

ORDINANCE NO. 144, 2020  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING A CITIZEN-INITIATED ORDINANCE REGARDING THE REZONING AND  
ACQUISITION OF THE HUGHES STADIUM ANNEXATION PROPERTY

WHEREAS, the citizens of Fort Collins have shown strong support to preserve and provide open space, natural areas, community separators, wildlife habitat, and trails for today and for the future; and

WHEREAS, Fort Collins citizens currently enjoy their open spaces and natural areas; the recreation they provide, such as walking, hiking, biking, wildlife viewing, bird watching, and fishing; the educational opportunities and programs provided to people of all ages and backgrounds; and the beautiful landscapes and views they provide; and

WHEREAS, open space, natural areas, wildlife habitat, community separators, agricultural lands, and trails benefit all members of the Fort Collins community; and

WHEREAS, conserved open space and natural areas help make Fort Collins a highly desirable place to live, work, and visit; and

WHEREAS, the City of Fort Collins values sustainability in policies, plans, strategies and projects that align with its Triple Bottom Line decision-making philosophy of social, economic and environmental well-being to meet its citizens' present needs and the needs of future generations without compromising the ecosystems upon which we all depend; and

WHEREAS, the citizens of Fort Collins have provided continuous funding for open space and natural areas acquisition and maintenance since first voting for a capital improvement sales tax in 1973 and approving extensions or new revenue sources in every election such a question has appeared on the ballot; and

WHEREAS, Fort Collins has conserved over 40,000 acres of open space and natural areas since 1973; and

WHEREAS, the property formerly home to the Colorado State University's Hughes Stadium is a currently undeveloped 164.56-acre parcel of land that was recently annexed into the city of Fort Collins; and

WHEREAS, the City of Fort Collins has many distinct zoning districts in its land use code; and

WHEREAS, one zoning classification in the Fort Collins land use code is "Public Open Lands," which currently allows for parks, recreation and open lands, and wildlife rescue and education centers, subject to administrative or Planning and Zoning Board review; and

WHEREAS, the Hughes Stadium property is currently zoned as Transition District (T) pursuant to Division 4.12 of its land use code, which is intended for properties for which there are no specific and immediate plans for development; and

WHEREAS, the Hughes Stadium property occupies an area in between the current Maxwell Natural Area and Pineridge Natural Area; and

WHEREAS, the acquisition of the Hughes Stadium Property and conversion into a public open lands area would build upon the City's significant history of preserving open spaces and would provide an invaluable social, economic, and environmental resource for current and future generations of Fort Collins residents; and

WHEREAS, the Hughes Stadium property would represent a crown jewel acquisition for Fort Collins open space; and

WHEREAS, absent acquisition and conservation efforts under this ordinance, the Hughes Stadium property would forever be lost to residential and/or commercial development; and

WHEREAS, the acquisition of the Hughes Stadium property by the City of Fort Collins should occur using existing voter-approved open space sales tax revenue and other funds currently available to the City, financing agreements, grants, partnerships with other local governments, or other available fiscally responsible mechanisms; and

WHEREAS, publicly available information indicates Colorado State University values the Hughes Stadium property at \$10 million, and the City should use that figure as a starting point in its negotiations to acquire the property at its fair market value; and

WHEREAS, the rezoning of the Hughes Stadium property into the Public Open Lands (P-O-L) zoning district pursuant to Article 1, Division 1.3 and Article 4, Division 4.13 of the land use code would be necessary to convert the property into an area for parks, recreation and open lands, and wildlife rescue and education.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. That the City hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the City shall acquire the Hughes Stadium property, a 164.56-acre parcel of land legally described in Section 3 of Fort Collins Ordinance No. 123 (2018) ("Annexing the Property Known as the Hughes Stadium Property Annexation to the City of Fort Collins, Colorado") at its fair market value for the purpose of using it for parks, recreation and open lands, natural areas, and wildlife rescue and education.

Section 3. That notwithstanding any contrary designation in the April 2019 City Plan or any action taken by the Council subsequent to its annexation of the Hughes Stadium property but

before the passage of this Ordinance, the City shall rezone the Hughes Stadium property as Public Open Lands (P-O-L) zoning district pursuant to Division 4.13 of the City of Fort Collins land use code immediately upon passage of this Ordinance.

Section 4. That the City shall not de-annex, cease acquisition efforts, or subsequently rezone the Hughes Stadium property to any designation other than Public Open Lands without voter approval of a separate initiative referred to the voters by City Council.

Section 5. That to acquire the Hughes Stadium property, the City shall seek funding from existing sources or future partnerships, including but not limited to the Fort Collins Open Space Yes! sales tax fund, Certificates of Participation, the City's general fund, Great Outdoors Colorado and other third party organizations providing open space or other types of recreational or land conservation grants, and/or partnerships with other entities such as Larimer County.

Section 6. That the City Council may refer ballot measures to the voters for the purpose of seeking additional funding only if existing sources of funding or future partnerships are insufficient for the preservation of the Hughes Stadium property as described in this Ordinance.

Section 7. That the City shall expeditiously, but no later than two years from the passage of this Ordinance, use best efforts in good faith to acquire the Hughes Stadium property utilizing the financial mechanisms described in Sections 5 and 6.

Section 8. That this Ordinance shall take effect immediately upon passage by the majority of the voters of Fort Collins during the first available regular city election, and any registered voter in Fort Collins has legal standing to petition for injunctive and/or declaratory relief related to City noncompliance with the provisions of this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 17th day of November, A.D. 2020 and to be presented for final passage on the 1st day of December, A.D. 2020.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on this 1st day of December, A.D. 2020.

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Mayor

ATTEST:

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City Clerk