

ORDINANCE NO. 152, 2012
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
AND THE FORT COLLINS STORMWATER CRITERIA MANUAL
TO INCORPORATE PROVISIONS IMPLEMENTING
LOW IMPACT DEVELOPMENT PRINCIPLES

WHEREAS, on April 6, 2010, the City Council adopted on second reading Ordinance No. 030, 2010, amending Section 26-492 of the City Code so as to declare that the purpose of the City Stormwater Utility is to provide an integrated, sustainable stormwater management program that reflects the community's values of protecting and restoring the City's watersheds, including the Cache la Poudre River and its tributaries; and

WHEREAS, one element of such an integrated, sustainable stormwater management program is the use of low impact development ("LID") criteria to require and encourage more distributed and landscaping-based stormwater runoff management and control that relies mainly on filtration and infiltration to treat and manage stormwater runoff; and

WHEREAS, staff has worked extensively in recent years to research and evaluate LID approaches and policies in other jurisdictions, as the basis for developing a recommended approach to be used in Fort Collins; and

WHEREAS, based on staff's research and review, staff has recommended that LID criteria be incorporated into the Fort Collins Stormwater Criteria Manual; and

WHEREAS, in addition, staff has recommended that the use of LID techniques and technologies be recognized in the calculation of stormwater fees; and

WHEREAS, the Water Board considered staff's recommendations at its regular meeting on November 15, 2012, and voted unanimously to recommend that the Council adopt them; and

WHEREAS, the Natural Resources Advisory Board considered staff's recommendations at its regular meeting on November 26, 2012, and voted unanimously to recommend that the Council adopt them; and

WHEREAS, the Council has determined that the adoption and implementation of the Ordinance will promote the purposes of the Stormwater Utility and advance the holistic and integrated management of stormwater in Fort Collins by implementing desired LID technologies and principles.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That Section 26-512(1) of the City Code of the City of Fort Collins be amended to read as follows:

Sec. 26-512. Stormwater plant investment fees established.

There is hereby imposed on each and every lot or parcel of land within the City with respect to which any improvement creates an impervious surface covering more than three hundred fifty (350) square feet of the lot or parcel, and the owners thereof, a stormwater plant investment fee. The fee is deemed reasonable and necessary to pay for a new development's share of the existing equity in the capital stormwater facilities that have been installed for the protection of the health, safety and welfare of the inhabitants of the City. The stormwater plant investment fee established herein shall be determined using the base rate, the area of each parcel of land, and the runoff coefficient of the parcel. The Utilities Executive Director shall determine the stormwater plant investment fee that applies to each parcel of land as follows:

(1) Runoff coefficient. The runoff coefficient of each parcel of land shall be that used in the engineering formula known as the rational method. The Utilities Executive Director shall determine the runoff coefficient for each parcel of land based on the following formula:

$$\text{Runoff coefficient} = [(\text{percent effective impervious area}) \times 0.95] + [(\text{percent pervious area}) \times 0.20] + [(\text{percent semipervious area}) \times 0.50].$$

The following definitions shall apply for the purpose of such formula:

- a. *Percent effective impervious area* shall mean the percentage of the total parcel area determined to constitute the equivalent impervious area on a parcel as calculated for the one-hundred-year, two-hour Fort Collins Design Storm as defined in Volume 1, Chapter 4, of the Fort Collins Stormwater Criteria Manual. The determination shall be made using the procedures and methodology described in Volume 3, Sections 4 and 5 of the Stormwater Criteria Manual.
- b. *Percent pervious area* shall mean the percentage of the total parcel area that is pervious, such as lawn, open space or planted areas.
- c. *Percent semipervious area* shall mean the percentage of the total parcel area that is semipervious, such as gravel areas.

Section 2 That Section (K) of the Fort Collins Stormwater Criteria Manual is hereby amended to add a new subsection (3) after subsection (2), to read as follows:

(3) A new *Section 3.1* is added, to read as follows:

3.1 Low Impact Development Criteria

Once the WQCV has been calculated in accordance with the specifications of Section 3.0 of this chapter, the total WQCV must be treated by one or more of the methods outlined in Volume 3, Chapter 4, *Treatment BMPs*. In addition, the requirements set forth below in this Section, referred to as Low Impact Development (LID) Criteria, must be met. For the purposes of this Section, the LID methods and techniques described in Volume 3, Chapter

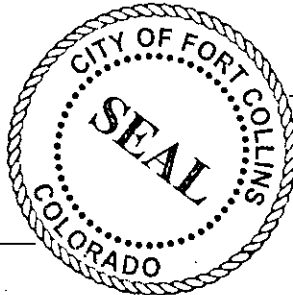
1, Section 4.1, *Runoff Reduction Practices*, together with any methods or techniques determined by the Executive Director to be functionally equivalent, shall be considered *LID techniques*.

- (a) The LID Criteria are as follows:
 - (1) No less than fifty percent (50%) of any newly added impervious area must be treated using one or a combination of LID techniques; and
 - (2) No less than twenty five percent (25%) of any newly added pavement areas must be treated using a permeable pavement technology that is considered an LID technique.
- (b) If, in the judgment of the Executive Director, one or more requirements of this Section cannot be met due to site engineering constraints, then a design alternative will be allowed, provided that the design results in equal or better stormwater quality than would compliance with the otherwise applicable requirement.

Section 3. That all subsections of Section (K) of the Fort Collins Stormwater Criteria Manual after new subsection (3) be renumbered accordingly.

Introduced, considered favorably on first reading, and ordered published this 18th day of December, A.D. 2012, and to be presented for final passage on the 26th day of February, A.D. 2013.

ATTEST:
Wanda Nelson
City Clerk



Karen Wickham
Mayor

Passed and adopted on final reading on the 26th day of February, A.D. 2013.

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City Clerk



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Mayor