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Memorandum

Date: September 26, 2013

To: Mayor Weitkunat and City Council Members

Through: Darin Atteberry, City Manager *DA Atteberry*
Brian Janonis, Utilities Executive Director *B Janonis*

From: Jon Haukaas, Water Engineering and Field Services Manager *JH*
Ken Sampley, Stormwater and Floodplain Program Manager *Ken Sampley*

Reference: September 24, 2013 Work Session Summary
Colorado Water Conservation Board Floodplain Regulations

The Colorado Water Conservation Board (CWCB) adopted minimum state-wide floodplain regulations in January 2011. All communities must adopt these new standards by January 2014. Staff recommends the adoption of the required CWCB floodplain regulation revisions as well as additional minor policy revisions and code language clarifications to the existing floodplain regulations outlined in Chapter 10 of City Code. Information on the proposed changes to the regulations was presented by:

- Ken Sampley, Stormwater and Floodplain Program Manager;
- Marsha Hilmes-Robinson, Floodplain Administrator; and,
- Brian Varrella, Floodplain Administrator.

Council members present included Mayor Karen Weitkunat, Mayor Pro Tem Gerry Horak, Wade Troxell, Bob Overbeck, and Ross Cunniff.

The item was initiated with an overview of the detailed information contained in the Agenda Item Summary (AIS) and videotaped Council presentation. There are relatively few changes needed to meet the CWCB state-wide regulations since the City of Fort Collins already has adopted many of the required standards. The key areas where changes are needed include:

- Additional critical facilities to be regulated;
- Higher freeboard for additions and substantial improvements;
- Additional items to be included in substantial improvement costs for City Basin Floodplains;
- Hardship provisions for variance requests; and
- Elimination of waivers for properties in areas where capital projects are under construction and reduce the floodplain in City Basin Floodplains.

In addition, Staff recommended the following minor policy and procedural revisions:

- Include a definition for “abandoned” structures;
- Establish a requirement for escrow procedures when appropriate;
- Revise (lower) the existing criteria when flood elevations in the floodway are decreasing;
- Add a provision that existing floodplain regulation requirements apply even if a LOMR- Fill was obtained prior to annexation; and,
- Minor code language clarifications.

Staff explained that the required CWCB floodplain regulation revisions will apply to all floodplains (Poudre, FEMA and City) with the most impact being on the City-designated floodplains. As a result, the FEMA and City basin floodplains will be essentially the same with a few exceptions. In response to a Council Member inquiry, it was noted that in 2007 the City and Larimer County worked together to revise and adopt many of the same regulations to ensure better consistency in the region. There are still some floodplain regulation differences between the two local governments. Staff also responded that the required CWCB floodplain regulations will apply to Colorado State University (CSU).

One Council member asked if both the required CWCB and proposed Staff floodplain regulation revisions had been vetted in the community and what feedback was received. Staff summarized the public outreach efforts and indicated that the majority of comments received were:

- Concerns regarding the CWCB requirement to include additional costs for calculating substantial improvements on structures within the 100-Year Floodplain;
- Questions on the language included in the definition of "abandoned" structures; and,
- Questions regarding how the revised floodplain regulations would interact with existing historic preservation criteria and regulations.

Staff noted that existing Code language provides a floodplain regulation variance procedure for structures which have either a local, state or national historic designation. Staff is scheduled to present the required CWCB and proposed Staff floodplain regulations to the Landmark Preservation Commission on October 23, 2013. One Council Member expressed concern that it is sometimes difficult for property owners to navigate through both the floodplain and historic preservation requirements. Staff committed to continued coordination between departments and improving customer service to assist citizens and property owners.

One Council Member indicated that the City should notify all properties subject to the new floodplain regulation revisions and proactively communicate the impacts of both the required CWCB and proposed Staff floodplain regulation revisions. One Council Member stated that the current language associated with the definition of "abandoned" should be revisited. The advantages and disadvantages of revising the existing mapping criteria were discussed with the general consensus that this revision would have a positive impact on the community. In response to Council Member inquiries, staff noted that the proposed LOMR-Fill provision would close a current loophole in the regulations and ensure consistency for properties currently in the City and those that are annexed in the future. It was the general consensus of the Council Members that the required CWCB floodplain regulation revisions and the proposed Staff floodplain regulation revisions be separated into two distinct ordinances and presented for Council review and adoption at a future Council meeting.

Specific direction to Staff:

1. Separate the required CWCB floodplain regulation revisions and the proposed Staff floodplain regulation revisions into two distinct ordinances;
2. Revisit and consider appropriate revisions to the definition of "abandoned" structures;
3. Notify potentially-affected properties of the required CWCB and proposed Staff floodplain regulation revisions; and,
4. Bring the item for Council review and action at a future (TBD) Regular Council Meeting.



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DATE: September 26, 2013

TO: Mayor and City Councilmembers

THRU: Darin Atteberry, City Manager *DA*
Brian Janonis, P.E., Utilities Executive Director *BJ*

FROM: Lance Smith, Strategic Financial Planning Manager *LS*
Steve Catanach, Light and Power Operations Manager *SC*
Kevin Gertig, Water Resources and Treatment Operations Manager *KG*
Jon Haukaas, Water Engineering and Filed Services Manager *JH*

RE: September 24, 2013 Work Session - Proposed 2014 Rate and Fees Adjustments

The proposed changes to utility rates and development fees for 2014 were presented to City Council by Lance Smith, Strategic Financial Planning Manager. Steve Catanach, Jon Haukaas and Kevin Gertig were present to address related questions. The Mayor and all Councilmembers were present.

Utilities staff outlined the proposed changes to utility rates and fees for 2014 based on the approved City budget. The cost of service studies for the water and wastewater services have been updated this year resulting in some significant rate class specific changes. Staff proposed that these changes are gradually adopted over two years rather than all at once. In general, the Council feedback was supportive of the overall adjustments being proposed although rate class specific adjustments need further Council consideration.

More specific Council feedback and direction included:

- Bring forth two options for the implementation of the electric development fees for City Council consideration on First Reading
- Bring forth two options for the implementation of the water and wastewater rates for City Council consideration on First Reading
- More explanation is needed behind the changes being recommended from the Cost of Service studies for water and wastewater
- Community outreach needs to include the range of adjustments and not just the averages
- Staff needs to present graphs comparing rates to neighboring communities

Staff will work to address the comments and feedback it received and will present these options for City Council consideration on First Reading on October 15, 2013.



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DATE: September 26, 2013

TO: Mayor and City Councilmembers

THRU: Darin Atteberry, City Manager *DA*
Brian Janonis, P.E., Utilities Executive Director *BJ*

FROM: Donnie Dustin, P.E., Water Resources Manager *DD*
Kevin Gertig, Water Resources & Treatment Operations Manager *KG*
Lance Smith, Strategic Financial Planning Manager *LS*

RE: September 24, 2013 Work Session Summary - Proposed Water Right Utilization Fee

A proposed Water Right Utilization Fee (WRUF) was presented to City Council by Donnie Dustin, Water Resources Manager. Lance Smith, Strategic Financial Planning Manager and Kevin Gertig, Water Resources & Treatment Operations Manager were present to address related questions. The Mayor and all Councilmembers were present.

Utilities staff sought feedback on the WRUF and whether this fee was ready for formal consideration. The WRUF would be a new development related fee in addition to existing Raw Water Requirements (RWR) that would be used to acquire storage capacity needed to manage and utilize the water rights that the Water Utility acquire through the RWR. The outcome of the discussion was that the WRUF needs more explanation and is not ready for adoption.

In general, Council feedback was that although acquiring additional storage is a priority for the water supply system, the development of the WRUF and how the additional capital collected through it would be spent needs more explanation. There should also be additional outreach and discussion on this item with our community. More specific Council feedback included:

- Better explain storage relative to other water supplies.
- Consider not applying the WRUF to existing RWR credits.
- Better explain how much storage is needed and how that storage will be used.
- Consider integration between regional water systems.
- Consider how the WRUF might change after storage is acquired.
- Explore other options to collecting the necessary funds.

Staff will work to address the comments and feedback it received and will present this information at another work session with Council.