



Board Summary Report

Date: February 21, 2020
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Molly Orkild-Larson, Senior Planner
Subject: **General Business – 453 E. Highway 40 – Request for Waiver of Fees Associated with a Rezone and Minor Subdivision (WVR20-001)**

Request and Recommendation

The applicants, Lois and Ken Helvie, are requesting a waiver of Public Works and Development review fees for a Rezone and Minor Subdivision. The subject property is located at 453 E. Highway 40, Byers Colorado. The applicants' letter requesting the fee waiver and their justification for this waiver is attached.

The following information demonstrates: 1) what is charged for a "typical" review fees for a Rezone to Planned Unit Development and Minor Subdivision; 2) amount of fees to be paid by the applicants if their fee waiver is granted; and, 3) applicants' fee waiver request.

APPLICANT'S REQUEST:

Rezone – Specific Development Plan:

<u>County Review Fee - Typical</u>	<u>Cost</u>	<u>Cost Break Down</u>
Planning Review	\$6,500	(3 sheets x \$2,000/sheet plus \$500 set up fee)
Engineering Review	<u>\$2,750</u>	
Total Fees	\$9,250	

Minor Subdivision:

<u>County Review Fee - Typical</u>	<u>Cost</u>	<u>Cost Break Down</u>
Planning Review	\$4,500	(2 sheets x \$2,000/sheet plus \$500 set up fee)
Engineering Review	<u>\$3,250</u>	
Total Fees	\$7,750	

Combined Total of County Review Fees For Both Processes:

Combined Planning Total	\$11,000
Combined Engineering Total	<u>\$6,000</u>
Combined Total Fees	\$17,000

<u>Applicant's Fee Waiver Request</u>	<u>Cost</u>
Planning Review Requested Reduction	\$11,000
Engineering Review Requested Reduction	<u>\$ 6,000</u>
Total Fee Reduction Request	\$17,000

Total Fees Collected if Reduction is Approved: \$0.00

Planning & Engineering Staff Comments: Although both applications are anticipated to consist of three and two-sheet plan sets, the amount of detailed review should be minimal for both Engineering and Planning. The proposed zoning change and subdivision only affect a small land area. The required staff time between Engineering and Planning will be roughly similar.

Based on this information, Planning staff recommends a \$500 set-up fee and an additional \$2,000 for the remaining review. The Engineering Division recommends a \$2,500 fee for both projects, including the master drainage fee, which is normally billed separately.

Staff Recommended Fee Waiver:

Planning Fees: \$500 set up fee
 \$2,000 review fee

Engineering Fees: \$2,500, including the master drainage fee

Total Fees Paid: \$5,000

Background

In 1942, two homes were built on the subject property and the parcel was zoned R-2 and RR-A (formally known as A-2) in June 27, 1972, when zoning of the eastern portion of the County came into effect. Presently, two-thirds of the parcel is zoned R-2 and the remaining is RR-A. The subject parcel is approximately 3.8 acres in size and was illegally created in 1978 when an 18-acre property was subdivided creating the subject parcel and the property to the east. The applicants, Lois and Ken Helvie, purchased the property in 2004, not knowing of the illegal subdivision or restriction of one residential dwelling unit per property.

The applicants wish to bring their property into conformance through requests for rezoning and platting of property. The fee waiver would provide financial relief in being able to file these applications and allow them to sell legally subdivided property.

Links to Align Arapahoe

If the project is ultimately approved, it could improve quality of life by allowing the applicant to submit these applications for review and in the future, sell legally subdivided property.

Discussion

Historically, the County has not been supportive of fee waiver/reduction requests because of the BOCC mandate for Public Works and Development to recover costs. Since some of the pages are similar in between the zoning and subdivision review processes, County staff may be willing to consider a fee reduction for the County's review.

Staff support for fee reductions or waivers has occasionally been based on a reduced workload for a particular application. In this case, which involves a small area and is low in complexity, the amount of required staff time should be less than other zoning and subdivision cases.

Alternatives

Staff presents three (3) alternatives for the Board of County Commissioners at this time:

1. Approve the applicants' requested total fee waiver.
2. Approve the staff recommended partial fee waiver.
3. Approve an alternative fee waiver.
4. Deny the fee waiver request.

Fiscal Impact

If fees are waived, County revenues anticipated on the basis of application fees will be reduced. No detailed cost analysis or policy analysis has been done to establish a policy for waiving fees. No other significant impacts are anticipated by waiving portions of the fees at this time.

Staff's Recommended Draft Motion

I move the Board of County Commissioners grant the applicants, Lois and Ken Helvie, a modified partial fee waiver for a Rezone and Minor Subdivision and approve the County staff's recommended partial fee waiver of \$12,000 as outlined in the Board Summary Report dated February 21, 2020. The fees to be paid will include the following:

Planning Fees: \$500 set up fee
 \$2,000 review fee

Engineering Fees: \$2,500, including the master drainage fee

Total Fees Paid: \$5,000

This decision is not intended to set a precedent for future fee waiver requests.

Reviewed by:

Jason Reynolds, Public Works and Development
Jan Yeckes, Public Works and Development
Bryan Weimer, Public Works and Development
Robert Hill, County Attorney's Office

DRAFT MOTIONS WVR20-001

Approval of County Staff's Recommend Partial Fee Waiver

I move the Board of County Commissioners grant the applicants, Lois and Ken Helvie, a modified partial fee waiver for a Rezone and Minor Subdivision and approve the County staff's recommended partial fee waiver of \$12,000 as outlined in the Board Summary Report dated February 21, 2020. The fees to be paid will include the following:

Planning Fees: \$500 set up fee

 \$2,000 review fee

Engineering Fees: \$2,500, including the master drainage fee

Total Fees Paid: \$5,000

Staff provides the following Draft Motions as guidance in preparing an alternative motion if the Board of County Commissioners reaches a different determination:

Approval of Applicants' Requested Fee Waiver

In the case of WVR20-001, 453 E. Highway 40 – Request for Waiver of Fees Associated with a Rezone and Minor Subdivision, we have read the Board Summary Report and received testimony at the regularly scheduled public meeting of the Board. We find ourselves in agreement with the applicants' request and approve a fee waiver of \$17,000.

Denial for Fee Waiver Request

In the case of WVR20-001, 453 E. Highway 40 – Request for Waiver of Fees Associated with a Rezone and Minor Subdivision, we have read the Board Summary Report and received testimony at the regularly scheduled public meeting of the Board. We find ourselves in disagreement with the applicants' request and staff's recommendation as outlined in the Board Summary Report dated February 21, 2020 and deny these fee waivers.

FEE WAIVER

RESOLUTION NO. (reso) It was moved by [Moved] and duly seconded by [Seconded] to adopt the following Resolution.

WHEREAS, a request for a Fee Waiver for Helvie Rezone/Minor Subdivision, WVR20-001 has been made by Lois and Ken Helvie, Applicant and Owner and;

WHEREAS, this request for a fee waiver has been reviewed by the Planning Division Case Manager and the Engineering Case Manager and a recommendation of granting/ denying/ reducing said fee waiver request has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the request for a fee waiver submitted by Lois and Ken Helvie in Helvie Rezone/Minor Subdivision, WVR20-001 by (approved/ denied/ reduced).

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___; Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.