

RESOLUTION 2019-077
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FOSSIL CREEK RESERVOIR AREA PLAN TO
CLOSE THE TRANSFER OF DENSITY UNITS PROGRAM

WHEREAS, the *Fossil Creek Reservoir Area Plan* (the "Plan") is a collaborative planning document drafted and adopted by the City and Larimer County; and

WHEREAS, City Council originally adopted the Plan in 1998 by Resolution 1998-054; and

WHEREAS, the Plan has been subsequently amended by Resolution 1999-015, 1999-074, 2006-092, and 2011-023; and

WHEREAS, the City and Larimer County desire to further amend the Plan to remove references to the Transfer of Density Units Program as set forth in the attached Exhibit "A," which is incorporated by this reference; and

WHEREAS, on May 16, 2019, Fort Collins Planning and Zoning Board unanimously recommended as part of its adopted consent agenda that City Council approve the proposed changes to the Plan; and


WHEREAS, City Council has determined that it would be in the best interests of the City to amend the Plan as set forth in Exhibit "A".

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

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

Section 2. That City Council hereby adopts the changes to the Plan set forth in Exhibit "A" and directs City staff to make such changes to the Plan.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of July, A.D. 2019.



Mayor

ATTEST:



City Clerk



AMENDMENTS TO THE FOSSIL CREEK RESERVOIR AREA PLAN

Text that is struck through indicates current text to be deleted. Text that is highlighted indicates text to be added to the current text. Only the strike throughs and highlights described below will be changed and all other portions of the *Fossil Creek Reservoir Area Plan* shall remain unchanged except that information indicating the dates of amendments shall be updated at the beginning of the *Fossil Creek Reservoir Area Plan*.

1. The following change will be made to the text on page i of the Executive Summary:

This project is unique in that both jurisdictions – while operating under different land use regulations and planning environments – came together and worked through many complex issues and policy decisions, ultimately resulting in a jointly adopted Plan. The Plan is intended to balance urban development and environmental conservation by recommending a unique combination of City-County integrated implementation strategies. ~~The key to the success of the planning effort is the formulation and adoption of a Transfer of Density Units program by Larimer County.~~

2. The following change will be made to the text on page ii of the Executive Summary:

~~A Transfer of Density Units (TDU) Program for Larimer County was initiated by establishing a program specifically for the Fossil Creek Reservoir Area. This tool, in combination with other land management strategies, provides a mechanism for establishing a community separator between Loveland, Fort Collins and Windsor. Adoption of a Transfer of Density Units (TDU) Program was not intended to occur at the time of Plan adoption, however, it is included in the proposed Implementation Action Plan.~~

3. The following change will be made to the text on page 4 of Chapter 1:

- ~~A Plan for the Region between Fort Collins and Loveland (the "Corridor Plan"), designates land to be protected as open space, maintaining a permanent separation between Fort Collins and Loveland, which suggests higher urban density in the Fossil Creek Reservoir Area and calls for an investigation of the TDU Program as an important implementation tool.~~

4. The following change will be made to the text on page 8 of Chapter 2:

- f. ~~Provide a "Transfer of Density units" (TDU) program in which development units may be transferred from the region between Fort Collins and Loveland to the Receiving Area portion of the *Fossil Creek Reservoir Area Plan*, depicted on the TDU Sending and Receiving Area Map, located at the end of Chapter 6.~~
- fg. Achieve higher densities where they are appropriate and feather to lower densities as development nears Fossil Creek Reservoir.

5. The following change will be made to the text on pages 13-14 of Chapter 2:

2.2.7. Transfer of Density Units. *The Fossil Creek Reservoir Transfer of Density Units (TDU) Program*, adopted September 22, 1998, by the Larimer County Board of Commissioners, provided landowners the means to transfer development potential from one parcel of land to another. The TDU Program was discontinued in 2019 because the objectives of the TDU Program were accomplished with the annexation and development build-out of the TDU Receiving Area. ~~The purpose is to guide future growth in the County toward areas designated for higher density development, and away from areas that have important community values. Its goals are to promote the preservation of agriculture, open space, scenic vistas, natural and environmental resources, and recreational lands.~~

~~The TDU program establishes a procedure to evaluate the development potential of a parcel and translate it into tradable units, or TDU's. Lands within the Fossil Creek TDU program area fall within either the "Sending Area" or the "Receiving Area". Higher residential densities required by this Plan are located in the Receiving Area, which consists of approximately 900 acres north of Fossil Creek Reservoir. The remainder of lands covered by this Plan are in the Sending Area. (See the TDU Sending/Receiving Areas Map, at the end of Chapter 6.)~~

~~Receiving Area~~

~~Landowners who choose to develop must either cluster residential development without using TDUs or may develop by acquiring TDUs. A landowner or developer in the Receiving Area may bargain to arrive at a fair market price for TDUs with any willing seller in the Sending Area holding a TDU certificate. To develop in the Receiving Area without using TDUs, the landowner or developer must have the County Planning Department determine an acceptable range of dwelling units allowed for the parcel, this number will be based on County zoning and site constraints. Dwelling units must be clustered to meet land use and density requirements with any remaining developable land being designated for "future development", and developed only by transferring TDUs from Sending Areas. Larimer County Planning Department is the primary contact for landowners and developers with land in the Receiving Area.~~

~~Sending Area~~

~~Landowners in Sending Areas who wish to be compensated for limiting or foregoing the development of their land can sell transferable~~

~~density units to buyers in the Receiving Area. The TDU Administrator evaluates the parcel to determine the number of transferable density units, or basic allowable TDUs. Factors that may increase the number of TDUs include lands providing: significant natural resource values, important community buffers, agricultural land preservation values, recreational trails or wildlife migration routes, significant historic sites, or environmental education opportunities. Conditions that may decrease the number of TDUs include parcel size (less than 40 acres), physical or public utility limitations of the parcel which limit development potential, and distance from existing development. Sending area sites that are outside the Fossil Creek Reservoir planning area were designated separately and are not a part of the *Fossil Creek Reservoir Area Plan*.~~

~~For additional information on the *Fossil Creek Reservoir Area Transfer of Density Units Program* contact the Larimer County Planning Department.~~

6. The following change will be made to the text on page 16 of Chapter 2:

FC-LUF-2 Rural Residential. ~~Areas currently zoned FA-1 and AP-Airport which are not designated for urban residential use are included in potential sending areas in the proposed TDU program.~~ However, if developed they should be developed at residential densities consistent with the rural conservation development policy contained in the Larimer County *Master Plan*. The AP-Airport zoning south of County Road 32, adjacent to the I-25 Interstate exchange remains designated a mixed-use area as denoted in *A Plan for the Region Between Fort Collins and Loveland, "The Corridor"*.

FC-LUF-3 Mixed-Use Neighborhoods. These neighborhoods will consist of a mix of housing types near parks, schools, and a neighborhood center. ~~For development projects south of Kechter Road, and east of Timberline Road,~~ the density will be a minimum overall average of 3 dwelling units per net acre of residential land. The maximum density of any development plan taken as a whole will be 9 dwelling units per gross acre of residential land. The maximum density of any phase in a multiple-phase development plan or an affordable housing project shall be 12 dwelling units per gross acre of residential land ~~if located within the TDU Receiving Area.~~ This residential classification will require design and development standards agreed upon by both Larimer County and the City of Fort Collins. The method of calculating density is shown in Appendix A. Future development within the mixed-use neighborhood designation ~~located outside of the TDU Receiving Area (including north of Kechter Road, and west of Timberline Road),~~ will have an overall minimum average density of 4 dwelling units per net acre of residential land, and an overall maximum density of 9 dwelling units per gross acre of residential land. The maximum density of any phase in a multiple-phase development plan or an affordable housing project shall be 12

dwelling units per gross acre of residential land.

7. The following change will be made to the text on pages 29-30 of Chapter 4 with the subsequent subsections b. through h. on pp. 30-32 appropriately relettered:

~~**a. Transfer of Density Units (TDU) Program.** One of the goals of the TDU program is to promote the preservation of natural and environmental resources. Lands within the Fossil Creek TDU program area fall within either the "Sending Area" or the "Receiving Area," as defined in Chapter 2. If a property develops at residential densities allowed by County zoning, it will be required to "cluster" the allowed number of dwelling units at Plan density and according to the new design standards for the planning area. Sending area sites that are outside the Fossil Creek Reservoir planning area will be designated separately from the adoption of the *Fossil Creek Reservoir Area Plan*.~~

8. The following change will be made to the text on page 33 of Chapter 4:

4.1.4. Other Open Lands Outside of the Resource Management Area

The *Fossil Creek Reservoir Area Plan* identifies other open lands outside of the Resource Management Area that will remain rural lands. These are lands identified in *A Plan for the Region Between Fort Collins and Loveland* and *Fort Collins City Plan* as "proposed open lands." The intent of this category of land is for community separators between Fort Collins, Loveland, and Windsor, as well as protection of views and rural character along I-25. These lands may remain in agricultural use. Principle strategies to protect these lands will likely include conservation easements, and clustering, and utilization of the County's TDU Program.

9. The following change will be made to the text on page 39 of Chapter 6:

~~**a. Development of a Larimer County Transfer of Density Unit Program for the *Fossil Creek Reservoir Area Plan*. (Adopted September 22, 1998, by the Larimer County Board of Commissioners.)**~~

10. The following change will be made to the text on page 40 of Chapter 6:

- ~~Require clustered development patterns utilizing existing County FA-1 Zone densities that will allow continued development in the Fossil Creek Reservoir Area. As noted in the Implementation Action Plan the County will then continue to work toward establishment of a Transfer of Density Units program to achieve the planned densities for the residual land in the cluster development.~~

11. The following change will be made to the text on page 41 of Chapter 6:

FC-I-5 The balance of the planning area south of County Road 36 and east of County Road 11 shall remain under current County zoning of FA-1 Farming (TDU Receiving Area). ~~The City will not annex these areas until development has occurred at Plan densities and standards by utilization of the proposed TDU Program. In the interim, d~~Development policies and proposal regulations shall require development proposals to meet the following standards:

FC-I-5.1 The maximum number of units which may be developed are based on the underlying zoning and are calculated as follows: Total number of acres, less areas in designated flood ways, divided by minimum lot size for the applicable zoning classification.

FC-I-5.2 All dwelling units must be located in clusters on the site such that the cluster is consistent with the planned densities and standards specified in the Land Use Framework Plan and development regulations for the Fossil Creek Reservoir Area. The residual area of the development not in the cluster must be designated as a future development area.

~~**FC-I-5.3** The designated future development area could further be developed to planned densities and standards upon adoption of a Transfer of Density Unit Program Land Regulation by Larimer County.~~

12. The following change will be made to the text on page 42 of Chapter 6:

The northwest and southwest corners of County Road 32 and I-25 have a statement on the Plan map indicating that when development is proposed in these areas then a unified development plan is encouraged, but not required, to be submitted for the development parcel and all other parcels in the designated areas north of County Road 32 or south of County Road 32. The objective of the overall development plan requirement is to achieve coordinated site planning of water and sewer infrastructure, internal road circulation/access to the frontage roads and potential land use relationships. The Plan should be at the concept level and would not depend upon detailed engineering. This submittal will enable the applicant, surrounding property owners and review agencies supplying infrastructure an improved opportunity to coordinate planning efforts, achieve infrastructure cost economies, and ensure efficient transportation circulation to serve potential land uses. ~~These areas are included in the Larimer County TDU "Sending Area" and land owners are encouraged to participate in that program.~~

FC-I-7 Larimer County adopted the Transfer of Density Units (TDU) program, along with supporting maps, for the Fossil Creek Reservoir planning area on September 22, 1998. The Transfer of Density Units program was discontinued in 2019. ~~receiving area for this program is within the Growth Management Area portion of the planning area, while the majority of the sending area sites are~~

located outside the planning area in the region between the cities of Fort Collins and Loveland.

13. The following change will be made to the text on page 44 of Appendix A:

~~GM-3 Larimer County will use transfer of development rights as a tool to protect important County resources, where appropriate.~~

~~GM-3 s1 Larimer County shall continue to develop a transfer of development rights program in cooperation with the municipalities of the County.~~

~~GM-3 s2 The transfer of development rights program shall include a means to identify or define areas where transfer of development rights will be used to protect important resources, called "sending areas".~~

14. The following change will be made to the text on page 67 of Appendix C:

Fossil Creek Reservoir Area Plan Action Plan	Reference Documents	Lead Entity	Actions & Partners	Area Plan	Time Line		
					6 mos	12 mos	1-5 yrs
<i>Larimer County</i>							
Transfer of Density Units Program (TDU)	•City Plan: GM 1-6, p 135 •LCMP: LU 2-3, p 3-7; GM 3; GM 3-1; GM 3-52	Larimer County	City of Fort Collins; Property Owners; Developers		Done		
TDU Overlay Zoning District	•LCMP: GM 3	Larimer County			X	Done	
Amend Transportation Master Plan	•LCMP: TR-1; TR-1s1	Larimer County	City of Fort Collins	X		Done	
Develop Resource Management Area Plan	•LCMP: ER-4; ER-1; ER4-s3	Larimer County Parks and Open Lands	City of Fort Collins Natural Resources Department, Colorado Division of Wildlife			X	
Amend County Land Use Regulations for Development Standards and TDU Program	•LCMP: PF 1-1; p 4-9 GM 3; GM 3-1; MB-2	Larimer County	City of Fort Collins	X	X		

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 16th day of July, A.D. 2019.



Mayor

ATTEST:


City Clerk

