, (Z-15-07) proposes the establishment of B2 (Business) District zoning for the area and a Comprehensive Plan Amendment that will re-designate the Agriculture designated area to Auto Urban Commercial. The Comprehensive Plan's Urban Growth Area (Map 7.2) shows this property within the Urban Growth Area. Annexation of the area will be in conformance with the Comprehensive Plan FLU Map and Urban Growth Area Map and other elements.

Background:

This application is part one of a three-part application package:

1. Annexation (A-15-01) **(This Item)**
2. Comprehensive Plan Amendment (CPA-16-01)
3. Zoning Amendment (Z-15-07)

This ordinance annexes property approximately 93 acres in size on the northeast corner of I-80 and Curtis Street. The area is currently under review and consideration for an amendment of Laramie Comprehensive Plan (2007) to designate the entire lot Auto-Urban Commercial (AUC) within the Comprehensive Plan's Future Land Use Map (Map 3.2). The area is also being considered to establish the zoning designation of B2 (Business) to coincide with the surrounding area and uses.

The related zoning amendment and Comprehensive Plan Amendment are also on this agenda.

The Laramie Planning Commission unanimously recommended approval of the annexation at their February 8, 2016 meeting (5 yes, 0 no, 2 absent).

The Laramie City Council approved (8 yes, 1 no, 0 absent) on 1st Reading the annexation request at their March 1, 2016 meeting.

Legal/Statutory Authority:

- Laramie Municipal Code. Chapter 15 Unified Development Code
- Comprehensive Plan Amendment Approval Criteria LMC § 15.06.060.e.X.4.(i).(2)
- Wyoming State Statutes Title 15 Article 1 Section 502
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan 2007
- Major Street Plan

BUDGET/FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service	$0.00	Application Fee (Pursuant to Resolution No. 2010-44 adopted May 18, 2010; no fees are required for Annexation Applications)
Grants for Projects		
Loans on Project		
Other		
Total	$0.00	

Responsible Staff:

Randy Hunt, AICP, Community Development Director, 721-5288

Derek T. Teini, AICP, Principal Planner, 721-5245

Future dates are subject to change

Work Session	
Advertised	
Public Hearing Held	March 22, 2016
Pub. Hearing Advertised	February 28, 2016
Introduction/1st Reading	March 1, 2016
2nd Reading	April 5, 2016
3rd Reading	April 19, 2016

Attachments:

No attachments have been provided. For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Ordinance No. 1939.

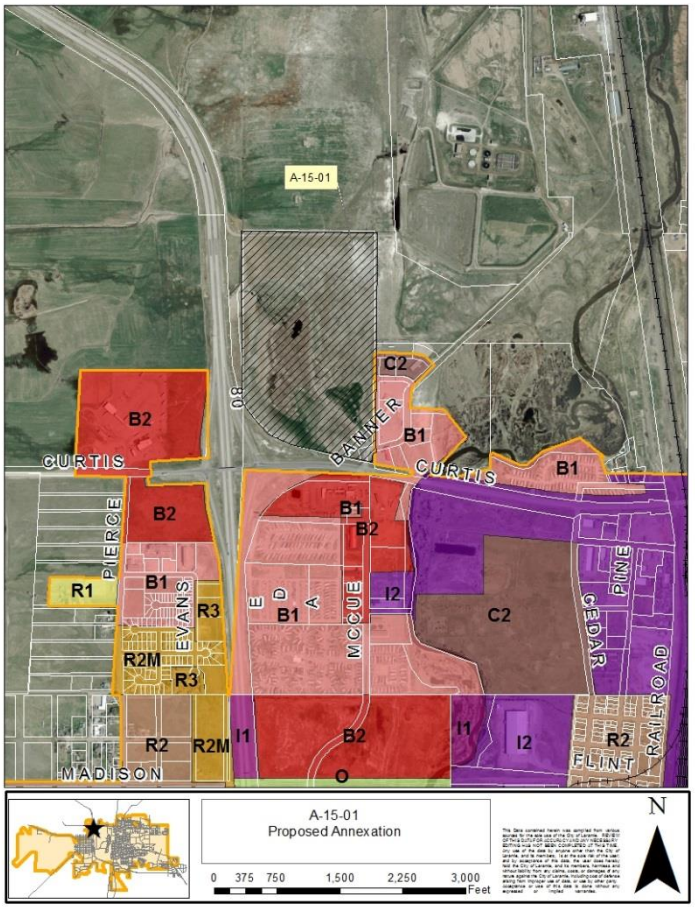
City of Laramie

Community Development Department
P.O. Box C
Laramie, WY 82073

Code Administration: (307) 721-5271
Engineering: (307) 721-5250
Planning: (307) 721-5207
Fax: (307) 721-5248

NOTICE OF PUBLIC HEARING BEFORE THE LARAMIE CITY COUNCIL ON A REQUEST FOR ANNEXATION (A-15-01)

WHAT:	Annexation of an area approximately 93 acres in size
PROPERTY LOCATION:	The property is generally located on the Northwest corner of Curtis Street and Banner Road
APPLICANT/ OWNER:	***Turning Leaf Realty/ Wyoming Central Land and Improvement Company***
HEARING:	***City Council*** ***City Council Chambers, City Hall*** ***406 Ivinson Street,*** ***6:00 P.M. Tuesday, March 22, 2016***
PROCEDURE:	At the appropriate time during the hearing, anyone who wishes to speak concerning this case will be given the opportunity to do so. You may also submit written comments for the record.



Questions? Please contact Derek Teini, AICP, Principal Planner, City of Laramie, Community Development Department.

Phone: (307) 721-5245;
e-mail: dteini@cityoflaramie.org; or US Mail: Community Development Dept., P.O. Box C, Laramie WY 82073

A copy of the staff report and all supporting documents will be available on the City Community Development Website (Planning Division) at www.cityoflaramie.org approximately one week prior to the Planning Commission meeting.

You are being sent this notice because County records indicate that you own property bordering, or within 300 feet of, the above-described property. Please feel free to share this information with anyone who may be interested. Thank you!

CITY OF LARAMIE COUNCIL PUBLIC HEARING March 22, 2016

Agenda Item: Public Hearing

Title: Resolution 2016-23, certifying Planning Commission action, regarding amendments to the Future Land Use Map (Map 3.2) of the 2007 Laramie Comprehensive Plan.

Recommended Council MOTION:

No action can be taken on a Public Hearing.

For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Resolution 2016-23.

Administrative or Policy Goal:

Granting this request will certify the Planning Commission's approval amending the Future Land Use Plan (Map 3.2) of the 2007 Laramie Comprehensive Plan.

Wyoming State Statutes (WSS) Section 15-1-502 authorizes cities to form a Planning Commission and pursuant to WSS 15-1-503, the Planning Commission, after holding public hearings, can adopt a master plan for the physical development of the city. The Laramie City Council certified the 2007 Laramie Comprehensive Plan on August 21, 2007. The City of Laramie Comprehensive Plan recommends opportunities for the public, staff or commissions to request amendments to the Comprehensive Plan.

Background:

This application is part three of a three-part application package:

1. Annexation (A-15-01)
2. Comprehensive Plan Amendment (CPA-16-01) **(This Item)**
3. Zoning Amendment (Z-15-07)

The applicant wishes to amend the Future Land Use Plan to designate this area as Auto-Urban Commercial (AUC) (60 acres) to match with the southern portion of the same site (93 acres total). It is the intent of the applicant to then request rezoning of the whole property for a use (B2 Zoning) compatible with the Auto-Urban Commercial designation.

The Comprehensive Plan's Community Character Chapter (Chapter 3) describes the Auto-Urban Commercial designation as: "Fast food restaurants, gas stations, and strip shopping centers like those found along Grand Avenue and 3rd Street" (3-20), as well as needing large sites with proximity to high-volume arterial roadways.

Zoning districts associated with Auto-Urban Commercial designations are NB (Neighborhood Business), B1 (Limited Business) and C2 (Limited Commercial). The B2 zone district technically is not a compatible zone district for AUC as noted in the Comprehensive Plan. However, staff has concluded in numerous previous cases that this is an error in the Comprehensive Plan and should be included as compatible. This correction is being recommended in the forthcoming Comprehensive Plan updates.

Staff, Planning Commission, and City Council have been consistent over the past 7 years in interpreting AUC to authorize B2 Zoning. By requesting this Comprehensive Plan Amendment the applicant could request, at the time of annexation any of the above zoning districts or combination of them.

The Laramie Planning Commission approved (5 yes, 0 no, 2 absent) the Comprehensive Plan Amendment at their February 8, 2016 meeting.

The Laramie City Council Postponed (9 yes, 0 no, 0 absent) on introduction of the Comprehensive Plan Amendment at their March 1, 2016 meeting, until April 19, 2016.

However it should be noted that the Planning Commission Report incorrectly states the size of the property as 40 acres instead of the correct 60 acres, which has been stated in the Council coversheet and ordinance correctly.

Note: The applicant is in the process of having the 93 acre site annexed into the city of Laramie and has requested the zoning of this property as B2 through a zoning request.

Legal/Statutory Authority:

- Laramie Municipal Code. Chapter 15 Unified Development Code
- Comprehensive Plan Amendment Approval Criteria LMC § 15.06.060.e.X.4.(i).(2)
- Wyoming State Statutes Title 15 Article 1 Section 502
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan 2007
- Major Street Plan

BUDGET/FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service	$0.00	Application Fee (Pursuant to Resolution No. 2010-44 adopted May 18, 2010; no fees are required for Annexation Applications)
Grants for Projects		
Loans on Project		
Other		
Total	$0.00	

Responsible Staff:

Randy Hunt, AICP, Community Development Director, 721-5288

Derek T. Teini, AICP, Principal Planner, 721-5245

Future dates are subject to change

Work Session	
Advertised	
Public Hearing Held	March 22, 2016
Pub. Hearing Advertised	February 28, 2016
Introduction/1st Reading	March 1, 2016 April 19, 2016
2nd Reading	
3rd Reading	

Attachments:

No attachments have been provided. For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Resolution 2016-23.

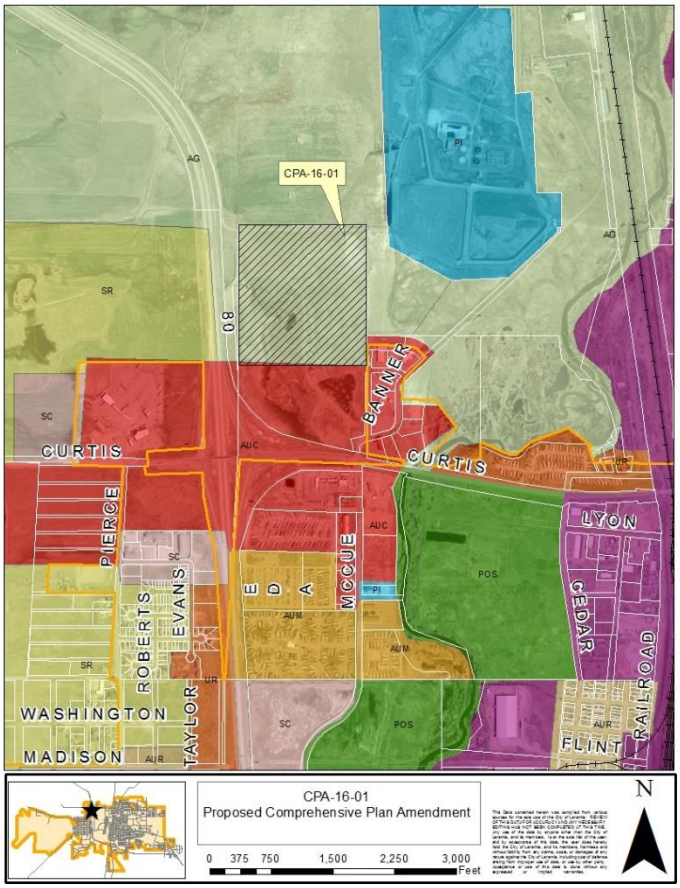
City of Laramie

Community Development Department
P.O. Box C
Laramie, WY 82073

Planning: (307) 721-5207
Fax: (307) 721-5216
Code Administration: (307) 721-5271
Fax: (307) 721-5248
TTD: (307) 721-5295

NOTICE OF PUBLIC HEARING BEFORE THE LARAMIE CITY COUNCIL ON A REQUEST FOR COMPREHENSIVE PLAN AMENDMENT (CPA-16-01)

WHAT:	A Comprehensive Plan Amendment to the Laramie Comprehensive Plan (2007) Future Land Use Map (Map 3.2), requesting that an area approximately 60 acres, be designated as Auto-Urban Commercial.
PROPERTY LOCATION:	Northwest corner of Curtis Street and Banner Road
APPLICANT/ OWNER:	*Turning Leaf Realty/ Wyoming Central Land and Improvement Company*
HEARING:	***Laramie City Council*** ***City Council Chambers, City Hall*** ***406 Ivinson Street,*** ***6:00 P.M. Tuesday, March 22, 2016***
PROCEDURE:	At the appropriate time during the hearing, anyone who wishes to speak concerning this case will be given the opportunity to do so. You may also submit written comments for the record.



Questions? Please contact Derek Teini, AICP, Principal Planner, City of Laramie City Planning Division at:
(307) 721-5245 or e-mail dteini@cityoflaramie.org

A copy of the staff report and all supporting documents will be available on the City of Laramie's Website at www.cityoflaramie.org approximately one week prior to the Planning Commission meeting.

You are being sent this notice because County records indicate that you own property bordering, or within 300 feet of, the above described property. Please feel free to share this information with anyone who may be interested.

CITY OF LARAMIE COUNCIL PUBLIC HEARING March 22, 2016

Agenda Item: Public Hearing

Title: Original Ordinance No. 1940, establishing zoning in an area approximately 93 acres in size to B2 (business) District, generally located on the northeast corner of I-80 and Curtis Street.

Recommended Council MOTION:

No action can be taken on a Public Hearing.

For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Ordinance No. 1940.

Per Council discussion at the March 1, 2016 meeting, signature documentation is to be provided in Council's second reading packet for the April 5, 2016 meeting.

Administrative or Policy Goal:

The Comprehensive Plan's Future Land Use (FLU) Map (Map 3.2) designates part of this area as Auto-Urban Commercial (AUC). Establishment of B2 zoning on the property is consistent with the area Land Use Plan, which allows for NB (Neighborhood Business), B1 (Limited Business), B2 (Business) and C2 (Limited Commercial). Note: B2 zoning is not identified in the Comprehensive Plan, Table 3.1 as a compatible use, however staff has concluded in numerous previous cases that this is an error in the Comprehensive Plan and should be included as compatible. This correction is being recommended in the forthcoming Comprehensive Plan updates.

Background:

This application is part three of a three-part application package:

1. Annexation (A-15-01)
2. Comprehensive Plan Amendment (CPA-16-01)
3. Zoning Amendment (Z-15-07) **(This Item)**

This zoning amendment would establish B2 (Business) District zoning for an area approximately 93 acres in size on the northeast corner of I-80 and Curtis Street. The area is currently being considered for annexation of the same 93 acres as well as an amendment to the Laramie Comprehensive Plan (2007) to designate the entire site as Auto-Urban Commercial (AUC) within the Comprehensive Plan's Future Land Use Map (Map 3.2).

The Planning Commission unanimously recommended the Council approve the rezoning request at their February 8, 2016 meeting (5 yes, 0 no, 2 absent).

The Laramie City Council approved (8 yes, 1 no, 0 absent) on 1st Reading the zoning request at their March 1, 2016 meeting.

Note: Following introduction of the Comprehensive Plan Amendment (CPA-16-01) at their March 1, 2016 City Council meeting, staff recommend that this item be postponed until after the Annexation has concluded. It is anticipated that on April 19, 2016 the Laramie City Council will bring this item back and certify Planning Commission approval of the Comprehensive Plan Amendment, which will amend the

Future Land Use Plan, Map 3.2 of the 2007 Laramie Comprehensive Plan to designate this entire area as AUC (Auto-Urban Commercial) in order to accommodate this zoning request. Currently recommended zoning districts for the AUC (Auto-Urban Commercial) category include the NB, B1, B2, and C2 zoning districts.

Legal/Statutory Authority:

- Laramie Municipal Code. Chapter 15 Unified Development Code
- Comprehensive Plan Amendment Approval Criteria LMC § 15.06.060.e.X.4.(i).(2)
- Wyoming State Statutes Title 15 Article 1 Section 502
- Wyoming State Statutes Title 15 Cities and Towns, Article 5 Planning
- Wyoming State Statutes Title 15 Cities and Towns, Article 6 Zoning
- Laramie Comprehensive Plan 2007
- Major Street Plan

BUDGET/FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service	$635.00	Application and Sign Fee
Grants for Projects		
Loans on Project		
Other		
Total	$635.00	

Responsible Staff:

Randy Hunt, AICP, Community Development Director, 721-5288

Derek T. Teini, AICP, Principal Planner, 721-5245

Future dates are subject to change

Work Session	
Advertised	
Public Hearing Held	March 22, 2016
Pub. Hearing Advertised	February 28, 2016
Introduction/1st Reading	March 1, 2016
2nd Reading	April 5, 2016
3rd Reading	April 19, 2016

Attachments:

No attachments have been provided. For information related to this item please refer back to your regular agenda item from your March 1, 2016 for Ordinance No. 1940.

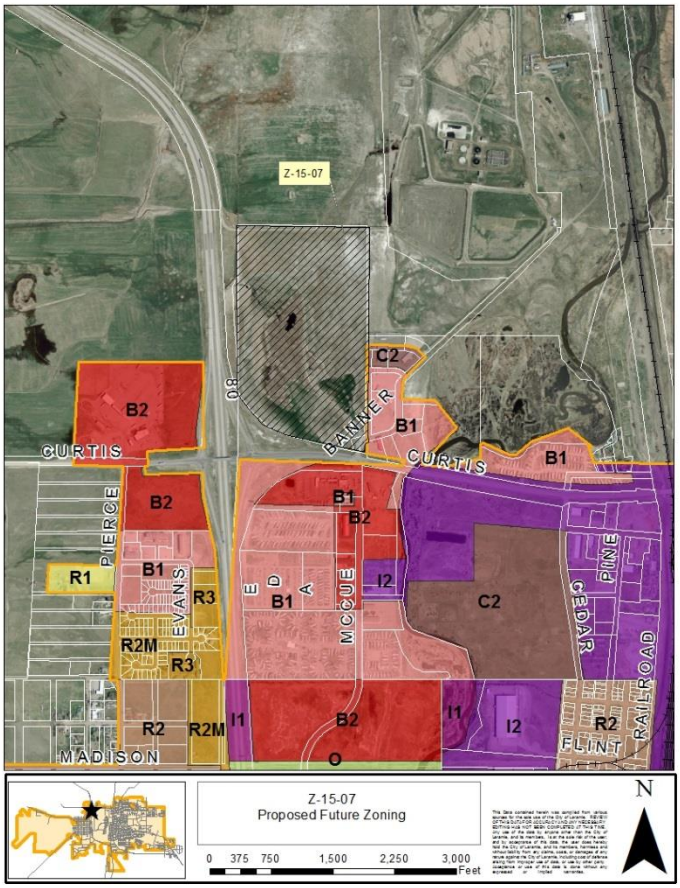
City of Laramie

Community Development Department
P.O. Box C
Laramie, WY 82073

Code Administration: (307) 721-5271
Engineering: (307) 721-5250
Planning: (307) 721-5207
Fax: (307) 721-5248

NOTICE OF PUBLIC HEARING BEFORE THE LARAMIE CITY COUNCIL ON A REQUEST FOR REZONING (Z-15-07)

WHAT:	A rezoning requesting that an area approximately 93 acres, be rezoned from Ag (Agriculture) to B2 (Business).
PROPERTY LOCATION:	Northwest corner of Curtis Street and Banner Road
APPLICANT/ OWNER:	*Turning Leaf Realty/ Wyoming Central Land and Improvement Company/Albany County*
HEARING:	***Laramie City Council*** ***City Council Chambers, City Hall*** ***406 Ivinson Street,*** ***6:00 P.M. Tuesday, March 22, 2016***
PROCEDURE:	At the appropriate time during the hearing, anyone who wishes to speak concerning this case will be given the opportunity to do so. You may also submit written comments for the record.



Questions? Please contact Derek Teini, AICP, Principal Planner, City of Laramie City Planning Division at:
(307) 721-5245 or e-mail dteini@cityoflaramie.org

A copy of the staff report and all supporting documents will be available on the City of Laramie's Website at www.cityoflaramie.org approximately one week prior to the City Council meeting.

You are being sent this notice because County records indicate that you own property bordering, or within 300 feet of, the above described property. Please feel free to share this information with anyone who may be interested. Thank you.

CITY OF LARAMIE COUNCIL WORK SESSION March 22, 2016

LARAMIE 1868	**Agenda Item: Discussion Item** **Title: Impact Fees & the Economic Fees Initiative**

Recommended Council MOTION:
n/a

Administrative or Policy Goal:

Background:

This work session consists of two different items: (1) Impact Fees; and (2) the Economic Fees Initiative.

1. Impact Fees: Impact fees are a very common tool used by municipal and county governments to fund system-wide infrastructure improvements. They usually take the form of a fee assessed on a per-unit basis, due and payable at the time of the relevant permit or approval being issued (e.g., building permit, subdivision-plat approval, etc.) This part of the Council work session is to outline the process required to establish an impact-fee structure for the City of Laramie. The goal at this time is to determine as a policy matter whether impact fees are of sufficient interest to the Council to begin those additional steps.

   Materials attached include: (a) A general policy guide on impact fees from the American Planning Association (APA); (b) "Development Impact Fees: A Primer" – a document from year 2000 by Ohio State University, with a reasonably thorough summary of the issues; (c) an impact-fee feasibility study done for the City of Cheyenne in 2015 by TischlerBise, a firm recognized as one of the premier consulting firms in the field. Cheyenne has not yet adopted impact fees, but it is understood the discussion is still viable there.

   It is suggested these three documents be looked at in that order. However, the Cheyenne example is definitely the most concrete in terms of practical questions, such as "how much would a community similar to Laramie assess, if impact fees were adopted?" The study also outlines the steps required to adopt impact fees in Cheyenne. We believe most or all of these steps – including a full-fledged Capital Improvements Plan – would be needed in Laramie in order to make impact fees legally defensible. Probably the most useful pages for these aspects in the Cheyenne study are pp. 3-8 and pp. 34-35.

2. Economic Fees Initiative: The primary component of this work-session segment is the included document "Planning, Zoning and Engineering Fees: For Council Work session discussion: 2016-03-22". Bold items are fees suggested for reduction; non-bold font indicates fees currently in effect and not proposed for reduction. None are proposed for increase.

Also included is a staff report prepared around 14 months ago for Planning Commission discussion, titled "Development Fees". We believe this document still encompasses the main topics at hand.

Please note that Code Administration division fees are not included at this time in the discussion materials. These fees include building-permit fees and plan-review fees. The Code Administration fees have not been changed since January 2006, and they should be revisited in the same context as the other fees in this work session. However, due to unforeseen circumstances, Community Development Dept. is not prepared at the time of this writing (Wed., Mar. 16) to provide information. If circumstances permit, additional information may be provided at the Mar. 22 work session. If the information is still unavailable (or if more time for discussion is needed or desired), possibly an additional discussion could be scheduled in the near future.

Legal/Statutory Authority:

BUDGET/FISCAL INFORMATION:

Responsible Staff:

Randy Hunt, Community Development Director: 721-5288

Derek Teini, Principal Planner: 721-5245

Earl Smith, Public Works Director: 721-5230

Future dates are subject to change

Work Session	March 22, 2016
Advertised	
Public Hearing Held	
Pub. Hearing Advertised	
Introduction/1st Reading	
2nd Reading	
3rd Reading	

Attachments:
"American Planning Association: Policy Guide on Impact Fees"
"Development Impact Fees: A Primer"
"Development Impact Fees: Prepared for City of Cheyenne, Wyoming" (TischlerBise) March 4, 2015
"Planning, Zoning and Engineering Fees: For Council Work session discussion: 2016-03-22"
"Development Fees" [Planning Commission staff report]: January 26, 2015

American Planning Association

Making Great Communities Happen

Policy Guide on Impact Fees

Ratified by Board of Directors, Cincinnati, Ohio, October 1988
Revised and updated, San Diego, California, April 1997
Ratified by Board of Directors, San Diego, California, April 1997

Findings

Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve that development. The fees typically require cash payments in advance of the completion of development, are based on a methodology and calculation derived from the cost of the facility and the nature and size of the development, and are used to finance improvements offsite of, but to the benefit of the development.

Local governments throughout the country are increasingly using impact fees to shift more of the costs of financing public facilities from the general taxpayer to the beneficiaries of those new facilities. As a general matter, impact fees are capitalized into land values, and thus represent an exaction on the incremental value of the land attributable to the higher and better use made possible by the new public facilities. Some commentators have argued that, under certain circumstances, others may instead bear the incidence of the fee (these may include the original landowner, the developer, or the consumer). There has been little to demonstrate that the imposition of a fee system has stifled development. The fees supplement local government resources that otherwise have decreased because of diminished state and federal transfers of funds. Local governments have also used impact fees to delay or as a substitute for general property tax increases.

Impact fees, when based on a comprehensive plan and used in conjunction with a sound capital improvement plan, can be an effective tool for ensuring adequate infrastructure to accommodate growth where and when it is anticipated. It is important that communities rely on zoning and other land use regulations, consistent with a comprehensive plan, to influence patterns of growth and to more accurately predict new infrastructure needs. However, in areas facing development moratoria because of the lack of adequate public facilities, impact fees may be viewed not as growth stopping measures, but rather as growth facilitators. Impact fees should not be considered a panacea for the funding of general capital improvements, nor should they be used to "stop growth." They can do neither.

Local government experimentation with impact fees has been paralleled by increasing state court involvement in the review of these fees. A general trend in the state courts has been to require a "rational nexus" between the fee and the needs created by development and the benefits incurred by the development. This analysis is a moderate position between a standard that requires that the fee be "specifically and uniquely attributable" to the needs created by new development, and the relaxed standard that the fee be "reasonably related" to the needs created by development.

Impact fees have been criticized as being an inequitable means to finance public facilities. By requiring new development to pay for new facilities without benefiting from existing facility capacity, local governments may be bypassing the traditional practice of intergenerational contribution toward public facilities. Some commentators have argued that, when set at high levels, impact fees may also tend to be regressive. Certain public facilities may be considered "public goods" that should be financed by the entire community, such as general government, police, or schools. To the

extent that impact fees are paid by those who are most likely to benefit from the public facilities provided therefrom, however, impact fees are equitable.

Many local communities have expanded the use of impact fees to finance a wide variety of public facilities. The most widespread use of these fees is for sewer and water facilities, parks, and roads. Impact fees are also being used for schools, libraries and public facilities. In recent years, rulings at the state court level have defined how impact fees may be applied and utilized. Thus, there are numerous standards and guidelines available to assist local and regional governmental agencies on the planning processes that must be undertaken to develop a legally defensible impact fee program. Approximately half the states have enacted enabling legislation for impact fees, some of which have specifically included language that governs how these programs are to be implemented. To be most effective and legally valid, impact fees must be carefully designed and documented.

Policy Guide

POLICY 1. APA National and Chapters support state enabling legislation that establishes clear and concise standards for the adoption and use of impact fees consistent with this policy.

Reasons to Support #1
Since there is substantial case law on impact fees around the country, the courts have been specific in developing the criteria for an equitable and legally defensible impact fee system. By encouraging enabling legislation that delineates these standards, state, regional and local government will be required to follow the planning process needed to develop the proper methodology for calculating fees that are valid and well documented. While following these standards will not eliminate costly litigation challenging the fees, it places a greater burden of proof on the party challenging the imposition of the fee. Further elaboration on specific issues can be found in the following policies and a list of applicable standards are appended to this Policy Guide.

POLICY 2. APA National and Chapters encourage consideration of the use of impact fees as a means to provide additional resources for an adequate public infrastructure and services only as they relate to the needs of new development.

Reasons to Support #2
Given the diminishing level of support for infrastructure improvements from state and local governments, coupled with the significant costs involved, regional and local governments are limited in where they can turn to secure funding for new infrastructure projects to accommodate new growth. Moreover, since impact fees cannot be used to cover the staggering costs of maintaining and repairing the existing infrastructure, they can augment resources available for new infrastructure necessary to accommodate new growth, for which general revenue funding must be made available.

POLICY 3. APA National and Chapters support the use of impact fees as a standardized method for ensuring that new development pays its fair share of the cost of public infrastructure.

Reasons to Support #3
While the development community has yet to rally behind the concept of impact fees, it seeks predictability and consistency in the permitting and approval process. When local governments attempt to obtain off-site improvements that do not relate to the impacts of a specific development, a system of negotiating exactions with developers is created that has no "rational nexus" because it is not based upon a sound planning process. Impact fee programs designed as described in this Policy Guide must be based on a planning process for capital improvements to ensure that the infrastructure needs of new development are met. This lends credibility to the planning process.

POLICY 4. APA National and Chapters encourage the use of impact fees to pay for facilities where a rational nexus can be established.

Reasons to Support #4
Impact fees should only be utilized when a connection can be made between the impact of new development and the need for new infrastructure to accommodate that development. Proper planning and analysis can demonstrate the nexus between future build-out and the capital needs to support that growth.

POLICY 5. APA National and Chapters believe that impact fees should be used in the context of community-wide plans and programs for financing public facilities and services, and ensure the adequacy of public facilities to serve future development.

Reasons to Support #5
New development should not be responsible for financing an inordinate share of the expense of the future facilities and services needed by the municipality. Community-wide capital improvement planning is necessary in order to properly plan for required improvements and long-term maintenance. This type of planning process should be a pre-requisite to the imposition of impact fees to ensure that fees from new development are not used to finance improvements that are legitimately in the purview of the local government and will benefit the community-at-large.

POLICY 6. APA National and Chapters oppose requiring voter approval to establish fees for mitigation of impacts on public facilities and services where such fees are imposed pursuant to a legislatively approved program in compliance with APA standards for the adoption and use of impact fees.

Reasons to Support #6
If an impact fee program has been adopted and implemented in a manner that is consistent with this Policy Guide, and has already been approved as a matter of law, such programs can be subverted by requiring voter approval. In addition to being administratively cumbersome, it raises constitutional issues of fairness and equal protection. This issue has been raised in several states.

POLICY 7. APA National and Chapters support continued dialogue between local planning agencies, the general public, and the development community to discuss the public costs associated with new development, reaching an understanding on the calculation of such costs, and establishing alternative means for financing these costs, including the use of impact fees.

Reasons to Support #7
APA should continue its training and educational efforts on impact fees and capital improvement planning in order to build a better body of knowledge about the planning, economic, and legal implications of the varying methods of financing major infrastructure improvements.

POLICY 8. As a framework for imposing fees, local jurisdictions are encouraged to develop, adopt, and implement capital improvement programs consistent with an adopted comprehensive plan with consideration given to other funding alternatives.

Reasons to Support #8
Only a capital improvement plan can provide a comprehensive summary of the capital requirements of the jurisdiction. Impact fees will only be able to finance a percentage of those needs. The plan is necessary in order to prioritize expenditures and should relate them to the source of funding.

Impact Fee Standards

- The imposition of a fee must be rationally linked (the "rational nexus") to an impact created by a particular development and the demonstrated need for related capital improvements pursuant to a capital improvement plan and program.
- Some benefit must accrue to the development as a result of the payment of a fee.
- The amount of the fee must be a proportionate fair share of the costs of the improvements made necessary by the development and must not exceed the cost of the improvements.

- A fee cannot be imposed to address existing deficiencies except where they are exacerbated by new development.
- Funds received under such a program must be segregated from the general fund and used solely for the purposes for which the fee is established.
- The fees collected must be encumbered or expended within a reasonable timeframe to ensure that needed improvements are implemented.
- The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer initiated improvements for impacts related to new development, etc.) and local tax payments which fund capital improvements, for example.
- The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements, or under some linkage programs, affordable housing, job training, child care, etc.
- The fee established for specific capital improvements should be reviewed at least every two years to determine whether an adjustment is required, and similarly the capital improvement plan and budget should be reviewed at least every 5 to 8 years.
- Provisions must be included in the ordinance to permit refunds for projects that are not constructed, since no impact will have manifested.
- Impact fee payments are typically required to be made as a condition of approval of the development, either at the time the building or occupancy permit is issued.

DEVELOPMENT IMPACT FEES:
A PRIMER

By

Carmen Carrión and
Lawrence W. Libby[1]

The use of development impact fees to finance public facilities that are necessary to service new growth is a practice that has gained importance and acceptance in the last decade. In the U.S. the practice and widespread use of the DIF are asymmetric. Even though DIF are widely accepted, many public officials, developers and the general public do not yet understand the need for DIF and their effect on the economy. There are important policy and legal issues involved. Selected state experience is reviewed here.

Definition

Development Impact Fees are one time charges applied to new developments. Their goal is to raise revenue for the construction or expansion of capital facilities located outside the boundaries of the new development that benefit the contributing development (Nicholas, et al., 1991). Impact fees are assessed and dedicated principally for the provision of additional water and sewer systems, roads, schools, libraries and parks and recreation facilities made necessary by the presence of new residents in the area. The funds collected cannot be used for operation, maintenance, repair, alteration or replacement of capital facilities.

A development impact fee is a form of financial exaction but there are differences in specific terminology from one place to another. In some communities these development charges are called impact fees while others may be called benefit assessments, user fees or connection charges. In other words, a development impact fee is a financial tool to reduce the gap between the resources needed to build new public facilities or to improve ones to serve new residents and the money available for that purpose.

Impact fees became popular when voters resisted higher property taxes and federal revenues for local public facilities declined. Local governments were forced to abandon traditional ways of financing new infrastructure and public services and move toward an alternative source of financing.

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[1] Research Associate and Professor, respectively, Department of Agricultural, Environmental, and Development Economics, The Ohio State University, Columbus, Ohio.

Frank and Downing (1988) found four community characteristics that may induce the use of impact fees. First, there is a large population base (How is that important?). Second, the community is experiencing moderate to rapid growth. When a city is growing and its residents wish to maintain a constant level of public services, both infrastructure and current services must increase over time. The city has to decide how to finance the cost of both. Third, the community already faces high property taxes. Evidence shows that communities that devote significant tax resources to the support of growth are most likely to adopt an impact fee scheme as an alternative way of financing development. Finally, there is large capital investment to maintain. As communities grow larger, there is the necessity for a larger sewer system which is more expensive to replace and maintain.

Policy Considerations

Although impact fees do not alter total service or infrastructure costs, they do affect the distribution of these costs. Each community will need to make a policy decision about whether the cost of new infrastructure is charged directly to the new residents or shared, via higher taxes, among all current residents. This is a sensitive issue because previous residents can refuse to raise the taxes needed for new facilities serving new people, or if the costs are charged to new users, previous residents can enjoy the benefits from the construction of new public facilities without paying for them.

The choice of an infrastructure financing method affects the pattern of urban development. For example, residential density and distance from a water or sewer treatment plant influences the costs of sewer facilities or services. Recht (1988) mentions two approaches to determine the cost of any development, the average-cost pricing method that sets a flat connection fee[2], and a marginal-cost pricing system in the form of a three-part tariff. One part of the tariff would be a charge for the costs of the facility used to provide water and sewer services, like a water treatment plant. The second part of the tariff is a charge for costs of delivering the service, such as the costs of connections or extensions. The third part of the tariff is a charge for actual use based on the short-run costs of producing the service. Under this method, the goal of public officials is to

[2] A flat connection fee functions as a subsidy to outlying development because the areas less costly to serve subsidize development in areas that are more expensive to serve

determine the location of the central facilities and then price their use. The market would then dictate appropriate and efficient land use patterns.

The premise on which impact fees are based is that development should pay the full marginal cost of providing facilities necessary to accommodate growth. Impact fees, then, might offset many of the subsidies of new development that produce a "leapfrog" urban sprawl pattern that allows development to skip over land closer to the urban area. By adopting impact fees, current residents could ease the burden of provision of incremental infrastructure by shifting future infrastructure costs onto new residents (Brueckner, 1997). Therefore, new residents are essentially buying their way into the community (Nicholas et al., 1991)

Impact fees can be used as an instrument to guide development efficiently when used based on a comprehensive plan (See Leitner and Schoettle, 1993; Brueckner, 1997) and when they are well implemented, allowing local governments to finance construction improvements along with a schedule for their funding and construction, ensuring that the improvements are in place to serve new development. Thus, an impact fee is an effective tool in guaranteeing adequate infrastructure to accommodate and facilitate growth in areas where there is a lack of public facilities, also eliminating substantial infrastructure costs in areas where there is little current development by avoiding a leapfrog urban sprawl pattern.[3]

Adopting an impact fee scheme may carry additional costs to the city itself. First, all things being equal, businesses may choose to locate in a community without impact fees instead of one that has impact fees, thus retarding urban growth. Second, impact fees require local governments to engage in more professional and sophisticated capital facilities planning, requiring additional administrative staff with the necessary skills. Thus, a disadvantage of the impact fee scheme is that it is more complicated and expensive to implement. A fee system may also reduce the price of undeveloped land because impact fees act as a deterrent to develop open land[4].

[3] According to Downs, some negative effects of urban sprawl are increased traffic congestion, consumption of large amounts of undeveloped land, need for costly new infrastructure and an excessive consumption of energy in private transportation. (1998)

[4] For a more detailed discussion See Brueckner, 1990

According to Kaiser, Burby and Moreau (1988) there are three groups of administrative factors that determine success in adopting an impact fee scheme. First, there must be a need for innovation resulted from a rapid population and employment growth and an increasing demand for public facilities. Second, there must be administrative capacity to innovate, this means that the government structure is able to review, deliberate and implement an impact fee scheme. Finally, there must be land use and facility planning and coordination capacity because impact fees depend on a comprehensive land use and capital improvements program.

Economic Considerations

The demand for facilities increases over time as a result of population growth and change in community preferences. The problem of trying to meet the increasing demand is that the public facilities expansion is generally a lumpy investment[5]. Current costs of constructing facilities needed in the future are estimated but the cost should be spread among all future users, not just the new development.

Most facilities have efficient service areas, in that they are constructed and operated at the least cost for users within that area. The problem is that people outside the service area can use those facilities as free riders, where there is no exclusivity in the service areas. In theory, impact fees overcome this problem because new development is charged only for its expected level of use of the new facility and not for the total cost.

Impact fees may lead to certain types of inequities as well. Fees are equitable horizontally if the new developments are the same size and kind but impact fees are non-equitable vertically in that lower value developments pay more in impact fess than higher value developments of comparable community impact. Also, an impact fee scheme may discriminate against low-income households because it raises housing prices and, in a competitive market and in the short term, the developer will attempt to pass these costs onto the buyers.[6]

[5] The facility is built infrequently and cannot be expanded incrementally to approximate smoothly linear increases in size. Examples are water and sewer plants, schools, libraries, major roads and parks. The construction of local roads, neighborhood parks, police, fire, emergency medical, are examples of capital investments that can be expanded gradually.

[6] Huffman et al. 1988 and Singel and Lillydahl (1990) provide an empirical analysis where they evaluate the effect of impact fees on the housing market in Loveland, Colorado; Nicholas, 1995.

There is the need to determine who will pay development impact fees. It is easier to pass impact fees forward from developers to consumers, than backwards from developers to landowners (National Association of Home Builders, 1997). If this is true then there is the assumption that buyers of new housing will pay the fees through higher prices due to impact fees. On the other hand, if the fee is imposed before developers have had a chance to account for them, developers will have to pay the fee out of their profits (Nicholas, 1997). In a theoretical context, the incidence of impact fees would be similar to the incidence of other kinds of taxes (see Musgrave and Musgrave, 1989).

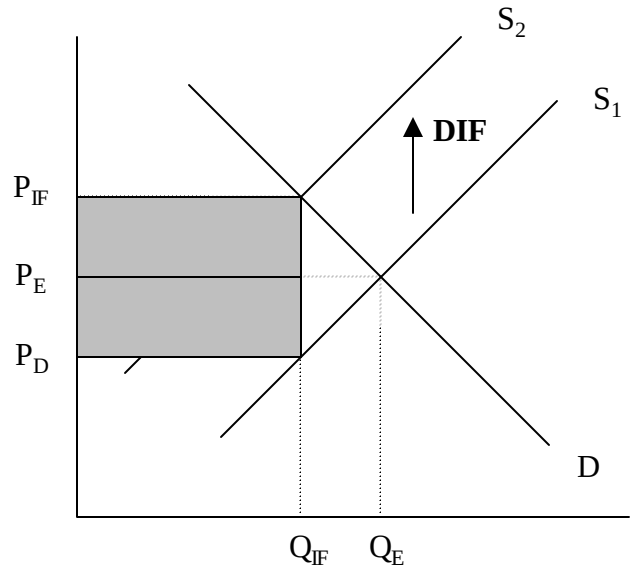

Figure 1

If the housing market is competitive before impact fees, housing demand, denoted as D in figure 1, and housing Supply (S_1) are in equilibrium, where Q_E is the output of housing in equilibrium and P_E is the price of housing in equilibrium. When impact fees are implemented, denoted as IF in the figure, the supply curve shifts to the left, from S_1 to S_2, indicating a higher cost of production. The result is a lower housing output Q_{IF}, a higher housing price P_{IF} and a lower price received by the developer P_D. The shaded area represents the community's revenue.

Another question that arises is the relative share of the impact fee paid by seller and buyer. The answer depends on the elasticities of demand and supply curves. If

buyers of new homes are not price responsive (demand is inelastic) they will pay a greater portion of the impact fee. In the short term, both buyers and developers bear part of the burden unless developers offset their share of the fee by reducing lot or dwelling size, quality and amenities (See Huffman et al, 1988).

Legal Considerations

There are a many court cases on impact fees, focusing primarily on local government authority to ratify the impact fee and state and federal limitations[7]. An impact fee must meet three constitutional tests. First, the fees must meet a substantive due process test, where the local government has the authority to assess, collect and spend impact fees for a determined public facility.[8] The manner of assessment, collection, and expenditure must clearly qualify the payment as a fee and not a tax.[9]

Second, the equal protection test, the fees must be applied to all parties on the same basis. All new development that imposes an impact must be assessed the same kind of fees, although fees may vary by the magnitude of impacts and the fees must be rationally related to the public purpose[10].

Finally, the "takings" test must assure that the local authority objective is sufficiently close to the method chosen to accomplish the stated objective and that property is not "taken" without just compensation.[11]

From different court cases, three nexus tests of impact fees have been developed to meet the constitutional tests: (1) the "reasonable relationship" test is based on California exaction practices and requires that there is a reasonable connection between the fee charged to the developer and the needs generated by that development.[12] (2) The

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[7] See Leitner and Schoettle (1993) for information in specific court cases. Also there is an analysis of State Impact Fee Legislation.

[8] Home Rule Authority is normally found to include the power to impose impact fees. See also, in Development Impact Fees: Policy Rationale, Practice, Theory & Issues (1988), discussions from Juergensmeyer, Stroud and Andrew & Merriam related to this matter. See, e.g. Pennsylvania Coal v. Mahon 260 U.S. 393, 415 (1992)

[9] See, e.g., City of Fayetteville v. IBI, Inc., 659 S.W.2d 505, 507 (Ark 1983); Eastern Diversified Properties, Inc v. Montgomery County, 319 Md. 45, 570 A.2d 850 (1990).

[10] In other words, there must be a rational relationship between the need for new facilities to accommodate growth and the fees new development pays to finance those facilities. See also, Contractors & Builders Association of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla. 1976); Ivy Steel and Wire Co v. City of Jacksonville, 401 F. Supp. 701 (Fla. 1975);

[11] Nollan v. California Coastal Comm'n, 107 S. Ct. 3141 (Cal. 1987); Dolan v. City of Tigard, 114 S. Ct. 2309 (1994)

[12] See Leitner and Schoettle(1993), This test has been applied only in Illinois and Rhode Island.

"specifically and uniquely attributable" test that requires that the fee charged to the developer is directly and uniquely attributable to that development.[13] (3) The "rational nexus" test, which states that there be a proportionality between the amount charged to the developer and the type and amount of facilities demand generated by the development and that there be a reasonable connection between the use of the fees and the benefits accumulated to new development[14].

State Legislation

Several states have passed statewide legislation that affects the ability of public agencies to levy impact fees. The use of impact fees has expanded in the last 15 years. Leitner and Schoettle (1993), analyzed the statutes governing impact fees adopted by twenty states with a general impact fee legislation.[15] Also they highlighted, that the development of impact fees legislation across states has been asymmetric and diverse, ranging from very specific, comprehensive, and restrictive, as is the case for the Texas and Illinois impact fee statutes to very brief and general, such as the legislation in New Jersey or Indiana.

Some examples

California – Assembly Bill1600, which became effective on January 1, 1989, regulates the way that impact fees are imposed on development projects. The agency imposing the fee must (1) identify the purpose of the fee; (2) identify the use to which the fee is to be put, including the public facilities to be financed; (3) show a reasonable relationship between the fee's use and the type of development project; (4) show the reasonable relationship between the public facility to be constructed and the type of development; and (5) account for and spend the fees collected only for the purposes and projects specifically used in calculating the fee.

Florida -- The Growth Management Act of 1985 requires local agencies to maintain adequate service levels for public facilities and prohibits approval of development that would cause a reduction in service level for existing users. The act also

[13] Pioneer Trust and Savings Bank v. Village of Prospect, 16 N.E. 2d 799 (Ill. 1961)

[14] See, Home Builders & Contractors Ass'n v. Board of County Comm'rs, 469 U.S. 976 (Fla. 1984); Nicholas et. al. (1991); Salt Lake County v. Board of Educ. Of Granite Sch Dist., 808 P.2d 1056 (Utah 1991); Contractors and Builders Ass'n of Pinellas County v. City of Dunedin, 329 So.2d 314 (Fla. 1976), cert denied, 44 U.S. 876 (1979)

[15] They mention that prior to 1987 only three states had a general impact fee legislation: California, Arizona and New Jersey.

requires the local government to provide public facilities that are consistent with the community's land-use plan. The act does not specifically allow impact fees, since the courts have ruled that the authority to levy such fees is a function of the Florida Constitution. But "concurrency" as a development rule accomplishes much the same purpose.

Illinois – 605 ILL. COMP. STAT. ANN. 5-901 *et. esq*. Statute adopted in 1988, allows collection of transportation impact fees for roads that are directly affected by traffic demands generated by new development. The statute is an example of the "specifically and attributable" test.

New Jersey – N.J. STAT. ANN. 40:55D-42. The Transportation Development District Act of 1989 allows the creation of transportation improvement districts and transportation development districts. The districts are formed by the New Jersey Department of Transportation on petition of local officials. The legislation provides for the development of a master traffic plan to measure the extent of existing deficiencies and the impact of future development. Impact fees may then be charged to new development based on specific impacts and any projects necessary to offset the impacts.

Texas – TEX. LOCAL GOV'T CODE ANN. 395.001 *et esq*. The state of Texas is cited as having the first legislation that specifically allows cities to impose impact fees. The Texas law, unlike other states' legislation, specifies not only the procedure for calculating fees but also the formulas to be used and those improvements that may be financed by impact fees (Bogard, 1990).

Kentucky—The state of Kentucky has an open space mitigation fee for Lexington-Fayette County, as an appendix of the Lexington-Fayette County zoning ordinance. It is part of an urban County Comprehensive Plan.[16] The ordinance also considers credit for open land dedication. If the area proposed for development includes lands dedicated for parks in the Expansion Area Master Plan, the developer will dedicate such lands to the Lexington-Fayette County Governments in lieu of paying an exaction fee.[17]

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[16] Assuring that new development is served by adequate public facilities and bears a proportionate share of the cost of improvements necessary to provide roads, parks, open space, sanitary sewer treatment.

[17] The developer will obtain a credit for the value of such lands against any park exactions that may be due.

Indiana— IND. CODE ANN. 36-7-4-1300 *et esq*. The impact fee legislation adopted by state of Indiana reflects the public concern for affordable housing. Besides, Indiana impact fee ordinance states that a single and unified impact fee is imposed on each new development.

Ohio -- Meck and Pearlman in their annual update of *Ohio Planning and Zoning Law* (2000) provide an excellent review of important cases. The following draws heavily on their work. Ohio has no specific enabling legislation for local development impact fees. Several recent court cases address the constitutionality of utility tap-in fees or recreational excise taxes imposed by municipalities under their general home rule authority. The cases focus on the authority to impose such fees and the "reasonableness" of the fee, that is, the relationship between the fee charged and the actual cost of providing the service in question.

One of the first Ohio cases was the 1967 dispute between Englewood Hills, Inc. and the Village of Englewood.[18] A Montgomery County appeals court ruled in that case that Ohio municipalities may levy tap-in charges for water and sanitary sewer services if the fees are "fair and reasonable and bear a substantial relationship to the cost involved in providing the service."[19] There was sufficient engineering evidence that the fees in question bore a direct relationship to per unit cost of providing the service.

The Ohio Supreme Court confirmed a municipality's authority to impose sewer tap-in or connection fees in Amherst Builders Association versus the City of Amherst.[20] The Court noted that the connection fee must bear "a reasonable relationship to the entire cost of providing service to those new users."[21] The fees must not be available for general services, only for the sewer system. Fees may be based on replacement cost, less depreciation, or on estimated sewer flowage from various users.

Another example of municipalities exercising their home rule power is in Towne Properties versus the City of Fairfield,[22] in which the Ohio Supreme Court affirmed a municipality's authority to impose an excise tax on new homes in the city to generate funds for needed public recreation facilities. The Court held that municipalities might

18 Englewood Hills, Inc. V. Village of Englewood, 14 Ohio App.2d 195, 198, 237 N.E..2d 621, 624 (Montgomery 1967)

19 Article XVIII, Section 4 of the Ohio Constitution.

20 Amherst Builders Ass'n v. City of Amherts, 61 Ohio St.2d 345, 348, 402 N.E.2d 1181, 1184 (1980).

21 Amherst Builders Ass'n v. City of Amherts, 61 Ohio St.2d 345, syllabus, 402 N.E.2d 1181(1980)

adopt a local charge on new development, absent an express or implied prohibition by the state legislature.

When a local government attempts to impose fees that exceed the cost of providing the service related to tapping into the utility, a court would hold the fees invalid. For example, in State ex. Rel. Waterbury Development Co. v. Witten, [23] the Ohio Supreme Court affirmed a Lucas County appeals court in striking down a water tap-in charge required before building permit could be issued as having no relationship to the present or future cost of providing water. The Waterbury appeal also invalidated a "New Park Development Fee" required prior to the issuance of building permits for residential, commercial or industrial construction. The appeals court noted that persons owning homes prior to the passage of the ordinance had not been taxed even though they were entitled to use the parks.

The next case illustrates the consequences of enacting impact fees without the proper planning groundwork. A Cuyahoga County appeals court invalidated on federal and state equal protection grounds the City of Westlake impact fee requiring payment as a condition for issuance of a building permit. The fee, characterized as a tax, passed shortly after voters rejected an income tax referendum. The court contended that the ordinance authorized the city council to use the impact fee revenue from new commercial, industrial and residential development to maintain existing recreational facilities, "which are also used, and presumably presently supported by property and income taxes, by the present residents of the city."[24]

In 1993, the city of Beavercreek, Ohio established an impact fee on new land developments within an area of the city defined as an "impact fee district." The purpose is to provide for the new streets, roads, and related traffic facilities associated with the new development. The fee is paid with application for a zoning permit or final residential plat approval concerning the land to be developed in the special impact fee district. Funds collected from the developers of the land within the district will go into a special trust fund for providing traffic system improvements necessitated by new development. No funds may be used for periodic maintenance. The impact fee ordinance was intended

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22 Towne Properties v. City of Fairfield, 50 Ohio St.2d 356, 364 N.E.2d 289 (1977)

23 State ex rel. Waterbury Dev. Co v. Witten, 58 Ohio App.2d 17, 387 N.E.2d 1380(Lucas 1977)

24 Building Indus, Ass'n of Cleveland & Suburban Countiesv. City of Westlake,103 Ohio App.3d 546, 660 N.E.2d 501 (Cuyahoga 1995)

to shift an appropriate share of the cost of new roads and streets onto the new development.

The Court contrasted the Beavercreek ordinance with those in Towne Properties and Westlake. Impact fee dollars go to a separate fund, thus restricting their use to constructing the roads needed to serve new development. The Court found that the ordinance was based on sound land use planning, passed the dual nexus test linking the fee to demonstrated need and appropriate level and did not constitute a regulatory taking. The trial court declared the Beavercreek ordinance to be a constitutional exercise of home rule authority. But the Greene County Court of Appeals reversed in favor of the plaintiffs, Homebuilders Association of Dayton and the Miami Valley. The court concluded that the impact fees should be characterized as a tax. One reason, said the court, was because the city financed the defense of the ordinance out of the fees themselves, although typically defending litigation against challenges is a general city responsibility, not something unique to a particular ordinance. Using the fees in an adversarial context to support litigation costs, while not absolutely prohibited, "makes the ordinance operate more like a tax than a fee."[25] The Court ruled against the city because of the absence of a matching fund to augment impact fees collected.

The Ohio Supreme Court received this case in November 1999 and issued its finding in June 2000 reversing the Appeals Court decision and upholding the Beavercreek ordinance. The city had made an extraordinary effort to limit the fee to developments necessitating related new transportation expenditures. A deduction was made for "pass through" existing traffic, and specific exemptions were granted. The court was persuaded that the impact fee was indeed a fee and not a tax and that a matching fund was not required to remain a constitutionally valid action under home rule authority.

Conclusions

1. Development impact fees acknowledge that new development frequently creates infrastructure costs greater than the revenue generated for the municipality providing the service.

25 Home Builders Ass'n of Dayton v. City of Beavercreek, 1998 WL 735931, Nos. 97-CA-113, 97-CA-115.

2. Development impact fees may raise the cost of development and conceivably will affect location decisions by residents or businesses. If those location decisions are highly price responsive (elastic demand) then such other methods as metered user fees may be more appropriate for the municipality than impact fees.

3. Policy experience with impact fees is highly diverse, inconsistent from state to state. Some have statewide enabling statutes dealing specifically with local impact fees. In other states authority is given to certain municipalities. In others, by far the more numerous, impact fee policy has evolved through court tested specific efforts by municipalities or other jurisdictions to generate funds they need to provide needed and demanded services. In Ohio, municipalities and home rule townships have acknowledged authority to develop an impact fee structure, subject to constitutional tests of equal protection and due process. Essentially, valid fees must be related to the demanded cost of required new services and must be used for those services only.

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EXECUTIVE SUMMARY

For the City of Cheyenne, TischlerBise prepared this impact fee study to document the growth cost of Public Works, Fire/Rescue, Parks/Recreation, and Transportation infrastructure. Impact fees are collected from new construction at the time a building permit is issued and used to construct system improvements needed to accommodate new development. An impact fee represents new growth's proportionate share of capital facility needs. Impact fees do have limitations, and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive funding strategy to ensure provision of adequate public facilities. Impact fees may only be used for capital improvements or debt service for growth-related infrastructure. In contrast to general taxes, impact fees may not be used for operations, maintenance, replacement of infrastructure, or correcting existing deficiencies.

GENERAL LEGAL FRAMEWORK

Both state and federal courts have recognized the imposition of impact fees on development as a legitimate form of land use regulation, provided the fees meet standards intended to protect against regulatory takings. Land use regulations, development exactions, and impact fees are subject to the Fifth Amendment prohibition on taking of private property for public use without just compensation. To comply with the Fifth Amendment, development regulations must be shown to substantially advance a legitimate governmental interest. In the case of impact fees, that interest is in the protection of public health, safety, and welfare by ensuring development is not detrimental to the quality of essential public services. The means to this end are also important, requiring both procedural and substantive due process. The process followed to receive community input (i.e. stakeholder meetings, work sessions, and public hearings) provides opportunities for comments and refinements to the impact fees.

There is little federal case law specifically dealing with impact fees, although other rulings on other types of exactions (e.g., land dedication requirements) are relevant. In one of the most important exaction cases, the U. S. Supreme Court found that a government agency imposing exactions on development must demonstrate an "essential nexus" between the exaction and the interest being protected (see *Nollan v. California Coastal Commission,* 1987). In a more recent case (*Dolan v. City of Tigard, OR,* 1994), the Court ruled that an exaction also must be "roughly proportional" to the burden created by development. However, the *Dolan* decision appeared to set a higher standard of review for mandatory dedications of land than for monetary exactions such as development impact fees.

There are three reasonable relationship requirements for development impact fees that are closely related to "rational nexus" or "reasonable relationship" requirements enunciated by a number of state courts. Although the term "dual rational nexus" is often used to characterize the standard by which courts evaluate the validity of development impact fees under the U.S. Constitution, we prefer a more rigorous formulation that recognizes three elements: "need," "benefit," and "proportionality." The dual rational nexus test explicitly addresses only the first two, although proportionality is reasonably implied, and was specifically mentioned by the U.S. Supreme Court in the *Dolan* case. Individual elements of the nexus standard are discussed further in the following paragraphs.

All new development in a community creates additional demands on some, or all, public facilities provided by local government. If the capacity of facilities is not increased to satisfy that additional demand, the quality or availability of public services for the entire community will deteriorate. Development impact fees may be used to recover the cost of development-related facilities, but only to the extent that the need for facilities is a consequence of development that is subject to the fees. The

Nollan decision reinforced the principle that development exactions may be used only to mitigate conditions created by the developments upon which they are imposed. That principle clearly applies to impact fees. In this study, the impact of development on infrastructure needs is analyzed in terms of quantifiable relationships between various types of development and the demand for specific facilities, based on applicable level-of-service standards.

The requirement that exactions be proportional to the impacts of development was clearly stated by the U.S. Supreme Court in the *Dolan* case and is logically necessary to establish a proper nexus. Proportionality is established through the procedures used to identify development-related facility costs, and in the methods used to calculate impact fees for various types of facilities and categories of development. The demand for facilities is measured in terms of relevant and measurable attributes of development (e.g. a typical housing unit's average weekday vehicle trips).

A sufficient benefit relationship requires that impact fee revenues be segregated from other funds and expended only on the facilities for which the fees were charged. Impact fees must be expended in a timely manner and the facilities funded by the fees must serve the development paying the fees. However, nothing in the U.S. Constitution or the state enabling legislation requires that facilities funded with fee revenues be available *exclusively* to development paying the fees. In other words, benefit may extend to a general area including multiple real estate developments. Procedures for the earmarking and expenditure of fee revenues are discussed near the end of this study. All of these procedural as well as substantive issues are intended to ensure that new development benefits from the impact fees they are required to pay. The authority and procedures to implement impact fees is separate from and complementary to the authority to require improvements as part of subdivision or zoning review.

As documented in this report, the City of Cheyenne has complied with applicable legal precedents. Impact fees are proportionate and reasonably related to the capital improvement demands of new development, with the projects identified in this study reflected in Cheyenne's Capital Improvements Plan (CIP). Specific costs have been identified using local data and current dollars. With input from City staff, TischlerBise determined demand indicators for each type of infrastructure and calculated proportionate share factors to allocate costs by type of development. This report documents the formulas and input variables used to calculate the impact fees for each type of public facility. Impact fee methodologies also identify the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

CONCEPTUAL IMPACT FEE CALCULATION

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire jurisdiction (referred to as system improvements). The first step is to determine an appropriate demand indicator for the particular type of infrastructure. The demand indicator measures the number of demand units for each unit of development. For example, an appropriate indicator of the demand for parks is population growth and the increase in population can be estimated from the average number of persons per housing unit. The second step in the impact fee formula is to determine infrastructure units per demand unit, typically called Level-Of-Service (LOS) standards. In keeping with the park example, a common LOS standard is park acreage per thousand people. The third step in the impact fee formula is the cost of various infrastructure units. To complete the park example, this part of the formula would establish the cost per acre for land acquisition and/or park improvements.

General Methodologies

There are three general methods for calculating development impact fees. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation, and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating development impact fees involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, though, the calculation of impact fees can become quite complicated because of the many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following paragraphs discuss three basic methods for calculating development impact fees and how those methods can be applied.

Cost Recovery (past improvements)

The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

Incremental Expansion (concurrent improvements)

The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. This approach assumes there are no existing infrastructure deficiencies or surplus capacity in infrastructure. New development is only paying its proportionate share for growth-related infrastructure. Revenue will be used to expand or provide additional facilities, as needed, to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments to keep pace with development.

Plan-Based Fee (future improvements)

The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a long-range facility plan and development potential is identified by a land use plan. There are two basic options for determining the cost per demand unit: 1) total cost of a public facility can be divided by total demand units (average cost), or 2) the growth-share of the public facility cost can be divided by the net increase in demand units over the planning timeframe (marginal cost).

Credits

Regardless of the methodology, a consideration of “credits” is integral to the development of a legally defensible impact fee methodology. There are two types of “credits” with specific characteristics, both of which should be addressed in development impact fee studies and ordinances. The first is a revenue credit due to possible double payment situations, which could occur when other revenues may contribute to the capital costs of infrastructure covered by the impact fee. This type of credit is integrated into the impact fee calculation, thus reducing the fee amount. The second is a site-specific credit or developer reimbursement for dedication of land or construction of system improvements. This type of credit is addressed in the administration and implementation of the impact fee program.

Figure 1 summarizes the methods and cost components used for each type of public facility in Cheyenne's impact fee study. After consideration of input during work sessions and public hearings, City Council may change the proposed impact fees by eliminating infrastructure types, cost components, and/or specific capital improvements. If changes are made during the adoption process, TischlerBise will update the fee study to be consistent with legislative decisions.

Figure 1: Proposed Fee Methods and Cost Components

Type of Fee	*Service Area*	*Incremental Expansion (present)*	*Plan-Based (future)*	*Cost Allocation*
Public Works	Citywide	Vehicles and Equipment for Sanitation, Traffic, Streets & Alleys		Daytime Population and Jobs
Fire and Rescue	Citywide	Fire Stations and Apparatus		Functional Population and Jobs
Parks and Recreation	Citywide		Sports Fields/Courts/Lights, Neighborhood and Community Park Improvements, Greenways, and Gymnasiums	Daytime Population and Jobs
Transportation	Citywide		Arterial Lane Miles and Intersection Improvements	Vehicle Miles of Travel

PROPOSED IMPACT FEE SCHEDULE

Figure 2 summarizes proposed impact fees for new development in the City of Cheyenne. For residential development, proposed impact fees are based on square feet of finished living space. For nonresidential development, impact fees are stated per 1,000 square feet of floor area. The fee schedule for nonresidential development is designed to provide a reasonable impact fee determination for general types of development. For unique development types, the City may allow or require an independent impact fee assessment.

Figure 2: Proposed Impact Fee Schedule

Citywide Service Area	*Public Works*	*Fire and Rescue*	*Parks and Recreation*	*Transportation*	*TOTAL*
Residential (per dwelling unit) by Square Feet of Finished Living Space					
1100 or less	$305	$317	$690	$1,560	$2,872
1101 to 1600	$515	$535	$1,166	$2,345	$4,561
1601 to 2100	$667	$694	$1,511	$2,917	$5,789
2101 to 2600	$789	$821	$1,787	$3,365	$6,762
2601 to 3100	$887	$922	$2,007	$3,733	$7,549
3101 or more	$924	$960	$2,090	$3,867	$7,841
Nonresidential (per 1,000 Square Feet of Floor Area)					
Industrial	$155	$402	$354	$817	$1,728
Commercial	$174	$450	$396	$5,455	$6,475
Institutional	$85	$220	$194	$2,180	$2,679
Office & Other Services	$288	$747	$657	$2,361	$4,053

The table below compares proposed residential impact fees in Cheyenne to other jurisdictions in along the north front-range of Colorado. In contrast to other jurisdictions that have separate fee amounts for single versus multifamily housing, the proposed fees in Cheyenne are for all types of housing by size range (measured in square feet of finished living space). For a single detached unit, the Cheyenne fee amount is based on 1601-2100 square feet. For a dwelling in a multiple-unit structure, the Cheyenne fee amount is for 1100 square feet or less.

Figure 3: Comparison of Proposed Residential Fees to Other Jurisdictions

Development Impact Fees per Single Residential Unit 3/4/15

Jurisdiction	*Total*	*Streets*	*Water*	*Sewer*	*Parks*	*Fire*	*Other**
Greeley	**$23,876**	$3,645	$11,000	$5,150	$3,098	$525	$458
Longmont	**$23,206**	$901	$9,590	$4,550	$4,758	$0	$3,407
Windsor	**$22,319**	$2,115	$8,063	$4,400	$4,766	$0	$2,975
Loveland	**$22,178**	$2,330	$4,580	$2,490	$6,562	$895	$5,321
Ft. Collins	**$18,195**	$3,396	$3,920	$3,090	$3,272	$380	$4,137
Cheyenne	**$13,177**	$2,917	$5,909	$1,479	$1,511	$694	$667

Development Impact Fees per Multi-family Dwelling 3/4/15

Jurisdiction	*Total*	*Streets*	*Water*	*Sewer*	*Parks*	*Fire*	*Other*
Loveland	**$14,147**	$1,619	$2,190	$1,690	$4,560	$622	$3,466
Greeley	**$13,478**	$2,353	$5,500	$2,575	$2,324	$393	$333
Ft. Collins	**$13,304**	$2,360	$3,040	$2,470	$2,962	$343	$2,129
Windsor	**$9,522**	$1,483	$1,479	$807	$4,766	$0	$987
Longmont	**$6,707**	$448	$903	$623	$2,334	$0	$2,399
Cheyenne	**$6,274**	$1,560	$2,669	$733	$690	$317	$305

Source: Impact Fee Survey prepared for City of Greeley, CO, by Duncan Associates, August 2014, updated by City staff February 2015.

** Other includes: stormwater, public works, libraries, police, general government, and school sites.*

Figure 4 provides a comparison of impact fees for industrial, office, and commercial development. Given strong economic incentives for locating close to customers, most commercial, institutional, and office development will typically follow residential development, choosing to locate in Cheyenne even if the City imposes impact fees. For "foot loose" industrial development (i.e. employers that have multiple options on where to locate), impact fees can hinder economic development efforts. However, proposed industrial fees for Cheyenne are less than other communities in the north front-range of Colorado. Also, the cumulative total of proposed impact fee revenue from industrial development over the next ten years is only $605,000 (see Figures PW7, F5, PR4, and T6), assuming an increase of 350,000 square feet of industrial buildings. For industrial development, proposed impact fees will add a total cost of approximately $1.73 per square foot. If an industrial building cost $100 per square foot, the proposed impact fees would be a 1.7% cost increase.

Figure 4: Comparison of Proposed Nonresidential Fees to Other Jurisdictions

Industrial Fees per 1,000 Square Feet of Floor Area (100 KSF; 3" meter)

Jurisdiction	*Total*	*Streets*	*Water*	*Sewer*	*Parks*	*Fire*	*Other*
Ft. Collins	**$6,093**	$2,461	$1,120	$1,048	$0	$73	$1,391
Longmont	**$4,880**	$1,199	$1,734	$939	$0	$0	$1,008
Loveland	**$4,554**	$1,700	$1,033	$923	$0	$30	$868
Windsor	**$4,385**	$1,799	$1,118	$610	$0	$0	$858
Greeley	**$3,947**	$1,476	$1,283	$603	$0	$119	$466
Cheyenne	**$3,326**	$817	$1,253	$345	$354	$402	$155

Office Fees per 1,000 Square Feet of Floor Area (100 KSF; 3" meter)

Jurisdiction	*Total*	*Streets*	*Water*	*Sewer*	*Parks*	*Fire*	*Other*
Ft. Collins	**$8,032**	$4,031	$1,120	$1,048	$0	$301	$1,532
Greeley	**$6,782**	$4,266	$1,282	$603	$0	$301	$330
Loveland	**$6,240**	$2,770	$1,033	$923	$0	$300	$1,214
Longmont	**$5,732**	$2,294	$1,734	$939	$0	$0	$765
Cheyenne	**$5,651**	$2,361	$1,253	$345	$657	$747	$288
Windsor	**$5,083**	$2,840	$1,118	$610	$0	$0	$515

Commercial Fees per 1,000 Square Feet of Floor Area (100 KSF; 3" meter)

Jurisdiction	*Total*	*Streets*	*Water*	*Sewer*	*Parks*	*Fire*	*Other*
Ft. Collins	**$15,527**	$11,048	$1,120	$1,048	$0	$301	$2,010
Loveland	**$9,309**	$5,570	$1,033	$923	$0	$300	$1,483
Cheyenne	**$8,073**	$5,455	$1,253	$345	$396	$450	$174
Greeley	**$7,933**	$4,825	$1,282	$603	$0	$641	$582
Windsor	**$6,062**	$3,476	$1,118	$610	$0	$0	$858
Longmont	**$5,975**	$2,294	$1,734	$939	$0	$0	$1,008

Source: Impact Fee Survey prepared for City of Greeley, CO, by Duncan Associates, August 2014, updated by City staff February 2015.

** Other includes: stormwater, public works, libraries, police, general government, and school sites.*

PUBLIC WORKS IMPACT FEES

Impact fees in Cheyenne will only be used to expand the City's fleet of Public Works vehicles and equipment used by Sanitation, Traffic, Streets, & Alleys. Although not required in Wyoming, TischlerBise recommends that capital improvements funded by impact fees should have a useful life of seven years or more, plus a minimum purchase price of at least $20,000. These criteria were applied to the vehicle and equipment inventories used in Cheyenne's impact fee study.

As shown in Figure PW1, TischlerBise recommends daytime population as a reasonable indicator of the potential demand for Public Works vehicles/equipment, from both residential and nonresidential development. According to the U.S. Census Bureau web application OnTheMap, there were 16,280 inflow commuters traveling into Cheyenne for work in 2011. The proportionate share is based on cumulative impact days per year with the number of residents potentially impacting Public Works vehicles/equipment 365 days per year. Inflow commuters potentially impact Public Works vehicles/equipment 250 days per year, assuming five workdays per week multiplied by 50 weeks a year. For Public Works vehicles/equipment, 84% of the capital cost for fleet expansion will be funded by residential development and 16% by nonresidential development.

Figure PW1: Daytime Population

Daytime Population in 2011			*Cumulative Impact Days per Year*			*Infrastructure Cost Allocation*	
Jurisdiction	*Residents**	*Inflow Commuters**	*Residential***	*Nonresidential****	*Total*	*Residential*	*Nonresidential*
Cheyenne	60,219	16,280	21,979,935	4,070,000	26,049,935	84%	16%

** Source: U.S. Census Bureau.*
*** Days per Year = 365 250 *** 5 Days per Week x 50 Weeks per Year*

SANITATION VEHICLES AND EQUIPMENT

As shown in Figure PW2, Cheyenne sanitation currently has 63 trucks and equipment items (e.g. auto-loader trucks, load-runner trailers, and pick-up trucks). For every 10,000 residents, Cheyenne currently has 8.4 Sanitation vehicles/equipment items, with every 10,000 jobs in Cheyenne currently served by 2.7 Sanitation vehicles/equipment items. On average, Cheyenne spends approximately $262,000 for an additional item in the sanitation fleet.

Figure PW2: Existing Standards for Sanitation Vehicles and Equipment

Current Inventory for Sanitation	*Count*	*Average Purchase Price*	*Total Cost*
Heavy Equipment	11	$167,500	$1,842,500
Heavy Truck	46	$313,400	$14,416,400
Light Equipment/Truck	6	$39,700	$238,200
TOTAL	63		$16,497,100

Allocation Factors for Sanitation Vehicles and Equipment

Weighted Average Unit Cost =>	$262,000
Residential Share	84%
Nonresidential Share	16%
Population in 2014	63,135
Jobs in 2014	37,991

Infrastructure Standards for Sanitation Vehicles and Equipment

	Solid Waste Vehicles/Equipment	*Capital Cost*
Residential (per person)	0.00084	$211
Nonresidential (per job)	0.00027	$60

PROJECTED NEED FOR SANITATION VEHICLES AND EQUIPMENT

To accommodate projected development over the next ten years, Cheyenne will need to purchase seven additional sanitation vehicles or equipment items. As shown in Figure PW3, the projected growth cost to accommodate new development over the next ten years is approximately $1.83 million for sanitation vehicles and equipment. This amount does not include the cost of replacing existing sanitation vehicles and equipment.

Figure PW3: Growth-Related Need for Sanitation Vehicles and Equipment

Sanitation Infrastructure Standards and Capital Costs

Vehicles/Equipment - Residential	0.00084	per person
Vehicles/Equipment - Nonresidential	0.00027	per job
Average Unit Cost	$262,000	per vehicle

		Growth-Related Need		
	Year	*Cheyenne Population*	*Cheyenne Jobs*	*Vehicles and Equipment*
Base	2014	63,135	37,991	63
Year 1	2015	63,829	38,448	64
Year 2	2016	64,532	38,911	64
Year 3	2017	65,241	39,380	65
Year 4	2018	65,959	39,855	66
Year 5	2019	66,685	40,335	67
Year 6	2020	67,418	40,821	67
Year 7	2021	68,160	41,314	68
Year 8	2022	68,909	41,812	69
Year 9	2023	69,667	42,317	70
Year 10	2024	70,434	42,828	70
Ten-Yr Increase		7,299	4,837	7
		Total Projected Expenditures (rounded) =>		$1,834,000

VEHICLES/EQUIPMENT FOR TRAFFIC, STREETS & ALLEYS

As shown in Figure PW4, the impact fee study assumes Cheyenne will maintain current standards for vehicles/equipment used by Traffic, Streets, & Alleys. The current standard is based on an inventory of 68 items, primarily consisting of dump trucks with snowplows, loaders, graders, and street sweepers. On average, Cheyenne spends approximately $103,000 for an additional item in the fleet used by Traffic, Streets, & Alleys.

Figure PW4: Existing Standards for Traffic, Streets & Alleys

Current Inventory for Traffic, Streets & Alleys	*Count*	*Average Purchase Price*	*Total Cost*
Heavy Equipment	10	$159,500	$1,595,000
Heavy Truck	23	$143,000	$3,289,000
Light Equipment/Truck	27	$42,700	$1,152,900
Mower/Tractor	3	$70,800	$212,400
Street Sweeper	5	$156,800	$784,000
TOTAL	68		$7,033,300

Allocation Factors for Vehicles and Equipment

Weighted Average Unit Cost =>	$103,000
Residential Share	84%
Nonresidential Share	16%
Population in 2014	63,135
Jobs in 2014	37,991

Infrastructure Standards for Vehicles and Equipment

	Traf/Str/Alleys Vehicles/Equipment	*Capital Cost*
Residential (per person)	0.00090	$94
Nonresidential (per job)	0.00029	$27

INFRASTRUCTURE NEEDS FOR TRAFFIC, STREETS & ALLEYS

To accommodate projected development over the next ten years, Cheyenne will need to purchase eight additional vehicles/equipment items used by Traffic, Streets, & Alleys. As shown in Figure PW5, the projected growth cost to accommodate new development over the next ten years is approximately $0.82 million for vehicles and equipment. This amount does not include the cost of replacing existing vehicles and equipment used by Traffic, Streets, & Alleys.

Figure PW5: Growth-Related Need for Traffic, Streets & Alleys Vehicles/Equipment

Traffic, Streets & Alleys Infrastructure Standards and Capital Costs

		Residential Vehicles/Equipment per person		0.00090
		Nonresidential Vehicles/Equipment per job		0.00029
		Average Unit Cost per vehicle		$103,000
		Growth-Related Need		
	Year	*Cheyenne Population*	*Cheyenne Jobs*	*Vehicles and Equipment*
Base	2014	63,135	37,991	68
Year 1	2015	63,829	38,448	69
Year 2	2016	64,532	38,911	70
Year 3	2017	65,241	39,380	70
Year 4	2018	65,959	39,855	71
Year 5	2019	66,685	40,335	72
Year 6	2020	67,418	40,821	73
Year 7	2021	68,160	41,314	73
Year 8	2022	68,909	41,812	74
Year 9	2023	69,667	42,317	75
Year 10	2024	70,434	42,828	76
Ten-Yr Increase		7,299	4,837	8
		Total Projected Expenditures (rounded) =>		$824,000

PUBLIC WORKS IMPACT FEES

Figure PW6 indicates proposed impact fees for Public Works vehicles and equipment. Residential fees are derived from average number of persons per housing unit and the total cost per person. Nonresidential fees are based on average jobs per 1,000 square feet of floor area and the total cost per job.

Infrastructure standards and cost factors are summarized in the upper portion of the table below. Persons per dwelling unit are based on local data, as discussed in Appendix A. For nonresidential development, average jobs per thousand square feet of floor area are documented in Figures A3-A4 and related text.

Proposed Public Works fees for residential development range from $305 to $924 per dwelling. To derive the proposed fee for residential development, multiply average persons per housing unit by the net cost per person. For example, the impact fee for a dwelling with 2200 square feet of finished living space would be 2.59 x $305, or $789 (truncated).

Figure PW6: Fee Schedule for Public Works

Vehicles and Equipment	*Cost per Person*	*Cost per Job*
Sanitation	$211	$60
Traffic, Streets & Alleys	$94	$27
TOTAL	$305	$87

Residential (per housing unit)

Square Feet of Finished Living Space	*Persons per Hsg Unit*	*Preliminary Fee*
1100 or less	1.00	$305
1101 to 1600	1.69	$515
1601 to 2100	2.19	$667
2101 to 2600	2.59	$789
2601 to 3100	2.91	$887
3101 or more	3.03	$924

Nonresidential (per 1,000 square feet of building)

Type	*Jobs per 1,000 Sq Ft*	*Preliminary Fee*
Industrial	1.79	$155
Commercial	2.00	$174
Institutional	0.98	$85
Office & Other Services	3.32	$288

PROJECTED REVENUE FROM PUBLIC WORKS IMPACT FEES

Revenue projections shown in Figure PW7 assume implementation of the proposed Public Works fee schedule and that development over the next ten years is consistent with the land use assumptions described in Appendix A. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the development fee revenue. If actual development is faster than expected, fee revenue will increase, but so will the need to expand the Public Works fleet. Conversely, a decrease in the rate of development will lower revenues and need for additional vehicles/equipment.

The projected $2.6 million in Public Works impact fee revenue will be deposited in a separate fund and only used to expand the fleet of vehicles/equipment. Over the next ten years, almost $2.2 million in Public Works impact fee revenue will come from future residential development, with the remainder from nonresidential development.

Figure PW7: Capital Costs and Fee Revenue for Public Works

Ten-Year Cost of Growth-Related Public Works Vehicles and Equipment

Sanitation =>	$1,834,000	69%
Traffic, Streets & Alleys =>	$824,000	31%
	$2,658,000	

Public Works Impact Fee Revenue

		Average-Size Residential	*Industrial*	*Commercial*	*Institutional*	*Office & Other Services*
		$674 per housing unit	$155 per 1000 Sq Ft	$174 per 1000 Sq Ft	$85 per 1000 Sq Ft	$288 per 1000 Sq Ft
	Year	*Hsg Units*	*KSF*	*KSF*	*KSF*	*KSF*
Base	2014	28,481	2,450	4,360	10,200	4,470
Year 1	2015	28,788	2,490	4,410	10,290	4,530
Year 2	2016	29,099	2,520	4,470	10,380	4,590
Year 3	2017	29,414	2,550	4,530	10,480	4,650
Year 4	2018	29,731	2,590	4,590	10,570	4,710
Year 5	2019	30,052	2,620	4,650	10,660	4,780
Year 6	2020	30,377	2,650	4,710	10,750	4,840
Year 7	2021	30,705	2,690	4,770	10,850	4,900
Year 8	2022	31,037	2,730	4,840	10,940	4,970
Year 9	2023	31,372	2,760	4,900	11,040	5,030
Year 10	2024	31,711	2,800	4,970	11,140	5,100
Ten-Yr Increase		3,230	350	610	940	630
Projected Revenue =>		$2,177,000	$54,000	$106,000	$80,000	$181,000
					Total Projected Revenues (rounded) =>	$2,598,000

FIRE AND RESCUE IMPACT FEES

TischlerBise recommends functional population to allocate the cost of additional fire/rescue building space and apparatus to residential and nonresidential development (see Figure F1). Functional population is similar to what the U.S. Census Bureau calls "daytime population," by accounting for people living and working in a jurisdiction, but also considers commuting patterns and time spent at home and at nonresidential locations. Residents that don't work are assigned 20 hours per day to residential development and four hours per day to nonresidential development (annualized averages). Residents that work in Cheyenne are assigned 14 hours to residential development and 10 hours to nonresidential development. Residents that work outside Cheyenne are assigned 14 hours to residential development. Inflow commuters are assigned 10 hours to nonresidential development. Based on 2011 functional population data for Cheyenne, the cost allocation for residential development is 68% while nonresidential development accounts for 32% of the demand for fire/rescue facilities.

Figure F1: Functional Population

Functional Population Cost Allocation for Fire and Rescue Infrastructure

		Demand Units in 2011		*Demand Hours/Day*	*Person Hours*
Residential					
	Population*	60,219			
54%	Residents Not Working		32,311	20	646,220
46%	Resident Workers**		27,908		
73%	Worked in City**		20,372	14	285,208
27%	Worked Outside City**		7,536	14	105,504
				Residential Subtotal	1,036,932
				Residential Share =>	**68%**
Nonresidential					
	Non-working Residents		32,311	4	129,244
	Jobs Located in City**		36,652		
56%	Residents Working in City**		20,372	10	203,720
44%	Non-Resident Workers (inflow commuters)		16,280	10	162,800
				Nonresidential Subtotal	495,764
				Nonresidential Share =>	**32%**
				TOTAL	1,532,696

** 2011 U.S. Census Bureau population estimate.*
*** 2011 Inflow/Outflow Analysis, OnTheMap web application, U.S. Census Bureau data for all jobs.*

FIRE STATIONS AND APPARATUS

As shown in Figure F2, the impact fee study assumes Cheyenne will maintain current standards for fire stations and apparatus. Cheyenne currently has five fire stations with 37,650 square feet of floor area.

According to the Capital Improvements Plan, the City plans to construct a new fire station on the southwest side of Cheyenne at an estimated cost of $7.0 million. The new station #7 will have approximately 10,000 square feet of floor area, which is a cost factor of $620 per square foot, excluding the rolling stock and land.

The current standard for fire apparatus is based on an inventory of seven items, listed in the lower portion of the table below. The current unit cost for each major apparatus type includes all communications and other equipment add-ons to make the vehicles ready for service. On average, Cheyenne spends approximately $631,400 for an additional item in the fire fleet.

Figure F2: Existing Standards for Fire Stations and Apparatus

Fire Stations	*Square Feet*
Total for Five Existing Stations	37,650

Allocation Factors for Fire Stations

Cost per Square Foot (excludes land)	$620
Residential Share	68%
Nonresidential Share	32%
Population in 2014	63,135
Jobs in 2014	37,991

Infrastructure Standards for Fire Stations

	Square Feet	*Capital Cost*
Residential (per person)	0.41	$259
Nonresidential (per job)	0.32	$184

Fire Apparatus	*Items*	*Unit Cost*	*Total Cost*
Engines	5	$650,000	$3,250,000
Aerial Ladder	1	$1,100,000	$1,100,000
Command Vehicle	1	$70,000	$70,000
TOTAL	7		$4,420,000

** Radios, dispatch, and communications network.*

Allocation Factors for Fire Apparatus

Average Cost per Unit	$631,400
Residential Share	68%
Nonresidential Share	32%
Population in 2014	63,135
Jobs in 2014	37,991

Infrastructure Standards for Fire Apparatus

	Apparatus Standards	*Capital Cost*
Residential (per person)	0.00008	$58
Nonresidential (per job)	0.00006	$41

Fire Infrastructure Needs

To accommodate projected development over the next ten years, Cheyenne will expand fire station building space and purchase additional fire apparatus items. As shown in Figure F3, the projected growth share is only 45% of the total cost of fire station #7, thus obligating the City to use other revenue sources to fully fund the planned improvement. Also, impact fees may not be used for personnel or other operating costs.

Figure F3: Growth-Related Need for Fire Facilities

Fire/Rescue Infrastructure Standards and Capital Costs

Fire Stations - Residential	0.41	Sq Ft per person
Fire Stations - Nonresidential	0.32	Sq Ft per job
Fire Station Cost	$620	per square foot
Fire Apparatus - Residential	0.00008	items per person
Fire Apparatus - Nonresidential	0.00006	items per job
Fire Apparatus Cost	$631,400	per item

				Facilities Needed	
	Year	*Cheyenne Population*	*Cheyenne Jobs*	*Sq Ft of Fire Stations*	*Fire Apparatus*
Base	2014	63,135	37,991	37,650	7
Year 1	2015	63,829	38,448	38,077	7
Year 2	2016	64,532	38,911	38,508	7
Year 3	2017	65,241	39,380	38,945	7
Year 4	2018	65,959	39,855	39,386	7
Year 5	2019	66,685	40,335	39,833	7
Year 6	2020	67,418	40,821	40,285	7
Year 7	2021	68,160	41,314	40,741	8
Year 8	2022	68,909	41,812	41,203	8
Year 9	2023	69,667	42,317	41,671	8
Year 10	2024	70,434	42,828	42,144	8
Ten-Yr Increase		7,299	4,837	4,494	1
			Ten-Year Growth Cost of Fire Stations =>	$2,786,000	
			Growth Share of FS#7 (10,000 Sq Ft) =>	45%	
				Cost of Fire Apparatus =>	$631,000
				Total Growth Cost =>	$3,417,000

Fire and Rescue Impact Fees

Figure F4 indicates proposed impact fees for fire/rescue facilities in Cheyenne. Residential fees are derived from average number of persons per housing unit and the total cost per person. Nonresidential fees are based on average jobs per 1,000 square feet of floor area and the total cost per job.

Infrastructure standards and cost factors for fire facilities are summarized in the upper portion of Figure F4. Persons per unit, by dwelling size, are based on local data, as discussed in Appendix A. For

nonresidential development, average jobs per thousand square feet of floor area are documented in Figures A3-A4 and related text.

Proposed development fees for fire/rescue facilities are shown in the column with light orange shading. To derive the proposed fee for residential development, multiply average persons per housing unit by the net cost per person. For example, the impact fee for a dwelling of 2200 square feet would be 2.59 x $317, or $821 (truncated). For a new warehouse with 100,000 square feet of floor area, the proposed fee would be $402 x 100, or $40,200.

Figure F4: Fee Schedule for Fire and Rescue

	Cost per Person	*Cost per Job*
Fire Stations	$259	$184
Fire Apparatus and Communications Equipment	$58	$41
Revenue Credit		
TOTAL	$317	$225

Residential (per housing unit)

Square Feet of Finished Living Space	*Persons per Hsg Unit*	*Proposed Fee*
1100 or less	1.00	$317
1101 to 1600	1.69	$535
1601 to 2100	2.19	$694
2101 to 2600	2.59	$821
2601 to 3100	2.91	$922
3101 or more	3.03	$960

Nonresidential (per 1,000 square feet of building)

Type	*Jobs per 1,000 Sq Ft*	*Proposed Fee*
Industrial	1.79	$402
Commercial	2.00	$450
Institutional	0.98	$220
Office & Other Services	3.32	$747

PROJECTED REVENUE FROM FIRE AND RESCUE IMPACT FEES

Revenue projections shown in Figure F5 assume implementation of the proposed fire/rescue fees and that development over the next ten years is consistent with the land use assumptions described in Appendix A. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the development fee revenue. As shown in the column on the right below, Cheyenne expects to add 630,000 square feet of "Office & Other Services" over the next ten years. This nonresidential development category includes business and personal services, such as medical offices health care facilities. Office & Other Services are projected to pay approximately $471,000 in fire/rescue impact fees over the next ten years.

Figure F5: Capital Costs and Fee Revenue for Fire and Rescue

Growth Cost of Fire and Rescue Infrastructure

Fire Stations	$2,786,000
Fire Apparatus	$631,000
Ten-Year Total =>	$3,417,000

Fire and Rescue Impact Fee Revenue

		Three-Bedroom Residential	*Industrial*	*Commercial*	*Institutional*	*Office & Other Services*
		$694	$402	$450	$220	$747
		per housing unit	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft
	Year	*Hsg Units*	*KSF*	*KSF*	*KSF*	*KSF*
Base	2014	28,481	2,450	4,360	10,200	4,470
Year 1	2015	28,788	2,490	4,410	10,290	4,530
Year 2	2016	29,099	2,520	4,470	10,380	4,590
Year 3	2017	29,414	2,550	4,530	10,480	4,650
Year 4	2018	29,731	2,590	4,590	10,570	4,710
Year 5	2019	30,052	2,620	4,650	10,660	4,780
Year 6	2020	30,377	2,650	4,710	10,750	4,840
Year 7	2021	30,705	2,690	4,770	10,850	4,900
Year 8	2022	31,037	2,730	4,840	10,940	4,970
Year 9	2023	31,372	2,760	4,900	11,040	5,030
Year 10	2024	31,711	2,800	4,970	11,140	5,100
Ten-Yr Increase		3,230	350	610	940	630
Projected Revenue =>		$2,241,000	$141,000	$275,000	$207,000	$471,000
					Total Projected Revenues (rounded) =>	$3,335,000

PARKS AND RECREATION IMPACT FEES

Given the precedent in Cheyenne for nonresidential development to help pay for additional parks and recreation facilities, TischlerBise recommends daytime population as a reasonable indicator of the potential demand from both residential and nonresidential development (see Figure PR1). According to the U.S. Census Bureau web application OnTheMap, there were 16,280 inflow commuters traveling into Cheyenne for work in 2011. The proportionate share is based on cumulative impact days per year with the number of residents potentially impacting parks and recreation facilities 365 days per year. Inflow commuters potentially impact parks and recreation facilities 250 days per year, assuming five workdays per week multiplied by 50 weeks a year. For parks and recreation, 84% of the capital cost of improvements will be funded by residential development and 16% by nonresidential development.

Figure PR1: Daytime Population

Daytime Population in 2011			*Cumulative Impact Days per Year*			*Infrastructure Cost Allocation*	
Jurisdiction	*Residents**	*Inflow Commuters**	*Residential***	*Nonresidential****	*Total*	*Residential*	*Nonresidential*
Cheyenne	60,219	16,280	21,979,935	4,070,000	26,049,935	84%	16%

** Source: U.S. Census Bureau.*
*** Days per Year = 365 250 *** 5 Days per Week x 50 Weeks per Year*

PLANNED IMPROVEMENTS FOR PARKS AND RECREATION FACILITIES

Cheyenne staff and TischlerBise are recommending the growth-related improvements listed in Figure PR2 for impact fee funding over the next ten years. Total impact fee funding of approximately $6 million is a conservative growth share of 29%, requiring approximately $14.56 million from other revenue sources over the next ten years. The recommended level of impact fee funding yields in a proposed impact fee of approximately $690 for the smallest-size dwelling, which is roughly equivalent to the average fee per housing unit that is currently required by Article 4 of Cheyenne's Unified Development Code (UDC). The proposed parks and recreation impact fee will replace the current park fee requirements. In contrast to the current fees that are collected when land is subdivided, the proposed impact fees will be collected when building permits are issued. Consistent with subdivision regulations in the UDC, the City will continue to require land dedication for neighborhood parks and open space. There is no potential double payment for land because the proposed impact fee will only be used for parks and recreation improvements.

Figure PR2: Summary of Ten-Year CIP for Parks and Recreation

Description	*Year 1-5*	*Year 6-10*	*Total Cost*	*Impact Fee Share*	*Impact Fee Funding*
Impact Fee System Improvements					
Sports Fields/Courts and Lights	$1,685,000	$2,630,000	$4,315,000	50%	$2,157,500
Neighborhood Parks Improvements	$800,000	$800,000	$1,600,000	45%	$720,000
New Community Park		$9,500,000	$9,500,000	10%	$950,000
Greenways	$1,650,000	$1,500,000	$3,150,000	50%	$1,575,000
Gymnasiums	$2,000,000	$0	$2,000,000	30%	$600,000
		Ten-Year Total =>	$20,565,000	29%	$6,002,500
		Funding from Other Revenue Sources =>	$14,562,500		
		Share from Other Sources =>	71%		

CREDIT EVALUATION

A credit for future revenue is only necessary if there is potential double payment for system improvements needed to accommodate new development. The City of Cheyenne plans to partially fund future improvements from impact fees. Because no additional revenues are required for the impact fee share of the parks and recreation CIP, a revenue credit is not required.

Site-specific credits or developer reimbursements might be necessary if a developer provides a system improvement, as a condition of development approval. For example, if a developer constructs a greenway segment as a condition to a development agreement, because greenways are one of the system improvements listed in Figure P2, the developer would be reimbursed using impact fee funds, or the City could provide a site-specific credit. As discussed further in the implementation section at the back of this report, TischlerBise has found developer reimbursements to be the better alternative for a couple of reasons. First, the developer of a residential subdivision often sells lots to a contractor who pulls a building permit. If the City provides a site-specific credit that lowers the impact fees, the contractor is paying a reduced fee, even though the developer constructed the greenway, and it becomes an administrative burden to accurately assess fee amounts that vary by subdivision. Second, developer reimbursements make it easier to show benefit to fee payers in nearby subdivisions that may enjoy use of the greenway. If the fee revenue from nearby subdivisions is used to reimburse the developer who constructed the greenway, the expenditure will be recorded in the annual impact fee accounting report. With site-specific credits, the infrastructure is provided “off-the-books” which makes the process less transparent.

PROPOSED PARKS AND RECREATION IMPACT FEES

Figure PR3 indicates cost factors for the proposed parks and recreation impact fees. Proposed fees by dwelling size, measured in square feet of finished floor area, are equal to the average number of persons per housing unit multiplied by the total capital cost per person. For example, a residential unit that has 3,101 or more square feet would pay a fee of $2,090 (truncated) based on an average of 3.03 persons per housing unit multiplied by a capital cost of $690 per person. The fee schedule for nonresidential development is stated per thousand square feet of floor area. For example, a small medical office with 3,000 square feet of floor area would pay a parks and recreation fee of 3 x $657, which is a total of $1,971.

Figure PR3: Impact Fee Schedule for Parks and Recreation

Input Variables

Total Ten-Year CIP =>	$6,002,500	
Proportionate Share	84%	16%
	Population	Jobs
Ten-Year Increase in Service Units	7,299	4,837
	Cost per Person	*Cost per Job*
	$690	$198

Residential (per housing unit)

Sq Ft Range	*Persons per Hsg Unit*	*Plan-Based Fee*
1100 or less	1.00	$690
1101 to 1600	1.69	$1,166
1601 to 2100	2.19	$1,511
2101 to 2600	2.59	$1,787
2601 to 3100	2.91	$2,007
3101 or more	3.03	$2,090

Nonresidential (per 1,000 square feet of building)

Type	*Jobs per 1,000 Sq Ft*	*Plan-Based Fee*
Industrial	1.79	$354
Commercial	2.00	$396
Institutional	0.98	$194
Office & Other Services	3.32	$657

IMPROVEMENTS PLAN AND FUNDING STRATEGY

Figure PR4 summarizes growth-related parks and recreation improvements to be constructed in Cheyenne over the next ten years. Using impact fee revenue the City will provide $6.0 million in park improvements, greenways, and gymnasiums. As shown in the lower portion of the table, the expected ten-year increase of 3,230 housing units will provide approximately 84% of the projected impact fee revenue. This revenue projection is based on the demographic data described in Appendix A and the proposed fee amount for an average residential unit. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the impact fee revenue and capital costs.

Figure PR4: Summary of Capital Costs and Revenue for Parks and Recreation

Ten-Year Impact Fee Share of Parks and Recreation CIP

Citywide Park Improvements	$3,827,500
Greenways	$1,575,000
Gymnasiums	$600,000
Total	$6,002,500

		Residential	*Industrial*	*Commercial*	*Insitutional*	*Office & Other Services*
		$1,524	$354	$396	$194	$657
		per housing unit	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft	per 1000 Sq Ft
	Year	*Hsg Units*	*Sq Ft x 1000*	*Sq Ft x 1000*	*Sq Ft x 1000*	*Sq Ft x 1000*
Base	2014	28,481	2,450	4,360	10,200	4,470
Year 1	2015	28,788	2,490	4,410	10,290	4,530
Year 2	2016	29,099	2,520	4,470	10,380	4,590
Year 3	2017	29,414	2,550	4,530	10,480	4,650
Year 4	2018	29,731	2,590	4,590	10,570	4,710
Year 5	2019	30,052	2,620	4,650	10,660	4,780
Year 6	2020	30,377	2,650	4,710	10,750	4,840
Year 7	2021	30,705	2,690	4,770	10,850	4,900
Year 8	2022	31,037	2,730	4,840	10,940	4,970
Year 9	2023	31,372	2,760	4,900	11,040	5,030
Year 10	2024	31,711	2,800	4,970	11,140	5,100
	Ten-Yr Increase	3,230	350	610	940	630
	Projected Fees =>	$4,922,000	$124,000	$242,000	$182,000	$414,000
	Total Projected Revenues (rounded) =>		$5,884,000			

TRANSPORTATION IMPACT FEES

Impact fees for transportation are derived using a plan-based approach for growth-related improvements. The transportation fee is derived from trip generation rates, trip rate adjustment factors, and the capital cost per vehicle mile of travel. The latter is a function of the average trip length, trip-length weighting factor, and growth share of transportation improvements. Each component is described below.

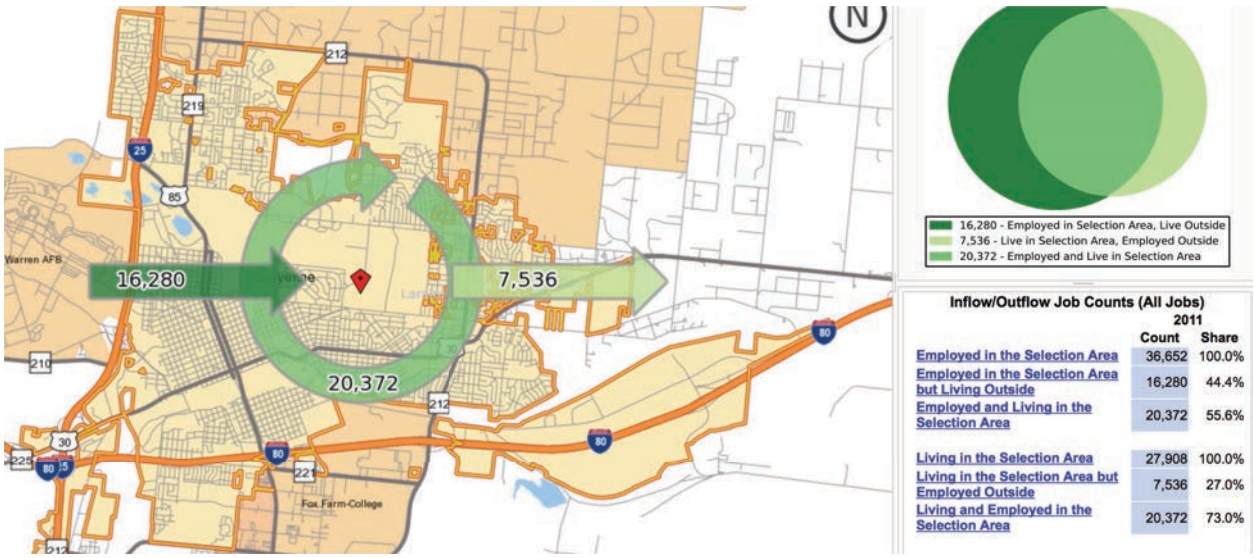
TRIP GENERATION RATES

Cheyenne's transportation impact fees are based on average weekday vehicle trip ends. Trip generation rates are from the reference book Trip Generation published by the Institute of Transportation Engineers (ITE 9th Edition 2012). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation impact fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50%. As discussed further below, the impact fee methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

Adjustments for Commuting Patterns and Pass-By Trips

Residential development has a larger trip adjustment factor of 54% to account for commuters leaving Cheyenne for work. According to the 2009 National Household Travel Survey (see Table 30) weekday work trips are typically 31% of production trips (i.e., all out-bound trips, which are 50% of all trip ends). As shown in Figure T1, the Census Bureau's web application OnTheMap indicates that 27% of resident workers traveled outside the city for work in 2011. In combination, these factors (0.31 x 0.50 x 0.27 = 0.04) support the additional 4% allocation of trips to residential development.

Figure T1: Inflow/Outflow Analysis



Inflow/Outflow Job Counts (All Jobs)

	2011 Count	2011 Share
Employed in the Selection Area	36,652	100.0%
Employed in the Selection Area but Living Outside	16,280	44.4%
Employed and Living in the Selection Area	20,372	55.6%
Living in the Selection Area	27,908	100.0%
Living in the Selection Area but Employed Outside	7,536	27.0%
Living and Employed in the Selection Area	20,372	73.0%

For commercial development, the trip adjustment factor is less than 50% because retail development and some services attract vehicles as they pass by on arterial and collector roads. For example, when

someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For the average shopping center, the ITE data indicates that 34% of the vehicles that enter are passing by on their way to some other primary destination. The remaining 66% of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 66% multiplied by 50%, or approximately 33% of the trip ends.

VEHICLE MILES OF TRAVEL

A Vehicle Mile of Travel (VMT) is a measurement unit equal to one vehicle traveling one mile. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length[1]. The average trip length in Cheyenne is calibrated using data on existing infrastructure and a lane capacity standard (discussed below).

Lane Capacity

Transportation impact fees are based on a lane capacity standard of 7,100 vehicles per lane, obtained from page 19 in Cheyenne Transportation Plan. TischlerBise derived the lane capacity standard using a weighted average of Level-Of-Service "D" daily capacities per lane for four-lane Principal Arterials (43% of Cheyenne's current lane mile inventory) and two-lane Minor Arterials (57% of Cheyenne's current lane mile inventory). The lane capacity assumption was reviewed by City staff and found to be consistent with actual traffic counts on Cheyenne arterials.

Trip Length Weighting Factor by Type of Land Use

The transportation impact fee methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. As documented in Table 6 of the 2009 National Household Travel Survey, vehicle trips from residential development are approximately 121% of the average trip length. The residential trip length adjustment factor includes data on home-based work trips, social, and recreational purposes. Conversely, shopping trips associated with commercial development are roughly 66% of the average trip length while other nonresidential development typically accounts for trips that are 73% of the average for all trips. The specific weighting factors for each development prototype are shown in Figure T2.

DEVELOPMENT PROTOTYPES AND PROJECTED TRAVEL DEMAND

The relationship between the amount of development in Cheyenne and planned system improvements is documented below. Figure T2 summarizes the input variables used to determine the average trip length on Cheyenne arterials. In the table below HU means housing units, KSF means square feet of nonresidential development, in thousands, Institute of Transportation Engineers is abbreviated ITE, and VTE means vehicle trip ends. Trip generation rates by bedroom range are documented in Figures A8 and A10 and related text.

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1 Typical VMT calculations for development-specific traffic studies, along with most transportation models of an entire urban area, are derived from traffic counts on particular road segments multiplied by the length of that road segment. For the purpose of impact fees, VMT calculations are based on attraction (inbound) trips to development located in the service area, with the trip lengths calibrated to the road network considered to be system improvements. This refinement eliminates pass-through or external- external trips, and travel on roads that are not system improvements (e.g. interstate highways).

Projected development in Cheyenne over the next ten years, and the corresponding need for additional lane miles, is shown in the middle section of Figure T2. Trip generation rates and trip adjustment factors convert projected development into average weekday vehicle trips. A typical vehicle trip, such as a person leaving their home and traveling to work, generally begins on a local street that connects to a collector street, which connects to an arterial road and eventually to a state or interstate highway. This progression of travel up and down the functional classification chain limits the average trip length determination, for the purpose of impact fees, to the following question, "What is the average vehicle trip length on impact fee system improvements?"

City staff maintains a database of city streets that indicates Cheyenne currently has 115.5 lane miles of arterials (principal plus minor). Also, Cheyenne staff counted 56 improved intersections in Cheyenne (signalized or roundabouts) that are either arterial-arterial or arterial-collector intersections. With 115.5 lane miles of arterials and a lane capacity standard of 7,100 vehicles per lane, the existing network has approximately 820,000 vehicle miles of capacity (i.e., 7,100 vehicles per lane traveling the entire 115.5 lane miles). To derive the average utilization (i.e., average trip length expressed in miles) of the arterial network, divide vehicle miles of capacity by the vehicle trips attracted to development in the city. As shown in the bottom-left corner of the table below, existing development attracts 261,526 average weekday vehicle trips. Dividing 820,000 vehicle miles of capacity by inbound average weekday vehicle trips yields an un-weighted average trip length of approximately 3.14 miles. However, the calibration of average trip length includes the same adjustment factors used in the impact fee calculations (i.e., journey-to-work commuting, commercial pass-by adjustment and average trip length adjustment by type of land use). With these adjustments, TischlerBise determined the weighted-average trip length to be 3.37 miles.

Figure T2: Projected Travel Demand and Trip Length Calibration

	ITE Code	*Dev Type*	*Weekday VTE*	*Dev Unit*	*Trip Adj*	*Trip Length Wt Factor*
R1	210	0-1 Bdrm	3.83	HU	54%	1.21
R2	210	2 Bdrms	6.19	HU	54%	1.21
R3	210	3 Bdrms	8.55	HU	54%	1.21
R4	210	4+ Bdrms	9.69	HU	54%	1.21
NR1	140	Industrial	3.82	KSF	50%	0.73
NR2	820	Commercial	42.70	KSF	33%	0.66
NR3	520	Institutional	15.43	KSF	33%	0.73
NR4	710	Office & Other	11.03	KSF	50%	0.73
Avg Trip Length (miles)	3.37					
Capacity Per Lane	7,100					

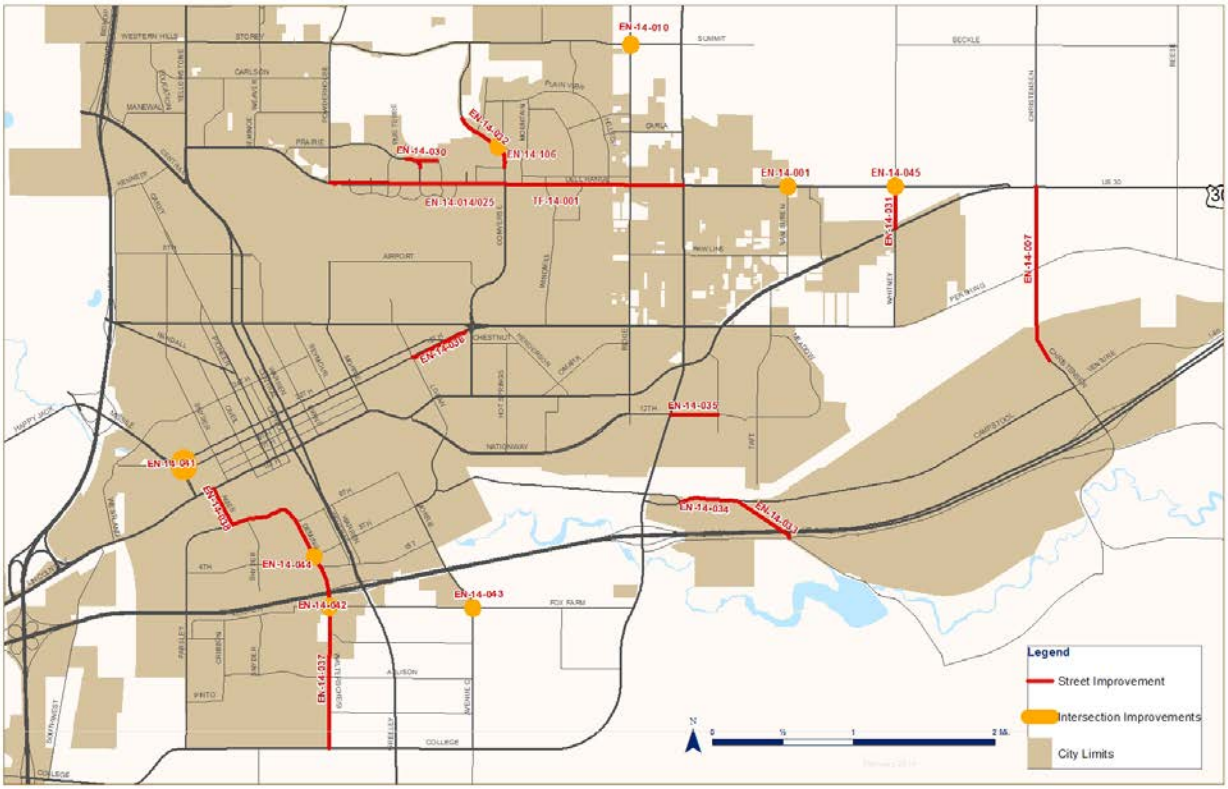
Year->	*Base*	*1*	*2*	*3*	*4*	*5*	*10*	*10-Year*
Citywide Travel Model	*2014*	*2015*	*2016*	*2017*	*2018*	*2019*	*2024*	*Increase*
0-1 Bdrm	3,133	3,167	3,201	3,236	3,270	3,306	3,488	355
2 Bdrms	7,120	7,197	7,275	7,353	7,433	7,513	7,928	808
3 Bdrms	11,108	11,227	11,349	11,471	11,595	11,720	12,367	1,259
4+ Bdrms	7,120	7,197	7,275	7,353	7,433	7,513	7,928	808
Industrial KSF	2,450	2,490	2,520	2,550	2,590	2,620	2,800	350
Commercial KSF	4,360	4,410	4,470	4,530	4,590	4,650	4,970	610
Institutional KSF	10,200	10,290	10,380	10,480	10,570	10,660	11,140	940
Office & Other Services KSF	4,470	4,530	4,590	4,650	4,710	4,780	5,100	630
0-1 Bdrm Trips	6,480	6,550	6,620	6,693	6,763	6,837	7,214	
2 Bdrms Trips	23,799	24,057	24,317	24,578	24,846	25,113	26,500	
3 Bdrms Trips	51,286	51,835	52,398	52,962	53,534	54,111	57,098	
4+ Bdrms Trips	37,256	37,659	38,067	38,475	38,894	39,313	41,484	
Industrial Trips	4,680	4,756	4,813	4,871	4,947	5,004	5,348	
Commercial Trips	61,437	62,141	62,987	63,832	64,678	65,523	70,032	
Institutional Trips	51,937	52,396	52,854	53,363	53,821	54,280	56,724	
Office & Other Services Trips	24,652	24,983	25,314	25,645	25,976	26,362	28,127	
Total Vehicle Trips	261,526	264,377	267,371	270,418	273,458	276,543	292,527	
Vehicle Miles of Travel (VMT)	821,093	830,009	839,283	848,690	858,119	867,672	917,128	96,035
LANE MILES	115.7	116.9	118.2	119.5	120.9	122.2	129.2	13.5
Improved Intersections	56	57	57	58	59	59	63	7
							VMT Increase over Ten Years =>	10.5%

PLANNED TRANSPORTATION IMPROVEMENTS

Planned transportation improvements (from the FY15-19 CIP), are mapped in Figure T3 and listed in Figure T4. Even though the projects recommended for impact fee funding are selected from the long-range Transportation Master Plan, the "need" for transportation improvements is more difficult to determine for streets than for utility systems. The key difference is that water and sewer utilities are closed systems, but a street network is an open system. The demand for street capacity can be influenced by development units outside the service area and by what is know as "triple convergence." In essence, this concept acknowledges that transportation capacity is consumed by drivers changing their time, route, and mode of travel, with the latter being more significant in urban areas. Also, "traffic congestion" is a relative and more subjective measure that is closely connected with a person's willingness to pay. Given this complexity, the list of transportation improvements can be reduced by City Council during the public hearing process to eliminate lower priority projects, or lower growth

shares (assuming additional funding is available from revenue sources other than impact fees). Conversely, if elected officials desire to expand the list of transportation improvements, proposed impact fees would increase proportionately.

Figure T3: Map of Transportation Improvements



As shown in Figure T4, growth-related transportation improvements over the next ten years have a total cost of $40.16 million, with $16.72 million to be funded by impact fees (41.6%) and the other 58.4% to be funded from other revenues. Proposed transportation improvements will enhance connectivity, provide safer and more desirable multi-modal routes (i.e. for pedestrians, cyclists and transit patrons), and relieve vehicular congestion. The conservative 10.5% growth share for Christensen Railroad Overpass is based on the projected increase in VMT over the next ten years, as shown above in Figure T2.

Figure T4: Summary of Transportation Improvements

Priority	*CIP#*	*Project Description*	*Estimated Cost*	*Impact Fee Share*	*Impact Fee Funding*	*General Timeframe*
1	EN-14-007	Construct Christensen Railroad Overpass	$10,500,000	10.5%	$1,102,500	FY16-20
2	EN-14-032	Widen to minor arterial Converse Ave, Dry Creek to Carlson	$2,000,000	50.0%	$1,000,000	FY16-20
3	EN-14-042	W Fox Farm & Waltersheid Intersection	$350,000	100.0%	$350,000	FY16-20
4	EN-14-044	Deming & 5th St Intersection	$250,000	100.0%	$250,000	FY16-20
5	TF-14-001	Adaptive Signal System on Dell Range	$390,000	50.0%	$195,000	FY16-20
6	EN-14-014/025	Traffic Signal Fiber Optic Extension	$250,000	50.0%	$125,000	FY16-20
7	EN-14-030	Extend Prairie Ave to Rue Terre	$3,670,000	100.0%	$3,670,000	FY21-25
8	EN-14-038	Widen Ames Ave Underpass, Parsley Blvd to Lincolnway	$5,000,000	50.0%	$2,500,000	FY21-25
9	EN-14-037	Widen Waltersheid/Deming, W College Dr to Ames	$4,000,000	50.0%	$2,000,000	FY21-25
10	EN-14-035	Widen 12th St N, College Dr to Cleveland Ave	$2,800,000	50.0%	$1,400,000	FY21-25
11	EN-14-033	Improve Burlington Trail South, Industrial Rd to Campstool Rd	$1,700,000	50.0%	$850,000	FY21-25
12	EN-14-036	Widen 19th Street, Logan Ave to Converse Ave	$1,500,000	50.0%	$750,000	FY21-25
13	EN-14-041	Rebuild 19th St and 20th St Intersection (@ Missile Dr)	$5,000,000	10.5%	$525,000	FY21-25
14	EN-14-034	Improve to minor arterial Campstool Rd, Livingston Ave to Burlington Trl	$1,000,000	50.0%	$500,000	FY21-25
15	EN-14-001	Dell Range & Van Buren Intersection	$250,000	100.0%	$250,000	FY21-25
16	EN-14-010	Storey & Ridge Intersection	$250,000	100.0%	$250,000	FY21-25
17	EN-14-031	Widen to minor arterial Whitney Rd, US30 to Dell Range Blvd	$500,000	50.0%	$250,000	FY21-25
18	EN-14-043	E Fox Farm & Ave C Intersection	$250,000	100.0%	$250,000	FY21-25
19	EN-14-045	Dell Range & Whitney Intersection	$250,000	100.0%	$250,000	FY21-25
20	EN-14-106	Point Bluff & Converse Intersection	$250,000	100.0%	$250,000	FY21-25
		Ten-Year Total	$40,160,000	41.6%	$16,717,500	
		Revenue from Sources Other Than Impact Fees =>		58.4%	$23,442,500	

REVENUE CREDIT EVALUATION

A credit for other revenues is only necessary if there is potential double payment for system improvements. In Cheyenne, gas tax and sales tax revenues will be used for maintenance of existing facilities, correcting existing deficiencies, and for capital projects that are not impact fee system improvements. As shown below in the Figure T6, cumulative impact fee revenue over the next ten years roughly matches the growth cost of system improvements. There is no potential double payment from other revenues because transportation impact fees will exclusively fund the impact fee share of system improvements.

PROPOSED IMPACT FEES FOR TRANSPORTATION

Input variables for Cheyenne's transportation impact fees are shown in the upper section of Figure T5. Inbound vehicle trips by type of development are multiplied by the capacity cost per vehicle mile of travel to yield the impact fees. Given the City's transportation improvements plan ($16.72 million

funded by impact fees) and the projected increase of 96,035 vehicle miles of travel over the next ten years, the capital cost is $174.08 per vehicle miles of travel. To derive the impact fee for the commercial development per 1000 square feet of floor area, multiply the following factors from Figure T4.

42.70 weekday vehicle trip ends per 1000 square feet
x
0.33 adjustment factor for inbound trips, including pass-by
x
3.37 average miles per trip
x
0.66 trip length adjustment factor for commercial development
x
$174.08 growth cost per VMT
=
$5,455 per 1000 square feet (truncated)

The text below from Trip Generation (ITE 2012) supports the consultant's recommendation to use ITE 820 Shopping Center as a reasonable proxy for all commercial development. The shopping center trip generation rates are based on 302 studies with an r-squared value of 0.79. The latter is a goodness-of-fit indicator with values ranging from 0 to 1. Higher values indicate the independent variable (floor area) provides a better prediction of the dependent variable (average weekday vehicle trip ends). If the r-squared value is less than 0.50, ITE does not publish the value because factors other than floor area provide a better prediction of trip rates.

> *"A shopping center is an integrated group of commercial establishments. Shopping centers, including neighborhood, community, regional, and super regional centers, were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, and health clubs. Many shopping centers, in addition to the integrated unit of shops in one building or enclosed around a mall, include out parcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices. Although the data herein do not indicate which of the centers studied include peripheral buildings, it can be assumed that some of the data show their effect."*

Figure T5: Transportation Impact Fee Schedule

Input Variables

Average Miles per Trip	3.37
Impact Fee Share of CIP	$16,717,500
Vehicle Miles of Travel (VMT) Increase Over Ten Years	96,035
Capital Cost per VMT	$174.08

Development Type	*Avg Wkdy Veh Trip Ends*	*Trip Rate Adjustment*	*Trip Length Adjustment*	*Proposed Fee*
Residential (per housing unit) by Square Feet of Finished Living Space				
1100 or less	4.07	54%	121%	**$1,560**
1101 to 1600	6.12	54%	121%	**$2,345**
1601 to 2100	7.61	54%	121%	**$2,917**
2101 to 2600	8.78	54%	121%	**$3,365**
2601 to 3100	9.74	54%	121%	**$3,733**
3101 or more	10.09	54%	121%	**$3,867**
Nonresidential (per 1,000 Square Feet of Floor Area)				
Industrial	3.82	50%	73%	**$817**
Commercial	42.70	33%	66%	**$5,455**
Institutional	15.43	33%	73%	**$2,180**
Office and Other Services	11.03	50%	73%	**$2,361**

FUNDING STRATEGY FOR TRANSPORTATION IMPROVEMENTS

The ten-year plan for transportation improvements has a growth cost of approximately $16.7 million to be funded by impact fees. As shown in Figure T6, cumulative impact fee revenue is approximately equal to the growth cost of improvements over the next ten years. Revenue projections shown below assume implementation of the proposed transportation impact fees and the development projections described in Appendix A. To the extent the rate of development either accelerates or slows down, there will be a corresponding change in the impact fee revenue. Given strong economic incentives for locating close to customers, most Commercial, Institutional, and Office/Other Services will typically follow residential development and choose to locate in Cheyenne even if the City imposes impact fees. For "foot loose" industrial development (i.e. employers that have multiple options on where to locate), impact fees can hinder economic development efforts, but the table below indicates industrial development will only contribute $286,000 towards transportation improvements over the next ten years.

Figure T6: Projected Capital Costs and Fee Revenue

Ten-Year Cost of Transportation Improvements

Growth Share =>	$16,717,500

Transportation Impact Fee Revenue

	Year	*Average-Size Residential* $2,955 per housing unit	*Industrial* $817 per 1000 Sq Ft	*Commercial* $5,455 per 1000 Sq Ft	*Institutional* $2,180 per 1000 Sq Ft	*Office & Other Services* $2,361 per 1000 Sq Ft
		Hsg Units	*KSF*	*KSF*	*KSF*	*KSF*
Base	2014	28,481	2,450	4,360	10,200	4,470
Year 1	2015	28,788	2,490	4,410	10,290	4,530
Year 2	2016	29,099	2,520	4,470	10,380	4,590
Year 3	2017	29,414	2,550	4,530	10,480	4,650
Year 4	2018	29,731	2,590	4,590	10,570	4,710
Year 5	2019	30,052	2,620	4,650	10,660	4,780
Year 6	2020	30,377	2,650	4,710	10,750	4,840
Year 7	2021	30,705	2,690	4,770	10,850	4,900
Year 8	2022	31,037	2,730	4,840	10,940	4,970
Year 9	2023	31,372	2,760	4,900	11,040	5,030
Year 10	2024	31,711	2,800	4,970	11,140	5,100
Ten-Yr Increase		3,230	350	610	940	630
Projected Revenue =>		$9,544,000	$286,000	$3,328,000	$2,049,000	$1,487,000
					Total Projected Revenues (rounded) =>	$16,694,000

IMPLEMENTATION AND ADMINISTRATION

Development impact fees should be periodically evaluated and updated to reflect recent data. One approach is to adjust for inflation using the Engineering News Record (ENR) Construction Cost Index published by McGraw-Hill Companies. This index could be applied to the adopted impact fee schedule. If cost estimates or demand indicators change significantly, the City should redo the fee calculations.

Fees should be spent within six years of when they are collected, with the expenditures limited to growth-related system improvements or debt service on growth-related infrastructure, as specified in the impact fee study. General practice is aggregate first in, first out accounting (rather than project-specific tracking) with impact fees and accrued interest maintained in a separate fund that is not comingled with other revenues. TischlerBise recommends preparation of an annual report indicating impact fee collections, expenditures, and fund balances by type of infrastructure.

CREDITS AND REIMBURSEMENTS

A general requirement that is common to impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the impact fee methodology used in the cost analysis.

Specific policies and procedures related to site-specific credits should be addressed in the ordinance that establishes the impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees in the area that benefits from the system improvement. The latter option is more difficult to administer because it creates unique fees for specific geographic areas. Based on national experience, TischlerBise recommends a jurisdiction establish a reimbursement agreement with the developer that constructs a system improvement. The reimbursement agreement should be limited to a payback period of no more than ten years and the City should not pay interest on the outstanding balance. The developer must provide sufficient documentation of the actual cost incurred for the system improvement. The City should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the City pays more than the cost used in the fee analysis, there will be insufficient fee revenue. Reimbursement agreements should only obligate the City to reimburse developers annually according to actual fee collections from the benefiting area.

The supporting documentation for each type of impact fee illustrates the types of infrastructure considered to be system improvements. Site specific credits or developer reimbursements for one type of system improvement does not negate an impact fee for other system improvements.

SERVICE AREA

To ensure a substantial benefit to new development paying impact fees, the City of Cheyenne has evaluated collection and expenditure zones for public facilities that may have distinct benefit or service areas. In the City of Cheyenne, impact fees for public works vehicles/equipment, fire stations and apparatus, parks and recreation improvements, and transportation improvements will benefit new development throughout the entire incorporated area. TischlerBise recommends one citywide service area for Cheyenne impact fees.

DEVELOPMENT CATEGORIES

Proposed impact fees for residential development are by square feet of finished living space, excluding unfinished basement and garage floor area. Appendix A provides further documentation of demographic data by size threshold.

The four general nonresidential development categories in the proposed impact fee schedule can be used for all new construction within Cheyenne. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates and job density (i.e. jobs per 1,000 square feet of floor area), as documented in Appendix A. "Industrial" includes the processing or production of goods, along with warehousing, transportation, communications, and utilities. "Commercial" includes retail development and eating/drinking places. "Institutional" development includes public and quasi-public buildings such as schools, daycare, and churches. "Office & Other Services" includes offices, business services, lodging, and personal services such as health care.

An applicant may submit an independent study to document unique demand indicators for a particular development. The independent study must be prepared by a professional engineer or certified planner and use the same type of input variables as those in Cheyenne's impact fee study. For residential development, impact fees are based on average persons per housing unit and average weekday vehicle trip ends per housing unit. For nonresidential development, impact fees are based on average weekday vehicle trips ends per 1,000 square feet of floor area, and the average number of jobs per 1,000 square feet of floor area. The independent fee study will be reviewed by City staff and can be accepted as the basis for a unique fee calculation. If staff determines the independent fee study is not reasonable, the applicant may appeal the administrative decision to Cheyenne's elected officials for their consideration.

APPENDIX A: DEMOGRAPHICS

The population, housing unit, and job projections contained in this document provide the foundation for the development impact fee study. To evaluate the demand for growth-related infrastructure from various types of development, TischlerBise also prepared documentation on jobs and floor area by type of nonresidential development, average weekday vehicle trip generation rates, and demand indicators by type and size of housing unit. These metrics (explained further below) are the service units and demand indicators that will be used in the impact fee study.

Development impact fees must be proportionate by type of land use and based on the need for growth-related improvements. The demographic data and development projections discussed below will be used to demonstrate proportionality and anticipate the need for future infrastructure. All land use assumptions and projected growth rates are consistent with Plan Cheyenne, the recently approved Community Plan for greater Cheyenne. In contrast to the Community Plan, which is more general and has a long-range horizon, development impact fees require more specific quantitative analysis and have a short-range focus. Typically, impact fee studies look out five to ten years, with the expectation that fees will be periodically updated (every 3-5 years). Infrastructure standards will be calibrated using fiscal year 2014-15 data. In the City of Cheyenne the fiscal year begins on July 1st.

SUMMARY OF GROWTH INDICATORS

Key development projections for the City of Cheyenne impact fee study are housing units and nonresidential floor area, as shown in Figure A1. These projections will be used to estimate development fee revenue and to indicate the anticipated need for growth-related infrastructure. The goal is to have reasonable projections without being overly concerned with precision. Because impact fees methods are designed to reduce sensitivity to development projections in the determination of the proportionate-share fee amounts, if actual development is slower than projected, fee revenue will decline, but so will the need for growth-related infrastructure. In contrast, if development is faster than anticipated, the City will receive an increase in fee revenue, but will also need to accelerate infrastructure improvements to keep pace with the actual rate of development.

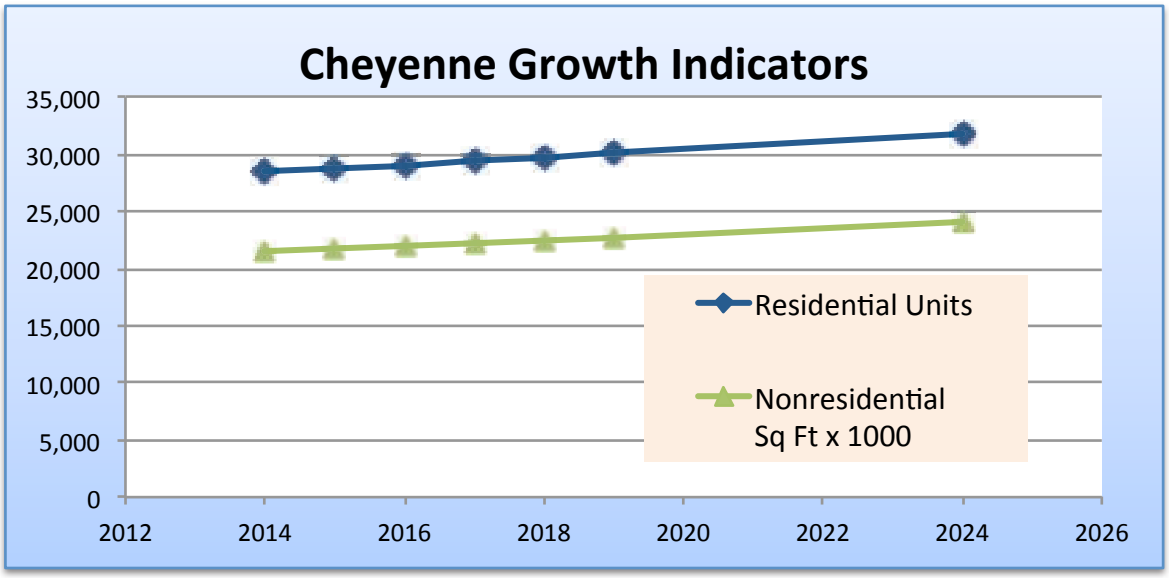
For the housing unit projection, TischlerBise used the low-range population growth rate (1.08% per year) from page 21 in the 2014 Community Plan. During the next five years, the impact fee study will assume an average increase of 314 housing units per year. In comparison, the City of Cheyenne added 259 housing units in calendar year 2012 (see page 14 of Community Plan). In 2013, 269 single-family units were permitted and there was a spike in multi-unit residential, with 342 units permitted, yielding a total of 611 units. Due to a nationwide shortage of financing for multi-family units in recent years, there was pent-up demand that partially explains the spike in apartments.

Over the next five years, Cheyenne expects an average increase of 246,000 square feet of nonresidential floor area per year. In comparison, City building permit records indicate an average annual increase of 272,000 square feet per year during calendar years 2012 and 2013. The projected increase in floor area is based on employment growth rates from the Community Plan. Although Cheyenne area jobs increased by an average of 1.5 percent per year from 2000 to 2010, the Community Plan expects Laramie County jobs to increase 0.88 to 1.32 percent annually (see page 22). TischlerBise used the low range growth rate for institutional jobs, assuming education and government employment to grow at a slower rate than private-sector employment. For industrial, commercial, and office/other services, TischlerBise assumed the high-range growth rate of 1.32% per year. Current estimates of floor area by type of nonresidential development are discussed below (see Figures A3, A4 and related text).

Figure A1: Summary of Development Projections and Growth Rates

Cheyenne, WY

	Year							2014 to 2019 Average Annual	
	2014	*2015*	*2016*	*2017*	*2018*	*2019*	*2024*	*Increase*	*Compound Growth Rate*
Residential Units	28,481	28,788	29,099	29,414	29,731	30,052	31,711	314	1.08%
Nonresidential Sq Ft x 1000	21,480	21,720	21,960	22,210	22,460	22,710	24,010	246	1.12%



Residential Construction

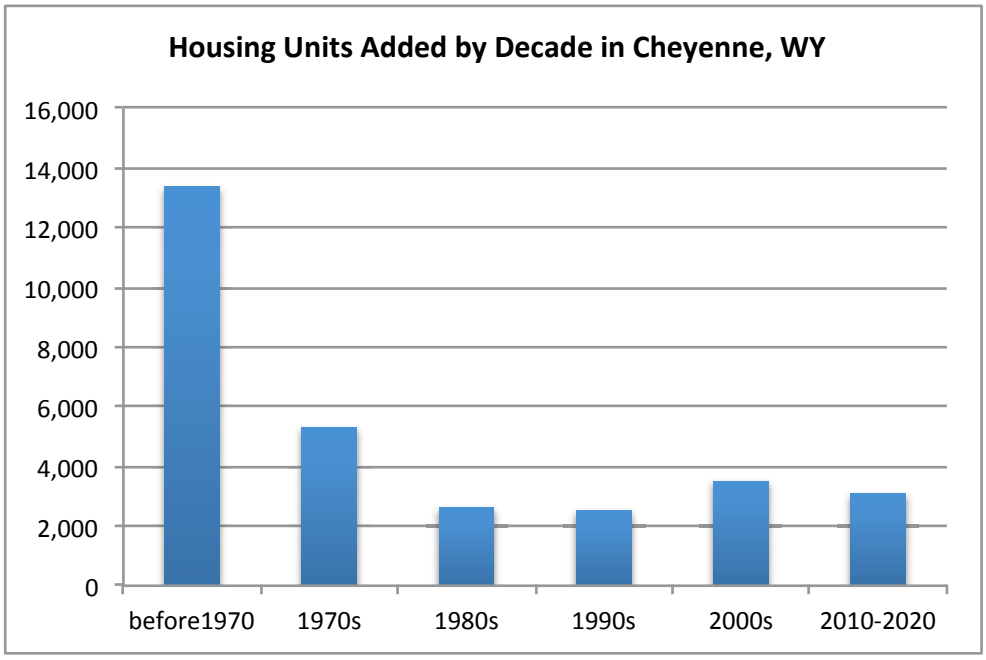
From 2000 to 2010, Cheyenne has increased by an average of 350 housing units per year. Figure A2 indicates the estimated number of housing units added by decade in Cheyenne, according to data obtained from the U.S. Census Bureau. Consistent with the nationwide decline in development activity during the Great Recession, residential construction slowed significantly from 2008 to 2010, thus decreasing the number of units added during the past decade. From 2010 to 2020, Cheyenne expects to increase by 3,094 housing units, which is slightly less than the increase during the previous decade.

Figure A2: Housing Units by Decade

	Cheyenne, WY
Census 2010 Population*	59,466
Census 2010 Housing Units*	27,283
Total Housing Units in 2000	23,782
New Housing Units	3,501

From 2000 to 2010, Cheyenne added an average of 350 housing units per year.

* *U.S. Census Bureau SF1.*



Source for 1990s and earlier is Table B25034, American Community Survey, 2010, adjusted to yield total units in 2000. Projected units from 2010 to 2020 based on low-range growth rate from page 21 in Cheyenne Community Plan.

JOBS BY TYPE OF NONRESIDENTIAL DEVELOPMENT

In addition to data on residential development, the calculation of impact fees requires data on nonresidential development. TischlerBise uses the term "jobs" to refer to employment by place of work. In Figure A3, gray shading indicates the four nonresidential development prototypes the will be used by TischlerBise to derive average weekday vehicle trips, Vehicle Miles of Travel (VMT) and nonresidential floor area. Current floor area estimates for industrial, commercial, institutional, and office/other development, are derived using national averages of square feet per job. For future industrial development, manufacturing (ITE code 140) is a reasonable proxy with an average 558 square feet per job. The prototype for future commercial development is an average size shopping center (ITE code 820). Commercial development (i.e. retail and eating/drinking places) is assumed to average 500 square feet per job. For institutional development, such as pubic buildings, schools and churches, floor area in Cheyenne is based on education and government jobs, assuming an average of 1,018 square feet per job. The prototype for institutional development is an elementary school (see Trip Generation,

Institute of Transportation Engineers, 2012). For office and other services, a general office (ITE 710) is the prototype for future development, with an average of 301 square feet per job.

Figure A3: Average Weekday Vehicle Trip Ends

ITE Code	*Land Use / Size*	*Demand Unit*	*Wkdy Trip Ends Per Dmd Unit**	*Wkdy Trip Ends Per Employee**	*Emp Per Dmd Unit*	*Sq Ft Per Emp*
110	Light Industrial	1,000 Sq Ft	6.97	3.02	2.31	433
130	Industrial Park	1,000 Sq Ft	6.83	3.34	2.04	489
140	Manufacturing	1,000 Sq Ft	3.82	2.13	1.79	558
150	Warehousing	1,000 Sq Ft	3.56	3.89	0.92	1,093
254	Assisted Living	bed	2.66	3.93	0.68	na
320	Motel	room	5.63	12.81	0.44	na
520	Elementary School	1,000 Sq Ft	15.43	15.71	0.98	1,018
530	High School	1,000 Sq Ft	12.89	19.74	0.65	1,531
540	Community College	student	1.23	15.55	0.08	na
550	University/College	student	1.71	8.96	0.19	na
565	Day Care	student	4.38	26.73	0.16	na
610	Hospital	1,000 Sq Ft	13.22	4.50	2.94	340
620	Nursing Home	1,000 Sq Ft	7.60	3.26	2.33	429
710	General Office (avg size)	1,000 Sq Ft	11.03	3.32	3.32	301
760	Research & Dev Center	1,000 Sq Ft	8.11	2.77	2.93	342
770	Business Park	1,000 Sq Ft	12.44	4.04	3.08	325
820	Shopping Center (avg size)	1,000 Sq Ft	42.70	na	2.00	500

* *Trip Generation, Institute of Transportation Engineers, 9th Edition (2012).*

Figure A4 indicates 2011 estimates of jobs and nonresidential floor area located in Cheyenne. Job estimates, by type of nonresidential, are from Cheyenne's Work Area Profile, with the data obtained from the U.S. Census Bureau's online web application known as OnTheMap. The number of jobs in Cheyenne is based on quarterly workforce reports supplied by employers. With 36,652 jobs and an overall average of 567 square feet per job, Cheyenne had almost 20.8 million square feet of nonresidential building space in 2011.

Figure A4: Jobs and Floor Area Estimates

	2011 Jobs (1)		*Sq Ft per Job (2)*	*2011 Estimated Floor Area*	*Jobs per 1000 Sq Ft*
Industrial (3)	4,228	11.536%	558	2,359,000	1.79
Commercial (4)	8,374	22.847%	500	4,187,000	2.00
Institutional (5)	9,763	26.637%	1,018	9,939,000	0.98
Office & Other (6)	14,287	38.980%	301	4,300,000	3.32
TOTAL	36,652	100.000%	567	20,785,000	1.76

(1) Jobs in 2011 from Work Area Profile, OnTheMap, U.S. Census Bureau web application.
(2) Derived from data in Trip Generation, published by the Institute of Transportation Engineers, 2012.
(3) Major sectors are Construction, Transportation/Warehousing and Manufacturing.
(4) Major sectors are Retail and Accommodation/Food Services.
(5) Major sectors are Educational Services and Public Administration.
(6) Major sectors are Health Care, Finance/Insurance and Professional/Scientific/Technical Services.

Detailed Land Use Assumptions

Demographic data shown in Figure A5 are key inputs for Cheyenne's impact fee study. Cumulative data are shown at the top and projected annual increases, by type of development, are shown at the bottom of the table. As indicated by the slight increase in the jobs-housing ratio over time, Cheyenne will remain a strong employment center.

Given the expectation that impact fees are updated every three to five years, TischlerBise did not evaluate long-term demographic trends such as declining household size (i.e. the average number of persons in an occupied dwelling). As discussed further below, TischlerBise recommends the use of persons per housing unit to derive impact fees. The slight increase in persons per housing unit from 2010 to 2014 (see third row of data in the table below) is due to a higher growth rate for population than housing units. In essence, there was a slight decline in vacancy rates over the past four years. The projected increase in population through 2030 maintains a constant ratio of 2.22 persons per housing unit.

Figure A5: Annual Demographic Data

Cheyenne, WY	2010	FY14-15 2014 Base Yr	FY15-16 2015 1	FY16-17 2016 2	FY17-18 2017 3	FY18-19 2018 4	FY19-20 2019 5	FY24-25 2024 10	FY30-31 2030 16
Total Population									
City of Cheyenne	59,466	63,135	63,829	64,532	65,241	65,959	66,685	70,434	75,212
Housing Units									
City of Cheyenne	27,283	28,481	28,788	29,099	29,414	29,731	30,052	31,711	33,822
Persons per Hsg Unit	2.18	2.22	2.22	2.22	2.22	2.22	2.22	2.22	2.22
Jobs in City of Cheyenne									
Industrial		4,398	4,456	4,515	4,574	4,634	4,696	5,014	5,424
Commercial		8,710	8,825	8,941	9,059	9,179	9,300	9,930	10,743
Institutional		10,023	10,111	10,200	10,290	10,381	10,472	10,941	11,531
Office & Other		14,860	15,056	15,255	15,457	15,661	15,867	16,943	18,329
Total Jobs		37,991	38,448	38,911	39,380	39,855	40,335	42,828	46,028
Jobs to Housing Ratio		1.33	1.34	1.34	1.34	1.34	1.34	1.35	1.36
Nonresidential Floor Area (square feet in thousands)									
Industrial		2,450	2,490	2,520	2,550	2,590	2,620	2,800	3,030
Commercial		4,360	4,410	4,470	4,530	4,590	4,650	4,970	5,370
Institutional		10,200	10,290	10,380	10,480	10,570	10,660	11,140	11,740
Office & Other		4,470	4,530	4,590	4,650	4,710	4,780	5,100	5,520
Total KSF		21,480	21,720	21,960	22,210	22,460	22,710	24,010	25,660
Avg Sq Ft Per Job		565	565	564	564	564	563	561	557
Avg Jobs per KSF		1.77	1.77	1.77	1.77	1.77	1.78	1.78	1.79

Annual Increases	7/14-7/15	7/15-7/16	7/16-7/17	7/17-7/18	7/18-7/19	7/19-7/20	***2014-2024 Avg Anl***
Total Population	694	702	710	718	726	734	730
Housing Units	308	311	314	318	321	325	323
Jobs	457	463	469	475	480	486	484
Industrial KSF	40	30	30	40	30	30	35
Commercial KSF	50	60	60	60	60	60	61
Institutional KSF	90	90	100	90	90	90	94
Office & Other KSF	60	60	60	60	70	60	63
Total Nonres KSF/Yr =>	240	240	250	250	250	240	253

PERSONS PER HOUSING UNIT

The 2010 census did not obtain detailed information using a "long-form" questionnaire. Instead, the U.S. Census Bureau has switched to a continuous monthly mailing of surveys, known as the American Community Survey (ACS), which is limited by sample-size constraints. For example, data on detached housing units are now combined with attached single units (commonly known as townhouses). Part of the rationale for deriving fees by bedroom range, as discussed further below, is to address this ACS data limitation. Because townhouses and mobile homes generally have fewer bedrooms than detached units, fees by bedroom range ensure proportionality and facilitate construction of affordable units.

If Cheyenne's elected officials make a legislative policy decision to not impose fees by house size, TischlerBise will recommend that fees be imposed for two residential categories. According to the U.S. Census Bureau, a household is a housing unit that is occupied by year-round residents. Development fees often use per capita standards and persons per housing unit, or persons per household, to derive

proportionate-share fee amounts. TischlerBise recommends that fees for residential development in the City of Cheyenne be imposed according to the number of year-round residents per housing unit. As shown Figure A6, the U.S. Census Bureau estimates Cheyenne had 27,058 housing units in 2012. Dwellings with a single unit per structure (detached, attached, and mobile homes) averaged 2.46 persons per housing unit. Even though townhouses are attached, each unit is on an individual parcel and is considered to be a single unit. Dwellings in structures with multiple units averaged 1.52 year-round residents per unit. This category includes duplexes, which have two dwellings on a single land parcel. The overall average was 2.21 year-round residents per housing unit in 2011.

Figure A6: Year-Round Persons per Unit by Type of Housing

2011 Summary by Type of Housing

Units in Structure	*Persons*	*House-holds*	*Persons per Household*	*Housing Units*	***Persons per Housing Unit***	*Housing Mix*	*Vacancy Rate*
Single Unit*	48,853	18,841	2.59	19,886	2.46	73%	5%
2+ Units	10,866	6,008	1.81	7,172	1.52	27%	16%
Subtotal	59,719	24,849	2.40	27,058	2.21		8%
Group Quarters	778						
TOTAL	60,497						

** Single unit includes detached, attached, and mobile homes.*
Source: Tables B25024, C25032, C25033, and B26001.
Three-Year Estimates, 2012 American Community Survey, U.S. Census Bureau.

CUSTOM TRIP GENERATION RATES PER DWELLING UNIT

As an alternative to simply using the national average trip generation rate for residential development, the Institute of Transportation Engineers (ITE) publishes regression curve formulas that may be used to derive custom trip generation rates, using local demographic data. Key independent variables needed for the analysis (i.e. vehicles available, housing units, households and persons) are available from American Community Survey data for Cheyenne. Customized average weekday trip generation rates by type of housing are shown in Figure A7. A vehicle trip end represents a vehicle either entering or exiting a development, as if a traffic counter were placed across a driveway. The custom trip generation rates for Cheyenne are lower than national averages. For example, single-unit residential development in Cheyenne is expected to produce 8.66 average weekday vehicle trip ends per dwelling, which is lower than the national average of 9.57 (see ITE code 210).

Figure A7: Residential Trip Generation Rates by Type of Housing

Cheyenne, WY	Vehicles Available (1)	Households (2): Single Unit per Structure	Households (2): 2+ Units per Structure	Households (2): Total	Vehicles per Household by Tenure
Owner-occupied	32,743	14,983	273	15,256	2.15
Renter-occupied	13,834	3,858	5,735	9,593	1.44
TOTAL	46,577	18,841	6,008	24,849	1.87
Housing Units (6) =>		19,886	7,172	27,058	

Units per Structure	Persons (3)	Trip Ends (4)	Vehicles by Type of Housing	Trip Ends (5)	Average Trip Ends	Trip Ends per Housing Unit
Single Units	48,853	126,480	37,721	218,052	172,266	8.66
2+ Units	10,866	37,641	8,856	35,188	36,414	5.08
TOTAL	59,719	164,121	46,577	253,239	208,680	**7.71**

(1) Vehicles available by tenure from Table B25046, American Community Survey, 2012.
(2) Households by tenure and units in structure from Table B25032, American Community Survey, 2012.
(3) Persons by units in structure from Table B25033, American Community Survey, 2012.
(4) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2012). For single unit housing (ITE 210), the fitted curve equation is EXP(0.91*LN(persons)+1.52). To approximate the average population of the ITE studies, persons were divided by 88 and the equation result multiplied by 88. For 2+ unit housing (ITE 220), the fitted curve equation is (3.47*persons)-64.48.
(5) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2012). For single unit housing (ITE 210), the fitted curve equation is EXP(0.99*LN(vehicles)+1.81). To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 147 and the equation result multiplied by 147. For 2+ unit housing (ITE 220), the fitted curve equation is (3.94*vehicles)+293.58.
(6) Housing units from Table B25024, American Community Survey, 2012.

Demand Indicators by Bedroom Range

Impact fees must be proportionate to the demand for infrastructure. Because averages per housing unit, for both persons and vehicle trips, have a strong, positive correlation to the number of bedrooms, TischlerBise recommends residential fee schedules that increase by house size. Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Micro-data Samples (PUMS). PUMS files are only available for areas of at least 100,000 persons, with the City of Cheyenne included in Public Use Micro-data Area (PUMA) 00300 that includes all of Laramie and Albany Counties. As shown in Figure A8, TischlerBise derived trip generation rates and average persons per housing unit by bedroom range, from un-weighted PUMS data. The recommended multipliers by bedroom range (shown below) are for all types of housing units, adjusted to the control totals for Cheyenne. As shown above, Cheyenne averages 7.71 weekday vehicle trip ends (see Figure A10) and 2.21 persons per housing unit (see Figure A9).

Figure A8: Vehicle Trip Ends and Persons by Bedroom Range

Cheyenne, WY							*Recommended Multipliers (4)*		
Bedrooms	*Persons (1)*	*Trip Ends (2)*	*Vehicles Available (1)*	*Trip Ends (3)*	*Average Trip Ends*	*Housing Units (1)*	*Trip Ends per Housing Unit*	*Persons per Housing Unit*	*Housing Mix*
0-1	48	165	50	298	231	55	3.83	0.95	11%
2	189	574	180	1,059	816	120	6.19	1.71	25%
3	418	1,182	396	2,311	1,746	186	8.55	2.43	39%
4-5	328	948	278	1,628	1,288	121	9.69	2.94	25%
Total	983	2,868	904	5,296	4,082	482	7.71	2.21	

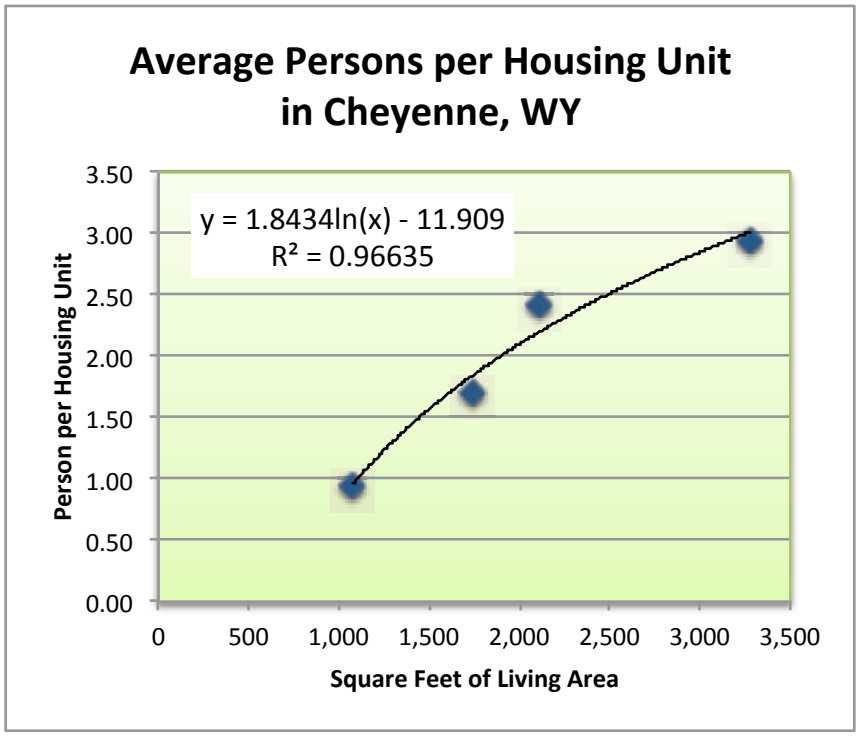
(1) American Community Survey, Public Use Microdata Sample for WY PUMA 00300 (2012 1-Year unweighted data).
(2) Vehicle trips ends based on persons using formulas from Trip Generation (ITE 2012). For single unit housing (ITE 210), the fitted curve equation is EXP(0.91*LN(persons)+1.52). To approximate the average population in the ITE studies, persons were divided by 2 and the equation result multiplied by 2.
(3) Vehicle trip ends based on vehicles available using formulas from Trip Generation (ITE 2012). For single unit housing (ITE 210), the fitted curve equation is EXP(0.99*LN(vehicles)+1.81). To approximate the average number of vehicles in the ITE studies, vehicles available were divided by 4 and the equation result multiplied by 4.
(4) Recommended multipliers are scaled to make the average values for PUMA 00300 match the average values for Cheyenne, derived from American Community Survey 2012 3-Year data.

Average floor area and number of persons by bedroom range are plotted in Figure A9, with a logarithmic trend line derived from four actual averages for the area that includes Cheyenne. Using the trend line formula shown in the chart, TischlerBise derived the estimated average number of persons, by dwelling size, using 500 square feet intervals. For the purpose of impact fees, TischlerBise recommends a minimum fee based on a unit size of 1100 square feet and a maximum fee for units 3101 square feet or larger. According to the U.S. Census Bureau's Survey of Construction microdata for Mountain West states, the average size of all two-bedroom single-family housing units (both detached and attached) constructed in 2013 was 1,744 square feet of finished living space. This same source indicates an average of 2,115 and 3,283 square feet of finished living space for three and four-to-five bedroom housing units, respectively.

The U.S. Census Bureau also publishes summary tables for multifamily housing units, indicating an average of 1,076 square feet of floor area for units constructed in 2013 in the West census region. As shown in the upper-right of the table below, the lowest floor area range (1,100 square feet or less) has an estimated average of one person per housing unit. This is consistent with the fact that 44% of multifamily units constructed during 2013 in the West Region were either efficiencies or one-bedroom units suitable for a single-person household.

Figure A9: Persons by Square Feet of Living Space

Actual Averages per Hsg Unit			*Fitted-Curve Values*	
Bedrooms	*Square Feet*	*Persons*	*Sq Ft Range*	*Persons*
0-1	1,076	0.95	1100 or less	1.00
2	1,744	1.71	1101 to 1600	1.69
3	2,115	2.43	1601 to 2100	2.19
4-5	3,283	2.94	2101 to 2600	2.59
			2601 to 3100	2.91
			3101 or more	3.03

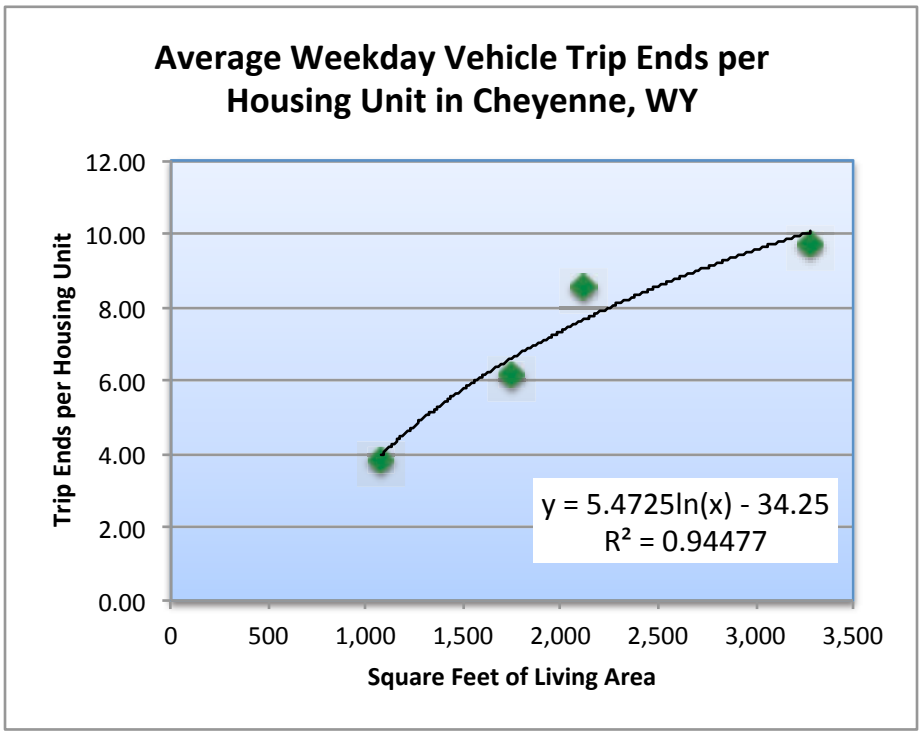


U.S. Census Bureau is the data source for average square feet of dwellings (2013 Survey of Construction microdata). Average persons per housing unit is from 2012 ACS PUMS for the area that includes Cheyenne.

To derive average weekday vehicle trip ends by house size, TischlerBise combined demographic data derived from U.S. Census Bureau PUMS files with floor area from derived from the Survey of Construction microdata file. Average floor area and weekday vehicle trip ends, by bedroom range, are plotted in Figure A10, with a logarithmic trend line derived from four actual averages for the area that includes Cheyenne. TischlerBise used the trend line formula to derive estimated trip ends by housing unit size, in 500 square feet intervals. The average-size, three-bedroom unit is within the size range of 2101 to 2600 square feet and has a fitted-curve value of 8.78 vehicle trip ends on an average weekday. A small apartment unit of 1,100 square feet or less would pay 46% of the transportation impact fee paid by an average-size housing unit. A large unit of 3,101 square feet or more would pay 115% of the transportation impact fee paid by an average size unit. If Cheyenne implements a "one-size-fits-all" approach, small units will be required to pay more than their proportionate share while large units will pay less than their proportionate share. Average fees for all house sizes makes small units less affordable and essentially subsidizes larger units.

Figure A10: Vehicle Trips by Dwelling Size

Actual Averages per Hsg Unit			*Fitted-Curve Values*	
Bedrooms	*Square Feet*	*Trip Ends*	*Sq Ft Range*	*Trip Ends*
0-1	1,076	3.83	1100 or less	4.07
2	1,744	6.19	1101 to 1600	6.12
3	2,115	8.55	1601 to 2100	7.61
4-5	3,283	9.69	2101 to 2600	8.78
			2601 to 3100	9.74
			3101 or more	10.09



U.S. Census Bureau is the data source for average square feet of dwellings (2013 Survey of Construction microdata). Average weekday vehicle trip ends derived from ITE formulas using 2012 ACS PUMS data for the area that includes Cheyenne.

PLANNING, ZONING AND ENGINEERING FEES **ATTACHMENT A**

For Council work session discussion: 2016-03-22

[amended by City Council on _____, 2015; effective date _____, 2015.]

Note: All fees **DOUBLE** if work has already begun or use started prior to permit submittal & approval

APPLICATION TYPE	FEE
Addition to city by plat process	follow plat or PUD fees
Annexations	$0
Appeal of administrative or planning commission action	$435
Code text amendment	$625
Comprehensive Plan Amendment	$1,360
~~Concept/Pre-Application~~	~~$175~~
Conditional Use	$435
Accessory Structures & Uses Associated w/Res. Structure	**$235**
Type 2 Child Care Home & Family Child Care Center	**$135**
Alternative Front Lot Line	**$70**
Condominium review	**$35** ~~70~~
~~Design Review~~ **Site Plan Review - Type 3 - (Full Compliance)**	$420
Site Plan Review - Type 2 - (Partial Compliance)	**$225**
Site Plan Review - Type 1 - (Limited Compliance)	**$35**
IGA 201 review	**$450** ~~560~~
Lot Line Adjustment or Lot Consolidation	$35
~~Major Modification~~	~~$450~~
Minor Administrative Modification	$70
Minor ~~subdivision~~ **Land Division (Lot Split)**	$70
Mobile home park or community license	$50
Plat, final	**$250+$25 per lot ($1,250 max)** ~~730~~
Plat, preliminary	**$500+$100 per lot ($2,500 max)** ~~1780~~
PUD **Overlay** (final)	**$450** ~~1220~~
PUD **Overlay** (preliminary)	**$625** ~~1780~~
Re-plat, administrative	$140
Re-plat, major	**Follow plat or PUD fees**~~1220~~
~~Sign Permit~~	~~$105~~
Solar Access Permit	**$70** ~~610~~
~~Temporary use permit, administrative~~	~~$35~~
Temporary use permit, ~~city council~~ **Major**	$190
~~Tree Area Design Review~~	~~$280~~
Vacation~~, public easement or right-of-way~~	
~~Vacation,~~ Subdivision **without associated Re-plat**	$200
Subdivision with associated Re-plat	**$0**
Public easement or right-of-way	$765
Variance	$435
Zoning map amendment	$625
Zoning map amendment: ROB zoning for existing residential properties	$0
Zoning map amendment associated with Annexation	**$0**
Parking Restriction **(Modification to Parking)**	$35
Modification to Traffic Control	$190
Concrete Permit	**$0**
Excavation Permit	$105
Grading Plan/Permit	**$500**
Street Closure	$35
ROW Obstruction	~~$35~~
Temporary	**$35**
Permenant	**$250**
Driveway Access Permit (not associated w/Building Permit or Site Plan Review	**$35**
Engineering Inspection of new infrastructure	.5% of cost of construction of the infrastructure

City of Laramie
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MEMORANDUM

Date: January 26, 2015

To: Laramie Planning Commission

From: Community Development Department – Planning Division

Subject: Development Fees

At the Planning Commission's request staff has prepared the following memo containing information related to the fees the Community Development Department, Planning Division charges for applications.

Fee History
For as long as City records show Laramie has charged fees for a variety of different types of applications. Based on research done by staff, fees in the past have been charged for some of the most common application types such as Conditional Use Permits, Zoning and Variances, while other application types such as subdivisions had no fee. The fee schedules used in the past do not provide any reason or appear to have a known basis as to why some applications had fees and others did not. During this time when fees were limited 4 application types existed that required a fee; conditional use, annexation, zoning and variances, each with a fee of $50,00, $200.00, $50.00 and $35.00 respectively. This fee schedule remained in effect up until July 1, 2010, when the current fee schedule was adopted.

Additional research shows that starting in the early 2000's, City Staff presented information to Planning Commission and City Council that showed Laramie was far behind in the fees most communities were charging for the same or similar type applications. In 2003 and 2006 detailed fee comparisons were prepared by City Staff for discussion, however no action was taken by governing bodies. Staff believes that fees were not adopted or considered in 2006 because Laramie was in the middle of the development of the Comprehensive Plan, which was recommending that a Unified Development Code be developed, thus making it prudent to wait until these two major development documents were completed.

Following adoption of the Comprehensive Plan and more importantly the Unified Development Code a fee schedule was adopted in 2010. Attached is the current fee schedule that is currently used, which has been in place since July 1, 2010. The fees adopted in 2010 were based upon the assumptions and methodology noted below:

- Time spent on each application type
- Hourly rate assumed at $35 (averaged and weighted salaries of personnel involved in development review).
- Direct costs (legal notices, agendas, etc.)

- Planning Commission or Traffic Commission meeting - $50
- Planning Commission and City Council meetings - $100
- The fee for each application is then based upon the average number of hours multiplied by $35, plus the $0, $50 or $100 depending on whether the final action is administrative, or requires Planning Commission, Traffic Commission or City Council action.

The adoption of this fee schedule specifically addressed a goal to establish a fee schedule that proportionately off-set the City's cost to review new development projects.

Why Have Fees?
There are three primary reasons why fees are adopted by municipalities:

(1) off-set the costs to review and process development applications;
(2) the ideology that development should pay its way; and
(3) avoid subsidy by taxpayers and other general fund revenues to fund development.

Staff acknowledges that fees may be seen by some as impediments to economic development, affordability of housing and a financial obstacle for small projects petitioned by homeowners. All of these points have merit. Fees should be representative of the city's "cost of doing business" and be based on rational calculations.

Planning and engineering fees are NOT the same as building permit fees. Planning and engineering fees are generally collected for the city's time to review development applications such as preliminary or final plats, conditional uses, traffic control devices, and other similar types of application.

Additional Fee Discussion
As noted above there are some common reasons why fees are charged, and these reasons have been provided in order to initiate discussion on the topic. Other topics related to fees could also be discussed that may have an impact on how fees might be applied:

- Specific application types having a reduced or increased fee based on the exact request. For example, a regular fee may apply to a Conditional Use Application for Mini-Storage Facility due to complexity of review, versus a Conditional Use permit for a Day Care, which is often simple and takes a fraction of the time for review.
- Consideration that any application only involving a single family residence would involve a reduced fee.
- Modification of the fees based on the size, type (Residential versus Commercial) or potential complexity of the project.
- Project valuation based fee schedule.

Although this list is not fully inclusive many other topics and issues should/could be considered regarding the fee schedule.

CITY OF LARAMIE COUNCIL REGULAR MEETING March 15, 2016

Agenda Item: Discussion Item

Title: Fire Codes – Work session for adopting 2015 International Fire Code

Recommended Council MOTION: N/A – work session discussion

Administrative or Policy Goal:
To protect the health and safety of the public by regulating minimum fire safety requirements for new and existing buildings, facilities, storage and processes; and to regulate and govern the safeguarding of life and property from fire explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

Background:
The International Fire Codes are the fire codes that are adopted by the State of Wyoming and the City of Laramie. The adopted code that is currently in use is the 2012 International Fire Code. The code is updated every 3 years and the State of Wyoming adopted the 2015 International Fire Code in December of 2015.

Once the codes are adopted by the State, the local jurisdictions have 6 months to complete their adoption process in order to keep "home rule". The State Fire Marshal has set the date for local adoption to be completed for July 1, 2016.

Legal/Statutory Authority:
W.S. 15-1-119

Responsible Staff:
Mark Doyle – Fire Marshal
Dan Johnson, Fire Chief

CITY OF LARAMIE COUNCIL WORK SESSION March 22, 2016

LARAMIE 1868	**Agenda Item: Discussion Item** **Title: Building Codes**

Recommended Council MOTION:

None required.

Administrative or Policy Goal:

Update the current building codes with updated editions to promote public safety and economic development by encouraging advanced construction technology.

Background:

The International codes are the adopted building codes for the City of Laramie and the State of Wyoming. In order to keep the codes current with modern design and construction techniques they are updated on a three-year cycle. The 2012 versions are the current codes in use by the City and we propose that they be updated to the 2015 editions. This routine code adoption process every three years has been in place since the 1960's, with only one cycle missed in 2009. The codes include the following.

2015 International Residential Code
2015 International Building Code
2015 International Existing Building Code
2015 International Mechanical Code
2015 International Plumbing Code
2015 International Fuel Gas Code
2015 International Energy Conservation Code

As a "home rule" community we must adopt the 2015 codes by July 1, 2016 in order to maintain our local enforcement authority (W.S. 35-9-121(a)(ii).

Codes are developed through a national and international consensus process and it is recommended that they be adopted with minimal changes or modifications.

Legal/Statutory Authority:

Laramie Municipal Code, Chapter 15.24 (Buildings and Construction)
W.S. 35-9-121.

BUDGET/FISCAL INFORMATION:

REVENUE

Source	Amount	Type
Fees/Charges for Service		
Grants for Projects		
Loans on Project		
Other		
Total	$0.00	

EXPENSE

Proposed Project Cost.

Amount spent to date (approved and adopted by Council)

Budget	Amount	Funds
Total Budget Allocation		
Less Amount Spent to Date		
Remainder of Budget	$0.00	

Proposed Cost (Approval of this item authorizes preparation of a budget revision for the proposed amount)

Expenditures	Amount	Fund
Proposed Expenditure		
Current Budget		
Additional Amount Requested		
Total Proposed Budget	$0.00	

Responsible Staff:

Future dates are subject to change

Work Session	March 22, 2016
Advertised	
Public Hearing Held	
Pub. Hearing Advertised	
Introduction/1st Reading	
2nd Reading	
3rd Reading	

Attachments: none