

ORDINANCE NO. 057, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE GENERAL FUND TO PROVIDE
COST-SHARING RELATED TO ELECTRIC VEHICLE CHARGING INFRASTRUCTURE
AT AFFORDABLE HOUSING DEVELOPMENTS

WHEREAS, at its regular meeting on April 5, 2022, City Council unanimously adopted on second reading Ordinance No. 021, 2022, which repealed the 2018 International Building Code and adopted the 2021 International Building Code, with local amendments; and

WHEREAS, the adoption of updated building codes on a regular cadence is intended to safeguard the public health, safety, and general welfare by regulating structural strength and stability in construction, sanitation, light and ventilation, energy conservation, and property protection from hazards attributed to the built environment within the City of Fort Collins; and

WHEREAS, as part of the City's adoption of the International Building Codes, City Council also adopted local amendments to the International Building Code ("IBC") that establish new requirements for installing Electric Vehicle ("EV") charging infrastructure (1) for all new development, (2) where a building undergoes a primary or partial change of occupancy or use in which more than 50% of the total building area is changing, or (3) where existing buildings that provide on-site parking undergo a renovation or alteration in which the scope of work is more than 50% of the total building area; and

WHEREAS, after consideration of several options, Council adopted EV charging infrastructure requirements for Affordable Housing developments of 20% EV-Capable Spaces, 15% EV-Ready Spaces, and a minimum of one Electric Vehicle Supply Equipment ("EVSE")-Installed Space (all as defined in the local amendments to the IBC); and

WHEREAS, at the April 5, 2022, regular meeting, City Council directed City staff to propose an appropriation for 2022 that would fund the incremental cost between the EV charging infrastructure requirements that are currently established by the Colorado Housing Finance Authority (presented as "Option 2" at the meeting), and the standards that actually were adopted by Council; and

WHEREAS, City staff has developed a cost-sharing program structure, similar to the City's existing program that provides fee credits for qualifying affordable housing units, by which affordable housing developers, at the time of application for a building permit, will be eligible to submit a written request to the City Manager, or their designee, for an EV Infrastructure Credit under the program based on the number and type of EV parking spaces provided (the "EV Infrastructure Credit Program"); and

WHEREAS, the EV Infrastructure Credit Program shall be administrative in nature and operate pursuant to the provisions of this Ordinance and any guidelines and regulations established by the City Manager for the EV Infrastructure Credit Program, provided such guidelines and regulations are consistent with the provisions of this Ordinance, and contingent on the availability of funding being appropriated by City Council for this purpose; and

WHEREAS, the City Manager, or their designee, will determine the eligibility of the affordable housing project for EV Infrastructure Credits based on whether the project meets the City's definition of Affordable Housing; and

WHEREAS, the credits granted in the EV Infrastructure Credit Program shall be in amounts established by the City Manager but such amounts shall not exceed a maximum flat credit for each EV parking space type as follows: an EVSE-Installed space will be eligible for a credit of up to \$10,500; ten percent of EV-Ready spaces will be eligible for a credit of up to \$4,000 each; and five percent of EV-Capable spaces will be eligible for a credit of up to \$2,000 each; and

WHEREAS, any EV charging infrastructure installed by the affordable housing project developer in excess of the adopted 2021 International Building Code EV charging infrastructure requirements will be ineligible for an EV Infrastructure Credit; and

WHEREAS, subject to and in accordance with any guidelines and regulations established by the City Manager for the EV Infrastructure Credit Program, EV Infrastructure Credits shall be administered by Building Services department staff at its customer counter to provide efficient customer service and consistent application of both the existing fee credit programs and the proposed EV Infrastructure Credit Program and the total amount of the EV Infrastructure Credit shall be based on the EV parking infrastructure required under the IBC; and

WHEREAS, there are five affordable housing projects (consisting of a total of 237 units) currently in the City's development review process that may apply for building permits during 2022; and

WHEREAS, based on this number of affordable housing projects that may apply for a building permit this year, the number of parking spaces that would be required to be constructed for these projects under the City's Land Use Code, and the per-parking-space cost ranges previously presented to Council during its consideration of the EV charging infrastructure requirements for affordable housing, a total appropriation of \$238,000 is needed to fund the EV Infrastructure Credit Program to address the incremental cost between the EV charging infrastructure requirements for affordable housing that were proposed to City Council under Option 2, and those that were adopted by Council on April 5, 2022; and

WHEREAS, this appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purposes of supporting the development of affordable housing and promoting the use of renewable energy, while also supporting the goals of the City's Electric Vehicle Readiness Roadmap; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year such funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated; and

WHEREAS, the Interim City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the General Fund and will not cause the total amount appropriated in the General Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year; and

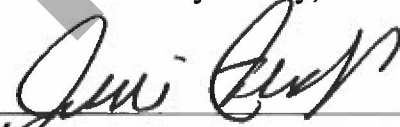
NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations, requirements, limitations, standards, and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the General Fund the sum of TWO HUNDRED THIRTY-EIGHT THOUSAND DOLLARS (\$238,000) to be expended in the General Fund for the EV Infrastructure Credit program.

Section 3. That the City Manager shall administer the EV Infrastructure Credit Program in accordance with and subject to the requirements, limitations, and standards set forth in this Ordinance and may adopt guidelines and regulations for the Program that are consistent with such requirements, limitations, and standards as the City Manager determines are necessary for the proper administration of the EV Infrastructure Credit Program.

Introduced, considered favorably on first reading, and ordered published this 3rd day of May, A.D. 2022, and to be presented for final passage on the 17th day of May, A.D. 2022.

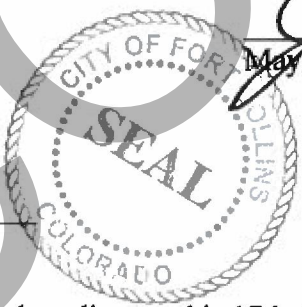


Mayor

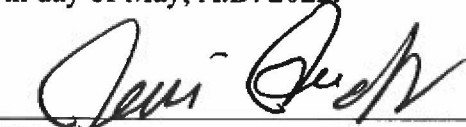
ATTEST:



City Clerk / Chief Deputy



Passed and adopted on final reading on this 17th day of May, A.D. 2022.



Mayor

ATTEST:



City Clerk / Chief Deputy

