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**RESOLUTION NO. 2009-46**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO PROVIDING ECONOMIC DEVELOPMENT INCENTIVES BY MEANS OF WAIVERS AND PARTIAL WAIVERS OF LAND DEVELOPMENT ACTIVITY, BUILDING AND IMPACT FEES; AUTHORIZING THE PARTIAL REBATE OF SALES TAX REVENUES; AND AMENDING THE FEE AND CHARGE SCHEDULE ASSOCIATED WITH THE ARCHULETA COUNTY LAND USE REGULATIONS**

WHEREAS, the Archuleta County Board of County Commissioners, Archuleta County, Colorado ("County") is duly organized and existing under Article XIV of the Colorado Constitution; and,

WHEREAS, pursuant to C.R.S. 30-28-101, *et. seq.*, the County has the power to adopt land use and development regulations and fees; and,

WHEREAS, the Archuleta County Land Use Regulations provide for the setting of various fees and charges by resolution; and,

WHEREAS, the national economy is in recession; Archuleta County has experienced business closures; job losses; and a downturn in the construction industry; and,

WHEREAS, it is in the best interest of County residents for the Board of County Commissioners to take action to preserve and create jobs, support local businesses and stimulate the economy; and,

WHEREAS, pursuant to C.R.S. 30-11-101, *et. seq.*, including but not limited to C.R.S. 30-11-123 of the Colorado Revised Statutes the Board of County Commissioners have the authority to provide economic development incentives, including waivers, refunds and abateements of fees, charges and sales tax associated with land development and building activities; and,

WHEREAS, the Board of County Commissioners hereby determines that it is in the best interests of the citizens of the County for purposes of encouraging reasonable land development activities, providing economic development incentives, and stimulating the local economy, to adopt a program of reasonable waivers, refunds and rebates of fees, charges, impact fees, and sales tax associated with certain land development activities, and to adopt an amended land development fee and charge schedule;

WHEREAS, since the adoption of Resolution 2009-38 on July 7, 2009 the Board of County Commissioners has determined it necessary to make adjustments to the content of the resolution in furtherance of the goal of stimulating economic activity.

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**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA, COLORADO, as follows:**

**Section 1. Incorporation of Recitals.** The recitals contained above are incorporated as if resolved and set forth in full.

**Section 2. Definitions.** For purposes of this Resolution, the following terms shall have the meanings indicated

(a) "Development activity" shall mean an activity approved or permitted pursuant to the Archuleta County Land Use Regulations but not including fees in lieu of public land dedication.

(b) "Development fees" shall mean application or permit fees to conduct a development activity as defined by the Archuleta County Land Use Regulations. "Development fees" shall not include any fees, costs or charges imposed for costs associated with the review of an application by outside consultants to the County.

(c) "Completed" shall mean, when associated with the waiver of a development fee for a building permit, issuance of a final Certificate of Occupancy. When associated with an activity requiring the acquisition, construction or installation of public or private improvements or public dedications, "completed" shall require that all public and private improvements have been completed and public dedications made and accepted by the County, or such time as specifically agreed to by the Board of County Commissioners upon considering the public benefits of the project and the magnitude of required improvements and dedications. "Completed" for any other development activity shall mean the completion of the development activity for which the approval or permit was requested.

(d) "Resident" or "Archuleta County Resident" shall be determined in the same manner or substantially similar as residence is determined for motor vehicle registration.

**Section 3. 100% Development Fee Waivers.** For any development activity for which application is made on or after July 1, 2009, and for which construction begins on or after July 1, 2009 and is completed in calendar year 2010, Archuleta County shall waive 100% of development fees.

**Section 4. 50% Development Fee Waivers.** For any development activity for which application is made on or after January 1, 2010, and for which construction begins after January 1, 2010 and is completed in calendar year 2010, Archuleta County shall waive 50% of its development fees.

**Section 5. 25% Sales Tax Rebate For Locally Purchased Construction and Building Materials.** For any development activity for which application is made on or after July 1, 2009, and for which construction begins after July 1, 2009 and is completed in calendar year 2009 or 2010, Archuleta County shall rebate 25% of the sales tax

received by the County for construction and building materials used in the development activity; provided the applicant can demonstrate to the satisfaction of the County that the project related construction and building materials were purchased within Archuleta County and subjected to Archuleta County sales tax to be paid to the County. For any qualifying development activity, the rebate of sales tax authorized in the section shall be in addition to any waiver of development fees allowed pursuant to Section 3 or 4 of this Resolution.

**Section 6. 25% Sales Tax Rebate For Use Of Local Labor.** For any development activity for which application is made on or after July 1, 2009, and for which construction begins after July 1, 2009 and is completed in calendar year 2009 or 2010, Archuleta County shall rebate 25% of the sales tax received by the County for construction and building materials used in the development activity; provided the applicant can demonstrate to the satisfaction of the County that not less than 50% of the labor costs associated with all contractors and subcontractors incurred for construction related to the development activity were paid to residents of Archuleta County. For any qualifying development activity, the rebate of sales tax authorized in this section shall be in addition to any waiver of development fees allowed pursuant to Section 3 or 4, and the rebate of sales tax allowed under Section 5 of this Resolution.

**Section 7. Waiver and Rebate Agreement And Lien.** Any person wishing to receive the waiver of development fees or rebate of sales tax pursuant to this resolution shall, if required by the County, sign an agreement agreeing to pay the full amount of development fees and sales tax that will be owed if construction is not completed within the required time periods, and acknowledging the creation of a perpetual senior priority lien in favor of the County against the property that is subject to the development activity.

**Section 8. Amended Fee and Charge Schedule.** The Amended Fee and Charge Schedule attached hereto and incorporated herein as Exhibit A is adopted and shall apply to all Development Activities for which an application has been filed on or after July 1, 2009.

**Section 9. Allowance For Prior Permits.** For any Development Activity for which application was made subsequent to January 1, 2009 but prior to July 1, 2009 and for which sales expense and or local labor was incurred subsequent to July 1, 2009 then such development activity may enjoy the benefits of Section 5 and Section 6 above as fully as if the Application had been made after July 1, 2009.

**Section 11 Interpret Consistent With The Land Use and Development Code.** This Resolution and the Amended Fee and Charge Schedule shall be interpreted consistent with the terms of the Land Use Regulations.

**Section 12. Implementation Authority.** The County Administrator and the Director of Development Services are directed to take and implement all reasonable actions, procedures and requirements, including procedures and requirements for verification of eligibility and collection of previously waived fees or rebated sales tax



should a development activity fail to meet all requirements to receive fee waivers and sales tax rebates.

**Section 13. Public Review.** A copy of this Resolution and the Amended Fee Schedule shall be available for public review in the offices of the Archuleta County Development Services Department and the office of the Archuleta County Clerk and Recorder.


**SECTION. 1. Severability.** If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

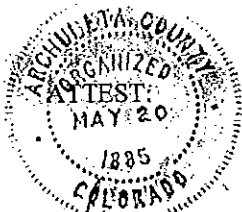
**SECTION. 2. Effective Date.** This Resolution shall take effect and be enforced immediately upon its approval by the Board of County Commissioners.

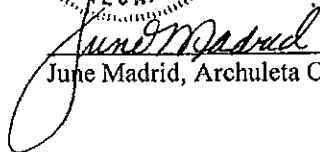
**SECTION. 3. Amendment and Restatement.** This Resolution will amend and superceed Resolution 2009-38 and any conflict in te resolutions will be resolved in favor of the more recently adopted Resolution

Approved and adopted this 18<sup>th</sup> day of August, 2009.

Board of County Commissioners  
Archuleta County, Colorado

  
Robert C. Moomaw, Chair



  
June Madrid, Archuleta County Clerk & Recorder