

ORDINANCE NO. 084, 2003
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 12 OF THE CITY CODE TO
CHANGE THE TITLE OF CHAPTER 12 TO "HEALTH AND ENVIRONMENT" AND ADD
REQUIREMENTS FOR SOIL AMENDMENTS
AND AMENDING A SIMILAR PROVISION OF THE LAND USE CODE

WHEREAS, Section 3.8.21 of the Land Use Code of the City of Fort Collins currently provides that, for any development project approved under the Land Use Code, the issuance of a certificate of occupancy shall be conditioned upon the loosening of soil areas and incorporation of appropriate soil amendments in areas to be planted; and

WHEREAS, in order to improve the conservation of irrigation water through properly conditioned soils in landscaped areas, staff has recommended that this requirement be expanded to apply to all certificates of occupancy, rather than only those for developments approved under the Land Use Code; and

WHEREAS, staff has also recommended that the soil loosening and amendment requirements be applied to landscaped areas within developments, whether or not a building permit or certificate of occupancy is required for completion of those areas; and

WHEREAS, the expanded scope of the building permit and certificate of occupancy requirements can be accomplished by adding as a new section in Chapter 12 of the City Code a version of the language currently provided in Section 3.8.21 of the Land Use Code, modified to expand the scope of its application and to more specifically describe the required activities and the process for administering the requirements; and

WHEREAS, the inclusion of development areas not covered by building permit and certificate of occupancy requirements can be accomplished by modifying the language of Section 3.8.21 of the Land Use Code; and

WHEREAS, the Water Board considered the proposed new City Code section on April 24, 2003, and recommended approval; and

WHEREAS, the Planning and Zoning Board considered the proposed new City Code section on May 1, 2003, and recommended that staff conduct additional discussions with local homebuilders and landscapers to work through areas of concern related to the proposed requirements; and

WHEREAS, the City Manager and City staff have met with and received additional feedback from local homebuilders and landscapers regarding the proposed soil loosening and amendment requirements, and modifications have been made to the proposed language to address certain of the concerns that have been expressed; and

WHEREAS, the City Council has determined that the important public health, safety and welfare objective of conserving valuable resources including water and soil will be served and

advanced by the enactment of the soil loosening and amendment requirements described hereinbelow; and

WHEREAS, with the addition of these and other environmental and resource conservation provisions to Chapter 12, staff has recommended that the title of that chapter be modified from “Health and Sanitation” to “Health and Environment”.

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

Section 1. That the title of Chapter 12 of the Code of the City of Fort Collins is hereby changed from “Health and Sanitation” to “Health and Environment”.

Section 2. That a new Article VII, entitled “Resource Conservation” be added to Chapter 12 of the Code of the City of Fort Collins, and that a new Division 2, entitled “Soil Amendment”, be added to said Article VII to read as follows:

ARTICLE VII. RESOURCE CONSERVATION

DIVISION 2. SOIL AMENDMENT

Sec. 12-130. Purpose.

The provisions of this Section are intended to enhance soil water storage capacity, improve conditions for plant growth and reduce water runoff.

Sec. 12-131. Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section:

Certificate of occupancy shall mean a certificate of occupancy as described in the building code of the city as adopted in Chapter 5, Article II, Division 2, or any other document issued by the city to authorize occupation of new improvements constructed pursuant to a building permit.

General Manager shall mean the General Manager of Utility Services or his or her designee.

Soil amendments shall mean compost, peat, aged manure or such other organic or inorganic material as may be approved by the General Manager as appropriate to meet the objectives of this Section.

Top soil shall mean a friable mixture of sand, silt and clay particles, each within the following limits:

Sand (0.05 - 2.00 mm)	Maximum 75 %	Minimum 20 %
Silt (0.002 – 0.05 mm)	Maximum 60 %	Minimum 5 %
Clay (less than 0.002 mm)	Maximum 30 %	Minimum 5 %

Top soil shall have an organic matter content of greater than five percent (5%) and a pH between 6.0 and 8.0, and shall be free from noxious weeds and roots, salts, clay lumps, any non-soil materials such as rock, concrete, brick chips, or building materials, foreign matter, and any chemical, biological or radiological contaminants.

Sec. 12-132. Regulations.

(a) Except as otherwise provided below, the holder of any building permit shall, as a condition of the issuance of a certificate of occupancy, prepare any area in which any plant materials, including but not limited to grass, seed, flowers, shrubs or trees, are expected or intended to be installed, prior to installation of any plant materials in that area, as follows:

- (1) the soil in such areas shall be thoroughly loosened to a depth of not less than eight (8) inches; and
- (2) soil amendments shall be thoroughly incorporated into the soil of such areas to a depth of at least six (6) inches by tilling, discing or other suitable method, at a rate of at least three (3) cubic yards of soil amendment per one thousand (1,000) square feet of area to be planted, unless at least four (4) inches of loose top soil has been placed on the area after completion of construction activity on top of not less than four (4) inches of loosened subgrade soils. Documentation of the content and quantity of the soil amendments and top soil placed in an area, prepared by the commercial source of the material or a qualified soils testing laboratory, shall be submitted in connection with the certification required in § 12-132(b).

(b) Prior to the issuance of any certificate of occupancy, the prospective recipient of such certificate of occupancy shall submit written certification to the General Manager that all planted areas, or areas to be planted, have been thoroughly loosened and the soil amended, consistent with the requirements set forth in this Section.

(c) In the event that the General Manager determines that compliance with this Section is rendered unreasonably difficult by weather or seasonal conditions, the General Manager may temporarily suspend the application of this requirement, contingent upon the provision by the prospective recipient of such arrangements, guaranties or assurances as the General Manager determines to be adequate to ensure compliance.

(d) In the event that the General Manager determines that compliance with this Section in a specific area is unreasonably difficult as a result of site conditions such as, for example, an excessively steep gradient or a very narrow side lot, the General Manager may waive the application of this requirement for such area.

(e) The General Manager or City Manager may inspect any property in order to determine compliance with the requirements of this Section as a condition of issuance of any certificate of occupancy.

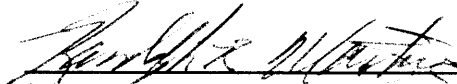
(f) Payment of any administrative fee established by the City Manager for the purpose of recovering the costs of administering and enforcing the requirements of this Section shall be required as a condition of issuance of any building permit, excluding any building permit where it can be shown that no areas within the project limits will be disturbed by construction activities and planted with vegetation.

Section 3. That Section 3.8.21 of the Land Use Code of the City of Fort Collins be amended to read as follows:

3.8.21 Soil Amendments

For any development project, prior to installation of any plant materials, including but not limited to grass, seed, flowers, shrubs or trees, the soil in the area to be planted shall be loosened and amended in a manner consistent with the requirements of City Code Section 12-132(a), regardless of whether a building permit is required for the specific lot, tract or parcel in which the area is located. A certification consistent with the requirements of City Code Section 12-132(b) shall be required for the area to be planted. This requirement may be temporarily suspended or waived for the reasons and in the manner set forth in City Code Sections 12-132(c) and (d).

Introduced and considered favorably on first reading and ordered published this 20th day of May, A.D. 2003, and to be presented for final passage on the 3rd day of June, A.D. 2003.



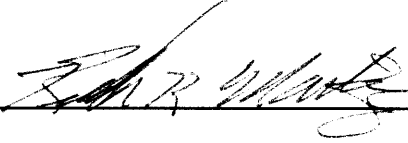
Mayor

ATTEST:



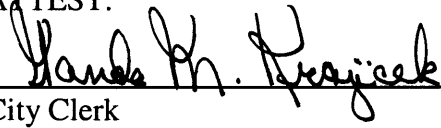
City Clerk / Chief Deputy

Passed and adopted on final reading this 3rd day of June, A.D. 2003.



Mayor

ATTEST:



City Clerk