Regular Meeting  
December 1, 2020

PUBLIC PARTICIPATION OPTIONS

There will be three options for people who would like to participate in the meeting:

- Live via the Zoom online meeting,
- Live via the telephone,
- By submitting emails to Council at CityLeaders@fcgov.com.

All options will be available for those wishing to provide general public comment, as well as public comment during individual discussion items.

PUBLIC PARTICIPATION (ONLINE VIA ZOOM):

Individuals who wish to address Council via remote public participation can do so through Zoom at https://zoom.us/j/98241416497. (The link and instructions are also posted at www.fcgov.com/councilcomments.) Individuals participating in the Zoom session should watch the meeting through that site, and not via FCTV, due to the streaming delay and possible audio interference.

The Zoom meeting will be available beginning at 5:15 p.m. on the day of the meeting. Participants wanting to ensure their equipment setup is working should join prior to 6:00 p.m. For public comments, the Mayor will ask participants to click the “Raise Hand” button to indicate you would like to speak at that time. Staff will moderate the Zoom session to ensure all participants have an opportunity to address Council.

In order to participate, you must:

- Have an internet-enabled smartphone, laptop or computer. Using earphones with a microphone will greatly improve your audio experience.
- Join the Zoom meeting using the link on the front page of the agenda or on the City’s home webpage at www.fcgov.com.
- If you use the City’s home page, simply click on the “Participate remotely in Council Meeting” link shown near the top of the page.
PUBLIC PARTICIPATION (VIA PHONE)

- Dial the public participation phone number, 1-346-248-7799, and then enter the Meeting ID 982 4141 6497 followed by the pound sign (#).
- The meeting will be available beginning at 5:15 p.m. Please call in to the meeting prior to 6:00 p.m., if possible. For public comments, the Mayor will ask participants to indicate if you would like to speak at that time – phone participants will need to press *9 to do this. Staff will be moderating the Zoom session to ensure all participants have an opportunity to address Council.

When participating online or by phone, DO NOT Watch/stream FCTV at the same time due to streaming delay and possible audio interference.

PUBLIC PARTICIPATION (VIA EMAIL)

Individuals not comfortable or able to access the Zoom platform or participate by phone are encouraged to participate by emailing general public comments to CityLeaders@fcgov.com. If you have specific comments on any of the discussion items scheduled, please make that clear in the subject line of the email and send prior to the meeting Tuesday evening.

WATCH THE MEETING

Anyone can view the Council meeting live on Channels 14 and 881 or online at www.fcgov.com/fctv. Note: Only individuals who wish to address Council should use the Zoom link or call in by phone. Anyone who wants to watch the meeting, but not address Council, should view the FCTV livestream.

Documents to Share: If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting.

Persons wishing to display presentation materials using the City’s display equipment under the Citizen Participation portion of a meeting or during discussion of any Council item must provide any such materials to the City Clerk in a form or format readily usable on the City’s display technology no later than two (2) hours prior to the beginning of the meeting at which the materials are to be presented.

NOTE: All presentation materials for appeals, addition of permitted use applications or protests related to election matters must be provided to the City Clerk no later than noon on the day of the meeting at which the item will be considered. See Council Rules of Conduct in Meetings for details.

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours advance notice when possible.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 221-6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

Proclamations and Presentations 5:45 p.m.

The Mayor will share highlights of each proclamation listed below but will not read proclamations in their entirety.

A. Proclamation Declaring November 25-December 10 as 16 Days of Activism Against Gender Violence.
B. Proclamation Declaring December 1, 2020 as Kevin Duggan Day.
Regular Meeting
6:00 p.m.

- PLEDGE OF ALLEGIANCE
- CALL MEETING TO ORDER
- ROLL CALL
- AGENDA REVIEW: CITY MANAGER
  - City Manager Review of Agenda.
  - Consent Calendar Review
    This Review provides an opportunity for Council and citizens to pull items from the Consent Calendar. Anyone may request an item on this calendar be “pulled” off the Consent Calendar and considered separately.
      - Council-pulled Consent Calendar items will be considered before Discussion Items.
      - Citizen-pulled Consent Calendar items will be considered after Discussion Items.
- Community Report: Commissioner Kefalas - Larimer County Community Report and Survey
- PUBLIC COMMENT

Individuals may comment regarding items scheduled on the Consent Calendar and items not specifically scheduled on the agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to the Council.

- Those who wish to speak are asked to sign in at the table in the lobby (for recordkeeping purposes).
- All speakers will be asked by the presiding officer to identify themselves by raising their hand, and then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state his or her name and general address for the record, and to keep comments brief. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep once and the timer light will turn yellow to indicate that 30 seconds of speaking time remain, and will beep again and turn red when a speaker’s time to speak has ended.

[**For questions about the development review process or the status of any particular development, citizens should consult the Development Review Center page on the City’s website at fcgov.com/developmentreview, or contact the Development Review Center at 221-6750.]

- PUBLIC COMMENT FOLLOW-UP
The Consent Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Pulled Consent Items. Items remaining on the Consent Calendar will be approved by City Council with one vote. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

If the presiding officer determines that the number of items pulled from the Consent Calendar by citizens is substantial and may impair the Council's ability to complete the planned agenda, the presiding officer may declare that the following process will be used to simplify consideration of the Citizen-Pulled Consent Items:

1. All citizen-pulled items (to be listed by number) will be considered as a group under the heading “Consideration of Citizen-Pulled Consent Items.”
2. At that time, each citizen wishing to speak will be given a single chance to speak about any and all of the items that have been moved to that part of the agenda.
3. After the citizen comments, any Councilmember may specify the items from the list of Citizen-Pulled Consent Items for Council to discuss and vote on individually. Excluding those specified items, Council will then adopt all “Citizen-Pulled Consent Items” as a block, by a single motion, second and vote.
4. Any Citizen-Pulled Consent Items that a Councilmember has asked to be considered individually will then be considered using the regular process for considering discussion items.

1. Consideration and Approval of the Minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting.

The purpose of this item is to approve the minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting.

2. Second Reading of Ordinance No. 142, 2020 Authorizing the Conveyance of a Portion of City Property at Kingfisher Natural Area in Exchange for an Access Easement at 1807 East Mulberry Street.

This Ordinance, unanimously adopted on First Reading on November 17, 2020, conveys a Quit Claim Deed of a portion of Kingfisher Natural Area historically used for parking and access associated with the businesses occupying 1807 East Mulberry Street, to DD&B Investment Group, LLC (DDB) in exchange for a Non-Exclusive Access Easement from DDB to the City for access to Kingfisher Natural Area.

3. Second Reading of Ordinance No. 143, 2020, Transferring Appropriations in the General Fund from the Coronavirus Relief Fund, CARES Act, Title V, to the Water and Wastewater Funds.

This Ordinance, unanimously adopted on First Reading on November 17, 2020, transfers $27,245 and $13,562 of the City’s Coronavirus Relief Fund (CVRF) money from the General Fund to the Wastewater and Water Funds, respectively. The transfer is necessary to recognize the future depreciation of certain expenses in the Wastewater and Water Funds for lab supplies and to support teleworking capabilities. To account for this depreciation correctly and to recognize the depreciation expense in the correct fund, the original expenditures should occur in the Wastewater and Water Funds.
4. **Postponement to December 15, 2020, of Second Reading of Ordinance No. 145, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Timberline Church Rezoning.**

Required notice for Second Reading of this Ordinance was not published in the Coloradoan. Therefore, second reading will be postponed until December 15, 2020.

*This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.*

This Ordinance, unanimously adopted First Reading on November 24, 2020, amends the City’s Zoning Map to change the zoning designation for the Timberline Church Campus from Low Density Mixed-Use Neighborhood (LMN) to Medium Density Mixed-Use Neighborhood (MMN). The area proposed to be rezoned is approximately 32.79 acres. The applicant proposes the rezoning to support future infill housing on the site and enable higher density housing than would be allowed with the current LMN zoning. Additional commercial and institutional uses may also be proposed. The church has been in discussions with CSU regarding a potential land swap to construct an attainable housing project. CSU would donate their 4.76 acres on Timberline Road, and the church will swap 8-10 acres for the CSU property.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 6-0 to recommend approval of the request with condition that the residential density be limited to 20 units per gross acre and that an Overall Development Plan (ODP) precede or accompany the Project Development Plan (PDP). The purpose of the condition of approval is to provide a density limit to help achieve a compatible transition with the surrounding neighborhood because the MMN zone district does not have a maximum density requirement. Additionally, the ODP would help identify the general design parameters for the property - including the general location and nature of proposed uses, transportation circulation, open space, buffers, and drainage features. A traffic study is also required. The ODP is required to be reviewed by the Planning and Zoning Board and would require at least one neighborhood meeting.

5. **First Reading of Ordinance No. 146, 2020 Appropriating Prior Year Reserves in the Self Insurance Fund for Increased Premiums for Property Loss Insurance.**

The purpose of this item is to appropriate funds to compensate for increased premiums for the City’s property loss insurance that were paid by the Self Insurance Fund for the 2020/2021 period.

The City’s Self Insurance Fund is currently over budget through October 2020 and is expected to remain over budget through year-end. The primary driver of this increase is the higher insurance premiums that have been realized in 2020. These increases are due to two factors: an industry wide adjustment in coverage due to increased risk exposure in the state of Colorado, and more hail storm damage realized at the City in prior years, most notably in 2018.

6. **First Reading of Ordinance No. 147, 2020 Making Supplemental Appropriations for Roof Repairs on City Buildings Due to 2018 Hail Damage.**

The purpose of this item is to appropriate additional insurance proceeds for further scope of work associated with completing roof repair work for a 2018 hail damage claim. These additional proceeds are for recovered depreciation, abatement of asbestos materials, code upgrades and project management.
7. **First Reading of Ordinance No. 148, 2020, Making Supplemental Appropriations of Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding for Transfort Operating Assistance, Preventative Maintenance, and Contracted Service Costs Related to Preparation for and Response to the COVID-19 Pandemic.**

The purpose of this item is to appropriate unanticipated grant revenue Transfort has been allocated by the Federal Transit Agency (FTA). Transfort was awarded $10,368,067 and will net the amount of $8,719,626 in Coronavirus Aid, Relief and Economic Security (CARES) Act through FTA apportionments to urbanized areas. CARES funding is provided at a 100-percent federal share, with no local match required, and is available to support capital, operating, and other expenses to prepare for and respond to COVID-19. Transfort will use these funds for operating assistance, preventative maintenance, and contracted service costs.

8. **Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services.**

   A. **First Reading of Ordinance No. 149, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Utilities’ Right of Entry into Buildings and Onto Premises to Access Utilities Equipment, Facilities, and Appurtenances for Utilities Purposes.**

   B. **First Reading of Ordinance No. 150, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility.**

   C. **First Reading of Ordinance No. 151, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Water and Sewer Plant Investment Fees.**

   D. **First Reading of Ordinance No. 152, 2020, Amending Sections 26-43, 26-209, 26-392 and 26-493 of the Code of the City of Fort Collins Regarding the City’s Utility Enterprise Boards.**

   The purpose of this item is to adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services.

9. **First Reading of Ordinance No. 153, 2020, Adopting the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule.**

   The purpose of this item is to adopt the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule.

10. **First Reading of Ordinance No. 154, 2020, Declaring Certain City-Owned Property on Arapaho Bend Natural Area as Road Right-of-Way.**

    The purpose of this item is to dedicate a strip of property owned by the Natural Areas Department (NAD) as road right-of-way (ROW) via the proposed Arapaho Bend Ponds Subdivision plat, and to authorize the City Manager to sign said plat. NAD is platting a 3.099-acre parcel for the construction of a new trailhead parking lot. This project triggers the development review process and the requirement to dedicate additional road right-of-way for Strauss Cabin Road.

11. **Resolution 2020-106 Consenting to the Dissolution of Block 23 Metropolitan District Nos. 1-2.**

    The purpose of this item is to present a Resolution to Council to consent to the dissolution of the Block 23 Metropolitan Districts Nos. 1-2 (the “Districts”). On September 27, 2016, Council approved the Service Plan for the Districts. At the time of adoption, the Service Plan was intended to enable the Districts to function in a limited administrative capacity but not to issue any debt or begin full operations until a service plan amendment was approved by Council. The Boards of Directors of the Districts have recently adopted a joint resolution calling for the dissolution of the Districts and asking the Council to consent to this dissolution. As allowed by state law, the Larimer County District Court can issue an order dissolving the Districts provided the Council consents to the dissolution as proposed in this Resolution.
12. Resolution 2020-107 Approving a Partial Deferral of Payment of Water Plant Investment Fees and Sewer Plant Investment Fees Associated with the Larimer County Jail Expansion and Authorizing the City Manager to Execute an Agreement Regarding the Same.

The purpose of this item is to request Council approval for Larimer County to defer the payment of a portion of the water and sewer plant investment fees (PIFs) for the County’s jail expansion project. The PIFs are due at the beginning of projects when a water service permit is issued. However, pursuant to City Code Section 26-120(a) and City Code Section 26-283(d), Larimer County desires a Council resolution for approval to pay a portion of the PIFs in 2020 and to pay the remaining balance when the County grows into its full use of water at the expanded jail. This deferral would help Larimer County manage project costs. Utilities staff negotiated a detailed draft agreement with Larimer County regarding the payment of these PIFs that governs when they are due.


The purpose of this item is to request an exception to the competitive bid process for the purchase of services for a one-year term beginning January 1, 2021, from the Larimer Humane Society for the operation and management of the animal shelter. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of animal control services from the Larimer Humane Society through December 2025 without further Council approval.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.


The purpose of this item is to update the Three-Mile Plan for the City of Fort Collins ("Plan"). The Plan is a policy document for coordinating future annexation and provision of services required to be updated annually per Colorado Revised Statutes, Section 31-12-105 which requires that cities complete a plan within three miles in any direction from its municipal boundary. The Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation.

This State-required annual update is routine and recurring and highlights the changes to approved plans and other documents applicable to those areas defined in the State Statues over the past year. Note that the last standalone update was completed in 2018, as the recent adoption of updates to the comprehensive plan (City Plan) fulfilled the annual update requirement in 2019.


The purpose of this item is to appoint Kristin Brown and Leviy Johnson as Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Jill A. Hueser recommends that Ms. Brown and Mr. Johnson be appointed as Assistant Municipal Judges, to serve in the absence of the Chief Judge.


The purpose of this item is to acknowledge that Council conducted the performance reviews of Chief Judge, City Attorney and City Manager in an executive session on November 10, 2020. According to their individual contracts each Council-appointed employee salary is reviewed annually. Prior to the November 10 executive session, all three employees stated in light of the City’s decision not to provide merit increases to the City employees due to budgetary constraints except for those in the collective bargaining unit, they did not want any consideration of a merit increase.
17. Resolution 2020-113 Establishing a Process for City Council Selection and Appointment of a District 4 Councilmember to Fill a Vacancy Due to the Resignation of Mayor Pro Tem Kristin Stephens.

The purpose of this item is to establish the process to be used in filling a vacancy in the District 4 Council seat. Mayor Pro Tem Kristin Stephens has tendered her resignation from Council effective December 31, 2020, as a result of her recent election to the Larimer County Board of Commissioners.

END CONSENT

CONSENT CALENDAR FOLLOW-UP

This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

STAFF REPORTS

COUNCILMEMBER REPORTS

CONSIDERATION OF COUNCIL-PULLED CONSENT ITEMS

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (three minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. If attending in person, please sign in at the table in the back of the room. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker’s time.

18. Resolution 2020-112 Adopting the City's 2021 Legislative Policy Agenda. (staff: Tyler Marr, Carrie Daggett; 2 minute presentation; 20 minute discussion)

The purpose of this item is to consider and adopt the City's 2021 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City’s congressional delegation. The Legislative Review Committee recommended adoption of the 2021 agenda at its October 30, 2020 meeting.
19. Public Hearing and First Reading of Ordinance No. 155, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Cottonwood Manufactured Housing Community Rezoning. (staff: Cameron Gloss; 15 minute presentation, 45 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Cottonwood Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Cottonwood MHC is located at 1336 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (MH) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

20. Public Hearing and First Reading of Ordinance No. 156, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property known as the Northstar Manufactured Housing Community Rezoning. (staff: Cameron Gloss; 5 minute presentation; 15 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the North Star Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

North Star MHC is located at 1700 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (MH) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

21. Public Hearing and First Reading of Ordinance No. 157, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Skyline Manufactured Housing Community Rezoning. (staff: Cameron Gloss; 5 minute presentation, 10 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.
The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Skyline Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Skyline MHC is located at 2211 West Mulberry Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (MH) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

22. Public Hearing and First Reading of Ordinance No. 158, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Harmony Village Mobile Home Park Rezoning. (staff: Cameron Gloss; 5 minute presentation, 10 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Harmony Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Harmony Village MHC is located at 2500 East Harmony Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

23. Public Hearing and First Reading of Ordinance No. 159, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hickory Village Mobile Home Park Rezoning. (staff: Cameron Gloss; 5 minute presentation, 10 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Hickory Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Hickory Village MHC is located at 400 Hickory Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.
The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

24. Public Hearing and First Reading of Ordinance No. 160, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Pleasant Grove Manufactured Housing Community Rezoning. (staff: Cameron Gloss; 5 minute presentation, 10 minute discussion)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Pleasant Grove Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Pleasant Grove MHC is located at 517 East Trilby Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

25. Consideration of an Appeal of a Landmark Preservation Commission Decision Determination that 724 and 726 South College Avenue are Eligible for Designation as a Fort Collins Landmark. (staff: Paul Sizemore, Maren Bzdek; 10 minute presentation; 60 minute discussion)

The purpose of this item is to consider an appeal of the September 16, 2020 Landmark Preservation Commission's determinations of landmark eligibility for 724 and 726 South College Avenue, which found that both primary residential buildings meet the Fort Collins Municipal Code (“City Code”) requirements for landmark designation based on architectural significance and historic physical integrity. On September 30, 2020, a Notice of Appeal was filed alleging that the Landmark Preservation Commission (LPC) failed to properly interpret and apply City Code Section 14-22 in rendering a final decision.

- CONSIDERATION OF CITIZEN-PULLED CONSENT ITEMS
- OTHER BUSINESS
  A. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers
     (Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)
  B. Consideration of a motion to call a Special Meeting at 6:00 p.m. on Wednesday, January 6, 2021, for matters related to filling a Council vacancy:

"I move, pursuant to Section 2-29(a) of the City Code, that the Council call a special meeting of the Council to take place on Wednesday, January 6, 2021, at 6:00 p.m. for consideration of matters related to the selection and appointment to fill a vacancy in the District 4 Council seat, including interviewing of applicants and possible action to select finalists or modify the selection and appointment process."
• **ADJOURNMENT**

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.
WHEREAS, the Zonta Club of Fort Collins and the Zonta Club of Colorado North Forty, along with citizens of our community, recognizes the worldwide problem of violence against women occurs even here in Fort Collins; and

WHEREAS, gender violence is traumatic to the body, mind, and spirit and can prevent people from being fully active participants at home and in their communities; and

WHEREAS, gender violence costs the US billions of dollars annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism and non-productivity; and

WHEREAS, despite progress, we need only read newspapers, watch a television newscast, or view social media to see the unfortunate truth that gender violence has not yet been eliminated here or around the world; and

WHEREAS, we support efforts of individuals and organizations to raise awareness, stimulate discussion, and advocate for local solutions that will curb gender violence; and

WHEREAS, the right of women and men to be free of violence is a fundamental human right; and

WHEREAS, Zonta Club of Fort Collins and Zonta Club of Colorado North Forty collaborates with other non-profits in Fort Collins to bring about awareness and advocate to eliminate violence against the person.

NOW THEREFORE, I, Wade Troxell, Mayor of the City of Fort Collins, do hereby proclaim November 25-December 10 as

16 DAYS OF ACTIVISM AGAINST GENDER VIOLENCE

and urge citizens to join with the Zonta Club of Fort Collins and Zonta Club of Colorado North Forty in supporting efforts to end gender violence and to eliminate the detrimental consequences gender violence has on the well-being of our community.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of December, A.D. 2020.

____________________________________
Mayor

ATTEST:

_________________________________
City Clerk
PROCLAMATION

WHEREAS, Kevin Duggan has covered the City of Fort Collins as a reporter and columnist for the Fort Collins Coloradoan for 25 years; and

WHEREAS, Kevin Duggan moved to Fort Collins in 1996 to work as a reporter and columnist expecting to stay a couple years and move to a larger market; and

WHEREAS, Kevin and his wife, Lisa, fell in love with Fort Collins and everything it had to offer, they decided to stay here and raise their two children, Kara and Nicole; and

WHEREAS, Kevin has covered more than 1,500 City Council meetings, budget hearings and elections, and told the stories of Fort Collins and its people with grace and good humor; and

WHEREAS, throughout these many years, Kevin has told stories of the underdog, spoke truth to power, comforted the afflicted and afflicted the comfortable; and

WHEREAS, Kevin shared his personal journeys through his columns and made the city a better place one story at a time and now plans to retire; and

NOW, THEREFORE, I, Wade Troxell, Mayor of the City of Fort Collins, do hereby declare Dec. 1, 2020, as

KEVIN DUGGAN DAY

I commend your exceptional service to the City and wish you all the best in your retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 1st day of December, 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the October 20, 2020 Regular Meeting and the October 27, 2020 Adjourned Meeting.

ATTACHMENTS

1. October 20, 2020  (PDF)
2. October 27, 2020  (PDF)
October 20, 2020

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

(Secretary's Note: Due to the COVID-19 crisis and state and local orders to remain safer at home and not gather, this meeting has been conducted using a hybrid approach allowing in-person participation with strict protocols and a variety of remote participation options.)

● ROLL CALL

PRESENT: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff
Staff: Atteberry, Daggett, Knoll

● AGENDA REVIEW: CITY MANAGER

City Manager Atteberry stated there will be two community reports this evening as well as a staff report on the Cameron Peak fire. Additionally, Council will consider a motion to adjourn to October 27 to allow consideration of an Emergency Ordinance regarding a day shelter location.

● STAFF REPORTS

A. COVID-19 Update: Tom Gonzales, Larimer County Public Health Director

Tom Gonzales, Larimer County Public Health Director, discussed the ongoing increase in COVID-19 cases in the County. He stated the County is in jeopardy of losing its level 1 status based on current trends and he urged the community to be diligent and do the right things to lower the numbers and to avoid overwhelming hospitals. He discussed the metrics utilized on the County dashboard and noted ICU utilization is up, though not all patients are from Colorado and not all are COVID patients.

Mr. Gonzales discussed the increased testing capacity and noted contact tracing is critical for preventing the spread of the virus. He discussed the importance of people answering contact tracers' questions and quarantining if necessary. He discussed age-related data and symptoms noting masks and social distancing are important to avoid asymptomatic spread.

Mr. Gonzales discussed the County's plan submitted to the state and stated case numbers must go down in order for the County to keep its level 1 status. He urged citizens to wear their face coverings, keep small social bubbles, cooperate with contact tracers, and keep social distancing.

Mayor Troxell commented on the importance of following guidelines to keep Fort Collins businesses open.

Mayor Pro Tem Stephens asked about the timing of test results. Mr. Gonzales replied about 70% of test results are being turned around in 48 hours.

Mayor Pro Tem Stephens asked what will happen to schools if the County loses its level 1 status. Mr. Gonzales replied the state recommendation is to continue the hybrid approach in level 2 status; however, the state recommendation would be for all remote learning if the County were to move to level 3 status.

Councilmember Summers asked how often individuals should get tested for COVID. Mr. Gonzales replied individuals should get tested if they receive a call from a contact tracer that they may have been in close contact with someone who tested positive, if they are showing any
symptoms, or if recommended for a retest depending on a quarantine status. He noted more high-risk populations are getting tested more regularly.

Councilmember Summers asked if there has been any consideration of having testing available in doctor's offices or other locations. Mr. Gonzales replied UC Health and Banner have drive-through testing sites and there is testing available at all urgent care clinics. Additionally, Salud offers testing in Fort Collins and Estes Park on certain days and Kaiser offers testing.

Councilmember Summers asked about the goal metrics for measuring success in this instance. Mr. Gonzales replied there are three major metrics the state is tracking: the 14-day case rate per 100,000 residents which has a goal of under 75 to be in level 1, the test positive percentage which has a goal of under 5%, and a stabilized or declining number of cases being treated in the hospital.

Councilmember Summers asked when the pandemic could be declared 'over' from a metrics perspective. Mr. Gonzales replied the 14-day case rate per 100,000 would need to be below 25 and no patients would be in the hospital. He stated that will only likely occur with a widely available vaccine.

Councilmember Summers asked about the 14-day case rate per 100,000 for the seasonal flu. Mr. Gonzales replied that number is well below 50 per 100,000 and the flu has always been categorized by hospitalizations.

Councilmember Pignataro thanked Mr. Gonzales for his report and asked, given that one in four positive test results are from asymptomatic individuals, is there a recommendation that individuals without symptoms get tested. Mr. Gonzales replied individuals identified as close contacts should definitely get tested.

Councilmember Pignataro requested Mr. Gonzales review the five levels provided by the state. Mr. Gonzales outlined the levels and their associated metrics.

Councilmember Gorgol asked about recommendations for trick-or-treating. Mr. Gonzales replied the state has provided some guidance recommending against close contact, encouraging face coverings, and avoiding large groups. Children should also ensure they wash and sanitize their hands frequently. He commented on the uptick in cases that occurs after each holiday.

Councilmember Gutowsky asked about recommendations for Thanksgiving. Mr. Gonzales replied current recommendations are for small bubble gatherings only, outdoors as much as possible.

Councilmember Gutowsky asked about the possibility of an individual getting COVID twice. Mr. Gonzales replied there have been isolated cases of that occurring and the science shows individuals have at least 90 days of antibodies.

Councilmember Cunniff thanked Mr. Gonzales for his presentation and encouraged citizens to listen to the advice for lowering the case numbers.

B. Election Security Report: Angela Myers, Larimer County Clerk and Recorder

Angela Myers, Larimer County Clerk and Recorder, urged citizens to avoid listening to the noise around election security issues.

Mayor Pro Tem Stephens asked about ballot box obstruction rumors at 200 West Oak and how people can report issues of voter intimidation. Ms. Myers replied there was a group that gathered
in front of the courthouse on October 11th in an effort to communicate with the Commissioners and the group happened to be right near the ballot drop box. The individuals were not facing or surrounding the ballot box. She noted all drop boxes are under 24/7 camera surveillance and she encouraged anyone to call her directly should issues arise. She noted there are 18 drop boxes across the County, all have 100-foot markers, and many are drive-up.

Councilmember Cunniff commented on Larimer County always being a leader in ballot processing. He asked if the need for election judges remains. Ms. Myers replied more than 2,000 election judges signed up and around 675 will be utilized. She encouraged all citizens to sign up.

Councilmember Gutowsky commented on her experience as an election judge and commended the state and county election process.

Ms. Myers discussed the secure, bipartisan process for collecting ballots from drop boxes and getting them to the processing facility.

Mayor Troxell commended the County's election process.

Ms. Myers thanked City Clerk Coldiron for her collaboration.

**PUBLIC COMMENT**

Mayor Troxell and Chief Deputy City Clerk Knoll outlined the options for public participation.

Kyle Kumjian, Associated Students of Colorado State University (ASCSU) Director of Community Affairs, introduced the new ASCSU president, Hannah Taylor, and discussed the importance of working with the City on shared goals.

Hannah Taylor, ASCSU President, stated ASCSU looks forward to working with the City.

Rory Heath stated there have been systemic errors in the negotiations between the City and CSU for the acquisition of the Hughes Stadium property. He questioned the amount of power City Manager Atteberry seemed to have in the negotiations noting he is not an elected official. He also opposed the role of Mayor Troxell, a CSU employee, in decisions related to the property.

Dr. Jacob Jobe discussed noise pollution in Fort Collins, specifically as it relates to traffic and vehicles with modified exhaust systems. He encouraged the formation of laws that limit or prohibit the use of engine breaking by large trucks and vehicles, specifically construction vehicles.

Paul Patterson discussed the Hughes Stadium property noting the choices made for its use will impact the population for generations to come. He read a letter from a Maxwell family descendent written in May 2020.

Kathryn Dubiel noted there is a citizen initiative seeking signatures regarding the use of the Hughes Stadium property and she questioned why that fact was not discussed at the recent Council work session. She asked if the citizen initiative was discussed with CSU.

Eric Sutherland stated there is no ambiguity in the state law regarding whether Council has the authority to go into Executive Session to discuss competition with a private enterprise. He stated citizens have the right to hear those discussions.
Mary Alice Grant opposed the way the Hughes Stadium issue has been handled stating there has been a total lack of transparency. She stated Council should be paying attention to the community’s wishes and should be more transparent regarding conversations with the University.

- **PUBLIC COMMENT FOLLOW-UP**

Mayor Troxell reviewed the citizen comments. He reiterated his employment with CSU has nothing to do with property acquisition or disbursement. He encouraged those with concerns about the property to discuss them with the CSU Board of Governors.

Councilmember Cunniff noted Council had scheduled a potential work session in September to have a discussion with CSU; however, CSU did not wish to participate in a public discussion at that time. He noted it has always been the practice of Council to delegate property acquisition negotiations to staff. Additionally, Council does not hold property acquisition talks publicly because of its need to protect the financial interest of taxpayers and Council is authorized by Charter to have Executive Sessions around land acquisition topics. He commented on the process for citizen initiatives and stated it is not appropriate for Council to address that at length.

Councilmember Cunniff stated Council is going into Executive Session regarding Connexion as it is not close enough to build out for Council to want to broadcast next steps in building out the network.

City Manager Atteberry stated he has asked Dr. Tony Frank if he was aware of the citizen initiative, and he replied in the affirmative. He stated he did not have any detailed conversations with Dr. Frank about the topic.

Mayor Pro Tem Stephens thanked Mr. Kumjian and Ms. Little for introducing themselves and stated she looks forward to working with ASCSU. She encouraged Dr. Jobe to send an email to Council regarding his concerns.

- **CONSENT CALENDAR**

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adopt and approve all items on the Consent Agenda.

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1. **Items Pertaining to Annual Adjustment Ordinance.** (Adopted)

A. Second Reading of Ordinance No. 117, 2020, Appropriating Additional Revenue and Authorizing Transfers of Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 118, 2020, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Various City Funds.

These Ordinances, unanimously adopted on First Reading on October 6, 2020, combine dedicated and additional revenues or prior-year reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and, therefore, not included in the 2020 annual budget appropriation. The additional revenue is primarily from fees, charges, rents, contributions, donations and grants that have been paid to City departments to offset specific expenses.

Between First and Second Reading of Ordinance No. 117, 2020, its recitals and Section 2.F.1. have been revised to clarify that the $1.4 million transfer in the Transportation Capital Expansion Fee Fund from lapsing to non-lapsing business units will be used to reimburse the developers of two different projects who installed the following transportation improvements identified in the City’s Master Street Plan: (i) Mountain’s Edge development constructing a sidewalk and new right turn and merging lane at Drake Road and Overland Trail Road, and (ii) Crowne at Old Town North development constructing portions of Suniga Road and Jerome Street and oversizing a sidewalk on Conifer Street.

2. **Second Reading of Ordinance No. 120, 2020, Amending Various Sections of Chapter 4 of the Code of the City of Fort Collins Regarding Dangerous and Vicious Animals.** (Adopted)

This Ordinance, unanimously adopted on First Reading on October 6, 2020, clarifies existing City Code language guiding enforcement, prosecution, and Municipal Court regarding violations and penalties for animal disturbance and dangerous animals in the City.

Staff made modifications between First and Second Reading to incorporate a civil rather than a criminal process regarding the dangerous animal permit. The Judge’s declaration of a dangerous animal requiring a permanent dangerous animal permit will become a civil order of the court, because the length of jurisdiction in such cases exceeds the court’s criminal jurisdiction. Further, after 36 months, and no further animal violations, the owner or keeper of the dangerous animal may prove to the court at a civil hearing by clear and convincing evidence that the animal is no longer dangerous and/or should no longer be subject to certain permit requirements.

3. **Second Reading of Ordinance No. 121, 2020, Amending the Code of the City of Fort Collins to Correct an Error in Section 7-134 Relating to the Registration of Committees During Election Campaigns.** (Adopted)

This item, unanimously adopted on First Reading on October 6, 2020, corrects a long-standing error in Section 7-134 relating to the registration of committees prior to accepting any contributions or making any expenditures.

4. **Second Reading of Ordinance No. 122, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification of that Certain Property Known as the Fischer Rezoning.** (Adopted)

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

This Ordinance, unanimously adopted on First Reading on October 6, 2020, amends the City’s Zoning Map to change the zoning designation on two existing single family residential properties, 1185 and 1201 Westward Drive, from RL, Low Density Residential, to NCB, Neighborhood Conservation Buffer. 1185 Westward abuts the single family property at the southwest corner of Shields Street and...
October 20, 2020

Westward Drive, and 1201 abuts 1185. The rezoning would merge the two properties into a larger NCB-zoned area along South Shields Street that abuts the properties on two sides.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 4-2 to recommend approval of the request with one condition as recommended in the staff report with agreement from the petitioner.

5. **Second Reading of Ordinance No. 123, 2020, Authorizing the Conveyance of a Permanent Waterline Easement and a Temporary Construction Easement on Meadow Springs Ranch to the Northern Colorado Water Association. (Adopted)**

This Ordinance, unanimously adopted on October 6, 2020, authorizes the conveyance of a permanent waterline easement and a temporary construction easement to the Northern Colorado Water Association (NCWA) on Utilities’ Meadow Springs Ranch. The proposed easement area will traverse Meadow Springs Ranch (MSR) over an alignment that City staff previously worked on, and agreed to, with NCWA in 2009. The primary purpose of the pipeline is to provide a redundant transmission main to assist in providing a reliable water supply to NCWA’s existing and future customers.

6. **First Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021. (Adopted)**

The purpose of this item is to allow Council to extend the one-year interim appointments to advisory boards and commissions that were adopted under Ordinance No. 153, 2019 and are currently set to expire on December 31, 2020. Due to COVID-19, the Reimagine Boards and Commissions public engagement efforts and Council Work Session were delayed resulting in a later implementation timeline, including potential changes to term lengths. This Ordinance would extend these short-term appointments for one additional year with an expiration date of December 31, 2021. This will reduce the number of appointments that need to be filled this year and will allow staff additional time to create a thorough implementation strategy for potential changes due to the Reimagine Boards and Commissions Priority 2021.


The purpose of this item is to consider three exceptions to Ordinance No. 079, 2020, adopted by Council on June 16, 2020, to allow one zoning and two Additions of Permitted Use items to proceed to public hearings using remote technology.

Ordinance No. 079, 2020, authorizes Council and boards and commissions such as the Planning & Zoning Board (P&Z) to hear quasi-judicial items but specifically *excludes from that authorization* decisions related to zoning/rezoning, appeals, and the addition of permitted uses. Ordinance No. 079, 2020, does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to such exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input. Staff is requesting that Council allow the following quasi-judicial items (collectively, the “Exception Requests”) to be heard remotely:

**Zoning:**

1. Springer-Fischer Annexation initial Zoning *(in review and awaiting P&Z recommendation and Council final determination)*

**Addition of Permitted Use (APU)**

2. East Park District Maintenance Facility Addition of Permitted Use *(Urban Estate District, in review and awaiting P&Z recommendation and Council final determination)*
3. Timberline-International Addition of Permitted Use (Industrial District, in review and awaiting P&Z final decision, no Council decision required except in case of an appeal)


Based on direction from the State, the purpose of this Resolution is to reassign $5 million in Private Activity Bond (PAB) capacity from Mercy Housing to Housing Catalyst. This reassignment conforms with the State’s requirement that all PABs are assigned to entities that have issuing authority. There is no impact on the project’s outcome or the City due to this reassignment.

9. **Resolution 2020-095 Supporting the Grant Application by Fort Collins Utilities for the United States Department of the Interior, Bureau of Reclamation’s WaterSMART Grants: Water and Energy Efficiency Grant for Fiscal Year 2021 and Authorizing the City Manager to Execute Agreements Regarding Such a Grant. (Adopted)**

The purpose of this item is to request Council support for Fort Collins Utilities’ pursuit of a United States Bureau of Reclamation (“Reclamation”) Water and Energy Efficiency Grant for Fiscal Year 2021 (“WaterSMART Grant”). If awarded, Fort Collins Utilities, through its Water Conservation Division (“Water Conservation”), would use the funds to support commercial-scale waterwise transformations in partnership with homeowners’ associations (“HOAs”) and commercial customers. Reclamation requires a resolution of Council support be submitted as part of the grant application package. The Resolution demonstrates that the applicant has support from its board to carry out the grant agreement, if awarded.

10. **Resolution 2020-096 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Sugar Beet Park. (Adopted)**

This Resolution accepts the donation of a bronze sculpture entitled, *The Hand That Feeds*, that will be placed at Sugar Beet Park, subject to the donor raising sufficient funds to pay for the sculpture and related project work.

**CONSENT CALENDAR FOLLOW-UP**

Councilmember Cunniff commented on Item No. 6, *First Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021*, noting the extension is due to workload issues. He stated he would support extending them further and requested additional information prior to Second Reading.

Councilmember Gutowsky commented on Item No. 10, *Resolution 2020-096 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Sugar Beet Park*, stating the sculpture will be an excellent addition to Sugar Beet Park. She noted the sculpture will be funded entirely by the community.

Councilmember Pignataro stated she too is looking forward to seeing the sculpture being built per Item No. 10, *Resolution 2020-096 Approving the Acceptance of the Proposed Donation of a Sculpture to be Placed at Sugar Beet Park*. Regarding Item No. 6, *First Reading of Ordinance No. 125, 2020, Extending Short-Term Appointments to City Boards and Commissions to December 31, 2021*, she stated some appointees were interested because of the short terms and stated she would like to see information related to how many open positions exist and how to ensure this does not occur again next fall with interviews not being able to happen due to workload.
• STAFF REPORT ON CAMERON PEAK FIRE

Tom DeMint, Poudre Fire Authority Chief, discussed the growth of the Cameron Peak fire and subsequent spot fires over the weekend noting the main objectives were to protect homes and critical infrastructure and to keep the fire on the western edge of 25E. He showed some satellite images and photos and discussed future goals of the incident management team. He noted a solid wetting storm with days of moisture will be necessary to entirely suppress the fire.

Jim Byrne, Director of Emergency Preparedness and Safety, discussed the significant impact of the fire on the Bobcat Ridge Natural Area and stated the Poudre Canyon has started to open up again; however, the Big Thompson watershed is now potentially being impacted. He noted there are other fires burning throughout the state and noted supporting fire efforts of regional partners benefits the community.

Mayor Pro Tem Stephens thanked Chief DeMint, Lieutenant Byrne, and firefighters for their constant work to protect structures and the community. She discussed ways community members can provide assistance.

Mayor Troxell also thanked the team members for the work to protect the community. He asked what is being done to help protect City assets that may be in the direct line of the fire depending on conditions. Chief DeMint discussed the forecasting and staffing plan moving forward noting there is moisture and cooler weather in the upcoming forecast. Lieutenant Byrne replied it is very unlikely the fire would reach Fort Collins assets; however, protection plans have been made.

Mayor Troxell asked if there have been discussions around deploying any staff from Parks or Natural Areas to assist in clearing. Lieutenant Byrne replied those discussions and plans have begun and noted there would be significant warning if mitigation were to be needed on City property.

• COUNCILMEMBER REPORTS

Councilmember Gutowsky reported on visiting the site of a new mural in the alley off Mountain Avenue that was designed based on conversations and interviews with Poudre School District schools and teachers, Native American friends of Trees, Water, and People, among others. She stated the goal of the piece was to increase understanding and positive interactions between cultures in Fort Collins. She thanked the City Manager for his report at last week's work session regarding the Hugues Stadium property and stated she was disappointed with the statement that the Board of Governors made regarding exercising their fiduciary responsibility to do what is best for taxpayers.

Mayor Troxell reported on a meeting between the Cities of Fort Collins and Loveland and the Northern Colorado Regional Airport discussing a number of items related to the Airport and the co-located law enforcement training facility. He discussed the forthcoming remote tower and initial design of the terminal building.

(Secretary's Note: The Council took a brief recess at this point in the meeting.)
DISCUSSION ITEMS

11. Second Reading of Ordinance No. 119, Amending Section 4-94 of the Code of the City of Fort Collins Regarding Animal Disturbance of Peace and Quiet. (Adopted on Second Reading)

*This Ordinance, adopted on First Reading on October 6, 2020 by a split vote of 5-2 (Nays: Pignataro and Summers), clarifies existing City Code language guiding enforcement, prosecution, and Municipal Court regarding violations and penalties for animal disturbance and dangerous animals in the City.*

Marcy Yoder, Neighborhood Services Manager, noted Larimer Humane Society and Neighborhood Services both work from a premise of starting with education and outreach working toward voluntary compliance before moving forward with any enforcement actions. She noted there are resources available from both entities for citizens attempting to work with each other to solve pet disturbance issues. She discussed ways in which neighbors could file a complaint, the resulting process, and possible outcomes of a court case.

Craig Lynn stated he has received five complaints against his dogs since February of 2018 and only recently discovered he could get the information on the complainant’s name and address from the Humane Society. Once he got that information, he paid the fees and took the first steps to address the situation with the neighbor. He suggested there should be a change as to how the first encounter is handled to ensure both parties have the opportunity to have a conversation prior to official warnings being issued. He also requested the ordinance clearly define and list measurable durations for barking.

Councilmember Pignataro thanked Mr. Lynn for his comments and suggested the Humane Society website contain a link to Neighborhood Services contact information. She stated anonymity could lead to passive-aggressive behavior between neighbors. Rigo Neira, Larimer Humane Society, replied there may be some better verbiage and instructions that could be included on the website. He noted any individual wanting to file a complaint for a warning to be issued has to be willing to provide their name, address, and full description of the issue. He also noted the ordinance does not require a warning to be issued.

Councilmember Pignataro asked if there is a database of complaints. Mr. Neira replied in the affirmative.

Councilmember Pignataro suggested research be done on including more quantitative requirements; however, she stated she is comfortable with the tools in place regarding both parties having rights.

Councilmember Summers commented on ensuring parties have the opportunity to work through issues sooner than later. He questioned the legal process around complaints. City Attorney Daggett replied the officer issuing a citation would evaluate circumstances and facts presented before a citation is issued, and the prosecutor subsequently provides a review ensuring the basis for the complaint is adequate. Should a matter go to trial, the judge determines whether the standard in the Code has been met. She noted the complainant needs to be involved if a case goes to trial.

Councilmember Summers asked about the court fine schedule. Bronwyn Scurlock, Assistant City Attorney, replied the fines have been adopted by the court; however, they can be increased.
Councilmember Summers questioned the fairness of a $175 fine for two violations separated by almost a year. City Attorney Daggett clarified the referenced fines are court-imposed and are not necessarily the penalty that someone will pay in connection with an offense.

Councilmember Summers stated he would prefer to see a required mediation process prior to any fine being issued.

Councilmember Cunniff made a motion, seconded by Councilmember Gutowsky, to adopt Ordinance No. 119, 2020, on Second Reading.

Councilmember Cunniff stated he appreciates the concerns mentioned, but noted there are other cases in which pet owners are actively hostile. He stated this ordinance strikes a fair balance and he will support it.

Councilmember Summers stated the ordinance is an improvement over what currently exists and he encouraged the Humane Society and Neighborhood Services to heed the comments and to provide facilitation where issues can be resolved.

RESULT: ORDINANCE NO. 119, 2020 ADOPTED ON SECOND READING [UNANIMOUS]

MOVER: Ross Cunniff, District 5
SECONDER: Susan Gutowsky, District 1
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff


The purpose of this item is to consider an exception to Ordinance No. 079, 2020 to allow one of the following items to proceed using remote technology:

1. All “appeals” to the Building Review Board (BRB) arising from City Code Section 2-119(4); or in the alternative, if Council prefers to address pending requests for such “appeals” on a case-by-case basis.

2. Appeal of a decision of the Building Official to deny a request to waive the exam requirements for a license to Matt Tschetter of Luxury Homes of N. CO by motion (the “Pending Appeal Request”).

Ordinance No. 079, 2020 adopted by Council on June 16, 2020, authorizes Council, Planning & Zoning Board (P&Z), the Landmark Preservation Commission (LPC) and the Building Review Board (BRB) to hear quasi-judicial items but specifically excludes appeals from that authorization. The Ordinance does, however, allow Council, by motion adopted by at least five Councilmembers, to authorize exceptions to that exclusion. To authorize remote hearings for the listed items, Council must find that such hearings are pressing and require prompt action and that virtual technology will provide for sufficient public participation and input.

Rich Anderson, Chief Building Official, stated the purpose of this item is to allow one of the following items to proceed using remote technology: all appeals to the Building Review Board arising from City Code Section 2-119(4), or, a specific appeal of a decision of the Building Official to deny a request to waive the exam requirements for a specific license holder. Staff is confident remote technology will provide a sufficient opportunity for public participation for all of the items.
Councilmember Pignataro asked how the option for the appellant to wait for an in-person hearing is being communicated to appellants. Anderson replied staff is in contact with all appellants regarding their options and noted remote technology assistance is provided if needed.

Claire Havelda, City Attorney’s Office, noted all appellants are asked on the record of the hearings if they are comfortable having the issue heard using remote technology.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, to adopt Resolution 2020-097, to allow all appeals to the Building Review Board arising from City Code Section 2-119(4) to be heard using remote technology.

Councilmember Cunniff noted this is a safe way to continue doing business during COVID.

Mayor Pro Tem Stephens noted these issues seem to be non-controversial and remote technology will provide proper participation opportunities.

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13. Resolution 2020-098 Making Findings of Fact and Conclusions of Law Regarding the Appeal of the Hearing Officer Decision Denying the Modification of Standards Request for 613 South Meldrum Street, MOD 200001. (Adopted)

The purpose of this item is to make Findings of Fact and Conclusions regarding the appeal of the Hearing Officer decision to deny the 613 South Meldrum Modifications of Standards. The appeal was heard by Council on October 6, 2020.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Summers, to adopt Resolution 2020-098.

Councilmember Cunniff stated he will not be supporting this motion as he is concerned about the use of adjacent massing and visual impacts which can lead to creeping rezoning.

Mayor Pro Tem Stephens stated she will support this item as it is a finding of fact, though she does agree with Councilmember Cunniff’s comments.

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<tr>
<td>NAYS:</td>
<td>Cunniff</td>
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**OTHER BUSINESS**

Consideration of a motion to adjourn into executive session to discuss Broadband issues.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, that Council go into executive session to consider matters pertaining to issues of competition in providing telecommunication facilities and services including matters subject to negotiation, strategic plan, price, sales and marketing, development phasing and any other matter allowed under Colorado
Law, as permitted under Article XX, Section 7(d) of the City Charter and Section 2-31(a)(5) of the City Code.

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<td>Kristin Stephens, District 4</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Emily Gorgol, District 6</td>
</tr>
<tr>
<td>AYES:</td>
<td>Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff</td>
</tr>
</tbody>
</table>

● **ADJOURNMENT**

Consideration of a motion to adjourn until 6:00 p.m. on Tuesday, October 27, 2020.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gorgol, to adjourn to 6:00 PM on Tuesday, October 27, 2020, to consider an ordinance related to an inclement weather day shelter.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>MOTION ADOPTED [6 TO 0]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Kristin Stephens, District 4</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Emily Gorgol, District 6</td>
</tr>
<tr>
<td>AYES:</td>
<td>Pignataro, Gorgol, Gutowsky, Stephens, Troxell, Cunniff</td>
</tr>
<tr>
<td>AWAY:</td>
<td>Summers</td>
</tr>
</tbody>
</table>

The meeting adjourned at 10:52 PM.

______________________________
Mayor

ATTEST:

__________________________________________
City Clerk
2. Emergency Ordinance No. 126, 2020 Suspending Certain Provisions of the City's Land Use Code to Permit Temporary Use of the Property at 1709 West Elizabeth Street as Day Shelter. (Adopted)

The purpose of this item is for Council to consider approving an Emergency Ordinance to allow a temporary day shelter at Westminster Presbyterian Church, located at 1709 West Elizabeth Street. Westminster Presbyterian Church has agreed to provide space for Homeward Alliance to operate an inclement weather day shelter on its property beginning as soon as possible through no later than May 31, 2021. The church property is located in a low density residential (R-L) zone, and day shelters are not an expressly permitted use, so this emergency ordinance is necessary to allow such use of the property immediately. Emergency ordinances are authorized under the Charter in emergency circumstances and require the affirmative vote of at least five (5) members of the Council for passage.

Beth Sowder, Social Sustainability Manager, stated this item is an Emergency Ordinance that would suspend certain Land Use Code provisions to allow for temporary use of the property at 1709 West Elizabeth as a day shelter for inclement weather through May of 2021. She stated the property at 1709 West Elizabeth is a church located in a low-density residential zone under which day shelters are not an expressly permitted use.

Sowder described the City's response to the need to provide shelter for homeless citizens during the COVID pandemic. She discussed concerns, challenges, and gaps with an inclement-weather only day shelter and stated the need for 24/7 shelter capacity will be further discussed at the work session later this evening. She noted Transfort will be providing transportation when able during inclement weather days between the day shelter and overnight shelter.

Tenia (no last name given) urged Council to support this Emergency Ordinance.

Emily (no last name given) urged Council to support this Emergency Ordinance.

Mayor Pro Tem Stephens thanked staff for their work on finding a day shelter location. She asked how many people can be served at the location. Sowder replied this location can provide day shelter for 75-80 people and the Murphy Center can provide day shelter for about 45 people.
Mayor Pro Tem Stephens asked if those two day shelters can fit the needs of everyone usually seeking shelter or if there is still a gap. Sowder replied Catholic Charities still offers day shelter for women, and between the three, that is very close to the required number needed; however, staff is still seeking a location for additional day shelter.

Mayor Pro Tem Stephens asked about the transportation between the day and night shelters. Sowder replied it would need to be on a case-by-case basis, but Transport will provide transportation both directions if buses and operators are available.

Councilmember Pignataro asked if there is an exit strategy for this property so as to avoid the situation that occurred at the Atzlan Center. Sowder replied this shelter is specific to inclement weather and its use will be defined by the season, which in this case is set to end April 30th, but has some room into May if necessary.

Councilmember Gutowsky asked if this shelter will be available all day. Sowder replied it will be available all day only during inclement weather.

Councilmember Gutowsky asked about the Murphy Center day shelter. Sowder replied the interior portion of the Murphy Center will only serve as a day shelter during inclement weather; however, there is still access to services and exterior space with heaters is available for day shelter during other days. She commented on previous years during which the Murphy Center covered day shelter during the mornings and Catholic Charities during the afternoons; however, COVID has changed the necessity for physical space.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Gutowsky, to adopt Emergency Ordinance No. 126, 2020.

Mayor Pro Tem Stephens thanked staff for their work on finding this location as a day shelter and noted this evening's work session will focus on more comprehensive services for homeless citizens. She also thanked the church for the assistance and for helping the community.

Councilmember Gutowsky also thanked Westminster Presbyterian Church for its help and service to the community.

Mayor Troxell thanked staff, the church, and those who have helped to provide services to aid homeless residents in the community.

(Secretary's Note: Councilmember Gorgol lost connection to the internet and was therefore unable to vote on this motion.)

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RESULT: EMERGENCY ORDINANCE NO. 126, 2020 ADOPTED [6 TO 0]
MOVER: Kristin Stephens, District 4
SECONDER: Susan Gutowsky, District 1
AYES: Pignataro, Gutowsky, Summers, Stephens, Troxell, Cunniff
AWAY: Gorgol
• OTHER BUSINESS

A. Consideration of a motion to enter into an executive session to discuss issues related to the Larimer County Landfill.

Mayor Pro Tem Stephens made a motion, seconded by Councilmember Cunniff, that the City Council go into Executive Session for the purpose of meeting with the City’s attorneys and staff to discuss the following matters as permitted under City Charter Article Roman Numeral Two, Section 11(2), City Code Section 2-31(a)(2), and Colorado Revised Statutes Section 24-6-402(4)(b): specific legal questions related to potential litigation regarding environmental remediation of conditions at the Larimer County Landfill and related obligations; and the manner in which the particular policies, practices or regulations of the City related to environmental conditions at the Larimer County Landfill and related obligations may be affected by existing or proposed provisions of federal, state or local law.

RESULT: MOTION ADOPTED [UNANIMOUS]
MOVER: Kristin Stephens, District 4
SECONDER: Ross Cunniff, District 5
AYES: Pignataro, Gorgol, Gutowsky, Summers, Stephens, Troxell, Cunniff

• ADJOURNMENT

The meeting adjourned at 7:28 PM.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Mark Sears, Natural Areas Manager
Ingrid Decker, Legal

SUBJECT

Second Reading of Ordinance No. 142, 2020 Authorizing the Conveyance of a Portion of City Property at Kingfisher Natural Area in Exchange for an Access Easement at 1807 East Mulberry Street.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 17, 2020, conveys a Quit Claim Deed of a portion of Kingfisher Natural Area, historically used for parking and access associated with the businesses occupying 1807 East Mulberry Street, to DD&B Investment Group, LLC (DDB) in exchange for a Non-Exclusive Access Easement from DDB to the City for access to Kingfisher Natural Area.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, November 17, 2020 (w/o attachments) (PDF)
2. Ordinance No. 142, 2020 (PDF)
AGENDA ITEM SUMMARY
City Council
November 17, 2020

STAFF

Mark Sears, Natural Areas Manager
Ingrid Decker, Legal

SUBJECT

First Reading of Ordinance No. 142, 2020 Authorizing the Conveyance of a Portion of City Property at Kingfisher Natural Area in Exchange for an Access Easement at 1807 East Mulberry Street.

EXECUTIVE SUMMARY

The purpose of this item is to seek Council approval of a Quit Claim Deed conveying to DD&B Investment Group, LLC (DDB) a portion of Kingfisher Natural Area historically used for parking and access associated with the businesses occupying 1807 East Mulberry Street, in exchange for a Non-Exclusive Access Easement from DDB to the City for access to Kingfisher Natural Area.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

DDB owns the commercial building located at 1807 E Mulberry Street (1807). The building and parking area associated with 1807 were constructed in 1974 and a portion of the parking area (approximately 14,300 square feet) was constructed on a separate parcel located west of their property. The use of the parking area on the adjacent parcel continued for 26 years prior to the west parcel being purchased by Natural Areas (NAD) in 2000. NAD did not realize until after purchasing the west parcel that the parking lot extended onto that property, but has recognized the fence outlining the parking area as the boundary and in fact, has reconstructed the existing fence twice since the purchase in the historic location (Attachment 1). Currently no recorded agreement exists that allows for this use of Kingfisher Natural Area (Kingfisher) by DDB but based on the information currently known it appears that DDB likely had a claim to the property under its parking area through adverse possession prior to the City’s purchase of the adjoining land.

Since NAD purchased this portion of Kingfisher in 2000, NAD has been using a portion of the 1807 parcel parking area (approximately 8,650 square feet) to access Kingfisher through an existing gate to use an existing gravel surface ditch road (Attachment 1). This use provides essential access to Kingfisher for NAD maintenance staff. No recorded access agreement or easement exists between DDB and the City that allows for this use. As such, DDB and the City have proposed that DDB grant an access easement and the City quitclaim the portion of Kingfisher under DDB’s parking lot so that each party can continue its historic uses.

The City’s Land Conservation and Stewardship Board considered and approved this approach in November 2019. The City and DDB then began the process of applying for a boundary line adjustment through Larimer County. This is a lengthy process that required the production of surveys, legal descriptions and plats. It took approximately six months to prepare the submission to the County, and another six months for the County to review and approve the proposed boundary line adjustment. Approval by Council and execution of the documents necessary to transfer the property interests between the two parties is the last step to complete the process.
CITY FINANCIAL IMPACTS

The Quit Claim Deed granted by the City to DDB will be in exchange for an access easement granted by DDB to the City. This is the most efficient and cost-effective way to resolve any issue about the property boundaries and benefits both parties. Securing NAD’s legal right to continue using the existing access across the DDB property to Kingfisher avoids the potential expense of litigating the boundary issues, or of constructing a new access road and the environmental impacts associated with such new construction.

BOARD / COMMISSION RECOMMENDATION

The Land Conservation and Stewardship Board voted unanimously to recommend that Council approve a Quit Claim Deed conveying to DD&B Investment Group, LLC a portion of Kingfisher Natural Area historically used for parking and access associated with the businesses occupying 1807 East Mulberry Street in exchange for a Non-Exclusive Access Easement from DDB to the City for access to Kingfisher Natural Area. (Attachment 3)

ATTACHMENTS

1. Quitclaim and Easement (PDF)
2. Vicinity Map(PDF)
3. Land Conservation and Stewardship Board Minutes (Excerpt) (PDF)
ORDINANCE NO. 142, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PORTION OF CITY PROPERTY
AT KINGFISHER NATURAL AREA IN EXCHANGE FOR AN ACCESS EASEMENT
AT 1807 EAST MULBERRY STREET

WHEREAS, the City is the owner of real property east of Lemay Avenue and South of East Mulberry Street known as Kingfisher Natural Area (the “City Property”); and

WHEREAS, DD&B Investment Group, LLC (“DDB”) is the owner of a parcel of real property located at 1807 East Mulberry Street that includes a commercial building and parking area constructed in 1974 (the “DDB Property”); and

WHEREAS, one parcel of the land that makes up the City Property (the “West Parcel”) was purchased by the City’s Natural Areas Department in 2000, and is adjacent to the south and west borders of the DDB Property; and

WHEREAS, after purchasing the West Parcel City staff discovered that the historic fence line between the West Parcel and the DDB Property is not actually on the boundary line between the two properties, and portions of the DDB Property parking lot were constructed on the West Parcel long before the City purchased it; and

WHEREAS, since purchasing the West Parcel, City staff has accessed it across the DDB Property using an existing gate and gravel ditch road, but without a formal access easement between the City and DDB; and

WHEREAS, DDB may have a claim to the portion of the West Parcel lying under its parking lot (the “Disputed Parcel”) through adverse possession of the property accruing prior to the City’s purchase of the West Parcel; and

WHEREAS, the Disputed Parcel is described on Exhibit “A”, attached hereto and incorporated herein by reference; and

WHEREAS, City staff and DDB have negotiated a proposed resolution to this property boundary issue whereby the City would convey to DDB by quitclaim deed whatever interest the City may have in the Disputed Parcel in exchange for DDB granting the City a permanent, non-exclusive access easement over the DDB Property (the “Easement”); and

WHEREAS, City staff has determined that the value to the City of securing the proposed Easement and not having to either litigate the boundary dispute or potentially build a different access route elsewhere on the City Property is at least equivalent to the value of the Disputed Parcel, and believes it is in the best interests of the City to resolve the boundary line issue in this way; and

-1-
WHEREAS, at its regular meeting on November 19, 2019, the Land Conservation and Stewardship Board voted unanimously to recommend that the City Council approve conveying the Disputed Parcel to DDB by quitclaim deed; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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 and findings contained in the recitals set forth above.

Section 2. That the City Council hereby finds that the conveyance of the Disputed Parcel to DDB in exchange for the Easement as provided herein is in the best interests of the City.

Section 3. That the Mayor is hereby authorized to execute such documents as are necessary to quitclaim the Disputed Parcel on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes 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.

Mayor

ATTEST:

City Clerk

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

Mayor

ATTEST:

City Clerk
DESCRIPTION OF TRACT OF LAND TO BE CONVEYED FROM
THE CITY OF FORT COLLINS TO DD&B INVESTMENT GROUP, LLC

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 7
NORTH, RANGE 68 WEST OF THE SIXTH P.M.; COUNTY OF LARIMER, STATE OF COLORADO;
BEING A PORTION OF TRACT A OF THE STOCKOVER BOUNDARY LINE ADJUSTMENT PLAT
RECORDED DECEMBER 30, 2004 AT RECEPTION NO. 20040124202; AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO DD&B
INVESTMENT GROUP, LLC BY WARRANTY DEED RECORDED MARCH 24, 2003 AT RECEPTION
NO. 20030034533 (DD&B TRACT}, AND CONSIDERING THE SOUTH LINE OF SAID TRACT TO
HAVE AN ASSUMED BEARING OF N85°59'31"W, SAID LINE BEING MONUMENTED ON ITS EAST
END BY A NO. 4 REBAR WITH A 1" YELLOW PLASTIC CAP STAMPED LS 25372, AND ON ITS
WEST END BY A NO. 5 REBAR WITH 1-1/4" ORANGE PLASTIC CAP STAMPED LS 17497, BASED
UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH
ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE EASTERLY BOUNDARY OF SAID TRACT A OF THE STOCKOVER
BOUNDARY LINE ADJUSTMENT, S00°07'29"W, A DISTANCE OF 8.19 FEET;
THENCE N86°47'43"W, A DISTANCE OF 423.19 FEET;
THENCE N06°07'30"W, A DISTANCE OF 178.36 FEET TO A POINT ON THE NORTHERLY
BOUNDARY OF SAID TRACT A OF THE STOCKOVER BOUNDARY LINE ADJUSTMENT;
THENCE N74°38'06"E, A DISTANCE OF 64.70 FEET TO THE NORTHWEST CORNER OF SAID
DD&B TRACT;
THENCE S00°07'29"W, A DISTANCE OF 183.36 FEET TO THE SOUTHWEST CORNER OF SAID
DD&B TRACT;
THENCE S85°59'31"E, A DISTANCE OF 380.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 14,046 SQUARE FEET (0.322 ACRES), MORE OR LESS, AND BEING SUBJECT TO
ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

RESERVING UNTO THE CITY A 20-FOOT WIDE ACCESS EASEMENT OVER AND ACROSS THE
ABOVE-DESCRIBED TRACT, BEING TEN (10) FEET ON EACH SIDE OF THE FOLLOWING
DESCRIPTED CENTER LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID DD&B TRACT;
THENCE ALONG THE WEST LINE OF SAID DD&B TRACT, N00°07'29"E, 166.10 FEET TO THE
POINT OF BEGINNING;
THENCE S74°39'32"W, A DISTANCE OF 62.80 FEET TO THE POINT OF TERMINUS, WITH THE
SIDELINES OF SAID EASEMENT BEING LENGTHENED OR SHORTENED TO END ON THE
BOUNDARIES OF THE ABOVE-DESCRIBED TRACT.

I HEREBY STATE THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME AND IS TRUE AND
CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF, AND OPINION.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS
P.O. BOX 580, FORT COLLINS, CO 80522

Survey\Projects\Natural Areas\1807 E Mulberry\Legals\1807 Mulberry City to DD&B.doc
EXHIBIT OF
A TRACT OF LAND TO BE CONVEYED
FROM THE CITY OF FORT COLLINS TO
DD&B INVESTMENT GROUP, LLC

MULBERRY STREET
STATE HWY. 14

NO. 5 REBAR WITH
ORANGE PLASTIC CAP
STAMPED LS17497 ON
LINE AND 4.16' NORTH
OF PROPERTY CORNER
SEE NOTE 3

POINT OF
TERMINUS,
RESERVED
20' ACCESS
ESMT.

N74°38'06"E 64.70'
S74°39'32"W 62.80'

AREA:
24,046 S.F.

S85°59'31"E 380.52' (BASIS OF BEARINGS)
N86°47'43"W 423.19'

DD&B INVESTMENT GROUP, LLC
REC. NO. 20030034533

January 23, 2020
1' = 60'

NOTES:
1. ALSO FOUND NO. 4 REBAR WITH BLUE PLASTIC CAP STAMPED
LS10725 LYING S12°24'42"E, 2.76' FROM ACCEPTED CORNER. ALSO
FOUND NO. 4 REBAR WITH YELLOW PLASTIC CAP STAMPED LS25372
LYING N18°30'42"E, 0.47' FROM ACCEPTED CORNER.

2. ALSO FOUND NO. 4 REBAR WITH ORANGE PLASTIC CAP STAMPED
LS5028 LYING S20°04'29"E, 2.48' FROM ACCEPTED CORNER.

3. ALSO FOUND NO. 4 REBAR WITH ORANGE PLASTIC CAP STAMPED
LS5028 LYING S06°57'42"E, 2.81' FROM ACCEPTED FOUND MONUMENT.

THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE
ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND
SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES
BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION
CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.

Attachment: Ordinance No. 142, 2020 (9728 : SR 142 Kingfisher Easement)
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Blaine Dunn, Senior Treasury Analyst
SeonAh Kendall, Economic Health Manager
Eric Polyondy, Legal

SUBJECT

Second Reading of Ordinance No. 143, 2020, Transferring Appropriations in the General Fund from the Coronavirus Relief Fund, CARES Act, Title V, to the Water and Wastewater Funds.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on November 17, 2020, transfers $27,245 and $13,562 of the City’s Coronavirus Relief Fund (CVRF) money from the General Fund to the Wastewater and Water Funds, respectively. The transfer is necessary to recognize the future depreciation of certain expenses in the Wastewater and Water Funds for lab supplies and to support teleworking capabilities. To account for this depreciation correctly and to recognize the depreciation expense in the correct fund, the original expenditures should occur in the Wastewater and Water Funds.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, November 17, 2020 (w/o attachments) (PDF)
2. Ordinance No. 143, 2020 (PDF)
AGENDA ITEM SUMMARY
City Council
November 17, 2020

STAFF

Blaine Dunn, Senior Treasury Analyst
SeonAh Kendall, Economic Health Manager
Eric Potyondy, Legal

SUBJECT

First Reading of Ordinance No. 143, 2020, Transferring Appropriations in the General Fund from the Coronavirus Relief Fund, CARES Act, Title V, to the Water and Wastewater Funds.

EXECUTIVE SUMMARY

The purpose of this item is to transfer $27,245 and $13,562 of the City’s Coronavirus Relief Fund (CVRF) money from the General Fund to the Wastewater and Water Funds, respectively. The transfer is necessary to recognize the future depreciation of certain expenses in the Wastewater and Water Funds for lab supplies and to support teleworking capabilities. To account for this depreciation correctly and to recognize the depreciation expense in the correct fund, the original expenditures should occur in the Wastewater and Water Funds.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On May 18, 2020, Governor Polis signed Executive Order D2020-070, Directing the Expenditure of Federal Funds Pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to establish the Coronavirus Relief Fund (CVRF). Through the Colorado Department of Local Affairs (DOLA), this fund will reimburse costs to counties, municipalities, and special districts that:

1. Are necessary expenditures incurred due to the COVID-19 emergency;
2. Are not accounted for in the local government’s budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act);* and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

*The one exception is payroll expense for staff such as public safety, human services, and similar employees whose services were substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

On July 28, 2020, Council adopted Emergency Ordinance No. 094, 2020, Appropriating Unanticipated Revenue in the General Fund from the CVRF, CARES Act, Title V. The Emergency Ordinance appropriated all anticipated expenses associated with the CVRF monies to be spent in the General Fund. As projects have come forward for use of the CVRF, two projects were proposed by the Utilities Service Area – Wastewater and Water Utilities. These projects are lab supplies being used by the Wastewater Utility for the epidemiology study and Water Supervisory Control and data acquisition remote access security enhancements to support teleworking capabilities in the Wastewater and Water Utilities.
Agenda Item 11

This Ordinance will move the appropriation of funds for these two projects, and only these two projects, from the General Fund to the Wastewater and Water Funds. There are costs associated with both projects that will be considered a capital asset when the projects are finished and will have future depreciation expenses associated with the expenditure. To account for this depreciation correctly and to recognize the depreciation expense in the correct fund, the original expenditures should occur in the Wastewater and Water Funds. This Ordinance does not change the purpose for expending the transferred funds.

CITY FINANCIAL IMPACTS

The General Fund will transfer the following amount to the Water and Wastewater Fund for each project:

- Epidemiology Lab Supplies - General Fund will transfer $13,683 to the Wastewater Fund
- WSCADA Remote Access - General Fund will transfer $13,562 to the Wastewater Fund; General fund will transfer $13,562 to the Water Fund

Combined, the General Fund will transfer $27,245 and $13,562 to the Wastewater and Water Funds, respectively.

The source of these funds is the CVRF and therefore was not previously budgeted in the General Fund. The transfer of these funds will not have an impact on the General Fund. The expense incurred in the Wastewater and Water Funds are new expenses due to COVID-19.
ORDINANCE NO. 143, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
TRANSFERRING APPROPRIATIONS IN THE GENERAL FUND FROM THE
CORONAVIRUS RELIEF FUND, CARES ACT, TITLE V, TO THE
WATER AND WASTEWATER FUNDS

WHEREAS, On May 18, 2020, Governor Polis signed Executive Order D2020 070, Directing the Expenditure of Federal Funds Pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to establish the Coronavirus Relief Fund (“CVRF”); and

WHEREAS, On July 28, 2020, City Council passed Emergency Ordinance No. 094, 2020, which appropriated all anticipated expenses associated with the CVRF monies to be spent in the General Fund; and

WHEREAS, the Utilities Service Area, through its Wastewater and Water Utilities, have proposed projects to appropriately use the CVRF monies, being: (1) for lab supplies being used by the Wastewater Utility for the epidemiology study and Water Supervisory Control; and (2) for data acquisition remote access security enhancements to support teleworking capabilities in the Wastewater and Water Utilities; and

WHEREAS, these projects will be considered a capital asset when finished and will have future depreciation expenses associated with the expenditures, such that the original expenditures should be in the Wastewater and Water Funds so that depreciation is properly accounted for; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves various public purposes, including: epidemiological studies associated with the COVID-19 pandemic that will facilitate public health; studies that improve the water and wastewater service provided to Utilities wastewater and water customers; and improved teleworking capabilities of Utilities staff that improves the water and wastewater service provided to Utilities wastewater and water customers and reduces the likelihood of the spread of COVID-19; and

WHEREAS, Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance; and

WHEREAS, the City Manager has recommended the transfer of $27,245 from the General Fund to the Wastewater Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and
WHEREAS, the City Manager has recommended the transfer of $13,562 from the General Fund to the Water Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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 and findings contained in the recitals set forth above.

Section 2. That the unexpended appropriated amount of TWENTY-SEVEN THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS ($27,245) is authorized for transfer from the Coronavirus Relief Fund in the General Fund to the Wastewater Fund for expenses occurred due to impacts from COVID-19 appropriated therein.

Section 3. That the unexpended appropriated amount of THIRTEEN THOUSAND FIVE HUNDRED SIXTY-TWO DOLLARS ($13,562) is authorized for transfer from the Coronavirus Relief Fund in the General Fund to the Water Fund for expenses occurred due to impacts from COVID-19 appropriated therein.

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.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk

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

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Jason Holland, City Planner
Judy Schmidt, Legal

SUBJECT

Postponement to December 15, 2020, of Second Reading of Ordinance No. 145, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Timberline Church Rezoning.

EXECUTIVE SUMMARY

Required notice for Second Reading of this Ordinance was not published in the Coloradoan. Therefore, second reading will be postponed until December 15, 2020.

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

This Ordinance, unanimously adopted First Reading on November 24, 2020, amends the City’s Zoning Map to change the zoning designation for the Timberline Church Campus from Low Density Mixed-Use Neighborhood (LMN) to Medium Density Mixed-Use Neighborhood (MMN). The area proposed to be rezoned is approximately 32.79 acres. The applicant proposes the rezoning to support future infill housing on the site and enable higher density housing than would be allowed with the current LMN zoning. Additional commercial and institutional uses may also be proposed. The church has been in discussions with CSU regarding a potential land swap to construct an attainable housing project. CSU would donate their 4.76 acres on Timberline Road, and the church will swap 8-10 acres for the CSU property.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 6-0 to recommend approval of the request with condition that the residential density be limited to 20 units per gross acre and that an Overall Development Plan (ODP) precede or accompany the Project Development Plan (PDP). The purpose of the condition of approval is to provide a density limit to help achieve a compatible transition with the surrounding neighborhood because the MMN zone district does not have a maximum density requirement. Additionally, the ODP would help identify the general design parameters for the property - including the general location and nature of proposed uses, transportation circulation, open space, buffers, and drainage features. A traffic study is also required. The ODP is required to be reviewed by the Planning and Zoning Board and would require at least one neighborhood meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary, November 24, 2020 (w/o attachments) (PDF)
2. Ordinance No. 145, 2020 (PDF)
AGENDA ITEM SUMMARY
City Council

November 24, 2020

STAFF

Jason Holland, City Planner
Judy Schmidt, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 145, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Timberline Church Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

At the November 17 Regular Meeting, Council voted to continue this item to the Adjourned Meeting on November 24, 2020.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Timberline Church Campus from Low Density Mixed-Use Neighborhood (LMN) to Medium Density Mixed-Use Neighborhood (MMN). The area proposed to be rezoned is approximately 32.79 acres. The applicant proposes the rezoning to support future infill housing on the site and enable higher density housing than would be allowed with the current LMN zoning. Additional commercial and institutional uses may also be proposed. The church has been in discussions with CSU regarding a potential land swap to construct an attainable housing project. CSU would donate their 4.76 acres on Timberline Road, and the church will swap 8-10 acres for the CSU property.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 6-0 to recommend approval of the request with condition that the residential density be limited to 20 units per gross acre and that an Overall Development Plan (ODP) precede or accompany the Project Development Plan (PDP). The purpose of the condition of approval is to provide a density limit to help achieve a compatible transition with the surrounding neighborhood because the MMN zone district does not have a maximum density requirement. Additionally, the ODP would help identify the general design parameters for the property – including the general location and nature of proposed uses, transportation circulation, open space, buffers, and drainage features. A traffic study is also required. The ODP is required to be reviewed by the Planning and Zoning Board and would require at least one neighborhood meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.
A. Overview of Main Considerations

Five criteria govern the review and findings for proposed amendments to the zoning map. These criteria can be paraphrased as ‘consistent with the comprehensive plan’; ‘warranted by changed conditions’; ‘compatible with surrounding uses’; ‘impacts to the natural environment’; and ‘a logical and orderly development pattern’. These criteria are explained and evaluated in the staff analysis section of this report.

The Timberline Church Campus could be a suitable location for densities that are higher than LMN, while still maintaining compliance with the Structure Plan and meeting City Plan Principles and Policies. The property’s close proximity to the Rigden Farm Neighborhood Center meets the purpose of the MMN zone district, which is intended to locate higher density housing in close proximity and with good multi-modal access to a Neighborhood Center. The Neighborhood Center also provides access to a transit hub. The MMN zone is considered a bridging zone district, concentrating density near services and transit by locating MMN near/adjacent to the Neighborhood Center (NC) zone district, with the MMN zone district providing a transition and link between these areas and surrounding lower density LMN zone district areas.

Compatibility with surrounding land uses may also be a consideration. There are different land use code standards for the LMN and MMN zones which could affect the overall size and scale of multifamily buildings, should these be proposed. The Planning and Zoning Board recommended a condition of approval that the MMN residential density be limited to 20 dwellings per acre.

The main differences between LMN and MMN zoning is that MMN allows higher density and larger multifamily buildings than LMN zoning, as shown in the following table:

<table>
<thead>
<tr>
<th>Code Standard</th>
<th>LMN Requirement</th>
<th>MMN Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Density (based on gross acres of the residential development)</td>
<td>LMN: 9 units/acre overall, and 12 units maximum per phase; 12 units/acre maximum if affordable housing</td>
<td>MMN: No maximum per code; P&amp;Z condition of approval recommended to limit residential density to 20 dwellings per acre. Minimum average density: 7 units/acre minimum for developments 20 acres or less; 12 units/acre minimum if over 20 acres</td>
</tr>
<tr>
<td>Limit on number of units per building</td>
<td>LMN: Yes - maximum of 12 dwelling units per building</td>
<td>MMN: No maximum</td>
</tr>
<tr>
<td>Maximum Floor Area (of each building)</td>
<td>LMN: The maximum gross floor area (excluding garages) shall be fourteen thousand (14,000) square feet</td>
<td>MMN: No maximum</td>
</tr>
<tr>
<td>Maximum building height of one, two and three-family dwellings</td>
<td>LMN: 2.5 stories</td>
<td>MMN: 3 stories</td>
</tr>
<tr>
<td>Maximum Building Height for Multi-family</td>
<td>LMN: 3 stories</td>
<td>MMN: 3 stories</td>
</tr>
<tr>
<td>Maximum height for each residential story, and maximum building height to roof peak</td>
<td>• 12’ 8” maximum for each story, (which equals 38 feet from the finish floor to ceiling of the 3rd floor) • No maximum, but “Special Review” required if roof peak is over 40 feet.</td>
<td></td>
</tr>
</tbody>
</table>
B. Site Context and Development History

The 32-acre Timberline Church Campus PUD was first approved in 1999. The approval included two building phases. The first phase was completed and includes the main church building and related parking on the site. A second building phase and parking expansion was envisioned, but never constructed, along the east and southeast portions of the site. The Foothills Channel is located along the south property boundary.

Surrounding Zoning and Land Uses

<table>
<thead>
<tr>
<th>Zoning</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rigden Farm Neighborhood Center (NC)</td>
<td>Pinecone Apartments PUD (MMN)</td>
<td>The Willow at Rigden Farm (LMN)</td>
<td>Meadows East (RL)</td>
<td></td>
</tr>
</tbody>
</table>

| Land Use | Commercial | Multi-family | Single family attached and detached houses | Single family detached houses |

C. Summary of the Review Criteria for Rezoning of Parcels Less Than 640 Acres

Only the Council may, after recommendation of the Planning and Zoning Board, adopt an ordinance amending the Zoning Map in accordance with the provisions of Division 2.9. An amendment to the Zoning Map may be proposed by Council, the Planning and Zoning Board, the Director or the owners of the property to be rezoned.

To approve a proposed rezoning of 640 acres of land or less (quasi-judicial) the decision maker must find that it satisfies the following criteria:

The proposed amendment is:

- Criterion 1: consistent with the City Comprehensive Plan (City Plan); and/or
- Criterion 2: warranted by changed conditions within the neighborhood surrounding and including the subject property.

The Planning and Zoning Board and Council may consider the following additional factors:

- Criterion 3: whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land;
- Criterion 4: whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and natural functioning of the environment;
- Criterion 5: whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

D. Criterion 1: Consistent with the City’s Comprehensive Plan

1. Compliance with the City Structure Plan Map

Background:

The Structure Plan map serves as a blueprint for the desired future development pattern of the community, illustrating how the community will grow and change over time with a focus on the physical form and development pattern of the community. The Structure Plan Map includes place types or land use categories—which provide a framework for the ultimate buildout of Fort Collins. These place types provide a policy structure that can apply to several specific zone districts within each place type by outlining a range of desired characteristics. (Attachment 4)
**Agenda Item**

**Timberline Church Campus:**

The Structure Plan Map includes 13 land use place types, with 5 of the place types considered priority areas where the full infill or redevelopment of these areas has not been realized. The proposed Timberline Campus rezoning is within the Mixed-Neighborhood place type, which is one of the five priority land use areas included in the Structure Plan. The Mixed-Neighborhood place type is the overarching land use designation for both the LMN and MMN zone districts. Because of this, the proposed rezoning from LMN to MMN is consistent with the Structure Plan Map. Should the rezoning be approved, there is no need to amend either the Structure Plan Map or Residential Neighborhood Sign District.

2. **Compliance with Structure Plan Mixed-Neighborhood Place Type Characteristics**

City Plan (p. 98) describes the characteristics and considerations of the Mixed-Neighborhood place type which applies to both the LMN and MMN zone districts. The intent of the characteristics is to guide infill and redevelopment, outline the intended types of land uses, and describe development intensities to encourage within the Mixed-Neighborhood place type.

City Plan characteristics described for the Mixed-Neighborhood place type include:

a) **Place-Type Land Uses:**

Principal Land Uses in the Mixed-Neighborhood place type: Single-family detached homes, duplexes, triplexes and townhomes.

Supporting Land Uses in the Mixed-Neighborhood place type: ADUs, small scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, places of worship.

Both LMN and MMN zones allow similar residential and commercial land uses. Supporting land uses include "small scale multifamily buildings." There are different land use code standards for the LMN and MMN zones which could affect the overall size and scale of multifamily buildings, if proposed. Based on these standards, staff recommended four conditions of approval to the Planning and Zoning Board to mitigate potential impacts and ensure that all aspects of future development comply with the principles and policies in City Plan. The Planning and Zoning Board recommended approval of the rezoning without the four staff conditions of approval and recommended a different condition of approval to limit the residential density to 20 dwelling per acre. The four staff conditions outlined in the staff report focus on the scale of multifamily buildings and achieving compatibility and appropriate transition within the neighborhood context surrounding the property. (Attachment 9) The discussion from the Planning and Zoning Board was that these factors could be considered upon submittal of a Project Development Plan (PDP), rather than with the rezoning. (Attachment 10)

b) **Place-Type Density:**

Between five and 20 principal dwelling units per acre, typically equates to an average of 7 to 12 dwelling units per acre.

Overall density within the Mixed-Neighborhood place type around the property is as follows:

<table>
<thead>
<tr>
<th>Projects in the Mixed-Neighborhood Place Type</th>
<th>Total Acres</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pinecone Apartments</td>
<td>15 acres</td>
<td>12.89 units/acre</td>
</tr>
<tr>
<td>Rigden Farm LMN</td>
<td>215 acres</td>
<td>8.9 units/acre</td>
</tr>
<tr>
<td>Rigden Farm MMN</td>
<td>24 acres</td>
<td>21.4 units/acre</td>
</tr>
<tr>
<td><strong>Mixed-Neighborhood Totals</strong></td>
<td><strong>254</strong></td>
<td><strong>14.4 units/acre</strong></td>
</tr>
</tbody>
</table>
Existing development in the area complies with the Land Use Code standards for the LMN and MMN developments, however some existing development in the area is above the density range and typical average noted in City Plan for the Mixed Neighborhood place type.

c) Place-Type Location:

New development in Mixed-Neighborhood in place type should be located within walking/biking distance of services and amenities, as well as high-frequency transit, with the Neighborhood Center providing these services as the focal point within Mixed-Neighborhoods.

- The property is in close proximity to the Rigden Farm Neighborhood Center to the north.
- Timberline Church Campus could be a suitable location for densities that are higher than LMN, while still maintaining compliance with the Structure Plan and meeting City Plan Principles and Policies. One of the most important considerations for higher density housing is to be located in close proximity and with good multi-modal access to a Neighborhood Center. The proposed Timberline Church housing infill location meets these characteristics, which are described in both City Plan as well as in the purpose statements for the MMN zone district.
- The neighborhood center provides higher frequency bus service routes along Drake and Timberline consistent with the Transportation Master Plan.

Location of larger townhome or multifamily developments into existing single-family neighborhoods should generally be limited to edge or corner parcels that abut and/or are oriented toward arterial streets or an adjacent Neighborhood Mixed-Use District where transit and other services and amenities are available.

- The intent of this guideline is to avoid situations where larger scale multifamily developments are located in the middle of existing single-family neighborhoods and to reinforce the policy to have higher density housing in close proximity to shopping and services. While MMN is proposed for the Timberline Church Campus, the location is somewhat unique. The MMN housing area proposed does not have frontage directly on an arterial street, and it does not directly abut the commercial Neighborhood Center to the north. However, the proposed MMN housing could be integrated with and oriented to the Neighborhood Center with a private street and pedestrian connections.

d) Place-Type Transition:

Utilizing “small scale multifamily buildings” as a supporting land use.

Where townhomes or multifamily buildings are proposed in an existing neighborhood context, a transition in building height, massing and form should be required along the shared property line or street frontage.

- Because higher LMN densities have been constructed abutting the property to the east, and MMN exists to the south and north, a rezoning to MMN could be warranted. A comparison of the Land Use Code requirements for LMN and MMN is provided in Section 5 of the Planning and Zoning Board staff report. The discussion from the Planning and Zoning Board is that building height, massing and form could be considered at the time of development review rather than as part of the rezoning.

3. Compliance with City Plan Principles and Policies

City Plan provides guidance that the Structure Plan is not intended to be used as a stand-alone tool but should be considered in conjunction with City Plan principles, goals and policies as a tool to guide future growth and development.

OUTCOME AREA “LIV” -- NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH - Managing Growth:
These principles help the City to manage growth by encouraging infill and redevelopment, ensuring this development is compatible with the character of the surrounding neighborhood or area.

**PRINCIPLE LIV 2: Promote Infill and Redevelopment:**

**POLICY LIV 2.1 - REVITALIZATION OF UNDERUTILIZED PROPERTIES**
Support the use of creative strategies to revitalize vacant, blighted or otherwise underutilized structures and buildings, including, but not limited to: Infill of existing surface parking lots—particularly in areas that are currently, or will be, served by bus rapid transit (BRT) and/or high-frequency transit in the future.

**PRINCIPLE LIV 3: Maintain and enhance our unique character and sense of place as the community grows**

**POLICY LIV 3.1 - Public Amenities**
Design streets and other public spaces with the comfort and enjoyment of pedestrians in mind …such as plazas, pocket parks, patios, children’s play areas, sidewalks, pathways…

**POLICY LIV 3.5 - Distinctive Design**
…Development should not consist solely of repetitive design that may be found in other communities.

**POLICY LIV 3.6 - Context-Sensitive Development**
Ensure that all development contributes to the positive character of the surrounding area. Building materials, architectural details, color range, building massing, and relationships to streets and sidewalks should be tailored to the surrounding area.

**PRINCIPLE LIV 4 - Enhance neighborhood livability**

**POLICY LIV 4.2 - Compatibility of Adjacent Development**
Ensure that development that occurs in adjacent districts complements and enhances the positive qualities of existing neighborhoods. Developments that share a property line and/or street frontage with an existing neighborhood should promote compatibility by: Continuing established block patterns and streets to improve access to services and amenities from the adjacent neighborhood; Incorporating context-sensitive buildings and site features (e.g., similar size, scale and materials); and Locating parking and service areas where impacts on existing neighborhoods—such as noise and traffic—will be minimized.

**Principle LIV 5 - Create more opportunities for housing choices.**

**POLICY LIV 5.3 - Land for Residential Development**
Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.

**Staff Comments Related to City Plan Principles and Policies:**

- Taken together, these descriptions and policies establish an expectation that development of this parcel will factor in neighborhood input and achieve compatibility through project design. As recommended by the Planning and Zoning Board — policies that encourage compatibility by considering the context and surrounding characteristics of the site could be considered at the time of development review.

- City Plan policies could be met with either MMN or LMN zoning. Because higher LMN densities have been constructed abutting the property to the east, and MMN exists to the south and north, a rezoning to MMN could be warranted. The proposed MMN rezoning could meet these policies better by allowing an increase in density at a location near transit and commercial services.

- The MMN zone has long been considered a bridging zone district, concentrating higher density ranges near services and transit by locating MMN near/adjacent to the NC zone, with the MMN zone providing...
a transition and link between these areas and surrounding lower density LMN areas. Higher frequency bus routes are currently provided at the Rigden Farm Neighborhood Center. The proposed rezoning could support higher density and better leverage the adjacent Neighborhood Mixed Use/Activity Center Area.

E. Criterion 2: and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.

The proposed rezoning is supported by several changed conditions in the area since the Timberline Church Campus was originally constructed, all of which support a change in zoning to MMN:

- The Rigden Farm Neighborhood Center has been constructed, which provides a mix of commercial uses that are within walking distance of the Timberline Church Campus.

- Higher density housing has been constructed to the north and east within Rigden Farm -- with higher densities concentrated on the perimeter of the Neighborhood Center.
  - Constructed in 1993, Pinecone Apartments to the south are 12.89 units per acre and are located in the MMN zone district.
  - Approved in 2002, the Willow housing development is located adjacent to the east of the proposed Timberline Church Campus, within the Rigden Farm LMN zone district.
  - Overall density for the Willow is 10.47 dwellings per gross acre.
  - Average housing density in the Rigden Farm MMN area to the north of the property is approximately 21.4 dwellings per gross acre.

- Bus transit routes are provided in the area, with the Neighborhood Center serving as a transit hub.

- The original plan for the Timberline Church Campus, which envisioned a second building phase for a maximum 3,500-person seating capacity, is no longer proposed. This would have required 875 parking spaces on the site. Actual peak seating capacity for the church is currently 1,844 seats, with a peak parking requirement of 461 parking spaces. Currently, the Campus includes vacant land to the east and surplus parking, with a total of 1,293 parking spaces on the property.

The Timberline Church development plan was first approved in 2000 and opened in 2002. Since that time, the majority of the 303-acre Rigden Farm development to the north and east of the Timberline Campus has been developed, with construction beginning in 2000. This includes the 23-acre Neighborhood Center (N-C) zone district to the north, 24-acres in the Medium Density Mixed Use Neighborhood (M-M-N) zone district and 215 acres in the Low Density Mixed-Use Neighborhood (L-M-N) zone district.

Additionally, Rigden Farm is a phased development plan. LMN areas within phased developments allow to concentrated densities within portions of the overall plan, provided that the overall density does not exceed 9 units per gross acre, and provided that no phase is greater than 12 units per gross acre. The Rigden Farm LMN zoning area utilizes this density range by providing lower density phases to the east and higher density phases to the west. Densities in the east portion of Rigden Farm, near Zeigler Road, are in the 4 unit per gross acre range.

F. Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

The proposed MMN zoning could be compatible with existing surrounding land uses. There are different land use code standards for the LMN and MMN zones which could affect the overall size and scale of multifamily buildings, should these be proposed. The discussion from the Planning and Zoning Board was that achieving compatibility and appropriate transition within the neighborhood context surrounding the property could be further considered at the time of development review.
1. Existing Uses North of the Property:

The proposed MMN zoning is compatible with the commercial uses and higher density housing located adjacent to the north. The property is located in close proximity to the existing Neighborhood Center, which is consistent with the intent of MMN zoning.

2. Existing Uses South of the Property:

The existing Meadows East single-family development to the southeast is buffered by the perimeter storm drainage and the Foothills Channel. Existing mature trees are located along the edge of the channel near the rear property lines of the Meadows East homes. Stewart Case Park and Rendezvous Trail are located in this area, which provide an appropriate buffer and transition to the Meadows East neighborhood. The existing buffer, drainage areas and existing trees in this area provide a compatible transition from the proposed MMN zone to these existing uses.

3. Existing Uses East of the Property:

The Willow at Rigden Farm is located adjacent to the property to the east. The Willow development’s overall LMN density is near the highest maximum allowable LMN density at 10.47 units per gross acre. The Willow includes single-family attached buildings, with 12 units per building that are two stories in height. These buildings face west towards the Timberline Church Campus and are in close proximity to the property. Conditions of approval were recommended by staff to provide a transition in this area, discussed in Section 5 of the Planning and Zoning Board staff report.

4. Existing Uses West of the Property:

South Timberline Road is located along the west boundary of the property, which provides an appropriate buffer and transition to the Meadows East single-family neighborhood to the west.

G. Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

The proposed rezone to MMN is not anticipated to have significant impacts to the natural environment.

The Foothills Channel represents a significant habitat feature adjacent to the proposed infill housing. This habitat feature requires protection regardless of whether the development is rezoned. Additionally, code requirements for stormwater detention and water quality treatment are not affected by the rezoning.

H. Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed MMN infill housing area would represent a logical and orderly development pattern which reflects the unique context of the site.

- The Rigden Farm neighborhood to the east (zoned LMN), provides a range of LMN densities, with higher density LMN development provided adjacent to the Timberline Church Campus, serving as a logical transition to MMN zoning on the subject property. The proposed rezone to MMN provides a more logical development pattern than the current LMN zoning, provided that conditions of approval are put in place to provide a compatible transition per City Plan.

- The Foothills Channel, existing drainage and stormwater detention areas to the east and south provide a buffer transition.

- Because the proposed infill housing area is located within close proximity to the existing Neighborhood Center, and it can be integrated into the surrounding neighborhoods’ street and pedestrian networks,
the proposed infill housing area could achieve a higher density while meeting the purpose of the MMN zone, as described in Division 4.6(A) of the Land Use Code. The MMN district is intended to:

“...be a setting for concentrated housing within easy walking distance of transit and a commercial district.”

“...form a transition and a link between surrounding neighborhoods and the commercial core with a unifying pattern of streets and blocks.”

The MMN zone “is intended to function together with surrounding low density neighborhoods [typically the L-M-N zone district] and a central commercial core [typically an N-C or C-C zone district]. The intent is for the component zone districts to form an integral, town-like pattern of development, and not merely a series of individual development projects in separate zone districts.”

BOARD / COMMISSION RECOMMENDATION

At its September 17, 2020, Planning and Zoning Board meeting, the Board recommended that Council approve the Timberline Church Rezone with a 6-0 vote, with the condition that the residential density be limited to 20 units per gross acre and that an Overall Development Plan (ODP) precede or accompany the Project Development Plan (PDP). (Attachment 10)

PUBLIC OUTREACH

A virtual neighborhood meeting was held on October 22, 2020. Approximately seven residents attended the virtual meeting. Staff has also received several comment letters from residents.

Discussion of the proposed rezoning centers on concerns that higher density housing which could be proposed after the rezoning would have negative impacts on the area. Concerns have been expressed related to increases in traffic, demand on the shopping center, stormwater impacts, and potential compatibility issues with larger buildings on the church site. (Attachments 11 & 12)

ATTACHMENTS

1. Location Map (PDF)
2. Aerial Map (PDF)
3. Perspective Map (PDF)
4. Structure Plan Map (PDF)
5. Existing Zoning Map (PDF)
6. Proposed Zoning Map (PDF)
7. Area Land Use Density Map (PDF)
8. Permitted Use Comparison LMN and MMN (PDF)
9. Planning & Zoning Board Staff Report (PDF)
10. Planning & Zoning Board Hearing Minutes (PDF)
11. Neighborhood Meeting Notes (PDF)
12. Resident Comment Letters (PDF)
13. Timberline Church Rezoning Petition (PDF)
14. Petitioner's Justification Narrative (PDF)
15. Timberline Church Rezone Boundary Map (PDF)
16. Powerpoint Presentation (PDF)
ORDINANCE NO. 145, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE TIMBERLINE CHURCH REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan and is warranted by changed conditions within the neighborhood surrounding and including the subject property as established in Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, the purpose of the condition included below is to provide a density limit that will help achieve a compatible transition within the context of the existing surrounding neighborhood since the proposed Medium Density Mixed-Use Neighborhood (“M-M-N”) Zone District does not include a maximum density and to require an Overall Development Plan to help identify the general design parameters for the subject property as it proceeds toward development; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations as established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed MMN zoning: (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to have significant impacts to the natural environment; and (c) represents a logical and orderly development pattern that reflects the unique context of the site.

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

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 Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed-Use Neighborhood (“L-M-N”) Zone District, to Medium Density Mixed-Use Neighborhood (“M-M-
N") Zone District, for the following described property in the City known as the Timberline Church Rezoning:

Lots 1-5 and Tract A of the Timberline Church PUD, containing 32.79 acres, more or less.

Section 3. That the following condition is hereby imposed upon the Timberline Church Rezoning as permitted by Section 2.9.4(I) of the Land Use Code:

that the residential density will be limited 20 units per gross acre and that an Overall Development Plan (ODP) will precede or accompany the Project Development Plan (PDP).

Section 4. That the property subject to the Timberline Church rezoning shall continue to be included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 5. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with 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.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

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

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
December 1, 2020

STAFF
Travis Storin, Interim Chief Finance Officer
Claire Goodwin, Sr. Mgr, Safety and Risk Management
Zachary Mozer, Finance Analyst
John Duval, Legal

SUBJECT
First Reading of Ordinance No. 146, 2020 Appropriating Prior Year Reserves in the Self Insurance Fund for Increased Premiums for Property Loss Insurance.

EXECUTIVE SUMMARY
The purpose of this item is to appropriate funds to compensate for increased premiums for the City’s property loss insurance that were paid by the Self Insurance Fund for the 2020/2021 period.

The City’s Self Insurance Fund is currently over budget through October 2020 and is expected to remain over budget through year-end. The primary driver of this increase is the higher insurance premiums that have been realized in 2020. These increases are due to two factors: an industry wide adjustment in coverage due to increased risk exposure in the state of Colorado, and more hail storm damage realized at the City in prior years, most notably in 2018.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
From 2017 through 2019, there has been an increase in hail activity that has been experienced in the Western and Midwestern regions of the US causing an increase in property insurance premiums. According to a recent report from the National Insurance Crime Bureau (NICB), the top 10 states in the US contributed 72% of the total number of hail claim losses for this period. Colorado ranks 2nd highest in the nation, trailing only Texas. In May of 2017, a powerful hailstorm caused widespread damage across Colorado, resulting in $3.6 billion of damages, according to the National Oceanic and Atmospheric Administration (NOAA).

Based on the data provided by NICB, Colorado’s hail losses saw a significant increase in 2018. Most specific to Fort Collins was a June 2018 event, in which the City sustained significant damages to buildings and vehicles that are still in the process of being repaired. The total claim amount to date for this one incident is $4.1 million. Further, the information provided in this report shows that four of the top cities in the US that have the highest hail claims for this period are in Colorado.

These increased damage events have resulted in higher premiums which have negatively impacted the Safety and Risk Management (SRM) budget. In March 2018, the upcoming two-year budget (for 2019 and 2020) provided that other service areas could incorporate SRM’s internal service charges into their budgets. At the time the outside vendor insurance quotes were provided, they had not yet incorporated the industry-wide impacts that are noted above. Compounding the situation is the renewal period of the City’s policies in May,
which leads to more uncertainty in the budget process. During the 2019 budget year, the SRM budget was short by $200K - this amount was addressed in the annual supplemental appropriation ordinance last fall.

Because of upward pressure on insurance industry corrections, compounded by severe hailstorms in June of 2018, premiums increased from just over $1 million realized in 2018 to $1.9 million in 2020; a 90% increase. This, in addition to the cadence of the two-year budget cycle that solidified the SRM’s budget before the insurance premium adjustments, significantly underfunded what was needed for this expense.

There is some potential for higher inherent variances in estimated vs. actual premiums due to the long lead time between when estimates are quoted versus when the coverages take effect. When the budget is made, insurance quotes are given 17 months in advance, causing a lower confidence that those premiums will hold steady until the first budgeted renewal period. SRM is currently working to move the renewal period from May to January so that it can be better synchronized with the City fiscal year.

This item was reviewed by the Council Finance Committee on November 16, 2020, and was approved to move forward for Council consideration.

SRM is requesting a supplemental appropriation of $660K because of industry premium corrections and realized losses in 2018.

**CITY FINANCIAL IMPACTS**

This item will appropriate $660,000 from the prior year reserves in the Self Insurance Fund to be pledged to support the increased insurance premiums that have been realized for the 2020/2021 coverage period.

**ATTACHMENTS**

1. Council Finance Committee Minutes, November 16, 2020 (excerpt) (PDF)
Meeting called to order at 10:04 am

Mayor Troxell; I’d like to note for the record that I’ve conferred with the City Manager and the City Attorney and have determined that the Committee should conduct this meeting remotely because meeting in person would not be prudent for some or all persons due to a public health emergency.

Approval of Minutes from the October 19, 2020 Council Finance Committee Meeting. Ken Summers moved for approval of the minutes as presented. Mayor Troxell seconded the motion. Minutes were approved unanimously.

Travis reviewed Fund Review schedule table below which was also included on the agenda.

<table>
<thead>
<tr>
<th>Fund</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>August 2020</td>
</tr>
<tr>
<td>Recreation</td>
<td>December 2020</td>
</tr>
<tr>
<td>Self-Insurance</td>
<td>November 2020</td>
</tr>
<tr>
<td>Cultural Services</td>
<td>TBD, if applicable</td>
</tr>
</tbody>
</table>

A. Supplemental Appropriation Request for the Risk Fund for Increased Insurance Premiums

Claire Goodwin, Sr. Manager of Safety and Risk Management
Zack Mozer, Financial Analyst

EXECUTIVE SUMMARY
The Risk Fund is currently over budget through October and is expected to remain over budget through year-end. The primary driver of this increase is the higher insurance premiums that have been realized in 2020. These increases are due to two factors; an industry wide adjustment in coverage due to increased risk exposure in the state of Colorado and more hailstorm damage realized at the City of Fort Collins in prior years, most notably in 2018.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

Staff seeks the approval of a supplemental appropriation of $660K to compensate for the increased premiums realized during the 2019/2020 coverage period.

BACKGROUND/DISCUSSION

From 2017 through 2019 there has been an increase in hail activity that has been experienced in the Western and Midwestern regions of the US causing an increase in property insurance premiums. According to a recent report from the National Insurance Crime Bureau (NICB), the top 10 states in the US contributed 72% of the total number of hail claim losses for this period. Colorado ranks 2nd highest in the nation, trailing only Texas. In May of 2017, a powerful hailstorm caused widespread damage across Colorado, resulting in $3.6B of damages, according to the National Oceanic and Atmospheric Administration (NOAA).

Based on the data provided by NICB, Colorado’s hail losses saw a significant increase in 2018. Most specific to Fort Collins was a June 2018 event, in which the City sustained significant damages to buildings and vehicles that are still in the process of being repaired. The total claim amount to date for this one incident is $4.1M. Further, the information provided in this report shows that 4 of the top cities in the US that have the highest hail claims for this period are in Colorado.

These increased damage events have resulted in higher premiums which have negatively impacted the Safety and Risk Management (SRM) budget. In March 2018, the two-year budget (for 2019 and 2020) was established so that other service areas could incorporate SRM’s internal service charges into their budgets. At the time the outside vendor insurance quotes were provided, they had not yet incorporated the industry-wide impacts that are noted above. Compounding this situation is the renewal period of the City’s policies in May, which leads to more uncertainty in the budget process. During the 2019 budget year, the SRM budget was short by $200K – this amount was addressed in the annual clean up exercise last fall.

Because of upward pressure on insurance industry corrections, compounded by severe hailstorms in June of 2018, premiums increased from just over $1M realized in 2018 to $1.9M in 2020; a 90% increase. This, in addition to the cadence of the two-year budget cycle that solidified the SRM’s budget before the insurance premium adjustments, significantly underfunded what was needed for this expense.

There is some potential for higher inherent variances in estimated vs. actual premiums due to the long lead time between when estimates are quoted vs. when the coverages take effect. When the budget is made, insurance quotes are being given 17 months in advance, causing a lower confidence that those premiums will hold steady until the first budgeted renewal period. SRM is currently working to move the renewal period from May to January so that it can be better synchronized with the City fiscal year.
SRM is requesting a supplemental appropriation of $660K because of industry premium corrections and realized losses in 2018 which are detailed in the table below:

<table>
<thead>
<tr>
<th>Premium Item</th>
<th>2020 Budget</th>
<th>2020 Actual</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Comp</td>
<td>165</td>
<td>179</td>
<td>(14)</td>
</tr>
<tr>
<td>Liability</td>
<td>696</td>
<td>468</td>
<td>228</td>
</tr>
<tr>
<td>Property</td>
<td>346</td>
<td>1220</td>
<td>(874)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1207</strong></td>
<td><strong>1866</strong></td>
<td><strong>(660)</strong></td>
</tr>
</tbody>
</table>

**Discussion / Next Steps:**

**GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED**

Staff seeks the approval of a supplemental appropriation of $660K to compensate for the increased premiums realized during the 2019/2020 coverage period

Ross Cunniff; we saved $228K on liability but had to pay more for Worker’s Comp / Property

Zack Mozer; budget - it was an allocation of that budget

Ken Summers; we have to pay to the premium, so where is the additional $660K coming from?

Travis Storin; this would be from fund balance for purposes of 2020- the way we make that up in the self-insurance program is the premium that we charge out to departments will increase

Claire Goodwin is running the insurance company - we are allocating all of the premium out to departments – in future cycles our allocations would be adjusted to repay

Ken Summers; there is an allocation to various departments for those premiums?

Travis Storin; we are self-insured up to a deductible $500K property

Claire Goodwin; hail tends to be a percentage of the value of the building
Stop loss kicks in – we charge out to department for claims under $500K - ultimately will be made up by departments by what they pay into the program

Ken Summers; is $660K an insurance premium for the stop loss?

Travis Storin; the $600K is specific to the stop loss premium

Mayor Troxell; what is the alternative?

Travis Storin; in near term there are not a lot of alternatives - we could appropriate these monies out of General Fund instead of the Self-insurance Fund -
We have to have some level of appropriation to maintain the stop loss coverage.
On a go forward basis, we work closely with our insurance broker to determine the appropriate level of the deductible as a means to manage the premium and how much risk the city is willing to take on.
One of our key objectives today was to shine a light on this fund for benefit of this committee. The 2018 hail had a substantial cost on the spot and will impact ongoing costs.

Ross Cunniff; what our risk tolerance should be more cars under roofs or higher hail rating on our other roofs that can reduce the other 30% part and of course continue to shop around for providers.

Zack Mozer; we are pursuing a number of possibilities - Brown and Brown goes out to a number of providers to get the best rate for us – we have also looked at doing an insurance coop possibly with other cities - make sure we are exploring the best option - self-insurance is really the most affordable option. We are moving the current May 1st renewal date to January to be more in line with our fiscal budget. It was a 17-month window and that is when unforeseen hailstorms happened.

Claire Goodwin; how do we improve materials we use when replace roofs (longer life span and weather tolerance) and alternative places to store vehicle – this is more the proactive side of risk management. We are working with some of the other department in the city - what is the long-term forecast for exposure. We are definitely looking at how we can reduce that 30%.

Mayor Troxell; Do Denver, Colorado Springs, Greeley self-fund?

Claire Goodwin; collective group of cities within Colorado who group together and self-insure CIRSA Colorado Intergovernmental Risk Sharing Agency. There are pros and cons to this - less city control but collectively sharing the risk.

ACTION ITEM:
Mayor Troxell; more information awareness on CIRSA - their rates which are going up as well - through Colorado Municipal League

Travis Storin; cities like Denver, Colorado Springs, Aurora even PSD and CSU do maintain self-insurance programs. When it gets to a certain level of asset management and you are measuring a vehicle fleet in 100s and you have your own inhouse fleet shop it often does make sense to move to self-insurance up to a certain threshold so that you are covered for catastrophic but you are able to handle your own costs for more minor type claims – we continue to test this as an assumption

Mayor Troxell, Ross Cunniff and Ken Summers approved this to go forward
Will be going to Council soon on the consent calendar

Meeting adjourned at 10:57 am
ORDINANCE NO. 146, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE SELF INSURANCE FUND FOR INCREASED PREMIUMS FOR PROPERTY LOSS INSURANCE

WHEREAS, from 2017 through 2019, Colorado and Fort Collins have experienced increased hailstorm activity resulting in significant property damage that has caused the insurance industry to increase in Colorado their premiums for property loss insurance; and

WHEREAS, this has caused the City’s premiums for property loss insurance to significantly increase this year beyond what had previously been approved by City Council in the City’s 2019-2020 biennial budget and its 2020 annual appropriation ordinance; and

WHEREAS, as a result, there are insufficient appropriated funds in the City’s Self Insurance Fund to pay this increase in premiums thereby requiring this supplemental appropriation; and

WHEREAS, this appropriation benefits the health, safety and welfare of the residents of Fort Collins and serves the public purpose of purchasing property loss insurance for the City’s capital assets; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to appropriate 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 City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Self Insurance Fund and will not cause the total amount appropriated in the Self Insurance Fund to exceed the current estimate of actual and anticipated revenues to be received in that 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 and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from prior year reserves in the Self Insurance Fund the sum of SIX HUNDRED AND SIXTY THOUSAND DOLLARS ($660,000) for increased premiums for property loss insurance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 15th day of December, A.D. 2020.

Mayor

ATTEST:

City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Brian Hergott, Facilities Project Manager
Ken Mannon, Operations Services Director
Ingrid Decker, Legal

SUBJECT

First Reading of Ordinance No. 147, 2020 Making Supplemental Appropriations for Roof Repairs on City Buildings Due to 2018 Hail Damage.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate additional insurance proceeds for further scope of work associated with completing roof repair work for a 2018 hail damage claim. These additional proceeds are for recovered depreciation, abatement of asbestos materials, code upgrades and project management.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance.

BACKGROUND / DISCUSSION

In October 2019, Council appropriated $4,076,143 in anticipated insurance proceeds for the repairs on 36 City buildings with damage from the June 2018 hail storm. The roof projects have since been bid out, contracted for repairs, and 90% of the work is completed. Through the course of contracting, permitting and inspecting the work it has been determined additional scope of work was required above and beyond what was covered in the initial insurance settlement.

Prior Appropriation of 2018 Hail Funds

- Insurance 1st Payment of Funds: $2,713,458
- Anticipated 2nd Payment of Funds: $1,362,686
- Total Prior Appropriations: $4,076,144

Funds to be Appropriated with this Ordinance

- Extra proceeds received in 2nd payment above: $51,278
- Anticipated Roof Depreciation Payment: $526,820
- Anticipated Material Abatement Reimbursement: $302,700
- Anticipated Roofing Code Upgrades: $514,166
- Anticipated Project Management Reimbursement: $151,756
- Less City Insurance Deductible: $(50,000)
## Agenda Item 6

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Funds in This Appropriation</td>
<td>1,496,720</td>
</tr>
<tr>
<td>Total Anticipated Project Budget</td>
<td>5,622,864</td>
</tr>
</tbody>
</table>

### CITY FINANCIAL IMPACTS

This item will appropriate $1,496,720 of additional insurance proceeds to a non-lapsing fund to be used for the remaining work associated with the 2018 hail claim.
ORDINANCE NO. 147, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS
FOR ROOF REPAIRS ON CITY BUILDINGS DUE TO 2018 HAIL DAMAGE

WHEREAS, in June 2018 a hailstorm damaged the roofs of 36 City buildings; and

WHEREAS, on October 15, 2019, the City Council approved Ordinance No. 115, 2019, appropriating $4,076,143 in insurance proceeds to be spent on roof repairs; and

WHEREAS, through the process of contracting, permitting and inspecting the repairs, City staff determined that additional repair work was required beyond what was covered by the initial insurance settlement; and

WHEREAS, the City anticipates receiving $1,496,720 in additional insurance proceeds for roof repairs; and

WHEREAS, the City Council has determined that this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of protecting the public investment in City properties; and

WHEREAS, Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

WHEREAS, the 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 to be received in that Fund during this fiscal year.

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 and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from unanticipated revenue in the General Fund the sum of ONE MILLION FOUR HUNDRED NINETY-SIX THOUSAND SEVEN HUNDRED TWENTY DOLLARS ($1,496,720) for expenditure from the General Fund for roof repairs on City buildings due to 2018 hail damage.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk

Passed and adopted on final reading on the 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
December 1, 2020

STAFF

Drew Brooks, Director of Transit
Claire Havelda, Legal

SUBJECT


EXECUTIVE SUMMARY

The purpose of this item is to appropriate grant revenue Transfort has been allocated by the Federal Transit Agency (FTA). Transfort was awarded $10,368,067 and will net the amount of $8,719,626 in Coronavirus Aid, Relief and Economic Security (CARES) Act through FTA apportionments to urbanized areas. CARES funding is provided at a 100-percent federal share, with no local match required, and is available to support capital, operating, and other expenses to prepare for and respond to COVID-19. Transfort confirmed this money would be available earlier in the year. At that time, Transfort planned to use the CARES funds to pay for what had previously been allocated from the General Fund for operating assistance, preventative maintenance, and contracted service costs.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On Friday, March 27, 2020, President Trump signed the CARES Act into law. The CARES act provided emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic. The FTA allocated $25 billion to recipients of urbanized area and rural area formula funds, with $22.7 billion to large and small urban areas. Funding is provided at 100-percent federal share with no local match required.

Operating expenses incurred beginning on January 20, 2020, for all rural and urban recipients are eligible, including operating expenses to maintain transit services as well as paying for administrative leave for transit personnel due to reduced operations during an emergency.

CARES funding was disbursed through FTA apportionments to its Urbanized Area (Section 5307) Formula program. Transfort’s apportionment is $10,368,067. Because Transfort is the designated, or primary, recipient for the geographically Transporation Management Area (TMA), Transfort is responsible for allocating dedicated funds to smaller transit agencies and metropolitan planning organizations in the TMA. After Transfort distributes the appropriate allocations to Berthoud Area Transportation System (BATS) in the amount of $174,736, and the North Front Range Metropolitan Planning Organization (NFRMPO) in the amount of $1,473,705, Transfort will receive $8,719,626 for the City.

Through existing FTA-approved agreements with BATS and NFRMPO, the City retains 38% of BATS’ and NFRMPO’s funding allocation to exchange their respective federal share with local funds. This exchange relieves BAT and NFRMPO from federal compliance responsibilities.
Transfort will use these funds to continue provision of fixed route service. The Fort Collins area has seen significant impacts from COVID-19 and has taken measures to ensure social distancing when possible while providing public transportation. Additionally, CARES funds will be used for preventative maintenance activities for rolling stock, facilities, and IT equipment. Regular, scheduled, preventative maintenance will continue to allow Transfort to realize the benefits of a safe, reliable, and well-maintained fleet in support of its services.

CARES funds will also be used to fund Transfort’s complementary ADA paratransit service, Dial A Ride, which is provided by a contractor, satisfying ADA requirements of providing paratransit service for eligible clients. As a result of the COVID-19 pandemic, Transfort temporarily reduced service effective April 18, 2020. In an effort to ensure that citizens can still access essential services, Transfort began offering a taxi service option, performed by a contractor, allowing riders to schedule a trip from a bus stop along a suspended route, to or from another linked bus stop or transit center. CARES funds will also be used to provide this contracted Demand Response Service.

Transfort recognizes that public transit is an essential service and that many transit-dependent members of the community rely on public transit to get to and from work, buy groceries and other essentials, and receive medical care or care for loved ones. Transfort has seen a significant drop in ridership and revenue during the COVID-19 pandemic. The CARES funding received will greatly benefit the safety, quality, and levels of service that Transfort is able to provide during this time.

CITY FINANCIAL IMPACTS

The following is a summary of the project funding using CARES funds. These funds are provided at a 100-percent federal share and no local match is required.

<table>
<thead>
<tr>
<th>Funds Provided by FTA - Intended Use</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY20 CARES Funds - Operations</td>
<td>$7,200,000</td>
</tr>
<tr>
<td>FY20 CARES Funds - Preventative Maintenance</td>
<td>$2,068,067</td>
</tr>
<tr>
<td>FY20 CARES Funds - ADA Paratransit Contracted Service</td>
<td>$500,000</td>
</tr>
<tr>
<td>FY20 CARES Funds - Demand Response Contracted Service</td>
<td>$600,000</td>
</tr>
<tr>
<td><strong>Total Funding Provided</strong></td>
<td><strong>$10,368,067</strong></td>
</tr>
<tr>
<td>Less local dollars pass through to NFRMPO</td>
<td>($1,473,705)</td>
</tr>
<tr>
<td>Less local dollars pass through to BATS</td>
<td>($174,736)</td>
</tr>
<tr>
<td><strong>Net City Financial Impact</strong></td>
<td><strong>$8,719,626</strong></td>
</tr>
</tbody>
</table>

Since sufficient appropriations were already provided during the 2020 Budget process, no additional increase in the Transit Fund expense budget will be needed, rather these funds will cover much of the 2020 Transit costs. Appropriations of these funds are necessary due to City Code Article V, Part I, Section 4.

Note that the funding provided by the FTA takes the place of General Fund and Transportation Fund monies that would have been the basis for Transit spending during the fiscal year.
ORDINANCE NO. 148, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT FUNDING FOR TRANSPORT OPERATING ASSISTANCE, PREVENTATIVE MAINTENANCE, AND CONTRACTED SERVICE COSTS RELATED TO PREPARATION FOR AND RESPONSE TO THE COVID-19 PANDEMIC

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, the City received grant revenue from the Federal Transit Agency ("FTA") in the form of Coronavirus Aid, Relief and Economic Security ("CARES") Act appropriations to urbanized areas; and

WHEREAS, the FTA CARES Act funding supports capital, operating, and other transit agency expenses to prepare for, and respond, to COVID-19 without requiring a local match; and

WHEREAS, in the FTA CARES Act funding replaced General Fund and Transit Fund monies that would have been the basis of Transit spending during the current fiscal year; and

WHEREAS, the FTA CARES Act funding was disbursed through apportionments to FTA Urbanized Area Formula programs; Fort Collins’ Transport Department being designated as a primary recipient for this geographical Transportation Management Area ("TMA"); and

WHEREAS, the City’s Transport Department received a total of $10,368,067 for the TMA; and

WHEREAS, Transport is responsible for allocating and dedicating funds to smaller transit agencies in the TMA; and

WHEREAS, $174,736 of the funds will be allocated to the Berthoud Area Transportation System ("BATs"), and $1,473,705 of the funds to the North Front Range Metropolitan Planning Organization ("NFRMPO"); the remaining $8,719,626 is allocated to Fort Collins’ Transport Department; and

WHEREAS, the City’s Transport Department will use these CARES Act funds for operating assistance, preventative maintenance, and contracted service costs for 2020 and 2021; and

WHEREAS, this appropriation benefits public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing critical transportation services and complementary ADA paratransit services to the Fort Collins’ community; and
WHEREAS, Article V, Section 9, of the City Charter permits the City Council, upon recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, does not exceed the current estimate of actual and anticipated revenues to be received during the fiscal year; and

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

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 and findings contained in the recitals set forth above.

Section 2. That there is hereby appropriated from grant revenue in the Transit Services Fund the sum of TEN MILLION THREE HUNDRED SIXTY-EIGHT THOUSAND SIXTY-SEVEN DOLLARS ($10,368,067) for expenditure from the Transit Services Fund for operating assistance, preventative maintenance, and contracted service costs related to preparation for and response to the COVID-19 pandemic during the 2020 and 2021 fiscal years.

Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

_____________________________
City Clerk

Passed and adopted on final reading on the 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

_____________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Andrew Gingerich, Civil Engineer
Judy Schmidt, Legal

SUBJECT

Items Relating to Various Amendments to City Code Chapter 26 Pertaining to Utility Services.

EXECUTIVE SUMMARY


B. First Reading of Ordinance No. 150, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Updates Regarding the Wastewater Utility.

C. First Reading of Ordinance No. 151, 2020, Amending Chapter 26 of the Code of the City of Fort Collins to Clarify Water and Sewer Plant Investment Fees.


The purpose of this item is to adopt a variety of revisions, clarifications, and additions to update portions of City Code Chapter 26 pertaining to Utility Services.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

Item A: Utilities’ right of entry into buildings and onto premises to access Utilities equipment, facilities, and appurtenances for Utilities purposes.

The purpose of this item is to clarify language within Sections 26-22, 26-98, 26-99, 26-219, 26-399, and 26-577 to continue to allow Utilities to operate and administer the systems that provide various services for water, wastewater, stormwater, electric and broadband. Utilities staff have identified various aspects of these relevant City Code sections that call for clarification and modification to more clearly articulate Utilities’ historical right of entry and the corresponding rights of customers and the owners/occupants of such buildings and premises, including the addition of procedures for disputes to be resolved by the Municipal Court when necessary. Language was also added allowing the Utilities Executive Director to also petition the Municipal Court for an order, injunction, inspection warrant, and/or other relief confirming and securing the right to enter specific buildings and premises as described in Section 26-22.
Item B: Various updates regarding the wastewater utility.

The purpose of this item is to make various updates regarding the wastewater utility and more specifically items related to pretreatment. The Wastewater Utility provides wastewater service to customers in its service area and also accepts for disposal the waste from septic tanks, vaults, privies, and portable toilets. Wastewater Utility staff has reviewed relevant portions of City Code in order to update them to be consistent with current operations of the Wastewater Utility and best management practices and has prepared proposed changes to City Code. Wastewater Utility staff has worked with the U.S. Environmental Protection Agency to receive all necessary approvals for the proposed changes to the City Code.

A summary of the changes is the following;

- Consolidate the cost to dispose waste at the transfer station to $0.09 per gallon instead of $0.074 for waste generated in Larimer County and $0.113 per gallon for waste generated outside Larimer County.
- Clarification of language on prohibitive discharge standards to allow for certain wastes if controlled by pretreatment standards and requirements.
- Clarification of language for grease, oil, or sand interceptors to state that they are not provided by City of Fort Collins Utilities and are to be installed and maintained by the facility owners of which they are required.
- Removed language from discharge limitations on silver from photograph and x-ray development as this discharge is no longer found due to digital photography.
- Clarification of language on discharge limitations to address changes to the use of mercury in dental facilities.

Item C: Clarify Water and Sewer Plant Investment Fees.

The purpose of this item is to clarify and add language to the Water and Wastewater plant investment fees (WPIFSs and SPIFS) sections of City Code to acknowledge the potential for the nature or quantity of the use of water to change when users of City Water and Wastewater increase their annual allotment by meeting an additional Water Supply Requirement pursuant to City Code Section 26-149. City Code currently does not expressly state that increases in a water users’ annual allotments are changes that may require additional WPIFs and SPIFs, although this has been the meaning and intent of these sections of City Code.

Item D: Amending City Code Language regarding the Utility Enterprises.

The purpose of this item is to update provisions of City Code Chapter 26 regarding the four utility enterprise boards to explicitly name the roles of City Council members on the board each Utility Enterprise (Water, Wastewater, Stormwater and Electric) and clarify the call and timing of enterprise board meetings. Historically, Council acting ex officio as the board of each enterprise has interpreted and implemented the City Code provisions for each enterprises by the Mayor acting as the president, the Mayor Pro Tem acting as the vice president, the Financial Officer acting as the treasurer, and the City Clerk acting as the secretary for each of the enterprise boards. Additionally, Council acting ex officio as the board of each enterprise has historically interpreted and implemented the Code provisions for each enterprise calling for meetings concurrently with regular or special meetings of Council by noticing and holding enterprise board meetings on the same date and immediately following a regular or special meeting of Council.

In response to repeated citizen objections to the manner in which Council, acting ex officio as the board of each enterprise, has historically interpreted and implemented these Code provisions, the proposed language clarifies and confirms, by amending the relevant City Code provisions to expressly state that the officers of each enterprise are the City’s Mayor (as board president), Mayor Pro Tem (as board vice-president), Financial Officer (as board treasurer) and City Clerk (as board secretary), and that such officers have the same authority to execute the enterprise’s ordinances, debt obligations and other instruments as they have when acting in their City offices under applicable law. The proposed changes also clarify the call and timing of enterprise board meetings.
CITY FINANCIAL IMPACTS

Most of the Code changes proposed above will have no direct financial impact to the City and any incidental impacts are not anticipated to occur often or result in significant lost revenue.

BOARD / COMMISSION RECOMMENDATION


PUBLIC OUTREACH

Fort Collins Utilities has presented the changes to Water Board and Energy Board as set forth above. Staff has not done any further public outreach as it was determined that the revisions were of a technical nature and would not adversely affect customers.

ATTACHMENTS

1. Water Board Minutes, October 15, 2020 (PDF)
2. Energy Board Minutes, November 12, 2020 (PDF)
Excerpt from Unapproved DRAFT MINUTES - WATER BOARD

REGULAR MEETING

October 15, 2020, 5:30 p.m.
Online via Zoom

a. Regular Items
   (Attachments available upon request)

1. 2020 Utilities Fall Code Updates
   Interim Utilities Deputy Director & Water Field Operations Director Andrew Gingerich presented a summary of revisions, clarifications and additions to portions of City Code Chapter 26 pertaining to Utility Services: consolidation of appeals into one process; clean up of language in Utilities right-of-entry and corresponding rights of customers; clarify and revise pretreatment language that is no longer relevant and revise fees to septic haulers; process change to water and wastewater plant investment fee (PIF) when water allotment is increased, etc. Strategic Account Specialist Samantha Littleton summarized the PIF-related portion of the presentation.

Discussion Highlights
A board member inquired about whether the proposed PIF process change was to ensure alignment with recent water allotment-related updates (Ms. Littleton replied that it is not; it’s simply to ensure staff reviews a customer’s water usage and amount of associated PIF if they request an increased water allotment [to determine if additional PIF fees are necessary]).

Board Member Michael Brown, Jr. moved that the Water Board recommend City Council approve the proposed 2020 Utilities Fall Code Updates on Consent on first reading on November 4, 2020.
Chairperson Steve Malers suggested a friendly amendment to the motion to eliminate the details “…on Consent on first reading on November 4, 2020” in the event Council removes it from the consent agenda or reschedules the item.
Board Member Brown accepted the friendly amendment.
Board Member Nicole Ng seconded the motion.
Vote on the Motion: it passed unanimously, 11-0.
ROLL CALL
Board Members Present: Amanda Shores, Jeremy Giovando, Bill Becker, Dan Gould, Alan Braslau, Marge Moore, Steve Tenbrink, Sue McFaddin, John Fassler
Board Members Absent:
OTHERS PRESENT
Staff Members Present: John Phelan, Christie Fredrickson, Tim McCollough, Theresa Connor, Leland Keller, Cyril Vidergar
Platte River Power Authority: Paul Davis, Trista Fugate
Members of the Public: Rick Coen, Rich Stave, Nick Michell

UTILITIES FALL CODE UPDATE
Tim McCollough, Deputy Director, Utilities Light & Power

Along with the City, Utilities seeks to keep all code current, so every six months staff works on a code-cleanup package. Items in a code-cleanup package are designed to be non-controversial, not significant, and do not incur any cost changes. In this package, there are two sections of code that impact the Electric Utility.

Chapter 26 covers right-of-entry, which dictates Utilities rights to enter private property to access infrastructure. This update includes language clarification to continue to allow Utilities to operate and administer the systems that provide various services for water, wastewater, stormwater, electric and broadband. The update also increases emphasis for Utilities personal to have clear, safe, and reliable access to Utilities equipment and facilities, and adds language to allow recourse if entry is not granted. Additionally, the update clarifies the rights and authorizations of property owners and representatives to permit Utilities to trim limbs, branches, shrubs, or other vegetation as necessary to avoid interference with Utilities equipment.

Mr. McCollough explained that City Council acts as the Utility Electric Enterprise Board at times, and the updated in Section 26-392(a) includes language clarification to explicitly name the officer roles of City Council on the Enterprise Board. The Mayor acts as the Board President, Mayor Pro Tem as the Board Vice President, Financial Officer as Board Treasurer, and City Clerk as Board Secretary. These officers will have the same authority to execute the Enterprise’s ordinances, debt obligations and other instruments as they have when acting in their City offices under applicable law.

Chairperson Shores asked whose obligation vegetation management is, Mr. McCollough said vegetation is the responsibility of the property owner (not the renting tenant), but this language update gives Utilities authorization to clear as need around Utilities equipment and infrastructure. Mr. Vidergar echoed Mr. McCollough, the City has City codes outlining a condition of service as maintaining the property to deliver service. Board member Braslau asked if the Utility is allowed to suspend service in an emergent or dangerous situation for right of access. Mr. McCollough said yes, the Utility will shut off service to protect life or property and do so in an emergency basis.

Board member Tenbrink asked if any of the Enterprise Board meetings are public. Mr. McCollough said they are all open session, as long as they do not meet under executive session.
ENERGY BOARD

REGULAR MEETING
Board member Gould asked if Proposition 117 (Require Voter Approval of Certain New Enterprises Exempt from TABOR Initiative) will impact the Enterprise Boards. Mr. Vidergar said he does not have insight at this moment; as he understood it, that ballot measure was concentrated on State and Home-Rule enterprises, as opposed to municipal, but he will look into it and get back to the Board.

Board member Tenbrink moved the Energy Board recommend City Council approve the Utilities 2020 Fall Code Updates.
Board member Gould seconded the motion.

Vote on the motion: It passed unanimously, 9-0.
ORDINANCE NO. 149, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
TO CLARIFY UTILITIES’ RIGHT OF ENTRY INTO BUILDINGS AND ONTO PREMISES
TO ACCESS UTILITIES EQUIPMENT, FACILITIES, AND APPURTEYNANCES FOR
UTILITIES PURPOSES

WHEREAS, the City owns and operates Fort Collins Utilities (“Utilities”), which
provides various services, including water, wastewater, stormwater, electric, and broadband
services; and

WHEREAS, for Utilities to operate and administer the systems for these services, and to
bill customers for these services, authorized Utilities personnel require clear, safe, and reliable
access to Utilities equipment, facilities, and appurtenances; and

WHEREAS, some of these Utilities equipment, facilities, and appurtenances, including
meters and curb stops, are located on or in private buildings and premises served by Utilities; and

WHEREAS, Utilities personnel therefore require and have historically had, as a condition
of service and pursuant to the City’s authority as a home rule municipality and utility provider, a
right of entry and similar access rights into buildings and onto premises served by Utilities for
purposes of discharging their duties and enforcing provisions of City Code that are related to
Utilities; and

WHEREAS, Utilities requires clear rules related to these Utilities equipment, facilities,
and appurtenances located on or in private buildings and premises served by Utilities, which also
benefit customers by clarifying the rights of Utilities, customers, and the owners/occupants of
such buildings and premises; and

WHEREAS, these rules related to such Utilities equipment, facilities, and appurtenances
are current found in various sections of the City Code, including Sections 26-22, 26-98, 26-99,
26-219, 26-399, and 26-577; and

WHEREAS, Utilities staff has identified various aspects of these relevant City Code
sections that call for clarification and modification to more clearly articulate Utilities’ historical
right of entry and the corresponding rights of customers and the owners/occupants of such
buildings and premises, including the addition of procedures for disputes to be resolved by the
Municipal Court when necessary; and

WHEREAS, this Ordinance amends the relevant City Code sections to accomplish these
purposes.

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

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

Section 2. That Section 26-22 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-22. Right of entry.

(a) Utilities personnel must have clear, safe, and reliable access to utilities equipment, facilities, and appurtenances, including meters, curb stops, fire hydrants, lines, and manholes, located on or in private buildings and premises for utilities’ operation, administration, and billing of service. Such access is hereby provided as a right of entry pursuant to this Section. In connection with the necessary discharge of their duties and the enforcement of the provisions of this Chapter, authorized utility personnel shall, at all reasonable times, have safe access to any premises within or without the City served by one (1) or more of the utilities for any purpose incidental to supplying a service or for the examination or survey thereof or for inspection and repair of facilities and appurtenances, connection and disconnection of services or reading meters. This provision is not intended to modify the right of access described in §26-219.

(b) Access to the meters and utility service equipment located on the customer's premises must be provided for proper administration and billing of service. This includes non-intrusive, automatic drop out access to the customer's telephone service for remote reading of meters by the utilities when such service is available. If any meter cannot be read or access to utility service equipment is not provided for three (3) consecutive months, the customer shall be notified by first-class mail that this condition must be corrected or the utilities shall discontinue service until access to such equipment by the utilities' personnel is accomplished.

(c) Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever authorized utility personnel have reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous or presents a significant, immediate danger to human health or the environment, authorized utility personnel may enter such building or premises at all reasonable times to inspect it or to perform any duty imposed upon authorized utility personnel by this Chapter. If such building or premises is occupied at the time entry is required, the authorized utility personnel shall first present proper credentials and request entry. If such building or premises is unoccupied, the authorized utility personnel shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the authorized utility personnel shall have recourse to every remedy provided by law to secure entry.

(b) In connection with the necessary discharge of their duties and the enforcement of the provisions of this Chapter, authorized utility personnel shall, at all reasonable times, have the right to enter any private building or premises within or without the City served by one (1) or more of the utilities for any purpose directly related or incidental to: supplying a utility service; examinations or surveys related to a service; inspections, installations, maintenance, repair, and
replacement of equipment, facilities, and appurtenances; connection and disconnection of
services; reading and replacing meters; replacing curb stops; inspections to enforce any of the
provisions of this Chapter; and performing any of their duties. The right of entry includes the
right to enter whenever authorized utility personnel have reasonable cause to believe that there
exists in any building or upon any premises any condition or violation which makes such
building or premises unsafe, dangerous, or hazardous, or presents a significant, immediate
danger to human health or the environment. This provision is not intended to modify the right of
access described elsewhere in this Chapter.

(c) It is unlawful for any person to interfere with the reasonable access of authorized utility
personnel to utilities-owned equipment, facilities, and appurtenances located on or in buildings
and premises. Such unlawful interference includes constructing or placing covers on or allowing
vegetation to interfere with meters or other utilities equipment, facilities, and appurtenances and
any other interference with the ability of utilities personnel to discharge their duties.

(d) If such building or premises is occupied at the time entry is required, the authorized
utility personnel shall first present proper credentials and request entry. If such building or
premises is unoccupied, the authorized utility personnel shall first make a reasonable effort to
locate the owner or other persons having charge or control of the building or premises and
request entry.

(e) If such entry is not granted, the authorized utility personnel shall have recourse to every
remedy provided by law to secure entry and access. Such recourse shall include the right to
petition the Municipal Court for an order, injunction, inspection warrant, and/or other relief
confirming and securing the right to enter the specific buildings and premises, subject to any
terms and conditions that may be necessary to protect persons and property, including
reimbursement to utilities for associated costs that may be billed to the customer’s account when
appropriate. When authorized utility personnel have obtained a remedy provided by law to
confirm and secure entry, no owner or occupant or any other persons having charge, care, or
control of any building or premises shall fail or neglect, after a request is made, to promptly
permit entry therein by the authorized utility personnel for proper purposes. Any such failure to
permit entry upon request pursuant to a valid order, injunction, inspection warrant, and/or other
relief shall be a misdemeanor punishable as set forth in § 1-15 of this Code.

(f) If any person interferes with the right of entry under this section, authorized utility
personnel shall have obtained an inspection warrant or other recourse to every remedy provided
by law to secure entry, no owner or occupant or any other persons having charge, care or control
of any building or premises shall fail or neglect, after proper request is made as herein provided,
to promptly permit entry therein by the authorized utility personnel for the purpose of inspection
and examination pursuant to this Article. Any such failure to permit entry upon request pursuant
to a valid inspection warrant shall be a misdemeanor punishable by the provisions set forth in §
1-15 of this Code, and access and to remove any impediments. Such recourse shall include the
right to petition the Municipal Court for an order confirming the right to enter the specific
buildings and premises, to remove any impediments, and to impose terms and conditions that
may be necessary to protect persons and property, including reimbursement to utilities for
associated costs that may be billed to the customer’s account when appropriate.
(g) Regardless of whether authorized utilities personnel have sought any other remedy, if access to utilities equipment, facilities, and appurtenances located on or in private buildings and premises is not provided or if a meter cannot be read for three (3) consecutive months, utilities shall be entitled to discontinue utilities services until access to such equipment, facilities, and appurtenances is provided or the meter is read by utilities personnel, provided that the customer and owner/occupant premise has been notified by first class mail that this conditions must be corrected at least fourteen (14) days before the discontinuation of service.

(eh) An appropriate property owner or representative shall permit the utilities to trim the limbs and branches of trees, bushes and shrubs, or other vegetation to the extent that such trimming utilities personnel determine is reasonably necessary to avoid interference with utilities' lines, streetlights, or other utilities equipment, facilities, and appurtenances, or to allow access to the utilities' meter or other utilities equipment, facilities, and appurtenances on said owner's premises or in the public right-of-way.

(f) The property owner shall be responsible for such trimming of trees, shrubs, or other vegetation as may be necessary to avoid interference with, and allow access to, the utilities' meter, and underground service wires running from the utilities' distribution poles to the point of delivery, or other utilities-owned equipment, facilities, and appurtenances on said owner's premises. Nothing in this Section shall be construed as requiring the owner of a private property to trim or remove any trees or shrubs when such trimming or removing is required to prevent interference with City-owned overhead electric utility lines. It shall be the duty of the City to do any cutting, trimming, pruning or removing of trees or shrubs necessary for the safe use of such lines.

Section 3. That Section 26-98 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-98. Water meter requirements and installation.

. . .

(d) If, during the inspection, installation, maintenance, repair, or replacement of a water meter outside of a user’s residential or nonresidential unit, it is determined that the water service line does not conform to the provisions of §§ 26-94, 26-95, and 26-97, the entire cost of repairing or replacing such water service line shall be borne by the user.

(e) All water meters and setting devices shall be of a type, size and design approved by the Utilities Executive Director and furnished by the utility.

(f) The water meter is the property of the water utility. The utility shall inspect, install, maintain, test and repair, and replace all meters as necessary. A meter such work may be inspected at any reasonable time by the utility.

. . .
Section 4. That Section 26-99(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-99. Meter interference; damages.

. . .

(b) The utility will discontinue water service immediately to any user who violates the provisions of this Section until the user has paid for all water used and all repairs to the meter, including the replacement cost if applicable.

. . .

Section 5. That Section 26-219 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-219. Inspections; right of access.

(a) The Utilities Executive Director may inspect the equipment and facilities of any user at any reasonable time to ascertain compliance with applicable ordinances, rules and regulations. Persons or occupants of premises where wastewater is created or discharged shall allow utility personnel ready access to the premises for the purposes of inspection, sampling, records examination and copying, and performance of any of their duties. The utility shall have the right to set up on the user’s property such devices as are necessary to conduct sampling, inspection, compliance-monitoring and/or metering operations, including meters, water communications modules and water meter touchpads. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make the necessary arrangements with the security guards so that, upon presentation of suitable identification, utility personnel will be permitted to enter without delay for the purposes of performing their specific responsibilities. While performing the necessary work on private property, utility personnel shall observe all security and safety rules applicable to the premises as established by the user.

(b) If a duly authorized representative of the utility is refused admission to a user’s premises or any City owned facilities thereon, including meters, communications modules and water meter touchpads, the Utilities Executive Director may discontinue water or wastewater service to the premises until utility representatives have been afforded reasonable access to the premises and private sewer system to accomplish the inspection or sampling. The Utilities Executive Director may also petition the Municipal Court for an order, injunction, inspection warrant, and/or other relief confirming and securing the right to enter the specific buildings and premises as described in §26-22.

Section 6. That Section 26-399(b) of the Code of the City of Fort Collins is hereby amended to read as follows:
Sec. 26-399. Inspections; right of access.

... 

(b) If a duly authorized representative of the utility is refused admission to a user's premises, or any City owned facilities thereon, including meters, communications modules and meter touchpads, the Utilities Executive Director may discontinue electric service to the premises until utility representatives have been afforded reasonable access to the premises and the building electrical system to accomplish inspection and/or monitoring. The Utilities Executive Director may also petition the Municipal Court for an order, injunction, inspection warrant, and/or other relief confirming and securing the right to enter the specific buildings and premises as described in §26-22.

Section 7. That Section 26-577 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-577. Inspection; right of access.

(a) The City Manager or his or her designee, including the Broadband Executive Director, may inspect any portion of the telecommunication services system and any equipment and facilities of any telecommunication subscriber at any reasonable time to ascertain compliance with applicable ordinances, terms and conditions of service and rules and regulations. Persons or occupants of premises receiving telecommunication facilities and services shall allow telecommunication services personnel ready access to the premises, including the interior thereof, for the purposes of such inspection and performance of any of their duties and any such persons or occupants shall, by granting such access, represent and warrant to the City and the telecommunication services division that they have the legal right and authority to grant that access. The telecommunication services division shall have the right to set up on the subscriber's property such devices as are necessary to conduct inspection, compliance-monitoring and/or maintenance operations. Where a telecommunication subscriber has security measures in place that would require proper identification and clearance before entry into a served premises, the subscriber shall make the necessary security arrangements so that, upon presentation of suitable identification, telecommunication utility personnel will be permitted to enter without delay for the purposes of performing specific responsibilities. While performing necessary work on private property, telecommunication services division personnel shall observe all security and safety rules applicable to the premises as established by the telecommunication subscriber.

(b) If a duly authorized representative of the telecommunication services division is refused admission to a subscriber's premises, or any City owned facilities, including communications modules and equipment, the City Manager or his or her designee, including the Broadband Executive Director, may discontinue telecommunication services until telecommunication services division representatives are afforded access to the premises and the telecommunication facilities and equipment located thereon to accomplish inspection and/or monitoring. The Utilities Executive Director may also petition the Municipal Court for an order, injunction, inspection warrant, and/or other relief confirming and securing the right to enter the specific buildings and premises as described in §26-22.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
ORDINANCE NO. 150, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS
TO MAKE VARIOUS UPDATES REGARDING THE WASTEWATER UTILITY

WHEREAS, the City of Fort Collins owns and operates Fort Collins Utilities, which includes a Wastewater Utility that provides wastewater service to customers in its service area and also accepts for disposal the waste from septic tanks, vaults, privies, portable toilets; and

WHEREAS, Article IV of Chapter 26 of City Code pertains to the Wastewater Utility; and

WHEREAS, Wastewater Utility staff has reviewed relevant portions of City Code in order to update them to be consistent with current operations of the Wastewater Utility and best management practices and has prepared proposed changes to City Code; and

WHEREAS, Wastewater Utility staff has worked with the U.S. Environmental Protection Agency to receive all necessary approvals for the proposed changes to City Code; and

WHEREAS, the Water Board has reviewed the proposed changes to City Code and has recommended their enactment; and

WHEREAS, City Council now desires to amend portions of Article IV of Chapter 26 of the City Code accordingly.

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 and findings contained in the recitals set forth above.

Section 2. That Section 26-289 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-289. – Miscellaneous fees and charges.

The following is a schedule of miscellaneous fees and charges:

<table>
<thead>
<tr>
<th>Description</th>
<th>Basis</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Connection fees and service charges</td>
<td>Fees shall be set forth as in Subsection 26-712(b)</td>
<td></td>
</tr>
<tr>
<td>(2) Industrial discharge permits:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Administration</td>
<td>Annually</td>
<td>$76.00</td>
</tr>
<tr>
<td>b. Surveillance (on request)</td>
<td>Determined for each user</td>
<td></td>
</tr>
</tbody>
</table>
annually, based on direct cost plus 15% indirect costs, billed monthly

(3) Laboratory support services (on request) Determined on a case-by-case basis based on direct cost plus 15% indirect costs

(4) Materials and labor provided by City (on request) Determined on a case-by-case basis based on direct cost plus 15% indirect costs

(5) Charges for disposal at the Fort Collins Regional Sanitary Waste Transfer Station:

| a. Septic tanks, vaults, privies, portable toilets: | Per gallon | $0.074 | 0.09 |
| Generated within Larimer County | | |
| Generated outside Larimer County | | $0.113 |

b. Recreational vehicle sanitary waste holding tanks:

| 1. Residential customers of the City of Fort Collins Wastewater Utility | No charge for individual disposal at Transfer Station |
| 2. Others | 1. Base fee, plus $2.46 |
| | 2. Per gallon $0.074 |

(6) Interest for wastewater service-related loans: 2.5% - 10% per annum; to be set for new loans annually, with the rate for new loans to be based on factors set forth in § 26-720(b) and as provided in the administrative rules and regulations adopted by the Financial Officer pursuant to § 26-720

(7) Loan-related fees for wastewater service-related loans To be set based on related program costs in the administrative rules and regulations of the Financial Officer pursuant to § 26-720

(8) Miscellaneous fees Determined on a case-by-case basis based on direct costs plus 15% indirect costs
Section 3. That Section 26-332 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-332. - Prohibitive discharge standards.

No user whether or not subject to pretreatment standards or requirements shall contribute or cause to be contributed directly or indirectly any pollutant or wastewater that may interfere with the operation or performance of the wastewater utility or pass through the treatment system untreated or any pollutant or wastewater that is prohibited by the national prohibitive discharge standards. Without limiting the acts or discharge that may constitute a violation of this Section, a user shall not contribute any of the following wastewater, substances, materials or wastes into the utility's wastewater system:

(1) Any liquids, solids or gases which by reason or other nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the wastewater system or to the operation of the wastewater system or utility. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge into the system, be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, without limitation: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Celsius, as determined using the test methods specified in 40 C.F.R. § 261.21, and any other substance which the City, the State or EPA has notified the user is a fire hazard or a hazard to the system;

(2) Any solid or viscous substance which could cause an obstruction to flow in the sewers or in any way could interfere with the treatment process, including—without limitation: ashes, cinders, sand, mud, tars, gas, cement, plaster, stone or marble dust, asphalt residues, spent lime, wax, paraffin, paint, wood, sawdust, or shavings, straw, grass clippings, wastepaper, plastics, metals, glass, rags, paunch manure, animal bones, hooves or toenails, hides, hair or bristles, fat, fleshings or entrails, poultry heads, feet or feathers, whole blood, beer and distillery slops, grain processing wastes, grinding or polishing compounds, acetylene generation sludge, chemical residues, food processing bulk solids, residues from refining or processing of fuel or lubricating oil, and all other like solid materials, objects, refuse and debris;

...
car washes and other nonresidential facilities when, in the opinion of the Utilities Executive Director, they are necessary for the proper handling of liquid wastes containing FOG in excessive amounts, any flammable wastes, acid or alkaline substances, sand, or other harmful ingredients.

Section 5. That Section 26-340 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-340. - Discharge limitations.**

(c) *Silver from photograph and x-ray development.* For each photograph or x-ray development process, silver removal treatment shall be provided downstream of the development process. The silver removal equipment shall be operated in a continuously efficient condition that maintains the concentration of silver in discharges resulting from the development of photographs or x-rays to a maximum of one hundred (100) mg/L. Grab samples for demonstrating treatment efficiency shall be collected downstream of treatment and prior to dilution with other wastewater. The grab samples shall not be acidified prior to analysis.

(d) *Volatile organic compounds.* Organic compounds that may cause or result in toxic fumes or vapors in the wastewater collection system are limited to a maximum concentration in discharges of wastewater calculated by the formula:

\[
\text{Maximum Concentration in mg/l} = \frac{\text{TLV/TWA}}{\text{HLC}}
\]

Where:

\[
\text{TLV/TWA} = \text{The compound's Threshold Level Value/Time-Weighted Average in mg/m3 as listed in the American Conference of Governmental Industrial Hygienists' Guide to Occupational Exposure Values-1992, or latest edition}
\]

\[
\text{HLC} = \text{The compound's Henry's Law Constant in (mg/m3)/mg/l}
\]
Mercury from dental offices facilities. No dental office facility shall discharge wastewater generated from the placement or removal of dental amalgam containing mercury unless said dental office facility has installed the equipment described in, and conducts its operations in accordance with, the following best management practices:

1. All dental chairs shall be equipped with chair-side traps. Said chair-side traps shall be cleaned and maintained as needed to assure their continued effective operation. Dental facilities shall minimize the discharge of amalgam containing wastewater by utilizing at a minimum, chair-side traps, screens, and vacuum pump filters.

2. All vacuum pumps shall be equipped with traps or filters. Said traps or filters shall be cleaned and maintained in the manner specified or recommended by the manufacturer of the same.

3. Cleaning of amalgam contaminated traps, filters and other equipment that comes in contact with amalgam shall be conducted in a manner reasonably expected to minimize the discharge of wastewater. Equipment shall be maintained in accordance with manufacturer’s recommendations to ensure continued effective operation.

4. All wastewater generated from the placement or removal of dental amalgam or the cleaning of amalgam traps or filters shall be discharged through an amalgam separator that:
   a. Has been ISO 11143 certified;
   b. Has been installed, and is operated, and maintained, according to the manufacturer’s specifications; and
   c. Achieves a minimum mercury removal efficiency of ninety-five (95) percent.

5. Cleaners that contain chlorine bleach, chlorine, iodine, peroxide or any other oxidizing or corrosive compounds that mobilize mercury shall not be used in any waste lines or drains connected to the amalgam separator. Cleaners must have a pH of greater than 6 but less than 8.

6. All dental amalgam wastes shall be stored in structurally sound, tightly closed and appropriately labeled containers.

7. All dental amalgam waste shall be transferred to an offsite recycling facility for recycling of mercury or shall be managed and disposed of in accordance with applicable federal, state and local hazardous waste laws and regulations.

8. The following documentation shall be established and maintained for no less than three (3) years in a location and manner so as to permit review by the City upon request:
a. The manufacturer and model of any amalgam separator in use;

b. The date of installation of any amalgam separator in use;

c. The name and address of the facility to which any waste amalgam is shipped;

d. The dates that amalgam retaining containers were replaced;

d. The dates and person(s) conducting inspections and results of inspections;

e. The name and address of the facility to which any waste amalgam is shipped;

f. The date and amount of any waste amalgam shipped; and

g. Documentation of any maintenance performed on any amalgam separator;

h. The manufacturer's operating manual for the amalgam separator installed; and

i. Documentation related to self-certification.

(9) The Initial Compliance Report shall be kept for the life of the practice, or until a transfer in ownership and shall be made available for review upon request.

(910) The Utilities Executive Director may request that any user operating a dental office facility provide such information regarding installation and operation of equipment, or the purchase, use, storage, recycling or disposal of dental amalgam as the Utilities Executive Director determines to be reasonably necessary to determine compliance with the requirements of this Subsection 26-340(ed), and applicable federal regulations, including 40 CFR 441, and any such user shall provide said requested information in accordance with the terms of the Utilities Executive Director's request.

(gf) Best management practices. The Utilities Executive Director may impose such additional schedules of activities, prohibitions of practices, maintenance procedures, and other management practices as he or she determines to be necessary to implement the prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (b) and § 26-332 of this Article, such as treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Such best management practices shall be considered local limits and are pretreatment standards for the purposes of 40 C.F.R. 403.5 and Section 307(d) of the act.

(gf) No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any applicable limitations set by this Article.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
ORDINANCE NO. 151, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS TO CLARIFY WATER AND SEWER PLANT INVESTMENT FEES

WHEREAS, the City owns and operates Fort Collins Utilities, which includes a Water Utility and a Wastewater Utility; and

WHEREAS, City Code Sections 26-120 provides for water plant investment fees (“WPIFs”) and subsection (c) states that no user of City water shall make any changes or additions to the property served that would significantly affect the nature or quantity of the use of water without first obtaining a new water service permit from the utility; and

WHEREAS, there is the potential for the nature or quantity of the use of water to be changed when users of City water increase their annual allotment by meeting an additional Water Supply Requirement pursuant to City Code Section 26-149(g) and related sections of City Code, which results in the issuance of a new water service permit; and

WHEREAS, City Code Sections 26-283 provides for sewer plant investment fees (“SPIFs”) and subsection (c) states that no wastewater utility user shall make any changes or additions to the property served or operations at the property that would significantly affect the nature or quantity of the wastewater discharged and/or cause a change in the category of use without first obtaining the approval of the Utilities Executive Director and paying a SPIF based on the altered service; and

WHEREAS, there is the potential for the nature or quantity of the wastewater discharged and/or cause a change in the category of use to be significantly affected when wastewater utility users increase the annual allotment by meeting an additional Water Supply Requirement pursuant to City Code Section 26-149(g) and related sections of City Code for water service permits associated with the wastewater service; and

WHEREAS, City Code historically has not expressly stated that increases in a water users’ annual allotments are changes that may require additional WPIFs and SPIFs, although this has been the meaning and intent of the above sections of City Code; and

WHEREAS, the City Manager and City staff have also recommended to the City Council that City Code be clarified in this respect; and

WHEREAS, the Water Board considered the proposed clarification to City Code at its meeting on October 15, 2020, and recommended approval of the proposed adjustments; 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 any and all determinations and findings contained in the recitals set forth above.
Section 2. That Section 26-120 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-120. Water plant investment fees.

…

(c) No user of City water shall make any changes or additions to the property served that would significantly affect the nature or quantity of the use of water without first obtaining a new water service permit from the utility and paying the WPIF based on the new use. Such changes include without limitation the resumption of service by replacement of an abandoned service line, an increase in the size of the water meter, an increase in the number of dwelling units or the lot area to be served, an increase of the annual allotment, and a change from residential to nonresidential use.

…

Section 3. That Section 26-283 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-283. Sewer plant investment fees (SPIF); basis.

…

(c) No wastewater utility user shall make any changes or additions to the property served or operations at the property that would significantly affect the nature or quantity of the wastewater discharged and/or cause a change in the category of use without first obtaining the approval of the Utilities Executive Director and paying a SPIF based on the altered service. Such changes include without limitation the replacement of an abandoned service line, an increase in the water or sewer tap size, an increase in the number of dwelling units, a change from residential use to nonresidential use, an increase of the annual allotment for a water service permit associated with the wastewater service, or a modification of production by a nonresidential user.

…
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
ORDINANCE NO. 152, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS

WHEREAS, City Code Sections 26-43(a), 26-209(a), 26-392(a), and 26-493(a) each provide that the City’s water, wastewater, electric, and stormwater utilities, respectively, constitute an enterprise of the City and authorize the City Council, acting ex officio as the board of each enterprise, to issue revenue bonds or other obligations (including refunding securities) payable solely from the net revenues derived from the enterprise, and provide for each enterprise board to adopt its ordinances issuing those bonds and other obligations in the same manner as City Council adopts its ordinances; and

WHEREAS, the City Council, acting ex officio as the board of each enterprise, has historically interpreted and implemented City Code Sections 26-43(a), 26-209(a), 26-392(a), and 26-493(a) by the Mayor acting as the president of each enterprise board, the Mayor Pro Tem acting as the vice president of each enterprise board, the Financial Officer acting as the treasurer of each enterprise board, and the City Clerk acting as the secretary of each enterprise board; and

WHEREAS, City Code Sections 26-43(c), 26-209(c), 26-392(c), and 26-493(c) authorize each enterprise to exercise certain powers in furtherance of its purposes, including the power to hold meetings concurrently with regular or special meetings of the City Council; and

WHEREAS, the City Council, acting ex officio as the board of each enterprise, has historically interpreted and implemented City Code Sections 26-43(c), 26-209(c), 26-392(c), and 26-493(c) calling for meetings concurrently with regular or special meetings of the City Council by noticing and holding enterprise board meetings on the same date and immediately following a regular or special meeting of the City Council; and

WHEREAS, in response to repeated citizen objections to the manner in which the City Council, acting ex officio as the board of each enterprise, has historically interpreted and implemented these Code provisions, the City Council desires to clarify and confirm, by amending City Code Sections 26-43(a), 26-209(a), 26-392(a), and 26-493(a) to expressly so state, that the officers of each enterprise are the City’s Mayor (as board president), Mayor Pro Tem (as board vice-president), Financial Officer (as board treasurer), and City Clerk (as board secretary), and that such officers have the same authority to execute each enterprise’s ordinances, debt obligations, and other instruments as they have when acting in their City offices under applicable law; and

WHEREAS, the City Council also desires to amend City Code Sections 26-43(c), 26-209(c), 26-392(c), and 26-493(c) to provide that enterprise board meetings may be held at any time upon the provision of public notice as required for meetings of the City Council.

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 and findings contained in the recitals set forth above.

Section 2. That Section 26-43 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-43. - Utility considered a City-owned enterprise.

(a) The utility shall constitute an enterprise of the City which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the City used in the operation of the enterprise. The ordinance issuing any such revenue bonds or other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as ordinances of the City Council. The officers of the enterprise shall be the mayor as president, the mayor pro tem as vice president, the financial officer as treasurer and the city clerk as secretary. These officers shall have the same authority and duties with respect to the enterprise as they have when acting as officers of the City, including without limitation, the authority to sign the enterprise’s ordinances, resolutions, revenue bonds or other obligations, and other instruments.

(c) The enterprise shall also be authorized to have and exercise the following powers in furtherance of its purposes: to hold meetings upon the call of the mayor as president (or the mayor pro tem as vice president in the case of incapacity or unavailability of the mayor) or the City Manager, after public notice provided in the manner required for concurrently with regular or special meetings of the City Council, to have and use a seal, to issue its revenue bonds for water purposes in the manner in which City revenue bonds may be issued, to pledge any revenues of the City’s water system to the payment of such revenue bonds and to pay such revenue bonds therefrom, to enter into contracts relating to the water system in the manner in which City contracts may be entered into, to make representations, warranties and covenants relating to the water system on behalf of the City, to exercise rights and privileges of the City relating to the water system and to bind the City to perform any obligation relating to the water system other than any multiple-fiscal year direct or indirect debt or other financial obligation of the City without adequate present cash reserves pledged irrevocably and held for payments in all future years.

Section 3. That Section 26-209 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-209. - Utility considered a City-owned enterprise.
(a) The utility shall constitute an enterprise of the City which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the City used in the operation of the enterprise. The ordinance issuing any such revenue bonds or other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as ordinances of the City Council. The officers of the enterprise shall be the mayor as president, the mayor pro tem as vice president, the financial officer as treasurer and the city clerk as secretary. These officers shall have the same authority and duties with respect to the enterprise as they have when acting as officers of the City, including without limitation, the authority to sign the enterprise’s ordinances, resolutions, revenue bonds or other obligations, and other instruments.

(c) The enterprise shall also be authorized to have and exercise the following powers in furtherance of its purposes: to hold meetings upon the call of the mayor as president (or the mayor pro tem as vice president in the case of incapacity or unavailability of the mayor) or the City Manager, after public notice provided in the manner required for concurrently with regular or special meetings of the City Council, to have and use a seal, to issue its revenue bonds for wastewater purposes in the manner in which City revenue bonds may be issued, to pledge any revenues of the City's wastewater system to the payment of such revenue bonds and to pay such revenue bonds therefrom, to enter into contracts relating to the wastewater system in the manner in which City contracts may be entered into, to make representations, warranties and covenants relating to the wastewater system on behalf of the City, to exercise rights and privileges of the City relating to the wastewater system and to bind the City to perform any obligation relating to the wastewater system other than any multiple-fiscal year direct or indirect debt or other financial obligation of the City without adequate present cash reserves pledged irrevocably and held for payments in all future years.

Section 4. That Section 26-392 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-392. - Electric utility and telecommunication services division considered a single city-owned enterprise.

(a) The electric utility, including the telecommunication services division, shall constitute a single enterprise of the City, to be known as the electric utility enterprise, which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the electric utility enterprise. Such revenue bonds or other obligations may
be additionally secured by mortgages on or security interests in any real or personal property of the City used in the operation of the electric utility enterprise. The ordinance issuing any such revenue bonds or approving any such other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as ordinances of the City Council. The officers of the enterprise shall be the mayor as president, the mayor pro tem as vice president, the financial officer as treasurer and the city clerk as secretary. These officers shall have the same authority and duties with respect to the enterprise as they have when acting as officers of the City, including without limitation, the authority to sign the enterprise’s ordinances, resolutions, revenue bonds or other obligations, and other instruments.

(c) The electric utility enterprise shall also be authorized to have and exercise the following powers in furtherance of its purposes: to hold meetings upon the call of the mayor as president (or the mayor pro tem as vice president in the case of incapacity or unavailability of the mayor) or the City Manager, after public notice provided in the manner required for the concurrent with regular or special meetings of the City Council; to have and use a seal; to issue its revenue bonds for purposes related to the electric utility enterprise, including the electric utility system and the telecommunication system, in the manner in which City revenue bonds may be issued; to pledge any revenues of the electric utility enterprise, including the City's electric utility and the telecommunication services division to the payment of such revenue bonds and to pay such revenue bonds therefrom; to enter into contracts relating to the electric utility and the telecommunication services division in the manner in which City contracts may be entered into; to make representations, warranties and covenants relating to the electric utility and the telecommunication services division on behalf of the City; to exercise rights and privileges of the City relating to the electric utility and the telecommunication services division; and to bind the City to perform any obligation relating to the electric utility and the telecommunication services division other than any multiple-fiscal year direct or indirect debt or other financial obligation of the City without adequate present cash reserves pledged irrevocably and held for payments in all future years.

Section 4. That Section 26-493 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-493. - Utility considered a City-owned enterprise.

(a) The utility shall constitute an enterprise of the City which may, by ordinance of the City Council, acting ex officio as the board of such enterprise, issue its own revenue bonds or other obligations (including refunding securities) on behalf of the City, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the City used in the operation of the enterprise. The ordinance issuing any such revenue bonds or
other obligations shall be adopted in the same manner and shall be subject to referendum to the same extent as ordinances of the City Council. The officers of the enterprise shall be the mayor as president, the mayor pro tem as vice president, the financial officer as treasurer and the city clerk as secretary. These officers shall have the same authority and duties with respect to the enterprise as they have when acting as officers of the City, including without limitation, the authority to sign the enterprise’s ordinances, resolutions, revenue bonds or other obligations, and other instruments.

. . .

(c) The enterprise shall also be authorized to have and exercise the following powers in furtherance of its purposes: (1) to hold meetings upon the call of the mayor as president (or the mayor pro tem as vice president in the case of incapacity or unavailability of the mayor) or the City Manager, after public notice provided in the manner required for concurrently with regular and special meetings of the City Council; (2) to have and use a seal; (3) to issue its revenue bonds for stormwater purposes in the manner in which the City revenue bonds may be issued; (4) to pledge any revenues of the City's stormwater system to the payment of such revenue bonds and to pay such revenue bonds therefrom; (5) to enter into contracts relating to the stormwater system in the manner in which City contracts may be entered into; (6) to make representations, warranties and covenants relating to the stormwater system on behalf of the City; (7) to exercise rights and privileges of the City relating to the stormwater system; and (8) to bind the City to perform any obligation relating to the stormwater system other than any multiple-fiscal year direct or indirect debt or other financial obligation of the City without adequate present cash reserves pledged irrevocably and held for payments in all future years.

. . .

Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________________________________________
Mayor

ATTEST:

______________________________________________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

______________________________________________________________
Mayor

ATTEST:

______________________________________________________________
City Clerk
AGENDA ITEM SUMMARY
December 1, 2020

STAFF

Kyle Lambrecht, Civil Engineer
Dan Woodward, Civil Engineer I
Dean Klingner, Transfort and Parking Interim General Manager
Claire Havelda, Legal

SUBJECT

First Reading of Ordinance No. 153, 2020, Adopting the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule.

EXECUTIVE SUMMARY

The purpose of this item is to adopt the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In 2000, the City and Larimer County (County) entered into an intergovernmental agreement (IGA) authorizing the City to collect the Larimer County Regional Transportation Capital Expansion Fees (Regional TCEFs) on behalf of the County. The Regional TCEFs generate revenue for capacity related improvements to regionally significant roadways that are necessitated by new development. The Regional TCEFs are only used on improvements that mutually benefit both the City and County. The Regional TCEFs are collected at the issuance of a building permit.

Per the IGA, the County serves as the Regional TCEF administrator and is responsible to develop project recommendations for fee utilization. The County’s recommendations are typically based on the County’s Transportation Master Plan, a document which identifies regionally significant roadways. Once a project has been identified, City and County staff work together to determine Regional TCEF funding allocations. Regional TCEFs are frequently leveraged with other funds to support larger scale capital projects and can fully support small scale capacity related improvements.

The City and County have previously partnered to design and construct several projects along regionally significant roadways using the Regional TCEF, including improvements to Shields Street and the Shields Street/Vine Drive intersection. City and County staff continue to collaborate on expenditure of the Regional TCEF funds and anticipate using the current funds to improve a section of Taft Hill Road between Horsetooth Road and Harmony Road.

The Larimer County Land Use Code specifies that its Regional TCEF must be updated annually to reflect changes in road construction costs during the previous year. In August, the Board of County Commissioners adopted a revised fee schedule which increased the Regional TCEF by 7.7%. The County’s fee adjustment is based on an eight-quarter moving average calculated from the Colorado Construction Cost Index data.
compiled and reported by the Colorado Department of Transportation. A copy of the August 10, 2020, Minutes of the Board of County Commissioners approving the revised fees has been included with this item.

The revised Regional TCEF, along with a comparison to the 2020 fees, are as follows:

<table>
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<tr>
<th>Development Type</th>
<th>2021 Regional Road Fee</th>
<th>2020 Regional Road Fee</th>
<th>Increase or Decrease</th>
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<td>Residential (per dwelling) by Finished Square Foot of Living Space</td>
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<tr>
<td>900 or less</td>
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<td>$168</td>
<td>$13</td>
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<td>901 to 1300</td>
<td>$253</td>
<td>$235</td>
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<tr>
<td>1301 to 1800</td>
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<td>$332</td>
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<td>$372</td>
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<td>3001 to 3600</td>
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<tr>
<td>3601 or more</td>
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</tr>
<tr>
<td>Industrial</td>
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<td>$103</td>
<td>$8</td>
</tr>
</tbody>
</table>

The revised fees became effective within the County on September 1, 2020. Under the IGA, revisions to the Regional TCEF do not take effect in the City until Council approves a new fee schedule.

**CITY FINANCIAL IMPACTS**

The fees are collected on behalf of Larimer County and the program. Revenues from the fees will pass through City accounts and will not affect City revenue limits under Article X, Section 20. The City does retain a 2% administration fee. Adoption will result in an increase to development fee payers.

**ATTACHMENTS**

1. Board of County Commissioners Minutes, August 10, 2020  (PDF)
MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, AUGUST 10, 2020

LAND USE HEARING

The Board of County Commissioners met at 3:00 p.m., with Michael Whitley, Planner. Chair Johnson presided. Commissioner Donnelly and Commissioner Kefalas were present. Also present were: Lesli Ellis, Community Development Director; Jenn Cram and Tracy Hicks; Community Development; Shelley Bayard de Volo and Tracy Shambo, Engineering; Frank Haug, County Attorney’s Office and Deirdre O’Neill, Deputy Clerk.

Chair Johnson opened the hearing with the Pledge of Allegiance.

Chair Johnson explained that the following items are on the consent agenda and would be approved by one motion unless a member of the Board or a member of the public wished to have a public hearing.

1. CRYSTAL LAKES FILING 8, LOTS 30 & 31 LOT CONSOLIDATION, FILE #20-LAND3999: This is a request for a lot consolidation of lots 30 and 31 of the Crystal Lakes eighth filing. In addition, the applicants also request an easement vacation of the 15-foot utility easements on either side of the common lot line between lots 30 and 31. The applicants’ residence is located on lot 31 and was built in 1977. The only other structure on either parcel is a 96-square foot shed on lot 31. The Larimer County Land Use Code (section 5.7.3) allows for the approval of a lot consolidation if the following review criteria are met:

   A. No additional lots will be created by the lot consolidation.

   B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.

   C. The lot consolidation will not create a nonconforming setback for any existing building.

   D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipality or county boundary line, road, alley, or another lot.

   E. The lot consolidation will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area.

   F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application, The County Commissioners shall consider the original reason or circumstance for a condition or note on a plate when approving a change.
The consolidation of lots 30 & 31 into one lot and easement vacation of the 15-foot utility easements on either side of the common lot line between lots 30 & 31 will not adversely affect any adjacent property owners or any county agency. Staff finds that the proposal meets the requirements of the Larimer County land use code.

The Development Services Team recommends approval of the Crystal Lakes Filing 8, Lots 30 and 31 Lot Consolidation, 20-LAND399 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by February 10, 2021 this approval shall be null and void.

2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

3. The vacation of the utility easement and the reconfiguration of the lot lines shall be finalized at such time when the findings and resolution of the County Commissioners is recorded.

2. HIWATHA HEIGHTS, LOTS 5A & 4A LOT CONSOLIDATION, FILE #20-LAND4002: This is a request for the consolidation of two lots due to the applicants’ cabin on one lot and their septic system that services the cabin is on another lot.

The applicant seeks to combine two contiguous lots, Lots 5A & 4A into one .86 acres lot. The purpose of this request is to have the existing cabin and well on the same lot as the septic system. This request does not include an easement vacation request.

The existing cabin and well are located Lot 4A (parcel #302805004). According to the Assessor’s records, the cabin was built in 1956. The septic system that services the property is located on Lot 5A. The owners, Carrol and Janice White, would like the lots to be combined in order to have the existing cabin, well and septic system all on one lot.

The Larimer County Land Use Code (Section 5.7.3) allows for the approval of a lot consolidation if the following review criteria are met:

A. No additional lots will be created by the lot consolidation.

No new lots will be created. The applicant is proposing to consolidate Lots 5A and 4A to create one .86-acre lot.

B. The resultant lots will meet the required minimum lot size of the applicable zoning district and the lot dimension ratio required by subsection 8.14.1.H. If any of the lots are nonconforming with respect to the minimum lot size or the lot dimension ratio, the lot consolidation must not increase the nonconformity.

The .86-acre lot resulting from the proposed consolidation does not increase the nonconformity with respect to lot size for the O-Open zoning district. The minimum lot size in this zone is 10-acres. The resulting parcel will meet the lot dimension ratio required by subsection 8.14.1.H.
C. The lot consolidation will not create a nonconforming setback for any existing building;

If approved all associated setbacks related to the consolidated lot will be conforming to the Larimer County Land Use Code standards.

D. The resultant lots will meet the requirements of subsection 8.14.1.I. Lots cannot be divided by a municipal or county boundary line, road, alley, or another lot.

The pre-existing boundary line of Lot 5A has County Road 67J passing through the southern portion of the lot. This lot consolidation will not further exacerbate this pre-existing lot configuration.

E. The lot consolidation will not adversely affect access, drainage or utility easements or rights-of-way serving the property or other properties in the area; and

No new construction is currently proposed; therefore, no change of impact is anticipated regarding access, drainage, utility easements or rights-of-way.

F. Any covenants, deed restrictions or other conditions of approval that apply to the original lots must also apply to the resultant lots and be noted on the final plat, except those changes to a condition or note on a plat that are approved with this application. The county commissioners shall consider the original reason or circumstance for a condition or note on a plat when approving a change.

Staff recommends a condition stating that any existing covenants, deed restrictions, other conditions of approval that currently apply to the lots will continue to apply to the new lot created by the consolidation.

The consolidation of Lots 5A and 4A into one lot will not adversely affect any adjacent property owners or any County Agency. Staff finds that the proposal meets the requirements of the Larimer County Land Use Code.

The Development Services Team recommends approval of the Hiawatha Heights, Lots 5A & 4A Lot Consolidation, 20-LAND4002 with the following conditions:

1. All conditions of approval shall be met, and the Findings and Resolution recorded by February 10, 2021 this approval shall be null and void.

2. The resultant lot is subject to all covenants, deed restrictions, or other conditions that apply to the original lots in the subdivision.

MOTION
Commissioner Kefalas moved that the Board of County Commissioners approve the consent agenda for Monday, August 10, 2020 and to authorize the Chair to sign the Findings and Resolutions.

Motion carried 3-0.

PUBLIC HEARING DISCUSSION ITEMS:

Chair Johnson explained that the Board always looks forward to handing out the Environmental Stewardship awards to individuals and organizations who have made significant contributions to environmental stewardship to our community. These awards have been given out for 24-years with a total of 88 awards being presented and tonight we will add another four awards.

3. 2020 ENVIRONMENTAL STEWARDSHIP AWARDS: The County Commissioners present these awards each year to honor the stewardship efforts of county residents, businesses and organizations. The awards began in 1995 and have presented a total of 88 awards to date. The County’s Environmental and Science Advisory Board reviews the nominations and makes recommendations. The 2020 Stewardship Award winners:

1. Wildland Restoration volunteers nominated by Braden Eidem: This non-profit volunteer organization has been active since 1999. Their projects focus on restoring trails and riparian habitats, removing noxious weeds, building artificial beaver dams and other activities to restore rivers and streams. Their mission is to foster a community spirit of shared responsibility for the stewardship and restoration of our public lands.

They work on projects across Colorado, but one important project in Larimer County involved the Young Gulch Trail Restoration Project in the Poudre Canyon. The trail was significantly damaged following the High Park fire in 2012 and then further damaged by the 2013 floods, both of which made the trail impassable. The trail restoration project involved 821 volunteers on 51 separate projects over a five-year period. They repaired 42 stream crossings and miles of trail. The trail opened to the public December 13, 2019.

2. City of Fort Collins Water Treatment Facility nominated by Gregg Stonecipher: In the effort to meet their climate action goals to reduce greenhouse gas emissions. The City of Fort Collins installed a microhydro electric generator that provides 20% of their water treatment facilities electrical demand. The generator provides a direct source of renewable energy, and as a result improves air quality in our community. This project exemplifies an innovative technology that is typically only seen in larger scale applications. The City’s efforts toward conversion to renewable energy provides a significant pollution-reduction benefit to the residents of Larimer County.

3. Kids in Nature nominated by Mary Beth McCubbin: The mission of the Kids in Nature program is to connect kids with nature and foster environmental awareness, land stewardship and education of the importance of our public lands. The program has been active since 2007, and in 2019 volunteers served more than 400 children, parents and counselors. What makes their programs special is the fact that they provide opportunities for at-risk kids who don’t typically get to experience outdoor activities. Some of the participants have never been outside the city environment, so the opportunity to learn about the natural world can have profound and positive impacts on a child’s wellbeing. The kids get to participate in four programs:
1) Mammals in the mountains
2) We need trees
3) Aquatic macro-invertebrates (bugs)
4) Fire Awareness

The Kids in Nature program is the only one of its kind in Larimer County, and they provide important environmental stewardship and education for our youth.

4. **Xanterra Travel Collection nominated by Kevin Crosby**: Within Rocky Mountain National Park, toward the top of Trail Ridge Road, is the historic Alpine Trail Ridge Store and Café. Xanterra started operating the Trail Ridge store in 2007, and immediately installed a small 9-panel solar array, which provided 1.78kw of the store’s electricity. By 2018, they increased their array to 153 solar panels that together provides 56 kw of electricity and includes a battery backup system. The solar array provides 90% of their electrical needs and the system replaces the diesel-powered generator, which annually used 5500 gal of fuel. As a result, the solar array eliminates 56 metric tons of the CO2 emissions and saves $30,000 in electricity costs – annually!

In addition to their use of renewable solar energy, the Xanterra Travel Collection exhibits environmental stewardship in the following ways:

- 42% of gift shop offerings are sourced from Colorado or adjacent states
- 36% of food and beverage purchases for the Café are from local vendors
- They conserve water using low-flow fixtures throughout their facilities
- They conserve energy using LED lights in the store and all other facilities
- They provide education of their sustainability efforts through interactive signage throughout the store and café.

The Xanterra Travel Collection’s sustainability program at the Trail Ridge Store and Café provides a significant reduction in particulate and greenhouse gas emissions in an ecosystem that is highly vulnerable to such pollutants. Their work is contributing to the conservation of this important alpine resource that so many people get to enjoy.

The Board of County Commissioners spoke about each of the awards and took a photo with each of the recipients and congratulated them on this prestigious reward.

Commissioner Kefalas wanted to thank Shelley Bayard de Volo and Board president Jim Garek and went over the process to be considered for nomination.

4. **OLSON APPEAL, FILE #20-ZONE2648**: This is an appeal to section 4.3.10.H.c of the Larimer County Land Use Code to allow a detached accessory living area to exceed the required size maximum of 800 square-feet.

This request is an appeal to Section 4.3.10.H.c of the Land Use Code which limits the size of a detached accessory living area to 40% of the square footage of the single-family dwelling, excluding any garage or basement area, whether finished or not, or 800 square feet, whichever is less.

The property is a 1.24-acre parcel located at 261 Choctaw Road, Lyons, CO, which is in the Pinewood Springs 8th filing west of E Highway 36 and adjacent to National Forest Service land. The property is
currently being developed with a 6,072 square foot single-family residence (4,038 sq. ft. above grade) and 1,800 square foot shop/garage with finished space above.

The finished livable space above the shop/garage is proposed at 1,356 square feet and includes a bedroom, bathroom, laundry, kitchen and living room (see Exhibit C, Applicant’s Floorplan). The property is served by a well and on-site septic system.

The applicant’s project description indicates that the detached accessory living area will be used for their son Noah to live independently, but nearby.

The applicants have submitted a Public Site Plan application and size appeal. If the size appeal is granted by the Board of County Commissioners, the Public Site Plan can be approved administratively by the Community Development Director.

Both dwellings will share the existing access point off Choctaw Road. Adequate parking for the residence and accessory living area are provided within the existing driveway.

The Development Services Team evaluates each request on its own merits but historically has supported accessory living areas up to 1,200 square feet in detached buildings that have unique circumstances and adequate public facilities.

22.2.3 Review criteria for appeals to deviate from standards or requirements other than minimum lot size:

When considering whether to approve an appeal to deviate from standards or requirements of this Code, other than minimum lot size requirements, the County Commissioners may grant the appeal subject to safeguards and conditions consistent with their findings concerning the following factors. The County Commissioners will consider each of the following factors and make findings pertaining to each one which, in their discretion, applies to the appeal:

A. Approval of the appeal will not subvert the purpose of the standard or requirement.

The purpose of Section 4.3.10.H.c. is to allow for accessory living areas that are incidental to the primary use of the property as single-family residential and of an appropriate scale. The size limitation was included to ensure the accessory use remains accessory and to prevent the use from turning into multi-family residential and/or rentals where it is not permitted. Thus, size and intensity of use are considerations.

The proposed size of the accessory living area at 1,356 square feet exceeds what is allowed. As noted above, the Development Services Team has supported up to 1,200 square feet for detached accessory living areas. This has allowed for flexibility for existing buildings (historic farmhouses, etc.) to be repurposed without negatively impacting the single-family character of an area. It has also been supported on properties that have larger acreages with adequate public facilities, as the scale is appropriate.

The floorplan could be modified to reduce the living area to be 1,200 square feet or less and still allow for the windows to be fully utilized for natural light and air. The living space removed could be utilized...
for storage and accessed from the shop below, as seen with other detached accessory living areas proposed above shops/garages on a regular basis.

There are also concerns about the intensity of the use in the area based on evidence of existing wells not producing and the need to supplement water with hauling/cisterns. The applicants have noted in their project description that the accessory living area will be used by their son. We understand that the intensity of this use as proposed would be similar to if their son was living with them in the primary residence. However, since land use approvals run with the land, if approved, the larger square footage would allow for two families or essentially a multi-family residential use with a greater intensity than the underlying zone district allows.

As proposed, the detached accessory living area would subvert the purpose of the size standard both with regard to character and intensity of the use.

B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.

Notice of the Public Site Plan application and size appeal were sent to surrounding property owners. We heard from several neighbors that were concerned about the request. Concerns were based on both the size of the structure/living area, intensity of the use if approved and potential to negatively impact low producing wells in the area. Neighbor comments are attached for reference.

Staff also discussed the history of water in the area with the Pinewood Springs Water District. Pinewood Springs 8th filing was not included in the water district due to the elevation of the lots/building sites being above that of water storage facilities and the cost for required pump stations and water line installation in rocky terrain. Thus, the properties in Pinewood Springs 8th Filing have wells. Properties within the water district have limited water and are restricted from adding accessory dwellings to their properties. The Clerk noted concerns with allowing accessory dwellings in the area outside of the water district due to limited water in a mountainous area and the impacts of low producing wells to the flows within the Little Thompson River (source of water for water district). Since speaking with the water district, they have also submitted an email noting that they are opposed to the requested accessory living area and provided some background on water usage in the area. These are also attached for reference.

It is anticipated that granting the appeal may be detrimental to the public health, safety or property values in the neighborhood.

C. Approval of the appeal is the minimum action necessary.

Approval of the appeal is the minimum action necessary to allow for the proposed accessory living area to exceed 800 square feet. As noted, the living area could be reduced to 1,200 square feet to be consistent with past precedence and reduce potential impacts.

D. Approval of the appeal will not result in increased costs to the general public.

The request may result in increased costs to the public by reducing available water and increasing the necessity to haul water.
E. Approval of the appeal is consistent with the intent and purpose of the Code.

The intent of the detached accessory living area regulations is to allow guest quarters that are secondary to the principal single-family home on the property and compatible with uses in the surrounding area. As discussed above, the requested appeal is not consistent with the intent and purpose of the Code, or past precedence regarding both the size and intensity of the use.

The Development Services Team finds that the proposed appeal to allow the 1,356 square feet of living area above a shop/garage:

1. Will subvert the purpose of the standard or requirement.
2. May be detrimental to the public health, safety or property values in the neighborhood.
3. May result in increased costs to the general public.
4. Will not be consistent with the intent and purpose of the Code.

The Development Services Team recommends denial of the Olson Appeal, File #20-ZONE2648.

Jenn Cram, Planning, gave a presentation on the Olson appeal. The owners of the property are Michael and Trudy Olson. The property is located at 261 Choctaw Road in Lyons, Colorado. The applicants seek to construct a detached accessory living area on the second floor of a shop building already under construction. The property currently contains a single-family dwelling that is also under construction. The accessory living area is proposed to be used as a dwelling unit for the applicant’s son. The space is proposed to contain a bedroom, bathroom, kitchen, living area and laundry room. The proposed water supply for the accessory living area is a proposed well. The submitted floor plan depicts a full-size stove in the kitchen.

The Division of Water Resources noted that a decreed water augmentation plan is required for a second dwelling, or the elimination of the full-size refrigerator and oven/stove was required in order for the living space to meet their definition of an additional bedroom, or extension of the single-family residence.

Some residents are opposed to the request as they do not want to see this space being used as a rental property in the future as well as environmental impacts of heating and cooling two homes on this property.

The County also received emails in support of the request stating that an independent space where Noah can thrive, and grow is vital to his future.

Mike Olson, applicant, addressed the Board.

Mr. Olson explained that the shop is currently under construction with a permit that did not include finishing the second floor. The purpose of the second floor over the shop is to provide living and therapeutic space for his son, Noah. Noah was born with Down Syndrome, is a highly-functioning 17-year-old individual, and is currently a junior at Estes Park High School. Noah’s goal is to be able to live independently.

Mr. Olson explained in order for that goal to become a reality, he needs a normal living space and because he has special needs, he requires space to support ongoing physical and musical therapy as
well as accommodating his studies. He explained that the plan is for Noah to never need public assistance, to live independently to the best of his ability, still living close by. Completing the second floor would make his goal a reality. The Olson’s were not aware of the 800 square-foot limit and are requesting an appeal for 1200 square-feet to utilize the entire space for Noah. The Olson’s have no plans to rent this space out and the home will someday be left to his daughter who will continue to watch over Noah.

The Olson’s are also asking for the Transportation Capital Expansion Fees of $3,670 to be waived since Noah does not drive.

Noah Olson addressed the Board to speak about how important his therapy is, that he does all his own chores, loves to play the drums and guitar, and would like to have his own space.

Commissioner Kefalas asked Noah about the reduction in space and how this would affect his therapy. Noah explained that he needs the space for his music and studies.

Chair Johnson opened the hearing to public comment. No members of the audience addressed the board.

Commissioner Donnelly did have some questions on the usage of water and asked Jenn Cram if we routinely charge fees for this type of dwelling. Ms. Cram stated that this is routine.

Commissioner Kefalas asked the County Attorney if the fees for trips per day as outlined in Section 9.5 and 9.6 of the Land Use Code could be exempted or adjusted. Frank Haug, County Attorney, explained that the Commissioners could request those fees to be adjusted or waived.

The Commissioners thanks the staff for their hard work, explained that they believe this is a unique situation, and that the exterior of the home will not change.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners approve the Olson Appeal, File #20-ZONE2648 with the following conditions of approval:

The accessory living area will not be allowed to have a full-size refrigerator or oven/stove to meet the Division of Water Resources requirement for adequate water.

The Accessory Living Area shall be located as shown on the approved site plan.

MOTION

Motion carried 3-0

MOTION
Commissioner Donnelly moved that the Board of County Commissioners waive the Transportation Capital Expansion fees as indicated in Section 9.5 and 9.5 of the development code for the accessory dwelling unit portion of this property as there is no additional traffic created due to the modification.

Motion carried 3-0

With there being no further business, the Board adjourned at 3:50 p.m.

TUESDAY, AUGUST 11, 2020

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Josh Fudge, Acting Assistant County Manager. Chair Johnson presided. Commissioner Johnson and Commissioner Kefalas were present. Also present were Alisha Jeffers, Commissioners’ Office, and Deirdre O’Neill, Deputy Clerk.

Chair Donnelly opened the hearing with the Pledge of Allegiance

1. PUBLIC COMMENT: Janet Kretch approached the Board about the location site for the Behavioral Health Campus. The Commissioners also received one email from Rosemary Van Gorder about testing inmates for COVID-19.

2. APPROVAL OF THE MINUTES FOR THE WEEK OF AUGUST 3, 2020:

MOTION

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of August 3, 2020.

Motion carried 3-0

3. REVIEW OF THE SCHEDULE FOR THE WEEK OF AUGUST 17, 2020: Ms. Jeffers reviewed the upcoming schedule with the Board.

4. CONSENT AGENDA:

Agreements:

1. Warranty Memorandum for Tips Conservation Development.

2. GOCO Grant Agreement-Laramie Foothills Mountains to Plains 2020 Expansion Project.


Policies:
1. Administrative Policy and Procedure 390.71

Resolutions:


MISCELLANEOUS: Department of Human Services Payments for May 2020; Request for Approval to Enter Upon Lands, Deborah Prentiss; Request for Approval to Enter Upon Lands, Riverview Farm LLC; Exemption from Indirect Cost Policy for COVID 19-Related Grants in the Health and Environment Department.

LIQUOR LICENSES: The Following Liquor licenses were approved: Branding Iron Liquor- Retail Liquor Store; Golf Club at Fox Acres – Hotel & Restaurant; Isabella Bird Bistro Bar – Tavern; Rocky Mountain Gateway #2 – Fermented Malt Beverage Off-Premises.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners approve the consent agenda of for Tuesday, August 11, 2020.

Motion carried 3-0

6. COMMISSIONER’S GUESTS: The Commissioners did not have any guests present.

7. COVID-19 UPDATE: Tom Gonzales, Public Health Director, via teleconference, gave an update to the Board. Director Gonzales explained that they have added two more indicators on the dashboard. One of the additions is the 14-day case rate per 100K and the 14-day test positive percentage. We are currently at 79 for the 14-day case rate and if we go above 100, we will lose our variance. Director Gonzales went over hospitalization capacity and ICU utilization. We are in the green on both which is really good.

Director Gonzales mentioned that we need to keep social distancing, washing our hands and continue using face coverings. We currently have 15 confirmed outbreaks-11 are businesses, 2 are long-term care. He spoke about the two major components of testing. One is specimen collection and the other is clinical lab testing. This is how we determine if the virus is present or not present. The issue is the lag time from testing to receiving results. The CDC states that the time frame needs to be two days or less. Only 27% had a turnaround time of 2-3 days for contact tracing. A total of 40% took 4 days and ten cases took more than seven days to receive results. This is one of the main reasons’ schools are not re-opening for in-classroom learning. One of our major objectives is to get an alternate lab up and running so we can get test results back in 2-3 days.

The Commissioners had questions on the school closure decision and what would it take to re-open in-classroom learning.

Director Gonzales agrees it is very important to have in-classroom learning and the toll that this is taking on working parents and students. However, we need to make sure it is safe for teachers and students to return to school. He did want everyone to be aware that the health department acts as a
consultant, but the final decision is up to each school district. The school does have a great plan on safety measures for re-opening, but the lagging test results make it difficult until we can get results back sooner. They also have plans for when a positive result is returned. The prediction for re-opening is six weeks or mid-September. The school quarter will end in mid-October. It is hoped that we will have the schools open by next quarter.

Commissioner Kefalas asked about the timeline to get the analyzer and how can the Board get an answer on whether the analyzer has been purchased or not and when is it expected. The Commissioner explained that many people do not have the luxury to hire tutors while they are at work and asked if we are staffing the lab so we can go back to phase III. The Commissioners’ asked for the contact information at Colorado State University as we need answers.

During the meeting, Director Gonzales stated that he just received an email from CSU that the analyzer will arrive August 13, 2020, and they will then need two weeks for instrument calibration. They will also post positions for four-five lab technicians. The Commissioners asked how they can help to move along the hiring process so that it is not a lengthy process. Director Gonzales will contact CSU and let the Board know if he needs assistance.

Claire Bouchard and Laura Levy gave an update on recovery efforts on short- and long-term solutions. Larimer Recovery Collaborative has been focused on small businesses and funds through the CARE Act. More childcare is needed which has created a financial impact on families. The Collaborative is working on solutions. She spoke about a new app containing information on childcare facilities and workforce training to increase the number of providers, identifying funding and equity challenges. The task force has wonderful leadership and are actively engaged and working hard on solutions.

The Commissioners had questions on the impacts on children with disabilities and the survey expectations and recovery efforts. Ms. Levy stated that the schools are disseminating the surveys, and that the best source of information for funding and recovery for the public is the United Way of Larimer County. There are many resources available for families on their website.

Ms. Levy spoke about short-term and long-term solutions with respect to childcare including the need for immediate impact for families such as funding, the app, COVID-19 funds through a scholarship. These funds should help up to thirty families. She also spoke about other projects they are working on as well as what they are doing to support local businesses.

The Commissioners thanked Laura and Claire for their hard work and continued efforts on recovery.

### 8. ANNUAL ADJUSTMENT OF TRANSPORTATION CAPITAL EXPANSION FEES:

Since 1998, under the terms of the Land Use Code, Larimer County has been collecting transportation capital expansion fees (TCEF) from new traffic generating development to be used for improvements to the road system to accommodate the increase in traffic generated by the new development.

The methodology for the adjustment in the TCEF’s each year is specified in the Land Use Code and is intended to reflect changes in road construction costs. The data is based on an 8-quarter moving average calculated from Colorado Construction Cost Index quarterly data compiled and reported by the Colorado Department of Transportation (CDOT).
The annual review of the Larimer County Transportation Capital Expansion Fees (TCEFs) for 2020 is resulting in an increase of 7.7% from the 2019 values. As an example of what this change would mean, the TCEF on a new single-family home (between 1,801 SF – 2,400 sf) would increase by $331, from $4,297 to $4,628. A tabulation is included showing the complete current (adopted July 1, 2019) fee schedule and the revised schedule that would be effective based on a 7.7% increase.

Mark Peterson, County Engineer, went over the annual adjustment and construction cost index. The annual fee increase calculates 5% or less that it will be an automatic change in those fees and if it exceeds 5% than it must come before the Board of County Commissioners for a decision.

Mr. Peterson gave a presentation about historical fee changes that is reflective of the booming economy and mortgage rates at all-time lows. He went over proposed adjustments and recommendations.

Commissioner Donnelly asked Mr. Peterson to explain projects in the past that have been funded and Commissioner Kefalas asked if Owl Canyon Road was one of the many projects that have used these fees. Mr. Peterson did confirm that Own Canyon Road was one of many projects that did use these fees.

**MOTION**

Commissioner Donnelly moved that the Board of County Commissioners adopt the calculated 7.7% fee increase effective September 1, 2020.

Motion carried 3-0

9. **PROVIDE DIRECTION ON BEHAVIORAL HEALTH CAMPUS SITE SELECTION:** The City of Fort Collins recently shared its concerns with the current Behavioral Health Campus site located at the NW corner of Taft Hill and Trilby in unincorporated Larimer County. Following a series of discussions and meetings between City of Fort Collins officials and Larimer County officials, a BOCC Work Session occurred on August 3, 2020. City of Fort Collins officials shared site concerns and provided multiple site options for the County to consider as replacement sites for the current project site. Another Work Session occurred on August 5, 2020, when the Behavioral Health Campus project team provided additional information to the BOCC regarding those possible replacement sites and how they compared to the current Taft Hill and Trilby site.

The Commissioners unanimously agreed to continue with the model of purchasing and developing a site rather than shifting to a land-lease arrangement. Commissioner Johnson ruled out sites at 6750 S. College Avenue and 6400 N. Garfield and asked for additional information about a property at Wilson & 57th in Loveland. Commissioner Donnelly focused on the property at Wilson & 57th in Loveland and asked for added information on that site. Commissioner Kefalas ruled out only the 6750 S. College Avenue site but indicated the 6400 N. Garfield site was not considered as viable to him as the Taft Hill & Trilby site or the Wilson & 57th site in Loveland.

Ken Cooper, Facilities, gave an update to the Board on the additional sites and let the Board know his team is fully committed to this long-term plan. He went over the three sites that are currently being considered and spoke about design, utilities, expansion soils, operational costs, long-term fit with
Behavioral Health master plan, proximity to neighborhoods, water and sewer, environmental concerns with relation to nearby industrial use and nearby open space.

Mr. Cooper spoke about advantages and disadvantages to each location and costs, planning and zoning issues, site challenges and the 18-month timeframe.

There were questions between the Board and staff about a new proposal on the Gerard site which included cost for all utilities. The Commissioners had questions on all three sites about anticipated delays, land and site costs, zoning issues, construction costs, proposed use for the 40-acre parcel, proximity to school and parks, and sewer lines. Other items that were discussed were lift stations, landfills, noise, transfer station, uses and compatibility for the Wilson site close to neighborhoods.

Laurie Kadrich answered some questions on timeframes on the transfer station and zoning for the Master Plan for the City of Loveland as well as composting and reducing odors.

Laurie Stolen, Behavioral Health Director, spoke about services that the Behavioral Health Campus will provide including equine assistant therapy, detox, crises services, dental, and vision and many other services.

Ms. Stolen let the Board know that she has had no reservations from providers about the Taft Hill/Trilby site. They felt that county staff has done their due diligence to thoroughly vet the site. Her main concern is that if we go back to square one, that there is a human cost and that we are providing the correct level of service, the over utilization of the emergency rooms, jails are overcrowded, and suicide rates are not reducing.

Commissioner Donnelly wanted to thank the staff for their hard work and has the upmost respect for the team. He expressed that we are so fortunate to have Ken, Laurie Kadrich and Laurie Stolen for her passion about behavioral health services.

Commissioner Donnelly had some concerns about the proposed site as far as environmental issues and traffic from trash trucks which will introduce, noise, emissions, dust. This needs to be addressed. He also spoke about sewage and large equipment on site and its proximity to the Habitat for Humanity affordable housing. There is no housing around the 57th/Wilson street location. He did speak how important the services are to the citizens of Larimer County.

Commissioner Kefalas pointed out that with the current site there is a degree of certainty. He is concerned about the delays and the effect that will have on families and crisis stabilization in patient services. He mentioned that he re-visited the Taft Hill/Trilby site and there is a significant open space next to the facility. He is also concerned about the locations of pump stations and the trash trucks and environmental issues as well. He has confidence in staff and mentioned that we need to do a better job at community engagement. He explained he does take into consideration all the emails that he has received and does not dismiss these comments or concerns.

Chair Johnson let everyone know that he will be supporting the current site at Taft Hill/Trilby. He wanted to thank Ken and his staff. We need supportive housing to address behavioral health issues, and that there is a future probability with this site. We made a commitment to the voters to have a central location and believes this is the best site.
MOTION

Commissioner Donnelly moved that the Board table this item until September 15, 2020, for the following reasons: 1. He would like his questions answered that have been raised during this hearing including environmental issues, significant issues with infrastructure, transportation related issues, residential impacts, community input and issues with equity. 2. To give our sanitation district a month’s time to allow them the opportunity to decide whether they would be supportive to include this site to gain inclusion into their district. 3. To allow for silos testing at both of the 57th street location and the current landfill site.

Motion failed 1-2 Chair Johnson and Commissioner Kefalas dissenting

MOTION

Commissioner Kefalas moved that the Board of County Commissioners direct staff to move forward with the design work with the current location at Taft Hill/Trilby with the goal of having a groundbreaking by the end of the year. He further moved that we have a specific community engagement plan that would include neighbors more directly impacted. He also moved that a consumer advisory council be developed that would raise the issues for transportation equity etc.

MOTION

Motion carries 2-1 Commissioner Donnelly dissenting.

10. BOARD OF COUNTY COMMISSIONERS CONVENE AS BOARD OF EQUALIZATION TO APPROVE RECOMMENDATIONS OF THE BOARD OF EQUALIZATION REFEREES: Joanne Hertz and Kayleigh Ogden, Office of the Clerk and Recorder.

MOTION

Commissioner Donnelly moved to convene as the Board of Equalization

Motion carried 3-0

Joanne Hertz, Recording Technician gave the summary for July 30, 2020. There were 371 total accounts including real property, mobile homes, business, personal, oil and gas, mineral rights and interest accounts. There was a total of 18 hearings conducted, seven accounts were adjusted. Of the seven accounts, three were stipulated. There were 361 denials and three were withdrawn. For the weeks of July 13 through July 30, 2020, there were a total of 549 accounts, 120 hearings and of those 64 accounts were adjusted and 34 of those were stipulated. A total of 478 accounts were denied and seven were withdrawn.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners, convene as the Board of Equalization, approve the recommendations submitted by the referees for the hearings held on July 30, 2020.
Motion carried 3-0

MOTION

Commissioner Donnelly moved to adjourn the meeting and Board of Equalization and reconvene as the Board of County Commissioners

Motion carried 3-0

11. COUNTY MANAGER UPDATE: Josh Fudge, acting as assistant County Manager, let the Board know that the 2021 operating budget requests are due this Friday, August 14, 2020.

12. COMMISSIONER ACTIVITY REPORTS: The Board detailed their attendance at events during the previous week

With there being no further business, the Board adjourn at 11:50 a.m.

ABATEMENT HEARING

The Board of County Commissioners met at 1:30 p.m. with Jennifer Pawleshyn, Appraiser, via teleconference. Chair Johnson presided and Commissioner Donnelly and Commissioner Kefalas were present. Also present was Deirdre O’Neill, Clerk and Recorders’ Office.

1. PETITION FOR ABATEMENT OF TAXES FOR 2019 TAX YEAR (SCHEDULE #R1646434): Ms. Pawleshyn addressed the Board and presented a packet of information detailing the method in which the Assessor’s Office arrived at their current valuation of $276,000 for 2019. The subject property located at 2450 Windrow Court Unit E201 in Fort Collins, Colorado. Ms. Pawleshyn went over comparable sales within a 24-month timeframe with the same square footage based on market value time adjusted sales. The owners of the property are Thakorbha and Puspa Patel. The property in question is a condominium located in Sidehill Condominiums that contains two bedrooms and two bathrooms and 1,003 square-feet. The condition and quality are both listed as average.

Mr. Patel explained that he looked at comparable sales and believes the valuation should be closer to $250,000.

2. PETITION FOR ABATEMENT OF TAXES FOR 2019 TAX YEAR (SCHEDULE R# 1653152: Ms. Pawleshyn addressed the Board and presented a packet of information detailing the method in which the Assessor’s Office arrived at their current valuation of $266,800 for 2019. The subject property located at 4935 Hahns Peak Drive Unit 103 in Loveland, Colorado. Ms. Pawleshyn went over comparable sales within a 24-month timeframe with the same square footage based on market value time adjusted sales. The owners of the property are Thakorbha and Puspa Patel. The property in question is a condominium located in the Lakeshore at Centerra Condominiums that contains two bedrooms and two bathrooms and is 981 square-feet. The condition and quality are both listed as average.

Mr. Patel explained that he looked at recent sales ending June 30, 2018 and believes the valuation should be $241,000.
MOTION

Commissioner Kefalas moved that the Board of County Commissioners uphold the Assessor’s indicated value for $276,000 for account #R1646434.

Motion carried 3-0.

MOTION

Commissioner Kefalas moved that the Board uphold the Assessor’s indicated value for $266,800 for account # R1653152.

Motion carried 3-0.

ABATEMENT HEARING

The Board of County Commissioners met at 2:00 p.m. with Scott Schreiner, Appraiser. Chair Johnson presided and Commissioner Donnelly and Commissioner Kefalas were present. Also present was Deirdre O’Neill, Clerk and Recorders’ Office.

1. PETITION FOR ABATEMENT OF TAXES FOR 2018 AND 2019 TAX YEARS R0298816: Mr. Schreiner explained that the property was built in 1971. It is a modular unit with 1,248 square-feet and an addition 400 square-feet of storage. He presented five comparable sales with the high value of $268,500 and a low of $127,400 with a median of $181,000 with current conditions taken into account for 2018. The 60-month sales data for a modular included four comps with a low of $236,400 and a high of $279,800 and a median of $264,400 for 2019 valuation. The property is located at 942 Eggleston Street in Fort Collins Colorado. The owner of the property is Myrna Allbrandt.

The Commissioners did have some questions about applying time-adjusted formulas for modular units since typically these do not appreciate. Mr. Schreiner did explain that they do take into consideration not only time adjusted value but also style of home. Mr. Schreiner also stated that the current trend is approximately $20,000 in annual increases.

Ms. Allbrandt explained that she also looked at sales and spoke with a friend who is a realtor by profession and feels that the 2019 valuation should be $200,000 but agrees with the 2018 valuation. Mr. Schreiner explained that the property sold in 2013 for $210,600.

2. PETITION FOR ABATEMENT OF TAXES FOR 2018 and 2019 TAX YEARS R0216119: Mr. Schreiner addressed the Board and presented a packet of information detailing the method in which the Assessors’ office arrived at their valuation of $190,100 for 2018 and $219,100 for 2019. The property is located at 2412 Vine Drive in Fort Collins Colorado. The property owner is Myrna Allbrandt.

Mr. Schreiner explained that this is an 832 square-foot ranch style home of fair quality and average condition. It is on two-acres and contains two bedrooms and one bath. There have been two separate appraisals and a market analysis has been completed for the last five years with three comps. The property has unobstructed views but heavy traffic with proximity to Timberline Road. There were
adjustments made since there in not a garage and the property has had several improvements that were not considered in the valuation of the property.

The Commissioners did have some questions on the comparable properties being new construction and questions on location, sales and time trends.

Ms. Allbrant feels the valuation should be at $199,000 for 2019.

MOTION

Commissioner Donnelly moved that the Board of County Commissioners uphold the Assessors’ indicated value of $226,800 for the property at 942 Eggleston Drive.

Motion carried 3-0

MOTION

Commissioner Donnelly moved that the Board of County Commissioners uphold the Assessors' indicated value of $190,100 for tax year 2018 and further move to lower the valuation to $199,000 for tax year 2019 for the property located at 2412 Vine Drive.

Motion carried 3-0

With there being no further business, the Board adjourned at 2:30 p.m.

STEVE JOHNSON
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER
ATTEST

Deirdre O'Neill, Deputy Clerk
ORDINANCE NO. 153, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2021 LARIMER COUNTY REGIONAL
TRANSPORTATION CAPITAL EXPANSION FEE SCHEDULE

WHEREAS, the City and Larimer County (the “County”) previously entered into an intergovernmental agreement, as amended from time to time, whereby the City collects a Regional Transportation Capital Expansion Fee (also known as a “regional road impact” fee) on behalf of Larimer County at the time of issuance of building permits, which fee raises revenue for road improvements on regionally significant roadways that are necessitated by new development (the “IGA”); and

WHEREAS, the City and the County have established a procedure pursuant to City Code Section 7.5-82 for the City Council to consider and approve any County-proposed changes to the Regional Transportation Capital Expansion Fee schedule in order to reflect changes in construction costs, or other relevant factors (the “Regional TCEF Schedule”); and

WHEREAS, the last changes to the Regional TCEF Schedule were formally adopted by the City in 2019, and the County is now proposing a revised fee schedule that increases the Regional TCEF by 7.7%, which reflects changes in road construction costs and is based on an eight-quarter moving average calculated from the Colorado Construction Cost Index data compiled by the Colorado Department of Transportation; and

WHEREAS, under the terms of the IGA, revisions to the Regional TCEF Schedule do not take effect in the City until City Council approves the new fee schedule; and

WHEREAS, the City Council has determined that it is in the best interests of the City that the County’s proposed changes to the Regional TCEF Schedule be adopted in order to further the public interest of adequately funding road improvements that are necessitated by new developments along regionally significant roadways that impact the City.

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 and findings contained in the recitals set forth above.

Section 2. That the 2021 Larimer County Regional Transportation Capital Expansion Fee Schedule attached hereto as Exhibit “A” and incorporated herein by reference is hereby adopted and approved and shall go into effect in Fort Collins upon the effective date of this Ordinance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
Transportation Capital Expansion Fee Schedule

- The fee is based on the current Larimer County Transportation Capital Expansion Fee (TCEF) Study. The TCEF Study and TCEF Sections of the Larimer County Land Use Code are at [www.larimer.org/engineering/development-review](http://www.larimer.org/engineering/development-review).

- The “Residential” tiered fee schedule based on square footage applies to building permits for new residential structures with an application date after June 30, 2018. For new residences constructed after this date, the TCEF will also be applied to any new or additional finished living space square footage, including permits for additions and basement finishes. In such cases, the total fee due is the based on the incremental difference between the existing & proposed finished living square footage. Finished living square footage excludes unfinished basements, attics, and garage floor area. The “Residential” tiered fee structure will not be applied to additions or finishes of existing living space if the original residential building permit was initiated before July 1, 2018.

- The “Nonresidential” fee schedule is based on building use and total square feet. The TCEF applies to new square footage and to changes of use of existing square footage of three general nonresidential categories that are further defined below:
  - “Industrial” includes the processing or production of goods, along warehousing, transportation, communications, and utilities.
  - “Commercial” includes retail development and eating/drinking places, along with entertainment uses often located in a shopping center (e.g. movie theater).
  - “Office & Other Services” includes offices, health care and personal services, business services (e.g. banks) and lodging. Public and quasi-public buildings that provide educational, social assistance, or religious services are also included in this category.
AGENDA ITEM SUMMARY
December 1, 2020
City Council

STAFF
Mark Sears, Natural Areas Manager
Tawnya Ernst, Real Estate Specialist III
Ingrid Decker, Legal

SUBJECT
First Reading of Ordinance No. 154, 2020, Declaring Certain City-Owned Property on Arapaho Bend Natural Area as Road Right-of-Way.

EXECUTIVE SUMMARY
The purpose of this item is to dedicate a strip of property owned by the Natural Areas Department (NAD) as road right-of-way (ROW) via the proposed Arapaho Bend Ponds Subdivision plat, and to authorize the City Manager to sign said plat. NAD is platting a 3.099-acre parcel for the construction of a new trailhead parking lot. This project triggers the development review process and the requirement to dedicate additional road right-of-way for Strauss Cabin Road.

STAFF RECOMMENDATION
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION
NAD owns the Arapaho Bend Natural Area which was acquired in six transactions between 1994 and 2014. The 545-acre property is a popular destination for wildlife watching, hiking, biking, boating, fishing, and horseback riding. The site has three miles of natural surface trails around five ponds, Rigden Reservoir and along the river, and two miles of the paved Poudre River Trail.

Arapaho Bend is currently served by two formal parking lots: the north lot is at the north end of Strauss Cabin Road and south lot is the Harmony Transit Center lot. (Attachment 1) A third small unofficial lot exists off Strauss Cabin Road. The Strauss Cabin parking lots are at capacity most weekends and most evenings resulting in overflow parking along Strauss Cabin Road. In order to reduce safety issues with the overflow parking, NAD intends to eliminate the unofficial approximately 6-8 space parking lot and construct this third trailhead parking lot within the 3+ acre platted parcel to better accommodate existing and future parking needs. The parking lot will primarily serve the natural area, but it will also provide access to the Poudre River Trail, which will be connected under the I-25 Poudre River Bridge to the existing trail in Timnath in 2022. The new, approximately 33 space parking lot will have a gravel surface, paved ADA parking, a vault toilet and a paved connection trail to the paved Poudre River trail which will provide enhanced ADA access.

Construction of the parking lot triggers the development review process, dedication of the road right of way and the payment of local street improvement fees in lieu of constructing the local street improvements. NAD has platted the area for the parking lot. The plat includes the dedication of a 500’-long, 12’-wide right of way along Strauss Cabin Road. This allows Planning to approve a minor amendment and limits NAD’s costs for local street fees in connection with the development of the parking lot to the 500’ foot parking lot frontage instead of the full mile of the natural area’s frontage along Strauss Cabin Road.
Parks Planning is a partner in this parking lot project by providing the project management for the design and construction, which will be built at the same time as the Poudre Trail connection under I-25 to Timnath in 2021-2022. The combined project will save NAD the cost of project management and will reduce the cost of design and construction.

**CITY FINANCIAL IMPACTS**

NAD will pay Transportation $114,000 to cover the cost of the local street fees for the 500’ of street frontage adjacent to the new parking lot. Transportation plans to use these funds to help construct sidewalk improvements on the north side of Harmony Road from Lady Moon Drive east to Strauss Cabin Road, which will provide pedestrian/bicycle access to Arapaho Bend from neighborhoods to the south and west.

Environmental impacts are anticipated to be minimal: the vegetation in the area for the proposed parking lot is mostly non-native smooth brome grass.

**BOARD / COMMISSION RECOMMENDATION**

On September 10, 2020, the Land Conservation and Stewardship Board voted 6-1 to recommend that Council approve an Ordinance dedicating a strip of property owned by the Natural Areas Department (NAD) as road right-of-way (ROW) and to acknowledge a minor subdivision of Arapaho Bend Natural Area to plat a 3.099-acre parcel for the construction of a new trailhead parking lot.

**PUBLIC OUTREACH**

NAD updated the Management Plan for the Poudre River Natural Areas in 2011 after thorough Public Participation, which included the proposal to construct this new parking lot.

On November 12, 2020, the Land Conservation and Stewardship Board was presented with information justifying the need for and the location of the proposed new middle parking lot (Attachment 2) as requested by the Board at their September and October meetings. After discussion the Board concluded that the parking lot was justified and was being proposed in the appropriate location.

**ATTACHMENTS**

1. Parking Lot Plat  (PDF)
2. Middle Parking Lot - Conceptual Sketch  (PDF)
3. Land Conservation & Stewardship Board Minutes - September 2020 (Excerpt)  (PDF)
ARAPAHO BEND SUBDIVISION
A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 34,
TOWNSHIP 7 NORTH, RANGE 88 WEST OF THE SIXTH PRINCIPAL
MERIDIAN; COUNTY OF LARIMER, STATE OF COLORADO
SITE PLAN FOR:
ARAPAHO BEND NATURAL AREA
4190 STRAUSS CABIN RD
TRAIL HEAD PARKING & PEDESTRIAN BRIDGE CROSSING

SURFACE LEGEND
- PCC CONCRETE (DARK BROWN)
- PCC CONCRETE (GRAY)
- RECYCLED ASPHALT PAVING

NOTE:
1. SEE CONCRETE PAVEMENT AND PARKING LOT TYPICAL SECTIONS ON SHEET 2.
2. SEE STANDARD FENCING AND BREAKAWAY FENCE DETAILS ON SHEET 3

PRELIMINARY
NOT FOR CONSTRUCTION

Attachment: Middle Parking Lot - Conceptual Sketch (9683 : Arapaho Bend Natural Area)
Arapaho Bend Natural Area – Proposed Middle Parking Lot – ROW Dedication

Mark provided an aerial photo of the Arapaho Bend area. The purpose of this agenda item is to dedicate a strip of property owned by NAD as road right-of-way and to acknowledge a minor subdivision of Arapaho Bend Natural Area to plat a 3.09-acre parcel for the construction of a new trailhead parking lot.

NAD intends to eliminate an unofficial smaller parking lot and construct this third trailhead parking lot in the 3+ acre platted lot to better accommodate parking needs. The parking lot will primarily serve the natural area, but it will also provide access to the Poudre River Trail, which will connect under the I-25 Poudre River Bridge to the existing trail in Timnath in 2022.

Mark explained NAD has been working on this parking lot for many years. Eventually Transportation will widen and improve Strauss Cabin Road which may result in the elimination of parking along Strauss Cabin Road, which is currently providing additional overflow parking. Vicky reported the southern parking lot (Harmony Transit Center) is never crowded for parking. She suggested promoting that the public use the southern parking lot instead of this construction project. She requested that staff come up with alternative ideas to an additional parking lot.

Mark indicated that the only urgency to make a recommendation was the Transportation Department’s desire to use the $114K in local street fees this fall to build the sidewalk from Hewlett Packard (Lady Moon Drive) towards Strauss Cabin Road.

**Vicky made a motion that the Board postpone deciding or recommendation until the October meeting to allow for additional time for research for the possibility of using the south parking lot or other options. No Board member seconded so the motion failed.**

Ray asked if the road right-of-way could be separate from the parking lot project construction. Mark felt the dedication could be approved for the strip and NAD could build the parking lot later. The parking lot is not mentioned in the draft recommendation provided to the Board for consideration. Mark explained that the only thing that City Council would approve would be right-of-way. The only reason it is going to City Council is because the property was originally purchased by the Natural Areas Department and Council must approve any sale or dedication of Natural Areas land.

**Alycia Crall made a motion that the Land Conservation and Stewardship Board recommend that City Council approve that a certain portion of property owned by the City of Fort Collins Natural Areas Department (NAD) on Arapaho Bend Natural Area, as described to the LCSB on 9/10/2020, be dedicated as Road right-of-way. David Tweedale seconded the motion. The motion was approved 6-1. Joe Piesman voted no.**
Ray asked that Mark keep the Board informed on the parking lot project. Board members would like to see alternative ideas for additional parking.
ORDINANCE NO. 154
OF THE COUNCIL OF THE CITY OF FORT COLLINS
DECLARING CERTAIN CITY-OWNED PROPERTY
ON ARAPAHO BEND NATURAL AREA AS ROAD RIGHT-OF-WAY

WHEREAS, the City owns 545 acres of property in southeast Fort Collins known as Arapaho Bend Natural Area (the “City Property”); and

WHEREAS, the Natural Areas Department (NAD) is planning to enlarge and improve one of the parking lots serving the City Property as it is often at capacity, resulting in overflow parking along Strauss Cabin Road and resulting safety issues; and

WHEREAS, the proposed construction project (the “Project”) would provide 33 parking spaces including paved ADA parking, a vault toilet, and a paved connection to the Poudre River trail; and

WHEREAS, the Project triggers the City’s development review process, dedication of road right of way, and the payment of local street improvement fees in lieu of constructing the local street improvements; and

WHEREAS, NAD has platted the three-acre site of the parking lot, which has only 500 feet of frontage along Strauss Cabin Road, and in doing so has limited the local street fees due in connection with development of the parking lot to the 500 feet attributable to the area that will actually be developed instead of the full mile of the City Property’s entire natural area frontage along Strauss Cabin Road; and

WHEREAS, the proposed Arapaho Bend Ponds Subdivision plat, attached hereto as Exhibit “A” and incorporated herein by reference (the “Plat”), includes the dedication of a 500 foot-long, 12 foot-wide right-of-way along Strauss Cabin Road (approximately .14 acres) in the area indicated on Exhibit “A”; and

WHEREAS, NAD will also pay the Transportation Department $114,000 in local street fees for the 500 feet of street frontage adjacent to the new parking lot; and

WHEREAS, Transportation plans to use these funds to help construct sidewalk improvements on the north side of Harmony Road from Lady Moon Drive to Strauss Cabin Road, which will provide pedestrian/bicycle access to the City Property from nearby neighborhoods; and

WHEREAS, converting a piece of property owned by the City in fee simple to right-of-way is tantamount to a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property; and

WHEREAS, Section 23-111 of the City Code authorizes the City Council to sell, convey or otherwise dispose of any interests in real property owned by the City, provided the City
Council first finds, by ordinance, that such sale or other disposition is in the best interest of the City; and

WHEREAS, the City Council determines that converting .14 acres of the City Property to right-of-way to facilitate the Project is in the best interest of the City and serves a Natural Areas purpose by providing improved facilities and access for public use of the City Property; and

WHEREAS, at its regular meeting on September 10, 2020, the Land Conservation and Stewardship Board voted to recommend that the City Council approve the dedication of the right-of-way described herein.

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 and findings contained in the recitals set forth above.

Section 2. That the City Council hereby declares that the real property described as a 12-foot right of way alignment on Exhibit “A” shall constitute right-of-way for Strauss Cabin Road and related improvements, including without limitation public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interest of the City.

Section 3. That the City Manager is hereby authorized to execute the final plat for the Arapaho Bend Ponds Subdivision, including dedication of the right-of-way as shown on Exhibit “A”, in substantially the form attached as Exhibit “A”, along with such modifications as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City, so long as such modifications do not substantially increase the portion of the City’s property being dedicated as right-of-way.

Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

_______________________________
Mayor

ATTEST:

_______________________________
City Clerk
Passed and adopted on final reading on the 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

_______________________________
City Clerk
RESOLUTION 2020-106 Consenting to the Dissolution of Block 23 Metropolitan District Nos. 1-2.

EXECUTIVE SUMMARY

The purpose of this item is to present a Resolution to Council to consent to the dissolution of the Block 23 Metropolitan Districts Nos. 1-2 (the “Districts”). On September 27, 2016, Council approved the Service Plan for the Districts. At the time of adoption, the Service Plan was intended to enable the Districts to function in a limited administrative capacity but not to issue any debt or begin full operations until a service plan amendment was approved by Council. The Boards of Directors of the Districts have recently adopted a joint resolution calling for the dissolution of the Districts and asking the Council to consent to this dissolution. As allowed by state law, the Larimer County District Court can issue an order dissolving the Districts provided the Council consents to the dissolution as proposed in this Resolution.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

On September 27, 2016, the City Council approved the Service Plan for the Block 23 Metropolitan Districts Nos 1-2 (the “Districts”). However, as adopted, the Service Plan did not allow the Districts to finance and construct their proposed public improvements for the Block 23 development (the “Project”). Instead, the Service Plan only enabled the Districts to undertake minimal administrative activities to comply with certain statutory requirements unless and until a Service Plan amendment was approved by Council. Therefore, the Districts have not had the authority to impose a property tax mill levy or to issue any debt.

In 2019, the Districts attempted, but were not able to gain City staff support for the Service Plan amendment to authorize financing to support the Project. Staff expressed their concerns to the property owner and Project developer regarding a proposed amendment’s compliance with newly adopted policies related to the review and approval of metropolitan district service plans.

As a result, the Board of Directors of the Districts (the “Boards”) have determined it is in the best interest of the Districts to file a Petition for Dissolution with the Larimer County District Court. By law, a district court may dissolve a metropolitan district without an election if: (1) the district lies wholly within the corporate limits of a municipality, (2) the district has no financial obligations or outstanding bonds, and (3) the district’s board and the governing body of the municipality consent to dissolution.

On November 4, 2020, staff received the attached letter from attorney Audrey Johnson with White Bear Ankele Tanaka & Waldron, general counsel for the Districts, requesting Council’s consent to the Districts’ dissolution. Attached to that letter is the joint resolution of the Districts’ boards of directors approving the dissolution of the Districts. In order to avoid unnecessary administrative costs for 2021, the Districts aim to dissolve by the end.
of 2020. As a result, the Districts request that Council consider the request for consent to dissolution as soon as possible.

As of submital for Council consideration of this consent to dissolution, the Districts have no outstanding indebtedness or other financial obligations. Additionally, the Districts have not constructed any public improvement nor provided any services pursuant to its Service Plan. Finally, the Districts have no assets.

Staff has reviewed the request for dissolution submitted by the Boards, the Service Plan, and applicable law and finds no reason for Council to withhold their consent to dissolution.

ATTACHMENTS

1. Request for Dissolution (PDF)
November 4, 2020

VIA ELECTRONIC MAIL

City Hall West
300 LaPorte Ave.,
Fort Collins, CO 80521
Attn: John Duval, Deputy City Attorney

RE: Request for the Fort Collins City Council’s Consent of the Dissolution of Block 23 Metropolitan District Nos. 1 and 2

Dear Mr. Duval:

Our firm serves as general counsel to the Block 23 Metropolitan District Nos. 1 and 2 (each a “District” and collectively, the “Districts”), which are existing Title 32 metropolitan districts located wholly within the City of Fort Collins (the “City”).

This letter serves as the Districts’ formal request for the City’s consent to the Districts’ dissolution pursuant to § 32-1-704(3)(b), C.R.S. Enclosed with this letter is a copy of the joint resolution approving the dissolution of the Districts and a proposed resolution for adoption by the City Council evidencing its consent to the dissolution.

The Districts were organized pursuant to orders and decrees of the Larimer County District Court in 2016 and operate pursuant to a consolidated service plan which was approved by the City Council on September 27, 2016 (the “Service Plan”). The Service Plan authorizes the Districts to finance and construct certain public improvements for the Block 23 development, as further contemplated therein (the “Project”). In addition, the Service Plan provides for the Districts to exist in a very limited capacity and undertake minimal administrative activities to comply with the statutory requirements of Title 32 unless or until a Service Plan amendment is approved. Specifically, the Districts have not had the authority to impose a mill levy or charge fees, and have not had the authority to expend any District funds during the period between organization and a successful service plan amendment.

In 2019, the Districts attempted, but were unable to gain the approval of a Service Plan amendment to authorize the financing to support the Project. At this juncture, it is the view of the Districts’ governing bodies that the most cost-effective course of action moving forward is to...
Mr. John Duval  
RE: Request for the Fort Collins City Council’s Consent of the Dissolution of Block 23 Metropolitan District Nos. 1 and 2  
November 4, 2020

administratively dissolve the Districts. For the reasons set forth above, and in accordance with Section VIII of the Service Plan, the Boards of Directors have determined that it is in the best interest of the Districts to file a petition for dissolution with the Larimer County District Court pursuant to §§ 32-1-701 et seq., C.R.S.

Section 32-1-704(3)(b), C.R.S., provides that an order dissolving a special district may be entered without an election if: (i) the special district lies wholly within the corporate limits of the municipality, (ii) the special district has no financial obligations or outstanding bonds, and (iii) the special district board and the governing body of the municipality consent to the dissolution. The Districts’ boundaries are located wholly within the City, the only eligible electors of Districts are the current directors, and the Districts have no outstanding indebtedness or other financial obligations.

On October 21, 2020, the Boards of Directors of the Districts adopted the Joint Resolution Approving the Dissolution of the Districts deeming it in the Districts’ best interest to dissolve. A copy of this resolution is enclosed herewith. Upon receipt of the consent of the City, the Districts intend to dissolve. It is important to note that the City’s consent is required only to avoid the time and costs associated with an election for dissolution. Because there are no eligible electors within the Districts other than the current directors, all of whom are affiliated with the original developer of the community, conducting such an election would be unnecessary, and would result in an inefficient use of administrative resources and avoidable costs.

In order to avoid unnecessary administrative costs for the 2021 calendar year, the Districts aim to dissolve by the end of 2020. To allow for the appropriate amount of time to proceed with the dissolution process with the District Court and meet the statutory requirements, we respectfully request that the City Council consider the Districts’ request in November of 2020.

We look forward to working with you on this dissolution process. Please let us know if you have any questions regarding this matter.

Very Truly Yours,

WHITE BEAR ANKELE TANAKA & WALDRON  
Attorneys at Law

Audrey G. Johnson

cc: Boards of Directors, Block 23 Metropolitan District Nos. 1-2
Mr. John Duval  
RE: Request for the Fort Collins City Council’s Consent of the Dissolution of Block 23 Metropolitan District Nos. 1 and 2  
November 4, 2020

Enclosures:

A  Resolution of the Boards of Directors Approving the Dissolution.

B  Proposed Resolution of the City Council of the City Consenting to Dissolution of the Districts.
JOINT RESOLUTION
OF THE BOARDS OF DIRECTORS OF THE
BLOCK 23 METROPOLITAN DISTRICT NOS. 1 & 2

APPROVING THE DISSOLUTION OF THE
BLOCK 23 METROPOLITAN DISTRICT NOS. 1 & 2

WHEREAS, pursuant to orders and decrees of the District Court in and for Larimer County, Colorado, the Block 23 Metropolitan District Nos. 1 & 2 (the “Districts”) were duly and validly organized as metropolitan districts in accordance with all applicable law; and

WHEREAS, the Districts operate pursuant to a service plan approved by the City of Fort Collins, Colorado on September 27, 2016 (the “Service Plan”); and

WHEREAS, pursuant to Section 32-1-1001(1)(h), C.R.S., the Boards of Directors of the Districts (the “Boards”) shall have management, control, and supervision of all business affairs of the Districts; and

WHEREAS, pursuant to Section 32-1-701(1), C.R.S., whenever the majority of all the members of the Boards deem it to be in the best interest of the Districts that they be dissolved, the Boards shall file a petition for dissolution with the court; and

WHEREAS, the Districts encompass territory located wholly within the City of Fort Collins, Colorado (the “City”) as described and set forth on Exhibit A (the “Property”); and

WHEREAS, the Boards have determined that since no debt is intended to be issued by the Districts, the purpose for which the Districts were created will not be accomplished; and

WHEREAS, the Districts do not have any outstanding indebtedness or other financial obligations; and

WHEREAS, the Districts have never provided any services pursuant to their Service Plan and the Districts have no assets; and

WHEREAS, a majority of all of the members of the Boards deem it to be in the best interests of the Districts that they be dissolved.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARDS OF DIRECTORS OF THE DISTRICTS AS FOLLOWS:

1. Declaration to Dissolve. The Boards hereby find and determine it to be in the best interests of the Districts that they be dissolved. The foregoing statement is being given in compliance with § 32-1-701(1), C.R.S.
2. **Petition for Dissolution.** The Districts’ general counsel, WHITE BEAR ANKELE TANAKA & WALDRON (the “Legal Counsel”), is hereby directed to prepare such Petition for Dissolution pursuant to § 32-1-702(1), C.R.S. (the “Petition”), and to file such Petition with the District Court in and for Larimer County, Colorado, as may be necessary to effectuate the dissolution of the Districts, and to prepare any and all other documentation and undertake any and all actions necessary to effectuate the dissolution of the Districts pursuant to Colorado law.

3. **Plan for Continuation of Services.** The Boards hereby find and determine that the Districts provide no services within their boundaries and all services authorized to be provided by the Districts are provided by the City, or other jurisdiction, and as a result, no plan for the continuation of the Districts’ services is necessary.

4. **Financial Certificate.** The Boards hereby find and determine that due to all financial obligations of the Districts having been paid by the Developer since organization, and having never opened a bank account on behalf of the Districts, the Districts do not have any financial obligations or outstanding bonds, and the financial certificate given in accordance with § 32-1-702(3)(a), C.R.S. is attached hereto and incorporated herein as **Exhibit B**.

5. **Authority of Legal Counsel.** The Districts’ Legal Counsel shall have the power and authority to execute any and all documents necessary to effectuate the Districts’ dissolution, and to take any and all actions necessary to effectuate the Districts’ dissolution. Legal Counsel shall act in the same capacity and with the same authority as the Districts’ Boards of Directors in order to effectuate the Districts’ dissolution.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]
RESOLVED, ADOPTED AND APPROVED this 21st day of October, 2020.

BLOCK 23 METROPOLITAN DISTRICT
NOS. 1 & 2, quasi-municipal corporations and political subdivisions of the State of Colorado

JD Padilla
JD Padilla (Nov 3, 2020 13:39 MST)

Officer of the Districts

ATTEST:

Cotton Padilla (Oct 30, 2020 11:24 MST)

______________________________

APPROVED AS TO FORM:

WHITE BEAR ANKELE TANAKA & WALDRON
Attorneys at Law

______________________________

General Counsel to the Districts

[Signature Page to Resolution Approving Dissolution of the Districts.]
"Block 23 MD 2020-10-21 Execution Packet" History

- Document created by Dana Anderson (danderson@wbapc.com)
  2020-10-26 - 10:23:27 PM GMT - IP address: 50.209.233.181

- Document emailed to JD Padilla (jd@postmoderndevelopment.com) for signature
  2020-10-26 - 10:25:56 PM GMT

- Document emailed to Colton Padilla (coltonp123@gmail.com) for signature
  2020-10-26 - 10:25:56 PM GMT

- Email viewed by Colton Padilla (coltonp123@gmail.com)
  2020-10-26 - 10:26:00 PM GMT - IP address: 66.102.6.240

- Email viewed by Colton Padilla (coltonp123@gmail.com)
  2020-10-30 - 5:23:27 PM GMT - IP address: 66.102.7.2

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  Signature Date: 2020-11-03 - 8:19:29 PM GMT - Time Source: server - IP address: 75.148.113.73

- Agreement completed.
  2020-11-03 - 8:19:29 PM GMT
EXHIBIT A
(The Property)
EXHIBIT A-1

Block 23 Metropolitan District
Project Area Boundaries

PARCEL I:

LOTS 13 THROUGH 16, INCLUSIVE, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

PARCEL II:

LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

PARCEL III:

ALL OF LOTS 7 AND 8 AND PARTS OF LOTS 9, 10 AND 11, ALL IN BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 7, IN SAID BLOCK 23, THENCE NORTH ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 IN SAID BLOCK 23; THENCE NORTHWESTERLY A DISTANCE OF 205.3 FEET TO A POINT IN THE WEST LINE OF SAID LOT 11 IN SAID BLOCK 23, SAID POINT BEING 3.7 FEET NORTH FROM THE SW CORNER OF SAID LOT 11; THENCE SOUTH ALONG THE WEST LINE OF SAID LOTS 11, 10, 9, 8 AND 7 IN SAID BLOCK 23, A DISTANCE OF 153.7 FEET TO THE SW CORNER OF SAID LOT 7; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 190.0 FEET TO THE POINT OF BEGINNING;

AND

A PART OF LOT 9, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, WHICH BEGINS AT THE NE CORNER OF SAID LOT 9 AND RUNS S 00 DEGREES 00'00" E, 24.00 FEET ALONG THE EAST LINE OF SAID LOT 9; THENCE N 67 DEGREES 45'30" W, 63.41 FEET ALONG THE SOUTHERLY LINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE N 90 DEGREES 00'00" E, 58.69 FEET ALONG THE SAID NORTH LINE TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION AS CONVEYED BY DEED RECORDED AT RECEPTION NO. 99001849.

PARCEL IV:

LOTS 10, 11 AND 12, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, INCLUDING ALL VACATED RAILROAD RIGHT OF WAYS.

EXCEPT THAT PORTION CONVEYED TO CITY OF FORT COLLINS BY DEED RECORDED JANUARY 9, 2004 AT RECEPTION NO. 20040002331.
EXHIBIT A-2

Block 23 Metropolitan District No. 1 Area Boundary

PARCEL I:

LOTS 13 THROUGH 16, INCLUSIVE, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

THAT PORTION OF THE FOLLOWING THREE PARCELS BOUNDED BETWEEN THE FIRST FLOOR ELEVATION AND THE BOTTOM OF THE CEILING JOISTS OF THE SECOND FLOOR OF A YET TO BE CONSTRUCTED BUILDING PLANNED ON SAID PARCELS;

PARCEL II:

LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

PARCEL III:

ALL OF LOTS 7 AND 8 AND PARTS OF LOTS 9, 10 AND 11, ALL IN BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 7, IN SAID BLOCK 23, THENCE NORTH ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 IN SAID BLOCK 23; THENCE NORTHWESTERLY A DISTANCE OF 205.3 FEET TO A POINT IN THE WEST LINE OF SAID LOT 11 IN SAID BLOCK 23, SAID POINT BEING 3.7 FEET NORTH FROM THE SW CORNER OF SAID LOT 11; THENCE SOUTH ALONG THE WEST LINE OF SAID LOTS 11, 10, 9, 8 AND 7 IN SAID BLOCK 23, A DISTANCE OF 153.7 FEET TO THE SW CORNER OF SAID LOT 7; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 190.0 FEET TO THE POINT OF BEGINNING;

AND

A PART OF LOT 9, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, WHICH BEGINS AT THE NE CORNER OF SAID LOT 9 AND RUNS S 00 DEGREES 00'00" E, 24.00 FEET ALONG THE EAST LINE OF SAID LOT 9; THENCE N 67 DEGREES 45'30" W, 63.41 FEET ALONG THE SOUTHERLY LINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE N 90 DEGREES 00'00" E, 58.69 FEET ALONG THE SAID NORTH LINE TO THE POINT OF BEGINNING. EXCEPT THAT PORTION AS CONVEYED BY DEED RECORDED AT RECEIPTION NO. 99001849.

PARCEL IV:

LOTS 10, 11 AND 12, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, INCLUDING ALL VACATED RAILROAD RIGHT OF WAYS.
EXCEPT THAT PORTION CONVEYED TO CITY OF FORT COLLINS BY DEED RECORDED JANUARY 9, 2004 AT RECEPTION NO. 20040002331.
EXHIBIT A-3
Block 23 Metropolitan District No. 2 Area Boundary

THAT PORTION OF THE FOLLOWING THREE PARCELS BOUNDED BETWEEN THE THIRD FLOOR ELEVATION AND THE BOTTOM OF THE CEILING JOISTS OF THE FIFTH FLOOR OF A YET TO BE CONSTRUCTED BUILDING PLANNED ON SAID PARCELS;

PARCEL II:
LOTS 1 THROUGH 6, INCLUSIVE, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

PARCEL III:
ALL OF LOTS 7 AND 8 AND PARTS OF LOTS 9, 10 AND 11, ALL IN BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SE CORNER OF SAID LOT 7, IN SAID BLOCK 23, THENCE NORTH ALONG THE EAST LINE OF SAID BLOCK 23, A DISTANCE OF 76 FEET TO A POINT ON THE EAST LINE OF SAID LOT 9 IN SAID BLOCK 23; THENCE NORTHWESTERLY A DISTANCE OF 205.3 FEET TO A POINT IN THE WEST LINE OF SAID LOT 11 IN SAID BLOCK 23, SAID POINT BEING 3.7 FEET NORTH FROM THE SW CORNER OF SAID LOT 11; THENCE SOUTH ALONG THE WEST LINE OF SAID LOTS 11, 10, 9, 8 AND 7 IN SAID BLOCK 23, A DISTANCE OF 153.7 FEET TO THE SW CORNER OF SAID LOT 7; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 190.0 FEET TO THE POINT OF BEGINNING;

AND

A PART OF LOT 9, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, WHICH BEGINS AT THE NE CORNER OF SAID LOT 9 AND RUNS S 00 DEGREES 00'00" E, 24.00 FEET ALONG THE EAST LINE OF SAID LOT 9; THENCE N 67 DEGREES 45'30" W, 63.41 FEET ALONG THE SOUTHERLY LINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD TO A POINT ON THE NORTH LINE OF SAID LOT 9; THENCE N 90 DEGREES 00'00" E, 58.69 FEET ALONG THE SAID NORTH LINE TO THE POINT OF BEGINNING.
EXCEPT THAT PORTION AS CONVEYED BY DEED RECORDED AT RECEPTION NO. 99001849.

PARCEL IV:
LOTS 10, 11 AND 12, BLOCK 23, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, INCLUDING ALL VACATED RAILROAD RIGHT OF WAYS.

EXCEPT THAT PORTION CONVEYED TO CITY OF FORT COLLINS BY DEED RECORDED JANUARY 9, 2004 AT RECEPTION NO. 20040002331.
EXHIBIT B
(Certificate – No Financial Obligations or Outstanding Bonds)
FINANCIAL CERTIFICATE
REGARDING THE DISSOLUTION OF
BLOCK 23 METROPOLITAN DISTRICT NOS. 1-2

1. We, the undersigned officers of the Boards of Directors of Block 23 Metropolitan District Nos. 1-2, hereby certify and affirm that we have been closely involved in the financial affairs of Block 23 Metropolitan District Nos. 1-2.

2. We hereby further certify that, as of the date of execution of this Financial Certificate, Block 23 Metropolitan District Nos. 1-2 have no assets of any form, no outstanding financial obligations that require repayment, and no outstanding bonds or other form of outstanding indebtedness.

Dated this 21st day of October___________, 2020.

BLOCK 23 METROPOLITAN DISTRICT
NOS. 1-2

By: ____________________________
JD Padilla
President

Attest:

By: ____________________________

Packet Pg. 148
"Block 23 MD 2020-10-21 Execution Packet" History

Document created by Dana Anderson (danderson@wbapc.com)
2020-10-26 - 10:23:27 PM GMT - IP address: 50.209.233.181

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Signature Date: 2020-11-03 - 8:19:29 PM GMT - Time Source: server- IP address: 75.148.113.73

Agreement completed.
2020-11-03 - 8:19:29 PM GMT
RESOLUTION 2020-106
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONSENTING TO THE DISSOLUTION OF BLOCK 23
METROPOLITAN DISTRICT NOS. 1-2

WHEREAS, Block 23 Metropolitan Districts Nos. 1-2 (the “Districts”) were created by Orders and Decrees entered by the Larimer County District Court in December 2016; and

WHEREAS, the Districts operate pursuant to a service plan approved by the City Council on September 27, 2016, in Resolution 2016-075 (the “Service Plan”); and

WHEREAS, the Districts currently exist solely in an administrative capacity under the Service Plan and are not authorized to impose a property tax mill levy or issue debt to finance the public improvements to support the project outlined in the Service Plan, so the purposes for which the Districts were created have not been commenced; and

WHEREAS, the Boards of Directors of the Districts (the “Boards”) have determined it is in the best interest of the Districts to file a Petition for Dissolution with the Larimer County District Court pursuant to Section 32-1-701, et seq., of the Colorado Revised Statutes (“C.R.S.”) as set forth in the attached “Joint Resolution of the Boards of Directors of Block 23 Metropolitan District Nos. 1 & 2 Approving the Dissolution of the Block 23 District Nos. 1 & 2” dated October 21, 2020, attached hereto as Exhibit “A” and incorporated herein by reference (the “Boards’ Dissolution Resolution”); and

WHEREAS, as represented in the Boards’ Dissolution Resolution, the Districts do not have any outstanding bonds, indebtedness or other financial obligations and they have not constructed any public improvements nor provided any services pursuant to the Service Plan, and the Districts have no assets; and

WHEREAS, C.R.S. Section 32-1-704(3)(b) provides that a district court may enter an order dissolving a metropolitan district without an election if (i) the district lies wholly within the corporate limits of a municipality, (ii) the district has no financial obligations or outstanding bonds, and (iii) the metropolitan district’s board and the governing body of the municipality consent to the dissolution; and

WHEREAS, the City Council is in receipt of and has reviewed such documentation as it deems necessary, is supportive of the dissolution of the Districts, and consents to the dissolution of the Districts in this Resolution.

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

Section 1. That the City Council hereby adopts as findings and determinations the recitals state above.
Section 2. That pursuant to and in accordance with C.R.S. Section 32-1-704(3)(b), the City Council hereby consents to the dissolution of the Districts.

Section 3. That the City Manager and the City Attorney are authorized and directed to take any and all actions necessary or appropriate to effectuate the provisions of this Resolution for the dissolution of the Districts.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

____________________________________
Mayor

ATTEST:

____________________________________
City Clerk
RESOLUTION 2020-107 Approving a Partial Deferral of Payment of Water Plant Investment Fees and Sewer Plant Investment Fees Associated with the Larimer County Jail Expansion and Authorizing the City Manager to Execute an Agreement Regarding the Same.

EXECUTIVE SUMMARY

The purpose of this item is to request Council approval for Larimer County to defer the payment of a portion of the water and sewer plant investment fees (PIFs) for the County’s jail expansion project. The PIFs are due at the beginning of projects when a water service permit is issued. However, pursuant to City Code Section 26-120(a) and City Code Section 26-283(d), Larimer County desires a Council resolution for approval to pay a portion of the PIFs in 2020 and to pay the remaining balance when the County grows into its full use of water at the expanded jail. This deferral would help Larimer County manage project costs. Utilities staff negotiated a detailed draft agreement with Larimer County regarding the payment of these PIFs that governs when they are due.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

In 2017, Utilities Customer Accounts communicated to the County, a Key Account customer, a substantial increase that would take effect Jan 1, 2018, to the cash-in-lieu rate for the Water Supply Requirement (WSR). The County, in planning for the jail expansion and future water demands, forecasted future annual demands and purchased additional WSR accordingly. At that time, increasing a water allotment by purchasing additional WSR alone did not necessarily trigger a review of water and sewer PIFs. These fees were not factored into the jail expansion project budget.

Following the purchase of the additional WSR, the County’s account for the jail now has an annual water allotment of 30,658,687 gallons. The County previously paid PIFs for the existing facilities for the jail when it had an annual water allotment of 16,292,600 gallons. The County will receive credit for these previously-paid PIFs and will thus need to pay PIFs for the increase in the maximum daily demand associated with increasing the annual water allotment by 14,366,087 gallons.

In April 2020, Utilities Water Engineering calculated the required PIFs to be $1.1 million for the expansion project, using 2020 PIF rates. Without a resolution approving a deferral under City Code Sections 26-120(a) and 26-283(d), these PIFs are due in full for the expanded water and wastewater service. The County indicated that they had not anticipated these costs, which were not included in their budget.
The County has indicated that it will grow into full use of its annual water allotment and corresponding use of sewer service under at the jail. According to the County’s project engineer, the County has determined that, upon completion of the jail expansion project, the County will not exceed the annual use of 25,000,000 gallons of treated water under the Account for several years, which is less than its annual allotment of 30,658,687 gallons. For several years, the County will likewise not reach an increased maximum daily demand of treated water or an increased maximum daily flow of sewer water corresponding to the full use of its water allotment at the jail.

The County thus desires to now pay PIFs to increase its maximum daily demand of treated water and daily maximum flow of sewer water to correspond to an annual use of 25,000,000 gallons of treated water, and to defer the payment of Water PIFs and Sewer PIFs associated with the additional 5,658,687 gallons (which will equal the annual allotment of 30,658,687 gallons). Pursuant to City Code Sections 26-120(a) and 26-283(a), all PIF payments made pursuant to the agreement with the County will be calculated using the the PIF rates in effect at the time of payment will apply. Thus, if the agreement is signed in 2020 before the PIF rates increase at the beginning of 2021, the immediate Water PIF payment will be $124,766.88 and the immediate Sewer PIF payment will be $547,826.20. If the agreement is signed in 2021, the new PIF rates will apply. See Ordinance No. 133, 2020.

CITY FINANCIAL IMPACTS

The County agrees to pay $124,767 for water PIFs and $547,826 for sewer PIFs in 2020. The County also agrees to pay PIFs in full on the remaining 5,668,687 gallons, at the rate in effect at the time, when use exceeds 25,000,000 gallons annually, or sooner. There are no financial impacts to the City.

BOARD / COMMISSION RECOMMENDATION

This Agreement is scheduled for the Nov. 19, 2020, Water Board Meeting. Minutes will be provided.

ATTACHMENTS

1. Water Board Minutes, November 19, 2020 (excerpt) (PDF)
REGULAR ITEMS

Deferring Plant Investment Fees (PIF) for Larimer County Jail

(Attachments available upon request)

Key Account Strategist Barb Andrews gave an overview of the staff proposal, and Customer Accounts Manager Mark Cassalia assisted in answering the Water Board’s questions. Staff requested the Water Board’s recommendation to City Council regarding the proposed resolution “Approving a partial deferral of payment for Plant Investment Fees (PIFs) associated with the Larimer County Jail Expansion” until demand exceeds 25 million gallons annually. The plan allows the Water Utility to recuperate necessary operating cost and Larimer County can proceed with project construction. City staff will annually review the customer’s water use and will initiate follow-up action to collect deferred PIF once use exceeds 25 million gallons.

Discussion Highlights

Board members commented on or inquired about various related topics including whether staff has reviewed other accounts for similar situations; whether it’s a common request (staff responded that per current City Code, once a customer purchases water supply requirements and plant investment fees, they’re not able to sell the unused portion back to City); water supply requirement fee; etc.

Board Member Phyllis Ortman moved that the Water Board recommend City Council adopt the proposed resolution “Approving a partial deferral of payment for Plant Investment Fees (PIFs) associated with the Larimer County Jail Expansion.”

Board Member Randy Kenyon seconded the motion.

Vote on the Motion: it passed unanimously, 11-0.
RESOLUTION 2020-107
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING A PARTIAL DEFERRAL OF PAYMENT OF WATER PLANT INVESTMENT FEES AND SEWER PLANT INVESTMENT FEES ASSOCIATED WITH THE LARIMER COUNTY JAIL EXPANSION AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT REGARDING THE SAME

WHEREAS, the City owns and operates Fort Collins Utilities (“Utilities”), which includes a Water Utility and a Wastewater Utility; and

WHEREAS, a water plant investment fee ("Water PIF") is required as a prerequisite of water service from Utilities; and

WHEREAS, City Code Section 26-120(a) states that, except to the extent that the deferral of all or any portion of such payment has been approved by the City Council by resolution or except as provided in City Code Section 26-120(f), the Water PIF shall be paid in full at the time the water service connection permit is issued; and

WHEREAS, a sewer plant investment fee ("Sewer PIF") is required as a prerequisite of wastewater service from Utilities; and

WHEREAS, City Code 26-283(a) states that, except to the extent that the deferral of all or any portion of such payment has been approved by the City Council by resolution, the SIF shall be paid in full at the time the sewer connection permit is issued; and

WHEREAS, Larimer County, a political subdivision of the State of Colorado ("County"), is planning to expand and make other modifications to its jail facilities ("Project") located at 2405 Midpoint Drive in Fort Collins, which requires the payment of a Water PIF and a Sewer PIF for the additional water and wastewater service; and

WHEREAS, the County has indicated that it will grow into full use of its annual water allotment and corresponding use of sewer service, and thus, the County thus desires to now pay Utilities for a portion of the Water PIF and the Sewer PIF and to defer the payment of the remaining portions of the Water PIF and the Sewer PIF; and

WHEREAS, Utilities Staff has negotiated a proposed agreement for the partial deferment of the Water PIF and the Sewer PIF for the Project ("Agreement"), a copy of which is attached as Exhibit “A”; and

WHEREAS, in the unique facts of this situation, City Council determines that it is appropriate to defer the payment of a portion of the Water PIF and the Sewer PIF for the Project as set forth in the proposed Agreement and as set forth in this Resolution.

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 a portion of the Water PIF and the Sewer PIF for the Project are deferred as set forth on the proposed Agreement, provided however, that the Agreement is executed within six months of the date of this Resolution.

Section 3. That the City Manager is hereby authorized to execute an Agreement substantially in the form of Exhibit “A”, with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to protect the interests of the City or effectuate the purposes of this Resolution.

Passed and adopted on at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND LARIMER COUNTY REGARDING A PARTIAL DEFERRAL OF PAYMENT OF WATER PLANT INVESTMENT FEES AND PAYMENT OF SEWER PLANT INVESTMENT FEES ASSOCIATED WITH THE LARIMER COUNTY JAIL EXPANSION

This Agreement is entered into by and between the following Parties: the City of Fort Collins, Colorado, a home rule municipality ("City"), acting by and through its Fort Collins Utilities ("Utilities"); and Larimer County, a political subdivision of the State of Colorado ("County").

REQUITALS

A. The County is planning to expand and make other modifications to its jail facilities ("Project") located at 2405 Midpoint Drive in Fort Collins, Colorado ("Parcel"). The County has a Utilities account and water service permit for a treated water tap on the Parcel (currently labeled as Account No. 345160-30262) ("Account"). There are also other accounts and water service permits for other water taps that served portions of the Parcel, though they are not the subject of this Agreement. In conjunction with the Project, pursuant to the requirements of City Code, the County must pay Utilities various fees for the Account, including water plant investment fees ("Water PIFs") and sewer plant investment fees ("Sewer PIFs").

B. In conjunction with the Project, pursuant to the requirements of City Code, the County must pay Utilities Water PIFs for its maximum daily demand (in million gallons per day ("MGD")) under the Account. The Account has an annual water allotment of 30,658,687 gallons. The County previously paid Water PIFs for the existing facilities associated with the Account when it had an annual water allotment of 16,292,600 gallons. The County will receive credit for these previously-paid Water PIFs on the Account. Pursuant to the requirements of City Code, the County thus currently required to pay Utilities Water PIFs on the Account for the increase in the maximum daily demand associated with increasing the annual water allotment for the Account by 14,366,087 gallons.

C. In conjunction with the Project, pursuant to the requirements of City Code, the County also must pay Utilities Sewer PIFs for its maximum daily flow under the Account. As stated above, the Account has an annual water allotment of 30,658,687 gallons. The County previously paid Sewer PIFs for the existing facilities associated with the Account when it had an annual water allotment of 16,292,600 gallons. The County will receive credit for these previously-paid Sewer PIFs on the Account. Pursuant to the requirements of City Code, the County thus currently required to pay Utilities Sewer PIFs for the increase in the maximum daily flow associated with increasing the annual water allotment for the Account by 14,366,087 gallons.

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1 See City Code Sections 26-120, 26-128, 26-283, 26-284.
2 See City Code Sections 26-120.
3 See City Code 26-149(d).
4 See City Code Section 26-120(d).
5 See City Code Sections 26-283.
6 See City Code 26-149(d).
7 See City Code Section 26-283(d).
D. The County has indicated that it will grow into full use of its annual water allotment and corresponding use of sewer service under the Account. According to the County’s project engineer, the County has determined that, upon completion of the Project, the County will not exceed the annual use of 25,000,000 gallons of treated water under the Account for several years. For several years, the County will likewise not reach an increased maximum daily demand of treated water or an increased maximum daily flow of sewer water corresponding to the full use of its water allotment under the Account. The County thus desires to now pay Utilities Water PIFs and Sewer PIFs under the Account to increase its maximum daily demand of treated water and daily maximum flow of sewer water to correspond to an annual use of 25,000,000 gallons of treated water, and to defer the payment of Water PIFs and Sewer PIFs associated with an annual use of 30,658,687 gallons.

E. City Code Section 26-120(a) states: “Except to the extent that the deferral of all or any portion of such payment has been approved by the City Council by resolution or except as provided in Subsection (f) of this Section, this [water plant investment] fee shall be paid in full at the time the water service connection permit is issued.”

F. City Code 26-283(a) states: “Except to the extent that the deferral of all or any portion of such payment has been approved by the City Council by resolution … this fee shall be paid in full at the time the sewer connection permit is issued.”

G. Pursuant to Resolution No. 2020–____, City Code Section 26-120(a), and City Code 26-283(a), the City of Fort Collins City Council has authorized this Agreement by which the payment of Water PIFs and Sewer PIFs for the Project is partially deferred.

H. As governmental entities, the Parties are authorized into enter into the following intergovernmental agreement pursuant to C.R.S. §29-1-203.

AGREEMENT

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated as if fully restated in their entirety.

2. Water PIFs.

   2.1. Immediate Payment of a Portion of the Water PIFs for the Account. Under this Agreement, the County agrees to pay Utilities Water PIFs for a maximum daily demand associated with an annual use of 25,000,000 of treated water under the Account, which will increase the maximum daily demand by 23,855.8904 gallons. The dollar value

8 This maximum daily demand of treated water of 23,855.8904 gallons was calculated as follows. The increase in annual use of treated water under the Account for which Water PIFs will not have been paid was calculated (25,000,000 gallons – 16,292,600 gallons = 8,707,400 gallons). This increase in annual use of treated water for which Water PIFs will not have been paid was then converted to a maximum daily demand (8,707,400 gallons / 365 days = 23,855.8904 gallons per day). This calculation of the maximum daily demand as the quotient of the annual
of the Water PIFs has been calculated pursuant to the rates for Water PIFs in City Code Section 26-128. Within 14 days of the date of this Agreement, the County shall therefore pay Utilities ______________ for Water PIFs for the Account. The County shall submit payment to Utilities (attn: Lance Smith and Phil Ladd), 700 Wood Street (P.O. Box 580) Fort Collins, Colorado 80522-0580.

2.2. **Deferred Payment of a Portion of the Water PIFs for the Account.** The City agrees to the deferral of the payment of Water PIFs under the Account for a maximum daily demand associated with an annual use of 30,658,687 gallons of treated water, which will increase the maximum daily demand by an additional 15,503 gallons.\(^9\)

2.2.1. **Invoice.** Utilities shall issue an invoice to the County for the Water PIFs for an increase in the maximum daily demand of 15,503 gallons after a sum total of more than 25,000,000 gallons of treated water have been delivered under the Account in any calendar year (January 1 through December 31) (“Invoice”). The dollar value of the Invoice shall be calculated using the rate for Water PIFs in effect at the time when the Invoice is prepared.\(^10\) If there is an increase in Water PIF rates between the time of the Invoice and the actual payment of fees, the Water PIF rates in effect at the time of payment shall apply and the Invoice shall be updated accordingly. The Invoice for Water PIFs under this Agreement may be combined with the Invoice for Sewer PIFs under this Agreement.

2.2.2. **Payment.** The County shall pay the Invoice on or before the next March 1\(^{st}\) after receiving the Invoice.

2.2.3. **Prepayment.** The County shall have the right to pay the Water PIFs for the additional 15,503 gallon maximum daily demand for the Account any time before the issuance of the Invoice by providing a letter to Utilities requesting the same at the contact information in Paragraph 9. If such a request is made, the dollar value of the payment shall be calculated using the rate for Water PIFs in existence at the date of the request.

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\(^9\)This maximum daily demand of 15,503 gallons of treated water was calculated as follows. The increase in annual use of treated water under the Account for which Water PIFs will not have been paid was calculated (30,658,687 gallons – 25,000,000 gallons = 5,658,687 gallons). This increase in annual use of treated water for which Water PIFs will not have been paid was then converted to a maximum daily demand (5,658,687 gallons / 365 days = 15,503 gallons per day). This calculation of the maximum daily demand as the quotient of the annual demand divided by 365 days is unique to this Project, where water use will be consistent, with minor peaks resulting from periodic increased water use. This calculation of the maximum daily demand may or may not apply to other accounts, depending on the unique nature of water use on those other accounts.

\(^10\)For reference purposes only, the current Water PIF rate is set forth in City Code Section 26-128.
3. **Sewer PIFs.**

3.1. **Immediate Payment of a Portion of the Sewer PIFs for the Account.** Under this Agreement, the County agrees to pay Utilities Sewer PIFs for a maximum daily flow of sewer water associated with an annual use of 25,000,000 of treated water under the Account, which will increase the maximum daily flow by 23,855.8904 gallons.\(^{11}\) The dollar value of the Sewer PIFs has been calculated pursuant to the rates for Sewer PIFs in City Code Section 26-283. Within 14 days of the date of this Agreement, the County shall therefore pay Utilities ________ for Sewer PIFs for the Account. The County shall submit payment to Utilities ( attn: Lance Smith and Phil Ladd), 700 Wood Street (P.O. Box 580) Fort Collins, Colorado 80522-0580.

3.2. **Deferred Payment of a Portion of the Sewer PIFs for the Account.** The City agrees to the deferral of the payment of Sewer PIFs under the Account for a maximum daily flow of sewer water associated with an annual use of 30,658,687 gallons of treated water, which will increase the maximum daily flow by an additional 15,503 gallons.\(^{12}\)

3.2.1. **Invoice.** Utilities shall issue an invoice to the County for the Sewer PIFs for an increase in the maximum daily flow of 15,503 gallons after a sum total of more than 25,000,000 gallons of treated water have been delivered under the Account in any calendar year (January 1 through December 31) (“Invoice”). The dollar value of the Invoice shall be calculated using the rate for Sewer PIFs in effect at the time when the Invoice is prepared.\(^{13}\) If there is an increase in Sewer PIF rates between the time of the Invoice and the actual payment of fees, the Sewer PIF rates in effect at the time of payment shall apply and the Invoice shall be updated accordingly. The Invoice for Sewer PIFs under this Agreement may be combined with the Invoice for Water PIFs under this Agreement.

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\(^{11}\) This maximum daily flow of sewer water of 23,855.8904 gallons was calculated as follows. The increase in annual use under the Account for which Sewer PIFs will not have been paid was calculated (25,000,000 gallons – 16,292,600 gallons = 8,707,400 gallons). This increase in annual use for which Sewer PIFs will not have been paid was then converted to a maximum daily demand (8,707,400 gallons / 365 days = 23,855.8904 gallons per day). This calculation of the maximum daily demand as the quotient of the annual demand divided by 365 days is unique to this Project, where water use will be consistent, with minor peaks resulting from periodic increased water use. This calculation of the maximum daily demand may or may not apply to other accounts, depending on the unique nature of water use of those other accounts.

\(^{12}\) This maximum daily flow of 15,503 gallons of sewer water was calculated as follows. The increase in annual use under the Account for which Sewer PIFs will not have been paid was calculated (30,658,687 gallons – 25,000,000 gallons = 5,658,687 gallons). This increase in annual use for which Sewer PIFs will not have been paid was then converted to a maximum daily demand (5,658,687 gallons / 365 days = 15,503 gallons per day). This calculation of the maximum daily demand as the quotient of the annual demand divided by 365 days is unique to this Project, where water use will be consistent, with minor peaks resulting from periodic increased water use. This calculation of the maximum daily demand may or may not apply to other accounts, depending on the unique nature of water use on those other accounts.

\(^{13}\) For reference purposes only, the current Sewer PIF rate is set forth in City Code Section 26-284.
3.2.2. **Payment.** The County shall pay the Invoice on or before the next March 1st after receiving the Invoice.

3.2.3. **Prepayment.** The County shall have the right to pay the Sewer PIFs for the additional 15,503 gallon maximum daily demand for the Account any time before the issuance of the Invoice by providing a letter to Utilities requesting the same at the contact information in Paragraph 9. If such a request is made, the dollar value of the payment shall be calculated using the rate for Sewer PIFs in existence at the date of the request.

4. **Fiscal Contingency.** Notwithstanding any other provisions of this Agreement to the contrary, the obligations of the Parties in fiscal years after the fiscal year of this Agreement shall be subject to appropriation of funds sufficient and intended therefor, with the Party having the sole discretion to determine whether the subject funds are sufficient and intended for use under this Agreement.

5. **Remedies.** If any Party fails to comply with the provisions of this Agreement, the other Parties, after providing prompt written notification to the noncomplying Party, and upon the failure of the noncomplying Party to achieve compliance within 28 days following receipt of such notice, may seek all such remedies available under Colorado law.

6. **No Third-Party Beneficiaries.** This Agreement is entered into between the Parties for the purposes set forth herein. It is the intent of the Parties that they are the only beneficiaries of this Agreement and the Parties are only benefitted to the extent provided under the express terms and conditions of this Agreement.

7. **Governing Law and Enforceability.** This Agreement shall be construed in accordance with the laws of the State of Colorado. The Parties recognize that the constitutions, statutes, and rules and regulations of the State of Colorado and of the United States, as well as the Parties’ respective bylaws, city charters and codes, and rules and regulations, impose certain legal constraints on each Party and that the Parties intend to carry out the terms and conditions of this Agreement subject to those constraints. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law.

8. **Waiver.** A waiver of a breach of any of the provisions of this Agreement shall not constitute a waiver of any subsequent breach of the same or another provision of this Agreement. Nothing in this Agreement shall be construed as any waiver of governmental immunity of the Parties who are governments or any other governmental provisions of State law. Specifically, by entering into this Agreement, neither Party waives the monetary limitations on liability or any other rights, immunities, or protections provided by the Colorado Government Immunity Act, C.R.S. § 24-10-101, et seq., or any successor or similar statutes of the State of Colorado.

9. **Notices.** All notices or other communications hereunder shall be sufficiently given and shall be deemed given (i) when personally delivered; (ii) on the date and at the time of delivery or refusal of acceptance of delivery if delivered or attempted to be delivered by an overnight courier service to the party to whom notice is given at the address specified below; (iii) on the date and at
the time shown on the electronic mail if sent by electronic transmission at the e-mail addresses set forth below and receipt of such electronic mail is acknowledged by the intended recipient thereof; or (iv) after the lapse of five business days following mailing by certified mail-return receipt requested, postage prepaid, addressed as follows:

To Fort Collins:

City Manager
City Hall West
300 LaPorte Avenue; P.O. Box 580
Fort Collins, Colorado 80522-0580

With copy to:

Fort Collins City Attorney
300 LaPorte Avenue; P.O. Box 580
Fort Collins, Colorado 80522-0580
epotyondy@fcgov.com

and:

Fort Collins Utilities
Attn: Director of Finance
700 Wood Street
Fort Collins, Colorado 80521

To County:

Larimer County Attorney
224 Canyon Ave, #200
Fort Collins, CO 80521

With a copy to:

10. **Construction.** This Agreement shall be construed according to its fair meaning as it was prepared by the Parties. Headings in this Agreement are for convenience and reference only and shall in no way define, limit, or prescribe the scope or intent of any provision of this Agreement.

11. **Entire Agreement.** This Agreement constitutes the entire agreement of the Parties regarding the matters addressed herein. This Agreement binds and benefits the Parties and their respective successors. Covenants or representations not contained in this Agreement regarding the matters addressed herein shall not bind the Parties.

12. **Representations.** Each Party represents to the other parties that it has the power and authority to enter into this Agreement and the individual signing below on behalf of that Party has the authority to execute this Agreement on its behalf and legally bind that Party.

13. **Assignment.** No Party may assign any rights or delegate any duties under this Agreement without the written consent of all other Parties.
14. **Severability.** If any provision of this Agreement shall prove to be illegal, invalid, unenforceable or impossible of performance, the remainder of this Agreement shall remain in full force and effect.
CITY OF FORT COLLINS, COLORADO, a home-rule city

By: ______________________________________        Date: __________________________
    Darin A. Atteberry, City Manager

ATTEST:

By: ______________________________________        City Clerk
    Name: ______________________________________
    Title: ______________________________________

APPROVED AS TO LEGAL FORM:

By: ______________________________________    Eric R. Potyondy, Assistant City Attorney II
LARIMER COUNTY, a political subdivision of the State of Colorado

By: ________________________________ Date: ________________
AGENDA ITEM SUMMARY
City Council
December 1, 2020

STAFF
Gerry Paul, Director of Purchasing & Risk Management
Marcy Yoder, Neighborhood Services Senior Manager
Ryan Malarky, Legal

SUBJECT

EXECUTIVE SUMMARY
The purpose of this item is to request an exception to the competitive bid process for the purchase of services for a one-year term beginning January 1, 2021, from the Larimer Humane Society for the operation and management of the animal shelter. Approval of this exception may be used as authorized in City Code Section 8-161(d)(4) as the basis for the City Manager and the Purchasing Agent to negotiate and agree to the additional purchase of animal control services from the Larimer Humane Society through December 2025 without further Council approval.

Exception to Competitive Bidding Rationale: Code Section 8-161(d)(1)(a). There exists only one (1) responsible source.

STAFF RECOMMENDATION
Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION
The City has contracted with the Larimer Humane Society for animal control services since 1986. The contract requires the Larimer Humane Society to provide a variety of specialized equipment and personnel necessary to provide animal control services to the City; to operate a shelter facility; to provide emergency veterinary care; to dispose of dead animals; to respond to animal-related calls for service; to enforce City ordinances pertaining to animals; to administer a pet licensing program; and to provide accurate quarterly reports to City staff. There is no other known organization, entity or individual currently capable of performing these services. The City relies on the Larimer Humane Society to address animal-related issues within the City limits and it remains dedicated to providing professional animal control services to the City.

The contract between the City and the Larimer Humane Society expires December 31, 2020. This year is the fifth and final year of the current contract. A new contract is required pursuant to Code Sec. 8-186 which limits multi-year contracts to five (5) years. Adoption of this Resolution will allow this contractual relationship to continue.

CITY FINANCIAL IMPACTS
The proposed 2021 contract contains a negotiated cost to the City for animal control services in the amount of $748,000 paid in monthly installments of $62,333.33. Funds for the contract are authorized in the 2021 budget.
RESOLUTION 2020-108
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN EXCEPTION TO THE COMPETITIVE PURCHASING
PROCESS FOR THE PURCHASE OF ANIMAL CONTROL SERVICES
FROM THE LARIMER COUNTY HUMANE SOCIETY FOR 2021

WHEREAS, Section 8-161(d)(1)(a) of the Code of the City of Fort Collins authorizes the
Purchasing Agent to negotiate the purchase of supplies and services without utilizing a
competitive bidding process where the Purchasing Agent determines that only one responsible
source exists; and

WHEREAS, the Purchasing Agent has determined that the Larimer Humane Society is
the only responsible source for the animal control services needed within the City, which shall
include, without limitation, professional animal control enforcement, public education, operation
and maintenance of an animal shelter, transportation of animals, and pick-up and disposal of
dead animals (“Animal Control Services”); and

WHEREAS, the Purchasing Agent has submitted the requisite justification for such
determination to the City Manager for approval; and

WHEREAS, the City Manager has reviewed and approved the justification for these
Animal Control Services; and

WHEREAS, the cost to purchase these Animal Control Services is $748,000 for the one-
year term beginning January 1, 2021; and

WHEREAS, City Code Section 8-161(d)(3) requires approval of this purchasing method
by the City Council for items costing more $200,000 prior to acquisition; and

WHEREAS, City Code Section 8-161(d)(4) permits the Council to authorize the
Purchasing Agent to negotiate the additional purchase of Animal Control Services from the
Larimer Humane Society for up to four additional one-year terms after the initial one-year term.

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 Council hereby approves, as an exception to the City’s
competitive purchasing process, the purchase of Animal Control Services for a one-year term
beginning January 1, 2021, from the Larimer Humane Society to include, without limitation, the
provision of all necessary personnel trained in the area of animal control; the provision of
uniforms to all animal control enforcement officers; and the provision of humane and modern
vehicles for the safe transportation of animals, for a total payment of Seven Hundred Forty Eight
Dollars and Zero Cents ($748,000) in twelve (12) monthly payments of $62,333.33 for the one-year term beginning January 1, 2021, together with retained impoundment and license fees.

Section 3. That the Purchasing Director may use this approval, as authorized in City Code Section 8-161(d)(4), as the basis for negotiating the additional purchase of Animal Control Services from the Larimer Humane Society for up to four additional one-year terms extending through January 2025.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

______________________________________________
Mayor

ATTEST:

______________________________________________
City Clerk
AGENDA ITEM SUMMARY  
City Council  
December 1, 2020

STAFF
Cameron Gloss, Planning Manager  
Brad Yatabe, Legal

SUBJECT
Resolution 2020-109 Adopting the 2020 Update to the Three-Mile Plan for the City of Fort Collins.

EXECUTIVE SUMMARY
The purpose of this item is to update the Three Mile Plan for the City of Fort Collins ("Plan"). The Plan is a policy document for coordinating future annexation and provision of services required to be updated annually per Colorado Revised Statutes, Section 31-12-105 which requires that cities complete a plan within three miles in any direction from its municipal boundary. The Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation.

This State-required annual update is routine and recurring and highlights the changes to approved plans and other documents applicable to those areas defined in the State Statutes over the past year. Note that the last standalone update was completed in 2018, as the recent adoption of updates to the comprehensive plan (City Plan) fulfilled the annual update requirement in 2019.

STAFF RECOMMENDATION
Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION
In 1987, the Colorado Legislature modified annexation laws, limiting municipal annexations to no more than three miles beyond current municipal boundaries in any given year. Later, a provision was added requiring municipalities to prepare and adopt a “Three-Mile Plan” prior to annexing property into municipal boundaries. Although the City employs a fixed Growth Management Area (GMA) and associated policies, the Three-Mile Plan is still required by Colorado law.

Section 31-12-105 of the Colorado Revised Statutes requires the City to complete a plan as follows:

Prior to completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area. Such plan shall be updated at least once annually.

The City’s original Three-Mile Plan was adopted by Council in 1998 and has been revised annually pursuant to State Statutes. This Three-Mile Plan describes each of the items listed in the statute in four categories:
Transportation-related items:
- Streets
- Subways
- Bridges
- Parkways
- Aviation Fields
- Terminals for Transportation

Parks, Natural Areas and Open Lands-related items:
- Waterways
- Waterfronts
- Playgrounds
- Squares
- Parks
- Grounds
- Open Spaces

Utilities and related items:
- Public Utilities
- Terminals for Water, Light, Sanitation, and Power Provided by the Municipality

Proposed Land Uses:
- Inside Growth Management Area
- Outside Growth Management Area

The Plan lists the plans, policies, maps, and other documents that have been adopted by the City which generally describe the proposed location, character and extent of the specific characteristics listed above. In addition, several plans and policies are listed from adjoining municipalities or local and regional institutions that may have influence over areas within Fort Collins’ Three-Mile Plan boundary.

This annual update to the Plan represents a routine and recurring action, to ensure the City complies with the State Statute requirements. There have been very few changes to plans and other documents since the previous update. A list of updated plans and policies since 2019 includes:

- Airport Master Plan
- College and Drake Urban Renewal Plan
- Harmony Corridor Plan
- Master Street Plan
- Montava PUD Master Plan and Montava PUD Overlay
- Mountain Vista Subarea Plan
- Parks and Recreation Policy Plan
- Parks and Recreation Master Plan (adoption anticipated December 2020)

**BOARD / COMMISSION RECOMMENDATION**

At its November 19, 2020, hearing, the Planning and Zoning Board unanimously adopted a recommendation on the consent agenda that Council approve the *Three-Mile Plan for the City of Fort Collins.*

**ATTACHMENTS**

1. Powerpoint Presentation (PDF)
Three-Mile Plan Overview

- Three-Mile Plan coordinates the provision of land-uses and infrastructure for potential annexations within 3-miles of City limits:
  - Describes the general location, character and extent of future land uses, utilities, and infrastructure
  - Annual updates required by Colorado statute
- The Fort Collins Three-Mile Plan references the adopted plans, policies, and maps relevant within three-miles of the municipal boundary
2020 Changes

Updated 2020 plans/documents referenced by the Three-Mile Plan:

- Airport Master Plan (adoption anticipated November 2020)
- College and Drake Urban Renewal Plan
- Harmony Corridor Plan
- Master Street Plan
- Montava PUD Master Plan and Montava PUD Overlay
- Mountain Vista Subarea Plan
- Parks and Recreation Policy Plan
- Parks and Recreation Master Plan (adoption anticipated December 2020)
Three-Mile Plan Boundary

[Map showing the Three-Mile Plan Boundary with various locations labeled such as Fort Collins, Wellington, etc.]
Three-Mile Plan Waterways
Three-Mile Plan Airports
Three-Mile Plan Land Uses
RESOLUTION 2020-109
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2020 UPDATE TO THE THREE-MILE PLAN
FOR THE CITY OF FORT COLLINS

WHEREAS, Colorado law provides at Section 31-12-105, C.R.S., that each municipality annexing land in the State must prepare and annually update a plan for the geographic area within three miles in any direction from the municipality’s boundaries (the “Three-Mile Plan”); and

WHEREAS, the Three-Mile Plan must generally describe the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities and terminals for water, light, sanitation, transportation and power to be provided by the municipality, and the proposed land uses for the area; and

WHEREAS, the City’s original Three-Mile Plan was adopted in 1998, and has been annually updated since that time; and

WHEREAS, the Planning and Zoning Board, at its November 19, 2020, meeting unanimously recommended that City Council approve the 2020 Three-Mile Plan; and

WHEREAS, City staff has prepared and presented to the City Council a proposed 2020 update of the Three-Mile Plan for the City, which the City Council has determined is in the best interests of the citizens of Fort Collins and should be approved.

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 updated Three-Mile Plan for the City, attached hereto as Exhibit “A” and incorporated herein by this reference, is hereby approved and adopted.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day December A.D. 2020.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
Three-Mile Plan for the City of Fort Collins

2020 Update
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I. Introduction

What is the Purpose of the Three-Mile Plan?

The Three-Mile Plan for the City of Fort Collins is a policy document for coordinating future annexation and provision of services which is required to be updated annually per Colorado Revised Statutes Section 31-12-105.

The Three-Mile Plan describes the general location, character, utilities, and infrastructure for areas of potential annexation into the City within three miles in any direction of the municipal boundary. The Three-Mile Plan takes a much broader approach to the annexation and development of land than a specific annexation impact report and ensures proposed annexations are consistent with the City’s comprehensive plan and other annexation and land development policies.

Section 31-12-105 of the Colorado Revised Statutes requires municipalities to complete a plan within three miles in any direction of the municipal boundary as follows:

Prior to the completion of any annexation within the three-mile area, the municipality shall have in place a plan for that area that generally describes the proposed location, character, and extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the municipality and the proposed land uses for the area.

Updates to the Three-Mile Plan are routine and occur on an annual basis. The 2020 update highlights changes to approved plans, policies, and other applicable documents defined in state statutes since the prior year’s update. Note that in 2019, adoption of the update to the comprehensive plan fulfilled the annual Three-Mile Plan update requirements and the last standalone update was completed in 2018.

What Does the Three-Mile Plan Describe?

This Three-Mile Plan illustrates and references adopted plans, policies, maps, and other documents adopted by the City which generally describe the location, character, and extent of land uses, transportation facilities, and infrastructure required by State Statutes listed above.

These documents are organized into four categories, as follows:

Transportation-related Items:
- Streets
- Subways
- Bridges
- Parkways
- Aviation Fields
Other Public Ways
Terminals for Transportation

Parks, Natural Areas and Open Lands-related Items:
- Waterways
- Waterfronts
- Playgrounds
- Squares
- Parks
- Grounds
- Open Spaces

Utilities and Related Items:
- Public Utilities
- Terminals for Water, Light, Sanitation, and Power Provided by the Municipality

Proposed Land Uses:
- Inside Growth Management Area (GMA)
- Outside Growth Management Area (GMA)

In addition to adopted plans and policies adopted by the City, the Three-Mile Plan also references plans and policies adopted by other jurisdictions and adjacent municipalities that may overlap with Fort Collins’ Three-Mile Plan study area.

2020 Three-Mile Plan Updates
There have been relatively few updates to existing plans or newly-adopted plans within the three-mile study area over the past year. Section II highlights updated or newly-adopted documents from the preceding year in bold.
II. Elements of the Three-Mile Plan

Transportation-related Items

1. Streets:
   - **Airport Master Plan** *(adoption anticipated November 2020)*
   - Capital Improvement Plan
   - City Plan
   - **City of Fort Collins Master Street Plan**
   - City of Fort Collins Street Standards
   - City of Fort Collins Bicycle Plan
   - City of Fort Collins Bicycle Safety Education Plan
   - City of Fort Collins Pedestrian Plan
   - Colorado State University Parking and Transportation Master Plan
   - **Fort Collins Transportation Master Plan**
   - Harmony Road ETC Master Plan
   - Harmony Road Access Control Plan
   - I-25/392 Interchange Improvement Plan
   - Larimer County Transportation Master Plan
   - Larimer County Urban Area Street Standards
   - Mason Corridor Master Plan
   - North Front Range Regional Transportation Plan
   - North College and Highway 14 Access Control Plan
   - Northern Colorado Regional Planning Study
   - Northern Colorado Regional Communities I-25 Corridor Plan
   - Downtown Parking Plan
   - South College Access Control Plan
   - Fort Collins Streetscape Design Standards
   - Subarea Plans
     - CDOT US392 Environmental Overview Study
     - CDOT North I-25 Environmental Impact Statement
     - CDOT US287 Environmental Overview Study
     - Downtown Plan
     - Downtown River Corridor Implementation Program Summary Report
     - Downtown Strategic Plan
     - East Mulberry Corridor Plan
     - East Side Neighborhood Plan
     - Fossil Creek Reservoir Area Plan
     - **Harmony Corridor Plan**
     - I-25 Subarea Plan
     - Lincoln Corridor Plan
     - Midtown in Motion
     - **Mountain Vista Subarea Plan**
     - North College Corridor Plan
     - Northside Neighborhood Plan
     - Northwest Subarea Plan
     - Old Town Neighborhoods Plan
     - Prospect Road Streetscape Program
     - South College Corridor Plan
2. Subways: None

3. Bridges:
   - **Master Street Plan**
   - North Front Range Regional Transportation Plan

4. Parkways:
   - Larimer County Urban Area Street Standards

5. Aviation Fields:
   - **Airport Master Plan**
   - The attached map entitled “Airports within the Three-Mile Area Plan Boundary” locates all airports within the plan area

6. Other Public Ways: None

7. Terminals for Public Transportation:
   - Mason Corridor Master Plan

### Parks, Natural Areas, and Open Lands-related Items

1. Waterways:
   - Cache La Poudre River Landscape Opportunities Study
   - Downtown River Corridor Implementation Program
   - Poudre River Downtown Master Plan
   - Stormwater Master Plan and Floodplain Regulations
   - Watershed Approach to Stormwater Quality
   - The attached map entitled “Significant Waterways and Waterfronts within the Three-Mile Area Plan Boundary” locates all significant waterways within the plan area

2. Waterfronts:
   - The attached map entitled “Significant Waterways and Waterfronts within the Three-Mile Area Plan Boundary” locates all significant waterways within the plan area

3. Playgrounds, Squares, Parks:
   - City Plan
   - Larimer County Comprehensive Parks Master Plan
   - Parks and Recreation Policy Plan
   - Poudre School District Master Plan
- **Subarea Plans**
  - Campus West Community Commercial District Planning Study Report
  - CDOT US392 Environmental Overview Study
  - CDOT North I-25 Environmental Impact Statement
  - CDOT US287 Environmental Overview Study
  - **College & Drake Urban Renewal Plan**
  - Downtown Plan
  - Downtown River Corridor Implementation Program Summary Report
  - Downtown Strategic Plan
  - East Mulberry Corridor Plan
  - East Side Neighborhood Plan
  - Fossil Creek Reservoir Area Plan
  - **Harmony Corridor Plan**
  - I-25 Subarea Plan
  - Lincoln Corridor Plan
  - Midtown in Motion
  - **Montava PUD Master Plan & Montava PUD Overlay**
  - **Mountain Vista Subarea Plan**
  - North College Corridor Plan
  - Northside Neighborhood Plan
  - Northwest Subarea Plan
  - Old Town Neighborhoods Plan
  - Prospect Road Streetscape Program
  - South College Corridor Plan
  - State Highway 392 Access Control Plan
  - West Central Neighborhoods Plan

- **Thompson School District Master Plan**
- **Trails Master Plan**

4. **Grounds, Open Spaces:**
- Bobcat Ridge Natural Area Management Plan – outside Growth Management Area (GMA)
- Cache La Poudre River Natural Areas Management Plan
- City Plan
- City of Fort Collins Natural Areas Program Land Conservation and Stewardship Master Plan
- Colorado State University (CSU) Master Plan
- Foothills Natural Areas Management Plan
- Fossil Creek Natural Areas Management Plan
- Fossil Creek Reservoir Regional Open Space Management Plan
- Larimer County Open Lands Master Plan
- Larimer County Comprehensive Parks Master Plan
- Northern Colorado Regional Planning Study
- Natural Areas Master Plan
- **Parks and Recreation Policy Plan**
- **Parks and Recreation Master Plan** *(adoption anticipated December 2020)*
- Plan for the Region Between Fort Collins and Loveland
- Regional Community Separator Study
- Soapstone Prairie Natural Area Management Plan – outside GMA
Utilities and Related Items

1. Public Utilities:
   - 2007 East Larimer County Water District (ELCO) Master Plan Update
   - 208 Plan
   - Boxelder Sanitation District Wastewater Utility Plan
   - City Plan
   - Drinking Water Quality Policy
   - Fort Collins Communitywide 100% Renewable Electricity Goal
   - Fort Collins-Loveland Water District Master Plan
   - Fort Collins Water Supply and Demand Management Policy
   - Fort Collins Water Supply Shortage Response Plan
   - Fort Collins Wastewater Master Plan Update
   - Fort Collins Revised Water Treatment Facility Master Plan
   - Fort Collins Utilities Energy Policy 2016 Update
   - Fort Collins Utilities Water and Wastewater Design Criteria Manual
   - South Fort Collins Sanitation District Master Plan for Wastewater Collection and Treatment
   - Stormwater Criteria Manual
   - Stormwater Master Plan and Floodplain Management
   - Water Conservation Plan
   - Water Efficiency Plan

2. Terminals for Water, Light, Sanitation, Transportation, and Power Provided by the Municipality:
   - 208 Plan
   - City Plan
   - City of Fort Collins Master Street Plan
   - City of Fort Collins Electric Long Range Plan
   - Drinking Water Quality Policy
   - Fort Collins Communitywide 100% Renewable Electricity Goal
   - Fort Collins-Loveland Water District Master Plan
   - Fort Collins Water Supply and Demand Management Policy
   - Fort Collins Water Supply Shortage Response Plan
   - Fort Collins Wastewater Master Plan Update
   - Fort Collins Revised Water Treatment Facility Master Plan
   - Fort Collins Utilities Energy Policy 2016 Update
   - Fort Collins Utilities Water and Wastewater Design Criteria Manual
   - South Fort Collins Sanitation District Master Plan for Wastewater Collection and Treatment
   - Stormwater Criteria Manual
   - Stormwater Master Plan and Floodplain Management
   - Water Conservation Plan
   - Water Efficiency Plan
Proposed Land Uses

1. Land Uses Defined within the Growth Management Area (GMA):
   - City Plan
   - City of Fort Collins Structure Plan
   - Fort Collins and Larimer County Intergovernmental Agreement
   - Fort Collins and Windsor Intergovernmental Agreement
   - Fort Collins and Timnath Intergovernmental Agreement Seventh Amendment
   - Colorado State University (CSU) Master Plan
   - City of Fort Collins Intergovernmental Agreements (Town of Timnath, South Fort Collins/Loveland Water District)
   - Subarea Plans
     - Campus West Community Commercial District Planning Study Report
     - CDOT US392 Environmental Overview Study
     - CDOT North I-25 Environmental Impact Statement
     - CDOT US287 Environmental Overview Study
     - College & Drake Urban renewal Plan
     - Downtown Plan
     - Downtown River Corridor Implementation Program Summary Report
     - Downtown Strategic Plan
     - East Mulberry Corridor Plan
     - East Side Neighborhood Plan
     - Fossil Creek Reservoir Area Plan
     - Harmony Corridor Plan
     - Harmony Road ETC Master Plan
     - I-25 Subarea Plan
     - Midtown Plan
     - Montava PUD Master Plan & Montava PUD Overlay
     - Mountain Vista Subarea Plan
     - North College Corridor Plan
     - Northside Neighborhood Plan
     - Northwest Subarea Plan
     - Old Town Neighborhoods Plan
     - Prospect Road Streetscape Program
     - South College Corridor Plan
     - State Highway 392 Access Control Plan
     - West Central Neighborhoods Plan

2. Land Uses Outside the GMA:
   - A Plan for the Region Between Fort Collins and Loveland
   - City of Loveland Three-Mile Area Plan
   - Fort Collins-Windsor Intergovernmental Agreement for Development of the Interstate 25 / State Highway 392 Interchange
   - LaPorte Area Plan
   - Larimer County Comprehensive Plan
   - Larimer County Multi-Jurisdictional Hazard Mitigation Plan
   - Loveland Comprehensive Master Plan
   - Loveland Bicycle & Pedestrian Plan
   - Northern Colorado Community Separator Study
   - Northern Colorado Regional Communities I-25 Corridor Plan
- Town of Windsor Comprehensive Plan and Zoning Code
- Town of Timnath Comprehensive Plan
- Town of Wellington Comprehensive Master Plan
ATTACHMENT A: Three-Mile Plan Boundary
ATTACHMENT B: Significant Waterways and Waterbodies within the Three-Mile Plan Boundary
ATTACHMENT C: Airports within the Three-Mile Plan Boundary

![Map showing airports within the Three-Mile Plan Boundary](image)

- Fort Collins City Limits
- Fort Collins Growth Management Area Boundary
- Fort Collins City Limits Three-Mile Buffer
- Airport or Airfield
ATTACHMENT D: Land Uses within the Three-Mile Plan Boundary
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF
Jill Hueser, Chief Judge
Ingrid Decker, Legal

SUBJECT
Resolution 2020-110 Appointing Kristin Brown and Leviy Johnson as Assistant Municipal Judges of the Fort Collins Municipal Court and Authorizing the Execution of Employment Agreements.

EXECUTIVE SUMMARY
The purpose of this item is to appoint Kristin Brown and Leviy Johnson as Assistant Municipal Judges for the Fort Collins Municipal Court. The City Charter provides for the appointment of judges of the Municipal Court for two (2) year terms. Chief Judge Jill A. Hueser recommends that Ms. Brown and Mr. Johnson be appointed as Assistant Municipal Judges, to serve in the absence of the Chief Judge.

STAFF RECOMMENDATION
Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION
This Resolution appoints Kristin Brown and Leviy Johnson as Assistant Municipal Judges for the Fort Collins Municipal Court and authorizes the Mayor to execute employment agreements. Chief Judge Hueser recommends these appointments in order to provide adequate relief judge resources to cover vacation and sick leave as well as cases where there may be a conflict for one or more judges.

Ms. Brown is a reputable and qualified attorney who has substantial experience as a Municipal Judge for other Colorado courts. Ms. Brown has been an attorney since 1990 with no disciplinary history and currently serves as the Presiding Judge for the Brighton Municipal Court, the Presiding Judge for the Lyons Municipal Court, and as an Associate Judge for the municipal courts of Thornton, Broomfield, Superior, and Mead.

Mr. Johnson is a reputable and qualified attorney who has a diverse background of experience including criminal and civil law and is an honorably discharged veteran of the Army and Air Force. Mr. Johnson has been an attorney since 2012 with no disciplinary history. He is currently a partner at the Denver firm of Lewis, Brisbois, Bisgaard & Smith LLP.

CITY FINANCIAL IMPACTS
The proposed rate of pay of $85 per hour is in line with the rate being paid by other Municipal Courts in the front range. This Assistant Municipal Judge will serve on an as-needed basis and the expense will be covered by the current Municipal Court budget.

ATTACHMENTS
1. Kristen Nordeck Brown Resume (PDF)
2. Leviy Johnson Resume (PDF)
RESUME OF KRISTIN NORDECK BROWN

EDUCATION

Bachelor of Arts, University of Colorado, Boulder, CO August 1987

Juris Doctor, Northwestern School of Law at Lewis and Clark College, Portland, OR 1990

LICENSE TO PRACTICE LAW

State of Colorado 1990

JUDICIAL EXPERIENCE

Presiding Judge, Brighton Municipal Court November 2010 - present

Associate Judge, Brighton Municipal Court October 2009 - Nov. 2010

Presiding Judge, Lyons Municipal Court October 2010 - present

Associate Judge, Thornton Municipal Court November 2008 – present

Associate Judge, Broomfield Municipal Court 2012 – present

Associate Judge, Superior Municipal Court 2014 – present

Associate Judge, Mead Municipal Court 2018 - present

HEARING OFFICER EXPERIENCE

Hearing Officer (administrative appeal matters) 2006 – present

Federal Heights, Commerce City, Sheridan, Littleton, Clear Creek Fire Authority, Lakewood, Fort Collins

Brighton Liquor Authority September 2015 - present

Hearing Officer, City of Thornton July 2003 - present

Hearing Officer, Liquor Licensing Authority, Marijuana Licensing Authority, Commerce City 2019 - present
MUNICIPAL LAW EXPERIENCE

Since 1990 have provided legal services to municipalities, to include legal counsel to City Council/Town Boards, prosecution services, liquor enforcement, legal counsel to police departments, drafting of ordinances. Municipal clients have included Erie, Frederick, Mead, Lyons, Wellington, Louisville, Lafayette, Thornton, Woodland Park, Dillon, Ft. Lupton

MEMBER OF

Colorado Bar Association
Boulder County Bar Association
Colorado Municipal Judges Association (former Board Member)

REFERENCES

Victoria Simonsen, Town Administrator, Lyons, CO
Judge Randy Davis, Presiding Judge, Broomfield Municipal Court
Chief Kim Stewart, Erie Police Department
Judge Charles Rose, Presiding Judge, Thornton Municipal Court
PROFESSIONAL EXPERIENCE

Lewis Brisbois Bisgaard & Smith, LLP
Partner – General Liability
Denver, CO  Nov 2020 - Present
• Facilitate administrative operations, supervise support staff, develop and implement office initiatives
• Oversee civil litigation caseload, including managing associates and paralegals, to ensure that deadlines are met, evaluations are accurate, and clients’ needs are addressed

Hall & Evans, LLC
Special Counsel – Insurance Defense Litigation
Denver, CO  Oct 2017 - Present
• Case load includes catastrophic injury, wrongful death, Dram Shop, commercial trucking, auto liability, premises liability, amusement park liability, construction defect, and probate matters
• Engaged in motion practice at the state, federal, and appellate level, to include drafting and arguing of appeals, motions for summary judgment and motions in limine, as well as conducting oral argument at the state and federal level
• Trial counsel in three civil trials, took and defended numerous depositions, appeared for and reached appropriate resolution of multiple cases through mediation

Office of the District Attorney, 17th Judicial District
Senior Deputy District Attorney – District Court Assignment
Brighton, CO  Feb 2014 - Oct 2017
• Trial counsel in more than 40 felony and misdemeanor jury trials
• Maintain full-time felony case docket, including negotiating and reaching alternative dispositions on hundreds of felony cases
• Conducted more than 20 preliminary hearings
• Drafted and argued to the court hundreds of evidentiary motions
• As Supervisor for county court supervised 14 Deputy District Attorneys in their daily docket and trial duties gaining extensive experience in the county’s traffic and misdemeanor docket

Office of the District Attorney, 19th Judicial District
District Attorney – District/Juvenile Court Assignment
Greeley, CO  Dec 2012 - Feb 2014
Deputy District Attorney – County Court Assignment
Jun 2012 - Dec 2012
• Trial counsel in more than 60 felony and misdemeanor jury trials
• Evaluated and negotiated disposition on thousands of misdemeanor and felony cases
• Consulted with victims regarding case filings, prosecution, goal resolution, and financial losses, fostering and developing relationships over months and sometimes years
• Counsel in more than 30 restitution hearings
• Drafted and argued hundreds of motions to include witness preparation and presentation
• Assisted in drafting of affidavits in support of search and arrest warrants, and requests for non-testimonial identification.
LEVIY P. JOHNSON

Arvada City Attorney’s Office  Arvada, CO
Law Clerk  May 2011 - Aug 2011

- Prosecuted municipal offenses to include traffic, domestic violence, and code enforcement
- Assisted with interviewing and preparing witnesses and victims for trial, drafting plea offers, motions and responses, trial negotiation, and motions practice
- Worked with city officials on an array of projects to include trade marking the City of Arvada’s logo and attending regulatory meetings

SPECIALIZED TRAINING AND EXPERIENCE

- Extensive trial experience both in civil litigation and criminal litigation to include litigating sexual assault crimes, aggravated robberies, first and second-degree assaults, crimes against children, economic crimes, homicide, and personal injury cases involving catastrophic injuries and wrongful deaths
- Litigated multiple week-long or longer jury trials; chaired more than 100 jury trials
- Moot court training: Instructor for incoming Adams County Sheriff’s Department cadets on courtroom testimony and procedural/evidentiary rules
- General training: Instructor for routine legislative updates for law enforcement agencies within Adams County

MILITARY EXPERIENCE

United States Air Force – Aerospace Medical Service Technician  2001-2009
Aeromedical Evacuation and Emergency Care / Independent Duty Medical Technician (IDMT)
Two Tours. Honorably Discharged 2009. Four years of management experience, supervising more than a dozen Airmen providing operational, administrative and logistical support while in the field.

Wyoming Army National Guard – Army Medic  1997-2001
Honorably Discharged 2001. Promoted ahead of peers to mid-to-senior level supervisor as youngest staff sergeant in the Wyoming Army National Guard. Responsible for logistical databases to coordinate information exchange and logistics planning for the medical records and reports of all members of the Wyoming National Guard.

EDUCATION

December 2011; Juris Doctor Degree; University of Florida School of Law; Gainesville, Florida, May 2009; Bachelor of Sciences Degree (Joint Degree- Psychology and Biology) Metro State College of Denver; Denver, Colorado

LICENSES

Colorado Bar
United States District Court, District of Colorado

EXTRACURRICULAR

Volunteer with Urban Peak, non-profit organization that provides services to youth ages 15 through 24 experiencing homelessness in the Denver metro area
Volunteer with A Little Help, Colorado non-profit that connects neighbors to help older adults live independently, doing monthly service projects
You may also find me in the kitchen, the gym, or the mountains
RESOLUTION 2020-110
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPOINTING KRISTIN BROWN AND LEVIY JOHNSON AS ASSISTANT MUNICIPAL JUDGES OF THE FORT COLLINS MUNICIPAL COURT AND AUTHORIZING THE EXECUTION OF EMPLOYMENT AGREEMENTS

WHEREAS, Article VII of the City Charter provides that the City Council shall appoint the judge or judges of the Municipal Court for two year terms; and

WHEREAS, the City Council has previously appointed Judge Ablao, Judge Nieto and Judge Kline as Assistant Municipal Judges; and

WHEREAS, because the current Assistant Municipal Judges also have other work outside the City, there have still been multiple occasions where none of them were available to provide backup coverage for Chief Judge Jill Hueser; and

WHEREAS, Chief Judge Hueser is therefore recommending that City Council appoint two additional Assistant Municipal Judges, Kristin Brown and Leviy Johnson, as back-up for herself; and

WHEREAS, the City Council recognizes that Kristin Brown and Leviy Johnson are reputable and qualified attorneys and wishes to appoint Ms. Brown and Mr. Johnson to serve in such capacity on the recommendation of the Chief Judge.

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 Kristin Brown and Leviy Johnson are hereby appointed Assistant Municipal Judges, for a term beginning December 1, 2020, and ending November 30, 2022, to serve as Assistant Municipal Judges for the City as deemed necessary by the Chief Judge.

Section 3. That the compensation to be paid by the City to Ms. Brown and Mr. Johnson for serving in this capacity shall be at the rate of Eighty-Five Dollars ($85) per hour.

Section 4. That the Mayor is hereby authorized to enter into an employment agreement between the City and Kristin Brown in a form consistent with Exhibit “A”, attached hereto and incorporated herein by reference, and to enter into an employment agreement between the City and Leviy Johnson in a form consistent with Exhibit “B”, attached hereto and incorporated herein by reference, both for the period of December 1, 2020, through November 30, 2022, to effectuate the purposes of this Resolution.
Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

____________________________________
Mayor

ATTEST:

________________________________
City Clerk
EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of December, 2020, by and between the City of Fort Collins, hereinafter referred to as the “City,” and Kristin Nordeck Brown, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide her services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2020-XX, the City Council has approved of the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

   The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned.

2. Compensation

   (a) The Employee shall be compensated at the regular rate of Eighty-Five Dollars ($85.00) per hour, less deductions and withholdings required by law, or authorized by Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

   (a) The term of this Agreement shall be from December 1, 2020, to and including November 30, 2022. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.
Kristin Nordeck Brown  
Employment Agreement  
December 1, 2020  
Page 2 of 5

(b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at her regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:
Kristin Nordeck Brown  
At last known address on file with the Human Resources Department

TO THE CITY:
City of Fort Collins, Colorado  
Chief Judge Jill A. Hueser  
P.O. Box 580  
Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City’s current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, or paid short-term disability leave. Effective January 1, 2020, the Employee shall be entitled to paid sick leave granted to employees who are not classified or unclassified management employees as allowed by City Personnel Policies Procedures Section 6.4.
6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council and agrees that she shall comply with and be bound by all provisions that apply to contractual employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council at any time.

(b) Although the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

In the event that any applicable personnel policies set forth in the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as “Work Product”), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The
Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's Personel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

9. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

10. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

11. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.
CITY OF FORT COLLINS, COLORADO,  
a municipal corporation

By: ____________________________________________  
Wade O. Troxell, Mayor

EMPLOYEE:

Kristin Nordeck Brown, Esq.

ATTEST:

__________________________________________  
City Clerk

APPROVED AS TO FORM:

__________________________________________  
Senior Assistant City Attorney

APPROVED:

__________________________________________  
Chief Human Resources Officer

APPROVED:

__________________________________________  
Chief Judge Jill A. Hueser
EXHIBIT A
JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL JUDGE

The Assistant Municipal Judge shall handle arraignment sessions and trial sessions of the Fort Collins Municipal Court on the dates and times agreed upon with the Chief Judge. During arraignment sessions (including video advisements of prisoners held at the Larimer County Jail), the Assistant Municipal Judge shall give the advisements (or ensure that written advisements have been reviewed and signed by defendants), accept pleas of “guilty” and “no contest,” and process paperwork as requested by the Chief Judge or Court Administrator. During trial sessions, the Assistant Municipal Judge shall conduct the trials in accordance with the laws and procedures applicable to the Court.
EMPLOYMENT AGREEMENT

THIS AGREEMENT is made and entered into this 1st day of December, 2020, by and between the City of Fort Collins, hereinafter referred to as the “City,” and Leviy Johnson, hereinafter referred to as the “Employee,” pursuant to these terms and conditions:

WHEREAS, the City wishes to employ the services of the Employee as Assistant Municipal Judge and the Employee wishes to provide his services to the City in that capacity; and

WHEREAS, pursuant to Resolution 2020-XX, the City Council has approved of the appointment of the Employee as Assistant Municipal Judge and has authorized the Mayor to enter into an Employment Agreement; and

WHEREAS, the City and the Employee desire to provide for certain procedures, benefits, and requirements regarding the employment of the Employee by the City.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises herein contained, the City and the Employee do hereby agree to the following:

1. Scope of Services

The City agrees to employ the Employee as Assistant Municipal Judge and the Employee agrees to perform all functions and duties as specified in the job description attached hereto as Exhibit “A” and incorporated herein by reference, and to perform such other duties as might be assigned.

2. Compensation

(a) The Employee shall be compensated at the regular rate of Eighty-Five Dollars ($85.00) per hour, less deductions and withholdings required by law, or authorized by Personnel Policies and Procedures, or authorized by the Employee. The Court Administrator, in coordination with the Employee, shall maintain and submit to the City a time sheet showing all hours worked prior to any payment therefor. All payments shall be made within thirty (30) days of receipt of said time sheet. This position shall be considered exempt for the purposes of the Fair Labor Standards Act and applicable state laws; accordingly, the Employee shall not be eligible for overtime pay.

3. Term of Employment

(a) The term of this Agreement shall be from December 1, 2020, to and including November 30, 2022. Nothing contained in this Agreement shall preclude renegotiation of this Agreement prior to the expiration of its term.
b) It is understood and agreed to by the Employee that upon termination of this Agreement, either under this paragraph or under the provisions of Paragraph 4 hereof, the Employee shall not be entitled to any amount of additional compensation, as severance pay or otherwise, other than as provided in Paragraphs 2 and 6 of this Agreement.

4. Early Termination

(a) Either party may terminate this Agreement at any time with or without cause prior to the expiration of the term hereof by providing written notice of termination to the other party at least fifteen (15) calendar days prior to the date of early termination. The City may, at its discretion, provide the Employee with fifteen (15) calendar days' compensation at his regular rate in lieu of such notice. Such notice shall be deemed effective upon personal delivery or as of the date of deposit into the United States mail, postage prepaid, addressed as follows:

TO THE EMPLOYEE:
Leviy Johnson
At last known address on file with the Human Resources Department

TO THE CITY:
City of Fort Collins, Colorado
Chief Judge Jill A. Hueser
P.O. Box 580
Fort Collins, CO 80522

(b) The City has appropriated funds in the current fiscal year to meet the obligations of this Agreement through the current fiscal year. This Agreement shall terminate at the end of the City’s current fiscal year if the City does not, prior to the end of the current fiscal year, appropriate funds for the subsequent fiscal year with which to meet its obligation under this Agreement in the subsequent fiscal year. The parties acknowledge that the City has made no promise to continue to appropriate funds beyond the current fiscal year.

5. Insurance Coverage; Vacation, Holiday and Sick Leave

The Employee shall not be entitled to the medical insurance plans, dental insurance plans, vision plan, life and accidental death and dismemberment insurance plans, long term disability plan, an Employee Assistance Program, retirement or deferred compensation plans, or any other group insurance plan or other benefits that may be offered to some other City employees. The Employee shall not be entitled to paid vacation time, paid holiday time, or paid short-term disability leave. Effective January 1, 2020, the Employee shall be entitled to paid sick leave granted to employees who are not classified or unclassified management employees as allowed by City Personnel Policies Procedures Section 6.4.
6. Applicability of Personnel Policies

(a) The Employee hereby acknowledges receipt of the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council and agrees that she shall comply with and be bound by all provisions that apply to contractual employees. The Employee acknowledges that the City may in its sole discretion amend, modify, supplement, rescind or otherwise change any and all policies and procedures in the Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council at any time.

(b) Although the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council contain examples of types of disciplinary action including dismissal and examples of misconduct, it is understood and agreed by the Employee that the City is not required to take any disciplinary action whatsoever or follow any sort of disciplinary procedures prior to terminating this Agreement pursuant to paragraphs 3 and 4 above. In the event the City, in its sole discretion, decides to undertake disciplinary action, the City may discontinue such action at any time and at no time waives its right to terminate this Agreement pursuant to paragraphs 3 and 4 above.

In the event that any applicable personnel policies set forth in the City’s Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council are inconsistent or conflict with the terms of this Agreement, then the terms of this Agreement shall be controlling.

7. Proprietary Rights

(a) The Employee will disclose to the City promptly all improvements, discoveries, ideas, inventions, and information pertinent to the operation or functions of the City which the Employee may develop either individually or in conjunction with others, or of which existence the Employee may otherwise learn during the period of employment by the City.

(b) The Employee agrees that all products which she may develop during the Employee's employment, whether individually or in conjunction with others, and all intermediate and partial versions thereof, as well as all materials, flow charts, notes, outlines and the like created in connection therewith (collectively referred to as “Work Product”), and any formulae, processes, logarithms, ideas and other information not generally known to the public, whether or not protected by copyright, and developed or generated by the Employee in the course of the Employee's employment hereunder, shall be the sole property of the City upon their creation or, in the case of copyrightable works, fixation in a tangible medium of expression.

(c) The Employee hereby assigns to the City the sole and exclusive right, title and interest in and to all Work Product, and all copies of such Work Product, without further consideration. The
Employee further acknowledges that the City shall retain ownership of and the right to reproduce, market, license, or otherwise distribute any program or material produced by the Employee under the terms of this Agreement.

8. Entire Agreement

This Agreement constitutes the entire agreement between the parties concerning the rights granted herein and the obligations assumed herein. Any oral representation or oral modification concerning this Agreement shall be of no force or effect. Although the personnel policies set forth in the City's Personnel Policies and Procedures and the Respectful Workplace Policy adopted by the City Council may be amended, modified, supplemented or rescinded at any time at the sole discretion of the City, the terms of this Agreement can be modified only by a writing signed by the parties hereto. It is further understood and agreed by the Employee that no representation, promise or other agreement not expressly contained herein has been made to induce the execution of this Agreement, and that the terms of this Agreement are contractual and not merely recitals.

9. Enforcement of Agreement; Attorneys' Fees and Costs

If any action is brought to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and costs in addition to any other relief to which it or she is entitled.

10. Severability

Should any provision, part or term of this Agreement be declared or determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, then the legality, validity and enforceability of the remaining parts, terms and provisions should not be affected thereby and said illegal, invalid or unenforceable part, provision or term shall be deemed not to be part of this Agreement.

11. Binding Effect

This Agreement shall be binding upon the parties hereto and the heirs, successors and assigns of each respectively. The City and the Employee freely and voluntarily enter into this Agreement and have executed this Agreement having first read the same and intending to be bound.
CITY OF FORT COLLINS, COLORADO, a municipal corporation

By: ______________________________
    Wade O. Troxell, Mayor

EMPLOYEE:

______________________________
Leviy Johnson, Esq.

ATTEST:

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
Senior Assistant City Attorney

APPROVED:

______________________________
Chief Human Resources Officer

APPROVED:

______________________________
Chief Judge Jill A. Hueser
EXHIBIT A

JOB DESCRIPTION FOR THE ASSISTANT MUNICIPAL JUDGE

The Assistant Municipal Judge shall handle arraignment sessions and trial sessions of the Fort Collins Municipal Court on the dates and times agreed upon with the Chief Judge. During arraignment sessions (including video advisements of prisoners held at the Larimer County Jail), the Assistant Municipal Judge shall give the advisements (or ensure that written advisements have been reviewed and signed by defendants), accept pleas of “guilty” and “no contest,” and process paperwork as requested by the Chief Judge or Court Administrator. During trial sessions, the Assistant Municipal Judge shall conduct the trials in accordance with the laws and procedures applicable to the Court.
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Teresa Roche, Chief Human Resources Officer
Jenny Lopez Filkins, Legal

SUBJECT

Resolution 2020-111 Acknowledging Compliance with Established Performance Review, Goal Setting and Compensation Setting Process for the City Manager, City Attorney and Chief Judge.

EXECUTIVE SUMMARY

The purpose of this item is to acknowledge that Council conducted the performance reviews of Chief Judge, City Attorney and City Manager in an executive session on November 10, 2020. According to their individual contracts each Council-appointed employee salary is reviewed annually. Prior to the November 10 executive session, all three employees stated in light of the City’s decision not to provide merit increases to the City employees due to budgetary constraints except for those in the collective bargaining unit, they did not want any consideration of a merit increase.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Council is committed to compensating employees in a manner which is market based, competitive and based on performance. The goal as an employer is to attract, retain, engage, develop, and reward a diverse and competitive workforce to meet the needs of the community now and in the future. To accomplish this goal, the Council and each of the employees that report directly to the Council meet twice a year to discuss performance and, toward the end of the calendar year, set goals for the coming year.

Resolution 2019-099 establishes the process for evaluating the performance of the City Manager, City Attorney, and Chief Judge. It states that any change in compensation for these employees will be adopted by the Council by Ordinance. Because no compensation changes have been requested, no Ordinances are required this year.
RESOLUTION NO. 2020-111
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ACKNOWLEDGING COMPLIANCE WITH ESTABLISHED PERFORMANCE REVIEW,
GOAL SETTING AND COMPENSATION SETTING PROCESS FOR THE CITY
MANAGER, CITY ATTORNEY AND CHIEF JUDGE

WHEREAS, pursuant to Article III, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Manager; and

WHEREAS, pursuant to Article VI, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the City Attorney; and

WHEREAS, pursuant to Article VII, Section 1 of the City Charter, the City Council is responsible for fixing the compensation of the Chief Judge of the municipal court; and

WHEREAS, the City Manager’s employment agreement requires the City Council to review and evaluate the performance of the City Manager at least once annually and further requires the City Council and the City Manager to annually define goals and performance objectives and reduce them to writing; and

WHEREAS, the City Attorney’s employment agreement does not discuss a performance review obligation; and

WHEREAS, the Chief Judge’s employment agreement requires the City Council, in consultation with the Chief Judge, to fix any terms and conditions of employment as it may determine from time to time, relating to the performance of the Employee; and

WHEREAS, on October 1, 2019, the City Council considered and approved Resolution No. 2019-099 adopting an updated process for City Council evaluation of the performance of the City Manager, the City Attorney and the Chief Judge and establishing benchmark cities; and

WHEREAS, on November 10, 2020, the City Council met with the City Manager, the City Attorney and the Chief Judge to conduct a performance review and establish 2021 goals and performance objectives; and

WHEREAS, due to the significant economic downturn caused by the COVID-19 pandemic, City staff intends to submit a pay plan for classified employees that maintains employee pay at 2020 levels for the 2021 calendar year, except as otherwise required by existing agreements; and

WHEREAS, prior to November 2020, the City Manager, the City Attorney and the Chief Judge indicated that in light of the City staff’s anticipated recommendation to City Council to maintain employee pay at 2020 levels for the 2021 calendar year, they are not interested in pay increases for 2021; and

WHEREAS, due to the significant economic downturn and City staff’s intention to submit a pay plan that maintains employee pay at 2020 levels for the 2021 calendar year, the
City Council believes that the annual compensation of the City Manager, City Attorney and Chief Judge should not be adjusted for 2021.

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

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

Section 2. That the annual compensation of the City Manager, the City Attorney and the Chief Judge shall remain as set out in Fort Collins Municipal Code Section 2-596, Section 2-581, and Section 2-606.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk
AGENDA ITEM SUMMARY

December 1, 2020

City Council

STAFF

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney
Delynn Coldiron, City Clerk

SUBJECT

Resolution 2020-113 Establishing a Process for City Council Selection and Appointment of a District 4 Councilmember to Fill a Vacancy Due to the Resignation of Mayor Pro Tem Kristin Stephens.

EXECUTIVE SUMMARY

The purpose of this item is to establish the process to be used in filling a vacancy in the District 4 Council seat. Mayor Pro Tem Kristin Stephens has tendered her resignation from Council effective December 31, 2020, as a result of her recent election to the Larimer County Board of Commissioners.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Council has filled five vacancies since 1992. The process used has differed over time; however, in contrast to most other Council appointment processes, there are some important Charter requirements that govern the process for filling this vacancy, particularly since it falls so close to an upcoming election. This has the potential to impact both timelines and process.

The Charter requires that a Councilmember vacancy be filled within 45 days of the occurrence of a vacancy. In this case, the date will be calculated based on either (1) the effective date of a resignation the City Clerk’s office receives from Mayor Pro Tem Stephens or (2) the date she assumes her new office (January 12, 2021), whichever occurs first. Mayor Pro Tem Stephens has indicated that she will be resigning effective December 31, 2020.

Pursuant to the Charter, the person appointed to fill the vacancy shall serve until they, or a new Councilmember, are/is seated after the next election (April 6, 2021) when the electors will select a person to fill the vacancy for the remainder of the term.

The person selected to fill the vacancy can run for election to the office for the remainder of the term. In order to do so, the individual must circulate and file a nomination petition between January 26 and February 16, 2021.

The process established by this Resolution will facilitate the filling of the vacancy in a timely manner and will also allow the selected person to run for election in April, if he or she so chooses.

The Council discussed the process for filling this vacancy at its November 24, 2020 work session. The following describes the suggested process and timeline:
December 2, 2020 - Begin advertising for the vacancy. This will include:

- Launch of a new webpage specific to the vacancy with a spotlight on the City’s home page to highlight that applications are being accepted.
- Press releases to both the Coloradoan and the Collegian.
- Advertisements in the Coloradoan over the next two weeks.
- Social media outreach.
- Nextdoor post to District 4 residents.

Applications will be available on the website (fillable pdf) and at the City Clerk’s office at 300 LaPorte Avenue.

The application packet will include:

- General information about the vacancy and related requirements, process and qualifications.
- Application form.
- Financial Disclosure Statement.
- Candidate Affidavit (must be notarized).
- District 4 map.
- Council Vacancy Timeline.


December 18, 2020 - Deadline to submit application forms to the City Clerk’s office (5:00 p.m.).

- Applications can be submitted by email at cityclerk@fcgov.com, hand-delivered to the City Clerk’s office at 300 LaPorte Avenue, or mailed to the City Clerk’s Office at PO Box 580, Fort Collins, Colorado 80522, and must be received by the City Clerk by 5:00 p.m. on Friday, December 18, 2020, in order to be considered.
- Application submittals will be provided to Council as soon as possible after the December 18 deadline, but no later than Monday, December 21.
- All application materials will be posted for public review in advance of the expected adjourned Council meeting on December 22, 2020, and then will be available to the public and City Council for subsequent steps in the selection process.

December 22, 2020 - Expected adjourned Council meeting.

- Provide opportunity for public comment related to the applications that have been received.
- Provide Council with an opportunity to vote to determine the pool of applicants to be interviewed, if desired, based on the number of applications received.
- Provide Council with an opportunity to make any adjustments, if needed, to the process being used to fill the District 4 vacancy.

December 31, 2020 - Effective date of Mayor Pro Tem Stephens’ resignation.

January 5, 2021 - Adjourn meeting to January 12, 2020.

January 6, 2021 - Special Meeting for applicant interviews, scheduled for 6:00 p.m. Interview specifics:

- The Special Meeting will be conducted using remote (Zoom) technology.
Agenda Item 17

- Each applicant will have a time-limited opportunity to provide an opening statement in random order determined by the City Clerk. Applicants will not be sequestered or required to leave the room during questioning of other applicants.

- Questioning of all applicants will proceed, beginning with the Mayor asking a question for each applicant to answer in turn, and then continuing with each successive Councilmember asking a question for each of the applicants to answer. There will be opportunity for follow up or clarifying questions from Councilmembers after all applicants have responded to each question. The order of responding to each question will rotate among the applicants.

- After the completion of Councilmember questions, each applicant will have a time-limited opportunity to provide a closing statement.

- If a large number of applicants is interviewed, Council may choose to vote to narrow the field to a number of finalists. Otherwise, Council will make no decisions at its Special Meeting regarding the applicants moving forward to the next step of the process.

January 12, 2021 - Adjourned meeting.

- Section process and Resolution making appointment:
  - Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fcgov.com or in care of the City Clerk at the address above, regarding the applicants and the Council’s selection of an appointee.
  - Council will take action to select an appointee. The public will have an opportunity to comment at the beginning of the discussion, as on all discussion items, with the time limit for comment set by the Mayor based on the number of speakers.
  - After completion of public comment, Council will discuss the applicants.
  - The City Clerk will provide a resolution with a blank for the name of the appointee as part of the Council’s agenda materials. After discussing the applicants, Council will then, by motion, propose appointees until the resolution with a named appointee receives a majority vote.

January 19, 2020 - Regular Council Meeting.

- Oath of office will be administered to the new appointee.

CITY FINANCIAL IMPACTS

Costs associated with establishing a process for filling the vacancy, and the execution of the process, are minimal.
RESOLUTION 2020-113
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING A PROCESS FOR CITY COUNCIL
SELECTION AND APPOINTMENT OF A DISTRICT 4 COUNCILMEMBER
TO FILL A VACANCY DUE TO THE RESIGNATION OF
MAYOR PRO TEM KRISTIN STEPHENS

WHEREAS, at the November 3, 2020, general election, Mayor Pro Tem Kristin Stephens, the Councilmember representing Council District 4, was elected to the Board of County Commissioners of Larimer County; and

WHEREAS, on November 24, 2020, Mayor Pro Tem Stephens noted she would be submitting her resignation from the City Council, effective December 31, 2020, in order to assume her new elective office; and

WHEREAS, Section 18 of Article II of the Charter of the City of Fort Collins provides for the appointment by the City Council to fill a vacancy on Council, to serve until the next regular election; and

WHEREAS, in the interest of timely carrying out its duty to so appoint a District 4 Councilmember in an efficient, fair and effective manner, the City Council at its Work Session on November 24, 2020, and in connection with this Resolution has considered various options and schedules for proceeding; and

WHEREAS, in light of those discussions, the City Council desires to proceed with the selection and appointment process as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the selection and appointment process to fill the impending District 4 Council vacancy shall be as follows:

Section 1. Public information and application process:

A. The City Clerk will post and distribute to various media information regarding the vacancy and the application process, beginning on Wednesday, December 2, 2020.

B. The form of application includes a notarized affidavit and financial disclosure statement. Per City Charter, applicants must meet the following qualifications:

1. United States citizen;
2. Registered voter in the city for one year immediately prior to the appointment;
3. At least 21 years of age;
4. Resident of Council District 4; and
5. Never convicted of a felony.
C. Applications may be emailed to the City Clerk’s Office at cityclerk@fcgov.com, hand-delivered to the City Clerk’s Office, 300 LaPorte Avenue, or mailed to the City Clerk’s Office at PO Box 580, Fort Collins, CO 80522, and must be received by the City Clerk by 5:00 p.m. on Friday, December 18, 2020, in order to be considered.

D. All application materials will be posted for public review in advance of an expected adjourned meeting on December 22, 2020, and then will be available to the public and City Council for subsequent steps in the selection process.

E. Upon the closure of the application period, staff will confer with the Mayor to determine, based on the number of applicants, whether:

1. to include on the agenda for the expected December 22, 2020, adjourned meeting a Council vote to determine the pool of applicants to be interviewed, or, alternatively,

2. to include on the agenda of the special meeting planned for January 6, 2021, a Council vote on the finalists to be considered at the January 12, 2021, adjourned meeting.

Section 2. Initial interview process:

A. The Council will conduct initial interviews with all applicants at a special meeting to be conducted using remote (Zoom) technology to be scheduled for January 6, 2021, at 6:00 pm. As noted above, in the event that the number of applications received makes interviewing all applicants impracticable, Council may consider determining which applicants Council will interview prior to the conduct of the interviews at the January 6, 2021, special meeting.

B. Each applicant will have a time-limited opportunity to provide an opening statement in random order determined by the City Clerk. Applicants will not be sequestered or required to leave the room during questioning of other applicants.

C. Questioning of all applicants will proceed, beginning with the Mayor asking a question for each applicant to answer in turn, and then continuing with each successive Councilmember asking a question for each of the applicants to answer. There will be an opportunity for follow up or clarifying questions from Councilmembers after all applicants have responded to each question. The order of responding to each question will rotate among the applicants.

D. After the completion of Councilmember questions, each applicant will have a time-limited opportunity to provide a closing statement.

E. If a large number of applicants is interviewed, Council may choose to vote to narrow the field to a number of finalists. Otherwise, Council will make no decisions at its special meeting regarding the applicants moving forward to the
Section 3. Input and Selection Process:

A. Members of the public will be invited to provide comments to the City Council at any time at CityLeaders@fgov.com or in care of the City Clerk at the address above, regarding the applicants and the Council’s selection of an appointee.

B. Council will take action to select an appointee at a planned adjourned meeting on Tuesday, January 12, 2021. The public will have an opportunity to comment at the beginning of the discussion, as on all discussion items, with the time limit for comment set by the Mayor based on the number of speakers.

C. After completion of public comment, Council will discuss the applicants.

D. The City Clerk will provide a resolution with a blank for the name of the appointee as part of the Council’s agenda materials. After discussing the applicants, Council will then by motion propose appointees until the resolution with a named appointee receives a majority vote.

Section 4. Swearing In of Appointee:

A. Legal swearing in of the appointed Councilmember may take place in the office of the City Clerk at a mutually convenient time after the January 12, 2021, appointment.

B. Ceremonial swearing in of the appointed Councilmember will take place at the Regular Council meeting on Tuesday, January 19, 2021.

Section 5. Council may make modifications to the procedures or schedule set forth above as it determines appropriate in light of the circumstances of the process as it proceeds.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

Mayor

ATTEST:

City Clerk
AGENDA ITEM SUMMARY
City Council
December 1, 2020

STAFF
Honore Depew, Interim Policy and Project Manager
Carrie M. Daggett, Legal

SUBJECT
Resolution 2020-112 Adopting the City's 2021 Legislative Policy Agenda.

EXECUTIVE SUMMARY

The purpose of this item is to consider and adopt the City's 2021 Legislative Policy Agenda. Each year the Legislative Review Committee develops a legislative agenda to assist in the formation, analysis, and advocacy of pending legislation and regulation. The Legislative Policy Agenda is used as a guide by Council and staff to determine positions on legislation and regulation under consideration at the state and federal levels and as a general reference for state legislators and the City's congressional delegation. The Legislative Review Committee recommended adoption of the 2021 agenda at its October 30, 2020 meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND/DISCUSSION

The Legislative Policy Agenda (LPA) is a guiding document meant to reflect issues that affect the quality of life and governance of our community. It also reflects strategic goals of the City and areas of specific focus based on recent Council and staff policy efforts. It is used as a guide by Council and staff to determine positions on pending or introduced legislation, and as a general reference for residents, community organizations, state legislators, and members of Congress.

The Legislative Policy Agenda also refers to the City's partners in the legislative space, which include the Colorado Municipal League, the National League of Cities, the Colorado Association of Municipal Utilities, and Colorado Communities for Climate Action.

The 2021 LPA was developed with direction from Council and input from City staff, then reviewed and edited by the Legislative Review Committee (LRC), which is currently comprised of Councilmembers Cunniff, Gutowsky, and Summers. All changes are marked in redline in the attached draft, and any minor changes made since the LRC adopted it on October 30 are highlighted in yellow.

Significant changes in this year's version include a new childcare section and a number of edits to both the immigration and public safety sections. Childcare is a Council priority and has been discussed multiple times over the past year. For safety and immigration, several changes were suggested by community groups, which were edited by staff to ensure consistency with the rest of the document, and then approved by the Legislative Review Committee. Other changes to the LPA are reflective of laws passed over the past year or of new and emerging priorities.
ATTACHMENTS

1. Legislative Policy - Redlined (PDF)
2021
City of Fort Collins
Legislative Policy Agenda

ADOPTED DECEMBER 3, 2019
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INTRODUCTION

Fort Collins is a community of approximately 175,000 residents. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, “Exceptional service for an exceptional community”, through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts a Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

Fort Collins welcomes opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community’s priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation and Mobility. The Policy Agenda identifies this alignment as it is important for City staff to ensure that advocacy supports specific desired outcomes.
The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Ross Cunniff, Chair
- Councilmember Ken Summers
- Councilmember Susan Gutowsky

**LEGISLATIVE REVIEW PROCESS**

In 2021, the City of Fort Collins will rely heavily on the Legislative Policy Agenda, the Colorado Municipal League, and the Colorado Communities for Climate Action organizations for the majority of bill tracking and identification.

The City currently maintains memberships with the Colorado Municipal League and Colorado Communities for Climate Action - both groups maintain a fulltime presence at the capitol and engage in bill identification and advocacy consistent with their own adopted policy agendas. The City influences both groups’ policy agendas, and while not perfectly consistent with our own, both generally advance and protect the City’s interests.

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulations and rules that are identified as having a potential impact on the City will be brought to the LRC for discussion. If LRC adopts a position, staff will convey that information to the appropriate state or federal representative and advocate for the adopted position.

Due to the time-sensitive nature of the General Assembly, if a bill’s subject matter is addressed in this Policy Agenda, staff will proactively work with state and federal representatives to advance the City’s position as expressed in this legislative policy agenda and other Council-adopted plans and policies. Staff will provide regular updates to the LRC and the full City Council regarding bills of consequence to the City and will consult with the LRC regarding bills for which direction under the adopted policy is unclear.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The City Attorney’s Office also reviews selected bills and may provide confidential legal analysis. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.
The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins maintains membership with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues, Colorado Communities for Climate Action (CC4CA) which represents municipalities on climate issues. In addition, Fort Collins actively participates in various trade organizations which represent specific areas of interest to City operations.
**2020-2021 LEGISLATIVE POLICY STATEMENTS**

**HOME RULE AND LOCAL CONTROL**

In order to consider and manage local conditions and desires, community issues and needs should be addressed locally. For this reason, home rule authority is of utmost importance to the City of Fort Collins. The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the accumulative effect of these and other activities have statewide ramifications that may call for statewide regulation, to effectively manage such things as overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City:

1. Supports strengthening and preserving home rule authority of municipal governments.

2. Opposes State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City’s ability to manage and operate pursuant to its home rule authority.

3. Opposes changes that increase (and supports changes that lessen) the burdens and limits on municipalities associated with public or other government records, public meetings and establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

4. Supports enabling cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.

5. Supports local control of the awarding of contracts and the accountability of local officials for those actions.

6. Opposes mandates that increase the complexity and cost of services without improving those services.

7. Supports collaborative regional efforts for the benefit of participating communities.

8. Supports potential legislation to clarify when an email exchange among elected officials constitutes a “meeting” subject to the requirements of the Colorado Open Meetings Law, including possible identification of a safe harbor within which elected officials can communicate by electronic mail without constituting a meeting in order to preserve and enable the use of this effective and now common-place technology within appropriate transparency requirements and other reasonable limitations.
AFFORDABLE HOUSING

NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

The City recognizes that the affordability and availability of quality housing is critical to a vibrant and diverse community.

Therefore, the City:

1. Supports maintaining or enhancing funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program, but not increases to unrelated fees.

2. Supports increasing local government’s ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.

3. Supports stronger amendments to construction defect laws to promote the construction of owner occupied-attached housing.

4. Supports creating an adequate supply of housing for all income levels and continued public and private sector support for these efforts.

5. Supports exploring expansion of Mobile Home Act to address rent pad stabilization, transparency in utility billing, and other livability issues, opportunities for residents or mission-based affordable housing providers to purchase parks when offered for sale.

6. Supports consideration of allowing inclusionary zoning ordinances to regulate the construction of new rental housing.

7. Supports funding and regional support for homelessness prevention, housing coordination and placement, and supportive services to assist with housing retention.

6-8. Supports the development of a statewide disparity study, in consultation with local governments, to assess the state and local impacts of systemic racism on multiple indicators, e.g., housing affordability, social inclusion and economic opportunity, educational attainment, mental and physical health, and more.

AIR QUALITY

ENVIRONMENTAL HEALTH
The City’s Air Quality Plan reiterates the adopted City Plan establishes a strong overall goal “to protect human healthy and the environment through continuous improvements in “continually improve Fort Collins air quality.”

Therefore, the City:

1. Supports programs and policies that improve public health and air quality, including and support rapid attainment of National Ambient Air Quality Standards, for including ozone.

2. Supports local government authority to improve air quality beyond minimum State or Federal requirements.

2.3. Supports implementation of expanded air quality monitoring programs.

3.4. Supports adequate authority and resource at all levels of government to enforce air quality regulations.

4.5. Supports economic incentives, disincentives and other market approaches that promote lower emissions and zero emission alternatives to carbon-based fuels.

5.6. Supports strengthening vehicle emission and fuel economy-efficiency standards for all vehicles, including. Supports programs and policies that promote the use of zero and low emission electric vehicles (e.g., electric) and the development of infrastructure needed to support the use of those vehicles.

**Beer and Liquor**

**Safe Community**

The City issues and renews liquor licenses, enforces license rules, and holds hearings for liquor license violations.

Therefore, the City:

1. Supports clarifying the qualifications for what types and purposes a business may obtain and use a state liquor license.

**Broadband and Cable**

**Economic Health**

Reliable, high-speed, and affordable access to broadband and cable programming throughout the community remains a priority and a long-term goal for the City to
ensure our economic vitality and allow for equal access for all residents and businesses.

Therefore, the City:

1. Supports maintaining local franchising authority to preserve local governments’ ability to negotiate in the public interest for cable channel space, institutional networks and public education and government (PEG) programming, and to charge franchise and PEG fees to support local programming and compensate for the use of rights-of-way.

2. Supports allowing communities to offer and/or partner to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.

3. Opposes restrictions on providing telecommunication services within City-owned facilities and on City property, and related restrictions on the manner in which such services may be financed, funded or structured.

4. Opposes infringement on municipalities’ ability to compete in the broadband marketplace.

5. Opposes right of way use contrary to existing aesthetic policies and practices, including the addition of any above ground cabling.

6. Supports revisions to the Colorado Open Meetings Law to allow local jurisdictions that provide or arrange for telecommunications services or facilities to authorize executive sessions for discussion of matters pertaining to competition in the provision of telecommunication services and facilities (such as matters subject to negotiation, strategic planning, pricing, sales and marketing, and development planning), along with any other conforming statutory changes.

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**CHILDCARE**

**ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH**

The City of Fort Collins recognizes the criticality of quality, affordable and accessible childcare for families and businesses in the community. The City’s role is to help reduce barriers, increase capacity, leverage assets, identify and respond to childcare needs, and lead by example as an employer.

Therefore, the City:

1. Supports programs and policies that improve the severe shortage of childcare openings with licensed providers.
2. Opposes regulations that increase the complexity and cost of childcare services, when those mandates are not clearly benefiting the health and safety of children and the community.

3. Supports increased funding for early childhood education.

4. Supports workforce development in the early care and education field, including scholarships, training programs and simplified credentialing processes.

5. Supports increased and sustainable public subsidization of childcare costs, including proposals to support living wages for providers and those that reduce the cost burden on families.

**CLIMATE**

**ENVIRONMENTAL HEALTH**

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Fort Collins has adopted aggressive emission reduction goals and supports policies and legislation helping communities and the state to achieve these goals and enhance the environment as detailed in the Climate Action Plan.

Therefore, the City:

1. Supports greenhouse gas (GHG) emission reduction targets, planning, mechanisms that support the gathering of data to inform greenhouse gas inventories, and implementation at all levels of government.

2. Supports market-based and regulatory mechanisms to reduce emissions, including incentives, enabling legislation, regulations and other mechanisms to achieve emissions reductions and increase resiliency in energy, waste reduction, transportation, and water sectors.


2.4. Supports policies that put people at the center of decision-making, minimizing disparities in growing the clean economy, especially for historically marginalized communities, and enhancing equitable outcomes for all that ensure no single population is disproportionately burdened by efforts that increase or improve the use of new energy sources and technologies.

**DEVELOPMENT REVIEW AND LAND USE PLANNING**

**ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH**

Fort Collins has a well-established development review process, land use and building code; all of which align with local priorities.
Therefore, the City:

1. Supports local governments’ ability to obtain financial compensation for additional work of inspectors through fees or other means.

2. Supports funding for any state mandated inspection requirements.

3. Supports local governments’ authority to determine development review and inspection standards, procedures, and timelines.

4. Encourages regional cooperation in land use, transportation planning, utility and water resource planning, and fostering sustainable development.

5. Supports prohibition to the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.

6. Supports municipal discretion concerning the imposition of development fees and requirements.

6.7. Supports retaining and/or increasing local authority related to the siting, design and regulation of wireless telecommunication facilities, including both small cell and macro sites.

**ELECTIONS**

**HIGH PERFORMING GOVERNMENT**

The City of Fort Collins conducts municipal elections in April of odd years and special elections as required by the citizen (or Council) initiative process. The City is committed to conducting a clear, legal, and trustworthy elections process.

Therefore, the City:

1. Supports all efforts that assist the City in conducting fair and transparent election processes according to the City’s adopted procedures.

2. Supports process improvements that encourage voter participation.

3. Supports additional mechanisms to prevent election tampering, through increased cyber security around election data and the election processes, and any decrease in election tampering.

4.3
**ENERGY**

**ECONOMIC HEALTH, ENVIRONMENTAL HEALTH**

As a municipally-owned electric utility, the City is committed to providing affordable, reliable, and clean energy services to residents and businesses, as detailed in the Energy Policy.

Therefore, the City:

1. Supports efforts that promote energy affordability, safety, and reductions in fossil-fuel generated consumption for residents, businesses and institutions. Supports reductions in environmental damage caused by energy extraction and production.

2. Supports opportunities for energy efficiency, production, and operation in local economies.

3. Supports initiatives to facilitate transition from natural gas and petroleum use to beneficial electrification for thermal and transportation needs.

4. Opposes barriers to coordinating integrated planning for energy supply and demands.

5. Supports state and federal funding for resilience efforts to mitigate potential energy and climate related disruptions.

6. Supports federal and state incentives for renewable energy production, including wind power, and provide for “State Implementation Plan” credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.

7. Opposes attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.

8. Supports smart grid technology adoption and grid modernization.

9. Supports minimizing the environmental impacts of energy production.

**FINANCE**

**HIGH PERFORMING GOVERNMENT**

Strong fiscal planning, prudent debt management and investment policies, and preservation of the City’s revenue base are vital in maintaining and improving the City’s financial health. Considering the known impacts of legislation on the City’s business community can help foster a stronger tax base and retain a strong quality of life.
Therefore, the City:

1. Supports expanding municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).

2. Supports increased funding for K-12 and higher education, specifically Colorado State University and Front Range Community College.

3. Encourages the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.

4. Supports the equitable distribution sales tax collections on e-commerce transactions.

5. Opposes efforts that inhibit the City’s ability and authority to increase its revenue base (sales, use and property taxes).

6. Supports protections that do not unnecessarily restrict the investments of government entities.

**HAZARDOUS MATERIALS MANAGEMENT**

**SAFE COMMUNITY; ENVIRONMENTAL HEALTH**

It is an important concern of the City to safeguard Fort Collins’ health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City:

1. Supports strengthening the enforcement of hazardous materials regulations.

2. Supports increasing diversion of hazardous waste from landfills.

3. Support City’s ability and authority to review and approve locations of facilities that use or store hazardous materials or hazardous waste.

**HEALTH CARE**

**NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH; ECONOMIC HEALTH; HIGH PERFORMING GOVERNMENT**

The City recognizes that the rapidly increasing cost of health care and health insurance is a barrier to real wage growth, equitable health outcomes, and economic gains among many residents of Fort Collins. The City further recognizes that
employer-sponsored health care and varying state regulations that are not consistent across the United States have resulted in the system we have today.

Therefore, the City:

1. Supports health care policy that provides single-payer, not-for-profit health care to all residents.

2. Supports the portability of health care plans across employers and state-lines.

3. Supports health care policies that end the practice in the United States of employers being the primary source of health insurance for citizens.

4. Supports policies that allocate costs to individuals and their families proportional to their ability to pay.

**HUMAN RESOURCES**

**HIGH PERFORMING GOVERNMENT**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are meaningful, equitable, fair, market-based, and competitive. The City believes that its residents, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City:

1. Supports the City’s ability and authority to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.

2. Supports the development and expansion to the City’s ability to determine how best to manage employee health and benefit programs.

3. Supports current state funding levels for police officers’ and dispatchers’ death and disability benefits made available by Fire & Police Pension Association of Colorado.

4. Opposes proposals that would allow employees and/or retirees with defined contribution or deferred plans to move into defined benefit plans if there is a cost to local government.

5. Opposes proposals that would limit the City’s ability to test job applicants for presence of alcohol or controlled substances or employees at work for impairment due to consumption of alcohol, marijuana, or other controlled substances or to set limits related to such testing.
The City recognizes that federal issues pertaining to civil rights at the United States’ borders and immigration law more broadly have wide impacts that can directly impact the day to day life of Fort Collins residents. It can also impact those residents’ willingness and comfort with engaging with local public safety agencies and other key service providers.

Therefore, the City:

1. Supports the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings to determine their status.

2. Supports a pathway to legal immigration into the United States that is sustainable in the long term.

3. Supports regulations and laws that increase or mandate the use of E-verify employment eligibility verification by employers.

4. Supports the 2011 ICE memorandum on “sensitive locations” limiting its immigration enforcement actions and arrests at the following locations so as to preserve the health, safety and education of all residents:
   - Hospitals;
   - Schools and scholastic bus stops (pre-schools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
   - Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
   - The site of a funeral, wedding, or other public religious ceremony; and
   - Public demonstrations, such as a march, rally, or parade.

5. Supports regulations and laws that add wage and labor protection requirements for workers currently excluded from minimum wages and overtime protections, breaks, and mandatory rest days.

6. Support de minimus exemptions to Verification of lawful presence CO ST § 24-76.5-103 by adding a new section (3)(f) to the State law that exempts the City from following the verification process “For any local public benefit that is valued at less than $500.00.”

7. Supports local control over how state funding for healthcare, affordable housing and food security is allocated to meet the needs of all residents and their families regardless of immigration status.
After the State’s legalization of medical and recreational marijuana, the City of Fort Collins created local marijuana business licensing programs and adopted ordinances to balance the needs and desires of the community related to legal marijuana. The City's licensing program supports the state dual-licensing system for medical and recreational marijuana businesses.

Therefore, the City:

1. Supports communities’ ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.

2. Supports additional state marijuana enforcement resources, especially for field enforcement.

3. Opposes under-21 access to marijuana.

4. Supports local opt-in provisions regarding new permits and/or licenses or other marijuana-related activities allowed under state law.

5. Supports further development of laws and regulations to stop the proliferation of gray and black-market marijuana while coordinating re-scheduling of marijuana with the federal level to help address safety through research and legal banking, and to reduce conflict between Colorado and federal laws.

MUNICIPAL COURT
SAFE COMMUNITY; HIGH PERFORMING GOVERNMENT

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the City Charter and ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, civil infractions, and civil cases. Generally, cases are brought to Municipal Court by Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private citizens.

Therefore, the City:

1. Opposes limitations on the authority of municipalities to enforce their own ordinances in municipal courts and increased procedural requirements or limitations on municipal court proceedings, such as limitations on bonding requirements related to municipal court warrants and sentencing options.

2. Opposes the imposition of state surcharges on municipal court fines for the purpose of funding state programs.

3. Opposes any unfunded mandates imposed on municipal courts by the state.
**Oil and Gas**  
**Environmental Health**

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from local oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. Additionally, community members have expressed concern over transported emissions from oil and gas operations outside of City limits have been demonstrated to contribute to local ozone formation.

Therefore, the City:

1. Supports local authority to regulate oil and gas operations as granted in 2019 through Senate Bill 19-181, including the ability to regulate location, siting and the siting of new development land and other surface impacts.

2. Supports state, federal, and academic scientific studies evaluating impacts of oil and gas operations on human health, the environment and property values.

3. Supports air pollution monitoring, emission characterization and modeling studies to better understand the contributions of the oil and gas industry to air pollution.

4. Supports the current formula allocation of State Severance Tax and Federal Mineral Lease (FML) revenue to impacted jurisdictions so that they might address impacts from resource extraction.

5. Supports collaboration with operators, state agencies and local governments on the development of resources within and adjacent to the City’s Growth Management Area and on City-owned properties such as open spaces outside of City limits.

6. Supports legislation that protects public health, safety, welfare, the environment and wildlife resources in consideration of balances the rights of surface landowners and mineral rights owner, while protecting public health, safety and the environment.

**Open Records and Data Management**  
**High Performing Government**

The City is the collector and keeper of hundreds of datasets and recorded information and is legally bound and responsible for responding to Open Record requests. The City supports transparency and open data initiatives.

Therefore, the City:
1. Supports clear requirements that allow for reasonable requests and timeframes to provide information that is legally available.

2. Opposes mandates that include unrealistic timeframes and requests that require additional staff time with no means to recover costs.

3. Supports cybersecurity efforts that protect the City, consumers, and infrastructure.

4. Supports data privacy regulations, prohibiting the sharing of residents’ data with federal agencies without a court-authorized subpoena, warrant or other valid order.

**Parks and Natural Areas, and Public Amenities**

**Environmental Health; Culture and Recreation**

The City is committed to providing the community with excellent natural areas, parks, and recreation services and facilities, trails, cultural centers, and engaging programs. Our citizens—residents and visitors—enjoy a better quality of life, improved health, less crime, a higher quality of life, and a greater sense of community because of the quality of natural areas, parks, and recreation programs, and other public spaces.

Therefore, the City:

1. Supports maintaining or enhancing funding for parks, trails, forestry, horticulture, natural areas, cultural centers, and recreation services and facilities.

2. Supports local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.

3. Supports equal or greater funding levels of Great Outdoors Colorado grants awarded to municipalities.

4. Supports maintaining or enhancing tax incentives to private landowners for voluntary land conservation.

5. Supports protection of the Cache la Poudre River and local urban streams.

6. Supports programs and funding for equitable access to public space and services.

**Public Health**

**Safe Community; Neighborhood Livability and Social Health**

The City of Fort Collins strives to be a healthy, livable City that is a welcoming and inclusive community for all, including residents who may be experiencing the challenges of homelessness, mental health issues, addiction, depression, and other
challenging life situations. The City also supports primary prevention strategies to reduce the injuries and deaths associated with gun violence.

Therefore, the City:

1. Supports maintaining or increasing the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.

2. Supports providing communities with resources to address chronic homelessness, supportive housing, mental health, and substance abuse, including tobacco prevention programs.

3. Supports a standardized statewide approach to addressing homelessness.

4. Supports statewide efforts to enforce retail tobacco sales compliance.

5. Supports legislation or regulatory efforts that restrict and better ensure the prevention of firearm purchases of those individuals convicted of a violent criminal offense and those who have been involuntarily committed to a mental institution or are otherwise suffering from a severe mental condition.

6. Supports public health research and necessary funding related to the root causes and effects of gun violence to better inform prevention strategies.

7. Supports legislation that greatly reduces or eliminates the incidence of smoking and vaping. Specific measures may include the elimination of flavored vaping cartridges, an increase in the legal smoking age, state-wide retail licensing for tobacco and vaping products, and identical treatment of vaping and e-cigarette products to traditional forms of tobacco.

PUBLIC SAFETY
SAFE COMMUNITY

The Fort Collins City Council recognizes the critical importance of maintaining public safety, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins on a daily basis as well as through preparedness and resiliency planning efforts.

Therefore, the City:

1. Supports greater protections to victims of crime, regardless of immigration status.

2. Supports the City’s right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.

3. Supports protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority
(LETA) and other efforts to resolve 911 diversity issues, such as through the addition of an additional bilingual 911 provider.

4. Opposes increased 911 provider tariffs without clear documentation of cost needs.

5. Opposes initiatives that have the potential to compromise officer safety.

6. Supports minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).

7. Opposes municipal liability for prisoners’ self-inflicted wounds while in police custody or detention facilities.

8. Opposes efforts to undermine local control or enforcement of activities on public property.

9. Supports a state fire code, the code of choice being the International Building and Fire Code, and allowing municipalities to adopt their own amendments.

10. Opposes limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.

11. Opposes restricting any local jurisdiction from requiring the installation of fire sprinklers.

12. Supports the City’s ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks within City boundaries.

13. Supports efforts to reduce abuse and improper disposal of over-the-counter and prescription drugs.


15. Opposes the reduction and loss of qualified immunity for government officials.

16. Opposes restricted standards related to use of force which exceed those of established by the courts of the U.S. 10th Circuit or the United States Supreme Court.

17. Supports practical standards related to use of force which appropriately balance the rights and safety of Fort Collins residents with the safety of first responders

18. Supports increased reporting of crimes by refraining from inquiries about legal immigration status unless such inquiry is pertinent to a crime; supports continuation of non-restrictive U-Visa certification policies that allow victims of crime to access important legal protections.
19. Supports continued use of body-worn cameras, protections for public recordings of police, and the maintenance and reporting of such data that does not compromise police operations or public safety.

RECYCLING AND SOLID WASTE REDUCTION

ENVIRONMENTAL HEALTH

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction, and which also applies Sustainable Materials Management principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025, and 100 percent by 2030.

Therefore, the City:

1. Encourages integrated, sustainable waste management planning and implementation policy, including but not limited to centralized data collection requirements, local hauler licensing and initiatives to reaching statewide diversion targets.

2. Supports a regulatory authority role for local government to ensure the efficient management of recyclable material and solid waste, including application of laws that prescribe the use of county-funded disposal facilities for certain types of wastes, and other local bans on landfill disposal for certain types of debris.

3. Encourages “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.

4. Supports incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.

5. Supports continued or increased funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.

6. Supports greater producer responsibility initiatives, such as “take back” regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., cardboard and expanded polystyrene packaging, single-use plastic shopping bags, or mattresses).

7. Opposes CRS Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).

8. Supports establishing a refundable deposit fee on beverage containers to increase recovery rates and pay for recycling programs.
9. Supports state and regional economic tools tax incentives for existing and new businesses that provide end markets for recycled materials in support of a domestic, circular economy.

10. Supports incentives and programs to encourage the use of compost, developing end markets to help divert organic material from landfills (food and yard waste).

**RISK MANAGEMENT AND LIABILITY**

*HIGH PERFORMING GOVERNMENT*

The City of Fort Collins recognizes the dual purpose of the workers’ compensation system - providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City’s self-insurance program is a cost-efficient method to insure workers’ compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City:

1. Supports improving administrative efficiency of the Division of Workers’ Compensation.

2. Opposes increased insurance premium costs to employers.

3. Opposes administrative burdens or taxes to self-insurance programs.

4. Supports limits to insurance claim litigation.

5. Opposes limiting the City’s options and ability to manage workers’ compensation claims; including actions like removing existing offsets to workers’ compensation benefits or limiting the City’s ability to designate treating physicians.

6. Opposes efforts to presumptively expand workers’ compensation coverage to illnesses or injuries that are not work related.

7. Opposes efforts to reduce or weaken protections against liability through governmental immunity or other statutory provisions.

**TRANSPORTATION**

*TRANSPORTATION AND MOBILITY*

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City’s policy is to encourage the use of bicycling, transit and walking whenever appropriate.

Therefore, the City:
1. Opposes reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.

2. Supports alternative methods of funding transportation infrastructure needs.

3. Support funding the analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.

4. Encourages flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.

5. Supports guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.

6. Supports broadening the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.

7. Supports enhanced ability to implement railroad quiet zones in municipalities and a reduction in train horn decibel and duration requirements.

8. Opposes divesting highway roads in urban areas from the state and making them the sole responsibility of local jurisdictions without adequate compensation for ongoing maintenance.

9. Supports safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.

10. Supports funding for the build out of Interstate 25 improvements, which may include a ballot measure.

11. Opposes reductions in federal dollars for bicycling, transit and walking.

12. Supports local control of public roads, pedestrian paths, and bike lanes to address emerging all modes of transportation.

**Urban Renewal and Downtown Development**

*Economic Health*

The state of Colorado has empowered local authorities to use Urban Renewal Authorities (URA) and Downtown Development Authorities (DDA) to encourage downtown revitalization and the elimination of blight. The main funding tool for URAs and DDAs is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal and downtown revitalization restores economic vitality and improves the safety of a designated area, with limited financial impact to other government jurisdictions.
Therefore, the City:

1. Opposes limitations on municipalities’ ability to utilize financing mechanisms such as TIF.

2. Opposes efforts to increase influence of non-City jurisdictions over the use of TIF within City limits.

3. Supports maintaining the ability of downtown development authorities to utilize the full offering of tools and powers provided in the DDA Act.

4. Supports maintaining the ability of Urban Renewal Authorities to utilize the full offering of tools and powers provided for in state statute.

**WATER, WASTEWATER, AND STORMWATER**

**ENVIRONMENTAL HEALTH; SAFE COMMUNITY**

The City operates a water utility, a wastewater utility, and a stormwater utility in a financially sound, reliable, safe, and environmentally responsible manner. The availability of adequate water supplies is critical to the City and is managed by the Water Supply and Demand Management Policy, the Water Efficiency Plan, and other water-related codes, rules, regulations, plans, and policies.

Therefore, the City:

1. Supports expanding the authority delegated to the state to administer federally mandated water, stormwater, and wastewater environmental regulatory programs.

2. Supports reasonable water quality regulations that are cost effective and can show identifiable benefits.

3. Supports municipal flexibility to manage instream flows to preserve or improve the natural environment, while protecting the integrity of Colorado’s appropriation doctrine, protecting the City’s water supplies, and preventing injury to other water users. This includes potential bills related to the authority for the City and others to pursue Water Court-approved instream flow augmentation plans and similar mechanisms to preserve and impose stream flows.

4. Opposes unfunded mandates.

5. Opposes barriers to financing for water conservation projects.

6. Supports funding for the recovery and treatment of the Cache la Poudre River, Fort Collins water supply, its watershed, and other waterways impacted by natural disasters and human-caused events, including fires.

7. Supports enhanced municipal authority to protect and increase the flexibility and resiliency of the City’s water supplies under Colorado’s appropriation doctrine, without causing injury to other water users and without adversely affecting instream flows or the...
natural environment. This includes potential bills related to treated water providers being able to more easily share treated water supplies between their distribution systems.

8. Supports reducing legal barriers and clarifying legal ambiguities related to water reuse and greywater projects, while protecting the integrity of Colorado’s appropriation doctrine, protecting the City’s water supplies, and preventing injury to other water users.

9. Supports streamlining federal and state permitting requirements for water development projects that increase coordination between permitting agencies, reduces administrative and financial burdens on permit applicants, and ensures robust and enforceable environmental protections.

10. Supports the enlargement of Halligan Reservoir as a common-sense, cost-effective, and environmentally beneficial approach to meet Fort Collins Utilities’ future water supply needs.

CITY OF FORT COLLINS LEGISLATIVE CONTACTS

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RESOLUTION 2020-112
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE CITY’S 2021 LEGISLATIVE POLICY AGENDA

WHEREAS, state and federal legislation may impact the citizens of Fort Collins, affecting their quality of life; and

WHEREAS, such state and federal legislation may also influence or impact the operations of municipal governments, including the City; and

WHEREAS, the City has an interest in providing input on proposed legislation; and

WHEREAS, Councilmembers and City staff are asked to state the City’s policy position on legislation; and

WHEREAS, in addition, on occasion the City has an interest in providing input on proposed county, state and federal regulations; and

WHEREAS, establishing the City’s policy position assists the members of the Legislative Review Committee in their review of, and response to, these matters, and assists City staff in communicating and advocating the City’s policy position on the same.

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 policy statements contained in the attached 2021 Legislative Policy Agenda accurately reflect the City’s policies on these issues.

Section 3. That the City Council hereby adopts the 2021 Legislative Policy Agenda attached hereto as Exhibit “A” and incorporated herein by this reference.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins this 1st day of December, A.D. 2020.

Mayor

ATTEST:

City Clerk
2021
City of Fort Collins
Legislative Policy Agenda
ADOPTED DECEMBER 1st, 2020
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INTRODUCTION

Fort Collins is a community of approximately 175,000 residents. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, “Exceptional service for an exceptional community”, through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts a Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

Fort Collins welcomes opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community’s priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation and Mobility. The Policy Agenda identifies this alignment as it is important for City staff to ensure that advocacy supports specific desired outcomes.
CITY OF FORT COLLINS
LEGISLATIVE REVIEW COMMITTEE

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:
- Councilmember Ross Cunniff, Chair
- Councilmember Ken Summers
- Councilmember Susan Gutowsky

LEGISLATIVE REVIEW PROCESS

In 2021, the City of Fort Collins will rely heavily on the Legislative Policy Agenda, the Colorado Municipal League, and the Colorado Communities for Climate Action organizations for the majority of bill tracking and identification.

The City currently maintains memberships with the Colorado Municipal League and Colorado Communities for Climate Action - both groups maintain a fulltime presence at the capitol and engage in bill identification and advocacy consistent with their own adopted policy agendas. The City influences both groups’ policy agendas, and while not perfectly consistent with our own, both generally advance and protect the City’s interests.

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulations and rules that are identified as having a potential impact on the City will be brought to the LRC for discussion. If LRC adopts a position, staff will convey that information to the appropriate state or federal representative and advocate for the adopted position.

Due to the time-sensitive nature of the General Assembly, if a bill’s subject matter is addressed in this Policy Agenda, staff will proactively work with state and federal representatives to advance the City’s position as expressed in this legislative policy agenda and other Council-adopted plans and policies. Staff will provide regular updates to the LRC and the full City Council regarding bills of consequence to the City and will consult with the LRC regarding bills for which direction under the adopted policy is unclear.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The City Attorney’s Office also reviews selected bills and may provide confidential legal analysis. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.
The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins maintains membership with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues, Colorado Communities for Climate Action (CC4CA) which represents municipalities on climate issues. In addition, Fort Collins actively participates in various trade organizations which represent specific areas of interest to City operations.
2021 LEGISLATIVE POLICY STATEMENTS

HOME RULE AND LOCAL CONTROL

In order to consider and manage local conditions and desires, community issues and needs should be addressed locally. For this reason, home rule authority is of utmost importance to the City of Fort Collins. The City must be free to regulate local activities that primarily impact the area within the City’s boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the accumulative effect of these and other activities have statewide ramifications that may call for statewide regulation, to effectively manage such things as overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City:

1. Supports strengthening and preserving home rule authority of municipal governments.

2. Opposes State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City’s ability to manage and operate pursuant to its home rule authority.

3. Opposes changes that increase (and supports changes that lessen) the burdens and limits on municipalities associated with public or other government records, public meetings and establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

4. Supports enabling cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.

5. Supports local control of the awarding of contracts and the accountability of local officials for those actions.

6. Opposes mandates that increase the complexity and cost of services without improving those services.

7. Supports collaborative regional efforts for the benefit of participating communities.

8. Supports potential legislation to clarify when an email exchange among elected officials constitutes a “meeting” subject to the requirements of the Colorado Open Meetings Law, including possible identification of a safe harbor within which elected officials can communicate by electronic mail without constituting a meeting in order to preserve and enable the use of this effective and now common-place technology within appropriate transparency requirements and other reasonable limitations.
AFFORDABLE HOUSING

NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

The City recognizes that the affordability and availability of quality housing is critical to a vibrant and diverse community.

Therefore, the City:

1. Supports maintaining or enhancing funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program, but not increases to unrelated fees.

2. Supports increasing local government’s ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.

3. Supports stronger amendments to construction defect laws to promote the construction of owner occupied-attached housing.

4. Supports creating an adequate supply of housing for all income levels and continued public and private sector support for these efforts.

5. Supports exploring expansion of Mobile Home Act to address rent pad stabilization, transparency in utility billing, and other livability issues.

6. Supports consideration of allowing inclusionary zoning ordinances to regulate the construction of new rental housing.

7. Supports funding and regional support for homelessness prevention, housing coordination and placement, and supportive services to assist with housing retention.

8. Supports the development of a statewide disparity study, in consultation with local governments, to assess the state and local impacts of systemic racism on multiple indicators, e.g., housing affordability, social inclusion and economic opportunity, educational attainment, mental and physical health, and more.

AIR QUALITY

ENVIRONMENTAL HEALTH

The City’s Air Quality Plan reiterates the adopted City Plan strong overall goal “to protect human health and the environment through continuous improvements in air quality.”

Therefore, the City:
1. Supports programs and policies that improve public health and air quality, including attainment of National Ambient Air Quality Standards for ozone.

2. Supports local government authority to improve air quality beyond minimum State or Federal requirements.

3. Supports implementation of expanded air quality monitoring programs.

4. Supports adequate authority and resource at all levels of government to enforce air quality regulations.

5. Supports economic incentives, disincentives and other market approaches that promote low emission and zero emission alternatives to carbon-based fuels.

6. Supports strengthening vehicle and fuel efficiency standards, including programs and policies that promote the use of zero and low emission vehicles (e.g., electric) and the development of infrastructure needed to support the use of those vehicles.

**BEER AND LIQUOR**

*SAFE COMMUNITY*

The City issues and renews liquor licenses, enforces license rules, and holds hearings for liquor license violations.

Therefore, the City:

1. Supports clarifying the qualifications for what types and purposes a business may obtain and use a state liquor license.

**BROADBAND AND CABLE**

*ECONOMIC HEALTH*

Reliable, high-speed, and affordable access to broadband and cable programming throughout the community remains a priority and a long-term goal for the City to ensure our economic vitality and allow for equal access for all residents and businesses.

Therefore, the City:

1. Supports maintaining local franchising authority to preserve local governments’ ability to negotiate in the public interest for cable channel space, institutional networks and public education and government (PEG) programming, and to charge franchise and PEG fees to support local programming and compensate for the use of rights-of-way.
2. Supports allowing communities to offer and/or partner to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.

3. Opposes restrictions on providing telecommunication services within City-owned facilities and on City property, and related restrictions on the manner in which such services may be financed, funded or structured.

4. Opposes infringement on municipalities’ ability to compete in the broadband marketplace.

5. Opposes right of way use contrary to existing aesthetic policies and practices, including the addition of any above ground cabling.

6. Supports revisions to the Colorado Open Meetings Law to allow local jurisdictions that provide or arrange for telecommunications services or facilities to authorize executive sessions for discussion of matters pertaining to competition in the provision of telecommunication services and facilities (such as matters subject to negotiation, strategic planning, pricing, sales and marketing, and development planning), along with any other conforming statutory changes.

**Childcare**

**Economic Health, Neighborhood Livability and Social Health**

The City of Fort Collins recognizes the criticality of quality, affordable and accessible childcare for families and businesses in the community. The City’s role is to help reduce barriers, increase capacity, leverage assets, identify and respond to childcare needs, and lead by example as an employer.

Therefore, the City:

1. Supports programs and policies that improve the severe shortage of childcare openings with licensed providers.

2. Opposes regulations that increase the complexity and cost of childcare services, when those mandates are not clearly benefiting the health and safety of children and the community.

3. Supports increased funding for early childhood education.

4. Supports workforce development in the early care and education field, including scholarships, training programs and simplified credentialing processes.

5. Supports increased and sustainable public subsidization of childcare costs, including proposals to support living wages for providers and those that reduce the cost burden on families.
CLIMATE
ENVIRONMENTAL HEALTH

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Fort Collins has adopted aggressive emission reduction goals and supports policies and legislation helping communities and the state to achieve these goals and enhance the environment as detailed in the Climate Action Plan.

Therefore, the City:

1. Supports greenhouse gas (GHG) emission reduction targets, planning, mechanisms that support the gathering of data to inform greenhouse gas inventories, and implementation at all levels of government.

2. Supports market-based and regulatory mechanisms to reduce emissions, including incentives, enabling legislation, regulations and other mechanisms to achieve emissions reductions and increase resiliency in energy, waste reduction, transportation, and water sectors.


4. Supports policies that put people at the center of decision-making, minimizing disparities in growing the clean economy, especially for historically marginalized communities, and enhancing equitable outcomes for all.

DEVELOPMENT REVIEW AND LAND USE PLANNING
ECONOMIC HEALTH, NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

Fort Collins has a well-established development review process, land use and building code; all of which align with local priorities.

Therefore, the City:

1. Supports local governments’ ability to obtain financial compensation for additional work of inspectors through fees or other means.

2. Supports funding for any state mandated inspection requirements.

3. Supports local governments’ authority to determine development review and inspection standards, procedures, and timelines.

4. Encourages regional cooperation in land use, transportation planning, utility and water resource planning, and fostering sustainable development.

5. Supports prohibition to the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an
intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.

6. Supports municipal discretion concerning the imposition of development fees and requirements.

7. Supports retaining and/or increasing local authority related to the siting, design and regulation of wireless telecommunication facilities, including both small cell and macro sites.

ELECTIONS
HIGH PERFORMING GOVERNMENT

The City of Fort Collins conducts municipal elections in April of odd years and special elections as required by the citizen (or Council) initiative process. The City is committed to conducting a clear, legal, and trustworthy elections process.

Therefore, the City:

1. Supports all efforts that assist the City in conducting fair and transparent election processes according to the City’s adopted procedures.

2. Supports process improvements that encourage voter participation.

3. Supports additional mechanisms to prevent election tampering, through increased cyber security around election data and the election processes.

ENERGY
ECONOMIC HEALTH, ENVIRONMENTAL HEALTH

As a municipally-owned electric utility, the City is committed to providing affordable, reliable, and clean energy services to residents and businesses, as detailed in the Energy Policy.

Therefore, the City:

1. Supports efforts that promote energy affordability, safety, and reductions in fossil-fuel generated consumption for residents, businesses and institutions.

2. Supports opportunities for energy efficiency, production, and operation in local economies.

3. Supports initiatives to facilitate transition from natural gas and petroleum use to beneficial electrification for thermal and transportation needs.
4. Opposes barriers to coordinating integrated planning for energy supply and demands.

5. Supports state and federal funding for resilience efforts to mitigate potential energy and climate related disruptions.

6. Supports federal and state incentives for renewable energy production, including wind power, and provide for “State Implementation Plan” credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.

7. Opposes attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.

8. Supports smart grid technology adoption and grid modernization.

9. Supports minimizing the environmental impacts of energy production.

**FINANCE**

**HIGH PERFORMING GOVERNMENT**

Strong fiscal planning, prudent debt management and investment policies, and preservation of the City’s revenue base are vital in maintaining and improving the City’s financial health. Considering the known impacts of legislation on the City’s business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City:

1. Supports expanding municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).

2. Supports increased funding for K-12 and higher education, specifically Colorado State University and Front Range Community College.

3. Encourages the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.

4. Supports the equitable distribution sales tax collections on e-commerce transactions.

5. Opposes efforts that inhibit the City’s ability and authority to increase its revenue base (sales, use and property taxes).
6. Supports protections that do not unnecessarily restrict the investments of government entities.

**HAZARDOUS MATERIALS MANAGEMENT**

*SAFE COMMUNITY; ENVIRONMENTAL HEALTH*

It is an important concern of the City to safeguard Fort Collins’ health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City:

1. Supports strengthening the enforcement of hazardous materials regulations.
2. Supports increasing diversion of hazardous waste from landfills.
3. Supports City’s ability and authority to review and approve locations of facilities that use or store hazardous materials or hazardous waste.

**HEALTH CARE**

*NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH; ECONOMIC HEALTH; HIGH PERFORMING GOVERNMENT*

The City recognizes that the rapidly increasing cost of health care and health insurance is a barrier to real wage growth, equitable health outcomes, and economic gains among many residents of Fort Collins. The City further recognizes that employer-sponsored health care and varying state regulations that are not consistent across the United States have resulted in the system we have today.

Therefore, the City:

1. Supports health care policy that provides single-payer, not-for-profit health care to all residents.
2. Supports the portability of health care plans across employers and state-lines.
3. Supports health care policies that end the practice in the United States of employers being the primary source of health insurance for residents.
4. Supports policies that allocate costs to individuals and their families proportional to their ability to pay.
HUMAN RESOURCES
HIGH PERFORMING GOVERNMENT

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are meaningful, equitable, market-based, and competitive. The City believes that its residents, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City:

1. Supports the City’s ability and authority to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.

2. Supports the development and expansion to the City’s ability to determine how best to manage employee health and benefit programs.

3. Supports current state funding levels for police officers’ and dispatchers’ death and disability benefits made available by Fire & Police Pension Association of Colorado.

4. Opposes proposals that would allow employees and/or retirees with defined contribution or deferred plans to move into defined benefit plans if there is a cost to local government.

5. Opposes proposals that would limit the City’s ability to test job applicants for presence of alcohol or controlled substances or employees at work for impairment due to consumption of alcohol, marijuana, or other controlled substances or to set limits related to such testing.

IMMIGRATION AND NATIONAL BORDER CONDITIONS
NEIGHBORHOOD LIVABILITY & SOCIAL HEALTH; SAFE COMMUNITY; HIGH PERFORMING GOVERNMENT

The City recognizes that federal issues pertaining to civil rights at the United States’ borders and immigration law more broadly have wide impacts that can directly impact the day to day life of Fort Collins residents. It can also impact those residents’ willingness and comfort with engaging with local public safety agencies and other key service providers.

Therefore, the City:

1. Supports the humane treatment of persons who are detained by Immigration Officials and the rapid resolution of legal proceedings to determine their status.
2. Supports pathways to legal immigration into the United States that is sustainable in the long term.

3. Supports regulations and laws that support the use of employment eligibility verification by employers.

4. Supports the 2011 ICE memorandum on "sensitive locations" limiting its immigration enforcement actions and arrests at the following locations so as to preserve the health, safety and education of all residents:
   - Hospitals;
   - Schools and scholastic bus stops (pre-schools, primary schools, secondary schools, post-secondary schools, colleges and universities, and other learning institutions such as vocational or trade schools);
   - Churches, synagogues, mosques, or other institutions of worship, such as buildings rented for the purpose of religious services;
   - The site of a funeral, wedding, or other public religious ceremony; and
   - Public demonstrations, such as a march, rally, or parade.

5. Supports regulations and laws that add wage and labor protection requirements for workers currently excluded from minimum wages and overtime protections, breaks, and mandatory rest days.

6. Support de minimus exemptions to Verification of lawful presence CO ST § 24-76.5-103 by adding a new section (3)(f) to the State law that exempts the City from following the verification process “For any local public benefit that is valued at less than $500.00.”

7. Supports local control over how state funding for healthcare, affordable housing and food security is allocated to meet the needs of all residents and their families regardless of immigration status.

**Marijuana Safe Community**

After the State's legalization of medical and recreational marijuana, the City of Fort Collins created local marijuana business licensing programs and adopted ordinances to balance the needs and desires of the community related to legal marijuana. The City's licensing program supports the state dual-licensing system for medical and recreational marijuana businesses.

Therefore, the City:

1. Supports communities’ ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.

2. Supports additional state marijuana enforcement resources, especially for field enforcement.

3. Opposes under-21 access to marijuana.
4. Supports local opt-in provisions regarding new permits and/or licenses or other marijuana-related activities allowed under state law.

5. Supports further development of laws and regulations to stop the proliferation of gray and black-market marijuana while coordinating with the federal level to help address safety through research and legal banking, and to reduce conflict between Colorado and federal laws.

**Municipal Court**

**SAFE COMMUNITY; HIGH PERFORMING GOVERNMENT**

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the City Charter and ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, civil infractions, and civil cases. Generally, cases are brought to Municipal Court by Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City:

1. Opposes limitations on the authority of municipalities to enforce their own ordinances in municipal courts and increased procedural requirements or limitations on municipal court proceedings, such as limitations on bonding requirements related to municipal court warrants and sentencing options.

2. Opposes the imposition of state surcharges on municipal court fines for the purpose of funding state programs.

3. Opposes any unfunded mandates imposed on municipal courts by the state.

**Oil and Gas**

**ENVIRONMENTAL HEALTH**

Fort Collins residents have expressed continuing concern about the human and environmental impacts from local oil and gas development. Additionally, community members have expressed concern over transported emissions from oil and gas operations outside of City limits that contribute to local ozone formation.

Therefore, the City:

1. Supports local authority to regulate oil and gas operations as granted in 2019 through Senate Bill 19-181, which includes the ability to regulate the siting of new development and surface impacts.

2. Supports scientific studies that evaluate impacts of oil and gas operations on human health, the environment and property values.
3. Supports air pollution monitoring, emission characterization and modeling studies to better understand the contributions of the oil and gas industry to air pollution.

4. Supports the current formula allocation of State Severance Tax and Federal Mineral Lease (FML) revenue to impacted jurisdictions so that they might address impacts from resource extraction.

5. Supports collaboration with operators, state agencies and local governments on oil and gas development within and adjacent to the City’s Growth Management Area, and on City-owned properties outside of City limits.

6. Supports legislation that protects public health, safety, welfare, the environment and wildlife resources in consideration of surface owners and mineral owner rights.

**OPEN RECORDS AND DATA MANAGEMENT**

**HIGH PERFORMING GOVERNMENT**

The City is the collector and keeper of hundreds of datasets and recorded information and is legally bound and responsible for responding to Open Record requests. The City supports transparency and open data initiatives.

Therefore, the City:

1. Supports clear requirements that allow for reasonable requests and timeframes to provide information that is legally available.

2. Opposes mandates that include unrealistic timeframes and requests that require additional staff time with no means to recover costs.

3. Supports cybersecurity efforts that protect the City, consumers, and infrastructure.

4. Supports data privacy regulations, prohibiting the sharing of residents’ data with federal agencies without a court-authorized subpoena, warrant or other valid order.

**PARKS AND NATURAL AREAS, AND PUBLIC AMENITIES**

**ENVIRONMENTAL HEALTH; CULTURE AND RECREATION**

The City is committed to providing the community with excellent natural areas, parks, recreation facilities, trails, cultural centers, and engaging programs. Our residents and visitors enjoy improved health, less crime a higher quality of life, and a greater sense of community because of the quality of quality natural areas, parks and recreation programs, and other public spaces.

Therefore, the City:
1. Supports maintaining or enhancing funding for parks, trails, forestry, horticulture, natural areas, cultural centers, and recreation services and facilities.

2. Supports local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.

3. Supports equal or greater funding levels of Great Outdoors Colorado grants awarded to municipalities.

4. Supports maintaining or enhancing tax incentives to private landowners for voluntary land conservation.

5. Supports protection of the Cache la Poudre River and local urban streams.

6. Supports programs and funding for equitable access to public space and services.

**PUBLIC HEALTH**

**SAFE COMMUNITY; NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH**

The City of Fort Collins strives to be a healthy, livable City that is a welcoming and inclusive community for all, including residents who may be experiencing the challenges of homelessness, mental health issues, addiction, depression, and other challenging life situations. The City also supports primary prevention strategies to reduce the injuries and deaths associated with gun violence.

Therefore, the City:

1. Supports maintaining or increasing the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.

2. Supports providing communities with resources to address chronic homelessness, supportive housing, mental health, and substance abuse, including tobacco prevention programs.

3. Supports a standardized statewide approach to addressing homelessness.

4. Supports statewide efforts to enforce retail tobacco sales compliance.

5. Supports legislation or regulatory efforts that restrict and better ensure the prevention of firearm purchases of those individuals convicted of a violent criminal offense and those who have been involuntarily committed to a mental institution or are otherwise suffering from a severe mental condition.

6. Supports public health research and necessary funding related to the root causes and effects of gun violence to better inform prevention strategies.
7. Supports legislation that greatly reduces or eliminates the incidence of smoking and vaping. Specific measures may include the elimination of flavored vaping cartridges, an increase in the legal smoking age, state-wide retail licensing for tobacco and vaping products, and identical treatment of vaping and e-cigarette products to traditional forms of tobacco.

PUBLIC SAFETY
SAFE COMMUNITY

The Fort Collins City Council recognizes the critical importance of maintaining public safety, providing a safe environment, and protecting the lives and property of the residents of Fort Collins on a daily basis as well as through preparedness and resiliency planning efforts.

Therefore, the City:

1. Supports greater protections to victims of crime, regardless of immigration status.

2. Supports the City’s right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.

3. Supports protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve 911 diversity issues, such as through the addition of a bilingual 911 provider.

4. Opposes increased 911 provider tariffs without clear documentation of cost needs.

5. Opposes initiatives that have the potential to compromise officer safety.

6. Supports minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).

7. Opposes municipal liability for prisoners’ self-inflicted wounds while in police custody or detention facilities.

8. Opposes efforts to undermine local control or enforcement of activities on public property.

9. Supports a state fire code, the code of choice being the International Building and Fire Code, and allowing municipalities to adopt their own amendments.

10. Opposes limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
11. Opposes restricting any local jurisdiction from requiring the installation of fire sprinklers.

12. Supports the City’s ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks within City boundaries.

13. Supports efforts to reduce abuse and improper disposal of over-the-counter and prescription drugs.


15. Opposes the reduction and loss of qualified immunity for government officials.

16. Supports practical standards related to use of force which appropriately balance the rights and safety of Fort Collins residents with the safety of first responders.

17. Supports increased reporting of crimes by refraining from inquiries about legal immigration status unless such inquiry is pertinent to a crime; supports continuation of non-restrictive U-Visa certification policies that allow victims of crime to access important legal protections.

18. Supports continued use of body-worn cameras, protections for public recordings of police, and the maintenance and reporting of such data that does not compromise police operations or public safety.

**Recycling and Solid Waste Reduction**

*Environmental Health*

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction, and which also applies Sustainable Materials Management principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025, and 100 percent by 2030.

Therefore, the City:

1. Encourages integrated, sustainable waste management planning and implementation policy, including but not limited to centralized data collection requirements, local hauler licensing and initiatives to reach statewide diversion targets.

2. Supports a regulatory authority role for local government to ensure the efficient management of recyclable material and solid waste, including application of laws that prescribe the use of county-funded disposal facilities for certain types of wastes, and other local bans on landfill disposal for certain types of debris.
3. Encourages “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.

4. Supports incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.

5. Supports continued or increased funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.

6. Supports greater producer responsibility initiatives, such as “take back” regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., cardboard and expanded polystyrene packaging, single-use plastic shopping bags, or mattresses).

7. Opposes CRS Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).

8. Supports establishing a refundable deposit fee on beverage containers to increase recovery rates and pay for recycling programs.

9. Supports state and regional economic tools for existing and new businesses that provide end markets for recycled materials in support of a domestic, circular economy.

10. Supports incentives and programs to encourage the use of compost, developing end markets to help divert organic material from landfills (food and yard waste).

**RISK MANAGEMENT AND LIABILITY**

**HIGH PERFORMING GOVERNMENT**

The City of Fort Collins recognizes the dual purpose of the workers’ compensation system - providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City’s self-insurance program is a cost-efficient method to insure workers’ compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City:

1. Supports improving administrative efficiency of the Division of Workers’ Compensation.

2. Opposes increased insurance premium costs to employers.

3. Opposes administrative burdens or taxes to self-insurance programs.

4. Supports limits to insurance claim litigation.
5. Opposes limiting the City’s options and ability to manage workers’ compensation claims; including actions like removing existing offsets to workers’ compensation benefits or limiting the City’s ability to designate treating physicians.

6. Opposes efforts to presumptively expand workers’ compensation coverage to illnesses or injuries that are not work related.

7. Opposes efforts to reduce or weaken protections against liability through governmental immunity or other statutory provisions.

**TRANSPORTATION**

**TRANSPORTATION AND MOBILITY**

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City’s policy is to encourage the use of bicycling, transit and walking whenever appropriate.

Therefore, the City:

1. Opposes reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.

2. Supports alternative methods of funding transportation infrastructure needs.

3. Support funding the analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.

4. Encourages flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.

5. Supports guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.

6. Supports broadening the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.

7. Supports enhanced ability to implement railroad quiet zones in municipalities and a reduction in train horn decibel and duration requirements.

8. Opposes divesting highway roads in urban areas from the state and making them the sole responsibility of local jurisdictions without adequate compensation for ongoing maintenance.

9. Supports safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
10. Supports funding for the build out of Interstate 25 improvements.

11. Opposes reductions in federal dollars for bicycling, transit and walking.

12. Supports local control of public roads, pedestrian paths, and bike lanes to address all modes of transportation.

**Urban Renewal and Downtown Development**

*Economic Health*

The state of Colorado has empowered local authorities to use Urban Renewal Authorities (URA) and Downtown Development Authorities (DDA) to encourage downtown revitalization and the elimination of blight. The main funding tool for URAs and DDAs is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal and downtown revitalization restores economic vitality and improves the safety of a designated area, with limited financial impact to other government jurisdictions.

Therefore, the City:

1. Opposes limitations on municipalities’ ability to utilize financing mechanisms such as TIF.

2. Opposes efforts to increase influence of non-City jurisdictions over the use of TIF within City limits.

3. Supports maintaining the ability of downtown development authorities to utilize the full offering of tools and powers provided in the DDA Act.

4. Supports maintaining the ability of Urban Renewal Authorities to utilize the full offering of tools and powers provided for in state statute.

**Water, Wastewater, and Stormwater**

*Environmental Health; Safe Community*

The City operates a water utility, a wastewater utility, and a stormwater utility in a financially sound, reliable, safe, and environmentally responsible manner. The availability of adequate water supplies is critical to the City and is managed by the Water Supply and Demand Management Policy, the Water Efficiency Plan, and other water-related codes, rules, regulations, plans, and policies.

Therefore, the City:

1. Supports expanding the authority delegated to the state to administer federally mandated water, stormwater, and wastewater environmental regulatory programs.

2. Supports reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Supports municipal flexibility to manage instream flows to preserve or improve the natural environment, while protecting the integrity of Colorado’s appropriation doctrine, protecting the City’s water supplies, and preventing injury to other water users.

4. Opposes unfunded mandates.

5. Opposes barriers to financing for water conservation projects.

6. Supports funding for the recovery and treatment of the Fort Collins water supply, its watershed, and other waterways impacted by natural disasters and human-caused events, including fires.

7. Supports enhanced municipal authority to protect and increase the flexibility and resiliency of the City’s water supplies under Colorado’s appropriation doctrine, without causing injury to other water users and without adversely affecting instream flows or the natural environment. This includes potential bills related to treated water providers being able to more easily share treated water supplies between their distribution systems.

8. Supports reducing legal barriers and clarifying legal ambiguities related to water reuse and greywater projects, while protecting the integrity of Colorado’s appropriation doctrine, protecting the City’s water supplies, and preventing injury to other water users.

9. Supports streamlining federal and state permitting requirements for water development projects that increase coordination between permitting agencies, reduces administrative and financial burdens on permit applicants, and ensures robust and enforceable environmental protections.

10. Supports the enlargement of Halligan Reservoir as a common-sense, cost-effective, and environmentally-beneficial approach to meet Fort Collins Utilities’ future water supply needs.
### Legislative Review Committee

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<tr>
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<thead>
<tr>
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SUBJECT

Public Hearing and First Reading of Ordinance No. 155, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Cottonwood Manufactured Housing Community Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Cottonwood Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Cottonwood MHC is located at 1336 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (MH) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. This proposed property rezoning supports these policy goals and is part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.

Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins. While unique and affordable, manufactured housing is also a limited type of housing, and the number of units
has been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachment 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

Overview of Main Considerations

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by City Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;
2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan.

While many of the properties proposed for rezoning to the M-H district were once part of the City’s two prior mobile home park zone districts until 1997, the balance between community priorities to protect an important
source of affordable housing and property owner rights has been a consistent theme heard during the public process for both the development of the new M-H district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the Cottonwood MHC property, as well as its adjacent development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: Cottonwood</th>
<th>Adjacent Zoning &amp; Development</th>
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<tr>
<td><strong>Annexation</strong></td>
<td><strong>Prior Zoning Designations</strong></td>
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<td>Northwest Consolidated Annexation, 1954</td>
<td>▪ “A” Residence</td>
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<td>▪ Low Density Residential</td>
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<td>▪ Medium Density Residential</td>
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<td>▪ Low Density Mixed-Use</td>
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<td>Neighborhood (current)</td>
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Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan update through a number of new policy goals to encourage a greater mix of housing types, protect and develop new types of attainable and affordable housing options, and to prevent the displacement of manufactured housing residents. The preservation of manufactured housing communities, including the development of the new Manufactured Housing zone district and the proposed rezoning of properties containing manufactured housing directly support the following City Plan policies:

**LIV 5.2 - Supply of Attainable Housing**

*Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.*

Manufactured housing represents one of the most affordable types of housing in Fort Collins, comparable to subsidized and deed-restricted housing for those earning between 30-60% area median income. As a naturally-occurring source of affordable housing, manufactured housing communities in the City limits and Growth Management Area represent a comparable number of dwelling units to Fort Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has been in decline over the past several decades due to community closures and redevelopment. The goal of preservation through rezoning to the M-H district is designed to protect and promote the ongoing operation of this limited housing resource which has proven to be difficult to expand via new manufactured housing development.
**LIV 5.5 - Integrate and Distribute Affordable Housing**
Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Manufactured housing communities can currently be found throughout the City and Growth Management Area, providing options for this type of housing close to jobs, services, and transportation opportunities located throughout the community. Goals to preserve manufactured housing by rezoning to the M-H district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

**LIV 6.4 - Permanent Supply of Affordable Housing**
Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City’s subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community’s most affordable housing options.

**LIV 6.9 - Prevent Displacement**
Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community’s manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the M-H district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

**Structure Plan Land Use Guidance**

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:

> The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.

The Structure Plan is an illustrated map made up of broad categories called ‘place types,’ which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density
ranges, and the presence of certain types of services. Place types may often correspond to or overlap multiple zone districts.

The Cottonwood MHC is located in the 'Mixed Neighborhood' place type on the Structure Plan. (Attachment 5)

**Mixed Neighborhood**

The Mixed Neighborhood place type is one of the predominant residential place types illustrated on the Structure Plan and is commonly found in areas of the community with a mix of housing types at low to moderate intensity. Its location on the Structure Plan commonly overlaps with the Low-Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood zone districts.

The Mixed Neighborhood place type indicates a general intensity range of between 5 and 20 units per acre which supports its designation for a wide range of housing types, including different attached and multifamily products. The Structure Plan also makes a distinction within the place type for existing development and new or future neighborhoods planned for vacant and undeveloped land.

The proposed rezoning to the M-H district is consistent with the land use types and density ranges of the Mixed Neighborhood place type. The M-H district is primarily residential and encourages manufactured housing as the primary land use within a density range of 6-to-12 units per acre. Both the types of permitted uses and the density range of the M-H district are within the characteristics described by the Mixed Neighborhood’s place type.

The Mixed Neighborhood also specifically references manufactured housing within existing neighborhoods, indicating, “while reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not.” The M-H district is designed to discourage redevelopment and further addresses the Mixed Neighborhood place type description.

City Plan describes place both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

*Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.*

**Summary - City Plan Guidance**

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

This proposed M-H rezoning is also consistent with the Mixed Neighborhood place type designation for this property on the Structure Plan Map. The Mixed Neighborhood place type describes residential land uses, including manufactured housing, of 5-20 units per acre which is consistent with the M-H district. This place type also specifically encourages reinvestment but not redevelopment of manufactured housing communities, which is the primary goal of the M-H district.

**Criterion 2:** and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The
majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in intensity to adjacent commercial development. The M-H district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The Cottonwood MHC is surrounded by similar other residential development, primarily single-family dwellings to the north and west, and higher intensity commercial/retail development to the south and east.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

M-H rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in its immediate context given the existing development that is already in place. Within the subject property to be rezoned M-H, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City’s housing opportunities and social connectivity.

BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020 meeting, the Planning and Zoning Board considered all six manufactured housing property rezonings collectively and recommended that Council approve all of the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents' group on September 9, 2020. Due
to current pandemic conditions, all meetings were held in a remote format with online and telephone participation. Attendance included City staff, residents, and several property owners. (Attachment 6)

A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with notice requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.

Staff has also been in email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the Manufactured Housing zone district and this proposed rezonings. Staff has not had any direct communications with the owner of the Cottonwood manufactured housing community using contact information listed with the Larimer County Assessor, Colorado Secretary of State and the Colorado Department of Local Affairs Mobile Home Park Registry. In addition to mailed notices required by the Land Use Code, staff has also sent this property owner a certified letter in September. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

ATTACHMENTS

1. Rezoning Petition (PDF)
2. Vicinity & Zoning Context Map (PDF)
3. Manufactured Housing Zone District Overview (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance (PDF)
5. Structure Plan Context Map (PDF)
6. Neighborhood Meetings Summary (PDF)
7. Property Owners Outreach (PDF)
8. Planning & Zoning Board Public Comments (PDF)
9. Cottonwood Rezoning Presentation (PDF)
SUBMITTAL REQUIREMENTS:
REZONING PETITION

Petitioner:
Paul Sizemore
Name
PO Box 580
Address
Fort Collins, CO 80522
City, State, Zip

Owner:
** See attached supplemental information **
Name
Address
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing ___143___ acres, more or less, from ___LMN___ zoning district to ___MH___ zoning district:

[INSERT LEGAL DESCRIPTION HERE]

Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor’s office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

[Signature]

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado )
) ss.
County of Larimer )

The foregoing instrument was acknowledge before me this 20th day of October, 2020.
By: [Signature] for the purpose therein set forth.

My commission expires April 9, 2024

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SHARLENE Manno
Notary Public
State of Colorado
Notary ID # 20084008379
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- Cottonwood Mobile Home Park, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- Harmony Village Mobile Home Park, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS 20070017402

- Hickory Village Mobile Home Park, located at 400 Hickory Street, Fort Collins, CO 80524:
  ALL HICKORY VILLAGE, FORT COLLINS

- Northstar Mobile Home Park, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- Pleasant Grove Mobile Home Park, located at 517 East Trilby Road, Fort Collins, CO 80525:
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6, RANGE 69 WEST COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH 0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40" WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- Skyline Mobile Home Park, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;
  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;
  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;
  CONTAINING 25.71 ACRES, MORE OR LESS
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
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<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
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<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
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<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Minor public facilities</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and seeks to promote the preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss of affordable housing units by encompassing the existing manufactured housing communities within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone District to advance the City’s efforts to preserve and support currently existing manufactured housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

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 and findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

... 

Manufactured Housing District (M-H)

...

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

...

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

...

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

...

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

...

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).

(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).

(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).

(j) The Employment District (E). See Section 4.27(D)(5).

... 

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

(A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
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<tbody>
<tr>
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<td>...</td>
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<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
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</table>

(B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
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Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

... 

(M) **Sign Districts.**

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
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Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) *Measuring Building Height.*

... 

(2) *Building Height Measured in Stories.* In measuring the height of a building in stories the following measurement rules shall apply:

...
(c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

... 

Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
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<tr>
<td>M-M-N,</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
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<tr>
<td>H-M-N,</td>
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<tr>
<td>N-C-B,</td>
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<td>M-H</td>
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Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

...

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) *Permitted Uses.*

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

1. Manufactured housing community.
2. Group homes for up to eight (8) developmentally disabled or elderly persons.
3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.
2. Minor public facilities.
3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**

2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

1. Community facilities.
2. Neighborhood support/recreational facilities.
3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) **Dimensional Standards.**

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) **Building Height.** The maximum building height shall be three (3) stories.

(4) **Maximum Size.** The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) **Parking.** A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

**Division 4.27 Employment District (E)**

(B) **Permitted Uses.**

...  

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

...  

5. Manufactured housing communities.

...  

Section 13. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "Manufactured home" which reads in its entirety as follows:
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk
Structure Plan Context - Cottonwood

PLACE TYPES

Districts
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

Other
- Parks and Natural/Protected Lands
- Community Separator

Neighborhoods
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

BOUNDARIES
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas
Manufactured Housing Rezonings & Code Changes

On September 2nd and September 12th the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:
- The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
- The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
- Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
- A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

**Question:** Are managers required to have certain qualifications or requirements. Can residents request a new manager?

**Response:** The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

**Question:** What are the six parks that will be rezoned?

**Response:** The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

**Follow-up:** What about Poudre Valley and North College?

**Response:** Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

**Comment:** The people in Poudre Valley feel like they are forgotten and don’t feel represented.

**Question:** After rezoning occurs, does a park have to meet all of the new standards?

**Response:** The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

**Question:** I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?

**Response:** Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

**Question:** What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?

**Response:** Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provide. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

**Question:** Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?

**Response:** There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

Question: Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?
Response: Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

Question: If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?
Response: Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

Question: What is the method used if parks are not using submetering?
Response: This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

Question: What are the legal clinics that will start in October?
Response: The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
# Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
<thead>
<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
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</table>
| Cottonwood (Greg Scamehorn)                   | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
No direct contact received for this property |
| Harmony Village & Pleasant Grove (RHP Properties) | ▪ Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Colby Wilson (May-July)  
▪ Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  
Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions. |
| Hickory Village (Keith Cowan)                  | ▪ MHC owner/manager meeting – 1/15/20  
▪ Meeting w/ manager Derald – 2/11/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Keith Cowan (May-Sept)  
Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property. |
| North Star (Peter Goldstein)                   | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Peter Goldstein (May-Oct)  
▪ Zoom meeting re: rezoning – 9/15/20  
Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses. |
| Skyline (Sun Communities)                      | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Lisa Felix (May-Oct)  
▪ Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  
Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning. |
Dear Ryan,

I am not in favor of the proposed rezoning plan and its affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix  
Regional Vice President O/S  
Sun Communities, Inc.  
27777 Franklin Road, Suite 200  
Southfield, MI 48034  
C: 408.590.3145 | O: 248.327.8104  
lfelix@suncommunities.com | NYSE (SUI)

Commitment  Intensity  Empowerment  Accountability  Service
October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

"On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit."

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia  Mi Voz Program Directors  ISAAC
Fuerza Latina  Alianza NORCO
Mi nombre es Zulema Vega y he vivido en Hickory Village Mobile Home park por 10 años quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles v...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
RE: Fort Collins Planning and Zoning Board Agenda Item (Affordable Housing Redevelopment Displacement Mitigation Strategy)

Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.
- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.
- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes, como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley u ordenanza para la preservación de nuestros parques móviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejia
A resident of Hickory Village
Hola mi nombre es Eva Perez Villalobos y yo vivo en Hickory Village Mobile Home Park. Yo he vivido aquí por 6 años. Quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque. Ya que puedo darles un hogar a mis hijos y prosperar en el futuro con una buena educación y agradable vecindario. Muchas gracias de antemano por su consideración, tiempo y tomar en cuenta mi carta.

Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I've been living here for 6 years. I'd like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!

A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy agusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejia.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I'm writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there's a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we're placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort collins. Por este medio me gustaria dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocasion es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos anos mas, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades economicas para que nuestras familias siguan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradesco su tiempo y su buena voluntad de escuchar nuestra situacion.
Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.
Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y pienzo que el Nuevo distrito de Zonificacion para los parque móviles va estar muy bien por mi parqueadero.

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta.

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
From: Katharine Claypool  
Sent: Thursday, October 15, 2020 3:14 PM  
To: Katharine Claypool  
Subject: FW: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities  
Categories: P&Z

From: Jones,David <David.Jones@ColoState.EDU>  
Sent: Tuesday, October 13, 2020 3:27:54 PM  
To: Development Review Comments <devreviewcomments@fcgov.com>; Sharlene Manno <smanno@fcgov.com>; Ryan Mounce <RMounce@fcgov.com>  
Cc: Jones,David <David.Jones@ColoState.EDU>  
Subject: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Hello  
I would like to comment on this proposed action by the City. As it is described, I am against this blanket rezoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities) in Fort Collins.

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:

3. Draft a Manufactured Home Park Zoning District and rezone into that district those mobile home parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN) were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.
• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.
• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.
• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning. My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for longer-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

__________________

David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo y yo vivo en HARMONY VILLAGE MOBILE HOME PARK. yo eh vivido aqui por 12 años.
Quiero decir que yo quiero preservar mi parqueadero por muchos años mas en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cercas de aqui yo soy madre soltera y tener mi trabajo cercas es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.
Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter  and my reasons into consideration
Hola mi nombre es Olivia Flores vivo en Hickory park e vivido en este lugar por 24 años mis hijos crecieron en este lugar recientemente emos escuchando sobre cambios en este lugar como residente de este lugar me gustaría que continuara cómo un lugar de casas mobiles. Gracias por tomar mi opinión. Olivia Flores

Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Authoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario por eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
Public hearing requesting a change in zoning designation for the Cottonwood Village manufactured housing community (MHC)

- Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
- Proposed zoning: Manufactured Housing (MH) district

Rezoning initiated by the City

Quasi-judicial rezonings

Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.
Cottonwood – 1336 Laporte Ave

- Annexed 1954
- Prior Zoning Designations:
  - "A" Residence
  - Low Density Residential
  - Medium Density Residential
  - LMN (current)
Monthly Housing Costs Spectrum

Manufactured Homes
$450 - $1200

Affordable (30% - 80% AMI)
$650 - $1700

Attainable (80% - 120% AMI)
$1700 - $2300

Market-Rate
$1900 +

Avg. Apartment Rent: $1,400
(2019)

Median Home Price: $450,000
(June 2020)

Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)
Rezoning Criteria

Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:

1. Consistent with the comprehensive plan; and/or
2. Warranted by changed conditions within the neighborhood

Additional factors which may be considered:

3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
4. Adverse impacts on the natural environment
5. Results in a logical and orderly development pattern
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

- Rezoning encourages preservation of some of the most affordable housing options in the community
- Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

- Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community
- If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

- New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

❖ Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.

❖ Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.

- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Cottonwood designated under the Mixed Neighborhood place type. Key characteristics of this place type:
  - Primarily residential; encourages variety of housing types
  - Some neighborhoods have direct access to retail and services
  - Moderate intensity (5-20 dwelling units/acre)
  - Discourages redevelopment of existing MHCs
    
    “While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not”

- Commonly overlaps with LMN district on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning closely matches key characteristics of the Mixed Neighborhood place type:
  - Mixed Neighborhood place type land uses are inclusive of MH land uses
  - MH intensity (6-12 units/acre) sits within the lower range of the Mixed Neighborhood density range
  - Mixed Neighborhood discourages MHC redevelopment – intent and goal of the MH zone district
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan
  
  Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

- Strong consistency with City Plan principles and policies
Criteria 2 – Changed conditions within neighborhood

Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Rezoning Analysis

Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by low and moderate density residential development
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed

- Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
  - Prevent displacement & strengthen neighborhood and social ties
  - Provides affordable housing opportunities for a range of incomes
  - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Rezoning Process

Develop MH Zone District – Land Use Code Updates
Þ Resident, owner/manager & Board and Commission meetings (Spring/Summer)
ð MH district adopted by Council (August)

Rezoning Process
Þ Neighborhood meetings & notices – September
Þ Planning and Zoning Board Recommendation – November
Þ City Council First & Second Reading - December
Land Use Code Updates – MH District (Spring/Summer)
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

Rezoning Outreach
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
Resource Slides
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
## M-H Zone District

### Permitted Land Uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>INSTITUTIONAL / MISC.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mfr. Housing Community</td>
<td>Places of worship</td>
<td>Accessory buildings</td>
</tr>
<tr>
<td>Group Homes</td>
<td>Childcare</td>
<td>Accessory uses</td>
</tr>
<tr>
<td>Domestic violence shelter</td>
<td>Adult day/respite center</td>
<td>Urban agriculture</td>
</tr>
<tr>
<td>Extra occupancy rentals</td>
<td>Community facilities</td>
<td>Wireless telecom. equipment</td>
</tr>
<tr>
<td></td>
<td>Parks / Nbhd. Recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seasonal shelters</td>
<td></td>
</tr>
</tbody>
</table>
M-H Zone District

Zone Standards

β Set base levels for intensity, compatibility, safety
β Designed to reduce nonconformities (match existing development)
β General Development Standards (Article 3) also apply

Density: 6 – 12 dwelling units per acre
Setbacks: 15’ front, 10’ side/rear, 10’ between units
Height: 3-stories max.
Footprint: 5,000 sf max. (nonresidential)
Parking: 1-space per unit in manufactured housing community
## Permitted Uses Comparison

### M-H District
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

<table>
<thead>
<tr>
<th>CS</th>
<th>LMN</th>
</tr>
</thead>
<tbody>
<tr>
<td>95 permitted uses; mostly commercial</td>
<td>43 permitted uses; mostly residential</td>
</tr>
<tr>
<td>No density maximum</td>
<td>Maximum density of 9 dwelling units/acre (12 if affordable)</td>
</tr>
<tr>
<td>3-story height limit</td>
<td>3-story height limit</td>
</tr>
</tbody>
</table>
ORDINANCE NO. 155, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE COTTONWOOD MANUFACTURED HOUSING COMMUNITY REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in Fort Collins such as the Cottonwood Manufactured Housing Community (“Cottonwood”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a logical and orderly development pattern.

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 and findings contained in the recitals set forth above.

Section 2. That the Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known as Cottonwood.

LOT 2, VASQUEZ MINOR SUB, FTC

Section 3. That the property known as the Cottonwood shall remain included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

-1-
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

_____________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

__________________________________
Mayor

ATTEST:

_____________________________
City Clerk
STAFF

Cameron Gloss, Planning Manager
Claire Havelda, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 156, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property known as the Northstar Manufactured Housing Community Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the North Star Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

North Star MHC is located at 1700 Laporte Avenue and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (M-H) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. This proposed property rezoning supports these policy goals and is part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.
Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins. While unique and affordable, manufactured housing is also a limited type of housing, and the number of units has been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachment 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

Overview of Main Considerations

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;
2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis
of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan; however, it is also important to note a change to the M-H district for these properties impacts each site's future redevelopment potential.

While many of the properties proposed for rezoning to the M-H district were once part of the City's two prior mobile home park zone districts up until 1997, the balance between community priorities to protect an important source of affordable housing and property owner rights has been a consistent theme heard during the public process for both the development of the new M-H district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the North Star MHC property, as well as its adjacent development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: North Star</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annexation</strong></td>
</tr>
<tr>
<td>Radio City Annexation, 1957</td>
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</table>

Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan update through a number of new policy goals to encourage a greater mix of housing types, protect and develop new types of attainable and affordable housing options, and to prevent the displacement of manufactured housing residents. The preservation of manufactured housing communities, including the development of the new Manufactured Housing zone district and the proposed rezoning of properties containing manufactured housing directly support the following City Plan policies:

**LIV 5.2 - Supply of Attainable Housing**
Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Manufactured housing represents one of the most affordable types of housing in Fort Collins, comparable to subsidized and deed-restricted housing for those earning between 30-60% area median income. As a naturally-occurring source of affordable housing, manufactured housing communities in the City limits and Growth Management Area represent a comparable number of dwelling units to Fort
Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has been in decline over the past several decades due to community closures and redevelopment. The goal of preservation through rezoning to the M-H district is designed to protect and promote the ongoing operation of this limited housing resource which has proven to be difficult to expand via new manufactured housing development.

**LIV 5.5 - Integrate and Distribute Affordable Housing**

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Manufactured housing communities can currently be found throughout the City and Growth Management Area, providing options for this type of housing close to jobs, services, and transportation opportunities located throughout the community. Goals to preserve manufactured housing by rezoning to the M-H district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

**LIV 6.4 - Permanent Supply of Affordable Housing**

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City’s subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community’s most affordable housing options.

**LIV 6.9 - Prevent Displacement**

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community’s manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the M-H district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

**Structure Plan Land Use Guidance**

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:
The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.

The Structure Plan is an illustrated map made up of broad categories called 'place types,' which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density ranges, and the presence of certain types of services. Place types may often correspond to or overlap multiple zone districts.

The North Star is located in the 'Suburban Neighborhood' place type on the Structure Plan. (Attachment 5)

**Mixed Neighborhood / Suburban Neighborhood**

The Suburban Neighborhood place type commonly overlaps with zone districts that are lower intensity or are more limiting in the types of residential land uses permitted, such as the Low Density Residential or Neighborhood Conservation Low Density zone districts. The Suburban Neighborhood place type is described in City Plan as areas where existing development is comprised primarily of single family detached dwellings at low to moderate density (two to five units per acre).

Staff is recommending the frontage of the North Star property remain as Low Density Mixed-Use Neighborhood Zoning while rezoning the rear portion of the property to the MH district, as depicted in Exhibit A below.
The North Star property is unique from the other proposed rezonings as it contains several existing commercial land uses along Laporte Avenue in front of the manufactured housing community. The property has often functioned as a transition point between more consistent low and moderate residential development to the east, and commercial and mixed-use development to the west. It sits upon the edge of both the Northwest Subarea Plan and the Old Town Neighborhoods plan boundary and has a previous history of both commercial, residential, or split residential/commercial zoning.

While included as part of the Suburban Neighborhood place type on the Structure Plan due to the broader area of lower density single family housing development to the east, the site’s particular development also shares characteristics with the Mixed Neighborhood place type due to its much higher density (approximately 12 dwelling units per acre) and its commercial land uses along Laporte Avenue.

City Plan describes both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

> Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

The recommended split zoning designation of the property not only supports City Plan policies and goals to support the preservation of manufactured housing and an important source of naturally occurring affordable housing, but it also supports neighborhood serving commercial uses, another policy goal of City Plan:
**LIV 4.3 - Neighborhood Services and Amenities**

Encourage the addition of new services, conveniences and/or gathering places in existing neighborhoods that lack such facilities, provided they meet applicable performance and design standards. Consider additional tools such as a conditional-use permit process and expanding home occupation provisions.

In addition to policies, the Suburban Neighborhood place type characteristics describe neighborhood centers serving as focal points for adjacent residential development and providing nearby amenities and services. The split in zoning designation (LMN & MH) helps fulfill these policy objectives to preserve an existing source of naturally occurring affordable housing and promote the viability and potential for change and evolution of neighborhood services along the Laporte Avenue frontage for adjacent residential development. Although the commercial frontage along Laporte predates the concept of a Neighborhood Center under LMN zoning, the City has previously identified and classified it as a neighborhood center because it operates in a similar fashion to a neighborhood center that would be developed under new LMN-style development. (Attachment 6)

**Summary - City Plan Guidance**

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

The North Star property is designated as a Suburban Neighborhood place type, which is typically associated with zone districts for low and moderate single family detached housing. While the M-H zone district allows for unit densities generally in excess of the Suburban Neighborhood place types, the M-H zone district does support the general detached single family unit types of the place type with manufactured home units.

Further, the North Star property is a transitional property located between areas of consistent single-family development to the east from which the Suburban Neighborhood designation is derived, and commercial/mixed-use development to the west. The property sits along the boundary of two separate neighborhoods plans and has a history of hosting commercial, residential or mixed zoning. In seeking to preserve both the existing commercial frontage of the property as LMN zoning and the manufactured housing community with MH zoning the change in zoning designation supports many of the goals and policies found in City Plan.

City Plan and the Structure Plan map allows flexibility in interpretation for decision-makers so long as broader City Plan policy goals are advanced. The North Star property advances both the broader goals of manufactured housing preservation as well as flexibility to continue to support neighborhood-service commercial uses along the Laporte frontage by keeping the existing LMN zoning.

**Criterion 2: and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.**

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

**Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.**

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in...
intensity to adjacent commercial development. The M-H district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The North Star MHC is surrounded by similar other residential development, primarily single-family dwellings to the south and east, and a mix of residential and commercial development to the west.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

M-H rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in its immediate context given the existing development that is already in place. Within the subject property to be rezoned M-H, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City’s housing opportunities and social connectivity.

BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020, Planning and Zoning Board meeting, the Board considered all six manufactured housing property rezonings collectively and recommended that Council approve all the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents’ group on September 9, 2020. Due to current pandemic conditions, all meetings were held in a remote format with online and telephone participation. Attendance included City staff, residents, and several property owners. (Attachment 7)

A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with notice requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.

Staff has also been in direct email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the M-H zone
district and this proposed rezoning in addition to mailed notices required by the Land Use Code. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

ATTACHMENTS

1. Rezoning Petition (PDF)
2. Vicinity & Zoning Context Map (PDF)
3. Manufactured Housing Zone District Overview (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance (PDF)
5. Structure Plan Context Map (PDF)
6. Northstar LMN Neighborhood Center Memo (PDF)
7. Neighborhood Meetings Summary (PDF)
8. Planning & Zoning Board Public Comments (PDF)
9. Property Owners Outreach (PDF)
10. Powerpoint Presentation (PDF)
SUBMITTAL REQUIREMENTS:
REZONING PETITION

Petitioner:
Paul Sizemore
Name
PO Box 580
Address
Fort Collins, CO 80522
City, State, Zip

Owner:
** See attached supplemental information **
Name
Address
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing _143_ acres, more or less, from _LMN_ zoning district to _MH_ zoning district:

[INSERT LEGAL DESCRIPTION HERE]
Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor’s office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado )
 ) ss.
County of Larimer )

The foregoing instrument was acknowledge before me this 26th day of October, 2020,
By Paul Sizemore____ for the purpose therein set forth.
My commission expires April 9, 2024.

SHARLENE MANNO
Notary Public
State of Colorado
Notary ID # 20084009379
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- **Cottonwood Mobile Home Park**, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- **Harmony Village Mobile Home Park**, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, 
  RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN 
  DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS 
  20070017402

- **Hickory Village Mobile Home Park**, located at 400 Hickory Street, Fort Collins, CO 80524:
  
  ALL HICKORY VILLAGE, FORT COLLINS

- **Northstar Mobile Home Park**, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- **Pleasant Grove Mobile Home Park**, located at 517 East Trilby Road, Fort Collins, CO 80525:
  
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6, RANGE 69 WEST 
  COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH 
  0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN 
  NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40" 
  WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- **Skyline Mobile Home Park**, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, 
  RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF 
  COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;

  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT 
  ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;

  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;

  CONTAINING 25.71 ACRES, MORE OR LESS
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

### Permitted Land Uses

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Minor public facilities</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Parks, recreation and other open lands, except neighborhood</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Parks, recreation and other open lands, except neighborhood</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A
MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and seeks to promote the preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss of affordable housing units by encompassing the existing manufactured housing communities within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone District to advance the City’s efforts to preserve and support currently existing manufactured housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

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 and findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

Manufactured Housing District (M-H)

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).

(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).

(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).

(j) The Employment District (E). See Section 4.27(D)(5).

... 

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

(A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
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<tr>
<td>...</td>
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<td>...</td>
<td>...</td>
</tr>
<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
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</tbody>
</table>

(B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
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<tr>
<td>...</td>
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</tbody>
</table>
Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

... (M) Sign Districts.

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
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</table>

Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) Measuring Building Height.

... (2) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

...
(c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>M-M-N, H-M-N, N-C-B, M-H</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
</tr>
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</tr>
</tbody>
</table>

Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

...

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) **Permitted Uses.**

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

1. Manufactured housing community.

2. Group homes for up to eight (8) developmentally disabled or elderly persons.

3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.

2. Minor public facilities.

3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**


2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

1. Community facilities.

2. Neighborhood support/recreational facilities.

3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) **Dimensional Standards.**

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) **Building Height.** The maximum building height shall be three (3) stories.

(4) **Maximum Size.** The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) **Parking.** A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

**Division 4.27 Employment District (E)**

... 

(B) **Permitted Uses.**

... 

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

... 

5. Manufactured housing communities.

... 

Section 13. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "**Manufactured home**" which reads in its entirety as follows:
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

-10-
Structure Plan Context – Northstar

PLACE TYPES

Districts
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

Other
- Parks and Natural/Protected Lands
- Community Separator

Neighborhoods
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

BOUNDARIES
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas

Site
- Livieper MHP

Packet Pg. 378
MEMORANDUM

TO: Memo to file
FROM: Peter Barnes
RE: Use classification of 1700 Laporte Avenue
DATE: May 5, 2008

The property at 1700 Laporte is zoned LMN. As of this date, the use of the property in the buildings fronting on Laporte Ave. is considered to be a Neighborhood Center. Changing from one allowed neighborhood center use to another does not constitute a change of use.
Manufactured Housing Rezonings & Code Changes

On September 2nd and September 12th the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:
- The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
- The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
- Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
- A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could...
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

**Question:** Are managers required to have certain qualifications or requirements. Can residents request a new manager?

**Response:** The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

**Question:** What are the six parks that will be rezoned?

**Response:** The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

**Follow-up:** What about Poudre Valley and North College?

**Response:** Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

**Comment:** The people in Poudre Valley feel like they are forgotten and don’t feel represented.

**Question:** After rezoning occurs, does a park have to meet all of the new standards?

**Response:** The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

**Question:** I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?

**Response:** Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

**Question:** What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?

**Response:** Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provider. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

**Question:** Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?

**Response:** There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering.
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

**Question:** Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?

**Response:** Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

**Question:** If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?

**Response:** Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

**Question:** What is the method used if parks are not using submetering?

**Response:** This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

**Question:** What are the legal clinics that will start in October?

**Response:** The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
Ryan Mounce

From: Lisa Felix <lfelix@suncommunities.com>
Sent: Thursday, October 1, 2020 11:09 AM
To: Ryan Mounce
Subject: [EXTERNAL] Proposed MH Rezoning Testimony

Dear Ryan,

I am not in favor of the proposed rezoning plan and it’s affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix
Regional Vice President O/S
Sun Communities, Inc.
27777 Franklin Road, Suite 200
Southfield, MI 48034
C: 408.590.3145 | O: 248.327.8104
lfelix@suncommunities.com | NYSE (SUI)

Commitment Intensity Empowerment Accountability Service
Katharine Claypool

From: Katharine Claypool  
Sent: Wednesday, October 14, 2020 11:49 AM  
To: Katharine Claypool  
Subject: FW: [EXTERNAL] Regarding Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

Categories: P&Z

From: Lisa Butler <medicinewoman_lrb@yahoo.com>  
Sent: Wednesday, October 14, 2020 8:53 AM  
To: Development Review Comments <devereviewcomments@fcgov.com>  
Subject: [EXTERNAL] Regarding Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

“On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit.”

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia Mi Voz Program Directors ISAAC
Fuerza Latina Alianza NORCO
Mi nombre es Zulema Vega yo he vivido en Hickory Village Mobile Home park por 10 años quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles v...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
RE: Fort Collins Planning and Zoning Board Agenda Item (Affordable Housing Redevelopment Displacement Mitigation Strategy)

Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.
- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.
- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley u ordenanza para la preservación de nuestros parques móviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejia
A resident of Hickory Village
Hola mi nombre es Eva Perez Villalobos y yo vivo en Hickory Village Mobile Home Park. Yo he vivido aquí por 6 años. Quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque. Ya que puedo darles un hogar a mis hijos y prosperar en el futuro con una buena educación y agradable vecindario. Muchas gracias de antemano por su consideración, tiempo y tomar en cuenta mi carta.

Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I've been living here for 6 years. I'd like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!

A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy agusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejía.
Que residimos en Hickory Village.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I’m writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there’s a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we’re placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort collins. Por este medio me gustaría dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocasión es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos años mas, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades economicas para que nuestras familias siguan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradesco su tiempo y su buena voluntad de escuchar nuestra situacion.
Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.
Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y pienzo que el Nuevo distrito de Zonificacion para los parque móviles va estar muy bien por mi parqueadero

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
I would like to comment on this proposed action by the City. As it is described, I am against this blanket rezoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities).

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:

3. Draft a Manufactured Home Park Zoning District and rezone into that district those mobile home parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.

• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.

• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.

• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for longer-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

______________________________

David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo y yo vivo en HARMONY VILLAG PARK. yo eh vivido aquí por 12 años.

Quiero decir que yo quiero preservar mi parqueadero por muchos años mas en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cerca de aquí yo soy madre solter y tener mi trabajo cercas es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.

Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones.

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter and my reasons into consideration.
Hola mi nombre es Olivia Flores vivo en Hickory park e vivido en este lugar por 24 años mis hijos crecieron en este lugar recientemente emos escuchando sobre cambios en este lugar como residente de este lugar me gustaría que continuara cómo un lugar de casas mobiles. Gracias por tomar mi opinión. Olivia Flores

Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Autoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario por eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
# Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
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<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
</tr>
</thead>
</table>
| Cottonwood (Greg Scamehorn)                   | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  

*No direct contact received for this property* |
| Harmony Village & Pleasant Grove (RHP Properties) | ▪ Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Colby Wilson (May-July)  
▪ Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  

*Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions.* |
| Hickory Village (Keith Cowan)                 | ▪ MHC owner/manager meeting – 1/15/20  
▪ Meeting w/ manager Derald – 2/11/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Keith Cowan (May-Sept)  

*Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property.* |
| North Star (Peter Goldstein)                  | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Peter Goldstein (May-Oct)  
▪ Zoom meeting re: rezoning – 9/15/20  

*Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses.* |
| Skyline (Sun Communities)                    | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Lisa Felix (May-Oct)  
▪ Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  

*Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning.*
Public hearing requesting a change in zoning designation for the Northstar manufactured housing community (MHC)

- Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
- Proposed zoning: Manufactured Housing (MH) district & Low Density Mixed-Use Neighborhood (LMN) district

Rezoning initiated by the City

Quasi-judicial rezonings

*Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.*
Northstar – 1700 Laporte Ave

- Annexed 1957
- Prior Zoning Designations:
  - "D" Commercial
  - Medium Density Mobile Home
  - Limited Business & Neighborhood Conservation Low Density
  - Transition & LMN
  - LMN (current)
Northstar frontage proposed to remain LMN:

- Existing commercial uses
- Previously designated as an LMN neighborhood center
- Any proposed redevelopment would not result in loss of manufactured housing units
Monthly Housing Costs Spectrum

Manufactured Homes
$450 - $1200

Affordable (30% - 80% AMI)
$650 - $1700

Attainable (80% - 120% AMI)
$1700 - $2300

Market-Rate
$1900 +

Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)

Avg. Apartment Rent: $1,400 (2019)
Median Home Price: $450,000 (June 2020)
Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:

1. Consistent with the comprehensive plan; and/or
2. Warranted by changed conditions within the neighborhood

Additional factors which may be considered:

3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
4. Adverse impacts on the natural environment
5. Results in a logical and orderly development pattern
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

- Rezoning encourages preservation of some of the most affordable housing options in the community

- Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

*Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.*

- Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community

- If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

- New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

- Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.

- Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.
- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

Northstar designated under the Suburban Neighborhood place type. Key characteristics of this place type:

- Primarily residential; mostly detached single family housing
- Neighborhood centers may be located nearby or serve as focal points
- Density of 2-5 dwelling units/acre
- Commonly overlaps with NCL and RL districts on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning match several characteristics of the Suburban Neighborhood place type:
  - Suburban Neighborhood place type land uses are inclusive of MH land uses
  - Suburban Neighborhood intensity (2-5 units/acre) is lower than the MH district (6-12 units/acre); however, existing development already exceeds this place type designation
  - Suburban Neighborhood may have access to services/retail as part of neighborhood centers. Existing site includes small-scale commercial uses and was previously designated an LMN neighborhood center.
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan
  
  Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

- Strong consistency with City Plan principles and policies

- Northstar represents a transitional property between mixed-use/commercial development to the west and more single family detached development to east which influenced its place type designation
Criteria 2 – Changed conditions within neighborhood

Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by low and moderate density residential development (north/south/east) and residential/commercial development to the west
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed.
  - Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
    - Prevent displacement & strengthen neighborhood and social ties
    - Provides affordable housing opportunities for a range of incomes
    - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Rezoning Process

Develop MH Zone District – Land Use Code Updates
- Resident, owner/manager & Board and Commission meetings (Spring/Summer)
  - MH district adopted by Council (August)

Rezoning Process
- Neighborhood meetings & notices – September
- Planning and Zoning Board Recommendation – November
- City Council First & Second Reading - December
Rezoning Outreach

**Land Use Code Updates – MH District (Spring/Summer)**
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

**Rezoning Outreach**
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
Resource Slides
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
## Permitted Land Uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>INSTITUTIONAL / MISC.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mfr. Housing Community</td>
<td>Places of worship</td>
<td>Accessory buildings</td>
</tr>
<tr>
<td>Group Homes</td>
<td>Childcare</td>
<td>Accessory uses</td>
</tr>
<tr>
<td>Domestic violence shelter</td>
<td>Adult day/respite center</td>
<td>Urban agriculture</td>
</tr>
<tr>
<td>Extra occupancy rentals</td>
<td>Community facilities</td>
<td>Wireless telecom. equipment</td>
</tr>
<tr>
<td></td>
<td>Parks / Nbhd. Recreation</td>
<td></td>
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<tr>
<td></td>
<td>Seasonal shelters</td>
<td></td>
</tr>
</tbody>
</table>

Attachment: Powerpoint Presentation (9701 : Rezone - Northstar)
M-H Zone District

Zone Standards

β Set base levels for intensity, compatibility, safety
β Designed to reduce nonconformities (match existing development)
β General Development Standards (Article 3) also apply

Density: 6 – 12 dwelling units per acre
Setbacks: 15’ front, 10’ side/rear, 10’ between units
Height: 3-stories max.
Footprint: 5,000 sf max. (nonresidential)
Parking: 1-space per unit in manufactured housing community
Permitted Uses Comparison

M-H District
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

CS
- 95 permitted uses; mostly commercial
- No density maximum
- 3-story height limit

LMN
- 43 permitted uses; mostly residential
- Maximum density of 9 dwelling units/acre (12 if affordable)
- 3-story height limit
ORDINANCE NO. 158, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE NORTH STAR MANUFACTURED HOUSING COMMUNITY REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in Fort Collins such as the North Star Manufactured Housing Community (“North Star”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a logical and orderly development pattern.

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 and findings contained in the recitals set forth above.

Section 2. That the Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known as North Star.

LOT 2, VASQUEZ MINOR SUB, FTC, LESS THE SOUTHERLY 110 FEET

Section 3. That the property known as the North Star shall remain included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk
AGENDA ITEM SUMMARY
City Council
December 1, 2020

STAFF

Cameron Gloss, Planning Manager
Claire Havelda, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 157, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Skyline Manufactured Housing Community Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Skyline Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Skyline MHC is located at 2211 West Mulberry Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to a combination of the Manufactured Housing (MH) zone district and the Low Density Mixed-Use Neighborhood zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. This proposed property rezoning supports these policy goals and is part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.

Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins.
While unique and affordable, manufactured housing is also a limited type of housing, and the number of units has been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachments 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

Overview of Main Considerations

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by City Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;
2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and City Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan.
While many of the properties proposed for rezoning to the M-H district were once part of the City’s two prior mobile home park zone districts up until 1997, the balance between community priorities to protect an important source of affordable housing and property owner rights has been a consistent theme heard during the public process for both the development of the new M-H district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the Skyline MHC property, as well as its adjacent development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: Skyline</th>
<th>Annexation</th>
<th>Prior Zoning Designations</th>
<th>Adjacent Zoning &amp; Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Low Density Mixed-Use Neighborhood (current)</td>
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Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan update through a number of new policy goals to encourage a greater mix of housing types, protect and develop new types of attainable and affordable housing options, and to prevent the displacement of manufactured housing residents. The preservation of manufactured housing communities, including the development of the new Manufactured Housing zone district and the proposed rezoning of properties containing manufactured housing directly support the following City Plan policies:

LIV 5.2 - Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Manufactured housing represents one of the most affordable types of housing in Fort Collins, comparable to subsidized and deed-restricted housing for those earning between 30-60% area median income. As a naturally-occurring source of affordable housing, manufactured housing communities in the City limits and Growth Management Area represent a comparable number of dwelling units to Fort Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has been in decline over the past several decades due to community closures and redevelopment. The goal of preservation through rezoning to the M-H district is designed to protect and promote the ongoing operation of this limited housing resource which has proven to be difficult to expand via new manufactured housing development.
**LIV 5.5 - Integrate and Distribute Affordable Housing**

Integrate and distribute affordable housing as part of individual neighborhoods and the larger community.

Manufactured housing communities can currently be found throughout the City and Growth Management Area, providing options for this type of housing close to jobs, services, and transportation opportunities located throughout the community. Goals to preserve manufactured housing by rezoning to the M-H district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

**LIV 6.4 - Permanent Supply of Affordable Housing**

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City’s subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community’s most affordable housing options.

**LIV 6.9 - Prevent Displacement**

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community’s manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the M-H district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

**Structure Plan Land Use Guidance**

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:

*The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.*

The Structure Plan is an illustrated map made up of broad categories called ‘place types,’ which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density
ranges, and the presence of certain types of services. Place types may often correspond to or overlap multiple zone districts.

The Skyline MHC in the ‘Mixed Neighborhood’ place type on the Structure Plan. (Attachment 5)

**Mixed Neighborhood**

The Mixed Neighborhood place type is one of the predominant residential place types illustrated on the Structure Plan and is commonly found in areas of the community with a mix of housing types at low to moderate intensity. Its location on the Structure Plan commonly overlaps with the Low-Density Mixed-Use Neighborhood (“LMN”) and Medium Density Mixed-Use Neighborhood zone districts.

The Mixed Neighborhood place type indicates a general intensity range of between 5 and 20 units per acre which supports its designation for a wide range of housing types, including different attached and multifamily products. The Structure Plan also makes a distinction within the place type for existing development and new or future neighborhoods planned for vacant and undeveloped land.

The proposed rezoning to the M-H district is consistent with the land use types and density ranges of the Mixed Neighborhood place type. The M-H district is primarily residential and encourages manufactured housing as the primary land use within a density range of 6-to-12 units per acre. Both the types of permitted uses and the density range of the M-H district are within the characteristics described by the Mixed Neighborhood’s place type.

The Mixed Neighborhood also specifically references manufactured housing within existing neighborhoods, indicating, “while reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not.” The M-H district is designed to discourage redevelopment and further addresses the Mixed Neighborhood place type description.

As part of the rezoning of the Skyline property, staff is recommending a small portion of the site remains under the Low Density Mixed-Use Neighborhood zone district designation along portions of the Mulberry Street frontage. This area is approximately 330-ft by 110-ft in dimension as illustrated in Exhibit A below and contains three single-family dwellings and one two-family dwelling rented out separately from the remainder of the manufactured homes. These housing types are not permitted in the MH district and would become nonconforming uses and staff believes it is appropriate to exclude this area of the property from the MH designation as no manufactured housing units would be lost if this portion of the property is redeveloped in the future.

Exhibit A – Skyline Rezoning Map

City Plan describes place both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

*Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.*
Summary - City Plan Guidance

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

This proposed M-H rezoning is also consistent with the Mixed Neighborhood place type designation for this property on the Structure Plan Map. The Mixed Neighborhood place type describes residential land uses, including manufactured housing, of 5-20 units per acre which is consistent with the M-H district. This place type also specifically encourages reinvestment but not redevelopment of manufactured housing communities, which is the primary goal of the M-H district.

Criterion 2: and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in intensity to adjacent commercial development. The M-H district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The Skyline MHC is surrounded by other similar residential development on all sides of the property.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

M-H rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in its immediate context given the existing development that is already in place. Within the subject property to be rezoned M-H, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City’s housing opportunities and social connectivity.
BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020 meeting, the Planning and Zoning Board considered all six manufactured housing property rezonings collectively and recommended that Council approve all of the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents’ group on September 9, 2020. Due to current pandemic conditions, all meetings were held in a remote format with online and telephone participation. Attendance included City staff, residents, and several property owners. (Attachment 6)

A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with notice requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.

Staff has also been in direct email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the M-H zone district and this proposed rezoning in addition to mailed notices required by the Land Use Code. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

ATTACHMENTS

1. Rezoning Petition (PDF)
2. Vicinity & Zoning Context Map (PDF)
3. Light Power 2021 Budget Summary (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance (PDF)
5. Manufactured Housing Zone District Overview (PDF)
6. Neighborhood Meetings Summary (PDF)
7. Planning & Zoning Board Public Comments (PDF)
8. Property Owners Outreach (PDF)
9. Skyline Rezoning Presentation (PDF)
City of Fort Collins

SUBMITTAL REQUIREMENTS:
REZONING PETITION

Petitioner:
Paul Sizemore
Name
PO Box 580
Address
Fort Collins, CO 80522
City, State, Zip

Owner:
** See attached supplemental information **
Name
Address
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing _143_ acres, more or less, from _LMN_ zoning district to _MH_ zoning district:

[INSERT LEGAL DESCRIPTION HERE]
Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor’s office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado       )
) ss.
County of Larimer       )

The foregoing instrument was acknowledge before me this 2020 day of October, 2020,
By: Paul Sizemore for the purpose therein set forth.
My commission expires April 9, 2024

SHARLENE MANNO
Notary Public
State of Colorado
Notary ID # 20084008379
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- Cottonwood Mobile Home Park, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- Harmony Village Mobile Home Park, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7,
  RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN
  DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS
  20070017402

- Hickory Village Mobile Home Park, located at 400 Hickory Street, Fort Collins, CO 80524:
  ALL HICKORY VILLAGE, FORT COLLINS

- Northstar Mobile Home Park, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- Pleasant Grove Mobile Home Park, located at 517 East Trilby Road, Fort Collins, CO 80525:
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6, RANGE 69 WEST
  COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH
  0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN
  NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40"
  WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- Skyline Mobile Home Park, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH,
  RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF
  COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;
  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT
  ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;
  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;
  CONTAINING 25.71 ACRES, MORE OR LESS
## LIGHT & POWER FUND

### REVENUE PROJECTION

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<td>Operating Revenue</td>
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<td>Atached PIF / Contributions</td>
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<td>All Other Revenues</td>
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<td>Total Revenues</td>
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### CURRENT OFFERS

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<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Actual 2017</th>
<th>Actual 2018</th>
<th>Actual 2019</th>
<th>Budget 2019</th>
<th>Budget 2020</th>
<th>Budget 2021</th>
<th>Ongoing Offer</th>
<th>Reduction Offer</th>
<th>Budget 2021</th>
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<td>15.1</td>
<td>OTHER</td>
<td>Utilities: Light &amp; Power - Payments and Transfers</td>
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<td>ECON</td>
<td>Wholesale Purchased Power</td>
<td>$89,413,232</td>
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<td>$91,707,977</td>
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<td>ENV</td>
<td>Purchase Pwr - Community Renewables (Tariff 7)</td>
<td>$1,900,007</td>
<td>$1,899,993</td>
<td>$1,900,000</td>
<td>$1,900,000</td>
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<td>ENV</td>
<td>Purchase Pwr - Community Renewables</td>
<td>$754,063</td>
<td>$770,017</td>
<td>$1,315,861</td>
<td>$1,528,300</td>
<td>$1,771,500</td>
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<td>L&amp;P Operations</td>
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<td>$10,836,548</td>
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<td>$10,029,783</td>
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<td>$4,803,655</td>
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<td>$4,630,758</td>
<td>$4,674,927</td>
<td>$4,732,842</td>
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<td>Utilities: Light &amp; Power - Renewable Customer Programs</td>
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<td>12.124</td>
<td>ENV</td>
<td>Demand Response</td>
<td>$586,908</td>
<td>$665,824</td>
<td>$756,177</td>
<td>$629,460</td>
<td>$638,663</td>
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<td>$739,000</td>
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<td>24.2</td>
<td>HPG</td>
<td>City Manager's Office</td>
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<td>HPG</td>
<td>General Legal Services</td>
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<td>SAFE</td>
<td>City Managers Office: Office of Emergency Management</td>
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<td>$13,000</td>
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<td>Subtotal Current Offers</td>
<td>$125,224,885</td>
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<td>% Change</td>
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### CAPITAL PROJECTS

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<tr>
<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Actual 2017</th>
<th>Actual 2018</th>
<th>Actual 2019</th>
<th>Budget 2019</th>
<th>Budget 2020</th>
<th>Budget 2021</th>
<th>Budget 2021</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>% Change</td>
<td>17.3%</td>
<td>14.4%</td>
<td>14.4%</td>
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<td>14.4%</td>
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<tr>
<td>11.4</td>
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<td>Utilities: Light &amp; Power - Ongoing Capital - Vehicles &amp; Equipment</td>
<td>$372,000</td>
<td>$522,000</td>
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<td>($369,000)</td>
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<tr>
<td>Offer</td>
<td>Result</td>
<td>Title</td>
<td>Initial Capital</td>
<td>Revised Capital</td>
<td>Rejected Capital</td>
<td>Revised Expenditure</td>
<td>% Change</td>
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<td>-------</td>
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<td>11.5</td>
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<td>Utilities: Light &amp; Power - Ongoing Capital - Substation Capital Upgrades</td>
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<td>$610,000</td>
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<td>16.1</td>
<td>CUL</td>
<td>Utilities Capital Project: Art in Public Places</td>
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<td>$14,076</td>
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<td>$14,220</td>
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<td>Subtotal Capital Projects</td>
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<td>TOTAL WITH CAPITAL PROJECTS</td>
<td>$139,428,044</td>
<td>$144,327,468</td>
<td>$(688,268)</td>
<td>$141,435,492</td>
<td>3.5%</td>
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**ENHANCEMENTS / REDUCTIONS / REDEPLOY**

<table>
<thead>
<tr>
<th>Offer</th>
<th>Result</th>
<th>Title</th>
<th>Initial Capital</th>
<th>Revised Capital</th>
<th>Rejected Capital</th>
<th>Revised Expenditure</th>
<th>% Change</th>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Asset Management - Advanced Metering Infrastructure Equipment and Technology Upgrade</td>
<td>$541,000</td>
<td>$(241,000)</td>
<td>$(300,000)</td>
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<td>11.19</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Capital Project - System Relocations Due to Road, Intersection, and Alley Improvements</td>
<td>$478,000</td>
<td>$(178,000)</td>
<td>$(300,000)</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Demand Response Technology Upgrade</td>
<td>$679,000</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Capital Project - Advanced Distribution Management System (ADMS) Additional Functionality</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Capital Project - Drake &amp; Dixon Automated Tie Circuit</td>
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<td>Utilities: ENHANCEMENT Purchased Power Rate Increase</td>
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<td>13.20</td>
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<td>Utilities: ENHANCEMENT Asset Risk Register</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - Non-Residential Solar Rebates</td>
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<td>Utilities: ENHANCEMENT Light &amp; Power - New Operational Technology Equipment Testing and Miscellaneous Capital</td>
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Subtotal Enhancements: $1,409,481 - $3,943,423 - $688,268 = $2,432,655

TOTAL WITH ENHANCEMENTS: $139,428,044 - $145,736,949 - $688,268 = $141,435,492

% Change: 4.5% - 3.7%

REVENUE PROJECTION LESS ALL OFFERS: $1,444,642 - ($267,929) = $762,168
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A
MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and seeks to promote the preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss of affordable housing units by encompassing the existing manufactured housing communities within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone District to advance the City’s efforts to preserve and support currently existing manufactured housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

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 and findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

... 

Manufactured Housing District (M-H)

...

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

...

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

...

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

...

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

...

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).

(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).

(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).

(j) The Employment District (E). See Section 4.27(D)(5).

... 

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

(A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
</tr>
</tbody>
</table>

... 

(B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-M-N, N-C-M, M-H R-D-R</td>
<td>6</td>
<td>750</td>
<td>15</td>
<td>1,000</td>
</tr>
<tr>
<td>--------------------------</td>
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</tbody>
</table>

Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

... 

(M) **Sign Districts.**

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) **Measuring Building Height.**

... 

(2) **Building Height Measured in Stories.** In measuring the height of a building in stories the following measurement rules shall apply:

...
A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M-M-N, H-M-N, N-C-B, M-H</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
</tr>
</tbody>
</table>

Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

...

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) **Permitted Uses.**

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.

2. Accessory uses.

3. Urban agriculture.

4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

   1. Manufactured housing community.
   2. Group homes for up to eight (8) developmentally disabled or elderly persons.
   3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

   1.Places of worship or assembly.
   2. Minor public facilities.
   3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**

   2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

   1. Community facilities.
   2. Neighborhood support/recreational facilities.
   3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) Dimensional Standards.

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) Building Height. The maximum building height shall be three (3) stories.

(4) Maximum Size. The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) Parking. A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.27 Employment District (E)

... 

(B) Permitted Uses.

... 

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) Residential Uses:

... 

5. Manufactured housing communities.

... 

Section 13. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured home” which reads in its entirety as follows:
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

-10-
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Minor public facilities</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Parks, recreation and other open lands, except neighborhood parks as defined by</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>the Parks and Recreation Policy Plan</td>
<td></td>
</tr>
<tr>
<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
Manufactured Housing Rezonings & Code Changes

On September 2nd and September 12th the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:
- The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
- The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
- Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
- A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

**Question:** Are managers required to have certain qualifications or requirements. Can residents request a new manager?

**Response:** The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

**Question:** What are the six parks that will be rezoned?

**Response:** The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

**Follow-up:** What about Poudre Valley and North College?

**Response:** Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

**Comment:** The people in Poudre Valley feel like they are forgotten and don’t feel represented.

**Question:** After rezoning occurs, does a park have to meet all of the new standards?

**Response:** The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

**Question:** I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?

**Response:** Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

**Question:** What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?

**Response:** Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provider. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

**Question:** Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?

**Response:** There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering.
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

**Question:** Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?

**Response:** Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

**Question:** If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?

**Response:** Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

**Question:** What is the method used if parks are not using submetering?

**Response:** This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

**Question:** What are the legal clinics that will start in October?

**Response:** The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
Dear Ryan,

I am not in favor of the proposed rezoning plan and it’s affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix
Regional Vice President O/S
Sun Communities, Inc.
27777 Franklin Road, Suite 200
Southfield, MI 48034
C: 408.590.3145 | O: 248.327.8104
lfelix@suncommunities.com | NYSE (SUI)
October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

“On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit.”

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia            Mi Voz Program Directors            ISAAC
Fuerza Latina                          Alianza NORCO
Mi nombre es Zulema Vega y he vivido en Hickory Village Mobile Home Park por 10 años. Quiero decir que quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
RE: Fort Collins Planning and Zoning Board Agenda Item (Affordable Housing Redevelopment Displacement Mitigation Strategy)

Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.
- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.
- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley o ordenanza para la preservación de nuestros parques móviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejía
A resident of Hickory Village
Hola mi nombre es Eva Perez Villalobos y yo vivo en Hickory Village Mobile Home Park. Yo he vivido aquí por 6 años. Quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque. Ya que puedo darles un hogar a mis hijos y prosperar en el futuro con una buena educación y agradable vecindario. Muchas gracias de antemano por su consideración, tiempo y tomar en cuenta mi carta.

Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I've been living here for 6 years. I'd like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!

A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy agusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejia.
Que residimos en Hickory Village.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I'm writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there's a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we're placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort collins. Por este medio me gustaría dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocasión es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos años más, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades económicas para que nuestras familias sigan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradecemos su tiempo y su buena voluntad de escuchar nuestra situación.
Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.
Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y pienzo que el Nuevo distrito de Zonificacion para los parque móviles va estar muy bien por mi parqueadero

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
Katharine Claypool

From: Katharine Claypool
Sent: Thursday, October 15, 2020 3:14 PM
To: Katharine Claypool
Subject: FW: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Categories: P&Z

From: Jones, David <David.Jones@ColoState.EDU>
Sent: Tuesday, October 13, 2020 3:27:54 PM
To: Development Review Comments <devreviewcomments@fcgov.com>; Sharlene Manno <smanno@fcgov.com>; Ryan Mounce <RMounce@fcgov.com>
Cc: Jones, David <David.Jones@ColoState.EDU>
Subject: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Hello
I would like to comment on this proposed action by the City. As it is described, I am against this blanket re zoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities) in Fort Collins.

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:

3. Draft a Manufactured Home Park Zoning District and rezone into that district those mobile homes parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/ manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.
• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.
• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.
• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning. My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for long-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

______________________

David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo y yo vivo en HARMONY VILLAGE MOBILE HOME PARK. yo eh vivido aquí por 12 años.
Quiero decir que yo quiero preservar mi parqueadero por muchos años mas en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cercas de aquí yo soy madre soltera y tener mi trabajo cercas es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.
Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter and my reasons into consideration
Hola mi nombre es Olivia Flores vivo en Hickory park e vivido en este lugar por 24 años mis hijos crecieron en este lugar recientemente emos escuchando sobre cambios en este lugar como residente de este lugar me gustaría que continuara cómo un lugar de casas mobiles. Gracias por tomar mi opinión. Olivia Flores

Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Autoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario por eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
## Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
<thead>
<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
</tr>
</thead>
</table>
| Cottonwood (Greg Scamehorn)                   | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed) |
|                                               | No direct contact received for this property |
| Harmony Village & Pleasant Grove (RHP Properties) | • Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
  • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
  • Email & phone correspondence with Colby Wilson (May-July)  
  • Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  
  Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions. |
| Hickory Village (Keith Cowan)                 | • MHC owner/manager meeting – 1/15/20  
  • Meeting w/ manager Derald – 2/11/20  
  • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
  • Email & phone correspondence with Keith Cowan (May-Sept)  
  Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property. |
| North Star (Peter Goldstein)                  | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Email & phone correspondence with Peter Goldstein (May-Oct)  
  • Zoom meeting re: rezoning – 9/15/20  
  Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses. |
| Skyline (Sun Communities)                    | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Email & phone correspondence with Lisa Felix (May-Oct)  
  • Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  
  Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning. |
Overview

- Public hearing requesting a change in zoning designation for the Skyline manufactured housing community (MHC)
  - Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
  - Proposed zoning: Manufactured Housing (MH) district & Low Density Mixed-Use Neighborhood (LMN) district
- Rezoning initiated by the City
- Quasi-judicial rezonings

*Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.*
Skyline – 2211 W Mulberry St

- Annexed 1963, 1967
- Prior Zoning Designations:
  - Low Density Mobile Home & LMN
  - LMN (current)
Proposed Rezoning – Skyline

- Skyline frontage proposed to remain LMN
  - Existing single-family detached dwellings & two-family dwellings
  - Any proposed redevelopment would not result in loss of manufactured housing units
Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)
Rezoning Criteria

Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:

1. Consistent with the comprehensive plan; and/or
2. Warranted by changed conditions within the neighborhood

Additional factors which may be considered:

3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
4. Adverse impacts on the natural environment
5. Results in a logical and orderly development pattern
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Rezoning encourages preservation of some of the most affordable housing options in the community

Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

*Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.*

- Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community
- If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

- Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.

- Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.
- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

β Skyline designated under the Mixed Neighborhood place type. Key characteristics of this place type:

β Primarily residential; encourages variety of housing types
β Some neighborhoods have direct access to retail and services
β Moderate intensity (5-20 dwelling units/acre)
β Discourages redevelopment of existing MHCs

“While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not”

β Commonly overlaps with LMN district on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning closely matches key characteristics of the Mixed Neighborhood place type:
  - Mixed Neighborhood place type land uses are inclusive of MH land uses
  - MH intensity (6-12 units/acre) sits within the lower range of the Mixed Neighborhood density range
  - Mixed Neighborhood discourages MHC redevelopment – intent and goal of the MH zone district
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan

  Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

- Strong consistency with City Plan principles and policies
Criteria 2 – Changed conditions within neighborhood

- Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Rezoning Analysis

Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by low and moderate density residential development
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged.
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed.
  - Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
    - Prevent displacement & strengthen neighborhood and social ties
    - Provides affordable housing opportunities for a range of incomes
    - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Develop MH Zone District – Land Use Code Updates
- Resident, owner/manager & Board and Commission meetings (Spring/Summer)
  - MH district adopted by Council (August)

Rezoning Process
- Neighborhood meetings & notices – September
- Planning and Zoning Board Recommendation – November
- City Council First & Second Reading - December
Rezoning Outreach

Land Use Code Updates – MH District (Spring/Summer)
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

Rezoning Outreach
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
Resource Slides
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
## Permitted Land Uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>INSTITUTIONAL / MISC.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mfr. Housing Community</td>
<td>Places of worship</td>
<td>Accessory buildings</td>
</tr>
<tr>
<td>Group Homes</td>
<td>Childcare</td>
<td>Accessory uses</td>
</tr>
<tr>
<td>Domestic violence shelter</td>
<td>Adult day/respite center</td>
<td>Urban agriculture</td>
</tr>
<tr>
<td>Extra occupancy rentals</td>
<td>Community facilities</td>
<td>Wireless telecom. equipment</td>
</tr>
<tr>
<td></td>
<td>Parks / Nbhd. Recreation</td>
<td></td>
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<tr>
<td></td>
<td>Seasonal shelters</td>
<td></td>
</tr>
</tbody>
</table>
Zone Standards

- Set base levels for intensity, compatibility, safety
- Designed to reduce nonconformities (match existing development)
- General Development Standards (Article 3) also apply

Density: 6 – 12 dwelling units per acre
Setbacks: 15’ front, 10’ side/rear, 10’ between units
Height: 3-stories max.
Footprint: 5,000 sf max. (nonresidential)
Parking: 1-space per unit in manufactured housing community
### Permitted Uses Comparison

**M-H District**
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

<table>
<thead>
<tr>
<th>CS</th>
<th>LMN</th>
</tr>
</thead>
<tbody>
<tr>
<td>95 permitted uses; mostly commercial</td>
<td>43 permitted uses; mostly residential</td>
</tr>
<tr>
<td>No density maximum</td>
<td>Maximum density of 9 dwelling units/acre (12 if affordable)</td>
</tr>
<tr>
<td>3-story height limit</td>
<td>3-story height limit</td>
</tr>
</tbody>
</table>

21.9

Packet Pg. 504

Attachment: Skyline Rezoning Presentation (9713 : Rezone - Skyline)
ORDINANCE NO. 157, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE SKYLINE MANUFACTURED HOUSING COMMUNITY REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in Fort Collins such as Skyline Manufactured Housing Community (“Skyline”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a logical and orderly development pattern.

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

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 Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known as Skyline.

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;

ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;

ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;

CONTAINING 25.71 ACRES, MORE OR LESS
Section 3. That the property known as the Skyline shall remain included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

____________________________
Mayor

ATTEST:

____________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Cameron Gloss, Planning Manager
Claire Havelda, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 158, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Harmony Village Mobile Home Park Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Harmony Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Harmony Village MHC is located at 2500 East Harmony Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. This proposed property rezoning supports these policy goals and is part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.

Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins.
While unique and affordable, manufactured housing is also a limited type of housing, and the number of units has been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachment 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

**Overview of Main Considerations**

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;
2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan.
While many of the properties proposed for rezoning to the M-H district were once part of the City’s two prior mobile home park zone districts up until 1997, the balance between community priorities to protect an important source of affordable housing and property owner rights has been a consistent theme heard during the public process for both the development of the new M-H district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the Harmony Village MHC property, as well as its adjacent development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: Harmony Village</th>
<th>Adjacent Zoning &amp; Development</th>
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</thead>
<tbody>
<tr>
<td>Harmony Third Annexation, 1977</td>
<td>▪ Medium Density Mobile Home</td>
</tr>
</tbody>
</table>

Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan update through a number of new policy goals to encourage a greater mix of housing types, protect and develop new types of attainable and affordable housing options, and to prevent the displacement of manufactured housing residents. The preservation of manufactured housing communities, including the development of the new Manufactured Housing zone district and the proposed rezoning of properties containing manufactured housing directly support the following City Plan policies:

LIV 5.2 - Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Manufactured housing represents one of the most affordable types of housing in Fort Collins, comparable to subsidized and deed-restricted housing for those earning between 30-60% area median income. As a naturally-occurring source of affordable housing, manufactured housing communities in the City limits and Growth Management Area represent a comparable number of dwelling units to Fort Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has been in decline over the past several decades due to community closures and redevelopment. The goal of preservation through rezoning to the M-H district is designed to protect and promote the ongoing operation of this limited housing resource which has proven to be difficult to expand via new manufactured housing development.
Integrate and Distribute Affordable Housing

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Manufactured housing communities can currently be found throughout the City and Growth Management Area, providing options for this type of housing close to jobs, services, and transportation opportunities located throughout the community. Goals to preserve manufactured housing by rezoning to the M-H district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City’s subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community’s most affordable housing options.

Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community’s manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the M-H district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

Structure Plan Land Use Guidance

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:

The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.

The Structure Plan is an illustrated map made up of broad categories called ‘place types,’ which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density
ranges, and the presence of certain types of services. Place types may often correspond to or overlap multiple zone districts.

The Harmony Village MHC is located in the ‘Mixed Neighborhood’ place type on the Structure Plan. (Attachment 5)

**Mixed Neighborhood**

The Mixed Neighborhood place type is one of the predominant residential place types illustrated on the Structure Plan and is commonly found in areas of the community with a mix of housing types at low to moderate intensity. Its location on the Structure Plan commonly overlaps with the Low-Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood zone districts.

The Mixed Neighborhood place type indicates a general intensity range of between 5 and 20 units per acre which supports its designation for a wide range of housing types, including different attached and multifamily products. The Structure Plan also makes a distinction within the place type for existing development and new or future neighborhoods planned for vacant and undeveloped land.

The proposed rezoning to the M-H district is consistent with the land use types and density ranges of the Mixed Neighborhood place type. The M-H district is primarily residential and encourages manufactured housing as the primary land use within a density range of 6-to-12 units per acre. Both the types of permitted uses and the density range of the M-H district are within the characteristics described by the Mixed Neighborhood’s place type.

The Mixed Neighborhood also specifically references manufactured housing within existing neighborhoods, indicating, “while reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not.” The M-H district is designed to discourage redevelopment and further addresses the Mixed Neighborhood place type description.

City Plan describes place both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

> Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

**Summary - City Plan Guidance**

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

This proposed M-H rezoning is also consistent with the Mixed Neighborhood place type designation for this property on the Structure Plan Map. The Mixed Neighborhood place type describes residential land uses, including manufactured housing, of 5-20 units per acre which is consistent with the M-H district. This place type also specifically encourages reinvestment but not redevelopment of manufactured housing communities, which is the primary goal of the M-H district.

**Criterion 2:** and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The
majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in intensity to adjacent commercial development. The M-H district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The Harmony Village MHC is surrounded by similar other residential development, primarily single-family dwellings to the north and west, and higher intensity commercial/retail development to the south and east.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

M-H rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in its immediate context given the existing development that is already in place. Within the subject property to be rezoned M-H, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City’s housing opportunities and social connectivity.

BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020, Planning and Zoning Board meeting, the Board considered all six manufactured housing property rezonings collectively and recommended that Council approve all of the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents’ group on September 9, 2020. Due
to current pandemic conditions, all meetings were held in a remote format with online and telephone participation. Attendance included City staff, residents, and several property owners. (Attachment 6)

A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with notice requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.

Staff has also been in direct email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the M-H zone district and this proposed rezoning in addition to mailed notices required by the Land Use Code. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

**ATTACHMENTS**

1. Rezoning Petition (PDF)
2. Vicinity & Zoning Context Map (PDF)
3. Manufactured Housing Zone District Overview (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance (PDF)
5. Structure Plan Context Map (PDF)
6. Neighborhood Meetings Summary (PDF)
7. Property Owners Outreach (PDF)
8. Planning & Zoning Board Public Comments (PDF)
9. Powerpoint Presentation (PDF)
SUBMITTAL REQUIREMENTS: REZONING PETITION

Petitioner:
Paul Sizemore
Name
PO Box 580
Address
Fort Collins, CO 80522
City, State, Zip

Owner:
** See attached supplemental information **
Name
Address
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing ___143___ acres, more or less, from ___LMN___ zoning district to ___MH___ zoning district:

[INSERT LEGAL DESCRIPTION HERE]
Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor's office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

[Signature]

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado     )
                     ) ss.
County of Larimer    )

The foregoing instrument was acknowledge before me this 25th day of October, 2020,
by [Signature] for the purpose therein set forth.
My commission expires April 9, 2024.

[Signature]
Sharlene Manno
Notary Public
State of Colorado
Notary ID # 20084009379
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- Cottonwood Mobile Home Park, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- Harmony Village Mobile Home Park, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS 20070017402

- Hickory Village Mobile Home Park, located at 400 Hickory Street, Fort Collins, CO 80524:
  ALL HICKORY VILLAGE, FORT COLLINS

- Northstar Mobile Home Park, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- Pleasant Grove Mobile Home Park, located at 517 East Trilby Road, Fort Collins, CO 80525:
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6, RANGE 69 WEST COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH 0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40" WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- Skyline Mobile Home Park, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;
  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;
  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;
  CONTAINING 25.71 ACRES, MORE OR LESS
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
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<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
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<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
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<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
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<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
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<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
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<tr>
<td>Minor public facilities</td>
<td>Administrative Review</td>
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<tr>
<td>Parks, recreation and other open lands, except neighborhood</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A
MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of
manufactured housing communities to the City of Fort Collins and seeks to promote the
preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss
of affordable housing units by encompassing the existing manufactured housing communities
within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone
District to advance the City’s efforts to preserve and support currently existing manufactured
housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a
base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the
Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the
updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a
recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this
Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District
serves the public purpose of preserving and maintaining current manufactured housing
communities within the City and is in the best interest of the citizens of Fort Collins.

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 and
findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as
follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

... 

Manufactured Housing District (M-H)

...

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

...

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

...

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

...

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

...

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).
(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).
(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).
(j) The Employment District (E). See Section 4.27(D)(5).

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

   (A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

   (B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
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<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>
Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

... (M) Sign Districts.

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) Measuring Building Height.

... (2) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

...
22.4

(c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

... 

Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>M-M-N, H-M-N, N-C-B, M-H</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

... 

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) **Permitted Uses.**

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

1. Manufactured housing community.
2. Group homes for up to eight (8) developmentally disabled or elderly persons.
3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.
2. Minor public facilities.
3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**

2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

1. Community facilities.
2. Neighborhood support/recreational facilities.
3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) **Dimensional Standards.**

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) **Building Height.** The maximum building height shall be three (3) stories.

(4) **Maximum Size.** The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) **Parking.** A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

**Division 4.27 Employment District (E)**

... 

(B) **Permitted Uses.**

... 

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

... 

5. Manufactured housing communities.

...
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk
Manufactured Housing Rezonings & Code Changes

On September 2nd and September 12th the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:

- The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
- The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
- Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
- A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

**Question:** Are managers required to have certain qualifications or requirements. Can residents request a new manager?

**Response:** The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

**Question:** What are the six parks that will be rezoned?

**Response:** The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

**Follow-up:** What about Poudre Valley and North College?

**Response:** Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

**Comment:** The people in Poudre Valley feel like they are forgotten and don’t feel represented.

**Question:** After rezoning occurs, does a park have to meet all of the new standards?

**Response:** The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

**Question:** I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?

**Response:** Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

**Question:** What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?

**Response:** Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provide. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

**Question:** Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?

**Response:** There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering.
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

**Question:** Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?

**Response:** Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

**Question:** If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?

**Response:** Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

**Question:** What is the method used if parks are not using submetering?

**Response:** This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

**Question:** What are the legal clinics that will start in October?

**Response:** The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
# Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
<thead>
<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
</tr>
</thead>
</table>
| Cottonwood (Greg Scamehorn)                    | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
  
*No direct contact received for this property* |
| Harmony Village & Pleasant Grove (RHP Properties) | ▪ Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Colby Wilson (May-July)  
▪ Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  
  
*Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions.* |
| Hickory Village (Keith Cowan)                  | ▪ MHC owner/manager meeting – 1/15/20  
▪ Meeting w/ manager Derald – 2/11/20  
▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
▪ Email & phone correspondence with Keith Cowan (May-Sept)  
  
*Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property.* |
| North Star (Peter Goldstein)                   | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Peter Goldstein (May-Oct)  
▪ Zoom meeting re: rezoning – 9/15/20  
  
*Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses.* |
| Skyline (Sun Communities)                      | ▪ Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
▪ Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
▪ Email & phone correspondence with Lisa Felix (May-Oct)  
▪ Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  
  
*Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning.*
Dear Ryan,

I am not in favor of the proposed rezoning plan and it’s affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix
Regional Vice President O/S
Sun Communities, Inc.
27777 Franklin Road, Suite 200
Southfield, MI 48034
C: 408.590.3145 | O: 248.327.8104
lfelix@suncommunities.com | NYSE (SUI)
Katharine Claypool

From: Katharine Claypool
Sent: Wednesday, October 14, 2020 11:49 AM
To: Katharine Claypool
Subject: FW: [EXTERNAL] Regarding Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

Categories: P&Z

From: Lisa Butler <medicinewoman_lrb@yahoo.com>
Sent: Wednesday, October 14, 2020 8:53 AM
To: Development Review Comments <devreviewcomments@fcgov.com>
Subject: [EXTERNAL] Regarding Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

"On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit."

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia  Mi Voz Program Directors  ISAAC
Fuerza Latina  Alianza NORCO
Mi nombre es Zulema Vega. Yo he vivido en Hickory Village Mobile Home park por 10 años quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles v...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.
- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.
- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley u ordenanza para la preservación de nuestros parques moviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejía
A resident of Hickory Village
Hola mi nombre es Eva Perez Villalobos y yo vivo en Hickory Village Mobile Home Park. Yo he vivido aquí por 6 años. Quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque. Ya que puedo darles un hogar a mis hijos y prosperar en el futuro con una buena educación y agradable vecindario. Muchas gracias de antemano por su consideración, tiempo y tomar en cuenta mi carta.

Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I’ve been living here for 6 years. I’d like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!

A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy agusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejia.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I'm writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there's a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we're placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort Collins. Por este medio me gustaría dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocasión es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos años mas, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades economicas para que nuestras familias siguan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradesco su tiempo y su buena voluntad de escuchar nuestra situacion.

Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.

Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y pienzo que el Nuevo distrito de Zonificacacion para los parque móviles va estar muy bien por mi parqueadero.

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta.

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
Katharine Claypool

From: Katharine Claypool  
Sent: Thursday, October 15, 2020 3:14 PM  
To: Katharine Claypool  
Subject: FW: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Categories: P&Z

From: Jones, David <David.Jones@ColoState.EDU>  
Sent: Tuesday, October 13, 2020 3:27:54 PM  
To: Development Review Comments <devreviewcomments@fcgov.com>; Sharlene Manno <smanno@fcgov.com>; Ryan Mounce <RMounce@fcgov.com>  
Cc: Jones, David <David.Jones@ColoState.EDU>  
Subject: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Hello
I would like to comment on this proposed action by the City. As it is described, I am against this blanket rezoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities) in Fort Collins.

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:

3. Draft a Manufactured Home Park Zoning District and rezone into that district those mobile home parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.

• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.

• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.

• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning. My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for long-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

__________________________
David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo y yo vivo en HARMONY VILLAGE MOBILE HOME PARK. Yo he vivido aquí por 12 años.
Quiero decir que yo quiero preservar mi parqueadero por muchos años más en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cerca de aquí yo soy madre soltera y tener mi trabajo cerca es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.
Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones.

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter and my reasons into consideration.
Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Autoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario porque eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
Manufactured Housing Rezoning – Harmony Village
Cameron Gloss - Long Range Planning Manager
Overview

- Public hearing requesting a change in zoning designation for the Harmony Village manufactured housing community (MHC)
  - Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
  - Proposed zoning: Manufactured Housing (MH) district
- Rezoning initiated by the City
- Quasi-judicial rezonings

Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.
Harmony Village – 2500 E Harmony Rd

- Annexed 1977
- Prior Zoning Designations:
  - Medium Density Mobile Home
  - LMN (current)
Monthly Housing Costs Spectrum

Manufactured Homes
$450 - $1200

Affordable (30% - 80% AMI)
$650 - $1700

Attainable (80% - 120% AMI)
$1700 - $2300

Market-Rate
$1900 +

Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)

Avg. Apartment Rent: $1,400 (2019)
Median Home Price: $450,000 (June 2020)
Rezoning Criteria

- Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:
  1. Consistent with the comprehensive plan; and/or
  2. Warranted by changed conditions within the neighborhood

- Additional factors which may be considered:
  3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
  4. Adverse impacts on the natural environment
  5. Results in a logical and orderly development pattern
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Rezoning encourages preservation of some of the most affordable housing options in the community

Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

❖ Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community

❖ If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing.
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

- Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.

- Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.
- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

Harmony Village designated under the Mixed Neighborhood place type. Key characteristics of this place type:

- Primarily residential; encourages variety of housing types
- Some neighborhoods have direct access to retail and services
- Moderate intensity (5-20 dwelling units/acre)
- Discourages redevelopment of existing MHCs
  
  “While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not”

- Commonly overlaps with LMN district on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning closely matches key characteristics of the Mixed Neighborhood place type:
  - Mixed Neighborhood place type land uses are inclusive of MH land uses
  - MH intensity (6-12 units/acre) sits within the lower range of the Mixed Neighborhood density range
  - Mixed Neighborhood discourages MHC redevelopment – intent and goal of the MH zone district
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan
  
  *Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.*

- Strong consistency with City Plan principles and policies
Criteria 2 – Changed conditions within neighborhood

Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by low and moderate density residential development (north/west) and commercial development (south/east)
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

- Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed

- Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
  - Prevent displacement & strengthen neighborhood and social ties
  - Provides affordable housing opportunities for a range of incomes
  - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Rezoning Process

Develop MH Zone District – Land Use Code Updates
- Resident, owner/manager & Board and Commission meetings (Spring/Summer)
- MH district adopted by Council (August)

Rezoning Process
- Neighborhood meetings & notices – September
- Planning and Zoning Board Recommendation – November
- City Council First & Second Reading - December
Rezoning Outreach

**Land Use Code Updates – MH District (Spring/Summer)**
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

**Rezoning Outreach**
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
Resource Slides
Structure Plan Context – Harmony Village

PLACE TYPES

Districts
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

Other
- Parks and Natural/Protected Lands
- Community Separator

Neighborhoods
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

BOUNDARIES
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
## Permitted Land Uses

### RESIDENTIAL
- Mfr. Housing Community
- Group Homes
- Domestic violence shelter
- Extra occupancy rentals

### INSTITUTIONAL / MISC.
- Places of worship
- Childcare
- Adult day/respite center
- Community facilities
- Parks / Nbhd. Recreation
- Seasonal shelters

### OTHER
- Accessory buildings
- Accessory uses
- Urban agriculture
- Wireless telecom. equipment
M-H Zone District

Zone Standards

- Set base levels for intensity, compatibility, safety
- Designed to reduce nonconformities (match existing development)
- General Development Standards (Article 3) also apply

- Density: 6 – 12 dwelling units per acre
- Setbacks: 15’ front, 10’ side/rear, 10’ between units
- Height: 3-stories max.
- Footprint: 5,000 sf max. (nonresidential)
- Parking: 1-space per unit in manufactured housing community
Permitted Uses Comparison

M-H District
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

CS
- 95 permitted uses; mostly commercial
- No density maximum
- 3-story height limit

LMN
- 43 permitted uses; mostly residential
- Maximum density of 9 dwelling units/acre (12 if affordable)
- 3-story height limit
ORDINANCE NO. 158, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE HARMONY VILLAGE MOBILE HOME PARK REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in Fort Collins such as the Harmony Village Mobile Home Park (“Harmony Village”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City's Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a logical and orderly development pattern.

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 and findings contained in the recitals set forth above.

Section 2. That the Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known as the Harmony Village:

A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN DOCUMENTSRecorded AT RECEPTION NOS. 20040121627 and 20070017402

Section 3. That the property known as the Harmony Village shall be included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code; and Section 3.8.7.1(M) is hereby changed and amended to include the above-described property.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Cameron Gloss, Planning Manager
Claire Havelda, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 159, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Hickory Village Mobile Home Park Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Hickory Village Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Hickory Village MHC is located at 400 Hickory Street and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. The proposed property rezonings support these policy goals and are part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.

Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins. While unique and affordable, manufactured housing is also a limited type of housing, and the number of units
have been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachment 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

**Overview of Main Considerations**

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;

2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;

4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;

5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan.
While many of the properties proposed for rezoning to the M-H district were once part of the City’s two prior mobile home park zone districts up until 1997, the balance between community priorities to protect an important source of affordable housing and property owner rights has been a consistent theme heard during the public process for both the development of the new MH district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the Hickory Village MHC property, as well as its adjacent development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: Hickory Village</th>
</tr>
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<tbody>
<tr>
<td>Annexation</td>
</tr>
</tbody>
</table>

Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan update through a number of new policy goals to encourage a greater mix of housing types, protect and develop new types of attainable and affordable housing options, and to prevent the displacement of manufactured housing residents. The preservation of manufactured housing communities, including the development of the new Manufactured Housing zone district and the proposed rezoning of properties containing manufactured housing directly support the following City Plan policies:

LIV 5.2 - Supply of Attainable Housing
Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

Manufactured housing represents one of the most affordable types of housing in Fort Collins, comparable to subsidized and deed-restricted housing for those earning between 30-60% area median income. As a naturally-occurring source of affordable housing, manufactured housing communities in the City limits and Growth Management Area represent a comparable number of dwelling units to Fort Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has been in decline over the past several decades due to community closures and redevelopment. The goal of preservation through rezoning to the MH district is designed to protect and promote the ongoing operation of this limited housing resource which has proven to be difficult to expand via new manufactured housing development.
LIV 5.5 - Integrate and Distribute Affordable Housing
Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

Manufactured housing communities can currently be found throughout the City and Growth Management Area, providing options for this type of housing close to jobs, services, and transportation opportunities located throughout the community. Goals to preserve manufactured housing by rezoning to the MH district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

LIV 6.4 - Permanent Supply of Affordable Housing
Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City’s subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community’s most affordable housing options.

LIV 6.9 - Prevent Displacement
Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community’s manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the MH district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

Structure Plan Land Use Guidance

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:

The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.

The Structure Plan is an illustrated map made up of broad categories called ‘place types,’ which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density
ranges, and the presence of certain types of services. Place types may often correspond or overlap multiple zone districts.

The Hickory Village MHC is located in the ‘Mixed Neighborhood’ place type on the Structure Plan. (Attachment 5)

**Mixed Neighborhood**

The Mixed Neighborhood place type is one of the predominant residential place types illustrated on the Structure Plan and is commonly found in areas of the community with a mix of housing types at low to moderate intensity. Its location on the Structure Plan commonly overlaps with the Low-Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood zone districts.

The Mixed Neighborhood place type indicates a general intensity range of between 5 and 20 units per acre which supports its designation for a wide range of housing types, including different attached and multifamily products. The Structure Plan also makes a distinction within the place type for existing development and new or future neighborhoods planned for vacant and undeveloped land.

The proposed rezoning to the M-H district is consistent with the land use types and density ranges of the Mixed Neighborhood place type. The M-H district is primarily residential and encourages manufactured housing as the primary land use within a density range of 6-to-12 units per acre. Both the types of permitted uses and the density range of the MH district are within the characteristics described by the Mixed Neighborhood’s place type.

The Mixed Neighborhood also specifically references manufactured housing within existing neighborhoods, indicating, "while reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not." The M-H district is designed to discourage redevelopment and further addresses the Mixed Neighborhood place type description.

City Plan describes place both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

> Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

**Summary - City Plan Guidance**

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

This proposed M-H rezoning is also consistent with the Mixed Neighborhood place type designation for this property on the Structure Plan Map. The Mixed Neighborhood place type describes residential land uses, including manufactured housing, of 5-20 units per acre which is consistent with the MH district. This place type also specifically encourages reinvestment but not redevelopment of manufactured housing communities, which is the primary goal of the MH district.

**Criterion 2:** and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The
majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in intensity to adjacent commercial development. The MH district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The Hickory Village MHC is surrounded by similar other residential development, primarily single-family dwellings to the north and west, and higher intensity commercial/retail development to the south and east.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

MH rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in their immediate context given the existing development that is already in place. Within the subject properties of the manufactured housing rezonings, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City's housing opportunities and social connectivity.

BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020, Planning and Zoning Board meeting, the Board considered all six manufactured housing property rezonings collectively and recommended that Council approve the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents’ group on September 9, 2020. Due to current pandemic conditions, all meetings were held in a remote format with online and telephone
Agenda Item 23

participation. Attendance included City staff, residents, and several property owners. (Attachment 6)

A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with noticing requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.

Staff has also been in direct email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the Manufactured Housing zone district and this proposed rezonings in addition to mailed notices required by the Land Use Code. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

ATTACHMENTS

1. Rezoning Petition (PDF)
2. Vicinity & Zoning Context Map (PDF)
3. Manufactured Housing Zone District Overview (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance (PDF)
5. Structure Plan Context Map (PDF)
6. Neighborhood Meetings Summary (PDF)
7. Property Owners Outreach (PDF)
8. Planning & Zoning Board Public Comments (PDF)
9. Powerpoint Presentation (PDF)
SUBMITTAL REQUIREMENTS:
REZONING PETITION

Petitioner:
Paul Sizemore
Name
PO Box 580
Address
Fort Collins, CO 80522
City, State, Zip

Owner:
** See attached supplemental information **
Name
Address
City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing ___ acres, more or less, from ___ zoning district to ___ zoning district:

[INSERT LEGAL DESCRIPTION HERE]

Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor's office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

[Signature]

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado  ss.
County of Larimer  ss.

The foregoing instrument was acknowledged before me this 30th day of October, 2020, by [Signature] for the purpose therein set forth.

My commission expires April 9, 2024.

SHARLENE MANKO
Notary Public
State of Colorado
Notary ID # 20084009379
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- **Cottonwood Mobile Home Park**, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- **Harmony Village Mobile Home Park**, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS 20070017402

- **Hickory Village Mobile Home Park**, located at 400 Hickory Street, Fort Collins, CO 80524:
  
  ALL HICKORY VILLAGE, FORT COLLINS

- **Northstar Mobile Home Park**, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- **Pleasant Grove Mobile Home Park**, located at 517 East Trilby Road, Fort Collins, CO 80525:
  
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 6, RANGE 69 WEST COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH 0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40" WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- **Skyline Mobile Home Park**, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;

  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;

  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;

  CONTAINING 25.71 ACRES, MORE OR LESS
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
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<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
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<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
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<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
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<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
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<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
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<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
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<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
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<tr>
<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
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<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
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<td>Minor public facilities</td>
<td>Administrative Review</td>
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<td>Parks, recreation and other open lands, except neighborhood parks as</td>
<td>Administrative Review</td>
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<td>defined by the Parks and Recreation Policy Plan</td>
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<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
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<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
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<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A
MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and seeks to promote the preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss of affordable housing units by encompassing the existing manufactured housing communities within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone District to advance the City’s efforts to preserve and support currently existing manufactured housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

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 and findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

... 

Manufactured Housing District (M-H)

...

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

...

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

...

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

...

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

...

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).

(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).

(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).

(j) The Employment District (E). See Section 4.27(D)(5).

... 

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

(A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
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<tr>
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<td>...</td>
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<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
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(B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

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<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
</table>
Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

(M) Sign Districts.

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) Measuring Building Height.

... 

(2) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

...
(c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

... Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>M-M-N, H-M-N, N-C-B, M-H</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

...

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) **Permitted Uses.**

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four [4] dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

1. Manufactured housing community.
2. Group homes for up to eight (8) developmentally disabled or elderly persons.
3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.
2. Minor public facilities.
3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**

2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

1. Community facilities.
2. Neighborhood support/recreational facilities.
3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) *Dimensional Standards.*

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) *Building Height.* The maximum building height shall be three (3) stories.

(4) *Maximum Size.* The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) *Parking.* A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

**Division 4.27 Employment District (E)**

(B) *Permitted Uses.*

... 

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) *Residential Uses:*

... 

5. Manufactured housing communities.

... 

Section 13. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "Manufactured home" which reads in its entirety as follows:
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk
Structure Plan Context – Hickory Village

PLACE TYPES

Districts
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

Other
- Parks and Natural/Protected Lands
- Community Separator

Neighborhoods
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

BOUNDARIES
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas
Manufactured Housing Rezonings & Code Changes

On September 2nd and September 12th the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:
 The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
 The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
 Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
 A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

Question: Are managers required to have certain qualifications or requirements. Can residents request a new manager?
Response: The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

Question: What are the six parks that will be rezoned?
Response: The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

Follow-up: What about Poudre Valley and North College?
Response: Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

Comment: The people in Poudre Valley feel like they are forgotten and don’t feel represented.

Question: After rezoning occurs, does a park have to meet all of the new standards?
Response: The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

Question: I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?
Response: Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

Question: What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?
Response: Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provider. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

Question: Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?
Response: There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

**Question:** Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?

**Response:** Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

**Question:** If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?

**Response:** Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

**Question:** What is the method used if parks are not using submetering?

**Response:** This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

**Question:** What are the legal clinics that will start in October?

**Response:** The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
# Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
<thead>
<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
</tr>
</thead>
</table>
| Cottonwood (Greg Scamehorn)                   | Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
|                                               | Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
|                                               | Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
|                                               | *No direct contact received for this property* |
| Harmony Village & Pleasant Grove (RHP Properties) | Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
|                                               | Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
|                                               | Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
|                                               | Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
|                                               | Email & phone correspondence with Colby Wilson (May-July)  
|                                               | Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  
|                                               | *Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions.* |
| Hickory Village (Keith Cowan)                 | MHC owner/manager meeting – 1/15/20  
|                                               | Meeting w/ manager Derald – 2/11/20  
|                                               | Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
|                                               | Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
|                                               | Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
|                                               | Email & phone correspondence with Keith Cowan (May-Sept)  
|                                               | *Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property.* |
| North Star (Peter Goldstein)                  | Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
|                                               | Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
|                                               | Email & phone correspondence with Peter Goldstein (May-Oct)  
|                                               | Zoom meeting re: rezoning – 9/15/20  
|                                               | *Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses.* |
| Skyline (Sun Communities)                    | Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
|                                               | Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
|                                               | Email & phone correspondence with Lisa Felix (May-Oct)  
|                                               | Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  
|                                               | *Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning.* |
From: Lisa Felix <lfelix@suncommunities.com>
Sent: Thursday, October 1, 2020 11:09 AM
To: Ryan Mounce
Subject: [EXTERNAL] Proposed MH Rezoning Testimony

Dear Ryan,

I am not in favor of the proposed rezoning plan and it’s affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix
Regional Vice President O/S
Sun Communities, Inc.
27777 Franklin Road, Suite 200
Southfield, MI 48034
C: 408.590.3145 | O: 248.327.8104
lfelix@suncommunities.com | NYSE (SUI)
October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

"On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit.”

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia            Mi Voz Program Directors            ISAAC
Fuerza Latina                          Alianza NORCO
Mi nombre es Zulema Vega yo he vivido en Hickory Village Mobile Home park por 10 años quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles v...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
RE: Fort Collins Planning and Zoning Board Agenda Item (Affordable Housing Redevelopment Displacement Mitigation Strategy)

Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.

- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.

- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley u ordenanza para la preservación de nuestros parques móviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejia
A resident of Hickory Village
Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I've been living here for 6 years. I'd like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!

A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy agusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejia.
Que residimos en Hickory Village.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I'm writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there's a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we're placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort collins. Por este medio me gustaría dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocasión es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos años mas, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades economicas para que nuestras familias siguan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradesco su tiempo y su buena voluntad de escuchar nuestra situacion.
Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.
Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y pienzo que el Nuevo distrito de Zonificacion para los parque móviles va estar muy bien por mi parqueadero

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
Hello
I would like to comment on this proposed action by the City. As it is described, I am against this blanket rezoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities) in Fort Collins.

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:

3. Draft a Manufactured Home Park Zoning District and rezone into that district those mobile home parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.

• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.

• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.

• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning. My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for longer-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

______________________________

David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo, y yo vivo en HARMONY VILLAGE MOBILE HOME PARK, yo eh vivido aquí por 12 años.

Quiero decir que yo quiero preservar mi parqueadero por muchos años mas en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cercas de aquí yo soy madre soltera y tener mi trabajo cercas es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.

Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter and my reasons into consideration
Hola mi nombre es Olivia Flores vivo en Hickory park e vivido en este lugar por 24 años mis hijos crecieron en este lugar recientemente emos escuchando sobre cambios en este lugar como residente de este lugar me gustaría que continuara como un lugar de casas mobiles. Gracias por tomar mi opinión. Olivia Flores

Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Autoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario por eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
Overview

Public hearing requesting a change in zoning designation for the Hickory Village manufactured housing community (MHC)

- Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
- Proposed zoning: Manufactured Housing (MH) district

Rezoning initiated by the City

Quasi-judicial rezonings

Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.
Hickory Village – 400 Hickory St

- Annexed 1969
- Prior Zoning Designations:
  - Medium Density Mobile Home
  - LMN (current)
Monthly Housing Costs Spectrum

Manufactured Homes
$450 - $1200

Affordable (30% - 80% AMI)
$650 - $1700

Attainable (80% - 120% AMI)
$1700 - $2300

Market-Rate
$1900 +

Avg. Apartment Rent: $1,400
(2019)

Median Home Price: $450,000
(June 2020)

Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)
Rezoning Criteria

- Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:
  1. Consistent with the comprehensive plan; and/or
  2. Warranted by changed conditions within the neighborhood

- Additional factors which may be considered:
  3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
  4. Adverse impacts on the natural environment
  5. Results in a logical and orderly development pattern
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

- Rezoning encourages preservation of some of the most affordable housing options in the community
- Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

- Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community.

- If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing.
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

- Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.

- Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.
- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (Structure Plan)

Hickory Village designated under the Mixed Neighborhood place type. Key characteristics of this place type:

- Primarily residential; encourages variety of housing types
- Some neighborhoods have direct access to retail and services
- Moderate intensity (5-20 dwelling units/acre)
- Discourages redevelopment of existing MHCs
  
  “While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not”

- Commonly overlaps with LMN district on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning closely matches key characteristics of the Mixed Neighborhood place type:
  - Mixed Neighborhood place type land uses are inclusive of MH land uses
  - MH intensity (6-12 units/acre) sits within the lower range of the Mixed Neighborhood density range
  - Mixed Neighborhood discourages MHC redevelopment – intent and goal of the MH zone district
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan

  Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

- Strong consistency with City Plan principles and policies
Criteria 2 – Changed conditions within neighborhood

Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by other manufactured housing (north/east) and a park (west)
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed
- Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
  - Prevent displacement & strengthen neighborhood and social ties
  - Provides affordable housing opportunities for a range of incomes
  - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Develop MH Zone District – Land Use Code Updates

- Resident, owner/manager & Board and Commission meetings (Spring/Summer)
  - MH district adopted by Council (August)

Rezoning Process

- Neighborhood meetings & notices – September
- Planning and Zoning Board Recommendation – November
- City Council First & Second Reading - December
Rezoning Outreach

Land Use Code Updates – MH District (Spring/Summer)
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

Rezoning Outreach
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
Resource Slides
Structure Plan Context – Hickory Village

PLACE TYPES

Districts
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

Other
- Parks and Natural/Protected Lands
- Community Separator

Neighborhoods
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

BOUNDARIES
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas

Site
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
# M-H Zone District

## Permitted Land Uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>INSTITUTIONAL / MISC.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mfr. Housing Community</td>
<td>Places of worship</td>
<td>Accessory buildings</td>
</tr>
<tr>
<td>Group Homes</td>
<td>Childcare</td>
<td>Accessory uses</td>
</tr>
<tr>
<td>Domestic violence shelter</td>
<td>Adult day/respite center</td>
<td>Urban agriculture</td>
</tr>
<tr>
<td>Extra occupancy rentals</td>
<td>Community facilities</td>
<td>Wireless telecom. equipment</td>
</tr>
<tr>
<td></td>
<td>Parks / Nbhd. Recreation</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Seasonal shelters</td>
<td></td>
</tr>
</tbody>
</table>
Zone Standards

- Set base levels for intensity, compatibility, safety
- Designed to reduce nonconformities (match existing development)
- General Development Standards (Article 3) also apply

Density: 6 – 12 dwelling units per acre
Setbacks: 15’ front, 10’ side/rear, 10’ between units
Height: 3-stories max.
Footprint: 5,000 sf max. (nonresidential)
Parking: 1-space per unit in manufactured housing community
## Permitted Uses Comparison

### M-H District
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

### CS
- 95 permitted uses; mostly commercial
- No density maximum
- 3-story height limit

### LMN
- 43 permitted uses; mostly residential
- Maximum density of 9 dwelling units/acre (12 if affordable)
- 3-story height limit
ORDINANCE NO. 159, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE
CITY OF FORT COLLINS BY CHANGING THE ZONING
CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN
AS THE HICKORY VILLAGE MOBILE HOME PARK REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning
Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the
rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in
Fort Collins such as the Hickory Village Mobile Home Park (“Hickory Village”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered
the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public
hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter
provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the
City's Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the
considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H
zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone
district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a
logical and orderly development pattern.

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 and findings
contained in the recitals set forth above.

Section 2. That the Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended
by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created
Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known
as the Hickory Village:

ALL HICKORY VILLAGE, FTC

Section 3. That the property known as the Hickory Village shall remain included in the Residential
Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in
accordance with this Ordinance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

______________________________
Mayor

ATTEST:

______________________________
City Clerk
AGENDA ITEM SUMMARY
City Council

December 1, 2020

STAFF

Cameron Gloss, Planning Manager
Claire Havelda, Legal

SUBJECT

Public Hearing and First Reading of Ordinance No. 160, 2020 Amending the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Pleasant Grove Manufactured Housing Community Rezoning.

EXECUTIVE SUMMARY

This item is a quasi-judicial matter and if it is considered on the discussion agenda, it will be considered in accordance with Section 1(f) of the Council’s Rules of Meeting Procedures adopted in Resolution 2019-064.

The purpose of this item is to amend the City’s Zoning Map to change the zoning designation for the Pleasant Grove Manufactured Housing Community (MHC), one of six properties containing manufactured housing communities proposed to be rezoned to the Manufactured Housing (M-H) zone district to support manufactured housing preservation. This rezoning request has been initiated by the City of Fort Collins.

The Pleasant Grove MHC is located at 517 East Trilby Road and the zoning is proposed to change from the Low Density Mixed-Use Neighborhood (LMN) zone district to the Manufactured Housing (M-H) zone district.

The rezoning request is subject to the criteria in Section 2.9.4 of the Land Use Code. The rezoning may be approved, approved with conditions, or denied by Council after receiving a recommendation from the Planning and Zoning Board, which voted 5-1 at their November 5, 2020 hearing to recommend approval.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The purpose of this City-initiated rezoning request is to advance City policies and goals to preserve manufactured housing communities and prevent the displacement of residents. City Plan, the City’s comprehensive plan, and the Strategic Plan identify policies and priorities to preserve manufactured housing. This proposed property rezoning supports these policy goals and is part of a series of local and state efforts and legislative changes aimed to address common manufactured housing issues and enhance resident protections.

Manufactured Housing Preservation

Manufactured housing provides an affordable and unique type of housing in Fort Collins, with many lot and unit rents equivalent to or less than some of the most affordable and deed-restricted housing units in Fort Collins. While unique and affordable, manufactured housing is also a limited type of housing, and the number of units
has been shrinking as manufactured housing communities close and/or redevelop. Over the past twenty years, five manufactured housing communities have closed in Fort Collins, primarily due to redevelopment, resulting in the loss of hundreds of units and often displacing residents who have limited options finding similarly priced housing in the region.

While many residents in manufactured housing communities may own their own homes, they lease or rent land from a property owner. This dual-asset ownership can create difficult situations for residents when a manufactured housing community closes. Many manufactured homes are unable to be moved due to age, condition, lack of available manufactured housing lots elsewhere in the community, or the financial cost of moving the structure. Many residents in manufactured housing communities are often forced to abandon their home, one of their largest financial assets.

During the recent update to City Plan in 2018/2019, residents of manufactured housing communities shared comments they fear their parks and communities may close or redevelop and force them to move, losing social connections and being unable to find similarly priced housing elsewhere in the community.

In August 2020, Council adopted a series of Land Use Code changes to create a new Manufactured Housing (M-H) zone district (Attachment 3 and 4) to promote manufactured housing preservation. A key feature of the M-H district is a more limited set of permitted land uses. A change in zoning to the M-H district is designed to promote and encourage the ongoing operation of existing manufactured housing communities by limiting opportunities to redevelop the site.

While a change in zoning to the M-H district does not guarantee a manufactured housing community will not close for reasons other than redevelopment, it provides an important policy and regulatory signal that manufactured housing is valued and supported in Fort Collins and encourages the ongoing operation of these communities.

**Overview of Main Considerations**

Property rezonings and amendments to the zoning map are governed by Division 2.9 of the Land Use Code and include specific criteria for rezonings of land less than 640 acres in size (quasi-judicial rezonings). Quasi-judicial rezoning requests shall be recommended by the Planning and Zoning Board and approved by City Council only if the proposal is

1) Consistent with the City’s comprehensive plan and/or;
2) Warranted by changed conditions within the neighborhood surrounding and including the subject property.

In addition, the Planning and Zoning Board and Council can also consider additional criteria including:

3) Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land;
4) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment;
5) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

While the goal of many rezoning requests is typically to facilitate new development, this rezoning proposal seeks to change zoning designations to encourage the ongoing operation of existing development. An analysis of the rezoning proposal below finds consistent support between the proposed rezoning and policy goals in the comprehensive plan.

While many of the properties proposed for rezoning to the M-H district were once part of the City’s two prior mobile home park zone districts up until 1997, the balance between community priorities to protect an
important source of affordable housing and property owner rights has been a consistent theme heard during
the public process for both the development of the new M-H district and this proposed rezoning.

Planning Background & Context

Information on the annexation and zoning history for the Pleasant Grove MHC property, as well as its adjacent
development context is summarized below:

<table>
<thead>
<tr>
<th>Manufactured Housing Community: Pleasant Grove</th>
<th>Adjacent Zoning &amp; Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annexation</td>
<td>Prior Zoning Designations</td>
</tr>
<tr>
<td>Southwest Enclave</td>
<td>Low Density Mixed-Use Neighborhood (current)</td>
</tr>
<tr>
<td>Annexation Phase</td>
<td>[South] - LMN; vacant</td>
</tr>
<tr>
<td>Three, 2010</td>
<td></td>
</tr>
</tbody>
</table>

Compliance with Land Use Code Rezoning Criteria

Criterion 1: Consistency of the proposed rezoning with the City’s Comprehensive Plan (City Plan)

City staff has evaluated the proposed changes for consistency with the comprehensive plan based on City
Plan policy guidance and land use direction provided by the Structure Plan map.

City Plan Policies

Housing affordability and attainability is a top community issue which was reflected in the recent City Plan
update through a number of new policy goals to encourage a greater mix of housing types, protect and
develop new types of attainable and affordable housing options, and to prevent the displacement of
manufactured housing residents. The preservation of manufactured housing communities, including
the development of the new Manufactured Housing zone district and the proposed rezoning of properties
containing manufactured housing directly support the following City Plan policies:

**LIV 5.2 - Supply of Attainable Housing**

Encourage public and private sectors to maintain and develop a diverse range of housing options,
including housing that is attainable (30% or less of monthly income) to residents earning the median
income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing
and other “missing middle” housing types.

Manufactured housing represents one of the most affordable types of housing in Fort Collins,
comparable to subsidized and deed-restricted housing for those earning between 30-60% area median
income. As a naturally-occurring source of affordable housing, manufactured housing communities in
the City limits and Growth Management Area represent a comparable number of dwelling units to Fort
Collins’ entire deed-restricted affordable housing stock. Preserving manufactured housing helps
protect and maintain an important supply of affordable housing in Fort Collins.

In addition to its affordability, manufactured housing is a unique and limited type of housing that has
been in decline over the past several decades due to community closures and redevelopment. The
goal of preservation through rezoning to the M-H district is designed to protect and promote the
ongoing operation of this limited housing resource which has proven to be difficult to expand via new
manufactured housing development.

**LIV 5.5 - Integrate and Distribute Affordable Housing**

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger
community.

Manufactured housing communities can currently be found throughout the City and Growth
Management Area, providing options for this type of housing close to jobs, services, and
transportation opportunities located throughout the community. Goals to preserve manufactured
housing by rezoning to the M-H district support City Plan policies to preserve affordable housing throughout the City. The closure of a few parks, particularly in the southern portion of the community, would concentrate this limited type of housing primarily in the northern half of Fort Collins.

**LIV 6.4 - Permanent Supply of Affordable Housing**
Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

The preservation of manufactured housing through rezoning represents a similar effect to the regulatory changes envisioned by City Plan for the City's subsidized and deed-restricted affordable housing. While most units in manufactured housing communities are private and not publicly subsidized, they have consistently provided an important source of housing at similar pricing levels. While rezoning does not guarantee affordability alone, it promotes the long-term operation of these communities and reduces the likelihood of redevelopment and the loss of some of the community's most affordable housing options.

**LIV 6.9 - Prevent Displacement**
Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

Many of the community's manufactured housing communities are located adjacent to commercial areas, or along corridors with existing or planned transit service which are encouraged to redevelop and at higher intensities. Rezoning properties containing manufactured housing to the M-H district provides an important regulatory and policy signal that manufactured housing is encouraged and its continued operation is desired amongst areas anticipated to experience (re)development changes in the future.

This policy signal may also bolster the efforts of residents, local organizations, and the City to support and reinvest in these communities, including the potential for future acquisition of the underlying property by residents through a resident-owned community (ROC) if a property owner sells a property in the future.

**Structure Plan Land Use Guidance**

The Structure Plan map provides a framework for development in Fort Collins and provides guidance for land-use decisions. As detailed in the Structure Plan in City Plan:

*The Structure Plan Map serves as a blueprint for the desired future development pattern of the community, setting forth a basic framework for future land use and transportation decisions. Upon annexation or a request for rezoning, the Structure Plan map and City Plan principles and policies provide guidance for decision-makers to identify specific zoning boundaries and zone districts during the development review process.*

The Structure Plan is an illustrated map made up of broad categories called ‘place types,’ which provide general characteristics for development patterns that can be used to determine more specific zoning classifications and boundaries. Place types typically describe principal and supporting land uses, density ranges, and the presence of certain types of services. Place types may often correspond to or overlap multiple zone districts.

The Pleasant Grove MHC is located in the ‘Mixed Neighborhood’ place type on the Structure Plan. *(Attachment 5)*

**Mixed Neighborhood**
The Mixed Neighborhood place type is one of the predominant residential place types illustrated on the Structure Plan and is commonly found in areas of the community with a mix of housing types at low to moderate intensity. Its location on the Structure Plan commonly overlaps with the Low-Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood zone districts.

The Mixed Neighborhood place type indicates a general intensity range of between 5 and 20 units per acre which supports its designation for a wide range of housing types, including different attached and multifamily products. The Structure Plan also makes a distinction within the place type for existing development and new or future neighborhoods planned for vacant and undeveloped land.

The proposed rezoning to the M-H district is consistent with the land use types and density ranges of the Mixed Neighborhood place type. The M-H district is primarily residential and encourages manufactured housing as the primary land use within a density range of 6-to-12 units per acre. Both the types of permitted uses and the density range of the M-H district are within the characteristics described by the Mixed Neighborhood’s place type.

The Mixed Neighborhood also specifically references manufactured housing within existing neighborhoods, indicating, “while reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not.” The M-H district is designed to discourage redevelopment and further addresses the Mixed Neighborhood place type description.

City Plan describes place both the generalized nature of place type designations for broad areas of the community and flexibility in the boundaries of place types when considering changes to zoning:

> *Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.*

**Summary - City Plan Guidance**

The rezoning of properties containing manufactured housing communities helps preserve naturally occurring affordable housing, protects a limited and unique type of housing, and seeks to prevent the displacement of residents, all policy goals supported by City Plan.

This proposed M-H rezoning is also consistent with the Mixed Neighborhood place type designation for this property on the Structure Plan Map. The Mixed Neighborhood place type describes residential land uses, including manufactured housing, of 5-20 units per acre which is consistent with the M-H district. This place type also specifically encourages reinvestment but not redevelopment of manufactured housing communities, which is the primary goal of the M-H district.

**Criterion 2: and/or Warranted by changed conditions within the neighborhood surrounding and including the subject property.**

Staff is recommending the proposed change in zoning based primarily on consistency with the comprehensive plan, rather than specific changes which have occurred in the neighborhood surrounding this property. The majority of properties containing manufactured housing and proposed for rezoning to the M-H district are located in established neighborhoods that have experienced limited recent neighborhood changes.

**Criterion 3: Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zone district for the land.**

Properties containing manufactured housing communities are primarily surrounded by residential development. Several properties also abut commercial development and retail centers. Most MHCs were constructed between the 1960s and 1980s and existing development patterns have already been established and
compatibility is less of a concern given the goals of preserving their existing uses rather than anticipating new (re)development. Given the location of most MHCs, they function in a similar capacity to attached and multifamily housing being located adjacent to single family development or acting as a buffer or transition in intensity to adjacent commercial development. The M-H district also provides similar compatibility measures as surrounding residential development by limiting building height, the size of any non-commercial structures, and matching other residential building setbacks. The Pleasant Grove MHC is surrounded by other residential development, primarily single-family dwellings, to the north and west, and undeveloped land to the south and east.

Criterion 4: Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

M-H rezoning is not anticipated to result in additional negative or positive impacts on the natural environment, as it seeks to preserve existing development. To the extent redevelopment of a property could positively benefit the natural environment through the application of more recent Land Use Code standards (habitat buffers, mitigation measures, etc.) the rezoning may have some long-term impacts from a reduction in their redevelopment potential.

Criterion 5: Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

The proposed rezoning is not anticipated to result in changes to development patterns in its immediate context given the existing development that is already in place. Within the subject property to be rezoned M-H, development predates many of the individual standards of the Land Use Code for orderly development (e.g. street connectivity and spacing requirements); however, the properties fulfill other growth framework and logical development goals, including providing for a variety of housing options and prices in the community that would otherwise result in additional demand for regional commuting and a decrease in the City’s housing opportunities and social connectivity.

BOARD / COMMISSION RECOMMENDATION

At its November 5, 2020, Planning and Zoning Board meeting, the Board considered all six manufactured housing property rezonings collectively and recommended that Council approve all of the rezonings on a 5-1 vote. Draft minutes from Planning and Zoning Board hearing are still being compiled and will be forwarded to Council in a read-before memo as soon as they are available.

Board member discussion focused on the goals of the proposal to help preserve a limited and affordable type of housing in the community while recognizing some of the tradeoffs of a change to a more restrictive zoning and some of the impacts it may have on properties where site conditions do not meet current development standards. There was also board discussion about impacts to property owners and a rezoning being imposed by the City rather than initiated by a property owner directly.

PUBLIC OUTREACH

Two neighborhood meetings were held to discuss the proposed rezonings on September 2, 2020, and September 12, 2020, as well as a virtual meeting with the Mi Voz residents’ group on September 9, 2020. Due to current pandemic conditions, all meetings were held in a remote format with online and telephone participation. Attendance included City staff, residents, and several property owners. (Attachment 6) A special OurCity webpage was created with information and resources on the proposed rezonings and the rezoning proposal has been posted on the City’s Development Review webpage. The proposal has also complied with notice requirements in Land Use Code Section, including special development review signs posted on each property, notices sent in English and Spanish to 4,600 nearby residents and property owners, and written notice in the Coloradoan.
Agenda Item 24

Staff has also been in direct email and phone communication with a majority of owners of property subject to the rezoning this summer and fall regarding the amendments to the Land Use Code creating the M-H zone district and this proposed rezoning in addition to mailed notices required by the Land Use Code. (Attachment 7)

A number of public letters and comments were received for the proposal prior to the Planning and Zoning Board Hearing. (Attachment 8)

ATTACHMENTS

1. Rezoning Petition  (PDF)
2. Vicinity & Zoning Context Map  (PDF)
3. Manufactured Housing Zone District Overview  (PDF)
4. Manufactured Housing Zone District Land Use Code Ordinance  (PDF)
5. Structure Plan Context Map  (PDF)
6. Neighborhood Meetings Summary  (PDF)
7. Property Owners Outreach  (PDF)
8. Planning & Zoning Board Public Comments  (PDF)
9. Powerpoint Presentation  (PDF)
Petitioner:

Paul Sizemore
Name

PO Box 580
Address

Fort Collins, CO 80522
City, State, Zip

Owner:

** See attached supplemental information **

Name

Address

City, State, Zip

To the City Council of the City of Fort Collins, Colorado.

I (We), the undersigned, do hereby respectfully petition and request that the City Council amend the zoning ordinance of the City of Fort Collins by changing the zoning of the hereinafter described parcel, containing 143 acres, more or less, from LMN zoning district to MH zoning district:

[INSERT LEGAL DESCRIPTION HERE]

Reason for Request: (Please attach additional sheets if more space is needed)

** See attached supplemental information **
Please attach listing of names and addresses of all persons owning land (as per Larimer County Assessor’s office on date of request) within 800 feet of any portion of the area under petition for rezoning.

Respectfully submitted,

Paul Sizemore,
Interim Community Development & Neighborhood Services Director

State of Colorado  
County of Larimer

The foregoing instrument was acknowledge before me this _____ day of __________, 2020.
By: ____________________________ for the purpose therein set forth.

My commission expires _________

SHARLENE MANNO  
Notary Public  
State of Colorado  
Notary ID # 2008400939  
My Commission Expires 04-09-2024

Please return to the City of Fort Collins Community Development and Neighborhood Services Department.
Manufactured Housing Rezonings Petition
Supplemental Information – Property Owner Information

Property (Common Name): Cottonwood
Address: 1336 Laporte Ave
Parcel No.: 9710122002
Nearby Major Cross Streets: Laporte Ave & Shields St
Owner Information: Cottonwood MHP LLC, PO Box 494, Laporte, CO 80525

Property (Common Name): Harmony Village
Address: 2500 E Harmony Rd
Parcel No.: 8732300006
Nearby Major Cross Streets: Harmony Rd & Timberline Rd
Owner Information: Harmony Road LLC, 31200 Northwestern Hwy #1, Farmington Hills, MI 48334

Property (Common Name): Hickory Village
Address: 400 Hickory St
Parcel No.: 9702108001
Nearby Major Cross Streets: Hickory St & College Ave
Owner Information: Hickory Village MHP LLC, 400 Hickory St, Fort Collins, CO 80524

Property (Common Name): Northstar
Address: 1700 Laporte Ave
Parcel No.: 9710207001
Nearby Major Cross Streets: Laporte Ave & Taft Hill Rd
Owner Information: Northstar Mobile LLC, PO Box 394, Mercer Island, WA 98040

Property (Common Name): Pleasant Grove
Address: 517 E Trilby Rd
Parcel No.: 9613200014
Nearby Major Cross Streets: Trilby Rd & College Ave
Owner Information: Pleasant Grove LLC, 31200 Northwestern Hwy, Farmington Hills, MI 48334

Property (Common Name): Skyline
Address: 2211 W Mulberry St
Parcel No.: 9716140001 & 9716141001
Nearby Major Cross Streets: Mulberry St & Taft Hill Rd
Owner Information: GCP Skyline LLC C/O American Land Lease Inc., 27777 Franklin Rd Ste 200, Southfield, MI 48034
Manufactured Housing Rezonings Petition
Supplemental Information – Legal Descriptions

- Cottonwood Mobile Home Park, located at 1336 Laporte Avenue, Fort Collins, CO 80521:
  LOT 2, VASQUEZ MINOR SUBDIVISION, FORT COLLINS

- Harmony Village Mobile Home Park, located at 2500 East Harmony Road, Fort Collins, CO 80525:
  A TRACT OF LAND LOCATED IN 1/2 OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 7, RANGE 68 WEST CONTAINING 80 ACRES MORE OR LESS; LESS THOSE PARCELS DESCRIBED IN DOCUMENTS RECORDED AT RECEPTION NOS. 20040123055; LESS 20040121627 and LESS 20070017402

- Hickory Village Mobile Home Park, located at 400 Hickory Street, Fort Collins, CO 80524:
  ALL HICKORY VILLAGE, FORT COLLINS

- Northstar Mobile Home Park, located at 1700 Laporte Avenue, Fort Collins, CO 80521:
  LOT 1, LEEPER SUBDIVISION, FORT COLLINS, LESS THE SOUTHERLY 110 FEET

- Pleasant Grove Mobile Home Park, located at 517 East Trilby Road, Fort Collins, CO 80525:
  A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 7, RANGE 69 WEST COMMENCING AT THE NORTH 1/4 CORNER, THEN ALONG THE LINE OF THE NORTHWEST 1/4 SOUTH 0 16' 8" EAST 40 FEET TO THE POINT OF BEGINNING, THEN S 0 16' 8" EAST 316.5 FEET, THEN NORTH 89 46' 40" WEST 423.82 FEET, THEN SOUTH 0 16' 8" EAST 120 FEET, NORTH 89 46' 40" WEST 488.73 FEET, THEN NORTH 0 16' 8" WEST 120 FEET, THEN NORTH 89 46' 40" WEST 633.1 FEET.

- Skyline Mobile Home Park, located at 2211 West Mulberry Street, Fort Collins, CO 80521:
  A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
  ALL OF THE SKYLINE MOBILE HOME PARK P.U.D LESS AND EXCEPT THE NORTHERLY 160 FEET;
  ALSO THE SKYLINE MOBILE HOME PARK SECOND FILING, A ONE LOT SUBDIVISION LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF MULBERRY STREET;
  ALSO THE SOUTHERLY 35 FEET OF THE CHESTNUT ADDITION FIRST FILING;
  CONTAINING 25.71 ACRES, MORE OR LESS
Pleasant Grove
MANUFACTURED HOUSING DISTRICT OVERVIEW

The Manufactured Housing zone district was recently adopted by City Council, and the Land Use Code’s online and physical copies are still in the process of being updated. An overview of the MH district’s goals, permitted uses, and standards are provided below while the Code updates are being processed:

The MH zone district was designed to promote manufactured housing as the primary land use. In comparison to other mixed-use zone districts in Fort Collins, the MH zone features fewer types of permitted land uses in an effort to limit and reduce the likelihood of redevelopment and the closure of a manufactured housing community. The MH district is similar in permitted land uses and zone district standards to the City’s Low and Medium Density Mobile Home Districts which existed between the 1960s and 1990s.

In addition to limitations on the number and type of land uses permitted in the MH district, it also features several zone district specific standards related to density, setbacks, unit separation, building height, and parking.

<table>
<thead>
<tr>
<th>Permitted Land Uses</th>
<th>Review Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelters for victims of domestic violence</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory buildings</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Accessory uses</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Urban agriculture</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Wireless telecommunications equipment</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Neighborhood parks as defined by the Parks and Recreation</td>
<td>Basic Development Review</td>
</tr>
<tr>
<td>Manufactured housing community</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Group homes for up to eight (8) developmentally disabled or</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Extra occupancy rental houses with four (4) or more tenants</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Places of worship or assembly</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Minor public facilities</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan</td>
<td>Administrative Review</td>
</tr>
<tr>
<td>Community facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Neighborhood support/recreational facilities</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
<tr>
<td>Seasonal overflow shelters</td>
<td>Planning &amp; Zoning Board Review</td>
</tr>
</tbody>
</table>

MH zone districts standards include:

- A minimum density of 6 dwelling units per gross acre;
- A maximum density of 12 dwelling units per gross acre;
- A minimum 15-ft required front setback for buildings in a manufactured housing community;
- A minimum 10-ft required side and rear setback for buildings in a manufactured housing community;
- A minimum 10-ft separation distance between manufactured homes and other buildings;
- A maximum building height of 3-stories;
- A maximum building footprint size of 5,000 square feet for nonresidential uses;
- A minimum of one off-street parking space for each manufactured housing unit in a manufactured housing community.
ORDINANCE NO. 100, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO ESTABLISH A
MANUFACTURED HOUSING ZONE DISTRICT

WHEREAS, City Council acknowledges the significant contribution of manufactured housing communities to the City of Fort Collins and seeks to promote the preservation of the currently existing manufactured housing communities within Fort Collins; and

WHEREAS, the Council wishes to reduce the likelihood of resident displacement and loss of affordable housing units by encompassing the existing manufactured housing communities within a new zone district developed specifically for them; and

WHEREAS, to accomplish these purposes, the Council desires to adopt the new M-H Zone District to advance the City’s efforts to preserve and support currently existing manufactured housing communities; and

WHEREAS, the new M-H Zone District includes a series of different standards that set a base level for development intensity, safety and compatibility within the district; and

WHEREAS, the creation of the M-H Zone District requires modifications throughout the Fort Collins’ Land Use Code; and

WHEREAS, the Land Use Code changes would bring the City in closer alignment with the updated state and federal terminology relating to manufactured housing; and

WHEREAS, the Planning and Zoning Board met on July 16, 2020, and made a recommendation on the Land Use Code changes, voting 4-3 to recommend adoption of this Ordinance by City Council; and

WHEREAS, the modification of the Land Use Code to include the M-H Zone District serves the public purpose of preserving and maintaining current manufactured housing communities within the City and is in the best interest of the citizens of Fort Collins.

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 and findings contained in the recitals set forth above.

Section 2. That Section 1.3.1 of the Land Use Code is hereby amended to read as follows:
1.3.1 Establishment of Zone Districts

In order to carry out the purposes of this Code, the City is hereby divided into the following zone districts:

... 

Manufactured Housing District (M-H)

...

Section 3. That Section 1.3.4(G) of the Land Use Code is hereby amended to read as follows:

1.3.4 – Addition of Permitted Uses

... 

(G) Zones Subject to City Council Addition of Permitted Use Review. The City Council shall make all final determinations regarding any addition of permitted use under subsection (C)(3) with respect to a project located, in whole or in part, in any of the following zone districts:

...

9. Manufactured Housing District (M-H).

Section 3. That Section 2.3.2(H) of the Land Use Code is hereby amended to read as follows:

2.3.2 - Overall Development Plan Review Procedures

...

(H) Step 8 (Standards): Applicable. An overall development plan shall comply with the following criteria:

...

(2) The overall development plan shall be consistent with the required density range of residential uses (including lot sizes and housing types) with regard to any land which is part of the overall development plan and which is included in the following districts:

...
(g) The Manufactured Housing District (M-H). See Section 4.11(D)(1).

(h) The Community Commercial - North College District (C-C-N). See Section 4.19(D)(1).

(i) The Harmony Corridor District (H-C). See Section 4.26(D)(4).

(j) The Employment District (E). See Section 4.27(D)(5).

... 

Section 4. That Section 3.8.6 of the Land Use Code is hereby amended to read as follows:

3.8.6 Group Home Regulations and Shelters for Victims of Domestic Violence

(A) Residential group homes shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
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<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>R-L, N-C-L, H-C, E, R-F, M-H</td>
<td>3</td>
<td>1,500</td>
<td>8</td>
<td>1,500</td>
</tr>
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<td>...</td>
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</table>

(B) Large group care facilities shall conform to the lot area and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of residents excluding supervisors, for minimum lot size</th>
<th>Additional lot area for each additional resident (square feet)</th>
<th>Maximum permissible residents, excluding supervisors</th>
<th>Minimum separation requirements between any other group home (feet)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
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</tbody>
</table>
Section 5. That Section 3.8.7.1(M) of the Land Use Code is hereby amended to read as follows:

3.8.7.1 Generally

(M) Sign Districts.

<table>
<thead>
<tr>
<th>Sign District</th>
<th>Corresponding Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>Multifamily</td>
<td>N-C-M; N-C-B; M-H</td>
</tr>
</tbody>
</table>

Section 6. That Section 3.8.17(A)(2)(c) of the Land Use Code is hereby amended to read as follows:

3.8.17 Building Height

(A) Measuring Building Height.

... (2) Building Height Measured in Stories. In measuring the height of a building in stories the following measurement rules shall apply:

...
(c) A maximum vertical height of twelve (12) feet eight (8) inches shall be permitted for each residential story. This maximum vertical height shall apply only in the following zone districts: U-E; R-F; R-L; L-M-N; M-M-N; N-C-L; N-C-M; N-C-B; R-C; C-C-N; N-C; and H-C; and M-H.

...  

Section 7. That Section 3.8.23 of the Land Use Code is hereby amended to read as follows:

3.8.23 Manufactured Housing Regulations

Manufactured Housing Communities shall be developed in accordance with the applicable general development standards contained in Article 3, the applicable district standards contained in Article 4, and the regulations contained in Chapter 18 of the City Code.

Section 8. That Section 3.8.28 of the Land Use Code is hereby amended to read as follows:

3.8.28 Extra Occupancy Rental House Regulations

(A) Extra occupancy rental houses, not including multiple family and single family attached dwellings which shall be governed by Section 3.8.16(E)(2), shall conform to the occupancy limits and separation requirements specified in the following table:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum number of permissible residents, excluding occupant family</th>
<th>Maximum percentage of parcels per block face that may be used for extra occupancy houses</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>M-M-N, H-M-N, N-C-B, M-H</td>
<td>One (1) tenant per three hundred fifty (350) square feet of habitable floor space, in addition to a minimum of four hundred (400) square feet of habitable floor space if owner-occupied.</td>
<td>No limit.</td>
</tr>
<tr>
<td>...</td>
<td>...</td>
<td>...</td>
</tr>
</tbody>
</table>

Section 9. That Section 3.8.31(C)(3) of the Land Use Code is hereby amended to read as follows:
3.8.31 - Urban Agriculture

... 

(C) Standards.

...

(3) Notice. At the time of an initial application for an urban agriculture land use within a residential zone (N-C-L, N-C-M, U-E, R-F, R-L, L-M-N, M-M-N, H-M-N, N-C-B, M-H, R-C and P-O-L) or if the urban agriculture land use exceeds one-half (0.5) acre in size, the Director shall determine whether the proposed urban agriculture land use presents a significant impact on the affected neighborhood, and, if so, the Director shall schedule a neighborhood meeting and provide mailed and posted notice for such meeting. Such notice and neighborhood meeting shall be conducted in accordance with Sections 2.2.2 and 2.2.6 of this Code.

Section 10. That Section 4.5(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

Division 4.5 Low Density Mixed-Use Neighborhood District (L-M-N)

...

(B) Permitted Uses.

...

(3) The following uses are permitted in the L-M-N District, subject to Planning and Zoning Board review:

(a) Residential Uses:

1. Manufactured housing communities.

...

Section 11. That Division 4.11 of the Land Use Code shall read in its entirety as follows:

Division 4.11 Manufactured Housing District (M-H)

(A) Purpose. The M-H Manufactured Housing District is intended for existing manufactured housing communities located throughout the City. This designation is designed to preserve and support existing manufactured housing communities as the predominant residential use alongside other complementary accessory and
nonresidential activities which primarily serve residents of manufactured housing communities.

(B) **Permitted Uses.**

(1) The following uses are permitted in the M-H District, subject to basic development review, provided that such uses are located on lots that are part of an approved site-specific development plan:

(a) **Residential Uses:**

1. Shelters for victims of domestic violence for up to fifteen (15) residents.

(b) **Accessory/Miscellaneous Uses:**

1. Accessory buildings.
2. Accessory uses.
3. Urban agriculture.
4. Wireless telecommunications equipment.

(c) Any use authorized pursuant to a site specific development plan that was processed and approved either in compliance with Zoning Code in effect on March 27, 1997, or in compliance with this Code (other than a final subdivision plat, or minor subdivision plat, approved pursuant to Section 29-643 or 29-644 of prior law, for any nonresidential development or any multi-family dwelling containing more than four (4) dwelling units), provided that such use shall be subject to all of the use and density requirements and conditions of said site specific development plan.

(d) Any use which is not hereafter listed as a permitted use in this zone district but which was permitted for a specific parcel of property pursuant to the zone district regulations in effect for such parcel on March 27, 1997; and which physically existed upon such parcel on March 27, 1997; however, that such existing use shall constitute a permitted use only on such parcel of property.

(e) **Institutional/Civic/Public Uses:**

1. Neighborhood parks as defined by the Parks and Recreation Policy Plan.
(2) The following uses are permitted in the M-H District, subject to administrative review:

(a) **Residential Uses:**

1. Manufactured housing community.
2. Group homes for up to eight (8) developmentally disabled or elderly persons.
3. Extra occupancy rental houses with four (4) or more tenants.

(b) **Institutional/Civic/Public Uses:**

1. Places of worship or assembly.
2. Minor public facilities.
3. Parks, recreation and other open lands, except neighborhood parks as defined by the Parks and Recreation Policy Plan.

(c) **Commercial/Retail Uses:**

2. Adult day/respite care centers.

(3) The following uses are permitted in the M-H District, subject to Planning and Zoning Board review:

(a) **Institutional/Civic/Public Uses:**

1. Community facilities.
2. Neighborhood support/recreational facilities.
3. Seasonal overflow shelters.

(C) **Prohibited Uses.** All uses that are not (1) expressly allowed as permitted uses in this Section or (2) determined to be permitted by the Direction or the Planning and Zoning Board pursuant to Section 1.3.4 of this Code shall be prohibited.

(D) **Land Use Standards.**

(1) **Density.** Residential development in the Manufactured Housing District shall have an overall minimum average density of six (6) dwelling units per
gross acre, and an overall maximum average density of twelve (12) dwelling units per gross acre.

(2) **Dimensional Standards.**

(a) Minimum front setback between any building and the property line shall be fifteen (15) feet.

(b) Minimum side and rear setbacks between any building and the property line shall be ten (10) feet.

(c) The minimum distance between manufactured homes or other buildings in a manufactured home park shall be ten (10) feet.

(3) **Building Height.** The maximum building height shall be three (3) stories.

(4) **Maximum Size.** The maximum building footprint for all nonresidential uses shall be five thousand (5,000) square feet.

(5) **Parking.** A minimum of one (1) off-street parking space shall be provided for each manufactured home in a manufactured housing community.

Section 12. That Section 4.27(B)(3)(a) of the Land Use Code is hereby amended to read as follows:

**Division 4.27 Employment District (E)**

... 

(B) **Permitted Uses.**

... 

(3) The following uses are permitted in the E District, subject to review by the Planning and Zoning Board:

(a) **Residential Uses:**

... 

5. Manufactured housing communities.

... 

Section 13. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition "Manufactured home" which reads in its entirety as follows:
Manufactured home shall mean a preconstructed, transportable dwelling unit built on a permanent chassis and anchored at the site where it will be occupied as a dwelling unit. The term manufactured home shall also include mobile homes, which are similar transportable dwelling units constructed prior to federal manufactured home standards adopted in 1976.

Section 14. That Section 5.1.2 of the Land Use Code is hereby amended by the addition of a new definition “Manufactured housing community” which reads in its entirety as follows:

Manufactured housing community shall mean a parcel of land that has been planned, improved, or is currently used for the placement of five or more manufactured homes. Manufactured housing communities may also contain accessory uses intended primarily for the use and benefit of their residents, including but not limited to clubhouses, playgrounds and recreational amenities, childcare, meeting and assembly spaces, retail, and personal and business services.

Section 15. That the definition “Mobile home” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Section 16. That the definition “Mobile home park” contained in Section 5.1.2 of the Land Use Code is hereby deleted.

Introduced, considered favorably on first reading, and ordered published this 4th day of August, A.D. 2020, and to be presented for final passage on the 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 18th day of August, A.D. 2020.

Mayor

ATTEST:

City Clerk
Structure Plan Context – Pleasant Grove

PLACE TYPES

**Districts**
- Downtown District
- Urban Mixed-Use District
- Suburban Mixed-Use District
- Neighborhood Mixed-Use District
- Mixed Employment District
- Research & Development/Flex District
- Industrial District
- Campus District

**Other**
- Parks and Natural/Protected Lands
- Community Separator

**Neighborhoods**
- Rural Neighborhood
- Suburban Neighborhood
- Mixed Neighborhood

**Boundaries**
- City Limits
- Growth Management Area (GMA)
- Adjacent Planning Areas
Manufactured Housing Rezonings & Code Changes

On September 2\textsuperscript{nd} and September 12\textsuperscript{th} the City of Fort Collins hosted two meetings to discuss the upcoming City-initiated proposal to rezone six manufactured housing communities to the Manufactured Housing (MH) zone district, as well as provide updates on recent State and local legislation and ordinances impacting manufactured housing. Both meetings took place remotely with online (Zoom) and telephone participants.

Documents & Resources:
- The presentation slides from the neighborhood meeting may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14040
- The map of City and Growth Management Area manufactured housing communities may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14038
- Standards and permitted land uses for the recently-adopted Manufactured Housing (MH) zone district may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/13271
- A flyer of recent local and state-level code changes related to manufactured housing may be downloaded at: https://ourcity.fcgov.com/7246/widgets/21689/documents/14039

Questions, Comments & Responses
The following Q&A summary has been compiled from questions at both neighborhood meetings:

Question: Will the rezoning require residents to move or relocate their homes? Will there be restrictions on the type or age of home that can be sold?
Response: The change in zoning does not require any units to be sold or relocated. The goal of the rezoning is to help keep existing manufactured housing communities to continue operating for current residents. The zoning also does not impact the age or place any restrictions on what units can be moved or sold within an existing park.

Question: What is the current moratorium that is in place? Is this related to the rezoning?
Response: The City currently has a moratorium in place that prohibits redevelopment applications that would result in a loss of units in manufactured housing communities. The moratorium was put in place to protect residents and the parks while the City studies and implements manufactured housing ordinances – including the possibility of rezoning.

Question: Will the rezoning impact parks and communities that are not within City limits?
Response: The proposed rezoning currently only impacts six parks within the City limits. Zoning for parks in the Growth Management Area (GMA) will remain the same. The City could
decide to zone a property in the GMA to the MH district if/when it is annexed into the City in the future.

**Question:** Are managers required to have certain qualifications or requirements. Can residents request a new manager?

**Response:** The hiring of a manager/operator is a decision made by manufactured housing community owners. The City does not enforce any requirements for managers. In the past there was a proposal at the State legislature to create a licensing system for mobile home park managers, but it was not passed.

**Question:** What are the six parks that will be rezoned?

**Response:** The City is planning to initiate rezoning for the following parks: Cottonwood, Harmony Village, Hickory Village, Pleasant Grove, North Star, and Skyline.

**Follow-up:** What about Poudre Valley and North College?

**Response:** Poudre Valley is currently located outside City limits and would not be included as part of any City rezoning effort. The other communities in Fort Collins such as North College may be considered for their own rezoning in the near future as well. The City is only proceeding with these first six communities first as they all share residential, LMN zoning.

**Comment:** The people in Poudre Valley feel like they are forgotten and don’t feel represented.

**Question:** After rezoning occurs, does a park have to meet all of the new standards?

**Response:** The MH standards would primarily only be triggered if any changes or redevelopment is proposed. The standards for the zone district were set to match existing development patterns for manufactured housing, however, if a site doesn’t meet the new standards it is grandfathered in.

**Question:** I’m an owner of the North Star property and it contains other uses than manufactured housing. Will those uses and anything that’s approved before the rezoning be grandfathered in?

**Response:** Yes – already approved uses can continue to operate even if they are not a permitted use in the MH district. These would become legal nonconforming uses and they can be somewhat common when zoning changes occur.

**Question:** What are the formulas for how water utilities are billed? Are residents allowed to ask the office for that information? Are they required to provide that information?

**Response:** Yes – based on new state legislation, certain information is required to be provided about how water is billed. Information is now required about how much the entire mobile home park’s monthly water bill is, the amount owed to the utility provider and the amount paid by park management to the utility provider. Property managers must also provide the formula used to calculate the amount each mobile home resident owes for water. No additional administrative fees for water utility billing are allowed.

**Question:** Is there the possibility to get water services outside of the home contract? Could the utility submeter themselves rather than through the park?

**Response:** There may be a possibility for this but conversations would need to occur with individual park owners, managers, and utility providers. Some parks also use private submetering.
systems, however, there have been reports from some managers and residents of misidentified or tampered readings.

**Question:** Utility billing used to be per home but now it is a base rate – is this related to some of the state level changes?

**Response:** Some properties have had sub-meters in the past. FC Utilities prefers parks use sub-meters so each unit knows how much they are using. Some parks are discontinuing submeters and going to a blanket meter and rebill based on a formula. There were some concerns submeters could be misleading or that people were disabling their submeters. There were also some issues getting meter-reading into parks.

**Question:** If someone has a concern about the formula being used, who would be a good person to contact regarding the issue?

**Response:** Talk with Neighborhood Services about the issue, or you can speak with the State if there is an inconsistent or unreasonable formula being used. There have also been problems with people not getting the full disclosure for the park. You should have received one for July and August to disclose the formula on August 1st.

**Question:** What is the method used if parks are not using submetering?

**Response:** This is a master meter for all the water usage for the entire park, and then a formula is used to divide that usage and cost up amongst all of the parks’ unit. The City is trying to come up with formulas to share with owners/managers on how best to divide up the entire usage for a community.

**Question:** What are the legal clinics that will start in October?

**Response:** The City is exploring the potential for legal clinics or representation for manufactured and residents through CARES act funding this fall. The program may provide opportunities for “know your rights” trainings, clinics, or to receive advisement for legal issues related to manufactured housing.
### Manufactured Housing Property Owners Outreach & Notifications Summary 10/14/20

<table>
<thead>
<tr>
<th>Manufactured Housing Community (Owner/Company)</th>
<th>Outreach &amp; Notifications (Dates)</th>
</tr>
</thead>
</table>
| **Cottonwood (Greg Scamehorn)**               | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed) |
| **Harmony Village & Pleasant Grove (RHP Properties)** | • Meeting w/ offsite Pleasant Grove manager Fernando – 2/13/20  
  • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter re: rezoning – (mailed 9/18/20 – receipt confirmed)  
  • Email & phone correspondence with Colby Wilson (May-July)  
  • Unreturned email & phone correspondence with Mack Gembis (Sept-Oct)  
  *Correspondence with Colby Wilson indicated the new MH district and rezoning were similar to mobile home park zoning the company operates within other jurisdictions.* |
| **Hickory Village (Keith Cowan)**              | • MHC owner/manager meeting – 1/15/20  
  • Meeting w/ manager Derald – 2/11/20  
  • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Certified letter rezoning – (mailed 9/18/20 – receipt confirmed)  
  • Email & phone correspondence with Keith Cowan (May-Sept)  
  *Property owner recognizes changes in zoning and is very familiar with prior mobile home park zoning on this property.* |
| **North Star (Peter Goldstein)**                | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Email & phone correspondence with Peter Goldstein (May-Oct)  
  • Zoom meeting re: rezoning – 9/15/20  
  *Property owner indicated concern about rezoning, especially for the commercial frontage along Laporte Avenue which houses non-residential uses.* |
| **Skyline (Sun Communities)**                  | • Informational mailed letters -- (2/4/20; 5/20/20; 7/2/20)  
  • Hearing & meeting notices -- (7/16/20; 8/20/20; 10/1/20)  
  • Email & phone correspondence with Lisa Felix (May-Oct)  
  • Zoom meetings re: MH zone district & rezoning – 5/15/20; 9/17/20  
  *Property owner provided letter in opposition to rezoning and indicated a preference to keep the frontage of single family detached dwellings and duplex as LMN zoning.* |
Ryan Mounce

From: Lisa Felix <lfelix@suncommunities.com>
Sent: Thursday, October 1, 2020 11:09 AM
To: Ryan Mounce
Subject: [EXTERNAL] Proposed MH Rezoning Testimony

Dear Ryan,

I am not in favor of the proposed rezoning plan and it’s affect on the Stakeholders at our MHC Skyline. It further restricts the owner’s ability on a future sale (limits the number of buyers/developers), etc. Because our Skyline property also comprises of a Single Family Home and a Duplex, it’s imperative that these two structures NOT be lumped in with the new rezoning proposal rather remain in the current LMN zoning. Ideally, I would like to see the entire property remain in the current zoning. But if it is to pass, consideration of the above two structures to remain is respectfully requested at this time.

Thank you,

Be Well… #BeCoolMaintainPressOn

Lisa M. Felix
Regional Vice President O/S
Sun Communities, Inc.
27777 Franklin Road, Suite 200
Southfield, MI 48034
C: 408.590.3145 | O: 248.327.8104
lfelix@suncommunities.com | NYSE (SUI)

Commitment Intensity Empowerment Accountability Service
October 14, 2020

Regarding Fort Collins Planning and Zoning Board Agenda Item: Affordable Housing Redevelopment Displacement Mitigation Strategy

While the plan makes an effort to protect affordable housing availability in the City of Fort Collins, it does little to address the need for affordable housing since these parks already exist with nearly maximum occupancy.

These Mobile Home Parks may continue to exist under current mixed-use zoning making rezoning unnecessary. Restricting zoning to maintain these areas as Mobile Home Parks does not guarantee their preservation. Parks can be closed with proper notice and relocation of the residents. However, with restricted zoning, this land cannot be sold for other uses including affordable housing of other types.

At least one of the parks designated for rezoning, Cottonwood, contains mobile homes that are very old, in significant disrepair, or abandoned.

- This park is extremely small and would be unlikely to be updated with new mobile homes if the owners attempted the sale of the land.
- Restricting zoning would put an undue burden on the owners of small parks which are unlikely to attract potential new owners or developers to update them.
- It is also unlikely that buyers will put new mobile homes in small parks with existing homes in such disrepair. Increasing the likelihood of eventual closure of the park.

While Mobile Home Parks can provide low-income, single family housing they present significant challenges to those who own them.

- They have a lower rate of occupancy turnover largely because it is cost prohibitive to move or sell them.
- Owning a mobile home restricts the mobility of the occupants even when employment opportunities are not available in the local area.
- Most mobile homes are owned by the occupants but they do not appreciate in value over time.
Mobile homes actually serve to increase the generational wealth gap and restrict the mobility of their occupants.

The City of Fort Collins is dedicated to sustainable development policies. There are numerous economic benefits to adopting planning strategies, land use practices, and regulations that foster mixed-use development. Mixed-use zoning permits a complementary mix of residential, commercial, and/or industrial uses in a single district. Studies show a clear connection between walkable environments and the economic viability of a town. The area around the mobile home parks are seeing an increase in businesses that promote a walkable environment for shopping, dining, and entertainment. To continue this type of development, mixed-use zoning is necessary.

In summary, rezoning the mobile home parks is neither necessary nor a guarantee of preservation of this land for low-income housing. Parks that are large enough to remain economically viable will continue to exist. Parks that are not may still be closed but are not likely to attract redevelopment as updated mobile home parks creating hardships for the land owners and the city alike. Furthermore, mixed-use zoning is consistent with sustainable development policies. Restricted zoning may prevent the development of businesses in the area which could provide local employment opportunities to low income residents of the very parks in question.

Lisa R Butler
Fort Collins, CO
Planning and Zoning Board,

As staff at The Family Center/La Familia who work closely with Mobile Home Park residents we would like to strongly urge you to recommend to City Council the new Mobile Home Park Zoning District for all qualifiable Mobile Home Parks. We are particularly involved with residents of Hickory Village and they have played a crucial role in bringing Mobile Home Park issues to light and asking for change. Below is a quote from a recent letter that we sent out to Council when they were originally considering the creation of the Mobile Home Park Zoning District....

“On behalf of mobile home park residents from Poudre Valley Mobile Home Park, Hickory Village Mobile Home Park, and Park Lane Mobile Home Park who are involved with The Family Center/La Familia’s program Mi Voz, we are writing to ask you to support protective inclusionary zoning for mobile home parks in Fort Collins. Mi Voz focuses on mobile home park preservation and leadership development among mobile home park residents in the Fort Collins area, ensuring this option to meet the housing needs of Fort Collins’s diverse community.

Historically and in other cities, having mobile home park specific zoning has been noted to help preserve mobile home parks through ensuring land availability for this specific use, and extending the timeline of redevelopment proposals, which notifies and increases resident engagement in the cities’ processes. In addition to strong mobile home park protective policy language, mobile home park-specific zoning districts play a key role in the preservation of existing mobile home parks and a path towards resident-owned communities.

Mobile home parks play a unique role in the affordable housing market, given that they provide an option where people can own their home, have space for large families, access to small and private yards, and autonomy to their space. Lot rent in mobile home parks ranges between $500-$700, and mobile home parks provide access to housing regardless of proof of residency. Mobile home owners are proud of their homes, love their communities, and find a sense of deep belonging and neighborhood support in their mainly Spanish-speaking neighborhoods. Many families have resided in the same mobile home parks for generations in our town, and they provide a sense of place for a population that does not always feel welcome or included in this community. As Fort Collins strives to be an inclusive and welcoming city to a diverse array of residents, protecting mobile home parks is a critical piece to housing diversity that responds to cultural preferences of the Latinx immigrant community.

We believe that mobile home park communities serve a different population than other forms of affordable housing, and if any other type of affordable housing were to replace it, then current mobile home park residents would be displaced and most likely unable to qualify, afford, or have adequate space in any other form of affordable unit.”

We thank you for your consideration of recommending this protective zoning for all qualifiable mobile home parks, as we believe it strongly aligns with The City’s commitment to and prioritization of the preservation of Mobile Home Parks in Fort Collins.

Sincerely,

The Family Center/La Familia Mi Voz Program Directors ISAAC
Fuerza Latina Alianza NORCO
Mi nombre es Zulema Vega yo he vivido en Hickory Village Mobile Home park por 10 años quiero decir que yo quiero preservar mi parqueadero por muchos años en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles v...

My name is Zulema Vega. I have lived in Hickory Village Mobile Home Park for 10 years. I want to say that I want to preserve my park for many years in the future and I think that the new zone district for the mobile home parks...
RE: Fort Collins Planning and Zoning Board Agenda Item (Affordable Housing Redevelopment Displacement Mitigation Strategy)

Dear City Council Members,

I am writing to voice my opposition to the proposed rezoning of multiple sites to be limited to manufactured housing only. While I understand the need and desire for the city to promote cost effective housing I oppose this rezoning on multiple issues:

- I do not believe that manufactured homes are in the best long-term interest of those who utilize them. While they have lower cost to purchase, they do not appreciate as other properties do, but rather lose value (relatively quickly) putting those who purchase them further behind over time. I would rather see programs put in place that work to help elevate those in need as opposed to programs that are short term gains.
- I do not believe it is fair to the landowners to restrict the use of the property in a way that could adversely affect them. I do not know if the landowners would be compensated by the city for any loss in value, but if so as a taxpayer I would rather see that money be used for better, longer range solutions.
- I believe the city of Fort Collins does a great job on sustainability, but believe that promoting manufactured homes has improved they are not nearly as efficient as the building codes now in effect for the rest of the city and with much shorter life are not as sustainable.

The City of Fort Collins has been a leader in many areas such as how we address energy efficiency, land use, sustainability, small business, innovation, etc. and have created multiple demonstration projects that shatter the norms on what is possible. I believe this is a perfect opportunity for the city to do this again put together a high efficiency, sustainable complex that owners can buy into and see appreciate. By making these buildings more efficient the utility expenses can be lower further benefitting the residents.

Thank you,

Guy Babbitt
Fort Collins, CO 80521
Buenas noches

Les pedimos que ustedes como autoridades y miembros de nuestra ciudad nos ayuden a realizar una ley u ordenanza para la preservación de nuestros parques móviles.

En estos lugares vivimos con personas con las que nos sentimos en familia y con mucha calidez emocional.

Por favor les rogamos que actúen a favor de la zonificación y nos garanticen una vivienda digna por muchos años más.

Agradeciendo su alto grado de compromiso me despido de ustedes.

Sr. Jorge Mejía
Residente de Hickory Village

Good evening,

We ask you, as authorities and members of our city, to help us make a law or ordinance for our mobile home park preservation.

We live in these places with people who are like our family and with whom we share a lot of emotional warmth.

Please take action in favor of zoning to ensure that we have decent housing for many years to come.

Thank you for your strong commitment. Sincerely,

Mr. Jorge Mejía
A resident of Hickory Village
Hello, my name is Eva Perez Villalobos and I live in Hickory Village Mobile Home Park. I've been living here for 6 years. I'd like to inform you I want to preserve my home park for many years to come. I think the new zoning district for mobile parks will be a good thing for my home park. After all, I can give my children a home and they can thrive in the future with a good education and a friendly neighborhood. Thank you in advance for your consideration and time, and for taking my letter into account.
Buenas tardes!!
A quien corresponda.

Por medió del presente les envío un cordial saludo esperando gocen de buena salud.

Mi correo es para pedirles su valiosa y muy apropiada intervención para que las zonificaciones se sigan haciendo a favor que nuestros parques de casas móviles y estos se preserven por muchísimos años más.

Saben en nuestros vecindarios, nos sentimos cómodos y muy augusto son casitas muy pequeñas pero dentro de ellas hay mucho amor y sacrificio para poder tenerlas.

Sin dudar de ustedes ponemos en sus manos nuestro futuro y un lugar seguro para seguir viviendo cómoda y dignamente de acuerdo a nuestro alcance.

Les damos las sinceras gracias por tomarse el tiempo de leernos.
Quedamos a sus ordenes la Familia Mejia.
Elaine Escor

Good afternoon!

To whom it may concern,

I hope this letter finds you well.

I’m writing to ask for your valuable and pertinent intervention to ensure that the zoning continues to be done in favor of our mobile home parks so we can preserve them for many more years.

We feel very comfortable living in our neighborhoods, even if our houses are tiny, because there's a lot of love within them and they represent the sacrifice we made to have them.

Undoubtedly, we’re placing our future in your hands and we hope we still have a safe place to live comfortably and decently, and within our reach.

Thank you for taking the time to read our messages.
The Mejia family is at your service.
We reside in Hickory Village.
Elaine Escor
Buenas noches estimadas autoridades de Fort collins. Por este medio me gustaria dar a conocer que yo soy residente de un parque de casas moviles (hickory village). En esta ocacion es mi compromiso hacerles saber a ustedes que gracias a las zonificaciones que se hacen en la ciudad se han mantenido nuestros vecindarios y esperamos por parte de ustedes nos ayuden a que estos duren muchos anos mas, en ellos tenemos un lugar seguro, digno y dentro de nuestras posibilidades economicas para que nuestras familias siguan creciendo y dando buenos frutos para nuestra ciudad. De ante mano les agradesco su tiempo y su buena voluntad de escuchar nuestra situacion.
Atentamente: Misdrain Perez

Dear authorities of Fort Collins, I'm writing to let you know that I'm a resident of a mobile home park (Hickory Village). My purpose this time is to inform you that the zoning in the city has helped to maintain our neighborhoods and we hope that you can help us make them last for many years. There we have a safe, decent, and affordable place where our families can continue to grow and deliver good results for our city. Thank you in advance for your time and for listening to our situation.
Sincerely, Misdrain Perez
A quien le corresponda, mi nombre es Yenni Rodríguez y el de mi esposo es Jesus Corona, yo vivo en Hickory Village Mobile home park, tengo 19 años viviendo en este lugar.

Quiero dejar saber que quiero preservar mi parqueadero por muchos años en el futuro y piendo que el Nuevo distrito de Zonificacion para los parque móviles va estar muy bien por mi parqueadero

Yo estoy muy contenta viviendo en esta área con mi familia tengo 3 hijos y son felices en este lugar, tengo el parque soft gold park cerca, las tienda y servicios que necesitamos somos felices aquí, no es posible para todos las personas comprar casa entre ellas, nosotros donde vivo estoy a gusto y esta dentro de mis posibilidades muchas gracias por considerar y tomar en cuenta mi carta

To whom it may concern, my name is Yenni Rodríguez and my husband's name is Jesus Corona. I've been living in Hickory Village Mobile Home Park for 19 years.

I'd like to let you know that I want to preserve my home park for many years to come. I think the new zoning district for mobile home parks will be a good thing for my home park.

I've been living very happily in this area with my family, I have 3 children and they're happy in this place. Also, the Soft Gold Park, stores, and other services we need are close by, so we're happy here. Not every family can buy a house, and we're one of them. I feel comfortable living here and I can afford it. Thank you for considering and taking my letter into account.
Katharine Claypool

From: Katharine Claypool
Sent: Thursday, October 15, 2020 3:14 PM
To: Katharine Claypool
Subject: FW: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Categories: P&Z

From: Jones, David
Sent: Tuesday, October 13, 2020 3:27:54 PM
To: Development Review Comments <devreviewcomments@fcgov.com>; Sharlene Manno <smanno@fcgov.com>; Ryan Mounce <RMounce@fcgov.com>
Cc: Jones, David
Subject: [EXTERNAL] Public comment on City-initiated request to rezone six properties containing manufactured housing communities

Hello
I would like to comment on this proposed action by the City. As it is described, I am against this blanket rezoning of all six properties to the proposed new MH zone.

I have read the staff report and the attachments contained in the agenda for this meeting, and I appreciate that MH can be part of a comprehensive solution to affordable housing needs in our community. I live at 115 North Roosevelt Avenue, about 1 block from the Cottonwood parcel and about 3 blocks from the North Star Parcel. I prepared these comments after walking the public streets surrounding these 2 parcels, reading over the agenda materials, speaking with neighbors, considering my past experience and observations regarding zoning by the City, and reading about response of Fort Collins residents to recently proposed MH developments (e.g., Sun Communities) in Fort Collins.

- I disagree that MH zone as proposed is “compatible with surrounding uses”. Cottonwood has NCL on 3 sides and North Star NCL on 2 sides. NCL is the most restrictive zoning in the city. A buffer is needed between the MH and the NCL, the most restrictive zoning in the city. This is proposed for North Star but there is no room on any sides for a buffer for the tiny Cottonwood parcel.
- According to Recommendation #3, p. 32, 2013 City of Fort Collins Affordable Housing Redevelopment Displacement Strategy:
  
  Draft a Manufactured Home Park Zoning District and rezone into that district those mobile home parks that are relatively large and can serve as significant sources of affordable housing for the long term without the need for significant infrastructure investment, as identified in subsection VII.B below. This district would also be available for voluntary rezonings by mobile home parks that were not recommended for mandatory rezoning because they contain less than 50 mobile/manufactured home spaces.

Cottonwood is by far the smallest at .77 ac and does not represent a significant source of affordable housing for the long term. The 2013 Strategy document also says that if a MH park contains less than 50 spaces, they would be voluntary rezoned. The 2013 report shows Cottonwood as having 13 units, 12 of them owner units. The area is not targeted for redevelopment, according to the 2013 City report.

Preserving substandard housing is not equivalent to preserving affordable housing.
• Apparent violation of building code and setbacks. City enforcement of existing code at Cottonwood is not evident. For Cottonwood, the front, side and back setbacks are not met. Zoning and building codes not met at all on some units – porches, railings, steps. Back of the lot being treated as front. City does not appear to enforce existing code at the parks. For Cottonwood, I seriously doubt that the standards that existed prior to 2017 (when the parcel was rezoned from Med Density Residential to LMN were ever observed or enforced. This place looks like something I might expect out in the County somewhere, but not in Fort Collins as a small parcel surrounded predominantly by NCL.

• WRT compatibility with the surrounding area, all the other proposed MH parcels are surrounded by LMN, some type of commercial, or a little RL. NCL up against the proposed land use in the long run is not compatible.

• Neither the property owner nor the city appear to be investing at all in the properties as part of the neighborhood and city infrastructure. Street trees have been cut down years ago and never replanted, sidewalks substandard or don’t exist. Frankly Cottonwood is an eyesore.

• It seems the City is trying to meet its goals for low income housing but what I see in the case of Cottonwood is that the proposed change would preserve substandard housing. Many of the units appear abandoned or unoccupied, with numerous boarded up windows or broken windows. This makes me think that the use of % units owned is a very poor and misleading metric. The City’s documents show Cottonwood as 12 out of 13 units owned and only 1 rented. The city says they are very interested in “reinvestment in existing mobile home parks” (language from staff report) but I see no investment at all in this property by anyone. No wonder it appears to have a number of unoccupied and unmaintained trailers.

Of the 2 parcels in my neighborhood I think the North Star rezone may make more sense as it already abuts commercial on one side, and would have an LMN buffer on the south side along LaPorte Ave. However, I think incompatibility with NCL is still a concern.

These comments are not NIMBY, as I have never been bothered by the MH parks, and have been at my current address for over 20 years. However, I’ve always figured that in the long run, they would be redeveloped to modern standards. Also, I guess I never realized how run down Cottonwood is. As evidenced by the lack of attention to past and current codes and setbacks, and negligence by both the landowners and the City, I have no reason to believe that the picture would improve or not simply continue to deteriorate under the proposed rezoning. My comments do reflect on significant differences related to the locations of these nearby parcels proposed for rezoning and implications for long-term redevelopment of them and the neighborhood.

The city prevents responsible homeowners in our neighborhood from renting out basements, even if they were historically zoned as multi-family, ignoring the potential of rental basements that are already a big part of our neighborhoods to be a significant source of infill and affordable housing. Yet, at the same time, the city is enabling substandard and nonconforming uses without enforcement within the current LMN at Cottonwood. This situation and proposal erodes trust in the ability of City staff to both adhere to the spirit or established plans or enforce existing zoning/codes.

I appreciate the sincere effort and good work being done by the City and the opportunity to comment on this issue.

Regards
Dave

__________________________

David S. Jones
RA IV, Ecologist/Project Manager
Warner College of Natural Resources
Colorado State University, Fort Collins, CO 80521
Office/mobile: 970-556-9871
Hola, mi nombre es Maria Paramo y yo vivo en HARMONY VILLAGE MOBILE HOME PARK. yo eh vivido aquí por 12 años.
Quiero decir que yo quiero preservar mi parqueadero por muchos años mas en el futuro y pienso que el nuevo distrito de zonificación para los parques móviles va estar muy bien por mi parque y el lugar donde yo vivo quiero quedarme aquí por que es el hogar de mis hijos tengo la clinica de cercas y el hospital de emergencia y esta mi trabajo muy cercas de aquí yo soy madre soltera y tener mi trabajo cercas es un beneficio para mi la escuela para mis hijos me funciona muy bien para mi todo esta al alcance de mis posibilidades para mi y mi familia.
Agradezco mucho su consideración y tomar en cuenta mi carta y mis razones

Hi, my name is Maria Paramo and I live in HARMONY VILLAGE MOBILE HOME PARK. I have lived here for 12 years. I want to preserve my park for many years to come and I think that the new zoning district for the mobile parks will be very good for my park and the place where I live I want to stay here because it is my children's home, I have the fence clinic and the emergency hospital and my job is very close to here.

I thank you very much for your consideration and for taking my letter and my reasons into consideration
Hola mi nombre es Olivia Flores vivo en Hickory park e vivido en este lugar por 24 años mis hijos crecieron en este lugar recientemente emos escuchando sobre cambios en este lugar como residente de este lugar me gustaría que continuara cómo un lugar de casas mobiles. Gracias por tomar mi opinión. Olivia Flores

Hello my name is Olivia Flores I live in Hickory park and have lived here for 24 years my children grew up here recently we have been hearing about changes in this place. As a resident of this place I would like it to continue as a mobile home place. Thank you for your consideration to my opinion. Olivia Flores
Autoridades correspondientes!

Les envío un saludo.

Esta ocasión me dirijo a ustedes para pedir su ayuda e intervención en las zonificaciones donde se ven involucrados los parques de casas móviles, para que nos ayuden a que no sean removidos por muchos años más.

Esas casitas móviles son nuestro único patrimonio de años de trabajo y sacrificio. Pero es un lugar seguro para nuestras familias.

Hemos vivido ahí por más de 20 años y si esto desaparece no tendremos a donde ir, ni un lugar que pagar.

Gracias por leer nuestras preocupaciones, ojalá y nos ayuden a la conservación de estos espacios.

Soy Santos Hernandez de Hickory Village

Corresponding authorities!

I send you a greeting.

This time I am asking for your help and intervention in the zoning where the mobile home parks are involved, so that you can help us not to remove them for many years to come. These mobile homes are our only heritage of years of work and sacrifice. But it is a safe place for our families.

We've lived there for over 20 years and if this goes away we'll have nowhere to go, nowhere to pay.

Thanks for reading our concerns, hopefully they will help us to preserve these spaces.

I am Santos Hernandez from Hickory Village
Hola mi soy la señora Chavez, yo vivo en Hickory village por varios años me gusta vivir en este tipo de vivienda por que es lo que ajusta a nuestros presupuestos y mis hijos les gusta el area donde se encuentra ubicado nuestro hogar y la escuela a la que asisten por que asisten a escuelas que hablan su primer idioma el español que para nosotros es muy importante que preserven su idioma primario por eso para nosotros es de mucha importancia zonificacion de este distrito de casas mobiles por que el simple echo de pensar que estas casas desaparecieran sería un cambio que nos afectaría drásticamente en todos los niveles!! agradezco la atención que preste a la misma y tomen en cuenta lo importante que es para nosotros nuestros parques móviles!!

Hello my name is Mrs. Chavez, I live in Hickory village for several years. I like to live in this type of housing because it is what fits our budgets and my children like the area where our home is located and the school they attend because they attend schools that speak their first language, Spanish. That for us is very important to preserve their primary language. The zoning of this district of mobile homes is very important for us because of the simple fact of thinking that these houses disappear would be a change that would affect us dramatically at all levels!! I appreciate your attention to it and consider how important our mobile home parks are to us!!
Hello,

My name is Claudia and I live in Hickory Village Mobile Home Park. I have lived here for 16 years. I would like to say that I would like for my mobile home park to be preserved for many years. And I think the new zoning district for mobile home parks will be very beneficial for my park. Because my family will be better protected. We have lived here for 16 years and it has been great. The mobile home park is very peaceful and nice, and we would love to be here for many more years.

I appreciate your consideration and thank you so much for taking our comments into consideration.

Thank you
- Public hearing requesting a change in zoning designation for the Pleasant Grove manufactured housing community (MHC)
  - Current zoning: Low Density Mixed-Use Neighborhood (LMN) district
  - Proposed zoning: Manufactured Housing (MH) district
- Rezoning initiated by the City
- Quasi-judicial rezonings

Rezonings are proposed as part of a series of City and State actions to preserve manufactured housing and improve resident protections and livability.
Pleasant Grove – 517 E Trilby Rd

- Annexed 2010
- Prior Zoning Designations:
  - LMN (current)
Monthly Housing Costs Spectrum

$400 $600 $800 $1000 $1200 $1400 $1600 $1800 $2000 $2200 $2400 $2600

Manufactured Homes
$450 - $1200

Affordable (30% - 80% AMI)
$650 - $1700

Attainable (80% - 120% AMI)
$1700 - $2300

Market-Rate
$1900 +

Avg. Apartment Rent: $1,400 (2019)

Median Home Price: $450,000 (June 2020)

Notes:
General ranges, does not distinguish between rental/ownership, unit size, age, etc.
AMI – Area Median Income (Housing & Urban Development, 3-person household)
Rezoning Criteria

- Quasi-judicial rezoning requests governed by LUC 2.9.4. Proposed rezonings must be:
  1. Consistent with the comprehensive plan; and/or
  2. Warranted by changed conditions within the neighborhood

- Additional factors which may be considered:
  3. Rezoning is compatible with existing and proposed uses; appropriate zone district for the land
  4. Adverse impacts on the natural environment
  5. Results in a logical and orderly development pattern
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.2 – Supply of Attainable Housing

Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other “missing middle” housing types.

- Rezoning encourages preservation of some of the most affordable housing options in the community
- Manufactured housing is limited and diminishing in Fort Collins. Represents fewer than 2% of the community’s housing stock
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (policies)

LIV 5.5 – Integrate and Distribute Affordable Housing

Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.

- Rezoning for preservation helps protect limited options for manufactured home living in different areas of the community

- If a park closes it can create geographic gaps for this type of housing and price point in Fort Collins (especially south/southeast Fort Collins)
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.4 – Permanent Supply of Affordable Housing

Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.

- New MH zone district and rezonings encourage the retention of manufactured housing, an important source for private affordable housing
Criteria 1 – Consistency with comprehensive plan (policies)

LIV 6.9 – Prevent Displacement

Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.

- Five MHCs have closed in Fort Collins in recent decades primarily to redevelopment. Lead to loss of hundreds of units and resident displacement.
- Rezoning provides an important policy signal that manufactured housing is supported and encouraged in the community. Rezoning may also encourage or facilitate future options, such as Resident Owned Communities (ROC).
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Land Use guidance provided by Structure Plan map ‘place types’
- Place types provide general development characteristics for different areas of the community and are used to inform zoning decisions.

- Examples of guidance provided:
  - Principal and supporting land uses
  - Density/intensity
  - Access to services / transportation options
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

Pleasant Grove designated under the Mixed Neighborhood place type. Key characteristics of this place type:

- Primarily residential; encourages variety of housing types
- Some neighborhoods have direct access to retail and services
- Moderate intensity (5-20 dwelling units/acre)
- Discourages redevelopment of existing MHCs

"While reinvestment in existing mobile home parks is encouraged, redevelopment of existing parks is not"

- Commonly overlaps with LMN district on the Zoning Map
Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Proposed MH rezoning closely matches key characteristics of the Mixed Neighborhood place type:
  - Mixed Neighborhood place type land uses are inclusive of MH land uses
  - MH intensity (6-12 units/acre) sits within the lower range of the Mixed Neighborhood density range
  - Mixed Neighborhood discourages MHC redevelopment – intent and goal of the MH zone district
Rezoning Analysis

Criteria 1 – Consistency with comprehensive plan (Structure Plan)

- Additional factors from City Plan

  Future zone changes should generally adhere to the place-type boundaries depicted on the Structure Plan, but flexibility in interpretation of the boundary may be granted provided the proposed change is consistent with the principles, goals and policies contained in this Plan. Density ranges outlined for each place-type category are based on gross acreage and are intended to address overall densities for a particular area rather than for individual parcels.

- Strong consistency with City Plan principles and policies
Criteria 2 – Changed conditions within neighborhood

β Rezoning proposed based on compliance with comprehensive plan and not any changed conditions within specific neighborhoods
Criteria 3 – Compatible with existing / proposed uses

- Rezoning encourages continuation of existing development patterns:
  - Site surrounded primarily by low to medium density residential development (north/west) and undeveloped land
  - MH district features similar or stricter standards for building height, nonresidential building size, and setbacks
  - MH encourages the continuation of established land uses
Criteria 4 – Impact on natural environment

Rezoning is not anticipated to have a significant impact on natural environment; additional redevelopment is not encouraged.
Criteria 5 – Logical and orderly development patterns

- Rezoning does not have a significant impact on development patterns
  - Site and immediate context are generally already developed. Undeveloped land located to the south/east.

- Preserving manufactured housing and affordable housing options supports elements of Fort Collins growth framework to:
  - Prevent displacement & strengthen neighborhood and social ties
  - Provides affordable housing opportunities for a range of incomes
  - Balance opportunities jobs/housing and reduce and mitigate regional commuting due to housing costs
Rezoning Process

Develop MH Zone District – Land Use Code Updates
§ Resident, owner/manager & Board and Commission meetings (Spring/Summer)
  § MH district adopted by Council (August)

Rezoning Process
§ Neighborhood meetings & notices – September
§ Planning and Zoning Board Recommendation – November
§ City Council First & Second Reading - December
Rezoning Outreach

Land Use Code Updates – MH District (Spring/Summer)
- Spring/Summer virtual meetings, Board & Commission meetings, hearings
- Ongoing email/phone conversations with most property owners

Rezoning Outreach
- Ourcity webpage – rezoning resources & notices
- Ongoing email/phone conversations with most property owners
- First property owner/resident mailing – August 20th
- Neighborhood Meetings - September 2nd & September 12th
- Mi Voz Resident Group – September 9th
- Certified mail notices (select properties w/o direct communication) – September 18th
- NFCBA presentation – September 23rd
- Second property owner/resident mailing – October 1st
City & GMA Manufactured Housing Communities

Proposed rezonings (red circles)
## M-H Zone District

### Permitted Land Uses

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>INSTITUTIONAL / MISC.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mfr. Housing Community</td>
<td>Places of worship</td>
<td>Accessory buildings</td>
</tr>
<tr>
<td>Group Homes</td>
<td>Childcare</td>
<td>Accessory uses</td>
</tr>
<tr>
<td>Domestic violence shelter</td>
<td>Adult day/respite center</td>
<td>Urban agriculture</td>
</tr>
<tr>
<td>Extra occupancy rentals</td>
<td>Community facilities</td>
<td>Wireless telecom. equipment</td>
</tr>
<tr>
<td></td>
<td>Parks / Nbhd. Recreation</td>
<td></td>
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<tr>
<td></td>
<td>Seasonal shelters</td>
<td></td>
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</tbody>
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Packet Pg. 724
M-H Zone District

Zone Standards

- Set base levels for intensity, compatibility, safety
- Designed to reduce nonconformities (match existing development)
- General Development Standards (Article 3) also apply

Density: 6 – 12 dwelling units per acre
Setbacks: 15’ front, 10’ side/rear, 10’ between units
Height: 3-stories max.
Footprint: 5,000 sf max. (nonresidential)
Parking: 1-space per unit in manufactured housing community
Permitted Uses Comparison

**M-H District**
- Option A – 17 land uses; Option B – 20 land uses identified
- Density: 6 – 12 units/acre
- 3-story height limit

<table>
<thead>
<tr>
<th>CS</th>
<th>LMN</th>
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<tbody>
<tr>
<td>95 permitted uses; mostly commercial</td>
<td>43 permitted uses; mostly residential</td>
</tr>
<tr>
<td>No density maximum</td>
<td>Maximum density of 9 dwelling units/acre (12 if affordable)</td>
</tr>
<tr>
<td>3-story height limit</td>
<td>3-story height limit</td>
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Attachment: Powerpoint Presentation (9704 : Rezone - Pleasant Grove)
ORDINANCE NO. 160, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS BY CHANGING THE ZONING CLASSIFICATION FOR THAT CERTAIN PROPERTY KNOWN AS THE PLEASANT GROVE MANUFACTURED HOUSING COMMUNITY REZONING

WHEREAS, Division 1.3 of the Fort Collins Land Use Code (the “Land Use Code”) establishes the Zoning Map and Zone Districts of the City; and

WHEREAS, Division 2.9 of the Land Use Code establishes procedures and criteria for reviewing the rezoning of land; and

WHEREAS, City Council seeks to preserve and support existing manufactured housing communities in Fort Collins such as the Pleasant Grove Manufactured Housing Community (“Pleasant Grove”); and

WHEREAS, in accordance with the foregoing, the City Council has conducted a public hearing, considered the Staff Report, the Planning and Zoning Board recommendation and the findings, and the evidence from the public hearing and has determined that the property that is the subject of this Ordinance should be rezoned as hereinafter provided; and

WHEREAS, the City Council has further determined that the proposed rezoning is consistent with the City’s Comprehensive Plan as required by Section 2.9.4(H)(2) of the Land Use Code; and

WHEREAS, to the extent applicable, the City Council has also analyzed the proposed rezoning against the considerations established in Section 2.9.4(H)(3) of the Land Use Code and determined that the proposed M-H zoning (a) is compatible with existing and proposed uses surrounding the subject property and is an appropriate zone district for the property; (b) is not anticipated to significantly impact the natural environment; and (c) represents a logical and orderly development pattern.

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

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 Zoning Map adopted by Division 1.3 of the Land Use Code is hereby amended by changing the zoning classification from Low Density Mixed Use (“LMN”) Zone District, to the newly created Manufactured Housing Community (“M-H”) Zone District, for the following described property in the City known as Pleasant Grove.

TR IN NW 1/4 13-6-69 COM AT N 1/4 COR, TH ALG E LN NW 1/4 S 0 16’ 8” E 40 FT TPOB, S 0 16’ 8” E 316.5 FT, N 89 46’ 40” W 423.82 FT, S 0 16’ 8” E 120 FT, N 89 46’ 40” W 488.73 FT, N 0 16’ 8” W 120 FT, N 89 46’ 40” W 633.1

Section 3. That the property known as the Pleasant Grove shall remain included in the Residential Sign District adopted pursuant to Section 3.8.7.1(M) of the Land Use Code.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.
Introduced, considered favorably on first reading, and ordered published this 1st day of December, A.D. 2020, and to be presented for final passage on the 15th day of December, A.D. 2020.

Mayor

ATTEST:

_____________________________
City Clerk

Passed and adopted on final reading on this 15th day of December, A.D. 2020.

Mayor

ATTEST:

_____________________________
City Clerk
Consideration of an Appeal of a Landmark Preservation Commission Decision Determination that 724 and 726 South College Avenue are Eligible for Designation as a Fort Collins Landmark.

EXECUTIVE SUMMARY

The purpose of this item is to consider an appeal of the September 16, 2020 Landmark Preservation Commission’s determinations of landmark eligibility for 724 and 726 South College Avenue, which found that both primary residential buildings meet the Fort Collins Municipal Code (“City Code”) requirements for landmark designation based on architectural significance and historic physical integrity. On September 30, 2020, a Notice of Appeal was filed alleging that the Landmark Preservation Commission (LPC) failed to properly interpret and apply City Code Section 14-22 in rendering a final decision.

BACKGROUND / DISCUSSION

SUMMARY OF LANDMARK PRESERVATION COMMISSION HEARING

Subject: The subject of the hearing was the evaluation of the buildings at 724 and 726 South College Avenue to determine each property’s eligibility for designation as a Fort Collins landmark according to the eligibility requirements contained in City Code Section 14-22. A staff decision on this matter was issued on July 1, 2020, finding that both properties meet the eligibility requirements for significance and integrity. That decision was based on information provided in historic property survey documents produced by an independent, professional contractor, as required by City Code. Properties associated with potential development applications that contain buildings at least 50 years old are subject to landmark eligibility evaluation as an application pre-submittal requirement, as outlined in Land Use Code Section 3.4.7(C), Determination for Eligibility as a Fort Collins Landmark. The City Code allows for an appeal of a staff decision regarding eligibility. The property owner appealed the initial determinations of eligibility to the LPC on July 7, 2020.

The LPC’s sole consideration was the evaluation of the properties’ eligibility for designation as Fort Collins landmarks. While the implications of the results of that evaluation include how the existing buildings would be treated as historic resources under the Land Use Code, the LPC did not consider or review a proposed development application for the properties, and the members did not discuss how the Land Use Code or approved modifications of standards might be applied to the properties.

Although the properties’ state of repair was raised during the hearing, the LPC’s findings, as required by City Code, assessed only whether each building retains its original materials and important features and whether those materials and features have the potential for rehabilitation.
City Code Requirements: The LPC’s evaluation of 724 and 726 South College was governed by City Code Section 14-22, Standards for determining the eligibility of sites, structures, objects, and districts for designation as landmarks or landmark districts. Section 14-22 establishes that a property or district must possess significance under at least one of four criteria for significance (events, persons/groups, design/construction, or information potential) and must also possess integrity, i.e. the ability to convey any established significance through existing, related physical characteristics. Integrity is evaluated based on seven aspects as noted in the City Code: location, design, setting, materials, workmanship, feeling, and association. All seven are not required “as long as the overall sense of past time and place is evident.”

Decision and Findings: To arrive at findings for de novo determinations regarding the properties’ eligibility status, the LPC considered the properties’ intensive-level survey documents that were the basis for staff’s determinations of eligibility, as well as additional information from staff and the appellant regarding the properties’ history, current condition, history of evaluation, and discussion of professional methodology that is commonly used to evaluate historic properties in Fort Collins and for the National Register of Historic Places.

On a vote of 5-1, the LPC found both properties meet the requirements for eligibility for landmark designation based on the following findings (Motions in verbatim transcript on page 36, 1-14; page 41, 25-36)

- Both properties are significant under Criterion (3) Design/Construction, with the following features highlighted in their motions:
  - Both buildings are good examples of Fort Collins vernacular wood frame dwellings
  - Both buildings are products of local builder’s experience, available resources, and response to the local environment
  - Both exhibit a variety of application of wood materials
  - Both building designs include additional decorative wood detailing that reflects the local builder’s design sensibility and workmanship
  - 724 South College was recognized as an example of early twentieth-century balloon-frame construction method
  - Simple design elements on 726 South College were highlighted (on porch, balusters, diamond pattern under gable, lead glass transom)

- Both properties exhibit sufficient integrity to convey their architectural significance, including the three primary considerations for properties in the category of Design/Construction, which are integrity of original design, workmanship, and materials
  - All seven aspects of integrity are met
  - College Avenue has been altered with time, but the residential character along the street frontage at the properties is intact in terms of setting, feeling, and association
  - 726 S College has been bounded by the residence at 724 South College on the north since construction and by a commercial building on the south since the 1920s

- The garage building associated with 724 South College was found not to be eligible as a historic resource based on lack of both architectural significance and integrity.

The dissenting member of the LPC stated that the properties’ overall loss of residential setting at the block level, versus at the property level, was the basis for her dissenting vote.

Note: A verbatim transcript of the LPC’s hearing on this item is part of the record provided to Council for this appeal.

APPEAL ALLEGATION

The Notice of Appeal alleges that the LPC failed to properly interpret and apply City Code Section 14-22 - Standards for determining the eligibility of sites, structures, objects and districts for designation as landmarks or landmark districts.

Page 3 of the Notice of Appeal states the Appellant’s primary objection to the LPC’s decision is based on the allegation that the buildings are not significant examples of a building style and architecture and that the buildings do not retain sufficient integrity.
The Notice of Appeal includes several points related to the primary allegation. A list of those points with related information in the record is provided below.

- “The Properties were explicitly not included in the Laurel School Historic District immediately adjacent to the Properties, which contains substantially similar and better maintained examples of the significant aspects alleged by the LPC, and we are not aware of any other intended historic district expansion or new district to encapsulate the Properties.” (Notice of Appeal, page 3)
  - The Laurel School National Register Historic District, established in 1980, contains no properties located along College Avenue. The western district boundary was drawn east of the two properties along the alley to reflect and follow the residential zone district boundary. Related information in the record is found at: Verbatim transcript page 2, 17-19; page 11, 14-21 and 30-38.

- “The 2020 decisions also came after multiple prior determinations of non-landmark status since the 1980s, each having confirmations from the city and professionals that the Properties and Buildings were not historic and do not meet the qualifications set forth in the Code.” (Notice of Appeal, page 3)
  - Since 1980 and prior to the current 2020 determinations, these properties have received one official determination that the properties are not eligible for landmark designation, which was in 2014. A 1998 field reconnaissance survey project provided field determinations that both properties are eligible for the National Register. Related information in the record can be found at: Verbatim transcript page 2, 38-44; page 3, 1-7.

- “We would contend that no new events or circumstances have arisen since the last LPC determination in 2014 that deemed the Properties ineligible for landmark or historic status.” (Notice of Appeal, page 4)
  - There have been several pertinent code and procedural changes since 2014. Since the revised code adoption in March 2019, all determinations of eligibility are established with intensive-level assessments conducted by third-party experts. Information in the record related to this change can be found at: City Code Section 14-23(a); Verbatim transcript, page 3, 12-21; page 21, 25-34.
  - Information in the record related to the removal of “context” from City Code in 2019 can be found at: Verbatim transcript page 3, 12-21; page 4, 27-32; page 19, 4-36; page 22, 35-38; page 23, 1-8.
  - Information in the record about procedural changes in 2019 regarding decision makers for determinations of eligibility can be found at: Verbatim transcript, page 2, 43-44; page 3, 1-5.

- “As it relates to the discussions of significance and integrity, the LPC contends that the Properties retain integrity under all 7 aspects, as noted in the Code, contradicting previous determinations that integrity of Setting, Feeling, and Association had been compromised and, therefore, the Properties did not meet the aforementioned qualifications.” (Notice of Appeal, page 4)
  - Information in the record related to City Code requirements for the evaluation of integrity and the relative importance of the seven aspects of integrity can be found in the record at: City Code Section 14-22(b); Verbatim transcript, page 20, 10-19.
  - The question of whether the setting is generally retained generated discussion by the LPC based on whether the immediate setting on the property or the broader setting of the block or immediate neighborhood is of primary importance, as well as the degree to which consideration of the aspect of setting impacts an overall determination of eligibility. (Verbatim transcript, page 25, 25; page 26, 34-38; page 27, 1-29; page 29, 1-8; page 29, 37-41; page 30, 1-18; page 37, 18-25; page 38, 4-14; page 40, 36-38; page 42, 18-34; page 43, 1-4)

- “As the previous determinations noted that Properties lacked significance for individual eligibility, staff’s contention that integrity of Design, Materiality, and Workmanship should have been considered secondary
to integrity of Setting, Feeling, and Association.” (Notice of Appeal, page 4)

- Staff guidance for the LPC was based on the standard federal guidance regarding the evaluation of integrity for the Design/Construction category and can be found in the record at: Verbatim transcript, page 20, 8-27.

- “Specifically, in regards to the uniqueness and quality of workmanship, the evidence of those qualities have long since decayed to a level that the Buildings are no longer adequately represent our early architecture pioneers and some of the enduring architectural features our commercial and residential buildings still embody today.” (Notice of Appeal, page 4)

- Historic evaluations consider condition of repair as separate, but related issues. Information in the record related to the impact of condition, or current state of repair, on an evaluation of integrity can be found at: Verbatim transcript page 5, 43-44; page 6, 1-10.

The Notice of Appeal also includes several discussion points that are not directly related to City Code Section 14-22. These relate to how the determinations of eligibility might impact the future review of a proposed redevelopment of the site.

**ATTACHMENTS**

1. Public Notices with Parties of Interest List (PDF)
2. Notice of Appeal (PDF)
3. Staff Report to Landmark Preservation Commission (PDF)
4. Staff Presentation to Landmark Preservation Commission (PDF)
5. Correspondence by Parties of Interest (PDF)
6. Applicant Presentation to Landmark Preservation Commission (PDF)
7. Verbatim Transcript, September 16, 2020 (PDF)
8. Link to Meeting Video (PDF)
9. Powerpoint Presentation (PDF)
City Clerk’s Public Hearing Notice
Site Visit Notice
Mailing List
# LANDMARK PRESERVATION COMMISSION

## Visitor Log

*This meeting was conducted remotely. The Secretary filled out the visitor log.*

**DATE:** 9-16-20

<table>
<thead>
<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>Email and/or Phone</th>
<th>Reason for Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicole R. Ament</td>
<td>410 17th Street, Ste 2200</td>
<td><a href="mailto:NAment@BHFS.com">NAment@BHFS.com</a></td>
<td>Attorney for Item 3 Appellant</td>
</tr>
<tr>
<td>Brownstein Hyatt Farber Schreck, LLP</td>
<td>Denver, CO 80202</td>
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<td></td>
</tr>
<tr>
<td>Michael LaFlash</td>
<td>---</td>
<td><a href="mailto:mlaflash@heritage-consulting.com">mlaflash@heritage-consulting.com</a></td>
<td>Consultant for Item 3 Appellant</td>
</tr>
<tr>
<td>Heritage Consulting Group</td>
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<tr>
<td>Mick McDill Todd Rosenzweig</td>
<td>718 South College Avenue</td>
<td>drmcд<a href="mailto:ill@alpinedentalhealth.com">ill@alpinedentalhealth.com</a></td>
<td>Property owners for Item 3</td>
</tr>
<tr>
<td>Gannett Properties LLC</td>
<td>Fort Collins, CO 80524</td>
<td></td>
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</tr>
<tr>
<td>Todd Rosenzweig</td>
<td>718 South College Avenue</td>
<td><a href="mailto:drrosenzweig@alpinedentalhealth.com">drrosenzweig@alpinedentalhealth.com</a></td>
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<tr>
<td>Gannett Properties LLC</td>
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<tr>
<td>Ron Sladek, Tatanka Historical Associates, Inc</td>
<td>---</td>
<td><a href="mailto:Tatanka@frii.com">Tatanka@frii.com</a></td>
<td>Consultant for Bill Robb Context Study</td>
</tr>
<tr>
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<td>332 East Second Street,</td>
<td>(970) 219-9155</td>
<td>Subject matter expert, Item 3</td>
</tr>
<tr>
<td></td>
<td>Loveland, CO 80537</td>
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<tr>
<td>Susan Downing, graduate student in historic preservation at the University of Colorado-Denver.</td>
<td></td>
<td></td>
<td>Assisting with Bill Robb Context Study</td>
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</tbody>
</table>

**THIS IS A PART OF THE PUBLIC RECORD**

Please contact Gretchen Schiager at 970-224-6098 or gschiager@fcgov.com if you inadvertently end up with it. Thank you!
### Parties in Interest Mailing List

<table>
<thead>
<tr>
<th>Name</th>
<th>Company</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicole R. Ament</td>
<td>Brownstein Hyatt Farber Schreck, LLP</td>
<td>Denver</td>
<td>CO</td>
<td>80202</td>
</tr>
<tr>
<td>Mick McDill</td>
<td>Gannett Properties LLC</td>
<td>Fort Collins</td>
<td>CO</td>
<td>80524</td>
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<tr>
<td>Todd Rosensweig</td>
<td>Gannett Properties LLC</td>
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<td>CO</td>
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<tr>
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<td>Retrospect</td>
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<tr>
<td>Ron Sladek</td>
<td>Tatanka Historical Associates, Inc.</td>
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<td>CO</td>
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<tr>
<td>Michael LaFlash</td>
<td>Heritage Consulting Group</td>
<td>Philadelphia</td>
<td>PA</td>
<td>19118</td>
</tr>
<tr>
<td>Gwen Denton</td>
<td>N/A</td>
<td>Loveland</td>
<td>CO</td>
<td>80538</td>
</tr>
</tbody>
</table>
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Notice of Appeal

Filed by
Nicole R. Ament, Esq.
September 30, 2020
NOTICE OF APPEAL

Action Being Appealed: Denial of the property owner's appeal of the determination of eligibility as landmarks for 724 & 726 S College

Date of Action: 09/16/2020 Decision Maker: Landmark Preservation Commission

Appellant/Appellant Representative (if more than one appellant):

Name: Nicole R. Ament, Esq. Phone #: (303) 223-1174

Address: 410 17th Street, Suite 2200
Denver, Colorado 80202

Email: nament@bhfs.com

INSTRUCTIONS

For each allegation marked below, attach a separate summary of the facts contained in the record which support the allegation of no more than two pages, Times New Roman 12-point font. Please restate allegation at top of first page of each summary.

GROUNDS FOR APPEAL

The Decision Maker committed one (1) or more of the following errors (check all that apply):

✔ Failure to properly interpret and apply relevant provisions of the City Code, the Land Use Code, and Charter. List relevant Code and/or Charter provision(s) here, by specific Section and subsection/subparagraph:

Municipal Code Sec. 14-22 - Standards for determining the eligibility of sites, structures, objects and districts for designation as landmarks or landmark districts.

Failure to conduct a fair hearing in that:

☐ (a) The Board, Commission, or other Decision Maker exceeded its authority or jurisdiction as contained in the Code or Charter. [New evidence not allowed]

☐ (b) The Board, Commission or other Decision Maker substantially ignored its previously established rules of procedure. [New evidence not allowed]

☐ (c) The Board, Commission or other Decision Maker considered evidence relevant to its findings which was substantially false or grossly misleading. [New evidence allowed]

☐ (d) The Board, Commission or other Decision Maker improperly failed to receive all relevant evidence offered by the appellant. [New evidence allowed]

☐ (e) The Board, Commission or other Decision Maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Decision Maker’s independence of judgment. [New evidence allowed]

NEW EVIDENCE

All new evidence the appellant wishes Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) calendar days after the deadline for filing a Notice of Appeal and must be clearly marked as new evidence. No new evidence will be received at the hearing in support of these allegations unless it is submitted to the City Clerk by the deadline (7 days after the deadline to file appeal) or offered in response to questions posed by Councilmembers at the hearing.
**APPELLANTS**

*Parties-in-interest* have the right to file an appeal.

A party-in-interest is a person who, or organization which, has standing to appeal the final decision of a board, commission or other decision maker. Such standing to appeal is limited to the following:

- The applicant.
- Anyone who owns or occupies the property which was the subject of the decision made by the board, commission or other decision maker.
- Anyone who received the mailed notice of, or spoke at, the hearing of the board, commission or other decision maker.
- Anyone who provided written comments to the appropriate City staff for delivery to the board, commission or other decision maker prior to or at the hearing on the matter that is being appealed.
- A City Councilmember.

**Signature:** [Signature]

**Name:** Nicole R. Ament

**Email:** nament@bhfs.com

**Address:** 410 17th St., Ste. 2200, Denver, CO 80202

**Phone #:** (303) 223-1174

**Date:** 09/30/2020

Describe how you qualify as a party-in-interest:

Appellant spoke at the hearing of the Commission and is counsel to the owners of the subject property.

**Signature:**

**Name:**

**Email:**

**Address:**

**Phone #:**

Describe how you qualify as a party-in-interest:

**Signature:**

**Name:**

**Email:**

**Address:**

**Phone #:**

Describe how you qualify as a party-in-interest:

**ATTACH ADDITIONAL SIGNATURE SHEETS AS NECESSARY**

Form updated 4/22/2020
Failure to properly interpret and apply relevant provision of the City Code, the Land Use Code, and Charter – Municipal Code Sec. 14-22

At their September 19, 2020 meeting, The Landmark Preservation Commission (“LPC”) determined the subject properties located at 724 & 726 S. University Avenue, Fort Collins, CO (“Properties”), and, specifically, the two residential structures thereon (“Buildings”), possessed the requisite “significance” and “integrity” required under Municipal Code Sec. 14-22 (“Code”), and were thus eligible for landmark status. The applicant and owners of the Properties maintain and agree with the prior determinations of the LPC which found that the Properties and Buildings do not meet the requirements for landmark status and are not historically significant, and further assert that the LPC failed to properly interpret and apply the Code.

Under the Code, buildings eligible for landmark designation must possess both significance and integrity with characteristics satisfying each of these prongs included and evident. In asserting the novel idea that the Buildings are eligible as landmarks, the LPC and staff relied upon the purported significant historical design and/or construction value of the Buildings on the Properties under the Code Subsection (a)(3) – as they purported the Buildings serve as examples of early-20th century wood-frame vernacular single-family houses. The report and survey also note, despite the evident decay of the Buildings, that the integrity of such historic value is not diminished and retains the integrity of design, materials and workmanship required under the Code.

We disagree on both items. The Buildings are not significant examples of a building style and architecture that is still evident throughout the City and State. Further, we hope councilmembers will take the time to visit the Properties, as the poor condition is better visualized beyond the pictures supplied in the LPC staff’s report. The Properties were explicitly not included in the Laurel School Historic District immediately adjacent to the Properties, which contains substantially similar and better maintained examples of the significant aspects alleged by the LPC, and we are not aware of any other intended historic district expansion or new district to encapsulate the Properties.

The initial determination by staff of the latest eligibility was released earlier in 2020. This determination was based on reports produced by city staff and historic surveys of the Properties and Buildings conducted by 3rd party contractors, with a single surveyor responsible for compiling the evidence that the staff interpreted as in favor of eligibility. The 2020 determination is adverse to the Property owner’s intended revitalization of the Properties and only came after initial documentations of the Property owner’s intended redevelopment project came to light. If the eligibility of the Properties was to stand, it would trigger additional requirements and conditions to development noted in Municipal Code Section 3.4.7 that would be unduly burdensome on the Property owners and make the owners’ intended development impossible.

The 2020 decisions also came after multiple prior determinations of non-landmark status since the 1980s, each having confirmations from the city and professionals that the Properties and Buildings were not historic and do not meet the qualifications set forth in the Code. A severe diminishment of integrity of Setting, Feeling, and Association, resulting from decades of redevelopment directly adjacent to and surrounding the Properties, played a significant role in previous determinations.
Property owner’s relied on these prior determinations in moving forward with their project. We would contend that no new events or circumstances have arisen since the last LPC determination in 2014 that deemed the Properties ineligible for landmark or historic status. The reports presented by staff did not provide any new information with regard to landmark criteria from that available when LPC previously determined the properties ineligible, and thus the reversal is arbitrary and without justification. The same structures and buildings existed and were reviewed by staff and/or 3rd parties in the same manner. If anything, the Buildings and Property have only continued to decay during the past 5 years.

As it relates to the discussions of significance and integrity, the LPC contends that the Properties retain integrity under all seven aspects, as noted in the Code, contradicting previous determinations that integrity of Setting, Feeling, and Association had been compromised and, therefore, the Properties did not meet the aforementioned qualifications. Perhaps most importantly, however, was LPC’s determination of significance under Criterion 3 in the area of architecture. As the previous determinations noted that the Properties lacked significance for individual eligibility, staff’s contention that integrity of Design, Materiality, and Workmanship should have been considered secondary to integrity of Setting, Feeling, and Association.

The owners of the Properties and the applicant hold that neither Property, nor the Buildings, qualifies individually as significant in any historic or architectural context. Specifically, in regards to the uniqueness and quality of workmanship, the evidence of these qualities have long since decayed to a level that the Buildings no longer adequately represent our early architecture pioneers and some of the enduring architectural features our commercial and residential buildings still embody today.

After taking into consideration the above, we humbly ask the Council to overturn the determination of the LPC and staff that the Properties are eligible as landmarks under the Code.
Staff Report
(with attachments)
Presented to the
Landmark Preservation Commission
September 16, 2020
PROJECT NAME
724 AND 726 S COLLEGE: APPEAL OF DETERMINATIONS OF ELIGIBILITY

STAFF
Maren Bzdek, Senior Historic Preservation Planner

PROJECT INFORMATION
DESCRIPTION: This item is to consider the appeal of the determinations of eligibility for Fort Collins local landmark designation of two residential properties at 724 and 726 South College Avenue. On July 1, 2020, in fulfillment of a pre-submittal requirement for development review applications, staff determined both properties are landmark eligible based on evidence and conclusions presented by an independent historic survey contractor in intensive-level survey site forms. When undergoing development review, landmark-eligible properties are subject to the historic resource requirements in Fort Collins Land Use Code Section 3.4.7. Staff decisions may be appealed to the Landmark Preservation Commission.

APPELLANT: Gannett Properties, LLC (Property Owner)

LPC’S ROLE:
Section 14-23 of the Fort Collins Municipal Code establishes that “any determination made by staff regarding eligibility may be appealed to the Commission by the applicant, any resident of the City, or owner of property in the City.” In this hearing, the Commission shall consider an appeal of the determinations of eligibility for 724 and 726 S. College Avenue, based on the provided evidence from the initial determinations (Colorado Cultural Resource Survey Architectural Inventory 1403 forms) and any new evidence presented at the hearing. The Commission must use the standards for determining the eligibility of sites, structures, objects, and districts for designation as Fort Collins landmarks in Section 14-22 of the municipal code to make its own determination. Final decisions of the Commission shall be subject to the right of appeal to the Fort Collins City Council (Section 14-9).

BACKGROUND
Note: Items highlighted in yellow in this report were added as further information and clarification in response to the Landmark Preservation Commission members’ requests presented at the September 9, 2020 work session.

1901: Fort Collins builder S.J. Milligan simultaneously constructed three residential properties on the 700 block of S. College (720, 724, and 726 S College) for local businessman P.P. Tubbs. Tubbs resided at 720 S. College and sold the other two properties to local pharmacist and banker Frank Shantz, who lived at 724 S College and rented 726 S College to a series of tenants.
Early 1960s: After the Shantz family sold the properties, both properties became rental units on a block that had otherwise converted to commercial use.

1998: Reconnaissance-level field survey forms were provided by an independent consultant, Jason Marmor (Retrospect), for each property in conjunction with the “Eastside-Westside Neighborhood Surveys” project funded by the State Historical Fund. This project had as its primary goal the identification and documentation of potentially eligible buildings and structures, as a first step toward their preservation. That documentation (recon site forms attached) was based on street-level assessments of properties to describe major architectural features and consider the properties in context with the neighborhood. Assessments for eligibility included individual eligibility for listing on the National Register and potentially contributing to a National Register district. At the time, properties determined to be eligible for the National Register was automatically presumed to be eligible for Fort Collins landmark designation.

December 16, 2014: The property owners order a demolition/alteration review of both residences (review forms attached). As a general practice, the 2014 determinations were made in meetings between the Chair of the Landmark Preservation Commission (Ron Sladek) and the CDNS Director (Laurie Kadrich) and were based on comparative historic and current photos and, if available, limited building permit history to establish how the properties had changed over time. No further research or documentation was provided as evidence for demolition/alteration reviews and determinations of eligibility. Code requirements (Section 14-5) at that time included a provision that has since been eliminated, which read, “Properties eligible for designation must possess both significance and exterior integrity. In making a determination of eligibility, the context of the area surrounding the property shall be considered.” Further, the same code section provided the following definition: “Context shall mean the totality of interrelated conditions in which a site, structure, object or district exists. The context of an area is the sum of the existing buildings and spaces, and the pattern of physical development in the area. It can also be a measurement of the scarcity or profusion of a particular resource type.” Using that review process and the code requirements at that time, the two properties were determined not to be eligible for designation as Fort Collins Landmarks, “primarily due to their historic context being substantially diminished.”

September 28, 2015: LPC provided conceptual review comments for a proposed mixed-use building on the site, regarding design compatibility with nearby historic resources. [Note: There are no minutes for this discussion because the comments were provided at a work session.] The conceptual review application for that project was submitted on March 6, 2015, and a PDP application was submitted on July 22, 2015 (PDP150015). That project went through one round of staff review and its status changed to “resubmittal required” on August 12, 2015. The PDP project status changed to “closed—denied” on February 7, 2016 upon its expiration date.

March 5, 2019: The adoption of revised code requirements [Ordinance No. 035, 2019, pertaining to Land Use Code Section 3.4.7(C)] established the pre-submittal requirement for development review of intensive-level historic surveys (Colorado Cultural Resource Survey Architectural Inventory 1403 forms) for properties more than 50 years old in order to complete a determination of eligibility for designation as a Fort Collins landmark, for instances in which properties under review do not have determinations of eligibility that are less than five years old at the time that formal development application is made to the City. Designated historic resources and historic resources found to be eligible for designation are subject to adaptive reuse requirements in Land Use Code Section 3.4.7(D)(3).

May 24, 2019: Both 724 and 726 S College were evaluated in another reconnaissance field assessment project by Sherry Albertson-Clark, a City contractual employee, as part of a broader examination of properties along College Avenue for planning purposes. As with the 1998 and 2014 evaluations, the assessments (site forms attached) were based on street-level visual examination of the properties. The evaluation noted that both of the residences were potentially eligible as Fort Collins landmarks and should be evaluated with intensive-level documentation to support a more comprehensive evaluation.

November 25, 2019: The City of Fort Collins received new conceptual plans (CDR190103) for a mixed-use project that would require demolition of these two properties, as well as the former residential property at 720 S College, which has been substantially altered to the degree that it was eliminated from consideration as an historic resource based on lack of integrity. The conceptual plan review process provides initial comments to the applicant and
establishes pre-submittal requirements for development applications, which in this case included requiring intensive-level historic surveys. This requirement was necessary because the five-year expiration deadline for the 2014 determinations (December 16, 2019) occurred during the conceptual review process, and prior to the receipt of a formal application for development review, and because the May 2019 recon survey along College Avenue recommended that the two properties receive an intensive-level survey to provide more information about their potential significance and historic integrity. At this time, the City has not yet received a formal development application.

January 2020: The applicant provided the required fee for survey of the two properties and independent contractor Jason Marmor (Retrospect) completed and submitted for review the intensive-level survey forms in late February 2020. While staff was reviewing those forms in order to prepare to issue an official determination of eligibility for each property, the Covid-19 shutdown in early March temporarily halted the review process. Staff communicated with the applicant in the interim that the official determination was on hold as City Council developed and adopted procedures for limited remote hearings for City boards and commissions.

July 1, 2020: Historic Preservation staff notified the applicant on July 1, 2020 of the official determination of eligibility for each property, which established that both residences meet the requirements for designation as Fort Collins landmarks (site forms attached).

July 7, 2020: Nicole Ament (on behalf of Gannett Properties, LLC) submitted in writing an intent to appeal the decision that the properties are eligible for Fort Collins landmark designation, in accordance with the appeal procedure outlined in Fort Collins Municipal Code Section 14-23(b), “Appeal of determination.”

July 21, 2020: Council adopted an exception to Ordinance No. 079, 2020 that included explicit permission for an appeal of this determination to come forward to the LPC for consideration.

August 27, 2020: The appeal of the determination of eligibility was publicly posted with historic review underway signs on the properties, in The Coloradoan, and on the City website.

RELEVANT CODES AND PROCESSES FOR HISTORIC REVIEW

Sec. 14-22. - Standards for determining the eligibility of sites, structures, objects and districts for designation as landmarks or landmark districts.

A determination of eligibility for landmark designation typically applies to the entire lot, lots, or area of property upon which the landmark is located and may include structures, objects, or landscape features not eligible for landmark designation located on such lot, lots, or area of property. In order for a district to be eligible for landmark district designation, at least fifty (50) percent of the properties contained within the proposed landmark district must qualify as contributing to the district. Resources eligible for landmark designation or eligible to contribute to a landmark district must possess both significance and integrity as follows:

(a) **Significance** is the importance of a site, structure, object, or district to the history, architecture, archeology, engineering or culture of our community, State or Nation. **Significance** is achieved through meeting one (1) or more of four (4) standards recognized by the U.S. Department of Interior, National Park Service. These standards define how resources are significant for their association with events or persons, in design or construction, or for their information potential. The criteria for determining significance are as follows:

(1) **Events**. Resources may be determined to be significant if they are associated with events that have made a recognizable contribution to the broad patterns of the history of the community, State or Nation. A resource can be associated with either, or both, of two (2) types of events:
   a. A specific event marking an important moment in Fort Collins prehistory or history; and/or
   b. A pattern of events or a historic trend that made a recognizable contribution to the development of the community, State or Nation.
(2) **Persons/Groups.** Resources may be determined to be significant if they are associated with the lives of persons or groups of persons recognizable in the history of the community, State or Nation whose specific contributions to that history can be identified and documented.

(3) **Design/Construction.** Resources may be determined to be significant if they embody the identifiable characteristics of a type, period or method of construction; represent the work of a craftsman or architect whose work is distinguishable from others by its characteristic style and quality; possess high artistic values or design concepts; or are part of a recognizable and distinguishable group of resources. This standard applies to such disciplines as formal and vernacular architecture, landscape architecture, engineering and artwork, by either an individual or a group. A resource can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and/or uses over a period of time. Examples are residential buildings which represent the socioeconomic classes within a community, but which frequently are vernacular in nature and do not have high artistic values.

(4) **Information potential.** Resources may be determined to be significant if they have yielded, or may be likely to yield, information important in prehistory or history.

(b) **Integrity** is the ability of a site, structure, object, or district to be able to convey its significance. The integrity of a resource is based on the degree to which it retains all or some of seven (7) aspects or qualities established by the U.S. Department of Interior, National Park Service: location, design, setting, materials, workmanship, feeling and association. All seven (7) qualities do not need to be present for a site, structure, object, or district to be eligible as long as the overall sense of past time and place is evident. The criteria for determining integrity are as follows:

(1) **Location** is the place where the resource was constructed or the place where the historic or prehistoric event occurred.

(2) **Design** is the combination of elements that create the form, plan space, structure and style of a resource.

(3) **Setting** is the physical environment of a resource. Whereas location refers to the specific place where a resource was built or an event occurred, setting refers to the character of the place in which the resource played its historic or prehistoric role. It involves how, not just where, the resource is situated and its relationship to the surrounding features and open space.

(4) **Materials** are the physical elements that form a resource.

(5) **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans’ labor and skill in constructing or altering a building, structure or site.

(6) **Feeling** is a resource's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the resource's historic or prehistoric character.

(7) **Association** is the direct link between an important event or person and a historic or prehistoric resource. A resource retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a resource's historic or prehistoric character.

(Ord. No. **034, 2019**, § 2, 3-5-19)

**National Park Service Bulletin 15:** The process for application of the above Municipal Code to properties submitted for historic review is based on the framework established in the National Park Service Bulletin 15, “How to Apply the National Register Criteria for Evaluation.” According to that federal guidance, which Fort Collins staff and the Commission may refer to in keeping with Certified Local Government best practices, a property considered significant under Standard C (architectural significance), must retain three of the seven
aspects of integrity in particular: materials, design, and workmanship. The bulletin also notes that feeling is an aspect of integrity that requires the presence of the majority of the physical features (design, materials, workmanship, and setting) that together convey historic character. Because this relies on perception, feeling should be noted as an intact aspect of integrity only in combination with those other aspects of integrity to support a determination of eligibility. Likewise, association also relies on perception and thus must be combined with other aspects of integrity to support eligibility.

On the matter of a property’s general condition, or condition of repair, Bulletin 15 offers the following:

- “Good repair” is not required (presumes ability to apply treatment approach)
- Use current condition to evaluate property for integrity (not likely condition after a proposed treatment)
- Historic integrity can be negatively impacted when character-defining features are missing or beyond repair
- When comparing properties of similar type, rarity and poor condition of other extant examples can justify accepting greater degree of alterations or fewer remaining character-defining features

ELIGIBILITY SUMMARY

724 S College (1901): From the 2020 site form, which staff presented as evidence for Fort Collins landmark eligibility: “The two-story, wood frame residence . . . is evaluated as possessing architectural significance sufficient to support eligibility for Local Landmark designation. . . . In terms of its architecture, the house is significant as a very well-preserved two-story example of a turn-of-the-century Vernacular Wood Frame dwelling in Fort Collins with interesting design details including the Tuscan column-framed enclosed front porch, wood shingle cladding on the gable faces and upper story walls, steeply-pitched roof and gabled dormers. Its architectural significance is evaluated as sufficient to support Local Landmark eligibility. This historic house appears to be essentially unaltered since its construction in 1901, and thus retains excellent integrity of location, design, materials, craftsmanship, feeling, and association. Its setting has been substantially diminished, but not entirely lost, by the post-1948 removal of five of the eight historic dwellings that had lined the entire east side of the 700 block of South College Avenue. Important elements of the setting remain, such as College Avenue and the CSU campus directly to the west, as well as by the existing of one other, adjacent, intact historic (also built 1901) house. The detached garage is somewhat altered by stucco applied to three of its elevations and by sealing of a window opening, and retains only fair architectural integrity.” (Colorado Cultural Resource Survey Architectural Inventory Form, 5LR.2289, page 7).

726 S College (1901): From the 2020 site form, which staff presented as evidence for Fort Collins landmark eligibility: “The single-story, wood frame residence . . . is evaluated as eligible under Criterion C as an almost completely intact example of a very early 20th century vernacular wood frame dwelling in Fort Collins. The building retains virtually all of its original exterior features, and exhibits excellent architectural integrity.” (Colorado Cultural Resource Survey Architectural Inventory Form, 5LR.14751, page 8).

ADDITIONAL STAFF FINDINGS ON ELIGIBILITY:

Significance of vernacular buildings: Jason Marmor (Retrospect) classifies the two properties eligible for landmark designation based on their design and construction (Criterion 3), as “vernacular wood frame dwellings,” which refers to a simple wood frame building that is the product of a local builder’s experience, available resources, and response to the local environment. In Colorado, vernacular frame dwellings are usually rectangular, one or two stories, usually with porches and gabled or hipped roofs with overhanging eaves. They usually feature wood siding and double-hung sash windows. Ornamentation varies and is generally sparse, in keeping with their purpose as modest homes for working-class and middle-class residents, but they often feature simple ornamental features and combinations of features that are unique to the structure. This detailing is often found on the porch, brackets, gable ends and rafter tails, and with shingling. The architecture of these residences is connected to their social history.
While not high style, they provide a connection to and reflect early Fort Collins history at the turn of the century, when the town went through an important early growth phases that required the addition of modest homes for its many new residents.

*Integrity considerations:* Intensive-level surveys not only provide definitive information about a building’s architectural history and the people and events associated with it, they provide better evidence of how a building has changed over time. The evidentiary difference between a field determination of eligibility and the evidence-based findings of an intensive-level survey investigation can be substantial in certain cases in which a building’s history of exterior changes may be difficult to determine purely through visual review. Building permits, interviews with former owners and occupants, and other public records will often confirm assumptions but can sometimes correct assumptions made “in the field.” In the cases of 724 and 726 S College, both residences retain substantial historic integrity with few to no modern alterations, so field assessments about their integrity were essentially correct. While a previous 2014 determination emphasized the loss of residential context along the 700 block of S College Avenue as impacting the properties historic integrity, the National Register Bulletin 15 guidance on evaluating integrity emphasizes materials, design, and workmanship as of paramount importance for architectural significant properties, while setting and location are of lesser importance. In all cases, the majority of the seven aspects of integrity should be present upon evaluation.

The integrity of the immediate setting, and the broader surrounding context, are of particular note in the 2014 and 2020 evaluations of 724 and 726 S College. As noted above, the social history of Fort Collins, as represented by extant properties along this stretch of College Avenue, is intrinsically connected to the context of these residential properties. Many of the residences constructed during the turn-of-the-century building boom in Fort Collins existed in mixed residential/commercial environments and transitional areas between campus, the commercial town center, and its growing residential neighborhoods. As is evident along College Avenue for multiple blocks to the south and to the north of the 700 block, single-family residential buildings and residential units above commercial spaces were integrated along our “Main Street” from the beginning of our community’s history and that pattern continued through the twentieth century and still does today. Some of those residential properties convert to other uses over time, and others remain as dwellings. While some of the specific context of the 700 block has changed with earlier redevelopment on the north and south ends, the general pattern of use and character have remained constant since the early twentieth century.

The condition of repair of a property does not impact an assessment of integrity, based on the assumption that rehabilitation of any visible and present historic features is possible with further investment in the property, which can be supported with financial incentives for historic properties.

**SAMPLE MOTIONS**

If the Commission determines that either property is (or both properties are) eligible for Fort Collins Landmark designation in compliance with Chapter 14 of the Municipal Code, it may propose motions based on the following:

For 724 S. College (Eligible):

“I move that the Landmark Preservation Commission find the residential building at 724 South College Avenue eligible as a Fort Collins landmark, according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code, based on the following findings of fact: [insert findings of significance] and [insert findings of integrity].

In addition, the garage building associated historically with this residence [is/is not] found to be a historic resource contributing to the significance and integrity of 724 S College, based on the following findings: [insert findings of significance and integrity for garage.]”
For 726 S. College (Eligible):

“I move that the Landmark Preservation Commission find 726 South College Avenue individually eligible as a Fort Collins landmark, according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code, based on the following findings of fact: [insert findings of significance] and [insert findings of integrity].”

If the Commission finds that a property is not individually eligible for Fort Collins Landmark designation in compliance with Chapter 14 of the Municipal Code, it may propose a motion based on the following:

For 724 S. College (Not Eligible):

“I move that the Landmark Preservation Commission find 724 South College Avenue not individually eligible as a Fort Collins landmark according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code, based on the following findings of fact [insert findings based on lack of significance and/or integrity].”

In addition, the garage building associated historically with this residence [is/is not] found to be a historic resource contributing to the significance and integrity of 724 S College, based on the following findings: [insert findings of significance and integrity for garage].”

For 726 S. College (Eligible):

“I move that the Landmark Preservation Commission find 726 South College Avenue not individually eligible as a Fort Collins landmark according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code, based on the following findings of fact [insert findings based on lack of significance and/or integrity].”

Note: The Commission may propose other wording for the motion based on its evaluation.

ATTACHMENTS

1. 724 S College 1403 Intensive-Level Historic Survey Site Form
2. 726 S College 1403 Intensive-Level Historic Survey Site Form
3. Notice of Appeal Correspondence
4. Appellant Memorandum and Photos
5. Staff Presentation – Updated on 9/15/20
6. Council Approval for Remote Appeal Hearing
7. 1998 Reconnaissance Survey – 724 S College (Added per LPC request 9/15/2020)
8. 1998 Reconnaissance Survey – 726 S College (Added per LPC request 9/15/2020)
9. 2014 Demolition/Alteration Review Form – 724 S College (Added per LPC request 9/15/2020)
10. 2014 Demolition/Alteration Review Form – 724 S College (Added per LPC request 9/15/2020)
11. 2019 Reconnaissance Survey – 724 S College (Added per LPC request on 9/15/2020)
12. 2019 Reconnaissance Survey – 726 S College (Added per LPC request 9/15/2020)
13. Public Comment – G Denton (Rec’d 9-16-20)
COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

I. IDENTIFICATION

1. Resource number: 5LR.14751
2. Temporary resource number: N/A
3. County: Larimer
4. City: Fort Collins
5. Historic building name: None (series of short term occupancies)
6. Current building name: None
7. Building address: 726 South College Avenue, Fort Collins, Colorado 80524
8. Owner name and address: Gannett Properties LLC
   718 South College Avenue
   Fort Collins, CO 80524

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township 7N  Range 69W
   ¼ of ½ of ¼ of NW ¼ of section 13
10. UTM reference
    Zone 13; 4491808 m E; 493508 m N
11. USGS quad name: Fort Collins, CO
    Year: 1960; Photorevised 1984 Map scale: X 7.5’ 15’
12. Lot(s): South 33 1/3 feet of North ½ of Lot 6
    Block: 127
    Plat: Fort Collins Platted: 1873
    Parcel Number: (Original) Larimer County Parcel No. 97132-19-014

13. Boundary Description and Justification: The site boundary corresponds to the recorded legal description/parcel limits of Larimer County Parcel No. 97132-19-012. The boundary encompasses the house and surrounding yards constituting the area associated with the building’s historic use.

III. ARCHITECTURAL DESCRIPTION

14. Building plan (footprint, shape): Irregular
16. Number of stories: 1.0
17. Primary external wall material(s): Wood – drop or tongue-in-groove board siding
18. Roof configuration: Hipped
19. Primary external roof material: Composition/asphalt shingles

Official eligibility determination (OAHP use only)

Date ___________  Initials

_ _____ Determined Eligible- NR
_ _____ Determined Not Eligible- NR
_ _____ Determined Eligible- SR
_ _____ Determined Not Eligible- SR
_ _____ Need Data
_ _____ Contributes to eligible NR District
_ _____ Noncontributing to eligible NR District
20. Special features: **Porches**

21. General architectural description: **This two-story, wood frame, single-family dwelling rests on a sandstone block foundation. It represents a common vernacular form of late 19th – early 20th century American residential architecture, with a largely rectangular plan, hip roof, horizontal board (drop) siding, double hung one-over-one wooden windows, and projecting front porch with balustrade railings. Other than possible (in-kind) re-siding, the exterior of the house appears largely unaltered (including historic-age improvements).**

The building’s plan includes a large rectangular main mass, with a slightly (1 ft.) projecting 12 ft-long section extends rearward, to which is attached a projecting 8 ft deep by 16 feet wide enclosed/screened rear porch.

The building’s hip roof is low-pitched, with the ridge line oriented east-west (front to back). It is clad with composition or asphalt shingles and has overhanging eaves with boxed soffits, below which a wide fascia board is applied to the upper walls of the long side elevations. It appears that the original brick chimney was replaced with a modern stovepipe stack.

The west-facing façade is nearly symmetrically arranged, and features a small centered windowless decorative front gable with diamond-shaped wood shingles applied to its face as well as returning eaves. The façade is dominated by a projecting open front porch covered by an extremely low-pitched shed or half-hipped roof, and is enclosed by low wooden balustrade railings with thin pilasters. Substantial square-sided wooden posts with decorative vertical grooves and wider base elements support the porch roof. Access to the porch is through an opening offset to the right/south, that lines up with the placement of the front door. Two simple modern wooden steps lead to the porch, which appears to retain the original narrow wood board floor and beadboard ceiling. The main entry to the house is offset to the right of center, and consists of what appears to be the original dark-stained oak door with a large glass pane, covered by a seemingly original wooden storm or screen door, and framed by a wooden surround that includes a transom light above. Two windows are placed on the façade, including a large one-over-two light sash-and-transom window to the right of the man entry. The transom light on this window is embellished by a decorative stained glass border. Another, large, one-over-one light double-hung window is installed to the left/north of the front door. Like the rest of the house’s original windows, those on the façade have wooden surrounds typical of those found on late 19th-early 20th century residences, with wider stepped cap crowns and wood sills.

The north elevation lacks entries but is fenestrated with four original one-over-one light double-hung windows, including three large and one smaller units. The opposite, south elevation is also fenestrated with similar original one-over-one double hung windows.

The rear elevation is dominated by a nearly full-width enclosed screened rear porch covered by a composition/asphalt shingle-covered shed roof. The porch is symmetrically arranged, with a centrally-placed entry opening flanked on each side by two large screened openings above closed railings composed of what appear to be vertical wooden slats. The rear entry contains what may be the original glazed wooden door, covered by a modern aluminum screen door. Only one window is placed on the rear elevation – a small one-over-one double hung window situated to the left/south of the rear entry.
According to Larimer County Assessor’s property records, the building contains a 287 ft² basement, which must only be accessible by an interior stairway.

22. Architectural style/building type: Vernacular Wood Frame/ Single Dwelling
23. Landscaping or special setting features: This historic house stands along College Avenue and directly across the street from the extensive Colorado State University (CSU) campus. College Avenue is Fort Collins’ primary north-south thoroughfare (and a state highway) that has long been a major commercial corridor through the city. The home at 726 South College is one of relatively few remaining historic homes along the South College Avenue (south of Mountain Avenue) corridor, some of which have been converted to commercial use – including one at 720 to the north of the subject property, that has been substantially modified for commercial purposes.

726 South College Avenue is the southernmost of three contiguous but dissimilar wood frame houses that were built at the same time (1901). One of these historic houses – a two-story gable-roofed vernacular wood frame building at 724 S. College - is adjacent to, and just north of the subject property. To the right/south of 726 South College, at the corner with East Plum Street, is an old (c. 1940s) painted concrete block gasoline service station that was subsequently been utilized as an adult bookstore called “The Book Ranch.”

This historic residence is accessed from the concrete sidewalk paralleling South College Avenue, via a narrow concrete path leading to the front porch entry. The front yard is not enclosed; however, a modern stained cedar picket security fence stands along the property’s south lot line, separating it from the commercial property to the south.

The front yard contains a manicured grass lawn that was dormant when examined in February 2020. A very large cottonwood is established along with the approximately 10-foot-tall upright stump of another large tree near the south lot line near the dwelling’s southwest front corner. No other shrubs nor ornamental and/or shade trees are present. A low, weathered picket fence encloses a small yard extending in front of the enclosed/screened rear porch. The rear portion of the lot is now a gravel-paved parking area. A north-south oriented alley extends behind the property’s east lot line.

24. Associated buildings, features, or objects: No associated outbuildings are located on the lot containing 726 South College Avenue. However, the adjacent houses at 720 and 724 South College Avenue (both extant, but 720 has been modified greatly for commercial use) are historically associated since they were also built in 1901 by the same builder (S.J. Milligan) for the same property owner (P.P. Tubbs).

IV. ARCHITECTURAL HISTORY

25. Date of Construction: Estimate: Actual: 1901
Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.
26. Architect: Unknown
Source(s) of information: No information found
27. Builder/Contractor: S.J. Milligan
Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.
28. Original owner: P.P. Tubbs
   Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.

29. Construction history (include description and dates of major additions, alterations, or demolitions): This wood frame house was constructed in 1901 by builder S. J. Milligan, for P.P. Tubbs, who owned three contiguous lots on the east side of the 700 block of South College Avenue. The home was the southernmost of the three “six-room frame cottages” built by S.J. Milligan in 1901.

   It appears that prior to 1925, owner Frank J. Shantz constructed a 24 ft. x 20 ft. two-car garage at the rear of the property from lumber salvaged from a torn-down barn and serving both 724 and 726 South College Avenue (further evidence that the two residences were under single ownership for many years). This shared garage building was demolished sometime after October 1948. On April 21, 1941, Shantz also obtained a building permit (Permit No. 6546 for unspecified and presumably interior remodeling, for an estimated construction cost of $100. The City of Fort Collins issued another permit (Permit No. 6678) to Mr. Shantz two days later, on April 23, 1941, to “enclose porch.” The porch work was estimated by Shantz to cost $75 to complete. Based on examination of the dwelling, the latter permit likely referred to the home’s rear porch. Then, on September 15, 1948, Mr. Shantz was issued Permit No. 10819 to remodel the (partial) basement for an estimated cost of $25.

   The only non-historic exterior alteration noted during field examination was removal of the original brick chimney, which virtually all houses in Fort Collins from the late 19th-early 20th centuries were equipped with, and its replacement with a modern stovepipe. The date of this alteration is undetermined.

30. Original location ___X____ Moved _______ Date of move(s): N/A

V. HISTORICAL ASSOCIATIONS

31. Original use(s): Residential – Single Family Dwelling
32. Intermediate use(s): None
33. Current use(s): Student rental housing
34. Site type(s): Residential - house
35. Historical background:
   This small wood frame dwelling was one of three contiguous homes constructed in 1901 by Fort Collins contractor S. J. Milligan on behalf of owner P.P. Tubbs on the east side of the 700 block of South College Avenue near what is now Colorado State University (CSU). These new homes included 720, 724 and 726 South College Avenue. According to a Fort Collins Express-Courier article published on January 2, 1902, the “three six room frame cottages” cost a total of $3,600 to construct. By 1903 the west side of the 700 block was completely developed, with eight different residential properties standing: 702, 704, 714, 720, 724, 726 and 730.

   The land owner/developer who is responsible for this house’s construction, P.P. Tubbs, operated a feed, hay and coal business located at 247 Linden Street in the “Old Town” commercial area. The Tubbs family occupied the northernmost of the three houses P.P. Tubbs owned, at 720 South College Avenue. Tubbs sold off the other two adjacent residences he had
built in 1901 at 724 and 726 South College Avenue. Evidence suggests that Frank (or Franklin) J. Shantz had purchased both homes from Tubbs and that by 1903 he and his wife Ruey A. Shantz occupied the adjacent more elaborate two-story home at 724 S. College. The Shantz family owned and occupied 724 S. College for nearly sixty years, but whether or not they owned the house at 726 S. College for the same length of time has not been verified.

A series of short-term tenants occupied 726 South College Avenue prior to c. 1913. The house was reportedly vacant in 1902, but by 1903 it was inhabited by Colorado Agricultural College (CAC) teacher C.J. Griffith and his wife Pearl. They had moved to the new house from their previous home located at 518 South Howes Street. However, the Griffiths’ tenure was very brief; by 1904 they had relocated to another dwelling at 125 West Mulberry Street, close to the “Old Town” commercial district.

The 1904, 1906 and 1907 Fort Collins city directory all lack address listings of occupants; however, by 1908 the house at 726 South College Avenue was occupied by the Ludwig family. They included Victor E. Ludwig, evidently a widower, who operated a grocery store and bakery at 140 West Mountain Avenue. Other family members included Lyman C. and Raymond Ludwig, who were both employed at the Ludwig grocery and bakery. Additionally, Edna M. Ludwig – no occupation listed and possibly a widow – also lived in the modest dwelling. They had relocated to the residence from their former home several blocks south at 1002 South College Avenue. At that time (1907), Victor and his wife Alice Ludwig had a grocery store at 652 South College Avenue. It appears possible that Alice Ludwig passed away and precipitated the family’s move to the subject property.

The Ludwigs’ tenure was also brief; and they evidently moved elsewhere c. 1909, and the new residents of 724 South College Avenue were Fred H. Meyers and his wife Anna. Mr. Meyers was then employed as a pharmacist at A.W. Scott’s pharmacy in Fort Collins, later called the A.W. Scott Drug Company and located at 115 East Mountain Avenue. However, by 1910-1911 the Meyers had evidently left Fort Collins, and at that time 724 South College Avenue was occupied by Harry B. McCreary and his wife Helen. Harry also worked as a pharmacist for A.W. Scott’s drug store. Around 1912, the McCrearys had moved to another residence at 320 West Myrtle Street.

From c. 1912-1913 through c. 1926-1927, the subject property was occupied by William E. Runge, director of the Range Orchestra and the CAC band, and his wife Laura. By c. 1918, Mr. Runge had opened a retail store (“Runge Music Company”) at 112 South College Avenue, selling musical merchandise such as instruments and sheet music.

A series of short term occupancies followed. By 1927, the Runge family had relocated to 1341 South College Avenue, and the subject property was inhabited by David T. and Elizabeth V. Cox. David Cox was then employed as a salesman at the Maxwell Shoe Company at 158 South College Avenue. By 1929, the Cox family had evidently left the city, and 724 South College Avenue was then occupied by Mrs. Estella B. Saunders, the widow of Paul T. Saunders, along with their son, CAC student George B. Saunders.

By 1931, the Saunders had evidently moved away from Fort Collins, and the subject property was occupied in that year by the Adkinson family, consisting of carpenter Hugh L. Adkinson, his wife Mattie L., and their son Clifford L., then a student at CAC. By 1933 they had also apparently also left the city, and in their place were John W. Edwards, an instructor in CAC’s military
department, along with his wife Dora J. Edwards. It appears that the Edwards family also left Fort Collins by 1934. Then, from c. 1935 or 1936 until sometime in the 1940s, the Turner family occupied the home. The 1936 Fort Collins city directory identifies the occupants as Edward Turner (no occupation listed), his wife Alice, and sons Oscar and Richard Turner, both students. Two years later, in 1938, three Turner family members were living at 724 South College Avenue: Edward, employed as a patrolman, presumably for the City of Fort Collins’ police department; his wife Alice, and one daughter – Madaline, then a student. By 1940, the only occupants listed were Alice Turner, “housewife,” Anna M. Turner, a CAC student, and Gale L. Turner, a high school student. While not verified, it is possible that Alice Turner was a widow at that time.

No easily accessible city directory data for Fort Collins is available for the years 1941-1947, which encompasses World War II and a couple of years beyond the war’s conclusion. The next known occupants of 724 South College Avenue were Colorado and Southern Railway telegraph operator John S. Vaughan and his wife Olive, who resided at this address from sometime between 1941 and 1948, to the late 1950s (c. 1957-1958). By 1959, the Vaughans had apparently left the city. Following their departure, from c. 1959 – 1962, Maude Bryner, a single or widowed woman who was employed as a maid at CSU’s Rockwell Hall dormitory, occupied 724 South College Avenue; she was living there alone in 1959, but had roommates in 1960 and 1962 who appear to have been other single or widowed women including Mary E. St. John, Lela Elkins and Abbie Orcutt. For the remainder of the 1960s, the home was inhabited by a retired couple, George C. and Kathleen J. Brown. Their tenure came to an end after George Brown passed away, and his widow (Kathleen) relocated to another home at 619 West Mulberry Street, which she shared with another widow, Mrs. Lorena M. Wade.

Following the Browns, the Nehring family resided at 724 South College Avenue from 1970 to c. 1974. The family included CSU student Robert Nehring, his wife Linda, who worked as a receptionist for the local Maxey Manufacturing Company, as well as the couple’s two children: Kristine (born 1968), and Matthew (born 1969). However, beginning in 1973, the Nehrings shared the house with three other unmarried people – Dave Cantrell (no occupation listed); Tim DeHann (no occupation listed), and Jane Spahr, who was employed as a secretary for the Larimer County Health Department.

By 1975, the Nehrings had moved to another south Fort Collins home located at 1619 Stover Street, and at that time was Jane Spahr, who resided at the home from c. 1973-1976. Subsequently, from 1977 through 1984, city directories do not include the subject property’s address, suggesting it may have been vacant during that time period.

It appears that beginning in 1985 the house served as a multi-tenant rental serving CSU college students. As a result, substantial turnover in tenants has occurred since that time. Known post-1984 occupants included Stephanie R. Brunger, Jamie Sue Katte, Jane A. Townes, Susan A. Turchi, Jeff Casper, and Tim Mann in the 1980s; Chris Hartman, Darren B. Kaplan, Jason Shidler, Matt Rose, Steve Omer, Darren Hassett in the 1990s; Stephanie Bany, M.H. Varra, Daelith McCoy, Mariana B. Forslund from c. 2000-2007. Then, from 2008 through 2014, it appears that Amanda Crystal Neidig was the only resident at 724 South College Avenue. City directories did not list the property or indicated “No information” during 2015 and 2016, but in c. 2017 and 2018 the house was occupied by Jim J. Treder, followed in 2019 by Steven James Kyle.
36. Sources of information:

Beier, Harold

Fort Collins City Directories, for the years ADD through 2019 (with gaps). From the collection of the Fort Collins Discovery Museum Local History Archive.

Fort Collins Weekly Courier
1902 “Fort Collins’ Splendid Building Record.” *Fort Collins Weekly Courier*, January 2, 1902, p. 3.

Larimer County Assessor
1948 Property Card for 726 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.

1969 Property Card for 726 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.

1978 Property Card for 726 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.


Simmons, Thomas, and Laurie Simmons.

VI. SIGNIFICANCE

37. Local landmark designation: Yes _____ No X _____ Date of designation: Not Applicable
Designating authority: Not Applicable

38. Applicable National Register Criteria:
   _____ A. Associated with events that have made a significant contribution to the broad pattern of our history;
   _____ B. Associated with the lives of persons significant in our past;
   X C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
   _____ D. Has yielded, or may be likely to yield, information important in history or prehistory.

   _____ Qualifies under Criteria Considerations A through G (see Manual)
   _____ Does not meet any of the above National Register criteria
39. Area(s) of significance: Architecture
40. Period of significance: 1901
41. Level of significance: National _____ State _____ Local __ X __
42. Statement of significance:

Fort Collins Local Landmark-eligibility:
The single-story, wood frame residence located at 726 South College Avenue is evaluated as eligible for Local Landmark designation under Criterion C as an almost completely intact example of a very early 20th century vernacular wood frame dwelling in Fort Collins. The building retains virtually all of its original exterior features, and exhibits excellent architectural integrity. As a hip-roofed, single story, nearly rectangular plan building with a decorative front gable, projecting front porch with balustrade railing, and double-hung windows, it also represents one of a diverse variety of forms of modest vernacular wood frame dwellings built throughout America around the end of the 19th and beginning of the 20th centuries. It is also one of a declining number of historic single family dwellings built along the South College Avenue corridor in Fort Collins.

The property does also have some significance under Criterion A for its association with prolific growth and homebuilding in the first decade of the twentieth century. However, while this trend is extremely significant in the City’s history, the majority of this growth and development occurred a couple of years after 726 South College Avenue was built, when a new and massive beet sugar processing factory was erected on the city’s outskirts. For this reason, the subject property is evaluated as not eligible for Local Landmark designation under Criterion A.

Research did not provide any information suggesting that any of the people known to be associated with the house, including original owner P.P. Tubbs, subsequent and longtime owner Frank J. Shantz, builder S.J. Milligan, nor any of its known occupants were of special significance to the history of Fort Collins. Therefore, the property is evaluated as ineligible for individual Local Landmark designation under Criterion B.

43. Assessment of historic physical integrity related to significance: The building retains virtually all of its original exterior features, and exhibits excellent architectural integrity. No modern (<50 year old) additions are evident. It remains in its original location, and still contains all of its original windows, doors, front porch, and rear porch. The original chimney has been removed, and there is a slight possibility that the siding may have been replaced in-kind at an unknown date. The building retains sufficient integrity of location, design, materials, and craftsmanship to qualify for Local Landmark designation.

VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT
44. National Register (individual) eligibility field assessment:
   Eligible __ X __ Not (Individually) Eligible ____ Needs Data ____
45. Is there National Register district potential? Yes __ X __ No ___ Undetermined ___
   Discuss: A potential historic district analysis was beyond the scope of the investigation.
   If there is National Register district potential, is this building:
   Contributing ___ Noncontributing ___
46. If the building is in existing National Register district, is it:
   Contributing __ Noncontributing __ Not Applicable __ X __
VIII. CITY OF FORT COLLINS LOCAL LANDMARK ELIGIBILITY ASSESSMENT

47. Local Landmark (individual) eligibility field assessment:
   Eligible  X  Not (Individually) Eligible  ___  Need Data  ___

IX. RECORDING INFORMATION

48. Photograph numbers: 5LR.14751 #1-30
   Negatives or digital photo files filed at: City of Fort Collins, Development Review Center
   (Current Planning) - Historic Preservation Department, 281 N. College Avenue, Fort Collins, CO
   80524

49. Report title: Historic and Architectural Assessment for 1610 South College Avenue, Ft. Collins,
   CO

50. Date(s):  February 21, 2020
51. Recorder(s):  Jason Marmor
52. Organization:  RETROSPECT
53. Address:  332 East Second Street, Loveland, CO 80537
54. Phone number(s):  (970) 219-9155

History Colorado - Office of Archaeology & Historic Preservation
1200 Broadway, Denver, CO 80203   (303) 866-3395
Location of 726 South College Avenue, Fort Collins (SLR.14751), shown on a portion of the U.S. Geological Survey 7.5' Fort Collins, Colorado topographic quadrangle map (1960; Photorevised 1984).
Sketch map of 726 South College Avenue, Fort Collins (SLR.14751).
October 1948 view of 726 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
November 1969 view of 726 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
August 1978 view of 726 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
February 1983 view of 726 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum. The two-story house to the left is 724 S. College; both 724 and 726 were combined into one legal parcel.
February 1983 view of 726 South College Avenue, Fort Collins (at right), from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
Portion of 1925 Sanborn Fire Insurance Company map sheet for Fort Collins showing 726 South College Avenue.
Portion of 1948 Sanborn Fire Insurance Company map sheet for Fort Collins showing 726 South College Avenue.
726 South College Avenue, looking east-northeast.
726 South College Avenue, looking east-northeast.

Façade of 726 South College Avenue, looking east.
Closer view of 726 South College Avenue facade, looking east.

Closer view of 726 South College Avenue facade, looking east.
726 South College Avenue, looking southeast.

Small shingle-clad gable of façade of 726 South College Avenue, looking east.
Small shingle-clad gable of façade of 726 South College Avenue, looking east.

726 South College Avenue, balustrade front porch railing, looking northeast.
726 South College Avenue, open front porch, looking northeast.
726 South College Avenue, open front porch, looking southeast.
726 South College Avenue, right/south side of open front porch, looking east.
726 South College Avenue, main entry on façade, looking east.
726 South College Avenue, large sash-and-stained glass transom window on façade, looking southeast.
726 South College Avenue, double-hung window on facade, looking northeast.
726 South College Avenue, north side of open front porch, looking northeast.
726 South College Avenue, open front porch, looking south.

726 South College Avenue, north elevation, looking southeast.
726 South College Avenue, north elevation, looking southeast.

726 South College Avenue, south elevation, looking east-northeast.
726 South College Avenue, large north elevation window, looking southeast
726 South College Avenue, smaller double-hung window on north elevation, looking southwest.
726 South College Avenue, small double-hung window on north elevation, looking southeast.
726 South College Avenue, close-up of painted drop siding.

726 South College Avenue, exposed stone foundation.
726 South College Avenue, rear elevation, looking southwest.

726 South College Avenue, rear/east elevation, looking west.
726 South College Avenue, rear/east elevation, with narrower projecting enclosed porch, looking west.

726 South College Avenue, rear/east elevation, with narrower projecting enclosed porch, looking west.
Colorado Cultural Resource Survey
Architectural Inventory Form

OFFICIAL ELIGIBILITY DETERMINATION

Date ___________ Initials

_______ Determined Eligible- NR
_______ Determined Not Eligible- NR
_______ Determined Eligible- SR
_______ Determined Not Eligible- SR
_______ Need Data
_______ Contributes to eligible NR District
_______ Noncontributing to eligible NR District

COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

I. IDENTIFICATION

1. Resource number: 5LR.2289
2. Temporary resource number: N/A
3. County: Larimer
4. City: Fort Collins
5. Historic building name: Shantz House
6. Current building name: None
7. Building address: 724 South College Avenue, Fort Collins, Colorado 80524
8. Owner name/address: Gannett Properties LLC
   718 South College Avenue
   Fort Collins, CO 80524

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township 7N Range 69W
   ¼ of ½ of ¼ of NW ¼ of section 13
10. UTM reference
    Zone 13; 4491817 m E; 493510 m N
11. USGS quad name: Fort Collins, CO
    Year: 1960; Photorevised 1984 Map scale: X 7.5' 15'
12. Lot(s): North ½ of Lot 6 and South ½ of Lot 5
    Block: 127
    Plat: Fort Collins Platted: 1873
    Parcel Number: Parcel No. 97132-19-012
13. Boundary Description and Justification: The site boundary corresponds to the recorded legal description/parcel limits of Larimer County Parcel No. 97132-19-012. The boundary encompasses the house and surrounding yards constituting the area associated with the building’s historic use.

III. ARCHITECTURAL DESCRIPTION

14. Building plan (footprint, shape): Irregular
16. Number of stories: 2.0
17. Primary external wall material(s): Wood – horizontal board drop or tongue-in-groove siding
18. Roof configuration: Gable – front gable
19. Primary external roof material: Composition shingles
Special features: Porch, dormers, chimney, garage

General architectural description: Located on the east side of South College Avenue, between Laurel and Plum Streets, this tall, two-story, wood frame, single family dwelling rests on a sandstone block foundation and encompasses a total of 1,848 ft² of living space including three bedrooms. The building consists of a two-story, front-gabled main mass, with a narrower half-hip roofed, single-story rear wing, on the south side of which is attached a very small shed-roofed enclosed rear porch or “mud room.” The rear wing and tiny enclosed rear porch appear to be original elements of the 1901 house.

The main, two-story mass of the house is covered by a steeply pitched front gable roof, with wide overhanging open eaves and exposed rafters. Its exterior walls are clad with horizontal board siding, with square-cut wood shingle cladding on the upper story walls, including the gable faces.

Attached to the façade is a nearly full-width, enclosed and glazed front porch, atop which is a small, low-pitched windowless decorative gable. The Classically-inspired porch includes the main entry that is offset slightly to the right/south. Flanking the entry are large fixed windows, including three on the left/north side of the main entry, and two to the right of the door. At the front corners of the porch are attached lathe-turned wooden Tuscan column elements, and below the porch windows are large recessed wood panels embellished with large recessed rectangular panels.

Two different-sized upper story gabled dormers are located on each (north and south) side of the building’s main mass. The house’s fenestration includes 1-over-1 light double-hung units as well as 1-over-1 sash-and-transom windows.

A very small, shed-roofed enclosed rear porch or “mud room” is placed at the building’s southeast rear corner. Entry to the mud room is through a (possibly original) wood door facing east/rearward. A ribbon of three large windows are placed across the 8-foot long south wall of the mud room. A relatively tall corbelled yellow brick chimney stack rises from the peak of the gable roof.

Architectural style/building type: No Style – Vernacular Wood Frame/ Single Dwelling

Landscaping or special setting features: This house stands along College Avenue, Fort Collins’ primary north-south thoroughfare (and a state highway) that has long been a major commercial corridor. It is one of relatively few remaining historic homes along South College Avenue, some of which have been converted to commercial use. 724 South College is flanked by two other single-family, wood frame houses that were built at the same time (1901). One of these, at 720 South College Avenue to the north of the subject property, has been substantially modified for commercial purposes. 724 South College Avenue is located across the street from the Colorado State University (CSU) campus. The property is accessed from the concrete sidewalk paralleling South College Avenue, by means of a narrow concrete path leading to the front porch entry. The front yard is not enclosed. A very large blue spruce tree is established near the home’s southwest front corner, and a cluster of smaller deciduous trees is located near the opposite (northwest) front corner of the building. The rear portion of the lot is now an asphalt-paved parking lot enclosed by a chain link fence. A north-south oriented alley extends behind the property’s east lot line.
24. Associated buildings, features, or objects: One extant outbuilding is situated on the property: a small, front-gabled wood frame detached garage with large hinged double doors on its southern end. According to building permit records, this outbuilding was likely constructed between 1901 and 1920. The exterior walls of the garage have been covered with stucco, including over a sealed east side window.

IV. ARCHITECTURAL HISTORY

25. Date of Construction: Estimate: Actual: 1901
Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.

26. Architect: Unknown
Source(s) of information: No information found

27. Builder/Contractor: S.J. Milligan
Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.

28. Original owner: P.P. Tubbs
Source(s) of information: “Fort Collins’ Splendid Building Record,” Fort Collins Weekly Courier, January 2, 1902, p. 3.

29. Construction history (include description and dates of major additions, alterations, or demolitions): This wood frame house was constructed in 1901 by builder S. J. Milligan, for P.P. Tubbs, who owned three contiguous lots on the east side of the 700 block of South College Avenue. It appears that a small wood frame one-car garage (still extant) was constructed sometime between 1901 and 1920; it is shown on the 1925 and 1948 Sanborn maps (the only editions that cover this portion of South College Avenue). Between 1920 and c. very early 1950s, Owner Frank J. Shantz obtained nine (9) building permits for improvements to the property. In the summer of 1923, Shantz obtained Building Permit No. 132 for unspecified “remodeling frame house,” for an estimated cost of $200. In February 1925, he obtained another permit (Permit No. 873) to construct a “frame garage” for an estimated cost of $350. Four (4) permits were pulled by Frank Shantz in the 1930s, including Permit No. 3340, dated July 23, 1932, for reshelining half the roof with wood shingles. In March 1936, he obtained another building permit (Permit No. 4182), to “tear down the “old barn” and construction of a new 24 x 20 two car garage using the “old lumber,” for an estimated cost of $250. Then, in early June 1938, Shantz was issued Building Permit No. 5306 to “screen in porch” for an estimated $150. This likely referred to the enclosed front porch. Less than a year later, in February 1939, he obtained Permit No. 5652 for unspecified remodeling for the estimated cost of $300. In May 1942 the city issued Frank Shantz Permit No. 6964 for reflooring, and seven years later, in August 1949, he obtained yet another permit (No. 11,351) to reroof the house. Curiously, only two years later in October 1951, Mr. Shantz was issued Permit No. 12,514 to “reshingle residence.” No modern exterior alterations to the house are evident. However, the large wood frame two car garage built in 1925 and stood adjacent to the alley was demolished sometime after April 9, 1998, when the property was field documented by Jason Marmor on behalf of the City of Fort Collins during a reconnaissance survey of historic properties in Fort Collins’ “Eastside Neighborhood” area (on the east side of College Avenue). This two car garage was front-gabled, clad with horizontal wood drop siding, and with double-hinged wooden doors. The exterior walls of the extant pre-1920 one-car garage were covered with stucco at an undetermined date, likely post-1952 (approximately when use of the City’s old
“Log of Building Permits,” now in the collection of the Archive at the Fort Collins Discovery Museum, ended.

30. Original location ___X____ Moved ______ Date of move(s): N/A

V. HISTORICAL ASSOCIATIONS

31. Original use(s): Residential – Single Family Dwelling
32. Intermediate use(s): None
33. Current use(s): Student rental housing
34. Site type(s): Residential - house

35. Historical background: This two-story wood frame dwelling, located on the east side of the 700 block of South College Avenue, was one of three dissimilar contiguous homes constructed in 1901 by Fort Collins contractor S. J. Milligan on behalf of owner P.P. Tubbs. These new homes included 720, 724 and 726 South College Avenue. According to a Fort Collins Weekly Courier article published on January 2, 1902 and titled “Fort Collins’ Splendid Building Record,” the “three six room frame cottages” cost a total of $3,600 to construct. The land owner/developer who is responsible for this house’s construction, P.P. Tubbs, operated a feed, hay and coal business located at 247 Linden Street in the “Old Town” commercial area. The Tubbs family occupied the northernmost of the three houses P.P. Tubbs owned, at 720 South College Avenue. The family included, in addition to Mr. Tubbs, his wife Elizabeth R. Tubbs, his son and student Howard C. Tubbs, and another family member, Mabel Tubbs (relationship unclear), who was employed as a clerk at Secord’s Book Shop (127 North College Avenue). Tubbs sold off the other two adjacent residences he had built in 1901 at 724 and 726 South College Avenue. By 1903 the west side of the 700 block was completely developed, with eight different residential properties standing: 702, 704, 714, 720, 724, 726 and 730.

The above-mentioned January 2, 1902 Weekly Courier article quantified the city’s architectural growth and the touted the pace of development during the previous year:

“Fort Collins’ building record for 1901 makes the best showing of any year since the boom period of 1881-82. It embraces the erection of ninety new homes, a church, two business blocks and other improvements.”

During the first decade of the twentieth century, Fort Collins was dramatically transformed from a small town into a rapidly growing and thriving community. This transformation was driven in large part by the construction, in 1902-1903, of a new beet sugar processing factory on the outskirts of Fort Collins. However, the 1901 building activity clearly revealed a significant upswing at the beginning of the dynamic decade 1900-1910, that was marked by a then unprecedented population influx and associated building boom – primarily dwellings to house the new residents. Driven in large measure by the establishment of a new beet sugar processing factory on the northeastern outskirts of town, Fort Collins’ population grew 168.9%, from 3,053 residents in 1900, to 8,210 in 1910.

In 1902, the house was reportedly vacant, but by 1903 it was inhabited by Frank (or Franklin) J. Shantz and his wife Ruey A. Shantz. The 1902 Fort Collins city directory does not contain a listing for Frank or Ruey Shantz, and it appears that they moved to Fort Collins in late 1902 or 1903. Frank Shantz was initially employed as a clerk at Scott’s Pharmacy (later called the A.W. Scott
Drug Company), located at 115 East Mountain Avenue and operated by pharmacist A.W. Scott, but beginning in 1908 he served in a greater role as secretary-treasurer for the drug store. His wife Ruey was evidently not employed outside the home, and it appears that the couple did not have any children.

The Shantz family occupied the 724 South College Avenue home for approximately 60 years, from c. 1902-03 until 1962-63. In 1930 or 1931 Frank Shantz was also serving as vice-president of the Fort Collins Abstract Company, located six blocks to the north, at 120 South College Avenue. Later, around 1940, he was in a different role, serving as Vice President of the Poudre Valley National Bank, located downtown at 101 South College Avenue. Frank remained at Poudre Valley National Bank until his death c. 1955. His widow, Ruey, continued to live at 724 South College Avenue until c. 1963, and it appears that she may have died or moved away by 1964.

For the remaining years of the 1960s, the house appears to have served as a rental, as evidenced by the relatively frequent turnover and the occupations of the people who lived there. The first residents following the departure of Mrs. Shantz were Anthony J. Kawulok, a builder for Western Construction (likely self-employed), and his wife Aline A. Kawulok. The Kawuloks lived only briefly at this address; they were only listed in the 1963 city directory.

From c. 1964 – 1968, Dale P. Aden, his wife Leda M., and children Karen (b. 1961) and Mike (b. 1962) lived in the home. In 1964 Dale Aden’s was a student, presumably at nearby Colorado State University (CSU), but by 1966 he was working as the manager of the Campus Shop Restaurant. By 1969 the Adens had left Fort Collins, and the new tenant of 724 South College Avenue was a solitary CSU student named Jerran T. Flinders. Jerran Flinders resided in the house until c. 1972, by which time he must have Fort Collins.

Beginning around 1973 continuing to the present, this house has been used as privately-owned student rental housing, serving the burgeoning number of students attending CSU. Located across the street (College Avenue) from the university campus, the property was, and is, ideally situated for pedestrian college students. Additionally, 724 South College Avenue abuts the small historic college student-oriented commercial area that surrounds the College Avenue and Laurel Street intersection, which provided easy access to restaurants and a variety of retail shops. As many as five students shared this house, with frequent turnover of tenants as CSU students typically stayed no more than four years, frequently less, and departed after graduation. Beginning in the post-World War II years, many single family homes in south Fort Collins (south of Mulberry Street) were converted into student rental housing – a trend necessitated by the growth of CSU and its student population, and by the lack of housing. The property, along with other adjoining parcels in the 700 block of South College Avenue, is currently owned by Gannett Properties LLC, who acquired it in 2015.

Sources of information:

Beier, Harold
Fort Collins City Directories, for the years 1902 through 2019 (with gaps). From the collection of the Fort Collins Discovery Museum Local History Archive.

Fort Collins Weekly Courier
1902 “Fort Collins’ Splendid Building Record.” Fort Collins Weekly Courier, January 2, 1902, p. 3.

Larimer County Assessor
1948 Property Card for 724 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.

1969 Property Card for 724 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.

1978 Property Card for 724 South College Avenue, Fort Collins (Parcel No. 97132-19-012). From the collection of the Fort Collins Discovery Museum Local History Archive.


Simmons, Thomas, and Laurie Simmons.

VI. SIGNIFICANCE

37. Local landmark designation: Yes _____ No _____ X ____ Date of designation: Not Applicable
Designating authority: Not Applicable

38. Applicable National Register Criteria:
_____ A. Associated with events that have made a significant contribution to the broad pattern of our history;
_____ B. Associated with the lives of persons significant in our past;
_____ X C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
_____ D. Has yielded, or may be likely to yield, information important in history or prehistory.

Qualifies under Criteria Considerations A through G (see Manual)

Does not meet any of the above National Register criteria

39. Area(s) of significance: Architecture
40. Period of significance: 1901-c. 1964 (Note: the end date is when its use changed from a single family dwelling to a student rental property.)

Level of significance: National _____ State _____ Local _____ X ____

42. Statement of significance:
Fort Collins Local Landmark-eligibility:
1998 Evaluation:

This property was originally recorded by Jason Marmor on April 9, 1998 during a reconnaissance survey of historic-age properties in the City’s “Eastside Neighborhood” area (east of College Avenue, north of Prospect Street), conducted on behalf of the City of Fort Collins. The Eastside Neighborhood survey only involved brief field assessment and documentation, and thus focused on architectural characteristics rather than historical information. At that time, 724 South College Avenue was evaluated as having excellent architectural integrity and was evaluated as both individually eligible for Local Landmark designation, and as a contributing element of a potential Eastside Neighborhood area historic district. (Note: At that time, the detached two-car garage built in 1925 behind the house was still extant). The significance statement on the 1998 site form stated that: “This is a very attractive vernacular wood frame house that is very well preserved. Its form is relatively unusual for the Eastside, and it may represent a locally rare example of the Shingle Style.” The current evaluation (by the same person) now recommends that the last statement—that the building may be an example of the Shingle Style—be disregarded although the use of partial exterior wall shingle cladding was not uncommonly used for residential construction in the late 19th–early 20th centuries.

Current (2020) Evaluation:

The two-story, wood frame residence located at 724 South College Avenue is evaluated as possessing architectural significance sufficient to support eligibility for Local Landmark designation. While it is the product of a trend of substantially increasing urban growth and development during the first decade of the 20th Century, and was one of 90 new homes erected in 1901, it was built shortly before the construction of the Fort Collins beet sugar factory that produced most of the building activity in the decade. Consequently, the property at 724 South College Avenue is not associated directly with the sugar boom, and is evaluated as not having a direct association with a historically significant trend in Fort Collins.

None of the people known to be associated with this residence, including original owner P.P. Tubbs nor any of its owners or occupants, played a significant role in Fort Collins, state or national history.

In terms of its architecture, the house is significant as a very well-preserved two-story example of a turn-of-the-century Vernacular Wood Frame dwelling in Fort Collins with interesting design details including the Tuscan column-framed enclosed front porch, wood shingle cladding on the gable faces and upper story walls, steeply-pitched roof and gabled dormers. Its architectural significance is evaluated as sufficient to support Local Landmark eligibility.

Assessment of historic physical integrity related to significance: This historic house appears to be essentially unaltered since its construction in 1901, and thus retains excellent integrity of location, design, materials, craftsmanship, feeling and association. Its setting has been substantially diminished, but not entirely lost, by the post-1948 removal of five (5) of the eight (8) historic dwellings that had lined the entire east side of the 700 block of South College Avenue. Important elements of the setting remain, such as College Avenue and the CSU campus directly to the west, as well as by the existence of one other, adjacent, intact historic (also built 1901) house. The detached garage is somewhat altered by stucco applied to three of its elevations and by sealing of a window opening, and retains only fair architectural integrity.
VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT

44. National Register (individual) eligibility field assessment:
   Eligible _____ Not (Individually) Eligible ___ X Needs Data _____

45. Is there National Register district potential? Yes ___ X No _____ Undetermined ___
   Discuss: A potential historic district analysis was beyond the scope of the investigation;
   however, the property is one of three contiguous houses built in 1901, all of which are still
   standing (although the northernmost one – 720 South College Avenue – has been extensively
   modified for commercial use). Further study would be needed to evaluate the potential for
   definition of a historic district including the property at 724 South College Avenue.
   If there is National Register district potential, is this building:
   Contributing ___ Noncontributing ___

46. If the building is in existing National Register district, is it:
   Contributing ___ Noncontributing ___ Not Applicable ___ X

VIII. CITY OF FORT COLLINS LOCAL LANDMARK ELIGIBILITY ASSESSMENT

47. Local Landmark (individual) eligibility field assessment:
   Eligible ___ X Not (Individually) Eligible _____ Need Data _____

IX. RECORDING INFORMATION

48. Photograph numbers: 5LR.2289 #1-32
   Negatives or digital photo files filed at: City of Fort Collins, Development Review Center
   (Current Planning) - Historic Preservation Department, 281 N. College Avenue, Fort Collins, CO
   80524

49. Report title: Historic and Architectural Assessment for 724 South College Avenue, Ft. Collins, CO

50. Date(s): February 5, 2020

51. Recorder(s): Jason Marmor

52. Organization: RETROSPECT

53. Address: 332 East Second Street, Loveland, CO 80537

54. Phone number(s): (970) 219-9155

History Colorado - Office of Archaeology & Historic Preservation
1200 Broadway, Denver, CO 80203 (303) 866-3395
Location of 724 South College Avenue, Fort Collins (5LR.ADD), shown on a portion of the U.S. Geological Survey 7.5' Fort Collins, Colorado topographic quadrangle map (1960; Photorevised 1984).
Sketch map of 724 South College Avenue, Fort Collins (SLR.).
October 1948 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
October 1948 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. From Fort Collins History Connection website.
November 1969 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
August 1978 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum.
February 1983 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. On file at the Local History Archive, Fort Collins Discovery Museum. To the left is 720 South College Avenue, and to the right is 726; all three were built in 1901 for P.P. Tubbs, who occupied 720 South College.
Portion of 1925 Sanborn Fire Insurance Company map sheet for Fort Collins showing 724 South College Avenue.
Portion of 1948 Sanborn Fire Insurance Company map sheet for Fort Collins showing 724 and 726 South College Avenue.
724 South College Avenue, looking east-southeast.

724 South College Avenue, façade, looking east.
724 South College Avenue, façade, looking east.

724 South College Avenue, looking ESE, with 726 South College Avenue visible to the right.
724 South College Avenue, front gable on façade, looking east.

724 South College Avenue, enclosed front porch, looking southeast.
724 South College Avenue, right side of enclosed front porch, looking southeast.

724 South College Avenue, left side of enclosed front porch, looking east.
724 South College Avenue, showing small gable on roof of enclosed front porch, above main entry.
724 South College Avenue, rear/east and north elevations, looking southwest.

724 South College Avenue, north elevation and shed-roofed rear addition, looking west-southwest.
724 South College Avenue, closer view of rear wing, looking southwest.

724 South College Avenue, north elevation, looking west-southwest.
724 South College Avenue, east elevation dormers, looking southwest.
724 South College Avenue, rear view, looking southwest.
724 South College Avenue, south elevation dormers and yellow brick chimney stack, looking northeast.

724 South College Avenue, south elevation, looking northwest.
724 South College Avenue, south elevation dormers, looking northwest.

724 South College Avenue, close up of one shingle-clad south side dormer.
724 South College Avenue, showing wood drop siding (first floor) and shingle-clad upper story walls.

724 South College Avenue, south elevation and small shed-roofed rear porch or mud room, looking NW.
724 South College Avenue, large sash-and-transom window on south elevation.
724 South College Avenue, ribbon of windows on south side of small rear porch.

724 South College Avenue, rear portion of parcel containing 724 (right) and 726 (left) South College Avenue, including detached garage, looking northwest.
724 South College Avenue, detached garage behind house, looking northwest.

724 South College Avenue, detached garage, looking northwest.
724 South College Avenue, front/south side of detached garage, looking north.
724 South College Avenue, detached garage, looking north.
724 South College Avenue, detached garage behind house, looking southwest.

724 South College Avenue, detached garage, looking southwest and showing sealed window.
724 South College Avenue, north elevation of detached garage, looking south.

724 South College Avenue, closer view of north elevation of detached garage, looking south.
Maren,

Please accept this correspondence as our formal appeal of the official determination of historic eligibility for the properties located at 724 and 726 S. College. We would ask that our request for appeal be considered by Council at the July 21, 2020 hearing.

In the interest of time deadlines, we have kept our appeal notice short, but we do intend to submit additional materials to Council in connection with our appeal request. Please let me know what additional information you may need at this time.

Nicole R. Ament
Brownstein Hyatt Farber Schreck, LLP
410 Seventeenth Street, Suite 2200
Denver, CO 80202
303.223.1174 tel
NAment@BHFS.com

All,

Please see the attached intensive-level historic survey forms that establish the basis for considering the properties at 724 and 726 S College as historic resources according to the requirements of our local code. This notice constitutes an official determination of eligibility.

City Council currently prohibits the hearing of appeals under Ordinance Number 079 of June 16, 2020 (attached), unless Council on an affirmative vote of 5 members adopts a motion otherwise (Section 8). In order for you to preserve the right to have an appeal heard when Council allows an appeal to proceed, please respond within the 14-day window (by close of business on July 15).

There is one additional consideration regarding your response time. Our next opportunity to bring individual requests for exceptions to Council is July 21 and we are preparing the agenda item summary for that meeting to be submitted next Wednesday, July 8. If you wish for us to request for the LPC to be granted permission to hear an appeal on either or both of these determinations, please respond by Tuesday, July 7.
As a concurrent matter, I have reached out to the City Attorney’s Office regarding the question of the five-year expiration of the 2014 survey results for these properties and will provide more information on that as soon as I have it.

Regards,
Maren

-------------
MAREN BZDEK
Pronouns: she/her/hers
Senior Historic Preservation Planner
Historic Preservation Services
281 North College Avenue
970-221-6206 office
mbzdek@fcgov.com

Twitter | Facebook

Tell us about our service, we want to know!

COVID19 Resources
For all residents: https://www.fcgov.com/eps/coronavirus
For businesses: https://www.fcgov.com/business/
Want to help: https://www.fcgov.com/volunteer/

Recursos COVID-19
Para integrantes de la comunidad: https://www.fcgov.com/eps/coronavirus
Para empresas: https://www.fcgov.com/business/
¿Quieres ayudar o necesitas ayuda? https://www.fcgov.com/neighborhoodservices/adopt
Recursos de United Way: https://uwaylc.org/

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Todd,

I’ve been able to discuss your question with Brad Yatabe in our attorney’s office, and he confirmed that our process of ordering updated historic surveys was correct. While application dates do matter in terms of how they relate to previous determinations of eligibility, an application for conceptual review is not the same thing as a PDP application in that regard. If you had come in for conceptual review comments and then subsequently submitted a development application (PDP) for review prior to the expiration on December 16, we would have been in a position to honor the 2014 determinations of eligibility.

Thanks for your patience while I sought this additional information. Please let me know if I can further assist you.

Maren

MAREN BZDEK
970-221-6206 office
mbzdek@fcgov.com

From: Todd Parker <tparker@55resort.com>
Sent: Wednesday, July 1, 2020 12:43 PM
To: Maren Bzdek <mbzdek@fcgov.com>
Cc: NAment@BHFS.com; Todd Rosenzweig (drrosenzweig@alpinedentalhealth.com); Michael McDill DDS <drmcdill@alpinedentalhealth.com>
Subject: [EXTERNAL] Alpine Dental review dates

Maren,

Following up our call on the review dates:

Prior determination letter (attached) was Dec 16, 2014 which would make our 5 year expiration Dec 16, 2019.
Our concept review submittal date was Nov 25, 2019.
Concept review meeting was Dec 19th, 2019

Todd Parker
Memorandum

DATE: August 24, 2020
TO: Fort Collins Landmark Preservation Commission
FROM: Brownstein Hyatt Farber Schreck LLP, counsel for Gannett Properties
RE: Appeal of the determination of eligibility under Section 14-22(b) of the Fort Collins Municipal Code (the “FCMC”) for 724 and 726 South College Avenue, Fort Collins, Colorado (the “Property”) dated July 1, 2020, respectively (the “2020 Determination”)

I. Background:

Our firm represents Gannett Properties as the owners of the Property. We have been retained in the owners’ pursuit of an appeal of the Fort Collins Landmark Preservation Commission’s staff member’s determination that the Property is eligible as a historic resource under Section 14-22(b) of the FCMC. Please let this letter serve as a formal appeal of such determination, and as a request to the Fort Collins Landmark Preservation Commission to reverse the staff determination of historic landmark eligibility.

Prior to the 2020 Determination, the Property was deemed not eligible for historic landmark status based upon review of the Property, and a staff member of the Landmark Preservation Commission issued a formal determination letter dated December 16, 2014 to that effect (attached hereto as Exhibit A, the “2014 Determination”). The 2014 Determination was made based upon the same structures that are currently present on the Property and no additional work, change in neighborhood conditions or additional historical significance has been purported, aside from further decay of the structures. The 2014 Determination provided that the structures and Property were not of historic significance, and the owners of the Property purchased each of the parcels based upon the 2014 Determination.
In February 2020, new historic surveys were conducted on each of the addresses at the Property. Based upon the results of the surveys, the Fort Collins Landmark Preservation Commission’s staff member designated the Property as eligible as a historic resource. The Property currently contains three structures – two residential homes and one garage – which were outlined in the 2020 surveys and deemed to be historic in nature, despite falling into disrepair. Given this determination, construction or redevelopment of the Property could ultimately trigger additional requirements for preservation of the structures set forth in Section 3.4.7 of the Fort Collins Land Use Code.

II. Discussion:

We contend that the 2020 Determination of eligibility for historic landmark status is not supported by the Property condition, structures or survey. While we understand that eligibility can shift over the course of time, the Property has not been altered and no new information which would deem the Property “historic” has been unearthed since the 2014 Determination.

The three structures on the Property are not unique and do not exhibit historic architectural significance, as contended by the 2020 historic surveys, and are currently in need of repair to maintain the integrity of the structures. The 2020 surveys provide that the residences on the Property exhibit unique and historic architectural significance, as structures built around 1901, but we contend that the architectural and historic value has been significantly diminished as the structures decay, and that the mere age of the structures do not warrant historic designations. The 2020 historic surveys do not address or acknowledge the current disrepair of the structures, most of which occurred starting in 1985 when the prior owners began to use the home as a multi-tenant home for Colorado State University students. Further, the Property is outside of any historic district or zone, and no plans to create a historic district in the immediate area have been mentioned.

The owners of the Property purchased the Property having conducted significant research into the eligibility of redevelopment, and all evidence supported the 2014 Determination that the Property
is not eligible for historic resource status, “primarily due to their historic context being substantially diminished” (see 2014 Determination), with the structures only further diminishing since the 2014 Determination.

If the structures are ultimately determined to be a historic resource based upon the 2020 Determination, the Property could not be redeveloped unless the integrity of the deemed historic structures on the Property are maintained unaltered. The procedures and additional practices required with redevelopment of a property deemed eligible as a historic resource would cause an undue burden on the owners of the Property and would prevent their goal of revitalizing the Property in a manner that would benefit the Fort Collins community.

The subjective nature of the historic property surveys and the staff determinations are evidence that the historic landmark eligibility process can be open to bias and individual interpretation of the condition and historic value of each property. Given the potential for different interpretations of the historic value of the Property, as evidenced by the 2014 Determination, we believe the 2020 Determination is flawed. There was no new information provided as the basis for the 2020 Determination, and again, the 2020 historic surveys do not acknowledge the current disrepair of the structures.

The arbitrary nature of the review process is further evidenced by the fact that the owners submitted concept plans in November 2019 and the 2014 Determination expired on December 16, 2019, triggering the need for the new determination as part of the conceptual review process. However, if the owners had completed the conceptual review plan review process only slightly sooner and submitted a development application, the new determination would not have been required and the 2014 Determination would control the development of the Property.

III. Conclusion:

For the foregoing reasons, we maintain that the Property should not be eligible as a historic resource under Section 14-22(b) of the FCMC, as determined under the 2014 Determination of
eligibility, and that the 2020 Determination should be overturned. We ask the Landmark Preservation Commission to consider our appeal to make the determination that the Property is not eligible under Section 14-22(b).
Exhibit A
December 16, 2014 Determination Letter
(See attached)
December 16, 2014

Mr. Simpson,

The two properties at 724 and 726 South College Avenue were determined to not be individually eligible for designation as Fort Collins Landmarks, primarily due to their historic context being substantially diminished. This was done per the demolition/alteration review process outlined in Section 14 of the Municipal Code by the Chair of the Landmark Preservation Commission and the Director of Community Development and Neighborhood Services.

The next part of the review is to post the property for two weeks allowing for an appeal of that decision. As of the writing of this letter on 12/16/2014 the appeal period for the determination of Landmark eligibility had passed.

Please keep in mind that even though these two properties were determined to not be individually eligible for Landmark designation, any new construction proposed in their place will be reviewed for compliance with LUC 3.4.7 as there are individually eligible and designated properties immediately to the east.

Please let me know if you have any questions.

Thanks,

Josh

Josh Weinberg, Preservation Planner
CDNS | City of Fort Collins
jweinberg@fcgov.com
970-221-6206
At the July 21, 2020 meeting, City Council adopted an exception to allow this appeal hearing to be conducted remotely, based on the following motion:

“I move that City Council find that the following quasi-judicial matters are pressing and require prompt action and that virtual technology will provide due process to hear them through sufficient public participation and input, and based upon such findings authorize Quasi-Judicial Hearings using Remote Technology by the Planning & Zoning Board, the Landmark Preservation Commission, the Building Review Board and City Council, as applicable, to proceed for the following items not otherwise permitted under Ordinance No. 079, 2020:

1. Fischer Rezone
2. Spring Creek Rezone Correction of Map Errors
3. Rezoning of Manufactured Housing Communities
4. Timberline Church Rezone
5. Hughes Stadium Property Rezone
6. Wells Fargo Parking Lot and ATM Addition of Permitted Use
7. Appeal of Landmark Planned Unit Development (PUD) Minor Amendment
8. Appeal of determination of eligibility for landmark designation for two properties at 724 and 726 South College Avenue
9. Appeal of determination of eligibility for landmark designation for 945 East Prospect Road
10. Appeal of a decision to deny an upgrade to the General Contractor License for Tree Line Builders,

provided that members of the public must be allowed to participate in the item in person, and that nothing in this authorization is intended to repeal any other requirements for quasi-judicial matters in Ordinance No. 079 and further provided that a quorum of the Planning and Zoning Board must be physically present in the hearing room for items before that Board.”
CITY OF FORT COLLINS ARCHITECTURAL PROPERTY
RECONNAISSANCE SURVEY FORM
EASTSIDE NEIGHBORHOOD SURVEY PROJECT

Address: 724 S. College Avenue  Field No.: 56R 2289
Legal Description: Parcel No.: 9732-19-01Z
Architectural Style: Shingle / Late 19th - Early 20th Century Vernacular
Est. Construction Date: 1880-1910

No. of Stories 1 1/2

Roof Form(s):
- Front Gabled
- Side Gabled
- Cross-Gabled
- Hipped
- Gable/hip
- Shed
- Mansard
- Flat
- Other

Roof Material:
- Wood/Shake Shingles
- Composition Shingles
- Composition Rolled Roofing
- Other

Foundation:
- Concrete
- Brick
- Sandstone

Walls:
- Brick
- Wood Frame
- Stone

Wall Covering:
- Lapped Board Siding
- Brick
- Stone
- Drop/Tongue-in-Groove Board Siding
- Lapped Pressboard
- Wood/Shake Shingles
- Asbestos Shingles
- Cast Block/SimulatedStone
- Stucco
- Aluminum/Vinyl upper story

Distinctive Features:
- steeply pitched front gable roof with wide overhanging eaves and rake top of gable decorated with board trim set in stucco or roughcast concrete surface; wide projecting enclosed front porch of Tuscan pillars, gable over entry; gabled dormers on sides; corbeled chimney

Alterations:
None noted

Integrity Status:
- Excellent
- Good
- Fair
- Poor

Outbuildings:
- Attached Garage
- Detached Garages
- Shed(s)
- Other
- Contributing? Y N both

Architectural Significance:
Individually Eligible? Y N
Contributing to District? Y N

(Field Assessment)

Remarks:
This is a very attractive vernacular wood frame house that is very well preserved - its form is relatively unusual for Eastside, and it may represent a locally rare example of the Shingle Style.

Photograph(s): Roll Exposure(s)
Date Recorded: 4-9-48 Recorded By: Jason Marmor
Outbuildings (cont.): (1) small, detached, front gabled wood frame garage - stucco clad, 1 car, w/ original double-hinged doors.

(2) large, wood frame, front gabled, 2 car garage w/ double hinged doors & drop siding - ca. 1920s?

Both garages are contributing.
CITY OF FORT COLLINS ARCHITECTURAL PROPERTY RECONNAISSANCE SURVEY FORM
EASTSIDE NEIGHBORHOOD SURVEY PROJECT

Address: 726 S. College Ave.  Field No.: 5-31-90-120
Legal Description:  [Legal description]
Architectural Style: Late 19th - Early 20th Century

No. of Stories 1

Roof Form(s):
- Front Gabled
- Side Gabled
- Cross-Gabled
- Hipped
- Gable/Hip
- Shed
- Mansard
- Flat
- Other

Roof Material:
- Wood/Shake Shingles
- Composition Shingles
- Composition Rolled Roofing
- Other

Foundation:
- Concrete
- Brick
- Sandstone

Walls:
- Brick
- Wood Frame
- Stone

Wall Covering:
- Lapped Board Siding
- Brick
- Stone
- Drop/Tongue-in-Groove Board Siding
- Lapped Pressboard
- Wood/Shake Shingles
- Asbestos Shingles
- Cast Block/Simulated Stone
- Stucco
- Aluminum/Vinyl

Distinctive Features: Hip roof w/ small, steeply pitched front gable decorated w/ pointed/ triangular imbricated shingles; projecting open front porch w/ square sided posts + balustrade railing; large fixed transom window on front, w/ polychrome stained glass borders on transom

Alterations: None noted; very well preserved.

Integrity Status:
- Excellent
- Good
- Fair
- Poor

Outbuildings:
- Attached Garage
- Detached Garage
- Shed(s)
- Other
- None
- Contributing?
- Y
- N

Architectural Significance:
- Individually Eligible?
- Y
- N
- Contributing to District?
- Y
- N

(Field Assessment)

Remarks: This virtually unmodified late 19th - early 20th century vernacular dwelling is nearly identical to nearby house at 722 S. College - undoubtedly built at same time by same builder.

Photograph(s):
- Roll
- Exposure(s)

Date Recorded: 4/9/98
Recorded By: Jason Marmor
Request for Demolition/Alteration Review

Property Address: 724 S. College Ave Date submittals received: 

Applicant: (Applicant MUST sign on back at time of submittal)

Phone: Email: 

Yes No Information

☐ ☑ Property is 50 years or older? Source/Date of Construction: 1901

☐ ☑ Property is on State or National Register or is within a State or National Historic District?

Site Number: District: 

Yes No Director of CDNS

☐ ☐ More than one aspect of integrity is being impacted? (If yes, it is a major alteration/if no, minor)

Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling

☐ ☐ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns

Comments: 

☐ ☑ Property retains a preponderance of historic integrity?

Comments: 

☐ ☑ Property is Individually Eligible for Landmark Designation?

Comments: 

☐ ☐ Proposed plans would uphold the property’s significance and integrity?

Comments: 

CDNS Director’s Signature: Date: 10/24/14

Yes No LPC Chair

☐ ☐ More than one aspect of integrity is being impacted? (If yes, it is a major alteration/if no, minor)

Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling

☐ ☐ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns

Comments: 

☐ ☑ Property retains a preponderance of historic integrity?

Comments: CONTEXT HAS BEEN SUBSTANTIALLY DIMINISHED

☐ ☑ Property is Individually Eligible for Landmark Designation?

Comments: PRIMARILY DUE TO DIMINISHMENT OF CONTEXT

☐ ☐ Proposed plans would uphold the property’s significance and integrity?

Comments: 

LPC Chair’s Signature: Date: 10/24/14
Request for Demolition/Alteration Review

Property Address: 726 S. College Avenue  
Date submittals received: __________

Applicant: R. Christian Broheust  
(Applicant MUST sign on back at time of submittal)

Phone: __________ Email: __________

Yes No Information

☒ ☐ Property is 50 years or older? Source/Date of Construction: 1901

☐ ☑ Property is on State or National Register or is within a State or National Historic District?
   Site Number: __________ District: __________

Yes No Director of CDNS

☐ ☐ More than one aspect of integrity is being impacted? (If yes, it is a major alteration/if no, minor)
   Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling

☐ ☒ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns
   Comments: __________

☐ ☐ Property retains a preponderance of historic integrity?
   Comments: __________

☒ ☐ Property is Individually Eligible for Landmark Designation?
   Comments: __________

☐ ☐ Proposed plans would uphold the property’s significance and integrity?
   Comments: __________

CDNS Director’s Signature: ___________ Date: 10/24/14

Yes No LPC Chair

☐ ☐ More than one aspect of integrity is being impacted? (If yes, it is a major alteration/if no, minor)
   Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling

☒ ☐ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns
   Comments: __________

☒ ☐ Property retains a preponderance of historic integrity?
   Comments: CONTEXT HAS BEEN SUBSTANTIALLY DIMINISHED.

☐ ☒ Property is Individually Eligible for Landmark Designation?
   Comments: ALTHOUGH NOT OF THE HOME DOES NOT MEET TO A LEVEL OF SIGNIFICANCE THAT WOULD QUALIFY INDIVIDUAL DESIGNATION, ALSO

☑ ☐ Proposed plans would uphold the property’s significance and integrity?
   Comments: THERE HAS BEEN A LOSS OF CONTEXT FOR THIS HOME.

LPC Chair’s Signature: ___________ Date: 10/24/14

Attachment: Staff Report to Landmark Preservation Commission (9637: Appeal - 724 and 726 S. College Avenue)
Building address: 724 S. College Avenue

Field Evaluation of Potential Fort Collins Landmark Eligibility (Circle One):
☒ Individually Eligible  ☐ Contributing to District  ☐ Not Eligible

General Recommendations: additional research should be done on F. J. Shantz

Historic/Current building name: F. J. Shantz Residence  Property Type: Residence (may be MF)

Architectural Style/Form:
Shingle / Classic Cottage

Number of Stories: 2

Date of Construction: 1901  ☒ Estimated  ☐ Actual

Historical Information (if known)
This residence was built in 1901 and became the home of F. J. Shantz by 1903 (1903 Fort Collins City Directory), who was Secretary & Treasurer of A. W. Scott Drug Company. Shantz also owned the house at 726 S. College Avenue.

Relevant Aspects of Integrity for Architecture (Standard 3). (Bold aspects most important):
☒ Materials: The property retains most of its historic exterior materials and they are visible (ex: cladding, roof, windows, other: .)
☒ Design: Most of the basic features (configuration, proportions, roofline, window pattern, historic addition(s), other: .) are intact.
☒ Workmanship: There is evidence of historic construction techniques, such as joinery, carving, turning, other: .) that exemplify historic practices and aesthetics.
☒ Location: The building is on its original site or was moved to the current site more than 50 years ago.
☐ Setting: The physical character of the property and its relationship to surrounding features is similar to the historic period
☒ Feeling: The majority of physical features (design, materials, workmanship, setting) that together convey historic character are intact. (Because this relies on perception, it must be combined with other aspects of integrity to support eligibility.)
☐ Association: The property is the place where the historic event or activity occurs and still conveys that relationship to an observer. (Because this relies on perception, it must be combined with other aspects of integrity to support eligibility.)

Comments:

Field Evaluation of Potential Fort Collins Landmark Eligibility (Circle One):
☒ Individually Eligible  ☐ Contributing to District  ☐ Not Eligible
Justification of Evaluation:
This building retains its historic exterior materials and its design features are intact. It has evidence of period workmanship that is intact, and it is in its original location. Although it has residential-designed structures on either side of it, its setting has been altered by the expansion of commercial uses to the north (Alpine Dental) and at the south end of the block (Boo Ranch). The overall feeling of the property is that its historic character is intact, and it is eligible for individual landmark designation.

Needs Additional Research under Standards:  □ 1  ☒ 2  ☒ 3  □ 4
**Primary Roof Form:**
- ☒ Front Gable
- ☐ Hip with Gable(s)
- ☐ Side Gable
- ☐ Intersecting Gables
- ☐ Hipped
- ☐ Flat
- ☐ Shed

**Roof Attributes**
- ☒ Composition Shingles
- ☐ Comp. Rolled Roofing
- ☐ Wood/Shake Shingles
- ☐ Metal
- ☐ Low-Pitched Roof(s)
- ☒ Steeply Pitched Roof(s)
- ☐ Bellcast Hip or Gable Eaves
- ☐ Wide Overhanging Eaves
- ☐ Negligible Overhang
- ☒ Exposed Rafters
- ☐ Exposed Purlins/Beams

**Exterior Walls and Wall Covering:**
- ☒ Wood Frame
- ☐ Siding:
- ☐ Frieze Boards
- ☐ Metal
- ☐ Drop Siding
- ☐ Asbestos Shingles
- ☐ Vinyl
- ☐ Stone
- ☐ Wood
- ☐ Stucco
- ☐ Lapped Composition Shingles
- ☐ Corner Boards
- ☐ Concrete Block
- ☒ Shingles
- ☐ Rock-Faced Concrete

**Foundation**
- ☐ Concrete
- ☐ Concrete Block
- ☒ Sandstone
- ☐ Rock-Faced Concrete
- ☐ Parging
- ☐ Square Stone/Slate
- ☐ Corner Boards

**Distinctive Features**
- ☐ Imbricated Shingles:
  - ☐ Beneath Gables
- ☒ Dormers:
  - ☒ Rear Elevation
  - ☐ Front Elevation
  - ☒ Side Elevation
- Bay Window(s):
  - ☒ Exterior Chimney(s)
  - ☐ Decorative Brickwork

**Porch Attributes**
- ☒ Front Porch:
  - ☐ Open
  - ☒ Enclosed
  - ☐ Hip
  - ☐ Gable
  - ☐ Shed
  - ☐ Other:
  - ☐ ½ Wall/Closed Rail
  - ☐ Classical Columns
  - ☐ Ballustrade Rail
  - ☐ Pilasters
  - ☐ Squared Post
  - ☐ Massive/Battered Piers
  - ☐ Turned Spindle Post

**Window Attributes**
- ☒ 1/1 Double-Hung
  - ☐ Sash and Transom
  - ☐ Ocul.us
  - ☐ Fixed-Pane/Picture
- ☐ Narrow
  - ☐ Diamond-light transom
  - ☐ Casement
  - ☐ With Sidelight(s)
  - ☐ Multi-light Upper Sash
  - ☐ Awning
  - ☐ Dressed Stone Sills/Lint

**Other Distinctive Features/Remarks:**
Enclosed porch with classic columns either side of door; 2nd story windows have clear transom glass; north facade has double gables; hipped roof addition on back (east) wall; detached single-car garage with steeply pitched front gable roof; blonde brick chimney; detached garage; portions of the building are not visible due to overgrown landscaping on this and adjacent lots
Alterations (with estimate of dates, as appropriate):
1923 - 8' x 18' porch added
1925 - added frame garage
1936 - tear down barn and garage to build new 2-car garage (detached)
1938 - screen in porch

RECORDING INFORMATION:

Date: 5/24/2019
Recorder(s):
Sherry Albertson-Clark, AICP

Photograph Numbers:
IMG_1985 - 1986 and 2025.JPG

View of west (front) wall looking east
Building address: 726 S. College Avenue

Field Evaluation of Potential Fort Collins Landmark Eligibility (Circle One):
☒ Individually Eligible    ☐ Contributing to District    ☐ Not Eligible

General Recommendations: additional research needed on F. J. Shantz

Historic/Current building name: 726 S. College Avenue Property Type: Residential

Architectural Style/Form: Vernacular / Classic Cottage

Number of Stories: 1

Date of Construction: 1901    ☒ Estimated    ☐ Actual

Historical Information (if known)
Residence was owned by F. J. and Ruey Shantz. He was the Secretary and Treasurer of the A. W. Scott Drug Company.

Relevant Aspects of Integrity for Architecture (Standard 3). (Bold aspects most important):
☒ Materials: The property retains most of its historic exterior materials and they are visible (ex: cladding, roof, windows, other: ..)
☒ Design: Most of the basic features (configuration, proportions, roofline, window pattern, historic addition(s), other: ..) are intact.
☒ Workmanship: There is evidence of historic construction techniques, such as joinery, carving, turning, other: ..) that exemplify historic practices and aesthetics.
☒ Location: The building is on its original site or was moved to the current site more than 50 years ago.
☐ Setting: The physical character of the property and its relationship to surrounding features is similar to the historic period
☒ Feeling: The majority of physical features (design, materials, workmanship, setting) that together convey historic character are intact. (Because this relies on perception, it must be combined with other aspects of integrity to support eligibility.)
☐ Association: The property is the place where the historic event or activity occurs and still conveys that relationship to an observer. (Because this relies on perception, it must be combined with other aspects of integrity to support eligibility.)

Comments:

Field Evaluation of Potential Fort Collins Landmark Eligibility (Circle One):
☒ Individually Eligible    ☐ Contributing to District    ☐ Not Eligible
Justification of Evaluation:
This building retains its historic exterior materials and its design features are intact. It has evidence of period workmanship that is intact, and it is in its original location. Although it has residential-designed structures on its north side, its setting has been altered by the expansion of commercial uses to the north (Alpine Dental) and adjacent to it on the south end of the block (Book Ranch). The overall feeling of the property is that its historic character is intact, and it is eligible for individual landmark designation.

Needs Additional Research under Standards: ☐ 1 ☐ 2 ☐ 3 ☐ 4
**Primary Roof Form:**
- ☒ Front Gable
- ☑ Hip with Gable(s)
- ☐ Side Gable
- ☐ Intersecting Gables
- ☐ Hipped
- ☐ Flat
- ☐ Shed

**Roof Attributes**
- ☑ Composition Shingles
- ☐ Comp. Rolled Roofing
- ☐ Wood/Shake Shingles
- ☐ Metal
- ☐ Low-Pitched Roof(s)
- ☐ Steeply Pitched Roof(s)
- ☐ Bellcast Hip or Gable
- ☐ Wide Overhanging Eaves
- ☐ Negligible Overhang
- ☐ Exposed Rafters
- ☐ Exposed Purlins/Beams

**Exterior Walls and Wall Covering:**
- ☐ Wood Frame
- ☐ Siding:
- ☐ Frieze Boards
- ☐ Metal
- ☐ Brick
- ☐ Drop Siding
- ☐ Asbestos Shingles
- ☐ Vinyl
- ☐ Stone
- ☐ Wood
- ☐ Stucco
- ☐ Lapped Composition
- ☐ Concrete Block
- ☐ Shingles
- ☐ Corner Boards

**Foundation**
- ☐ Concrete
- ☐ Concrete Block
- ☒ Sandstone
- ☐ Rock-Faced Concrete
- ☐ Parging

**Distinctive Features**
- ☑ Imbricated Shingles:
  - ☐ Beneath Gables
  - ☐ Rear Elevation
  - ☐ Front Elevation
  - ☐ Side Elevation
- ☐ Bay Window(s):
  - ☐ Canted
  - ☐ Curved
  - ☐ Boxed
- ☐ Dormers:
  - ☐ Beneath Gables

**Porch Attributes**
- ☑ Front Porch:
  - ☐ Open
  - ☐ Enclosed
- ☐ Roof:
  - ☐ Hip
  - ☐ Gable
  - ☒ Balustrade Rail
  - ☐ Squared Post
  - ☐ Boxed
  - ☐ ½ Wall/Closed Rail
  - ☐ Classical Columns
  - ☐ Pilasters
  - ☐ Masssive/Battered Piers
  - ☐ Turned Spindle Post

**Window Attributes**
- ☑ 1/1 Double-Hung
- ☒ Sash and Transom
- ☐ Narrow
  - ☐ Diamond-light transom
  - ☐ Multi-light Upper Sash
- ☐ Oculus
  - ☐ Fixed-Pane/Picture
  - ☐ Casement
  - ☐ Awning
  - ☐ With Sidelight(s)
  - ☐ Dressed Stone Sills/Lint

**Other Distinctive Features/Remarks:**
Gable over front entry with diamond imbricated shingles under gable; open porch with balustrade rail; fixed pane picture windows with diamond light transom on front (west) facade; screened-in porch addition on back (east) facade with shed roof; approx. 2' high unpainted picket fence at back porch; 6' high unpainted wood fence between property to north and this property.
Alterations (with estimate of dates, as appropriate):
1941 - remodeling
1941 - enclose porch
1948 - remodel basement

RECORDING INFORMATION:

Date: 5/24/2019
Recorder(s):
Sherry Albertson-Clark, AICP

Photograph Numbers:
IMG_1981.JPG

View of west (front) wall looking east
Hi Maren,

My name is Sarah Eisbrener, I am Gwen Dentons daughter. I am writing this email on behalf of my mother and on the historical designation of the property located at 726 S College Ave.

She was able to dictate to me the paragraph requested of her memory of the house. Please see below:

My name is Gwen Denton and I am writing in reference to the property 726 S. College Ave. My Great Uncle John Vaughan, and his wife Olive, lived in that house for approximately 12 years in the beginning in the 1950’s. My family visited them on numerous occasions when I was a young child. Looking back I remember the house as being a warm and friendly place to visit. We were always excited to go. I am now 70 years old and still have vivid recollections of that house as a child.

For historic reasons it is important to maintain our heritage. I hope it will be preserved for people to enjoy for many more years as I did when I was a child.

Sincerely,

Gwen Denton

Thank you for your time!
Staff Presentation to the Landmark Preservation Commission  
September 16, 2020
Maren Bzdek, Senior Historic Preservation Planner
Landmark Preservation Commission 09.16.2020

Appeal: 724 and 726 South College Avenue
Landmark Designation Eligibility
Role of the LPC

- Consider evidence regarding **significance** and **integrity** of the buildings addressed as 724 and 726 S College Avenue

- For each, provide **determinations of eligibility** Fort Collins Landmark designation

- Final decisions of the Commission shall be subject to the right of appeal to the Fort Collins City Council (Sec. 14-9)
Timeline

- **1998**: Eastside Neighborhood Survey (reconnaissance-level)
- **12/16/2014**: Demo/Alt review (official determinations: not eligible “primarily due to their historic context being substantially diminished”)
- **9/28/2015**: LPC conceptual review of proposed mixed-use project (work session)
- **3/5/2019**: Council adopted code revisions (“context” removed; intensive-level surveys required)
- **05/24/2019**: South College recon survey project (staff identified properties for intensive-level survey)
- **11/25/2019**: Conceptual plans submitted (mixed use project)
- **12/16/2019**: Five-year expiration date for 2014 determinations
- **Jan/Feb 2020**: Intensive-level historic surveys (presubmittal requirement, per 2019 code revisions)
- **7/1/2020**: Staff issued official determinations – both properties eligible (delayed by Covid-19)
- **7/7/2020**: Applicant provided written notice of appeal (within 14 days)
- **7/21/2020**: Council adopted exception to Ord. No. 079, 2020 allowing for appeal by remote hearing
- **9/16/2020**: LPC hearing
Eligible Historic Resources

- *Does not* require formal designation

- *Does* require preservation and adaptive reuse of historic resources for development applications subject to land use code compliance [3.4.7(D)(3)]
2 Requirements: Landmark Eligibility*

Significance
1. Events
2. Persons/Groups
3. Design/Construction
4. Information Potential

Integrity (7 Aspects)
Design, Materials, Workmanship
Location, Setting Feeling, Association

*Section 14-22, “Standards for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins landmarks or landmark districts.”
724 South College Avenue, façade, looking east.

Sketch map of 724 South College Avenue, Fort Collins (D.R.).
Previous Assessments

724 S College

- 1998 Eastside Neighborhood Survey (recon): individually eligible for National Register; excellent integrity; two contributing garages (1925 garage is now demolished)

- 2014: Demo/Alt Review: not individually eligible as a FC Landmark, "Primarily due to diminishment of context"

- 2019: Staff recon/field determination: eligible as FC Landmark (recommend intensive-level survey)
724 South College Avenue: History

- Constructed 1901
- Shantz Family c.1902-1963
- Rental: 1960s to present

October 1948 view of 724 South College Avenue, Fort Collins, from old Larimer County Assessor’s property card. From Fort Collins History Connection website.
2020 Determination - 724 S. College: Significance

**Design/Construction** (Vernacular Wood Frame Dwelling)
- Tuscan column-framed enclosed front porch
- Wood shingle cladding (gable faces, upper story walls)
- Steeply pitched front-facing roof
- Gabled dormers
2020 Determination - 724 S. College: Integrity

- Residence “essentially unaltered since its construction”
- Pre 1920 garage: “only fair” (stucco, sealed window)
- Setting: “substantially diminished, but not entirely lost”
700 Block, East Side

1903: 8 residential properties
Pre-1925: filling station added (south end)
Post-1948: 3 residential properties
726 S College

• 1998: Eastside Neighborhood Survey (recon): Not individually eligible for National Register, but would contribute to a NR district; excellent integrity

• 2014: Demo/Alt Review: not individually eligible as a FC Landmark: “Although intact, the home does not rise to a level of significance that would merit individual designation. Also, there has been a loss of context for this home.”

• May 2019: Staff recon/field determination: eligible as a FC landmark (recommend intensive-level survey)
• Constructed 1901
• Owned by Frank Shantz
• Rental: 1903 to present
2020 Determination - 726 S. College: Significance

- **Design/Construction** *(Vernacular Wood Frame Dwelling)*
  - Hip-roofed, single-story rectangular plan
  - Decorative front gable
  - Projecting front porch with balustrade railing
2020 Determination - 724 S. College: Integrity

- Retains all original exterior features; no modern additions
- Brick chimney removed; replaced with modern stovepipe
- Siding replacement?
- Setting: same as 724 S College
Guidance for Design/Construction (Criterion 3):
• Middle-class/working-class history
• Few high-style examples of architecture
• Vernacular buildings represent our local intersection of architecture and culture
• Provide comparative information from immediate area
Vernacular Architecture

- Expression of a local builder’s experience, available resources, response to local conditions and local culture

- Architectural Guides (e.g. Colorado and Utah) include both “Styles” and “Types/Forms” (vernacular typologies using basic descriptors), e.g. “rectangular block” and “cross-wing”
Vernacular Wood Frame Dwellings

- **Materials**: Wood frame, siding, doors, porches, trim, double-hung sash windows
- Wood milled from old growth lumber: denser, stronger, rot-resistant, repairable
- **Workmanship and Design**:
  - Varying ornamentation (usually sparse, often unique)
  - Detailing: front porch, brackets, gable ends, rafter tails, shingling
- Rectangular blocks, Foursquare, hipped roof boxes, I-houses
- Social history of building type: modest homes for early working class/middle class residents, often during phases of rapid growth
Evaluating Integrity

- Establish the essential character-defining features
- Determine their presence/visibility
- Determine whether property needs to be compared with similar properties
- Determine which aspects of integrity are most important based on area of significance
Condition and Integrity

• “Good repair” is not required (presumes ability to apply treatment approach)
• Use current condition to evaluate property for integrity (not likely condition after a proposed treatment)
• Historic integrity can be negatively impacted when character-defining features are missing or beyond repair
• When comparing properties of similar type, rarity and poor condition of other extant examples can justify accepting greater degree of alterations or fewer remaining character-defining features

National Register Bulletin 15: ‘How to Apply the National Register Criteria for Evaluation’
Evaluating Integrity

Most Important for Criterion C/Standard 3 (Architecture):*

- **Workmanship**: physical evidence of crafts of a particular cultural or people during a given period
- **Materials**: physical elements that were combined during a particular period in a particular pattern/configuration to form a historic property
- **Design**: combination of elements that create the form, plan, space, structure, style

*From *National Register Bulletin 15: “How to Apply the National Register Criteria for Evaluation”*
Appellant Submittal

- Appeal Memorandum (August 23, 2020, Brownstein Hyatt Farber Schreck, LLPC, counsel for Gannett Properties)
- 2020 Photo Set
Role of the LPC

- Consider evidence regarding **significance** and **integrity** of the buildings addressed as 724 and 726 S College Avenue

- For each, provide **determinations of eligibility** Fort Collins Landmark designation

- Final decisions of the Commission shall be subject to the right of appeal to the Fort Collins City Council (Sec. 14-9)
Correspondence provided to Landmark Preservation Commission
September 16, 2020
Hi Maren,

My name is Sarah Eisbrener, I am Gwen Dentons daughter. I am writing this email on behalf of my mother and on the historical designation of the property located at 726 S College Ave.

She was able to dictate to me the paragraph requested of her memory of the house. Please see below:

My name is Gwen Denton and I am writing in reference to the property 726 S. College Ave. My Great Uncle John Vaughan, and his wife Olive, lived in that house for approximately 12 years in the beginning in the 1950’s. My family visited them on numerous occasions when I was a young child. Looking back I remember the house as being a warm and friendly place to visit. We were always excited to go. I am now 70 years old and still have vivid recollections of that house as a child.

For historic reasons it is important to maintain our heritage. I hope it will be preserved for people to enjoy for many more years as I did when I was a child.

Sincerely,

Gwen Denton

Thank you for your time!
Applicant Presentation to Landmark Preservation Commission
September 16, 2020
Local Landmark Eligibility Analysis

724 & 726 S. University Ave., Fort Collins, CO

Michael LaFlash
Presentation to the Fort Collins Landmark Preservation Commission
September 16, 2020
The purpose of this presentation is to answer one question:

1. Do 724 & 726 S. College Avenue meet the criteria to warrant Local Landmark designation?
Heritage Consulting Group

• Founded in 1982 by current President John M. Tess.

• Have evaluated thousands of projects at the local, state, and federal level.

• Are currently working in 32 states with both big and small projects.

• We have successfully nominated over 400 buildings to the National Register of Historic Places.

• Our adaptive reuse projects have resulted in excess of $2 billion in investment.

• Our client list includes:
  – U.S. Air Force
  – U.S. Post Office
  – NYCHA
  – State of Pennsylvania
700 Block – S. College Ave.
Primary Elevations

Left: 724 S. College Ave.
Right: 726 S. College Ave.
Site/Setting - Existing Conditions

700 Block - S. College Ave.
Laurel School Historic District (NR 1980)
Laurel School Historic District (NR 1980)

Star denotes location of subject properties.
Designation Criteria
Eligibility Criteria

Landmark Designation generally adheres to NR Criteria for listing.

Significance:
• Criteria 1 – Events
• Criteria 2 – Persons/Groups
• Criteria 3 – Design/Construction
• Criteria 4 – Information Potential

Integrity:
• Seven Aspects
  – Location
  – Design
  – Materials
  – Workmanship
  – Setting
  – Feeling
  – Association
Eligibility Status

- The Staff Report and Intensive Level Survey contend that both buildings meet Criterion 3 as significant examples of early-20th century wood-frame vernacular single-family houses.
- Both reports also contend that the building retains Integrity of Design, Materials and Workmanship.
- Both buildings have been determined to be non-historic multiple times since 1980.
Laurel School Historic District

- Subject Buildings not included in district boundary
- Boundary purposefully drawn at alley behind Remington in effort to separate “long row of homes that face Remington from long row of Commercial Structures that face College.”
- Lack of Context with adjacent historic district resulted in lack of inclusion as contributing resources.
LPC 2014 – Not Eligible

• In 2014 LPC determined neither building to be individually eligible for local landmark designation.
  
  – 724 S. College – “Although intact, the home does not rise to a level of significance that would merit individual designation. Also, there has been a loss of context for this home.
  – 726 S. College – “Primarily due to diminishment of context.”

• These reasons for non-eligibility still applicable.

• 2020 Survey does not provide any new or additional information to warrant listing under Criterion 3.
LPC 2014 – Not Eligible

Request for Demolition/Alteration Review
Property Address: 7956 South Colfax Avenue
Applicant:

Date submitted: 09/10/14
Phone: 303-477-1000

Yes No Information
☐ Property is 50 years or older? Source/Date of Construction:
☐ Property is on State or National Register or is within a State or National Historic District?

Yes No Director of COMS
☐ More than one aspect of integrity is being impacted? (if yes, it is a major alteration/no, minor) Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling
☐ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns
Comments:
☐ Property retains a preponderance of historic integrity?
Comments:
☐ Property is Individually Eligible for Landmark Designation?
Comments:
☐ Proposed plans would uphold the property’s significance and integrity?
Comments:

COMS Director’s Signature: Date: 09/10/14

Yes No LPC Chair:
☐ More than one aspect of integrity is being impacted? (if yes, it is a major alteration/no, minor) Design/ Workmanship/ Materials/ Setting/ Location/ Association/ Feeling
☐ Property is significant for Architecture, Prominent Individual, and/or Historic Event/Patterns
Comments:
☐ Property retains a preponderance of historic integrity?
Comments: CONTRACT NOT BEEN SUBSTANTIALLY DIMINISHED
☐ Property is Individually Eligible for Landmark Designation?
Comments: THERE HAS BEEN A LACK OF CONTRACT FOR THIS GONE,
Proposed plans would uphold the property’s significance and integrity?
Comments:

LPC Chair’s Signature: Date: 09/10/14
Lack of Context
Lack of Context

How did we get to this point?

• Redevelopment
  – Mid-to-late 20\textsuperscript{th} century shift in immediate surrounding area to north and south along College Ave. from residential to commercial.
Lack of Context

How did we get to this point?

• Zoning
  – Community Commercial Zoning District
  – Provides combination of Retail, Offices, Services, Cultural Facilities, Civic Uses, and Higher Density Housing.
  – Residential use at subject properties Grandfathered-In.

Red Star Indicates location of Subject Properties.
Neither building is significant under Criterion 3 due to the lack of historic and architectural significance of each building.

This fact pattern has been confirmed:
- In 1980, when the homes were not included in the Laurel School Historic District.
- In 2014, when LPC confirmed in their Demolition/Alteration Review that the properties did not merit individual listing.
Conclusion

- 724 & 726 S. College Avenue are not individually significant under Criterion 3.
- Properties should not be considered eligible for local landmark designation.
Verbatim Transcript
Landmark Preservation Commission Meeting
September 16, 2020
CITY OF FORT COLLINS
Landmark Preservation Commission
Held September 16, 2020
Virtual Meeting Via Zoom
In the Matter of:
724 and 726 South College – Appeal of Determinations of Eligibility
Meeting Time: 5:30 PM, September 16, 2020

Board Members Present:
Meg Dunn, Chair
Mollie Bredehoft, Co-Vice Chair
Kurt Knierim
Elizabeth Michell
Kevin Murray
Jim Rose

Staff Members Present:
Karen McWilliams
Maren Bzdek
Jim Bertolini
Brad Yatabe
Gretchen Schiager
Sherry Albertson-Clark
CHAIR MEG DUNN: That takes us to our third item, which is 724 and 726 South College. It's an appeal of the terminations of eligibility. And, before we get started, I just wanted to check among the Commission to see if there's any disclosures or recusals. And somehow I lost my view of everyone's hands…okay…are there any disclosures or recusals for this item? Alright, I'm not seeing any hands. Okay, before our staff report…well, actually I'll wait on that. So, let's go ahead and start with our staff report.

MS. MAREN BZDEK: Can everybody see that first slide okay?

CHAIR DUNN: Yes.

MS. BZDEK: Great. So, good evening. I'm Maren Bzdek, Senior Preservation Planner for the City, and I will be presenting the staff report on this item. In July of this year, following review of the evidence provided and intensive level historic surveys, Historic Preservation staff determined that the residential properties at 724 and 726 South College meet the requirements for designation, and thus would be treated as historic resources under the Fort Collins Land Use Code. And the property owner, Gannett Properties, is asking the Commission to consider their appeal of the determinations of eligibility for both properties. Currently, both residences are on one parcel which is shown on the map, on the left, with a red border around it, and we will be discussing each of these separately, and you will be asked to evaluate them separately this evening, because they were historically separate properties. The properties do immediately abut the Laurel National Register District to the east, which is indicated in the image on the right with that orange boundary line along the alley, and the historic properties shaded in purple. Within that blue shaded box are the three residences that were constructed simultaneously in 1901, two of which we'll be discussing tonight. Again, you'll be only evaluating 724 and 726 South College which are the middle building in that blue shaded area and then the building immediately to the south. That third 1901 residence that is immediately north of those two buildings is currently in use as Alpine Dental, as well as the Alpine Dental building that is immediately to the north of that building, and they are not part of your evaluation. We did not provide determinations on those in July because we found that they did not meet the minimum threshold for evaluation for historic resources due to age as well as loss of integrity.

So, for your evaluation this evening, you will be asked to consider all of the evidence presented by staff, as well as the appellant, regarding the two properties' significance as well as their integrity as established as requirements in the Fort Collins Municipal Code, and for each you will provide a separate determination of eligibility. And also a reminder, finally, that the appellant has the right to appeal your decision to the Fort Collins City Council.

At our worksession last week, you did ask for a more thorough review of the timeline to date so I have updated the slides since the worksession in order to clarify that sequence of previous evaluations of the two properties. And again, because this history of how this has unfolded to this point is important to understanding the evidence that's presented to you in your packet, I am going to go through this timeline in some detail.

In 1998, these two properties were evaluated in a large-scale reconnaissance survey project that covered all of the Eastside and Westside Old Town Neighborhoods and provided field determinations of eligibility for the National Register. At that time, determinations of eligibility for the National Register meant that a property was also eligible for designation as a Fort Collins Landmark, and both properties were determined to be eligible at that time; 724 South College was found to be individually eligible, and 726 as eligible for contributing to a district. Then, in 2014, the properties were reevaluated using our former demolition alteration review process, which was the mechanism at that time for providing official
determinations of eligibility. Rather than a field determination as was done in 1998, this assessment was
done in the City office using comparative historic and current photos and limited information from
building permit history to understand how the properties may have changed over time. And that
determination was made by the Chair of the LPC and the CDNS Director as a matter of regular procedure
at that time. And again, in that instance, both properties were determined not to be eligible. I will
provide more discussion of those 1998 and 2014 evaluations later in the presentation when we look at
them individually.

In 2015, the LPC considered plans for a 3-story mixed-use building on the site that we're looking
at regarding its design compatibility with the abutting historic district. At that meeting, the LPC was not
asked to comment on the eligibility of the buildings before you this evening, as those 2014 determinations
remained valid. That project went through one round of staff review and then expired.

In March of 2019, we revised the Code, which many of you may remember since you were part
of the LPC at that time, and we made two changes that are directly relevant to this discussion this
evening. First, we removed the requirement in Chapter 14 that called for an evaluation of a property's
context above and beyond the integrity that we normally look at of its historic setting. Second, we revised
Section 347 of the Land Use Code to require that all determinations of eligibility that were being
undergone as a result of a Land Use Code evaluation would be based on full intensive level surveys for
properties that would be either demolished or altered in conjunction with a development proposal. So,
this change to our procedural requirements was meant to resolve the concern that only superficial and
limited information was considered for determinations under that prior demo/alt review process that was
used in 2014.

Then, in May of 2019, the City began a recon survey project along South College, coincidentally,
that is meant to work in conjunction with that new Code requirement for intensive level survey. What
those recon surveys do is the surveyor identifies properties that are likely to need further evaluation with
an intensive level survey if a proposal comes in for proposed changes. And it also helps us to identify
properties in advance that do not meet those minimum requirements for further evaluation which provides
potential development applicants with some predictability. So, at that time, both of those properties that
were looked at in May of 2019 were flagged for intensive level survey which had not been done on either
property to date.

Then we move forward to November of 2019 when the appellant submitted new conceptual
plans, because remember that previous application had expired, so they submitted new conceptual plans
and meanwhile, that five-year expiration of that 2014 determination was about to occur on December 16th.
So, in order to proceed with plans based on that previous determination, or set of determinations, the
applicant would have had to move through the conceptual review process and then go ahead and submit a
formal application for review, what we call a PDP application, prior to that expiration date. And the
reason for that five-year expiration, as a reminder, is two-fold: its based on the need to improve evidence
for older determinations that were based on limited evidence, which is the case in these particular
properties, and it also, by giving a five-year timeframe, it does allow for a reasonable amount of time for
existing determinations to remain valid so that development applicants can retain a certain amount of
predictability for a certain number of years.

So, as a result of that expiration of those previous determinations, we did require in our
conceptual review process that the appellant pay the survey fee and then we reached out and completed
that process of contracting with Jason Marmor of Retrospect to do that intensive level survey work for
both properties. And, while that survey work was being completed and submitted for staff review, the
pandemic broke out and so, our operations were temporarily placed on hold while we developed remote
work operations. So, that's why there's that gap. And then, in July, we issued the official determination
for each property. Now, when we do that, I want to be clear, we've got the intensive level site forms that
come in from the outside contractor, the independent contractor, and we're doing the following to verify
those results: we're looking for any important factual errors that we can identify, or missing information
that we can identify, or questions that we have that we feel would impact the argument for significance or
integrity, and we make sure that the forms generally follow the guidance that we provide to outside
surveyors. So, because we're looking for independent evaluations, we generally uphold those
determinations of eligibility made by the surveyors through that intensive level evaluation, and would
typically only challenge those determinations if we found a methodological error that was inconsistent
with our general evaluation practices. And this way, we ensure that those expert evaluations are
processed as neutrally as possible by staff.

So, the property owner, upon receiving those results that both properties were found to be eligible
and that staff was upholding those determinations, did meet that 14-day deadline to appeal those
determinations, and we subsequently had to receive permission from City Council to bring that agenda
item forward to you this evening.

I do want to clarify that the determination of eligibility does not automatically result in formal
designation and does not begin that process; however, if a property has an official determination of
eligibility that is currently valid, an application being reviewed under the Land Use Code will include the
requirement that the historic resources will be adaptively reused following the Secretary of Interior
standards.

And just a very quick review...I know that you're familiar with the requirements for significance
and integrity, or the criteria for significance and the seven aspects of integrity...our Code does follow
these national guidelines for the evaluation of properties for eligibility. There are four criteria...or
categories for evaluation: events, persons and groups, design and construction, and then in the cases
where there are archeological resources, for information potential. And then under integrity, we look at
those seven aspects as established by the National Park Service. And again, I mentioned earlier, our
previous Code prior to the 2019 changes did have an additional third evaluation requirement that we look
at what was considered to be the context of the area surrounding the property as a third consideration.
And that version of the Code defined context as the totality of interrelated conditions in which a site or
district exists, and which included the pattern of development and either the scarcity or profusion of a
particular resource type.

Again, I think I mentioned earlier that we do provide some additional guidance for our
contractors who work with us to do these intensive level surveys regarding evaluation of local
significance. These parameters are meant to supplement or compliment the professional judgement that
those historic preservation professionals are already bringing to the table, and relate primarily to
understanding the general character of our built environment in Fort Collins, which is different than
Denver, or Colorado Springs, or Boulder, or even Greeley, because while our communities have certain
things in common, each is unique in terms of the details in which our history has unfolded, the conditions
in which they unfolded, and those differences are reflected in our built environment.

The primary difference we see is in the number of high style examples of established architectural
styles versus a somewhat simplified and more economical and localized expressions of those residential
building trends that we see here in Fort Collins. So, it's really important when we are thinking about
significance, to understand how examples of Fort Collins architecture reflect Fort Collins history
specifically, and not how our buildings would be compared to residences in other cities. So, we do have those discussions with our contractors. And, you know, the expression of local builders' experience and resources and the things that I was just mentioning are what we mean when we talk about vernacular architecture. So, what is that...those special qualities in that local built environment that tell us something about the history of that place, and the materials that were available, and the economic conditions. And, if you're familiar with the architectural guides that SHPOs provide for the survey process, for example both Colorado and Utah, they recognize this vernacular architectural type by providing guidance on both styles as well as the categories of types, or forms, which are these typologies for vernacular buildings. And they are more about, you know, basic forms that then some stylistic ideas can be used in conjunction with.

So, for a wood-framed dwelling...both of these properties have been identified by the contractor as eligible as vernacular, wood-framed dwellings. And of course, wood-framed dwellings are more prevalent in western states than they are in the Midwest and east because by the time our community was developing, lumber was readily available from railroad shipments when the houses were being constructed. When we look at these materials, we're not just thinking about their authenticity in terms of era of construction they represent, we're also thinking about their quality, and durability, and repairability as materials. As we know, old growth, milled-wood products from the turn of the 20th century are vastly different in terms of strength and repairability than the wood products that are used today, which is one of the reasons why we consider it so important to maintain and repair them. The myriad ways in which the application of that milled lumber is applied to a vernacular wood-framed building...to any given building...is also part of the significance of those dwellings.

While they have certain things in common as a group, they have unique ornamentation and detailing that varies, and we see that variation, in fact quite plainly, in the two examples that you're looking at this evening. As I noted on the last slide, some of those buildings can be further classified by form...ultimately what they all have in common is this idea of a material expression of those local conditions, and preferences, and local knowledge, and access to materials at the time that they were constructed.

In this case, I would say that these buildings also have a historical connection that reflects a particular chapter in Fort Collins history. Again, as a set of three buildings, only two of which you are evaluating tonight, there are variations on a theme each with their own unique detailing, you have a single builder who built all three of them for a single property owner, and that joint effort to build that set of structures expediently and affordably at that time, in 1901, to meet that rising need for additional housing in our growing community, is part of their history, and their character, and their significance.

A reminder that when we're looking at integrity, we certainly understand that all properties change over time, and that retaining all historic features isn't necessary, but that those essential features that convey a building's historic identity must be present, those character-defining features that are identified for that building. Properties significant for historic associations with events or people, which is not the case for these two buildings tonight, must reflect the character of that property during the period of time that the event has occurred. For properties that have been noted as important for their architecture or their construction techniques, as in the buildings tonight, they must retain most of those physical features that constitute either that style or that technique. Some loss of historic materials or details is acceptable as long as the majority of those features remain.

I do also want to make a few notes about condition and integrity because I know that's something that always comes up. The National Register Bulletin 15, which provides our guidance on how to apply
those National Register criteria when we're evaluating buildings, addresses condition in certain ways, but
does not require that good repair is necessary in order for a property to be eligible because it presumes
that there is an ability to rehabilitate that structure. Using the current condition to evaluate the property
for integrity is certainly required, however, and so you must look at which of those character defining
features remain present and visible and not what could be made present or visible after treatment. You
can also note, when you're thinking about condition, that integrity, those seven aspects of integrity that
we're evaluating, can be negatively impacted if, again, there are missing character-defining features or
features that are beyond repair. And then when comparing properties of similar types, sometimes rarity or
poor condition…if there are other examples that are in poor condition, for example, can justify accepting
a greater degree of alterations for the building in question in terms of how much integrity it retains.

And then, again, for criterion C/standard 3, since we have a slightly different reference to that
third criteria for architecture in our Code, but essentially, again, follows that same National Register
framework for evaluation…the National Register guidelines tell us that the three aspects of integrity that
are most important for buildings that are eligible for their architecture is their workmanship, their
materials, and their design.

Now, moving on from those general evaluation standards, I'm going to provide a basic summary
of the properties' evaluations to date regarding their landmark eligibility and then I will present some
summary information from the current determination of eligibility regarding the properties' history,
significance, and integrity. So, this is the summary of the determinations that was made specifically for
724 South College based on the review sequence I detailed for you in that previous timeline slide. So, in
1998, in that recon survey that was done, the determination for this property was that it was individually
eligible and had excellent integrity. And at that time, it had two garages, one of which is now demolished, and both were considered to be contributing to the significance of that property. In 2014, in
that demo/alt review that was done with that comparative photo set, the determination by the LPC Chair,
Ron Sladek at the time, as well as our CDNS Director, Laurie Kadrich, was that this property was not
individually eligible as a Fort Collins landmark, primarily due to diminishment of context. As a
reminder, we had that requirement at that time in our Code, that context be considered. In 2019, we did
that staff recon field determination along South College, and at that time we determined that an intensive
level survey should be recommended based on the possibility that that property may be eligible.

So just a little bit more about the property itself…this is a two-story, six-room wood-framed
dwelling. It's one of those three contiguous homes that were constructed in 1901 by contractor S.J.
Milligan for a local businessman who owned all three properties, whose name was P.P. Tubbs. Tubbs
and his family lived at 720 South College, that residence to the north, and he sold the other two shortly
after completion to Frank and Ruey Shantz, who lived at 724 South College for 60 years and rented out
726. Frank Shantz was a registered pharmacist in Colorado, he was a partner in A.W. Scott Drug
Company downtown until it sold to Walgreen's, and then he turned his efforts to his service as Vice
President of Poudre Valley National Bank. The house became a rental after the Shantz family sold it and
the current owner, Gannett Properties, acquired it in 2015.

While we've talked about the social history of the architecture and how our architecture can
represent patterns of history, working-class history, middle-class history, I also want to be clear that the
properties are not noted in the current intensive level survey form as eligible for their history alone
because they are not associated with the sugar boom that began just a couple of years after that, and the
independent surveyor did not provide an argument for significance based on the community influence of
Frank Shantz or any other associated individuals who lived in the home.
And then a little bit about its significance, which was found to be based on its design and construction as a vernacular wood-framed dwelling. As I mentioned earlier, vernacular wood-framed dwellings refer to simple, wood-framed buildings that are the product of that local builder's experience and resources, and as I noted above, we see a variety of forms that express this building type. They often feature front porches, front gabled roofs, hipped roofs with overhanging eaves, usually wood siding, often double-hung sash windows, and again, a variety of ornamentation with some varying details found on the porches, the brackets, the gable ends. So, in this particular case, we have the Tuscan column-framed enclosed front porch. You can see that kind of Tuscan column detailing in that middle photo. A steeply-pitched front-facing roof, which is not so readily available on this slide, but was on the previous slide, and then those gabled dormers.

In terms of integrity, we...again, we have these three contiguous houses that were built in 1901 that are still standing, that general setting in terms of aspect of integrity referred to as setting, we have CSU to the west as it was then, and of course College Avenue, the Eastside historic neighborhood to the east, and then again, that original set of three buildings remaining on that block.

Other changes to this building over time, other than the fact that the building itself remains essentially unaltered, is that we did have the garage itself, that pre-1920 garage's condition is evaluated as fair. It's been stuccoed, it has a sealed window. Mr. Marmor did find, in terms of setting, that it's diminished, but didn't feel it was entirely lost. And then again, a note that there was a second two-car garage on the property that has been demolished, I believe sometime after 1998. That porch was also screened in, you can't see it in any of these photos, but that was done in 1938 if you were wondering about that.

So, we're in the CC zone district as our zoning currently applies with that western, to the west...I'm sorry, to the east is the western boundary of the NCB zone district which encapsulates the Laurel School National Register District. There has been some new residential construction on that block to the east as well, in that historic district. And other than that, I note on the slide...you may be wondering when the building immediately to the south, currently the Book Ranch, which was previously a filling station, was constructed...I don't have the exact date, but I know it was constructed prior to 1925. And then...yeah, I think that summarizes everything there.

Okay, now I'm going to give you a quick review of 726 South College. And, again, basic summary of what's presented in your attachments. The map here showing, again, the two properties next to each other, you are now looking at the building on the right. Quick summary of the determinations to date: the 1998 recon, this building was found not individually eligible, but would contribute to a National Register District, and with excellent integrity, 2014, not individually eligible as a Fort Collins landmark. Quoting from that form which is attached in your packet: although intact, the home does not rise to a level of significance that would merit individual designation, also there's been a loss of context. May 2019, again, evaluated to be recommended for intensive level survey. We've already discussed the original construction history, so I will move quickly over this. Just a reminder that the Shantz family did continue to own this property after they purchased it the several years after its construction, continued to live at 724 South College, and rented this property out while they lived next door and managed those properties jointly for about 60 years.

So, in this structure, regarding its significance as a vernacular wood-framed dwelling, we have a different expression of that type with the hip roof, single-story rectangular plan. We have that decorative front gable, imbricated shingles, we have the projected front porch with the balustrade railing, and those are among the features that were identified in the intensive level site form regarding character-defining...
features for this particular property. In terms of its integrity, it does retain all of its original exterior features without any modern additions, it has had a brick chimney removed and replaced with a modern stovepipe. There is a question about the siding...if anybody wishes to comment on that tonight, that would be appreciated. The surveyor did note that he wondered whether it had been replaced at some point. And again, my comments about the setting would be the same as they were for 724 South College.

So that concludes my summary of the information that we have for you as staff on conducting property assessments and determinations of eligibility in general, as well as the specific evaluation histories for both properties. As you've seen in your packet, the appellant has also provided a memorandum outlining the basis for their appeal request, as well as an additional recent photo set of the buildings for your reference.

And I'll conclude just by revisiting the scope of the task before you this evening, which is to consider the evidence presented by staff, the appellant, and any contributions from public comment, and provide your own determinations of eligibility for each property. As always, I have provided sample motions in the staff report to give you the basic structure to compose motions based on whatever findings you develop this evening. And also attending this meeting and available to take questions from you, we have Jason Marmor of Retrospect who provided those intensive level site surveys that formed the basis for that 2020 staff determination. And then we also have Ron Sladek of Tatanka, who was the LPC Chair in 2014 and participated in that demo/alt review discussion that resulted in the determinations that were made at that time. That concludes my staff presentation. I'll also be standing by to receive your questions.
So, I was just going to give kind of a quick walk through of our history with the properties. We went to
dental school together and decided to move up here in 2005, and we purchased Alpine Dental Health from
a dentist who was retiring and he owned the building that the dental office was in, and then we also knew
that he owned the properties that we're talking about tonight too. And, even at that point, we were under
the understanding that he would be willing to sell us those properties at some point as we grew, and
knowing that even in 2005, the facility that we were in for our practice was pretty...it was at the end of its
career, and that we would need a new facility in the not too distant future. Then, in 2008, we bought the
building that the practice is located in and the attached...I think it's 720 South College...the third building
that's not being looked at tonight.

And then, in 2014, we had a right of first refusal for the two properties that we're talking about
tonight, for 726 and 724, and in 2014, that was triggered by our neighbors to the north, that developed
that corner of College several years prior, and they were wanting to buy the whole thing. And so, they
made an offer, and they actually triggered that 2014 historic review because they wanted to know if it
would be historic before they purchased it. And so, once we got that determination in 2014 that they were
not eligible, we exercised our right of first refusal and purchased the properties, and we for sure were
under agreement that we would not have bought those properties in 2014 if they had come back as
eligible as historic landmarks.

We've been, for about a decade now, trying to figure out how to build a new building and have a
dental facility that represents the kind of dentistry we like to do, and we really want to stay in Old Town,
that's where all of our patients are, it's convenient for them, it's kind of an underserved area for dentists.
Most dentists now are down on the south end, or out east. And we've been looking for ten years, actually.
We recognized it would actually be a lot easier to just move into a different building than it would be to
tear everything down and rebuild where we're at because we would need to practice somewhere in the
meantime. So, in a decade of looking, we have not been able to find any other building downtown that
would suit our needs, that would be big enough, that would have the parking we would need, that would
work.

So, then we started the conceptual review process as was noted earlier to build a multi-use
building there. Unfortunately, at that time, our associate dentist that was about to buy in instead moved to
Chicago, so we were unable to afford to do the project at that time. But then, after a lot of hard work, in
2019, we were ready, and another piece of this puzzle, we bought 950 South Taft Hill, the old Sri Thai
building, and were able to turn that into a dental office. That's actually where we're sitting right now. So
that we could move our practice into this building while we build a new building on the properties that
we're talking about right now. And I'm not sure we would have done that if we had known that these
were going to be designated as historic again. So...I noted there in that May of 2019 recon survey that
said that they were going to be eligible again, or that they were going to have to have another
survey...we're just kind of talking...we don't remember getting any kind of notification that that
happened. We certainly would have moved our project along sooner had we known that. And I know
ignorance isn't a defense, but we were unaware that the prior designation as not historic actually expired
at all, and really even if it did, we couldn't imagine that it was going to come to a different conclusion
than it did in 2014.

So, our patients right now are willing to come across town to see us as long as they know it's
temporary. A lot of them have put up with a pretty run-down facility for many years. We've been talking
about this with them for a long time. But, we really and truly can't imagine any way that we could make
the current structures into any kind of facility that would suit our needs and help us to provide the dental
care that we need to provide. So, it would be a pretty major hardship on our business. So, I'm going to turn it back over to Nicole. Thanks for hearing us.

MS. AMENT: Thanks for providing that context. Now I'm going to turn it over to Michael LaFlash, he's with Heritage Consulting Group, and he can walk through his information with you as to sort of what his background is...and he's the consultant that we hired to provide a second opinion per hearing that request from LPC last week. And I think, Michael, if you want to unmute yourself now and share your screen.

MR. Michael LaFlash: Alright, hopefully everything comes through perfect. Are we seeing everything alright?

MS. BZDEK: We are.

MR. LAFLASH: Alright, good. So, good evening everyone. Thank you for having me here tonight. My name is Michael LaFlash, I am a historic preservation consultant with Heritage Consulting Group. So, the purpose of my part of the presentation tonight really is to answer one question in particular, which is, do 724 and 726 South College Avenue meet the criteria to warrant local landmark designation. Now, I'm with Heritage Consulting Group, as I said. We are a national historic preservation consulting firm. We were founded in 1982 by our current president, John M. Tess. We have evaluated thousands of projects at the local, state, and federal levels, and are currently working in 32 states with both big and small projects, and a wide variety of buildings and styles. We've also successfully nominated over 400 buildings to the National Register of Historic Places and we have successfully brought in over $2 billion in investment with our adaptive reuse projects. Just to name a few of our clients, among Gannett Properties, we have the U.S. Air Force, U.S. Post Office, the New York City Housing Authority, the State of Pennsylvania, and many others.

So, I'd like to start really with a kind of Google aerial view of the surrounding area of the subject property, which you can see in the bottom left highlighted in red. The subject property is located within the 700 block of South College Avenue, which you can see is bound by Remington, Laurel, Plum, and South College. And what you should take away from this is the large commercial buildup along South College Avenue versus that neighborhood, single-family home feeling that you have with the properties on the east side of this section of the city. And, most particular, you should see how the two subject buildings are put in relation to those commercial buildings there on South College Avenue. So, here we have the two primary elevations of the subject property...subject properties I should say...with 724 on the left and 726 on the right. And Maren went through the history in her staff report, so I'm going to save you a lot of the details and kind of just move right along from there, but those are current elevation photos taken from the 2020 set.

And, if it's alright with everyone, I'd like to utilize the technology that we have as a result of this meeting and kind of run through a Google street view. Hopefully, this works, and we don't look like fools as a result of it. So, did that pop up at all?

CHAIR DUNN: Yes, that worked.

MR. LAFLASH: So, what you were starting here at the intersection of Plum and South College...if we look to the south along this side, you see a buildup of some modern commercial structures there. If we look over to the left, to the east...or to the west, sorry...you see Colorado State University's campus hidden in there if the screen ever decided to load. And then so as we move north down South College Avenue, the aforementioned adult entertainment store is right here at the edge of the subject
properties, the Book Ranch, and that abuts the subject properties here with 726 in blue and 724 here in the tan color with the third building, 720, in red off to the left in that image. Really important to note as we run down the road here is the significant alterations and change in context that would have existed historically in the single-family residential neighborhood that was there prior to commercial buildup in the second half of the 20th century, which now as we move down closer to the intersection of Laurel and South College, you can really see that modern buildup…three-story, two-story, commercial structures that extend down Laurel and down South College Avenue.

So, as Maren also mentioned, we have the Laurel School Historic District to the east of the subject properties. You will note that the subject properties are denoted by that red star just outside the boundaries of the historic district. The district itself is rather large and incorporates a great deal of turn-of-the-century vernacular architecture, residential neighborhoods, and the likes within it. And, important really with this section of the historic district is that you’ll note that certain areas of it are actually pulled out in certain properties specifically included within the district as a result of their importance to it.

So, this is taken from the 1980 National Register map…National Register nomination is the second page out of three of the boundaries. The black lines indicate the historic district's boundary markers. On the left where the subject property is noted again with the red star, that’s located in the alleyway in between the buildings along Remington Street and South College Avenue. So, really one thing of note with the Laurel School Historic District is that the preparer purposefully included and discluded [sic], and left out, certain buildings in certain sections of the city within this district where they could have very easily increased the boundary and moved it out to include the subject properties or any other that they felt would fit the district purposes.

So, moving then into the topic at hand with designation criteria. Again, just reiterating the fact that the local landmark designation, although there are some differences, that it generally adheres to the National Register criteria listing, and since staff went through this, I'll kind of save you the time and trouble there as well. So, when looking at the eligibility status of the two buildings noted within the subject property, the staff report and the intensive level survey both contend that the buildings meet criterion three as significant examples of early 20th century wood-framed, vernacular, single-family homes. Both reports also contend that the buildings retain integrity of design, materials, and workmanship. Both buildings, however, were routinely determined to be non-historic since 1980.

Again, looking at the Laurel School Historic District as I just showed you, the subject boundary was not included in those district…inside the boundary lines. The boundary was purposely drawn at the alley based off of what the preparer wanted to show in an effort to separate long row homes that face Remington from the long row of commercial structures that face College. The subject property could very well have been included within the district boundaries, but the lack of context with the adjacent historic district resulted in its lack of inclusion as a contributing resource. What the buildup of commercial structures along South College Avenue therefore significantly resulted in the…or played a direct role in the subject properties' lack of inclusion and lack of notice as contributing resources to the historic district.

So, again, then in 2014, as has been noted, the LPC determined that neither building was determined to be individually eligible for local landmark designation. As was shown before, 724 was noted as primarily due to diminishment of context while 726 was a little more descriptive noting, although intact, the home does not rise to a level of significance that would merit individual designation. Also, there has been a loss of context for this home.
So, as we move to today, these reasons for non-eligibility really are still applicable. The surrounding environment has, if anything, become more modern over the years, and at that point, the 2020 survey, which was looking at the same buildings as 1980 and 1998, it does not provide any new or additional information that warrant listing under criterion three. Now, the preparer of that survey did provide some great contextual historical information to the development and the uses of the buildings throughout the 20th century, but as the reports note and as staff mentioned, the buildings are not being considered individually significant for their historical impacts.

So, these pictures just show the 2014 request for demolition/alteration reviews, noting what was said about 724 and 726. So, although the context of the surrounding area of the buildings with their setting, feeling, and association…integrity of setting, feeling, and association…have been noted as less important than workmanship, design, and materiality, when it comes to buildings that don't hold individual significance, these three aspects of integrity really can't be ignored. So, within the grander neighborhood, these three play a significant role…or the lack of integrity of setting, feeling, and association play a significant role in determining the significance of these buildings.

So, really the question becomes, how did we get to this point? And, with redevelopment in the mid- to late-20th century, there was a shift in the immediate surrounding area to the north and south from residential to commercial, and as is heavily noticeable in 720 South College, that switch to commercial can play a significant role in determining a building's significance at that point. So, the lack of context within the site is really noticeable from what we see here in this photo.

Then there's also the issues of zoning that come into play here as well. The community commercial zoning district…the buildings are located within that district…and it was set up so that way the area could provide a combination of retail, offices, services, cultural facilities, civic uses, higher density housing. This has played a significant and direct role in the demolition of the surrounding historic structures including five of those eight, and the lack of integrity for one of the remaining three buildings. The zoning, therefore, plays a significant role in the future of the area in that it will more or less inch toward and favor demolition further on down the road as well.

So, to kind of just summarize quickly what I just went through in the last 15 minutes or so, neither building is significant under criterion three due to the lack of historic and architectural significance of each building. This fact pattern has been confirmed twice, both in 1980 and 2014, in 1980 when the homes were not included within Laurel School Historic District, in 2014 when LPC confirmed their demolition and alteration review, that the properties did not merit individual listing. And so, just to summarize again, it's our professional opinion that 724 and 726 South College Avenue are not individually significant under criterion three, and the properties should not be considered eligible for landmark designation. Thank you very much. Would you prefer that I stop sharing at this moment, or…?

CHAIR DUNN: Nicole, do you have more…is there more from your team or is this it?

MS. AMENT: No, that was it from our team. We thank you all for your consideration tonight in looking at all that we've provided to you in our information that Michael has been able to provide as to why we don't think that these are historically eligible. Our whole team is here and available to answer any questions as you guys consider this information.

CHAIR DUNN: Alright, that's great. Thank you very much. So that takes us to public comment, and I want to start off first with a letter that apparently came in to the Preservation staff today, and I'm going to ask Gretchen if she could please read that, and she said she might even be able to put in on the
screen for us. And then also, if anyone else from the public is here that wants to comment, I'll be
watching for hands under the attendees.

MS. SCHIAGER: Okay, can you see the email?

CHAIR DUNN: Yes.

MS. SCHIAGER: Okay, this email was received this afternoon. It was sent from Sara Eisbrener
to Maren Bzdek. It says: Hi Maren, my name is Sara Eisbrener, I am Gwen Denton's daughter. I am
writing this email on behalf of my mother on the historical designation of the property located at 726
South College Avenue. She was able to dictate to me the paragraph requested of her memory of the
house. Please see below. My name is Gwen Denton and I am writing in reference to the property at 726
South College Avenue. My great uncle, John Vaughn, and his wife, Olive, lived in that house for
approximately 12 years in the beginning…in the 1950's. My family visited them on numerous occasions
when I was a young child. Looking back, I remember the house as being a warm and friendly place to
visit. We were always excited to go. I am now 70 years old and still have vivid recollections of that
house as a child. For historic reasons, it is important to maintain our heritage. I hope it will be preserved
for people to enjoy for many more years as I did when I was a child. Sincerely, Gwen Denton. Thank
you for your time.

CHAIR DUNN: Thank you Gretchen. And is there anyone else from the public who'd like to add
comment? Okay, I'm not seeing any hands. So, let me just start us off by saying, I kind of want to
remind the Commission and everyone else what our role is here, and I've heard both in that letter than
Gretchen just read and in some of the things that the applicant said, that we're talking about designation.
And, we're not…this is not an opportunity to designate this property. Our role is not even to recommend
designation, that's not what we're here to do. Our role is to address whether these buildings are eligible,
so it would be eligible for designation, but that does not mean we're starting any sort of designation
process. We're really focusing on the eligibility of the two properties. And I also want to point out, you
know, every single one of us might be looking at this property and some are thinking, oh, you know, a
new history museum, some are thinking a new McDonald's, some are thinking a new dentist office, a new
apartment building…there are probably a jillion uses for this land, and we might have personal opinions
about what's best, but that's not what the Commission is here to address. Our role specifically, as laid out
by the Code, is to say whether they are or are not eligible. So, I just want to make sure that's totally clear.
Our focus is specifically on Chapter 14, section 22 of the Municipal Code, so that's what we're going to
need to abide by. So, our focus, therefore, is on the integrity and the significance of these buildings. And
as we ask questions, and as we have our discussion, I'd really encourage our Commission members in
particular to try to tie your questions to those two topics, because that's really the matter at hand.

Also, I want to be clear that this is de novo review, so what that means is even though staff
already made a decision in July, we're kind of totally doing a refresh on this and starting from scratch.
And so, the advantage of that is it means that the City can bring additional information, the appellant, as
they did right here, can bring additional information, the public can bring additional information. If it
wasn't de novo, none of that could have been added. So, I really do feel like it helps make sure we have
all of the information we need, at least as much as is possible today. So, I think it's a helpful thing we're
doing it that way.

So, let me just talk about logistics because it does get a little confusing on Zoom how this is
going to work, but we're going to take as much time as we need to make sure that the Commission has
every question answered, we're totally clear on everything…so there's no time limit on that. I would ask
the Commission members, do the usual of raising your hand on the side, and then once I've called on you,
you've got the floor, and then whoever you ask…if you're asked a question, feel free to just respond, you
don't have to wait for me at that point. And then once that Commission member is done with all their
questions, we can move onto the next one. So basically, once I've called on a Commission member, they
can, you know, just roll with it there, so you don't have to worry about waiting on me.

Following the question and answer time, we will walk through the requirements of section 14-22
regarding significance and integrity…so after we've had our questions, that's when we'll bring it back to
the Commission and we'll have our discussion and then we'll make our motions. And I do want to
apologize to the property owners in particular. This has definitely been a confusing process, and as…if
you watched the work session last week, I think you saw…there was a much greater timeline to all of this
that had been originally looked at, and it does get confusing. And so, I apologize for that. And we've
recognized that there were some problems in our system, and that's why we recently spend so much time
trying to not just make sure our Code is more transparent and clear so that applicants don't get into this
situation again, but also just the very process of having an intensive survey done instead of…before it was
the Chair and the CDNS Director, and as you can see by the forms, there was not much information
written down. So, it was very hard to get a sense of, well, did they consider materials, did they consider
design? It wasn't even mentioned. So, that's why we've changed the process is because we're trying to
make it so that this kind of thing doesn't happen. Unfortunately, this property has kind of straddled those
two time periods, and that's why we're here today. And so, I do want to apologize. I recognize this is not
easy, and you know, it's a real pain in the heiney I'm sure, but again, the way the Code reads, we can only
look at whether we believe they're eligible or not. That's what's on our docket today, so that's what we're
going to focus on. I recognize there's other issues at play here, and I know that's frustrating, but we're
going to…unfortunately, that's not something we can deal with today as a Commission, but it is
something that we have recognized in the past and are trying to address in our Code, and I think we're
getting there, I think we're finally improving that process. It's just, like I said, this property has managed
to straddle those time periods.

DR. MCDILL: I appreciate that, thank you.

CHAIR DUNN: Yeah, you're welcome. It's a tough spot, so we're going to try to do the best we
can for you, and also uphold the Code. But there is a next step possibility, so staff can address that maybe
later. It's already been brought up, but…so, this isn't the end is what I'm saying, but we're just going to
try to do our part in it, and then, you know, let you keep moving forward with the property.

Alright, so, we'll kick off our question and answer time. Commission members, just be clear who
you're asking a question to because we have quite a host of people we can be getting answers from. And I
think I will start. I'm wondering, Michael…so, I'm wondering if you did any written survey on these
buildings?

MR. LAFLASH: These two in particular? No, I have not done any written survey on.

CHAIR DUNN: Okay, and are you located in Fort Collins.

MR. LAFLASH: I am not, no.

CHAIR DUNN: Okay, have you been…did you come out to see the buildings in order to make
the presentation?

MR. LAFLASH: Unfortunately, because of COVID restrictions and short notice, things of that
nature, I was not able to.
CHAIR DUNN: Okay, I understand it was short notice.

MS. AMENT: And I'll jump in here too, because, again, we took to heart what you said last week about getting a second opinion, because we actually paid for the first survey...so we had to pay for the intensive, so then when you said that, it's like, okay, let's spend the money and go get a second one. But...and so we tried to find somebody who was located in Fort Collins...either they were two to three months out to provide something, or they're conflicted because of relationships that they have within staff. So, we went to a team that we've used other places in the front range...and again, we wanted to keep it on track timeline-wise...so, trying to meet all those things. So, kind of the joy of Zoom in that we can have Michael here with us this way and he can do a lot of things and sort of take advantage of all the different stuff that had already been looked at on the site...all the videos and photos that we had taken. Just to explain why we couldn't get someone local.

CHAIR DUNN: Yep, that makes sense. Alright, thank you. That's my initial questions, does somebody else want to get us rolling forward? Don't be shy Commission members. Kevin, I see your mike is off, but I don't see your hand. Do you want to start us?

COMMISSION MEMBER KEVIN MURRAY: Sure. I don't have a lot. I guess, regarding the timeline is maybe more of a staff question, but it sounds like the...Maren, especially...we've had two different...may want to put up that timeline again. But, we had the 1998, which I think is pretty much understandable, the 2014, and the 2019. And I know that even though the pandemic was involved, it did not really affect what happened earlier in the later part of 2019, so I'm just wondering...it sounded like the owners believe that they weren't aware of deadlines that they would have to meet. I'm not sure that that really affects this conversation tonight, just something for me, because, once again, I realize we're only talking significance, and the...integrity...but I'm wondering, on the rest of it, if there was a problem in the system where we were changing our systems.

MS. BZDEK: I think I'm going to actually...so, if I understand your question, you're wondering about the notification process for the recon survey that we did in May of 2019, is that correct? And how that fits into the timeline?

MR. MURRAY: Well, what I'm kind of wondering...I think the owners brought up the...and, again, I'm saying this is not probably will affect our decision tonight, but I just...for the record I wanted to understand if they were aware that they were under a time constraint to...because of the change of Municipal Code, or if it was kind of a blindside...not caused by us, but just that I'm not sure I feel...just wondering how much was afforded knowledge to the owners.

MS. BZDEK: I understand what you're saying. Okay, so a couple of things on that. That recon project that was happening at that time, you know, happened over a series of weeks or months, and actually the staff person who conducted that is here and I can ask her to clarify...

CHAIR DUNN: Maren, let me interrupt. I don't think Kevin is asking about the 2019 recon. Am I correct Kevin? You're asking about the fact that the survey...or the review done in 2014 was going to expire in five years, is that correct?

MR. MURRAY: It's kind of...trying to figure out the timeline a little more. Like, was...when the 2019 survey did happen, were the owners aware that they had...I guess when they did the conceptual plans in November, were they under the impression that they had like 30 days to move things forward...or, in this case about two weeks...or the rules were going to change on them.
MS. BZDEK: Okay, so when the 2014 determination, or any determination, is provided, and we deliver that official determination, that five year expiration begins, and applicants are notified that they have that five year timeframe in which that determination will remain valid. In that timeframe, there can be other activities, as there were in this case, in terms of kind of overall evaluations of areas of the city. They do not replace those previous determinations, and you know, we're not in a position if we get existing determinations…if we have existing determinations, and then we identify, well, if that property gets evaluated in the future…what the recon does is it says, you won't need to require an intensive level survey of that property if an applicant comes forward in the future with a proposal. For this one, if they come forward and you don't currently have an official determination, you will need to ask for one. So, in this case, when they came in...again, that deadline was looming, it was a month away, and we notified them at that time. Of course we didn't know until they showed up in November when they were going to appear, so that's why they got notified at that time. And that's really kind of the best that we can do as City staff because we don't know what's happening on the other end with development applicants. When we conduct those recon surveys as projects, we can do a notification process and get that information out there. That was happening kind of at the same time, and I don't know if...Sherry, could you potentially offer more information about how that notification was handled? I don't want to get that wrong.

MS. SHERRY ALBERTSON-CLARK: Yes Maren. Sherry Albertson-Clark; I'm the historic preservation planner that does survey work for the City as a contract employee. That date in May of 2019 is when these properties were looked at when the survey first started looking at the first couple blocks of South College Avenue from Mulberry south. The entire survey was not completed until I believe in September. Then there was a staff report written and notification went to property owners in January. We did not send notification on these two properties because, at that time, the recommendation was that an intensive level survey was needed, and in January we already knew that the applicant was interested in pursuing the project. So, my recon information did not go out to the applicant. And again, realize the reconnaissance survey forms are not anything like an intensive survey. It does…it requires just a minimal amount of research to get just a very scratch-the-surface history on the property, and focus is more on the architecture, what you can see of the property. So, there's a pretty big gap in what's identified in a recon survey and what ultimately is done on an intensive survey. So, hopefully that helps answer some of the questions. And I'm available if you have anything else for me.

MR. MURRAY: Sherry, did you say that you were aware that they had conceptual plans they wanted to submit?

MS. ALBERTSON-CLARK: I wasn't aware, but other staff members that deal with that part of the design review component and development review made me aware that there was something coming in, so at that point, I was directed not to mail those out because we were going to need to have the applicant do an intensive survey, so there was no point to give them the recon since they were going to be required to do an intensive.

MS. BZDEK: Kevin, just to clarify my piece of that, we were communicating by that time with the property owners as part of that staff conceptual review process in December.

MR. MURRAY: In September you say?

MS. BZDEK: December.

MR. MURRAY: December?
MS. BZDEK: They submitted their application in November and the conceptual review where we go through those pre-submittal requirements, including in this case…happened in mid-December.

MR. MURRAY: It shows the conceptual in there submitted…but, Sherry said, if I heard her right, that when she finished the recon survey, it was decided they would have to move forward, but that was back in September? Sherry, I'm sorry to bring you back in again.

MS. ALBERTSON-CLARK: No, Kevin, not a problem. That actually was in January. What I indicated is I had completed doing the recon surveys of all the properties from Mulberry to Horsetooth Road on College Avenue. After that, there was a report that I wrote that ultimately was presented to City Council. So, the time between the end of September and January was spent writing the report that summarized what we found in that overall survey.

MR. MURRAY: Okay, so everything was in limbo until January 2020? Nevermind, I withdraw that…okay…I think I've got enough to be confused…not sure I totally get it all.

CHAIR DUNN: I might be able to further confuse the issue too. I know at one point when I first started on the Commission, which I believe was 2014, and I remember when this property came before us before, I believe those determinations were only good for one year at that point. Do you remember that Maren? What the length was? And if not, Ron might remember.

MS. BZDEK: I think we should probably ask Karen to jump in…Karen if you have?

CHAIR DUNN: Is she here? Because we decided to extend it to five years because we thought one year was just too quick for it to expire and need a new one.

MS. BZDEK: I don't know the answer to that question…we can get that answer. I will say that when we changed the Code in March of 2019, we determined at that time, through a decision by the CDNS Director, that any decisions that had been made up to five years prior would remain valid. And the reason for that was to avoid kind of unpredictable changes for potential applicants.

DR. MCDILL: I have a quick question. Maren, you mentioned that there was notification along with the 2014 designation that it would expire. Because we didn't ever…we never got that…if you have a record of that. Because all we ever got, or ever say, were the two letters that were put up earlier that just said at the bottom that they were not eligible.

MS. BZDEK: And I apologize; my comment was made on what is general practice for communication with applicants in terms of, kind of, drawing out for them what is in the Code. So, if that wasn't included in your notification letter…I didn't mean to be misleading in that regard.

DR. MCDILL: Okay, yeah, I just want to be clear…we don't have any recollection or any record of any notification from 2014, or after we submitted our conceptual review in November, we didn't get any notification then either that we had…that our previous designation was about to expire…or eligibility I guess, not designation.

MS. BZDEK: Yeah, I believe I communicated with Todd Parker about that when we were looking at whether or not we would be requiring the intensive level...at that point, when we have a project coming in, we go back and look and see if there's a determination that's been made within five years, and that's when we consulted with our Attorney's Office and said, okay, are we going to need to require this here or not, and because it was so close to that expiration date, there was no way you were going to have a formal application in by that date, that's why we issued the requirement.
CHAIR DUNN: So this is a great example of how, also, our previous process back in 2014 was not as thorough and clear as it should have been, because you should have received a document saying, this is good for one year, which I believe…did Karen verify that? But, I believe that’s what the length of time was at the time. And then, that was obviously changed to five years, but that wasn’t happening. So, I do believe we’re doing better on that now, but that’s part of what we’ve been trying to improve because of exactly issues that we’ve come across like this. So, again, you guys got caught in that divide.

Alright, Kurt, you want to go next?

COMMISSION MEMBER KURT KNIERIM: Sure. And I am not exactly sure…I think Maren would be the best person to address this question, but I’m thinking about specifically significance and integrity and I’m wondering if this would be an ex post facto type of situation where, do we look at the pre-March 2019 Code, or are we only to look at the post-March 2019 Code? Because it seems like it could be ex post facto. I’m just wondering about that. Or maybe Karen could address that.

MS. BZDEK: Or Brad.

ASSISTANT CITY ATTORNEY BRAD YATABE: Yeah…I did want to chime in before. I didn’t know if this line of questioning would continue for quite a while, but I did want to chime in. I think the role of the Landmark Preservation Commission is under the current City Code provisions in Chapter 14…is to determine whether it is eligible under the current standards. Typically speaking, what happens is…the view in terms of development is that, if an actual application has been submitted, at the time of that application, the view is that the Land Use Code standards which have an interaction with Chapter 14…but in this case, to my knowledge, there’s been no application submitted, formal application…that those standards that are in effect at that time would apply to the application. So, if the application came in and a month later there is, for example a Land Use Code change that was being in process and was adopted, the view is, generally, unless there was some kind of, for example, life safety issue, or some other really pressing issue along those lines, that the application would come in and the standards that applied at that time would be the ones under which it is reviewed. But, in this case, there’s been no formal development review application, and so what your role is, is to look at the adopted standards at this time.

MR. KNIERIM: Thank you.

CHAIR DUNN: Is that it, Kurt, or do you have anything else?

MR. KNIERIM: That’s all, thank you.

CHAIR DUNN: Alright, Mollie?

COMMISSION MEMBER MOLLIE BREDEHOFT: Yeah, I have a zillion thoughts, obviously, but I kind of wanted to get your take, Meg, of how you want to run this meeting. Do you want to start with overall context and then move into individual properties? Or how do you want to do this?

CHAIR DUNN: Right now, for questions and answers, ask whatever you feel you’re going to need in order to make a decision. And then once we come back to just Commission discussion, we’re going to look at one building at a time, or one…it’s all one property, but one slice of it at a time.

MS. BREDEHOFT: Okay. Let me gather my thoughts. Thank you.

CHAIR DUNN: So, we’re still looking right now for questions, clarifications needed, additional context for the whole story of what’s going on, anything like that.
COMMISSION MEMBER ELIZABETH MICHELL: So, are we now disregarding the whole context thing that was in place in 2014?

CHAIR DUNN: That would be a staff question I assume.

MS. KAREN MCWILLIAMS: Karen McWilliams, Historic Preservation Planner and Manager of the division. Yes, the Code changes that we have made, that Council adopted recently, were based on the recommendations of a consultant team and extensive community outreach and involvement, and that the strong recommendation of the consulting team was that we did not include a separate question about context because it is already included in the National Register criterion for integrity of setting, and it became too confusing why we were allowing one criterion out of all seven integrity criterion to have extra weight when we also are trying to model the National Register process.

CHAIR DUNN: Kevin, go ahead.

MR. MURRAY: So, Karen, would you say that the context addressed by Josh in 2014 would directly relate, or translate, to setting?

MS. MCWILLIAMS: In 2014…okay, let me get this correct…okay…

MR. MURRAY: Basically had the rejection because of context…a lack of context…and I'm wondering if that would directly, you know, be the same as setting today?

MS. MCWILLIAMS: Okay, I do believe I understand your question. I'm sorry, I was thrown because you said that it was done by Josh, and the evaluation you're describing I believe was done by Ron Sladek and the Community Development and Neighborhood Services Director, Laurie Kadrich, at the time.

MR. MURRAY: My mistake.

MS. MCWILLIAMS: Okay, so in 2014, when they looked at it and looked at context, that does not translate exactly to the setting. It's very similar, but it was an added piece that was put into the Code for just a couple of years before it was removed back out, which was to address proposed neighborhood changes, changes that had occurred in the neighborhood previously, but also expected changes.

MR. MURRAY: Thank you.

MS. BREDEHOFT: I have a follow-up question to that. Karen, you mentioned that that previous category also had to do with future changes to the neighborhood. Is that still something that we consider?

MS. MCWILLIAMS: Sorry, I'm having a little trouble getting the mute/not mute up. No, the current codes now focus strictly on the National Register standards and the idea when we made that Code change was that it was next to impossible to keep trying to predict the future and was not part of the process that the National or State Registers use.

MS. BREDEHOFT: Great, so as we look at this property, we shouldn't consider what might be happening in the neighborhood?

MS. MCWILLIAMS: Correct, you want to consider what is happening or has happened.

MS. BREDEHOFT: Great, thank you so much.

CHAIR DUNN: And we're focusing on integrity and significance, just a reminder. I have a question. So, this is both for Maren and Michael, but Maren, you point out in the staff report that, given
the significance criteria C for architecture, the three most important pieces of integrity are design, materials, and workmanship. And I'm wondering, and you might not be able to get this off the top of your head, but I'm hoping you can maybe try to figure it out. I'm wondering where you get that from, those three. And then, Michael, you said the most important for architecture are setting, feeling, and association. So, the same question goes for you. So we can start with Maren, and I'm just curious why you point those three out, and then Michael, when we get to you, just why you chose the three you do in saying they're the most important for architecture.

MS. BZDEK: Okay, sure. So, the National Register Bulletin 15 is what I'm referring to. And again, it's, you know, I want to clarify that all seven aspect of integrity are always evaluated for every property, regardless of the reason for significance. But, when you're looking at a building that is...which has significance attached to its design or construction, it's imperative that materials, design, and workmanship are intact. So, when you look at what we call that kind of preponderance of integrity, we know that not all seven aspects necessarily need to be met. You're making a holistic evaluation there. But, if you have a building that's eligible based on its architecture, and it has a loss of materials, design, and/or workmanship, you don't have the right relationship between significance and integrity. More specifically, that building's existing integrity cannot convey that architectural significance. So, that's the reason why I highlighted those based on that Bulletin. Having said that, those other...feeling and association, you know are expressions of other aspects of integrity, and so they go along with that. So, in some ways, both of those things are true.

CHAIR DUNN: Okay, thank you. And Michael?

MR. LAFLASH: Yeah, so, I will definitely reaffirm what Maren just said. Those are listed in the National Register Bulletin 15 as that importance. What I was getting at, and maybe I didn't say it clearly enough, and I apologize for that, but what I was getting at is that since we don't believe in our assessment that these buildings are significant under criterion 3, individually, that they need to be looked at in a much more grander scale as if you were trying to approach it as if they were, you know, to be contributing in a Historic District in any way. Therefore, setting, and feeling, and association would have a higher weight as a result of that.

CHAIR DUNN: Okay, so then maybe what I need more information on then is why you jumped over that, they're not significant, and then went on to the district consideration. I mean, what's the specific reasoning on why they're not significant?

MR. LAFLASH: So, in our estimation of it, we didn't believe that either of these buildings would individually hold weight and that neither of them would be listed as a result of individual attempts, just based off of their lack of architectural integrity in terms of high artistic value, or anything that might be required within the National Register listing.

CHAIR DUNN: So, you were looking specifically at a National Register listing level of criteria?

MR. LAFLASH: We were focusing on it in terms...when I say 'we,' I mean the project team at Heritage...we were looking primarily at what we know best of, and understanding that Fort Collins does generally follow a similar value, or criteria, approach with the National Register, and we were thinking in that regard, yes.

CHAIR DUNN: Okay. Alright, thank you.

MR. LAFLASH: Thank you.
CHAIR DUNN: Anyone else have any other questions? Okay, so I'm not seeing any. We could roll into our discussion time as a Commission, but it is 7:15, and I think maybe we need to take a five-minute break just so that everybody can focus when we get back. So, I'm reading 7:13 on my computer clock; why don't we plan to be back here at 7:20, and at that point we'll do our roll call again like we usually do, and then we'll move into our Commission discussion. Alright? Thank you.

(**Secretary's Note: The Commission took a brief recess at this point in the meeting.)

CHAIR DUNN: Alright, let's start with a roll call just to make sure we're all back and ready to go.

MS. SCHIAGER: Bredehoft?

MS. BREDEHOFT: Here.

MS. SCHIAGER: Knierim?

MR. KNIERIM: Here.

MS. SCHIAGER: Michell?

MS. MICHELL: Here.

MS. SCHIAGER: Murray?

MR. MURRAY: Here.

MS. SCHIAGER: Rose?

COMMISSION MEMBER JIM ROSE: Here.

MS. SCHIAGER: Dunn?

CHAIR DUNN: Here. Thank you, Gretchen. Alright, so before we go into our discussion, it did occur to me that I think Ron mostly was here for one of our future topics tonight, but as long as he's here, perhaps we should call him in and ask what the deal was in 2014, and just get his take on it. So, I don't know if he's been brought into the group of participants, but maybe he can be moved over if he's...and Ron, maybe you could just give us some thoughts on what happened in 2014 and why you wrote what you wrote.

MR. RON SLADEK: Sure. Hello everybody. Well, as some of you who were around on the LPC know, or staff members know, the process that we had at that time was intended to be brief, and it was often frustratingly so, because we were working with very limited information. So, the decisions that were being made were of necessity being made with no understanding or background, typically, on the history of the buildings, really no architectural descriptions, just some visual materials and a discussion about whether each property appeared to meet or not meet the City's criteria for eligibility. And those were again done by the Chair of the Landmark Commission together with the CDNS Director by sitting down...I think we met weekly if I'm not mistaken, to go through whatever permits had come in and discuss the properties, and try to come to some reasonable decision, but always with very limited information.

And so, the decision that was made in this case really came down to that question of context and setting, and of course there was more emphasis being placed on context at that time, as Karen has described. Not only looking at the current situation of the setting as its defined by the National Register, but also the context as far as, you know, what was going to be happening to that area in the coming years.
potentially given the zoning and the trend of development that was taking place. So, the decision to
decide…or the decision made that these buildings were not eligible really hung on that question of the
context…the setting in terms of what had changed there over the past years with development in recent
decades, but also where was this area likely to be heading in the coming years in terms of future
development, and that seemed to be more commercial rather than residential, with of course the
residential district sitting right behind it. So, that was the basis of that decision, and that's why those
specific words were used on those evaluation forms that you've seen and read. I don't know if there's
more I can answer for that at this time.

CHAIR DUNN: Well, you might be able to answer my other question that hasn't been answered
yet, but do you remember how long those forms were good for? Was it five years at the time?

MR. SLADEK: It seems to me it was shorter, but I don't…it was at least a year that we were
going to rely upon that decision making before anyone would be allowed to come in and reapply or, you
know, challenge that determination. But I don't recall if it was as long as five years.

CHAIR DUNN: I'm remembering it was one year and then we determined that was too short…we
would have to keep doing new determinations every year if there was a property…

MR. SLADEK: Potentially.

CHAIR DUNN: Yeah, so that's when we pushed it to five years. Alright, thank you Ron.

MR. SLADEK: Sure, you're welcome. Oh, can I add one other piece of information? I don't
know if this helps or hurts with the discussion, but when a property is being looked at in terms of
architecture, there's also the question no matter whether its architecture or any of the other criteria, of
what is the period of significance. And that hasn't been brought up in this very interesting discussion
that's gone on this evening. Typically, with architecture, the period of significance is the date that the
building was completed, or its year of construction. If additional work was done on a building to expand
it, and for example, put additions onto it, during the historic period over 50 years ago, that period of
significance for architecture could extend beyond the year of construction to a period further on, you
know, 1932, or 1948, or whenever substantial changes were made to a building during the historic period.
With these buildings, and I apologize for not knowing the details on this, but the period of significance
may be limited to just the year that they were constructed. I don't know off hand if there were major
additions made to them off the back or anything like that, but from what I'm seeing from the discussion
this evening, it seems that that period of significance would be limited to the year of construction, since
they're being looked at only in relation to architecture. It seems that ought to come into play in the
discussion.

CHAIR DUNN: We haven't really touched on significance or integrity much at all yet. Alright,

MS. BZDEK: If you wouldn't mind me jumping in on that question, which is something I could
have addressed in the staff report. I'll refer you to your site form attachments if you'd like to see that, but
there is, of course, a period of significance provided for both of those properties. For 724, it's noted as
1901 to circa 1964, with a note from Jason Marmor, who I'll remind you is present tonight if you'd like to
speak with him, that says note the end date is when its use changed from single-family dwelling to a
student rental property. For 726, he lists the period of significance as 1901.

CHAIR DUNN: Karen?
MS. MCWILLIAMS: I'm happy to address the requirement or the question about how long were
determinations of eligibility good for. You are correct, they initially were good for a period of one year,
and we did find that that was far too cumbersome and did not provide sufficient...a sense of, you could
plan on something in the future and have it be that way for any length of time, and so we extended that to
five years.

CHAIR DUNN: Do you remember if there was any process where the applicant was notified of
that?

MS. MCWILLIAMS: Of the change from one year to five years? No.

CHAIR DUNN: Just that there was one year.

MS. MCWILLIAMS: No; every time we made a determination of eligibility, the applicant was
informed of the results of the determination.

CHAIR DUNN: But were they told at that time that it was only good for one year, or was there
no process necessarily for that?

MS. MCWILLIAMS: I don't have the letter in front of me, but the standard letter that we always
used said that the determination was good for one year at the time, but I don't actually have that right in
front of me. I'll follow-up on that question.

CHAIR DUNN: If you could just quickly pull up Josh's letter, that would give the answer to that.

MS. BZDEK: The letter does not include information about expiration. It does include
information that the appeal period for the determination has completed...that 14-day appeal period in
which a member of the public or the applicant can appeal that determination. The letter was sent out
following the end of that appeal period; however, it did not include an expiration date for the
determination itself.

CHAIR DUNN: Okay, that helps. Thank you. And then, on this period of significance, I would
be curious to hear from Jason why 724 got the long period of time and the other one didn't.

MS. SCHIAGER: I'm getting him promoted.

CHAIR DUNN: Alright, thank you Gretchen.

MS. SCHIAGER: And remember, his video is not working.

CHAIR DUNN: Okay.

MR. JASON MARMOR: Can you hear me?

CHAIR DUNN: Yes, we can. Thank you Jason.

MR. MARMOR: Yeah...I was waiting for that question. I believe that the property...I can't
recall which one...with the 1901 date only was based only on architecture, and the reason I didn't extend
it later was that it was a rental property from the beginning rather than a single-family dwelling, so that
was how they were differentiated.

CHAIR DUNN: So, why did its use mean that, I believe it's the two-story house, get the extended
period of significance?
MR. MARMOR: Why did it what?

CHAIR DUNN: Why did it merit a longer period of significance if the significance was based on the architecture and not on the people that were there?

MR. MARMOR: I think that’s a valid point, if it’s strictly for architecture. Yeah, I think if I would redo it, I think I’d follow that same logic because of the architecture only significance.

CHAIR DUNN: Okay, great, thank you, Jason.

MR. MARMOR: Certainly.

CHAIR DUNN: Okay, sorry about that; there were a couple last questions that came to my mind. So, we can move into a discussion now, and what I would really like to do is maybe start with the two-story house, which I believe is 724 South College, and let’s focus first on its significance and then we’ll go over the integrity, and then we’ll do the same for 726 South College. So, does anyone want to kick us off on 724? Or if you want to start with integrity first, because sometimes that’s easier, we can start there and then move to significance. Kevin, I see your mike is off.

MR. MURRAY: Always off…I’m trying to keep these two separate. Can we put some photos of 724 and 726 up as we talk?

CHAIR DUNN: Yeah, so let’s…Maren, if you could just put up just something of 724 so we remember that’s the one we’re focusing on for now.

MS. BZDEK: Will do; I’ll get that going while you keep talking.

MR. MURRAY: I just have limited…I can't bring up the stuff I can usually do because I'm in a weird place, so, it would just be helpful for me to have a little help from you is all.

CHAIR DUNN: Anyone else want to kick us off? Whoever goes first gets to pick whether we start with significance or integrity.

MS. BREDEHOFT: Let’s start with integrity. Should we go through each individual piece and talk about it? I think that’s usually helpful for everybody.

CHAIR DUNN: Yeah, sounds good to me.

MS. BREDEHOFT: I’ll start out with number one, that’s location. Yeah, it is still located where it was, so I think it meets that criteria.

CHAIR DUNN: Right.

MS. BREDEHOFT: Number two, design.

CHAIR DUNN: And for anyone that wants to follow along, I suspect Mollie is looking at page 19, which is where…

MS. BREDEHOFT: Packet page 19.

CHAIR DUNN: Packet page 19 which is where section 14-22 is listed from our Municipal Code. So, you can follow along there.

MS. BREDEHOFT: Does anyone want to chime in on design?
CHAIR DUNN: There was a really nicely written statement, but I didn't mark it. Let me see if I can find it.

MR. MURRAY: I think I could put something in on design, or at least have a question. The design of the building alone, or are we looking at the way it's also presented?

CHAIR DUNN: Either one…what are your thoughts?

MR. MURRAY: Well, I'm thinking that it's a beautiful building, but that evergreen obviously is overgrown and made it a hidden gem I suppose. It's hard to recognize it as a house that needs to be talked about behind…almost like they were…it isn't showing its usual, or probably its earlier, grand presentation.

MS. BREDEHOFT: I would agree.

CHAIR DUNN: We usually look at configuration, proportions, roofline, window pattern, historic additions, and for all of those, I'd say they're all intact.

MR. MURRAY: Okay, that was my question. Is it just the building, or is it beyond that…sorry.

CHAIR DUNN: No, that's fine Kevin. I think what you said is…I agree, there was one photo somewhere without that tree, and you really did get a sense of the nature and presence of the house that you certainly don't get in this photo.

MS. MICHELL: So I actually walked by this place a few times, before I knew this building was coming up, when they had a for rent sign, so I was perhaps a little bit trespassing. But, I mean the house is…it is intact. I mean I call it kind of our local house of seven gables, there are all these gables and, you know, the front porch is actually very, very cool. And all the original siding…some of the windows are kind of falling apart a little bit, but the house itself, except for that one little shed addition at the back, I mean…you can see it…if you walked past the trees…I mean you could definitely see what it was, and with the house next to it…even with the house that's attached to the dental clinic…I mean the three of them, and this one stands out a bit more because it's just taller, and you know, statelier, in it's own way. Having said that, the setting…yeah, the setting is definitely compromised.

CHAIR DUNN: So, we're focusing on design right now.

MS. MICHELL: Yeah, but the design itself…I mean, it's actually very…I think it's very interesting. You know, the two gables that they put on the north side, and it's, you know…it's not high style by any means, but it looks like the sort of house somebody said, this is what I want to design, this is what I'm going to build, this is where I'm going to live. And, you know, I think it's that sense of a vernacular building that you can be comfortable in as a home rather than a statement, if that makes sense. I'll stop now.

CHAIR DUNN: Mollie?

MS. BREDEHOFT: Well, just to play off that a little bit, I do think it's a great representation of the middle-class in Fort Collins. If you look around at a lot of our residential…all buildings that have a style associated with them, are all downplayed, and this is a great example of that. But there are some really cool elements, as were mentioned, and Maren did a really good job of showing some of those in the pictures as she presented. So, the front entry and the column detail that 's next to that. I also think the dormers on the…what is it, the north elevation, that intersect with the roof are really interesting and something you don't see a lot. What are the other features of design? Elements that create the form, plan,
space, structure, and style of the resource. Window patterns...yeah...they all seem to be...they're just all really neat. I don't really have much else to say about that right now.

CHAIR DUNN: I'd say the window pattern on the second story in the front is not necessarily unique, but it is kind of rare. It's not something you see very commonly.

MS. BREDEHOFT: Yep, I would agree with that. The closed-in front porch...

CHAIR DUNN: Alright, I think design we're all in agreement then that it does seem to maintain its original design very clearly.

MR. ROSE: Meg, this is Jim Rose. I was just going to comment on the delineation, the kind of material vocabulary between the upper story and the lower story. I think it's really interesting of that period of time where those two material choices are carried out in the dormers, but in the lower part it's bevel siding. So what you have is a little bit more of a truly decorative element in the way the façade is treated so that it's...yes, it is, I agree, it's a vernacular, wood-framed dwelling, but I think it's one done with some care because the aesthetic of those two different materials I think comes through.

CHAIR DUNN: I agree; thank you for that, Jim. I had lost my little panel that shows me whose hands are raised, and I brought it back up, and there's Kurt's hand, so Kurt, did you have something?

MR. KNIERIM: Okay, thank you. I just wanted to be clear on that, because the addition adds, I think, to the design, and it adds to the history of it, you know. Why was this addition put on, and you know, that gets beyond just design, but it ties into why it was built.

CHAIR DUNN: How it was used.

MR. KNIERIM: That's correct.

MS. BZDEK: For some reason, I'm not...oh, okay, so it was 724...we did find a permit to screen in the porch, and as you know, with those permits, that's what you've got, screened-in porch, but that's why I mentioned that.

MR. KNIERIM: Thank you, and was that in the 1930's?

MS. BZDEK: 1938.

MR. KNIERIM: '38. Thank you. That's all I have.

CHAIR DUNN: And a screened-in porch is a very common change during that time period.

Alright, how about setting. I think Elizabeth started talking about that. Anyone else want to take setting on?

MS. BREDEHOFT: I'd be happy to take it on. I actually disagree that the setting is lost. I do think that it still has much of its setting in place. It still sits on College Avenue, 287, I'm trying to look up exactly when 287 became a highway. I'm sure Ron could tell me right off the top of his head, but...I don't remember. It's right across the street from CSU, which, again, someone could probably tell me when CSU was built. I don't see how it's missed it's setting...on either side of it, it has two lower
buildings that are residential in feeling. The closest commercial building to the north is also a lower-roof
building which, although it is a commercial building, it doesn't overshadow the house at all. And, as you
drive up and down South College, there's actually a number of residential houses that have been changed
into commercial properties. So, even on the broader scale, I'm not seeing the setting being as diminished
as was presented. I'm struggling with that one. I think it's intact. I think it is a little bit diminished, but I
don't think it's fully diminished by any means.

CHAIR DUNN: Anyone else want to comment on setting?

MR. ROSE: I would add that I think the Sanborn Map for 1925 shows the filling station at the
corner of Plum and South College. That to me is a part of the context that's not even changed. The
setting is still there, albeit a different function, a different use. And I agree with Mollie in terms...what's
across the west has not changed historically since the Colorado Agricultural College was started, so
you know, I think setting-wise, there's also some things on the Sanborn Map that are not clear to me, but I
know shaded properties often times have different functions, and so if you look on the map, there are
some shaded properties in the immediate vicinity that suggest to me may have had uses even at the time
that were, quote, non-residential, which seems to be some of the objection to its current setting. And I
think the other piece is, historically, South College developed this way, it developed with a mixture of
commercial, non-residential, with residential mixed in, and I think that setting still exists. So, I am not...I
am in agreement with Mollie, I think it still exhibits enough of a setting to hold up for that aspect of its
integrity.

CHAIR DUNN: Just to comment on the Sanborn Map, because we don't get it in color, we don't
really know why those are shaded, but it also did sometimes indicate stone or brick, so those could still be
residential uses and just probably slightly fancier looking. But, if we had the Sanborn Map that just
crossed Laurel to the north, I believe that was Wolf Grocery, which is now Noodles, or something like
that, and that building is still intact, so there was nearby commercial, but I do believe this whole block
was residential, with the exception of the gas station.

Anyone else want to weigh in on setting? I think I would say setting seems to be about half-sies.
There is definitely still a sense of the resident, especially as Mollie pointed out, immediately surrounding
this house. But, the size of that building to the north is significantly different than it used to be, so I think
that does some damage to the setting. Shall we move on to materials? And I think Elizabeth might have
actually hit on that one already too, but if anyone else wants to jump in. And Jim jumped in on that one
already, with the two different materials for first and second story. Any other comments on it?

Windows? Doors?

MR. MURRAY: I could comment, but I'm not really sure I can do much good. Are the windows
original?

CHAIR DUNN: Maren, do we know? They should be on that report.

MR. MURRAY: I think they said they were.

MS. BZDEK: Yes, I believe so, but there may be some exceptions, but, certainly both properties
retain historic windows...a large number of historic windows.

MR. MURRAY: Right. I think maybe there's...that screened-in porch now also has windows in
it, but I'm thinking that all the windows that we saw in the other photos show at least that they hold, most
likely, the original style if not the original sashes, so I think that also speaks towards materials.
CHAIR DUNN: Maren, could you put a picture of the house back up?

MR. MURRAY: That first picture, the one before there. In the front of the house, you can see that's a cottage-style window which is usually found only in living rooms or, you know, sitting rooms, that type of thing, where you'd entertain people. So, that's probably an original window there. The upper ones are double-hungs and are still probably in their original frames it looks like. So, more likely to be the original sashes. So, if nothing else, the style of the windows...I'm going back to design a little bit...I'm thinking that these windows look like they probably are original.

CHAIR DUNN: Can someone find it in the report, in the intensive survey, because that would be good to have that information. I think next time we have two properties like this, we need like pink pages and purple, or green pages, so we know exactly which house we're looking at. Staff, do you have that answer anywhere? How many of the windows are original?

MS. BZDEK: Yes, so I will direct you...that information is typically contained in section 43 of the intensive level site forms, which is titled 'assessment of historic physical integrity related to significance.' For 724, it doesn't specifically address whether or not the windows are original. Instead, what it says is, this house appears to be essentially unaltered, retains excellent integrity of location, design, materials, craftsmanship, feeling, and association. It does not point out alteration of windows as a loss of integrity, but also doesn't explicitly say that the windows that it outlines in the architectural description are original. Whereas with 726, it explicitly says, this property still contains all of its original windows, doors, front porch, and rear porch.

CHAIR DUNN: It does seem like maybe some of the windows in the back are...they looked aluminum, but it's hard to tell from the picture. But, it does...especially in front, which is the most prominent part of the house and probably has the most character-defining features, especially that upper-story window, does look to be intact. Alright, any other comments on materials? How about workmanship?

MR. KNIERIM: I want to go back to something that Jim said...it looks like there was great care taken in building this, that there was a lot of thought in the materials and that sort of thing, and that speaks, I think, to workmanship. And this kind of gets into association, but the person that had it made, I'm sure put a lot of time, thought, and energy into this as well, and was of the means that could do that.

CHAIR DUNN: Yeah, I'm intrigued by the fact that the guy that built these three houses ended up living in the one to the farthest north, when this middle one seems to have been the most, I'd say beautiful, of the three, or more extravagant, of the three. So, there's probably a story there, but it's been lost to time.

MR. MURRAY: Well, wasn't it Milligan who built them?

CHAIR DUNN: I forget the name of the guy.

MR. MURRAY: I think so. When I first came to town, Milligan Lumber still existed, and he was not only a builder, but he was also a lumber supplier. So, he may have been building...I think in the survey, it mentions that he built these homes for specific people, so it might have been that he had the other lots and offered to build them for whoever wants to have him design them.

CHAIR DUNN: That could be. Any other thoughts on workmanship? Physical evidence of the crafts of a particular culture or people during any given period in history, evidence of artisans' labor and skill in constructing or altering a building, structure, or site.
MS. BREDEHOFT: I'm trying to think through...a lot of the pieces that we were pointing out in the design I think could fall under this workmanship category, but also evidence of the artisans' altering a building, structure, or site. I don't know; I guess the setback in the front...I don't know if that would play into this at all, but it feels very residential in that, or the placement on the site...all three of these buildings. That might...I don't know if that falls under this or not. I feel like at the front of all three of those houses, they all line across the front...they have the same setback from the road and so...maybe that would be setting, that might be setting.

CHAIR DUNN: It's more setting.

MS. BREDEHOFT: Okay.

CHAIR DUNN: Well, I would say, as Jim pointed out, the different patterning and materials used for each story, the columns on the porch...I think all of those are examples of the workmanship from the time. I think that gabled dormer that's worked into the roofline is really stunning, and that would count as workmanship.

MS. BREDEHOFT: The panels on the front of the porch, under the windows, that would count as well, right?

CHAIR DUNN: Yeah, yes it would. Okay, how about feeling?

MR. MURRAY: I feel like we should cut that tree down.

CHAIR DUNN: Thank you, Kevin. So, feeling...expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the resource's historic character. So, do we feel like this is a 1901 property, or does it look like from a different...does it have a different sense about it?

MS. BREDEHOFT: I think it does have that feeling. I'm going to go back to that same comment I just made about setback in the front. It feels like a residential home in that it sits so far back from the road...it feels like that time period to me. The details on the front of the house, the wood details, the wood column pieces, the overall size of the house feels very 1901 to me in that its not a lot larger like we see later. It's very narrow and tall, which I think plays into that as well.

CHAIR DUNN: Any other thoughts on feeling? Our last one is association. It's the direct link between an important event or person and a historic resource. A resource retains association if it is in the place where the event or activity occurred. So, for a residential property like this, we're not saying that it's eligible based on an event or a person, it's on architecture. And so, for association, does it have that sense of a residential property...like that whole residential neighborhood feel to it? I think Mollie has kind of covered that, but...

MS. BREDEHOFT: Yeah, again, I'm going to go back to the same thing I said previously, and if you look at the three houses that exist and the commercial building to the north, the shorter one, and also, as Jim pointed out, the gas station building just to the south of these, it does feel very residential to me in that sense.

CHAIR DUNN: You know, something just occurred to me relating to setting that I would say has definitely changed, and that is the use of College. When this house was built, people used to park along the edge of College, and they would walk a lot more along College, and soon after it was built, there was the trolley, I believe that went down that far, and cars were slower. So, in that sense...I'm thinking of this because as you zip past these properties today, you don't get that neighborhood feel, but it's because the
speed with which you're passing. But, if you walk or travel at a speed that was probably closer to the time
period, then you definitely still feel that neighborhood feel. So, in terms of an automobile world setting,
it's...that experience is very different. But, if you experience it in the way that people were at the time,
then yeah, you'd definitely still have that neighborhood feel to it.

MS. BREDEHOFT: That's a great point, but I do also want to point out the speed limit is only 30
in this area.

CHAIR DUNN: The signs say.

MS. BREDEHOFT: Yeah...there's a sign...I'm looking at Google Maps right now; there's a sign
posted almost right in front of these that says 30 miles per hour. And, if you're backed up in traffic from
Laurel, you're probably sitting right in front of these houses.

CHAIR DUNN: Unless you're starting at the light and grumbling.

MS. BREDEHOFT: That's true.

MR. MURRAY: I think it's amazing that, with the widening of the street, which is another part,
College Avenue is a lot wider than it used to be, but there's even a front yard anymore.

MS. BREDEHOFT: There's still a front yard and quite a significant tree lawn as well...it's larger
than most areas that we see in the city.

MR. MURRAY: ...landscape architect.

MS. BREDEHOFT: Yep, that's why I made comments on setbacks.

CHAIR DUNN: So, we seem to feel that the integrity is still fairly intact, but if it doesn't have
significance, then that wouldn't matter, so let's address significance. Anyone up for tackling that?

MR. MURRAY: I can start. One thing I think is important, and I'd have to go back and research
this a little more because I don't think it's in the work on the...Milligan, I believe it's Milligan Lumber
who actually supplied a lot of lumber and helped, kind of like Bob Everett, of his day. And it might be
interesting to connect a little bit of significance there, though I know that's not so much the architecture.
But then the architecture of the building itself is of, you know, very...how do you say...outstanding for
the day. It went the extra mile with the extra shingles on top, and spent a lot more time with detailing
with the windows being the cottage-style in some cases, and the Tuscan columns in the front, all added
quite a bit to the building originally, and then even then when the porch was screened in, the work done
on that, the styling on that, was well done and has a lot of dimension and depth to it.

MR. KNIERIM: And I think adding to that, it's well-preserved right. There's not been a lot that's
been done to it, so we can still see all of these architectural elements, et cetera, and so I think that that
adds to it's significance.

CHAIR DUNN: That actually counts as integrity.

MR. KNIERIM: Thank you.

CHAIR DUNN: But, the fact that the integrity is so good helps us to get a really good sense of
that 1901 sensibility of the house, and in that sense, it's a good example of the architecture from that time
period. So, the integrity certainly helps us still see back in time to that time period. You know, I think I
would go so far as to say that this house, in particular, we've already talked about how it's kind of a
middle...a down-played middle-class, but you know, I think we think of a high-style as having an
incredible number of details and all, and as Maren pointed out in her presentation, you see that in
Colorado Springs, you see that in Boulder, you see that in Denver, that's where a lot of the gold money
was going. It wasn't coming to Fort Collins. We were the architectural area and we were the school, and
that really was our industry even before the sugar beet factory came. I believe lambing had started in the
'90's, so we were into the lambing, even before the lambing became a big deal. We had a lot of ranches
and orchards right within what we now think of as Fort Collins. And so, for our really kind of modest
community, this was a pretty fancy house for the time. So, we might not, you know...comparing it to a
Boulder house or something really wouldn't be appropriate. This almost seems like a high-style middle-
class house for Fort Collins' way of looking at things and who we were at the time. So, I think the
significance comes from that. We'll get into the next house, which is probably much more common for
Fort Collins, is that hipped box type mini-house almost, but this kind of is a little different that the
average house, and in that sense, I do think it rises to a level of significance, that it really captures that
class of people and that time period well, and especially the integrity still being there to have all those
little details still available to us help us to see that.

MR. ROSE: Meg, I would just add I think that in terms of construction, I think we've said a lot
about it's aesthetic and the fact that it really does meet...it's a very good example of a vernacular wood-
framed building. But, I think the other thing that, if you really looked at in detail, I think you'd see that
the upper story is not a full-height story until you get closer into the peak of the gable. To me that
indicates it's a balloon-framed house. It was probably framed with cut lumber. Those studs go from
foundation to eave, and then the secondary floor is framed intermediate. That's a construction style that
went away with western or platform framing. So, this is period of that early part of the 20th century when
that was still the construction type that was followed virtually by all of these kind of vernacular structures.
And so, I think it's there again sort of emblematic of what happened in that period, and this gives us a
very good indication. I mean, you can see it right on the outside. You can see that, well wait a minute,
that's not another 8-foot story, and that's a consequence of the way it was framed. And so, when it talks
about method of construction, I think this gives us a really good idea. You know, I could take a
construction class out there and say, look at this, this is not what you're going to see in a modern two-
story house. And so, that's another reason I think it really definitely has significance.

MR. MURRAY: I have to agree Jim; I think looking at the side wall, you would see that in a barn
where you'd put the hayloft, nail the hayloft on the side of the 12-foot studs also. And so they
probably...they used a standard stud and balloon framing for barns and houses, and then later they
changed to an 8-foot platform.

CHAIR DUNN: Alright, do we feel like there's anything else to add for integrity or significance?
Maren, can we switch to the garage? Thank you. Is that the only picture we have of it, there on the left?

MS. BZDEK: It's not the only picture, it's just the only picture of it in my staff report, so I can
share the...at your preference, either the site form that has the complete photo set, or the additional photos
that the applicant presented.

CHAIR DUNN: If you could just tell us the packet page, that might be enough. Oh, I might have
gotten to it...page 122? And I see that closed in window now.

MS. BZDEK: Yes, 122 is the correct packet page. And there's also a photo of the garage on the
previous page, on 121.

CHAIR DUNN: And this is the garage that goes with this house?
MS. BZDEK: Correct.

CHAIR DUNN: Okay, it's a little confusing with the other house being there. Okay, can we do another quick run through on integrity and significance on this garage because we should be addressing that as well. It's in the same location. The basic format of it is the same, so we probably could say design is close.

MS. BREDEHOFT: Setting...it's still in the backyard, still next to the alley, still associated with the house that it was built with.

CHAIR DUNN: Yep. What about materials? It's been covered in stucco. And I don't know if those doors are original. They look cool, but I would be surprised. Do we know? What do we think on materials? Kind of iffy? They're covered...maybe original is under there? But I don't know that you want to pull that stucco off.

MR. ROSE: I guess this is what I would call an irreversible intrusion, and frankly I don't think it is...I think it's sufficiently detrimental that I would question whether...if this were in a district nomination and we had multiple properties, I would say it's questionable as to whether it's a contributing resource. But, the one thing that I think is a redeeming quality is those doors. I would suspect they are original because they typically look like the type that are framed with that kind of a structure at that period, but I mean that's total speculation; I have no idea. And so, you know, I'm kind of ambivalent about this one. I think maybe, but the stucco really doesn't do it any favors. It's really, I think...takes away...it's not going to exhibit the same kind of qualities of craftsmanship, workmanship, materials because it's just not evident.

CHAIR DUNN: Yeah, I was thinking the same thing. The workmanship of the door is visible, but was there any decoration on the gable end? We have no idea; it's been covered over, and same for anything along the side. Any workmanship other than that door and the eaves has really been hidden. Any other comments on that? Materials, workmanship...we're kind of glomming them together, but it is a smaller building.

MR. MURRAY: I'm wondering if you can even get in it.

CHAIR DUNN: Because of the doors?

MR. MURRAY: I mean, the big doors are not facing a driveway, and they may or may not work, but everything else there seems sealed up on it. Maybe the doors work, I don't know.

CHAIR DUNN: They could be made operational if they're not, so that's not part of our integrity, significance look.

MS. MICHELL: The doors kind of work. I just thought I'd throw that in there.

CHAIR DUNN: Have you used them?

MS. BREDEHOFT: On Google Maps, they're slightly open.

CHAIR DUNN: Oh, okay. So, thoughts on the integrity of this building? Or the significance? I think usually if there's a garage and a house together and they have a combined significance because they went together, they were meant to work together. But, with the loss of workmanship, materials, especially that window, too, the stucco and the window, I'm more questioning this one. I'd like to hear from more of you on your thoughts on that. Does it have the integrity?
MR. MURRAY: I think the side with doors still has an overhang, which it looks like the overhang was removed from the other side. The…and that kind of matches the house. The style fits the house. Probably the width…probably fits either a Volkswagen or a car with running boards. But, in that way…I mean it was something you’d expect to see in a 1900’s house’s backyard. But the rest of the sides, like you say, get the deterioration, or the stucco and the shortening of the roof on the other side I think take away from it.

MS. BREDEHOFT: I have a question for all you architectural folks. That picture on the left hand side, there’s a piece of wood that sticks out of the roof on the upper right-hand corner, you can see it pictured there. Any idea why that goes through the roof like that?

CHAIR DUNN: You can also see it on packet page 121 from a different angle.

MS. BREDEHOFT: And it shows up in the alley view on Google Street View.

CHAIR DUNN: It is weird.

MS. BREDEHOFT: It is weird.

MR. ROSE: You know, my first though when I saw that was that the roof, I think as Kevin has said, has been changed at least on the back end, but I'm not so sure it wasn’t changed on the other end as well, because to me, that’s the sort of thing you would see with the typical barn door roofs…or doors that slide. And that extension would be sufficient to hold the track for the doors to slide beyond the edge of the wall so that it's…it allowed it to be open far enough. And it's situated right at the door juncture at that corner. But, that's…you know, once again, that's just speculation because I don't know that that would have been the case. But it isn't unheard of to have those type of doors operate by simply sliding horizontally just like the closet doors that meet in the center that slide on track. But, that's just a guess.

MR. MURRAY: That's a good guess.

CHAIR DUNN: It really looks like it was smashed right through the roof tiles. It's very odd.

MR. MURRAY: And that's the hard part. If Jim's speculation that the roof has been changed, that would make sense. In that case, those two doors that are hinged now have been on hanging, sliding hardware in the past.

CHAIR DUNN: So, thoughts on the overall significance and integrity?

MR. KNIERIM: I think, taken together, it works. But, by itself, I have reservations.

MS. BREDEHOFT: I agree with that; I think it's…in terms of the overall site, it's contributing to the building and makes the building…it brings the whole site together as a residential lot, but I'm struggling to see the garage as a significant piece by itself.

CHAIR DUNN: Alright, anything else anyone wants to say on 724 South College? We could probably make a motion now and then move on to the next house, or we can do the next house and then leave this open in case something comes to mind and come back to it, and then do two motions at the end, unless Brad objects to one of those options. Any preferences?

MR. YATABE: I think you could do it either way, although since this discussion is fresh in your mind, it may be…my suggestion is that it might be easier for you to make that motion at this point on this one. But, I think you could handle that in either way.
CHAIR DUNN: Okay.

MR. YATABE: It just depends if someone wants to make the motion.

CHAIR DUNN: Anyone feel comfortable making a motion yet?

MS. BREDEHOFT: I can do it.

CHAIR DUNN: Alright.

MS. BREDEHOFT: I move that the Landmark Preservation Commission find the residential building at 724 South College Avenue eligible as a Fort Collins Landmark according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code, based on the following findings of fact: that this building meets all seven aspects of integrity and that it meets criteria 3 under significance.

I guess I mixed those two up.

CHAIR DUNN: That's okay. How about...do you want to say anything about the garage in your motion?

MS. BREDEHOFT: I do not find that the garage is a contributing...well I don't know, that's a good question. I probably should have included that.

In addition, the garage building associated historically with the residence is not found to be a historic resource contributing to the significance and integrity of 724 South College based on the following findings: the garage does not meet...I guess I'm not ready to make a motion.

CHAIR DUNN: You want to take a few minutes? You don't have to rush this.

MR. MURRAY: Can we keep the first half of her motion while we discuss wording on the garage?

CHAIR DUNN: Well, she's not done making the motion, so that keeps it...I don't think we can discuss the motion until it's finished being made and seconded.

MR. YATABE: That's correct.

CHAIR DUNN: If you want, we can take a break and you can work on the wording?

MS. BREDEHOFT: How about I pull my motion for now and then we can have that discussion, because I guess I am still really torn on the garage. And then I will do it again. Does anyone have anything else to say about the garage?

MR. ROSE: I guess I would say kind of more emphatically what I tried to say earlier, and that is, I just don't think it would be judged a contributing resource if it were part of any multiple-property nomination. And again, this may be applying too much of the National Register criteria, but I think it has too many things that are not in its favor. I think its integrity is really questionable, and so I would consider it not to be a contributing resource, and therefore not included in the eligibility for 724 South College.

MS. BREDEHOFT: I tend to agree with you.
CHAIR DUNN: I think if we go back to what Ron pointed out to us about the period of significance. If you look at this building, the only thing that really speaks to me of the period of significance is the doors.

MS. BREDEHOFT: And the size.

CHAIR DUNN: Yeah, size and location.

MS. BREDEHOFT: But even the doors have been altered how they function, presumably. I would agree; I don't know that I find it...so in that case, it would not meet...is there findings of significance and integrity for the garage? So it would not meet all seven aspects of integrity or criteria 3. Is that generally how everyone else feels?

CHAIR DUNN: Well, we'll vote on that but we can discuss if we want to...is that your motion?

MS. BREDEHOFT: I think that's how I'm going to make it. So the first part...Brad, do I need to repeat the first part? I can.

MR. YATABE: Yeah, since you have withdrawn your original motion, if you could make the entire motion so everybody can hear it and whoever wants to second...

CHAIR DUNN: Let me just recommend that when you talk about the integrity, maybe mention what...like, if you don't mind. I think that would be helpful if this issue goes anywhere else.

MS. BREDEHOFT: This is...okay...this is going to be a bigger motion and I'm going to need a few minutes to put this together. Do we want to continue on to the next, or...?

CHAIR DUNN: Why don't we take a five-minute break. It's been an hour anyway since our last break. So, we'll meet back here at 8:32 alright. See you then.

(**Secretary's Note: The Commission took a brief recess at this point in the meeting.)

MS. SCHIAGER: Bredehoft?

MS. BREDEHOFT: Here.

MS. SCHIAGER: Knierim?

MR. KNIERIM: Here.

MS. SCHIAGER: Michell?

MS. MICHELL: Here.

MS. SCHIAGER: Murray?

MR. MURRAY: Here.

MS. SCHIAGER: Rose?

MR. ROSE: Here.

MS. SCHIAGER: Dunn?

CHAIR DUNN: Here. Thank you Gretchen. Alright, Mollie do you have a motion?
MS. BREDEHOFT: I do have a motion. Okay, so I move that the Landmark Preservation Commission find the residential building at 724 South College Avenue eligible as a Fort Collins Landmark according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code based on the following findings of fact: that 724 South College meets criteria 3 under significance as a good example of a vernacular wood-framed dwelling in Fort Collins in that it is a product of a local builder’s experience, available resources, and a response to the local environment, specifically in the balloon-framing construction method that was used and additional wood design details, and of wood materials, and of application of the materials, and that 724 South College Avenue meets all seven aspects of integrity in that location, design, material, and workmanship are all intact, and although College Avenue has been altered with time, the residential character along the street frontage surrounding 724 South College is intact, which would be setting, and both feeling and association are intact. In addition, the garage building associated historically with the residence is not found to be an historic resource contributing to the significance of integrity of 724 South College Avenue based on the following findings of fact: that it did not meet all seven aspects of integrity or criteria 3 under significance.

CHAIR DUNN: Okay, do we have a second?

MR. KNIERIM: I'll second.

CHAIR DUNN: Alright, thank you Kurt. Any discussion on the motion?

MR. MURRAY: Of course. I'm thinking that the garage would show significance in its location and its association, maybe not the rest of them.

CHAIR DUNN: So are you saying you want that in the motion, or are you just making that statement?

MR. MURRAY: Well, I would say that I would agree with the motion except that I believe that it's not all seven of the signs of integrity. Location and association with the building, I think, still fit for the garage.

MS. BREDEHOFT: So that location and...I'm sorry, location and setting?

MR. MURRAY: Association.

MS. BREDEHOFT: Location and association in that the garage only meets location and association of all of the seven aspects of integrity.

MR. MURRAY: That sounds good.

CHAIR DUNN: Is that in your motion?

MS. BREDEHOFT: Yes.

CHAIR DUNN: Okay, Kurt do you second the alteration of the motion?

MR. KNIERIM: I second the alteration.

CHAIR DUNN: I do think that adds some clarity for anyone that comes behind us and looks at the motion. Any other discussion on the motion?

MR. MURRAY: Well crafted.

MS. BREDEHOFT: Thank you.
CHAIR DUNN: They're not easy. Alright, if there's no other discussion, then why don't we take a roll call vote?

MS. SCHIAGER: Murray?
MR. MURRAY: Yes.
MS. SCHIAGER: Knierim?
MR. KNIERIM: Yes.
MS. SCHIAGER: Michell?
MS. MICHELL: No.
MS. SCHIAGER: Bredehoft?
MS. BREDEHOFT: Yes.
MS. SCHIAGER: Rose?
MR. ROSE: Yes.
MS. SCHIAGER: Dunn?
CHAIR DUNN: Yes.
MS. SCHIAGER: Okay, motion passes 5-1.
CHAIR DUNN: So, Elizabeth, do you feel comfortable explaining why it was a no, just so that it's on the record?

MS. MICHELL: Okay. While I do think the house is intact, I think an essential part of it is that it functions as a residence and that the residential feeling should be intact. And, if you're standing there in front of it, which I did, and you put blinders on so that you're only looking at 50 to 100 feet of that frontage, then sure, I could imagine that the setting and the residential nature is there. But, I walked up and down at that normal pace and I, you know, it's just not there. And yes, you could look across the street at CSU and go, well, CSU is still there. Well, yes, it is. But there is just no way of standing there and walking down that block, or even two blocks, and going, oh, its, you know, its intact. So, I just don't feel I could say…I just don't feel I could vote yes.

CHAIR DUNN: Okay, thanks for that. That helps clarify the record. Alright, let's move on to the next house. And Maren, maybe you could put a picture up of it and maybe we can start with integrity again. And now that we've got practice on two buildings, perhaps we can get through a little faster…not that I'm trying to rush us, because I'm not, I just know we're going to get sleepy.

Alright, thank you. Anyone want to start us off on…well, location is the easy one, so it has not moved. Anyone want to start us off on design?

MR. MURRAY: I think the design of a classic hip roof box is still really obvious, and it's a standard design throughout Old Town Fort Collins, even some houses that have been moved over time. But this one seems to have kept everything including an original porch.

CHAIR DUNN: Any other comments on design? I would agree that it does keep that hipped roof box look. I have seen some that have been altered to the point where it was very hard to tell that's what it
was originally, and this one it's plain as day. And, as Kevin pointed out, it's very common that the
porches have been changed over time, and this looks to be quite original, even down to the dowels for the
railing. So, in terms of...well, that would come under materials, but that's pretty significant.

How about setting? I assume we can kind of assume our thoughts on setting are the same as the
last house since they're right next to each other, but does anyone have anything they want to add to that or
that's different for this house, because it is right next to the Book Ranch or whatever that place is called.

MS. BREDEHOFT: I think Jim made a great...he noticed that that used to be the gas station, and
so the feel of the space right next door to it feels very much like it would have felt when it was a gas
station. I still think the setting is intact.

MR. ROSE: Yeah, I would agree even I think more so perhaps than 724 because it's further to
the south and further to that component that still is basically as it was, at least in 1925. So I think the
setting here is perhaps better than what we had for 724 because it's adjacent neighbor to the north, of
course, is the house to the north and so I think all the other aspects fit that criteria, so I think it meets
setting very well.

CHAIR DUNN: Alright, how about materials?

MR. ROSE: Well, I guess I would just say I think this is a really good example of a wood-framed
vernacular because of the materials. They're by far the most common that you'll see in wood-framed
construction, and so with the possible exception of a little bit more ornate front porch...I mean
sometimes, the porch didn't have a balustrade like that one does because, you know, it's fairly close to the
ground so you wouldn't have a railing with balusters like that one does, but that's a decorative element
that adds value I think under the sort of overall context of design. But...and even to the diamond pattern
gable over the entrance, which I think is another design element that helps to...it's utilizing materials that
are common to the era and in a way and a pattern that are very indicative of the craftsmanship of the time.
So I think it's a good example of using materials that were available at the turn of the century.

CHAIR DUNN: Did we lose Kurt or am I just not seeing him. Oh, there you are...sorry, you
scrolled off my screen and I thought we might have lost you.

MR. KNIERIM: Nope; I'll let you know.

MS. BREDEHOFT: I think there was a question about siding on this one.

CHAIR DUNN: Is there a close-up of the siding Maren?

MS. BZDEK: There is. Let me just get to that slide for you. Will that work?

CHAIR DUNN: I can't really make anything out on that. That's better.

MR. MURRAY: I guess what Mollie is talking about is, on number 43, on the resource survey, it
basically says there's a possibility that the siding may have been replaced in kind or at an unknown date.
So, it must be in good condition.

CHAIR DUNN: Yeah, I wonder what gives the sense that it was replaced?

MR. KNIERIM: Yeah, especially since it says it looked like it was in kind. I don't know how
you would determine that.
CHAIR DUNN: Yeah, except for the photos maybe, but those older photos are difficult to tell. Well, I would say if they're not original, they certainly look to me like they would be of the era. Remember our period of significance for this house is 1901. Any other thoughts on the siding?

MR. ROSE: I was just going to say, the slide on the far right that shows the condition of the siding that to me probably is the best indication that it may not be replaced, is you've got the evidence, I think, of multiple layers of paint. I think if you were to do some stratigraphy, that you would find that...I mean just the way it's really not uniform and smooth, I think that might be some indication. The other thing I was going to say is, if you look at the siding under the porch, it's always been protected, so it's going to hold up far better than the siding that's on the exposed portions of the house. And I agree, also, Meg, with what you said. Even if it has been at some point in time replaced, my suspicion is it hasn't been in recent history because it's showing, you know, some wear. So, I don't know how you would tell if it has been replaced other than to do a more in-depth analysis. But, to me, it's not a detrimental aspect because I still think it exhibits all the things that are required for integrity.

CHAIR DUNN: How about workmanship? Maren, do you have a picture of that front gable? I think there was a close-up photo. Go ahead, Kevin, sorry.

MR. MURRAY: Well, I was going to also note on the front porch there, the survey suggests that they're original for front and back porches, and I have a tendency to agree with the first one. I've worked on a lot of these, and the gapping in the railings is standard, two-inch gap for this period of time. The floor looks like original floor on the porch. The shingles up on the dormer...where the carpenter got to spend a little wild time I guess. But, I'm thinking the handrail too looks like the original top handrail. I can't see the bottom so I can't speak to that. I'm thinking that the workmanship was good enough that this house hasn't needed a lot of work. The rooflines are really straight, which is often rare. You see a lot of sagging with two by four roof rafters. You know, the front porch as a little bit of a bow to it, but I think the workmanship was as good if not better than many made in that time period. Not so sure on the back porch, that's starting to have some hard days.

CHAIR DUNN: Also, you know, we didn't talk about the windows, although, we did mention in with the last house, that this report had said it was all original, but I want to especially call out the leaded glass window on that front porch that's still intact. And that is definitely a materials and a workmanship...probably more workmanship component. Yeah, there it is.

MR. MURRAY: It's also a cottage-style also.

CHAIR DUNN: Yeah, and I think the fact there's a transom window speaks to the time period. My house is only two decades after this and we don't have a single transom, so...kind of speaks of its age. How about feeling and association?

MS. BREDEHOFT: I feel like those are very similar to the last house as well.

CHAIR DUNN: Anyone feel like its different than the last house? Okay. How about significance. It's definitely a more modest house.

MR. ROSE: Well, it seems to be that by very definition as a vernacular structure, it's going to be a modest, not a high design. But I think it has the qualities of a good...of a high-quality vernacular in that, as Kevin said, it's, you know, it's more than 100 years old, and it's showing it's age, I think, pretty well. And I would suggest that the architecture that is evident is a good example of, you know, what that period of time, architecturally, was doing, and it tells us, I think, pretty clearly, what...and you can see this evidence all around Old Town Fort Collins in the structures that are similar to this...very modest,
small structures, but they're of an architectural type style of vernacular that I think this could be almost a prototype.

MR. KNIERIM: I think also, in section 14-22, under events, subsection B there, it says a pattern of events or historic trend that made a recognizable contribution to the development of the community...it's right on College, and, that's kind of the main thoroughfare, and I think that that adds to its significance, location. And in terms of, specifically, a pattern of events, which is what's happening on College Avenue in its period of significance.

CHAIR DUNN: So you're talking about, under the section of significance for events?

MR. KNIERIM: That's correct, page 18.

CHAIR DUNN: Alright. Well, we're looking at it in terms of number 3, design construction, so...it does fit with being on College, but I think usually under events, we're looking for a bigger thing, like if it was related to the sugar factor, that would be an event that took place, and then the building is directly related to that.

MR. KNIERIM: I see; I was just reading subsection B, and it seemed to fit that definition.

CHAIR DUNN: Well, it does in terms of its architecture. It's definitely fitting this pattern of these compact, fairly simple houses. We have a lot of these hipped-roof boxes. We're losing them, but we do have...we used to have many more. And I think they're indicative of how Fort Collins grew. I think they really capture that feeling of...that we weren't a Boulder, or Denver, or Colorado Springs, that we were agricultural and these were...you know, whatever their business was was related at the agricultural level; it wasn't flashy businesses with big money. So, in that sense, it does kind of fit in with overall events, but we're going to look at it specifically through how that reads through in the architecture.

MR. KNIERIM: I see.

MR. ROSE: You know, I think the fact that there's porches on both of these structures, 724 and 726, that face College, sort of tells me some things about facing onto this primary kind of promenade of Fort Collins in the early part of the century, where people must have sat out on those porches with their lemonade in the summertime and watched traffic go up and down, and mixed in with, you know, some commercial development. So it wasn't as though they were trying to isolate themselves into some kind of residential enclave. These porches sort of give you an idea that they were active. These were people that were watching what is going on in the world outside. And you know, to have them just simple vernacular structures like this one is, you know, the tradition in a lot of places...I mean if you go to Newport, Rhode Island and see all of the gilded-age structures, they are all facing...because they have to be making a statement. They have to say, look at us. Well, this isn't doing that at all. It's kind of understated, and yet, you know, those porches tell you, these were people that were interactive. They were involved with the community. They were watching what was going on. And architecturally, I think that those porches are a real expression of that.

MS. BREDEHOFT: I think that's a great point. I think that plays back into our setting conversation in that they were facing College Avenue and they still are facing College Avenue, and the college across the street.

CHAIR DUNN: Any more comments on integrity or significance or are we ready for a motion?

MR. ROSE: Go for it Mollie.
CHAIR DUNN: Well…what else do we need to look at here Maren?

MS. BZDEK: I'm sorry; what was your question?

CHAIR DUNN: Was there another structure on this section?

MS. BZDEK: No there is not; there are no secondary buildings.

CHAIR DUNN: Okay, I just wanted to be sure of that. Thank you.

MS. BREDEHOFT: Okay, I'll do it, but I need like two minutes to put this together, so I'm going to pull you guys out of my ear. Hold on.

MR. MURRAY: I wonder if any studies have been done in Fort Collins on the locations of hipped-roof boxes. It seems like most of them are up on Cherry and Maple, in that kind of area. This would be kind of unique just from its location alone. I'm not sure if there's a bunch of them in…

CHAIR DUNN: With Mollie offline, we probably should not be talking about anything that might be relevant.

MR. MURRAY: Okay; I was just thinking this was a different conversation.

CHAIR DUNN: Yeah, it kind of is, but then it kind of rolls back in.

MR. MURRAY: Alright.

CHAIR DUNN: Just to be safe. Brad, are we going to need to do a roll call again when we get back from this or are we good?

MR. YATABE: I think you're okay so long as you maybe…you can see everybody on your screen…all of the members that are participating…that might be an easy way to do it, just a visual for you.

CHAIR DUNN: Okay.

MS. BREDEHOFT: Did we take a break or are we all still here?

CHAIR DUNN: I think we're all still here, we just need to see Elizabeth. You're all still here and visually noted.

MS. BREDEHOFT: I am looking for that particular…okay, I'll make a motion. I move that the Landmark Preservation Commission find 726 South College Avenue individually eligible as a Fort Collins Landmark according to the standards outlined in Section 14-22 of the Fort Collins Municipal Code based on the following findings of fact: in that 726 South College meets criteria 3 under significance as it is a good example of a modest, vernacular wood-framed dwelling in Fort Collins, and that it is a product of the local builder's experience, available resources, and a response to the local environment at the turn of the century, specifically in the simple design elements including the porch, balusters, the diamond pattern under the gable, the lead glass transom, and additional wood design details and application, and that it meets all seven aspects of integrity including location, design, materials, workmanship, and although College Avenue has been altered with time, 726 South College is intact, specifically considering its relationship to the adult Book Ranch lot to the south, which was once a gas station, and the residential buildings directly to the north, and that feeling and association are also intact.

CHAIR DUNN: Alright, thank you Mollie. Do we have a second?
MR. ROSE: I'll second.

CHAIR DUNN: Thank you Jim. Any discussion on the motion? I'm not hearing anything. Are we ready for a roll call vote then? It looks like it. I think we're ready Gretchen.

MS. SCHIAGER: Knierim?

MR. KNIERIM: Yes.

MS. SCHIAGER: Michell?

MS. MICHELL: No.

MS. SCHIAGER: Bredehoft?

MS. BREDEHOFT: Yes.

MS. SCHIAGER: Rose? Rose?

MR. ROSE: Yes.

MS. SCHIAGER: Murray?

MR. MURRAY: Yes.

MS. SCHIAGER: Dunn?

CHAIR DUNN: Yes.

MS. SCHIAGER: Okay, motion passes 5-1.

CHAIR DUNN: Thank you. And Elizabeth, I'm assuming for the same reason…

MS. MICHELL: I also wanted to point out that, you know, that the setting…aside from the fact that you have that one house that's north, that's great, but then then…I mean on the Sanborn Map from 1925, 1948, you don't even have that building. So what you have looks like the pumps. So, the pumps aren't there, the building is from like probably 50 years after, because…in the pictures you see kind of like the building, 1969, but definitely not in that period of significance. So, you know, you could say well, it has a relationship with what, and empty lot, and a building that came 50 years after 1901, so my objection still stands, that this is a residence in a no longer residential area…that doesn't even have that filling station…

CHAIR DUNN: Based on setting is what you're saying?

MS. MICHELL: Yeah.

CHAIR DUNN: Okay.

MS. BREDEHOFT: Can I respond to that? I do see what you're saying with the building being a newer building, but it is an empty lot, whereas before it was an empty lot with some pumps, so it is very, very similar in that sense. There's not something in that location, it's an open space. And, to the north, we have two residential buildings and a rather large commercial building that's a residential height before we hit a tall commercial building, so I do feel that this is a really nice grouping of buildings that would have been very similar to what it was before.
MS. MICHELL: Except for the part where the house is pushed up against this building that’s right on the lot line. I mean, you know, it wasn't...it just wasn't there. I can see that if you say, this was an empty lot, I mean you don't have that building...kind of, maybe...but that's not the case in 1901, or 1925, or 1948. So, anyway.

CHAIR DUNN: So, Elizabeth, in the future, maybe a good time to bring this type of thing up would be in discussing the motion or beforehand so that there's opportunity for conversation on it.

MS. MICHELL: I just assumed everybody looked at the Sanborn Map.

CHAIR DUNN: Yeah, but having it out on the record and part of the discussion is helpful, just so that when others come and look at it, they know. So, just in the future. Not a big deal.

MS. MICHELL: Alright.

CHAIR DUNN: So, I just want to say to the appellants, obviously we had to focus on eligibility and significance...integrity and significance, and so that is what we were voting on this evening. And obviously you can still appeal that to City Council. But, that's not the only option...there is another option to adaptively reuse the buildings if needed, and add some sort of an addition, and so I just wanted to encourage you...and probably staff can come up with even better examples...but two examples that come to my mind are Ginger and Baker is an example of a commercial building that had an addition added and its being adaptively reused, and then probably one that fits a little better with your situation would be the house I believe on Sherwood, it was the Goff House, as in...what was his first name? Harper Goff...that worked for Walt Disney. It was the house he grew up in, and they're keeping the house intact but adding another building in the back. So, there are a lot of options for how you could possibly still get your program to work with what we have there. So, I really encourage you to speak with staff and get some ideas from them to consider, and then of course there's always going to City Council. So, you do have options, I just wanted to point that out. Thanks for talking to us.

MR. MURRAY: I was going to say, how about the example of CSU with their houses on Prospect that they kept historic but put up the other stuff...the other buildings behind them.

CHAIR DUNN: I thought of that, but that's a much larger lot, and the two examples I came up with are more similar in size, lot size. So, I definitely thought of that...I don't think those are going through for other issues. But, staff, if you think of any other examples, it just might be helpful when trying to figure out now what do you do with this property.
Link to Video
Landmark Preservation Commission
September 16, 2020

https://youtu.be/4LZ7E3iLLz0
Staff Presentation to Council
December 1, 2020
Appeal of 724-726 S. College Landmark Eligibility Decision
12/16/2014 Determinations of eligibility (DOEs)

NOT ELIGIBLE

11/25/2019
Conceptual plans submitted

7/1/2020
Updated DOEs issued

ELIGIBLE

Feb 2020
Intensive-level historic surveys

9/16/2020
LPC hearing

ELIGIBLE (5-1 vote)
Evaluate eligibility for landmark designation/historic resource status

* Eligibility does not require formal designation
Required Findings: Landmark Eligibility

Significance (1 or more)
1. Events
2. Persons/Groups
3. Design/Construction
4. Information Potential

Integrity (Evaluate 7 Aspects)
Design
Materials
Workmanship
Location
Setting
Feeling
Association

*Section 14-22, “Standards for determining the eligibility of sites, structures, objects and districts for designation as Fort Collins landmarks or landmark districts.”
Integrity
Requires *presence* and *visibility* of building’s important historic materials, features, workmanship

Condition (State of Repair)
Impacts integrity only if original materials and design features are *missing* or *beyond repair*

Historic rehabilitation projects and financial incentives address entire range of conditions of repair
724 South College Avenue, façade, looking east.

Attachment: Powerpoint Presentation (9687 : Appeal - 724 and 726 S. College Avenue)
724 S College meets code requirements for landmark eligibility (5-1 vote)

- **Significant** (Criterion 3 – Design/Construction):
  - “Good example of a vernacular wood-framed dwelling in Fort Collins"
  - Local expression of design and available resources
  - Example of balloon-frame construction method
  - Unique form and placement of large dormers
  - Variety of application of wood materials
  - Decorative wood detailing on porch

- **Retains Integrity:**
  - All 7 aspects
  - College Ave. has been altered, but residential setting of this property is intact

- Garage is not eligible
726 S College meets code requirements for landmark eligibility (5-1 vote)

- **Significant** (Criterion 3 – Design/Construction):
  - “Good example of a modest, vernacular wood-framed dwelling in Fort Collins”
    - Local expression of design and available resources
    - Original design features and workmanship (decorative detailing on porch and front gable, original windows)

- **Retains Integrity**:
  - All 7 aspects, including location, design, materials, workmanship
  - “Although College Avenue has been altered with time, 726 S College is intact”
Failure to properly interpret and apply relevant provisions of the City Code:

- Municipal Code Sec 14-22 – Standards for determining the eligibility of sites, structures, objects, and districts for designation as landmarks or landmark districts
  - *Buildings are not significant and do not retain integrity*
Backup slides below
• Requires preservation/adaptive reuse of historic resources for development applications, subject to land use code compliance and modifications [3.4.7(D)(3)]

• Modifications of standards, if justified, could include:
  • More significant exterior modifications
  • Relocation of historic resource
  • Partial/full demolition
Timeline (LPC Version)

- **1998**: Eastside Neighborhood Survey (reconnaissance-level)
- **12/16/2014**: Demo/Alt review (official determinations: not eligible “primarily due to their historic context being substantially diminished”)
- **9/28/2015**: LPC conceptual review of proposed mixed-use project (work session)
- **3/5/2019**: Council adopted code revisions (“context” removed; intensive-level surveys required)
- **05/24/2019**: South College recon survey project (staff identified properties for intensive-level survey)
- **11/25/2019**: Conceptual plans submitted (mixed use project)
- **12/16/2019**: Five-year expiration date for 2014 determinations
- **Jan/Feb 2020**: Intensive-level historic surveys (pre-submittal requirement, per 2019 code revisions)
- **7/1/2020**: Staff issued official determinations – both properties eligible (delayed by Covid-19)
- **7/7/2020**: Applicant provided written notice of appeal (within 14 days)
- **7/21/2020**: Council adopted exception to Ord. No. 079, 2020 allowing for appeal by remote hearing
- **9/16/2020**: LPC hearing (properties determined eligible, 5-1 vote)
- **9/30/2020**: Notice of appeal filed with City Clerk
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<td>Conceptual plans submitted</td>
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<td>Feb 2020</td>
<td>Intensive-level historic surveys</td>
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<td>7/7/2020</td>
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<td>3/5/2019</td>
<td>Council adopted revised historic preservation code</td>
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<td>12/16/2019</td>
<td>5-year expiration date for 2014 DOEs</td>
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<td>7/1/2020</td>
<td>New DOEs issued (Covid-19 delay)</td>
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<td>9/16/2020</td>
<td>LPC hearing (properties determined eligible, 5-1 vote)</td>
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Pre-Application Requirement
Survey: 50+ Years
Evaluate history and architecture
Evaluate historic integrity

Determination of Eligibility
“Official” = form validation by staff
Appealable to LPC and Council

Development Application Review
Eligible/historic resources: treatment/adaptive reuse plan
Modifications of standards
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<td>1. Adaptive Reuse following Standards, or . . .</td>
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<td>2. Satisfy Modification of Standards criteria</td>
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<td>Plan of protection requirements for abutting historic resources</td>
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Attachment: Powerpoint Presentation (9687 : Appeal - 724 and 726 S. College Avenue)
Determinations are adverse to intended revitalization and only came after owner’s intended redevelopment project came to light.

3.4.7 requirements would be unduly burdensome and make development impossible