

**RESOLUTION 2021-038
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING CERTAIN QUASI-JUDICIAL LAND USE HEARINGS TO BE
CONDUCTED REMOTELY PURSUANT TO ORDINANCE NO. 79, 2020, INCLUDING
THE GUARDIAN SELF STORAGE PROJECT DEVELOPMENT PLAN APPEAL,
NE PROSPECT & I-25 FRONTAGE ROAD ANNEXATION AND ZONING,
NE PROSPECT & I-25 REZONE, FORT COLLINS-LOVELAND WATER DISTRICT
EXPANSION AND ADDITION OF PERMITTED USE,
TIMBERLINE-INTERNATIONAL ADDITION OF PERMITTED USE**

WHEREAS, in response to the public health emergency resulting from the spread of the Novel Coronavirus 2019 (“COVID-19”), the City Manager proclaimed a local emergency on March 13, 2020, and City Council extended such proclamation with its adoption of Resolution 2020-030; and

WHEREAS, to protect Councilmembers, appointed board and commission members, members of the public, and City staff from COVID-19 while allowing City Council and board and commission meetings to be conducted, City Council authorized remote participation in meetings using remote technology by adopting Emergency Ordinance No. 054, 2020, which was superseded by Ordinance No. 061, 2020, which in turn was superseded by Ordinance No. 079, 2020, adopted on second reading on June 16, 2020; and

WHEREAS, Section 4.B. of Ordinance No. 079, 2020, prohibits certain quasi-judicial hearings from occurring unless, as stated in Section 8, Council adopts a motion by the affirmative vote of five members that authorizes an otherwise prohibited quasi-judicial hearing to occur after finding that: (1) the quasi-judicial hearing item is pressing and requires prompt action; and (2) that the remote technology enabling remote participation will provide sufficient public participation and input; and

WHEREAS, the prohibited quasi-judicial hearings listed in Section 4.B. of Ordinance No. 079, 2020, are as follows:

1. Appeals of any decision as such appeals may be authorized under the City of Fort Collins Municipal Code and Land Use Code. Variances considered by the Zoning Board of Appeals are not "appeals" under this provision.
2. Zoning and Rezoning matters pursuant to Fort Collins Land Use Code Division 2.9.
3. Addition of Permitted Use matters pursuant to the Land Use Code Section 1.3.4;

and

WHEREAS, Section 8 of Ordinance No. 079, 2020, allows Council to consider exceptions to in-person hearings on a case-by-case basis, as follows:

Section 8. The Council may, by the affirmative vote of five members on a motion authorized additional types of meetings, hearings or proceedings, or individual matters otherwise not allowed hereunder, to proceed using Remote Technology, provided the Council determines that the authorized action is pressing and requires prompt action and that the Remote Technology available for the proceeding will provide sufficient public participation and input called for by the type of meeting, hearing or proceeding or the individual matter, as applicable, in light of the specific circumstances;

and

WHEREAS, the following quasi-judicial hearing items (“Quasi-Judicial Hearing Items”) have been submitted to the City for consideration but are prohibited from being heard remotely under Section 4.B. unless Council otherwise authorizes them to proceed:

1. An appeal of the March 11, 2021, Planning and Zoning Board approval with conditions of the Guardian Self Storage Project Development Plan PDP190020;
2. NE Prospect & I-25 Frontage Road Annexation and Initial Zoning;
3. NE Prospect & I-25 Rezone;
4. Fort Collins-Loveland Water District Expansion and Addition of Permitted Use; and
5. Timberline-International Addition of Permitted Use and any appeal to City Council;

and

WHEREAS, the City Council has, after due consideration, determined that the Quasi-Judicial Hearing Items should be permitted to proceed to completion of the City’s processes using remote technology because (1) the Quasi-Judicial Hearing Items are pressing and require prompt action, (2) the remote technology enabling remote participation will provide sufficient public participation, and (3) input and remote participation pursuant to the requirements of Ordinance No. 079, 2020 will ensure that the due process requirements under the United States and Colorado constitutions are met; and

WHEREAS, granting the requests to allow the Quasi-Judicial Hearing Items to be heard remotely is in the best interests of the citizens of Fort Collins.


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 the Quasi-Judicial Hearing Items may be heard by the Planning and Zoning Board and City Council, as applicable, whether as an original matter or on appeal, using remote technology in accordance with Ordinance No. 079, 2020.

Section 3. That this Resolution was approved for adoption by the affirmative vote of at least five Councilmembers as required by, and in satisfaction of, Section 8 of Ordinance No. 079, 2020.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 20th day of April, A.D. 2021.


Mayor

ATTEST:


City Clerk