



Development & Public Infrastructure

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April 9, 2018

Purpose

- To identify the purpose and process for requiring developer contributions to public infrastructure
- Focus on developer contributions, or “exactions”



Commerce
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Development & Public Infrastructure

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- New or increased development creates demand for new or improved public infrastructure
 - Improvements would not be needed but for the new or increased development
- Cost-sharing guarantees fairness between the public and developers (who primarily benefit from development)
 - Public would have to pay through taxes otherwise
 - Legal standards & due process ensure fairness for developer



Developer Contributions

- **Impact Fees**
 - Apply broadly and uniformly to all subject properties
 - Standard contribution usually paid at building permit
- **Exactions (Site Specific & Discretionary)**
 - Land dedications (right-of-way, open space, etc.)
 - Fees-in-lieu
 - **Improvement dedications or contributions**
 - Streets & related improvements (sidewalks, lights, signals, etc.)
 - Internal (local)
 - External roadways (regional)
 - Drainage
 - Parks

Exaction Triggers

- Code & LDC allow the City to condition approvals on dedications and contributions
- When PIAs are required, they are usually attached to the subdivision plat
- Any development approval that proposes an impact or demand for public infrastructure
 - Common review criteria:
 - Adequacy of public infrastructure
 - Mitigation of significant adverse impacts



What goes into an exaction?

- Individualized site-specific analysis required
 - Use/development nature & scope
 - Infrastructure needs & pre-existing conditions
 - Location
 - Impacts & harms
- Legal Standard:
 - Essential nexus between improvement & development
 - Contribution is **roughly proportional** to project impact
- May result in different outcomes for adjacent property owners



Timing of Contributions

- Depends on the nature of approval sought
- At the time of development or approval:
 - Dedications via plat
 - Payment of fees-in-lieu with building permit
 - Construction of improvements with development
- May be deferred to future date if immediate construction not feasible
 - Public Improvement Agreement/Development Agreement
 - Establishes future obligation to construct or contribute





Discussion

