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## **NOTICE: RESIDENTIAL DEVELOPMENT PARK IMPACT FEES PER ORDINANCE No. 2560**

The availability of parks and open space deeply impacts quality of life, and makes neighborhoods more desirable. As we add new residential units to the community, the demand for parks increases. As a result, the City Council adopted [Ordinance No. 2560](#) on September 11, 2019 to create a development impact fee program requiring residential projects to contribute their fair share towards the development or improvement of parks and recreational facilities. Ordinance No. 2560 was amended by [Resolution No. 5057](#) on July 28, 2021 to establish a maximum park development impact fee of \$4,000 for Accessory Dwelling Units (ADUs).

### **Who Must Pay the Fees and When?**

The developer/owner of a residential project that adds a net total of one (1) or more residential units is subject to this impact fee, unless the project is exempt per Ordinance 2560. Park impact fees are due when the project submits construction documents to the Building Division. For projects with a vesting tentative map, the park fee is due when the application is deemed complete.

### **Are There Exemptions?**

The following projects are exempt from the development impact fee:

- 1) Housing projects where there is a net increase of zero (0) units on a lot.
- 2) Room additions and re-occupancy of square footage in an existing building/structure with no change of use.
- 3) Multi-family residential housing projects developed by a nonprofit housing provider who is receiving financial assistance through a public agency. The multi-family rental housing project must be an affordable housing project where rent restrictions are secured by an agreement/recorded covenant with the City for a minimum period of fifty-five years.
- 4) Affordable housing units deed restricted to extremely low, very-low income, or low income households.
- 5) Accessory Dwelling Units (ADUs) when they are smaller than 750 square feet.

### **What Happens If My Project Expires, Is Vacated, or Voided Before Start of Construction?**

If the project is expired, vacated, or voided before the start of construction, the developer will be entitled to a refund of the park impact fee paid, less a portion of the fee used to cover the cost of collection and administration of the fee paid. A request for refund must be submitted in writing to the Community Development Director within one year from the date that the permit expires, or is vacated or void.

### **How Are Development Park Impact Fees Calculated?**

The fees were originally calculated in a 2019 Nexus Study which determined the amount of revenue required to properly maintain Westminster's parks and recreation development. To account for annual increases in construction costs, these fees are adjusted on July 1st of each year based on the Construction Cost Index published by Engineering News Record. To combat the negative economic impact of the COVID-19 pandemic, the planned adjustment for 2020 was suspended. The adjustments have resumed in 2021 and will adjust every year thereafter.

## How Much Are The Impact Fees?

The table below indicates how impact fees must be computed:

Development Park Impact Fees Per Unit		
Non-ADU Units	Single-Family	\$15,548 per unit
	Multi-Family (Includes senior housing)	\$11,478 per unit
Accessory Dwelling Units (ADUs)	ADUs 750 sq. ft. or greater constructed with a single-family primary dwelling onsite	Proportional to the square footage of the primary dwelling (e.g. if living area is 25% of the living area for the main house, then fees are 25% of the primary unit fees of \$15,548). A maximum fee of \$4,000 will be charged if the proportional square footage fee calculation is greater than \$4,000.
	ADUs 750 sq. ft. or greater constructed with a multi-family primary dwelling onsite	Proportional to the square footage of the primary dwelling. (e.g. if living area is 25% of the living area for the main house, then fees are 25% of the primary unit fees of \$11,478). A maximum fee of \$4,000 will be charged if the proportional square footage fee calculation is greater than \$4,000.  <b>Note:</b> For detached ADUs or converted ADUs not located directly within a primary unit, use the average square footage of all the primary units as the basis for identifying the square footage of the primary dwelling.

See worksheet for assistance on calculating the fees.

# Park Impact Fee Worksheet (Single Family)

1) Determine the net total number of units to be developed on the lot:

$$\begin{array}{rcccl}
 & & \text{(Minus)} & & \\
 \underline{\hspace{2cm}} & - & \underline{\hspace{2cm}} & = & \underline{\hspace{2cm}} \\
 \text{\# of New Units} & & \text{\# of Demolished Units} & & \text{Net Total of New Units}
 \end{array}$$

2) Determine the park fee due based on the net total of new units on lot and the type of dwelling unit being constructed:

**Single-Family Dwelling:**  $\underline{\hspace{2cm}}$  X  $\underline{\$15,548}$  =  $\underline{\hspace{2cm}}$

Net # of New Units
Fee for Single Family Unit
TOTAL FEE

**Accessory Dwelling Units 750 square Feet or Greater on Lots With A Single Family Dwelling:**

Calculate the percentage of the proposed total living area of the ADU to the total living area of the primary dwelling and multiply that percentage by the park fee required of the primary unit.

$$\begin{array}{rcccl}
 \underline{\hspace{2cm}} & / & \underline{\hspace{2cm}} & \times 100 = & \underline{\hspace{2cm}} \\
 \text{Living Area of ADU} & & \text{Living Area of Primary Dwelling} & & \text{ADU \% of Primary Unit}
 \end{array}$$

$$\begin{array}{rcccl}
 \underline{\hspace{2cm}} & \times & \underline{\$15,548} & = & \underline{\hspace{2cm}} \\
 \text{ADU \% of Primary Unit} & & \text{Fee for Single Family Unit} & & \text{Park Fee for ADU Unit}
 \end{array}$$

3) Compare the calculated park fee to the maximum fee, \$4,000.

If "Park Fee for ADU Unit" is **less than** \$4,000, then it **does not change**.

If "Park Fee for ADU Unit" is **more than** \$4,000, then the fee will be **charged at the rate of \$4,000**.

4) Add up the TOTAL FEES if applicable (new construction with different unit types)

GRAND TOTAL  $\underline{\hspace{2cm}}$

# Park Impact Fee Worksheet (Multi-Family)

1) Determine the net total number of units to be developed on the lot:

$$\begin{array}{rcccl}
 & & \text{(Minus)} & & \\
 & & \text{—} & & \\
 \underline{\hspace{2cm}} & - & \underline{\hspace{2cm}} & = & \underline{\hspace{2cm}} \\
 \text{\# of New Units} & & \text{\# of Demolished Units} & & \text{Net Total of New Units}
 \end{array}$$

2) Determine the park fee for the net total of primary multi-family dwelling units:

$$\begin{array}{rcccl}
 \text{\underline{Multi-Family Dwelling:}} & \underline{\hspace{2cm}} & \times & \underline{\$11,478} & = & \underline{\hspace{2cm}} \\
 & \text{Net \# of New Units} & & \text{Fee for Single} & & \text{\textbf{TOTAL FEE}} \\
 & & & \text{Multi-Family Unit} & & 
 \end{array}$$

3) Determine the park fee for the net total of Accessory Dwelling Units to be constructed on the lot. If the ADU is a detached ADU or if the ADU is converting a garage space or uninhabitable space of the existing dwelling where the space is not located within one of the units, use section A. The primary dwelling will be the average of all the units. Otherwise Use Section B where the primary dwelling is defined.

**Section A: Detached ADU or ADU is Not Located Within a Single Multi-Family Unit.**

$$\begin{array}{rcccl}
 \underline{\hspace{2cm}} & / & \underline{\hspace{2cm}} & = & \underline{\hspace{2cm}} \\
 \text{Total Living Area of all Primary Units} & & \text{Total Number of Primary Units} & & \text{Average Sq. Ft. of Units}
 \end{array}$$

$$\begin{array}{rcccl}
 \underline{\hspace{2cm}} & / & \underline{\hspace{2cm}} & \times 100 = & \underline{\hspace{2cm}} \\
 \text{Living Area of ADU Unit} & & \text{Average Sq. Ft of Units} & & \text{ADU\% of Primary Unit}
 \end{array}$$

$$\begin{array}{rcccl}
 \underline{\hspace{2cm}} & \times & \underline{\$11,478} & = & \underline{\hspace{2cm}} \\
 \text{ADU \% of Primary Unit} & & \text{Fee for Single Multi-Family Unit} & & \text{Park Fee for ADU Unit}
 \end{array}$$

**Section B: ADU Located Within a Single Multi-Family Unit**

Calculate the percentage of the proposed total living area of the ADU to the total living area of the primary dwelling and multiply that percentage by the park fee required of the primary unit.

$$\frac{\text{Living Area of ADU}}{\text{Living Area of Primary Dwelling}} \times 100 = \text{ADU\% of Primary Unit}$$

$$\text{ADU \% of Primary Unit} \times \underline{\$11,478} = \text{Park Fee for ADU Unit}$$

4) Compare the calculated park fee to the maximum fee, \$4,000.

If "Park Fee for ADU Unit" is **less than** \$4,000, then it **does not change**.

If "Park Fee for ADU Unit" is **more than** \$4,000, then the fee will be **charged at the rate of \$4,000**.

5) Add up the TOTAL FEES if applicable (new construction with different unit types)

GRAND TOTAL \_\_\_\_\_

# Applicant/Property Owner Acknowledgement Form Park Fees New Residential Development Applications

For residential development projects, answer the following questions. If you mark yes to any of the questions, your project is subject to park impact fees. If you mark no to all of the questions, your project is not subject to park impact fees.

Yes   No

- I am constructing a new single family or multifamily dwelling unit where the net total number of new units is one (1) or more.
  
- I am constructing a net total of one (1) or more ADUs and at least one or more of the ADUs are 750 square feet or greater.

*I acknowledge that my project is a residential project that is subject to the City of Westminster's park impact fees. I have been informed of the park fees. I certify that I am the owner of the property and will be fully responsible for payment of fee at the time that the fee is due. The fee is due when construction documents are submitted to the Building Division for review and the plan check process will not commence until the park fees are paid. I also understand that the fees are based on the information provided at this time and may be subject to change. The fee calculated on this worksheet may also be slightly different than the computer generated invoice due to a difference in rounding. I also understand that the fee may be different if the net total of new units is modified, the square footages of living area has been modified, or the inputs were inaccurate for my construction project.*

\_\_\_\_\_  
Property Owner/ Applicant Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner/ Applicant Signature

\_\_\_\_\_  
Date