

# Larimer County

## Boxelder Basin Stormwater Fees

### Frequently Asked Questions

#### Stormwater Questions

1. ***What is stormwater?***

Stormwater is any precipitation that falls from the sky in the form of rain, hail, sleet, or snow. Stormwater runoff is water that ‘runs off’ across the land instead of seeping into the ground. The runoff flows to the nearest stream, creek, canal, reservoir etc.

2. ***What is the stormwater system?***

The stormwater system is a combination of all the areas through which water flows, including property, roadside ditches, canals, reservoirs, and creeks that carries stormwater away from your house or business and eventually downstream to the Poudre River.

3. ***What is impervious surface?***

Impervious surface means those disturbed or hard-surfaced areas that impact the natural entry of water into the soil. Rooftops, buildings, streets, parking lots, sidewalks, asphalt, concrete, other paving, driveways, gravel, patios, artificial turf and storage areas are all examples of impervious surfaces. These man-made improvements affect natural infiltration, create more runoff, increase the rate of runoff and alter runoff patterns of stormwater that drains from an area.

#### Stormwater Fee Questions

4. ***Why are we being charged for stormwater (rain)?***

Based on an adopted Master Plan for the Boxelder Drainage Basin, there are three regional improvements needed to reduce the threat of flooding to people, buildings, roads, bridges, utilities and other public and private property. In addition to state / federal grant money, the fees received will be used to fund these projects.

5. ***Why is a Stormwater Fee the best solution?***

Several funding alternatives were considered to make the necessary improvements and maintain the stormwater system in the Boxelder Basin. Unfortunately, County general fund dollars are not available to meet the capital needs for this basin. In addition, because the basin crosses several jurisdictions (including Wellington, unincorporated Larimer County, and the City of Fort Collins) a separate stormwater impact fee is considered the fairest method to fund the construction and maintenance of the shared improvements.

**6. *No one else is charged this fee!***

Many, if not most other Colorado front-range communities are using Stormwater fees; some (like the City of Fort Collins) have been in effect for nearly 30 years. In unincorporated Larimer County, properties in the West Vine Basin have been paying stormwater fees for 12 years. As stormwater master plans are developed for the various drainage basins, most improvements are funded through fees.

**7. *This only benefits Developers in Fort Collins***

The purpose of the stormwater projects proposed in the Boxelder drainage basin master plan is the prevention of flood damage to **existing** development, which includes roads, bridges and utilities in the area as well as homes and businesses in the floodplains. Although the projects will reduce flood flows across some currently undeveloped properties in Fort Collins and other communities, these changes are not and were not the primary purpose for the Boxelder stormwater improvement projects. In approving a grant for approximately \$3 million for regional improvements, the Federal Emergency Management Agency (FEMA) looked only at the projects' benefits to existing development, not to any future development.

**Boxelder Stormwater Fees Questions**

**8. *Will all properties have to pay?***

All developed properties within the Boxelder Service Area will be charged a stormwater fee. Undeveloped lots or properties without impervious surfaces will be excluded. Properties paying the fee will include privately owned parcels, non-profit organizations, commercial, industrial, office, government and residential property.

Due to questions about the effects of regionally significant reservoirs that are regulated by the State Engineers Office, the Authority placed a temporary moratorium on fees for properties located upstream of Clark Reservoir, Indian Reservoir, Windsor Reservoir #8/#8 Annex, Elder Reservoir and North and South Gray Reservoirs. These properties will not pay fees for 2009 but may be included in the future as these facilities are analyzed in more detail.

**9. *Are some developed properties (land uses) excluded from the fee (such as CSU)?***

No. Each commercial property, which includes all churches, schools, non-profit, industrial, office, state, or Federal properties, will be assessed the fee.

**10. *Will a fee be assessed against the road system?***

No, the road system with its adjacent roadside ditches and culverts acts as a part of the stormwater conveyance system.

**11. *Is this fee a way for developers to avoid their responsibilities for managing stormwater?***

No, all new development and re-development will be required to build, at their expense, local stormwater facilities to manage the runoff generated by their developments, and pay a Boxelder system development fee to 'connect' to the regional system. Once a property is developed, that property will be subject to the same ongoing stormwater fee as the other existing developed properties.

**12. *How is the fee calculated and how much will I have to pay?***

The fee is generally based upon the amount of impervious surface on a property. A developed single-family home will be charged between \$75 and \$97 per year. The amounts charged are based on impervious area which has been categorized by the size of property. For all other developed properties including commercial uses, the fee is calculated based on the specific amount of impervious area per property. The rate for commercial uses is \$0.0277 per square foot of impervious surface area per year.

**13. *Why are you using impervious area to determine the charges?***

Developed property generates more stormwater runoff with a greater peak flow than land in its natural, undeveloped state. The amount of stormwater fee charged to a property generally correlates to the impervious surface area on a property, thereby ensuring that the fees are charged fairly and equitably.

**14. *When and how did this go into effect?***

It was approved by the Board of County Commissioners in December 2008. Fees became effective in January 2009. Bills for unincorporated Larimer County are being collected in arrears with the bills for 2009 fees being mailed in March 2010.

**15. *How will the fee be billed to me?***

The fee will be billed in a separate statement on a yearly basis.

**16. *When will I receive my first bill?***

Billing will occur in March 2010. The charge will reflect the fee for 2009. The bill for 2010 will be sent in early 2011.

**17. *Will the fee change in the future?***

The Boxelder stormwater fee was initiated through an intergovernmental agreement (IGA) among Wellington, Fort Collins and Larimer County. The IGA provides a specific range for the

fees (a minimum and maximum) and limits the projects to be completed with the fees to three regional projects. The fees cannot be used for purposes other than the three regional projects. Once the projects are complete, it is anticipated that the fee can be reduced to only cover the maintenance costs of the improvements.

**18. *How do the proposed fees for properties compare to other entities / cities?***

As previously mentioned, the residential stormwater fees for unincorporated Larimer County range from \$75 to \$97 per year, with the average residential fee being about \$81 per year.

Comparing stormwater fees for typical residential properties on 10,000 square foot lots, the annual fees in unincorporated Larimer County, Fort Collins and Loveland are \$83, \$199 and \$134 per year, respectively.

**Why Do I Have To Pay If....**

**19. *...I already pay property tax?***

The property tax you pay is used to fund a wide range of services. For every dollar of property tax, only \$ 0.02 is allocated to all of the infrastructure in unincorporated Larimer County including roads, bridges, and stormwater. That level of funding is not sufficient to construct these needed improvements.

**20. *...I live on high ground?***

Every property in the Boxelder Basin has stormwater runoff that contributes to existing storm flows during a rain event. It is most equitable to have all developed properties pay a fee to construct, operate and maintain a stormwater system that manages those flows.

**21. *I'm not in the floodplain. I shouldn't be charged.***

Stormwater utility fees are typically assessed to all owners of developed property within the basin. When properties on higher ground in the basin are developed the natural runoff is altered. By adding impervious (non-permeable) surfaces such as driveways, buildings, or parking lots, the amount of runoff that leaves the property increases, impacting properties downstream. The stormwater fees are generally based on the amount of impervious area on the property. Just as a neighbor can't dump sewage or trash on a downstream neighbor, the stormwater fee is a way for landowners to take responsibility for their actions and the impact the development of their property has on other properties downstream.

**22. *...My property has an internal detention pond that is adequate.***

Properties with local detention ponds typically focus on immediately local needs and may mitigate for peak rate discharges of water. They typically do not alter the overall volume of stormwater, nor do they impact the need for regional system improvements. The regional improvements funded with the fees are being designed to accommodate both the peak rate of

discharge and the overall volume of water on a regional level. In the coming year, an analysis will be completed to determine whether the fee structure should be refined to allow properties draining to local detention ponds to be eligible for a potential fee credit. For the 2009 fees, no credit is available for properties draining to local detention facilities.

**23. *...I'm not connected to a sewer system (septic)?***

The stormwater fee has nothing to do with potable (drinking) water or wastewater, or whether you're on sewer or have a septic tank. Stormwater is created by rain. The stormwater fee is being charged for the service of managing the basin's stormwater runoff, which is greater coming from developed properties.

## **Legal Questions**

**24. *How can the County charge an additional fee without an election?***

The Stormwater Impact fee is not a tax, but a fee for service, similar to your water or trash service. You pay a fee for water to come to your house, or for trash to leave your house. The stormwater fee is to pay for the runoff leaving your property due to the impervious surfaces (roofs, driveways, etc) on your property. Colorado Revised Statutes allows the use of stormwater fees, and they are used in many cities / counties in Colorado.

**25. *This is an illegal fee!***

Stormwater utility fees have been used in a number of Larimer County communities for nearly thirty years. Throughout the United States, stormwater utilities are a common method of funding stormwater management in specific drainage basins. Stormwater utilities are allowed under state statutes and are used in many cities in Colorado. In Larimer County, the City of Fort Collins collects stormwater fees from 33,000 residential and nearly 7,000 non-residential properties. Similarly, Loveland collects fees from almost 11,000 residential and 1,300 non-residential properties. In the unincorporated portion of the West Vine stormwater basin, Larimer County has collected stormwater fees from 660 residential and 72 non-residential properties since 1998.

**26. *How can you do this? It's a rip-off!***

The needs the Stormwater Fee will address are very real. Citizens are getting something for their money in a better stormwater system in this basin than in the past. Flood control projects will be completed instead of being delayed because funds have not been available.

**27. *I disagree with all of this; I want to appeal the charge!***

Questions regarding the details on a bill should be directed to (970) 498-5700. Continuing disagreements regarding the size of a property need to be discussed with the Larimer County Assessor's Office. Further review of impervious area calculations are handled by calling (970) 498-5700.

**28. *I won't pay!***

Non-payment of the stormwater fee will result in a lien placed on the property.

**Using the Fees**

**29. *How much money will the Stormwater Fee raise?***

In unincorporated Larimer County, the proposed annual fee collection is about \$330,000. In Wellington, the stormwater fee collected for the Boxelder Basin is about \$215,000 and in Fort Collins, the fees allocated to the Boxelder Basin are about \$345,000.

**30. *What will the money be spent on?***

The stormwater fees paid to Larimer County will be forwarded to the Boxelder Stormwater Authority. The Authority is responsible for constructing and then maintaining three regional stormwater projects. Visit [www.boxelderauthority.org](http://www.boxelderauthority.org) for more information.

**Specific Questions About Your Property or Bill**

**31. *The property size (residential) or area of impervious surface (for commercial) are incorrect.***

Property sizes were obtained from the Larimer County Assessor's office. Impervious area was measured using the most current aerial photography. If there is a question regarding these values, then additional research must be conducted. Call (970) 498-5700 to discuss.

**32. *I share my property with others who should share in paying the bill.***

The stormwater bill is sent to the owner of the parcel. In some cases, an agreement may be appropriate between the party receiving the bill and all who contribute to stormwater on the property. This agreement would be the responsibility of the party receiving the billing, not the County.

**33. *I don't think I'm in the Boxelder Basin***

If you have reasons to believe that your developed property is not located in the Boxelder Basin Service Area, you should contact the Boxelder Stormwater Authority at: (970) 443-9505 or [rburns@boxelderauthority.org](mailto:rburns@boxelderauthority.org)

**Contacting Staff For More Information**

**34. *Who can I contact for more information?***

Call (970) 498-5700 for more information. Or visit [www.larimer.org/engineering](http://www.larimer.org/engineering).

**35. *What's the difference between the Boxelder Authority and the County fee?***

The Authority is a separate governmental entity from the county, formed by the City of Fort Collins, the Town of Wellington and Larimer County to address long standing deficiencies in the stormwater drainage of the Boxelder basin. The Authority has implemented a stormwater fee within its service area. All three local entities are choosing to collect the fee and forward the total owed to the Authority. Larimer County is using a tiered rate system for residential properties that more accurately considers the variability in impervious area on rural properties that are characteristic of the unincorporated portion of the service area.