



City Manager's Office  
City Hall  
300 LaPorte Ave.  
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970.221.6505  
970.224.6107 - fax  
fcgov.com

DATE: January 25, 2019

TO: Mayor Troxell and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager *GS*

TH: Darin Atteberry, City Manager *DA*  
Kelly DiMartino, Senior Assistant City Manager *KD*

RE: January 22, 2019 Work Session Summary: Keep Fort Collins Great Sunset

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All Councilmembers were present, with Councilmember Cunniff joining by telephone.

Staff provided background, an update on outreach, and two options for revenue replacement. Direction was sought on a preferred option for a referral to ballot.

Options presented:

Option A - Increase the City base sales tax rate by 0.85%.

A one-time vote to increase the base rate tax by 0.85%. This revenue would be general fund revenue and would be prioritized and allocated by Council and the community to address needs and desires through the budgeting process.

Option B - Increase the City base sales tax rate by 0.60% and put forward a 0.25% renewable tax

A one-time vote to increase the base sales tax by 0.6% and a vote to consider a 0.25% dedicated, renewable tax. The 0.6% amount covers all but 0.01% of current level KFCG contributions for Police, Streets, Fire, and Parks and Recreation programs and services.

To maintain existing KFCG programs and services, the remaining 0.25% tax would support "Other Transportation" and "Sustainability" programs and services.

General comments:

- Overall support for Option A based on:
  - Funding core services
  - Simplicity of ballot language
  - Options to refine in future elections if not supported
- Would like any ballot language to be clear in fire protection support and in language clarifying that local tax rate remains the same.
- Some support for Option B to allow for future conversations on service and tax rate.

Follow-up Items:

- Staff will bring Option A as ballot language to the February 5, 2019 regular Council meeting.



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TO: Mayor Troxell and Councilmembers

FM: Ginny Sawyer, Project and Policy Manager 

TH: Darin Atteberry, City Manager   
Kelly DiMartino, Senior Assistant City Manager 

RE: January 22, 2019 Work Session Summary: Occupancy Study

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All Councilmembers were present, with Councilmember Cunniff joining by telephone. Staff provided background and a summary of the occupancy study findings. Questions presented:

1. What questions does Council have regarding the report and findings?
2. Does Council have any requested follow-up action items based on the presentation and discussion?

General Comments:

- Overall appreciation for the study and the data provided. Some question on conclusions.
- Discussion that the ordinance is working as intended and is shown to increase perceptions of neighborhood quality.
- Some preference to ensure all housing stock is being fully utilized by allowing the number of tenants as bedrooms. Ideas included a permit, registration, or licensing process. Some interest in the Neighbor to Neighbor Home Share program.
- Expressed awareness of the change in "violator household" demographics and the overall housing affordability challenge in Fort Collins.
- Questions and desire to better utilize and encourage extra-occupancy permits as a means to make more rooms available for rent.

Follow-up:

- Additional information on extra-occupancy permits and utilization is attached.
- Staff will work on increased awareness efforts to highlight extra-occupancy permits.
- Staff will work together and with residents to provide a more detailed memo on possible options for allowing Home Share participants an exemption to the occupancy ordinance.

## **Extra Occupancy Rental Permits**

Extra Occupancy Rental House conversions require compliance with Land Use Code and Building Code regulations adopted by the City of Fort Collins. An Extra Occupancy Rental House is a building or portion of which is used to accommodate, for compensation, four (4) or more tenants, boarders or roomers. It is not necessary for a family or owner to also occupy the house.

Extra Occupancy Rental Houses are allowed in the following zone districts:

LMN- Low-Density Mixed Use Neighborhood  
MMN- Medium-Density Mixed Use Neighborhood  
HMN- High-Density Mixed Use Neighborhood  
NCB- Neighborhood Conservation Buffer  
D- Downtown  
RDR-River Downtown Redevelopment  
CC- Community Commercial  
CCN- Community Commercial North College  
CCR Community Commercial River  
NC- Neighborhood Commercial  
CL- Limited Commercial  
E-Employment  
I- Industrial

The Land Use Code establishes Extra Occupancy Rental House regulations for parking, square footage per occupant, and density.

Parking = .75 parking spaces per boarder, rounded up to the nearest whole parking space, plus 1 additional space if the house is owner occupied. Each parking space must have unobstructed access to a street or alley unless the lot has less than 65 feet of street frontage length and does not abut an alley, in which case one of the required parking spaces may be provided in a manner that does not provide direct access to the street. In all instances, no more than 40% of the area of the front yard can be used for parking.

Minimum building square footage = 350 square feet of habitable floor space per boarder plus an additional 400 square feet if owner occupied.

Density/number of Extra Occupancy Rental Houses = no more than 25% of parcels on a block face may be approved for Extra Occupancy Rental Houses in the LMN zone. No limit in the other zones.

Only detached single-family dwellings, zero lot line attached single-family dwellings (townhomes), and duplexes are eligible to be converted to Extra Occupancy Rental Houses.

With respect to multiple-family dwellings, the decision maker (depending on the type of review, Type 1 or Type 2) may, upon receipt of a written request from the applicant and upon a finding that all applicable criteria of this Code have been satisfied, increase the number of unrelated persons who may reside in individual dwelling units. The decision maker shall not increase said number unless satisfied that the applicant has provided sufficient additional amenities, either public or private, to sustain the activities associated with multi-family residential development, to

adequately serve the occupants of the development and to protect the adjacent neighborhood. Such amenities may include, without limitation, passive open space, buffer yards, on-site management, recreational areas, plazas, courtyards, outdoor cafes, limited mixed-use restaurants, parking areas, sidewalks, bikeways, bus shelters, shuttle services or other facilities and services.

### **Utilization**

The City currently has 54 permits issued to houses with 5 applications pending.

The following apartment complexes have also been approved for extra-occupancy housing:

- Heritage Park
- Ram's Crossing
- Campus Crossing at Ram's Pointe
- Rams Village East
- The Lofts at City Park
- The Grove
- The District
- The Summit at Choice Center
- Aspen Heights
- Stadium Apartments
- Capstone Cottages
- West Plum Housing





Environmental Services  
222 Laporte Ave  
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970-221-6600  
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**MEMORANDUM**

**DATE:** January 24, 2019  
**TO:** Mayor and City Councilmembers  
**THRU:** Darin Atteberry, City Manager  
Jeff Mihelich, Deputy City Manager  
Jackie Kozak Thiel, Chief Sustainability Officer  
Lucinda Smith, Environmental Services Director  
**FROM:** Cassie Archuleta, Air Quality Program Manager  
**RE:** **January 22, 2019 Work Session Summary:  
Outdoor Residential Wood Burning**

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JK  
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**Attendees**

Jeff Mihelich, Lucinda Smith and Cassie Archuleta presented for discussion a permitting process, which would restrict negative impacts from outdoor residential wood burning fires through permit conditions. All City Councilmembers were present.

**Discussion Summary**

Staff requested direction regarding implementation of a permitting process as a regulatory mechanism to prohibit residential wood fires with negative impacts. In summary:

- Council expressed concerns about a community-wide permitting system to address potential negative impacts, and expressed interest in focusing only on problem fires.
- Council asked if current air pollution public nuisance code could be modified to prohibit neighbor-to-neighbor impacts.
- Council expressed interest in increased education and outreach regarding considerate and safe burning practices, and also increased outreach regarding filing a complaint and potential recourse.
- Council expressed interest in collecting more data from complaints regarding impacts.
- Council expressed interest in exploring prohibiting outdoor wood burning as an amenity at Short Term Rentals (STRs), encouraging/incentivizing conversions from wood to gas and adding curfews.

**Staff Follow-Up**

For next steps, staff will explore:

- Modifications to current air pollution nuisance code to clearly prohibit negative smoke impacts from residential wood fires.
- Resources necessary to increase outreach, implement a more robust complaint tracking system, and enforce any proposed code modifications.
- Considerations for prohibitions at STRs, potential incentive programs and curfews.

Staff expects to have code modifications and any associated resource appropriation requests ready for Council consideration in March 2019.